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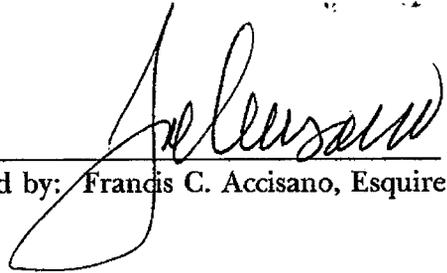
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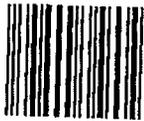
COUNTY RECORDING FEES \$180.00  
TOTAL \$180.00

APR 8 2004



Prepared by: Francis C. Accisano, Esquire

**PLANNING BOARD OF THE TOWNSHIP OF FREEHOLD**



413890

RE: JDN DEVELOPMENT CO., INC.  
APPLICATION NO. 699-02  
PRELIMINARY SITE PLAN APPROVAL (PHASE I)  
MEETING DATE: FEBRUARY 24, 2004

**RESOLUTION**

Mr. Shortmeyer offered the following Resolution and moved its adoption which was seconded by Mr. Louro

WHEREAS, JDN Development Inc., hereinafter referred to as the Applicant is the owner of the premises known as Lot 20 in Block 70 as shown on the tax map of the Township of Freehold and located on Monmouth County Route 537; and

WHEREAS, the Applicant has submitted an application for Preliminary Site Plan Approval as more particularly described hereinafter; and

WHEREAS, if required, the Applicant gave notice pertaining to the public hearing to be held on said application in accordance with the Revised Statutes of the State of New Jersey and Section 18-7.2(a) of the Freehold Township Land Use Ordinance; and

WHEREAS, pursuant to said notice a public hearing was conducted by the Freehold Township Planning Board at the Freehold Township Municipal Complex on December, 4, 2003 which hearing was continued to December 18, 2003 and thence to February 5, 2004; and

WHEREAS, the Applicant presented the testimony of the following persons;

8355-7827

4/27/04

Gary Howe, a development director of Developers Diversified which is one of the principals of the Applicant; Robert Ignari, a licensed New Jersey architect; Mark Lescavage, a licensed professional engineer and professional planner; Carl Penke, a licensed professional engineer specializing in traffic engineering; and Steven Ewing, an acoustics expert; and

WHEREAS, the Planning Board received certain exhibits into evidence which are enumerated in Schedule A to this Resolution; and

WHEREAS, the Freehold Township Planning Board carefully considered all of the evidence and exhibits presented and the questions and comments of interested property owners and based thereon has made the following findings of fact and conclusions of law:

1. Applicant seeks Preliminary Site Plan Approval to permit the development of the premises in the following manner:

The construction of three separate buildings, the first of which is to be located at the northeast section of the property to contain 149,551 square feet which will ultimately be expanded to 216,000 square feet;

A second building located in the southeast section of the property to contain 153,369 square feet;

A third building located in the western section of the property to contain 30,427 square feet.

The first building described herein is intended to house a "Wal-Mart" store, the second building is intended to house a "Sam's Club" and a third space is to house undetermined "retail" uses. The buildings are sometimes referred to in this resolution as "Wal-Mart", "Sam's" and "retail space" respectively.

The three buildings and their associated infrastructure constitute phase I of the Development of the site. There are several out-parcels not proposed for development at this time, although several of the parcels are involved in the development of phase I by virtue of excavation and grading activities as well

as the construction of infrastructure elements to service the phase I development.

