



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

SPECIAL MEETING MINUTES
January 26, 2017

The Regular Meeting of the Planning Board was called to order by Mr. Gatto on Thursday, January 26, 2017 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 19, 2017 to the official newspapers of the Township and by filing such notice with the Township Clerk."

Present: Mayor Preston, Mr. Ammiano, Mr. Bazzurro, Mr. Gatto, Mr. Kash, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk, Mr. Coburn and Ms. Kurtz.

Absent: Mr. Asadi.

Also Present: Frank Accisano, Esq.; Paul Phillips, Township Planning Consultant; Andrew Feranda, Shropshire Associates, LLC, Township Traffic Consultant; Joseph Ettore, County Engineer; Daria Jakimowska, County Engineering Department; Victor Furmanec, County Planning Board; Timothy P. White, Township Engineer and Danielle B. Sims, Administrative Officer.

Chairman Gatto seated Ms. Kurtz. There was the Pledge of Allegiance.

NEW APPLICATIONS:

Chairman Gatto stated that this is a Special Meeting for the following four applications:

Preliminary & Final Major Site Plan and Variances #868-15

MACW Freehold, LLC – Phase I

Block 70.05, Lot 17

Site plan approval in order to construct site improvement infrastructure necessary to support Phase 1 of a new mixed use development on the subject property (commonly known as the Bellemead Tract).

Preliminary & Final Major Subdivision #894-15

MACW Freehold, LLC

Block 70.05, Lot 17

The applicant is seeking preliminary and final major subdivision approval in order to subdivide existing Block 70.05, Lot 17 into five new lots (in conjunction with SP# 868-15)



Preliminary & Final Major Site Plan #869-15

Freemall Associates, LLC.

Block 69.01, Lot 18.02

Modifications to existing parking lot to accommodate site plan applications associated with Bellemead General Development Plan (GDP). (i.e. Jug handle at Route 537/Trotter's Way northeast corner).

Preliminary & Final Major Site Plan #870-15

Roseland Freehold, LLC

Block 70.05, Lot 17 (proposed Lot 17.03)

Residential component of the Phase I Development of MACW for 400 luxury residential apartments. The proposed residential development is located on the 20.9± acre (future lot 17.03) at the southern corner of the 77.3± acre Bellemead Tract. The proposed development consists of six (6) four-story residential buildings containing a total of 400 individual residential units, an approximate 10,000 s.f. clubhouse, a three-story parking structure, nine (9) single level free-standing garages, and all associated site infrastructure.

Soil Fill Application # SR-05-16

Roseland Freehold, LLC – Liberty House

Block 70.05, Lot 17 (proposed Lot 17.03)

Proposal to import approximately 3,000 c.y. of fill to the Roseland Property site in conjunction with the site plan for Roseland Freehold, LLC.

Mr. Accisano stated 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. William J. Mehr, Esq. appeared on behalf of all of the applicants. Mr. Gatto read an opening statement explaining the Special Meeting for the applications is as a result of a previous General Development Plan (GDP) approval granted for what is known as the Bellemead property. The GDP is a non-specific overall matrix for development that provides certain statutory protections for a developer, but doesn't give immediate right to a developer to proceed since specific land use approvals are required. Around May 2013 the applicant's representative met with the Master Plan Committee to discuss a GDP for the site. It was discussed that the site is less than 100 acres, departments and immediate amenities, types of commercial uses, integration and coordination of mixed uses, the ingress/egress of the site and the adverse impacts that may occur in the surrounding area. (Mr. Bazzurro arrived at 7:07 pm)

Chairman Gatto stated that the hearing would be presented according to the outline provided to Mr. Mehr by Mr. Accisano: (referring to the outline) 1. An opening statement would be provided by the applicant's counsel describing the four elements of the applications. 2. A presentation by the project engineer, Tawney Farmer, providing an engineering overall statement, no engineering details other than to give a broad description of the elements, limited to 30 minutes. 3. A presentation by the applicant's Traffic Consultant, Scott Kennel, focusing on traffic details in detail including the reconstruction of Trotter's Way jughandle, the extension of Trotter's Way and the interconnection of Trotter's Way with Route 9. Ingress/Egress of the site at buildout should be discussed and any other testimony to establish that the applications will not have an adverse effect on the surrounding area and would provide any outside agency approvals including the NJDOT and Monmouth County.

