

FREEHOLD BOROUGH PLANNING BOARD
MINUTES OF JULY 24, 2019

MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, July 24th at 7:00 p.m. in the Council Room of the Municipal Building.

Vice 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	MS. MICHELE GIBSON
PRESENT	MR. GARRY JACKSON
ABSENT	MR. PAUL CEPPI
ABSENT	MR. JOSE GERONIMO
PRESENT	MR. MICHAEL McCABE
ABSENT	MR. ADAM REICH
PRESENT	MR. MICHAEL WILDERMUTH
PRESENT	COUNCILMAN GEORGE SCHNURR

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

Approval of Minutes from Planning Board Meeting July 10, 2019.

Mr. Barricelli - any questions or comments;

Garry Jackson – page 11, half way down – should read “you briefly touched on apartments not being a tax burden on the town.....

Mr. Jackson – made a motion to approve with correction – seconded by Councilman Schnurr;

ROLL CALL

Yes	5	Barricelli, Jackson, McCabe & Councilman Schnurr & Wildermuth
No	0	
Abstain	0	
Disqualified	0	
Absent	4	Ceppi, Geronimo, Gibson & Reich

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

Application Number: PB-SP-2019-006

Applicant: DRJ Hospitality LLC (t/a TRE Restaurant)

Location: 611 Park Avenue - Block 108 Lot 4, 4.02 & 7

Zone: CM & B2-B

Request: Preliminary and Final Site Plan Review and Approval

Catherine Kim, Cleary Giacobe Alfieri Jacobs LLC – represents applicant;

Ms. Kim – Mr. William Kurtz, engineer is here to explain the proposed site plan;

Mr. Miller – swore in Mr. William Kurtz, Kurtz Engineering, PE, LS, PP

Mr. Kurtz – Mr. Kash – on behalf of applicant / owner I have prepared a site plan to have a cross access easement between his property on Block 108 Lot 7 with adjoining property of Block 108 Lot 4.02 & 4 – known as Old Monmouth Candy;

In approximately 2000 Mr. Kash received approval to put a restaurant (TRE) on Block 108 Lot 7 with 40 parking spaces; the two property owners have entered into an agreement to provide a cross access easement between the two properties; it is a good when two property owners can work together, especially when on a state highway; according to the Boro ordinance the 40 parking spaces is a shortfall but has worked for the past several years; Mr. Kash is looking ahead and wants to prevent any future shortage; with the agreement, the parking on lots 4.02 & 4 is 67 parking spaces; TRE and the front of Old Monmouth are in the B2-B commercial zone and the rear of Old Monmouth, lot 4 is in the CM zone; on that site are 67 parking spaces which are very under utilized facility; it makes a good fit for the cross access easement to help take care of the shortage and if there are any issues that come up in the future;

With this cross access easement, TRE lot will loose two (2) spots to provide this 24 foot wide access and four (4) spots will be lost on the Old Monmouth site due to relocation of dumpsters; net lose of six (6) spaces total; as mentioned the ordinance requires 73 spaces for the TRE project and have 40 spaces; they are 33 short and with loosing 2 spaces they are 35 short; Old Monmouth requires 44 spaces, combined 117 parking spaces are required per the ordinance; we loose for the easement 2 from TRE and 4 from Old Monmouth; total parking spaces that will be provided is 101 combined only deficient 16 parking spaces, rather than 35 that was granted for the TRE site; I believe this cross access easement provided makes for a very beneficial proposal for the property owners and the Borough;

I am happy to answer any questions with respect to design, it is not a very elaborate design; we are providing curbing, 24 foot wide access between the two properties, sidewalks through the easement, and landscaping; a simple design;

Mr. Barricelli – I couldn't identify the owners on the plan – who owns that property;

Mr. Kurtz – Norkus Enterprise owns TRE and Old Monmouth Candy LLC own lots 4.02 & 4;

Mr. Barricelli – if you would answer Mr. Wentzien's questions in his review, that makes it easier;

Mr. Kurtz – page 6 of 7 in the engineering reported dated July 18, 2019 from Abbington Engineering;

Site

1. Maintenance of the cross access easement – I will leave for Mr. Kash to answer;
2. Refuse enclosure lot 7, TRE has refuse enclosure and approved with prior site plan and will remain; he will coordinate with his hauler for times for pickup so there is no conflict with pedestrians;
3. curb radii to be labeled – it will be provided to Mr. Wentzien;
4. Label decorative stone – will provide detail;
5. Asking for additional signage – I will provide to his satisfaction

