

**JACKSON TOWNSHIP PLANNING BOARD MEETING
MONDAY, AUGUST 3, 2020**

The July 27, 2020 meeting of the Jackson Township Board was called to order at 7:38 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
	Dr. Michele Campbell	Martin Flemming, Councilman
	Jeffrey Riker	Joseph Riccardi, Mayor's Designee
	Paul Nigro	Len Haring, Board Vice Chairman
	Andrew Jozwicki - Alt #1	Robert Hudak, Board Chairman

Also Present: Planning Board Attorney Sean Gertner, sitting in for Mr. Peters, Ashton Jones, Board Planner, Doug Klee, Board Engineer, Denise Buono, Planning Board Secretary, and Danielle Sinowitz, Planning Board Recording Secretary.

Payment of Recording Secretary, Danielle Sinowitz, for 8/3/2020 motioned by RIKER/ Flemming. Yes: Dolan Campbell, Riker, Nigro, Wall, Flemming, Riccardi, Haring, Hudak.

Mr. Hudak announced that the minutes from July 27, 2020 will be tabled

RESOLUTION: 2020-11: Jackson Storage of New Jersey, LLC, Block 4801, Lots 22.01 & 23.01. **Motion to approve by FLEMMING/ Riker. Yes:** Dolan, Campbell, Riker, Nigro, Wall, Flemming, Haring, Hudak.

Mr. Gertner announced the Adventure Crossing resolution is being carried.

Mr. Hudak announced that regarding application **1. SAFStor Land Co., LLC, Block 6501, Lot 42.03, 2160 W. County Line Road**, there was a mix up in noticing and there was a mix up weather or not the applicant should be present, and the application will be carried to August 17 2020. Mr. Gertner stated the applicant would have to re-notice as the zoom information cannot be carried from one meeting to another.

Kimberly Bennett- attorney on behalf on the applicant- noted that there is understanding that the governor cannot allow more than 25 people to a room, and the professionals for the application are online and ready to proceed. Mr. Hudak stated there was an issue with the notice. Ms. Bennett stated the notice was clear and tonight there was an error within the notice however it was significant. Mr. Hudak mentioned that there was another issue 2 weeks ago and that applicant was advised that they needed to come back and present in person, so one applicant was already denied so unfortunately Ms. Bennett and the Boards attorney will have to discuss this offline. Ms. Bennett stated the applicant would like to deny the carry however should the Board to choose to carry, there is question of what needs to be done. Mr. Gertner stated this has been being done this way for several months, and there are acceptations to the 25 people such as political effects and should there be an issue, online can be a discussion, and the Board has been and is ready to hear the application the same way. Ms. Bennett advised the Board that she cannot force professionals to show up in person. Mr. Gertner mentioned that Judge Troncone moved an application due to poor audio and the applicant was aware that the application might not be heard, and there have been other applicants who have not been heard due to notice error, and it's simply not fair, and there can possibly be arrangements made however tonight is not the night to have this heard remotely on the fly, and it's perceived that the applicant is not willing to waive time. Ms. Bennett stated she will have to speak with the client. Mr. Gertner stated for those in attendance online that application **1. SAFStor Land Co., LLC, Block 6501, Lot 42.03, 2160 W. County Line Road** will be carried to the August 17, 2020 meeting at 7:30 p.m. in the municipal building, and tomorrow the zoom information can be provided.

Motion to carry to August 17, 2020 by RIKER/ Campbell. Yes: Dolan, Campbell, Riker, Nigro, Wall, Flemming, Riccardi, Haring, Hudak.

