

**FREEHOLD BOROUGH PLANNING BOARD**  
**MINUTES OF AUGUST 9, 2023**

MONTHLY MEETING Borough Planning Board was held on Wednesday, August 9, 2023 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
ABSENT	Mr. Paul Ceppi
ABSENT	Mr. Michael McCabe
PRESENT	Mr. Michael Wildermuth
PRESENT	Ms. Shealyn M.S. Crombie
ABSENT	Ms. Caridad Argote-Freyre
ABSENT	Ms. Brianne Van Vorst
PRESENT	Councilwoman Margaret Rogers
PRESENT	Mr. Garry Jackson
ABSENT	Mr. James Keelan
PRESENT	Mayor Kevin A. Kane

**P. Austin Mueller, Associate attended for Ronald D. Cucchiaro, Esq.**

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

Approval of Minutes from Planning Board Meeting June 28, 2023.

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

Yes	3	Barricelli, Crombie and Jackson
No	0	
Abstain	2	Wildermuth and Councilwoman Rogers
Absent	5	Ceppi, McCabe, Argote-Freyre, Van Vorst and Keelan

Mayor Kane arrived at 7:03pm – note for the record

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

Approval of Minutes from Planning Board Meeting July 12, 2023.

Mr. Jackson made a motion to approve the minutes; Councilwoman Rogers seconded

Yes	5	Barricelli, Crombie, Councilwoman Rogers, Jackson and Mayor Kane
No	0	
Abstain	1	Wildermuth
Absent	5	Ceppi, McCabe, Argote-Freyre, Van Vorst and Keelan

Mr. Barricelli – Anthony page 73 of the minutes when Mr. Gallo made his presentation and talk about when they need to service this project, the cost is born by the developer, my impression is that this

begins at the site where this will be built, including where it gets hooked up, is that your interruption of this;

Mr. Maltese – yes, the connection to the building to the existing system and if the existing system is undersized in any way and they need to put in a new system or increase the size they will have to bear the cost to do so;

Mr. Barricelli – we should see that in the resolution, spelled out, do you agree;

Mr. Maltese – yes, we can make that specific; it is an on-site or off-site improvement and generally considered their responsibility; yes, we can make that specific;

Mr. Jackson – that includes paving, streets;

Mr. Maltese – yes, they will have to obtain all permits, inspections and post bond;

Mr. Barricelli – also we were told that there is a separate water and sewer engineering firm;

Mr. Maltese – typically yes, there has always been a water and sewer firm in the Borough; they are hiring another company to take that back over, I don't know the information;

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

Memorialize Resolution for Application PB-SP-2023-004, GF 620 Park LLC & Goldfinch Retail NJ LLC, located at 620 Park Avenue, Block 110 Lot 9.02 for Preliminary and Final Site Plan Approval for a Conditional Use with Ancillary Variance Relief:

This resolution was revised since we received but nothing substantive;

Mr. Mueller - that is correct, most corrections were rephrasing and clarifying who spoke to what point; you are correct, no substantive change to the resolution; it can be adopted with corrections;

Mr. Jackson – does the parking agreement with 618 need to be part of the resolution, I don't see in here;

Dominica – page 16;

Mayor Kane – they have agreements with each other to use when each business is closed; they have enough parking;

Mr. Maltese – for this application they have enough on-site parking and don't need the parking from 618, it is extra;

Mr. Jackson – 618 needs the extra parking;

Mayor Kane – he has an agreement with the VNA center across the way and he also has valet now;

Mr. Wildermuth made a motion to approve; Mr. Jackson seconded;

Yes	5	Barricelli, Wildermuth, Councilwoman Rogers, Jackson and Mayor Kane
No	0	
Abstain	1	Crombie
Absent	5	Ceppi, McCabe, Argote-Freyre, Van Vorst and Keelan

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

Memorialize Resolution for Application PB-UV-2023-002 Reliable Automotive Equipment Inc., located at 610 Park Avenue, Block 110 Lot 9.04 for Use Variance Relief with Preliminary and Final Site Plan Approval:

