

**FREEHOLD BOROUGH PLANNING BOARD**  
**MINUTES OF SEPTEMBER 27, 2023**

MONTHLY MEETING Borough Planning Board was held on Wednesday, September 27, 2023 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
ABSENT	Mr. Michael Wildermuth
ABSENT	Ms. Shealyn M.S. Crombie
PRESENT	Ms. Caridad Argote-Freyre
ABSENT	Ms. Brianne Van Vorst
PRESENT	Councilwoman Margaret Rogers
ABSENT	Mr. Garry Jackson
PRESENT	Mr. James Keelan
PRESENT	Mayor Kevin A. Kane

**P. Austin Mueller, Associate attended for Ronald D. Cucchiaro, Esq.**

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

Approval of Minutes from Planning Board Meeting August 23, 2023.

Councilwoman Rogers made a motion to approve the minutes; Mr. Keelan seconded

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

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

Memorialize Resolution for CT07-CT95 200 Park LLC, DT07-DT95 200 Park LLC, Application PB-SP-2023-006, Location 200 Park Avenue, Block 117, Lot 21, Zone R-7 seeking Preliminary and Final Site Plan Approval;

Mr. Barricelli - Motion to approve; Mr. Keelan made a motion to approve; Ms. Argote-Freyre seconded;

Mr. Barricelli – before discussion I'll turn it over to Austin and Anthony for a few items to discuss;

P. Austin Mueller, Associate – as the board is familiar there were a few items the applicants counsel disagreed with; over the past several weeks, Ron Cucchiaro and the applicant's attorney were discussing;

Conditions 9 and 10, language that was reflective language for the patio and perimeter fence where both were agreed to be six feet for privacy;

Anthony Maltese – Engineer – condition #9, specific to southerly property line and condition #10 is specific to actual patio; the patio sits up about six feet higher than ground level and we were worried about buffering for the neighbor; the six-foot fence for the patio and the property; also condition #14 which encumbers the entire property for fencing; the six-foot fence around the fence has not been revised on the plans but will be a specific condition in resolution compliance;

Austin – condition #18, is a Will Serve Letter from William Wentzien from 2021; that letter was discussed during the hearing and the applicant has not submitted to the board prior to the hearing so it is a condition they need to provide;

Anthony – I could not locate a Will Serve Letter from William Wentzien, so if they do not produce, are they in compliance with the resolution?

Austin – they would have to return to the board if they want to remove that condition; again, this has been over the course of a few weeks between Ron Cucchiaro and the applicant's attorney; they are aware of condition and agreed to the condition;

Anthony – not sure why it is so relative to this application because there are utilities there and they agreed to meet the requirements for the utilities; I am not certain what the relative background that is to have the letter; I think they won't produce because I did not find one, I found a will serve letter for their original application for retail center but did not find a will serve letter for another use after that;

Councilwoman Rogers – what is a will serve letter;

Anthony – an inquire made by the applicant to ask the town if they have utilities that will serve their property;

Mayor Kane – if the letter is from the application of the shopping center, does it count for this application;

Anthony – no it does not; nor is it required to have for this project; they went through the application process already;

Mayor Kane – if they can't find they have to come back here;

Austin – correct;

Anthony – again, my problem with that is they find a Will Serve Letter and produce and not relative to this application, the use of multi-family apartments, what happens then; they need to produce to be in resolution compliance;

Austin – correct; it reads 2021 Will Serve Letter from William Wentzien;

Mayor Kane – you know they will say here is the letter and we comply, is that what you are saying Anthony;

Anthony – right, if it doesn't pertain to the project; I guess their testimony was they received a Will Serve Letter and now we are going back testimony provided and I am not sure if generically we receive a Will Serve Letter, then they are correct;

Councilwoman Rogers – then why did we agree to this language, why didn't we say specifically for this project;

Anthony – I did not make the resolution, when questioned this is what was provided;

Councilwoman Rogers – this concerns me that this is an issue because we were not specific enough with our other requests; they could come with any letter if not pertinent to this project; does not make sense;

Anthony – my problem with it is it doesn't need to be pertinent to the project, because they did not need to have a Will Serve Letter to move forward on this project to go through the approval process;

Councilwoman Rogers – then why did they need for shopping center and not this;

Anthony – they didn't, they made an inquiry and said they received; if they can't produce they will come back here to remove condition;

Austin – Condition 1 regarding - site plan comments 3 and site access and circulation comments 1, 2 and 3, from the engineers July 27, 2023 report;

5-minute recess;

Anthony –

*SITE PLAN COMMENTS #3. There is a proposed 7' wide right-of-way easement along the southerly right-of-way of West Main Street. The County will be providing their own review and comments to the site, but we recommend this proposed easement is a dedication. If Monmouth County agrees to require this as a dedication the applicant must provide a new metes and bounds legal description for the modified boundary of Lot 21 for the review and approval of the Borough Engineer and Borough Attorney.*

This states they are proposing a 7 foot wide right away, I wrote this before I had the title commitment to which show they are taking already on that road; I recommended instead of being an easement, that actually dedicated to Monmouth County so the right away is pushed back; that was my recommendation, we don't have jurisdiction over County road way, so recommendation; they can provide to County but up to the County to decide if they want as an easement or dedication;

Councilwoman Rogers – they are saying they are not going to do;

Anthony – they are saying except for this recommendation;

Anthony – this is a recommendation, I can't hold them accountable or enforce; that is up to the County, I brought to their attention, the deed, I sent to the County and ;they did not realize or aware; the ball is in their court how they want to handle; this was in a title report and shown from 1996; they have to follow whatever the County tells them;

Austin – it was stated in testimony they would do an easement; this is up to the County; the dedication will change the meets and bounds of the lot;

Anthony – the next recommendation was *Site Access and Circulation*

- 1. The parking spaces labeled #1 and #43 inside the building at the northeast corner may be difficult to maneuver. The applicant should consider converting these two parking spaces into compact parking only with the appropriate signage to be added.*

This is a recommendation their professionals gave testimony that there are no issues and can maneuver easily;

*2. A bike rack is proposed outside of the southern corner of the building. We would recommend the bike rack is located within the building, perhaps converting parking space #1 or #43 as previously mentioned.*

This is a recommendation and they want that as an exception and not follow the recommendation;

*3. The applicant shall provide testimony as to the purpose of the three (3) “No Parking Fire Lane” areas. We recommend the islands are enlarged to reduce impervious coverage and to maintain a 24’ access aisle with proper radii to handle truck maneuverability.*

The traffic engineer and design engineer stated no issue with turning and truck radius and movability; and Matt Young, the fire official had no issue with the plan;

Those are the recommendations they want exceptions on;

Mr. Barricelli – any comments or other discussion for this resolution; we have motion to accept; Roll call please;

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

Mr. Barricelli – Dominica do we have a meeting in two weeks;

Dominica – no; the next meeting is on October 25, 2023;

Mr. Barricelli – motion to adjourn;

Mr. Keelan made the motion to adjourn, Ms. Councilwoman Rogers seconded; All in favor – aye (all), nay (none);

Meeting adjourned at 7:22PM.

Respectfully submitted,

Dominica R. Napolitano