

**FREEHOLD TOWNSHIP PLANNING BOARD
REGULAR MEETING
MINUTES
MAY 21, 2015**

The Regular Meeting of the Planning Board was called to order by Mr. Gatto on Thursday, May 21, 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. Shortmeyer, Mr. Kirk and Mr. Coburn.

Absent: Mr. Bruno

Also Present: Francis C. Accisano, Esq., Timothy P. White, Township Engineer, Paul Phillips, Planning Consultant and Nancy Torre, Administrative Officer.

There was the Pledge of Allegiance.

RESOLUTIONS:

**Capital Project Review Application #862-15
Township of Freehold – Public Works Department
Block 84, Lots 3.01 and 3.02 – 66 Jackson Mills Road**

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

**General Development Plan #804-1-14
MACW Freehold, LLC (Owner/Applicant)
(Bellemead GDP)
Block 70.05, Lot 17**

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

**Preliminary & Final Major Site Plan with Waiver of Site Plan Detail #652-3-14
ADS Properties, LLC – Phase II
Block 80, Lot 11 – 3425 Route 9 North**

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

NEW APPLICATIONS:

Capital Project Review #598-1-15
Borough of Freehold – Standby Generator
Block 5, Lot 17 and Block 17, Lot 2 – Waterworks Road

Kerry Higgins, Esq., McKenna DuPont appeared on behalf of Freehold Borough. Mr. Gatto asked if there was any objection to the exhibits marked. Ms. Higgins said no. Mr. Gatto read a report from Mr. White. The following witnesses were sworn. William T. Wentzien, P.E., Abbington Engineering; Timothy P. White, Township Engineer.

William T. Wentzien appeared his credentials were accepted. He said the Borough of Freehold services its public water through a water plant and several well heads located on property physically in the Township of Freehold off Waterworks Road. The borough has gone through a program to protect the community as it relates to supplying standby backup power in case of bad storms etc. and an important area for the borough is the water plant. Ms. Higgins said they actually had to borrow generators from the County after hurricane Sandy. Mr. Wentzien said the intent is this would be a solution that would be ongoing to allow the water serviced by the plant and water wells to maintain operation and feed water to the community during a severe power outage. He described the location and generator. Mr. Gatto asked about noise. Mr. Wentzien said it would operate during emergencies will be provided with a 1,000 gallon tank which allows for thirty-two hours of operation. The generator has to meet certain State and Federal regulations and will be housed in a metal enclosure no fencing proposed. Mr. Gatto referred to a comment in Mr. White's report regarding screening. Mr. White said when he inspected it he recalls some vegetation in between the house and seems like it is sufficiently set back. Mr. Accisano asked how frequently they are exercised. Mr. Wentzien said once a month. Mr. Accisano asked what time of day. Mr. Wentzien said he didn't know but that is a detail that can be created. Mr. Gatto asked if there were any questions. There were none. A motion for a positive resolution was made by Mr. Kash, seconded by Mr. Salkin, all in favor aye.

Preliminary & Final Major Subdivision #890-13
K. Hovnanian Shore Acquisitions, LLC (Applicant)
Land Bank Freehold, LLC (Owner)
Block 71, Lot 8 – 3390 Route 9
Preliminary & Final Major Subdivision approval to create 117 lots.

Preliminary & Final Major Site Plan #854-14
K. Hovnanian Shore Acquisitions, LLC (Applicant)
Land Bank Freehold, LLC (Owner)
Block 71, Lot 8 – 3390 Route 9
Preliminary and Final Major Site Plan approval to construct a 3,800 sq. ft. Recreation building.

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Preliminary & Final Major Site Plan #849-13

Land Bank Freehold, LLC (Applicant/Owner)

Block 71, Lot 8 – 3390 Route 9

Preliminary & Final Major Site Plan approval to construct seven restaurants (four 10,800 sq. ft., two 8,000 sq. ft. and one 2,000 sq. ft.)

William J. Mehr, Esq., Mehr, LaFrance and Williams appeared on behalf of the various applicants. Mr. Gatto described the planning board process to the public. Mr. Accisano stated the notice provided by the applicant was correct in form, published and served in a timely fashion so the board has jurisdiction to conduct public hearings on all the matters. Mr. Gatto read reports for Application #890-13 and #854-14 K. Hovnanian Shore Acquisitions, LLC. Mr. Mehr stipulated to various reports and testify to open questions. (Mr. Coburn arrived at 7:23 p.m. and Mr. Phillips arrived at 7:28 p.m.).

