



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

**REGULAR MEETING MINUTES**  
**September 5, 2019**

The Regular Meeting of the Planning Board was called to order by Chairman Gatto on Thursday, September 5, 2019 at 7:00 p.m. at the Freehold Township Municipal Building, One Municipal Plaza, Freehold, New Jersey. Mr. Gatto read the Notice of the 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 18, 2019 to the official newspapers of the Township and by filing such notice with the Township Clerk."

**Present:** Mayor McMorrow, Mr. Ammiano, Mr. Bazzurro, Mr. Bruno, Mr. Gatto, Mr. Kash (arrived at 7:10p), Mr. Shortmeyer, Ms. Kurtz, Mr. Asadi and Mr. Levy.

**Absent:** Ms. Jahn, Mr. Coburn

**Also Present:** Frank Accisano, Esq.; Timothy P. White, Township Engineer; Kate Keller, Phillips, Preiss, Grygiel, Lehaney and Hughes, Township Planning Consultant; and Todd Brown, Planner-Trainee.

There was the Pledge of Allegiance.

**RESOLUTIONS:**

**Variance Application # 016-19**  
**DeOliveira, Luis**  
**Block 97, Lot 56.02 – 231 Georgia Road**

Mr. Ammiano made a motion, and was seconded by Mayor McMorrow to approve the application and memorialize the resolution. The motion passed with the following roll call vote: Mayor McMorrow, Mr. Ammiano, Mr. Bruno, Mr. Gatto, Mr. Shortmeyer, Ms. Kurtz and Mr. Levy.

**Site Plan Waiver # 638-1-17 and Variance # 027-17**  
**Tulsi Restaurant, LLC**  
**Burger King**  
**Block 70.10, Lot 2.04 – 3608 Rt. 9 South**

Mr. Shortmeyer made a motion, and was seconded by Mr. Ammiano to approve the application and memorialize the resolution. The motion passed with the following roll call vote: Mayor McMorrow, Mr. Ammiano, Mr. Bruno, Mr. Gatto, Mr. Shortmeyer, Ms. Kurtz and Mr. Levy.



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**Request for Certificate of Non-Conformity Application #017-19**

**Hadfield, Ken**

**Block 31.05 Lot 16 – 403 E. Freehold Road**

Mr. Ammiano made a motion, and was seconded by Mr. Shortmeyer to approve the application and memorialize the resolution. The motion passed with the following roll call vote: Mayor McMorrow, Mr. Ammiano, Mr. Bruno, Mr. Gatto, Mr. Shortmeyer, Ms. Kurtz and Mr. Levy.

**Site Plan Waiver Application # 364-2-19 and Variance # 009-19**

**Platinum Auto Enterprises, LLC - Platinum Mitsubishi (Tenant)**

**4020 Route 9 Realty (Owner)**

**Block 67, Lot 2 – 4020 Route 9 South**

Mr. Ammiano made a motion, and was seconded by Mr. Levy to deny the application and memorialize the negative resolution. The motion passed with the following roll call vote of eligible Board Members: Mayor McMorrow, Mr. Ammiano, Mr. Gatto, Ms. Kurtz and Mr. Levy.

**NEW APPLICATIONS:**

**Variance # 020-19**

**Chater, Hussam (Estate of Mamoun Chater)**

**Block 42, Lots 11.12, 11.13, 11.14 – 42 Hunt Road**

Proposal to abandon previously approved subdivision and to maintain an existing non-conforming accessory structure (pavilion) of 336 sf, which requires a "c" variance for size exceeding the permitted 192 sf.

Michael Castore, Esq. appeared for the applicant. Mr. Accisano stated he reviewed the proof of notice submitted by the applicant which was correct in form, published and served in a timely fashion so the Board has jurisdiction to conduct a public hearing. Mr. Castore had no objection to the exhibits that were marked and Mr. Gatto read the review letters into the record.

**Mr. Kash arrived to meeting at this time [7:10p].**

Mr. Castore addressed Mr. White's review comments and stated that the Applicant is prepared to address comments # 1 through # 2. Mr. Castore took no objection to both items. Mr. White was satisfied with response.

Mr. Castore addressed Ms. Keller's review comments # 1 through # 4. Since the applicant agreed to Engineering Report # 1 to consolidate the three (3) lots into one (1) lot, comment # 2 and # 3 are withdrawn. All other comments to be addressed during hearing testimony.

The following witnesses were sworn in: Hussam Chater (Executor of the Estate of Mamoun Chater - 4 Jersey Lane, Spring Lake, NJ); Kate Keller, Phillips Preiss and Grygiel, Township Planning Consultant; and Timothy P. White, Township Engineer.



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Mr. Castore presented into the record additional exhibits: Exhibit A-10 – Subsequent sub-division to be abandoned with accessory structures shown; A-11 – Colored photos of existing pavilion structure (6 pages).

Mr. Chater has applied for permits, but require for this application to be approved first. No further comments or objections raised by Ms. Keller and Mr. White.

Mr. Gatto opened the application to the public.

Roberta Hurtz of 22 Hunt Road appeared and was sworn in. She lives next door and is very concerned with sitting surface water at the base of her driveway. Mr. Castore took objection to adding the provided pictures of ice and water at base of driveway, so was not added to the record. Mr. White confirmed there are methods to resolve this condition, but would need to be completed by Ms. Hurtz on her property. Mr. Castore and Mr. Chater believe the application does not propose any additional buildings or improvements which contribute to the surface water. Mr. White agreed to meet with Ms. Hurtz to look further into issue.

