

JACKSON TOWNSHIP PLANNING BOARD MEETING

MONDAY, March 21, 2022

The March 21st 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.

Roll Call:	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
		Mr. Wall - Municipal 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, Laura Morrison Planning Board Secretary.

Chairman Mr. Hudak announced to enter into executive session.

Mr. Gertner stated, that items today are attorney-client privileged communication and discussion regarding the Jackson Trail litigation.

Motion to enter to executive session to discuss above item at 7:35 PM

Motioned by Haring/Riker: Yes: Mr. Dolan, Dr. Campbell, Mr. Flemming, Mr. Riccardi, and Mr. Hudak.

Mr. Wall arrived at 7:36 PM.

Mr. Gertner stated that since Mr. Riker did not participate in the discussions regarding the above-mentioned settlement, he will not be part of the Executive session.

The regular session was resumed at 7:50 PM.

Payment for the Recording Secretary, Irina Darrar for March 21, 2022 meeting. **Motioned by Riker/Flemming:** Yes: Mr. Dolan, Dr. Campbell, Mr. Burnstein, Mr. Wall, Mr. Riccardi,

Mr. Haring, Mr. Hudak.

Minutes to be approved from January 10th and February 7th, 2022 meetings.

Motion by Campbell/Harring: Yes: Mr. Dolan, Mr. Riker, Mr. Burnstein, Mr. Wall, Mr. Flemming, Mr. Ricardo, and Mr. Hudak.

No Engineering/Planning matters were discussed.

Legal matters for discussion:

Resolution #2022-205

Granting preliminary major site plan approval for the office warehouse facility on Right Debow Road. Bock 401, Lot 9.

Motion by Fleming/Burstein: Yes: Mr. Dolan, Dr. Campbell, Mr. Riker, Mr. Wall, Mr. Riccardi, Mr. Haring, Mr. Hudak

Resolution # 2022-206

Granting preliminary and final major site plan approval, C variance relief for two-story office building Jackson office complex. Block 7402, Lots 2 and 3.

Motion by Campbell/Harring: Yes: Mr. Dolan, Mr. Riker, Mr. Burnstein, Mr. Wall, Mr. Flemming, Mr. Riccardi, Mr. Haring, Mr. Hudak

Mr. Gertner stated that some agenda changes were needed.

Block 5301, Lot 12.146, North County Line Road LLC. The matter is being carried to the May 2nd, 2022 meeting, without the requirement of further notice. The applicant has waived time until June 30th, 2022.

Board matters for discussion.

Mr. Gertner stated that the Jackson Trails litigation has been settled. The municipality has already signed off on the settlement before it came to this board for any discussion or approval related to the agreement and to authorize the board chairman to sign on behalf of the board.

Public comments: None.

Motion to close public comments.

Motioned by Campbell/Flemming: yes: Mr. Dolan, Mr. Burnstein, Mr. Wall, Mr. Riccardi, Mr. Herman, and Mr. Hudak.

Motion to approve the settlement.

Motion by Campbell/Harring: Yes: Mr. Dolan, Mr. Bursntein, Mr. Wall, Mr. Flemming, Mr. Riccardi, Mr. Herman, and Mr. Hudak.

Applications:

Block 4601, Lots 9; 10, and 11. The Boulevard office/MAZ Properties

Mr. Klee stated that this is an application that the board originally approved back in June 2019. It is an office, retail, and warehouse facility. Based on the Municipalities Land Use law general terms and conditions of the original application would be protected until June 2021. The applicant is required to extend the time until June 2022, although we might want to amend the application and the applicant will use two of his extensions, but Mr. Klee is leaving that to the board and applicant. From the zoning perspective, no changes were made.

Mr. Peters stated that from the planning perspective the zone of the property has not changed so the protection is afforded under the Land Use.

Mr. Adam Pfeffer, an attorney on behalf of the applicant, stated that the applicant is requesting a two-year extension. One now. The applicant will be left with one additional extension. No changes to the zoning and plans have been made. The only issue is the sewer service area that the applicant is finalizing with JMUA now to complete that item.

