



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

REGULAR MEETING MINUTES
February 1, 2018

The Regular Meeting of the Planning Board was called to order by Chairman Gatto on Thursday, February 1, 2018 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 24, 2018 to the official newspapers of the Township and by filing such notice with the Township Clerk."

Present: Mayor Ammiano, Mr. Bazzurro, Mr. Bruno, Mr. Gatto, Ms. Jahn, Mr. Kash, Mr. Preston, Mr. Shortmeyer, Mr. Asadi and Mr. Levy.

Absent: Mr. Coburn and Ms. 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.

Mr. Asadi was sworn in as Alternate II.

RESOLUTIONS:

Minor Site Plan with Waiver of Site Plan Detail #879-1-17

Primark US Corp. (Applicant)

MS Portfolio LLC (Owner)

Block 69.01, Lot 18.07 – 3710 US Highway 9 (Freehold Raceway Mall)

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

Variance Application # 034-17

John (Jack) and Delores Malysa

Block 85.29, Lot 11 – 116 Havens Mill Road

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



NEW APPLICATIONS:

**Variance Application #036-17
Benjamin and Jennifer Stover
Block 101 Lot 52.10 – 60 Partners Lane**

Proposal to install an oversized (14' x 32') tool shed on a residential lot in the R-R zone.

Benjamin Stover appeared as 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. Accisano confirmed that the applicant was comfortable representing himself and understands that a variance application can be very technical. Mr. Stover acknowledged this and agreed to continue. Mr. Stover had no objection to the exhibits that were marked and Mr. Gatto read the review letters into record. The following witnesses were sworn: Mr. Benjamin Stover, applicant; Paul Phillips, Phillips Preiss and Grygiel, Township Planning Consultant; and Timothy P. White, Township Engineer.

There are constraints on the property and there are very few places to put a shed. The location proposed is in a wooded area. Mr. Stover stated that they will be garaging typical items like bikes, home equipment. The garage door will not be used for a garage, but rather for ease of opening. The picket fence and other items will be removed from the easement areas. Mr. White suggests that the items should be removed by end of April 2018. Mr. Stover stated that they would be able to keep all of the "stuff" from the yard in the proposed shed. The proposed shed would match the existing house in color and in material.

The septic tank is on the west side in the front yard and would not conflict with any existing or proposed improvements. Mr. Stover said he does not believe it would impact any neighbors and stated he asked the affected neighbor if he took any exception. He stated the neighbor responded by asking if he can shift the shed to the north a little bit and put some landscape screening. Mr. Stover agreed to install additional screening.

A motion was made to close the public session by Mr. Shortmeyer and seconded by Mayor Ammiano. All in favor, aye. A motion was made to prepare a positive resolution by Mayor Ammiano and seconded by Mary Jahn. All in favor, aye.

Mr. Gatto disqualified himself from the following application and excused himself from the dias for the evening. Mr. Kash was seated as the Chairman.

**Site Plan Waiver Application # 268-2-17
Mavis Discount Tire Rebranding (Project)
Somerset Tire Services, Inc. d/b/a Mavis Discount Tire (Applicant)
Block 65, Lots 12 & 12.01 – 4011 Route 9**

Proposal to renovate the façade of the existing STS Tire building as part of the rebranding to Mavis Discount Tire. The applicant is also seeking approval to replace signs with the new branding.

Alex Wixted, Esq. appeared for 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. Wixted had no objection to the exhibits that were marked and Mr. Kash read the review letters into record. The following witnesses were sworn:



Bryan Ehnes, Bohler Engineer; Deborah Catalano, Mavis Discount Tires; Paul Phillips, Phillips Preiss and Grygiel, Township Planning Consultant; and Timothy P. White, Township Engineer.

Mr. Wixted explained that they are here to fit the building for the rebranding of Mavis from when they took over STS. The façade has already been painted and some of the signage has already been installed. It was not intended to be disrespect to the Board. Mr. Wixted explained that they are making some nice improvements to enhance the property.

Mr. Bryan Ehnes gave his qualifications as a licensed Engineer and the Board accepted his qualifications. The property is located at the southeast intersection of Route 9 and Kingsley Way, is an existing Mavis Tire and is approximately 8,740 sf. They are proposing to remove six parking spaces to improve circulation. They will be going down from 32 to 26 parking spaces. Mavis only requires 25 for this size store. They will be replacing an ADA parking space. In the south parking lot they are proposing LED lighting. The trash enclosure is proposed to be masonry. Deborah Catalano, from Mavis was sworn in and stated that the masonry enclosure will be painted to match the building. They will be restriping the parking lot and will be converting the driveway on Kingsley Way to one way.

