

**MINUTES OF THE REGULAR MEETING
OF THE TOWNSHIP OF JACKSON
ZONING BOARD OF ADJUSTMENT
APRIL 5, 2006**

The April 5, 2006 Jackson Township Board of Adjustment meeting was called to order at 7:37 p.m. with a salute to the flag by all present. Attorney Mark Kitrick read the Open Public Meetings Act Statement.

ROLL CALL: Peter Clute, V. Chair
Larry Hartman
Peter Maher
Scott Najarian
Scott Weinstein, Sec'y.
Donna Hopkins, Alt., #1
Howard Falkowitz, Alt., #2
Michael Kelly, Chairperson

ABSENT: Kevin Sullivan

ALSO PRESENT: Richard Megill, Director of Planning and Zoning
Mark Kitrick, Esq., King, Kitrick & Jackson, LLC
Albert Yodakis, T&M Associates
Leah Furey, Ragan Design Group
Jackie Wahler, Court Reporter

MEMORIALIZATION OF RESOLUTIONS:

2006-13 – Geronimo & Rowena Rabo – Block 135.07, Lot 8 – Motion to approve by Clute/Weinstein. YES: Clute, Hartman, Maher, Najarian, Weinstein and Kelly. **VARIANCE APPROVED**

2006-14 – Vincent & Lucy Squeo – Block 135.19, Lot 3 – Motion to approve by Clute/Weinstein. YES: Clute, Hartman, Maher, Najarian, Weinstein and Kelly. **VARIANCE APPROVED**

2005-15 – Susan Mattei – Block 78.04, Lot 64 – Motion to approve by Clute/Weinstein. YES: Clute, Hartman, Maher, Najarian, Weinstein and Kelly. **VARIANCE APPROVED**

2006-16 – Richard Killion – Block 98.04, Lot 6 – Motion to approve by Clute/Weinstein. YES: Clute, Hartman, Maher, Najarian, Weinstein and Kelly. **VARIANCE APPROVED**

2006-17 – TLC Learning Center/Reid – Block 145.01, Lot 15.02 – Motion to approve by Najarian/Clute. YES: Clute, Hartman, Falkowitz, Najarian, Weinstein and Kelly. **USE VARIANCE WITH PRELIMINARY AND FINAL SITE PLAN APPROVED**

2006-18 – Dr. Jeff Elbaum – Block 75.01, Lot 13.01 – Motion to approve by Clute/Weinstein. YES: Clute, Hartman, Maher, Najarian, Weinstein and Kelly. **PRELIMINARY AND FINAL SITE PLAN WITH BULK VARIANCES APPROVED**

2006-19 – K. Hovnanian/South Knolls, Section 3 – Block 111.03, Lot 1 – Motion to approve by Najarian/Weinstein. YES: Clute, Hartman, Maher, Najarian, Weinstein and Kelly. **USE VARIANCE APPROVED**

2006-20 – Jackson Development Co. LLC – Block 111.03, Lots 105 & 107 – Motion to approve by Weinstein/Clute. YES: Clute, Hartman, Najarian, Weinstein and Kelly. **USE VARIANCE APPROVED**

2006-21 – Mark Properties – Block 13.01, Lot 6 – Motion to approve by Weinstein/Clute. YES: Clute, Hartman, Maher, Najarian, Weinstein and Kelly. **USE AND BULK VARIANCES APPROVED**

2006-22 – MAD Science of Central Jersey LLC – Block 85, Lot 17.04 – Motion to approve by Weinstein/Clute. YES: Clute, Hartman, Falkowitz, Najarian, Weinstein and Kelly. **USE AND BULK VARIANCES APPROVED WITH MINOR SITE PLAN APPROVAL**

Motion to approve the minutes of the March 1, 2006 meeting by CLUTE/Weinstein. YES: Clute, Hartman, Maher, Najarian, Weinstein, Hopkins and Kelly.

