

**FREEHOLD BOROUGH PLANNING BOARD**  
**MINUTES OF OCTOBER 26, 2022**

**MONTHLY MEETING**

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, October 26, 2022 at 7:00 p.m. in the Council Room of the Municipal Building.

Vice Chairman Wildermuth 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**

|         |                              |
|---------|------------------------------|
| ABSENT  | Mr. William Barricelli       |
| ABSENT  | Mr. Paul Ceppi               |
| PRESENT | Mr. Michael McCabe           |
| PRESENT | Mr. Michael Wildermuth       |
| ABSENT  | Ms. Shealyn M.S. Crombie     |
| ABSENT  | 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. Wildermuth read Item No. 3 on the Agenda as follows:**

Approval of Minutes from Planning Board Meeting September 14, 2022.

Mr. Keelan made a motion to approve the minutes, Mr. Jackson seconded.

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

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

We will carry the September 28, 2022 minutes to the next meeting, not enough voting members;

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

Memorialize Resolution for, Model Electronics II, Inc. d/b/a Bumper to Bumper, Application: PB-UV-2021-012; Location: 586 Park Avenue, Block 110 Lot 9.05, Zone B-2B; Request: Use Variance and Waiver of Site Plan Approval.

Ms. Van Vorst made a motion to approve the resolution, Mr. Keelan seconded.

|         |   |  |
|---------|---|--|
| Yes     | 4 | Wildermuth, Van Vorst, Jackson, Keelan       |
| No      | 0 |  |
| Abstain | 3 | McCabe, Councilwoman Rogers and Mayor Kane   |
| Absent  | 4 | Barricelli, Ceppi, Crombie and Argote-Freyre |

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

Memorialize Resolution for Rema Realty LLC PB-UV-2022-004  
Location: 28 East Main Street, Block 62 Lot 9.01, Zone B-2; Request: Final Site Approval with Use Variance.

Ms. Van Vorst made a motion to approve the resolution, Mr. Jackson seconded.

|         |   |  |
|---------|---|--|
| Yes     | 4 | Wildermuth, Van Vorst, Jackson, Keelan       |
| No      | 0 |  |
| Abstain | 3 | McCabe, Councilwoman Rogers and Mayor Kane   |
| Absent  | 4 | Barricelli, Ceppi, Crombie and Argote-Freyre |

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

Memorialize Resolution for Augun, Michael and Barbara; Application PB-UV-2022-007  
Location: 75 Broad Street, Block 32 Lot 13, Zone R-5; Request: Site Plan Approval for Existing Non-Conforming Use.

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

|         |   |  |
|---------|---|--|
| Yes     | 4 | Wildermuth, Van Vorst, Jackson, Keelan       |
| No      | 0 |  |
| Abstain | 3 | McCabe, Councilwoman Rogers and Mayor Kane   |
| Absent  | 4 | Barricelli, Ceppi, Crombie and Argote-Freyre |

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

Application Number: PB-DW-2022-008, Application: Sonnenblick, Mehr & Licata, PC  
Location: 3 Monument Street – Block 39 Lot 5 Zone R-7, Request: Sign Design Waiver Approval.

Bill Mehr, Esq. – representing applicant Mr. Licata; we came before the board a few years ago for a use variance at the time the approval was for a 3 sq. ft. sign; we now realize the sign is too small; we are back tonight requesting the approval for a larger sign;

Peter Licata, Esq., applicant sworn in; I am the owner, member owner of the law firm approved for use variance in 2019; as we transitioned to the property Covid began, we got a c/o 9 to 10 months; as represented in a use variance application, as promised we did our best to make minimal changes to the property, most changes were to the exterior back of property parking; interior Mr. Dittmar restored the house and kept original colors, moldings; finally getting all approvals for the ADA lift and installing correct we are not getting to signage;

Clients call, where are you, we can't find you; the approval received during our use variance, was 3 sq. ft., our sign person advised if we go with same size, not to it will be a waste of money; want to be a good neighbor and don't want to be intrusive; propose to set the sign back 37 feet away from the sidewalk, photograph of one of my staff

holding sign where it would be placed, showing accurate 1 to 1 ratio, I took the photos provided, took into consideration, right turn off Court Street; harmonize with the front of the house and is 37 feet from the sidewalk; people driving from north is over 40 feet, driving south is over 50 ft. and 240 ft. from Court to driveway; keep color as it is noticeable;

Mr. Cucchiaro – I want to take what I think the noticeable facts – this is a lot about safety right;

Mr. Licata - yes;

Mr. Cucchiaro – to prevent cars wandering around, not paying attention to the road and trying to find your location;

Mr. Licata – correct; my desk is at the bow window in the front, I look out and see people pulling over to call and ask where we are; I have a picture of the house on the bottom of the email so people know what they are looking for when the drive there;

Mr. Mehr – people need to see the sign, if they have to search for it then they are not keeping their eyes on the road;

Mr. Wildermuth – any board members questions for Mr. Licata;

Ms. Van Vorst – what are sign materials;

Mr. Licata – Mr. Goetz will comment

Ms. Van Vorst – were the residents on Court Street side noticed about this application;