2. Berk Holdings, LLC, Block 22010, Lot 6, Faraday Ave- Mr. Klee stated this is an application to amend a prior Planning Board approval from July of 2016 that permitted 2 contractor warehouse buildings, and operations have commenced and one condition of approval limited the hold of livestock and retailing, and any uses changed would need to come back to the Board, and there was a pending approval that made tweaks to the approval however the applicant needs to discuss the expanding use of the building, and if parking is met there are no issues. Mr. Gertner read the march 2019 letter to recap where this application is and how it got here before the Board today, and this is done as a refresher since this has not been heard since 2019, and a parking waiver was recommended, and the Board determined that any change in use the applicant would have to come back before the Board, and an amendment must be done. Mr. Jones reviewed the July 15, 2020 letter and agreed with the comments from the attorney, and noted there are some rear yard variance requests and some questions regarding parking and imperious coverage. **Adam Pfeffer- attorney for the applicant-** as Mr. Gertner indicated there was approval received for 2 buildings and at the time the applicant was using the first building, and it was being used as a warehouse and office and there was approval for the second building and the resolution is what it is issue, it was the applicants understanding that as long as there was permitted uses being used there would be no issues, however there is an amendment necessary and Mr. Macfarlane will mark the exhibit that was prepared to answer the questions, and the main concern was if the Board is un sure of the uses, and how can they determine if the parking is sufficient, and one space in the second building there was a commercial bakery was looking to get a zoning permit to get a spot into the space and it was denied although it was approved use in the zone, it was denied as it was listed into the resolution, and there is a commercial bakery space currently that is not being used for retail, however would like to utilize a kitchen.

Graham Macfarlane- planner/ engineer- sworn- stated when this approval was granted, building "2" was identified as a warehouse and 6 spaces were considered flex space, and there was office space and open floor available for tenants and as outlined in the ordinance there are 19 permitted uses and it was assumed that those 19 uses could potential go in the space, however the zoning officer felt differently, and there is a bakery requested that was turned down. Mr. Macfarlane present **Exhibit A-1**, a detailed parking plan that goes through detailed calculations of what the maximum parking would be per the ordinance, and the end result is that the maximum allowed is 67 spaces, and

