

JACKSON TOWNSHIP PLANNING BOARD MEETING

Monday, June 5th, 2023

The June 5th, 2023 special 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-Mayoral Designee Mr. Riker
 Mr. Burnstein Mr. Heller
 Dr. Flemming Mr. Wall
 Mr. Sullivan Ms. Demarzo
 Mr. Herman

Absent: Mr. Bressi, Dr. Campbell

Also Present Planning Board (acting) Attorney, Ernie Peters, Board Planner, Doug Klee, Board Engineer, And Laura Morrison Planning Board Secretary.

Motion to approve a voucher for Planning Board recording secretary Irina Darrar
Mr. Riker/Burnstein All in favor among present.

Motion to approve the minutes from May 1st, 2023. Sullivan/Burnstein yes: Burnstein, Flemming, Haring, Sullivan, DeMarzo, Heller, Herman.

Resolution # 2023-07

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 Bias Yaakov, Inc. Block 15601 Lots 2 and 6, and blocs 15701 Lot 15.

Motion to approve Burnstein/Sullivan Yes: Burnstein, Flemming, Haring, Sullivan, DeMarzo, Heller, Herman.

Block 7310, Lot 1 2111 Discovery Way LLC

Mr. Klee stated that this is an application for the Preliminary and final major site plan. The applicant is proposing the construction of a 6,000sq feet two-story office building in a jug handle area adjacent to the West County line and Brewers Bridge Road. There is an existing gas Station that will be removed in conjunction with the proposed development. Mr. Peters raised the question as far as the environmental issues, the gas station is properly closed. If appropriate permits have been obtained, Mr. Klee needs some testimony. Environmental Commissions indicated no issues as of March 23, 2023. Mr. Klee thinks the biggest issue is the closure of the gas station. There are several existing condition variances related to the dimensions and configurations of the lot. There are also 4 new variances created. Some testimony is needed.

Mr. Peters stated that his office has a report dated April 28th of this year. He stated that is permitted use in the zone. There are existing variance conditions given the odd shape of the lot and the idea that it's within an off-ramp for the County Line Road at the intersection with the traffic light, Mr. Peters would ask the applicant to provide some testimony about the variance conditions. Mr. Peters needed some testimony about the access points on County Line Road and Brewers Bridge Road.

Donna Jennings from the Law firm of Wilentz, Goldman, and Spitzer on behalf of the applicant. She stated that the applicant is seeking Preliminary and final Major site plan approval and several bulk variances to construct a two-story approximately 6,000 sq. feet professional office building. The property is located at 2100 W. County Line Road. The subject property is located in the neighborhood Commercial Zone where the property office building is permitted. Seven bulk variances are being sought. The applicant is seeking a C1 hardship variance.

Mike Intile was sworn in. A professional engineer and planner, in the state of NJ, since 1990. He is the principal with Crest Engineering Associates in Millstone and Toms River. Mr. Tilly stated that site plans were prepared under his directions. He stated that exhibit A3 shows the existing conditions. The site is located on the three frontages. The applicant is in a highway Commercial Zone, 0.69 Acres in total size. Mr. Tilly stated that the existing site is a dilapidated gas station, and the tanks have been removed. There are three entrances to the site. Exhibit A1 is a rendering exhibit that shows that there are three entrances and exits to County Line Road and Brewers Bridget Road. Surrounding the applicant property are a Commercial Zone property and developed properties. Mr. Tilly stated that the site topography runs from East to West, and slopes down to the intersection. There is significant infrastructure. There is 36 inch RCP the applicant will be tying into that with the storm system. The areal exhibit A2 shows the site, bounded in red. Mr. Tilly stated that Exhibit A1 is a rendering of the site plan and shows what the applicant is proposing. It is a 6,000 sq. feet two-story professional office building. Two suites on each floor, 4 suites total. Currently, 30 parking spots are proposed. There is one EV space proposed and two handicaps proposed. Mr. Tilly stated that the applicant is proposing two right-in-right-out-only entrances and exits to the site. Improvements to the site would be lights and landscaping, and stormwater management. The applicant also has a sewer connection. A sewer is at the back of the site to the east, along Brewers Bridge Road. The light that the applicant is proposing is 20 feet-high LED shoebox-type fixture. The applicant is proposing Sunset Maple and Pin Oaks along County Line Road. Mr. Tilly stated that the site is unique. It's driving the variance conditions. The variance for the setback is 60 feet is required and from both sides, 30 and 33.8 feet on County Line Road, and 36.7 feet to the building on Brewers Bridge Road. Other variances are required 200 feet required, and 117.84 feet on Brewers Bridge Road is proposed. A lot of depth of 200 feet, 117 is proposed. The third one is the front setback of 60 feet is required from County Line with 33.8 feet and from Brewers Bridge to the front setback of 60 feet, 36.7 feet is what is proposed. Another variance is requested for the accessory structure. Because of the footage and the size of the property relating to the frontage and location as eight feet is proposed to the back of the refuse when 60 feet is required by the Ordinance and the parking offset requires 20 feet and 10 feet is being proposed. Mr. Tilly stated that the Fire report asked for 2 hydrants on the site. He stated changes will be made as required.

