



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

**REGULAR MEETING MINUTES**  
**June 15, 2017**

The Regular Meeting of the Planning Board was called to order by Chairman Gatto on Thursday, June 15, 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.; Kate Keller, Phillips Preiss and Grygiel, Township Planning Consultant; Timothy P. White, Township Engineer and Danielle B. Sims, Administrative Officer.

There was the Pledge of Allegiance.

Ms. Kurtz was seated for Mr. Asadi.

**REQUEST FOR ADJOURNMENT:**

**Carried without further notice from 4/20 17 – Request to Adjourn to a later date.**

**Preliminary and Final Major Site Plan # 784-1-16 with Bulk and "D" Var. #018-16  
New York SMSA – dba Verizon Wireless  
Block 8, Lot 5 – 169 Robertsville Road**

Proposal to construct a 128' cellular monopole (including an 8' lightning rod), with twelve (12) antennas, four (4) equipment cabinets, one (1) power/telco cabinet, and a 30KW diesel generator on a 20' x 9'4" slab with a canopy. (Previous applications applied for this site SP#784-07/Var.# 022-07 and "D" Var. # 036-03-Denied)

Mr. Gatto announced that Verizon requested an adjournment. As of late yesterday, he found out that the applicant noticed the residents of the request. This is not typical. Due to this, the application will be carried to the fall. A motion to adjourn with notice and accept an extension of time to act until December 31, 2017 was made by Mr. Kash and was seconded by Mr. Bazzurro with the following roll call vote: Aye: Mr. Bazzurro, Mr. Gatto, Mr. Kash, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk, Mr. Coburn, Ms. Kurtz.

Mr. Accisano explained that he has become aware of a social media accusation regarding the Committee on the Board and participation in "D" Variance applications. Mr. Accisano explained the procedure for hearing a "D" Variance on a joint Board. Class I (Mayor) and Class III (Twp. Committeeperson) are disqualified from hearing applications that require a "D" use variance and in fact leave the room for an application such as this.



**MINUTES:**

A motion to approve the minutes of June 1, 2017 was made by Mr. Shortmeyer and seconded by Mr. Ammiano and passed with the following roll call vote: Aye: Mayor Preston, Mr. Ammiano, Mr. Bazzurro, Mr. Gatto, Mr. Kash, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk, Mr. Coburn, and Mrs. Kurtz. Mr. Bazzurro, Mr. Kash and Mr. Bruno all certified that they have listened to tapes and are eligible to vote on said Resolutions.

**RESOLUTIONS:**

**“C” Variance Application # 012-17  
Fred Schweighardt  
Block 42.17, Lot 2 – 177 Pin Oak Road**

Mr. Shortmeyer made a motion, seconded by Mr. Ammiano to approve the resolution. The motion passed with the following roll call vote: Mayor Preston, Mr. Ammiano, Mr. Bazzurro (certified-listened to tapes), Mr. Gatto, Mr. Kash (certified-listened to tapes), Mr. Coburn, Mr. Bruno (certified-listened to tapes), Mr. Kirk, Mr. Coburn, and Mrs. Kurtz.

**DISCUSSION ITEM:**

**“C” Variance Application # 022-16  
Laspisa, Louis  
Block 104, Lot 34.09 – 187 Nomoco Road**

Resolution of approval dated March 16, 2017 – impervious coverage calculation and clarification on one of the variances

There was an application that was previously approved. Bill Mehr was sworn in as he represented client with the previously approved application. Mr. White stated that the impervious coverage is 5% in the zone. The applicant thought it was 8%. The actual impervious coverage is now up to 8% and a variance is needed. The resolution will be modified to reflect this change. The applicant will install drywells to mitigate the increase. Mr. White and Ms. Keller agreed that this is de minimus, is relative to the other variances already granted and would not pose any detriment to the public good.

The Board made a motion to modify the resolution, moved by Mr. Ammiano seconded by Mayor Preston. A roll call vote was taken, all in favor aye.

