

# JACKSON TOWNSHIP PLANNING BOARD MEETING

Monday, August 1<sup>st</sup>, 2022

The August 1<sup>st</sup>, 2022 meeting of the Jackson Township Planning Board was called to order at 7:30 p.m. by Board Chairman Robert Hudak 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:** Mr. Hudak, Board Chairman      Mr. Canderozzi-Alt # 2  
Mr. Flemming, Councilman      Mr. Wall-Municipal Representative  
Mr. Riker      Mr. Riccardi, Mayor's Designee  
Mr. Burnstein      Mr. Haring, Board Vice Chairman  
Mr. Herman –Alt #1      Dr. Campbell

**Also Present:** Sean Gertner, Planning Board Attorney, Ernie Peters, Board Planner, Doug Klee, Board Engineer, Anthony Jacob, Township I.T. Representative, and Irina Darrar, Planning Board Recording Secretary, Laura Morrison Planning Board Secretary.

**Payment of Recording Secretary, Irina Darrar for August 1<sup>st</sup>, 2022 meeting. Motioned by Riker/Haring Yes:** Mr. Flemming, Mr. Burnstein, Mr. Riker, Mr. Herman, Mr. Canderozzi, Mr. Riccardi, Mr. Haring, Mr. Wall, and Mr. Hudak.

Minutes for June 6<sup>th</sup>, 2022 were approved. **Motion by Riker/Burnstein Yes:** Mr. Flemming, Mr. Burnstein, Mr. Riker, Mr. Riccardi, Mr. Haring, Mr. Wall, and Mr. Hudak.

**No Engineering/Planning matters were discussed.**

**Legal matters for discussion: None.**

**Mr. Gertner** stated that application # 3 for this evening Block 2201 Lot 54, Herman Jackson LLC has requested to be carried to the August 15<sup>th</sup>, 2022 meeting.

Mr. Hudak asked for the motion to carry the application Herman Jackson LLC to August 15<sup>th</sup>, 2022.

**Motion by Burnstein/Riker Yes:** Mr. Flemming, Mr. Burnstein, Mr. Riker, Mr. Riccardi, Mr. Haring, Mr. Wall, and Mr. Hudak.

Mr. Gertner stated that the application has been carried to August 15<sup>th</sup>, 2022 with no further notice required; the application has a waived time through August 31<sup>st</sup>, 2022.

**Applications:**

**Application Block 8401, Lot 8. R and K Jordan Realty LLC.**

**Mr. Klee** stated that it is an application for a preliminary and final major site plan. The applicant is proposing to construct a two-story 10,750 non-medical office building without a basement, there is some variance relief that is required for deficient lot width, deficient corner lot frontage, minimum side setback, and parking area right-of-way setback. There are three variances associated with the signage, solid waste right of way setback, and solid waste storage area setback as well. Wetlands have been delineated on the site. The project will require some special permitting from DEP, buffer averaging specifically based on the square footage that's proposed an environmental impact statement has been provided. The project will be connected to public water and sewer. The application requires a waiver for deficient parking, 54 spaces are required and 44 are provided. On Friday revised sketch was received that shows an interconnection with the adjacent commercial building, the Edge restaurant. Mr. Klee said from the Engineering perspective it is always a good idea to interconnect the driveways. Some statement from the applicant is necessary for the modifications to the site circulations.

**Mr. Peters** stated that the office has a report date of June 13<sup>th</sup>, 2022. The property is located in HC Highway Commercial Zone, where the proposed office building is permitted for us. Permitted uses include business offices, professional offices, and commercial offices. What is not permitted in that zone is a medical office. Mr. Peters needed some testimony on the proposed use. If it is a Medical facility, it may need to go to the Zoning Board for approval.

