

JACKSON TOWNSHIP PLANNING BOARD MEETING

Monday, September 19th, 2022

The September 19th, 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. Haring, Board Vice Chairman
Mr. Flemming, Councilman Mr. Wall-Municipal Representative
Mr. Riker Mr. Burnstein
Mr. Herman –Alt #1 Ms. Demarzo –Mayor’s Desinee

Absent: Mr. Canderozzi –Alt # 2, 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 the September 19th, 2022 meeting.
Motioned by Riker/Haring Yes: All in favor among present.

The Planning Board of Jackson Township is subject to certain requirements of the open public meetings act. Whereas the open public meeting act 10 Colum 4 provided that an Executive Session not open to the public may be held for a certain specified purpose, when authorized by Resolution and whereas the Planning board of Township of Jackson must discuss a session not open to public related to item or items. Authorized by NJSA 10 Colom. Today’s item is personal matters and attorney/client privilege matters are resolved by Jackson Township Planning Board to Authorize the executive Session for the matters described.

Motion to enter in Executive Session Riker/Burnstein All in favor among present.

Mr. Gertner stated that the board is going to have an executive session. It should not be more than 10 to 15 minutes.

The board returned to regular session at 7:52PM.

Legal matter:

Resolution # 2022-17 Granting an amended Preliminary Final Major Site Plan approval with variance relief for an office and retail building with a basement at 146 North County Line road. Block 5301 Lot 12.

Motion by Riker/Flemming yes: Mr. Riker, Mr. Flemming, Mr. Haring, Mr. Wall, Mr. Hudak

Resolution # 2022-18 Granting Preliminary and Final Major Site Plan approval of with variance relief for a warehouse with office space for 498 Herman Road, Jackson LLC. Block 2301 Lot 10

Motion by Riker/Burnstein yes: Mr. Riker, Mr. Haring, Mr. Wall, Mr. Flemming, Mr. Hudak

Resolution # 2022-19 Granting Preliminary and Final Major Site Plan approval to construct warehouse addition for Dazey investors, LLC Block 7306 Lot 5. Good friend Electric, County line Road.

Motion by Flemming/Riker yes: Mr. Fleming, Mr. Riker, Mr. Burnstein, Mr. Haring, Mr. Hudak

Resolution # 2022-20 withdrawing the request for Preliminary and Final Major Subdivision approval for Denton Holdings, LLC. Block 20701 Lot 2

Motion by Riker/Flemming Yes: Mr. Flemming, Mr. Burnstein, Mr. Haring, Ms. Dermarzo, Mr. Hudak

Changes to Agenda:

Application Block 5101, 5201, 5301, Lots 52 and 53 Hampshire Hill was carried to October 17th, meeting without the requirement for further notice. The applicants waived time through October 31, 2022.

Application Block 22009, Lot 2 A to Z Site Contactors was carried to November 21st, 2022. It was indicated that the applicant will give notice for the particular meeting.

Board matters for the discussion:

Block 18401, Lot 4 – Ocean County Vocational Technical School Jackson Campus
Supplementary Courtesy Review Hearing per NJSA 40:55D-31 – Update Status

Matters for the discussion: Block 1840 Lot 4. Ocean County Vocational Technical School.

Mr. Klee stated that this related to approval from March 2021. It was a courtesy review in conjunction with the addition to the Ocean County Vocational School. Board has revised it. It was not approved. The applicant kind of went his way and hit a little hiccup at the finals. Klee thinks the applicant needs some input from the board to address that hiccup.

Mr. Peters had nothing at that moment.

Mr. Robert Shea on behalf of the applicant stated that back in January 2021, Mr. Klee indicated that the Board was good enough to approve the courtesy review and the Administrative approval for the construction of about 19,000 SQ foot addition to the current Vocational school located at 571. The whole purpose of the application was for the additional classrooms for the welding,

plumbing, and electric program. The Board approved the applicant's Resolution in March 2021. After going through all the outside agencies and after submission to the Pinelands, the applicant learned that it would be subject to the additional 300-foot uplands buffer as set forth 244101 in the local Jackson Ordinance. Mr. Shea explained the situation to Mr. Gertner and they figured out that the applicant would return to the board again and reiterate the request. The applicant is seeking a waiver and a determination from the board that this particular Ordinance, just like the other local use development Ordinances, does not apply to the applicant. Mr. Shea stated that he wanted to make it easier for Pinelands and the Board, he realized that a significant portion of the existing building is actually within this 300 feet uplands buffer in addition to the new edition, so the applicant decided to flip-flop the building addition and out to the front of the building now, which is outside of the scope of that 300 feet upland buffer, and rather than a 40,000 sq. feet disturbance the applicant is down to 19,000 sq. feet. The applicant is trying to bring down the concern of the Pinelands as well as to comply with the Ordinance.

