

**MINUTES OF REGULAR MEETING OF THE  
JACKSON TOWNSHIP BOARD OF ADJUSTMENT OCTOBER 21, 2020**

The October 21, 2020 Jackson Township Board of Adjustment Meeting was called to order at 7:00 p.m. with a salute to the flag by all present. Attorney Sean Gertner read the Open Public Meetings Act Statement and announced that adequate notice has been provided for this meeting.

**ROLL CALL:**     *Peter Maher*                             Kathryn McIlhinney, Board Secretary  
                  Stephen Costanzo                     Scott Najarian, Board Vice Chairman  
                  James Hurley                                 Carl Book, Board Chairman  
                  Garry Miller  
                  Nino Borrelli – Alt #2

**Absent:** *Jeanine Fritch - Alt #1*

**Also Present:** Sean Gertner, Board Attorney, Evan Hill, Board Engineer, Ernie Peters, Board Planner, Frank Miskovich, Traffic Engineer, Jeffrey Purpuro, Zoning Officer, Fran DiBella Torro Reporting, and Danielle Sinowitz, Zoning Board Recording Secretary.

**Resolutions:** **2020-36: Kornbluth, Block 20601, Lots 17 & 18, 91 Whitesville Road-** granting a variance for minor subdivision/ lot consolidation approval to consolidate 2 existing lots into 1. **Motion to approve by NAJARIAN/ Costanzo. Yes:** Costanzo, Hurley, Borrelli, Najarian, Book.

**2020-37: Schwimmer, Block 15901, Lot 4, 144 East Veterans Highway-** granting approval of a variance to construct a single-family dwelling on an undersized lot. **Motion to approve by NAJARIAN/ Costanzo. Yes:** Costanzo, Hurley, Borrelli, Najarian, Book.

**APPROVAL OF MINUTES:** **Motion to approve regular meeting minutes of October 7, 2020 by NAJARIAN/ Hurley. Yes:** Maher, McIlhinney, Costanzo, Miller, Hurley, Najarian, Book.

**APPROVAL OF VOUCHERS:** **Motion to approve a voucher for Fran DiBella Torro Reporting, LLC in the amount of \$250.00 for October 21, 2020, with Danielle Sinowitz in the amount of \$150.00 for the meeting of October 21, 2020 Motion to approve by NAJARIAN/ Maher. Yes:** Maher, McIlhinney, Costanzo, Miller, Hurley, Najarian, Book.

Mr. Book announced that application 1. **Solomon Brezner, Block 7214, Lot 36, 30 California Drive**, has been requested to be withdrawn, and so the public is aware that application will not be heard this evening. Mr. Gertner stated this withdraw is without prejudice and there will be a resolution to memorialize this application.

**Applications: 2. John Roszko, Block 2801, Lot 55, 8 Jason Court** - Mr. Purpuro stated there has been communication between the Planning and Zoning office and the applicant and if the applicant showed documentation, it would have to be shown however the applicant is not present so it will have to be carried or there will need to be new notice. Mr. Gertner mentioned that is was un sure if there was noticed at all, and it is understood that the times have changed in this new day and the Planning office would send the applicant notice that if the matter doesn't move within 45 day the Board will administratively withdraw the application. Mr. Book stated it would be better not to punish the applicant but given another chance and carry the application, and announced this matter will not be hard this evening.