Mr. Mehr stated that he responded to the outline provided by Mr. Accisano and requested to follow their own format as permitted under the law and the Board rules and regulations so they may present a



complete case. He indicated that some/all of the items indicated would be covered in the proposed testimony. He made an opening statement, as it relates to Phase I, which is what is proposed. He stated that the 77+ acre track had been discussed in depth over many years with the Township officials and consultants. A new road would run through from Rt. 537 to Route 9, through the Bellemead property to the Bank of America intersection. NJDOT granted conceptual approval developing the intersection for full movement through the site and for the new roadway as part of the retail commercial development of the property (Phase II). Two Phases are being proposed under the GDP. The road would be right turn out during Phase I and expanded under Phase II with full movement. A Master Plan Amendment was requested and a re-examination report along with a land use plan element and circulation plan element was prepared by the Township Planner, Paul Phillips and was adopted. The Township Committee adopted an ordinance creating the PUD-1 zone, and included a GDP plan requirement. MACW and Roseland made an application for a GDP, to develop the property in two phases. The Planning Board granted General Development Plan approval on May 21, 2015. The Developer's Agreement was entered into between the Township and the applicant. Mr. Mehr continued by stating that the applications were filed with the Monmouth County Planning Board and the Freehold Township Planning Board (filed on 8/26/15). All four applications were deemed complete and are the subject of the applications currently before the Board. He noted that the Board did not conduct hearings within the required 95 day period. Conditional approvals for Phase I have since been received by the applicants from the Freehold Soil Conservation District, the Monmouth County Planning Board and the NJDOT. The four applications comprise of the one project and each is an essential part of compliance for Phase I of the GDP. Mr. Mehr stated that Phase I is essential as a pre-condition to Phase II design and applications. The applications are in compliance with the GDP, the Master Plan and the PUD zone with no variances required and approvals are "as in right". Mr. Mehr proposed a format: 1. Subdivision presentation to create the proposed five lots by Tawney Farmer, then MACW site plan for on-site and off-site infrastructure improvements and then the Freemall Associates side of the road (CR 537), followed by the residential aspect containing Roseland Freehold-Liberty House application for 400 apartments for site plan approval and in compliance with the GDP. 2. Richard Redding would testify regarding the physical impact on the Township as it relates to Phase I. 3. Christine Coffone, a licensed Planner would testify on the compliance of the project in regards to the zone, the GDP and the COAH requirements. He asked that all questions and comments would be held until all the presentations are complete as most testimony will go over aspects of all applications. He asked if the application is deemed complete by the Board.

Mr. Gatto explained that the hearing will be held in the manner of the Planning Board's request. He noted that there are serious concerns over some of the conditional approvals granted and the reviews. Regardless if the professionals deem the application complete, there is question to the viability of the proposal the applicant is presenting. Pertaining to completeness determination, Mr. Accisano stated that there are letters in the Board file stating that Phase I applications are complete and they are binding.

Witnesses were sworn: Tawney Farmer, PE Stantec; Scott Kennel, McDonough & Rea; Paul Phillips, Township Planning Consultant; Andrew Feranda, Shropshire Associates, LLC, Township Traffic Consultant; Joseph Ettore, County Engineer; Daria Jakimowska, Monmouth County Engineering Department; Victor Furmanec, Monmouth County Division of Planning; and Timothy P. White, Township Engineer

At 7:20 pm, Mr. Mehr requested a five minute recess and was granted. The meeting was back in session at 7:25 pm



