



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

**REGULAR MEETING MINUTES**  
**February 15, 2018**

The Regular Meeting of the Planning Board was called to order by Chairman Gatto on Thursday, February 15, 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 (late), Mr. Bazzurro, Mr. Bruno, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Kash, Mr. Preston, Mr. Shortmeyer, Ms. Kurtz and Mr. Asadi.

**Absent:** Mr. Levy.

**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.

Mr. Gatto announced for the record that Thomas Cook was sworn as Class I – Mayoral Designee (Alt.) by Mr. Accisano prior to the start of Planning Board meeting.

**MINUTES:**

A motion to approve the minutes of the December 1, 2016 Regular Meeting was made by Mr. Shortmeyer and seconded by Mr. Kash and passed with the following roll call vote: Mr. Bazzurro, Mr. Bruno, Mr. Coburn, Mr. Gatto, Mr. Kash, Mr. Shortmeyer and Ms. Kurtz.

**RESOLUTIONS:**

**Resolution for O-18-2: An Ordinance Amending Chapter 190 (Land Use) Article XIII (Zone Regulations), Section 190-140.4 Planned Adult Community-Affordable Housing Overlay (PAC-AHO) of the Revised General Ordinances (Amending O-17-1 and O-17-17)**

This ordinance would revise the mix of affordable units.

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

**Resolution for O-18-3: Ordinance Amending Chapter 190 (Land Use), Section 190-158 (Regional Mall Zones RMZ-1, RMZ-2, RMZ-2A and RMZ-3) of the Revised General Ordinances**

This ordinance would establish a regulatory process for kiosks/vendor displays in malls.

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



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

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

**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**

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

**Variance Application # 026-16  
Freehold American, Inc. - d/b/a Freehold Towing (Applicant)  
Block 6, Lots 21 and 22 – 243 Throckmorton Street**

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

**Preliminary and Final Major Site Plan # 881-16  
Freehold American, Inc. - d/b/a Freehold Towing (Applicant)  
Block 6, Lots 21 and 22 – 243 Throckmorton Street**

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

**NEW APPLICATIONS:**

**Variance Application # 021-17  
KHAZEN, Mikhail and Yelena  
Block 102, Lot 30, 30.01 (consolidated as Lot 30.02) – 23 Francis Mill Road**

Proposed construction of an oversized, two (2) car detached garage. The proposed garage will be located within the front yard and exceeds the permitted garage size.

Mikhail Khazen 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 Mr. Khazen was comfortable representing himself and understands that a variance application can be very technical. Mr. Khazen acknowledged this and wanted to proceed with his hearing. Mr. Khazen took no objection to the exhibits that were marked into the record. Mr. Gatto read the reports into the record. The following witnesses were sworn: Mikhail Khazen, Applicant; Kate Keller, Phillips Preiss and Grygiel, Township Planning Consultant; and Timothy P. White, Township Engineer.



Mr. Gatto asked Mr. Khazen if he would be able to comply with the technical comments in the review letter from Mr. White. He said he would be able to, but noted he filed an application with the Shade Tree Department and they informed him that he does not need a permit since it is farm assessed. Mr. Gatto asked Mr. Khazen to provide proof of this to the Planning Office.

Mr. Khazen explained that the proposed garage would not be able to be placed in the rear yard of the property due to the restraints from the existing septic and leech field, the “hills” (grading) in the rear and the narrowness of the lot in this area. Mr. Khazen explained that the reason for the height relief of 19’ for the proposed garage is that there is a second floor loft area with only shelves for storage and he is also putting a pitched roof on the building for aesthetics and the additional height allows for this. The proposed detached garage would have electric, but wouldn’t have any other utilities and would not be used as living space. He stated that the proposed garage would not be visible to any of his neighbors and, to his knowledge, would not cause any detriment to the neighbors or the public good. Mr. Khazen stated he would be able match the colors and materials of the proposed garage to the existing house.

Mr. Gatto opened the application to the public, no one from the public came forward. A motion to close the public portion was made by Mr. Shortmeyer and was seconded by Mr. Bazzurro. Mr. Shortmeyer made a motion to authorize Mr. Accisano to prepare a positive resolution, which was seconded by Mr. Bazzurro, all in favor, Aye.

