



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

REGULAR MEETING MINUTES
June 16, 2016

The Regular Meeting of the Planning Board was called to order by Mr. Gatto on Thursday, June 16, 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. Bazzurro, Mr. Gatto, Mr. Kash, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk, Mr. Coburn, Mr. Asadi and Ms. Kurtz.

Absent: Mr. Cook.

Also Present: Francis Accisano, Esq., Paul Phillips, Township Planning Consultant, Dr. Eisenstein, RF Consultant, Timothy P. White, Township Engineer 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. Gatto and passed with the following roll call vote: Aye: Mr. Gatto, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk and Mr. Coburn.

RESOLUTIONS:

Resolution for O-16-6 Land Use Cell Towers. The Township Ordinance would implement necessary amendments to Township Code cell tower provisions, which amendments are made necessary by recent regulatory adoptions by the Federal Communications Commission.

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

“C” Variance Application # 005-16

Kim & Andrew Kiely

Block 8.07, Lot 26 – 500 East Freehold Road

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

Capital Project Review # 807-1-16

Monmouth County Public Works Complex – Salt Storage Building

Monmouth County Board of Chosen Freeholders

Block 43, Lot 16.01 – Kozloski Road/Center Street/Route 33



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

**Soil Removal/Soil Fill Permit # SR-03-16
3690 Route 9, LLC
Advanced Auto Parts
Block 70.05, Lot 12 – 3690 Route 9 South**

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

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

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

**“C” Variance App. # 008-16
Margaret Harrison
Block 9, Lot 8 – 105 Waterworks Road**

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

With several regular attorneys present at the hearing, Mr. Gatto announced that any future applications that involve an undersized lot would be required to provide additional information and proof of service to adjoining property owners in an attempt to obtain additional property. There will be a standardized form, listing the requirements available in the Planning Board Office and any questions could be directed to the Board Attorney’s office or with Mr. White, Township Engineer.

NEW APPLICATIONS:

**One year extension of Final Major Site Plan # 750-05
Paragon Freehold Land, LLC – Paragon East
Block 72.11, Lots 1.05 and 1.06 – 8 Paragon Way**

Mr. William J. Mehr Esq. appeared on behalf of the applicant for the project. There were no questions or comments regarding the request. Mr. Shortmeyer moved that a positive resolution be prepared, seconded by Mr. Ammiano, all in favor, aye.

**One year extension of Variance and Final Major Site Plan # 767-07
Onyx Medical Complex (f/k/a Medical Freehold, LLC c/o Onyx Equities, LLC)
Block 69.05, Lot 36.01 – 303 West Main Street**



Mr. Dante Alfieri, Esq. appeared on behalf of the applicant for the project. There were no questions or comments regarding the request. Mr. Shortmeyer moved that a positive resolution be prepared, seconded by Mr. Ammiano, 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 needed.

Mr. William J. Mehr, Esq. appeared on behalf of the applicant for the project. Mr. Accisano said he previously reviewed the proof of notice and the Board took jurisdiction at the previous hearing. Mr. Gatto asked if there was any objection to the exhibits marked. Mr. Mehr said no. Mr. Gatto read reports into record.

Mr. Mehr noted a variance of minimum width at the setback line. He stated the application is unique in that it involves a statue of obtaining a permit so that the front yard can be the right-of-way for future development. The following witnesses were sworn: Linda Condon, Applicant; Paul Phillips, Township Planning Consultant, Timothy P. White, Township Engineer. An additional exhibit was introduced and marked into evidence-survey (P-9).

Ms. Condon stated that she had owned the property for about two years and got it from her father, Harold Dancer, who lived just north of the subject lot (lot 2). The intention was that she was to build a house on this vacant/subject lot and the father was to move in with her, but he had since passed away. She is looking to settle the estate and sell the lot. Mr. Mehr noted that his client would not be able to obtain property from the adjoining lot as it also was on the agenda (referencing NYSMA/Verizon application # 878-15 on Block 102, Lot 11). Noting the variances, she stated that the barns/buildings on the property are on wheels and could be moved at any time. In response to the fence surrounding the subject property, including the proposed frontage, Ms. Condon offered that the structures currently on the property could be removed and the fence could be taken down as a condition of approval, but asked if they could remain until the lot is sold. Impervious coverage could not be established at the time as they were waiting for the house/driveway design, but stated that they comply with the bulk requirements and the house would not exceed 5,000 sf, or would the building party would have to come back to the Board.

