

JACKSON TOWNSHIP PLANNING BOARD MEETING

MONDAY, MARCH 15, 2021

The March 15, 2021 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  
Dr. Michele Campbell Martin Flemming, Councilman  
Jeffrey Riker Joseph Riccardi, Mayor's Designee  
Andrew Jozwicki Len Haring, Board Vice Chairman  
Anthony Luisi- Alt #1 Robert Hudak, Board Chairman  
Manuela Brito- Alt #2- *virtual*

**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 3/15/21 motioned by RIKER/ Haring. Yes:** All in favor among those present.

**Motion to approve regular meeting minutes of February 22, 2021 & executive session minutes from February 22, 2021 by HARING/ Flemming. Yes:** Campbell, Riker, Jozwicki, Brito, Wall, Flemming, Riccardi, Haring, Hudak.

Mr. Gertner announced there is a miscellaneous legal matter, to the Board and the public, please make sure that everyone understands both from the Board and the public, the Board sits in a quasi-judicial position, this is not a political gathering, and when someone was told not to read stories about a particular application be sure that no one is getting involved in social media, and the public should understand this is not a political gathering, the Board is guided by evidence not passion.

**1. Jackson Park (South Section), Block 10401, 17802, Lots 5.04, 57.01-** Mr. Klee stated as indicated this is an application for preliminary final major subdivision approval, and site plan and there has been testimony from the applicant and as indicated the applicant has completed his presentation and cross examination. Mr. Peters stated this site is still in the mixed residential zone which is permitted and there is conditional use for the pump station, and this does not require variance. Mr. Hudak advised the Board would like to allow Mr. Tuvel to make a statement. **Jason Tuvel- attorney for applicant-** stated Mr. Gertner raised a good point speaking about the Board acting as a quasi-judicial entity and if the Board can confirm they have not been involved in any social media posts, it would be appreciated. Mr. Gertner advised he can make the representation on behalf of the Board, and that has not been done. Mr. Tuvel stated as indicated there has been multiple hearings on this and Mr. Gasiorowski representing for CUPON, and it's unsure if the witnesses were called and it's not believed that he Mr. Gasiorowski rested, and what would like to be done, if the CUPON members could be disclosed because if there are member of CUPON they should not be speaking during the public comment session. Mr. Gertner stated it appears Mr. Gasiorowski is not on zoom, and asked if anyone who is represented please raise their hand.

Elenor Hannum said Mr. Gasiorowski is aware there is a meeting however she's unsure if he is having difficulty getting onto the meeting. Mr. Gertner advised there have been no other issues and it might be best if Mr. Gasiorowski restarts his system, or possibly Ms. Hannum should email him the zoom information.

**Ron Gasiorowski- objector's attorney-** advised that it's believed that cross examination left off with Ms. Galvin. Mr. Tuvel stated at the end of the last hearing there was additional time asked for Ms. Galvin to continue, and if all members of CUPON can be identified, that would be best. Ms. Gasiorowski said there are questions of Ms. Galvin. Mr. Gertner asked if there are objections to having Ms. Galvin cross examined. Mr. Tuvel mentioned that cross examination was concluded. Mr. Gertner stated it's recommended that the cross examination be re-opened so the record is clear, however Mr. Tuvel's objection is noted, and it will be asked than Ms. Galvin unmute herself.

