

FREEHOLD BOROUGH PLANNING BOARD
MINUTES OF MAY 11, 2022

MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, May 11, 2022 at 7:00 p.m. in the Council Room of the Municipal Building.

Chairman Barricelli stated that this meeting was provided in accordance with the Open Public Meeting Act, by providing a copy of the agenda to the official newspaper and posting same on the official bulletin board of the Municipal Building.

ROLL CALL

PRESENT	Mr. William Barricelli
PRESENT	Mr. Paul Ceppi
PRESENT	Mr. Michael McCabe
ABSENT	Mr. Michael Wildermuth
ABSENT	Ms. Shealyn M.S. Crombie
PRESENT	Ms. Caridad Argote-Freyre
ABSENT	Ms. Brianne Van Vorst
PRESENT	Councilwoman Margaret Rogers
PRESENT	Mr. Garry Jackson
PRESENT	Mr. James Keelan
ABSENT	Mayor Kevin A. Kane

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

Approval of Minutes from Planning Board Meeting April 27, 2022.

Councilwoman Rogers made a motion to approve the minutes, Ms. Argote-Freyre seconded.

Yes	4	Barricelli, Argote-Freyre, Councilwoman Rogers and Jackson
No	0	
Abstain	3	Ceppi, McCabe and Keelan
Absent	4	Wildermuth, Crombie, Van Vorst and Mayor Kane

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

Application Number: PB-BV-2022-003, Applicant: Donatelli, Julianne and Robert; Location: 10 Brinckerhoff; Block 99 Lot 9 Zone R-7; Request Bulk Variance

Vincent E. Halleran Jr., - representing the application; Ms. Donatelli, property owner, will provide testimony;

Richard Brigliadoro, Esq. – swore in Julianne Donatelli;

Mr. Mr. Halleran – Ms. Donatelli, please describe the area;

Ms. Donatelli – a tree lined wide road, great neighborhood and love the historic nature of home; one

reason we bought the property; the lot is small; our family is growing and the house is not;

Mr. Halleran – describe what you want to do;

Ms. Donatelli – technically we have a garage, but does not fit our cars, it is deteriorating; we want to take space and extend to park vehicle inside and additionally use the space toward the back to allow to put a mud room; washer / dryer is currently in the basement, which will allow us to have storage in the house;

Mr. Halleran – you need variances;

Ms. Donatelli – yes, the lot is undersized;

Mr. Halleran – are you able to expand;

Ms. Donatelli – no, we have a neighbor behind and both sides and we abut to Main Street;

Mr. Halleran – do you plan to do anything inconsistent with the neighborhood;

Ms. Donatelli – not at all; the roof, we would like to do a slate roof, with cedar wood shingles and keep the integrity;

Mr. Halleran – any objection from your neighbors;

Ms. Donatelli – none

Mr. Barricelli – what are you doing with the garage;

Ms. Donatelli – the garage structure is not sound, keep concrete slab, rebuild so it is closer to the front of the home; the car will actually sit in the garage and a mud room area and pantry in the rear of the garage;

Ms. Barricelli – moving it forward requires a variance; is that the only variance and will parking be sufficient;

Ms. Donatelli – correct; no other variance and yes parking will be sufficient;

Ms. Maltese – couple variances requesting; first variance, front yard setback currently requires 25 ft., existing lot front yard setback is 27.1, they are looking to cover porch at the entry way creating a 23.1 setback; second variance, side yard setback currently requires 5 feet and existing is 8.9 with addition will create a 4.42 setback, shy of 5 feet; third variance, rear yard setback requirement is 25 feet, existing is 9.23 and proposed is 6.42 and the fourth variance is impervious lot coverage, 35 % required with a maximum 35%, existing is 36.5% and they are reducing by .5% proposing 36% impervious coverage;

Ms. Donatelli – I neglected to mention the overhang at the front door; there is already a concrete slab we are not putting anything new, simply put a cover over;

Mr. Maltese – once you put a structure you are creating a variance – not impervious but a variance;

Mr. Jackson – with the new addition when it rains will it affect your neighbors;