**3. John Bellina, Block 2005, Lot 10, 1 Feather Lane- John Bellina- home owner- sworn-** stated he would like to put a shed into the side yard. Mr. Book stated there was an application provided where an accessory structure is purposed in the front yard area, and the property was driven past, and there is fences up already and according to the survey that was prepared for Mr. Bellina in 2018, there is a highlighted portion behind the driveway and the shed is to go behind the fence as depicted on the survey, can the shed be explained. Mr. Bellina stated the shed is a 12x16 shed from Home Depot, and it will be used to store a lawn mower, and pool furniture, the desire it to take things out of the garage and put them in the shed. Mr. Najarian asked if the shed will have utilities. Mr. Bellina said no. Mr. Peters asked if the property is on the corner lot on Harmony and Feather. Mr. Bellina advised that was correct. Mr. Peters asked if there was a permit pulled for the fence. Mr. Bellina stated the fence was installed by the previous home owners. Mr. Peters stated the applicant's home fronts on Feather Lane, and it would appear to be the side yard and that's why there is a variance requested. Mr. Costanzo asked what was the mind set to place the shed where it's purposed. Mr. Bellina mentioned that the Zoning office said it can only go behind the house and that would be in the exact middle of the yard and it is desired to keep it away from the neighbors and septic tank needs to be avoided. Mr. Hill stated the survey shows the septic tank, and there is no showing of the disposal field, and it appears where the shed is purposed is the disposal pit. Mr. Bellina mentioned he was un sure if they are even there Mr. Hill suggested locating the inspection reports on the disposal pit, because the plans shows they are 45' off the property line and they should be where the shed is purposed and there just needs to be assurance the shed doesn't go over those pits. Mr. Gertner asked if the disposal pits are inside the fence. Mr. Hill stated that is correct. Mr. Gertner asked what the setback of that yard area is. Mr. Hill stated if the shed goes 15' off the rear line, there won't be an issue. Mr. Bellina said there is no objection to that.

*Opened public comment; seeing no one use the "raise hand" function, public comment is closed.*

**Motion to approve by COSTANZO/ Maher. Yes:** Maher, McIlhinney, Costanzo, Miller, Hurley, Najarian, Book.

**4. Israel Rottenstein, Block 16005, Lot 13, 1 Queens Court- Israel Rottenstein- home owner- affirmed-** is asking for a variance to put a 6' solid fence 6'-8' from the side walk, and since this is a corner property a variance is requested. Mr. Book stated with looking at the home and the configuration of the street and the plans provided, it's UN sure where the fence will start and end, and if the entire fence is to be 6', can the details be gone through. Mr. Rottenstein advised the fence would go from the back of the house, and will be going all the way around the property and along Imperial, it will go between both houses. Mr. Costanzo asked with referring to the back, and how the home is faced, is the back right of the property Queens Court. Mr. Rottenstein stated the fence would go from the back of Queens Court, then around the entire length of Queens Court to Imperial in between the homes. Mr. Costanzo asked if the fence will be brought along Queens Court and to Imperial, then along the front yard and then to the neighboring property. Mr. Peters stated when looking at the home from the street, the fence appears to start at the back left corner of the house and go to the neighbor's property line. Mr. Rottenstein advised it would go from the back left going down between property lines along Queens Court. Mr. Peters asked if it would go to the right back corner. Mr. Purpuro explained the plans showing the driveway and indicated the direction the fence would go and asked if the fence will go to the front. Mr. Book stated this is not the first and it will not be the last, the Board does try to depict the plans however this one is to muddy and there needs to be a clear view of what is requested, and a better plan should be provided and the fence should be depicted. Mr. Gertner asked if Mr. Rottenstein owned the property, and obtained the survey. Mr. Hurley stated put the fence 8' from the sidewalk, it's hard to see, how far is the property line to the sidewalk. Mr. Rottenstein advised it's approximately 30'. Mr. Hill stated with what is provided it appears the property line is right behind the sidewalk and there is a utility and shade tree easement that is not depicted on the plans and an fence cannot go on an easement, and the plans should be re done where the property lines can be indicated and where the fence is to go should be indicated. Mr. Book stated the Board has made a suggestion and if the application is wished to be acted on that can be done however the suggestion should be taken into consideration. Mr. Rottenstein mentioned he will come back with a cleaner copy of the survey. Mr. Gertner stated there will need to be new notice, and asked how quickly the plans can be done. Mr. Rottenstein advised within a few days. Mr. Gertner stated the application will be carried to the November 4, 2020 meeting with further notice provided.

**5. 528 LLC, Block 13801, Lot 4.01, 5 & 6.01- Steven Leoni- attorney for the applicant-** stated this is an application for a use variance in the industrial zone, the site currently contains Clayton storage as well as a single family home and office building, and it should be placed on the record that this application is not here for site plans, but strictly the uses only, which are 3 buildings; 2 will contain retail and professional offices and restaurant, with the 3rd building being a gas station which is a permitted conditional zone and the convenient store size might need variance approval. Mr. Leoni advised there are professionals present, Gordon Milens, Mr. Clayton should it be necessary, Bryan Murphy, and Scott Kennel.

