



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

**REGULAR MEETING MINUTES**  
**October 1, 2020**

The Regular Meeting of the Planning Board was called to order by Chairman Gatto on Thursday, October 1, 2020 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 20, 2020 to the official newspapers of the Township and by filing such notice with the Township Clerk."

**Present:** Mayor Preston, Mr. Bazzurro (arrived at 7:05), Mr. Bruno, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Shortmeyer, Ms. Kurtz and Mr. Levy.

**Absent:** Mr. Ammiano, Mr. Kash, Mr. Asadi

**Also Present:** Roger McLaughlin, Esq.; Timothy White, Township Engineer; Kate Keller of Phillips Preiss Grygiel LLC, Consulting Township Planner; Todd Brown, Township Planner-Trainee; Donna A. Butch, Administrative Officer

There was the Pledge of Allegiance.

**MINUTES:**

**Approval of Minutes:** March 19, 2020 Regular Meeting

Mayor Preston made a motion, and seconded by Mr. Shortmeyer to approve the Minutes. The motion passed with the following roll call vote: Mayor Preston, Mr. Coburn, Mr. Gatto, Mr. Shortmeyer, Ms. Kurtz and Mr. Levy.

**Approval of Minutes:** April 16, 2020 Regular Meeting

Mayor Preston made a motion, and seconded by Mr. Shortmeyer, to approve the Minutes. The motion passed with the following roll call vote: Mayor Preston, Mr. Bruno, Mr. Gatto, Mr. Shortmeyer, Ms. Kurtz and Mr. Levy.

**Approval of Minutes:** May 7, 2020 Regular Meeting

Mayor Preston made a motion, and seconded by Mr. Shortmeyer, to approve the Minutes. The motion passed with the following roll call vote: Mayor Preston, Mr. Bruno, Mr. Coburn, Mr. Gatto, Mr. Shortmeyer, Ms. Kurtz and Mr. Levy.

**Approval of Minutes:** June 4, 2020 Regular Meeting

Mayor Preston made a motion, and seconded by Mr. Shortmeyer, to approve the Minutes. The motion passed with the following roll call vote: Mayor Preston, Mr. Bruno, Mr. Coburn, Mr. Gatto, Mr. Shortmeyer, Ms. Kurtz and Mr. Levy.

**RESOLUTIONS:**



**Preliminary & Final Major Site Plan  
Variance Application  
Platinum Auto Enterprises, LLC  
Block 67 Lot 2 – 4020 Route 9 South**

**SP# 364-3-20  
VAR# 003-20**

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

**APPLICATIONS:**

**(continued from 9/17/20 meeting)**

**Amended Preliminary & Final Major Site Plan  
Variance Application  
JSM at Eaton, LLC – The Edge at Freehold  
Block 83 Lot 1.01 – 177 Elton Adelphia Rd**

**SP #824-5-20  
VAR # 022-20**

The applicant is seeking approval to construct a 210 s.f. freestanding walk-in cooler as an incidental accessory use directly behind a commercial business.

Mr. Salvatore Alfieri appeared on behalf of the applicant.

Mr. Gatto stated, for the record, that this was a continued application. The applicant indicated that there was a missing report from the Health Department. The report was provided at this meeting and marked as P-6, dated September 30, 2020. The Board of Health had no objections to the application as described in their report.

Exhibits presented by the applicant’s attorney to be marked into evidence:

P-18: Plan of canopy requested by the Board of Health

Mr. Bazzurro arrived, 7:05pm.

Nothing further was discussed on this application.

Mr. Gatto asked the Board if they had any question, they did not. The public hearing was closed at the September 17, 2020 meeting, but Mr. Gatto asked if the public had any questions or concerns. There was no one at the meeting for the public.

Mr. Gatto requested a motion to move for a positive resolution. A motion was made by Mayor Preston, and seconded by Ms. Kurtz. All in favor, Aye.

**Variance Application  
CAVALLARO, Richard & Susan  
Block 42.17 Lot 5 – 31 Scarlet Dr**

**VAR# 016-20**

The applicant is requesting bulk variance relief to construct a pool cabana structure, when this type of accessory structure is not a permitted accessory use.

