

**MINUTES OF THE REGULAR MEETING  
OF THE TOWNSHIP OF JACKSON  
ZONING BOARD OF ADJUSTMENT  
MAY 7, 2008**

The May 7, 2008 Jackson Township Board of Adjustment meeting was called to order by Chairman Vincent Sgro at 7:02 p.m. with a salute to the flag by all present. Attorney Sean Gertner read the Open Public Meetings Act Statement.

**ROLL CALL:** William Santos  
Jeffrey Bowen  
Barry Calogero  
Stephen Costanzo 7:06 p.m.

John Burrows, Alt. #1  
Carmen Esposito, Alt. #2  
Peter Maher, Secretary  
Vincent Sgro, Chairman

**ABSENT:** Diana LaBianca, Vice Chairwoman

**ALSO PRESENT:** Sean Gertner, Attorney of GluckSnyder LLC, Bruce Jacobs, Engineer of Gravatt Consulting Group, Donna Miller, Planner of Geller Sive & Company, William Jensen, Traffic Engineer of Geller Sive & Company, Jeffrey Purpuro, Zoning Officer, Steven McCrystal, McCrystal Reporting and Janice Kisty, Recording Secretary.

**APPROVAL OF RESOLUTIONS**

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

**2008-16 – Beth Zion Synagogue – Block 11901, Lot 79 –** Approval of preliminary Site Plan with variances

**Motion to approve by MAHER/Calogero.** YES: Santos, Bowen, Calogero, Burrows, Maher, Sgro.

**2008-17 – Crawford – Block 11402, Lot 7 –** variance approval for accessory structure in front yard

**2008-22 – Schneider – Block 1602, Lot 7 –** variance approval for shed in side yard

**2008-23 – Lester Pools – Block 20601, Lot 21 –** variance approval for pool supply business

**2008-24 – Vaccaro – Block 902, Lot 9 –** Denial of use variance to permit a gas station

**Motion to approve by SANTOS/Maher.** YES: Santos, Bowen, Burrows, Esposito, Maher, Sgro.

**2008-18 – Domino – Block 1501, Lot 55 –** variance approval for shed in side yard

**Motion to approve by ESPOSITO/Bowen.** YES: Bowen, Esposito, Maher, Sgro.

**2008-19 – Cassville Nursery – Old Block 45.01, Lot 33 –** Approval of amended preliminary and final site plan

**Motion to approve by CALOGERO/Maher.** YES: Santos, Calogero, Burrows, Esposito, Maher, Sgro.

**2008-21 – JC Industries – Block 2201, Lot 53 –** Denial of variance for bulk outside storage

**Motion to approve by SANTOS/Esposito.** YES: Santos, Calogero, Burrows, Esposito.

**2008-20 – Menzel – Old Block 145.01, Lot 39.02 & 40 –** Approval of use variance to reconstruct his dwelling

**Motion to approve by ESPOSITO/Burrows.** YES: Santos, Calogero, Burrows, Esposito, Maher, Sgro.

**APPROVAL OF MINUTES OF APRIL 16, 2008**

**Motion to approve by ESPOSITO/Maher.** YES: Santos, Bowen, Calogero, Costanzo, Burrows, Esposito, Maher.

**APPROVAL OF VOUCHER**

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

**ANNOUNCEMENTS –**

Mr. Santos referred to the advance agenda schedule for June 4, noting the application for Cooks Bridge Office Park is complicated and a lot of testimony is expected. He sees another variance listed on the agenda for June 4 and would like that removed. Cooks Bridge Office Park is the only application he wants to hear. Mr. Purpuro said the other item was already noticed and on the agenda, which he found out the day after the last hearing. Mr. Gertner asked Mr. Purpuro if he contacted that applicant and Mr. Purpuro said he did not, but would contact them tomorrow morning. Mr. Santos agreed to adjourn the other application as he wants to give Cooks Bridge the time it needs. Mr. Gertner said the other notice was made well in advance of the time required for a June 4 hearing; they spent the funds, and the Board is attuned to residents. He would not want them to have to re-notice. It was the consensus of Board that the Zoning Officer reach out to the applicant and ask them to be carried, and waive time. Ms. Kisty pointed out the application would stay on the agenda and the announcement to be carried would be made on June 4 should any interested party attend due to the public notice already given.