**Daphne Galvin- previously sworn-** Mr. Gasiorowski asked regarding the site, what is the permitted percentile of impervious coverage. Ms. Galvin stated it was specifically discussed, and the 70% is to the single-family lots not to the whole site. Mr. Gasiorowski asked if Ms. Galvin was aware if there is a specific prevision to the percentile of impervious coverage from the single-family section to the town house section or the apartments. Ms. Galvin said she did not believe so. Mr. Gasiorowski asked if there are standards. Ms. Galvin advised not as it relates to a bulk standard. Mr. Gasiorowski asked Ms. Galvin is she was aware that the roadways have a requirement for a 50' right of way. Ms. Galvin said that is correct. Mr. Gasiorowski asked if there is a 50' right of way and a 30' travel way. Ms. Galvin said that is correct. Mr. Gasiorowski asked if that coverage is part of the impervious coverage calculation. Mr. Tuvel objected since these questions were already asked. Mr. Gasiorowski disagreed, and advised they are new questions. Mr. Tuvel stated he was looking at the transcript from the last hearing, and the questions are being duplicated. Mr. Gasiorowski asked as it relates to the percentile in the single-family section, is a certain percent given, however in the other sections there is no regulations of what the impervious coverage can be. Ms. Galvin said that was correct. Mr. Gasiorowski asked if Ms. Galvin knew the coverage in those areas. Ms. Galvin said no. Mr. Gasiorowski asked if it could in fact be 70%, 80% or 90%. Ms. Galvin mentioned that the specific impervious coverage for those areas was previously asked, and the impervious coverage for the entire site is all that is known. Mr. Gasiorowski asked what it is. Ms. Galvin said it's approximately 31%. Mr. Gasiorowski asked if the entire site is 31% impervious coverage. Ms. Galvin said that was correct. Mr. Gasiorowski referenced **Exhibit A-3**, and mentioned there is a basin which is close to the adjacent parcel of land that is towards the bottom left-hand side which is the wet pond, and it appears there are 2, can the nature of the basins be described. Ms. Galvin stated a wet pond would be a detention basin, it holds water all the time. Mr. Gasiorowski asked if there is a prevision for the overflow. Ms. Galvin stated the 2 wet ponds discharge into the infiltration system. Mr. Gasiorowski asked going from southwest to south east that will take them to the infiltration basin. Ms. Galvin said that was correct. Mr. Gasiorowski mentioned there was comment of the detention basin and now it's being said it's a retention basin. Ms. Galvin advised there are numerous basins on site. Mr. Tuvel objected and stated these are the exact questions that were previously asked. Mr. Hudak agreed that after reviewing the transcript the same questions are being asked. Mr. Gasiorowski stated this is public hearing, and referenced page 107 of

the transcript, when that question was asked it was stated that the infiltration will soak into the ground. Ms. Galvin stated there are 3 infiltration basins purposed, and those basins allow for infiltration and storm water into the ground. Mr. Gasiorowski asked what happens to the water in the wet pond. Ms. Galvin stated there is a normal surface and when it rains and the water goes into the wet ponds, when it gets to a certain elevation it discharges into the wet pond and then into the infiltration basin. Mr. Gasiorowski asked if any water in the wet pond goes into the soak and seep into adjacent properties. Ms. Galvin stated no. Mr. Tuvel stated that sequence was now asked 3 times. Mr. Gasiorowski stated there no further questions, and asked if should be assumed the council is saying no further questions may be asked. Mr. Gertner advised that was incorrect, and stated there was additional time given at the last hearing for cross examination of Ms. Galvin. Mr. Gasiorowski asked if a witness can be reexamined. Mr. Tuvel objected, and stated there was a significant amount of time given, and cross examination of the professionals was concluded at the last hearing. Mr. Gasiorowski stated this is not a court of law, this is a public hearing. Mr. Gertner stated it's ultimately the Boards decision and the opportunity was given to call all the witnesses and the entire cross examination should be done, and remember one reason that the witnesses are available is so those folks who are not represented, may still have the opportunity to ask questions and since the Board is attempting to manage this, the recommendation would be to move onto another witness. Mr. Gasiorowski advised the understanding is that the only other witness was Mr. Vederese, and based on testimony of Mr. Rahenkamp there is a brief re cross requested. Mr. Tuvel objected.

