

## JACKSON TOWNSHIP PLANNING BOARD MEETING

Monday, March 7, 2022

The March 7<sup>th</sup> meeting of the Jackson Township Planning Board was called to order at 7:30 p.m. by Board Chairman Robert Hudak 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.

<b>Roll Call:</b>	Tim Dolan	Robert Hudak, Board Chairman
	Dr. Michele Campbell	Martin Flemming, Councilman
	Jeffrey Riker	Joseph Riccardi, Mayor's Designee
	Mordechai Burnstein	Len Haring, Board Vice Chairman
	Tsvi Herman –Alt #1	Mr. Canderozzi-Alt # 2

**Absent:** Terence Wall, Township Representative.

**Also Present:** Sean Gertner, Planning Board Attorney, Ernie Peters, Board Planner, Doug Klee, Board Engineer, Anthony Jacob, Township I.T. Representative, Irina Darrar, Planning Board Recording Secretary, and Laura Morrison, Planning Board Secretary.

**Payment of Recording Secretary, Irina Darrar for March 7th, 2022 meeting. Motioned by Riker/Flemming: Yes: Mr. Dolan, Dr. Campbell, Mr. Burnstein, Mr. Riccardi, Mr. Haring, Mr. Hudak.**

**Motion to approve regular meeting minutes from January 24, 2022. Motioned by Riker/Burnstein: Yes: Mr. Dolan, Dr. Campbell, Mr. Flemming, Mr. Riccardi, Mr. Haring, Mr. Hudak.**

**No Engineering/Planning matters were discussed.**

**Legal matters for discussion:**

**Changes to agenda schedule.**

Block 401, Lot 18. Jackson Development Company LLC. Application is for a major final subdivision for a bike path that has been carried to June 6<sup>th</sup>, 2022, with the request for further notice. Waive time through June 30<sup>th</sup>, 2022.

Block 2301, Lot 10.498. Herman Road, the applicant asked for a new date, instead of March 21, 2022. The application was moved to June 6, 2022, the applicant would require notice, and waived time is until June 30<sup>th</sup>, 2022.

Block 401, Lot 9. Right, Debow Road is asking to move the application to May 2<sup>nd</sup>, 2022. The notice would be required.

### **Board matters for the discussion.**

Mr. Peters stated that his letter dated May 25, 2018, related to the approval of a major subdivision. The resolution was submitted for completion and it is pretty much there, but there is one sticky point related to the sewer. The previous planning board meeting says that the sanitary sewer system will be maintained by MUA. The resolution for the approval says the same thing. The plans that were submitted by the applicant for Resolution compliance show property grinder pumps and force mains to be owned and maintained by the individual property owner. Mr. Klee asked the applicant to come to the meeting and explain the situation.

Ian Bordon President of professional design service, 1245 Airport Rd, Lakewood, New Jersey, speaking on behalf of the applicant, was sworn in. Attorney Mr. Goldman represented the applicant since it is an LLC.

Mr. Bordon stated that the property is in an R1 zone which requires a public sewer. This is the statement in the Ordinance. The original intent was to put a single pump station for the project and pump it into an existing sewer on Brewers Bridge Rd. Besides the board approval, the applicant needed MUA approval as well. Mr. Borden said that the MUA engineer from Remington & Vernick Associates stated that they would rather have individual grinder pumps for each lot. This was driven by an outside agency, Jackson MUA. Mr. Borden said that the applicant has approval from MUA, Ocean County utility authority, and the Department of Environmental Protection.

Mr. Peters thinks that the reason that it was in the minutes and the Resolution is that there were two types of sewer service to the site. On one side of the site, there were three or four lots off a cul-de-sac that were three acres and there was a cul-de-sac that had one-acre lots, so the question is to build one pump station for four lots, or do you go back and build individual grinder pumps and have them connect pump station in perpetuity for four lots, so they put the burden back to the developer, which in turn will put on homeowners, Mr. Peters suspects that sewer authority said why should we have to take care of sanitary sewer Mr. Peters asked Mr. Borden if he is aware of any kind of letter given to the residents stating that they own the grinder pump, they need emergency backup and they are responsible for it.

Borden was not sure but he thinks it is a good idea to make the residents aware and to give some type of note. Mr. Peters stated that it would not make sense from a financial standpoint for MUA to own and maintain the facility; it is not cost-effective for MUA to take over. From the health

perspective, Mr. Peters has no issues; since the developer is asking for the change it should be made. He pointed out that maps need to be updated and there is a need to be a battery backup system.

Mr. Gertner asked for an Administrative amendment to the Resolution to be in accordance with the determination.

Open for public comment: none.

