

JACKSON TOWNSHIP PLANNING BOARD MEETING

MONDAY, FEBRUARY 22, 2021

The February 22, 2021 meeting of the Jackson Township Board was called to order at 7:36 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- *virtual* Terence Wall, Township Representative
Jeffrey Riker Martin Flemming, Councilman
Andrew Jozwicki Joseph Riccardi, Mayor's Designee
Manuela Brito- Alt #2- *virtual* Len Haring, Board Vice Chairman
Robert Hudak, Board Chairman

Absent: *Tim Dolan, Anthony Luisi- Alt #1*

Also Present: Planning Board Attorney Sean Gertner, Ernie Peters, Board Planner, Doug Klee, Board Engineer, Denise Buono, Planning Board Secretary, and Danielle Sinowitz, Planning Board Recording Secretary.

Mr. Gertner announced that an executive session may be held for certain purposes where it is necessary to discuss in a session not open to the public, and this evening the items being discussed are; Personnel matters and scheduling, along with litigation relating Jackson Trails and El at Jackson, the north parcel

Motion to enter into executive session at 7:39 p.m. by HARING/ Flemming. Yes: All in favor among those present.

Motion to close executive session at 8:09 p.m. by CAMPBELL/ Haring. Yes: All in favor among those present.

Payment of Recording Secretary, Danielle Sinowitz, for 2/22/21 motioned by FLEMMING/ Haring. Yes: All in favor among those present.

Motion to approve regular meeting minutes of January 25, 2021 by CAMPBELL/ Flemming. Yes: All in favor among those present.

Motion to approve regular meeting minutes of February 1, 2021 by CAMPBELL/ Flemming. Yes: All in favor among those present.

Mr. Hudak asked if there were any changed to the agenda. Mr. Gertner stated there is a need for an additional meeting for March 8, 2021 and that is because there are a number of commercial applications. **Motion to add March 8, 2021 to the meeting schedule by FLEMMING/ Riker. Yes:** All in favor among those present.

Applications: 1. Lirama, LLC JB's Diner, Block 3101, Lot 19 - Mr. Klee stated this is an application for preliminary final major site plan approval, and there is a report dated December 4, 2020 and there is variance relief requested and that is for a 10' setback where 20' is required for parking, and the site is subject or impacted by the conservation overlay zone and there has been an LOI indicating the wetland limits and if there are comments from the environmental commission that should be addressed and if there is any discussion of the LOI and there will be a private well and septic system and there is wetlands in the area and there should be discussion if the well can be installed and operate appropriately, the general operations disclosures should be discussed, and there should be discussion on the findings of the report and there are 2 driveways with access to Monmouth Road and there will approval from the Monmouth County Board who has jurisdiction, and there is a loading zone and there should be adequacy discussed, and the ordinance requires curbs and sidewalks along Monmouth Road and partial curbing and no sidewalks is purposed and there should be confirmation that any waivers granted, there will be a fee placed into the public safety fund, the storm water will be owned and maintained by the property owner, and there is site lighting in accordance to ordinance standards and there should be landscaping testimony and there should be testimony on the site signage, the maximum height is 14.6SF and 24SF is purposed and there are 2 wall signs purposed where there is only 1 permitted. Mr. Peters stated there is a report dated February 17, 2021 which is the second review and there was a zoom meeting to address the initial comments and that is appreciated and the site is in the highway commercial zone and restaurant are permitted in the zone, and the basement use should be addressed to help with the parking relief and with regards to lighting there may be waivers where the lighting is deficient and regarding access the access isle requires some waivers and there may be waiver or 2 necessary regarding the landscape within the parking area and the landscaping around the purposed dumpster area.

Dennis Galvin- attorney for the applicant- stated this is JB's diner in Jackson, there is no relation to any diners in town, and when coming off 195 with Seasonal World on the right there's a lot of construction on the left, and there is the Great Adventure entrance number 1, and the employee entrance further up on the left hand side, then there is a patch of woods and that is where the diner will go, and it's old Jackson since it's a wooded virgin area to be developed as it should, and there are 4 variances being sought, 1. For the proximity to residential property 2. Is for the parking, because the parking regulations take into account all the passing of the building and aside from the dining area there is the suggestion that there is more than enough parking and the ordinance is not being complied with however there will be adequate parking. 3. Is for the shark fin over the front door way, this is an old school diner and that is the design requested. Lastly there is a variance needed for the sign itself. Mr. Galvin stated the septic is required and that will be obtained, and Monmouth and Ocean county were met with, and there is an Ariel of the site that will be marked as **Exhibit A-1** which shows there is nothing really surrounding the site and when seeking a variance the surrounding lots are considered, and Six Flags is what is surrounding and this will not make more noise than Six Flags.

