



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

REGULAR MEETING MINUTES
May 17, 2018

The Regular Meeting of the Planning Board was called to order by Chairman Gatto on Thursday, May 17, 2018 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 24, 2018 to the official newspapers of the Township and by filing such notice with the Township Clerk."

Present: Mayor Ammiano (late), Mr. Bazzurro, Mr. Bruno, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Kash, Mr. Preston (late), Mr. Shortmeyer, Ms. Kurtz.

Absent: Mr. Asadi and Mr. Levy

Also Present: Frank Accisano, Esq.; Kate Keller, Phillips Preiss and Grygiel, Township Planning Consultant; Timothy P. White, Township Engineer and Danielle B. Sims, Administrative Officer.

Ms. Kurtz was seated in the absence of Mr. Preston.

There was the Pledge of Allegiance.

RESOLUTIONS:

Resolution for O-18-6: An Ordinance Amending Chapter 190 (Land Use) Article XVI (Telecommunications Towers and Antennas), Section 190-172 (Preexisting Towers and Facilities) of the Revised General Ordinances

This ordinance would provide fees and compensation for collocation applications preexisting telecommunications towers and facilities.

A motion was made by Mr. Shortmeyer to approve the Ordinance, which was seconded by Mr. Bazzurro. Mr. Bazzurro, Mr. Bruno, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Kash, Mr. Shortmeyer and Ms. Kurtz.

NEW APPLICATIONS:

Amended Preliminary and Final Major Site Plan # 300-2-18
Lester Glen Chevy - AGK Chevy, LLC
Block 70.05, Lot 14 – 3712 Route 9

Proposal to revise the previously approved retaining wall as part of the approvals for the new car dealership.

Mr. Bazzurro disqualified himself for the next application as he has a conflict with the attorney representing the applicant. Mr. Bazzurro left the meeting room.



Sal Alfieri, Esq. appeared for the applicant. Mr. Accisano 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. Alfieri had no objection to the exhibits that were marked. Additional Exhibits were marked. No witnesses were introduced or testified.

Mr. Alfieri explained that the wall will only be seen from the parking lot. The wall is about 5 feet from the property line and the cemetery will grant the Applicant entry to replace the trees on the cemetery property if the trees are damaged or die off as a result of the proposed wall. Mr. Alfieri represented that the Applicant would replace these or supplement the buffering in this area to the discretion of the Township Engineer. Mr. Alfieri will supply the name of the paint color that is proposed (as shown).

Mr. Gatto opened the application to the public and no one came forward. A motion to close the public portion was made by Ms. Jahn and was seconded by Mr. Kash. Ms. Jahn made a motion to authorize Mr. Accisano to prepare an amended positive resolution, with conditions, which was seconded by Mr. Kash, all in favor, Aye.

Mr. Alfieri requested that the Board take action so that the Applicant can commence the work, since the area is under construction and the area has been excavated. The Board took no exception to this. Ms. Jahn made a motion to approve the application, which was seconded by Mr. Kash. There was a roll call vote.

Mr. Bazzurro returned to the dias.

**Preliminary and Final Major Site Plan # 894-17 and “D” Variance # 011-17
Freehold Skin Clinic & Cancer Center (Project) (Must Act by 6/22/18)
Centurion Real Estate Holding II, LLC (Applicant)
Block 52, Lot 3 – 145 Moreau Avenue**

William J. Mehr, Esq. appeared for the applicant. Mr. Accisano 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. Mehr had no objection to the exhibits that were marked and Mr. Gatto read the review letters into record. The following witnesses were sworn: Joseph Pallante, Architect; Michael Geller, PE, PP; Grace Centurion, Freehold Skin Clinic; Kate Keller, Phillips Preiss and Grygiel, Township Planning Consultant; and Timothy P. White, Township Engineer. Additional Exhibits were marked.

Grace Centurion appeared as the Administrator of the Doctor’s office. The physical conditions of the office make it challenging to operate. She is also the sister of the doctor. He is a skin center surgeon and spends about two weeks a month in New Jersey and resides in California with his family. The previous office was also a dermatologist and her brother purchased the property in 2010. There is another dermatologist that works in the office on a regular basis.

The structure is challenging and wanted to design a new office and find a team to prepare the plans. There is a large population of elderly patients that come to the office. The handicap accessible area is inconvenient for the patients and the hallways are narrow for wheelchairs. The handicap bathroom is in the rear of the building. The four exam rooms are very small. There is no room available to process the patients before seeing the doctor in an exam room. The waiting room is very small. There is no separation for surgery follow-ups vs. checkups. There is no staff break area and they end up eating at their work stations. The current garage is used to store spare equipment and patient records. They



propose to add the basement for the purpose of storage of records and would consent to mechanical equipment, supply and record storage.

