

FREEHOLD BOROUGH PLANNING BOARD
MINUTES OF SEPTEMBER 14, 2022

MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, September 14, 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
ABSENT	Mr. Michael McCabe
PRESENT	Mr. Michael Wildermuth
PRESENT	Ms. Shealyn M.S. Crombie
PRESENT	Ms. Caridad Argote-Freyre
PRESENT	Ms. Brianne Van Vorst
PRESENT	Councilwoman Margaret Rogers
PRESENT	Mr. Garry Jackson
PRESENT	Mr. James Keelan
PRESENT	Mayor Kevin A. Kane

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

Approval of Minutes from Planning Board Meeting August 10, 2022.

Michael Wildermuth made a motion to approve the minutes, Councilwoman Rogers.

Yes	7	Barricelli, Ceppi, Wildermuth, Argote-Freyre, Councilwoman Rogers, Keelan and Kane
No	0	
Abstain	3	Crombie, Van Vorst and Jackson
Absent	1	McCabe

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

Memorialize Resolution for, Zukas Properties, LLC, Application: PB-SD-2022-006; Location: 83 Broad Street / Block 29 Lot 14 Zone R-5 & R-7 Request: Preliminary & Final Major Subdivision Approval.

Mr. Cucchiaro – Chairman, you and I spoke regarding applicant to secure an easement with the adjoining property owner for access to the driveway, putting a time frame on so the applicant is not waiting indefinitely; I open this to the Board, if you want to state the period should be open for a certain amount of time after it is offered to satisfy the condition we can certainly do that;

Ms. Argote-Freyre – sounds reasonable;

Mr. Barricelli – 60 days, seems reasonable;

Mr. Cucchiaro – that is reasonable; with that condition, I can make the change and you could memorialize the resolution tonight with that change;

Mr. Barricelli – page 8, #3 of the Zukas resolution – add 60 day time frame from when the offer is provided to the adjoining property owner;

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

Yes	7	Barricelli, Ceppi, Wildermuth, Argote-Freyre, Councilwoman Rogers, Keelan and Kane
No	0	
Abstain	3	Crombie, Van Vorst and Jackson
Absent	1	McCabe

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

Application Number: PB-UV-2021-012, Application: Model Electronics 11 Inc. d/b/a Bumper to Bumper
Location: 586 Park Avenue – Block 110 Lot 9.05 Zone B-2B, Request: Use Variance and Waiver of Site Plan.

Mr. Cucchiaro – before we continue the next three applications include a “D” variance and the MLUL specifically requires Class I and Class III members (Mayor Kane and Councilwoman Rogers) to step down; they are not able to vote on these applications; they may stay and listen to each application but are not permitted to vote and must step down;

Mr. Cucchiaro – also, this application and the next application were scheduled to be heard at the August 24, 2022 meeting which was canceled and I had Dominica post notice stating that and the meeting would be carried to the next meeting date (today) and no further notice would be provided;

Mr. Halleran – thank you – I am represent the applicant, owns the property known as Park Plaza shopping center and area in question was Franks Aluminum and Glass which is the neighbor to my clients business, Model Electronics, dba Bumper to Bumper; Bumper to Bumper wants to expand his business to use the Franks Aluminum space; Matt Young says it is a non-conforming use but my client has been in business in this location for about 25 years; I don’t agree, it has been in business for 25 years, existing; ; my witness is the owner Mr. Shlomo Abitbul;

Mr. Shlomo Abitbul – sworn in;

Mr. Halleran – please tell the board what you do and what you want to do;

Mr. Abitbul – I have a store for the past 28 years Bumper to Bumper car detailing; attached to me is a glass shop, he used to operate there; he moved out and I want to expand into that space; I need a little more space to work; doing the same work, no more employees, no more expansion of business I just need more room to work;

Mr. Halleran – what do you do with cars;

Mr. Abitbul – we offer window tint, wiring, lights and radio;

Mr. Jackson – are you pulling out engines;

Mr. Abitbul – no;

Mr. Barricelli – how many employees do you have

Mr. Abitbul – 4

Mr. Barricelli – are you making modifications tot eh building;

Mr. Abitbul – not major; I want to fix inside;

Mr. Halleran – not outside;

Mr. Abitbul – If approved, where the old garage door used to be, I would comply with all;

Mr. Barricelli – who owns the plaza;

Mr. Abitbul – I do, I bought from Tony;

Mr. Barricelli – you planning to make changes to overall plaza;

Mr. Abitbul – yes, paln to renovate in about three (3) years; doing the sewer line now; improving everything that wasn't done over the years;

Ms. Argote-Freyre – estimated additional traffic in the area;

Mr. Abitbul – no additional traffic, I just need the extra space for working; all else stays the same, I am not adding or doing any extra;