There was no one else from the public who came forward. A motion to close the public section was made by Mr. Shortmeyer and seconded by Mr. Ammiano. All in favor.

Mr. Ammiano made a motion to authorize Mr. Accisano to prepare a positive resolution, which was seconded by Mayor McMorrow. All in favor.

### **Bifurcated Use Variance Application # 015-19 (Ref. SP# 803)**

#### **Wasatch Storage Partners, LLC**

#### **Block 69 Lots 36.04, .05, .06, .07 – 80/85/100/105 Gibson Place**

Applicant seeks a bifurcated use variance to approve a self-storage facility with eleven buildings, 59 RV parking spaces and associated site improvements. Chapter 190-146.B. – self-storage uses are not permitted within the CMX-2 Zone.

Mr. Michael Castore, Esq. represented attorney on record. Mr. Accisano stated he reviewed the proof of notice submitted by the applicant which was correct in form, published and served in a timely fashion so the Board has jurisdiction to conduct a public hearing. Mr. Bazzurro stated he will be recusing himself from the application as he lives in the neighborhood.

Mayor McMorrow made a motion to carry the application to the October 3, 2019 meeting without further notice, seconded by Mr. Shortmeyer. All in favor.

(Carried from July 18, 2019 without further notice)

### **Preliminary Major Site Plan with Waiver of Site Plan Details #901-18 and Variance # 027-18**

#### **Aragona, Frank and Beatrice**

#### **Block 28.02, Lot 6 – 29 Majestic Drive**

Proposal to construct a detached, one-story 1,800 s.f. garage/building (36' x 50') at the rear of property; whereas the first floor would be used for storage for motor vehicles and separate storage area for workshop, closet and powder room.



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Martin F. Pfleger, Esq. appeared for the applicant. Mr. Accisano stated he previously reviewed the proof of notice submitted by the applicant and the Board has taken jurisdiction to conduct a public hearing during the July 18, 2019 meeting. Mr. Pfleger had no objection to the exhibits that were marked and Mr. Gatto read the review letters into the record.

Mr. Pfleger addressed Mr. White's review and stated that the Applicant is prepared to address comments # 1 through # 7. Mr. White clarified that a "D" variance is no longer applicable, and that item # 8 needs to be stricken. All comments to be addressed during hearing testimony.

Mr. Pfleger addressed Ms. Keller's review and stated that the Applicant is prepared to address comments # 1 through # 5, including the deed restriction. All comments to be addressed by professionals during hearing testimony.

The following witnesses were sworn in: Alan Zimble, Architect (Zimble Architecture – 30 South Street, Freehold, NJ); Frank Aragona (Property owner); James Higgins (14 Filment Drive, Ocean, NJ) Kate Keller, Phillips Preiss and Grygiel, Township Planning Consultant; and Timothy P. White, Township Engineer.

Mr. Pfleger presented into the record additional exhibits:

- EX A-11 – Shed, Garage and Attic photos taken by Property Owner [color handout]  
(22 page pkg)
- EX A-12 – Colored Aerial [color handout] (2 page pkg)
- EX A-13 – Existing Architectural plans [b/w board] (as previously submitted)
- EX A-14 – Internal floor plan of garage [b/w board]
- EX A-15 – Revised existing architectural plan (EX A-13) with additional landscaping and relocation of proposed garage by 5' [b/w board]
- EX A-16 – Architectural elevations (as submitted) [b/w board]

Mr. Aragona gave testimony on the current conditions of the property, history of improvements and need for additional accessory structure for storage purposes only. Mr. Aragona reviewed Exhibits A-11 and A-12. Mr. Aragona agreed to extend a row of 12' high arborvitae trees along left side of property.

Mr. Pfleger and Mr. Aragona agreed to have the powder room removed from the application and plans. Mr. White found response to be satisfactory.

Mr. Gatto and Board Members inquired for clarity of: an allowable detached garage size and parking count; what would be seen from the street; comparison on proposed structure in relation to exiting home on property; amount of storage within current home.

Mr. Gatto announced the Board will be taking a 5 minute recess.

Upon return, Mr. Pfleger responded that the applicant is requesting to withdraw the current application without prejudice, as well as withdraw previous site plan application. If Mr. Aragona desires to continue further, a full resubmission of plans and notice will need to be completed.

Mr. Ammiano made a motion to withdraw variance and site plan applications without prejudice, seconded by Mayor McMorro. All in favor.



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**DISCUSSION:**

Mr. Gatto gave a background on current guide rail on State Highway in Freehold Township. Mr. Gatto proposed correspondence to NJ DOT from the Planning Board. The Twp Committee to add support with a letter, then followed with a letter from County. Mr. Ammiano gave a historical perspective of the dangerous issue. No objection from the Board to move forward with this.

Mr. Gatto, Mr. White and Mr. Brown reviewed the upcoming agenda items for the following two (2) meetings.

Bill Mehr, Esq. approached the Board to request for the CentraState Cardiac Cath-IR Building Addition application to be heard during 10/3/19 meeting. Mr. Gatto responded that until Engineering plans are completed/submitted and Township Professional's comments have been addressed, the application cannot be scheduled for a Planning Board Meeting.

**ADJOURNMENT:**

There being no further business, Mr. Gatto adjourned the meeting. The meeting concluded at 8:35 p.m.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "R. Shortmeyer", with a stylized flourish at the end.

Robert H. Shortmeyer  
Secretary