**Motion to close public comments: Flemming/Riker.** Yes: all in favor.

**Motion to approve: Mr. Dolan/Dr. Campbell. Yes: Mr. Riker, Mr. Burnstein, Mr. Herman, Mr. Flemming, Mr. Riccardi, Mr. Haring, and Mr. Hudak**

Application for Block 19701, Lot 12, 13.01, 13.02, 13.03, 13.04 & 13.05 – BMH property 1 LLC. Preliminary and final major subdivision time extension.

Mr. Klee stated that this application is for a time extension. Resolution 2019-05 memorialized on March 18<sup>th</sup>, 2019 granted major subdivision application for sixteen single-family building lots and one storm order management lot. General terms and conditions were projected until January 4<sup>th</sup>, 2022. The applicant is looking for a 1-year extension until January 4<sup>th</sup>, 2023, and will have two extensions available. Testimony from the applicant is required to support the request.

Mr. Borden was sworn in.

Ian Borden President of professional design service, speaking on behalf of the applicant, 1245 Airport Rd, Lakewood, New Jersey was sworn in. Mr. Ian Goldman from Levin, Shea, Pfeffer, and Goldman represented the applicant since it is LLC.

Mr. Borden stated that the application was approved by the board in 2019. It is in the R1 zone. The property does provide public sewer and water. R1 zone requires it to have public sewer and water. There were no changes made to the project. The sewer from this area is directed into Toms River Township through the interlock agreement that Mr. Borden had worked on behalf of the developer 25 years ago. There are issues and as of now, the applicant is barred from moving forward on the sewer because the MUA has used up capacity under that interlock agreement. They are seeking to obtain more capacity. This is a reason for requesting additional time. The applicant is working with the utility for approval which is why he is looking for an extension. Particularly, he is waiting for water and sewer approvals from Jackson MUA.

Open for public comment: None.

**Motion to close public comments: Riker/Campbell. Yes: all in favor. Motion to approve: Mr. Dolan/Dr. Campbell. Yes Mr. Riccardi, Haring, and Mr. Hudak: Mr. Riker, Mr. Burnstein, Mr. Flemming,**

The time extension was granted.

Application Block 20701, Lot 2- Denton Holdings

Mr. Pfeffer was sworn in. Mr. Gertner stated that there was a matter of the decision by Judge Ford regarding the application denial by Zoning for its subdivision and site plan. Mr. Pfeffer behalf of the applicant stated that the applicant is not ready to move forward at this time. As far as the board- is ready to hear the application. Mr. Pfeffer stated that the applicant is asking the application to be carried out and not to be heard this evening.

Mr. Gertner suggested carrying the applicant for 90 which was it is not tabled. It was carried out until June 6<sup>th</sup>, 2022. With the requirement of further notice.

**Motioned by Mr. Dolan/Dr. Campbell Yes: Mr. Riker, Mr. Burnstain, Mr. Herman, Mr. Flemming, Mr. Riccardi, Mr. Hudak**

Block 102, Lot 1 – Yosef Rothenberg 463 Monmouth Rd. Jackson New Jersey

Mr. Klee stated that this application has two components. Minor subdivision divides the lot, mother lot into three individual parcels and a site plan application for the further development of those properties. It is proposed to construct three stand-alone office warehouse buildings. Subdivision is confirming use. Site plan development is confirmed as well. The applicant supplied a statement of operations. The project will be serviced by an individual well and septic system. The Board would like to hear about electric chargers and solar systems. The applicant also provided us with a traffic impact analysis, which should be reviewed. Bureau of traffic safety indicated no concern as of September 16, 2020. The applicant complies with the parking requirements as of the Township Ordinance. The stormwater system will be maintained by the individual property owners. The biggest issue from an engineering perspective is the buffering in the residential zone to the rear of the property. The landscaping plan shows some preservation of existing vegetation will serve as a buffer, but we don't know the extent of existing landscaping, some testimony will be required. Also should existing vegetation not provide buffering, the applicant would agree to provide supplemental planting. Some sort of testimony from the engineer is needed for the sign area variance and indication if there is any building down in signage.

Mr. Peters stated that the report is dated February 16, 2022. The property is located in the highway Commercial Zone. Proposed is warehouse office space, which is permitted use. The applicant indicated one bulk volume for maximum size for a ground sign. We need testimony for buffering. Also, testimony regarding hours of operation, what type of vehicles will be accessing the site, and circulation.

Attorney Adam Pfeffer on behalf of the applicant stated that the project is conforming. The applicant is not seeking sign variance and will comply with Jackson Township Zoning Ordinance regarding signage.

Mr. William Stevens was sworn in as, a professional engineer and planner, licensed to practice in New Jersey. Mr. Stevens stated that:

Exhibit #1 shows the subject property, which is an 11.8-acre site, located along County Route 537 and Allison Drive just to the bottom of the site. It is located in a highway commercial zone and previously was developed as a single-family home.