2. The premises are located in the VC zone and the proposed use is a permitted use therein. The Planning Board notes that this development is one of the products of litigation in the Superior Court of New Jersey in a matter entitled 537 Freehold Corp. v. Township of Freehold, Docket No.: L-50871-89. The original stipulation entered in the litigation anticipated development of 600,000 square feet, 300,000 square feet of commercial space and 300,000 square feet of office space, with 77 single family residences. Subsequent negotiations reduced the development size to 30 single family residences and 500,000 square feet of floor area which is to be developed in accordance with an implementing ordinance, section 18-38.29 Village Center Zone as set forth in the Freehold Township Land Use Ordinance.
3. The application satisfies the bulk requirements of said zone with the exception of the proposed vehicle parking ratio. The ordinance requires 5.5 parking spaces per 1,000 square feet of floor area. The Applicant proposes 5.1 parking spaces per 1,000 square feet of floor area resulting in a parking space shortage of 160 spaces. The Board notes initially that the Freehold Township Land Use Ordinance provides that for developments, which contain over 500,000 square feet of floor area, the requirement for parking spaces is 5.0 per 1,000 square feet. The Applicant's proposal actually exceeds this requirement. The Planning Board finds that the spaces provided will be adequate to satisfy the parking demands for the phase one development and the granting of a variance for the number of spaces will have the beneficial effect of reducing overall impervious surface coverage in an area which adjoins fresh water wetlands and fresh water wetland transition areas. It is an

element of the Planning Board's determination in granting the subject variance that there shall be no overnight parking of campers, recreational vehicles and the like in any of the parking areas it being the intention of the Board that the available parking spaces shall be used only and for no other purpose than customer and employee parking. The Board finds that the variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Freehold.

4. The Applicant has requested pursuant to N.J.S.A. 40:55D-51 that it be granted certain exceptions from the requirements of the Freehold Township Land Use Ordinance (hereinafter called waivers) pertaining to the following:
  - (a) Submission waivers; The Applicant requests a waiver for submitting plans prepared at a scale of less than inch to 30 feet. Because of the size of the proposed development, a lesser scale is required in order that the plans be of a manageable size. The Planning Board finds that the plans as submitted contain all of the necessary information for the Board's determination.
  - (b) Design waivers;
    1. The Applicant seeks to permit construction of slopes and a grade of 2 to 1 at the foot of the retaining walls at the north and northeast sections of the site which walls are approximately 900 feet in length. The maintenance of these walls is to be undertaken by the owners of the property. The Planning Board finds that permitting a slope steeper than that required by the Ordinance, will have the positive effect of avoiding disturbance of wetlands or wetland transition areas by reducing the width of disturbance associated with providing a more gradual slope.

2. A waiver is sought for the depth of storm water in the detention basins. A maximum of 2 feet for the one year water quality storm is required and the Applicant proposes variable depths from 3 feet to 5 feet. The increased depth results in adequate storm water detention facilities while minimizing lateral soil disturbance. The Planning Board further finds that in this application with no pedestrian access and private maintenance of the facilities, the increase in depth will not result in any danger, expense or inconvenience to the public.

Therefore, the literal enforcement of these requirements will exact undue hardship upon the Applicant. The project will continue to reflect overall conformity with the zone plan and master plan of the Township of Freehold and therefore the requested waivers are granted.

5. The Applicant has obtained approval from the Freehold Soil Conservation District for a soil erosion and sediment control plan.
6. The Applicant has obtained a Letter of Interpretation from the State of New Jersey Department of Environmental Protection concerning the location of fresh water wetlands.
7. The Applicant proposes to manage storm water run-off employing 3 storm water detention basins to reduce post-development run-off flows as required by the Ordinance. In response to questions and comments from interested persons, the Applicant has redesigned its storm water collection system to employ recharge trenches in order to promote infiltration of storm water into the ground. In this regard, the Applicant will employ perforated 24 inch and 30 inch pipes in its system. The Applicant will also investigate the

possibility of installing infiltration structures in storm water detention basins for this same purpose. The Applicant has submitted an additional downstream impact study to a point at Schanck Road. The Planning Board reserves the right to require additional information concerning downstream analysis.

