



Mr. Pfeffer on behalf of the applicant. He stated the intention is to swap the rides and some upgrades. No lighting is associated with this project. Motion to approve Campbell/Riker all in favor among present.

**Resolution # 2023-08**

RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY GRANTING FINAL MAJOR SUBDIVISION APPROVAL FOR AHARON MANSOUR/LUXOR DRIVE 1426, LLC, BLOCK 13401, LOTS 2.02, 4.01, 15, 16, 24 & 26

Motion to approve: Riker/Sullivan, Yes: Burnstein, Flemming, Haring, Riker, Wall, Demarzo, And Herman.

Changes to the agenda schedule Block 4301 Lot 15. Commodore LLC will be carried to the 5/1/2023 meeting. Motion Burnstein/Sullivan is all in favor of the present.

Block 2501 Lot 3340 originally scheduled for 4/3/2023 is requesting to be carried to the 6/5/2023 meeting with the request of further notice. Motion

NO legal matters.

**Application 15601 and 15701; Lots 2 and 6 and 15-Bias Yaakov Of Jackson LLC**

Donna Jennings on behalf of the applicant. She stated that the application was heard on February 21<sup>ST</sup>, 2023. Today Ms. Jennings is adding a witness, Ian Borden because there were some questions about septic design. In addition, Traffic Engineer John Rea will testify and so will the architect.

Ian Borden was sworn in. Professional Planner, licensed in NJ, and president of the professional design service. Mr. Borden said there is no public sewer available for the property. The sewage will be disposed of by groundwater discharge or individual septic disposal system; that system will require permits from the State of NJ. Three approvals are required. Approvals are required because any system over 2,000 gallons per day on an average daily flow is required to get those approvals. Exhibit A20 shows a map of Jackson Township taken from the deep that doesn't show the entire town but it does show the various AGYPTS permits in the township. These systems aren't unusual. There are 27 licensed AGYPTS permit systems in Jackson Township alone. Mr. Borden stated that having schools on a septic system is not unusual. Ocean County Vocational School on 571 is on AGYPT's permit. This system as noted on the impact statement is about 22,600 gallons per day. Exhibit A18 is two photos of the system being proposed, called an aerodrome system. It is a bioreactor system for the treatment of waste. The amphorae system is a very small building that just houses the controls, everything else is underground. The bottom part of the exhibit is concrete tanks. There is no chemical process involved. The oxygen is removed from the environment to create a nitrogen-rich environment so the bacteria feed on

the nitrogen and that is how you remove the nitrogen from the waste. Mr. Boren stated that the discharge system is more than adequately sized for the flow that is expected for those schools.

Mr. Joseph Michelini from O'Malley, Surman, and Michelini, Brick, New Jersey on behalf of Omega LLC, which is a next-door neighbor in part owned by Jeff Bova, who also resides on Emma Lane, pretty much adjacent to the property.

Mr. Michelini asked Mr. Borden if he prepared an environmental impact statement.

Mr. Borden said that is correct.

Mr. Michelini asked Mr. Borden if the reason why this system is required is that there is no available sewer in the area.

Mr. Borden said yes.

Mr. Michelini asked how far the sewer from the property is.

Mr. Borden said there is a sewer located on Grand Blvd, east of the site. He does not know how far that is, certainly more than a half mile.

Mr. Michelini asked if it is possible to bring sewer to the site.

Mr. Borden said the answer is no. The sewer in Grand Blvd is in what's called the central sewer service area. In Ocean County, all sewer flows through treatment facilities constructed by Ocean County Utility Authority. The central sewer service area ends at the South Winds Mobile Home Park. So that the sewer service area doesn't extend to this property. Mr. Borden said even if the applicant had physical access to the sewer, the property is not in a sewer service area.

Mr. Michelini asked if there were any applications done to Ocean County MUA to make an exception to allow the sewer to go to the Southern service area.

Mr. Borden said no application was made. He said that this property is not in the Watershed that forms the central sewer service area, more importantly, the Central sewer area is contributing to the system and adjoining towns in Toms River and has no capacity

Mr. Michelini asked if it would be better for a school like this to be in an area where there is already existing sewer.

Mr. Boren said no. The reason why large parts of the town are excluded from sewer service area mapping, especially Northern sewer service areas because they don't want sewers, they want to be discharged back to the groundwater and recharge the aquifers.

Mr. Michelini wants to clarify if DEP favors a plan where 22,600 gallons of wastewater goes to the Dove Mill Branch and then into the Toms River every day that this school is in operation.

Mr. Borden said that he is saying that they favor the plan where they do not provide sewer service to the entire Township to encourage groundwater recharge.

Mr. Michelini asked Mr. Borden if the reason the applicant has to get all the permits from DEP is that they might not favor the plan.

Mr. Borden said he thinks that they will approve the plan.

Mr. Michelini wants to direct attention to EIS Ordinance. He wants to know if EIS Ordinance requires the applicant to make a very specific log of the investigation with dates, times, weather conditions, and specific site locations, does it require that?

Mr. Borden said not to his knowledge.

Mr. Michelini brought up AIS Ordinance. He stated that the portion of the Ordinance, Chapter 244 Land Use Development regulations, Article 12. Design Standards and Improvement Specifications. Section 244-189 Environmental impact statement for the Township of Jackson. This is dated Monday, March 6, 2023. Mr. Michelini read the part of the Ordinance: Paragraph B on the first page furthermore as much original research as necessary shall be conducted to develop the Environmental Impact Statement. The inventory required by this section shall be accompanied by a log indicating the dates, times, weather conditions, and specific site locations of all onsite inspections. All environmental impact statements shall consist of written and graphic materials which present the required information utilizing the following formatting. Mr. Michelini stated that the log indicates dates, weather conditions, times, specific site locations, and all of the on-site inspections. Mr. Michelini asked if Mr. Borden maintained the records.

