

**JACKSON TOWNSHIP PLANNING BOARD MEETING**

**Monday, September 18th, 2023**

The September 18th, 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 Planning Board attorney Me. Shea 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	Mr. Heller
Mr. Burnstein	Ms. DeMarzo
Mr. Riker	Dr. Campbell
Mr. Flemming	Mr. Herman

Absent: Mr. Wall, Mr. Heller, Mr. Sullivan

Also Present is Robert Shea Planning Board Attorney, Ernie Peters, Board Planner, Doug Klee, Board Engineer, Anthony Jacob IT Department, Laura Morrison Planning Board Secretary, and Irina Darrar Planning Board Recording Secretary.

Motion to approve a voucher for September 18th, 2023 Planning Board recording secretary Irina Darrar Mr.Bressi/ Riker All in favor among present.

**Resolutions**

**Resolution number 2023 – 24**

RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY GRANTING A TIME EXTENSION FOR PRELIMINARY & AND FINAL MINOR SUBDIVISION APPROVAL FOR TWO RESIDENTIAL BUILDING LOTS FOR 235 WHITE ROAD, LLC, BLOCK 21901, LOT 5

Motion: Bressi/ Riker Yes: Bressi, Burnstein, Flemming, Riker, DeMarzo, Herman

**Resolution number 2023-25**

RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY GRANTING AN EXTENSION OF PRELIMINARY AND FINAL APPROVAL OF A MAJOR SUBDIVISION FOR CASEY HUNTER, BLOCK 20501, LOT 27.

Motion: Riker/Burnstein Yes: Bressi, Burnstein, Flemming, Riker, DeMarzo, Herman

**Resolution number 2023-26**

RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY GRANTING ADMINISTRATIVE APPROVAL FOR AN AMENDED PRELIMINARY & AND FINAL MAJOR SITE PLAN FOR A SINGLE-STORY STRUCTURE AND REDUCED BLUEPRINT FOOTPRINT FOR METEDECONK NATIONAL GOLF CLUB, BLOCK 601, LOTS 1.02 & 42

Motion: Bursntein/Riker Yes: Bressi, Burnstein, Flemming, Riker, DeMarzo, Heller, And Herman.

**Changes to the agenda:**

Block 3902; Lots 58.01 through 58.04 Bellevue Estates, LLC will be carried from 11/06/2023 to 01/08/2024 for scheduling purposes only.

Block: 2501 Lot: 3 340 West Commodore, LLC will be carried from 10/02/2023 to 12/04/2023

Motion Burnstein/ Bressi are all in favor among present.

**Minutes**

Motion to approve minutes from July 31<sup>st</sup>, 2023 Motion Burnstein/Bressi yes: Bressi, Burnstein, Flemming, Riker, Sullivan, DeMarzo, Heller, Herman.

Motion to approve minutes from August 7th, 2023 Riker/Bursntein Yes: Burnstein, Riker, Haring, Herman,

**Block 4901, Lot 1 Johnson Holdings**

Johnson Holdings LLC. 430 Cook Road, Jackson New Jersey

Mr. Klee stated that the application is for a Preliminary and Final major subdivision. The application is proposed to establish six new lots on the subject property. It is a pretty straightforward application. Each new lot will require variance approval for deficient width, so some testimony from the applicant will be needed. The site is impacted by some Wetlands and C1 waters. The property will be connected to public sewer and water. We are getting curbs and a sidewalk across the frontage.

Mr. Peters stated that his office has a report dated June 29th, 2023. The property is in the R1 zone. It's on public water and sewer, they are 1-acre lots, and the lots meet the density requirements. The applicant is requesting lot width variances for each lot. Mr. Peters wants some clarification on the hardship of the variances. He stated that the Architect's plans were not provided. He wants to know if off-street parking requirements can be met. If there are basements proposed and the height of the proposed building.

Adam Pfeffer, an attorney on behalf of the applicant. He stated that the proposed location is in the R1 residential zone. It is approximately 13 acres in size. This applicant is seeking lot width variances for each lot. The applicant is bringing the water and sewer to the site.

Dr. Campbell joined the meeting at 7: 09 PM.