Rakesh Darji- Professional engineer, licensed engineer and Planner in New Jersey- credentials accepted- sworn- advised there was background on where the site is, and the property is the small red outlined area showed on **Exhibit A-1** and there was approval for this site in the 2000's and the site was cleared then and there was no advancement and the site has sat in that condition since, and behind the site is great adventure and there are existing residential properties in the front of the site and this is about a 2 acre site. Mr. Darji showed **Exhibit A-2**, the overall site plan and the applicant is purposing an approximate 12,000SF diner, and the diner is the first floor and there are 2 phases, 1 is the 5,600SF space, and phase 2 is the small rectangle with 50 seats and phase 1 does have a basement. Mr. Galvin asked how the basement will be utilized. Mr. Darji stated the basement will be for a small office for management and a bakery space for the in house baked goods and storage, and there will be no seating or preparation down there and there are great soils here and the applicant is taking

advantage of that, and the site will be accessed by 2 entrances, one right in and the site is on Monmouth road, and this roadway is under Monmouth jurisdiction, and the site will accommodate tractor trailer deliveries, trash trucks and standard vehicles, and there will be closed trash enclosures and, there was notation as it relates to a waiver, which is regarding the landscaping around the enclosure. Mr. Darji stated there is 130 spaces, and the traffic engineer is present this evening, and the requirement for a diner is either 1 space for 3 seats or 2 spaces for every table top plus 1 space per employee, and the basement area counts as floor area which is where the issue lies. Mr. Galvin asked for the truck traffic to be discussed. Mr. Darji stated the trucks will access through normal access. Mr. Galvin asked how many trucks would be coming on site and how often. Mr. Darji advised the applicant would have that control, and the need is approximately once a week and should there be a need for more deliveries it can be done. Mr. Galvin asked for testimony on the sign. Mr. Darji stated there is a monument sign purposed that is brick base, and the ordinance requires 20' off the right of way and given the configuration of the site, the sign location is where it should be so it's not in the drainage basin, and the sign is not in the site triangle, and the sign is going to display the address and that will be 5 feet off the roadway. Mr. Darji advised there are some waivers and testimony that was requested, and there was a chance to revise the plans in response to the first review from Mr. Klee and Mr. Peters, and the applicant is in agreement to the comments from the professionals and there are technical comments to address which are believed to have been addressed and there is no objection to having plans submitted. Mr. Klee stated there are no issues, there has been a zoom meeting which addressed a majority of the comments. Mr. Peters stated there was recommended variances and waivers that should be listed on the record. Mr. Darji stated there was a variance recommended for the sign that is higher than the roof of the building, as the ordinance prohibits group signs and that is from where the sign is located, and the ordinance permits one wall sign and there are 2 signs purposed on the building, there is also a variance for the 24' monument sign that is 5' from the right of way, and the ordinance permits no more than 4 colors, and there are no more than 4 colors on the sign, and the wall mounted signs will have the same colors. Mr. Darji continued with the variance for the 20' parking setback for the residential uses, and that is along the side parking line and the ordinance requires 10' and the most recent revision was in response and the final disposition which is 7.7' where 20' is required. Mr. Galvin asked if there are residents where the setback cannot be met. Mr. Darji advised there are no residents in the location where there is the issue of being less than 20', and there is a variance for parking, because there is 1 parking space required per 50SF which is 239 spaces where 130 are purposed and there was discussion on that earlier, there are design waivers, one which requires the access drive isles be 100', and the 68' is the optimal decision, and there is the design waiver which requires a 10' wide strip, and the purpose for the landscape buffer is because the site is surrounded by wooded areas and there is landscaping purposed along the parking lots, and there was testimony that was requested in regards to ADA spaces, and there is the required number of ADA on site, and there are the loading zones and at those areas there are ADA required ramps and along the front of the site there are the access ramps and the ADA spaces were designed for the ADA requirements to be met. Mr. Darji stated there is no sidewalk purposed along Monmouth road as there is none along the road currently, and there is curbing purposed along the accesses of the road, and the contribution will be made. Mr. Flemming asked as it relates to the residents to the Westside that are close to the parking area, how is the parking lot going to be mitigated, what type of buffering will there be. Mr. Darji stated there will be plantings with shrubs and the applicant is working with that resident, however the project is purposing shrubbery. Mr. Galvin asked for the distance of the home to the lot. Mr. Darji advised it's approximately 100' from the parking lot. Mr. Hudak mentioned with the head on parking a fence might be a good idea to avoid head light spillage. Mr. Darji stated that can be managed. Mr. Hudak advised that should be done for all sides where headlights would spill into another property. Mr. Darji confirmed that can be done. Mr. Flemming asked if there were any time restrictions for trash pickup. Mr. Darji stated the applicant has the ability to time the trash pickup. Mr. Fleming asked how many employees are on site at peak business hours. Mr. Galvin stated 20-25, and 35 was listed for precaution. Mr. Hudak asked what the dining capacity is. Mr. Darji stated during phase 1, 200, phase 2 there will be 50 totaling 250 seats. Mr. Hudak mentioned that is only leaving 100 spaces available. Mr. Galvin stated this will be market controlled as well. Mr. Darji noted that parking is usually based on tabletops. Mr. Galvin asked how many table tops there are. Mr. Darji advised there are 43. Mr. Riker asked if there will be any perversion for outside coolers. Mr. Darji mentioned there are no outside storage areas of any kind. Ms. Brito asked if the diner will provide carry out. Mr. Darji stated there will be carry out services. Mr. Hudak asked if there will be designated spaces for that. Mr. Galvin stated there is an existing operation that can be deduced that will be similar to what is purposed.

