

## FREEHOLD BOROUGH PLANNING BOARD

### MINUTES OF JANUARY 22, 2020

#### MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, January 22nd 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
PRESENT	Mr. Paul Ceppi
ABSENT	Mr. Jose Geronimo
PRESENT	Mr. Michael McCabe
PRESENT	Mr. Michael Wildermuth
PRESENT	Mr. Garry Jackson
PRESENT	Ms. Shealyn M.S. Crombie
PRESENT	Councilwoman Margaret Rogers
PRESENT	Ms. Caridad Argote-Freyre

#### Oath of Office

Shealyn M. S. Crombie, from Alternate I to Class IV Member

**Mr. Barricelli read Item No. 2 on the Agenda as follows:**

#### Approval of Minutes from Planning Board Meeting January 8, 2020 Reorganization

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

Yes	7	Barricelli, Ceppi, McCabe, Wildermuth, Jackson, Councilwoman Rogers and Freyer
No	0	
Abstain	1	Crombie
Absent	1	Geronimo

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

#### Approval of Minutes from Planning Board Meeting January 8, 2020

Yes	7	Barricelli, Ceppi, McCabe, Wildermuth, Jackson, Councilwoman Rogers and Freyer
No	0	
Abstain	1	Crombie
Absent	1	Geronimo

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

Housing Plan Element & Fair Share Plan by Community Grants Plan and Housing (CPG&H).

Mr. Cucchiaro – Mr. Chairman, I would like to explain, we have a few new members, this is not something we do often; the Housing Plan is an element of the Master Plan a policy document that this Board adopts; establishing goals and objectives of how the municipality will grow and develop; it is not an ordinance. Ordinances are based off this document; its own individual element, require simple majority vote with the Board;

Randy Gottesman – sworn in; CPG&H has worked on the housing plan for over 15 years and we are almost finished; this goes back twenty-five years; the Borough accepted money from other communities in lieu of the other communities to build new affordable housing, there was a clause in the laws that allowed communities to give money to a community will to accept and build; the Board accepted deals with Freehold Township and a few other municipalities and rehabilitate over 400 units, there are 15 left; the Borough has relied on us, because we are also affordable housing planners, so we can provide specific information regarding the planning process; the Borough Council is seriously contemplating petitioning the Core to be have the plans certified which would entitle the Borough to certain protections from Builders Remedy lawsuits; turn over to Dan Levin, Senior Planner of the CPG&H;

Dan Levin – sworn in; I will walk you through the Housing Plan Element & Fair Share Plan; starting with the introduction and time line of affordable housing in the Borough and why we are going through the process; then Housing Element component, exploration of the Borough demographics and changing figures over a number of years; then the Fair Share outlines the mechanisms that the Borough is intending to use to meet the affordable housing obligations as outlined by COAH; the implementation of how it will fulfill the obligation and next steps to bring the process through;

The Borough has not participated in the rounds of the COAH process; this is the first Housing Element, but has been in the process of developing the process of the past twenty-four months; we have met with various parties to bring together a plan to meet all necessary objectives to deliver a suitable plan for the Borough; we are presenting a final version tonight with intention to submit a Declaratory Judgment Action to the courts to have the courts declare future immunity for the Borough against builder remedy lawsuits;

According to a model created by Dr. Kenzie, contracted by Fair Share Housing Center, 216 rehabilitation units, the present need, 188 prior round credits, round previous to this current round, which is 1999-2025 and 185 new affordable units for this current, third round obligation; recent settlement agreements with other towns have seen Fair Share, this is how we are coming to our numbers; other towns have seen Fair Share Housing Center accept 30% reduction on Dr. Kenzie's numbers; in the process of Fair Share and the municipalities, other municipalities had their expert, Econsult – Fair Share Housing had Dr. Kenzie; bringing the third round number down to 130 units, we conducted a vacant land adjustment, identify a realistic adjustment potential of nine (9) units; part of regulations allows municipalities to say we will look at all vacant land, if not realistic to provide additional units, we can get vacant land adjustment; we determined that only nine (9) affordable units are realistically to be provided by year 2025;

As mentioned, the Borough is about to file a Declaratory Judgment Action to protect itself from Builders Remedy lawsuits; what is a Builders Remedy, it is a court imposed remedy for a developer requiring the municipality to utilize zoning techniques such as set a sides or density bonuses to provide for the economic viability of a residential development; which is not for lower or moderate households; this means a developer can sue a municipality for the right to build housing that might not otherwise be feasible given the zoning; it essentially allows a developer to



ignore and circumvent the underlying zoning; the only party the developer answers to would be the courts; by doing this action, the Borough is helping to protect itself against these type of lawsuits;

Creating the plan, the goal is to minimize the financial impacts to the town, minimize the number of new units required to be zoned for and protect the existing character of the municipality; The present need, identified by Dr. Kenzie, is 216; we are proposing a zero unit count, that does not include fifteen additional regional contribution agreements rehabs that the Borough is still obligated to provide; we are taking the position, the Borough has been working at rehabbing with approximately 500 RCA credits, not units but credits over the past 30 years, with more to go; we additionally have been advertising and marketing the Rehab program and over the past few years we have seen three completed rehab units per year; five years remaining on this three round, brings us to fifteen, (3 x 5) rehab units, essentially arguing the Borough reached saturation for the number of rehab units; prior round is 188, that is essentially accepted; no negotiations, 49 completed, through group homes and third round, also known as the perspective need and gap period, (1999 – 2025) is nine units, based on vacant land adjustment but does not included the unmet need;

Compliance mechanisms proposed in the plan this takes the prior round and third round, combines them, starting with existing Habitat for Humanity homes, group homes existing, they get additional bonus credit as being rental units; twenty units on the ground is considered to get 40 credits overall; also additional land to be zoned and developed as part of the area in need of redevelopment that the Borough has passed; identified a couple of particular lots of land, Court House Square, Transit Area, as well as 2-6 Broad Street which is a proposed development; largest piece at the bottom is a separate ordinance called a Municipal Set A Side Ordinance; it would identify any future project that is five units or more would be required to have 20% set a side for ownership units; condo development, one of five would be set a side or 15% set a side for rental;

If all developed as rental the total number of credits received would be 199, total of 36 new affordable units would be constructed with the expectation of construction against the prior and third round obligation of 318; up to 177 affordable units are permitted by the plan but not necessarily required to be fully built, we are required to plan for it; the unmet need, the nine unit realistic development potential (RDP), if accepted by the Courts, that would need to be put on the ground; the rest the Borough has to create the opportunity for the development, but not necessarily have to see it built;

Any questions;

Mr. Cucchiaro – the foundation of how we got here for some members may not be clear; the reason we are hear tonight with this document is because NJ Supreme Court beginning in the 1970s issued several opinions, The Mount Laurel doctrine; NJ Supreme Court determined there is a constitutional obligation of NJ municipalities to provide an opportunity of low and moderate income housing to be developed; low and moderate income families have a constitutional right to live in any municipality in New Jersey; after the first decision it was left to the towns to satisfy that constitutional obligation; they didn't, the Supreme Court then decided they would force municipalities to comply with the obligation and created the builders remedy; that will advance the constitutional rights of low and moderate income families; imposed by the Supreme Court, no options, there is a requirement that municipalities must comply; the reference to COAH, 1985 Governor Kane created the council on affordable housing, a state agency which was tasked with developing formulas determining the fair share number for every municipality in the State of New Jersey; based upon those formulas, that is what your seeing in this presentation, a proposal to satisfy the constitutional obligation that the Borough must comply; this is not an option, a constitutional mandate, it must be complied with so the Borough does not get subjected to any Builders Remedy lawsuits;

