

FREEHOLD BOROUGH PLANNING BOARD
MINUTES OF JANUARY 27, 2016

MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, January 27th 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.

Mr. Reich led the Pledge of Allegiance.

ROLL CALL

PRESENT	MR. ADAM REICH
PRESENT	COUNCILMAN GEORGE SCHNURR
PRESENT	MR. GARRY JACKSON
ABSENT	MS. DANIELLE SIMS
ABSENT	MS. MARJORIE GOETZ
PRESENT	MR. WILLIAM BARRICELLI
ABSENT	MS. ANNETTE JORDAN
PRESENT	MS. JAMIE BENNETT
PRESENT	MR. CORNELIUS BEGLEY

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

Approval of Minutes from the Reorganization Meeting January 13, 2016 and Regular Meeting of January 13, 2016.

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

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

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

Application Number PB-SP-2015-005.
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.

Board Attorney Ron Cucchiaro reported everything that was previously submitted will be part of the record and marked as exhibits. Anything that is being presented tonight will be marked as well. Mr. Cucchiaro reviewed the notices sent to property owners, which includes the additional lot and they are found to be in order.

Mr. Cucchiaro reiterated the board can only determine if the application complies with the requirements of zoning, site plan and design ordinances.

Council for all parties introduced themselves. Attorney John Giunco of Giordano, Halleran & Ciesla representing the applicant, Exquisite Caterers, LLC and DDYB, LLC. Attorney Edward Liston of Edward F. Liston, Jr. LLC representing Robert Kash, Joseph Mosco, KMK Hospitality, Inc. t/a Metropolitan Café, Steve Goldberg, American Hotel Holding Co., Inc. t/a The American Hotel, Patsy Federici, David Federici, Michael Federici, Federici & Sons, Inc. t/a Federici's, Mike Page, Ryan Jones, Tony Caifordini, J & G Innkeepers, Inc. t/a Court Jester, Jesus Lopez and Cubanissimo, LLC t/a Little Bit of Cuba Dos as objectors to the application.

Mr. Cucchiaro reported on the two letter briefs received from both attorneys. Mr. Listen was asked to state his jurisdictional objections.

Mr. Listen stated some of the objections have been resolved. The jurisdictional question is whether or not the property in question is an accessory use to a catering hall use within the Redevelopment Zone.

Mr. Cucchiaro reported the case law is clear. The objection is relevant, but it is recommended the facts get entered into the record prior to a decision being made.

Mr. Listen pointed out two aspects of his objection to the board. First being according to the lease with Exquisite Caterers, the owner of the property, has the right to cancel the lease with 60 days notice. The second is the fact that the decision by Mayor and Council which lead to this application is being challenged in

Superior Court. No ruling has been handed down. Mr. Listen suggested the board wait until to the court ruling to decide if the application should be heard.

Mr. Cucchiaro recommended the board continue with hearing the application despite the pending ruling.

Mr. Guinco stated the applicant is seeking approval to use a parking lot which is a stand alone, permitted use on the site and in the zone that is proposed. Mr. Guinco further explained the Municipal Ordinance, the definition states for it to be an accessory use in the Borough of Freehold, it must be on the same lot as the principal use. This is not the case in this instance.

Mr. Cucchiaro swore in Mr. Michael Geller, PE, PP of Geller Sive & Co. as an expert witness. Mr. Geller declared his qualifications, credentials and experience.

Mr. Cucchiaro, Esq. marked the following exhibits as follows:

- A-1 Color rendering of Block 77 Lot 16
- A-2 Aerial Location Map Block 77 Lot 16
- A-3 Photo Exhibit of Hudson Street Parking Lot County Clerk Sign

Mr. Guinco asked Mr. Geller to describe the location of the property.

Mr. Geller stated the location is Block 77 Lot 16. It is a 7.744 acre property, situated in the REC Recreation Zone of Freehold Borough and is owned by William H. Stavola, Inc. Formerly this property was zoned as CM, Commercial Manufacturing; recently it was rezoned as REC. The portion of the site which is the subject of this application is the westerly half acre of the property, fronting on Hudson Street.

Mr. Geller explained the current use of this portion of the property is overflow parking for Monmouth County Clerk's Office. He further explained the materials that are on this site. Gravel and other asphalt materials are on site, even though the business has not been operational.

