

**JACKSON TOWNSHIP PLANNING BOARD MEETING
MONDAY, OCTOBER 19, 2020**

The October 19, 2020 meeting of the Jackson Township Board was called to order at 7:35 p.m. by Planning Board Secretary, Denise Buono with a salute to the flag by all present. Attorney Sean Gertner read the Open Public Meetings Act Statement noting that adequate notice has been provided and advertised in the manner prescribed by law.

ROLL CALL: Tim Dolan Terence Wall, Township Representative
Jeffrey Riker Martin Flemming, Councilman
Dr. Michele Campbell Joseph Riccardi, Mayor's Designee
Len Haring, Board Vice Chairman- *arrived at 7:48 p.m.*
Robert Hudak, Board Chairman

Absent: *Andrew Jozwicki - Alt #1*

Also Present: Planning Board Attorney Sean Gertner, Mr. Peters, 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 10/19/2020 motioned by HARING/ Riker. Yes: Dolan, Campbell, Riker, Wall, Flemming, Riccardi, Haring, Hudak.

Approval of regular and executive meeting minutes of October 5, 2020 by CAMPBELL/ Haring. Yes: Dolan, Campbell, Riker, Wall, Flemming, Riccardi, Haring, Hudak.

Approval of executive meeting minutes of October 5, 2020 by CAMPBELL/ Flemming. Yes: Dolan, Campbell, Riker, Wall, Flemming, Riccardi, Haring, Hudak.

Resolutions: 2020-17: Sam's Road Subdivision, Block 20101, Lot 30, Sam's Road. Motion to approve by FLEMMING/ Campbell. Yes: Dolan, Campbell, Wall, Flemming, Riccardi, Haring, Hudak.

Applications: 1. JLK Home Search, LLC, Block 9001, Lot 13, 196 Willow Drive-Mr. Klee stated this is an application for minor subdivision approval, the applicant is purposing to subdivide the lot into 2 residential lots, and there is a portion constructed that will remain the same and there will be variance approvals required for lot setbacks, and the Environmental Commission indicated there are no issues with the application and will be serviced by private systems and there is some curbing that should have some discussion as well as sidewalks and it was recommended that the driveway would be pulled as close to the southerly property line, and there should be some testimony provided on that as well. Mr. Peters stated there is a report dated October 8, 2020, and this site is in the R-1 district, and is susceptible to the R-3 standards which is why the bulk variances are necessary, they are taking a lot and dividing it right down the middle and there should be testimony with regards to the surrounding areas.

John Doyle- Attorney for applicant- stated the applicant Jennifer has a rare lot and would like to cut it in half, one lot is existing which will stay and the other lot will have a home built for a family member and the lots are 1 acre or less, and the applicant is present should there be questions, along with Mr. Graham MacFarlane who should be sworn.

