

# MINUTES OF JACKSON ZONING BOARD APRIL 20, 2022

The March 2, 2022 Jackson Township Board of Adjustment Meeting was called to order at 7:02 p.m. with a salute to the flag by all present. Board Attorney Ryan Murphy read the Open Public Meetings Act Statement and announced that adequate notice has been provided for this meeting.

ROLL CALL: Carl Book; Stephen Costanzo, Vice Chairman; James Hurley; Scott Najarian, Chairman; Stephen Costanzo; Michelle Russell; Lynne Bradley, Alt #1; John Spalthoff, Alt #2

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

## Payment of Vouchers: Fran DiBella, recording secretary, 4/20/22

Motion/Bradley. Second/Book. Voted yes: Book, Hurley, Russell, Bradley, Spalthoff, Costanzo, Najarian

## APPROVAL OF RESOLUTIONS:

- 1) 2022-16: Appointment of King Reporting/Francesca DiBella as recording secretary of the Jackson Township Zoning Board of Adjustment. Motion/Spalthoff. Second/Book. Voted Yes: Hurley, Book, Hurley, Russell, Bradley, Spalthoff, Costanzo, Najarian
- 2) 2022-18: 528, LLC, Block 13801, Lots 4.01, 5 and 6.01, 1235 E. Veterans Highway, granting preliminary and final major site plan approval with minor subdivision. Motion/Book. Second/Costanzo. Voted Yes: Book, Russell, Bradley, Costanzo, Najarian
- 3) 2022-19: Mitreuter, Block 1002, Lot 14, 2 Topaz Drive, granting approval of a variance to construct an addition. Motion/Book. Second/Bradley. Voted yes: Book, Hurley, Russell, Bradley, Costanzo, Najarian
- 4) 2022-20: Allmann Properties, LLC, Block 18201, Lot 17, 1366 West Veterans Highway, granting preliminary and final majori site plan approval and use variance approval. Motion/Book. Second/Bradley. Vote yes: Book, Hurley, Russell, Bradley, Costanzo, Najarian

## APPLICATIONS CARRIED:

Christina and Ken Griffith, Variance 3408, Block 103, Lot 94, 2 Hardwood Drive. Carried to May 18, 2022 without requirement of further notice

Board professionals sworn in by Mr. Murphy

## APPLICATIONS:

1. Tiffany Cervasio, Variance 3403, Block 2701, Lot 6, Zone R-3, 730 W. Commodore Blvd, Applicant wants to install an inground pool (18' round) in the backyard and two sheds, since the home doesn't a garage. One pre-existing shed collapsed but won't be reinstalled in the same spot (it will now be in the right rear) because the septic system was updated and caused a slope. The well is in the front yard and the septic is in the rear yard. The hardship is caused by the new location of the septic. No utilities to the sheds. One shed will be 7' from the property line. The smaller shed (6.75 x 3') will be three feet from the property line. Applicant also proposing a deck adjacent and to the rear of the pool no larger than 20x8. Public portion open/closed. Motion/Costanzo. Second/Bradley. Voted yes: Book, Hurley, Russell, Bradley, Spalthoff, Costanzo, Najarian
2. Miguel Santana, Block 17001, Lot 24, 257 Osprey Place. First Witness: Kenneth FX Schlatman, P.E., P.P., testified that the applicant is proposing to replace an existing structure on property that is 1.74 acres. The minor subdivision was to

