

**MINUTES OF THE REGULAR MEETING  
OF THE TOWNSHIP OF JACKSON  
ZONING BOARD OF ADJUSTMENT  
DECEMBER 15, 2004**

The December 15, 2004 Jackson Township Board of Adjustment meeting was called to order at 7:45 p.m. with a salute to the flag by all present. Attorney Robert Rothstein read the Open Public Meetings Act Statement.

**ROLL CALL:** Peter Clute Peter Maher – Alt. #1  
Larry Hartman Michael Kelly, Chairperson  
Scott Weinstein  
.

**ABSENT:** Meredith Acacia Adam Ziobro, V.C. (resigned)  
Robert Paneque, Sec’y.

**ALSO PRESENT:** Richard Megill, Director of Planning and Zoning  
Robert Rothstein, Board Attorney  
Evan Hill, Board Engineer  
Rick Ragan, Ragan Design Group, Planner  
Leah Furey, Ragan Design Group  
Steve McCrystal, McCrystal Reporting

**MEMORIALIZATION OF RESOLUTIONS:**

**2004-105** – Leigh Realty Co/Robert & Carol Pelsang- Block 111 Lot 27- 45 day Time Extension for Minor Subdivision - Motion to approve by Weinstein/Hartman. YES: Clute, Hartman, Weinstein, Maher & Kelly. **VARIANCE GRANTED**

**2004-106** – Kevin & Deborah Maynard.– Block 125.21, Lot 9 – Motion to approve by Weinstein/Hartman. YES: Clute, Hartman, Weinstein, Maher & Kelly. **VARIANCE GRANTED**

**2004-107** – Scott & Kris Nilsen - Block 135.12 Lot 19 – Motion to approve by Weinstein/Hartman. YES: Clute, Hartman, Weinstein, Maher & Kelly. **VARIANCE GRANTED**

**2004-108** – Paul & Jeannie Davis – Block 91, Lot 1.02 – Application denied without prejudice. Motion to approve the denial by Weinstein/Hartman. YES: Clute, Hartman, Weinstein, Maher & Kelly. **APPLICATION DENIED WITHOUT PREJUDICE.**

**2004-109** – A & R Development Group, LLC – Block 46.01, Lot 3 – Motion to approve by Weinstein/Hartman. YES: Clute, Hartman, Weinstein, Maher & Kelly. **VARIANCE GRANTED**

**Motion to approve minutes of October 20, 2004** by Weinstein/Hartman. YES: Clute, Hartman, Weinstein, Maher & Kelly.

**Motion to approve the voucher for the Recording Secretary and McCrystal Reporting** by Weinstein/Hartman. YES: Clute, Hartman, Weinstein, Maher and Kelly.

**APPLICANT:** MITCHLEIGH – JACKSON COMMONS (Preliminary Site Plan)  
**BLOCK:** 99.01 & VARIOUS **LOT:** 14.01 & VARIOUS **ZONE:** HC  
**LOCATION:** CEDAR SWAMP ROAD AND WEST COMMODORE BLVD.

Mr. Megill, Mr. Hill and Ms. Furey were sworn by Steven McCrystal.

Mr. Shea, representing the applicant, greeted the Board. They have returned to address issues relating to traffic. A supplemental traffic report was generated and submitted to the Board in mid-November. Mr. Ragan requested information on the timing of the development and buffers near residential homes, particularly near Christian Way. The applicant was encouraged to meet with the County regarding traffic, which they did, and the County has completed its analysis. Al Rinaldi and Nick Belize of THP [traffic engineers] were present at that meeting.

Dave Eareckson of LGA Engineering was reminded he is still under oath. He presented a new exhibit, A-14, entitled Jackson Commons Layout & Phasing. It is updated to show how the application would progress. The project is limited by storm water facilities. The southeastern quadrant is Phase 1, along Cedar Swamp Road. Once the basin is complete, construction on Phase I can proceed to be built. He spoke briefly about Phases 2, 3 & 4, and then commented that Phase 5 contains a separate basin. Once the first basin is built, any phase can be built. Some level of development can be built without County roadway improvements. Phase 6 is the hotel, but commercial development is needed first to support it. Phase 7 is controlled by another regional basin, and Phase 9 contains the last regional basin.