Richard Cavallaro, applicant, introduced himself to the Board. Mr. McLaughlin advised he reviewed the Affidavit of Publication and the Proof of Service, and the Board has jurisdiction to entertain the



application. He advised Mr. Cavallaro they have the right to be represented by an attorney and that the variance they have applied for is subject to the Municipal Land Use Law. Mr. Cavallaro understood and wanted to continue on his own.

Richard Cavallaro stated his name again for the record. Mr. Shortmeyer swore in Mr. Cavallaro as well as Kate Keller, Planner for the Township, of Phillips Preiss Planners and Timothy P. White, Township Engineer.

Mr. Gatto advised Mr. Cavallaro that Exhibits A-1 through A-8 are administrative and technical in nature and would he object to have them marked into the record. Mr. Cavallaro had no objection.

Mr. Gatto read the professional reports.

Mr. Gatto asked the applicant what he intended to do with the pool cabana. Mr. Cavallaro responded that the cabana will be used to entertain family and friends during the summer months. He plans to stay at his home for the next 20 years and wants it to be comfortable.

Mr. Gatto asked Mr. Cavallaro if he anticipated anyone staying in or sleeping in the cabana. Mr. Cavallaro answered that sleeping will not occur in the cabana. Mr. Gatto then asked for the intended use of the cabana. The applicant then responded that they would eat in there, have couches, a TV and a bar.

Mr. Gatto brought up an issue regarding the height of the chimney and asked Ms. Keller if the height of the chimney would be problematic. Ms. Keller mentioned the maximum permitted height is 16 feet and the chimney proposed is 17 feet. Mr. Gatto suggested and Ms. Keller agreed, that the chimney was de minimis and would be acceptable. There were no objections from the Board regarding the chimney.

Mr. Gatto asked the applicant for the record if materials for the cabana would match or be consistent with the house. Mr. Cavallaro responded that the siding and shingles would be the same as the house.

Mr. Gatto asked Mr. Cavallaro if he was going to move his shed. Mr. Cavallaro replied that he was not going to, but would move it if needed. Mr. White and Ms. Keller had no objections to the shed not being moved.

Ms. Keller asked Mr. Cavallaro whether he was going to run a gas line, water and electric to the cabana. Mr. Cavallaro said yes, he is going to run all three utilities to the cabana.

Mr. Gatto asked the applicant if the Board granted the relief, would it present any detriment to the public or his neighbors. Mr. Cavallaro replied that it would not present any detriment to any neighbors.

Mr. Gatto asked if the Board had any questions or comments. A Board Member asked where the cabana was going on the lot and if the cabana would be screened from the neighbor's view. Mr. Cavallaro answered that it was a corner lot and said the cabana was going near the pool and there would be bushes and shrubs blocking the cabana from his neighbor.

Mr. Gatto asked if there were any questions from the public. Seeing none, Mr. Gatto requested a motion to close the public hearing. Mr. Shortmeyer made a motion and was seconded by



Mayor Preston. All in favor, Aye. Mr. Gatto requested a motion to move for a positive resolution. A motion was made by Mr. Bazzurro, and seconded by Mayor Preston. All in favor, Aye.

**Preliminary and Final Major Subdivision  
Variance Application**

**SD# 900-19  
VAR# 010-19**

**Pollock, Thomas (Lot 38.05) and  
Robert & Kristy Loff (Lot 38.06)  
B 97 L 38.05 – 350 Brandon Boulevard  
B 97 L 38.06 – 178 Jackson Mills Rd.**

The applicant is seeking subdivision approval for a proposed lot line modification, taking approximately 4.42 acres from Block 97, Lot 38.06 and appending it to Block 97, Lot 38.05; leaving Lot 38.06 with approximately 37.51 acres and Lot 38.05 with approximately 38.05 acres. No improvements are proposed as part of this subdivision. Lot 38.06 currently operates with a use variance under Variance # 003-16.

