

**Borough of Freehold  
Planning Board  
Agenda No. 21-08  
May 12, 2021**

The Freehold Borough Planning Board will hold a Video Conferencing Online Meeting on Wednesday, May 12, 2021 at 7:00 PM in accordance with the New Jersey State Emergency Declaration.

1. Call to order and statement of compliance. Adequate notice of this meeting has been provided by posting a copy of public meeting dates on the municipal bulletin board and by sending a copy to the Asbury Park Press and the News Transcript and filing a copy with the Municipal Clerk.
2. Roll call of members and consultants.

**Mr. Kevin A. Kane, Mayor  
Mr. William Barricelli, Class IV Member  
Mr. Paul Ceppi, Class IV Member  
Mr. Michael McCabe, Class IV Member  
Mr. Michael Wildermuth, IV Member  
Ms. Shealyn M.S. Crombie, IV Member  
Ms. Caridad Argote-Freyre, IV Member  
Mr. Garry Jackson, Class II Member  
Mrs. Margaret Rogers, Class III Member  
Mrs. Brianne Van Vorst, Alternate Member I  
Mr. Ronald D. Cucchiaro, Esq., Board Attorney  
Mr. William Wentzien, PE, Board Engineer**

3. Approval of Minutes from the Meeting of April 14, 2021. (See Attachment I)
4. Memorialize Resolution for Application Rema Realty LLC  
Application: PB-UV-2020-006  
Location: 28 E. Main St. Block 62, Lot 9.01 Zone B-2  
Request: Variance Relief Waiver of Site Plan Approval  
(See Attachment II)
5. Memorialize Resolution for Application  
Jonathan Marshall  
Application Number: PB-SP-2021-003  
Location: 82 Court St. Block 37 Lots 1.02  
Zone - B-2  
Request: Use Variance Relief with Preliminary and Final Site Plan Approval (See Attachment III)

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6. Application Number: PB-SP-2021-005  
Applicant: Hi Mount Realty Inc.  
Location: 20-36 Hull Avenue Block 96 Lot 11  
Zone: A (Apartments)  
Request: Final Site Plan  
(See Attachment IV)
7. Adjourn.

\*All backup material in regards to the agenda can be viewed in the Land Use office and on our website [http://www.freeholdboroughnj.gov/PB/PB\\_agendas.html](http://www.freeholdboroughnj.gov/PB/PB_agendas.html)

*Dominica R. Napolitano*

Dominica R. Napolitano

May 7, 2021

# **ATTACHMENT I**

**FREEHOLD BOROUGH PLANNING BOARD**  
**MINUTES OF APRIL 14, 2021**

**MONTHLY MEETING**

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, April 14, 2021 at 7:00 p.m. via remote session.

Chairman Barricelli stated that this meeting was provided in accordance with the Open Public Meeting Act, by providing a copy of the agenda to the official newspaper and posting same on the official bulletin board of the Municipal Building.

Chairman Barricelli opened the meeting which was a continuation from the reorganization meeting - no Salute to the Flag.

**ROLL CALL**

PRESENT	Mr. William Barricelli
PRESENT	Mr. Paul Ceppi
ABSENT	Mr. Michael McCabe
PRESENT	Mr. Michael Wildermuth
PRESENT	Ms. Shealyn M.S. Crombie
PRESENT	Ms. Caridad Argote-Freyre
PRESENT	Mr. Garry Jackson
PRESENT	Councilwoman Margaret Rogers
PRESENT	Brianne Kozlowski

**Mr. Barricelli read Item No. 3 on the Agenda as follows:**

**Approval of Minutes from Planning Board Meeting March 24, 2021.**

Mr. Wildermuth made a motion to approve the minutes, Mr. Ceppi seconded.

Yes	7	Barricelli, Ceppi, Wildermuth, Crombie, Argot-Freyre, Jackson and Councilwoman Rogers
No	0	
Abstain	1	Abstain
Absent	1	McCabe

**Mr. Barricelli read Item No. 4 on the Agenda as follows:**

Review Ordinance #2021/7 of the Borough of Freehold, County of Monmouth, State of New Jersey Amending and Supplementing Chapter 18 (Zoning) by Amending chapter 18.07 the Freehold Center Core Redevelopment Plan

Mr. Cucchiaro – Mr. Chairman, this proposed amendment is seeking to permit medical offices, previously not permitted as part of 2019 Redevelopment Plan; they will be permitted and not require relief if they go in; the Boards task tonight is to determine whether the proposed is substantially consistent with the Boroughs Master Plan; I defer to other professionals, but from a legal prospective I did not find any inconsistencies and that is was substantially consistent with the Master Plan;

Councilwoman Rogers – I agree with Ron, we did review, the reasoning behind the change made sense

Mr. Barricelli – Councilwoman Rogers, does anyone know why medical offices were excluded in the original ordinance;



Councilwoman Rogers – we could not find support for excluding, that is one reason why we decided to allow the use; we went through the ordinances and could not find reasoning for specifically excluding medical offices;

Mr. Barricelli – anyone else before we have a motion to find substantially consistent with the Master Plan;

Ms. Argote-Freyre made a motion to find substantially consistent with the Master Plan; Mr. Ceppi seconded;

Yes	8	Barricelli, Ceppi, Wildermuth, Crombie, Argot-Freyre, Jackson, Councilwoman Rogers and Kozlowski
No	0	
Abstain	0	
Absent	1	McCabe

**Mr. Barricelli read Item No. 5 on the Agenda as follows:**

Memorialize Resolution for Applicant Simon Reichman  
Application Number: PB-SD2021-001  
Location: 167/169 South Street, Block 110, Lots 7.02 & 7.03  
Request: Minor Subdivision with Various Ancillary Relief

Mr. Jackson made a motion to memorialize the resolution; Ms. Kozlowski seconded

Yes	3	Barricelli, Jackson and Kozlowski
No	0	
Abstain	0	Ceppi, Wildermuth, Crombie and Councilwoman Rogers
Absent	1	McCabe

**Mr. Barricelli read Item No. 6 on the Agenda as follows:**

Mr. Barricelli – reminder of procedures to the public;

Application Number PB-UV-2020-006, Rema Realty LLC  
28 East Main Street, Block 62, Lot 9.01, Zone B-2, request for Use Variance with waiver of site plan;

Salvatore Alfieri, Esq. – Cleary Jacobbe Alfieri on behalf of applicant; property located in Freehold Center Core Rehabilitation; we did have to appear before Mayor and Council for their approval; witnesses are Greg Clark, Architect, Geller Sive, Engineer and Mr. Katz, owner;

Gregory Clark – sworn in and provided credentials – Bach & Clark, Long Valley, New Jersey;

Request for variance to convert second level of property 28 E Main to apartment; proposed 2 apartments, each approximately 920 square feet; was previously a commercial business, second level; this building was previously occupied by Gavett Geller many years ago; concrete block and stucco building, sits behind the main building on Main St (House of Glam) this building is directly behind; defer to plan A-1, dated June 6, 2020, main level plan (share plan remotely for public to view) - first and second level plan; first level remains commercial, will be broken up into two units, one will be 568 square feet, second will be 462 square feet, accessed by new ramp proposed on easterly portion of the building in the alley way, separated by Carnegie Library from this property; Main part of application is second level, entrance is at easterly portion of the building, broken up to two, one bedroom apartments, consisting of 568 square feet and the other is 462 square feet; bedrooms are on westerly portion, each will have egress window, one will have two egress because it is on the corner; connected to main kitchen area and bathroom area, view living room and corridors; small apartment set up; will be accessed view

one stair, by code, we are permitted to have one stair accessing both apartments; they will have own entrances, exclusively back to ramp proposed; essentially that is proposal;

Mr. Alfieri – any proposed signage or other site improvements other than what was described;

Mr. Clark – none;

Mr. Alfieri – discuss refuse;

Mr. Clark – currently dumpster located on southerly portion of building, nothing new, existing; sits in middle of row of parking at the rear of the building;

Mr. Alfieri – is a loading zone required with proposed changes;

Mr. Clark – no, circulation will not change, been operating as commercial use since the building was built;

Mr. Alfieri – the variance, 8 spaces are required and the applicant has 7 because 1 space is dedicated to one specific user from an earlier approval, is that correct

Mr. Clark – correct; the engineer will address parking;

Mr. Alfieri – nothing further from the architect;

Mr. Barricelli – any questions from the Board;

Ms. Freyre – do you propose mailboxes;

Mr. Clark – we have not reviewed but would surmise to go on platform wall or inside corridor providing USPS with key access;

Ms. Kozlowski – the exterior ramp, is that a result of ADA compliance; and do you need to go to HPC for ramp design;

Mr. Clark – yes, 2 commercial stores not for apartments; yes, because we have exterior improvements; we will need to go before HPC; proposing another access to commercial lease space on Main Street side; also eventually there will be signage for commercial spaces and they will go before HPC for those at a later date;

Mr. Cucchiaro – as condition of approval you agree that HPC approval of future signage is required; also agree that future signage will be completely compliant with ordinance requirements or you will have to return to this Board;

Mr. Alfieri – yes, correct; if a variance is required we are not in a position to request it as we do not have details;

Mr. Cucchiaro – also on dumpster, that is shared for commercial and residential;

Mr. Clark – question for owner or site engineer;

Mr. Wentzien – only depiction of ramp is on your plans, we are going to need a design of the ramp to assure compliance with ADA as goes to bottom as well as confirmation of width and how it relates to existing 10 foot right of way (ROA); will that come from your office or engineer;

Mr. Clark – I will provide in detail the ramp, platform and new proposed stair as well as 10 ft ROA;

Mr. Wentzien – parking allocation will be provided by engineer;

Mr. Alfieri – yes;

Mr. Barricelli – both bedrooms have egress windows, are they new or existing;

Mr. Clark – will be new, current windows are too small and will not fit egress requirements;

Mr. Barricelli – any material changes to outside of building;

Mr. Clark – none, other than what was mentioned to Ms. Kozlowski – entry opening to commercial store and enlarging windows;

Mr. Barricelli – kitchen in unit 1, is that wall open to outside or up to another building;

Mr. Clark – wall actually a roof;

Mr. Barricelli – any other board members;

Mr. Barricelli – anyone from the public; hearing none, motion to close public questions;

Mr. Wildermuth made a motion to close public questions; Mr. Ceppi seconded;

Yes	8	Barricelli, Ceppi, Wildermuth, Crombie, Argot-Freyre, Jackson, Councilwoman Rogers and Kozlowski
No	0	
Abstain	0	
Absent	1	McCabe

Gary Chiang – sworn in – graduate of NJIT, professional engineer 20 years currently with Geller Sive & Co; I have testified numerous boards;

Mr. Alfieri – really no engineering specifics but seeking parking variance, will you describe variance relief seeking and indicate whether any site improvements are proposed other than what Mr. Clark described;

Mr. Chiang – we will go out and look at grades and have ADA compliant; only engineering site improvement;

Mr. Alfieri – you will stipulate that the ramp must be signed off by Board Engineer and Town officials with permits, correct;

Mr. Chiang – correct; we have 8 existing parking spaces in rear portion of lot, 1 space is designated for House of Glam and leaves 7 available spaces; existing building, existing condition requires 7 spaces; under proposed, with 2<sup>nd</sup> level apartments requires 8 parking spaces, needing a variance for 1 parking space; the Market Yard parking lot, immediate south of this site, provides parking for this portion of Main Street and downtown Freehold in general; the redevelopment and continued use of Freehold Downtown area depends on availability parking facility; the 1 bedroom units require 1.5 parking space, so 3 spots required; most likely will use 1 space per apartment; also use of first level will most likely be office space and will have different peaks; while they are open during the day, residential will be at work, and vice versa;

Mr. Alfieri – the engineering report from Abbington provided more precise numbers 7.16 spaces required and proposal would have 7.59, ½ percent different, round up or down;

Mr. Cucchiaro – is there an RSIS requirement;

Mr. Chiang – yes 1.8 parking spaces per apartment – equals to 8.19, still round up/round down;

Mr. Cucchiaro – RSIS requires to round down if below .5, so comes out the same; you will need a de minimis exception from RSIS;

Also based upon testimony and peak times, are all parking spaces shared, none are reserved for residential or commercial; parking stalls are all compliant;

Mr. Chiang – reserved spaces, question for Mr. Katz, owner; parking space size is existing and complaint;

Mr. Wentzien – the new use is affected, if people are intended to live here, what is separately accommodated for those residing there;

Mr. Alfieri – understood;

Mr. Barricelli – members of the Board;

Mr. Wildermuth – parking lot, configuration and sizes of spots, there is a dumpster in lot, doesn't seem to comply with ordinance; does not have screening around; is it possible to comply and still maintain the spots and sizing;

Mr. Alfieri – if the Board requires we can fence, a masonry structure won't work;

Mr. Barricelli - Members of the public – hearing none, motion to close public portion;

Ms. Argote-Freyre made a motion to close public questions; Ms. Crombie seconded;

Yes	8	Barricelli, Ceppi, Wildermuth, Crombie, Argot-Freyre, Jackson, Councilwoman Rogers and Kozlowski
No	0	
Abstain	0	
Absent	1	McCabe

Steven Katz – sworn in – principal owner of 28 E Main Street, owned since 2014;

Mail box located between library and front of building and all know where it is located; freestanding mail box with 12 slots, 8 are currently being used; I pay for the dumpster not to have garbage in front of the building; all of the tenants are able to use, with adequate space; it is centered so the truck can come in straight, pick up and leave; dumpster was there when I purchased;

Mr. Alfieri – parking, are you planning to assign parking or leave as open other than the one space for House of Glam from prior approval;

Mr. Katz – no will not assign, parking is not an issue and residential tenants don't usually have vehicle; the lot will be for building tenants only;

Mr. Alfieri – that is all;

Mr. Barricelli – any Board members

Mr. Argote-Freyre – dumpster, if it is fenced in would that work for this space;

Mr. Katz – yes if gates swing open;

Mr. Wentzien – the ordinance does allow for provisions to contain a refuse area with solid fence and appropriate gates;

Mr. Barricelli – any members of the public questions for Mr. Katz – hearing none, motion to close public questions;

Mr. Wildermuth made a motion to close public questions; Ms. Crombie seconded;

Yes	8	Barricelli, Ceppi, Wildermuth, Crombie, Argot-Freyre, Jackson, Councilwoman Rogers and Kozlowski
No	0	
Abstain	0	
Absent	1	McCabe

Mr. Alfieri – that concludes our presentation, as you deliberate we need guidance if you want solid fence as condition of approval and we agree to meet all conditions contained in Mr. Wentzien's report and discussed tonight;

Mr. Cucchiaro – are you seeking waiver of site plan or waiver of final site plan;

Mr. Alfieri – seeking waiver because the only site improvement is the ramp;

Mr. Cucchiaro – seeking waiver of site plan approval with variance relief to permit the one parking space short of requirement and de minimus exception from the RSIS;

Mr. Alfieri – correct;

Mr. Barricelli – Board Member deliberations

Mr. Wildermuth – I am inclined to support, I think it makes logical sense, residential and commercial going to be at different times, the Council determined ramp is sufficiently aligned but we should have fence around dumpster to bring into compliance with ordinance;

Ms. Argote-Freyre – ramp still needs to go before HPC;

Mr. Cucchiaro – correct, they agreed;

Ms. Crombie – I agree with Michael – the dumpster needs fencing; if it could be aesthetically pleasing, not qualified fence expert but something that will uplift area;

Mr. Cucchiaro – it will be subject to review and approval of Mr. Wentzien;

Mr. Barricelli – the applicant is seeking a waiver of site plan and variance relief for 1 parking space and de minimus exception for the RSIS standards;

Mr. Wildermuth made a motion to approve the application for the above mention; Mr. Ceppi seconded;

Yes	8	Barricelli, Ceppi, Wildermuth, Crombie, Argot-Freyre, Jackson, Councilwoman Rogers and Kozlowski
No	0	
Abstain	0	
Absent	1	McCabe

Mr. Alfieri – thank you;

**Mr. Barricelli read Item No. 7 on the Agenda as follows:**

Application Number PB-UV-2021-003, Applicant Jonathan Marshall, Location 82 Court Street, Block 37, Lot 1.02, Zone R-5, Request Use Variance with Final Site Plan;

Mr. Cucchiaro – this application is a use variance the MLUL specifically requires Class III members (councilwoman Rogers) to step down; she is not able to vote on this matter; she may stay and listen to the application and rejoin when the application is complete and voted on;

Vincent E. Halleran Jr., Esq. on behalf of the applicant; Applicant Jonathan Marshall attorney and is currently located in Red Bank, bought a property directly across from the Court House and would like to open his office at this location; James Higgins, professional planner will give zoning justification for the variance, Mr. Chiang is the engineer and Allen Zimble is the architect;

Jonathan Marshall – sworn in, owner of property, located directly across from Monmouth County Court House; it is 1,600 square foot single story structure; lot is approximately 17,000 square feet, exceeds the minimum area requirements; my use and reason for purchase; we are major law firm in Monmouth County, proximity to court house is ideal, currently 3 commercial structures across from court house; property was a dental supplier, and was a law office, Judge Shebell had his firm here; my intention is to use similarly, renovate the building; current structure has been renovated, brick work, new windows, half round gutters, keeping with historic appearance; goal is to take large portion to personnel from Red Bank and operate my largest office from Freehold at this location; I think ideally suited, proximity to courthouse, although zoned residential all structures contiguous to this property are used for commercial; two adjacent are about 1,000 sq ft larger my structure with far less parking; property at 84 is insurance / malpractice and parking is not abundant, or law firm next to them;

We propose a parking lot with proper drainage, sufficient to accommodate and support building; nature of law firm is criminal defense, most clients hire us from internet, 90% hire over phone; few clients come to office; operate 9am to 5pm; some attorneys have night court, but not many working past 5:30/6pm; most attorney do not work weekends; hours will be similar to court house across the street;

Mr. Barricelli – did you mention addition;

Mr. Marshall – current structure is about 1,600 square feet, the addition is about the same; essential extend the building, same width just making longer to accommodate a few more offices, small conference room, file room and small kitchen type area;

Mr. Barricelli – how many employees;

Mr. Marshall – about 12 employees;

Mr. Barricelli – Board;

Mr. Wildermuth – how do you envision to utilize the parking with employees, clients, day to day;

Mr. Marshall – we could have assigned parking for personnel and visitor parking, if that is what you request;

Mr. Wildermuth – 12 employees including yourself, how many clients at a time; trying to understand;

Mr. Marshall – 12 including myself; I reviewed with engineer and with the thought of hiring another one or two attorneys but we could lessen the parking if that is what you are asking;

Mr. Kozlowski – how much parking currently exists;

Mr. Marshall – engineer could better answer but think six or seven; the front of the building now is concrete other than a small patch; previously used as parking, it is a converted L ranch; the concrete extends all the way to the driveway;

Ms. Kozlowski – addition you are looking to add, will be the same height and does the street view change;

Mr. Marshall – yes, essential gable that is there and will look the same – same width same height; no change from the street;

Mr. Wentzien – clarify – plans showed 8 parking spaces on one side and 9 parking on the other, including handicap; 17 proposed not 18; this application has an aspect it has a variance associated with for lot coverage; this is a created variance, increasing 17 parking spaces, takes existing coverage 27.5% to 67% with on 40% is permitted; as noted on page 4 of engineering report, as to ordinance, only 8 are required; 9 spaces in addition proposed; with 12 employees, there is excess parking, exacerbates the variance putting harder burden on storm drainage design aspects of the project; How will qualify number of spaces; we will need adequate testimony supporting the number of spaces and why they can't be reduced;

Mr. Barricelli – members of the public questions for Mr. Marshall; hearing none, motion to close public questions;

Mr. Wildermuth made a motion to close public questions; Ms. Argote-Freyre seconded;

Yes	7	Barricelli, Ceppi, Wildermuth, Crombie, Argot-Freyre, Jackson and Kozlowski
No	0	
Abstain	0	
Absent	1	McCabe

James W. Higgins – sworn in – licensed in State of New Jersey, over 40 years' experience and testified before several boards including this board in the expert field of planning;

Mr. Higgins – site 17,268 sq ft, one story building about 1,520 sq ft in area and applicant is proposing to double the size of the building, adding addition to rear, improvements to front of site to look more attractive, provide landscaping in front and add parking in rear, total of 17 spaces; site is in R-5 zone, proposed office use is not permitted in zone, prior use was office use; this could be viewed as D1 or D2 expansion of pre-existing non-conforming use;

Mr. Cucchiaro – consider as D1

In this case, the site is particularly suited for use as proposed; site is abutted at north by offices, 2 family structure at rear and multi-family structure further rear; the multi family has parking going almost to property line; apartments behind the site, office south side of site and county court house directly and monument park across the street from site; it is ideally located providing a law office; uses surrounding the site are not normally permitted in the R-5 residential zone;

Single family and community residences and developmentally disabled as well as other types of individuals; but office uses are not permitted in the zone; one bulk variance is required, zone permits 40% impervious coverage and proposal is 67% impervious; defer to Ron, bulk are usually subsumed in the use variance;

Mr. Cucchiaro – I agree; for the Board education; bulk standards apply to uses permitted in zone; don't apply to uses the governing body was not trying to regulate; so when granting a use variance, it necessarily includes whether you think set back and bulk standards being proposed make the site suitable; not that they are irrelevant, it is as witness stated it is subsumed, so you don't grant separately;

