

**MINUTES OF REGULAR MEETING OF THE
JACKSON TOWNSHIP BOARD OF ADJUSTMENT APRIL 7, 2021**

The April 7, 2021 Jackson Township Board of Adjustment Meeting was called to order at 7:04 p.m. with a salute to the flag by all present. 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 Scott Najarian, Board Vice Chairman
 Stephen Costanzo Carl Book, Board Chairman
 James Hurley
 Michelle Russell- Alt #1

Absent: *Kathryn McIlhinney, Board Secretary, Toni Ann Comello*

Also Present: Sean Gertner, Board Attorney, Evan Hill, Board Engineer, Ernie Peters, Board Planner, Frank Miskovich, Board Traffic Engineer, Jeffrey Purpuro, Zoning Officer, Fran Dibella, King Reporting, and Danielle Sinowitz, Zoning Board Recording Secretary.

Motion to approve regular meeting minutes of March 3, 2021 by NAJARIAN/ Costanzo. Yes: Costanzo, Fritch, Hurley, Najarian, Book.

Motion to approve a voucher for Francesca DeBella, King Reporting in the amount of \$250.00 for April 7, 2021 & Danielle Sinowitz in the amount of \$150.00 for the meeting of April 7, 2021 by NAJARIAN/ McIlhinney. Yes: Costanzo, Fritch, Hurley, Russell, Najarian, Book.

Resolutions: 2021-09: Port/ Cohn, Block 12001, Lots 3, 6 & 7, 100 West Veterans Highway- Granting a variance for preliminary major site plan approval with bulk variance relief and sub division approval. **Motion to approve by NAJARIAN/ Costanzo. Yes:** Costanzo, Fritch, Hurley, Najarian, Book.

Applications: 1. Anthony & Coleen Sgammato, Block 9704, Lot 2, 3 Whispering Grove Blvd- Anthony Sgammato- home owner- sworn- Mr. Book asked that when speaking please speak clearly into the microphone for all present and for those online, and with looking at the application it shows a shed purposed near the property line at less than 15' where 15' is required. Mr. Sgammato advised the yard is always very wet, and there is a lake in the development, and the lake sometimes backs up into the drain which in on the other side of the yard and this area is the dry area. Mr. Book asked if the shed is already in place. Mr. Sgammato said yes. Mr. Book asked if the as built survey reflects where the shed is located along with the pool. Mr. Sgammato said yes. Mr. Costanzo asked for a description of the shed. Mr. Sgammato said it's about 96SF. Mr. Costanzo asked what dimension is that, and is it on concrete. Mr. Sgammato stated 8'x12' and advised it's not on concrete. Mr. Costanzo asked if there are any utilities. Ms. Sgammato said no. Mr. Costanzo asked what the shed is used for. Ms. Sgammato advised it store pool floats and toys.

Seeing no one else use the "raise hand" function, public comment closed;

Mr. Najarian made a motion to approved based on hardship of the flooding in the yard

Motion to approve by NAJARIAN/ Costanzo. Yes: Costanzo, Fritch, Hurley, Russell, Najarian, Book.

2. Soha & Hasan Zidan, Block 5102, Lot 1, 17 Victoria Circle- Hasan Zidan- home owners- sworn- Mr. Book asked that Mr. Zidan speak as loudly and clearly as possible into the microphone, and looking at the document provided it shows on October 19, 2020 there was an in ground pool at 14.2' where 15' is required and that resulted in a violation. Mr. Zidan said that's correct. Mr. Book asked if there is a reason the setback was not followed. Mr. Zidan stated there was an issue with construction, there were pavers existing, and there was enough room for exactly 15' from the side yard and when the survey was obtained it was realized it was installed incorrectly. Mr. Book asked if the application is here to clean up the issue. Mr. Gertner asked for the record, did Mr. Zidan or the contractor obtain all appropriate permits to install the pool. Mr. Zidan advised it was done by a contractor with proper permitting. Mr. Gertner stated even though the pool is there, this is a cleanup application from an incorrect measurement and it is here because the as built survey showed the deviation. Mr. Costanzo asked if there are any sheds being purposed. Mr. Zidan said no.

Seeing no one else use the "raise hand" function, public comment closed;

Mr. Najarian make a motion to approve based on the installation

Motion to approve by NAJARIAN/ Hurley. Yes: Costanzo, Fritch, Hurley, Russell, Najarian, Book.

