

**Borough of Freehold
Planning Board
Agenda No. 21-06
March 24, 2021
Amended**

The Freehold Borough Planning Board will hold a Video Conferencing Online Meeting on Wednesday, March 24, 2021 at 7:00 PM in accordance with the New Jersey State Emergency Declaration.

1. Call to order and statement of compliance. Adequate notice of this meeting has been provided by posting a copy of public meeting dates on the municipal bulletin board and by sending a copy to the Asbury Park Press and the News Transcript and filing a copy with the Municipal Clerk.
2. Roll call of members and consultants.

**Mr. Kevin A. Kane, Mayor
Mr. William Barricelli, Class IV Member
Mr. Paul Ceppi, Class IV Member
Mr. Michael McCabe, Class IV Member
Mr. Michael Wildermuth, IV Member
Ms. Shealyn M.S. Crombie, IV Member
Ms. Caridad Argote-Freyre, IV Member
Mr. Garry Jackson, Class II Member
Mrs. Margaret Rogers, Class III Member
Ms. Brianne Kozlowski, Alternate Member I
Mr. Ronald D. Cucchiaro, Esq., Board Attorney
Mr. William Wentzien, PE, Board Engineer**

3. Approval of Minutes from the Meeting of March 10, 2021. (See Attachment I)
4. Memorialize Resolution for Application 36 West Main Street Freehold LLC
Application Number: PB-ZI-2021-004
Location: 36 West Main Street, Block 71 Lot 3.03
Zone - B-2
Request: Interpretation for Special Question
(See Attachment II)
5. Application Number: PB-UV-2020-006
Applicant Rema Realty LLC
Location: 28 East Main Street -Block 62, Lot 9.01
Zone: B-2
Request: Use Variance with waiver of site plan
(See Attachment III)

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6. Adjourn.

*All backup material in regards to the agenda can be viewed in the Land Use office and on our website http://www.freeholdboroughnj.gov/PB/PB_agendas.html

Dominica R. Napolitano

Dominica R. Napolitano

March 19, 2021

ATTACHMENT I

FREEHOLD BOROUGH PLANNING BOARD

MINUTES OF MARCH 10, 2021

MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, March 10, 2021 at 7:00 p.m. via remote session.

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.

Chairman Barricelli opened the meeting which was a continuation from the reorganization meeting - no Salute to the Flag.

ROLL CALL

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

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

Approval of Minutes from Planning Board Meeting February 24, 2021.

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

Yes	4	Barricelli, Argot-Freyre, Jackson, and Kozlowski
No	0	
Abstain	1	McCabe
Absent	4	Ceppi, Wildermuth, Crombie and Councilwoman Rogers

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

Application Number: PB-SD-2021-001

Applicant: Simon Reichman

Location: 167/169 South Street Block 110, Lots 7.02 & 7.03

Request: Minor Subdivision

Mr. Simon Reichman – sworn in by Ronald D. Cucchiaro, Esq.

Mr. Reichman – lifelong Borough resident, seeking a lot line adjustment and to put in a driveway; my brother is my neighbor; getting older, kids and life moving on, sharing a driveway is becoming a problem for us; if someone pulls in or is over visit, I am an essential worker, he is a Borough Fireman, ex chief; we need to keep the driveway clear; our families visit we are always moving cars around and now that are families are bigger it has become a problem; it is time for another driveway;

Mr. Cucchiaro – swears in Mr. Robert Sive

Robert Sive, grad of New Jersey Institute of Technology, license Professional Engineer, Professional Planner and certified municipal engineer in New Jersey; testified before numerous boards throughout NJ including this board, over twenty-five years (25) experience;

Mr. Cucchiaro – you are qualified as professional engineer and planner;

Mr. Sive – this application – yes;

I have a plan to share with the Board with proposed driveway shown; see screen; marked as A-1

Existing conditions, site identified as block 110, tax lot 7.02 and 7.03, located on easterly side of South Street, near intersection of Barkalow Avenue, R-5 zone; tax lot 7.02 is also known as 169 South Street, approximately 19,298 square feet, 2 ½ story residential dwelling with covered porch and rear deck and in ground swimming pool, concrete patio and gravel parking area located behind existing dwelling and adjunct tax lot 7.03; next gravel parking area is existing driveway, with 12 foot wide easement on tax lot 7.03; looking at screen, upper left corner, area map, lot 7.02 is the L shaped lot with gravel driveway behind 7.03; 7.03 is known as 167 South Street as area of approximately 6,670 square feet, 2 story residential dwelling with rear deck and shed and previously described 12 ft wide easement and parking area but has no actual parking area on its property; it has the driveway going through its lot with access to gravel area behind located on adjacent lot; one lot has driveway and one lot has the parking area;

Minor subdivision proposed is actually lot line adjustment which would maintain two lots and new lot 7.04, 169 South Street, now have an area of 13,515 square feet and still have the 2 ½ story residential dwelling, front porch rear deck, in ground swimming pool and driveway and lot 7.05 will be bigger, with area of 12,289 square feet and have existing 2 story dwelling, existing driveway and gravel area its lot; each lot with own driveway and parking area;

Two existing non-conformities on property, front yard setback for lot 7.04, 169 South Street, 24 foot front set back to existing covered porch, 25 feet is required and second variance is for new lot 7.05 lot coverage of about 55.6% where 40% maximum is permitted; again only proposed improvement is new driveway on tax lot 7.04, neither of the above existing variance conditions are impacted by proposed driveway and area result of existing site conditions which have been this way for about 30 to 40 years; the lot line adjustment providing the driveways on each of the independently owned lots brings both lots to conform with Borough ordinance by providing driveway and parking area on each lot; no negative affect, compatible with surrounding uses, not a substantial detriment to the public good, does not impair the intent and purpose zone plan as both covered porch and gravel parking are existing; that is the application;

Going through the Engineer Report February 16, 2021, first three pages are site description or what was just covered; start page 4, parking spaces, not seeking variance for lack of parking, providing 2 parking spaces on new lot 7.04, contribution not required,

Mr. Wentzien – the plan presented did not have proposed driveway, he is correct with proposed driveway the parking contribution is not required; it will need to have an engineering plan provided it approved, designing driveway and reconfirming the addition of the driveway does not create an impervious variance on new lot 7.04 and plan show grading and everything that goes with it; confirmation with parking and back up will not create a new variance;

Mr. Sive – good point, you are correct, did driveway plan recently and with driveway shown, lot coverage is about 32.3%, we are under the 40%; we will provide plan and we have an application before the DOT for driveway access to Route 79 / South Street;

Mr. Sive – All fencing to remain except what is across proposed driveway, will be reconstructed or a gate put in to allow for driveway;

Mr. Sive – page 5, subdivision – lot line adjustment, with driveway on tax lot 7.04 only improvement; existing structure to be show on plan; off street parking addressed, will provide parking with driveway; existing walkway

connection between two properties – see curser – as applicant indicated he lives on one lot, brother on the other, for now would like to leave connection, provide access to walk between each other’s home; we ask to keep in place;

Mr. Cucchiaro – I would recommend, properties may not remain in the family forever, if adjusting lot lines and easements there should be an easement agreement associated, to element future issues; maybe not even an easement, maybe a property right, you want to do an irrevocable license or something, you have the ability to terminate at some point, I leave to you to determine what you think will work, but will be a condition;

Mr. Sive – plan to show existing shed on new lot 7.05; lot numbers need to be approved by tax assessor for approval; we will submit pending outcome tonight; two additional pins for lot lines, we’ll do; deeds and descriptions and we will do; fronting along Route 79 and DOT permit is required and is pending and will secure;

Mr. Barricelli - Questions from the Board

Mr. Jackson – driveway design, does it address drainage, water run off;

Mr. Wentzien – is required to provide grading and any information necessary for impervious coverage and not reaching negative threshold of something;

Any other members of the Board;

Any members of the public have questions for Mr. Sive, Engineer;

See or hearing none

Mr. Jackson made a motion to close public questions; Ms. Argote-Freyre seconded

Yes	5	Barricelli, McCabe, Argot-Freyre, Jackson, and Kozlowski
No	0	
Abstain	0	
Absent	4	Ceppi, Wildermuth, Crombie and Councilwoman Rogers

Any other questions prior to making a motion to approve or disapprove or make a motion for the application;

Mr. Cucchiaro – if a motion to approve it would be – motion to approve minor subdivision with ancillary variance relief;

Mr. Jackson – made a motion to approve minor subdivision with ancillary variance relief; Ms. Kozlowski seconded;

Yes	5	Barricelli, McCabe, Argot-Freyre, Jackson, and Kozlowski
No	0	
Abstain	0	
Absent	4	Ceppi, Wildermuth, Crombie and Councilwoman Rogers

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

Review Ordinance#2021/4 of the Borough of Freehold, County of Monmouth, State of New Jersey Amending and Supplementing Chapter 18 (Zoning), Section 18.80 (Wireless Telecommunications Towers and Antennas) by Adding Section 18.81 (Telecommunications Facilities in the Public Right-of-Way)

Mr. Barricelli – who is presenting;

Dominica – Mr. Peter Lupo

Mr. Cucchiaro – Mr. Chairman, before Mr. Lupo begins, this is like any other land use ordinance that is referred to the Board, the Governing Body has introduced on first reading; our job tonight is to determine whether it is substantially consistent with the Master Plan; that affects how the Governing Body votes on the application; the ordinance generally speaking is a response to new developments to the telecommunication field with 5G and smaller technology that puts up in Right-of-Ways and follows what the Federal Telecommunications Act allows us to do;

Mr. Lupo – very accurate overview, thank you;

A new way of deploying 5G – Network Densification, unlike 4G, they put on 100/150 foot high utility poles, private land, sometimes public land, high school or municipally owned lot, roof top or by police station; now they will put into the Right-of-Way, 35/40 foot public utility poles public right-of-way owned by Freehold Borough and managed by the Borough; put them about a football field and a half apart from each other, calling it Network Densification, a dramatically different way of running the network, which is because of the new 5G spectrum, a Nano technology; a Nano technology versus the current technology is a microwave, very small; the propagation of the signal or footprint of signal is very small, a football field and a half apart verse the 4G technology which is 150 utility poles covering miles and miles; this ordinance was drafted to be consistent with the FCC and give as much control back to the municipality; this is a way to prevent proliferation, to make sure utility poles are not coming out of everywhere, ruining the street scape; this ordinance takes what control the FCC has allowed to municipalities and gives as much power and control left to the towns, for the small cell 5G ordinance up for discussion tonight;

Mr. Cucchiaro – again Mr. Chair, our purpose is to make sure it is substantially consistent with the Master Plan; the Master Plan seeks to keep conformance with all federal standards; this complies and allows municipality and regulate the new technology and conformance with federal regulations; I think, it is not a use issue, doesn't change if anything is permitted or not; in my legal view, it is substantially consistent;

Mr. Barricelli – Mr. Lupo what is your title to reference what we are doing today;

Mr. Lupo – Freehold Borough Telecommunications Consultant Attorney, as a lawyer I specialize in FCC law and specifically the small cell arena; January I was brought in, in that capacity;