Mr. Massimo Yezzi Jr. was sworn in. Licensed Architect and Planner in New Jersey. He stated that Exhibit # A1 an aerial photo showing the existing school towards the bottom of the sheet, the originally proposed addition onto the back, and this is the delineation Wetland Assimilation, and the 300-foot buffer and to the right, there is the same building that was in the back now moved to the right and outside of the buffer and the 300 sq. feet buffer, except for about 16% of the building. It does have some advantages moving the building forward, besides being outside of the buffer, the applicant has created a security vestibule towards the front of the building. Exhibit # A2 shows the original concept that was presented to the Board, showing the building in the back and connecting to the existing building through this corridor over here. Exhibit #A3 is the addition itself, which that shows the originally proposed addition, has not changed, it was just moved to the side of the building itself. The shop remains the same, with classroom space, mezzanines, and the exact layout. The overall size of the building has not changed.

Mr. Gertner stated that one of the arguments is since this is a public school, the Architectural are governed by protection by the Department of Education, and there is a secondary level of protection in terms of design and layout.

Mr. Shea said Ocean County Soils will have their fingers on this, and Pinelands must review the application again.

Mr. Hudak asked if the review has already taken place.

Mr. Yezzi said yes and approved. He said that this plan shows the revised site plan itself, the buffer, a new building added to the side, some drainage, and some recharged areas. This board here shows what I stated before, the new school has the same layout, and the only change here is across the front we have a new front security vestibule that ties the existing school into the new addition. The final one shows the elevation of the building. It is the same elevation as before.

The whole site is about 150 acres and the building itself covers about 1 % of it. The applicant is asking the Board for approval to move the building to the side.

Mr. Flemming asked what is the setback from the rear of the building to 571, looks like, is about 40 feet.

Mr. Shea said exactly.

Mr. Flemming asked if the applicant be willing to put a guardrail along 571.

Mr. Yezzi said he does not think this is a problem.

Public Comments were open, no one came forward.

Motion to close public comments by Riker/Burnstein all in favor among present.

Mr. Gertner wants to thank that Ocean County Votech because of what they did by moving the building and how they presented the application just simple permits should the board be so fine to provide for the waivers and approval.

Motion to approve Riker/Flemming Yes: Mr. Flemming, Mr. Burnstein, Mr. Haring, Ms. Dermarzo, Mr. Herman, Mr. Hudak

Application Block 2501, Lot 3 - 340 W. Commodore LLC

Mr. Klee stated that this is an application to amend a prior Preliminary and Final Major Site plan approval. In May 2019, the board approved an office warehouse development involving three buildings, a total of 32,888 sq. feet. The project was deemed a resolution complaint on September 9th, 2021. Construction has started; I believe one building has been erected. The current application seeks to amend the prior approval that was for three buildings, and currently, the applicant seeks to consolidate those two into one building to establish a total of 363,000 sq. feet of the office warehouse building. The rest site design remains the same.

Mr. Peters stated that the report dates August 23rd, 2022. The project remains in the IM Commercial office light Industrial Zone district, still a permitted use.

Mr. Salvatore Alfieri on behalf of the applicant. Mr. Borden and Mr. Rea are ready to testify. Nothing has changed in terms of traffic activity, but if the board has questions Mr. Rea is ready to testify.

Mr. Ian Borden was sworn in. President of professional design services since 2005, a graduate of Rutgers University, and a licensed professional planner in New Jersey. Testifying as a planner. Mr. Borden stated that the first exhibit is an aerial exhibit dated July 2022. Building #3 on the exhibit is under construction. The stormwater basin behind it has been completed. The main access drive is to West Commodore and the County Line road improvements along W.

