

FREEHOLD BOROUGH PLANNING BOARD
MINUTES OF JANUARY 26, 2022

MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, January 26, 2022 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. Michael McCabe
PRESENT	Mr. Michael Wildermuth
ABSENT	Ms. Shealyn M.S. Crombie
PRESENT	Ms. Caridad Argote-Freyre
PRESENT	Ms. Brianne Van Vorst
PRESENT	Councilwoman Margaret Rogers
PRESENT	Mr. Garry Jackson
PRESENT	Mr. James Keelan
PRESENT	Mayor Kevin A. Kane

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

Approval of Reorganization Minutes from Planning Board Meeting January 12, 2022.

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

Yes	9	Barricelli, Ceppi, Wildermuth, Argote-Freyre, Jackson, Councilwoman Rogers, Van Vorst, Keelan and Mayor Kane
No	0	
Abstain	0	
Absent	2	McCabe and Crombie

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

Approval of Minutes from Planning Board Meeting January 12, 2022.

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

Yes	9	Barricelli, Ceppi, Wildermuth, Argote-Freyre, Jackson, Councilwoman Rogers, Van Vorst, Keelan and Mayor Kane
No	0	
Abstain	0	
Absent	2	McCabe and Crombie

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

Application Number: PB-SD-2021-011, Applicant: Colts Pride LLC

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

Request: Minor Subdivision with Preliminary and Final Site Plan Approval

Vincent E. Halleran Jr., attorney for the applicant;

Mr. Cucchiaro – I have reviewed the notice and mailing and the Board has jurisdiction;

Mr. Halleran – the applicant received approval from the Board prior in 2019 for bifurcated use variance and required to come back before the board for site plan approval; Rob Sive is the engineer, Walter Gil De Rubio husband of the applicant and he is the builder and the applicant Carole Huber; I am going to have the engineer go through the report and then answer any questions the Board, attorney and engineer;

Robert Sive sworn in by Ronald D. Cucchiaro, Esq. – Licensed Engineer, Planning and CME, 25 years' experience and testified before numerous boards including Boro of Freehold;

Mr. Barricelli – your credentials are accepted;

Mr. Sive – I have a couple of exhibits;

A-1 – Ariel of property

A-2 – Color Rendering with property enlarged

A-3 – Color Rendering with property and surrounding area

A-4 – Architectural plans

Mr. Halleran – Mr. Sive will you please describe the property and review the engineering report prepared by Abbingtion dated January 3, 2022;

Mr. Sive – site identifies as Block 74 Lots 1.01 known as 18 Lloyd Street and Lot 15 known as 25 McDermott Street; lot 1.01 is upper right box, exhibit A-1 located on easterly side of Lloyd Street, contains an area of approximately 7,371 sq. ft., almost entirely developed with vacant industrial building; front westerly building is two stories, approximately 25,000 sq. ft., in area, shown as light gray area upper left. corner in the exhibit A-1, attached one story garage to the rear area of approximately 2,751 sq. ft.; lot 15, lower half of exhibit, north easterly corner of McDermott Avenue and Lloyd Street approximately 12,000 sq. ft. occupied by two story single family dwelling and detached garage; existing residential dwelling lower right hand corner of exhibit with detached garage, approximately half way up the property line and leads to gravel area for parking area; that describes existing site conditions; most of you are familiar with, use variance was heard prior today; if there are any questions or I can go right into the application;

Exhibit A-2 – proposed site improvements are raising the garage portion, industrial vacant building site, reconstruct front portion of the building – two story residential complex, 12,000 sq. ft., of residential area from use variance approval prior; as part of use variance, it is required the parking, darker gray area on rendering, access to parking area for Lloyd Street be on subject property; the use variance had cross access easement, the board preferred to do as on-site parking on the lot with multifamily building which required subdivision; the color rendering solid red lines and dotted line just below south of existing building that will be converted; the dotted red line is existing lot line, removed and solid red line around parking area is proposed lot; Proposed subdivision is approximately 2,997 sq. ft.. – the parking and circulation are all in the same area;