Mr. Mehr described the roadway easement (R-O-W) that was agreed to by all affected parties and is filed, states that Lot 4 is designated as the “Person in charge” of the maintenance for the easement. The backup responsibility would fall on Lot 5. The resolution would be recorded including this condition.

Mr. Accisano asked to confirm that the non-conformity also included accessory buildings on lot 5. Ms. Condon offered that these could be removed within two (2) years of an approval as a condition or upon sale, whichever is first.

Chairman Gatto asked for questions/comments from the public. Ann Davis, Esq., appeared representing Mary Ann Larkin, Block 102, Lot 11. She stated that she has been in contact with Vince Halleran, Esq. regarding the sale/transfer of a portion of Ms. Larkin’s property to Ms. Condon. The additional property gained would allow for the applicant to gain frontage on the roadway, eliminating a need for a variance. Ms. Davis stated that Mr. Halleran had contacted her via phone and email, that they would not object to the Verizon cell tower application if Ms. Larkin deeded over the triangular



portion of her property to Ms. Condon. If Ms. Larkin did not do so, Mr. Halleran represented that Ms. Condon would vigorously object to the NYSMSA-Verizon application.

Mr. Accisano questioned if Ms. Davis' client would sell the noted portion of property to Ms. Condon. Ms. Davis stated that she would consider it at fair market value. Ms. Davis explained that deal with Verizon is a lease and it is only related to a portion of the property and it was her understanding that a sale of a portion of the property would not affect the Verizon application.

Mr. Mehr asked if the Board could withhold action and if the application could be carried to July 7th, 2016. He also clarified that Mr. Halleran represented Ms. Condon's father, not her.

Mr. Asadi clarified that the Verizon application was looked at as one whole site and not a portion of a site and even if there is only a minor change, should Ms. Larkin sell/give a portion of her property to Ms. Condon, it would change the Verizon application. Mr. Accisano agreed.

Chairman Gatto announced that this application would be carried to July 7th, 2016 without further notice.

A motion to carry this application was made by Mr. Shortmeyer, was seconded by Mr. Kash, all in favor, aye.

Field Adjustment – Site Plan # 417-1-15

Irwin Lincoln Mercury

Block 67, Lot 1

Mr. William J. Mehr, Esq. appeared on behalf of the applicant for the project. He described the applicant is removing one of the pylons that was previously approved (38' in height). Upon noticing the franchising company to take the pylon away, they informed the applicant that it is a franchise agreement for the sign and would be in conflict with their agreement if this was removed. They would like to relocate the pylon to a grassed area, and would be taking down the used car sign down. They would be taking the two (2) signs out of the parking lot and relocating only one.

Chairman Gatto stated he and Mr. White did visit the site in regards to the field adjustment request and believed this was a better alternative. Mr. White explained that the location may need to be shifted as the location may be in conflict with utilities (water main). Mr. Mehr stated they have verified the location of the main and will do so again and if need be will adjust the location. Mr. Mehr stated they would also provide the revised sign applications to the Zoning Officer.

A motion to approve this field adjustment was made by Mr. Shortmeyer, was seconded by Mr. Kash, all in favor, aye.

“C” Variance App. # 010-16

Anton, Robert

Block 8, Lot 9 – 155 Robertsville Road

Proposal to maintain a second storage shed (12' x 24') and a dog shed (12' x 24') on a property in the R-120 Zone.

Mr. Anton entered his appearance, representing himself. Mr. Accisano confirmed that the applicant is prepared to move forward without an attorney, understanding that some things could be very technical in nature. Mr. Anton stated that he would like to continue, representing himself. Mr. Gatto asked if there was any objection to the exhibits marked. Mr. Anton said no. Mr. Gatto read reports into record. The following witnesses were sworn: Robert Anton, Applicant; Timothy P. White, Township Engineer;



Paul Phillips, Phillips Preiss & Grygiel, Township Planning Consultant. Exhibits were presented and marked.