Graham MacFarlane- professional engineer/ planner with PDS, has testified before this Board on several occasions- credentials accepted-sworn- stated the subject property is located on Willow Drive and there is a piece of property along North Cooks Bridge road and is 2 acres, which is purposed to subdivide to 1 acre which is consistent with the neighborhood and there is a minor subdivision lot exhibit which shows the subject property. Mr. MacFarlane presented **Exhibit A-1** which is the site survey, and noted there was a minor subdivision plan submitted as well which will be marked **Exhibit A-2** dated July 14, 2020 which shows the proposal to sub divide the parcel into 2; 1 acre lots, and each show the variances being requested which are on the Zoning table which includes lot area, width, and front and side yard setbacks which are existing with the current home which will remain the same. Mr. MacFarlane presented **Exhibit A-3** which is the one acre lot exhibit that shows the Ariel photo of the surrounding area and the subject property, and there is identification of the surrounding neighborhood lots that are near to this lot, there are 26 lots identified, and 15 of the 26 are 1 acre or less in lot size and there are only 11 that are 1 acre or more and none of those lots have houses on them. The proposal being presented is to create 2; 1 acre lots that fit the character of the neighborhood and there is variance relief and the JT-MUA was reached out to and there is no public sewer in this area, and this does satisfy the Zoning and land use law, this provides additional lands for public interest, and there is curbs and sidewalks or funds being provided to the pedestrian account, and the applicant would refer to the Board's recommendations, this provides adequate lighting and provides for population density and since this purposed personal uses that are permitted in the zone, this proposal is to create lots of similar size that will not create negative impact, and this is consistent with the zone and the addition to one lot does not create a negative impact to the municipality. Mr. Doyle mentioned that the applicant is asking for a C-2 variance which means the benefits outweigh the determinants, and there were questions raised about the house that would be built, however that information is UN known at this time however it conform to the lot requirements. Mr. Macfarlane noted there is no relief being sought for a new home, any home will be built to ordinance standards. Doyle- there was question if there was a shed or not, and the applicant indicted the shed has been removed. Mr. Macfarlane said that is correct. Mr. Hudak concurred with the testimony that was given. Mr. Peters took no exception to the analysis in the area however there is a sewer in the area and there is no sewer purposed to run through this area. Dr. Campbell stated if lot 13, the corner of North Cooks bridge road, if it asked what should be done, the sidewalks would be important because the children would be walking to that intersection for the bus stop. Mr. Doyle stated the applicant is aware of the requirement, and one or the other will be done. Dr. Campbell asked if that corner lot could have sidewalk to go around that section, as there will be people standing there. Mr. Macfarlane stated there is no frontage on North Cooks bridge, and looking at the map it appears it looks that way however if you look at the subdivision plan, the corner lot is a part of Willow drive, there is no frontage on North Cooks Bridge, and there is existing curb, and whatever the Board prefers will be done. Dr. Campbell noted she would prefer sidewalks. Mr. Doyle asked how this site drains. Mr. Macfarlane stated the site drains away from Willow to the rear, this has no impact on the drainage for Willow. Mr. Wall noted the individual who drafted the plans has the same last name as the applicant, and asked if there is a relationship. Mr. Macfarlane stated that is the applicant's father. Mr. Wall asked if this is looking for 7 variances. Mr. Peters stated that is correct. Mr. Wall stated the Governing Body has passed an ordinance, and the

Numbers that are purposed do not comply with the ordinance, and the lot getting carved out, the extra lot that shows on google earth shows full tree lots. Mr. Peters stated this did not indicate the requirement of open space, this will be a developed lot, and it's compliant with the area around it, and there should be testimony to reconcile the variances, and the override policy issue, in the R-1 zone there is no public sewer in the area, and anyone who wants to develop a lot less than 3 acres will need to obtain a variance from the Board. Mr. Gertner stated the applicant is not looking for a C-1 variance, they are seeking a C-2 variance. Mr. Hudak asked if the existing home is staying. Mr. Macfarlane advised that is correct, and stated those conditions exist whether this is approved or not. Mr. Hudak asked if the applicant is asking for 20'. Mr. Macfarlane stated the applicant is asking for a 20' side yard to comply with the R-1 standards. Mr. Hudak mentioned there is no design for the new home that may be built, and asked what the plans are architecturally, as there are concerns that the new home might not fit with the neighborhood. Mr. Macfarlane stated there are no ordinance standards for architectural, anyone can buy a lot and build a home to ordinance standards that must be followed in regards to coverage, setbacks, etc. Dr. Campbell noted it's a mix use neighborhood, there are ranches, cottages, and new homes. Mr. Hudak mentioned that it was stated this is for the benefit of the surrounding community where the benefit outweighs the detriment, and to say the applicant can build whatever they want doesn't really benefit the public. Mr. Wall stated there was one side pointed out however the difference would be the relief that is believed to further the public interest, and if the zone that was approved by council was looking for 7 variances, and furthering the public interest includes deforesting a completed forested lot, and the 13,000'-40,000', there are other figures that are not compliant, and the 50' minimum setback get cut from 50' to 20', if the Board is approving a deforestation of a second lot to suggest that furthers the public interest is an odd concept, this isn't 1 variance it's several. Dr. Campbell stated when looking at the surrounding area, this neighborhood right now is almost exactly the same size as the one on either side, it's maintaining the neighborhood standard. Mr. Flemming noted that 4 variances are existing whether this is approved or not, and they have existed for 50-60 years. Mr. Doyle stated there has been much mention made about if this is right for all of Jackson, and it was noted to look at the neighborhood along with the tax records, and the neighborhood is the houses around us, and what is seen is 4 homes that are relatively new, and each lot has a 100' frontage, this is the execution, and the house trying to be predicted, and the houses range in size, the house to be built on this lot will be bigger than the smallest house and smaller than the biggest house in the surround area, so looking at the neighborhood, this fits, and that house will be built back into the woods, and those facts are in the township tax records. Mr. Hudak asked if the applicant is willing to stipulate that the house will not exceed certain square footage. Mr. Doyle stated the house will not exceed the largest house in the neighborhood. Mr. Riccardi stated looking at the map provided, the map doesn't have lots that are more than an acre and these lots conform to the street and as far as the building goes, there is a building department and ordinance to provide guidance, the variances are understood, and some of these are conditions that have been present for a long time, the only 1 question there was square where there are cars parked, is that a concrete pad. Mr. Macfarlane stated it's a small driveway with 2 parking spaces, and that's the current driveway for off street parking for the existing home. Mr. Riccardi asked if that will remain. Mr. Macfarlane stated that is correct. Mr. Riker suggested that the Board stray away from the footage, because if someone wants a basement that takes away from square footage, and there is a building department to assure this isn't over developed. Mr. Gertner noted the footage does help assure whatever is built will fit into the neighborhood. Mr. Dolan asked if the setbacks that are 13.1' are existing. Mr. Macfarlane said that is correct.

