

**JACKSON TOWNSHIP PLANNING BOARD MEETING
MONDAY, JANUARY 24, 2022**

The January 24, 2022 meeting of the Jackson Township Board was called to order at 7:32 p.m. by Planning Board Secretary, Denise Buono with a salute to the flag by all present. Attorney Sean Gertner read the Open Public Meetings Act Statement noting that adequate notice has been provided and advertised in the manner prescribed by law.

ROLL CALL:

Dr. Michele Campbell	Terence Wall, Township Representative-
Jeffrey Riker	Joseph Riccardi, Mayor's Designee
Mordechai Burnstein	Martin Flemming, Councilman
Tsvi Herman- Alt #1	Len Haring, Board Vice Chairman
	Robert Hudak, Board Chairman

Absent: *Tim Dolan, Noah Canderozzi- Alt #2*

Also Present: Planning Board Attorney Sean Gertner, Ernie Peters, Board Planner, Doug Klee, Board Engineer, Laura Morrison, Planning Board Secretary, Anthony Jacob, Township I.T. representative, and Danielle Sinowitz, Planning Board Recording Secretary.

Payment of Recording Secretary, Danielle Sinowitz, for 1/24/22 motioned by CAMPBELL/ Riker. Yes: Campbell, Riker, Burnstein, Wall, Riccardi, Flemming, Haring, Hudak.

Mr. Gertner announced there will be a brief executive session at the end of tonight's here, and there is a legal matter to deal with application **1. Denton Holdings, Block 20701, Lot 2, Denton Lane** this matter was scheduled for this date and the same applicant regarding the same property has brought litigation to the Zoning Board about a similar application that received a density variance and that matter was heard before judge Ford and one argument the applicant has made was asking the township for expectation and it was for the Planning Board to mitigate the matter and there was an issue with the applicants professional and there is no alternate, and the applicant is not prepared to go forward, and the record should be clear the Board was ready and able to have the application heard and damage was not mitigated and it would be asked to be carried to the February 7, 2022 meeting.

Motion to carry 1. Denton Holdings, Block 20701, Lot 2, Denton Lane to February 7, 2022 by CAMPBELL/ Riker. Yes: Campbell, Riker, Burnstein, Wall, Riccardi, Flemming, Haring, Hudak.

2. 146 N. County Line Road, Block 5301, Lot 12, 146 N. County Line Road- Mr. Klee stated this is an application started back in November involving an office and retail building and there were revised plans received and the square footage was reduced and the basement area was reduced to 4,275SF and the parking variance still remains and the gross floor area shows no prevision and the applicant should address that and there are 3 electric vehicle charging stations and a loading zone and there is variance approval for a loading area and there is some testimony required. Mr. Peters stated there is a report dated January 20, 2022 and Mr. Klee got it all, and it would be asked to re explain to the building and the summary of each floor and the parking calculation, and the parking variance to the rear buffer and the rear setback remains the same.

Gregory Hock- attorney for the applicant- advised this was here previously and the application was started and it's mixed use office space with retail units and there was an overview and there was some details with the building and there were questions asked that needed to be researched to get the answers and there are new professionals and the applicant is hopeful to answer all the questions raised.

Graham Macfarlane- previously sworn and accepted- stated tonight **Exhibit A-8** through **Exhibit A-16** will be walked through and there were some things clarified and there were some inconsistencies with floor areas on what was propose and the site plan. **Exhibit A-8** has been modified and what is proposed is a mixed use building to contain office space and retail space and there is office space on the first floor and there are 3 retail suites and the office space that continues on the second floor as well as a mezzanine proposed and there is basement space proposed under the office space that will be utilized for a computer center which was testified too. The floor area is shown on the plans and adding the office and retail making 1,900SF approximate square foot, and that is the true parking demand and adding the mezzanine and basement to that square footage is 26,099SF so if one were to calculate the number by ordinance it would be calculating all floor space at 1 space per 200SF and the basement space and mezzanine space does not require parking spaces and there are restrictions to be placed for those areas and this plan was updated to show 3 EV charging spaces in the rear, and it isn't shown on the plans yet however the client agreed to the solar panel revision which would be some roof mounted panels. **Exhibit A-9** is the revised basement plan, which shows the space under the office portion of the building with one rack for data storage, and 4,275SF. **Exhibit A-10** is the updated first floor plan which shows the office space and there are 3 retail suites, and the retail spaces have small office components and the parking ratio is the same; 1 per 200SF. **Exhibit A-11** is the second floor plan with a conference room, common office area and a 2 story lobby. **Exhibit A-12** shows the mezzanine plan and there were some discrepancies and it shows the space is limited to the perimeters which are over the 2nd floor office component and there will be lose chairs and tables for employees to take a phone call or take a brief break, **Exhibit A-13** shows the elevation views of the building, and the building height is compliant, **Exhibit A-14** is a birds eye view of the building which shows the entry way and circulation around the building along with parking in the rear as well as the Hampshire Hills development. **Exhibit A-15** is a rendering which is the street view to show the design and office area with the glass front to see the building. **Exhibit A-16** is another rendering showing the building straight on. Mr. Macfarlane mentioned there are some items in the reports from the professionals and going back to **Exhibit A-8** there was testimony on the sign being closer to the road and that still holds to this amended application. Mr. Hock noted the Board did make that finding on previous approvals and the Board agreed the sign being closer to the street enhanced the safety to assure motorist could see the sign. Mr. Macfarlane stated this is a commercial use that does about an area zoned for residential use and it's a strip lot adjacent to lot 9 and it's an open space lot owned and maintained by Hampshire Hills Home Owners Association and there is still a buffer required and by ordinance a 25' buffer is required along the rear property line, there was also comment from an adjoining property owner and there were comments about the buffer and the dumpster and the dumpster is in a location permitted by ordinance which is 10', and with review it can be relocated further down the site so its blocked more by the buffer and there will be a fence

