

MINUTES OF JACKSON PLANNING BOARD AUGUST 15, 2022

The August 15, 2022 Jackson Township Planning Board meeting was called to order at 7:31 p.m. with a salute to the flag by all present. Board Attorney Sean Gertner read the Open Public Meetings Act Statement and announced that adequate notice has been provided for this meeting.

ROLL CALL: Robert Hudak, Chair; Len Haring, Vice Chair (Absent); Martin Flemming, Noah Canderozzi, Mordechai Burnstein (Absent), Terence Wall (absent); Dr. Michele Campbell, Jeffrey Riker, Joseph Riccardi, Tsvi Herman.

Also Present: Sean Gertner, Board Attorney; Douglas Klee, Board Engineer; Ernest J. Peters, Board Planner; Laura Morrison, Planning Board Secretary

ANNOUNCEMENTS:

1. Denton Holdings, Block 20701, Lot 2, application withdrawn. Motion/Flemming. Second/Canderozzi.
2. Bellevue Estates, Block 3902, Lots 58, 58.01 through 58.04, carried to October 3, 2022. Renotice is necessary. Motion/Flemming. Second/Canderozzi.
3. OCVS came before the board for a courtesy review. They have an issue with Pinelands. They've already received some grants. Will be heard September 19, 2022 meeting. They will renotice

Approval of Minutes: June 20, 2022. Yes Vote: Campbell, Riker, Burnstein, Herman, Canderozzi, Wall, Flemming, Riccardi, Haring, Hudak

APPLICATIONS CARRIED:

Bellevue Estates, Block 3902, Lot 58, 443 Leesville Road. Carried to October 3, 2022. Will have to be renoticed. Motion/Campbell. Second/Hermann

Payment of Recording Secretary: Motion/Riker. Second/Campbell. Yes Vote: Campbell, Riker, Burnstein, Herman, Canderozzi, Flemming, Riccardi, Haring, Hudak.

APPLICATIONS:

A-Z Site Contractors/Shimmy Tessler, Block 22009, Lot 2, 55 Houston Avenue, Site Plan for ground-mounted solar energy in an industrial zone. Applicant's Attorney: Adam Pfeffer. Mr. Klee said application started on July 18 and didn't get far because a jurisdictional issue arose. Mr. Pfeffer states it's 2 lots. Hudson Street cuts through the property. He believes if the solar array was a part of the original application, it would've been approved. First witness: Graham MacFarlane, P.E. & PP. Sworn by board attorney. Exhibit C (aerial display). Exhibit A-1 shows lot 2 on the left side. It's 2 separate properties separated by an existing right-of-way. This is simply an amendment to that application. Solar array will be on the existing yard. There are already solar panels on the roof of the building. This is a contractor's yard which is a permitted use. Mr. Gertner states there is nothing specifically here that would adversely affect jurisdiction, but in order to tie in the uniqueness there needs to be cross-easement and the streets need to run together with the land. Otherwise, someone could argue that with vacant property and solar array could be sold separately if it's a separate lot. It's based on the 2013 finding of the Board and since the application was before the PB in 2013, we don't want applicants going before 2 boards. Mr. Pfeffer agreed. Dr. Campbell asked if the applicant looked to the possibility of different types of solar arrays where they would allow for parking beneath the solar array to get more use out of the property. Mr. MacFarlane said the solar will power the pole-mounted lights. Witness No. 2: Roger Anderson, owner/designer of Art Design Consulting, sworn by board attorney, 18 years in business, has testified before many boards, no degree obtained, been working in electrical field for 10 years. Testified that NJ has a net meter program. If you're generating 10 kw hours, then you have to use 10 kw. You can't put in a system that's larger than your system. The three existing light poles will have three heads on it. They