Deanna Drumm- listened professional engineer and planner in the state of NJ, specialized in traffic engineering- credentials accepted- sworn- stated the nationwide standards were taken into consideration and Monmouth county takes the lead on road improvements and Ocean county is under jurisdiction for the onsite improvement and Monmouth county has been met with and 537 will be improved and the shoulder will be widened so someone can maneuver around the vehicles and there will be a 20' shoulder so someone can turn off into the diner, and during the non-seasonal traffic the site will service at a level c, and as the traffic engineer, the studies were reviewed and the cars were counted and there is a document referenced and during phase 2 there is the maximum and during peak there will be 110 during 2-3 hours during lunch or dinner, and that is about an 85% rate and the highest rate is about 90% and there will be flexibility and there will be a lower parking demand and it's the professional opinion that this is a good fit and there is adequate parking and it's good planning and there will not be a substance. Mr. Galvin asked to submit this witness for consideration.

Cupertino Herrera- owner of the site- sworn- Mr. Galvin asked Mr. Herrera if he owned a diner that is currently on route 33 in Howell. Mr. Herrera said yes. Mr. Galvin asked if the Howell site is similar to what is being purposed. Mr. Herrera said yes. Mr. Galvin asked how often the diner completely full is. Mr. Herrera advised on the weekend for about 3-4 hour tops and it fizzles out. Mr. Galvin asked if the parking is adequate. Mr. Herrera said yes. Mr. Galvin asked how many employees are on site. Mr. Herrera advised there is currently 8. Mr. Galvin asked if they will all drive. Mr. Herrera said yes. Mr. Riccardi asked if the other location where the operations are running now, is the storage the same underneath. Mr. Herrera said yes. Mr. Riccardi asked if that site parking works. Mr. Herrera advised that is correct. Mr. Riccardi asked for the other location, what type of seating is there. Mr. Herrera stated there are 200 seat. Mr. Riccardi asked if this is a business that is well known. Mr. Herrera said yes. Dr. Campbell asked what the hours of operation would be. Mr. Herrera stated 6 a.m. - 12 midnight. Dr. Campbell asked if that is for 3 services. Mr. Herrera said yes, and noted that breakfast can be provided any time.

Mark Blasch- Architect with his own firm, licensed in the state of NJ, and has been doing Diners for 25 years- credentials accepted- sworn- presented **Exhibit A-3** showing this is a classic 50 style diner and is stainless steel and the base is granite and the red stone is a granite from India, and is the few re stones available and there is the "fin" on the entrance which is an homage to a 50's drive in theater/ road side architecture, and that is there intentionally for visibility on the street and this is on a high speed road, and that gives a better shot of the diner coming in, as appose to driving past it at 40 MPH, and that view is from the driveway as you would approach the diner and of course at night it is lit with led's that symbolize the neon's, and its hand bent stainless steel.

