



**Township of Freehold**  
OFFICE OF THE PLANNING BOARD  
One Municipal Plaza, Freehold, NJ 07728

**REGULAR MEETING MINUTES**  
**February 20, 2020**

The Regular Meeting of the Planning Board was called to order by Chairman Gatto on Thursday, February 20, 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:** Mayor Preston, Mr. Ammiano, Mr. Bruno, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Kash, Mr. Shortmeyer, Mr. Asadi and Mr. Levy.

**Absent:** Mr. Bazzurro and Ms. Kurtz

**Also Present:** Roger McLaughlin, Esq.; Timothy White, Twp. Engineer; Kate Keller of Phillips Preiss Grygiel LLC, Consulting Township Planner; Stanley Slachetka, T & M, Consulting Township Planner; and Donna Butch, Administrative Officer

There was the Pledge of Allegiance.

**MINUTES:**

**Approval of Minutes:** November 7, 2019

Mr. Ammiano made a motion, and seconded by Mr. Shortmeyer, to approve the minutes. The motion passed with the following roll call vote: Mr. Ammiano, Mr. Bruno, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Kash, Mr. Shortmeyer, Mr. Asadi and Mr. Levy.

**RESOLUTIONS**

**Resolution for O-20-5: An Ordinance Amending and Supplementing Chapter 190 (Land Use), Article II (Planning Board), Section 190-15 (Additional Voting Restrictions on Certain Members), of the Revised General Ordinances**

After a brief introduction, a motion to approve was made by Mayor Preston and seconded by Mr. Kash. The following eligible members voted to approve: Mayor Preston, Mr. Ammiano, Mr. Bruno, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Kash, Mr. Shortmeyer, Mr. Asadi and Mr. Levy.



**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**

Mr. Gatto confirmed with Mr. McLaughlin that the Resolution for this application is to be carried to the next Planning Board Meeting.

**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**

Mr. Gatto confirmed with Mr. McLaughlin that the Resolution for this application is to be carried to the next Planning Board Meeting.

**NEW APPLICATIONS**

**Variance Application #022-19**

**GAYDOS, John**

**Block 105 Lot 60.03 – 30 Love Lane**

Applicant seeking variance relief for existing structure and 3 sheds, when only 1 shed is permitted in the Rural-Environmental (R-E) zone.

Mr. Dante Alfieri, 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 meeting. Mr. Gatto asked Mr. Alfieri if he would have any objection to Exhibits A-1 through A-12 being marked on the record, as they are administrative and technical in nature. Mr. Alfieri had no objection.

After Mr. Gatto read the professionals’ reports P-1 through P-4 into the record, Mr. Alfieri added five (5) exhibits, containing pictures of existing skate park structure and sheds, of which would be marked A-13a – A-13e.

The following were sworn in: John Gaydos, the applicant/homeowner; John Hanlon, Surveyor with VS Land Data; Kate Keller of Phillips Preiss Grygiel LLC, Consulting Township Planner; and, Timothy P. White, Township Engineer.

Mr. Alfieri explained that his client has no objection to obtaining a tree removal permit and paying the associated fees. Mr. Alfieri explained they are before the Board because his client has three sheds on his property which Mr. Gaydos would like to keep.

Mr. Alfieri introduced Mr. Gaydos and asked why they moved to Freehold Township. Mr. Gaydos said they loved the area, the home and the 25 acres on which the home is situated. They put on a back patio, pool and a skate park. The skate park was put in for his son, Jon Marco, who is a world renowned professional scooter rider. Mr. Gaydos said his son is a role model for other kids and the training facility he had been using in Lakewood closed down. Mr. Gaydos felt compelled to provide



a place for his son to train. Mr. Gaydos said this skate park is not currently used for commercial purposes.

Mr. Alfieri asked Mr. Gaydos if his son was involved in community outreach projects. Mr. Gaydos said he has been involved with the Dare Project and seminars at elementary schools in Pennsylvania promoting a healthy lifestyle. They hoped to bring this positive message to Freehold as well.

Mr. Alfieri asked Mr. Gaydos why he has three sheds. Mr. Gaydos said they are for pool cushions, snow blower, bicycles and such. Mr. Gaydos assured that the sheds and skate park have no negative impact toward his neighbors and none of his seven neighbors have a problem with the sheds.

