

**MINUTES OF THE REGULAR MEETING
OF THE TOWNSHIP OF JACKSON
ZONING BOARD OF ADJUSTMENT
FEBRUARY 6, 2008**

The February 6, 2008 Jackson Township Board of Adjustment meeting was called to order at 7:06 p.m. with a salute to the flag by all present. Board Chairman Vincent Sgro welcomed John Burrows and Carmen Esposito to the Board. Attorney Sean Gertner read the Open Public Meetings Act Statement.

ROLL CALL: William Santos John Burrows, Alt. #1
Jeffrey Bowen Carmen Esposito, Alt. #2
Stephen Costanzo Peter Maher, Secretary
Vincent Sgro, Chairman

ABSENT: Barry Calogero Diana LaBianca, Vice Chairwoman

ALSO PRESENT: Sean Gertner, Attorney of GluckSnyder LLC, Lee Ann Hoffmann, Engineer of Gravatt Consulting Group, Donna Miller, Planner of Geller Sive & Company, Jeffrey Purpuro, Zoning Officer and Steven McCrystal, McCrystal Reporting

Mr. Gertner announced there were personnel matters to be discussed and made a request for a motion to go into Executive Session, with a resolution pursuant to the Open Public Meetings Act. Mr. Santos asked the session be later in fairness to members of the public in the audience. Mr. Gertner explained the reason why the session should be first, stating that two applications may need a traffic engineer and a brief meeting prior to hearing the application would be appropriate, but it is up to the Board. Mr. Sgro thought it was a good idea for the traffic testimony. Mr. Costanzo asked how it is fair if they move forward. Mr. Gertner said he is under contract and thought this was the procedure discussed at the last meeting. Mr. Sgro thought if they hear traffic testimony tonight, they should vote on this. Mr. Santos said they should hear the testimony and get the report of the professionals. Mr. Gertner suggested they hear and then carry applications if testimony is not complete. Ms. Miller thought this was discussed, and stated the applications are use variances and site plans. In some matters, the use variance is dependent on the traffic report, and sometimes it is part of the site plan testimony.

Motion to go into executive session at 7:14 p.m. by BOWEN/Maher. YES: Bowen, Costanzo, Burrows, Esposito, Maher, Sgro. NO: Santos.

Motion to close executive session at 7:26 p.m. by COSTANZO/Esposito. YES: Santos, Bowen, Costanzo, Burrows, Esposito, Maher, Sgro.

Motion to re-open the public session at 7:26 p.m. by SANTOS/Costanzo. YES: Santos, Bowen, Costanzo, Burrows, Esposito, Maher, Sgro.

APPROVAL OF RESOLUTIONS

Recording Secretary Janice Kisty announced the following resolutions and those eligible to vote:

2008-08 – Pine Belt CB – Block 4702, Lot 6 – Final Site Plan approval for PNC Bank

Motion to approve the foregoing by BOWEN/Costanzo. YES: Bowen, Costanzo, Maher, Sgro.

2008-09 – Hohnhorst – Block 7804, Lot 3 – Variance approval for a detached garage

2008-10 – Rosenstack – Block 1002, Lot 6 – Variance approval for a shed

Motion to approve the foregoing by COSTANZO/Maher. YES: Bowen, Costanzo, Maher, Sgro.

APPROVAL OF MINUTES OF JANUARY 16, 2008

Motion to approve by MAHER/Bowen. YES: Santos, Bowen, Costanzo, Maher, Sgro.

APPROVAL OF VOUCHER

Motion to approve the voucher in the amount of \$120.00 for the Recording Secretary for tonight's meeting by MAHER/Costanzo. YES: Santos, Bowen, Costanzo, Burrows, Esposito, Maher, Sgro.

The professionals were sworn by Steve McCrystal and their affiliations stated for the record.

ANNOUNCEMENTS - none

MATTERS FOR DISCUSSION

Mr. Gertner stated the professionals brought to his attention the need for them to be involved in the Planning Board review of the Master Plan, pursuant to the last meeting where Mr. Bressi addressed the Board on that. If authorized, the payment of time for all three Board professionals would come out of Board funds, and they have asked for the Board's consent to approve their participation.