**Gordon Milens- applicant's representative- director of engineering and planning for Clayton for 16 years, professional engineer and planner- credentials accepted- sworn-** Mr. Leoni asked for a description of the existing building on site. Mr. Milens stated a few years back there was approval to construct a facility, which is the large maintenance facility for the vehicles which is shown on **Exhibit A-1**, the Ariel photo of the existing site with the existing truck maintenance facility. Mr. Milens stated the majority of the property is being used for the truck maintenance which is done indoors, and there is a small storage building on site and it should be noted that liberty high school is in the background and the front ground is what is being purposed. Mr. Leoni asked how long has this been on site. Mr. Milens stated 50 years. Mr. Leoni asked for testimony regarding the other properties surrounding this facility. Mr. Milens stated there are properties to the left which is the shopping center that was built, known as Liberty Commons that will hopefully be completed soon, and the scale of buildings purposed is 3 different buildings that have a 16,000 space on the first floor and one building will be 2 stories. Mr. Leoni asked if the Board acts favorably and there is site plan approval, will the existing buildings on site be demolished. Mr. Milens mentioned that the buildings that are purposed to be constructed occupy ground where there is an existing structure and 1 is a residential building that is used for office space. Mr. Leoni asked if the center building will be the gas station with the convenience store. Mr. Milens stated that is correct. Mr. Leoni noted there are architectural that will be shown, although this is a strictly use application, and asked when would this come back for site plan. Mr. Milens mentioned that should the Board grant the use approval, the site plan application would be desired to come back quickly. Mr. Milens noted that the approval would also come with improvements that involves public improvements, and there is a realignment to the driveway which the county will most likely request, and the work would like to be done as soon as possible. Mr. Leoni asked if this site will have public sewer. Mr. Milens stated this site discharges to the Lakewood facilities, and unfortunately that cannot be done there cannot be water connection there any more, there will be water from East Veterans Highway to Hope Chapel through Cedar Bridge to the facilities of the MUA, however there will be public water and sewer that services the site. Mr. Hurley asked if there is a subdivision purposed. Mr. Leoni noted there will be, however not this evening. Mr. Hurley stated it would make a difference on a D-1 or D-3 purpose, and it appears there might a portion of the driveway where there will be access. Mr. Milens noted the answer will be addressed by Mr. Murphy. Mr. Hill asked if the intent for the rear operations is to utilize the new driveway to the county road. Mr. Milens stated intent is to utilize the concrete drive that exists to the east, however it depends on the future traffic of East Veterans Highway, and if it makes sense to utilize the drive it will be addressed. Mr. Najarian asked which buildings will be demolished. Mr. Milens noted they are not shown on this image. Mr. Gertner asked if there is an exhibit with existing conditions. Mr. Najarian asked if the maintenance building will remain. Mr. Milens stated that is correct, and mentioned that anything to the rear of the property will remain.

**Brian Murphy- licensed professional Engineer and Planner since 95', principal at FWH, received bachelor degrees at NJIT, and has been before this Board and others throughout the state- credentials accepted- sworn-** Mr. Leoni asked that the existing conditions be gone through along with the use variance being sought. Mr. Murphy stated the variances for the site setback for the garage is 19.8' off the property line which was previously approved and there is a D-1 variance being sought for building A and C, and A is to the west, B is in the middle which is the gas station and to the right is building C, and mentioned that building A and C are looking for variances the non-permitted use. Mr. Murphy stated that office, retail and restaurant along with the convenience store and gas station which is a D-3 variance, and the square footage permitted is 5,000SF, and this is slightly over and the main entry roads will be constructed first and the second phase will be to the west as there is an existing office building and some of the employees will be moving into the new space and there is a building almost on the roadway. Mr. Murphy stated that with looking at the entrance road, it is curved and the County would like it to be straightened, and nothing on the Clayton property will be touched, and the access currently is to the east and that will remain for the Clayton garage only, and the second driveway will service the entire site. Mr. Costanzo asked if there will be one main entrance for this new development. Mr. Murphy said no, and stated there will be a right turn in only and towards the buildings there will be an ingress in and out to access the secondary access to building A, and the front building will have 2 accesses to the light and there will be drive way to the east and an emergency access. Mr. Maher asked if there is some way to shrink this down because of Cross Street. Mr. Murphy stated to the east in the Township boundary line and that is Lakewood to the east and there is an apartment complex, and to the south there is the moose lodge and there is Jackson Liberty High School, and there is a site that was approved for an office building, and further west is the Estonian club. Mr. Leoni asked if there are other industrial uses surrounding the site. Mr.