Mr. Geller described the application which is for the construction of a paved parking lot, accessed off of Hudson Street, with the capacity of 70 stalls. The lot has been designed for use by valet parking and will be a secure site with a lock on the gate. Signage will identify parking for Exquisite Caterers only. Existing fencing will remain although some improvements will be made. Storm water will drain north to south into a proposed detention basin.

The plan calls for trees to be planted and requires eight lighting fixtures, those that back up to residences will have rear shields.

Mr. Geller reported the current access is only 16 feet wide and the applicant will widen it to 24 feet in accordance with Borough regulations. A new apron, sidewalk and curb along Hudson Street will all be reconstructed.

Mr. Guinco asked if any waivers were requested.

Mr. Geller answered the waivers are sited in the January 5th report from the Borough Engineer;

1. Sec. 16.24.030.A13 Parking Set Back. Property is uniquely shaped and not all spaces set back 25 feet as required.
2. Sec. 16.24.030.A15 - Parking Edge Treatment. Parking is to be provided with curbing. Waive Internal Curbing Requirement.
3. Sec. 16.24.020.C12 - Street Frontage Profiles. Adequate curb, elevations and topography to allow reconstruction of curbing.
4. Sec. 16.24.020.C22 - Topography Datum. Ordinance requires a Geodetic Controlled Survey Datum.

Mr. Guinco stated the application also seeks a variance for impervious coverage.

Mr. Geller reported the proposed paved portion of the site represents a 6% area over the 7.74 acres which is small. Existing site has 6.3% impervious coverage. Results in a total of 12.3% impervious coverage, less than the 25% previously allowed. If all gravel areas are considered it results in 71.2%.

Mr. Geller offered his opinion the benefits of granting the variance advances the purpose of the ordinance and relieves reduction of congestion in the Market Yard parking lot. It also provides storm water management for the proposed paved areas.

Mr. Geller described the lighting and illumination requirements. Mr. Geller stated the recommendations are adequate for a parking lot.

Mr. Wentzien recapped the issues contained in his review letter. Page 4 - Fencing and gate needs adjustment.

Mr. Geller answered the gate will be adjusted to a width of 24 foot opening. Gate will be locked and controlled.

Mr. Wentzien asked if there was signage proposed.

Mr. Geller stated the signage proposed is to retain the existing sign, Exhibit A-3, a 9 square foot sign with a change in name from Monmouth County Clerk's Office parking to whatever the applicant chooses.

Mr. Wentzien referred to Site #1 Parking control - How will the parking be controlled.

Mr. Guinco answered a valet service will be retained. A valet representative is present and can offer testimony.

Mr. Wentzien referred to Site #2 Maintenance - By whom and how will maintenance be provided.

Mr. Guinco reported maintenance will be provided by Exquisite Caterers, including cleaning, snow removal, light replacement, lawn maintenance, fence repair and storm drainage.

Mr. Wentzien referred to Site #10 - Driveway is not standard.

Mr. Geller stated the traffic engineer will address this issue as well. The angle of the parking lot was done to align with the current gate opening on Hudson Street and to make the aisle centered in the site. Design was also used to avoid a utility pole.

Mr. Wentzien referred to Grading - #3, more grading is requested in the South East corner. #6, additional detail requested on the emergency spillway. #7, indicate maintenance of basin. #8, maintenance personnel will be provided access to the basin.

Mr. Geller replied all of those issues will be addressed. Applicant will maintain the basin. The basin is not deep and it would be easy to get to the bottom if necessary.

Mr. Wentzien referred to Landscape #2 - provide more intermediate to large greens along northerly border adjacent to the houses.

Mr. Geller responded the plan is to provide 6 - 8 foot high mixed evergreens.

Mr. Wentzien referred to Landscape #6 - plant list should be provided and #7 - plant beds and seeding list will be provided.

Mr. Geller answered yes that would be done.

Mr. Wentzien referred to Lighting - provide a new photometric grid plan that includes the house-side shields.

Mr. Geller answered yes that would be done.

Mr. Wentzien referred to Checklist #3 - status of submission to the Monmouth County Planning Board.

Mr. Guinco reported the letter of exemption has been filed with the board.

