

JACKSON TOWNSHIP PLANNING BOARD MEETING

MONDAY, MARCH 22, 2021

The March 22, 2021 meeting of the Jackson Township Board was called to order at 7:35 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: Tim Dolan- *virtual* Terence Wall, Township Representative- *virtual*
Dr. Michele Campbell Martin Flemming, Councilman
Jeffrey Riker Joseph Riccardi, Mayor's Designee
Andrew Jozwicki- *virtual* Len Haring, Board Vice Chairman
Anthony Luisi- Alt #1 Robert Hudak, Board Chairman
Manuela Brito- Alt #2- *virtual*

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

Payment of Recording Secretary, Danielle Sinowitz, for 3/22/21 motioned by DOLAN/ Campbell. Yes: All in favor among those present.

Matters for Discussion: OCEAN COUNTY VOCATIONAL TECH SCHOOL COURTESY REVIEW, Block 18401, Lot 4, 850 Toms River Road- Mr. Klee stated this is a courtesy review for the Ocean County Vocational school on Toms River road, the building addition is the project and there is a representative from VOTECH present. Mr. Gertner noted that Robert Shea just raised his hand and is the attorney for the application. Mr. Peters stated the review is for courtesy review this is in the RD9 development zone in the pinelands and Mr. Shea should provide testimony and as a reminder to the Board this is a courtesy review.

Robert Shea- Attorney for the applicant- stated this facility is located at 850 Toms River road and has been there for 4 to 5 decades and the process is to go through courtesy review with the Board and will go before the toms river pinelands and the proposal is to add approximately 20000SF to the building, and what goes on is the electrical, plumbing and other types of trades, and there is a quite a bit happening and there is the need for additional space to have additional students and the parking is not changing significantly.

Phil Reina- licensed architect in NJ since 2001- credentials accepted- sworn- Mr. Shea asked for a general overview of the proposal. Mr. Reina stated the overview of the site will be shown first on **Exhibit A-1** a google earth photo, and the proposal is to construct an addition to the west side and there are 4 units, and there is an area for storage and there is also workshop space. Mr. Gertner asked for the date of the google earth picture as it appears that Mr. Jacob found the date as May 20, 2018. Mr. Reina said that is correct. Mr. Gertner advised there is difficulty hearing. Mr. Reina stated this is the general overview and the architectural can be seen on **Exhibit A-2** which is the floor plan. Mr. Shea stated the plan that is being shown is the addition that will be on the west side of the building through an existing hallway into the new area of the building and that is to add additional classrooms as well as some additional teaching staff in the area as well, and there is space for workshops and class, and **Exhibit A-3** is the purposed facade of the building and there are existing programs and there is a heavy equipment operating class and that is in conjunction with local entity that does parkway work and they will be teaching the kids heavy equipment operations and there are 3 garages that allow for access to the repair and technology area and that will be for diesel repair and there will be a new facade that is similar to what exists and there is a site plan that was created as well. Mr. Shea presented **Exhibit A-4** which shows the existing building and to the rear there is the additional parking that is actually used for a full auto body service and that is where the new structure will be located and to the east there will be no changes to the parking, there is currently 103 spaces and that will remain and there will be a loss of 2 spaces and there are approximately 300 students that come to the school a day and most travel is through buses through the site and there is staff parking and it was discussed with a teacher at the school and there is no parking issues and most students do travel by bus. Mr. Shea stated there is parking in the front of the building and there are detention basins that are part of the project, and the information can be shared with the engineer. Mr. Hudak asked if the parking is in compliance with how many spaces are needed. Mr. Shea advised for every 3 students there is one space and there is approximately 300 students there and there are 180 students on each shift and there is sufficient parking on site and there has never been an issue and if there is a need for additional spaces it can be done however it take more impervious coverage which will make a headache for the pinelands. Mr. Jozwicki asked from a safety standpoint, will there be the appropriate sprinklers installed. Mr. Shea stated there are regulations that must be followed with the Board of Education and there are sprinklers throughout the building, and there are building permits that must be obtained and codes to be followed.

Opened public comment.

Denise garner- 8 Dover Court, Bear, DE- sworn- asked what is the use of this property, what is being purposed. Mr. Shea stated there have been minor renovations and there is a need for growing technology in ocean county and the Board of Education is trying to enhance the technology for students and the students ratio is outstanding and this is one of 6 centers dealing with performing arts and this facility is a county facility.