Opened public comment:

Ray Hendrickson- 589 Monmouth Road, Cream Ridge- sworn- Mr. Gertner asked Mr. Hendrickson if he was a Jackson resident

Ray Hendrickson- 589 Monmouth Road, Cream Ridge- said that was correct, and disagreed with the gentleman who was just speaking, no one has spoken to him regarding selling, and wanted to assure that was clear to the Board, and in the letter that was received, there were only 3 variances on the letter and all that were described were not on the letter, and the fencing and landscaping should be installed to avoid headlights coming in the windows of his home, and what will be done about light pollution, and what would be done to avoid traffic during in his driveway.

Mr. Galvin stated the resident that was mentioned about selling was another resident on the other side of the lot, and as it relates to fencing what would be desired, 6' solid, and vinyl, what is desired. Mr. Gertner asked Mr. Hendrickson what would be the preference as it relates to fencing

Ray Hendrickson- 589 Monmouth Road, Cream Ridge- said a 6' fence, something that is solid

Mr. Galvin stated the applicant would be happy to provide that, and apologized for that over look. Mr. Gertner noted that with a well-lit use the diner will most likely be used as a turnaround spot rather than the resident's driveway.

Nicole Hendrickson- 589 Monmouth Road- sworn- asked a question about the sign variance, because that was not indicated, and as of right now the bushes that are along the edge of the road, it makes it difficult to see.

Mr. Darji stated the location of the sign will be 5' off the proposed right of way and that is where it will be located along the road and the sign itself will be 40' roughly off where the current roadway is, and the vegetation will be removed and the sign will be 35'-40' off that, and there is a dedication purposed.

Nicole Hendrickson- 589 Monmouth Road- asked why there was nothing in the notice relating to the sign, because the notice does leave some things uncertain.

Mr. Hudak raised concerns about the discrepancies. Mr. Gertner stated this is a need of the public and the statute requirement and the statute only requires a 10 day notice, and the notice itself is adequate in terms of time and as of the substance of the notice itself, it's sufficient of the Board to obtain jurisdiction.

Nicole Hendrickson- 589 Monmouth Road- asked if the lighting from the parking lot and the fin on the building will spill into her property.

Mr. Hudak advised that Jackson has light ordinances and the applicants engineer can further explain the lighting. Mr. Darji stated the lighting actually will be designed with cut offs and there are modifications that need to be made and the minimum requirement will be complied with, and there will be flat land lighting, and the illumination at ground level is taken into consideration and the glare from the light itself, and what will be done is the design element and that would be a shield to keep the illumination on site and the glare would be purposed with a flat lens feature.

Nicole Hendrickson- 589 Monmouth Road- raised concern that restaurants bring grease, smoke and smells, what will be done to protect the residential properties.

Mr. Darji stated the kitchen systems are designed to remove the grease and the smell that will come out of the facility will be much less than an old school 50 diner, and the hoods are engineered so everyone is concerned about grease and its more than an environmental issue and over the past 20 years that standard has been increased dramatically, and there can be no promise of bacon smells, but there won't be a passive smell over running your property.

Nicole Hendrickson- 589 Monmouth Road- asked if there is a consideration for outdoor seating.

Mr. Galvin stated there is a plan that instead of building the additional 50 seats indoor, there could be outdoor tents however that would call for a separate application.

Nicole Hendrickson- 589 Monmouth Road- asked what kind of recourse is there for a large amount of trash bins, is there a recourse of garbage.

Mr. Galvin stated there will be a dumpster and recycling bin enclosed behind the building. Mr. Herrera advised the Howell location to be looked at, and remember how JB's in Freehold was kept, because that is how all diners are kept and the one on 33 is as clean as it can be and that standard will come to this diner as well.

Seeing no one else use the "raise hand" function, motion to close public comment by CAMPBELL/ Flemming. Yes: All in favor among those present.

Mr. Galvin stated this is a simple application and this is an advantage and there is an apology to be given for the corners, however this is a good use and good applicant who will be a good neighbor and if there is a fence required it will be done along with the funds going into the pedestrian fund.

Motion to approve with the stipulation of a solid fence to block out headlights spilling into residential properties as well as having restricted trash pickup time by FLEMMING/ Riker. Yes: Campbell, Riker, Jozwicki, Brito, Wall, Flemming, Riccardi, Haring, Hudak.