Mr. Barricelli – at the end of this presentation, what are we charged to do as a Board;

Mr. Cucchiaro – voting to make this an Element of your Master Plan; what happens after, goes to the Borough Council; Council will engage in the process of zoning ordinances, redevelopment plans, redevelopment agreements that will implement what is in the plan; this plan is not an ordinance, not requiring anything; acts as a policy document that future ordinances will be substantially consistent at achieving compliance with the constitutional obligation;

Mr. Levin – The Housing Element looks at different indicators to help guide the future direction of the Borough; including an inventory of the housing stock, projection of municipality housing stock, analysis of demographic characteristics and analysis of existing job employment characteristics; highlights – population has declined slightly from 2010 to 2016 but remains stable; Borough is younger in Monmouth County, median age, eight (8) years younger, significant age difference as a whole; median home value is \$281,000.00, approximately \$106,000.00 less than County median; it is young and more affordable;

Fair Share Plan – three key pieces: 1. Capacity for fair share; 2. Rehabilitation obligation; 3. Inclusionary zoned land;

Capacity – the Borough must consider the RDP and unmet need; out of 130 units that we are arguing the Borough must provide through 2025, nine (9) on the ground, 121 must be planned for; rehabilitation obligation, the Borough has fifteen outstanding units with RCA, against the argued obligation of 216; we intend to use the 15 RCA credits, argue a zero unit actual obligation against that until they are completed; see photo of a complete rehab, the work that CPG&H does; helping a home owner with stair access and example of the rehab work we do;

The big meet of how the RDP and the unmet need will be met; looking at inclusionary zone land; four groupings of land that we are proposing to overlay, specifically for affordable housing; Courthouse Square, including townhomes, Transit Village, 2-6 Broad Street, currently in discussion and the municipality set a side ordinance which is across the entire municipality; Sites zone for combination of 85% market rate, 15% affordable or 80% market rate and 20% affordable, depending on the owner versus renter; this will be sufficient to meet the obligation even if construction never occurs; once sites are zone, even if nothing happens by 2020, you will have met the obligation generally; not excluding the nine (9) units, but the other 121, as long as zone for, they don't have to materialize;

Implementing the Housing and Fair Share Plan, there are various components, ordinances, manuals, overlays zones, resolutions and spending plan; affordable housing ordinance will go before the Council along with the Fee Ordinance which establishes the trust fund and municipal set a side ordinance, that is the primary implementation tool; it outlines how units come into the Borough, it identifies how developers of non-inclusionary developments pay into the trust fund, what the trust fund money can and can't be spent on; additionally there are a few other manuals outlining how the affordable units are to be administered; marketed, income, certification processes; rehab manual; new overlay zones manual to be completed;

Additional resolutions to come before Council, included Spending Plan, Adopting the Spending Plan, Affirmative Marketing Plan - outlines how future affordable units to be advertised, Appointing Administrative Agent, municipal housing liaison which is required to be in compliant with the plan.

Next steps to adopt the Housing Plan Element and Fair Share Plan, approving tonight, Council adopting ordinance and resolutions and then bringing to the Court and filing Declaratory Judgment Action.



Any questions

Mr. Ceppi – can you define affordable and what it really means;

Mr. Levin – there are three (3) categories of affordable housing, very low, low and moderate income; all based on percentage of area median income; moderate income is 60% to 80% of median income, low income is just beneath and very low is 30% or less of median income;

Mr. Gottesman – example, a household of four (4) Monmouth County, anything under \$74,000.00 would qualify for moderate housing; one (1) person family would be \$57,700.00; that is the highest the income can be for moderate; this is based from the 2019 chart.

Mr. Levin – 13% of the affordable housing units need to be very low income units;

Mr. Wildermuth – the inclusionary zoned land, the map; I remember we had the Broad Street Plaza included in the redevelopment, why was it not included;

Mr. Levin – it was discussed, it would be included in the set a side ordinance; particularly if it is requested rezoning or variance for multifamily housing;

Mr. Gottesman – key focus, the vacant land analysis, we must look at lots a certain size are exempt, different types of exemptions; we were left with nine (9) units in our opinion need to be realistically to be built by 2025; we don't need anymore in the plan now; remember there is an overlay zone town wide; overlay is basic zoning remains but there will be an option to build at slightly high density if you provide affordable housing;

Mr. Barricelli – to answer Michael Wildermuth, we made the recommendation to add the Broad Street Plaza and Parker Apartments;

Mr. Levin – what is adopted tonight and what happens when it goes to Court are two very different things; in coming to a finalized agreement with Fair Share Housing, they may not like one or any of these sites; having Broad Street Plaza and Parker Apartments as alternative sites could potentially be added into this mix;

Mr. Gottesman – Fair Share Housing are in approximately 380 law suits and are an advocacy group; 330 cases have been settled; NJ Supreme Court named them as an automatic interested party.

Mr. Cucchiaro – they are an interested party and are required to be noticed when any town files; what this plan represents, is what we believe to be most responsible planning and most constitutional valid planning for the municipality; there may be other opinions, once you get to court; you deal with that at the time; but for tonight is to adopt a document and element of the Master Plan which represents the best interest for this municipality;

Mr. Jackson – affirmative marketing requirements, in your plan it has the Borough Ordinance, not adopted yet and it gives preference in the application process to people who live in the region 4, Monmouth, Mercer and Ocean County; can that be narrowed to give preference to existing Borough residents;

Mr. Levin – it can't must be at a regional level; Veterans are separate also an option based on the ordinance to enter into an agreement with a developer and must be mutual agreement; can't do by fiat;

Mr. Barricelli – any other questions form the Board;

Mr. Barricelli – any questions for Mr. Levin from the public; seeing none;

Mr. Jackson made a motion to close public questions; seconded by Mr. Wildermuth;

Yes	8	Barricelli, Ceppi, McCabe, Jackson, Wildermuth, Crombie, Councilwoman Rogers & Argot-Freyre
No	0	
Abstain	0	
Absent	1	Geronimo

Mr. Barricelli – any comments from the public

Barry Fisher – sworn in;

I have been in Freehold since 1953, I am on the board for Habitat for Humanity, Freehold; also sit on house site selection committee and construction committee; we have built homes and would love to be a partner and build some affordable housing; if any lots do become available, please contact me. We have done before in Freehold, and would love to do again; Freehold is a great place, people love it; keep me in mind;

Mr. Barricelli – any one else;

Mr. Jackson made a motion to close public questions; seconded by Mr. Wildermuth;

Yes	8	Barricelli, Ceppi, McCabe, Jackson, Wildermuth, Crombie, Councilwoman Rogers & Argot-Freyre
No	0	
Abstain	0	
Absent	1	Geronimo

Mr. Barricelli – any additional discussion from the Board;

Mr. McCabe – made a motion to approve; Mr. Ceppi seconded the motion;

Yes	8	Barricelli, Ceppi, McCabe, Jackson, Wildermuth, Crombie, Councilwoman Rogers & Argot-Freyre
No	0	
Abstain	0	
Absent	1	Geronimo

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

Application Number: PB-SP-2019-012

Applicant: 32 South Street Realty LLC

Location: 32-38 South Street - Block 71 Lot 15, 16, 17, 18 & 19

Zone: B-2

Request: Minor Site Plan Review and Approval

John Guinco, Esq. – Mr. Chair, I represent the applicant, 32 South Street Realty LLC, property was previously Freehold Glass, fronts on South Street and backs to the McGackin Triangle parking lot; this application seeks site plan approval to permit the use of the building to create a brewery and restaurant and maintain the existing nail salon;



