

**FREEHOLD BOROUGH PLANNING BOARD**  
**MINUTES OF MARCH 11, 2015**

MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, March 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
ABSENT	COUNCILMAN GEORGE SCHNURR
PRESENT	MR. ADAM REICH
PRESENT	MS. DANIELLE SIMS
PRESENT	MS. MARJORIE GOETZ
ABSENT	MR. ROBERT OAKES
PRESENT	MR. WILLIAM BARRICELLI
ABSENT	MR. KEVIN LEWIS
PRESENT	MS. ANNETTE JORDAN
PRESENT	MS. JAMIE BENNETT
PRESENT	MR. CORNELIUS BEGLEY
PRESENT	MAYOR J. NOLAN HIGGINS

Mr. Ronald D. Cucchiaro, Esq., swore in Mr. Begley.

Mayor Higgins welcomed Mr. Begley and thanked him for joining the planning board. By way of background, Mr. Begley has served on the Freehold First Aid Squad; he lives on Phyllis Road with his wife and is an educator and principal of St. Leo's School in Lincroft. He also has an impressive background and is a graduate of West Point.

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

Approval of Minutes from the meeting of February 11, 2015.

Mr. Reich made a motion to approve the minutes, Ms. Jordan seconded.

Roll Call:

Yes	7	Sims, Reich, Barricelli, Jackson, Jordan, Bennett, Higgins
No	0	
Abstain	0	
Disqualified	2	Begley, Geotz
Absent	3	Schnurr, Oakes, Lewis

Mayor Higgins left the meeting.

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

Resolution of Amended Preliminary and Final Site Plan  
Approval with Ancillary Variance Relief.  
Application Number PB-UV-12-005.  
Applicant - CCM Properties - American Granite.  
Location - 56 Jerseyville Avenue, Block 108, Lot 10.

Mr. Barricelli made a motion to approve the Resolution, Ms. Jordan seconded.

Roll Call:

Yes	6	Sims, Reich, Barricelli, Jackson, Jordan, Bennett
No	0	
Abstain	0	
Disqualified	2	Begley, Geotz
Absent	3	Schnurr, Oakes, Lewis

Ms. Sims stated we will be going out of order and read Item No. 6 on the Agenda as follows:

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

Application Number PB-ZI-15-001.  
Applicant - Eunice Moya - Alex Barber Shop.  
Owner - Peter Goranites.  
Location - 26 West Main Street, Block 71, Lot 5.  
Request - Interpretation of Land Use Ordinance.

A-1 Land Use Application Checklist dated 2/11/15.

A-2 Land Use Application dated 3/3/15.

A-3 Letter dated 2/27/15 from Vincent Halleran, Esq.

B-1 Application Review report dated 3/4/15 prepared by William Wentzien, Abbington Associates.

Mr. Cucchiaro, Esq., swore the following individuals:

Ms. Eunice Moya, applicant.

Mr. Henry A. Stryker, III, Zoning Officer.

Mr. Halleran, Esq., is representing the applicant and he asked her to explain what she will be doing on the property.

Ms. Moya stated she is planning to open a barber shop with four chairs for men's haircuts and possibly a manicure station. Previously the building was a nail salon. She submitted a Zoning Application and it was denied because it is a different type of business.

Mr. Halleran, Esq., stated his position and the position of the applicant is that a nail salon and beauty salon is the same type of use. The ordinance contemplates a change in use but he believes the interpretation has always been if it is really different than it is considered a change in use.

Mr. Stryker stated according to the Zoning Ordinance, in the section dealing with parking, there is no reference to nail salons, it says states beauty and barber shops which is a more intense use, which requires more parking spaces. Any use that is more intense is going to get referred to the planning board.

Mr. Halleran, Esq., asked if the nail salon was a permitted use.

Mr. Stryker replied it is considered a permitted use. The former use was a beauty shop.

Ms. Bennett asked how many nail stations were there previously.

Ms. Moya replied there were seven nail stations and she is going to put four chairs and one nail station.

Mr. Reich asked if she was changing the signage for the business.

Ms. Moya stated she is only changing the name.

Mr. Reich stated then you will have to apply to the HPC.

Mr. Halleran, Esq., stated they knew that.

Mr. Reich asked Mr. Wentzien if this ordinance would require a parking fee.

Mr. Wentzien replied only if it is determined to be a variance.

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

There were none.

Ms. Sims asked for comments from the board.

Ms. Bennett stated she felt this would be a less intense use.

Mr. Barricelli stated it is a zoning deficiency and we shouldn't penalize the applicant.

Ms. Geotz, Ms. Jordan, Mr. Begley all agreed with Mr. Barricelli.

Mr. Jackson stated he also agreed but asked if this sets a precedent or does each application stand on its own.

Mr. Cucchiaro, Esq., stated an interpretation of the zoning ordinance is now binding.