along the rear curb line to increase privacy, and the original application called for a privacy fence. Mr. Hock advised there is no objection to a fence. Mr. Macfarlane stated there was comment on the drive isle in the parking lot and they are at 6' and there are 2 in the front of the site that are 4' wide and they are design waiver items and the purpose and intent in the ordinance is to allow for safe traffic flow and separation with the parking spaces and 4' and 6' wide is an insignificant change and there is landscape proposed, and there are some technical comments that have no objection too, and Mr. Peters had a revised letter on the revised plans and there was talk about setback variance for the property line which was spoken too at the initial hearing. Mr. Hudak advised there are questions on the women's restroom, and there are 3 privacy rooms what are those. Mr. Macfarlane mentioned that should be referred to the architect, however if the board recalls previously lot 13 is to the west and parking setback there was previously granted to allow 7' to the curb line and there is a curb line to the left which has not changed and the amended plan shows additional relief for the setback along lot 9 which is to the rear to 4.9' and there are various spaces to lot 11 that are less than 5' for a commercial distance and there is a landscape buffer of 25' required along the rear of the property. Mr. Macfarlane continued that there is also a waiver of street trees along the frontage to keep with the character of the proximity, and there are solid water provisions and the dumpster will be moved if the Board feels it's in the best interest of the neighboring property. Mr. Hock asked if the sign proposed is in a safer location than where the ordinance proposes. Mr. Macfarlane said yes. Mr. Hock mentioned there is an open space lot, and asked if it eliminates a setback variance. Mr. Macfarlane advised that was correct. Dr. Campbell asked if there are any recommendation for EV charging stations. Mr. Klee stated the legislation lists the ratio for EV spaces. Mr. Macfarlane stated if there is an adjustment required it will be done. Mr. Flemming stated the office has 16 bathrooms, if there are 5 employees per restroom, that's 80 and adding retail that fills the spaces without a single customer and that doesn't take into consideration the mezzanine. Mr. Hock advised the architect should be able to elaborate. Mr. Flemming asked with 16 bathrooms how many people will be in here. Mr. Hock stated that will be addressed with the architect. Dr. Campbell stated a basement is a space that will be used and there is not enough parking with all the building that is being done on the site. Mr. Hock stated the applicant is dialing in with having restrictions so there are enforcement capabilities and there will be a record of title and there is no intent on funny business, the plans are to be exact. Mr. Hudak mentioned this is a rectangle piece of land with no constraints and there are a number of variances to fit the largest building on the property that is obtained and not have parking and requesting waivers, it's unknown why the professionals are not advising the client that there is no hardship, the building should be designed to fit the lot, and the building should fit the parking requirement, and there are questions if this is a true representation on what the building will look like with trees, because there was mention of no trees along the front however the image is covered with trees.