Mr. Sgro announced the Martorano application, number 5 on the agenda this evening, would be heard fourth and Megan's Associates would be heard fifth.

**The professionals were sworn and their affiliations were stated for the record.**

**MATTERS FOR DISCUSSION**

**1. Mark Properties (Minor Subdivision #1357) – One Year Time Extension**

Mr. Gertner said the applicant is asking for a one-year time extension, a ministerial matter for which there are some requirements the applicant is trying to obtain, such as deeds and consent from an adjoining homeowner to encroach on their property. Mr. Shea said they have received the consent; it just needs to be put in writing. Mr. Santos asked if the Board is required to grant the extension and Mr. Gertner replied no; they have acted in good faith to get the required information. Mr. Santos said his concern is this subdivision will continue into 2009 and has been around since 2004. Mr. Gertner asked Mr. Shea if a six month extension is agreeable and Mr. Shea consented, stating the woman has had medical problems and they just need to get her into the office to sign. Mr. Gertner said the time limit can be reduced but he recommends some extension as they have acted in good faith. **Motion to grant a six month time extension by SANTOS/Calogero.** YES: Santos, Bowen, Calogero, Costanzo, Burrows, Maher, Sgro.

**ADMINISTRATIVE APPROVALS** - none

**APPLICATIONS**

**1. Todd & Kelly McManus – 513 Cobain Road – Block 3601, Lot 18 – Zone R-3**

Todd and Kelly McManus were sworn. Mr. Purpuro gave the Board members copies of a resolution and subdivision plan to explain when the subdivision was created, Cobain Road and Cerrina Road intersect, as opposed to the tax map page, which shows Cerrina is an extension of Cobain Road. Therefore, this is actually a corner lot. Kelly McManus stated she wishes to construct a six foot solid fence on her corner lot; the hardship being she has two front yards and would like the privacy.

**PUBLIC SESSION OPENED**

Larry Holloway, 500, 510 and 520 Cerrina Road was sworn. He stated their property line goes across Cerrina Road. The property line was supposed to be moved when the subdivision was filed, but that never occurred. He filed a complaint the property lines don't match up where the property lines are supposed to go. There is no bona fide record of the property line. He has no problem with the fence proposal. Mr. Purpuro stated he spoke with Dan Burke, Municipal Engineer, who agreed the fence is its own application and the subdivision is not finished yet. Mr. Holloway said there may be a problem with the property line where they want to put the fence. Mr. Purpuro referred to the subdivision plan which shows a 25' easement not to be touched. Mr. Calogero said the buffer is causing them to come in 25' as it is. Mr. Holloway said he has no problem with the fence and hopes this can be settled amicably. Mr. Gertner noted Mr. Maher must step down from this application and Ms. Esposito will vote as Alternate #2. Mr. Costanzo clarified this application is just for the fence.

**Motion to approve by BOWEN/Costanzo.** YES: Santos, Bowen, Calogero, Costanzo, Burrows, Esposito, Sgro.

**2. Stephen & Eliza Banks – 120 Park Avenue– Block 17202 Lot 12 – Zone FA-6**

Stephen and Eliza Banks were sworn. Mr. Purpuro said this is for an addition to an existing barn, placing it 24" from the property line where they need 20'; also two sheds, one 9'5" and one 6'8" from the property line where 20 feet is needed. Mr. Banks said the need hay storage for their existing horse farm, stable doors are on one side, and they want to extend to the other side for hay. Mr. Calogero, Mr. Costanzo, and Mr. Bowen said they visited the site but could not get to the area. Mr. Calogero asked why not add to another side. Mr. Banks said it is already there and they need a variance. Mr. Calogero asked if a violation was written and was told no. Mr. Sgro asked what is next door and was told a neighbor. Mr. Burrows asked what type of floor and was told concrete. Mr. Costanzo asked if there is electric, and was told it is existing in the barn. Regarding the two additional sheds, he was told by Zoning they should be added to the application. They are lean-tos so the horse can have shelter, but there is no electric. Mr. Calogero asked if the sheds were there and was told yes; when they bought the property, they were chicken coops, which they replaced and moved slightly, closer to the neighbor's property to the west and north.