Ms. Sims stated it is only relative when it comes to a hair salon taking the place of a nail salon.

Mr. Cucchiaro, Esq., explained what you are saying is a nail salon is the same, for purposes of our ordinance, as the barber shop and if that is how you vote that is how this ordinance must be interpreted unless the governing body changes it.

Mr. Reich stated he agrees with Mr. Stryker on this because he personally thinks that a barber shop does have a quicker turn around than a nail salon, which therefore it would be a more intense use. However, he does think a barber shop and nail salon are all in the "spirit" of a beauty shop. He thinks it is an issue with our zoning ordinance and he is concerned if we vote in favor of this application we are setting precedence but he does not want to fault the applicant because of a grey area in our ordinance.

Ms. Sims stated that she believes that this type of business is in the same spirit as the previous business that was there because you need the same license to do both businesses.

Ms. Geotz made a motion to approve the interpretation of the zoning ordinance that allows nail salons to fall within the definition of barber and beauty shops, Mr. Reich seconded.

Mr. Bellina asked Mr. Cucchiaro, Esq., if it is the board's desire, is it possible to put a recommendation in the resolution to have the governing body look at this particular situation.

Ms. Sims agreed.

Mr. Cucchiaro, Esq., stated he will include it in the resolution.

Roll Call:

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

Ms. Sims read Item No. 6 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.

Ms. Bennett is disqualified from this application and stepped off the dais.

Mr. Halleran, Esq., stated that he is representing the applicant and at the previous meeting the notice was accepted.

Mr. Cucchiaro, Esq. stated yes the notice was approved and read the following exhibits:

- A-1 Land Use Application Checklist dated 12/9/14.
- A-2 Letter dated 12/9/14 from Vincent Halleran, Esq.
- A-3 Affidavit of Notice.
- A-4 Variance Plan prepared by Robert Sive, dated 7/15/14.
- A-5 Real Estate Contract between Yes Mortgage Commercial Lending, LLC and Randy Frankel and Michelle Zanderman.
- A-6 Basement Plan, Bach and Clark, LLC.
- A-7 Area map depicting homes near site prepared by Geller Sive and Company dated 2/11/15.
- A-8 Listing of properties of all duplexes in the area prepared on 2/11/15.
  
- B-1 Memo from H. Stryker dated 9/14/14.
- B-2 Letter from Joseph Bellina dated 1/12/15.

B-3 Completeness and Technical Review dated 1/7/15 prepared by Mr. Wentzien, Abbington Associates.

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

Mr. Robert Cusic, applicant.

Mr. Greg Clark, Architect, Bach and Clark, LLC.

Mr. Mike Geller, Engineer, Planner, Geller Sive and Company.

Mr. Halleran, Esq., asked Mr. Cusic to explain the application.

Mr. Cusic stated he purchased the property out of foreclosure. It was an older structure, had a fire and it burnt down. It took three years to sue the insurance company to get payment and now he is here. His proposal is to build a two family home and the zone only allows for a single family home. Economically he does not want to be a landlord. He likes renovating properties and selling them to owner occupied people. He has done this with a bunch of properties in town. This property because of the taxes and everything else, would only be viable for someone to purchase it if it was made into a two family house. If he built a 4-5 bedroom home on this property it would not be viable for a first time home buyer because it is too much money.

Mr. Halleran, Esq., asked if he had a buyer for the property and would it be owner occupied.

Mr. Cusic replied he already has a signed contract from the buyer and if this gets approved it will be owner occupied.

Mr. Cucchiaro, Esq., asked if they wanted to enter this contract into the record.

Mr. Halleran, Esq., stated that the contract was between Randy Frankel and Michelle Zanderman.

Mr. Cusic stated these people currently rent from him on Throckmorton Street and they are getting married and would like to move into a larger home.

Mr. Reich asked if they were in a contract to buy one of the two units or the entire house.

Mr. Cusic stated no they would be buying the entire house because the only way they could afford it would be to rent the other unit.

Mr. Halleran, Esq., asked him to explain the property.

Mr. Cusic stated there is a road on one side with a parking lot behind it and a pre-existing three car garage. The homes surrounding the property are all multi-family homes.

Mr. Cucchiaro, Esq., stated it is Mr. Cusic's assumption that a single family home would not be marketable there.

Mr. Cusic stated for the home to be marketable it would have to be a four bedroom home which would require a variance.

Mr. Cucchiaro, Esq., asked why it had to be four bedrooms.

Mr. Cusic stated that is what people want now.

Mr. Reich asked if he rebuilding because of the extent of the fire damage.

Mr. Cusic stated the house needs to be completely demolished.

Ms. Geotz asked if Mr. Cusic purchased the house before the fire and did he have tenants in it.

