

MINUTES OF JACKSON ZONING BOARD APRIL 6, 2022

The April 6, 2022 Jackson Township Board of Adjustment Meeting was called to order at 7:10 p.m. with a salute to the flag by all present. Board Attorney Sean Gertner read the Open Public Meetings Act Statement and announced that adequate notice has been provided for this meeting.

ROLL CALL: Jeanine Fritch; Carl Book (absent); Stephen Costanzo, Vice Chairman; James Hurley, Scott Najarian, Chairman; Stephen Costanzo; Michelle Russell; Lynne Bradley, Alt #1; John Spalthoff, Alt #2 (arrived 8:30 pm)

Also Present: Sean Gertner, Board Attorney; Evan Hill, Board Engineer; Ernie Peters, Board Planner; Jeffrey Purpuro, Zoning Officer; Anthony Jacob, Township I.T. Representative; Fran DiBella, King Reporting and Zoning Board Recording Secretary

Mr. Gertner announced that Mr. Spalthoff would arrive at approximately 8:30 pm

No resolutions

Approval of regular meeting minutes from January 19, 2022 and March 16, 2022.

Motion/Costanzo. Second/Bradley. Yes: Fritch, Hurley, Russell, Bradley, Costanzo, Najarian

APPROVAL OF VOUCHERS: Motion to approve a voucher for King Reporting in the amount of \$250.00 for April 6, 2022 and Francesca DiBella in the amount of \$150.00 as recording secretary. Motion/Costanzo. Second/Russell. Yes: Fritch, Hurley, Russell, Bradley, Costanzo, Najarian

ANNOUNCEMENT: Tiffany Cervasio, Block 2701, Lot 6, 730 W. Commodore Blvd, carried from March 16, 2022 to April 20, 2022 meeting. No additional notice

APPLICATIONS CARRIED: Application No. 6, Michael Rosenberg, Variance 3399, Block13601, Lot 22, 6 Denmark Lane, to be carried to May 18, 2022

MATTERS FOR DISCUSSION: Countyline Holdings, LLC, Block 2101, Lot 16-17, N. County Line Road, will be carried to May 18th without requirement of further notice

Board professionals sworn in by Mr. Gertner

APPLICATIONS:

- 1) Henna and Shabsai Neustadt, Block 6103, Lot 23, Zone R-15, 9 New Jersey Avenue Drive , Variance 3400. Henna Neustadt duly sworn and testified that her house is on a corner lot; requesting a 6' privacy fence on the property line(on the Wyoming Drive side of the property). Mr. Hill explained that the applicant's driveway is immediately adjacent to where the fence would be located and then also the neighbor's driveway appears to be about 10 to 15 feet off the property line. **With corner lots**, we have to be mindful that we're not putting up a solid barrier for people when they are backing out of their driveway, especially with a child riding a bicycle, **so it's a safety issue**. We typically ask applicants to move the fence further into the property so it's not right up against the property line or not right up against the sidewalk, about eight feet from the sidewalk; the safest option for not only your neighbor but for your family as well. Upon hearing the Board's suggestion, the applicant accepted the recommendation of the engineer for the safety and security of the residents as well as the esthetics and the usefulness of the property and for the safety of her **children playing**. Public session opened and closed. Motion/Costanzo. Second/Bradley. Yes: Fritch, Hurley, Russell, Costanzo, Najarian.
2. Donald Brehm, Jr., Block 17802, Lot 34, 1 Biscayne Court, seeking a variance for an in-ground pool in the front yard of a corner lot and 6' privacy fence. Mr. Hill explained the property has significant encumbrances on it (access easement and septic system). Mr. Hurley looked at the area down the road (possibly Country Road) where there's another corner lot that has exactly the same situation, a pool where this is being requested so if this were granted I don't think it would be inconsistent with the character of the neighborhood in **any regard so there's no negative real impact**. Public session open/closed. Motion/Hurley. Second/Bradley. Yes: Fritch, Hurley, Russel, Bradley, Costanzo, Najarian.
3. Highland Development Ventures, LLC, Block 21103, Lot 1, 2, 3, 18, 19, 20, Zone HC/R-20, N. Hope Chapel & May Blvd, Applicant's attorney, Michael J. Vitiello.

