

**MINUTES OF REORGANIZATION/REGULAR MEETING OF THE
JACKSON TOWNSHIP BOARD OF ADJUSTMENT FEBRUARY 5, 2020**

The February 5, 2020 Jackson Township Board of Adjustment Meeting was called to order at 7:01 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
Scott Najarian
Garry Miller
James Hurley
Jeanine Fritch - Alt #1
Nino Borrelli – Alt #2

Stephen Costanzo, Board Vice Chairman
Carl Book, Board Chairman

Absent: *Kathryn McIlhinney, Board Secretary*

Also Present: Sean Gertner, Board Attorney, Evan Hill, Board Engineer, Ernie Peters, Board Planner, Frank Miskovich, Traffic Engineer, Jeffrey Purpuro, Zoning Officer, Torro Representative, Court Reporter and Danielle Sinowitz, Zoning Board Recording Secretary.

ANNOUNCEMENTS: Mr. Book announced for those in attendance, Ms. Fritch will be sitting in lieu of Ms. McIlhinney's absence, and second there is an issue and it would like to be addressed, and that is the need for a conflict attorney, and a conflict attorney will be present for the Sebbag application, and that attorney will be Mr. Dasti. Mr. Peters mentioned that Mr. Dasti was here for that application originally, but it was a different law firm. Mr. Gertner stated it make sense because the Board has an application from him, an RFP and he was the attorney who sat in previously, and since 2006 there has only been one conflict. Mr. Book advised the Board is only seeking Mr. Dasti as the attorney for that one application not as a permanent back up for Mr. Gertner, it is just want to assure there is legal counsel present.

Motion to approve Mr. Dasti as a conflict attorney by NAJARIAN/ Hurley. Yes: Maher, Najarian, Miller, Hurley, Fritch, Costanzo, Book.

Mr. Purpuro announced with regards to the first applicant on agenda, there was a miss communication with noticing and the applicant will be noticing for a future meeting. Mr. Gertner announced for members of public that application **1. Yaakov Salomon, Block 20201, Lot 32, 6 Bear Trail**, that matter will be relisted and noticed pursuant to the law a 200' certified notice, and in the newspaper, and there is a similar issue to application **5. WSNP LLC, Block 6401, Lot 22, 146 S. New Prospect Road**, Mr. Purpuro advised it is very similar, because it wasn't noticed for tonight and there is no reason as to why. Mr. Gertner mentioned there was an issue in a review letter as well, however there is no articulation as to why it was carried and noticed, and there was no notice so it doesn't need to be on the agenda, however application **5. WSNP LLC, Block 6401, Lot 22, 146 S. New Prospect Road** will not be heard, there was no notice, and the applicant has the obligation to notice and there was no notice given. Mr. Costanzo asked if this application was put on the agenda in error. Mr. Gertner stated not on the Board's end, it was put on the agenda as it was deemed complete, and there were professionals letters issued, and there were issues raised, and perhaps it's an issue that may not be able to be addressed. Mr. Costanzo asked if the applicant is aware of the error. Mr. Gertner advised since there was no notice there is no jurisdiction. Mr. Purpuro continued onto application **4. Phils Tree Service LLC/ Philip Lewis, Block 23108, Lot 5, 539 Vath Street** and advised that matter is being carried to April 4, 2020. Mr. Gertner mentioned that application **4. Phils Tree Service LLC/ Philip Lewis, Block 23108, Lot 5, 539 Vath Street** has a unique issue, and although the Board doesn't like to carry matters without re noticing, the applicant is still waiting on the Pinelands. Mr. Hill noted the application was for a use variance, and there is no development that is going to occur however in this case the applicant has constructed buildings previously that the pinelands is catching the applicant on, and frankly it is not likely that those issues will be resolved by April. Mr. Gertner advised the applicant was up front, and when it was sensed that this was not going to be able to be heard, the Board continued to place hold, and the continuing of open end carrying causes issue. **Ray Shea- Attorney for applicant-** stated it would be best to withdraw the applicant, because the applicant is in a catch 22 and has been in operation for years and the application will be withdrawn, and will come back when it's ready to be heard.

RESOLUTIONS: Resolution 2020-07: Appointments to the Board of Adjustment for the Township of Jackson for period January 1, 2020 to December 31, 2020 **Motion to approve by NAJARIAN/ Maher. Yes:** Maher, Najarian, Hurley, Fritch, Borrelli, Book

Resolution 2020-08: Landman, Block 13202, Lot 12, 89 Buckingham Drive – Granting a variance to construct a fence **Motion to approve by NAJARIAN/ Hurley. Yes:** Maher, Najarian, Hurley, Fritch, Borrelli, Book

Resolution 2020-09: Cardinale & Jackson Crossing, Block 3001, Lot 1, 2, 3, 4; Monmouth Road – Approving the application for a general development plan for a 210.8 acre mixed-use project and variance relief **Motion to approve by MAHER/ Najarian. Yes:** Maher, Najarian, Hurley, Fritch, Costanzo, Book

APPROVAL OF MINUTES: **Approval of January 15, 2020 Meeting Minutes by HURLEY/ NAJARIAN** **Yes:** Maher, Najarian, Hurley, Fritch, Borrelli, Costanzo, Book