**Mr. Dennis Galvin** with the firm of Davison, Eastman, Munoz, Paone on behalf of the applicant.

**Mr. Kevin Shelly** was sworn in. The owner of Shore Points engineering. Licensed Professional Engineer in New Jersey since 2012. Mr. Shelly stated that the first exhibit is A1 is a colored site rendering of the property. The property is located at 115 North County Line Road. It is about two and a half acres. The majority of it is wooded spaces. It is a narrow rectangular, deep lot. North or the top of the Plans is the Edge restaurant. Mr. Shelly stated that the project is a two-story 10,750 SF non-medical office building with no basement. Hours of operation are anticipated to be 8 to 5 PM Monday to Friday. Access to the site is coming from the frontage on County Line Road. The applicant had a conversation about a proposed interconnection with the Edge restaurant in the South. The applicant has spoken with the owner of Edge who agreed to allow the applicant to connect driveways. A couple of changes were made to the plans that were submitted to the board. There are 6 parking spaces directly adjoined to the building along the County Line frontage and the drive aisle, these spaces were mirrored, so the drive aisle would align with the drive aisle of the Edge. The trash enclosure that was on the plans that were located

in the front yard and required two variances has now been relocated into the rear of the drive aisles, which eliminates the variances.

**Mr. Gertner** stated sheet 3 of the plan will now be marked as Exhibit A2.

**Mr. Shelly** stated that the 3<sup>rd</sup> charge on the plan that the drive aisle entrance of the property comes in, and then either you need to turn to the left to go to a couple of parking spaces or a majority of the people entering the property will turn to the right. The applicant has shifted that drive aisle further to the North closer to the Bartley road, so the entrance aligns with the main drive aisle in front of the building. What this does, is it allows the trucks nicer, easy access to pull in straight up if there is an emergency.

**Mr. Shelly** indicated that it had 44 parking spaces. Part of the reconfiguration needed to make the interconnection to the Edge Restaurant required the applicant to realign the drive aisle from adjacent to the building to now facing towards County Line Road. In that process, two parking spaces were lost mainly due to the trash enclosure being relocated to the back of the property. Now the applicant is proposing 42 parking spaces including two handicap-accessible spaces and any required electric vehicle charging stations will be part of the application. Mr. Shelly stated that it was mentioned variances for the proposed sign. There is a sign located in front of the property line, which requires the variances the sign is proposed 5 feet from the property line, which requires a variance because 25 feet is required. Mr. Shelly said that there is no viable space for the sign to be located any further away from the street than it is right now. The sign location is consistent with the Edge property, which is located directly to the South of the applicant's property, whose sign is in a similar location. Mr. Shelly stated that new water and sewer laterals will be run from the existing infrastructure on County Line Road and connecting to the building. The site has an underground infiltration basin that consists of perforated pipes wrapped with stone and filter fabric. The basin has been designed by New Jersey stormwater best management practices and meets the latest update. Mr. Shelly said that the owner of the property will be responsible for the ownership and maintenance of the stormwater management system and a maintenance manual will be prepared in accordance with potential requirements. Led light fixtures are proposed to be mounted on 16 feet tall poles within the parking area, as well as some up lighting on the proposed monument sign. The sign lighting will be in accordance with the Township Ordinance. The lighting design will be slightly modified from what is on the plans. It was noted in the review letter that the applicant did not meet the minimum foot candle requirements along the walkways so the light design will be modified to make sure the applicant complies with the lighting requirements.

