

**JACKSON TOWNSHIP PLANNING BOARD MEETING**

**MONDAY, APRIL 5, 2021**

The April 5, 2021 meeting of the Jackson Township Board was called to order at 7:42 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 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- *virtual* Robert Hudak, Board Chairman

**Absent:** *Manuela Brito- Alt #2*

**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 4/5/21 motioned by HARING/ Riker. Yes:** All in favor among those present.

**Motion to approval Planning Board regular meeting minutes of March 1, 2021 by HARING/ CAMPBELL. Yes:** All in favor among those present

**Motion to approval Planning Board regular meeting minutes of March 8, 2021 by HARING/ Dolan. Yes:** All in favor among those present

**Motion to approval Planning Board regular meeting minutes of March 15, 2021 by JOZWICKI/ Dolan. Yes:** All in favor among those present

**Motion to approval Planning Board regular meeting minutes of March 22, 2021 by JOZWICKI/ Dolan. Yes:** All in favor among those present

**Resolutions: Lirama, LLC JB's Diner, Block 3101, Lot 19 - Motion to approve by RIKER/ Flemming. Yes:** Campbell, Riker, Jozwicki, Wall, Flemming, Riccardi, Haring, Hudak.

**Jackson Woods Southeast, Block 4101, Lot 20.02 - Motion to approve by FLEMMING/ Haring. Yes:** Campbell, Riker, Jozwicki, Luisi, Wall, Flemming, Haring, Hudak.

**Centrastate Healthcare System, Block 5601, Lot 65, Bartley Road - Motion to approve by RIKER/ Dolan. Yes:** Dolan, Campbell, Riker, Jozwicki, Luisi, Wall, Flemming, Haring, Hudak.

**Adventure Crossing Phase 2, Block 3001, Lots 5, 6, 19 & 20, Monmouth Road- Motion to approve by FLEMMING/ Haring. Yes:** Campbell, Riker, Jozwicki, Luisi, Wall, Flemming, Riccardi, Haring, Hudak.

**Applications: Macedonia Baptist Church, Block 3601, Lots 2, 3, 5 & 6, Cassville Road-** Mr. Klee stated this is for preliminary final major site plan approval, and is here for additional testimony as the case was placed on the record that all the use standards are met to assure there is jurisdiction for this Board, and there were revised plans and there were revised operations provided and there was concern about a daycare and whether or not that was part of the approval and there would be additional approvals necessary, and the child care has been taken off the table and the approval will be for the church and the amenities that come with that. Mr. Peters stated this is a conditional use application for a church which is permitted in the zone and the daycare issue is where this was stuck and for clarification with regards to ground mounted signs, our Board attorney asked for ground mounted signs to be double checked, and that should be something to go over. Mr. Hudak asked if will be it be gone through during testimony. Mr. Peters advised the details should be gone through to see what is being asked for.

**David Leone- attorney for the applicant-** stated this is continuing the application from January 25, 2021 where there was the issue of the child care, and that request has been withdrawn, the church will function just as a church there by making any daycare standards withdrawn from the application and there is a review letter from Mr. Klee in response to revised plans of March 9, 2021 which were submitted 2 weeks ago and with regards to the use requirements all the requirement referenced are met, and there were concerns expressed in the review letter which will be addressed by Patrick Ward.

**Patrick Ward- professional engineer and planner, and has been before this Board previously- credentials accepts- sworn-** Mr. Leone asked if Mr. Ward prepared the revised plans, and addressed Mr. Klee's reviews. Mr. Ward advised there are technical comments that will be met as a condition of approval. Mr. Leone stated there were comments mentioned from the Environmental Commission. Mr. Ward mentioned there was submission to the Environmental Commission and as of now there have been no comments. Mr. Leone asked if the understanding is that any utility approvals will be from the JTMUA approval. Mr. Ward said yes. Mr. Leone asked if the childcare use proposal has been withdraw and reflected in the plans. Mr. Ward stated that is correct. Mr. Leone advised there were technical comments made, and that should be addressed. Mr. Ward stated the changes would like to be gone through that effect the site generally, and one change is the phasing plan sheet C-700 which will be marked as **Exhibit A-5** last revised March 19, 2021, and as a result of the withdraw of the daycare inside the church, there has been phasing purposed which is simple, and as the Board knows the building from the front east to west was the sanctuary and to the west was a 2 floor multipurpose room, and there are 2 phases purposed, phase 1 will start with the sanctuary, and the basement with some offices and other rooms, and there will be parking lots, curbing and landscaping, and phase 2 will be for the multipurpose room, and it's very simple phasing and offsite improvements will be in phase 1 and from a timing perspective, the