Opened public comment;

Marianne Campbell- 535 Jackson Mills Road- sworn- no comment however the Board members are hard to hear, please use your microphone.

Walter Campbell- 535 Jackson Mills Road- sworn- said there are no plans for the house however there is a driveway entrance planned, how does that work.

Mr. Macfarlane stated there is indication as to where the driveway is desired.

Walter Campbell- 535 Jackson Mills Road- asked if it is required to have the driveway on the plans

Mr. MacFarlane noted it is not a requirement.

Walter Campbell- 535 Jackson Mills Road- asked where is the new driveway going

Mr. Macfarlane stated that will be up to the Board.

Walter Campbell- 535 Jackson Mills Road- had concerns with these plans, because the lots are not 3 acres, and they will be so small with huge houses crammed on a small space.

Scott Florek- 188 Willow Drive- sworn- said dividing that lot in half makes it so the new driveway on the south side would be close to his lot if the plans are understood correctly, and there are a significant amount of trees being taken down which will cause flooding and there will be runoff coming from the driveway, and not knowing how big the house will be is concerning because it will in line with his home, and there is privacy concerns, because the bigger the house the more trees that will be taken away.

Mr. Macfarlane stated when the lot is developed in the future, there would need to be plans submitted to the building department and engineer and there would be things evaluated and it would be typical to have swales to assure there is no runoff.

Scott Florek- 188 Willow Drive- said the topography slopes right into her yard and it goes where the neighboring wells end, and if there is another house with no public sewer there will need to be another leech field.

Mr. Hudak stated there are homes along willow, there are ranges of setbacks and as a compromise, what is the purposed setback from Willow to the home foundation. Mr. Macfarlane stated 80', and the existing home is about 67' and Mr. Florek's home shows on the plan and it's the same setback as the existing home.

Scott Florek- 188 Willow Drive- had major concerns with the trees that will be taken down

Jennifer Hnyda- 184 Willow Drive, lot 15- sworn- had concerns with the flooding issue, no matter how much rain fall, there is flooding and building a house is not a benefit to the neighborhood and the flooding should be taken into consideration before starting another problem. Mr. Macfarlane stated the applicant is purposing to build a single family home, which will not affect the drainage, and what exists is not the applicants responsibly to fix, and provisions have to be made and dry wells have to be installed.

