

**MINUTES OF REORGANIZATION/REGULAR MEETING OF THE
JACKSON TOWNSHIP BOARD OF ADJUSTMENT JANUARY 15, 2020**

The January 15, 2020 Jackson Township Board of Adjustment Meeting was called to order at 7:00 p.m. with a salute to the flag by all present. Attorney Sean Gertner read the Open Public Meetings Act Statement and announced that adequate notice has been provided for this meeting.

ROLL CALL: Peter Maher Kathryn McIlhinney, Board Secretary
Scott Najarian Stephen Costanzo, Board Vice Chairman – *Arrived at 8:01 p.m.*
James Hurley Carl Book, Board Chairman
Jeanine Fritch - Alt #1
Nino Borrelli – Alt #2

Absent: Gary Miller

Also Present: Sean Gertner, Board Attorney, Evan Hill, Board Engineer, Ernie Peters, Board Planner, Jeffrey Purpuro, Zoning Officer, Toro Reporting, Court Reporter and Danielle Sinowitz, Zoning Board Recording Secretary.

ANNOUNCEMENTS: Mr. Book mentioned that there are new Board members, and acknowledged Mr. Nino Borelli as the Zoning Board's Alternate member, and Mr. James Hurley as an additional Zoning Board Member. Mr. Book mentioned speaking with Sal Alfieri, and there was indication made that Mr. Kitay is ill. Mr. Alfieri stated the application would like to carry the application to the next available date. Mr. Maher asked how many times this matter can be carried. Mr. Gertner stated that it is being indicated that if this is carried again it will need to be re noticed. Mr. Book mentioned the February 5th meeting, or the March 4, 2020 meeting date. Mr. Gertner stated there is indication that there is a reserved meeting for the second Wednesday in February, and another applicant has asked if there application can be placed on that reserved meeting date, and at that point Mr. Kitay's application can follow. Mr. Alfieri advised that March would be better. Mr. Book mentioned that there are two meetings, one being March 4th and second being March 18th, and asked Mr. Purpuro if there was an idea as to which date may be better. Mr. Purpuro mentioned March 18, 2020. Mr. Alfieri stated the applicant will notice for the March 18, 2020, and asked if a time extension will be granted. Mr. Gertner stated for members of the public, application **4. County Line Construction Inc., Block 4402, Lot 73, Frank Applegate Road** has been carried to the March 18, 2020 meeting and the applicant has agreed and will re notice.

REGULAR MEETING OF THE JACKSON TOWNSHIP BOARD OF ADJUSTMENT

RESOLUTIONS: **Resolution 2020-01-Amadin, Block 3902, Lot 70, 9 Reese Court** – Granting variance approval to construct shed and 6' solid fence in front yard area on corner lot where such fences are prohibited **Motion to approve by MCILHINNEY/ Maher. Yes:** Maher, McIlhinney, Najarian, Fritch, Book

Resolution 2020-02-Pielli, Block 2201, Lot 9, 394 Jackson Mills Rd – Granting approval for a variance to construct an accessory structure **Motion to approve by MCILHINNEY/ Maher. Yes:** Maher, McIlhinney, Najarian, Fritch, Book

Resolution 2020-03-KKV Investments, LLC, Block 902, Lot 10, Jackson Mills Road – Approving a use variance and granting preliminary and final site plan approval to permit construction of a same day veterinary hospital and office **Motion to approve by MCILHINNEY/ Maher. Yes:** Maher, McIlhinney, Najarian, Fritch, Book

Resolution 2020-04-S-BNK Jackson, LLC/ Barchester, LP, Block 7901, Lot 1, 2285 W. County Line Road – Approving a variance for a second wall sign for Santander Bank. **Motion to approve by MCILHINNEY/ Maher. Yes:** Maher, McIlhinney, Najarian, Fritch, Book

Resolution 2020-05-Tropper, Block 13402, Lot 18, 818 Green Valley Road – Withdrawing the variance to amend previous approval to add living space to an existing non-conforming use **Motion to approve by MCILHINNEY/ Maher. Yes:** Maher, McIlhinney, Najarian, Fritch, Book

APPROVAL OF MINUTES: Approval of December 18, 2019 Meeting Minutes by MCILHINNEY/ Najarian **Yes:** Maher, McIlhinney, Najarian, Book

APPROVAL OF VOUCHERS: Motion to approve a voucher for Torro Reporting, LLC in the amount of \$250.00 for January 15, 2020 & Danielle Sinowitz in the amount of \$150.00 for the meeting of January 15, 2020 by NAJARIAN/ McIlhinney **Yes:** Maher, McIlhinney, Najarian, Fritch, Book. **Abstain:** Hurley

Mr. Gertner swore in the Board's Professionals, who identified themselves and their positions with the Township.