Motion by SANTOS to act in accordance with the Planning Board; it is a small cost factor for a significant impact on future development. He said it is money well spent. **Second by Costanzo.** YES: Santos, Bowen, Costanzo, Burrows, Esposito, Maher, Sgro. Mr. Sgro said they should nominate one person from the Board either formally or informally to represent the Zoning Board, and would recommend Mr. Maher with his experience. Mr. Santos agreed, stating Mr. Maher has excellent knowledge of the town, he is very active in

the town and is an excellent choice. **Motion to name Peter Maher as Zoning Board Liaison by SGRO/Costanzo.** YES: Santos, Bowen, Costanzo, Burrows, Esposito, Sgro. ABSTAIN: Maher.

Regarding the Manhattan Street projects, Mr. Gertner said these are two large applications. He asked if the professionals think they will be ready for the March 5 meeting. Ms. Hoffmann said they were submitted in October and received the end of December. The review is done for both projects, which are applications for use variance and preliminary and final major site plan. The applicant contacted Ms. Hoffmann today to inquire about a hearing date and Mr. Gertner said they are willing to pay for a special meeting so as not to backlog the Board. Mr. Santos asked the time frame. Ms. Hoffmann said it is 120 days from when she deemed it technically complete. Mr. Sgro thought it should be a special meeting. Mr. Santos disagreed, saying the Board is within its time frame. Mr. Maher said they have a second meeting date each month, and Mr. Costanzo agreed. Mr. Gertner said the point was the applicant wanted to make the Board aware these are complicated applications, and they are willing to pay for their own meeting to give full focus on their applications. However, if they are ready for March 5, the Board could begin hearing them and then determine whether to carry them to a second meeting, or review the agenda and decide when to hear them. Ms. Hoffmann said there are three applications for use variances that are now ready for the March 5 hearing date, plus whatever may be carried from tonight. Ms. Miller added is the two Manhattan Street projects are adjacent to the Winding Ways community and they must be notified. She said there may be a substantial turnout for that meeting. Mr. Sgro said there is a separate meeting every month and they could be heard then. He asked Mr. Purpuro to check the schedule. Mr. Maher wanted to wait till the next meeting. Mr. Gertner said it is a scheduling issue. Mr. Maher agreed it should be a separate meeting, this month or March. Mr. Santos suggested scheduling the applications for the first meeting in April. Mr. Maher added if they don't get to them then they could be heard at the second meeting in April. Mr. Sgro thought they should just move the applications to the second meeting in April. Mr. Bowen asked if that would be compliant with the 120 days for decision, and was told yes. Mr. Gertner will advise.

APPLICATIONS

1. Jeana & Robert Yoon – 7 Trumbull Court – Block 701, Lot 655 – Zone PMUD

Jeana and Robert Yoon were sworn by Steve McCrystal. They want to construct an in ground pool but have limited space. The filter and heater is close to the fence and too close to the house. There is an easement to the rear, and no one is there. They hope to put the filter and heater there and make life pleasant. Ms. Hoffmann asked if the filter and heater will be relocated and was told yes. She asked that there be no change in the grading and the applicants agreed. Mr. Costanzo asked about the easement and Mr. Yoon said it is about 15' to the open space.

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

Mr. Gertner asked what the easement is for. Ms. Yoon said it is the KHov development. Mr. Purpuro said he researched it and found it to be common ground, dedicated to the Homeowner's Association.

Motion to approve by MAHER/Esposito. YES: Santos, Bowen, Costanzo, Burrows, Esposito, Maher, Sgro.