Mr. Wentzien – particularly for one direction, if you are heading from TRE to Old Monmouth to the back of the building;

6. Sidewalk – will provide details for grades in the area;
7. survey – will provide

Grading & Drainage

1. Will provide in detail
2. All items in the section will be provided;

Mr. Wentzien – describe briefly the grading along the back of Old Monmouth;

Mr. Kurtz – generally a flat, 100% paved property, grade is northwest to southwest and maintained with this application; it grades away and will not have a stream of water coming through;

Landscape

1. Will be removed from area of the cross access and will provide any that the professionals deem necessary – hard stone;

Mr. Wentzien – I like the open look for the safety of the cars;

Mr. Kurtz – page 7 – I will provide gravel base course to the plan as well;

Mr. Barricelli – is there lighting – there is a small light on the Old Monmouth building, do you propose any more;

Mr. Kurtz – there is a large pole mounted light in the area near the refuse enclosure approved previously; it is my opinion that is satisfactory to illuminate that area; we can add if required;

Mr. Wentzien – if you want them to do, they will and will submit for me to approve;

Mr. Kurtz - they are prepared to replace two fixtures on Old Monmouth to better illuminate the back of Old Monmouth;

Mr. Wentzien – that is in the mix now;

Mr. Kurtz – yes, it is not on the plan but they are discussing and I will put on the revised plan;

Mr. Jackson – TRE will have access to how many additional parking spaces;

Mr. Kurtz – there are going to be 63 parking spaces after we take away the 4 spaces;

Mr. Jackson – They used Food Town spaces previously but that is no longer an option; I understand what they are doing;

Mr. Wentzien – on page 4 of my report, that is a purely a numerical analysis, if this was a new application, with no prior approvals; there would be a shortage 16 spaces between the two (2) properties; we are starting with 40 spaces on TRE which was part of prior site plan approval and going to remove two (2) which you have to acknowledge but to counter act the Old Monmouth is going to loose four (4) spaces but going to provide 63 spaces, required 44; Old Monmouth has an excess of 19 to utilize; you need to acknowledge for the record that you are allowing to remove two (2) from something that is already a short from a prior site plan;

Mr. Miller – adding to Bill's comments, since the testimony was that a previous resolution with a variance granted for the installation of 40 parking spaces, I recommend a variance to remove two (2) spaces even though there is excess of parking on lots 4.02 & 4; but if variance was obtained then, the applicant needs a variance to loose two (2) spaces from the previous application;

Mr. Barricelli – I want to recap what your plan is; you want to take down four (4) sections of a vinyl fence, move a dumpster, build access drive and on the other side what happens to the dumpsters for Old Monmouth; TRE dumpsters don't move, Old Monmouth dumpsters get slide into this catch area on the plan, proposed dumpster location, that is why he is loosing four (4) spaces;

Mr. Kurtz – I want to point out that the uses for the parking the timing and peak hours do not conflict with each other; it makes a good fit for shared parking facilities;

Mr. Wildermuth – clarification – one dumpster on the TRE property is not in the enclosure, the area where it is now becomes this new access road, where does the dumpster go;

Mr. Miller – swears in Robert Kash – DRJ Hospitality – owner;

Mr. Kash – that dumpster is separate cardboard dumpster for Max's; we can make a combined dumpster; I would like to ask that if granting this application, if and when the time comes and I can't receive the benefits of having the Old Monmouth parking lot, that I still have the rights to have my two (2) spots back and be considered to be in accordance with what I was given back when I was initially approved in 2000;

Ms. Kim – meaning not having to come back before the Board; to replace the property back to original state; we request that Mr. Kash – DRJ Hospitality be waived from having to come back before the Board; put back to parking spots that are being removed with this application; neither property owners would have to come back before the Board; if that is agreeable;

Mr. Miller – that is agreeable provided, if the Board approves this application and approves the variance relief reduction of 40 spaces to 38 spaces; if the variance is granted tonight by the Board, you then have approval for 38 spaces; if the cross access easement goes away for any reason, you decide to go back to 40, you would still be compliant because the variance relief would be for 38; so from a legal stand point you would be fine, you would not have to come back to the Board for the two extra parking spaces; again under the conditions the Board grants relief not only for the site plan approval but for the variance relief to reduce the parking spaces to 38;

Ms. Kim – another item my client wants to raise is the walk-in box that is located on the eastern portion of the property, a proposed 6 x 6 walk-in and blocked out by a bolded square, can you all locate on the site plan;

