

FREEHOLD BOROUGH PLANNING BOARD
MINUTES OF FEBRUARY 11, 2015

MONTHLY MEETING

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

Ms. Sims 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. GARRY JACKSON
PRESENT	COUNCILMAN GEORGE SCHNURR
PRESENT	MR. ADAM REICH
PRESENT	MS. DANIELLE SIMS
ABSENT	MS. MARJORIE GOETZ
ABSENT	MR. ROBERT OAKES
PRESENT	MR. WILLIAM BARRICELLI
ABSENT	MR. KEVIN LEWIS
PRESENT	MS. ANNETTE JORDAN
PRESENT	MS. JAMIE BENNETT
PRESENT	MAYOR J. NOLAN HIGGINS

Ms. Sims read Item No. 3 on the Agenda as follows:

Approval of Minutes from the Reorganization meeting of
January 14, 2015 and regular meeting of January 14, 2015.

Councilman Schnurr made a motion to approve the minutes, Mr. Barricelli seconded.

Roll Call:

Yes	8	Sims, Reich, Barricelli, Schnurr, Jackson, Jordan, Higgins, Bennett
No	0	
Abstain	0	
Disqualified	0	
Absent	3	Geotz, Oakes, Lewis

Ms. Sims read Item No. 4 on the Agenda as follows:

Urban Land Institute - Technical Assistance Panel.

Mayor Higgins introduced Jean Holtz and Jamie Bennett.

Ms. Holtz stated when Mayor Higgins was elected several years ago, he and I talked about a lot of things that could happen for the good of downtown Freehold and over time I shared with him some information that the firm she works for did to redevelop downtown New Brunswick. When Ms. Bennett moved to Freehold Borough last year I found out that she was a land use attorney and was very adept and knowledgeable about the redevelopment process. We then began talking and together we came before Mayor Higgins and Mr. Bellina with a proposal. Ms. Bennett's law partner is the President of ULI North Jersey (Urban Land Institute), which is a highly regarded institute of developers, architects, planners and land use professionals and together they make up a technical assistance panel. We realized that this might be a way for us to thoughtfully, collaboratively and strategically use for the betterment of downtown Freehold, as well as, other areas in the Borough.

Ms. Bennett stated ULI is a non-profit organization made up of experts in the field of real estate, land use and planning. The Technical Assistance Panel (TAP) process capitalizes on their expertise but also incorporates the comments of the public and the vision of the town leadership into one cohesive process that can yield a great deal. The technical assistance panel happens in three parts:

- The planning is the first part and in that part the Borough with input from the public identifies issues and areas that are of concern, where land use expertise could be helpful.
- The next part is to identify people in town who are stakeholders in the redevelopment process, business owners, residents and members of the land use committee.
- The next part is when ULI decides which of its members are best suited to guide the Borough.

Once all of that planning is in place and ULI has identified 6-8 panelists, there is a two day process, which usually starts on a Thursday with a tour of areas that they are looking at. Right after the tour is over, the panelists start meeting with the

stakeholders and that is a time for members of the public to participate in identifying and collaborating on strategies of their own and issues and challenges that they see. Ultimately this gives this un-bias panel a wealth of information and by the end of the first day they know the area that they are talking about, they know the Borough's vision and they understand what the public wants. The panelists will then go into a conference room to collaborate the Borough issues. At the end of that process they will meet with the mayor and council to present their findings. They will then do a report with their recommendations and determinations and eventually give a presentation to the public.

Ms. Sims asked if the people evaluating were familiar with the area.

Ms. Bennett replied some of them are. The stakeholders are all local but the volunteers are members of the ULI North Jersey Chapter.

Ms. Holtz stated these individuals are highly regarded experts who can give us an objective view point based on best practices and redevelopment.

Mr. Reich stated the TAP focuses on certain areas that the town decides upon, but do they also given an overall report of the town or does do they just focus on those specific areas.

Ms. Bennett replied if something jumps out at them that they haven't been asked to comment on, they will address it.

Mr. Barricelli asked if there was a financing component to the study. Will the study identify revenue sources?

Ms. Bennett replied yes.

Ms. Sims asked if they have ever done a "donut" town.

Ms. Holtz replied no, Freehold Borough will serve as a guideline.

