

FREEHOLD BOROUGH PLANNING BOARD
MINUTES OF AUGUST 24, 2016

MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, August 24th 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.

Chairman Reich opened the meeting with a Salute to the Flag.

ROLL CALL

PRESENT	MR. WILLIAM BARRICELLI
PRESENT	MR. CORNELIUS BEGLEY
PRESENT	MS. JAMIE BENNETT
ABSENT	MS. MICHELE GIBSON
PRESENT	MR. GARRY JACKSON
PRESENT	MS. ANNETTE JORDAN
PRESENT	MR. ADAM REICH
PRESENT	COUNCILMAN GEORGE SCHNURR
ABSENT	MR. JEFF FRIEDMAN
PRESENT	MS. DANIELLE SIMS

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

Approval of Minutes from the meeting of August 10, 2016.

Ms. Bennett made a correction on page 5, 5th line: New Jersey Transportation Planning Authority.

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

ROLL CALL

Yes	7	Barricelli, Begley, Bennett, Jackson, Jordan, Schnurr, Sims
No	0	
Abstain	1	Reich
Disqualified	0	
Absent	2	Gibson, Friedman

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

Approval of Resolution Supporting Freehold Borough Ordinance #2016/10 Amending Chapter 18 (Zoning), Section 73 (Minimum Off-Street Parking Spaces), of the Revised General Ordinances of the Borough of Freehold, County of Monmouth, State of New Jersey.

Mr. Barricelli commended the board for the last hearing. Very good comments were made and the planner and Councilman Schnurr thought they could be made part of the ordinance.

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

ROLL CALL

Yes	6	Barricelli, Begley, Bennett, Jackson, Schnurr, Sims
No	0	
Abstain	2	Jordan, Reich
Disqualified	0	
Absent	2	Gibson, Friedman

Mr. Reich read Items No. 5 on the Agenda as follows:

Approval of Resolution Supporting Freehold Borough Ordinance #2016/11 Amending Chapter 18.07 (Freehold Center Core Redevelopment Plan) and “Visioning and Revitalization Plan for the Freehold Center Core Redevelopment Plan Area”.

Mr. Barricelli made a motion to approve Resolution, seconded by Mr. Begley.

ROLL CALL

Yes		Barricelli, Begley, Bennett, Jackson, Schnurr, Sims
No	0	
Abstain	2	Jordan, Reich
Disqualified	0	
Absent	2	Gibson, Friedman

Mr. Reich read Items No. 5 on the Agenda as follows:

Application Number PB-UV-2016-006
Applicant: Amazing Escape Room
Location: 2 Monmouth Avenue, Block 34, Lot 36.02

Councilman Schnurr recused himself from application and stepped down.

Mr. Vince Halleran, Freehold introduced as attorney for the applicant

Board Attorney, Ron Cucchiaro listed all exhibits:

- A-1: Application
- A-2: Zoning Denial
- A-3: Plan dated 7/13/16
- A-4: Letter from Vincent Halleran dated 8/18/16
- A-5 Architectural Plan dated 8/18/16
- A-6: Two color images
- A-7: Architectural Plan dated 8/19/16
- A-8: Radius list
- A-9: Affidavit of Service Publication – reviewed and board has jurisdiction

- A-10: Color photos of signage
- B-1: Memo dated 7/9/16 from Joseph Bellina
- B-2: Memo dated 7/19/16 from Joseph Bellina
- B-3: 7/20/16 Abbington Engineering Report
- B-4: 8/15/16 Abbington Engineering Report
- B-5: 8/22/16 Abbington Engineering Report

Mr. Halleran gave synopsis of application. It is similar to a previous application which was an interpretation of the zoning ordinance. This application is a use variance request.

Mr. Howard Klotzkin, Principal of Amazing Escape Room was sworn in.

Mr. Klotzkin gave an overview of the business operation, which is similar to the business that currently operates at 77 West Main Street. Guests are challenged to escape a room within 60 minutes. The new property location is set back, has no immediate residential neighbors and is a large lot. Mr. Klotzkin wants his business to stay in the Borough and feels he fills a need. His business services families, groups and businesses. There 5 Amazing Escape Room locations, with Freehold Borough being the first.