There is a second floor space, bridal shop that is no longer a part of this application – that portion of the second floor will remain vacant;

Fall 2019 we went before the Mayor & Council to obtain the Freehold Center Core Redevelopment (FCCR) approval which was granted along with adoption of the appropriate plan; the application tonight is compliant with the resolution of the Governing Body and now seeks to make modifications to the building; relatively moderate outside, renovate to make attractive and modernize; utilization of interior space is efficient; we provided to Mayor & Council a parking plan and was approved with various lease agreements;

We seek two (2) variances, first was for 6 inch canopy extension from the building; but up to the property line is owned by NJDOT on Route 79 (South Street), my client will redesign the canopy to element any encroachment; second, the size and utilization of the loading area; this facility is not providing an identified loading area; since we received and reviewed the engineers comments, our engineer has made a proposed revision; which is to utilize a portion of the area for valet pick up; we will also give testimony that deliveries are made during the morning hours before none, there will be no impact with the valet; valet would be in service Friday and Saturday evening; the applicant anticipates an adequate amount of business that require that service; however, when the need arises that service can be expanded;

Mr. Cucchiaro – are you making representation there will definitely be valet on the nights stated or that is anticipated and if there is not enough business they won't do valet;

Mr. Guinco – my client intends to have valet on Friday and Saturday; if unfortunately the business does not do well, we would have to come back and ask for relief of required valet;

Mr. Cucchiaro – if you're coming back then that is the representation;

Mr. Guinco – correct;

Witnesses – Mike Geller, Engineer and Greg Clark, Architect

Mike Geller, expert Civil Engineering – sworn in by Ron Cucchiaro;  
Geller Sive & Co; - 45 years experience; professional engineer since 1980, professional planner since 1983 – certified municipal engineer 1991; testified before this Board many times; Board accepted

#### Exhibits

- A-1 Land Use application 10.3.2019
- A-2 Planning Board application form 10.10.2019
- A-3 Site Plan application 10.3.2019
- A-4 Site Plan checklist undated
- A-5 Resolution of Mayor & Council for FCCR 6.3.2019
- A-6 Copy of Parking Lease All Car Collision and Artis Restaurant
- A-7 Copy of Parking Lease Arum Events and Artis Restaurant
- A-8 Sublease agreement Habitat for Humanity and Arum Events Caterers LLC
- A-9 Four (4) photos of existing site undated
- A-10 Plan Minor Site Plan August 19, 2019
- A-11 Architectural Plans August 1, 2019
- A-12 HPC Application July 16, 2019
- A-13 HPC Approval July 22, 2019
- A-14 Correspondence from NJ Division of Alcohol Beverage Control to Freehold Borough Mayor October 1, 2019
- A-15 Coloring Rendering of A-10 – noted existing parking spaces

A-16 Google Ariel – depicts the site and notes many business around site and distance from site to Hudson parking lot

A-17 Off site parking improvements depicted McGackin Triangle lot (copy of A-10)

A-18 Off site parking map – prepared by Dave Esquenazi (applicant) shows business and shows that it is 619 feet from the property

A-19 Enlarged Architectures 1-20-2020 by Greg Clark, Bach & Clark Architecture

A-20 Enlarged Color rendering of property outside - undated

Friedman -1 – Google map Arum parking lot undated

Mr. Guinco – did you review, these exhibits and prepared under your direction;

Mr. Geller – A-15 yes; A-16 was prepared by Dave Esquenazi and shows business and shows the distance from parking lot to the property site of 619 feet, which is less than 700 feet which is required; A-17 Off site Parking improvements depicted McGackin Triangle lot (copy of A-10), in support of this application and result of no loss of parking; A-18 prepared by Dave Esquenazi, applicant shows direction to offsite parking areas that is required by Borough Council; Borough Council requested any off street parking be provided on a map that could be given out to find those places

Mr. Guinco –A-18, is it accurate and reliable;

Mr. Geller – yes, a Google image, there are directional arrows to show how to get to each parking area;

Mr. Guinco – please describe A-17 location;

Mr. Geller – the site located at 32-38 South Street, identified as block 71 lots 15, 16, 17, 18 & 19; area 10, 591 sq ft. located in B-2 zone of the Borough and Freehold Center Core Rehabilitation plan area (FCCR); white building upper right corner; the vicinity of that site on the south is the entrance to the McGackin parking lot, behind the property is the McGackin Triangle parking lot, south across the driveway is the railroad tracks and the 7-11 BP gas station and across South Street is Center Players at the corner of Mechanic and South Streets; as you go North you have more commercial businesses to Main Street;

Mr. Guinco – have you reviewed the proposed use with the ordinances;

Mr. Geller – the governing body which permitted brewery's last year; proposed uses are all in accordance with rehabilitation plan;

Mr. Guinco – did you review the letter dated January 16, 2020 from Mr. Wentzien; please describe the proposal of the applicant;

Mr. Geller – yes; the applicants proposal described in the engineers letter of 1.16.2020 – page 2, describes the property, renovation of portion of existing building, first floor of building, A-15, currently the nail salon, northerly most unit, tax lot 15 existing salon, remaining unchanged in proposed application; rest of first floor renovated to restaurant and microbrewery; restaurant containing 3,459 sq ft area and 100 seats on the first floor and 24 seats on the mezzanine second floor total 124, mezzanine is 1,063 sq ft. with ten (10) employees supporting the use; also associated is an outdoor seating plan, first floor area, 40 seats outdoor; the first floor out door and second floor mezzanine (24 seats) are seasonal; no outdoor music; first floor will screen with planters and railing;

Brewery will be 2,400 sq ft in area, first floor, 2, 108 sq ft and second floor 292 sq ft in area, proposed seating is 74, with three (3) employees for that use; operating separately from the



restaurant, also common area on first floor for the entrance and lavatories about 304 sq ft.; nail salon remains unchanged; the bridal salon that was going to be on the second floor is no longer part of the application;

Mr. Cucchiaro – parking calculations considered by Council assumed the bridal use would be there, I understand it will be vacant but if a future tenant comes there may be a need to return with regard to the parking;

Mr. Guinco – understood;

Mr. Geller – utility service to the site, expected existing sewer / sanitary / water connections will be utilized; subject to Borough water / sewer review; plantings proposed surrounding outdoor seating area; existing building being utilized along with outdoor seating encompasses almost the entire area of site; a small area south of the building for seven parking spaces being converted to the outdoor seating area and valet area; little opportunity to provide loading area; loading area required for any area greater than 5,000 sq ft, the building in whole is greater than 5,000 sq ft and requires a loading area; we propose that be completed two different ways; small valet parking area, for Friday and Saturday evening hours, all deliveries will be made in the morning hours, not interrupting valet use; valet parking can be utilized for a truck to stop, unload delivery for restaurant through back door and a six foot roll up proposed at the rear area for the brewery portion; see A-17 existing parking are three spaces, then three spaces and handicap space of rear area for total of seven spaces; proposed plan, Borough Engineer noted there are no spaces shown on plan and how that would accommodate with proposed door access;

We propose offsite improvement plan for parking area of McGackin parking lot, still yield seven spaces, require reconstruction of curbing and paving in those areas;

Mr. Cucchiaro – that is off site, is that part of this application;

Mr. Geller – we are proposing as conceptual at this time and ask it be done as a condition of approval, engineer the plan for the Borough to approve;

Mr. Cucchiaro – was lot included in the application;

Mr. Guinco – no

Mr. Cucchiaro – we can not make conditions on a lot that is not part of the application; your application has specific lots and you notice had specific lots; we can't talk about development on lots that are not part of this application or notice;

Mr. Guinco – we would like to present because it is important to the operation of this site, we fully understand that we may have to go to the Governing Body to make these modifications;

Mr. Cucchiaro – what ever the legal process, new application, governing body, but we are limited, if there is an approval of the lots of the application before us tonight; but you can certainly discuss.