Existing dwelling remains, no proposed buildings; there is existing stone that will become grass and some of the stone will remain for parking for the single family home with detached garage; summary of what is proposed;

Going into the review letter from Abington – pages 1-5 are statements of facts; page 6, variances associated with properties – most are existing non-conformities; start with A on page 6; building being converted for multifamily, 25ft. set back is required, existing condition, 1.3 feet exists, which is not changing; same building requires 25 ft. setback, 7.9 exists which is not changing; building is only 7.9 feet from the property line, only by the top portion jog out, but the rest remains and nothing is changing; last variance existing lot coverage, is be about 79%, proposing about .8% increase, adding sidewalk, parking side and will increase – variances associated with multifamily lot;

Creating 2 variances for the single family residential lot; first existing variances 25 ft. front yard setback required on McDermott right away, the report says 11.7% but 11.5% to the front porch of the existing dwelling which is not changing; first proposed variance is rear setback, 25 ft. required, 23.82 ft., if proposed; unique situation, back left. corner of building to angle point lot line, that short distance is 24.8 opposed to 25, past corner of building is 25 and above; second proposed variance is detached garage, 3 ft., side yard setback required .6 ft. proposed on left. side of garage from proposed lot line;

Mr. Jackson – will there be a fence or just plantings;

Mr. Sive – the board engineer suggested we fence and leave up to discretion of the board;

Mr. Sive – final existing variance for single family lot , 40% lot coverage permitted and currently at 66.1%, when stone is removed we'll be 43%, and although we increased the multifamily by approximately 1% we are decreasing this lot by about 20%; these are the variances in summary, the subdivision will eliminate two existing non-conforming setbacks but moving the lot line; we are eliminating two variances, creating two variances which do not impact neighboring properties; the changes are in compliance with the already approved use variances approval; no new structures, changing the commercial building to a more compatible residential use; no substantial detriment to the public good by granting the variance, works with the zone plan and could grant these two variances;

If no questions, go to page 7, technical items;

Notes exiting variance on McDermott / Lloyd Street intersection, large hedge exceeds height, we agree to either cut down or remove; we will comply with the ordinance so no variance is needed; site items 1 - 4, we agree; #5, existing gravel, light grey stone; #6 deliveries, residential use type deliveries; #7, ADA, with sidewalk and parking stall by drive isle; #8 curbing around perimeter of parking area, we comply; #9 suggests reduced ADA from 10 ft. to 5 ft., we want to keep at 10ft., allows space for accessibility and turn around room;

Anthony Maltese – ok with;

Mr. Sive – #10, comply with Freehold soil; #11, ADA ramp at Lloyd St;

parking and circulation –#1 comply with ADA; #2, northerly corner, board engineer wants to adjust lot line so paver doesn't cross over; we can work out; #3, ordinance requires 25 ft. setback to parking stall, first parking stall parallel to Lloyd St, is about 19 ft, a design waiver is needed; ordinance and RSIS

requires 8 parking stalls, we are proposing 9; we can remove the extra stall, I suggest leaving 9 stalls; we are proposing landscaping screening to block view of stall; 19 ft. verse 25 ft.

Mr. Maltese – can we shift the space

Mr. Sive – we prefer not; we will need a waiver;

Mr. Cucchiaro – if the board wants to grant the waiver, it can be subject to review of the board engineer;

Mr. Sive – grading, nothing further to discuss we will comply with all;

Landscaping we agree with, we may want to discuss, #3, 6ft privacy fence along rear property line, area along east and southerly property line by garage; proposing landscaping can do fence if required but will create narrow area; may be can do fence up to garage and pick up after the garage not to create an ally; #5, landscape shrubs and trees along Lloyd Street, no objection to add plantings but not sure how well street trees will do there, the building is one and one half feet of property line, any tree would end up against the building;

Mr. Maltese – this would be between the sidewalk and the curb;

