

FREEHOLD BOROUGH PLANNING BOARD

MINUTES OF FEBRUARY 26, 2020

MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, February 26th at 7:00 p.m. in the Council Room of the Municipal Building.

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.

ROLL CALL

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

Mr. Barricelli read Item No. 2 on the Agenda as follows:

Approval of Minutes from Planning Board Meeting January 22, 2020

Mr. Wildermuth made a motion to approve the minutes, Ms. Argote-Freyre seconded.

Yes	8	Barricelli, Ceppi, McCabe, Wildermuth, Jackson, Councilwoman Rogers and Freyer
No		
Abstain	0	
Absent	1	Geronimo

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

Memorialize Resolution for Norkus Enterprises Inc.

Application Number: PB-SP-2019-010

Location: 611 Park Ave - Block 108 Lot 8 - Zone: B2-B

Request: Bifurcated Site Plan Amended Sign Variance Relief

Mr. McCabe made a motion to approve the Resolution, Mr. Jackson seconded.

ROLL CALL

Yes	6	Barricelli, Ceppi, McCabe, Wildermuth, Jackson and Crombie
No	0	
Abstain	2	Councilwoman Rogers & Argot-Freyre
Disqualified	0	
Absent	1	Geronimo

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

Memorialize Resolution for Del Ray Holdings LLC

Application Number: PB-SD-2013-006

Location: Orchard Street - Block 85 Lot 14 - Zone: REC

Request: Two consecutive one (1) year extensions of protection of rights granting final site plan approval in 2015; May 2018 – May 2019 and May 2019 – May 2020.

Ms. Crombie made a motion to approve the Resolution, Mr. Wildermuth seconded.

ROLL CALL

Yes	5	Barricelli, Ceppi, McCabe, Wildermuth and Crombie
No	0	
Abstain	3	Jackson, Councilwoman Rogers & Argot-Freyre
Disqualified	0	
Absent	1	Geronimo

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

Memorialize Resolution for Colts Pride LLC

Application Number: PB-UV-2019-009

Location: 18 Lloyd Street - Block 74 Lot 1.01 & 15 - Zone: R-5

Request: Use Variance

Mr. Wildermuth made a motion to approve the Resolution, Mr. McCabe seconded.

ROLL CALL

Yes	5	Barricelli, Ceppi, McCabe, Wildermuth and Crombie
No	0	
Abstain	3	Jackson, Councilwoman Rogers & Argot-Freyre
Disqualified	0	
Absent	1	Geronimo

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

Memorialize Resolution adopting the Housing Plan element and Fair Share Plan of the Municipal Maser Plan prepared by Community Grants Planning and Housing (CPG&H)

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

ROLL CALL

Yes	8	Barricelli, Ceppi, McCabe, Wildermuth, Jackson, Crombie, Councilwoman Rogers & Argot-Freyre
No	0	
Abstain	0	
Disqualified	0	
Absent	1	Geronimo

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

Application Number: PB-SP-2019-012
Applicant: 32 South Street Realty LLC
Location: 32-38 South Street - Block 71 Lot 15, 16, 17, 18 & 19
Zone: B-2
Request: Minor Site Plan Review and Approval

Ron Cucchiaro, Esq. – Mr. Chair at the last meeting we had an extensive hearing; we did open for cross examination of witnesses, in advertently it was not open for public comment; to remedy, I recommend the Board vote to rescind prior approval, a motion to be made;

Mr. Barricelli – can I get a motion to rescind prior approval;

Mr. Jackson made a motion to rescind; seconded by Mr. Ceppi

ROLL CALL

Yes	8	Barricelli, Ceppi, McCabe, Wildermuth, Jackson, Crombie, Councilwoman Rogers & Argot-Freyre
No	0	
Abstain	0	
Disqualified	0	
Absent	1	Geronimo

Mr. Cucchiaro – Mr. Chair I recommend the Board open to public for comment on testimony with regard to the application;

Mr. Barricelli – can I get a motion to open for public comment regarding the application;

Mr. Jackson made a motion to open for public comments; seconded by Mr. Wildermuth

Mr. Ceppi – do we need to have additional testimony for the public to have the ability;

Mr. Cucchiaro – no

ROLL CALL

Yes	8	Barricelli, Ceppi, McCabe, Wildermuth, Jackson, Crombie, Councilwoman Rogers & Argot-Freyre
No	0	
Abstain	0	
Disqualified	0	
Absent	1	Geronimo

John A. Sarto, Esq. – Mr. Guinco presented the application, had a conflict tonight; I agree with Mr. Cucchiaro stated, presentation and testimony was extensive; I have nothing to add right now but reserve the right to if necessary;

Mr. Barricelli – if any members of the public want to come up and speak;

Michael Federici – sworn in
14 East Main Street, Freehold;

Last night I attended a meeting at Borough Hall (2.25.2020) five of us were as a question, Jeff Friedman, Freehold Center Partnership, Mike Page, Court Jester, Rob Kash, Metropolitan Café,

Anthony Braica, LaCippollina and myself, if there was enough parking would we object to this application?