Commodore have been partially completed as well. The site is in the LM zone. Mr. Borden said the next exhibit is A3 (Exhibits were not in order) which shows the approved plan. The plan shows building #3 which is under construction and the access is out to Commodore that runs along the bottom, north again to the top. The applicant is proposing with this amendment taking those two buildings, which had parking on either side and a common lane of truck loading docks, each building has a whole row of loading docks, and consolidating the two buildings into a single building with loading ducks located on the West side only and between the warehouses is just employee parking. Impervious covering of the site was not increased and has not changed the access to the West Commodore which also does not change the county road improvements. As a result of the change, the single warehouse building, as noted in the review letter, has a total warehouse for the entire project, which would be 340,060 sq feet. There is an increase in the warehouse area as a result of this amendment, but there is also a decrease in the office area. Each of these buildings has an Administrative office related to the Administrative employees for warehouse use that has been reduced. So the total warehouse use is now 23,125 sq. feet, here the office use was 29,400. As of result the amount of parking that is required is 343 spaces, the applicant provides 359.

Mr. Alfieri said the Zone standard has three conditions that the applicant met at the first approval. Mr. Alfieri asked Mr. Borden to stipulate again that those conditions are within the Ordinance, no retail space, and those other two conditions can be all met.

Mr. Borden said that all those conditions remain in effect. He stated that the applicant is not requesting any variances regarding the signage. All of the conditions of the original approval are followed with exceptions. The original exception was to restrict the shipping and receiving of the warehouse used between the hours of 11 PM and 7 AM. The Resolution describes it as no shipping or receiving during the third shift. The third shift is defined as 11 PM to 7 AM. We are seeking to eliminate those conditions. Changes in the market since this was approved 2 plus years ago, the client is asking to be permitted to do the shipping and receiving between the hours of 11 PM and 7 AM.

Mr. Alfieri asked if there is any provision that governs the hours of the operation.

Mr. Borden said there is no limitation with the Ordinance.

Mr. Peters asked Mr. Borden if the report of August 23rd from the professionals indicated that there is now a trailer parking area proposed up against intersection 195.

Mr. Borden stated that the rear access drives around the entire facility. The applicant did add a small amount of truck parking; that truck parking is not for use by anyone other than the warehouse tenants. It will not be leased or rented to anyone else.

Mr. Peters's concern is that since there is only a 10 feet buffer to interstate 195 and 10 foot required parking setback. Mr. Peters stated as you drive down 195, Mr. Peters does not mind

looking at the back of buildings, now we will be looking at 10 tracker trailer parking spaces that were not there before. Mr. Peters is looking for some testifying to sustain. The applicant made the building bigger, made several loading spaces smaller, and then put 10 up against intersection 195.

Mr. Borden said it is extra parking for trucks. It does not require any waivers or variances. The applicant meets the entire setback for the parking.

Mr. Peters stated that with the assumption that the board has not determined that interstate 195 for this board is a frontage because there is no access permitted. If it was a frontage, access was permitted, you'd need a yard setback, and you'd need a parking setback for those proposed spaces, correct?

Mr. Borden said the parking setback from the front yard would be 20 feet.

Mr. Peters said 10.

Mr. Borden said that he would move 10 feet to comply with the parking setback.

Mr. Peters said that it appears that the required buffer to the Residential lot got smaller by a couple of feet.

Mr. Borden said it was not his intention to make it smaller. All the lots surrounding the property are commercial except for the rear, which is Residential. The applicant had received a waiver in the original approval for the encroachment into the buffer; the applicant intends to maintain that buffer as it was approved in the original site plan.

Mr. Hudak stated that those headlights from those trucks would be going onto 195 correct? What type of building are you going to have to prevent the light on those trucks from filtering through to 195?

Mr. Borden said he understands the applicant did not propose anything and it is a state highway of Industrial use. Mr. Borden said he would be more than happy to add some evergreen landscaping along that working area.

Mr. Hudak stated that the applicant has a total of 32 bays for tractor-trailers and is asking now for a 24/7 shop, which the applicant did not have the approval for. Mr. Hudak said that the deal was a two-shift operation instead of three. There are a lot of Residential areas around; some of the paths that these trucks are going to be going through will be going right through Jackson 21, also concerned about truck traffic 24/7.

