

FREEHOLD BOROUGH PLANNING BOARD
MINUTES OF JUNE 8, 2022

MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, June 8, 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
ABSENT	Mr. Paul Ceppi
ABSENT	Mr. Michael McCabe
PRESENT	Mr. Michael Wildermuth
ABSENT	Ms. Shealyn M.S. Crombie
ABSENT	Ms. Caridad Argote-Freyre
ABSENT	Ms. Brianne Van Vorst
PRESENT	Councilwoman Margaret Rogers
PRESENT	Mr. Garry Jackson
PRESENT	Mr. James Keelan
ABSENT	Mayor Kevin A. Kane

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

Approval of Minutes from Planning Board Meeting May 11, 2022.

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

Yes	5	Barricelli, Wildermuth, Councilwoman Rogers, Jackson and Keelan
No	0	
Abstain	0	
Absent	6	Ceppi, McCabe, Crombie, Argote-Freyre, Van Vorst and Mayor Kane

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

Memorialize Resolution for Donatelli, Julianne and Robert, Application PB-BV-2022-003, Block 99, Lot 9, Zone R-7, 10 Brinckerhoff; Requesting Bulk Variance;

Mr. Keelan made a motion to approve the resolution, Councilwoman Rogers seconded.

Yes	4	Barricelli, Councilwoman Rogers, Jackson and Keelan
No	0	
Abstain	1	Wildermuth
Absent	6	Ceppi, McCabe, Crombie, Argote-Freyre, Van Vorst and Mayor Kane

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

Continued from Planning Board meeting of May 11, 2022

Application Number: PB-BV-2022-005, Applicant: Ronko Developers Inc., Center Street;
Block 61 Lot 16 Zone R-4; Request Bulk Variance

Richard Brigliadoro, Esq. – we have five (5) board members tonight; each member was present at the May 11, 2022 meeting or listened to the tape of the application; all five members are able to vote on the application tonight if goes to a vote tonight;

Paul Mirabelli, Esq. – representing the applicant, Ronko Developers Inc., we presented on May 11, there was question about adjacent property receiving proper notice regarding the meeting; subsequent to the meeting date, my client supplied a copy of a letter from the township administrator indicating they did not have any interest in selling or buying any portion of their property or ours; do you want to mark as exhibits;

In addition there was question regarding another neighbor, whether they received proper notice which was sent in English; there was a request that we resend the letter in Spanish; we have done and provide to the board; the response was they didn't have interest in buying or selling and indicated they would be here tonight; do you want to mark exhibit together;

Mr. Brigliadoro – mark as both as exhibit 3;

Mr. Mirabelli – that was the only issue presented at the time, all planning testimony was in, questions were answered; matter of opening to public to see if neighbor has any comments or questions;

Mr. Barricelli – before we do, can you advise again how this lot became a lot and someone suggested we move the new construction closer to the township side to not encroach on the residential occupied home on the other side;

Mr. Maltese – five foot setback on residential side;

Mr. Brigliadoro – for the record – you provided testimony May 11, this is a continuation of May 11 and you remain under oath; please state your name;

Ron Koenig – president of Ronko Developers, sole stock holder; Anthony, Borough engineer had more information than we had, I would appreciate if Anthony could provide testimony regarding same;

Mr. Maltese – around 1856 a map was filed with the county where Freehold Township subdivide with Freehold Borough in that area; there was an old roadway that went through on right side of property; they vacated the road and 25 ft. remain on one side and 25 ft. to the other, the Township took 25 ft. and the Borough took the other; sometime after, Freehold Borough sold the property to the public and private owner never developed, then at some point Ronko Developers purchased looking to develop an undersized, non-conforming lot;

Mr. Barricelli – there were modifications discussed at the last meeting, moving the proposed house over, to allow for the variance only to the Township side, keeping the appropriate setback with the residential neighbor;

Mr. Maltese – current requirement is 5 ft. side yard setback on both sides, they centered the house giving 3.5

on each side; I recommended they shift closer to Township side; giving 5 ft. on Borough side and 1.5 to Township side;

Mr. Barricelli – do you know how is it zoned in the township;

Mr. Mirabelli – I do not;

Mr. Barricelli – it is manufacturing zone;

Councilwoman Rogers – if we approve tonight and the township develops would it have any affect with the way the house is proposed to be situated;

Mr. Maltese – not able to answer without seeing plans; I'm think they would develop in a way it did not impact this lot;

Mr. Jackson – any concern with parking and traffic pulling in and out of the property;

Mr. Maltese – in my letter, it is requested they revise the plans, page 3 of 5, #3 providing more depth, move house back further;

Mr. Mirabelli –we accept, should be listed as a condition;

Mr. Maltese – standard requirement - 20 ft. right-of-way an additional 2 ft.