Mr. Mehr said because the two projects are interdependent and interconnected with roadways, utility services, drainage etc. they will present it in this form and described what each professional will testify to. The following witnesses were sworn Allison Coffin, P.P.; Peter Gluszko, Architect; Raymond Papa, P.E.; Joseph Lipanovski, Architect; John Rea, P.E.; Paul Phillips, P.P.; Timothy White, Township Engineer.

Raymond Papa, P.E. Najarian Associates appeared his credentials were accepted. He presented exhibits and they were marked. He referred to exhibits J-1 and J-2 and explained how the site will drain. To start they will divide the site into three parcels (commercial north, commercial south and residential portion). The residential portion of the site will be subdivided into 113 building lots, three open space lots and a lot containing the roadways because they will be privately owned. Commercial north contains 8.7 acres and commercial south 10.6 acres. Commercial north is the pads for the restaurants the most northerly one a 2,000 sq. ft. fast food Taco Bell the only tenant currently lined up. They meet the ordinance requirements for lot size and all setback requirements. He described the impervious coverage and parking north requires 202 spaces they have 252 spaces; parking south 264 required they have 275 spaces. They will be placing a sidewalk along Route 9 as required in the settlement which will be put in an easement dedicated to the Township. He described the water system, sanitary sewer system and storm water. Regarding landscaping they will be planting 259 shade trees, 282 evergreens, 197 flowering trees for a total of 738. All evergreens will be 7' to 8' in height, shade trees will be 2.6" caliper. They show a buffer along the southern property line where they a but the rear houses along Coachman. He described the buffer and proposed lighting. The entry way into the residential section is a boulevard that will be in an easement on the commercial north lot. They are asking for a variance for signs. They will have a freestanding sign for the commercial on each lot but are requesting two additional signs at the boulevard to identify the residential component that will be behind the commercial. Regarding the residential he referred to exhibit KH-1 and said they meet the requirements, described the units, recreation building, parking, water and sewer. They are planting 283 shade trees, 197 evergreens, 141 flowering trees for a total of 621. Along the southerly buffer line 13 shade trees, 51 evergreens and the westerly buffer line 40 shade trees and 91 evergreens. They will be saving most of the perimeter trees. Mr. Bazzurro asked if they are saving the existing vegetation buffer on the property on the western end. Mr. Papa said yes. Mr. Gatto asked Mr. White or Mr. Phillips if that is sufficient.

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Mr. White said he is not sure if 20 or 25 feet is possible to be saved based on his review of grading. Mr. Gatto said a buffer will have to be maintained whether existing or proposed. Mr. Papa said they will maintain a buffer and discussed stormwater. Mr. Bazzurro asked the impact on the sewer system they are flowing into. Mr. Salkin said in terms of stream erosion which he is sure is a concern of the residents with homes along the creek, you will be decreasing the flow of water into the stream therefore having a positive effect on erosion back there. Mr. Papa explained what they will be doing. Mr. Gatto asked who will maintain the boulevard. Mr. Papa said it will be maintained by the commercial. Mr. Accisano said whatever that agreement says we're going to require that there will be a priority for the residential. Mr. Gatto said he thinks it should be one owner who is responsible for the maintenance and repair. Mr. Mehr said it should be put in the resolution and thinks they need to come in with a proposal and a plan to give them the assurance of what they are asking for. Mr. White said possibly the agreement could include the stormwater management facility maintenance as well. A discussion followed regarding fencing around the detention basin and they decided it would not be required.

John Rea, P.E., McDonough & Rea, appeared his credentials were accepted. He referred to exhibit J-2 the site plan for both residential and commercial and described the access and circulation. Three curb cuts proposed all right in right out to and from the south bound lanes of Route 9. The site is located in between the traffic signals to the south at Route 9 and Elton Adelpia Road, to the north the U-turn jug handles just south of Three Brooks Road. Those intersections have been studied along with the site driveways for the DOT. There findings are some mitigation is required at Route 9 and Elton Adelpia Road in order to meet the NJDOT traffic level of service criteria. He explained what will be done, the level of service, parking requirements for the residential homes and clubhouse. Mr. Gatto asked if they can comply with the comments in the reports. Mr. Rea said yes.

