

JACKSON TOWNSHIP PLANNING BOARD MEETING

Monday, July 18, 2022

The July 18th, 2022 meeting of the Jackson Township Planning Board was called to order at 7:30 p.m. by Board Chairman Robert Hudak with a salute to the flag by all present. Attorney Sean Gertner read the Open Public Meetings Act Statement noting that adequate notice has been provided and advertised in the manner prescribed by law.

Roll Call:

Dr. Campbell	Mr. Hudak, Board Chairman
Mr. Flemming, Councilman	Mr. Canderozzi-Alt # 2
Mr. Riker	Mr. Riccardi, Mayor's Designee
Mr. Burnstein	Mr. Haring, Board Vice Chairman
Mr. Herman –Alt #1	Mr. Wall- Municipal Representative

Also Present: Sean Gertner, Planning Board Attorney, Ernie Peters, Board Planner, Doug Klee, Board Engineer, Anthony Jacob, Township I.T. Representative, and Irina Darrar, Planning Board Recording Secretary, Laura Morrison Planning Board Secretary.

Payment of Recording Secretary, Irina Darrar for June 20th, 2022 meeting, Motioned by Riker/Haring Yes: Mr. Flemming, Mr. Burnstein, Mr. Riker, Mr. Riccardi, Mr. Haring, and Mr. Hudak.

Minutes to approve from May 2nd and May 16th, 2022. **Motion by Riker/Burnstein Yes:** Mr. Fleming, Mr. Burnstein, Mr. Wall, Dr. Campbell, Mr. Riker, Mr. Ricardo, Mr. Haring, and Mr. Huda.

Engineering and planning matters.

Mr. Hudak said the first one is Block 23001, Lots 22 through 29, Jackson Trails- fire hazard mitigation standard.

Mr. Hudak asked Mr. Klee to enlighten the board.

Mr. Klee stated as the board might recall Jackson Trails was subject to litigation and there was a settlement agreement put in place. One of the settlement agreement conditions was that the applicant can secure all his outside agency approvals. During the process for the Pinelands Commissions for their final sign-off, they raised the question regarding the fire Hazard mitigation standard of the Township and the CMP and if this project was consistent with that.

Mr. Klee stated in his mind based on what he knows about the Ordinance and the CMP, it was and he penned a letter back to the Commissions indicating that. They came back and said, no Mr. Klee with all my respectably good enough. They wanted to have the finding from the board. Mr. Klee felt uncomfortable speaking for the board. He said that from his perspective engineering wise it does. But they wanted the board to make that finding. Mr. Klee asked a representative from the applicant to be here tonight to answer any specific questions the board may have regarding it, but it's an outside agency approval. There is a hurdle that needs to be negotiated. Mr. Klee has no problem with it. But Pinelands Commission wants to hear from the board that they made this finding. Also, there was an issue regarding cisterns that will be provided for fire suppression. If the board had any questions regarding that now might be a good time to ask.

Mr. Hudak asked Mr. Klee if those cisterns meet the requirements.

Mr. Klee said he has not really seen the final design other than the location and the size. The biggest issue for tonight is the fire mitigation and the finding from the board that it's either consistent or not. Mr. Klee suggested asking the applicant about the cisterns, and where they are regarding fire official approvals.

Borden was sworn in. President of Professional Design services in Lakewood New Jersey. The licensed professional planner in the state of New Jersey.

Mr. Gertner asked Mr. Borden that he will testify as the principal planner for this project from its inception.

Mr. Borden said that it is correct.

Mr. Gertner asked to clarify what CMP stands for.

Mr. Borden said it is Pineland's Comprehensive Management Plan, in effect in Jackson Township since 1982. Obviously, it has dictated all the zoning in the Pinelands section of the town. Also, there are performance standards associated with those regulations. They relate to, wetlands buffers among other things. One of the items is a fire hazard. Those regulations require certain fire buffers or breaks. In the case of the fire hazard regulations, Pinelands is the only one in the state of NJ and Mr. Borden said he believes the entire Eastern US has this type of regulation. It intends to protect any development from wildfire. Development is required to develop a fire break depending on the size of the project. That means clearing trees or clearing understory typically. In the case of Jackson Trails, Mr. Borden had provided a testimony at the hearing in 2019 on this issue stating that the Jackson Trails, recall that half of the property is wooded, the Western portion and the area to be west of that are developed with Ridge Ave and Basso Streets. Mr. Borden said that it remains his testimony that the area does not

constitute a high hazard or extreme fire hazard. One of the criteria used to determine if a fire hazard is present is unbroken forest; pitched pine in the forest would generate a higher forest hazard. The development in particular is and specifically right-a-way understands that Basso and Ridge all have paved cart ways approximately 30 feet in width. Mr. Borden said his testimony in 2019 was there is no fire hazard here, nor is any fire break required, and that testimony was not questioned in 2019, it was just part of the record and never been part of any controversy.