Mr. Higgins – look at site, it is particularly suited for use; directly across from county courthouse with offices on either side of site; again with uses not permitted in the R-5 zone; the site is roughly three times larger than minimum permitted in the R-5 zone; site can accommodate use proposed with adequate parking in rear; enough room to provide screening; engineer will discuss screening proposed on either side of parking lot; no substantial detriment to having parking in rear; existing building previously used as office, clearly site appropriate for office, expansion necessary for this office to function on site, how applicant is looking to function; I don't see any substantial negative impact to expanding use proposed; none of uses surrounding site are permitted, in R-5; variance for impervious coverage, it is an office use, needs more parking than single family residence; when looking at offices on either side of site, they have greater impervious coverage than single family, do not have calculations; lot 1.05, clearly impervious coverage is also is substantially greater than 40%; do not see negative impact to application; if Board wanted to reduce parking to reduce impervious coverage it could probably be accommodated but at same time better to have enough parking on site, to not have street parking; Special reasons to grant; particularly suited for use; do not see any substantial detriment to grant variance;

Mr. Cucchiaro – does Master Plan say anything about this area;

Mr. Higgins – Master Plan recommends single family development;

Board;

Ms. Kozlowski – it was mentioned several times of the properties that are non-conforming use, do you have a percentage, how many not residential;

Mr. Higgins – I did not look at entire zone, at least 5 properties front Court Street, starting at Haley, so this site is not well suited for single family;

Ms. Kozlowski – previous use, did it require variance;

Mr. Higgins – dental supply but do not have background information on that;

Mr. Wildermuth – among properties in R-5 serving commercial purpose, do you feel any have parking lot similar in nature proposed in this site plan;

Mr. Higgins – yes, but none are as deep so they don't have as many spaces; terms of percentage of would be similar

Mr. Barricelli – members of public questions for the planner; hearing none, motion to close public portion;

Mr. Wildermuth made a motion to close public questions; Ms. Argote-Freyre seconded;

Yes	7	Barricelli, Ceppi, Wildermuth, Crombie, Argot-Freyre, Jackson and Kozlowski
No	0	
Abstain	0	
Absent	1	McCabe

Gary Chiang, sworn in – graduate of NJIT, licensed professional engineer, over 20 years; testified numerous boards, including this board;

Property is 1,522 sq ft building with 10 ft wide concrete driveway provides access to rear, small concrete parking area; existing building served by existing sewer and water system; remainder of lot now currently is open; applicant proposes to renovate existing building, expand 1,276 sq ft one story addition, total area 2,998 sq ft; existing circulation driveway will be reconstructed and provide 17 parking stalls, 8 are required; provide storm water management system to migrate additional storm water run-off for proposed development; storm water management system is perforated pipe in stone trench under parking; proposed development is less than ¼ acre of



new impervious and less than 1 acre, not considered major development; proposed will continue to be served by existing water system; we will provide lighting and landscaping throughout the site;

Looking at report from Abbington Engineering; starting with page 4;  
Providing 17 parking spaces with 12 employees and hope to expand employees and have a couple of spaces for clients; that is why we tried to maximize the parking;

Mr. Halleran – is there an issue with the parking area;

Mr. Wentzien – my report, if drainage is adequately providing for, your adding impervious which is beyond what is allowed in current zoning; exacerbates the size of the underground storm system he is proposing; taxes the system; 12 employees, add 1 or 2, do you need 17 spaces;

Mr. Chiang – the storm system is designed for 17 spaces,

Mr. Wentzien – look at circulation issue, I noted to utilize the ADA parking space; noted in my report, utilizing the ADA space, backing out potential conflict with cars coming in around the bend; the layout needs to be reviewed for safer circulation; if a space or 2 was removed from 9 space side, the ADA space could be moved further away out of direct line of approach making safer circulation and giving you 15 spaces;

Mr. Halleran – makes sense,

Mr. Chiang – we can provide signage and mirrors for vehicles coming and going;

Mr. Wentzien – there is excess parking, I would recommend to the Board to look at stronger, taking 1 or 2 out along the 9 space side, move ADA space back;

Mr. Chiang – existing chain link fence to be removed not replacing fence; provide evergreen screening on both sides of parking;

Mr. Wentzien - #7, sidewalk installation of 15-foot-wide return openings, there is another portion curved, it would behoove to have the sidewalk replaced along frontage;

Mr. Chiang – we will replace;

Mr. Wentzien – curb need to be replaced where tree was previously; any loading and delivery;

Mr. Chiang – there is a turn-around in rear of parking, ability for K turn;

Mr. Wentzien – refuse handling;

Mr. Chiang – next to ADA parking, truck will come up pick up then go to rear, do K turn and leave;

Mr. Wentzien – that will adjust when removing the space or 2 and moving ADA space back a bit, giving refuse a bit more room; you will need to provide update for gate for enclosure;

Mr. Wentzien – driveway is noted 15 feet, two-way, on surface is narrow for clean two-way movement;

Mr. Chiang – currently it is 10-foot-wide, still two-way because of location of existing building and proximity of property line, we tried to provide as wide as possible; we can provide another foot for 16 foot wide;

Mr. Wentzien – 16 foot will be safer, especially near the rear at the bend; this will tie in with grading, side yards meet for the lot line;

Because of the nature of the driveway and conditions, I make a recommendation a condition be subject to review & approval of the fire official;

Grading 1, relating to existing conditions; 2 noting below DEP requirements, it falls to request for grade shots, additional grading; 8, referencing curb replacement again; drainage has technical that must be complied with; must have clear definition of 25 year storm frequency, what we look for; both the peak flow and volume of water created on a 25 year storm is at or below what 25 year storm is doing to surround neighborhoods now; subject to my entire drainage section, in particular a discussion what is exactly is downstream of site, if and forbid the system go into failure, where would water go so we don't hurt any residential area;

Mr. Chiang – I reworked numbers and have plan that will satisfy; I did an analysis, if system fails, it will flow to south westerly direction toward the Monmouth County Historical Association building and turn and down Court Street; no residential property would be affected;

Mr. Wentzien – we need overview mapping for review; also maintenance manual needs to be separate document, signed by professional engineer; landscaping, existing evergreens along driveway, well dense and should do all you can to save the existing evergreens; only replace if necessary and as discussed during construction; if need to replace any, do with like kind species and height if possible; we made recommendation of trees, this comes from the Shade Tree Commission in the Borough;

Mr. Chiang – we will do the suggested recommendations;

Mr. Wentzien – lighting, shown on plans is adequate and shows no spillage, appreciated; soil goes along with drainage, get another two feet deep, seasonal high water, two feet below the underground system, the way presented we confirm directly to the bottom of the system; need to know there is separation, helps with unforeseen damage;

Mr. Chiang – previous comment, when doing drainage analysis, I provided two feet of separation by raising system up; I will provide calculation;

Mr. Wentzien – signage, several aspects; size, height, how far back it is from street – residential zone allows 1 square foot and you have twelve square feet;

Mr. Marshall – local freehold sign company indicated was familiar with area, I provided signage to architect to be part of plan; sign is consistent with what is in the area; I wasn't aware of dynamic of residential sign, I was trying to be consistent with what is in area; similar to Ron Sage, Insurance Company, Tom Mallon, Historical Society, Ditmar Agency, to extend the board wants us to accommodate;

Mr. Cucchiaro – is there a professional opinion of the size of sign, safety impact on property, easier for motorist to identify site in midst of other properties;

Mr. Chiang – the sign is set back 10 feet, away from any site lines;

Mr. Higgins – size of proposed sign is consistent with other office signs adjacent properties; it is necessary to have sign large enough people to identify location, stop and make exit and enter property; particular if they are not familiar with area; there is an element of safety involved; proposed is appropriate for this type of office and appropriate for immediate vicinity of site;

Mr. Wentzien – with relation to height, if you lower one foot it will remove one of the waivers; it is at 5 feet, if you lower to 4 feet you will comply; set back is 10 and needs to be 15;

Mr. Marshall – it is consistent with neighboring signs;

Mr. Wentzien – ok, we will reduce waivers to two from three; excess of size and 5 feet close to street but height will comply on signage;

Mr. Higgins – I checked google maps, neighboring signs are closer, this sign will be set back further than others;

Mr. Wentzien – you will need Freehold Soil district approval;

Mr. Barricelli – Board questions for engineer;

Ms. Argote-Freyre – plan showed trees in rear parking area, is that the plan to have trees in the back; asking because of the residential living behind this property;

Mr. Chiang – providing Spruce Oak & Cherry, appropriate for the area;

Ms. Crombie – day to day use, will you use the front or back door as main entrance; there is a lot of concrete in the front, is it possible to remove some and provide more green

Mr. Marshall – the back door; that is the idea, it is not esthetically pleasing and we are going to remove, add nice historic look of pavers (brick look) all the way to back of building and conserve cost rest asphalt beyond, driveway and paver walkway up to front stoop, rest grass and landscape;

Ms. Crombie – defer to Brianne – would it be more organized if sign was equal to adjacent property signs, would it look better verses set back further;

Ms. Kozlowski – sure, if consistent with the area yes;

Mr. Wentzien – understand concept to appear as other signs but either way, looking at the sign being closer that what is allowed by the ordinance;

Also further clarification – look at plans, proposed new walk way going from Court Street, to front door, shows driveway to side, plans indicate there is grass between driveway and front walkway;

Mr. Chiang – correct;

Mr. Wildermuth – is there a way, some impervious surfaces in plans can be substitute with an impervious service like pavers or something; I am concerned about impervious number;

Mr. Marshall – I envision, I want to keep consistent with what is in area; I thought brick type pavers would be more suited from start of driveway, all the way back to end of building that portion of driveway, then beyond then asphalt – 15-foot driveway, extends along building and goes to street would be pavers; walkway to front depicted on plans, pavers, rest of parking lot would be asphalt;

Mr. Wentzien – plans do not reflect this;

Mr. Chiang – correct, but we will change according to what Mr. Marshall is stating;

Mr. Wentzien – there is a way to design brick pavers to assist in allowing recharge of water into ground before it gets to inlet that feed to structural system underground; it would be more in the green way, along with new regulations are headed, if suggested up to board to accept and would be a design waiver; they should be installed to follow guidelines in placement to allow for infiltration into ground;

Mr. Marshall – we would want to do either way;

Mr. Wentzien – if this is what the Board wants, I will need to review the design elements proposed by applicant's engineer to make sure it is happening in concept trying to achieve; also will need to provide any information with pavers, amend drainage calculations;

Mr. Chiang – we can do this;

Mr. Barricelli – members of the public, questions for Mr. Chiang; hearing none motion to close public portion;

Mr. Wildermuth made a motion to close public questions; Ms. Crombie seconded;

Yes	7	Barricelli, Ceppi, Wildermuth, Crombie, Argot-Freyre, Jackson and Kozlowski
No	0	
Abstain	0	
Absent	1	McCabe

Alan Zimbler – sworn in – Architect in State of New Jersey & New York; practice 30 years, Pratt Institute & Columbia University; appeared before many boards in NJ, first time before this board;

We are extending existing building back, 40 feet; same construction, brick face, same height, same material from street you won't notice addition; plan is to have 5 private offices, as Mr. Marshall described, ADA bathroom, open office space, kitchenette, conference room and off back, ADA ramp to parking lot; straight forward; extension is emulating what is there now;

Mr. Wentzien – anything that is changing outside other than what is proposed on your plans;

Mr. Zimbler – no;

Mr. Wentzien – nothing further for the witness;

Mr. Barricelli – Board;

Ms. Kozlowski – I have photo of this building from beginning of 2020, had different windows in front window, now 3 casements, used to be 2, little metal roof now in the images of your plan that weren't there before; they are drawings;

Mr. Zimbler – they are there from prior, not part of this application; this application is extension off the back;

Mr. Wildermuth – total number of offices, 11 and reception area;

Mr. Marshall – 8 offices, break room, small conference area, copy area, file area, copy/file area and secretarial areas;

Mr. Barricelli – when someone enters from parking lot, is there waiting area;

Mr. Zimbler – there is an area, with long hallway; defer to Mr. Marshall;

Mr. Marshall – coming from the rear, enter at left, copy file area, with counter, all directed to go to front of building with reception area and counter space; there will be reception seating; looking to conference room and counter area, coat closet;

Mr. Barricelli – any other Board members; members of the public, questions for Mr. Zimbler; hearing none motion to close public portion;

Mr. Wildermuth made a motion to close public questions; Mr. Ceppi seconded;

Yes	7	Barricelli, Ceppi, Wildermuth, Crombie, Argot-Freyre, Jackson and Kozlowski
No	0	
Abstain	0	
Absent	1	McCabe

Mr. Halleran – that is all we have as far as professional testimony; the applicant has agreed to comply with any of the suggestions that the Board may have; if the Board should have any questions or comments for any of us;

Mr. Barricelli – any additional Board questions, hearing none; Public comments; hearing none motion to close public comment portion;

Mr. Ceppi made a motion to close public questions; Ms. Crombie seconded;

Yes	7	Barricelli, Ceppi, Wildermuth, Crombie, Argot-Freyre, Jackson and Kozlowski
No	0	
Abstain	0	
Absent	1	McCabe

Board deliberations;

Mr. Wildermuth – the use variance inclined to support; agree adjacent properties all serve as offices; lawyers office fits with what is in the area; have concern with percentage of impervious surfaces; very encouraged by discussion of pavers, make number better, but bothers me that in R-5 having parking lot this size; Mr. Wentzien said early, when designed parking lot, just tried to get as much as they could; other businesses serving similar functions, parking lots not as large, maybe historical association but is gravel impervious surface; we mentioned early reducing the lot, making acceptable for applicant to run business, would like to see move in that direction and I would support this application;

Mr. Cucchiaro – I think applicant, discussed removing 2 parking spaces during testimony; is that correct;

Mr. Wentzien – I concur, as discussing for safer circulation, recommend at least 2 be removed;

Mr. Marshall – I will comply;

Mr. Ceppi – reducing 2 spaces but adding the foot wider driveway will this still help and satisfy what Michael is requesting for the impervious coverage; it was stated widening the driveway by a foot; is there a net difference and is it significant;

Mr. Wentzien – not sure of exact difference; just off the cuff; the removal of 2 spaces is solid asphalt but the widening of driveway will be semi open jointed pavers, not a square foot per square foot change; you get benefit to help Mr. Wildermuth concern;

Ms. Argote-Freyre – share Michaels concerns but is directly across from Court House and is suited for this area; might not be in line with Master Plan but other business with similar use;

Ms. Crombie – agree with Cary and happy with the pavers, layout and landscaping;

Ms. Kozlowski – I agree, inherently the use is right but remind this is a big change and this building and lot are going through; uses change, we are looking at one right now; once this addition is added and parking lot is created this probably will never be changed back to original use; it would be very expensive and probably impossible; the buildings on either side are commercial and probably will stay commercial; just want to remind all this is not a reversible change, property something building wise and important to think of the future of the building and area;

Mr. Wentzien – this is the 4<sup>th</sup> application I have heard on the board in this area and most recent was 3 Monument Street and we did recognize the existence of the Court House created a unique situation in this part of town; I think the applicant has agreed to comply with all items we suggested and for that reason I think I can approve this application;

Mr. Wildermuth – Mr. Wentzien, we spoke about eliminated 2 parking spots, how does that change the lot looks;

Mr. Wentzien – it will be predominately where the ADA ramp is, some additional space is there and coming out could actually be green; the rest of the parking lot will essentially look as it appears on the plan; adding to safety and take the dimensions of 2 parking spaces and make them green will be the only added benefit; general appears won't change;

Mr. Cucchiaro – the applicant is seeking Use Variance Relief, with preliminary and final site plan approval; either a motion to approve or deny;

Mr. Jackson – motion includes conditions;

Mr. Cucchiaro – includes all conditions;

Mr. Jackson – made a motion to approve for Use Variance Relief and Preliminary and Final Site Plan and all conditions stated on the record and recommendations from Mr. Wentzien regarding the pavers and relocation of the ADA parking specifically; Ms. Crombie seconded;

Yes	7	Barricelli, Ceppi, Wildermuth, Crombie, Argot-Freyre, Jackson and Kozlowski
No	0	
Abstain	0	
Absent	1	McCabe

Mr. Barricelli – Councilwoman Rogers rejoins; Councilwoman Rogers anything from the Council;

Councilwoman Rogers – nothing additional;

Mr. Barricelli – Ms. Kozlowski

Ms. Kozlowski – nothing, new signage;

Ms. Napolitano – do not have application scheduled for April 28 but will have an application, Site Plan on May 12, parking lot – Apartment zone

Mr. Barricelli – thank you; anyone else; hearing nothing; anyone to adjourn;

Mr. Ceppi made a motion to adjourn,

All in favor, aye, - All members

Meeting adjourned at 9:10 PM.

Respectfully submitted,

Dominica R. Napolitano

## ATTACHMENT II

Prepared by:

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Ronald D. Cucchiaro, Esq.

THE PLANNING BOARD OF THE BOROUGH OF FREEHOLD  
(JOINT LAND USE BOARD)  
RE: REMA REALTY, LLC  
VARIANCE RELIEF WITH WAIVER OF  
SITE PLAN APPROVAL  
BLOCK 62, LOT 9.01  
APPLICATION NO. PB-UV-2020-006

RESOLUTION

M                                      offered the following Resolution and moved its adoption which was  
seconded by M

WHEREAS, Rema Realty, LLC, hereinafter referred to as the “Applicant”, is the owner of premises known as Block 62, Lot 9.01 as shown on the Tax Map of the Borough of Freehold and located at 28 East Main Street; and

WHEREAS, Applicant has applied to the Freehold Borough Planning Board for variance relief with waiver of site plan approval; and

WHEREAS, a virtual public hearing was conducted by the Freehold Borough Planning Board on April 14, 2021; and

WHEREAS, the Applicant, Rema Realty, LLC, presented sworn testimony by Gregory Clark, R.A., Gary Chiang, P.E. and Steven Katz; and

WHEREAS, the Planning Board also considered the following Exhibits at said meeting which were marked into evidence and enumerated as follows:

- A-1    Land Use Application Checklist, dated November 10, 2020
- A-2    Planning Board Application Form, dated November 10, 2020
- A-3    Site Plan Application-Waiver of Site Plan request, dated November 10, 2020
- A-4    Resolution of Mayor and Council, acting as Redevelopment Entity, dated February 19, 2021



- A-5 Tax Certification, dated November 18, 2020
  - A-6 3 Photographs, existing site, no date
  - A-7 Architectural plans entitled 'Alterations/Change of Use to Commercial Space, Lot 9.01, Block 62', prepared by Bach & Clark, LLC, consisting of one (1) sheet, dated June 6, 2020
  - A-8 Survey entitled 'Map of Property Surveyed for Lot 9.01 in Block 62, situated in Borough of Freehold, Monmouth County, New Jersey', prepared by Main Street Surveying, consisting of one sheet. Survey is dated April 18, 2014 with red marked additions indicating the location of the proposed exterior ramp and platform within the lot.
- B-1 Engineering Review by Abbington Engineering dated March 17, 2021

WHEREAS, the Freehold Borough Planning Board carefully considered all of the evidence, testimony and exhibits presented including questions and testimony of interested parties and based thereon has made the following findings of fact and conclusions of law:

1. The subject of this application is certain lands known as Block 62, Lot 9.01, located at 28 East Main Street. The site is located in the B-2 (General Commercial) Zone and the 2019 Center Core Rehabilitation Plan Area (Downtown Zone and Primary Frontage Zone) of the Borough. The total area of the subject Property is 12,126 square feet.

2. The subject Property is currently improved with a two (2) story building with approximately 92.5 feet of frontage along East Main Street. The rear lot line is adjacent to the Market Yard Parking Lot. The subject Property is served by eight (8) striped parking spots located in the rear of the lot. Access to the parking spaces is also provided directly from the Market Yard Parking Lot. An existing brick walkway also exists along the easterly side area which connects to both East Main Street as well as the Market Yard Parking Lot. This walkway is further located in a ten (10) foot Right-of-Way. One of the eight (8) parking spaces is reserved for the "House of Glam".

3. The Applicant is proposing to retain a total floor area of 2,866 s.f. The existing 1,836 first floor is proposed to remain commercial. Separate lease units are proposed with access from two (2) points on the easterly side of the building. The 1,030 s.f. second floor is proposed to

be converted from commercial into two residential units each of which will contain a single bedroom. Access to both residential units is proposed from the easterly side of the building via an internal stairway beginning at the first floor. A platform with a handicapped ramp is also proposed at the easterly side of the building

4. Counsel for the Applicant, Salvatore Alfieri, Esq., stated that the Applicant was proposing to convert the second floor of the existing building into tow (2) single bedroom residential units. He explained that the subject Property is located within the Center Core Rehabilitation Zone and that the Governing Body acting as the redevelopment entity had approved the plan.

5. The Applicant's Architect, Gregory Clark, R.A. testified that the Applicant was seeking variance relief to convert the second level of the existing building into two apartments containing approximately 920 s.f. He stated that the second level had previously been used as an office use. Mr. Clark then described the structure as the building directly behind the building containing the "House of Glam". He stated that the first floor would remain commercial. The first floor would be divided into two units. The first unit would contain approximately 568 s.f. with the second being 462 s.f. Mr. Clark testified that both units would be accessed avia a new ramp located in the alleyway which divides the subject Property from the adjacent library.

6. Mr. Clark then testified that a shared main entrance would lead to a common staircase which would then lead to the two (2) proposed second floor apartments. One of the apartments would contain 568 s.f. with the other apartment containing 462 s.f. Both would have a single bedroom. A living room would connect the bedroom to the kitchen and bathroom area. He also stipulated that the Applicant is not proposing any signage. Mr. Clark then explained that a dumpster is currently located at the southerly portion of the building. A new refuse area is not proposed. He also stated that a new loading zone is not required and that the circulation is not being altered.

7. Mr. Clark then testified that the following variance relief is required:

a. **§18.73.010.A.9 Parking:** The proposed application will result in a parking shortage of 1 parking space.

8. Mr. Clark explained that the one parking space deficiency results from the space which is reserved for the “House of Glam”.