Murphy advised there is not, there is the new office space that was approved and the new shopping center Liberty Commons which was approved and Wawa at the corner. Mr. Gertner asked where the zone line is. Mr. Murphy stated it's on East Veterans to Liberty commons, and noted there was a layout provided and there is significant frontage, and the minor sub division will be included to create 2-3 lots. Mr. Leoni stated there will be demolition of the single family homes which is existing and there will be demolition of an office building that is old. Mr. Murphy mentioned those are also no conforming uses on the site. Mr. Murphy stated with looking to the highest order, the applicant is looking to permit retail, office, and restaurant space. Mr. Leoni asked if the Board grants this, will there be a negative impact. Mr. Murphy stated there is no negative impact, and the positives there will be the granting of the variance and the MLUL, item D is being accomplished and there will be parking, and the impervious coverage is only 50% where 75% is permitted and there is still a change for green space, and the uses have been indicated and are more appropriate in this area, there has also been a design created for visual improvement. Mr. Murphy mentioned that the building on site is 50 plus years old, and will be taken down and it's a much safer condition being back from the roadway, and there will be an aligned access point and a controlled access point on 528 which is off to the west, however by providing the access it will provide safer conditions and under the negative criteria, there is no detriment to the public good and this will create a better public view. Mr. Murphy stated with the zone plan and master plan there is office use so there is no negative impact, and also as indicted this corridor is all commercial/ retail and it will fit the neighborhood and surrounding area, and there is a key goal to maintain a balance of a commercial and industrial development and that is being accomplished with this, and the D-3 variance being sought for budding 3 is a permitted conditional use and it's assumed the use is permitted and the condition that is not being met will have no effect by approving that portion, and that is for the 5000SF maximum and 5,676SF is being purposed which is a small difference, there are 7 more parking stalls purposed and there is more than enough parking and that will be gone through with the traffic expert, and there is no substantial negative impact on the neighborhood and as discussed the use is permitted and the surrounding roadways have no impact to the master plan. Mr. Murphy stated there are 277 parking stalls purposed and 201 are required, and the reason for the increase is in case there is a restaurant that can be looked however that would be addressed in detail during site plan, but for now the stalls would like to be available. Mr. Murphy mentioned that sewer and water will be provided by the MUA, and loading will be to the rear and the gas tanks get filled up front. Mr. Leoni asked where the detention basin is. Mr. Murphy stated there will be 2 up front, with 2 underground recharges on the existing basin and those will be underground and not shown in the Exhibit. Mr. Leoni asked if there will be fencing between uses. Mr. Murphy advised there will be fencing, and that is to make sure the yard is secured. Mr. Book asked in terms of the industrial zone, a use variance in an industrial zone hasn't been addressed, and there is question as to how much industrial land is there in Jackson, and are there tenants in mind for these locations and is there a liquor license. Mr. Leoni stated there is no tenants as of yet or a liquor license. Mr. Murphy stated the property to the left is in the industrial zone and that obtained use for office space and there is the school, and further west there is one lot with a home which is also in the industrial zone and there is another blank piece of property to the west and there is then the liberty commons site and it doesn't seem appropriate to have this type of use further into the neighborhood. Mr. Maher asked if the current use has an impact.