Mr. Gram Macfarlane, Professional Planner, a Principle of PDS Professional Engineering, was sworn in. He stated that this application was significantly delayed by the need to obtain an update from JMUA since the entire property was not located within the sewer service area. The office part of the property was not located in the sewer serviced area when the maps were updated by the State and County in 2017 or 2018. It took the applicant 18 months to get approval from DEP. All the outside agency approvals are finalized, except for the County. The applicant has had to reapply with the County since the original application has expired.

Mr. Pfeffer stated that the original approval was protected until June 3rd. 2021. We were seeking originally one 1 year extension which would take us to June 30th, 2022. We are asking for two 1 year extensions which would take us to June 30th, 2023.

Public comments: None.

Motion to close public comments. **Motion by Flemming/Riker:** Yes: Mr. Dolan, Dr. Campbell, Mr. Burnstein, Mr. Wall, Mr. Riccardi, Mr. Haring, Mr. Hudak

Motion to approve.

Motion by Flemming/Riker: Yes: Mr. Dolan, Dr. Campbell, Mr. Burnstein, Mr. Wall, Mr. Riccardi, Mr. Haring, Mr. Hudak

Block 21901, Lot 5. White Road Minor Subdivision

Mr. Klee stated that it is an application for minor subdivision approval. It is proposed to subdivide a 27 acres tract involving two-single family Residential dwellings into 3 lots. Several variances are required, lot area, lot width, and lot depth. Of course, testimony from the applicant asked to support the requested variances based on our research. No environmental issues were detected. Plans provide curb and sidewalk along White Road. We need testimony from the applicant regarding off-street parking and if any basements are proposed.

Mr. Peters stated that the second review letter was received by the office on March 17, 2022. The property is in R1 Zone, but the project is not proposed to connect to the public sewer. It is required to meet the bulk requirements of the R3 Zone.

Mr. Dante Alfieri on behalf of the applicant stated that the applicant is seeking approval for a minor subdivision. There was a previous approval in 2017 for this block and lot, but some modifications are being sought.

Mr. Macfarlane, Professional Planner, a Principle of PDS Professional engineering was sworn in. A1 Exhibit is an areal map of the subject's sight location on the White road, about 2.7 acres. The site is currently occupied by two commercial buildings and one single-family house. The proposal is to demolish the existing building to put up three lots, all 39,000 sq feet in lot area. Existing lots do not meet the depth criteria of the ordinance. 400 feet is required in-depth and this lot is about 275 sq feet. Some hardship exists. We are asking for C2 relief to allow lots to be created without them being connected to the sewer system.

A2 Exhibit shows that the property is in the R1 zone. The principal permitted use in the R1 zone is single-family houses. Right now three buildings are located and a single-family home. Property has been used as a commercial property for quite some time. Jackson Ordinance does have a limitation for the number of structures when a single-family house is located on-premises. For commercial properties, the Ordinance does not contain that limitation. But for the property that has single-family houses, the Ordinance indicates that only one principal dwelling is required. We propose to demolish three existing buildings, subdivide the property and erect three new single-family houses, which are more compliant with the Ordinance.

A.3 Exhibit is the Improvement Plan. Revised date March 9, 2022. It shows three buildings that are proposed. White Road will be widened to the County standards. The exhibit shows also a landscaping proposal that provides buffering to the property. All the houses that are proposed to sit 80 feet from the proposed right of way line, which is what the zoning requirement is. The applicant is not asking for any relief from the front yard setback.

A.4 Exhibit is the Neighborhood Character Plan. Dated March 16th, 2022. Shows subject site. Lots are identified in different colors. Mr. Mcfarland stated that the applicant is proposing to create 3 lots that are 166 sq. ft. and 144 sq. ft. and 140sq.ft. Width lots, which is consistent with the

development pattern that way no negative impact is created on the neighborhood. The applicant is seeking a variance for lot width.

A5 Exhibit Architectural Plans. Shows as Mr. Macfarlane refers to as 70 foot homes, with unfinished basements and 6 bedrooms.

