



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

REGULAR MEETING MINUTES
October 20, 2016

The Regular Meeting of the Planning Board was called to order by Mr. Gatto on Thursday, October 20, 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: "In accordance with the Open Public Meetings Law, (c.231.P.L. 1975), this meeting was announced by posting the notice on the bulletin board reserved for that purpose; by mailing such notice on January 14, 2016 to the official newspapers of the Township and by filing such notice with the Township Clerk."

Present: Mr. Ammiano, Mr. Cook, Mr. Bazzurro (late), Mr. Gatto, Mr. Kash (late), Mr. Shortmeyer, Mr. Bruno, Mr. Kirk, Mr. Asadi and Ms. Kurtz.

Absent: Mr. Coburn

Also Present: Francis Accisano, Esq., Board Attorney; Paul Phillips, Township Planning Consultant; Steve Leone, Township Architectural Consultant; Timothy P. White, Township Engineer; Danielle B. Sims, Administrative Officer.

There was the Pledge of Allegiance.

MINUTES:

A motion to approve the minutes of the June 2, 2016 was made by Mr. Shortmeyer and seconded by Mr. Ammiano and passed with the following roll call vote: Aye: Mr. Ammiano, Mr. Cook, Mr. Gatto, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk and Mr. Asadi.

A motion to approve the minutes of the August 4, 2016 was made by Mr. Ammiano and seconded by Mr. Shortmeyer and passed with the following roll call vote: Aye: Mr. Ammiano, Mr. Gatto, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk and Ms. Kurtz.

(Done out of Order from the agenda)

REHEARING:

Minor Site Plan with Waiver of Site Plan Detail #879-15 - REHEARING

Primark US Corp. (Applicant)

MS Portfolio LLC (Owner)

Block 69.01, Lot 18.0 – Freehold Raceway Mall

Re-hearing for the approvals memorialized on February 4, 2016 (PB hearing date: January 21, 2016) for Minor Site Plan with Waiver of Site Plan Details for façade improvements, construction of a new emergency access door on the upper level, with a 24 sf pad and proposed new exterior signage for the Primark store on the 2nd floor of the existing Sears store. This re-hearing is to discuss the Sears sign that remains on the façade of Primark.



Mr. Salvatore Alfieri, Esq. entered his appearance on behalf of Sears. Mr. William Mehr, Esq. entered his appearance on behalf of Primark and Mr. Peter Licata, Esq. entered his appearance on behalf of Macerich (Freehold Raceway Mall).

Mr. Alfieri stated that Sears has always felt that they were not doing anything wrong since they obtained a valid permit. He said that in an effort to not jeopardize the approvals for Primark, Sears will have the sign, in question, removed within thirty (30) days. He indicated that he will have a letter sent to the Board to confirm that the sign will be removed. Mr. Alfieri also stated that this was being done without prejudice as Sears will, likely, come in for Board approvals to install the sign.

Mr. Licata offered that the mall sent a “notice to cure” letter to remove the sign. This notice also states that if Sears fails to comply, Macerich reserves the right to have the sign removed.

Mr. Mehr asked if the re-hearing proceeding could be dismissed. Chairman Gatto explained that this would not be done until the sign in question is removed. The matter was carried to November 3, 2016 and if the sign is down, the re-hearing would be dismissed. No further notice would be required.

NEW APPLICATION:

Soil Removal/Fill Permit application # SR-06-16

Meridian Health Realty Corp (Applicant)

Vidal Realty, Inc (Owner)

Block 69.05, Lot 35.03

Soil Removal Permit application to remove approximately 2,155 cy of soil from the existing site in conjunction with Site Plan # 882-16.

Mr. Asadi stepped off the dias as he had a conflict.

John Sarto, Esq. appeared on behalf of the applicant. Mr. Sarto had no objection to the exhibits that were marked and Mr. Gatto read the review letter into record. There were no questions from the Board.

There was no one there from the public attending the meeting and the public portion was closed. Mr. Cook moved that a positive resolution be prepared, this was seconded by Mr. Shortmeyer, all in favor, aye.

Mr. Bazzurro arrived.

Mr. Asadi returned to the dias.