Motion to approve the voucher for the recording secretary by NAJARIAN/Weinstein. YES: Clute, Hartman, Maher, Najarian, Weinstein, Hopkins and Kelly.

ANNOUNCEMENTS

Mr. Megill stated #10, Nelson, did not notice. This application is carried to May 3, 2006 and the applicant must notice. Number 1, Jose Angeles, requested to be carried to May 3, 2006 and Number 13, Jackson Crossings, asked to be carried to the May 3, 2006 meeting.

APPLICATIONS

1. **APPLICANT: JOSE ANGELES (USE VARIANCE # 2530)**

Application carried to May 3, 2006 at the applicant’s request.

2. **APPLICANT: TU JAE CHO (VARIANCE 2527)**
BLOCK: 109.01 LOT: 31.02 ZONE: R-3
LOCATION: 224 FRANK APPLGATE ROAD

APPLICANT IS SEEKING A VARIANCE TO RECONSTRUCT AN EXISTING SINGLE FAMILY DWELLING IN THE R-3 ZONE WHERE 3 ACRES IS REQUIRED AND IS PROVIDING .44 OF AN ACRE, LOT FRONTAGE REQ. 100 FT. AND PROVIDING 87 FT., LOT WIDTH REQ. 250 FT. PROVIDING 104 FT., SIDE YARD REQ. 50 FT. AND IS PROPOSING 30 FT. AND 28 FT.

Gordon Reynolds, 9 5th St., New Egypt, Eun Kying 224 Frank Applegate Road, and Tu Jae Cho, 224 Frank Applegate Road, sworn. Mr. Cho would like to redo the foundation and make a 2nd floor on the house. Mr. Reynolds explained one side of the existing dwelling is 2 stories, and the owner wants to make the whole house two stories. Mr. Yodakis asked if the footprint exists, and was told yes Mr. Maher asked about the digging on the property. Mr. Cho said the foundation is no good, and the home is no good. He is doing the work himself. Mr. Reynolds said there is no footing yet. Mr. Najarian asked if his drawings were done by an architect. Mr. Cho said he drew them himself. Mr. Najarian said the building department needs drawings. Mr. Megill said the applicant can do them himself. Mr. Kitrick asked if the applicant needs variances. Mr. Yodakis said the variances are existing conditions; the applicant is only building up, and intensifying the existing usage.

PUBLIC SESSION OPENED; No one came forward; **PUBLIC SESSION CLOSED**

Motion to approve by NAJARIAN/Maher. YES: Clute, Hartman, Maher, Najarian, Weinstein, Hopkins and Kelly.

3. **APPLICANT: MICHAEL SPANO (VARIANCE #2532)**
BLOCK: 75.24 LOT: 1 ZONE: R-15
LOCATION: 1 LONDON DRIVE

APPLICANT IS SEEKING A VARIANCE TO CONSTRUCT A 6 FT. SOLID FENCE IN FRONT YARD ON THIS CORNER LOT.

Michael Spano, 1 London Drive, sworn. He wants to replace a 4’ chain link fence with a 6’ vinyl fence; he has had a pool installed and wants the fence for safety and privacy. Mr. Yodakis indicated it is outside the sight triangle. No Board comments.

PUBLIC SESSION OPENED; No one came forward; **PUBLIC SESSION CLOSED**

Motion to approve by Weinstein/Clute. YES: Clute, Hartman, Maher, Najarian, Weinstein, Hopkins and Kelly.

4. **APPLICANT: SUZANNE FLAVANEY (VARIANCE #2534)**
BLOCK: 132 LOT: 13.24 ZONE: R-5
LOCATION: 2 OPAL COURT

APPLICANT IS SEEKING A VARIANCE TO CONSTRUCT A 6 FT. SOLID FENCE IN FRONT YARD ON THIS CORNER LOT.