Mr. Alfieri referred to the five colored photos of the backyard that were entered as exhibits A-13a thru A-13e. The photos were taken in winter, and even without the screen of vegetation, the yard is not visible.

Mr. Gatto asked Ms. Keller and Mr. White if either of them take any exception to either testimony or representations given by the applicant. Ms. Keller had no issues with this application. Mr. White was concerned about impervious coverage and since the skate park is raised off the ground, he no longer had a concern.

Mr. Gatto said a condition of the variance, if approved, would be that Mr. Gaydos remove the skate park if he should move out of the home. Mr. Gaydos agreed to this condition.

Mr. Gatto requested a motion to close the public hearing. Mr. Shortmeyer made a motion to close the hearing and was seconded by Mr. Kash. A motion was made by Mr. Kash for a positive Resolution and seconded by Ms. Jahn. All in favor, Aye.

**Preliminary and Final Major Site Plan # 257-1-19 and Variance # 011-19**  
**Carl's Fencing - Pizzo Contracting, Inc. (Applicant)**  
**David Hom (Owner)**  
**Block 71 Lot 13 – 3468 Route 9**

Applicant proposes to continue the previous non-permitted use (Mr. Fence). Applicant also seeking approval for outdoor storage and display area with minor site improvements and signage.

Mr. Gatto announced on the record that Mayor Preston and My Ammiano have stepped off the dias for this application as a "D" variance is being sought. Being seated in their place was Mr. Levy and Mr. Asadi.

Mr. Dante Alfieri, 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 meeting. Mr. Gatto asked Mr. Alfieri if he would have any objection to Exhibits A-1 through A-19 being marked on the record, as they are administrative and technical in nature. Mr. Alfieri had no objection.



Mr. Gatto read the professional reports beginning with Exhibit P-2 from Mr. White, Freehold Township Engineer, dated January 4, 2020. Upon inquiry, Mr. Alfieri confirmed the Applicant took no objection to comply with the Twp Engineer's report.

Mr. Gatto read the remaining Twp Professionals' reports, marked Exhibits P-3 through P-8, into the record.

The following witnesses were sworn in: Brian Murphy, Engineer with FWH Associates and Carl DelPizzo (applicant), CEO of Carl's Fence; Kate Keller of Phillips Preiss Grygiel LLC, Consulting Township Planner and Timothy White, Township Engineer.

Mr. Brian Murphy presented the following additional exhibits:

- A-20 - Aerial Exhibit of the site and surrounding area
- A-21 - Zoom in of Ex A-20
- A-22 - Color Rendering of Site Plan submitted with the application
- A-23 - Page 7 of 7, Detail Sheet, of the site plan submitted with the application

Mr. Murphy gave his background and experience and Mr. Gatto confirmed him as an acceptable witness. Mr. Murphy familiarized the Board with the site and described the surrounding area and uses. Referring to Exhibit A-20, Mr. Murphy explained the physical location of the proposed site on Route 9 and its surrounding neighbors. Mr. Murphy further explained Exhibit A-21 as a zoom-in of the property that shows how the rear yard was functioning when it was Mr. Fence. Now, the Applicant will using a rack system, Exhibit A-22, to organize their inventory that will be pleasing to the eye.

Mr. Murphy stated the hours of operation will be Monday through Saturday, 8 am until 6 pm with 5 to 10 employees. Fourteen parking spots will be provided. Mr. Murphy listed the following proposed site improvements with this application: (1) the pylon sign is going to be relocated, as it is currently halfway into the right-of-way, onto the property; (2) one fully conforming sign will be mounted on the north side of the building; (3) an addition of a flagpole; (4) paved access around the property; (5) the fence display area will not be as large an area as the previous business use; (6) room will be provided for the approximate 1,900 sf rack storage system area; (7) the 8' racks will be screened with an 8' high fence; (8) the refuse area will be in the back south area of property with easy access in and out and not visible from the road; (8) various curb and sidewalk improvements; (9) addition of LED lighting; and, (11) trash to be contained in 8' fence enclosed area. The Applicant is requesting a waiver to provide for more parking stalls as no loading zone is being provided.

Mr. Murphy clarified the basement and garage will be used for storage of materials only. Mr. Gatto asked if the second floor would only be used for office related use, of which Mr. Murphy confirmed. Mr. Gatto asked if there is a bathroom on the second floor and stated it would be a condition that it can only be used for the purpose of being an office and not overnight use or residence.

