

**MINUTES OF REGULAR MEETING OF THE  
JACKSON TOWNSHIP BOARD OF ADJUSTMENT JANUARY 19, 2022**

The January 19, 2022 Jackson Township Board of Adjustment Meeting was called to order at 7:03 p.m. with a salute to the flag by all present. Attorney Sean Gertner read the Open Public Meetings Act Statement and announced that adequate notice has been provided for this meeting.

**ROLL CALL:** Jeanine Fritch  
James Hurley  
Michelle Russell  
Lynne Bradley- Alt #1  
John Splathoff- Alt #2  
Toni Ann Comello, Alt Board Secretary  
Stephen Costanzo, Board Vice Chairman  
Scott Najarian, Chairman

**Absent:** *Carl Book, Board Secretary*

**Also Present:** Sean Gertner, Board Attorney, Evan Hill, Board Engineer, Ernie Peters, Board Planner, Jeffrey Purpuro, Zoning Officer, Anthony Jacob, Township I.T. Representative, Fran DiBella, King Reporting, and Danielle Sinowitz, Zoning Board Recording Secretary.

**Matters for discussion:** Mr. Gertner advised there are a number of changes to the agenda this evening and 1st matter for discussion should be the request for consideration for Countyline Holdings, and that is because there is a resolution pending and the Board has granted the opportunity to address the request for reconsidering the determination prior to memorialization of the resolution, and there is a process for courts to reconsider the determination and the Board has extended that and that gives potential to avoid litigation, and it's the Board determination. Mr. Costanzo asked if the applicant is required to provide new testimony. Mr. Gertner stated the applicant would have to provide new evidence, and if the Board decides to re consider there would have to be new notice. Mr. Hurley was not in favor of granting the request, there is 45 day to appeal to the court and this will extend that time and set a precedence and there has to be a real basis for re consideration and not agreeing with the facts is not a reason, and the court will review the case on the record and if there is to be an application for redetermination there is case law that speaks to the differences of judicial matters. Mr. Costanzo mentioned on normal cases there would be a granting to hear this again under certain criteria, and there is question on what that is. Mr. Gertner state the Board has usually taken these requests to present such information that could be considered by the Board to re considered, and the recommendation would be not to read the letter as broadly. Mr. Hurley mentioned that the argument is one that is to be raised by the court since the resolution time frame has been passed. Mr. Gertner stated there was no resolution adopted, it needed to be carried due to a none quorum. Mr. Hurley advised it can be re decided then. Mr. Gertner stated for clarification no resolution has been adopted and the Board has taken the reconsideration prior to the resolution being passed and that is why it's recommended to be re considered.

Mr. Gertner announced there are number of agenda items, application **1. The Kiebler Family Trust, Block 9702/ 107, E. Pleasant Grove** has withdrawn the request for interpretation and is asking for a full variance application and there is no date at this time due to a new notice being required. Mr. Hill advised there will be a new application filed at a later date and there will be new notice received via certified mail.

**Joe Depromisso- 68 east pleasant grove-** asked if the public will be notified when the variance application will be heard before the Board Mr. Gertner said yes.

Mr. Gertner announced as it relates to application number **3. Edward & Janine Mitreuter, Block 1002, Lot 14, 2 Topaz Drive**, that matter is being carried to February 16, 2022, and this is the 3rd adjournment and if the applicant adjourns again there will be requirement for new notice. Mr. Gertner continued to application **4. Bennetts Mills Realty LLC, Block 12201, Lot 16 & 18, 334 Bennetts Mills Road**, and advised that matter is being withdrawn without prejudice, and there will be a resolution for the withdraw.

**Anthony Santamari- 355 Bennetts Mills Road-** asked what being withdrawn means.

Mr. Gertner stated there is no case and what was being requested is no longer being requested.

Mr. Gertner moved to application **6. 508 Burke LLC, Block 3601, Lot 19, 33, 34, 35, 40, Burke Road**, and announced that matter is being carried to March 2, 2022 without the need for further notice.

