

**FREEHOLD BOROUGH PLANNING BOARD**  
**MINUTES OF SEPTEMBER 23, 2020**

**MONTHLY MEETING**

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, September 23rd 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.

Ronald D. Cucchiaro, Esq., from Weiner law Group preformed the Swearing in of the Oaths of Office for the following appointments; Ms. Caridad Argote-Freyre, Class IV, from Alternate 1 and Brianne Kozlowski, Class IV Alternate No.1, both terms expiring December 31, 2021.

**Mr. Barricelli called for the Pledge of Allegiance.**

**ROLL CALL**

PRESENT	Mr. William Barricelli
PRESENT	Mr. Paul Ceppi
ABSENT	Mr. Michael McCabe
PRESENT	Mr. Michael Wildermuth
PRESENT	Mr. Garry Jackson
PRESENT	Ms. Shealyn M.S. Crombie
PRESENT	Ms. Caridad Argote-Freyre
PRESENT	Councilwoman Margaret Rogers
PRESENT	Ms. Brianne Kozlowski

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

Approval of Minutes from Planning Board Meeting June 24, 2020

Mr. Wildermuth made a motion to approve the minutes, Ms. Crombie seconded.

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

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

Application Number: PB-BV-2020-004  
Applicant: Ronko Developers Inc.  
Location: Bond Street  
Block 58 Lots 26 - Zone: R-4  
Request: Variance Relief

Paul Mirabelli, Esq –representing applicant, Ron Koenig, Ronko Developers, Inc.;, this is a two story frame dwelling, 4 bedrooms; seeking three variances; lot size, 5,162.7 square feet, 7,200 is required; lot width of 51.6 square feet, 60 is required; both conditions are preexisting; side yard variance, Third Street, 8.39 square feet, 25 is required;

Marc Leber, Planner – sworn in by Ron Cucchiaro;  
Licensed and practicing civil engineer since 2004 and as a Planner since 2005; testified before many board throughout New Jersey;

Mr. Mirabelli – requesting Mr. Leber start with an overview and then address the variances and through the engineer letter;

Mr. Leber – shares screen; set of six (6) color photographs taken by Mr. Leber; block 58 lot 26, property is north east corner of Bond and Third Streets, zone is R-4, residential; property is currently vacant, unusually shaped with 58 foot frontage along Bond, 130 frontage on Third Street; photos Bond runs to right, Third to the left and property is in middle with fence and trees and street sign; 2<sup>nd</sup> photo, property on left looking down Bond Street, third photo, looking up Third Street, property on your right; forth photo, standing on Bond, looking into property, open, with trees along perimeter; fifth photo looking down property line, neighbor to right, lot 25; sixth photo, shows the site triangle issue in the engineers report, if you approach the stop sign on Bond Street, to make a turn onto Third, the vegetation obstructs view; we will correct by removing the tree, in poor condition and remove fence, providing clear sight distance at intersection; stop screen share

Now to plan – this was submitted with application; date August 13, 2020; applicant proposes to construct single family home with four bedrooms; couple of non-conformities, fist, minimum lot area, corner lot in R-4, required 7,200 square feet, interior are 4,800 square foot minimum; this corner lot has 5,162.7 square feet, deficient; other non-conformity corner lot also requires 60 feet of width, we have 51.6 along Bond; this is an isolated undersized lot, the applicant mailed letters to the surrounding properties seeking to either purchase additional land to bring his property further into conformity or to seek if someone was interested in purchasing his lot; no response received; all lots surrounding at the minimum required coverage; as side from being undersized, there is a hardship being a corner lot, corner lots have two front yards, the minimum front yard required is 25 feet, from both Bond and Third, there is no room to construct the house without requiring a variance; we decided to hold the 25 ft. set back on Bond Street; the minimum side yard setback is five feet; however, there is an encroachment from lot 25, their steps; to be conservative, rather than be five feet from the property line, we set the house five feet from the steps; trying to ensure there is a minimum side yard setback allowing to access the rear of the yard;

Mr. Cucchiaro – Mr. Leber is there a plan to eliminate the encroachment or having it remain;

Mr. Leber – Mr. Mirabelli reached out to the owner; I can't answer, we prefer to eliminate the encroachment, steps go to landing, door of side of house on lot 25; architecturally they could relocate the door to the back wall of the dwelling, but I don't know of a decision;