Mr. Licata – we noticed all required – 200 ft. list; also spoke to both neighbors on each side of the property

Councilwoman Rogers – are there numbers on the house;

Mr. Licata – no, porch is set back and not visible;

Mr. Cucchiaro – that is not just benefit of clients, that is emergency services too;

Mr. Wildermuth – you propose the sign to be 50.6 inches in total sign height, the ordinance is 48, why can't it come down by 2.5 inches to comply with that element of the ordinance;

Mr. Licata – we can do that;

Mr. Wildermuth – any other members;

Mr. Mehr – next Mr. Keven Goetz

Mr. Mehr – Mr. Goetz is this your business and how long have you been making signs;

Mr. Goetz – yes, since the 70s; I am familiar with the Borough and have done several signs in the Borough over the years;

Mr. Mehr – explain how you come up with right size sign for the location;

Mr. Goetz – difficult to create/construct; the color being the same as the house, blending; in the sign business we look for contract, visibility, spacing so sign is easily read; if you need to look twice, often that would not be a good job; typically the distance from the road takes into account, letter size to be readable and to have contract with the background and letters so easily spotted; we use all new materials, epoxy paint, I build to last; they are HDU, high density urethane, does not rot, holds paint well and I guarantee for five (5) years; my signs are all over town, I did the Welcome to Downtown Freehold signs, up for 5 to 6 years, held up very well; I have been doing a while;

Mr. Mehr – this sign will be on posts;

Mr. Goetz – yes, PVC with vinyl wrap; making sign height is easy, just need to know how deep to dig the hole; easily adjusted; and typically go to top of sign not posts; letter size is 4inch with gold leaf;

Mr. Cucchiaro – if approved you will comply;

Mr. Goetz – absolutely;

Mr. Jackson – comply with code – size of numbers for street identification 3 or 4 inches; is it illuminated;

Mr. Mehr – in the use variance application, we stated it would not be illuminated; we would like to have a small light on the ground to shine up, putting in landscape; in another few weeks at 4:30 it will be dark;

Mr. Maltese – that is not illuminated,

Ms. Van Vorst – under the sign ordinance, is it considered indirect light; it would be there if not to illuminate the sign; so indirect lighting;

Mr. Mehr – only in later afternoon, early evening;

Mr. Cucchiaro – in terms of intensity, if approved, review and approval by Board of Engineer and will comply;

Ms. Van Vorst – no signage now, none:

Mr. Mehr – no;

Councilwoman Rogers – if the sign is same color as house, how will you see it, won't it blend.;

Mr. Goetz – lighter green with gold letters;

Mr. Wildermuth – time for lights to go off;

Mr. Mehr – 8pm off; we would not anticipate anyone coming after then;

Mr. Wildermuth – can we get that in the resolution; what about weekends only weekdays;

Mr. Mehr – Saturdays open, if we use solar not sure if we can set hours;

Mr. Goetz – you can set, dusk to dawn;

Mr. Wildermuth – any other board members;

Mr. Mehr – Allison Coffin – planner

Ms. Coffin – sworn in – licensed planner, certified by American Institute of Planners, license since 2005 appeared before several communities including this board for this use variance application;

Ms. Coffin – applicant is requesting design waiver for a sign a little larger than original approval; my opinion the board would be justified in granting this waiver request; MLUL grants the planning board authority to grant waivers when they are reasonable and in the general purpose and intent of the provisions of the site plan approval if the literal enforcement of one or more provisions of the ordinance is impracticable or extract undue hardship because of peculiar conditions pertaining to the application; legalize of the authority you have for granting this waiver; proposed signage is reasonable and within the general purpose and intent of the ordinance; the ordinance intends limit signage in

residential zones and the ordinance does not provide for specific standards for commercial use in a residential zone that does not also have a residence at the property; the proposed signage has a base of less than 11 sq. ft. is similar in scale to the signage typical in your office commercial zone which permits 12 sq. ft. signs; the size is consistent with the ordinance anticipates for this type of use; proposed sign size and height provide proper identification of this site; literal enforcement of the ordinance here is impracticable with regards to ensure proper site identification; visibility for vehicles traveling north on Court Street onto Monument, the road is curved and not much distance between the intersection and the site for the drive to get their bearings; the sign will better support drivers than already approved signage; visibility of site is obstructed for vehicles traveling south on Monument Street by landscape separating the site from neighbor and slightly larger sign will help drivers find office without over shooting on the street; public safety concern with ensuring proper visibility of a property and waiver request helps address this concern for this site;

It is in my opinion no detriment to the surrounding area will result with proposed sign and most immediate neighbors to the north are screened by landscaping will not see the sign at this location; no residents across the street, it is a park at the Court House; and it is in keeping with other commercial signs in the area; for these reasons, it is my opinion the granting of this waiver be supported;

Mr. Wildermuth – any questions form the board;

Councilwoman Rogers – you mentioned visibility – how far it will be set back, someone coming from downtown area, toward this building may not see the sign any soon than seeing the building now if there was a number on the house; the other thing there are newly planted trees, as trees grow could obstruct the view of that sign coming from the downtown area; not really from the Court area; again don't see the benefit of having the sign over a number on the building; the placement of the sign is throwing me off for the reasons I stated;

