

FREEHOLD BOROUGH PLANNING BOARD
MINUTES OF MAY 22, 2019

MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, May 22nd at 7:00 p.m. in the Council Room of the Municipal Building.

Chairman Reich 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.

ROLL CALL

PRESENT	MR. WILLIAM BARRICELLI
ABSENT	MS. MICHELE GIBSON
ABSENT	MR. GARRY JACKSON
PRESENT	MR. PAUL CEPPI
PRESENT	MR. JOSE GERONIMO
PRESENT	MR. MICHAEL McCABE
ABSENT	MR. ADAM REICH
PRESENT	COUNCILMAN GEORGE SCHNURR

Mr. Barricelli – Mr. Galvin would you like to introduce yourself;

Dennis Galvin, Esq. – Davison Eastman Munoz Lederman & Paone, PA; covering tonight for Ron Cucchiaro, Esq.; I cover ten (10) other Boards all over the state of New Jersey from Stafford Twp. up to Hoboken; I teach regularly for New Jersey Planning Officials, Rutgers and New Jersey Association of Zoning and Planning Administers; Like Ron, I also have a book for West Publishing; Ron and I go way back;

Mr. Barricelli – thank you for coming tonight;

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

Approval of Minutes from Planning Board Meeting April 24, 2019.

Mr. Barricelli - any questions or comments;

Councilman Schnurr made a motion to approve the minutes, Mr. McCabe seconded.

ROLL CALL

Yes	5	Barricelli, Ceppi, Geronimo McCabe & Councilman Schnurr
No	0	
Abstain	1	Jackson
Disqualified	0	
Absent	2	Gibson & Reich

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

Memorialize Resolution for Monmouth County Clerk's Building Capital Review Project
Application PB-CR-2019-005

Location: 33 Mechanic Street - Block 62 Lot 35

Zone: B-2 General Commercial

Request: Installation of Emergency Generator

Mr. Barricelli – any questions or comments;

Mr. Ceppi made a motion to approve the Resolution, Councilman Schnurr seconded.

ROLL CALL

Yes	5	Barricelli, Ceppi, Geronimo McCabe & Councilman Schnurr
No	0	
Abstain	1	Jackson
Disqualified	0	
Absent	2	Gibson & Reich

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

This application was carried from the meeting of April 24, 2019;

Application Number: PB-SD-2019-002

Applicant: OADDYB, LLC

Location: Hudson Street - Block 77 Lot 16 - Zone REC

Request: Minor Subdivision with Bulk Variance

Mr. Barricelli – Good evening Mr. Guinco;

Mr. Guinco – Good evening; This is a long awaited application; it affects the concrete plant over on Jackson Street in the Borough; this is a subdivision; that property is to be conveyed from the property owner to the County and a portion of it, the famous parking lot which was approved; Now this subdivision was prepared by Wayne Ingram, a licensed professional engineer and a surveyor which I will ask him to present testimony about it; before we start I would like to explain, the property is about 7.4 acres; .76 acres is being subdivided and that is the portion of the property that if you draw a straight line parallel to Hudson Street at what is the Easterly end of the parking lot that would be the subdivision line;

Interestingly there are two (2) warehouses on the Southerly side of the sight between the tracks existing and tracks there in 1970 that used to go to Matawan; those two (2) warehouses claim an access easement; we had disputes whether they are entitled to the easement but it ended up that they ultimately agreed after discussion with the County; the County agreed to give them an access easement that would run from the intersection from the intersection of Jackson and Mechanic straight back to there property; over the past few days, the buyer of the smaller portion on the property realized where the line was going straight across, he noted he need more access to gain for one of the buildings and

as you got the Southerly side of the sight, it would pull towards Hudson Street about 1,000 to 1,200 square feet; so Mr. Ingram was able to revise the plan, the County was able to review and approve and my client was able to approve; we are asking you to approve that amended plan with your permission I will call Mr. Ingram as an expert in engineering and surveying;

Dennis Galvin, Esq. – swore in Wayne J. Ingram E&LP , High Bridge, NJ

Mr. Galvin – to speed things up please list 3 Boards you have recently appeared before;

Wayne Ingram – Clinton Township; Clinton Town and Lebanon Township;

Mr. Barricelli – we accept;

Mr. Guinco – did you see the notice;

Mr. Galvin – notice accepted;

Mr. Guinco – Wayne you prepared the exhibits or plans submitted to the Board;

Mr. Ingram - Yes

Mr. Guinco - Please describe the location by lot and block and also by street address;