Mr. Klee asked if it is a non-medical office.

Ms. Jennings said it is a business office, professional, and non-medical.

Mr. Riker stated to prevent someone from using a faster jug handle, would the applicant put a speed bump on the site or near one of the exits on Brewers Bridge Road?

Ms. Jennings said the applicant can work with the site engineer.

Ms. Jennings stated no solar is proposed.

Melissa Mermelstein was sworn in. Graduate of City College of Architects in New York, Licensed in New Jersey. The majority of the plans were prepared under her supervision. She stated that exhibit A6 shows the proposed 6,000 sq. feet slab on the grade office building. It is a two-story office building. 3,000 sq. feet per floor. Divided into two office suites each. Suite 101 is 1,006 sq. feet, suite 102 is 1,306, and suite 201 is 1425, suite 202 is 1072. There are currently no tenants so sizes are subject to some flexibility. The roof can be accessed through a ladder and hatch on the second floor. The applicant is proposing some roof-mounted HVAC equipment. Exhibit A7 shows that the applicant is proposing 30 feet to the top of the roof with another 4-foot-six parapet, 15 feet from the first floor to the second, and another 15 from the second to the top of the roof.

Mr. Wall joined the meeting at 7:26 PM.

The applicant is proposing a pallet of stucco glazing paneling and wood-look trim to give a variety of textures to the building.

Ms. DeMarzo asked if there is an elevator.

Ms. Mermelstein stated that no elevator is proposed. The reason is that per the building code, this building is categorized as a small building with less than 10,000 sq. feet and two stories.

The building code does not require an elevator for a building that size.

Ms. DeMarzo asked how the handicapped person will get to the second floor.

Ms. Mermelstein stated that unfortunately, the Building Code does not mandate it and this New Jersey edition that was adopted has no mechanism to mandate it.

Ms. DeMarzo asked how is the building ADA compliant.

Ms. Mermelstein stated that per building Code is ADA-compliant.

Mr. Riker stated that with the understanding any building codes have minimum standards, it's the least one can do and it can be done better.

Mr. Sullivan stated that a person who has a disability is always keen to make sure that people with disability are taken into account when buildings are built. Although the applicant is not required to have an elevator. It should be provided.

Mr. Shea stated that he does not want to play the bad guy here. He said that when it comes down to this application, it's not within the Ordinance, so the Board has to vote based on the element of the Ordinance. Having an elevator is not part of the Ordinance. He stated that the jurisdiction will be getting permits through the building department.

Mr. Wall asked if the local Ordinances under which the Board operates are compliant with the American Disability Act.

Mr. Shea stated that when it comes to internal issues it falls under the business code.

Ms. Mermelstein stated that she cannot speak for the Ordinance and what it complies with but the NJ building code gives a list of other codes that all other buildings need to comply with. One of those codes is ANSI which is a disability Code that takes from ADA. It is an adaptation of ADA and the applicant complies with ANSI.

John Rea was sworn in. A professional Engineer with McDonough and Rea Associates traffic and transportation engineer. He stated that he has visited the site and prepared a traffic impact study dated January 5th, 2023. He stated that this is a relatively small office building, 6,000 sq. feet. It will generate approximately 10 peak-hour trips during the morning and afternoon peak hours. Access to W. County Line Road and Brewers Bridge Road will be limited to right-in and right-out access points only. There will be no left turns into or out of either one of the two driveways. So as a result of that access configuration and easier movement that needs to be made, the right turn exits only from each of the driveways. The applicant has an A level of service conditions that are very unusual for driveways or intersections in the Township. Both existing driveways and exit movements will operate at the level of service A for the designed year. There are 30 parking spaces proposed which means the Municipal Ordinance requirements.