Mr. Cucchiaro asked to clarify the applicant is seeking a variance pursuant to both C1 and C2.

Mr. Geller answered yes.

Mr. Cucchiaro asked Mr. Geller to more clearly outline the public benefit in reference to relief from impervious coverage.

Mr. Geller responded one of the purposes of the REC Zone is to provide parking to alleviate congestion in the Market Yard Parking Lot, this application does that. In order to have parking, the area must be paved, which enacts the impervious lot coverage variance.

Mr. Cucchiaro asked if any of the gravel areas could be made grassy.

Mr. Geller stated it was not explored. The client did not request it and it would have to be approved by the owner.

Mr. Guinco asked Mr. Geller if compliance could be made in regards to all of Mr. Wentzien's requests to bring the plans into conformance with his review letter.

Mr. Geller answered yes.

The floor was opened to questions from the board.

Councilman Schnurr asked if the gravel on the site is packed or loose.

Mr. Geller responded it was not investigated. Some areas that have been traveled on are packed down, others are not.

Councilman Schnurr asked how tall the buffering shrubs would be.

Mr. Geller responded they would be from 6 feet at planting height and they will grow. A combination of low and high shrubs will be used to shield any light.

Mr. Schnurr asked if all rain run off would drain into the detention basin.

Mr. Geller stated the directional flow is engineered to drain into the detention basin, through a pipe and onto Hudson Street.

Mr. Barricelli asked why there was razor wiring on top of the fencing and is there any consideration to change the fencing.

Mr. Geller did not know why the razor wire was used. The lot is surrounded by 6 ft high chain link fence. Mr. Guinco stated the razor wire could be removed to make the front more attractive.

Mr. Jackson asked Mr. Geller to further explain the parking set back related to Lot 17.

Mr. Geller responded the Borough Code calls for a 25 ft set back and the plan is a 10 ft set back. The screening is planned in a more intense manner to buffer. The property is narrow and the need to manage storm drainage, it is necessary for parking to be close to that one lot.

Ms. Bennett asked how long the county has been using the parking lot?

Mr. Bellina answered it has been at least 13 years.

Mr. Begley asked if the parking lot would have restricted hours.

Mr. Guinco responded it would be used whenever Exquisite Caterers had a function. It could be used day or evening. Maintenance would be maintained by Exquisite Caterers.

Mr. Reich asked if any of the fencing needs to be repaired.

Mr. Geller replied he is not aware of any holes or repairs needed. If there are any, they will be addressed.

Mr. Reich asked if the lighting is on a timer.

Mr. Guinco reported that when the lot is not in use, the lights will be turned off.

Chairman Reich closed board questions.

Mr. Listen proceeded with cross examination. It was confirmed that the lease is exclusive to Exquisite Caterers and it is Mr. Geller's understanding the parking lot will be locked when Exquisite Caters is not using it.

Chairman Reich opened the floor to public questions.

Mr. Jose Guerra, 10 Hudson Street asked how long construction of the parking lot will take and hours construction will take place.

Councilman Schnurr answered there are Borough ordinances that deal with construction hours and times and they will have to be abided by.

Mr. Geller estimated construction will take a few months depending on weather.

Mr. Carl Steinberg, 2 Monmouth Ave asked the height of the fence on Hudson Street.

Mr. Geller responded it is 6 feet high.

There were no further public questions.

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

Roll Call:

Yes:	6	Barricelli, Jackson, Schnurr, Bennett, Begley, Reich
No	0	
Abstain	0	
Disqualified	0	
Absent	3	Goetz, Sims, Jordan

Mr. Guinco called Scott Kennel. Mr. Kennel was sworn in by Mr. Cucchiaro.

Mr. Guinco offered Mr. Kennel as an expert in the field of Traffic Consulting. Mr. Kennel listed his experience and qualifications.

Mr. Listen objected on the basis a traffic expert should have an engineering degree, which Mr. Kennel does not and the study was not prepared by Mr. Kennel.

Mr. Guinco reported Mr. Kennel is not offering signed and sealed engineered plans. Traffic consultation and reports are being done by Mr. Kennel based on his experience and training. The engineering report was signed by the engineer and Mr. Kennel.

