



Township of Freehold
OFFICE OF THE PLANNING BOARD
One Municipal Plaza, Freehold, NJ 07728

REGULAR MEETING MINUTES
June 2, 2016

The Regular Meeting of the Planning Board was called to order by Mr. Gatto on Thursday, June 2, 2016 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: Mr. Ammiano, Mr. Cook, Mr. Bazzurro (arrived late), Mr. Gatto, Mr. Kash, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk, Mr. Coburn and Ms. Kurtz.

Absent: Mr. Asadi.

Also Present: Francis Accisano, Esq., Paul Phillips, Township Planning Consultant and Danielle B. Sims, Administrative Officer.

There was the Pledge of Allegiance.

MINUTES:

A motion to approve the minutes of the May 19, 2016 meeting was made by Mr. Shortmeyer, seconded by Mr. Ammiano and passed with the following roll call vote: Aye: Mr. Ammiano, Mr. Bazzurro, Mr. Gatto, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk and Mr. Coburn.

RESOLUTIONS:

**One year extension of Final Major Subdivision Approval SD# 885-1-13
Toll NJ IV, LP – The Enclave at Freehold
Block 96, Lots 22, 24, 25 and 26 – Jackson Mills Road**

Mr. Shortmeyer made a motion, seconded by Mr. Cook to approve the resolution. The motion passed with the following roll call vote: Aye: Mr. Ammiano, Mr. Cook, Mr. Gatto, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk, Mr. Coburn and Ms. Kurtz.

NEW APPLICATIONS:

**“C” Variance App. # 007-16
Michael and Gwen Bain
Block 28.15, Lot 5 – 25 Great Bridge Road**

Proposal for construction of an attached covered deck within the 40' rear yard setback on an irregular shaped lot.

Mr. Gregory Vella, Esq. appeared on behalf of the applicant for the project. 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 has jurisdiction to conduct a public hearing. Mr. Gatto asked if



there was any objection to the exhibits marked. Mr. Vella said no. Mr. Gatto read reports into record. Mr. Vella noted that the FAR would be 14%. The following witnesses were sworn: Michael Bain, Applicant; Paul Phillips, Township Planning Consultant. An additional exhibit was introduced and marked into evidence.

Mr. Bazzurro joined the dias.

All exhibits were submitted and previously marked into evidence, per Mr. Vella. The application was described as a "C" Variance for a rear yard setback. The applicant has the proposed setback noted as 29' and the professional reviews state the setback as proposed would be 28 +/-, where 35' is permitted. Mr. Vella described the application as a 500 s.f. covered deck (the 611 s.f. noted in the paperwork submitted included some pavers, the deck will only be 500 s.f.), where less than 50 s.f. would be within the setback.

Mr. Bain stated that all work being done on his property currently (pool, pavers, etc) is being done with building permits. He described how the layout of his pool and the location of his air conditioner and pool equipment would prevent him from locating this covered patio in a place that would not encroach into the setback and would create an oddly shaped patio. Also, the doors leading outside are located in the area of the proposed patio, making it very difficult to relocate the patio. The neighboring properties have houses far away from the proposed patio. Most neighbors have fences and the one that doesn't have a fence, has trees that are about 20'+ high. Mr. Bain also stated that he will be installing about 180 arborvitaes around his property. He doesn't feel this proposal would negatively impact his neighbors.

Mr. Vella described this as what is typically described as a C-1 variance, it is a uniquely shaped lot, no negative impact, it is a small portion deviation off the deck and this justifies C-1 variance. They are providing sufficient landscaping to not affect the neighbors and also not affect the Master Plan.

Mr. Bain stated that there is not any vacant property adjacent to this property. He stated that he would not need a lot coverage variance with the 500 s.f. patio. He was also not aware of any detriment that this would cause to his neighbor or to the public good.

Mr. Gatto asked if there were any questions from the Board. Mr. Gatto asked if there were any questions from the public. No public came forward.

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. Bazzurro, all in favor, aye.

"C" Variance App. # 008-16

Margaret Harrison

Block 9, Lot 8 – 105 Waterworks Road

Proposal to construct a 117 sf addition to a home on a lot that has existing non-conformities to the R-40 zone requirements. The addition is for a handicap accessible bathroom for the disabled husband of the applicant.