Christine Nazzaro-Cofone was sworn in. The business address is 125 Half Way Road, suite 2000, Red Bank, New Jersey. The licensed professional planner in NJ, practicing for 28 years. Ms. Nazzaro-Cofone confirmed that she visited the site, and reviewed a township master plan and the application as well as the review letters to the Board professionals.

Ms. Jennings asked if Ms. Nazzaro-Cofone thinks that the applicant satisfies the positive and negative criteria for the granting of the bulk variances.

Ms. Nazzaro-Cofone stated that this application is in the Township's HC Highway Commercial zone, so it is a permitted use. She stated that the applicant is asking for seven variances. Three of them relate to the existing conditions of the property regarding area frontage and depth, and non-conformity associated with those. The applicant is also seeking two front yard setback variances to West County Line Road as well as Brewers Bridge Road, where the Ordinance requires 60 feet, the applicant is proposing 33 and a half to West County Line and approximately 37 to Brewers Bridge. Ms. Nazzaro-Cofone thinks that there is an opportunity in regards to the elevator issue and potential solution to increase the degree of that front yard setback to Brewers Bridge, and push that building perhaps back to about 30 feet. Which allows the applicant to create an elevator shaft there. The other 2 variances that the applicant is seeking are for the refuse in the parking area in the front yard and lot area. Here is the undersized lot area in the

zone, it is 40,000 sq. feet. This lot is just shy of 30,000 sq. feet. Also got roadway frontage surrounding it, which creates difficulty in developing the site. There is also right-a-way dedication associated with this application, so all of those things in Ms. Nazzaro-Cofone's opinion set a variance relief up for a C1 variance, hardship criteria.

Mr. Riker asked if Ms. Nazzaro-Cofone is proposing to increase the square footage for the potential elevator.

Ms. Nazzaro-Cofone stated that only for the potential elevator, would be about 200 sq. feet that not increase over 6,000 sq. feet, she is proposing to accommodate the additional square footage that would be necessary to provide the elevator and to solve some of the Board's concerns.

Mr. Peters stated to make sure the Board has the correct numbers in the Resolution of the plans. Signage requires a design waiver.

Open to public comment, seeing no one came forward, public comments closed.

Motion Riker/Sullivan All in favor among present.

Ms. Jennings states that overall this is an opportunity to develop an eyesore at this intersection. Impervious coverage is being improved, landscaping and the visually pleasing building, and asked the Board to approve.

Motion to approve the application. Riker/Sullivan with the adjustment for the elevator of approximately 200 sq. feet, adjusted setbacks accordingly. All in favor among present.

Changes to the agenda schedule. Mr. Herman stated that July 3rd, 2023 meeting has been canceled. Ge also stated that application 4901 Lot 13 GM 425 Harmony LLC would be moved from July 3rd, 2023 to the July 17th, 2023 meeting. Block 102 lot, Yosef Rothenberg will be carried from July 3rd, 2023 to the meeting to July 17th, 2023 meeting. Block 12201 lot 16 and 18 Bennetts Mills Realty LLC will be carried from the July 17th 2023 meeting to the October 16th, 2023 meeting.

Motion for those changes Burstein/Sullivan all in favor among present.

Application Block 2501, Lot 3, **340 West Commodore LLC.**

Mr. Klee stated that this is an application for an amended preliminary and final major site plan. The Board had previously granted approval for the construction of a 29,400 sq. business office and 293,000 sq. feet of office floor area. The applicant is requesting an amendment, bringing it down to two buildings. One building is 250,000 a warehouse, 17,000 worth of business office, and Building two is 293,000 sq. feet of warehouse and 61,125 sq. feet of business office. The Board asked for certain revisions. Revised plans have been submitted. Some testimony from the applicant is needed regarding the revised plans.

Mr. Peters stated that the applicant is still permitted use in the zone. Looking forward to the testimony in regards to the changes to the plans.

