

## JACKSON TOWNSHIP PLANNING BOARD MEETING

Tuesday, February 21<sup>st</sup>, 2023

The February 21<sup>st</sup> 2023 meeting of the Jackson Township Planning Board was called to order at 7:30 p.m. by Planning Board Chairman Mr. Herman with a salute to the flag by all present. The chairman 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. Bressi-Mayoral Designee      Ms. DeMarzo-Alt #1  
Mr. Burnstein      Mr. Heller  
Mr. Flemming      Mr. Wall -Administrator  
Mr. Haring      Dr. Campbell  
Mr. Riker      Mr. Herman -Chairman  
Mr. Sullivan

**Also Present:** Rob Shea, Planning Board attorney, Ernie Peters, Board Planner, Doug Klee, Board Engineer, Anthony Jacob, Township I.T. Representative, Irina Darrar, Planning Board Recording Secretary, Laura Morrison Planning Board Secretary.

Payment of the voucher for Planning Board recording secretary Irina Darrar. Motion Riker/Sullivan, all in favor.

Minutes to be approved from February 3<sup>rd</sup>, 2023 motion by Riker/Sullivan all in favor.

No legal matters.

RESOLUTION NO. 2023-02

RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY CONFIRMING APPROVAL OF EXTENSION OF PERIOD OF PROTECTION under NJSA 40:55D-52 (d)

Motion by Riker/Sullivan Yes: Mr. Bressi, Mr. Burstein, Mr. Flemming, Mr. Riker, Mr. Sullivan, Mr. Heller, Dr. Campbell, Mr. Herman

RESOLUTION NO. 2023-03

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY GRANTING PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH VARIANCE RELIEF FOR A WAREHOUSE WITH OFFICE SPACE FOR PROGRESS JACKSON LLC, BLOCK 2401, LOT 6**

Motion by Riker/ Sullivan Yes: Mr. Burnstein, Mr. Flemming, Mr. Riker, Mr. Wall, Mr. Demarzo, Dr. Campbell, and Mr. Herman

**Application Block 15601 and 15701, Lots 2, 6, and 15 Bias Yaakov of Jackson LLC**

Mr. Klee stated that this is an application for Preliminary and Final major site plan approval associated with establishing three new private schools. Two high schools and one elementary school and a 9,800 sq. feet gymnasium. The application is compliant with the Ordinance standards, except for the building heights. Mr. Klee understands it will be adjusted so that it complies with the standards. There is an issue regarding lot width, 200 feet is required and 130 feet currently exist. Mr. Klee is interested in the environmental impact associated with the septic system that is being proposed, operations, and report about the traffic.

Mr. Peters stated that the report was received on January 30<sup>th</sup>, 2023. The property is located in R3 rural Residential zone, where schools are permitted use. Mr. Peters would like to hear some testimony about the variances. Number waivers was having to do with the parking. Mr. Peters stated that the biggest concern that the professionals have from what was submitted would be the traffic impact.

Mr. Joseph Michelini from O'Malley, Sherman and Michelini on behalf of an interested party, the next-door neighbor. He stated that he did have a request that was put by him in writing. The copy was given to Ms. Jennings. He had requested for the adjournment, so he could have experts here available to assist him in listening to the testimony and also conducting cross-examination. Michelini stated Mr. Shea has indicated that the case will go tonight over Mr. Michelini's objection.

Mr. Michelini wants to state on the record if it does go over his objective, he would request also that any cross-examination be held until he has the opportunity to review the direct examination with his experts, who normally would be here if he had time for more notice.

Mr. Shea stated that his recommendation to the Board is a matter of just equity for all. Mr. Shea's recommendation would be upon the conclusion of the Board runs out of time at this

hearing, to carry it to the following hearing so Mr. Michelini can put his experts on the record and have the general public be able to ask questions.

