

JACKSON TOWNSHIP PLANNING BOARD MEETING

Monday, May 15th, 2023

The May 15th, 2,023 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. Bressi	Ms. DeMarzo
Mr. Burnstein	Mr. Wall
Mr. Flemming	Dr. Campbell
Mr. Riker	
Mr. Haring	

Absent: Mr. Sullivan Mr. Herman

Motion for the payment of the voucher for May 15th, 2023 for the recording secretary Irina Darrar Sullivan/Burnstein all in favor among present.

Motion to approve the minutes from April 17th, 2023 Burstein/Flemming yes: Burstein, Flemming, Riker, DeMarzo, Wall, Campbell.

Motion to approve the minutes from the April 24th, 2023 regular session. Burstein, Flemming, Riker, DeMarzo, Wall, Campbell.

Motion to approve the minutes from the April 24th, 2023 Executive session. Burstein/Riker Yes: Burstein, Flemming, DeMarco, Wall, Campbell.

Resolution # 2023-11

Resolution of the Planning Board of the Township of Jackson, County of Ocean, State of New Jersey, resolving litigation and executive settlement for Preliminary and Final Major Site Plan and Subdivision approval for Jackson Trails, LLC. Block 2300, Lots 22-29.

Motion Bressi/ Burstein Yes: Bressi, Burnstein, Flemming, DeMarzo, Heller, Wall.

Resolution # 2023-12

Resolution of the Planning Board of the Township of Jackson, County of Ocean, State of New Jersey Granting Preliminary approval to construct a three-story business/professional office building with variance relief for 680 Bennet Mills Road, LLC. Block 8701, Lots 18, 22 & 23

Motion Flemming/ Riker Yes: Burstein, Flemming, Riker, Campbell.

Agenda schedule change:

Bellevue Estates previously withdrawn application will be heard on November 6th, 2023

Application: Block 2201, Lot 54 Herman Jackson, LLC

Donna Jennings law firm of Wilentz, Goldman & Spitzer on behalf of the applicant. She stated that the applicant is here this evening seeking final major site plan approval to construct a warehouse building with ancillary office space. The property is located at 651 Herman Road and is identified as Lot 54, Block 2201. The preliminary approval as well as several bulk variances were previously granted by this Board back in the fall of 2022. In support of the proposal, the applicant will provide additional testimony by the site Engineer Gram McFarland.

Mr. Klee stated that this is an application for a 15,628 sq feet warehouse along with 3,000 sq feet of non-medical office space. The project received preliminary approval in December 2022. The applicant is here for final approval. Mr. Klee believes that the applicant did not receive final approval because of the discussion about the Architect. He stated that the Board needs some information about the Architecture.

Mr. Peters stated that the project is located in LM-Commercial Office light industrial Zone. For the Technical comments, the professionals have in the report regarding off-track traffic improvements discussed in the preliminary approval process.

Gram McFarland was sworn in. Professional engineer and professional planner. Will testify as a planner and engineer. He stated that exhibit A-1 is an aerial Map from July 2022. It shows the subject premises in green shading. The property is located along Herman Road. The applicant does have some disturbance to the Wetlands buffer and will obtain a permit from DEP for that buffer averaging. Exhibit A-2 is the preliminary site plan that was approved. It shows the building that received approval. At that time it was about 80 feet by 225. The applicant has reduced the building to 70 feet by 225 with a slight reduction in the floor area; the layout of the project is essentially the same, except that the applicant added a fire access lane on the left-hand side of the building. Exhibit A-3 in the current site plan was submitted for approval. The site now requires 28 parking spaces. The previous requirement was 32. Mr. MacFarland stated that there were a series of variances and waivers that were granted with the preliminary approval, and none of them have changed. This building is proposed to have 4 tenants. The Ordinance requires five-foot landscaping around the dumpster and given its location the Board granted the waiver. Exhibit A-4 is the building rendering for the updated plan. For safety reasons, two lights would be added to the emergency access drive.

Richard Tokarski was sworn in, from the firm of Tokarski, Millerman Architect in Wall, NJ. Licensed in the state of New Jersey. He stated that to make the building is more esthetically pleasing. This end of the building was blank during the preliminary hearing. The applicant continued clear story windows and added the third window wrapping around the street side of the building, also, 2 faux doors were added.

John Rea was sworn in, a professional engineer with McDonough and Rea Associates. He stated that no changes were made regarding traffic generation.

Public comments are open. No one came forward for public comments.

Motion to close public comments. Motion Burstein /Haring All in favor among present.

Motion to approve the application Riker/Bornstein Yes: Bressi, Burnstein, Flemming, Riker, Haring, DeMarzo, Wall, Campbell.

Application Block 1102, Lot 24.02 WB-Ocean 26, LLC

Mr. Klee stated that this is a continuation of an application that started back in March. It involves 3 private high schools. It is variance free. The applicant has provided a revised plan based on the comments of the Board during the initial hearing. Some testimony on those revisions is needed. Some clarification on how the water and sewer will be provided.

Mr. Peters stated that he has a revised report dated May 10, 2023. The applicant continues to revise the plans to address the comments from the Board and the public.