Mr. Gartner stated that the testimony in 2019 was based on the development as presented to the board at that time and it's slightly different. Mr. Gartner asked if that representation can be made.

Mr. Borden said yes.

Mr. Gartner said your testimony seems consistent with 2019. It's based on the fact that there is development there so that the pitch pine is being knocked down. I mean me speaking from 30,000 feet. Therefore you don't need these fire breaks. It's not like these wildfires in California. Correct?

Mr. Borden said that it was correct. Unlike most buffers, where we talk about Wetlands, where buffers need to be preserved. In the applicant's case, the areas are off-site. The area does not generate a hazard in this case.

Mr. Gartner said his role in following up on his question is to the extent that development at that time did not rely on the cistern system for the building's fire suppression. What is the interplay now that it's relying on the cisterns system if any such, that the board can feel comfortable in making a finding? Is the plan that has been submitted consistent with the CMP?

Mr. Borden stated that under the CMP as written, the Jackson Land Use Ordinance as a Certified Municipality simply regurgitates what's in the CPM as necessary. Whether a development, be it commercial or residential, what type of water supply is in the development is not relevant to those requirements. It is simply what the nature of the forest is. Is it in a potentially hazardous scenario? In the applicant's case in NJ, it is to the west or North West because of the prevailing wind. The prevailing winds in NJ are to the west and northwest. In this case, there is simply no hazard.

Mr. Hudak asked Mr. Peters if he concurs with the testimony.

Mr. Peters said he did not have an opportunity to review the Comprehensive Management Plan or the requirements of the fire breaks, but generally speaking, he thinks that Mr. Borden's testimony is accurate based on his recollection of the code. He said it is generally what is in the

code to the best of his recollection. Mr. Peters said that Pinelands is asking for the information, so if Mr. Borden puts it on the record and the board agree with that, the board can send it to them. If they said that it is not what our CMP says; the board will be back to square one. The Board is having a conversation for the purposes of Pinelands regulations. Mr. Borden has testified here for over 25 years. Generally, he does the right thing. Mr. Perets is not averse to taking it on faith, that information is correct.

Mr. Gertner stated that the reason why the board is asking now to clarify the finding is the reason Mr. Klee stated which is how the application itself obtained approval. It was approved not through the Resolution approval, but it was approved with a slight adjustment via a court settlement. It's devoid sometimes of certain findings that outside agency approvals would generally look for. Mr. Gertner stated that Mr. Klee engineering-wise and administratively sign off on it, and also understands the concern that Mr. Peters has in times of preparation of course, everyone wants to be prepared. Given the very slight differential in the plan, the fact that there has been no objection to Mr. Borden's articulation that fire mitigation is a forest fire, a forestry issue, and not a building issue. The cistern system is not relevant to the Pinelands wildfire question. Mr. Gertner would have known specific objections to the board making the finding based on the testimony of Mr. Borden and some extent to Mr. Klee.

Mr. Klee stated that all the time that he has been here, he hasn't seen the local fire officials pushing for or asking that, this is more a pineland standard.

Motion to approve Riker/Campbell Yes: Dr. Campbell, Mr. Riker, Mr. Burnstein, Mr. Herman, Mr. Flemming, Mr. Haring, Mr. Candeezzi, Mr. Hudak.

Abstained Mr. Wall and Mr. Riker

Mr. Hudak stated that there is another Engineering and Planning matter. Block 401 Lot 9 Wright Debow Road.

Mr. Klee stated that he asked Laura to put on this on the agenda. It relates to the recent approval for some warehousing. It was approved and a situation rose where there was an access easement along what he called the Southern property line. The project was designed with certain improvements, with no building, driveways, or curbs within that easement. Mr. Klee thinks the representation from the applicant was that it would be okay. As it played out, the party to which the easement was granted had some objections to the improvements being placed in the easement area. They made a slight adjustment to the plan, to remove all the improvements from that easement area. Mr. Klee asked Mr. Borden to come and explain what was approved and what was proposed. Mr. Klee stated that his only concern would be that as long as fire officials approve of the modifications, Mr. Klee would have no issues.

Mr. Gertner said the reason why he was consulted, putting it on the record, he has no objections to doing that in this fashion and having the plan, the changes in the plan not rising to a full final sight plan amendment, was that in the large picture Mr. Klee indicated to Mr. Gertner as well as a from planning perspective, Mr. Borden, the changes were minimal and the Resolution itself had not been memorialized yet. Should the board not have an objection to this slight and again arguable slight change in the plan, the memorializing Resolution that would approve it would simply further memorialize the activity that occurred this evening. It seems like the more judicious manner in which to use time and recourses but still, it's up to the board to make that determination, such as this the original application does that require notice. A final sight plan Amendment would not require any notice any that was another reason that Mr. Gertner had no objection to this process.