**APPROVAL OF VOUCHERS:** Motion to approve a voucher for Fran DiBella in the amount of \$250.00 for January 19, 2022 with Danielle Sinowitz in the amount of \$150.00 for the meeting of January 19, 2022 Motion to approve by BRADLEY/ Comello. Yes: Fritch, Hurley, Russell, Bradley, Costanzo, Najarian.

**Motion to approve regular meeting minutes from December 15, 2021 by COSTANZO/ Bradley.** Yes: Russell, Bradley, Costanzo, Najarian

**Resolutions: 2022-01: Resolution of Appointments to the Board of Adjustment for the Township of Jackson for the period of January 1, 2022 to December 31, 2022. Motion to approve by COSTANZO/ Comello.** Yes: Fritch, Hurley, Comello, Russell, Bradley, Costanzo, Najarian.

**2022-02: Hyson Estates, LLC, Block 4801, Lots 5, 6, 8, 9 & 10, Harmony Road-** Granting preliminary and final site plan approval with lot

consolidation to construct 25 townhouse buildings and a clubhouse. **Motion to approve by COSTANZO/ Comello. Yes:** Hurley, Comello, Russell, Bradley, Costanzo.

**2022-04: Epperly, Block 6011, Lot 11, 43 Pennsylvania Drive-** Granting a variance to construct a fence. **Motion to approve by COSTANZO/ Comello. Yes:** Fritch, Hurley, Comello, Russell, Costanzo, Najarian.

**Applications: 2. Donald and Alana Pearson, Block 16003, Lot 28, 21 Aristocrat Way- Donald Pearson- 21 Aristocrat Way- home owner-sworn-** advised **the requested as** built survey was submitted to show where the shed is installed, there isn't much room for shed in this neighborhood with the way the yard is configured. Mr. Hill stated this applicant was here on October 20, 2021 and there was testimony given on why this is where it was and the concern was that the shed shown was not depicted accurately and there was a request for an as built and it's built in a technical front yard on a corner lot and it does required variance, the shed is 14.6' away from the property line and there was a fence variance granted, the applicant to date has provided the survey requested. Mr. Gertner noted there appears to be a shed on the eastern side of the property that is .7' from the property line. Mr. Hill advised that is how far the fence is from the shed, and the Board is looking at the shed closest to Aristocrat Way. Mr. Hurley stated there is no objection with this application and there is a hardship that relates to the property itself, it's a corner lot and it becomes the front yard and the placement of the shed is inside the fence and there is no negative impact to the neighborhood, it's within the fence and the applicant has established a hardship and there is no negative impact on the master plan or neighborhood. Mr. Najarian asked if there are utilities going to the shed or already in the shed. Mr. Pearson said no. Mr. Najarian asked if there will be any businesses run out of the shed. Mr. Pearson said no.

*Opened public comment; seeing no one come forward, public comment closed*

**Motion to approve by COMELLO/ Bradley. Yes:** Hurley, Comello, Russell, Bradley, Splathoff, Costanzo, Najarian. **Abstain:** Fritch

**5. Cardinale & Jackson Crossing 2/ Adventure Crossing, Block 3001, Lot 2-4, Monmouth Road- Sal Alfieri- attorney for the applicant-** stated this application is before the Board for an amended site plan for phase 1, and there has been earlier testimony heard and this is a large project and as this is being developed and tenants come in, as they are identified and details are shown there are going to be amendments and tonight there are some additional changes to phase 1 only and there is approval for phase 2 and phase 3 and there will be an application for phase 4 which will be for a large recreational use.