9. In response to questions, Mr. Clark testified that the residential mailboxes would likely be located on either the platform wall or in the internal corridor. He also confirmed the proposed ramp is required for commercial ADA compliance. Mr. Clark further confirmed that approval would also be required from the Historic Preservation Commission. He also agreed that future signage would also require HPC approval and possibly further Board approval as well. He also agreed to revise the plans to provide a complete design of the proposed ramp.

10. The Applicant’s Engineer Gary Chiang, P.E. testified that the only improvement involved construction of the handicapped ramp. He stipulated that the design would have to be ADA compliant. He then addressed the required parking variance. He stated that seven (7) spaces were available for the commercial and residential uses. Mr. Chiang confirmed that the Applicant had a one (1) parking space deficiency. He stated that the adjoining Market Yard Parking Lot provided available commercial parking for the non-residential uses. He also testified that 1.5 parking spaces per residential unit were required. These three (3) parking spaces exist on-site, but he noted that in reality, only one space is really necessary. Mr. Chiang also stated that the residential and non-residential uses have different peak periods which would not conflict with each other.

11. Mr. Chiang also stated that the Residential Site Improvement Standards (“RSIS”) require the same number of parking spaces and that a de minimus exception is required. He also confirmed that the parking lot dimensions were compliant with all requirements.

12. In response to further questions, Mr. Chiang stated that the dumpster would be fenced in.

13. Testimony was then taken from Steven Katz who identified himself as a principal of the Applicant. He stated that there is an existing mailbox in the alleyway between the library and the building with adequate space for the new residential units. He also stated that the dumpster would be used by the new residential units. Mr. Katz further confirmed that the parking spaces would be shared between both the commercial and the residential uses.

14. The were no members of the public expressing an interest in this application.

**NOW THEREFORE, BE IT RESOLVED** by the Freehold Borough Planning Board based upon the foregoing findings of fact and conclusions of law, the Application for variance relief pursuant to N.J.S.A. 40:55D-70c(2) along with a waiver of site plan approval and a de minimus exception from R.S.I.S. standards bearing Application Number PB-UV-2020-006 is hereby memorialized subject to the following conditions:

1. The Applicant has proposed a permitted use but does require bulk variance relief.

The Municipal Land Use Law, at N.J.S.A. 40:55D-70c provides Boards with the power to grant variances from strict bulk and other non-use related issues when the Applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the Applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An applicant may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, the Applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the c(2) criteria, the applicant has the option of showing that in a particular instance relating to a specific piece of property, the purpose of the act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted, pursuant to the Zoning Ordinance.

2. Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” or (c) variance relief. Finally, an applicant must also show that

the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. It is only in those instances when the applicant has satisfied both these tests, that a Board, acting pursuant to the statute and case law, can grant relief. The burden of proof is upon the applicant to establish these criteria.

3. The Board finds the Applicant has satisfied the positive criteria. The Applicant is deficient by a single parking space. The Board finds that the subject Property is immediately adjacent to the Market Yard Parking Lot which can accommodate any parking needs. The proposed parking scheme also involves shared parking. The peak periods for these uses are different and there should not be any conflict for available parking. The Board is also persuaded that the one-bedroom units will likely not require more than one car. The Board therefore finds that the Applicant has proposed a visually desirable site with a safe interior circulation. The goals of planning as enumerated in N.J.S.A. 40:55D-2 have therefore been advanced. The positive criteria has therefore been satisfied.

4. The negative criteria has also been satisfied. The proposed residential use is permitted. The variance relief will not increase traffic or noise. There is therefore no substantial detriment to the public welfare or substantial impairment of the zone plan or zoning ordinance. The Board therefore finds that the negative criteria has been satisfied.

5. The Board concludes that the positive criteria substantially outweighs the negative criteria and that variance relief may be granted pursuant to N.J.S.A. 40:55D-70c(2).

6. The Board further finds that the size and existing improvements on the subject Property create a practicable difficulty in providing the additional parking space necessary for R.S.I.S. compliance. A de minimus exception is therefore granted.

7. The Board also finds that the Applicant is proposing the ramp as the only improvement. A waiver of site plan approval is therefore appropriate.

### **SPECIFIC CONDITIONS**

1. The Applicant shall comply with all recommendations contained in the Report of the Board Engineer.
2. The Applicant shall obtain approval from the Historic Preservation Commission.
3. All future signage shall require approval from the Historic Preservation Commission as well as this Board, if necessary.
4. The Applicant shall install fencing around the dumpster subject to the review and approval of the Board Engineer.
5. The two (2) residential units are limited to one (1) bedroom.

### **GENERAL CONDITIONS TO APPROVALS**

1. **Conditions and Agreements in Record.** Applicant shall comply with all other requirements, agreements and conditions contained in the record of the proceedings in this matter including those set forth in the reports of the Freehold Borough agencies, boards, commissions and staff which have not been satisfied or specifically waived by the Board.
2. **Escrow Accounts.** It is a condition of the approval granted by the Planning Board herein that the Applicant shall pay any additional escrow fees required in order to pay the expenses for professional services related to the application.
3. **Developer's Agreements.** In conjunction with any application for Final Approval, no site plan or subdivision plat shall be signed by the Chairperson, Secretary or Engineer unless and until the applicant shall enter a developer's agreement with the Borough Council or the Borough of Freehold associated with this development which agreement shall include provision for any water main or sewer extension required for the project and shall further post such performance guaranties and deposits as shall be required in order to assure completion and maintenance of improvements required in order to assure completion and maintenance of improvements required by the Land Use Ordinance of the Borough of Freehold and this resolution. The Applicant shall further have filed with the Clerk of Monmouth County, all deeds of easement or other conveyances associated with the development to establish rights of way, access, utility location, sight triangles,

conservation areas, landscape buffers and the like and shall provide such assurances of title as may be required by the Borough Attorney.

4. **Availability of Public Water and Sewer.** In the event that the Borough of Freehold is subject to any limitation on its water diversion rights, or if there shall be any moratorium or other restriction of whatever nature pertaining to public water supply or public sewer, then the within approval is expressly conditioned upon the ability of the Borough Committee of the Borough of Freehold to provide these utilities to the proposed development.

5. **Other Governmental Approvals.**

- 5.1 **Monmouth County Planning Board.** If the within application is subject to review and approval from the Monmouth County Planning Board, and said approval has not been obtained, then the within approval shall be deemed to be conditioned upon the applicant securing approval from the Monmouth County Planning Board. If the Applicant has obtained such conditional approval from the Monmouth County Planning Board then such County conditions shall be satisfied as further conditions of this approval.

- 5.2 **Freehold Soil Conservation District.** If the within application is subject to the New Jersey Soil Erosion and Sediment Control Act, and the applicant has not obtained certification of a soil erosion and sediment control plan from the Freehold Soil Conservation District, then the within approval shall be deemed to be conditioned upon the applicant securing certification of its soil erosion and sediment control plan.

- 5.3 **Department of Environmental Protection.** If the subject premises are affected by any freshwater wetlands or freshwater wetland transition areas the Applicant shall obtain from the State of New Jersey Department of Environmental Protection all required letters of interpretation, permits or other authority necessary to permit the development to proceed. Further, if the applicant requires any stream encroachment permit from the New Jersey Department of Environmental Protection, the securing of such permit shall be deemed to be a condition of this approval. If the application involves public water service, the Applicant shall obtain permits as required from the NJDEP Bureau of Safe Drinking Water relative to extension of the Borough water system. If this application involves

public sewer service, the applicant shall obtain permits as required by the NJDEP Division of Water Quality to extension of sanitary sewers of either the Borough, Manasquan River Regional Sewage Authority and Ocean County Utilities Authority or the Borough and Western Monmouth Utilities Authority as applicable.

**5.4 State Highway Permits.** If the proposed development is on a State highway, the applicant shall obtain such highway access permits or other permits as shall be required by the State of New Jersey Department of Transportation.

6. **Modification of Plans.** In the event that any other agency having jurisdiction over the application or any portion thereof requires modifications of the plans approved by the Freehold Borough Planning Board, such modifications may require further action by the Planning Board and in no event shall the Freehold Borough Planning Board be deemed to have given authority for development of the project in any manner other than as shown on the approved plans herein. Any modifications to the plan submitted to the other concerned governmental agencies shall simultaneously be submitted to the Planning Board.
7. **Storm Water Detention/Retention/Re-charge Basins.** If the Applicant has proposed to dedicate to the Borough of Freehold any lot or lots within the development of storm water management facilities, then at the time of acceptance by the Freehold Borough Council, the applicant shall post with the Borough of Freehold a maintenance guaranty for said facilities for a ten-year period as provided by the Freehold Borough Land Use Ordinance and as calculated by the Freehold Borough Engineer.
8. **Dedication of Lands.** The within approval is subject to the applicant securing the acceptance by the Borough Council of the Borough of Freehold of any lands proposed by the developer to be dedicated to the Borough of Freehold and associated with this development.
9. **Taxes and Assessments.** All taxes and assessments applicable to the subject premises shall be paid and current.
10. **Restrictive Covenants.** Any restrictive covenant or other condition of record proposed to be included in deeds to purchasers shall be set forth on the final plat and a copy thereof shall be submitted to the Board for approval.



11. **Plan Revisions.** It is a condition of this approval that the Applicant submit to the Planning Board within 90 days of the date of the adoption of this resolution the revised plats, maps, reports or other data containing the additions or corrections specified in the record of the proceedings including but not limited to those additions or corrections set forth in the reports of Freehold Borough agencies, boards, commissions and staff. No construction permits shall issue nor shall any further action whatsoever be taken on account of the application until this condition is met. Further, in the event that the correctly revised data is not submitted within the 90-day period aforesaid, the Planning Board shall presume that the Applicant does not intend to submit the revisions and therefore the within approval shall be rendered null, void and of no further effect.
12. **Mount Laurel Contribution.** If applicable to this development, the Applicant shall pay its contribution to the Borough of Freehold Mount Laurel Housing Fund or construct such affordable housing as shall be required by the Borough of Freehold.
13. **Breach of Conditions.** Failure to satisfy any conditions set forth herein or a subsequent breach of any such condition or a failure by the Applicant to discharge any obligation hereunder will result in the reconsideration and possible revocation or rescinding of the within approval. A certification by the Freehold Borough Engineer that the Applicant has breached any such conditions shall immediately terminate the right of the Applicant to obtain construction permits, certificates of occupancy or any other government authorizations necessary in order to continue or complete development of the project pending a hearing before the Freehold Borough Planning Board regarding the breach.
14. **Lapse of Protection.** Pursuant to N.J.S.A. 40:55D-52, the statutory protections afforded by the within action shall expire two years from today's date.

ROLL CALL

YES:

NO:  
ABSENT:  
ABSTAINED:  
DISQUALIFIED:  
DATED:

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution which was approved by the Freehold Borough Planning Board at its meeting held on May 12, 2021.

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Dominica Napolitano  
Planning Board Secretary

State of New Jersey:  
County of Monmouth: ss:

Be it remembered on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, a Notary Public of the State of New Jersey personally appeared before DOMINICA NAPOLITANO, who being duly sworn by me, according to law on this oath stated:

1. She is the secretary of the Planning Board of the Borough of Freehold;
2. The within Resolution represents the action taken by the Freehold Borough Planning Board at its meeting of April 14, 2021.

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Record and Return to: STEPHEN GALLO FREEHOLD BOROUGH ADMINISTRATOR 51 West Main Street Freehold, New Jersey 07728
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## **ATTACHMENT III**

Prepared by:

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Ronald D. Cucchiaro, Esq.

THE PLANNING BOARD OF THE BOROUGH OF FREEHOLD  
(JOINT LAND USE BOARD)  
RE: JONATHAN MARSHALL  
USE VARIANCE RELIEF WITH PRELIMINARY  
AND FINAL SITE PLAN APPROVAL  
BLOCK 37, LOT 1.02  
APPLICATION NO. PB-UV-2021-003

RESOLUTION

M                                      offered the following Resolution and moved its adoption which was  
seconded by M

WHEREAS, Jonathan Marshall, hereinafter referred to as the "Applicant", is the owner of premises known as Block 37, Lot 1.02 as shown on the Tax Map of the Borough of Freehold and located at 82 Court Street; and

WHEREAS, Applicant has applied to the Freehold Borough Planning Board for use variance relief as well as preliminary and final site plan approval with ancillary bulk variance relief; and

WHEREAS, a virtual public hearing was conducted by the Freehold Borough Planning Board on April 14, 2021; and

WHEREAS, the Applicant, Jonathan Marshall, presented sworn testimony by Jonathan Marshall, Esq., James Higgins, P.P. and Gary Chiang, P.E.; and

WHEREAS, the Planning Board also considered the following Exhibits at said meeting which were marked into evidence and enumerated as follows:

- A-1    Land Use Application Checklist, signed January 28, 2021.
- A-2    Planning Board Application Form, signed January 28, 2021.
- A-3    Site Plan Application, signed January 28, 2021.

- A-4 Site Plan Checklist, dated December 10, 2020.
- A-5 Tax Certification, dated February 3, 2021.
- A-6 Exhibit List Form, no date.
- A-7 Witness List Form, no date.
- A-8 Letter of No Interest from Monmouth County, dated December 28, 2020.
- A-9 Stormwater Management Report – Preliminary and Final Major Site Plan Block 37, Tax Lot 1.02, Borough of Freehold, Monmouth County, New Jersey, prepared by Geller Sive and Company, dated November 17, 2020.
- A-10 Plan entitled ‘Topographic Survey, Tax Lot 1.02, Block 37, 82 Court Street, Borough of Freehold, Monmouth County, New Jersey’, prepared by DPK Consulting, LLC, consisting of one sheet, dated October 30, 2019.
- A-11 Plans entitled ‘Preliminary & Final Major Site Plan, Tax Lot 1.02, Block 37, Tax Map Sheet No. 16, Freehold Borough, Monmouth County, New Jersey’, prepared by Geller Sive & Company, consisting of eleven (11) sheets, dated November 24, 2020.
- A-12 Plan entitled ‘23’ Garbage Truck, Tax Lot 1.02, Block 37, Tax Map Sheet No. 16, Freehold Borough, Monmouth County, New Jersey’, prepared by Geller Sive & Company, consisting of one sheet, dated November 24, 2020.
- A-13 Six (6) photographs, existing site, no date.
- B-1 Engineering Review by Abbington Engineering date April 7, 2021

WHEREAS, the Freehold Borough Planning Board carefully considered all of the evidence, testimony and exhibits presented including questions and testimony of interested parties and based thereon has made the following findings of fact and conclusions of law:

1. The subject of this application is certain lands known as Block 37, Lot 1.02, located at 82 Court Street. The site is located in the R-5 Residential Zone of the Borough. The total area of the subject Property is 17,269 square feet (0.396 acres).

2. The subject Property contains 17,268 s.f. (0.396 acres) and is currently improved with a single-story frame building fronting on Court Street. The existing building contains 1,522

s.f. and is served by an existing concrete drive along the easterly side which extends to a concrete area located immediately behind the structure. The building is currently vacant and was formerly occupied by a commercial dental supplier.

3. The Applicant is seeking use variance relief along with preliminary and final site plan approval to permit the construction of a one (1) story addition to the rear of the existing building which will contain approximately 1,474 s.f. which will result in a new building total of 2,998 s.f. A new 15 ft. wide driveway is proposed along the easterly side of the building which will connect to a paved parking area containing seventeen (17) parking spaces (now reduced to 15). The Applicant proposes to use the subject Property as a law office which is not a permitted use in the Zone.

4. Counsel for the Applicant, Vincent Halleran, Esq. stated that the Applicant was seeking to construct an addition to the existing building for use as a law office which required use variance relief along with preliminary and final site plan approval.

5. The Applicant then testified that he owns the subject Property describing it as being directly located across the street from the Monmouth County Courthouse. He stated that the subject Property exceeds the minimum lot area requirements. The Applicant further described the proposed use as a law office and that the subject Property was uniquely located across the street from the Monmouth County Courthouse. He stated that the building had been used as a commercial use and at one time was also a law firm.

6. The Applicant further testified that he intended to design the structure to maintain and reflect the historic character of the neighborhood. He stated that all of the nearby structures are also used for non-residential uses. The Applicant also stated that the parking lot would have proper drainage. He described that the law practice as focusing on criminal defense and that most initial consultations were over the phone and internet. He stated that staff normally do not work beyond 6:00 pm. In response to questions, he stated that approximately twelve (12) employees would be on-site.

7. The Applicant then provided additional testimony concerning parking. He stated that assigned parking could be used if requested. The Applicant explained that the parking lot was

large enough to accommodate future growth. He testified that six (6) or seven (7) parking spaces currently exist. The Applicant also noted that the spaces are not identified with stripes. In response to further questions, he stated that the view from the street would be unchanged and that the improvement resembled a gable. The Applicant then acknowledged that the proposed lot coverage is 67% where 27.5% exists. The increase is a result of the number of proposed parking spaces.

8. The Applicant's Planner, James Higgins, PP testified that the Applicant is proposing to double the size of the building through the addition with seventeen (17) parking spaces. He stated that the proposed law office was not permitted in the Zone and required use variance relief.

9. Mr. Higgins testified that the subject Property was particularly suited for the proposed law office. He stated that it was located directly across the street from the Court House as well as other non-residential and multifamily uses which are also not permitted within the Zone. Mr. Higgins then addressed the proposed impervious coverage. He stated that the subject Property is nearly three times larger than the minimum lot size in the zone. Mr. Higgins also testified that the proposed screening adequately buffers the subject Property from its neighbors. He further noted that the existing building has been used for commercial, office and non-residential uses for a long period of time. Mr. Higgins once again referenced the buffering and the proximity of other non-residential uses and opined that there would not be any substantial detriment to the zone plan and the zoning ordinance. In response to further questions, Mr. Higgins identified other properties in the vicinity which contained a similar number of parking spaces.

10. The Applicant's Engineer, Gary Chiang, P.E., testified that the subject Property is currently developed with a building and a ten-foot-wide driveway and is served by public water and public sewer. He stated that the Applicant was proposing to construct a one story 1,476 s.f. addition for a total of 2,998 s.f. He further explained that a new fifteen (15) foot wide driveway was proposed to the rear of the building where seventeen (17) parking spaces are located. He stated that perforated piping in a sub-trench would be constructed for stormwater management. Site lighting and landscaping would also be provided throughout the site.

11. Mr. Chiang then addressed the Board Engineer's Report. He stated that then number of parking spaces was designed to accommodate future expansion. Mr. Chiang reiterated

that the stormwater management system was designed to accommodate the increased impervious coverage. He then stated that the removal of two (2) parking spaces in the rear would assist in creating a safer design for the proposed handicapped parking space. The Applicant then agreed that two (2) parking spaces would be removed. Mr. Chiang also stated that the existing chain linked fence would be removed with additional evergreen trees added to increase the buffer subject to the review and approval of the Board Engineer.

12. Mr. Chiang also stipulated that the Applicant would comply with all recommendations contained in the Board Engineer's Report including repair of the frontage sidewalk and curbing subject to review and approval of the Board Engineer. He then testified that the truck turning radius plan confirmed that delivery trucks could access the parking lot and then perform a "K" turn to egress. Refuge would also be located near the handicapped parking space and that the same "K" turn could be used to egress. The gate for the refuse area would also be depicted on the plans. He then stated that the driveway could be expanded to sixteen (16) feet to facilitate safer two-way traffic. He also agreed that the plan would be subject to the review and approval of the Bureau Fire Official. He also agreed that additional detail would be provided on the stormwater management plan subject to the review and approval of the Board Engineer. A stormwater management maintenance manual would be submitted as a separate document.

13. Mr. Chiang then addressed the proposed signage. He stated that one (1) freestanding sign was proposed with a front yard setback of ten (10) feet. Mr. Chiang noted that the sign face is 36" x 48" mounted on two posts. The total sign face would be 12 s.f. The Applicant testified that the proposed sign is consistent with other non-residential signs in the area. Mr. Higgins then testified that the size and location of the proposed sign was necessary to permit proper site identification which promoted safety on the subject Property. The Applicant then agreed to lower the height to four (4) feet.

14. The Applicant then testified that brick pavers could be used for the portion of the driveway along the building with the remainder being pavement. The same would be used for the walkway. The brick paver design would be subject to the review and approval of the Board Engineer.



15. The Applicant's Architect, Alan Zimbler, RA testified that the existing building was being extended back forty (40) feet and would be constructed of the same materials. He further stated that the improvements would not be visible from the street. Mr. Zimbler stated that eight (8) attorney offices and support area would be located within the building.

16. There were no members of the public expressing an interest in the application.

**NOW THEREFORE, BE IT RESOLVED** by the Freehold Borough Planning Board based upon the foregoing findings of fact and conclusions of law, the Application for use variance relief pursuant to N.J.S.A. 40:55D-70d(1) along with preliminary and final site plan approval pursuant to N.J.S.A. 40:55D-46 and 50 bearing Application Number PB-UV-2021-003 is hereby memorialized subject to the following conditions:

1. The Board finds that the Applicant has satisfied the positive criteria. The Board recognizes that the entire area has come to be dominated by the Monmouth County Courthouse. The characteristics of the neighborhood support the legal community. The Applicant's Planner has further identified several goals of planning which are being advanced by this application. These include N.J.S.A. 40:55D-2(g) which promotes the appropriate location of such office uses as well as preservation of the large lot size. Section (i) is also promoted by preserving the historic character of the lot. The subject lot is also distinguishable from others in the area. It has a much larger lot size than neighboring properties. It also has a more direct proximity to the Monmouth County Courthouse because it is directly across the street. The subject Property therefore promotes the aforementioned goals of planning in a way that others cannot. The Board further recognizes that the existing building has historically been used for non-residential uses, including a law office for many years. The subject Property is therefore particularly suited for the proposed use. The positive criteria has therefore been satisfied.