Mr. Phillips made a comment that Mr. Mehr represented that the plans before the Board this evening are completely in compliance with the GDP Phase I, but recognized the retail component was part of Phase I but is no longer proposed as part of Phase I. Mr. Mehr responded that he requested that the 40,000 sf portion of retail was be removed by a letter to the Planning Board several months ago and the GDP resolution states that this retail component “may” be included as part of Phase I. Mr. Mehr stated they included it initially but have since removed. Mr. Mehr read a portion of the GDP resolution of approval. Mr. White stated that when they considered Phase I, they considered both the residential and the commercial components. Mr. Mehr continued, noting that the language in the resolution allows for the retail to be removed from Phase I (depending on leasing demands).

Mr. Ammiano stated he is concerned that the applicant is only looking to move forward with the residential component and feels that this application is missing the elements necessary to make this more than an apartment complex in a farm field. The previous concept plan approval is only that, “conceptual” and this application doesn’t include the mechanisms to help the roads since they are not proposing/considering the commercial portion. Since the GDP approvals, he stated that there has been many more discussions about the traffic issues. He is concerned that the Phase II will never be constructed and leaving the residents with a less than ideal situation. He stated he is concerned with the quality of life. Mr. Ammiano is also concerned with the Health Officer’s concerns on a residential property and wonders why it is only planned to be addressed under Phase II of the project. He feels that these concerns must be addressed in Phase I. He is also concerned with the existing traffic problems that currently exist, prior to the addition of the proposed applications. He stated that he feels that the Board cannot approve an application that does not address the safety and health concerns until Phase II whereas Phase II may never be constructed. Mr. Mehr responded that they will be addressing the traffic concerns and these items will be considered in Phase II and hopefully the governmental entities will work together. Mr. Gatto explained that the record was clear at the GDP hearing that traffic was a major concern. The testimony at the GDP hearing was very specific about the concerns. Mr. Accisano reported that he doesn’t feel that removing the 40,000 s.f. retail would require an amendment to the GDP as it states they “may” include this as part of Phase I.

Mr. Mehr had no objections to the exhibits with the exception of the supplemental traffic report that was submitted at the request of the Township to see a possibility of what could be done in the general area around the mall, but not as proposed by the applicant. Mr. Gatto said the Board will reserve this decision.

Additional exhibits were marked into evidence.

Tawney Farmer qualified herself as a licensed engineer in the State of NJ and currently works directly for Macerich. She has previously testified before this Board and her qualifications were accepted by the Board. She referred to Exhibit MACW-1, the subdivision creating five lots, the 5th lot will be a conservation lot with no development. She described the proposed easements and right-of-way needed to prepare for the proposed roadways. The lot and the ROW are in compliance, making this an “as of right” application and only one outside approval would be needed for the subdivision. The MACW site plan supports the Phase I infrastructure needed develop the Roseland-Liberty House application also being proposed. Ms. Farmer described the existing site including the barn that is currently in use. The outbuildings on site are not currently in use. The previous land owner received approvals to decommission the wells and remove the underground storage tank. The wells have certification of removal. A ground penetrating sonar was done and possibly has found the tank, since they are unable to find proof that the tank was actually removed. If this is confirmed, they will have the tank removed



and the near site will be tested and remediated as needed, although this is not anticipated. The tanks are not in the area of Phase I development.

Mr. Gatto asked how long the applicant has known about the possible health concerns. Mr. Ammiano stated that he saw a memo from the Health Officer expressing concerns dating back to 2007. Tawney Farmer explained that there were applications for their removal despite the fact they have not been able to confirm that the tanks have in fact been removed. A submission was made on January 12, 2017 and the Health Officer to this point has not had enough time to review the newly submitted reports. Mr. Mehr noted that the law only requires delivery at least ten days prior to a hearing in order to testify on a submission, although the Board requires 21 days in order to also review the submission.

Ms. Farmer stated that they are trying to finalize the right-of-way jurisdictional limits but while they are still working on getting the geometry approved by the County for the Phase I improvements. Mr. Gatto confirmed that this has not yet been resolved.