Mr. Cucchiaro advised the board could accept Mr. Kennel as an expert, but advised the board to be mindful of his lack of formal education and that should bear appropriate weight.

Mr. Guinco stated Mr. Kennel would review the plan prepared by the licensed engineer and report to the board its effectiveness based on his experience and training.

Mr. Cucchiaro stated he signed and assisted in the preparation of the report. He has personal observations that he can give.

Mr. Reich stated Mr. Kennel is acceptable as an expert traffic witness for this presentation.

Mr. Guinco asked Mr. Kennel to review the efficiency of the Hudson Street lot to achieve its purpose of alleviating congestion for parking in the Market Yard.

Mr. Kennel described the size of the lot. Mr. Kennel addressed the current configuration of 80 degrees instead of 90 degrees. On Exhibit A1, the site alignment is conducive with the primary movements to the cars that will be exiting and entering the parking lot. Based on the fact the entrance is being widened to 24 feet, the design proposed can operate safely and efficiently. Mr. Kennel continued the valet service will be very familiar with the driveway and parking lot and they will operate efficiently.

Mr. Guinco asked if he was familiar with the number of spaces.

Mr. Kennel reported the ordinance requires 55 spaces based on the seating capacity in the banquet hall, one space for four seats and one space per two employees. Mr. Kennel reported industry standards were used which requires one space per three seats and yields 70 parking spaces.

Mr. Kennel stated the use of this lot would reduce parking demand on the Market Yard. The nature of the banquet hall would result in traffic at the beginning and end of the event, not constant activity.

Mr. Kennel has reviewed the route from the Market Yard to Mechanic Street, to Hudson Street to access the lot. All of the streets are suitable for this usage. Mr. Kennel stated the valet service

expected turnaround time to be 1-2 minutes, although his report estimates 3 minutes.

Mr. Guinco asked if Mr. Kennel's expert opinion was that the layout design of the parking lot is effective.

Mr. Kennel answered yes.

Mr. Guinco asked Mr. Kennel to summarize his conclusions.

Mr. Kennel concluded the design of the parking will provide 70 parking spaces with a 24 ft. aisle. The driveway will be widened to 24 feet and will provide efficient, effective and safe condition.

Mr. Guinco had no further questions.

Chairman Reich opened board questions.

Mr. Begley questioned the turnaround time in the report.

Mr. Kennel stated this was an estimation based on the location of the lot to the catering hall.

Ms. Bennett asked if the Borough Ordinance distinguishes between public parking or valet parking.

Mr. Kennel stated there is no distinction in the ordinance. Industry standards are 1:3 and includes employee parking. This supply being provided goes beyond industry standards.

Mr. Barricelli asked if employee signage is recommended for employee parking.

Mr. Kennel responded that would be decided by the manager and valet service.

Mr. Cucchiaro asked if the analysis was completed with the gate being open or closed.

Mr. Keller responded it is based on the gate being open when Exquisite Caterers is having an event.

Mr. Guinco added the applicant intends to have the gates opened at the time of an event, employees can self-park. At the end of the event the gates will be closed, locked and the lights will be turned off.

Chairman closed board questions.

Mr. Listen proceeded with cross examination. Mr. Listen questioned the employee parking and how many employees there will be.

Mr. Kennel reported that the Borough ordinance requires 55 spaces and this lot provides 70 for guest and employees. Mr. Kennel stated Exquisite Caterers could have as many as 20 employees, but not all will require parking spaces.

Mr. Cucchiaro instructed Mr. Listen the application is in accordance with the ordinance requirement and the board cannot change the standards.

Mr. Listen asked how the applicant will prevent their guests from using the Market Yard instead of the valet service.

Mr. Kennel responded to his knowledge guest will have to access the building by using the valet service. He is not aware of any mechanism to prevent the guest from utilizing spaces in the Market Yard.

Chairman Reich opened the floor to public questions.

Mr. Jose Guerra, 10 Hudson Street asked if there would be any signs on the gate warning pedestrians of oncoming traffic.

Mr. Kennel answered they would work with Mr. Wentzien about additional signage as far as pedestrian activity along the sidewalk. Additional landscaping will not prohibit the site lines and there will be increased lighting.

Chairman Reich suggested a stop or yield to pedestrians sign on the interior of the fence or hash-marking the sidewalk space on the driveway apron to denote pedestrian crossing.