Mr. Ragan asked if the basins work in sequence (does one feed into another)? Mr. Eareckson said no, they are all independent.

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Mr. Belize, THP, previously sworn. He generated a supplemental traffic report in response to Urbitran's comments. This report was submitted November 15, 2004, and represents the worst case scenario in regard to traffic. The analysis utilizes the highest trip generator. Quadrant 1 was analyzed as retail. The County and township professionals reviewed this report and offered their comments, including expanding the study area and following the Department of Transportation's method. Mr. Shea interjected he anticipates more supplemental traffic reports when the applicant applies for final approval of this project. Mr. Kelly asked if every phase would net more traffic reports, which Mr. Belize responded every time submission is made, they may have to update the traffic studies, depending on the use proposed. Regarding levels of activity, the first is considered for the project without improvements, the second looks at the intersection [of Routes 526 & 527] with isolated improvements, and the third involves a roadway like Commodore Boulevard [Route 526] having to be widened. The Urbitran memo had other minor comments, including requesting more tables and the like. The final product with all construction is most important. Mr. Belize said he did not understand the comment asking for a weaving or merge analysis. Mr. Gluck of Urbitran explained the driveway along Cedar Swamp Road [Route 527] would impact the pattern that does not now exist.

Mr. Belize said Jackson does not have a lot of commuter patterns of people driving to work in Jackson, in response to that County comment. He said the County's consultant had a countrywide model proposal, which he thought was a good idea, to give to Mr. Bovino of Leigh Realty to possibly add to the Jackson Commons model. Mr. Gluck said the retail and office assumption of a 20 minute trip seemed on the low side. However, Mr. Belize and Mr. Gluck were in agreement that this traffic analysis is the best that could be offered. Mr. Belize said once the first office building is built and inhabited, a new study and update might be warranted, but before that time, we do not know. Mr. Shea noted the town is protected because this traffic study pertains to preliminary site plan only. Updating the traffic studies at this time for something that may or may not be built seems to him to be a waste of money.

Mr. Gluck said they would meet with the County to identify how wide Cedar Swamp Road and Commodore Boulevard would have to be to accommodate 1.7 million square feet of office space and 1.2 million square feet of retail. As the project moves ahead, if the scenario changes, assumptions would have to be revisited. Mr. Shea agreed, stating is the case mix changes, recommendations would also have to change.

Mr. Belize stated the width of Commodore Boulevard would increase to two lanes in each direction with a center median that turns into left turn lanes. Traffic signals would be spaced at ¼ mile intervals or approximately every 1,000 feet. The distance from Diamond Road to Cedar Swamp Road is 7,200 feet, so five signals would serve the Jackson Commons development. He will provide sketches to the County to show the five lane width and turning movements.

Mr. Kelly asked if anyone present attended the County meeting that was called last week. Mr. Belize replied no, and Mr. Shea noted there was only a 48 hour notice for that meeting. Mr. Ragan asked if there is another meeting scheduled, and Mr. Belize responded it has not been scheduled yet.

Mr. Shea said he anticipates the County would meet with him to work out a developers agreement regarding right of way acquisitions. This involves several months of communication between the lawyers, engineers and other professionals. Mr. Shea said he is very successful with these agreements in Ocean County, and noted the preliminary site plan approval for Jackson Commons is conditioned on getting Ocean County approval. Mr. Rothstein wants Mr. Ragan to see the County developers agreement when it is available, and Mr. Ragan agreed, adding he wants the Board members to be copied as well.

Mr. Rothstein referred to Mr. Ragan's September 28, 2004 review letter, saying the road cross section was not included, and asked the width of Cedar Swamp Road. Mr. Belize said the County asked that at the meeting, and this is still being worked on with Dave Eareckson. He anticipates this being ready in mid January.

