



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

REGULAR MEETING MINUTES
October 5, 2017

The Regular Meeting of the Planning Board was called to order by Chairman Gatto on Thursday, October 5, 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. Gatto, Mr. Kash, Mr. Shortmeyer, Mr. Bruno, Ms. Jahn, Mr. Coburn and Ms. Kurtz (late).

Absent: Mr. Bazzurro and 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.

Mayor Lester Preston appointed Margaret Jahn to the Sign Sub-Committee, replacing Ron Kirk.

MINUTES:

A motion to approve the minutes of the August 17, 2017 Regular Meeting was made by Mr. Shortmeyer and seconded by Mr. Kash and passed with the following roll call vote: Aye: Mr. Gatto, Mr. Kash, Mr. Shortmeyer, Mr. Bruno and Mr. Coburn.

RESOLUTIONS:

“C” Variance # 022-17

Gerard and Shamica Joseph
Block 71.07, Lot 11 – 220 Stonehurst Boulevard

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

Capital Review Project – Site Plan # 807-2-17
Monmouth County – Heavy Equipment Maintenance Building (HEMB)
Block 43, Lot 16.01 – 250 Center Street

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



“C” Variance # 020-17
Tom Garcia – Trinity Solar
Block 105, Lot 60.07 – 21 Love Lane

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

NEW APPLICATIONS:

“C” Variance # 024-17
Katherine Saffer
Block 26, Lot 6 – 63 Cannon Road

Proposal to extend an existing concrete front porch by 3'-6" on a lot with several existing non-conformities, whereas the proposal would further encroach into the front yard setback requirements. Two paver walkways are also proposed.

Katherine Saffer appeared representing herself as 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. Accisano explained that variance applications can be technical in nature and asked if Ms. Saffer was comfortable moving forward with the application, representing herself. Ms. Saffer took no objection and agreed to continue. She had no objection to the exhibits that were marked and Mr. Gatto read the review letters into record. The following witnesses were sworn: Katherine Saffer, Applicant; Kate Keller, Phillips Preiss and Grygiel, Township Planning Consultant; and Timothy P. White, Township Engineer.

Mr. Saffer stated she had revised and resubmitted the zoning schedule to address the comments in the Planner's review letter. Mr. White and Ms. Keller stated they reviewed the revised zoning schedule and took no exception to the revisions.

Mayor Preston stated he has seen the progress on Ms. Saffer's home and complimented on the upgrades she has made.

Mr. Gatto offered the public to come forward to speak about the application and no members of the public came forward to speak.

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

Site Plan Waiver Application # 758-4-17
Kirkland's Stores, Inc.
Block 69.01, Lot 18.01 – 3710 Route 9 - Space M202

Application for Site Plan Waiver for minor changes to the façade of the former Coldwater Creek building at Freehold Raceway Mall. The new façade sign and new gooseneck light fixtures would replace those which were partially removed when Coldwater Creek vacated the premises. A plain black canvas awning is proposed to replace the existing green awning and gold window decals with "Kirkland's" are also proposed.



William J. Mehr, Esq. appeared on behalf of the applicant. Public notice is not required as no variances are being requested. Mr. Mehr had no objection to the exhibits that were marked and Mr. Gatto read the review letters into record. No additional exhibits were marked.

Mr. Mehr described A-13 as the material exhibit board provided to the Board.

Chairman Gatto opened the meeting to the public. There were no members of the public that came forward to speak.

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. Kash, all in favor, aye.

BOARD DISCUSSION:

“C” Variance # 019-17

Jodi Mazzara

Block 105, Lot 60.06 – 31 Love Lane

Clarification on resolution memorialized September 7, 2017.

Mr. White explained that when the professionals reviewed the application, it was not picked up that the Architect’s zoning schedule incorrectly calculated the total square footage of the proposed garage. The total was noted at 1,861 s.f. and the applicant testified to this number. The actual total for the two-story, three-car garage is 2,720 s.f. Mr. White explained that it appears that this is just a clerical mistake and the overall dimensions of the approved 55’ x 30’, two-story, three car garage remains as described at the time of hearing. The footprint of the proposed garage has not changed, only the calculated square footage. The Board took no exception to the calculation error and felt their decision was made on the plans with the overall dimensions presented, footprint unchanged.