2. The Board also finds that the enhanced criteria has been satisfied. The Borough Master Plan actively promotes redevelopment in the subject area. It also recognizes the unique location of the Monmouth County Courthouse. The Borough Council is also actively in the process of evaluating redevelopment opportunities. The Board therefore does not find any inconsistency between the proposed development and the master plan or actions of the Borough Council.

3. The Board also finds that the remainder of the negative criteria has been satisfied. The proposed use will not generally operate in the evening hours or during the weekend. It will not generate noise when other residential homes are at their busiest. The Applicant also proposes to retain the existing character of the lot. The Board therefore finds that there is not any substantial detriment to the zone plan, zoning ordinance or the public good. The negative criteria have therefore been satisfied.

4. The Board also finds that the positive criteria substantially outweighs the negative criteria and that use variance relief may be granted pursuant to N.J.S.A. 40:55D-70d (1).

5. The Board finds that any need for bulk variance relief pursuant to N.J.S.A. 40:55D-70c is subsumed within the grant of use variance relief. See, Puleio v. North Brunswick Zoning Board, 375 N.J. Super. 413 (App. Div.) certif. den. 184 N.J. 212 (2005).

6. The Board finds the proposed improvements will not be seen from the public road. The Applicant has also agreed to comply with all recommendations made by the Board and its professionals. The requests for preliminary and final site plan approval do not result in any substantial detriment to the zone plan, zoning ordinance or public good. Preliminary site plan approval pursuant to N.J.S.A. 40:55D-46 and final site plan approval pursuant to N.J.S.A. 40:55D-50 are therefore appropriate.

### **SPECIFIC CONDITIONS**

1. The Applicant shall comply with all recommendations contained in the Report of the Board Engineer.
2. The Applicant shall eliminate two parking spaces pursuant to the review and approval of the Board Engineer.
3. The Applicant shall utilize pavers the length of the building subject to the review and approval of the Board Engineer.
4. The Applicant shall submit a stormwater management maintenance manual.
5. The Applicant shall receive approval from the Borough Fire Official.
6. The proposed sign shall be lowered One (1) foot to four (4) feet.

7. The Applicant shall depict evergreen tree buffers subject to the review and approval of the Board Engineer.
8. The truck turning radii shall be subject to the review and approval of the Board Engineer.
9. The sign detail shall be depicted on the plan.
10. The existing chain linked fence shall be removed.
11. The gate for the refuse area shall be depicted on the plan.
12. The driveway shall be expanded to sixteen (16) feet.

### **GENERAL CONDITIONS TO APPROVALS**

1. **Conditions and Agreements in Record.** Applicant shall comply with all other requirements, agreements and conditions contained in the record of the proceedings in this matter including those set forth in the reports of the Freehold Borough agencies, boards, commissions and staff which have not been satisfied or specifically waived by the Board.
2. **Escrow Accounts.** It is a condition of the approval granted by the Planning Board herein that the Applicant shall pay any additional escrow fees required in order to pay the expenses for professional services related to the application.
3. **Developer's Agreements.** In conjunction with any application for Final Approval, no site plan or subdivision plat shall be signed by the Chairperson, Secretary or Engineer unless and until the applicant shall enter a developer's agreement with the Borough Council or the Borough of Freehold associated with this development which agreement shall include provision for any water main or sewer extension required for the project and shall further post such performance guaranties and deposits as shall be required in order to assure completion and maintenance of improvements required in order to assure completion and maintenance of improvements required by the Land Use Ordinance of the Borough of Freehold and this resolution. The Applicant shall further have filed with the Clerk of Monmouth County, all deeds of easement or other conveyances associated with the development to establish rights of way, access, utility location, sight triangles, conservation areas, landscape buffers and the like and shall provide such assurances of title as may be required by the Borough Attorney.

4. **Availability of Public Water and Sewer.** In the event that the Borough of Freehold is subject to any limitation on its water diversion rights, or if there shall be any moratorium or other restriction of whatever nature pertaining to public water supply or public sewer, then the within approval is expressly conditioned upon the ability of the Borough Committee of the Borough of Freehold to provide these utilities to the proposed development.

5. **Other Governmental Approvals.**

- 5.1 **Monmouth County Planning Board.** If the within application is subject to review and approval from the Monmouth County Planning Board, and said approval has not been obtained, then the within approval shall be deemed to be conditioned upon the applicant securing approval from the Monmouth County Planning Board. If the Applicant has obtained such conditional approval from the Monmouth County Planning Board then such County conditions shall be satisfied as further conditions of this approval.

- 5.2 **Freehold Soil Conservation District.** If the within application is subject to the New Jersey Soil Erosion and Sediment Control Act, and the applicant has not obtained certification of a soil erosion and sediment control plan from the Freehold Soil Conservation District, then the within approval shall be deemed to be conditioned upon the applicant securing certification of its soil erosion and sediment control plan.

- 5.3 **Department of Environmental Protection.** If the subject premises are affected by any freshwater wetlands or freshwater wetland transition areas the Applicant shall obtain from the State of New Jersey Department of Environmental Protection all required letters of interpretation, permits or other authority necessary to permit the development to proceed. Further, if the applicant requires any stream encroachment permit from the New Jersey Department of Environmental Protection, the securing of such permit shall be deemed to be a condition of this approval. If the application involves public water service, the Applicant shall obtain permits as required from the NJDEP Bureau of Safe Drinking Water relative to extension of the Borough water system. If this application involves public sewer service, the applicant shall obtain permits as required by the NJDEP Division of Water Quality to extension of sanitary sewers of either the Borough, Manasquan River Regional Sewage

Authority and Ocean County Utilities Authority or the Borough and Western Monmouth Utilities Authority as applicable.

**5.4 State Highway Permits.** If the proposed development is on a State highway, the applicant shall obtain such highway access permits or other permits as shall be required by the State of New Jersey Department of Transportation.

6. **Modification of Plans.** In the event that any other agency having jurisdiction over the application or any portion thereof requires modifications of the plans approved by the Freehold Borough Planning Board, such modifications may require further action by the Planning Board and in no event shall the Freehold Borough Planning Board be deemed to have given authority for development of the project in any manner other than as shown on the approved plans herein. Any modifications to the plan submitted to the other concerned governmental agencies shall simultaneously be submitted to the Planning Board.
7. **Storm Water Detention/Retention/Re-charge Basins.** If the Applicant has proposed to dedicate to the Borough of Freehold any lot or lots within the development of storm water management facilities, then at the time of acceptance by the Freehold Borough Council, the applicant shall post with the Borough of Freehold a maintenance guaranty for said facilities for a ten-year period as provided by the Freehold Borough Land Use Ordinance and as calculated by the Freehold Borough Engineer.
8. **Dedication of Lands.** The within approval is subject to the applicant securing the acceptance by the Borough Council of the Borough of Freehold of any lands proposed by the developer to be dedicated to the Borough of Freehold and associated with this development.
9. **Taxes and Assessments.** All taxes and assessments applicable to the subject premises shall be paid and current.
10. **Restrictive Covenants.** Any restrictive covenant or other condition of record proposed to be included in deeds to purchasers shall be set forth on the final plat and a copy thereof shall be submitted to the Board for approval.
11. **Plan Revisions.** It is a condition of this approval that the Applicant submit to the Planning Board within 90 days of the date of the adoption of this resolution the revised plats, maps, reports or other data containing the additions or corrections

specified in the record of the proceedings including but not limited to those additions or corrections set forth in the reports of Freehold Borough agencies, boards, commissions and staff. No construction permits shall issue nor shall any further action whatsoever be taken on account of the application until this condition is met. Further, in the event that the correctly revised data is not submitted within the 90-day period aforesaid, the Planning Board shall presume that the Applicant does not intend to submit the revisions and therefore the within approval shall be rendered null, void and of no further effect.

12. **Mount Laurel Contribution.** If applicable to this development, the Applicant shall pay its contribution to the Borough of Freehold Mount Laurel Housing Fund or construct such affordable housing as shall be required by the Borough of Freehold.
13. **Breach of Conditions.** Failure to satisfy any conditions set forth herein or a subsequent breach of any such condition or a failure by the Applicant to discharge any obligation hereunder will result in the reconsideration and possible revocation or rescinding of the within approval. A certification by the Freehold Borough Engineer that the Applicant has breached any such conditions shall immediately terminate the right of the Applicant to obtain construction permits, certificates of occupancy or any other government authorizations necessary in order to continue or complete development of the project pending a hearing before the Freehold Borough Planning Board regarding the breach.
14. **Lapse of Protection.** Pursuant to N.J.S.A. 40:55D-52, the statutory protections afforded by the within action shall expire two years from today's date.

ROLL CALL

YES:

NO:

ABSENT:

ABSTAINED:

DISQUALIFIED:

DATED:

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution which was approved by the Freehold Borough Planning Board at its meeting held on May 12, 2021.

---

Dominica Napolitano  
Planning Board Secretary

State of New Jersey:  
County of Monmouth: ss:

Be it remembered on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, a Notary Public of the State of New Jersey personally appeared before DOMINICA NAPOLITANO, who being duly sworn by me, according to law on this oath stated:

1. She is the secretary of the Planning Board of the Borough of Freehold;
2. The within Resolution represents the action taken by the Freehold Borough Planning Board at its meeting of April 14, 2021.

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Record and Return to: STEPHEN GALLO FREEHOLD BOROUGH ADMINISTRATOR 51 West Main Street Freehold, New Jersey 07728
--

2018975\_1 FREE-077E Jonathan Marshall Resolution for Use Variance with Preliminary and Final Site Plan Approval 5.12.21

## **ATTACHMENT IV**



BOROUGH OF FREEHOLD PB-SP-2021-005  
51 WEST MAIN STREET  
FREEHOLD, NEW JERSEY 07728

LAND USE DEPARTMENT APPLICATION CHECKLIST

Applicant's Name: Hi-Mount Realty C/O Kiely Properties \_\_\_\_\_

Trade Name: \_\_\_\_\_

Applicant's Address: 7 Broadway, Freehold, N.J. 07728

Block: 96 Lot: <sup>11</sup>~~10~~ Zone: ~~A~~ Zone R-5

Name of Project: Hi-Mount Realty Inc. \_\_\_\_\_

The following must be submitted in order for your application to be deemed complete.

ITEMS TO BE SUBMITTED	PLANS COMPLY	N/A	WAIVER REQUESTED	PLANS COMPLY	N/A	WAIVER REQUESTED
1. Application for Zoning Certificate or Building Permit Denial from Zoning Officer	X					NOT PROVIDED USE PERMITTED
2. Application for Planning Board	X			✓		
3. Site Plan Application	X			✓		
4. Site Plan (only folded plans will be accepted). *	X			✓		
5. Site Plan Detail Checklist - Completed	X			✓		
6. Fee Schedule with W-9 (Escrow & application fees must be in separate checks).	X			✓		
7. Tax Certification	X			✓		
8. Photograph of Existing Conditions	X			✓		
9. Affidavit of Service						NT HEARING
10. Exhibit List		WILL SUBMIT				
11. List of Professionals To Testify	X			✓		
12. Signed Checklist	X			✓		

Eighteen (18) complete packages of the above information must be delivered to the Land Use Office to be considered complete. Please provide six (6) copies 24 x 36", and twelve (12) copies 11 x 17".

01--2021 2/9/21  
Date

William Z. Wentzen  
Applicant or Agent

To Be Completed by Borough:

Date: 4-19-2021

Checked By: William Z. Wentzen

**BOROUGH OF FREEHOLD  
51 WEST MAIN STREET  
FREEHOLD, NEW JERSEY 07728**

**LAND USE DEPARTMENT APPLICATION CHECKLIST**

**Applicant's Name:** Hi-Mount Realty C/O Kiely Properties \_\_\_\_\_

**Trade Name:** \_\_\_\_\_

**Applicant's Address:** 7 Broadway, Freehold, N.J. 07728

**Block:** 96 **Lot:** 10 **Zone:** A R-5

**Name of Project:** Hi-Mount Realty Inc. \_\_\_\_\_

The following must be submitted in order for your application to be deemed complete.

ITEMS TO BE SUBMITTED	PLANS	WAIVER	PLANS	WAIVER
	COMPLY	N/A	COMPLY	N/A
1. Application for Zoning Certificate or Building Permit Denial from Zoning Officer	X			
2. Application for Planning Board	X			
3. Site Plan Application	X			
4. Site Plan (only folded plans will be accepted). *	X			
5. Site Plan Detail Checklist - Completed	X			
6. Fee Schedule with W-9 (Escrow & application fees must be in separate checks).	X			
7. Tax Certification	X			
8. Photograph of Existing Conditions	X			
9. Affidavit of Service	WILL SUBMIT			
10. Exhibit List	X			
11. List of Professionals To Testify	X			
12. Signed Checklist	X			

Eighteen (18) complete packages of the above information must be delivered to the Land Use Office to be considered complete. Please provide six (6) copies 24 x 36", and twelve (12) copies 11 x 17".

01--2021 2/9/21  
Date

*[Signature]*  
Applicant or Agent

To Be Completed by Borough:

Date: \_\_\_\_\_

Checked By: \_\_\_\_\_

**BOROUGH OF FREEHOLD  
51 WEST MAIN STREET  
FREEHOLD, NEW JERSEY 07728**

**LAND USE DEPARTMENT  
PLANNING BOARD APPLICATION FORM**

Please note: This application, with supporting documentation, must be filed with the Administrative Officer of the Land Use Department for review at least thirty (30) days prior to the meeting at which the application is to be considered.

**To Be Completed By Borough Staff Only.**

Date Filed: _____	Application No. _____
Planning Board: _____	Application Fee: _____
Scheduled for Completeness: _____	
Scheduled for Hearing: _____	

**1. SUBJECT PROPERTY (ATTACH PHOTO):**

Location: 20-36 Hull Avenue, Freehold  
Tax Map: Page \_\_\_\_\_ Block 96 Lot 101  
Dimensions: Frontage 222 Depth 210 Total Area 46,620 sq. ft.

**2. APPLICANT:**

Name: Hi-Mount Realty Inc.  
Corporate Name:  
Address: 7 Broadway, Freehold, N.J.  
Telephone 732-303-0956  
Applicant is a New Jersey Corporation

Note: If the applicant is a corporation or limited liability company, the applicant must be represented by an attorney.

**3. DISCLOSURE STATEMENT:**

Pursuant to N.J.S. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S.40A:55D-48.2, that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and

addresses of the non-corporate stockholders and partners exceeding 10% ownership criterion have been disclosed.

NAME	ADDRESS	INTEREST
Spiros Vlahos	332 Millstone Road, Millstone Twp.	33%
Estate of Hochberg	c/o Frank Accisano, Esq.	43%
See Attached		

4. If the Owner(s) is other than the applicant, provide the following information on the Owner(s):

Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

If the owner of any portion of the subject premises is other than the applicant, you must have the owner consent to the application by signing Paragraph 27 below.

5. PROPERTY INFORMATION:

Restrictions, covenants, easements, Association by-laws, existing or proposed on the property:

Yes (Attach copies)      No X      Proposed N/A

Note: All deed restrictions, covenants, easements, Association by-laws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

Present use of property: apartments

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HiMount Realty  
Partnerships

<b>Spiros Vlahos</b> 330 Millstone Rd Clarksburg NJ 08510	<b>33%</b>
<b>Peter Constanzo</b> 11 Elizabeth Place Armonk NJ 10504	<b>6%</b>
<b>Samantha Burrier</b> 156 Park Ave Shrewsbury NJ 07702	<b>6%</b>
<b>Randy Musto</b> 519 Roma Court 3-105 Naples FL 34110	<b>6%</b>
<b>Jessica Kaplan</b> 6823 Stonybrooke Lane Alexandria VA 22306	<b>6%</b>
<b>Estate of Bernard Hochberg</b> c/o Frank Accisano, Esq 2517 Highway 35 Building I Suite 102 Manasquan NJ 08736	<b>43%</b>

6. Applicant's Attorney: Vincent E. Halleran Jr., Esq.  
Address: 56 West Main Street  
Freehold, NJ 07728  
  
Telephone No.: 732-462-0800 Fax No.: 732-431-3561 email-vhalleran@hotmail.com

7. Applicant's Engineer: John J. Ploskonka, P.E., P.P.  
  
Address: 123 Route 33 East, Suite 204, Manalapan, NJ 07726  
  
Telephone No. 732-792-2750 \_\_\_\_\_ Fax No.: 732-792-2740

8. Applicant's Planner: John J. Ploskonka, P.E., P.P.  
Address: same as #7  
  
Telephone No.: \_\_\_\_\_ Fax No: \_\_\_\_\_

9. Applicant's Traffic Engineer: \_\_\_\_\_  
  
Address: \_\_\_\_\_  
  
Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

10. List any other expert who will submit a report or who will testify for the Applicant. Attach additional sheets as may be necessary:  
  
Name:  
  
Field of Expertise:  
Address:  
Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

11. Applicant represents a request for the following:

**SUBDIVISION:** N/A

\_\_\_\_\_ Minor Subdivision Approval: Do you have knowledge of any previous subdivision applications affecting any portion of the subject premises?

Yes \_\_\_\_\_ No \_\_\_\_\_

Total area of Tract: \_\_\_\_\_

Area of each proposed lot: \_\_\_\_\_

\_\_\_\_\_ Subdivision Approval (Preliminary):

Total area of tract: \_\_\_\_\_

Total Area of Tract which is being subdivided: \_\_\_\_\_

Are there any current or contemplated easements or restrictions that affect or will affect any portion of the premises? If so, describe and attach copies of same.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Subdivision Approval (Final):

Date of Preliminary Approval: \_\_\_\_\_

Number of Lots Proposed for Final Approval: \_\_\_\_\_

Does the final plat conform exactly to the preliminary plat in all details and areas covered? Yes: \_\_\_\_\_ No: \_\_\_\_\_ If not, indicate material changes or incongruities. If necessary, attach additional pages.

\_\_\_\_\_  
\_\_\_\_\_

List all maps and other materials accompanying this application:

\_\_\_\_\_

**SITE PLAN:**

\_\_\_\_\_ Preliminary Site Plan Approval (Phases, if applicable \_\_\_\_\_)

  X   Final Site Plan Approval (Phases, if applicable \_\_\_\_\_).

\_\_\_\_\_ Amendment or Revision to an Approved Site Plan:

Area to be disturbed: \_\_\_\_\_

Total number of dwelling units: 0

\_\_\_\_\_ Request for waiver from Site Plan Review and Approval. Reason for request:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Informal Review (Planning Board only).  
\_\_\_\_\_ Appeal Decision of an Administrative officer,  
\_\_\_\_\_ (N.J.S.40:55D-70a.)  
\_\_\_\_\_ Map or Ordinance Interpretation of Special Question,  
\_\_\_\_\_ (N.J.S.40:55D-70b).  
\_\_\_\_\_ Variance Relief - Hardship (N.J.S.40:55D-70c(1)).  
\_\_\_\_\_ Variance Relief - Substantial Benefit (N.J.S.40:55D-  
\_\_\_\_\_ 70c (2)).  
\_\_\_\_\_ Variance Relief - Use (N.J.S.40:55D-70D).  
\_\_\_\_\_ Conditional Use Approval (N.J.S.40:55D-67).  
\_\_\_\_\_ Direct issuance of a permit for a structure in bed  
\_\_\_\_\_ of a mapped area, public drainage way or flood  
\_\_\_\_\_ control basin (N.J.S.40:55D-34).

NOTE: Appeals of decisions of Administrative Officers, use  
variances, and the direct issuance of permits are  
all matters to be heard by the Zoning Board of  
Adjustments only.

12. Section(s) of Ordinance from which a variance is requested:

n/a

13. Waivers Requested of Development Standards and/or Submission  
Requirements (attach additional pages as needed):

Requesting a Design waiver for no curb  
Realigning the entrance to the property at a 90 degree angle, if  
possible, saving the existing tree near the entrance.  
With the paved area less than 10,000 s.f., analyze the stormwater  
management to provide for the 25 year storm with an emphasis on not  
creating any downstream drainage problems on lots 29, 30 and 31  
(directly behind the site)  
Provide a parking calculation for the nine 2-bedroom apartments  
that show that we meet RISA requirements for parking.

14. Attach a copy of the Notice to appear in the Asbury Park  
Press, the Borough's official newspaper, and to be mailed to the  
owners of all real property, as shown on the current tax duplicate,  
located within the State and within 200 ft. in all directions of  
the property which is the subject of this application. The Notice  
must specify the sections of the Ordinance from which relief is  
sought, if applicable. The publication and service on the affected  
owners must be accomplished at least ten (10) days prior to the



date scheduled by the Administrative Officer for the hearing. An affidavit of service on all property owners and an affidavit of publication must be filed before the application will be complete and the hearing can proceed.

15. Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises. (Attach pages as needed):

Requesting a design waiver for no curb, re-aligning entrance, paving, lighting, Meeting RISA requirements.

16. Is a public water line available? ☒ Yes

17. Is a public sanitary sewer available? ☒ Yes

18. Does the application propose a well? ☒ No

Does the application propose a septic system? ☒ No

19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block numbers? ☒ N/A

20. Are any off-tract improvements required or proposed? ☒ No

21. Is the subdivision to be filed by deed or plat? ☒ N/A

22. What form of security does the applicant propose to provide as performance and maintenance guarantees?

☐ Any Escrow required

23. Other approvals which may be required & date plans submitted:

<u>AGENCY</u>	<u>YES</u>	<u>NO</u>	<u>DATE</u> <u>PLANS SUBMITTED</u>
Manasquan Regional Sewer Authority		x	
Monmouth County Health Dept.		x	
Monmouth County Planning Bd.		x	
Freehold Soil Conservation District		x	
NJ Dept. of Environmental Protection		x	
Sewer Extension Permit		x	
Sanitary Sewer Connection Permit		x	
Stream Encroachment Permit		x	
Wetlands Permit		x	
Potable Water Construction Permit		x	
Other (Please note.)		x	
NJ Department of Transportation		x	
NJ Natural Gas Co.		x	
JCP&L		x	
Other (Please note.)		x	

24. Certification from the Tax Collector that all taxes due on the subject property have been paid.

25. List of Maps, Reports, and other materials accompanying the application. (Attach additional pages as required for complete listing).