Mr. Anton described his application as a long and narrow property of 189' x 1,284' on Robertsville Road. The sheds are existing and are located very far from the road. The adjacent property is 60 acres of green acres, therefore they do not disturb the neighbors. The closest shed is over 400 feet from the road, the dog kennel is an additional 60' from the road and the final shed is roughly 900 feet from the road. The shed colors match the main house, the roofing is the same as the house, but the material of the façade are not the same. Mr. Anton uses both sheds for property maintenance equipment and the dog kennel is used for his dogs. The size of the sheds are larger than the allowed size due to the size and amount of equipment used to maintain the property. He feels that there are no detriments to the public with the continued use of the sheds, nor would it affect the Master Plan.

Mr. Phillips stated it is an oversized lot, the sheds are well set back from the street and that there are undeveloped lands adjacent to the lot and had no further comments.

Mr. Gatto asked if there were any questions from the Board. Mr. Gatto asked if there were any questions from the public. There were none.

A motion to close the public hearing was made by Mr. Shortmeyer, seconded by Mr. Bazzurro, all in favor, aye. Mr. Shortmeyer moved that a positive resolution be prepared, seconded by Mr. Kash, all in favor, aye.

Chairman Gatto advised that there will be a Master Plan Committee meeting coming up and went over the upcoming agendas. Mr. Gatto announced that the Board will now require a FAR calculation on all new applications as a new procedure and applications will not be scheduled for a hearing without his information. A motion to accept the new procedure was made by Mr. Shortmeyer, was seconded by Mr. Kash, all in favor, aye.

Chairman Gatto, Mr. Kash and Mr. Ammiano were disqualified from the next application and left the dias and room. Mr. Bazzurro was seated as the Chairman to continue the next application.

CONTINUED APPLICATIONS:

Application #17-15/SP#878-15

New York SMSA Limited Partnership d/b/a Verizon Wireless

Block 102, Lot 11 – 363 Monmouth Road

Use Variance and Preliminary and Final Major Site Plan approval for construction of a wireless communications facility consisting of a 120' monopole with antennas and lightning rod at 128' within a 50' x 50' fenced compound with equipment shelter at base.

Ms. Lynne Dunn, Esq. re-entered her appearance. The witnesses were reminded that they are still sworn in for this application. At the request of the Board, Mr. William Masters returned to show a display of what the monopole would look like if it were 140' in height (148' including the antennas), should a co-locator be located at an additional 20' height and explained that he did not see any substantial impact with the 20' additional height. He continued saying that a D1 use and height variance do not pose any detriment to the public good.



Ms. Dunn read an excerpt from P-39, the Resolution of Denial from Zoning Board of Adjustment - application #856-14. Mr. Masters compared the two applications. He said that the current application is significantly larger (over 3 times the size), the characteristics of the current application allow the applicant to meet the setback requirements to the property lines and the separation requirements to a residence. These would have been variances with the previous Zoning Board application. Mr. Accisano confirmed that the findings in the previous resolution commented on the current application. Ms. Dunn confirmed this was read from the resolution.

Mr. Bazzurro asked Mr. Masters if he thought that visual impact is subjective, Mr. Masters agreed. Mr. Bazzurro asked about the impact of the possibility of selling a portion of the property as discussed during a previous application, that same night, for Linda Condon. Mr. Masters stated that he had not had an opportunity to review this, but did not feel that this would cause any issues. The closest habited distance to an occupied residence is 891' and the closest residence (abandoned) is 637' from the proposed base.

Lynn Dunn asked if she could reserve her summation.

Mr. Bazzurro described the rules for and opened up the public portion of the hearing.

Mr. William J. Mehr, Esq. asked if the entire site was up for lease or if it was only a portion of the site. Ms. Dunn responded it was only a portion. Mr. Pazden described the proposed lease area to the far southwest section of the property around the compound and the access road only, totaling about ½ acre in size.