Ms. Jordan asked what the next step was.

Mr. Bellina replied the planning board should adopt a positive Resolution recommending Urban Land Institute.

Ms. Sims made a motion to authorize a draft Resolution recommending Urban Land Institute, Mr. Reich seconded.

Roll Call:

Yes	6	Sims, Barricelli, Schnurr, Jackson, Reich, Jordan
No	0	
Abstain	0	
Disqualified	2	Bennett, Higgins
Absent	2	Oakes, Lewis

Mayor Higgins left the meeting.

Ms. Sims read Item No. 5 on the Agenda as follows:

Application Number PB-UV-14-009.
Applicant - Robert Cusic.
Location - 30 Institute Street, Block 84, Lot 87.
Request - Use Variance Relief to construct a proposed two
story, two family dwelling.

Councilman Schnurr and Ms. Bennett are disqualified from this application and stepped off the dais.

Mr. Cucchiaro, Esq. noted he reviewed the affidavit of publication and notice of service and found it to be in conformity with MLUL in the State of NJ & local ordinances.

Mr. Vincent Halleran, Esq., attorney for the applicant asked for this hearing to be carried until the next meeting with no further notice required.

Mr. Reich asked Mr. Halleran, Esq., to have the applicant provide a basement plan for this property.

Mr. Halleran, Esq., stated he will inform the applicant.

Mr. Cucchiaro, Esq., stated this application will be carried until the March 11, 2015 meeting with no further notice required.

Ms. Sims read Item No. 6 on the Agenda as follows:

Application Number PB-UV-12-005.
Applicant - CCM Properties - American Granite.
Location - 56 Jerseyville Avenue, Block 108, Lot 10.
Request - Amended site plan.

Ms. Bennett reclaimed her seat back on the dais.

After consultation with Mr. Cucchiaro, Esq., and Mr. Bellina, Councilman Schnurr, reclaimed his seat back on the dais because this application is for an amended site plan and not a use variance.

Mr. Bellina explained that the application number was an old agenda number and it probably wasn't characterized correctly when it was originally done.

Mr. Cucchiaro, Esq. noted he reviewed the affidavit of publication and notice of service and found it to be in conformity with MLUL in the State of NJ & local ordinances.

A-1 Proof of Notice.

A-2 Tax Certification dated 1/21/15.

A-3 Land Use Application dated 1/6/15.

A-4 Letter from Mr. Halleran to Mr. Bellina dated 1/6/15 regarding escrow.

A-5 Developers Agreement between Borough of Freehold and C.C.M. Properties, LLC.

B-1 Engineering Review from William Wentzien dated 1/21/15.

B-2 Letter from William Wentzien regarding the meeting held on 12/18/14 at Freehold Borough, which included the meeting minutes.

Mr. Vincent Halleran, Esq., represented the applicant.

Mr. Cucchiaro, Esq., swore in the following witnesses:

Mr. Chester DiLorenzo PE, LS, PP, Midstate Engineering, Inc.

Mr. Carlos Guzman, owner, American Granite.

Mr. Halleran, Esq., asked Mr. Wentzien to explain why they are here this evening.

Mr. Wentzien stated this site had an application that was approved by Resolution in 2012. In that approval the applicant was to provide for a new warehouse building in the back of the property 8,000 square feet in size and take the existing one story building in the front and put a second story on it. He was to remove what would have been the open area between the existing building and what was the proposed building. The open area was being used for outdoor storage of granite slabs. The purpose of putting in the warehouse building in the back was to allow for a display area of his products and to be able to protect the products from exposure to the elements. The approval required 50 parking spaces and they

had 19 parking spaces and a parking waiver was granted of 31 parking spaces. This approval was for preliminary site plan only. There were certain conditions in the Resolution that were not followed.

Mr. Wentzien stated the 8,000 square foot building was constructed in the back, the building has the storage material (granite) inside, the central portion of the site where the 15 parking spaces were to go was never striped and the outdoor area between the buildings continues to be utilized for outdoor storage of the stone. The storage of the stone is also now coming up along the two sides of the building almost to the point of being in the front edge of the building. As part of the approval, the roof area of the building was going to go into a run-off chamber, that chamber was not constructed and the second floor that was going to be put on the building was never constructed. Due to the utilization of the building the code enforcement officer got involved and a citation was issued for the utilization of a building without a certificate of occupancy and there were certain requirements that he had asked for in an effort to help clean that up, which dealt with footing certifications and the fact that an overhead crane system was installed in the building without finalized structurally supporting calculations.