RESOLUTIONS:

“D” Variance # 013-16

Legend Hollow at Freehold, LLC

Yellowbrook Property Co. (Applicant & Owner)

Block 86.01, Lot 20 – Gully Road

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



Final Major Subdivision # 891-1-16
Legend Hollow at Freehold, LLC
Yellowbrook Property Co. (Applicant & Owner)
Block 86.01, Lot 20 – Gully Road

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

Soil Removal/Fill Application # SR-04-16
Legend Hollow at Freehold, LLC
Yellowbrook Property Co. (Applicant & Owner)
Block 86.01, Lot 20 – Gully Road

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

NEW APPLICATION (Cont.):

Preliminary & Final Major Site Plan and Variance #865-15
Freehold Marketplace Hotel, LLC – Marriot TownePlace Suites (Applicant)
JDN Real Estate – Freehold, L.P. (Owner)
Block 70, Lots 20.06 & 20.07 – 310 West Main Street (Freehold Marketplace)

Preliminary & Final Major Site Plan and bulk variance approval to construct and operate a 104 room Marriott TownePlace Suites Hotel, with associated site work and signs variance request.

Kevin Moore, Esq. entered his appearance 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 has jurisdiction to conduct a public hearing. Mr. Moore had no objection to the exhibits that were marked and Mr. Gatto read the review letters into record. There was a correction noted regarding Mott MacDonald’s review where the proposed hotel would have 104 rooms, not 131 as indicated on the review letter. Mr. Moore indicated that they would be able to comply with the technical comments from Mott MacDonald and T&M Associates. Mr. Accisano explained that there is a settlement agreement dated that affects this lot and it will be marked as a Board exhibit (P-11) The following witnesses were sworn: Thomas Dever, Dever Architects; Mark Malinowski, Stout & Caldwell Engineers, LLC; Heather Balgowan, McMahan Associates, Inc.; Tiffany Cuvillo, Professional Planning, LLC; Christopher Vernon, Mercer Management & Development, Inc.; Steven Leone, Speizle Architect, Township Architectural Consultant; Paul Phillips, Phillips Preiss and Grygiel, Township Planning Consultant; and Timothy P. White, Township Engineer. Additional exhibits were marked.

Christopher Vernon stated he resides in Upper Freehold. He builds, owns and manages various hotels and venues in the central jersey area. They are proposing a “Homeward Suites” extended stay hotel, by Marriot. The concept requires certain amenities, like putting green, pool, fire pit. This application is proposes a pool, putting green, fitness room, a board room, “Sweet Shop” for soda, candy or snacks and fire pit, all to only be utilized by the guests of the extended stay hotel. They have no intention in obtaining a liquor license, although do to the size, they are eligible. Mr. Vernon anticipates 8-12 employees on site at any given time. Small box trucks would make most necessary deliveries, usually arriving early in the morning and about once a week. Breakfast is provided to all guests and the guests



are typically out of the building from 9:00 am to 3:00 pm. The units have a small kitchen in each room and the guests can cook for themselves. The rooms can accommodate long stay options. There were no questions from the public of Mr. Vernon.

Thomas Dever, Architect, explained that a pool was not on the plan, but would be placed within the designed footprint. Other amenities will also be included, but not on the plan.

Mr. Mark Malinowski gave his qualifications as a civil engineer and was accepted as a professional engineer. He described the site and surrounding area including an existing pond. The 8.96 acre site is otherwise vacant. The developer is proposing a four-story Marriot to the west of the existing pond. They are proposing an indoor pool on the first floor. The hotel would face Route 33 and he would like to use planters instead of bollards. He stated they are proposing that ADA signage would be inserted into a safety bollard with a blue sleeve due to the proposed depress curb. Mr. Gatto stated that bollards are supposed to match the existing building. Mr. Malinowski agreed. He continued, explaining that the refuse enclosure and maintenance areas are located behind the hotel. He described all of the proposed setbacks and the other bulk requirements.