Salvador Alfieri on behalf of the applicant. He stated that the applicant was here on September 19th. Several technical issues were raised by the Board during the testimony. Mr. Borden submitted revised plans on October 27th. Mr. Alfieri stated that there is a gentleman in the audience who represents Tilton Auto Body to testify. Mr. Alfieri said that their property is to the left if you're facing our property. The applicant has agreed that as a condition of approval, if the Board would grant this approval, they have certain decorative or retaining walls that are in front of their property that encroach upon the right- a way that is owned by the county. If this application is approved and the applicant constructs, the applicant would agree to relocate those improvements out of the right of way onto their property as part of the applicant's road improvements program. This will be a condition of the approval.

Mr. Ian Borden was sworn in. President of Professional Design Services, Airport Road, Lakewood, New Jersey. The licensed professional planner in New Jersey. Mr. Borden stated that exhibit A1 shows which was presented in September is an aerial of the site. Exhibit A2 is the approved site plan that is currently under construction and partially completed. This plan was approved for three warehouse buildings containing 333,510 sq. ft., 343 parking spaces were required and 359 were provided. The Phase One building, which is the building on the far right has been completed, that was damaged during the tornado and the intent is to fix or replace that building. The applicant is speaking about phase two, which is the two buildings on the western part of the job. The applicant is proposing to amend the site plan approval regarding phase 2. Exhibit A3 is the site plan that was presented in September which is to consolidate the remaining two buildings into a single building, which is bigger than the two buildings. The total size of the project will increase by approximately 30,000 sq. feet to 363,185 sq. feet. 342 parking spaces are required and 359 are provided. The reason the required number of parking spaces did not increase even though the applicant increased the building area is that the administrative office associated with this project decreased. The original project had 29,400 sq. feet of Administrative offices, with the remainder being warehouse and this proposal has 23,125 sq. feet of offices with the remainder being warehouse, 340,060 sq. feet. As a result of these changes, the impervious coverage has not increased. There is a single major access drive to West Commodore Blvd. which is centrally located. There are substantial widening and striping improvements to West Commodore Blvd. Exhibit A5 shows a small part of the residential zone, in the northwest corner of the site. Behind Tiltons there is zoned residential. The applicant has received a variance for the buffer in the original approval. The applicant eliminated the need for the variance by relocating the rear access drive, and the applicant pulled that down, so the applicant provides the buffer required by the Ordinance. There is some truck parking in the back. It was suggested that the applicant flips the direction. It is a one-way drive back there. The applicant flipped it the other way and added more landscaping. The applicant will provide 15 EV parking spaces, which is required under 2022 State Law.

Mr. Alfieri asked Mr. Borden to confirm that the warehouse will operate with three shifts, so that will be 24 hours of operation a day.

Mr. Borden said yes.

Mr. Alfieri asked if there is anything in the Ordinance that prohibits that type of housing operation.

Mr. Borden said no.

Mr. Wall asked parking of the 21 trucks whose lights will be facing Tiltens, is that part of the conformity application or if is that part of design waiver 3? For example is those 21 trucks that are facing Tilton's property, now 24 hours, was it approved at 24 hours last time?

Mr. Alfieri said it was not.

Mr. Wall wants to understand where we're changing, going from not having 24 hours to having 24 hours and having 21 trucks with their lights facing Tiltens property. Tilton might think that that's okay, I'm not judging that, but is that something that is a right, or is a waiver that is being requested?

Mr. Borden said the answer is no. There is no waiver created as of result of that.

Mr. Peters asked how many truck-loading spaces are on the West side of the property.

Mr. Borden said he counts 21.

Mr. Wall asked which one is the design waiver 3 shown on September 19th, 2022, the parking stalls proposed along major circulation driveways where none are permitted.

Mr. Borden said that it was eliminated because, under the original application, the major circulation drive goes through the center of the office parking area here.

Public comments opened.

Resident Brian Guardino, 371 West Commodore Blvd. was sworn in. He stated that tractor-trailers are going eastbound and there will be a jug handle to go into the warehouse. The tractor-trailers are really long, once they line up the jug handle will start to get back up, the trucks will start blocking the houses. He thinks there is not enough room for 21 trucks. Also, he is concerned about the 24-hour shift.