Ms. Donatelli – no, we will install a gutter system and not going to neighbor’s property;

Mr. Maltese – this is addressed in my letter;

Mr. Brigliadoro – Mr. Jackson under the MLUL single family are exempt from site plan approvals, what you are talking about is typical site plan issues; you address by having Mr. Maltese address that way;

Mr. Maltese – parking - requires 3 spaces and is sufficient;

Mr. Barricelli – will you go through the plans;

Ms. Donatelli – yes; plans submitted starting with A-5, next to the kitchen, leads to the garage, will lose the existing window, keep entry – mud room, building structure to the front which will be the garage, we went a little further of the existing concrete foundation to make symmetrical; we did incorporate windows for lighting and all will have wooden shutters;

Mr. Barricelli – is there a bathroom downstairs;

Ms. Donatelli – a half bath, next to the back door to the outside;

Ms. Donatelli – A-6 shows structure, we are taking a closet upstairs from the front bedroom, to create a longer closet in the master bedroom and will maintain closet in second bedroom to keep room functional; we will lose two windows;

Ms. Argote-Freyre – in terms of the front door, slab exists already extending out and you are seeking to cover, correct;

Ms. Donatelli – correct;

Ms. Argote-Freyre – the garage moving forward, parallel to porch or more forward;

Ms. Donatelli – garage set back a bit;

Ms. Argote-Freyre – side yard, you said neighbors are aware is there an impact;

Ms. Donatelli – there is a concrete sidewalk in the middle and we use as a place for garbage ally, not touching their livable space;

Ms. Argote-Freyre – if you need to replace the water service line in the ground is that an issue;

Mr. Maltese – the town is requiring replacement of water service lines with all applications moving forward if lead;

Ms. Donatelli – yes

Ms. Argote-Freyre – happy you are keeping the historical look;

Councilwoman Rogers – you are losing windows in the bedrooms, are there other windows;

Ms. Donatelli – yes, there is a remaining window in each room, large for ample lighting;

Mr. Barricelli – further board comments;

Mr. Barricelli – public comments;

Mr. Barricelli – hearing no comments – motion to close public comments;

Mr. Jackson - motion to close public comments; Mr. Ceppi seconded;

Yes 7 Barricelli, Ceppi, McCabe, Argote-Freyre, Councilwoman Rogers, Jackson and Keelan

No 0

Abstain 0

Absent 4 Wildermuth, Crombie, Van Vorst and Mayor Kane

Mr. Barricelli – board deliberations;

Mr. Keelan – looks good, I like it;

Mr. Ceppi – thank you for further details and explanation; nice to see you are staying in the Borough rather than sell and I am inclined to support the project;

Ms. Argote-Freyre – Brinckerhoff is a nice block and happy you are adding to the property and keeping historic look;

Councilwoman Rogers – good

Mr. Jackson – good

Mr. McCabe – good

Mr. Barricelli – asset to the area and happy you are looking to enhance the property and area;

Mr. Barricelli – motion please

Mr. Ceppi – motion to approve with variances; Mr. Keelan seconded;

Yes 7 Barricelli, Ceppi, McCabe, Argote-Freyre, Councilwoman Rogers, Jackson and Keelan

No 0

Abstain 0

Absent 4 Wildermuth, Crombie, Van Vorst and Mayor Kane

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

Application Number: PB-BV-2022-005, Applicant: Ronko Developers Inc., Center Street; Block 61 Lot 16 Zone R-4; Request Bulk Variance

Paul Mirabelli, Esq. – representing the applicant, Ronko Developers Inc.

