



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

REGULAR MEETING MINUTES
May 4, 2017

The Regular Meeting of the Planning Board was called to order by Chairman Gatto on Thursday, May 4, 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 (late arrival 7:10pm), 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, Phillips Preiss and Grygiel, Timothy P. White, Township Engineer and Danielle B. Sims, Administrative Officer.

There was the Pledge of Allegiance.

MINUTES:

Approval of Minutes: April 6, 2017

Mr. Shortmeyer made a motion, seconded by Mr. Kash. The motion passed with the following roll call vote: Mayor Preston, Mr. Gatto, Mr. Kash, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk, and Ms. Kurtz.

RESOLUTIONS:

“C” Variance Application # 003-17

Angelo Spargifiore

Block 85.04, Lot 14 – 52 Mulberry Lane

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

Mr. Accisano stated that there was a clerical error in the description of size and that the correct number has been included in the resolution.

Amended Preliminary and Final Site Plan w/ Waiver of Site Plan Details # 758-3-17

Sears and Roebuck - MS Portfolio, LLC (Owner)

Block 69.01, Lot 18.07 – 370 Route 9 – Unit 1100



Mr. Gatto stated that there was a corrected resolution and Mr. Accisano confirmed. The correction reflected the timing of Sears putting up their sign after Primark put up their sign. The sign was existing at the time of the application and was taken down and put back up.

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

Preliminary and Final Major Site Plan # 878-18
New York SMSA Limited Partnership dba Verizon Wireless
Court Order Remand
Block 102, Lot 11 – 363 Monmouth Road

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

NEW APPLICATION:

Minor Site Plan # 742-2-17
HOPE Lutheran Church
Block 84, Lot 1.01 – Elton Adelpia Road

Proposal to permit a 12' x 56' classroom trailer for the Hope Christian School.

Mark Williams, 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 has jurisdiction to conduct a public hearing. Mr. Williams had no objection to the exhibits that were marked and Mr. Gatto read the review letters into record. The following witnesses were sworn: Judith Canfield, Director Hope Christian School; Paul Phillips, Phillips Preiss and Grygiel, Township Planning Consultant; and Timothy P. White, Township Engineer. An additional exhibit was marked.

Mr. Williams stated that they applicant hereby withdraws the solar application. Ms. Canfield described that the school has been around for over 50 years and serves children 2-6 years old. The Kindergarten program was a pilot program that provides classroom for 8 children and the kindergarten class desire has grown and is seeking a better way to serve the community and offer a larger area for the classroom time. There is no additional space within the existing footprint of the church to host the class. Demographics and enrolment fluctuates and to build a permanent addition would not be a wise choice at this time. The modular classroom came up to allow for this. The school has offered that they would put a cap of 5 years on the term for the trailer in order to allow time to plan and decide if there is a more permanent place for the growing school. The location on site appears to be the best place to avoid the area of the parking lot and the drop off area. The proposed location is directly outside the education wing of the church/school. This way the students can enter and exit safely.

Mr. Gatto asked if Mr. White feels that this is the safest location, and he agreed that this is the most logical and safest. Mr. Phillips also stated this is the most functional location. The Board agreed.

Ms. Kurtz asked if the students would still come in through the main building. Ms. Canfield confirmed that students would enter and exit through the interior of the actual physical structure. Ms. Canfield stated that there are 5 students on the waiting list. They are proposing up to 12 students in the modular trailer/classroom. The applicant is proposing a planter box with abbreviate to screen the proposed



trailer classroom. Mr. Gatto asked if there should be more permanent planting. Ms. Canfield explained that since the trailer is meant to be temporary, then they can be relocated at a later time. Mr. White stated that the trees can be put in the ground and would continue to screen the playground after the trailer would be removed. Ms. Canfield agreed that they would plant directly into the ground. This would be conditioned upon review of the Township Engineer. Mr. Williams asked about the neighborhood and surrounding area. Ms. Canfield stated that the one side is another school and the opposite side would be shielded by the existing school/church.

The Board opened the hearings to the Public.