Ian Borden was sworn in. A president of professional design services. A professional planner in the State of New Jersey for 21 years. A president of PDS. He stated that the property is 13 acres. In the back C1 water and 300 feet buffer are required, also freshwater wetlands are associated with it. He stated that the application is proposed to create six lots along Cook Road. The applicant is proposing to extend the current sidewalk across the frontage. The applicant is proposing to extend the sewer to serve their proposed lots. JMUA has granted the applicant with a Preliminary and water and sewer approval. Proposed lots are narrower than required by the Ordinance. The property is very deep. The proposed width of the lots is 103.6 sq. feet where 150 feet is required. The applicant needs the variance for that, Mr. Borden stated that the applicant is seeking C2 variances. The houses have 40-foot-long driveways. Each house will have basements. These are proposed single-family houses. The house will comply with the maximum building height of 35 feet, they will also comply with a maximum building coverage of 15 % and the lot coverage of 50%. An underground recharge system will be provided. The applicant is proposing trash and recycling by private haulers. The A-2 exhibit is a lot width exhibit and shows C2 variances for the lot widths. Under C2 variance the applicant is seeking Mr. Borden's stated the purpose of the Municipal use will be advanced by this proposed deviation of the lot width because the benefit of the deviation would substantially outweigh any determinants. Mr. Borden thinks the variance can be granted without determinates of the public good and the zone plan because the applicant exceeds lot size and is providing public sewer and water.

Dr. Campbell suggested that the depths of the homes be staggered so they are not so close to each other.

Mr. Borden said that this is a valid suggestion that the applicant would look at.

The board attorney needs clarification, that in the files there was an issue jurisdictionally about one of the addresses and that the applicant did receive a waiver from that.

Mr. Pfefer said yes.

Public comment open

The resident Pamela Namowitz, 436 Cook Road was sworn in. Her concern is that putting a sidewalk on her residential side would impact her home. She stated across the street there is only one property that does not have a sidewalk and curb, finish that then the curb and sidewalk would go down Cook Road, all the way down to Shop Rite.

Mr. Herman stated that the Board cannot require the applicant to install the sidewalks.

Mr. Pfeffer stated that the applicant cannot install the sidewalk on someone else's property. He said either it is to install a sidewalk or pay into the fund. He said he is ready to work with everyone to make the best resolution.

James Rapp, 49 Johnson Lane was sworn in. He had a question what is the public benefit of this project?

Mr. Borden stated that the public benefit is the density of the surrounding property. The applicant stated there are 25 lots within a thousand feet, those have less lot width than we do and secondly, public sewer and water are being provided.

Motion to close public comments Burnstein/ Riker all in favor among present.

Motion to approve the application Riker/Campbell Yes: Bressi, Bursntein, Riker, Flemming, Riker, DeMarzo, Heller, Campbell, Herman.

**Application 4901, Lot 13. GM 425 Harmony LLC.**

Mr. Klee stated that the application is for a Preliminary and Final site plan, associated with an 11,000sq feet non-Medical office building. He stated that the Board had some testimony on July 17, 2023. The Board gave the applicant some suggestions. Revised plans were submitted.

Mr. Peters said he had nothing to add.

Adam Pfeffer on behalf of the applicant. He stated that the Board had some suggestions, and some comments, and the applicant made some modifications.

