



# Township of Freehold

## OFFICE OF THE PLANNING BOARD

One Municipal Plaza, Freehold, NJ 07728

### REGULAR MEETING MINUTES January 19, 2023

The Regular Meeting of the Planning Board was called to order by Chairman Levy on Thursday, January 19, 2023 at 7:07 p.m. at the Freehold Township Municipal Building, One Municipal Plaza, Freehold, New Jersey. Mr. Levy 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 February 8, 2022 to the official newspapers of the Township and by filing such notice with the Township Clerk.”

**Present:** Mayor Walker, Mr. Barbieri, Mr. Bazzurro, Mr. Bruno, Ms. Fasano, Mr. Levy, Mr. Shortmeyer, Mr. Pucci, Mr. Marion and Mr. Krok.

**Absent:** Mr. Coburn and Ms. Kurtz.

**Also Present:** Roger McLaughlin, Esq.; Timothy P. White, PE, Twp. Engineer; Kate Keller, PP, Phillips Preiss Planners; Todd Brown, PP, Twp. Planner; Donna A. Butch, Administrative Officer

There was the Pledge of Allegiance.

### MINUTES:

**Approval of Minutes:** December 15, 2022

Mr. Shortmeyer made a motion, and was seconded by Ms. Fasano, to approve the minutes. The motion passed with the following roll call vote: Mr. Barbieri, Mr. Bazzurro, Mr. Bruno, Ms. Fasano, Mr. Levy, Mr. Shortmeyer, Mr. Pucci and Mr. Marion.

### RESOLUTIONS:

**Amended Preliminary & Final Major Site Plan Application** **SP# 770-2-22**  
**BPI-FREEHOLD, LLC (BRIELLE ORTHOPEDICS)**  
**Block 86, Lot 5.02 – 1043 West Main Street**

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

**Amended Preliminary & Final Major Site Plan Application** **SP# 748-9-22**  
**Variance Application** **VAR# 021-22**

**CENTRASTATE HEALTHCARE SYSTEM**  
**Block 86, Lots 8, 8.01 & 8.03 – 901 West Main Street**  
**Block 86, Lot 5.01 – 1001 West Main Street**

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



**Resolution Authorizing Planning Board Attorney to File Answers and Defend the Planning Board in Pending Litigation (Briarwood Condominium Association, Inc. vs Freehold Township Planning Board and Chesterfield Holdings, LLC)**

Mr. Bazzurro made a motion, and was seconded by Mr. Shortmeyer, to approve the resolution. The motion passed with the following roll call vote: Mayor Walker, Mr. Barbieri, Mr. Bazzurro, Mr. Bruno, Ms. Fasano, Mr. Levy, Mr. Shortmeyer, Mr. Pucci, Mr. Marion and Mr. Krok.

Prior to the start of hearing New Applications, Mayor Walker and Ms. Fasano stepped down and left the meeting room.

**NEW APPLICATIONS:**

**(Carried from 12/5/2022 Meeting)**

**Variance Application**

**["D" Variance]**

**VAR# 015-22**

**SCHERER, Scott**

**Block 30.12, Lot 10 – 147 Pleasant Knoll Way**

The Applicant is requesting relief to construct a 380 sq. ft. addition on the first floor of the home, to contain a bedroom, bathroom and walk-in closet. Variance relief is required for: (1) front yard setback of 35' where 50' is required; (2) 31.1% impervious coverage, where 25% is the maximum permitted; and, (3) floor area ratio (FAR) increase to 0.195, where 0.18 is the maximum permitted.

Mr. McLaughlin stated he reviewed the affidavit of publication and proof of notice submitted by the Applicant and found them to be correct in form, published and served in a timely fashion so the Board has jurisdiction to conduct a public hearing for this application. Mr. McLaughlin explained that variance applications can be technical in nature and asked Mr. Scherer if he was comfortable representing himself in this matter. Mr. Scherer understood and wished to represent himself.

Mr. Shortmeyer swore in the following witnesses: Scott Scherer, Owner/Applicant; Roxanna Ziolkowski, RA, of Varitronics Consulting, Inc.; Matthew R. Wilder, PE, PP, of Morgan Engineering & Surveying; Todd Brown, PP, Township Planner and Timothy P. White, PE, Township Engineer.

Mr. Levy stated that Exhibits A-1 through A-8 are administrative and technical in nature and asked Mr. Scherer if he had any objection to those exhibits being marked into the record. Mr. Scherer had no objection.