Richard Stone, Esq. of Stone Mandia introduced himself on behalf of Thomas Pollock.

Mr. McLaughlin advised he reviewed the Affidavit of Publication and the Proof of Service, and the Board had jurisdiction to entertain the application.

Mr. Gatto advised Mr. Stone that Exhibits A-1 through A-15 are administrative and technical in nature and would they object to have them marked into the record. Mr. Stone had no objection.

Mr. Gatto began to read the professional reports.

Mr. Shortmeyer swore in Kristy Loff of 178 Jackson Mills Rd; Laurence Murphy, Greensite Engineering and Consulting; Kate Keller, Planner for the Township, of Phillips Preiss Planners and Timothy P. White, Township Engineer.

Exhibits presented by the applicant's attorney were marked into evidence:  
A-16: Final Plat Plan (dated 2/28/2020)

Mr. Stone explained that this subdivision application will make the Pollock parcel almost 5 acres larger. Mr. Stone asked Mr. Murphy to give a detailed explanation of the lot division and the increase/decrease of the lots involved in this application.

Mr. Murphy was accepted as a Professional Engineer witness for the applicant after giving his credentials and education for the Board.

Mr. Murphy then gave the description of the properties requested by Mr. Stone.

Mr. Gatto asked Mr. Murphy if he can comply with Mr. White's comments 1 through 6. Mr. Murphy agreed, he could comply.

Mr. Gatto asked for testimony to explain the use of the guest house to address both Mr. White's comment #7 and comments on Ms. Keller's report. Mr. White suggested that Ms. Loff explain the use.



Ms. Loff gave her name and address again for the record.

Ms. Loff explained that her family is from Tennessee and used the guest house for a couple months and no one has used it since. Ms. Loff confirmed there is no working kitchen in the guest house to answer part of Mr. White's comment.

Mr. Gatto asked Ms. Loff if she is aware of any detriment that this application would bring to any of her neighbors. Ms. Loff said this will bring no detriment to her neighbors.

Still addressing comment #7, Mr. White mentioned the driveway on Jackson Mills Rd. should be removed and the second driveway to Brandon Blvd be installed.

Ms. Loff stated that the driveway to be constructed off Brandon Boulevard is there. However, Ms. Loff said she spoke with Mr. White previously to keep the Jackson Mills Road driveway to construct the basketball court.

Mr. Stone asked if the second driveway could be made of gravel, pavement or dirt for approval. Mr. White answered the areas by the garage and apron should be paved and the rest can be gravel. Ms. Loff stated that blue stone is there now.

Mr. Gatto stated this application will not be able to move forward unless the driveway is in compliance. If the Loff's do not agree with these terms, they can make an application to come back before the Board for their driveway at another time.

Mr. Gatto asked if Mr. White would be able to have an inspection done at the Loff's house to be sure the guest house does not have a kitchen. Mr. White said he could get the inspection done.

Mr. White then mentioned the next part of comment #7 addressing the existing access easement relative to Jackson Mills Rd. to be modified, corrected or amended to include a hold harmless agreement, holding the Township harmless from litigation from anyone passing over the Township's property. Mr. Stone said he would work with the Loff's on the easement agreement.

Mr. Gatto confirmed with Ms. Keller that she does not need any further testimony.

Mr. Gatto asked Mr. Stone if he is aware of any detriment to the surrounding neighbors, which Mr. Stone said there is no detriment.

Mr. Gatto asked if there was anything further from the Board and/or the public. Seeing none, Mr. Gatto asked for a motion to close the public hearing. Mr. Shortmeyer made a motion to close the hearing and was seconded by Mr. Preston. Mr. Preston made a motion for a positive resolution and was seconded by Mr. Bazzurro.



**Minor Site Plan Application  
Variance Application  
Bank of America**

**SP# 525-3-19  
VAR# 019-19**

**Block 85.11 Lot 17 – 510 West Main Street**

Application for minor site plan approval to install a free-standing ATM kiosk in Lane 3 of an existing drive-thru. The application proposes no change to the existing Bank use and also proposes minor lighting upgrades.