Ms. Donna Jennings on behalf of the applicant. The applicant is seeking Preliminary and Final Major Site plan approval to construct three private schools along with an accessory gym and related improvements on the property. The project is located at 245 E. Veterans Memorial Highway. Block 15601 Lots 2 and 6 and Block 15701 Lot 15. The property is approximately 37.9 Acres in the R3 zone. Schools are permitted to use in the R3 zone. The property is variance free, but the applicant is seeking a land bank of 136 of the 503 parking spaces required. If the Board decides not to approve the applicant's request to land bank the 136 parking spots, the applicant will simply construct them. Ms. Jennings stated that the testimony will show that sufficient parking is to be constructed and land banking the proposed spaces is a better planning alternative. The buildings will comply with the 35-foot-high maximum requirements. As far as the lot width variance the applicant believes it meets the lot width standard and it has 660 lineal feet of width where 200 feet is required. Several design wavers are also called out in the review letter, most of them will be eliminated as the applicant intends to comply. The main one that the applicant will seek relief from is the ordinance which prohibits more than one two-way access drive on any street where as the applicant proposes two two-way access drives along Eat Veterans Highway. Ms. Jennings stated that the NJ Dept. of Environmental Protection Environmental has jurisdictional issues and the environmental commission met and indicated it has no comments concerning the environment.

Aharon Rottenberg was sworn in. Board member of the Lakewood Cheder School for the past 33 years and a volunteer.

Ms. Jennings said that the school will be operated by the applicant; all schools will be together on one lot. One campus is proposed, with no subdivision.

Mr. Rottenberg stated that the applicant is proposing four buildings; all for girls, one of them will be an Elementary school, 54 classrooms for kindergarten through 8<sup>th</sup> grade and will have two multi-purpose rooms which are used mainly for eating, but also performances. The other two buildings are high schools. Each one of them will have 20 classes. He stated that there is a need for a school for the community because more children get bussed from Jackson to Lakewood every year. This year close to 400 children are bussed into from Jackson. This place was picked because it is in a center of the town.

Ms. Jennings asked if Mr. Rottenberg helped with the design layout.

Mr. Rottenberg said yes. He stated for the Elementary School kids will be enrolled at 5 years and will go from K through 8<sup>th</sup> grade. All girls. 25 children in each class. The facility will have

offices, a cafeteria, bathrooms, and janitorial closet. 99.9% of kids will be bussed. Girls' Elementary school starts at 9:15. The busses have to be at there at 9:10 and then leaves.

Ms. Jennings asked how many buses are anticipated to be at the site.

Mr. Rottenberg said 30 buses. Does not anticipate any students will be walking to the school. He stated that kindergarten will be dismissed at 3 PM. Staff will leave shortly as well. Grades 1-2 will be dismissed at 3:30 pm, staff will leave shortly as well. Grades 3-5 will be will leave at 4 PM, staff will leave shortly as well. Grades 6-8 will go at 4:30 Pm and staff leaves after that. At night there is a maintenance crew left in each building. Girls will be prohibited from driving to school. Mr. Rottenberg said that each school has 20 classrooms for the high school building. Girls come in at 8:30 and finish at 4:30 PM. The staff leaves shortly after the children. In the proposed gym, recess will take a place or some other activity.

Ms. Jennings asked if there is a summer camp proposed.

Mr. Rottenberg said that there is a summer camp proposed. Schools run until the end of June. 50% of the students will attend the summer camp.

Ms. Jennings asked if Mr. Rottenberg had a chance to read both review letters from Mr. Peters and Mr. Klee.

Mr. Rottenberg said yes. The Property owner will be responsible for the maintenance of the property and the building.

Ms. Jennings stated that since it is a private school it does not need to be accredited by the state Department of Education and does not need to demonstrate compliance with DOE rules and standards.

Ms. Jennings asked Mr. Rottenberg to describe how the students are fed during the school day.