7:10 p.m. - Motion to enter into Executive Session to discuss personnel matters by NAJARIAN/ Maher. Yes: Maher, McIlhinney, Najarian, Hurley, Fritch, Borrelli, Book

7:21 p.m. - Motion to reconvene by NAJARIAN/ McIlhinney. Yes: Maher, McIlhinney, Najarian, Hurley, Fritch, Borrelli, Book

REORGANIZATION AND APPOINTMENTS OF PROFESSIONALS

Motion to appoint Sean Gertner of Gertner & Gertner, LLC as Zoning Board Attorney by MAHER/ McIlhinney. Yes: Maher, McIlhinney, Najarian, Hurley, Fritch, Book. **Abstain:** Borrelli *Mr. Gertner thanked the Board.*

Motion to appoint Evan Hill of EDH Engineering Services, LLC. as Zoning Board Engineer by MAHER/ McIlhinney. Yes: Maher, McIlhinney, Najarian, Hurley, Fritch, Book. **Abstain:** Borrelli *Mr. Hill thanked the Board.*

Motion to appoint Ernie Peters of Remington & Vernick Engineers as Zoning Board Planner by MAHER/ McIlhinney. Yes: Maher, McIlhinney, Najarian, Hurley, Fritch, Book. **Abstain:** Borrelli *Mr. Peters thanked the Board.*

Motion to appoint Frank Miskovich of Miskovich Consulting Engineers, LLC as Traffic Engineer by MAHER/ McIlhinney. Yes: Maher, McIlhinney, Najarian, Hurley, Fritch, Book. **Abstain:** Borrelli

Motion to appoint Ernie Peters of Remington & Vernick Engineers as Zoning Board Conflict Engineer by MAHER/ McIlhinney. Yes: Maher, McIlhinney, Najarian, Hurley, Fritch, Book. **Abstain:** Borrelli

APPLICATIONS:

1. Simcha Landman, Block 13202, Lot 12, 89 Buckingham Drive – Maria Landman, and Simcha Landman-property owners- affirmed- Mr. Gertner announced before proceeding, that there is no court reporter, and asked that everyone speaking please be aware, and speak slowly and articulately into the microphone so that the conversation can be picked up, and also please listen, and participate when asked and do not comment when other folks are speaking. Ms. Landman said the desire is to install a 6' white vinyl fence around property, for the children's safety as one child is hearing impaired, and the backyard does lead to a road, and the backyard has been used as a cut through, and there have been packages stolen from the neighbors, the area is just not safe anymore. Mr. Book asked if the survey that was provided was hers and Mr. Landman's. Ms. Landman said that was correct. Mr. Book stated there is a shed on the survey, and asked if that was the applicants shed. Ms. Landman said yes. Mr. Book asked if the fence is purposed to go around the shed. Ms. Landman said that was correct. Mr. Maher asked how is this survey the applicant's when it has the previous home owner's names on it. Mr. Gertner asked when the property was purchased. Ms. Landman mentioned it was purchased 2 to 3 years ago. Mr. Gertner mentioned the survey is from 2010, and it appears that this title insurer accepted this affidavit of no change allowing the 2010 survey to be used, and when the chairman asks if this accurately reflects the property as it is today, that should indicate that there are no other improvements, no pools, and no additions. Mr. Gertner also mentioned that the Board is working with the Town Council to update some application requirements, with one of those being applicants are to provide surveys certified to them as property owners. Mr. Book asked if the shed that is on the application was there when the property was purchased, and if it has been modified, and asked if there was a permit obtained for that property, and lastly asked if there was a CCO obtained. Mr. Gertner stated it will be necessary for outside agency approval. Mr. Najarian asked how close the shed to the property line is. Mr. Hill mentioned is appears to be 1.7'. Mr. Book mentioned that he had driven by the property, and there is a significant pitch, and when the fence is installed, will the curve of the ground be followed. Ms. Landman said that is correct. Mr. Book asked if the intention was to put the fence right on the property line. Ms. Landman said the fence will be slightly inside the property line. Mr. Book asked if the footage was known at this time. Ms. Landman said it should come in around 2', however there will be some places where it comes further in to go around the trees that are existing. Mr. Hurley asked what the setback requirements are. Mr. Hill stated in this case it is the front yard, however fences can be installed on property lines. Mr. Hurley noted that on the survey, it shows this is in line with the front of the structure. Mr. Hill mentioned that even though the house fronts on Buckingham, it also fronts on Oxford. Mr. Najarian asked if there are trees on the property. Ms. Landman said there is a significant amount. Mr. Maher asked if trees will need to be cut down. Ms. Landman said no. Mr. Najarian asked if there are utilities in the shed. Ms. Landman said no. Mr. Book asked if the fence is going to be run along the neighbor's property line. Mr. Landman said that correct. Ms. McIlhinney asked regarding the existing shed, if there is another place that the shed can be moved. Ms. Landman said that is the only flat space in the yard. Mr. Hill believes the fence is located out of any line of site, and there should be no issues with the right of way. Mr. Simcha mentioned that he did look around the neighborhood, and there are not many corner lots, and the goal is to stay as uniform with the neighborhood as possible. Mr. Book asked what the dimensions of the shed are. Mr. Landman said 12'x8' roughly.

