

**MINUTES FOR THE JULY 19, 2010 WORKSHOP MEETING
HELD AT 7:00 PM
51 WEST MAIN STREET
FREEHOLD, NJ 07728**

ROLL CALL:

Present: Mayor Michael Wilson, Councilman Michael DiBenedetto, Councilman Kevin Kane, Councilman John Newman, Councilman George Schnurr, Councilwoman Sharon Shutzer and Councilman Jaye Sims.

Absent: None

Also present were Business Administrator Joseph B. Bellina, Borough Attorney Kerry E. Higgins, Captain Glenn Roberts and Borough Clerk Traci L. DiBenedetto.

2. PUBLIC COMMENTS

Al Michenfelder, 30 Jackson Street, stated if the landlords who own rental properties in town can't maintain them or take care of them, they should be sold. The landlords need to be in town to know what is going on and most of them don't live here and they don't care.

Jeff Friedman, Freehold Landlord Association, stated the following:

"I just want to touch base on a few questions that were brought up at the last meeting from residents regarding whether they can bring their concerns to the landlord association. The answer to that is 100% yes. That was the purpose of us forming the organization because we recognize there are responsible property owners and irresponsible property owners. In order to help the Borough, responsible property owners need to work with the irresponsible property owners. Mr. Leroy LaBarrie of Hull Avenue asked if he could bring his concern to us. The answer is most definitely, he can. We are at every Rental Property Advisory Meeting and we would be happy to see what we can do to help anyone who is having a problem with their neighbors, landlord or tenant. The Rental Property Advisory Committee just put forth two new forms, one for tenant complaints and one for landlord complaints. I'm going to recommend at the next meeting that we also set up a form that neighbors can fill out complaints against an offending neighbor landlord so those records can come before the Rental Advisory Committee. We, as responsible property owners, along with the Rental Advisory Committee, to try to make an effort in addressing some of these concerns. Thank you."

Fernando Cabrera, Affiliated Management, Monmouth Village Apartments stated the following:

“As per the last few meetings and conversations, it has been indicated that there is still an openness to have an on-going dialogue regarding the ordinance that was adopted. I would ask that mayor and council check their schedule and let’s set up a sure tight date where we can all sit down and discuss this matter as it should be. I thank you for your time.”

Councilman Kane offered the following Resolution and moved its adoption, seconded by Councilman Sims:

RESOLUTION TO CLOSE PUBLIC PORTION.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption, opposed none, absent none, abstain none. Mayor Wilson declared the Resolution adopted.

3. ROUTINE TRANSACTIONS-SUPPLEMENTAL AGENDA (See Attachment I).

See the permanent minute book for the minutes and the resolution book for the attachments.

4. ZONING ORDINANCE PROPOSED CHANGES.

Hank Stryker, Zoning Officer, stated that Ms. Higgins and Mr. Bellina asked him to go over the Zoning Ordinance and try to find things that need to be updated. Mr. Stryker presented mayor and council with the following proposed changes:

- Under the definition of Buildings – remove tents and lunch wagons
- Lot coverage in all Residential Zones should be increased, but included in lot coverage should be decks, patios, driveways, sidewalks and in ground pools
- Accessory Structures – should be a limit of 750 square feet in size and 20 feet height to all accessory structures
- B-1 Office Commercial District – Committee for Design Review should be revisited and rewritten
- Other General Provisions – This section should also stipulate that no boats, campers, motor homes etc. shall be parked in the front yard area including on driveways
- Prohibited Uses – A. The keeping or raising of swine should also include fowl, horses, cattle, goats, etc.
- Motor Vehicle service stations and public garages – are permitted in any district where specifically noted herein as being a permitted use with a Conditional Use Permit. However there is no zone that allows them with a Conditional Use Permit. This should be looked into.
- Community Residences – Should be reviewed as State Statute approves these uses.