Mr. Wentzien stated there was a meeting on December 18, 2014 with the applicant, Carlos Guzman, Vincent Halleran, Chester DiLorenzo, Matt Young, Hank Stryker, Joseph Bellina, Vincent Creevy and myself. At the conclusion of the meeting, it was decided that the applicant was to provide design calculations for the crane system and to provide footing certifications and they had to provide an amendment to the building permit application to allow for the crane system. They were also to provide for the amended site plan. They were to remove the outdoor storage of the stone at least from the sides of the building and to clear an area behind the building, which has been done.

Mr. Wentzien stated the immediate concern for us tonight was the applicant needed to submit an amended site plan, the main difference between this plan and the plan that was approved in 2012 was they wanted to maintain the existing 8,000 square foot building in the back and remove the request to provide for the second floor to the existing building. They would like to continue using the central portion of the site for outdoor storage of the stone products. This will affect parking; with the removal of the second floor it has changed the required parking. The required parking is now 40 spaces. The plan that was submitted provides 12 parking spaces with a shortage of 28 spaces. They are also proposing to eliminate the underground roof run-off chamber.

Ms. Sims asked if the board was looking for amended preliminary and final approval.

Mr. Halleran, Esq., stated yes.

Mr. Jackson asked on the original Resolution that was approved in August, 2012, on page 4 there was a list of specific conditions are all of these still going to be done.

Mr. Wentzien read the conditions aloud and stated they would still need to be done.

Mr. Jackson asked a question on Mr. Wentzien's report dated January 21, 2015 on page 2, under previously approved number 11 which dealt with the underground roof run-off. Is that for the existing building or for the new building?

Mr. Wentzien replied this was to just provide for some assistance to take the run-off from the roof and let it work its way out and seep into the ground.

Mr. DiLorenzo stated he agrees with everything in Mr. Wentzien's report and he is going to comply with the report to the best of his ability. The big issue here is Mr. Guzman went ahead and got his building permits and put in the warehouse style building. Then he went to the bank to get a loan to construct the rest of the site and that's when they reviewed the existing threshold levels of contaminants in the ground water table which were not generated by this applicant. There are solvents in the ground water below the entire area that were compliant in 2005 but when the NJDEP changed the threshold limits they became non-compliant and because of this the bank would not lend him the money to complete the improvements. Also, because of this he cannot put in a recharge basin. Mr. Guzman would like to leave the display granite in the backyard, as well as, in the warehouse building.

Mr. DiLorenzo stated the "crux" of the application is the parking. He believes parking is not a problem here. Mr. Guzman's 10 employees do not have vehicles. Most of the key personnel take the trucks home. They do not have a problem with employee parking at the site. This is not like you are going to CVS and buying bottled water, this is a destination site, when consumers want stone they call make an appointment and then come by and pick a slab of granite. There has never been a parking problem at this site.

Mr. DiLorenzo stated we will to go to the site with Mr. Wentzien and his staff and decide what landscaping and lighting should be put there.

Mr. Halleran, Esq., asked Mr. Wentzien if there was anything that Mr. DiLorenzo has not covered.

Mr. Wentzien stated the applicant agrees to replace any fencing that should be replaced. The lighting is minimal and there should be more lighting around the parking spaces. Trash will continue to be stored inside because that was one of the conditions before. As part of this amended plan, the plans must be formerly and separately submitted to the fire official for his review as it relates to circulation. There is also the parking variance for 28 spaces.

Mr. Cucchiaro, Esq., stated assuming there is an approval tonight, the applicant is going to meet with Mr. Wentzien to discuss what the final lighting plans are going to look like, but whatever it looks like, it is going to comply with the ordinance requirements.

Mr. Cucchiaro, Esq., asked on the environment, as far as the NJDEP is concerned, the operations on the site can move forward despite whatever the ground water contamination is.

