



Township of Freehold

OFFICE OF THE PLANNING BOARD

One Municipal Plaza, Freehold, NJ 07728

REGULAR MEETING MINUTES

February 6, 2020

The Regular Meeting of the Planning Board was called to order by Chairman Gatto on Thursday, February 6, 2020 at 7:00 p.m. at the Freehold Township Municipal Building, One Municipal Plaza, Freehold, New Jersey. Mr. Gatto read the Notice of the Open Public Meetings Law: "In accordance with the Open Public Meetings Law, (c.231.P.L. 1975), this meeting was announced by posting the notice on the bulletin board reserved for that purpose; by mailing such notice on January 16, 2020 to the official newspapers of the Township and by filing such notice with the Township Clerk."

Present: Mr. Bazzurro, Mr. Bruno, Mr. Gatto, Ms. Jahn, Mr. Kash (arrived at 7:10), Mr. Shortmeyer, Ms. Kurtz and Mr. Levy.

Absent: Mayor Preston, Mr. Ammiano, Mr. Coburn and Mr. Asadi

Also Present: Roger McLaughlin, Esq.; Timothy White, Twp. Engineer; Kate Keller of Phillips Preiss Grygiel LLC, Consulting Township Planner; Donna Butch, Administrative Officer

Oaths: Mr. Levy

There was the Pledge of Allegiance.

RESOLUTIONS:

Resolution for O-20-3: An Ordinance Amending and Supplementing Chapter 190 (Land Use), Article II (Planning Board), Section 190-14 (Membership), of the Revised General Ordinances

Ms. Jahn made a motion, and was seconded by Ms. Kurtz to approve the application and memorialize the resolution. The motion passed with the following roll call vote: Mr. Bazzurro, Mr. Bruno, Mr. Gatto, Ms. Jahn, Mr. Shortmeyer, Ms. Kurtz and Mr. Levy.

Variance Application VAR# 026-19

Bellomo, Anthony & Robin

Block 28.15, Lot 11 – 11 Great Bridge Rd

Mr. Shortmeyer made a motion, and was seconded by Mr. Bruno to approve the application and memorialize the resolution. The motion passed with the following roll call vote: Mr. Bazzurro, Mr. Bruno, Mr. Gatto, Ms. Jahn, Mr. Shortmeyer and Ms. Kurtz.

Preliminary and Final Major Site Plan SP#748-7-19 VAR#001-19

CentraState Medical Center – Cardiac Cath/IR Building Expansion

Block 86, Lots 8 & 8.03 – 901 West Main Street

Mr. Bazzurro made a motion, and was seconded by Mr. Shortmeyer to approve the application and memorialize the resolution. The motion passed with the following roll call vote: Mr. Bazzurro, Mr. Bruno, Mr. Gatto, Mr. Shortmeyer and Ms. Kurtz.

**NEW APPLICATIONS:****Appeal and Interpretation - VAR# 040-18****Round One – Freehold Raceway Mall (MS Portfolio LLC c/o Macerich Co)****Block 69.01, Lots 18.07 – 3710 Highway 9 Unit 1100**

Appeal of a Zoning Officer's Determination and Interpretation of the use(s) associated with a zoning application for Round One Entertainment, Inc. within the Freehold Raceway Mall.

Applicant seeking approvals to lease the lower lever of the existing Sears tenant space to Round One Entertainment, Inc. Leased area to provide recreation/entertainment services that include, but are not limited to: bowling, billiards, video games, darts, ping pong, restaurant and bar with karaoke and a kid's play zone. Proposed tenant and uses are to be interior to the existing building's lower level. A number of listed entertainment services are not permitted in the RMZ-1 zone.

Mr. Peter Licata, Esq. appeared on behalf of the Applicant. Mr. McLaughlin stated he reviewed the proof of notice submitted by the applicant which was correct in form, published and served in a timely fashion so the Board has jurisdiction to conduct a public hearing.

Mr. Gatto asked for confirmation from Mr. Licata that there are 3 items he is seeking approval from the Board and they are as follows: 1) asking Board to consider an appeal of the Zoning Officer's denial; 2) an interpretation of the uses for the zone of the application; and if the first 2 are not approved, 3) the Applicant would like to apply for a use variance. Mr. Licata agreed this is the path his Applicant would like to take.