Ms. Farmer explained that there would be widening and a dedicated right turn lane to Trotters Way from Rt. 537, as per discussions with the County (moving it from Phase II to Phase I). The excavated soil from the new jughandle will be brought across the street to the MACW site, balancing the site within the project and not requiring importing/exporting of soil/fill.

Ms. Farmer explained that a wet and a dry pond had been designed to collect run-off for both Phase I and Phase II. Off-site drainage (referred to MACW-8) is shown the watershed area model. Three main areas of concerns were identified by the Township professionals. After the analysis, the Bellemead project would reduce the peak flows at each of the areas of concern, improving the flows.

Tawney Farmer stated that a 16" main would run through the site and would service both Phase I and Phase II developments and would also provide a loop for the main, which currently doesn't exist. Sewer would follow the same path as the water main. Dry utilities will come from Rt. 9, extended pass the tunnel, but over the tunnel. All utilities will be 100% within the right-of-way. The proposed stubs will be out of pavement areas. Highway lighting will be located along the roadway using NJDOT lighting standards. In Phase I, temporary lighting will be provided along a temporary asphalt sidewalk and will convert to concrete in front of the residential component all the way out to Rt. 9 and the jughandle.

Mr. Bazzurro is concerned if Phase II is not constructed, what happens with the asphalt sidewalk and other temporary items. Ms. Farmer suggested this could be bonded. Mr. Mehr described that there is a seven year GDP approval and they are already three years into this timeframe.

Mr. Ettore clarified that the County does not have jurisdiction over sidewalks, even on County roadways. It is left up to the municipalities, according to Title 27, and the County deferred this comment to the Township. Mayor Preston stated that they met with the County about a year ago and expressed the need for sidewalks from this point of Rt. 537 through the Borough. Mr. Gatto stated that the sidewalks and cross walks are something that the Board feels should be done in Phase I. Ms. Farmer explained why they are proposing the temporary asphalt sidewalks, including that the Phase II area will continue to be farmed while Phase I is constructed. Mr. White had no issues with the roadside drainage. Ms. Farmer showed a typical cross section of Trotters Way. They will be grading the roadway to the full limits in Phase I, then they will pull everything up and it would change the roadway. She said that the project financially cannot be supported through Phase I, and what they propose to build in Phase I is only what they can support.

Mr. Gatto questioned why the improvements are being proposed as temporary and not being done as permanent at this time. He asked what the relevance is for the Board regarding the financial burden of



the applicant. Ms. Farmer reminded the Board that the GDP was only conceptual and that no site plans have been submitted as part of the application for Phase II, as they do not know exactly what will be built in Phase II. The off-site sewer improvements reflect only the proposed improvements in Phase I. The proposed plans will reduce the burden on certain areas of concern. She explained further how this would be done and the analysis/design would accommodate the anticipated additional demand. Mr. White explained that the system is functioning fine, even though at or near capacity per DEP standards. Ms. Farmer said they are de-loading the Stonehurst Sewer lines and would improve the situation.

Ms. Farmer described the proposed grassed plantings on the site to look natural and wild with a “no mow” type of grass. Recently they received Conditional Approval from the Monmouth County Planning Board and are awaiting other outside agency permits.

Exhibit MACW-6 shows the Bob’s parking lot along Rt. 537 (Freemall application). This application regards the impacts of the parking lot changes. Other than a few light pole relocations, there are no utility changes will be needed as part of this application. Parking modifications will reduce the 41 space surplus down to a 17 space surplus and this surplus will be maintained. This still meet the parking stall requirements of the Township.