run about 400 lights per pole. It's not feasible to put parking below the solar array. The savings and benefits far outweigh the cost of the structure. The Chair asked if the 400 watt poles are LED? Mr. Anderson said they appear to be. He believes they are mercury vape lights. A board member asked if a lighting plan was submitted? He's concerned about preserving nighttime light leakage. A lighting plan was never submitted in the original application. Mr. Gertner said that question is not for this witness. Mr. Klee said he thinks the light heads themselves can be swapped out for a different bulb. The Chair is all for solar. Mr. Riker asked it needs to be cleaned up. You need a site plan. You need new calcs. He doesn't know how the bulbs got there and suggests coming back with a full kit and getting it done. Dr. Campbell agrees. Mr. Riker said just clean it up. Mr. Pfeffer said he will come back to submit a lighting plan. Dr. Campbell said as long as we're doing this, since there will be electricity on the site, will you put EV stations? If you put 2 EV stations, it will benefit the employees and there are grants anyway. New date: September 19. It will be a late night. Public portion opened/closed. Motion to close public portion/Riker. Second/Campbell. Yes Vote to close the public portion: Campbell, Riker, Burnstein, Herman, Canderozzi, Flemming, Riccardi, Haring. Time carried to 9/30/22 with no further notice.

2. Herman Jackson, LLC, 651 Herman Road, Block 2201, Lot 54, 651 Herman Road, P/F Major Site Plan to construct a new warehouse and office building. Applicant's Attorney: Donna Jennings, Esq. Court Reporter: Carmen Wolf. Bulk variance sought. Minimum buffering requirements. Freestanding sign: 30 feet required, but applicant is seeking 15 feet. Mr. Klee said there's 2 zoning variances required. Site impacted by conservation zone. Project will connect to public water/sewer. Several variances with regard to signage. 50 ft wide access easement. Mr. Peters said they have a report. No pedestrian or vehicle access on the left side of the building. Three variances necessary for side yard setbacks. Witness No. 1: Graham MacFarlane, PE, PP, credentials accepted. Exhibit A1 (aerial map) shows the subject property, LM Zone. 4.7 acres total property. Property restrained by riparian buffers and wetlands. 2.1 acres of the property are readily buildable. Warehouse building up to 4 tenants. The first floor will be warehouse space. Second floor will be occupied by offices, 3,294 SF, and 32 parking spaces proposed. The wetlands does encroach on the center of the site. Our ordinance does require side yard setback. Asking relief. Exhibit A-2, Site plan sheet. Overhead door for each tenant. The plan was submitted to the fire commissioner. The property does adjoin residential zone, the FM zone. The ordinance requires two separate buffers. The zone boundary runs maybe up 20 percent of the western property line. This property is adjacent to a townhouse multifamily project which is 500 feet away. The waiver that they are seeking from this buffer provides no negative impact. The bottom portion of the street shows William Street in the MF Zone. It satisfies the intent of the ordinance. Variances requested: Side yard setback. Exhibit A-2 shows the parking lot. 100' front yard setback required. We have 80 feet. It supports generation of business. Design waivers: Herman Road is not completely paved. They don't want to improve Herman Road any further. Waiver: Curb and sidewalk, applicant will make contribution to the pedestrian safety fund. Waiver: Building map/signs. A-3 shows the building, shows landscaping around the dumpster. Review letters received by professionals. LOI has confirmed the location and classification. Additional permits required by DEP. Connected to both public water/sewer. Lighting is 25' pole throughout the project. Mr. Peters letter discussed waiver. All items will be stored indoors. Mr. Peters asked question about lot coverage. 22% of uplands. Consistent with ordinance. Mr. Peters identified waivers/variances. Property does have a 50' wide easement along the west property line. Lot 54, Herman, to the left, Lot 220.9 does have easement. Proposing driveway/easement. Mr. Riker asked with the understanding that they would pave Herman Road, would you pave to your property line on the far side? Mr. Klee said that prior approval said past this site, so the pavement and water/sewer issue is taken care of, but it does raise the question what happens if they don't do it? Mr. Riker said we've seen that before where properties are

