

JACKSON TOWNSHIP PLANNING BOARD MEETING
Monday, July 31, 2023

The July 31, 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. 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. Burnstein
Mr. Flemming
Mr. Riker
Mr. Sullivan
Ms. DeMarzo (Alternate I)
Mr. Heller (Alternate II)
Mr. Wall
Dr. Campbell, Vice Chair
Mr. Herman, Chair

Absent: Mr. Haring
Irina Darrar, Recording Secretary

Also Present: Robert C. Shea II, Esq., Planning Board Attorney
Brent Pohlman, Esq., Township Special Attorney
Ernie Peters, Planning Board Planner
Doug Klee, Planning Board Engineer
Laura Morrison, Planning Board Secretary
Anthony Jacob, Computer Technician

Resolution #2022-22A

Resolution of the Planning Board of the Township of Jackson, County Of Ocean, State of New Jersey Granting Final Site Plan Approval for a Pedestrian and Bicycle Path for Property Located at West Fish Road and Freehold, Block 4101, Lot 18.

Sullivan made a motion to approve the Resolution, seconded by Dr. Campbell. Voted yes: Mr. Flemming, Mr. Riker, Mr. Wall, Dr. Campbell.

Resolution #2023-19A

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 with Required Variances and Design Waivers for the Construction of a Two-Story Office Building for 2111 Discovery Way, LLC, Block 7310, Lot 1.

Mr. Sullivan made a motion to approve the Resolution, seconded by Dr. Campbell. Voted yes: Mr. Burnstein, Mr. Flemming, Mr. Riker, Mr. Sullivan, Ms. DeMarzo, Mr. Heller, Mr. Wall, Dr. Campbell, Mr. Herman.

Changes to Agenda Schedule

Mr. Herman proposed the following changes to the agenda schedule:

- Carry Block: 12201; Lots: 16 and 18 – Bennetts Mills Realty, LLC from October 16, 2023 to November 6, 2023 with notice required.
- Carry Block: 301; Lot: 5 – Down to Earth Farms, LLC from October 16, 2023 to November 6, 2023 with notice required.
- Carry Block: 19703; Lots: 28.01 through 28.06 – Royal Grove Realty, LLC from August 21, 2023 to November 20, 2023 with notice required.

Mr. Burnstein made a motion, seconded by Mr. Bressi, to approve these changes to the agenda schedule. All members in favor among those present.

Application for Block: 21901; Lot: 5 – 235 White Road, LLC

Dante Alfieri, Esq. stated that the 190 days for this minor site plan has elapsed and they are asking for a 90 day extension. The time extension is needed because there have been delays with the County. Mr. Klee and Mr. Peters have no issues or objections to granting a time extension. Graham Macfarlane from PDS was sworn in as a professional engineer and professional planner. He asked for a six month extension just to be safe.

Mr. Riker made a motion, seconded by Mr. Burnstein, to approve a six month time extension. Voted yes: Mr. Bressi, Mr. Burnstein, Mr. Flemming, Mr. Riker, Mr. Sullivan, Ms. DeMarzo, Mr. Heller, Mr. Wall, Dr. Campbell, Mr. Herman.

Application for Block: 601; Lots: 1.02, 42 and 43 – Metedeconk National Golf Club

John Doyle, Esq. the applicant's attorney, stated that this is the third time this has come before the Planning Board. This application is for an amended site plan approval. The first time was for the club's training centers and the second was for the two-story annex building. The training center is finished and zoning certificates have been issued. Now, instead of two-story building, the applicant wants a longer, one-story building. The look, function and architecture are the same. All proposed activities and construction are consistent with prior approval. Bill Stevens from PDS, was sworn in as professional engineer and planner. He stated that in two weeks the club is hosting another PGA tournament. The upper lodge building, previously called the annex, is the same as the previously approved building. Resolution compliance has been done. It is being changed to a one-story building as the members wanted it lower than clubhouse. The design is the same and all changes are internal. Mr. Klee stated that he has no engineering or landscaping concerns. Mr. Peters stated that the zoning is the same and this does not affect the proposed use. Mr. Herman opened the meeting to public comments. No public comments. Public closed.

Dr. Campbell made a motion, seconded by Mr. Riker to approve this application. Voted yes: Mr. Bressi, Mr. Burnstein, Mr. Flemming, Mr. Riker, Mr. Sullivan, Ms. DeMarzo, Mr. Heller, Mr. Wall, Dr. Campbell, Mr. Herman.

Engineering/Planning Matters – General Amendment of the Master Plan

Brent Pohlman, Esq., Township Special Attorney, was called up by Mr. Herman. Mr. Pohlman is the Township's Religious Land Use and Institutionalized Person Act (RLUIPA) counsel. Mr. Pohlman stated that the purpose of this meeting is to review and approve general amendments of the Master Plan. There are two administrative responsibilities that the Planning Board has, outside of hearing applications, which are quasi-judicial: Master Plan and the annual review of variance and relief report from the Zoning Board of Adjustment. This is a partial review as part of the overall Master Plan re-examination. Last year, the Jackson Township governing body entered into a settlement agreement and consent order with the US Government. As part of the ordinance review and adoption process, it is appropriate to incorporate Master Plan re-examination in this. What is being reviewed, discussed, and potentially voted on tonight does not change any Township ordinances or standards. This Master Plan re-examination amendment serves the purpose of bringing the Master Plan in line with what the Township anticipates undertaking as part of the settlement process with the US Government. Any ordinance change can only be done at the Council level, then the changes would go to this body for review, then back to the Council for a second vote. Tonight's review is to address the intended changes to be incorporated due to the Settlement Agreement and Consent order with the Department of Justice.