Peter Gluszko, Architect appeared his credentials were accepted. He presented exhibits and they were marked. He referred to the Taco Bell seating, roof plan and elevations and discussed them. Mr. Gatto asked about a generator for the building. Mr. Gluszko said no. He described the elevations that are proposed and as far as signage they took all the logos off the building. Mr. Gatto said they can stipulate as far as Taco Bell and appreciate his efforts and comments by the professionals and board members. They got rid of the purple and signage is what they look for. Mr. Mehr asked him to show the material board. Mr. Gluszko described the materials. Mr. Gatto asked if there were any questions from the board. Mr. Accisano asked them to describe what the building will look like by the exhibit. Mr. Gluszko said the building will look like exhibit LB-7d and LB-6c. Mr. Papa referred to LB-1 and described the masonry dumpster for Taco Bell.

Joseph Lipinoski, Architect for K. Hovnanian appeared his credentials were accepted. Exhibits were presented and marked KH-2 (architectural plans/elevations). Mr. Accisano said we need a representation that KH-2 doesn't contain any surprises. That the exhibits in here match what the Township has reviewed already. Mr. Mehr said to his knowledge that is the case. Mr. Lipinoski said yes. He referred to the plans and described houses and club house. Mr. Mehr asked if there is any distinction between moderate and low income units. Mr. Lipinoski said architecturally speaking there is no distinction. Mr. Mehr said confirming there is 12 low and 11 moderate. Mr. Lipinoski said yes. Mr. Phillips said and 1 market rate. Mr. Mehr asked if the

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homeowners association will provide trash collection at this site. Mr. Lipinoski said they will hire a local carting company to pick up trash. Mr. Mehr asked the hours of operation for the club house. Mr. Lipinoski said approximately 7:00 a.m. to 11:00 p.m. Mr. Mehr asked about the security requirement. Mr. Lipinoski said each of the residents will have access via card. There will also be a part time community manager hired. Mr. Accisano said what is constructed there will substantially resemble these four models. Mr. Lipinoski said yes. Mr. Bazzurro asked if there is a pool. Mr. Mehr said yes outside.

Allison Coffin, P.P. appeared her credentials were accepted. Exhibits were presented and marked. She said the overall plan is substantially compliant with the underlying zoning with the settlement agreement that was reached with the developers. There is no relief necessary with regard to the use, intensity, setbacks, lot sizes and coverage. They are requesting relief for the signage and described it. Mr. Gatto asked if there are any questions regarding signage. Mr. White asked if Taco Bell will be on the monument sign. Mr. Mehr said yes. Ms. Coffin gave the positive criteria and does not cause any impairment to the Master Plan or Zoning Ordinance. Mr. Gatto asked Mr. Phillips if he concurs. Mr. Phillips said he has no problem with the signage as proposed. Ms. Coffin said there are waivers required for the loading zones for the recreation building and Taco Bell and gave the reasons. A discussion followed. They suggested hours for deliveries between 8:00 a.m. and 11:00 a.m. Mr. Salkin referred to the street names and suggested the four seasons. Mr. Gatto asked if there were any questions from the public.

Catherine Dorsey, 74 Old Post Road appeared and was sworn. She said their homes were built with basements. In this development there are no basements and if she heard correctly it sounds like they are going to bring the dirt up four feet and make it higher. Mr. Papa referred to J-2 and explained why they are raising part of the site. Ms. Dorsey asked about the water pipes. Mr. Papa explained the flow. Ms. Dorsey asked if it will eventually have an effect on the creek. Mr. Papa said it will go down slightly. Mr. White said the rate at which the water leaves the site will be reduced and that is the purpose of the detention basins.

Casey Valville, 47 Old Post Road appeared and was sworn. She has concerns regarding the flooding the corner of Heritage has flooded, what happens when those pipes bring the water to the creek at Heritage. Mr. Papa said they are not increasing the rate of flow at Heritage they are just bypassing the stream behind Old Post. Their study which has been reviewed by the Township professionals shows there is a slight decrease in the rate of flow at the Heritage culvert. They are discharging at the downstream side of the Heritage culvert. He understands there is a problem at the Heritage Drive culvert backs flow up into back yards. That is why they are going to the downstream end of the culvert rather than the upstream. Mr. White said he agrees with Mr. Papa. Ms. Valville said she is concerned with children walking to the elementary school with this construction. Mr. Papa said he spoke to the K. Hovnanian construction people and they said it could be a 12 to 16 week process to install the improvements in the road. Driveway access could be cut off for a couple days. Mr. White said the Township will have a preconstruction meeting and will make sure any access that is cut off will be temporary. Mr. Gatto asked why they have to lose access. Mr. White said they will require them to back fill at the end of the day and they will have access to their driveway. Mr. Mehr said whatever has to be done will be done. Ms. Valville asked about traffic on Elton Adelphia

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backing up. Mr. Rea said one of the things they are doing with the DOT is making adjustments to traffic signal timing on Elton Adelpia Road to provide more green time to mitigate the additional traffic they will be generating that will be using the jug handles.