**Public session opened**

Warren Adelung, 128 Park Avenue, was sworn and stated he had no problem; this is adjacent to his property, it enhances his property and they are well done. He has no objection. Mr. Costanzo asked if it abuts his property and Mr. Bowen asked to the right or left, and was told to the left, and the addition would be near his property. Mr. Calogero asked if there is a fence, and when told yes he asked if that is a fire hazard. Mr. Adelung said there is a fire trail and access for truck. Mr. Calogero asked if it is 24" from the fence. Mr. Jacobs did not know. Mr. Banks said he has a heat sensor in the barn, and they do not want a fire in the barn. Once the fire trucks were there for a false alarm, and they can get the horses out. Mr. Costanzo asked if barn is alarmed with ADT and Mr. Banks said yes.

Linda Siwec, 124 Park Avenue, was sworn. She stated her property abuts the Banks'; the driveway runs along side and she has not had a problem. She said there is plenty of access in the event of a fire and plenty of room. She feels it is an improvement and not a detriment. She used to help take care of the prior owners' horses and this is an improvement.

**Public session closed**

Mr. Santos was initially concerned with the 24" setback, but having heard the applicant's safeguards, and that the horses are his pride and joy, and heard from the neighbors directly affected, he made a motion to grant approval; Mr. Banks sounds like a good neighbor. **Motion to approve by SANTOS/Calogero.** YES: Santos, Bowen, Calogero, Costanzo, Burrows, Maher, Sgro.

**3. James & Vicki Kopp – 27 Chesterfield Drive – Block 701, Lot 394 – Zone PMUD**

James Kopp was sworn. Mr. Purpuro stated the required setback for the deck is 25' and the applicant requests 15'. Mr. Kopp said he is a resident of Metedeconk Lakes and his house is right at the 25' setback. He wishes to go 10' beyond that for a reasonable size deck. Mr. Bowen asked if it will be elevated. Mr. Kopp said the house is 5-6 steps from the ground, and the back side is 42" off the ground. Mr. Purpuro said the applicant has homeowner's association approval.

**Public session opened; No one came forward; Public session closed.**

Mr. Santos said he is familiar with the community, and if the association approved his request, they are tough. **Motion to approve by SANTOS.** Mr. Costanzo asked if the homeowner's association approval should be in writing. Mr. Purpuro said it is part of the application. **Second by Maher.** YES: Santos, Bowen, Calogero, Costanzo, Burrows, Maher, Sgro.

**Mr. Sgro stepped down for the Martorano application as he lives on Reed Road. Mr. Maher stepped in as chairman.**

**5. Stephen Martorano – 610 Reed Road – Block 10305, Lot 60 – Zone R-3**

Raymond Shea represented Mr. Martorano in this application. He is in possession of the October 30 review letter from Donna Miller and October 17 letter from Gravatt & Associates. This is a bifurcated application for a density variance which, if approved, will be followed by a subdivision application. Mr. Martorano asks for a deviation from the R-3 zoning criteria, allowing five lots with the preservation of one existing dwelling. For the positive criteria, the Board has to find in law and case law, any reason appropriate that advances the purposes of zoning, and Mr. Shea said this application is appropriate for such relief.