A6 Exhibit. It shows a series of elevations for the middle home, it is proposed as a two-story home with 6 bedrooms and a side entry garage.

Mr. Macfarlane stated that Mr. Peters in his review letter pointed out that Lot 5.02 shows finished basements, that's correct, that was not intentional, it was an error during the proposal since all the basements will be unfinished.

Mr. Dolan asked if the Applicant is going with unfinished basements. At the current time, there will be 5-8 parking spaces per house. Mr. Dolan said once he was guilty to have three vehicles at one time, he did not need a parking lot in front of his house, it seems to Mr. Dolan that the unfinished basement will be used for another purpose.

Mr. Macfarlane clarifies that this applicant proposes an unfinished basement and seeks some relief. The Board has the ability to put conditions or language in a Resolution if they feel it is necessary or applicable.

Mr. Hudak stated that the size of the house that is proposed is twice bigger than the one that is now located in the neighborhood.

Mr. Macfarlane said that he did not do a thorough analysis, but he thinks that the average house in new neighborhoods is 2500-2800 sq. feet and most of them are 4-bedroom houses.

Mr. Hudak stated that the basement that is proposed is built with egress windows. Mr. Macfarland said the board has a right to put a limitation on the application.

Mr. Klee asked if the septic is a Pylon system.

Mr. Macfarlane said that historically this board and the Zoning board have asked for an alternative treatment system when relief is sought and that is why we would be required to do and this system would be accepted by Pinelands.

Mr. Klee stated that this system requires more maintenance. How can the board be ensured that this will happen.

Mr. Macfarlane said that one thing the board can do is to put in the Resolution that this type of system is required and the applicant will need to submit the Resolution to Ocean County Health Department.

Mr. Gertner asked notwithstanding the ingress and egress provided for the basement, would the applicant agree to RSIS standards to apply and are counted based on bedroom space, and to restrict the use of those basements not to have bedrooms, since the underline condition is that parking spaces are directly related to two-car garages and what can fit as designed on the driveways.

Mr. Macfarlane said that the applicant is providing 8 parking spaces, which is more than the Ordinance requires. For 6 bedrooms house, 6 parking space applies, and the applicant is proposing 8. The proposal for the finished basement was submitted in error, all those basements will be unfinished.

Dr. Campbell expressed her opinion and said that houses will be too tight. They look very excessive. Garages don't look like garages and basements look like they could be finished. Also, the proposed houses don't have enough depth.

Mr. Macfarlane thinks that it was more important to look at the lots than their width that is the presentation that he proposed. He stated that all the lots in orange colors are generally on average 100-225 feet in lot width, which is less than we are proposing; also, the old dilapidated house and masonry buildings be removed.

Mr. Dolan asked if there will be plumbing in the basement.

Mr. Macfarland said there is no plumbing proposed as of now.

Mr. Hudak stated that the board should not be pointing out that garages are deficient on the plans and that the professionals and Mr. McFarland should have picked it up. The applicant was asked to come back.

Mr. Gertner stated, that Block 21901 Lot 5 will be heard on June 20, 2022, without further notice, waived time until July 15, 2022.

Block 22103, Lot 14. Rosoca Holdings.

Mr. Klee stated that this is an application for preliminary and final site plan approval. The applicant is seeking to amend prior site plan approval to construct a new two-story office building with a canopy. It is a 2.4-acre property in the Industrial zone. There is a 15 X 33 feet curb concrete pad for an existing fuel tank, as well as establishing a 66-stall park or gravel truck storage and maintenance area to the rear of the property. There were prior board approvals in 1983, and approvals tend to expand from the original approvals, so some testimony from the applicant is needed as far as what was approved. Some of the improvements that are being utilized for the business need to be rectified. There is a new driveway connection proposed to Edison Ave. Some testimony from the applicant is needed in relation to Sterling Ave.

Mr. Peters stated that the office has a report dated February 15th of this year. The project is located in IR industrial Zone. It is a permitted use. The two existing variances come from the

original approvals. It appears to be two new variances with the application. Some of the reconciliation and improvements showed up without final approvals.