8. The Applicant has secured a Stream Encroachment Permit from the State of New Jersey Department of Environmental Protection.
9. The Applicant has not obtained approval from the Monmouth County Planning Board.
10. The Freehold Township Planning Board finds that rational planning dictates that provision be made for an interconnection of roads between the subject premises and adjoining lot 21, block 70. A sanitary sewer connection with a stub manhole should also be provided in the vicinity of the common property line for eventual connection when the said lot 21, block 70 is developed.
11. The Planning Board finds that the proposed development including the ultimate development of the out-parcels will have a substantial impact on vehicular traffic on the roads in the area. The Applicant proposes three entrances/exits along route 537 to service the proposed development. The Applicant is to contribute the sum of \$2,000,000.00 to the County of Monmouth toward improvements at the intersections of Route 537 and Gravel Hill Road, Iron Bridge Road, Village Center Drive, Redwood Lane, Wemrock and Stillwells Corner Roads, Gibson Place, Trotters Way and the widening of the existing bridge over the Route 33 Bypass Roadway. The Applicant is also constructing several of the associated improvements itself as shown on exhibit P42 in evidence. The Planning Board finds that the analyses are, in some respects, based on hypothetical uses on the premises and further traffic analysis

and additional approvals will be required as development proceeds. Further, the Applicant will be required to make provisions for the interconnection of the traffic system within the development to the proposed road as shown on the Freehold Township Master Plan of Roads which will ultimately cross the Route 33 Bypass Roadway and connect with US Highway 9. The Board finds that the development proposed by the Applicant in phase 1 and the ultimate development of the other parcels will measurably contribute to the traffic using the proposed road with connection to Route 9. Therefore, in addition to all other contributions and work, the Applicant shall be required to contribute a fair share of the expense of constructing the connecting facilities for the interconnection including an overpass over the Route 33 Bypass Roadway. Further, the Planning Board finds that the precise location of the section of the interconnecting road on the Applicant's property has not been set forth on the plans submitted because the off premises location of the road has not been determined. Therefore, appropriate reservations for the necessary easements and/or rights of way must be made a condition of this approval.

12. The subject premises also contain the location of an historic resource, namely the foundation of Cincinnati Hall, a significant building associated with the American Revolution. The general area of the location of the foundation is known, however, it has not been precisely determined. The affected parcels as shown on the Applicant's overall scheme are parcels number 5 and 6. The Applicant has agreed that it will provide a certified archeological consultant to determine the actual location of the foundation and, once determined, all grading activities shall be limited so as to provide a sufficient buffer to preserve the site of the Cincinnati Hall foundation. Further, the ultimate dispo-

sition of the Cincinnati Hall foundation is a subject reserved by the Board to be determined at such time as the Applicant submits applications for site plan approval for the affected parcel. The limited grading proposed for this site is shown on exhibit P46 in evidence.

13. The Planning Board notes that the Applicant proposed to save an existing Heritage Tree on the subject site which is located in an area proposed for extensive clearing. This would leave the Heritage Tree on a plateau like structure 14 feet in height. Because of the possibility of adjustments to grading on this site associated with preservation of the Cincinnati Hall foundation, the preservation of the Heritage Tree may not be advisable and the Planning Board makes no recommendation to the Township Committee in this regard save to find that it is not opposed to removal of the Heritage Tree should same be required in order to permit reasonable development of this site with preservation of the Cincinnati Hall foundation.
14. In response to questions from interested parties, the Applicant has agreed to enhance the plantings in the buffer area between the development and adjoining residences with double staggered rows of evergreen trees on centers of 10 feet. The Applicant has also indicated a willingness to investigate the possibility of planting evergreen screening on adjoining residents' property provided that necessary consents are obtained. Type of plantings and planting methods shall require the approval of the Freehold Township Shade Tree Supervisor.
15. The Applicant presented testimony that noise levels at the property lines of the subject premises are projected to be 57 decibels during operations. In order to maintain conforming decibels, delivery truck shall be required to

follow specified routes to maximize distance between their operation and adjoining residences.