Victor Furmanec of Beacon Planning was sworn and his credentials as a Planner were accepted. He gave an overview of the plans, stating the property is on south side of Reed Road, a 6.2 acre property in an area where lots are a little over an acre in size, unique in that it does not have a lot of frontage on Reed Road, so does not match those lots, and the applicant proposes the same density as what is out there. He did a site visit and reviewed the township master plan. He referred to a photo board, marked A-1A, supplemental to the submission package, which consists of four photos and a photocopy from the Township's Master Plan. There were seven photos on the other side; this was marked A-1B. The photos were taken on 2/14 and 2/19 of this year and they show the driveway leading back to the existing home, which is proposed to remain. The lots in the area are generally 100' wide and 400' deep, consisting of single family colonial dwellings and ranches. The Master Plan map shows the development pattern. The property abuts an R-5 zone which appears to have been developed under a cluster provision. This property is unique in that it is irregularly shaped, yet large enough to provide a public street rather than driveways to each new proposed lot. It is zoned R-3 but has been developed in one acre lots. Calogero asked when it was developed as R-1. Mr. Shea said the existing pattern was established prior to R-3 zoning, under R-40 and R-1, and can be reestablished today. Mr. Shea said the cluster provision is not allowed in the R-3 zone but is allowed in the R-5 zone. Mr. Calogero said the lot can be built to the R-3 criteria also, without coming before the Zoning Board. Mr. Shea agreed, adding that is true of every application for density. Mr. Shea said this is a density issue, not a lot size issue. They cannot justify smaller lots than one acre because that is not what is out there. Mr. Furmanec said smaller lots will ensure smaller homes with the size of the lot and more consistent with what is there. He said the Master Plan seeks appropriate population densities, and it advances the zoning per the Master Plan, preserving the quality of the residential area. The homes will be more in keeping with the area than larger lots, there is a road in place, and utilities in the area. There will be a sense of community due to same character of homes in area. He has read the Master Plan and feels zoning is advanced. If they developed only two lots, there would be no public street and there would be two driveways. Referring to A-1B, he showed an existing home out there and described how two lots would create three driveways in close proximity. Mr. Furmanec said the street would be a controlled stop rather than a driveway stop. Mr. Calogero asked who owns that home and the applicant owns that as well but it is not part of this application. Mr. Maher said he is confused by the testimony that it is safer for the five-lot subdivision than one driveway. Mr. Furmanec said the five lots creates a public street intersection. Mr. Maher said with five houses, there is a potential for ten cars coming out to Reed Road, and with one house, there could be two cars, and he asked how that could be safer. Mr. Furmanec said two lots places two driveways in close proximity to each other and close to the dwelling to the east, and a public street controls the stops where a driveway doesn't. Mr. Calogero said there is a house on lot 4.05, they want to put in five homes with five driveways and all five come out to proposed Road "A" to Reed Road, and if they had 2 lots, this would be conforming. Five lots versus 2 is confusing. Mr. Shea said every time you penetrate a road, like Reed Road, you create a conflict point. So the street is one conflict but the two lots create more conflict points. Each one is a traffic safety issue. Mr. Maher asked with the way the lot is now, would they still need a variance. Mr. Shea said with 100' of frontage, they would still need a variance for frontage and lot width, and he can't build anything there without variances. Mr. Calogero asked if lot 4.03 was part of the original tract, and if that lot was not granted a zoning application, would that testimony be true that he cannot build? Mr. Shea said yes. Mr. Calogero asked if they tried to buy property to make this property more conforming. It appears the property was being planned for a subdivision. Testimony at that time was different. He did not take the opportunity at the time to make the property more conforming. Mr. Shea said he did not know the history. Mr. Calogero asked if lot 4.03 asked to sell or buy to make it more conforming. Shea said lot 4.03 was not created by these people, but purchased from others. Mr. Calogero asked if the current applicant had the opportunity to

buy or sell adjacent property to make it more conforming. One question, were they presented the opportunity to make it less non-conforming or sell part of their property.

