

FREEHOLD BOROUGH PLANNING BOARD
MINUTES OF JUNE 14, 2023

MONTHLY MEETING Borough Planning Board was held on Wednesday, June 14, 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
PRESENT	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

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

Approval of Minutes from Planning Board Meeting May 10, 2023.

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

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

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

Approval of Minutes from Planning Board Meeting May 24, 2023.

Councilwoman Rogers made a motion to approve; Ms. Argote-Freyre seconded;

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

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

GF 620 Park LLC, Application PB-SP-2023-004, Location 620 Park Avenue, Block 110, Lot 9.02, Zone B-2b requesting Preliminary and Final Site Plan approval. This application is continued from May 10, 2023

Peter Licata, Esq. – representing GF 620 Park LLC, continue where we left off May 10, tonight I have three principle topics to discuss; review parking spaces and arrangements between this property and 618 Park Avenue property; review site related changes and reviewed by engineer; and Planner to review items of signage;

Project Engineer – Jim Bash still under oath;

Mr. Licata – regarding parking lease between the two property owners (620 & 618) wherein they give each other the right to use spaces in each other's respective properties at various times of day correct;

Mr. Bash – yes;

Mr. Licata – since last here, with Ms. Napolitano's help, we got several resolutions for the 618 property going back about 20 years, correct;

Mr. Bash – yes;

Mr. Licata - please describe what we learned from this information;

Mr. Bash – at 618 there are 79 parking spaces that 620 is allowed to use at the following times; Monday, all day, Tuesday – Saturday 8am – 4pm and Sunday 8am to noon; in turn we allow them to use 50 spaces from 8pm – 2am; those hours never overlap when one of the businesses is open; during the last meeting we demonstrated our 50 spaces plus two (2) EV parking spots are more than sufficient for our parking needs and what is required;

Mr. Licata – whenever we are allowed to use the 618 parking spaces, they are not open, correct? And when we allow them to use our spaces we are not open, correct?

Mr. Bash – correct;

Mr. Licata – looking at the history of approval for 618 resolutions 2019 and 2003, couple of statements and findings at the time, in 2019 the owner had a one-year lease agreement with the 620 owner for parking at 9pm – 2am and the only evidence they presented as to their use of that property, correct?

Mr. Bash – correct;

Mr. Licata – going back to 2003 the prior owners similar use, different name and different owners, they stated similar condition and they stated they would provide parking lot attendant and shuttle bus service for patrons if needed and they would not allow their employees to park from the 9pm – 2am to allow more parking for patrons, correct?

Mr. Bash – correct;

Mr. Licata – as mentioned we are required to have 38 spaces, we have 50 actual spaces and as Will Hickcox testified on May 10, he indicated there are two shifts for the operation of this project and maximum number of shift at the busiest time would be 18 employees; up to 18, not always 18 employees; consisting of 5 managers, 8 retail associates, 3 fulfillment associates, security guard and compliance officer, so rounded to 20 employees;

Mr. Bash – correct;

Mr. Licata – one of the employees may stay longer after shift to give update to incoming employee for smooth transition; if all employees there, 50 spaces, 20 taken by employees, 30 available for customers; and we can use 618 for overflow;

Mr. Cucchiaro – Mr. Chairman, the reason we ask for clarity on parking was there seem to be an issue as to whether they had the 50 parking spaces if they could be taken by the agreed lease and variance relief may be necessary; they have proven tonight is they do have the required number of parking spaces on sight and the rights to have additional spaces off site are relevant to us because they have satisfied on-site parking requirement proven through the submission of the prior resolutions and lease agreements that there will not be cross over in terms of neighbors agreement to park on this property during business hours; if there is an approval that will be a condition of this approval so we ask them to prove if they comply; in my opinion that is what they have done and we now know the variance relief is not required;

Mr. Licata – since here last, Jim made a number of revisions to the site layout to incorporate a number of items your board engineer had in the report; the drive isle, parking locations; please walk us through;

Mr. Bash – highlight major changes; at the bottom of the site, turn more than 90 degrees, we revised the bottom so it is two 90 degree turns which creates better circulation and conditions bringing our total parking spaces to 50 getting credit for two additional EV spaces; the EV spaces are closet to SW corner of the building and will be signed / marked for those who need; a conduit will be run from the building across the drive isle; next we widen the pick up lane to 11 feet to address the engineers comments; drive isle on western side of building widen to 18 feet; previously we had the ramp way along the building and property line and providing crossing; there was discussion about cross access with the lot to the east, we did propose concrete curb as a barrier to prevent cars from going back and forth between properties; one concern of storm water and drainage pattern, brings around front of building and long the property line toward the rear; depressed curb in a few locations and is small gap at the building to allow some water to maintain its current drainage pattern; added curb around the trash enclosure and curb at the front;

