Hearing Date: October 6, 2016

EXHIBIT LIST

3541 Route 9 Realties
3541 Route 9 Realties and Sun National Bank
Minor Subdivision and Variance # 766-1-16
Block 72, Lots 90 and 90.02 – 3451 and 3535 Route 9

ADMINISTRATIVE & TECHNICAL (APPLICANT)

A-1 Minor Subdivision and Variance Application Package

A-2 Completeness Checklists & Certification

A-3 Consent of Owner/Consent to Inspect/Disclosure Statement

A-4 Authorization to act on behalf of the applicant dated 7/28/16.

A-5 Escrow Maintenance Form/W-9/Tax Statement

A-6 Waiver of Statutory Time dated 7/28/16

A-7 Waiver request letter dated 8/10/16

A-8 Description of proposed use and operations dated 8/10/16

A-9 Copy of Resolution for Minor Subdivision Application #5/94, memorialized 10/27/94

A-10 Minor Subdivision Map/Boundary Line Adjustment Plan, 1 sheet, last revised 7/28/16, prepared by Yorkanis & White, Inc.

A-11 Response to review comments letter dated 9/21/16, prepared by Yorkanis & White, Inc.

A-12 Proof of Service

REPORTS/CORRESPONDENCE

P-1 Memorandum dated September 9, 2016 from Timothy P. White, Township Engineer

P-2 Memorandum dated August 31, 2016 from Paul Phillips, PP, Phillips, Preiss Grygiel, LLC

P-3 Memorandum dated September 1, 2016 from Michael D. Imbriaco, Township Tax Assessor

TOWNSHIP OF
FREEHOLD

"Preserving and Enhancing the Quality of Life"

MAYOR
Barbara J. McMorrow

TOWNSHIP COMMITTEE
Lester A. Preston, Jr., Deputy Mayor
Anthony J. Ammiano
Thomas L. Cook
David M. Salkin

Timothy P. White, PE, PLS, CME
Township Engineer

MEMORANDUM

TO: Planning Board, c/o Danielle Sims, Administrative Officer

FROM: Timothy P. White, Township Engineer

DATE: September 9, 2016

RE: 3541 Route 9 Realties, LLC and Sun National Bank
Block 72, Lots 90 and 90.02
Minor Subdivision and Variance #766-1-16

- Minor Subdivision Map / Boundary Line Adjustment for Properties Known As Lots 90 & 90.02 in Block 72, Township of Freehold, Monmouth County – New Jersey, one (1) sheet, dated April 28, 2016, last revised July 28, 2016, prepared by Yorkanis & White, Inc., signed and sealed by John T. Luts, P.L.S.
- Resolution of Memorialization, Freehold Township Zoning Board, Monmouth County, New Jersey, Minor Subdivision Approval, Matter of Sun Company Inc, Application #5/94, Approved October 13, 1994, Memorialized October 27, 1994.

Executive Summary

The Applicant is seeking minor subdivision approval for a boundary line adjustment between Lot 90 (Sun Bank) and Lot 90.02 (3541 Route 9 – former Sunoco gas station). The minor subdivision/boundary line adjustment proposes to remove the "tail" portion of Lot 90 which currently exists at the rear of Lot 90.02. No new lots will be created as a result of the boundary line adjustment. It should be noted that the subject properties contain several pre-existing non-conforming conditions including lot area, lot width, lot depth, and building and accessory setbacks. Several of the non-conforming conditions of lot 90.02 will be reduced as a result of the subdivision; however these conditions will still require a variance. The non-conforming lot area of Lot 90 will be exacerbated due to the adjustment.

It should be noted that in 1994 the Zoning Board of Adjustment approved a minor subdivision for a lot adjustment between Lots 90 and 90.02 to enable the bank to provide a drive thru lane. Additionally, several variances were approved in conjunction with the previous minor subdivision approval.

The following comments are provided:

1. It should be noted that the purpose of the minor subdivision is solely for the adjustment of the existing boundary lines at the rear of the subject properties. The current function and use of Lot 90 (Sun Bank) will remain the same. The applicant has not provided the proposed use of Lot 90.02, however once determined, the applicant will provide an application to the board for site plan approval.

To: Planning Board September 9, 2016
Re: 3541 Route 9 Realties, LLC and Sun National Bank
Block 72, Lots 90 and 90.02
Minor Subdivision and Variance #766-1-16

2. The applicant has indicated that the perfection of this subdivision will be by deed and not by the filing of the map. Ordinance requires that the subdivision is perfected and filed by both map and deed when variances are requested.
3. The title of the plat shall be "Final Plat – Minor Subdivision."
4. Revise and update the signature lines on the final plat to include all signatures as required by the provisions of P.L. 1960, c. 141 (C. 46:23-9.9 et. seq.) known as the "Map Filing Law."
5. The signature line for the undersigned individual should be shown on the plat as follows:

   _____
   TIMOTHY P. WHITE, TOWNSHIP ENGINEER DATE
   NJ Professional Engineer & Land Surveyor
   NJ License No. GB42576

6. The title block shall include the latest tax map sheet number and corresponding date.
7. The provided key map shall be drawn at a scale of not less than 1" = 1000' and shall show the limits and location of the properties to be subdivided and include Township zone boundaries.
8. The plat shall include the names and addresses of all property owners of parcels adjacent to the land to be subdivided.
9. The plan shall show the existing and proposed lot area in both square footage and acreage for both Lot 90 and Lot 90.02.
10. The provided zoning schedule shall be updated to provide a legend and notation of previously approved variances and new variances.
11. The plan shows a 5 foot landscape buffer on lot 90.02 and adjacent to Lot 90. The zoning requirements for the CMX-3A zone require a 25 foot landscape buffer abutting commercial properties (50 foot abutting residential properties). This should be shown on the plan and additional variances requested where necessary.
12. The applicant shall provide metes and bounds descriptions for the new lots for review by this office.