Mr. Cucchiaro – based on your testimony, your improvements are to better accommodate your existing business;

Mr. Abitbul – correct;

Mr. Cucchiaro – it is not your anticipation that this will create more traffic in the area, same traffic;

Mr. Abitbul – correct; the traffic coming from the area will be the cannabis on the left and medical cannabis on the right; that is what is creating more traffic; my business will not change anything;

Mr. Wildermuth – hand drawn plans, window to convert to garage, you are making an additional bay;

Mr. Abitbul – yes, if possible, if not I will leave it alone;

Mr. Maltese – clarification – application is for 3,000 square feet total, existing 1,600 for additional 1,800;

Mr. Abitbul – correct;

Mr. Maltese – total is 6,400;

Mr. Abitbul – correct, it is empty space now;

Mr. Maltese – increase in sanitary sewer line, you are under taking, you have plans in for that;

Mr. Abitbul – yes, I submitted plans to change the sewer line;

Mr. Maltese – Dominica do you have plans;

Ms. Napolitano – no, did you submit plans with Matt Young;

Mr. Abitbul – yes, Matt Young;

Mr. Barricelli – anyone else;

Mr. Barricelli – any questions form the public; seeing none;

Mr. Jackson – motion to close public questions; Mr. Ceppi seconded;

Mr. Wildermuth made a motion to close public questions; Mr. Keelan seconded;

Yes	8	Barricelli, Ceppi, Wildermuth, Crombie, Argote-Freyre, Van Vorst, Jackson and Keelan
No	0	
Abstain	0	
Absent	1	McCabe

Mr. Barricelli – any comments from the public; seeing none;

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

Mr. Keelan made a motion to close public questions; Mr. Ceppi seconded;

Yes	8	Barricelli, Ceppi, Wildermuth, Crombie, Argote-Freyre, Van Vorst, Jackson and Keelan
No	0	
Abstain	0	
Absent	1	McCabe

Mr. Wildermuth – I am inclined to support this application, this business here for many years; think set up suitable for what you are doing, expanding space for more room to work; no additional traffic and think this will be a good thing and support;

Ms. Argote-Freyre – I agree with Michael;

Mr. Keelan – good;

Mr. Ceppi – good;

Ms. Crombie – good;

Ms. Van Vorst – good;

Mr. Jackson – good;

Mr. Barricelli – I also agree with the rest of the board members;

Mr. Ceppi - made a motion to approve the application; Mr. Keelan seconded;

Yes	8	Barricelli, Ceppi, Wildermuth, Crombie, Argote-Freyre, Van Vorst, Jackson and Keelan
No	0	
Abstain	0	
Absent	1	McCabe

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

Application Number: PB-UV-2022-004, Application: Rema Realty LLC, Location, 28 East Main Street, block 62, Lot 9.01 – Zone B-2B, Request Final Site Plan with Use Variance.

Salvatore Alfieri – on behalf of the applicant; this application was also on the agenda for August 24, 2022 and notice was posted on the door stating the application carried to tonight’s meeting;

Mr. Cucchiaro – correct, posted and the application carried to tonight;

Mr. Alfieri – by way of background – this board previously approved a similar application for this property and the approval my client realized it was not feasible and designed in a way that would not attract tenants; we filed a revised plan which is before you tonight; we have received approval from Borough Council for consistency with the 2019 FCCRPA and here tonight for amended approval; Greg Clark, Bach and Clark, is our professional architect and Robert Sive, Geller Sive & Co, is our engineer; we will begin with Greg Clark;

Greg Clark – sworn in; Bach & Clark, I have appeared before this board on numerous occasions, licensed in NJ for 20 years;

Mr. Alfieri – please describe the prior approval and what is being presented tonight;

Mr. Clark – original approval was primarily a use variance; existing structure comprised of exclusively office use for 2 levels and owner wanted to convert upper level to R-3 use, two (2) apartments which is an approved use in the Borough in that zone; we did get approved; the commercial component was a configuration change at the prior approval;

Now we are looking to have two (2) commercial retail spaces on the bottom level from the back; referring to sheet A-1 (exhibit list shown as exhibit A-7) bottom of sheet is Main Street, top is market yard parking lot, building in question is rear building at 28 E Main St, building behind what people know as the old Daesener building currently with House of Glam and hair salon; this plan is first level plan represents 2 units oriented side to side; opposed to entries on the ally way side; owner wants entries on the rear so we created 2 store fronts, sheet A-2, elevation sheet; south rear parking elevation, you can see from the parking lot, 2 store front entries; you still proposed the same ADA access ramp along ally way; does not impede into right of way of the easement and we propose store front glass along the side one store and still have side entrance, which we propose to retain; the exterior of the building does not change from the prior application; we would like to put applied masonry along the side; per the historic architects comments, I’ll address shortly; we do propose to change this to brick which I have another elevation for, I’m bringing you up to speed as to what was approved at the prior meeting; essentially we have a canopy over the upper level, and two apartments with access to the flat roof, fire egress and access to balcony area; back to sheet A-1, referring to second level;