3. Milos Madar, Block 18503, Lot 7, 810 Miller Ave- Milos Madar- home owner- sworn- Mr. Book reminded Mr. Madar to speak clearly and loudly into the microphone, and stated with looking at the document there is an application here for a zoning permit because on November 4, 2020 there was an addition purposed at 55.4' to the property line where 60' is required, and asked why is this addition being done. Mr. Madar advised it's a small renovation, to another small room for a place for shoes and such, the property is pretty muddy, so a room where people can walk in and take off their shoes is desired. Mr. Book mentioned there is a diagram that has been presented, that can be shown, and there is an area for a concrete stoop and steps, and the Board engineer will be asked to assist this for clarification. Mr. Hill stated the plans submitted purpose to remove the existing masonry steps and stoop and replace with a vestibule which will be fully enclosed with a room and will be attached to the structure and it extend 10' from the front of the house, and is 10' wide with an entry door from the ideal area, and in 1977 when this lot was created the front yard setback was 40' and is currently 60' and the applicant is purposing to construct this at 55.4' setback to the property line as oppose to 60'. Mr. Book asked if the house is there now. Mr. Hill stated the house is 65' from the property line and will be encroaching by 4.6'. Mr. Book asked the applicant if that is accurate. Mr. Madar agreed that was correct. Mr. Najarian asked what is this being used for. Mr. Madar stated it will be like a mud room and an entry way to the house. Mr. Book asked if Mr. Madar was building this himself, or if he will be using a contractor. Mr. Madar advised the project will be done with a contractor. Mr. Book asked what will it look like and what materials will be used, so the Board and the public can have a sense of what it will look like, will it be similar to the house. Mr. Madar advised it will be a small addition just for the family. Mr. Hill stated based on the architectural plans it can be seen, a 10x10 addition in the center of the home

and there will be new vinyl to match existing home with a flat fiber glass roof with decorative railing and there will be a new front door typical size and will be consistent with the home. Mr. Book asked if that all sounded correct. Mr. Madar said yes.

seeing no one else use the "raise hand" function, public comment closed;

Mr. Najarian made a motion to approve because this will be at 55.4' where 60' is required and there is no issue with approving this application

Motion to approve by NAJARIAN/ Costanzo. Yes: Costanzo, Fritch, Hurley, Russell, Najarian, Book.

4. Cardinale & Jackson Crossing #2, Block 3001, Lots 2-4, Monmouth Road- Sal Alfieri- attorney for the applicant- stated the application is here for an amended preliminary final site plan approval and a use variance, and bulk variance approval, and Mr. Borden will provide some history on how this project was previously approved and the applicant did receive preliminary final major site plan approval for a project that is similar to what is in front of the Board and the amendment requires a use that is not permitted in the zone and it was preferred to come to this Board rather than the Planning Board, and there are several professionals present, and there are new members since the General Development Plan approval. Mr. Book noted the overview is appreciated.

Vito Cardinale- applicant- sworn- Mr. Alfieri stated it's been indicated that Mr. Cardinale is the principal of the applicant entity and owns the property. Mr. Cardinale advised that is correct. Mr. Alfieri asked for some background on the project particularly the MS center. Mr. Cardinale stated the project is more than a sport entertainment facility and the MS center was put in the center state facility and the goal is not only to deliver a sports and entertainment project but a MS center that will employ people, and will profit the MS research center and research will be continued long after he's gone. Mr. Alfieri mentioned that during the GDP there was an MS center at a different location. Mr. Cardinale stated research center was moved to this phase and it was moved closer to the road and will put up closer then what was purposed during the GDP. Mr. Alfieri asked what the current status of phase 1 is. Mr. Cardinale stated currently the roads are being worked on and the jug handle is being worked on, and the existing jug handle will be eliminated, there will be a 711, Popeye's, and taco bell on site, and potentially jersey mikes and Starbucks, there is already a fully leased space on the baseball fields, soccer fields and there is hope to have them up and running between September- November, and much of the pipe is clear and the project has been started. Mr. Alfieri noted there are 2 hotels purposed, and asked they be discussed. Mr. Cardinale advised there is a Hilton and a Marriott signed up which will be hosting a convention center, and it's thought to be a destination and the families of the travel teams can have a place to stay with items to offer, and the profits and proceeds will go MS research, there will also be hockey rinks, an indoor arena for different types of conventions, basketball courts and there are basketball teams ready to come to the site, and there is an arena area for concerts. Mr. Alfieri asked what the rear outdoor fields will be used for. Mr. Cardinale advised they will be primarily used for girls softball, soccer and lacrosse. Mr. Alfieri can you tell the Board about the MS center at Centra state. Mr. Cardinale stated it is servicing over 3,000 women and there is approximately 800 men and that is where the information is provided from, and the 5 hospitals in the area are being worked with, and the information will be shared with 1,200 MS labs, and the goal is to kill MS in Jackson, and the president of the hospital came in to testify to the goals, and there are over 3,000 people getting services in the current center and the hospital will be working closely with this site. Mr. Gertner asked having just received the Planning Board approval, can the warehouses be spoken too. Mr. Alfieri advised the warehouses will get access through this site however other than that, they are warehouses and will generate revenue, however besides that, there is no other testimony to offer. Mr. Cardinale mentioned that the goal was to have a top golf where the warehouses are and the convention center was moved to the site that is seen here and the housing was moved on Anderson Road and there is closed access to Anderson Road and hopefully there can be satisfaction to those in that area. Mr. Alfieri stated there was settlement with litigation to the resident on Anderson Road and there was agreement to not have an access road to Anderson Road and there is an emergency access to Anderson Road. Mr. Gertner stated for the record in the interim, the municipality passed an ordinance which created certain permitted uses which divested this Board and gave jurisdiction to the Planning Board and that is why the warehouse site plan was vested with the Planning Board. Mr. Alfieri advised that was correct, and stated that was fully conforming with the new ordinance and this is here because the parking garage is not a permitted use or a non-permitted use, it was just never placed into the parking garage, and there is a west tract which is the contact purchaser for the property. Mr. Cardinale stated there is a pump station going on that tract as we speak. Ms. Fritch recalled at the last time the MS center was mentioned, and asked are people going to live there. Mr. Cardinale advised there will be 58 apartments in the MS center, however not in this phase, the housing was moved away from the center in a place that was more suited and there will be a clubhouse as well. Mr. Alfieri asked if that is a future project. Mr. Cardinale said that was correct, and noted originally they were together so the doctors could see how people lived, however the research is more important so the center was moved. Mr. Gertner stated the housing is generally understood that it's special needs housing and one positive criteria which the Board originally approved that is the special needs housing there will be a portion to have that housing counted towards the 2025 affordable housing round 4, and the applicant maintains that position to work with the affordable housing council. Mr. Alfieri stated the zoning ordinance that was adopted has a provision in there that a minimum of 58 special needs housing needs to be provided. Mr. Hurley asked for clarification, there is a Planning Board and Zoning Board, and was the GDP approved from the Planning Board. Mr. Alfieri advised it was approved from the Zoning Board. Mr. Hurley asked if this is here for a parking garage, and part of this application is because the parking garage is not permitted. Mr. Alfieri stated that was correct. Mr. Hurley stated the new mixed use zone allows for uses the same as the HC zone, and those include medical research facilities which is what is being mentioned in the parking garage which will be used for what facility. Mr. Alfieri stated the garage will be used for the entire complex so it helps the applicant meet the parking needs for the entire site.