Suzanne Flavaney and Charles Temple sworn. Ms. Flavaney wants to construct a 6’ fence around her corner lot. Mr. Yodakis indicated the fence location is well outside sight triangle. There were no Board comments. Mr. Megill asked if the fence will back up to another fence on Amethyst. Ms. Flavaney indicated there is no fence there now.

PUBLIC SESSION OPENED; No one came forward; **PUBLIC SESSION CLOSED**

Motion to approve by NAJARIAN/Weinstein. YES: Clute, Hartman, Maher, Najarian, Weinstein, Hopkins and Kelly.

5. **APPLICANT: NAGY SALIB (VARIANCE #2536)**
BLOCK: 126.29 **LOT: 19** **ZONE: R-15**
LOCATION: 20 WYOMING DRIVE

APPLICANT IS SEEKING A VARIANCE TO CONSTRUCT A SHED 2 FT. FROM SIDE YARD WHERE 10 FT. IS REQUIRED AND 2 FT. FROM THE DWELLING WHERE 10 FT. IS REQUIRED.

Jeannette Salib, 20 Wyoming Drive, sworn. She wants to build a shed 2' from her property line and home. The property slopes, and if she didn't place the shed there, it would be in the middle of the yard, leaving no place for the children to play. Mr. Kelly said placing a shed close to the house is a concern because anything stored there with fuel is a safety hazard. The Board will put restriction in the resolution. He asked if she could move the shed away from the home. Ms. Salib said the neighbor has no concern and said she could go 3' from the house and 1' from the fence. Mr. Megill asked how she would maintain it if only 1' from the fence. He said there is no practicality to place the shed closer to the neighbor. Mr. Kelly asked if the deck is level. Ms. Salib said yes, the property goes back 25' - 27' before it drops. Mr. Kelly asked if the side of the deck would be a good location for the shed. Ms. Furey said that was not practical if nothing hazardous is stored inside. Ms. Salib asked if she could store her lawnmower in there. The Board agreed it would be ok. Mr. Kelly said there would be no storage of gasoline in there because it is a safety issue. There could be an explosion; lawn mowers have hot motors, and there could be a problem. Ms. Salib agreed to no storage of gasoline in the shed, but it was agreed the lawnmower could be in there.

PUBLIC SESSION OPENED; No one came forward; **PUBLIC SESSION CLOSED**

Motion to approve by NAJARIAN, who stated there would be no storage of any flammable Liquid, to protect the town from a liability issue, seconded by Weinstein. YES: Clute, Hartman, Maher, Najarian, Weinstein, Hopkins and Kelly.

6. **APPLICANT: ANTHONY & SUSAN ABBONIZIO JR (VARIANCE # 2539))**
BLOCK: 127.07 **LOT: 674** **ZONE: R-15**
LOCATION: 30 DOGWOOD DRIVE

APPLICANT IS SEEKING A VARIANCE TO CONSTRUCT A 15 FT X 22 FT. ADDITION 10 FT 5 INCHES FROM SIDE YARD WHERE 15 FT. IS REQUIRED.

Anthony Abbonizio sworn. The proposed addition is same depth as house now. The hedges are to remain. A board on board fence is to remain. He stated the neighbor said no he had no problem with the setback. No board members or the professionals had questions or comments.

PUBLIC SESSION OPENED; No one came forward; **PUBLIC SESSION CLOSED**

Motion to approve by WEINSTEIN/Clute. YES: Clute, Hartman, Maher, Najarian, Weinstein, Hopkins and Kelly.

7. **APPLICANT: MARTIN & JOAN FIMIANI (VARIANCE # 2540)**
BLOCK: 68 **LOT: 5.06** **ZONE: R-2**
LOCATION: 10 DENMARK LANE

APPLICANT IS SEEKING A VARIANCE TO CONSTRUCT A 14 FT. X 17 FT. ADDITION 10 FT FROM SIDE YARD WHERE 30 FT. IS REQUIRED.