Exhibit # 2 is a cover sheet of the plans that have been submitted to the board. R3 zone requires 50 off buffering, the project satisfies the requirements. It is fully in compliance with the township ordinance.

Exhibit # 3 is a sight plan showing three buildings that are being proposed, as well as the ingress-egress and loading area of the site. Each of the office buildings will have parking stalls for the passenger vehicles. Behind the buildings will be loading docks that are meant to accept full-size wheelbase 50 tractor-trailer vehicles. There are also refuse and recycling containers located behind each of the buildings.

Exhibit # 4 shows the stormwater management system for the property. It complies with the new stormwater standard.

Exhibit # 5 shows the landscaping plan. The property has landscaping along Route 537 and the stormwater management basin. The applicant will try to maintain the existing wooded area in the rear property. A bit to the top the applicant is proposing to build a rain garden to create 50 feet of buffer.

Exhibits, # 6, 7, and 8 are architectural plans and show Architectural elevation. The front of the building will house offices, 10% will be office space and 90% warehouse. The applicant is not seeking a variance or waiver for building design.

Mr. Hudak asked about operational hours.

Mr. Stevens stated that there will be no retail sales performance on the site. All items will be stored within the building, and no hazardous waste material either. Hours of operations are 7 am to 6 pm. Although the tenant might operate three shifts per day. Mr. Hudak asked if it is possible to alter operational hours since the property is surrounded by a residential area.

Mr. Pfeffer said, that he will get back to the board regarding operational hours and s, solar and electric charging stations.

Dr. Campbell asked if color rendering was available.

Mr. Stevens said that color rendering was not available at this meeting, but it can be provided at the next meeting.

Mr. Stevens said that Applicant will be back with Architectural plans, color rendering, and will have additional information about solar panels as well. He said that the building has a flat roof, so it is possible to put solar panels.

Mr. Klee needed some stipulations regarding landscaping in the residential zone.

John Rea was sworn in, a professional engineer with McDonough-Rea Associates, 1431 Lakewood Rd, Manasquan, New Jersey, currently licensed in New Jersey. Mr. Rea appeared at the board as a traffic engineer in front of the board. The report was prepared by Mr. Rea for this application stated July 30<sup>th</sup>, 2020. It is a detailed traffic analysis for the project. The analysis was done in the morning and afternoon peak hours, traffic counts along route 537 in the area counts were done before the Covid-19 pandemic shutdowns and it seems that traffic still did not recover, so the analysis is pre-pandemic. There are about forty peak hour trips during the morning; we are projecting twenty-nine inbound and nine outbound trips for a total of thirty-seven driveway movements and in the afternoon eleven inbound and twenty-eight outbound movements for a total of thirty-nine driveway movements. Mr. Rea reported projected traffic on Route 537 ten years into the future using NJ DOT background traffic growth rate data for the area under Ocean County Planning Board Protocol. The Driveway to Route 537 will operate at a C level of service during morning peak hours for the 2030 design years and during the afternoon peak hour, it will operate at the level of service, which is still considered to be acceptable. Average vehicles exiting the site out to Route 537 will experience a delay of approximately 30 seconds before getting off onto the roadway.

Opened for public comments

Resident Cynthia Renschler, 3 Berlin Lane, Jackson New Jersey.

Expressed concern regarding the buffering and the water that is on the side of Allison Road off of Route 537.

Resident Edward Schlechtweg, 7 Berlin Lane, Jackson, New Jersey.

Expressed concern regarding a pipe that goes under Alisson Road. The pipe goes onto Mr. Long's property, where Township allowed him to fill the waterway in 2014. In 2007 resident Mr. Schlechtweg had flooding in the basement.

Resident Dan Rivera 9 Boderick Dr., Jackson, New Jersey raised concern regarding a traffic issue on Allison Road and the operational hours of the facility.

Resident Kevin Render 444 Monmouth Road. Jackson New Jersey

Expressed concern over the oil discharge that will go into the ground and questioned a traffic study.

Resident Brian Kenobi, 91 Richter Road, Jackson, New Jersey expressed concern about the operational hours.

Resident James Renschler, 3 Berline Lane, Jackson, New Jersey stated that a 50 feet buffering is not sufficient and that the trees are not thick enough.

Public comments were closed.

**Motioned by Riker all in favor amongst present.**

Mr. Pfeffer said that he received enough comments and feedback from the residents and asked for 60 days for the review.

Mr. Gertner suggested June 6, 2022, without the requirement of further notice. The applicant has a waiver time through the June 30<sup>th</sup> meeting

The meeting was adjourned.

**Motioned by Flemming/Burnstein. All in favor among present.**

Respectfully submitted by

Irina Darrar

Planning Board Recording Secretary