Mr. Shortmeyer made a motion to authorize the correction on the resolution to reflect the correct total square footage of the proposed garage to be 2,720 s.f., and was seconded by Mr. Kash. There was a roll call vote with all eligible votes in favor to correct the resolution.

There was a ten minute break.

Ms. Kurtz arrived and joined the dais. Mr. Gatto and Mr. Ammiano had a conflict with the following application and disqualified themselves and left the room. Mr. Kash was seated as the temporary Chairman.

DISCUSSION:

Mr. Gatto reviewed the upcoming agenda

NEW APPLICATIONS (CONTINUED):

**Preliminary and Final Major Site Plan # 771-1-16 and Var. # 024-16
DCH Investments, Inc. - Nissan/Volkswagen
Block 65.01, Lot 15 – 4039 and 4041 Route 9 North**



Proposal to convert the two existing building for the Nissan car dealership (currently one being sales and administration and the other being service) into two dealerships - one being a Nissan dealership (with sales and service) and one being a Volkswagen dealership (with sales and service). Additions are proposed on both dealership buildings. Applicant is also seeking permission for two temporary trailers for the site.

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: Mark Weidman, Architect; William Obara, PE; Jon Rea, Traffic Engineer, McDonnough & Rea; James Weingartner, DCH Investments; James Higgins, Professional Planner; Kate Keller, Phillips Preiss and Grygiel, Township Planning Consultant; and Matthew J. Bryant, Township Assistant Engineer. Additional exhibits were marked.

Mr. Mehr stated that the applicant is now only seeking to use one temporary trailer, the one for restroom use, as they have determined that they can use the basement to store the construction materials, which were originally intended to be stored in the second temporary trailer.

Mr. William Obara gave his qualification as a licensed Professional Engineer and was accepted by the Board as a professional Engineer. Mr. Obara described the site in the CMX-3A. It currently is a Nissan auto dealership. He stated that there is a dumpster that currently exists within the residential buffer as well as an access drive. There is also a minimal side yard required of 5 feet where 4 feet exists. Parking currently exists at 9.3' existing 10' required. He explained that currently, the site has one dealership in two buildings. The applicant is proposing to expand the building to the north 27,795 s.f. to house a Volkswagen dealership and the building to the south will be expanded to 35,211s.f. for a Nissan dealership. The parking area is proposed to be buffered with evergreens. The rear is proposed to be buffered with a fence and additional evergreens to limit the impact on the neighboring residential area. He stated that there is a significant buffer between the buildings and the residential structures. An existing basin that will remain on the site. The area on Stokes Street is at a higher grade, approximately 12', from the subject site and it is very densely vegetated. Mr. Obara stated that the utilities currently exist on site. Additional sanitary sewer flows are anticipated through the sewer system serviced by Freehold Borough. Freehold Borough has signed off on the anticipated additional flows, subject to review and approval from MRRSA. They are addressing the Stormwater on the site by keeping the underground basin and water quality structure as per the 2007 Site Plan approval. To the North of the building an underground system is proposed as well as a water quality structure.

Mr. Obara explained that the proposed landscaping includes the areas between Route 9 and the parking areas in order to soften the impacts while driving down Route 9. The parking islands will be landscaped. Mayor Preston inquired about the vegetative area at the rear of the site at Stokes Street. He feels that the area is really more "over growth", not plantings and asked if they will be cleaning the area up and providing additional plantings. Mr. Obara stated that they will work with the Township Engineer to supplement and clean up.

Deliveries for both dealerships will be done on-site and unloading of vehicles will be done at the rear of the northerly building. The undersized parking spaces will be revised to 9.5' x 19'. The only spaces that will not comply are the (8) ADA spaces but will meet ADA requirements. In addition, there are 36 spaces total (15 in the front and 21 in the back) which will be used as inventory spaces.



Mr. Mehr requested that Mr. Obara's letter dated 9/19/17 be entered as an exhibit. Mr. White stated that testimony is being provided and doesn't feel it is necessary.

There will be a buffer easement dedicated to the Township along the North and East of the property.

Mr. Kash inquired about the gravel area and how it would be demarcated. Mr. Obara stated that pictures were provided by letter marked into exhibit.

Mr. Mehr confirmed that the storage container that currently exists on the site would be removed.

