



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

REGULAR MEETING MINUTES
March 15, 2018

The Regular Meeting of the Planning Board was called to order by Chairman Gatto on Thursday, March 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: Mr. Bazzurro, Mr. Bruno, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Shortmeyer, Ms. Kurtz, Mr. Asadi and Mr. Levy.

Absent: Mayor Ammiano, Mr. Kash and Mr. Preston.

Also Present: Frank Accisano, Esq.; Kate Keller, Phillips Preiss and Grygiel, Township Planning Consultant; Andrew Feranda, Shropshire Associates, Township Traffic Consultant; Timothy P. White, Township Engineer and Danielle B. Sims, Administrative Officer.

There was the Pledge of Allegiance.

Ms. Kurtz, Mr. Asadi and Mr. Levy were seated for Mayor Ammiano, Mr. Kash and Mr. Preston. (Mayor Ammiano and Mr. Preston were not in attendance as all the applications on the agenda are "D" Variances and they are not eligible to hear these applications.)

RESOLUTIONS:

Site Plan Waiver # 581-3-17

MEROLA TILE

Block 49 Lot 46.02 – 235 Willowbrook Road

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

Site Plan Waiver # 412-3-17 and Variance # 037-17 (Carried from 3/1/18 meeting)

POETS SQUARE – ECOMEN SOLAR, LLC

Block 42.04 Lot 1 – 1 Thoreau Drive

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

Capital Project Review #772-1-18

Child Advocacy Center

Monmouth County Board of Chosen Freeholders

Block 41, Lots 11 and 11.01 – Kozloski Road



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. Gatto, Mr. Shortmeyer, Ms. Kurtz and Mr. Levy.

**Capital Project Review #710-1-18
BioTech High School
Monmouth County Board of Chosen Freeholders
Block 41, Lots 11 and 11.01 – Kozloski Road**

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

**“D” Variance Application #031-17
Online Trading Company
Juniper Plaza Associates, LTD
Block 72 Lot 90.03-90.04 - 3499 Rt. 9 North**

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

**Preliminary and Final Major Site Plan #629-3-17
Online Trading Company
Juniper Plaza Associates, LTD
Block 72 Lot 90.03-90.04 - 3499 Rt. 9 North**

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

NEW APPLICATIONS:

**“D” Variance Application # 026-17
Preliminary and Final Major Site Plan and Variance # 840-1-17
KDC Solar CSCP, LLC (Applicant)
CentraState Medical Center, Inc. (Owner)
Block 86, Lot 8, 8.03, & 11 – 901 West Main Street**

Construct automobile canopies with solar panels on the parking lot areas of CentraState Hospital. A use variance is required to permit the solar canopy use which is not permitted in the H-1 and ROL Zones.

Kieth Davis, Esq. entered his appearance on behalf of the applicant, KDC Solar CSCP, LLC. William J. Mehr, Esq. entered his appearance on behalf of CentraState Medical Center. 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. Ms. Jahn disqualified herself from hearing this application and left the room for this application. Mr. Davis had no objection to the exhibits that were marked and Mr. Gatto read the review letters into record. The following witnesses were sworn: Tom Lynch, Executive Vice President, KDC Solar; Tiffany Morressy,



Planner; Tom Scott, COO, CentraState Medical Center' Robert Moschello, Gladstone Engineer; Andrew Feranda, Shropshire Associates, Township Traffic Consultant; Kate Keller, Phillips Preiss and Grygiel, Township Planning Consultant; and Timothy P. White, Township Engineer. Additional Exhibits were marked.

Mr. Robert Moschello of Gladstone Engineering described his qualifications and was accepted as a professional licensed Engineer. He described the property consisting of three lots. The property has three access points off Route 537 all leading into the hospital site. There are various parking lots that service the different campus facilities. The property is split within 2 zones, the H-1 and ROL Zones. The PC zone is to the northeast and the B-10 zone to the east of the property. There are ground mounted solar arrays within the area as shown on A-19 aerial display that were previously done for KDC Solar for the hospital a few years earlier. The proposed 12,300 panel are on canopies as shown on the aerials. There are no panels imposed on the front area of the hospital, but the balance of the site have canopies proposed. Mr. Moschello described the design of a solar canopy including a power inverter panel to be mounted on the columns.