We all answered No; our objection has nothing to do with anything else but parking; in my opinion the worst use for this property is the one proposed; parking demand on Friday and Saturday night, when they will be doing most of their business, is at its highest level of capacity, with nothing available; this is 155 seat restaurant and 75 seat brewery plus employees; in my business mind I would need 100 parking spots to be successful; proposed Habitat for Humanity and All Car Collision is not a viable solution; all that is going to happen, is we are all going to do less business; for me, I won't go out of business, I've been there long enough; we served the great depression, many recessions, two fires and a family coming together for a greater cause; some of these businesses will be jeopardized; at this point I ask the Board to vote No on this application until there is a better parking solution;

Anthony Braica – sworn in
16A West Main Street

At the last meeting I was told the Board could not over rule Mayor and Council; Mayor and Council basically said this application appeased its parking; if you look at transcript, ask the Mayor or Council, they never said that; what they said was the parking problem would be delved into more deeply by the independent committee of the Planning Board; what happen was the Planning Board said they can't over ride what was determined by Mayor & Council; so I am asking that you have an open mind, look at situation and to really pay attention to the ramifications of your decision; a determination of an independent parking consultant hired by the Borough determined the town lots were 98% capacity from 9:00 am to 11:00pm; that independent parking consultant advised the town, they are in need of 300 to 500 additional parking spots; I want to be clear, I am in no way against this project, it's wonderful but not without parking; lets be honest, no one in this room believes that a viable solution is to have a valet park cars two to four football fields away or giving clients roadmaps to park that far away; if you did believe that there would be something very wrong; approval of this project will fail the applicant, they will go out of business or I will go out of business or someone else will go out of business; not due to how well the business is run, the fate will be determined on your approval; in addition, everyone knows how I feel about the garbage situation; crazy idea of putting an enclosed communal garbage enclosed in Triangle lot doesn't work; we need to step up and require people to do what was required of us, 1987 you made us build into our building, and enclose our garbage receptacle with a gate, so animals can't get in; to prevent a scene from an Alfred Hitchcock movie, have you seen these pictures of 67 buzzards at 9:00am; I ask you to have common sense, we need to solve the parking problem first, then approve the brewery project; to approve first is unconscionable; thank you;

Barry Fisher – sworn in
17-19 South Street & Hudson Street

I'm in the Borough since 1953; when Aurum was approved, we were told no way to park, impossible a disaster; so I monitored, went to valet service, they advised without problem, we find the parking, we don't have a problem; I was told, when I build a building on Route 9, 15 years ago, I was told not enough parking; I sat with my neighbor and said what can we do; neighbor advised he to had a problem, what if we share; we worked together and that is how things get done; door gallery open up next to me on Route 9, its competition, we're in America, no one wants competition, there is nothing wrong with; I sit on the Planning Board, I sat on Zoning Board for many years; I understand the concern for parking, a few years ago there was a meeting in a local church, the Borough hired a group to come in and that group said you should not deny because of parking; I wish I had a tape of it; I bought a parking lot with 72 parking spots; I rented, then got the lot approved; we have a great Mayor and Council, wonderful Planning Board, I am proud to have business here; parking will be an issue; do the right thing; valet service is a great way to handle, not everyone will use the service but will use it even if we go to another venue; Red Bank they found it, it will work; thank you

Mr. Barricelli – anyone else from the public;

Mr. Jackson made a motion to close public comments; Mr. McCabe seconded;

All in favor;

Aye (all) - Nay (none)

Mr. Cucchiaro, Esq. – Mr. Chair, one comment based on public testimony; the Governing Body did adopt a resolution and the ordinance now is different, the ordinance applicable at that time required Governing Body participation for parking; one of the Whereas clauses in the resolution reads

Whereas, pursuant to Borough Ordinance 18.807.020 “In the event the application for proposed, application or development or use is deficient by ten (10) or more parking spaces, such exception, waiver or variance may only be addressed as an amendment to the redevelopment plan, rather than via variance, exception or waiver relief through the zoning board of adjustment or planning board of the Borough of Freehold”

that takes the Board out of it when the deficiency is ten or greater; finding Number 17 of the resolution states “The governing body found that Applicant has provided adequate offsite parking, subject to submission of signed lease agreements, which will provide the requisite parking spaces. The governing body has determined that it is a Condition of approval that the lease agreements for the offsite parking remain in full force and effect:

The plain language of the ordinance takes the Planning Board out and the Governing Body acted as the redevelopment entity and found the parking was acceptable through an amendment to the redevelopment plan; I still maintain, the way the ordinance was written the Board was divested of jurisdiction to determine any other parking number, than what was determined by the Governing Body acting as the redevelopment entity;