Ian Borden- president with PDS, and has been in the field since 83' and licensed planner/ engineer in the state of NJ- credentials accepted- sworn- Mr. Alfieri asked if Mr. Borden has been involved in the development of this application since the start. Mr. Borden said yes, and advised PDS is who prepared the plans. Mr. Borden presented **Exhibit A-1**, the Ariel of the project site and surrounding area, and to start, the Adventure Crossing project is along Monmouth road on the Southside, to the west of 195, and the master plan is dated back more than 20 years identifying these sites as a destination seeking creative development to support the Township and there is existing activity such as six flags and there is a vision to create something that the town will be proud of, and the portion that is phase 1 is in the center of the property. Mr. Borden continued stating that phase 2 which received Planning Board approval and phase 3 is the area to the left that is lot 1, phase 1 as noted has been in the Highway Commercial zone for years and the original GDP was obtained for the entire property, and the most recent approval was approved on March 26, 2019 which included d variances for various things including heights of building and a few uses, and the site plan approved in 2019 was for mixed commercial uses, hotels, convenient stores with a fuel area, and referencing **Exhibit A-2**, shows that as part of the phase 1 there was an overall sign package along Monmouth Road and there was approval for 12 free standing signs and they were digital signs, and there was approval for 8 tenant signs, and one of the 8 would be digital and there will be one sign along 195. Mr. Borden stated for some background, phase 1 includes

