

FREEHOLD TOWNSHIP ZONING BOARD OF ADJUSTMENT

MINUTES APRIL 10, 2014

Chairman Decker called the Zoning Board of Adjustment meeting of April 10, 2014 to order at 7:30 p.m. He read the notice of the Open Public Meetings Law and the Sworn Testimony announcement. There was a salute to the flag.

Present: Mr. Folta, Mr. Schuhardt, Mr. Apostle, Ms. Kurtz, Mr. Jennings, Mr. Yoon, Mr. Elowitz and Mr. Decker

Absent: Mr. Caiazza and Mr. Lundberg

Also Present: Dennis Galvin, Esq., Timothy P. White, Township Engineer and Nancy Torre, Administrative Officer

MINUTES:

A motion to approve the minutes of March 27, 2014 was made by Mr. Apostle, seconded by Mr. Elowitz and passed with the following members voting in favor of the motion: Mr. Elowitz, Mr. Yoon, Mr. Jennings, Mr. Apostle, Mr. Folta and Mr. Decker.

NEW APPLICATION:

Application #1-14/#703-1-14

Del Ponte Enterprises, LLC

Block 70, Lot 23 – West Main Street

Site Plan and Use Variance approval to permit the enclosure of the existing canopy area along the rear of the building of approximately 1,108 sq. ft., to provide for an additional entrance door and to utilize the existing silo for storage.

Gerald N. Sonnenblick, Esq., Sonnenblick Parker & Selvers appeared on behalf of the applicant. He said they have no objection to the exhibits that were marked. They received approval about eight months ago. He explained there is a rear window with a canopy where ice cream was served. They will not be serving ice cream and won't have outside seating, therefore they would like to enclose it and utilize that area for storage. They would also like to remove the silo and keep the red color for the building although they were approved to change it to tan.

Michael Saverese, Architect appeared and was sworn. His credentials were accepted. Since taking over the property they thought about how their operation runs and decided it would be better to do the baking on the first floor rather than on the second floor. They thought it was a better plan to take down the canopy in the back and enclose it for food preparation space. Exhibits were presented and marked P-8 and P-9. Mr. Saverese described the changes.

Ms. Kurtz asked if they will still be selling ice cream and gelato and what will deter people from hanging out in the back. Mr. Sonnenblick said previously there was the window in

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the back with seating. He said this is not an ice cream store it is just gelato that goes with the cookies.

Vincent Del Ponte appeared and was sworn. He explained the gelato is sold in cups, pints, quarts and gallons. He said there won't be any seating and they don't have a problem in their other locations. Mr. Decker said they were granted the use variance and it wasn't a concern then. Mr. Apostle said he is comfortable that if it was a concern they cleared it up. Mr. White said he doesn't think it was a concern because the canopy still existed. Mr. Sonnenblick said they testified they were taking out the seating when they were here last. Mr. Galvin said they have an approval for the bakery. If you don't like the addition it doesn't undue the prior approval. Mr. Decker asked what percentage of floor space will be used for the sale of gelato. Mr. Saverese said approximately 160 square feet. Pasquale Del Ponte appeared and was sworn.

Vincent Del Ponte said when they did the first plan they didn't think about storage. They will use the second floor for storage and the shed. A discussion followed. Mr. Sonnenblick said they're also providing a second entrance.

Joseph Kociuba, KDH Engineering appeared and was sworn. His credentials were accepted. He said he reviewed the site and doesn't have any specific concerns. It's an existing site and they reviewed it for existing drainage concerns and parking. Storm water management will operate as it does now and is operating properly. He described the parking requirements and in his opinion it is adequate. Mr. White said he agrees with the engineer's testimony. Mr. Decker asked if there were any questions. No one wished to speak.

Brian Murphy, P.E., P.P., FWH Associates appeared and was sworn. His credentials were accepted. He discussed the bulk variances and explained they are all existing. The use variance was previously granted for the bakery and gelato store. It fits the character of the area as it was previously an ice cream store. He also discussed the sign on the building. He sees no negative impacts and approval can be granted without detriment to the public good. Ms. Kurtz asked if the shed could go in a different spot. Mr. Murphy said the problem would be access. Mr. Jennings said he is concerned with the lighting being in character with the historic nature of Freehold. Mr. Murphy said the letters are enclosed. Mr. Saverese said it is back lit and the overhead lights are still there. Mr. Elowitz said no seating is proposed now. Mr. Murphy said no. Mr. Jennings asked if it is possible to save an area for seating. Mr. Murphy said no seating is proposed. There is a counter in the gelato area that you can stand by. A discussion followed regarding seating. Mr. Sonnenblick said they would have to come back for inside seating. Mr. Galvin said it's up to the board to decide. Mr. Del Ponte said there are benches outside in the front that will remain. Mr. White asked about the pylon sign. Mr. Saverese said it will stay the same they are just changing the name. Mr. Jennings asked if they will be making deliveries. Mr. Del Ponte said there is no plan to deliver to anyone. Mr. Decker asked if there were any questions. No one wished to speak. Mr. Galvin read the conditions. A motion to approve Application #1-14/#703-1-14 Del Ponte Enterprises, LLC, with conditions was made by Mr.

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Elowitz, seconded by Ms. Kurtz and passed with the following vote: Aye: Mr. Elowitz, Mr. Yoon, Mr. Jennings, Ms. Kurtz, Mr. Apostle, Mr. Schuhardt and Mr. Decker.

Mr. Jennings said he votes yes it's a positive addition to the town.

Mr. Apostle said he votes yes he thinks taking down the silo improves the visual environment of the area.

Mr. Schuhardt said he votes yes, he agrees with taking down the silo and moving production down to the first floor probably improves safety which he approves of.

Mr. Decker said he votes yes and echoes the comments of his fellow board members.

Mr. Sonnenblick thanked the board.

ADJOURNMENT:

A motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 8:27 p.m.

Nancy Torre
Administrative Officer

Jeffrey Decker, Chairman
Zoning Board of Adjustment