Ms. Teng Teng Chin-Kleiner of 397 Monmouth Road was sworn. She asked about the clearing area needed. Mr. Pazden responded that most of the proposed compound is within the existing clearing, about 8 trees would need to be cleared for the compound and about 5 trees for the access road (100' x 100' approximate clearing area). Ms. Kleiner asked about the height and the topography. Mr. Pazden referred to P-31, the compound is at 177.2' above sea level.

Mr. Mike Cavanaugh of 11 Francis Mill Rd. was sworn in and asked what the cost to build is and what the cost to co-locate would be. Ms. Accisano explained that this is irrelevant. Ms. Dunn added this is proprietary. Mr. Cavanaugh asked for information about DAS Systems. Mr. Stern responded that a Distributed Antennae System (DAS) are radio antennas installed with fiber optics, some being used in areas by mounting to a utility pole with a compound at the base. DAS systems typically services 10-15 homes. If used in this area, it would only improve along Rt. 537, nothing additional, and also the DAS system is not as reliable as a Macro System (which is proposed by this application). Verizon has explored this option and a DAS system wouldn't provide the coverage they are seeking and would still require additional Macro System Tower(s). Mr. Cavanaugh summarized his concerns, stating also that only about 14 houses that would be covered by the proposed monopole would be in Freehold Township, and the balance, approximately 163 homes, would be in Millstone. He stated he doesn't believe that Freehold Township needs a tower and that maybe a DAS system would work to cover the Township residents. Mr. Cavanaugh described his experience appearing before the (previous) Zoning Board of Adjustment and feels that the applicant hasn't met the proof/criteria on several points.

Mr. Bazzurro explained that all applications are considered in the same manner and in accordance with the law.

Mr. David Silverman of 13 Francis Mill Rd. was sworn in and stated that in the area, he receives service, although the signal strength is not at the company standards for strength. He questions if this proposal will better serve the area and if the change of the feel of the area (with the tower) would be beneficial.



Ms. Teng Teng Chin Kleiner appeared again, still under oath. She commented about the lengthy process of the hearing process and questioned if she could have a projection of hearing dates. She had gone through the process with the previously (denied) application and stated it has affected her and her kids. Ms. Dunn stated the professionals are all available and willing to answer whatever questions she has and is prepared to offer her closing summation.

Mr. Bazzurro asked if there were any further questions from the public. No public came forward. A motion to close the public hearing was made by Mr. Shortmeyer, seconded by Mr. Bruno, all in favor, aye. Public portion was closed.

Mr. Paul Phillips, Township Planning Consultant, followed up about the area that Verizon would be leasing on the property. Mr. Pazden responded that the compound itself is 50' x 50' plus the access drive, but does not have the exact leasing area. Mr. Phillips stated that the area described is a very small portion of the 6.3 acre tract, it was his understanding that the application was for the entire site. If the Board approves this application, the application should be for the entire site, including the vegetation on the site. Mr. Bazzurro stated he understood that the application included the entire lot also. Ms. Dunn added that if a D-1 variance is granted, any further development of this lot would be required to make an application.

Ms. Ann Davis, Esq., appeared on behalf of the property owner, Mary Ann Larkin, and confirmed that the owner has no other plans to develop the property. Referring to the Condon application (previously heard), she understood that a future subdivision would be required to be heard and is only speculative at this time.

Mr. Bazzurro asked if there were any further Board comments. There were none.

Ms. Lynne Dunn summarized her case. She read an excerpt of the affirmative defense from the previously denied application (SP# 856-14), known as P-39.

Mr. Bazzurro stated that after the amount of testimony and comments, he felt it would be a disservice to everyone to poll the Board on the application and asked if the Board could "digest" everything and set a date for the Board to vote.

Ms. Dunn confirmed that both the record and the public hearing had been closed, and therefore no witnesses would be required. Mr. Accisano confirmed that this was so and the date to be set would be strictly for deliberations and a vote.

Mr. Bazzurro asked if the Board would all be available for July 7, 2016 for the deliberations and the vote. There were no objections, all in favor, aye. It was announced that the matter would be carried to July 7, 2016.

ADJOURNMENT:

There being no further business, a motion was made to adjourn the meeting and passed unanimously. The meeting concluded at 8:56 p.m.

Respectfully Submitted,

Robert H. Shortmeyer, Secretary