We are here for approval to construct a single family home on an undersized lot, area is 3,180 and the 4,800 is required, lot width frontage is 25 feet, 40 feet required and permitted side-yard set-back is 3.5

feet on each side and 5 feet is required; the first 2 are pre-existing conditions; your packet should have the buy sell letter sent out and we received no response to any; first witness is Marc Leber, engineer

Marc Leber – sworn in; Engineer with East Point Engineering, Marlboro NJ

Mr. Barricelli –accepted credentials;

A-1 – Exhibit – Variance Plan (w/ color)

A-2 – Neighborhood – street map showing locations in the area – lot in question in red

Directly to the right of this lot, a triangular lot is wooded parcel owned by Freehold Township, the lot borders the borough and township; the wooded lot is vacant, primarily surrounded by residential uses; lower right a couple of industrial buildings; mostly is single family residential; proposed tonight is 18x46 foot print – A-1

Mr. Briigliodoro – what is A-1

Mr. Leber – Variance Plan dated November 17, 2021 with color – no other changes;

The lot in red is this lot, 18x46, proposed single family dwelling, 12 foot wide driveway, space for two vehicles, two story house with three bedrooms; front yard set-back is 34.65 feet, R-4 zone requires 25 feet; the rear set-back is 40.6 feet and required 25; side yard set-back, 5 feet required and only able to provide 3.5 feet on each side, deficient on side yards; the lot area here is 3,180 square feet, conforming lot for the zone is 4,800 square feet; the width is deficient as well by 15 feet; we do comply with the minimum floor area for single family home and comply with total lot coverage at 42% where 45% is average; important because on undersized lot it is difficult to stay within requirements;

We did research because it is undersized, the property was once owned by the Borough, it was deeded to Mr. Robert Richardson, went into foreclosure, last owner prior to the applicant purchasing the property; the lot has always been a vacant lot, isolated at the edge of town;

Mr. Maltese – in the 1800s there was a roadway going through here, they did a vacation of the roadway, with a 50 ft. right of way, and prevented the lot from vacationing the roadway and created the 25 ft. lot; I went back and located the old filed map;

Mr. Leber – makes sense, the lot to the left is really two (2) lots, one lot 40 ft. and the other is 25 ft., presume the 25 ft. is part of that right of way;

it is a challenge working with an undersized lot, when we look at these type of applications we try to meet all requirements; in a case known as Dallmeyer vs Lacey Township Board of Adjustment, the judge who decided, stated zoning boards continue to insist there are adequate guidance the applicants burden of proof, applicants right to some affective use of the property and the boards obligation to the type of case it is;

what that means is the boards in past struggle with these because it is permitted use, applicant does their best to meet all requirements, if undersized and denied it renders the lot more or less useless, that is has become utility; the problems we need to focus on here are, addition to the positive and negative criteria, we must demonstrate that after it is made to bring the property to conformity; the applicant sent letters to both adjacent lots including township of freehold and no response was received from either land owner;

the next problem, we need to present architectural plans to demonstrate what is proposed is consistent with the neighborhood;

Elevation plan – A-1 sheet 2 of 2, two story home, shingle, no garage, three (3) bedroom, not anything different than anything in the area; it is not over or undersize for the area; lot hard to work with but we were able to create; the use does not violate the zoning purpose; consistent to neighborhood, increasing front yard area; not building on streams or wetlands or flood hazard area; all positives; there are negatives, we need variance approval C-1 and C-2; C-1 change of lot width or area and C-2 setbacks requirements; this does not create a detriment to the neighbors or zoning, lot to the right is completely wooded and owned by municipality of Freehold Township and lot to the left has a single family dwelling; we are not doing anything that will be a significant traffic generator or noise generator; the house is not out of character of the area; any questions;

Mr. Barricelli – you said you reached out to the township, when;

Mr. Leber – the applicant mailed – he should answer

Ms. Napolitano – I have copies in the file, when the applicant provides notice to the property owners within 200 ft., a copy is provided to this office and I provide a copy to Ron; same applies to the letter that was sent to the neighboring properties; which was probably sent out about 3 weeks ago;

Ron Koenig – sworn in;

Mr. Mirabelli – what is your role with the application;

Mr. Koenig – president of Ronko Developers, sole stock holder;

I sent a buy/sell letter to the adjoining the Township of Freehold and to the owner to the left, sent by CMRR and did not receive any response; there is a form on the back to with interest of selling or buying;

Mr. Barricelli – when did you send and is there a deadline;