<u>QUANTITY</u>	<u>DESCRIPTION OF ITEM</u>
<u>X</u> 18	Minor site plan
18	Architectural plan

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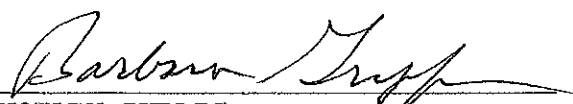


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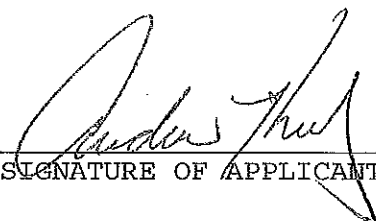
26. I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant, or I am an officer of the corporate applicant, and that I am authorized to sign the application for the corporation, or that I am a general partner of the partnership applicant.

Please note: If the applicant is a corporation, an authorized corporate officer must sign this section. If applicant is a partnership, a general partner must sign this section.

Sworn and subscribed before me  
this 22 day of February, 2021

  
NOTARY PUBLIC



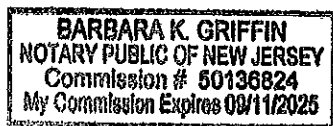
  
SIGNATURE OF APPLICANT

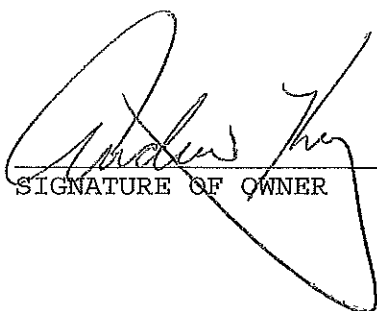
27. I certify that I am the owner of the property which is the subject of this application; that I have authorized the applicant to make this application; and that I agree to be bound by the application, the representations made, and the decision in the same matter as if I were the applicant.

Please note: If the applicant is a corporation, an authorized corporate officer must sign this section. If applicant is a partnership, a general partner must sign this section.

Sworn and subscribed before me  
this 22 day of February, 2021.

  
NOTARY PUBLIC



  
SIGNATURE OF OWNER

28. I understand that the sum of \$2,000.00 has been deposited in an escrow account (Builder's Trust Account). In accordance with the Ordinances of the Borough of Freehold, I further understand that the escrow account is established to cover the cost of professional services, including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within ten (10) days.

2-22-2021

DATE

  
\_\_\_\_\_  
SIGNATURE OF APPLICANT

# LAND USE DEPARTMENT SITE PLAN APPLICATION

  X   REQUEST FOR WAIVER

Date: 2-22-2021 Applicant or Agent:

*[Handwritten signature]*

BOROUGH OF FREEHOLD  
51 WEST MAIN ST.  
FREEHOLD, N.J. 07728

LAND USE DEPARTMENT TAX CERTIFICATION

Applicant's Name: Hi-Mount Realty Inc.

Trade Name:

Applicant's Address: 7 Broadway, Freehold, N.J. 07728

Owner's Name: Hi Mount Realty, Inc. C/O Kiely Properties

Address: 20-36 Hull Avenue, Freehold, N.J. 07728

Block: 96 Lot: 11

Physical Address: Hull Avenue

The taxes & assessments due **not including interest** for the above block and lot are:

<u>QUARTER</u>	FOR YEAR _____	FOR YEAR _____
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

Other Municipal charges as follows: \$ \_\_\_\_\_

The Water & Sewer charges **not including interest** for the above block and lot are:

<u>QUARTER</u>	FOR YEAR _____	FOR YEAR _____
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

The total amounts due as of this date for the above referenced property are as follows:

TAXES:	\$ _____
OTHER ASSESSMENTS:	_____
WATER & SEWER:	_____
TOTAL:	\$ _____

Date: \_\_\_\_\_ Tax Collector: \_\_\_\_\_

BOROUGH OF FREEHOLD  
51 WEST MAIN STREET  
FREEHOLD N.J. 07728

LAND USE DEPARTMENT EXHIBIT LISTING

PROJECT NAME:

Hi-Mount Realty, Inc

APPLICATION NUMBER:

\_\_\_\_\_

DATE OF HEARING:

\_\_\_\_\_

APPLICANT'S EXHIBITS

EXHIBIT NO.	DESCRIPTION OF EXHIBIT
① A-1	Cover letter to Dominica Napolitano
② A-2	6 sets of plans 24x36
③ A-3	12 copies of plans 11x17
④ A-4	Land Use Department Planning Bd App
A-5	Land Use Department App Check 1151
A-6	W-9
A-7	Check for \$350 for application fee
A-8	Check for \$2,000 for escrow fee
A-9	Disk of plans
⑤ A-10	Storm Water Management Report 11/1/01
A-11	
A-12	
A-13	
A-14	

BOARD EXHIBITS

(To be completed by the Borough)

EXHIBIT NO.	DESCRIPTION OF EXHIBIT
B-1	
B-2	
B-3	
B-4	
B-5	
B-6	
B-7	
B-8	

BOROUGH OF FREEHOLD  
51 WEST MAIN ST.  
FREEHOLD N.J. 07728

LAND USE DEPARTMENT APPLICATION WITNESS LIST

PROJECT NAME: Hi-Mount Realty Inc.

APPLICATION NUMBER: \_\_\_\_\_

DATE OF HEARING: \_\_\_\_\_

1. Name: \_\_\_\_\_

Field of Expertise: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

2. Name: John J. Ploskonka

Field of Expertise: Professional Engineer and Professional Planner

Address: 123 Route 33, Suite 204, Manalapan, N.J. 07726

Telephone No. 732-792-2750 Fax No. 732-792-2740

3. Name: \_\_\_\_\_

Field of Expertise: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

4. Name: \_\_\_\_\_

Field of Expertise: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_



## SITE PLAN CHECKLIST - PRELIMINARY APPROVAL

NAME OF APPLICANT: Hi-Mount Realty, Inc.

BLOCK: 96 \_\_\_\_\_ LOT: 11 \_\_\_\_\_

TRADING AS: \_\_\_\_\_

SITE ADDRESS: 20-36 Hull Avenue, Freehold Borough \_\_\_\_\_

INSTRUCTIONS: The applicant is to check off each item with which he has complied. If he believes the item is not applicable, then he should enter "N.A." For those items not complied with, there must be a letter seeking a waiver and the reasons for granting the waiver.

	<u>Information Provided</u>	<u>Staff Review</u>
1. Name, address, and title of person preparing site plan.	X _____	_____
2. Name and address of applicant.	X _____	_____
2. Name and address of owner of the land.	X _____	_____
4. The municipal tax map lot and block numbers of the lot(s) shown on the site plan and the tax sheet number or numbers.	X _____	_____
5. Key Map.	X _____	_____
6. A date, scale and north arrow on each sheet of the site plan.	X _____	_____
7. The zoning district or districts in which the lot or lots are located.	X _____	_____
8. If the site plan includes more than one sheet, each sheet shall be numbered and titled.	_____	_____
9. The location of all existing watercourses, wood areas, easements, right-of-ways, streets, roads, highways, freeways, railroads, canals, rivers, buildings, structures, or any other feature if such feature has an effect upon the said property.	_____	_____
10. The location of all existing and proposed landscaped areas and all existing trees over six inch caliper.	X _____	_____
11. The location, use, finished grade level and ground area of each existing and proposed building, structure, or any other land use, including all setback dimensions.		

12. The location, names and widths of all existing and proposed streets (including cross sections and profiles) abutting the lot or lots in question and within 200 ft. of said lot.

X\_\_\_\_\_

BLOCK \_\_\_\_\_96\_\_\_\_\_ LOT 11\_\_\_\_\_

Information  
Provided

Staff  
Review

13. The location, type and size of all existing and proposed curbs, sidewalks, driveways, fences, retaining walls, parking space areas and the layout thereof and all off-street loading areas, together with the dimensions of all the foregoing.
14. The capacity of proposed off-street parking areas and location of all off-street parking spaces (including handicapped spaces).
15. The location and size of proposed loading berths.
16. The location and treatment of existing and proposed entrances and exits to public rights-of ways, including the possible utilization of traffic signals, channelization, acceleration/ deceleration lanes, additional width and any other device necessary to traffic safety and/or convenience.
17. The location, size and nature of all existing and proposed rights-of-ways, easement and other encumbrances which may affect the lot or lots in question, and the location, size, and description of any lands to be dedicated to the municipality or the County of Monmouth.
18. Description of interior traffic circulation.
19. The location, type, and size of all exterior lighting of parking, loading and driveway areas.
20. The location and identification of proposed open spaces, parks, or other recreation areas.
21. The location and design of buffer areas and screening devices to be maintained.
22. Existing topography based upon New Jersey Geodetic Control Survey datum and proposed grading both with a maximum of two foot contour levels.
23. The location type and size of all existing and proposed catch basins, storm drainage facilities and utilities, plus all required design data supporting the adequacy of the existing or proposed facility to handle future storm flows (design calculations for a 25-year storm).

X\_\_\_\_\_

X\_\_\_\_\_

\_\_\_\_\_

X\_\_\_\_\_

\_\_\_\_\_

X\_\_\_\_\_

X\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

X\_\_\_\_\_

X\_\_\_\_\_

- BLOCK 96 LOT 11

Staff  
Review

- [illegible]

34. Signature block for Chairperson, Secretary, and Borough Engineer and signature block for County Planning Board if applicable.

PLEASE NOTE: Underneath the title of engineer, there should be listed "William T. Wentzien, P.E., New Jersey License No. 27799".

35. If determined to be a "major" site plan, the names of owners of record of adjacent property within 200 ft.

PREPARED BY:

*Barbara M. Kupper*

DATE: 2-22-2021

OWNER/AGENTS APPROVED:

DATE: \_\_\_\_\_

REVIEWED BY:

DATE: \_\_\_\_\_

NAME OF APPLICANT: Hi-Mount Realty Inc.

BLOCK 96 LOT 11

ADDRESS: 20-36 Hull Ave. Freehold Borough, N.J. 07728

INSTRUCTIONS: The applicant is to estimate his required fees by filling in the first column. Two (2) checks should be provided with the application: one for application fees (Schedule A), and a second for escrow fees (Schedule B). Schedule A fees are non-refundable. Schedule B fees are used to offset the costs of professional reviews and inspections as permitted by law, and any remaining balance will be refunded to the Applicant upon completion of the project, or the withdrawal/denial of the project.

For major subdivisions and site plans, the final application and approval fee can be paid after preliminary approval, if desired. Inspection fees must be paid prior to the start of construction.

SCHEDULE A: NON-REFUNDABLE FEES

BLOCK 96 LOT 11

	<u>Fee</u>	<u>Applicant Estimate</u>	<u>Staff Review</u>
a. Publication of Notice of Any Decision	\$ 50.00	\$50	_____
b. List of Property Owners Within 200 ft. \$0.25 per name, or \$10.00, whichever is greater.			

c. **Minor Subdivision Approval:**

- |                         |    |        |       |       |
|-------------------------|----|--------|-------|-------|
| 1. Each Informal Review | \$ | 100.00 | _____ | _____ |
| 2. Application Fee      | \$ | 100.00 | _____ | _____ |
| 3. Plat Review Fee      | \$ | 200.00 | _____ | _____ |

d. **Major Subdivision Approval:**

- |                                |    |                  |       |       |
|--------------------------------|----|------------------|-------|-------|
| 1. Each informal Review        | \$ | 100.00           | _____ | _____ |
| 2. Preliminary Application Fee | \$ | 100.00 +         | _____ | _____ |
|                                |    | \$200.00 per lot | _____ | _____ |
| 3. Final Plat Application Fee  | \$ | 100.00 +         | _____ | _____ |
|                                |    | \$100.00 per lot | _____ | _____ |

e. **Minor Site Plan Approval: (Less than 2,000 sq. ft. of building area, and five or fewer parking spaces):**

- |                           |    |        |       |       |
|---------------------------|----|--------|-------|-------|
| 1. Each Informal Review   |    | No Fee | _____ | _____ |
| 2. Application Fee        | \$ | 100.00 | _____ | _____ |
| 3. Preliminary Review Fee | \$ | 200.00 | _____ | _____ |
| 4. Final Review Fee       | \$ | 200.00 | \$200 | _____ |

f. **Waiver of Site Plan Detail Request**

\$ 250.00

g. **Major Site Plan Approval:**

(2,000 or more sq. ft. of building area and/or more than five parking spaces):

- |                                      |    |        |       |       |
|--------------------------------------|----|--------|-------|-------|
| 1. Each Informal Review              | \$ | 100.00 | _____ | _____ |
| 2. Preliminary Application Fee       | \$ | 100.00 | _____ | _____ |
| 3. Preliminary Approval Review Fees: |    |        |       |       |

BLOCK \_\_\_\_\_ LOT \_\_\_\_\_

a. **Residential - The sum of:**

- |  |    |             |       |       |
|--|----|-------------|-------|-------|
| I. For each new dwelling unit  | \$ | 50.00       | _____ | _____ |
| II. For each remodeled, reconstructed, refurbished or rehab dwelling unit      | \$ | 30.00       | _____ | _____ |
| III. For each new or additional parking space:                                 |    |             |       |       |
| a. First 100 spaces  | \$ | 25.00 ea.   | _____ | _____ |
| b. Over 100 spaces   | \$ | 20.00 ea.   | _____ | _____ |
| b. Other Uses  | \$ | 200.00 +    | _____ | _____ |
| (The sum of each of the following fees if applicable):                         |    |             |       |       |
| I. For each full 1,000 sq.ft. of affected lot area (See (O) below):            |    |             |       |       |
| a. First 50,000 sq.ft.   | \$ | 10/1,000 sf | _____ | _____ |
| b. Over 50,000 sq.ft.  | \$ | 5/1,000 sf  | _____ | _____ |
| II. For each full 1,000 sq. ft. proposed new gross floor area:                 |    |             |       |       |
| a. First 50,000 sq. ft.  | \$ | 50/1,000 sf | _____ | _____ |
| b. Over 50,000 sq.ft.  | \$ | 20/1,000 sf | _____ | _____ |
| III. For each proposed new or additional parking spaces:                       |    |             |       |       |
| a. First 100 spaces  | \$ | 20/sp       | _____ | _____ |
| b. Over 100 spaces   | \$ | 10/sp       | _____ | _____ |
| IV. For each 1,000 sq.ft. of remodeled existing gross floor area               | \$ | 10/1,000 sf | _____ | _____ |
| V. For each reconstructed, resurfaced or improved existing paved parking space | \$ | 10/1,000 sf | _____ | _____ |
| 4. Final Application Fee   | \$ | 200.00      | _____ | _____ |

5. Final Approval Review Fees -  
fifty percent (50%) of fees for  
preliminary approval set forth  
above.

h. **Variances:**

1. Appeals (N.J.S.A.40:550-70a):			
a. Single family residential uses	\$ 100.00	_____	_____
b. Other	\$ 200.00	_____	_____
2. Interpretation of the Land Use Ordinance or Map (N.J.S.A.40:55D-70b)	\$ 250.00	_____	_____
3. Hardship or Bulk Variance, (N.J.S.A.40:55D-70c):			
a. Single-family residential uses	\$ 200.00	_____	_____
b. Other	\$ 300.00	_____	_____
4. Use Variance (N.J.S.A.40:55D-70d)			
a. Proposed single-family residential use	\$ 250.00	_____	_____
b. Other Uses	\$ 500.00	_____	_____
i. Conditional Uses:	\$ 500.00	_____	_____

j. Public Hearing fee for those development applications requiring Notice of Public Hearing	\$ 100.00	\$100	_____
k. Change of Master Plan or Zone District Request	\$ 200.00	_____	_____

BLOCK 96 LOT 11

<u>Fee</u>	<u>Estimate</u>	<u>Review</u>	<u>Applicant</u>	<u>Staff</u>
1. Environmental Impact Statement (EIS):				
1. Required E.I.S.	\$ 500.00		_____	_____
2. For request of waiver of E.I.S.	\$ 200.00		_____	_____
m. Revised Plats: Any proposed revisions to a plat, including all supporting maps and documents previously approved by the Reviewing Board which approval is still in effect, shall require submission of revised plat and payment of fees in accordance with the following and with sufficient copies of the revised plans:				
1. Additional information or changes requested by the Reviewing Board or Borough Engineer	NO FEE		XX	XX
2. Minor changes which do not involve any additional building or parking or significant change in the design of the site or subdivision	\$ 50.00		_____	_____
2. Changes which involve additional buildings or parking or a signifi- cant change in the design of the site or subdivision, an application and application fee equal to one- half the fee required for the				

initial submission.

4. A change in use and/or major alteration of the design concepts of the plat shall be considered a new application.

n. **Request for Reapproval or Extensions of Time Where No Change is Required:**

1. Minor Subdivision - Reapproval Only	\$ 200.00	_____	_____
2. Major Subdivision and site plans	\$ 400.00	_____	_____
3. Other applications for development (Soil removal, etc.)	\$ 100.00	_____	_____

o. **Site Plan Charges Computation:**

In cases where only a portion of a parcel or site are to be involved in the proposed site plan, the charge shall be based upon an area extending twenty feet (20 ft.) outside the limits of all construction, including grading and landscaping, as well as other areas on the site the Borough Engineer believes are reasonably affected by the development application. The twenty feet (20 ft.) around the disturbed area shall not extend beyond the property lines. The Borough may still require reasonable improvements and upgrading to portions of the site not within the disturbed or affected area.

BLOCK \_\_96\_\_ LOT 11\_\_

	<u>Fee</u>	<u>Applicant Estimate</u>	<u>Staff Review</u>
p. Zoning Permits:	\$ 50.00	_____	_____
q. Sign Appeals	\$ 100.00	_____	_____
r. Review of Sales Map	\$ 450.00	_____	_____
S. Street Signs	Actual Cost	_____	_____
t. Review by Technical Review Committee prior to Formal Application	\$ 100.00/session	_____	_____
<b>TOTAL APPLICATION FEES:</b>		<b>\$ 350.00__</b>	_____

**SCHEDULE B: ESCROW FEES**

	<u>Fee</u>	<u>Escrow To Be Posted</u>	<u>Staff Review</u>
<b>RESIDENTIAL DEVELOPMENT:</b>			
Minor Subdivisions	\$ 1,500.00	_____	_____
Major Subdivisions:			
0 - 5 Units or Lots	2,500.00	_____	_____
6 - 25 Units or Lots	3,000.00	_____	_____
26 or More Units or Lots	7,000.00	_____	_____
<b>SITE PLAN APPLICATION NOT INVOLVING STRUCTURES, ACRES</b>			
0 - 3	5,000.00	_____	_____
3 +	8,000.00	_____	_____
<b>Site Plan Application Not Involving Structures - Total Floor Plan:</b>			
1,250 - 1,999 sq. ft.	2,000.00	\$2,000.00	
2,000 - 20,000 sq.ft.	4,000.00	_____	_____
20,000+ sq. ft.	8,500.00	_____	_____
<b>VARIANCE - USE/BULK</b>	2,500.00	\$	
Minimum Escrow for those Applications not governed by other Escrow accounts	1,500.00		
Interpretations/Sign Applications	1,500.00		
<b>Any action requiring a Written Resolution by the Reviewing Board:</b>			
Conditional Use	1,500.00		
<b>TOTAL ESCROW FEES:</b>		\$ 2,000.00	_____

NOTE: SEPARATE CHECKS ARE NEEDED FOR APPLICATION FEE AND ESCROW FEE.



OWNER/AGENTS APPROVED: \_\_\_\_\_ DATE:  
\_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE:  
\_\_\_\_\_

NAME OF APPLICANT: Hi-Mount Realty Inc.  
\_\_\_\_\_

BLOCK \_\_\_\_96\_\_\_\_ LOT 11\_\_\_\_\_

ADDRESS: 20-36 Hull Avenue, Freehold , N.J. 07701

VINCENT E. HALLERAN, JR.

ATTORNEY AT LAW  
56 WEST MAIN STREET  
FREEHOLD, NJ 07728

(732)-462-0800

Fax: (732) 431-3561

BOROUGH OF FREEHOLD  
PLANNING BOARD  
APPLICATION NO.

PLEASE TAKE NOTICE THAT Hi-Mount Realty Inc., owner of the property known as Block 96, Lot 11 on the Freehold Borough Tax Map, commonly known as 20-36 Hull Avenue, said property located in the A zone, has applied to the Freehold Borough Planning Board for approval with the layout to improve the parking lot with paving, entrance and landscaping and lighting.

The applicant will seek such other variances or waivers or other relief as the Board shall deem necessary and appropriate.

A public hearing on this application will be held remotely, by means of communication equipment. See attached communication with instructions from the Freehold Borough Planning Board at        pm on        2021 at which time members of the public may be heard.

A copy of the application and proposed layout are on file in the office of the Planning Board for public inspection during business hours.

Very truly yours,

Dated:

VINCENT E. HALLERAN JR.  
Attorney for applicant

LOCATION MAP  
1" = 200'



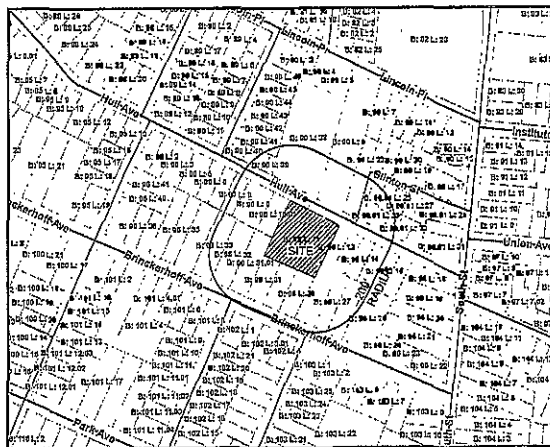
PROPERTY OWNERS WITHIN 200 FT.