Mr. Alfieri – since application filed, Borough hired an HPC architect, Kurt Leasure to review the application and plans, his report is dated August 4, 2022 – can you provide address his comments;

Mr. Clark – per HMR report August 4, 2022, list of comments, we have addressed all of them with the

exception of photographs; do you all have sheet A-0, previously submitted site plan, photographs on the site plan; photos of all four elevations of the building, should qualify as photographs;

Mr. Cucchiaro – swore in Kurt Leasure, Associate – HMR Architects;

Mr. Leasure – the photographs were not legible;

Mr. Clark – if everyone familiar with the building and the intent – further detail; item #2, upper level apartment, store front configuration; what we are proposing is what I described, store front windows and access to side which remains and new store front access adjacent to the parking lot; stone veneer, comments we are taking into consideration and agreed up with the clients; we will change the stone to a brick, represented in this elevation;

Mr. Alfieri – this was not submitted, please provide and identify;

Mr. Cucchiaro – we are at A-12;

Mr. Clark – A-12 is a revised April 20, 2022 - A-2 elevation sheet; as you see all cultured stone we look to replace with cultured brick veneer per borough standards; basically will appear as a weathered brick and blending with other buildings and sidewalk in town; that brings things back to what the town originally had; all else remains, we propose to keep the terra-cotta tile canopies because that originally was on the front elevation of the Daesener building; would like to keep as a continues throwback to original building; material building existed in the borough;

Mr. Alfieri – that was #6 of the HMR report correct;

Mr. Clark – yes; item #4, walk ways & ramps – referring back to the plan A-1 intend to have raw concrete surface for ramps based on safety issues; we found that bricks don't work as well, would like to keep raw concrete for durability and traction; ask the board to take into consideration;

#5 – windows – ordinance states windows should be at least 18 inches above the street surface; referring back to A-2 we have height of approximately 18 inches to the floor level, we propose to start; we ask the board to decide if acceptable; did for maximum visual access to contents of store

#6 – we just discussed – like to continue with terracotta as previously described;

Lastly signage, no tenants so no signs; when tenants lease space they will go the HPC for review;

Mr. Alfieri – that is all we have for architectural;

Mr. Cucchiaro – procedural stand point – I understand how this application has gone, it does not have a Certificate of Appropriateness (CA) from the HPC yet; any portions of the Boroughs' HPC guidelines being deviated from or the applicant compliant with all design standards;

Mr. Alfieri - #4 and #6 –

Mr. Clark – they are the FCCRPA, not sure if HPC address terracotta in the ordinance, if so that would be the only deviation we propose;

Mr. Barricelli – have all the concerns for you (Mr. Leasure) been met;

Mr. Leasure – my concerns with stone veneer is similar with the brick veneer; one of the details, if you glue a brick veneer to stucco, it sticks out and doesn't look appropriate; important to how it is installed; we do not have any information on that

Mr. Clark – we will probably do some type of water table above where the veneer is proposed; the idea is to make appear full depth brick; we will do all detail to make happen, including on the ramp and overhang; all overshadow the brick, no exposed half inch dimension of the thick brick actually is installed;

Mr. Leasure – at the back of the building, back and rear elevation you can see at the edge sticks out of the existing stucco;

Mr. Clark – we will probably do a mechanically fastened mesh on top of what exists and then do a precast water table above and overshadow;

Mr. Alfieri – if the board approves would it be appropriate to condition the installation details approval by the expert by the Borough as a condition of approval;

Mr. Maltese – what is the purpose of the barrier walls with railing in front of the store front;

Mr. Clark – provide decorative area with finish and protection from adjacent active parking lot; we propose to build out with reinforced concrete block and bollards;

Mr. Maltese – no direct parking in front of wall, bollards are not required for that;

Mr. Clark – it will require something in way of protection in addition to raise in elevation to platform;

Mr. Maltese – you mentioned planter, not on site plan;

Mr. Clark – planter is not part of the new version; if you look at new sheet A-1, proposed walkway, there is a wall immediately adjacent to the sidewalk – we eliminated the planter because we did not have room;

Mr. Leasure – the brick is coming all the way out to the front of the building;

Mr. Clark – the brick will end abruptly, there are meters and other mechanicals; we will finish with a pilaster or something similar and we can provide details;

Mr. Wildermuth – what is the reason to remove the planter from the plans;

Mr. Clark – it extended to far into the parking lot, we need for loading zone, giving more clearance for garbage removal and Mr. Sive and describe more;