Mr. Ingram – This is the older plan not the amended plan;

Mr. Guinco – This was prepared by you or under your direction and you heard me address the Board about the modification you made in order to accommodate the Holland and McChesney successor and his interest and use of the property; and the exhibit reflects that modification;

Mr. Ingram – yes;

Mr. Guinco – ok lets begin the testimony;

Mr. Ingram – Block 77 Lot 16, located on multiple streets, Hudson Street, Mechanic Street, Jackson Street, First Street and Ford Avenue; many properties, streets and adjacent tracks with separate block and lots which are also in common ownership but not subject to application;

Mr. Guinco – identify Hudson Street for the Board;

Mr. Ingram - on the Westerly end of the property, Mechanic to the North, adjacent commercial property to the South and the rest is surrounding essentially by residential development;

Mr. Guinco – the applicant proposes to subdivide the property basically to subdivide from the sight the previously approved and developed parking lot that accesses Hudson Street;

Mr. Ingram – correct;

Mr. Guinco – could you demonstrate the proposed subdivision line;

Mr. Ingram – the Southwestern corner is the existing approved parking lot; there was an existing fence basically extends North to South down the extension of Jackson Street; our original plan was to keep the line straight, a clean way to cut the line but because the concerns to have an easement we instead are changing the angle to put along the existing fence; it has an extremely minor affect on the lot area, went from .79 acres to .76 acres; went over the impervious coverage a little bit it is no 63.4; but the impervious cover on the site is not changing on the application, it is just where it is getting allocated to;

The remaining lot 16 is going to be 65.8% but the reality of that is the land being conveyed to the County potentially and a lot of the structures and impervious have been removed since the plan began, it is already lower;

Mr. Guinco – we also require a couple of variances in association with the ordinance, particularly lot size; Ordinance section 18.68.040A requires one (1) acre, we are proposing .76 acres; could you advise the benefits to be derived of the subdivision for purposes separating the lots and creating the ability of the parking lot to come fully available without a lease agreement and the reaming lot for the County to use;

Mr. Ingram – by subdividing the lot along the fence line, we are essentially giving that use all the area not utilized anyway; to give it more for compliance takes away from the tract which has the future of potential benefits; it has no real value in extending that lot, it would not be utilized for that use, the benefit is in keeping with the larger lot; additionally that is the area to be the subject to a future easement agreement between the remaining parcel and adjacent owner; we think there is a benefit to keep the easement totally on a separate property that doesn't have to encumber or complicate the use of the parking lot;

Mr. Guinco – the ordinance has a lot coverage requirement of 25%, section 18.68.040C and we are proposing 63.4 with the revision; the third variance is lot coverage on the reaming tract which revision is 65.8; both are existing conditions, we are not changing the impervious on site, really whatever we do with the splitting of the lot there will be a variance associated with it; the important part is that it is not an increase of what it is today and ultimately there will be substantial decrease;

Mr. Guinco – have you been advised what the County plans to use this property for;

Mr. Ingram – not specifically;

Mr. Guinco – in your opinion, if the Board were to grant the variance requested, in order to permit this subdivision, would it upset the zoning scheme or plan of the Municipality;

Mr. Ingram – I don't believe so, I think we have existing non-conforming uses; we have a site plan approval on a lot being subdivided; the uses are no less aligned with the zone plan than they are today; this will facilitate something that would improve that;

Mr. Guinco – and of course serve a benefit to the land locked, adjoining properties;

Mr. Ingram – certainly by giving them a more defined access which they don't currently have;

Mr. Guinco – in your opinion if the Board were to grant the variance would it have any adverse impact on the health and welfare of the community;

Mr. Ingram – I don't believe so at all;

Mr. Guinco – the design work and information you prepared is in accordance with standard practice for subdivision but for the variances in compliance with the ordinances of the Borough;

Mr. Ingram – correct;

Mr. Guinco – that is all I have for Mr. Ingram;

Mr. Barricelli – any questions from the Board;

Mr. Jackson – the Board approved the parking lot in the past, with lighting, parking spaces, is any of that changing;

Mr. Guinco – No, the purpose of this subdivision was to keep that parking lot in its condition, as approved and to eliminate the potential issue of the lease expiring creating an impact down the line for the Core Center;

Mr. Jackson – the drainage system Mr. Geller designed, no changes;

Mr. Ingram – there are no changes what so ever to the parking lot;

Mr. Wentzien – the plan dated, revised May 21, 2019 had different percentage numbers, I want to be clear for the record, the lot area is now .76 remaining acreage for the parking lot and impervious on that will now be 63.4%; for the remaining larger lot, it will be 65.8%.