Mr. Borden was sworn in. He stated that he is graduated from Rutgers University, 40 years ago. Licensed planner, president of PDS for 25 years. Had been involved in planning and engineering for 30 to 40 years. Mr. Borden stated that he was a principal planner for this project on Right Debow Road. He said that there was an applicant's ingress drive on Kolondorski road, which is a road off of Right Debow road, and along that bouldering line, that runs North-south there is an existing 50-foot access easement to a neighboring property in the rear, that property is landlocked. The property is owned by others, that recently received a variance before the applicant and Mr. Borden stated this project for industrial use. On the plans on the screen, the board can see a black line there, that shows where the applicant access drive as the board approved the project, encroaches into that 50 feet buffer slightly and then secondly this driveway around the rear smallest building dipped into the access easement so the charge that Mr. Borden was given, post-approval, was to eliminate any encroachments into that 50-foot easement, so all the applicant did was slightly reduce the impervious area, to pull that back to the black line that is shown on the plans, that are what the board had approved. To the back of the property, there were some parking spaces in the driveway. The applicant pulled the parking back to this line; the applicant still has many spaces. This project had over 100 extra spaces on it. Mr. Borden said the applicant lost a few spaces but was still way in excess of the Ordinance standards. The applicant changed the paved driveway to a gravel driveway around the building. This is the extent of the revision that was made by the applicant. It did not change the driveway, any building area, or any parking other than the small change here and two spots right on the side. It did not increase any imperviousness. Mr. Borden stated it was a much-diminished change to be site.

Me. Hudak Asked about the turning radius.

Mr. Borden stated the turning radius of this rear access driveway remains the same. The surface changed from pavement to gravel. Mr. Borden asked Fire District # 4 to approve this

modification. They have not responded yet, it only has been a week. This approval will certainly be a condition of the approval.

Mr. Gerner asked is that portion curve so to speak still over the easement.

Mr. Borden said yes. That is why he makes it gravel because there is a note on the plans that it's hard to read but, says that when the applicant's neighbor extends a driveway down here, the applicant would just use a piece of his driveway as part of the emergency access around the building.

Mr. Gertner asked if that easement is exclusive or inclusive such that the applicant is permitted to utilize and maintain some use of it over that easement.

Mr. Borden said that Mr. Gertner takes a lawyer's term that is above his pay grade but he stated that the plan has been shared with the property owner and he has not objected at all to it.

Mr. Gertner said that's a bridge too far given the fact that there was a misunderstanding over use to begin with. Mr. Gertner was concerned given the imprimatur of approval of that without knowing the language of the easement, an easement that's giving access that is a 50-foot right of way back to a landlocked piece of property. Understanding from an engineering perspective if works, Mr. Gertner does not want to make the same error twice.

Mr. Borden said that this plan has been in the position of board engineering, and planner for over 30 days and this is the first time Mr. Borden is hearing of this comment. As he stated that he had multiple emails between us and he heard nothing about this until sitting here. If he had known about this comment existed, the attorney for the applicant would have been here.

Mr. Gertner said that quite frankly he just notice it on the big picture himself. To the extent I have an obligation, it's a concern.

Mr. Klee thinks from the legal perspective, engineering wise he looked at it in one way.

Mr. Gertner added that the board has an obligation prior to doubling down on potential errors to clean those errors up. He added that we are all humans and he did not notice before the error, which is why a heads up was not given to Mr. Borden. Everyone else who participated in that, it's self-evident that it's going over that easement and anyone who had done their diligence including Mr. Gertner should have seen that it still crossing that easement, do we have the right to do that?

Mr. Borden said that the plan has been very clear, the note reads that the applicant will use the neighbor's driveway.

Mr. Gertner stated that the question is from the board's perspective, from the Engineering perspective if it is a de minimums change, there is less impervious coverage, and only crossing over the easement, there is no physical space, more than enough parking even with the reduction of two parking spaces, that's the only question.

Mr. Klee stated from the Engineering perspective there is an easement across the property and the adjacent property wants all the improvements out of it. They are except for this portion of a gravel driveway. Mr. Klee made an assumption right or wrong that the entity that has an easement, saw it, and had no problem with it, maybe a bad assumption.

Mr. Flemming suggested tabling it and getting a written determination of the people who own the easement.

Mr. Herman asked if this was shown to the neighbor.

Mr. Borden said yes. He said that they have a very good relationship with the neighbor. It's the Mitchell Estate. Tom Avino represents them. He did not come to the public hearings, this issue was raised after the board approval. Mr. Borden emailed plans to Mr. Avino, he had spoken with him. There has been no objection raised. Mr. Borden thinks that Resolution can simply say a condition is that the applicant received approval of that joining property owner.

Mr. Gertner said the board could absolutely say that. He said that Mr. Borden's suggestion in response to Councilman's suggestion is not improper. If the board were so inclined based on the balance of the information received to approve this Administrative change, subject to among other things receiving written documentation from the owner of the easement, from the benefactor of the easement from a legal perspective. Mr. Gertner has no issue with that Mr. Klee asked if this could be a condition of the approval of the Resolution since the Resolution has not been adopted yet.