- Abandonment – Should be reviewed because prior court decisions have changed the rules on abandonment of uses.
- Administration & Enforcement – Refers to the Building Inspector for administering and enforcing the Zoning Ordinance. This should be changed to the Zoning Officer and or Building Inspector
- Zoning Permit Fee – Should be raised from \$25.00 to \$35.00
- Schedule of Area, Yard and Building Requirements – changes will have to be made in this schedule in regards to any changes in lot coverage, setbacks, minimum gross habitable floor area.

Mr. Stryker stated a Professional Planner could work on helping us re-do the entire ordinance if Mayor and Council chooses to do this.

Councilman Newman stated about a month ago the topic of signs for downtown came up at a council meeting and Mr. Stryker thought there should be some changes to that but it doesn't seem to be incorporated into this review.

Mr. Stryker stated the sign ordinance is not part of the zoning ordinance; it falls under building and construction. Mr. Stryker stated it should be looked at again. He explained that he is finding that downtown most businesses won't go with a carved sign because they are very expensive. A lot of them go with a canopy sign. Painted signs look just as good but we got away from the painted signs because a couple businesses downtown painted their own sign and put it on the building.

Mayor Wilson questioned the percentage of window coverage that is allowed.

Mr. Stryker replied you are allowed to have 10% of the window covered and we are constantly battling that.

Mayor Wilson stated if anyone has any comments or questions they could direct them to Hank or Joe Bellina and we can discuss what we are going to do as far as amending and updating the Zoning Ordinance.

Mr. Stryker stated he will go through the sign ordinance.

5. FREEHOLD HEALTH SCREENING FAIR – REGIONAL PERINATAL CONSORTIUM OF MONMOUTH-OCEAN COUNTIES.

Councilman Sims stated they were not in attendance tonight and this item will be held.

6. HOMEOWNER INCENTIVE/RENTAL PROPERTY CONVERSION.

Councilman Newman stated this is an idea for some of the properties in town that are currently rentals. He explained we can convert them to homeowner occupancy and we can increase the homeownership in town. It will decrease the amount of rentals but a

lower amount of rentals also increases the value of the existing rental properties in town. Councilman Newman's idea was to discount part of their municipal taxes over the course of five years if they can find a property that has been occupied as a rental for five years. Some other ideas would be to hold the fees that they may have paid to the code office and rebate that to them at a later date.

Mayor Wilson stated Kerry Higgins can investigate the possibility of an incentive for this program. If the council has any questions or recommendations they can bring them to Kerry and Councilman Newman.

7. INVESTORS SAVINGS BANK – 21 WEST MAIN STREET. REDEVELOPMENT PRESENTATION. (SEE ATTACHMENT II.)

Bill Mehr, Mehr, LaFrance and Williams, attorney for the applicant stated the following:

“The application tonight is for the proposed tenant on the first floor of 21 West Main Street. There are tenants presently on the second floor. Investors Savings Bank will be leasing the first floor of the building and because of that there needs to be a change in the front façade of the building. You would no longer have access to the second floor from the inside of the first floor. There has to be a separation because of the security involved. What is being proposed is the location of a door and cutting off a piece of the stairwell so it goes directly from the outside up. That door is inset and will be the same type of door. That is the primary change to the physical plans of the building. In addition of an ATM machine on the front exterior of the building, as well as, on the back of the building. We have met with the Historical Preservation Commission and they have made recommendations, all of which have been incorporated into the plans, inclusive of an awning structure over the front of the building, as well as, one over the back. I have with me tonight the architect, Dawn Van Hine and Dennis O'Hara from the sign company. We did send to you the floor plans and the front and rear locations of the building.”

Councilman Sims questioned why there would be two ATM machines.

Mr. Mehr replied the front of the building is the main entrance of the building and the back has access to the only public parking area where people can enter.

Councilman Sims stated he is not comfortable with the ATM in the back of the building. The one on Main Street is more visible and there is a lot of foot traffic. If this is 24 hour access, the visibility in the back is not the same as it would be in the front part of the building.

Mr. Mehr stated the actual lights in the back part of the building are pretty good and they are able to put additional light under the overhang.

