

**JACKSON TOWNSHIP PLANNING BOARD MEETING
MONDAY, APRIL 20, 2020**

The April 20, 2020 meeting of the Jackson Township Board was called to order at 6:40 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	

Mr. Hudak asked that all stay raised for a moment of silence for those who have been lost and those health care workers working during this pandemic

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 4/20/2020 motioned by FLEMMING/ Haring. Yes: Dolan, Riker, Nigro, Wall, Flemming, Riccardi, Haring, Hudak

Approval of 3/2/20 Planning Board Minutes by HARING/ Wall. Yes: Dolan, Nigro, Inzelbuch, Wall, Flemming, Haring, Hudak.

Mr. Hudak announced to those who are tuned in that the Board is going into executive session, and asked that Mr. Gertner explain why. Mr. Gertner stated that this meeting was brought forward due to a court order pursuant to the 3 dockets which were articulated, and reminded the public that this was for a discussion and determination in which the Board makes, and the Board may be held for certain circumstances for an executive session, it is necessary for the Board to discuss in session matters related to what was previously articulated pursuant to the court order the matters to be discussed involve current litigation. Mr. Gertner asked that those involved leave this meeting and log into the private executive session link. Mr. Hudak reminded members to the leave the meeting, and enter the link that was explained to be used for executive session. Mr. Gertner also advised those in attendance that action may be taken however there will be no action prior to 7:30 p.m. that is the earliest the Board will come out of executive session.

Motion to enter into executive session at 6:54 p.m. by HARING/ Riccardi. Yes: Dolan, Campbell, Riker, Nigro, Jozwicki, Inzelbuch, Wall, Flemming, Riccardi, Haring, Hudak.

Motion to close executive session at 9:22 p.m. by RIKER/ Campbell. Yes: Dolan, Campbell, Riker, Nigro, Jozwicki, Inzelbuch, Wall, Flemming, Riccardi, Haring, Hudak.

Announcements: Mr. Hudak stated there is one application on the agenda for this evening and that is Jackson Parke south section, and that application will not be heard this evening due to the late hour, and due to technical issues there was a longer executive than expected. **Jason Tuvel- attorney for the applicant-** asked what the procedure for the remainder of the evening would be, and asked if it will be reported back per the judge's order, does the Board anticipate that will take a while, and it was spoken to council and it was discussed going to 10:30 pm. Mr. Hudak noted the cutoff was 10 p.m. Mr. Tuvel asked if the board needs 15 minutes to conclude what happened in executive. Mr. Hudak stated this application will be carried to the May 18, 2020 meeting due to the governor's continuation of lock down, and the first meeting in may will not be held, and this application will be decided on May 18th and will then be carried.

Mr. Hudak announced that there are a number of applications, which will be consolidated into one vote to be carried, all these items will be carried to the May 18, 2020 meeting and then they will be decided at that time what will be heard **1. Berk Holdings, LLC, Block 22010, Lot 6, Faraday Ave, 2. Aisle 9 Grocery Store, Block 21202, Lots 6.01 & 7, 3. Swamp Plaza, LLC, Block 4201, Lot 3, Cedar Swamp Road, 4. SAFStor Land Co., LLC, Block 6501, Lot 42.03, 2160 W. County Line Road, 5. Sam's Road Subdivision, Block 20101, Lot 30, Sam's Road, 6. Shore Brother's Property, Block 11601, Lot 23, 342 W. Veteran's Highway, 7. Kolel Shah Yiden, Block 19703, Lot 2, 518 E. Veterans Highway** and because of the governor's order, and due to the lock down, resolutions will be carried as well.

Motion to carry all noted applications to May 18, 2020 by HARING/ Riccardi. Yes: Dolan, Campbell, Riker, Nigro, Wall, Flemming, Riccardi, Haring, Hudak.

Motion to carry pending resolutions to May 18, 2020 by FLEMMING/ Campbell: Yes: Dolan, Campbell, Riker, Nigro, Wall, Flemming, Riccardi, Haring, Hudak.

Mr. Gertner stated that at the May 18, 2020 meeting presuming there can be a meeting it is presumed that the South section application will be heard as listed this evening. Mr. Tuvel reminded the Board that it is under court order to have the application completed by the end of May, and the applicant will be prepared to continue on that evening.

Mr. Hudak mentioned that after the executive session there is a statement that is wished to be read. Mr. Hudak thanked the public for their patience and participation during these times, and mentioned that the discussion was ordered, and everyone is aware and it was done because the Board has denied the application as previously set forth, and the applicant has went on to sue the Township and because they denied affordable housing that was to be provided on the north side, and when this settlement was reached in 2017 the township and those included did not appreciate the environmental conditions that would have had to be overcome to house those affordable housing units on that site, and the fact is that the site did remain, and we are now having to deal with that fact and the Board did explore all options to study this matter fully, the Board does want to expose the municipality to over development should this settlement agree to have the affordable units, and we do not want to trust more alleged professionals to tell us Board members what will protect the Township, we the Planning

Board want to protect the Township with our roll, and the Board was troubled with the environmental constraints, and we are stuck attempting to strike the balance and the court decided that the Board has to make a decision and take further risk to have a special master to address all applications in the housing element, or approve this, and it is important to note that the most important condition is to provide the access road which is not provided in the case management order, and each Board member volunteers to protect the Township, and it has been agreed to come up with a reasonable outcome and to the environmental conditions as will be further explained, and the Board has been ensured that from an engineering perspective those items will be addressed by Mr. Peters.

