

**JACKSON TOWNSHIP PLANNING BOARD REORGANIZATION
MONDAY, FEBRUARY 3, 2020**

The January 7, 2019 meeting of the Jackson Township Board was called to order at 7:32 p.m. by Planning Board Secretary, Denise Buono with a salute to the flag by all present. Attorney Sean Gertner read the Open Public Meetings Act Statement noting that adequate notice has been provided and advertised in the manner prescribed by law.

ROLL CALL:	Tim Dolan	Terence Wall, Township Representative
	Jeffrey Riker	Martin Flemming, Councilman
	Dr. Michele Campbell	Joseph Riccardi, Mayor's Designee
	Paul Nigro	Len Haring, Board Vice Chairman
	Andrew Jozwicki - Alt #1	Robert Hudak, Board Chairman
	David Inzelbuch - Alt #2	

Also Present: Planning Board Attorney Sean Gertner, Ernie Peters, Board Planner, Denise Buono, Planning Board Secretary and Danielle Sinowitz, Planning Board Recording Secretary.

Payment of Recording Secretary, Danielle Sinowitz, for 2/3/2020 motioned by DOLAN/ Flemming. Yes: Dolan, Campbell, Riker, Nigro, Wall, Flemming, Riccardi, Haring, Hudak

Approval of 1/6/20 Planning Board Executive Minutes by DOLAN/ Haring. Yes: Dolan, Campbell, Riker, Nigro, Wall, Flemming, Riccardi, Haring, Hudak

Approval of 1/6/20 Planning Board Minutes by DOLAN/ Riker. Yes: Dolan, Campbell, Riker, Nigro, Wall, Flemming, Riccardi, Haring, Hudak

RESOLUTIONS: 2020-01 - Appointment of Board Professionals/ meeting dates and times- **Motion to approve by CAMPBELL/ Haring. Yes:** Dolan, Campbell, Riker, Nigro, Wall, Flemming, Riccardi, Haring, Hudak

2020-01 - 2020 Meeting dates and times- **Motion to approve by RIKER/ Riccardi. Yes:** Dolan, Campbell, Riker, Nigro, Wall, Flemming, Riccardi, Haring, Hudak

Motion for Executive Session to discuss litigation at 7:37 p.m. by RICCARDI/ Flemming. Yes: All in favor among those present.

7:49 p.m. - Motion to enter into public meeting by CAMPBELL/ Riker. Yes: Dolan, Campbell, Riker, Nigro, Wall, Flemming, Riccardi, Haring, Hudak

BOARD MATTERS FOR DISCUSSION: Ordinance No. 02-20 – “NEW ZONING DISTRICT ENTITLED CHAPTER 244-57.2 HCMU HIGHWAY COMMERCIAL MIXED-USE ZONE” Mr. Peters mentioned that the Board should recall in December of 2019, the adoption of the reexamination of the master plan, and there were things brought forward that would like to be addressed, and this is the first thing, this was brought forth to the Township council, and in December 2019 it was put into the findings and conclusions of the reexamination, and this is open for discussion, and this will need to be motioned for and then brought forward to the Township.

Motion to approve by WALL/ Campbell. Yes: Dolan, Campbell, Riker, Nigro, Wall, Flemming, Riccardi, Haring, Hudak