Owner Name	Address	Block	Lot	Area (sq. ft.)	Owner Name	Address	Block	Lot	Area (sq. ft.)
1. HI-MOUNT REALTY c/o KIELY PROPERTIES	7 BROADWAY	96	11	44,138	2. [Name]	[Address]	[Block]	[Lot]	[Area]
3. [Name]	[Address]	[Block]	[Lot]	[Area]	4. [Name]	[Address]	[Block]	[Lot]	[Area]
5. [Name]	[Address]	[Block]	[Lot]	[Area]	6. [Name]	[Address]	[Block]	[Lot]	[Area]
7. [Name]	[Address]	[Block]	[Lot]	[Area]	8. [Name]	[Address]	[Block]	[Lot]	[Area]
9. [Name]	[Address]	[Block]	[Lot]	[Area]	10. [Name]	[Address]	[Block]	[Lot]	[Area]
11. [Name]	[Address]	[Block]	[Lot]	[Area]	12. [Name]	[Address]	[Block]	[Lot]	[Area]
13. [Name]	[Address]	[Block]	[Lot]	[Area]	14. [Name]	[Address]	[Block]	[Lot]	[Area]
15. [Name]	[Address]	[Block]	[Lot]	[Area]	16. [Name]	[Address]	[Block]	[Lot]	[Area]
17. [Name]	[Address]	[Block]	[Lot]	[Area]	18. [Name]	[Address]	[Block]	[Lot]	[Area]
19. [Name]	[Address]	[Block]	[Lot]	[Area]	20. [Name]	[Address]	[Block]	[Lot]	[Area]
21. [Name]	[Address]	[Block]	[Lot]	[Area]	22. [Name]	[Address]	[Block]	[Lot]	[Area]
23. [Name]	[Address]	[Block]	[Lot]	[Area]	24. [Name]	[Address]	[Block]	[Lot]	[Area]
25. [Name]	[Address]	[Block]	[Lot]	[Area]	26. [Name]	[Address]	[Block]	[Lot]	[Area]
27. [Name]	[Address]	[Block]	[Lot]	[Area]	28. [Name]	[Address]	[Block]	[Lot]	[Area]
29. [Name]	[Address]	[Block]	[Lot]	[Area]	30. [Name]	[Address]	[Block]	[Lot]	[Area]
31. [Name]	[Address]	[Block]	[Lot]	[Area]	32. [Name]	[Address]	[Block]	[Lot]	[Area]
33. [Name]	[Address]	[Block]	[Lot]	[Area]	34. [Name]	[Address]	[Block]	[Lot]	[Area]
35. [Name]	[Address]	[Block]	[Lot]	[Area]	36. [Name]	[Address]	[Block]	[Lot]	[Area]
37. [Name]	[Address]	[Block]	[Lot]	[Area]	38. [Name]	[Address]	[Block]	[Lot]	[Area]
39. [Name]	[Address]	[Block]	[Lot]	[Area]	40. [Name]	[Address]	[Block]	[Lot]	[Area]
41. [Name]	[Address]	[Block]	[Lot]	[Area]	42. [Name]	[Address]	[Block]	[Lot]	[Area]
43. [Name]	[Address]	[Block]	[Lot]	[Area]	44. [Name]	[Address]	[Block]	[Lot]	[Area]
45. [Name]	[Address]	[Block]	[Lot]	[Area]	46. [Name]	[Address]	[Block]	[Lot]	[Area]
47. [Name]	[Address]	[Block]	[Lot]	[Area]	48. [Name]	[Address]	[Block]	[Lot]	[Area]
49. [Name]	[Address]	[Block]	[Lot]	[Area]	50. [Name]	[Address]	[Block]	[Lot]	[Area]
51. [Name]	[Address]	[Block]	[Lot]	[Area]	52. [Name]	[Address]	[Block]	[Lot]	[Area]
53. [Name]	[Address]	[Block]	[Lot]	[Area]	54. [Name]	[Address]	[Block]	[Lot]	[Area]
55. [Name]	[Address]	[Block]	[Lot]	[Area]	56. [Name]	[Address]	[Block]	[Lot]	[Area]
57. [Name]	[Address]	[Block]	[Lot]	[Area]	58. [Name]	[Address]	[Block]	[Lot]	[Area]
59. [Name]	[Address]	[Block]	[Lot]	[Area]	60. [Name]	[Address]	[Block]	[Lot]	[Area]
61. [Name]	[Address]	[Block]	[Lot]	[Area]	62. [Name]	[Address]	[Block]	[Lot]	[Area]
63. [Name]	[Address]	[Block]	[Lot]	[Area]	64. [Name]	[Address]	[Block]	[Lot]	[Area]
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67. [Name]	[Address]	[Block]	[Lot]	[Area]	68. [Name]	[Address]	[Block]	[Lot]	[Area]
69. [Name]	[Address]	[Block]	[Lot]	[Area]	70. [Name]	[Address]	[Block]	[Lot]	[Area]
71. [Name]	[Address]	[Block]	[Lot]	[Area]	72. [Name]	[Address]	[Block]	[Lot]	[Area]
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93. [Name]	[Address]	[Block]	[Lot]	[Area]	94. [Name]	[Address]	[Block]	[Lot]	[Area]
95. [Name]	[Address]	[Block]	[Lot]	[Area]	96. [Name]	[Address]	[Block]	[Lot]	[Area]
97. [Name]	[Address]	[Block]	[Lot]	[Area]	98. [Name]	[Address]	[Block]	[Lot]	[Area]
99. [Name]	[Address]	[Block]	[Lot]	[Area]	100. [Name]	[Address]	[Block]	[Lot]	[Area]

Owner Name	Address	Block	Lot	Area (sq. ft.)	Owner Name	Address	Block	Lot	Area (sq. ft.)
1. HI-MOUNT REALTY c/o KIELY PROPERTIES	7 BROADWAY	96	11	44,138	2. [Name]	[Address]	[Block]	[Lot]	[Area]
3. [Name]	[Address]	[Block]	[Lot]	[Area]	4. [Name]	[Address]	[Block]	[Lot]	[Area]
5. [Name]	[Address]	[Block]	[Lot]	[Area]	6. [Name]	[Address]	[Block]	[Lot]	[Area]
7. [Name]	[Address]	[Block]	[Lot]	[Area]	8. [Name]	[Address]	[Block]	[Lot]	[Area]
9. [Name]	[Address]	[Block]	[Lot]	[Area]	10. [Name]	[Address]	[Block]	[Lot]	[Area]
11. [Name]	[Address]	[Block]	[Lot]	[Area]	12. [Name]	[Address]	[Block]	[Lot]	[Area]
13. [Name]	[Address]	[Block]	[Lot]	[Area]	14. [Name]	[Address]	[Block]	[Lot]	[Area]
15. [Name]	[Address]	[Block]	[Lot]	[Area]	16. [Name]	[Address]	[Block]	[Lot]	[Area]
17. [Name]	[Address]	[Block]	[Lot]	[Area]	18. [Name]	[Address]	[Block]	[Lot]	[Area]
19. [Name]	[Address]	[Block]	[Lot]	[Area]	20. [Name]	[Address]	[Block]	[Lot]	[Area]
21. [Name]	[Address]	[Block]	[Lot]	[Area]	22. [Name]	[Address]	[Block]	[Lot]	[Area]
23. [Name]	[Address]	[Block]	[Lot]	[Area]	24. [Name]	[Address]	[Block]	[Lot]	[Area]
25. [Name]	[Address]	[Block]	[Lot]	[Area]	26. [Name]	[Address]	[Block]	[Lot]	[Area]
27. [Name]	[Address]	[Block]	[Lot]	[Area]	28. [Name]	[Address]	[Block]	[Lot]	[Area]
29. [Name]	[Address]	[Block]	[Lot]	[Area]	30. [Name]	[Address]	[Block]	[Lot]	[Area]
31. [Name]	[Address]	[Block]	[Lot]	[Area]	32. [Name]	[Address]	[Block]	[Lot]	[Area]
33. [Name]	[Address]	[Block]	[Lot]	[Area]	34. [Name]	[Address]	[Block]	[Lot]	[Area]
35. [Name]	[Address]	[Block]	[Lot]	[Area]	36. [Name]	[Address]	[Block]	[Lot]	[Area]
37. [Name]	[Address]	[Block]	[Lot]	[Area]	38. [Name]	[Address]	[Block]	[Lot]	[Area]
39. [Name]	[Address]	[Block]	[Lot]	[Area]	40. [Name]	[Address]	[Block]	[Lot]	[Area]
41. [Name]	[Address]	[Block]	[Lot]	[Area]	42. [Name]	[Address]	[Block]	[Lot]	[Area]
43. [Name]	[Address]	[Block]	[Lot]	[Area]	44. [Name]	[Address]	[Block]	[Lot]	[Area]
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67. [Name]	[Address]	[Block]	[Lot]	[Area]	68. [Name]	[Address]	[Block]	[Lot]	[Area]
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71. [Name]	[Address]	[Block]	[Lot]	[Area]	72. [Name]	[Address]	[Block]	[Lot]	[Area]
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93. [Name]	[Address]	[Block]	[Lot]	[Area]	94. [Name]	[Address]	[Block]	[Lot]	[Area]
95. [Name]	[Address]	[Block]	[Lot]	[Area]	96. [Name]	[Address]	[Block]	[Lot]	[Area]
97. [Name]	[Address]	[Block]	[Lot]	[Area]	98. [Name]	[Address]	[Block]	[Lot]	[Area]
99. [Name]	[Address]	[Block]	[Lot]	[Area]	100. [Name]	[Address]	[Block]	[Lot]	[Area]

# PRELIMINARY AND FINAL SITE PLAN BLOCK 96 LOT 11

BOROUGH OF FREEHOLD, MONMOUTH COUNTY, N.J



KEY MAP  
1" = 200'

OWNER / APPLICANT

HI-MOUNT REALTY c/o KIELY PROPERTIES  
7 BROADWAY  
BOUROUGH OF FREEHOLD, NJ, 07728

APPROVED BY THE PLANNING BOARD OF THE BOROUGH  
OF FREEHOLD, MONMOUTH COUNTY, NEW JERSEY, AT  
A MEETING HELD ON

CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_  
SECRETARY \_\_\_\_\_ DATE \_\_\_\_\_  
ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

ZONING MAP  
N.T.S.



INDEX OF SHEETS

- 1 OF 7 COVER SHEET
- 2 OF 7 EXISTING CONDITIONS
- 3 OF 7 SITE PLAN
- 4 OF 7 GRADING & UTILITY PLAN
- 5 OF 7 LANDSCAPE AND LIGHTING PLAN
- 6 OF 7 SCS PLAN
- 7 OF 7 SCS DETAIL SHEET

## GENERAL INFORMATION

1. THE SUBJECT PROPERTY IS KNOWN AS LOT 11 IN BLOCK 96 AS SHOWN ON THE OFFICIAL TAX MAPS OF THE BOROUGH OF FREEHOLD, MONMOUTH COUNTY, NJ.
2. OUTBOUND SURVEY ENTITLED "BOUNDARY AND TOPOGRAPHIC SURVEY OF PROPERTY, LOTS 11 IN BLOCK 96" PREPARED BY CREST ENGINEERING ASSOCIATES, DATED 6-5-20.
3. PLANS ARE BASED ON:  
HORIZONTAL DATUM: NAD 1983  
VERTICAL DATUM: NAVD 1988
4. TOTAL LOT AREA: 44,138 S.F. = 1.01 AC.
5. THE SUBJECT PROPERTY IS LOCATED IN A ZONING DISTRICT.
6. THE APPLICANT PROPOSES TO PAVE THE EXISTING STONE PARKING AREA.

COVER SHEET Block 96 Lot 11 "HI-MOUNT REALTY c/o KIELY PROPERTIES"		DATE	12-04-20
20-36 HULL AVENUE Borough of Freehold, Monmouth County, New Jersey 07728		DATE	N/A
CONCEPT ENGINEERING CONSULTANTS, P.A. PROFESSIONAL ENGINEERS AND ARCHITECTS 20-36 HULL AVENUE FREEHOLD, NEW JERSEY 07728		DATE	12-04-20
JOHN J. PLOSKOWKA P.E. REGISTERED PROFESSIONAL ENGINEER		DATE	12-04-20
LEO A. KALIETA P.L.S. REGISTERED LAND SURVEYOR		DATE	12-04-20
32710.DWG		DATE	12-04-20
32710		DATE	12-04-20













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REPORT STOCKPILE PROTECTION

70 The following are the names of the persons who have been appointed to the various positions in the various departments of the Government of the State of New York, for the year 1900:

[illegible]

For the first time, the FBI has a nationwide network of informants in the U.S. who can help it track down fugitives. The network is the result of a new program called "Operation Informant," which was launched in 1981. The program is designed to help the FBI identify and locate fugitives who are hiding out in the U.S. The program is a part of the FBI's "Operation Informant" program, which is a part of the FBI's "Operation Informant" program.

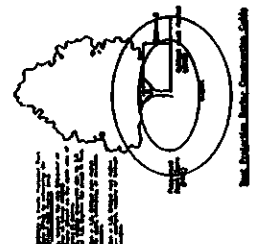
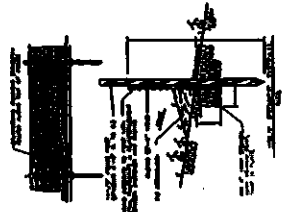
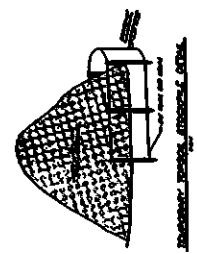
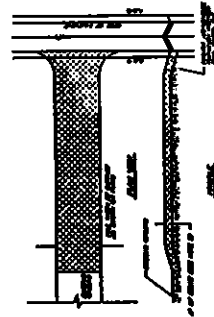
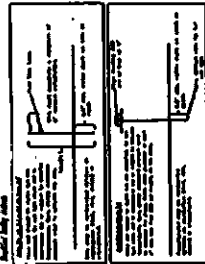
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 field for over 30 years.

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John J. Ploskonka, P.E., P.P.  
*President*

Bhaskar R. Halari, P.E.  
*V.P./Director of Engineering*

Leo A. Kalieta, P.L.S.

Dana A. Kelly, Esq.  
*Director of Operations*



**CONCEPT  
ENGINEERING  
CONSULTANTS, P.A.**

123 ROUTE 33 EAST  
SUITE #204  
MANALAPAN, NEW JERSEY 07726

Phone: (732) 792-2750

Fax: (732) 792-2740

## **STORMWATER MANAGEMENT REPORT**

**FOR**

**HI-MOUNT REALTY  
c/o KIELY PROPERTIES**

**BLOCK 96, LOT 11  
BOROUGH OF FREEHOLD  
MONMOUTH COUNTY, NEW JERSEY**

Dated: January 21, 2021

Prepared by:

John J. Ploskonka, P.E.  
N.J. License # 15511

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### 2.0 HYDROLOGICAL ANALYSIS: PRE-DEVELOPMENT & POST-DEVELOPMENT CONDITION

- 2.1 Hydrograph Return Period Recap
- 2.2 Hydrograph Summary Report: Return Period
- 2.3 Hydrograph Report:

### 3.0 CONCLUSION

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APPENDIX B – Recharge Calculations

APPENDIX C – Soil Log

## 1.0 INTRODUCTION

The proposed site is located on Hull ave in the Borough of Freehold, Monmouth County, N.J. The site consists of 1.01 acres and is also known as Block 96, Lot 11. The site is located in the A Zone.

The application proposes to pave the existing stone parking area to provide a stripped structured parking.

This report is prepared to analyze the stormwater management of this project and its impact on the site. The Rational Method is being utilized for calculating the peak flow for this small site.

We have provided a 60 lf of 24" perf. HDPE to recharge the increased runoff from the proposed change in surface of the parking area from stone to Paved. All the increased volume of runoff up to 25 years storm will be stored and recharged in to the ground.



# Hydrograph Return Period Recap

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2009 by Autodesk, Inc. v6.066

[illegible]

# Hydrograph Summary Report

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2009 by Autodesk, Inc. v6.066

Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to peak (min)	Hyd. volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Total strge used (cuft)	Hydrograph description
1	Rational	0.923	1	6	415	-----	-----	-----	Pre-Dev To Southwest
2	Rational	1.203	1	6	541	-----	-----	-----	Post-Dev to Southwest
32710.gpw					Return Period: 1 Year			Thursday, Jan 21, 2021	

# Hydrograph Report

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2009 by Autodesk, Inc. v6.066

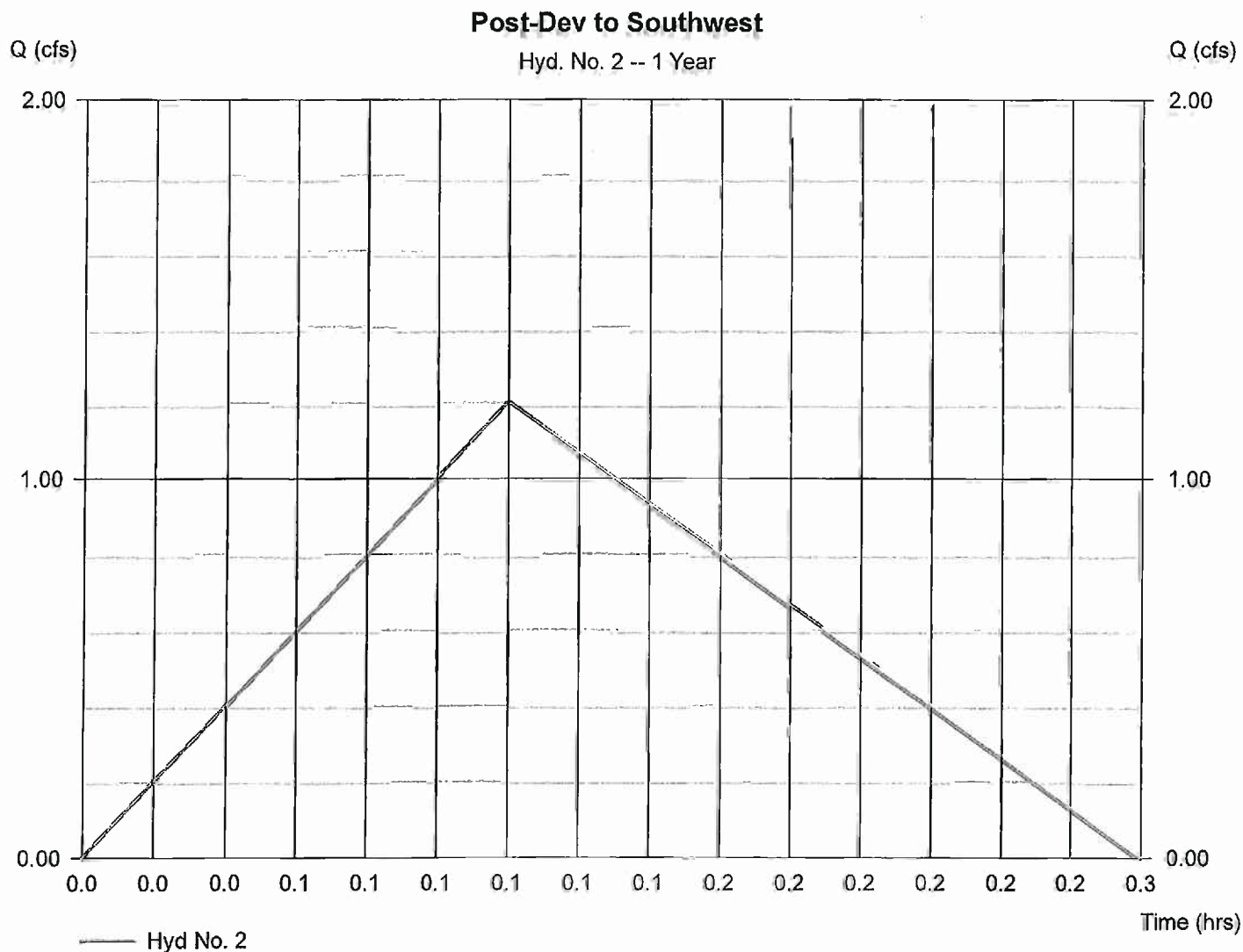
Thursday, Jan 21, 2021

## Hyd. No. 2

Post-Dev to Southwest

Hydrograph type = Rational  
Storm frequency = 1 yrs  
Time interval = 1 min  
Drainage area = 0.450 ac  
Intensity = 3.108 in/hr  
IDF Curve = NJDEP new.idf

Peak discharge = 1.203 cfs  
Time to peak = 0.10 hrs  
Hyd. volume = 541 cuft  
Runoff coeff. = 0.86  
Tc by User = 6.00 min  
Asc/Rec limb fact = 1/1.5



# Hydrograph Summary Report

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2009 by Autodesk, Inc. v6.066

Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to peak (min)	Hyd. volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Total strge used (cuft)	Hydrograph description
1	Rational	1.687	1	6	759	-----	-----	-----	Pre-Dev To Southwest
2	Rational	2.198	1	6	989	-----	-----	-----	Post-Dev to Southwest
32710.gpw					Return Period: 2 Year			Thursday, Jan 21, 2021	

# Hydrograph Report

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2009 by Autodesk, Inc. v6.066

