

FREEHOLD BOROUGH PLANNING BOARD

MINUTES OF MAY 24, 2023

MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, May 24, 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
PRESENT	Ms. Shealyn M.S. Crombie
PRESENT	Ms. Caridad Argote-Freyre
PRESENT	Ms. Brianne Van Vorst
PRESENT	Councilwoman Margaret Rogers
ABSENT	Mr. Garry Jackson
PRESENT	Mr. James Keelan
PRESENT	Mayor Kevin A. Kane

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

Memorialize Resolution for Capital Review Project Freehold Borough School District, located at 280 Park Avenue, Block 116 Lot 1:

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

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

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

Mr. Barricelli – we are going to change the agenda order and hear the application for Monmouth Wellness first, the attorney is the same for both applications;

Dante Alfieri, Esq. – on behalf of the applicant, Monmouth Wellness, d/b/a NJ Leaf; seeking the boards approval to modify the existing sign on the building itself and propose free standing sign; owner applicant for the business located at 546 Park Avenue, Block 110, Lot 10;

Existing sign on the building only proposal is to modify, already has lettering that read NJ Leaf and proposing to add decorative plant on top and free-standing sign with the same NJ Leaf and plant;

Ritesh Shah – sworn in; - CEO, Managing Partner and pharmacist at NJ Leaf dispensary;
We are modify the signage to add a leaf to the sign, above the letters NJ Leaf; it is approved by the State of New Jersey; all of our printing with this logo has been approved by the State of NJ; when we proposed our signage, the building department denied our sign with logo (leaf); building department said it was a marijuana leaf and could not use; the leaf we have is approved by NJ State;

I am here tonight to get your approval to use the leaf in our logo; the leaf represents medicinal use, it is not the leaf of a marijuana plant; we have submitted to the CRC and received approval; the current building looks like this (pamphlet)

Mr. Cucchiaro – mark as Exhibit A-1 – pamphlet of Dispensary with logo;

Mr. Cucchiaro – Mr. Alfieri, the owner testified the zoning officer determined the sign is not compliant with the Borough Ordinance

Mr. Shah – his interpretation is it looks like a marijuana leaf, promoting excessive use;

Mr. Cucchiaro -the denial sites ordinance 15.16 Appendix Bd – individual letters attached to the façade area shall not exceed 1 ½ feet in height; do they exceed that;

Mr. Shah – no

Mr. Cucchiaro – condition of approval if approved confirm and comply;

Mr. Maltese – the logo is 2.3 feet high, so it is not in compliance;

Mr. Cucchiaro – ok, design waiver not variance; then ordinance 18.62.050 no state licensed cannabis business shall display signage containing text or images to promote excessive consumption of cannabis; a leaf image is not permitted;

Going back over your testimony Mr. Shah, you are saying the leaf depicted is not a marijuana leaf;

Mr. Shah – it is not a marijuana leaf; it is a rendering of hybrid therapy well being and interpreted as Lotus Leaf, which is three and five;

Mr. Alfieri – the CRC has reviewed and approved;

Mr. Cucchiaro – CRC is not the same as our regulations, although you are required to have their approval;

Mr. Maltese – our ordinance does not specify anything of display of a leaf only that it can not be intended to promote excessive consumption;

Mr. Cucchiaro – two issues for the board; 1 design waiver – size of letter proposed; 2 – interpretation if you believe the depiction of that leaf complies with our ordinance or promotes excessive consumption of cannabis;

Mr. Alfieri – agree;

Mr. Maltese – you have one more request, there is a light above the sign on the building if you are keeping then you need to require a waiver;

Mr. Shah – the light is being removed; the State of New Jersey will not allow us to have a light, must remove;

Mr. Barricelli – any questions from the board;

Ms. Argote-Freyre – you only have six letters now and looking to add the image and it is larger than ordinance allows;

Mr. Shah – yes;