Mr. Barricelli – I agree with Ron, it seems to be consistent with our Master Plan, does any Board member have any questions or comments for Mr. Lupo;

Ms. Argot-Freyre – the Borough can determine how the poles would look but not necessarily the amount poles;

Mr. Lupo – if a carrier can demonstrate there is a technical need to build utility poles at additional sites, then you would have to permit them to do it; you do have, as the Borough, to control how it looks, appearance; example, Main Street, by restaurants, you have wrought iron, lighting, you have the right to match the street scape, under the ordinance and under the FCC; we have a provision to match the existing use; you couldn't ask them to do wrought iron if you didn't already have, that could be arbitrary and capricious; there is a provision, if anti proliferation that the carrier has to demonstrate why they can't use existing infrastructure, already in municipality, utility pole and why it doesn't work for their network and their technical needs;

Mr. Barricelli – we are past planning for 5G, the next round of new technology will they use existing poles for upgrade or are we talking about another round of this;

Mr. Lupo – I don't know what the next wave will be, right now they just started to roll out 5G, this technology will be here for at least 10 to 15 years; there hasn't been any discussion of the next generation of technology called 6G will even look like or deploy; not in the position to talk about how it will look;

Mr. Barricelli – any other members with questions for Mr. Lupo;

Mr. Barricelli – a motion to suggest that what was presented is consistent with our Master Plan and would approve such a recommendation from the Borough Council;

Ms. Argote-Freyre made a motion that this ordinance is consistent with the Master Plan and should be adopted, Mr. Jackson seconded;

Yes	5	Barricelli, McCabe, Argot-Freyre, Jackson, and Kozlowski
No	0	
Abstain	1	McCabe
Absent	4	Ceppi, Wildermuth, Crombie and Councilwoman Rogers

Mr. Barricelli – any Board members have any comments or questions to discuss;

Mr. Barricelli – Dominica any upcoming applications;

Dominica – upcoming – Rema Realty, on Main Street, Auto Pro, attorney office with full site plan; we are busy through May as of now;

Mr. Barricelli – thank you; anyone else; hearing nothing; anyone to adjourn;

Mr. McCabe made a motion to adjourn, Ms. Kozlowski;

All in favor, aye, - All members

Meeting adjourned at 7:35 PM.

Respectfully submitted,

Dominica R. Napolitano

ATTACHMENT II

WHEREAS, the Freehold Borough Planning Board carefully considered all of the evidence, testimony and exhibits presented including questions and testimony of interested parties and based thereon has made the following findings of fact and conclusions of law:

1. The subject of this application is certain lands known as Block 71, Lot 3.03, located at 36 West Main Street. The subject Property is located in the B-2 (General Commercial) Zone, the Freehold Center Historic District Area and the 2019 Center Core Rehabilitation Area of the Borough. The subject Property contains 0.1833 acres (7,984 s.f.).

2. The subject Property is currently improved with a three (3) story brick structure. The structure has frontage along West Main Street. The rear of the structure connects to the adjacent Freehold Borough McGackin Parking Lot (Triangle Parking Lot). The McGackin Parking Lot has access from South Street. The subject Property does not contain any on-site parking spaces.

3. The Applicant is seeking an interpretation of a previous approval identified as Agenda No. 12-85, Resolution No. 15-85 which granted preliminary and final site plan approval to Cambridge Square Realty Associates. The Resolution was memorialized on August 28, 1985. The Applicant is specifically seeking an interpretation of the uses which were approved.

4. Counsel for the Applicant, Dante Alfieri, Esq. stated that the Applicant was seeking an interpretation of the 1985 approval and a finding that any permitted use could occupy the existing structure and use sixty-five (65) parking spaces in the McGackin lot.

5. Testimony was taken from Eli Kramer who identified himself as the former owner of the subject Property and managing partner of the Applicant in 1985. He stated that the subject Property had a dimension of 66 ft. x 122 ft. with 100% lot coverage at the time of the 1985 approval. He stated that the structure had a gross floor area of 24,000 s.f.

6. Mr. Kramer further testified that in 1985 the Applicant had agreed to construct sixty-five (65) parking spaces at the McGackin lot in exchange for preliminary and final site plan approval with ancillary relief permitting no on-site parking. He also explained that the testimony

at that time was that office uses would be located on the first two floors. He then stated that he also represented to the Planning Board at that time that a restaurant use might also occupy the first floor with 180 seats. Mr. Kramer also testified that there was discussion in 1985 of retail uses being located on the ground floor. He stated that the subject Property was sold in either 2015 or 2016.

7. Mr. Kramer then provided a history of some of the prior tenants. He stated that Brookdale Community College had rented an entire floor and that other space on the upper floors had been rented by lawyers, accountants and other professional uses. Mr. Kramer also testified that the ground floor had been occupied by an attorney and a dollar store at different times.

8. In response to questions, Mr. Kramer stated that the sixty-five (65) parking spaces in the adjacent public lot were not reserved exclusively for the subject Property. He further provided additional detail on square footage. Mr. Kramer explained that 18,000 s.f. of usable space existed with approximately 6,000 s.f. of common space.

9. Testimony was then taken from Boris Volshteyn who identified himself as a Principal of the Applicant. He stated that the Applicant purchased the subject Property in April of 2016. Mr. Volshteyn then testified that a dollar store occupied the first floor; a computer firm and a mortgage company occupied the second floor and that the third floor was occupied by a computer company, recruitment firm and an accounting firm at that time. He then explained that the first floor is now vacant and that the second and third floors are occupied by: a mortgage company, insurance company, home care agency, another computer company, a recruitment company and vacant space. Mr. Volshteyn noted that he had letters of intent for other office users.

10. In response to further questions, Mr. Kramer testified that CO's had been obtained for all tenants and that an amended approval from this Board was never sought. He also stated that the sixty-five (65) parking spaces had nothing to do with the required parking associated with permitted uses on the site, it was merely the number of spaces the Applicant in 1985 agreed to construct in exchange for an approval.

11. The interpretation is not a required public hearing and the hearing was not opened to the public.

12. The Board has been requested to interpret the rights conferred by the 1985 Resolution. The Board applies the same standard of review as would be required in a statutory interpretation. The Board therefore focusses on the intent of the Resolution which is derived from the plain language of the document. The 1985 Resolution contains only five (5) pages. Much of that is filled with the location of the subject Property, a statement of jurisdiction, a list of the exhibits, standard conditions and a record of the vote.

13. Page 2 of the Resolution states: "The Applicant desires to construct a three-story brick office building as depicted on the site plan (A-1) and the color rendering (A-6)." The Applicant at that time was also granted relief to permit the subject Property to operate without any on-site parking. No other uses other than "office" are mentioned in the 1985 Resolution. The Board appreciates Mr. Kramer's testimony and effort to fill in the blanks and provide greater detail of the colloquy at that time. The Board, however, finds that a recollection of events which took place thirty-five (35) years ago cannot replace and expand the plain language of the Resolution.

14. It is undisputed that the 1985 Resolution only approves "office" use. The Board finds that the structure may be occupied by office uses and that the relief from on-site parking requirements applies only to office uses. The 1985 Resolution cannot be interpreted to apply to any permitted use- particularly those uses which may not have even been permitted at that time considering there have been Ordinance amendments. The Applicant may apply to this Board for any necessary approvals to expand the uses permitted on the site.

NOW THEREFORE, BE IT RESOLVED by the Freehold Borough Planning Board based upon the foregoing findings of fact and conclusions of law, the Application for an interpretation of the aforementioned 1985 Resolution bearing Application Number PB-ZI-2021-004 is hereby memorialized subject to the following conditions:

SPECIFIC CONDITIONS

1. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.

ROLL CALL

YES:

NO:

ABSENT:

ABSTAINED:

DISQUALIFIED:

DATED:

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution which was approved by the Freehold Borough Planning Board at its meeting held on March 24, 2021.

Dominica Napolitano
Planning Board Secretary

State of New Jersey:

County of Monmouth: ss:

Be it remembered on this _____ day of _____, 2021, before me, a Notary Public of the State of New Jersey personally appeared before Dominica Napolitano, who being duly sworn by me, according to law on this oath stated:

1. She is the secretary of the Planning Board of the Borough of Freehold;
 2. The within Resolution represents the action taken by the Freehold Borough Planning Board at its meeting of March 24, 2021.
-

Record and Return to: STEPHEN J. GALLO FREEHOLD BOROUGH ADMINISTRATOR 51 West Main Street Freehold, New Jersey 07728

ATTACHMENT III

P.B. U.V. 2020-006

**BOROUGH OF FREEHOLD
51 WEST MAIN STREET
FREEHOLD, NEW JERSEY 07728**

LAND USE DEPARTMENT APPLICATION CHECKLIST

Applicant's Name: Rema Realty, LLC

Trade Name: n/a

Applicant's Address: 52 Mine Brook, Colts Neck, NJ 07722

Block: 62 Lot(s): 9.01 Zone: B-2

Name of Project: Use Variance for 28 East Main St.

The following must be submitted in order for your application to be deemed complete.

ITEMS TO BE SUBMITTED	PLANS COMPLY	N/A	WAIVER REQUESTED	PLANS COMPLY	N/A	WAIVER REQUESTED
1. Application for Zoning Certificate or Building Permit Denial from Zoning Officer			X			✓ WAIVER REQUESTED
2. Application for Planning Board	X			✓		
3. Site Plan Application	X			✓		
4. Site Plan (only folded plans will be accepted). *			X			W WAIVER REQUESTED
5. Site Plan Detail Checklist - Completed	X			✓		
6. Fee Schedule with W-9 (Escrow & application fees must be in separate checks).	X			✓		
7. Tax Certification	X			✓		
8. Photograph of Existing Conditions	X			✓		
9. Affidavit of Service	X					
10. Exhibit List	X					AT PLAN. BD. MEETING
11. List of Professionals To Testify	X			✓		
12. Signed Checklist	X			✓		

Eighteen (18) complete packages of the above information must be delivered to the Land Use Office to be considered complete. Please provide six (6) copies 24 x 36", and twelve (12) copies 11 x 17".

Date: 11/10/2020


Applicant or Agent

To Be Completed by Borough:

Date: 3-10-2021

Checked By: William Z. Wentzen

**BOROUGH OF FREEHOLD
51 WEST MAIN STREET
FREEHOLD, NEW JERSEY 07728**

LAND USE DEPARTMENT APPLICATION CHECKLIST

Applicant's Name: Rema Realty, LLC

Trade Name: n/a

Applicant's Address: 52 Mine Brook, Colts Neck, NJ 07722

Block: 62 **Lot(s):** 9.01 **Zone:** B-2

Name of Project: Use Variance for 28 East Main St.

The following must be submitted in order for your application to be deemed complete.

