



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

**REGULAR MEETING MINUTES**  
**August 3, 2017**

The Regular Meeting of the Planning Board was called to order by Vice-Chairman Kash on Thursday, August 3, 2017 at 7:00 p.m. at the Freehold Township Municipal Building, One Municipal Plaza, Freehold, New Jersey. Mr. Kash 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. Kash, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk and Mrs. Kurtz.

**Absent:** Mr. Gatto, Mr. Bazzurro Mr. Coburn and Mr. Asadi.

**Also Present:** Frank Accisano, Esq.; Kate Keller, Phillips Preiss and Grygiel, Township Planning Consultant; Matthew J. Bryant, Assistant Township Engineer and Danielle B. Sims, Administrative Officer.

There was the Pledge of Allegiance.

**MINUTES:**

A motion to approve the minutes of the July 20, 2017 Regular Meeting was made by Mr. Shortmeyer and seconded by Mayor Preston and passed with the following roll call vote: Aye: Mayor Preston, Mr. Ammiano, Mr. Kash, Mr. Shortmeyer, Mr. Kirk, and Mr. Bruno.

**RESOLUTIONS:**

**Request for a 1-year extension – Preliminary and Final Major Site Plan # 849-13**  
**Land Bank Freehold, LLC**  
**Block 71, Lot 8**

Mayor Preston 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. Kash, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk and Mrs. Kurtz.

**Request for a 1-year extension – Preliminary and Final Major Site Plan # 854-14**  
**Land Bank Freehold as successor to K. Hovnanian Shore Acquisitions, LLC**  
**Block 71, Lot 8**

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



**Request for a 1-year extension – Preliminary and Final Major Subdivision # 890-13  
Land Bank Freehold as successor to K. Hovnanian Shore Acquisitions, LLC  
Block 71, Lot 8**

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. Kash, Mr. Shortmeyer, Mr. Bruno, Mr. Kirk and Mrs. Kurtz.

**Amended Preliminary & Final Major SP w/ Waiver of SP Details # 631-2-17  
TD Bank, N/A  
Block 85.12, Lot 23 – 600 West Main Street  
Resolution of Denial**

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. Kash, Mr. Shortmeyer, Mr. Bruno and Mr. Kirk.

**NEW APPLICATION:**

**Minor Site Plan # 496-1-17 and Variance # 009-17  
Seaview Orthopedic MRI Suite  
Patriots Professional Park Condo Association  
Block 70, Lot 34.02 – 222 Schanck Road**

Proposal for minor exterior alterations to create an MRI suite, including: adding a new exterior door and concrete walk on north elevation of existing building, installing a chiller unit on a 4' x 10' concrete pad with three additional condensers each of 3' x 3' pads on west side of building. There would be a total of 104.5 s.f. of additional impervious coverage, increasing the lot coverage from 62.60% to 62.68%, where 50% is permitted.

William J. Mehr, Esq. appeared on behalf of the applicant. 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 has jurisdiction to conduct a public hearing. Mr. Mehr had no objection to the exhibits that were marked and Mr. Kash read the review letters into record. The following witnesses were sworn: William T. Wentzien, PE, Abbington Engineering; Jim Brick, Architect; Troy Howell, Medical Imaging Solutions USA; Michael Rutkin, Seaview Orthopedics; Kate Keller, Phillips Preiss and Grygiel, Township Planning Consultant; and Matthew J. Bryant, Township Assistant Engineer. Additional exhibits were marked.

Mr. Mehr described that this is an application for an existing building and an existing parking lot. They are proposing a minor increase of impervious coverage, including in the area of an island between two handicap parking spaces to create an additional accessible parking space.

Michael Rutkin, Chief Operating Officer for Seaview Orthopedics, described that the Seaview Orthopedics operates out of several other offices in New Jersey. The Freehold office is on the third floor, containing a clinical suite and a physical therapy suite. They are looking to convert a previous pediatric doctor's office into an MRI suite on the first floor. It would have a standalone MRI unit with changing areas, waiting area and a scanning area. Staffing levels would include one technician and one officer person. One appointment is scheduled at a time and runs between 30 and 60 minutes and they anticipate utilizing a maximum of 3-4 parking spaces at a time. The previous use of pediatric doctor's office utilized up to 21 spaces at any given time. If there is ever a need to staff more than 2 employees,



they have staff in their offices on the third floor and would “borrow” from the other offices within the building. Mr. Rutkin explained that the proposed chillers must be located near the MRI unit, outside the building. He stated that there is a new door being proposed in the area of the staff lounge which will be used for minor deliveries. The office is a paperless office and uses a minimal amount of paper and supplies. The MRI (magnet) would be delivered through a hole (approximately 8’ x 8’) to be created in the wall, there is no other way to get the machine in the building. After MRI magnet has been delivered, the wall would be put back up, using the same bricks that were removed to create the hole. The hours of operation would be 7:00 am to 7:00 pm weekdays and may have Saturdays 8:00 am to 1:00 pm.