**Ian Borden- President with PDS, licensed professional planner in NJ and is a graduate from Rutgers- credentials accepted- sworn-** stated all exhibits were pre marked and they will be identified as they are gone through, and most if not all Board members have been present for this project, and **Exhibit A-1** which is an Ariel exhibit and it's been commonly used and updated as the project evolves and tonight there is a request for an amendment for phase 1, and phase 2 is the warehouse buildings approved by the Planning Board which is under construction and phase 3 is adjacent and is a mixed use project and there is a phase 4 that is being worked on and tonight is strictly to amend phase 1. Mr. Alfieri asked if the areas that are not colored are wetland constrained. Mr. Borden advised that was correct, and between phase 1 and 3 there are fresh water wetlands and phase 1 is 283 acres and 187 is developable and phase 1 contained 90 acres in the Highway Commercial Zone with an overlay zone and phase 1 has been approved by the Zoning Board starting in 2017 and there was an amended resolution in 2021. **Exhibit A-2** is the site plan as approved by the Board in June of 2021 and there are pad buildings along Monmouth Road with the air dome, Medical Research Building, and parking garage which is the only use that is not permitted in the zone and a D variance was obtained for the parking garage. Mr. Alfieri mentioned there is a driveway interconnection to the warehouses on the south east and that driveway does not allow access to Anderson Road aside from emergency services. Mr. Borden referenced **Exhibit A-1** to show there is no vehicular access to Anderson Road and advised the trucks will take the new jug handle and Monmouth Road, and there are amendments being requested and there are 3 buildings along Monmouth Road, 2 fast food restaurants which are open and the 711 which is under construction along with the air dome that is also under construction and on site there is the Pine Drive intersection and there was extensive testimony on those hearings and there was a last amendment received in 2021 and there have been significant improvements on the roadways and this is the amended plan which is **Exhibit A-3**. Mr. Alfieri asked regarding the ball fields that are on the bottom of the plan, are they open and operational. Mr. Borden advised that was correct the ball fields are open and in use and the concession building and the stage are under construction. Mr. Najarian asked who utilizes them. Mr. Borden stated it's a private tenant for softball and baseball and it's operated by a tenant. Mr. Borden stated what is being proposed is to change the drive thru location, the building will not be changing there will just be 2 drive thrus. Mr. Najarian asked who's coming into those spaces. Mr. Borden mentioned Starbucks and Panda Express, and the convention center and the 2 hotels have been shifted to create a better flow. Mr. Costanzo asked what makes it better. Mr. Borden advised there is an exhibit that was made to address that however since the parking garage is being driven by the convention center it makes more sense to have them next to each other and that was a driver for that movement to shift the parking garage and there was a D variance obtained for the parking garage and as far as the size and height and parking capacity it has not changed its just being moved from one side of the access drive to the other. Mr. Costanzo asked if the parking garage is the same square footage and the convention center is remaining the same. Mr. Borden said that was correct. Mr. Gertner noted that is being raised because isn't it true this is the same site it's the same lot and block and the previous testimony is being relied on based on the fact it's the same site and same intended use its just being shifted to a

different location. Mr. Peters stated the revisions the Board will see are market driven and a potential client came in and said were not building a box were building a square and the only reference that can be made is the Freehold Raceway Mall, there was approval sitting since 1993 and there was a need for parking so parking was built but there was no hotel and there is no plan to come in and build a taco bell and a 711, there are pad sites and once there are tenants that is decided and the applicant it can only be assumed this will be coming back and the site is developed. Mr. Borden mentioned with the convention center it will be shifted and the hotels have not changed however they have been shifted and there was a second floor added to the Rica more portion of the store and there will be 6 basketball courts for a training facility which is building 200. Mr. Hurley asked with this application going back and forth with the Planning Board and Zoning Board if there is a decision made here does this go back to the Planning Board. Mr. Gertner stated the first application was before the Zoning Board and there was a zone change. Mr. Peters added this application is before the Board for an amended preliminary and final site plan approval from an amended use variance for phase 1, so there is no site plan approval to go to phase 1 and the Zoning Board is being asked to hear an amended plan. Mr. Alfieri stated this is now a non-conforming. Mr. Gertner stated this debate has been had and should there be subsequent changes to phase 2 and 3 that were before the Planning Board would the applicant then consent to bringing all future applications and amendments to the Planning Board so there is a unified Board to hear the totality of the project. Mr. Alfieri advised phase 3 is independent and is before the Planning Board. Mr. Borden presented **Exhibit A-6** which shows the air dome and the second floor and it shows the front and the side elevation and the air dome is seen in the back along with the second floor basketball courts, a piece of the medical research building is also seen which remains the same. Mr. Borden mentioned building 150 is phase D and its 2 fast food restaurants and 1 sit down, pad 150 is 4,000SF and it's being asked to go to 5,000SF as there is potential for IHop and they have requested 5,000SF so if they become a tenant the applicant would like to accommodate their request. Mr. Costanzo advised that building was proposed to have a drive thru will that remain. Mr. Borden stated if it's an IHop there will be no drive thru. Mr. Gertner suggested the testimony be if this pad is approved at 5,000SF it can always go back to 4,000SF however it should be 5,000SF there will be no drive thru. Mr. Alfieri stated the applicant wants the option of 4,000SF with a drive thru and if the tenant comes in for 5,000SF there will be no drive thru. Mr. Hill noted the revised plan show a 5,000SF building a with drive thru. Mr. Borden agreed to no drive thru if there is 5,000SF. Mr. Borden noted as a result of the increase of square footage in phase 1 for the second floor of the basketball court there is now 496,411SF.