Mr. Geller –felt it important the Board understand the proposed improvements to the building will match existing and proposed improvements to what is next to it;

We ask the landscape strip be eliminated, second handicap spot be added next to existing with access aisle required by code, current space does not provide; provide access aisle a 4 ft. along the rear of the building; five (5) conforming 9 ft wide spaces; this will require existing light in the

island area be reconstructed as building mounted light, to provide equal illumination that is provided now;

Valet, Borough Engineer noted the adequacy for two (2) vehicles, it is 36 feet long, it is constrictive in configuration; we propose the curb line extends westerly from end of valet parking be elongated so cars can pull out and up further and pull out to make u-turn to exit McGackin parking lot and go to appropriate off street parking area when valet service in session; two proposed parking spaces just west of outdoors seating will be unaffected; they are 9 ft wide / 18 ft long; this is how parking and loading would operate

Proposed parking in the rear, there is a 5 ft strip provide to the man door to the restaurant that rolls out the parking lot; the delivery can use the sidewalk or the striped strip; the roll up door, in alignment with 8ft aisle with access always open and necessary for operation of the brewery;

Mr. Guinco – variance for the loading area, ordinance requires this building based on size to have loading area, does plan meet interpretation of the ordinance requirements;

Mr. Geller – dimensions required are 12 x 25; our valet area is 10 x 25, 2 ft di minimis; we feel it appropriate for this type of operation; we are not expecting tractor trailers or type of truck that need a 12 ft wide space; 10 ft wide space should be appropriate and out of the travel way; proposed loading operation for this type of use, adequate doors, adequate space to doorways, adequate parking space; given constraints of the property where the building circumferences almost the entire area of site, it is difficult to provide a loading space that technically meets the standards of the ordinance; for this operation and use we feel this loading plan sufficient;

Mr. Cucchiaro – is the applicant able to schedule deliveries off peak and when parking would be high and taken up valet space;

Mr. Geller – yes; hours of operation for the restaurant lunch and dinner; brewery will follow same hours; 11:00am to 1:30am; deliveries would occur before 11:00am, most likely 9:00am or 10:00 am;

Mr. Guinco – you are testifying the requirement to use valet area for loading and unloading does not interfere with peak time of operation when valet would be required;

Mr. Geller – correct;

Mr. Guinco – your experience as a licensed professional engineer and planner have you analyzed this proposal, although not meeting the strict standards ordinance, provides alternative way given the site and location;

Mr. Geller – yes, reasons stated; rehabilitation of the building is consistent with the rehabilitation plan of the Borough; the esthetic improvements and renovation of the building will result in advance of the esthetics of the Borough; another purpose of zoning being advanced, and out way any detriment that by the small deficiency and the size of the loading;

Mr. Guinco – if the Board grant this variance would it have an adverse impact on the zoning plan or scheme of the Borough; based on your testimony is this a preferred alternative given the constraints of site; do you anticipate any impacts adverse to the health and welfare and safety of the community base on this design;

Mr. Geller – not adverse impact; yes this is a preferred alternative; no I do not think this will have any negative affect on the community; the impacts of outdoors seating, the Board should keep in mind this is a seasonal operation, properly screened by the planting proposed, outdoor lighting



strictly concentrated on seating with no glare or overflow, all surrounding areas are commercial in nature; no outdoor music, no noise or sound impact;

Mr. Guinco – any other designs that are modifying the building;

Mr. Geller – the architect will discuss, but there is goose neck lighting to be added, was recommended by the HPC; Signage is proposed and consistent with ordinance;

Mr. Guinco – are you satisfied this design will be safe and efficient for the McGackin parking lot access;

Mr. Geller – yes;

Mr. Guinco – do you anticipate any negative impact on any other business in town;

Mr. Geller – no

Mr. Guinco – will you describe the landscape plan;

Mr. Geller – landscape is limited by constrictions of site to outdoor seating area where a planter is proposed on top of rail; planter will have evergreen shrub, short in height to provide screening to outdoor seating area;

Offsite lots – this was approved by the FCCR; at the time of approval the offsite parking ordinance requirement of less than 700 ft was not yet incorporated, it was a ¼ mile; we have shown a map that depicts 45 South Street, Habitat for Humanity provides 39 parking spaces, approximate 173 feet away; All Car Collision, 16 Throckmorton Street, provides 25 spaces, 675 feet away; 4 Hudson Street, 71 spaces within 619 feet; there is a fourth site, greater than 700 feet but less than a ¼ mile, 55 East Main Street, Freeman Funeral Home, not sure how many spaces available; the requirement is 45, deficiency, and agree with Borough Engineer analysis, 45 deficiency was found at the Council meeting and currently found; Habitat for Humanity and All Car Collision provide for 63 spaces;

Mr. Barricelli – the agreement we have with Habitat for Humanity ended November 30, 2019; do we have a new agreement;

Mr. Guinco – we have a current agreement and provide it to you;

Mr. Guinco – you have reviewed the letter of January 16, 2020 from Mr. Wentzien, are there any issues with complying with his review;

Mr. Geller – yes, I received and reviewed; no issues, I addressed parking, loading, valet space; anything I haven't addressed, the architect will;

Mr. Wentzien – re-clarify on the parking, the calculations we did followed the parameters of parking calculations presented to Governing Body but updated because of current changes; the changes were, the restaurant was going to have 110, now 124 – the brewery had 75, now 74 – common area no change - nail salon no change – outdoor seating was 32 / 32, shortage was 45 spaces; under current my letter, page 6, restaurant is required at 36, brewery 20, nail salon 17, outdoor seating parameters is smaller and calculated 52 which came up with same 45 spaces;

Utilizing what was said tonight, outdoors seating at 64, increase from 52; bridal dress company removed, but required 3 spaces so that is now zero (0) and can not be used; we still come up with 45 spaces;

Mr. Guinco – we understand if we want to use that space in the future we would need to come back to the board;

Mr. Wentzien – a condition from the Governing Body for parking was the lease agreements to be provided; the resolution dated 6-3-2019, Alter'd State Brewing Company had 31 spaces, All Car Collision had 25 spaces, you also mentioned Hudson Street, is that also known as Arum lot or Stavola lot; there is testimony from the Council in the Resolution #8 – applicant noted he is the owner of the Stavola lot on Hudson Conover, stated the lot is generally not used Monday through Thursday and would be available for parking to the brewery and restaurant customers; Council noted the Stavola lot for the Planning Board approval is fully dedicated for use only by Arum. That suggests to me, that lease can not be used;

Mr. Guinco – at the planning board hearing it was noted that the Stavola lot be available for other restaurants;

Mr. Wentzien – the FCCR Governing Body specifically said to the parking agreement as it related to this application;

Mr. Cucchiaro – we rely upon what the Governing Body approved for the FCCR area for this application; it sounds like they did not approve this lot but have approved the other two lots and the other two lots combined have enough parking; this is not an issue, just a clarification – you have adequate parking with the other two lots;

Mr. Guinco – that is correct, we are explaining there are leases for required parking and the parking spaces available; given that the application meets and exceeds parking requirements; we anticipate, in the event a second floor space needs to be utilized that those spaces are available and would seek to park using the Stavola; we would be required to come back; but we reserve the right, when and if that opportunity to make a useful performing part of the building we would come back for appropriate approvals; foreshadowing the convenient parking for the use, of course that would require approval by the FCCR Governing Body;