**create two one**—acre lots on the property adjacent to Mr. Santana's which fell within the PV zone, Pineland Village zone (one-acre zoning). Mr. Purporo reached out to the Pinelands Commission to find out if there were any issues with respect to doing a home replacement. The response e-mail from the Pinelands Commission said their certificate filing was solely for the demolishing the existing structure and that the placement of the new home would be solely up to the Jackson Township and their decision as to where it is going to be located, so long as the house was constructed within a five-year period of that demolition. The Board professionals have copies of the email. This is a one-acre zone that was changed to a **six-acre zone**. The purpose of the application is to determine if the 1.7 acres would be sufficient considering two of the other properties had been subdivided to one-acre lots **immediately adjacent to the subject parcel**. The fact that it is now a six-acre zoning doesn't take away from the fact that at one point the properties in that immediate neighborhood were all part of the PV (one-acre) zoning. Mr. Hill confirmed that it's an undersized lot for the zone as it currently exists, six acres; it's a six-acre **minimum**. Back in 2001, when the lot was created, it was a one-acre zone and the applicant has indicated that there were two adjacent lots which were subdivided into one-acre lots. It's an undersized lot based on today's zoning stands, but not necessarily what was in effect when the lot was created. The original design by the architect was to **expand the building**. It was determined that the foundation was inadequate, so the existing dwelling will be demolished and a new structure, with new septic and well, will be constructed which will be 49.75 feet from the front yard setback. Mr. Book asked for clarification if the applicant still needs a variance to comply now for the variance for the six. Mr. Peters answered that from legal perspective he's not 100 percent sure. **From a practical perspective we would always recommend the board reconcile that the property existed as a matter of right and is a lot of record. Since the zone has been changed, it is now a preexisting nonconforming lot as to area.** From a practical perspective, to make everything easy in Jeff's office, so that the next time someone comes in and wants to put a shed or a pool or a deck on this piece of property you don't want it to be an existing undersized lot because it's a lot of record so if we straighten it out now when the new house is going on he will have the relief, it will be a deed of record in 2022. Mr. Hurley drove by the property and noticed that on Osprey it says "private road." The applicant testified that when he bought the property he asked his attorney to investigate that and was told easement is for all the people in the back. Mr. Peters clarified that in his 2/23/22 report, on page 4, item 4F, that discusses the 20-foot-wide access utility easement in fact, does not have the right to grant someone rights on someone else's property. Four variances sought (lot size, lot width, lot depth, and lot frontage) Opened to the public. Michelle Thompson, 269 Osprey Place, testified that her house is to the right of the applicant's property and the dirt road (easement) is owned by her cousin, but she's noticed the applicant filling the potholes with gravel as a courtesy to the neighbors. She is in favor of the application. Motion/Hurley. Second/Bradley. Voted yes: Book, Hurley, Russell, Bradley, Spalthoff, Costanzo, Najarian

3. Cardinale & Jackson Crossing 2/Adventure Crossing Phase 4, Block 3001, Lot 1, Monmouth Road, Applicant's Attorney, Salvatore Alfieri, Esq. Six exhibits marked for identification. (Exhibit A-1, Location plan) First Witness: Graham MacFarlane, PDS, testified a new street, Linda's Way, will be constructed within Phase IV to **connect Phase I over to Phase III**. Phase IV has 88 acres. Three components to this plan: **One is a wave pool**, which has a surface area of about six acres, will be used primarily for surfing; an indoor water park; a hotel. The wave pool would have a hub building and a bar/cafe which is located on the east part of the site. A microgrid electric facility is proposed and that will reduce the project's demand on the local utility system and to generate some electricity on site. **The hotel is 134 rooms**, five-story building, compliant with zoning requirements. **The indoor water park has a floor area of about 70,000 square feet**. **The microgrid building has a floor area of 10,000 square feet**, one story building. Solar canopies in the parking area which is to the east of the indoor water park and between the wave pool so this parking area will have solar canopies. 489 parking spaces proposed. The ordinance does not have any standards for a wave pool. The ordinance requires that in addition to decks or walks surrounding the swimming pool an area shall be provided for lounging and spectator use and the ordinance says you shall have one—and—a-half