Martin Fimiani sworn. He wants to construct an addition to his home and needs a side yard setback variance. The neighbor has no problem with the proposal. No questions from the Board. He is adding a room and a wrap-around porch. The addition will be within same footprint as what is there now.

PUBLIC SESSION OPENED; No one came forward; **PUBLIC SESSION CLOSED**

Motion to approve by CLUTE/Maher. YES: Clute, Hartman, Maher, Najarian, Weinstein, Hopkins and Kelly.

8. **APPLICANT: RAYMOND POWELL (VARIANCE # 2541)**
BLOCK: 5.01 **LOT: 47** **ZONE: R-3**
LOCATION: 315 CHERRY STREET

APPLICANT IS SEEKING A VARIANCE TO CONSTRUCT A 30 FT. X 50 FT. DETACHED GARAGE IN HIS FRONT YARD.

Raymond Powell sworn. He wishes to construct a detached garage in his front yard. Mr. Yodakis asked if there is any reason it will be close to the front property line. Mr. Powell said his is the only house on that part of the street and it naturally flows. Mr. Kelly asked if the 5' post and board fence is still there, and Mr. Powell said yes. Mr. Falkowitz questioned the visibility of the road if the garage will be placed there. Mr. Powell said there is no road past it. Ms. Hopkins asked if he would be working in the garage or park cars in it, as it is a long walk up to the house. Mr. Powell said it is a good place for me because of everything else in the yard. Mr. Yodakis had a concern if Cherry Street would be continued through. Mr. Powell said it couldn't be, because Leone Drive is on the other side. Mr. Kelly asked who is across the street. Mr. Powell replied the closest neighbor is on the corner of Cherry and Pine. The professionals were satisfied. Mr. Powell noted his Block should be 5.01, not 2.01 as stated on the agenda.

PUBLIC SESSION OPENED; No one came forward; **PUBLIC SESSION CLOSED**

Motion to approve by WEINSTEIN/Clute. YES: Clute, Hartman, Maher, Najarian, Weinstein, Hopkins and Kelly.

9. Application heard previously

10. APPLICANT: JONATHAN NELSON (VARIANCE #2529)

Application carried to May 3, 2006

11. APPLICANT: AMERICAN FAMILY CONSTRUCTION INC. (VARIANCE #2538)
BLOCK: 9.01 LOT: 126 ZONE: PV
LOCATION: PARK AVENUE

APPLICANT IS SEEKING A VARIANCE TO CONSTRUCT A SINGLE FAMILY DWELLING WHERE THE LOT WIDTH PROPOSED IS 100 FT. AND 125 FT. IS REQUIRED.

Ronald Maehr, 870 Lakehurst Ave, sworn. He is the present owner of American Family Construction and wants to construct a two-story, single-family home on Park Ave. Mr. Yodakis said the only variances required are for lot frontage and lot width. His technical comments were agreeable to Mr. Maehr. Ms. Furey said normally when applicants request variances for lot width or size, they must try to obtain additional property. Mr. Maehr said he had contact with the adjoining property owners, but they are not willing to sell land, and he had to buy Pinelands Development Credits. Ms. Furey said that is satisfactory. Mr. Najarian asked if this is a speculation home and Mr. Maehr said yes; he is the owner of American Family Construction.

PUBLIC SESSION OPENED; No one came forward; **PUBLIC SESSION CLOSED**

Motion to approve by WEINSTEIN/Clute. YES: Clute, Hartman, Maher, Najarian, Weinstein, Hopkins and Kelly.