Mr. Gertner said it will be a condition of the approval.

Mr. Klee stated that it will be like any other outside agency approval and he will be looking for that letter.

Motioned by Herman with the condition stipulated by the board about getting permission from the neighbor.

Mr. Gertner said that the motion to approve the Administrative change subject to all the prior conditions of the previous approval and including a written verification for the property owner benefited by the easement that the new administrative design is acceptable to them.

Motioned by Herman/Flemming Yes: Dr. Campbell, Mr. Riker, Mr. Burnstein, Mr. Wall, Mr. Flemming, Mr. Haring, Mr. Hudak

Resolution # 2022-13 Block 197, Lots: 12, 13. 01, 13.02, 13.03, 13.04 and 13.05 –BMH Property 1, LLC

Motion by Riker/Flemming Yes: Dr. Campbell, Mr. Riker, Mr. Burnstein, Mr. Herman, Mr. Flemming, Mr. Harin, Mr. Canderozzi, Mr. Hudak

Resolution # 2022-14 Block 4601: Lots: 9, 10 a, and 11 the Boulevard Office /Maz Properties

Motion by Herman/Riker Yes: Dr. Campbell, Mr. Riker, Mr. Burnstein, Mr. Herman, Mr. Flemming, Mr. Haring, Mr. Canderozzi, Mr. Hudak

Resolution # 2022-15 Block 20601 Lot 10 and 11 –Denton Pines, LLC

Motion by Riker/ Flemming Yes: Dr. Campbell, Mr. Riker, Mr. Burnstein, Mr. Herman, Mr. Flemming, Mr. Haring, Mr. Canderozzi, Mr. Hudak

Resolution # 2022-16 Block 20501 Lo: 27 Casey Hunter

Motion by Campbell/Burnstein Yes: Dr. Campbell, Mr. Riker, Mr. Burnstein, Mr. Herman, Mr. Flemming, Mr. Haring, Mr. Canderozzi, Mr. Hudak

Changed to the agenda:

Mr. Gertner said he has received an email from Mr. Pfeffer on A and Z contractors located at 55 Houston Ave for the amended site plan for ground-mounted energy. They asked for an adjournment to review the use and whether that use may require the use of a variance. Mr. Gertner suggested moving the application to the August 15th, 2022 meeting.

Motion by Riker/ Campbell All in favor among present.

Mr. Gertner stated for **Block 22009, Lot 2**, the solar array proposal; the matter has been carried to August 15, 2022, without the requirement of further notice. Wave time until August 31st, 2022.

Mr. Gertner stated **Block 20701, Lot 2** Denton Holdings. He said the board may recall that matter was running simultaneously with the matter before the Zoning board. The Court has approved the zoning board's application, they've just been carried this. The applicant had one less lot. Just administratively the Zoning board has to take further action. They don't want to lose their place. The matter can be carried again. Mr. Gertner suggested carrying that matter to

the October 17th, 2022 meeting. Mr. Gertner expects that it will be fully withdrawn before that point.

Motion to carry Block 20701, Lot 2 to October 17th, 2022 by Riker/Burnstein all in favor among present.

Mr. Gertner stated that Block 20701, Lot 2 planning board application will be carried to October 17th, 2022 with the requirement to further notice.

Block 102, Lot 1 463 Monmouth Road

Mr. Klee stated that this is an application for a minor subdivision approval to establish three individual development tracks, as well as major site plan approval to develop those new lots with approximately 30,000-31,000 sq feet of warehousing and office space. Again three new lots, three new buildings. There was some testimony in March 2022 and June 6, 2022. Mr. Klee believes the application was carried out for some Architectural discussion or presentation, landscaping, and emergency access.

Mr. Peters stated that the property remains in the Highway Commercial Zone, where the uses proposed are permitted, so the board is dealing with the permitted use application. It appears that from the plan revisions, while there are no variances necessary for the minor subdivision, subject to testimony there may be a variance necessary for the size of the sign.

Ian Goldman of Levin, Shea, and Goldman, on behalf of the applicant, stated that there is a continuation of the March 7, 2022 hearing. At that time board members had some questions. Mr. Stevens had submitted a letter dated June 9, 2022 that addressed those changes that the applicant will be making.