Mr. Koenig – approximately 3 weeks ago and they get notice of the meeting date, so they are aware of the meeting tonight;

Mr. Barricelli – do you think the process used is fair, date of the meeting and no deadline; do you think this is a fair representation;

Mr. Koenig – yes, from my experience;

Mr. Jackson – the property to the left, is that owner occupied;

Mr. Koenig – it went to the owner, same address as the house;

Councilwoman Rogers – is the letter sent in English and Spanish;

Mr. Koenig – no, English

Councilwoman Rogers –that could be an issue;

Mr. Koenig – they received, should not make a difference;

Councilwoman Rogers – if they received and can't read, that makes a difference;

Mr. Keelan – is that a requirement, I know I am new but is it required;

Councilwoman Rogers – not a requirement but appropriate because we have a large Hispanic population; in a town like Freehold Borough where we have a large Hispanic population I would be concerned that the notice sent was not in English and Spanish; I don't think it gives them a fair opportunity to respond if they don't understand and don't have time to get someone to translate; I am making an assumption here but I think it is a fair assumption because of the make-up of our community;

Mr. Keelan – we didn't ask the lady before if she sent her notice in English and Spanish;

Councilwoman Rogers – she was not encroaching on the neighbor's property;

Mr. Keelan – yes, she was less than 5 feet, hers was very similar;

Councilwoman Rogers – I mean she was not building so close to her neighbor, she spoke to her neighbor and this does not seem to be the case here; he sent a letter;

Mr. Keelan – it is not a requirement;

Councilwoman Rogers – I am not saying it is a requirement, I am saying if these people do not speak English, she went and spoke to her neighbors apparently she has a relationship with her neighbors that is what I am trying to understand; did these people have a fair opportunity to receive this notice and understand what the notice said; that is all I am asking;

Mr. Jackson – will our attorney clarify;

Mr. Briigliodoro – under the Municipal Land Use Law (MLUL) when you have an application before the zoning board, which you are providing notice to the public because you need variances, 1, notice is sent certified mail, 2 – it is sent to properties given to you by the tax assessor; no requirement of notice being sent in any other language, the official language in this country is English;

Was the notice sent in English;

Mr. Koenig – yes it was;

Mr. Briigliodoro – the notice under law is presumably, once it is post marked by the post office and mailed that is the extent of the obligation of the applicant; as long as the applicant has provided notice to property owners and any other public entity entitled to service provided by the tax assessor the applicant has performed their function. That is one part; the other is Dallmeyer vs Lacey Township, opinion by Judge Serpentelli former judge in Ocean County, Mr. Leber has correctly cited the case, providing excerpts from the case in terms of what the obligation is; typically, we have done in our practice, when the letter is sent it is part of the notice going to the property owner, standard notice going to the property owner; they get a notice, certified mail and the notice states the Time, Date and Location of the public

hearing also indicates if any variances, address of the property, street address, lot and block and also tells you if you want to look at the plans you can come to the municipal building and review the plans; it typically provides a phone number to call so you can avail yourself of all the information available; generally as the applicant has indicated you don't want to put a time restriction in but let them know in the notice that the hearing is tonight and they can show up tonight if they want;

Mr. Barricelli - I understand the notice about the meeting; my point was there is a 25 ft. lot and I want to know if a sincere effort was made to exhaust all possibilities to buy additional properties from the person on the left or right; I have a problem with a 25 ft. lot, if a hardship case and all are exhausted then can understand; if notice sent to buy and provide a deadline, notice to this meeting is irrelevant to that process; that is what I am interested in; for that purpose, if you are sending to a Hispanic neighbor and want to buy land, as Councilwoman Rogers said, that makes sense;

Councilwoman Rogers – that was my point; I understand the previous applicant didn't ask if was in English and Spanish but she went and spoke with her neighbor and did not have an issue; if they spoke with the people in the neighbor house, I wouldn't have a problem; if they only sent a letter and potentially people can't understand and they are building a house on undersized lot I have a problem with this because I think it is to close;

Mr. Jackson – sharing those concerns, Freehold Township, they may not respond until they have a meeting; if could take them four months to reply;

