



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

REGULAR MEETING MINUTES
July 6, 2017

The Regular Meeting of the Planning Board was called to order by Chairman Gatto on Thursday, July 6, 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 and Mr. Bruno.

Absent: Mr. Kirk, Mr. Coburn, Mr. Asadi and Mrs. Kurtz.

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

There was the Pledge of Allegiance.

RESOLUTIONS:

Resolution for O-17-8: Ordinance Amending Chapter 190 (Land Use), Article I (General Provisions) Section 190-3 (Definitions) - Defining “Floor Area”

The Township Ordinance would amend Chapter 190 – Land Use, to amend the definition of Floor Area, Gross Habitable – to treat cellars and basements as excludable for calculating gross habitable floor area (FAR).

Mr. Gatto asked Mr. White about the ordinance proposal. Mr. White stated that there have been a few recent applications regarding the FAR calculations and there has been some question as to the difference between a cellar and a basement. He stated that this ordinance would remove basements from the calculations, cellars are already not included. Mr. Gatto inquired about the term “suitable for human occupancy” within the proposed definition change and how that would stop a homeowner from putting a bedroom in the basement. Mr. White responded that the homeowner can put a bedroom in the basement and in his opinion, it would not intensify the site.

Mr. Phillips said that the exclusion of the basements from the FAR calculation is common in most towns, but understands Mr. Gatto’s question about the definition. Mr. Gatto questioned if the Township really wants people living in basements. He recommended that they send the matter back to the Township Committee to review the proposed definition as it relates to “human suitability”. He feels there is an issue with people living in a basement and adding a bathroom, maybe a kitchen and expanding to become a mother daughter. The intent, to him, seems that this allows a third floor to homes. Mr. Gatto feels that a way to prevent a third floor to a house, is to keep the basement in the



calculation. Mr. White confirmed that you can live in a basement, considering they meet construction codes. Mr. Gatto stated that this is a way to control living in a basement.

Mr. White explained that there is a developer making an application for exactly this scenario, at Burlington Road for interpretation/consideration for FAR to allow for walk-out basements. They previously received relief for FAR and are seeking to expand it further. He explained it is a walk-out for livable space, essentially a third floor. Mr. Gatto questioned if the intent is to have a three story home by allowing the basement as living space and said they may need two means of ingress/egress. He suggested that the Ordinance be sent back to the Committee for reconsideration to see if the intention is to have bedrooms, how to avoid the homeowners from having a mother daughter by default, etc.

Mayor Preston stated that the Committee would table the Ordinance until it is sorted out.

This ordinance was sent back to the Township Committee for reconsideration of the definition. No action was taken by the Planning Board.

Mr. Bazzuro arrived.

**One year extension of “D” Variance and Final Major Site Plan # 767-07
Magellan NYC West Main, LLC - Onyx Medical Complex (f/k/a Medical Freehold, LLC)
Block 69.05, Lot 36.01 – 303 West Main Street**

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

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

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

**“D” Use Variance Application # 019-16
Lester Glen Chevy
AGK Chevy, LLC c/o Lester Glenn Auto Group
Block 70.05, Lot 14 – 3712 Route 9**

Mr. Gatto announced that there was not a quorum for this resolution and the resolution would be carried to July 20, 2017.

**Preliminary and Final Major Site Plan # 300-1-16
Lester Glen Chevy
AGK Chevy, LLC c/o Lester Glenn Auto Group
Block 70.05, Lot 14 – 3712 Route 9**

Mr. Gatto announced that there was not a quorum for this resolution and the resolution would be carried to July 20, 2017.



**Site Plan with Waiver of Site Plan Detail # 585-2-16 and “D” Variance #014-16
Freehold Shopping, LLC
Block 50, Lot 25 – 3691 US Highway Route 9**

It was clarified that this is a resolution of memorialization of the action taken at the June 15, 2017 meeting. Mr. Shortmeyer made a motion, seconded by Mr. Bruno to approve the resolution. The motion passed with the following roll call vote: Mr. Bazzurro (certified-listened to tapes), Mr. Gatto, Mr. Shortmeyer, Mr. Kash and Mr. Bruno.

NEW APPLICATION:

**Site Plan Waiver and Variance #889-16
JB’s Diner**

John Bochis (Owner)

Cupertino Herrera - CSMRL, LLC (Applicant)

Block 90.01, Lots 1 and 2 – 205 Monmouth Road

The Applicant is planning to repair/restore the approximately 2,264 s.f. diner, partially destroyed by fire damage located at the intersection of CR 537 and CR 524 under the Township’s Restoration Ordinance (§190-239), allowing the diner to be rebuilt on the same footprint, without any increase in size. Site Plan Waiver approval and Variance relief is being sought for façade renovations. No signs are proposed, but applicant would maintain the existing ground mounted sign along Route 537.

Vincent Halleran, 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. Halleran had no objection to the exhibits that were marked and Mr. Gatto read the review letters into record. The following witnesses were sworn: Cupertino Herrera, Applicant; Mark Blasch, Architect; John Bochis, Property Owner; Paul Phillips, Phillips Preiss and Grygiel, Township Planning Consultant; and Timothy P. White, Township Engineer. Additional exhibits were marked.