Mr. William Stevens was sworn in. Professional Engineer and Professional Planner, Licensed and practice in New Jersey. He stated that at the last meeting the board was looking for some additional information. The biggest weakness was the lack of Architectural testimony and renderings. Mr. Stevens said that he had submitted Architectural and artistic renderings that show what the buildings will look like. Rick Tokarski the Architect is at the meeting and he will be giving a testimony as well. Mr. Stevens said that there was another request from the board regarding solar panels on the roofs of these new buildings. He stated that the applicant is only allowed to generate from a solar system on your building so much electricity, basically what you are allowed to generate is what the building utilizes. So whatever effect that the applicant is allowed to have solar, the applicant will. It will be a condition of approval. Mr. Stevens said another issue was the buffering between Berwyn Lane, which is the street located immediately behind the project. There are some residential homes along Berwyn Lane. The applicant brought back some revised landscaping plans, that show additional landscaping, that make for a

four-season buffer. Another area the board asked the applicant to look at was to provide an electric charging station in the parking areas for each of the proposed buildings. Now the applicant has two charging stations in the front of each of the three buildings. There was a concern that was brought up by the Board about the uses that might require refrigeration or freezing equipment that may require a standby generator. Board asked to limit any stand-by generator because of the noise. The applicant is not proposing but if they did it will be in buildings 1 and 2. Mr. Stevens stated that at the last meeting it was said that the buildings themselves will require cross-access agreements for all three properties to share common elements and infrastructure. The applicant agreed that the attorney will submit a cross-access agreement for Mr. Gertner's review and that would be done as part of the approval for this project. There was talk about phasing at the last hearing. All the infrastructure will need to be constructed in one phrase. Mr. Stevens stated that at the last meeting there was a lot of concern about improvements to Allison Road and about closing Allison Road. Mr. Stevens does not like the idea of closing Allison Roads. What the applicant is proposing now, and what he thinks is a good alternative for the development of Allison Road, he stated that the developer will go in and will improve Allison Road along the majority of this project frontage and that improvement will continue all the way to a Cul-de-sac that basically will be adjacent to building # 3 at the end of Allison Lane. The intention would be that vehicle traffic for this project will use Allison Lane, coming off of 537 onto Allison Lane and into this subject property. However, that Cull-de sac that the applicant is going to build there, Mr. Stevens intended to provide what he calls traffic calming or narrowing device and have a less wide road come off of the Cull-de sac of Allison Road, 18 feet with a sign posted to it, No Commercial Traffic. Mr. Stevens said that Monmouth County Planning Board has reviewed the project and that stated that they will not give access to Monmouth Road because the applicant has access to Allison Road. They are requiring this project access from Allison Road. Monmouth County which has Jurisdiction over this road has denied access for the applicant and requires access from Allison Road. Mr. Stevens stated that the applicant also has received NJDEP Wetlands permits for the property. All the permits are granted from Wetlands although there is a small pocket of Wetlands that extends up into the Allison Road corridor near the front of it, which the applicant also has to work with DEP to improve Allison Road. The applicant is proposing a paved road 30 feet wide with curbs on both sides. It will be a condition of the approval, and the applicant will obtain it from DEP. Another concern was lighting, particularly the lighting adjacent to the residential neighborhood. The applicant has reduced the light in those areas, both in height and intensity, reduced the overhead lighting or pole-mounted lights height to 15 feet. Mr. Stevens said that this presentation sums up all the revisions that were made since the last testimony.

Mr. Peters wanted to clarify that new landscaping with not be put in the public right of away.

Mr. Stevens said that it is correct. The plans do show some of the landscaping overflowing into the public right-of-way. The intention was to show that the applicant is going to supplement what is there, but it is a concern that some of the vegetation on Berwyn Lane is on Municipal right-of-way, the applicant will move it back to his property, so it does not cause any problems with the Municipality.

Mr. Klee wanted to clarify that Allison will be used for the main access to the property.

Mr. Stevens said that is correct.

Mr. Klee asked if Allison road needs to be beefed up since most trucks will be using that road.

Mr. Stevens said that the applicant will entirely rebuild Allison Road.

Mr. Klee asked regarding traffic calming reduction of pavement off of Cal-de sac is to 18 Feet.

Mr. Stevens said that this was his proposal but certainly he can further discuss it. He said the intention is simply provide passenger vehicle access to the neighborhood while prohibiting commercial vehicles.

Mr. Klee commented that he anticipated two-way traffic and 18 feet might be a little narrow, maybe 24 with curbs and sidewalk.

Mr. Stevens said he is happy to make whatever the board feels comfortable with.

Mr. Gertner stated that the reason why Mr. Steven had to go through this Academic exercise was that Monmouth County did not allow access through Monmouth road. Correct?

Mr. Stevens said yes.

Mr. Gertner stated that this is the reason why Mr. Stevens had to come up with his design, to try to take into account the neighbors' concerns with the necessity to provide the access to the truck drivers.

Mr. Stevens said that is correct.

Mr. Klee thinks it is a good fix; he did not come across this type of situation.

Mr. Peters said that taking pavement sections and narrowing them generally reduces speed. Mr. Peters thinks that the applicant and the board need to be in touch with the police Department and the traffic safety bureau to verify we are going to meet at a minimum what is out there and we'll not do something less or something that will create something unsafe.

Mr. Flemming asked how long is the narrow section of Allison Road going to be.