Motion to close public comment by FLEMMING/ Riker. Yes: Dolan, Campbell, Riker, Wall, Flemming, Riccardi, Haring, Hudak.

Mr. Wall mentioned that the submission here is useful, and when there is one application and part of the dynamic is to show 1 acre lots

where others are smaller, with 4 variances already existing, and asked if thinking about the surrounding lots and when the application comes in for these properties, would the idea be to say the average lot size is x.y.z, not only thinking about this modest application, but when the average lot sizes are looked at, can there be an estimate as to what a surrounding area would look like if all those lots came in for relief, what is possibly being granted is that something to consider. Mr. Peters stated this is the R-1 zone so if there is access to sewer, the 1 acre standards are to be followed, and this follows the R-3 standards and if there are less than 1 acre lots, there is a hardship C-1 variance to be sought, and it's often described in the master plan document and this is given zoning requirements and it's up to the applicant to make those proofs, and the maps are often helpful and from a master plan perspective, and at some point the Governing Body decided that with public sewer there are certain standards to follow, and it was done for an Environmental standard, and as it relates to the other block and lots they stand on their own. Mr. Doyle noted he didn't think it was appropriate to compare some of the surrounding lots as they are bigger, and the board decisions are made by what is presented in front of you.

Motion to approve the application without sidewalks being installed with a 2,700SF restriction on the house size by FLEMMING/ Riker.

Yes: Dolan, Campbell, Riker, Wall, Flemming, Riccardi, Haring, Hudak.

2. Allen Morgan, Block 2004, Lot 2, Harmony Road- Mr. Klee stated this is a continuation that was started at another meeting which is purposing to subdivide one lot into 2 residential lots, and there is an existing home which will remain and there are side yard setbacks required. Mr. Peters stated there is a report dated July 15, 2020, and the property is located in the R-1 zone, and this should meet the R-3 requirements. **Adam Pfeffer- attorney for the applicant-** stated the Board may recall this application was before the Board a few months back, and there was questions about the surrounding area and more exhibits were created to be presented.