Mr. DiLorenzo stated yes, it is not a major problem but we cannot put a recharge basin in it.

Mr. Cucchiaro, Esq., stated your proofs for the variance sounds like you are proceeding under C-1 and C-2.

Mr. DiLorenzo agreed.

Mr. Reich asked is there a truck that delivers materials to the site.

Mr. DiLorenzo replied once a month they get a tractor trailer that comes early in the morning and backs all the way down, unloads the stone and drives away.

Mr. Reich asked if there was amended signage.

Mr. DiLorenzo replied no.

Mr. Reich asked if there were changes to the one story building.

Mr. DiLorenzo replied no.

Mr. Reich asked about protective bollards.

Mr. DiLorenzo replied they will be installed.

Mr. Cucchiaro, Esq., asked for clarification on the bollards for resolution purposes.

Mr. Reich replied as per review and approval by Mr. Wentzien, additional bollards will be installed to protect the building corners.

Ms. Sims asked if there had to be a fire lane around the warehouse building.

Mr. Jackson stated that this was a concern when the applicant was here the first time.

Mr. DiLorenzo replied that access would have to come from the Foodtown parking lot; he didn't realize they needed circulation around the building.

Mr. Barricelli asked for a clarification of the parking spaces variance, he thought that 19 parking spaces were previously approved and now they need 12.

Mr. DiLorenzo replied the 7 parking spaces that have been lost were due to the storage of the stone, but the need has decreased to 28 spaces.

Mr. Barricelli stated he drove past the site twice today and at both times there were work vehicles there blocking the exit.

Mr. DiLorenzo stated it is not an exit yet but it will be and the trucks will be relocated.

Councilman Schnurr stated we had an application back in 2012, we had an approval, some of the things happened, some didn't what assurances do we have that the applicant will comply with all the conditions this time.

Mr. Halleran, Esq., stated the summons was issued because of the location of the granite.

Mr. Guzman stated when he did the building in the back he was under the impression that the bank was going to lend him \$500,000. But when he went for the loan they found there was a problem with the land and the bank wouldn't give him the loan.

Councilman Schnurr asked Mr. Wentzien if he was happy with the drainage.

Mr. Wentzien replied yes.

Councilman Schnurr stated there is an ordinance since 2012 that states when there is a parking deficiency applicants must pay \$100 per parking space and this equates for to \$2,800 for this application.

Mr. Halleran, Esq., stated it is up to the board whether they will charge this fee, since they already waived 31 parking spaces in 2012. He does not agree with this fee.

Councilman Schnurr stated the planning board cannot waive what the council has already decided as per ordinance.

Ms. Sims asked if the ordinance read if any previous waivers would be grandfathered.

Mr. Wentzien replied no.

Mr. Cucchiaro, Esq., stated we are not here to discuss the wisdom of the ordinance. Whether we believe the ordinance is unfair is irreverent. The plain language of that ordinance is if you are granted a variance you shall pay the fee.

Ms. Sims asked for questions or comments from the public.

There were none.

Ms. Sims asked if the applicant is looking for amended preliminary approval and final approval.

Mr. Cucchiaro, Esq., stated they are looking for amended preliminary approval and final approval with ancillary variance relief.

Mr. Reich made a motion to approve the amended preliminary site plan and final site plan approval with all the ancillary variances, Ms. Jordan seconded.

Roll Call:

Yes	7	Sims, Barricelli, Schnurr, Jackson, Bennett, Reich, Jordan
No	0	

Abstain 0
Disqualified 0
Absent 3 Geotz, Oakes, Lewis

Ms. Sims asked if there were any questions or comments from the board.

There were none.

Ms. Sims asked for question comments from the board.

Mr. Reich stated the Historic Preservation Commission has not met yet this year due to snow but at the next meeting they will be discussing the demolition of the Bennett Street School and he welcomed the planning board to attend.

Ms. Sims stated since there wasn't anything for the meeting of February 25, 2015, that meeting will be cancelled and the next meeting will be held on March 11, 2015.

Ms. Sims made a motion to close the meeting with All in Favor and Ms. Geotz, Mr. Oakes and Mr. Lewis absent.

There being no further business, the meeting was adjourned at 8:45 PM.

Respectfully submitted,

Antoinette Jones