Mr. Gertner mentioned that does not include the fields. Mr. Borden advised that was correct, same as the hotels. Mr. Hurley asked if there is a residential aspect to the medical campus. Mr. Borden said no, and stated the fields concession stands etc. remain unchanged and by relocating the building garage, the dome and the hotels it's moved those buildings closer to the lot line and there is a planner report noted that there is an internal lot line and it's a property line and the side yard setback does apply and its 25' and the setback proposed is a minimum of 5' and there is a C variance required for those 3 buildings and it's an internal lot line and the master plan and zoning plan will be advanced by the cohesive design. Mr. Alfieri advised there was a meeting with the Tax Assessor and the Township consultants and it's been request to consolidated lots 2, 3, and 4 and there is a deed to consolidate those and there will be deeds to consolidate the warehouse lots and the town will own the jug handle and the developer will be responsible for the maintenance of the jug handle. Mr. Borden stated the overall parking for phase 1 is 2,493 parking spaces and there will be a parking analysis on that and the shared parking will be testified too and the parking garage is linked to that and it's a condition on the existing approval, and phase B are the athletic fields which are completed and phase C is the air dome which is currently under construction and phase D is the front food pads and phase D also includes the convention center. Mr. Costanzo circled back to the C variance for the parking garage and convention center begin within 5' of the property line, is there positive and negative criteria to be provided, also how does it affect the warehouse. Mr. Borden referenced **Exhibit A-1** and mentioned there is no effect as this is an internal lot line and its part of the same project and there is a 30' access and the rear loading drive which accesses the rear of the convention center and the design of these and phase 2 remain unchanged and the buildings are moved closer and there is no physical line, it's a paper line the loading zone and loading drives remain unchanged and there is a bamboo recall area and that remains unchanged as well. Mr. Peters agreed with Mr. Borden's testimony, the area outside the property line is un changed so while the improvements are closer to the property lines that are in phase 2 they are unchanged. Mr. Gertner asked notwithstanding the fact there is no change, there is no negative effect on placing the building closer to the lot lines. Mr. Borden said that was correct, and mentioned as far as the intensity of the development, it was looked at with combining phase 1 and phase 2, and it was not in this review however the review from last year shows the overlay zone standards, and once this is moved into phase 3 and phase 4, that's when the percentages decrease and the site is still well within the coverages permitted. Mr. Borden continued with items that are unchanged, such as the hours of operations, and the maintenance obligations remain unchanged and the refuse enclosure remains unchanged. Mr. Borden referenced **Exhibit A-4** which was an important portion of the project and there are lines that show the pedestrian walkways and phase A and B which are the fields, C is the air dome and D remains unchanged, there is a signalized intersection with a pedestrian controlled traffic walk and there are stop sign controlled intersections and those remain unchanged and there was additional pedestrian signage added. Mr. Borden advised there were variances received for the signs and there is a freestanding sign which also received a variance, and on phase 1 there were 7 tenant signs and the signs are being reduced in size and there will be monument signs 6 ½' high. Mr. Costanzo asked regarding the main facility sign and the gas station sign being in the same proximity what is the actual distance between the signs. Mr. Borden mentioned the main sign is located west farther from the Pine Drive intersection and there is a free standing sign that is operating and the tenant sign is 50' west of the main facility sign. Mr. Costanzo asked how tall. Mr. Borden said 6 ½'. Mr. Alfieri asked if there will be wall