onsite there are 102 and there is more than required because the applicant is who owns and occupies building one leaving plenty of spaces available to accommodate any uses that go into the building. Mr. Pfeffer asked if those spaces are built and developed. Mr. Macfarlane confirmed that is correct, and there is a beautiful building in place. Mr. Pfeffer asked if there were any issues with any comments made with the reports. Mr. Macfarlane stated the planner indicated there was a variance requested, however there are no variances requested, and page 4 commented where the alternative was went through and that analysis was based on 19 tenants and this building will have 6 and that will be a condition of approval for building "2". Dr. Campbell mentioned there was concern of the rear yard. Mr. Klee noted that was from Mr. Peters however it was regards to a variance. Mr. Pfeffer stated there are no variances being request. Mr. Wall asked if there was an issue with the Planning Board at that time, and could it be translated what was approved and if there was an issue. Mr. Jones stated the prior resolution limited the potential uses on the site and the applicant is here to UN do that limitation and the testimony stated that the provided parking is above and beyond the uses on the site. Mr. Wall asked why the Planning Board made those limitations. Mr. Hudak mentioned that he didn't believe it was specifically the restrictions, it was an omission for the types of tenants that the building may get, and with the zoning officer it is either black or white, and there is no in between. Mr. Pfeffer noted there was a specific building, and it was asked that the zone permitted uses be used, and as long as the permitted uses are what is going into the building, they be allowed. Mr. Flemming stated the reason it was controlled is because there were UN known tenants, and the resolution that got put forward was put forward so the Board can see who is going into the space. Mr. Pfeffer stated the request this evening is for any permitted uses to be allowed into the building. Mr. Hudak asked Mr. Klee if he agreed with the parking calculations. Mr. Klee stated they meet the requirement, and the applicant came and there were some questions about other uses however the resolution was provided and there was draft and there was no analysis or question about the resolution. Dr. Campbell stated there was an issue with the manufacturing if manufacturing was to be involved and that was the exclusion of the permitted uses not that there couldn't be, however the Board wanted to know what was going there. Mr. Gertner stated it was noted by the zoning officer that when there is a tenant, it should come back to assure the calculations were done correctly based on the use. Mr. Haring mentioned that this Board has done this before and the potential clients have been provided and hours of operations, and a number of vehicles coming in and out and there are uses in any zone, and if the Board is told this is a warehouse and someone comes back with heavy maintenance, the Board wants to know what's being. Mr. Macfarlane stated this is assurance that the uses permitted in this zone are permissible, and this plan is seeking nothing more than the uses in that zone are permissible, and although the concerns are valid they are under jurisdiction of other adjectives and building 2 was a warehouse building, and the client wanted to build this for a few tenants and the economy changes and the 6 tenants there now could not be there in 5 to 10 years from now, and should there be a tenant going into the building that is not permitted an applicant would have to come back with a variance requests. Mr. Hudak asked what hours are. Mr. Macfarlane stated 7 a.m.-7 p.m. Monday through Saturday, and specific tenants could extend those hours. Mr. Hudak asked if there will be baking done in the middle of the night and trucks being picked up at the crack of dawn. Mr. Haring- asked if everything will be within the building, and nothing outside and should there be something external, that should come back before the Board for site plan approval. Mr. Pfeffer stated the applicant is watching via zoom, and noted all tenants would have to comply with the 7 a.m.-7 p.m. hours. Mr. Haring asked if there will be trucks coming in and out to bake bread and donuts. Mr. Pfeffer stated this is a specialty bakery with specialty order for cakes for catering or special events. Dr. Campbell asked if this particular manufactory will be able to comply with the times of operations. Mr. Pfeffer noted the major questions were about parking, and it's been shown that with all combinations the applicant exceeds the parking. Mr. Wall stated the presumption is that the Planning Board gave a good faith approval assuming there wouldn't be an application later on, and asked if there would be minutes to reflect what happened with the original approval. Mr. Gertner stated the direct answer is there was no review from the minutes however, the resolution was reviewed and it was noted by Dr. Campbell and Mr. Flemming it was a narrow approval for the applicant to come back at least once as it pertains to the changes of use, and the applicant is saying to the Board that they are going beyond the specific use that was articulated and in this case there is a bakery, and because in the applicants opinion in any scenario for any permitted use it's believed that the application shouldn't have to come back with every new tenant, and the resolution contemplated this coming back, and the resolution also contemplated coming back with every change of use, and parking has been showed and provided. Mr. Pfeffer added if there was a new tenant today the process to get to the Board isn't the easiest, these are permitted uses and it would take months before a zoning certificate can be obtained, and the goal is to have the space filled with permitted uses. Dr. Campbell agreed that the recommendation would be for permitted uses, and if something is permitted in the zone it should be accepted as good faith that the business owner will comply. Mr. Klee stated there are some manufacturing that may be allowed however it is permitted, and if it's permitted and the analysis of the Planning Board, it's on point. Mr. Pfeffer stated the calculations were done for every permitted uses in the zone, and no matter the worst case scenarios, there is plenty of parking, the applicant is complying with the Township regulations. Dr. Campbell noted the hours of operations are a concern. Mr. Macfarlane stated the applicant has already agreed to keep the hours as 7 a.m.-7 p.m. only. Mr. Jones stated the prior variance were put into effect due to the uses that were assured. Mr. Haring stated the resolution in the past also stated stipulations and variances granted. Mr. Gertner agreed with Mr. Jones, and that's why parking is the issue, and the variance that triggered the discussion was the overage of the 3% and that logic makes sense as the resolution is read which is the Boards statement, and the questions is if the parking is sufficient to waive the portion for the applicant to come back with every use, and how much different is this application compared to that with a strip mall, there are permitted uses and a parking calculator, and what happens is with every tenant the zoning office is to look at the tenant and use group and the parking to assure there isn't more than 102 spaces. Mr. Riker mentioned that the primary tenant is Berkowitz, and the question is what is being parked on the hill behind the second building, and the woods have been cleared and there are Berkowitz trucks on the hill, and that shows there is already a parking issue, and the focus is to not give un retrieved uses, and although it may be an inconvenience to have tenants come back each time, but if the trucks aren't where they should be there is already a parking problem, and there is gates, and cameras, and there was no application for the gates and the electric, and this is here for parking and it's because there needs to be proper scope of perspective, and it's unknown who's going there due to the market however it appears there is already overflow for Berkowitz. Mr. Flemming asked what's changed on this plan to change the original resolution. Mr. Macfarlane stated there are no changes purposed to the plan. Mr. Wall stated the application as it is, is it currently authorized for 24/7 7 day a week operations. Mr. Huda stated the hours were agreed to be 7 a.m. to 7 p.m. only 6 days a week. Mr. Wall stated this may be 24/7 operation not a parking issue, and if a change or modification the terms that are not clear. Mr. Hudak stated it was a wild card that could change however it has been stipulated this evening that it will be limited to 7 a.m.-7 p.m., 6 days a week and not that is defined and written in stone another compromise can be made for moving forward, although the application should come back for each tenants perhaps this can be done administratively moving forward. Mr. Gertner stated the resolution would reflect that as well that future tenants would be reviewed administratively.