Ernie Peters with RVE is the township Planner and represents the Planning Board as their Planner. Mr. Peters introduced Ashton Jones, a Planner with RVE who assisted in preparing the report. Mr. Jones stated that this is a Master Plan amendment, not a re-examination. The purpose is to bring forward the intended ordinance changes that are part of the document. They went through the existing Master Plan goals and objectives and added new objectives to provide limited residential development in residential zones. Recommendations include: schools in certain zones; institutions of higher education in various, mostly non-residential zones; dorms in certain zones in both residential and non-residential zones; and bath houses in certain zones. The ordinances are still being drafted. Institutions of higher learning are not secondary or primary schools, but are undefined at this point. Dorms are accessory uses permitting students to live on or near campus. The purpose of the document is to make the Master Plan compliant with future ordinances that will be drafted. The intention is to get us to the end of litigation. If this is voted on and adopted, the current Township Master Plan will be amended and the document will become an addendum to the existing Master Plan, similar to the re-examination that was done in 2019.

Ms. DeMarzo asked for more information on higher learning and dorms and if these will be college campuses. Mr. Jones replied that the standards are not drafted yet. The Master Plan is recommending specific zones for educational facilities associated with dorms. Mr. Riker asked Mr. Jones to read Section V. c. of the report for the public's benefit which is titled "Establish an overlay zone to permit higher learning institutions on parcels zoned R-3 and R-5 with frontage on the following roadways: Bennetts Mills Road (from West Veterans Highway to Howell

Township border), Cedar Swamp Road (entire length), Farmingdale Road (between Pfister Road and Howell Township border), Frank Applegate Road (between Bennetts Mills Road and Jackson Mills Road), Thompson Bridge Road (entire length), Harmony Road (between County Line Road and Hyson Road), Jackson Mills Road (between Freehold Township and East Commodore Boulevard)”. Mr. Jones stated that an overlay zone is a stacking of zones and that a layer gets added on top of the base zone. The underlying or overlying zone can be chosen but they cannot be mixed and matched. Again, the standards are not drafter yet. Ms. Campbell stated that the Board members have thoroughly reviewed the document. Mr. Pohlman stated that any ordinance change is done through the governing body, this is the first step in the process, and this does not change any use or standard in any particular zone.

Mr. Herman opened the meeting for public comment with a five minute limit per person:

James Klina, address 15 Rue Monet, Jackson, was sworn in. It appears that someone in Jackson made mistakes a few years ago by taking out schools in the Master Plan and the Department of Justice took them to task. These are major changes to residential areas, not minor. This should be voted on by residents on a ballot. Four schools are being built by his home with only a 50 to 100 foot buffer. The board is supposed to protect the integrity of existing residential neighborhoods. Mr. Pohlman explained that this does not go on a ballot. Municipal Land Use Law sets forth the process of Master Plan creation and amendment and how land ordinances are adopted. This is the process that the laws of the State of NJ provide for. Mr. Shea stated that land use regulations and rezoning can’t be done by referendum. Case law and state law are on the books for a good reason.

Arthur Burns, address 54 Savannah Road, Jackson, was sworn in. He does not see the reason for this because residents are happy with the way things are.

Sheila Byrnes, address 15 Rue Monet, Jackson, was sworn in. The Planning Board did not have a long time to review the report. Residents heard about this last minute in the Asbury Park Press. It’s unfair to ask residents to comment when they haven’t read the document. These are significant changes that may or may not be fair to the community. This may cause tax burdens.

Susan Cooper, address 22 Willetta Drive, Jackson, was sworn in. There must be a way to compromise. Were regular residents part of this decision? Before voting, could a Town Hall be held with the Department of Justice for the communities to come together for an understanding? Roads will be impassable and unmanageable. She doesn’t want Georgian Court to have a dorm next to her and she went to Georgian Court. It is unethical and immoral to keep pushing and taking. Mr. Pohlman stated that this document does not establish any standard for building height or impervious coverage. Any changes to building standards go through the ordinance process. Dr. Campbell stated that she has lived here since 1970, raised five children, and loves the town. The Board members live in these neighborhood and are here volunteering to do service for the public.

Arthur Burns added that this is neighborhood genocide for existing neighborhoods.

Karen Leschak, address 41 Mason Drive, was sworn in. She agrees with Dr. Campbell and there are places for everything in the town. But a college on Harmony Road is not necessarily the right place. If she wanted to live by Rutgers she would have bought a home in New Brunswick.