Mr. Garry Jackson asked how many rooms will be in this location.

Mr. Klotzkin responded there are 6 themed challenge rooms. Some of the challenges consist of two physical rooms. Mr. Klotzkin clarified there will be a maximum of seven employees at site.

Mr. Jackson asked what the maximum number of customers would be.

Mr. Klotzkin answered at full capacity, there would be 58 customers.

Ms. Danielle Sims asked if food is provided in the reception area.

Mr. Klotzkin reported there is not food or drink served at this time. Competitors offer coffee and snacks. The square footage is reserved for gaming. Mr. Klotzkin refers their customers to the area restaurants. He stated part of his business plan is to be good for the town.

Mr. Cucchiaro asked if coffee and snacks will be served in the reception area.

Mr. Klotzkin stated there is currently water available. Guests are told no outside food is allowed. There is no food preparation.

Mr. Cucchiaro asked what the maximum number of people in attendance would be.

Mr. Klotzkin reported there are 15 minutes built in between appointments. 80% of all guests require the full appointment hour. Guests are told to come no more than 10 minutes prior to their appointment. The games are staggered. Maximum number of guests at one time would be 85.

Mr. James W. Higgins, LPP was sworn in. Board accepted his credentials.

Mr. Higgins reported he has studied the application and the property. Mr. Higgins stated the use is both educational and entertaining. He continued to describe the site which includes 3 buildings housing offices and one thrift shop. The property is in a B1 Zone which allows destination type uses. Mr. Higgins stated this is the type of use that was envisioned in the Master Plan to generate traffic in the downtown area on nights and weekends. He continued to state the site is ideally suited for this type of business as the building is set back on the site and not visible. The building requires a destination type use as it is hard to find. There is no negative impact on the surrounding properties. The parking lot is short by 9 spaces. The general welfare is advanced through the particular suitability of this use.

Mr. William Wentzien, Engineer, clarified the site is in a B2 General Commercial Zone. He confirmed the applicant is short 9 parking spaces for the required 65 spaces.

Mr. Higgins stated this use helps the parking situation because its peak hours are different from the peak hours of the other businesses on the site. The property contains three structures, one building Amazing Escape Room will occupy, one building is office use and the other building is half office and half retail. The spaces in question are for use by all of the buildings.

Mr. Begley questioned if Amazing Escape Room could have 85 patrons, does that leave parking for the other businesses on site?

Mr. Wentzien responded the legal occupancy is 129 and the parking requirement is 1 space per four people, which is much less the actual 58 spaces.

Mr. Higgins stated the anticipated maximum occupancy would use approximately 25 spaces. That would leave adequate parking for the other businesses.

Ms. Sims questioned if there was space for buses to park.

Mr. Higgins stated buses that have come are not charter or school buses, they are 6-8 passenger buses that could fit in a standard parking space. Mr. Higgins stated the gravel area behind the building could provide additional parking for employees or overflow if necessary. Mr. Higgins added the building is not visible from the street and is a very difficult building to find a good use for. From a Planning and Zoning perspective, it is better to have a building that is occupied than to have a vacant building.

The floor was opened to public questions.

There were none.

Mr. Reich closed the public questions for Mr. Higgins.

Mr. Klotzkin testified employees would park in the back gravel area.

Mr. Wentzien stated that could be approved after a site plan, containing details on the handicap ramp, is reviewed.

Mr. Klotzkin stated there is currently a chain link fence with some shrubs buffering the area from neighboring properties. He testified he is willing to make whatever changes are necessary to shield disturbing lights.

Mr. Wentzien stated a site plan indicating how the employee parking area would be accommodated denoting access, adequacy of turnarounds to back out and safety with interaction of the proposed handicapped ramp. This area could provide an additional four spaces.