Mr. Barricelli – that is how we acted at the last meeting;

Mr. Cucchiaro – correct; I do want to say, since that time, the ordinance was amended and moving into the future, this Board will have jurisdiction to grant relief where necessary but under law as applied when this application was submitted that was not the case;

Mr. Barricelli – anything from the Board;

Mr. Ceppi – the leases All Car Collision and Habitat for Humanity, are they safe, lights, lined, safe, easily demonstrated, I drove by the other day, could see to well;

Mr. Cucchiaro – that was presented to the Governing Body and was accepted as adequate;

Mr. Wildermuth – the motion rescinded had valet parking, I want to reiterate my concerns, the way the site plan is set up, if you have three people queuing up in bad weather, we will have major traffic problems and that is an issue; unfortunately we are removed on the parking overall;

Mr. Jackson – Mr. Cucchiaro if the Board approves tonight with valet parking, are they required or have the option;

Mr. Cucchiaro – the way they placed on the record was they would have valet parking;

Mr. Jackson – were specific days and times stated;

Mr. Sarto – during the busiest times, the record should reflect that even though I did not present;

Councilwoman Rogers – it was not made clear, not indicated only Friday and Saturdays; it was generalized; to me that meant every day; I also have concerns with parking and I rejected at the governing body, I didn't think parking was adequate beyond what is being discussed tonight; I have same concerns as Michael; it was not made clear it was only for Friday and Saturday;

Mr. Cucchiaro – it is within the Boards discretion as to how to permit or regulate the parking on this site;

Mr. Sarto – I'm reminded if there was discussion if the valet would be a benefit or if we could do away with; if an issue there could be no valet, there was debate on the matter

Mr. Cucchiaro – correct, it was stated they could operate with our without valet and the Board voted for the valet; but you're not bound to that now;

Mr. Jackson – if we were to approve without valet parking, if they wanted to do they would have to come back to the Board;

Mr. Cucchiaro – correct; there was much discussion and the reason the board did not put valet parking in was because concern about internal circulation and safety;

Mr. Wildermuth – this is amenable to the idea that Shealyn put out at the last meeting; the site would look the same with the area of the pull off and could have a drop off, the cars would circulate through more quickly, wouldn't have ques and would be a smarter way to go;

Ms. Crombie – I do think the cut out is the best factor, that is one thing Main Street does not have legally although people use it and double park; additionally, after drinking it is great to have a drop off spot that is off the road, if two cars are there the valet or management can say to loop around, not to sit idly;

Mr. Ceppi – is it an official valet service or a few bus boys running cars;

Ms. Crombie – with the property managed service, it could be managed;

Mr. Jackson – you're ok with valet service;

Ms. Crombie – I am ok with valet service; ride sharing is equal if not better option; more people dropped off and picked up in large groups and will save on parking;

Mr. Jackson – valet, I don't object if it works and not a problem; I hate to have the applicant bound to every night;

Mr. Cucchiaro – if you approve, you could motion to approve the site plan with an option to use valet as practical and not mandate – I am not suggesting;

Mr. Jackson – I think if we did, they could see if valet works or not; end if it doesn't work and not be in violation of approval;

Mr. Jackson – there were other conditions;

Mr. Cucchiaro – all the conditions on the record apply

Ms. Argote-Freyre – is it appropriate to ask if we can we see a copy of the independent parking report;

Mr. Cucchiaro – that wasn't part of the are hearing process, they placed there proofs on the record and presented their parking expert testimony; that reference was something the town did and the Council acted with regard to parking; I don't think it is relevant for our purposes; it may become relevant for future but not now;

Councilwoman Rogers – signage is a condition and if we decide to permit valet parking without mandating, that signage would have to be absolutely clear with dropping people off, stating where the parking is located; as we said earlier, that Habitat parking is clear but it is clear, it is across the street; All Car Collision is not as apparent and that concerns me, if allocated parking spaces they should make every effort to show the spaces; which they can't mandate but needs to be indicated;

Mr. Wildermuth – I don't know how you would make coherent signage; even with the report here from the architect has the arrows going in the wrong direction on a one-way street; taking right at BP, you can't go that way;

Ms. Argot-Freyre – can we require signage;

Mr. Cucchiaro – yes;

Mr. Sarto – we will agree to what was already approved by the governing body which I think that was already stated;

Mr. Cucchiaro – appropriate signage subject to approval of the board engineer

Mr. Ceppi – they had an expired lease, did they renew; and the trash was mentioned again tonight;

Mr. Cucchiaro – they submitted renewal; part of requirement is they will be required to submit property right they have to use the trash enclosure in the Market Yard; they can't do anything until they provide;

Mr. Barricelli – any further questions from the Board; does anyone want to make a motion;