offsite road improvements, and as part of a project there were outside agency approvals, and in this case this is fronted on Monmouth Road, and there is an agreement between counties and Monmouth County takes control over the roads and there is a necessity to review those improvements which falls under Monmouth County Planning Board and the engineer review is done by Monmouth County engineering, and improvements will be starting very soon. Mr. Borden mentioned there is currently a jug handle to turn onto Pine Drive to go into Millstone Township, and there is a small jug handle and there will be a 4th light to the intersection and there will be an elimination of the current jug handle for a larger jug handle to replace it, and traffic coming off 195 is not able to make a left onto pine drive, and going back to **Exhibit A-1** the jug handle can be seen to show where traffic would make a left and there are approvals to be obtained to expand that jug handle as well, which are fully approved by Monmouth County and completion of those improvements is required before a CO can be issued. Mr. Borden mentioned to the approval in 2019 there is the new overlay zone which has been discussed and there was the HCMU zone and the zone expanded the list of permitted uses, and all of the uses and heights have been approved in 2019 GDP and are now permitted by the ordinance and as noted this application is here tonight because the opinion was given that the parking garage is not listed as a permitted use in the zone and requires a d variance. Mr. Borden presented **Exhibit A-3**, the overall site plan having a date of January 2019 with a March 2021 revision date, and this is the sub site plan, which there is amended site plan approval being requested, and there are some self-phases that were created to time the construction because there is an area that is inside the jug handle that is phase "a" and the area where the fields, hotels and convention are phase "b" and there are buildings on the east side that are phase "c" and the reason is to accommodate phase "a" because there are 3 national tenants, 711, Popeye's and taco bell, and these 3 pads are not changed and the building permits are being sought so there is no delay to the issuance of the building permits as the technical items are addressed, secondly the original plan on phase "a" there were 2 separate fast food spaces in one building and that building does have a drive thru and will be a Starbucks and the original had 3 separate trash enclosures, and with speaking to waste management the advice was to have 1 compactor pad and there will be a separate refuse for recyclables and trash, and the original approval had an indoor recreation building and that is where the convention center is being moved and the convention center was towards Anderson Road, and because of the appeal, it needed to be moved and the Hilton Hotel remains in the same location and the Marriot was on the corner of the main internal access and will be relocated to the front of the convention center, and it's been asked why there are so many changes and the hotel is a complimentary use to the convention center, and the market changes all the time, and the medical research building has been moved from phase 3 of the GDP, and adjacent is the purposed parking garage which is not for the medical research it's for the entire project mainly driven by the convention center. Mr. Costanzo asked if the parking garage is underneath the medical center. Mr. Borden advised it's next to the medical center, the structures are not connected there will be a small space of separation because the medical research cannot be attached due to vibration and such in the facility, and the garage is an above ground parking garage. Mr. Costanzo asked if it's 4 stories. Mr. Borden mentioned it's going to be 5 possibly 6, and will not be higher than the medical building. Mr. Book asked if there will be architectures on that. Mr. Borden advised there are not. Mr. Costanzo asked how many spaces are in the parking deck. Mr. Borden stated 1,100, and the parking garage ties to the construction of the convention center. Mr. Gertner asked if there will be housing in the medical research building. Mr. Alfieri stated no. Mr. Borden noted there is no housing in phase 1 at all, and stated there were 2 restaurant buildings in phase "c" and there is 24,000SF building and as noted in the parking calculation there is 68,000SF of office space with a percentage of restaurant and that is what the parking is based on. Mr. Costanzo asked going back to phase "a", 2 buildings will go to one, will the square footage stay the same. Mr. Borden advised there are 429,179SF purposed and that is nearly 100,000 more square footage mostly in the medical research center, and there has been no change in the hotels there are still the same number of rooms and the outdoor fields remain unchanged, and the stage and the outdoor accessory buildings remain the same. Mr. Gertner asked the 100,000SF differences is the reason there is a slightly larger storm water management basin. Mr. Borden advised that was not correct, what was done is the detailing in the storm water, there is a recharge system, and there were 2 main project signs already granted and there is a single project sign being sought to be increased in height from 33'-45' and there is internal signage and that was done to identify the internal buildings. Mr. Costanzo asked since signage has been brought up is there intension for pedestrian stop lights since it's a main vein road, will there be crosswalk or traffic light signals. Mr. Borden mentioned that one change made is the internal access will be signalized and there will be a signal installed and push buttons for pedestrians and the signal will be required based on work Mr. Rea has done and it is a condition of the Planning Board approval that the light be done before phase 2. Mr. Alfieri stated that at the Planning Board it was a requirement to have crosswalks and that was agreed too and there will be crosswalks and signage worked with. Mr. Borden mentioned it was important even going back to the GDP approval there are constraint confinements being looked at to make sure everything works together, and there are walkways for pedestrian access and there is handicap parking. Mr. Costanzo asked if this main road will feed the 2 warehouses. Mr. Borden said no, all the warehouse traffic will go from the jug handle. Mr. Alfieri stated that was also a condition of Planning Board approval. Mr. Peters asked for clarification on the sign, the Pine Drive sign is being increased, was that approved in that location. Mr. Borden said no. Mr. Peters stated the applicant has to make sure it's 200' from the signal. Mr. Borden mentioned it was approved at the intersection. Mr. Peters advised the applicant needs to assure the relief needed is obtained. Mr. Borden stated there has been detail provided in the plan and if there is a requirement of the 200' from a traffic signal, relief would be sought because it will be located within 200'. Mr. Book stated to follow along and make this make sense, Mr. Miskovich made many reports, who will answer those questions about the circulation. Mr. Borden stated there are no comments disagreed with and the comments will be agreed too. Mr. Book advised he's trying to wrap his head around the scope of the application, is the circulation pattern an issue. Mr. Gertner stated it is because by purposing the garage at its location and by articulating that one purpose is to serve what is across the street; the expo center and potentially the hotel, and the air dome, with the argument there will be families and children, a pedestrian circulation plan should be articulated. Mr. Hill stated there was preliminary and final approval and there have been modifications and there was testimony provided to support what was approved, and the changes should be focused on and where was the parking purposed vs the parking garage, how does that impact the uses, how have the changes impacted the prior approvals. Mr. Alfieri stated Mr. Rea would be better for addressing that. Mr. Borden mentioned one comment raised was identifying more clearly the crosswalks, and the nature of the comment was addressed, and lastly another change that was made includes pavement in the recreational uses and there was a waiver or some parking, and the waivers are being eliminated and **Exhibit A-4** is site plan B which is phase "c" sheet 5-52 and there are changes that were not included in the submittal and similar to the trash consolidation made in phase "a" there are 3 trash enclosures to be combined to a compactor to service all 3 buildings and there will be a drive thru added and there is a tenant that has come up that would like to have that space, and there were large striped spaces and that was questioned, and those spaces are intended for buses that might be at the field or expo center, and they have been turned into parallel spaces, and the parking calculations were questioned and the uses were questioned and there was indication of 270 spaces and it was noted there is a parking required for a similar use which would require 14 spaces less and the expo center there was 1 space per 100SF and parking will be gone through with Mr. Rea, and the intensity of the building in phase 1 the contains 2 zone standards, and the total project as it stands now complies with the standards for the tract width, frontage, and depth and that is on phase 1 and 2, and it will get larger on phase 3, and there is a statement in the planners report questioning the overlay ordinance, and the building and impervious coverage requirement comply with the calculation, and the application does include a subdivision and the testimony is addressing both and that is driven by the jug handle, and as testified the new jug handle will be extended from Monmouth Road and will be a public right of way. Mr. Gertner stated

