

## FREEHOLD BOROUGH PLANNING BOARD

### MINUTES OF MAY 27, 2020

#### MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, May 27th 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
PRESENT	Ms. Caridad Argote-Freyre

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

##### Approval of Minutes from Planning Board Meeting May 13, 2020

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

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

Mr. Wildermuth correction, on page 1, minutes from April 22, 2020, I was not present for that meeting and abstained when voting;

Dominica – I will correct and post minutes;

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

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

Memorialize Resolution Preliminary Investigation for Area in Need of Redevelopment (Non Condemnation) for Property Identified as 26 Court Street and 2,4 & 6 Broad Street; Block 36, Lots 5 (5.01, 6 (6.01, 7 & 9 (9.01)

Mr. Wildermuth made a motion to approve the resolution, Mr. McCabe seconded.

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

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

Application Number: PB-SD-2020-003  
Applicant: Bruce and Virginia Edmonds & Jeanne Vigeant  
Location: 8 Club Place / 63 Broad Street  
Block 32 Lots 8 & 11  
Zone: R-5  
Request: Minor Subdivision with variance relief

Jessica L. Sweet, Esq – firm of Sweet & Bennett representing applicants Edmonds & Vigeant; as you stated this application is for minor subdivision with variance relief; my clients proposing a lot line adjustment; 63 Broad Street owned by Bruce and Virginia Edmonds and 8 Club Place owned by Jeanne Vigeant; this is a corner lot subdivision with preexisting non-conforming front yard setbacks, front porch non-conforming and there are not changes requested there; I have one witness, Jeanne Vigeant, licensed realtor knows the property well and has reviewed the application and all documents with it;

Mr. Cucchiaro – A-4 is the subdivision plan;

Jeanne Vigeant – sworn in by Ronald D. Cucchiaro

Ms. Vigeant – Bruce and I have discussed for several years the removal of the garage, finally decided we would like to do a land swap along with it; he would like to buy the property the garage is on and the property behind it; he can there take down the garage and have open space;

Ms. Sweet – a few questions to clarify what you are requesting; this is a single family residence located in the R-5 zone correct;

Ms. Vigeant – yes;

Ms. Sweet – you are a licensed real estate agent and have worked very extensively in the Borough of Freehold;

Ms. Vigeant – yes

Ms. Sweet – have you reviewed the plan dated March 2, 2020, prepared by Morgan Engineering;

Ms. Vigeant – yes

Ms. Sweet – sharing on her screen so public can see if they don't have – this is marked as exhibit A-4 Please describe the lot configuration;

Ms. Vigeant - my lot is a flag lot and the small portion behind is what I want to sell to Mr. & Mrs. Edmonds;

Ms. Sweet – that parcel is approximately 1,551 square feet;

Ms. Vigeant – yes;

Ms. Sweet – please describe the garage;

Ms. Vigeant - the garage is 2 story, 4 car garage that Bruce and I share; it has been there as long as I have owned, 21 years and as long as the Edmonds have been in their home, about 45 years;

Ms. Sweet – that garage is will be demolished if this subdivision is approved;

Ms. Vigeant – correct – completely demolished as well as the concrete pad and black top in the area as well;

Ms. Sweet – anything going to be constructed in its place;

Ms. Vigeant – nothing; just turn into yard;

Ms. Sweet – anything being constructed on your property;

Ms. Vigeant – small shed at the end of my driveway or where it is pictured in the corner of my back yard;

Ms. Sweet – lot area zoning requirements; minimum lot area in R-5 zone is 9,000 sq. ft.; what is the area of your lot existing and proposed after subdivision;

Ms. Vigeant – lot currently is 10,918 sq. ft. and after subdivision approximately 9,367 sq. ft.;

Ms. Sweet – regarding Edmonds property, their lot is an interior lot, with a 6,000 sq. ft. lot area minimum;

Ms. Vigeant – existing lot area for the Edmonds is 15,764 sq. ft. and if subdivision approved increase to 17,315 sq. ft.;

Ms. Sweet – the impervious coverage on your property, there was a mistake in the plans, the Board engineer has correctly identified the maximum impervious coverage permitted in the zone at 40% - for the record; what is the existing lot coverage currently;