ITEMS TO BE SUBMITTED	PLANS	N/A	WAIVER	PLANS	N/A	WAIVER
	COMPLY		REQUESTED	COMPLY		REQUESTED
1. Application for Zoning Certificate or Building Permit Denial from Zoning Officer			X			
2. Application for Planning Board	X					
3. Site Plan Application	X					
4. Site Plan (only folded plans will be accepted). *			X			
5. Site Plan Detail Checklist - Completed	X					
6. Fee Schedule with W-9 (Escrow & application fees must be in separate checks).	X					
7. Tax Certification	X					
8. Photograph of Existing Conditions	X					
9. Affidavit of Service	X					
10. Exhibit List	X					
11. List of Professionals To Testify	X					
12. Signed Checklist	X					

Eighteen (18) complete packages of the above information must be delivered to the Land Use Office to be considered complete. Please provide six (6) copies 24 x 36", and twelve (12) copies 11 x 17".

11/10/2020
Date

[Signature]
Applicant or Agent

To Be Completed by Borough:

Date: _____

Checked By: _____

BOROUGH OF FREEHOLD
51 WEST MAIN STREET
FREEHOLD, NEW JERSEY 07728

LAND USE DEPARTMENT
PLANNING BOARD APPLICATION FORM

Please note: This application, with supporting documentation, must be filed with the Administrative Officer of the Land Use Department for review at least thirty (30) days prior to the meeting at which the application is to be considered.

To Be Completed By Borough Staff Only.

Date Filed: _____ Application No. _____
Planning Board: _____ Application Fee: _____
Scheduled for Completeness: _____
Scheduled for Hearing: _____

1. SUBJECT PROPERTY (ATTACH PHOTO):

Location: 28 East Main Street
Tax Map: Page _____ Block 62 Lot(s) 9.01
Page _____ Block _____ Lot(s) _____
Dimensions: Frontage _____ Depth _____ Total Area _____

2. APPLICANT:

Name: Rema Realty, LLC
Corporate Name(s): _____
Address: 52 Mine Brook, Colts Neck, NJ 07722
Telephone: 732-583-7474

Applicant is a Corporation XX Partnership _____ Individual _____

Note: If the applicant is a corporation or limited liability company, the applicant must be represented by an attorney.

3. DISCLOSURE STATEMENT:

Pursuant to N.J.S. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S.40A:55D-48.2, that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding 10% ownership criterion have been disclosed.

NAME	ADDRESS	INTEREST
Steve Katz	52 MINEBROOK COLTS NECK, NJ 07722	100%

4. If the Owner(s) is other than the applicant, provide the following information on the Owner(s):

Owner's Name: Rema Realty, LLC

Address: 52 Mine Brook, Colts Neck, NJ 07722

Telephone No.: 732-583-7474

If the owner of any portion of the subject premises is other than the applicant, you must have the owner consent to the application by signing Paragraph 27 below.

5. PROPERTY INFORMATION:

Restrictions, covenants, easements, Association by-laws, existing or proposed on the property:

Yes _____ (Attach copies) No XXX Proposed _____

Note: All deed restrictions, covenants, easements, Association by-laws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

Present use of property:

The existing building is used for commercial uses. The applicant proposes to convert the second floor located in the rear portion of the building for residential use.

6. Applicant's Attorney: Salvatore Alfieri, Esq.

Address: 955 Route 34, Suite 200, Matawan, NJ 07747

Telephone No.: 732-583-7474 Fax No.: _____

Email: salfieri@cgajlaw.com

7. Applicant's Engineer: _____

Address: _____

Telephone No. _____ Fax No.: _____

8. Applicant's Planner: _____

Address: _____

Telephone No.: _____ Fax No.: _____

9. Applicant's Traffic Engineer: _____

Address: _____

Telephone No. _____ Fax No. _____

10. List any other expert who will submit a report or who will testify for the Applicant. Attach additional sheets as may be necessary:

Name: Greg Clark of Back + Clark, LLC

Field of Expertise: Architect

Address: 10 Zellers Road, Long Valley, NJ 07853

Telephone No.: 732-462-0215 Fax No.: _____

11. Applicant represents a request for the following:

SUBDIVISION:

_____ Minor Subdivision Approval: Do you have knowledge of any previous subdivision applications affecting any portion of the subject premises?

Yes _____ No _____

Total area of Tract: _____

Area of each proposed lot: _____

Subdivision Approval (Preliminary):

Total area of tract: _____

Total Area of Tract which is being subdivided: _____

Are there any current or contemplated easements or restrictions that affect or will affect any portion of the premises? If so, describe and attach copies of same.

Subdivision Approval (Final):

Date of Preliminary Approval: _____

Number of Lots Proposed for Final Approval: _____

Does the final plat conform exactly to the preliminary plat in all details and areas covered? Yes: _____ No: _____ If not, indicate material changes or incongruities. If necessary, attach additional pages.

List all maps and other materials accompanying this application:

SITE PLAN:

Preliminary Site Plan Approval (Phases, if applicable _____)

Final Site Plan Approval (Phases, if applicable _____).

Amendment or Revision to an Approved Site Plan:

Area to be disturbed: _____

Total number of dwelling units: _____

Request for waiver from Site Plan Review and Approval. Reason for request:

_____ Informal Review (Planning Board only).
 _____ Appeal Decision of an Administrative officer,
 _____ (N.J.S.40:55D-70a.)
 _____ Map or Ordinance Interpretation of Special Question,
 _____ (N.J.S.40:55D-70b).
 _____ Variance Relief - Hardship (N.J.S.40:55D-70c(1)).
 _____ Variance Relief - Substantial Benefit (N.J.S.40:55D-
 _____ 70c(2)).
 XX Variance Relief - Use (N.J.S.40:55D-70D).
 _____ Conditional Use Approval (N.J.S.40:55D-67).
 _____ Direct issuance of a permit for a structure in bed
 _____ of a mapped area, public drainage way or flood
 _____ control basin (N.J.S.40:55D-34).

NOTE: Appeals of decisions of Administrative Officers, use variances, and the direct issuance of permits are all matters to be heard by the Zoning Board of Adjustments only.

12. Section(s) of Ordinance from which a variance is requested:

Chapter 18.44: B-2 General Commercial District

13. Waivers Requested of Development Standards and/or Submission Requirements (attach additional pages as needed):

Waiver for Site Plan: The applicant is requesting only use variance to convert the second floor for residential use. This conversion of use is only for the rear portion of the building. The interior layout of the second floor will be modified to construct two separate residential uses.

14. Attach a copy of the Notice to appear in the Asbury Park Press, the Borough's official newspaper, and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the State and within 200 ft. in all directions of the property which is the subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable. The publication and service on the affected owners must be accomplished at least ten (10) days prior to the date scheduled by the Administrative Officer for the hearing. An affidavit of service on all property owners and an affidavit of publication must be filed before the application will be complete and the hearing can proceed.

15. Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises. (Attach pages as needed):

16. Is a public water line available? ☒ Yes ☐ No
17. Is a public sanitary sewer available? ☒ Yes ☐ No
18. Does the application propose a well? ☐ Yes ☒ No
- Does the application propose a septic system? ☐ Yes ☒ No
19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block numbers? ☐ Yes ☒ No
20. Are any off-tract improvements required or proposed? ☐ Yes ☒ No
21. Is the subdivision to be filed by deed or plat? ☐ Yes ☒ No
22. What form of security does the applicant propose to provide as performance and maintenance guarantees?

23. Other approvals which may be required & date plans submitted:

<u>AGENCY</u>	<u>YES</u>	<u>NO</u>	<u>DATE</u> <u>PLANS SUBMITTED</u>
Manasquan Regional Sewer Authority		<input checked="" type="checkbox"/>	
Monmouth County Health Dept.		<input checked="" type="checkbox"/>	
Monmouth County Planning Bd.		<input checked="" type="checkbox"/>	
Freehold Soil Conservation District		<input checked="" type="checkbox"/>	
NJ Dept. of Environmental Protection		<input checked="" type="checkbox"/>	
Sewer Extension Permit		<input checked="" type="checkbox"/>	
Sanitary Sewer Connection Permit		<input checked="" type="checkbox"/>	
Stream Encroachment Permit		<input checked="" type="checkbox"/>	
Wetlands Permit		<input checked="" type="checkbox"/>	
Potable Water Construction Permit		<input checked="" type="checkbox"/>	
Other (Please note.)		<input checked="" type="checkbox"/>	
NJ Department of Transportation		<input checked="" type="checkbox"/>	
NJ Natural Gas Co.		<input checked="" type="checkbox"/>	
JCP&L		<input checked="" type="checkbox"/>	
Other (Please note.)			

24. Certification from the Tax Collector that all taxes due on the subject property have been paid.

25. List of Maps, Reports, and other materials accompanying the application. (Attach additional pages as required for complete listing).

QUANTITY

DESCRIPTION OF ITEM

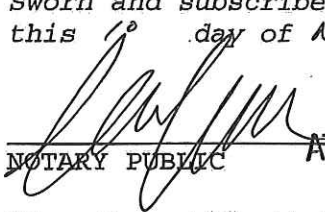
18 copies

Architectural plans prepared by Bach + Clark, LLC


26. I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant, or I am an officer of the corporate applicant, and that I am authorized to sign the application for the corporation, or that I am a general partner of the partnership applicant.

Please note: If the applicant is a corporation, an authorized corporate officer must sign this section. If applicant is a partnership, a general partner must sign this section.

Sworn and subscribed before me
this 10 day of November, 2000


NOTARY PUBLIC

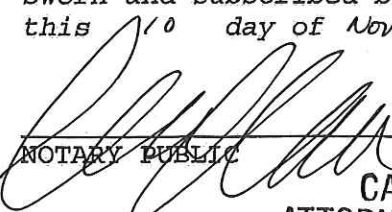
CATHERINE KIM
ATTORNEY AT LAW OF N.J.


SIGNATURE OF APPLICANT


27. I certify that I am the owner of the property which is the subject of this application; that I have authorized the applicant to make this application; and that I agree to be bound by the application, the representations made, and the decision in the same matter as if I were the applicant.

Please note: If the applicant is a corporation, an authorized corporate officer must sign this section. If applicant is a partnership, a general partner must sign this section.

Sworn and subscribed before me
this 10 day of November, 2000


NOTARY PUBLIC

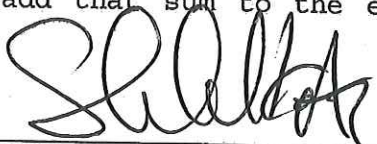
CATHERINE KIM
ATTORNEY AT LAW OF N.J.


SIGNATURE OF OWNER

28. I understand that the sum of \$ 2,500 has been deposited in an escrow account (Builder's Trust Account). In accordance with the Ordinances of the Borough of Freehold, I further understand that the escrow account is established to cover the cost of professional services, including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within ten (10) days.

11/10/2020.