**RESOLUTIONS (Continued):**

**Preliminary & Final Major Subdivision #894-15  
MACW Freehold, LLC  
Block 70.05, Lot 17**

**Preliminary & Final Major Site Plan #868-15  
MACW Freehold, LLC  
Block 70.05, Lot 17**

**Preliminary & Final Major Site Plan #869-15  
Freemall Associates, LLC  
Block 69.01, Lot 18.02**



**Preliminary & Final Major Site Plan #870-15  
Roseland Freehold, LLC  
Block 70.05, Lot 17 (proposed Lot 17.03)**

**Soil Fill Application # SR-05-16  
Roseland Freehold, LLC – Liberty House  
Block 70.05, Lot 17 (proposed Lot 17.03)**

**Resolution of Denial for all five (5) related applications.**

Mr. Ammiano made a motion, seconded by Mayor Preston to approve the resolution of denial for the applicaitons. The motion passed with the following roll call vote: Mayor Preston, Mr. Ammiano, Mr. Bazzurro (certified-listened to tapes), Mr. Gatto, Mr. Kash (certified-listened to tapes), Mr. Shortmeyer, Mr. Bruno (certified-listened to tapes), Mr. Kirk, Mr. Coburn and Mrs. Kurtz.

**Mayor Preston and Mr. Ammiano left the dais for the evening as the following applications are “D” Variance applications and are not eligible to hear these applications.**

**Appeal of Zoning Officer’s Decision and “D” Use Var. # 004-17  
Broadway Associates, LLC (Owner)  
Colonial Foods, Inc. (Abraham Opatut)  
Block 28.13, Lot 7.03**

**Resolution of Denial of Appeal from Zoning Officer’s Decision and Alternate Approval for Bifurcated Use Variance.** The applicant re-noticed to ask the Board to consider some alternate conditions.

**Mr. Kash and Mr. Bazzurro left the dais/room for this application only as they have a conflict with this application.**

Mr. Gatto asked if anyone from the public was attending on this matter, no one acknowledged. Mr. Accisano explained that the applicant has asked that the resolution be carried to allow them to return at the June 15, 2017 Planning Board meeting to request to amend some of the conditions of the resolution. The applicant will be providing public notice for the hearing but it will only be done so the Board can discuss the conditions again. The public will not be able to comment as the public portion of the meeting has closed. A motion to carry the resolution to June 15<sup>th</sup>, 2017 was made by Mr. Shortmeyer and was seconded by Mrs. Kurtz, all in favor, Aye.

Mr. Accisano explained that this is an unusual proceeding. The applicant could after adoption, request changes in the resolution.

Salvatore Alfieri, Esq. appeared on behalf of the applicant. Kevin Starkey, Esq. appeared on behalf of the objectors. Since the hearing, the applicant has attempted to negotiate a lease termination with the truck tenant and is offering a proposal for the long term which will be better for the residents, objectors and township. The tenant would vacate completely by September 30, 2017. In the current resolution, the applicant could continue to operate indefinitely (under revised hours of operations/conditions), can appeal the denial/approval and perhaps re-impose all conditions as presented originally. The applicant is proposing the hours would be Monday through Saturday from 8 am – 5pm, mechanical work only during the hours of operation, trucks would not be parked on the South side of building close to resident (only employee parking would be allowed in the area currently being proposed as banned), vacation by September 30, 2017, waiver the right to appeal the decision and the conditional “D”



variance, a site plan being required within 60 days they are requesting to be waived until a new applicant is proposed.

Mr. Starkey said he would like the conditions to remain, particularly the weekend operations. He also recalls that the conditions were supposed to go into effect immediately. The operations have continued as usual since the hearing, without change.

