



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

REGULAR MEETING MINUTES
July 7, 2016

The Regular Meeting of the Planning Board was called to order by Mr. Gatto on Thursday, July 7, 2016 at 7:00 p.m. at the Freehold Township Municipal Building, One Municipal Plaza, Freehold, New Jersey. Mr. Gatto read the Notice of the Open Public Meetings Law.

Present: Mr. Cook, Mr. Bazzurro, Mr. Gatto, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk, Mr. Coburn, Mr. Asadi and Ms. Kurtz.

Absent: Mr. Ammiano and Mr. Kash

Also Present: Frank Accisano, Esq.; Paul Phillips, Township Planning Consultant; Timothy P. White, Township Engineer and Danielle B. Sims, Administrative Officer.

Mr. Bazzurro called the meeting to order. There was the Pledge of Allegiance.

CONTINUED APPLICATION:

Preliminary and Final Major Site Plan #878-15 and Use Variance Application #017-15
New York SMSA Limited Partnership d/b/a Verizon Wireless
Block 102, Lot 11 – 363 Monmouth Road (carried from 6/16/16)

Mr. Bazzurro stated that the public portion of this application was closed at the last meeting where the Board was directed to digest the evidence. He stated that the Board would only be offering comments.

Ron Kirk explained that he didn't feel that the applicant met the need for this location and that the applicant didn't search well enough for an alternate site. He stated he felt misled in that the applicant has indicated that they were only leasing a portion of the property and not the entire site.

Patrick Coburn expressed that it is a small area that would gain coverage with the tower, but is not concerned with the visual aspect.

Kevin Asadi felt that the technical testimony was rebutted. He noted that he was on the Zoning Board with the previous application and was not in favor of that location. He also stated this site is not a detriment to the neighbors, surrounding lots or to the zone plan.

Mr. Shortmeyer said that the tower is on a large property and does not impact the area and doesn't feel there would be any negative impact.

Ms. Kurtz expressed she was not happy that the applicant didn't look into properties in Millstone as much as they looked at properties in Freehold. She stated the applicant should have done more due diligence.

Mr. Bruno had no comments.



Mr. Bazzurro said he reviewed the evidence multiple times. He noted the positive criteria presented by the applicant, but questioned if this site was suitable. Regarding absence of negative criteria, it does not impair the intent of the zone plan/zoning ordinance. Based on the applicant's witness and the Board's RF consultant, Mr. Bazzurro feels that the Board must agree that there is a lack in coverage and that the proposed tower would fill the gap. Therefore, the positive criteria was satisfied. The applicant must also meet the site suitability and the absence of negative criteria. He stated that all witnesses testified to the nature effect and extent of the federal regulation. The effect in his mind had him refer to a co-locator to be allowed to increase the height 20', and this would be a federal regulatory right without the approval of a Planning or Zoning authority. Based on industry, a number of witnesses agreed that it is likely that a tower would gain a co-locator. Mr. Bazzurro stated he felt that the site was suitable, and a passive use. However, the applicant did not establish the exclusion of alternate locations, but did note the property is in a low density of homes, and meets the setback requirements for the M-1 zone (where this is a permitted use) and would have a low impact on tree disturbance. He gave no weight to the statement of the defense response as a result of the denial to a previous application as it was decided by a different Board and would not prove the absence of negative criteria or substantial good. The Board must base its decision on this application. The applicant did not show that it does not impact the zoning ordinance. The real estate specialist did not use relevant comparisons. This applicant did not prove the absence of negative criteria, the absence of substantial detriment to the public good and has not proven the tower would not impair the zone plan or Township ordinance. The real estate professional gave incredible testimony as they were not relevant, and therefore couldn't support that the tower would not affect or adversely affect the zone plan. Mr. Bazzurro stated that tower would violate three (3) intentions of the land use ordinance 190-2 (c) adequate light, air, (l) desirable visual environment, (j) conservation of open space and there would be a visual impact. The Board must realize a co-locator would be added without Board approval, with lack of control of future development, causing substantial detriment to the public good and erosion of the Township Zone Plan. The federal regulation leaves this open ended, making it difficult to find the absence of negative criteria.

Mr. Accisano reminded Mr. Bazzurro that the applicant argued that a tower would be inherently beneficial use. Mr. Bazzurro noted that the applicant still met the positive criteria based on his other findings.

Mr. Shortmeyer offered that the Board authorize the preparation of a positive resolution, seconded by Mr. Bruno. Mr. Asadi asked that a condition be considered that the entire tract would be the site, not only the compound. The motion passed with the following roll call vote: Aye: Mr. Shortmeyer, Mr. Bruno, Mr. Coburn and Mr. Asadi. Nay: Mr. Bazzurro, Mr. Kirk and Ms. Kurtz.

