

**MINUTES OF REGULAR MEETING OF THE
JACKSON TOWNSHIP BOARD OF ADJUSTMENT FEBRUARY 3, 2021**

The February 3, 2021 Jackson Township Board of Adjustment Meeting was called to order at 7:07 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 Kathryn McIlhinney, Board Secretary
 Stephen Costanzo Scott Najarian, Board Vice Chairman
 James Hurley Carl Book, Board Chairman
 Toni Ann Comello- Alt #2

Also Present: Sean Gertner, Board Attorney, Evan Hill, Board Engineer, Ernie Peters, Board Planner, Frank Miskovich, Board Traffic Engineer, Jeffrey Purpuro, Zoning Officer, Fran DiBella, King Reporting and Danielle Sinowitz, Zoning Board Recording Secretary.

APPROVAL OF MINUTES: Motion to approval executive and regular meeting minutes of January 6, 2021 along with regular meeting minutes of January 20, 2021 by NAJARIAN/ McIlhinney. Yes: Costanzo, Fritch, Hurley, McIlhinney, Comello, Najarian, Book.

APPROVAL OF VOUCHERS: Motion to approve a voucher for Fran DiBella, King Reporting in the amount of \$250.00 for February 3, 2021, with Danielle Sinowitz in the amount of \$150.00 for the meeting of February 3, 2021 Motion to approve by MCILHINNEY/ Najarian. Yes: Costanzo, Fritch, Hurley, McIlhinney, Comello, Najarian, Book.

Mr. Gertner announced that with regards to application 2. **Strategic Equity Solutions, LLC, Block 6504, Lots 14-16, CPL. Luigi Marciante Memorial Drive & 3. WSNP LLP, Block 6401, Lot 21 & 22, 146 S. New Prospect** there was an email received to carry these applications due to an illness of the applicants attorney, and the applicant's attorney had the opportunity to appear virtually, and the attorney chose not to do that and although there was virtual appearance the day before this hearing, there was a call made and the applicants attorney did in fact sound ill, and the concern though given the trouble this Board has been having putting together a calendar if someone appeared yesterday why not appear today and the Board is lucky to not have the court pushing the calendar however the attorney did say he was sick and the application yesterday was pre prepped and their hasn't been preparation to prepare the client and it needs to resign ate with the Board and there is an equal responsibility to the Board and the public, and if an attorney makes representation, and the adjournment should be for the attorney's client so the applicant is properly represented, and the March 17 meeting would be available for both applications and it's been verified that these 2 matters were to be carried. Mr. Hurley asked if there is a time requirement to have these applications heard. Mr. Gertner stated it has been waived 100%.

Mr. Gertner stated that application number 2. **Strategic Equity Solutions, LLC, Block 6504, Lots 14-16, CPL. Luigi Marciante Memorial Drive** is requesting this matter to be carried to the March 17, 2021 without the need of further notice, and the public is directed to the municipal website, and regarding application number 3. **WSNP LLP, Block 6401, Lot 21 & 22, 146 S. New Prospect** that application shall also be carried without further notice, and the public is directed to the newspapers and the Township website for the zoom information.

Mr. Book thanked Mr. Gertner for making the necessary inquiries because without the picture being painted in full there would be potential questioning and concerns and it is most appropriate those go forward with being carried.

Applications: 1. **Ira Port/ Alan Cohn, Block 12001, Lot 3, 6 & 7, W. Veterans Highway- Kenneth Pape- attorney for the applicant-** stated this is a continuing representation of the application before the Board, this is for preliminary site plan approval for mix use, and use variance relief was granted last year and the application was presented to this Board and Mr. Intile's testimony was completed and the Board and the professionals had the chance to cross examine Mr. Intile and the Board stayed a bit late to allow Scott Kennel to complete his testimony and the examination was done by the Board professionals and the public, and Mr. Intile is present this evening, and the last witness is the architect and that is Mr. Tokarski who will go through the articetuals of the buildings, the club house and the commercial buildings, and it was identified in January, and asked to carry forward at a final site plan this being preliminary site plan and the applicants are in the medical field not building and they will be looking for partners to complete this project, and once preliminary is done they will be able to have partners and one thing that was asked to not be done prior to final approval is the phasing, and it is asked to be postponed and that is because of the market rates now with the COVID pandemic, and it's anticipated between now and site plan, there will be a meaningful agreement to phasing that can be done and the obligation is noticed along with the affordable housing aspect, and it's acknowledged that it's 20% and it has been indicted there will be 1 and 2 bedroom apartments and a potential for the affordable housing to include 3 bedrooms, and it was stated that this remains flexible so what is offered will qualify as affordable housing and the 1 & 2 bedrooms will remain and if 3 bedroom units are necessary it will be done and the sewer progress was made and the status of those approvals, it will be continued to be worked on and the input from the county was discussed, and there are buildings that are part of the commercial and possible day care, restaurant and specialty retail would be of interest, and its anticipated that the buildings will come before this Board on a building by building basis and it would be fortunate that a bank would be interested. Mr. Pape stated that an application would come in with that architectures, and there will be place holders however the investing will be a building by building to come in. Mr. Book appreciated the testimony and advised there needs to be clarification on the phasing. Mr. Pape stated it will work the way the Board desires, however it's envisioned to ask for a certain number of units or building permits and CO's to be issued before there is the trigger for buildings to be under construction and there will be a program where a certain number of units before CO's and a certain number of square footages for the commercial however it's uncertain to