Ms. Crombie – made a motion to approve permitting valet parking but not mandating; also with appropriate signage subject to review and approval of the Boards Engineer and all other conditions previously placed on the record; Mr. McCabe seconded the motion;

ROLL CALL

Yes	8	Barricelli, Ceppi, McCabe, Wildermuth, Jackson, Crombie, Councilwoman Rogers & Argot-Freyre
No	0	
Abstain	0	
Disqualified	0	
Absent	1	Geronimo

Mr. Barricelli read Item No. 8 on the Agenda as follows:

Communication from Mayor and Council – Letter dated January 22, 2020 and Resolution dated January 21, 2020 of the Mayor and Council of the Borough of Freehold Authorizing the Planning Board to Undertake a Preliminary Investigation for Redevelopment of KFM, local Redevelopment Group with properties located at 26 Court Street and 2, 4 and 6 Broad Street

Stephen J. Gallo, Business Administrator Freehold Borough

Before you is a communication from the Governing Body request the Planning Board conduct a preliminary investigation of 26 Court Street and 2, 4 & 6 Broad Street as a potential area in need of redevelopment.

After adequate notice is provide subject property owners, the study can be completed by the Planner; We ask you schedule a public hearing and based on what is disclosed at the hearing and the results of the study, you would take a vote with a recommendation for the Borough Council to consider and then refer the matter back to the Council;

That is the process involved; we will at your direction send out the appropriate notices and provide you with a study of this particular area;

Mr. Barricelli read Item No. 9 on the Agenda as follows:

Applicant: Auto Pro Collision Inc.

Application: PB-UV-2019-011

Location: 7 Spring Street – Block 42 Lot 16 Zone: B-2

Request: Use Variance and Preliminary & Final Major Site Plan Approval

Mr. Cucchiaro – per the MLUL our Class I or III members are not able to sit for a Use Variance application so Councilwoman Rogers must step down from the dais; this is not a personal choice, it is a requirement under the MLUL;

Dante M. Alfieri, Esq. – on behalf of the applicant; we are seeking the Boards approval to convert block 42, lot 16 located on 7 Spring Street, convert the existing building to an auto glass repair facility; we also propose an office space on the second floor; I have two (2) individuals to provide testimony, an engineer and architect;

Joseph Kociuba – KBA Engineering Services, Manasquan NJ - Sworn in; Licensed Engineer and Planner; Master and BA from Rowan University, 15 years experience in the field and testified for numerous boards including this board; providing testimony now as engineer, later as planner;

Mr. Alfieri – please orient the board;

Mr. Kociuba – the site is 7 Spring Street – 5,271 square feet; frontage on Spring St; looking at sheet, north is towards the top, lot essentially entirely encompassed by the building; existing and dating back to 1940s or earlier based on historic ariel's; located in B-2 general commercial zone; a number of previous uses, most recently tire storage facility and the zone prohibits warehousing and storage and prior was an auto accessory type use;

Surrounding is an office building to the west, vacant auto east, Spring and Broadway; Auto care across Spring to the south and north a residential building at 7 Broadway;

Proposed is an auto glass repair and detailing business; all interior and proposing ten (10) parking areas inside the building; two (2) for employees and eight (8) for customers; customers will not drive vehicles in or out of the building, this will be permitted only by employees; therefore no additional parking or ADA parking is necessary for the application;

The applicant will discuss the details of operation;

Mr. Cucchiaro – does the ADA agree;

Mr. Kociuba – preexisting building, so we are compliant;

Mr. Kociuba – we call them parking stalls, not necessarily public parking stalls; they are areas to place the vehicles, placed by the employees;

Mr. Wentzien – there is no other need for parking, other than what is being used in those eight (8) in terms of running the business;

Mr. Kociuba – that is our testimony;

We will do small renovations to the building creating a small office waiting area with mezzanine; there are not site improvements proposed on the plan; there are two (2) existing overhead doors acting as access to the building off of Spring Street, plus two (2) standard size doors; one (1) being removed – enclosed; we are not proposing any fencing; signage will comply with Borough codes; existing front yard set back, front is six (6) inches into the public right-of-way (the right-of-way probably encroached the building rather than reverse) building has been there a long time; no loading location provided; building footprint is 5,156 sq ft., based on the survey; the engineers report, questioned if we would make repairs to the concrete in front, it is in disrepair, we will do, curbing, sidewalk and aprons as recommended; we will put grass in the area where we are removing the door, not a tree because the growth will be in the way of wires above;

Mr. Wentzien – that is great and appropriate you working with us; we can discuss some alternatives that will be good for the Borough and the business that will be just as beautiful;

Mr. Kociuba – adjacent is lawn and we can continue or we can plant shrubs, nothing that will grow tall because of the wires; that concludes my engineering testimony;