applicant can discuss that, and that is the main change of the site plan set, and the eastern corner shows the recessed corner and there will be a mechanical pad, and there is a 10x20' detached shed which will be used for lawn equipment, and in summary the Board professionals eluted to the site complies with the use standards and there is the 50' buffer and any improvements would maintain the feel for the wooded lot, and it's felt that with the maintenance of the trees and the addition of the supplemental plantings that is achieved and this is a church use which is permitted in the zone. Mr. Gertner asked now that this is being phased, is the applicant better off seeking preliminary approval for phase 2 which may allow for opportunities to future develop. Mr. Leone mentioned that the application made was for preliminary and final and there is plans that show the project. Mr. Gertner advised secondly, the Board is aware of the 50' buffer, and it's being asked if there could be thought to place some fencing along the north side of the property. Mr. Leone stated that has not yet been addressed as it was just mentioned and it was believed it was adequate and Mr. Bennet is present who previously testified to the buffer, and there has not been time to discuss. Mr. Gertner asked to recall the landscape architect, and suggested perhaps the plantings can be more mature at least and that will move ahead the privacy concerns. Mr. Leone called Mr. Bennet who is participating remotely.

**Bryce Bennett- licensed landscape architect in NJ- credentials accepted- sworn-** Mr. Hudak asked if Mr. Bennett was aware there is requests from residents to increase the buffer, and it's been testified that there will be plantings and such, however is there a way fencing can be included. Mr. Bennett mentioned this was just brought up, and the only area where there would be visibility at all from off site to the site would be the area that already provided a buffering along the banked parking area to the north, and if the Board and its professionals determine that another opinion is more correct then it can be discussed. Mr. Hudak stated there are residents that have concern of the privacy screening that it will take years to mature and would like the applicant to offer some additional sort of buffering, the Board is trying to address that. Mr. Bennett assured the Board that in the end any revision that will be provided would address the matter, and the plantings chosen are almost deer proof and grow with little care, and they grow at upmost to 10' and will appear dense, and evergreens are commonly chosen however the site can be revisited and the site can be viewed to see what trees are best suited. Mr. Hudak mentioned there are bay berry trees purposed, are they not an evergreen. Mr. Bennett advised its semi evergreen and there are many types, and there are other species entirely that might suit this site. Mr. Hudak asked if the trees drop in the winter. Mr. Bennett mentioned they drop mainly in the spring, and it will change color in the winter, and the choice cannot be made at this moment but it can be revisited. Dr. Campbell asked what the residents are asking for. Mr. Hudak stated the residents want a fence. Mr. Bennett stated due to being virtual it cannot be looked at and given and answer on the fly, the plans at the moment cannot be thoroughly viewed. Dr. Campbell asked if there can be a 6' fence. Mr. Ward stated the applicant wants plantings vs a fence, and if there was a fence there would be more tree removal in order to install the fence and that would like to be avoided, and a different type of planting or a supplemental plant can be looked at to add to the landscape, and the distance to the north property line, there are 18 banked spaces. Mr. Gertner stated to any potential resident and to the Board, the better design is to provide the plantings as a more natural buffer because it maintains the existing trees and the site can be filled with plantings. Mr. Ward noted that a full mature planting scheme will look nicer and last longer. Mr. Gertner asked if the applicant can stick to planting that are at 2-3 years of growth on the north rather than 1 year to provide coverage. Mr. Ward advised that is a better solution then a fence however the question will be deferred to Mr. Bennett. Mr. Bennett advised the site will be viewed. Mr. Gertner asked if amendable to the Board the details can be worked through. Mr. Riker stated the neighbors are important, and asked if there could be a 2-3' berm, the residents are concerned about noise and headlights spilling onto their properties, and what is being looked for is the minimal impact, and it's been made clear there is no desire to have a fence and the neighbors need to be taken into consideration, however the initial change will be shocking to the residents living there. Mr. Klee mentioned the green banked parking, and asked what the trigger is when that comes along. Mr. Ward stated from the parking demand basis there is no physical trigger and its there as a means for the congregation, and there is access of parking with the banked parking so it will be the applicants desire to have that in case the congregation excels. Mr., Flemming asked if this is a new congregation, or is it moving from another location, and how stable is that congregation. Mr. Leone stated this is 50 years old, and the congregation is stable, and to the headlight wash issue, the hours of the use of the church are primarily going to be from 8 a.m. -1 p.m. and there will be seasonal services during lent and holy week and some masses around New Years and Christmas, this generally a day time use facility and the concerns are heard and there will be views looked at possible for a 2-3' berm, however this is primarily a day time facility. Mr. Gertner stated the applicant is amenable and the Board is amendable and it was testified that natural means will be used to get rid of the headlight wash and the professionals will be worked with to enhance that to not negatively affect the neighbors.