16. Lighting on the subject premises will be phased at the Sam's location so that, when the Sam's closes, there will be a 47 percent reduction with remaining security lights only one hour after the Sam's closing. There will further be reduced lighting at the perimeter of the Sam's site. Similar lighting reduction will pertain for the operation of the Wal-Mart until such time as operations are conducted 24 hours a day.
17. In response to comments from interested parties, the Applicant has agreed to construct a security fence and trash barrier to consist of a chain link fence six feet in height at locations as finally approved by the Freehold Township Assistant Planner and Engineer.
18. The Planning Board is particularly concerned with the appearance of the three buildings to be constructed as shown in exhibits P37, P38, P39 and P40, which present a combination of materials and features consistent with the colonial architectural theme which the Township of Freehold seeks to promote.
19. The Applicant proposes that the Township Committee and the Township of Freehold vacate existing Beadleston Drive as a public roadway to be incorporated into the subject premises.
20. In response to questions and comments from adjoining property owners, the Applicant has agreed that trash pick up at the various buildings shall only be conducted between the hours of 7:00 a.m. and 9:00 p.m.
21. The plan proposes the installation of an emergency road between Monmouth County Route 537 and Schanck Road as shown on the exhibits marked in evidence.

22. The Applicant has agreed that it will provide for sewer availability, as herein-after described, to service the property located at 310 West Main Street owned by Adam Leonard.
23. The Applicant proposes soil removal activities, which are regulated by the Freehold Township Soil Removal Ordinance. 50,000 cubic yards of soil will be relocated to another site, which, however, was a part of the lands affected by the litigation and stipulation hereinbefore described. No Township streets will be affected by the soil removal activity.

NOW THEREFORE BE IT RESOLVED by the Freehold Township Planning Board based on the foregoing findings of fact and conclusions of law that the application for Preliminary Site Plan Approval, Variance and Design Waivers and Soil Removal Permit for Phase 1 of case number 699-02 is hereby approved subject however to the following:

### **SPECIFIC CONDITIONS**

1. The within approval pertains only to phase 1 of the subject development and its associated infrastructure. Separate applications for site plan approval and any related relief as to any of the out-parcels shall be applied for prior to any development thereon.
2. There shall be no overnight parking of campers, recreational vehicles and the like in any of the parking areas on the subject premises.
3. The responsibility for the maintenance of all retaining walls, storm water detention basins, storm water drainage facilities and all other elements of the infrastructure and facilities servicing the development shall remain with the Applicant, its successors and assigns.
4. The design of all recharge trenches and the perforated pipe in storm water collection system shall be subject to review and approval by the Freehold Township Engineer. Further, the Applicant shall investigate the possibility of installing infiltration structures in the storm water detention basins to further promote the infiltration of storm water into the ground and, if the installation of such structures is feasible, they shall be installed in accordance with a design approved by the Freehold Township Engineer.