Mr. John Rea, has previously testified before the Board and was accepted as a professional Traffic Engineer. Mr. Rea explained that there will be adequate parking for employee parking, inventory parking/storage and customer parking. Access to the site will remain unchanged. The NJDOT has issued a Letter of No Interest in regards to access to the State Highway. Vehicles will be off-loaded via a carrier at the rear of the northerly building. In his opinion, all of the professional review comments/concerns should have been addressed and satisfied.

Ms. Kurtz confirmed that they will be able to accommodate everything on site and that there would not be any need to use the shoulder of Route 9.

Mr. Rea has a hearing at another town and asked if the Board would offer the public comments. Mr. Rea's expertise was offered for questions and comments to the public. No one came forward.

Mr. White pointed out a discrepancy in the notation on the plans being noted as "Employee" where they should be "Customer" or vice-versa.

Mark Weidman explained that he is a licensed architect and has previously appeared before the Board. The Board accepted him as a professional Architect. Mr. Weidman went on to explain that the combined sales and service concept was done in order to offer a convenience and safety to the customers. The Volkswagen architectural style is clean "white-framing" with a series of white frames around the buildings. There is a variation of depth to allow for shadowing. The signage and architectural style help identify the areas for the customers. The style would not be considered colonial, however, Mr. Weidman noted that dealerships in the area are typically more modern and are not considered colonial.

Mr. Weidmann described the floor plans of the Volkswagen building and how the new concept allows for a good flow within one building. While the buildings are under renovation, they would need to have a trailer for restroom facilities. Once the Volkswagen construction is complete, the restroom trailer would be removed from the site. It is estimated that the construction will be completed in the spring of 2018. The temporary restroom trailer will need to be removed prior to final certificate of occupancy for the Volkswagen.

The elevations for the Volkswagen building were described by Mr. Weidmann. The existing building is an EFIS building and this material allows for them to meet the energy code.

Referring to the proposed Nissan dealership (which is where the Nissan service building currently exists), Mr. Weidman described the style/design standard as being a light and airy feel. The building is now being widened at all, but is moving forward instead. The proposed Nissan building has two colors (silver and various hues of stormy grey) and is accented with red and red signage. He described the proposed floor plan including a second floor area on the north end of the proposed Nissan dealership. They are proposing metal roof top screens for the roof mechanical units.



Ms. Keller followed up with the questions brought forth in the Speizle Architects review letter. She specifically asked about the material not being durable. Mr. Weidman stated this material currently exists and no issues have existed and does not foresee this as being an issue. He does not feel that the canopies suggested by the Township's Architectural Consultant are necessary and canopies are not typically provided for the dealership design. Ms. Keller followed up on the screening requirement for the rooftop mechanical units and requested that should any additional rooftop units be installed, that they would also be shielded. Ms. Keller took no exception to the responses provided by Mr. Weidman.

Signage for the Volkswagen would be four illuminated signs with the "VW" logo and the DCH sign. There is a pylon sign proposed with the "VW" logo. Signs are limited to three (3) colors. The Volkswagen logo has white "VW", blue background and a silver shield. The DCH signs contain black.

The Nissan signage has a silver metallic color.

The building mounted signs are considered three colors as the background is the building color. The pylon signs are utilizing four (4) colors

The Board went into a five (5) minute recess.

When the Board reconvened, they opined that the stations are similar and they feel that the pylon would really only be considered as three colors. Mr. Mehr explained that the sign ordinance in the CMX-3 zone regarding pylon signs allows for one free-standing sign. Ms. Keller referred to the Zoning Officer's review and determination and sometimes a Zoning Officer would take a stricter interpretation describing the site as an overall cardealership and permitting only one pylon. Mr. Mehr interpreted the ordinance as one per business. He referenced the Dodge-Subaru application having two approved freestanding, however, upon reviewing the resolution for the same, the applicant was granted a variance for a second pylon sign. Mr. Accisano stated that the second freestanding sign would be considered as a variance.

Mr. Weidman stated that Nissan is proposing a total of six signs. The DCH sign contains silver, the Nissan sign contains red and the service sign contains silver. All directional signs are proposed to be red and green. The main Nissan emblem is proposed to be red, silver and black. None of the individual signs have more than three colors.

Mr. Kash polled the Board to determine if the signs would be considered as three colors, generally the Board agreed.