approved and never installed. The Chair asked Mr. Peters/Mr. Klee about the restraints. The developer, when he bought this property, knew about the restraints. Mr. Peters said from a planning perspective if you make the building smaller it should be approved. It's an LM zone. The easement can't be overlooked. Need more information on the easement. Mr. Klee said he understands the restraints on the buffer. There are several variances relating to the sign. If the sign is shifted to the other side of the driveway and move it back, it would work. Mr. MacFarlane said the setback of the building, 2 of the 3 buildings don't comply. Mr. Peters said this is not a through street. You have to make a turn to get on this street and it's a cul de sac. If you come off the street and put the parking lot where it belongs, you put the building where it belongs, it passes muster. Dr. Campbell went to the site. She says it's a mini industrial park. It's a cul-de-sac. The other thing is that area is meant for ratables. We're happy to have them. They are important to our time. We should cooperate as much as we can with the owner. What concerns her more is the timing. Mr. Peters said let's just ask the applicant. Do you understand if the public water and sewer is here and you don't connect to it, you're responsible. If they don't have public water/ public sewer, then you have to come back. The Chair asked about the yellow hashing on the Exhibit 1. Mr. MacFarlane explained it's the wetlands buffer. In the cross-hatch area would be wetlands buffer encroached. The Chair asked if the footprint of the building can encroach on wetlands. Mr. MacFarlane said yes. Mr. MacFarlane said we're allowed to expand the modified transition area line to 75'. The Chair asked if the DEP will sign off on that. Mr. MacFarlane said absolutely, and it is permissible. Ms. Jennings said that the applicant bought the property knowing it had restraints. She said that it's a standard C-1 hardship variance. Mr. Klee spoke about the regulations and disturbance of the wetlands. The Chair asked if this applicant has the area to create a septic system. Mr. MacFarlane said he already confirmed that they've submitted and if the sewer system failed to proceed, then his client will continue to proceed. Mr. Gertner said the septic has to be reduced if the building size has to be reduced. Mr. Klee said as for the water/sewer, you'll be back here. Mr. Gertner asked Mr. Klee/Mr. Peters, what are the applicant's obligations if any, about the road. Mr. Klee said that the applicant will maintain the gravel. Mr. Peters said that they have to prove to the board that they have access to a paved street. If they don't, then they have to come back here before the board. Ms. Jennings said you could grant final approval subject to the water/sewer being in. They would need relief from section 35 of the MLUL. It's just not what they are seeking this evening. We're not going to build a building without water and sewer. Mr. Peters said if you don't have the easement, can the lawyers answer? Ms. Jennings believes that the planning board doesn't have a legal authority. The Chair said that when an approval comes, the bulldozers roll, yet it will sit there idle for years until economic conditions improve. We have this scarred earth. Maybe we should get the timing. Ms. Jennings said she doesn't believe that the board has the authority to approve that. The Chair said you're coming into this town and be a good citizen and go in there with a bulldozer and it might be 15 years to put the building up. Ms. Jennings said she doesn't want to see clear cut property and they are going to try to work it out. If you need more information from her, they will try to provide it for you. Dr. Campbell is not a fan of approving a p/f site approval with so many unanswered questions. If we give out a final, things could happen without constraints. Ms. Jennings said it's a two-step town. Mr. Riker said he would be inclined to support a preliminary because you're up against the DEP with what-ifs. As far as C1 category waterway, when your time comes when you're good to go, go. This site in that regard is a little bit different. Touching on the easement, we can't speak for another party, but we can speak for ourselves. He would be in favor of offering a preliminary motion. Mr. Gertner said of course that's subject to hearing the additional testimony. The Chair asked for a break to reconvene at 9:15. Back in session at 9:19 p.m. Witness No. 2: Richard Tokarski, Architect, Wall, NJ. Architectural floor plans. Exhibit A-4. Sheet A1.