5. If required, the Applicant shall submit any further downstream impact studies as to storm water run-off as shall be required by the Freehold Township Engineer.
6. The Applicant shall provide for the interconnection of roads between the subject premises and adjoining Lot 21, Block 70 and shall provide a stubout and manhole for future connection of sanitary sewer service in the vicinity of the common property line with said lot.
7. No Certificate of Occupancy shall be issued for the development or any portion thereof until such time as all of the improvements on Monmouth County Route 537 as shown on Exhibit P42, including Castranova Way, are completed.
8. Because the precise location of the section of the interconnecting road to Highway 9, as shown on the Master Plan of Roads of the Township of Freehold, has not been determined, there is reserved to the Township of Freehold the right to require such easements, rights of way and other accessions as shall be required on the affected parcels so that an appropriate alignment with the interconnecting road may be completed. The Applicant shall contribute its fair share of the expense of constructing the interconnecting road beyond its property for connection to Route 9 including the Route 33 overpass.
9. The Applicant shall limit grading on parcels 5 and 6 as shown in Exhibit P46 in evidence so as not to disturb the general area of the Cincinnati Hall foundation. The Applicant shall, in concert with the Freehold Township Historic Commission, cause a certified archeological consultant to finally determine the actual location of the foundation. The disposition of the Cincinnati Hall foundation, once located, is reserved by the Board to be determined at such time as the Applicant submits application for site plan approval for the affected parcel and nothing shall be done to disturb the Cincinnati Hall foundation area as shown on the exhibit prior to a final determination in this regard.
10. The Applicant shall enhance the plantings in the buffer area between the development and the adjoining residences with double staggered rows of evergreen trees on centers of 10 feet, the type of plantings and planting methods to be approved by the Freehold Township Shade Tree Supervisor. The Applicant shall be permitted to enhance this screening provided by the buffer area by planting some of the evergreens on adjoining resident's property provided that such residents deliver the necessary consents.
11. The Applicant shall assure that delivery trucks and other large vehicles enter the site at the entrance controlled by the traffic signal and that they are there after directed along the route described at the public hearing so as to minimize disturbance to adjoining residences. The Applicant shall install appropriate signs or other directional devices as shall be approved by the Freehold Township Engineer in order to ensure the proper routing of these vehicles.
12. The Applicant shall strictly adhere to the lighting scheme described at the time of the public hearing so as to minimize site lighting during non-business periods.
13. The Applicant shall install a security fence and trash barrier consisting of a chain link fence six feet in height as described at the time of the public hearing, the location of

which shall be finally approved by the Freehold Township Assistant Planner and Engineer.

14. The appearance of the three buildings to be constructed shall in all respects conform to that shown in Exhibits P37, P38, P39 and P40 in evidence.
15. The within approval is subject to a determination by the Township Committee of the Township of Freehold to vacate existing Beadleston Drive as proposed by the Applicant.
16. Trash pick up at the various buildings shall only be conducted between the hours of 7:00 a.m. and 9:00 p.m.
17. The emergency road between Monmouth County Route 537 and Schanck Road shall be appropriately secured so that only emergency traffic shall have the use of same.
18. The Applicant shall provide for sewer availability, as described on the record, to service the property located at 310 West Main Street owned by Adam Leonard.
19. The within approval shall also serve as a soil removal permit pertaining to the soil relocation activities described in this Resolution.

#### **GENERAL CONDITIONS TO APPROVALS**

1. **Conditions and Agreements in Record.** Applicant shall comply with all other requirements, agreements and conditions contained in the record of the proceedings in this matter including those set forth in the reports of the Freehold Township agencies, boards, commissions and staff which have not been satisfied or specifically waived by the Board.
2. **Escrow Accounts.** It is a condition of the approval granted by the Planning Board herein that the applicant shall pay any additional escrow fees required under Section 18-10.2 of the Land Use Ordinance of the Township of Freehold in order to pay the expenses for professional services related to the within application. The applicant shall not receive a signed subdivision plat, deed of subdivision, signed site plan, construction permit, certificate of occupancy, nor shall the applicant receive any other municipal authority to proceed with the development described herein unless and until the chief financial officer of the Township certifies that sufficient funds remain in the escrow account to pay the aforesaid expenses.
3. **Developer's Agreements.** In conjunction with any application for Final Approval, no site plan or subdivision plat shall be signed by the Chairperson, Secretary or Engineer unless and until the applicant shall enter a developer's agreement with the Township Committee of the Township of Freehold associated with this development which agreement shall include provision for any water main or sewer extension required for the project and shall further post such performance guaranties and deposits as shall be required in order to assure completion and maintenance of

improvements required by the Land Use Ordinance of the Township of Freehold and this resolution. The Applicant shall further have filed with the Clerk of Monmouth County all deeds of easement or other conveyances associated with the development to establish rights of way, access, utility location, sight triangles, conservation areas, landscape buffers and the like and shall provide such assurances of title as may be required by the Township Attorney. Further, in the event that any off-tract improvements are required in conjunction with the proposed development for which the applicant is to pay a pro-rata share allocation of cost pursuant to Section 18-35.20 of the Freehold Township Land Use Ordinance, then provision for such contributions shall be made in the Developer's Agreement.