Mr. Rottenberg said the school feeds the students with breakfast and lunch. Breakfast is cold. Lunch depends on the day, if it's a warm lunch, it can just be warmed up. If it is frozen, its warmed in the kitchen on site. If it's a hot lunch, then it gets cooked in the main kitchen, and it gets put into electrical warmers. No food will be cooked at the site. The site will have dumpsters and recycling cans.

Ms. Jennings stated that one of the applicants requests is to land bank 136 of the parking stalls and label them as a recreation area. She asked Mr. Rottenberg why the applicant has requested that.

Mr. Rottenberg said that his understanding is that according to Jackson Zoning for the elementary school for every 8 children you need a parking space, and for the high school, it

goes down a parking space for every 3 children. In regards to high school children 11-12 grades are prohibited from driving, so the ratio can go back to every 8 children a space.

Ms. Jennings asked Mr. Rottenberg if the Board requests the applicant install the parking spaces, and will the applicant do so.

Mr. Rottenberg said yes. Mr. Rottenberg stated that the recreation area will be irrigated. As for security, the school will have cameras in all of the building, except bathrooms, also security guards. Rooftop solar is installed in Lakewood.

Attorney Mr. Michelini asked Mr. Rottenberg if there will be a kitchen.

Mr. Rottenberg said there will be no kitchen for cooking and it will not turn into a banquet facility.

Mr. Michelini asked if Mr. Rottenberg be willing to stipulate as a restrictive covenant that would allow the neighbor one of whom he represents to initiate a lawsuit if there was a violation of the condition that Mr. Michenili is proposing which would be only used as a school.

Ms. Jennings stated she would advise her client to say no.

Mr. Rottenberg said his attorney says no, so he says no as well.

Mr. Michelini asked Mr. Rottenberg that he indicated that there will be two multipurpose rooms in the Elementary school.

Mr. Rottenberg says yes. It will be just for some of the lunch. Also, it will be used for children's performances, maybe for a speech or indoor recess.

Mr. Michelini asked Mr. Rottenberg if he know the capacity of the rooms.

Mr. Rottenberg said he thinks the Elementary school is roughly 5,000 sq feet. He stated that high school has a multipurpose room, each has 2 rooms, smaller than Elementary school.

Mr. Michelini stated that it was indicated that there be 2,350 students. 1,350 Elementary and 1,000 high school students.

Mr. Rottenberg said this is the maximum.

Mr. Michelini asked if Mr. Rottenberg anticipates the maximum.

Mr. Rottenberg said over the years yes.

Mr. Michelini asked how many bus drivers you anticipate.

Mr. Rottenberg said roughly 50 buses in the morning and 50 buses in the afternoons.

Mr. Michelini asked if the staff includes the Administration and nurses.

Mr. Rottenberg said yes.

Mr. Michelini asked if the classrooms have a maximum in terms of capacity.

Mr. Rottenberg said he does not know.

Mr. Michelini is concerned that over time the capacity will be more than 25 students, and he wants to know how this can be prevented.

Ms. Jennings said that the Resolution will be adopted and a number of the students will be indicated. The students are not allowed to drive and the applicant exceeds the number of students if the applicant would have a problem with the parking. It will be memorialized and be part of the record.

Mr. Rottenberg agrees to provide to the Township each year with the number of students.

Mr. Michelini asked if the school has exterior speakers and what they are used for.

Mr. Rottenberg said is used for the Bell system, end of the recess, for loading the buses.

Mr. Michelini asked how the applicant would make sure that the noise from the bells is not going to bother the residents.

Mr. Rottenberg said he has a company in Lakewood that does decimals and he sees no problem with it.

Ms. Jennings stated that the applicant has to comply with Township and state noise Ordinance.

Mr. Michelini asked what are the hours for the summer camp?

Mr. Rottenberg said 10 AM until 3 PM, which is inside.

Mr. Michelini asked if the school is open on weekends.

Mr. Rottenberg said the school is open from Monday through Friday. No use over the weekends of the school.