Mr. Wentzien – if you look at the lower left portion of the site plan, TRE site, a little area behind the parking space they want to add a walk-in area;

Mr. Jackson – does that take away any parking;

Mr. Kash – no, it is there uninstalled now; I thought it was a simple permit for electric; Matt Young, advised that I get approval from the Board for this too; our intention is to finish the outside to match the building; it will look similar to the vestibule;

Mr. Wentzien – it will not affect the parking;

Mr. Miller – what will it be used for;

Mr. Kash – an extension of our beer cooler, the one inside that is decorative;

Mr. Miller – a walk-in cooler;

Mr. Kash – yes; it is considered a temporary structure, but I want to build in so it looks more esthetically pleasing;

Mr. Barricelli – any more questions from the Board; open to the public;

Members of the public, if you would like to ask questions of Mr. Kurtz, engineer or Mr. Kash, owner;

Seeing none – make a motion to close public comments; Mr. Jackson – second Mr. Wildermuth;

Mr. Miller – I have one recommendation before the Board votes; what is driving this application is the cross access easement and I recommend that a condition of approval to submit the cross access easement for review and approval by my office and Mr. Wentzien;

Ms. Kim – which is agreeable;

Mr. Barricelli – Board deliberations;

Councilman Schnurr – is there a lease and do we need;

Mr. Kash – yes there is a lease;

Mr. Miller – will the lease be referenced in the cross access easement; I ask because in Bill's letter as far as maintenance responsibilities for the cross access easement; if there is a lease, it would be reasonable to have the lease attached to the cross access easement as an exhibit;

Ms. Kim – the life of the cross access easement is dependant on the cross access easement with Old Monmouth Candy to exist; once the lease agreement is terminated the cross access easement is no longer valid and therefore that is when we would bring the area to its original state; meaning the parking spaces; we will reference it and if necessary we can attach as an exhibit;

Mr. Miller – I would recommend as well, that is a pertinent part of the agreement so it should be attached as an exhibit;

Mr. Kash – to answer your question, maintenance and improvements will be handled by us;

Mr. Miller – swore in Mr. Harold Gunther – owner Old Monmouth Candy LLC;

Mr. Gunther – we are seasonal business; very rarely do we fill up the back parking; we have prepared a friendly agreement; Mr. Kash will have more parking than need; the maintenance part, he is going to fix up and has improved my property and the dumpsters will be look nice;

Mr. Kurtz – we will show on the plan the enclosure for the refuse;

Councilman Schnurr – Mr. Kurtz do you think that this application and plan enhances public safety by not having cars going into one lot and not finding parking and then having go into another and maybe a third lot;

Mr. Kurtz – yes

Councilman Schnurr – is it your testimony that the shared parking arrangement is beneficial to both property owners and Freehold Borough;

Mr. Kurtz – yes;

Councilman Schnurr – the remote parking arrangement that we are discussing tonight has been tried in the past in downtown Freehold – do you think this plan is consistent with that were a property owner can park cars in another lot;

Mr. Kurtz – absolutely –

Mr. Kash – these are two continuous lots, you can literally – it is inconsistent with what is going on downtown; these are two attached lots, drive between them without having to leave;

Mr. Barricelli – would people come from Jerseyville to enter the parking;

Mr. Kash – it would have to be a local person that knew where to enter and they would have to know that we finished the work; yes it is possible;

Ms. Kim – signage is going to be provided along the property going from TRE into the shared parking lot, not from Old Monmouth parking into TRE; so drivers won't know that coming from Old Monmouth it is shared only coming from TRE;

Mr. Barricelli – there won't be signage on Jerseyville – saying use this entrance to go to TRE;

Mr. Kash – no, just in our lot saying additional parking, from TRE to Old Monmouth;

Councilman Schnurr – I like that, two adjacent property owners can cooperate with one another for the betterment of both;

Mr. Barricelli – would someone like to make a motion;

Mr. Jackson – can we go through what is in the resolution;

Mr. Miller – a variance for lot 7 pursuant to prior approval in 2000, testimony was that applicant was approved for 40 parking spaces, where the requirement is 73, now pursuant to this application, the installation of the cross access easement will take away, reduce the spots to 38 and that is the variance relief the applicant requires; they are amending the variance received in 2000 and they are also asking for preliminary and final site plan approval as well;

Mr. Jackson – does the lighting need to be in the resolution;

Mr. Miller – the conditions – 2 fixtures on the back of the Old Monmouth Candy store installed; Dumpster, 2 separate for each respective business, testimony was it will be consolidated and new dumpster site will be where TRE dumpster is located;