Mr. Mirabelli – any other questions, other than this issue;

Ms. Argote-Freyre – is the photo in the application of the property;

Mr. Leber – yes, it is a treed lot;

Mr. Barricelli – if the house is moved back where is it in line with the neighbors;

Mr. Leber – if you look at A-1 you will see the neighbor is about 5 feet off the lot line and they will probably not want to sell because they are already at 5 feet; we will have a covered porch on front and will be about four feet from the back of their house;

Mr. Jackson – if the township sold, does this applicant now have to go to the township planning board;

Mr. Mirabelli – creates a subdivision;

Mr. Barricelli – what are consequences to the Borough if this application is rejected;

Mr. Mirabelli – the property can't be used for anything;

Mr. Brigliadoro – the applicant will assert rights he is not able to develop the property for a lawfully; he is proposing a single family dwelling in a single family zone on a lot that is zone for same and if he can't do that then confiscation issued and could seek damages;

Mr. Barricelli – to Mr. Mirabelli, you said you may have a resolution;

Mr. Mirabelli – the house next door so close, can't sell property and understand councilwoman's

concern about whether notice / letter was sent in Spanish but what if Portuguese or another heritage, at what point do we not have send notice in another language; the way the applicant sent the buy/sell letters as your attorney has indicated is the customary way the letters are sent; not up to the applicant to send out notice in different languages, where do you draw the line; he has done his due diligence in accordance with what the law requires; certainly don't require notice to go out in a different language, same type of document; the neighbor can't sell because they are so close, they can't sell them any and have a 65 ft. wide property now, doubt they would want to buy another 25 ft., the price they would have to buy, according to case law, is what approved buildable lot would go for in Freehold which is something they would not want to pay;

Mr. Barricelli – was your office involved in writing the letter;

Mr. Mirabelli – no, but is a standard letter and have told clients to use similar;

Mr. Barricelli – would you have written same letter;

Mr. Mirabelli – yes; it is adequate notice; township is probably not interested in cutting off 15 feet from the wooded area, been there a long time and probably not willing just to accommodate my client, for private use;

Mr. Maltese – did you have any questions from my engineering review;

Mr. Leber – no, I don't have the letter;

Mr. Ceppi – the potential remedy and what could be but sounds like the property was buildable to begin with, at what point was the property acquired knowing it was under sized; there is a risk associated with buying a piece of property that is too small for something to be built with hopes that our board will say yes; you can sue us but you should have done more due diligence before buying the property to make the determination;

Mr. Mirabelli – the more important issue, the person that bought the property, my client created some hardship that was not there, he is entitled to come in on an undersized lot and make the application he is making, it is perfectly legitimate application and believe all planning testimony heard tonight supports the granting of the application of the variances he has requested; it is not a matter of he did not do his due diligence, he is entitled to build on an undersized lot if he meets the criteria; I believe the planner has given sufficient testimony to grant the variances in accordance with the law; if you don't do that, then you are turning the property into something that is not useable; my client did not buy a property that is unusable, he bought an undersized lot, permitted to build on meeting all statutory requirements;

Councilwoman Rogers – please clarify the requirements meet, sounds like privacy issue with the neighbor, not the township side;

Mr. Briadoro – in terms of variances, the planner has indicated they believe they met the proofs for C1 Variance, which is a hardship variance; situation of irregular lot size or topographic issues that impact the lot; C2, flexible C variance, it presents a better zoning alternative to grant relief or not grant the relief; C1 is hardship particular to that owner to develop the property, C2 is more benefits the community by granting the relief; addition to that you have to be satisfied that the variances that are requested, lot area variance, minimum lot width, 40 ft. required, 25 ft. proposed, side yard setback, they have 3.5 ft. and 5 ft. required; the negative criteria, whether or not the variance is detrimental to the

public good and the impact of the adjoining properties, neighborhood and whether or not the variance can be granted without substantially impairment of the zoning plan and zoning ordinance; the applicants planner has provided testimony in regard to those issues and is up to the board to make a determination based on testimony provided by the experts; if they met the proofs they are entitled to the variances;