Mr. Sive – I understand but the building is about 2 to 3 feet of sidewalk, and tree will be about 8 ft. off the building and any type of canopy from the tree will be into the building; not ideal situation; it is a narrow area there, don't think street trees are the best in this location; we can see what Shade Tree Commission has to say but could have problems down the road;

Lighting – nothing that we are not able to work out with the board engineer, unless there is something specific the board requests;

Mr. Maltese – is there proposed signage;

Mr. Sive – no proposed signage;

Mr. Jackson – Anthony, do you see any issues with the drainage for proposed new parking area;

Mr. Maltese – submit new grading and will flow to the street;

Mr. Jackson – out to Lloyd Street;

Mr. Maltese – yes, we will make sure all is in line with code and ordinance;

Councilwoman Rogers – landscaping, not clear on why trees would not be appropriate;

Mr. Sive – the building is 12 feet of the curb and any tree with any type of canopy growth will be intrusive to the building; will need to be maintained and will probably end up dying because of the way it will be maintained;

Councilwoman Rogers – you should reach out to Shade Tree and our forester, they have variety of trees that do not have the height and canopy over building and will give a nice look and I definitely recommend you reach out;

Mr. Sive – we agree;

Mr. Barricelli – a few items you wanted us to react to - #7, vegetation – you suggested cutting back or removing –

Councilwoman Rogers – they should be cut down – better visibility;

Ms. Van Vorst – I agree;

Mr. Barricelli – page 8, #9, 5 ft vs. 10 ft., ADA loading zone;

Mr. Sive – I would suggest keeping it and Anthony agreed

Mr. Barricelli – Anthony this is ok;

Mr. Maltese – yes;

Mr. Barricelli – circulation, page 8, #3 – 9 vs. 8 stalls;

Mr. Sive – Ron suggested if the board wants the extra stall, we can grant a waiver for the extra stall, if we eliminate the extra stall the waiver goes away;

Mayor Kane – I think we should keep the 9 stalls and grant the waiver;

Mr. Maltese – keep at 9 stalls;

Councilwoman Rogers – utilities – any requirements for water and sewer;

Mr. Sive – existing services to residential dwelling that will change and existing services to commercial building; services they will be used and during construction we will follow all codes and ordinances;

Mayor Kane – are there lead pipes at this location;

Mr. Maltese – the applicant would be required to replace any lead pipes;

Mr. Wildermuth – did you address lighting;

Mr. Sive – I submitted as part of our site plan; there was a review, there is an existing street light across from our driveway, we proposing two pole mounted lights, the building blocks any spillage and building mounted lights; we will work with the board engineers to make sure we included all requested items and are compliant;

Mr. Barricelli – any public questions – hearing none;

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

Yes	9	Barricelli, Ceppi, Wildermuth, Argote-Freyre, Jackson, Councilwoman Rogers, Van Vorst, Keelan and Mayor Kane
No	0	
Abstain	0	
Absent	2	McCabe and Crombie

Mr. Halleran called the applicants husband/builder – Walter Gil De Rubio; sworn in by Ron Cucchiaro;

Relation to applicant and background – husband and builder;

Mr. Rubio – the garage, was thinking I could use the garage for any equipment needed for maintenance/repairs; rather than a fence maybe divide with a wall and keep the door;

Mr. Cucchiaro – how do you enter the garage, is an easement needed to enter the garage, cross access easement;

Mr. Rubio – there is access from the property; there are two ways to enter; I'll do whatever needs to be done;

Ms. Van Vorst – on the rendering, what type of stone is on the lower portion of the building;

Mr. Rubio – was thinking cultured stone, costs are inflated, will have as you are looking at it;

Ms. Van Vorst – when you planned, what style were you proposing;

Mr. Rubio – no style;

Ms. Van Vorst – this is an old factory, the houses were enactory homes, I think high quality materials for building are important, these buildings will outlive all of us, here for many generations; I think you should consider the material and detail

Mr. Rubio – they don't build buildings like this anymore, it will stand another 200 years;

Ms. Van Vorst – I understand, what are you planning to use for material;