James Nunez, address 10 Cambridge Drive, Jackson, was sworn in. He is worried about what is going to be built. There was a one story house next to him, now it is three stories. Code Enforcement comes when he is not home. The Board can't be trusted to make sure this doesn't happen again. There are good objections.

Kim Kaminski, address 47 Mason Drive, was sworn in. This is not changes ordinances but it is opening the door to excessive changes. What did the Department of Justice suggest/require? Mr. Pohlman stated that last year the Township entered into a Settlement Agreement with what the DOJ required. This was discussed and voted on. The changes are encapsulated in the document. Mr. Pohlman will send her copies of DOJ documents. Ms. Kaminski asked about the ordinance regarding houses of worship that was supposed to be addressed in April. Mr. Pohlman stated that the governing body put that on hold until after the Master Plan amendment process. Ms. Kaminski is concerned that building will be everywhere and asked about buffering. Mr. Pohlman stated that buffering standards are in place to provide for the protection of integrity in residential communities.

Harold Dauncey, address 142 West Pleasant Grove Road, Jackson, was sworn in. He is a 40 year resident and a fabric of this town. Asked Mr. Burnstein, Mr. Herman, and Mr. Heller if this is just to benefit the Jewish community. A specific area could be dedicated to this. Mr. Pohlman strongly directed them not to answer as we are in litigation on several matters and they are here as volunteers, not representatives of a religion. Laws have been established that religious uses are beneficial. All we can do is govern within the laws that govern us, which is why there are different standards for different uses. Mr. Dauncey stated that Lakewood is an epic failure. Mr. Pohlman replied that Lakewood had no plan. We are being proactive in developing a plan that is designed to be constitutionally compliant. Mr. Dauncey asked Mr. Pohlman if he lives in Jackson. Mr. Pohlman replied no.

Erik Jones, address 722 Hyson Road, Jackson, was sworn in. He asked why this is all taking place on county roads. There is an error on the document as Bennetts Mills Road does not go to Howell. It turns to Aldrich Road and then goes to Howell. Mr. Pohlman asked the professionals to review and correct if needed.

Joseph Krakovski, address 43 Mill Pond Road, Jackson, was sworn in. He asked if the purpose of the Master Plan is so applicants don't have to go to the Zoning Board. Mr. Pohlman replied no, this process ensures that ordinances introduced to the governing body are in compliance with the Master Plan. Mr. Pohlman was hired by the Township to review ordinances going forward.

Joseph Wahler, address is 594 Genova Avenue, Jackson, was sworn in. Regarding the utility service plan element, why remove the wastewater service areas. Mr. Jones responded that the primary reason is that there are utility services available. Mt. Peters stated that the township wants to eliminate as many septic systems as possible and use sanitary sewer instead. Mr.

Wahler expressed concern about releasing that water. Mr. Pohlman stated that utility services are subject to outside agency approval such as the county and the DEP.

Eugene Grodzki, address 77 Eli Harmony Road, Freehold, was sworn in. He asked if a vote will be taken tonight. Mr. Pohlman replied yes. Mr. Grodzki stated that people were not aware of this until they saw an article in the Asbury Park Press today. He asked the Board to table this, publish the report, and come back for another meeting so more people can attend. Mr. Herman stated that this meeting was noticed at least ten days in advance in compliance with the law in both the Asbury Park Press and the Star Ledger. The document has been available for the public to view for over 10 days, both online or in person.

Sarah Vanvalkenburg, address 159 Eli Harmony Road, Freehold, was sworn in. How were the county roads chosen? Mr. Pohlman replied the Settlement Agreement, which is and has been available on the Township website, sets forth the majority of this. Higher order roads are more appropriate for more intense uses.

Tom Dresser, address 14 Willetta Drive, Jackson, was sworn in. He asked the Board to table this matter and put it in the paper so more people will have time to review.

Mr. Peters stated that the document will be amended to say Bennetts Mills Road runs to the Township border (Aldrich Road) to address the comment made by resident Mr. Jones.

Mr. Sullivan made a motion, seconded by Mr. Burnstein, to close public comments. All members in favor among those present.

Mr. Bressi made a motion, seconded by Dr. Campbell, to approve the amendment to the Master Plan. Voted yes: Mr. Bressi, Mr. Burnstein, Mr. Flemming, Mr. Riker, Mr. Sullivan, Mr. Heller, Mr. Wall, Dr. Campbell, Mr. Herman. Voted no: Ms. DeMarzo.

Mr. Herman asked for a motion to approve **Resolution 2023-21 “Resolution of the Planning Board of the Township of Jackson, County of Ocean, State of New Jersey Adopting Amendments to the Master Plan.”** Mr. Bressi made a motion, seconded by Mr. Riker, to approve Resolution 2023-21. Voted yes: Mr. Bressi, Mr. Burnstein, Mr. Flemming, Mr. Riker, Mr. Sullivan, Mr. Heller, Mr. Wall, Dr. Campbell, Mr. Herman. Voted no: Ms. DeMarzo.

Burnstein made a motion, seconded by Mr. Riker, to adjourn the meeting. All members in favor among those present.

Respectfully submitted by,

Laura Morrison
Planning Board Secretary