Recess taken at 9:30 reconvened by Mr. Hudak at 9:43 p.m.

2. Jackson Woods Southeast, Block 4101, Lot 20.02 - Mr. Klee stated this is a continuation and the site engineer testimony was completed and there was question related to basements and the 3 story buildings, and there is traffic testimony to be heard. Mr. Peters stated this is still a permitted use in the zone and there was a revised submission.

Ron Shimanowitz- attorney for the applicant- stated this was last before the Board on December 21 and there were 3 witnesses, and there are witnesses present, and based on the resubmission and the review letters some previous witnesses will be called.

Mark Lescavage- sworn- stated in advance of this meeting there were plans submitted February 1, 2021 which was a comprehensive response to the planner and engineer and the fire reports, and there were technical changes and to summarize the major changes will be gone through, and what was prepared which is a new exhibit that will be marked as **Exhibit A-22** which online is **C-01-plat-revised** and that is the revised preliminary plat exhibit in February and it shows the same layout with the following exceptions, the right of way in the

development was modified so that parking is within the right of way or in lots that will be dedicated to the home owners association and there will be no parking on a private lot, and with doing that there were some visitor spaces removed, and there were some other things done and based on the planners report the circle was changed by adding some feeder islands to make for a safer travel way for the public, and another change was the signage and striping added as well, and there were other changes made relating to the technical requirements and the basins are the same and the land sapping was modified as requested. Mr. Lescavage continued with another question that was asked is to the number of levels, the 20' wide unit is all slabs, and no basements and that has 2 different footprint options, a 2 level and a 3 level, and the 28' has 2 footprints with basements and 2 floors above, and the owners bedroom will be the first floor and the other bedrooms would be on the second floor and the other footprint has all the bedrooms on the second floor and there are no units purposed with more than 3 living levels. Mr. Shimanowitz advised that is all for Mr. Lescavage, and those are the cleanup items that were desired to be placed on the record, because during the course of the hearing there were issues that came up that were legal issues and it relates to the history of the site and one issue that came up is the net density and it was discussed many years ago and has been resolved and it's been removed to the south site consent order, and the open space issue came up and that was discussed by the court master, and 60% of the south site is mapped wetlands, and that will remain in the natural state from DEP permits, and 60% of the site is being preserved, and there was a tree permit issued already and a tree removal plan was addressed by a resolution in 2007, and this was an overall approval, and there were no plans, and there is nothing further to be done.