Mr. Milens stated the difference is it was there before this applicant came in. Mr. Gertner stated this is a unique location because the residential use is in another municipality. Mr. Milens advised that is correct. Mr. Gertner asked if Jackson has no input on that use. Mr. Milens mentioned that was correct. Mr. Gertner asked how the use in another municipality can be reconciled to support the D variance. Mr. Peters stated there are architectuals of the buildings, and conditional use standards condition 5,000SF and there was a specific number and that wasn't pulled from thin air, where did it come from and why can't it be 5,000SF. Mr. Milens referred to **Exhibit A-3** which is a view looking through the gas station into the convenient store and there was a layout to see what is common for this site. Mr. Peters mentioned there still is no answer as to why that square footage was chosen. Mr. Hurley noted there is still a problem with the sub division issue, although this is not before the Board however it could impact the decision, looking at the map shown there is additional access from the county road however it doesn't seem to be shown. Mr. Milens indicated it is the west of building A and on the east side the fence is along the east side of the property line and it's required 125' of frontage and from the south east corners it's approximately 150'. Mr. Hurley stated based on the concept of not having an impact on the zone plan and a D-1 variance suggests this is inconsistent what basis does this show this is consistent. Mr. Milens stated going by the Township master plan, in the rules and objectives, there are goals, and the single family home which is not permitted in the zone will be removed and the 2 outdated buildings will be removed as well which are in an un safe position as they are a few feet off the right of way and the area to the east of the site will be utilized and no one has approached clayton for anything more industrial to be done and there is no desire to have anything along the frontage and there is no other industrial use other than garage, and looking at this use driving down further west there are industrial uses. Mr. Borrelli mentioned it was talked about demolishing some buildings, what uses will remain onsite regarding Clayton. Mr. Milens advised the entire rear area will remain, and Clayton will function as it does today, the only thing that is changing is the house that will be demolished, but the Clayton offices up front will remain UN change. Mr. Borrelli asked with looking at the rendering from the retail, will that be one story. Mr. Hill mentioned that design elements are not being considered tonight and those details would come with a new application. Mr. Peters advised this can put up for discussion, the conditional use standard as it relates to the gas station. Mr. Leoni stated that can be withdrawn. Mr. Gertner stated if Mr. Leoni is agreeing that is acceptable, that can be withdrawn and it be incorporated into the site plan. Mr. Leoni confirmed that is correct, and asked that the issues from the reports be addressed. Mr. Milens advised that most concerns have been addressed and questions have been asked and answered Mr. Peters noted there are use comments. Mr. Hurley asked if there is anything about multiple uses on a single lot. Mr. Purpuro stated its multiple buildings on one lot and it will come down to a subdivision. Mr. Hurley asked if there is then a notice issue. Mr. Gertner asked if the industrial use lot contains retail of office. Mr. Milens stated the industrial will only be industrial. Mr. Gertner stated the application should have come in cleaner however there is no issue if the Board acted and granted the uses as presented subject to the subdivision application and if there are notices necessary for multiple uses that would be resolution compliance.

**Scott Kennel- Principal of McDunna and Rea for over 25 years, prepared over 1,000 traffic studies, and has been qualified as an expert by the superior court- credentials accepted- sworn-**Mr. Leoni asked Mr. Kennel if he has visited the site. Mr. Kennel advised that was correct. Mr. Leoni asked Mr. Kennel is he is familiar with the traffic patterns in the area. Mr. Kennel stated the traffic pattern is well known, and traffic studies were done on the maintenance yard. Mr. Leoni asked based on the review of the traffic patterns has a report been prepared to the traffic generation and the entrance and the other factors necessary. Mr. Kennel stated there is a traffic report dated March 23,2020, and the first aspect is to establish existing conditions and traffic control, and it was testified that this site will be serviced by a primary access and this location is near the intersection identified by the county for improvements, and the applicant has also had discussion with the county and the access designed has been approved which is a full movement driveway with a traffic signal and there will be a right turn egress only and right turns out. Mr. Gertner asked if the only way to turn left in is through the controlled