Mr. Gatto asked of Mr. Starkey if he understands that the conditions. Mr. Gatto asked if the Board would restrict the date of August 31, 2017 instead of September 30, 2017. Mr. Alfieri stated that it would be tough to do so with the amount of equipment on site. He agreed to file a summary to possess for September 30, 2017. Mr. Gatto asked if the applicant would agree to cease operation on August 31<sup>st</sup> and vacate by September 30<sup>th</sup>, 2017 and also if they could restrict the operations from operating on the weekends. Mr. Alfieri offered that no repairs would be done on site during Saturday hours. Mr. Starkey stated that his clients are concerned that some trucks have already been relocated closer to the east and the tires are still located on site. Mr. Alfieri represented that the tires will still be removed by the June 30<sup>th</sup>, 2017 deadline as previously proposed and conditioned. No idling would be allowed, no parking on the south side of the property, they would waive the right to appeal, a site plan would be filed for the next tenant/use, operations would be limited to Monday to Saturday 8 am to 5 pm and no repair work on Saturdays, only employee parking would be permitted along the southerly property line.

Mr. Gatto stated that a path to a global solution is the goal, weighing the best interests for the Township and for the residents.

Mr. Starkey agreed that a site plan should be required. He reiterated that the Saturday operations would be limited to truck traffic, no repairs, on Saturday and he is concerned that there is no code enforcement officer working on a weekend. Mr. White state that a police report should be filed and would then be forwarded to the code enforcement officer if there are non-permitted operations during non-business hours.

Mr. Opatut was previously sworn and remains under oath. Mr. Starkey stated that there are approximately 10 trucks close to the property line. Mr. Alfieri offered to move the trucks to 100' from the houses in question. This proposal would remove the trucks by the end September.

There was a 5 minute break for Mr. Starkey to discuss the proposed conditions with his clients.

Mr. Starkey stated that the homeowners at the northeast of the property believe it is only 50' from the house and that the reverse backup noise is a nuisance. Mr. White stated that there is no way to turn this off. Mr. Alfieri stated he would discuss this with the tenant. Mr. Alfieri stated that the September 30<sup>th</sup> date is needed to relocate all of the equipment and believes that the date is a fair date and will be vacating the use and operations by the offered date. Mr. Starkey suggested that the order of possession may be a way to force the current trucking use to vacate. Mr. Accisano explained the conditions including a 25' landscaped buffer and berm would be required in any future "global" site plan. The existing office use for Mr. Opatut would be permitted to continue until further applications are made and new user(s) are found.

There was a motion to close public hearing made by Mr. Shortmeyer and was seconded by Mr. Kirk. Mr. Shortmeyer made a motion, and was seconded by Mrs. Kurtz to authorize the preparation of a positive resolution. The motion passed with the following roll call vote: Mr. Gatto, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk, Mr. Coburn and Mrs. Kurtz.

**NEW APPLICATION:****Preliminary and Final Major Site Plan # 300-1-16 and “D” Variance Application Var. # 019-16****Lester Glen Chevy****AGK Chevy, LLC c/o Lester Glenn Auto Group (Owner/Applicant)****Block 70.05, Lot 14 – 3712 Route 9**

Proposal to demolish the existing former Chevrolet car dealership and rebuild a new 25,731 sf Chevy dealership with associated site improvements. (See previous SP# 300-77 and 057-69)

**Mr. Kash returned to the room/dais. Mr. Bazzurro is conflicted on this application, also, and remained out of the hearing room.**

Salvatore Alfieri, 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. Alfieri had no objection to the exhibits that were marked and Mr. Gatto read the review letters into record. Mr. Alfieri stated that they would stipulate to the technical comments within the Mott MacDonald review letter dated June 5, 2017 and the T&M review letter dated June 6, 2017.

The following witnesses were sworn: Adam Kraushaar, President of Lester Glenn; Michael Gallagher, PE, Maser Consulting; Raymond C. Liotta, PP, Maser Consulting; Kate Keller, Phillips Preiss and Grygiel, Township Planning Consultant; and Timothy P. White, Township Engineer. Additional exhibits were marked.