Denise garner- 8 Dover Court, Bear, DE- asked if this is expanding the building for students Mr. Shea stated that was correct

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

Motion to approve by RIKER/ Flemming. Yes: Dolan, Campbell, Riker, Jozwicki, Wall, Flemming, Riccardi, Haring, Hudak.

Applications: 1. Cedar Swamp Plaza, LLC, Block 4201, Lot 3, Cedar Swamp Plaza, LLC- Mr. Klee stated this relate to a prior approval and there was some litigation relating to testimony regarding an expert in traffic so the application is centered on the additional traffic testimony, and that will be left to the applicant. Mr. Peters stated there was an agreement to come and provide new traffic testimony as it related to the original application.

Timothy Middleton- attorney for the applicant- stated the Board approved the application in June of 2019 and 2 of the neighbors filed a lawsuit appealing the approval and they were represented and the matter was heard with judge Troncone and during the hearing there was objective because the main concern was from the testimony from Scott Kennel who is not only a traffic expert he is an engineer and it was asked to come back to the Board to have a traffic expert provide testimony and the lawsuit was dropped and there was concern with the buffer that was purposed at 25' and it was increased to 30' and Mr. John Rea is present at the meeting and he will provide traffic testimony and Mr. David Eareckson is also present and he will be called to explain the buffer realignment.

David Eareckson- Vice president with Major New World Engineer, licensed professional engineer in the state of NJ and have been before numerous Boards including this Board- credentials accepted- sworn- Mr. Gertner stated it's important to know based on the remand it was carried to this date to allow members who were not present to read the transcript and all members are eligible to vote. Mr. Hudak asked if the suit was dropped wouldn't that end the legal wrangling. Mr. Middleton stated there is a court order that advised this is remanded and about testimony the lawsuit was dismissed and that was after the file was made. Mr. Gertner stated the order of remand stands and the court did not take jurisdiction and there have been changes in the plan and that is why the engineer is present. Mr. Eareckson advised the applicant was preparing to go thorough resolution compliance and the waiver for the buffer was done, and the building on the north was reduced in width and the other building has been shifted North to allow for a 35' buffer and the only change to the site plan is the one building got smaller and the other buildings shifted.

John Rea- licensed professional engineer with 45 years of traffic experience, and has been before this Board and many other throughout the state of New Jersey- credentials accepted- sworn- Mr. Middleton asked if Mr. Rea was familiar with project, and prepared the traffic report. Mr. Rea said yes. Mr. Middleton asked for the report to be explained. Mr. Rea stated the project has been downsized to increase the buffer and originally there was 9000SF and now its 8600SF and there is a slight decrease in square footage purposed and there has been the opportunity to do 20-30 traffic counts and the use is familiar, and storage facilities are low traffic generators because once a tenant moves the equipment into the unit they typically don't come back every day to use it and they come back very limited, mainly to come back and get items and in the morning/ afternoon hours there were minimal peak trips and there will be minimal impact to Cedar Swamp and there are general 700-1000 peak hour trips and with respect to the site plan there is 24' roadways through the facility which is typical because of the speed and the volumes are low within the site and when a tenant comes in the park the vehicle outside the storage unit and there is still room to get 2 cars passed and there is low speeds low volumes and there is never an issue with 24', there are 4 spaces in front which is adequate and there will be a vehicle parked near the unit, and they will not use the space in the front, the spaces are typically used for someone looking to rent a unit and that is adequate for that activity and Cedar Swamp is level and straight and there will be county approval and it's a permitted use with minimal impact to Cedar Swamp Road.

Opened public comment, seeing no one use the "raise hand" function, Motion to close public comment by FLEMMING/ Riker. Yes: All in favor among those present.

Motion to approve as amended by RIKER/ Fleming. Yes: Dolan, Campbell, Riker, Jozwicki, Wall, Flemming, Riccardi, Haring, Hudak.

Recess taken at 8:17 p.m. reconvened by Mr. Hudak at 8:29 p.m.

2. Jackson Park (South Section), Block 10401, 17802, Lots 5.04, 57.01- Mr. Klee stated this is a continuation from last week, the applicant completed testimony and the public portion was completed and there is the summation first and there are some comments to be made. Mr. Gertner stated the recollection on how the meeting was left, Mr. Gasiorowski and Mr. Tuvel will provide summations and there after the Board professionals will speak about questions and comments and the Board will deliberate. Mr. Peters stated the site is still located in the same zone and is still a permitted use in the zone.