Donald Holly of 184 Elton Adelphia Road was sworn in. He asked if there would be a definite time for the trailer and asked if they would have to be removed at the termination or go back to the Board. Mr. Gatto confirmed the applicant was requesting a five year term

Michael Shiff of 1 Patriot Way was sworn. He asked about the landscaping and screening of the trailer. Mr. Gatto stated that the landscaping would be required to be approved by the Township Engineer.

Mr. Accisano confirmed with Ms. Canfield that the trailer will only be used for a classroom and nothing else. Ms. Canfield stated that the school is open 7:30 -5:30 pm and the church is open 8:30 am on Sunday. Ms. Canfield stated that the trailer is white while the school is brick and grey wood and white trim. She stated that the white trailer may not be able to altered since it is a rented trailer. Mr. Phillips believes that there may be ways to treat the trailer to help to make it blend in with the existing school. Mr. Gatto stated that the applicant should make attempt to have the finish match the existing church and if not able to do so a letter will need to be submitted to the Engineering Office or the Board to explain the reason.

There were no other members of the public that came forward. A motion was made by Mr. Shortmeyer to close the Public Session, and was seconded by Mr. Kash. A motion was made by Mr. Ammiano to authorize Mr. Accisano to prepare a positive resolution, which was seconded by Mr. Shortmeyer. Mr. Accisano asked that the applicant report annually the number of students enrolled and based on that information a determination as to whether the trailer is necessary. The positive resolution is for a five year term, subject to inspections by the Township to check for compliance. The Applicant confirmed this condition. All in favor; aye.

Preliminary and Final Major Site Plan # 883-16 and Variance # 025-16

AAA Club Alliance, Inc. (Carried - Must act by May 4th, 2017)

3478 Route 9 Automotive Realty, LLC

Block 71, Lot 14 – 3478 US Highway Route 9

Approval to retrofit and put an addition on the vacant car dealership and occupy it with a AAA facility to provide insurance and travel agency services and basic auto maintenance services in the CMX-3A zone. The application and resolution were carried to allow the applicant to address the outstanding architectural and sign design comments as expressed by the Board at the March 2, 2017 public hearing.

Mr. Howard Geneslaw, Esq. appeared on behalf of the applicant. Mr. Accisano stated that the applicant said he reviewed the proof of re-notice submitted by the applicant which was correct in form, published and served in a timely fashion so the Board has continuing jurisdiction to conduct a public hearing. Everyone previously sworn in was still under oath. .



Mr. Gatto explained the applicant has worked out the issues from the previous hearing, although the result leaves three items that still require a variance. It was suggested that the color red that was proposed for the sign be changed or would match the red from the mall. Mr. Geneslaw explained that the applicant went to the Zoning Officer and requested a sample of the red color. Mr. Gatto asked if AAA has any logos that may conform with the ordinance.

Brian Dougherty, Architect, previously sworn, presented color swashes that are being proposed. He stated that there are other AAA colors that do conform to the ordinance. He explained that the color red being proposed was offered by the Township architectural consultant. He said that they were hoping to use the color red that they are proposing. It is a permitted background color, but not a permitted lettering color.

Mr. Gatto explained that there are colors that are conforming and that the closeness to the highway is a color not permitted so close to the roadway (within 50' of the highway). Mr. Dougherty stated that the second option would be the sign in the black color on the white background, but would prefer the red from the palette.

Mr. Gatto polled the Board to see which color the Board would prefer. The entire Board agreed that the color black would be better suited (the blue accent would also be removed). The signs were discussed and the colors would be black on white with the blue accent to match the façade. Mr. Geneslaw agreed they would be removing the color red from the signage. Mr. Geneslaw explained that they still would require a variance for the logo and the architectural design.

Mr. Woodruff, Professional Planner, was previously sworn and still under oath. The benefits of the recognized logo, no detriment to the public good in having the logo and doesn't impair the intents of the master plan. The number of variances has been reduced and improves the application. They are eliminating the need for the variance for the sign color and treating the side elevations the same as the front elevation and the use of earth colors are now being used with the eliminating the color red from the facade.

Mr. Gatto asked if there were any questions from the public, based on new testimony. A motion was made to close the public hearing by Mr. Ammiano seconded by Mr. Kash. All in favor; aye. Mr. Kash made a motion to take action to approve the application, as modified by the new testimony and was seconded by Ms. Kurtz. Mr. Accisano confirmed that the resolution of memorialization will take place at the next hearing. The motion passed with the following roll call vote: Mayor Preston, Mr. Ammiano, Mr. Bazzurro, Mr. Gatto, Mr. Kash, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk, Mr. Coburn, Ms. Kurtz.