Mr. Rubio – regular siding and cultured stone;

Ms. Van Vorst – what type of windows are you using;

Mr. Rubio – quality windows, not replacement; each apartment will be central air and heat; this is my property, want it to be nice and last a long time; I take pride in my properties; I own the northerly side, all along that area; I have been waiting this opportunity to have approved, spruce up house on the corner / Ford Ave; this has been an eye sore for a while;

Ms. Freyre – the top rendering, showing one door does this face Lloyd;

Mr. Rubio – yes, faces Lloyd and enter, the stairs take you to the second level apartments; and the lower rendering with two doors is the rear property;

Ms. Argote-Freyre – the side rendering, this door is for what purpose;

Mr. Rubio – utilities, water heater;

Ms. Argote-Freyre – is there a reason why there are no windows on the side of the building;

Mr. Rubio – there are plenty of windows on the front and rear building; also allows for extra interior wall space for furniture; windows take up wall space;

Mr. Maltese – you have windows on the 2nd floor rendering;

Mr. Rubio – that shouldn't be;

Ms. Van Vorst – windows would be nice;

Mr. Argote-Freyre – I agree;

Mr. Maltese – you may need a fire escape;

Ms. Van Vorst – the rendering of Lloyd Street shows more detail;

Mr. Rubio – the architectural may need to make changes;

Mr. Cucchiaro – the plans seem to have many inconsistencies, you may want to have corrected and come back to the board;

Mr. Wildermuth – A-2 floor plans shows windows on the side; and A-1 no windows;

Mr. Rubio – should not be, the architect must have not removed;

Mr. Cucchiaro – the submitted architectural plans should be revised and resubmitted for approval;

Mr. Maltese – will there be columns;

Mr. Rubio – considered but not enough room;

Ms. Van Vorst – I like the columns, how much room do you need;

Mr. Maltese – 1.5 feet, will create a new variance;

Ms. Van Vorst – if no columns can you continue the stone;

Mr. Rubio – will try, the cultured stone is costly;

Ms. Van Vorst – design is very important, as previously stated with the windows; there is wall space with the interior walls;

Councilwoman Rogers – in this case, I agree with the applicant, this is a major improvement and windows are not a sticking point for me; there are windows in the front and rear of apartments;

Mr. Keelan – if you can have the stone from rear to front and columns in the rear;

Mr. Rubio – not sure why the architect put stone at the back of the house, I only wanted to dress up the front;

Mr. Barricelli – the difficulty we are having is things keep changing; you want something but the architect did something different; I think we need new plans where everything is in line, matches up and is what you want for us to review;

Mr. Cucchiaro – you have heard from the Board; they want consistency;

Councilwoman Rogers – it is not our job to provide you with architectural details, you bring the design to us;

Mr. Halleran – advising his client to hear the board attorney to provide consistent plans;

Mr. Cucchiaro – the applicant provides us with documents, you have the burden to prove if it satisfies the criteria or not; these plans are disjointed and deprived of analysis by the board engineer; you have heard from the board, make the changes to your plans, be consistent and provide us with new plans;

Mr. Ceppi – consistency is the key, appreciate all the stone, across the back but you can move but be consistent in your plans; also the garage is used to house equipment, why have the property line drawn across the front, move the property line for better access;

Mr. Rubio – that property uses the garage also - share space with both;

Councilwoman Rogers – property line drawn, garage belongs to the two story building, why is the property line drawn on the single family dwelling;

Mr. Ceppi – key is consistency, understand cost but consistent with plans; the property line across the garage, 6 inch strip across; to get from one property to another you still need to cross into the property; are you accessing the single family property to get to garage – yes you are; so the property line needs to be at the wall, zero lot line or something different, so you are not crossing into the property;

Mr. Rubio – if I need to I will close up the wall and use entrance from McDermott;

Mr. Wildermuth – garage for service, door doesn't seem to be a safety issue, seems practical; no fence, not practical; dress up the front of the building, stone, columns, spruce up; windows on the side, I agree not an end all but seems stark on the renderings; renderings you originally had on A-2 in the stairwell and should do on the other side as well;

Mr. Rubio – no a bad idea to light the stairwell with windows;

Ms. Van Vorst – appreciate you wanting to improve the building; you came to us and we granted you a use variance; you are asking us to accommodate you and compromise; we don't expect you to do all items discussed but design element is important;

Mr. Rubio – cultured stone in front, landscape rear and windows on side;

Ms. Van Vorst – we need to see revised plans;

Mr. Barricelli – we trust your judgment, you’ll come back with consistent plans and do a quality job.