Mr. Wilder introduced himself to the Board and provided his experience and credentials as a licensed Professional Engineer and Professional Planner for the Applicant. Mr. Wilder was accepted by the Board as a Professional Engineer and Professional Planner.

Mr. Scherer explained for the Board the reason for his application to build an addition was for his aging mother-in-law to live in the subject Scherer home.

Mr. Levy advised Mr. Scherer that if this application were to be approved, he would not be permitted to rent it out. Mr. Scherer understood and confirmed the new addition would not be rented.

Mr. Bazzurro suggested that if the Board were to approve the application, a condition would be placed into the resolution that a Deed Restriction should be recorded stating the subject new addition would not



be permitted to be rented. This way the restriction would stay with the land if the Scherer's should sell their home. Mr. Scherer agreed.

Mr. Wilder provided a description of the subject property with regard to size and location in the Chestnut Estates development. Mr. Wilder stated the Scherers have a hardship on their property due to being a corner lot and unique shape of the lot.

Mr. Wilder provided specific planning testimony in reference to the "d(4)" variance relief being sought by the Applicant. Mr. Wilder confirmed that the proposed addition would have no detrimental impact and would promote the general welfare while providing appropriate population densities. Mr. Wilder referenced relative case law to establish the required positive and negative proofs to grant the variance relief.

Mr. Wilder confirmed the proposed addition would cause no detriment to the surrounding neighborhood.

Mr. Levy asked Mr. White and Mr. Brown if they were satisfied with the testimony thus far. Mr. White and Mr. Brown were both satisfied.

Mr. Levy asked if the materials to be used for the proposed addition will compliment the existing structure. Mr. Scherer confirmed the materials will match.

Ms. Ziolkowski, RA, introduced herself to the Board and provided her experience and credentials as a licensed Architect for the Applicant. Ms. Ziolkowski was accepted by the Board as a licensed Architect.

Ms. Ziolkowski also confirmed that the materials for the proposed addition will match the existing structure's materials.

Ms. Ziolkowski confirmed to the Board and Township Professionals that the proposed square footage noted on the plan cover sheet will be corrected from 606 sq. ft. to 380 sq. ft, as referenced in the Township Professional review letters.

Mr. Levy asked if there were any questions from the Board and/or the public. Seeing none, Mr. Levy asked for a motion to close the public hearing.

Prior to a motion being made, Mr. Brown asked Mr. Bazzurro inquired if his recommendation of requiring a deed restriction prohibiting the new addition from being used as a rental should be added as a condition of the Resolution. Mr. Bazzurro confirmed yes.

Seeing no other questions from the public, Mr. Shortmeyer made a motion to close the hearing, and was seconded by Mr. Bruno. All in favor. Mr. Marion made a motion for a positive resolution to be drafted, and was seconded by Mr. Shortmeyer. All in favor.



**DISCUSSION:**

Mr. McLaughlin provided an update on the following cases being litigated:

- Briarwood vs. Chesterfield: The Applicant was still negotiating with the Briarwood Association.
- NJ Solar 2000, LLC vs. Freehold Twp Planning Board: A case management meeting was held on 1/19/2023 and a judge has been assigned the case. A new hearing date will be in May 2023. Another update will be given in an Executive Session at a future Planning Board Meeting.

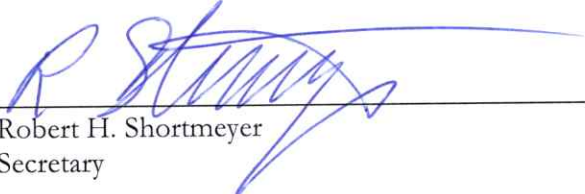
Mr. Levy provided a brief summary of upcoming applications to be heard during next few meetings in February. After which, Mr. Bazzurro noted he will not be able to attend the February 2, 2023 Planning Board Meeting.

Mr. White announced that this would be his last year employed with Freehold Township as he will be retiring in May. Mr. White noted that it has been a pleasure to be with the Township since 1995. Mr. White added that Matthew Bryant, Assistant Township Engineer, will be attending more meetings in the future as he would be moving into the Township Engineer's position.

**ADJOURNMENT:**

There being no further business, Mr. Levy concluded the meeting at 7:30 pm.

Respectfully Submitted,

  
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Robert H. Shortmeyer  
Secretary