Mark Oliver, 35 Old Post Road appeared and was sworn. He said they have an excess amount of water seeping into their back yards and that is because of the type of soil. They have their pumps going almost all year long. This will be a hardship on them if they have to pay more money for electric, if they have to pump this water out. Mr. Gatto said to the extent of the drainage comments the professionals have reviewed it and the applicant proposed a plan on how they are planning to manage the water. There was a discussion regarding existing conditions.

Myron Fishbein, 175 Coachman Drive North appeared and was sworn. He asked what assurance they will have regarding disturbance of their underground utilities during construction. Mr. White said at the preconstruction meeting they will have, one of the agenda items is that they call the 1-800 number and they rely on each utility to mark out the location of the underground utility so that it's not disrupted. Unfortunately, they are not always marked out that accurately and often times there is disruption but it's limited in time. Mr. Fishbein said in terms of the construction to be done for sewer drainage, is there any time after hours of work will any heavy equipment be parked on that street overnight and where are the employees mandated to park their cars. Mr. White said he is sure there will be machines parked in the road overnight but will be properly coned off and kept safe from vehicles passing by. The workers are entitled to park on the street the same as residents and visitors. Mr. Fishbein said he is concerned with the equipment being an attractive nuisance; he would like to see it brought back over the easement to their site. Mr. Gatto asked if it is possible to store equipment on the site. Mr. Papa said if the utilities are installed in the Marcuse easement certain vehicles can cross into the site and park for the night. As far as the onsite workers, the only access onto the site would be from Route 9 so everyone working on the site will be parking on the site. As far as the roadway construction its likely workers will parallel park and go to work. Mr. Fishbein asked about the construction screening. Mr. Papa said if it is silt fence which is about 3 feet high. Mr. Fishbein asked how emergency vehicles would get through if the roads are closed. Mr. White said while there is a trench in the middle it will be unpassable. Mr. Fishbein asked about large plates for access. Mr. White said the trench could be backfilled and only a small portion left open and covered with a plate. Mr. Coburn said he is an ex-chief for East Freehold Fire Company and anytime there has been construction in the Town the fire chief is notified and arrangements are made.

Ed Stanczak, 98 Old Post Road appeared and was sworn. He said he lives at the bend of the creek at tip of large basin. He understands water will not flow from this basin except in the case of a 100 year storm. Mr. Papa said that is correct. Mr. Stanczak asked if it will increase the water table. Mr. Papa said the water table is high in this area he doesn't think they will have any effect on it. Mr. Stanczak asked about the buffer. Mr. Papa said they will maintain a minimum 25 foot buffer but it is 40 feet from the property line to the retaining wall. At the bottom of the retaining wall they have a stormwater pipe so they have 30 feet to work with. Mr. Stanczak asked for more pine trees for screening. Mr. Papa said they have more pines than shade trees. Mr. Accisano said the note he took when Mr. Papa gave his testimony was that there is going to be a continuous four season buffer between their property and residents. Mr. Papa said yes he did. Mr. Gatto said it is going to be at the discretion of the Township engineer.

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Connie Lucarelli, 41 Old Post Road appeared and was sworn. She asked when they put in pipes will they still have services trash, plowing etc. Mr. White said this will not happen in the winter. Ms. Lucarelli said they were told the other night this could start in September or October. Mr. Gatto said this board wasn't at that meeting so the only thing we are considering testimony here tonight. Mr. White said the Township restricts opening any public roads to the season you can do that.

Victoria Laventiera, 68 Old Post Road appeared and was sworn. She asked about existing trees. Mr. Papa explained the process. Ms. Laventiera said those trees are the only thing blocking them from the construction and asked if they can save the existing trees. Mr. Papa said they will save the existing trees where they can. Ms. Laventiera asked when they will plant the new trees as a buffer. Mr. Gatto said is it fair to say from the time you cleared a tree and install the pipe do you anticipate within six months replacing it. Mr. Mehr said it could be quicker depends on time of year. Mr. Papa said it is a fair estimate.