Mr. Cucchiaro – you are here, you have to tell us; if your hedging that means it will probably stay; if going to stay I would ask our board engineer, your proposing is five feet away from encroachment, there is a zero foot setback because of the encroachment;

Mr. Leber – correct

Mr. Mirabelli – in discussion the neighbor said after the application he'll sit with us and come up with a solution to the problem;

Mr. Cucchiaro – if no deal in place we have to consider the encroachment is staying; the Board will have to consider it is staying; if you can eliminate that is fine, you're not saying it is, so we have to consider that it will remain as part of this application tonight

Mr. Leber – position of house, keeps to 8.3 feet from Third Street, where 25 is required; approximately another 8 feet to the curb line, so from travel way the set back is 16 feet; I looked at other lots in area, to see if this lot is out of character;

Mr. Leber – something new, needs to be marked;

Mr. Cucchiaro – A-7 – surrounding lots exhibit;

Mr. Leber – this is our lot, 26, block 58; putting the tax maps together, within a one block radius which lots are undersized in area and width and still have a single family home on them; starting west, four lots on Second Street, each corner lot are 40 foot width but require 60 feet, each undersized; Third Street, block 57 lot 8, width is less than 20 feet, behind our lot, lot 1 angle of Third, intersects, similar shape as ours and undersized; lots 9 and 10, each undersize but 10 is corner, requiring larger width and area and has a house; block 61 lot 35 most similar to our property, corner lot undersize in width and area; these lots outlined in black, distinguish same ownership because lots could be bigger;

From a planning perspective, our lot is not out of character for the area and certainly positives for this application; intentionally kept driveway far from intersection; clear out site triangle obstruction at the intersection and remove the fence; also a missing link on the sidewalk; sidewalk extends on Liberty, along Third and ends at our lot; Liberty Street there is a park, on Bond there is sidewalk but along Third at our frontage, no sidewalk, we will install the missing link to connect to the sidewalk at the next property;

Off street parking, we have two spaces provided, includes garage as one space; we conform with lot coverage for the zone, we are not asking for relief; the architectural plan (which was submitted to the PB Board, prepared by Jason Peist) is similar to houses constructed across the street from this property; front elevation, two story house, single car garage with entrance on left; rear of dwelling, set of sliding glass doors, access the back yard; side elevations, standard, vinyl siding, asphalt shingle roof house; with lot configuration, ample space in rear, setback is 57 ft to back property line; depth is 43 ft, width is 24 feet, very characteristic to three new homes across the street;

Mr. Ceppi – the homes identified as being smaller lot sized, do you know construction period, are they new homes or built within past ten years or when zoning may have been different;

Mr. Leber – I do not know when built, looking up now; Center Street, sharing screen, this could be older and resided and added new garage door, but looks new; but I do not know;

Mr. Wentzien – proposed variance – pointing out side yard setback, 8.39 feet; the entire side needs to be within the 25 ft, not just one point; the follow up question, with respect to the other locations you pointed out as being similar in nature, are the entire portions of those houses be with similar encroachment in nature to what you are proposing?

Mr. Leber – we did not specific survey but did notice on some of the corner lots, the houses setback further than the neighbor, keeping site triangle visible; our plan, at the furthest point, front left corner, at porch, setback would be 19.74 ft; if moved the house closer to Bond Street by 5 ft, giving 20 ft setback, then rear left corner would increase from 8.4 to about 10; making the change is not perceptible to walking by;

Mr. Wentzien – it needs to be understood that the entire side of the house is going to be within the setback and not just one point;

Mr. Wentzien – going through the report; parking, noted two spaces provided meets parking requirements set by code; note for record, calculated for residential site improvement standards but local code, if necessary an element of granting of de minimis exception from the RSIS but does meet Borough code;

Mr. Cucchiaro – if it does not meet RSIS they need a de minimis exception;

Mr. Leber – the RSIS under parking requirements, table 4.4 there is a foot note (a); when determination of required number of parking spaces results in a fractional space for the entire development any fraction of one half or less may be disregarded while a fraction of excess of one half shall be counted as one parking space.