Mr. Cusic stated yes he purchased it before the fire and yes there were tenants in the house at the time.

Ms. Geotz asked what makes him think that he cannot sell the house if he built it with three larger bedrooms and an extra bathroom.

Mr. Cusic stated that he's owned a lot of properties in town and sold them and there are quite a few properties being renovated right now and they are all sitting on the market because it is tough to sell homes in Freehold. The taxes are extremely high and it makes it difficult for them to pay the mortgage. If they have a two family home, they use the second unit to offset the mortgage payment. If he builds this as a single family it will be just another investment property that he has because he won't be able to sell it. He already has a whole bunch of properties in town that he can't sell.

Mr. Barricelli asked why he chose to go front to back instead of side by side like most two family homes in the Borough.

Mr. Cusic explained it is a better quality of life for the people living there. You don't have people on top or underneath you making noise.

Mr. Barricelli asked why there are no garages on these two units.

Mr. Cusic explained there is a three car garage in the rear of the property.

Mr. Cucchiaro, Esq., asked if this decision was based on economics.

Mr. Cusic responded no, he likes the town and he grew up here.

Mr. Clark, Architect, stated he had a new exhibit which was marked as A-6, basement plan. We are proposing to put a two family house on the property. We have a side-by-side configuration but the side-by-side is facing St. Michael Place. The reason is because we don't have the frontage on Institute Street. We have two units with a combined square footage of 2,557 square feet for both levels. The units are mirror images of each other. They are both three bedroom units, with basements dedicated for each one. For the exterior we propose to have either hardy board or high end vinyl siding. There will be cedar impressions up in the gable. We are going to do decorative front columns on the front porch. The front will face Institute Street and will have a porch going across the entire front and the rear will be a single porch access into the second unit, other than that all the finishes will remain the same. To address the garage question that was asked previously, there is a pre-existing three car garage on the site and in order for us to make a two car configuration we would have to add another curb cut and it would create a building with a larger massing. The existing garage is perfectly viable.

Mr. Reich asked why the differences between the two porches and would there be laundry on site.

Mr. Clark stated as for the porches there was a cost analysis that goes with it. If the board would like to have a porch all the way across the back he is sure the applicant would agree. There is laundry on site, most likely in the basement.

Mr. Barricelli asked how many square feet per unit.

Mr. Bach replied 1,278 square feet per unit.

Mr. Jackson asked if the initial construction would include a finished basement.

Mr. Bach stated the basement would not be finished, it will hold utilities, laundry area and storage. The space is not compliant for habitat, there are no egress windows.

Mr. Geller, PE, PP, described the property. He stated this property is located at 30 Institute Street. It is 6,800 square foot property. Forty feet in width and 170 feet in depth in the R5 Residential Zone. The R5 Residential Zone requires corner lots to have 9,000 square feet and interior lots are required to be 6,000 square feet. It is on the northerly side of Institute Street and runs perpendicular from South Street. It is 150 feet west of Parker Street and it is at the north corner of Institute Street and St. Michael Place. St. Michael Place is not on the tax map and it is not a dedicated street. This is a 20 foot wide street and it doesn't meet the width conformance of a typical street in town. It is occupied by an 18 foot wide cart way that has curbs. It was originally intended to extend to properties to the north that are low lying and wooded. St. Michael Place from the title search that we had done by Coastal Title was taken from the subject property in approximately 1850 when the subdivision was created. At one time that 20 foot strip was actually part of this lot and then it was dedicated for some reason for access to both sides of the street, as well as the northern end of the street.

Mr. Geller stated the property is occupied by a fire damaged structure. He has spoken to Mr. Stryker about this structure and Mr. Stryker would love to see the structure taken down it has been fire damaged for quite some time and is in need of reconstruction. The dwelling does go back to the 1800s. Mr. Cusic advised him that it was pre-electric. The gross floor area of the dwelling is approximately 632 square feet per floor. The rooms are undersized and small. It is located only 4.8 feet setback from Institute Street and only 3.4 feet from the side of St. Michael Place. The dwelling is 18 feet from the easterly property line which abuts Lot 84 to the east. Also on the property is a detached three car garage in the rear portion of the property. It is right up against the right of way. There is off street parking for five vehicles, three in the garage and two on the gravel. The property is not conforming as to the bulk requirements of the corner lot as cited in Mr. Wentzien's report.

Mr. Geller, PE, PP stated we are hear to for a use variance because the R5 Zone only allows single family dwellings and we are proposing a two family dwelling. Two family dwellings are prevalent in the Borough and specifically in this neighborhood. Mr. Geller described the properties shown in Exhibit A-8. He described the positive reasons for approving this variance. Two family dwellings are not looked favorable upon but in this residence we do have a contract which would make this an owner occupant. There is a demand for these type of units in areas like this for first time home buyers, to have the opportunity to buy a home with a rental unit.

