



Township of Freehold
OFFICE OF THE PLANNING BOARD
One Municipal Plaza, Freehold, NJ 07728

REGULAR MEETING AGENDA
March 16, 2023

The Freehold Township Planning Board will hold a Regular Meeting on Thursday, March 16, 2023, at 7:00 p.m. in the Municipal Building, One Municipal Plaza, Freehold, New Jersey to consider the following. Formal action may be taken.

1. **Call meeting to order.**
2. **Notice of Open Public Meetings Law.**
“In accordance with the Open Public Meetings Law, (c.231.P.L. 1975), this meeting was announced by posting the notice on the bulletin board reserved for that purpose; by mailing such notice on January 24, 2023 to the official newspapers of the Township and by filing such notice with the Township Clerk.”
3. **Roll Call.**
4. **Pledge of Allegiance.**

RESOLUTIONS:

Amend. Prelim. & Final Major Site Plan Application SP# 542-3-22
Variance Application VAR# 014-22
LIDL U.S. Operations, LLC
Block 69.01, Lot 18.02 – 91 Trotters Way

Members Eligible to vote: Mr. Barbieri, Mr. Bazzurro, Mr. Bruno, Ms. Fasano, Mr. Levy,
Mr. Shortmeyer, Mayor Walker, Mr. Pucci and Mr. Marion.

Resolution for O-23-3: An Ordinance Amending Chapter 190 (Land Use), Article I (General Provisions), Section 190-3 (Definitions) of the Revised General Ordinances

This Ordinance amends the definitions of Building Coverage and Lot Coverage, eliminates the definition of Coverage and adds a definition for Impervious Surface in Chapter 190-3 (Definitions).



APPLICATIONS:

(To be carried to 4/20/2023 Meeting)

**Amended Prelim. & Final Major Site Plan Application
Variance Application
M&M REALTY PARTNERS-ELTON PLAZA
Block 80, Lot 3 – 3301 Route 9**

**SP# 886-2-22
VAR# 013-22**

The Applicant is seeking amended site plan approval, with variance, to construct a mobile pick-up window to a previously approved 12,600 sf retail building and addition corresponding site improvements and drive-thru lane. Variance relief required for proposed signage containing non-permitted colors.

**Amended. Preliminary & Final Major Site Plan Application
Variance Application
Lady Chebli, LLC
Block 86, Lot 12 – 92 Village Center Dr.**

**SP# 439-3-22
VAR# 016-22**

The Applicant is seeking use variance relief to operate a permanent makeup salon in an existing tenant space, located on the 2nd floor of the Raintree Shopping Center. A permanent makeup salon is not a permitted use in the B-10 zone.

DISCUSSION:

- Recommendation(s) from the Technical Review Committee
- Old/New Business
- Adjournment

EXHIBIT LIST

**Amended Final Major Site Plan Application SP# 439-3-22
“D” Variance Application - VAR #004-21
Lady Chebli, LLC
Block 26 Lot 12 – 92 Village Center Drive**

ADMINISTRATIVE & TECHNICAL (APPLICANT)

- A-1 a. Application for Amended Preliminary Approval - Major Site Plan
b. Application for Amended Final Approval - Major Site Plan
c. Application for Variance
- A-2 Variance Checklist – Submission Documents
- A-3 Consent of Owner/Consent to Inspect/Disclosure Statement [2 pages]
- A-4 Escrow Maintenance Form/W-9/Tax Statement
- A-5 Waiver of Statutory Time Limitations
- A-6 Declaration of Completeness from Todd Brown, Township Planner, dated 12/13/2022
- A-7 Description of Operations, supporting Certifications & examples of permanent makeup.
- A-8 Overview Floor Plan of Beauty Bar [4 pages]
- A-9 List of Previous Resolutions [6 pages]
- A-10 Amended Preliminary & Final Major Site Plan w/ Use Variance [1 sheet], prepared by Robert D. Sive, P.E., of Geller, Sive & Company, LLC, dated 5/12/2022, last revised 11/10/2022
- A-11 Proof of Service