Opened public comment;

Alfred Oberwanowicz- 11 oxford road- sworn- owns the house where the curve is on lot 13, and there are concerns with how far back the fence will go, and if trees will be affected.

Mr. Book stated the fence will be along the property line, and will be 2' in, and this application purposes the fence to angle in on the property line to avoid the trees

Alfred Oberwanowicz- 11 oxford road- said there are no issues with this application, just wanted to bring awareness to possible trees that may be affected

Closed public comment

Motion to approve a fence no greater than 2' off the property line, with no tree removal by NAJARIAN/ McIlhinney. Yes: Maher, McIlhinney, Najarian, Hurley, Fritch, Borrelli, Book

2. Adventure Crossing, Block 3001, Lot 1, 2, 3, 4, Monmouth Road – Sal Alfieri- attorney for the application, sitting with Robert Gasiorowski. Also present Edward Liston- homeowner's plaintiff's attorney. Mr. Alfieri stated this project was approved with phases, and the first phase was approved years ago, along with the revised phase one, which was approved as well, and a separate application was submitted for the balance of the property, which was also approved. The GDP and the phase 1 approval was appealed, and the settlement agreement was signed, and essentially the agreement was for an amended GDP. Mr. Gertner noted this settlement is not a remand, it is a new application. Mr. Alfieri stated the information is being presented as a new application, and for those not familiar, the general development plan or "GDP" is an idea, and if approved the zone is locked in, and if purchased, the application would come back with a site plan. The application being presented tonight is to seek an amended GDP approval. Mr. Alfieri mentioned that **Exhibit A-6** dated January 15, 2020 is the signed agreement between Mr. Listen's offices.

Ian Borden- president of PDS, a graduate of Rutgers, and a licensed professional planner in New Jersey- sworn- credentials accepted- Mr. Alfieri asked Mr. Borden to introduce the exhibits as there are a few. Mr. Borden presented **Exhibit A-1**, and aerial depicting the property, **Exhibit A-2** the GDP sheet 3 or 10 dated 10/31/18, and noted the original plan approved by the Board previously, **Exhibit A-3** the GDP settlement plan, which was based on the overall development plan and is sheet 1 of 1 which is new, **Exhibit A-4**, the D-1 use variance Exhibit as purposed this evening, **Exhibit A-5** the D-6 height variance showing the new purposed GDP.

Mr. Borden explained that **Exhibit A-1** is the Ariel showing the entire property, and the boundary is marked, and the GDP purposed is on Block 3001, and lots 1-4, 5, 6, 19, 20 were part of the GDP that was originally approved, and the changes being presented shows those lots will be removed from any development. North and adjacent of the site is Monmouth road and Route 195, which is a county major arterial road, adjacent is also the Six Flags and the Hurricane Harbor lot, and there is forest lands that are undisturbed which are owned by Six Flags and the Town. Along Anderson road there are residential houses, and to the north side of route 537 is commercial use. There are original approvals, and **Exhibit A-2** shows the overall plan that was approved in January 2019, which did include lots 5, 6, 19 & 20, and that did include mix uses which are no longer relevant as it has been changed. **Exhibit A-3** shows the proposed GDP on lots 1-4, and lots 5, 6, 19, 20 are shown however they are vacant, and phase 1 was granted a preliminary and final site plan approval,