Mr. Cucchiaro, Esq. stated that one of the elements of the positive criteria is not just the benefit to the property owner but the benefit to the public. So what is the benefit to the public of having a two family home built here that it could not achieve by conformance by the zoning ordinance.

Mr. Geller, PE, PP, responded that the premise to his testimony is that St. Michael Place appears to be a part of the lot even though it is a right of way. Looking at the area of the lot and the depth, the improvements on the lot with onsite parking is one benefit.

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

There were none.

Ms. Sims asked for questions of comments from the planning board.

Mr. Barricelli stated he is really conflicted over this application. He understands the benefit to the town for having a burnt out building torn down and replaced. He also understands Mr. Cusic's situation. He doesn't like idea of having this plan show a front to back arrangement which is unseen in the area. The plan is to also maintain the garage, which he thinks is a negative part of the plan. He doesn't like plan.

Mr. Halleran, Esq., asked Mr. Barricelli if he would approve if the garage was taken down and there were five outside parking spaces.

Mr. Barricelli replied he would like the home turned sideways. He also stated isn't there an ordinance that states that homes must have garages.

Mr. Wentzien stated that within the last year the ordinance was revised and the garage stipulation was removed from the R5 zone.

Ms. Geotz stated the entire application is problematic. This lot is not suited for a duplex, it is too narrow. She doesn't like that it is less than 5 feet from the street. If you are tearing something down you should at least move it back to allow for a sidewalk. St. Michael Place is also too narrow and it doesn't allow for two way traffic. If we were to turn this around and faced these homes on St. Michael Place she doesn't believe that St. Michael Place can really handle sidewalks, the house and cars. She is not in favor of this application.

Mr. Jackson stated he has some concerns about this application. He thinks there is a reason why it is zoned single family. There was

a single family house there. There needs to be some evidence of public good in granting this variance and simply by stating there are other two families on the street, doesn't help. He tries to be consistent when reviewing applications and because this is zoned for a single home he will not be voting in favor of this application.

Ms. Jordan stated she also has problems with the application. The lot is too small and she also feels it is zoned for single family. She didn't hear anything that would benefit the Borough. She will be inclined to vote no.

Mr. Begley stated he appreciated the applicant's consideration for an owner occupied unit, even it is not a part of the positive criteria. He is concerned about the sidewalk along St. Michael Place. He doesn't think if the applicant flipped the house and it faced St. Michael Place, the street would not support it. This is a single family zone and there is no guarantee that the home would continue as owner occupied.

Mr. Reich stated the one positive of this application is that the applicant would be tearing down a fire damaged building and putting a new building in its place. Whatever type of building that is built will benefit the neighborhood. Even though the professionals gave excellent presentations he does have issues with this application. One of things that stuck home for him was during Mr. Geller's presentation, all of the examples that he gave were either side by side duplexes or multi-dwelling homes. One comment that was made was that it looks like a nice single family home. But that hurt the application, because if it looks like a nice single family home, than why can't it be one. He is not in favor of the application.

Ms. Sims stated she agreed with the rest of the planning board. The lot is just way to narrow to support a two family home. Even though we do have the right of way, that Mr. Geller would like us to take into consideration, it is not part of the lot. Although it is aesthetically pleasing, it does give the appearance of a single family home which leads her to believe that a nice single family home could be built there. Putting in a two family home just because it is more financially feasible is not a positive criterion.

Mr. Reich made a motion to deny the application, Mr. Jackson seconded.

Roll Call:

Yes	0	
No	7	Sims, Barricelli, Jackson, Begley, Reich, Jordan, Geotz
No	0	
Abstain	0	
Disqualified	1	Bennett
Absent	3	Schnurr, Oakes, Lewis

Ms. Bennett returned to her seat on the dais.

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

There were none.

Mr. Reich read the meeting notes of the February 23, 2015 Historic Preservation Meeting as follows:

- Reorganization Meeting, Chairperson, Barbara Wagner; Vice Chairperson, Greg Clark; Secretary, Muriel Smith; Meeting Schedule was approved.
- Jayesh Patel (Exitto Supermarket) 25 Broad Street, (Change wording on sign).
- Manjou Kapur (I Medicware) 64 East Main Street, (Exterior renovations).
- Two River Community Bank (Bottalico Realty) 32 East Main Street, (Install new sign).
- NJ Community Bank (Bennett Street School/Old Police Station), (Demolish structure).
- Steven Metz, 12 Elm Street, (Review porch railing).
- Rajkamal Shai (Shloka Restaurant) 24 South Street, (Replace awning sign).
- Katrina Byrd (Toussaint Capital Partners) 13 Broadway, (Install new sign).

There were none.

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

There being no further business, the meeting was adjourned at 9:10 PM.

Respectfully submitted,

Antoinette Jones