**Pastor Harper- applicant- sworn-** Mr. Leone advised that the Board has heard about the activities that will happen, and one member asked about the stability, can the Board please be told how long the Macedonia church has been in existence. Pastor Harper stated it was originated in the early 1990's and the congregation is growing, and the property was sold in December 28, 2017 and that is when the property was purchased in Jackson and it's a stable congregation. Mr. Leone asked in terms of activities, will they happen on Sunday. Pastor Harper mentioned there are Sunday services being done virtual at 1 p.m. and Easter service was at 8 a.m. and when move happened to Jackson there is hope for services to take place both at 8 a.m. and 11 a.m. Mr. Leone asked if there will be evening activities. Pastor Harper stated there is bible class and prayer meetings on Tuesday night and there are some auxiliaries that will meet throughout the month. Mr. Leone asked if Pastor Harper heard the representation to the withdraw of the daycare. Pastor Harper said that was correct, and mentioned that church met and there will not be a daycare center. Mr. Peters stated there is a proceeding inconsistency that deals with signs for churches, the property is located in the R-3 zone which permits as a constitutional use, churches and places of worship and they meet all conditional use standards, they are a permitted conditional use and signs are listed under accessory uses of buildings and structures and because the word "use" is in there, signs are a permitted accessory use in the R-3 zone subject to a sign provision, the sign is too big and there is need for relief, and this would require a use variance, and in this case in chapter 244-207 the ordinance speaks about ground mounted signs, and there would need to be relief required for the sign, and there are waivers however if this was looked at seeing the R-3 zone permits accessory uses and signs, and traveling up Cassville road where the church and cemetery are there is a sign and if that sign is to be changed there needs to be an application made to the Zoning Board and in the R-3 zone there is a desire for a sign out front, there needs to be a zoning permit from the Zoning office and in this place with plain reading of the code would require a variance from the Zoning Board and there was relief required from the sign section where there are no ground mounted signs in the zone, and there is a waiver request necessary, and if there is a variance necessary this Board has no jurisdiction over the sign variance. Mr. Leone agreed with the interpretation of the code, and in terms of the conditional use with a lot of this size there is a minimum of 2 acres and it defies logic that this will be over 1000' back off the road, there should be waiver and approval possibly able to be obtained and due to the inconsistency with the ground sign provision of Chapter 244-207, R-3 is not listed and given that, that portion of the application will be withdrawn and an application will be made with the zoning officer. Mr. Flemming asked if the Board grants the waiver which is the opinion, will there be zoning issues later. Mr. Peters stated if the relief was granted, Mr. Purpuro could say that there is disgrance, and that portion of the approval would be invalid. Mr. Flemming asked if this would be starting a bad precedence. Mr. Peters mentioned that the short answer is no, and the knowledge of the town is when St. Al's was built it was in a residential zone and it was commercial along County Line same thing with the churches along Cassville. Mr. Gertner stated nevertheless, the Board admits there is an inconsistency and hard facts make bad law,

and there is no doubt that everyone can articulate that a 17 acre site of a conditional use requires a ground mounted directional sign however the Board is urged to consider since this Board has no jurisdiction of interpreting AN ordinance, there is an admitted inconsistency and the conservative approach, since the attorney is willing to withdraw that portion of the application, and the Board should be cautioned. Mr. Peters stated if the Board is uncomfortable with granting the approval for a sign without an answer from the zoning officer, have the applicant removed that aspect and the applicant can go in for a sign permit and if the application is approved the ordinance will have been interpreted and if denied it will go to the Zoning Board. Dr. Campbell asked if it's possible to walk into the zoning office with a recommendation from the Board. Mr. Gertner stated it has the potential to overstep jurisdiction. Mr. Riker asked if the sign be moved into phase 2 to give the applicant both opportunities. Mr. Leone stated that doesn't work, with the potential plan and timing for phase 1 and phase 2 since the church will be open and functioning prior to phase 2. Mr. Gertner advised the recommendation is to take the conservative approach to withdraw the request. Mr. Peters noted the application came before the Planning Board, this should've been dealt with 2 weeks ago, and it was brought up in the first letter. Mr. Hudak stated the Board will go with the applicant's attorney recommendation.

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

Mr. Leone stated with regard to one comment that was an option, the opportunity to make a preliminary approval to the phase 2 and the client wishes to apply for preliminary and final approval for phase 1 and 2. Mr. Klee stated relating to the buffering to the residential area to the north, the concern is about headlights this is located where it is purposed to green banked parking, and the Board might ask for the green banked area to be added last so the impact is minimal. Mr. Leone stated there is no problem doing that partially because it's not necessary in phase 1 parking is exceeded on site.

**Motion to approve by CAMPBELL/ Haring. Yes:** Dolan, Campbell, Riker, Jozwicki, Luisi, Wall, Fleming, Riccardi, Haring, Hudak.

**Motion to adjourn at 8:43 p.m. by RIKER/ Dolan. Yes:** All in favor among those present.

Respectfully submitted,

Danielle Sinowitz,  
Planning Board Recording Secretary