Jackson Township, Block 5806, Lot 1, 113 N. New Prospect- Mr. Klee stated this is a courtesy review for a 180' communication tower, and there was no report given the circumstance for the application. **Captain Richard Wagner- Jackson Township Police Department-sworn-** represent the town with communications, and the current radio system is from 20 years ago, and went live 15-16 years ago and the equipment is at the end of its life, and the Township needs to build a new system, and the system will be interfered with hi-def. television, and hi-def. wasn't being broadcasted when this was brought forth, and the emergency services are currently experiencing difficulties, and there are too many reasons why the town needs to renew the radio system, and currently the town is on the water tower, and this system can't go there because there is no room for the current system and the new system will not fit, the tower is also at its end. The JT-MUA has plans to re build the tower, however there isn't very many solutions other than getting a new tower, and the other closest location is the fire station on Larson road, because there are no other buildable lots on that side of town. Mr. Peters reminded the Board that an application years ago noted this is the highest spot in Ocean County. Mr. Dolan asked if this is FCC driven. Captain Wagner said the equipment is specific on the system the Township has. Mr. Hudak noted that last year there was a tower put at the fire house near Paterson Road, and asked if this is in the same line. Captain Wagner said yes, and mentioned that the Township needs to have at least 3 towers, and there is one already on Township property, and there was one that was approved by this Board, and there is one needed on the west side of town because police, fire, and EMS don't just operate in the street, and to reach frequency in buildings we need the tower. Mr. Hudak asked if this tower will saturate the town or will this tower suffice. Captain Wagner said this should suffice as the town is part of the ocean county radio system, however the Hawkin Road/ West Veterans Highway intersection will be a bit spotty, but there is another county tower that does provide access. Mr. Hudak asked if there will be space leased to anyone else, or is this solely for police and fire. Captain Wagner said this is designed for a radio tower and there will be room for possibly 1 or 2 cell towers, however this is for radio but if the township chooses to lease spaces there could be spaces leased. Mr. Peters stated an application would have to come back for commercial or leasable entities, and the applicant should have to come back before the Board, whether that be for review or a full site plan application, but as far as the radio tower itself it is enough information being provided. Mr. Dolan asked if there will be cell phone availability for residents. Captain Wagner said there will possibly be room for cell phone frequencies, however at this time it just for radio use, there could possibly be room for 1-2 towers. Mr. Dolan asked if this will affect the cell phone frequency for residents. Captain Wagner said it will not. Mr. Peters stated this is a courtesy review, and the health and safety requirements meet the standard to spend the funds and in this case zoning does not apply, but if fire or EMS comes back that would be a separate issue to see what standards may or may not apply. Mr. Gertner noted that with the last application there was concern that there was no public notice, and the Township was kind enough because although it is not required the notice was provided to avoid any potential concerns the Board may have. Captain Wagner mentioned that the previous tower was approved by the Board, however there was an issue with

The DEP regarding a dry river bend that was not noticed, and there was land found about 1,000 yards and that will come back before the Board as it will be being moved.

Opened public comment;

Motion to close public comment by DOLAN/ Riccardi. Yes: Dolan, Campbell, Riker, Nigro, Wall, Flemming, Riccardi, Haring, Hudak

Mr. Peters stated this is consistent with the master plan, and accepted the submission as it is consistent with the engineering standards

Motion to approve by RICCARDI/ Riker. Yes: Dolan, Campbell, Riker, Nigro, Wall, Flemming, Riccardi, Haring, Hudak

APPLICATIONS: 1.Solomon Zolty, Block 21702, 21801, Lots 32, 57, 58, 59 & 61, S. Hope Chapel Road- Mr. Klee stated this is an application for a preliminary major final, and the application is for 12 single family dwellings and 1 storm water management lot, and there were concerns where the Board has questions about the variance relief and revised plans have been submitted and the storm water lot is the only variance. Mr. Peters stated the only variance necessary is for the storm water management lot, and all of the purposed single family dwellings are consistent with the zone, there are 2 variances required for the lot area where 1 acre is required, and the applicant has $\frac{3}{4}$ of an acre and 150' of lot width and approximately 146' is being purposed.

Adam Pfeffer- attorney for the applicant- would like to start from the beginning as there are new members and a new attorney, this is an application for 12 lots with 1 storm water lot totaling to 15.8 acres.