The following application is a "D" Variance; therefore Mayor Preston and Mr. Ammiano left the room for the evening.

"C" and "D" Variance Application # 008-17

Joseph Rossler

Block 37, Lot 3.16 – 16 Palomino Court

Proposal for an addition to a single family home. Bulk variance request for impervious coverage and "D" variance for Floor Area Ratio (FAR) over the maximums permitted.

Jennifer Krimko, 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 has jurisdiction to conduct a public hearing. Ms. Krimko had no objection to the exhibits that were marked and Mr. Gatto read the review letters into record. The following witnesses were



sworn: Jason Fichter, Inside Engineer; Paul Phillips, Phillips Preiss and Grygiel, Township Planning Consultant; and Timothy P. White, Township Engineer. Additional exhibits were marked.

Ms. Krimko explained that the applicant has been working on the addition for five years and it is debatable as to the reason for the delay and that the applicant recognizes it is a problem and needs to be resolved. The FAR calculations that they are seeking includes the cellar and the garage. Mr. Krimko explained that the applicant is a disabled vet and was issued a stop work order. He has physical disabilities that will prohibit him from completing the work on his own. The scaffolding on site is left in place due to the stop-work order issued by the Township. Mr. Rossler is willing to have this removed immediately after the hearing.

Mr. Jason Fichter is a licensed NJ Engineer and Planner and has previously testified before this Board, and was accepted as a professional Engineer and Planner. Mr. Fichter described that the site is 25,000 sf lot that is currently zoned R-60, however when built was in the R-40 zone and built with the R-25 zoning requirements as per the lot clustering requirements. This was confirmed by the Township Zoning Officer and the R-25 standards would still apply. Two variances are being sought, the 539 s.f. additions 184 s.f. for a fourth bedroom. The first variance requested is a D4 Floor Area Ratio (FAR) variance. He believes that the basement is considered a cellar, not a basement, and would not qualify for FAR calculations. Mr. Fichter explained that this is not how the ordinance reads, however Ms. Krimko stated that they have no objection to have a condition that the cellar will not be used for habitation. Mr. Bazzurro asked if this could be done by deed restriction. Mr. Accisano stated that any resolution like this would be recorded with the County Clerk's office; therefore any subsequent owner's would have this condition on record.

Mr. Fichter explained that it is uncommon with most towns that the garage area is included in the FAR calculations and would not exceed the allowable FAR. Based on Mr. Fichter's testimony, the actual FAR they are requesting is .25 and the house currently exists with .22. Mr. Phillips stated that should the applicant truly meet the definition of a cellar rather than a basement, he would agree with these numbers. Site suitability is not in question in this situation, as FAR is typically used to control intensity of development for non-residential and multi-family residential development. Density controls would be a better means of control. Ordinance in the R-25 Zone states that a maximum of 1.4 dwelling units per acre. The proposed additions will meet all other bulk requirements in the zone, other than the FAR. Mr. Fichter's opinion is that the application keeps with the feel of the neighborhood.

Mr. Gatto asked if the house is similar to those in the surrounding area. Mr. Phillips stated in the context of single family, it is designed to control the mass and the bulk to not be out of context of the surrounding area. He did not take exception of the testimony of Mr. Fichter. Mr. Phillips stated that the house appears to fit in with the neighborhood. The impervious coverage is the second variance being sought. Mr. Fichter stated that the existing and the proposed impervious coverage amounts is de minimus and can be addressed by installing drywells as recommended in the Township Engineer's review letter.

Mr. Fichter feels that this is appropriate as they are to an existing home and neighborhood as this would continue to protect the light air and open space. It maintains an appropriate residential density. It is typical for residential development. If approved, he feels it would improve property values in the development. As for the negative criteria, Mr. Fichter feels it fits well in the neighborhood, it doesn't impact the density, the lot coverage increase is negligible and will also be mitigated by the proposed drywell. There are many trees surrounding the property that would shield the view and mitigate the



impact on the neighboring properties. He feels this would not cause a substantial detriment to the public good or the zone plan. In his opinion, the Benefits would outweigh any detriments. Ms. Krimko stated that drainage calculations, zoning schedule, drywell design and plans would be updated.