Mr. Ragan mentioned his concern that Tracy Place and the opposing driveway for Jackson Commons is not proposed to be signalized. Mr. Shea responded they will know better about signalization upon submission of final site plan approvals for that area. Mr. Ragan asked if we have all right of ways to do every conceivable improvement for this project. Mr. Belize answered no, and that is why the County is asking for band width requirements, and there will be wetlands involved. Rights of way are gained by acquisition by the County, exercising Eminent Domain, after a good faith offer has been made to the property owner. Of the 7,200 feet from Diamond Road to Cedar Swamp Road, the north side is owned by the applicant, but they must negotiate with the owners of four parcels of land. They will submit proof of their effort to acquire land. This is funded by the applicant. Mr. Ragan asked if there would be any acquisition of land on the south side. Mr. Shea said they never looked at that because the applicant owns so much land on the north side. Mr. Ragan said he was asking for the residents on the south side how the development will impact their properties. Mr. Shea said that was a fair question, stating the impact will emerge under the developers agreement expected in late Spring 2005.

Mr. Ragan spoke of the signals on Commodore Boulevard, saying some driveways may not be signalized and that may not be safe for left hand turns. Mr. Belize answered those driveways are protected by the proposed median and said they would have to work with the County where the signals would go. Other driveways will have no left turn. He said the trigger for installing the signal only when the traffic warrants it. Mr. Ragan agreed to work with the County on that, and talked about double left turns onto Cedar Swamp Road. Mr. Belize said the double left turn is superior to a jughandle.

Mr. Ragan talked about the intersection of Oak Tree Mobile Home Park and the offset driveway across the street, and how that will get resolved. Mr. Eareckson answered it would be resolved once the traffic signal

locations are determined by the County. Mr. Shea agreed this offset probably wouldn't work, and this will be addressed at final.

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Mr. Ragan discussed the hotel driveway location at 250' from the exit ramp of Route 195. Mr. Belize said the hotel exit would be a right in, right out turning pattern, with no left hand turn from Cedar Swamp Road into the hotel. Mr. Ragan questioned if there would be no left turn into Building 11, and Mr. Belize answered it would be right turn in, right turn out.

Mr. Ragan noted the buildings would have to be moved back if the right of way is wide. Mr. Shea agreed. Mr. Ragan also noted the speed limit on Commodore Boulevard may have to be reduced to 35 miles per hour. Mr. Belize said his discussions with the County mentioned the speed limit would have to be reduced.

Mr. Megill said that previous testimony indicated greenery would remain constant and not changed. If the buildings are moved back, that will result in more destruction of trees. Mr. Shea agreed, stating the buildings may have to be smaller than proposed. Mr. Eareckson said they could make the buildings taller, perhaps three stories, and still have the same square footage but take up less land.

Mr. Ragan said it is important that he report to the board and to the public on the timing of improvements to be built, keeping all informed of the progress of this project.

Mr. Hill said the revised plans satisfied most issues. There are some outstanding items to be worked out with the applicant's engineer, noting most issues would be worked out at final site plan approval. Mr. Shea agreed.

Mr. Kelly asked if the board members had any questions. Mr. Clute asked if any thought was given to reducing the number of proposed traffic lights on Commodore Boulevard. Mr. Shea answered if the proposed buildings were more vertical, there should be less signalization. Thirty eight buildings are proposed, mostly one story. Higher buildings take up less space and offer more sky. Mr. Gluck said the traffic would be the same, whether one story or three stories. He said the level of service will determine the number of traffic lights. Mr. Belize said the signals could work in sequence. Mr. Megill said part of the police report said to utilize internal roads to handle traffic.

When Mr. Ragan began to discuss planning review of this project, Mr. Shea interjected they will not redesign this project because Mr. Ragan doesn't like it. Mr. Ragan responded he wants to discuss with the Board how this plan could be better. 5,700 workers are anticipated with this project, which is divided into four quadrants. He asked if the requirements for stream encroachment permits has been tabled. Mr. Shea said yes. Mr. Ragan said to move forward, any permits needed will be obtained. Mr. Shea agreed.