2. JCP&L FIRST ENERGY – Bennetts Mills Road – Block 12101, Lot 32 – Zone NC

Mr. Beyel, attorney with McElroy, Deutsch, Mulvaney & Carpenter, Morristown, represented the applicant for an electrical substation. They are seeking two variances as well as preliminary and final site plan approval. He explained the 52' structure exceeds the allowed 35' height, and also the substation is surrounded by a seven foot fence with one foot of barbed wire. There was a question about other structures on the property, and they are needed to get power to the substation for which poles are needed. These matters pertain to the grid, not only in one municipality. Transmission networks exist throughout the country. If they needed approvals from each municipality, and one municipality blocks them, it could prevent the service from being provided. Land use law is set up so site plan approvals for poles and towers are not needed, but they do need DEP permits due to environmental issues. They provided proof of submission to the DEP. Poles are put in the right of way, and their size is dictated by engineer criteria and safety codes. The review letters address two poles close to Bennetts Mills Road. They are part of the network, not unique to this municipality. Mr. Gertner asked who has review over the poles. Mr. Beyel said they are regulated by the Board of Public Utilities. They must deliver reliable power, and the BPU has the authority to ensure they are meeting their obligation. Some poles are higher to allow wires for roadway clearance. Mr. Beyel said approvals are needed for what is inside the fence. They cannot plant anything higher than 3' under the power lines per the BPU. These plants must also be trimmed from time to time.

James Tobia, Record Engineer for JCP&L, was sworn and his credentials as record engineer in the regional planning group in Red Bank NJ to design facilities were accepted. For this project, he analyzed alternatives for the need for capacity in this area of the state, to handle the loads that exist. He presented exhibits, 10 sheets stapled together were marked A-1. Mr. Tobia explained the diagram of the basic electric system. A generating system at transmission high voltages on tall towers or steel lattice structures brings bulk power into the area. From there they step down the voltage to a manageable level at substations, then to distribution voltages that go into the neighborhoods. This substation will produce local distribution voltage and a transmission switching station for sub transmission levels to a regional station. He showed an overall aerial map of Jackson and how the bulk power supply is provided through the middle of Jackson between Cookstown, Larrabie in Howell, and Whiting. The more dense the population, the more substations you have. They showed actual and forecasted equipment loading, the loads at the Hyson Road station and the Vanhiseville location, and the forecast for future electrical usage. Five recently approved projects in Jackson will demand additional electrical power needed to serve those communities. They plan to install a mobile

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transformer by this summer to provide additional capacity for the Jackson area this summer. This location was selected due to the recognition of a problem due to overloads on various pieces of equipment. The transmission system is also at its peak rate. There is nothing left to tap into to provide power to Jackson. Bulk power runs between Cookstown, Larrabee and Whiting, a T-shape. They are proposing with this substation to split that major power source at the cross section of the "T". Today there is 36 miles of exposure, and this substation will reduce the exposure to 16 miles at the most. This is known as sectionalizing. They need the station to provide distribution capacity and to provide sub transmission capacity to the region, and increased reliability and sectionalizing. Mr. Maher said this site is very environmentally sensitive, and asked if it wasn't all wetlands. Mr. Tobia showed a copy of the tax map and a map from the DEP which shows known wetland areas. He showed an exhibit that shows the area in question. He showed where the substation would be placed, and it would not be in the wetlands. Mr. Bowen asked what the brown areas are, and Ms. Miller and Ms. Hoffmann showed Mr. Maher and Mr. Bowen the areas in question on their maps. Mr. Tobia said the brown areas questioned by Mr. Bowen are designated as non-wetlands areas. Ms. Miller said the DEP provides an online data base. The applicant has a screen shot of selected areas, and she asked what wetlands they are. Mr. Beyel asked if the site engineer could answer later. Ms. Miller said it may or may not be true that the brown areas are not wetlands as those are forested areas and may or may not have wetlands. Mr. Bowen asked if there are nearby residences and Ms. Hoffmann said there are some residences within 500' of the site. Mr. Tobia said the ideal place to build this substation contains wetlands. The actual location is public domain and as close as possible to the bulk transmission line with as little environmental impact as possible. The site also needs to be in the load growth area. He showed the tax map showing the intersection of the two rights of way, extending across Bennetts Mills Road and JCP&L has owned it for more than 50 years. They could not put it on this side of Bennetts Mills Road due to environmental issues. Mr. Bowen questioned the 3% rate and Mr. Tobia said growth has slowed, but the evaluated numbers for 2007 are conservative. Mr. Maher asked what is north of the right of way. Mr. Tobia said it goes to Smithburg and future plans to extend the service further may occur as JCP&L owns the right of way to Smithburg. Mr. Santos asked about the temporary mobile transformer. Mr. Tobia said they will provide a mobile transformer in the Johnson Park area for 2008. Mr. Santos asked how long it would take to build if approved and Mr. Tobia said 6-8 months, for 2009. Ms. Hoffmann asked if Hyson or Vanhiseville could be expanded and was told no; that is why this must be built. Ms. Hoffmann asked if there are plans to upgrade the equipment on other stations to provide more power and was told yes. Mr. Santos asked how much additional power will be provided, and if they will get out of the red for years to come. He was told 30 megawatts, 15 for the five approved subdivisions and 15 for pending applications. He believes they can expand Vanhiseville once this is built. Mr. Tobia said this expansion would be enough for about 15 years. Mr. Maher asked if the Four Seasons development is served by the Hyson Road facility. Mr. Tobia said the blue area initially will provide 15 megawatts and takes some load off the Hyson and Vanhiseville facilities. Ms. Miller asked what percentage the 30 megawatts is and Mr. Tobia said this will provide 30 new megawatts to new homes and businesses. Ms. Miller asked if the 30 megawatts is for Jackson. Mr. Tobia said 50 megawatts is for regional use depending how they are producing. Ms. Miller felt they need permission for the transmission facility and was told the need exists and this is the best site to which the site engineer will testify.

