

FREEHOLD BOROUGH PLANNING BOARD

MINUTES OF MAY 13, 2020

MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, May 13th at 7:00 p.m. remotely in accordance with the New Jersey State Emergency Declaration.

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
PRESENT	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
ABSENT	Ms. Caridad Argote-Freyre

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

Approval of Minutes from Planning Board Meeting April 22, 2020

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

Yes	5	Barricelli, Ceppi, McCabe, Jackson, Councilwoman Rogers
No	0	
Abstain	2	Geronimo & Wildermuth
Absent	2	Argto-Freyer and Crombie

Ms. Crombie joined the call 7:08pm

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

Preliminary Investigation Report 26-28 Court Street and 2, 4 & 6 Broad Street; Review of the report "26-28 Court Street / 2,4&6 Broad Street Preliminary Investigation" Block 36, Lots 5(5.01), 6(6.01, 7 & 9(9.01) prepared by Pennoni – Group Melvin Division, dated March 2, 2020.

Mr. Barricelli – the purpose of the meeting tonight is to conduct a preliminary investigation to determine if these lots meet the criteria for designation as an area in need of redevelopment;

Mr. Cucchiaro – Mr. Chairman, Mr. Jackson will be recusing himself from this application; mark in the minutes; you are correct, this is a preliminary investigation tonight; we have done before; for those who have not, Local Redevelopment Housing Law, the Borough Council has the ability to declare areas in need of redevelopment; in order to do, they are required to refer the matter to Planning Board, for what is called a Preliminary Investigation;

purpose for the preliminary investigation is to determine if one or more of the elements contained in the Local Redevelopment and Housing Law are present; if they are on the subject lots, then the Planning Board would recommend that the area be declared as an area in need of redevelopment, which would be done by the Governing Body; the Planning Board can find that all the lots comply, none of the lots comply, or some of the lots comply; also the purpose of the hearing tonight is not to determine use on the property or determine if we like or dislike redevelopment, simply to listen to the professional planner who has provided the report and make determination if one or more of the lots have satisfied the criteria; that is the presentation for tonight; it is public hearing, at the appropriate hearing we will open up for questions or provide testimony;

Bob Melvin, Pennoni, Group Melvin Division –Sworn in by Ronald D. Cucchiaro, Esq.

We were asked to perform an investigation of the lots outlined; Block 36, Lots 5,6,7 & 9, of what the redevelopment statute involves; the sites are well outlined, corner of Court and Broad - 8 was not looked at and is not included as part of the study;

A blow up of the area, you can see there is development of the parcels; on October 19, 2019 our organization did a physical investigation of the site, I will discuss the findings as we continue; orientation to, not far from City Hall, in the general section of the core community; as Ron indicated this is not a plan or approving uses or any kind of development on the site; it is simply looking at the state statute, which has eight (8) criteria, and to see if any or all of them to apply to any or all of the lots investigated;

Governing Body did prepare a resolution asking the Planning Board to perform an investigation; that is number 1, the Planning Board made available a public map to show where the study is, number 2; we are now at number 3, duly notice public hearing to show findings; after completing the hearing the planning board can recommend to delineate the area all or in part and sent to the Governing Body to be in the redevelopment area; the Board may adopt a resolution setting forth its findings and recommendations as the statute indicates;

The Governing Body will adopt a resolution designating the area in need of redevelopment, if the Planning Board agrees and recommends, once done, if done, the designation will be reviewed and approved by the Commissioner of Department of Community Affairs (DCA) and then a redevelopment plan must be prepared establishing the goals, objectives and any particulars of the area in need of redevelopment; then the Governing Body may enact the plan by ordinance by adopting an amendment to the Boroughs zoning ordinance;

As stated there are eight (8) criteria A-H, the ones with relevance to our study are A, B, D, E and H;

A – generality of buildings are substandard, unsafe, unsanitary, dilapidated or pose any such characteristics or such lacking in light area or space to be conducive to living or working conditions;