Opened public comment; seeing no one showing online **Motion to close public comment by HARING/ Campbell. Yes:** By all those present

Mr. Pfeffer stated this process started in October and COVID-19 happened and this was spoken on in October for a great ratable for the Township, and it's believed that enough proof has been provided on the 4 corners of this property and the Exhibit have been provided which provides all scenarios that parking is sufficient, and it was discussed that all permitted uses with following the rules of the municipality..

Dr. Campbell made a motion to approved given that the parking spaces have met and exceeded what is required, and the hours of operations that were agreed to

Motion to approve by CAMPBELL/ Dolan. Yes: Dolan, Campbell, Riker, Haring, Hudak. **No:** Nigro, Wall, Flemming

3. Moshe Rozsansky, Block 7001, Lot 23, 84 Valley Road-Mr. Klee stated this is an application for an extension of a minor subdivision, and a time extension is required to obtain the map, and question as to why wasn't the map filed in 190 days. **Adam Pfeffer- attorney for the applicant-** stated this was an approval in July of 2019 and the subdivision map should've been recorded within 6 months, and the zone has not changed and nothing has changed regarding the site. **Graham Macfarlane- planner- sworn-** stated the stipulation time is 6 months and this does include a sanitary sewer extension from the DEP and JTMUA, and the applicant was UN able to apply to the DEP without the approval from the JTMUA and there are no changes to the plan. Mr. Gertner asked when the last application to the JTMUA made was. Mr. Macfarlane stated correspondence dates to October 2019, and there's still approval from the DEP required. Mr. Gertner stated should this be approved to be a part of the resolution compliance the Board should obtain a time from the applicant to monitor what's happening in the event there is another extension requested.

Opened public comment; seeing no one showing online **Motion to close public comment by CAMPBELL/ Flemming. Yes:** All in favor among those present.

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

4. Aisle 9 Grocery Store, Block 21202, Lots 6.01 & 7, East Veterans Highway- Mr. Klee stated this is an application for an amended preliminary and final site plan, and regarding the building, it is currently under construction, and is here to amend the retail use of the middle store and there is additional freezer storage, and testimony should be heard about the potential parking setbacks, and there are variances about the signage, and the overall configuration remains the same. **Adam Pfeffer- attorney for the applicant-** stated this has been before the Board previously, and is back to amend the prior use approval, the building is up and the grocery store is a specific tenant and the changes are specific to that store, and there are questions regarding signage.

Steven Cattani- Dynamic engineer- engineer- testified for the original application before this Board- sworn- Mr. Pfeffer asked for a quick overview of the second building, specifically the changes. Mr. Cattani presented **Exhibit A-1** site plan sheet a, and looking to the left is North hope chapel road ,and the center building is in question, building 1 and 3 are unchanged and there is no change to parking, landscaping, lighting, or circulation and there is no change to the appearance however a single super market tenant is looking to put 3 freezer spaces onto the back of the building which are now approved for loading concrete pads, and the plan is to drop the freezer/ coolers onto those pads, and those are for storage for the frozen and cooled goods and there was question about the dumpster enclosure, which has been moved back a bit to accommodate the purposed store, and here is no additional relief needed for the modification and some other minor modifications relate to some small retaining Mr. Wall areas, and there is some grade slopes and the applicant used 12" rocks to go around the lights to see them flat, and when the parking was done there was retaining walls requested by the utility company and its not to be believed as a variance to the front yard structure, it was essential that reflect the proposal, and all previous items will remain the same.