4. **Availability of Public Water and Public Sewer.** In the event that the Township of Freehold is subject to any limitation on its water diversion rights, or if there shall be any moratorium or other restriction of whatever nature pertaining to public water supply or public sewer, then the within approval is expressly conditioned upon the ability of the Township Committee of the Township of Freehold to provide these utilities to the proposed development.
5. **Private Wells and Septic Systems.** Development of the subject premises employing a private well is contingent upon satisfaction of the Freehold Township Health Officer that a proper potable water supply will be available. Septic systems shall meet the requirements of N.J.A.C. 7:9A "Standards for the Construction of Individual Subsurface Sewage Disposal Systems" and the Freehold Township Water Resources Protection Ordinance.
6. **Other Governmental Approvals.**
  - 6.1 **Monmouth County Planning Board.** If the within application is subject to review and approval from the Monmouth County Planning Board, and said approval has not been obtained, then the within approval shall be deemed to be conditioned upon the applicant securing approval from the Monmouth County Planning Board. If the applicant has obtained conditional approval from the Monmouth County Planning Board then such County conditions shall be satisfied as further conditions of this approval.
  - 6.2 **Freehold Soil Conservation District.** If the within application is subject to the New Jersey Soil Erosion and Sediment Control Act, and the applicant has not obtained certification of a soil erosion and sediment control plan from the Freehold Soil Conservation District, then the within approval shall be deemed to be conditioned upon the applicant securing certification of its soil erosion and sediment control plan.
  - 6.3 **Department of Environmental Protection.** If the subject premises are affected by any freshwater wetlands or freshwater wetland transition areas the applicant shall obtain from the State of New Jersey Department of Environmental Protection all required letters of interpretation, permits or other authority necessary to permit the development to proceed. Further, if the applicant requires any stream encroachment permit from the New Jersey Department of Environmental Protection, the securing of such permit shall be deemed to be a condition of this approval. If the application involves public water service, the applicant shall obtain permits as required from the

N.J.D.E.P. Bureau of Safe Drinking Water relative to extension of the Township water system. If the application involves public sewer service, the applicant shall obtain permits as required from the N.J.D.E.P. Division of Water Quality to extension of sanitary sewers of either the Township, Manasquan River Regional Sewage Authority and Ocean County Utilities Authority or the Township and Western Monmouth Utilities Authority as applicable.

- 6.4 **State Highway Permits.** If the proposed development is on a State highway, the applicant shall obtain such highway access permits or other permits as shall be required by the State of New Jersey Department of Transportation.
7. **Modifications of Plans.** In the event that any other agency having jurisdiction over the application or any portion thereof requires modifications of the plans approved by the Freehold Township Planning Board, such modifications may require further action by the Planning Board and in no event shall the Freehold Township Planning Board be deemed to have given authority for development of the project in any manner other than as shown on the approved plans herein. Any modifications to the plan submitted to other concerned governmental agencies shall simultaneously be submitted to the Planning Board.
8. **Storm Water Detention/Retention/Re-Charge Basins.** If the applicant has proposed to dedicate to the Township of Freehold any lot or lots within the development for storm water management facilities, then at the time of acceptance by the Freehold Township Committee, the applicant shall post with the Township of Freehold a maintenance guaranty for said facilities for a ten-year period as provided by the Freehold Township Land Use Ordinance and as calculated by the Freehold Township Engineer.
9. **Dedication of Lands.** The within approval is subject to the applicant securing the acceptance by the Township Committee of the Township of Freehold of any lands proposed by the developer to be dedicated to the Township of Freehold and associated with this development.
10. **Taxes and Assessments.** All taxes and assessments applicable to the subject premises shall be paid and current.
11. **Restrictive Covenants.** Any restrictive covenant or other condition of record proposed to be included in deeds to purchasers shall be set forth on the final plat and a copy thereof shall be submitted to the Board for approval.
12. **Plan Revisions.** It is a condition of this approval that the Applicant submit to the Planning Board within 90 days of the date of the adoption of this resolution the revised plats, maps, reports or other data containing the additions or corrections specified in the record of the proceedings including but not limited to those additions or corrections set forth in the reports of Freehold Township agencies, boards, commissions and staff. No construction permits shall issue nor shall any further action whatsoever be taken on account of the application until this condition is met. Further, in the event that the correctly revised data is not submitted within the 90-day period aforesaid, the Planning Board shall presume that the applicant does not intend to submit the revisions and therefore the within approval shall be rendered null, void and of no further effect.