Mr. Wentzien – you are correct, I saw .5 and went to three; I am noting same in my records and will clarify my report to note same; fencing, is all fencing, vegetation and a tree being removed;

Mr. Leber – all fencing, over grown vegetation, tree on corner and a tree on Third Street, which is blocking the view of traffic; two trees in center of foot print are being removed; any of the growth impeding the view will be removed and replaced with lawn;

Mr. Wentzien – ok, you are clearing lot, to build; my recommendations is that some buffer type planting around the corner of house; is that something you are willing to do;

Mr. Leber – could suggestion; we can put on plan;

Mr. Wentzien – also a plot plan to finalize but for purpose now I reference, how many street trees will there be once improvements are in place;

Mr. Leber – I do not show any new street trees; if we keep one tree in rear on Third, there may be room for an additional tree on Third; on our plot plan we can be more specific where we have opportunity to place; if you look at photos, see when sidewalk ends, in this area we seek to retain; from this point forward we would look to remove, they are not in good condition either, a hazard at this point;

Mr. Wentzien – fare to say, remove vegetation within the site easement and trees within building foot print coming out; any street trees on Third that are able to stay without conflicting with construction will stay and will investigate the ability to provide one additional street tree along Third;

Mr. Leber – correct;

Mr. Cucchiaro – is there an ordinance for a certain number of street trees, requiring relief;

Mr. Wentzien – only for a subdivision, relief not required;

Mr. Leber – on Bond there are wires, if there is a specific type tree please advise;

Mr. Wentzien – looking at the plan, with the site easement on the angle is more acute than 90 degrees; the free space left between that and driveway, type of tree will need to size specific; if will to put one on Bond Street also between edge of driveway and site easement we can work out species with you;

Mr. Leber – tree to right of driveway;

Mr. Wentzien – about 8 feet in space, plenty of space; this is beneficial to the site;

Mr. Wentzien – my page 4, reference to amended plot plan, my first six comments where items to be added to plan, you agree;

Mr. Leber – yes we can do;

Mr. Wentzien – section 7, already discussed (trees); also site consideration, once driveway feeding adjacent lot, is removed and removing portion of existing concrete pad also an encroachment, confirm there will be no access to lot 25 across this lot, correct; all cross access will stop;

Mr. Leber – correct; driveway currently there from Third will obviously be removed when we do sideway along road; remove curb opening so not to invite anyone to turn into that area;

Mr. Barricelli – when the planners said “they” do they mean “we”; who is responsible for repairing the cutout of the curb;

Mr. Wentzien – those are improvements of the sidewalk will include the curbing improvements all at the expense of the applicant;

Mr. Wentzien – also the storm water runoff on the site; usually in the Borough, with minor site plans, you can put stone recharge trench along the driveway or similar to help address no build to a build on a lot with variance;

Mr. Leber – acceptable, we’ll comply;

Mr. Wentzien – that is all;

Mr. Barricelli – in display of surrounding areas of non-conforming, you said several of them, people owned two lots at corners; were 25 and 26 ever owned by the same individual;

Mr. Mirabelli – research showed in 2007 or 2008 this lot was sold to separate owner, 1977 may been one owner, but not sure of the history;

Mr. Barricelli – you spoke to the neighbor, are they the owner of the tenant;

Mr. Mirabelli – we spoke with the owner, but the property is a rental;

Mr. Barricelli – technical difficulties

Mr. Wildermuth – Good time for a break; 7:50pm - motion for a 5 minutes recess

Mr. Ceppi – seconded the motion;

All in favor – aye (all) – nay (none)

Meeting resumes 7:56pm

Mr. Barricelli – any questions for the Planner from the Board;

Councilwoman Rogers – with respect to trees being removed, are those Borough trees or property owner trees; if Borough trees you need to approval to remove the trees;

Mr. Wentzien – when we review the plot plan, we can advise you how to proceed;

Mr. Barricelli – any other questions;

Mr. Jackson – proposed house is very closed to existing house; if we approve, will neighboring house be full of water after first storm; will the dry well prevent;

Mr. Wentzien – yes, the dry well will directly address runoff from the roof, best way to go; I can suggest additional ground grading be added on the east side;

Mr. Leber – the neighbor is higher than this lot; I am not worried; but we’ll review;

Ms. Freyre – when removing the driveway, you are also removing part of a garage concrete floor; and there is no structure correct;

Mr. Leber – that is correct, we are also removing the concrete flooring and no structure;

Mr. Barricelli – any members from the public have questions for the planner;

Mr. Jackson – motion to close public questions to the planner; Councilwoman Rogers seconded;

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

Mr. Barricelli – additional testimony;

Mr. Mirabelli – no that is all;