Mr. Ingram – Correct; and the larger lot is 6.98 acres;

Mr. Wentzien – your method of filing will be by deed or map;

Mr. Ingram – we will be going by map;

Mr. Barricelli – both of you referenced the larger lot conveyance to the County, is it a will be conveyed or may be conveyed;

Mr. Guinco – there is a contract, contingency for performances of completion of this subdivision; the County attorney for the transaction, James Gorman, Esq. is with us tonight and County Paul Gleitz;

If the Board wouldn't mind could Mr. Gorman explain the Counties position;

Mr. Barricelli – does anyone from the public have any questions or comments for Mr. Ingram;

Mr. Barricelli – seeing none;

Mr. Jackson – I make a motion to close public comments; Mr. Geronimo seconded the motion; All in favor; Aye – Opposed – None;

James Gorman, Esq. on behalf of the County, Special County Counsel for this acquisition; there are a lot of people, about 8 attorneys and from everyone's perspective the shifting of that line over elements a lot of problems; the County is the contract purchaser and is the main thing holding up the closing; Paul Gleitz can speak on the Counties eventual plans; in a nut shell this is where the railroad used to split off, going East – West, the County has plans to develop as the continuing Henry Hudson Trail system; If the County has their way you will be able to bike from Manasquan to the Highlands;

Councilman Schnurr – Mr. Vice Chairman, I don't know if all the Board members know about what is going to happen, we should let him speak for a few minutes;

Dennis Galvin, Esq. – swore in Paul Gleitz, licensed Professional Planner in the State of New Jersey and a member of the American Certified Planners; Graduate of Rutgers Univ.; Masters in City Planning; I provide planning services for the County and Principal Park Planner for the Monmouth County Parks System; I also provide professional planning services outside the County to Boards for applications and Board review;

Mr. Barricelli – we accept your credentials;

Mr. Gleitz – this will be our first Downtown County park; we are excited to move forward as quickly as possible because we have Federal Funding sources; the Henry Hudson Trail (HHT) is the longest rail trail, about 26 miles; starts up by Sandy Hook, runs along the Bay Shore to Keyport, gap at Aberdeen-Matawan, come along Route 79, gap at Marlboro, pick up again at Big Brook Park and run down to North Main in Freehold; we have been working with New Jersey Transit to modify our current lease; we now have the ability to go from North Main to Center Street, behind the old Rug Mill factory; we now have control of that section of the right a way; by purchasing this piece that will bring us all the way into the center of Downtown; we also have Federal TAP money (Transportation Alternative Program) over one (1) million dollars we just got to do three (3) separate projects on the HHT; one section will be 22 improved crosswalks

and intersections in the Bay Shore, from Wyncrest Road in Marlboro down through the former hospital property, we are completing the trail on that section; and crossing the road their on Rt. 537 to get to Big Brook Park we had to go to the State House for the easement because we still don't own the hospital – maybe someday; and the third part is to get us down to Center Street; we have funding in place to do the work; to do an improved intersection on North Main, come down to Center Street; we don't have funding yet to get across Center Street, hoping to do a bridge but the County engineering and public works wants to keep that at 15 feet and that would probably be to big of a bridge; we will probably do a grade crossing;

Mr. Barricelli – what you're referencing is Trap Rock; in the Borough we call it Stavola; it is all the same;

Mr. Geronimo – I know these are all snippets of the overall plan but for the portion that gets to Center Street what is the timing;

Mr. Gleitz – now that we will have access 16 to 18 acres in the center of the Borough, our first Downtown Park, our main concern was the trail connection; it brings us down to the old rail line running East West and allows us to start negotiations with Transit and Conrail all the way to Farmingdale, build the trail from here, to Farmingdale and then gets us to the reservoir and Allaire State Park, connecting to the Wall bike path and then brings us all the way to Manasquan; we want to be able to get from Manasquan to Sandy Hook, that is the overall goal; a key connection is this piece, tying together many communities; we could also do a new trail to ties into the path for the East Freehold Show Grounds and Liberty Park; so the residents of the Borough could walk to the Fair every year and not have to drive; this gives us the ability to connect other parks together in the Borough itself; on the main 18 acres, we have a lot of ideas, nothing written in stone; we are looking at this as a Downtown Recreation Area; When we first starting meeting with the Borough, the Mayor and Council, we said we would come back here; whether this involves, indoor or outdoor recreation, a spray ground, ball fields; we are working on keeping the Community Garden in its place; once we close and this is finished we will be coming back to the Borough for meetings with the Administration and probable the neighborhood to see what we want to do and how;