Mr. Gertner said it was not so much a deal speaking as a lay person, what it was, it was a recognition of the character of the neighborhood notwithstanding existing Zoning, but this is infield development taking into account years of Residential development surrounding it and to]

coordinate the intensive use of a County roadway with existing Residential neighborhood, it behooved everyone to limit that third shift.

Mr. Borden said that as you can tell from the angle of the truck parking the rear drive here is one way from a right to left direction. The applicant can shift it.

Mr. Gertner asked Mr. Borden if the applicant is providing eclectic charging stations.

Mr. Borden said yes.

Mr. Gerner asked if the design of the new warehouse comes under this board's jurisdiction as opposed to 2019 where the applicant looked to incorporate solar to the extent applicable.

Mr. Alfieri said that he did not discuss that with the client.

Mr. Wall stated that the main difference that he sees, the applicant went from none of the truck's lights pointing out to 35 trucks with the lights pointing outwards. Mr. Wall thinks if the applicant relies on foliage to block that to 195, that is naïve, you need a wall at the height that is required to block it because if there is one motor vehicle accident we are all going into the deposition from 195 if they are blinded by a semi, if the foliage dies or if it was not tracked fast enough, the only solution Mr. Wall sees is the wall to completely block it.

Mr. Alfieri said that the loading Zones and the lights will not be shining on 195; they are facing adjacent Commercial property. If the tractor trailers back into the parking, there would be no lights shining onto the highway, so there would not be a need for a wall, the loading Zones are pointing away from the road, they are pointing to Tilton Auto.

Mr. Borden said the lights are not pointing toward a Residential property. Residential property is back here, this is Tilton here, this is where the loading dock is, and previously from a lighting perspective the applicant had all parking here, that parking was much brighter lit than the applicant proposed to park the loading area and the applicant is not permitted to have any glare over the property anyway regardless of any amendment, but the applicant continues to abide by that.

Ms. Demarzo asked who the tenant is.

Mr. Borden said no tenant has not determined yet.

Public comments were open.

Resident Liesel Treacy, 361 W. Commodore Blvd. She stated her R3 Zone Residence is almost directly across from the proposed 20 truck bay loading docks shown on the proposed building number one. The resident's purpose for attending this meeting is to review and question the site plan for 240 W. Commodore Blvd. The resident stated that in her understanding the applicant is

Pure Foods since it makes a difference as far as a distribution center, Resident has a background in Distribution. If it's food, you'll have reefer trucks running all night, which is noise hazardous.

Mr. Gertner stated that the applicant is 340 W. Commodore LLC. It's been a testimony that there is no end-user identified yet. Mr. Gertner asked Mr. Borden if there is an end-user for the building that is currently under the construction.

Mr. Borden said not to his knowledge.

A resident Liesel Treacy expressed concern regarding the throughput of the trucks, if it is a distribution center, and one would not know unless the tenant is known.

Mr. Peters stated that the board did not design the project, so the Resident's questions should be directed to the applicant.

The resident Treacy is suggesting flipping the building, to avoid large-track traffic near her Residence.

Mr. Hudak stated that the resident is asking to take all those bays and move them over and put them on the right side of the building.

Mr. Alfieri said that did not draw the maps, so he does not know if that will work.

Mr. Borden said that one of the conditions that the applicant agreed to comply with was that tenant would notify all truck drivers to utilize exit # 21.

Mr. Wall stated that there is a testimony today from the applicant, stating that the tenant is unknown.

Mr. Alfieri said that the user is unknown.

Mr. Wall if that is 340 W. Commodore Blvd. He said if the testimony under the oath is that there is no known end user, why does the board have from McDonough and Rea Pure Food listed on February 18, 2022 letter to Robin Curry to Ocean County Engineering, that is copied to Mr. Borden? Why does the board have this if the testimony is under oath and the citizen is desperately trying to understand who the end user is, meanwhile on the packed date February 18, 2022, it says Pure Food.

Mr. Wall wanted to know how that square with being under oath does.