Mr. James Higgins gave his qualifications as a licensed professional planner and has testified before this Board before. He was accepted as a Professional Planner. Mr. Higgins explained that automobile dealerships are a permitted use in the zone. There are many challenges with the existing to the site since it is irregular. The use is permitted with a FAR at 25% due to the larger display areas and buildings for this type of use, making the use also challenging. There are also some existing site encroachments into setbacks. There is a major change in grade and substantial landscaping and there would be no substantial negative impact by granting the requested buffer variance. The proposed trash area encroaches into the buffer area, but is offered with additional landscaping the screen it allows better site circulation. This offers a safer circulation plan. The application would also offer a buffer easement to the Township. The application offers gravel parking spaces for inventory cars and will not be accessed by the public. They are proposing a little over 2% increase of impervious coverage. They have provided mitigation to absorb the additional runoff.



Regarding the architectural requirements, Mr. Higgins explained it is difficult to do with a car dealership as they typically display the cars. The proposed designs are aesthetically pleasing and do fit in with the surrounding area. The commercial buffer variance requested is due to the existing basin on adjacent site at the north and he does not feel there will be any negative impact with the relief requested. Loading spaces are not typically needed for the proposed use and the request for a reduced number of loading spaces.

Signage for the Nissan building will be held for future hearing. In regards to the two proposed pylon signs, the existing lot could be subdivided and would allow each lot to have one pylon. Additionally, the signs proposed in total square footage, are smaller than what is permitted on one pylon. The two pylon signs, Mr. Higgins opined, would reduce confusion to the public.

Referring to the request to allow a logo, he feels it is the spirit and intent of the ordinance would be to allow logos.

In general he stated that the requested variances and waivers are within the intent and purposes.

Ms. Keller asked if there is a typical sign which allows for two identifying companies on one pylon sign. Mr. Higgins stated that the alternatives proposed are a better.

Mr. Shortmeyer made motion to close the public hearing, seconded by Mr. Bruno. All in favor, aye.

Mr. Kash inquired about any restrictions currently on site regarding trash pick up and deliveries. Mr. White stated he was not aware of any restrictions. The Board suggested that the deliveries and trash pick up be restricted to 8:00 am through 6:00 pm. Mr. Mehr stated they would comply with this request.

Ms. Keller gave a summary of most of the requested variances, including the Sign Variance where two freestanding signs where one is permitted, four colors instead of three permitted, to permit logos where not permitted, to allow colors not in the Township color palate. Items proposed to Site Plan include: permit 8' wide buffer where 50' is required (this is an extension of an existing 8' buffer), a circulation drive is 25' from rear residential property line where 50' is required, permit impervious coverage of 69.97% where 65% is permitted and 67.8% currently exists, to exacerbate a few pre-existing non-conforming conditions associated with the commercial buffer on the Northern side of the property where 25' is required and 4' exist and will remain, parking set-back 5' required and 4' exists and will remain, permit two loading spaces where four is required, permit architecture not to be colonial in nature.

Mr. White reiterated his clarification of the employee parking vs. customer parking areas.

Mr. Mehr withdrew the application for the façade signs on the Nissan application.

Mr. Shortmeyer moved that a positive resolution be prepared, seconded by Mayor Preston, all in favor, aye All in favor with the Resolution as offered, aye.

**Soil Removal/Fill Permit Application # SR-01-17
DCH Investments, Inc. - Nissan/Volkswagen
Block 65.01, Lot 15 – 4039 and 4041 Route 9**

Proposal to remove approximately 760 cubic yards of soil from the property, utilizing State and County roadways in conjunction with Site Plan application # 771-1-16 and Variance application # 024-16.



William J. Mehr, Esq. continued to appear on behalf of the applicant. Mr. Mehr had no objection to the exhibits that were marked and Mr. Kash read the review letter into record.

Mr. Kash opened the matter to the public, no one came forward. Mr. Shortmeyer made motion to close the public hearing, seconded by Mayor Preston. All in favor, aye. Mayor Preston made a motion to prepare a positive resolution and seconded by Mr. Shortmeyer. All is favor, aye.

ADJOURNMENT:

There being no further business, a motion was made to adjourn the meeting and passed unanimously. The meeting concluded at 10:00 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "R. Shortmeyer", is written over a faint, larger signature.

Robert H. Shortmeyer
Secretary