APPROVAL OF VOUCHERS: **Motion to approve a voucher for Danielle Sinowitz in the amount of \$150.00 for the meeting of February 5, 2020 by NAJARIAN/ Maher** **Yes:** Maher, Najarian, Miller, Hurley, Fritch, Costanzo, Book

Motion to approve a voucher for Torro Reporting, LLC in the amount of \$250.00 for February 5, 2020 by NAJARIAN/ Maher **Yes:** Maher, Najarian, Miller, Hurley, Fritch, Costanzo, Book

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

APPLICATIONS: **1. Aharon Leeder, Block 7801, Lot 9, 36 Villanova Drive- Aharon Leeder- property owner- sworn-** Mr. Book asked that the applicant speak closely into the microphone, and stated the application is before the Board because there is a proposal of a detached garage 2' from the side and rear property line where 10' is required, and asked that the applicant explain why 2' is purposed rather than 10'. Mr. Leeder said if the shed is placed farther off the property so there is more room in the back yard for his children to play. Mr. Book mentioned that the application says detached garage, and the survey shows a shed like box on the rear left of the property

marked as 10'x20' dated February 4, 2017, and asked if this structure is a shed or a garage that is being purposed. Mr. Leeder said he was asked to call it a garage because it is bigger than a shed. Mr. Purpuro asked if there will be a car in the structure. Mr. Leeder said no. Mr. Purpuro noted that in this zone the requirements for a garage or shed are the same. Mr. Book asked what will be in the shed. Mr. Leeder said lawn equipment, tools, and possibly outside toys. Mr. Book asked if there will be utilities in the shed. Mr. Leeder said no, at least not at this time. Mr. Book stated that 2' to the property line is pretty tight, and there has to be room to maintain the area behind the shed, and asked the shed be moved to 3' off the property line. Mr. Leeder said the plan is to put in rocks under the shed so there won't be much growth. Mr. Gertner asked what is in the topography makes it necessary to have the shed in the corner, is there a slope and is there trees to be removed. Mr. Leeder said there is a slight slope and a platform would need to be built to keep the shed level. Mr. Maher asked if the shed go in 3'. Mr. Leeder said it can however he just wanted to explain why 2' was chosen. Mr. Peters stated given the development, and there are cases where we've seen sheds to close to the property line, and it has become a maintenance nuisance, there just should be enough room for a lawn mower, and enough room for the area to be maintained, and if there is an issue it will be coded, and then can be dealt with so there is no issue with the surrounding properties. Mr. Book asked if 2' is enough room. Mr. Peters mentioned that 2' is not enough, and 3' would be the minimum. Mr. Costanzo asked if the purposed shed will be 10'x20'. Mr. Leeder said that was correct. Mr. Costanzo asked what the material would be. Mr. Leeder said it would be wood. Mr. Costanzo asked if the shed will be a one story structure, or would there be storage above head as well. Mr. Leeder said no, it will be a normal storage shed. Mr. Costanzo mentioned that it was said that the shed will be built on a platform, and asked if that was for elevation. Mr. Leeder said the platform would be under the shed to keep water out, and to elevate. Mr. Costanzo asked how it will be done. Mr. Leeder said there would be wood put down first and then stone. Mr. Costanzo asked for clarification, it would be a wood platform, and gravel. Mr. Leeder said that is correct. Mr. Costanzo asked if the sole purpose of the shed was going to be for storing tools, and lawn equipment. Mr. Leeder said that's correct. Mr. Gertner asked if the shed will be built so that the drainage stays this property, and if there are gutters required. Mr. Purpuro mentioned that if the shed is above 10' a building permit will be required, so if the applicant can keep it under 11' there will only be a zoning permit required. Mr. Gertner advised the applicant, that if electric is desired, it should be asked for now, and asked if the shed can be built at 10' rather than 11'. Mr. Leeder said although the electric isn't desired now, it may be in the future, and the shed can be built at 10'. Mr. Maher asked the applicant if he is building the shed. Mr. Leeder said no, it is being custom built. Mr. Hurley asked if there are neighbors to the left of right of the property. Mr. Leeder said there are neighbors to the left and right, however behind the property is wooded. Mr. Hurley asked if there any reason why the shed can't go where it is required to go. Mr. Leeder said he would rather have more room for the kids to play, and enjoy the backyard.

Opened public comment; seeing no one forward, the public portion is closed

Mr. Najarian made a motion to approve based on the shed being 3' off prop on each side, and the shed having electric only, and the height must be at 10'.

Motion to approve by NAJARIAN/ Fritch. Yes: Maher, Najarian, Miller, Fritch, Costanzo, Book. **No:** Hurley

3. Hyson Estates, LLC/ Grande Harmony, Block 4801, Lots 5, 6, 8, 9, 10- Ray Shea- Attorney for the applicant- started by saying good evening and happy new year, and welcomed the new members of the Board. Mr. Gertner mentioned that all of the members are eligible to vote, and all signatures have been obtained. Mr. Shea noted that the 2 transcripts are excellent, and the transcripts are very well done. Mr. Shea asked if all the professionals present can be sworn in before the presentation starts, and noted that the format has been changed, and a video of the exhibits will be presented.