Mr. Moschello explained the parking spaces and the travel lanes and indicated that the proposed design would allow adequate room for a vehicle. There are conduits that lead to four transformer pads collect the power from the various panels throughout the site. The transformer pads will be fenced in with 8' fencing and on concrete pads. The utility pads and the foundations for the proposed canopies create the additional impervious surface needed in this proposal.

For the purpose of construction, Mr. Moschello explained that they intend to break the application down in to eight (8) phases. This is done because they have to still allow for the hospital to operate while under construction. A proposed phasing plan was described. They would start with the foundations being dug and poured with concrete. They cure for about 3-4 weeks install the underground conduit during the curing period. Once all foundations are completed, they will move to the next step-where the hospital would come in and do some pavement and parking lot repairs. Mr. Gatto clarified the phasing (Phase 1-a foundation and conduit trenches, Phase 1-b hospital parking lot repairs, Phase 1-c electrical, as described in A-25 and A-26). Each phase would be completed before they move to the next phase.

Mr. Gatto clarified that the Board will not consider who is responsible for the phased steps, and any approvals granted by the Board, would be subject to the conditions.

Mr. Davis explained that they are a lessee and are not the property owner and that they are not the responsible party, with a condition of approval.

Mr. Accisano responded that the issue is that KDC is the lessee and the hospital is the beneficiary, but is not the applicant. The Board cannot be held and there needs to be interplay. The Board would not likely grant any approvals with a void to any reference to the ongoing site issues.

Mr. White stated that this has been reviewed and field meetings have been held and he would consider this as one project. The improvements proposed will further damage the pavement that currently needs repair, as an example and the Township should not be involved where one entity is blaming the other.

Mr. Gatto explained that the Board will only make the findings of fact and will not differentiate the responsible parties. He stated that this is one project, there will be one set of findings. Mr. Bazzurro agreed that these should be included as a whole should the Board grant any approvals. The application is one application, and is not a bifurcated application.



Mr. Davis stated he disagrees and explained he is concerned to the extent of the requested repairs/improvements.

Mr. Bazzuro asked how this becomes a concern of the Board. KDC is in contract with the hospital for the work. This should have been resolved prior to being heard by the Board.

Mr. Mehr explained that the hospital has addressed these issues and stated that the hospital is planning to prepare a Hospital Master Plan which will address many of these items and he feels that the items that are necessary to be done now, they will do and have started doing.

Mr. Davis asked if he can continue to present his case and after, request that they meet in the field with Mr. White to determine the extent of work.

Mr. Gatto explained that this is one applicant, one project. Both parties (applicant and owner) were present and have been working with the Township Engineer.

Mr. White explained that they have the meetings and it should be clear as to what needs to be done. Mr. White has left every meeting stating that he doesn't care who does it, but has explained what would be required. Mr. Davis explained that he is not asking the Township to arbitrate between the owner and applicant; he wants to make sure they are clear with the extent of the repair and that there is a big difference with the extent of asphalt repair. He stated he takes issue with some of the repairs as explained to him by Mr. White. Mr. Gatto explained that the Board relies on the opinion of the Board's Engineer and will accept his determination.

Mr. Gatto confirmed that the Board would consider this as one application.

Mr. Moschello continued describing the under canopy lighting proposed. The light standards that are being replaced by the ones with the canopy under lighting would lessen the impact of lighting spillage on the neighboring property and remove the big sky glow that currently exists. The new lighting would be directed directly downward. There would be a construction trailer and staging area in the rear (north end) of the property for storage of materials and "lay down space" for the project. Deliveries would be made during normal business hours. Once the materials are on site, they would utilize smaller trucks to distribute the materials throughout the site.