Mr. William J. Mehr, Esq. appeared on behalf of the applicant for the project. Mr. Mehr will also be testifying on behalf of the applicant due to medical necessity. The Board had no objection to this request due to the unique nature of the application. Mr. Gatto asked if there was any objection to the exhibits marked. Mr. Mehr had no objection. Mr. Gatto read the reports into record. Mr. Mehr responded to comments within the review from the Township Engineer. Mr. Mehr researched the line on the survey with the assistance of the Engineering Department and found a 1968 subdivision showing



the lone as being an expanded right-of-way, taking out about a 1/3 of the lot. He filed a letter dated May 23, 2016 that should represent the revised calculations. 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 has jurisdiction to conduct a public hearing.

Mr. Mehr brought up that the report from Paul Phillips calculated all of the bulk requirements from the 24,327 sf., which was revised to be 19,571 s.f. and this lead to one variance, which is preexisting, for impervious coverage where 25% is required and 29.9% currently exists. The addition would consist of a 72 s.f. bathroom and a 45 s.f. for closet/storage for medical equipment. The location of the proposed addition is on the side of the house and is within the 65' front yard setback, although it would meet the side yard setback. The impervious coverage overage is due to the calculation omitting the extensive R-O-W. The need is described as to aid in the care for a disabled person, public welfare. There is nothing that would have a negative impact to the zoning or Master Plan and should have no detriment to the neighbors as the side of the house is covered with landscaping.

Mr. Phillips agrees with Mr. Mehr's statement stating this is an unusual right-of-way which triggers the need for the front yard setback relief. The addition is in the side yard and is not coming any closer to the front property line than the existing building line.

Mr. Gatto asked if there were any questions from the Board. Mr. Gatto asked if there were any questions from the public.

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. Cook, all in favor, aye.

“C” Variance Application # 002-16

Linda S. Condon

Block 102, Lot 5 – 343 Monmouth Road

Proposal to build a small house on a lot in the R-80 zone that does not abut a street, using a recorded easement for access. Variance for providing frontage.

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 has jurisdiction to conduct a public hearing. Mr. Accisano had discussions with Mr. Mehr, attorney for the application, and had questions regarding the applicability of other N.J. statutes to this particular application. Mr. Mehr agreed that the Board should take jurisdiction of the application and to request an adjournment to give him time to present some additional information regarding the requests.

A motion to take jurisdiction and move this hearing to June 16, 2016 without further notice was made by Mr. Cook, seconded by Mr. Ammiano. The meeting was confirmed by the Chairman.

Chairman Gatto asked if there was anyone from the public present for his application. No one came forward.

Minor Site Plan with Waiver of Site Plan Detail and “D” Use Variance #585-1-15

Freehold Shopping, LLC

Block 50, Lot 25 – 3691 US Highway Route 9

Proposal to renovate a portion of the shopping mall façade and replace the Freehold Music Center with an Aldi's Supermarket.



Mr. Ammiano and Mr. Cook stepped down from the dias for the “D” Variance application.

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 has jurisdiction to conduct a public hearing. Mr. Kenneth Pape, Esq. appeared on behalf of the applicant. Mr. Gatto asked if there was any objection to the exhibits marked. Mr. Pape had no objection. Mr. Gatto read the reports into record. The following witnesses were sworn: William T. Wentzien, Abington Engineering; Arthur Bernard, Planner; Frank Miskovich, Traffic Engineer, Alan Zimbler, Architect; Diana Marrone, Owner’s Representative; Jess Anesi, Director of Real Estate, Aldi Foods, Paul Phillips, Phillips, Preiss & Grygiel. Additional exhibits were marked into evidence.

Mr. Pape described the application as being a Minor Site Plan with a Waiver of Site Plan Details, a “C” variance relating to the colors on the proposed Aldi sign, and a “D-4” Variance for the FAR. This is an existing center that the applicant has owned for over thirty years. A main tenant vacated the large anchor space and relocated to a smaller space. The goal was to replace the anchor with a national tenant to create stabilization at the shopping center, and Aldi’s fit this. Aldi’s has entered into a lease for 19,000 s.f. of space, filling a vacancy in the shopping center. Aldi’s required façade modifications in the immediate area of their space as part of their requirements for tenancy. The owner of the property opted to do 470 l.f of façade renovations.