Mr. Jackson – that will help with safety;

Mr. Maltese – we could have a condition of sight triangle, proof with enough sight distance;

Mr. Jackson – if approved, can we make a condition;

Mr. Brigliadoro – in terms of moving house back, the setback is 40.50 ft., 25 ft. rear yard setback requirement, if you move back, will you trigger a variance;

Mr. Maltese – no;

Mr. Barricelli – members of the public – any questions;

Yamilka DeJesus – sworn in; my address is 139 Center Street, I am the daughter of neighboring property owner of the applicants property, may I speak on her behalf;

Ms. DeJesus – why is it ok to do this, if we all have to follow rules of variance and setbacks, how is it ok to do this;

Mr. Barricelli – this is what we do; people make an application to preform something with their property and if conforms it can be a quick approval; if it does not conform you need to make an argument as to why it should be allowed and provide testimony of the positive and negative criteria and is it in line with the Master Plan; we do not make decisions based on what we like, do not like or our feelings; we take our job seriously;

Ms. DeJesus – that is my only question;

Mr. Jackson – motion to close public questions; Mr. Wildermuth seconded;

Yes	5	Barricelli, Wildermuth, Councilwoman Rogers, Jackson and Keelan
No	0	
Abstain	0	
Absent	6	Ceppi, McCabe, Crombie, Argote-Freyre, Van Vorst and Mayor Kane

Mr. Barricelli – any comments from the board before we go to public comments;

Mr. Barricelli – any comments from the public;

Ms. DeJesus – we did not receive notification about the application, my mom did not receive a letter, never wrote a letter saying she needed in Spanish, she just received this week with certified card attached; this letter was sent to me by my cousin; concerns she has are drainage, my mother had to call plumber a few times already this year because the drainage is bad; also that area is dangerous, wide then narrow; it is an issue of speeding; a family member is a Borough police officer, they put up a sign but didn't see a change; the main concern is drainage and speeding;

Mr. Barricelli – your first point, notification when presenting an application to the board, the applicant is required to send notice by certified mail to property owners within 200 feet; once sent, the applicant can't enforce or be sure the letter gets where it needs to in a timely manner; second point, if approved the Borough engineer and construction department will review and do the best they can to make sure drainage is not an issue and construction is followed accurately;

Mr. Jackson – the drainage issue goes back years;

Councilwoman Rogers – you said you did not receive the first letter at all;

Ms. DeJesus – received this week with card still attached; the applicant also came to our house to advise we did not need to come because we sent back a no interest to buy or sell letter; but we wanted to come to hear and see what will happen;

Councilwoman Rogers – your mother does not speak English;

Ms. DeJesus – yes, my mother speaks English and she understands; she is shy and ask me to speak for her;

Councilwoman Rogers – I ask because I requested the letter be sent in Spanish as well as English in case there was a language barrier, was it better for her to understand in Spanish; I am happy you are here and brining your concerns here;

Ms. DeJesus – also she is not interested in selling any of her property;

Mr. Maltese – I want to make sure the property owner understands the buy/sell letter gives the opportunity to buy the property or to sell a portion of your property; she has no interest in purchasing the property;

Ms. DeJesus – yes, she understood – no interest in buying;

Mr. Wildermuth – motion to close public comments; Mr. Keelan seconded;

Yes	5	Barricelli, Wildermuth, Councilwoman Rogers, Jackson and Keelan
No	0	
Abstain	0	
Absent	6	Ceppi, McCabe, Crombie, Argote-Freyre, Van Vorst and Mayor Kane

Mr. Wildermuth – I intend to support, classic hardship case; undersized lot, developer doing everything they can to make as little impact on the neighborhood as possible; the house matches the other homes in the area; agreed to shift the dwelling over, to allow for 5 ft. between the dwelling and the property line to confirm on the Borough side and against the residence on the same side; I do support, they have done their due diligence and falls under a hardship case;

Mr. Keelan – I concur with all just said, also the Borough sold this property to the public, at one point they determined it would be developed; I am inclined to support as well;

Councilwoman Rogers – I have concerns, leaving it to the construction department to deal with drainage issues and the traffic area, there is speeding in that area, I drive it twice daily; as long as the conditions are met and moving the house over, I am concerned with the privacy of the neighbor; if conditions met I am ok with supporting;

Mr. Jackson – I don't disagree with anything said; I have concerns, sight line, drainage issues; maybe Township could lower speed to 25 mph when they get to the DPW, not sure if they will do; realistically people will continue to drive fast; I will vote to approve;

Mr. Barricelli – the Planning Board tries to keep the integrity of the Master Plan, listen to testimony, take all into consideration and an application like this is almost easy because like Jim said, the town created the lot; we are not in the business of making the lot un-useful; if the conditions can be met and good for the integrity of the Master Plan and the benefit of the neighborhood, especially for the benefit of the person that will buy this house; I intend to vote affirmative on this application;

Mr. Barricelli – a motion please

Mr. Keelan made a motion to approve; Mr. Wildermuth seconded;

Yes	5	Barricelli, Wildermuth, Councilwoman Rogers, Jackson and Keelan
No	0	
Abstain	0	
Absent	6	Ceppi, McCabe, Crombie, Argote-Freyre, Van Vorst and Mayor Kane

Mr. Barricelli – Councilwoman Rogers, anything from Council;

Councilwoman Rogers – with tonight's application we found there is a need for translation to the home owner so they would know what is going on; I mentioned to our BA and we are going to look into some sort of policy so that in the future we can make sure that the residents are able to understand these letters sent to them; we have a large Hispanic population, so it will be in the form of some sort of statement at the bottom in different languages saying if you cannot understand this please contact us to get translated or something similar with obviously staying with the rules of New Jersey state laws regarding this type of ordinance things like that; we will probably see something coming down the line; new business in town, new diner

open;

Mr. Barricelli – fair compromise you are making with notification;

Councilwoman Rogers – it is a concern of mine that residents understand when we get these type of letters; big concern of mine because I know how I would feel; it worked, she came to the meeting;

Ms. Napolitano – may not have a meeting, applications not ready; if we don't meet on June 22, the next meeting date is July 13, 2022;

Mr. Keelan made a motion to adjourn, Councilwoman Rogers seconded;

All in favor, aye (all) – nay (none)

Meeting adjourned at 7:34 PM.

Respectfully submitted,

Dominica R. Napolitano