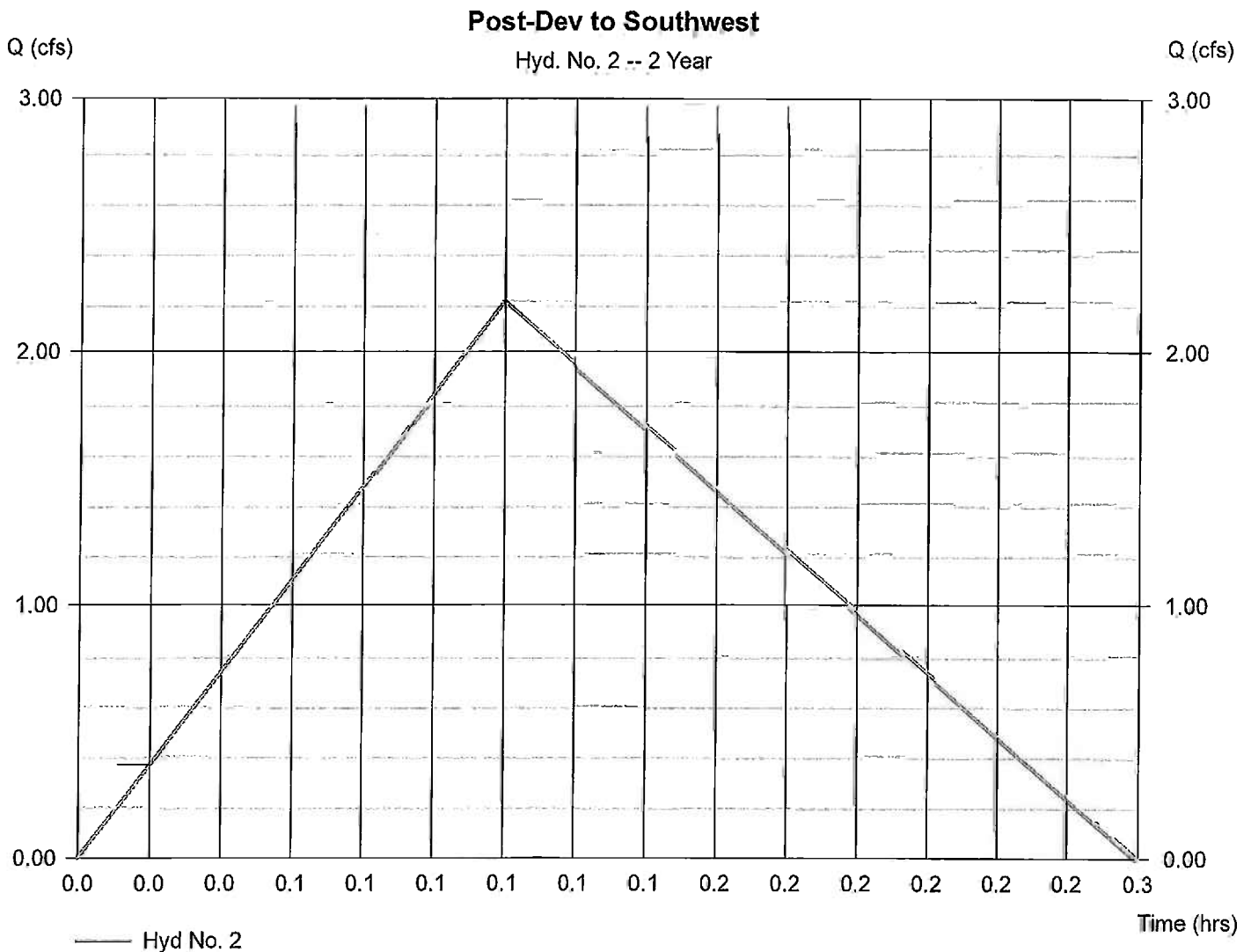
Thursday, Jan 21, 2021

## Hyd. No. 2

Post-Dev to Southwest

Hydrograph type = Rational  
Storm frequency = 2 yrs  
Time interval = 1 min  
Drainage area = 0.450 ac  
Intensity = 5.680 in/hr  
IDF Curve = NJDEP new.idf

Peak discharge = 2.198 cfs  
Time to peak = 0.10 hrs  
Hyd. volume = 989 cuft  
Runoff coeff. = 0.86  
Tc by User = 6.00 min  
Asc/Rec limb fact = 1/1.5



# Hydrograph Summary Report

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2009 by Autodesk, Inc. v6.066

Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to peak (min)	Hyd. volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Total strge used (cuft)	Hydrograph description
1	Rational	2.040	1	6	918	-----	-----	-----	Pre-Dev To Southwest
2	Rational	2.658	1	6	1,196	-----	-----	-----	Post-Dev to Southwest
32710.gpw					Return Period: 10 Year			Thursday, Jan 21, 2021	

# Hydrograph Report

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2009 by Autodesk, Inc. v6.066

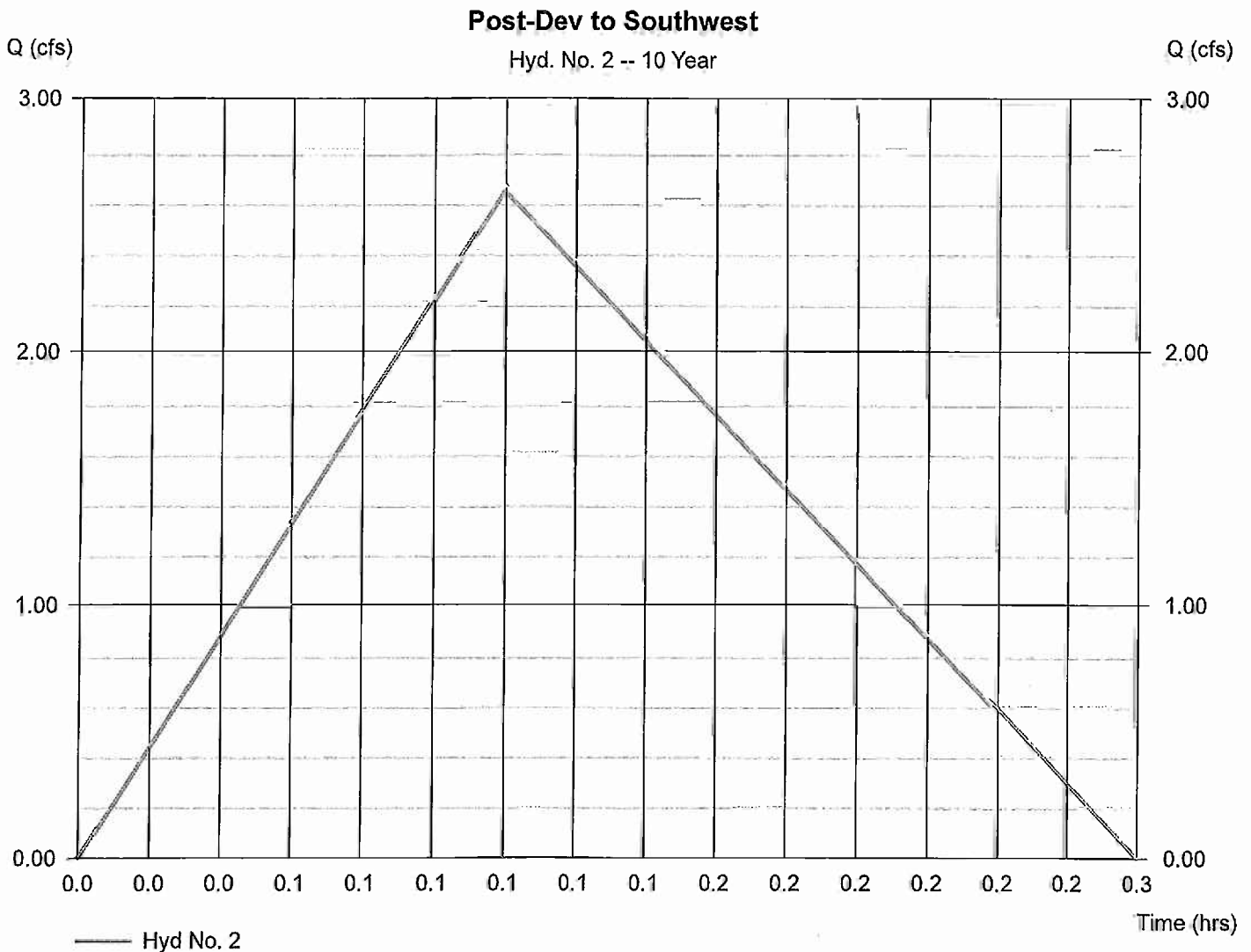
Thursday, Jan 21, 2021

## Hyd. No. 2

Post-Dev to Southwest

Hydrograph type = Rational  
Storm frequency = 10 yrs  
Time interval = 1 min  
Drainage area = 0.450 ac  
Intensity = 6.867 in/hr  
IDF Curve = NJDEP new.idf

Peak discharge = 2.658 cfs  
Time to peak = 0.10 hrs  
Hyd. volume = 1,196 cuft  
Runoff coeff. = 0.86  
Tc by User = 6.00 min  
Asc/Rec limb fact = 1/1.5



# Hydrograph Summary Report

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2009 by Autodesk, Inc. v6.066

Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to peak (min)	Hyd. volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Total strge used (cuft)	Hydrograph description
1	Rational	2.322	1	6	1,045	----	-----	-----	Pre-Dev To Southwest
2	Rational	3.026	1	6	1,362	----	-----	-----	Post-Dev to Southwest
32710.gpw					Return Period: 25 Year			Thursday, Jan 21, 2021	



# Hydrograph Report

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2009 by Autodesk, Inc. v6.066

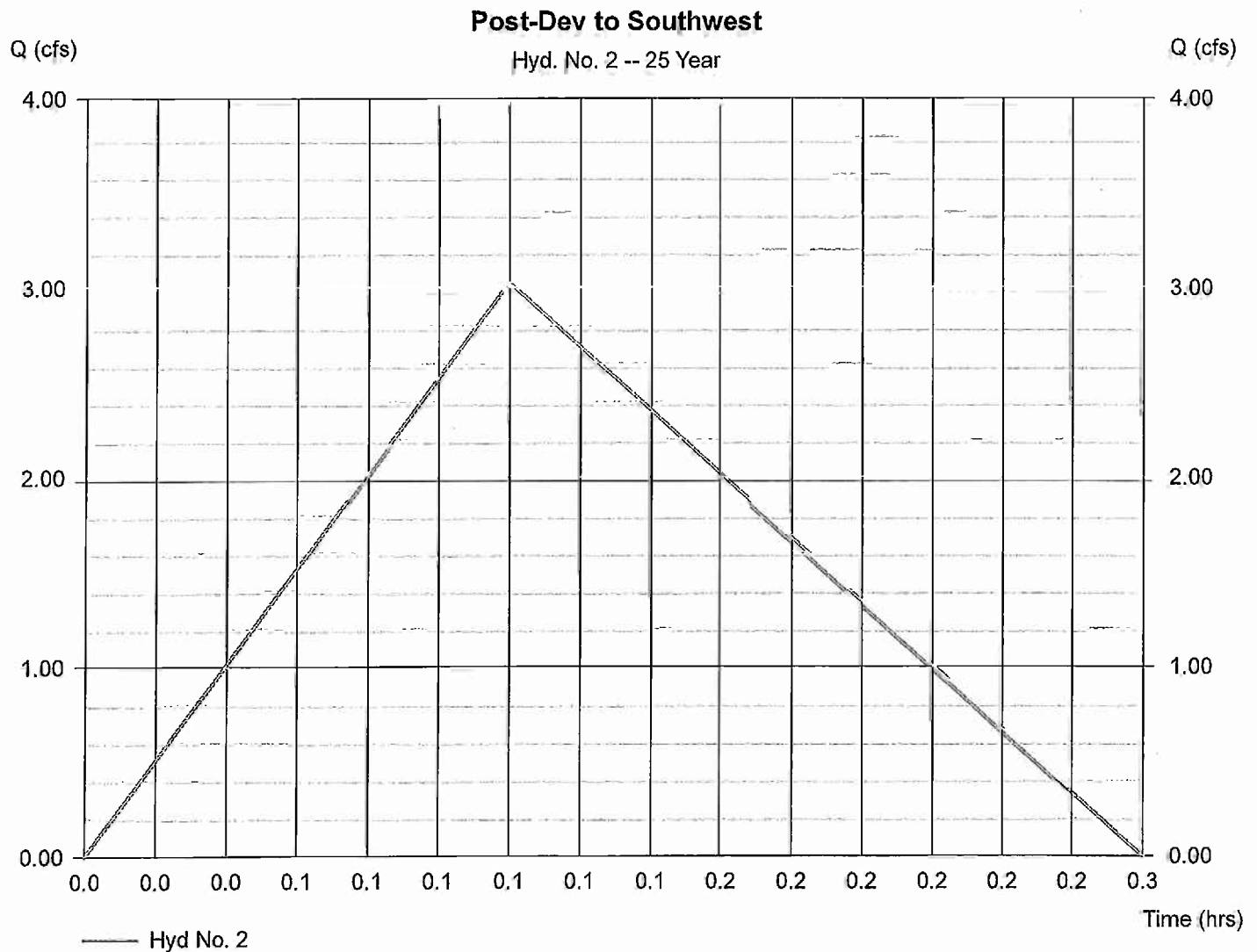
Thursday, Jan 21, 2021

## Hyd. No. 2

Post-Dev to Southwest

Hydrograph type = Rational  
Storm frequency = 25 yrs  
Time interval = 1 min  
Drainage area = 0.450 ac  
Intensity = 7.819 in/hr  
IDF Curve = NJDEP new.idf

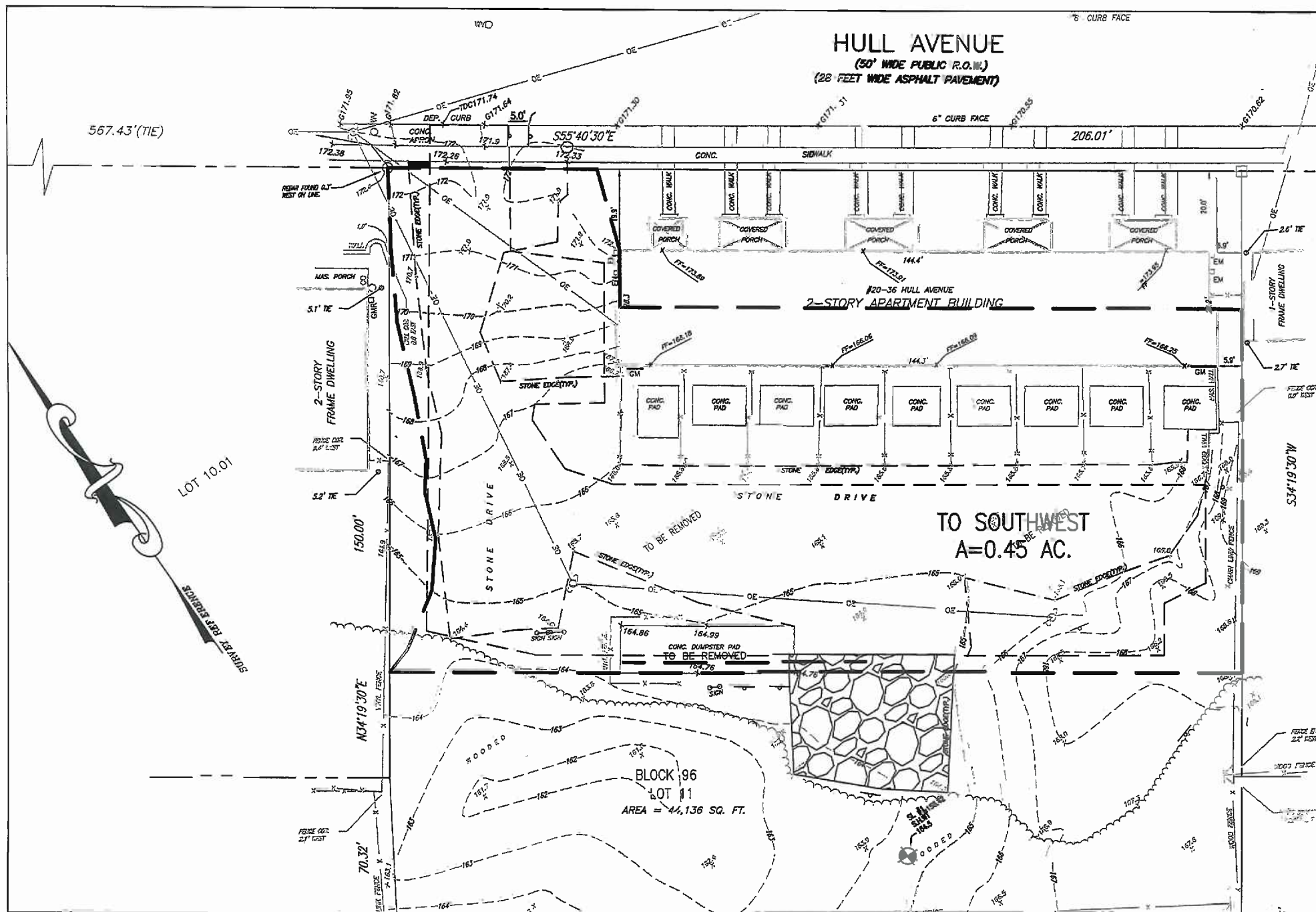
Peak discharge = 3.026 cfs  
Time to peak = 0.10 hrs  
Hyd. volume = 1,362 cuft  
Runoff coeff. = 0.86  
Tc by User = 6.00 min  
Asc/Rec limb fact = 1/1.5



## **2.0 CONCLUSION**

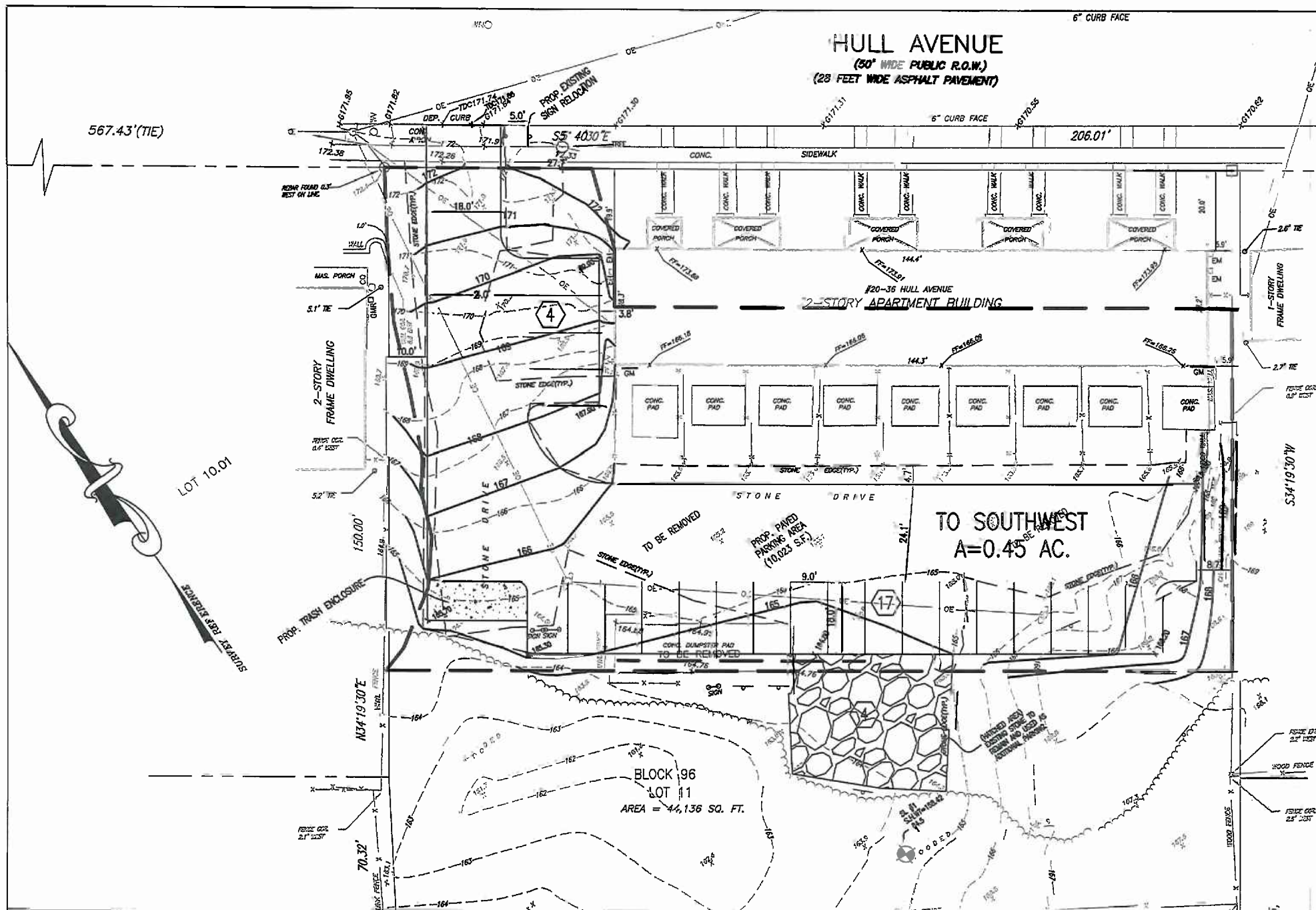
As outlined in the previous sections of this report, the proposed design calls changing the existing stone parking area in to paved surface. Since the site will have less than 0.25 acres of impervious coverage and less than one acres of disturbance, this site will be exempted from the current NJDEP storm water regulation. The provided underground storage and recharge will reduce the peak flow from the proposed improvements. The proposed design will not create any adverse impact on the adjoining or downstream properties.