Ian Borden- Professional Design Services-sworn- credentials accepted- mentioned there are 2 Exhibit's, **Exhibit A-1** dated February 3, 2020 an Ariel of the site dated July 2019, and **Exhibit A-2** sheet 3 of 21 dated January 2,2020 which is the revised date ,and with reviewing the aerial there is the boundary of the property in yellow, and it is 15.6 acres and to the left is south hope chapel road which is the primary frontage, and the property is 15.6 acres in the R-1 zone. Mr. Borden noted the property is not in the pinelands, and does not contain any wetlands buffers, and there is pre-existing structures on the parcel, which are 5 homes, and the plan is to redevelop and re subdivide, there will be 12 residential homes, and 2 of the 12 will be from the existing 5, and 3 of the existing will be demolished, which will create 7 new lots. Mr. Borden stated the R-1 zone requires building coverage not to fill more than 1 acre lots, and absent sewer is required, and in this case public sewer is purposed there is sewer being extend down Whitesville road, and there is an existing sewer main on Whitesville Road, and a gravity sewer extension is being required for 1300'. The sewer has been granted, and an application has been deemed completed by the DEP. There has been many approvals required which have been obtained, and there is an existing water main on South Hope Chapel and that will be extended to the lots. Next presented was **Exhibit A-2** which is the overall development plan, showing the cul-de-sac which is 34' road way with sidewalks on either side and along South Hope Chapel, and there are no design waivers and all residential lots comply. There was clarification requested, and that was with parking, and as noted there are 3 parking spaces being provided per unit, and that is the highest number that can be provided, 1 in the garage and 2 in the driveway. There has been review from the environmental commission, and the storm water basin lot is being purposed, and the storm water basin lot has been sized to accommodate the standards. Mr. Borden stated it controls the water levels, and the storm water management is dictated by state rules, and the basin is adequately sized, and the lot has .72 acres where 1 is required, and 446' where 200' is required, and the argument is a C-2 variance, because a C-1 is a hardship and C-2 is the benefit vs determinants variance, and the benefits are the public, and the public sewer is being extended and although it may be costly it will be beneficial, and this sewer helps with existing development on that path and the 1300' extension will open the door for surrounding properties, for example Lexington Commons will have sewer at the entrance. Mr. Borden stated the project density is .77 units per acre which is less than the maximum required density, and mentioned that there are 5 houses on septic and wells that are old and were constructed before the rules existed, and they will all be removed and the 2 homes that will remain will have public sewer extended to them. The area and the lot is not the detriment to the public good, and there is no structure and the basin is adequately sized and additional lot area would be additional land for the town to maintain. Mr. Pfeffer mentioned that the state sets the regulations for storm water lots, and in the state guidelines all state regulations have to do with run off, however there isn't anything about lot size. Mr. Borden advised that is correct, although it should be noted, the Township has a maintenance ordinance, and an application is required to meet that criteria, and the applicant is required to dedicate the lot to the Township, and in the past that has been done by granting an easement, and 2 additional conditions which will be complied with is an fully executed agreement with the town council, and there is a requirement to pre pay maintenance fees, and the fees are fixed and this application is required for those fees. Mr. Pfeffer asked if there could be a scenario with no variances where the easement would be just an easement. Mr. Borden mentioned that it is a scenario however the two adjacent lots are 2 acres in size, and that can be done and the easement can be dedicated to the town which will eliminate the variance and will not eliminate the storm water management.

Mr. Flemming asked if the one curve was lightened up slightly and a lot was shrunk down would eliminate the issue. Mr. Borden advised it would not eliminate the issue. Mr. Nigro asked what changed from the original plan to this plan. Mr. Borden stated to back to the beginning of the project it was purposed to not extend to new prospect, and the original plan was never submitted to the Board because there were concerns from neighbors, and the cul de sac was adjusted, and there was detailed plans gone through with the Board's planner, and it was satisfactory. Mr. Nigro asked where the sewer runs through. Mr. Borden explained it runs right down South Hope Chapel Road which is why it's beneficial because no one property will be effected. Mr. Riker asked with regards to the existing wells, if they are going to be available for irrigation or will they be sealed off. Mr. Borden stated it will depend on where the wells are located. Mr. Riker mentioned that brings concerns during construction. Mr. Borden stated it would have to be done on a case by case basis, and the well standards have changed. Mr. Riker stated the concerns are with regards to the water going back into the ground. Mr. Borden stated the demolished wells would have to be abandoned. Mr. Pfeffer noted there would be no issues with having the wells marked prior to construction. Mr. Riker asked if there will be sidewalks. Mr. Borden stated they will be installed, there are no waivers being requested for sidewalks, and the road intersection with Hope Chapel Road has been approved by the Ocean County Planning Board on 12/4/19. Mr. Wall asked for Mr. Borden to discuss any implications for low/ moderate income. Mr. Peters stated the applicant is required to comply with affordable housing requirements, and this will have to go through with the payment of fees. Mr. Wall mentioned that the size of the homes should be spoken on. Mr. Borden mentioned that the size of the homes are not known at this time, however they will all will be in compliant, however it's up to whoever buys the land. Mr. Wall asked if it is 12 homes or 11. Mr. Borden stated 12. Mr. Hudak asked with regards to the foot print of these homes, if there was just a place holder put in place, however there are no designs, it would be built based on the clients specs, or are these going to be custom homes. Mr. Borden advised the applicant is UN sure at this time. Mr. Hudak asked if the site is allowing for 3 parking spaces per home. Mr. Borden stated that is correct, 1 in garage and 2 in driveway. Mr. Hudak mentioned that these homes will have a 1 car garage, and asked if that adequate for what looks like 4000' homes. Mr. Borden stated in the case of the single family home, this meets the standards. Mr. Hudak noted there is the feeling these will be 5 bedroom homes. Mr. Borden stated at a minimum, the homes would be 5