13. **Mount Laurel Contribution.** If applicable to this development, the applicant shall pay its contribution to the Township of Freehold Mount Laurel Housing Fund in the manner required by Section 18-50 of the Freehold Township Land Use Ordinance and N.J.A.C. 5:92-18.1.
14. **Breach of Conditions.** Failure to satisfy any conditions set forth herein or a subsequent breach of any such condition or a failure by the applicant to discharge any obligation hereunder will result in the reconsideration and possible revocation or rescinding of the within approval. A certification by the Freehold Township Engineer that the applicant has breached any such conditions shall immediately terminate the right of the applicant to obtain construction permits, certificates of occupancy or any other government authorizations necessary in order to continue or complete development of the project pending a hearing before the Freehold Township Planning Board regarding the breach.
15. **Waiver regarding Installation of Sidewalks.** If the Planning Board has granted a waiver for the installation of sidewalks in conjunction with this approval then, in accordance with Section 18-35.21(I) of the Freehold Township Land Use Ordinance, Applicant shall contribute sixty percent of the reasonable cost of sidewalk installation as calculated by the Freehold Township Engineer to the sidewalk construction account of the Township.
16. **Lapse of Protection.** Pursuant to N.J.S.A. 40:55D-49, the statutory protections afforded by the within action shall expire 3 years from today's date.

**BE IT FURTHER RESOLVED** that a copy of the within resolution certified by the Secretary of the Board to be a true copy be forwarded to the Clerk of the Township of Freehold and within ten days of today's date to the Applicant herein. Further notice of this decision shall be published in accordance with the Revised Statutes of the State of New Jersey and the Freehold Township Land Use Ordinance.

**ROLL CALL**

**YES:** Mrs. Fedorchak, Mr. Gatto, Mr. Powles, Mr. Louro, Mr. Shortmeyer, Mr. McGirr, Mr. Minniear and Mr. Ammiano.

**NO:** ---

**ABSENT:** Ms. Ward, Mayor Avallone and Mr. Platt.

**ABSTAINED:** Mr. Golub

DISQUALIFIED: ---

DATE: February 24, 2004

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution which was passed by the Freehold Township Planning Board at its meeting on February 24, 2004.

  
ROBERT SHORTMEYER

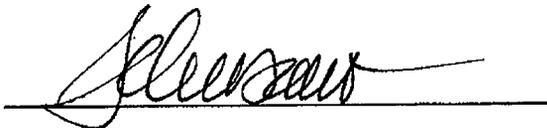
STATE OF NEW JERSEY:

COUNTY OF MONMOUTH:

Be it remembered that on this 3<sup>rd</sup> day of April, 2004 before me, an attorney at law of the State of New Jersey, personally appeared Robert Shortmeyer, who being duly sworn by me according to law on his oath stated:

1. He is the Secretary of the Planning Board of the Township of Freehold.
2. The within Resolution represents the action taken by the Freehold Township Planning Board at its meeting of February 24, 2004.

Sworn and Subscribed to before this  
3<sup>rd</sup> day of April, 2004



**FRANCIS C. ACCISANO**  
Attorney At Law Of New Jersey

  
ROBERT SHORTMEYER  
Secretary of the Freehold Township  
Planning Board

RJR  
RECORD AND RETURN TO:  
FRANCIS C. ACCISANO, ESQ.  
P.O. BOX 6515  
FREEHOLD, NJ 07728