Mr. Carl Steinberg, 2 Monmouth Avenue was sworn in. Mr. Steinberg is the owner of the property and gave a brief history of the lot. He has owned the property since 1989, used the building as a warehouse for his furniture business. Built two additional buildings and developed parking lot. Mr. Steinberg stated he is a real estate broker and has never had a problem with parking for his tenants, which includes an office, a thrift shop and previously the Monmouth County Republican Club. Mr. Steinberg stated there are two storage trailers on property. He stores antiques in one trailer and shares the other trailer with a tenant. Mr. Steinberg stated he landscapes and maintains the property on his own.

Mr. Steinberg stated the caboose acts as a landmark and signage to locate the building. He stated the property had many functions in the past, including auction house. The auction was not successful because people had a hard time finding the building. Mr. Steinberg described the gated area. It is gated so pedestrians do not use it as a thoroughfare. He stated the area is well lit and holds the garbage containers. There have never been any problems. Mr. Steinberg would like to see the waiver granted because he feels it is a small shopping center similar to Boro Plaza on Broad Street. Mr. Steinberg reported there is 60 feet in the back of the building which could accommodate eight spaces and 4 additional spaces on the side between the two containers. There would be no problem turning around.

Mr. Reich asked if additional 12 parking spots could be added on the plan.

Mr. Steinberg answered yes.

Mr. Jackson asked if the other businesses on site have evening or weekend hours.

Mr. Steinberg responded no. The other businesses are usually closed by 5:00 PM.

Ms. Sims questioned the gate location as it is not indicated on the plan.

Mr. Wentzien responded with an explanation of the fencing and gate location.

Mr. Steinberg stated the gate is used to keep people from stealing items that are stored outside.

Mr. Wentzien asked with the introduction of the handicap ramp and additional parking, if the gate will remain.

Mr. Steinberg answered yes. There would be enough room for people to drive through and use the ramp.

Mr. Reich stated without a proper plan to review the parking, it could not be considered. An actual layout is needed to ensure the suggested parking can be done.

Mr. Cucchiaro stated there was no proof on how many spaces can be created without an updated site plan.

Mr. Wentzien added the site plan must also coordinate the safety of the pedestrian handicap ramp.

Ms. Sims asked if there is a designated handicap parking space near the first storage container.

Mr. Steinberg responded there are three handicap parking spots by Building A, Building B and behind Building A.

Mr. Reich stated the site plan denotes four handicap spaces; 2 next to Building A, across from Building B and behind Building A.

Ms. Sims suggested relocating an existing handicap parking spot closer to where the ramp is located.

Mr. Steinberg has no problem doing that.

Mr. Howard Klotzkin returned to testify that he is willing to do whatever it takes to meet the board's wishes. He stated he recently went before the Historic Preservation Committee regarding the signs he is requesting. Mr. Klotzkin described the signs;

1. A pylon sign installing four new panels (14 x 60) on existing pylon
2. Logo with directional arrow on the caboose with no additional lighting
3. On the corner of the building with raised letters and lit from above
4. Container on the left. Applicant to paint entire container white with logo and arrow directing guests to entrance.
5. On front of building, add a 3 ft by 12 ft white panel with rear illuminated cut out of logo and raised a few inches off the board. This is larger than allowed because the building is 800 ft. from the entrance and people would not see the allowable (2x12 ft) smaller size.
6. On rear of building, attached to the chimney. Size is 2 ft by 12 ft. and will be visible from Broad Street.

Mr. Reich reviewed the signage;

1. Rear signage conforms with the size requirement
2. Front of building is 1 ft larger than is allowed
3. Container signage: is it directional sign or building sign
4. Corner sign is approved as directional sign as per Code Enforcement
5. Caboose signage: considered building signage not directional signage
6. Pylon sign: replaces existing panels and no issue with size or lighting

Ms. Bennett questioned the previous sign on the chimney and the lighting.

Mr. Klotzkin responded he believed the previous sign was larger, approximately 3 ft x 13 ft and is lit by a gooseneck light. The lighting would not change.

Mr. Barricelli stated the application is not complete as it is missing an accurate site plan that depicts parking spaces and handicap ramp.