Mr. Cucchiaro – we can discuss at a later date if the second floor becomes useful; we are pointing out something the Governing Body stated, you are have enough space with the other two lots;

Mr. Ceppi – is there overlap with parking, hours of operation of the body shop, Habitat for Humanity and the brewery and restaurant; so you don't have all those spaces accessible at all times;

Mr. Guinco – correct, but the ideal of parking is to satisfy during demand hours; Habitat closes at 4:00/5:00pm;

Mr. Ceppi – but your open for lunch; I just want to make sure we look at everything;

Mr. Wentzien – this was reviewed under the old redevelopment core zone, they had to give direct testimony to the Governing Body for parking; the resolution shows that parking was taken into account; required is 45 spaces, nothing for the second floor – when you occupy the second floor you will come back to the planning board;

Mr. Wentzien – is there proposed fencing

Mr. Geller – no



Mr. Wentzien - Signage details will need to comply, you have not submitted; you are required to comply with the resolution from the Governing Body on signage for parking;

Mr. Geller – A-18 it is a start and will be embellished to the engineers approval meeting the requirements; the location is on the exhibit and details will be worked out;

Mr. Wentzien – ADA compliance;

Mr. Geller – ADA complaint through the front door, valet parking will have curb cut and access to the sidewalk to the front door

Mr. Guinco – Mr. Clark with provide more detail;

Mr. Wentzien - Trash storage

Mr. Geller – trash is inside and the ultimate collection area is the Market Yard trash area; my understanding is the other restaurant businesses operate in the same manner;

Mr. Wentzien – details on planter area on the patio; you stated you will lengthen the parking area; plan suggest there is an area in the outdoor area that is not part of the planter or two spaces on side, open area near the street, what is proposed for that remaining portion;

Mr. Geller – concrete, grass or some sort of stone;

Mr. Wentzien – we would request a landscape schedule; it looks like a mass of concrete, it would be nice to have greenery;

The HPC stated you will need to provide code compliant signage and goose neck lighting;

Mr. Geller – architect will address;

Mr. Wentzien – anything you are proposing at the rear of the building on Borough property will require you to get approval from the Governing Body; anything you plan to do on Route 79, requires DOT approval; we require a complete grading plan and details; any other lighting other than what HPC recommended;

Mr. Geller – one change, outdoor seating lighting, will be building mounted rather than pole mounted; the architect will discuss further;

Mr. Wentzien – ok; also the doors will require approval;

Mr. Geller – your reports indicates that and we will comply;

Mr. Wentzien – proposed linear pitch to a drain, shows on architects plans; that requires engineering and we require plans for that;

Mr. Geller – that drain is expected to be internal and will comply;

Mr. Wentzien – if internal must comply with code if anything comes to the outside then we will require plans to review;

Also note extra construction details that I require on the plans; we recommend a developers agreement be apart of this application;

Mr. Cucchiaro – follow up – bringing trash to the Market Yard will probably require municipal approval as well;

Mr. Guinco – private cartage; it will be disposed through private agreement in appropriate location;

Mr. Cucchiaro – who owns that area, you are bringing your garbage off site, who owns that area, where you are bringing the garbage, is that municipal property;

Mr. Guinco – the Market Yard, I believe the Borough owns;

Mr. Cucchiaro – I'm not sure if you can bring commercial trash to the Market Yard without Borough approval;

Mr. Guinco – we will make sure we get approval; We are not looking to avoid, we will obtain any approvals we need;

Mr. Jackson – there are no dumpsters in the area;

Mr. Guinco – there isn't one planned; they want to rely on existing dumpsters; there are constraints in the Borough and we are trying to make it work;

Mr. Cucchiaro – the grading plan, will it change storm water management on the site;

Mr. Geller – all areas to change are already impervious, no storm water management changes;

Mr. Cucchiaro – although no encroachment on Route 79, there is zero set back, you need to get variance relief for that in conjunction with this;

Mr. Geller – for existing condition;

Mr. Cucchiaro – existing condition, there is nothing showing it was ever approved; and it didn't exist in the context of these uses; I think you need a variance for a zero foot set back; Bill are they permitted to have a zero foot set back;

Mr. Wentzien - they are allowed to have zero and building in existing condition;

Mr. Geller – ok, do what is required with the DOT if anything;

Mr. Barricelli – so a variance is not required for that, correct;

Mr. Cucchiaro – no;

Mr. Wildermuth – parking plan proposed, if patron parks in one of the available spots in the rear of the restaurant how do they enter; I don't see a door and I don't see a walk way on the side of the structure to safely get to the front of the building;

Mr. Geller – there is a walk way; almost none of the Triangle lot business have walk way direct to a business; there is a 4 ft walkway along the rear and connect to existing concrete behind the two parking spaces; there is 3 ft strip between the valet parking and outdoor seating; that strip provides a walkway to the public sidewalk to the front of the building; these spaces are replacing existing spaces, either park yourself and walk to restaurant, as they already do for other locations in the Borough or if valet they will be dropped, car parked for them and walk to front;



Mr. Wildermuth – if car parked in last spot where does the person walk;

Mr. Geller – they have to walk behind it; it happens everywhere in the Market Yard parking lot, every parking lot;

Mr. Jackson – outdoor seating area, near entry and exit of parking lot, will there be vehicle protection bollards; will people be protected from cars;

Mr. Geller – we can incorporate into the plan; good point;

Councilwoman Rogers – clarify valet parking, how it will work and not interrupt the flow of traffic;

Mr. Geller – valet parking is a cut off from the main driveway to the parking lot; curb cut as you enter the driveway, car pulls into valet, space for two cars, and would not impede the entry or exit of the McGackin parking lot; separate space from the main isle;

Councilwoman Rogers – what if more than two cars;

Mr. Geller – either queue in street or turn in and come out and find their own parking;

Mr. Ceppi – causing congestion on Route 79;

Mr. Geller – most likely they will pass by or find their own parking, using the map;

Mr. Cucchiaro – you said they may queue out onto Route 79; does this trigger any DOT approval;

Mr. Geller – I don't think it requires approval, they are still using access to McGackin parking lot; as they go to make right turn in they can see from the street if it is back up, they probably won't wait they will continue on to look for self parking; once you pull into the lot there is an immediate you turn;

Mr. Wentzien – the trigger to the DOT is change of use; the specific change of use, not the change of the parking lot – there is a potential for a trigger; you are changing method of vehicular use and potential of unknown number of vehicles; it is not out of line to run by the DOT and let them issue a letter of no interest;

Mr. Geller – the trigger I believe of 100 trips in a peak hour, that is not going to happen; I don't think it triggers but we will get the DOT right off; we agree;

Mr. Ceppi – frustrating to spend 20 minutes on something we have no control over if already approved by the Governing Body; but I disagree with aspect of two cars in valet, only persons making a right are inconvenienced, people can make a left into the lot causing traffic, congestion into the intersection; I disagree with the dismissal of this being a non issue, it is potential an issue; you have seating for 180 all in at peak, more than 2 people will look to valet park; cold night they don't want to walk, 600 ft, is ¼ mile to walk; I respectfully disagree with analysis;

Delivery trucks, understanding anticipating tractor trailer loads but valet space is 10x36, that is long enough and the McGackin lot is long enough and wide enough for a truck to make turn around, get in and out;

Mr. Geller – single axle trucks that will utilize, yes; I don't want to dismiss your comment, the valet has two spaces, use of a business is driven by market and existing conditions, if someone doesn't want to wait, they will move on or go to next place or find another alternative; most

restaurant in the Borough do require some degree of parking to get to the restaurant; if don't want or cant wait for valet they will find another avenue;