Ms. Vigeant – I am very close to the maximum, at 39% and if the subdivision is approved I will be reduced to 35.2%

Ms. Sweet – did you review the Board engineers letter of May 8, 2020;

Ms. Vigeant – yes;

Ms. Sweet – with regard to his letter, will sufficient parking be provided;

Ms. Vigeant – currently 8 spaces on my driveway now; if the subdivision is approved I can still probably get 8 cars but definitely 6 cars;

Ms. Sweet – so it is large enough for at least 3 cars;

Ms. Vigeant – yes;

Mr. Cucchiaro – counsel, on that issue it is RSIS compliant and ordinance compliant correct;

Ms. Sweet – correct;

Ms. Sweet – with regard to the fencing issue, are there any changes to the fence along your driveway;

Ms. Vigeant – if I put the shed in the corner of the yard, I will have to remove 2 fence posts and couple of boards; I have a very simple horizontal fencing between the posts;

Mr. Cucchiaro – the proposed shed, in either location, will it require any relief or is it completely compliant;

Mr. Sweet – it is complaint, in either location, corner or driveway;

Ms. Sweet – grading and drainage, are you familiar with the pattern on your property;

Ms. Vigeant – yes; currently water sheds off the roof of the giant garage and that has not caused any problems, small divot, next to garage; the shed is pretty small and don't for see any problems;

Ms. Sweet – that is all I have for direct testimony;

Mr. Cucchiaro – Mr. Chair now is the time for the Board; but first make sure we are all properly oriented; there are 2 existing lots, garage straddles both lots, not permitted by the ordinance, this subdivision would have 2 compliant lots with regard to lot size and any non-compliant issues that currently exist are not being intensified; couple conditions not compliant will be eliminated, making compliant; garage gets taken down, no longer an issue and shed proposed will be compliant;

Ms. Sweet – that is correct;

Mr. Chair – members of the public to question the applicant; seeing none

Mr. Jackson closed public questions to the applicant; Ms. Crombie seconded;

Yes	9	Barricelli, Ceppi, Geronimo, McCabe, Wildermuth, Jackson, Crombie, Councilwoman Rogers and Argote-Freyre
No	0	
Abstain	0	
Absent	0	

Mr. Chair – any questions or comments from the Board; no Board members have comments/questions;

Mr. Chair – member of the public want to comment on this application; seeing none

Mr. Jackson closed public questions to the applicant; Mr. Geronimo seconded;

Yes	9	Barricelli, Ceppi, Geronimo, McCabe, Wildermuth, Jackson, Crombie, Councilwoman Rogers and Argote-Freyre
No	0	
Abstain	0	
Absent	0	

Mr. Chair – board deliberation –

Mr. Wildermuth - this makes the lots more conforming, overall plan reduce impervious surface on lots; definitely seems they should have our support and I support this;

Mr. Barricelli – anyone else want to add; I concur with Michael’s comments; does someone want to make a motion;

Mr. Ceppi – made a motion to approve; Ms. Crombie seconded;

Yes	9	Barricelli, Ceppi, Geronimo, McCabe, Wildermuth, Jackson, Crombie, Councilwoman Rogers and Argote-Freyre
No	0	
Abstain	0	
Absent	0	

Mr. Barricelli – thank you;

**Mr. Barricelli read Item No. 6 on the Agenda as follows:**

Application Number: PB-SP-2020-002  
Applicant: Kingsley Square Association  
Location: Block 18.03 Lots 8 & 18  
Zone: T-H  
Request: Site Plan with variance relief

Peter Licata, Esq – firm of Sonneblich Parker & Selvers representing applicant Kingsley Square Association; we are here to seek preliminary and final site plan with variance relief to permit the installation of drainage improvements and additional parking spaces on a triangular shape lot, originally noted on the map from DPK Consulting; I have with me our project engineer and planner, Robert Sive who will be our only witness; however if needed I have Patty Sheridan, President of the Kingsley Square Townhouse Community Association on the line if testimony is needed from her;

Robert Sive – Sworn in by Ron Cucchiaro, Esq;  
Licensed Engineer and Planner in the State of New Jersey; testified before this Board numerous times; I have 25 years of experience in engineering;

Mr. Chair – credentials accepted;