Mr. Guinco stated his client would be happy to adhere to any suggestions of Mr. Wentzien.

Mr. Jeff Friedman, 3 Broad Street asked if a valet ticket stub can act as proof if the guest utilized the valet parking.

Mr. Guinco stated that will be addressed and posed to the client.

Mr. Rich Ligotino, 27 Kentucky Way asked if there is a mechanism in place that says where you need to park your car when you attend other businesses in the Market Yard. Are all the businesses playing by the same rules?

Mr. Kennel could not answer.

Chairman Reich stated that the board must adhere to the application which pertains to Exquisite Caterers. There is not anyone able to answer questions on the other businesses.

There were no further public questions.

Mr. Barricelli made a motion to close the public portion, seconded by Councilman Schnurr.

Roll Call:

Yes:	6	Barricelli, Jackson, Schnurr, Bennett, Begley, Reich
No	0	
Abstain	0	
Disqualified	0	
Absent	3	Goetz, Sims, Jordan

Mr. Liston provided his remarks for the opposition. He stated Exquisite Caterers will be the only user of the parking. By definition that makes this use, in a different zone an accessory use. He questioned if the board will approve a parking lot, an accessory use for a catering hall, where a catering hall is not permitted. Under NJ Law that is not permitted and a Use Variance is required.

Mr. Guinco stated stand alone parking lots are a permitted use on this site per the Borough Ordinance. Mr. Guinco sites case law and Borough Ordinance. He continues the parking lot is not contrary to a permitted use.

Mr. Cucchiaro explained the state laws previously referred to and sited similar cases. Mr. Cucchiaro does not feel there is anything in the statute that precludes a municipality from defining circumstances of what an accessory use is. Mr. Cucchiaro feels this is a permitted use and a D Variance is not required. The board does have jurisdiction.

Chairman Reich opened for board comments.

The board unanimously agreed to hear the application.

Mr. Guinco called Nicholas Silvestri, VP and part owner of Carcierge Valet and he was sworn in by Mr. Cucchiaro.

Mr. Silvestri gave a brief overview of his experience including servicing other downtown municipalities. He has been in this business for seven years and has been working in Freehold Borough for the last three years.

Chairman Reich accepted Mr. Silvestri as an experienced witness.

Mr. Silvestri described how the traffic pattern would flow and pointed out where any signage would be. All guests would be accepted in the Market Yard, not on South Street. He described step by step how the valet service is provided from ticketing cars to moving to the parking space. Mr. Silvestri estimates it will take 1-2 minutes to park a car. Mr. Silvestri explained the staff will be available during peak times; arrival and departure times.

During examination, Mr. Silvestri stated he has reviewed the lot and route and feels this is suitable for his drivers. He stated his valets will lock the gates at the end of an event. Mr. Silvestri feels the angle of the driveway is beneficial to his drivers.

Chairman Reich opened for board questions.

Mr. Begley asked where the cars will be staged upon arrival and if more than 70 spots are needed.

Mr. Silvestri will stack them wherever they will be allowed. If there is a small amount of room, more staff will be provided to move the cars quickly. There will always be an attendant in the lot so they can stack the cars within the lot. The cars and lot will always be secure with an attendant present.

Mr. Jackson asked about locking the gate if catering employees are still present.

Mr. Silvestri replied that would be worked out with the catering hall.

Councilman Schnurr asked how many valets are needed for an event with 180 people.

Mr. Silvestri answered 7 valets would be needed.

Councilman Schnurr asked the time to move the car and inquired if there was insurance.

Mr. Silvestri stated he estimated 1.5 to 2 minutes to move the cars. He carries full insurance needed, including Liability, Garage and Workman's Comp.

Chairman Reich asked where the valet employees park.

Mr. Silvestri stated they would park in the lot. Many drivers come together and are hired right from Freehold and will not need to park.

Chairman Reich questioned how many cars will be operating in the lot at one time.

Mr. Silvestri stated the cars rotate in regularly for the first hour, but they leave more sporadically. Attendants return to the catering hall by foot. An attendant will be present to deter any unauthorized parking.

Mr. Cucchiaro asked what is the procedure if no parking was available in the lot. Mr. Cucchiaro stated stacking within the lot is not permitted.