REPORTS/CORRESPONDENCE

- P-1 Memorandum from Timothy P. White, Township Engineer, dated 1/19/2023
- P-2 Memorandum from Kate Keller, Phillips, Preiss, Grygiel, dated 1/17/2023
- P-3 Memorandum from Margaret B. Jahn, Health Officer, dated 1/17/2023
- P-4 Memorandum from Shaun M. Reilly, Fire Official, dated 1/13/2023



TOWNSHIP OF FREEHOLD

"Preserving and Enhancing the Quality of Life"

MEMORANDUM

TO: Planning Board, c/o Donna Butch, Administrative Officer

FROM: Timothy P. White, Township Engineer

DATE: January 19, 2023

RE: Lady Chebli, LLC
Block 86, Lot 12
92 Village Center Drive-Raintree Towne Center
Amended Preliminary & Final Major Site Plan #439-3-22 &
Use Variance #016-22
REVIEW #1



This review refers to the following:

- Amended Preliminary & Final Major Site Plan w/ Use Variance, Raintree Shopping Center, Block 86, Lot 12, Township of Freehold, Monmouth County, New Jersey, one (1) sheet, dated May 12, 2022, revised November 10, 2022, prepared by Geller Sive & Company, LLC, signed and sealed by Robert D. Sive, P.E.
- Description of Operations, 92 Village Center Drive, Block 86, Lot 12, Lady Chebli, undated, unsigned.
- Sketch of Beauty Bar Layout and Room Layouts, four (4) pages, undated, unsigned.
- Sample Photos of Permanent Makeup Services, five (5) pages, undated, unsigned.

Executive Summary

The applicant is seeking amended preliminary and final major site plan approval to permit and operate a permanent makeup salon in an existing 1,100 square feet tenant space of the Raintree Towne Center. The beauty bar includes makeup consultations and permanent makeup services including, but not limited to, microblading (eyebrows) and lips, brows and liner tattoo enhancement services, scalp micropigmentation (a type of hair restorage treatment) and micropigmentation to correct scarring and correct areas after surgery such as breast cancer surgery. It should be noted that the applicant does not provide permanent body art tattooing services. All clients are by appointment only. The salon will have three employees including a receptionist and two licensed clinicians. The hours of operation are Monday through Saturday 10:00 a.m. to 5:00 p.m. The applicant anticipates monthly deliveries by common carriers such as USPS, UPS and Amazon.



To: Planning Board
Re: Lady Chebli, LLC
Site Plan #439-3-22 and Variance #016-22
REVIEW #1

January 19, 2023

The subject property is located in the B-10 Zone. The applicant is seeking a use variance, as the permanent makeup portion of the salon is not permitted in the zone. This office defers to the Township Planner in this regard and for any other additional variance that may be required.

There are no site improvements proposed as part of this application, as the applicant is solely seeking a use variance to perform the permanent makeup services within the existing salon.

The following comments are provided:

1. The application describes the permanent makeup salon to be located in a 1,100 square foot tenant area, however note #5 on the site plan describes a tenant space of 875 square feet. The applicant shall clarify and revise accordingly.
2. Remove "minor site plan" from the site plan title block.

This office has no additional comments pertaining to the proposed tenant use as described in the subject application. However, it is recommended that the plans be revised to include notes and details to describe the maintenance, upgrade and/or repair of the overall site related to the following items:

3. In December 2020, the Freehold Township Zoning Officer issued the attached "Notice of Violation" related to maintenance of sidewalks, ADA compliance, and roadway/drives at the Raintree Towne Center. Subsequently in January 2021, the Zoning Officer and Assistant Township Engineer met with Levin Management on site to discuss the concerns and Levin informed the Township that they would budget and make the repairs during upcoming favorable weather. To date, Levin has completed several pavement repairs within the drive aisles and parking lots, but has not yet addressed the ADA issues and concerns (i.e. non-compliant curb ramps, missing signage, damaged signage, pavement condition, and ADA access from parking spaces to existing tenant spaces). The subject property owner shall bring the site into conformance in this regard and describe all improvements on the site plans.
4. Revise the site plan to provide an inventory of all existing regular and ADA parking spaces. Provide a calculation of the required number of ADA parking spaces in accordance with current ADA standards and provide additional ADA parking if and where required.
5. There are several areas of damaged concrete sidewalk and/or curbing in various locations throughout the site. Any cracked, lifted and/or damaged sidewalk and curbing shall be removed and replaced. All site concrete shall be described as NJDOT Class B concrete.
6. Although many pavement repairs were more recently made, there are still several areas of failed pavement in several locations throughout the site. It is recommended that the applicant mill/pave and repair any other areas of the parking lot(s) and access drives in need of repair.
7. All existing storm inlets located in areas of pavement repairs shall be upgraded to meet the stormwater design requirements outlined in T.O. 270-33A and 270-33B (type 'N' eco head curb pieces and NJDOT bicycle safe grates).



To: Planning Board
Re: Lady Chebli, LLC
Site Plan #439-3-22 and Variance #016-22
REVIEW #1

January 19, 2023

8. The site contains numerous loose and non-enclosed refuse containers. In accordance with Freehold Township Ordinance, all refuse containers shall be located within masonry refuse enclosures. Any proposed new enclosures or existing enclosures in disrepair shall be described to be constructed in accordance with T.O. 190-122C.
9. Several building roof drain outlets are located in openings in existing concrete curb and flow overland. All roof drains shall be tied in below grade and connected to existing stormwater infrastructure.

This office has no additional comments relative to any engineering issues.

TIMOTHY P. WHITE
Township Engineer

TPW/mb

Attachment – “Notice of Violation – Maintenance of Sidewalks, ADA Compliance, and Roadway/Drives”

TOWNSHIP OF FREEHOLD



MAYOR
Lester A. Preston, Jr.
TOWNSHIP COMMITTEE
Thomas L. Cook, Deputy Mayor
Anthony J. Ammiano
Maureen Fasano
Alan C. Walker

"Preserving and Enhancing the Quality of Life"

December 9, 2020

Raintreetowne Center Assoc. LP
PO Box 326 (Levin MNGMNT)
Plainfield, NJ 07061

RE: 1-200 Village Center Drive (Raintree Plaza)
Freehold, NJ 07728
Block- 86 Lot-12
Maintenance of Sidewalks, ADA Compliance, and Roadway/Drives

NOTICE OF VIOLATION

To Whom This May Concern,

Please be advised that it has been brought to the attention of this office that the sideways and roadways/drives are not being properly maintained. All sidewalks and roadways/drives must be properly maintained and operate sufficiently. You are currently in violation of the following Township of Freehold Ordinances and International Property Maintenance Code: **190-114, 245-6, & I.P.M.C. 302.3.**

The Freehold Township requires that all properties be maintained in a clean safe condition as not to cause a blighting problem or adversely affect the quality of life of its residents and pass-byers.

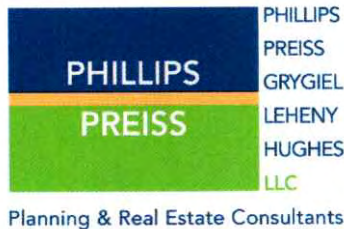
A compliance inspection is scheduled for January 10th, 2021. If the violation has not been abated by the aforementioned date this office will have no other choice but to issue summonses for the stated violation.

All Township code violations carry a maximum fine of \$2,000.00 along with a mandatory Municipal Court appearance. I am confident that with your cooperation compliance can be gained. If you should have any questions or concerns, please do not hesitate to contact this office at (732)294-2068. Your response on this matter is anticipated and appreciated.

