

JACKSON TOWNSHIP PLANNING BOARD MEETING

Monday, April 17th, 2023

The April 17th, 2023 regular meeting of the Jackson Township Planning Board was called to order at 7:00 p.m. by Board Chairman Mr. Herman with a salute to the flag by all present. The chairman Mr. Herman read the Open Public Meetings Act Statement noting that adequate notice has been provided and advertised in the manner prescribed by law.

Roll Call:

Mr. Burnstein	Ms. Demarzo
Mr. Flemming	Mr. Wall
Mr. Riker	Dr. Campbell
Mr. Haring	Mr. Herman
Mr. Sullivan	

Mr. Riker arrived at the meeting at 7: 10

Absent: Bressi, Heller

Motion for the payment of the voucher for the recording secretary Irina Darrar Sullivan/Burnstein all in favor among present.

Motion to approve minutes from March 20th, 2023 Riker/ Campbell yes: Burnstein, Flemming, Riker, Demarzo, Haring, Wall, Campbell, Herman.

Motion to approve minutes from March 27th, 2023 Motion Sullivan/Burnstein Yes: Burnstein, Riker, Flemming, Haring, Sullivan, Campbell, Herman

Motion to approve minutes from April 3rd, 2023 Motion Campbell/ Riker Yes: Burnstein, Flemming, Riker, Sullivan, Wall, Campbell, Herman

Resolution

RESOLUTION 2023-07A

RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, GRANTING PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL FOR MAY JACKSON, LLC, BLOCK 2101, LOTS 16 & 1

Motion to approve Riker/Sullivan Yes: Burnstein, Flemming, Haring, Wall, Campbell, Herman.

RESOLUTION NO. 2023-09

RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY GRANTING PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL TO CONSTRUCT A WAREHOUSE AND OFFICE FOR JACKSON ONE, LLC, BLOCK 2701, LOTS 32 & 33

Motion Sullivan/ Riker Yes: Burnstein, Flemming, Riker, Sullivan, Wall, Demarzo, Haring, Campbell, Herman

RESOLUTION 2023-10

RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY GRANTING ADMINISTRATIVE APPROVAL, SIX FLAGS GREAT ADVENTURE 2023 CAPITAL IMPROVEMENT PROGRAM, BLOCK 3101, LOT 11

Motion to approve Riker/Burstein Yes: Burnstein, Flemming, Haring, Riker, Sullivan, Demarzo, Wall, Campbell, Herman

Application Block 4101, Lot 20.02. Jackson Development Company LLC

Mr. Klee stated that this is an application for final major subdivision, section 2 of the Jackson Woods Development. Preliminary approval was granted some time ago. The applicant is still for the final perception, there is a little bit of a change, now deck variance that needs to be considered was not part of the original approval. So except for this issue, the applicant can tell the Board everything is the same as the preliminary approval and adequately addresses the variance relief. The new variance relief will be requested. Good to go.

Mr. Peters said the property is still in the same zone. The final is in good shape.

Ron Shimanowitz on behalf of the applicant. He stated that the total number of units in the southeast section is 465. Section 1 has granted both preliminary and final approval by the planning board and is memorialized in a Resolution adopted by the Board on August 2nd, 2021. Section 1 comprises 186 single townhouses. Section 1 is under construction. Section 2 only has preliminary approval granted by the planning board. Tonight the applicant before the Board is seeking final major subdivision approval for the remaining 279 single lots in section II. Mr. Shimanowitch stated that the applicant made inconsequential adjustments to the rear lot lines of the proposed lots. Mr. Lascavage will give a detailed testimony about the adjustment.

Mr. Mark Lascavage was sworn in. The project manager of Collier's engineering and design. Civil engineer for over 30 years. Licensed since 1997. He stated that the A1 exhibit is an existing condition of the site. It will be 279 townhome units created. The proposed lot line change Exhibit for the section two subdivision shows 279 units being created there, to the west are the 186 units

that are currently under construction. In section two, two changes were made. First is a utility change, in the preliminary subdivision approval, a lot was created for the sanitary pump station that services all 465 units. In the Preliminary approval, there was also a force main that came from the Southwest part of the project that came in through the project and then discharged across the Northern end of the lot in the same location where the pump station was sending. The change for the final was the pump station that was required for Southwest was eliminated. Second change and this is what both the engineer and the planner had mentioned in their opening statements. There was an issue with having the decks for the units on the lots without infringing on the setbacks. There is an allowance within the Ordinance for 100 sq. feet to go into the required setback, but only if it's at the ground level of the unit. The applicant thought that this interpretation applied to a walkout basement. The zoning officer has corrected the applicant on that. Now there is a change that the applicant needs to make to the lot lines so that the proposed units will have an area for a 10 x 10 deck. Mr. Lascavage stated the applicant has filed with the county an application, in their Preliminary review for the development stated the applicant will need a left turn slot from Freehold Road into the development. Most likely the applicant will be making this application in the next couple of weeks.

Mr. Peters stated that the zoning officer is aware of those changes.

Mr. Riker wants to know what the approximate separation between those two decks. Would it be greater than 10 feet?

Mr. Lascavage said yes.

The public portion was open, no one came forward, and the public portion was closed. Motion Riker/Sullivan is all in favor of the present.

The application was approved Riker/Sullivan Yes: Burnstein, Flemming, Haring, Riker, Sullivan, Demarzo, Wall, Campbell, and Herman

Application Block 11701, Lots 9.04 through 9.09 and 25.01. Lakewood Investments.