Mr. Kraushaar explained that Lester Glenn Auto has several other automobile sales locations. They purchased the location approximately nine months prior. They also own another Chevy dealership in Toms River, NJ. The applicant agrees with the proposed operations read into record by the Chairman. The new protocol for dealerships includes a carwash and is usually a mandated component by the dealers. The carwash would only be used for patrons while under regularly offered services, not just to run their cars through the wash. For storage of inventory vehicles, the applicant proposes to only keep cars on site, unless the business warrants additional inventory. If this happens, they would make the arrangements at that time. Mr. Kraushaar stated that vehicle loading/unloading would be done on-site, not on the highway. He explained that the sign they are proposing is the one that is required by the franchise and are not allowing any exceptions from their prototype sign. They are proposing a sign mandated by the owner and have not ignored the consultant's comments. Mr. Gatto stated that the signs are a concern and the applicant should try to come back with an attempt to meet the ordinance.

Mr. Michael Gallagher described his credentials as a licensed Engineer and has testified in front of other Boards in NJ and Monmouth County, but not this Board. He was qualified as a professional licensed Engineer. He described the application as being an existing Chevy dealership, not currently in operation with two buildings on the lot. They propose to knock down the existing buildings and build one new building for a new dealership. In regards to site circulation, he stated that if the drive aisle behind the proposed building, even if there was a delivery truck parked behind the building, there would still be enough room for a car to navigate behind the building. The lighting proposed is done with LED and feels that these lights are more beneficial than the traditional colonial lighting. Mr. Gatto stated that he would defer this comment for a response from Mr. Leone. Mr. Alfieri confirmed that the concern is for the visual from Route 9 and not the rear of the building. Mr. Gatto stated that it is for the “street scape” on Route 9, and since there is only farmland to the rear, it shouldn't be a concern, but would defer this to Mr. Leone should the Board offer an approval. Mr. Gallagher is proposing nineteen



spaces for customers only. Maximum number of employees on site at any time would be 26. They would be able to comply with the ADA requirements. The Board had no concerns with the waiver request for the reduced sized spaces for the inventory spaces (abutting Route 9 and in the rear). The regulation sized spaces will be marked for customer parking. Mr. Gallagher stated they would be able to comply with the other items in Mr. White's review letter.

Mr. Raymond C. Liotta appeared and stated he is a licensed Planner in New Jersey and has appeared previously before this Board. He was accepted as a Professional Planner. He described the surrounding area including a municipal boundary for Freehold Borough to the east. Currently the site contains many existing non-conforming lot conditions. They are permitting 24% for building coverage where 20% maximum is allowed and 30% currently exists. The FAR proposed is being reduced by 12% from .39 to .27 (.02% higher than what is permitted). Mr. Gatto asked if the applicant put any thought to installing gravel at the rear to help the impervious coverage in the inventory parking area. Mr. Kraushaar explained that even though it is more costly to him, he would prefer to keep it paved, especially since they are decreasing the existing conditions. Mr. White agreed and also stated that paved areas allow for a cleaner operation. Mr. Liotta stated that the front of the building is 92' from the front and shifting the site the additional 8' in order to conform would restrict the movement around the rear. He stated that this would be a better circulation and would not be any detriment, Ms. Keller agreed. Mr. Liotta continued to describe the "D" Variance relief being requested. It is an existing non-conforming use and this application is for a D-1 Variance, due to the nature. This site has been a car dealership since about 1969, 40+ years, and this use has assimilated itself into the area with this use in the area. It is not immediately adjacent to any residential use where it would affect anyone. Ms. Keller agreed this proposal offers significant improvements to a site which has a history of operating with the proposed use, and also noted it is an undersized lot for the zone. She stated there were no other planning comments other than in regards to the signage. Addressing the location of pylon signs proposed, Mr. Liotta showed the two existing pylon sign and location of the same, (northeast-ingress, southeast-egress). He stated that the signs are existing and although only one pylon is permitted, they are both necessary to indicate the ingress and egress. It was also noted that the property is immediately after an overpass. Mr. Gatto explained that the relief they are seeking in regards to the signs, while they seem minor, when they are all put together, there is a lot of relief being requested. In regards to wayfinding signs ("Enter and Exit"), the applicant must submit the proposed signs for review and approval.

Mr. Gatto offered to open the matter to the public for comments and questions. There was no one from the public that came forward. A motion to close the public portion was made by Mr. Shortmeyer, was seconded by Mr. Kash, all in favor, aye.