put something in front of the Board that may be unrealistic due to COVID. Mr. Gertner asked if the articulation is all that was approved at use variance. Mr. Pape advised that incorrect and mentioned that the use variance stated the applicant should agree to a phasing plan at the satisfaction of the Board. Mr. Gertner stated the applicants preference is having some piece of residential come before commercial however it will come as no surprise that the municipality has been burned by that, and the first phase might be a trigger of both however the memorialization was that everyone understood the market is always changing and rather than have amendments to something the use variance language was sufficient and what Mr. Pape is asking for is preliminary due COVID, and to push that off slightly further to come with the proposal. Mr. Book asked how the Township has been burned by that in the past. Mr. Gertner stated it is the understanding that past applications have not been as specific to phasing and timing in general and in order to keep the town protected there should be some specifics put on the record. Mr. Peters stated there normally is not a single developer who builds residential and commercial and given the market may not accept as much commercial and retail as much as residential there needs to be a trigger that was part of the use variance to allow the residential with the commercial. Mr. Pape stated it has been indicated that it needs to be run together and it may not be as practical to the client and they will come in and ask to build commercial when the market is better and because this is here for preliminary approval, the Board should place something that speaks to the need of phasing the 2 types of improvements before construction, and there will be a phasing plan and it be memorialized before the final approval. Mr. Gertner stated it has been mentioned that Jackson has no town center however the location we are in is the town center and it was discussed years ago, and the master plan speaks to it as well and the architect has spoken to it as well, and it was spoken to broadly that the architecture will tie it all in. Mr. Pape stated the architectures that is presented on the apartments is the same that was committed to at the use variance and it will be re stated and those plans are committed to the Board unless the Board allows the same and the club house and the commercial space there can be words similar and harmonious, and the building architecture will meet the need of tenants and it will be consistent and the final determination will be as the Board directs. Mr. Gertner stated the architect needs to give the Board those words.