Robert Sive – lot identified as 18.03, tax lot 18, Kingsley Square Townhouse Community, located behind Freehold Nissan, located specifically in the T-H zone, area of .71 acres; overall community is 194 homes, consisting of two and three bedroom units with approximately 350 parking stalls; section we are concerned about tonight, has 32 units, consisting of 12, three bedroom units and 20, two bedroom units with 54 parking stalls in the courtyard area; within the 32 unit section, there has been a drainage problem along the easterly side of the center landscape isle, where stormwater runoff ponds when there is a rainfall; in addition, vehicles parking along the center island curbing has caused concern for the community as the emergency vehicles need to circulate to get to the site; this is located directly behind Freehold Nissan and this is the only part of Kingsley Square Community that we dealing with as part of this application;

Proposed is to help elevate the ponding of stormwater, along the gutter line is to construct 9 additional parking stalls within the center courtyard area, regrade the parking lot; allow the water flow and additional parking stalls; one variance and one design waiver required; variance is for lot coverage, based upon available map it appears approximately 65% of the lot is pavement and Borough ordinance is maximum coverage of 40%; additionally proposed pavement area will increase the lot coverage by 5% bringing it to 70% coverage; when created in 1969, this parking area was

created for the courtyard area not the buildings or associated yard areas; original intent was to only have pavement or impervious surface and any incidental grass area associated with the parking lot; the parking lot is a common area containing that parking lot feature; the 9 additional parking stalls are keeping with the filed maps noted for parking, increase in impervious coverage is not encumbering on any residential properties; the 9 additional parking stalls clears the transportation route and creates the free flow of traffic by providing more parking stalls and help eliminate curb side parking which is parking in the drive isle; currently 26 feet wide, when cars are parked there it is less; also the 9 stalls provide sufficient space in the appropriate location and meets the needs of the community, maintains the adequate light and air space and granting the variance would not be substantially detrimental to the public good; the intent and purpose of the zone plan and zoning ordinance, it is compatible with surrounding uses; I think this variance has the merit to be granted for the betterment of the overall area;

The other item I mentioned was a design waiver; the Borough ordinance requires a minimum of a 20 foot set back from front and side property lines for off street parking, existing parking lot is approximately 9.8 feet from the Kingsley Way right of way and proposed parking would be about 2.8 feet from the Kingsley Way right of way; this reduction set back to the Kingsley Way right of way does not create traffic conflict with roadway and is actually further set back than the brick monument sign that is along Kingsley Way now that identifies the townhouse community; the layout of existing parking area benefit from the additional parking stalls justifies this design waiver;

That is the exceptions to the Borough ordinance we have and as I said we are adding the 9 additional stalls to provide more parking for the area and to elevate the drainage issue;

Peter Licata, Esq. – that is all from Mr. Sive – any questions Mr. Chairman;

Mr. Jackson – will any emergency vehicles have any difficulty getting into or out of the area with this change;

Mr. Sive – the 9 additional parking stalls will not have an effect on emergency vehicles enter the area; the main drive aisle remains as they are;

Mr. Jackson – your testimony was people park along the island, and this will remove that curb side and fire trucks won't have a problem;

Mr. Sive – we are elevating the drive isle parking, so instead of parking along the curb, they will park in the parking stalls and keep drive isle open;

Ms. Argote-Freyre – regarding the changes, in the photo there are a number of trees, in one report it reads you will take down one tree; please clarify how many trees you will be removing;

Mr. Sive – it is proposed that we remove only one tree, the photo submitted, it is the tree located in the center, and I am sure the homeowner association will plan additional landscaping once the parking spaces and drainage are completed if approved;

Mr. Barricelli – when a homeowner backs out of their parking spot now, how much room exists between the back of the car and the curb of the island; and once you put in the parking stalls what will be the distance;

Ms. Sive – 26 feet is current and if approved when the island is removed and parking stalls are in place, it will remain 26 feet; now when cars park along the curb isle, they are taking up space which is giving the person backing out, less than 26 feet;

Mr. Wildermuth – what is the existing versus proposed impervious lot coverage;

Mr. Sive – existing, is approximately 65% and if approved it will be approximately 70% impervious coverage;

Mr. Barricelli – anyone else from the Board;