**Nicholas Vederese- previously sworn-** Mr. Gasiorowski asked if Mr. Vederese is the traffic consultant. Mr. Vederese said that is correct. Mr. Gasiorowski asked if he was the consultant that deals with parking and traffic flow. Mr. Vederese said that was correct. Mr. Gasiorowski asked regarding Jackson Township, if Mr. Vederese is familiar with the required right of way of public streets in town. Mr. Vederese said no, however is familiar with residential site improvement standards. Mr. Gasiorowski asked with this partial project have the residential site improvements been reviewed. Mr. Vederese said yes. Mr. Gasiorowski asked if Mr. Vederese was aware of the right of way of 50' that while in fact while a project is being developed it may be owned by the developer, and the right of way will be owned by the township, will it not. Mr. Vederese advised that was correct. Mr. Gasiorowski asked if the onsite would include the outbound surface. Mr. Vederese mentioned from his opinion the term "on site" would be parking that is for example a parking lot with a driveway to a street. Mr. Gasiorowski asked if Mr. Vederese would agree there can be on street parking. Mr. Vederese said yes. Mr. Gasiorowski asked if the on-site which would be parking on street that would be utilized by the developer. Mr. Vederese stated if it's on the street it's on the street and ownership is consequential. Mr. Gasiorowski asked if the traffic patterns were reviewed and the parking. Mr. Vederese said yes. Mr. Gasiorowski mentioned it was presented at the last hearing, there appeared to be parking that is being utilized by both the property owner and the township. Mr. Tuvel stated the entire site is owned by the applicant and Mr. Gasiorowski is insinuating the site is using township owned property. Mr. Gasiorowski stated this is a site plan which clearly delineated site improvements to the property and that is the roadways and the curbing, and the plan shows a 50' right of way and that 50' right of way will be dedicated to the township, and one argument raised is because the parking here is seeking a variance which was called for by the township engineer there should be consent from the township to utilize the property owned by the township, and this is not on street, this is partial parking on the applicants property who is seeking to use public owned property to increase the density on site. Mr. Tuvel stated he disagreed with the analysis, and it's not appropriate for Mr. Vederese, however if there are questions based around his expertise they may be asked. Mr. Gasiorowski stated this was brought up by the municipal engineer to speak in terms of the parking field and it calls for a variance. Mr. Tuvel stated that was gone through already at the last meeting. Mr. Gertner stated there was a statement where a witness can be recalled, and its being asked that the questions be re phrased because the last question had a lead up to an argument and there should be some foundation to the point. Mr. Gasiorowski referenced the 2019 review letter from Mr. Peters. Mr. Tuvel noted that is not the latest letter. Mr. Gasiorowski stated he was aware, and continued to page 6, and asked if it's seen where the letter mentioned the 25' is required. Mr. Vederese said yes. Mr. Gasiorowski mentioned there is a comment that a variance is required for that right of way, and as a traffic consultant which reflects in Mr. Vederese's expertise, because its dealing with parking and setbacks. Mr. Vederese stated where the right of way is, it will not change the traffic