Referring to A-20, they would be cutting down 120 trees and will be replacing at about a 120% quantity. There is a scenic corridor at Route 537/Main Street which they will be enhancing and also along the northern property line new Peach Tree Lane, near the 6' privacy fence. Additional evergreen trees will be added behind the panel to enhance the buffer. Heading east on Main Street, they will take out the shrubs and change them to 6'-8' evergreen trees. Mr. Moschello explained that they will provide shrubs around the inverter and transformer pads for screening.

Mr. Moschello described the bulk variances being sought. There are two directional signs proposed where they are also seeking variance relief in order to match the existing signs on site. Mr. Feranda explained that the signs should not be within any setback areas.

Mr. Gatto asked to interrupt for a moment to address the following applications on the agenda:

Conditional Use Variance # 015-17

Preliminary and Final Major Site Plan and Variance Application # 893-17

Shake Shack (Project)

Leemilt's Petroleum (Applicant)

Block 3, Lot 1 – 4431 Route 9 North



Proposal for a 3,530 s.f. restaurant with associated site improvements; whereas restaurants are allowed by conditional use and this application does not meet all of the required conditions.

Soil Removal/Fill Application # SR-01-18

Shake Shack (Project)

Leemilt's Petroleum (Applicant)

Block 3, Lot 1 – 4431 Route 9 North

Proposal to export approximately 1,000 c.y. from the site in conjunction with Site Plan # 893-17.

Mr. John Guinco, Esq. entered his appearance on behalf of the applicant for both matters.

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. Gatto explained that it appears that we are going to take some more time with the KDC application and asked if the Shake Shack would be willing to carry the application to the meeting to be held on May 3rd, 2018. Mr. Guinco and the Board had no objection to carrying the matter without further notice to May 3rd, 2018 at 7:00 pm.

Mr. Gatto also advised Mr. Mehr that the Freehold Skin Clinic was tentatively scheduled for the May 3rd meeting and the Board may need an additional extension of time to accommodate these changes. Mr. Mehr stated he had no problem with this request.

KDC Solar CSCP, LLC (Cont.):

Mr. Keith Davis returned to the presenting table to continue with the KDC Solar application.

Continuing his testimony, Mr. Moschello, that the different traits will work together to complete the phases, which may not be done in section order (1, then 2, then 3) but would complete all of the phases together. Mr. Coburn asked if a crane would be required for the canopy install. Mr. Moschello explained that they would need a crane, but it would be small since the canopies are not that heavy.

Mr. White inquired about the curbing and depressed curb that he had requested. Mr. Moschello and Mr. Davis indicated that they took no exception to these improvements.

Mr. Accisano clarified how the phasing is proposed. Mr. Bazzurro expressed his concern about the phasing and ensuring that they are following the phasing plan. Mr. White stated he has reviewed the phasing plan presented and stated that he would be overseeing moving the stages to make sure they do not move to the next phase without completing a phase. Mr. Moschello clarified that they would construct 1-A, then 2-A, 3-A, etc. (maybe not in numerical order, but will not move onto phase I until phase I is complete).

Ms. Sims indicated that there would need to be an extension of time for the requests that Mr. Davis made in regards to the additional field meetings. Mr. Davis stated he would grant the necessary extensions.

Tom Lynch, Executive Vice President and Chief Operating Officer for KDC Solar. He explained that KDC Solar is in a license transaction and a power sale agreement with CentraState for the proposed canopy system. The ground mounted solar array system at the hospital is also owned by KDC Solar and produces about 25% of the energy needed to operate the hospital and this canopy proposal will produce additional energy, for a total of about 50% of the needed energy for the hospital.



Tom Scott was introduced and explained that the hospital has recognized the benefits of the project from 2014 when they installed the ground mounted solar arrays. They are reducing the energy demand in the Freehold area and reducing the frequency of potential brown-outs. They would also provide covered parking to the patients, employees and visitors. They are also providing an alternate green energy source for the hospital. The proposed under mount LED lighting will increase safety. The canopies will all provide for a longer pavement and striping life. No parking spaces will be lost as a result of the canopies