Art Bernard-planner, John Rea- professional traffic engineer, Bill Stevens- project engineer- credentials accepted- sworn.

Mr. Shea indicated to the Board that the exhibits will be reviewed. Mr. Stevens stated as the Board may recall at the last hearing all exhibits were consolidated into a booklet, and more have been provided for new members. Mr. Shea asked Mr. Stevens to explain the printed version of the visual presentation. Mr. Stevens mention the printed version was provided to the Board because the project has gone on for a long time, and there are so many exhibits, and there has been a tremendous amount of work put into this project, and the booklet shows the exhibits, and sheet 2 shows an ariel as a visual to see the site and the surrounding properties, and it was zoomed out to see more around the project, and the cooks landing was brought about on County Line Road. Mr. Stevens mentioned there was discussion about that project being a multifamily project on the other side of county line road and how it worked, and that is what is trying to be done here, and the next map was a close up map showing the property and the immediate surrounding areas to show properties along lot 8 which are zoned R-1, and there is R-1 zones on Harmony Road and the others are limited commercial or highway commercial. There is a tax map page which contains 45.6 acres, and next is the exert of the zoning map and this was shown to show the limited commercial zone, and the highway commercial zone which is in the dark red, and limited commercial is lighter red, and this was prepared to show what areas are zoned limited commercial, and about 12% of the limited commercial zone is developed leaving about 90% undeveloped. Mr. Shea noted that this project represents a very small amount of the limited commercial zone, placing it a perfect candidate. Mr. Stevens stated there is highway commercial zones along county line road, and this is a transitional use and then there is a rendering prepared by PDS, this if given the chance will be extremely unique, and it's designed to be village green development, and the units are built around a road so each unit will have a rear yard to face open space recreational areas, buffers or woodlands, and there will be divided entry way off Harmony Road into a central recreational zone, which will be a club house and a pool, and there is also sports courts, a dog park, and open space. Mr. Shea asked if there is anything in this Township that resembles this design. Mr. Stevens stated there was no other places in town like the one purposed, and this idea that came from the owner really is unique, and another thing that is being purposed is a walking trail throughout the entire facility, and around the perimeter, and there will be a pond that can be used for recreational purposes. Mr. Stevens stated there are environmental sensitive areas on the property, there is a tributary to the Metedeconk and that will be buffered by 300', and the wetlands have been delineated, and the wetlands will be set aside. Mr. Shea asked if the areas that were mapped received approval from the DEP. Mr. Stevens stated that was correct, and mentioned that in this case it was done this way to make sure the Board was sure about the project being brought forward. Mr. Stevens advised the Board that the EIS shows the 17.8 acres that will be open green space, and only 8 acres are wetlands or buffers, and next is a blowup of the recreation area, and this blowup is showing the recreational area, pool, tot lot, open field play, dog park, and the walking paths through the entire site. Mr. Stevens explained that the next sheet is the site plan of what is being purposed, and stated that there were prior plans with 202 purposed units, broken down into 3 types; 10 unit buildings, 8 units buildings, and 6 unit buildings consisting of: 10-10 unit buildings, 6- 8 unit buildings, and 9- 6 units buildings. The Township requires 476 parking stalls, and 527 spaces are being provided without on street parking. Mr. Hurley asked is the garage counts as parking space. Mr. Stevens stated that is correct, and mentioned that all building types have end units with 2 car garages on the ends, and the interior units will have a 1 car garage, and one thing that came out of the last hearing was a correction of parking.