bedrooms. Mr. Hudak mentioned that with the width of the street purposed, if there was parking on both sides of the street how much room is there for cars to pass. Mr. Borden stated 30' is standard with 8' on either side, there would be 14' in the middle for cars to pass. Mr. Hudak asked if that will that be adequate for emergency vehicles. Mr. Borden mentioned yes, and noted the driveways are 18' and the front setback is 40' at minimum, and there is additional parking if needed, and with 1 acre lots, this project and many would qualify for lesser designation. Mr. Hudak noted there are large homes 4,000+SF, and a minimum 2 car garage for 3 cars, and that is what is concerning because it doesn't seem to fit the normality in Jackson. Mr. Pfeffer stated this is a footprint, and either way the buyer will have to meet the ordinance and required zoning standards, and if there is no compliance, and the home owner wants a custom home the plans will have to be submitted. Mr. Gertner stated the testimony is the design with the 1 car garage which is based on the minimum standard, however is there any objection to having a 2 car garage. Mr. Wall noted this is not actual, it's an illustration. Mr. Pfeffer stated if the applicant was to come in with the lots that were purchased the archeteculas would be put on the record, however the lots have not been purchased yet, this is just a design. Mr. Borden stated the town has a process, and when a particular house is purposed on a project, there is an individual lot plan which is reviewed and only upon the zoning officer's approval will it then go to the building department. Mr. Peters mentioned that the land use ordinance does not require architectural plans, and generally speaking, minor sub divisions, and bulk variances require a plan given the relief being requested, the ordinance doesn't require specs, and the boxes on the plan is more then what is required, and if a variance is being asked for architectural should be asked for. Mr. Riker stated there is still concerns, and asked would it be inappropriate to ask that the curve be asked to be turned. Mr. Borden mentioned the road could be shifted to make 7.2 acres, .9 acres and the basin wouldn't get larger it would make more land. Mr. Gertner asked Mr. Borden to articulate the support for the design. Mr. Borden stated the basin lot is more than adequately sized, and does make a much higher reduction then the state law requires. Mr. Pfeffer indicated that Mr. Macfarlane is present, if he could be sworn that would be best.