Mr. Gatto referred to the Monmouth County Planning Board Conditional Approval. Mr. Ettore explained that the level of service was found to be acceptable and the trips and widening were approved with an acceptable level of service for Phase I only. Any future development would need to be re-evaluated and may require removal and reconstruction as the Phase II was not submitted or evaluated. Mr. Ettore followed up on Mayor Preston’s comment concerning the Rt. 537 Corridor Study to stating that the sidewalks and land configuration are all part of the Corridor Study. New developments within this corridor will be evaluated with this in mind. The Corridor Study does not include the Bellemead projects as they were not presented to the County at the time. Mr. Gatto explained that it is possible that the corridor study improvements may be done after the MACW project if ever. Mr. Ettore also confirmed this. Mr. Ettore explained that there is great concern with traffic at the Route 33 and Route 537 intersection. This is a concern without the applications of Phase I and Phase II. An extra lane would be the best answer to the concerns. The applicant stated that they had explained to the County that they were not able to make this improvement on their own. Daria Jakimowska explained that they have two lanes, but they cannot receive federal funding for the improvement as it is under DOT jurisdiction. The developer, the County or the DOT would need to be responsible for this improvement. Mr. Gatto asked if there is any concern or if there would be an adverse effect if these improvements were not done. Mr. Ettore stated that he believes that at full buildout it, there would be significant concern of this for Phase II, even without having seen plans for Phase II.

Andrew Feranda agreed that all of the retail included in Phase II would greatly impact the area. This would cause an adverse impact on traffic.

Mr. Mehr noted that the supplemental traffic study was presented to the County as a concept. Mr. Mehr offered some alternate options, although these would not be a part of what they are currently providing. As a developer, if you are at an intersection, you are responsible. If it is off-track, the developer is responsible for their “fair-share” of the concept. He suggested that the County and Municipality should be working towards resolving this.

Mr. Gatto stated that the approvals granted for the GDP address the adverse impact of granting the GDP for this site. This was agreed to that this would be addressed at the time of the application.



Daria Jakimowska explained that an additional lane had been respresented. Her concern is that there is an additional through lane being provided, in effect, having two additional lanes. She is not sure that a one lane jug handle would support the application. Phase I was what was applied for and the geometry was evaluated and was noted in their Conditional approval (Monmouth County Planning Board) that there were concerns with Phase II, even though they have not presented those plans.

Chairman Gatto stated it would make sense to look at this at the Phase II buildout to see if the improvements being proposed would even work. He reiterated that the approvals were contingent that there would be no adverse impact to the area. The same five concerns were brought up at the GDP hearing and Mr. Gatto stated that these concerns were removed from the GDP resolution at the request of Mr. Mehr to soften the language as to not jeopardize the GDP, and requested that it only state as to "not adversely impact". Mr. Mehr confirmed Mr. Gatto's recollection.

Mr. Ammiano described how he avoids this area of Rt. 537, due to the traffic issues. He stated that they need to evaluate the impact at full buildout. Mr. Gatto reiterated that the language was softened to help with the NJDOT approvals at Mr. Mehr's request, but the five issues were clearly stated on the record and that these were all issues raised at the GDP.

At 8:48 pm, the Chairman called for a ten minute recess. The meeting was back in session at 9:01 pm

Mr. Mehr wanted to make sure that they would be able to finish putting their testimony on record at some time. Mr. Gatto stated that they were not cutting the testimony or ability to present their case, but wanted to have these issues addressed so they could get to tis. Mr. Mehr stated that the applicant's professionals and the Township's professionals have met and they have agreed to address all of the issues in Phase I (plans have not been revised).

Mr. Gatto stated that no matter how they look at it, the application does not appear to satisfy the conditions of the GDP and expressed his concern that the Phase I Improvements would have an adverse impact on the area. Additionally, the answers to the concerns in the review letters, he feels, cannot be addressed by saying it would be addressed in Phase II and the Board will not make a differentiation between Phases as is relates to safety concerns. Mr. Mehr believed that they addressed the Phase I concerns.