DATE


SIGNATURE OF APPLICANT

LAND USE DEPARTMENT SITE PLAN APPLICATION

Date: 11/10/2020 Applicant or Agent: [Signature]

Shahbaz

BOROUGH OF FREEHOLD
51 WEST MAIN STREET
FREEHOLD, N.J. 07728

LAND USE DEPARTMENT TAX CERTIFICATION

Applicant's Name: Rema Realty, LLC

Trade Name: _____

Applicant's Address: 52 Mine Brook, Colts Neck, NJ 07722

Owner's Name: Same as Applicant

Address: 52 Mine Brook, Colts Neck, NJ 07722

Block: 62 Lot(s): 9.01

Physical Address: 28 East Main Street

The taxes & assessments due not including interest for the above block and lot are:

<u>QUARTER</u>	FOR YEAR <u>2020</u>	FOR YEAR _____
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

Other Municipal charges as follows: \$ _____

The Water & Sewer charges not including interest for the above block and lot are:

<u>QUARTER</u>	FOR YEAR <u>2020</u>	FOR YEAR _____
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

The total amounts due as of this date for the above referenced property are as follows:

TAXES:	\$ _____
OTHER ASSESSMENTS:	_____
WATER & SEWER:	_____
TOTAL:	\$ _____

Date: _____ Tax Collector: _____

NOTICE OF HEARING ON APPEAL OR APPLICATION

**A copy of this notice must accompany your affidavit of service.*

TO: TBD

Owners of Premises: TBD

PLEASE TAKE NOTICE that the undersigned has filed an appeal or application for development with the Planning Board.

The nature of the matters to be considered is described as follows:

~~Use variance to convert the second floor of the rear portion of the commercial building~~
for residential uses. The interior layout will be modified to permit 2 units. The exterior of the
building will remain the same.

The specific section(s) of the Freehold Borough ordinances from which relief is being requested are:
Chapter 18.44: B-2 General Commercial District

The applicant will also seek any other variances or waivers which the Planning Board deems necessary.

The proposed development is located at 28 East Main Street
and designated as Block 62 Lot(s) 9.01 on the Freehold
Borough Tax Map, and this notice is sent to you as an owner in the
immediate vicinity.

A public hearing has been set for TBD, 2013 at 7:00
p.m. in the Freehold Borough Municipal Building, 51 West Main St.
Freehold, N.J. 07728, and when the case is called, you may appear
either in person or by an agent or attorney, and present any
objections you have to the granting of relief sought in the
petition.

Any maps, papers or other documentation for which approval is
sought are available for public inspection between the hours of
8:30 a.m. - 4:30 p.m. at the office of the Administrative Officer
of the Land Use Department at the Freehold Borough Municipal
Building, 51 West Main St., Freehold N.J. 07728.

This notice is sent to you by the applicant.



APPLICANT

Note: This form is provided to the applicant as a courtesy. You should not rely on its legal validity. The Freehold Borough Planning urges you to retain an attorney to assist you in the preparation of your application and all required notice documentation.

A COPY OF THIS NOTICE MUST ACCOMPANY YOUR AFFIDAVIT OF SERVICE

TO: TBD

Owners of Premises: TBD

_____	Site Plan Review
_____	Site Plan Review with Variances
<u>xxx</u>	Use Variance
_____	Other

Chapter 18.44: B-2 General Commercial District

Respectfully

APPLICANT

Note: This form is provided to the applicant as a courtesy. You should not rely on its legal validity. The Freehold Borough Planning Board strongly urges you to retain an attorney to assist you in the preparation of your application and all required notice documentation.

BOROUGH OF FREEHOLD
51 WEST MAIN STREET
FREEHOLD N.J. 07728

LAND USE DEPARTMENT EXHIBIT LISTING

PROJECT NAME: Use Variance for 28 East Main St.

APPLICATION NUMBER: TBD

DATE OF HEARING: TBD

APPLICANT'S EXHIBITS

EXHIBIT NO.	DESCRIPTION OF EXHIBIT
A-1	Architectural plans prepared by Bach + Clark, LLC
A-2	Photos of Exterior of Building
A-3	
A-4	
A-5	
A-6	
A-7	
A-8	
A-9	
A-10	
A-11	
A-12	
A-13	
A-14	

BOARD EXHIBITS

(To be completed by the Borough)

EXHIBIT NO.	DESCRIPTION OF EXHIBIT
B-1	
B-2	
B-3	
B-4	
B-5	
B-6	
B-7	
B-8	

BOROUGH OF FREEHOLD
51 WEST MAIN STREET
FREEHOLD N.J. 07728

LAND USE DEPARTMENT APPLICATION WITNESS LIST

PROJECT NAME: Use Variance for 28 East Main St.

APPLICATION NUMBER: _____

DATE OF HEARING: _____

1. Name: Greg Clark of Back + Clark, LLC

Field of Expertise: Architect

Address: 10 Zellers Road, Long Valley, NJ 07853

Telephone No. 732-462-0215 Fax No. _____

2. Name: _____

Field of Expertise: _____

Address: _____

Telephone No. _____ Fax No. _____

3. Name: _____

Field of Expertise: _____

Address: _____

Telephone No. _____ Fax No. _____

4. Name: _____

Field of Expertise: _____

Address: _____

Telephone No. _____ Fax No. _____

SITE PLAN CHECKLIST - PRELIMINARY APPROVAL

NAME OF APPLICANT: Rema Realty, LLC

BLOCK: 62 LOT: 9.01

TRADING AS: _____

SITE ADDRESS: 28 East Main Street

INSTRUCTIONS: The applicant is to check off each item with which he has complied. If he believes the item is not applicable, then he should enter "N.A." For those items not complied with, there must be a letter seeking a waiver and the reasons for granting the waiver.

	<u>Information Provided</u>	<u>Staff Review</u>
1. Name, address, and title of person preparing site plan.	<u>W</u>	<u> </u>
2. Name and address of applicant.	<u>P</u>	<u> </u>
2. Name and address of owner of the land.	<u>P</u>	<u> </u>
4. The municipal tax map lot and block numbers of the lot(s) shown on the site plan and the tax sheet number or numbers.	<u>P</u>	<u> </u>
5. Key Map.	<u>P</u>	<u> </u>
6. A date, scale and north arrow on each sheet of the site plan.	<u>W</u>	<u> </u>
7. The zoning district or districts in which the lot or lots are located.	<u>P</u>	<u> </u>
8. If the site plan includes more than one sheet, each sheet shall be numbered and titled.	<u>P</u>	<u> </u>
9. The location of all existing watercourses, wood areas, easements, right-of-ways, streets, roads, highways, freeways, railroads, canals, rivers, buildings, structures, or any other feature if such feature has an effect upon the said property.	<u>N/A</u>	<u> </u>
10. The location of all existing and proposed landscaped areas and all existing trees over six inch caliper.	<u>W</u>	<u> </u>
11. The location, use, finished grade level and ground area of each existing and proposed building, structure, or any other land use, including all setback dimensions.	<u>W</u>	<u> </u>
12. The location, names and widths of all existing and proposed streets (including cross sections and profiles) abutting the lot or lots in question and within 200 ft. of said lot.	<u>W</u>	<u> </u>

	Information Provided	Staff Review
13. The location, type and size of all existing and proposed curbs, sidewalks, driveways, fences, retaining walls, parking space areas and the layout thereof and all off-street loading areas, together with the dimensions of all the foregoing.	<u>W</u>	<u> </u>
14. The capacity of proposed off-street parking areas and location of all off-street parking spaces (including handicapped spaces).	<u>W</u>	<u> </u>
15. The location and size of proposed loading berths.	<u>W</u>	<u> </u>
16. The location and treatment of existing and proposed entrances and exits to public rights-of ways, including the possible utilization of traffic signals, channelization, acceleration/ deceleration lanes, additional width and any other device necessary to traffic safety and/or convenience.	<u>W</u>	<u> </u>
17. The location, size and nature of all existing and proposed rights-of-ways, easement and other encumbrances which may affect the lot or lots in question, and the location, size, and description of any lands to be dedicated to the municipality or the County of Monmouth.	<u>W</u>	<u> </u>
18. Description of interior traffic circulation.	<u>N/A</u>	<u> </u>
19. The location, type, and size of all exterior lighting of parking, loading and driveway areas.	<u>W</u>	<u> </u>
20. The location and identification of proposed open spaces, parks, or other recreation areas.	<u>N/A</u>	<u> </u>
21. The location and design of buffer areas and screening devices to be maintained.	<u>N/A</u>	<u> </u>
22. Existing topography based upon New Jersey Geodetic Control Survey datum and proposed grading both with a maximum of two foot contour levels.	<u>W</u>	<u> </u>
23. The location type and size of all existing and proposed catch basins, storm drainage facilities and utilities, plus all required design data supporting the adequacy of the existing or proposed facility to handle future storm flows (design calculations for a 25 year storm).	<u>W</u>	<u> </u>
24. The location of all existing and proposed signs (If sign is non-conforming, please note herein if request is being made for a Design Waiver as part of this application); standards, utility poles and their size, type of construction, and location of water supply and sewage disposal systems.	<u>N/A</u>	<u> </u>

Information
ProvidedStaff
Review

- | | | |
|---|------------|-------------------|
| 25. The location of all existing property lines adjoining the tract and all lines within 200 ft. of the boundary lines of the major tract and the name of the owner of each property. | <u>W</u> | <u> </u> |
| 26. The location, size and nature of the entire lot in question, and any contiguous lots owned by the applicant, or in which the applicant has a direct or indirect interest, even though only a portion of the entire property is involved in the site plan for which approval is sought. | <u>W</u> | <u> </u> |
| 27. Complete construction specifications to include description, materials and method of construction for all required improvements shall be submitted with all site plan applications. A schedule of events and time sequence shall also be submitted for all required improvements. A preconstruction conference shall be required prior to the construction of any required improvements between the owner, contractor and engineer, and shall be a condition of any approval. | <u>W</u> | <u> </u> |
| 28. Preliminary architectural plans for any proposed buildings or structures indicating typical floor plans, elevations, height and general design or architectural styling. Such plans shall include the name, address, and title of the person preparing the plans. | <u>P</u> | <u> </u> |
| 29. Any other information required by the Planning Board or the Monmouth County Planning Board which is reasonably necessary to ascertain compliance with the provisions of this chapter or other Federal, State, County or Municipal laws, rules or regulations. | <u>P</u> | <u> </u> |
| 30. Site Plan Scale not smaller than 1" = 50', and not larger than 1" = 10' | <u>P</u> | <u> </u> |
| 31. Submission has been made to the County Planning Board, and their comments/approval are attached to the site plan. | <u>N/A</u> | <u> </u> |
| 32. The location of and disposal process for all refuse and recyclable materials. | <u>W</u> | <u> </u> |
| 33. Compliance with Handicap Regulations. | <u>W</u> | <u> </u> |
| 34. Signature block for Chairperson, Secretary, and Borough Engineer and signature block for County Planning Board if applicable. | | <u> </u> |
| PLEASE NOTE: Underneath the title of engineer, there should be listed "William T. Wentzien, P.E., New Jersey License No. 27799". | <u>W</u> | <u> </u> |
| 35. If determined to be a "major" site plan, the names of owners of record of adjacent property within 200 ft. | <u>N/A</u> | <u> </u> |

PREPARED BY: Catherine Kim, Esq., Attorney for Applicant DATE: _____
OWNER/AGENTS APPROVED: S. O. Katz DATE: _____
REVIEWED BY: _____ DATE: _____
NAME OF APPLICANT: Rema Realty, LLC
BLOCK 62 LOT 9.01
ADDRESS: 28 East Main Street

INSTRUCTIONS: The applicant is to estimate his required fees by filling in the first column. Two (2) checks should be provided with the application: one for application fees (Schedule A), and a second for escrow fees (Schedule B). Schedule A fees are non-refundable. Schedule B fees are used to offset the costs of professional reviews and inspections as permitted by law, and any remaining balance will be refunded to the Applicant upon completion of the project, or the withdrawal/denial of the project.