review which is the design of the roadway. Mr. Gasiorowski asked if Mr. Vederese agrees that 10' is in the right of way, and 8' is in the private owned area owned by the applicant, because in order to do that there should be a variance. Mr. Tuvel object and advised Mr. Vederese is not a planner. Mr. Gasiorowski stated this is dealing with a parking problem and is a part of designing the roadway and it was designed to require a variance. Mr. Vederese stated as far as traffic goes a variance means nothing, the safety is reviewed and weather there is a line that runs through the parking space it means nothing, and if it was somewhere else the safety would not change. Mr. Gasiorowski asked what justifies the variance. Mr. Vederese stated the line of the right of way is of no substance for the safety of the roadway, and from a traffic standpoint all the design standards are met. Mr. Gasiorowski asked if in most instances head on is angled. Mr. Vederese stated the RSIS standards are met and there are several options of parking and this is the one chosen. Mr. Gasiorowski asked if all this parking should be on the property owned by the developer. Mr. Vederese mentioned the same question is being asked and what's been designed meets all the RSIS standards for the design of a road and parking, and the only issue that keeps coming up is the right of way line. Mr. Gasiorowski asked if this design is done so that the municipality would join in on this. Mr. Tuvel stated that is a legal question. Mr. Gasiorowski asked if the reason for the 50' right of way is for the municipality to utilize that property. Mr. Vederese advised he was unsure of the question. Mr. Gasiorowski asked if there is an agreement of that right of way being utilized by public parking. Mr. Vederese stated he was not aware. Mr. Gasiorowski asked regarding this application, does the plan provide for enough spaces which are completely on site without the utilization of the property owned by the municipality. Mr. Tuvel objected, and stated there is nothing owned by the municipality. Mr. Gertner asked should this be approved one condition would be that the perpendicular parking spaces will require an easement or agreement, or homeowner's association be owned by the municipality. Mr. Tuvel advised he was unsure if easement was the answer however snow removal and maintenance will be in the conditions. Mr. Gasiorowski mentioned that Mr. Tuvel stated if approved there would be some easement or agreement with the township, and the applicant so the publicly owned property can be utilized for public parking, and having said that it is impossible for this proceeding to go forward given that stain until an agreement between the client and municipality and there would need to be an ordinance. Mr. Tuvel disagreed. Mr. Gasiorowski stated there needs to be an agreement with the township to use the land owned by the township. Mr. Gasiorowski asked what will the speed limit be where the head on parking is purposed. Mr. Vederese advised 25 miles per hour. Mr. Gasiorowski asked who will be responsible for maintenance of the pavement owned by the town. Mr. Vederese mentioned the town assumingly. Mr. Gasiorowski asked about snow plowing. Mr. Vederese stated Mr. Tuvel just answered that and it will be a combination of both parties. Mr. Gasiorowski asked if Mr. Vederese has ever seen a parking space proposal where the parking space is divided. Mr. Vederese stated he has seen plenty of parking in the public right of way. Mr. Gasiorowski stated he concludes with this witness.