Mr. Macfarlane advised the applicant is not looking to plant trees along the frontage and the landscape doesn't show trees along the frontage. Mr. Hudak noted Exhibit looks like mature trees on site. Mr. Gertner stated Mr. Macfarlane has made representation that the architect created the exhibit and he will have to explain why the exhibit does not match the site plan and based on the front, the architect should be prepared to discuss the vegetation between the building and street. Mr. Macfarlane mentioned there is a site triangle where there cannot be street trees, and there is a retention basin with a retaining wall so there is no way to have street trees however there can be shrubbery to soften the front of the site. Mr. Peters stated the site triangle that goes through the basin is not mandatory. Mr. Macfarlane mentioned there can be a County waiver requested. Dr. Campbell asked if there can be additional parking there, as it's a lot of depth. Mr. Macfarlane stated it's a storm water basin, and there is an access drive to the basin and the original application has parking spaces on the plans and they were removed near the driveway. Dr. Campbell noted taking 1 of the 3 retail areas away would provide for plenty of parking without taking away from a very nice building and rather than 6 retail spaces there would be 4. Mr. Macfarlane stated the client is trying to get what he can from the building and the big picture is the basement and mezzanine don't require parking demand. Mr. Hudak noted if everyone took the same approach to maximize the rental space on site it wouldn't work. Mr. Gertner stated there is no cry to provide street trees however the softening of the front should be addressed and secondly is it true that the testimony/ argument in support of the parking is that if the building were designed without a basement and mezzanine there would be 97 spaces and 102 are being provided. Mr. Macfarlane said that was correct. Mr. Riker asked is it possible to locate the dumpster enclosure on the opposite corner. Mr. Macfarlane advised it is possible and it's to be 10' from the property line, there would be relief sought however the dumpster could be moved to the center of the property in the rear. Mr. Riker asked if there is a way to shrink the basin and have an underground recharge. Mr. Macfarlane stated the underground is not as good of volume in the big open hole. Mr. Flemming noted there is no desire to see trees in the front however with the design there is not a tree left on site. Mr. Macfarlane stated this is a commercial zone, and the project meets ordinance requirements. Mr. Riccardi asked with the dumpsters, if it's moved how someone would access them. Mr. Macfarlane advised the drive isle is wide enough to allow access and pick up is done off hours and that would be arranged with a carrier. Mr. Peters stated the dumpster is in the required buffer, and these are technical aspects and there is a buffer requirement from the rear property line and everything not within 20-25' there is a variance required. Mr. Riccardi asked if there was no mezzanine or basement what the parking requirement is. Mr. Peters mentioned 97 as testified. Mr. Riker advised occupied space is occupied space, and there should be testimony on how many people are in the building. Mr. Hock stated it's not relative to the ordinance. Mr. Riker stated parking spaces are for people which carry people and the building is big and the parking lot is small, occupancy and gross floor area all tie together. Mr. Hudak mentioned that on the second floor there is a series of small offices, how many people are expected to occupy each office. Mr. Macfarlane noted occupant load is much different than the parking demand which is regulated by ordinance. Mr. Gertner stated the occupant load questions are relevant as a matter of law because it gives the Board a fuller picture of how the building will work and the Board should focus on the ordinance in relation to building size as it speaks to square footage not occupancy. Mr. Riccardi asked if the mezzanine is a secondary space used by the occupants already in the building. Mr. Macfarlane advised that was correct. Mr. Riccardi asked if basement is restricted to data and computer storage. Mr. Macfarlane mentioned there was representation to use the basement as a data storage center and there would be no need for additional employees in that space. Mr. Flemming noted that is how it will start however it will not end up that way if the business is successful. Mr. Macfarlane advised there will be restrictions placed. Mr. Hock stated the Board can lock the applicant and the site into that restriction. Mr. Hudak noted the whole project is using every inch possible. Mr. Macfarlane stated the landscape plan could be enhanced however the ordinance requirement is met for the impervious requirement. Mr. Riker stated with looking at the statement of operations there are tenants referenced to the office space, and there is question is there one tenant or multiple because looking at the statement of operations which was revised notes there are 13,700SF being utilized for office spaces. Mr. Macfarlane mentioned it could for more multiple tenants. Mr. Klee referenced back to the initial comments, there was a data storage area assuming servers and such and it was an indication that the client provides these services off site. Mr. Hock advised it's the client himself with businesses offsite. Mr. Klee asked if the data will have to be maintained. Mr. Hock stated there will be no employees. Mr. Klee asked regarding the parking and landscaping, the internal islands provide adequate circulation and meets the intent of the ordinance and if the ordinance requires 10' why not make it 10' and what would happen if there were 10', what would happen to the parking. Mr. Macfarlane stated they do provide adequate circulation.

Recess taken at 8:49 p.m. reconvened by Mr. Hudak at 9:03 p.m.

Mr. Hock stated there is a subdivision map that should be marked as **Exhibit A-17** which was recorded with the county clerk.