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

Yes	3	Barricelli, Crombie and Jackson
No	0	
Abstain	3	Wildermuth, Councilwoman Rogers and Mayor Kane
Absent	5	Ceppi, McCabe, Argote-Freyre, Van Vorst and Keelan

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

Memorialize Resolution for Application PB-SP-2023-005 Soho Ramen, LLC, located at 21 West Main Street, Block 36 Lot 25 for Change of Use and Waiver of Site Plan Review:

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

Mr. Mueller – Mr. Chair this also had two minor revisions we received earlier today from the applicants attorney; they are not substantive, they clarify points and the motion is to adopt with minor corrections;

Yes	4	Barricelli, Crombie, Jackson and Mayor Kane
No	0	
Abstain	2	Wildermuth and Councilwoman Rogers
Absent	5	Ceppi, McCabe, Argote-Freyre, Van Vorst and Keelan

Mr. Barricelli – I would like to comment on the meeting last week; I think we all new what our task as, that we had an agreement between the applicant and governing body involving the court; I was prepared to lead the discuss in that direction; I did not want to relitigate this matter all over again; what I could not understand and still don't, when we passed the resolution initially to redevelop that project, that one of the two renderings was going to be the plan given to us; should be grateful they did not pick the other one; we tried to get them to make modifications to that structure; but they were adamant that if we did, it would violate the agreement; I don't agree but accepted it;

Councilwoman Rogers – no they agreed to make changes to make it fit in more with our architecture in town;

Mr. Barricelli – did you see anything specific;

Councilwoman Rogers – the architect said they would go back and add in cornices or something to fit in with our architecture; it was a challenge because he kept saying it was not in our plan and we made they point to say if it is in our plan and should want to make their design;

Mr. Barricelli – did you think they rendering they provided was going to ultimately going to be what is built;

Councilwoman Rogers – no, I would never thought; anyone that took the time to get to know our town would present a rendering like that as a new structure;

Mr. Maltese – the problem will be falling on me with resolution compliance getting the plans to review and for me to say it fits in with the town; if they don't make any changes where do I draw the line going back and forth with changes; they don't have to make changes;

Councilwoman Rogers – I thought that was to be included as a condition of approval;

Mr. Maltese – they are not conditions, they said cornices but it still won't fit in with the town;

Ms. Crombie – very minimal agreeing to cornices;

Mr. Barricelli – even the color was not negotiable;

Ms. Crombie – we approved it;

Mr. Barricelli – not willing to discuss anything, this is the plan and that was that;

Mr. Maltese – specific conditions must be very specific; I can't have something generic come back and resolution compliance; it has to be very specific, what was in the testimony;

Mr. Wildermuth – I have a question, looking at the minutes from the meeting of July 12; Mr. Gallo, starts on page 5,"Every community has an obligation to create an environment where all types of housing, including affordable housing, can be developed. Each community is expected to allow a certain number of affordable units to be built. Those communities that don't have an approved affordable housing plan are subject to builders' remedies lawsuits and that's what happen to here."

My question is do we know have an affordable housing plan in the Boro or are we still out of compliance and subject to any of these builders' remedies;

Mayor Kane – it is a process; this entire thing is being worked through fair share housing; the fight was for years we had more affordable housing than any town, our incomes are below county and state averages; we were checking off every box; the thought was why do we have to do; then the applicant came in bought the lot, proposed a strip mall, residents didn't want, came here, need 5 votes and got 4; then came back and said your residents said they want residential – here you go, we'll build 100 units and help with affordable housing;

Mr. Wildermuth – what is our plan now with affordable housing;