Ms. Sims asked about garbage pick up.

Mr. Klotzkin stated dumpsters are located to the right of the property. The dumpsters are not fenced in and are not in parking spaces. There is no problem with trash trucks maneuvering in and out of the area.

Mr. Steinberg reported the times of the trash pick up vary, but come every Wednesday. Mr. Steinberg stated enclosures cause problems.

Mr. Jackson asked if there are any changes to water or sanitation services.

Mr. Klotzkin stated there are no changes. No additions or bathrooms are being added.

Mr. Reich asked if there is adequate lighting throughout the site, especially in parking area in the rear of the building.

Mr. Wentzien asked if additional lighting is needed on the side, which will be the main entrance.

Mr. Klotzkin stated the site is very well lit. If additional lighting is needed in the rear or side, it will be added to the board's specifications.

Mr. Reich referred to the building plan and questioned if challenge room 3 exits into challenge room 6B?

Mr. Klotzkin reviewed plan and stated that is an error on the plan. Challenge room 3C exits from the entrance location. There is no connection between rooms 3 and 6.

Mr. Reich asked if there is a need to have handicap accessibility between challenge rooms 1 and 2.

Mr. Klotzkin replied if the guest entered the front door, the lower level would be accessible. Challenge rooms 1 and 2 are accessible from ground level and are handicap accessible.

Mr. Reich stated the route from registration to the front doorway should be clearly marked as a handicap accessible route. He stated the ramp has to comply with all ADA and Borough Codes. He questioned how the vehicle traffic gets around the ramp. He suggested the ramp be flipped, putting the handicap access against the building and the stairs on the outside of the building.

Mr. Klotzkin stated that was discussed with the architect and plans on making changes.

Mr. Reich asked if the fence that closes off the rear of the property starts before or after the proposed location of the handicap ramp.

Mr. Klotzkin stated the fence is closer to the parking lot and will remain open to allow customer access to the ramp.

The floor was opened to public questions or comments.

There were none.

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

ROLL CALL

Yes	7	Barricelli, Begley, Bennett, Jackson, Jordan, Reich, Sims
No	0	
Abstain	0	
Disqualified	1	Schnurr
Absent	2	Gibson, Friedman

Mr. Cucchiaro gave the board their options on acting on the application. The board could;

- Grant Use Variance relief with Preliminary and Final Site Plan Approval.
- Bifurcate application and Grant Use Variance Relief. Applicant would return for Preliminary and Final Site Plan approval after submitting the Site Plan and the board reviews it.
- Deny entire application.

Mr. Reich asked if it's possible to formulate language that would allow for the reduction or removal of additional parking spots needed if the Site Plan shows the required parking spaces are covered.

Mr. Cucchiaro stated if the board is inclined to grant an approval, variance relief would be granted for the 9 parking spot deficiency. However, if the parking increases, it would not reduce the variance that was awarded.

Mr. Reich if there is a fee associated with the parking variance.

Mr. Wentzien replied there is. A fee has to be posted and the fee based on the number of spaces.

Mr. Cucchiaro reported he is comfortable granting relief for 9 parking spaces and the applicant doing the best they can, subject to Mr. Wentzien's review. He is not comfortable with something that is supposed to be a noticed, public hearing that afterward the variance is reduced based on a site plan the public never got a chance to see. Mr. Cucchiaro said the intensity of the variance relief would change post approval.

Ms. Sims is in favor of approving the Use Variance as the site is under utilized and the use is similar to those permitted in the B2 Zone. Ms. Sims is also in favor of the signs as proposed because of the shape and length of the lot. She is concerned about the parking and handicap ramp. She feels the board should see the site plan before granting the parking variance.

Mr. Begley feels it is a great location and appreciates the applicant's willingness to do what is needed. He stated he is in favor of granting the Use Variance with Preliminary with Final Site Plan Approval.

Ms. Jordan reported this is a wonderful location for the business. She is fine with all of the information that was presented. She is comfortable with the engineer looking at the site plan and reporting back to the board. She is in favor of approving the Use Variance with Preliminary and Final Site Plan Approval.