Mr. Wentzien – in general, if there are any technical issues I have in the letter, you will agree to comply with them;

Mr. Sive – yes;

Mr. Wentzien – confirm there is no fencing involved with this project;

Mr. Sive – correct;

Mr. Wentzien – existing sign, appears to be outside the work area, I am confirming there is no effect of existing or amended proposed signage;

Mr. Sive – correct;

Mr. Wentzien – no sidewalk proposed;

Mr. Sive – correct;

Mr. Wentzien – additional landscaping with tree coming down, we can discuss tonight or if the Board is comfortable they can leave to you and I working out; but in concept you agree to provide additional landscaping;

Mr. Sive – correct

Mr. Wentzien – describe the lighting that is out there now; I know I ask you to show the location of the lights, please give the board where the lighting will be in relation to the existing light poles with the new parking;

Mr. Sive - there are four existing light poles in the general location of where the proposed parking is going, each pole is on a landscaped island peninsula, adjacent to the existing parking lot; the existing lighting is adequate to light the area;

Mr. Wentzien – I note the four lights that exist surround the four corners of the parking which is optimal for the area where the proposed parking is being installed;

Mr. Wentzien – those are my main concerns; he is agreeing to address all engineering technical issues that exist or come up which do not affect the proposal before you; I am good;

Mr. Jackson – Mr. Wentzien, with the existing signage and the new parking stalls do you anticipate any issues;

Mr. Wentzien – no, the signage is out closer to Kingsley Way proper and if you look at the area, there are two drive isles in and the new spaces will go in the right drive isle and existing sign is located near the left drive isle; I don't see any interference that way and would appear to be far enough away, there is no sight visibility interfering left or right by the new stalls, so that his not an issue;

Mr. Jackson – what about the drainage;

Mr. Wentzien – I went thought the drainage, ask for calculations which they provide and the photo shows the existing ponding and the new spaces, while going in the grass area will be provided with

curbing which will direct the flow and will provide for a more controlled sustained direction for the drainage to the inlet, not far away; it appears they are improving the condition by doing this;

Mr. Jackson – thank you

Mr. Wildermuth – with the way the lot is set up from 1969, all of stormwater runoff from impervious surface will go to storm drains, no basins or anything;

Mr. Wentzien – that is correct, everything in this area is underground, storm drain, inlets piping, that is correct; no basin;

Mr. Barricelli – any members of the public that want to ask a question of the engineer, Mr. Sive;

Judy Feldman – can I speak;

Mr. Cucchiaro – spell you name and provide address;

Judy Feldman Hopmayer, 125 Kingsley Way;

We are opposite from the island and tree coming down, since none of the Board members who decided we needed to do this; they are totally unaware of the situation, 90% of parking on the island is visitors, worse on weekends and holidays;

Mr. Barricelli – this is for questions; comments will come later; please pose a question;

Ms. Feldman Hopmayer – what will they do about the people who continue to park on the opposite part of the island, the curb;

Mr. Sive – the local townhouse community will have to enforce the no parking; this application is for providing more parking and drainage; we are trying to help but do not regulate the parking; hope the additional parking will help elevate;

Mr. Barricelli – any other public members – seeing none;

Mr. Jackson – motion to close public portion of questioning; seconded by Mr. Wildermuth;

Yes            9   Barricelli, Ceppi, Geronimo, McCabe, Wildermuth, Jackson, Crombie,  
                         Councilwoman Rogers and Argote-Freyre

No            0

Abstain      0

Absent       0

Mr. Barricelli – Mr. Licata do you have another witness;

Mr. Licata – no that concludes our testimony;

Mr. Barricelli – open to the public for comments on the application;

Judy Feldman Hopmayer – 125 Kingsley Way – Sworn in by Ron Cucchiaro;

This was not handled properly, residence not consulted or ask opinions; we live here with the situation; there were other ways this could have been handled without taking down the tree, that shield us from Route 9 and the auto dealer; aside from the aesthetically pleasing look of the tree; could move the island back 2 feet, put parallel parking along the curb and not interfere with the trees and grass; after 35 years, never seen 9 extra cars parked in this courtyard; in addition, there are 25 additional parking spaces at the pool house; can also be used for extra parking;



Mr. Barricelli – was this presented at the home owners association;