Joseph H. Orlando, 601 Reed Road, was sworn. He is an attorney and chief of liquidations and also Mr. Martorano's son-in-law. He stated the application on lot 4.03 required buy-sell letters. He stated this was also done for this application. Steven Martorano, the applicant, has owned the property since 1979. In 2001 he submitted an application to the Planning Board two weeks before the zoning changed. At the time, they were told the zoning change would not affect 'mom and pop' builders, and it has taken this long for him to resubmit his application. Mr. Calogero said five lots is more than 'mom and pop'. Mr. Shea said this is a family who lived out there and want to live together. Mr. Calogero said he did have the opportunity to make his lot more conforming. Mr. Shea agreed. Mr. Calogero asked if his family will live there. Mr. Orlando said Mr. Martorano already spent \$20,000 on plans, his health is failing, and there are medical bills. Everyone lives in proximity. Mr. Calogero asked if everyone wants to live together. Mr. Orlando said he thought one lot was going to be given to each grandchild. Mr. Shea said three separate lots are either occupied or under construction by the family. This family made an application for a fully conforming subdivision and could not be heard in 2001 because it was not complete. Mr. Calogero asked if it is the intent of the applicant to make this an application for the family. Mr. Shea said the answer is no because the situation has changed; mom passed away, father had a stroke, and they need the money. Mr. Calogero said he asked because of the 'mom and pop' comment. Ms. Miller asked if the Planning Board application was withdrawn or if there was any action. Mr. Orlando said he is certain it was dismissed without prejudice.

Mr. Furmanec said the proposal requires variances to build, 3 acres required, 1 acre plus proposed. He also named the variances needed for each lot. Mr. Shea said he needs to show the deficiencies to show they meet the R-5 cluster provision. Mr. Calogero said this is R-3 and not R-5. Mr. Furmanec said the neighborhood has been developed under R-1 standards, and this is consistent with size of the homes and setbacks. Mr. Maher said Mr. Shea represented Paramount Homes on the R-1 standard and not R-5, and Mr. Shea agreed. He said an established pattern and the density issue is there. Mr. Furmanec said the use is permitted; one potential detriment is the size of the lots, but they are consistent, so they are not creating something different than what is out there. They are not impairing the intent of the Master Plan. The lots are not all fronting on Reed Road so the density won't be so apparent. In terms of the bulk variances, most paramount is the density variance, but they are promoting the Master Plan due to lot sizes in the area. It is a better zoning alternative as compared to a 3-acre property where the home may be out of character with the neighborhood. There are no substantial detriments toward the negative criteria; the lot is different from those in the area, there is adequate light and open space, and air. Mr. Maher said this is not the R-5 zone. Mr. Calogero stated the average occupancy in each new home is 2+ children, which adds 10-11 children to the tax burden of the town. Mr. Shea said they are not necessarily school age children. Mr. Furmanec said he lives in a subdivision and some homes have no children. He does not feel this size subdivision will strain the school system. There is a balance with senior developments and commercial as well. Ms. Miller had a report published by Rutgers that talks about children living in certain types of houses. Table 11-2 of this study illustrates single family dwellings of 3-5 bedrooms costing between \$267,000 and \$576,000 contribute between 1.07 and 1.15 school age children, fewer than the 2+ mentioned previously. Mr. Calogero said there is the potential for more children with five homes than with two. Ms. Miller asked why there is a break between the R-5 and R-3 zone. Mr. Furmanec said there is no distinct difference. Mr. Shea said the usual reason for zoning lines are natural contour lines or some manmade feature, and Mr. Furmanec said another reason could be the type of soil. Mr. Jacobs said there is a drainage easement on the property, to be vacated, and Mr. Shea said it would be done at subdivision. Mr. Jacobs did not see any area for storm water and was told that would be at subdivision approval. Mr. Jacobs said it must be maintained from septic systems.