Gram Macfarlane was sworn in. Principle of PDS. He stated that Exhibit A-1 aerial of the site, shows the general location of the property on Harmony Road across from the Walgreens. Exhibit A-4 is the updated site plan, which shows the changes that were made. It shows the location of the building and the driveway. He stated that the Board recalls from the original meeting that the Board had some questions and comments about the location of that driveway. It seems that there was a consensus with the Board, that they were more comfortable with the driveway location lining up with the Walgreens existing driveway. The other item the applicant could rectify was that the initial submission contained a variance for the parking area and side yard setback for a parking area on the North Property Line. In conjunction with realigning the driveway, the applicant was able to shift that curb line over and eliminate the need for the variance to the side yard for parking setbacks. He state stated that the application still has a variance request for the front yard parking setback. McFarlane believes the Ordinance requires 20 feet whereas the applicant has 10 feet. Mr. Macfarlane did testify last time about the hardship. It is a combination of C1 and C2. The hardship is created by Environmental limitations associated with the property. The landscaping plan shows that additional landscaping buffering was added to the North boundaries, which adjoins the residential property. The applicant received a report from Mr. Peters. Mr. MacFarlane stated that Mr. Peters comments on the impervious coverage and lot coverage requesting confirmation that they were done properly and that the setback of the building was measured properly. The township Ordinance requires the setback of the building for the rear and side yard to be measured from the Wetlands, so the required setback is 50 feet from the Wetlands. Mr. Macfarlane stated that the Ordinance restricts the parking space by having direct access to those driveways. Mr. Macfarlane thinks that the Ordinance references are for shopping centers and much larger-scale developments, this application has 56 parking spaces and each of the parking spaces has to access the drive aisle. Mr. Macfarlane agrees that technically this does require a design waiver by a strict interpretation of the Township Ordinance.

Five-minute break taken.

During 5 minutes break Mr. Pfeffer stated that he spoke with the client. Mr. Macfarlane said that he spoke with the client as well and the result is that the footage of the building will be reduced. Right now the client is willing to take six feet off the back of the building to give 20 feet from the retaining wall to the back of the building. This reduces the parking maybe by one space. Agree to eliminate one or two spots to provide for emergency access behind the building.

Public comments are open. No one came forward.

Public Comments closed motion by Riker/Burnstein All in favor among present.

Motion to approve the application Bressi/Riker Yes: Bressi, Burnstein, Rker, Heller, Campbell, Herman.

Flemming is not eligible.

**Application Block 4301, Lot 5, 6, 81 East Commodore LLC.**

Mr. Klee stated that the application is for a Preliminary and Final major site plan involving 80, 700 sq. feet of the contractor's office building. We had an issue testifying on August 21<sup>st</sup>, 2023. The Board gave some suggestions to the applicant. The biggest one was moving the loading area outside or away from the front yard. The applicant has made some additional revisions.

Mr. Peters stated that the office has received a report on September 12<sup>th</sup>, 2023. Seems to have removed the loading and oversized parking area out of the view of the street.

Mr. Pfeiffer on behalf of the applicant. He stated that he wanted to remind the Board that the application is fully conforming and variance-free, however, there were some design items that the Board took issue with. The changes were made.

William Stevens was sworn in. A professional engineer and a professional planner, licensed in NJ. A vice president of PDS. He stated that the application was fully confirmed, and some revisions to the plan were made. The Board was concerned about the tractor-loading area for this facility. During the last application, the large loading area was located in the highlighted area. The Board did not want to see large loading vehicles in the side yard facing toward the front yard of the subject property. Mr. Stevens said that he reduced the size of the building and moved the loading area for large trucks into the area which will be located behind the building, will not be visible. In addition to this, significant landscaping was added in the front and along the sides. Another Board concern was a refuse enclosure located in the rear, but there was also another location up in the front corner of the site. They were moved so there will be a single refuse and recycling area in the rear of the property. Mr. Stevens stated that the applicant added design waivers to the plan. The applicant is looking for a sidewalk waiver, has a waiver for the parking stalls that access a main drive aisle, there are driveway aisles that go around the buildings, and the applicant has access to all building sides. Mr. Stevens stated that he is asking for a waiver to allow the applicant to have two driveways, one on either side of the site. The Township Ordinance allows for two driveways to be on a site that is 500 feet in width, this property is 465 in width. This property is 465 feet in width in Mr. Stevens's opinion it is a determinant waiver.

Public comments are open. No one came forward.

Public comments closed. Motion by Burnstein/Riker all in favor among present.

Motion to approve the application Riker/ Campbell Yes: Bressi, Bursntein, Riker, Demarzo, Heller, Campbell.

**Application Block 12201, Lots 16, 18, Bennett’s Mills Realty LLC**

Mr. Klee stated that the application is for the Preliminary and Final Major Site plan. The Board heard some testimony back in April. The project started with 30,800 sq. feet of building involving 21,000 sq. feet of daycare and 9,900 sq. feet of Medical office building. Since then application was amended, and there is no longer a medical office component. The application is down to 18,500 sq. feet of daycare down from 21,000 sf. The application is a conditional use in the LC Zoning District. Some testimony from the applicant is needed for the intersection improvements that are proposed for Johnson Lane and Bennett’s Mills Road.