Mr. Peters stated as everyone knows this application was denied and many items that were discussed between the applicant, the Board, and the public were not put in writing for the denial, the denial listed the things that were agreed to that would help the project move forward and fit as best it could on the site, and in consultation with the applicant that did not occur due to the denial, and this time would like to be taken to discuss what was important to the Board and the public. Mr. Peters noted these items are in no order, and the agreement between the applicant and the town, and the towns professionals during construction, during the importation of soil and the need to develop some soil monitoring system during the constitution period to assure clean fill is brought into the site, and the extent of items talked about the maintenance of the storm water management facilities and the applicant indicated there would be an home owners association that would be responsible for the storm water basin applicable to the statues, and the maintenance should be logged so there is no confusion of who is responsible, and there was talk about the stacked houses being used as larger units, and the home owners association by laws for the project would contain a prohibition to prohibit stacked units being constructed into larger units, and there is talk about the recreation area, parking and the private roads and those budgets will be prepared by professional management and engineering groups, and must be approved by the DCA which over sees these types of projects, and before a unit can be sold a budget must be provided for the up keep of the project and the applicant did agree to provide those budgets to the municipal attorney which would be in the home owners associations governing documents which would specify the towns rights. Mr. Peters stated that during the traffic portion of the hearing and the planning portion there was discussion in the townhome portion regarding a public right of way and off street and on street parking, and the applicant agreed to eliminate the public right of way to make it a private entrance and eliminate the Townships responsibility for those isles, and lastly the professionals letters and reports, there was reports and evidence from the planners office and the Board engineer and other municipal groups and it was agreed on the record that any outstanding comments would be complied to which included all promises and conditions, and all requests for design waivers, it required a developer's agreement between the applicant's developer and the township which would need to be proofed by the township attorney and the last issue dealt with roadway improvements and bringing fill into the site which can be broken down into 3 items, and if everyone remembered the applicant agreed to construct a roadway down Perrineville Road to the job frontage, and from the connector road and the Perrineville intersection south towards St. Al's to the fork intersection, the road south of the connector road would be terminated with a cul-de-sac on Perrineville road, and from the connector road north towards the site there are a number of improvements that need to be constructor, like a sanitary sewer and a private main which would come south from Perrineville Road to the sites frontage north past the site towards Reed road to six flags where it would connect to existing systems, and the conditions to Perrineville to Reed road to the church, the developer discussed with the Board where plans were conducted, an because the application was denied it was never able to get to these improvements or the timing of these improvements, and to the health and safety issue, the connector road was testified to be part of the testimony to make this applicable and during discussion between the Board and the public in order to provide the safest condition possible the connector road needed to be installed and utilized as the haul route to bring fill into this site, and the town as part of the zoning for this site is required to help expedite the approval and construction of this road. Mr. Peters continued with mentioning that at the time of the hearing the applicant had not received approval from the county, given the scope of the items that have been discussed, and the lack of knowledge as to whether or not the county will allow for this traffic light and road to be conducted and not knowing the status of the roadway conditions, there needs to be a plan and schedule, and at this point there is no plan, and if the Board were to act affirmative, it should only be for preliminary approval as there are too many outside agency approvals that aren't set in stone as of the date of the hearing, as of the date of the last hearing water and sewer did not have approval and there were other approvals and plans that were not provided from the county, and with all those un knowns' it would be reasonable to grant preliminary approval. Mr. Hudak stated the Board will be reversing the denial and will be approving for preliminary approval only, and the resolution will be posted the Thursday before the next meeting, and the public should understand that because this is memorialized, and with that being said, it should also be noted that the Board does not take kindly to the corner that they have been backed in and when dealt lemons you have to make lemonade, and the Board wants to work with the applicant to keep in line what Jackson needs. Mr. Hudak thanked everyone for their patience and attendance this evening.

Motion to grant preliminary approval with conditions previously agreed to by CAMPBELL/ Haring. Reluctantly Yes: Dolan, Campbell, Riker, Nigro, Wall, Flemming, Riccardi, Haring, Hudak.

Motion to waive May 4, 2020 meeting date by HARING/ Flemming. Yes: Dolan, Campbell, Riker, Nigro, Wall, Flemming, Riccardi, Haring, Hudak.

Applications: 1. Jackson Parke (South Section), Block 10401, 17802, Lots 5.04 & 57.01-

Motion to carry to May 18, 2020 by FLEMMING/ Haring. Yes: Dolan, Campbell, Riker, Nigro, Wall, Flemming, Riccardi, Haring, Hudak.

Motion to adjourn by RIKER/ Haring. Yes: All in favor among those present.

Adjourned: 10:22 p.m.

Respectfully submitted,

Danielle Sinowitz,
Planning Board Recording Secretary