Mr. Borden said that the original approval had 36 loading zones. So this proposal is to consolidate into a single building, reducing the loading zones from 36 to 21.

Mr. Alfieri said that the traffic report was not done because the applicant consolidated two buildings.

Resident Liesel Treacy, 361 West Commodore Blvd. was sworn in. She stated that Mr. Purpuro ensured her that they will follow the original plan from 2018, which was the hours of the operation from 7 am to 6 pm.

Mr. Alfieri stated that he has a Resolution from April 15th, 2019 that states the hours of the operations are 7 am to 11 pm. It is a signed resolution approval.

Mr. Riker asked Mr. Alfieri to confirm that this is not a distribution center.

Mr. Alfieri said it is not.

Resident Wiros, 365 West Commodore Blvd. was sworn in. He asked if the warehouse is climate controlled.

Mr. Alfieri said he has no answer on that, depends on who the tenant is.

Tim Sculthorpe, 360 West Commodore Blvd. was sworn in. His family owns the property and the Tilton business.

Mr. Alfieri wanted Mr. Sculthorpe to confirm that they agreed to relocation of the improvements that they own within the right of way and to have them put them on their property at Tilton's request.

Mr. Sculthorpe said yes as long as whatever is moved is dismantled right. He says that the only concern he has whatever is disturbed is made whole,

Motion to close Public comments. Motion Riker/Sullivan all in favor among present.

Mr. Alfieri stated that he request that the Board take two separate actions, so the applicant does not get bogged down with dissatisfaction with one or the other. Mr. Alfieri stated that the first being that the applicant receives preliminary final amended site plan approval for the consolidated building, all the conditions that the applicant testified to would be included in the resolution. It is a variance-free application, no relief of any kind is required. The second request is the removal of the limitation of the hours of the operations from the prior approval.

Mr. Wall wants to confirm that there will be only 21 trucks allowed and as part of the resolution that there would only be 21 trucks allowed. But if a bay is two trucks and it's actually 42 trucks and this is just an illustration and the actual number is double, there is no issue having it limited to 21 trucks. Mr. Wall stated that he is not aware of any obligation to do 24 hours. He stated that the Planning Board in good faith gave the hours of the operation from 7 am to 11 pm. Mr. Wall said that changing the hours is not compelling. Mr. Wall asked the attorney if there is anything that compels the Board for the 24-hour operations.

Mr. Borden responded and said it's a greater reach.

Mr. Flemming agreed with Mr. Wall, he stated that he feels very uncomfortable with applicants who are getting an application and using that application as a stepping stone for the next application on the same piece of the property.

Mr. Shea stated that there are one of two things that the Board can do. First, determine whether or not the Board wants to carry this application to get clarity on what the applicant is willing to do. Number two the Board makes some kind of decision by way of a vote right now as to whether or not the Board agrees as a condition of approval is going to be for 21 trucks and a separate vote as to whether or not the condition of the approval and prior resolution is going to be revised to 24 hours.

Mr. Flemming stated that there is already a resolution that the applicant agrees to this in regards to 24 hours of operation.

Mr. Riker stated that proper term is a dock position and the Board is not counting the trucks, the Board is counting docking positions.

Mr. Alfieri asked Mr. Peters if there is anything that the applicant is missing.

Mr. Peters said yes the Architect plans. He said the previous application for the loading docks was wide enough to handle two vehicles. Fairly indicated in the professional's reports, indicated in the application submission. Each of the loading docks is wide enough for two trucks. The traffic report followed that. So, unfortunately, without new architectural reports for the combined building, the Board does not have revised Architectural plans. The Board and the professionals don't have an idea if there are 21 units, 21 trucks or is it 21 docks that are wide enough for two triplets each. We don't have that answer, it was not submitted to this Board for review.

Mr. Alfieri suggested coming back with the specifics. Unfortunately, the applicant does not have the Architectural plans. Mr. Alfieri has no issue carrying out the application.

Mr. Herman stated that he wants to see the site engineer and Architect's testimony for the next meeting so some of the questions get addressed that were brought up.

The application was carried to October 2nd, 2023, with the requirement of the notice. Motion by Riker/Burstein. All in favor among present.

Motion to close Riker, Burnstein all in favor among present.

Respectfully submitted by

Irina Darrar

Planning Board Recording Secretary