Mr. Shea asked if the correction is that based on the half spaces. Mr. Stevens stated that is correct. Mr. Najarian asked if there will be enough spaces for visitors. Mr. Stevens replied yes, and mentioned that is because they will have 30' wide roads and there will be room on the roads and there will be way beyond the number of parking spaces required, and this is a neighborhood not a narrow street complex. Mr. Maher asked how wide the streets are in Cooks Landing. Mr. Stevens mentioned those roadways are approximately 24' wide, and that thought process was in mind, because there are projects in town where it is an issue. Mr. Maher asked if the roads could be 33' wide. Mr. Shea mentioned that if the roads are too wide the cars could go faster. Mr. Maher noted that if the streets aren't wide enough no one can move. Mr. Stevens stated if there is a car parked on either side of the road there is enough room for a car to pass, and continued onto the landscape plan, and explained that as the Board can see, there is a significant amount of landscaping to make this green concept, and because this site is developing from a farm field, there is almost no tree clearing necessary, and to developed the green theme landscaping there will need to be more trees provided, and it will also make the project beautiful, and there is a requirement to have a 50' buffer, and this project is purposing a 100' buffer to strain this use from the residential use. Mr. Stevens explained that currently there is about 50' of trees, and more trees will be planted to create a transition. Mr. Costanzo asked if this site sits higher than the surrounding residential areas. Mr. Stevens stated that this application took the extraordinary step to survey, and because this is farmland it's relatively flat, and if elevation can be created that would make for a better plan, however that will be gone through during the site plan stage of the application. Next presented was the architectures, which shows the 3 building types, and plans have been submitted for the club house building, and the garages have been spoken for, and there are 202 units proposed. Mr. Gertner asked how the affordable housing element is being handled. Mr. Shea stated that is up to the Board, and if this is granted this will be back in 2021 and in 2025 there will be new obligations put in place, the applicant does not have an affordable obligation, and Jackson does. Mr. Najarian asked how much would be set aside. Mr. Stevens noted it would be 20%, and it could be 40 units if the Board decides. Mr. Hurley asked since there has been a consent judgement on the low and moderate income settlement, can this be used for low and moderate income, and if there is an appeal would it be UN successful. Mr. Gertner stated the affordable is an option, however it can be required. Mr. Shea stated this judgment presumes those units will be built, and again that's where Jackson is obligated. Mr. Hurley mentioned that with reading the last transcript, the applicant did not include affordable. Mr. Shea stated that is incorrect, the applicant said it's up to the Board and the applicant is willing to do it if the Board requires it to be done. Mr. Gertner stated the choice is either provide the affordable on site or pay into the fund, and this Board over the last few application has had applicants provide affordable on site to provide a buffer to the town and in future negotiations should this be built and approved if the affordable are built, the municipality is being taken care of. Mr. Hurley asked if the Board requires 20% will be the applicant consent. Mr. Shea said absolutely, and mentioned that has been allocated and identified. Mr. Stevens stated the last page shows the club house which is a stone front and gable roofs, and this will be a great addition to the project, and then there is a secondary access plan which was discussed by previous Board members, and a secondary access was requested, and the secondary access is not required however a secondary access point was discussed to be beneficial, and the intention would be to make that road emergency access only. Mr. Shea asked if the secondary access point could make for another conflict on Harmony Road. Mr. Stevens advised there wouldn't be any issues and the access point is being done, because the applicant understands the Board's concerns of safety. Mr. Stevens showed the conceptual plan-J which is the last Exhibit, which shows what could be developed on this property, and there are uses that could be developed, and the plan shown is fully conforming, which shows: a funeral home, a medical office, a self-storage facility, an assisted living facility, and the other thing that important to know is the permitted use plan makes the applicant only responsible for a 50' buffer to the north, however this proposal is a much better transitional use in the HC-zone and the permitted uses would cause more traffic and pervious coverage and would not be the best idea, this project is the best idea and the applicant hopes the Board agrees. Mr. Borrelli asked if this will be a gated community. Mr. Stevens advised it would not be a gated community, it would be a private development with a home owners association, and the owners will own a portion of the development and pay association fees. Mr. Borrelli asked with regard to the low to moderate income housing, what price range would the houses be sold for. Mr. Stevens mentioned that would be a better question for Mr. Bernard. Mr. Najarian asked if the pond is existing, or will it be vinyl bottom. Mr. Stevens stated it will be engineered so it will be lined and there will be aeration and water can be brought up and it will be a pond. Mr. Najarian asked if there will always been standing water. Mr. Shea stated the water will be a standing 5'. Mr. Stevens noted that a pond has to be at least 5' deep, and the pond should have fish. Mr. Hurley referenced the last exhibit which is the mixed uses, and mentioned that with the reading of the transcript this was presented to show those uses are a more intense purpose of what is purposed, and there is questions as to whether or not those uses would each have to be subdivided. Mr. Shea stated that those uses would not need to be subdivided, all of the buildings shown can be built on one lot, and noted that even half of those buildings would be more intense.

Mr. Bernard stated that it has been awhile since this application was before this Board, and there are positives and negatives that will be gone through for the new members, and the affordable housing concerns and questions will be addressed. This application is here because the 45.6 acre site lays in the limited commercial zone, and the applicant cut the number of units down to 202 and there will be no units backed to each other, and there will be 40% open space with a significant buffer, and during testimony to justify the townhouse use, townhomes call towards younger and smaller residents, and with census data, state projections and the Board of Education in Jackson and state wide, 56% of all households in the state are 1-2 person household and in Jackson that is about 57%, and the data showed 57% of all household in the state to not have a child under the age of 18, and that is greater in Jackson, and those trends will continue, however the state will be gaining younger people who will be less likely to want the responsibility of a bigger home, and the loss of families with children is statewide and is going on in Jackson. Mr. Bernard mentioned that there was questions about the data provided and it was from the most current census data, and the information from Jackson was from the Board of Education. There was also question about the settlement, and the site is suitable for attached housing, and the settlement is going to expire in 5 years and there should be a large housing obligation at that time, and the trust of that if there is a site suitable it would be appropriate to get the affordable housing done now, and the low to moderate income scares people, however those people have are working people and they not make a lot of money but they represent 40% of all households in the state, and the housing is not government subsidized housing, there will be credit checks and mortgage applications completed, and the affordable will be throughout the entire community. Mr. Bernard presented the information regarding the suitability, and mentioned there was talk about the master plan and there is more commercial development in town, and cited LU-22 of the 2009 master plan. Mr. Bernard stated since the application is before this Board, it should be mentioned that the Planning Board did reexamine the master plan and the new findings really support this site. Mr. Bernard noted that Page 15 of the reexamination speaks on encouraging commercial development, and maybe its acknowledgment is because maybe what is being done isn't working, and something else should be brought forward. Page 16 was then cited, and Mr. Bernard mentioned that this is not in the HC-zone but it is close, and the purposed townhouse is a different type of transitional use, and it will promote retail use, and will provide workers and customers. Mr. Bernard stated that as Mr. Stevens addressed, the uses purposed will have a lesser impact as opposed to what can be put here, and with that it was concluded that the site was particularly suited for the townhouse use, and the site has access to public water and sewer and there is a 100' buffer purposed which would be permitted under the LC-zoning, and it can be developed without bringing in outside traffic,