**Craig Rahenkamp- previously sworn-** Mr. Gasiorowski asked if there was effort to determine how many spaces there would be if there were parallel parking or what there is provided with head on parking. Mr. Tuvel stated that has been answered. Mr. Hudak stated these questions have been asked.

*Mr. Gertner announced there will be a 5-minute break, and once the Board is reconvened, through the chair the first witness can be called.*

Mr. Gasiorowski stated he represents a group in Jackson called CUPON, not related to the organization in North Jersey, and so long as the Board understands Ms. Hannum is the representative of the group, and she will place on the record the members of the group. Mr. Hudak asked if Ms. Hannum is speaking for the entire group. Mr. Gasiorowski stated that was correct the entire group of individuals of the group in Jackson and is no way connected to the group in North Jersey.

**Elenor Hannum- 7 Evergreen Court- sworn-** Mr. Gasiorowski asked Ms. Hannum's relationship with CUPON. Ms. Hannum advised she the president of the group, and formed CUPON a year and a half ago, it's an organization for resident's concern and if they feel they are not being fairly represented in their homes or neighborhoods, they can come to CUPON. Mr. Gasiorowski asked Ms. Hannum to tell the Board how long she's lived in Jackson. Ms. Hannum said April 10th will be 57 years. Mr. Gasiorowski asked if Ms. Hannum has been present at all hearings for this application. Ms. Hannum said that was correct. Mr. Tuvel asked if Ms. Hannum can please provide the names of the members that are part of the group now that it's been identified Ms. Hannum is the president, and it's been asked to see who comprises the client. Mr. Gasiorowski asked why is that necessary. Mr. Tuvel stated the only reason it's being asked is because there are members of the public that will be heard, and if they are going to participate as members of CUPON, Ms. Hannum is speaking for them, and it was stated that she would be the one to provide those names. Mr. Hudak mentioned since this is not to the portion of public comment, the Board should have until then to identify the member, as then the Board would not want them coming in, however it will come to that. Mr. Gasiorowski asked Ms. Hannum to explain her position as to why this position is being taken. Ms. Hannum stated she grew up on Rova Farms Lake, and knows that land and knows the environmental sensitive nature of that property, and there are residents who have reached out from the Northern Parcel who are concerned and worried about their neighborhood who are not members of CUPON yet have reached out for help, and there are concerns of the nature of how this site will be impacted, and it's part of the Barnegat bay watershed and there are major species that are endangered and threatened species and listening to Ms. Galvin who was not able to delineate where the wetlands are, and when testimony is listened to there is a trajectory of the storm water management flowing from west to east and the wetlands in that area breed on cedar water, and this contaminates the wetlands and there is a letter when this site was under HovBuilt, as it relates to the swamp pink, it was recommended there be a fence around the swamp pink, and this land is going to be destroyed and most of this land is on the DEP historic registry and its being ignored, and Perrineville road is on that registry as well and it's going to be vacated and dedicated, and looking at the site there is a resident where there will be a pond right up against her property and she has a basement and there is testimony that there will be no water, and it's been testified too, and there should be borings, and with the records found there is no proof that recommendations were taken and in the EIS on page 19 there is the identification of the up land and wetland areas of the site and with everything gone through there was not a comprehensive management plan as it relates to the endangered species on site, and when the question was asked on the clear cutting no one seems to have an answer, the outdoors are desired and the town should not continue with all the clear cutting the historical value will be wiped away, and the other question that brings huge concern is when El purchased this site in 2015 there was a condition that there would be a deed dedicated to the Township and there would be a 50' easement form the north and south to allow the utilities to come from the north and south which is across the tributary, how is that not destroying that critical habitat, and as for Prospertown road it's one of the oldest roads in Ocean County and weather that's believed or not it's not relevant to the applicant however it is relevant to the residents in town, and if this is being deeded over, Jackson Parke is taking no responsibility of the road but taking no occupancy of the road and the Home Owners Association should have a written area where this road cannot be used for parking because it will take a historical piece of Jackson and turn it into a parking lot, and will there be lines of cars running down Prospertown road to get to Reed Road or Six Flags, this site is also looking at over 3,000 people occupying water, this is pulling on the Aquaphor, and this region is pretty much on well water and it's a great concern however this draw will start contamination on the wells and there will be no infiltration with all the pull. Ms. Hannum stated it's sad that the tree ordinance is being disregarded just because of the affordable housing and it's questionable because there is a fair share housing that states where the affable housing should go, and the fair share was put in place and it states that it should not go in an environmentally sensitive area and this statue is being ignored, and Rhyan Grech is to be called next. Mr. Gasiorowski advised there was a name provided of someone being called. Mr. Gertner asked if Mr. Gasiorowski was done with the direct. Mr. Gasiorowski said that was correct. Mr. Gertner asked if there was any cross. Mr. Tuvel asked when was CUPON founded. Ms. Hannum said November 1, 2019. Mr. Tuvel asked Ms. Hannum how long she's been a member of CUPON. Ms. Hannum said since day one. Mr. Tuvel asked how many residents of Jackson are members of CUPON. Ms. Hannum stated there is no membership and there haven't been meetings with covid and there have been meetings where residents would come and go and there have been fundraisers who have given donations and there have been people who have shown up however, they are not members, however there is a Board. Mr. Tuvel asked who the Board members were. Ms. Hannum stated Sheldon Hofstein, Craig Hubbard, and Kathy Giacola is who makes up the Board.