Kate Keller elaborated that there was concern if the basement would be considered gross floor area. After reviewing further, it was determined that the basement should be included in gross floor area, creating a D(4) variance. The seven foot restricted ceiling height would prohibit habitation in the future but would allow for the needed storage.

Ms. Centurion explained that the exterior of the existing building will be modified /upgraded as a part of the improvements.

Joseph Pallante described his credentials as a licensed architect and was accepted by the Board as a professional architect. Referring to the floor plan, he explained that the current flow does not accommodate modern doctor offices. Currently, the handicap bathroom is in the employee area and is shared as the employee bathroom. The proposed layout accommodates pre and post-op patients separately, handicap accessibility, new ADA compliant restroom, the front door is proposed to have a handicap ramp. The only proposed improvement for the upstairs apartment is the exterior entrance to the upstairs apartment is uncovered. Mr. Pallante explained that they would be enclosing the exterior stairway to the upstairs apartment.

Mr. Gatto inquired what would be done if the Board would not be in favor of the use variance for the apartment on the second floor. Mr. Pallante explained that this scenario was not considered. The design would need to be completely changed to allow for an elevator as it is not ADA compliant for medical use. Ms. Keller advised that all calculations would have to be revised if the second floor was used for office space instead of residential.

Ms. Jahn inquired if there can be a limitation to the variance for owner occupied. Mr. Accisano explained that it would be almost impossible to enforce as it would still be an apartment. The exterior access would make the apartment a completely separate use. As such, any attempt to limit occupancy would be completely impossible to enforce.

Mr. Pallante stated that the upstairs apartment has two bedrooms, a kitchen, a bathroom and a small living area, it is the top of a cape house. Ms. Kurtz inquired if the stairs were interior if it would be more enforceable. Ms. Accisano explained that there would be no way to prevent the upstairs apartment from being rented to an employee or otherwise.

Mr. Accisano confirmed that the Board is not questioning if there is an existing apartment on the site, he stated that the question is whether it is lawfully there. Mr. Mehr explained that the previous dermatologist used this upstairs as an apartment, but could not prove or disprove that the apartment was ever lawfully permitted.

Mr. Pallante described the proposed additional exterior architectural improvements.

Michael Geller has appeared before the Board and was accepted as a professional engineer and planner. He explained the property as 145 Moreau Avenue, also known as 250 South Street. The property is in the P-1 zone, and was formerly in the P-2 zone which has since been deleted from the township zoning map. The current parking lot has parking spaces, deficient in size and an existing monument sign, 24 s.f. which is 6 ft off of the property line. They proposed to relocate the existing sign to a perpendicular orientation, creating a 5 foot set back. In reviewing historic aerials, this area appeared to be farm field. A 1953 aerial reveal a structure on the property. By 1963, the garage appeared on the historic aerials, no changes appeared in the 1970 historic aerial and 1979 revealed a parking lot on the property. Mr. Geller



explained the changes in the zoning and permitted uses affecting the property over the years. He also described the area surrounding the property as mostly undersized for the zone.

Mr. Geller explained that the Applicant is proposed to raze and remove the existing garage, install an addition to the existing structure and add a basement. The South Street driveway would be an entrance only and the Moreau driveway would be used to exit the site and sidewalks are proposed along South Street. Deliveries are typically done by a UPS delivery truck and there is no need for a loading dock. There are provisions for a 4' x 6' masonry trash/recycling enclosure for private trash pick-up. Mr. Geller described the proposed landscaping. After discussing the buffer between the site and the adjacent residential property owner, the Applicant has opted to remove the existing hedge line on the property line, which was requested to be enhanced by the Township reviews. The adjacent owner has maintained these trees but requested that they be removed and a fence installed. They are now proposing a grey vinyl fence. The trees would remain in the front area.

Mr. Gatto inquired if there was a C.C.O. Mr. White explained the C.C.O. inspection process.

To the use variance, Mr. Geller explained, is a question as to whether this use has legally existed. He stated that the apartment was there when the property was purchased in 2010. He believes that this use is ancillary to the operations of the doctor's office. The site will be enhanced and promote a desirable visual environment. The property acts as a transition between the residential and commercial zone. The site, in his opinion, can support the dual uses. Many towns permit a business operation with an owner/operator occupied residence. The dual uses appear to have existing on the site for some time and there would be no perceivable impact with permitting the requested variances.