Attorney Robert Shea, on behalf of the applicant, Rosoca Holdings. The application is to construct three 3,200 sq. feet two-story buildings and to provide space for the Associates exiting waste management storage, and maintenance yard. In 2010 zoning permit was received. Presented witnesses will clarify all the questions and issues from the board and professionals. The facility has been operating for the past 12 years. The applicant is looking for some extensions to store additional trucks and expands the employee parking lot. On the rear side of the parking lot, there was a vacant space that became part of the property, Mr. Grysko will explain how it will be utilized.

Douglas Grysko was sworn in from Dynamic engineering Consultants, 40 Main Street, Toms River New Jersey. Has BS in Civil Engineering and practicing engineering for 18 years. A licensed professional engineer in New Jersey for over 16 years.

Mr. Riker had to excuse himself since he has done some business with the company and there might be a conflict of interests.

Mr. Grysko stated that areal exhibit images were taken in October 2022. It is for the subject property and is identified as PIG, Edison Ave. It is developed with the existing Meadow Wood Industries, which is a solid waste truck equipment business and maintenance facility. They have been at the site since 2010. They have a zoning permit and are in the Industrial zone. The exhibit shows existing buildings, storage areas, and refuses trucks. Trucks and containers are empty. There are two existing non-conformities. It is the existing setbacks for the maintenance building, as well as the existing front yard setback for the storage and the building off of the Sterling Ave. Two variances that are being sought are the accessory structure within the front yard setback which is containers that are loaded at Sterling Ave. and also the accessory structure height, which is 27.08 feet, where 25 is permitted. There are also the two canopy structures that were erected above the maintenance area.

Exhibit A2. Site plan dated 3-21-2022 shows Edison Ave as a semi-improved roadway. It has a gravel surface. Two orange squares on the exhibit show an existing maintenance building and two covered canopy buildings where the maintenance takes place for the trucks. The back of the site shows the area that will be expanded, also the proposed office building. Proposing also a canopy pad for the fuel trucks. There is a fuel truck that stays on the site. When it is empty, a truck comes to fuel it. The trucks get fuel from it before they go out. They're proposing to add a concrete pad that will be 15 by 30 feet. The maintenance building currently has office space, on the right side, the offices will be removed. They want to reinstate the maintenance garage so they can work on trucks inside. The office will be relocated into a new building. A garage door will be enlarged, so the trash trucks can get into it. There are 31 parking spaces designated for the employees. The Gray area shows parking spots (66) for the trucks, where they can get their

refuse tickets and leave for the road. There is an existing parking area, it does have an access point off of Edison Ave. The applicant would like to reinstate a gate and fence along the upper side of the Northern side of the building that is utilized and the applicant would like to open it up and have that as a primary entrance. The applicant is proposing a two-story office building of 1,600 sq feet per floor and 3,200 sq. feet in total. This is where the truck drivers will pick up the tickets for the day, go out and come back. The exhibit also shows where Brush Ave was vacated along the rear property to expand the yard for parking and storage for the trucks and the equipment. This will need a separate tree removal permit. There is limited lighting, we are proposing 5 new led yard lights. The applicant is requesting four different variances two existing and two proposed, also several design waivers.

Mr. Klee asked about vehicle maintenance such as oil changes and spills from the vehicle from the environmental perspective.

Mr. Grysko stated that maintenance will be done in the canopy area outdoor, in the garage and the surface is concrete; also there is a protocol established.

Mr., Klee asked about floor drainage.

Mr. Grysko was not aware of it. The Architect might have more information. No bulk material will be stored outdoors. Amount of employees will be from the mid 20s to the mid 30s. Delivery will be done by box trucks. There are security cameras that watch the facilities.

Mr. Shea asked Mr. Grysko to explain the utilization of Sterling Ave, and how it has been used.

Mr. Grysko said that \Sterling Ave. is currently a paper street, but it has been used as site access from Edison Ave. It has been utilized as an access point out to Edison Ave. It has been like that for quite some time.