Ms. Van Vorst – I don't see on the plans, this building butts up to the House of Glam building correct;

Mr. Clark – yes, part of same structure;

Ms. Van Vorst – why wouldn't you continue with stucco of existing building rather than putting brick and abruptly end;

Mr. Clark – as Mr. Leasure mention, we have existing applica, described something akin to old garden state brick face stucco that were textured to look like concrete block; that existing rear building has that on rear and side elevation and something needs to be done to cover it up; as opposed to chipping it off, labor intensive, we decided to add another element to cover it up; if we ran brick out to street we have gas meters and window to go around which is why we decide to separate the building; if the board wants we can extend but don't think we can go to the end;

Ms. Van Vorst – that is one concern, I don't like that one building is being divided this way, which is not contextual for the historic aspect at all; also this brick veneer, next to our beautiful true brick library is going to offset; we can't match, don't want to match but having another red brick next to will be striking;

Mr. Clark – if complimentary, there are other examples in the Borough with brick on buildings adjacent to each other; thought it would be sympathetic to the library and walkways; I believe if we chose a particular type that does look weathered and old, too look as if it has been there;

Ms. Van Vorst – it will abruptly end so it won't look as if it has been there, it will look like it was put there;

Mr. Clark – if the board seems fit, we can continue to the front, we can provide an elevation to do that to show; we didn't do that because of the issues going to the front with mechanicals; the plans, A-0, the lower left hand, east ally right-of-way elevation, you can see there is a lot going on closer to the street; if brick down and across but hesitate to bring to same height, we could step it – the front of the building has a paint and brick will look awkward if the brick came below; we would need to match; I think we do the pilaster and do a lower brick water table across, a wainscot about 4 feet in height; we could attempt to come to the corner and see how it will look;

Ms. Van Vorst – obviously there is a cost difference; instead of bringing brick forward, what about bringing stucco back to the market yard, opposite of what you are saying;

Mr. Clark – esthetically not sure if it will work, an entire building stucco, not sure if the owner would like; some type of variety of materials; why we added canopy, adding different layers and interest, also echo original building in the front; the reason we ended the brick where we did, it is a natural point for where the existing applica ends; approximately 12 feet above proposed ramp;

Mr. Wildermuth – you spoke about the ramp and the bricks are troublesome, I understand, why not scored concrete over raw concrete; scored concrete is recommended in the FCCRPA guidelines; does not seem like a reach over raw concrete;

Mr. Clark – not a reach, up to the owner; we can explore;

Mr. Alfieri – when Mr. Katz (owner) speaks he will address your question;

Mr. Barricelli – any changes to the second floor;

Mr. Clark – no – apartments remain as originally presented;

Ms. Crombie – the canopies in the ally way, will also have the terracotta style; and meet the slate in the front;

Mr. Clark – yes; when we came up with the design, my client had to replace some original terracotta with a synthetic slate or shingle on the canopy; originally we had terracotta, and sticking to which is a throwback to the way the building used to appear; you are right, does not match;

Ms. Crombie – terracotta is great and get throwback, next to slate, won't be a great talking point;

Mr. Clark – it will be in the back, significantly lower elevation, complimentary material – an esthetic call; if the board deems not appropriate we will change;

Ms. Van Vorst – this aspect of the building, House of Glam, always one building, this is not an extension;

Mr. Clark – yes, well decades ago must have added; don't think buildings constructed together; they are and remain one cohesive structure and there is a connection on the interior as well;

Mr. Barricelli – any other questions for Mr. Clark from the public;

Mr. Jackson made a motion to close public questions; Mr. Ceppi seconded;

Yes	8	Barricelli, Ceppi, Wildermuth, Crombie, Argote-Freyre, Van Vorst, Jackson and Keelan
No	0	
Abstain	0	
Absent	1	McCabe

Mr. Barricelli – any other comments for Mr. Clark from the public;

Mr. Jackson made a motion to close public questions; Mr. Ceppi seconded;

Yes	8	Barricelli, Ceppi, Wildermuth, Crombie, Argote-Freyre, Van Vorst, Jackson and Keelan
No	0	
Abstain	0	
Absent	1	McCabe

Mr. Alfieri – property owner Steven Katz – sworn in;

Mr. Alfieri – you are the owner and please state what you are seeking to do and answer any questions the board may have for you;

Mr. Katz – Ms. Van Vorst - I think your right, beige stone – I have photos;

Mr. Cucchiaro – did you take photos and on what date; mark as A-13 & A-14

Mr. Katz – yes and about Sept 3 or 4, 2022; this is the stone that I was thinking and the planter; go along corridor, it blends and will look nice; initially when approve on side, it was only 10 feet; I decided that I needed to change and make more presentable; I also want to provide these photos, what it looked like when I purchased and what it looks like now