Mr. Gertner asked the attorney if they would waive a full board since Mr. Spalthoff hadn't arrived yet. Applicant said yes. **Witness No. 1, Patrick Lynam, P.E., Colliers Engineering & Design**. Applicant Exhibits 6 through 14 presented as hard copies and PowerPoint presentation for the Zoom livestream. Exhibit A-9 (updated site plans) reflects changes after discussions with residents and board professionals. The building footprint was reduced from 42,272 sf to 37,450 sf. That's a reduction of 4,800 sf. Building coverage drops down to 32.6 percent. **The gross floor area was reduced from 125,500 sf down to 112,350 sf, which is a 13,000 sf reduction.** New building footprint is designed to **meet all the setbacks and buffers**. The drive-thru loading area that was previously proposed along E. Veterans has been removed and the drive-thru loading and office that were previously proposed along Hope Chapel is now proposed along E. Veterans and that's purposely to move it away from the driveway from Hope Chapel. Because the internal loading was removed, we added a 12x48' loading zone adjacent to the drive-in loading, **fronting on E. Veterans**. By revising the building footprint, we're able to pull the building away from Hope Chapel an additional 25 feet. The May Blvd driveway was revised with channelized curbing and signs and enforces right in/left out only movements along May Blvd. Parking increased to 16 spaces from 10, but 19 in total if you include the two drive-ins and the one loading space that was added. Parking spaces will be striped a little wider to provide additional spaces for loading and unloading on the outside since we removed the driveway-loading feature. Also provided is a 15-foot County driveway dedication along Hope Chapel; so now if the County ever creates plans to improve the intersection there's an additional 15 feet there that they can improve that intersection. We also added a five-foot sidewalk along East Veterans for use by the public. We need a waiver for a sidewalk along May Blvd and we agreed to pay towards the pedestrian safety fund to account for that. Because the sidewalk is on the applicant's property, we're going to provide a sidewalk easement to the town. Stormwater basin updated and fence added. We heard concerns from the residents, specifically the resident to the north of the project, so we reduced the light pole at that location down to 16 feet and we added a board-on-board solid fence to provide screening to that resident. That triggers a variance to provide it in the front yard. One waiver requires a double row of evergreens and we do provide that along the northern property line, border along May Blvd. We're asking for a waiver, but we do propose 61 feet of landscaping which doesn't meet the letter of ordinance. The ordinance requires a buffer. We are proposing a double row of evergreens staggered. We are proposing that along the northern property lines adjacent to **the residence**. Another waiver has to do a 10' island at the end of parking spaces and we're asking for a waiver for this particular spot adjacent to the loading zone because that's where the loading is going to occur and facilitates the loading and unloading into the adjacent office so we're asking for a waiver **for providing shrubs within those islands**. We are providing **landscaping along the southwest corner of the building**. At the end of each parking row they require shrubs so we're asking for a waiver for not providing the shrubs. In addition, three waivers are being requested **with regards to the monument sign**. **The first is just permitting it in an R-20 zone**. **The next waiver is providing a reduced setback to E. Veterans and along Hope** and providing for the area increase of .7 square feet over the permitted 30 sf. Mr. Costanzo asked what is the proposed setback. Mr. Lyman answered 25 feet is required and we're proposing 15 along Hope Chapel and 22 along E. Veterans. Requesting a waiver for the building sign. Exhibit 8A shows the new building sign and we're proposing the public storage **sign facing E. Veterans and the ordinance only permits it to be 25 feet high**. In this particular location, because of the grade change, it actually is 38 feet high so we're asking for a waiver for that. We're also asking for a waiver for the **maximum area of the building directional signs**. We're proposing 18 sf for the word "loading" and then 47.6 sf for the word "drive-in loading" and only 4 sf **is permitted by ordinance**. The other waiver we're requesting has to do with directional signs where the maximum letter height. We're proposing the word "loading" at 18 inches and the word "office" at 10 inches. Both signs converted to monument-style signs and we also relocated one closer to May Blvd to accentuate the access at that location. They will be internally illuminated. Because the size of the signs was reduced, it kicked us into a different section of the ordinance. Waiver requested for minor area increase for a monument sign along E. Veterans. Another waiver requested is for **replacement trees**. **We technically** have to ask for a waiver but we do plan on working with the tree expert in town in order to pay towards the township tree escrow fund in order to address whatever deficiencies we have in the replacement plan and just want to note that we are proposing considerable amount of trees **on the project**. **It's just the evergreens don't count toward replacing trees so that's why we're** asking for the waiver. **Witness No. 2, Adam Hird**, testified the office is open Monday through **Friday 9:30 to 6:00. Saturday to Sunday, 9:30 to 5:00**. Tenants will be permitted to access the property using the security system Monday through Sunday 6:00 a.m. to 9 p.m. and the lighting would turn off at 10 p.m. with the exception of any kind of emergency lighting. Mr. Hill explained that from an engineering perspective, the applicant has satisfied just about every request and he takes no exception. **Witness No. 3, Michelle Briehoff, Traffic Engineer, Colliers Engineering**, testified that with the reduction of the square footage of the building it