and that approval stands alone. Mr. Alfieri mentioned that the phase 1 approval was also part of the appeal, and if this is approved, the appeal for phase 1 will be withdrawn. Mr. Gertner advised the focus will be on testimony related to the GDP because should the new GDP be approved, the phase 1 approval stands alone and in any event as per Mr. Borden, any appeal towards phase 1 would be withdrawn. Mr. Borden showed **Exhibit A-2** the GDP of the previous approval, and mentioned that the uses should be gone over to show the changes. The uses that were on lots 5, 6, 19, 20 were as followed: a convention center, winter wonderland indoor recreation, a retail store, golf course, 192 residential units which have all been removed. The retail portion and apartments have been relocated, the area coverage for lots 1-4 went from 283 to 210, and the 4 uses have been eliminated, the stadium, golf course, and winter wonderland. Mr. Alfieri asked that the phases be gone through. Mr. Borden stated phase 1 consists of 9 pad buildings, a convenience store, fast food location, a large recreation facility/ sports bar, 2 hotels, an indoor and outdoor recreational facility which remains unchanged. Mr. Maher asked what is going to be indoor. Mr. Borden advised the use has not been defined yet however it will be indoor recreational, however the tenant will be responsible for assigning the activity. Mr. Hurley asked if the reason it's before the Board is because it needed a variance, and asked if all other applications pertaining to this site will have to go to the Planning Board. Mr. Alfieri stated that under this zoning, this Board takes jurisdiction. Mr. Borden mentioned that this property is in the HC-zone, and the uses are fairly highway commercial uses, and on **Exhibit A-3** the GDP summary shows, and all buildings have been numbered. Mr. Borden went through each building starting with Building 1 which will be the recreation air doam, building 2 will be the indoor recreational area, buildings 3 & 4 are the purposed hotels, building 5-8, 10 & 11 are the fast food locations, building 9 is a purposed fueling station, and building 12 is a purposed restaurant. Mr. Borden continued with building 13-14 which will also be for fast food, and buildings 16-18 are mixed use commercial with residential above, building 20 is another hotel, building 21 is the medical research facility, a big portion of this project is to help with a MS research, and the facility will also provide housing for MS patients, building 22-26 are apartment buildings, which remain the same as approved, and the rear has buildings 27-34 which are apartment buildings that were originally approved and have been relocated. Building 35 in the retail building which has also been relocated. Mr. Borden stated the GDP ordinance has 14 items that need to be addressed, starting with 1 comment which was made to make sure the building areas would be addressed. Mr. Borden went through the building areas; Building 1: 161,663 SF, Building 2: 112,936 SF which is hotel 3 which will have 134 rooms, and a banquet hall consisting of 9,919 SF, building 4: will be 142 rooms, building 5: the fueling station is 6,000SF, building 6-8: the fast food locations will be 4,500 SF each, building 9: 4,000 SF, building 10: 8,076 SF, building 11: 10,200 SF in phase. Which will not be changed. Mr. Borden stated with regards to the GDP buildings 12 & 13 will be 2,700 SF each, the mixed use plaza consisting of buildings 14-17 will have retail on the first and apartments above will be a total square footage of 52,800 SF, building 18 will contain 140 rooms, the mixed building with retail is 39,680 SF, the medical building will have multiple floors, and 174 special needs apartments related to the medical building. The retail component will be 85,000 SF, and the apartment total is 502 units, and that is consistent with the approval granted in 2019, and 58 of those units are affordable, and the total square footage is approximately 548,854' with the changes, the stadium has been eliminated, and the 416 rooms for the hotels remains unchanged, along with the apartment count, they have just been relocated.