Councilman Schnurr – the County does several things very well and one of them is parks; you go to any County park and compare to other county parks, they do very well;

Mr. Gleitz – we are proud of our parks; This is the County Seat and we don't have a park in the County Seat, this will be the first, long over due; Providing walkable access to a lot of other areas; we learned through the Fort Monmouth center, we have staff on how to run and indoor recreation center and other programs; We are very excited about this and looking forward to working with you on what makes sense for the area and connection to your parks; maybe we can implement cooperative programs long term. We won't do anything until we have further talks with the Borough and hear what they want to see in the park and what the County thinks will work best;

James Gorman, Esq. – Briefly, the County does not want to be a landlord and this makes sense; subdivide the property off, he can own his parking lot and the County can do what

they need with the Park; this subdivision has to happen so Mr. Fisher takes title before the County takes title.

Mr. Gleitz – if we had to buy then subdivide it would be a diversion; we would have used Open Space fund and the DEP would make us come back to do a 5 to 1 or 10 to 1 swap for the parking lot; or if we held and keep the lease we would have to go out to bid, and open up for competitive bidding, opening up so many things that could happen;

James Gorman, Esq. – Everyone involved, attorneys for Stavola, applicant, county, current owner and everyone is in agreement with this plan; the County will grant the easement shown on hear and they can continue their use; it doesn't interfere with their parking plans; the easement must go into place will Stavola still own because if the County grants they will have several issues; this all fits together as a puzzle, it is important; this is delaying our closing; I am not pressuring any one but it is important and I want to thank Stavola, they are not hear but have been most cooperative in getting this site ready; they have torn down a plant, it is gone, the demo was part of the contract, out a couple hundred thousand dollars in order to get everyone in agreement;

If the Board would be so kind as to approve, we can start to schedule closings and move along and further down the path to a County Park in the Borough;

Mr. Barricelli – any questions from the Board - None;

Mr. Guinco – Mr. Chair I have nothing further, I just ask the Board to approve the application keeping in mind all the benefits we discussed;

Mr. Barricelli – to restate – you are asking for a subdivision, asking for a larger lot conveyed to the County and the smaller lot conveyed to Mr. Fisher, the applicant, and you require three (3) variances to accommodate what you want to accomplish;

Mr. Guinco – correct; the three (3) variances are described to the overall tract but you may recall when we made the application for the parking area we went through the variances and how they existed and coverage's where addressed at that time; the Board has approved all except the maximum lot coverage because it was much higher before they removed the plant;

Councilman Schnurr – I would like to make a motion to approve the minor subdivision with bulk variances;

Dennis Galvin – yes, with one condition, they have to revise the plans with the calculations discussed with the engineer.

Mr. Guinco – perhaps two (2) – to revise the plans and file by plat;

Mr. Jackson – seconded the motion;

ROLL CALL

Yes	5	Barricelli, Ceppi, Geronimo, Jackson, McCabe & Councilman Schnurr
No	0	
Abstain	0	
Disqualified	0	
Absent	2	Gibson & Reich

Mr. Guinco – thank you!

Barry Fisher – can I say something; - OADDYB, LLC – I also sit on the Planning Board in Manalapan and I want to say what you saw tonight was when everyone get together, work together, Mr. Stavola is able to sell, the County is able to build a beautiful park that will enhance Freehold and I am able to get my parking lot for the catering hall, the easement that Holland McChesney has been after me to grant – when everyone works together that is the end result; thank you

Mr. Barricelli – Dominica anything else;

Dominica Napolitano – no – but don't cancel yet;

Mr. Jackson – how quick does the County need the resolution - maybe do the first June meeting just for the County resolution;

Dennis Galvin, Esq. – I think you should hold the meeting and get the resolution approved, you don't want to hold them up if they need the resolution;

Mr. Barricelli – there was a sense of urgency on all parties, so I think we should meet; Thank you for coming Dennis;

Dennis Galvin, Esq. – Sure – I won't be here when you memorialize but you don't need me;

Mr. Barricelli – anything further, motion to close;

Mr. Geronimo made a motion to adjourn, seconded by Mr. McCabe. All in favor, Aye; None Opposed. Meeting adjourned at 7:36 PM.

Respectfully submitted,

Dominica R. Napolitano