Mr. Cucchiaro - interior A-15, package of 11 color photos taken 2014;

Mr. Katz - 33 days after I purchase I received 46 violations on the building; i built beautiful apartments, with 9 people living there, oak floors, clean up that area and want to clean up the back of the building and want to do the right way; I was approved already and was not happy; my professionals question me, this is a one shot deal and I want to do it right; my tenants are not restaurants, no bugs all clean, intercom and make a very nice building; trying to get it done, not using inferior product and have a great builder; I want to have the store fronts facing out, not the side which is what my original approval was for; that is why I am coming back; Michael as far as scored concrete if it is wheelchair accessible; I will do what is best and compliant; also I want the overhang on the front and side to make the front and back as a unit;

Mr. Wildermuth – the planter, do you want to work it in; the architect testified you are not implementing;

Mr. Katz – I like and want to have, I don't think we need loading zone area and the planter will beautify;

Mr. Maltese – the loading zone will only hold a couple of bicycles without the planter; you can eliminate;

Mr. Katz – my shops are not shops that require a big loading zone, it is minimal;

Ms. Crombie – you agree there should be greenery;

Mr. Katz – yes, I like; also the refuse container is stationary and I called Sakoutis to send me information on changing from a 4 yard stationary to a 2 yard twice weekly – on wheels and can be moved so it can be placed in the right location, if this is approved; it will cost more money but will be cleaner; the other businesses in town use dumpsters in the rear market yard; the dumpster on my property is clean, not much garbage;

Mr. Maltese – I think what he is trying to say is the receptacle shown on the site plan will be able to roll out and the truck to have easier access;

Mr. Alfieri – the engineer will show you the exact location when he testifies;

Ms. Van Vorst – building design, you like the beige stone originally proposed but the stone is not what you would want in the district, could you still do the brick veneer with a color more akin to the rest of the building; instead of red brick you could pick a beige color to blend with everything else in the area;

Mr. Katz – yes, I think that would be best;

Ms. Van Vorst – does you architect think will work;

Mr. Clark – it will work;

Mr. Alfieri – if approved we will work with the Borough professionals to pick a beige brick veneer;

Ms. Van Vorst – top half is stucco, going to match the front part of the building;

Mr. Katz – the stucco on rear half will match the front and the bottom will be stone;

Mr. Clark – the intent was to bring the same color to the front of the building and sides; stucco you won't see any in differential with material, we will apply another color and compliment new brick material decided;

Ms. Van Vorst – can brick material match the front of building seen on Main Street

Mr. Clark – the color will be complimentary, won't match do something similar as in town without being red;

Ms. Van Vorst – it should blend in a way that no one notices it is different material than everything else;

Mr. Leasure – slightly different than the stucco so there is a slight contrast, you don't want to look like the library next door; I am ok with, do not usually like faux material, but it is the rear of the building and stucco on side is already replacement stucco; then there is the schmootzy stuff faux brick, with these reservations, this serves to make a more cohesive building in the rear;

Ms. Van Vorst – with the color not being red;

Mr. Alfieri – that is all from Mr. Katz

Ms. Argote-Freyre – can we summarize what is agreed upon;

Mr. Alfieri – first, brick veneer, provide construction details on how will be installed;
Second – beige type color that we will work with the professional on and will not be red;
Stucco – what we plan for the rear will be complimentary close to color of stucco on the side of the building; and the concrete we did not finalize;

Mr. Maltese – ADA compliant is not scored and I recommend that it is not scored;

Ms. Argote-Freyre – awning will be what color;

Mr. Clark – metal frame with fabric canopy, color black

Ms. Crombie – we like the big windows;

Ms. Van Vorst – roof top, I like the terracotta;

Mr. Clark – perhaps we can do similar that we are doing with the brick, rather than red we could change to match the front;

Mr. Barricelli – any other questions for Mr. Katz from the public;

Mr. Keelan made a motion to close public questions; Mr. Ceppi seconded;

Yes	8	Barricelli, Ceppi, Wildermuth, Crombie, Argote-Freyre, Van Vorst, Jackson and Keelan
No	0	
Abstain	0	
Absent	1	McCabe

Mr. Barricelli – any other comments for Mr. Katz from the public;

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

Yes	8	Barricelli, Ceppi, Wildermuth, Crombie, Argote-Freyre, Van Vorst, Jackson and Keelan
No	0	
Abstain	0	
Absent	1	McCabe

Mr. Alfieri – Robert Sive, Engineer - Geller Sive & Co. – sworn in;

Mr. Alfieri – will you summarize what is taking place;