Tim P. White

TIMOTHY P. WHITE
Township Engineer

TPW/mb

766-1-16

PHILLIPS PREISS GRYGIEL LLC
Planning & Real Estate Consultants
33-41 Newark Street
Third Floor, Suite D
Hoboken, NJ 07030
201.420.6262
Fax 420.6222
www.ppgplanners.com

August 31, 2016

Freehold Township Planning Board
% Danielle B. Sims, Administrative Officer
Freehold Township
1 Municipal Plaza
Freehold, New Jersey 07728

RECEIVED
SEP - 7 2016
FREEHOLD TOWNSHIP
PLANNING BOARD

RE: **APP #766-1-16**
Planner's Review Letter
3541 Route 9 Realties and Sun National Bank
3535 and 3541 Route 9 North
Block 72, Lots 90 and 90.02
CMX-3A Corporate Multi-Use District

Dear Chairman and Members of the Board:

We have reviewed the above-referenced development application, including the following documents:

- Minor Subdivision/Boundary Line Adjustment for Properties Known as Lots 90 & 90.02 in Block 72, Township of Freehold, Monmouth County, New Jersey, consisting of 1 sheet, prepared by John T. Luts, PLS, of Yorkanis & White, Inc., dated 4/28/2016

Project Description

The applicant is seeking minor subdivision approval in order to subdivide from Lot 90 and incorporate into Lot 90.02 a "panhandle" portion of Lot 90, which measures approximately 6,057 square feet (0.139 acres).

Lot 90 is developed with a Sun National Bank building with drive-thru and associated parking and circulation areas; a trash enclosure is located just south of the proposed subdivision line. Lot 90.02 was formerly used as a gas station and contains a one-story building and paved areas; as per the applicant, the canopy has been removed. Land use in the vicinity of the subject properties is commercial in nature. There is a car dealership to the north; a parking area that appears to be associated with Juniper Business Plaza to the east; and a shopping plaza to the south of the subject properties.

The applicant has indicated that, pursuant to contract of sale between the owners, restrictive language would be provided as a condition of approval in order to record an approximately 5 foot wide landscaped buffer on Lot 90.02 along the shared boundary with Lot 90. The buffer would be installed and maintained by the owners of Lot 90.02 during its redevelopment after such time that the owner seeks site plan approval.

No demolition or new construction is proposed as part of this application.

Zoning Compliance & Planning Comments

1. The existing lot area of Block 72, Lot 90 is 1.094 acres, where 0.955 acres is proposed and 3.0 acres is required. Therefore, "c" variance relief is required for this item. Existing Lot 90 is undersized per the requirements of the CMX-3A zone and is irregular in shape. The rear "panhandle" portion of Lot 90 is long and narrow and is essentially unusable as it is currently configured. Both lots would be made more "regular" (e.g., rectangular) as a result of the proposed subdivision.

2. There are a number of preexisting non-conforming conditions associated with the application, as follows:

   Block 72, Lot 90
   - Lot width: 135 feet existing/proposed, where 300 feet is required
   - Lot depth: 236.89 feet existing/proposed, where 400 feet is required
   - Principal front yard: 95 feet existing/proposed, where 100 feet is required
   - Principal side yard: 24.7 feet existing/proposed, where 50 feet is required
   - Principal rear yard: 93.6 feet existing/proposed, where 50 feet is required
   - Accessory side yard: 0 feet existing/proposed, where 30 feet is required
   - Accessory rear yard: 0 feet existing/proposed, where 30 feet is required

   Block 72, Lot 90.02
   - Lot area: 0.971 acres existing, where 1.110 acres proposed and 3.0 acres required
   - Lot width: 250 feet existing/proposed, where 300 feet is required
   - Lot depth: 200 feet existing, where 236.89 feet is proposed and 400 feet is required
   - Principal front yard: 30.2 feet existing/proposed, where 100 feet is required
   - Principal side yard: 5.9 feet existing/proposed, where 50 feet is required
   - Accessory side yard: 0 feet existing/proposed, where 30 feet is required
   - Accessory rear yard: 0 feet existing/proposed, where 30 feet is required

   No changes are proposed to these deviations as part of this application, with the exception of lot area and depth for Lot 90.02, where the proposal would enhance the conformity of these items with the bulk standards of the CMX-3A zone from existing conditions. The applicant should nevertheless demonstrate that there are no planning or general welfare issues associated with these deficiencies.

The applicant should provide clarification regarding the existing and proposed accessory structure setbacks on Lots 90 and 90.02. The trash enclosure on Lot 90 appears to be greater than 0 feet from the rear and side property lines, and there are no apparent existing accessory structures on Lot 90.02. Plans should be corrected, as needed.

3. As "c" bulk variance(s) are required in connection with the application, the Board must find that there is either undue hardship or practical difficulty associated with the strict application of the requirements of the zoning ordinance in connection with this specific piece of property; or that one or more purposes of zoning would be advanced by the deviation and the benefits of granting the variance(s) for this specific piece of property would substantially outweigh any detriment. In addition, the Board must be satisfied that the granting of the variances would not cause substantial detriment to the public good or substantially impair the intent and purpose of the zone plan and zoning ordinance.

We trust that the above information is responsive to your needs.

Respectfully submitted,

Paul A. Phillips, P.P., AICP

cc: Frank Accisano, Planning Board Attorney
Timothy P. White, P.E., Township Engineer

J16248

766-1-16

TOWNSHIP OF
FREEHOLD

"Preserving and Enhancing the Quality of Life"

MAYOR
Barbara J. McMorrow

TOWNSHIP COMMITTEE
Lester A. Preston, Jr., Deputy Mayor
Anthony J. Ammiano
Thomas L. Cook
David M. Salkin

MEMORANDUM

RECEIVED
SEP - 1 2016
FREEHOLD TOWNSHIP
PLANNING BOARD

TO: Planning Board, c/o Danielle Sims, Administrative Officer

FROM: Michael D. Imbriaco, Township Tax Assessor

DATE: September 1, 2016

RE: 3541 Route 9 Realties, LLC and Sun National Bank
Major Subdivision and Variance #766-1-16
Block 72 Lots 90 & 90.02 -3535 (Lot 90) & 3541 (Lot 90.02)

This review refers to the following:

- Minor Subdivision Map/Boundary line adjustment for properties know as Block 72 Lots 90 & 90.02, dated April 28, 2016, prepared by Yorkanis & White Inc, Professional Land Surveyors & Planners, signed and sealed by John Luts, P.L.S. The most recent preliminary map was revised and dated July 28, 2016.