Councilwoman Rogers – it is not going to be without consequence, if turning left or right and can't see valet is full it will create congestion on Route 79, that is a concern, the congestion; it is already a very busy street, I don't know if the plan is sufficient to deal with what is going on;

Mr. Guinco – the parking lot does function like that today, making a left or right into the lot;

Councilwoman Rogers – no with expectation of valet parking;

Mr. Guinco – understood but that is why we are taking out of the travel lane;

Councilwoman Rogers – it will be in the travel lane if not sufficient;

Mr. Guinco – yes but it is no different, if the valet was not there and the lot was full and same condition exists today; this should be an improvement from what exists today; that is Mr. Geller's point;

Councilwoman Rogers – I disagree; you don't see that kind of congestion;

Mr. Barricelli – are you suggesting to element valet parking;

Councilwoman Rogers – I'm suggesting it is not sufficient for the amount of traffic that could be anticipated or the amount of congestion could be created for that type of situation; they have space for two cars but seating for 110 people; it is a concern;

Mr. Guinco – two cars for valet service not parking;

Councilwoman Rogers – if someone is making a right turn will they be able to see from the street if there are two cars in valet already;

Mr. Geller – yes, it is right at the street; there is no obstruction, they can see from the street, you don't need to turn in;

Ms. Crombie – is there a plan of how many valet employees there will be;  
Mr. Geller – not sure;

Mr. Guinco – there will be sufficient amount;

Mr. Barricelli, open to public for questions to Mr. Geller;

Jeff Freidman – speaking on behalf of Freehold Center Management Corporation, Executive Director and Business Advocate - Sworn in by Ron Cucchiaro

Parking – Mr. Geller please look at this Google map

Mr. Cucchiaro – Mr. Guinco – do you object to the exhibit;

Mr. Guinco – it is undated and who printed

Mr. Friedman – I printed this morning

Mr. Guinco – I don't have an objection;



Mr. Cucchiaro – mark as exhibit Friedman – 1

Mr. Friedman – Mr. Geller can you identify this map, it is a Google map of the Arum parking lot; with approximately 68 – 71 parking spaces

Mr. Friedman – also this Planning Board Resolution for Block 77 Lot 16; do you agree;

Mr. Cucchiaro – can I see to mark, Mr. Guinco do you object;

Mr. Guinco – this is an unsigned copy

Mr. Cucchiaro – what do you want to seeking to prove;

Mr. Friedman – note in the approval it restricts Arum for valet access parking only and specific condition for in the approval;

Mr. Cucchiaro – Mr. Chairman, it is unsigned and we can't accept; but we had extensive conversation about parking and that parking lot specifically and the Governing Body said they are not taking those spaces into account; we discussed and the Board will not take into account, looking only at the other spaces; the resolution is not relevant;

Mr. Friedman – Mr. Guinco said potentially in the future it could be used;

Mr. Cucchiaro – we are not dealing with future, only what is presented with application tonight and not dealing with that parking lot;

Mr. Barricelli – Mr. Friedman please address the Chair, what point are you trying to make;

Mr. Friedman – the members are concerned about the parking, counting spaces in the lots, specifically the All Car Collision lot, 50 spots and allowing 25 spaces; we are concerned; I think the brewery and restaurant are great, we are concerned about the parking situation; want to make sure all parking is counted properly, not sure they have;

Mr. Barricelli – wasn't that done when presented to Council, Margaret?

Mr. Friedman – there was no opportunity to ask at the Council meeting;

Mr. Cucchiaro – we are not in a position to over rule a decision made by the Council;

Mr. Friedman – I don't think the Council said the Board has to use this parking as fact, only that it is consistent with the redevelopment plan; this body should examine in detail;

Mr. Barricelli – we are looking for lease agreements, we are not looking to count spaces, that is not our job;

Mr. Cucchiaro – let me look at the resolution more carefully from Council, Mr. Chair; continue asking questions, I will look this over;

Mr. Friedman – only other question is regarding All Car Collision

Mr. Cucchiaro – Mr. Chairman everyone has right to speak but only when they come up, there should not be conversation between the person speaking and the audience; Mr. Friedman you are here and able to ask Mr. Geller questions, there is no back and forth with anyone else from the

public. Members of the public please respect the law, we are required to operate under; if you want to speak, you will also have an opportunity;

Mr. Friedman – where do we come up with 50 spaces in the All Car Collision lot, where 25 are to be used for this project; the other members would be very happy if this is available;

Mr. Geller – my client was responsible for providing the count and lease agreements, so I can't answer your question;

Mr. Guinco – my client Dave Esquenazi will address the issue when we have the opportunity to bring him before you;

Mr. Barricelli – anyone else from the public; seeing none;

Mr. Jackson made a motion to close public comments; Mr. Wildermuth second the motion;

Yes            8   Barricelli, Ceppi, McCabe, Jackson, Wildermuth, Crombie, Councilwoman  
   Rogers & Argot-Freyre

No            0

Abstain      0

Absent       1   Geronimo

Mr. Barricelli – take a five minute break – time is now 9:15pm

Mr. Barricelli – 9:20pm back in session;

Mr. Cucchiaro – reviewed a certified copy of 92-19 Resolution dated December 12, 2019, #17 explicitly states, the Governing Body found the applicant provided adequate offsite parking subject to signed lease agreements provide the required parking spaces; this confirms the numbers of spaces the applicant presented existed on various spaces, with the exception of Arum lot; Governing Body condition of approval the lease agreements for offsite parking remain in full force, the applicant has affirmative duty to provide proof annually the lease remains in full force and effect; should lease expire or terminate this approval will terminate immediately; applicant or successor shall have the right to produce alternative parking to the Governing Body at that time; we are not in a position to over rule the Governing Body under the prior ordinance they made a decision that adequate parking exists; whether any entity feels it had a fair shake at the Governing Body or was able to present what it wanted to present we do not have jurisdiction to sit in judgment of that, we are subject to the resolution that was issued; Note the ordinance has changed, future parking decision will be made by the planning board; however it was not the law at the time presented to the Governing Body;

Mr. Wildermuth – what about the fact that one of the sub-lease agreements has expired since that meeting;

Mr. Guinco – there is a lease extension to 2022, I will deliver it; I would like to discuss the issue of valet; my client proposed the valet to make more convenient for the customer; relying on what was just discussed, we provided adequate parking without valet; if the valet creates an issue, perhaps it is something that shouldn't go forward, our clients could operate without; they were proposing to make more convenient not to create any traffic concerns or safety issues; either way it was offered as a benefit, not to create concerns of the Board, client is willing to remove and not provide valet; if I may, I think the parking discussion ends because the Governing Body has decided it;



Our next witness – Gregory Clark, Bach & Clark - Sworn in by Ron Cucchiaro – Board accepted

Mr. Guinco – did you prepare the exhibits;

Mr. Clark – I did and the exhibits are A-11; additional exhibits to add;

Handouts –

Starting with A-19 – enlarged multiple drawings A-1 through A4 – also handout dated 12-1-2019

A-20 – Coloring (outside of property what will look like)

Starting inside – looking at the bottom of the plan, main entrance from sidewalk of South Street, gains access through common lobby to both proposed restaurant and brewery; we have 2/3 – 1/3 split between brewery on right side (smaller of two spaces) and restaurant on left side; outdoor seating proposed on platform and patio which synchronizes with Mr. Geller's plans; answer earlier question of handicap access, there are proposed spots at rear of building in McGackin lot; they can park and walk around to front entrance; or if code requires to make shorter route, we can come through planter route and have a large handicap accessible door on the west side, providing access to both; this will reduce access between handicap parking and access to building; both uses are on grade, no requirement for ramps or elevators for full access; two new large restrooms proposed fully ADA compliant; mens room has three fixtures and two lavatories (sinks) and ladies room has two fixtures with two lavatories; two existing restrooms to serve brew pub with one fixture each; fixture count complies with occupancy; this is main level plan;