Mr. Gatto asked Mr. Licata if he would object to the Board handling the appeal and interpretation together so to determine if the Application goes to the third step. Mr. McLaughlin and Mr. Licata agreed with Mr. Gatto.

Mr. Gatto asked Mr. Licata if he would have any objection to the Exhibits A1 through 10 for the appeal and interpretation being marked, as they are administrative and technical in nature. Mr. Licata had no objection.

Mr. Gatto continued to read the professionals reports.

In reference to Ex P-4, Memo from Andrew Feranda or Shropshire Associates, LLC (Twp Consulting Traffic Engineer), Mr. White advised that the report only refers to the variance application, not both appeal and variance. Mr. Licata had no objection to this report being read.

The following witnesses were sworn in: Frank Lucia and Tawney Farmer, Representatives for Freehold Raceway Mall; Steven Takeuchi, Sr. Construction Manager for Round One; Clifford Quay, PE of Stantec Engineering; Kate Keller of Phillips Preiss Grygiel LLC, Consulting Township Planner; and Timothy White, Township Engineer.

The following exhibits were presented by Mr. Clifford Quay, Construction Plans Manager, and marked accordingly by Mr. Shortmeyer:

- A-11 Site Plan submitted with the application
- A-12 Floor Plan with areas
- A-13 Architectural Exterior Elevations, shows front entry doors from outside
- A-14 Second Floor Landing Pad



- A-15 First Floor entrance from tire center
- A-16 First Floor West side Entrance

Mr. Licata asked Mr. Takeuchi to state his relationship with Round One. Mr. Takeuchi stated he is the Sr. Construction Mgr. He has been involved with 20 Round One facilities and 39 sites in the United States. Mr. Takeuchi described Round One as a family entertainment facility, serving food and full bar. The Freehold Raceway Mall would be their second site in New Jersey, the other site being in Deptford Township. This facility would be the first in the country with Spo-Cha (Sports Challenge). Spo-Cha is a new concept now being presenting in the USA.

Mr. Takeuchi said they aim to present a safe and clean environment for their customers. He gave the following policies and procedures for clarification: 1) Associates oversee the games, bowling lanes and counters; 2) there would be 30 to 40 security cameras, which are viewable in the manager's office; and 3) security contactors will watch entry and exit points. Hours of operation are from 10am to 2am. Attendees are generally older crowds from 10am to 2pm, school kids around 2pm or 3pm to 6pm. However, when minors are present before 3pm, the Associates will ask the minor if they are accompanied by a parent and may advise either security or the mall if necessary. With regards to serving alcohol, Mr. Takeuchi stated their Staff are certified and check ID's both manually and digital ID scanner.

Mr. Takeuchi described the shaded area at the bottom of A-12 as the arcade area. This area will also have physical games like Guitar Hero.

Mr. Licata asked if the Board has any questions for Mr. Takeuchi. Mr. Bazzurro asked if he knew the NAICS code for this facility. Mr. Takeuchi did not know, but he did know it is a national code. Mr. McLaughlin suggested to defer to the Planners to discuss the uses.

After presenting his credentials as a Professional Engineer, Mr. Quay was accepted as a Professional Engineering witness. Mr. Licata asked Mr. Quay to discuss the current types of permitted uses. Mr. Quay said he didn't see anything that would be more fitting than this application in relation to the overall description of what is allowable in this zone.

Mr. Licata asked for a 5-minute recess. Mr. Gatto agreed and to return at 7:45.

After the recess, Mr. Bazzurro asked Mr. Quay if he had read the Township Ordinance on the RMZ zone, paragraph 13, and would he agree that it talks about fitness and recreation in sports centers. Mr. Quay agreed. Mr. Bazzurro asked Mr. Quay if he believes that all uses in this application fit within paragraph 13. Mr. Quay clarified that he meant he believes everything in this center fits similarly within the recreational activities component of the ordinance and some of the items could potentially fit into the description of recreational sports center.

Ms. Keller added, after the Zoning Officer denied the application originally, the Ordinance was changed to omit bowling in the RMZ-1 zone.

Mr. Bazzurro asked Mr. Quay if he knows what the NAICS number is and Mr. Quay answered it is 713990. Mr. Takeuchi retrieved the number from an email for a previous application. The 713990 description was read aloud. Mr. Bazzurro had no further questions.