For major subdivisions and site plans, the final application and approval fee can be paid after preliminary approval, if desired. Inspection fees must be paid prior to the start of construction.

SCHEDULE A: NON-REFUNDABLE FEES

	<u>Fee</u>	<u>Applicant Estimate</u>	<u>Staff Review</u>
a. Publication of Notice of Any Decision	\$ 50.00	<u>50.00</u>	<u> </u>
b. List of Property Owners Within 200 ft.	\$ 0.25 per name, or \$20.00, whichever is greater.		
c. Minor Subdivision Approval:			
1. Each Informal Review	\$ 100.00	XX	XX
2. Application Fee	\$ 100.00	<u> </u>	<u> </u>
3. Plat Review Fee	\$ 200.00	<u> </u>	<u> </u>
d. Major Subdivision Approval:			
1. Each informal Review	\$ 100.00	XX	XX
2. Preliminary Application Fee	\$ 100.00 + \$200.00 per lot	<u> </u>	<u> </u>
3. Final Plat Application Fee	\$ 100.00 + \$100.00 per lot	<u> </u>	<u> </u>
e. Minor Site Plan Approval: (Less than 2,000 sq.ft. of building area, and five or fewer parking spaces):			
1. Each Informal Review	No Fee	<u> </u>	<u> </u>
2. Application Fee	\$ 100.00	<u> </u>	<u> </u>
3. Preliminary Review Fee	\$ 200.00	<u> </u>	<u> </u>
4. Final Review Fee	\$ 200.00	<u> </u>	<u> </u>
f. Waiver of Site Plan Detail Request	\$ 250.00	<u>250.00</u>	<u> </u>
g. Major Site Plan Approval: (2,000 or more sq.ft. of building area and/or more than five parking spaces):			
1. Each Informal Review	\$ 100.00	XX	XX
2. Preliminary Application Fee	\$ 100.00	<u> </u>	<u> </u>
3. Preliminary Approval Review Fees:			
a. Residential - The sum of:			

I. For each new dwelling unit	\$ 50.00		
II. For each remodeled, reconstructed, refurbished or rehab dwelling unit	\$ 30.00		
III. For each new or additional parking space:			
a. First 100 spaces	\$ 25.00 ea.		
b. Over 100 spaces	\$ 20.00 ea.		
b. Other Uses	\$ 200.00 +		
(The sum of each of the following fees if applicable):			
I. For each full 1,000 sq.ft. of affected lot area (See (O) below):			
a. First 50,000 sq.ft.	\$ 10/1,000 sf		
b. Over 50,000 sq.ft.	\$ 5/1,000 sf		
II. For each full 1,000 sq. ft. proposed new gross floor area:			
a. First 50,000 sq. ft.	\$ 50/1,000 sf		
b. Over 50,000 sq.ft.	\$ 20/1,000 sf		
III. For each proposed new or additional parking spaces:			
a. First 100 spaces	\$ 20/sp		
b. Over 100 spaces	\$ 10/sp		
IV. For each 1,000 sq.ft. of remodeled existing gross floor area	\$ 10/1,000 sf		
V. For each reconstructed, resurfaced or improved existing paved parking space	\$ 10/1,000 sf		
4. Final Application Fee	\$ 200.00		
5. Final Approval Review Fees - fifty percent (50%) of fees for preliminary approval set forth above.			
h. Variances:			
1. Appeals (N.J.S.A.40:550-70a):			
a. Single family residential uses	\$ 100.00		
b. Other	\$ 200.00		
2. Interpretation of the Land Use Ordinance or Map (N.J.S.A.40:55D-70b)	\$ 250.00		
3. Hardship or Bulk Variance, (N.J.S.A.40:55D-70c):			
a. Single-family residential uses	\$ 200.00		
b. Other	\$ 300.00		
4. Use Variance (N.J.S.A.40:55D-70d)			
a. Proposed single-family residential use	\$ 250.00	250.00	
b. Other Uses	\$ 500.00		
i. Conditional Uses:	\$ 500.00		
j. Public Hearing fee for those development applications requiring Notice of Public Hearing	\$ 100.00	100.00	
k. Change of Master Plan or Zone District Request	\$ 200.00		

	<u>Fee</u>	<u>Applicant Estimate</u>	<u>Staff Review</u>
1. Environmental Impact Statement (EIS):			
1. Required E.I.S.	\$ 500.00		
2. For request of waiver of E.I.S.	\$ 200.00	<u>200.00</u>	<u> </u>
m. Revised Plats: Any proposed revisions to a plat, including all supporting maps and documents previously approved by the Reviewing Board which approval is still in effect, shall require submission of revised plat and payment of fees in accordance with the following and with sufficient copies of the revised plans:			
1. Additional information or changes requested by the Reviewing Board or Borough Engineer	NO FEE	XX	XX
2. Minor changes which do not involve any additional building or parking or significant change in the design of the site or subdivision	\$ 50.00	<u> </u>	<u> </u>
2. Changes which involve additional buildings or parking or a significant change in the design of the site or subdivision, an application and application fee equal to one-half the fee required for the initial submission.			
4. A change in use and/or major alteration of the design concepts of the plat shall be considered a new application.			
n. Request for Reapproval or Extensions of Time Where No Change is Required:			
1. Minor Subdivision - Reapproval Only	\$ 200.00	<u> </u>	<u> </u>
2. Major Subdivision and site plans	\$ 400.00	<u> </u>	<u> </u>
3. Other applications for development (Soil removal, etc.)	\$ 100.00	<u> </u>	<u> </u>
o. Site Plan Charges Computation: In cases where only a portion of a parcel or site are to be involved in the proposed site plan, the charge shall be based upon an area extending twenty feet (20 ft.) outside the limits of all construction, including grading and landscaping, as well as other areas on the site the Borough Engineer believes are reasonably affected by the development application. The twenty feet (20 ft.) around the disturbed area shall not extend beyond the property lines. The Borough may still require reasonable improvements and upgrading to portions of the site not within the disturbed or affected area.			
p. Zoning Permits:	\$ 50.00		
q. Sign Appeals	\$ 100.00		

		BLOCK <u>62</u>	LOT <u>9.01</u>
	<u>Fee</u>	<u>Applicant</u> <u>Estimate</u>	<u>Staff</u> <u>Review</u>
r. Review of Sales Map	\$ 450.00	_____	_____
s. Street Signs	Actual Cost	_____	_____
t. Review by Technical Review Committee prior to Formal Application	\$ 100.00/session	_____	_____
 TOTAL APPLICATION FEES:		\$ <u>850.00</u>	_____

BLOCK 62 LOT 9.01

SCHEDULE B: ESCROW FEES

	<u>Fee</u>	<u>Escrow To Be Posted</u>	<u>Staff Review</u>
RESIDENTIAL DEVELOPMENT:			
Minor Subdivisions	\$ 1,500.00		
Major Subdivisions:			
0 - 5 Units or Lots	2,500.00		
6 - 25 Units or Lots	3,000.00		
26 or More Units or Lots	7,000.00		
SITE PLAN APPLICATION NOT INVOLVING STRUCTURES, ACRES			
0 - 3	5,000.00		
3 +	8,000.00		
Site Plan Application Not Involving Structures - Total Floor Plan:			
1,250 - 1,999 sq. ft.	2,000.00		
2,000 - 20,000 sq.ft.	4,000.00		
20,000+ sq. ft.	8,500.00		
VARIANCE - USE/BULK	2,500.00	2,500.00	
Minimum Escrow for those Applications not governed by other Escrow accounts	1,500.00		
Interpretations/Sign Applications	1,500.00		
Any action requiring a Written Resolution by the Reviewing Board:			
Conditional Use	1,500.00		
TOTAL ESCROW FEES:		\$ 2,500.00	

NOTE: SEPARATE CHECKS ARE NEEDED FOR APPLICATION FEE AND ESCROW FEE.

2-20-059

THE UNDERSIGNED HEREBY APPLIES FOR ZONING APPROVAL TO BE ISSUED ON THE BASIS OF THE
REPRESENTATIONS CONTAINED IN THIS APPLICATION.

FCCBPA

1. LOCATION OF PROPERTY: 28 E. MAIN ST. ZONE: B2 BL: 62 LT: 9.01
2. NAME OF OWNER: STEVE KATZ / REMA REALTY
3. ADDRESS: 100 E. MAIN ST. FREEHOLD N.J. 07728 PHONE: 716-755-4146
4. NAME OF APPLICANT: JK
5. ADDRESS: _____ PHONE: _____
6. IF APPLICANT IS NOT OWNER, APPLICANT'S INTEREST IN THIS LAND IS: _____
7. PROPOSE NAME OF BUSINESS: _____

8. DESCRIPTION: LOT AREA _____ SQ. FT. BUILDING AREA 2,866 SQ. FT.
EXISTING REAR YARD, SET BACK _____ FT. LOT FRONTAGE (WIDTH) _____ FT.
CONDITIONS: FRONT SETBACK _____ FT. SIDEYARDS _____ FT. _____ FT.
(FROM BUILDING), If corner house, indicates where front will be facing.

9. DESCRIPTION OF ALL PROPOSED USES (DESCRIBE FULLY, INCLUDING ANY SPECIAL PARKING, LOADING, TRAFFIC OR SIMILAR REQUIREMENTS): SECOND LEVEL CHANGE OF USE FROM (B) BUSINESS TO RESIDENTIAL (R-5)

FIRST LEVEL SUB-DIVISION OF SPACE INTO (2) COMMERCIAL UNITS.

NEW EXTERIOR STAIR PLATFORM - HANDICAPPED RAMP

10. EXISTING USES (IF PROPERTY OR STRUCTURE IS VACANT, PLEASE INDICATE PRIOR USE): BUSINESS (OFFICE)

11. TOTAL FLOOR AREA TO BE OCCUPIED: 2,866 S.F.

12. TOTAL NUMBER OF PARKING SPACES EXISTING: T.B.D. PROPOSED: T.B.D.

13. NUMBER OF EMPLOYEES: T.B.D. HOURS OF OPERATION: T.B.D.

14. IS NEW CONSTRUCTION PROPOSED YES OR NO? YES IF YES, PROVIDE DETAILS: INTERIOR FIT OUT OF SECOND LEVEL TO CREATE (2) ONE BEDROOM APTS. FIRST LEVEL DEMISING WALL & H.C. RESTROOM. EXTERIOR STAIR/RAMP

15. ARE MODIFICATIONS TO THE SITE OR EXISTING BUILDINGS PROPOSED YES OR NO? YES

IF YES, PROVIDE DETAILS: SEE ABOVE - SITE ANALYSIS, INCLUDING PARKING, TO FOLLOW

16. THE UNDERSIGNED, CERTIFY THAT ALL THE STATEMENTS CONTAINED HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

DATE: 6/11/20

SIGNATURE OF APPLICANT [Signature]

ZONING APPROVAL

ON THE BASIS OF THE ABOVE APPLICATION, THE REPRESENTATIONS IN WHICH ARE A PART HEREOF, THE PROPOSED USAGE IS FOUND TO BE ☒ NOT TO BE ☐ IN ACCORDANCE WITH THE BOROUGH ZONING ORDINANCE, AND THE APPLICATION FOR ZONING APPROVAL IS HEREBY:

APPROVED ☐

DENIED ☒

FOR THE FOLLOWING REASONS: Residential Use on the second floor in the Mixed Use Building with Primary Frontage is permitted per the Freehold Center Core Rehabilitation Plan. Applicant shall seek approval from the Redevelopment Entity and proceed to the Planning Board for Site Plan Approval. Any exterior Modifications shall be Approved by the Historic Preservation Commission.