Mr. Wentzien – I had comments of efficiency of use of the parking; your plan shows two (2) overhead doors, on frontage; left overhead is direct conflict from the street onto the spaces, the other looks off kilter; we will need an agreement of how the overhead door is left, it will go into where the aisle is going to be inside; it can't overlap the parking; I guess hold for the architect;

All other comments you are willing to agree with on the technical side; I do note, who will put the car inside, the aisle width dimension is below nominal size for public use parking for 90 degree parking, requiring a lot of K turn movements; how will the cars be parked coming up;

Mr. Kociuba – they will either call in advance to let them know they are pulling up or advise when they get there; it will be an employee that takes the car from the car owner and drives it into the building; they will not want the public coming into the work area while they are working; only employees moving vehicles inside the building;

Mr. Wentzien – it is our recommendation that part of any approval by this board, (1) it is reviewed by the building construction and code official and (2) reviewed by the fire official;

Mr. Wentzien – improve the roof leaders, the open direct and go across the sidewalk, that is a concern; make it safer;

Mr. Barricelli – who will address condition of building and signage;

Mr. Alfieri – the architect;

Ms. Argote-Freyre – is it the expectation that the repairs will only take a few hours and the customer will wait or leave and return; and how does the customer park;

Mr. Alfieri – the applicant will provide testimony regarding the operations;

Mr. Wildermuth – safety exterior question, with garages opening to sidewalk with pedestrians walking by, no parking lot separating them; will there be rounded mirror or something or signage that a car will be pulling out; there is no buffer; can't think of any other business downtown that has this same issue – sight distance

Mr. Kociuba – we will have more pronounced driveway apron, we can put yellow stripping as well to indicate driveway so a pedestrian will note to take caution;

Mr. Alfieri – we will work with the board engineer;

Mr. Wentzien – with a further pronounced apron and if the board recommend I work with them, we can review, maybe signage or anything else the board recommends;

Mr. Cucchiaro – it is a use variance, if that is what you want that is what you get, they must agree;

Mr. Alfieri – we have no objection;

Mr. Barricelli – any questions from the public for the engineer; seeing none;

We will take a five minute recess; 7:55pm

We are back 8:00pm

Sebastian Cina Jr. – Sworn in – son of owner;

Mr. Alfieri – please explain the number of employees and how it will operate;

Mr. Cina – thank you for hearing us, we are excited about this opportunity; we are looking for a small number of employees for auto glass repair and replacement and detailing; we are also looking into paint less dent removal; where you can just pop out the dent, no parts or paint;

We will operate 8:00 am to 5:00 pm Monday – Friday, 8:00am – 12:00pm Saturday, no Sunday hours;

Mr. Alfieri – when a customer comes to the site how will the be greeted and where;

Mr. Cina – we intend to have someone ready and available when our customers arrive; we plan to have call a head and appointment based work; if a new customer seeking an estimate on glass, detailing or dent removal we will have someone to greet the customer;

We will have a waiting area, with television and can sit and wait; or they are free to walk in the downtown area or have a friend meet them a take them where they need to go;

Mr. Alfieri – what is time frame of work;

Mr. Cina – detailing can be an hour or two; glass repair or replacement is 15 minutes to an hour; dents would be about an hour time wait;

Mr. Cucchiaro – if I don't want to wait and my wife follows me, what is the protocol;

Mr. Cina - our employee will meet them, take the car and if someone is waiting to take you somewhere, it would be best to have the paper work completed so they can drop and leave;

Mr. Cucchiaro – where does the waiting car stay while completing paper work;

Mr. Alfieri – on the roadway or circle; there is no parking lot for them to wait; the site is limited; no on site option;

Mr. Cina – correct; but the process of dropping off is seamless and doesn't take a long time;

Mr. Cucchiaro – at maximum there will be four employees on site, but earlier testimony there are two employee parking spaces in the building; will that be enough parking for employees;

Mr. Cina – yes;

Mr. Wentzien – how are you accommodating; two spaces for employees and eight for customers

Mr. Alfieri – could you require your employee's car pool, which will allow the four employees for the two parking spaces;

Mr. Cina – yes, I can require the employees to car pool to allow for the two and eight parking spaces;

Mr. Wentzien – clarify the vehicle will be driven inside by the employee and not the public; also how does the transfer happen; and follow up concern is you are using the street as part of operation;

Mr. Cina – correct; the customer does not drive the car into the garage;

Mr. Kociuba – the anticipation is the vehicle will pull off to the side of the road and wait; not enough distance from the curb line to the building for an entire car to sit; but the building has been here for a substantially long time and operated in this fashion in the past; there are other automotive type uses that have utilized this building; most recent tire storage business, no parking inside for employees associated with that building, assumption they were parking on the street as well; this is an existing condition; we are not creating a new condition; we are creating space for the employees to park; any other use permitted in the zone or other use for the building would have no parking; the building takes up the entire lot; this is part of my planning testimony, although there is concern, this is an existing condition that would be a condition for any proposed use, and would have parking on the street;