#### **Public Session opened**

Eric Hansen, 4 Songbird Court, Jackson, was sworn. If this application was presented before, it was dismissed without prejudice on October 4, 2001. The ordinance change from R-1 to R-3 was September 4, 2001. He said most people have two children. A development with a cross street is not a safety feature due to the number of cars coming in and out. He doesn't allow his children to cross a street but it is ok to cross a driveway; streets are a safety issue. He agrees there are mostly one acre lots in the area, but this applicant will still need variances. His property is 311 feet from this subdivision. He has a walk out basement and will be looking right into one of the proposed houses. He is opposed because one lot is in his backyard and he values his privacy. He feels no hardship exists; the property behind his house is affected by two easements, and would have to be addressed. He asked the Zoning Board to adhere to the 3-acre zoning. Mr. Shea asked what point he was making in terms of 2001. Mr. Hansen said he wanted to point out it was dismissed after the ordinance change. Mr. Shea said it was a conforming subdivision but he never gave testimony. Mr. Shea said if they proposed only two lots, it could actually impact his lot anyway. Mr. Hansen said it would be out of his visibility and not right in his backyard. Mr. Shea said there is no conservation easement between the two lands, and Mr. Hansen said yes, he has 16' of vegetation and Mr. Shea said the house could be put back near his. Mr. Hansen said he did not think they would go to that trouble as they would need variances. Mr. Maher asked why the plan does not show lots in block 5.01 and Mr. Shea said it is an old tax map, prior to the Paramount Application. Mr. Maher said tax maps are up to date and it should have been shown. Mr. Shea said it is only a key map to show the location and he was not suggesting it is vacant land. Mr. Maher said he was not inferring that.

Mr. Santos said he does not recall about the re-notice; this has been carried several times and only one member of the public came out to testify. Mr. Purpuro said the re-notice was done.

#### **Public session closed**

Mr. Shea said this is a permitted use and a better zoning use. It is an honor to represent this family, whose plan in 2001 was conforming but the zoning has changed. Of the six lots, three would be used by the family, and this is worthy of the Board's consideration. The planner had a difficult assignment and did a good job. The density issue is what they are here for. Mr. Shea thanked the Board for its time and attention and depth of investigation on the matter.

Mr. Calogero said there was a lot of testimony, this is a self-imposed situation, they had a chance to make the lot conforming, they can build 2 lots, and asking for five lot. He sees added residents, more people on that road, concerns, setback issues, and density issues. It is zoned R-3 for a reason, to stop over-development, and we should respect what the zone is. They are asking to put 15 acres in 6 acres of land when they can have two lots.

Mr. Bowen had concerns about setbacks and couldn't find a reason to go forward. He said this is an overuse of the property. Mr. Santos agreed with Mr. Calogero, stating he is not convinced by the argument, a number of variances are required, and the intensity. The zone was made R-3 for a reason, to provide quality of life to the current residents.

Mr. Shea asked if there is any sympathy to consider less than this number of lots. Mr. Calogero said perhaps he would consider less lots if they reapplied. Mr. Shea said it is common to adjust the number of lots and to eliminate lots. Mr. Gertner said they would have to show a different plan and storm water management. It is not abnormal to do that, but it is at the Board's discretion. Mr. Shea said they were there when the conforming subdivision was taken from them. Mr. Maher said he could see what he was saying, but this is the R-3 zone. Mr. Costanzo said lot 4.03 was presented earlier by family members and they are leaning on the Board's heart for family considerations. They could have avoided this. Mr. Shea said one more acre would not have changed much on this application. Mr. Calogero said he appreciated that but things do change, other than density. Mr. Costanzo asked if it is the feel of the Board to deny or amend. Mr. Santos said those are the two options. Mr. Bowen asked what is allowed, and Mr. Gertner said if denied, the applicant can reapply and they would hear the same testimony.

**Motion to deny by CALOGERO/Santos.** Mr. Calogero stated there is a lot of negative impact, and he has a responsibility to the Board and public to deny this application. Mr. Santos stated his second of the motion is for the reasons cited earlier, he is a lifetime resident himself, the Township Committee decided then to change the zoning, he believes in the intent of the ordinance, and the argument was not compelling enough to convince him to approve this application. YES (To Deny): Santos, Bowen, Calogero, Costanzo, Burrows, Esposito, Maher.

Mr. Shea asked if this could be dismissed without prejudice. Mr. Calogero said his motion stands due to the R-3 zoning classification.

**Recess at 9:21 p.m.; reconvened at 9:28 p.m.**

Mr. Calogero excused himself from the meeting as he has a conflict of interest for the next application and is not certified to vote due to absence at a prior meeting for this applicant.