Mr. Ammiano stated that there was an abandoned trailer on the site. Ms. Catalano stated that it has been removed. Mr. Ammiano explained that the parking lot pavement is not necessarily up to standards. They will need to make pavement repairs when the light fixture is installed and Ms. Catalano stated that they would be making repairs at that time as needed and seal coated. Mr. Ammiano stated that the properties behind the site has not been maintained and asked if they can take note as the neighbors have complained about the wooded area between the properties. Ms. Catalano stated that Mavis has a maintenance program in place and will address the specific site.

Mr. Bazzurro, asked about the parking requirements from Mavis. Ms. Catalano stated that they have many other stores and they have found they do not need more than 25 spaces. Typically, they have about 6-8 employees and due to the number of garage bays, they do not feel the need for any additional parking spaces. Mr. Bazzurro asked if the LED fixture can be more colonial in style. The applicant confirmed they would be willing to install a more colonial to be agreed upon.

Mr. Ehnes explained that the existing free-standing, they are re-facing an existing sign. The three colors proposed match the Freehold Township color palette. Ms. Catalano stated that they accommodated the Township's color regulations and modified the sign colors for this location. Two signs on two different facades were previously on the building. The proposed signs create a reduction in the overall sign size and the size is appropriate for a highway and is in line with the other development in the area.

Mr. White asked if there was any intention in installing a generator. Ms. Catalano stated there is no intention.

Mr. Kash opened the hearing up to the public. There was no one from the public that came forward and Mr. Ammiano made a motion to close the public portion, which was seconded by Mr. Bazzurro. All in favor, aye. A motion to authorize the preparation of a positive resolution was made by Mayor Ammiano and seconded by Mr. Shortmeyer. All in favor, aye.

There was a five minute break. Mayor Ammiano and Mr. Preston were disqualified from the following application since it is a "D" variance and left the meeting.



Preliminary and Final Major Site Plan # 881-16 and Use/Bulk Variances # 026-16
Freehold American, Inc. - d/b/a Freehold Towing (Applicant)
David and Ruth Ann Piatkowski (Owner)
Block 6, Lots 21 and 22 – 243 Throckmorton Street

Construction and enclosure of a dome storage canopy building 60' x 65' (3,900 sf) and addition of a sand storage enclosure and site improvements along with associated variances. Applicant is also seeking approval for expansion of a non-conforming use and relief from conditions imposed as part of the previous site plan and variance approvals (previously before the Zoning Board under SP# 360-81, ZBA # 02-81, ZBA # 17-83).

William J. Mehr, Esq. appeared for 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: Michael Geller, PE, Geller Sive & Co.; David Paitkowski, President of Freehold Towing; Paul Phillips, Phillips Preiss and Grygiel, Township Planning Consultant; and Timothy P. White, Township Engineer. Additional Exhibits were marked.

Mr. Mehr explained the site history. The business handles accident tows and wrecks. The aerial shows the building that was destroyed as a result of Hurricane Sandy. They were trying to find a structure that would handle their needs. IE: they needed a place for serious accidents, including where there are deaths. They needed a shielded place to perform the functions of the salvage yard. He stated the site is not a public junk yard.

Michael Geller has previously appeared before and was accepted by the Board as a Professional Engineer and Planner. He described A-29 as an aerial photo from 1977. The trees to the rear of the property appear to possibly be on the Monmouth County property behind the subject lot. Mr. White explained that the 1981 resolution states that there is an existing wooded area at the rear of this site. Mr. Mehr explained that the county removed all of the trees for safety reasons. Mr. Geller presented the photo on page two of A-29, showing the dome structure from the street. This size structure fulfills the needs of the operations.

Mr. Geller explained that lot 21 is about 1.75 acres and lot 22 is 0.4 acres = 2.15 acres. The front building houses the offices including for the towing business, other offices leased for other businesses and second story of front building is residential for owner and children. There is a concrete driveway entrance; the balance of the site is mixed concrete and stone. The rear portion of the residential lot is proposed to be used for the circulation drive for the Freehold Towing business. The dome structure is used for storage and the internal operations for Freehold Towing. There is a fence across the rear of the property to the boundary line. The rear third portion of the property is used for salvage and storage. This was a use variance application in 1981 to permit the salvage, repair, storage of vehicle and to have a second residential use for a total of three principal uses. The 1981 resolution finds that this business is a necessary function with special reasons. The need has grown for this use through the years and so has the business operations. The site is served by public water and septic systems. The rear of the property is the Monmouth County jail. To the south (right) of this site is the Bill Wagner Plumbing Supply store. There is a residential site to the West where the residence is at the front and the rear is used primarily for storage. The previously constructed dome is requested to be permitted.