Mr. Licata – since changes you received updated engineering report; follow up comments;

Mr. Bash – relatively minor, no problem addressing them and will have no negative impact;

Mr. Licata – the applicant will have no issues with changes if this approval is granted;

Mr. Bash – correct;

Mr. Barricelli – looking at plan and survey having a difficult time understanding how they relate; I went to the site today, looks like existing conditions of parking is shown here, and behind the paved is stone with 2 trailers and woods;

Anthony Maltese – see the demo plan, sheet three – it will show the phases when you get past this page from construction, they remove the existing conditions;

Mr. Barricelli – this dark shaded area is new parking;

Mr. Bash – yes, will pave and extend close to property line;

Councilwoman Rogers – admire there is enough parking do you anticipate that many customers at one time; thought by appointment;

Mr. Bash – expect parking sufficient may be times that higher and we want to be sure we have the availability;

Councilwoman Rogers – so 618 is a safeguard;

Mr. Bash -yes, busier on grand opening and other significant days of operation – April 20;

Mr. Licata – overflow for extraordinary circumstances;

Councilwoman Rogers – walkway to 618?

Mr. Bash – at the curb on property line;

Mr. Wildermuth – are there any variances in affect for 618 for parking; this applicant is providing what is expected of them 38 and they have 50; did we pass anything and they have approval with being contingent on being able to park on this property at 620; what concerns me is we are proposing a business here, 10am to 8pm, 7 days a week; I see 6pm to 8pm on Friday and Saturdays being a night mare; 618 will run out of parking and this business is still open until 8pm; is there anything on the books we passed for 618; a variance that depends on this business parking lot

Mr. Cucchiaro – we would have to look but you can't deny this application based on parking because of that; what we can do is take a look and if this parking plan they both agreed to violates their variance we can take appropriate action against their approvals;

Mr. Wildermuth – I understand – we need to look at;

Mr. Licata – I have studied these resolutions closely and the parking arrangement we have made with 618 and documented with your professionals is completely consistent with their approvals; does not trigger any issues;

Mr. Cucchiaro – my recollection when they submitted the parking agreement for approval, we raised the issue that a one-year period of duration; there parking was dependent on this property and if not, then approvals would be looked at; I suspect Mr. Licata is correct and a number of spaces and being reliant upon with the terms, they do not interfere with the resolution written or parking available there;

Mr. Barricelli – the prior use of this lot was a paint store; my concern is 618 will need parking;

Ms. Argote-Freyre – signage, still need to discuss;

Mr. Bash – the planner still needs to testify;

Mr. Barricelli – distance between the building and build on east side; how much room and drive thru;

Mr. Maltese – it is 2 ½ feet;

Mr. Bash – we increased the drive isle to 11 feet;

Mr. Barricelli – open to the public, any questions for Mr. Bash; seeing none;

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

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

Mr. Licata – I ask John Barree, Planner to come up;

John Barree with Heyer Gruel & Associates, Professional Planner – sworn in – gave credentials;

Mr. Licata – please go over and share your professional comments;

Mr. Barree – standard with application, visit property and review the plans and revised plans, reviewed borough zoning ordinance and master plan documents to get a complete understanding of what we are presenting;

There are no halfway houses, correctional facilities located within 200 ft. and no licensed child care facilities within 250 feet and no schools within 500 feet; confirm location complies with borough ordinances;

Signage – 2 elements - free standing sign repurpose the sign there today and 2 separate sign elements affixed to the façade – the name and the logo; the relief we go to appendix D, design standards 15.16 of code and we have three separate areas seeking relief; maximum width of free standing sign not to exceed six feet, sign exists today is 6 ½ feet wide and will be updated with a new face but not wider, the non-conformity exists will remain; the height of free standing sign is 14 ½ feet and 15 is permitted, set backs all comply; as to building mounted we have two areas, relief from D, there is a limit on one sign where between the text element and logo we have 2 separate signs but working as one message; then the area of signs, limitation of width is 16 feet, the width of the letter is 19 feet and we are 3 ½ feet wider than permitted and the height of the façade sign is limited to 1 ½ feet and we are at 5 ½ feet with the letters begin 2 ½ feet tall; both exceed permitted height and need technical relief; that is the total sum of what we are seeking; all other aspects comply, lighting, color scheme;

proofs for C variance we have C1 and C2, overall benefits detriments; repurpose existing building and existing site, repurpose sign, use is permitted, demand and lack of type of business, the need in the state wide and Monmouth County; positive criteria A – H – G – I;