Recess at 8:31 p.m., Reconvene 8:48 pm

12. APPLICANT: SUNRISE DEVELOPMENT (USE VARIANCE #2531)
BLOCK: 145.01 LOT: 33.01,33.02,33.03 ZONE: HC
LOCATION: NORTH COUNTY LINE ROAD

APPLICANT IS SEEKING A USE VARIANCE FOR A HEALTHCARE FACILITY WHERE THE CODE REQUIRES 16 PATIENT BEDS AND APPLICANT PROPOSES NONE, WHERE A LOT CONSOLIDATION AND SUBDIVISION IS REQUIRED, AND FOR A TEMPORARY MARKETING TRAILER IN THE FRONT YARD ON THIS PROPERTY LOCATED IN THE HC-ZONE.

Mark Policastro, Esq., represented the applicant. Joseph McElwee, Sr. Vice President of Sunrise Development was sworn. He has been employed by Sunrise for 12 ½ years and has developed all properties for Sunrise in New Jersey. He gave a presentation of who Sunrise is. He stated they have 425 communities in 25 states with 26 homes in New Jersey. Their design prefers small, residential models, modeled after those in the Netherlands. They have a Victorian mansion, turn-of-the-century design. The purpose is for assisted living facilities for the frail elderly. They provide bathing, grooming, and transportation services with no full time medical supervision. They are licensed by the Department of Health, who has a 10% Medicaid requirement. COAH accepted those beds as equivalent. The site is transitional from residential to

Page 6 of 8 – Zoning Board Minutes of April 5, 2006

commercial; a part of the community. They propose 75 units, 40% of the space is common area. The design is very residential in scale and look. The rooms are 1-2 room suites with an average of 425 sq. ft. They have private baths and showers. They contain Euro kitchens, no cooking facilities. The services provided include three meals and snacks. There is an activity director, housekeeping, ADL assistance, TV, and a full-time Registered Nurse. He said the fastest growing segment of the population is older folks. People in nursing homes could function as well in assisted living facilities. They chose Jackson because of demographics and earnings of residents. Housing values are strong here, their investment will be protected. There are a high number of 45-64 year old residents. This proposal has no impact on schools, and no traffic problems as the patients don't drive. This is a "for profit" company, and they will pay property taxes.

Ms. Furey stated they are only asking for a use variance; if approved, they would need site plan approval. They need a use variance to allow it in the Highway Commercial zone. They indicated for affordable housing, 10% is for Medicaid, and she would like to see 20%. This should be addressed. Mr. McElwee said if this was a single-family development, that may be ok, but the Dept. of Health said 10% is ok. They could not operate with 20%. They manage Leisure Park in Lakewood and they have 15% requirement. The State and COAH have determined 10% is acceptable, and they respectfully request that. Ms. Furey replied that COAH has not set forth any mandate. Mr. McElwee said the project would not be viable at 20%. Ms. Furey noted because of financing, Bartley Assisted Living Facility has more than 10%, and it could be done. This is important in Jackson. If the Board grants the use variance, developer should provide its fair share so the township does not have to. Mr. McElwee stated the care for these patients is very high, and they take a huge hit on the 10% units because those patients require the same amount of care. Mr. Najarian asked if there was one RN to dispense drugs, and is there an on-site pharmacy? Mr. McElwee said there is an RN from 9-5, then LPN [Licensed Practical Nurse]; the drugs come from elsewhere. Mr. Najarian stated these are very nice operations; he has been in them. He asked if, after 7 years, would Rent Control have an effect on the residents? Mr. McElwee said they guarantee their rate for 1 year. Mr. Najarian asked if they can go higher than the CPI in 7 years? McElwee said that is an interesting question. He said it would work for an apartment complex, but not for something with these facilities. Ms. Hopkins asked how many beds are proposed. Mr. McElwee said 90-94, the certificate of need is 100, rounded up, so there would be 10 Medicaid beds in this community. She asked who gives the care. Mr. McElwee said besides the RN, there is other staff that provides the additional services. There are care managers as well.

