



Township of Freehold

OFFICE OF THE PLANNING BOARD

One Municipal Plaza, Freehold, NJ 07728

REGULAR MEETING MINUTES March 21, 2019

The Regular Meeting of the Planning Board was called to order by Chairman Gatto on Thursday, March 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 (left early), Mr. Bazzurro (left early), Mr. Bruno, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Shortmeyer, Mr. Asadi, Ms. Kurtz and Mr. Levy.

Absent: Mayor McMorro and Mr. Kash,

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

There was the Pledge of Allegiance.

MINUTES:

Approval of Minutes: March 7, 2019

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

RESOLUTION:

**Site Plan Waiver Application #828-1-19 and Variance # 008-19
Meadowbrook Associates, LP – Valvoline Signage Instant Oil Change Signage
6879 Holdings, LLC (Owner)
Block 47 Lot 12 – 725 Park Avenue**

Mr. Accisano noted that the draft resolution will be amended as to specific condition #2. He stated that it has been brought to his attention that the specific color red wasn't the Board's intention, but rather that the color comes from the approved palette. The specific color noted will be changed to reflect that the color red will be a color from the Township's color palette and will not be limited to the specific red noted in the draft ordinance. Mr. Ammiano made a motion to approve the application with this amendment and to memorialize the resolution, which was seconded by Mr. Bruno. The motion passed with the following roll call vote: Mr. Ammiano, Mr. Bruno, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Shortmeyer and Mr. Asadi.



NEW APPLICATION:

Variance Application # 006-19

Benjamin Gill

Block 87.05, Lot 4 – 32 Martha’s Drive

Proposal to construct a 16’ x 24’ (384 s.f.) pavilion in the rear yard where the maximum size for an accessory structure is 192 s.f. The property is located in the R-40, but was subdivided under a cluster option utilizing the R-25 standards.

Mr. Benjamin Gill 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 explained that a variance application can be very technical in nature and asked Mr. Gill if he felt comfortable proceeding without representation by an attorney. Mr. Gill stated he was comfortable and proceeded. Mr. Gill had no objection to the exhibits that were marked. The following witnesses were sworn: Benjamin Gill, Applicant; Kate Keller, Phillips Preiss Grygiel, Lehany and Hughes, Township Planning Consultant; and Timothy P. White, Township Engineer. Mr. Gatto read the review letters into record.

Mr. Gill stated that he is currently installing a pool. He has a large family and would like to be able to provide a larger shaded structure with seating and outdoor dining area for his family. He stated that the materials and color of the proposed pavilion will match the existing home. He stated that the pavilion is setback further than the required setbacks in order not impact the neighbors and it would be aesthetically pleasing. He did not see any negative impacts in regards to this proposal.

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. Bazzurro. Ms. Jahn made a motion to authorize Mr. Accisano to prepare a positive resolution with the conditions noted on record, which was seconded by Mr. Ammiano, all Board members in favor, Aye.

Preliminary and Final Major Site Plan #895-17 and “D” Variance #028-17

A&A Trucks Parts, Inc.

Block 103, Lot 11 – 83 Hendrickson Road

Block 101, Lot 54.03 – 86 Hendrickson Road

Major Site Plan application for a proposed thirty-six (36) space commercial parking lot with a freestanding sign in the Rural Environmental (R-E) zone and within the Scenic Corridor. The proposed parking lot would serve employees and customers of A&A Truck Parts located on the opposite side of Hendrickson Road, via a crosswalk. A use variance for a commercial parking lot as a principal use in a residential zone is being requested. The subject lot was previously subdivided under application # 523-78 and granted variance approval to construct a single family home on the undersized lot under application 043-03.

Mr. Bazzurro has a conflict and disqualified himself from this application. Mr. Ammiano is not eligible to hear “D” variances. Both left the meeting room for the evening.

Dante 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 and Mr. Gatto read the review letters into record. The following witnesses were sworn: Brad MacFarland, PE, Professional Design Services; Ian Borden, PP, Professional Design Services; Kate



Keller, Phillips Preiss Grygiel, Lehany and Hughes, Township Planning Consultant; and Timothy P. White, Township Engineer.

Mr. Dante Alfieri, Esq. stated that they will comply with the Township Ordinance in regards to the hours. He also stated that they took no exceptions and would be able to comply with the comments in T&M Associates' review letter (P-3).

Ian Borden described his qualifications as a licensed Planner and was accepted as a Professional Planner. While referring to A-23, the color aerial, He described the area as being approximately 1.07 acres in the RE zone. There is a single house to the south and surrounded by vacant land. They are proposing a thirty-six (36) space parking area, 34 spaces for employees and two (2) for customers to service the A&A junkyard across the street. They typically have about 10 customers per day. They will comply with the Township Ordinance in regards to hours of operations, being 8:00 am to 6:00 pm. They are not proposing any salvaging or recycling activities, no buildings, no maintenance work or overnight parking proposed. Mr. Borden described the proposed crosswalk across Hendrickson Road to access the junk yard site form the parking lot. They are proposing to supplement the plantings and screen the cars to the adjacent lots. The lighting proposed will be solar lit, low lighting, requiring a design waiver, in attempts to be sensitive to the area. Mr. White took no exception to this due to the restricted hours of operation. Mr. Gatto explained that any light fixtures would need to be decorative. Mr. Borden agreed to work out a decorative light fixture with the Township Engineer. The proposed sign, marked as A-14, will not be lit. Mr. Borden stated that they would provide a decorative stone base under the sign, covering the concrete base. There is a basin proposed at the rear of the site.