To access mezzanine sheet A-2 – mezzanine on both sides, one accessing main restaurant through stairway at back of restaurant seating on upper level and office access through a cat walk; mezzanine for brew pub is accessed through stair, self contained in brewery, switch back stair accesses only brew pub;

Mr. Guinco – these plans provide for adequate fire code and all barrier free;

Mr. Clark – correct and all ADA accessible;

Elevations – exhibit A-4 Colorized rendering

South Street elevation, existing building formerly Freehold Glass designed with two occupancies, glass fabricator and small rental space; original building designed in late 70s early 80s; we proposed removing large portion exterior material, Garden State brick face stucco finish, outdated and damaged; replacing with cultured brick along widow eyebrow line on upper level we will re-stucco where damaged; proposing brick cornice in keeping with ordinances that maintain a belt line throughout street scapes; intermediate belt line along store fronts code compliance; also have canopy proposed which will be made six inches smaller to be compliant and not encroach on DOT right of way; you can see on South elevation;

South elevation with similar materials, clad protruding bay will clad with cultured brick; resurface all existing canopies with stucco, grayish earth tone; and plan to wrap finish around all three sides of building; west elevation, resurface existing stucco, and replace or repair and damaged stucco; two doors proposed for loading, six foot roll up and the person door at the rear will direct access to the kitchen;

The planter will extend from left of building and runs along valet parking; planter itself serving as barrier, protection for cars surrounding; intended to construct of two foot wide concrete wall, three feet in height, room for dirt and plantings, and below solid concrete, side stepping the need for multiple bollards that would be no less than three feet; that is the intent of the planter, to be a barrier in itself; this is on sheet A-4 proposed screening plants which will be approximately five to five in half feet in height; providing barrier from head lights and privacy for exterior dining;

Signage – not designed at this point; place holders on elevation, showing location of signs, signs will be approved separately per new ordinance; intend to be fully compliant; HPC suggested goose neck lighting as an option, other options back lit channel letters or halo letters but will be in compliance; ordinance allows a sign per business entity pre elevation; south elevation, two signs proposed on canopies, sizes with commences with the square footage of elevation, fully compliant;

West elevation – parking lot – rear, two more signs permitted to be installed on the building; the restaurant and brewery, by law are required to be two separate facilities;

Mr. Guinco – your design will comply with HPC and meet ordinance requirements; and colors shown are approximate in color for proposed use;

Mr. Clark – correct;

Mr. Guinco – south elevation – bollards, you will replace with a concrete wall;

Mr. Clark – the planter will be three feet in height, plantings will bring it up higher;

Mr. Guinco – this will provide the same strength as if they were bollards and if not you would provide bollards to satisfy the engineer;

Mr. Clark – yes;

Mr. Guinco – do you think any of the diners would be at risk of the traffic;

Mr. Clark – not according to current DOT standards; not statistically likely;

Mr. Guinco – you are satisfied this to be barrier free; what would trigger the use of coming through the planter area, west elevation access for handicap;

Mr. Clark – currently there are egress requirements the ADA mandate; if the distance is too long to meet the front, then we will be required to provide an opening; probably through the barrier, the planter to access the side of the building, shortening the distance of the parking space to the restaurant and brewery;

Mr. Guinco – are there other accommodations or is this the only option;

Mr. Clark – only other option would be going through the loading doors but not really an option because the loading doors, is not for customer use;

Mr. Guinco – you are satisfied the access on South Street/Route 79 will meet the required standards;

Mr. Clark – yes

Mr. Guinco – patio and mezzanine you are satisfied with seating and consistent with approval and calculations;

Mr. Clark – yes, Mr. Geller's description was accurate on occupancy and location of seating;

Mr. Guinco – did you discuss lighting in patio areas;



Mr. Clark – we do not have a plan for lighting; we propose to install down lighting from the patio seating platform seating and onto the area and above from the pergola down; any lighting would be compliant with spillage regulations and approved by code enforcement;

Mr. Wentzien – also reviewed by our office for spillage;

Mr. Clark – acknowledged;

Mr. Clark – every attempt was made to bring the building up to current design standards and esthetically pleasing facility to be a great asset to Freehold;

Mr. Guinco – that is all;

Mr. Wentzien – Mr. Chair a few follow ups

Clarification of the layout of both outdoor seating; latest plans extend the patio and comes closer to the front of the building; following curb line of proposed valet parking on your A-1; but the second level is shaped different, smaller area, rectangular in shape; question 1, looks like one column must be within the patio of first level, bottom left column;

Mr. Clark – correct; if you look at dotted lines show perimeter of columns that delineates the upper level; the rectangular shape you describe on upper level is located on the main level plan;

Mr. Wentzien – you drew the second floor out to limit of columns but dash lines on A-1, looks like roof extends past roof, question what is the maximum distance anything related to the second floor deck extends out off the building;

Mr. Clark – 20 feet for actual deck; the pergola will protrude no more than one foot beyond that; this additional dotted line shouldn't be on the plan; 21 feet at the most;

Mr. Wentzien – also a portion of the deck, will be over a small piece of the valet parking; you need to make sure when the extend the curbing that you coordinate with the upper left column coming down from the second floor deck; that must be outside the curb;

Mr. Clark – if necessary we can pull column back and do a large cantilever; acknowledged;

Mr. Wentzien – you indicated you would need to seek approval to adjust parking within municipal parking but I think you said you actually going to propose one of the spaces is one of your handicap spaces;

Mr. Clark – unless I'm mistaken, couple of these spots are proposed to be handicap;

Mr. Wentzien – they are to be for you;

Mr. Clark – handicap use for the parking lot; the parking lot calculations

Mr. Wentzien – the space must be by design in entirety that goes with that will need to be included – the space, adjacent isle and accessible path, from the space to the door, it will be confined at the entrance and McGackin; there will need to be a revised site plan with properly compliant accessible path from the back to the front; this is a condition that needs to be meet, it is tight looks like it may be difficult;

Mr. Clark - correct; I tried to convey that in my testimony earlier; we will be in compliance;

Mr. Barricelli – any questions from the Board;

Mr. Ceppi – how many ADA spots are in the McGackin lot, now;

Mr. Clark – I do not know; Mr. Geller;

Mr. Geller – I do not know;

Mr. Ceppi – we do not know how many are available today and how many are used by the other business that back up to the parking lot;

Mr. Guinco – what is proposed is the two spots that back to this building will be handicap for this use;

Mr. Clark – currently there are no handicap adjacent to the building, if they exist they are elsewhere in the lot; these are two new handicap spaces;

Mr. Geller – A-15 depicted spaces, there are three in one area behind the building, three regular and one handicap near the rear access to the nail salon; proposed plan A-17 shows five 9x18 regular spaces and two handicap, one increase of barrier free space; as Greg Clark mentioned the challenge is going to be getting the barrier free route to access the building; we will make proper adjustments to do that; I am not familiar with the rest of the parking lot to know if there are more, but we are adding one so there will be two;

Mr. Barricelli – any other questions for Mr. Clark;

Anyone from the public want to ask Mr. Clark any questions; seeing none;

Mr. Jackson – made motion to close public portion to ask questions of Mr. Clark; Mr. McCabe seconded the motion;

Yes	8	Barricelli, Ceppi, McCabe, Jackson, Wildermuth, Crombie, Councilwoman Rogers & Argot-Freyre
No	0	
Abstain	0	
Absent	1	Geronimo