Mr. Cucchiaro – the leaf image is only a concern if you find that it promotes the excessive consumption of cannabis; if you do not find it promotes excessive consumption, then they don't need formal approval they comply with the ordinance;

Mr. Barricelli – when you testified to the state for the leaf, did they approve your request or a standard leaf;

Mr. Shah – I don't know how they approved, we sent them our design and they approved; any marketing we do we must get their approval, very strict guidelines;

Mr. Cucchiaro – what message is being conveyed;

Mr. Shah – we are a state-of-the-art dispensary, we just won award by Leafly a multi country multi state operator – there are two Leafly and Weedmaps and we won #1 medical cannabis dispensary;

Mr. Cucchiaro – the leaf itself, potential customer looks at the leaf what message are you trying to convey;

Mr. Shah – promoting image to promote business; not excessive consumption of marijuana;

Ms. Argote-Freyre – this leaf is specific to your store; not something that other cannabis businesses are using;

Mr. Shah – no one has, there are similar but not identical;

Mr. Barricelli – any other questions;

Mayor Kane – I was surprised it was not there when they opened; my opinion it does not promote excessive use;

Ms. Crombie – almost holistic, looks like a lotus; marijuana leaf does not look like that at all, natural holistic vibe;

Ms. Van Vorst – I'm ok, marijuana has 7 leaves, has natural aspect;

Councilwoman Rogers – not a fan of leaf, but do not feel it promotes excessive consumption;

Mr. Keelan – no issues;

Ms. Argote-Freyre – this is a medicinal dispensary, so people have to have a prescription to come in; can we get a copy of the letter showing the approval of the use of the leaf from the CRC;

Mr. Shah – at this moment we are medical only;

Mr. Cucchiaro – they will have to comply and provide all approvals;

Mayor Kane – Cari to clarify, recreation is approved by the state and at some point, medical will go by the wayside, won't need a medical card anymore;

Mr. Barricelli – design waiver for the size of lettering;

Councilwoman Rogers – why;

Mr. Maltese – the letters comply, when you add the logo is makes it larger by 9 inches;

Mayor Kane – looks like missing something, I have no issues;

Ms. Crombie – brings balance together;

Mr. Barricelli – any other board members; any public members;

Ismael Tastro – 20 Vredenburgh Avenue – sworn in;

My concern is illumination, I live across the street, other side of Park Avenue, with all going up at night it looks like Yankee Stadium with the lights; that was my concern but you said you are not going to keep the light; the leaf and does look like marijuana even though it does not have 7 leaves but I am ok with the logo; it will add something to the logo;

Mr. Barricelli – any other public members; hearing none; motion to close public comments;

Ms. Argote-Freyre – motion to close public comments; Councilwoman Rogers seconded;

Yes	7	Barricelli, Crombie, Argote-Freyre, Van Vorst, Councilwoman Rogers, Keelan and Mayor Kane
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No	0
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Abstain	0
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Absent	4	Ceppi, McCabe, Wildermuth and Jackson
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Mr. Barricelli – motion for this application;

Ms. Crombie to approve this application; Mr. Keelan seconded;

Yes	7	Barricelli, Crombie, Argote-Freyre, Van Vorst, Councilwoman Rogers, Keelan and Mayor Kane
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No	0
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Abstain	0
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Absent	4	Ceppi, McCabe, Wildermuth and Jackson
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Mr. Barricelli read Item No. 4 on the Agenda as follows:

Dante Alfieri, Esq. – on behalf of the applicant, 2EMST, LLC property located at 2 East Main Street, Block 62 Lot 1; we are seeking approval of conversion of existing office space to four residential units that will contain 2 bedrooms; I have a member of the applicant that will give details and the architect

that will give testimony off the interior renovations; We did receive resolution compliance from Mayor and Council which stated proposed use of residential is compliant with the 2019 Rehabilitation Center Core Plan and the parking spaces proposed are six spaces is sufficient, we are reducing parking; my client will elaborate;