**4. Megan's Associates – County Line Road – Block 5601, Lot 61 & 74 – Zone HC & MF**

Mr. Shea represented the applicant along with Mr. Borden and Mr. Stevens of PDS, each previously sworn. The homeowner's association had an additional meeting, people objected to their position, and the association reaffirmed their support for this application. He met with Bruce Jacobs and Donna Miller to clarify any issues. By way of history, Steve Pfeffer of Levin, Shea and Pfeffer stated the property was purchased in 1990 and entered into a contract to be section 4 of Three Pence Brook. The map was recorded in the County, so the tax map showed the rear of the property was owned by Three Pence but the title was not theirs. They went to court and this is in the Highway Commercial Zone, where offices are permitted and were permitted in the prior B-3 zone. Mr. Shea stated this was always commercial property and Multi Family uses were conditional uses in the B-3 zone.

Jonathan Szap, Traffic Engineer of McDonough and Rea was sworn. He did a traffic study in March 2007 as a general office building. They revised trip generations for medical space and office space, which included trip generation on Saturdays. There are right-in and right-out turns with a service level B. There is plenty of room for 3-4 cars to wait to turn right out of the site, and the proposed 184 parking spaces exceeds the ordinance. Mr. Santos asked about the parking along the entrance, and Mr. Shea said revisions were made. William Jensen said they addressed all comments and provided all requirements and the operation of the driveway will not change with the new information. There is no big concern, and data was provided for the modifications. Mr. Bowen asked if there will be right turns onto County Line Road and was told yes. No deceleration lane is needed. William Stevens said there were several revisions to the plans. The landscaping plan was revised for adjacent residential properties. The buffer was modified to residential development and circulation changes made to the project. The previous dead end parking lot was eliminated so it now flows around the building, which allows additional vegetation to remain. Mr. Santos questioned the parking along the access drive and was told the spaces are proposed to remain and they seek a waiver for them. Mr. Santos asked the size of the stalls and was told 9 x 18. Ms. Esposito asked if there is parking behind the building and was told no, the revision included a one-way drive to increase the buffer and landscaping as discussed with the residents at the last hearing. Ms. Miller's comments about the landscaping revisions were although it was a substantial improvement, there are other problems and conflicts such as types of species and how they work in the basin. She felt the area would be wet and some species would not survive. Mr. Santos asked if the width of the entrance is widened and was told yes. Mr. Costanzo asked if the parking is nose in or parallel and was told nose in. It is 220 feet to the first stall and 480 feet to the building. Mr. Jacobs said the terrain is basically flat and people will have to walk nearly 600 feet from the first parking

spaces to the building. 180 spaces are required and provided. Mr. Stevens said those spaces could be restricted for employees, leaving the closer spaces for customers. There are 36 parking spaces along the roadway. Mr. Stevens said they can green bank the spaces and if needed could build them later. Mr. Shea said they could seek a variance, it could be employee parking, or they could green bank them. If the office space is not leased to doctors, the parking requirement will be less. Mr. Stevens said the green bank idea is at the building owner's discretion because he would need to serve the customers. It could be put in the resolution to be built if the zoning officer felt the need when he reviews applications for tenant fit outs. Mr. Santos said they could also reduce the size of the building. Mr. Shea said he would hope not as it is a positive tax ratable. Mr. Calogero asked if there is a sidewalk near the 36 spaces and was told yes and shown on the plans. Ms. Esposito asked Mr. Shea how many jobs will be created. Mr. Stevens said the office use is 95 jobs. Ms. Esposito said 90% bring their own people and don't hire locally so this doesn't really create new jobs. Mr. Shea disagreed, stating his building has Jackson residents as employees. She said a medical use is different and they testified there would be 13,000 s.f. of medical office space of the entire site. The COAH obligation was agreed to per third round requirements. Mr. Maher asked if the lighting revision shielded the residential uses and pedestrian walkway is lighted and was told yes. They also relocated handicap stalls to be closest to the door.

Ms. Miller asked about the architecture of the building. William Jensen asked about the 4' wide sidewalk near the 36 spaces and if there are any wheel stops. The applicant agreed to widen the sidewalk to 6' to allow for vehicle overhang and they will provide a new diagram. Handicap striping to be 8'. Mr. Jacobs noticed the storm drainage system connects to the County system, and Mr. Stevens said it still needs County approval and will be a condition of this approval if granted. Mr. Jacobs asked how they would design it without disturbing the riparian buffer, and wanted to point out there may be a wall in the basin. Mr. Stevens said they would redesign it.