Arif Malick of Malick and Scheerr, Whitehouse Station NJ was sworn and his engineering credentials accepted. He presented a site plan exhibit to the Board and noted they submitted an application to the DEP which is currently under technical review and for which no additional information has been requested. He said the substation is not in the wetlands area but some of the transmission line is. Copies were provided to the engineer and to the Zoning Board files. Mr. Sgro said any approval would be conditioned on obtaining DEP approvals. Mr. Malick stated they have Ocean County Planning Board approvals, which they will provide to the Board engineer. They said it was approved July 18, 2007 and Ms. Miller asked if there were any contingencies. Mr. Malick said there were some conditions such as right of way width, an LOI from the DEP and notes on the plans. Mr. Beyel said they will coordinate with the Ocean County Planning Board to obtain their final approval. Ms. Hoffmann was concerned with conflicting information on groundwater and the basin, and said it needs to agree to ensure it functions properly. She said it seems to discharge to the adjoining property. The outlet pipe is next to the property line of a homeowner and she said you cannot discharge without notification. Mr. Malick agreed it seems as if it is shooting water, but stated it is a few feet from the property line; he can work with Board engineer on this and feels comfortable with the design. He said the detention pond will help and Ms. Hoffmann disagreed because the adjacent property is wooded, they are clearing and that will change the intensity of the runoff. They are not grading via a conventional system; they need to show how to mitigate the situation. Mr. Malick offered to speak with her. He applied to the DEP and has been doing this twenty years. Ms. Hoffmann responded she is also doing this for twenty years and knows DEP engineers are not licensed. Mr. Malik said a wide scour hole may work, and they are confident the grading will get the water into the basin. Ms. Hoffmann was not comfortable with his solutions. Mr. Malick said test pits were done and they will provide copies; he feels this will work. Mr. Gertner asked Ms. Hoffmann if she is comfortable with the condition, if approved, this would be subject to receiving the information or if the Board is better off asking that it be provided and continuing the hearing. Ms. Hoffmann said she is comfortable with this engineer, but not at this point; they are talking hypothetically. There are already concerns about groundwater. Mr. Santos believed the additional information should be submitted and reviewed, and carried to a later date. He was uneasy approving tonight as the review letter was sent out, and the Board should be concerned. This was also the consensus of the Board. Mr. Gertner asked what other information was needed and Ms. Hoffmann said drainage is the largest concern, also notes on the plans for construction and excavation. Mr. Beyel agreed to have the notes put on the plans. There will be no outside storage of materials. Mr. Beyel said this is an unmanned facility. Mr. Beyel had a witness for the substation equipment itself, for the conditional use standards. Mr. Santos suggested they continue as they may need additional information. Mr. Malick stated he will work out the landscaping materials with Ms. Miller, who asked about screening the basin or effects of frontage. He said some landscaping up to 3' high will be planted. Mr. Beyel said they will coordinate with the planner on the landscaping for the next meeting.