Ms. Tiffany Morressy has previously appeared before the Planning Board and was accepted by the Board as a professional licensed Planner. She explained that she had previously reviewed the Township's Master Plan and Ordinances. The proposed solar canopies are not a permitted use and the hospital is not a permitted use in the ROL zone, making this an application for expansion of a non-conforming use. The signs proposed were designed to match the existing site signage and therefore require several variances. The increase in impervious coverage is less than 1% and could be considered de minimus. She explained that solar energy projects are considered an inherently beneficial use. The use of renewable energy sources can be promoted. Referring to the SICA balancing test, Ms. Morressy explained that the impacts identified are visual, construction staging, location of the panels and the impact on the surrounding area. She explained that the impacts would be reduced with the proposed phasing plan as described by Mr. Moschello. The negative impact of the construction phasing is temporary and minimal. The 160 trees being removed are being replaced/supplemented with over 200 shrubs and trees. They are proposing additional plantings in the view shed along Route 537, along the adjacent residential properties, and the west side of the property. Ms. Morressy explained that the Master Plan would not be impaired with the proposed improvements, that there would not be a substantial impact on the zone plan and would not outweigh the benefits of the renewable energy, improved lighting, safety, covered parking and improved screening of the facility. There would be no substantial detriment of the public good. In her opinion, there would be essentially no negative impacts. Ms. Keller took no exception to Ms. Morressy's testimony.

Sharon Ellerman (Loganberry) was sworn in and stated she is concerned with health issues associated with the proposed transfer. Ms. Morressy explained that there is a 50' buffer existing and the panels are at least 65' from property line. Mr. Moschello describe that the home is 350'-400' from the closest panel. Neither Mr. Moschello nor Ms. Morressy are aware of any health risk with a transformer and Mr. Moschello explained that there are similar transformers that exist on the property. Ms. Ellerman asked if there are similar transformers. Mr. Davis stated that there are over 4 transformers that currently exist on the property. Mr. Moschello described the locations of the proposed transformer. Mr. White explained ran that the electricity delivered via the electric company and

Wendy Savin of 176 Loganberry was sworn in and read a comment from the planners report. Ms. Keller explained that the concern raised in the report was referring only to the construction trailer and not to the solar arrays. Ms. Savin explained her concern with construction noise. Mr. Moschello described the proposed construction staging area. Ms. Savin asked about the proposed overall time frame. Mr. Moschello stated that they expect to take between 9-12 months.

John Mularczyk of 204 Loganberry Lane was sworn in and inquired about the proposed landscaping along the homes. Mr. Moschello explained that there is an existing buffer along the rear of the homes on Loan berry and would be supplementing the area on site to screen the arrays. Mr. Gatto asked if Mr. White can review the trees in this area when he meets with the Applicant's professionals in the field.



Ms. Kurtz questioned the pitch of the proposed panels and is concerned with the snow buildup on top of them. Mr. Moschello explained that the panels were designed as an inverted "V" to lessen any falling snow to the inner portion.

Ms. Ellerman inquired about any noise associated. Mr. Moschello explained that the inverters have cooling fans which are inaudible from 20' away. The transformers have a humming noise and they are also inaudible 20'-30' away and would all comply with the State requirements.

With no objections from the Board, Mr. Accisano announced that the application would be carried without further notice to April 19, 2018 at 7:00 pm

Mr. Davis granted the Board an extension of time to act until May 3, 2018

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. Gatto confirmed that the application would be continued on Thursday April 15, 2018, without any further notice.

Mr. Accisano asked Mr. Mehr about the timing of the proposed Hospital Master Plan application, which Mr. Mehr indicated earlier would include some of the site maintenance items recognized in Mr. White's review letter. Mr. Mehr stated that it may be nine to twelve months to get the appropriate applications and plans ready. Mr. Gatto stated that they will need to file this application no later than April 30, 2019 or appear before the Board to explain why this has not been filed. Mr. Mehr acknowledged this.

DISCUSSION:

Ms. Sims reviewed the upcoming agenda items.

ADJOURNMENT:

There being no further business, a motion was made to adjourn the meeting and passed unanimously. The meeting concluded at 9:10 p.m.

Respectfully Submitted,

Robert H. Shortmeyer
Secretary