Mr. Murphy continued with discussing the existing variances on the site. Mr. Murphy explained the proposed variance is for the installation of the rack system in the rear of the property, which would be to organization similar to the Carl's Fence Toms River location (Ex A-11). Mr. Murphy believes if the variance is approved it will allow for more organized merchandise, safer circulation and a more



aesthetically pleasing appearance that will be an improvement. There will be no negative impact to the surrounding area, as they will be continuing what has essentially been there for an estimated 20 years.

Mr. Gatto stated he thought Mr. Murphy stated his case sufficiently with regard to the racks and asked Mr. White and Ms. Keller if they had any further concerns or questions. Mr. White and Ms. Keller confirmed they did not.

Mr. Gatto asked the Board if they have questions or need clarifications.

Mr. McLaughlin asked where the company trucks would be parked during off hours. Mr. DelPizzo confirmed the Sales employees and workers bring the company trucks home at night, and the parking spots on site are not for Carl's Fence vehicles use.

Mr. Gatto mentioned the Sign Committee is asking for the sign to be more conforming by removing the blue house in the name Carl's to just say Carl's Fencing and Decking with an address, and remove the website and telephone number.

Mr. Murphy added the purpose for requesting a variance with reference to moving the sign out of the right of way in line with the other signs along the corridor.

Mr. DelPizzo explained on the record the importance of keeping the blue "house" if the sign he is proposing is associated with his business in other towns and if the purpose is to distinguish his business from others. Mr. DelPizzo agreed and mentioned that their trucks are all the same as the sign. Mr. DelPizzo said they have conformed with all of the wishes of the Sign Committee, however, the blue house in the sign where an "A" should be is their signature logo identifying the company and wish to keep the blue house. He compared his proposal to AAA, who is next door, and how their logo is displayed. He said they spend a lot of money each year in advertising, reinforcing the Carl's brand, sign included. Mr. DelPizzo said everything that has his business's name, has his logo as well. Two color photos of the Toms River location were presented and marked as Exhibits A-24a and A-24b.

Ms. Keller asked for clarification of the size and colors of the sign being proposed in the variance. Mr. DelPizzo confirmed the variance relief is for the 144 sf (12' x 12') where only 96 sf is permitted. Mr. Gatto presented the choice to the applicant to either keep the 144 sf sign without the blue house in the logo or go with the allowed 96 sf sign and have the blue house logo.

Mr. Gatto announced a 5-minute recess until 8:05 pm while the applicant discusses their options.

Mr. Alfieri stated they decided to go with the 96 sf sign with the logo, remove the website and the phone number and only use three (3) colors: white, black and blue. Ms. Keller clarified that only the setback would now require a variance.

The Board and Professionals all agreed they had no further issues with the logo on the 96 sf sign. Seeing no further questions, Mr. Gatto opened the meeting up to the public for questions. Seeing none, Mr. Gatto asked to make a motion to close the public hearing. A motion was made by Mr.



Shortmeyer and seconded by Mr. Kash. Mr. Shortmeyer made a motion for a positive resolution and was seconded by Ms. Jahn. All in favor, Aye.

**Pond Road Associates LLC SP #425-4-20 / VAR #001-20**

**ABC Grocery Store**

**Preliminary and Final Major Site Plan**

**Block 5 L 6 – 4331-4345 Route 9 North**

Application for preliminary and major site plan and associated variance relief for a grocery store approximately 12,558 sq ft. Seeking use variance for proposed retail and/or flex warehouse space approximately 5,442 sq ft. Application to be within existing building footprint.

Ms. Keller recused herself from this application due to potential conflict of interest. Mr. Stan Slachetka, PP, AICP, will be sitting as the Consulting Planner to the Board.

Mr. Peter Wolfson, Esq. with Day Pitney introduced himself 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 meeting. Mr. Gatto asked Mr. Wolfson if he would have any objection to Exhibits A-1 through A-18 being marked on the record, as they are administrative and technical in nature. Mr. Wolfson had no objection.

While reading the professional reports, Mr. Gatto asked Mr. White if the dumpsters throughout the Pond Road Site have been brought into compliance. Mr. White said no, and when he prepared his report, only lot 6 was included. He stated there are still some dumpsters that are loose in the parking area. Mr. Gatto asked the applicant if they would be able to bring all dumpsters into compliance at the discretion of the Township and the Township Engineer. Mr. Wolfson confirmed they would comply. Mr. White interrupted and said items #2 & 3 in his report (Ex P-2) have been addressed.