Mr. White inquired about the existing sunroom becoming an enclosed area. The existing patio would be enclosed to create the enclosed sunroom. This would be 539 s.f. on the first floor (rear area – 324 s.f., front 215 s.f. on the second floor would be a 184 s.f. = 723 s.f. of addition (plus a cellar which would not be included in the FAR calculation). The proposed sunroom would not exceed the footprint of the existing footings and foundation.

Mr. Gatto clarified the requests and confirmed that the additions will match the existing house. He asked that now since the applicant would be hiring someone to complete the work, how long it would take for the work to be completed. Ms. Krimko stated that it would likely take about six (6) months to complete. Mr. Fichter did walk the house and feels that the house would take at least six months to complete. He feels that the exterior of the home would likely take no less than three months (90 days after building permits are issues).

Mr. Bruno asked if there is a color rendering of the proposed finished home. Ms. Krimko responded that the architectural plans were submitted, but no color rendering was prepared.

Mr. Gatto asked if it would be reasonable to have the exterior of the home completed by August 31, 2017. After conferring with Mr. Flechter, Ms. Krimko indicated that would be a fair completion for the exterior.

Mr. Kash asked about the rest of the “disarray” that appears on the property. Mr. Fichter responded that that the property can be seeded or sod placed within 30 days. The construction debris should be relocated to the rear of the house within thirty days. Mr. Kirk offered that the scaffolding can possibly be kept up for a little longer in order to start the exterior work and save time with the removal of the scaffolding if it would be used in the future.

The hearing was opened to the public.

Mr. Ed Nyland of 6 Palomino Court was sworn in. He explained that he is a little frustrated with the changes offered tonight vs. the public notice offered as he has a prepared statement. He will still read the prepared statement although some of it may be slightly different as the numbers have changed. He stated that the applicant never appeared before the Board to request the relief. He stated that the work has been going on for over 13 years, while he very slowly continued to rebuild the home. At some point it was described to him that the applicant was building a second home on the property. Mr. Nyland stated that he takes exception that the applicant is looking for forgiveness after the fact instead of permission before the construction. He questioned why the applicant is seeking additional variances above the existing un-approved additions. He feels that the proposal further deviates from the appearance and feel of the neighborhood. He appreciates that the Board would impose deadlines should the Board approve the application.

Tom Clift of 15 Palomino Court was sworn in. He offered an aerial “Google” picture of the existing house, date unknown. It was marked into evidence as O-1. He read a prepared statement. This home is not consistent with the community design. He stated that the work has been going on for almost 15 years and had negatively impacted the neighborhood property values. He respectfully requests that the Board deny the application and assert a deadline to fully complete the property without further expansion. He strongly objects to any further additions to the home.



Mr. Gatto explained that the Board functions as a processing agency if there are no variances and functions in a quasi-judicial fashion when variances are required. He stated that the Board has no enforcement powers.

Ms. Krimko explained that if the Board chooses to deny the application that the property becomes under the jurisdiction of the construction department and the Board would not have any right to impose any conditions. She explained that the house is half the size of the allowed coverage.

Ms. Kurtz asked about exhibit O-1 and whether or not the entire property could be cleaned up of debris, not just the front and why the addition was necessary based on the existing size of the house. Ms. Krimko confirmed that there is no hardship request.

The Board asked if the improvements to the house can be completed in six months.

Michael Sweeney of 321 Stirrup (lives directly behind the applicant) was sworn in. He explained he is concerned with the drainage on the property. He also explained that the applicant left concrete debris from the demolition of the original home in the rear of the property and on his property. He has spent a lot of time and money cleaning up this mess and wants to know where the rest of the construction debris will go.

Mr. White explained that there may be an irrigation pipe that may be discharging towards the rear neighbor's home. Mr. White will work with the applicant to correct this issue. Ms. Krimko stated that the concrete and other debris will be removed within 30 days, with the exception of the dirt as this would be needed in the future, but will be moved to the back of the house.