The call was clarified by Mrs. Sims as four (4) for yes and three (3) for no. Mr. Accisano advised that the Board may alter their vote at the memorialization and that five (5) affirmative votes are required in order for the application to be approved (enhanced majority).

Attendance for the hearing date that the resolution will be considered was confirmed and the date was set for August 4th, 2016.

Ms. Dunn offered an extension of time through August 4th, 2016.

There was a five minute break. Mr. Gatto and Mr. Cook joined the dias, a second roll call was taken.



MINUTES:

A motion to approve the minutes of the April 7, 2016 meeting was made by Mr. Shortmeyer, seconded by Mr. Coburn and passed with the following roll call vote: Aye: Mr. Bazzurro, Mr. Gatto, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk, Mr. Coburn and Ms. Kurtz.

RESOLUTIONS:

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

Due to the Governor extending the Permit Extension Act (PEA) for another year (in Monmouth County), the developer withdrew this application for a one year extension.

**One year extension of Final Major Site Plan and Variance # 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**

Due to the Governor extending the Permit Extension Act (PEA) for another year (in Monmouth County), the Chairman made a motion to carry this to the next agenda to offer the applicant to withdraw the application for an extension, since it isn't necessary, for another year. All in favor Aye.

**“C” Variance Application # 010-16
Anton, Robert
Block 8, Lot 9 – 155 Robertsville Road**

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

MASTER PLAN:

Master Plan Amendment (prepared June 2016):

Amendment of the Master Plan - Block 80, Lot 3 from the CMX-10 zone to the HMUD zone (Highway Mixed Use Development Zone).

There were no questions from the Board or the public. Mr. Shortmeyer made a motion to close the public hearing, seconded by Mr. Cook. Mr. Shortmeyer made a motion, seconded by Mr. Cook to approve the resolution. The motion passed with the following roll call vote: Aye: Mr. Cook, Mr. Bazzurro, Mr. Gatto, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk, Mr. Coburn, Mr. Asadi and Ms. Kurtz.

NEW APPLICATIONS:

**Request for Extension of Approvals for Preliminary and Final Major Site Plan # 770-07
I.J.S. Properties, LLC
Block 86, Lot 5.02 – 1043 West Main Street**

Request for an extension of approvals for Major Site Plan of a 26,000 s.f., 2-story office building. Due to the Governor extending the Permit Extension Act (PEA) for another year (in Monmouth County), the developer withdrew this application for a one year extension



**Preliminary and Final Major Site Plan and Variance Application # 882-16
Meridian Health Realty Corp.**

Vidal Realty, Inc.

Block 69.05, 35.03 – 315 West Main Street

Proposal to convert the existing daycare center into a Medical Office and Urgent Care Medical Office.

Mr. John Sarno, Esq. 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 had jurisdiction to conduct a public hearing. Mr. Gatto asked if there was any objection to the exhibits marked. Mr. Sarno had no objection. Mr. Gatto read the reports into record.

Mr. Asadi recused himself from this application.

Mr. Sarno stated his applicant can comply with the technical items.

The following witnesses were sworn: Don Ellis, Meridian Health, John Rea, McDonough Rea, Barbara Ehlen, Beacon Planning; Matthew Robinson, Mid-Atlantic Engineering; Paul Phillips, Township Planning consultant; Timothy P. White, Township Engineer. Additional exhibits were marked into evidence.

Matthew Robinson described the existing site as a former KinderCare to be renovated with access from Main Street and exits onto West Main Street or Castronova Way. There will be 22 parking additional parking space at the rear of the site. The existing 32 spaces on site will increase to 9'5" wide, however the required depth will not increase as to not interfere with fire truck access. They would be losing 4 spaces while adding circulation around the site. The building would have two sides (one for Pediatric Care and one for Urgent Care) with a common space. They would have two separate entries. Mr. Robinson explained that there is no need for a loading zone as they do not get large truck deliveries, only small vendor truck parking. Access for deliveries would be available at the rear of the building. The applicant is willing to dedicate a rear space for deliveries. The location can be subject to the Township Engineer.

Paul Phillips agreed that dedicating a space for deliveries would be beneficial due to the one-way circulation.

Deliveries during business hours occur 3-4 times a week, per Mr. Robinson. He also stated that they would be able to comply with the Township Engineer's review with the exception of the parking space depth as previously described. Stormwater improvements with infiltration pipes and improvements to the basin will be made. The applicant agreed to work with T&M Associates regarding plant species and increasing the number of street trees by one. Mr. Robinson described the surrounding area as having a sewer easement and a basin for the West Freehold School (with a 30' buffer because of it being a residential zone). Plantings would be added to the buffer. A variance would be required for coverage due to additional parking spaces and the increase to the sidewalk width (at the request of the Township), but could be done without a detriment to the public. Mr. White had no objections thus far.