#### **Public Session Opened**

Vincent LoPiccolo, 629 Oakwood Avenue, sworn. He has lived in this town a long time and is looking forward to working on the project; he worked on the Harrison Building.

Tim Mora of Mora Construction, was sworn. He also worked on the Harrison Building and stated half the guys live in town, this creates work and it is a good environment.

#### **Public Session Closed**

Mr. Purpuro questioned the signage details with conflicting sign areas of 100 square feet and 70 square feet. They propose it in the median of the drive aisle, 30' off the right of way. He asked if it is a ground sign and not a pylon sign and if it will be illuminated, and also if it is 100 square feet per side. Mr. Jacobs said the detail shows greater than 100 s.f. and Mr. Shea agreed the calculations did not take into account the top of the sign, and asked the Board to consider it favorably. Mr. Costanzo asked if it needed to be moved back, and not in the sight triangle. Mr. Shea said doesn't add up, and asked for a sign height not greater than 16' and no clearance below. Ms. Miller said a free standing sign needs 7' clear height below the panel. Mr. Burrows said they need to know the size and Mr. Shea said 100 square feet, including the pediment. Mr. Jacobs asked about the sidewalk and loading zone on the east side of the building with the small sidewalk, and Mr. Shea said that is for Fed Ex and UPS deliveries.

David Feldman, architect, was sworn and his credentials accepted. He was the architect of the Harrison building. They are proposing a 3-story office building, brick and limestone, each floor has 9 units of 1,000 square feet with shared common space for bathrooms, elevators and lobbies. Mr. Jacobs asked how the elevator pit would drain if it is under the water table. The engineers said the elevator pit is above the water table. The building appears to be 45½' tall. Mr. Feldman said that is correct to the parapet and the ordinance states to the roof line, which is 38'. The first floor will be 12' high and floors two and three will be 10' each. There will be about 2' between floors. They need a variance for the height but the building is set back 600 feet. Mr. Jacobs asked about the size of the lettering on the building and Mr. Shea said they will meet whatever the wall requires. Ms. Miller asked about the loading zone. Mr. Stevens said deliveries are from small box trucks and the intention is to use the western entrance and the eastern entrance supplementally. It was noted the lots will be consolidated. Mr. Purpuro noted there is a conservation easement and asked if the town wants to maintain this. Mr. Stevens said that gives the Township enforcement powers and no maintenance is required.

Mr. Santos asked if there will be a detention basin fence and Mr. Shea said they would like it to be attractive; Mr. Santos agreed, noting Three Pence Brook children may wander over. Mr. Santos noted they changed the location of the trash enclosure, and Mr. Stevens said there is now one on the opposite side, they took care of light fixtures and addressed concerns about evergreens. Mr. Sgro said shrubs and trees will be coordinated with Ms. Miller. The applicant agreed to all technical comments in the Gravatt review letter.

**Motion to approve by SANTOS/Maher.** Mr. Santos said he was set to deny this at the last meeting because he had a lot of concerns. The modifications changed his mind; they are appreciated and while he is not happy with the 36 spaces, he can overlook them; he wants them constructed. Special reasons changed with the C-1 buffer zone, he liked it that they addressed the homeowner's association, they are widening the sidewalk to 6' for safety. Motion includes all stipulations, outside agencies, Gravatt letter compliance, COAH, other stipulations by Mr. Shea, and a sign variance for 100 s.f. Mr. Costanzo asked if this is preliminary and final and was told yes. Mr. Gertner noted the variances and waivers in the Gravatt letter. YES: Santos, Bowen, Costanzo, Burrows, Esposito, Maher, Sgro.

**Motion to adjourn at 10:34 p.m by COSTANZO/Esposito.** Yes, by affirmation.

Respectfully submitted,

Janice Kisty  
Zoning Board Recording Secretary