Graham Macfarlane- credentials previously stated for the record- sworn- reminded the Board, that there was proofs gone through and the proposal was gone through and the one lot will be conformed into 2 new lots, and there was some questions from the Board at the last hearing related to how the surrounding lots were established, and some homework was done and **Exhibit A-2** was created which is a colored map showing the lot creation, along with the subject parcel, and it is purposed to subdivide the one lot into 2 lots, and there are lots that are less than 1 acre, 34 of those lots are in the immediate vicinity of this site. The Board asked what created some other lots and basically the major subdivision required the plat plans, which was the same for a few properties along Jackson Mills Road, and lots not created by plats were D-filings and there were records from 1955 to 2019 and those lots are the double hatched lots and most of those focus around the subject property which range in size from 1 acre to 2.7. Mr. MacFarlane mentioned that research done to see what lots conform to the lot standards and there was a previous Governing Body who determined that there is no public sewer in this area, and the R-3 zone standards are to be complied with, and it was testified to that sub dividing one lot into 2 doesn't created much detriment to the town, there was discussion about curbs and sidewalks, and this is tricky because these are both county roadways and it was discussed with the county engineer, and it was confirmed there is no requirement for curbs, so it's up to the Board as to what should be done, and there was question as to where the well and septic are located and there is an existing home serviced by well and septic and the Ocean County Board of Health was contacted and there was well surveys done to see where the well is, and if this is approved there would have to be a new system installed because the existing would conflict the purposed property line. Mr. Pfeffer asked if those plans will be submitted to the Board of Health and be approved by then. Mr. Macfarlane confirmed that is correct. Mr. Haring mentioned that the last application that was heard, there was issue with the home owner next door, and there was concern with the septic and water and it seems like a similar situation then what was just heard before the Board with a smaller lot, and this site was purposed as an office and it was stopped, and personally taking a small lot and cutting it in half is not exactly favorable, and those people were probably there prior to the zone change, and to start breaking it down further and further because the lot seems similar just doesn't seem logical, and as more and more small lots come in there will be septic and well systems contaminating each other. Mr. Macfarlane believed there was indication that there will be alternate septic systems, and the existing home well will need to be replaced, and a better system will be purposed. Dr. Campbell appreciated the Exhibit presented and if the practical lot is being divided which is approximately 1.8 acres, that will give a .90 lot and that's tight, this is being compared to another application with 2 acres being divided into 2: 1 acre lots and it's a corner lot that is highly traveled, it's a busy area. Mr. Gertner mentioned that there was a resident, Marianne Campbell who prepared questions and comments and will be presenting an exhibit that will be marked, the emails submitted along with the exhibit will be marked as **Exhibit O-1**, and asked if the emails referenced have been reviewed. Mr. Pfeffer confirmed they have been received and reviewed. Mr. Gertner asked if Mr. Macfarlane could comment on the questions and comments in the email. Mr. Pfeffer asked if there was a specific comment to be addressed as there were several comments made. Mr. Gertner mentioned comments made about the R-1 standards. Mr. Pfeffer asked Mr. Macfarlane to take a look at the email and address the comments made. Mr. Macfarlane stated with referring to the email with the house next door, there are concerns about the setback and maintenance of the property about poison ivy and trash and fugitives running around the site, and there was talk about the R-3 standards, and there was comparison with this to the Brookwood developments, and to summarize what is believed to be responded to, this is a 2 lot subdivision and Ms. Campbell's lot is 0.07 acres which is smaller then what is purposed and there is dedication being purposed to Harmony road, and the questions about the 21' setback that is purposed from the existing house to the new lot proper line which would have no impact to Ms. Campbell or anyone else, it's just in line with the houses and to add it was talked about not being maintained properly and that is partially why this is here, to get this re developed, and to get someone living in the house to take care of the property.

Opened public comment;

Walter Campbell- 535 Jackson Mills Road- sworn- said this application provided no notices, there was nothing received, and asked if everyone is eligible to vote.

Mr. Gertner stated no member has a conflict, so everyone would be eligible.

Walter Campbell- 535 Jackson Mills Road- said there was a 20,000SF medical complex purposed and there was a new exhibit that was not on file which cannot be seen and there was comment about public water or sewer, and the Township engineer said it should be on the plans, and the applicant shows a letter from the Police Department saying there are no concerns, and there should be concerns because the road is busy and there are accidents are happening all the time, so that information shouldn't be considered as it is hear say.

Mr. Gertner stated there are government records that take exception to the hearsay rule.

Walter Campbell- 535 Jackson Mills Road- asked how can a letter from a doctor be denied but not a letter from the police, and the applicants map to the south is not related to this application, and this is asking for the smallest lot of them all, it's not .9 it's .74 and with that being said that the smallest lot possible will be created which is not consistent, an if approved how long will this take to remove improvements on the new lot, this plan has no trust, this is a mess, and curbs are just garbage collectors, the lot is already in shambles, curbs will just make it worse, and asked what happened to the endangered species that were noted on site with the previous application,

because if a new septic is required those species will be effected. Mr. Gertner noted that is a question for Mr. Klee as it pertains to septic for endangered species. Mr. Klee mentioned that the question raised is related to a prior application to the Zoning Board regarding endangered species, and what's been submitted to Board shows no endangered species or area, and there is nothing on the record for this application.

Walter Campbell- 535 Jackson Mills Road- said this should not be approved, this does not fit the character. Mr. Pfeffer asked if Mr. Campbell knew the size of his lot.

Walter Campbell- 535 Jackson Mills Road- said his lot is .70 acres.