**Rhyan Grech-** said she was unaware she was being called a witness, she only wanted to make comment during the general public comment. Mr. Gasiorowski advised he understands however since Ms. Grech is present and rather than being pulled as a witness the comment can be made at this time. Mr. Tuvel asked Ms. Grech to identify if she is a member of CUPON. Ms. Grech mentioned that it doesn't matter to her when the comment is made however she is uncomfortable being put on the spot and is not comfortable answering questions. Mr. Gertner stated to be clear there is an agreement among council if you're called as a witness you will not be able to ask your own questions, and this is interesting that you were called however do not wish to be a witness and you're not a member of CUPON, do you reserve the right to ask your own questions. Ms. Grech said she was not prepared to be called as a witness. Mr. Gertner stated the representation has been made and Ms. Grech was unaware she would be called and for her own protection she should be saved to make statements of her own at the proper time. Mr. Gasiorowski agreed. Mr. Tuvel noted therefore the names of those who are in the group need to be named. Mr. Gasiorowski stated there is no confusion about that and this party was that this person wants to make a statement and she was being called as a party to be called. Mr. Gertner advised if Mr. Gasiorowski is calling witnesses on his behalf Ms. Grech will lose the right to ask her own questions, and that is unfair to the public. Mr. Gasiorowski stated Ms. Hannum is my only witness. Mr. Tuvel stated before Mr. Gasiorowski started cross examining there was other members of the public who asked questions and make comments and if this is being opened again, is it only for those who have not previously asked or made comments. Mr. Hudak stated the people who are in CUPON have not been identified and there are 35 attendees who are waiting to speak and of those 35 people, there may be members of CUPON. Mr. Gertner stated respectfully it should be asked if they are members of CUPON and there should be a full record, and the public should be mindful that a developed record has accrued and there is direct and cross examination and that questions not be repetitive however everyone should have the opportunity and be mindful as well this is quasi-judicial. Mr. Tuvel stated at the February 1 meeting there were 7 public members that did cross examine and that is because Mr. Gasiorowski was unavailable and the Board allowed public to make comment and it was turned back to Mr. Gasiorowski, are those people going to be called on again. Mr. Hudak asked for members of the public who care to comment on this application to please raise their hands at this time.

Mr. Gertner announced that all the applicants professionals are available, and should there be direct questions the Board ask that those professionals be called on

**Ryan Grech- 810 Farragut Ave, Mays Landing- not affiliated with CUPON- sworn-** said the proposed development is inside the reserve and Jackson Parke purposed 549 residential units averaging a density of .22 acres per units which violates the standards, and there is objection to development that does not permit a 300' buffer and the wetlands on these lots are the head waters of the Toms River and any activities within 300' will have substantial impact, and according to the NJ DEP of Environmental propagation this has a category 1 of waters, and we think this development is in clear violation and implication will destroy the environment for endangered species  
Mr. Gertner asked if there are questions from this person for either attorney. Mr. Tuvel mentioned the term "we" was used, and there is question of who is "we"

**Ryan Grech- 810 Farragut Ave, Mays Landing- not affiliated with CUPON-** said the pinelands preservation alliance, there is sign off from save Barnegat bay, and 2 others which are "we".

Mr. Tuvel advised it's un sure if that comment should be considered, that is an entity and that should be represented, and before a Board there would need to be council and the comments would be objected. Mr. Gertner stated the objection is noted.

**Charles Caruso- 29 Nassau Drive, Lawrenceville, NJ- sworn-** said he is the chairman of the Barnegat Bay Storm water work group, and a significant amount of time has been spent on storm water and that representation is not being made, and the regulations of storm water have been reviewed and they became effective this year and they embody a significant change to storm water and these new efforts are to keep storm water as close as possible to where its generated and the approach is for bio swails and other options to control the storm water and things like wet ponds are the problems that exist under the prior regulatory scheme, and the water table is close to the service area and there are stringent requirements for the structure to be well above the water table which may be problematic and Jackson Township has implemented the new storm water regulations which was passed on February 9, 2021 which incorporated the changes made by the DEP, and there is question if the new department of environmental protection and the new storm water ordinance has been incorporated including the maintenance requirements of who's maintaining the proposed development plan and there should be insurance that the new regulations are incorporated.