Mr. Gatto suggested that Mr. Mehr may want to separate the applications (use variance and site plan) and may want to poll the Board.

There was a five-minute recess for Mr. Mehr to discuss his options with his client.

Mr. Mehr asked that he be able to poll the Board about the use variance. Mr. Gatto asked the Board for any questions regarding the use variance. Mr. Bazzuro inquired about the adjacent structures and if they are similarly being used as a business and residence.

Mr. Gatto opened the matter up to the public regarding the use variance only.

Thomas Hettwer, 19 Moreau Avenue appeared and was sworn. He stated that the residence does not appear to be used, and if so, it is being done passively. He is adjacent to the site and the Applicant has been a good neighbor to him. He takes no exception to the Board granting a variance for the residential use. Mr. Gatto explained that this is not subjective, it is objective and there are legal requirements to meet in order for the Board to grant a variance. He also explained that should the Board grant a variance, it would run with the property, in perpetuity, and once the variance is granted it cannot be undone. Mr. Bazzuro asked if he was familiar with the property. Mr. Hettwer stated that there was no evidence of any rental or other tenants residing in the upstairs apartment. He was not aware if the previous doctor utilized the apartment, as the site was very quiet. Mr. Mehr inquired if the structure appeared the same over the 26 years that Mr. Hettwer lived next door. He stated that they didn't construct a second floor and it appears unchanged.

Mr. Gatto polled the Board. The Board had an informal poll of a 7 to 1, in favor of granting the use variance only, permitting the use of the second floor in the building as an accessory apartment, based on testimony presented.



Planning testimony was continued by Mr. Geller. He described the pre-existing bulk variances and the proposed new bulk variances, including the sign setback, number placement on the sign, and the parking variance for the 14 required parking spaces. The Applicant agreed to remove the phone number from the sign. The site dimensions restrict the development and should consider the hardship variance requests.

Mr. Gatto opened the application to the public. There was no one from the public who came forward.

A motion to close the public portion was made by Mr. Shortmeyer and was seconded by Mr. Kash. Mr. Bazzurro made a motion to authorize Mr. Accisano to prepare a positive resolution for both the "D" Variance and Site Plan Resolution and was seconded by Mr. Shortmeyer, with all in favor with the exception of Mr. Gatto, who was not in favor of the "D" Variance.

Variance Application #006-18 ("C" and "D")

Caracappa, Michael and Suzanne

Block 85.56 Lot 20 – 62 Harvard Oval

Proposed construction of an addition to home serving as a mother/daughter home (use variance). Home is on a corner lot and the addition would encroach into the side (2nd front) yard setback requirements. Property is in the R-25 Zone but was developed under the R-15 Zone requirements.

Suzanne Caracappa appeared as the applicant. Mr. Accisano 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. Accisano confirmed that the applicant understands that a "D" variance can be very technical in nature and asked if she was comfortable in proceeding without representation by an attorney. Ms. Caracappa confirmed she was ready to proceed. Ms. Caracappa had no objection to the exhibits that were marked and Mr. Gatto read the review letters into record. The following witnesses were sworn: Suzanne Caracappa, Applicant; Michael Caracappa, Applicant; Tom Henry, father to the applicant; David Feldman, Feldman and Feldman, John Ploskonka, Concept Engineering; Kate Keller, Phillips Preiss Grygiel Lehaney and Hughes, Township Planning Consultant; and Timothy P. White, Township Engineer. Additional Exhibits were marked.

Suzanne Caracappa explained that she and her husband have lived in this house for 16 years. Her parents currently live in Raintree. Her cousin lives across the street from them. Ms. Caracappa is a school physical therapist for students with special needs. She operates a non-profit for disabled children.

Ms. Caracappa's mother has severe dementia and is under constant primary care by her father. He is not able to provide the necessary care. He has had his own medical emergencies. The family has decided to move her parents to their home, but the parents do not want to invade the space of the family, to provide a quality of life for her mother and wants to care for her, and not put her in a home, away from her family. The proposed layout is designed to allow for medical needs and to maintain a healthy lifestyle for the family. It would also allow for quick medical access.

Mr. Ploskonka explained that the proposed addition was designed to integrate the two living spaces, but to also afford the parents dignity of some private space within the home. Mr. Ploskonka explained there would be access between the existing house and the addition would advance special reasons in this particular case and this site is particularly suitable. He noted, though, that if the variance were not granted the property there would be no hardship. Mr. Ploskonka confirmed that there would be access points between the living spaces, but there would be an exterior entrance to the proposed addition.