Robert Spataro, 181 Coachman Drive North, appeared and was sworn. He has a son with allergies and asthma how often do they do air studies. Mr. White said related to construction he is not familiar with air studies. Mr. Accisano said it might be something that the legislature can address but there is no law requiring doing that kind of analysis. Mr. Salkin said we can require them to wet it down. Mr. Gatto said we don't have the authority to require air samples.

Nick Coniglio, 68 Old Post Road appeared and was sworn. He said his house will be completely opened up when trees are removed and asked why the trees can't be saved. Mr. Papa said they agreed to either save trees or enhance. Mr. Coniglio said it take years for the trees to reach the size to block the community and lights. Mr. Gatto said the lights have to be shielded so whether there are trees or not they can't have light spillage. Mr. Papa said they placed the lights on the outer part of the roadway so they are shielded and facing into the site.

Carmen Margiatto, 176 Coachman Drive North appeared and was sworn. He asked what is going to happen to wildlife that is there and has EPA been notified. Mr. Papa said they applied for DEP permits, their application has been deemed complete and under review. As part of their wetlands review they do a threatened and endangered species analysis. They have not found any of those species there. Mr. Margiatto asked if the wildlife will be relocated. Mr. Gatto said no they migrate. Mr. Margiatto asked what the sound level would be during construction. Mr. Papa said normal construction equipment. Mr. Gatto said that is controlled by Township Ordinance.

Eugene Martino, 11 Old Post Road appeared and was sworn. He lives downstream from Heritage drive on the creek and understands the flow of water will not change on his part of the creek. He wants to clarify connections of Bellemead property. Mr. Papa said there is no connection with stormwater pipes. If they choose to run their sewer down Coachman Drive then the Coachman system needs to be 10 inches rather than 8 inches and that is being coordinated by the Township professionals. Mr. White said if the desired route for the Bellemead property is down Coachman Drive North then the existing main is undersized they would have to increase the size of that main. Mr. Gatto said the Township is being proactive. Mr. Martino asked when the new sewer line goes in will their sewer service will be interrupted. Mr. Mehr said the sewer

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line is not disconnected until the new line is in and bypassed. Mr. Martino asked if he will be reassessed a connection fee. Mr. Mehr said no. Mr. Martino asked if the houses will be built prior to sale. Mr. Papa said they don't typically start construction until they have a contract.

Donna Collosi, 9 Coachman Drive South appeared and was sworn. She asked if there will be entrances into Sleepy Hollow. Mr. Mehr said no. Ms. Collosi said they were told at the meeting the other night there would be two emergency entrances. Mr. Papa said they have a boulevard entrance in for the residential that meets RSIS. For added safety they put an emergency access between two lots up to the commercial area. That is the only emergency access and the only access to this site is off of Route 9. Ms. Collosi asked about workers parking in Sleepy Hollow which backs up to this site. It is a by permit only road to park on during school hours. Are they going to ensure that the builder's equipment is registered and have a permit. Mr. Gatto said it is permit parking only now how will that be handled. Mr. White said he doubts they will get a permit to park in those areas they will have to walk further. Ms. Collosi said they are a walking district how will they ensure the safety of the children. Mr. Gatto said he is sure the Township is aware of it. There was a brief discussion regarding flooding in the area. Ms. Collosi said as residents a lot of them didn't know this was going on they saw the property for sale but they didn't know.

Mr. Gatto asked if there were any other questions from the public. A motion to close the public hearing was made by Mr. Salkin, seconded by Mr. Shortmeyer, all in favor aye. Mr. Salkin thanked the residents for the way they conducted themselves this evening. He said this has been an ongoing project that the Township Committee has been looking at for years because this was a result of litigation. The zoning on Route 9 is very tight because they didn't want wall to wall retail all along Route 9. They have fought for many years to defend the zoning on Route 9. Because it has been basically impossible to get tenants for office space which is what most of Route 9 was, they have had to change a lot of the zoning on the Route 9 corridor to allow things like this. This is the result of going to court and negotiated until you end up with something you think you could live with. He said they will do everything they can to make sure it's done in such a way that when it is built you're not going to hate it. He thanked them on behalf of everyone sitting up there. Mr. Gatto entertained a motion for all three applications. Mr. Shortmeyer moved that a positive resolution be prepared, seconded by Mayor Cook, all in favor aye. Mr. Gatto asked about applications for the next meeting.

Adjournment:

There being no further business, a motion was made to adjourn the meeting and passed unanimously. The meeting concluded at 10:40 p.m.

Respectfully Submitted,

Robert H. Shortmeyer
Secretary