Mr. Peter’s state stated that the office has a report dated August 31<sup>st</sup>, 2023. The application is a conforming use. Mr. Peters would like to have some testimony about the therapy services.

Mr. Salvatore Alfieri on behalf of the applicant. He stated that after the last meeting, the size of the project was reduced, and now a story daycare. Mr. Macfarlane will run through the conditional use standards.

Gram Macfarlane was sworn in. A licensed Engineer and Licensed planner. He stated that exhibit A-9 is a revised site plan. The building size has been significantly reduced from the original proposal. He stated last time if the Board recalls, the building was a two-story, L-shaped, rectangular. The second story has been eliminated. The applicant has also added a canopy on the side of the building, next to the food prep kitchen that was added for daily and monthly food delivery. Mr. MacFarlane stated that the applicant still had access to Bennett’s Mill Road. There is a single lane for ingress and two lanes for egress, a separate left turn, and a separate right turn lane coming out of the facility. A total of 48 parking spaces were provided. Outside contractors will be providing busing, estimated to be no more than 15 buses will be coming to the facility, dropping off the kids, and leaving the daycare. Mr. MacFarlane stated that Exhibit A10 is an updated landscaping plan. There are some street trees along Johnson Lane. There is also a play area in the back of the building. The applicant does not have emergency access that comes from the driveway on the right side of the building, and goes all the way around and to the back to the other corner of Johnson Lane. There is also a secondary emergency access located directly off Johnson Lane. The plan was submitted to the fire bureau and the response was satisfactory. Exhibit A11 is an Architectural floor plan. It has 9 classrooms proposed. In the center, the applicant has some individualized learning/therapy rooms. Exhibit A12 shows a 3D rendering, bird size view of the facility. It shows a solar panel on the roof. Mr. Macfarlane stated that one of the conditional use requirements is 100 square feet of outdoor play area per enrolled student. The building is set up for 160 student enrollment. The play area is about 45,000 sq. ft. More play space is provided than required. Exhibit A13 shows the elevation. The applicant also included in a statement of the operation, that the facility will provide for some early services and some late-

day service. On-site septic disposal is proposed. The property owner is responsible for all the maintenance. Exhibit A9 shows Johnson Lane, Mr. Macfarlane calls it a Municipal unimproved street, believes the right of way width is 40 feet, and the improved width of the road is 20 or 22 feet. It is pretty narrow. The plan was submitted by the Ocean County Planning Board. Mr. Macfarlane stated that the application received conditional approval from the County based upon the widening of the road along the site frontage according to County standards. The county threw the ball back to the Township at the Johnson Road intersection. The County did comment not require improvements to the Johnson Lane intervention, however, they did make comments that if Johnson Lane is to be improved, the intervention has to be done so by County requirements. The only difficulty for the applicant is existing the Geometry would be designing that intersection according to County requirements, it would require right away from adjoining property. If the applicant cannot obtain the right of way through negotiation with that owner, then the County would have to step in and help in those proceedings. LOI is pending some landscaping is provided, but not required by ordinance.

Mr. Riker stated that with a facility like this, the applicant may want to install a generator.

Mr. Macfarlane said it was a good comment and he will advise the client.

Mr. Herman asked if the applicant still needed access from Johnson Lane.

Mr. Macfarlane said that plans show the applicant has emergency access through the parking lot and has a second emergency access to Johnson Lane directly to the back of the building. Mr. Macfarlane said that the applicant is not proposing to utilize Johnson Lane at all in connection with the daily use. It will be utilized only for emergency access. Mr. Macfarlane stated that the gate for Johnson Lane would be a durable metal, it's not going to be a flimsy chain-linked fence.

Richard Tokarski was sworn in. Licensed professional Architect in Jew Jersey. He stated that there are 10 classes and 10 therapy rooms, a multi-purpose room. On the left-hand side, there is an entrance, receptionist, nurse's area, staff room, and storage. There are façade signs proposed. He stated that would look at the financial feasibility of putting solar on the project.