Mr. Cattani stated that the application previously received a height variance 38.5' an nothing additional is being request min font yard setback is 60' and that was previously discussed the small wall isn't tot be believed to be a structure, the min side yard is 25' require and 4.5' was granted and has not changed, min side yard 25' where 4.5 is provided as it related to building 1 and 3, nothing has changed since the approval, and 3 signs have been approved, and there is no change to the location size, and it's purposed for the exact same signage as approved, and there is a small sign that is on site that doesn't seem to be utilized so the 4th sign is not being requested, and there is one permitted facade sign, and since it is a single tenant there are 14 signs purposed which would exceed the one permitted for 10. Mr. Cattani noted as part of the sign areas in the architectural exhibit that was provided which is **Exhibit A-2** the elevations for the building which shows what was purposed for the facade signs and the window signs, and the Aisle 9 logo would be above the entrance and that would be the typical facade sign, and there are 2 signs being purposed, 1 on East Veterans and 1 on the side facing Hope Chapel, and since that building was set for multiple tenants and will be a single use, the signs will be removed along the front doorways, however the number of signs is still requested and the signs will be removed from the doors and the window signs will be fruits and veggies to indicate what's being sold, and as it relates to parking, the original application did not identity parking and it was determined that 392 spaces was acceptable and in the latest review as it applies to the shopping center use, it should be 6 stalls per 1000', which makes a maximum count of 398, and should that be required the additional waiver would be requested. Mr. Peter's letter asked for testimony, and the 703SF represent the dedication to the county that was not included in application and the right of way was dedicated to the county, and the status of the work is near completion to the site, there is landscaping and face and it's looking to be completed. Mr. Cattani stated the purposed freezers if included would require an additional 13 spaces however they are more of a site function, and they would not require additional trips to the site however if it's required a variance would be requested to assure they are included. Mr. Dolan asked where the cars are supposed to come in and out from. Mr. Cattani mentioned that there are 4 entrances. Mr. Flemming asked if the Hope Chapel entry way is full service. Mr. Cattani stated it is a left out, not in. Mr. Riker asked in regards to the compactor, is that away from the building. Mr. Cattani stated it would be away from the building, and there is rear parking, however it's on the opposite side. Mr. Riker asked if there will be car carols. Mr. Cattani stated they will be in the front. Mr. Riker asked what the delivery process is. Mr. Cattani stated that would be mid-range box trucks that will go around the rear of the building and will load and unload, and leave. Mr. Riker asked if there are loading dock. Mr. Cattani advised there are not. Mr. Riccardi asked the compactor is only for the food store. Mr. Cattani stated the enclosure provides enough room for the left half and the right section will be for building 1, and there will be a central area. Mr. Riccardi asked if building 1 is using a compactor. Mr. Cattani stated it would just be an open container for the other tenants. Mr. Riccardi asked if the compactor will be open or locked. Mr. Cattani stated there will be access by the supermarket employees and other units will not half access, it will be locked. Mr. Riccardi asked if the freezers will be against the building, and if there is a way to get into the building from the freezer. Mr. Cattani confirmed there will be access from some doorways that are existing that will be used for the units. Mr. Flemming asked if the rear drive isle is a fire lane. Mr. Cattani stated that was correct. Mr. Flemming asked if there will be 20 trucks coming into the site throughout the day. Mr. Cattani stated the site is not anticipating more than 2 vehicles at a time, and it would be quick.