John Rea- professional traffic engineer, and has been before this Board on numerous occasions- credentials accepted- sworn- stated there has been an updated traffic impact study done in May of 2020 and the latest traffic study is based on traffic counts done in 2019 prior to the pandemic and the traffic analysis was designed to 2030, and the trip generation was done and based on the data, and the units in the central section were accounted for although they are not occupied yet and essentially an improvement is necessary at Freehold Road and this access is going to be on Freehold Road just west of Cedar Swamp and there needs to be an improvement to that level F of service, and the intersection should be shifted 300' south to "T" the intersection, there will be also be the addition of turning lanes and a traffic signal and with those improve this will operate at a level B, and that intersect and the 2 roadways are under jurisdiction of Ocean County and those improvement timings will be discussed, and the timing will be worked with, and with regards to internal site circulation, the RSIS standards are meets and there is a surplus of visitor parking, and the layout meets the RSIS requirements and are compliant in that regards. Mr. Flemming asked with the interaction moving 300' south, is anyone losing a house. Mr. Bovino stated there is a house on the corner that is boarded up and that is owned by the county and it will be demolished. Mr. Gertner asked for a description of the inter relation to the purposed intersection and the intersection that is at Jackson Mills and Cedar Swamp. Mr. Rea stated the existing intersection is a signalized insertion and is 5-600' north of the existing insertion of Freehold Road and the new intersection will move 300' south which will create a 900' distance between intersections and there will be 2 signalized intersections which will have proper turning lanes, phasing and timing to achieve good levels of service. Mr. Gertner asked if there will be improvements at Jackson Mills. Mr. Rea advised there will be however they may be tied to another phase of this project, and right now the biggest thing necessary is to mitigate the level of service to improve the safety and efficiency. Mr. Peters stated as it relates to the timing of the improvements, given there is an existing level of service there is a concern that there is no idea when the improvements will be done and then homes will be occupied and then there will be traffic signal, that's not the most efficient process, can the Board reasonably accept the light will be operational before a certain number of units are occupied, how can the application say what will be done as it relates to installing the improvement. Mr. Rea stated the improvements for the intersection have been approved by the County and it's the understanding that the construction will start concurrently with the site work and there's the concern of the weather, and the improvements will probably be completed between 12-18 months assuming the weather holds out. Mr. Bovino advised there is a meeting with the County to discuss the posting of the bonds and start the construction however the issue is this is the county jurisdiction however once the construction is started it will take 12-18 months and with winter there cannot be paving between December and March which is why the 6 months are added, and they are county roads and the county will be met with and there needs to be an approval from this Board in order to trigger that. Mr. Peters stated this is part of the housing element and fair share plan, is it UN reasonable to ask that the light be operational before CO's are issued. Mr. Shimanowitz stated this is unique because the affordable housing is already built so this is amazing what the developer has accomplished so the improvements might not apply the same way, and this site timing issue perhaps from Mr. Rea's perspective what cant the intersection handle before the improvement is in. Mr. Gertner stated the intersection currently operates at an F level, and it would be presumed that the level met the warrants from a traffic engineer perspective to warrant the light. Mr. Rea advised as it relates to the peak hour yes. Mr. Gertner understands the hesitation however there has been testimony that at the least the preliminary be granted that the applicant's intent is to begin construction of that intersection as soon as there is a preliminary approval. Mr. Bovino advised that is correct. Mr. Gertner stated the only hesitation is that the Board and the applicant do not control the county goal. Mr. Bovino mentioned there is a possibility that the phase to add the light to be installed sooner, and that is the goal once the County is met with. Mr. Gertner asked if the applicant would accept as condition of approval that as the request of the Board if the applicant agrees before any CO's are issued the construction of the signalization occur and all due diligence will be made to the Ocean County Planning Board. Mr. Bovino advised that would be no problem, however the county needs to be met with. Mr. Shimanowitz noted that type of condition would also satisfy on a phase basis. Mr. Rea stated the county would like to be met with to discuss phasing to provide that level of safety before the entire intersection is done to get the signal in as soon as possible.

Tim Kernan- professional planner, and licensed engineer and planner in NJ- credentials accepted- sworn- stated there are 3 areas where variances are being sought, the first area is lighting, and the parking area along with the multifamily areas and what's been testified too and what is purposed is 0.2' canceled and a minimum of 0' and the average for the road is 0.4', and there is a minimum of 0.5' at the intersections and parking areas and the unit storage requirement is seeking relief and signage is seeking relief, and in section 244-207, there are 4 variances as it relates to signage, and there are 2 signs purposes and 1 will be permitted and the planner brought out a sub section of that and that is section 244-207-B6-A, And that is where ground signs are permitted and that lists nonresidential areas and there are 2 signs purposed at the entrance, and there is 7' purposed where 6' is allowed for the ground sign and the maximum sign area is 30SF and 52.5SF is purposed, and as Mr. Peters put in the review letter there are variances sought and the hardship is not applicable to the signage and the storage however to the light issue it would be difficult to maintain ½' candle especially using 12' high fixtures there would be interference with the driveways and the land use law was reviewed and there are 6 purposes that were added, and the proposal advances that purpose and the sign is a benefit to the general welfare, and the proposed lighting does conform with the township lighting code, and there is the desire to provide an attractive round sign, and adding additional streetlight will advance the purpose, and there will be a tight layout, and the benefits outweigh the detriments, and with regard to the public good there will not be a substantial detriment to the public good, and relating to unit storage typically this requirement is applicable to multifamily and this spells that out, and in this case there are town homes that have a one car or 2 car garage in addition to the area needed for someone to park, the home owners association will be handling all landscaping, so there is no need for lawn storage. Mr. Kernan stated the height to the top of the sign is 6" and the sign requirement may

exceed by 6", and building located at 2 or more streets or fronts on 2 street frontages there will be no more than 2 ground signs, and there would be a permitted use of the 2 ground signs, and there are other developments in town with ground signs such as the ponds and Westlake, winding ways, and cooks bridge all have front sign features.