Mr. Klee stated that is an application for minor subdivision approval. Affecting the existing Rutherford Estates subdivision development which previously was approved by the Board and the matter was recorded in November 2020. They are taking some property from the Township-owned drainage basin and distributing that among some adjacent lots to create one new lot. The real question is whether the Town is ok with this subdivision approval. It's their property or the public property that's going to be subdivided off and dedicated to the additional property. Mr. Klee's question is what the towns say about this.

Mr. Peters stated that the office has a report dated April 6th, 2023. Several variances are noted, that he had an opportunity to review. Mt. Borden addressed them; now the property is a variance-free application and remains in the same zone.

Dr. Campbell stated that she wanted it made clear to her that the applicant doesn't own the property.

Mr. Salvatore Alfieri on behalf of the applicant stated that he had discussed this with Jerry Dasti who is a Township attorney's office and they are working on the logistics of how the title transfer can be done, but the applicant cannot get the title transfer to this strip of land, unless this Board approves the subdivision and then Council and Mayor will have to approve the transfer of the property to the applicant.

Dr. Campbell is concerned the Council does not approve the transfer, the Board wasted its time.

Mr. Peters stated that the Planning Board is often the first board of jurisdiction when it comes to Land Use regulations. Generally speaking, Mr. Peters stated that his experience shows that the Land Use board goes before the Governing body. The Board is free not to take his advice.

Mr. Shea stated that from the Legal perspective if the Board makes it a conditional approval, the applicant has to come back before the Board if it doesn't get it.

Mr. Flemming suggested finding out who owns the land first.

Mr. Alfieri stated that the Township clerk's office received a letter from Mr. Dasti stating that there were no objections to proceeding at this level.

Mr. Herman asked Mr. Peters if the Board is setting a precedent if it moves forward.

Mr. Peters stated that often towns consent to a property being utilized, redevelopment agencies come to mind where the redevelopment agent is determined by the governing body and they move forward with the application.

The Board decided to vote on whether they wanted to move forward with the application. Motion Dr. Campbell/Riker Yes: Burnstein, Flemming, Haring, Riker, Sullivan, No Demarzo, Dr. Campbell, Wall –abstained, Herman Yes. The Board moved forward to hear the application.

Mr. Ian Borden was sworn in. The president of Professional Design Service. 1245 Airport Road, Lakewood NJ. Graduate of Rutgers University. The licensed professional planner in the State of NJ. He stated that exhibit A1 shows Ariel's photograph that was taken on September 27th, 2022. The applicant had purchased the property prior to the map being filed. The original survey was done in 2001, the location of the rear property line was in question due to, some unclear title work, the current owner had invested in the necessary research to clarify that title works, and that work precipitated our appearance here today. The rear of the property is in Pinelands Village Zone, which is a regional growth zone of Pinelands. The rear 5 lots are oversized and the applicant seeks to simply re-subdivide those five lots to create a sixth lot, to re-adjust the lot lines. Exhibit A3 shows the location of the stormwater basin being proposed. The basin lot will be adjoining the new resident's lot, the area to be shifted to the residential lot is 4,231 sq. feet.

The applicant is adding a single lot. Mr. Borden thinks that a major development is under the Pinelands regulations and does not require storm management, each of the roof areas on this project has a dry well, and the new one will certainly have one as well. Mr. Borden said that it will be a condition of the approval. Mr. Klee will get all the calculations to show the stormwater management goals; the original project will be maintained. No change is proposed to the road design or drainage. The applicant is simply shifting outlines to create one new house and a driveway.

Mr. Herman asked if there were any issues regarding access to the basin.

Mr. Borden said no since the triangle lot is behind the basin area.

Public Comment open.

Resident of 39 Toms River Road, Jackson. The resident expressed concern that he has not heard about this project before. He just received a letter 10 days ago. Two years ago when he stopped at the zoning office the young lady had no information on the project.

Mr. Shea stated that under Municipal Land Use law the notice should be done 10 days prior. His understanding is that the notice was proper. He said the applicant has to notify everyone within 200 feet of the surrounding property. Mr. Shea said that the resident does have an ability with 45 days of the Resolution, challenging that if the resident deems notice was done incorrectly.

Mr. Alfieri thinks that the resident is talking about the original project. He said that he can provide any information about the subdivision or any improvements from Mr. Borden's office.

Closed public comments. Motion Sullivan/Riker All in favor.

Motion to approve the application Sullivan/Riker Yes- Burstein, Haring, Riker, Sullivan, Campbell, Herman, No- Flemming, Abstain-Demarzo, Wall.

Mr. Herman stated that he would like to ask the Board to approve the re-examination review of the Master Plan due to the pending Litigation, to make sure that the master plan is going to be compliant.

Dr. Campbell asked Mr. Peters if this would be on him and she wants to make sure that he will be the one who reviews it, the master plan.

Mr. Peters said that he and members of his staff will be working on this project. It will be a team of three people. It will take about 60 to 90 days.

Motion to authorize and approve the review of the Master Plan. Dr. Campbell/Burnstein yes: Burnstein, Flemming, Haring, Riker, Sullivan, Demarzo, Wall, Campbell, and Herman

The meeting adjourned. Motion to adjourn Sullivan/Riker all in favor among the present.

Respectfully submitted by

Irina Darrar

Planning Board Recording Secretary