Mr. Mirabelli – to address Mr. Ceppi’s question, the Dallmeyer case, the other reason the board gives or finds hardship, is that the hardship in fact was self-created by the owner; how can the board believe that one who buys an undersized lot creates a hardship, however it has been long established that neighbor the person that owned the lot when zoning board making it undersized was adopted, nor a subsequent owner did anything to create the condition for which the variance is sought, a right of relief possessed by the original passes to the successor entitled; that right is not lost simply because the succeeding owner bought or contracted to buy with knowledge the lot with size constrictions; that is from Dallmeyer and address your point; also this lot was purchased, by the owner that foreclosed from the Borough of Freehold; so the Borough certainly thought this has some use, because they sold it to Mr. Roberts before and was then foreclosed and then my client purchased; this is a lot that was sold by the Borough; also Councilwoman, regarding your comment about the privacy issue, if the neighbor thought there was a privacy issue I would think they would be here tonight, a little more concern; they don’t seem to be concerned;

Councilwoman Rogers – I don’t agree;

Mr. Barricelli – any other board members;

Mr. Barricelli – this is the opportunity for members of the public

Mr. Maltese – you are requesting side yard set-back on both sides of the property, is there anything stopping you from maintaining a 5 ft. set-back required from the lot 17, adjacent property to hold 5 ft. set back and then only have 1.5 ft. set-back on township side; anything stopping you from doing that; this may handle the concern;

Mr. Leber – no, don’t think township will object;

Mr. Mirabelli – applicant would agree to that;

Ms. Argote-Freyre – clarify what is on the plans, plantings/landscaping;

Mr. Leber – grass, there are larger trees that will remain and grass;

Mr. Maltese – any fence;

Mr. Leber – no fence;

Mr. Barricelli – public comments;

Yolanda Curry – sworn in – 54 Bond Street

Annie White – sworn in – 48 Bond Street

Ms. White – we have poor mail service, not sure why I got a letter for someone on Ford Avenue; my

neighbor never got hers, never received; not concerned about house but we have poor drainage; if they put that house up, we suffer from that from Center Street; Center is up here, Bond here and when it rains we are inundated with water; if they don't put proper drainage in we will get flooded;

Ms. Curry – it becomes a stream and stops at my house;

Mr. Barricelli – how long have you lived in your homes;

Ms. Curry – 55 years;

Ms. White – I am a lifelong resident, move from Lockwood to Institute Street then to Bond;

Mr. Leber – Center Street is much high than Bond, the sloping south to north and west to east, so construction of the house will drain to the township wooded area, not from the back to the front;

Ms. White – you can see the water from heavy rain coming down the hill;

Mr. Mirabelli – my understanding for a single family application we don't need site plan approval, the drainage will be taken care of as part of the submission to building department;, correct;

Mr. Maltese – correct

Mr. Mirabelli – we will abide by what the engineer advises;

Mr. Jackson – are you satisfied with the answer from the planner;

Ms. White – when it rains we flood out, I am concerned with drainage;

Ms. Curry – I water proofed my house, water comes from the ground; even a trench is supposed to stop and still comes from underground;

Mr. Barricelli – our construction department will have to review and make sure all complies if this is approved;

Ms. White – you distribute the land, we all catch the water; my driveway was redone and my neighbors got water in her basement from the disturbing of the land;

Ms. Curry – I don't mind the house, make sure proper drainage;

Ms. Argote-Freyre – you stated the mail service is unreliable;

Ms. White – if you put a letter out in the mailbox to be picked up by the mail carrier, it may be delivered to my neighbor; and never the same mail person;

Mr. Mirabelli – my client recognizes his responsibility to comply with any township requirements;

Mr. Barricelli – any further public questions;

Mr. Jackson made a motion to close public portion of questioning; Ms. Argote-Freyre seconded;

Yes 7 Barricelli, Ceppi, McCabe, Argote-Freyre, Councilwoman Rogers, Jackson and Keelan
No 0
Abstain 0
Absent 4 Wildermuth, Crombie, Van Vorst and Mayor Kane