Mr. Michelini asked if the trash and recycling company will be coming to the site.

Mr. Rottenberg said yes, as well as delivery trucks, such as Staples trucks. No tractor-trailers except for furniture delivery at the beginning of the year.

Mr. Michelini asked if any of the schools are operating on septic and who the applicant is utilizing for the designing of the septic.

Mr. Rottenberg said Colliers's Engineering did the project, but it is not fully completed.

Mr. Peters said that he is concerned if the gymnasium gets used for a purpose that brings parents to school, it might not have enough parking. That is why the question was raised what is the use of the building? Also, Mr. Peters is concerned if the use changes and it becomes a boy's school or a post-high school or is sold to a public school, would it be reasonable for the Board to consider that for this use, take Rabbi's testimony as for the need for parking, and should the property be sold, would the parcel need to come back before the Board to verify sufficient parking?

Ms. Jennings stated that if there is a change of use, usually the applicant has to get a Zoning permit. If the Board agrees to land bank the parking, put in a condition of the approval that a year after full occupancy if the zoning officer or some other person designated in the township says wait a minute Mr. Rottenberg's testimony was terrible, the parking that we have is not enough and that would trigger the applicant to build the remaining parking spaces.

Mr. Wall asked if there is a need for the additional septic field. Since it is not typical to have over 2,000 students on septic, maybe there is a need for a large septic. Mr. Wall asked if there is any relationship between land banking and septic needs.

Mr. Peters said that the Board has not heard the testimony about the septic design, so the relationship between the field, the equipment and the separation from paved parking areas, Mr. Peters said he is not sure if there was any testimony on this and he will not testify for the applicant because he did not put the plans together. Mr. Peters stated that he needs testimony on septic design.

William Stevens was sworn in. Vice president of Professional Design Services. Professional planner and engineer. Practicing in New Jersey. Mr. Stevens stated that the site plan was prepared under his direction. First exhibit is an aerial photograph that was prepared by his office for a flight dated September 27, 2022 and it shows in the center of the map the subject property highlighted in yellow. The subject property was previously a horse farm consisting of a single-family residency and a barn and some out buildings, all will be removed. This is marked as exhibit A1. Exhibit A2 is the plan prepared by his office showing the subject property. The applicant proposes to construct three schools. One Elementary, two high schools and a gymnasium to be utilized by all three other schools. The property is not requesting any variances, are seeking two waivers. One waiver is to land bank the 136 parking spaces. The applicant is proposing two separate entrances and exits onto the subject property from County Route 528. The applicant is proposing full curbs and sidewalks along County Route 528. A total

of 503 parking spaces are required. The applicant is looking to land bank 136 of them. After that, all the other parking area adds up to the requested 503 parking spaces. Exhibit A3 shows a colored copy of the site plan showing what the facility will look like. Refuse and recycling containers are located adjacent to each school. This site has 8 individual rain gardens. One large infiltration basin is located in the rear of the site. Mr. Stevens stated that the applicant is required to provide a 35 feet buffer to the residential properties that adjoins this property. The applicant is providing a 50 feet buffer. For lighting the applicant is providing pole-mounted overhead fixtures. Any area where it's joining residential development with those lights, the applicant agrees to put on house-side shields to keep the brightness down. Municipal water will be brought to the site. The application was submitted to all outside agencies for approval. No monument signs are proposed. Each school building will have signage on the face of each building.

Mr. Michelini asked Mr. Stevens to confirm that the project will wrap around the single-family homes and create an island.

Mr. Stevens said that that is correct.

Mr. Michelini asked if there was any afford from the applicant to purchase the area.

Mr. Rottenberg comes up at the microphone and said that there are only two homes. One of them is a halfway house that will be vacated very shortly, the other one is a house and the third is a vacant land the applicant tried to purchase, but it's one lady who is deceased for maybe 20 years and taxes have not been paid to Jackson Township. There is a lean on her property, so the applicant cannot make heads or tails, but they would love to own, but the applicant is not getting anywhere.