Mr. Mehr – the sign proposed has the name of the firm; we pushed away from big tree so it would stand out as people come from the downtown area; the tree does not block visibility it is in the open area; yes the tree will grow, we can trim if becomes a problem;

Mr. Keelan – if I was looking for your law firm, I would put in the GPS ad drive to you; sign is adequate, would not want any bigger, it is a residential area; I walk by all the time and never realized it was a law firm;

Mr. Wildermuth – anyone else;

Mr. Cucchiaro – legal clarification – the applicant has requested a design waiver under section 51, the application was granted as a use variance under section 70-D1, there are no standards because it is not a permitted use; all was subsumed; taking into account by the MLUL, also under section 76B, when you give a use variance one hearing and then come back for site issues for separate hearing, you are required to merely prove that what you are proposing continues to meet the negative criteria; no substantial detriment to the zoning ordinance; so I think that is what the Board should focus on tonight; you did hear testimony on that but because somewhat bifurcated in this instance in a use variance context, you have to reaffirm the negative criteria is satisfied;

Mr. Wildermuth – public wish to speak on this application;

Mr. Jackson – motion to close public portion; Councilwoman Rogers seconded;

|         |   |  |
|---------|---|--|
| Yes     | 7 | McCabe, Wildermuth, Van Vorst, Councilwoman Rogers, Jackson, Keelan and Mayor Kane |
| No      | 0 |  |
| Abstain | 0 |  |
| Absent  | 4 | Barricelli, Ceppi, Crombie and Argote-Freyre                                       |

Mr. Wildermuth – board deliberations;

Ms. Van Vorst – beautiful sign, I think the sign is great for the context of the neighborhood and the building; however, the criteria for the variance was a 3 sq. ft., there was criteria for the sign and may have had something to do with the board's decision at that time because it doesn't look like a law office because it is not supposed to be a law

office; it is a residential neighborhood and residents live there, living amongst signs; this is something that I hear often from them; it is a beautiful sign, the lack of a house number there now, doesn't seem to help, a house number should have been wise up to this point; detriments of this property were known when purchased, tree placement all things not great; because of that I am not included and what Councilwoman Rogers said about visibility; don't see what we are getting here, especially if no one made an effort to put a number on the house; so unfortunately I am think of the residents in the area and not interested in supporting;

Mr. Wildermuth – one of my first planning board meetings was this use variance application and I voted no; however, what I see here, I don't see a substantial detriment, it is a nice looking sign, goes with property; using as a law office, as Mr. Keelan said earlier, it does not look like a law office; landscape is nice; there are other properties in the R-7 and R-5 across the way that have similar size signs, 25 Monument, 80, 82 and 86 Court, Historical Association, all have signs, similar size and style being proposed; I am inclined to be in favor of application;

Mr. Jackson – I agree, signs similar all over area; looks good and fits the property;

Mr. Keelan – concur

Councilwoman Rogers – our focus, I don't have a problem with the sign, my problem is will the sign serve the purpose that it is meant to serve; coming from the downtown area, I can't see the benefit; I think it is a detriment because people will still pass and miss driveway; that is my concern; the argument is, it meets requirements and willing to make adjustments but does it really, it is not helping people find any better; there is a part of the house that comes out that could have a house number and does not; as it is now, I don't think I can vote in favor;

Mr. Cucchiaro – placement, size, light all factors to substantial detriment;

Mayor Kane – I think it will serve the purpose; similar size on Court; there is a reason Mr. Goetz signs are all over town, he does good work; no him a long time; it is a little bigger and will be fine, seeing what they have done, I am okay with the sign; they kept as is, aside from parking and fixing drainage; I am in favor;

Mr. McCabe – I am in favor of the sign; same as others stated;

Mr. Wildermuth – a motion for this application;

Mr. Jackson – what are the conditions for approval;

Mr. Cucchiaro – sign height, lighting and compliance with requirements with the house number;

Mr. Jackson – made a motion for approval with the conditions just stated by Mr. Cucchiaro; Mr. Keelan seconded;

|         |   |  |
|---------|---|--|
| Yes     | 5 | McCabe, Wildermuth, Jackson, Keelan and Mayor Kane |
| No      | 2 | Van Vorst and Councilwoman Rogers                  |
| Abstain | 0 |  |
| Absent  | 4 | Barricelli, Ceppi, Crombie and Argote-Freyre       |

Mr. Wildermuth – anything coming up;

Dominica – only one meeting schedule for November and December;

Mr. Wildermuth – our ordinance for signs needs to be looked at, seems dated – lighting, commercial properties;

Mr. Cucchiaro – we can ask our Class I and Class III to take back to council and include in our year-end report;

Mr. Wildermuth – anyone else;

Mr. Keelan made a motion to adjourn, Ms. Van Vorst seconded;

All in favor, aye (all) – nay (none)

Meeting adjourned at 7:49 PM.

Respectfully submitted,

Dominica R. Napolitano