Robert Regazzoni- licensed in the state of NJ- credentials accepted- sworn- Mr. Shimanowitz asked for the Board to be shown the Renderings and elevations of the 5 models. Mr. Regazzoni advised he would like the it to go through **Exhibit A-11** through **A-17**, and the street scape will be walked through. Mr. Regazzoni showed **Exhibit A-11**, the 28' frontage unit with the 2 car garage, which has the stone siding and shingle roof, and moving to **Exhibit A-12** is the black and white elevations of the 3 level unit, which is a 6 unit building and there are 3 levels and this is the typical floor plan on the bottom. Mr. Regazzoni showed **Exhibit A-13** which is the color rendering of the same building, showing the stone finish, and there is a single car garage unit, **Exhibit A-14** is the 24' unit black and white rendering of the 2 level 2 car garage unit, and the unit is a 2 level currently showing the 6 unit building with a staggered unit, and next is **Exhibit A-15** is the color rendering of the units and from **Exhibit A-15** and it can see that there is integration from all the units of all the development so its coherent. Presented next was **Exhibit A-16** which is the 28' frontage unit showing a 2 unit building with a 2 car garage, and **Exhibit A-17** is the color rendering of **Exhibit A-16** to show the materials being used and the colors. Mr. Flemming asked if every house gray. Mr. Regazzoni advised there will be other color combinations, and the goal is to be with the grays and earth tones there will be no contrast of colors between units. Mr. Gertner asked what earth tones, brick, are or what will there be. Mr. Regazzoni stated there will be mostly stone and there will be reddish stones and tan and the combination of grey and darker colors and right now there has not been a complete color palette chosen that was to be discussed later on.

Robert Fecso- been developing in Monmouth and ocean county- Mr. Gertner asked if Mr. Fecso was testifying as a fact whiteness not an expert. Mr. Shimanowitz advised that is correct. Mr. Fecso stated he will be constructing all the homes and the clubhouse subject to another application. Mr. Shimanowitz asked if Mr. Fecso was present at the December 21 hearing. Mr. Fecso advised that was correct. Mr. Shimanowitz asked to go through the issues that were brought up along the way. Mr. Fecso stated one question was the wet pond and basin and the concern was the mosquitos and there will be fish put in that will eat the larva and eat mosquitoes and they work very well. Mr. Fecso stated there was the maintenance of the roads and clubhouse and recreation areas and all that will be maintained by the home owners association, and there was question on the construction of the clubhouse and the intent is to start the amenity package once the roadways are done and the entry signs would like to be put in and the landscaping with the next application with the amenities and the fountains and the basins to the roundabout and the clubhouse would be started towards the end of section 1 around the 100th certificate of occupancy, and once the building permit is obtain the clubhouse and playing court and pool will be complete within a year, and there will be irrigation done to the entry boulevard going up the main road and the irrigation will be done and the well will not hold more than 100 gallons each, and they will be owned and maintained by the home owners association, and there will be no guard gates or guard houses, and all maintenance services will be held by the home owners association, the lawn the ponds, etc. Mr. Haring asked if the amenities and the clubhouse will be done by the 100th Certificate of occupancy. Mr. Fecso stated that is correct, the start of the clubhouse will be with the 100th CO and the amenities are the fountains and the landscaping which will be started immediately and the clubhouse would like to be started at the 100th CO. Mr. Haring asked if the first number of residents will have no amenities. Mr. Fecso advised that is correct. Mr. Haring asked how that would be handled if the amenities are showed and they will not be available for over a year. Mr. Fecso stated that will be disclosed, before the units are sold they will be aware of the schedule. Mr. Haring asked if residents will be informed up front they will be advised. Mr. Fecso stated that is correct. Mr. Hudak asked if the association fees will be adjusted. Mr. Fecso said no.

Tom Bovino- sworn- advised he provided testimony in early December and wanted to re-emphasize that this is part of the overall project of Jackson 21 and hopefully all the Board members see this is as the story, and there are 2 chapters left and this will come in in about 3 months to complete the walking trails to link the south west and south east and north to West Fish road, and then there will be the need for an extension to the south west of the rental community and there is no plan to come in until the gardens are at 100 % occupancy which was advised it wouldn't be for another year or 2 and the core of the dream is the mixed use and the commercial component in the north side, and there will be an application in the next 3-6 months which will outline the goals and will allow for feedback, and the goal is to check in with the town and let them know what the intentions are so there are no surprises. Mr. Bovino stated that lastly this community is not something any person can drive, its market driven and it's believed once the townhomes are completed this will drive the commercial. Mr. Gertner asked for testimony about the site across from Glory's that has been cleared, and mentioned there was a resident that had questions. Mr. Bovino stated under the settlement agreement there was allowance to build some info traction and there is a regional basin on the commercial site and that will one day be a manmade lake and the goal is to have a walking path around that lake and right now the clearing is seen and the regional basin. Mr. Gertner asked if that is part of that process, is that the site as it exists now with the partial development part of the approval of a previous settlement. Mr. Bovino advised that was correct, that was allowed on a preliminary approval and the Jackson Commons is that preliminary approval, and the conservation restrictions have been met. Mr. Bovino thanked Denise Buono and the Jackson IT staff, because this is only one application and this takes a lot of time and effort and it is appreciated.