I am in receipt of the minor subdivision map and am in agreement that the lot numbers should remain the same. The map meets my satisfaction.

Sincerely,

MICHAEL D. IMBRIACO
Tax Assessor, Freehold Township

MI/mi

P-3

EXHIBIT LIST

Freemall Associates, LLC
Bloom Energy – Energy Servers
Minor Site Plan w/ Waiver of Site Plan Details and Variance # 888-16
Block 69.01, Lot 18.01 – 3710 Route 9

ADMINISTRATIVE & TECHNICAL (APPLICANT)

A-1 Minor Site Plan w/ Waiver of SP Detail and Variance Application Package

A-2 Completeness Checklists & Certification

A-3 Consent of Owner/Consent to Inspect/Disclosure Statement

A-4 Escrow Maintenance Form/W-9/Tax Statement

A-5 Waiver of Statutory Time

A-6 Waiver request letter dated 7/6/16, prepared by Maser Consulting

A-7 Description of existing conditions and proposed use and operations dated 7/6/16

A-8 Equipment Pad Detail Plan Sheet (11" x 17"), revised 5/31/16, prepared by Maser Consulting

A-9 Site Plan, 6 sheets, last revised 8/22/16, prepared by Maser Consulting, PA

REPORTS/CORRESPONDENCE

P-1 Memorandum dated August 30, 2016 from Timothy P. White, Township Engineer

P-2 Memorandum dated August 31, 2016 from Paul Phillips, PP, Phillips, Preiss Grygiel, LLC

P-3 Memorandum dated July 28, 2016 from Shaun Reilly, Fire Official

P-4 Memorandum dated July 28, 2016 from Margaret B. Jahn, Health Officer

P-5 Memorandum dated August 8, 2016 from Tom Moskal, Environmental Commission

TOWNSHIP OF
FREEHOLD

"Preserving and Enhancing the Quality of Life"

MAYOR
Barbara J. McMorrow

TOWNSHIP COMMITTEE
Lester A. Preston, Jr., Deputy Mayor
Anthony J. Ammiano
Thomas L. Cook
David M. Salkin

Timothy P. White, PE, PLS, CME
Township Engineer

MEMORANDUM

RECEIVED
AUG 31 2016
FREEHOLD TOWNSHIP
PLANNING BOARD

TO: Planning Board, c/o Danielle Sims, Administrative Officer

FROM: Timothy P. White, Township Engineer

DATE: August 30, 2016

RE: Freemall Associates, LLC
Bloom Energy – Energy Services
Block 69.01, Lot 18.01 – 3710 Route 9 (Freehold Raceway Mall)
Minor Site Plan with Waiver of Site Plan Detail and Variance #888-16

This review refers to the following:

- Minor Site Plan for Bloom Energy, Freehold Raceway Mall, Lot 18.01, Block 69.01, Township of Freehold, County of Monmouth, State of New Jersey, six (6) sheets, dated March 25, 2016, last revised August 22, 2016, prepared by Maser Consulting, P.A., signed and sealed by C. Richard Roseberry, P.E.
- Equipment Pad Details, Bloom Energy, Macerich Freehold, 3170 Rte. 9, Freehold, NJ 07728, one (1) sheet, dated March 25, 2016, last revised Mary 31, 2016, prepared by Maser Consulting P.A., signed and sealed by Alexander M. Itkin.
- Project Description, Macerich – Freehold Raceway Mall, Fuel Cell Project, dated July 6, 2016
- Waiver Request Letter, Freemall Associates, LLC, Bloom Energy Fuel Cell Project, Block 69.01, Lot 18.01, dated July 6, 2016, prepared by Maser Consulting, P.A., signed by C. Richard Roseberry, P.E., A.I.C.P.

Executive Summary

The applicant is seeking minor site plan approval with waiver of site plan details for the installation of a Bloom Energy solid oxide fuel cell system, which will supply 1 MW of clean electric power to the Macerich-Freehold Raceway Mall building located at 3710 Route 9. The proposed system consists of twenty-four individual fuel cells contained within four (4) 250-kilowatt fuel cell clusters and associated ancillary equipment. Fuel Cells are approximately 6'-9" high. The facility compound is approximately 30 feet wide by 75 feet long and will be located within a grassed area outside of the mall and adjacent to the northerly store entrance into Nordstrom's. This location is also bounded by the interior loop road and the loading zone for Lord & Taylor. Site improvements related to this project consist of a gravel service area, cast-in-place ancillary equipment pads, precast energy server pads, underground utility services (water, electric, and gas), an 8 foot high chain-link fence with privacy screening slats, and approximately 26 fixed bollards and 4 removable bollards. In addition, a mulched bed with surrounding buffer plantings is proposed outside of the compound for screening purposes.

To: Planning Board
Re: Freemall Associates, LLC
Minor Site Plan #888-16
Block 69.01, Lot 18.01

August 30, 2016

Variance relief is being requested for the installation of a non-permitted accessory structure in the RMZ-1 Zone.

The following comments are provided:

1. The applicant is requesting various site plan submission waivers for the omission of certain requirements not associated with or required as a part of this application. This office has no objection to these waivers unless otherwise mentioned in this report or other Township professional or consultant reviews.
2. The overall increase in impervious coverage at the site is considered negligible (substantially less than one-tenth of one percent of the impervious coverage of Lot 18.01), as such this office has no objections to the Board granting a waiver from providing drainage calculations and/or stormwater detention improvements.
3. The sidewalk provided at the entrance to the compound should be expanded to 12 feet wide and extend to the existing curb line. A depressed curb should be provided within the curb line for maintenance vehicle access.
4. As required by the Freehold Township Utilities Department, the proposed water line shall include a separate water meter and a backflow preventer (RPZ Valve).
5. Remove second signature line provided for the Township Engineer which references installed improvements.
6. Several construction details should be included and/or revised to comply with current Township standards.
7. Applicant must obtain and provide copies of all necessary permits and/or approvals from all other involved outside agencies.