Mrs. Kurtz asked if there were any way to incorporate any colonial design features on the building.

Phil Ruggieri is a licensed architect in New Jersey and has testified before many other Boards in New Jersey. Mr. Ruggieri stated that this proposal is designed by Chevrolet and feels that there is a place for colonial design features, for example in historic district. He feels that due to the size of the building it would be difficult and also due to the style of the building, it would not be conducive for colonial design. It was also noted that the building is a vast improvement to the site compared to the existing conditions. Mrs. Kurtz put on record that she is not satisfied with the response, but would not like to hold up an approval if offered on this account.

Mr. White recalled from the TRC meeting that Mr. Leone, Planning Board Architectural Consultant, was satisfied with the representation.



Mr. Alfieri asked to confirm the signage and if they would need to come to the Board. Mr. Gatto stated he is not going to piece meal the signage and they would have to come back with a conforming sign. Ms. Keller explained that the pylon signs are a pre-existing condition on the site and does not think that relief would be required. The pylon signs are to be refaced, but would still require relief for design and color. The rest of the signs would be conforming. The Applicant would have to return for signage.

Mr. John Perillo, Senior Vice President of Lester Glenn appeared and was sworn in. He stated that he has had conversation with General Motors/Chevrolet and the sign being proposed would have been subject to change, even with the building as it currently exists. Mr. White clarified that if it wasn't conforming, they would have to make an application to the Board anyway.

Mr. Kraushaar mentioned that a colonial light may not look appropriate with a sleek modern building, but would defer to Mr. Leone.

Mr. Shortmeyer offered authorization to prepare a positive resolution, seconded by Mr. Bruno. There was a roll call vote with all in favor.

**Mr. Bazzurro returned to the room/dais.**

**Carried without further notice from 2/2/17, 2/16/17 & 4/6/17**

**Site Plan with Waiver of Site Plan Detail # 585-2-16 and "D" Variance #014-16**

**Freehold Shopping, LLC (Applicant/Owner)**

**Block 50, Lot 25 – 3691 US Highway Route 9**

Proposal to renovate the shopping mall façade and replace the former Freehold Music Center with an Aldi's Supermarket.

Chad Warnken, Esq. appeared on behalf of the applicant, stating he has taken over for Mr. Pape and Wolf. He explained that he has requested that the application be carried and an extension of time to act has been granted. He stated that they have submitted a revised plan, which had not been submitted in time for the Board's professionals to review (per the Board's Rules and Regulations). Mr. Warnken also offered an extension of time to act and noted they would provide new public notice.

Mr. Gatto explained that the applicant previously appeared before the Board and after not addressing comments in professional reviews and at the TRC and withdrew the application. The applicant refiled an application and has had 3-4 nights of scheduled hearings and has also had multiple TRC (Technical Review Committee) meetings. The Board had spent a lot of time reviewing the application before them and intends to take action on the application. He advised Mr. Warnken that he has a right to submit an amended application.

Mr. Warnken again requested of the Board that they carry again and not taken action tonight. He stated that the applicant is no longer in a position to make all of the improvements proposed on the current plan due to the condemnation actions taken by the Township. Mr. Warnken stated that they have a right to submit an amended application. Typical a significant change is an enlargement of the application. He stated that the proposed changes to the Aldi Supermarket and other essential elements remain the same and the Board has the authority to hear the application since, in his opinion, the requests are only aesthetic changes.

Mr. Gatto explained that the Board has heard testimony in regards to this application and that Mr. Warnken is at a disadvantage by newly representing the Applicant after already having several hearings and that Mr. Warnken is missing the essential elements of concern by the Board.



Mr. Accisano confirmed that an Applicant does have a right to submit an amended application.

Mr. Accisano questioned whether the requested changes were substantial. He opined that that since the public had previously heard testimony and that this matter has been continued over several hearings, any of these proposed changes at this time can be considered substantial and cannot be rolled into this continued application. An amended application can always subsequently be filed, but it should reference a previously approved or denied plan. The Board, Mr. Accisano stated, is in a position to take action which would not forbid Mr. Warnken from filing a subsequent application, with notice and public hearing.