Mr. Igor Kapelnikov – sworn in – I am managing member of the entity and we are requesting to convert office space to 4 residential apartments; presented to Mayor and Council last week and found was all in compliance with zoning; as far as parking, we have 10 – 12 parking spaces for office use and for residential we only need 6 spots; we are giving back a few spots essentially;

Mr. Alfieri, Esq. – where is the parking;

Mr. Kapelnikov – municipal – Market Yard – allotted 10-12 spots and with residential only need 6;

Mr. Maltese – 10 spots;

Mr. Alfieri, Esq. – giving back 4;

Ms. Van Vorst – permits associated with existing spots;

Mr. Kapelnikov – no;

Mr. Cucchiaro – informally using the Market Yard spots if needed;

Ms. Van Vorst – we are not getting them back, they are just not being used;

Mr. Maltese – intensity is less;

Mr. Barricelli – what is the relationship to the restaurant and what is the parking;

Mr. Kapelnikov – tenant, what ever is allowed;

Mr. Cucchiaro – what is the parking for the restaurant; is it shared;

Mr. Kapelnikov – Market Yard, not designated spots;

Mr. Barricelli – you own the building; the restaurant is a tenant and you are the developer of the apartments requested upstairs;

Mr. Kapelnikov – correct;

Councilwoman Rogers – clarify recently we modified our ordinance for you to provide specific parking spaces within 700 feet of the facility but because this is an existing structure it is grandfathered in, so they do not have to comply;

Mayor Kane – the restaurant has XX number of spots and the residential is less needed spots than the office space;

Mr. Barricelli – parking, what about bicycles;

Mr. Kapelnikov – last week Mayor & Council we advised we will not have electric bicycles; we did not discuss regular bicycles; is there a suggestion for regular bicycles;

Mr. Barricelli – do you expect your tenants to have bicycles;

Mr. Kapelnikov – I do not;

Mr. Alfieri – we are not making any exterior changes to the property;

Mr. Maltese – there is no property or grass available to add a bicycle rack;

Ms. Argote-Freyre - office spaces vacant at this time;

Mr. Kapelnikov – I am also a commercial agent, have tried for over a year to get tenants; I own other property on Main Street and the market for office space is not good; it is very useful for the town and trying to make things better for the town;

Mr. Barricelli – any members of the public have questions; seeing none; motion to close public questions;

Councilwoman Rogers made motion to close public questions; Mr. Keelan seconded;

Mr. Alfieri – Michael Winkler, Licensed Architect since 1995 operating at 78 West Main Street, Freehold;

Mr. Alfieri – please describe to the board the current conditions and what is proposed;

Mr. Winkler – second and third floor are 2,071 square feet, both are divided into three office suites, semi occupied; we went through the layout, spoke to Matt Young about building code issues and came up with a plan of 2 apartments on both second and third floors; each unit has two bedrooms, 1 and ½ bath, kitchen and common living space with individual HVAC units, second floor has one with 837 sq. ft. and 900 sq. ft. apartments will remain, services second and third floor; we checked the windows and do not need to replace any; the plans provided show the layout of each floor and the and pictures of what it will look like outside, existing the front on Main and South remain as existing;

Mr. Alfieri – so no exterior modifications are proposed to this application, all interior;

Mr. Winkler - correct;

Ms. Crombie – is it possible to update the rear façade, outside entrance area not the façade;

Mr. Winkler – this is not his property, the property he has is very minimal, basically the building only;

Councilwoman Rogers – where is the hallway, see stairs;

Mr. Winkler – straight up and to the back window which has the fire escape; right now, there is a stair that goes from the first to second floor; the second and third floor stair is in the middle of the building now and breaks up the space pretty badly; we are moving the stair to go over the current stair at the first/second floor and continue the movement;

Councilwoman Rogers – at the Council meeting we spoke about interior garbage, were will it go, not on plan;

Mr. Winkler – I was not there, we will work it out;

Mr. Cucchiaro – if approved tonight, one of the conditions of approval is the applicant will have to revise the plans and provide;