Timothy P. White

TIMOTHY P. WHITE
Township Engineer

TPW/mb

888-16

PHILLIPS PREISS GRYGIEL LLC
Planning & Real Estate Consultants
33-41 Newark Street
Third Floor, Suite D
Hoboken, NJ 07030
201.420.6262
Fax 420.6222
www.ppgplanners.com

August 31, 2016

Freehold Township Planning Board
% Danielle B. Sims, Administrative Officer
Freehold Township
1 Municipal Plaza
Freehold, New Jersey 07728

RE: **APP #888-16**
Planner's Review Letter
Minor Site Plan with Waiver of Site Plan Detail
Bloom Energy & Freemall Associates, LLC
3710 Route 9 (Freehold Raceway Mall)
Block 69.01, Lot 18.01
RMZ-1 Regional Mall Zone

Dear Chairman and Members of the Board:

The applicant has submitted revisions to the minor site plans for this project, dated 3/25/2016 and revised through 8/22/2016. A prior report dated 7/27/2016 was prepared and submitted to the Township. Additional details regarding the proposed project can be found in the prior report. This report has been revised to reflect the aforementioned plan revisions and outstanding issues identified during the application review process.

We have reviewed the above-referenced development application, including the following documents:

- Minor Site Plan for Bloom Energy, Freehold Raceway Mall, Lot 18.01, Block 69.01, Township of Freehold, County of Monmouth, State of New Jersey, consisting of 6 sheets, prepared by C. Richard Roseberry, P.E., of Maser Consulting, dated 3/25/2016 and revised through 8/22/2016

Project Description

The applicant is seeking minor site plan approval in order to install a Bloom Energy solid oxide fuel cell system to supply electric power to the Freehold Raceway Mall building.

As a means to reduce visual impacts, the energy server ("ES") facility was shifted approximately 60 feet eastward from where it was previously located, to abut the Lord & Taylor building. Chain link fencing measuring 8 feet in height with privacy slats to match the color and style of the existing building façade would enclose the ES facility. (A fence detail has been provided on Sheet C2.0.) In addition, a vegetated screen comprised of 23 shrubs is proposed along the western and northern sides of the ES facility.

P-2

Zoning Compliance & Planning Comments

We offer the following for your consideration.

1. The Cover Sheet (Sheet G1.0) has been revised to include a list of variances:

   - An ES facility is not specifically permitted as an accessory structure in the RMZ-1 zone

   - Section 190-108B: no accessory structures shall be erected in any front yard, with several exceptions (e.g., flagpoles, lampposts, etc.).

   The applicant should revise the list of variances to indicate that variance relief is also required from Section 190-103C, which states that no accessory building shall be permitted except in rear yards, where the ES facility would be located in the front yard area.

2. The applicant had previously indicated that the project would be constructed in two phases. The applicant has clarified that the construction of the project would take place in one phase and General Note 5 was added to the Sediment & Erosion Control Plan (Sheet C1.2) indicating same.

3. The Zone Table (Sheet G1.0) has been revised to show existing versus proposed conditions on the subject property. The overall increase in impervious surface coverage on the subject property would be minimal (less than one-tenth of a percent) and complies with the impervious surface coverage requirements of the RMZ-1 zone.

4. The applicant has indicated that the non-conforming 39 foot side yard setback on the Zone Table refers to an existing condition on the subject property, for which a variance was granted on June 9, 2003 (Application No. 695-02). No changes are proposed to this item as part of this application.

5. The applicant has indicated that testimony would be provided at the hearing regarding any safety considerations associated with the ES facility's proximity to loading and circulation areas, if any.

6. The "Location of Work" indicated on the Key and Zoning Map (Sheet G1.0) has been relocated to more accurately reflect the proposed location of the project.

PHILLIPS PREISS GRYGIEL LLC
Planning & Real Estate Consultants

We trust that the above information is responsive to your needs.

Respectfully submitted,

Paul A. Phillips, P.P., AICP

cc: Frank Accisano, Board Attorney
Timothy P. White, P.E., Township Engineer

J16208

TOWNSHIP OF
FREEHOLD

"Preserving and Enhancing the Quality of Life"

MAYOR
Barbara J. McMorrow

TOWNSHIP COMMITTEE
Lester A. Preston, Jr., Deputy Mayor
Anthony J. Ammiano
Thomas L. Cook
David M. Salkin

July 28, 2016

RECEIVED
JUL 29 2016
FREEHOLD TOWNSHIP
PLANNING BOARD

Freehold Township Planning Board
1 Municipal Plaza
Freehold, NJ 07728
ATT: Mrs. Danielle Sims

RE: Minor Site Plan with Waiver of Site Plan Detail and Variance #888-16
Freemall Associates
Block 69.01, Lot 18.01 - 3710 Route 9

Dear Mrs. Sims

I have performed a technical review of the plans that were submitted and approve them. The only requirement that needs to be met is a Knox Box being installed at time of construction, if a fence is installed.

Sincerely,

Shaun M. Reilly
Fire Official / Chief of the Board

TOWNSHIP OF FREEHOLD

"Preserving and Enhancing the Quality of Life"

MAYOR
Barbara J. McMorrow
TOWNSHIP COMMITTEE
Lester A. Preston, Jr., Deputy Mayor
Anthony J. Ammiano
Thomas L. Cook
David M. Salkin

RECEIVED
JUL 2 3 2016
FREEHOLD TOWNSHIP
PLANNING BOARD

TO: Freehold Township Planning Board

FROM: Margaret B. Jahn, Health Officer

DATE: July 28, 2016

SUBJECT: Freemall Associates, LLC
Bloom Energy – Energy Servers
3710 Route 9
Block: 69.01, Lot: 18.01
Minor Site Plan with Waiver & Variance #888-16

We have reviewed the site plan for the above referenced project. The Board of Health has no objection to this application as there are no public health concerns.

1 MUNICIPAL PLAZA • FREEHOLD, NJ 07728-3099 • PHONE (732) 294-2000 • FAX (732) 462-7910
www.twp.freehold.nj.us

Printed on recycled paper

P-4

RECEIVED
888-16
AUG 17 2016
FREEHOLD TOWNSHIP
PLANNING BOARD

August 8, 2016

Freehold Township Planning Board
Mr. Richard Gatto, Chairman
One Municipal Plaza
Freehold, NJ 07728

Subject: Review of Bloom Energy – Freehold Raceway Mall (Block 69.01, Lot 18.01), plan #888-16.

