

**FREEHOLD TOWNSHIP PLANNING BOARD
REGULAR MEETING
MINUTES
OCTOBER 1, 2015**

The Regular Meeting of the Planning Board was called to order by Chairman Gatto on Thursday, October 1, 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. Bruno, Mr. Kirk and Mr. Coburn.

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

There was the Pledge of Allegiance.

MINUTES:

A motion to approve the minutes of the September 3, 2015 meeting was made by Mr. Shortmeyer, seconded by Mayor Cook and passed with the following roll call vote: Aye: Mayor Cook, Mr. Bazzurro, Mr. Gatto, Mr. Shortmeyer, Mr. Bruno and Mr. Kirk.

RESOLUTIONS:

**Preliminary & Final Major Subdivision and Variance #851-2-15
JDN Real Estate - Freehold L.P. (Owner/Applicant)
Block 70, Lot 20.07 – 290-308 W. Main Street (CR 537)**

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, Mr. Bruno and Mr. Kirk.

**Minor Site Plan with Waiver of Site Plan Detail and Variance #659-1-15
4 Paragon Realty, L.L.C. (Applicant/Owner)
Block 72.12, Lot 2– 4 Paragon Way**

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, Mr. Bruno and Mr. Kirk.

NEW APPLICATIONS:

**Amended Preliminary & Final Major Site Plan #845-2-15
3561 Route 9 Realties, LLC (Applicant/Owner)
Block 72, Lot 96 – 3561 Route 9**

Amended Preliminary and Final Major Site Plan approval to permit an above ground storage tank, pump and back-up generator equipment.

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Mr. Gatto said the application will be carried to the October 15, 2015 without further notice at the request of the planning board and with the consent of the applicant. A motion to carry Application #845-2-15 3561 Route 9 Realities, LLC to the October 15, 2015 meeting at 7:00 p.m. without further notice was made by Mr. Salkin, seconded by Mr. Kash and passed with the following vote, all in favor aye.

Soil Removal/Fill Application No. SR-01-15
1151 West Main Street, LLC (Applicant/Owner)
Block 86, Lot 2.08 – 1151 West Main Street

William J. Mehr, Esq., Mehr, LaFrance and Williams appeared on behalf of the applicant. Mr. Gatto read Mr. White's report. He asked Mr. Mehr if he had any objections. Mr. Mehr said no. Mr. Gatto asked if there were any questions or comments. No one wished to speak. A motion to close the public hearing was made by Mr. Shortmeyer, seconded by Mr. Kash, all in favor aye. Mr. Kash moved that a positive resolution be prepared, seconded by Mr. Shortmeyer, all in favor aye.

Preliminary & Final Major Site Plan with Waiver of Site Plan Detail and
Variance #494-1-15

Martin and Laura Metz, FLP (Applicant/Owner)
Block 5, Lot 19.03– 4235 Route 9 North

Preliminary and Final Major Site Plan with Waiver of Site Plan Detail and Variance approval for a proposed change in use of 2,640 sq. ft. of an existing one-story 17,100 sq. ft. warehouse for other commercial/recreational purposes.

William J. Mehr, Esq., Mehr, LaFrance and Williams appeared on behalf of the applicant. Mr. Accisano said 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 does have jurisdiction to conduct a public hearing. Mr. Gatto asked if there was any objection to the exhibits marked. Mr. Mehr said no. Mr. Gatto referred to a letter dated September 24, 2015 from Mr. Mehr addressing some the comments in the reports which will be put in the record. He said for the record so it is clear, it's the board's position and Mr. Accisano can have a further discussion with you on it, since this is a variance application the board is going to consider the whole site based on the variance request. He asked Mr. Mehr if he is prepared to go forward. He said obviously if you can't make the proofs the application will be denied, if you can the application will be permitted. Mr. Mehr said they intend to go ahead. Mr. Accisano said he spoke to Mr. Mehr about this and he understands our position and he has elected to proceed. Mr. Gatto read the reports. Exhibits were presented and marked. (Mr. Coburn arrived at 7:28 p.m.).

Mr. Mehr said his letter is in direct response to Mr. Popolizio onto every item in his letter and provides the substantiation which he hopes they will be able to talk about as they go along. Mr. Gatto asked if he wants it read into the record. Mr. Mehr said he doesn't think it's necessary. Mr. Accisano said they will mark it as an exhibit but they have to present the evidence supporting the claims and arguments against the letters. A discussion followed.

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The following witnesses were sworn. Joseph Malison, Project Manager with WJS Engineering; John Rea, McDonough and Rea Associates; Timothy P. White, Township Engineer.