Two wayfinding signs were described, one for entrance and one for exit, and one monument sign. The sign at Castronova Way has been removed from the application. The base (pillars) would be brick to match the building (monument), a sample would be provided to the Township's professionals. The wayfinding signs are beneficial, as a public safety. Mr. Robinson explained how the logo proposed on the signs is deminimus and may not even be considered a logo. The colors to be used would be similar



to those in the Township's color pallet. The Urgent Care sign is over the allowable size, but per Mr. Phillips, it is considered deminimus at about half a square foot. The Board had no objection to this.

Chairman Gatto noted the only perceived detriment would be the increase in impervious coverage with the additional pavement, but noted the reasons given by Mr. Robinson as being for public safety and for navigating the site (circulation).

Barbara Ehlen, P.P. from Beacon Planning was qualified and accepted by the Board. She described the application as having two C-1 hardship variances: Lot size, it is pre-existing non-conforming and parking, where they are restricted by the site, but will be bringing closer to more conformity. These variances will not be exacerbated by this application. The C-2 variance was noted for buffering. The neighboring properties were described as consistent with this application, noting restaurants, the school, etc. Parking is being brought closer to the standards. Wayfinding signage would give people visiting the site a safer way to enter/exit the site and to navigate the site. Ms. Ehlen concluded that the benefits outweigh any detriments.

Mr. Phillips agreed that the coverage variance is needed to utilize an unused building. The basin in the rear helps mitigate the overage of coverage and will remain as green space.

Ms. Kurtz expressed concerns about the curbing to prevent left turns into the site (refers to P-35).

Mr. Robinson explained that there are many deterrents to this.

Comments were opened up to the public.

Jim Barrinson of 192 Medford Blvd. appeared. He was concerned that this would be a very highly used facility and is concerned with future parking and traffic circulation of patrons.

Mr. William J. Mehr of Appian Court, Freehold appeared. He questioned the need for logos on all of the proposed signs. Mr. Robinson stated that people will be looking for the Meridian logo, but offered to remove the logo and "Meridian" from the entry and exit signs. Mr. Mehr continued to question the need for the logos on the façade signs. Mr. Gatto polled the Board. There was no objection to the way P-36 depicts the monument sign with the logo (other than the brick which will match the building). There was no objection to the revised/marked up entry/exit signs. There was also no objection to the proposed top signs to the building. The Board agreed to keep the sign as is (proposed).

There were no further comments from the public. A motion to close the public hearing was made by Mr. Shortmeyer and was seconded by Mr. Cook.

Mr. Sarto closed by asking the Board to approve the application.

Mr. Shortmeyer made a motion to prepare a positive resolution and was seconded by Mr. Bruno, all in favor, aye.

Mr. Asadi returned to the dias.

CONTINUED APPLICATION:

"C" Variance Application # 002-16 (continued from 6/16/16)

Linda S. Condon

Block 102, Lot 5 – 343 Monmouth Road

William J. Mehr, Esq. appeared on behalf of the applicant. Mr. Mehr presented additional exhibits.



P-10 was presented as a letter from Mr. Mehr to attempt to purchase additional property from Ms. Larkin. P-11 was presented as a response from Ms. Larkin's attorney, Ms. Davis, stating her client has no interest in selling any property to Ms. Condon. Mr. Mehr reminded the Board that the application is regarding frontage.

There was no one from the public that wished to comment. A motion to close the public hearing was made by Mr. Shortmeyer and was seconded by Mr. Bazzurro, all in favor, Aye. Mr. Shortmeyer made a motion, seconded by Mr. Bazzurro to prepare a positive resolution, all in favor, Aye.

FIELD ADJUSTMENT:

Minor Site Plan with Waiver of Site Plan Details # 482-5-15 Center for Aging – d/b/a: Applewood Estates Block 86.01, Lot 21

Timothy P. White described the field adjustment request. The applicant would like to change the benches from the previously approved cedar bench (which are not available) to an aluminum bench and would like to change the bollards to a lit bollard, more square in shape. Typically the bollards are requested to match the building, but there is no building as this is a walk path/recreational area and the field adjustment committee took no issue to either request. The field adjustment request was approved, all in favor, Aye.

DISCUSSION:

Mr. White stated that there were no applications ready for the next agenda, but likely there would be an ordinance amendment ready for consideration. Mr. Gatto inquired about the status of some other applications.

ADJOURNMENT:

There being no further business, a motion was made to adjourn the meeting and passed unanimously. The meeting concluded at 9:00 p.m.

Respectfully Submitted,

Robert H. Shortmeyer
Secretary