

**FREEHOLD TOWNSHIP PLANNING BOARD
REGULAR MEETING
MINUTES
MARCH 19, 2015**

The Regular Meeting of the Planning Board was called to order by Mr. Gatto on Thursday, March 19, 2015 at 7:00 p.m. at the Freehold Township Municipal Building, One Municipal Plaza, Freehold, New Jersey. He read the Notice of the Open Public Meetings Law.

Present: Mayor Cook, Mr. Salkin, Mr. Bazzurro, Mr. Gatto, Mr. Kash, Mr. Bruno and Mr. Coburn.

Absent: Ms. Howley, Mr. Shortmeyer and Mr. Kirk

Also Present: Roger McLaughlin, Esq., Timothy P. White, Township Engineer and Nancy Torre, Administrative Officer.

Mr. Coburn was seated for Ms. Howley; Mr. Bruno was appointed acting secretary and Mr. McLaughlin will be the acting attorney. There was the Pledge of Allegiance.

MINUTES:

A motion to approve the minutes of the January 15, 2015 Reorganization and Regular meeting was made by Mr. Kash, seconded by Mayor Cook and passed with the following roll call vote: Aye: Mayor Cook, Mr. Salkin, Mr. Gatto, Mr. Kash, Mr. Bruno and Mr. Coburn.

RESOLUTIONS:

Ordinance No. 0-15-4 Amending Chapter 190 (Land Use), Article XII (General Zoning Provisions), Section 190-116 (Outdoor Storage, Sales and Display of Goods) and Section 190-146 (Corporate Multi-Use Development Zones CMX-10, CMX-4, CMX-3 and CMX-2) of the Revised General Ordinances of The Township of Freehold, County of Monmouth, State of New Jersey.

Mayor Cook made a motion, seconded by Mr. Kash to approve the resolution. The motion passed with the following roll call vote: Aye: Mayor Cook, Mr. Salkin, Mr. Gatto, Mr. Kash, Mr. Bruno and Mr. Coburn.

Ordinance No. 0-15-5 Amending Chapter 190, Land Use, Article XIII, Zone Regulations, Section 190-159, Village Center Zone of the Revised General Ordinances of the Township of Freehold, County of Monmouth, State of New Jersey.

Mayor Cook made a motion, seconded by Mr. Kash to approve the resolution. The motion passed with the following roll call vote: Aye: Mayor Cook, Mr. Salkin, Mr. Gatto, Mr. Kash, Mr. Bruno and Mr. Coburn.

NEW APPLICATION:

Minor Site Plan #583-1-14

Starbucks – c/o Soojian Brothers Construction, LLC (Applicant)

(Commercial Net Lease Realty – Owner)

Block 62, Lot 4 – 3981-3991 Route 9 North

Minor Site Plan approval to construct an outdoor patio for Starbucks approximately 850 sq. ft.

Gerald N. Sonnenblick, Esq., Sonnenblick, Parker and Selvers appeared on behalf of the applicant. Mr. Gatto asked if there was any objection to the exhibits that were marked. Mr. Sonnenblick said no. Mr. Gatto read reports. The following witnesses were sworn: Brian Shortino, Bertin Engineering Associates; Chris Klersy, Starbucks; Timothy P. White, Township Engineer. Exhibits were presented and marked.

Mr. McLaughlin stated for the record that the proof of service was reviewed by Mr. Accisano prior to the last scheduled meeting which was cancelled because of the snow storm. He found it to be satisfactory.

Chris Klersy, Starbucks Construction Project Manager for New Jersey and part of Pennsylvania. He said he primarily remodels stores, builds and constructs new locations. Mr. Sonnenblick asked him about the outdoor patio area. Mr. Klersy said this site has been here since 1996. Primarily when they build a new store they look to add a patio as part of the offering to the public. When they renovated this store they determined that a patio would be a fitting contribution to the store as well as Barnes and Noble customers. Mr. Sonnenblick said it is an amenity to Barnes and Noble as well. Mr. Klersy said that is correct. Mr. Sonnenblick asked if there was ever any concern with regard to the number of parking spaces on this site. Mr. Klersy said no. He said their general morning peak would be between 7:30 a.m. and 9:30 a.m. Mr. Sonnenblick asked about the dumpster area. Mr. Klersy said they have received written approval from Barnes and Noble to construct the patio. As far as it relates to the dumpsters there are four onsite. Two are managed and controlled as Barnes and Noble service and two are strictly dedicated to Starbucks service which they contract directly. Any site improvements outside of the lease lines or the patio for this to proceed, he would have to obtain Barnes and Noble approval. Mr. Sonnenblick said to date you have not been able to obtain that approval is that correct. Mr. Klersy said yes. Mr. Sonnenblick asked Mr. Klersy to his knowledge if the location of the dumpsters is not necessarily exactly where it was when this approval was obtained twenty years ago. Mr. Klersy said he was unable to obtain what was approved regarding the dumpster area. He was able to verify that the dumpsters have been in their current location for the last five years. Mr. Gatto said Mr. White has researched this extensively and for the record he will tell you the history. Mr. White said this is the RMZ-3 Zone and accessory structures are not permitted. In this case the enclosures for the dumpsters were actually attached to the building and currently are not being used. He spoke to the manager who said they are very small and you couldn't locate the dumpsters inside them. Mr. Gatto said understanding that recycling rules