Scott Bergstrom, substation engineer for JCP&L was sworn and his credentials accepted. He has 23 years experience in taking the requirements of planning engineers and bulk transmission planners and designs the substation. He does the layout of the structures, breakers, and relays comprising the system of the substation. He referred to site plan sheet 3 of 6. He showed the transmission of 230 kilovolts at the 52' high structures, which allows them to bring the power to the lower locations at a usable level. He explained how the power is switched throughout the substation to distribute the power to the desired locations. Ms. Miller said the structures vary in size, shape and height, and Mr. Bergstrom said the switch gear has a number of smaller breakers. Ms. Miller said it is all in a fenced compound and was told that is correct. She asked how the 230 kv lines relate to what is in the fenced area. He said through a transmission line, the power flows from one end to the other. Ms. Miller asked how many wires will cross Bennetts Mills Road and Mr. Bergstrom said each circuit has 3 wires and it varies. Pictures of what these look like were passed to the Board members and the exhibit was marked A-2. It showed the power transformer, dead end structures, transmission line, and fence with the barbed wire where 7' is the industry standard with the barbed wire to keep people out. Mr. Burrows asked if there are any alternatives, and was told they have not used any alternatives. They are required to put signs which don't keep people out as much as barbed wire. Mr. Bergstrom is responsible for construction specifications. The equipment is expensive, up to a million dollars. Mr. Bowen said there are residences adjacent to the proposed structure and asked the noise level. Mr. Bergstrom said it meets the commercial to residential standard, smaller transformers are at 42 db at the property line and the state standard is 50. One transformer is 68 feet from the property line, but the decibels are higher where they are located. There are no storage facilities as this is unmanned. Only the transformers emit noise. No smoke, solid or liquid particles are emitted from the substation, and there are no odors, liquid or solid waste from this site. Mr. Bowen heard cases of people living near these facilities have a high rate of cancer. He asked if they are aware and Mr. Bergstrom said no. He said there are no conclusive findings linked to EMFs. Mr. Maher asked if this affects property values and Mr. Beyel said he is not qualified to answer, this is a conditional use in the zone. There is no construction across the street. As far as lighting, the switch gears have manual switch lights if needed at night. They will be turned on and off as needed. Mr. Maher asked why they can't answer the question about property values. Mr. Beyel said they did not have to address economic impact questions as this is permitted in the zone. Ms. Miller said he may be correct but they are asking for a use variance. Mr. Gertner agreed with Mr. Beyel, saying this is a conditional use in the zone, and there is a separate set of positive and negative criteria. Ms. Miller agreed about the economic impact but not the other. Mr. Gertner said to provide it at the next meeting and Mr. Beyel agreed, and also stated he will bring their planner with these witnesses at the next meeting. Mr. Gertner said if they don't bring them back, they need to open public portion now. Ms. Hoffmann asked if any consideration was given to going underground and Mr. Bergstrom said physically and technically, the enormity of the project and the ability to maintain the project underground is not feasible.

PUBLIC SESSION OPENED

Kenneth Bressi, 462 Diamond Road, was sworn. He asked if the detention basin is dedicated to the town and Ms. Hoffmann said the property owner owns it and for this application it will not be dedicated to the town. Mr. Bressi said it is close to the property line and asked if they will have a maintenance plan and access. Ms. Hoffmann said it is still to be determined. Mr. Bressi agreed about the runoff. It was noted they applied for, but do not yet have, the LOI. Mr. Bressi was concerned about that.

PUBLIC SESSION CLOSED

Mr. Gertner asked when the information could be provided and Mr. Beyel needed a dialogue with his professionals, noting the information must be provided at least 10 days prior to a meeting. Mr. Gertner wanted to carry to a future date. Mr. Santos said it was incumbent to set a reasonable date and either they meet it or they don't. Mr. Gertner said he was trying to get that date. Mr. Beyel suggested setting a date, and if it was not good they may have to carry to a future date. They didn't want to have to re-notice. Mr. Costanzo said he will not let the schedule dictate when we can see people. He felt thirty days was plenty of time to get the issues settled. Mr. Santos suggested the first meeting in April, reasoning it should be a quick conclusion if matters are settled. A discussion ensued when to schedule this. **Motion to carry to April 2, 2008 for the purpose of the applicant providing additional information on drainage and the basin by SANTOS/Maher.** YES: Santos, Bowen, Costanzo, Burrows, Esposito, Maher, Sgro. Time constraints were waived by the applicant's attorney.