Mayor Kane – the issue now is the adjustment; the affordable housing planners came up with calculation of X number / property – there have been three rounds, that went under and courts took over and there have been three rounds and they determine what your need is through the courts calculate based on what you have and what you should and do have; that number is being calculated as we speak because there are disagreements with vacant land adjustment; going back and forth; problem is what ever they come

up with, 2025 is another round which is why everything we do going forward will have 15% set aside for affordable housing; redevelopment project will be a big chunk; the builders remedy suit is assigned to a judge, Judge Grasso Jones has our case, they appoint a special master to mediate, and we have our fair share housing attorney, they meet with special master and judge; this has been going on for about three years; the affordable housing plan is written but not approved; we are in the process with the courts to prevent future builder remedy suits; this same applicant is trying with another property; Rt 79 in Marlboro, the development going in, that is the result of builders remedy suit; Wall Township too;

Mr. Barricelli – can you answer about tax abatement, after 5 years; what happens at the end of the pilot;

Mayor Kane – at the end of the Pilot (Payment In Lieu Of Taxes) at the end of the Pilot agreement, they go full tax unless renewed for some reason;

Councilwoman Rogers – looking over, it certainly was indicated that it is a condition of our approval that they make those changes;

Mr. Mueller – the difficulty is the specifics of the changes;

Councilwoman Rogers – the specifics are listed in here, adding cornices, adding features that will make it fit more in with the architecture of the town;

Mr. Maltese – features isn't specific;

Councilwoman Rogers – it says cornices and it says I think we would be able to explore articulating the cornices more, and that might give a little more of a, you know, a historical field you're looking for; (page 127/128 of minutes of July 12, 2023) and I thought they said something about the windows;

Mayor Kane – they will say they are going to do but they won't do much;

Councilwoman Rogers – I understand it won't be perfect but to take a drawing from our plan, as an architecture firm, and pulling a drawing from a document you received, what are you doing;

Mr. Maltese – they drew that; they are the architects that put that drawing together;

Councilwoman Rogers – from our redevelopment plan;

Mr. Maltese – Pennoni did the plan and incorporated the architectural drawings; the architect is the same;

Mr. Maltese – the testimony is they will explore, not that they will do;

Councilwoman Rogers – no they said they will do, said they will make changes;

Mr. Maltese – they will explore, there is nothing specific;

Mr. Mueller – also a question of what degree of historical architecture they will provide;

Councilwoman Rogers – do they have to come back with a design;

Mr. Maltese – they have to come back with final documents with resolution compliance for our review but if they don't make any changes, in my letter I can say have you explored changing anything, it looks

the same; they can respond, and if they respond with we explored and we think it is best to keep it the way it is, I don't know if I can say anything;

Councilwoman Rogers – we should have been advised that night then; I don't recall anyone saying that we need to be more specific; so this is a little frustrating for me because my whole objection was because of the way the building looked;

Mr. Maltese – these are legalities that we are speaking about and at the end of the day, they don't have to change anything;

Councilwoman Rogers – I wish I would have known that, I would not have approved;

Mr. Maltese – I don't think you had a choice;

Councilwoman Rogers – Ron said specifically that we could vote no, my understanding was based on these notes, this would be a condition of our approval that they would be willing to make some of these changes;

Mr. Maltese – I agree, but difficult to enforce when not specific to exact changes;

Mr. Barricelli – I think we can fight that battle when we see the resolution and try to put as many specifics in; as far what the Mayor said, if they don't do we don't have an enforcement mechanism;

Mr. Mueller – we can try to be specific in the resolution;

Mr. Barricelli – this discussion is why I don't like remote meetings; it is important we meet in person;

Mr. Barricelli – anyone else have anything to discuss; Dominica will we have a meeting in two weeks;

Ms. Napolitano – Yes, the resolution for 200 Park Avenue - come prepared with your questions for Ron regarding the resolutions

Mr. Barricelli – thank you; anyone, motion to adjourn;

Mr. Jackson made the motion to adjourn, Ms. Councilwoman Rogers seconded; All in favor – aye (all), nay (none);

Meeting adjourned at 7:34PM.

Respectfully submitted,

Dominica R. Napolitano