Addressing a comment in Mr. White’s review letter, Mr. Halleran confirmed with Mr. Blasch that building is going to be taller than the previous building in the vestibule area and that the building will be built on the exact footprint of the building that was partially destroyed by the fire. Mr. White is satisfied with this comment.

Mark Blasch stated his qualifications on the record and was accepted as a professional architect. The building will be constructed on the existing footprint and would be one story. Mr. Blasch stated that the proposed parapet is raised to block the roof mechanical units from the sight line. The proposed vestibule is taller than the existing height. The vestibule roof is made of a copper and makes the height of the roof taller than existing. Mr. White included the height of the proposed structure in his review letter, however his main concern was with making sure the footprint was not increased.

Mr. White addressed the comment from his review letter about the employee parking proposed in the application narrative. He stated that he does not feel that this arrangement should be done without a proper striping for safety reasons and suggested it be removed and not considered as part of the application. Mr. Halleran agreed and withdrew this request since there is no request at this time for a parking variance. Mr. Blasch noted this was not on the plans, but was only on the application.

The existing gravel area will be removed and top soiled and seeded to the approval of the Township Engineer.



If the parking lot needs to be repaved or re-striped, the applicant agreed to do so at the discretion of the Township Engineer.

Mr. Gatto asked about the site/street lighting. Mr. Cupertino Herrera stated that there is existing parking lot lighting which consists of two flood lights on an existing utility pole. If the Township Engineer determines that there is a need for additional lighting, Mr. Herrera agreed to add lighting as directed. The lighting may be required to be shielded or installed using a decorative lighting fixture.

The degraded existing fencing and the two accessory structures on site will be removed and not replaced. The existing garbage and recycling is stored within a fenced area behind the building. Mr. White stated that current ordinance states that a masonry enclosure is required with a concrete slab and should match the façade of the building. Mr. Halleran stated they would comply with the ordinance.

Mark Blasch described the color rendering exhibit and stated that the base of the building is proposed to be a cultured/manufactured stone (Cambria Cliffstone color). The proposed awning would be black canvas with two gold stripes. Mr. Gatto asked if there would be any reason that the color of the stripes could match the color of the building in order to eliminate the need for the variance for the additional color. Mr. Blasch stated that the color is more distinctive and is a preference. Mr. Phillips stated the desires, but the Board needs to balance it with the intent of the ordinance. The Board took no exceptions to the applicant's request.

Regarding signs, the applicant confirmed that no signs are proposed as part of this application. Mr. White noted that there is an existing monument sign along the road to remain. It is pre-existing and likely non-conforming. Mr. Herrera said it is his intention to keep the existing sign, which has been maintained and is red, white and blue. Mr. Gatto stated that the sign should be upgraded to match the new proposed façade and that the applicant should return with the changes proposed. Mr. Herrera offered to paint the sign to match the building. Mr. Blasch stated that it is an existing non-conforming sign. Mr. Gatto stated that the new beautiful building should have a sloppy sign. He stated that the applicant should come back for signs.

Mr. Bazzurro explained that in one of the renderings (referring to the cover sheet of the plan set), there is a sign on the side of the building and a red decorative stripe around the facade. He is also concerned with the LED lighting color as it appears to have a blue/purple hue. It was confirmed that no façade sign or decorative stripe are proposed as part of this application. The façade LED lighting fixture can have a little hue, but will be changed to white. The lighting will be subject to the approval of the Township Engineer and architectural consultant.

Mr. Gatto asked if there were any questions from the public. A motion to close the public hearing was made by Mr. Shortmeyer, seconded by Mr. Kash, all in favor, aye. Mr. Ammiano moved that a positive resolution be prepared, seconded by Mr. Shortmeyer, all in favor, aye.

Mr. Gatto made note that the applicant is seeking a demolition permit as there is an issue with the roof safety. He suggested that the Township Engineer contact the construction department to advise them of the Board's findings and let them know that the Board doesn't have any objection to a demolition permit.

DISCUSSION:

Mrs. Sims and Mr. White reviewed the upcoming agendas. Mr. Gatto requested that Mr. Ferranda, Shropshire Associates, Township Traffic Consultant, at the July 20, 2017 meeting. Mr. White will follow up.



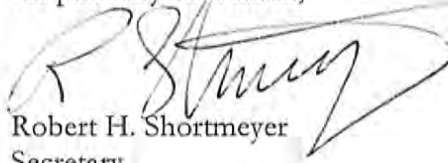
Mr. Gatto suggested that a seconded meeting be scheduled in November for November 9th, 2017. He doesn't want to have the Board overloaded with applications before the end of the year like we did last year. Mayor Preston made a motion to add/supplement the Planning Board meeting schedule with November 9, 2017, seconded by Mr. Ammiano. All in favor, aye.

Danielle Sims will publish the required notice for the additional meeting.

ADJOURNMENT:

There being no further business, a motion was made to adjourn the meeting and passed unanimously. The meeting concluded at 7:48 p.m.

Respectfully Submitted,



Robert H. Shortmeyer
Secretary