Mr. Gatto asked Mr. Wolfson if the applicant will be able to comply with the items noted in the traffic report, Exhibit P-4, or would any objection be taken with any of these 6 items. Yes, they can comply with items 1, 2, 3, 4 and 6; and they will testify for number 5.

The following witnesses were sworn in: Stephanie Moreira, AIA, Dietz Partnership; Golda Speyer, PP AICP Topology Inc.; James Thaon, PE, Bohler Engineering; Justin Matthews, Trader Joes; Stanley Slachetka, T & M, Consulting Township Planner; and Timothy P. White, Freehold Township Engineer.

The following additional exhibits were marked into the record:

- A-19 - Aerial exhibit, prepared by Bohler Engineering, dated 1/9/2020
- A-20 - Site Plan rendering, prepared by Bohler Engineering, dated 2/17/2020
- A-21 - Architectural Plans, prepared by the Deitz Partnership, dated 2/13/2020
- A-22 - Color rendering of the proposed façade
- A-23 - Color handout of the subject property



Mr. Wolfson called up the first witness, Justin Matthews of Trader Joes., Regional Vice President. Mr. Matthews stated he has worked with Trader Joes for 12 years. Mr. Matthews conducted a market research and determined this area was appropriate for this grocery store. The hours of operation will be 7 days a week from 9 am to 9 pm and will employ between 75 and 85 people. He stated that garbage pickup will occur 6 days a week in the morning, while deliveries are to be in the morning and evenings. Mr. Gatto asked Mr. Matthews to be more specific about the time of the deliveries to assure they will not violate the noise ordinance. Mr. Matthews said they will comply with the noise ordinance.

James Thaon, of Bohler Engineering, presented his credentials on the record and was accepted as a Professional Engineer. Mr. Thaon presented his testimony with Exhibit A-9, aerial exhibit. Mr. Thaon described the site being part of the CMX-10 Zone. The area of the existing building for tonight's application is the former Walgreens tenant space. The Applicant is going to be making small modifications to the existing 538 parking spaces by adding 12 more. The Applicant will be adding landscaping and landscaped islands to the site. Along the south side of the main building will be Trader Joes and the east of that will be a flex warehouse space. A trash enclosure will be added along that side by the drive aisle on the south side and a loading zone will be added. On the east side, 88 parking spaces will be provided and additional landscaping in this area.

Mr. Thaon explained a dumpster enclosure is to be added near Pier 1 to alleviate the dumpster problem mentioned earlier and a triangular island going north will be eliminated, providing the additional parking spots in front of the main building for customers.

Mr. Thaon commented on the Professionals' request for colonial style fixtures saying it would not be in keeping with the look of the current architecture. The Applicant proposes to replace the halide bulbs with LED bulbs. Mr. Gatto commented that it isn't the illumination the Township wants as colonial style, rather the fixture itself. Mr. White added that he would work with the applicant and show them samples if they wish.

Mr. Gary Vialonga, Stavola Realty on behalf of Pond Road Associates, was sworn in by Mr. Shortmeyer. Mr. Vialonga testified to the lighting compliance stating the poles that are there are higher than colonial style lighting poles. Mr. White referred to a conversation from the TRC meeting that if the light is 20' in the air, it wouldn't be an issue for compliance. Mr. Gatto and Mr. Vialonga agreed and said on light poles that are less than 20' would comply with the colonial style and anything above could be the shoebox style.

Mr. Thaon confirmed the signs in the existing buffer are not changing, the locations are to remain the same, and the colors will be clarified in testimony for the monument and façade signs.

Mr. Gatto asked what is to be in the warehouse. It was agreed to come back to the warehouse later in the meeting.

Mr. White and Mr. Slachetka were satisfied with the testimony about parking. The Applicant's Engineer stated they can comply with all the requirements set forth by the Township Engineer and Planner.

Stephanie Moreira, AIA, Project Architect, was presented as a witness and accepted by Mr. Gatto.



Ms. Moreira explained the Exhibit A-21 plans prepared by Dietz Partnership and Exhibit A-22 the proposed rendering of the exterior facade. These exhibits show the grocery store use at the front of the building and warehouse use at the rear of the building. Rooftop HVAC units will be shielded with screening devices as shown on these exhibits. Mr. Gatto asked if the noise would comply with the Township's noise ordinance. Ms. Moreira confirmed.

