

FREEHOLD BOROUGH PLANNING BOARD
MINUTES OF JANUARY 13, 2016

MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, January 13th at 7:00 p.m. in the Council Room of the Municipal Building.

Mr. Reich 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
PRESENT	MR. WILLIAM BARRICELLI
ABSENT	MS. ANNETTE JORDAN
ABSENT	MS. JAMIE BENNETT
PRESENT	MR. CORNELIUS BEGLEY

Mr. Reich read Item 3 on the Agenda as follows:

Approval of Minutes from the meeting of August 12, 2015.

Mr. Bellina read an email on behalf of Ms. Bennett correcting Page 2, the Roll Call for Accurate Auto Body. Ms. Bennett was present and voted and Mr. Begley was absent.

Ms. Sims made a motion to approve the minutes with the correction, Mr. Barricelli seconded.

Yes	6	Sims, Reich, Barricelli, Jackson, Schnurr, Begley
No	0	
Abstain	0	
Disqualified	0	
Absent	5	Goetz, Jordan, Bennett

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

Resolution Approving Joint Land Use Board Year End Report.

Mr. Bellina reported this was for the year 2014. When it was completed the third quarter of 2015, there were no meetings scheduled. No formal action is required.

Mr. Bellina added that were only three applications heard in 2015, none of which at the level a use variance. He stated there may not be much of a report for 2015, just a summary of action taken.

Ms. Sims made a motion to approve the Resolution, Mr. Jackson seconded.

Roll Call:

Yes	6	Sims, Reich, Barricelli, Jackson, Schnurr, Begley
No	0	
Abstain	0	
Disqualified	0	
Absent	5	Goetz, Jordan, Bennett

Mr. Reich read Item 5 on the Agenda as follows:

Application Number PB-SP-15-005.
Applicant - Exquisite Caterers, LLC.
Location - Hudson Street, Block 77, Lot 16.
Request - Preliminary and Final Site Plan to permit construction of an asphalt parking lot.

Mr. Bellina reported the item will be carried to the January 27th meeting.

Attorney Ron Cucchiaro reported a letter was received within the last 24 hours from Edward Liston, Esq., who represents several of the interested parties. It outlined several objections to the board's jurisdiction which prohibits the hearing of the application tonight.

Mr. Cucchiaro and Mr. Giunco, Esq. who represents the applicant have begun researching the claims. Even if one of the five claims had merit and the case had begun to be heard, the board would have to start all over again.

Mr. Cucchiaro recommended the applicant be allowed their due process rights to respond to these objections. The applicant requested the opportunity to return on January 27th. Mr. Liston and Mr. Giunco did confirm with each other and Mr. Liston was made aware this afternoon that the matter would be carried.

Mr. Cucchiaro reported the applicant has been required to re-notice for the January 27th meeting. The applicant will be present to address any concerns. Mr. Liston will also be in attendance to respond to anything Mr. Giunco prepares.

Mr. Cucchiaro credited Mr. Liston for presenting the objections prior to the meeting. There is no requirement to do so.

Mr. Reich informed the public present that the application for the Exquisite Caterers is going to be held over until January 27th. There will be a re-notice. Mr. Reich apologized for any inconvenience, but due to last minute developments, it was not prudent to hear the application.

Mr. Reich explained the public's presence is welcome at the next meeting and hopes they will return, as the Board would like to hear from them.

Mr. Cucchiaro added the application and file are available to anyone that is interested. Call in advance and come to Town Hall to view the file, complete with site plans and reports.

Councilman Schnurr asked if notices will be given from Block 77 Lot 16, the Stavola Lot as well as Block 62 Lot 44 which is South Street.

Mr. Cucchiaro responded that will be determined by the applicant as to what needs to be done. Due to timing, they have not had the opportunity to go into depth on any of the objections.

Councilman Schnurr asked if the attorneys will decide if it will be just a site plan review or a request for a use variance.

Mr. Cucchiaro responded the applicant decide that is what they want to do. Mr. Cucchiaro stated he will be consulting with the attorneys. If they do not make a determination to move in that direction it is jurisdictional issue. Mr. Listen has the right to present his argument as a threshold issue. Mr. Giunco would present his argument and Mr. Cucchiaro will make his recommendation to the Board as well.

Mr. Cucchiaro noted Mr. Listen's letter raised the objections, but does not have any citations to case law. Mr. Cucchiaro must fill in those gaps to see whether the statements and arguments are supported by something that is actually in a case.

Mr. Reich reported the application for Exquisite Caterers will be carried until January 27, 2016.

Mr. Reich opened the floor to public comments.

There were none.

Ms. Sims made a motion to close the public portion, seconded by Mr. Jackson.

Roll Call:

Yes	6	Sims, Reich, Barricelli, Jackson, Schnurr, Begley
No	0	
Abstain	0	
Disqualified	0	
Absent	5	Goetz, Jordan, Bennett

Mr. Reich asked for comments from the board.

Ms. Sims referred the recent New Jersey Planner which was sent to the board. She asked that the board take notice to article on Page 3, "Use of Social Media by Board Members During the Hearing Process". Ms. Sims found it informative.

Mr. Cucchiaro outlined some rules and offered to provide them to the board in writing. It covers topics such as no side comments while on the dais, no texts between members during meeting, etc. It is important to be able to produce a record and that cannot be accomplished when side conversations are being held. The applicant and public are entitled to all aspects of the record.

Mr. Cucchiaro also cautioned the board members to not "Reply All" when answering and email. When that is done you have having a meeting with a quorum.

Mr. Barricelli made a motion to close the meeting, seconded by Mr. Jackson. All in Favor and Ms. Geotz, Ms. Jordan, MS. Bennett absent.

There being no further business, the meeting was adjourned at 7:45 PM.

Respectfully submitted,

Lynn Cannon