Richard Tokarski- 1992 graduate of NJIT, licensed architect in NJ & NY and has provided testimony before this Board and numerous Board's for 20 years- credentials accepted- sworn- Mr. Pape asked that the architectures of the facade, the elements in the articuals and then the club house inside and out be discussed. Mr. Tokarski presented **Exhibit A-8** dated February 3, 2021, the front elevations which is 8 units with a 2-story building traditional style, and there are baring roof lines and as far as materials, there is clap board siding and there were lower roof lines and the window openings have trim and shutters, and there are stone bases and columns, so the pallet created is rich for a pleasing design. Mr. Book asked for the materials to be described in more detail. Mr. Tokarski stated the board and batten is a white traditional material where there are vertical boards, with batten to allow for color change on the facade. Mr. Pape asked if these are the architectural that were discussed during the use variance application. Mr. Tokarski advised that was correct, high quality and low maintenance. Mr. Pape stated this is the applicant's commitment. Mr. Costanzo noted the rear elevation and asked if there is anything for that. Mr. Tokarski stated there are rear elevations and presented **Exhibit A-2** which shows the elevation to the rear of the building and it shows the wrap of each unit, there are porches and decks for private and personal space, and they have vinyl railings. Mr. Pape asked for the water table to be discussed. Mr. Najarian mentioned there was stone discussed and asked what kind of stone will be used. Mr. Tokarski stated it would be thinned out cultured stone, it is a manufactory stone. Mr. Pape asked if it would be structural stone. Mr. Tokarski advised it would not be structural stone, its decorative stone applied to the facade. Mr. Tokarski showed **Exhibit A-6** which is the clubhouse that has the common facilities of the complex, and houses the rental office, and the same palette of materials are being used on the club house as the apartment although the lower portion is stone rather than just the bottom, and there are columns with standing seam metal roofing to enrich the siding and there is also the board batten and there is a cupola, and the upper left has the floor plan. Mr. Tokarski stated there will be a welcome center and the seating rooms, a kitchen and ping pong tables and there will be room for gatherings once COVID is over, there will also be a gym and a men's and women's bathroom. Mr. Costanzo asked what the plan for an approximate square footage of the clubhouse is. Mr. Tokarski stated 3,250SF. Mr. Costanzo asked if there will be a formal kitchen. Mr. Tokarski advised there will be a sink and a place to plug in a coffee maker. Mr. Pape asked if there is anything further. Mr. Tokarski showed **Exhibit A-7** which shows the remaining 3 elevations and there are the right and left elevations and there is the rear elevation. Mr. Pape asked if there is a sign purposed. Mr. Tokarski stated **Exhibit A-5** shows the pilon signs at the entrance and driveway of each location and they are breaking up into tenant spaces which would be for the identify the construction. Mr. Pape asked what material the signs would be made from. Mr. Tokarski stated they will be box signs, and there are some materials listed vertically and it will be internal light with each tenant listed. Mr. Book asked if they would be illuminated with LED lights. Mr. Tokarski mentioned that all the signs will be LED. Mr. Gertner asked if that now triggers a variance. Mr. Hill stated these were testified as back lit not inner changing, it is not changeable. Mr. Tokarski stated these are fixed signs with vinyl lettering. Mr. Book noted the aesthetics of the clubhouse and the structure, there is a certain stone component, is there a reason why that is not carried to the signs. Mr. Tokarski stated these were left neutral as there were no tenants yet and it could be incorporated should the Board choose. Mr. Hill noted the sign is being provided at preliminary, this is a concept for the sign however there is no variance for the sign is that correct. Mr. Pape stated there are no variances being sought this evening, however there could be one sought in the future. Mr. Peters stated there is a copy of the report dated November 2, and there were several variances testified too. Mr. Pape advised Mr. Intile spoke to the site not the sign, and the final design. Mr. Pape asked Mr. Tokarski to describe the components that will be made. Mr. Tokarski stated if it's the Board pleasure to have 4 coordinated commercial buildings, the style could be included or materials, and some tenants may turn away if they cannot have their architecture such as Chick Fil A, and this would be separated commercial space that would attract possibly a smaller brand and is more of a discussion of what the is Board is looking for in the center of Town Mr. Costanzo agreed that national chains may be turned off due to spacing, and asked if there would be a contemporary exterior to speak to. Mr. Tokarski stated most chains have a modern style. Mr. Pape stated there was an opportunity to do many buildings, and even when there is a bank, drugstore or daycare, they begin with their own architecture and there is always some flexibility and the commitment can be made to the natural

colors, and if it were commitment to be several facades and more traditional and no building would be a single material and would not exceed a certain

number of stories with compatible roof lines, those are not handcuffing rather than tools for some control. Mr. Pape noted there were questions regarding recreation, can that be spoken too. Mr. Tokarski stated there was question about the bicycle parking, and that will be added by the pool and clubhouse, and there was question on the hours of operation for the pool, and there was inquiry of when pools open and close and they open between 9-10 a.m. and 9 a.m. is typically when there is young children, and dusk or 7 p.m. it when the pool would close so it would be comfortable saying this site would follow those guidelines, and it was asked if there would be a parking lot assignment program, and there are mixes throughout the town and the community tends to use whatever works for the management company and this would be asked to do the same and it was told that all 3 work. Mr. Costanzo asked how many parking spaces are projected. Mr. Pape stated first the standard was met and meeting that standard was not enough, and there were close to 50 spaces and they were spread out, and now there are 51 spaces above RSIS requirements. Mr. Miskovich stated at the last meeting it was testified on the plan it was indicate that the allocation was looked at and they do meet or slightly exceed the RSIS parking area in each building area and it is agreed that the management company should be the one to make the decision on the parking plan and since there is enough parking let them figure it out. Mr. Najarian asked if employee parking is being incorporated such as the team of lifeguards and security to take care of the issues inside the facility, will that be compensated. Mr. Miskovich mentioned there is around 30 spaces around the clubhouse if you exclude the parking for residents. Mr. Gertner asked if it is necessary to designate employee parking or to hold the closes spades around the community to have the employees walk further. Mr. Miskovich mentioned that it should not be a problem, it would just need to be worked out where employee parking would be. Mr. Gertner asked if that would be presented at final. Mr. Miskovich stated that is correct. Mr. Najarian asked if the count included handicap spaces. Mr. Miskovich stated those do exceed the requirement, and it can be looked at final, there is room to adjust. Mr. Pape mentioned if was asked if around the storm water basin there would be fencing, and it was suggested by Mr. Hill that an appropriate fence is the 4' wire mesh fence and that fence is typically high enough from wonderers and not too high if a parent has to get in and there is no problem adding a wire mesh fence.