the site is near banking and retail operations, and is also close to the fire department and is a great transitional use. In terms of special reasons, if the affordable is chosen to be required that would be a special reason, another is the proposal design which brings a green area, and the proposal advances the master plan goals by providing customers and workers, and it meets the master plans goals, and does not bring in traffic going through residential single family neighborhoods and is well buffered. The positives and the negatives also need to be gone through, such as the impact on public, and the impact on the zone plan, and the use is an excellent transition use, and there is no negative impact on neighbors because of the buffers, and this project does not bring traffic to single family areas, and the proposal brings less traffic then permitted uses in the zone, and it was asked how much land was zoned for limited commercial, and only 106 acres are developed and this is only about 5.2%, and that leaves plenty of limited commercial left for development. This type of use appears to be effected right across where cooks landing is, and if the Board requires affordable housing it will just enhance this project. The limited commercial zone was created to make for a transitional use purposing a different transitional use to promote retail, and this will promote retail on County Line Road, and finally based on the 2019 reexamination report, it says the limited commercial zones on County Line Road are under developed and the town should consider changing the strategy. Mr. Najarian asked what the negatives are. Mr. Bernard stated there is no negative however the negative proofs were gone through. Mr. Najarian asked what the affordable housing ruling by the government is. Mr. Bernard stated this is a state obligation not a federal obligation, and sales for housing would be about 42% median, and affordable would be a mix of 2-3 bedrooms. Mr. Book mentioned that there was recollection, that there will be no 1 bedroom units. Mr. Shea stated the applicant ruled out 5 bedroom units and ruled out 1 bedroom units. Mr. Bernard mentioned that if affordable housing is required, there will be a mix of 2-3, and the 2 bedrooms would be less then 140,000\$, and the remaining 70% would be ranged around \$248,000, and income will be required and a mortgage will have to be applied for. The 3 bedroom units would be priced for larger households with more income. Mr. Bernard mentioned that for sale units are priced differently then rental units, rentals can be priced lower because there is no mortgage, and the 30% is a general thought to not be for sale units, and the applicant is committing to 20% because they would be for sale, and they can be bought with a mortgage and can be re-sold. Mr. Najarian asked if a home is set at as an affordable unit can it be sold for a higher amount. Mr. Bernard stated there is going to be a lot of units coming onto the market, and the developer will place the home owner in an agency within the municipality. Mr. Maher asked if Jackson has a person like that. Mr. Bernard mentioned that the town might have one person and anyone developing affordable housing has to go through that one person, and that agent would report to the municipality. Mr. Maher mentioned seeing that happen, however one company handles multiple towns. Mr. Bernard stated that does in fact happen. Mr. Costanzo stated it was testified to the popularity to this development nature, however the concern is supply and demand, and there is question as to whether or not there is demand for this in this area. Mr. Bernard stated although he is not a market analyst, it would appear to make sense if 46% of households in the state and area are 1-2 persons, it would be good. Ms. Fritch asked if each unit will have a basement. Mr. Stevens advised they are purposed to have basements, however the applicant has already agreed to no exterior entrances or ingress/egress basement windows. Mr. Najarian asked if the water table has been checked. Mr. Stevens stated that hasn't been done yet, however it is expected to be done. Mr. Shea mentioned that during site plan it will be discussed. Mr. Gertner asked if Mr. Shea could explain a bifurcated application. Mr. Shea stated the law gives the applicant a choice, proceed with a site plan and variance together, or bifurcate the variance and the site plan, and with a use variance it seems silly to do both. Mr. Hill added that on bifurcated applications, the use variance approval is approved and would be conditioned upon a site plan approval later on, and the use variance gives the applicant enough comfort to move forward, and it does not give the developer the right to build. Mr. Peters stated the use variance application comes in and says "we are not allowed to build this in the current zone, however would like to do something different in this zone". and what has been provided is a concept plan, it's not locked into the location, number of units, parking, landscaping, however the applicant would be entitled to build townhomes, and the specs are noted for a resolution. Mr. Hurley asked if the use variance is granted tonight subject to site plan, what the vote requirement is. Mr. Peters mentioned it would have to be a 5 out of 7. Mr. Hurley asked what the vote requirement would be it this goes to site plan. Mr. Peters advised it would be a majority vote 4 out of 7. Mr. Hurley asked what would happen if there are issues with the site plan. Mr. Shea explained that's why the applicant has done more than any other use variance. Mr. Hurley asked for a breakdown of units purposed. Mr. Stevens stated in summary there will be 92; 2 bedroom units, 110; 3 bedroom units. Mr. Hurley mentioned that there are no 4 bedroom units, and no 1 bedroom units, and there is roughly 57% of households in Jackson with only 1-2 persons, why is there 3 bedrooms needed. Mr. Bernard stated the 3rd bedroom is typically used for a guest room, or space for family members who are visiting, or one bedroom can be used as an office. Hurley- more 3 bedrooms are being resented. Mr. Shea noted the applicant is required to offer a certain number of 3 bedroom units. Ms. Fritch asked if the people living in the affordable units would have to pay a home owners association fee. Mr. Shea advised the fee will be the same for all residents. Mr. Bernard added the fees would be the same, however the unit would be pegged so all the fees would not exceed 28%. Ms. Fritch asked if there will there be phasing done. Mr. Shea mentioned that will be up the developer. Mr. Gertner stated that would be a site plan issue regarding phasing. Mr. Borrelli mentioned that the numbers from the transcript are off compared to this evening. Mr. Bernard stated that the number given then were approximate numbers, and the appropriate math has been completed since then, and if the tax rate adjusts or the mortgage rate adjusts so would the rate. Mr. Borrelli asked what the market rate would be. Mr. Bernard stated the market rate was discussed and it was fairly clear that fiscal is irrelevant, however it was completed, and the average 2 bedroom town home was in the upper \$200,000.