Mr. Cattani stated there are variances that fall under the c1 and c2 variances regarding the lot shade and depography, and there is already the shopping center constructed, this would be a good location for the residential area, and there is no negative criteria, this is providing for a supermarket which wouldn't create negatives. Mr. Hudak asked if there is a suggestion on fixing the fire lane issue. Mr. Flemming stated there is no way to fix this, its human nature, and the drivers will do what they have to do to get the work done. Mr. Cattani stated the

applicant can adjust the parking because the spaces exceed the number allowed, that can be reviewed to make a large tractor trailer space. Mr. Klee agreed that it can be worked on. Mr. Riker asked how many stalls would be adjusted. Mr. Cattani stated 20. Mr. Riker suggested that if they were curved, it could take 10 away, and it would make more sense. Mr. Cattani noted that parking can always be worked on. Mr. Klee stated if there is no issue with the stalls being removed it would make sense to do it in the back of the super market. Mr. Cattani noted the site can also be made into a one way circulation. Mr. Klee mentioned that on the architectural on the site plan it was approved for 9 retail units, and asked if the intent to leave those doors. Mr. Cattani stated the intent is to leave the doors where they are, however there will be no function, they will be windows and the door will only be left for the egress conditional requirement. Mr. Klee noted there are doors shown in the back, will they be removed. Mr. Cattani stated some will be remaining for the freezers. Mr. Klee stated the intent was to make sure someone isn't leaving the building when someone is loading, and asked if there is enough room for the doors to be opened while a delivery is happening. Mr. Cattani stated there will be operations in place. Mr. Klee asked how many tenants were lost. Mr. Cattani stated there were 8. Mr. Klee asked if the freestanding sign will remain as purposed. Mr. Cattani stated it will be the same and will reflect this project and the other tenants that are still available, however Aisle 9 will be a majority of the sign.

Justin Taylor- traffic engineer- Dynamic Traffic- licensed in NJ, PA, and TX, and has been practicing for 20 years- sworn- Mr. Pfeffer asked if Mr. Taylor had helped with the original application. Mr. Taylor confirmed that was correct and stated the results will not change the results, retail and super markets have about the same traffic. Mr. Dolan advised he lived in the area, and travels those streets, and asked what the plan for that area is because it's a disaster in the morning and the evening. Mr. Taylor stated traffic counts were conducted, and then it was surcharged to what is purposed, along with what's anticipated which is to maintain the level of service on Hope Chapel Road, and while there is additional traffic the result of the previous study indicate that the impact will not change the level of service, there is not going to be 300 cars in and out at the same time, and based on the previous analysis on the impact, and the count have been reviewed for all driveways. Mr. Gertner noted that it may benefit the Board and the public to reiterate the level service and what's been done with the county. Mr. Taylor stated that currently the intersection is operation of a D or better, and the level of services that are being provided will remain the same or the maximum will be an additional 3 to 4 seconds, and weather this goes here or not the level of service will not change. Mr. Pfeffer asked if this application has this been submitted to the county, and if so what was the response. Mr. Taylor confirmed it has been submitted and approved, based on the intersection and driveways. Mr. Gertner asked what steps has the county provided to create a better level of service. Mr. Taylor stated the counts purposed no requirements at those intersections, it was acceptable to what was being provided. Mr. Gertner asked if there were improvements that were purposed Mr. Taylor stated he was UN aware. Mr. Wall asked if there were offsite improvements pending. Mr. Jones stated generally speaking maintaining the level of service is the standard, the level will not go from a level D to an A, it will remain at a D, and the traffic reports should be submitted to Mr. Klee.

Recess at 10:07 p.m. and reconvened by Mr. Hudak at 10:15 p.m.

Mr. Jones stated that as it relates to parking, this is discussion about the channel, and it can be counted by the use or the standard, and because the signage is being discussed, and the variance should be requested, as it relates to the retaining wall in the front yard, it would be safer to grant that, and the code is not clear, and there are items that can be mentioned that have been agreed to be complied with. Dr. Campbell asked what the typical numbers on shopping center parking are. Mr. Jones stated that 398 is required for shopping spaces, and to go based on use there is a range provided.