Mr. Borden stated that section 29B-244, is the general land use plan which was described, and commercial uses are proposed in over 85% of this site, and 15% site area will be apartments and they do require a D-1 use variance. With regards to the nonresidential uses, the nonresidential uses occupy 85% of the developmental tract, and the layout does purpose 4,300 parking spaces, and the sizes and specific numbers will be completed during the site plan, and regarding the circulation plan, sheet 4 of the GDP plan is the circulation plan, and this gets into why a GDP is appropriate for this site, and this is the county boundary. Mr. Gertner asked Mr. Borden to speak as to where the Monmouth County jurisdiction is. Mr. Borden stated that Monmouth Road is the boundary between Ocean and Monmouth county, and it was determined that one of the 2 agencies would be responsible for the up keep of the roads. Mr. Alfieri asked if this has to go before both Boards. Mr. Borden mentioned that Monmouth Road used to be a 2 lane country road, and is now a 4 lane roadway, and a master plan was done on the road to determine where the jug handles should be, along with a roadway design which was done as well. The intersection by the 195 ramp, and the west bound traffic is not permitted to turn left into the site, and the site would have to be accessed through a jug handle, and there are also surfaced roads, and the elimination to Monmouth road was requested, and these uses are connected for the access reasons. Mr. Borden mentioned that sheet 6 shows the open space plan, and wetlands letters have been issued to the DEP, and the wetland lines, and buffers are firm lines that were approved by the DEP, and there is no development being done on the wetland areas, and there is 53.3 acres of open space required, where 92.7 is proposed, and while recreation is not a standard in the open space ordinance, there is significant recreational activities on site. There are no buffers to residential roads, and a c variance is being requested for no buffer, this is a significant commercial location, and adding a 50' buffer does not fit with the commercial aspect. The JTMUA owns and operates the water, and this will be public water and sewer, and on Anderson road there is a force main that Six Flags constructed, and the pump station is proposed to connect to that main, and the JTMUA will extend a water main through the site which was a major capital improvement, and a storm water management plan is set, and is necessary to comply. The environmental inventory is shown on sheet 5, and PDS has inventory of the soil and vegetation, and the wetlands have been eliminated, there are no steep slopes and there is no development provided near the wetlands buffers and an EIS has been submitted. Mr. Borden stated the community facility plan is shown on sheet 2 in chart form, and the housing plan is shown on sheet 2 and 10 in partial is the affordable housing plan, and there is some in the mixed use buildings and some are stand alone, 90 affordable units will be provided. It is required to provide a fiscal report, and that has been included in the second portion of the EIS- and this project will not utilize the Township for maintenance, and was created based upon the 2018 tax data, and the review of 2019, and the school system from Rutgers, the annual cost was used and allocated costs to the Township, and the surplus revenue going towards the Township is \$500,000 per year, and to the schools would be \$1.5 mil surplus, \$40,000 to the open space fund, and \$26,000 to the ocean county open space fund, lastly this will generate more than 1,000 jobs. Mr. Book asked if the surplus figures are from when this is fully built and fully operational. Mr. Borden mentioned this project is requesting a 20 year approval, and the first phase is what has been approved as a site plan, and that is including 327 approximately feet. Ms. McIlhinney asked if the eastern portion of the site will have any open space. Mr. Borden stated no. Ms. McIlhinney asked if the right is will remain abandoned. Mr. Alfieri stated that is only being abandoned for now. Mr. Borden mentioned that there are 7 items that need to be addresses; .1. proposing a plan development- this site is proposing 85% commercial uses, and the master plan specifically speaks to this site being different, and the master plan encourages this use, and there are overlay zones that allow mix uses, and the density being pursued is much less than what is normally complete, 2. Over 35% open space, and this is proposed to have diverse sets of indoor and outdoor recreational spaces, and this fully complies with the DEP. 3. The light air and open space, the total building coverage is less than 10% and in this zone it has a maximum required of 35%, 4. This is zoned HC where 35% building coverage is required, and 75% pervious, and this site is purposing a significantly lesser amount than that, 5. This project is asking for 20 year approval, and there are only 2 phases however there could be more. 6. There are no steep slopes, 7. All items are being addressed, there is also a purposed public bus stop. Mr. Alfieri stated there is an agreement with six flags to use the stop as well. Mr. Borden mentioned there will be an internal busing system, there is also affordable housing in addition to the special needs housing.

Mr. Book announced that this application will probably take the Board to 10:30 p.m., and it is unlikely that application 3. **Renee Bogart/ Glenn Knowles, Block 18502, Lot 55, 485 Toms River Road and 5. Royal Grove Realty LLC, Block 16005, Lot 36, Knight Drive** will be reached. Mr. Gertner added without the process, it is not likely that these applications will be reached. Regarding application 3. **Renee Bogart/ Glenn Knowles, Block 18502, Lot 55, 485 Toms River Road**- with the consent of the applicant, that matter will be carried to February 19, 2020 without further notice, and application 5. **Royal Grove Realty LLC, Block 16005, Lot 36, Knight Drive** will also be carried to February 19, 2020.

Mr. Alfieri stated there are ordinance standards that revolve around the GDP requirements, and the variance relief will be discussed that is being sought. Mr. Borden stated d-variances are required, and as the Board knows the "D" type is special variance relief, and **Exhibit A-4** shows a map of the property where the uses have been identified to show the d-variances, and all commercial uses with the acceptance of the medical building, one is the medical research as well as the residential mixed use apartments, and the special needs apartments and the stand alone apartment buildings, and as far as the D-1 variance for medical research is concerned, it does promote the general welfare of the Town, this is not a hardship situation, the single commercial variance is the medical research, and is compatible to the uses is a HC-zone, it is compatible because it promotes residential uses, and the side also has direct access to Monmouth road. Mr. Book mentioned the medical facility should have some testimony heard from the applicant.