Mr. Malinowski explained that the hotel would extend 15' of driveway from WalMart Drive to the site. They are also going to extend the walk-way along the east side of the access road. The site will have 116 parking spaces (incl. 5 ADA spaces). Loading would take place by box trucks and vans only and they are requesting a waiver for only providing one loading dock whereas 4 is required. They plan to also use the main front entrance as a drop off location for loading. He is proposing a basin to the East/South in order to meet the regulations and discharge into the stream corridor. The site would be landscaped with evergreens, shade trees, and much of the natural vegetation to the south and in the area of the pond is to remain to buffer the property. Mr. Malinowski explained that they would be seeking a variance for the 25' buffer requirement. He stated they would comply with all of the review comments from Mr. White's report to the Board, with the exception of #12. They are seeking to install planters instead of the required bollards. They will be providing a 2nd Emergency Access through area of pumpstation.

Mr. Gatto stated that the plans provided do not reflect what Mr. Malinowski is stipulating to or describing. These items should have been resolved prior to coming to the Planning Board. Many of the comments in the review letters should have been worked out during TRC meetings.

Mr. Malinowski described the proposed sidewalks and pumpstation.

Mr. Bazzurro inquired about who owns the roadway. Mr. Moore responded that DDR owns the roadway and that they have an agreement. Mr. Bazzurro expressed his concern of safety with the pond. Mr. Malinowski offered fencing. Mr. Gatto stated that fencing is not typically permitted. Mr. Malinowski explained that the fencing was added as a response to the concerns of the Environmental review. The pond is located over 100' from the proposed hotel. Mr. Gatto stated he had no issues with the pond.

Thomas Dever described his qualifications as a professional licensed Architect and the Board accepted his qualifications as a professional Architect. He described the proposed architectural design of the hotel. The hotel would be 45' to the top of the parapet and 55' to the top of the shed roof structures. All mechanical equipment would be screened within the shed roof structures. The entrance to the hotel is proposed to be under a portico to shield guests from the elements. The rear elevation plan shows the proposed 1-story pool.



Mr. Gatto asked why this isn't colonial in appearance as required and if there was a colonial design prototype. He stated that a Google search shows a colonial design on a Marriot in Virginia. Mr. Dever responded that the location he is referencing is a time share location. Mr. Gatto stated that the website is advertising as extended stay and that he feels that this design could be built here. He stated that he doesn't have any issue with the quality of the design, it is about not meeting the Township ordinance for historical/colonial design. Mr. Moore responded that other buildings within the center have non-colonial design. Mr. Gatto stated that these other buildings still have some colonial design features.

Mr. Leone stated he does not disagree, the proposed design does not meet the Township Ordinance.

Mr. Gatto stated that the building could be built with Colonial design, but Marriot wants to build a "European" design that does not meet the Township Ordinance or fit the VC/historical zone. Mr. Ammiano added that there is a strict ordinance regarding the design requirements and doesn't like the choice made to come to the Board with this design style.

Mr. Moore requested a five minute recess. The Board went back on record.

Mr. Moore stated that the developer is requesting to withdraw the application before the Board. Mr. Accisano confirmed that they are withdrawing and removing the application request. Mr. Ron Gasiorowski put his appearance onto the record. Mr. Ammiano made a motion to accept the request to withdraw, Mr. Cook seconded the request to withdraw the application. There was a roll call vote to accept the request to withdraw the application, with all in favor.

Mr. Gatto announced that there would be a short break. The Board went back on record.

RESOLUTIONS (Cont.):

Resolution for O-16-15: Ordinance Amending and Supplementing Chapter 190, Section 190-3 "Definitions", Defining "Hotel/Motel"

The Township Ordinance would amend Chapter 190 – Land Use, to define "Hotel/Motel" within the Township Municipal Codebook.

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

Minor Subdivision and Variance # 766-1-16 3541 Route 9 Realties, LLC and Sun National Bank Block 72, Lots 90 and 90.02

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

Minor Site Plan w/ Waiver of Site Plan Details and Variance# 888-16 Bloom Energy – Energy Servers Freemall Associates, LLC Block 69.01, Lot 18.01 – 3710 Route 9

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



DISCUSSION:

Mr. Gatto discussed the upcoming applications.

ADJOURNMENT:

There being no further business, a motion was made to adjourn the meeting and passed unanimously.
The meeting concluded at 8:58 pm.

Respectfully Submitted,

Robert H. Shortmeyer, Secretary