Shayna Nemirovsky was sworn in. Master's in education, has been a consultant for the applicant since the first hearing. She stated that to get a proper license, the applicant would request from New Jersey state a license to open a daycare center and the applicant will also apply for an AAR program like NHS, anything like that for all types of license incomes. She stated that since children are in daycare from ages ranging from 2 months to 5 years old, different issues might come up in their development and they will be through early intervention or ABA service or any other service that they may require. Nurse on site.

John Rea was sworn in. as a professional Engineer with McDonough and Rea Associates, Traffic engineer. He stated that he has been involved in this project for several years now. The project has downsized significantly from what it was originally proposed. The current proposal is a daycare center with, a capacity of 160 children, which the revised traffic impact study is based upon.

Mr. Rea also looked at the worst-case scenario, children who are at the daycare facility are dropped off and picked up by parents or guardians and there is no busing. Peak-hour traffic counts were conducted along the property frontage to establish the morning and afternoon peak hours that would be consistent with the drop-off and pickup activity. Mr. Rea stated that the site driveway would operate at level of service B in the morning peak hour and level of service C during the afternoon peak hour, so the site driveway to Bennett's Mills Road would operate with acceptable traffic engineering parameters and at the accepted levels of service for peak hours. 48 parking spaces will be more than adequate to accommodate the staff, and the therapist and provide spaces for the parents to drop off and pick up the kids.

Public comments open

Micky Selwyn, 45 Johnson Lane was sworn in. The resident is concerned that the emergency vehicles will be using Johnson Lane. He is concerned about safety. Wanted to know where the 15 buses will be parked during the day.

Mr. Alfieri stated that the buses would leave the sight once they dropped off the children. It's a third-party provider.

Resident Edward Bannon 22 Abercorn Court. He had a comment about Emergency access gates that they would have activation with Yelp that makes a help sound, and the gates would go up, so they get it.

Resident Eleanor Hannum 7 Evergreen Court was sworn in. She was questioning the number of teachers that would physically be in this room or the building and the number of parking spots. She is concerned about the impervious pavement and stormwater overflow going into the wetlands. The resident also is questioning the buffering.

Mr. Alfieri stated that this application has to comply with the Township and NJDEP.

Mr. Macfarlane stated that this project complies with the setback requirements as well, also the applicant has adequate parking.

Resident Toby Wolf 342 Bennets Mills Road was sworn in. She stated that her property is adjacent to the daycare center. She stated that the documents online had a two-story building, she thought the change was for a one-story daycare.

Mr. Alfieri said it is a one-story building.

The resident asked if there was a loudspeaker system.

The operator manager Shayna Nemirovsky stated that there is no loud speaker system since kids would be scared.

Resident Eleanor Hannum 7 Evergreen Court asked will there be a left-hand turn for this facility.

Mr. Alfieri said Bennett's Mill Road is a county road and the applicant will do what the county requires.

Mickey Selwyn, 45 Johnson Lane asked if more landscaping be added along Johnson Lane.



Mr. Alfieri said the applicant will work with the board professionals to supplement landscaping between the parking lot and Johnson Lane.

Resident Gene Artz, 16 Johnson Lane was sworn in. The resident is concerned about the size of the property since she has a horse farm, and the access road going all around her property. She is concerned about the noise from the kids playing.

Resident Janice Rapp, 49 Johnson Lane was sworn in. She thinks this whole proposal should be reconsidered to be relocated somewhere else.

Resident James Rapp, 49 Johnson Lane. He stated that the plans that he looked at online were not the ones that were presented today. He is asking for additional time.

Public Comments closed Motion Riker/Bressi Yes: all in favor among present.

Mr. Alfieri stated that the applicant significantly reduced the size and scope of the project. Now it is fully conforming and is permitted used in the zone.

Motion to approve the application Burstein/Bressi yes: Bressi, Burnstein, Flemming, Rker, Flemming, Campbell, Herman.

Respectfully submitted by

Irina Darrar

Planning Board Recording Secretary