Ray Shea, attorney for Beth Zion, asked his application be carried and was advised they would do so after a short recess.

Recess at 9:30 p.m.; reconvened at 9:42 p.m.

Mr. Purpuro said for March 5, there was one basic bulk, a conditional use application and the Martorano case, and Ms. Hoffmann said there is a potential for two others. They decided to carry it to March 5. Mr. Sgro said it is the Chairman's responsibility to schedule the agenda and Mr. Santos disagreed. Mr. Gertner said a debate of setting the schedule does not benefit the Board or any applicants, and the Chairman sets the schedule as far as he knows. The Beth Zion application could be on the second meeting in March. Mr. Shea did not want to be the subject of debate. Mr. Santos said Mr. Shea made a representation, schedule Beth Zion for the second meeting in March as it will need a lot of consideration by the Board and there will be enough time to present it. Mr. Shea was unable to attend March 19, so Mr. Sgro suggested the March 5 meeting. **Motion to carry to March 5 by MAHER/Bowen.** Mr. Costanzo commented that the complexity warrants its own time to present and voted no because he thinks the application needs more time. He said March 5 has other applications and this would be taking from that. Mr. Burrows asked the order of the applications on the 5th. Maher said his motion is if the application is not heard, they should be first on the list. YES: Bowen, Burrows, Maher, Sgro. NO: Santos, Costanzo, Esposito. **The motion carried, 4-3.** Mr. Maher said they should be doing it this way to put them first on the meeting. Mr. Gertner said he will work with the Zoning office to use the time in the best way. Simple variances normally go first regardless of

other applications because they are relatively simple. With the complexity of "D" variances and site plans, we do our best to review and set the criteria for flexibility. There is no specific rule, Mr. Shea did not want this to be an item of contention, and they will work on the schedule.

3. Megan's Associates – County Line Road – Block 5601, Lots 61 & 74 – Zone HC & MF

Ray Shea represented this applicant for an office building on County Line Road adjacent to the Century 21 building. William Stevens and Ian Borden of PDS, Al Harrison, and Jonathan Szap, traffic engineer of McDonough and Rea were sworn. Mr. Stevens, Mr. Borden's and Mr. Szap's credentials were accepted. Al Harrison is the builder; he just completed an office building at Villanova Drive.