Richard Tokarski- Tokarski Millemann Architects and licensed in the state of NJ- credentials accepted- sworn- mentioned the plans have been taken over and some changes have been made have been signed off and submitted. **Exhibit A-16** is the front rendering of the building outlined in aluminum composite and in between the composites there is stucco and they are expensive materials. Mr. Hock asked if this is an expensive building to build. Mr. Tokarski advised it's very expensive and the owner plans to occupy the building and this will be the applicant's headquarters. Mr. Gertner mentioned there is some differentials in testimony on who is the owner of the building. Mr. Tokarski stated the owner will occupy office space, not retail. Mr. Hock noted there is a lot of glass for natural light into the building. Mr. Tokarski stated there is glass for daylighting and the applicant is planning for solar on the roof. Mr. Hock stated **Exhibit A-9** the basement plan. Mr. Tokarski advised there is an excavated space and there is a space for data storage and the mechanics are occupied, and **Exhibit A-10** shows the first floor plan showing the large grand entrance and its 1,500SF and there would only be about 1-2 people for reception space, as it's an open foyer space, and there is the 3 building spaces for the retail use. **Exhibit A-11** has the office space and there is an office space where there would be private office with open space in the middle, and **Exhibit A-12** is the mezzanine which wraps 3 sides of the perimeter and there is open space and there was questions during the prior hearing and a mezzanine in this type of building allows for half a floor area and this is not even half. Mr. Tokarski mentioned 2,352SF divided is 16 occupants which are the same people who occupy the same office in the area below. Mr. Hock added the employees would come to this space for a different view and asked what would that space feel like. Mr. Tokarski stated the perimeter has a glass rail and there is visual access. Mr. Hock noted the Board had questions on occupancy load. Mr. Tokarski advised there would be 1 person per office on the second floor. Dr. Campbell asked if the mezzanine could have a limit to having a 15 person space. Mr. Tokarski advised there can be an occupancy signs posted on the stairwell. Dr. Campbell mentioned the breakroom has an odd layout, there should be some trafficking between the breakroom and kitchenette. Mr. Wall asked to reconcile the foyer area, is it for a grand opening, and also during design was there ever a charge to have an event, as this could be a great event space. Mr. Tokarski advised he was not the original designer, he has taken over the project and with speaking to the applicant, and it was never discussed or envisioned. Mr. Wall stated this looks like a nice place for an event and the conference area which is 1,259SF could have been 10 offices but it's a conference room, and with trying to reconcile the 2X time prison cell spaces, why would those employees not be resentful from the grand floor where there is a receptionist and huge conference space area and there is glass, it's a beautiful entrance and there could be catering in the mezzanine, it's a good event site. Mr. Tokarski advised part of the foyer having the grand space is because people are not sitting in the desk area, there is more of a desire to move around and access different spaces and the reason for the large conference room is to allow people to angelate the site for different spaces and meetings such as a private call to be had. Mr. Wall asked if the height is still going above the ordinance requirement. Mr. Tokarski advised the roof has been adjusted to the 35'. Dr. Campbell had the same thoughts when the coat room was referenced, why is there a need for a coat room, it would be a nice event space however the parking would not be able to accommodate that. Mr. Riker mentioned it was stated the occupancy load is 16 occupants however there are 36 chairs, so there is a discrepancy, and Jackson will not accept being the hall monitor for the projects, this needs to be right, if its occupied space it will be used and it's not believed that there will be 16 people there, it's a balcony messenger for operations and the large open floor area is questioning, is it a cubicle farm or open space. Mr. Tokarski stated there have not been furniture design services done however there would be different desk areas. Mr. Riker stated there is an issue where there is gross area vs. parking spaces, the building is not going to get shrunk and the mezzanine is still UN known. Mr. Tokarski stated it will be an office area to add additional people. Mr. Flemming noted it's a 5 pound building on a 4 pound piece of property and there is too much building being put on a small lot, and the issue has been raised. Mr. Hock asked if there is a way to reduce the mezzanine and keep the architectural features. Mr. Flemming stated the mezzanine is not the problem, the parking is short and the building is too large on to small of a lot, the entire building is to large. Mr. Gertner asked what is the support from an architecture standpoint for the design or the waiver for the drive isles being less than 10'. Mr. Macfarlane stated the parking space requirement is 1 space per 200SF and there are 102 spaces and if the site had 100 spaces the building would be 20,000SF with 100 spaces and this site is at 19,247SF and adding the basement and mezzanine is losing 6,000SF. Mr. Hudak stated over an hour ago there was mention that the building is too large for the piece of property, and the Board is circling back to the same discussion. Dr. Campbell mentioned if the first floor of the retail were used as under building parking, that parking demand could be met, and the mezzanine is great and it's a nice building to come into Jackson however there are things that can be done creatively to make parking work, eliminate the entire 3 floors of the one building or add under building parking which is popular. Mr. Peters stated the Board is now getting to re designing the plans between **Exhibit A-11** and **Exhibit A-4**; **Exhibit A-11** has the conference rooms the bathrooms and breakrooms and the atrium, however what is happening above that space. Mr. Haring stated when it came up that the mezzanine is not included in the square footage what will prevent a project team from having a meeting or having a client upstairs, it not going to be used for employees to just go sit.