Mr. Borden stated that the site, in his opinion, is particularly suited for the proposed use. The parking is for recycled parts and will promote recyclable materials from municipal solid waste. The site would be difficult to be used for its zoned purposes. The site does not have any environmental restraints. The location is driven by the existing use across the street. The site had previous variance approvals from fifteen years ago for a residential structure and he feels it would be difficult due to the Stormwater controls and other restraints. This application would then fit the Township's Zone Plan. There would then not be a substantial detriment to the zone plan. The proposed parking lot plan would have a positive effect, in his opinion.

Three "C" variances were noted by Mr. Borden. These variance are related to the "D" variance and can be subsumed by the "D" variance. These variances would be impervious coverage of 5% permitted and 36% proposed, 50 foot scenic corridor buffer required whereas 30 foot is proposed and they are proposing a sign, whereas it is not permitted. The significant landscaping off-sets, in his opinion, the additional twenty foot buffering. The small scale of the sign alleviates traffic questions. They are proposing several design waivers they are requesting including providing curbs and sidewalks (noting that a contribution may be required), and not providing a loading zone and not providing the minimum 0.5 f.c. lumination of the parking lot area. Mr. Borden stated that the applicant would agree to provide a decorative light fixture.

Mr. Gatto asked about the parking areas on the existing junkyard site and if they were constructed. Mr. Borden explained that they were never constructed because there is a scale in the area and providing a parking area in this area was deemed to be "unsafe" to construct in this area. Mr. White took no exception to Mr. Borden's explanation as to the reason parking was not installed as approved on the junkyard site. Mr. Borden stated that this would be a safer ingress/egress to the site. Mr. Borden stated that they will be able to comply with the remaining technical comments.



According to Mr. Borden, it is proposed that employees arrive at 8:00 and walk across the street at the cross-walk. There are two spaces for customers and do not expect more than ten people per day. He stated that they will comply with all of the comments in the professional review letters. This would include Mr. White’s concerns in satisfying the previous site plan approval conditions.

Ms. Kurtz asked if there will be any spillage of the junkyard use onto this new site. Mr. Borden confirmed that there would not be any junkyard use at all and they will continue to comply with the conditions of the previous approvals. Ms. Kurtz asked if there would be any trash receptacles on the proposed parking lot site. He stated that there are no trash receptacles proposed. Mr. Gatto asked if they took any exception to any restriction on the size of the vehicles to be parked on the site and that that there not be any advertising on the site, including advertisement on trucks parked in the proposed lot. Mr. Borden consulted with his team and noted that they took no exception to not permitting any advertisement. Ms. Kurtz asked if there was any thought put forth to prevent access to the lot after hours, such as a gate, for safety purposes. The applicant agreed that they would install a gate to be approved by the Township Engineer. Mr. Gatto reminded everyone that this is a scenic corridor.

Mr. Accisano asked that should the Board approve the application, would the applicant be withdrawing the variance approval for the home on the subject lot, Block 103, Lot 11 (Var.# 043-03) and the site plan and variance approval (SP# 557-98 and Var.# 007-91) for the building and parking spaces at the existing A&A site. The applicant agreed that these applications would be withdrawn.

Mr. Asadi inquired that should this site were to ever cease being a junkyard, would the applicant agree that the accessory parking lot would also be abandoned. The applicant took no exception to this condition. The applicant agreed to follow the direction of the Board. Mr. Accisano elaborated and stated he will fully describe it in the resolution for the Board’s review.

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. Bruno. Mr. Shortmeyer made a motion to authorize Mr. Accisano to prepare a positive resolution with the conditions noted on record, which was seconded by Ms. Jahn, all Board members in favor, Aye.

DISCUSSION:

Request to authorize a corrective resolution for:

(Per Timothy White, Township Engineer’s, memo to the Board dated March 5, 2019)

Variance Application # 009-18

Balciunas, Gerardas & Balciuniene, Lina

Block 101, Lot 44 – 466 Ely Harmony Road

Mr. White explained that during the resolution compliance review, it was recognized that the requested right-of-way had already been dedicated. This affected the variances that were approved. These are described in Mr. White’s memo dated March 5, 2019. The Board took no exception to these corrections. Mr. Shortmeyer made a motion to authorize Mr. Accisano to prepare a corrective resolution with the conditions noted on record, which was seconded by Ms. Jahn, all Board members in favor, Aye

Request to Withdraw without Prejudice, application pending before the Board:

Site Plan Waiver # 414-1-18 and Variance Application #001-18

Avalon Rt9 Properties LLC – Globocare (Signage)

Block 4, Lot 46.03 – 4400 Route 9



Mr. Shortmeyer made a motion to accept the request to withdraw without prejudice, which was seconded by Mr. Bruno. The motion passed with the following roll call vote: Mr. Bruno, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Shortmeyer, Ms. Kurtz, Mr. Asadi and Mr. Levy.

Update on Litigation Matter:

Mr. Gatto explained that the Fitzpatrick Subdivision (SD# 856-2-16) matter was adjudicated and the Judge issued his opinion. Mr. Accisano confirmed that the judge found that the circumstances had not changed, upholding the decision of the Board.

ADJOURNMENT:

There being no further business, Mr. Gatto adjourned the meeting. The meeting concluded at 7:55 p.m.

Respectfully Submitted,


Robert H. Shortmeyer
Secretary