The August 8, 2016 meeting of the Freehold Township Environmental Commission was called to order by Chairman Moskal at 7:35pm. Board members present: Anthony Ammiano, Steve Leone, Brij Sharma, Dave Puchalski, and Tom Moskal. Also in attendance were Stephen Kiselick and Vincent Creevy of Abbington Engineering, William Mehr of Mehr Lafrance and Williams, and Gregory Oross of Bloom Energy.

The following statement was read by Chairman Moskal: "In accordance with the Open Public Meetings Law, c.231, P.L. 1975, this meeting was announced by posting a notice on the bulletin board reserved for that purpose, by mailing such notice to the office of the official newspapers of the Township, and by filing such notice with the Township Clerk."

Upon review, William Mehr and Gregory Oross represented this project, The Commission has no comments or concerns.

The meeting was adjourned at 8:40 pm.

Tom Moskal
Chairman

P-5

Hearing Date: October 6, 2016

EXHIBIT LIST

Legend Hollow at Freehold, LLC
Yellowbrook Property Co.
Soil Removal/Fill Permit Application # SR-04-16
Block 86.01, Lot 20 – 3 Gully Road

ADMINISTRATIVE & TECHNICAL (APPLICANT)

A-1 Soil Removal/Fill Application Package

REPORTS/CORRESPONDENCE

P-1 Memorandum dated May 13, 2016 from Timothy P. White, Township Engineer

MAYOR
Barbara J. McMorrow

TOWNSHIP COMMITTEE
Lester A. Preston, Jr., Deputy Mayor
Anthony J. Ammiano
Thomas L. Cook
David M. Salkin

TOWNSHIP OF
FREEHOLD

"Preserving and Enhancing the Quality of Life"

Timothy P. White, PE, PLS, CME
Township Engineer

MEMORANDUM

TO: Planning Board, c/o Danielle Sims, Administrative Officer

FROM: Timothy P. White, Township Engineer

DATE: May 13, 2016

RE: Soil Removal Application # SR-04-16
Legend Hollow at Freehold, LLC
Yellowbrook Property Co.
Block 86.01, Lot 20
(SD #891-1-16)

RECEIVED
MAY 2016
FREEHOLD TOWNSHIP
BOARD

This review refers to the following:

- Application for Licensing for Soil Removal/Fill, dated April 20, 2016, prepared by Brian R. Decina, P.E. – French & Parello Associates, signed by Roger Mumford.

In conjunction with Major Subdivision application No. 891-1-16, the applicant is proposing to import approximately 1,900 cubic yards of fill to the site. The applicant has previously obtained preliminary subdivision approval by the Planning Board under application No. 891-14. I have no objection to the Board approving this application and permit subject to the following.

1. The applicant must provide a cut & fill plan and associated calculations demonstrating the amount of fill to be imported to the site.
2. The applicant shall provide a more detailed haul route, specifically the proposed import source location and the direction of travel along Route 33 so that the appropriate fees and performance bond as described below can be accurately calculated.
3. The applicant must pay the required application fee of $800.00 plus an additional $1,000 per mile of haul route along Township roads for each 25,000 cubic yards or fraction thereof. The fee for fractional miles shall be apportioned.
4. A performance bond in the amount of $160,000 per mile of haul route along Township roads for each 25,000 cubic yards or fraction thereof is required. The guarantee amount for fractional miles shall be apportioned.
5. The applicant shall provide a copy of the soil testing report for the proposed fill.

Timothy P. White

TIMOTHY P. WHITE
Township Engineer
TPW/mb

Hearing Date: October 6, 2016

EXHIBIT LIST

Legend Hollow at Freehold, LLC
Yellowbrook Property Co.
Interpretation of FAR
"D" Variance (FAR) and Final Subdivision # 891-1-16
Block 86.01, Lot 20 – 3 Gully Road

ADMINISTRATIVE & TECHNICAL (APPLICANT)

A-1 Variance and Final Major Subdivision Application Package

A-2 Completeness Checklists & Certification

A-3 Consent of Owner/Consent to Inspect/Disclosure Statement

A-4 Escrow Maintenance Form/Tax Statement

A-5 Certification letter from the Freehold Soil Conservation District dated 2/10/15

A-6 Copy of NJDEP "Authorization to Discharge" GP # NJ0088323

A-7 Copy of NJDEP Treatment Works Approval # 15-0375

A-8 Copy of Application for Tree Removal to F.T. dated 5/20/16

A-9 FAR Zoning Schedule (Conceptual Model Layout)

A-10 Copy of Resolution of Approval for Amended Conditional Use and Preliminary Major Subdivision, memorialized 5/14/15.

A-11 Draft "Declaration of Deed Restriction" restricting further subdivision on Block 86.01, Lot 23

A-12 Twelve (12) Draft Metes and Bounds Descriptions

A-13 Architectural Floor Plans and Elevations received 7/19/16 and supplemental Architectural Plans received 8/2/16.

A-14 Major Subdivision Plat, last revised 6/15/16, prepared by French & Parrello

A-15 Conceptual Model Layout Plan, dated 8/1/16, prepared by French & Parrello

A-16 Final Major Subdivision Plan set, 16 sheets, last revised 8/1/16, prepared by French & Parrello

A-17 Proof of Service

REPORTS/CORRESPONDENCE

P-1 Memorandum dated August 25, 2016 from Timothy P. White, Township Engineer

P-2 Memorandum dated August 26, 2016 from Paul Phillips, PP, Phillips, Preiss Grygiel, LLC

P-3 Memorandum dated August 17, 2016, from Michael D. Imbriaco, Township Tax Assessor

P-4 Memorandum dated September 7, 2016, from Joe Luongo, Chairman, Historic Preservation Commission

891-1-16

TOWNSHIP OF
FREEHOLD

"Preserving and Enhancing the Quality of Life"

MAYOR
Barbara J. McMorrow

TOWNSHIP COMMITTEE
Lester A. Preston, Jr., Deputy Mayor
Anthony J. Ammiano
Thomas L. Cook
David M. Salkin

Timothy P. White, PE, PLS, CME
Township Engineer

MEMORANDUM

TO: Planning Board, c/o Danielle Sims, Administrative Officer

FROM: Timothy P. White, Township Engineer

DATE: August 25, 2016

RE: Legend Hollow at Freehold, LLC
Yellowbrook Property Co.
Final Major Subdivision # 891-1-16
Block 86.01 Lot 20 – Gulley Road