Mr. McLaughlin stated that he reviewed the notice and affidavit of publication and were acceptable to entertain the application.

Ms. Diane Hickey, Esq. introduced herself as counsel representing the applicant.

Mr. Gatto asked Ms. Hickey if she had any objections to Exhibits A-1 through A-13 being marked as they are administrative and technical in nature. Ms. Hickey had no objection.

Mr. Gatto then read the professional letters.

Mr. Gatto asked Ms. Hickey if she had any objection to Mr. White's report and would she be able to comply with the maintenance items outlined. Ms. Hickey agreed the applicant can comply.

Mr. Gatto finished reading the reports.

Witnesses were sworn in by Mr. Shortmeyer: Paul Mutch, Stonefield Engineering; Kate Keller, Phillips Preiss Planners for the Township and Timothy P. White, Township Engineer.

Ms. Hickey asked Mr. Mutch to give his education and experience to be accepted by the Board. Mr. Gatto stated Mr. Mutch was accepted.

Mr. Mutch explained for the Board that the original proposed location for the ATM was met with some disapproval, so the ATM lane is now proposed in what the applicant calls lane 3. Where there were 4 lanes, now will be 3. Lane widths will be adjusted to be able to handle different size vehicles with proper pavement markings.

Mr. Mutch explained that now that the ATM lane is moved there will be no signage on the ATM. People will see a common gray ATM box.

Mr. Mutch said a new canopy sign will say "ATM" with minor change lettering changes.

Mr. Gatto asked what is proposed for the lighting. Mr. Mutch stated that the commercial fixtures will be changed out to be more decorative and located in the back. There will be no impact onto adjacent properties by the lighting.



Mr. Gatto asked if there were any questions or comments from the Board or the public. Seeing non, Mr. Gatto asked for a motion to close the public hearing. A motion was made by Mr. Shortmeyer and seconded by Mr. Preston. Mr. Gatto asked for a motion for a resolution. Mr. Preston made a motion for a positive resolution and was seconded by Ms. Kurtz. All in favor, Aye.

(carried from 8/6/2020 meeting)

Minor Site Plan Application

SP# 825-1-19

Variance Application

VAR# 013-19

Freehold Car Connection INC – DBA Raceway KIA of Freehold (Applicant)

AC Realty (Owner)

Block 67, Lot 5 – 4044 Route 9

Upgrade to existing KIA automobile dealership. The upgrades include new site lighting to address the site’s poor illumination for both safety and automobile purposes; new façade and freestanding signs to replace and upgrade the existing signs and a new auto display area to better display vehicles.

This will be carried to the November 5, 2020 meeting. The applicant is still working on accommodating the board’s concerns regarding architectural conditions and other conditions.

**DISCUSSION:**

Mr. Gatto asked if the Board was aware of the Moini decision. Mr. Moini appealed the decision to Superior Court. The Superior Court upheld the Board’s decision, they are now appearing in front of the Appellate Court. The Board is authorizing Mr. Frank Accisano to defend the case. All in favor, Aye. Mr. Gatto asked if there were any objections to Mr. Frank Accisano defending the case in the Appellate court. All Board members agreed they had no objection. All in favor, Aye.

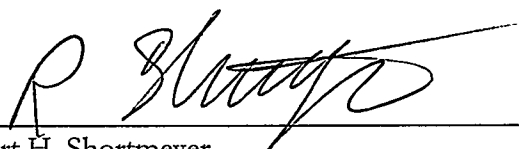
Mr. Gatto confirmed that there was nothing on the agenda for the October 15<sup>th</sup> meeting. Mr. Gatto asked for a motion to cancel the meeting. Mr. Shortmeyer made a motion and was seconded by Mayor Preston. All in favor, Aye.

Chairman Gatto confirmed the next be two meetings would be November 5<sup>th</sup> and November 12<sup>th</sup>. He then discussed the upcoming agendas.

**ADJOURNMENT:**

There being no further business, Meeting was concluded at 8:00 pm.

Respectfully Submitted,

  
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Robert H. Shortmeyer  
Secretary