Mr. Silvestri stated the valets will find additional legal parking.

Mr. Cucchiaro questioned where the signage would be placed if permits are being sought.

Mr. Guinco replied the applicant would comply with all needed permits or permission for sign placement.

Mr. Liston asked if there was any plan to keep the guests from parking in The Market Yard instead of using the valet service.

Mr. Guinco explained that the applicant had conversations about putting information in the event invitations that valet service is available.

Mr. Cucchiaro confirmed there is nothing in the Ordinance or Resolution prohibiting Exquisite Caterers guests from using spaces in The Market Yard instead of the valet.

Chairman Reich opened the floor to public questions.

Mr. Jason Maldonado, J&H Dinettes asked if cars would block his business.

Mr. Silvestri said they will not block the business. The cars will be on a constant movement. Mr. Silvestri assured the access will be kept open.

There were no more public questions.

Councilman Schnurr made a motion to close the public portion, seconded by Mr. Jackson.

Roll Call:

Yes:	6	Barricelli, Jackson, Schnurr, Bennett, Begley, Reich
No	0	
Abstain	0	
Disqualified	0	
Absent	3	Goetz, Sims, Jordan

Chairman Reich opened the floor to public comments.

Mr. Jason Maldonado, J&H Dinettes was sworn in by Mr. Cucchiaro.

Mr. Maldonado stated his business cannot afford to be blocked at all. If cars are in front of his parking spaces, the customers leave. He stated his business cannot be sacrificed for someone else.

Mr. Larry Iseron, 45 South Street was sworn in by Mr. Cucchiaro.

Mr. Iseron stated for the 40 years he has been in business in Freehold, parking has always been issue. The Market Yard was built to address the issues of the adjacent businesses. There has been talk of a parking garage in the past, but that was never built. Mr. Iseron applauds Mr. Fisher for taking the initiative for getting enough parking off premises. The caterers have the right to have their guests to park in The Market Yard. That is a fact of the Borough.

Mr. Carl Steinberg, 2 Monmouth Ave. was sworn in by Mr. Cucchiaro.

Mr. Steinberg has been in business in Freehold for over 50 years and does not feel that other business should hinder a new business coming to town.

Mr. Steinberg said any improvements to that lot will be positive. He asked if the front of the fence could be changed from chain link to wrought iron. He states the lighting should correspond with the Borough lighting. Mr. Steinberg stated it is better to have

lights on. It reduces crime. The biggest problem Freehold has is too much traffic.

Mr. Jeff Friedman, 3 Broad Street was sworn in by Mr. Cucchiaro.

Mr. Friedman stated his father started his law firm at 17 South Street in 1967 and moved it because of parking issues. Mr. Friedman applauds the applicant for building parking that is desperately needed in town. Mr. Friedman agreed the gate should look historical and lighting should match what is in town. Mr. Friedman referred to the Borough Ordinance which states lots over 15 spaces are required to be lit over night. He said this does help keep the crime down.

Mr. Liston reiterated his principal objection over jurisdiction. Mr. Liston does not feel enough has been said about the impact on the residential area with lighting and cars leaving late at night. He does not feel there is justification for the variance which will directly impact the residents.

Mr. Cucchiaro replied that would be a design waiver, not a variance.

Mr. Guinco stated the applicant has done all that is required. Under direct testimony, all of the concerns Mr. Liston listed for the adjacent residents, have been addressed and meet all Borough standards and requirements. Mr. Guinco stated the overriding benefit out weights any detriment.

Mr. Guinco submitted justifications provided for the variance and addressed every issue that was needed. It addressed the factual circumstance, analyzed the ordinance impact, analyzed the benefits and detriments for the C2 portion and described the hardship configuration of the lot. Mr. Guinco stated it was an overall benefit to the community of having additional parking. He suggests the application be approved.

Councilman Schnurr made a motion to close the public portion, seconded by Mr. Jackson. All in Favor and Ms. Geotz, Ms. Jordan, Ms. Sims absent.

Chairman Reich opened board deliberation. He encouraged the board to pay close attention to the lighting and front gate issues.