This review refers to the following:

- Final Plat entitled: "Major Subdivision, Legend Hollow Estates, Lot 20, Block 86.01," one (1) sheet, dated July 15, 2014, last revised June 15, 2016, prepared by French & Parrello Associates, PA, Consulting Engineers (Frank W. Blum, P.L.S.), unsigned.
- Plans entitled: "Final Major Subdivision, Legend Hollow, Block 86.01, Lot 20," sixteen (16) sheets, dated April 6, 2016, last revised August 1, 2016, prepared by French & Parrello Associates, PA, Consulting Engineers, signed and sealed by Brian R. Decina, P.E.
- Conceptual Model Layout Plan for Legend Hollow, Township of Freehold, Monmouth County, New Jersey, one (1) sheet, dated August 1, 2016, prepared by French and Parrello Associates, PA, unsigned.
- Metes and Bounds Descriptions, prepared by French & Parrello Associates, PA, Consulting Engineers (Frank W. Blum, P.L.S.), undated, unsigned, for the following:
    a. 10' Wide Utility Easement to be dedicated to the Township of Freehold on a Portion of Proposed Lots 20.03, 20.04, 20.05, 20.06 and 20.07, Block 86.01.
    b. 10' Wide Utility Easement to be dedicated to the Township of Freehold on a Portion of Proposed Lots 20.09, 20.10, 20.11, and 20.12, Block 86.01.
    c. Proposed Detention Basin / Open Space to be dedicated to the Township of Freehold Being Proposed Lot 20.08, Block 86.01.
    d. Proposed Site Easement within Proposed Lot 20.07, Block 86.01 to be dedicated to the Township of Freehold.
    e. Proposed 35 Foot Wide Scenic Corridor Easement to be dedicated to the Township of Freehold within Proposed Lot 20.03, Block 86.01.
    f. Proposed 35 Foot Wide Scenic Corridor Easement to be dedicated to the Township of Freehold within Proposed Lot 20.07, Block 86.01.
    g. Proposed Lot 20.03, Block 86.01
- Draft Declaration of Deed Restriction, Restricting Further Subdivision of Block 86.01, Lot 23, Freehold Township, Monmouth County, New Jersey.

To: Planning Board
Re: Legend Hollow at Freehold, LLC – Yellowbrook Property Co.
Subdivision # 891-1-16
Block 86.01, Lot 20

August 25, 2016

- Cellar vs. Foundation Average Grade Conceptual Model Layout, Legend Hollow at Freehold, undated, unsigned.
- Architectural Plans and Elevations for four Home Models (Tatum, Thompson, Crosswick, and Fernmere).
- Freehold Soil Conservation District Certification Letter, Ref. # 2014-0613, dated February 10, 2015, signed by Ines M. Zimmerman.
- NJDEP General Permit, Authorization to Discharge, 5G3- Construction Activity Stormwater (GP), Portal ID# 568167, dated January 21, 2016, signed by James J. Murphy.
- NJDEP Treatment Works Approval, Permit No. 15-0375, dated November 23, 2015, signed by Tracy Shevlin, P.E. and Gautam R. Patel.

Executive Summary

The applicant is seeking final major subdivision approval for the creation of ten (10) lots, including eight (8) lots for new single family residential structures, one (1) lot for a proposed detention basin, and the remaining homestead lot for the demolition and reconstruction of the existing residential structure. The existing homestead structure will be rebuilt with the goal of capturing the existing look of the structure to be razed. Additionally, the applicant has submitted a variance application for the interpretation of the Township of Freehold's Land Use Ordinance to determine whether the proposed home models anticipated by the applicant will exceed the Floor Area Ratio (FAR) requirements for the proposed development and require a variance for FAR. The applicant has previously obtained preliminary major subdivision approval and variance relief for several other conditions of the cluster provision in the R-40 zone for lot size, frontage, depth, and yard setbacks per resolution of memorialization dated May 14, 2015.

To our knowledge, with the exception of amending the lighting plan to depict seven (7) 12' high light poles in lieu of five (5) 16' high light poles, there have been no other changes to the construction plans since the preliminary plans were signed.

The following comments are provided:

1. The title block/title on the plat should be changed to read "Final Plat – Major Subdivision."
2. Provide the date of the latest tax map sheet to the title block of the Final Plat.
3. Remove the duplicate signature line below the surveyor's certification.
4. Revise second signature line for the Township Clerk to the following: "I further certify that the streets, roads, lanes or alleys as indicated on this map have been approved by the proper authority of the Township of Freehold. This approval does not constitute an acceptance of the Township of Freehold to maintain or exercise jurisdiction of such streets."
5. Revise the certification for the Secretary of the Planning Board and the Chairman of the Planning Board to have one inclusive certification as follows: "This is to certify that this map complies with the Provisions of P.L. 1960, c. 141 (C.46:23-9.9 et. seq.), known as the "Map Filing Law" and further certifies that the map has been approved by the Planning Board of Freehold Township, the proper authority for such approval. This map shall be filed in the Monmouth County Clerk's Office on or before the ___ day of _____20___ which is 95 days from the date of the signing of this plat."

To: Planning Board
Re: Legend Hollow at Freehold, LLC – Yellowbrook Property Co.
Subdivision # 891-1-16
Block 86.01, Lot 20

August 25, 2016

6. All metes and bounds descriptions shall be signed and sealed, dated, and reference the latest revised plat.
7. The plat, plans, and referenced lots within the metes and bounds descriptions shall be updated to reflect the new lot numbers assigned by the tax assessor. It should be noted that the following comments are based upon the currently proposed lot numbers.
8. The distance of 166.83' as presented on the plat at the westerly property line of Lot 20.07 does not agree with the summation of dimensions 140.78' and 26.06' at the same line.
9. The distance provided in Course C-1 in the above referenced description a) does not agree with the distances presented on the plat.
10. Course #3 in the above referenced description b.) shall be revised to include the text "...and within Lot 20.12" where describing the lots associated with the course description.
11. Revise the title of the above referenced description d.) to "A Proposed Sight Easement within Proposed Lot 20.07, Block 86.01."
12. As outlined in the resolution of preliminary major subdivision approval, the above referenced deed Restriction prohibiting further subdivision of the farmstead lot shall be reviewed and approved by the township and planning board attorney's prior to recording and is to be recorded prior to the issuance of a building permit. The deed restriction should be amended to identify the lot as lot 20 in accordance with the lot numbers assigned by the Tax Assessor.
13. As outlined in the resolution of preliminary major subdivision approval, the applicant shall impose a deed restriction on the farmstead lot that the exterior of the house will not deviate from the architectural drawings submitted to the Board during preliminary approval without approval of the Board. The Deed Restriction shall be submitted for review and approval by the township and planning board attorney's prior to recording and is to be recorded prior to the issuance of a building permit.
14. Applicant shall provide copies of any outstanding permits and approvals required from other involved outside agencies. This includes but is not limited to Final Monmouth County Approval.