#### **Site Plan Waiver # 581-3-17**

#### **MEROLA TILE**

#### **Block 49 Lot 46.02 – 235 Willowbrook Road**

Proposed change of permitted use from newspaper production and maintenance use (formerly used by the Asbury Park Press), to warehouse use with office area, which is permitted in the M-1 Industrial Zone, for a Merola Tile company.

Lane Miller, 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. Miller had no objection to the exhibits that were marked into record. Mr. Gatto read the reports into records. The following witnesses were sworn: William T. Wentzien, PE, Abbington Engineering, LLC; John Merola, Division President/Principal of Merola Tile; Kate Keller, Phillips Preiss and Grygiel, Township Planning Consultant; and Timothy P. White, Township Engineer. Additional Exhibits were marked.

Mr. Ammiano arrived to the dais.

Mr. Gatto stated that Mr. Wentzien has appeared many times before the Board and was accepted as a professional Engineer. Mr. Wentzien described the lot as 29.69 acres in the M-1 zone, surrounded by offices farmland and other industrial uses. There is a 9,000 s.f. maintenance building on the site and together with the main warehouse building, totals 221,105 s.ff, and has additional structures on the site. The site has 297 parking spaces available in two areas, one w/ 240 spaces and the other with 57 spaces. By applying the parking requirements, the site is well in excess of the required 213 parking spaces. The proposed use is for warehousing and distribution.

Merola Tile is the contract purchaser of the site. Mr. Merola stated that he and the seller filed a Phase I Environmental review and will be following with a Phase II report. Ms. Jahn inquired if the closing of the property is contingent of the reports. Mr. Gatto explained that any approval from the Board would be contingent on review and approval of the Environmental report. Mr. Merola explained that his



current operation has septic and is very aware of usage and contamination. They recycle the water by storing the buckets overnight to allow the sediment to settle, remove the solids and reuse the water. Mr. White asked for additional detail on this process.

Mr. Merola indicated he would comply with the Engineer's requests. Mr. Merola stated that the water tower structure on the site will be removed upon closing on the property.

John Merola stated that Merola Tile has been in business for thirty (30) years, and his brother heads the Long Island division while he runs the New Jersey division. Merola Tile imports ceramic tile, mostly from overseas, then warehouses and distributes the tile. Mr. Merola gave the history of the tile company where they started in a 47,000 s.f. building in Somerset, NJ. In 2014, the brothers split and he moved 25 employees to a 107,000 s.f. building in Manalapan, his current location, while his brother relocated to open the Long Island division. The business has been growing with rates of 50% two years ago, 45% last year and expects about 35% this year. They are looking for an additional site in Monmouth County, close to their current location in Manalapan since he plans on keeping both locations to keep with the growing demand. Monmouth County has proven to be a successful market with quality buyers and would like to keep his business here. It is anticipated that he would require about 20-25 employees to start and within three years, require about 200 employees. Merola Tile produces about 27 million a year in sales, doing business with Home Depot as their primary distributor for tile, WayFair.com, Overstock.com and other chain and local stores, as long as they have a physical brick and mortar showroom. No retail sales would happen on the site.

Mr. Merola stated he has experienced site clean-up with previous sites and promotes a clean and safe, quality work environment. He explained that he is committed to make this a good, safe work environment for his employees. Once they close on the property, he stated any dangerous site issues would be dealt with immediately and "ugly" issues would also be a priority. The dilapidated water tower building will be removed, the pump room building is operational and has been recently inspected is to remain as a utility building as it appears to be required (Mr. White confirmed that this building appears to be in fair shape and took no exception to this). Two big tank supports (concrete structures-tank hangers), which previously held propane tanks at the northeast corner near the railroad tracks, will be at the discretion of the applicant can remain unless determined by the Township Engineer that they should be removed. The mechanical units at the rear of the main building (and other structures on the site) would be evaluated in the field with Mr. White to determine if the items should be screened, housed or removed. The area near the propane hangers appeared to be a retention pond, but was previously a tank to fill the trucks which was removed. Mr. Merola agreed to have the area remediated and filled with clean fill and regraded, all in compliance with the NJDEP. The applicant agreed that the parking lot, the masonry dumpsters and other site issues will be addressed to the satisfaction of the Township Engineer or the applicant agreed they would come back to the Board.