At this time, you will need to apply for site plan review through the Township of Freehold Joint Planning Board for the road, sidewalks, and ADA requirements. I have copied the Township's Planner, Mr. Todd Brown and Township Engineer Matthew Bryant on this for your convenience. You can reach Mr. Todd Brown at (732)294-2076 or via email at tbrown@twp.freehold.nj.us with any questions regarding your site plan application. Regarding ADA compliance feel free to contact Township Engineer Matthew Bryant via email at mbryant@twp.freehold.nj.us or via phone at (732)294-2070.

Respectfully,

John De Pinto
Code Enforcement and Zoning Official
Township of Freehold
(732)294-2068



January 17, 2023

Freehold Township Planning Board
% Donna Butch, Administrative Officer
Freehold Township
1 Municipal Plaza
Freehold, New Jersey 07728



RE: **Variance #016-22 / SP #439-3-22**
Use "d(1)" Variance w/ Amended Site Plan Approval
Planner's Review Letter
Lady Chebli LLC
92 Village Center Drive
Block 86, Lot 12
B-10 Highway Development Zone

Dear Chairman and Members of the Board:

We have reviewed the above-referenced development application, including the following documents:

- Amended Preliminary and Final Major Site Plan w/ Use Variance, consisting of 1 sheet, prepared by Robert D. Sive, PE, of Geller Sive & Company LLC, dated 5/12/2022 and revised through 11/10/2022
- Floor Plan, unsigned, undated
- Preliminary and Final Major Site Plan & Variance Applications, with Rider

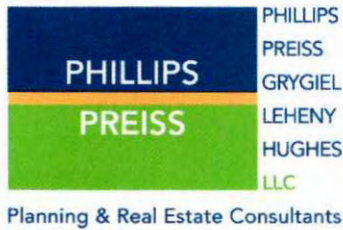
Project Description

The applicant is seeking "d(1)" use variance approval with amended preliminary and major site plan approval to permit a beauty services studio, including permanent makeup, to be located in an existing second floor tenant space within the Raintree Town Center retail development. No additional site improvements are proposed.

The subject property measures ±17.9 acres and is developed with several commercial buildings, which in combination are known as Raintree Town Center. The site is located on the north (westbound) side of CR-537 (West Main Street) and is accessed via a signalized intersection at Village Center Drive and CR-537. The applicant's leased space measures approximately 1,100 square feet in area and is located on the upper floor of a two-story building in the northerly (rear) portion of the site.

The applicant is proposing to operate a beauty studio providing a variety of personal care services, including skin care, bridal makeup consultation, and permanent makeup services such as eyebrow microblading, lip and eyeliner tattooing, and scalp micropigmentation. Clients would be seen by appointment only, with no walk-in visitors accepted. There would typically be three (3) employees on site, including a receptionist and two (2) licensed practitioners. The proposed hours of operation are Monday through Saturday, 10:00am until 5:00pm.

70 Hudson Street
Suite 5B
Hoboken, NJ 07030
201.420.6262
www.phillipspreiss.com



Zoning Compliance & Planning Comments

We offer the following for your consideration.

1. The B-10 Highway Development Zone permits a variety of commercial uses and shopping centers, including offices, banks, retail sales, personal services, restaurants, and indoor recreation. While personal care establishments such as hair and nail salons are permitted in this zone, the pigmentation technique utilized for the permanent makeup services meets the definition of a “Tattoo Shop” at §190-3 of the Township Land Use Ordinance:

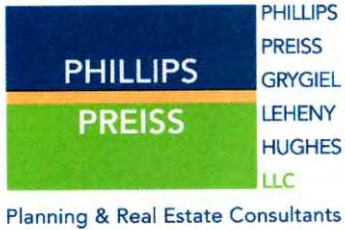
TATTOO SHOP: An establishment, business or use which provides the services of applying a tattoo more specifically described as an indelible mark or figure etched on the surface of the body by the insertion of pigment into the skin.