DATE: 6/17/20

ZONING OFFICER [Signature]

ZONING FEE (\$25.00)

15120 ✓ #2010-A

Property being known and designated as New Lot 9.01 in Block 62 as shown on a map entitled, "Minor Subdivision of Daesener Properties", which map was duly filed in the Monmouth County Clerk's Office on January 2, 1998 as Case #266-27.

Property also known as Lot 9.01 in Block 62 on the current Municipal Tax Map of the Borough of Freehold.

THIS SURVEY IS CERTIFIED TO:
REMA REALTY, LLC;
THE LEAR TITLE AGENCY, LLC;
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY;
HARTER & PFLEGER, LLC

CERTIFICATIONS ARE NOT TRANSFERABLE to Subsequent Owners or Additional Institutions. This survey is not to be used for Affidavit of Survey. Only copies from the Original of this Certification, marked with an Original of the Land Surveyor's embossed Seal shall be considered to be valid copies. Unauthorized alterations or additions to a Certification bearing a Licensed Land Surveyor's Seal is illegal and Punishable by Law.

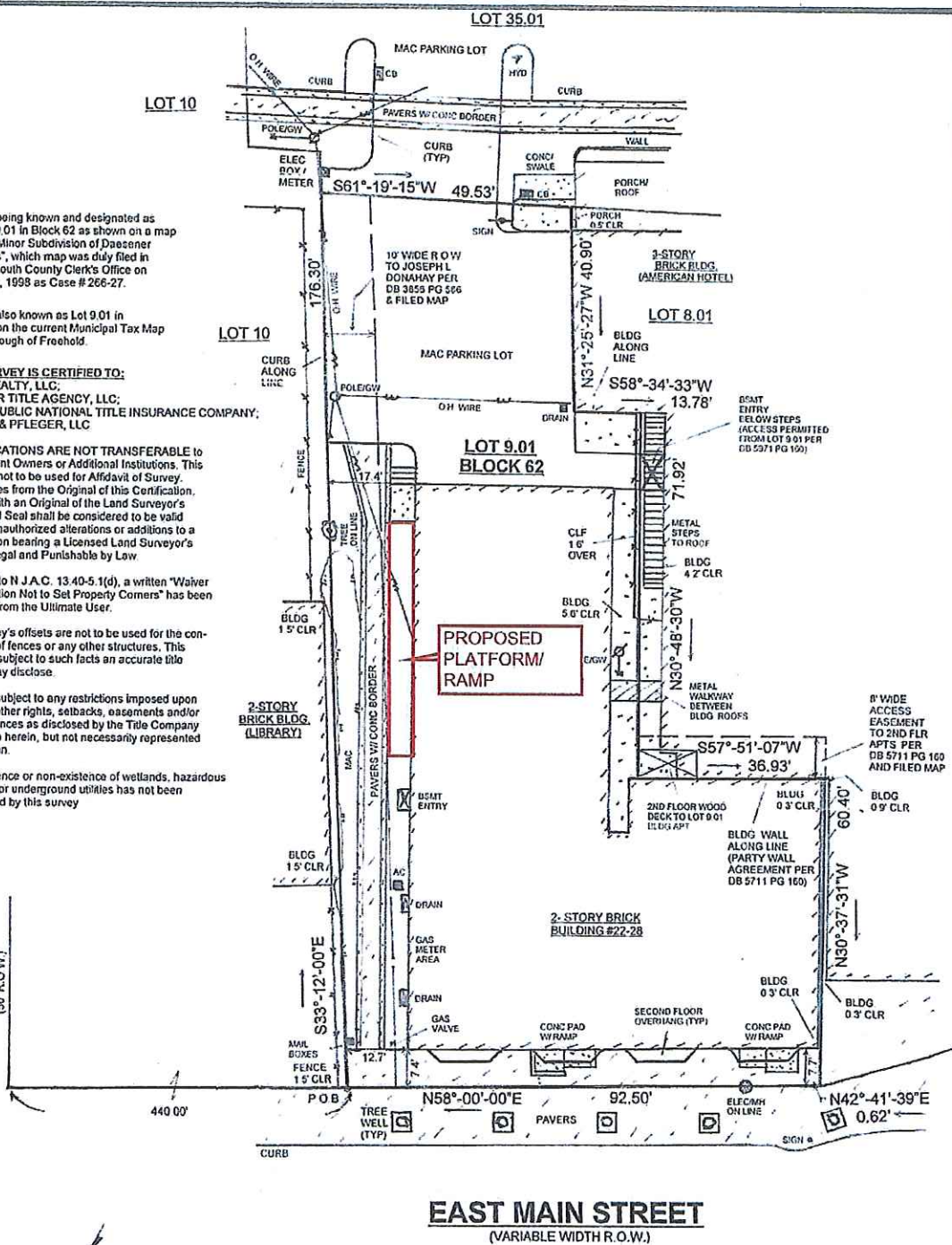
Persuant to N.J.A.C. 13.40-5.1(d), a written "Waiver and Direction Not to Set Property Corners" has been obtained from the Ultimate User.

This survey's offsets are not to be used for the construction of fences or any other structures. This survey is subject to such facts as accurate title search may disclose.

Property subject to any restrictions imposed upon it by any other rights, setbacks, easements and/or encumbrances as disclosed by the Title Company certified to herein, but not necessarily represented on this plan.

The existence or non-existence of wetlands, hazardous materials or underground utilities has not been determined by this survey.

CENTER STREET
(50' R.O.W.)



EAST MAIN STREET
(VARIABLE WIDTH R.O.W.)



MAP OF PROPERTY SURVEYED FOR
LOT 9.01 IN BLOCK 62
SITUATED IN
BOROUGH OF FREEHOLD MONMOUTH COUNTY NEW JERSEY



16 Blossom Patch Way
Howell, NJ 07731

Tel. (732) 938-6533
Fax (732) 938-2113

MICHAEL L. ROMAN, PLS
NJ LICENSE NO. 33112

04/25/14
DATE

FIELD DATE 04-18-14	CREATED BY MR	CHECKED BY MLR	T.D. PG ----	SCALE 1" = 20'	FILE NO 14-6147
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REF. NO. LTA-100941

.C.

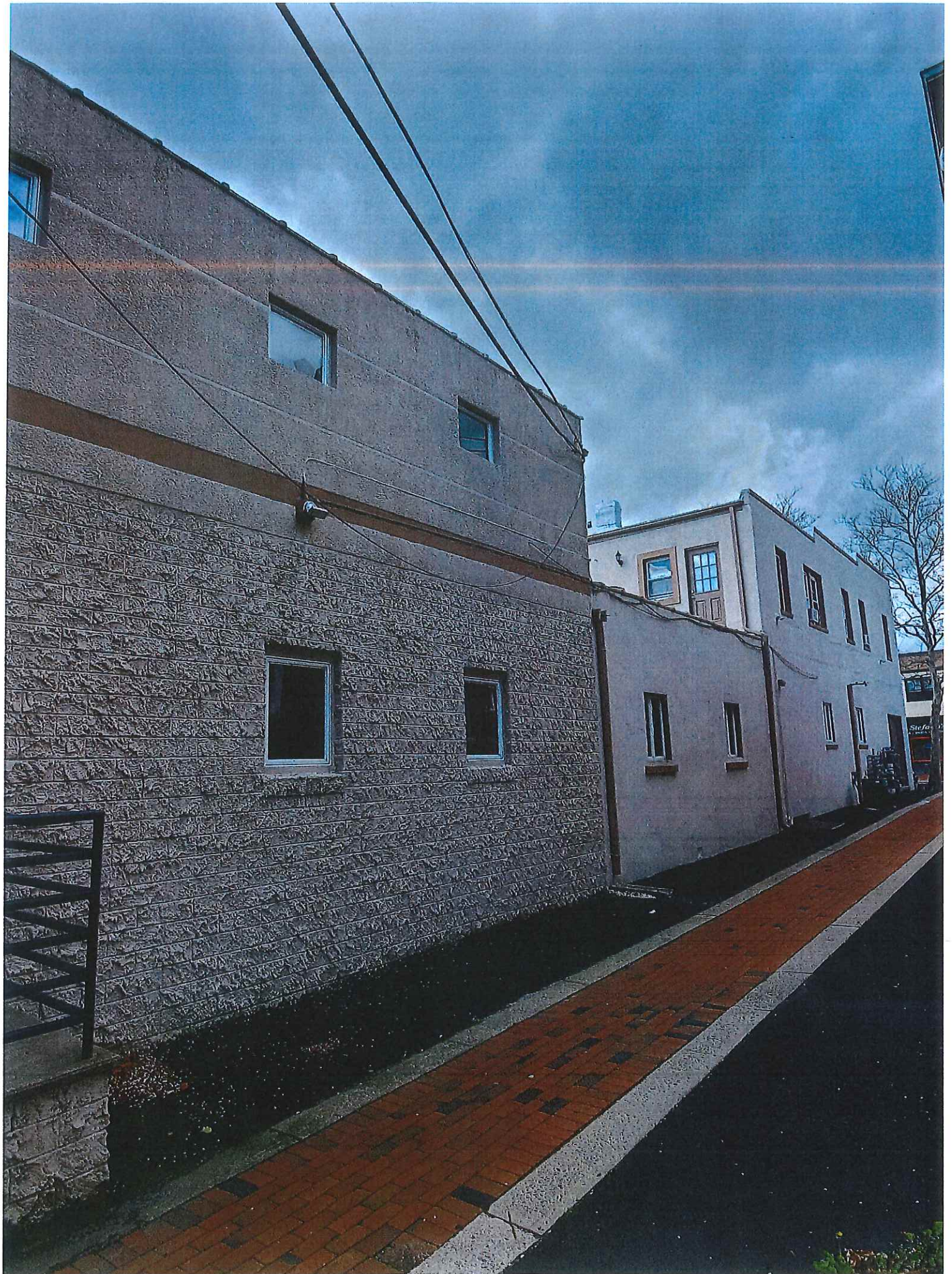


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OFFERED BY: <u>Jordan</u>				SECONDED BY: <u>Shutzer</u>					
	AYE	NAY	ABSENT	ABSTAIN		AYE	NAY	ABSENT	ABSTAIN
DI BENEDETTO	X				ROGERS	X			
JORDAN	X				SCHNURR	X			
REICH	X				SHUTZER	X			

I, TRACI L. DIBENEDETTO, CLERK OF THE BOROUGH OF FREEHOLD, DO HEREBY CERTIFY THAT THE FOLLOWING RESOLUTION WAS ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD AT THE REGULAR MEETING HELD: FEBRUARY 19, 2021.