Mr. Bruno stated he is very concerned about the parking situation that exists on site. He said that this is a medical building and there are way too few handicap parking spaces on the site, especially with an orthopedist office. Mr. Rutkin responded stating that they have little control over that as they only have about 29% of occupancy in the office. He stated that the building offers handicap access at both entrances. He also stated that they will be providing one additional accessible parking space and will be using many less spaces than the previous tenant. Currently, Mr. Rutkin stated that the practice refers patients to outside MRI facilities. This proposed location is relatively close to their other offices.

Mr. William Wentzien has previously testified before the Board and was accepted as a licensed Professional Engineer. He explained a 2,679 s.f. office suite to be utilized, replacing the pediatric and allergy office. An access door would be added to the exterior of the building and would require the installation of approximately 8’ of sidewalk. They plan to cut open a wall to allow the installation of the MRI unit. A chiller unit would be placed on a 4’ x 10’ concrete pad, three 3’ x 3’ condensers would be placed on concrete pads adjacent to the chiller. Mr. Wentzien explained that they will screen the unit to the west side (facing the school) with additional landscaping. The existing vegetation on the south side will be maintained or replaced. The chiller unit will be 5.35’ high and the landscaping plants are designed to provide a buffering of the view of the chiller. There is a substantial amount of landscaping between the subject property and the adjacent day care/school to the west.

Mr. Wentzien stated that during the review process, the applicant was asked to address some other site issues as part of the proposed improvements. The existing masonry trash enclosure on the opposite side of the site will have a new gate installed. A proper swing gate with knox box and the appropriate signage and striping will be installed between this property and the adjacent daycare to the west, after removing the concrete stops with the signs planted in them. The Township parking requirements of 159 spaces are met with the 161 existing parking spaces. However, during the review period it was noted that there is still a noticeable amount of overflow parking on and off site. Mr. Wentzien stated that they were able to convert the back aisle to one way direction and add five additional parallel parking spaces, while working within the existing pavement. The site is required to have 6 handicap accessible parking spaces where the site currently only has five. As a result, they will provide one additional parking space on the side of the MRI chiller unit, by removing the grassed aisle in between two existing accessible spaces. In doing this, Mr. Wentzien explained, it would bring the site to conform with the parking requirements. He confirmed that they will be able to comply with the current standards for ADA with this additional space and with change in the grading of the existing ADA spaces. They also plan to repaint the other existing parking stalls.

Mr. Bruno stated he is having a tough time believing an office building with primarily doctor’s offices is only six (6). Mr. Wentzien explained that the number of handicap spaces is determined by the number of overall parking spaces.



Matthew Bryant confirmed with Mr. Wentzien that the spaces will comply with the current ADA requirements. Mr. Bryant explained that there is a part of the access code which requires outpatient facilities to have 20% of the parking spaces to be ADA compliant. If the applicant meets outpatient therapy requirement, there may a requirement to have additional ADA spaces.

Per Mr. Wentzien, the zoning table will be updated to include the existing coverage as 82,571 (63.13%), where 50% is the maximum permitted. With all of the proposed improvements, there would be an increase of impervious coverage would be 314.0 s.f., resulting in 82,885.81 s.f. (63.37%) of impervious coverage and an overall 0.24% increase, which would considered to be de minimus. The sight triangles will be addressed and will restrict some of the parking along Schanck Road.

The previous pediatric doctor's office had a demand of up to 26 spaces (10 staff members and up to 16 patients shifting) at any given time. Mr. Wentzien explained this proposed MRI office would require significantly less parking spaces than the previous use. This can be considered as a permanent change for lessening the amount of parking demand on the site.

Mr. Bryant explained that four parking spaces are required for the MRI unit and using the 20% requirement, 1 handicap space be required and they are adding one handicap space with this application. If the construction official determines that the site needs to be brought to conform with the current ADA standards and codes, including the slopes, the ramps and possibly including the number of spaces. Mr. Mehr stated that this is an existing site that met the handicap codes at the time they were built. He said that if the construction official determines that additional spaces would be required, they would not be able to do this, without "chopping out additional parking on the lot." Mr. Accisano stated that he believes that the issue he has would be with building code official and if there is an issue, he would have to appeal to the construction Board of Appeals. If the Board votes to approve the application, he can add a condition that the site would comply with the current ADA standards to be approved by the construction official. This is not relief that the Planning Board can grant.