Councilman Schnurr agreed with Mr. Guinco. He confirmed with Mr. Cucchiaro that the resolution should say if the lease with Stavola ends than the resolution is null and void. He also confirmed with Mr. Cucchiaro if a Borough Ordinance has requirements in reference

to lighting, the board could grant relief from that requirement if it exists in the Land Use Ordinance. Councilman Schnurr asked can the resolution dictate a maximum number of cars stacked within the lot and/or cars stacked in the Market Yard. Councilman Schnurr is in favor of approving application.

Mr. Cucchiaro responded the applicant has already agreed to that and will be included in the resolution.

Mr. Barricelli stated both attorneys did a great job. Providing parking out of The Market Yard is a great idea. Mr. Baricelli stressed it is important that the front gate, lot lighting, timing of the lights per Borough ordinances, and awareness of neighbors to both locations be considered. Mr. Baricelli is in favor of approving application.

Mr. Begley has concerns on the lighting, ensuring other businesses are not obstructed by cars and the visual improvements to the front gate. If those issues are addressed, Mr. Begley is in favor of approving the application.

Ms. Bennett stated she appreciates the thoroughness of the application and submissions from council on both sides. Ms. Bennett agreed the fence does look like a prison and this is an area of town where we will hopefully see investment. Ms. Bennett would also like to have the lighting comply HPC requirements. Ms. Bennett is in favor of approving application.

Mr. Jackson agrees with the points already made. He would like the pedestrian warning to be looked at. Mr. Jackson hopes the applicant will keep their word and not block any neighboring businesses with cars. Mr. Jackson's concern was the impact this would have on the adjacent neighbor at 10 Hudson Street. Mr. Jackson understands the buffering is in place with plantings, but he suggests solid fencing provide light shielding in the area as well. Mr. Jackson is in favor of approving application.

Mr. Cucchiaro suggests the board state a condition there be screenings subject to the review and approval of the Borough Engineer.

Chairman Reich thanked everyone for representing themselves appropriately. Some of the items that are marked as conditions to a resolution;

1. A Yield or Stop Sign for pedestrians from the inside of the parking lot out to the street and some sort of marking on the driveway apron to alert pedestrian traffic.

2. Valet company opt for carpooling staff members to reduce the amount of employee parking needed on site.
3. A licensing agreement for signage in The Market Yard will be applied for and obtained if required for the valet signs.
4. The sign on the gate of the parking lot have business contact information.
5. Whoever is taking advantage of this resolution will be required to undertake the maintenance of the lot.
6. Borough Ordinance requirements for lighting should stand, minimum dusk to dawn.
7. The board wishes to have the style of the lighting conform with FB Lighting style
8. The gate and fence frontage on Hudson Street be a wrought iron style.
9. As determined by the Borough Engineer, apply or add lacing or fabrication to existing fence which backs to resident at 10 Hudson Street, to add additional buffering.

Chairman Reich stated in regards to the waivers and the variances the applicant has proved the positive benefits of the application. The application does attempt to alleviate parking lot congestion and meets more than the required minimum parking spaces. The improvements to the parking lot, with the waivers and variances that were requested, this will help to improve the REC Zone off Hudson Street. Chairman Reich is in favor of approving application.

Mr. Guinco requested the resolution be modified to state that in the event this site became unavailable and the applicant was unable to provide satisfactory alternatives to the Redevelopment Authority, then the resolution would terminate.

Mr. Cucchiaro responded that would require a site plan and the board cannot approve unknown other lots as alternatives. Mr. Cucchiaro recommended if this site became unavailable, the applicant could return for an amended approval.

Mr. Guinco withdrew the request.

Mr. Barricelli made a motion to approve the resolution with granting of preliminary and final site plan approval with variance and sign waiver relief, seconded by Ms. Bennett.

Roll Call:

Yes: 6 Barricelli, Jackson, Schnurr, Bennett, Begley, Reich

No	0	
Abstain	0	
Disqualified	0	
Absent	3	Goetz, Sims, Jordan

Chairman Reich opened the floor to public comments.

There were none.

Chairman Reich made a motion to close the public portion, seconded by Ms. Bennett. All in Favor and Ms. Geotz, Ms. Jordan, Ms. Sims absent.

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

There being no further business, the meeting was adjourned at 10:55 PM.

Respectfully submitted,

Lynn Cannon