mounted signs. Mr. Borden advised if there are wall mounted signs, they will comply with the ordinance. Mr. Costanzo asked if the 6 basketball courts will be intended for practice. Mr. Borden stated JR Smith will be running a training facility. Mr. Costanzo asked if there will be locker rooms, or stadium seating. Mr. Borden said there would be no stadium seating, or spectator seating. Mr. Gertner stated the understanding is in reference to the Sportaca design in Manalapan. Mr. Alfieri advised that was correct, and before there are more questions there are several technical comments, are there any that cannot be addressed. Mr. Borden said no. Mr. Hurley asked referencing **Exhibit A-4** if there is a suggestion from the County Planning Board that there be a calming area at the intersection. Mr. Borden stated it will be signalized.

*Recess taken at 8:33 p.m. reconvened by Mr. Najarian at 8:43 p.m.*

Mr. Borden mentioned that during the break it was mentioned there is a storage building with the athletic fields and it's located in the south eastern portion of the site between Phase 1 and Phase 2 there is a 0' setback and there is a C-2 variance obtained for each of those and nothing has changed

**John Rea- principal with McDonough and Rea associates and licensed professional traffic engineer in the state of NJ- credentials accepted- sworn-** Mr. Alfieri asked if Mr. Rea did the study for parking since the changes with submissions to the Board. Mr. Rea advised that was correct and the primary analysis was the parking and since this is an amendment to Phase 1 a shared parking analysis needed to be gone through and there is relief for a number of spaces, and shared parking is for a mixed use project which is what this is and there will be restaurants, a gas station and convenience store and it's a classic shared parking scenario and that is because not all of these uses have a parking delay and there may not be a parking demand for the uses at the same time and there is seasonal parking demands and a convention center demand during the summer is not typically when the other uses will be busy, a convention center is normally in demand October, November and February. Mr. Gertner advised the entire premises for the share parking is that there is a natural selection that will preclude the outdoor facility being used in the winter and the convention center having less demand on average in the summer however there was testimony that the fields are leased and the basketball courts and the convention center, who makes the decision to assure with no withstanding that JR Smith is not going to schedule a tournament the same time as the baseball fields. Mr. Rea stated Mr. Cardinale. Mr. Gertner asked if all the leases have conditions to assure there is no cross use. Mr. Alfieri mentioned he was UN sure. Mr. Hurley asked since Mr. Borden testified that the parking garage will be constructed and associated with the convention center is the parking garage considered as part of the global shared parking. Mr. Rea said yes, and advised it will be primarily used by the convention center however its included in the global parking, and at this point some numbers would like to be gone through and the calculation that was done with Mr. Borden there is a total requirement of 3,129 total parking and this site is providing 2,193 and there will be pedestrian traffic and that is why this is being signalized and this is an item of concern and the Planning Board focused in on this and the other phases, and it was agreed that this will be signalized at all necessary pedestrian amenities because it's the assumption that the uses bring pedestrian traffic and there were different areas looked at that are self-contained. Mr. Rea stated there is a service road and inside the service road there to the west for Phase A, and there are 294 spaces required and 240 are provided and Phase E requires 393 spaces and 354 are being provided and these numbers are cumulative numbers based on the ordinance requirements, and taking the parking being provided and subtracting is it leaves 1,899 parking spaces including the garage, and that amount of parking needs to be sufficient East of the service road. Mr. Rea continued that the shared parking analysis was gone through and the different uses were gone through as well as the Jackson Ordinance, and the peak parking will be 1,440 spaces and there is about 1,900 so it's the conclusion there is adequate parking for the summer peak season, and the other reason the summer parking demand is as low as it is because the recreation will be indoor and that is because it will be more in demand when there cannot be access to the outside and there was a traffic study for Sportaca in Manalapan which is larger than the air dome proposed however it will be similar and there are 8 basketball courts on the second floor of Sportaca and with all the experience with Sportaca, the spring, fall and winter had an almost full parking lot, and there was peak parking occurrence during the summer time and there was a non-summer analysis and the convention center would be assumed to have 1,670 for the non-summer peak and there are 1,900 approximate spaces, and running through the numbers within that the number of spaces will be adequate because of the shared parking and the pedestrian traffic. Mr. Rea advised when parking is necessary Hurricane Harbor will allow for overflow parking during the non-summer season there will be a shuttle. Mr. Alfieri stated there is an agreement with Six Flags and the Developer and there is insurance required. Mr. Gertner noted that is not a land use issue with liability. Mr. Rea stated in discussion the overall project there is the expectation that there will be special events throughout the year which would be normal routine operations. Mr. Gertner mentioned that before the Planning Board there was substantial testimony of the design elements for the pedestrian access to assure people are not speeding throughout the site and the recollection is that there is more than just singled sidewalks there was urban landscape to direct pedestrian traffic through this use. Mr. Borden advised that was correct. Mr. Gertner continued that was done to ensure the pedestrians focus on using the space rather than just traveling a standard sidewalk. Mr. Rea stated lastly as Mr. Borden said there was a flip of the parking garage to be near the convention center which will make it so no one is crossing the street at all. Mr. Alfieri asked if the road improvements have been approved by the County. Mr. Rea mentioned the road layout has been approved by both Monmouth and Ocean County. Mr. Costanzo advised there was no site circulation, and since the parking garage has been moved there should be circulation on the "in and out" of the parking garage, also there is an exit/ entrance on the North East side. Mr. Rea