Scott Kennel of McDonough & Rea Associates, a traffic expert (not traffic engineer) was qualified and accepted by the Board as such. The Traffic Impact study refers to Phase I Improvements and the residential component and is in compliance with the Township's Master Plan and Monmouth County Corridor Requirements. They have presented future traffic volume commands and analyzed the intersections at Rt. 9 and Route 537 (Trotter's Way extension). He has been working on this project since 2009 and is very familiar with the area. The Trotters Way extension is recognized on the Master Plan Traffic Circulation Plan. A right in and right out access at Route 9 was granted by the NJDOT for Phase I and acknowledged the subdivision application. Mr. Kennel stated that at Rt. 537 there will be reconstruction and reconfiguration of the jug handle at Trotters Way. The proposed jughandle will hold a greater capacity of vehicles. There will be a slip ramp exiting Rt. 9 and bypass the jughandle to bypass the signalized intersection. There will be a loss of parking at the Bob's store. This was area that was reserved for a jughandle as part of the improvements done about 20 years ago. This is being revised to provide better geometry and to accommodate more capacity. One Phase II improvement was moved to Phase I at the request of the County to include three thru lanes and a dedicated right turn lane at the Rt. 537 westbound approach. Under Phase II, on Rt. 537 eastbound direction, there will be 3 thru lanes and a dedicated turn lane for future commercial development. There will be a signalized right turn lane at Trotters Way into the mall under Phase I. A double right turn lane will also be



provided under Phase II at his location. Referencing the MCPB Conditional Approval, Mr. Kennel feels all the comments can be accommodated and that this is typical with a multi-application project. Modifications to striping, signage, etc. will still be required as art of the County's Conditional approval.

Mr. Gatto asked if Mr. Kennel takes any exception to the comments made by the County. Mr. Kennel felt that they could work through the intersection improvements. He would not be able to give any comments to Phase II as a detailed traffic analysis is prepared for Phase II. He stated since there are no site plan applications for Phase II, this cannot be accomplished. They would prepare detailed plans and geometric plans for Phase II when the building uses are proposed and analyzed. The information provided is for Phase I and he feels the geometry is sufficient. The jughandles are not proposed to be enlarged with Phase II. The entry points and the termini would be changed but are consistent with what would be done with Phase II. Mr. Ettore does not agree with this assessment. Daria Jakimowska explained that the Phase II plans would widen the roadway by two lanes and questioned the geometry as it only meets the criteria for a single lane. Two additional lanes would not meet the requirements. A traffic study and volumes have not been provided for her to evaluate. Mr. Kennel disagreed and said he felt he would be able to meet the requirements. Mr. Ettore is also concerned about the presumed weaving at the Rt. 33 ramp with traffic coming out of the mall to Rt. 537 westbound, with not only geometry, but also with volumes. He stated he would be uncomfortable if this were before the County and included in Phase II. Mr. Feranda stated he had seen conceptual plans for Phase II and was concerned that it shows several constraints within the design. Phase I may work as proposed, but he is not sure that Phase II would be able to be accommodated, being they are now only meeting the minimum requirements and already has constraints. Mr. Feranda shared the concerns of the County Engineer. Mr. Bazzurro confirmed that Ramp D is a single lane during both Phase I and Phase II and confirmed with Mr. Kennel that this would be sufficient and have no issues with geometry. Mr. Kennel stated that only conceptual plans have been done for Phase II, but have not been submitted for review. Mr. Bazzurro questioned how he can state that they will be able to meet the future needs if a full evaluation of Phase II has not been completed. Mr. Bazzurro questioned how Mr. Kennel could testify on future needs. Mr. Kennel stated that the application was only for Phase I. Mr. Kennel stated he had not done a detailed study and cannot respond to this as Phase II studies have not been done. He submitted everything on Phase I only and based everything on the Phase I traffic study.

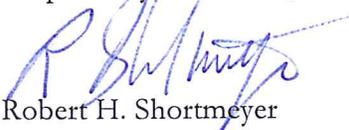
The Board carried the meeting to March 16, 2017, at 7:00 pm without further notice.

Mr. Gatto thanked the County representatives for coming.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:29 p.m.

Respectfully Submitted,



Robert H. Shortmeyer
Secretary