Opened public comment.

Jeffery Marvin- 4227 73rd Terrace east, Florida- sworn- said he has questions regarding the property at when the property at 146 S. New Prospect is heard.

Mr. Gertner stated that application has been carried and the Township website should be checked for the zoom information, however that application will not be heard this evening, it has been officially carried to the March 17, 2021 meeting.

Mr. Book announced seeing no one else raise their hand, the public portion is closed

Mr. Pape stated from the examination from the Board and the witness's it has been carefully followed this is an application for preliminary approval and after considerable exchange there has been a plan provided that was well received from the professionals with all the comments made. Mr. Najarian asked how the separation will be decided. Mr. Gertner stated that should be prepared by the applicant. Mr. Pape stated there is acknowledgment that there is a retail and residential element, and it's being asked that a certain number of units be permitted before the retail is required, and it can be done in the form of building permits, CO's and there will be a planned placed for the Board and it's been indicted that the Board sold not be surprised if there is he requirement for immediate construction of the retail, and there will be a plan that will be made up. Mr. Gertner stated the Board should deliberate, the applicant's request is that the application is not ready to put a phasing plan that is sufficient for the Board or themselves to vote upon and it is asked to carry the details of the phasing to final approval, and it is being asked that the applicant be permitted to present a plan that has a trigger for commercial only after some number of residential units to be constructed, and the boar is aware of the affordable obligation. Mr. Pape stated there is a 14,000SF retail center on site and that will be something that the Board takes into consideration. Mr. Gertner asked what the current vacancy is for 14,000SF retail space. Mr. Pape advised its 100 percent rented. Mr. Book stated the concept of the business complexity and when to commit to the commercial and the concept of a trigger and what it would be however that is not a decision that is needed this evening that is a decision for final approval. Mr. Hurley suggested to make things simple, it makes more sense to have a phasing plan associated with the final approval because there are number of things that are in effect, there is COVID and there is the financing commitment and the commercial tenants are not going to be here yet, and there is experience with commercial tenants to have their own buildings so it makes more sense to have it all done at final and there are no issue with preliminary approval, and at final there can be phasing schedule. Mr. Hill asked if the applicants attorney can clarify that with this preliminary approval, it's not intended for site prep, tree clearing, or offsite improvements until final approval is perfected. Mr. Pape stated that is correct. Mr. Costanzo mentioned considering in preliminary approval hearing, that there can be an agreeance that the commercial and residential should be phased in together. Mr. Book stated it is to determine at final. Mr. Gertner stated the Board should articulate the final determination, but the Board previously recommended that the residential and commercial would be tied together. Mr. Book asked if residential and commercial must start at the same time. Mr. Pape stated when someone is building residential, someone should be able to say "stop", give the commercial, and the language used is to make certain there would be a fair balance of the residential and commercial uses, and during site plan should there be a use granted the site would be balanced, and there are benchmarks such as the first 2 buildings being built there needs to be commercial. Mr. Gertner stated if the Board thinks this should still be guided by Board preferences, that phase 1 includes a residential and commercial component. Ms. McIlhinney stated that is what the use variance was based on, and at some point, it's going to be required. Mr. Hill recommended that the Board recognize there is a constitution in the use variance that the applicant has agreed to finalize. Mr. Gertner noted there should be a

preference articulated. Mr. Peters stated the concern is to protect the town, and it was stated there needed to be more proof to sustain the retail.

Mr. Hurley made a motion to grant preliminary site plan approval with the condition that on final approval, the preference of the Board will be that the phasing plan be concurring with the residential and commercial.

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Motion to approve by HURLEY/ McIlhinney. Yes: Costanzo, Fritch, Hurley, McIlhinney, Comello, Najarian, Book.

Motion to adjourn at 8:46 p.m. by NAJARIAN. Yes: Among those present.

Respectfully submitted,

Danielle Sinowitz,
Zoning Board Recording Secretary