**Mr. Shelly** stated that landscaping is proposed in front of the property and around the building as well as the internal safety island parking lot. There are a couple of waivers are required for landscaping design, particularly for the street trees. They are required to be planted along the frontage between 40 and 50 feet apart, where no shade trees are proposed along the majority of the Bartley Road jug handle. Mr. Shelly said that exhibit # A1 shows that majority of the footage along Bartley Road is proposed to remain untouched. No shade trees are proposed there, although the applicant has shade trees in the front do the property which will be spaced between 40 and 50 feet apart. Mr. Shelly believes the waiver is required since the applicant is not providing it throughout the entire frontage. Mr. Shelly stated that a waiver is required for the landscaping islands, which requires a 10-foot wide landscaping island at the end of parking rows and less than 10 feet is provided. Right now the plans are modified so that the trash enclosure in the rear of the property, there is a sidewalk that wraps from the building to the trash enclosure so the trash can be safely brought out. There is a retaining wall that is within 10 feet of these parking spaces. Mr. Shelly stated that the applicant has a variance for minimum lot width, where 153.9 feet is existing and 200 feet is required. This is an existing -confirming condition due to the location of the jug handle. Minimum front lot frontage along North County Line road is 189.2 feet existing, where 200 feet is required. This is an existing non-confirming condition. The minimum side yard setback is 25 feet, 10 feet is proposed. Mr. Shelly said that variance is needed for the minimum parking setback to North County Line Road. With the updated configuration the parking spaces located between the drive aisle and the street is located 17 feet from the right of way, whereas 20 feet is required. Parking setback to Bartley road is required, 10.6 feet is proposed and 20 feet is required. 42 parking is proposed, 54 are required. Mr. Shelly stated that relief is required for the loading zone. Any building in excess of 10,000 square feet requires a loading zone and none is proposed. Large deliveries are not expected. Typical deliveries will be Amazon and Fed Ex drop off. Loading spaces will never be utilized at the facility. Mr. Shelly stated that the applicant is asking for waivers for not installing sidewalks on County Line road. Any payment in lieu of the sidewalk will be made to the pedestrian safety fund. There is no sidewalk currently on the property now nor is there any sidewalk along the frontage of the Edge property. It is consistent with the surrounding use. There is one other waiver needed, which is 18-foot island separating the parking from the adjacent street and that is not provided. Mr. Shelly presented an architectural plan that was marked as A4 and A5. He stated that the building is rectangular in shape; there is a central lobby,

bathroom, elevator, and stairwell located in the middle of the atrium of the building, with the offices on either side. Office space range from 777 sq. feet to 2,252 sq. feet on the ground floor. On the second floor the office space range from 992 sq. feet to 1,804 sq. feet. There will be a parapet on top of the building so that any rooftop mechanics are screened as well as roof-mounted solar panels. The proposed high of the building is 29 feet measured to the top of the power pit, which is below the maximum allowed 35 feet.

**Dr. Campbell** asked Mr. Shelly if he considers making the building smaller to accommodate the parking.

**Mr. Shelly** said he did it consider. The original design, where the applicant thought there wa50-footfoot buffer based on the plans that Mr. Shelly reviewed on either side and this was over 11,000 sq. foot office fully conforming with setbacks and parking which the applicant needed to scale down greatly based on of this extra 100 feet being taken out of the back of the property. To gain parking space, a significant amount of footage will be lost which is just not economical to develop.

**Dr. Campbell** asked if the agreement with Edge is in writing.

**Mr. Shelly** said not at this moment.

**Dr. Campbell** hopes that it will be a request.

**Mr. Shelly** said absolutely.

**Mr. Hudak** asked if there will be some type of easement.

**Mr. Shelly** stated it will be a cross-access easement.

**Mr. Peters** stated that professionals had a concern about getting fire access to the south side of the building. The primary reason for enforcing an access easement next door is so that you could fight the fire between the existing north side of the Edge building and the South side of this building. At the end of the day if there is parking deficient at the office complex. Mr. Peters stated that two things are normally self-regulated. If there is not enough parking, people go there and say, well I have 10 employees, you have 8 parking spaces, and they will not go there. Mr. Peters thinks this site will be more useful for Edge if the parking is overflowing. He stated that from the safety perspective it is good to get a parking agreement from Edge.

**Mr. Hudak** asked Mr. Peters if he is in agreement with the entire applicant reasoning's for the waivers.

**Mr. Peters** stated as it related to the variances, that were testified he said the property is irregularly shaped and a lot of relief that is necessary comes from two things. One is that 20 odd years ago the jug handle was taken from the property and to put the traffic light in. second has to do with the ever-increasing environmental regulations that come with being near Metidoconk in CI waterways. Mr. Peters does not take any exception to the testimony to the variances given they're irregularly shaped pieces of property.