Ron Gasiorowski- objectors attorney- stated there has been call for the closing statements and the comments will be brief because the volume of testimony has been extraordinary and the Board has been very patient and first there is a letter dated from August 2020 and the first page summarizes why this is before the Board and the document points out the site is on 2 tracts and the south site which is why we're here this evening is on the north side of West Veterans Highway, and although he wasn't present during the hearing of the North section there was a complaint filed in that case and that matter was heard and although there was no permission granted it was permitted to participate into the appeal on the north and the north has not yet been resolved, and the important part is that the applicant has been granted a GDP approval and that states the approval consists of development in the north and south parcel and while we're speaking about Jackson south this is part of the GDP which consist of both the North and South and there should be serious consideration regarding the traffic, and on page 6 the minimum parking setback in the road and drive isle has a 25' requirement and there is parking in the right of way making a variance necessary, and on the last page of that report Mr. Peters commented that the application is providing no justification for that variance request and at the last hearing much of that meeting was taken up by the cross examination of Mr. Vederese and when the application is looked at the Boards attention should go to the use of shared parking and with regard to parking it should be perpendicular and the ordinance requires a 50' right of way, and all of the power which is the subject of the site is owned by the applicant and should there be approvals the right of way will be owned by the Township and there will be a 30' right of way maintained and with regard to parking there will be a majority of parking perpendicular and there will be a 90 degree angle and it should be noted that there was comment at the last hearing the parking was mentioned and with regard to the road way there will be no shoulder the 10' on either side of the travel way will be occupied by parking and 10' will be within the right of way which will be owned by the Township of Jackson leaving 8' on the applicants property and the Board did not have jurisdiction to hear this because there is a partial owned piece of property to the township and there should be the elimination of the 50' right of way and the examination of Mr. Vederese was extensive. Mr. Gasiorowski continued stated there was much discussion as to how there can be parking on the roadway and there could be parallel parking on the roadway and there could be angled parking and Mr. Vederese dismissed that and there will be parking that is a right angle and the parking spaces will be used for the private parking of the applicant, and the most important thing that should be considered is that it's virtually impossible to have parking along the travel way, and there is the issue of safe travel through the travel way and what would the speed limit be for safe traveling, and there is no perpendicular parking in the public street and the parking speed within the parking lot is certainly not 30 or 20 miles per hour, and if in fact there is a public right of way that should be 50' which is a 30' foot travel way with 10' on each side,

and there is questions as to how can a project be approved that takes the use away from the public, why is it necessary when the parking can be complied with without having those additional spaces, there is parking in the right of way which requires a variance and there was justification to warrant the request required, and there is no justification, and the transcripts should be reviewed to see what the impact this would have on the roads in Jackson. Mr. Gasiorowski stated he will submit to the Board to consider the south and the conjunction of the melting together of the north this is one overall project and there is no need for the applicant to not complete the connector road and based on the parking standards, and there have been people who have raised environmental impacts on the site and one of those is driven by the parking constraint, there will be an addition of impervious surface where there is parking in the right of way, and the Board should look at the intent of the ordinance passed by the Governing Body when the GDP was created, and the Board must ask itself, this is not a standalone application this is part of a general develop plan with hundreds of other units.