Mr. Stevens said Allison Road as it exists today is about 18 feet wide. After the Cal-de-sac to Berwyn Lane, it is approximately 200 feet.

Mr. Flemming asked how wide is Berwyn Lane.

Mr. Stevens stated Berwyn Lane is also very narrow and is about 18 feet.

Mr. Flemming said you're going to try to match what is there.

Mr. Stevens said that is correct.

Mr. Flemming asked Mr. Stevens if he knows why Monmouth County denied access.

Mr. Stevens stated that he has a letter that was marked as exhibit P8 with today's date. Mr. Stevens read the letter: Monmouth County Development regulations provide that access to a County road shall not be permitted if the site plan butts a Municipal road and access to the Municipal road can be reasonably provided in this approach. In this instance, Allison Road can provide suitable access to the site given it currently provides access to other users including an industrial use on the opposite side of the street. This would serve to advance traffic safety along Monmouth Road by the minimizing number of driveways, thus reducing turning movement conflicts. This is the response.

Mr. Gertner said that he believes that this is a 1933 joint-planning statement agreement that has ceded jurisdiction to the planning along 537 along Monmouth road to Monmouth County in this section of the town.

Mr. Flemming had a final question regarding the 30-foot width of Allison Road and if it provided a large enough turning ratio to get into the applicant's site.

Mr. Stevens said it does.

Mr. Wall asked if it denied both ingress and egress as an alternative hybrid of sorts and if there is an appeal process available for the applicant.

Mr. Stevens said that he expressed that the answer is that should this governing body or the council here in Jackson Township state that is something they would like to see and were to put this into a Resolution, the Monmouth County Planning Board has to pay attention to that.

Mr. Wall wanted to clarify is there an appeal process from the developer not from the planning board, not the governing body, whether the applicant felt from a planning perspective that it was reasonable that you had it reviewed, or is it a final decision.

Mr. Stevens said that he can always ask, but he would suspect that in that case if the applicant was to ask that the Monmouth County Planning Board would simply say, you can improve Allison Road and provide access, does it. Mr. Stevens said he believes he has the right to ask and he thinks the answer will be no.

Mr. Wall asked is there is any additional review.

Mr. Gertner said of course they could have appealed it right from the beginning if it's a final determination. Nevertheless what Mr. Stevens is saying is that since simultaneously with disapproval with the approval process through Monmouth County, they're asking here their appeal or their revised amended application would have a better leg to stand on using Layman's Terms if the Board spoke in a manner in which was different.

Mr. Wall asked the question to the extent that there is a way to have traffic funneled in off Monmouth then the argument that it's creating traffic conflict might be minimized, this is the only reason why he is asking.

Mr. John Rea was sworn in. He had testified at the last meeting as well. He is a professional engineer from McDonough-Rea Associates. He stated that the applicant can appeal a decision like this where the County says no, you have access on a side street, and we are not going to allow you access on the County Road, but you have to have a valid engineering reason to put forth to the county. In Mr. Rea's opinion for them to accept the appeal and change their mind and say NO you can have a driveway off the County road, in this case, given the frontage that the applicant has on Monmouth Road, he does not think he has a valid Engineering reason to appeal stand up.

Richard Tokarski Jr. was sworn in. Licensed Architect of State of New Jersey, with the firm of Tokarski, Millemann Architects of Wall, and New Jersey. Mr. Tokarski stated that on the screen there is an Artistic rendering of the site. All three buildings are very similar. Building #1 is a hair smaller. It is roughly 29,000 sq. feet. At this point, the applicant is planning to do a tilt-up insulated concrete panel, which is going to provide on the exterior of the lower portion of the building. On the bottom would be a brick veneer. Above that, there is textured paint to give a stucco-like finish. The door and the windows would be aluminum frames and insulated glass. Also vertical standing seam metal siding at each of the entrances. The applicant has some Architectural lighting features. One thing that board has requested was a color elevation. Those also have been submitted and they reflect the same color pallets for all the buildings.

Mr. Herman left the meeting at 9: 10 PM.

Motion to open Public Comments Riker/Burnstein all in favor among present.

Resident Pamella Hallbauer 5 Berwyn Lane was sworn in. The resident was asked to pass over the photos of the accident that happened on August 12, 2022 on Berwyn Lane. Mr. Goldman had no objections. The photos were marked as 01 through 04 under the resident's name. Her concern was that roads are too narrow for fire trucks or ambulance; they cannot fit for their safety reason.

Mr. Stevens said that the concerns are noted and were brought up by the board at this and the previous meeting. He stated that the roads in that development are undersized which is why the board had asked the applicant to come in and make improvements to Allison Road. That is why the applicant has roads that meet design standards for this project.

Mr. Stevens said there are no plans to improve Berwyn Road.

Resident Edward Thompson, 50 Richter Road was sworn in. He stated that his rear deck faces this proposed project. His concern is the hours of the operations. Will there be any buffering along Allison Road?

