



Township of Freehold

OFFICE OF THE PLANNING BOARD

One Municipal Plaza, Freehold, NJ 07728

REGULAR MEETING MINUTES February 21, 2019

The Regular Meeting of the Planning Board was called to order by Chairman Gatto on Thursday, February 21, 2019 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 18, 2019 to the official newspapers of the Township and by filing such notice with the Township Clerk."

Present: Mr. Ammiano, Mr. Bruno, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Kash, Mr. Shortmeyer, Ms. Kurtz, Mr. Asadi and Mr. Levy.

Absent: Mayor McMorro and Mr. Bazzurro.

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.

There was the Pledge of Allegiance.

MINUTES:

Approval of Minutes: February 7, 2019

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

RESOLUTIONS:

Preliminary and Final Major Site Plan w/ Waiver of Site Plan Details #783-1-18 and Variance Application #004-18
DCH – BMW of Freehold
DCH Investments, Inc. (New Jersey)
Block 5, Lots 19.04 (Previously 19.01 & 21.02) 4225 Route 9

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

FIELD ADJUSTMENT:

Request for Field Adjustment #1
Amended Preliminary and Final Major Site Plan # 884-1-18
(Previously approved in conjunction with Major Subdivision – Phase II # 895-1-18)
Regency at Freehold - Toll
Block 67, Lots 21 – Route 33



Field Adjustment request to reconfigure/expand the patio at rear of clubhouse and adding a yard drain to provide additional drainage, adding a decorative stone area around the pool for an underdrain, expanding the fenced in mechanical area for the pool equipment, to install two shade canopies in the pool area and one in the bocce/shuffleboard area, add light posts to the parking area, to install a trench drain along the tennis courts, and to construct a mailbox kiosk with a roof for the residents.

Representing the Field Adjustment Committee, Timothy P. White, Township Engineer, explained the recent approvals for the application. Since the approvals, the applicant advised him that the post office no longer allows delivery at individual homes and will only deliver to a mail kiosk. Mr. White confirmed that this is the case. While reviewing the “plot plan” for the newly proposed mail kiosk, it was recognized that there were several other minor changes to the clubhouse property and in the area around the clubhouse. Mr. White asked the applicant to submit a letter to the Board explaining all changes to the plan and requesting Field Adjustment review and approval, explaining the reasons for the request. Mr. White stated he had reviewed the requested changes noted in the February 14, 2019 letter with the Field Adjustment Committee and there were no concerns (a copy of the request is attached to the minutes). Mr. Asadi inquired about any potential light spillage from the additionally proposed lighting. Ms. Kurtz asked if there would be sufficient lighting for the residents under the proposed canopy. Mr. White stated he will follow up with the applicant regarding the lighting under the mail kiosk, to make sure it would be sufficient.

Mr. Kash made a motion to approve Field Adjustment Request #1 for Site Plan # 884-1-18 (under Subdivision # 895-1-18), which was seconded by Ms. Jahn. The motion passed with the following roll call vote: Mr. Ammiano, Mr. Bruno, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Kash, Mr. Shortmeyer, Ms. Kurtz, Mr. Asadi and Mr. Levy.

DISCUSSION:

Fourth Amended Preliminary and Final Major Site Plan # 824-4-18

JSM at Eaton – The Edge

Block 83, Lots 1.01 – Route 9 and Elton Adelpia Road

Mr. Gatto inquired about the condition from the resolution of approval re: bollards vs. guiderail as requested at the public hearing on December 6, 2018, as this was left to be at the approval of the Township Engineer. Mr. White stated that he never had an objection to the bollards, he just wanted to have confirmation of the integrity of the bollards. The Applicant is experiencing some difficulty with designing a bollard that would meet the safety criteria and will be instead installing a (wooden) guiderail to the approval of the Township Engineer. Mr. White stated that since this alternate plan was discussed at the public hearing and is in the conditions of the resolution of approval, there is no need for it to go to the Field Adjustment Committee and Board for consideration.

NEW APPLICATION:

Preliminary and Final Major Site Plan w/ Waiver of Site Plan Details #302-2-19 and Variance Application #007-19

Gibson Place Offices, LLC (Foley Prep, Inc.)

Block 69, Lot 36.02 – 2 Gibson Place

Request for a use variance for a proposed tenant with a non-permitted use. The proposed learning center, Foley Prep, Inc., would occupy approximately 1,200 s.f. of tenant space on the first floor of the existing three story office building that was previously used as an Engineering office.

Mr. Ammiano is disqualified from this application as it is a “D” variance. He left the meeting for the evening.



Peter Licata, 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. Licata had no objection to the exhibits that were marked and Mr. Gatto read the review letters into record. The following witnesses were sworn: James Henry, PE, PP, Dynamic Engineering; Larry Metz, Principal/Owner; Kate Keller, Phillips Preiss and Grygiel, Township Planning Consultant; and Timothy P. White, Township Engineer. Additional exhibits were marked.