David Feldman described his credentials as a licensed architect and was accepted as a professional architect. The addition is proposed to the left side of the property. There is a kitchenette proposed, without a stove and no gas line proposed to the kitchenette. There would be French doors between the existing and proposed living space and a jointly used sunroom. There would be no way for this space to operate independently. Access can be obtained through both the home or through a separate entrance. The addition would match the existing structure and the existing porch would be extended to the proposed addition. The new addition would not be able to be “locked out” from the existing home to become a separate unit.

Mr. Ploskonka stated the site is particularly suited and the addition would not encroach towards any of the neighbors. This is a special scenario as it allows the family to live together and there is no significant negative impact. He stated that it is a special circumstance and the proposed plan will not create a rentable apartment, but rather allow for the family to live under the same roof.

Ms. Keller explained that D(4) variance is also required for the F.A.R. relief requested. Mr. Ploskonka explained that the setback requests are de minimus and since it is a corner lot, does not affect the character of the neighborhood. Ms. Keller explained that on a large scale, if every home in College Park (300+) were granted similar relief, it would then affect the characteristic of the neighborhood, but she feels that the applicant has met the proof for the special reasons.

Ms. Caracappa explained that they took great care to design this proposed addition to meet the character of the neighborhood.

Ms. Kurtz inquired if the separate exterior door should be removed to prevent future separate livable space. Mr. Feldman explained that the intent is to utilize the main door, but to give the parents access to the porch. Mr. Bazzurro confirmed that the applicant is not proposing a full kitchen with a stove. Mr. Feldman confirmed there is no stove proposed in the addition. Mr. Gatto inquired about the setback variance and Mr. Ploskonka stated it is de minimus, Ms. Keller agreed and stated there is less impact since this is a corner lot. Ms. Kurtz was concerned this doo Ms. Caracappa explained that the intent of the second door was to permit for direct access for medical care.

Mr. Gatto opened the application to the public. There was no one from the public who came forward.

A motion to close the public portion was made by Mr. Shortmeyer and was seconded by Mr. Kash. All in favor, Aye. Mr. Kash made a motion to authorize Mr. Accisano to prepare a positive resolution, which was seconded by Ms. Kurtz, all in favor, Aye, with the exception of Mr. Gatto, who didn't feel the applicant met the proofs under the MLUL.

Mayor Ammiano and Mr. Preston arrived to the dias.

Minor Site Plan # 609-3-18 and Variance Application # 003-18

Tommy's Tavern and Tap (Project)

Tommy's at Freehold, LLC (Applicant)

Majestic Empire Holdings, LLC (Owner)

Block 71, Lot 18 – 3492 Route 9

Proposal to renovate the existing TGI Fridays and construct an addition of a 93 seat three-season, outdoor dining area, including an outdoor bar, outdoor music/entertainment area, outdoor dining area, outdoor garden seating area, all covered with a pergola. This site previously obtained Conditional Use and Site Plan approval for TGI Fridays under Site Plan # 609-95 and SP# 609-1-98.



Gerald Sonnenblick, Esq. appeared for the applicant. Mr. Kash explained he has a similar business in the area and asked if it would be acceptable to participate. Confirming that this would not affect any decision making, Mr. Sonnenblick took no exception. Mr. Kash agreed. Mr. Sonnenblick explained that the applicant is a lessee with an option to buy. Mr. Accisano 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 stated that it is getting late and offered to read the review letters into record and carry the matter to another hearing. Mr. Sonnenblick asked the Board to extend the cut-off time for him to be able to put forth the case. Mr. Gatto polled the Board and the Board did not want to extend the meeting any longer.

Mr. Gatto offered to carry the matter to June 21, 2018 at 7:00 pm without any further notice. Mr. Sonnenblick agreed. Mr. Gatto announced the matter was carried to June 21, 2018 at 7:00 pm without any further notice.

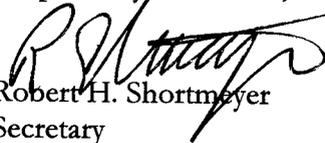
DISCUSSION:

Mr. Gatto reviewed the upcoming agenda items.

ADJOURNMENT:

There being no further business, a motion was made to adjourn the meeting and passed unanimously. The meeting concluded at 9:52 p.m.

Respectfully Submitted,


Robert H. Shortmeyer
Secretary