Mr. Borden said that it squares 100 % because Pure Food is another site plan in Jackson Township that was approved and constructed.

Mr. Gertner told Mr. Borden that he is not qualified to answer because it is not his letter.

Mr. Borden said he was asked to answer.

Mr. Gertner said he was slow to the uptake. Mr. Borden is not qualified to answer if it is not his evidence.

Resident Edward Bannon 22 Abercorn Court. He suggested that the board has to stop approving projects like this without knowing who the tenant is. Also, the parking that's on the left could be moved to the right, the second building to the left then headlights would be facing each other, and there would be no headlights concerned with the Residents or 195.

Paul Staffieri 372 W. Commodore Blvd. The resident concern is that the building is getting bigger at half an acre, which is 20,000 sq feet. He wasn't to know if the building went wider or deeper.

Mr. Alfieri said both.

Resident Staffieri asked how many bays are on the left side of building #3.

Mr. Alfieri said that there were no bays on the left side. Tilton's side has no bays.

Resident Staffieri hopes that the board sticks with the original plan, so there are no bays on Tilton's side, which is where the residents live, and agree to no 3rd shift. He wants to know if Jackson has a Jake Breaks Ordinance.

Mr. Flemming said Township does.

Resident Staffieri said that this means that all these trucks that are going to be coming in are going to be notified that they will get a ticket if they use Jake break. The resident is asking to leave two shifts and stick with the original approval.

Resident Dawn Guardino, 371 W. Commodore Blvd. She is concerned about the traffic on West Commodore Blvd. She asked to restrict the third shift.

Public comments were closed.

Motion to close public comment Riker/Burnstein all in favor among present.

John Rea was sworn in. Professional engineer for McDonough and Rea Associates, specialty in traffic engineering. A licensed professional engineer in New Jersey.

Mr. Alfieri said that two questions were raised tonight. First Mr. Alfieri related to Mr. Rea the question from Mr. Wall regarding the letter referring to Pure Foods. Why it was included in Mr. Rea's letter?

Mr. Rea said he cannot say. He seems no other reference to Pure Foods. He went through the file and cannot find any reference to Pure Foods. He does not know why it is in the letter that the office sent to Ocean County Planning Board. The purpose of the letter was to address some of

the concerns of the Planning Board's engineering issues with the project, which Mr. Rea believes, he successfully did, but he sees no other reference to Pure Foods.

Mr. Gertner asked Mr. Rea if that is true that Mr. Borden did after he directed your office to write this letter, and maybe he has some knowledge.

Mr. Rea said not to his knowledge. He does not have an explanation for why it's here.

Mr. Wall stated that from the process standpoint, he would like to reach out to the folks that are on this letter, he would like to see the Affidavits signed because Mr. Wall is not impressed at all with Mr. Rea's answer. Mr. Wall likes to drill down to it because it is valuable for documentation's sake.

Mr. Hudak agreed.

Mr. Borden stated that Poor Food is the applicant for another industrial site on Herman Road that was approved and constructed. Pure Food is an LLC owned by the same people that own 340 W. Commodore. Mr. Borden said he instructed Mr. Rea to work for the same client. It is the same client just a different LLC. No food business is involved with this facility. Pure food has no involvement with this project. Mr. Borden thinks the reason why Pure Food is on the McDonough and Rea letter is that they had their familiarity with this client through Pure Food.

Mr. Alfieri said he has not seen this letter before. He stated that whatever paperwork the applicant has that references Pure Foods will be provided to the Board.

Mr. Rea said that the number of loading docks that the applicant has, those loading docks would have to each turn over 10 times a day. It is not going to happen. Mr. Rea said ITE numbers were used to project traffic volume for the project. At the site driveway, the County asked the applicant to widen West Commodore to put a left turn lane in and to put accel and Decel lanes in. The applicant did all of that. The access had been designed to operate safely and effectively.

Mr. Alfieri asked Mr. Rea how this change is related to the original traffic study that was done and how does this impact?

Mr. Rea said it is meaningless in terms of trip generation. Although the square footage of the warehouse will increase, the applicant is decreasing the square footage of the office space. The trip generation numbers are essentially the same. Deducting the bays would not impact the study.

Mr. Gertner asked the reason why Mr. Rea could not have the bays on the proposed new building flipped.