B – discontinuance of buildings previously used for commercial, manufacturing or industrial purposes; buildings being allowed to fall in such disrepair or in a great state of disrepair being unattainable;

D – areas with buildings with improvements which by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design or lack of ventilation, light and sanitary facilities; excessive land use coverage or obsolete layout or any accommodation of these or factors detrimental to the safety, health or welfare;

E – growing lack or total lack of property utilization varies caused by the condition of title or ownership of the real properties or similar conditions which impede land assemblage or discourage the undertaking of improvements resulting in stagnate or unproductive condition of land, potentially useful and valuable or contributing to or serving the public health and safety and welfare;

H – catch all – designation of delineated area consistent with smart growth planning principles adopted pursuant to law regulation; this is one of the eight (8) it is one that is not encouraged to be the only one to hang your hat on if that is in fact the finding of the investigation;

In terms of a criteria, we found block 36 lots 5, 6, 7 and 9 – (the tax lots are identified in different data 5(5.01), 6(6.01, 7 & 9(9.01) and we want to show in both ways); with met the criteria A, because of the presence of substandard, unsafe and unsanitary buildings, document that they are clearly dilapidated and substandard; when we did the inspection October 19, 2019, you see some of the photographs with cracked foundations, water damage, mold build up, broken windows, doors, cracked walls and issues with provisions of utilities on the parcels in question; The photographs are from 2, 4 and 6 Broad Street with some of the conditions; you can see much neglect and the quality of the buildings and health associated with the unsanitary conditions; more photographs showing lot 7, rotting wood, water damage in the ceiling; 26 Court, see cracks in the foundation, stairs falling apart and wood rot;

B – vacant commercial space and discontinuance of use of buildings previously used for commercial, manufacturing or industrial purpose; the abandonment of the buildings are the same being allowed to fall in disrepair as to be uninhabitable; block 36 lot 6 & 9 represent former commercial space that have been abandoned and fallen into disrepair; concerning given the proximity to the Freehold bus corridor and along Main Street being in the proximity of the Center Core, intended to be integrated healthy vibrant livable district; increase the tax for the Borough over the next period of time; the photographs that proceeded this echo many of these findings; you can see vacancy within the building identified; dilapidated obsolete overcrowded buildings and obsolete layout, the obsolete layout of the first floor where used for office space and upstairs was residential space; layout design does not easily fit in a modern need for these types of spaces; a lot of investment would be needed to get the space rentable; also evidence with circulation and parking for future use, issues with fragmentation of the site; lower right there is mold on the siding, indicating severe water damage with infiltration into the buildings;

Lack of property utilization of various causes of condition or title or other similar conditions which impede land assembly or discourage the undertaking of improvement resulting in stagnate or un-production condition of land; it is similar, these are buildings with a lot of vacancy but at one point, office space on ground floor, residential on upper levels, they don't function well as mixed use, they weren't built as mixed use buildings without a lot of investment to bring up to code; the fact of assemblage of diverse uses on site, none being accommodated very well; regardless of the outside, the interior floor plans are severe problem to rectify in current state; see vacant residential space 2 Broad;

Final – smart growth plan and principles – easy to fill in for the Borough, being a principle but would never use as only one to focus on for area in need of redevelopment; this is a walkable community, heart of town, checks all boxes for smart growth planning principles; it is in Planning Area 1, under NJ State Redevelopment Plan; location to Freehold is town center;

Conclusion – professionally speaking it is the conclusion is the area does qualify as an area in need of redevelopment under the state statute based on the criteria outlined in the report;

Mr. Cucchiaro – Mr. Chair you can open to Board then the public for comments and questions;

Mr. Ceppi – the notch out around one property, what is that; and why not included in the study;

Mr. Melvin – that is lot 8, different ownership and not requested to be part of this investigation at this point;

Jose – I didn't understand your answer; do you mind rephrasing that differently regarding lot number 8;

Mr. Melvin – we were not asked to look at by the Governing Body, in the resolution;

Stephen J. Gallo – as a point of order on that subject – that parcel is owned by a different entity and is not a concern and is in use;

Jose – thank you;

Mr. Cucchiaro - Mr. Chair, if no other Board members we can open to the public;

Vincent E. Halleran, Esq. – sworn in by Ronald D. Cucchiaro, Esq.