Mr. Wentzien stated his qualifications and has appeared before the Board before and was accepted as a professional engineer. Mr. Wentzien described the existing site as being on the northbound side of Rt. 9, containing 24.94 acres, located in the B-10 zone. There are existing buildings on the site, comprised of 20.46 % of the site, the existing impervious coverage is 84.6% of the site. The site is served by an existing parking area with access off Route 9, including a jughandle. The parking includes 791 spaces that serve the shopping center and 296 spaces that are dedicated to commuter parking near Route 9 for a total of 1,087 spaces. There would be sidewalk repairs that would take place in the area of the Aldi. About 460 feet of façade are proposed to be renovated. The canopy along the front of the building in this same area would be removed and replaced. In the rear of the site, there is a loading dock (12’ x 48’ = 576 s.f.) with an overhead canopy that would be enclosed. The plans note some utility work including a 6” water main and sanitary sewer work (should be located under the east side of the floor) and these revisions would need to go to the Plumbing sub-code official for review. The building footprint would not be changing. Impervious coverage would not be changing. Site circulation and parking would not be changing. Pedestrian access pathways (referencing P-26) currently exist at the dead end, possibly within right-of-ways, of Barbara Way and Euretta Ave., where there is 2’-3’ wide paved walkways. Applicant is not seeking to close these pathways or the fence breaks, but will continue to be maintained.

Mr. Gatto inquired about the condition of the walk paths. Mr. Wentzien was not able to answer this.

Mr. Gatto asked if the Board were to allow these access points to continue, would the applicant have an issue with them being a proper sidewalk (not macadam) and who would maintain them. Mr. Wentzien stated he would not be able to respond regarding changing the material but as far as maintenance, the property owner would be responsible, but some appeared to be within Township ROW.

Per Mr. Wentzien, trash/trash receptacles and recycling are the responsibility of the tenants. Aldi has agreed to construct a masonry enclosure for their business. Details would be provided for review and approval. Mr. Wentzien did not evaluate how many different dumpsters are currently on the site.



Mr. Gatto asked if the fence surrounding the site has been evaluated. Mr. Wentzien only looked at the area near the proposed Aldi and didn't see any fence falling down. They would be able to demarcate the loading zone in rear of the building. Site lighting was not evaluated. Any access concerns were not directly evaluated and specifically, not in areas outside the proposed area of work, with the exception of the areas around the columns being replaced, the sidewalk would be repaired/replaced. Any direction from the Township Engineer to repair/replace sidewalk would be addressed. No evaluation of the site's curbing or pavement had been done. Cart storage would be on the left side of the Aldi store on the sidewalk.

Mr. Jess Anesi, Director of Real Estate for Aldi and has been with Aldi for 37 years in eight states. He will be testifying regarding the business operations. The hours of operation are 9 am – 9pm Monday through Saturday and from 9 am to 8 pm on Sundays. A typical shift has about 7-8 employees. Aldi is self-distributing and most deliveries come from their own company warehouses in semi-trucks, where they are mixed load – front of the truck is frozen foods, with a divider, middle is cooler product and the rear is dry goods. This minimizes deliveries to one truck, about 5/week and the one vendor delivery a week for milk delivery for a maximum of 8 times per week. Aldi has 1,500 locations in the US in 32 states, 6 stores in NJ, with about 5,000 worldwide. About 80% of the stores recyclable material is cardboard and paper products and they compact the material into 1,000 pound bail, kept in the store in the backroom and returned to the warehouse for recycling. The plastic wraps, trays and pallets are also recycled. The dumpster would only be used for broken items and the minimal trash. Carts are returned to the corral by the customer in order to get their quarter back (any carts left behind are usually returned by kids who want the quarters). A 6' sidewalk clearance would be required to be maintained. The applicant offered to utilize the smaller cart option in order to keep the 6' clearance on the sidewalk. A masonry enclosure would be provided. Parking spaces provided seem sufficient enough for their needs, with 60 spaces being typical for this size store, although more are required by ordinance. The Board had no questions of Mr. Anesi.

Mr. Alan Zimble stated his qualifications and has appeared before the Board before and was accepted as a professional architect. He described the existing storefront as a "Hodge podge" with different materials and configurations. The intent is to create a more uniform appearance. The proposal would remove the green metal, build a parapet, use two grey tones (except in front of the new Aldi, which will have the Aldi standard aluminum finish), make the store fronts with metal and glass with brick façade on the low wall along the frontage and to clad the columns. The canopy will remain at the existing canopy height, but will be brought into uniform. All roof top units are not visible due to the canopy. There will be new LED lighting added under the canopy. Currently, the signs existing on site are "Hodge-Podge", everything different. They are proposing all channel letter signs to be applied for by the individual tenants.