Vito Cardinale- partner/ managing member- sworn- Mr. Alfieri asked Mr. Cardinale to give history as to what the business and personal relationship is with the property. Mr. Cardinale said his desire is to bring in family entertainment, and sports for Jackson, and the personal goal is to create an MS center, and there is already a MS center built with Centrastate that handles 3,200 women with the disease, and that center gives treatment. Mr. Cardinale said his goal is end MS, it took his wife, and there is the goal to partner with the mayo clinic, because it's brain research, and the research being done is helpful, and when someone passes away with MS, they will be in a donor program and the brain will be donated and studies will be done to over 1,200 MS centers. Lesions need to be studied, and the goal is to be the Bin Laden of drug conservancies. Mr. Cardinale said he wants to keep patients alive, and end MS, and that can't be done with another wine tasting, and there has been accusation that this development is being used for personally gain, and this is being created to have a go to MS center, and there are presidents of hospitals that have committed to keeping with the protocol, not everyone with MS has the luxury of living at home. Mr. Hurley asked if Centrastate has a provision for MS patients, and asked what the intensity of use there is for that type of facility. Mr. Cardinale asked that they be MS patients, and this is special needs housing, for those who can't afford to have family type housing. Mr. Hurley asked if this is going to supplement facility. Mr. Cardinale said the real goal is to see what isn't normally seen, and the person who will be running the facility will be seeing the world. Mr. Cardinale said those suffering from Parkinson's, and ALS will not be turned away, however the goal is to get this built.

Mr. Borden stated there is a sole D-variance, and the Board must find there is general welfare, it is not inconsistent with the master plan and zoning ordinance. The language in the 2009 master plan is what the guidelines are based from, there is Jackson Parke that is being constructed however there is no public transportation to that site, this site gives public transportation, and this is proposed to have affordable housing to help the town with the affordable housing needs, and a small portion of housing is for special needs housing. Mr. Alfieri stated that **Exhibit A-6** notes that the apartments will be shifted, and asked that be discussed. Mr. Borden stated the D-1 variance for the mixed use does meet the criteria for the master plan. **Exhibit A-5** has the D-6 variances, which are the height variances, the D-6 variances must show positive criteria, and there are proposed heights that exceed the Township ordinance, and they are all located on the far corner of the property, and the one is the hotel, the mixed residential building, and the social mixed building, and the criteria is met, the fact that the proposed uses are located adjacent to that zone. Mr. Borden stated the hotel height purposed is 58', and there is a maximum height of 35' and the justification for this variance is that the hotel is set back 500'. There are height variances for 3 buildings in phase 1 and they are closer to Monmouth Road, and the 2 approved buildings are 450', mixed use commercial/ residential with a maximum height of 44', where 35' is required, and the closest setback is 230' which exceeds the front yard setback of 60', the medical research facility is the height of 64 1/2', and all would comply if this were in the C-1 zone. The view of the structure from the surrounding areas is the negative criteria. Mr. Alfieri asked if there are structures on Great Adventure's property that are higher than what is purposed. Mr. Borden advised that is correct. Ms. McIlhinney asked for clarification regarding the Jackson Fair share housing, and asked if the special needs housing met the criteria. Mr. Borden mentioned that the affordable aspect has to be provided in the apartments. Mr. Alfieri asked that the C-variance relief be gone through. Mr. Borden discussed the sign package, and mentioned that most signs that require variances have been approved and will remain the same, however there are 3 signs purposes, one would be the freestanding digital sign to be installed where is not permitted, the purposed freestanding sign would be 10' setback from Monmouth Road were 30' is required. Mr. Costanzo asked what the height of the sign would be. Mr. Borden stated the maximum height required is 16', and 33' is purposed. Mr. Costanzo asked if the sign will serve lot 1. Mr. Borden stated that is correct, and the 50' buffer is important, because the highway commercial zone does not require buffers, and this is a commercial destination, it's not appropriate to have a 50' buffer.

Opened public questioning for the testimony provided;

Denise Garner- 14 Evergreen Court- sworn- said she looked at the EIS, and asked if a TR-55 be run for this site.

Mr. Borden stated that is correct, and the storm water management is conception at this point, and will be detailed at the site plan portion of the application, and a TR-55 will be performed for the run off.