would reduce the number of site-generated trips per ITE. The throat length for the drive length on N. Hope Chapel Road was extended to avoid any interference with cars entering that **driveway and vehicles backing out of those parking spaces**. We did move the office to the E. Veterans side of the building to put the main operations of the building away from either of **those driveways**. From a traffic perspective, this plan does tend to flow a little bit better. The additional signage will say “no right turns” out of the site to reinforce that. **Witness No. 4, Joseph Layton, Planner, Colliers Engineering** . Mr. Spalthoff arrived, stating that he listened to the livestream feed for 35 minutes in the car while driving to the meeting. Nobody objected. Public session opened: Sheila Flemming, 29 Murdock, testified that we have spoken with the developer and he has assured us that he will work with us, all of the people in our development, **to make sure that we have the continued amount of traffic that we have now**. We are in discussions to do something to close the end of Murdock so that these people are forced **out directly on to West Veterans**. They are coming down May Boulevard into our development will be of no issue, that there will be no outlet and their only way to get out of that storage facility will be to make a left on May and exit out on to Veterans Highway. A petition has been drawn up and will be presented to the town council, to the police department and to the county. Motion/Costanzo. Second/Bradley. Yes: Fritch, Hurley, Russell, Bradley, Spalthoff, Costanzo, Najarian

4. A&A Truck Parts, Inc., Block 2401, Lot 8, Progress Place , Zone LM, Preliminary/final Site plan 841 with use variance 3370 . Applicant’s Attorney, Adam Pfeffer. **Witness No. 1, Graham MacFarlane, PDS** , prepared a resubmission. Exhibit A3 shows a drive aisle that will be unobstructed and go in both directions. Six personal parking spaces have been added to the front of the site. **We've also identified two separate areas for use on the site**. In front of the site here you can see we identified an area that can accommodate I indicated **14 trucks/cab parking spaces, so that would be limited just to trucks or trailer cabs**. We also had a discussion last time about this facility being available for multiple tenants which would be variable **over time**. There’s no way for our client to really determine who may be expressing an interest at any given time and what their needs may be and we had testified we will delineate those spaces using Jersey barriers and we put a detail for the Jersey barriers on the sheet and we also provided an area here in the back of the site which is where the those Jersey barriers, where those barriers would be stored when they are not in use so that lends to the, you know, the increased **organization of the site that we're trying to show the board**. And lastly, we also had some discussion about the need for sanitary facility so we had a porta potty at the front of the site and we also added a dumpster in the middle of the site for collection. Key card access for employees/tenants/subcontractors. Eight foot high chain link fence with privacy slats. No barbed wire. Mr. Hurley expressed concerns with safety and the haphazardness of the development. Mr. Costanzo believes the applicant has complied with the requests of the Board and is pleased with the plan. Motion/Costanzo. Second/Bradley. Yes: Russell, Bradley, Spalthoff, Costanzo, Najarian. No: Fritch, Hurley.

5. Miles II, LLC, Block 2603, Lot 18, Zone HC, 470 W. Commodore Blvd . Adam Pfeffer, Esq., applicant ’s attorney. Witness No. 1, Walter Hopkins, P.E., testified that the **site is an 89,721 square foot site**. What previously existed there was a single-family residence, a kennel with a two-bedroom apartment above the kennel, and it's located between Stonehedge Court and Wright DeBow Road on the north side of West Commodore Boulevard. Vacant woods to the north; H.C. zone. **To the south of the site, across W. Commodore Blvd is our single-family residential home (three-bedroom dwelling with a two-car garage)**. To the east of the property is the HC zone and Jerry's Auto Body, **and to the west is the RC zone**. All the **buildings still exist on the site**. The applicant will buy these used cars at auction, do some cosmetic improvements to them inside the bays where the kennel has been renovated, and then put them outside for display; but these days with the internet they take the pictures inside as well and people just show up and look to make sure the car looks like when they purchase it. It's not your traditional used car lot. There's no repairs being proposed here as far as like oil changes or fluids; just cosmetic improvements. A 1200 square foot office will be put in that garage building to support the auto sales. The apartment would be for rent. Improvements will be: Two small shallow infiltration basins will be fenced in; thirty-four paved parking spaces; fourteen parking spaces will be along the front; circulation will be two-way throughout the site; screened enclosed refuse area to the rear of the property; eight square foot free-standing sign; landscaping and shrubs proposed along the front. Well and septic will continue. No bulk variances are being requested. Mr. Hurley asked for clarification on the D variance and the two principal uses and suggested possibly subdividing the lot. Witness No. 2, Scott Kennel, Traffic Engineer, McDonough & Rea, testified eight trips in the AM peak hours and nine trips in the PM peak hours. Proposing two driveways to service the site: One is a two-way driveway and the other is an egress-only which would help to facilitate the larger vehicles that will service the site and having a counter-clockwise horseshoe circulation pattern to accommodate whether it's

refuse or car carriers, single-unit car carriers that would be utilizing the site. Public portion opened/closed. No one came forward. Application carried to June 1, 2022 without further notice.

Motion to adjourn at 10:24 p.m. by Costanzo/Bradley. Yes: Fritch, Hurley, Russell, Bradley, Spalthoff, Costanzo, Najarian.

Respectfully submitted by,
Fran DiBella
Zoning Board Recording Secretary