intersections. Mr. Kennel stated that is correct. Mr. Maher asked if there is a school across from that driveway. Mr. Kennel stated the county had no negative comments about the proposed driveway and there is a review necessary when this comes back for site plan. Mr. Gertner noted the Board can request the county do certain things as there is no jurisdiction. Mr. Maher asked if the counts were done on March 23. Mr. Kennel stated the counts were done in February pre Covid, and there were 1,472 vehicles processed through the intersection in the morning, and 1,731 vehicles during the evening peak hour and there was a comment made and there were traffic counts on Saturday which totaled to 580 vehicles, and as far as the commercial building, they were treated as retail commercial uses which is lower than retail and the 2 uses recognized here have a significant traffic component, and 75% of the traffic was on the existing roadway and 34% was in the evening peak hour, and this site in the morning processed 218 new trips to the area and in the afternoon 246 new trips were given, this is a use variance and industrial uses are permitted, and a medical building was used for comparison and this would generate 70 new trips in the morning and 80-90 in the evening, and the roadway network and traffic patterns show 35% on route 538 and 30% towards cross street, and future conditions are taken into consideration and the information from Ocean County and the NJDOT. Mr. Kennel mentioned that the regional growth is also taken into consideration, and the intersection off Veterans Highway and Cross Street will service as level D, and to quantify that there was a 6 second increase average delay in vehicles at the intersections through the intersection which in an acceptable range, and the site drive is projected to operate at level service B or better, and as a follow up regarding maintenance there is a supplemental analysis which compared the 2020 traffic volumes on Veterans highway, and an updated traffic studies can be done for the site plan application. Mr. Gertner asked if the client controls the property of liberty commons. Mr. Kennel noted the applicant did develop it. Mr. Gertner stated there was change in use for the one building and there was traffic impacts and that intersection should be taken into consideration as well. Mr. Kennel stated the county will likely ask that be looked at as well. Mr. Gertner stated it should be looked at as it operates as a D level of service, and it might go to E. Mr. Miskovich stated there was discussion with the county, and asked if there is something that was proposed prior to this application. Mr. Kennel advised that was correct, and stated the county improvements will proceed with or without this project, and this is an improvement to what exists today because Veterans comes in at an acute angle, and there will be more defined plans with the site plan. Mr. Miskovich noted that the driveway was not counted by the analysis and that's a full moving driveway, and the concern is the left turns out and testimony by Mr. Murphy, this is being treated separate from the real center proposed and with the content of connection of the driveway being secondary to the emergency access, if this is approved and there is site plan that intersection should be re considered to see that those original improvements by the county are valid. Mr. Kennel advertise the county can be re visited if the use approval is approved. Mr. Miskovich stated this should be looked at as it gets to site plan, and mentioned it was compared to exiting uses to what is proposed, and asked if the permitted uses would be less traffic, and would the improvement be different or the same. Mr. Kennel stated that would depend on the site layout, there would be a further light to the intersection, which would be a level C.

Mr. Book mentioned that with looking at page 5 of the report as Board members are aware the data sets are UN familiar however what is familiar is the traffic in that area in the midafternoon, late Friday and Saturday the traffic drops dramatically, and the counts were done at these times. Mr. Kennel mentioned the counts were done on a Thursday. Mr. Book asked if the unique scenario was accounted for. Mr. Kennel stated that typically traffic studies and counts are done in the morning between 7 a.m.-9 a.m. and in the evening between 4 p.m.-6 p.m., and knowing the area and the influences of Lakewood the counts were expanded in both morning and evening. Mr. Book stated it appears that reading page 5 there is a sentence that sticks out, and it's not fully understood, and these increases that seem to be assumed, what are those increases based on and are they light, are these inaccurate over the growth over the next 10 years. Mr. Kennel stated for ocean county 1% is used and 5 1/2% was used to accommodate the area, and the protocell was followed as well as what has been considered. Mr. Miskovich mentioned that the short term growth is looked at for the first 1 1/2-2% which is reasonable to look at, and looking forward it's hard to determine what might happen and other numbers are looked at and Mr. Kennel started to indicate upon that percent looking at liberty commons there would be traffic added in addition to that growth and there is a base condition being used, and the numbers are reasonable, and in the short term there it can be looked at the other developments. Mr. Book mentioned that the area is a mess traffic wise, and seeing this it would not get better and it would stay a D level of service which seems UN reasonable, why not improve that corridor. Mr. Miskovich stated there are 2 parts, the use variance compared to others that could be on this site, there were differences explained and the second part talks more on the corridor and there has to be a nexus to see what should be analyzed. Mr. Gertner mentioned that there is an increase in traffic and should the Board move forward with this application there should be some analyzation and there should be answers as to what the county will do when this comes back. Mr. Kennel stated there is going to be a traffic impact fee and that is based on the traffic that is generated and if something less intense comes into play the fee would be less. Mr. Gertner asked should the Board act favorably, would the applicant be acceptable to present a coordinator plan to the county once the studies are re done because the Board would like to see the application, and fee or not it would be nicer if there was an excel or decal lane. Mr. Leoni mentioned it was testified that all entrances are a level B or better and the intersection will stay a D and it's through traffic on East Veterans. Mr. Kennel noted there will no further improvements to this intersection there are additional improvements being provided. Mr. Miskovich stated the offsite intersection should be analyzed, and then the Board can make a decision on what improvements should be made. Mr. Maher stated it's a bad intersection and there was an accident just this evening. Mr. Costanzo had concerns that the site egress for entering and exiting.