Mr. Sive – refer to my site plan dated April 15, 2022 (Exhibit A-6 on list), trash enclose – on the site plan if you look straight into the site from the Market Yard you will see location of enclosure against the building, we propose to move to the West into the cove, between the building and American Hotel; also propose to extend the fence to the corner of the American Hotel building towards our subject property, North, and stop short to proposed front raised walkway; I will advised we need to eliminate the raised planter, there is only 4 feet from the fence to the raised elevation patio to allow the dumpster to roll out; if placing a planter may

cause issue to get dumpster out of location; that is why not on plan, doesn't mean we can't add potted in another location;

Mr. Alfieri – if we change to 2 yard dumpster, does that allow space for planter;

Mr. Sive – we have about 5 to 6 feet behind fence for trash enclosure, leaving 4 feet between fence and raised patio, that is minimum you should leave; maybe put planter near proposed stairs on east side of walkway;

Mr. Alfieri – lighting;

Mr. Sive – two (2) existing site lights – one at the entrance of the parking lot/market yard parking lot and second – pole mounted in the parking area; lighting is adequate lighting today for the area;

Mr. Alfieri – parking and ADA parking;

Mr. Sive – reading from my notes from previous hearings – all on same page; “existing parking behind subject building has eight (8) parking stalls, seven (7) designated for proposed use, 1 designated for House of Glam, shown on previous site plans”; proposed use parking requirement for site today is eight (8) parking stalls under Borough standards and nine (9) parking stalls for RSIS; existing parking is one (1) short for proposed use based on Borough Standards, which the board granted a variance in May of 2021; they received variance for deficient one (1) stall; proposed architectural renovations requires the removal of one (1) parking stall, previously utilized by this use; the specific stall is on the west, adjacent to the building, near proposed raised patio;

prepared new exhibit – 2 pages, cover page photo of site plan with parking lot striping and proposed striping plan;

Ron Cucchiaro – mark as A-16 – mark as Parking Striping Plan

Mr. Sive – A-16 – first page is plan which is show on the current site plan, (page 1) shows 4 existing parking stalls on left and 4 stalls on right side; proposing to (page 2) left side 3 stalls, losing first stall closest to the building near proposed walkway and proposed to restripe right side to 9 foot parking stalls, now they vary from 9.5 to 12.5 in width; we may all 9 feet wide, Borough Code and we gain 1 parking stall;

Mr. Alfieri – if approved how many spaces on site;

Mr. Sive – 8 parking stalls in that parking field; as part of Council review in July 2022, they indicate we can't take credit for parking stall that is partially on our property and partially on Market Yard property (bottom right hand of exhibit); notice one stall is dissected by a dark line which is the property line; Council advised we do not get credit for this as part of on-site parking; leaving us with seven (7) parking stalls for existing use, deficient two (2) stalls; we propose the board grant the parking variance for the two (2) parking stalls; there are still a total of eight (8) in that field, one of which we do not get credit for; uses proposed in the building are residential on the second floor – two (2) apartments and commercial on the first floor; different parking demands with peak time frame; day time for commercial and night for residential; parking demand is offset, work well together; also overflow can go to Market Yard parking lot; striping and total in area, think the variance can be granted; the parking is sufficient and overall is providing aesthetically benefit to the property; addressing the back building, dumpster, fence and walkway;

Mr. Barricelli – any spots ADA compliant;

Mr. Sive – existing handicap parking on bottom left which is in the Market Yard, none on site; it is just adjacent; we can provide but what will happen the stall won't be used often;

Mr. Cucchiaro – this board can't review those requirements, ADA requires that is construction and if that is what code requires you will have to provide; we can accept testimony but if you are required then you will need to provide;

Mr. Maltese – parking on site plan submitted shows only six (7) eligible spots one of which is both on Borough and this property; your stripping plan on left side you have 4 spots on left at 9 feet wide, what are the 3 spots on the right, 8 feet;

Mr. Sive – they vary in size, we can restripe and pick up width;

Mr. Maltese – your reduce from 4 to 3 on left side to allow access for dumpster; the Borough would like to see the curb extend to eliminate as much encroachment as the possibly can in the Market Yard area; will the applicant be opposed to extending for delineation of property line;

Mr. Barricelli – what does that accomplish;

Mr. Maltese – the parking stall that is half on this property and half on Borough property (Market Yard) – it is not a legal stall to the property; to my knowledge, I was informed by Council they are trying to eliminate as many encroachments as they can with any applications that come through in the Market Yard, from the Borough Attorney;

Mr. Sive – if we have to do, we will comply;

Mr. Cucchiaro – perhaps the way to do is if there is an approval, condition it that the applicant provide documentation necessary demonstrating they have the property right to extend over into the Municipal Parking Lot to create that parking spot;

Mr. Alfieri – we don't have the right, it has been there forever;

Mr. Barricelli – 5 min break to sort out with professionals 8:22pm;