Recess taken at 8:49 p.m. reconvened by Mr. Book at 9:00 p.m.

Mr. Stevens mentioned that during the break it was asked the dimensional constraints be put on the record, and one special thing this site has is building with side to side setbacks, rather than front to back, and the multi family dwelling ordinance asks for 25' on the sides and 30' to the mid-point and the applicant agrees to comply with the distance between buildings, and there are some buildings shown at 25' which will be changed to 30'. Mr. Peters mentioned that in the report, the dimensional requirements were asked for, to see what parameters are being used.

Mr. Rea advised the Board that a full and complete traffic impact analysis was revised July 12, 2018, and the first thing is the use variance application, as this use is not permitted in the zone and there is an "as of right plan" and some permitted uses such as medical space, or an essential a medical campus would generate more traffic in the peak traffic times. Townhomes generate 100 peak hour trips in the a.m., and 120 peak hour trips in the p.m. whereas a medical office/ campus would generate approximately 400 trips in the a.m., and 500 trips in the p.m., and that as of right plan would generate 4 times the amount of traffic, and as far as the traffic study is concerned it was gone through and there were 4 intersections on Harmony Road starting from south to north, the studies were done on 4 separate days in the spring when school was open, and there were no detours and it was normal to routine traffic counts, the 4 intersections were compiled and the highest counts were done, and the traffic generation estimate was done for the original number of units that were purposed, and commuter patterns were followed, and the projected 2028 traffic was projected from the NJDOT, and a more conservative estimate was done and it was an increase of 15% base traffic volumes, and the traffic studies were overlaid, and

the complexity analysis was completed, and the capacity was gone at signaled and UN singled. Mr. Rea mentioned that levels of service range from A-F, and all intersections for 2028 were C or better for all those locations except for Harmony and Hyson will be an F level of service whether this is built or not, and it's the volume from I-195, and a recommendation has been made and those volumes should be reviewed to see when a traffic signal should be met, and it should be done sooner than this possible project. A site distance Evaluation was done, and this will be done opposite of Carlson Court, and there is over 500' site design in both directions. Mr. Costanzo asked what site distance is. Mr. Rea advised it's the distant based upon speed design, and this is on a horizontal curve however because this site is on the curve the distance is maximized and 360' is required for safe stopping. Mr. Costanzo asked if the evaluation takes place. Mr. Rea mentioned that it does, and this meets and exceeds the requirements, and should this be approved, the county will need to be included and widening will most likely need to be done along the front, like what was done across the street. Mr. Rea stated a 3 year accident report was requested, and there were 3 accidents in 3 years and none were at Carlson Court, this is safe where it is located, and should this be fortunate enough to be approved a plan will come back and will be fully compliant. Mr. Costanzo asked if lighting at the entrance is that factored. Mr. Rea advised that is correct, and there is desire for that to be there, and if there isn't one now there, there will be. Mr. Maher asked what can be done to improve the traffic from Harmony Road to Jackson Mills. Mr. Rea stated in spite of the fact it's a busy intersection it is a C level of service, and traffic signal timing can be adjusted. Mr. Miskovich mentioned that Mr. Rea testified in his report that; that should be monitored and in the review letter of January 9, 2019 that should be a condition of approval that the intersection should be monitored, and a closer look should be taken at site plan stage. Mr. Najarian mentioned that at end of the presentation, it was said that there won't be an impact however there will be 2 cars through 202 units. Mr. Miskovich stated there is nothing there now and there will of course be more traffic however it is very rare that both cars, and all cars will leave and enter at the same time, and the numbers provided are consistent, however this did start with 270+ units and is now at 202. Mr. Rea mentioned that a medical office which is permitted in this zone would make for 3 ½ trips per 3,000SF, and a single office could be 25-30,000SF which will be significantly more than townhouses. Mr. Miskovich asked for the roadway concerns to be addressed. Mr. Rea stated a 30' wide roadway would permit parking on both sides of the street, and when this gets to site plan, the streets could possibly be widened to 32', and the streets in Cooks Landing are 24' and that meets the RSIS standards. Mr. Costanzo asked if the garages would count as a space. Mr. Miskovich stated a single garage has to have a certain width, and when there is a 2 car garage it is not 4 spaces, it's 3 ½ and the calculations have been done for the units, and they have complied with the RSIS standards and there is some surface parking areas that are being provided for additional parking and at site plan that will be looked at more closely, and there has been indication that there will be no parking on the roadways