Tthy P. White

TIMOTHY P. WHITE
Township Engineer

TPW/mb

891-1-16

PHILLIPS PREISS GRYGIEL LLC
Planning & Real Estate Consultants
33-41 Newark Street
Third Floor, Suite D
Hoboken, NJ 07030
201.420.6262
Fax 420.6222
www.ppgplanners.com

August 26, 2016

Freehold Township Planning Board
% Danielle B. Sims, Administrative Officer
Freehold Township
1 Municipal Plaza
Freehold, New Jersey 07728

RE: **APP #891-1-16**
Planner's Review Letter
Final Major Subdivision, "d(4)" FAR Variance and Interpretation
Legend Hollow at Freehold, LLC
Yellowbrook Property Company
Gully Road & Wemrock Road
Block 86.01, Lot 20
R-40 Residential Zone

Dear Chairman and Members of the Board:

The applicant has submitted revisions to the final major site plans for this project, dated 4/6/2016 and revised through 8/1/2016. A prior report dated 5/25/2016 was prepared and submitted to the Township. Additional details regarding the proposed project can be found in the prior report. This report has been revised to reflect the aforementioned plan revisions and outstanding issues identified during the application review process.

We have reviewed the above-referenced development application, including the following documents:

- Final Major Subdivision for Legend Hollow, Block 86.01, Lot 20, Township of Freehold, Monmouth County, New Jersey, consisting of 16 sheets, prepared by Brian R. Decina, P.E., of French & Parrello Associates, dated 4/6/2016 and revised through 8/1/2016

- Major Subdivision, Legend Hollow Estates, Lot 20, Block 86.01, Township of Freehold, Monmouth County, New Jersey, consisting of 1 sheet, prepared by Frank W. Blum, PLS, of French & Parrello Associates, dated 7/15/2014 and revised through 6/15/2016

- Floor Plans and Building Elevations, Forefront Homes, Crosswick Master, consisting of 4 sheets, prepared by Paul Grabowski of Virtuoso Architecture, undated

- Floor Plans and Building Elevations, Fernmere at Middletown, Fernmere Model, consisting of 4 sheets, prepared by Thomas J. Brennan Architects, dated 7/21/2015

P-2

PB File

- Floor Plans and Building Elevations, Roger Mumford Homes, 2 Captiva Lane, Marlboro, NJ, Tatum Model, consisting of 4 sheets, prepared by Paul Grabowski of Virtuoso Architecture, dated 6/15/2016

- Floor Plans and Building Elevations, Forefront Homes, Thompson Model, consisting of 4 sheets, prepared by Paul Grabowski of Virtuoso Architecture, undated

Project Description

The applicant is seeking final major subdivision approval in order to create 10 lots: 9 residential lots and 1 detention basin/open space lot. The subject property measures 10.48 acres (456,508.8 square feet) and is comprised in main part of agricultural fields and is developed with a farmhouse, farm stand and associated outbuildings.

The lighting plan (Sheet 8) has been revised to depict seven "Town and Country" luminaries along Legend Hollow Court, to be mounted at 12 feet in height (rather than five pole-mounted fixtures mounted at 16 feet in height, as previously proposed) per JCP&L requirements.

Site plans (Sheet 1) indicate that FAR was calculated for each lot based on the following:

- Lots 20.07 and 20.11
  First and Second Floors: 3,460 square feet
  Attached Garage: 540 square feet
  Finished Basement/Cellar: 800 square feet
  Total Gross Floor Area (GFA): 4,800 square feet

- Lots 20.04, 20.05, 20.06, 20.09, 20.10, and 20.12
  First and Second Floors: 3,760 square feet
  Attached Garage: 810 square feet
  Finished Basement/Cellar and Walk-Out Stair Tower: 930 square feet
  Total GFA: 5,500 square feet

Floor plans and building elevations for four home models have been provided (i.e., Fernmere, Thompson, Crosswick, and Tatum). The homes would have a cultured stone water table and would be clad with vinyl siding or shakes. The homes would have four to five bedrooms.

Zoning Compliance & Planning Comments

1. The applicant has asked the Board to consider whether the proposed home models would exceed the FAR requirements for cluster residential development in the R-40 zone, therefore requiring the requested d(4) variances. More specifically, the applicant maintains that the proposed finished basement/cellar area should be excluded from the calculation of FAR.

   We offer the following comments for your consideration as you review this request.

   Section 190-2B of the Township Zoning Ordinance provides the following definitions:

   > Basement: A story partly underground, but having less than ½ of its height below the average level of the adjoining ground.
   >
   > Cellar: A story partly underground and having more than ½ of its height below the average level of the adjoining ground.
   >
   > Floor Area: In any and all buildings, the total gross area of all floors.
   >
   > Floor Area, Gross Habitable or Gross Leasable; Floor Area Ratio
   > In any and all buildings, the total gross area of all floors shall be calculated as follows for the corresponding types of buildings:
   >
   > - *Floor Area, Gross Habitable:* The sum of the areas of the floor or floors of a building which are enclosed and suitable for human occupancy and have a clear ceiling height of at least seven feet, six inches, including closet space, attached garages and hallways, and excluding cellars, attics, dead air space, open porches, breezeways, and all accessory buildings. Such area shall be measured from outside to outside of exterior walls or from the center line of the wall separating two dwelling structures.
   >
   > - *Floor Area Ratio (FAR):* The sum of the floor area of all floors of buildings or structures, as calculated using the definitions set forth in "floor area," compared to the developable total area of the site.