Mr. Gatto asked if there were any other questions from the Board. Seeing none, Mr. Gatto asked if there was anyone from the public who wanted to comment on the Appeal or Interpretation of the Round One



application. Seeing none, a motion was made by Mr. Shortmeyer and seconded by Mr. Bruno, to close the application to public comments. All in favor, Aye.

Mr. Gatto asked if there is any other discussion from the Board regarding the Appeal or Interpretation applications. Mr. Bazzurro commented he felt the application did not fit within the description of the RMZ-1 zone. Mr. Gatto said he felt the Zoning Officer was correct in denying the application. Mr. Gatto added that the uses proposed were not consistent with the description of the ordinance.

Mr. Gatto made a motion for a positive resolution in support of the Zoning Officer's denial and the motion was seconded by Mr. Bazzurro. A vote was taken with a roll call of the following eligible members: Mr. Bazzurro, Mr. Bruno, Mr. Gatto, Ms. Jahn, Mr. Kash, Mr. Shortmeyer, Ms. Kurtz and Mr. Levy.

**Variance Application - VAR# 041-18 ["D" Variance]
Round One – Freehold Raceway Mall (MS Portfolio LLC c/o Macerich Co)
Block 69.01, Lots 18.07 – 3710 Highway 9 Unit 1100**

The applicant seeks to lease the lower level of Sears to Round One Entertainment.

Mr. Peter Licata, Esq. appeared on behalf of the Applicant. Mr. McLaughlin stated he reviewed the proof of notice submitted by the applicant which was correct in form, published and served in a timely fashion so the Board has jurisdiction to conduct a public hearing.

Mr. Gatto asked Mr. Licata if he would have any objection to the Exhibits A1 through 14 being marked, as they are administrative and technical in nature. The applicant had no objection. Mr. Licata also had no objection to Exhibits P2 through P5 not being re-read into the record, as there was no new information from the previous application for Appeal and Interpretation. The Board will keep the same marked exhibits for reference in this application as in the last. Mr. Licata took no objection.

Mr. Gatto said since all witnesses were already sworn, Mr. McLaughlin will just remind each witness that they are still under oath.

Mr. Licata had no new witnesses. Mr. Licata asked that the testimony of Mr. Takeuchi from the previous Appeal and Interpretation be added to this application's record. Mr. McLaughlin affirmed that would be acceptable.

Mr. Licata asked Mr. Quay to present the applicant's variance relief. Mr. Quay described the location and area in question, which is the former Sears store. Mr. Quay stated the positive criteria for the use variance being to promote the general welfare and is particularly suited for the site. Due to the large anchor store becoming vacant, the Applicant's use would be similar to a permitted use, as noted in the ordinance, and fill the vacant space. Furthermore, no new construction would be required. Cross support of other businesses in the mall would benefit this use (ie: shopping and restaurants). Many malls are under duress due to losing anchor stores, of which the Applicant is a good tenant option.

Mr. Quay noted the negative criteria by stating the Zoning Officer's decision cited that the proposed use would be prohibited., but in previous years the mall had an arcade and play area for children.

Mr. Gatto opened the meeting up for questions.



Mr. Bazzurro questioned the security to be provided with respect to the draw of young people, which is currently a problem at the mall. This could be a problem for the Township. Mr. Quay referred back to Mr. Takeuchi's testimony on the Security that would be provided by the Applicant.

Mr. Gatto asked Ms. Keller if she believes this use is permissible in this location. Ms. Keller felt this use is not permitted and there are other zones that would be more suitable.

Mr. Gatto asked if there were any other witnesses or comments from the public. Seeing none, a motion was made by Mr. Shortmeyer and seconded by Ms. Jahn. All in favor, Aye. Mr. Gatto made a motion for a negative resolution, seconded by Mr. Shortmeyer, with a roll call vote of the eligible members: Mr. Bazzurro, Mr. Bruno, Mr. Gatto, Ms. Jahn, Mr. Kash, Mr. Shortmeyer, Ms. Kurtz and Mr. Levy.

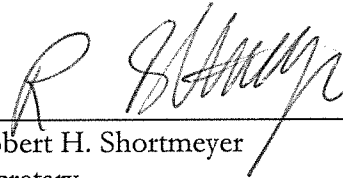
DISCUSSION:

- Chairman Gatto discussed the upcoming Agenda.

ADJOURNMENT:

There being no further business, Meeting was concluded at 8:30 pm.

Respectfully Submitted,



Robert H. Shortmeyer
Secretary