Mr. Pfeffer stated with regards to the notice requirement there was some indication that there was notice however there was no desire to sign and there was a notice error which was corrected, and the Exhibit that is being addressed was presented by the resident. Mr. Gertner noted the resident was referring to **Exhibit A-1**. Mr. Pfeffer stated nevertheless it was submitted. Ms. Buono confirmed the Exhibit was also made available on the Township website. Mr. Pfeffer mentioned there was a type o and there will be well and septic and the time period would be resolution of approval, then there would be resolution compliance for outside agencies and the subdivisions would be filed thereafter. Mr. Gertner asked if it's true that if this is approved both septic's will be replaced. Mr. Pfeffer stated that is correct.

Mr. Hudak announced that there have been communication issues with Marianne Campbell, and there has been ample communication and time provided. Dr. Campbell suggested allowing her to use her husband's platform.

Marianne Campbell- 535 Jackson Mills Road- said **Exhibit A-2** wasn't shown on the screen, and people were hard to hear, however the Exhibit that was marked shows surrounding homes which shows lots smaller because there was land taken away, and her home was originally an acre and there was land taken away for 195 and Jackson Mills road and then there is state land that hopefully cannot be touched.

Motion to close public comment by CAMPBELL/ Riker. Yes: Dolan, Campbell, Riker, Wall, Flemming, Riccardi, Haring, Hudak.

Mr. Gertner stated the points made were memorialized in Ms. Campbell's email and those concerns are taken seriously and the argument was articulated that the proposal does not fit the C-2 standards. Mr. Pfeffer stated the property prior to the County dedication is just shy of 1.9 acres and that's because there is County dedication and **Exhibit A-2** points out 33 lots that are less than an acre or that do not conform to the lot widths, this is a specific site and lot, and should the Board deem this sufficient, it would be conforming with the area, and it would not stand out and if you drive past the property there wouldn't be much of a visual difference. Dr. Campbell noted with regards to the acreage, it says 1.773, and that makes each lot .882 which is nowhere near an acre. Mr. Riker asked if the property owner of the is present, because there is agreeance to Dr. Campbell's comment, and the property is traveled past several times a day and the condition of the property, and there is question as to why 30 minutes couldn't be taken to clean the site up in the 2 months since the application was here, there was over 20 minutes listening to conversation from residents about the property as it is. Mr. Dolan asked if the driveway is going to be on Jackson Mills or Harmony. Mr. MacFarlane stated the exhibit lot will have a T like driveway so there can be turn around space, so there will not effect on the roads. Mr. Pfeffer stated the applicant would like to address the comment raised about the property.

Allen Morgan- 1 Mill Road Court, West Ocean Township- sworn- advised the Board that this was just shy of 1.9 acres when the dedication was given to the County, and there are other properties that do not conform, and with regards to the maintenance, there are tenants living there and there is no garbage and it is setback, and when there are issues they are addressed right away. Mr. Riccardi asked if the house that is being talked about is the house Apricot, because there is no renters or anyone there, and there is question if that is where the house will be, or will one house be demolished. Mr. Pfeffer stated the existing home will remain and the new lot will have a new home.

Mr. Flemming made a motion to deny the application, as this is not making the problem better it makes it worse. Dr. Campbell agreed and noted this doesn't meet the C-2 standards.

Motion to deny the application by FLEMMING/ Campbell. Yes: Dolan, Campbell, Riker, Wall, Riccardi, Haring, Hudak.

Recess taken at 9:55 p.m., and reconvened by Mr. Hudak at 10:07 p.m.

3. Clearstream, LLC, Block 13301, Lots 7-9, 21 & 23, 300 Clearstream Road- Mr. Klee stated this is an application for time extension, there was a resolution in 2018 that granted final major subdivision approval, and there would be protection to May , 2020 and there is extension for a 1 year extension. Mr. Peters stated the project is in the R-1 zone and the R-3 zoning which has not changed and there is no change to the zone. **Adam Pfeffer- attorney for the applicant-** stated this is a 9 lot subdivision, the zone has not changed and the delay is due to resolution compliance, there was an update from the DEP and due to the pandemic there have been delays and there is the update has been received.