Ms. Feldman-Hopmayer – about 1 ½ years ago there were surveyors, we knew nothing about; they discussed occasionally at a board meeting – but if you didn't attend board meeting you didn't know about it; we did not see a final plan until a few days ago;

Mr. Barricelli – anyone else from the public; seeing none, motion to close;

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

Yes	9	Barricelli, Ceppi, Geronimo, McCabe, Wildermuth, Jackson, Crombie, Councilwoman Rogers and Argote-Freyre
No	0	
Abstain	0	
Absent	0	

Mr. Licata – that is all we have, nothing further, thank you for your time and ask the Board for a positive resolution;

Mr. Ceppi – what steps taken by the association to notify the public residents;

Ms. Feldman Hopmayer – until 10 days ago, none;

Mr. Ceppi – I am asking the applicant, I understand your situation, trying to understand the association has done;

Mr. Licata – I was advised by the President of the association, Patty Sheridan, and as testified tonight by Ms. Feldman Hopmayer, that there were discussions at community association board meetings held for over year and half; the board consists of members of the community and voted to put forth this application for the community;

Mr. Cucchiaro – Mr. Chair, it is important for this Board to keep in mind what our role is, it is not up to us the determine how the association operates, not to judge the association Board; we have a resident that lives nearby and has given her objections; particularly with taking down trees and impairment to esthetic value and buffering of property; that is what the Board has to focus on, the land use, not how the homeowner association came to their decision or communicated;

Mr. Barricelli – thank you; other members of the Board;

Mr. Wildermuth – when we do our training on stormwater flow, I feel like this checks all the boxes of what not to do; this is doing is making more impervious surfaces on the lot and speeding up the water flow into storm drains with no mitigation to slow down run off; Mr. Wentzien, you mentioned updating landscaping, in grassy areas, but the grading doesn't look like it will make difference of absorption; the rain won't go there because it is being curbed; I have that concern; Bill thoughts;

Mr. Wentzien – your point is fair and what you should be looking at; first thing we do is measure the intensity of improvements, whether they meet a threshold value that a project on stormwater needs to meet a high level of criteria; this is below that threshold, so we review at a local level requirement; I ask them to do is the pattern of flow, tries to flow toward the island, causing to pond and sit, there is a remnants of a four inch diameter PVC pipe there that was supposed to take, probably clogged over the years, they are removing, the curb will direct the run off to one corner to properly channel to go out to the inlet, running down stream about 30 to 40 feet away; I ask them to do, with the amount of increase is to do a calculation of capacity downstream pipe receiving this to assure it will accept the flow; which it will; we went through the storm criteria we need to for a project of this size, although lower level, it is still a project and rain water flow; those concerns reviewed by criteria needed to be;

Mr. Barricelli – Bill are there any other recommendations you would make;

Mr. Wentzien – no; there are technical things to be done and I wanted to see landscaping because what is coming out to allow the pavement to go in; understand the drainage can be improved whether you put in parking or not; drainage is own concern, and needs to be correct;

Mr. Barricelli – any other members of the Board; seeing none, does anyone want to make a motion For a design waiver for lot coverage and amended preliminary and final site plan;

Mr. Jackson made a motion to approve; Ms. Crombie seconded;

Yes            9   Barricelli, Ceppi, Geronimo, McCabe, Wildermuth, Jackson, Crombie,  
                         Councilwoman Rogers and Argote-Freyre

No             0

Abstain      0

Absent        0

Mr. Licata – thank you for your time and consideration;

Mr. Barricelli – Councilwoman Rogers anything from Council

Ms. Rogers – Nothing new to report; people staying home and safe; thank you;

Mr. Barricelli – Ron anything;

Mr. Cucchiaro – no Mr. Chairman

Mr. Barricelli – Dominica what is coming up;

Ms. Napolitano – next meeting, June 10, 2020 we do not have an application scheduled but don't cancel yet;

Mr. Barricelli – June dates good for everyone; motion to adjourn;

Councilwoman Rogers – motion to adjourn; seconded by Mr. Jackson;

All in favor; Aye (all) – Nay (none)

Mr. Barricelli – thank you all for coming tonight;

Meeting adjourned at 7.58 PM.

Respectfully submitted,

Dominica R. Napolitano