Joseph Malison appeared his credentials were accepted. He said he will be testifying as a landscape architect and engineer. He referred to an exhibit and described the property. The current use on the site is a 27,000 square foot retail portion located along the frontage of Route 9, toward the rear of the site is the 17,000 square foot warehouse. It's proposed to take a notch of the warehouse approximately 2,565 square feet, to incorporate the training facility that will operate on site. The Gravity Training Zone will operate two hours in the morning and an hour or so in the afternoon. He said they will do additional striping for handicap spots and provide four spots where currently there is only one. It was recommended that they clean up the rear area. Mr. Mehr asked about handicap spaces in the front. Mr. Malison said with the four they will address the required amount on site and described where they are. Mr. Mehr said it doesn't reduce the parking just moves it around. He said there are three dumpster pads in the back that will be relocated to a new area currently utilized for storage. The dumpster areas will be enclosed with masonry walls as mentioned in Mr. White's letter. Regarding the access in and out of the training facility, there are several steps and they propose a little landing area down at the bottom that will be striped out diagonally so when patrons come down they will be in this little safe zone. He said there was a recommendation to either put curbing or bollards and the most aesthetic way to keep the patrons safe is to install three bollards in that area. He is not sure if there is any cross traffic issues associated with it, however they will come down and stand in this area and be protected before they walk out. Mr. Mehr asked about lighting. Mr. Malison said a box light is to be mounted over the doorway. Mr. Mehr said that doorway is existing today. Mr. Malison the doorway and stairway is existing. Mr. White said he wants to clarify one point Mr. Malison mentioned the three dumpsters behind the five units. His report is referring to another area whether there are dumpsters in that same alcove in the corner of the building next to the warehouse. There is a dumpster enclosure referred to in that area that the dumpster enclosure he is requesting also be merged into the proposed dumpster. Mr. Malison said he doesn't have a problem with that. Mr. Mehr said all dumpsters outside now will be put into new enclosure. Mr. White said the big concern regarding traffic in the rear of the site they need so separate the commercial and employee traffic from the tenants and patrons coming into the Gravity Zone. Mr. Malison agreed. Mr. Gatto asked if there were any questions.

John Rea appeared his credentials were accepted. Mr. Mehr asked him to provide to the board his findings regarding traffic, circulation, safety and all items that have been raised. Mr. Rea said he personally visited the site on various occasions to do parking counts, observe the circulation and other tenants. He did parking counts on five separate days during the times of the day when Gravity Training would be generating its parking. What they consistently found and including the Central Jersey Pool trucks that are parked in the area they are going to restripe, was a total of forty-two and forty-nine vehicles parked on the site. To do his analysis he rounded it up to fifty. They anticipate for Gravity Training a maximum need of between twelve and fifteen parking spaces for a total of sixty-five. They believe they will have a surplus of about twenty-five parking spaces should this application be approved. He said there is 5,000 square feet of vacant space within the building that he had to take into account and assumed that would generate at a rate of five spaces per

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thousand square feet which he believes is consistent with the municipal ordinance. That adds another twenty-five spaces that gets them up to the ninety spaces they are providing. He said the mix of different uses that are in the building and what his parking observations revealed, the tenants that are in the building now are not generating parking at a rate that is consistent with what they expect, they are generating parking at a rate substantially lower that is why they have the parking counts they have. There was a discussion regarding various hours of operation. Mr. Rea said overall he thinks this particular use is a good fit for the building and will work from a parking perspective. He said they are dedicating ten spaces closest to the entry for Gravity Training for their patrons and explained. Mr. Mehr asked about circulation. Mr. Rea said they have extra wide isles in the notch around the sixteen parking spaces that are striped. They understand there is truck activity in that area and that is why they need isles that are a little bit wider and they have been provided. A turning radius plan has also been provided by Mr. Hopkin. Mr. Mehr asked if a directional sign is proposed in front. Mr. Rea said they want to direct the Gravity Training traffic to the back where the facility is so when they come in we have to advise them where it is. He said they can either put a sign on the corner of the building or put a sign at the end of the northerly circulation isle behind the parking stalls along the northern boundary of the property. Mr. Gatto asked if they had samples of the sign. Mr. Rea said he does not. A discussion followed. Mr. Gatto asked if there were any questions. Mr. White said at the technical review meeting they talked about the DOT letter of no interest and asked Mr. Rea if he will be writing a letter. Mr. Rea said he can do a certification that they meet the criteria for a letter of no interest, provide that to the board and send to DOT or formerly request a letter of no interest from DOT. Mr. White said he believes they discussed the certification would be sufficient and wanted to get that on the record. He asked about commercial and employee parking and how it will be enforced. Mr. Rea said they discussed it but haven't decided exactly how it will happen. They can provide signage along the last ten parking spaces that they are for Gravity Training during operating hours. A discussion followed. Mr. Kash said because it's a gym does it still have to be handicap accessible. Mr. Mehr said his understanding is no. Mr. Kirk said he believes it would have to they would have to have a handicap ramp going in there.