Mr. Stevens referred to exhibit A-1, an aerial map of the subject property to the west of the intersection of Bennetts Mills Road and North County Line Road. Exhibit A-2 is a copy of the cover sheet for this application. Exhibit A-3 is a copy of submitted site plan. Exhibit A-4 is the utility plan and A-5 is the grading and drainage plan for this application. Mr. Shea has two reports from Gravatt and Geller Sive. The applicant is proposing an office building and showed the subject property on A-1. The Three Pence condominium project is shown to the east of the project. The application is before the Zoning Board because the proposed use of an office building is not permitted in the MF zone of Jackson. This site has a split lot zone and the front portion is Highway Commercial and the rear is Multi Family created by subdivision. Mr. Shea explained this tract came about in the 1980s with a contract between Three Pence Brook and a developer. It was to be developed by Three Pence Brook and front on the HC zone. The developer filed the map but never bought the property due to financial difficulty. The MF lot is landlocked with common ownership, and its frontage is on County Line Road. This may be corrected by the Planning Board during its Master Plan review. Mr. Stevens showed the general layout of the property with proposed parking to the west of the subject building. There are environmental constraints to the west of the property. A wetlands line LOI was received for the line and the 50' buffer. A new LOI was issued in October, 2007. A 300' buffer is also needed due to proximity to the Metedeconk. The applicant will construct a 31,500 square foot, three-story office building with parking and associated amenities. They will relocate the trash dumpster to the opposite side of the property after speaking to the Three Pence Brook property owners. Ms. Hoffmann asked about the environmental issues. The 300' stream buffer location was corrected. Mr. Stevens said the center line is not defined and Ms. Hoffmann said it should be from the top of the bank and Mr. Stevens said there is no top of the bank. This is an intermittent stream. Plans say it is a defined centerline, to the best of Mr. Stevens' knowledge, they are showing a 300' buffer which he feels is in the right place. Water and sewer will be provided. A-5 shows grading and drainage and the applicant will construct a single access driveway and small storm water management basin. They plan to hold a 35' continuous buffer along the 3 Pence Brook property and no trees will be removed. The association for Three Pence requested buffer plantings and the applicant agreed to supplement the existing vegetation to provide adequate screening. The neighbors were concerned about the high pole mounted lights, so they will be changed from shoe box type to lantern type, single pole, 12' high shielded lights. They will be low level lights for the parking and roadway in accordance with the ordinance. They addressed those items in the review letters that needed testimony. The property owner's list is current. Variances are sought for lot area where 10 acres required and they have 9.4 acres with both lots in the MF and HC zones. The proposal is more in keeping with the zone plan. A second variance is required for rear yard setback in the MF zone. It should be noted if this was in the HC zone, only 40 feet would be required. Hoffmann said the 35' buffer is within the setback, not separate from it. Mr. Stevens said they met with the adjoining property owners to satisfy them. A fence would have meant taking down trees so this is preferred. The technical comments are agreed to. Circulation of the parking area shows a dead end parking area and will be modified to open it up. The number of parking spaces is predicated on the number needed for the medical office space, which has more stringent requirements; they are providing 189 spaces. Ms. Hoffmann said the application did not mention the medical office space. Mr. Shea said there is no tenant yet; the application is for office space but they allowed the parking as if it was a medical office building, should that occur, so they will never be under parked. No basement is proposed per Mr. Shea. Mr. Santos asked how many spaces were along the access aisle and Mr. Stevens said 36. A bifurcated driveway enters the site and will be a right in, right out access from North County Line Road. There will be no left turns allowed. Mr. Santos asked the width of the spaces along the roadway and was told 9'. There will be drainage report revisions and they will revise the plans so the basin will work. Ms. Hoffmann asked if the Board wished to see the revised plans prior to their decision.

Ms. Miller's letter states this application does not meet the requirements of the MF zone, they are looking at environmental constraints and split lot zoning The HC use is the only valid use for this site. The MF zone is landlocked and can only be accessed through the HC lot. Ms. Miller feels the HC use should be the only use considered. A retail or other use would be located far back and is not practical. Mr. Shea said this is similar to Bella Terra. This is in a PA-2 suburban planning area and will be served by water and sewer. Mr. Shea said the MF zone does not have the land area to be developed for high density residential use. They would want to construct offsite the four required affordable housing units if developed, or pay the fee, whatever the Affordable Housing attorney would agreed to. If developed under the MF standard, there would be less affordable housing units required. The LOI with the 50' buffer says the DEP agrees there are no endangered species on the property. The EIS was incorrectly stated as prepared by Mr. Borden. The building height will be less than 35'.

PUBLIC SESSION OPENED

Paul J. Urbania, Esq., represented Three Pence Brook. He testified to confirmed discussions and he understands they will revise the plan to relocate the dumpster to the western side, reduce the height of lighting and add shields, and no light from the top. They will plant evergreens on the Three Pence property which would be part of the approval. There would be about 100 trees in two rows, each 20' apart. Permission will be given for them to do that and maintenance responsibility will be Three Pence Brook's.

Cindy Strong, 45 Shilling Way was sworn and said she lives there. It is a residential use. There are wetlands and an intermittent stream line. Tearing down trees is a concern as it is already wet there and she wonders if she will get water. Mr. Shea said they are not touching 35' of trees along the property line and are planting 100 more trees on the property. Their property is lower than the houses, so water will not go in her backyard from this project.