   Based on the calculations of average grade and associated basement/cellar floor elevations for each lot provided by the applicant, the proposed basement/cellar area appears to meet the technical definition of a "cellar" and, therefore, would not be included in the calculation of FAR. By the same token, the proposed basement/cellar area will have a "walk out" component which would otherwise be characterized as habitable space suitable for human occupancy and would therefore be included in the FAR calculation.

2. The following FAR is proposed, where a maximum of 0.12 is permitted:

Lot	FAR (including basement/cellar)	FAR (not including basement/cellar)
20.03	0.12	-
20.04	***0.128***	0.107
20.05	***0.178***	***0.148***
20.06	***0.186***	***0.154***
20.07	***0.161***	***0.135***
20.08	n/a (detention basin)	
20.09	***0.187***	***0.156***
20.10	***0.180***	***0.150***
20.11	***0.178***	***0.149***
20.12	***0.150***	***0.125***

Variance Required

Therefore, d(4) variance relief is required for Lots 20.05 through 20.07 and Lots 20.09 through 20.12 regardless of how the ordinance is interpreted (i.e., whether FAR includes or excludes the basement/cellar). Meanwhile, Lot 20.04 would require d(4) variance relief if the ordinance interpretation is to include the basement/cellar in the FAR calculation.

The standard of proof for a d(4) variance comes directly out of the Randolph Town Center case. In such instances, an applicant has a lesser burden as compared to a d(1) or Medici-type variance. Thus, although special reasons must be advanced for an FAR variance, an applicant need not show that a site is particularly suited for the use as it is already permitted within the zone. Instead, an applicant need only demonstrate that the site can accommodate any problems associated with an FAR that is greater than what the zone allows. In addition, as with any variance, the applicant must satisfy the negative criteria (i.e., demonstrate that the granting of relief will not cause substantial detriment to the public good or substantially impair the zone plan). The applicant should address these proof requirements in the context of the subject application.

3. The zone table on the major subdivision map should be revised to show FAR for all lots, rather than the square footage of the proposed homes. The major subdivision map should also be updated to reflect the most recently-revised site plans, dated 8/1/2016.

4. The proposed floor area shown on site plans and used to calculate FAR does not appear to correspond to any of the model home floor plans. It should be noted that the floor area for homes on Lots 20.07 and 20.11 correspond most closely to the Crosswick model. However, there is no apparent corresponding

model home floor plan for the remaining lots. The applicant should provide clarification as to which of the proposed model home(s) would be selected and confirm that FAR was calculated using the correct floor area for each lot.

5. The label on the lighting plan (Sheet 8) should be revised to indicate that the light fixture mounting height would be 12 feet, rather than 16 feet as noted.

6. The applicant should demonstrate compliance with all items contained in the resolution of approval for amended d(3) variance and preliminary major subdivision approval, as memorialized on May 14, 2015. Testimony should be provided regarding same.

   It should be noted that the applicant has submitted draft deed restrictions for proposed Block 86.01, Lot 20.03 (the "farmstead" lot) per Specific Conditions 6 and 9: 1) to prohibit further subdivision of the lot; and 2) to require that the exterior of the house not substantially deviate from the architectural drawings submitted to the Board without the approval of the Board.

We trust that the above information is responsive to your needs.

Respectfully submitted,

Paul A. Phillips, P.P., AICP

cc: Frank Accisano, Board Attorney
Timothy D. White, P.E., Township Engineer

J16143

TOWNSHIP OF
FREEHOLD

"Preserving and Enhancing the Quality of Life"

MAYOR
Barbara J. McMorrow

TOWNSHIP COMMITTEE
Lester A. Preston, Jr., Deputy Mayor
Anthony J. Ammiano
Thomas L. Cook
David M. Salkin

RECEIVED
SD# 891-1-16
AUG 17 2016
FREEHOLD TOWNSHIP
PLANNING BOARD

MEMORANDUM

TO: Planning Board, c/o Danielle Sims, Administrative Officer

FROM: Michael D. Imbriaco, Township Tax Assessor

DATE: August 17, 2016

RE: Legend Hollow at Freehold, LLC
Final Major Subdivision, Use ("D") Variance and Interpretation #891-1-16
Yellowbrook Property Co.
Block 86.01 Lot 20- Gully Road

This review refers to the following:

- Final Major Subdivision for Legend Hollow, Block 86.01, Lot 20, dated April 6, 2016, prepared by French & Parrello Associates, signed and sealed by Brian R. Decina, PE. The most recent Final Major Subdivision plan was dated August 1, 2016.

The final plat map is requested to be revised as follows:

1. Regarding the Lot numbers, adjust as follows:
   Proposed Lot 20.03 should be changed to Lot 20.
   Proposed Lot 20.04 should be changed to Lot 20.03
   Proposed Lot 20.05 should be changed to Lot 20.04
   Proposed Lot 20.06 should be changed to Lot 20.05
   Proposed Lot 20.07 should be changed to Lot 20.06
   Proposed Lot 20.08 should be changed to Lot 20.07
   Proposed Lot 20.09 should be changed to Lot 20.08
   Proposed Lot 20.10 should be changed to Lot 20.09
   Proposed Lot 20.11 should be changed to Lot 20.10
   Proposed Lot 20.12 should be changed to Lot 20.11

Sincerely,

MICHAEL D. IMBRIACO
Tax Assessor, Freehold Township

MI/mi

Township of Freehold

HISTORIC PRESERVATION COMMISSION

One Municipal Plaza, Freehold, NJ 07728

RECEIVED
891-1-16
SEP - 7 2016
FREEHOLD TOWNSHIP
PLANNING BOARD

TO: Danielle B. Sims, Administrative Officer, Planning Board

FROM: Joe Luongo, Chairman, Historic Preservation Commission

DATE: September 7, 2016

RE: Yellowbrook Properties – Legend Hollow
Subdivision # 891-1-16

The Historic Preservation Commission has reviewed the plans submitted for the above referenced project and offers the following comments:

There are no longer any historical implications with this project. The plans submitted were intended for a use variance. The Historical Preservation Commission offers no comment.

Joe Luongo
Chairman – Freehold Township Historical Preservation Commission

/jl

Cc: Timothy P. White, Township Engineer

P-4