56 W Main Street, Freehold on my own behalf;

Explain the relationship with code enforcement to what you are doing, this seems to be a code enforcement issue;

Mr. Melvin – I'm not a building sub-code official, can't explain why that hasn't taken place; we were asked to review under current conditions; I would say in current conditions it is in a state of bad disrepair; I don't know what a sub-code official would say or what to do to remediate the conditions;

Mr. Cucchiaro – Mr. Chair, what we have in the record, I don't think we can say what has or hasn't been done by way of enforcement; we don't know whether summons have been issued or warnings; Mr. Melvin, does the ability of code enforcement official to come in to enforce property maintenance codes, is that an element that is relevant to what you are analyzing under the criteria in the statute;

Mr. Melvin – No, it is not relevant to what we are analyzing;

Mr. Cucchiaro – Mr. Halleran that goes to the point you were making;

Mr. Halleran – the other question – is your testimony that the properties are not utilized at all;

Mr. Melvin – all of the properties were vacant when we were there;

Mr. Halleran – thank you

Nick Caliendo – Sworn in by Ron Cucchiaro –

8 Broad Street (lot 8), one of the owners located next to 6 Broad, subject of this application; I had the opportunity to meet with the Pennoni professionals in October 2019 took them through our building, explained to them our investment of the amount of money and time spent on our building and noted to them the observations of what has been going on next door, conditions and activities going on; we (attorneys at Manning Caliendo & Thomson) are in full agreement, had the opportunity to review the investigation report and concur with their findings; there has been many problems next door, criminal activity, trash and abandoned vehicles which carry over to our property; we back the project 100%;

Jean Holtz – Sworn in by Ron Cucchiaro –

107 Broad Street – I live on the other end but am in this area often; I read the report and concur that they are in need of remediation if not rehabilitation; I urge the board to accept the report and to recommend to the Governing Body to designate as redevelopment; once that happens the future redevelopment on that block will be a boom to Freehold;

Mr. Cucchiaro – anyone else from the public;

Mr. Barricelli – motion to close public comments and questions;

Mr. Wildermuth made a motion to close public portion; seconded by Mr. McCabe;

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

Mr. Cucchiaro – at this time, if the Board does not have any comments, and the Board is of the opinion it is persuaded by the report in accept in whole we can do that – you can make a motion to agree with the report and recommend to the Governing Body that the elements that are identified in the report are satisfied and can be designated as an area of need of redevelopment;

Mr. Barricelli – do we have a motion to that affect;

Mr. Ceppi – made a motion to accept; seconded by McCabe

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

Mr. Cucchiaro – we will draft a resolution and send to Borough Council and as Mr. Melvin said Borough Council will act on whether it will declare a study area as an area in need of redevelopment;

Mr. Melvin – exited and thank the Board

Mr. Barricelli – Councilwoman Rogers anything from Council

Ms. Rogers – I mentioned at the prior meeting we are exploring options a property on Mechanic Street to be the new Borough Hall location; we are still progressing – that is all for now;

Mr. Barricelli – Ron anything;

Mr. Cucchiaro – no Mr. Chairman

Mr. Barricelli – Dominica what is coming up;

Ms. Napolitano – next meeting, May 27, 2020 we have two (2) applications, one is a minor subdivision and the other is site plan;

Mr. Barricelli – May 27, 2020 good for everyone; motion to adjourn;

Councilwoman Rogers – made a motion to adjourn; seconded by Mr. McCabe;

All in favor; Aye (all) – Nay (none)

Mr. Barricelli – thank you all for coming tonight;

Meeting adjourned at 7.37 PM.

Respectfully submitted,

Dominica R. Napolitano