Mr. Rea said he would need to consult with Mr. Borden on that, whether that could be done from a circulation standpoint. He thinks the reason why this project was laid out this way was to separate passenger car traffic from truck traffic to the extent possible and it was done.

Mr. Hudak said that some issues need to be resolved. He thinks that the Board will be in agreement that this will not be a 24/7 operation. Also seems that everyone agrees that those bays should be flipped to the other side of the building. Mr. Hudak said additionally Mr. Wall mentioned he wants to see some depositions filed by the applicants to attest whether they were involved in this reconfiguration or not.

Mr. Gertner said if at least one official document, a public record document there's a reference to another entity. If there is a relation between the applicants, Mr. Borden will prepare something that at least supports his articulations and then the board can take whatever steps are necessary. There is nothing in the land use law or our ordinance that permits the Board to deny an application just because the building is on spec; if it is permitted use in the Zone that a matter of law. If it's your opinion, it should be taken with the State Legislator to add it to the Land Use Law which would certainly limit building on speculations. As of now, the board is precluded from denying an application simply because there is no end-user, particularly in front of the Planning Board where the use is permitted.

Mr. Alfieri stated that the applicant will look at flipping the building, and will get answers about Pure Foods, third shift will be discussed with the client. Also between now and then if the applicant has more information about the tenants that are being considered, the applicant will try to get as much information as the applicant can.

Mr. Hudak said that Mr. Alfieri should inform the client that the 3rd shift is pretty much a no-go.

Mr. Gertner stated the application 340 W. Commodore, LLC Block 2501, Lot 3 the matters being carried to the November 21st 2022 meeting without the requirement of further notice. The applicant waves time through November 30th, 2022.

Motion to carry the application.

Motion by Haring/Riker all in favor among present.

Aharon Mansour, Block 13401, Lots 2.01, 4.01, 15, 16 and 26

Mr. Klee stated application for final Major Subdivision approval, the Board granted Preliminary approval for the Subdivision back in July 2021. Currently, the application is for Final Subdivision approval. Hopefully, the applicant can tell us that nothing was changed. Everything is consistent with the Preliminary approval.

Mr. Perers stated that they have a report date of June 14th, 2022. It is important to note any changes from the original Preliminary so they can be incorporated into a Final Resolution.

Mr. Adam Pfeffer on behalf of the applicant. The Board indicated that this is an application for Final approval. The applicant had received Preliminary approval. Before receiving the

Preliminary approval the applicant sought an interpretation from the Zoning Board. This application has two Zones, both from R1 and R 3. So there was an original question as to density. With Mr. Gertner's help, the applicant went back and forth and the applicant decided the best way to answer that question was to go to the Zoning Board, which the applicant did. There was a Resolution on that, and then the applicant came back before the Board and received Preliminary approval. The site is a little bit more than 39 Acres. The applicant's application is substantially the same as whatever the board saw on the Preliminary approval. A few minor changes were made. Mr. Pfeffer said that Mr. Hopkin will walk the Board through the application and what the few minor changes are.

Mr. Walter Hopkin was sworn in. President of WGH Engineering. Bachelor's in Science in Civil Engineering. A licensed professional engineer in New Jersey, New York, Pennsylvania, Delaware, and Maryland. Licensed Planner In New Jersey. Mr. Hopkin stated that originally there was a detention basin that was piped through to this area over here. The applicant met with DEP because there is a stream in the back, and regarding permitting it was suggested and the applicant agreed to move it outside any buffers, reducing the amount of piping and eliminating any need for getting approvals from DEP. Has the same effect on the watershed, we're reducing and meeting all other requirements as required by your Ordinance and DEP, which is the major change. Others that were requested as conditions of approval by the professionals were additional landscaping along here, Mr. Hopkins said that it was mentioned by the public the request for additional buffering and screening for the rain garden in that area, and the applicant provided a total of 48 trees and shrubs along Lot 17. The applicant added sidewalks along Green Valley Road. The applicant does have additional frontage off here, frontage off-screen on Glenn Road, as well as Brewers Bridge. The applicant respectfully requested that the board accept the physical location here and that a contribution instead of those other locations. There was also a request for a bus drop-off area. There is a 10 by 15 concrete area as requested by the Board. Mr. Hopkin stated that the application is RSIS compliant with regards to the Cul-de-sac bulb radius and roadway width, the applicant did increase the roadway width to 30 feet as requested and increased the bulb radius to 45 feet. The fire trucks can maneuver within that Cul-de-sac. There was in Mr. Peters's letter, an identification of a variance. The variance, actually always existed and it was for this sliver that runs along here. At the Preliminary application that was its own lot to be owned and maintained by the homeowner association. The applicant thought it makes more sense to include it to this lot owner here, which is 24.02; nothing has changed with the configuration or the bulk standards, just so happens that in the Preliminary, the applicant identified the width of that sliver as 25 feet. It always did and still does taper down to 18.8 feet on Green Valley Road. The board granted us a variance for that frontage on Green Valley Road, even though the applicant has over a thousand feet of frontage on the proposed Luxor Drive.