Mr. Barricelli – any questions or comments

Mr. Wildermuth – Ron, we are only approving or not on this application base off of the variance for the lot width, variance for setback;

Mr. Cucchiaro – the variances are listed in Mr. Wentzien report;

Mr. Wildermuth – I have concerns about the encroachment of the steps on the east side of the proposed dwelling; but applicant is giving 5 feet distance between the dwelling and those stairs; therefore, giving required setback;

Mr. Cucchiaro – no, the fact that stairs exist on property line, makes a zero foot setback; they have planned to set back from those stairs, and that satisfies there burden of proof to get a variance but does not change there is a zero foot variance because of the encroachment;

Mr. Wentzien – because stairs are there, they are part of improvements measured against lot 26;

Mr. Wildermuth – it is within code, giving the 5 feet;

Mr. Wentzien – no, existing steps provide zero setback, by staying on lot 26 they are part of what is considered part of lot 26;

Mr. Cucchiaro – you have three choices;  
You can deny;  
You can issue an approval with encroachment to be removed;  
You can approve with the encroachment be eliminated with variance;

Mr. Wildermuth – I have concerns about the stairs being so close; looking at surround structures, the way properties work; I don't see other properties so close, stairs exacerbate that issue;

Mr. Cucchiaro – you can make the approval with the encroachment being eliminated;

Mr. Wildermuth – that Mr. Chairman is what I would support;

Mr. Mirabelli – the applicant will agree to that;

Mr. Ceppi – if the stairs go away, they can shift the property back a bit off Third to get a bit further back, from the street;

Mr. Leber – to move the proposed home another few feet toward the neighbor but will that address Michael's problem with the distance of the neighbor;

Mr. Ceppi – true; I guess either to close to the neighbor or to the street;

Mr. Mirabelli – we are adding landscape by the street will give a buffer;

Ms. Crombie – I drove by lot today and also have google maps up; if you go, from Third Street toward Center the houses on the same side as this lot do not have a sidewalk and the houses are very close the street; just an observation;

Mr. Barricelli – how did the neighbor start parking on the property; once we close that access point, there is no parking on lot 26; I have driven by four times, there is always a car parked on you lot;

Mr. Leber – there is street parking permitted on Bond Street; the neighbors lot, lot 26 does not have a driveway;

Mr. Barricelli – would you consider giving that person a driveway;

Mr. Leber – not enough room to install a driveway;

Mr. Ceppi – sounds like neighbor is trespassing; steps, driveway;

Mr. Barricelli – any more questions from the Board; any comments from the public regarding this application;

Mr. Wildermuth – motion to close public comments; Mr. Ceppi seconded;

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

Mr. Barricelli – Board, we have a proposal with variances; any discussion or deliberations; or additional questions;

Mr. Cucchiaro – Mr. Chair, I would like to highlight the conditions placed on the record, not the least of which is the encroachment of the stairs; (**this was not clear on the recording – could no hear**)

Mr. Barricelli – any Board member want to comment on application or make a motion;

Mr. Wildermuth – I will make a motion to approve with conditions; Ms. Crombie seconded;

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

Mr. Mirabelli – thank you

Mr. Barricelli – Councilwoman Rogers anything from Council

Ms. Rogers – Nothing new to report; welcome and congratulations on our new member and current member on moving up; we have an event at the Court Street school this weekend; restaurants are open; nothing new from Council, be safe; thank you;

Mr. Barricelli – Ron anything;

Mr. Cucchiaro – no Mr. Chairman

Mr. Barricelli – Dominica anything coming up;

Ms. Napolitano – we have a Use Variance, probably the 2<sup>nd</sup> meeting date in October;

Mr. Barricelli – hopefully not zoom;

Mr. Cucchiaro – we have to see the practicalities with complying with all the executive orders;

Councilwoman Rogers – Council has been meeting in person, we have separated and marked spaces;

Mr. Cucchiaro – we have more members than governing body, make sure we all have mics and are six feet apart; executive orders change day to day;

Mr. Barricelli – congratulations to Caridad as a full member and welcome Brianne; motion to adjourn;

Councilwoman Rogers – motion to adjourn; all in favor;

All in favor; Aye (all) – Nay (none)

Mr. Barricelli – thank you all for coming tonight, it was nice seeing you all and look forward to seeing you all in person soon.

Meeting adjourned at 8.25 PM.

Respectfully submitted,

Dominica R. Napolitano