Scott Kennel- McDonough and Rea associates, testified before this board on numerous occasions- credentials accepted- sworn- advised there was a traffic study done on the egress on county line road and the adjacent intersection and the report is from March 25, 2021 and the conditions are based on traffic volumes and when this was published the intersection of Bartley Road and county line were considered, and the report from the NJDOT was a half mile to the west in 2016 and 2019 showed there was an increase in traffic. Mr. Kennel stated the intersection of Bartley Road and County Line operated at level service "B" and will continue to operate at a service level "B" and the parking as far as the intended uses are concerned there is a shared parking phenomenon because the peak operations are in the middle of the day where retail is late afternoon to early evening and on weekend and there's shared parking with the 2 uses and the plan will be coming back, so it will be reviewed again. Mr. Hock asked regarding the uses between residential and office, to get some relief of the parking and this site there would be an impact in dimensions. Mr. Kennel said that was correct. Mr. Flemming mentioned if the peak afternoon traffic count is 80, that means there is 80 people leaving, so there is question on how there is 102 spaces and 80 vehicles leaving in one hour. Mr. Kennel stated it's for office use which is 80 vehicles in and out. Mr. Hudak asked if there could be testimony on the site line interpretation. Mr. Kennel advised the site triangle easement is dictated by the Ocean County Planning Board, and the site lines are not credible. Mr. Hock asked if the county backs off that and agrees with Mr. Peters there can be more trees. Mr. Peters noted the opinion of shared parking was spoken too however there was no study done up on that. Mr. Klee stated the issue of the internal islands being 10' is that they provide safety.

Opened public comment;

Charles Depasquale- 2 Lancaster Way- sworn- said with listening to the testimony there are concerns with the site plan, and the rear line is impacted by the buffer zone and there were comments on the dumpster and screening submitted and the Board members and the applicant have seen those and the refuse container could be moved and that should be worked out, it was indicated there would be site fencing along the rear and one question is the site fencing the same as shown on the western property line. Mr. Macfarlane advised it would be the same fence, that is correct.

Charles Depasquale- 2 Lancaster Way- raised concern on the plantings being provided since there was no landscaping or tree plantings discussed

Mr. Macfarlane stated it's a tree area with vegetation and there is a 25' buffer there to satisfy the concern.

Motion to close public comment by FLEMMING/ Riker. Yes: Campbell, Riker, Burnstein, Wall, Riccardi, Flemming, Haring, Hudak.

Mr. Wall asked what a conforming application would look like because this is taking 3 hours of comment and ordinance regulations and testimony and has made a land use pretzel. Mr. Hock stated the applicant is trying to add more parking because that is what would help. Mr. Wall noted this is happening with so many applications, the Board is shoving items into place for applicants. Mr. Riker stated to get a conforming application the plan has to be together and Mr. Macfarlane is doing what he can to make the structure work civilly and the new architect is on the ball this time around and there was a lot of time wasted and to get a good application there needs to be a good team and the first go around there was not a good team and the applicant threw his money away and what Mr. Wall is saying is that the Board is getting tired of not having applications close, and the professionals should say no before this even gets to an application. Mr. Gertner suggested what may be beneficially to the Board is to see from a conceptual perspective what a conforming application looks like with the requests given, and it gives the applicant the opportunity to articulate the basis for the variance request. Mr. Hock stated there is a parking problem and were trying to get to a building that the town will be proud of, and there is more homework to be done however it will be looked at.

Motion to carry this matter to March 21, 2022 without the need for further notice by CAMPBELL/ Flemming. Yes: Campbell, Riker, Burnstein, Wall, Riccardi, Flemming, Haring, Hudak.

Motion to adjourn by HARING at 10:01 p.m. Yes: All in favor among those present

Respectfully submitted by,

Danielle Sinowitz
Planning Board Recording Secretary