Mr. Michelini asked what size the shrubs will be when they are planned around the house.

Mr. Stevens said there is a whole mixture of trees. Street trees, two-inch caliper trees, and evergreen trees, 6-8 feet in height.

Mr. Michelini asked once the trees are planted if the houses will be visible.

Mr. Stevens said it will take time for the trees to grow and for the buffer. He said the forester make comments for the site plans and she will make sure the Township and area are protected.

Mr. Michelini stated that his clients Mr. and Ms. Bova have a property on Emma Lane and Mr. Bova has an interest in Omega LLC, which owns the property directly to North. It is about 9.7 Acres. One school is adjacent to his property.

Mr. Stevens said he is familiar with the property and said yes. It's one of the high schools.



Mr. Michelini said that there is buffering along most of Mr. Bova's property, but that about a third of this property line in the back goes on an angle and there is no buffering along that entire triangle. Can you explain why?

Mr. Stevens said that the area is forested and the applicant is leaving 50 feet of vegetation where only 35 feet is required.

Mr. Michelini asked if he can see through from one property to another in that area.

Mr. Stevens said he has not been on the property.

Mr. Michelini asked where the septic is going to be.

Mr. Stevens said his office did not design the septic. Another engineer has to give a testimony.

Ms. Jennings said septic is regulated by County and State.

Mr. Michelini asked Mr. Stevens to describe what is shown on A2 exhibit regarding septic.

Mr. Stevens said the drawings were done by a different company, so he is not prepared to give a testimony on that.

Mr. Michelini asked if there is parking on a portion of the septic area or any portion of the site that services the septic, in other words, there is going to be pavement over anything that has to do with the septic.

Mr. Stevens said no, except for the piping that collects septic sanitary waste from the buildings.

Mr. Klee asked if the applicant would agree to stipulate no parking on Veterans Highway.

Ms. Jennings said the applicant would agree to stipulate no parking on East Veterans Highway.

Mr. Klee asked about the floor drains and the kitchen waste that are eventually going to get into the septic system, any consideration for that?

Mr. Stevens said the Architect will testify to the building design and the disposal system.

Mr. Wall stated he is trying to reconcile the septic issue and some of the other comments. He stated that he gathers that the objective is to land bank about 136 spots. When the topic is septic and sewage management, somehow it is not under the Boards review, he does not agree because it does ties directly to the health, welfare, and safety of the public.

Open for public comments:

Resident Greg Staffersmith 266 E. Veterans Highway. The resident asked how much of the roadway the applicant will widen on either side.

Mr. Stevens said the County road improvements for this facility extend across the frontage of the facility and then it'll taper back into what's existing.

Resident Karen Staffersmith 266 E. Veterans Highway. The resident had a question about where the traffic light is going to be put. In front of the entrance or before the entrance?

Mr. Stevens said traffic engineering will testify on this item.

The Resident form from 8 West Dickens Court. He stated that there will be a 50-foot buffer. Right now he is wooded in the back, he does not hear traffic, once the trees are removed he will hear all the traffic.

Resident Brian Shok 16 Dunhill Road. He asked if the applicant will be willing to swap the gym with that other area, it seems you have all your buildings on the outside of the building.

Mr. Stevens said the applicant is providing more buffer than is required.

Resident Josh Ziton, 14 Dunhill Road. He stated since there will be 1300 kids in his backyard, can he have a privacy fence on his property line?

Ms. Jennings said the applicant will talk about it. She does not want to make any commitments now.

The public comments session closed. Motion Riker/Sullivan is all in favor of the present.

The application was carried until March 20<sup>th</sup>, 2023 Motion by Riker/Sullivan all in favor among present.

Motion to adjourn Riker/Burstein all in favor among present.

Respectfully submitted by

Irina Darrar

Planning Board Recording Secretary