Planning Board Minutes
March 19, 2015
Page 3

may have changed since they were originally built, if approved, it will be based on those dumpsters being enclosed in a masonry enclosure with landscaping. At the discretion of the township engineer and/or subject to a field adjustment so they don't have to come back or they will have to put them in the building where they were originally intended. He said as far as Barnes and Noble they could either build one or two corrals it's up to them. He asked Mr. White to have Mr. Popolizio the zoning officer send a letter to Barnes and Noble and if he doesn't hear back from them issue the appropriate fines. (Mr. Bazzurro arrived at 7:23 p.m.). Mr. White said to add to that, accessory structures are not permitted so that would require a variance. Also, because accessory structures are not permitted there is no setback noted in the ordinance for them. Mr. Gatto said it is the board's intent to grant the variance they need to comply with the ordinance. He said regarding the parking they are not in a variance situation now. The possibility exists depending on where the dumpsters go they may create a variance situation for Starbucks. Since this is being caused by the board Mr. McLaughlin will include in the resolution, appropriate language that the board perceives it as a public good and betterment of the township. If a variance was required the board will grant that variance and/or waiver as it relates to de minimus removal of parking spaces to accommodate the dumpster pad at the discretion of the township engineer. He asked if there were any comments from the board. Mr. Sonnenblick said in any resolution they would appreciate the fact that it was the applicant's testimony that they are responsible for two of the dumpsters and Barnes and Noble are responsible for two. He said that is their problem and they have to get Barnes and Noble approval. Mr. Sonnenblick said they are representing that they will put their two dumpsters into code. Mr. Klersy said he doesn't control the site so the letter going to Barnes and Noble should address all four dumpsters since they are the master landlord. He said as the sublease of Barnes and Noble, Starbucks would be responsible for two. Mr. White said he would request that tonight's applicant design the location for Barnes and Noble. If they don't want to use that location they would have to come back to the board.

Brian Shortino, P.E., P.P., Bertin Engineering appeared his credentials were accepted. Mr. Sonnenblick asked if there is anything in the reports that they can't comply with. Mr. Shortino said he believes everything has been discussed. He referred to exhibit P-16 and said they showed an area where the four dumpsters can go in two separate enclosures. It is in the general location where the two dumpsters for Barnes and Noble are currently located. Mr. Sonnenblick said it will be looked at by Mr. White. Mr. Shortino said that is correct. Mr. Gatto said would it be their testimony that the patio and new fence would be aesthetically attractive. Mr. Shortino said there are a few shrubs and stone gravel which they propose to remove and install a concrete pad. They are putting five tables and nineteen seats in. There is a perimeter along the curb where they will have bollards for protection. The whole patio area will be surrounded by a four foot aluminum fence. Mr. White asked about lighting in the bollards for the evening. Mr. Klersy said the bollards are for protection along the drive isle. If lighting is a concern they can address it in another way with building lighting. Mr. Gatto said it should be decorative lighting and subject to the approval of the township engineer. He also asked about pedestrian safety. Mr. Shortino said it could be a concern if they didn't have the fencing and bollards. Mr. Gatto asked if there were any other questions. There were none. A motion to

Planning Board Minutes
March 19, 2015
Page 4

close the public hearing was made by Mr. Salkin, seconded by Mr. Kash, all in favor aye. Mayor Cook moved that a positive resolution be prepared, seconded by Mr. Salkin, all in favor aye.

Mr. Gatto asked if there were any applications ready for the next meeting. Mr. White said the GDP for Bellemead and a capital project.

Adjournment:

There being no further business, a motion was made to adjourn the meeting and passed unanimously. The meeting concluded at 7:40 p.m.

Respectfully Submitted,

Leon Bruno
Acting Secretary