Mr. Cucchiaro – we will carry this meeting to the first meeting in March, March 9, 2022; application PB-SD-2021-011, Colts Pride LLC will be carried to Wednesday, March 9, 2022, 7pm here at 30 Mechanic Street, there will be no further notice;

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

Ordinance #2022/1 of the Borough of Freehold, County of Monmouth, State of New Jersey Amending Title 18 “Zoning”, Title 5 “General Licensing and Business Regulations”, and Title 3 “Revenue and Finance” of the Code of the Borough of Freehold Establishing Land Use Regulations and Licensing Requirements for Cannabis Businesses.

Councilwoman Rogers – this ordinance is identifying where cannabis, medical cannabis can be located, set the parameters of the area in the Borough and designate the cost of licenses – further defining what is allowed and not allowed and where within the Borough;

Mr. Jackson – what is our job tonight;

Mr. Cucchiaro – to determine if substantially consistent with the Master Plan;

Mr. Wildermuth – what is the underlying part to this ordinance;

Mayor Kane – the reason for this is alternate treatment centers, which is medical cannabis; we approved a few years ago for medical license on Throckmorton Street and never materialized and most recently the recreational class – there are six classes, but the State came out and issued medical two years later; and now we must include medical with retail; once recreational is up and running medical will no longer be needed but for now we need to include medical;

Mr. Ceppi – our prior conversations discussed playgrounds and parks; respectfully, we made a recommendation to Council that be included and does not appear to have the geographic boundaries included into this ordinance; respectfully request again to have a diameter radius around playgrounds and parks that kids would gather – more than licensed child care and schools;

Councilwoman Rogers – we did discuss, and the defined areas do not have play areas or areas of large gatherings they are in commercial areas;

Mr. Ceppi – respectfully Margaret, as Michael Wildermuth pointed out, assisted living facility on Manalapan is zone commercial zone and just behind, west corner is a park that serves the condo complex, Lenoir – definitely inconsistencies;

Councilwoman Rogers – I believe it is in the area of Throckmorton, Rhea Street area and Park Avenue to South and Jerseyville;

Mr. Ceppi – ok, thank you sorry about that;

Mr. Cucchiaro – you did previously review substances ordinances and found substantially consistent with the Master Plan; the underlying portions, alternative treatment center dispensaries, with the exception of that you already found substantially consistent with the Master Plan – you are adding that alternate treatment center dispensaries are consistent; if not then you are voting to find it substantially inconsistent with the Master Plan;

Mr. Jackson made a motion to find substantially consistent with the Master Plan; Ms. Van Vorst seconded;

Yes	9	Barricelli, Ceppi, Wildermuth, Argote-Freyre, Jackson, Councilwoman Rogers, Van Vorst, Keelan and Mayor Kane
No	0	
Abstain	0	
Absent	2	McCabe and Crombie

Mr. Wildermuth – make a recommendation to change the zoning; it seems obsolete that assisted living facility, Manalapan Ave is still zoned commercial;

Mr. Cucchiaro – that needs to go to Borough Council and need to check and see what the Master Plan states; if the Master Plan amends then can change to be consistent with the Master Plan;

Mr. Barricelli does anyone have anything else for discussion, hearing none would someone make a motion to adjourn;

Mr. Ceppi made a motion to adjourn;

All in favor, aye (all) – nay (none)

Meeting adjourned at 8:43 PM.

Respectfully submitted,

Dominica R. Napolitano