Proposed building is pre-engineered, ribbed metal building. Four tenant spaces, (550 sf), 806 sf mezzanine. Sheet A2, Exhibit A-5, exterior elevations, overhead garage doors, man door, windows, emergency egress doors. Height building is 35'. Zone allows 50' height. Four exterior signs. Dr. Campbell said she appreciated some of his buildings in the past; this one, no. The blank wall facing Harmon Road is unattractive and there's no breakup of the buildings. Too minimal. The Chair agrees. Mr. Riker suggests an architectural feature, something ornamental to draw the eye in or to continue the windows. Something as simple as ornamental painted contrast color. Wouldn't change the setbacks/financially constrained. The Chair asked how many bathrooms. Possibly one bathroom per tenant. Dr. Campbell asked if you don't secure four renters of this space, then would there be three bathrooms or one bathroom? The answer is no. We will lay the pipe for four bathrooms. Dr. Campbell asked for two EV stations and solar because there are grants. It's going to happen in the future. Just enough to cover your usage. Ms. Jenkins said those will be in the plans. Mr. Flemming asked if the building will be sprinklered. The architect said no. A fire barrier will be contained between at least two of the units. Mr. Flemming asked where are the mechanicals? Mr. Tokarski said smaller units will be ground-mounted condensing unit. Mr. Flemming asked about ADA restrooms. Mr. Tokarski said yes, on the ground floor. Witness No. 3, John Rea, Traffic Engineer, McDonough & Rea, 1431 Lakewood Road, Manasquan, NJ. Credentials accepted. His office prepared a traffic impact analysis, dated March 4, 2022. included visits to site. Herman Road and W. Commodore Blvd. They were prepared to preCovid counts. PreCovid counts were approximately 20 % higher. Traffic Impact Study was also included in their projections. Done by Dynamic Traffic Engineering. Level service B/C. 29 parking spaces required. They will have 32. Mr. Flemming asked why there is no rear emergency vehicle access to the building. Mr. Gertner asked do we have sign-off from the fire district. Mr. MacFarlane said he has the letter, March 10, 2022. Mr. Flemming asked if that's on this plan or the prior plan. Mr. MacFarlane said it was on the original plan. Mr. Gertner said it's a little disingenuous about whether that fire approval went with this application or the previous one. The impression that was left from Mr. MacFarlane's testimony is that that fire approval went with this application. Mr. Gertner urges this applicant and future applicants to line up your ducks. Mr. Gertner asked a question: One of the consternations this Board has had is the corner of Hope Chapel Road and East Veterans Highway is the failure of the county, looking at it practically. Ms. Jennings she doesn't agree. This application lies between Jackson Mills and Cedar Swamp that leads to 195. Do you foresee it behooves the County to dualize that particular portion? Or how does that process even work? Mr. Rea said he had no idea. Mr. Rea said it will probably be a while to reach the point of like County Line Road. Mr. Rea doesn't think Ocean County does a bad job. Mr. Gertner recognized the question called for speculation. Mr. Rea said the County does review all the development applications. They require an impact fee from all developers. The Chair asked Mr. Rea what kind of trucks he anticipates. Mr. Rea said not tractor-trailers. He's done this type of building before; what they call flex tenants (i.e., electrical contractors, small business) 5,000 SF tenant spaces. Public portion opened/closed. Motion/Riker to close public portion. Second/Campbell. Ms. Jennings summed up subject to getting DEP approvals, new easement, new fire letter, and all the other conditions. Resolution for preliminary only on this application: Herman/Motion/preliminary. Second/Campbell. Voted: Campbell, Riker, Herman, Canderozzi, Flemming, Riccardi, Hudak.

Motion to adjourn at 9:50 p.m. by Chair. Second/Riker.

Respectfully submitted by,
Fran DiBella
Planning Board Recording Secretary (temporary)