A – public safety and general welfare; H – encourage free flow of traffic, well identified site; G – providing an appropriate location for use, this use is permitted in the zone by ordinance; I – overall improvements to the site and update what is aged property and improvements to the building façade, signage both building and free standing with modernization;

second part – any substantial detriment criteria; really no detriment associated with signage; all well contained and free standing exists today and has for many years and being repurposed; other area is Master Plan and zone ordinance; maintain the esthetic character and think this context not in heart of historic district, mid century pattern and signage proposed will be more modern and consistent with surroundings; Master Plan and Reexamination reports, 1980 – 2017, there are no particular recommendations to the zone and site and no discussion of use and standards are incorporated into the ordinance; you have heard all work into operation and engineering design and accommodation to address the boards concerns; no issues and consistent with overall site;

Mr. Licata – thank you John, questions;

Councilwoman Rogers – the sign was approved by the state;

Mr. Licata – as I understand no, there are limitations of the nature of signage and logos that can be used for this industry; no cannabis leaf or something attractive to children, cartoon fashion

Mr. Cucchiaro – we have an ordinance that prohibits anything promoting excessive use;

Mr. Barree – state updated in March – the Gold Finch bird does not promote use;

Mr. Maltese – any lighting with the signage;

Mr. Baree – back lighting for the logo sign LED similar to a neon sign but permitted under the ordinance; free standing in internal illumination, light box style exists today and will remain;

Mr. Maltese – not certain but believe state regulation that these signs for this type of business are not to be lit overnight; we discussed in prior application; are you aware?

Mr. Barre – no aware of specifics on state level;

Mr. Cucchiaro – you are not asking for relief, we can say, if approved, you will comply with all state and local sign regulations; perhaps a condition in addition to the general condition is that a note be placed on the plan that states what the requirement is in terms of the can and can't be for signage;

Mr. Jackson – business compliant with Borough ordinances, residential property within 200 feet, on township side, do we need to concern our self with;

Mr. Cucchiaro – not part of our conditional use requirement;

Mr. Barricelli – public questions for Mr. Barree; hearing none;

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

Ms. Argote-Freyre – clarify signs; one for the name and one for the logo and a free standing;

Mr. Barree – correct; the free standing is existing, non-conforming and the façade sign will be two signs acting as one; allowed is 16 feet and the proposed is 19 ½ feet; in terms of the building it is not over size and scale of the building;

Mr. Licata – no other witness to present, thank you for your consideration and hope you are satisfied with our testimony and updates and information provided;

Mr. Barricelli – any member of the public wish to comment; hearing none;

Mr. Jackson motion to close public comments; Councilwoman Rogers seconded;

Mr. Barricelli – roll call to close public portion;

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

Mr. Cucchiaro – the applicant is seeking preliminary and final site plan approval with ancillary variance relief;

Mr. Barricelli – clear up for me how the drive up will work;

Mr. Hickcox – you are still under oath – Mr. Cucchiaro stated;

start a preorder – call in or on the app, select a time, you arrive at the time provided, park, check in on the app, notifying us you are here and ready to pick up; we will advise you when the order is ready and when head to the window to pick up and drive away; required to show identification;

Mr. Barricelli – why not go in, if they are coming to pick up

Mr. Hickcox – little quicker, no line, expedites the process;

Ms. Argote-Freyre – you could go inside to place order and then pick up at the window;

Mr. Hickcox – no, if inside you will receive inside;

Mr. Barricelli – Board deliberations;

Mr. Wildermuth – the business will satisfy the demand that exists; applicant satisfied the parking requirements; complies with engineering report; comply with all ordinances; the building is appealing; the sign will need to comply with any variance; improvement for the area; will be voting yes;

Councilwoman Rogers – agree with Michael and agree needs to comply with signage variances and comfortable with this application; will be voting to approve;

Ms. Argote-Freyre – recognize there is a need, answered all questions and dealt with all concerns; not happy there will be more impervious coverage in town, in general; signage not sure why needs to be larger, will it be nicer, maybe or not; not comfortable with approving that variance; is that enough to deny;

Mr. Jackson – agree with all members spoken; resolution to have the fire official comment;

Mr. Cucchiaro – we will put in standard condition if approved;

Mr. McCabe – agree with my colleagues, satisfied all concerns; signage is larger but not a reason to deny;

Mayor Kane – I welcome the business;

Mr. Barricelli – Peter you always put together a great team, with material and I intend to vote yes on this application;

Mr. Barricelli – anyone to make a motion;

Mr. McCabe made a motion to approve the application; Councilwoman Rogers seconded;

Yes	7	Barricelli, McCabe, Wildermuth, Argote-Freyre, Councilwoman Rogers, Jackson and Mayor Kane
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No	0	
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Abstain	0	
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Absent	4	Ceppi, Crombie, Van Vorst and Keelan
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Mr. Barricelli – anyone else; motion to adjourn

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

Meeting adjourned at 8:00PM.

Respectfully submitted,

Dominica R. Napolitano