Mr. Cucchiaro – is there public parking permitted on the street;

Mr. Kociuba – yes; there is also open public parking west of the site;

Mr. Cucchiaro – the area where the customers will drop off, before being driven in the garage, is that an area open for public parking;

Mr. Kociuba – there is an area from the end adjacent on the east, basically parking in front of the front door; curb length of one parallel parking stall on street;

Mr. Cucchiaro – would your parking plan be frustrated if a car was publically parked on the street;

Mr. Kociuba – it would require the person pull in front of the door itself;

Mr. Wentzien – follow up, prior use was listed as storage not a business needing parking and we don't know the change in intensity in this way from proposed existing; there are unknowns of existing uses for parking;

Mr. Barricelli – I'm having a difficult time understanding how this will work; if I drive up to your business and want to be serviced, I pull off to the side of the road, leave car, walk in, do paper work; would it be better to have an automatic door opening when a car pulls up without allowing them to go in;

Mr. Kociuba – that could be done and have signage with Stop Here, go to office;

Mr. Alfieri – that would be better;

Mr. Ceppi – what about not allowing the public to pull in;

Mr. Kociuba – they would only pull in about a parking stall length, not pull into a parking stall; this would be adjacent to the employee parking; this would be on the off chance of someone just pulling in without an appointment; most people will have appointment or call ahead, using APP;

Mr. Wentzien – as long as they are only pulling straight in and not parking, that was my concern was the parking in the parking stalls;

Mr. Ceppi – no safety concerns or insurance concerns with public pulling in and being in the work space; usually there is a chain to prevent people from entering the work area;

Mr. Kociuba – there will be signage and people will not be allowed in the work space; we may put a chain if appropriate;

Mr. Ceppi – how many customers per day;

Mr. Cina – I don't have exact number; it will be by appointment; we schedule and ask if waiting or picking up; we need to be able to allocate a the time per each customer;

Mr. Barricelli – board members and more questions;
Any questions from the public; seeing none;

Greg Clark, sworn in – Architect - Bach & Clark, LLC, Architect for applicant; have provided testimony to this board on multiple occasions; licensed architect in the State of New Jersey;

Mr. Barricelli – your credentials are accepted;

Mr. Alfieri – what proposed improvements;

Mr. Clark – A-1, dated April 5, 2019 proposed color elevations of subject building; it is in questionable repair; currently damage in most of walls with the stucco, building itself is 8 inch concrete block, for main exterior construction, with ½ inch stucco; we intend to repair in kind, go over with another layer of stucco, earth tone, grey – color of other downtown freehold locations; intend to access edges with cornices, stucco – bookend, looking more tangible commercial site; we are going to have a fascia to break up side and interface with existing windows; we propose to use and replace all existing windows, with exception of one door on the east side; we will close it in, no longer functional for this layout; all doors replaced, type will be based on operation, and recommendation and requirement by the engineer and code;

Exterior lighting, sign but will be in full compliance with all ordinances; it will basically be the name of the business and on the stucco of the building; there is an indent on the building where the sign can be placed; existing chimney being removed, serves no purpose; proposed south and west elevations – A-3 north and east elevation, same treatment all four sides, not just the face, the entire building, it is seen from all sides;

Interior – access to parking and conflict of open door; there are two doors, existing 16 foot and 10 foot; 10 foot wide, sits where proposed parking is, if the door is open for ventilation or lighting it will not be a functional door with regard to entering and existing; if open we can put up bollards or something to protect the parking and render it from use of a drive through door; 16 foot door will be the main functioning door; we have an office waiting area for customers for about 15 people at any

given time; access to existing restroom and view window to see the work being completed; mezzanine level for the employees; propose a handicap restroom upstairs for the employee use, utilizing preexisting space – renovating; that is all I have for the space;

Mr. Wentzien – the larger, 16 foot door is more refined than what was on the site plan; when I measure the aisle width, inside the building it was 15 feet; you said the door is 16 feet, equates to one foot overlap, the architectural plan presents the larger door will be in line with aisle; the other door, opens directly to parking spaces, with the parking spaces on the other side of the door, you will need to have something in place, not to be an active door;

Mr. Clark – we can do bollards; realistically the door won't be open often but will put something into place for safety measures;

Mr. Ceppi – why and ADA bathroom on the second floor;

Mr. Clark – code issue, whenever you add a bathroom, one fixture in each facility must be handicap accessible; ground level already exists and it can exist in its current status;

Mr. Wildermuth – the smaller door, exterior – would it be possible to remove the apron in front of the door that will not be used for service;

Mr. Wentzien – yes, when making the one apron in front of larger 16 foot door, more pronounced, the sidewalk can be put in so there is no apron; full face six inch curb across the door;