Mr. Leber – I reviewed the engineering review letter dated April 7, 2022 and have no concerns;

Mr. Ceppi – Mr. Mirabelli you referenced to a solution or alternative something earlier and never got to;

Mr. Mirabelli – in light of what my client has done, notice provided to the residents is usual and customary;

Mr. Barricelli – board deliberations;

Ms. Argote-Freyre – I have concern with the notice and not clear regarding the township; I am not comfortable with tree removal and the closeness of the homes;

Mr. Keelan – I heard earlier if postmarked that is the end of responsibility of the applicant, did I hear correctly; I can appreciate / understand the terrible mail service;

Mr. Briigliodoro – you heard correctly, the applicants obligation for the 10 day notice, send certified mail, post marked a minimum of 10 days before the day of the hearing, the 10th day cannot fall on the date of the hearing; if the applicant has done that the applicant has fulfilled their obligation;

Mr. Keelan – has the applicant done that;

Ms. Napolitano – yes and I emailed to Ron Cucchiaro, Esq.

Mr. Keelan – so anything extra, is extra; thank you;

Councilwoman Rogers – concerns of adequate notification , understand postmark and not a requirement that the document be in different languages; I also have concerns of proximity of neighboring properties; understand they said tonight they would move over closer to township side, I don't that satisfies the concern; I would love to hear from the neighbor to see; have concerns of the testimony we just heard regarding drainage and understand that our engineer would have to approve any drainage plans; there are properties there now with approved drainage plans and they are still having issues; that is a concerns; I have a lot of concerns, I am not saying I will not approve but would like to have them take another look to have minimal impact; not an issue for the public and in this case we do not have anything that assures us it is not an issue for the public;

Mr. McCabe – I am ok with house being closer to township side, 5 ft. variance, Dallmeyer case, C1 hardship, it is a buildable lot and if they are willing to build to conform, I am leaning toward approving;

Ceppi - similar to Michaels comments; we seem to backed into an opportunity to approve; understand concerns with mail services, certain situations I have heard Ron ask the applicant if they would be willing to table the application for another meeting cycle to allow for additional time; maybe that will elevate some of Councilwoman Rogers concerns and other concerns regarding timing; not sure if our

counsel has any thoughts or recommendations;

Mr. Mirabelli – can we break so I may discuss with my client;

Mr. Barricelli – 5 minute break 8:25pm

Mr. Barricelli – return 8:30pm

Mr. Barricelli – when I was on the zoning board for the town, the board chair would always express the opinion with regard to an undersized lot, I cannot do; I don't think until you get an answer from Freehold Township and have exhausted the opportunity to buy/sell from them and prove hardship; I suggest we delay this application one month to give you that time; I don't think you are close to providing hardship;

Mr. Mirabelli – my client has agreed to delay the application, understand the next May 25, 2022, under the following conditions, send new notice to adjoining owner and new buy / sell letter in English and Spanish; we will contact Freehold Township Engineer and see if he has any interest in the property; I think that is going to the top and should get some type of response or no response but will reach out to Freehold Township Engineering; understand we do not need to send out new notices other than the adjoining property owners, is that correct;

Mr. Barricelli – you think two weeks is enough time;

Mr. Koenig – we will do the first meeting in June;

Mr. Mirabelli – no more we can do to notify the town, at some point if they don't respond it is not our responsibility to make them reply; June 8, 2022; Mr. Leber is not available on either date, I don't think we need him though for further testimony;

Mr. Briadoro – this application will be carried to Wednesday, June 8, 2022 at 7:00pm here at 30 Mechanic Street, no further notice will be served except what Mr. Mirabelli just stated;

Mr. Barricelli – save your packets for the June 8, 2022 meeting date;

Mr. Barricelli – thank you all for coming tonight; anyone, motion to adjourn

Mr. Keelan made a motion to adjourn, Mr. Ceppi seconded;

All in favor, aye (all) – nay (none)

Meeting adjourned at 8:39 PM.

Respectfully submitted,

Dominica R. Napolitano