TRACI L. DIBENEDETTO, BOROUGH CLERK

Resolution No. 42-21
Agenda # 5/2021

RESOLUTION OF MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD
ACTING AS REDEVELOPMENT ENTITY FOR THE FREEHOLD CENTER CORE
REDEVELOPMENT ZONE
RE: APPLICATION OF REMA REALTY, LLC
28 EAST MAIN STREET, BLOCK 62, LOT 9.01

WHEREAS, Applicant Rema Realty, LLC ("Applicant" or "Rema") appeared before Council as redevelopment entity on an application for the property known and designated as Block 62, lot 9.01 in order to provide improvements to the rear portion of the building. The area involved is 1,836 sf on the first floor, and 1,030 sf on the second floor, for a total of 2,866 sf.; and

WHEREAS, the site contains an existing 2 story building fronting along East Main Street. The rear lot line is adjacent to the Market Yard Parking Lot. There is striped parking for 8 spaces located on Lot 9.01, to the rear of the overall building, with access directly off the Market Yard Parking; and

WHEREAS, the property is located in the 2019 Center Core Redevelopment Plan (2019CCRP) Area, (Downtown Zone and Primary Frontage Zone), Freehold Center Historic District and B-2 Commercial District; and

WHEREAS, the existing use of the 1,836 sf on the first floor is indicated as commercial, and under proposed conditions will remain as commercial. The space to be

re-partitioned for 2 separate commercial lease units, with separate access points on the easterly side of the building; and

WHEREAS, the existing use of the 1,030 sf on the second floor is indicted as commercial. The space is proposed for residential use, consisting of 2 apartment units of 1 bedroom each. The plan indicates a separate access point for each of the units on the easterly side of the building at first floor level, to internally serve the upper level apartment units; and

WHEREAS, the governing body has reviewed the testimony exhibits and expert reports and made the following findings of fact and law:

1. The subject property is located within the 2019 Center Core Redevelopment Plan (2019CCRP) Area, the Freehold Center Historic District area and within the B2 general commercial zone.

2. The existing use of the 1,836 sf on the first floor is indicated as commercial, and under proposed conditions will remain as commercial. The space to be re-partitioned for 2 separate commercial lease units, with separate access points on the easterly side of the building.

3. The existing use of the 1,030 sf on the second floor is indicted as commercial. The space is proposed for residential use, consisting of 2 apartment units of 1 bedroom each. The plan indicates a separate access point for each of the units on the easterly side of the building at first floor level, to internally serve the upper level apartment units.

4. The plans further indicate a proposed platform, with handicapped ramp and stairs, along the exterior of the easterly side of the building. The proposed platform serving 3 building access points (2-commercial, 1-apartment) along the easterly side.

5. Gregory Clark, Architect testified on behalf of the Applicant and described the proposed change to make the 2nd Floor two single bedroom apartments. Mr. Clark stated residential units are permitted under the ordinance. He explained there are currently eight, on-site parking spots and one will be restricted to the retail spaces. He

stated the remaining seven will have rear access for both commercial and residential use if approved.

7. The plans further indicate a proposed platform, with handicapped ramp and stairs, along the exterior of the easterly side of the building. There is a proposed platform serving 3 building access points (2-commercial, 1-apartment) along the easterly side. Borough Engineer William Wentzien stated that the tax maps indicate a 10 ft wide Right-of-Way along the easterly side of the lot, this being in the area of the existing brick walkway connecting Main Street and the Market Yard Parking Lot. The dimensions of the proposed platform, ramp and stairs is not indicated. Relationship of the proposed exterior side improvements to the 10 ft wide Right-of-Way and brick walkway is also not indicated. The Council questioned whether the proposed ramp and platform were in the Borough ROW. Applicant believes that they are not within the ROW. Council noted that when the site plans are prepared, if the improvements are in the ROW, the Applicant must come back to the Borough for approval.

8. Council members found that the proposed use was consistent with the 2019 CCRP. The project is deficient by 1 parking space which will be reviewed and ruled upon by the Planning Board. Council noted that any approval would be subject to Planning Board approval, Historic Preservation approval and verification that no improvements would take place in the Borough ROW.

9. The Council found that the plan as proposed by the Applicant met the requirements of the 2019 CCRP.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council, acting as the Redevelopment Entity, that the plan as proposed by the Applicant meets the requirements of the 2019 CCRP.

BE IT FURTHER RESOLVED that this approval is subject to approval by the Planning Board, Historic Preservation and verification that no improvements would take place in the Borough ROW.

BE IT FURTHER RESOLVED that the Clerk provide a certified copy of this Resolution to the Applicant, Applicant's attorney, Borough Engineer, zoning officer.

BOROUGH OF FREEHOLD
51 WEST MAIN STREET
FREEHOLD, N.J. 07728

LAND USE DEPARTMENT TAX CERTIFICATION

Applicant's Name: Rema Realty, LLC

Trade Name: _____

Applicant's Address: 52 Mine Brook, Colts Neck, NJ 07722

Owner's Name: Same as Applicant

Address: 52 Mine Brook, Colts Neck, NJ 07722

Block: 62 Lot (s): 9.01

Physical Address: 28 East Main Street

The taxes & assessments due not including interest for the above block and lot are:

<u>QUARTER</u>	FOR YEAR <u>2020</u>	FOR YEAR _____
1.	<u>0</u>	_____
2.	<u>0</u>	_____
3.	<u>0</u>	_____
4.	<u>0</u>	_____

Other Municipal charges as follows: \$ _____

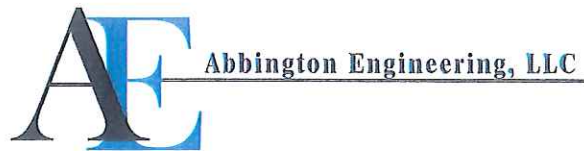
The Water & Sewer charges not including interest for the above block and lot are:

<u>QUARTER</u>	FOR YEAR <u>2020</u>	FOR YEAR _____
1.	<u>0</u>	_____
2.	<u>0</u>	_____
3.	<u>0</u>	_____
4.	<u>0</u>	_____

The total amounts due as of this date for the above referenced property are as follows:

TAXES:	\$ <u>0</u>
OTHER ASSESSMENTS:	<u>0</u>
WATER & SEWER:	<u>0</u>
TOTAL:	\$ <u>0</u>

Date: 11/18/20 Tax Collector: Patricia Berg



1315.002.082
March 10, 2021

Dominica Napolitano, Secretary
Borough of Freehold Planning Board
51 West Main Street
Freehold, NJ 07728

**RE: COMPLETENESS REVIEW
REMA REALTY, LLC – 28 EAST MAIN STREET
VARIANCE RELIEF AND WAIVER OF SITE PLAN
BLOCK 62, LOT 9.01
BOROUGH OF FREEHOLD, MONMOUTH COUNTY, NEW JERSEY**

Dear Ms. Napolitano:

Please be advised that I am in receipt of an application and supporting materials information for the above entitled matter, including the following:

1. Land Use Application Checklist, dated November 10, 2020
2. Planning Board Application Form, dated November 10, 2020
3. Site Plan Application-Waiver of Site Plan request, dated November 10, 2020
4. Resolution of Mayor and Council, acting as Redevelopment Entity, dated February 19, 2021
5. Tax Certification, dated November 18, 2020
6. 3 Photographs, existing site, no date
7. Architectural plans entitled 'Alterations/Change of Use to Commercial Space, Lot 9.01, Block 62', prepared by Bach & Clark, LLC, consisting of one (1) sheet, dated June 6, 2020
8. Survey entitled 'Map of Property Surveyed for Lot 9.01 in Block 62, situated in Borough of Freehold, Monmouth County, New Jersey', prepared by Main Street Surveying, consisting of one sheet. Survey is dated April 18, 2014 with red marked additions indicating the location of the proposed exterior ramp and platform within the lot.

The subject of this application is certain lands known as Block 62, Lot 9.01, located at 28 East Main Street. The site is located in the **2019 Center Core Rehabilitation Plan Area**, the **B-2 General Commercial Zone**, and the **Freehold Center Historic District Area** of the Borough.

Existing

The site contains an existing 2 story building fronting along East Main Street. The rear lot line is adjacent to the Market Yard Parking Lot. There is striped parking for 8 spaces located on Lot 9.01, to the rear of the overall building, with access directly off the Market Yard Parking Lot.

Along the easterly side area of the lot is an existing brick paved walkway connecting Main Street and the Market Yard Parking Lot to the rear.

The tax map and supplied survey also indicate a 10 foot wide Right-of-Way along the easterly side of the lot. This being in the area of the existing brick walkway connection Main Street with the Market Yard Parking Lot.

Proposed

The application indicates it is proposed to provide improvements to the rear portion of the building. The area involved is 1,836 sf on the first floor, and 1,030 sf on the second floor, for a total of 2,866 sf.

The existing use of the 1,836 sf on the first floor is indicated as commercial, and under proposed conditions will remain as commercial. The space to be re-partitioned for 2 separate commercial lease units, with 2 separate access points on the easterly side of the building.

The existing use of the 1,030 sf on the second floor is indicted as commercial. The space is proposed for residential use, consisting of 2 apartment units of 1 bedroom each. The plan indicates one access point for the apartment units on the easterly side of the building at first floor level. There is shown an internal stairway to the second floor, which will provide separate access points to the apartment units internally.

The plans further indicate a proposed platform, with handicapped ramp and stairs, along the exterior of the easterly side of the building. The proposed platform serving 3 building access points (2-commercial, 1-apartment) along the easterly side. The reference survey has been provided, also indicating the location of the platform and ramp within the lot.

No other improvements to the building are indicated. Existing uses and square footages of the balance of the building, beyond that noted above has not been indicated.

The applicant has requested a **Use Variance and Waiver of Site Plan Review and Approval.**

The documents submitted have been reviewed for the purposes of determining the Administrative Completeness of the application pursuant to N.J.S.A. 40:55-D-10.3, *The Municipal Land Use Law*, and in accordance with Title 16 of the *Code of the Borough of Freehold*.

Application Fees

The following fees have been posted with the Borough in accordance with Title 16 with respect to this matter:

- a. Application Filing Fees \$850.00
- b. Escrow Deposit \$2,500.00

Administrative Completeness Determination

As regards the Land Use Application the following is noted:

Application Checklist Item #1: Zoning Certificate was not provided. Being in the 2019 Center Core Rehabilitation Plan Area, applicant received a Resolution from Mayor and Council, acting as Redevelopment Entity

Application Checklist Item #9: The affidavit of service will need to be addressed at the Planning Board hearing.