there is no exception to the testimony however how is the connection maintained to that separate lot to the balance of the application. Mr. Alfieri advised the technical area of the ordinance is for the carving of lots for sale and it's in larger commercial tracts so the bulk standards don't have to be met because there was cross walks and easements, and assuming phase 1 will be no further carved there will be a public street purposed. Mr. Gertner mentioned it was the understanding that the new jug handle was accepted by the Township, and asked if the applicant has no objection to continuance and purposing a full developer's agreement with the Township. Mr. Alfieri stated it's in all resolution and there is no issue. Mr. Borden stated to the rear of the convention center, there is no loading zone that goes to the road and there is an emergency access. Mr. Alfieri stated the trucks that need to provide product to the hotels and convection center will use the truck route and there will be an easement to allow those trucks to get to the stops and such and will exit, and all these lots were noticed. Mr. Borden stated the site is purposing landscaping along the edge of the easement extending down the fields and there will be bamboo installed, and as part of the energy efficiency there has been ground mounted solar added and the solar use is a continental use in the zone in addition there is a separate requirement for separate solar facilities, which are all listed on the plans. Mr. Alfieri asked if there is variance relief required. Mr. Borden said no. Mr. Alfieri asked if the site meets all conditional use standards. Mr. Borden mentioned that is also listed on **Exhibit A-3**, the D variance required for the parking garage as an accessory use which is a D-1 variance and the opinion is the parking garage meets the criteria and promotes the general public welfare and provides effect space for a variety of uses, and it encourages the best use of the design and the special reason to grant the variance is to promote the general welfare and the property is suitable as a large destination area and parking is a permitted use in the zone and while not particularly the structure, a use certainly, it's believed that the zone plan is met and the garage is behind the air dome which is higher than the dome and will not be seen from Monmouth Road, and there was a D-6 height variance and with the new standards there is no variance south and there is an area less than 2% and the fact that it's part of a project with direct access to Monmouth Road this use is encouraged in the master plan, and there are some c variances which is for the sign height for the freestanding sign to extend the previously approved 33' and to extend to 45' and it's been relocated from East of Pine Drive, and there are buffers to be less than 200' from the signal and it was noted that the storage building in the athletic fields is less than 2,000SF which is within the property line and it's along phase 2, and that is the storage field where the setback requirement is met. Mr. Costanzo had concerns about the parking garage, and mentioned that plans presented are lacking in specifics to the design and how it sits and there were architectures of the design, and the renderings were difficult to see to understand the separation, and that is troubling, details would have been desired. Mr. Hurley asked if the minor subdivision being created creates a C variance. Mr. Borden stated no because there is a section entitled for this type of subdivision, and the ordinance understands larger commercial jobs require the potential to create different lots. Mr. Gertner noted Mr. Peters addresses that question on page 6, and asked if that is satisfactory. Mr. Peters said yes, and mentioned if the Board members are not sure how the technical subdivision requirements are met, the ordinance is specific as to what the applicant needs to take into account as it relates to placing lines and that has been reviewed and through the plans to date the intent of the ordinance has been met, and usually going down route 9 there is typically a bank and a McDonalds, and there are pad sites that don't need 4 or 5 acres, there is the subdivision such as a grocery store, a technical subdivision would allow for McDonalds to have their own pad and the bank would own there pad and the grocery store and strip mall would own their own spaces. Mr. Alfieri stated there will be an easement document in place. Mr. Book asked to assist the Board in the rational of the variance for the parking garage, can't there be comment on what is being missed in terms of the parking garage in this entire commercial endeavor. Mr. Peters stated the multi-level parking is usually in urban areas and they are usually done to use more parking and less coverage and there can be more asphalt done however in this case in order to make it a walkable community the parking garage makes good for a number of things, and it makes the walking distance shorter so it's easier to direct people, and from a planning perspective it's a efficiency. Mr. Gertner stated Mr. Rea will relate some arguments and will connect the parking waiver and the inter connection with the cross easement to six flags. Ms. Fritch asked if the solar panels are moved, why they can't go on top of a building why wouldn't there be more room. Mr. Peters advised the parking areas that have solar don't limit parking, the cars can be parked under the panel. Mr. Hill mentioned it's similar to a canopy to a gas station. Ms. Fritch stated it's not depicted on the plans. Mr. Najarian raised concern in regards to the circulation, as it relates to the children and the families walking about the facility, was it presented to the Planning Board. Mr. Borden stated the walkways are shown on the site plans and it was noted that there was some connection missing which will be provided and there is full walkways shown on the plans and there are walkways along the jug handles, and there is a minimum crosswalk, and the site plan shows the extensive walkway. Mr. Alfieri asked if the walkways that run parallel are sidewalks. Mr. Borden advised that was correct, 5' sidewalks. Mr. Najarian advised the concern is the people that will be walking around the facility. Mr. Borden stated that's been a critical piece of the design. Mr. Alfieri mentioned that Mr. Rea will discuss in more detail. Mr. Miskovich stated as pointed out the main walkways are along Pine Drive in connection to the main road, what happened when the parking was installed, it's not delineated, and there should be access from the garage to the expo center and there is a sidewalk that connects to the ball field and the info structure is on the main roadways, and as pointed out a parking garage centrally locates the parking giving access to the other uses in the site, however there is question about traffic circulation and there was mention of signage from Monmouth Road to get to the parking garage there should be some directional signage. Mr. Alfieri stated the applicant would agree to work and come up with an internal signage plan. Mr. Miskovich mentioned that plan should decide whether there is a need for striping or flashing lights. Mr. Book noted it helps the Board and the public when there is the benefit of a rendering in 3D

Recess taken at 9:03, reconvened by Mr. Book at 9:20 p.m.