Steven Metz, Manager of the business appeared and was sworn. He said there is an access door into the warehouse that has handicap accessibility. Mr. Kirk asked if it would be open at 6:30 in the morning. Mr. Metz said it is open twenty-four hours a day. Mr. White said looking at the floor plan, he believes the door Mr. Metz is referring to would require a patron to go through an overhead door, into the warehouse and through a manned door into the gym and he wouldn't recommend that. Mr. Mehr asked what kind of door is on the outside. Mr. Metz said it is a push panic door. A discussion followed. Mr. Gatto said the plans before the board do not show handicap accessibility is that a fair statement. Mr. Metz said right. Mr. Mehr said the exterior door would have to be modified. Mr. Metz said they can provide accessibility. Mr. Gatto asked if there are any other witnesses. Mr. Mehr said he has no other witnesses other than we're going to talk about the signage that is required. Mr. Mehr said there are three signs involved with this specific use and it's all contained in the response letter to Mr. Popolizio. The first is a strip at the bottom of the existing pylon sign which is valid. The second is the way faring sign we just talked about to bring people from the front of the property to the back of the property. In lieu of putting the on the building if the board agrees that it would make more sense to put it at the end of the parking lot we'll submit to

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a sign showing the name of the gym and an arrow. The third one is over the door entering the gym there is a hanging sign that sticks out from the wall instead of being flat against the wall. The ordinance provides that signage on facades of buildings be flat against the wall. If it was flat against the wall nobody would see it until they were in front of it. The letter he submitted provided information about the signs and responded to all questions raised. The majority of the items in Mr. Popolizio's report reflected existing conditions on the property versus the new condition. The new he responded to and gave all information required. The report shows the pylon sign has been there as long as the buildings have been there. He said Central Jersey Pools and that complex has been there for fifty years. It clearly shows that back in 2005 the LED sign which is one of the signs on the pylon was approved for installation and it cost over \$30,000. Mr. Accisano said you are not seeking a variance for the pylon sign or anything on it correct. Mr. Mehr said that is correct. Mr. Accisano said it's your position that it's a pre-existing nonconforming use and accordingly is protected. Mr. Mehr said he will draft letters for the client to all tenants indicating things that Mr. Popolizio pointed out that are nonconforming. They will either remove them or we or Mr. Popolizio will take action against them for violating the ordinance and he would expect that to be a condition of approval. Mr. Gatto asked if there were any questions or comments from the public. A motion to close the public hearing was made by Mr. Shortmeyer, seconded by Mayor Cook, all in favor aye. Mr. Gatto said they're in a variance situation and actually had no planning testimony with no disrespect to Mr. Mehr. The benefits that any relief they would give do not seem they have insure that there is no detriment to the public good and doesn't believe they met that burden. There is no undue hardship. Compared to the surrounding properties mostly the car dealerships which they significantly upgraded this site is deplorable in conditions when compared to surrounding properties and obviously the granting of additional variances for this property would not promote the Municipal Land Use Law nor would it enhance the zoning requirements and Master Plan. There are still questions as to the relief to the excess of the parking variance required. Mr. Mehr asked if he could comment. Mr. Accisano said he doesn't think it is appropriate. Mr. Salkin said there are aspects that were presented tonight that show some cleanup of the site which certainly needs it. He understands that because the site is fifty years old there are preexisting conditions to the ordinances and as a business man he is sensitive to that. However, the only time the Township gets an opportunity to see these sites cleaned up is when they come before the board. Our sign ordinance is very stringent and we deal with it on a regular basis for all the businesses. This would need a major improvement to the façade that faces Route 9 all of those signs. He's not saying they need to tear down the digital sign but it have to comply with the ordinance regarding how much time each screen is allowed to be up but none of those signs would conform today. He thinks if they are coming in and looking for a bunch of variances what was missing was examples of what this place would look like if they were to bring it to conformity with all of the signs that have to be done including the directional sign. Although he thinks parking may be an issue for him the bigger problem is all the signage on the site. Mr. Mehr said he agrees as far as the window signs. Mr. Gatto asked if anyone else had comments. He entertained a motion for a resolution. Mr. Shortmeyer moved that a negative resolution be prepared, seconded by Mr. Salkin, all in favor aye.

Mr. Metz made comments but they are not part of the record.

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Mr. Gatto asked what applications are ready for the next meeting. Mr. White said we have the Audi application that was carried and a minor subdivision application.

Adjournment:

There being no further business, a motion was made to adjourn the meeting and passed unanimously. The meeting concluded at 8:33 p.m.

Respectfully Submitted,

Robert H. Shortmeyer
Secretary