Jason Tuvel- attorney for the applicant- thanked the Board for listening to this application over the last 5 months this is for preliminary final major site plan approval, and preliminary and final major subdivision and the application is created for the zone and the Board is aware this part of the affordable housing plan and agreement, the project meets the requirements of the subdivision ordinance and meets the condition of conditional use standards and the project meets or does better than what the zoning ordinance requires for high tier bulk standards, the setback, parking, landscaping requirements, coverage height and density, this is a variance free application which has been indicated there have been 4 witnesses who have testified over the last 5 months and what's interesting about this application is that it was filed in 2018 and there was the ability to adjust the plan to comply with the comments set forth in the letters and the comments have been addressed and to the extent there is anything outstanding there is the stipulation to agree with those comments and some changes will be gone through in regards to Board comments, first; Prospertown road, there will be a path in the right of way with signage throughout the right of way, the street trees will be replaced, there has been the ability to change the roundabout to a flattened curb to accommodate the emergency vehicles and there was additional recreation added and there was a tot lot added and beach volley ball courts, and there have been benches added and another aspect that was changed is adding street trees along west veterans and the area that had the most time spent, the width of the driveways. Mr. Tuvel stated the plan purposed 15' driveways and there was concern with the width and the driveway was increased to 17' in the townhomes, and the objectors raised comments and there was reluctance with CUPON to disclose the names of the members and CUPON did not provide documents, exhibits or experts to contradict the professionals testimony and the environment was brought up in fact this applicant was proactive and the applicant spent 2 years before filing an application to obtain permits and unlike a typical application where the applicant may wait to get outside agency approval the applicant spent 2 years obtaining permits the buffers were known and in conjunction to west veterans, there was certificate of filing, and the applicant did due diligence to protect the pinelands, and although the permits are not under the jurisdiction of the Planning Board and the applicant was vigilant with the permits, and there was note from the court the applicant did go before the environmental commission that there was no concern and that goes to show the hard work that was gone through, and the right of way issue, that was raised, and there was expert testimony provided that the right of way functions adequate and the Board professionals had no issue with the design purposed, and much of Mr. Gasiorowski testimony was unfounded, and the justification was met and the Board professionals advised the design was appropriate, and there is objection to anything that was stated about the north application because this is an application for the south, and to sum up, the application complies with all zoning requirements and use standards, and that is the question; does the application meet the requirements, the Environmental Commission voted a recommendation of no concern and this was before the Environmental Commission, and no expert testimony has been provided and as indicated earlier there is agreement to comply with anything outstanding and with that respectfully, there is the request of the Board to grant the application as purposed.

Mr. Gertner stated the respectful recommendation before the Board, speak and deliberate. Mr. Klee stated as indicated this was stated November 16, the application aside from the right of way issue and the perpendicular parking to the right of way is conforming with the zoning and bulk requirements, and bulk of the services will be provided from the home owners association and those documents should be reviewed before approval, and the plans should show the detail of the home owners association, and there is less fill required on this site vs the north and Mr. Tuvel indicated that the applicant did secure all the DEP permits prior to submission and they took the lead on the drainage which was approved and meets all DEP regulations and that design also incorporates the new regulations adopted on March 2 that came online, and a lot of the features purposed are in compliance with those regulations specific undisturbed areas and it was spoken about Prospertown road to keep the travel way or move it to the right of way, and the applicant agreed to move the trail into the right of way, and there should be additional detailing such as the crossing of the internal roadway, buffering and there would be a need for the drainage calculations that take the modification to that and the drainage basin did use a portion of that right of way, the applicant is purposing all required road improvements to the road in front of the site and the phasing is just lines on a drawing to indicate where the phasing is and there should be detail on the section limits to show that clear cutting does not accrue, there is no need to clear cut the site and all outside agency approvals are required and the applicant indicated the Environmental Commission indicted no issues with the site, and there has been additional recreation added to the site. Mr. Peters stated his office issued 2 resorts 1; July 31, 2019 and August 10, 2020, the original July 31 report which was for plans that were revised in 2019, there was note for the waiver for lighting and there were apparent variances for the parking area, setback from the road or drive isle, and there is an apparent variance for K-2-B parking setback from the curb, also a C-6 which dealt with signs, and signs in this zone are permitted as accessory uses and are subject to 244-207, and there were 4 sign variances from 244-207-Bb17 maximum sign area, maximum number of permitted signs and dimensional area for directional signs, and the minimum setback for a directional sign, there were plans that were revised in July 2020 which is current and in August there was a report with the waiver for lighting which was testified to be complied with so there is no waiver for that and there will be a condition of that approval and all sign variance relief was removed from the plans, the applicant also indicated complying with the parking from the curb and indicated no variance relief would be required, the applicant indicated they would comply with the multifamily setback and no waiver relief is required and compliance will be a condition of approval, there was compliance to sidewalk to sidewalk distance, and no variance relief is required and the project is in compliance with that standard and would be condition of approval, off street parking area should be setback at least 25' from a road or drive isle in front of a multifamily building and there was a report from Mr. Rahenkamp and there was testimony on that and Mr. Rahenkamp made several points on that matter and first was the current configuration depicted on the plans, and the Jackson code does no differentiation on; on street and off street parking and this ordinance chapter 244-51.2 talks to off street parking however it's not specifically defined and the RSIS does address this type of parking configurations, a and the last part 2c read that the minimums exception maybe granted by the Planning Board during the approval process and the Board needs to decide if there is a need for variance relief or if requires relief from the RSIS standards, and the applicant agreed that maintain the parking areas will be worked on, and during the hearings and summaries there has been a cheat sheet of what was agreed to as reasonable conditions of approval, and the list created is as follows: the applicant agreed to compliance with the Board professionals reports, receipt of all required approvals, compliance with affordable housing obligations, the need for a developer agreement, the need for home owners association documents, and there will be 2 sets, one for the entire tract, and one for the multifamily area, there needs to be a sectional phasing plan which discussed the timing of improvements and revisions to the plans for site amenities