*Opened to the public; seeing no one use the "raise hand" function, public session is closed.*

Mr. Leoni thanked the Board for their time and questions, and advised the Board that what should considered this evening, and during site plan the applicant will come back and the issues and comments will be addressed, the positive and negatives have been addressed and including a better use of the site on Veterans highway is consistent with the uses to east and west and across the way, and it's fully intended to satisfy the Board when this comes back should this be voted on favorably.

Mr. Hurley stated the D-3 is no longer being enforced, however the other buildings are D-1, and there is question as to what the obligations are. Mr. Gertner mentioned the application has to meet the positive and negative criteria. Mr. Hurley asked if the applicant has to reconcile the zone. Mr. Gertner stated if the Board needs to determine if the zone plan fits the zone ordinance. Ms. McIlhinney advised the situation in that area is very well known, and there is more industrial then commercial and that has been met however it is believed and it should be a proper to reach out to the county with a corridor plan and as it pertains to the use variance there is no issue and there is a transition to that portion of town. Mr. Book asked Mr. Murphy to comment on the industrial use and more specifically the question was more globally and how much industrial use is zoned in Jackson and how is this loss reconciled to the overall industrial zone in Jackson and seeing the loss this is a detriment to the zone plan and the master plan and it is a concern. Mr. Hurley advised he liked the concept of the gas station and questions are relating to the D-1 restaurant, retail use and office use and looking at the plan the industrial use is behind what can be in front and the only thing that can be done is to expand what is there and if what is there is

expanded adding more trucks to the area rather than cars, it can be seen as to why this property has not been acted on from the governing body, and as this lot exists, the only possible use would be to expand what is there, and the other problem is this creates a flag lot and they are not preferred, and there is no problem with this, the positives and negatives have been addressed and the reconciliation has been addressed. Mr. Maher agreed with his colleagues, expanding the commercial use coming down Veterans Highway, and the concern is the ingress and egress coming down 528, down Veterans and doing 35 miles per hour, and someone cutting you off is concerning and if the driveway access can be reviewed, that would be best. Mr. Gertner appreciated the Board's articulation for the reasoning, and cited cox 371. Mr. Borelli stated the concern is the multiple uses being discussed, and the concern is the plan to separate the multiple uses from the current use, the public may use these businesses. Mr. Gertner stated that is a proper condition of approval at site plan where there must be explanation to those separations.

**Motion to approve by NAJARIAN/ McIlhinney. Yes:** Maher, McIlhinney, Costanzo, Miller, Hurley, Najarian, Book.

*Recess taken at 9:30 p.m. and reconvened by Mr. Book at 9:40 p.m.*

**6. Denton Holdings LLC, Block 20701, Lot 2, Denton Lane- Adam Pfeffer- attorney of the applicant-** stated this application is before the board for a conditional use variance for lot width and frontage variances, and the Board previously granted lot depth and width, additionally there is traffic testimony.