Denise Garner- 14 Evergreen Court- asked if the land be better off if it's left in its natural state

Mr. Borden advised that this upland portion of lot 1 is already farmed

Denise Garner- 14 Evergreen Court- said there is no surface water or buffers, and lot 1 has surface water and wetlands
Mr. Borden stated there is no surface water, however there are streams and there is no development purposed on lot 1

Denise Garner- 14 Evergreen Court- asked what the date was on the LOI, because they do expire
Mr. Borden stated the LOI for lot 1 was issued during a settlement agreement, and does not have an expiration date and is kept with the Ocean county clerk's office

Denise Garner- 14 Evergreen Court- asked if the project has a green element plan
Mr. Borden mentioned there is no such thing, so no this project does not have one. Mr. Book asked for a brief recess before continuing with public questions.

Recess taken at 9:25 p.m. and reconvened by Mr. Book at 9:34 p.m.

Mr. Liston asked on behalf of his client if something will be done with regards to the jug handle for 195 and Monmouth Road
Mr. Alfieri mentioned that that would have to be addressed by the traffic engineer, which will be providing testimony this evening.

Closed public questioning;

John Rea- licensed professional engineer with 45 years' experience- credentials accepted- sworn- Mr. Alfieri mentioned that the traffic report was prepared as part of phase 1 and the GDP, and asked if tonight is similar. Mr. Rea advised that is correct, and stated that Mr. Borden indicated there is an agreement with Monmouth and Ocean County, and the joursedition changes when it gets to Plumsted and nevertheless there has been communication with Monmouth and Ocean County, and the 4 uses that have been removed make for a substantial decrease of 1,500 vehicles. Mr. Gertner asked if the reduction is based on a previous GDP. Mr. Rea stated this site is not taking traffic off the road however it will be decreased significantly. Mr. Alfieri asked that the jug handle improvements be described. Mr. Rea mentioned that the jug handle will be fixed and there will be a road to Pine Drive, and the intersection will be reconstructed. Mr. Alfieri asked when the west jug handle will be improved. Mr. Rea advised that will be completed as part of the phase 1 approval, and there will be re striping done, and to the east are stripe will be done as well, and during phase 2 it is anticipated for the balance of the project, and updated traffic studies will be required, and although all studies are not done they will be. Mr. Alfieri asked with regards to phase 2, 3 & 4, and the balance of the site, will there be separate applications to the country. Mr. Rea advised that is correct. Mr. Alfieri asked if a site plan approval will have to come back before this Board. Mr. Rea advised that is correct and all of the reports are being looked at thoroughly, and the reports are being reviewed by separate independent county authorities. Mr. Alfieri asked what is different from what is proposed tonight compared to what has been approved. Mr. Rea mentioned the Anderson road driveway, and the 4 land uses that will decrease traffic, and the applicant has been very careful to assure the entire property is accessible from either side and internally. Mr. Costanzo asked if there are plans as of yet regarding the 195 interchange. Mr. Rea mentioned it has been discussed with Monmouth and Ocean County, and there is awareness of the intersection, and there is an issue with 537 eastbound, and the County is aware, and there is a process, and the NJDOT does have to get involved, and that is a process. Mr. Costanzo asked if there is a time table as to when these entities can be moved along. Mr. Rea mentioned he can reach out tomorrow and see what assistance can be provided.

Mr. Miskovich stated for a point of clarification that with the elimination of the uses, is the full improvement on 537 is still being done, because additional improvement may be needed at the U-turn jug handle to the west. Mr. Costanzo asked if those jug handles be fixed now, and this congestion is forthcoming. Mr. Miskovich stated Mr. Rea can address that, and the striping. Mr. Gertner asked what improvements could be agreed to as a condition of approval to be done now. Mr. Rea stated none make sense now, because during phase 1, the jug handles were looked at, and it was suggested to have a double left lane, and improvements have been planned and designed, and as far as balance and design, additional improvements are going to be done possibly. Mr. Gertner asked if and when the site plan applications come in, would those 3 issues be addressed. Mr. Miskovich stated as time goes by, and as it's phased out and moves forward things will have to be done. Mr. Alfieri noted not a single shovel will be put in the ground because a site plan approval needs to be obtained. Mr. Miskovich asked if the justification for the improvements at the 195 interchange include the Anderson road intersection. Mr. Rea stated that will need to be checked with the county, however it should be included and those who live on Anderson know how tough it is to get onto Monmouth road, and 20 years ago changes were suggested and need to be re visited. Mr. Gertner asked if the applicant still owns lot 6. Mr. Alfieri stated that lot is a contract purchase. Mr. Miskovich mentioned that it is shown that a right of way will be done from phase 1 to Anderson road, and now that is being eliminated, what is the intention of that right of way or easement. Mr. Borden stated the easement will be for waterman, and it will only be a utility easement.