which included dumpsters at clubhouse, and there was passive recreation, and the Prospertown Road right of way import and an offsite sewer easement realignment, shade trees along west veterans highway, emergency access to west veterans highway, and there was request of coordination with the Board to determine school bus stops throughout the site. Mr. Gertner stated it has been indicated this zone and zoning ordinance was developed based on a settlement between the municipality, and a former developer and this site is part of the affordable housing plan with the town to meet the fair share obligation through 2025 and the Board professionals have gone through the possible conditions of approval and to add in terms of the environmental issue that the phasing plan will address some clear cutting issues that the Board has raised to protect the environmentally sensitive areas, and additional landscaping plans, additional renderings of the clubhouse and the timing of the development, and that will be with the home owners association submission and as to the technical question, the need for a dimensional exception and as indicated the setback issue meets RSIS standards and the developer has agreed that its care and maintenance will be done through an agreement, and that is an outside agency approval and noted further, Mr. Gasiorowski made this part of the closing, the fact that this parking is proceeding allows for the site for additional parking what is before the Board and what submissions have been presented and what facts, and the Board sits here as quasi-judicial.

Dr. Campbell asked Mr. Peters since Mr. Gasiorowski raised the issue of safety, can be explained how safety is compromised backing out of a perpendicular space, then backing out of a driveway. Mr. Peters advised that it's not believed that RSIS would agree with Mr. Gasiorowski point, the parking arrangement with the 24-30' wide isle and perpendicular spaces are permitted and recommended in the RSIS manual and the fact there is a line that runs through it which is utilized to setback the buildings. Mr. Riker stated to Mr. Tuvel as clarification in speaking solely to the south there was a letter of no concern and further clarification it has not been addressed the north due to litigation. Mr. Hudak stated what is before the Board is a conforming use that each Board member took an oath to abide by the NJ laws of land use, and the Board is seeing a conforming application that still needs several approvals from outside agencies, so as far it's concerned on the surface it appears the obligation has been met to this Board and there are still some bridges to cross with other agencies within NJ. Mr. Gertner mentioned that is a fair assessment, and future details the phasing, and the signage along Prospertown Road there is protection that the Board can certainly approve this particular application and for instance there has been concern this site borders on a county road and as part of a developers agreement the applicant and town will reference access to this site utilizing the county road and along those same lines the application in itself with regards to the parking Mr. Peters raised, and the applicant agreed this demonstrates as a C-2 variance rather than a waiver and it's important for the Board to speak as a voice with regard to addressing that as a variance and the idea that the C-2 variance criteria from that has been met, and the ordinance recognizes the demises, exception may be granted.

Mr. Dolan asked who enforces that the stipulations are met. Mr. Gertner stated that is his responsibility to articulate a resolution that sets forth the concession and issues with the assistance of the professionals and it becomes an enforcement mechanism of the town, and for this application there is a developer agreement that will address the concession and issue, and the Board did go back and forth regarding the driveway width and there was ack and forth and the applicant moved to 17' which would be part of the resolution. Mr. Hudak stated the Board has been listening to this application for quite some time and late, and he appreciates everyone staying late and listening to this and with no other comments asked if there is a motion.

Motion to approve with all the stipulations and agreements made by HARING/ Campbell. Yes :Dolan, Campbell, Riker, Jozwicki, Wall,

Motion to adjourn at 9:38 p.m. by RIKER/ Dolan. Yes: All in favor among those present.

Respectfully submitted,

Danielle Sinowitz,
Planning Board Recording Secretary