Ms. Galvin stated the project is not subject to the new regulations it was approved under the prior regulations which are consistent with the approvals from 2018

**Charles Caruso- 29 Nassau Drive, Lawrenceville, NJ-** asked in terms of future projects, what regulations would they fall under  
Ms. Galvin advised if it is a new application, the new regulations would be followed

**Charles Caruso- 29 Nassau Drive, Lawrenceville, NJ-** asked if this is being done in segments  
Ms. Galvin stated there is the north section and south section

**Charles Caruso- 29 Nassau Drive, Lawrenceville, NJ-** asked if both occurred under the previous scheme  
Ms. Galvin said that is correct

**Melinda Moich- 1622 Forge Pond Road, Brick, NJ- sworn-** asked why are the names being requested, and although she is not a part of the CUPON group, why are the names required especially if they are not speaking.

Mr. Gertner stated the names are not needed if they are not testifying, and if they are CUPON members they are being represented by an attorney.

**Britta Forsberg- Wenzel- 117 Haines Road, Toms River, NJ- Executive director of Save Barnegat Bay- sworn-** representative of save Barnegat bay, and all information and documentation mentioned can be confirmed, there are serious issues that need to be taken into consideration

**Richard ciullo- 215 Grant Ave, Seaside, NJ- sworn- not affiliated with CUPON-** asked if anyone who previously questioned the professionals will be permitted to speak again

Mr. Hudak advised that is correct, however, to be fair those who haven't spoken yet are being called on first.

**Richard ciullo- 215 Grant Ave, Seaside, NJ-** asked why the names of the CUPON members have been asked for on numerous occasions and not just this evening.

Mr. Gertner advised that question has been addressed and that is because members involved should they be testifying they are to be represented and if they do not wish to speak, their names do not have to be provided

**Richard ciullo- 215 Grant Ave, Seaside, NJ-** said should the Board deny this application that request should be withdrawn

Mr. Tuvel stated the list is relevant because the Board should understand the makeup of the organization to weigh the testimony and for conflict purposes and disclosure if relevant, and the Board made their decision, and it should be disclosed however the Board made their determination

**Jeff Nemeth- 397 Perrineville Road- sworn-** said when Mr. Vederese was being asked there was question about parking, how many visitor spaces will each town home, stacked town home or apartment have

Mr. Vederese stated there are numerous sections and between the different town houses it will vary, the multifamily units in the apartment will have 299 spaces total, in the townhouse area there is 504, and in the stacked town home section there are 94 shared visitor spaces.

**Jeff Nemeth- 397 Perrineville Road-** asked if that will that be for 2 spaces per home

Mr. Vederese advised there will more than the .5 required per unit, and the townhomes have garages and driveways as well

**Jeff Nemeth- 397 Perrineville Road-** asked if .5 adequate

Mr. Vederese advised there is an excess of .5, and that is the minimum allowed

**Jeff Nemeth- 397 Perrineville Road-** said he learned a lot today and lives in the area and there are questions as it pertains to the environment and all, it's ironic that after listening to Ms. Grech and Mr. Caruso were speaking they are very well up on the environment and water sheds seem to be well known and it's ironic that Mr. Tuvel wants to strike commentary from those people because they have knowledgeable information that might be threatening, there are serious concerns there and the Board should listen and listen well and the eye brow raise was even higher after hearing them speak, and there are concerns with the tributary and the water table and the wells that are existing and there are so many groups that say this is wrong and the Board is here to represent the residents of Jackson, and fair housing is being used a crutch and the applicant and the professionals don't even live here, it effects them not one bit, and once the shovel is in the ground each Board member should not have a judge from a far who's never stepped on that site making the decisions and the Board should take the residents into consideration and no development has had restrictions and this needs to be stopped and looked into much deeper