**Ian Borden- President with PDS, graduate from Rutgers nearly 40 years ago, been working in the Engineer and Planning field for 35 years and has provided testimony before this Board- credentials accepted- sworn-** stated Denton holdings had received the D-3 conditional use approval in December of 2019, and the project is consistent with the plan represented at the variance application and on screen there is a page from the overall development plan which will be marked **Exhibit A-1** dated November 13, 2019. Mr. Borden stated the property is 8.75 acres along Denton Lane which is currently occupied by a house and a horse pasture, and the property is in the RG-2 zone and the growth zone is in the pinelands and there is up to 3 units per acre and this is also near the Swanbourne project with Denton Lane subdivision across the street which has been approved by the Planning Board, and that was mentioned in the variance hearing the property has received a certificate of filing subsequent to the variance approval which was received May 27, 2020, and that is pre requisite and as part of the compliance any development under the cluster requirement is required to purchase development credits, and this site is required to purchase 1.5 credits prior to the map being filed. Mr. Borden noted there are no wetland transition areas, and there is no constraints on site and a critical component in the cluster is the sewer and this was testified too in the D-3 variance hearing and there has been a slight change, and this is in the sewer service area and public sewer is proposed to each lot and when it was testified during the variance application, there is a regional pump station which is coordinated by the JTMUA, the pump was located at the Denton Pines location and since then the JTMUA has revisited that and it's not located on the Swanbourne site, and it does not change the fact that public sewer will be provided and it will flow up, the regional pump station has received preliminary approval. Mr. Gertner asked if water being provided. Mr. Borden stated yes. Mr. Gertner noted that the plans show the Township will still be taking over the basin lot. Mr. Borden stated that is correct as there is an ordinance stating the basin should go to the Township. Mr. Gertner stated there would need to be an amendment to the conditional use approval, because it's listed in item 5 in the resolution. Mr. Borden stated the plans will be adjusted and the resolution will not be amended. Mr. Borden stated there is horizontal curvature which complies with residential roadway standards and there is curbs and sidewalks purposed and along the frontage of the site and between this site and Whitesville Road is included to be improved by Denton Pines and there will be a 30' car way width, and those improvement must be completed prior to any Certificate of Occupancy and weather those are done by the adjoining property or this site they have to be done first, and there is no design waivers being sought and there is off street parking sought, and the homes are purposed to have 5 bedrooms which is the max, which requires 3 parking spaces, 1 space will be provided in the garage with 2 spaces with a minimum width of 20'. Mr. Gertner stated page 2 of 5 in the resolution there was discussion of 5 bedrooms with 3,000SF being maximum. Mr. Pfeffer stated there was no set number. Mr. Gertner noted that the clear intent of the use was that those homes would be no larger than 3000SF. Mr. Pfeffer read the summary in question into the record. Mr. Book asked what is being purposed if the resolution is not consistent. Mr. Borden stated these are single family homes, and the zone requirement will be compiled with setback, height and parking. Mr. Book asked what the square footage will be purposed for the houses. Mr. Borden mentioned that these are custom to the home builder/ property owner, it was cited what a typical subdivision standard is. Mr. Gertner stated it was testified just now that there will be 5 bedrooms. Mr. Borden mentioned that is the maximum bedroom size for the parking requirements. Mr. Gertner asked if the testimony is that the homes will be limited to 5 bedrooms. Mr. Borden advised there will be no limitations to 5 bedrooms, and if a 6 bedroom home is built 3 spaces are the standards which is where the guidance is. Mr. Maher stated there needs to be an approximate square footage number. Mr. Book stated there is no boundaries to have a builder or developer build whatever they want and this Board has some language where there is knit picking being done which is what was relied on, and it was testified to 2,500-3,000 SF, 4-5 bedroom homes. Mr. Pfeffer stated during testimony this was agreed that the Zoning standards would be agreed too and the variances that were sought were regarding lot depth and the storm water lot, and as far as the size it was not indicated, there was question about the boxes that were on the plans and the typical standard were provided and it was agreed that he building codes would need to be complied with. Mr. Hurley asked if the conditions from the previous resolution are being relied on, because for those who were not here, are they eligible to vote. Mr. Book stated given the time this should be carried, and if available this can be carried to the November 4th meeting and this can be put first. Mr. Gertner agreed, and announced for members of the public, this will be carried to the November 4th meeting

**Motion to adjourn by NAJARIAN at 10:08 pm. Yes:** Unanimous by all those present.

Respectfully submitted,

Danielle Sinowitz,  
Zoning Board Recording Secretary