Mr. Warnken affirmed that he is asking that the application be amended and that they do not want to move forward with the current application. They would request to carry and re-notice.

Mr. Gatto reiterated that the application has been before the Board four (4) times and are past carrying this application again or amended the active application.

Mr. Gatto offered to open the matter for public comment. There was no one from the public that came forward. A motion to close the public portion was made by Mr. Shortmeyer, was seconded by Mr. Bruno, all in favor, aye.

Mr. Warnken stated that since the Board would not allow them at this time to amend the current application which they are not willing or able to move forward with, then he is not in a position to move forward with a vote on the current application, based upon the “condemnation and such”, then he would like to withdraw the application.

Mr. Accisano stated the Board rejects the Applicant’s continued attempt to connect this application with the pending eminent domain action. The fact that the condemnation may generate economic problems for the Applicant is not of concern to the Board. It is, in his opinion, the Applicant trying to “gin up” a better case for the condemnation action.

Mr. Warnken stated that in any event, he is not willing to go to the Board for a vote.

Mr. Accisano stated that the Applicant appears to be asking the Board to consider the Applicant’s economic problems in submitting an amended application. Mr. Accisano advised that this is not to be considered by the Board.

Mr. Gatto asked for a vote to take action on the variance application for the Floor Area Ratio.

Mr. Warnken stated that he is withdrawing the application since the Board will not allow them to move forward with an amendment.

Mr. Accisano stated that it is up to the Board to accept the request to withdraw the application and Mr. Gatto stated that the Board is not going to accept the request, as they have previously appeared before the Board before where they withdrew just prior to the Board taking action.

Mr. Warnken questioned how a Board can take action if the Applicant is not willing to move forward with the application and stated that they are able to withdraw at any time.

Mr. Accisano stated that the request to withdraw was after the public hearing had been closed and that it is to the purview of the Board. Mr. Warnken’s objections were noted.

Mr. Shortmeyer made a motion to approve the FAR variance application subject to conditions, including that the south and north buildings would be consistent in regard to façade improvements excluding Burlington, construction of trash enclosures, sign permits would be required for all tenants,



any without permits by 5/31/17 and non-conforming signs must apply for variance relief by 9/1/17, any existing non-conforming sign with current permits would be able to remain until the business changes the sign or ceases to exist, parking lot and sidewalk repairs to be made and to provide additional landscape islands. This was seconded by Mr. Kash. There was no further discussion by the Board. There was a roll call vote: In favor, Mr. Bazzurro, Mr. Gatto, Mr. Kash, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk, Mr. Coburn and Ms. Kurtz.

Mr. Gatto asked for a motion to take action on the site plan application including the conditions noted for the Variance approval (just granted) and including any comments not addressed in the professional review letters and as noted on the record throughout the hearings. Mr. Shortmeyer made a motion to approve the site plan application with these conditions, which was seconded by Mr. Kash. There was no further discussion by the Board. There was a roll call vote: In favor, Mr. Bazzurro, Mr. Gatto, Mr. Kash, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk, Mr. Coburn and Ms. Kurtz.

Mr. Accisano noted that the Board’s action does not foreclose the Applicant from submitting an amended application.

Mr. Gatto confirmed that the Board took action on the application tonight. Mr. Accisano also confirmed this and noted that the Board would be acting on the memorialization at the following meeting.

**DISCUSSION:**

**“C” Variance Application # 022-16**

**Laspisa, Louis**

**Block 104, Lot 34.09 – 187 Nomoco Road**

*(This item was discussed out of order from the scheduled agenda. See above, following the approval of the minutes.)*

Ms. Sims and Mr. White reviewed the upcoming agenda.

**ADJOURNMENT:**

There being no further business, a motion was made to adjourn the meeting and passed unanimously. The meeting concluded at 9:25 p.m.

Respectfully Submitted,

Robert H. Shortmeyer  
Secretary