Mr. Kurtz – no consolidation – only relocation;

Mr. Miller – but one area;

Mr. Kurtz – no;

Mr. Kash – I will talk to Freehold Cartage to see if we can relocate and on our property; not sure if they can otherwise it will remain separate;

Mr. Miller – other condition is the 6x6 walk-in beer cooler, adjacent to parking area, not compromising parking spaces; and providing us with a copy of the cross access easement with a copy of the lease attached as an exhibit; for review and approval by our office;

Mr. Jackson – decorative stone and what Mr. Wentzien requested;

Mr. Wentzien – just asking for more detail;

Mr. Jackson – I make a motion for approval based on what Mr. Miller just stated; Councilman Schnurr – I second the motion;

ROLL CALL

Yes	5	Barricelli, Jackson, McCabe, Councilman Schnurr & Wildermuth
No	0	
Abstain	0	
Disqualified	0	
Absent	4	Cepi, Geronimo, Gibson & Reich

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

Application Number: PB-UV-2019-007

Applicant: Green House at Freehold LLC

Location: 3 Monument Street - Block 39 Lot 5 - Zone: R-7

Request: Use Variance with Preliminary and Final Major Site Review and Approval

Peter Licata, Esq., Sonneblich Parker & Selver, and one of two principals of Green House at Freehold LLC;

Mr. Barricelli – we lack five people to vote for the application;

Mr. Miller – we have five members but Councilman Schnurr must recuse himself because he can not hear a Use Variance application; with a Use Variance, we are a combined Board here in the Borough and MLUL does not permit Class III or Class I to sit on any application for a Use Variance, a non-permitted use in the zone; so Councilman Schnurr will have to step down from the dais as to statutory requirements and can not participate as a Board Member. We now have four (4) members and do not have jurisdiction to hear the Use Variance per the MLUL; in order to approve a Use Variance the applicant must obtain five (5) affirmative votes; we do not have a quorum, the MLUL, section 9, all actions have to be with a Board that has a quorum;

My recommendation is that the Board carry this matter to the next available date of August 14, 2019; should the Board approve to carry that would be without further notice to the public; the applicant has provided notice for this meeting; if the Board should decide to carry, we will provide notice here tonight, that the next hearing for this application is August 14, 2019;

Mr. Barricelli – is that acceptable;

Mr. Licata – certainly Mr. Chair; I would like to thank those who came tonight, if you have any questions, I will make myself available for any questions or concerns they wish to raise;

Mr. Barricelli – sorry for your inconvenience;

Mr. Licata – thank you;

Mr. Miller – you will need a motion to carry

Application Number: PB-UV-2019-007 - Applicant: Green House at Freehold LLC

Location: 3 Monument Street - Block 39 Lot 5 - Zone: R-7

Request: Use Variance with Preliminary and Final Major Site Review and Approval

For members of the public should the Board vote to approve to carry this application there will be no further notice sent by mail, this is your notice; should the Board grant this motion the next meeting will occur at 7:00pm on Wednesday, August 14, 2019 at the Board's regular meeting;

Mr. Barricelli – anyone like to make a motion to carry;

Mr. Jackson – I make a motion as stated by Mr. Miller, to carry to August 14, 2109 at 7:00pm;
Mr. Wildermuth – second the motion;

ROLL CALL

Yes	5	Barricelli, Jackson, McCabe & Wildermuth
No	0	
Abstain	0	
Disqualified	0	Councilman Schnurr
Absent	4	Ceppi, Geronimo, Gibson & Reich

Mr. Miller – I want to remind the Board and members of the public the entire application package is on file in Dominica's office; if any members of the public wish to view any documents or any part of the application it is available in Dominica's office during regular business hours; You are entitled to review any and all parts, you can make copies too;

Ms. Napolitano – I will be out of the office tomorrow and Friday, returning Monday, July 28, 2019;

Mr. Barricelli – Councilman Schnurr you can rejoin us; any other business;

Mr. Miller – nothing further;

Mr. Wentzien – nothing further;

Mr. Barricelli – is this the only item on the agenda;

Ms. Napolitano – no, we have the Master Plan Element;

Mr. Barricelli – anyone for a motion to adjourn;

Mr. Jackson made a motion to adjourn, seconded by Mr. McCabe. All in favor, Aye (all), opposed (none). Meeting adjourned at 7:50 PM.

Respectfully submitted,

Dominica R. Napolitano