**Mr. Klee** added the cross-access easement should be a formal document. As for the sign Mr. Klee stated wouldn't it be better on the other side of the driveway?

The Public Comment period was open.

Edward Bannon of 22 Abercorn Court, Jackson was sworn in. He stated that Bartley Road does not exist inside any part of the cul-de-sac.

**Motion to close Public Comments** Riker/Flemming Yes: Riker, Mr. Flemming, Mr. Burnstein, Mr. Riker, Mr. Riccardi, Mr. Haring, Mr. Wall, and Mr. Hudak.

**Dr. Campbell** stated that she is ready to move to approve, as long as the board gets all the things that the board stipulated, particularly the agreement with Edge.

**Motion to approve** Dr. Campbell/Flemming: yes Riker, Mr. Flemming, Dr. Campbell, Mr. Burnstein, Mr. Riker, Mr. Riccardi, Mr. Haring, Mr. Wall, and Mr. Hudak.

**Application Block 5101, 5102 an, 5301, Lots 52 and 53** One in One Hampshire Hills.

**Mr. Klee** stated that is this pretty simplistic application relating to Hampshire Hills Development. There is a drainage basin facility that was installed within the development. There were fences installed as well. There is a request from the applicant or the homeowner association to eliminate the fences. Mr. Klee was not part of the deliberation or the analysis of the project Hampshire Hills in the beginning. Fences are required for safety, so if the applicant can address those safety issues Mr. Klee does not see a problem with it, but fences were there in the beginning for a reason.

**Mr. Peters** said that his concern is that homeowner's Association approved the removal of the fence and is requesting the relief with the understanding that no way for the Planning Board to take over the liability if they take down the safety net.

**Mr. Christopher Lugarea** represents Hampshire Hills. He stated that the fences were already removed by the Board of the Association a while back. Now they are just trying to make sure everything is in accordance. The applicant has all the permits and all is in accordance with the plans, and requirements of the Township. He stated that the fences that were removed were old horse-style fences, two wood posts stuck together by two fences in between. There are three basin throughout the association on opposite ends of the property. They were worn down, torn down, they became difficult to maintain. There is no plan to install the subsequent fence. Mr. Lugarea has a couple of photos of the various basins.

**Mr. Gertner** asked if the property Manager or any representative from the Home Association was at the meeting.

**Mr. Lugarea** said he said NO.

**Mr. Gertner** said he will leave it up to the board as to how technical the attorney wants to be, but the applicant's attorney is here without anyone that he can even lead through to present the testimony, generally speaking, rules of the evidence. Mr. Gertner said that the attorney should not be in a position of being the advocate and the person who is actually testifying and representing. Mr. Gertner stated that Mr. Lugarea is not qualified to give testimony to support the Association's request to remove the fence. He cannot testify as a planner or an engineer.

**Mr. Hudak** suggested to Mr. Lugarea to get in touch with the property Manager and make arrangements with his board to come back and present the case with the witnesses and testimony and Application Block 5101 Lot 5102 and 5301 lots 5 One in One Hampshire Hills be carried to the September 19<sup>th</sup> 2022 meeting without further notice.

**Motion by Riker** to carry to September 19<sup>th</sup> meeting with the stipulation that the applicant has proper representation from the board of trustees, and property manager, and, the applicant will come forth with the facts.

**Motion by Riker/ Burnstein Yes:** Riker, Mr. Flemming, Mr. Burnstein, Mr. Riker, Mr. Riccardi, Mr. Haring, Mr. Wall, and Mr. Hudak.

The meeting was adjourned. Motion by Riker/Burnstein all in favor among the present.

Respectfully submitted by

Irina Darrar

Planning Board Recording Secretary