Open public comment;

Joel Fishbein- 1154 East Veterans highway- sworn- said the afternoon traffic in the area is horrible, and there is already complaints from within her office, and asked if there can be a traffic light at the eastern corner of the plaza. Mr. Cattani stated it was never considered or brought up by the county.

Joseph Ricchi- 7 Corey lane-sworn- said the traffic that was spoken about for the supermarket would not impact the traffic, and asked what study was that on. Mr. Taylor stated this was done from the previous application

Joseph Ricchi- 7 Corey lane- this is from 3 years ago, how much construction has gone on to congest that intersection. Mr. Taylor stated he was UN sure

Joseph Ricchi- 7 Corey lane- said there is construction all over the surrounding area, and there are 2 new schools, 1 almost complete, and 1 they just broke ground on, and the traffic is terrible now to get out of McDonalds, and that shopping plaza isn't even open yet, and there is question as to whether or not the store will it full service, such as containing a pharmacy, and delivery trucks. Mr. Taylor stated the store will be full service, and will not have a pharmacy however there is a possibility of deliver trucks similar to other grocery store delivery services

Motion to close public comment by CAMPBELL/ Riker. Yes: All in favor among those present.

Mr. Hudak noted the traffic flow along the back of the facility, and there has been a comprise that the applicant will work with the Board professional's to make a one way access, and it seems like there is a lot of concerns about the traffic, it was not good and it will compound the problem, and it's un sure what the fix will be. Mr. Pfeffer stated the applicant is seeking minor modifications to the interior site, and should this be approved the applicant will work with the Board's professionals to assure there are no issues with the fire lane, and the offsite condition is unfortunately on county roads and it has been deemed efficient, and the approvals will be provided. Mr. Wall asked if the traffic level of service was a D. Mr. Taylor mentioned that overall it operates at a D level. Mr. Wall asked when Mr. Taylor was at the site. Mr. Taylor stated he drives by the site often as he lives in freehold. Mr. Wall asked what the means or methods were to get data to build in additional density to give a current score, and what would that be. Mr. Taylor stated the NJDOT provides background growth to take into the account the growth in an area over time, and there is the availability to take that growth. Mr. Wall asked if it will downgrade. Mr. Taylor advised it would not, and there would not be a lower level of service. Mr. Wall asked if the stores decides to have a delivery service, it might be relevant to discuss what size vehicles, how many, the hours of operation, unless there is testimony confirming to no delivery services happening. Mr. Gertner mentioned that while the Board deliberates, there should be testimony put not him record with specifics. Mr. Pfeffer stated this application is from September of 2019, so to say that 3 years old, it's really been a 2 year project, however traffic is always changing, and it's a county road with county approvals, and the more deliveries made the less traffic to come onto the site. Dr. Campbell agreed that the traffic is horrible, however this Board cannot use traffic as a condition of approval. Mr. Gertner agreed and noted that

updated studies can be asked for because it will provide information for the Planning staff.

Mr. Flemming made a motion to approve with the stipulations that the applicant has to work with the Board professionals on the rear drive access and the updated traffic analysis.

Motion to approve by FLEMMING/ Campbell. Yes: Campbell, Riker, Nigro, Wall, Flemming, Riccardi, Haring, Hudak. **No:** Dolan

4. Allen Morgan, Block 2004, Lot 2, Harmony Road- Mr. Klee stated this is a minor subdivision approval, to divide a property into 2 residential building lots, with 1 residential dwelling to remain, and there is a variance relief required, for additional lot area, width, and lot depth, and the applicant is seeking a side yard variance, and there will be a private well, a waiver of curbs and sidewalks or the contribution to the Township safety fund. **Adam Pfeffer- attorney for the applicant-** stated this is an application for a minor subdivision to subdivide one lot into 2.