Mr. Wildermuth – that will help with protect and safety;

Mr. Clark – we can do paint and stripping as well;

Mr. Barricelli – exterior, you said you are patching the exterior and putting a two inch skin over;

Mr. Clark – it will be ½ inch patching and over with a cementitious layer, ½ to ¾ inch, hopefully conceal the existing cracking;

Mr. Barricelli – lighting, one in front, any other outside lighting; and only sign will be over the 16 foot door;

Mr. Clark – none proposed, the building with zero lot lines so we would be illuminating onto the neighbors property; not a logical thing to do; with site plans, all efforts are made to not have spillage onto exterior properties; correct, sign over the 16 foot door; it is only permitted to be on street frontage per the ordinance;

Mr. Barricelli – how are hours of operation advertised;

Mr. Clark – small sign or door or window; functional signs are permitted;

Mr. Alfieri – any further questions;

Mr. Barricelli – any members of the public have questions for Mr. Clark; seeing none;

Mr. Kociuba – as Planner

A use variance is required, the use proposed not specifically permitted in the zone, a non-permitted use; requires a variance from 40:55 D 70.D1; use variance can be granted provided applicant can demonstrate use is inherently beneficial or special reasons exist to justify use;

This case is not inherently beneficial but there are special reasons to grant the variance, rooted in the purposes of zoning; promotion of general welfare, most embodies the grant of a use variance; we can demonstrate by showing the site is particularly suitable for this particular use;

Particular suitability may be deemed as special reason for the property itself, the property is well fitted for the use; terms of location, typography, shape and structure; B2 zone allows retail sales, meat and poultry, drug stores, department stores; service establishments, beauty parlors, clothes cleaning, laundry pick up, shoe repair; restaurants; as well as offices, attorneys, doctors, and engineers; as well as automobile parking areas, shopping centers, hotels and public institutions of higher education, none are appropriate for this location, existing building, existing site, in my opinion;

This proposed use of the auto glass repair and detailing is a much less intense use than a permitted use in the zone and is particularly suitable to this site and building; all permitted uses in the zone require parking, and would not utilize the inside for the parking; therefore any proposed parking would be on the street; there is no opportunity to entertain any parking on the site; building takes up entire site and has since 1930s or 1940s;

This particular unique use allows us to utilize the inside of the building for parking, by virtue of the operational logistics; limiting the need for parking; if office or retail there would be no parking; there are parking lots on either side of the structure but not owned by this property; the use is particularly suited as it is utilizing unique size and access, overhead doors of building and providing for parking inside; no hazardous or chemicals used; typical office hours indicated, not a high traffic generator; much less than a busy office or retail center; not a generator of air pollution, odors, waste, glare, any of those type of issues; it is a destination type use, typically people don't stop in; make an appointment or owner will be aware they are coming;

This use is well fit for the site and to this property; addition special reasons exist to justify the grant of the variance; reasons taken from the Municipal Land Use Law (MLUL) - purposes of planning provide a sufficient space, in an appropriate location for variety of uses, including agricultural, residential, recreational, commercial uses; this provides an appropriate location for commercial use, in a commercial zone, surrounded by commercial uses; we promote a desirable and visual environment, as testified and I believe indicated by the Board;

The building is in disrepair and needs to be cleaned up; a result of the application, it will happen; we are renovating the building, cleaning up an existing, dilapidated vacant structure; we are also promoting recycling and reuse of materials; we are not demolishing a structure; an adaptive reuse – proper reuse of an existing restructure;

Negative criteria – that would be possible detriment to the public good; no reduction in are light open space, the structure exists as it does today; no increase in volume; traffic, has access to public street, not a high traffic generator; will not have ample increase in noise or odor; parking lots exists adjacent to the property, parking and vehicle usage in the area are typical;

second part of negative criteria, substantially impairs the intent and purpose of the zone plan and zoning ordinance; many approved uses for the zone, it has a lower intensity than approved uses; storage use of the building is actually prohibited in the zone, by ordinance; commercial use is in character in the area; based upon my testimony, the use variance can be granted and does not have a substantial detriment upon the public good, zone planning or zoning ordinance;

Mr. Cucchiaro – did we discuss how refuse is being handled on site;

Mr. Kociuba – we did not, it will be internally; the proposed use doesn't create a substantial amount to of refuse; it will be stored inside; and put out curb side for pick up;

Mr. Wentzien – page 5, of my report – three variances, 1 – use; 2, existing condition where building extends into the right a way by six (6) inches 3 – loading area, chapter 18.73, need testimony;

Mr. Kociuba – this is an existing condition on this property, there no space for a loading zone and has been utilized commercially for the past 80 years without having a loading zone;

Mr. Cucchiaro – how will supplies be brought to the site;

Mr. Kociuba – deliveries by small box truck; we are requesting relief from the 12 x 25 loading zone;