**Joseph Ricchiuti- 7 Corey Lane- sworn-** said Ms. Hannum brought up Prospertown road and previously it was asked about the legality of Prospertown road, and with referencing **Exhibit A-3**, it was asked how the road would transition, and there was homework done since no one could testify to what is happening to that road and the Jackson PD confirmed that is a legal road, and that road needs to be treated as an intersection, it cannot be blocked by curbs and sidewalks and this application is denying residents use of a roadway and although it's not paved it can be traveled legally, and it was stated that it will not be intended for the path to be traveled so who is not intended the use of the path the developer of the Township.  
Mr. Tuvel stated the Township can do what it wants in the right of way

**Joseph Ricchiuti- 7 Corey Lane-** said it's not a right of way, it's a legal road  
Mr. Tuvel stated the legal right of way is not being impeded

**Joseph Ricchiuti- 7 Corey Lane-** said there are curbs going in, how is that not impeding, and there should be sidewalks and the Township will have to put up stop signs however the roadway cannot be blocked  
Mr. Hudak asked if it's being testified that the road in question is a right of way, and what is being done is proper. Mr. Tuvel stated the Township would need to be involved and it was discussed what signage would be installed. Ms. Galvin advised when the plans were submitted there were no reports or comments from the Police Department, and there was some signage purposed to help control the crossing and the Jackson PD can be worked with however there have been no comments. Mr. Tuvel stated the Board, and the Police Department will be worked with.

**Randy Bergmann- 5 Brentwood Drive- sworn-** said there were 8 or 10 concerns that were raised and unsure if it's appropriate to go through the issue however the issues should be addressed before a vote is made, and there were issues not only from CUPON however from environment entities as well

**Denise Garner- 8 Dover Court, Bear, DE- board member of save Barnegat bay- sworn-** asked Ms. Galvin about the constitution about the utilities in the area, and because the ground water there is at a high, there is a statement that the water table will be hit referenced in the EIS  
Mr. Tuvel-objected, and stated this was gone over and this is an opportunity to follow up. Mr. Gertner stated the objection is noted however the Board is giving the public the opportunity to speak and based on new testimony

**Denise Garner- 8 Dover Court, Bear, DE- board member of save Barnegat bay-** asked how will the construction be controlled while the utility lines are laid down  
Ms. Galvin stated this question was almost specifically asked the last time, and now there can be a better answer provided and the constitution process to be protected, and there must be a storm water pollution prevention plan and that is state issued permit that is the 5G-3

**Denise Garner- 8 Dover Court, Bear, DE- board member of save Barnegat bay-** asked if that permit has been obtained  
Ms. Galvin advised that is obtained once there is approval from the ocean county soil conservation

**Denise Garner- 8 Dover Court, Bear, DE- board member of save Barnegat bay-** how are the test pits going to be handled  
Ms. Galvin- if the question is how the soil district will handle this, that should be addressed to them

**Denise Garner- 8 Dover Court, Bear, DE- board member of save Barnegat bay-** asked if the plan will be presented  
Mr. Gertner asked for the outside agency approvals to be touched on. Ms. Galvin stated one outside approval is a certificate from the Ocean County Soil conservation district and following there will be submission for the 5G-3 permit and those approvals will need to be obtained before site disturbance

**Seeing no one else use the "raise hand" function, motion to close public comment by CAMPBELL/ Flemming. Yes:** Dolan, Campbell, Riker, Jozwicki, Wall, Flemming, Riccardi, Haring, Hudak.

Mr. Gasiorowski asked if there will be a meeting to present a closing statement as its to be assumed the Board will not attempt to vote this evening. Mr. Gertner stated the Board and the chairman do not disagree, and in the past, there has been testimony for the Board to consider, and it's asked through the chair that both councils be prepared to for closing statement. Mr. Gertner announced that this will be carried to the March 22, 2021 meeting and the public is directed to Township website.

**Motion to carry for March 22, 2021 by DOLAN/ Luisi. Yes:** All in favor among those present.

**Motion to adjourn at 11:00 p.m. by FLEMMING/ Haring. Yes:** All in favor among those present.

Respectfully Submitted,