times of lounging or spectator area. This pool has surface area of approximately six acres. What we have proposed is about I think it's about 1.5 acres in total of this (shaded in yellow on exhibit). Pool will be enclosed. A commercial swimming pool is a permitted conditional use with 13 conditions. We don't meet all of those conditions and the most significant one we don't meet is, you know, that lounging and spectator area. No freestanding lights. The surfers come, wet suits, dry suits and go in this thing under all conditions. The micro grid, electrical facility, is located on the east part of the site. One-story building of 10,000 square feet, two cooling towers associated with this building which have a height of 21 feet. Both the building and the cooling towers would be deemed as accessory uses. They would not exist without this part of the project at all, so I believe they are rightfully deemed accessory buildings or accessory uses. Our plan does have the building located about 15 feet from the property line. Ordinance does require 25-foot side yard setback. We are going to shift the building so there will not be any need for that particular bulk variance. The noise that's produced by these cooling towers is 76 decibels at location of 50 feet away from the cooling towers. The nearest residence is at least 2000 feet away from this location so this application would not have any negative impact to anybody in the area and it complies with any applicable noise standard, either at the local level or the state level. The sidewalk will be five feet wide. The hotel will have a small restaurant with a liquor license, but not a banquet facility. Between the hotel and the indoor water park will be an outdoor plaza area which will have access to the parking areas, to the wave pool, and the water park. A rain garden is proposed in the vicinity of the indoor water park. A second rain garden proposed in the corner of the parking lot and we're also going to expand the detention basin that was constructed as part of Phase I. Rain garden is a concept that's now being advanced by the DEP in accordance with the new current stormwater regulation that's been adopted in the last year or so. Monument signs proposed. Linda's Way will have, from a 911 perspective, street numbers. Mr. Spalthoff commented that surf events are much louder than 76b db because of the megaphones, and if there are dance competitions and baseball games, then the parking will be difficult, the traffic will increase, and it's the perfect storm. Second Witness, Scott Kennel, Traffic Engineer, McDonough & Rea, testified. He prepared a traffic report, dated 2/10/22, traffic volumes on Route 537 go from 12,000 vehicles on a 24-hour basis in February to 25 to 26,000 vehicles during the summer months primarily driven by Great Adventure and would generate approximately 200 peak hour trips and it's important to recognize that these three uses are on the lower end of the entire project. For the entire project, these three uses represent approximately 10 percent of the total traffic that would be generated by all four phases. Indoor water parks generally have their peak activities during the winter months and colder months whereas the water park is going to be in the middle of the summer. It's also important to recognize that there is also Hurricane Harbor just to the west here which would cut into whatever business the indoor water park would generate. Linda Way provides connectivity between Phase III, Phase IV and those phases one and two that are approved and that is going to siphon traffic from Route 537. We have three hotels proposed. To the east we have the warehouse developments and then we have the convention Hall, the sports complex, and the completion of Linda's Way connecting all these is going to be a benefit and help reduce traffic connectivity on 537. The wave pool, in talking to the operator, they expect that that there would be a demand of 200 to 300 vehicles and that would be during the middle of the day, but the traffic that comes on to the property is early. The Statement of Operations, dated December 21st, 2021, and submitted as part application, surf park operating hours are 6:00 a.m. to 10:00 p.m. and then 6:00 a.m. to 11 p.m. on weekends and holidays. Hours of operation will be shortened during the off-peak time year. Public portion opened. Randy Bergmann, 5 Brentwood Drive, Jackson, asked who will own and manage the property. Cardinale will own and manage the property. How many entry points are coming off of 537? Mr. Kennel responded that the jug handles have already been improved. Coming from the west, the first access is the U-turn jug handle just to the east of Great Adventure which has recently been improved with the larger jug handle. The fast food restaurants will be right in/right out. Member of the public, Elenor Hannum, Jackson resident, asked about the size of the pool and will the pools get backwashed into the wetlands. Mr. Alfieri responded that there are DEP regulations in place about that. What is the size of the cogen plan building? Mr. McFarland responded 10,000 sf. What kind of power will it use and will it be too close to the ball fields. The city water

that is supplying both Great Adventure and their park is also going to be accommodating this site, an indoor park and the pool and all that city water is also pulled from Perrineville to accommodate 1100 homes at Jackson Parke. Is this going to do draw on the city water that's supposed to be accommodating all of the residents in that area. Mr. MacFarland replied that this application is taking water **from the JTMUA system. They are** responsible to manage the overall operation of the public water system. Will 537 be clogged with tractor-trailers and will people from New Egypt and Plumsted be able to access 537 because it's a two-lane highway? Member of the public, Vincent Scatuccio, Jackson resident, testified that the cogeneration facility will give off tons of nitric oxide. Member of the public, Joyce Jolliffe, Jackson resident, testified that this project is poorly designed. There will be noxious oxide and cancer clusters. Why not build a supermarket? Joseph Krakobsky, Jackson resident, testified that the location of the cogeneration is in a terrible place. Witness No. 3, Vito Cardinale, applicant, testified that he is the owner of the project and has hired a solar and a cogen company, one of the biggest in the country, to be our tenant and run the cogen **and solar site**. One of the reasons we got involved with the solar and cogen. JCP&L was not capable of giving us enough power in the long run to make this project be efficient with what they had on the road. **We tried very hard with JCP&L to get the power off the existing grid, but it hasn't been available. We still negotiate with JCP&L to date. We also know that by 2030 and 2050 the State requires us to be off the grid and we will have the technology to be off that grid hopefully way before the State mandate of being off the grid so it's a direction of the State to have projects like this be designed along with the warehouses to be off the grid and to have solar so we're pretty much ahead of the curve and we've hired some a company to guide us through this. We are just as concerned about a negative impact that the cogen might create. We obviously have a hotel there and residents there. We certainly would not want to put our residents or the people visiting the park in danger. The State of New Jersey has the highest standards. They've already utilized using the water in the pool and will circulate it into the units the hotel via underground piping in and let water go into the mechanical units in the hotel to keep that cool and also to heat the water in the pool. At some point in this project there will be hockey rings. I'm not sure exactly where, but we will, and we'll be able to work with that with the ice. We want to have one of the best plant and micro grid in the state and we're going to be probably one of the most advanced micro grid in the entire state.** Motion/Book. Second/Hurley. Voted yes: Book, Hurley, Russell, Bradley, Spalthoff, Najarian. Voted no: Costanzo

Motion to adjourn at 10:30 p.m. by all. Yes: Book, Hurley, Russell, Bradley, Spalthoff, Costanzo, Najarian.

Respectfully submitted by,  
Fran DiBella  
Zoning Board Recording Secretary