Mr. Barricelli – return – 8:29pm

Mr. Cucchiaro – my understand is the Borough is in the process undergoing surveying the Market Yard for a more comprehensive parking program; as a board we can't permit property rights on property we don't own or control so it is not for this board to grant or deny that aspect of the application; the applicant does not have at this moment property right they are aware of, may require but during the process; my recommendation is to consider the application without counting that spot toward their requirement but not require a property right be or not obtained; will be worked out during the comprehensive planning process;

Mr. Alfieri – we understand and for this purpose we need relief for 7 on site spots and if the Borough decides anything further we are ok; that also concludes are engineering summary

Mr. Barricelli – that is fair; any other questions for Mr. Sive from the board;

Mr. Barricelli – any other questions for Mr. Sive from the public;

Mr. Jackson made a motion to close public questions; Mr. Ceppi seconded;

Yes	8	Barricelli, Ceppi, Wildermuth, Crombie, Argote-Freyre, Van Vorst, Jackson and Keelan
No	0	
Abstain	0	
Absent	1	McCabe

Mr. Barricelli – any other comments for Mr. Sive from the public;

Mr. Keelan made a motion to close public questions; Mr. Ceppi seconded;

Yes	8	Barricelli, Ceppi, Wildermuth, Crombie, Argote-Freyre, Van Vorst, Jackson and Keelan
No	0	
Abstain	0	
Absent	1	McCabe

Mr. Alfieri – that concludes are presentation; please consider the architectural changes as discussed in detail and like to strip the parking area based on alternate plan presented with 7 spaces and all other conditions described this evening;

Mr. Jackson – the building color?

Ms. Van Vorst – I think our professional and theirs will work out; we are not using red brick which would contrast to the style; granted it is a subtle change in material, the two professionals will work it out, as historic chair I feel comfortable with that; granted the architectural changes are made I am willing to support the application;

Mr. Wildermuth – plan to support; definitely an improvement to the building and plans look nice; second, I was adamant the first time that the dumpster be dealt with, third, positive dialoged with member of HPC; for those reasons I can support those applications;

Ms. Crombie – I appreciate Mr. Katz commitment to making the Borough a better place and more beautiful and tailoring his previous approved plan to a more complimentary plan, colors and maybe planters;

Mr. Barricelli – outstand application, thank you Mr. Katz; will be a great benefit to the area;

Mr. Keelan made a motion to approve the application as stated; Mr. Ceppi seconded;

Yes	8	Barricelli, Ceppi, Wildermuth, Crombie, Argote-Freyre, Van Vorst, Jackson and Keelan
No	0	
Abstain	0	
Absent	1	McCabe

Mr. Barricelli read Item No. 7 on the Agenda as follows:

Application Number: PB-UV-2022-007, Application: Augun, Michael and Barbara, Location, 75 Broad Street; Block 32, Lot 13 – Zone R-5, Request Site Plan Approval for Existing Non-Conforming Use.

Mr. Alfieri – application for Michael and Barbara Augun, they own the mechanic shop at 75 Broad Street; several years ago there was a fuel tank leak; the DEP got involved and the applicant has spent hundreds of thousands of dollars for clean-up and we are at the end of the clean-up; LSRP issued a final letter which

requires 415 square foot area be capped with concrete covering contamination area; it is such a small area, we attempted to work with Borough officials to get a waiver of site plan but Zoning Officer said no, increasing impervious coverage you have to get site plan; result, we are on a county road so we need County site plan approval also; we are in the process of working through their comments; we have three witness – tenant to talk about business on the site, engineer Rob Sive and since this is a pre-existing non-conforming use, we have a planner to put on the record;

First witness is Jared Earhart – sworn in;

Mr. Earhart – working at the property for 33 years, business owner ship for 20 years, auto repair;

Mr. Alfieri – prior to you being there what was the building use;

Mr. Earhart – it has been an auto repair for 100 years – auto repair / gas station to the mid-90s; when we close the gas station and removed the tanks using we found the leak; never disclosed to the applicant when they bought the property; we are doing remediation;

Mr. Alfieri – if the board approves this application the applicant and you have no objection to eliminating use of the gas station;

Mr. Earhart – no

Mr. Alfieri – what are your hours of operation and number of employees;;

Mr. Earhart – 8am-5pm Monday – Friday, 8am-1pm first Sat of the month; 3 employees and myself for a total of 4 employees;

Mr. Cucchiaro – so I understand, the entirety of this application has to do with you complying with the review of the LSRP – that is what driving the application, not that you are intentionally expanding anything or doing anything business wise; this is necessary in order to remediate

Mr. Earhart – correct;

Mr. Barricelli – any questions for Jared Earhart;

Mr. Alfieri – Robert Sive – Geller Sive & Co; engineer;

Mr. Alfieri – please describe what changes are incurring on the site;