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

4. Berk Holdings, Block 22010, Lots 2 & 6, Seameadow/ Faraday Avenue- Mr. Klee stated this application is a condition where there was preliminary final major site plan approval and this project is to adjoin lot 6 to lot 2, the application also seeks to amend the prior site plan approval which was to expand the use that is permitted to occupy the building, and there have been discussions made, and the access drive has been eliminated. Mr. Peters stated there is a report dated September 30, 2020, and this is the IR district and it was noted on page 4 that there are bulk variances required for the rear yard setback for the maintenance garage and in the same bulk schedule, it deals with the impervious schedule and parking spaces. **Adam Pfeffer- attorney for the applicant-** stated this had come in previously to amend phase 1 uses and at one point, there was a thought to combine the applications and this is just for phase 2 for the 12,000SF warehouse office building, and the application is a fully conforming application and there is testimony about an accessory use building and the zone requirements are exceeding with regards to parking.

Graham Macfarlane- credentials previously stated for the record- sworn- stated this is located off Faraday Avenue, and phase 1 was the 2 constructed buildings, and sheet 2 is the overall site plan previously dated September 17, 2020. **Exhibit A-1** shows the purposed a 12,000SF building and in phase 1 the main building is a contractor building and there was discussion about what the warehouse building would be called, and there is a vehicle maintenance garage which is to be used by the property owner, and there is a gravel area which will be used for the contractor there could be bucket tucks, equipment, flat beds stored in that area and that is for a storage area in connection with the

business and phase 2 is accessed from phase 1 directly, with frontage on Seameadow Avenue, and Seameadow did exist along phase 1, and this piece for phase 2 does exist as a public right of way, and this plan is purposing access from phase 1 with an emergency access to Edison. Mr. Macfarlane stated the project is purposing the maintenance garage 13.8' off the property line, and it will be a very low intensity use it that will not have a negative impact on the adjoining site, and if sheet 4 could be shown and marked as **Exhibit A-2**, the enlarged photo of the site plan, the existing encroachment to the building can be seen, and because of the existing right of way it would be a front yard setback, that sits 89' from that corner where 109' is required, and relief is being sought, the site will be accessed from phase 1 and there will be underground storage storm water system. Mr. Macfarlane mentioned that letters have been received from both professionals and as Mr. Klee indicated not all comments were addressed prior however they have been addressed and Mr. Klee asked about the loading zones which are shown on the plans now, and there were storm water comments which will be complied with, and phase 2 will have the same dictation that any use in the zone will be deemed permissible, and there will be 190 spaces between the 2 phases which is an excess of the ordinance, and those number of spaces will accommodate the current building and the 12,000SF building in phase 2. Mr. Pfeffer asked how many new spaces are being proposed. Mr. Macfarlane stated 92 new spaces are purposed. Mr. Pfeffer asked what will be required. Mr. Macfarlane advised the requirement is 52. Mr. Macfarlane mentioned to Mr. Peters' letter, there was clarification which was addressed, and there are no goods or retail for sale, and there are waivers being sought for the refuse enclosures. Mr. Hudak noted appears that every square inch of this property has been utilized and there are no trees, shrubs or grass purposed, it's excessive parking and there is pavement over paradise, and there was mention there was stone surface for equipment outside, can that please be spoken too. Mr. Macfarlane stated there is a stone equipment storage area which is owned by the contractor, and maintenance will be done inside the building. Mr. Hudak stated there is seepage concerns. Mr. Flemming asked if there will be outdoor repair of equipment. Mr. Macfarlane stated there will be no maintenance done outside. Mr. Flemming noted that phase 1 and 2 are owned by the same person, and stated the lots will be consolidated. Mr. Flemming asked with regards to the oil tanks, have they been taken care of. Mr. Macfarlane stated they have been. Mr. Flemming asked if the retention pond will push against the blocked wall, and mentioned that the back of phase 1 is 6-8' Allen wall and the single driveway going from phase 1 to phase 2, there is concern of egress. Mr. Macfarlane stated the slope is 9 percent which is slightly steeper than ADA access. Mr. Flemming asked what the distance from the bottom of the incline is to the top. Mr. Macfarlane stated about 60', and advised there is a 5' break. Mr. Riker asked where bucket trucks are currently being stored.