Ms. Moreira said they propose to relocate the windows and doors on the façade. The existing wall sconces will remain on the façade. Mr. Gatto asked about the need for a variance for the awnings. Ms. Moreira explained it is needed to cover the cart corral as shown on the exhibits. The corral area, containing 2 rows of carts, will require 5' of coverage to protect carts and customers from rain and snow.

Mr. Gatto asked if the color of the awning will conform with the red color of the Freehold Township palette. Mr. Thaon explained the Trader Joe's red is a little off from the Township's red. Mr. Slachetka had no problem with the color red Trader Joe's uses. The red on the façade sign will be similar to the red on the monument sign.

Mr. Gatto asked Ms. Moriera, for the record, will the Trader Joe's red be similar or complimentary to Michael's and Staples. Ms. Moriera confirmed Trader Joe's wishes to keep their signature red. Mr. Gatto clarified that the color difference will cause the problem specifically on the pylon sign. Mr. Vialonga stated that the color red will be complimentary to the red on the Michael's sign and will not be a problem.

Mr. Wolfson clarified a discrepancy of square footage for the flex warehouse. Ms. Moriera clarified and stated the February 13, 2020 plans reflect the correct square footage and she would send a revised certification letter to the Planning Board office confirming the same.

Ms. Golda Aspeyer, Applicant's Planner, gave her education and professional experience, and was accepted as a witness. Mr. Wolfson asked Ms. Aspeyer to explain the positive and negative criteria of the grocery store and flex warehouse use. Ms. Aspeyer answered with the following: the project will eliminate the appearance of a vacant store and provide employment opportunities; the property is already developed, which avoids major environmental disruption with regard to construction; the grocery store location is convenient for both workers and customers; the mixed use proposes a more efficient use of the space; the flex warehouse space and existing loading docks will be used by the existing tenants of the building; the uses are consistent with the Township's Master Plan/Land Use Element and the Township's definition of a warehouse use.

Mr. Gatto explained the Board is concerned with what are the proposed uses in the warehouse and are they complimentary to Trader Joe's; additionally, what will be stored. Ms. Aspeyer said the use could vary depending on who the tenant will be; however, the use will be in keeping with the Township's definition of warehouse use. Mr. Vialonga came up and gave testimony that there will not be any manufacturing or storing of hazardous materials in the flex warehouse tenant space. He also stated Stavola does not want a "Distribution Center" type use for this space, like Amazon or similar companies. Mr. Gatto suggested to Mr. Vialonga, a condition in the Resolution would be that the uses in the flex warehouse be consistent with the general use of the shopping center and will be compatible with the proposed parking, lighting and other amenities on the site. When the tenant



is known for the warehouse, Mr. Gatto told Mr. Vialonga that the owner can come back for a Use Variance if the perspective tenant is questionable, so not to hold up this application.

Mr. Gatto asked Ms. Aspeyer, on behalf of the applicant, if she takes any exception to the conditions discussed for the signage and will the uses in this application be a detriment of any kind in her opinion. Ms. Aspeyer confirmed no detriment to the public or surrounding area.

Mr. McLaughlin confirmed a resolution can be written to cover all the items discussed accordingly. Mr. Gatto asked if there were any further questions. Mr. Coburn asked if a Tenant were to have storage space in the flex warehouse, are they expected to provide a list of items stored. Mr. Vialonga confirmed they will not store hazardous or flammable material or any item that would compromise the ability of the fire suppression system to extinguish a fire.

Mr. Gatto asked if there were any more witnesses. Seeing none, Mr. Gatto opened the meeting to the public. Seeing none, he requested a motion to close the public hearing. A motion was made by Mr. Kash and seconded by Mr. Shortmeyer. All in favor, Aye. Mr. Gatto asked the Board if they would like to move for a positive resolution. A motion was made by Mr. Kash and seconded by Mr. Shortmeyer. All in favor, Aye.

#### **DISCUSSION:**

Mr. Gatto announced the meeting for March 5, 2020 would need a motion to be cancelled. A motion was made by Ms. Jahn and seconded by Mr. Asadi to cancel the meeting. All in favor, Aye.

#### **ADJOURNMENT:**

Mr. Gatto adjourned the meeting at 9:23 pm.

Respectfully Submitted,

Robert H. Shortmeyer  
Secretary