Mr. Barricelli – all units will have separate utilities;

Mr. Winkler – yes, and sprinklered;

Ms. Argote-Freyre – A-3, rear door, is this the entrance to the building;

Mr. Winkler – A-3, rear door is to the restaurant; there is a fire escape at the second and third level; entrance for the apartments is in the front of the building at East Main Street; the site is the entire lot/property line, zero clearance;

Mr. Alfieri – this is the existing entrance to the office space now;

Mr. Winkler – yes, correct;

Mr. Cucchiaro – no relief requested or required tonight;

Mr. Maltese – Waiver of Site Plan approval;

Mr. Barricelli – public questions; seeing none; motion to close public questions;

Mr. Keelan made motion to close public questions; Ms. Crombie seconded;

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

Mr. Barricelli – board discussion

Ms. Crombie – it is permitted in the downtown zone, since 2019 FCCRP, it makes sense, with current concerns of office space; I will be approving;

Ms. Van Vorst – I agree with Shealyn; my only concern is tenants walking from the Market Yard to the front of the building to enter, not the most marketable; the use is a good idea;

Councilwoman Rogers – my only comment is to comply with Mayor & Council conditions;

Mr. Keelan – ok with all, looks good;

Ms. Argote-Freyre – appreciate the thought and layout;

Mr. Barricelli – you did an outstanding job, does anyone want to make a motion to approve;

Ms. Crombie made a motion to approve; Ms. Van Vorst seconded;

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

Mr. Barricelli – we have a resolution from Mayor & Council – 120-23 Nestle Redevelopment; Margaret can you give us some information;

Councilwoman Rogers – there is a possibility the facility will be closed, not finalized and they are working on negotiations; the building is out of date; passing this resolution allows us to have input on what they replace the facility with;

Mr. Cucchiaro – more specifically what it means for this board, is in order to declare an area in need of redevelopment, the Planning Board has to perform a preliminary investigation; eventually a planner will put together a plan going through the properties designated in the resolution and will make recommendations if one, some or all satisfy the criteria; public hearing; we are at the infancy phase, the governing body has just passed the resolution and we wait the process of planner phase;

Mr. Barricelli – section 7, reads Township – are we authorized to designate the Township;

Councilwoman Rogers – no we can't make a decision for the Township;

Mr. Cucchiaro – that should read Freehold Borough; we can bring that to their attention; the Borough can act unilaterally with any lot in the Borough, if you look at as a tract of land, that straddles the two municipalities it will require actions from both municipalities; with regard to land within the Borough, this board is exclusive body to perform the investigation;

Mayor Kane – bottom line, we want to have a say; this has escalated all the way to Senators Booker and Mendez; multi meetings with everyone, Governor, Federal and State legislators; we are working closely with Freehold Township; it is not as immediate to them as to us, the business has been there since 1948, employees over 200 employees, union jobs; we are not sure how many of them live in the Borough; a lot of residual businesses that come from that, which will impact us; they are the largest tax payor in town, largest rate payer to Manasquan Sewage Authority, a lot of ramifications if they close; increase to all those who pay into the Manasquan Sewage Authority; the problem, I received an email Tuesday afternoon for an emergency meeting for different options, they have a financial gap of 23 to 27 million a year, they are trying to close; first spot was to go to labor, cut to minimum wage; they are Swiss owned, no allegiance to the operation here in America; this plant is at the top of the list; we are working closely on this; they are now making a freeze dried coffee, a very high demand and the plant can't maintain the demand;

Mr. Barricelli – Councilwoman anything else

Councilwoman Rogers – no at this time;

Ms. Crombie – Memorial Day Parade on Monday;

Mayor Kane – RFPs for redevelopment were due back last week, we received 9 proposals; tremendous interest in our little town here; meeting tomorrow too make sure all are qualified;

Mr. Barricelli – anyone else; motion to adjourn

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

Meeting adjourned at 8:00PM.

Respectfully submitted,

Dominica R. Napolitano