Mr. Stevens said the hours of the operations for the facility would be Monday – Saturday 7 AM to 6 PM. Any kind of delivery will be restricted to business hours. Landscaping buffering along Allison Road can be added.

Resident Tracy Hallbauer 5 Berwyn Lane was sworn in. She was concerned about safety. The resident had an exhibit that was marked as TH-1. She stated that the picture was obtained through the 911 App. Mr. Goldman had no objections. The exhibit shows where fire hydrants are in the area. The resident was concerned about what will be stored at the warehouse, as well as the trucks coming out with the diesel fuel, and possible fire hazards.

Resident Cynthia Renschler 3 Berwyn Lane was sworn in. She stated that the property across from her was zoned as Residential. She went to the zoning officer to ask for the zoning maps and when it was changed. She was told that they can only go back to the year 2000. From 2000 up that property was zoned Highway Commercial. When this happened nobody knows. The Resident asked Mr. Stevens where the drawing shows the entrance to Allison Road would be. Her concern was that the employees of the warehouse will be cutting through the development to come up to Allison Road.

Resident, Kevin Render 444 Monmouth Road was sworn in. He expressed concern that the area is not industrialized, it is a Residential neighborhood.

Mr. Gertner asked Mr. Stevens if the tractor-trailer can make a left-hand turn, in the manner which is designed, off of Allison Road onto Route 537.

Mr. Stevens said that there is a traffic engineer who can answer the question.

Mr. Rea stated that the sight distance at the intersection of Allison Lane at 537 is appropriate and safe for the trucks and cars to make a left turn. The sight distance is good. Monmouth Road is a County Road. If one looks at the County Road network, all of the 500 series County roads are designed to handle truck traffic.

Resident Linda Thompson 50 Richter Road was sworn in. The resident wanted to know when the traffic study was done and was it done during covid.

Mr. Rea said that counts were done on January 2020 prior to the Coved lockdowns.

Resident Scott Pattley 856 Woodbury Drive was sworn in. He asked Mr. Stevens that even though the applicant is dispersing the light, he cannot eliminate light pollution. Is that correct?

Mr. Stevens said any type of outdoor light can provide some type of light pollution. What the Civil engineers do to mitigate those types of effects is lower pole-mounted lights, and provides shields to eliminate glare.

Resident James Renschler 3 Berwyn Lane was sworn in. The Resident's said that the nearest U-Turns from the Development are by Great Adventure. He stated if Monmouth County does not feel it is safe for this project to exit their development, what is going to make it safe on Allison Road?

Mr. Gertner said that this is not what the letter said. It indicated that because of the developments abuts the Municipal roadway; they don't want a separate ingress and egress onto Monmouth Road from the site.

Resident Barbara Wingler 859 Woodbury Drive was sworn in. Her question was what is protecting Woodbury? The residents said that her property abuts building # 3.

Mr. Stevens said that the Eastern corner of the Applicant's property abuts the residential houses. The applicant is looking to have a 50-foot buffer there some of which will be the preservation of Landscaping or existing vegetation and some additional plantings

Resident James Scaramuzzo 111 Richter Road was sworn in. His concern was Broderick Road. He wanted to know if the cars can make a right turn.

Mr. Rae said he is familiar with Broderick Road. He stated that for another project he had to do a traffic study and traffic counts on W. Commodore Blvd not too far from Broderick road. The volume on W. Commodore over by Broderick is significantly lower than the volumes on Route 537. Traffic does not experience the same delays getting out onto W. Commodore into the area of Broderick

Resident Anthony Trevean 45 Richter road was sworn in. Along with the safety issue, the resident's concern is a quality of life issue with the amount of noise and everything that will come through. The Resident's concern is how a 20 to 30-foot vegetation barrier going to effectively deals with sound.

Mr. Stevens said that the loudness noise generated around your house is the adjoining County Roads. Facilities like what the applicant is proposing generate less noise.

Resident Madeline Kaut 492 Monmouth Road was sworn in. She stated that her driveway is directly across from Alison Road. Her concern is that she cannot get out from her driveway now, what is going to happen when these trucks are there?

Resident Brian Konopka 91 Richter road was sworn in. He asked what the height of the building. His question was about the pipe under Allison roads, the stormwater water pipe.

Mr. Stevens said the applicant is proposing to make some improvements and they will be put into the detention basin as well. He also said the height of the buildings is less than 35 feet.

Resident Edward Chamberlain 1 Berwyn Lane was sworn in. He stated that he would want a wall; he wouldn't want to look at the warehouse. The wildlife will be destroyed.

Resident John Soutar 60 Richter Road sworn in. He asked where the road turn is going to happen off of Allison Road from the point of Route 537 or Berwyn Lane. Where is that exactly going to be? Also, will there be any way to limit, to prevent tractor trailers from making a left turn into Allison to cut through?