Mr. Gertner asked Mr. Hopkin if he is placing that lot and connecting it to a different lot.

Mr. Hopkin said yes. He stated that this lot was always previously one sliver of land that stood on its own as an open space lot to be owned and maintained by the homeowners association. Now the applicant just added it to Lot 24.02

Mr. Gertner is wondering if that homeowner going to be required to maintain the lot down to Green Valley Road.

Mr. Hopkin said yes.

Mr. Gertner said that seems a bit unusual.

Mr. Hopkin said there will be a homeowners Association, and so there will be some enforcement.

Mr. Gertner wants to make sure that the future homeowner is not stuck with thousands of feet of a sliver of space to maintain. Mr. Gertner wants to know what the alternative for that design is.

Mr. Hopkin said we could place that in an easement that the homeowner Association would be responsible for maintaining, or the applicant could be removing or, put it back to the way it was as an open space lot.

Mr. Hopkin said that there are some other issues in Mr. Peters's letter. In the letter, he asked for the building coverage for the existing lots on Brewers Bridge Road. Hopkin said that he did not identify them since the applicant is making those lots smaller so they do not require variances. Existing lots on Brewers Bridge Road Mr. Hopkin said the lot is 4.01 off-site and fronts on Glenn Road. Mr. Peters asked us to clarify the building's height. Mr. Hopkin said he does not have that information tonight. It is a two-story building, he needs to go out and survey it. Mr. Hopkin stated that Mr. Peter's office stated that the applicant provided specific zoning. The applicant is providing specific bulk standards for each individual lot to assist in the plot plan review stage when the applicant would do that including the parking calculations for each lot. There is revised lighting and still falls a little short of the Ordinance. The applicant does not want to seek a waiver for that, so we'll revise the plans to Mr. Peers and Mr. Klee's satisfaction that we comply with the Ordinance with regards to lighting level. Mr. Peters also requested a certified survey, which the applicant would provide. There was a shed on one of the existing lots that did not meet the required setbacks. The applicant testified at the last meeting that the applicant would move that shed so it was compliant. Unfortunately, the applicant did not show where it needs to be moved to, so that would continue as a condition of the approval. Mr. Hopkin said that the applicant has conditional approval from Ocean County, there is approval from Ocean County Soils and DEP is not required.

Mr. Gertner asked what is the status of the public sewer and water, the legal status.

Mr. Hopkin stated that the applicant has Preliminary approval from the MUA. It is still on well with the dry lines proposed and then has been a capital contribution made by the developer to the township so the resident will be able to tie it, but as of now, it is still well and septic.

Mr. Gertner wanted a clarification under the proposal is now submitted and you're going to change that one lot back to open space, are there still going to be two open space stormwater management lots now or one with an easement?

Mr. Hopkin said it will be one with an easement.

Mr. Haring asked Mr. Peters if the applicant did what they were supposed to do.

Mr. Peres said the applicant complied with the comments in their report.

Open up to the Public.

Edward Bannon of 22 Abercorn Court Jackson was sworn in. Concerned about tree lot being turned over to Homeowners Association.

Motion to close public comment Riker/Bursntein all in favor among present

Motion to approve the application: Herman/Riker Yes all in favor among present.

Respectfully submitted by

Irina Darrar

Planning Board Recording Secretary