Based upon the above it is recommended that the application be deemed **Complete.**

A copy of the Application Checklist is included herewith for the Planning Board file.

Should you have any questions or require additional information, please do not hesitate to contact our office.

Very truly yours,

ABBINGTON ENGINEERING, LLC



William T. Wentzien, P.E., P.P., C.M.E.
Freehold Borough Planning Board Engineer

- c. Ronald Cucchiaro, Esq. Planning Board Attorney



1315.002.082
March 17, 2021

Dominica Napolitano, Secretary
Freehold Borough Planning Board
Borough of Freehold
51 West Main Street
Freehold, NJ 07728

**RE: ENGINEERING REVIEW
REMA REALTY, LLC – 28 EAST MAIN STREET
VARIANCE RELIEF AND WAIVER OF SITE PLAN
BLOCK 62, LOT 9.01
BOROUGH OF FREEHOLD, MONMOUTH COUNTY, NEW JERSEY**

Dear Ms. Napolitano:

Please be advised that I have reviewed the referenced application consisting of the following:

1. Land Use Application Checklist, dated November 10, 2020
2. Planning Board Application Form, dated November 10, 2020
3. Site Plan Application-Waiver of Site Plan request, dated November 10, 2020
4. Resolution of Mayor and Council, acting as Redevelopment Entity, dated February 19, 2021
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The subject of this application is certain lands known as Block 62, Lot 9.01, located at 28 East Main Street. The site is located in the **2019 Center Core Rehabilitation Plan (2019 CCRP) Area, (Downtown Zone and Primary Frontage Zone)**, the **B-2 General Commercial Zone**, and the **Freehold Center Historic District Area** of the Borough. Based upon outbound information, the site would contain 12,126 sf.

Existing

The site contains an existing 2 story building fronting along East Main Street. The rear lot line is adjacent to the Market Yard Parking Lot. There is striped parking for 8 spaces located on Lot 9.01, to the rear of the overall building, with access directly off the Market Yard Parking Lot.

The building on Lot 9.01 was subject to a recent application for the House of Glam salon. That approval resulting in 1 of the 8 parking spaces being reserved exclusively for the House of Glam.

Along the easterly side area of the lot is an existing brick paved walkway connecting Main Street and the Market Yard Parking Lot to the rear.

The tax map and supplied survey also indicate a 10 foot wide Right-of-Way along the easterly side of the lot. This being in the area of the existing brick walkway connection Main Street with the Market Yard Parking Lot.

Proposed

The application indicates it is proposed to provide improvements to the rear portion of the building. The area involved is 1,836 sf on the first floor, and 1,030 sf on the second floor, for a total of 2,866 sf.

The existing use of the 1,836 sf on the first floor is indicated as commercial, and under proposed conditions will remain as commercial. The space to be re-partitioned for 2 separate commercial lease units, with 2 separate access points on the easterly side of the building.

The existing use of the 1,030 sf on the second floor is indicted as commercial. The space is proposed for residential use, consisting of 2 apartment units of 1 bedroom each. The plan indicates one access point for the apartment units on the easterly side of the building at first floor level. There is shown an internal stairway to the second floor, which will provide separate access points to the apartment units internally.

The plans further indicate a proposed platform, with handicapped ramp and stairs, along the exterior of the easterly side of the building. The proposed platform serving 3 building access points (2-commercial, 1-apartment) along the easterly side. The reference survey has been provided, also indicating the location of the platform and ramp within the lot.

No other improvements to the building are indicated. Existing uses and square footages of the balance of the building, beyond that noted above has not been indicated.

The applicant has requested a **Use Variance and Waiver of Site Plan Review and Approval**.

The application materials have been reviewed for compliance with relevant ordinances and design standards found in *The Borough of Freehold Code*. Based upon my review, the following information is furnished to assist board members in their deliberation of this matter.

ZONING

1. In accordance with Resolution No. 42-21, the Council acknowledged the following:
 - a. #8. 'The proposed use was consistent with the 2019 CCRP.' The proposal includes a commercial use on the first floor and a residential use on the second floor within a portion of the overall building.
 - b. #8. 'The project is deficient by 1 parking space which will be reviewed and ruled upon by the Planning Board.'
2. The applicant should provide a review of what is proposed on the overall site. This should include all proposed uses.
3. The applicant should describe the neighborhood surrounding the lot in question.
4. The following is a summary of the Zoning Requirements of the B-2 General Commercial Zone, and as amended in the 2019 Center Core Rehabilitation Plan – Downtown Zone, as related to this application.

Item	Required	Existing	Proposed
Lot Area	3,750 S.F.*	12,126 S.F.	12,126 S.F.
Lot Width	50 FT	92.5 FT	92.5 FT
Lot Depth *	75 FT *	176.3 FT	176.3 FT
Building Setback			
Front	0 FT	7.4 FT	7.4 FT
Side	0 FT	0.3 FT	0.3 FT
Rear	0 FT	54.0 FT (by scale)	54.0 FT (by scale)
Side-Accessory	3.5 FT	N/A	N/A
Rear-Accessory	10 FT	N/A	N/A
Lot Coverage (Impervious)	100%	100%	100%
Max Building Height	35 FT	Less than 35 FT	Less than 35 FT
	3 Stories	2 Story	2 Story

As indicated in the 2019 CCRP: *

PARKING SPACES/LOADING

1. 8 parking spaces exist at the rear portion of the lot, and as noted above, 1 space to be exclusively for the House of Glam. This leaves **7 spaces available on-site**.
2. The existing space in the building associated with the application comprises 2,866 sf (1,836 sf 1st floor, 1,030 sf 2nd floor) of general commercial use. Per §18.73.010.A.10, parking for Business type use is to be provided at the rate of 1 space per 400 square feet. For the 2,866 sf., the **existing required parking is 7.16, or 7 parking spaces**.
3. Under proposed conditions the parking demand of the 1,836 sf of the 1st floor of commercial is 4.59 spaces.
4. Per 2019 CCRP, Section 8.A.2 parking for residential use in the Core Zone to be provided at the rate of "One and one-half parking spaces per unit." For the 2 apartment units 3.0 parking spaces are required. As a result, for the 2,866 sf associated with the improvements, **the proposed required parking would be 7.59, or 8 parking spaces**.
5. The proposed change of use within the 2,866 sf space **will increase the required parking demand by 1 parking space**.
6. With 8 spaces required, and if all 7 of the available on-site parking were used just for the 2,866 sf, then, at best, the **applicant would be providing 87.5% of the required parking**. Section 8.f, Paragraph 1 indicates "The planning/zoning board may consider requests for design waivers or design deficiency approvals for deficient parking provided at least ninety (90) percent of the parking spaces required by ordinance are proposed. If less than ninety (90) percent of the required parking spaces are proposed, an application for a bulk variance must be made by the applicant." With 87.5% of the required parking spaces being provided, **the applicant will need to obtain a Parking Variance. This should also include a review of sufficient parking for the new residential use**.
7. The application does not indicate loading and delivery needs for the building. The applicant should indicate the loading and delivery needs for the proposed use. As a minimum this should include the types of delivery vehicles, frequency, and times of day. The submitted plan does not indicate a loading zone for the overall building.
8. Per §18.73.020, for parking variances, as a condition of any approval, a contribution shall be made to the municipal parking capital improvement fund in the amount of one hundred dollars (\$100.00) for each parking space the project is deficient, for a maximum contribution of five thousand dollars (\$5,000.00). At a shortage of 1 space, this would result in a contribution in the amount of \$100.00.

FENCING

1. The documents received by our office do not indicate any proposed fencing. This should be confirmed by the applicant.

SIGNS

1. The documents do not indicate any proposed signage. This should be confirmed by the applicant.

VARIANCES

The following determination of required variances is not deemed to be exhaustive and that additional variances and/or waiver relief may be required. Based upon my review of this matter, the following **Variances** from the Code of the Borough of Freehold appear to exist and should be considered as part of this matter:

- a. **§18.73.010.A.9 Parking:** The proposed application will result in a parking shortage of 1 parking space. A parking variance is required.

The applicant will need to provide sufficient testimony to the Board to address the variance noted above.

SITE

1. The applicant should describe the building being utilized with this application. This should include existing access points, any changes to building access and any changes to the building exterior.
2. The applicant should indicate how trash storage and collection will be accommodated for the proposed use.
3. For information, it is noted that the Survey references an existing 10 ft. wide Right-of-Way along the easterly side lot line, in the area of an existing paved walkway connecting East Main Street with the Market Yard Parking Lot.
4. The architectural plans indicate a proposed ramp, stairs, and platform on the easterly side of the building. Dimensions should be provided to confirm that all site improvements will be outside of the 10 ft. wide Right-of-Way.

5. In regard to the request for Site Plan Waiver, a site plan should be provided for the design of the ramp, stairs, and platform. As a minimum, this should include layout, dimensions, grading, and details. Design should be in accordance with ADA Requirements.
6. The applicant should review handicapped accessibility.

HISTORIC PRESERVATION

1. Being located within the Freehold Center Historic District Area, any proposed signage, or changes to the exterior of buildings, will require Historic Preservation Advisory Commission review, and their recommendations provided to the Planning Board.
 - a. The applicant should review the status of interaction with the Historic Preservation Advisory Commission.

PARKING/CIRCULATION

1. As previously noted, the site contains 8 on-site parking spaces, with 1 space being dedicated to the House of Glam, leaving 7 spaces available for the building.
2. The applicant should indicate how the 7 parking spaces will be allocated for the building under proposed conditions. Particularly, in providing parking for the residential use.

GRADING

1. Proposed grading will be required for the site improvements associated with the proposed platform/ramp area.

UTILITIES

1. The applicant should indicate if any changes are required to the sanitary sewer service and water service to accommodate the proposed uses.

LANDSCAPE

1. The applicant should review any existing and/or proposed landscaping with the Board.

LIGHTING

1. The applicant should review any existing and/or proposed lighting with the Board.

APPROVALS

It is the applicant's responsibility to obtain all required approvals/permits from outside agencies, as may be required.

RECOMMENDATIONS

1. As regard the Variances, the applicant will need to provide all necessary testimony so that the Board may render the decision deemed appropriate.
2. As regard the Site Plan Waiver, it is recommended that a site plan be provided for the proposed ramp/platform area. The plan should indicate, as a minimum, layout, dimensions, grading, and details in accordance with ADA Requirements.
3. The applicant should review with the Board, all discussions, input and recommendations as received from the Freehold Borough Historic Preservation Advisory Commission.
4. It is recommended that any action that may be taken by the Board is subject to the applicant adequately addressing all items noted within this report.

Should you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,

ABBINGTON ENGINEERING, LLC



William T. Wentzien, P.E., P.P., C.M.E.
Freehold Borough Planning Board Engineer

cc: Ronald Cucchiaro, Esq., Planning Board Attorney
Matthew Young, Borough Zoning Officer
Salvatore Alfieri, Esq., Applicant's Attorney
Greg Clark, Applicant's Architect