Mr. Ceppi –dent removals there is no waste, if you replace a windshield how is that disposed;

Mr. Kociuba – I don't believe the Borough would service this establishment, the benefit to windshields is there stackable, not taking up much area; the anticipation would be a commercial hauler contracted for pick ups;

Mr. Ceppi – how does this impact the vision plan and redevelopment plan;

Mr. Kociuba – I don't believe it has any detrimental impact on the new redevelopment plan / center core plan or the vision plan; it allows automotive uses in the center core, previously they were prohibited; this type of use is more enjoyed in the new plan; in addition we are cleaning up the site and providing landscaping, a benefit and called for in the center core plan;

Mr. Wentzien – for the Boards information, the more recent configuration of the core zone is, opposite side of Spring Street, toward west is in core zone; Spring Street at this exact point is the boundary;

Mr. Barricelli – all concerns addressed in the engineering review;

Mr. Wentzien – yes; any technical concerns they will work with us;

Mr. Jackson – I'm confused on the parking for employees;

Mr. Wentzien – the testimony on that was, he can only have two (2) maximum on site;

Mr. Cucchiaro – they placed on the record, is they would require car pooling;

Mr. Barricelli – any members of the public have questions for the Mr. Kociuba, the Planner; or anything else for the application, question or comments; seeing none;

Mr. Jackson made a motion to close public questions or comments; seconded by Mr. McCabe;

ROLL CALL

Yes	8	Barricelli, Ceppi, McCabe, Wildermuth, Jackson, Crombie, Councilwoman Rogers & Argot-Freyre
No	0	
Abstain	0	
Disqualified	0	
Absent	1	Geronimo

Mr. Barricelli – board members;

Mr. McCabe – I think we can grant, as long as they remove driveway portion in front of 10 foot door area, making more visually known for pedestrians; I'm for approving;

Mr. Cucchiaro – the other major revision they discussed, now the customer can drive in the first 10 feet of garage area, so you no longer leave your car at the curb or street; subject to all other conditions put on the record;

Mr. Jackson – will that door be an automatic door, similar to when you pull up to the service area of a car dealership; may be beneficial to this location since it is so close to the sidewalk; do the other members this is a good idea; also put a sign on the door somehow;

Mr. Cucchiaro – any objection, it is a use variance, to extent necessary that would be part of the relief and review;

Mr. Alfieri – no objection;

Mr. Wentzien – we would look at signage, part of review; as well as overlap with the code official reviewing and providing permits;

Mr. Jackson – and the redoing of the curbing will be part of the resolution;

Mr. Cucchiaro – yes, the curbing will be in the resolution;

Mr. Jackson – property in need of serious face lift and with all conditions we have discussed I would be in favor;

Mr. Wildermuth – I’m in favor; I think they have made case property is particularly suitable, reusing an existing building; concerns we had are satisfied and I intend to vote yes;

Mr. Ceppi – I don’t disagree, is an eyesore and certainly as presented will be much nicer condition; mildly concerned about operations and how the logistics will come in and out; I’m 60/40 to the good; I’m concerned;

Ms. Argote-Freyre – I think it is a good application; I’m not familiar with specific codes and safety but I would think the automatic door, with maybe an additional sound when it opens; thinking of children walking past; I do think it is a great proposal;

Mr. Crombie – I think it is a great sustainable project for reuse, having a hard time thinking of other options for that space/building; you are doing a great job figuring out things to make better, door, landscaping, signage and I will vote in favor;

Mr. Barricelli – I agree with that fact it is particularly suited for this location; you have other locations, so you know what your doing; pulling the car in is better, keeps cars off the street; I will be voting yes;

Mr. Cucchiaro – the motion to grant a use variance relief, along with preliminary and final site plan approval subject to all conditions placed on the record;

Mr. Jackson – made a motion to grant a use variance relief, along with preliminary and final site plan approval subject to all conditions placed on the record; seconded by Mr. McCabe;

ROLL CALL

Yes	8	Barricelli, Ceppi, McCabe, Wildermuth, Jackson, Crombie, Councilwoman Rogers & Argot-Freyre
No	0	
Abstain	0	
Disqualified	0	
Absent	1	Geronimo

Councilwoman Rogers returns to the dais;

Mr. Barricelli – Councilwoman Rogers any thing for the board tonight;

Ms. Rogers – nothing to report at this time;

Mr. Barricelli – Dominica what is coming up;

Ms. Napolitano – next meeting we have 2 applications, a site plan and major subdivision;

Mr. Barricelli – thank you all for coming; motion to adjourn;

Mr. Wildermuth – made a motion to adjourn; seconded by Mr. Jackson;

All in favor; Aye (all) – Nay (none)

Meeting adjourned at 8.55 PM.

Respectfully submitted,

Dominica R. Napolitano