Mr. Sive – looking at the site plan dated July 19, 2022, notice bottom right hand, south easterly corner of the property; two patched area; angle stripped area, represents existing paved area that will be repaved as part of cap area; dotted area is portion that is gravel and grass and will be paved; that is the project, repaving the stripped area and paving the dotted area gravel / grass area;

Mr. Alfieri – any drainage consequence to the area;

Mr. Sive – no, you won't notice a difference;

Mr. Alfieri – that is all;

Mr. Cucchiaro – any limitation of what can be placed on top of the paved area;

Mr. Sive – not involved in area clean-up;

Mr. Alfieri – letter submitted from LSRP dated July 26, states that paved area serves as cap and periodically monitor the paved certified up to a 30 year period; nothing states what happens on the capped area;

Mr. Cucchiaro – we have – listed as Exhibit A-11;

Mr. Barricelli – is this approved material

Mr. Alfieri – yes, we must comply with the state; they will issue a close out letter once we do all the necessary clean-up; other than the monitoring;

Mr. Jackson – stormwater calculation, any issues with storm water run-off;

Mr. Sive – they increase very slightly;

Mr. Maltese – Monmouth County Planning Board has comments, you are able to comply;

Mr. Sive – we must comply;

Mr. Maltese – parking, can you give testimony on existing and any proposed;

Mr. Sive – existing parking is a little hazardous, due to the nature of the site being cleaned up; pockets of gravel; with the repaving, restriping plan – 5 parking stalls on the west side of the existing building is not striped; employees park in the rear gravel area; new paved area will be used for parking;

Mr. Maltese – multiple pictures of parking in the sidewalk area;

Mr. Alfieri – county compliance that has to stop;

Ms. Argote-Freyre – will proposed site go into the hedges, fountain area;

Mr. Sive – hedges will be repositioned , fountain will not be moving;

Mr. Alfieri – James Higgins – Planner over 45 years, testified here and various boards in the State of NJ; sworn in;

Mr. Alfieri - We think it is an expansion of a non-conforming use;

Mr. Cucchiaro – Mr. Chairman, I can clear up – a pre-existing non-conforming use is a use that was permitted at one time and then there is a change in the zoning ordinance; under the MLUL – 1 year to get approval from zoning a certification for the pre-existing non-conformity or the alternative after that year is over you can apply to the zoning board or combined board under Section 68, MLUL for certification; that requires notice and the town is a party and has to be noticed; this complies as pre-existing non-conforming use, they do not however have certification or ask for the certification; they need a D-1 variance, rather than the D-2 variance; not going to make a big difference in this application;

Mr. Higgins – looking at this as a D-1, it has been utilized for this use for approximately 90-100 years, stated in earlier testimony; was actually utilized for a more intensive use, gasoline station and auto; gas station was eliminated and applicant has agreed to not reinstitute that practice; so in the event, with the pre-

existing non-conforming use, and the applicant comes back for certification they are willing to give up that aspect of the prior use of the site; the building is particularly suited for auto repair facility; the site has operated this way for many years; the application advances the purpose of the MLUL regard to promoting the health safety and general welfare of the public, completing the LSRP requirements, which are environmental safety of the public and health of the public; this is substantial positive reason to grant the variance;

I don't see any substantial negative impact; no increase of intensity of the use to the site, building remaining same size, operation of site remains the same and function of the site will get better with paving certain areas of the site and making available for on-site parking with the remediation; Zoning ordinance, this site has been here for many years and does not have a substantial impact on surrounding properties and use is not going to change; I do not see any substantial negative impact on the zoning;

Mr. Alfieri –that is all the testimony Mr. Chair;

Mr. Cucchiaro – to be clear absent this relief and approval the applicant cannot finish the clean-up of the contamination;

Mr. Higgins – correct; if it cannot be completed, I don't know how it will be resolved;

Mr. Barricelli – any questions or comments;

Mr. Barricelli – someone want to make a motion to end testimony;

Mr. Wildermuth made a motion to end testimony; Ms. Argote-Freyre seconded.

Yes	8	Barricelli, Ceppi, Wildermuth, Crombie, Argote-Freyre, Van Vorst, Jackson and Keelan
No	0	
Abstain	0	
Absent	1	McCabe

Mr. Ceppi made a motion to approve the application as presented; Mr. Keelan seconded;

Yes	8	Barricelli, Ceppi, Wildermuth, Crombie, Argote-Freyre, Van Vorst, Jackson and Keelan
No	0	
Abstain	0	
Absent	1	McCabe

Mr. Barricelli – thank you; any other items of interest tonight before we adjourn; hearing none, motion to adjourn;

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

All in favor, aye (all) – nay (none)

Meeting adjourned at 8:58 PM.

Respectfully submitted,

Dominica R. Napolitano