Graham Macfarlane- professional engineer with PDS, principal with PDS and licensed since 1992- sworn- stated the 2 year storm effect will be reduced, and the 10 year storm will be minimal, and the 100 year storm and the allowable, the basin is over sized and provides a higher level of safety, and the basin does have a larger area with the performance and regulations, and the requirements in this municipality are being complied to, and the size of the property does not affect any of those things, and the standard has been found by this Board is the size of the lot, this is purposed for 12 lots with ordinance requirements. The project is designed with the current design regulations, there are no design waivers caught, and the state rules and county rules are being met and it has been a practice of this Board that the size of the lot or the basin has to be opposed to. Mr. Pfeffer asked under all 3 scenarios of the storms, will this improve the overall runoff as it is today. Mr. Macfarlane stated that is correct, and noted the discharge purposed is less than the standard allowed. Mr. Klee agreed, however was wondering if there is an outlet on Hope Chapel, because this site is purposing a water quality system in South Hope Chapel Road which is required by the county, and the basin will have a spill way. Mr. Macfarlane stated there is no place to tie the existing system. Mr. Peters asked if this will be an infiltration basin. Mr. Macfarlane advised that was correct, however there is no credit to be taken. Mr. Peters asked if the basin has to be 2' deep for an infiltration system. Mr. Macfarlane confirmed that was correct. Mr. Peters asked how deep the purposed basin would be. Mr. Macfarlane stated 3', but also mentioned this is not classified as an infiltration basin, because an infiltration system is to take credit for the water that comes into the basin, and this design does not take credit for the infiltration, the water will come in and spill away, and then the water will recharge. Mr. Klee stated as the state regulations are written, the applicant is not taking infiltration going in, however it will function as an infiltration system. Mr. Macfarlane stated the applicant could add an outlet structure, because there are outlets downstream. Mr. Klee agreed with the statements made. Dr. Campbell mentioned there was discussion regarding straightening out the roads, and noted soft curves provide better road managements, and the soft curve would slow down traffic. Mr. Macfarlane agreed that the curve will be a traffic calmer. Mr. Nigro asked if there were studies done on the neighbors, as to whether or not this will cause any flooding on Jessica Court. Mr. Macfarlane stated this will not cause any impact to anyone on Jessica Court. Mr. Borden noted that Jessica Court is higher. Mr. Dolan mentioned that 12 homes, with 3 cars per home, is adding 40 vehicles which raised concerns. Mr. Borden stated a traffic impact is only required when there are 20 or more houses being added. Mr. Gertner asked where the county at with studying the intersections, and light timing is. Mr. Borden mentioned he is aware that the county is purposing the re development on Whitesville road. Mr. Nigro asked if there will be minimum size or maximum size house with a certain number of bedrooms, and what would happen is someone wants a 6 or 7 bedroom home. Mr. Borden stated the minimum or residential requirements will be complied too. Mr. Hudak stated this is a failure to communicate, and the point is that Jackson has a community of homes of certain styles with certain number of spaces, and a house of that size with all the bedrooms, there is a lack of parking. Mr. Gertner stated the issue is the prevision of onsite parking on each lot. Mr. Borden stated this is the minimum standard and has been put in place for 25 years. Mr. Pfeffer stated the applicant understands the concerns and has no problem indicating that should a house come in and be over 4000SF that a 2 car garage should be attached. Mr. Riker mentioned that although this is a minimum standard, 25 years ago is 25 years ago and is probably not the best statement, and in the case of the drainage, the hope it that it's always the best work that comes in and the work complies, and weather this works or not this town has to maintain the area, and the best work should be shown at all times, let's turn the knob up a little bit, but for this drainage get it wrapped up and get it done. Mr. Hudak appreciated the comment, and stated the "minimum" needs to be stopped, and 25 years ago needs to be stopped. Mr. Klee stated it would be nice to see the outlet connection. Mr. Riccardi asked what is the drainage going to look like, and will it be at the end. Mr. Borden stated it will be an excavated basin with sand bottom, a fence with mesh between the railings. Mr. Wall asked if there is certainty with regards to the low to moderate income being placed on site is at the decision of the Planning Board, because it's faster and easier for those needing a house, and are there offsite improvements under discussion. Mr. Peters stated from a planning perspective with a house bigger then 3,500SF it's typical to have a 2 car garage, and regarding offsite improvements there has been submissions to the Board with the roadway improvement plans which do not go past the site frontage. Mr. Klee mentioned the applicant is providing curbs and sidewalks and possibly connecting the inlets. Mr. Wall asked if the area that is open, will there be a deed restriction, and the other area that is open near the basin, what is the status of that open area. Mr. Borden stated that it is the basin lot. Mr. Wall mentioned it would be a good opportunity to have this site hold one or more affordable home. Mr. Pfeffer asked that this be opened to the public so those comments can be addressed, and this application should come back to address all concerns and questions, and then it will be for limited issues. Mr. Peters stated on a copy of the January 22 report, page 5, the strip of right of way, can that be explained. Mr. Borden stated it will be maintained by the owner of the house that owns that lot. Mr. Peters asked what that alternative would be. Mr. Borden stated the right of way line could be on the property line. Mr. Peters stated there is no opinion one way or the other, and it's a 400' alley way that will be responsible for the resident that is 350' away from the alley way, there needs to be assurance that the Board is ahead of this before this goes any further, and the fire official asked for information, is that being worked on. Mr. Borden stated that is correct, and there approval is required. Mr. Peters asked about the lighting. Mr. Borden agreed to comply. Mr. Peters stated there is a 15' easement from Jessica Court through one of the purposed lots, what is that for. Mr. Borden stated there is future planning for a walking path from Jessica Court to this purposed Court. Mr. Peters asked about trash and recycling pick up. Mr. Borden stated the Township has no garbage pick-up, however there is recycling

Recess 9:34 p.m. reconvened at 9:41 p.m. by Mr. Hudak

Opened public comment;

Sue Stillwell- 16C Dixie Lane- sworn- said there has been discussion about lower to middle income, but how can lower or middle class afford 5 bedroom homes.

Mr. Gertner stated that is the one thing that will be discussed at the next meeting, it is a percentage of the proposed development and there is question whether or not the site can be affordable, however it is not specific.

Sue Stillwell- 16C Dixie Lane- said lower and middle income will not be able to afford a 5 bedroom house, will that be a smaller bedroom numbered house, and will it still be on the one acre

Mr. Pfeffer stated under the proposal it will be paid into the Township fund and none will be on affordable income

Sue Stillwell- 16C Dixie Lane- thought there had to be affordable housing

Mr. Borden stated the fair share does not require affordable housing in the R-1 zone, and this job is not one of them, this is responsible for the mandatory fee

Motion to close public comment by RICCARDI/ Fleming. Yes: Dolan, Campbell, Riker, Nigro, Wall, Fleming, Riccardi, Haring, Hudak

Mr. Gertner stated the proposal is to deliberate however there are 2 items, one for himself and one for Mr. Peters, and Mr. Klee wanted to know where the outlet structure is being provided. Mr. Gertner announced deliberation on this matter is being carried to the March 2, 2020 meeting and the applicant has waived any time requirements.

Motion to adjourn by RICCARDI/ Wall. Yes: All in favor among those present.

Adjourned: 9:48 p.m.

Respectfully submitted,

Danielle Sinowitz,
Planning Board Recording Secretary