Dawn Van Hine, project engineer, stated the bank feels it is important to give the convenience to their customers with an ATM in the front and in the back because of the length of the building and traveling from the parking lot in the rear to the front is not always feasible to everyone. There is also a State law requiring light levels for ATM machines.

Councilman Schnurr explained certain States require all of their ATM's be enclosed.

Ms. Van Hine stated that Investors Savings standards is for the ATM's to be either drive up or walk up. Someone in an ATM vestibule would be trapped if someone were to try to rob them.

Councilman DiBenedetto asked what the hours would be and how many employees there were going to be.

Ms. Van Hine stated they would be open 9:00 AM to 5:00 PM during the week and 9:00 AM to 12:00 or 1:00 PM on Saturdays and have approximately 8 to 10 employees.

Councilman Newman asked for some of the recommendations of the Historic Preservation Committee.

Ms. Van Hine explained that Investors standard color is green and both the front and rear signage was green and we changed the front signage to be a brushed metal, as per their request. We had a canopy in the back and we added one to the front. They asked that the building number be displayed on the glass over both the front and rear doors. The committee asked for shutters on the two windows in the rear, which we added. Ms. Van Hine stated the committee was concerned with someone exiting the building into the parking lot. We have a 4 foot wide concrete sidewalk before the pavement of where the driveway starts and we are adding to that, as well as, repainting and re-striping.

Councilman Sims asked if the ATM in the front will be ADA accessible.

Ms. Van Hine stated the front and rear ATM's will be ADA accessible.

William Wentzien, Cranmer Engineering, stated there is a subsection in the Freehold Redevelopment Core Zone that states that no permanent canopy structure with a projection greater than eight inches shall project over a public right-of-way unless approved by the governing body. This canopy will need to be noted as part of the approval process.

Councilman Newman questioned if the name McKelvey on top of the building was going to be removed.

Mr. Mehr stated they are not removing the name.

Councilman Schnurr asked about the issue of the rear ATM machine.

Mayor Wilson asked council if they approve of the ATM in the rear of the building.

Council Members DiBenedetto, Kane, Shutzer and Newman approved of the ATM in the rear of the building.

Councilmen Sims and Schnurr did not approve of the ATM in the rear of the building.

Mayor Wilson and council members authorized Ms. Higgins to do a resolution including the approval of the awning extension and the rear ATM machine, subject to adequate lighting and security measures.

8. MASTER PLAN RE-EXAMINATION. (SEE ATTACHMENT III.)

Councilman Schnurr explained the Planning Board has to go through a Master Plan re-examination on a periodic basis and we last adopted one in April 2005. One of the reasons we have to do this is when there is litigation between an applicant who is denied from the planning board, one of the first questions the judge usually asks is when was the master plan last updated because that becomes the basis for an appeal. That is one of the reasons why we need to do a master plan re-examination within the next year. We have already gone through the recommendations the Planning Board has made to the council. This is to get input from the council. We do have an estimated fee of \$7,500 to do this.

Mayor Wilson asked if the fee was budgeted for this year.

Mr. Bellina stated this was not budgeted. To review a master plan, you are allowed to follow a procedure which allows you to pay for it over a five year period. It's called an emergency appropriation, although it is not a true emergency. Two resolutions will be prepared for the next council meeting; one for the appropriation and one that will authorize the master plan review.

Councilman DiBenedetto offered to enter into Executive Session, seconded by Councilwoman Shutzer:

9. EXECUTIVE SESSION.

A. PERSONNEL MATTERS.

B. LITIGATION.

C. CONTRACT NEGOTIATIONS.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption, opposed none, absent none, abstain none. Mayor Wilson declared the Resolution adopted.

10. ADJOURNMENT.

There being no further business to discuss, Councilman Kane moved to adjourn the meeting at 9:18 PM, seconded by Councilwoman Shutzer, with All in Favor.

Respectfully Submitted,

Traci L. DiBenedetto, RMC
BOROUGH OF FREEHOLD