Mr. Guinco – Mr. Chairman that is all I have for witnesses;

Mr. Barricelli – do you want to make a statement clarifying your intent with valet;

Mr. Guinco – client proposed valet, designed by Mr. Clark and Mr. Geller with safety in mind; client wanted to assist business and make customer friendly; to try and utilize a means to remain healthy; however it is not needed by prior approval which addressed the parking issue or under any municipal ordinance; being done as a benefit; does not create any unusual circumstances, unfortunately this is not a clean slate with design parking that can meet the needs of today's requirements; the lots where built years ago, patterns and habits have changed; we propose in good faith and good intention that it would be beneficial; I have the sense the Board is concerned for safety and in that regard, we would not want the application denied on the bases of valet;

Mr. Cucchiaro – Mr. Chair, the applicant is saying it is not a requirement that they have valet on site, would like but leave up to the Board, if the Board wants it or not; not an issue they want to get denied on; they can function successfully without it, placing valet in the Boards hands;



Mr. Barricelli – I personally think it is a class act to offer valet; but want to hear from the other members on this one matter;

Mr. Ceppi – I wouldn't disagree, I like the valet but am concerned; is there an option to have for a trial period, see how it goes with public safety and code enforcement; if problematic then discontinue;

Mr. Guinco – self regulating, a report would be required and within the report would be an investigation; any police issues or their own interpretation if creating any chaos;

Mr. Cucchiaro – there is no way for the Board to consider the report because this application is asking for preliminary and final approval;

Councilwoman Rogers – my concern was to remove valet parking, it does not address the problem; the other lots are not accessible to customers; my concern was to have enough space to address the potential level of business;

Mr. Guinco - that is probably something we can't address because we can't enlarge the lot; no additional land can be added based on uses in place;

Mr. Wildermuth – serious reservations of location of valet parking; two spots for two cars, busy night, bad weather, I see a third car already causing movement problems and fourth car wanting to utilize valet causing back ups on Route 79, the intersection; I see many possibilities and probabilities of negative effect on traffic with the valet parking there;

Ms. Freyer – could create additional problems, parking is an issue we are trying to do the best with what we have; at this point I have difficulty visualizing in a way that will work, could create more traffic on Route 79;

Mr. Jackson – I agree, it can create a choke point onto South Street;

Mr. McCabe – I mirror the comments by the others but at the end of the day, I don't see a problem with going forward with valet; there is the risk;

Ms. Crombie – I have several thoughts; I have experience with breweries that have popped up; found as people go, they find out where the parking is available; additionally if the valet does not work, it backs up or police issues that cut out space could be changed into a Uber drop off, anyone going to a brewery should be doing anyway; giving another opportunity for safe driving in Freehold; also to be more clear, have on your website, Instagram, Google Site, where the locations are to park, that valet available and keep moving if not available;

Mr. Cucchiaro – if you make a motion for approval, you make with or without valet;

Mr. Jackson – if a business in town that does not currently have valet, and they see valet at another location, do they need to get approval from this Board;

Mr. Cucchiaro – depends on what they need to do to get valet and previous approvals;

Mr. Jackson – so you can pull up, let your group out, continue to find your own parking; this is similar to valet, you are the valet;

Mr. Wildermuth – the plan approved by Council with parking lease agreements, All Car Collision, meeting required parking, but eliminate valet parking how is regular customer going to find this lot, that is around the corner on the other side of a one way street;

Mr. Guinco – there is a requirement that the parking lots be posted, and there is a preliminary design by Mr. Geller about how that will be provided; it has to be identified;

Mr. Cucchiaro – you're right, people may not know to go directly to go that spot, go to the site then go to the new lot;

Ms. Crombie – I think it meets the requirement and the more people go, they will know where it is; it won't be a repeat problem if it is a problem

Mr. Wentzien – a follow up, the condition by the Governing Body is at the top of my page 5, condition #2, clarifies the signage and where things are located; the plan before the Governing Body did not have valet parking;

Mr. Cucchiaro – also they did not review or analyze the valet parking on the site plan; at this point three options;

1. to deny;
2. motion to grant preliminary and final site plan approval with ancillary variance relief subject to all conditions placed on the record without valet parking and;
3. motion to grant preliminary and final site plan approval with ancillary variance relief subject to all conditions placed on the record with valet parking;

Mr. Barricelli - Board deliberations for preliminary and final site plan approval; the question of parking was decided at the Borough Council level, decision of use of micro brewery was decided at Borough Council level; we have a very narrow task to only provide preliminary and final site plan approval; that is what we are addressing;

Mr. Cucchiaro – compliance with site plan ordinance and they do require variance relief for load zone; you will have to grant that variance and internal circulation is within your jurisdiction, have or not have the valet,

Mr. Guinco – one more item, my clients thought the concept of having an Uber drop off, something that would be attractive to them as too; if the design is not permitted for valet could be permitted for drop off; you drop off your family or ride sharing service that particular design would serve that purpose, being valet or not;

Mr. Cucchiaro – that is a fourth option;

Mr. Wildermuth – fourth option is same site plan, currently valet but same as drop off for ride share;

Mr. Cucchiaro – different by dropping off the person no the car, and you can pull in now and drop off; it is not prohibited, they would just have a spot to facilitate;

Mr. Barricelli – do we want to deliberate or make a motion;

Mr. Jackson – regarding trash, Mr. Wentzien, there is no requirement that this business must provide a dumpster;

Mr. Wentzien – he must provide a way to handle the trash anticipated from his use;

Mr. Jackson – so bagging trash and keeping inside, the way Mr. Geller described and then taking to the Market Yard dumpster, would that need approval by someone;



Mr. Cucchiaro – the Borough, they will need a condition of approval, I specifically ask about this during testimony; we had another application before us recently and the applicant believed the dumpster was on there lot but it was on Borough property and we required them to get an approval;

Mr. Jackson – it is not clear how that will work, the fire bureau will look for trash block and exit sign – with the trash piled up;

Mr. Cucchiaro – the Council will have to determine is there capacity to accept refuse from this use; work with the Code Enforcement, if the situation is appropriate, if not they will have to find another way;

Mr. Jackson – I thought there was a dumpster compactor in the McGackin parking lot, do you know if that happened; that was a concern, but if not worked out then they won't operate;

Mr. Wentzien – that will not only require approval but be part of the developers' agreement;

Mr. Jackson – if Borough denies access to Market Yard, they come back to us;

Mr. Cucchiaro – yes

Mr. Jackson – one more item, if approved, there should be a condition that Mr. Wentzien, is to review the impact protection of the wall/planter to make sure a vehicle will get stopped;

Mr. Guinco – my client will want to be compliant and concerns of safety for the patrons;

Mr. Jackson – just one more - will the building have sprinklers;

Mr. Clark – based on occupancy it is not required;

Mr. Barricelli – anything else; does someone want to offer a motion;

Mr. Ceppi – I would like to offer a motion to approve with valet parking; Mr. McCabe seconded the motion;

Yes	6	Barricelli, Ceppi, McCabe, Jackson, Crombie & Argot-Freyre
No	2	Wildermuth & Councilwoman Rogers
Abstain	0	
Absent	1	Geronimo

Mr. Cucchiaro – granted with preliminary and final site plan with ancillary variance relief, with valet parking;

Mr. Barricelli – thank you all for coming, anything from new or anything further from the Board; Nothing; anyone to make a motion to adjourn;

Ms. Argote-Freyre made a motion to adjourn the meeting; seconded by Ms. Crombie  
All in favor – aye (all) nay (none)

Meeting adjourned at 10.24 PM.

Respectfully submitted,

Dominica R. Napolitano