Mr. Gatto clarified that the entire site is under the jurisdiction of the Board, including the signs and dumpster testimony that was referenced. Mr. Pape acknowledged this.

Mr. Zimble further described the proposed colors for the façade that would tie more closely to the existing Burlington colors. In the area of the columns, they would not be able to provide two cart aisles and maintain a 6' clearance. Cart corrals can be changed to one row instead of two rows to maintain a 6' sidewalk aisle. They are proposing under canopy signs, 4' x 1' deep and are considering them "wayfinding signs" for each store. The landlord came up with a sign standard (taken from the Township Ordinance) that was designed so that all signs would be completed in accordance with Township Ordinance with the exception Aldi. They are asking for a variance due to the corporate logo and colors. The size of the Aldi sign is in compliance with the ordinance.



Mr. Shortmeyer clarified that the other buildings are included on the same lot (where the Farmers Market is located). Mr. Zimbler confirmed this.

Mr. Gatto reiterated the comments in the Speizle review letter “renovating only this portion of the shopping center will exacerbate the existing condition”... “which is an unsightly arrangement of dated and inconsistent materials.” Mr. Zimbler took exception to this stating that the other building has the same elevation, a brick façade, a simple green canopy and is more uniform. The subject building they would be taking is an unsightly portion of the storefront (470 feet) and would bring it more to conformity. Mr. Zimbler disagrees with the comment in the Speizle’s review and states that they propose to renovate the inconsistent/”Hodge-Podge” section, and that the existing Burlington façade is already more consistent with the proposed renovations.

Frank Miskovitch stated his qualifications and has appeared before the Board and was accepted as a professional traffic engineer. He stated that he has done various projects for the applicant/site for about 15-20 years. For this application, he was asked to evaluate the parking and how it would relate to the proposed Aldi. This application would not require a new DOT permit. He obtained three years of accident reports, where two accidents were reported. One was due to a ponding issue by the Vitamin Shop driveway and the other was a rear end accident at the primary entrance by Rt. 9 to the Farmers Market corner and can determine that this operating safely based on these records. The site has been in operation for over 30 years with these existing driveways. Five driveways access the site - two on the jug handle, a primary access just north of the jug handle, one by the Vitamin Shop and one to the north of the Vitamin Shop. There is 1,500 feet of frontage on the highway. The parking supply is currently underutilized. Mr. Miskovitch stated that the parking is more than adequate to meet the needs and design requirements/standards. There may be an increase in need for an additional 20 parking spaces between a retail use and a grocery store in the same amount of space. Aldis noted that they need about 60-65 parking spaces for this size store. There would still be about 50% occupancy at full use. He described the site circulation and loading and deliveries as the same as the existing uses. They would come in off of Route 9, to the rear of Firestone to the loading area. They would pull forward and back into the new loading area to unload, use the U-turn and head back out the same direction. There is adequate site distance and has been in operation like this for many years. He does not feel that demarcating the loading zone is necessary due to infrequent deliveries, that it is clearly defined and that there is no long term stay. He did not perform a study of turning radius to see if a tractor trailer could perform this turn safely.

Mr. Gatto asked about the walkway that opens to the loading area (by Aldi) and inquired about the need to analyze a turning tractor trailer in the area of a walkpath. In his opinion, Mr. Miskovitch felt that the existing walkway should be closed and that this should be looked into further. He stated that directing pedestrians into the rear of a loading area of a supermarket/shopping center is not a good idea.

Mr. Gatto asked about the dumpsters in the rear of the shopping center and addressed that they are not made of the required masonry enclosures. He asked if the required trash enclosures were installed, would this affect the testimony that a tractor trailer would be able to safely travel the rear of the building as there is a variable width to the drive aisle. Mr. Miskovitch stated that if they intrude into the main paths, it may present a problem. Mr. Gatto furthered that if there were two tractors in opposing directions traveling, in addition to a possibility of the masonry enclosure being installed, would they be able to safely pass. Mr. Miskovitch replied that he would have to investigate further as he only observed clearance for two trailers between the building and the drive aisle, not taking into consideration the enclosures. Mr. Gatto inquired about the Farmers Market deliveries and stated he had observed earlier



in the day, a box truck unloading at the front door. Mr. Miskovitch stated this is an operations issue, but still a safety issue. Mr. Gatto asked if he evaluated the existing ADA parking spaces and Mr. Miskovitch responded “no.”