Opened public comment;

Catherine Macor- 11 Carlson Court- sworn- lives on Carlson Court, and said it is tricky coming out on Carlson, and there are concerns because of the outside curve and cars fly by, and there have been very many near accidents, and cars have gone in the woods to avoid a rear end accident, and it is dangerous, and going north where the 4 way stop sign is, there is traffic backed up past the church. Mr. Book asked if anything be done to address the concerns. Mr. Rea stated there is a substantial amount of frontage, and the county will ask for a full width shoulder. Mr. Costanzo asked if the shoulder widening will eliminate the apprehension of Carlson. Mr. Rea advised it will make for a safer passing.

Franklin Menzel- 488 N. County Line Road- sworn- has concerns for the wetlands, and said there is talk of a lake, and asked will it be a drainage system, and if not where will the water go when it rains.

Mr. Stevens stated the project has not been designed however the lengths have been gone through and the fresh water wetland limits have been gone through and the buffers from the DEP, and there is a 50' buffer and there is a branch of the Metedeconk stream that runs through the site, and that has a buffer of 300' which is being accommodated, and this site is a farmland that drains from Harmony back to Metedeconk, and the pond will be storm water management basin and a pond.

Franklin Menzel- 488 N. County Line Road- asked where the water will go from there
Mr. Stevens advised it will go back to the Metedeconk

Franklin Menzel- 488 N. County Line Road- said years ago there was construction done, and the crystal clear water turned brown, and there concern of that happening again

Mr. Stevens mentioned that the water will be treated, and it's also required to reduce the amount of run off from the site, and there is a requirement to mitigate the 2 year storm, 10 year storm, and 100 year, and the water being discharged will be clearer.

Franklin Menzel- 488 N. County Line Road- said lot 5 is rather large, and asked what the intentions for that lot are

Mr. Stevens stated there is no plans for the development as it is environmental restricted. Mr. Hurley asked as that property exists now it is sheet flow that runs. Mr. Stevens stated that is correct. Mr. Hurley asked if the pond will be a detention or retention pond. Mr. Stevens stated there hasn't been designed yet however it will be a combination assumingly, because the site should release as little water as possible, and there will be some infiltration, however there will be a combo of a wet pond with detention on top. Mr. Hurley asked if it will be under controlled conditions. Mr. Stevens stated yes, and mentioned that this proposal will leave the stream in better conditions. Mr. Najarian asked what the pond be treated with. Mr. Stevens stated the pond will be a stilling basin, it's through volume.

Mr. Blitzer- 355 N. County Line Road- sworn- owner of Cooks Landing shopping center, and when he found out that this project was in the works he was encouraged by, and looking at what has been done in Jackson this shopping center looks great and this will be helpful for the businesses, and will surface and push people to come in and utilize the center, this would be an advantage for Jackson, because residential areas really drives the retail

James Bezanson- 12 Melissa Lee Drive- sworn- said this applicant is going above and beyond, however if and when this comes back for site plan, is this information held too

Mr. Gertner stated that any deviation whether it be minimum or maximum would require an amendment to the use variance, the Board can't stop them for asking, and however it would start another entire process

Frederick Ohme- 708 Harmony Road- sworn- went back to the traffic because it is concerning, adding 400-500 people on Harmony Road, it will be like a neighboring town, and all these vehicles coming out on a 2 lane country road, will only be left for the current residents to deal with it, the traffic coming out all at one time is concerning

Heath Cohn- 3 Malibu Court- sworn- said there is already a lot of traffic with people cutting through Malibu, and the farm on Harmony road was sold, is there anything stopping Harmony Grande to flip this and sell it to someone else, because if this is re zoned and re Mr. Shea clients decided to sell what will happen then.

Mr. Gertner stated the first issue is the Board has already taken the position that is not a request to rezone, it is a variance request, and the variance describes the use and the variance would describe what can be done.

Heath Cohn- 3 Malibu Court- said in cooks bridge, most units are 2-3 bedroom homes with basements, and although they are saying there will only be 1-2 people living in the houses, how can that be for sure, the taxes are being impacted greatly, how much could it cost tax payers if this community is built, and why would the Board entertain something that is brought forward for a zoning change. Mr. Gertner stated folks have a right to make an application for a variance, and the Board is here to see if the applicant is making their case. Mr. Hill added that the applicant is not proposing to re zone or change the masterplan, and every property owner has the right to make an application and purpose whatever they want

Heath Cohn- 3 Malibu Court- asked if this is being presented as a certain community, and what happened if the developer decides to sell the property

Mr. Book stated whatever the decision is, and whatever the conditions are if this is passed weather its Mr. Shea's current client or another potential owner, the decision is still required to be met and should there be changes a new application would need to be made

Closed public comment.