Mr. Jackson has no problem with the Use Variance, Sign Waivers or with the engineer reviewing the Preliminary and Final Site Plan. He stated 9 parking spaces is based on the occupancy of 129 which is proper for the construction official to arrive at that number. He reported the applicant stated they will not come close that number of occupants. Mr. Jackson stated the applicant shouldn't have to come back and is in favor of granting the Use Variance with Preliminary and Final Site Plan Approval.

Mr. Barricelli expressed again he has no problem with the Use Variance. The absence of a Site Plan which outlines everything talked about is surprising. This was not a professional presentation. He will approve the Use Variance, but he feels the board needs to see a Site Plan.

Ms. Bennett is in favor of granting the Use Variance with Preliminary and Final Site Plan Approval, subject to the engineers input on the revisions to what was presented.

Mr. Reich is in favor of the Use Variance. He believes it fits well with the B2 Zone as being a destination business. Mr. Reich appreciates the changes made to the signage to meet the ordinances and understands the unusual burden of having the building 800 feet from the property line makes a smaller sign less effective. He is in favor of the sign variance approval. Mr. Reich stated the Site Plan needs to be reviewed by the board. He is in favor of bifurcation and reviewing the Site Plan separately.

Mr. Cucchiaro stated 10 day notice will have to be given as negative criteria carries over in a bifurcated application. The Site Plan portion will have to be re-noticed.

Mr. Klotzkin expressed the hardship to his business by delaying the Site Plan decision. Mr. Klotzkin stated construction is set up and can be completed in one week and hopes to open the business September 5th.

Mr. Cucchiaro asked when the revised plans would be available to Mr. Wentzien in order to open by September 5th.

Mr. Klotzkin explained the handicapped accessible front two rooms could be opened during construction on the rest of the building. He stated he could have the plans from the architect within 24 hours.

Mr. Cucchiaro stated even with everything getting done as planned, the resolution will not be memorialized until the next meeting.

Mr. Reich stated his concern over the details missing from the Site Plan. He is concerned with emergency vehicles getting around the handicap ramp and additional parking spaces. Mr. Reich stressed the protection that needs to be given to the ramp. He stressed the board should see a complete Site Plan before giving final approval.

Mr. Cucchiaro explained the board is instructing council to draft a positive resolution of the Use Variance with Preliminary and Final Site Plan Approval. The application will be carried, without further public notice, the entire hearing to the next hearing. The board can review the Site Plan and memorialize the Resolution all at the next meeting.

Mr. Cucchiaro reported there is an administrative code provision 5:23-2.15a5 which requires that an applicant for a building permit must furnish a statement that all required state, county and local prior approvals have been given. The board could give approval, but the approval would not have gone through resolution compliance. Mr. Cucchiaro stated the construction official would have to interpret what he believes that provision to mean.

Ms. Sims made a motion to carry the application, prepare a positive Use Variance Resolution with Preliminary and Final Site Plan Approval including sign waivers, seconded by Mr. Barricelli.

ROLL CALL

Yes	7	Barricelli, Begley, Bennett, Jackson, Jordan, Reich, Sims
No	0	
Abstain	0	
Disqualified	1	Schnurr
Absent	2	Gibson, Friedman

Mr. Cucchiaro requested a list of each sign and their dimension from Mr. Halleran.

Mr. Reich requested Mr. Klotzkin provide a complete Site Plan including enlargement of Building 3 area. Mr. Reich stated the application is being held until the next scheduled meeting on Wednesday, September 14, 2016 at 7:00 PM.

Mr. Reich opened the floor to public comments.

There being none, the board voted to close public comments.

Mr. Begley made a motion to adjourn, seconded by Mr. Jackson.

ROLL CALL

Yes	7	Barricelli, Begley, Bennett, Jackson, Jordan, Reich, Sims
No	0	
Abstain	0	
Disqualified	1	Schnurr
Absent	2	Gibson, Friedman

Meeting was adjourned at 9:27 PM.

Respectfully submitted,

Lynn Cannon