Opened public comment;

Randy Bergmann- 5 Berkwood Drive- sworn- Mr. Gertner stated Mr. Bergmann did follow the notice policy and did email the questions to the applicant and the attorney.

Randy Bergmann- 5 Berkwood Drive- there were questions and the first one was answered, and a few follow up questions, are there improvements for west of freehold road, because there have been many serious accidents on that road Mr. Rea reviewed the plans and advised there were no improvement plans for that portion of west freehold and that is under the county jurisdiction and if the county requires something of course it will be done, however as of this moment there are no improvements being done and if there is information of fatal accidents it would be great to be shared.

Randy Bergmann- 5 Berkwood Drive- said in December the applicant's attorney praised the Jackson 21 project for the integration of the affordable housing units, however there is no integration there was an entirely separate development, the ponds. Mr. Bovino stated there are 2 primary reasons, 1 its difficult to integrate affordable housing into a community, and it makes it difficult for the market units to move forward and after sandy there was federal assistance coming into the community an there was a need for housing and Jackson was fortunate enough to perceive the federal assistance

Randy Bergmann- 5 Berkwood Drive- asked if Jackson residents were excluded from being able to occupy a unit. Mr. Bovino state there is a legal process that excludes discrimination, and all those in need included Jackson were able to apply for a unit.

Randy Bergmann- 5 Berkwood Drive- said the consent order required the provision of the residential units, how much is left and how much is built and what is the number of remaining units in the south western corner.

Mr. Bovino stated in the central portion of the site there are 510, the south east 88, and there are 465 tonight and that leaves 478 in the south west which will be a rental community like the gardens.

Joseph Ricchiuti- 7 Corey Lane- sworn- asked if there will be on street parking in this development

Mr. Lescavage stated there is perpendicular parking that is for visitor parking and there is no other packing along the right of way

Joseph Ricchiuti- 7 Corey Lane- asked how big are those spaces

Mr. Lescavage stated 9x18'

Joseph Ricchiuti- 7 Corey Lane- asked how wide the street are throughout the development

Mr. Lescavage stated 24'

Joseph Ricchiuti- 7 Corey Lane- asked in reference to the townhouse units, how wide are the driveways

Mr. Lescavage advised there are 2 car driveways which are 17', and 1 car driveways which are 10'

Joseph Ricchiuti- 7 Corey Lane- asked for the square footage of the single garage

Mr. Regazzoni advised they are around 10x20 and the double is 19x21'

Joseph Ricchiuti- 7 Corey Lane- asked what is the setback of the units from the driveway to the rear property line.

Mr. Lescavage advised 20'

seeing no one else use the "raise hand" function, motion to close public comment by CAMPBELL/ Fleming. Yes: All in favor among those present.

Mr. Gertner stated so the Board is aware of what is being sought, and given the hour and the concerns and given the notice was asked for a preliminary and final approval, will the applicant be willing to waive final and seek preliminary only. Mr. Shimanowitz stated the applicant did indeed apply for preliminary for the entire site, and the reason this application required the need to include final approval on section one is because that is effectively what will be heard for final on section one and the case for final has been done, and it's in the application, and for this to be continued, the professionals will be coming back and the testimony will be heard all over again and with all due respect it is asked that the application for final be voted on for section one.

Motion to approve preliminary approval on the site as a whole and final approval on part 1 of the project by FLEMMING/ Riker. Yes:

Campbell, Riker, Jozwicki, Brito, Wall, Fleming, Riccardi, Haring, Hudak.

Motion to adjourn at 11:21 p.m. by RIKER/ Haring. Yes: All in favor among those present.

Respectfully Submitted,

Danielle Sinowitz

Planning Board Recording Secretary