Linda Donnelly of 241 Stirrup Drive was sworn in. She stated that the proposed house is being built on a half an acre whereas the houses they are comparing it to are built on an acre of land and shouldn't be considered consistent. She stated, in her opinion, that this proposal is not consistent with the surrounding homes.

Ms. Krimko explained the cluster zoning provision that was granted and was in place at the time of approval and construction.

Mr. Kash asked about the size of the home that was originally built. The applicant did not have this information. Ms. Krimko stated that there is a big discrepancy with what the applicant states was permitted vs. what is reflected in the construction department. She said she is unsure how the house exactly got to where it is today. Ms. Krimko clarified the size of the existing home as 5,486 (including the garage at 901 s.f., 1st floor and 2nd floor). She stated that the total proposed square footage, including the proposed additions and the garage, would be 6,209 s.f.

Thomas Clift offered another exhibit, but was not taken by Mr. Clift, and Ms. Krimko objected and the picture was not permitted. Mr. Clift stated the bump-out, in the picture, which he has also seen firsthand has already been poured and question if a permit was issued.

Lisa Gall of 25 Palomino Court was sworn in. She offered some pictures into evidence of the house that she stated that she took yesterday. Ms. Krimko reviewed the photos presented. Mr. Gatto offered Ms. Gall a copy of A-9 and asked if this would depict what she is trying to show, she agreed it does. The photos were not marked into evidence. Ms. Gall appreciates that the Board is looking to impose completion dates on the applicant. Ms. Gall asked when the work inside would be required to be completed. Mr. Gatto stated the vote will determine the timeframe.

Mr. Shortmeyer made a motion to close the public hearing, which was seconded by Mr. Kash.



Mr. Bazzurro asked about the condition of pool. Currently the pool is empty. Mr. Bazzurro thinks a fence should be placed around the pool for safety reasons. Michael Sweeney explained that there is a temporary safety fence in place.

Ms. Krimko asked if she could have a five minute recess to confer with her client. The Board granted a 5 minute recess. Upon returning to session, Ms. Krimko stated that they can agree that it will take about 30 days to remove the debris, 90 days (August 31, 2017) to complete the exterior of the house and 6 months to finish work and submit for CO.

Mr. Bazzurro stated that he has a real problem with this application. He stated that nobody has any knowledge of the original conditions of the house, or what he has done without the Township's approvals. He is annoyed that this has gone on for so long without intervention by the Township. The Board is stuck dealing with this problem now. There needs to be some stopping point and final ground. He asked if the Board can impose further restrictions, such as the property would lose the relief and the approvals would be revoked and the property would be restored in conformity and within the prescribed timeframe.

Mr. Accisano offered that the Board would strongly urge the implementation of the conditions imposed that the applicant should comply. Ms. Krimko would only agree to the revoking the approvals of the resolution and removing anything that was not legally permitted.

Mr. Bruno made a motion to prepare a negative resolution and was seconded by Mr. Kash. There was a roll call: Mr. Bruno and Mr. Kash voting in favor of authorizing to prepare a negative resolution. Mr. Bazzuro, Mr. Gatto, Mr. Shortmeyer, Mr. Kirk, Mr. Coburn and Ms. Kurtz voting against the preparation of a negative resolution.

Mr. Bazzurro made a motion to prepare a positive resolution with conditions of the applicant to adhere to the noted timeframes, including a thirty day grace period, to obtain permits and a certificate of occupancy, etc. or otherwise, the approvals would be revoked, which was seconded by Mr. Shortmeyer. There was a roll call of Mr. Bazzuro, Mr. Gatto, Mr. Shortmeyer, Mr. Kirk, Mr. Coburn and Ms. Kurtz voting in favor of a positive resolution and Mr. Bruno voting against a positive resolution and Mr. Kash abstaining from the vote to authorize a positive resolution.

DISCUSSION:

Ms. Sims and Mr. White reviewed the upcoming agenda for May 18, 2017.

Mr. Gatto clarified the status of the Fitzpatrick subdivision.

ADJOURNMENT:

There being no further business, a motion was made to adjourn the meeting and passed unanimously. The meeting concluded at 9:50 p.m.

Respectfully Submitted,

Robert H. Shortmeyer
Secretary