Mr. Licata stated that the Applicant took no exception to the maintenance items as noted in the Township Engineer's review letter.

Mr. Licata clarified that the applicant will use 1,000 s.f. of rentable space, the other 200 s.f. as noted in the review letter includes common space areas. Per Mr. Metz, the "rentable" area includes the common area (bathrooms and hallways, etc.). Ms. Keller stated that from a Planning perspective, the total space should be considered as 1,000 s.f. Mr. Licata agreed with this determination.

Mr. James Henry, PE, PP, described his qualifications as a licensed Professional Engineer and a licensed Professional Planner. Mr. Henry described the existing site and stated that they will be providing a dumpster enclosure within an existing paved area in response to the Township Engineer's review letter. This is shown on Exhibit A-18. He stated that the site is fully compliant in regards to parking. The site requires 83 spaces and 91 spaces currently exist. The proposed use is compatible with the office type use as permitted in the zone and would continue to meet the parking requirements.

Mr. Henry described the permitted uses in the zone. In his opinion, the proposed Learning Center/Educational Center would improve the general welfare for students. The site is particularly suited for this type of use due to its location at the intersection of Route 33 and Route 537. They will be aesthetically improving the site in that they will constructing the masonry dumpster enclosure to screen the dumpsters and doing the other minor improvements to address the maintenance comments in the Township Engineer's review letter. Mr. Henry stated that although a learning center is not listed as a permitted use, it is consistent with the permitted office uses. Ms. Keller inquired about the hours of operation, which are conflicting throughout the application package. She wanted to make sure that the activities will generally take place during "off-hours" from the office use existing on site Mr. Henry stated that the classes are generally 1:00 pm to 9:00 pm weekdays and 9:00 am to 5:00 pm.

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 Ms. Kurtz, all in favor, aye.

Mr. Licata requested that the Board take formal action on the matter. He stated that his client did not anticipate going through this process and is currently at risk of losing the tenant. He requested that the Board take action and subsequently memorialize the resolution so the tenant can obtain a conditional Certificate of Occupancy, subject to compliance with the site improvements to be complied with and installed by June 30th, 2019. Mr. White took no exception to this, other than that under the new land use regulations regarding bonding, in order for a developer to get a T.C.O. or a C.C.O. prior to completing the improvements, they can be required to post a performance bond until the improvements are complete.

Mr. Licata asked that this requirement be waived since the application did not involve or propose any exterior improvements. The maintenance items include some sidewalk, black top, the apron and some ADA restriping. He asked for this waiver. Mr. Gatto asked if the applicant would be comfortable with providing a copy of the contract for work within the next thirty days. Mr. White stated he brought it up



since this is in accordance with the newest laws (MLUL). Mr. Gatto agreed this is a good way to handle this, in general; however suggested for this application, that he would be satisfied with providing the maintenance schedule within thirty days and the work to be completed by June 30th, 2019. This would be coordinated between the Township Engineer and the Zoning Officer.

Ms. Jahn made a motion to take action and approve the application with the conditions noted in record and subject to addressing the professional review comments, which was seconded by Mr. Kash. The motion passed with the following roll call vote: Mr. Bruno, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Kash, Mr. Shortmeyer and Ms. Kurtz. Mr. Asadi and Mr. Levy were also present but were considered alternates and didn't vote. Mr. Accisano confirmed that board will only be memorializing the resolution at the following meeting.

DISCUSSION:

Mr. Gatto reviewed the upcoming agenda items, including a site plan and variance application regarding non-conforming signage for Valvoline (fka: The Oil Well) to be on the following agenda. Mr. White noted that the Board is still waiting for the application to be submitted. Ms. Sims offered to schedule the matter with the Sign Sub-Committee. Mr. Gatto stated that this would not be necessary and that matter will be completely considered by the Board at the hearing. Mr. Gatto noted that the second meeting in March will be the junkyard on Hendrickson Road (A&A Truck Parts). Ms. Sims noted that a residential variance should also be ready for that hearing. Ms. Sims advised that the applications that were to be heard on March 7th, 2019 due to a deadline of time to act are no longer in a time restraint. Mr. Mehr, who represents these applicants, has provided a six month Extension of Time to Act.

CLOSED SESSION:

Mr. Shortmeyer made a motion to go into closed session to discuss pending litigation, seconded by Mr. Kash; with all in favor. Frank Accisano, Esq. announced that the Planning Board has authorized a resolution allowing the Board to go into closed session, excluding the public from the hearings in order to discuss litigation for:

- Litigation – Moini v. Freehold Township Planning Board

Ms. Kurtz was initially disqualified from hearing this application and left the meeting room for the closed session.

The Board went into **closed session**.

The Board reopened in public session and Ms. Kurtz rejoined the meeting.

ADJOURNMENT:

There being no further business, Mr. Gatto adjourned the meeting. The meeting concluded at 7:38 p.m.

Respectfully Submitted,

Robert H. Shortmeyer
Secretary