Mr. White commented that there is a car dealership currently using the lot for vehicle inventory storage. Mr. Merola responded that should he wish to continue or do something like this, he would file an application with the Planning Board. Mr. Merola stated that there are no façade changes being proposed. There would be a showroom, but would only be for special visitors (example given was a representative for Toll Brothers), not open to the general public.

Ms. Keller inquired about the loading docks in the rear of the building. Mr. Merola explained that he would need each of the existing loading docks and that there may be a need to eventually convert the one row of loading docks that was only for newspaper loading, into regular loading docks. Mr. White explained that this area is the east side of the building and appear to have been previously modified



from full size doors to these smaller, modified doors. He said that he took no exception to these doors being converted back to the apparent original full size doors without coming back to the Board, as long as no other changes are proposed. Mr. White confirmed that there would be no effect on truck circulation should these doors get converted back to full sized doors.

Mr. Gatto opened the application to the public and no one came forward. A motion to close the public portion was made by Mr. Shortmeyer and was seconded by Mr. Kash. Mr. Ammiano made a motion to authorize Mr. Accisano to prepare a positive resolution, which was seconded by Mr. Kash, all in favor, Aye.

**Site Plan Waiver # 737-2-17 and Variance # 033-17 - Carried without further notice from 1/18/18  
WILLOWBROOK PARAGON MANTROSE, LLC**

**Willowbrook Paragon Signage**

**Block 72.11, Lots 1.01 & 1.02 and Block 72.12 Lots 1 & 2**

Applicant proposes to replace/reface and install signs throughout the business complex with the exception of two (2) existing freestanding signs on Willowbrook Road and ten (10) existing signs on Paragon Way and inside the complex (all 12 to remain as existing) and to reface six (6) additional existing signs with new signage. Applicant also proposes to erect twenty-nine (29) additional signs along Willowbrook Road, Paragon Way and within the complex. The total number of proposed signs (include those existing and to remain) would be 47 signs. Applicant seeks permission to exceed the maximum number of signs and relief from a condition from a previous approval by the Planning Board (See also previous resolution #659-1-15 and supplemental resolutions).

Mr. Bazzurro indicated he has a conflict and disqualified himself from hearing this application, and left for the evening.

Salvatore Alfieri, 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. Alfieri had no objection to the exhibits that were marked and Mr. Gatto read the review letters into record. The following witnesses were sworn:Carolynn Vineis, NorthStar Signs, Kate Keller, Phillips Preiss and Grygiel, Township Planning Consultant; and Timothy P. White, Township Engineer.

Mr. Alfieri explained that there will not be any sight triangle issues, but they will be requesting relief for setbacks and number of signs

Carolynn Vineis explained that she was engaged to design a wayfinding sign system for the site. There are four buildings with over 60,000 s.f. each. Ms. Vineis described where the proposed signs are located. The signs should allow for the traffic to the site to split. The signs on Paragon are wayfinding and only two signs (from A-18) that would be visible on Willowbrook Road. In her opinion the signs are necessary for the safe travel of the site. The existing tenants have different colored signs and would eventually be replaced. There are 19 new signs, 6 of which are replacing existing, 10 are for future tenant ID's. Ms. Vineis described the typical proposed signs. All of the proposed signs would be black, white and the color similar to "Shadow Blue" from the Township's Sign Ordinance. Additional Exhibits were marked.

The signs that are proposed in the setbacks cannot be relocated due to the location being pushed into the parking lots. There will not be any signs in a sight triangle. The letters on the signs need to be the proposed size in order to allow the traffic going at the prescribed speed to allow for safe wayfinding.



This is causing the need for relief for the size of the proposed signs (3' x 3'). Any smaller signs could cause a safety issue. The dumpster issue and trash pickup would be addressed. The number of signs requested is needed to allow for safe wayfinding. The Board didn't take exception since these signs are internal to the site. Ms. Keller confirmed that the need for the additional signs was addressed.

Referring to Tim White's review letter, comment #3, the applicant asked to complete this by May and #3b be done by the end of the year. The Board didn't take any exception to the time request, but Mr. White recommended that the applicant bond for those improvements in which they are asking for relief

Mr. Gatto opened the application to the public and no one came forward. A motion to close the public portion was made by Mr. Shortmeyer and was seconded by Mr. Kash. Mr. Kash made a motion to authorize Mr. Accisano to prepare a positive resolution, which was seconded by Ms. Jahn, all in favor, Aye.