Ms. Fritch asked why the housing was moved away from the medical center. Mr. Cardinale advised the special needs housing is where it's been from the beginning, that hasn't been moved the medical research center was moved, the medical housing has stayed in placed and they are housing people with MS and there are rules to be followed and the goal would be to have people with MS in those units. Mr. Alfieri stated it's a research facility, not for medical practice. Mr. Gertner noted that in the beginning at least those building or uses were inter connected. Mr. Cardinale mentioned it was the personal request that doctors see people who had MS, and it was asked that the staff that was hired would go to the housing to see how people lived with MS. Mr. Gertner asked what are the plans now that physical site is separated, what are the plans to achieve the goal to see how those who suffer with the disease live. Mr. Cardinale stated there will be young doctors who will be visiting the site, and for the non-special needs there will be occupation of the doctors in apartments on another piece of property. Mr. Alfieri stated there is an issue on another site and although the units will be designed for special needs people and there is COAH requirements, the applicant cannot control who will live there other than them having disabilities and because there are state regulations to be followed. Mr. Gertner asked if one reason that may have led to that physical separation is because there is no guarantee that all the resident that will be living in the special needs building will not have MS, and the dream has been lost slightly. Mr. Alfieri stated that was correct, and there is another project where there are 58 special needs housing units that will fit that population and there is state administration that advised there is no control over who lives in those units there needs to be income qualifications. Mr. Cardinale stated no one will be shorted housing, however there is guarantee that those with MS will be living on site. Mr. Gertner asked if it's a fair summary to say a driver in the original application based on further knowledge it

cannot be guaranteed that there is a physical separation, and the representation has been made.