Donna Jennings Law firm of Wilentz, Goldman & Spitzer, on behalf of the applicant. She stated that the applicant was originally before the Board at the hearing on March 27th, 2022. At that time the applicant presented several witnesses including the site Engineer, the Architect, the traffic engineer, environmental and professional planner. Based on the comments received from the Board consultants, the Board, and members of the public, the applicant did submit revised plans to address most if not all issues raised. The following revisions were made to the plans: The applicant banked 52 of the parking spaces and shifted all three buildings back. The applicant also shifted the parking completely out of the front yard except for the bank parking which remains within the front yard. The applicant fenced the septic area and delineated the recreation area, added foundation plantings and buffer planting between the schools and the perimeter of the site, added a pressure fire main throughout the site, updated the turning lanes, and revised Architectural plans to reflect the second basement egress. Added no parking signs along Farmingdale and Fister Road, and added fire access roads buildings B and C and buildings B and A. In addition, the applicant's traffic engineer updated his traffic impact analysis, which is dated May 1, 2023, to take into consideration that the new students leave the site early on Fridays 1-1:15 PM. The traffic engineer concluded in his report that based on the Friday afternoon dismissal scenario that the off-site intersections of Fister Road, Farmingdale Road, and New Prospect Road will operate with acceptable traffic engineering parameters. Ms. Jennings stated that even with the revised plans there are several design waivers. No variances but several design waivers that the applicant is still requesting. The applicant still requested one from the Ordinance section 244-19711 to permit the bank parking for spaces in the front yard setback. 2, Ordinance section 244-197J2A2A with respect to entrance drives extending a minimum distance of 100 feet from the street right away or to parking access aisle or major circulation drive where 48.50 feet is proposed along Farmingdale Road and 40.07 feet proposed on Fister Road, for building A 50.05 feet proposed for the southern entrance for building B and 46.88 feet proposed for the southern entrance for building C. Ordinance # 244-197JA2B concerning the exit drives extending a

minimum distance of 60 feet from the street curb or to a parking access aisle or major circulation drive when 40.07 feet proposed along Fister Road for building A, 4377 feet proposed for the Northern entrance for building B and 47 feet is proposed at the Northern entrance at building C.

Joshua Schmuckler was sworn in. Chief operating officer of New Line Engineering. He stated that he has been involved in this project and many other projects. He was on Lakewood Township Planning Board, member for 8 years. He stated that previously there might have been inaccuracy regarding operations. A new updated statement of operations was submitted by his firm. He stated that the school will leave at approximately 1-1:15 PM on Fridays and Sundays. Starting time is relatively close to 7 -7:15 AM.

Mr. Flemming asked if Mr. Schmuckler mentioned Sunday.

Mr. Schmuckler said that Sunday is a regular day.

Mr. Flemming expressed concern that there will be Sunday traffic.

Mr. Schmuckler said that Sunday is a typical, regular day for school.

Christine Nazzaro-Cofome was sworn in. Licensed Professional Planner in the State of New Jersey. Practicing for 28 years. The license is currently valid. She stated that Ordinance 244-193B does require all users other than single-family homes to provide a buffer area where one's side property lies abut a residential zone. The specific language from the code rendering for A. Building size less than 15,000 sq. feet needs 10 feet buffer, for those building size of 15-50,000 sq. feet need 25 feet buffer. For building sizes greater than 50,000, 35 feet buffer is needed. So it does not say the aggregate, the way Ms. Nazzaro-Cofome interpreted is that the building before the Board would fall between the 15-50,000 ranges applying 25 feet buffer. She thinks that the applicant is providing a sufficient buffer.

Mr. Klee said he understands the argument, but in every application he reviewed, he took the aggregate of all the square footage to determine the buffer.

Mr. Peters stated that he thinks that we are parsing words. The buffer area section starts by saying all proposed uses are proposed using in total more than 50,000 sq. feet. He is not sure if this is a distinction without a difference, if they had 20 49 000 sq. feet of buildings, we would be probably looking for a bigger buffer, however given the layout of the project the Board determines that is necessary from the section of the code in accordance of how Mr. Klee has been interpreting this along with himself for a good long time, he thinks the applicant has proven their point in terms of the waiver relief.

Dr. Campbell stated that the Board should vote if the waiver should be granted.

Motion Bressi/Burnstein Yes: Bressi, Burnstein, Flemming, Riker, Herring no, DeMarzo, Wall, Campbell.

Mr. Richard Oberman was sworn in. New Lines Engineering. He stated that Exhibit A7 septic and well location. At the last meeting, it was not indicated where the septic would be, and now it's showing by building B along with the building and the access driveway.

Mr. Klee had a question about the specifics of the treatment facility that is proposed. He wants to know if a DEP permit is needed as well as a licensed operator.

Mr. Oberman stated that the applicant needs treatment works approval.

Mr. Riker stated that Mr. Oberman commented that the licensed treatment operator will be at the site. His question is if there is operator and permanent treatment on site 40 hours a week or if is it someone that gets called when things go wrong.

Mr. Schmuckler stated that they reached out to the person who works for White Stone firm, they are the ones who are contracted to operate the facility, and they'll get an answer.

Mr. John Rea was sworn in.

Dr. Campbell stated that she is still concerned about the dog leg situation and school buses. She stated that Mr. Rea was going to have more information about it.

Mr. Rea said that he is aware of the situation with the traffic that will be generated from New Prospect to Fister. It's workplace given the number of buses and the amount of traffic those particular schools will generate, he stated that the applicant will restrict the busses from making a left turn and going up Fister.

Mr. Schmuckler came up to the microphone and stated that he spoke with Kyle at the Whitestone. He states that they have an on-site custodian whom Whitestone will put through the specific DEP Certification and training. The custodian will be on the site, with that training on how to do testing and watch different items within the system. From that, it goes to State regulation and testing.

Public comments are open. No one came forward public comments were closed. Motion Riker/Burnstein are all in favor of the present.

Motion to approve the application Riker/ Burnstein yes: Bressi, Burnstein, Flemming, Riker, Haring, DeMarzo, Wall, Campbell

Respectfully submitted by

Irina Darrar

Planning Board Recording Secretary