As tattoo shops are not permitted in the B-10 Zone, “d(1)” use variance relief is required. Testimony should be provided in accordance with the criteria set forth below. We note that the applicant is not proposing to provide body art-style tattoos that are typically associated with tattoo parlors and similar establishments.

The MLUL at N.J.S.A. 40:55D-70d(1) permits a Board to grant a variance to allow “a use or principal structure in a district restricted against such use or principal structure.” Per the MLUL, a “d” variance may be granted only “in particular cases for special reasons.” These “special reasons” for a use variance may include that the use is inherently beneficial, that the property owner would suffer undue hardship if compelled to use the property in conformity with the permitted uses in the zone, or that the site is particularly suited for the use so as to promote the general welfare.

In addition, a variance applicant must address the “negative criteria” and affirmatively demonstrate that the variance can be –granted “without substantial detriment to the public good” and “without substantial impairment to the intent and purpose of the zone plan and zoning ordinance” of the municipality. A d(1) variance applicant for a use that is not inherently beneficial is further required to address the “enhanced quality of proof” per Medici v. BPR Co. (107 NJ 1 [1987]): “the grant of a use variance is not inconsistent with the intent and purpose of the master plan and zoning ordinance.”

2. The applicant should provide testimony addressing studio operations, including number of clients/appointments per day, trash and loading, and anticipated parking needs.
3. The parking required for the proposed use appears to be negligible in comparison to the overall shopping center parking count. However, general testimony should be provided as to the adequacy of parking in this portion of the shopping center. We note that the site plan indicates that 7 parking spaces are required per the requirement for beauty shops set forth at §190-163 (1.5 per chair plus one per employee), but the site is subject to the overall parking requirements for shopping



centers in this section and no new calculation is required. Plans should be revised to indicate same.

4. The applicant should provide testimony describing any outside agency approvals and/or certifications that may be required in association with the proposed use, such as relevant state and local health agencies, and status of same if the Board were to choose to look favorably on this application.

We trust that the above information is responsive to your needs.

Respectfully submitted,

Kate Keller, P.P., AICP

cc: Roger J. McLaughlin, Board Attorney
Timothy P. White, P.E., Township Engineer

TOWNSHIP OF FREEHOLD



MAYOR
Maureen Fasano
TOWNSHIP COMMITTEE
Alan C. Walker, Deputy Mayor
Anthony J. Ammiano
Thomas L. Cook
Lester A. Preston, Jr.

"Preserving and Enhancing the Quality of Life"

TO: The Freehold Township Planning & Zoning Board
FROM: Margaret B. Jahn, Health Officer
DATE: January 17, 2023
SUBJECT: Lady Chebli, LLC
92 Village Center Drive
Block: 86 Lot: 12
VAR# 016-22
SP# 439-3-22



We have reviewed the information regarding the above referenced application. We have no objection to the proposed project provided the applicant complies with N.J.A.C 9:27-2.1 prior to construction and with the regulations upon opening.

P-3

TOWNSHIP OF FREEHOLD



MAYOR
Alan C. Walker

TOWNSHIP COMMITTEE
Lester A. Preston, Jr., Deputy Mayor
Anthony J. Ammiano
Maureen Fasano
Thomas L. Cook

"Preserving and Enhancing the Quality of Life"

January 13, 2023

Freehold Township Planning Board
1 Municipal Plaza
Freehold, NJ 07728
ATT: Mrs. Donna Butch

RE: Lady Chebli, LLC
Amend. Preliminary & Final Major Site Plan
Variance Application
Block 86, Lot 12 – 92 Village Center Drive
Distribution #1

SP# 439-3-22
VAR# 016-22

Dear Mrs. Butch

The fire board reviewed the plans and have approved them as submitted.

Sincerely,

Shaun M. Reilly
Fire Official / Chief of the Board