Mr. Yodakis asked to discuss the location of the buildings. The applicant's engineer, Larry Bozik, was sworn. He is a Project Manager for Hansen Engineering in Wayne, New Jersey and his credentials were accepted. He is in support of the use variance and prepared the site plan for the Board members. Sheet 3 of 7, was marked Exhibit A-1, Sheet 4 of 7 was marked A-2, and Sheet 6 of 7, a conceptual landscape plan was marked Exhibit A-3. He referred to A-1 showing 3 lots on the north side of County Line Road and the west side of Harmony Road. Dimensions of the lots were given; it is currently a vacant, open field. The lots are between Jackson Self Storage and the Walgreens under construction. They propose a minor subdivision to make the 3 lots 2 conforming lots. The lot adjacent to Walgreens would remain vacant; the other lot would contain the Assisted Living Facility. Nothing is proposed for the lot next to Walgreens.

The Sunrise Facility would have three buildings on it. The total building area is 57,000 square feet. It is residential in style. The site plan avoids straight driveways, gently curving, with nice landscaping and sitting areas. They minimize impervious coverage. There is one parking stall for 2 units in accordance with RSIS standards. Emergency access is provided around the perimeter of the site. No bulk variances are sought. Mr. Megill asked if this is the site that was going to be a shopping center, and was told yes. Mr. Najarian asked about the parking and was told very few residents have cars.

Referring to Exhibit A-3, the site is currently a vacant field, and he showed all the proposed trees and landscaping, including considerable screening adjacent to the storage facility and to the residential zone to the rear of the property. They will conform to the new storm water regulations. Water and sewer is available. They will conform to the County standards for the road., and intend to comply with the professionals' reports.

Mr. Yodakis said the Board is considering a use variance for a lot that does not exist. Will they apply for minor subdivision at the time of site plan? The answer was yes. Ms. Furey asked if the use variance would be contingent upon minor subdivision approval. Mr. Kitrick said yes, it could be conditioned. The applicant agreed, stating they are willing to stipulate; they are comfortable with the lot as it would be subdivided. Ms. Furey had a concern of the subdivision– if approved, there would be two conforming lots. The applicant has shopping center approval for the entire site. She doesn't want to see another shopping center squeezed in on the remaining lot. Mr. Kitrick said they cannot put restrictions on a lot as to what may go there.

Mr. Yodakis had a concern if a shopping center would be put on the vacant lot, given the connection between the two lots. He said a conforming lot site plan application may be heard by the Planning Board. Mr. McElwee showed a drawing showing possible future development expansion. It showed Walgreens and the vacant lot along with the Sunrise facility. There would be reciprocal easements between the lots. The

Page 7 of 8 – Zoning Board Minutes of April 5, 2006

entrance road comes in to Sunrise, connecting to a possible mini shopping center. He was just showing it could work. The main drive branching off to this lot is handled properly, per Mr. Yodakis. Mr. McElwee said there is a reciprocal agreement with Walgreens giving access to Harmony Road. Ms. Furey said when Walgreens was before the Planning Board, there were months of discussion regarding access and it is in the best place they could put it. There could not be another access on Harmony. Mr. Kelly asked if Walgreens agreed to access to this parcel, and Ms. Furey said yes, and planning for the future is wise. The assisted facility will generate little traffic. Ms. Hopkins said she lived in Jackson for 30 years. Even though the vacant lot is not before this board, there will be something there generating traffic. We need to plan for that.

Mr. Najarian said if 28 people work there, and there are 46 spots, there is not enough parking for visitors. Mr. Kelly was concerned with the handicap spots. Mr. Megill reminded them they are here for a use variance. Parking and entrances are handled at site plan, and with our comments tonight they may come back with an even better plan. The attorney for the applicant said their traffic expert was present. David Hellman, Project Manager for Pasberg Developers was sworn. They have no plans developed for the remainder parcel now. They are breaking up the existing parcels to minimize the impact the larger shopping center would have. Approval was for a 120,000 square foot shopping center. They are giving that up and he knows the vacant parcel will still need site plan approval. He is aware of the concern for the traffic with Walgreens and explained the restrictions on the traffic between the sites. They will only have cross traffic if it is deemed safe and necessary. They have no plans proposed for the vacant lot. Feels the Sunrise use is appropriate for that site.