Mr. Shea stated he would like to end tonight where he began, and repeat wat was said in April, there's more then on special reason to justify the use variance sought by the applicant, and the ground is suitable for the purposed development, and the negative is so abundantly clear, the applicant is here for a use variance however this is the truth, a usual conception plan is reviewed and this has gone much further than that, which would never be produced until site plan, this is a small portion of the LC zoning industry, and represents only 5% of the un developed LC zone, and the village green is special and all the amenities that comes along with it, this is not about preserving the current zoning, there are 5 special reasons for this application, and site suitably is not concerned with zoning criteria. This is his last variance case, and looking back at the projects that he has personally been involved with, this is the best designed job he has had the honor to represent, this didn't have to be pried, and he would respectfully ask that this use variance be granted so all the promises can be met in the site plan portion of the application.

Mr. Peters stated that Mr. Shea and Mr. Stevens spoke on the affordable housing offer, and to that an opinion should be offered, this is a project that if approved will move forward, and the town struggles with a number of projects that provide affordable housing, at some point in the future when the current ground for affordable housing comes about in 2025, and for over a generation there have been 3 rounds of COAH, and the recommendation that should be made is that the Board should take the applicant up on the offer as it relates to the offer for affordable housing, and between now if approved and a site plan, that condition can be removed. Mr. Miskovich mentioned that the applicant has testified that RSIS standards will be met and will probably be exceeded, and there will be a secondary road and weather that be emergency or a permanent egress, that will be discussed at site plan, and further studies have been offered to be done.

Mr. Hurley agreed with the presentation of the plan, and noted it's the nicest that has been seen in a long time considering the land, and the issues that are there will probably come back at site plan, it's a wonderful plan however that is not special reasons and there are 2 points that need to be addressed, and one was addressed by the planner and that is that this land is suitable for the use, and it's a transition use between residential on one side with commercial on the other, and it is zoned limited commercial and based on the master plan and the limited zone is a transitional zone in itself, and considering all the circumstances the site is particular suitable and will support the highway commercial along the zone, and the positive criteria has been shown, and all purposes have been developed to guide the municipality, and the positive criteria has been established. As far as the negative criteria there is none, this is an appropriate plan

Mr. Najarian mentioned that residents have come forward regarding traffic issues, and regarding parking there just doesn't seem to be enough, and there is going to be an impact, and there is concerns with the water

Mr. Costanzo stated the application has met the positive and negative criteria, and the concerns have been raised several times and will be addressed during site plan, and the consideration for a second access should be considered further, but as a whole the use variance is one the better applications this Board has seen.

Mr. Miller noted the traffic has been spoken on and sometimes traffic is a plus, that road is traveled every day and there would be a better solution if there was a light and a way to force a light, however the concept of the plan is great

Ms. Fritch mentioned there are concerns with the impact on the schools and the busing, and there has to be something that can be done, and school buses have no pick up and there is concerns

Mr. Borrelli concerned with the traffic, because this area is heavily traveled a lot

Mr. Maher thanked Mr. Stevens for this preparation, it was much easier, and after thinking about this, this property had the approval for 19 homes at one point, not sure that this is the right zone for this property and the development as it's done is a nice looking development, and some concerns will be addressed with site plan, and the road should be wider and there should be more parking and the traffic is concerning and there could be a light and there is an issue with the Jackson Mills/ Harmony road intersection

Mr. Book stated the first issue is the traffic issue, and there is concern that the Board is missing the interpretation of what is before us and what is not, the concern is legitimate, however there is was testimony that the traffic would be there weather this is there or not, and the current traffic cannot be put onto this applicant, and there will need to be changes weather this is built or not, second is the affordable housing was offered and we should accept, and make it a condition of approval. Mr. Book mentioned that he is impressed with the layout, and the detail that the applicant went through for those purposed site plans which helps tremendously, and the concept of the transition zone is acceptable in this application and it is referenced in the existing master plan and as part of Mr.

Bernard's explanation it appears the current zoning for that area hasn't been working and this is very well what may have been intended and this seems to be the logical thing to do and supports the businesses around, there are no negative impacts seen from this application and based upon testimony placed this is compelling

Mr. Miller made a motion to approve with the conditions Mr. Book declared. Mr. Gertner stated those conditions are; additional traffic studies to be conducted to the Hyson/ Harmony intersection, and the basements cannot have ingress or egress entrances or windows, and the maximum number of units will be 202, and the applicant accepts all technical requirements from the professional reports and will address further concerns and questions at the site plan stage, and the detail of the detention/ retention basin as to the second ingress and egress roadway, and 20% interspersed will be affordable housing.

Motion to approve by MILLER/ Maher. Yes: Maher, Najarian, Miller, Hurley, Fritch, Costanzo, Book

Motion to adjourn at 10:30 p.m. by BOOK. Yes: Among those present.

Respectfully submitted,

Danielle Sinowitz,
Zoning Board Recording Secretary