Graham Macfarlane- planner/ engineer- sworn- presented **Exhibit A-1** which was prepared today August 3, 2020, and **Exhibit A-2** an Ariel of the project location and the location of Harmony Road and Jackson Mills Road, which shows the zone which is R-1 and R-3. The plan is to take one parcel and divide it into 2 lots, and there is some right of way county dedication, and referring to **Exhibit A-1** there are lots colored orange and they are not in conformance for either lot width or depth, and out of those 8 lots, 4 of those are essentially the same, and there are several surrounding lots that are not conforming, and this application provides 4 points in the land use law, public health and safety and paving right of way as it provides to the county master plan, and the funds that are required to go to the pedestrian safety fund will be up to the Board, and should they like curbs and sidewalks, that will be provided, the site also provides adequate light and open space, and population density to be similar to the area, and there is no environmental issues, and there are uses proposed that are consistent with the existing area, and the lots have been provided in the neighborhood, and there are 34 nearby lots that have the same conditions that are being proposed in this application, and 4 of the nearest lots have 0.74 and 0.88 acres and since the lots proposed are similar to the character, its good planning and wouldn't create negative impact. Mr. Pfeffer asked if there are any conditions that cannot be complied with. Mr. Macfarlane agreed to comply with all the technical comments and the ordinance requires shade trees which are not included but will be provided. Mr. Nigro asked in reference to the orange lots, how many were approved with a variance. Mr. Macfarlane stated he was UN sure. Dr. Campbell stated she was a fan of curbs and sidewalks, particularly on a corner lot. Mr. Macfarlane stated the applicant will agree to whatever the Board wants. Mr. Haring stated information provided is what's being broken up, however is there information about the individual lots that conform to the R1 zone standards, because if the Board is going to approve something now, and it's not 3 acres how does it fit to the R1 zone. Mr. Wall mentioned that the notion is to not create a precedence. Mr. Haring stated this lot is known, and there was an attempt for an office building, and if it's supposed to be in the R3 zone, there's a reason that was put in place, and this Board is constantly going back and saying "we are going based off what's going around the area". Mr. Nigro stated he was UN sure if there were variances, however there is concern that the precedence is being set. Mr. Macfarlane stated the term precedent was used, and this project is being used to subdivide a property to the character of the neighborhood, this proposal is consistent to the neighborhood.

Opened public comment:

Walter Campbell- 535 Jackson Mills Road- sworn- had concerns with the notice that was received, there was not enough time given to review the notice or the document prior to tonight's meeting, and asked what is the minimum lot depth being proposed. Mr. Macfarlane stated the minimum lot depth is 250'

Walter Campbell- 535 Jackson Mills Road- asked what the length of property is. Mr. Macfarlane stated the length was 235'

Walter Campbell- 535 Jackson Mills Road- asked why there are no septic plans since in the notice it was mentioned that there would be public sewer provided. Mr. Macfarlane stated they are not required, and there was no finding of the septic tank during field study. Mr. Pfeffer read the public notice into the record, and noted that there was no mention of sewer system. Mr. Jones stated that on the submitted survey plans, it mentioned public water will be connected too.

Marianne Campbell-535 Jackson Mills Road- sworn- said there was a plan about the surrounding properties and that is inaccurate and there is endangered species, and the state came in and took a quarter acre of property, and the other side has state land, and the notices are incorrect

Louis Cicalese- 711 Harmony Road- sworn- said this would not be within the character of the neighborhood, and asked will this site stay residential. Mr. Macfarlane stated yes.

Walter Campbell- 535 Jackson Mills Road- said public water is over 1000' away and the well is supposed to be shown and the septic

Mr. Hudak stated there are discrepancies with the papers that were submitted, and it appears this needs to be carried. Mr. Pfeffer asked for at least a hearing date in September to get paperwork in order.

Motion to carry to October 5, 2020 by CAMPBELL/ Dolan. Yes: All in favor among those present.

Motion to adjourn at 11:40 p.m. by RIKER. Yes: All in favor among those present.

Respectfully submitted,

Danielle Sinowitz,
Planning Board Recording Secretary