David Shropshrid, traffic expert appearing before 150 boards, sworn. He prepared the traffic report, indicating the site generates a low volume. If the site would contain office space, it would generate much more traffic than the Assisted Living Facility. There is no detriment to the public good and it is consistent with the Master Plan. Sunrise is comfortable with the parking that is provided. For special events, they may shuttle people from off site. They propose a right turn in, right turn out operation due to the proposed barrier for County Line Road.

Ms. Furey stated she is a planner for the town of Woodbury that has a Sunrise facility. Woodbury is a walkable community, but the parking appears adequate. Mr. Clute asked if the Board is bound by the proposed subdivision. Mr. Kitrick stated the applicant said they would be. Mr. Clute acknowledged if things need to be moved around, they would be settled at site plan, but asked if the border of the minor subdivision is bound. Mr. Kitrick said when they come back, the line you see is the line they will be utilizing. Mr. Maher said things can be moved on the site plan. Mr. Clute just wanted to know if the Board has to work within these parameters. Mr. Megill stated the line will be the line when the map is filed.

PUBLIC SESSION OPENED

Brian Harrison, 436 Harmony Road, sworn. He owns the property next to Walgreens. He is happy about the Sunrise facility; it seems nice. He is concerned about the access road to Harmony Road and did not like the idea of a small strip mall there. He asked if a subdivision occurs, will the shopping center approval go away? He also wants to be able to provide input for any future application. Ms. Furey stated the applicant would definitely need to notify the public.

William Schaf, 464 Harmony Road, sworn. He is opposed to tying this site to Walgreens, and the resulting traffic on Harmony. He said you cannot put drainage in the rear of the property as it rises considerably. He wants a tightly planted screen of trees along the rear of the property. Mr. Kelly agreed. He liked the Sunrise Facility.

Pat Robinson, Harmony Road, sworn. She took time to look at the diagrams; they seem very nice, and this is a good use. Her main concern is the traffic to Harmony Road, and she would like the Board to take that into consideration.

Blanche Krubner, 3 W. Connecticut Concourse, sworn. She is a member of the Planning Board and stated the Walgreens resolution says they can share a curb cut on County Line for access, blocking the ability to use the parking lot as access and limiting access to Harmony Road. Only Walgreens is to use the exit to Harmony. Mr. Kelly said the Board is against access to the Walgreens. Ms. Furey said connectivity is generally good, but the issue here is that Harmony is residential and people don't want the traffic. The county required the access on Harmony. David Shropshrid stated they do not need Walgreen's access as there will be a jughandle to the west on County Line. Ms. Furey said a pedestrian access would be nice. She then said she read the planner's report and it makes a case for positive and negative criteria. It is an inherently beneficial use because a variety of senior housing is desirable. Mr. Kelly questioned the 10% number for Medicaid and Ms. Furey said the Township has an obligation and taxpayers should not have to bear; the developer should provide. With ten units, this is a continuous care facility, the developer could pay a fee for the remainder, or \$35,000 per unit. Mr. McElwee said she had an excellent point and they would agree to make a contribution in lieu of.

PUBLIC SESSION CLOSED

Motion to approve the use variance by CLUTE/Hartman, with the stipulations concerning the Boundary Line, Subdivision approval, and access to be decided on site plan approval.

YES: Clute, Hartman, Maher, Najarian, Weinstein, Hopkins and Kelly.

13. APPLICANT: CARDINALE ENTERPRISES/JACKSON CROSSING

Carried to May 3, 2006.

Motion to adjourn by HOPKINS/Maher at 10:10 p.m. Yes by affirmation.

Respectfully submitted,

Janice Kisty
Zoning Board Recording Secretary