Mr. Geller explained that they are seeking an amendment of the conditions of the 1981 conditions of approval. One condition was the 35' wooded buffer area, however, it appears that the wooded area



belongs to Monmouth County and the County removed the wooded area. He stated that the County has expressed to Mr. Paitkowski that they would like the area to remain visible for safety. The second would be vehicles parked in the setback. The five parking spaces are on existing concrete surface within the 25' setback. This is beneficial to make sure that the newly towed cars are confirmed to not be leaking before they are moved into other areas. The location of the concrete pad is directly behind the Bill Wagner Plumbing building. The application is to also include lot 22 in the business operation and to maintain the residential portion of the property. There is a fence along the rear portion of the residential portion of the lot, separating the two uses. The application proposes a 25' circulation around the site and would meet the separation requirements from the property line to the actual activities. Wrecks are scavenged for salvageable parts and the cars shells are brought to Beacon Scrap metal to be destroyed. There is a proposed concrete block sand storage area to be used for accident scenes; this is shown on the rear northeastern corner of the lot. The proposed storage containers are in the rear of the lot for salvaged parts. The areas above the septic tanks will be fenced off to prohibit any storage on top of the tanks. Mr. Geller explained that there are drywells to gain some Stormwater management on the site. The use is the same use as approved in 1981 and there will be no change of the use. There is a proposed 8' stockade fence with gates to separate the salvage yard from the towing yard. The proposed upgrades an improvement to the site. He explained the proposed parking layout.

Mr. Geller explained it is a D-2 variance for the expansion of the use for the dome enclosure being larger than the previously approved garage and for the expansion of the use to lot 22. They are not proposing any buffer to the residentially zoned property to the rear, which is the County jail. In his opinion the conditions are not being exacerbated by this application. The property is appropriate for this use. The curbing and parking and circulation areas allow the water to flow to the rear. Wheel stops are provided to allow for runoff to flow.

This is a legally existing use as approved in 1981. They recognized this as a special needs variance to service police towing and the salvaging of parts. As the town has grown, so has the need for the operations. The enhancements proposed are the types of improvements the Board should expect and will be getting with the application. Three purposes of the Municipal Land Use Law are advanced by this application. The site organizations, enclosure of the building and the other enhancements have provided a benefit to the site. In his opinion, there is no detriment to the public as a result of the expansion of the use and application and no impact on noise or glare as a result of this application. The requested variances and waivers are warranted. Mr. Kash asked if there is anything from the County confirming the representation that they would request that the adjacent properties not install any buffer.

Mr. Mehr explained that the Title search came out that there was never an easement. Mr. White suggested that the easement be removed once the Township Attorney or Planning Board Attorney reviewed and confirmed that the easement does not exist.

Mr. Mehr explained that the storage boxes are not all kept on site at all times, some are picked up with the salvaged and sent out for shipping in the sea boxes. Referring to A-12, Mr. Mehr explained how they have addressed the comments from the Monmouth County Planning Board.

Mr. Bazzurro inquired if they have been operating on the two sites in violation of the Township Ordinance. This was confirmed by Mr. Mehr. Mr. Bazzurro inquired about the tree line.

Mr. Paitkowski explained that the tree at the rear of the house was hit by lightning and came down. Many of the trees shown are trees from the neighboring property overhanging onto his property. Mr. Bazzurro confirmed that the applicant is not increasing the use of the property. The applicant confirmed this. Mr. Bazzurro asked what then the need is for such an increase in size of the structure.



The applicant stated that they need for equipment and processing of vehicles. Mr. Bazzurro inquired about the containers and trailers to be utilized on the site. Mr. Paitkowski explained that there are 2 storage containers are in the center rear of the site and one on the left rear and there are eight storage trailers. One of the trailers is always ready for responding to an accident scene with all the necessary tools. The storage trailers are rotated at least twice a year.

Ms. Jahn inquired about the process of the business and how they process. Mr. Paitkowski explained that this has been done for over forty years. They generate about 5,000 to 6,000 calls a year. Mr. Mehr explained that the site also holds cars that have been impounded and can be eventually driven off the site. Ms. Jahn asked about the amount of time most cars on site. Mr. Paitkowski stated that most are on the site for at least three weeks, if not more. Some scenarios can take two or three months to be resolved. Ms. Jahn asked about the old vehicles on the site sitting on the site that appear to remain and are not removed. Mr. Paitkowski explained that they do not and will not have any permanent vehicles on property. They service vehicles for some businesses.

Mr. Phillips asked about the testimony provided in 1981 stating that there was a 35' wooded buffer and why they are now saying that the trees were on the neighboring property. Mr. Mehr stated that they were not sure, but suspects that the applicant at the time may have mistakenly thought the trees were on his property.

Mr. Bazzurro suggested that all colors are uniform.

Mr. Kash opened the meeting to the public, but there was no one from the public. A motion to close the public portion was made by Mr. Shortmeyer and was seconded by Mr. Asadi. All in favor, Aye. Mr. Bazzurro made a motion to authorize Mr. Accisano to prepare a positive resolution, which was seconded Shortmeyer, all in favor, Aye.

DISCUSSION:

Ms. Sims 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,

A handwritten signature in black ink, appearing to read "R Shortmeyer", written over the printed name.

Robert H. Shortmeyer
Secretary