Opened public questioning for testimony provided; no one came forward, closed public questioning.

Mr. Hill asked that it be acknowledged that the December 15 report has been received, and is there acceptance taken. Mr. Borden stated it has been received and the applicant will comply. Mr. Hill noted this is a plan for development, this is not a site plan, and every building that is outside of phase 1 will have to come back before the Board for a site plan, and there are reports that are still needed, and this is a concept.

Opened public comment;

Denise Garner- 14 Evergreen Court- sworn- presented a self-made map, marked **Exhibit O-1** January 15, 2020- she explained the map provided is a wetlands maps, and shows the sewer service areas, and shows the GDP area lots 1-4 and also has 5, 6, 19, 20 as well, the map also shows the super service area, and wetlands streams, which was created through GIS, and was created by taking the spa cable analysis, and layers which were extracted from the NJDEP website.

Mr. Gertner asked Ms. Garner her experience with creating maps like this.

Denise Garner- 14 Evergreen Court-said this is GIS mapping which she has 15 years' experience with, and she has worked for PSE&G, led pipe replacement, and worked with the NJDEP

Mr. Gasiorowski objected to the Exhibit presented, because the map is an interpretation. Mr. Book asked if Ms. Garner was standing before the Board right now, and offering experience or personal knowledge about this project.

Denise Garner- 14 Evergreen Court- said it was personal knowledge

Mr. Book stated that all that is seen on the top of the map, there is a block and lot designation, and other identification designation, and it was testified that this map was put together through several locations. Mr. Hill stated the information was compiled from the DEP Geo website, and the DEP has a GIS database with many layers, AND this data is for Planning data only, nothing is for site specification to get an idea of what can be found on a site, this map is way behind this application is, and the Board is way beyond this map.

Denise Garner- 14 Evergreen Court-said the map was to show the concerning areas

Mr. Gertner stated the map was done to give a visual, and everything was always in black and white, and field work was done and the map was created to give a better view of the site, the EIS and LOI are all black and white and there is a lot of information that cannot be seen.

Mr. Book asked Ms. Garner if there is an objection to the GDP that is being brought forward.

Denise Garner- 14 Evergreen Court-said yes, and based on what has been read, the extent of wetlands in that area and the ground water

Mr. Book asked what the specific objection is

Denise Garner- 14 Evergreen Court-said lot 1 is 60% wetlands, and there is a stream and surface water, and the impacts that will occur when the development starts and the compression of the soil will have impact on the ground water, and the traffic is a concern, it's an open area and there are environmental concerns

Mr. Book asked if the drop in traffic is the concern, and asked what the environmental concern is.

Denise Garner- 14 Evergreen Court- said although this traffic report is less, there will still be traffic, and there is oil, and air pollution that will come

Mr. Hill stated this is a GDP and the appropriate way to design and evaluate, and the storm water management is at the site plan and it has been indicated that the Township requirements will be complied too and the DEP, and most of the concerns will be addressed at the site plan, and all engineers are required to follow state guidelines, and the DEP does have standards and guidelines to make sure there are no impacts, and that permits are appropriately obtained. Mr. Hurley stated to clarify a point, the application is a GDP, and any action being taken will still need to come back, and as far as some issues they are not appropriate at this time, and whatever action is taken will be subject to site plan. Mr. Hill stated there is no right to build until after the Board approves a future site plan.

Closed public comment.

Mr. Book stated in terms of the **Exhibit O-1**, it will only be marked for identification, however it is not reliable enough and it will not be considered. Mr. Alfieri appreciates the Board, and this is heard for a lawsuit, and it has been downsized. Mr. Liston stated that what has been presented is consistent with the settlement. Mr. Najarian stated based on the testimony, it has been an issue, and it is put in place to allow people to come in, and this is something that was of concern, and those concerns seem to be resolved. Ms. McIlhinney concurred with Mr. Najarian, and stated the main concern was that the objectors were satisfied and according to Mr. Liston it is satisfactory.

Motion to approve by MAHER/ Najarian. Yes: Maher, McIlhinney, Najarian, Hurley, Fritch, Costanzo, Book

Motion to adjourn at 10:26 p.m. by BOOK. Yes: Among those present.

Respectfully submitted,

Danielle Sinowitz,
Zoning Board Recording Secretary