Mr. Gatto asked of Mr. Phillips about the existing ADA spaces and if they are up to code. Mr. Phillips stated that he did not notice any that complied. There is a possibility that if they were brought up to compliance, the parking space counts would be reduced.

Mr. Gatto asked about the possibility of carts being left behind and how this would affect parking availability.

Ms. Kurtz asked about the time of deliveries. Mr. Pape stated the applicant had no proposed times but would be able to work with the Board regarding time controls.

Mr. Gatto asked if there were any proposed traffic calming devices for pedestrians. Nothing has been proposed by the applicant per Mr. Miskovitch.

There was a five minute break.

Mr. Pape asked, on behalf of his client, if the Board would carry this matter to another date so that they may respond to the comments and concerns. Mr. Gatto responded that there have been several TRC meetings and the applicant has chosen to not follow the guidance or address the professional's comments. Mr. Pape stated recently had been made aware of additional comments. Mr. Gatto reminded Mr. Pape that the entire site is under review and his client has chosen to not address the issues and the applicant's professionals have acknowledged that they have not even looked at the entire site or at other items up for consideration outside of the 470 feet of renovations proposed. Mr. Gatto reiterated that the Board would be taking the entire site into consideration. Mr. Gatto stated that there are members of the public present for this application and it would be unfair to them and asked the applicant to proceed. Mr. Pape stated that the applicant then requests to withdraw the application for consideration without prejudice.

Mr. Accisano explained the action requested by Mr. Pape. This would mean there would be no vote for this application as this was reasonable request as they show willingness to visit this again. The Board could permit the withdraw request, realizing they would have to start anew.

Mr. Kash asked if there was any benefit to listening to the public so that the applicant can find out what some of the concerns would be down the road. Mr. Accisano stated this is up to the Board since the proceeding is closed. Mr. Pape said he had no objection to the public being heard for this purpose and would postpone the request until after the public speaks.

There was no objection from the Board to grant the request to withdraw the application at this time.

Mr. Gatto suggested that the applicant meet with the public prior to them coming back to the Board, but offered that the public can make comments on the record. The applicant offered to stay after the hearing to discuss any concerns.

From the public, Gerald Metz, 52 Helen Avenue, was sworn in. He has lived at his home for 41 years. He likes that an Aldi's Supermarket is coming to the center and would like to see that they continue the pedestrian access to the site. If he were to have to drive to a supermarket, he would likely no longer shop in the center, because it would not be as convenient. He stated that the pedestrian traffic in the rear area of the Farmers Market is constant. The Farmers Market has a large amount of deliveries in



this area. He thinks that the walkway should be realigned to accommodate the pedestrians in a safer manner.

Patricia and John Cirencione, 15 Patten Street, were sworn in. Ms. Cirencione completely disagrees with keeping the pedestrian walkways open. She testified that there is a large amount of traffic coming in from the Borough and the pedestrians walk through and drop their garbage and shopping carts that are no longer being used are dump them on their property. Mr. Cirencione stated that the existing fence is on his property and the dumpsters are being emptied very early in the morning.

Mr. Sixto Alonso, 70 Moreau Avenue was sworn in. He purchased the home in 1994. He uses the pedestrian walkway to get to and from the bus stop to go to work every day and this is the reason he purchased the house he is in. He would like to see that the applicant keep the walk path.

Mr. Gatto reminded the public that no action is being taken. Everything will remain as is as the applicant is withdrawing the application.

Mr. Accisano reminded the public that should the applicant want to make a new application, they would have an opportunity to be heard in regards to that application.

A motion to accept the request to withdraw without prejudice was made by Mr. Shortmeyer, seconded by Mr. Kirk. There was a roll call and passed unanimously.

DISCUSSION:

Mr. Gatto asked about upcoming applications. Ms. Sims described the upcoming meeting agenda.

ADJOURNMENT:

There being no further business, a motion was made to adjourn the meeting and passed unanimously. The meeting concluded at 9:40 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "R. Shortmeyer".

Robert H. Shortmeyer
Secretary