

FREEHOLD BOROUGH PLANNING BOARD
MINUTES OF AUGUST 23, 2023

MONTHLY MEETING Borough Planning Board was held on Wednesday, August 23, 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
ABSENT	Ms. Shealyn M.S. Crombie
PRESENT	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 August 9, 2023.

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

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

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

Mr. Barricelli – turned over to Austin Mueller, Associate

Mr. Mueller – the memorialization of application number PB-SP-2023-006, CT95-CT07 200 Park Avenue LLC et al, we received an email and voice message from applicants counsel requesting some of the language be changed; they will send us a red-lined version with their changes; we have not received it yet, and they ask this memorialization be carried tonight to the next meeting;

Mr. Barricelli – ok, what is the interpretation;

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Mr. Mueller – they will send us their revisions, and it will be compared to what our understanding of it is and theirs and see what was agreed to and make sure the language is what was agreed to;

Mr. Barricelli – if there is a conflict;

Mr. Mueller – Ron and I will work out with them; between the lawyers it will be worked out;

Mr. Barricelli – specific condition #11 is what is causing an issue; the word shall is probably the concern;

Mr. Mueller – we will wait to receive their red-lined copy and see what the concern is with the language; We don't know what their comments are, we just received the information;

Councilwoman Rogers – if you look at page 16, it reads we will explore and the specific conditions says shall; they are not agreeing to anything;

Councilwoman Rogers – when we memorialize this, if we said yes before do we have to say yes to the resolution; I am a little uncomfortable with my decision;

Mr. Mueller – it won't change what was approved, you are voting against the document itself not what was agreed to;

Councilwoman Rogers – I understand; so is that permitted;

Mr. Mueller – you can;

Mr. Wildermuth – if you look at page 16 in the resolution, #53 – Mr. Tripp stated the applicants would agree to a condition that the final architecture would be compliant with the redevelopment plan and substantially consistent with the general historical contents of the Borough;

Mr. Mueller – that language came from the redevelopment plan, they may dispute; that is why they ask to carry, until we receive their red-line version of comments;

Mr. Wildermuth – seems like language that helps our case;

Mayor Kane – this will continue, even though they said they would consider with all twists and comparing the two;

Ms. Napolitano – Michael, if you look at the transcript around 114, Ron and Mr. Tripp talk about context / contextual;

Ms. Argote-Freyre – there was discussion about contextual between them and to be in line with the nature of the area;

Councilwoman Rogers – we had this discussion last week, the problem is when they said that, there was no specifics; we did not tell them they had to put cornices, change windows – I got very upset at the last meeting because it was not made clear to us that we had to tell them specific things we want them to look at; so this language is not doing anything for us, especially if they challenge the way it is written in the resolution; we have no case because we didn't tell them specifically what we wanted them to change; so we have not a leg to stand on;

Mr. Barricelli – I think Ron will do a good job;

Councilwoman Rogers – hoping; it wasn't clear to me that we needed to make specific condition; that is why we are going to run into a problem;

Mr. Barricelli – was this discussed at Council level, prior to coming here when they made presentation to Council;

Councilwoman Rogers – at Council the agreement was there plan agreed with redevelopment; I don't remember seeing this specific plan that we saw at the planning board meeting;

Mr. Barricelli – we have learned a lot from this application; did anyone have a chance to review the sewer comments;

Mayor Kane – that is an entire separate discussion, it is a concern for many; going to have to be guaranteed by many people;

Councilwoman Rogers – page #18, page 8 and also #19;

Mayor Kane – this will require many department heads approval; you can't get construction approval without the proper utilities;

Mr. Jackson – I have concerns about the flow over to Enright, could back up to their basement;

Mr. Barricelli – are you comfortable that the State will protect the Borough;

Mayor Kane – Yes;

Mr. Barricelli – anything else with the resolution;

Councilwoman Rogers – is there an issue with the County regarding the deed and property line;

Mr. Mueller – question on the title with whether the County has a dedication or easement; they need to contact Monmouth County, if a dedication then the property belongs to the County and makes the applicants property smaller; it is their understanding it is an easement, even the title insurance company said was an easement; confusing language;

Mr. Wildermuth – page 8, #17 addressing trees on the property; something I brought up when passing the redevelopment plan – mature trees; #17 reads -14 existing trees will be removed, these trees located in the interior of property – my question is, the trees on the western part of the property, separating from the neighbor in the rear, will the trees remain; trees would be better for privacy than a 6 ft. fence

Mr. Mueller – they said they are working with a tree expert;

Councilwoman Rogers – page 13, #37 – discusses tree expert;

Mr. Barricelli – anything else for the good of the order; anything from Council;

Councilwoman Rogers – there are a few things coming up, possible changes of use; we'll see what is decided;

Mayor Kane – Parking Management System is in the roll out process, begin September 5; contrary to everyone belief or opinion; it will be good for Borough long term, takes the burden off the tax payers; there is a demon on tomorrow and next Thursday, 6:00pm, here in front of Borough Hall; will take a bit to work out the kinks; like I said it will start on September 5 and will have a roll out grace period;

Mr. Jackson – how will it work for meetings and voting / election day;

Mayor Kane – employees won't pay, volunteers for meetings won't pay; a daily word will be provided for volunteers; go on the app, put in license plate and key in the daily word;

Mayor Kane – if there is an event, we will notify the enforcement; it will take time to get use to; it is a fiscal responsible thing to do, we have talked about for many years, five years ago wanted to do, then Covid happen; I said when I became Mayor, I would do things, stop talking about and get things done; Redevelopment, Parking Management System, Cannabis up and running; with what we are doing the property values will continue to increase, assessments are up; some are paying more in property taxes because assessments went up; by creating new reoccurring revenue streams that will stabilize increased assessments for more money into the budget; with a fully development town, like ours, three things you can do, raise taxes, cut services or find new revenue streams and that is what we are doing;

Mr. Jackson – anything with Nestle

Mayor Kane – we went to the State immediately, DCA is funding our redevelopment study; we are taking charge and not waiting for Nestle; we will figure out the best use; the state was subsidizing 17 million a year and a contaminated site, not been remediated in compliance with what they were supposed to do; the state is going to come down hard; Nestle owns the property, they will continue to pay their taxes; we have had inquires where a local vender wants to buy the Nestles water consumption; we are working hard to make changes, people aren't comfortable with change but if we don't someone else will come in and say here is what you're doing; perfect example, 200 Park Avenue, you don't act on something you this is what happens; need to take aggressive approach to control the conversation;

Mr. Barricelli – four years ago we knew the consequence;

Mayor Kane – we tried to fight it; and could have had more consequence;

Mayor Kane – during the RCA program everyone had no problem writing checks giving to Freehold Borough, we made out improving our housing stock all those years, but the Courts, now they are in charge and are making sure towns are building what is required;

Mayor Kane – we are in exciting times; it is different, and some of the long time Freehold Borough residents might not see that way, but if we don't do something this 200 Park Avenue is the example of what could happen down the road;

Mr. Barricelli – thank you – we appreciate that you are here, take the time and attend all the meetings;

Mayor Kane – this is an important board and a great board at that;

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

Ms. Napolitano – yes, only to memorialize this resolution; we have applications but not ready to be heard;

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 7:33PM.

Respectfully submitted,
Dominica R. Napolitano