advised there are 2 entrances and exits. Mr. Hurley raised one concern regarding an agreement with Six Flags, and using their parking if necessary and looking at the calculations and that is being proposed in 22% less than what is required. Mr. Rea mentioned the Six Flags parking would only be for special events. Mr. Alfieri stated the Six Flags agreement pre-dates any of these approvals and it is for special events when excess parking would be needed.

Mr. Borden stated the cross access was not for parking, it was driven for the overall project, it's a commercial destination and the concept was to have uses here that would be complementary. Mr. Hurley noted there will be transport buses and shuttles on public right of way. Mr. Borden advised it will be completely internal. Mr. Hurley asked if the 22% provided vs what is required is adequate. Mr. Rea advised that was correct. Mr. Hurley asked if there is a peak in parking, 22% is not a problem. Mr. Rea said no, there is no issue there are 6 spaces recommended for 1,000SF rather than 10 and parking was over-calculated by 400 spaces. Mr. Peters stated since Mr. Miskovich retired Remington & Vernick are now the traffic engineer's for this Board and the report has been looked at and it is satisfactory and there is no expectation taken, this is a for-profit enterprise and there are no black and white requirements to say what is shared parking and all the analysis's has been configured and there has been a discussion started as it relates on-site circulation and is there enough parking in phase A or phase B when it's under construction and while it's not an easy path to get from A to B there are the correct assumptions made and there is a reasonable alternative rather than ask for a 20% relief. Mr. Costanzo asked regarding the offsite 195 interchange, is it being petitioned. Mr. Rea advised the understanding is that Monmouth and Ocean County would put together a problem statement to the NJDOT, and it's not this client's responsibility unfortunately. Ms. Fritch asked if it can be shown how the cars will leave the parking garage and get to the highway. Mr. Rea mentioned there is a main spine off Pine Drive and if someone is coming through the back entrance they would come around the garage onto the spine road. Ms. Fritch asked if there is any reason someone can't go the opposite direction to avoid the pedestrians. Mr. Rea advised unfortunately not, there is no connecting road behind the convention center. Mr. Borden mentioned the area behind the convention center is a loading zone and no member of the public can go behind the convention center or hotels. Mr. Peters noted the ideas are appreciated and while it's understood the rear entrance is taken out a left cannot be made because it's the loading area for the Hotel and convention center, also it's because once someone gets up the tractor trailers there would be the alleviation to keep that traffic away from the tractor trailer uses, and it wouldn't be the first choice to mix the people using the parking deck with the tractor trailer exits. Mr. Rea stated most pedestrian traffic will be within the area of the parking garage and the hotels and would require crossing of the main road. Mr. Najarian asked where the air dome parking is. Mr. Rea mentioned alongside the building and some pedestrians may have to cross to the parking garage. Mr. Costanzo asked if there is a formula to know what the parking requirement is for the air dome building. Mr. Rea noted there would be 350 approximate parked cars. Mr. Peters asked internal to the site there will be traffic light at Pine Drive and where else. Mr. Rea advised that is the only location. Mr. Peters stated there are 2 other areas where there is pedestrian connectivity. Mr. Rea stated there are 2; 4 way stops. Mr. Peters mentioned when the Ball Fields were opened there were participants walking from the field to the Wawa across the highway, and it was good to be busy but bad because it's a construction site and that is why this plan is asked for, and this type of plan is to protect pedestrians from getting to one side of the site to the other, and since there are 6 different phases there are different crossing areas because the Board wants to assure there is safe pedestrian access throughout the entire site. Mr. Spalthoff questioned the non-summer analysis as it's safe to say the air dome will be successful all year, and October is envisioned with Freight Fest and the new jug handle, the fields at full use, the air dome full on top of peak season for the convention center, it's going to be crazy with traffic exiting six flags, the pedestrian safety is taken into consideration and the bottle neck seemed to be a concern. Mr. Rea agreed that safety is priority number one and the bottle neck is a concern and the intersection is designed to be safe and the 2 counties have looked at that and there will be occasions where level C-D will be an E-F but safety is the priority. Mr. Gertner stated this Board sees plans less often, however what is the traffic safety plan. Mr. Rea advised there would be a conference with the PD's safety division and there are professionals for controlling traffic and that is a given. Mr. Gertner noted freight fest occurs year in and year out, what is the trigger for this applicant to go lease up his facility and go to and coordinate with six flags and Police to have specials out there and the sheriff department etc., how does that work. Mr. Rea stated what has to happen be the manager; Vito Cardinale has to advise Police when there is an event and sit down with PD and ultimately the decision would be to rest with the town.