Mr. Stevens said that his staff designed the entry into the project to have a left-hand sweep to discourage traffic from going in the opposite direction back towards Berwyn Lane. That is the intention to channel traffic flow back to Allison Road to 537; this is the intention of the plan.

Resident James Mchugh 16 Hardwood Drive was sworn in. The resident had a question about where exactly the Wetlands are, and what the encroachment are on those Wetlands.

Mr. Stevens said that the Wetlands corridor there is proposed to remain. It's important for the board and the public to know, that the applicant has LOI s from DEP for this property. The Wetlands have been defined. The buffers have been delineated so that all are approved along the DEP.

Resident Lisa Gomez 9 Broderick Road was sworn in. The question was regarding the retention pond, as well as the machines that will help with the water. And a question was while improving Allison Road is the applicant taking property that he owns to extend Allison Road?

Mr. Stevens said that Allison Road has a 50 foot Municipal right of way. 50 feet of land that the township owns. When the applicant finishes it, it will still be Municipal road. The applicant is proposing to build 30 foot wide road with in the 50-foot Municipal right of way.

Resident Dean Kowalski 9 Berwyn Lane was sworn in. His concern is that people are constantly cutting through Berwyn Road. It is very dangerous to pull out from his driveway in the morning.

Motion to close the Public Comments.

Motion made by Riker/Burnstein all in favor among present

Public Comments are closed.

Mr. Goldberg stated that the property is in Highway Commercial Zone and the applicant conforms to all bulk standards. The applicant is not seeking any variances or waivers with that.

Mr. Hudak asked Mr. Klee about the discussion about trucks going in and out of the facility and now everything changed since the last meeting. We had a Cul de sac being created and that would prevent any of the truck traffic from going through the residential area, those changed and then Monmouth County weighted in and they said no. The applicant cannot have their own entrance and exit from 537 and the applicant has to use this Municipal Road. Mr. Hudak asked what resources the board has, what the board can do, or what the applicant can do to mitigate that. The way that it has been proposed, everything in those turning radiuses, does it work?

Mr. Klee stated that based on the information that the turning templates show, as far as the circulation on the site, yes it does. Mr. Klee said he would be interested since there was some discussion appealing the County's decision to move the access somewhere. It is not unusual in a corner lot. whether it will be the DOT or the County requesting that the access be provided from that local street instead of the County Road. Mr. Klee does not think that it is unusual but the County would probably have less of a problem with a turn-in movement into the site versus an exit movement onto the County Road and that might serve to mitigate the traffic entering the site and using Allison Rd. Now they can enter the site from 537, but again that would be something that Monmouth County would have to approve, so maybe it is something that the applicant can pursue or ask if they get a driveway into the site. Because Mr. Klee thinks the Monmouth County is not going to allow exits from the site onto the county roads. Mr. Klee thinks it might go a long way to mitigate the traffic if those could be an entrance to the site from 537.

Mr. Stevens stated that they be happy to make that request to Monmouth County.

Mr. Peters stated that he thinks what the board is looking to do is to have the applicant tell the County that of the two alternatives that were places before us, the original plan and this plan,

that perhaps the board and certainly the public is in favor of the first plan. Mr. Peters said that the applicant came here with a plan to go onto 537, they got told to come back here by the County and improve Allison Road. Mr. Peters suspects if he asks the applicant which way they want to go, they'd probably not want to improve a couple hundred feet of Allison Road and just put a driveway apron on RT 537. Mr. Peters said that the requirement did not come from the board or from the board's professionals, it came from the County, which has jurisdiction over the road. Mr. Peters said that the board can craft some language in the Resolution, that says as it relates to an issue of access, we have two alternatives; the board is not happy with this layout, although this is a design standard, may be based on the testifying County can reconsider, that this board heard public comments, at last then we've exhausted our efforts because it's not this boards saying to do one or the other way. Mr. Peters stated that he thinks the board can put a strong recommendation in the Resolution and this is something that can be reconciled before or through the Resolution compliance process, so they can't just send a letter in and say that's that.

Mr. Gertner stated that he would recommend granting preliminary approval not final. The answer for the County has to come before the board and some final proposal.

Mr. Stevens stated that he likes Mr. Hudak's suggestion of trying to get right in and right out, if the board has to put that into a preliminary Resolution, Mr. Stevens thinks it will carry a lot of weight with the County.

Mr. Gertner wants to clarify, so it does not get lost to consider, and of course, the board still has to consider preliminary major site plan approval and preliminary minor subdivision approval. Keep them both preliminary.

Mr. Peters said there are no preliminary minor subdivisions.

Mr. Stevens said that could even defer the minor subdivision.

Mr. Gertner agreed.

The motion was made for preliminary approval.

Motion by Flemming and Burnstein Yes: Dr. Campbell, Mr. Riker, Mr. Burnstein, Mr. Wall, Mr. Flemming, Mr. Haring, and Mr. Hudak

Respectfully submitted by,

Irina Darrar

Planning Board Recording Secretary