Mr. Wentzien, who is also a Professional Planner, stated that the chiller units are required to be near the MRI unit, and cannot be placed in the rear of the building. The proposed units are located at approximately 58' from the side yard line and meets the 50' requirement. There is sufficient landscape buffering to the neighboring site. Mr. Wentzien stated he feels there is no detriment to the public good or substantially impair the intent and purpose of the zone plan or zoning ordinance. There is no change in the existing non-conforming FAR, building height and buffer width as a part of this application.

Mr. Preston inquired about the noise expected from the chiller unit and condensers.

Troy Howell, Medical Imaging Solutions has been a medical healthcare professional for 15 years, provides MRI and CTE equipment throughout the Country. These are beneficial as they can expedite the process of obtaining the tests and increases healthcare. The chiller runs the cold head compressor on the magnet. It sounds and operates similar to that of an air conditioning unit. It would turn on as it reaches a determined temperature, and as required, would turn on and would cycle 24 hours a day.

Mr. Preston asked if there were any health risks with the unit, especially since it is adjacent to a school. Mr. Howell said there are no health risks. They meet all of the federal and State requirements for the unit.

Jim Brick stated his qualifications as a NJ licensed architect, who has appeared before about 55 other Boards in New Jersey and works primarily for medical facilities. He explained in order to deliver the magnet, it is shipped in a box/crate. They would line up with an existing window and remove the brick veneer and saw cut the opening and install a header to bring in the MRI unit. They would then replace



with the existing brick, which has been cleaned from the old mortar, and re-mortar to the façade. This is a very typical installation and done by professionals. Due to the size, there is no other way to get the MRI unit into the building, this is the typical manner. The only visual difference would be a steel joint header above the opening. All of the other work is the interior to the suite.

The application was opened to the public for comments and questions.

Mary Ratchko, 241 Schanck Road, stated she is concerned with the lack of parking on the site and that people are parking across the street, blocking her driveway and crossing the roadway with canes and walkers. She feels the existing conditions are unsafe. She inquired about the site triangles proposed on the office building site. Ms. Ratchko stated that the back parking lot is very far from the entrances to the building and people would rather park on the street than park in the back of the lot. Mr. Mehr stated that the elimination of the pediatric unit in the building should lessen the need for off-site parking. Mr. Ammiano asked if they could make markings or something else near her driveway entrance to help restrict people from blocking her driveway and sight visibility. Ms. Ratchko stated she had no interest in making her side of the road a “no parking zone” and would like that some effort be given to prohibit her driveway from being blocked. Mr. Mehr stated they would be willing to do whatever markings or signage required.

Ken Grayzel of 23-2 Remington Drive asked if the MRI facility would be for only patients of Seaview Orthopedics or if it would be open to other patients to make an appointment. Mr. Rutkin confirmed that the MRI facility would only be used for Seaview Orthopedic patients.

There were no further comments from the public. There were no comments from the Board.

A motion to close the public hearing was made by Mayor Preston, seconded by Mr. Ammiano, all in favor, aye. Mr. Ammiano moved that a positive resolution be prepared, seconded by Mr. Bruno, all in favor, aye

#### **DISCUSSION:**

Mr. Accisano explained that the Board received a request regarding the approvals for Minor Subdivision # 896-16, E. Brock LTD, LLC and Katerinis. Mr. Mehr, attorney for the applicant, made a request for a 30 day extension on the approvals for filing purposes. The resolution of approval was previously adopted on January 19, 2017 and the 190 day filing period expired on July 28, 2017. Mr. Accisano stated that there were some complications in getting this processed and the request is reasonable. Mr. Ammiano made a motion to prepare a resolution granting the thirty day extension and was seconded by Mayor Preston. All in favor, Aye.

#### **CLOSED SESSION:**

Mr. Ammiano made a motion to go into closed session to discuss pending litigation, seconded by Mr. Bruno; there was a roll call vote with all in favor. Frank Accisano, Esq. announced that the Planning Board has authorized a resolution allowing the Board to go into closed session, excluding the public from the hearings in order to discuss litigation for Roseland Freehold, LLC, MACW Freehold and Freemall Associates (fka Bellemead).

The Board went into **closed session**.

The Board reopened in public session.



Mr. Ammiano made a motion for a resolution to authorize Mr. Accisano to file an answer and otherwise defend the Planning Board and issue a response regarding litigation with Roseland Freehold, LLC (Bellemead) and the motion was seconded by Mrs. Kurtz. There was a roll call vote with all in favor.

Mrs. Sims reviewed the upcoming agendas. Ms. Sims asked everyone to confirm their attendance for the August 17, 2017 meeting since there is a "D" variance and some members would be disqualified.

Mr. Ammiano announced that the Township Committee would be appointing an additional alternate to the Planning Board at their upcoming Committee meeting.

**ADJOURNMENT:**

There being no further business, a motion was made to adjourn the meeting and passed unanimously. The meeting concluded at 8:35 p.m.

Respectfully Submitted,

Robert H. Shortmeyer  
Secretary