James Spano- renewable energy expert, and the President of Green Power Crossing which is providing energy to the site- Mr. Alfieri asked for a little more history as to what the specialty is and what it does and how this was developed. Mr. Spano stated the specialty is generating micro grids and powering projects similar to this to generate green power. Mr. Book asked what education, background or training has been obtained to be particularly useful as an expert. Mr. Spano advised he is a Board member of the International battery industry alliance, and has been in solar industry since 2004, and has testified in the largest solar lawsuit in the state and has been called upon regularly when there is an expert needed in solar energy. Mr. Book asked if there is a particular education that comes with it in order to render an opinion that the renewable energy is worthy in this development. Mr. Spano stated there is no accreditation and advised he has created more solar projects than anyone in the state and chaired the solar transition team that wrote the clean energy act in 2018 for Governor Murphy. Mr. Book stated Mr. Spano's credentials are accepted. Mr. Alfieri asked for an explanation of the design, and how it will work. Mr. Spano stated this project is an exceptional project, it's creating the first micro grid, and will operate on 100% clean energy, and understanding the 2018 clean energy act, this site is required to have 35% of the energy be done through renewable sources in 2025, and 50% by 2030, and 100% by 2050 and the goal is under a master administration plan and this project meets all the requirements, and the top technical experts it will enable this project to operate off grid, and in the event there is a storm like sandy, this project will continue to operate when that grid is down, and the project will be able to be powered during outages including long term outages and will act as a shelter for all of Jackson Township, and the grid will be able to keep the hotels up and running, and all of the power that is generated and utilized on site will provide grid services. Mr. Spano stated when the grid requires stabilization this project will facilitate the transition to electric vehicle transportation and there will be electric vehicle chargers throughout the site, and when a guest comes the vehicle will be fully charged when an event is over and this is in conjunction with the state and this will be a hallmark project for the entire state. Mr. Alfieri asked if this project will work with the power companies. Mr. Spano advised JCP&L will provide some technology and the remainder of the info structure will be done through the site and if there is an extreme power of demand the project can be pulled completely off the grid. Mr. Book asked if the entire site when it's completely finished when everything is built and occupied, there will be solar panel that will provide electrical power to everyone. Mr. Spano mentioned there will be a combined heat plan which is a gas powered generation system which will provide heat and air condition into the hotels and such, and it's a more efficient way to produce power. Mr. Gertner asked if it is natural gas. Mr. Spano said yes, and noted the excess heat is used rather than going into the air. Ms. Fritch asked if there will be a backup generator. Mr. Spano advised the plant is the generator. Mr. Costanzo asked if there can be a distinction of where it will be on site and a footprint. Mr. Spano mentioned that Mr. Borden would be able to answer that. Mr. Borden stated they will be near the sports field and will be approximately 10-12,000SF. Mr. Costanzo asked if the parking lots will have canopy making it so there will be no panels on open fields and rooftops. Mr. Borden stated there will panel over the parking lot and there will also be some on buildings. Mr. Spano stated the entire site will be powered by the micro grid and the apartments will be powered by islanding so there can be a residential load taken off at any given time. Mr. Costanzo asked how people are billed. Mr. Spano stated the goal was to provide for affordable power and using the combined solar systems the power is fed back into the grid and this is providing grid services. Mr. Najarian asked if there will be grids in phase 3. Mr. Spano said yes. Mr. Costanzo also asked what the demand of the site is. Mr. Spano advised the demand is based on the current number of tenants that can be on site. Mr. Najarian asked how the panel leakage will be handled. Mr. Spano stated there will be no leakage, and they are made to take heavy winds and hail. Mr. Book asked if there are safety issues involved with this configuration and if there are how they are being addressed. Mr. Spano mentioned there are no issues with the system and the panels that are placed on the canopy rooftop and the walkways are designed to take a hit from a ball etc. Mr. Alfieri asked how the energy gets around the site. Mr. Spano stated all the panels are wired together and the pipe goes through the underground system. Mr. Hurley understands what's been discussed however the concern is the storage, batteries have been indicated in multiple areas, and storage batteries have heat internally is there protection on the storage betters. Mr. Spano noted it will produce a maximum heat of 110 degrees. Mr. Hurley asked how much can they stand. Mr. Spano advised it believed to be up to 130 degrees Fahrenheit, they are similar to a home appliance. Mr. Book asked if there is a fire how would the battery react. Mr. Spano stated there is no explosion, and if there is a fire in the unit they would melt. Mr. Hurley mentioned if they reach a temperature to melt, wouldn't they explode. Mr. Spano advised it's not possible. Mr. Najarian asked how much electricity is going into the system so JCP&L will get their energy. Mr. Spano noted the applicant will keep all power onsite. Mr. Najarian mentioned that it was stated that Jackson will benefit, and asked how. Mr. Spano stated by providing the ability to push the power back into the grid from the back side, and that is in case there is shortage of power, the residents will benefit because when there is a big power outage there will be a hub for power. Ms. Fritch asked what happens if the solar panel is hit by lightning. Mr. Spano advised it would probably melt, the panels are grounded like other equipment, and this is off grid and the lightning would blow out the inverters and some power might go through the line and blow the inverter. Ms. Fritch asked how long it would take to fix if something like that were to happen. Mr. Spano advised it usually is relatively quick, however the supply chain has been effected since Covid. Mr. Hurley asked if there is maintain required or inspecting of the inverters. Mr. Spano stated if an inverter goes out a technician will have to go out. Ms. Fritch asked if these should be kept in a fire safe room. Mr. Spano stated these are all over the United States, and there is no way they will be a fire hazard. Mr. Hill mentioned this phase 1 application that the Board is reviewing does not obtain residential, and a concept is being sold an ultimately the other phases will use this, and the Board is not looking to approve the residential portion of this application and with the micro grids there still cannot be an island generator. Mr. Spano advised that is incorrect, it's the intent to operate that way. Mr. Hill asked if the warehouses are purposed to have solar. Mr. Spano stated that is not decided yet. Mr. Hill asked what the overall capacity will be. Mr. Spano mentioned that right now 9 megawatts, 6 CHP, and 4 megawatts though the grid. Mr. Hill asked if there was determination on the battery storage. Mr. Spano noted it has not been determined. Mr. Hill stated phase 1 needs to be focused on, and asked what the capacity for this phase is. Mr. Spano mentioned it will be under 2 megawatts. Mr. Hill asked about the CHP. Mr. Spano stated that's not being brought in until phase 2. Mr. Alfieri stated Mr. Cardinale was so proud of this portion of the project it was requested this be discussed. Mr. Hill stated there needs to be clarification for this application, what is purposed vs. something that may or may not happen until other phases, is the micro grid going to be operational for this phase. Mr. Spano said no. Mr. Hill asked if for this phase was there a requirement to obtain any PJM approvals. Mr. Spano mentioned there was a requirement for BPU. Mr. Hill asked if the solar will not be constructed until phase 2. Mr. Spano advised that is correct. Mr. Gertner stated the CHP structure is in phase 3 which is not even in front of the Board. Mr. Hill stated this needs to be simple and specific to the application and the presentation to the overall application was inappropriate it should've stayed to the GDP, the application in front of the Board should be focused on. Mr. Gertner asked with speaking about the parking garage will the garage have solar panels. Mr. Spano advised on the top floor. Mr. Gertner noted the rendering would show that as an example. Mr. Miskovich asked if there will be an electrical parking station in the garage. Mr. Spano advised that was correct, and the canopies don't restrict a single vehicle and when there is a charger put in they are designed for a compact car.

Opened public comment;

Karen Argenti- 61 Clear Lake Road, Whiting- sworn- said there is information from an OPRA from the Ocean County Soil and water conservation district and there are 2 violations that are known of, and there are other issues with the project, why would this be considered when there can't be assurance of an application to be completed properly.

Mr. Alfieri objected to the comments being made, the application didn't offer any testimony on DEP issues and any outside agency issues need to be addressed however not by the town. Mr. Gertner stated the issue is that the question is not relevant or proper, the applicant has the opportunity to lay the objection on the record and one basis is because the testimony did not even address soil conservation issues and that is the basis of the objection and it's sustained, and secondly as mentioned by the applicant and in general, the question had an incorrect function and this is the Board that relies on evidence, and the information is not before the Board, and this is coming back and the results of the OPRA should be pre marked, and emailed to the Zoning Office and there would be the obligation to be prepared to address the information provided.