Israel Berkowitz- owner of property- affirmed- advised that the trucks are on the empty property, and there is space on the current site however there is equipment that isn't being used at the moment. Mr. Riker asked if there were permits obtained to clear the trees. Mr. Berkowitz mentioned that there has been no tree clearing. Mr. Riker asked if there are cameras installed on site. Mr. Berkowitz stated there are light poles in phase 1 and there are cameras that were approved in phase 1 as well, and there were trees that had fallen and there were stones installed. Mr. Riker stated there are gates, cameras, and stones added, and there are improvements done to the property, and the applicant is here before the Board for an approval for a project, there has been migration from parcel A to parcel B before the project was even done, there is a wonderful project built, however there is migration up the hill before this was even considered. Mr. Berkowitz stated there was a robbery and the police suggested a fence be installed. Dr. Campbell stated when this was here previously, it was asked about egress and the use of Edison Avenue which will provide safety. Mr. Pfeffer stated that is purposed as an emergency access. Mr. Hudak asked Mr. Klee asked what is the impervious coverage on this application, and how much grass or a shrubs can be placed on site. Mr. Klee advised the Board to refer to sheet 2, the maximum is 75% and this is at 71.3% which is close but not over, and sheet 8 indicted the new landscaping that will be in conjunction to phase 2. Mr. Hudak asked if there are trees purposed. Mr. Klee said yes. Mr. Pfeffer stated the applicant would also agree to the work with the Township professionals to add additional trees to green space. Mr. Hudak had concerns with the gravel equipment pad and the maintenance building right next door. Mr. Gertner stated there has been indication that should the Board approve the storage shed, that would be tied to the owner/ occupant on the site, and there should be assurance that there will be no rental space given for the gravel space or storage shed, and asked if that can be a condition that it remain that way. Mr. Pfeffer stated there are no objections. Mr. Peters stated in terms of landscaping, to the west and the north in theory there is a 10' buffer or landscape strips requirement, and they are not provided and there was a waiver requested, and on page 7 of the report item D-11 was discussed about the landscaping strips, there should be landscaping strips. Mr. Hudak stated this is Mr. Berkowitz's property, make it appealing and nice to look at and to function the business, everything shouldn't be jammed onto 1 site. Mr. Wall stated it appears to be a trend, to massively pack sites rather than design the right project in the right time in the right place. Mr. Hudak mentioned that the ordinance states the amount of parking required and there are 51 spaces quieted where double is being provided. Dr. Campbell asked if the environmental impact study has been done for the parking on the gravel. Mr. Riker stated there is no objection to the parcel itself, and there was no use seen, however how is the waste oil being done, a furnace or storage tank. Mr. Berkowitz stated there are oil bins that are picked up. Mr. Riker suggested an onsite waste oil furnace as its common, and vehicle wash down, is that being done on site. Mr. Berkowitz advised it's not currently. Mr. Riker asked if there is an oil separator. Mr. Macfarlane stated if wash down is to be accommodated there would have to be a separator, and the gravel area is just for storage for trailers and such. Mr. Hudak stated with all the spaces there is a painting with a broad brush, and asked if these parking spaces will be rented to other businesses. Mr. Pfeffer stated there is no intention of spaces being rented, and with speaking with the applicant there can be a row of spaces removed to have a landscape strip. Mr. Wall suggested rather than shooting ideas to the Board at 10:50 p.m. a new plan should be created. Mr. Gertner suggested given the time and the comments made by the Board this application be carried. Mr. Pfeffer agreed and noted new notice will be done, and asked this please come back as soon as possible.

Motion to carry to November 2, 2020 by RIKER/ Flemming. Yes: All in favor among those present.

Motion to adjourn at 10:54 p.m. by HARING/ Dolan. Yes: All in favor among those present.

Respectfully submitted,

Danielle Sinowitz,
Planning Board Recording Secretary