**APPENDIX A – Pre and Post Development Drainage Area  
Map and Runoff Co-efficient Calculation.**



PRE-DEVELOPMENT DRAINAGE AREA MAP

SCALE : 1"=30'



POST-DEVELOPMENT DRAINAGE AREA MAP

SCALE : 1"=30'

# Weighted "C"

Structure Number	Weighted "C"	Drainage Area (ac.)	Tc	Impervious Area (ac.)	Stone Area	Pervious Area (ac.)	
To South west	0.66	0.450	6.00	0.130	0.200	0.120	
							Runoff Co-efficient for impervious area= 0.99
							Runoff Co-efficient for pervious area= 0.25
							Runoff Co-efficient for stone area= 0.7
							Adjustment Factor For Runoff Coefficient= 1
Total=		0.45		0.13		0.12	
To Southwest	0.86	0.450	6.00	0.360	0.020	0.070	
To SE Corner	0.29	1.20	20.00	0.040	0.040	1.120	
		1.65		0.40		1.19	

## **APPENDIX B – Underground pipe capacity Calculations**

**Recharge Volume Calculation**

Pipe Dia	2.00
Pipe Area	3.14

**Stone Bed**

Width	3.00
Height	3.00
Area	9.00

Net stone	5.86
Voids (40% )	2.34

Total Area of Storage / lf	5.48
----------------------------	------

Total Required Vol for Recharge	325.00
---------------------------------	--------

Required Length of pipe	59.26
-------------------------	-------



## **APPENDIX C – Soil Log**

**Inspection Services of North America, Inc.**

**Environmental Consultants**

414 Euclid Ave.  
Loch Arbour  
N.J. 07711

Phone-732-222-1634  
E-mail isnainc@comcast.net

**PROFILE PIT REPORT**

**Block 96 Lot 11, Hull Ave., Freehold Borough, N.J.**

**Date: January 14, 2021**

**PROFILE PIT**

0"-8" =LEAF LITTER, TOP SOIL, ROOTS

8"-73" =DK YELLOWISH BRN, SANDY CLAY LOAM, SUBANGULAR BLOCKY, MODERATE, FRIABLE, 15% IRONSTONE FRAGMENTS

73"-82" =DK YELLOWISH BRN, SANDY CLAY LOAM, SUBANGULAR BLOCKY, MODERATE, FRIABLE, 15% IRONSTONE FRAGMENTS, MOTTLED OLIVE, MANY, CRS, DISTINCT

82"-120" =REDDISH YELLOW, CLAY LOAM, SUBANGULAR BLOCKY, STICKY, 30% IRONSTONE FRAGMENTS, MOTTLED LGHT GREY, MANY, CRS, PROMINENT

**WATER TABLE:**

- 1) SEEPAGE= NONE
- 2) MOTTLING= 73 INCHES
- 3) SWHT= 73 INCHES

**SAMPLE TAKEN 8"-73" = K-3**

**END OF REPORT**

**William McBride  
N.J. Health Officer  
N.J. Lic. A-351**

BOROUGH OF FREEHOLD  
51 WEST MAIN ST.  
FREEHOLD, N.J. 07728

LAND USE DEPARTMENT TAX CERTIFICATION

Applicant's Name: Hi-Mount Realty Inc.

Trade Name:

Applicant's Address: 7 Broadway, Freehold, N.J. 07728

Owner's Name: Hi Mount Realty, Inc. C/O Kiely Properties

Address: 20-36 Hull Avenue, Freehold, N.J. 07728

Block: 96 Lot: 11

Physical Address: Hull Avenue

The taxes & assessments due **not including interest** for the above block and lot are:

<u>QUARTER</u>	FOR YEAR <u>2021</u>	FOR YEAR _____
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

Other Municipal charges as follows: \$ \_\_\_\_\_

The Water & Sewer charges **not including interest** for the above block and lot are:

<u>QUARTER</u>	FOR YEAR <u>2021</u>	FOR YEAR _____
1.	<u>\$ accts all current until 3/24/21</u>	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

The total amounts due as of this date for the above referenced property are as follows:

TAXES:	\$ <u>0</u>
OTHER ASSESSMENTS:	_____
WATER & SEWER:	<u>0</u>
TOTAL:	\$ _____

Date: 2/25/21

Tax Collector: Pamela Berg



1315.002.083  
April 19, 2021

Dominica Napolitano, Secretary  
Borough of Freehold Planning Board  
51 West Main Street  
Freehold, NJ 07728

**RE: COMPLETENESS REVIEW**  
**HI-MOUNT: 20-36 HULL AVENUE**  
**SITE PLAN**  
**BLOCK 96, LOT 11**  
**BOROUGH OF FREEHOLD, MONMOUTH COUNTY, NEW JERSEY**

Dear Ms. Napolitano:

Please be advised that I am in receipt of an application and supporting materials information for the above entitled matter, including the following:

1. Land Use Application Checklist, dated February 9, 2021.
2. Planning Board Application Form, dated February 24, 2021.
3. Site Plan Application, dated February 22, 2021.
4. Site Plan Checklist, dated February 22, 2021.
5. Tax Certification, dated February 25, 2021.
6. Exhibit Listing, no date.
7. Witness List, no date.
7. Plans entitled 'Preliminary & Final Site Plan, Block 96, Lot 11, Borough of Freehold, Monmouth County, NJ', prepared by Concept Engineering Consultants, P.A., consisting of seven (7) sheets, dated December 4, 2020. Sheets 1-4, 6-7 revised to January 18, 2021.
8. Report entitled 'Stormwater Management Report, for Hi-Mount Realty, c/o Kiely Properties, Block 96, Lot 11, Borough of Freehold, Monmouth County, New Jersey', prepared by Concept Engineering Consultants, P.A., dated January 21, 2021.
9. Twelve (12) photos of Existing Site, no date.

The subject of this application is certain lands known as Block 96, Lot 11, located at 20-36 Hull Avenue. The site is located in the **A Apartment Residential Zone**, of the Borough. The total area of the subject property is 44,136 square feet.

### Existing

1. Existing building, containing 9 apartments, fronting along Hull Avenue.
2. The building is 2 stories as it faces Hull Avenue, with walk out basements below, along the rear.
3. Along the rear of the building, behind each unit, are separate concrete pad areas, separated by white fencing between each area.
4. Access is by a stone driveway off Hull Avenue, on the westerly side of the site.
5. The stone driveway connects to a stone parking area located to the rear of the building. Parking spaces are not delineated. By scale on the plans, the site may accommodate approximately 12 vehicles.
6. Along the rear portion of the gravel area, there is a concrete pad, a portion of which accommodates a refuse storage area. The refuse storage has solid fencing on 3 sides, without a gate.
7. The balance of the lot, between the stone parking and the rear lot line is wooded. By scale on the plans, the depth of the wooded area ranges between 60 and 100 feet.

### Proposed

1. The plans indicate the existing building, and rear patio areas to remain.
2. Replace the existing stone driveway with a paved access driveway, in approximately the same location.
3. Replace the existing rear stone area with a paved asphalt parking area.
4. The Site Plans delineate 17 proposed stripped parking spaces.
5. The Site Plans further indicate 4 spaces in a small portion of existing stone area to remain, being immediately behind proposed paved parking spaces. Means of access to the noted 4 spaces are not indicated.
6. Provide a new refuse enclosure area, to replace the existing refuse area being removed.

The applicant has requested **Final Site Plan Approval**.

The documents submitted have been reviewed for the purposes of determining the Administrative Completeness of the application pursuant to N.J.S.A. 40:55-D-10.3, *The Municipal Land Use Law*, and in accordance with Title 16 of the *Code of the Borough of Freehold*.

**Application Fees**

The following fees have been posted with the Borough in accordance with Title 16 with respect to this matter:

- a. Application Filing Fees               \$350.00
- b. Escrow Deposit                         \$2,000.00

**Administrative Completeness Determination**

As regards the Land Use Application the following is noted:

Application Checklist Item #1: Zoning Certificate. A Zoning Certificate was not provided. We do note Garden and Mid-Rise apartments are a permitted principal use in the A Apartment District.

Application Checklist Item #9: The affidavit of service will need to be addressed at the Planning Board hearing.

Based upon the above it is recommended that the application be deemed **Complete.**

A copy of the Application Checklist is included herewith for the Planning Board file.

Should you have any questions or require additional information, please do not hesitate to contact our office.

Very truly yours,

**ABBINGTON ENGINEERING, LLC**



William T. Wentzien, P.E., P.P., C.M.E.  
Freehold Borough Planning Board Engineer

- c. Ronald Cucchiaro, Esq. Planning Board Attorney



1315.002.083

May 5, 2021

Dominica Napolitano, Secretary  
Freehold Borough Planning Board  
Borough of Freehold  
51 West Main Street  
Freehold, NJ 07728

**RE: HI-MOUNT: 20-36 HULL AVENUE  
ENGINEERING REVIEW  
SITE PLAN  
BLOCK 96, LOT 11  
BOROUGH OF FREEHOLD, MONMOUTH COUNTY, NEW JERSEY**

Dear Ms. Napolitano:

Please be advised that I have reviewed the referenced application consisting of the following:

1. Land Use Application Checklist, dated February 9, 2021.
2. Planning Board Application Form, dated February 24, 2021.
3. Site Plan Application, dated February 22, 2021.
4. Site Plan Checklist, dated February 22, 2021.
5. Tax Certification, dated February 25, 2021.
6. Exhibit Listing, no date.
7. Witness List, no date.
8. Plans entitled 'Preliminary & Final Site Plan, Block 96, Lot 11, Borough of Freehold, Monmouth County, NJ', prepared by Concept Engineering Consultants, P.A., consisting of seven (7) sheets, dated December 4, 2020. Sheets 1-4, 6-7 revised to January 18, 2021.
9. Report entitled 'Stormwater Management Report, for Hi-Mount Realty, c/o Kiely Properties, Block 96, Lot 11, Borough of Freehold, Monmouth County, New Jersey', prepared by Concept Engineering Consultants, P.A., dated January 21, 2021.
10. Twelve (12) photos of Existing Site, no date.

The subject of this application is certain lands known as Block 96, Lot 11, located at 20-36 Hull Avenue. The site is located in the **A Apartment Residential Zone**, of the Borough. The total area of the subject property is 44,136 square feet.

#### Existing

1. Existing building, containing 9 apartments, fronting along Hull Avenue.
2. The building is 2 stories as it faces Hull Avenue, with walk out basements below, along the rear.
3. Along the rear of the building, behind each unit, are separate concrete pad areas, separated by white fencing between each area.
4. Access is by a stone driveway off Hull Avenue, on the westerly side of the site.
5. The stone driveway connects to a stone parking area located to the rear of the building. Parking spaces are not delineated. By scale on the plans, the site may accommodate approximately 12 vehicles.
6. Along the rear portion of the gravel area, there is a concrete pad, a portion of which accommodates a refuse storage area. The refuse storage has solid fencing on 3 sides, without a gate.
7. The balance of the lot, between the stone parking and the rear lot line is wooded. By scale on the plans, the depth of the wooded area ranges between 60 and 100 feet.

#### Proposed

1. The plans indicate the existing building, and rear patio areas to remain.
2. Replace the existing stone driveway with a paved access driveway, in approximately the same location.
3. Replace the existing rear stone area with a paved asphalt parking area.
4. The Site Plans delineate 21 proposed striped parking spaces.
5. The Site Plans further indicate 4 spaces in a small portion of existing stone area to remain, being immediately behind proposed paved parking spaces. Means of access to the noted 4 spaces are not indicated.
6. Provide a new refuse enclosure area, to replace the existing refuse area being removed.

The applicant has requested **Final Site Plan Approval**.

The application materials have been reviewed for compliance with relevant ordinances and design standards found in *The Borough of Freehold Code*. Based upon my review, the following information is furnished to assist board members in their deliberation of this matter.



**ZONING**

1. Per §18.32.020 Garden and Mid-rise Apartments are permitted principal uses in the A-Apartment District.
2. The applicant should provide a review of what is proposed on the overall site.
3. Per §18.32.040 the following is a summary of the Zoning Requirements of the A Apartment District as related to this application.

Item	Required	Existing	Proposed
Minimum Distance between buildings	15 FT	N/A	N/A
Driveways-Minimum 120 ft from a major arterial street or a heavily traveled intersection	120 FT	>120 FT	>120 FT
Maximum Building Height	75 FT	<75 FT	<75 FT

**PARKING SPACES/LOADING**

1. The Site Plans indicate effective paved parking spaces for 21 vehicles. The plans further indicate an existing stone area behind the row of 17 parking spaces to be used for 4 additional parking spaces.
2. Per §18.73.010.A.1, for apartments, parking is to be provided at the rate of one and one-half parking spaces per dwelling unit. For the 9 apartment units, **per Borough Code, the required number of parking spaces is 14.**
3. Per §5:21-4.14, Table 4.4, of the New Jersey Residential Site Improvement Standards (RSIS), for 2 bedroom apartments, parking is to be provided at the rate of 2 parking spaces per dwelling unit. For the 9 apartment units, **per RSIS, the required number of parking spaces is 18.**
4. The site provides effective parking for 21 vehicles.
5. As previously noted, the plans also indicate an existing stone area directly behind the row of 17 parking spaces, for 4 vehicles. Means of access to this area is not provided. Reconfiguration of the site layout would be required to effectively utilize these spaces. The applicant should further provide testimony as to the need for these additional 4 spaces.

## FENCING

1. The Site Plans indicate existing chain link fencing along the easterly side lot line, and existing wood fencing within the southerly wooded portion of the site.
2. The plans do not indicate any changes or additions to fencing. This should be confirmed by the applicant.

## SITE

1. The application indicates a request for Final Site Plan. The application will require both Preliminary and Final Site Plan approval.
2. The Site Plan should clearly indicate the driveway apron as being proposed.
3. The plans indicate a 4.7 foot wide stone strip to remain between the edge of new pavement and the rear of the individual patio areas, which are delineated with an edging material that appears to be wooden railroad ties. Consideration may wish to be given to improve this 4.7 foot strip as part of the overall improvements.
4. The plans indicate the removal of an existing refuse area, and provide for a new refuse area in the southwesterly corner of the proposed paved area. Details should be provided for the refuse enclosure area, including the perimeter and gate.
5. The applicant should indicate how emergency and refuse vehicles will circulate on-site.
6. No changes to the existing building are indicated. This should be confirmed by the applicant.
7. The plans indicate an existing overhead electric line coming into the site, with 2 utility poles. A site visit would indicate this has been removed. The plans should be updated accordingly.
8. The temporary stockpile detail on sheet 7 indicates the area to be seeded after stockpiling. The stockpile is located in the area of stone, indicated to remain. The inconsistency should be clarified.
9. The applicant should provide a copy of the Outbound Survey referenced in General Note #2, on sheet 3 of the plans.
10. Provide dimensions of the proposed refuse enclosure pad.

**PARKING/CIRCULATION**

1. The plans indicate a stone area, directly behind the row of 17 spaces, to remain as 'additional parking' for 4 spaces. The applicant should review how this will be utilized, as a vehicle would need to pass across several of the paved parking spaces.
2. Per §16.24.030.A.15 '...all off-street parking space shall be provided with curbing or the equivalent so that vehicles cannot drive onto required landscaped areas...'. No curbing is proposed, and a design waiver would be required.
3. With the incorporation of the proposed perforated pipe system to accept runoff flow, it is recommended that curbing be provided, as a minimum, along the edge of the 17 parking spaces. The curb grading should be provided so as to direct pavement runoff to the area of the stone trench. In this area, flush depressed curbing should be considered. The curbing will, in addition, help to prevent erosion of soil from pavement runoff.
4. Provide dimensioning of the paved aisle extension past the last parking space.
5. Provide dimensioning of the 4 parking spaces on the side of the building.
6. The pavement section detail should be revised to provide for: 2 inch top course, 4 inch bituminous stabilized base and 6 inches of dense graded aggregate.

**GRADING**

1. The site currently drains in a general southwesterly direction, toward the existing wooded area behind the parking area. The proposed grading pattern is shown to essentially follow existing patterns.
2. The limit of disturbance line shown on the soil erosion and sediment control plan does not match overall disturbed areas on the grading plans. The limit of disturbance should be adjusted.
3. Provide additional proposed grade elevations along all perimeter edges of proposed pavement.
4. Indicate the resulting pavement slope for the proposed driveway area.
5. Provide a note on the plans indicating the area of disturbance, and area of increased impervious pavement surface.

**DRAINAGE**

1. The plans indicate a proposed stone trench, with perforated pipe, along the rear of 7 of the parking spaces to handle the expected increase in stormwater flow for a 25 year storm frequency.
2. The plans indicate that approximately 20 feet of the stone trench will be located under the area of stone labeled for 'additional parking'. As previously noted vehicle access to this area is not provided. In addition, the area of stone trench should not be susceptible to vehicular traffic. Which an excess of required parking, consideration should be given for the removal of the approximately 40 ft by 30 ft stone area behind the 17 parking spaces.
3. As recommended above, additional grading should be provided to assure direct pavement runoff to the area of the stone trench.
4. The Stormwater Report should address conditions under a system failure of the stone trench.
5. A soil boring and percolation test should be provided in the area of the proposed stone trench, with perforated piping. The soil boring indicated is approximately 50 feet away.
6. The perimeter limits of the surrounding stone should be indicated for the trench on sheet 4.
7. Invert, and grade elevations, should be indicated at all corners of the proposed trench system. The perforated pipe detail indicates downward slopes to the trench.
8. The seasonal high water table elevation should also be clearly indicated.
9. The stormwater report should provide Pre-Development Hydrographs.
10. Appendix B of the stormwater report should be amended to further clarify how the required storage volume of 325 was determined. In addition, units for all values should be indicated.
11. The runoff coefficient calculation in Appendix A of the stormwater report should label the associated lines for existing and for proposed, and further clarify the steps used to obtain the result. In addition, the existing stone area should be considered as impervious coverage, with a runoff coefficient of 0.99.
12. Appendix A of the stormwater report should further clarify the use of one drainage area at the top portion, and 2 drainage areas at the lower portion.

**LANDSCAPE**

1. The applicant should review existing and proposed landscaping on the site with the Board.
2. The plans indicate 9 shade trees and 8 evergreen shrubs proposed.
3. It is recommended that supplemental evergreen landscaping be considered along the northwesterly side of the driveway by adjacent Lot 10.01, between the proposed shade trees.
4. It is recommended that additional landscape screening at the easterly end of the parking lot be considered, along adjacent Lot 12.
5. Recommend consideration for low shrubs at the driveway entrance.

**LIGHTING**

1. The applicant should review existing and proposed lighting with the Board.
2. The plans indicate 2 proposed lights, one at 18 ft height and one at 25 ft height.
3. There are no light poles shown to be proposed for the lighting design. The applicant should confirm that the lighting fixtures can be mounted on the structure, based upon the noted mounting heights.
4. There should be no spillage of lights onto adjacent properties. A point-by-point lighting grid plan should be provided demonstrating adequacy of lighting, and no light spillage onto adjacent properties.
5. A detail for a light fixture mounting arm should be provided.

**SOILS**

1. As noted above, a soil boring and percolation test should be provided in the area of the proposed stone trench, with perforated piping.

**SIGNS**

1. The documents received by our office do not indicate any proposed signage. This should be confirmed by the applicant.

**DETAILS**

1. Details should be provided for:
  - a. Refuse enclosure with gate
  - b. Amended pavement section for: 2 inch top course, 4 inch bituminous stabilized base and 6 inches of dense graded aggregate
  - c. Light Fixture Mounting Arm
  - d. Curbing

**CHECKLIST**

1. Checklist #4 (§16.24.020.C.4): The Tax Map sheet number should be provided on the Site Plan.
2. Checklist #6 (§16.24.020.C.6): A north arrow should be provided on the Landscape Plan, sheet 5.
3. Checklist #12 (§16.24.020.C.12): plans to indicate "the location, names and widths of all existing...streets (including cross sections and profiles) abutting...and within 200 feet of the lot". The Site Plans have provided sufficient information on Broadway to allow for review. Our office would have no objection to the granting of a waiver from this requirement.
4. Checklist Item #34, under engineer's signature block indicate 'William T. Wentzien, P.E., New Jersey License No. 27799'.

**WAIVERS**

Based upon my review of this matter, the following **Waivers** from the Code of the Borough of Freehold appear to exist and should be considered as part of the matter:

- a. **§16.24.020.C.12 Cross Sections-Profiles** plans to indicate "the location, names and widths of all existing...streets (including cross sections and profiles) abutting...and within 200 feet of the lot". Our office would have no objection to the granting of a waiver from this requirement.
- b. **§16.24.030.A.15 Curbing** '...all off-street parking space shall be provided with curbing or the equivalent so that vehicles cannot drive onto required landscaped areas...'. No curbing is proposed. Design waiver required.

**APPROVALS**

It is the applicant's responsibility to obtain all required approvals/permits from outside agencies. These may include, but not be limited to the following:

1. Monmouth County Planning Board
2. Freehold Soil Conservation District Certification

**PRE-CONSTRUCTION MEETING AND INSPECTIONS**

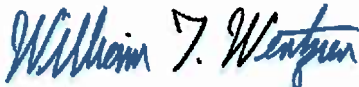
If approved and prior to the issuance of construction permit, the applicant shall contact the Freehold Borough engineer to schedule a preconstruction meeting, and a schedule of re-inspections during the construction process. All site improvements must be inspected during construction by the Freehold Borough engineer.

**RECOMMENDATIONS**

1. It is recommended that any action that may be taken by the Board is subject to the applicant adequately addressing all items noted within this report.

Should you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,  
**ABBINGTON ENGINEERING, LLC**



William T. Wentzien, P.E., P.P., C.M.E.  
Freehold Borough Planning Board Engineer

cc: Ronald Cucchiaro, Esq., Planning Board Attorney  
Matthew Young, Borough Zoning Officer  
Vincent E. Halleran, Jr., Esq., Applicant's Attorney  
John Ploskonka, PE, PP, Applicant's Engineer & Planner