**Site Plan Waiver # 412-3-17 and Variance # 037-17**

**POETS SQUARE - ECOMEN SOLAR, LLC**

**Block 42.04 Lot 1 – 1 Thoreau Drive**

Proposed work is to install a roof mounted solar system on existing roofs within the Poet's Square commercial complex. The proposed roof mounted solar panels would be visible from roadways and parking areas.

Mr. Ammiano, Mr. Preston and Ms. Kurtz all have a conflict with the following application and left for the evening.

Salvatore Alfieri, 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. Alfieri had no objection to the exhibits that were marked and Mr. Gatto read the review letters into record. The following witnesses were sworn: Joe Aurilla, Jr., EcoMen Solar, Applicant; Kate Keller, Phillips Preiss and Grygiel, Township Planning Consultant; and Timothy P. White, Township Engineer. Additional Exhibits were marked.

Mr. Gatto asked if Mr. Aurilla was the property owner, who stated he was not. As an aside, Mr. Gatto announced that, although it would not affect this current application, the Board will no longer accept applications from contractors, per Frank Accisano, Board Attorney. The landowner or someone with an enforceable proprietary interest in the property must file the application.

Joe Aurilla, Jr. stated he is one of the owners of Ecomen Solar, a solar company based out of Freehold. Mr. Aurilla explained that they are proposing to install roof top solar panels on three of the eight commercial buildings. The panels would be have minimal visibility from the Poet's entrance road, from Rt. 33 the berm would block most of the visibility, there would be no visibility from Thoreau Road and the view from Kozloski Road is mostly shielded by trees. Mr. Aurilla stated that any additional plantings to shield the visibility would decrease the effectiveness of the panels. He explained that Building 7 is a dual system, one is a house meter and the other is for a meter in the building. This is due to multiple business. There would be a total of 252 solar panels throughout the site (three buildings). Minimal electrical components and inverters and will be installed in a manner which is minimally visible. There are solar panels on properties adjacent to this site and, in his opinion, this application should not have any negative effect on the public. He stated that the proposal provides a positive environmental impact, a positive financial impact to allow for use in other purposes in Monmouth County and it allows furtherance of State's goals for renewable energy.



Mr. Alfieri explained that the site maintenance issues are the problem of the owner and they are not having any success with the property owner in having the property owner address the comments from the site inspection. Mr. Gatto explained that they are looking for relief and the site standards should be enforced, as this has been the policy of the Board. Mr. Gatto explained that since the owner was not there and asked how this can be accomplished. He inquired if this can be accomplished through code enforcement instead of a condition of the approval as this application, to him, feels like a different type of application than the previously heard application. Mr. Accisano stated that the owner of the property signed a consent of owner for the application and consents to the whole application and feels that the Board can impose conditions as the owner will be benefitting from the solar panels on the roof. Mr. Gatto explained that if the applicant does not move forward with the application, that the code enforcement should still be notified. Mr. White confirmed that they would be. Mr. Alfieri explained that the improvements are roof mounted and they have no ground improvements, there is a positive benefit to the community and the State with respect to renewable energy. He continued by stating that any condition that requires that the applicant to make the repairs as noted by Mr. White's report, would prevent the panels from being installed. Mr. Accisano explained that there is a suggestion that should the Board approve this application, that there should not be a condition of the approval, but the resolution would require that the code enforcement officer be notified of the site deficiencies. Mr. Gatto confirmed this and said that this notice to code enforcement should be done irrespective of this application.

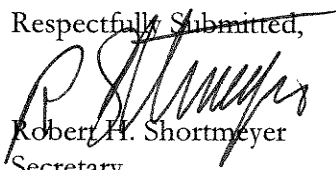
Mr. Gatto opened the application to the public and no one came forward. A motion to close the public portion was made by Mr. Shortmeyer and was seconded by Mr. Kash. Mr. Kash made a motion to authorize Mr. Accisano to prepare a positive resolution, which was seconded by Ms. Jahn, all in favor, Aye.

#### **DISCUSSION:**

Mr. Gatto stated that moving forward, Mr. White should let applicant's know ahead of time, that they are going to be required to adhere to the current site standards. 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 8:42 p.m.

Respectfully Submitted,  
  
Robert H. Shortmeyer  
Secretary