**Graham Macfarlane- Professional Engineer and Planner licensed in the State of NJ, President with PDS, and been before this Board on numerous occasions- credentials accepted- sworn-** Mr. Alfieri asked how the storm water management is designed. Mr. Macfarlane referenced **Exhibit A-3**, the plans for storm water management which have remained unchanged and there is a smaller detention basin on the bottom of the ball fields and there is one on the east side, and this is an amended plan, the garage has been moved and in conjunction there were internal adjustments. Mr. Najarian asked if there is standing water in the basin. Mr. Macfarlane advised they will not hold water permanently. Mr. Hill concurred with Mr. Macfarlane's testimony and stated the overall phase 1 as initially designed it was designed with a regional design and the size of those storage and infiltration basins is based on the quantity of the impervious coverage and the lack or prior revisions require revisions to the storm water system and this revision does not modify what is required other than pipe capacity calculations. Mr. Hurley asked if the storm water is retained or discharged. Mr. Hill advised it's retained, detained and infiltration however it's managed.

*Opened public comment;*

**Ed Bannon- 22 Abercorn court-sworn-** asked regarding the parking if there is any consideration to changing the parking layout or could there be more than 1 parking garage.

Mr. Borden stated this is the most efficient way to have this done and the parking near the air dome is constructed.

**Anthony Travisano- 932 Anderson road-sworn-** asked if moving the convention center 5' off the property line where there is a loading zone and bigger vehicles will the warehouses be pushed closer to Anderson Road or Holly Tree Court.

Mr. Borden said no

*Seeing no one else come forward, public comment closed.*

Mr. Hurley asked regarding the parking, there is a GDP, can the parking garage be an accessory use. Mr. Alfieri stated it services the entire project. Mr. Hurley stated the application is an amendment to a plan already approved and there is no negative impact and it can be accepted that there is no significant change to the storm water management plan.

**Motion to approve by HURLEY/ Bradley. Yes:** Fritch, Hurley, Comello, Russell, Bradley, Costanzo, Najarian.

**Motion to adjourn by COSTANZO at 10:02 pm. Yes:** Unanimous by all those present.

Respectfully submitted,

Danielle Sinowitz,  
Zoning Board Recording Secretary