Aurus Bayan- 846 Perrineville Road- sworn- said he was under the impression this was for the sign and parking garage and it appears there are several changes, and asked if this a blanket approval to have the center moved and a larger basin, or is the Board only focusing on the sign and garage

Mr. Alfieri stated this application is for the entire project in phase 1

Aurus Bayan- 846 Perrineville Road- said no one knew about these amendments until this evening, and the basin is the concern, and the larger basin is already encroaching on the wetlands and the warehouse purposed and the bamboo and other changes are short noticed.

Mr. Alfieri stated once the engineer testifies the storm water management the concerns should be addressed. Mr. Gertner stated this Board has traditionally done public comment even when an applicant has not completed the application there was some testimony given, and there should be questions and comment towards what was testified too.

Aurus Bayan- 846 Perrineville Road- asked with no guarantee of MS residents, will this be a halfway house

Mr. Gertner advised this is stable affordable housing, and the state provides regulations and no one present is qualified to answer question based on that.

Tracy McKinney- 7 Holly Tree Court- sworn- said it's hard to see about the traffic signal and there was traffic signal spoken too will that be in between Phase 1, 2 & 3

Mr. Alfieri stated that is correct

Tracy McKinney- 7 Holly Tree Court- mentioned that at the Planning Board meeting it was testified that those weren't going to be installed until they were warranted

Mr. Alfieri stated the traffic engineer will speak to that more, and the planner just gave the overall site review.

Tracy McKinney- 7 Holly Tree Court- asked if there will be a for waiver the additional spaces to be removed

Mr. Alfieri mentioned there will be testimony on that later

Tracy McKinney- 7 Holly Tree Court- why is there a structure of spots being built rather than leaving the site as is

Mr. Alfieri- the traffic engineer would be appropriate to speak to that. Mr. Gertner- the reason this board has this policy to ask question even before an application is finished is so there are concerns spoken and the board is not voting the testimony is not concluded

Keith Jolliffe- 5 Holly Tree Court- sworn- asked if there will be a separate section for comments

Mr. Book said yes, as it's been explained

Keith Jolliffe- 5 Holly Tree Court- asked what is the potential tax impact on Jackson Township

Mr. Alfieri stated the applicant would love to be providing the information because it's a huge profit generator in town, however it has nothing to do with zoning

Keith Jolliffe- 5 Holly Tree Court- asked if there are any downsides to the solar energy

Mr. Spano stated the only downside would be if there was equipment down, that's it.

Joyce Joliffe- 5 Holly Tree Court- sworn- mentioned the apartments that were supposed to be connected to the MS center, seems to have been changed, and asked if there be a treatment at the center

Mr. Alfieri stated it's strictly research, there will be no patient treatment

Joyce Joliffe- 5 Holly Tree Court- asked if patients be brought to the center

Mr. Cardinale stated people coming to the center will be going into a MRI to see where the lesions are

Joyce Joliffe- 5 Holly Tree Court- asked what is funding the phase 1 portion of the project

Mr. Alfieri stated it's not relevant to the zone. Mr. Cardinale stated the land is being bought and there is a project being brought into Jackson, that is being funded by him personally to end MS, and whatever is being put on the site has nothing to do with timing

Edward Vienckowski- 256 East Colliers Mill Road- sworn- mentioned there is testimony that has been given that this is a zone for destination use, and there is question why did it need special zoning 2 years ago to fit into the vision

Mr. Alfieri stated the town council adopted the ordinance that would not be a question of the applicant

Edward Vienckowski- 256 East Colliers Mill Road- said if the sign is moved it might not have to be so high and the relief that is being requested is concerning, because all this relief is being sought rather than follow the ordinance and regulations.

Mr. Borden stated because the location of the sign is relevant to the existing intersection and the traffic exiting 195 would be able to see the sign, and this is over 300 acres and it's only suitable the sign match the scale of the property

Debora Scatuccio- 24 Plymouth Court- sworn- asked when are the resident going to be allowed to make comments

Mr. Book advised once the application is complete and the case is on the record, and the applicant has represented the entire case to the Board then the public comment and questions are opened however the application is nowhere near done

Debora Scatuccio- 24 Plymouth Court- how did the applicant not know about special needs housing requirement when it's public knowledge

Mr. Alfieri stated the applicant was UN aware of the complexity of special needs housing

Vincent Scatuccio- 24 Plymouth Court- sworn- asked with regards to the CHP plan what is the nitrogen oxide limit.

Mr. Spano mentioned that would be a question for the engineer

Vincent Scatuccio- 24 Plymouth Court- sworn- said there has been no testimony of the power plant that is going here, and it should be addressed

Closed public comment;

Mr. Gertner announced for members of the public and the Board, this application is being carried to the April 21, 2021 meeting without the need for further notice, and everyone is directed to the municipal website for zoom information.

Motion to adjourn by NAJARIAN at 11:15 pm. Yes: Unanimous by all those present.

Respectfully submitted,

Danielle Sinowitz,
Zoning Board Recording Secretary