Mr. Ragan spoke of the water table and placing buildings on suitable soil, placing buildings outside of poorer soil type areas. Mr. Eareckson responded the field work is more accurate for poor soil and the water table. Mr. Ragan said if the field work is different, the applicant hasn't shown that. Mr. Eareckson said he feels the building locations are workable. Mr. Shea said they can satisfy Mr. Ragan's concerns on final submission. Mr. Rothstein said this project should be built on Lakehurst soils when they can. Mr. Shea agreed.

Mr. Ragan spoke about the types of trees to be preserved and wildlife to be protected. He said he made a number of recommendations on the environmental and planning side, and he wants design changes to show how those recommendations can be implemented. His conformance plan would be an interim step toward final to show how they will implement the planners comments. Mr. Shea feels preliminary and final applications will allow the comments to be incorporated. He doesn't want to redesign at preliminary, he wants to go to the County first and nail down the traffic issues. Every time they apply for final they will incorporate the comments. He does not want a mid-design step.

Mr. Ragan referred to his September 9, 2004 letter regarding the applicant's right to make application for the homes on Canal Lane. Mr. Shea stated those names were disclosed. Mr. Ragan stated the need for recreation facilities with 5,700 employees. He spoke of tree replanting, and the need for street lighting to be developed. There is a general agreement with Mr. Bovino [Leigh Realty] that these things can be developed. They want to create a sense of place. Mr. Shea agreed.

Mr. Ragan said he would like to see day care, a senior care facility, carpool facilities, and airport transport. The COAH obligation needs to be addressed – 1 unit for each 25 employees. Mr. Shea said it will be very successful. Mr. Ragan said parking garages would save trees. He is not sure if that requires a use variance, because parking is allowed and accessory structures are allowed.

Mr. Ragan presented his drawings showing how the project could be improved. Drawing 1 showed Quadrant 1 and how the applicant should create town-like features and possibly relocating the buildings closer to the roadway. Access from Cedar Swamp Road should be addressed. Mr. Megill noted they should provide for paving of Herman Road as it is a dirt road.

In Quadrant 2, the section bordering on Christian Way may be improved by relocating the buildings to allow for a greater buffer to the adjoining residents. Pulling the basin back will maintain the buffer. Situating the buildings along the road and putting parking in the back is a better design. Quadrant 3 should continue the same concept of building and parking locations.

Quadrant 4 is located between Cedar Swamp Road and Commodore Boulevard. As wetlands are present here, a 100' building setback would encourage taller, smaller buildings. This site contains slopes that shouldn't be built on; again, build up. More land would stay green with his proposal. The areas of wetlands should be left alone. All environmental issues in this quadrant must be addressed. He noted the existing site plan does not have adequate on site circulation. He asks the applicant to reexamine the placement of the buildings.

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Mr. Shea said he has no resistance to the recommendations. He welcomes the opportunity at final to address these comments. To do so now at preliminary is a waste of his client's money.

Mr. Weinstein referred to a site in Palm Beach, Florida, called City Place. Something like that in Jackson would look great. Mr. Shea said that is what is meant by creating a sense of place.

Mr. Kelly moved to closed for this evening. Mr. Shea asked for a vote on the preliminary site plan application, predicated on the agreed to conditions. Mr. Rothstein said the applicant needs the majority of the quorum for approval. Mr. Shea offered Mr. Ragan's sketches as their own exhibits, marking them number 15, 16, & 17.

Mr. Maher mentioned the water line work on Commodore Boulevard and asked who is doing that. No one knew. He also asked about the clearing of trees on Route 527. Mr. Megill responded that was the Vreeland property, and he is clearing for his warehouse.

Mr. Kelly asked for a motion to approve the Preliminary concept plan as discussed and agreed.

**Motion to approve Preliminary Concept Site Plan as discussed and agreed by Hartman/Clute. YES:** Clute, Hartman, Weinstein, Maher and Kelly.

Mr. Ragan said he would keep the copies of the exhibits. Mr. Ragan said he would like to set up a meeting with the applicant and the professionals. Those in attendance would be Mr. Hill, Mr. Rothstein, Mr. Kelly and Mr. Ragan.

**Motion to close the meeting at 9:40 pm by Hartman/Weinstein.** Yes by affirmation.

Respectfully submitted,

Janice Kisty  
Zoning Board Recording Secretary