Mr. Peters asked if there is proof or history of the approval.

Mr. Grysko said that the existing condition out there is that from the yard in the rear there is a gate, it is in front of one pad area between the storage and the maintenance area that is where the gate is. Currently, there is a straight pathway from the site to Edison Ave. It skews off Sterling Ave. where it was improved and makes a 90-degree perpendicular access point at Edison Ave. It can be pushed through where parking spaces are to be maintained on-site but it's currently being overlapped into Sterling Ave., that is how access or egress is being provided on that side of the site and we would like to keep it that way.

Mr. Gregory J. Waga was sworn in. His office is located at 2109 St. George's Ave in Rahway, New Jersey, 07065. He is licensed in New Jersey. He has a BA in finance and a bachelor's in Architect. He stated that the containment area will be about 450 sq feet, which is the current location of the fuel truck. Also, there is a steel structure. This is a storage container. This structure is about 15 feet tall and has a radius to its vaulted ceiling. The exhibit also shows a steel

structure satisfied by two 8 feet by 40 feet long containers and an arch structure. Permits were submitted to the building department for approval and will be part of this Resolution.

Mr. Gertner asked what type of permit the applicant has. Oil changes go into the containers, but I guess there should be some information, why not build the floor drains (going back to Mr. Hudak's question) and do all these improvements now.

Mr. Waga deferred the answer to another witness, the operation manager.

Mr. Joseph Caldeira was sworn in. Partner in Rosoca Holdings and partner in Meadowbrook Industries. Inc. with 42 years in solid waste Industries. We are governed by the NJ Board of Public Utilities, also governed by the NJ Department of Environmental Protection and Energy. The facilities are approved by both agencies. Mr. Caldeira said that washing of the vehicles is done by fleet wash service, which is a mobile company from Middlesex, New Jersey. They come with a crew of men. They put the boom on the ground, and they collect water and take it back to MCUA. Painting of the trucks is done by MACCO truck painting facility in Keyport, NJ. We don't do any painting of the trucks. Any type of spillage is picked up and replaced and put in the containers.

Mr. Gordon Gemma of 68 Seneca Place, Ocean Port, New Jersey, a professional planner in New Jersey, was sworn in.

Mr. Shea asked the witness to clarify what is the zone the property is located and what variances are being requested as part of the application.

Mr. Gemma stated that it is in the industrial zone, with four variances. Two are preexisting setbacks, one is an accessory structure in a side yard and another is for several numbers of designs waivers, six of which deal with the nature of the gravel pad area.

Mr. Gemma said that there is a letter from the planner dated March 11, 2022, that talks about the 1983 Board Resolution to construct a 40,000 sq. feet garage to house three sanitation trucks. It is a waiver of sidewalks and curbs. In the package submitted to the board and zoning officer, Jeff Purpuro dated 2010 about all the uses historically of the property, it's been used since 1984 for sanitation. Mid-door truck and diesel repair, East coast carting, all hours trucking and towing, and now the applicant today. There was a Resolution done by the zoning board in 1986, by Mid-door trucking. In the Resolution, the plan shows the structure, which is identified as 70 feet and 64 feet from the front yard setback. In 1987 it was okay because it was not in the Industrial zone. It was in the M1 zone. Setback for the M1 zone is 60 feet. The structure that is there now was permitted in the M1 zone in 1987. It also shows Sterling Ave, which was used since 1987, some parts of it.

Public comments: None.

Motion to close public comments.

Motion by Burnstein/Haring: Yes: Mr. Dolan, Dr. Campbell, Mr. Herman, Mr. Wall, Mr. Flemming, Mr. Riccardi, Mr. Hudak.

Motion to Approve.

Motion by Flemming/Campbell: Yes: Mr. Dolan, Mr. Bursntein, Mr. Herman, Mr. Wall, Mr. Riccardi, Mr. Haring, and Mr. Hudak.

Respectfully submitted by

Irina Darrar

Planning Board Recording Secretary