John Andrews, 9 Forge Court was sworn. The office space will be behind his house. He purchased 5 years ago and was told that land is unbuildable. He paid extra and feels all woods are beautiful. He understands about the evergreens but that does not compare to what is there now; 35' is not too much. It will take ten years before the trees would grow in. Mr. Shea responded someone lied to him that the land was unbuildable. The trees he is referring to are on the applicant's property. Mr. Andrews said there should be a 75' buffer, not 35'. Mr. Shea agreed, and said this was decided in conjunction with a discussion with the association, and they will be planting other trees. Mr. Andrews said that does not compare and Mr. Shea said that is subjective. They are here for a variance due to a split zone. If this was all HC, this application would be at the Planning Board and there would be no discussion. Mr. Sgro asked if he is particularly affected and maybe the plantings could be supplemented. Mr. Bowen asked what type of trees and Mr. Shea said the species would respect the soil's wet condition and agreed to give this person more trees on his property. Mr. Andrews said he purchased his home because he was told there would be no construction there, and now he will have an office building and parking to look at in his back yard. Ms. Hoffmann advised the Board to weigh the merits of the requested variance to reduce the buffer of 85' to 35', to an existing residential use. She said this could be ameliorated by adding additional plantings on the property of Three Pence Brook. Mr. Costanzo asked where the building is on the aerial map and Mr. Stevens showed it. The pump station and force main is in the buffer and Mr. Stevens said it is underground and the pump station will be out by the road to limit the tree disturbance.

Mary Hurlth, 22 Liberty Place was sworn. She said the last time there was construction in the area, they had a major rat problem which cost a fortune to deal with because of the wetlands. Mr. Bowen asked where this happened and Ms. Hurlth said when they built the jughandle around the Sunoco Station. Mr. Shea said he represented the applicant for the Century 21 building and that was built with no incident. Mr. Shea agreed to Mr. Gertner's request to address the problem if need be.

Colleen Rosado, 5 Forge Court was sworn. She said there is a playground behind her house and if land is disturbed there may be rats. There are children that play right there. She moved here in October and was told that could not be built on. Mr. Stevens showed the area of the playground. She objects to the office building and some units have balconies and will now be looking at fumes and a building.

Mr. Santos asked if the association is in support of the application. Mr. Urbania said the Board of Trustees is agreeable if the agreed concessions are made.

Mary Hurlth said the Board of Trustees may agree, but she lives there and is not agreeable to it.

Betty Oloughia, 17 Forge Court was sworn. She moved from Brooklyn to get away from buildings; she likes looking at trees. She is concerned with rats but likes rabbits and other animals.

Cindy Strong said the homeowners are giving up a lot. She suggested they build a smaller building and consider the homeowners.

PUBLIC SESSION CLOSED

Mr. Shea said they are trying to create a suburban office building for the people who moved here. Mr. Sgro asked if they couldn't make the buffer bigger and Mr. Shea said the C-1 classification ate it up.

Mr. Gertner announced the matter will be carried with no further notice. The balance of the testimony will be given March 5. Mr. Gertner agreed with Ms. Hoffmann's concern the revised plans should be forwarded to the Board. A written comment on the applicant's traffic report will be presented from the traffic expert in her office and he will be available to testify.

Mr. Maher discussed further how to schedule the applications. There should be a procedure on how to resolve these issues. Mr. Costanzo said those items carried should be continued at the second meeting of the month, rather than logjam the first meeting. Mr. Maher said it is embarrassing to fight with each other. Mr. Santos said there is no one set answer. Mr. Gertner said in Tinton Falls the Chairman schedules along with the Recording Secretary, who is also the Board Secretary. He will check Robert's Rules. Mr. Gertner noted they already announced they were carrying Megan's Associates. Mr. Sgro thought the second meeting is a scheduled meeting and if any carry overs, it should go that way. Mr. Santos thought it would not always work that way. Mr. Costanzo said just because the application is complete does not mean it needs to be scheduled; we are creating the problem. Mr. Sgro suggested putting it in Mr. Purpuro's hands. Mr. Bowen said it is not a good idea to speed applications up. Mr. Purpuro will work on the scheduling. Mr. Gertner asked the Board members to get their summer schedules together for availability.

4. Beth Zion Synagogue – 206 West Veterans Highway – Block 11801, Lot 79 – Zone R-3 *previously carried to March 5, 2008.*

Motion to adjourn at 11:15 p.m. by COSTANZO/Esposito. Yes, by affirmation.

Respectfully submitted,
Janice Kisty
Zoning Board Recording Secretary