Mr. Borden said no. He said he just provided the bracket of the dates during which the site investigations were performed.

Mr. Michelini asked about the landscaping project. NJ DEP website has maps that show sensitive areas, there are 5 levels of ranks indicating conservation priority with regards to species or habitats for species.

Mr. Borden said that is correct.

Mr. Michelini asked Mr. Borden if he found this project under rank #3.

Mr. Borden said yes. He said the rear portion of the property which is generally that area within the undisturbed riparian buffer and Wetlands buffer is ranked # 3.

Mr. Shea said that species and habitats are under DEP jurisdiction and they will be handling it.

Mr. Michelini stated that since Jackson Township passed its Ordinance regarding environmental impact statements that address threaten and endangered species, Mr. Michelini thinks it is under the current Jurisdiction, and the board ought to be very concerned about it.

Mr. Riker as an environmental commissioner stated that this is outside of the board's Jurisdiction.

Mr. John Rea was sworn in. The principal with McDonough and Rea Associates. 1431 Lakewood Road, Manasquan NJ. Traffic engineer. Licensed professional engineer.

Ms. Jennings asked Mr. Rea if he visited the site and if he did any study or research to determine the impact of the school campus on the adjacent roadway network.

Mr. Rea stated that on October 3, 2022, the traffic analysis was published. He stated that the applicant is providing a traffic signal at the entrance and exit to and from the school campus to E. Veterans Highway. This has been discussed with Ocean County. As far as the traffic study, Mr. Rea looked at the statement of operation for the two girls' high schools, each of which will contain 500 students, and the Elementary school and looked at the hours of the operations of those schools and he concluded that the critical peak hours for analysis and the traffic study were 8 to 9 am morning, that is when the school will be receiving the students and 4 to 5 pm traffic when the girl's high school would be discharging traffic and some traffic discharge from the elementary school. Those would be the critical peak hours. Mr. Rea stated that the counts from the automobile traffic recorder and the manual counts that the applicant did were consistent. The majority of the students at the site are going to be bussed. For the morning peak hours for the three schools, Mr. Rea is projecting 367 entry movements and 207 exit movements for a total of 574 driveway movements. For the afternoon peak hours between 4 and 5 pm, Mr. Rea is projecting 189 inbound movements and 294 outbound movements for a total of 483 driveway movements. The majority of that traffic will use the traffic signal on E. Veteran's Highway. There is secondary access that the applicant proposes, a right in and right out only. There will be two ways into and out of the campus. Mr. Rea said that all the standards are done according to Ocean County protocol.

Mr. Michelin asked Mr. Rea if the traffic light is in the plan and if it has been submitted.

Mr. Rea said he has to check with Mr. Stevens. He believes that the County asked for some details. The applicant had provided them. He said the County might have seen them, but he is not sure if the Township has. Preliminary work is being done regarding widening the intersection to accommodate the signal.

Mr. Michelini asked how trip generations are determined for elementary and high schools.

Mr. Rea said it is determined from the statement of operations that the client provides to him.

Mr. Michelini asked if he is aware of ASHTO.

Mr. Rea said it is the American Association of State Highway and Transportation Officials.

Mr. Micheini asked if they have requirements for site distances at unsignalized intersections.

Mr. Rea said at signalized intersections, yes, and to a certain extent to signalized intersections as

well.

Mr. Michelini asked if the traffic device would meet the ASHTO standards.

Mr. Rea said yes.

Mr. Michelini asked in regards to the road widening. Any road widening going to occur to accommodate the improvements on E. Veterans Highway that would require the taking of neighboring lands.

Mr. Rea said it does not appear so. Most of the widening will be done on the applicant's side of the road and the other side of the road within the existing right way.

Mr. Michelini asked if the left turn would be signalized.

Mr. Rea said yes.

Mr. Michelini asked to confirm that there will be no pickups and drop off on the County Road.

Mr. Rea said not. The applicant agreed to put no stopping, no standing restrictions up along the roadway.

Mellissa Mermelstein was sworn in. Graduate from City College of New York. Registered Architect in New Jersey. Mr. Mermelstein stated that as was discussed the application is for four-building campuses, one elementary school, and two high schools. The elementary school is proposing 20 classrooms, offices, and tutoring rooms. The high school is proposing 20 classrooms with offices. The material is a mix of brick, stucco, wood look, and metal accents. A-12 Exhibit shows the high school. A13 Exhibit second high school. A-14 Elementary School. A-15 is the gym building. All the building's heights are confirmed according to the Township Ordinance.

Mr. Michelini asked how tall these buildings are.

Ms. Mermelstein stated it is 35 feet. It is measured at the grade plane to the top of the roof.

Mr. Michelini asked if there will be any additional grading on the site that would raise the current elevation.

Ms. Mermelstein said she does not know off hand, but the applicant plans to fully conform to the 35 maximum heights.

Public Comments open:

Resident Susan Cooper, Willetta Drive, Jackson asked if there be a wastewater treatment expert for this project to oversee the work.

Mr. Herman said that the project needs DEP approval.

Resident Greg Stafford-Smith, 266 E. Veterans Highway, Jackson. He asked with regards to sewer if there will going to be a licensed operator or someone maintaining this facility on site.

Mr. Borden said yes, it is a condition of the state approval.

The resident asked if there is TWA application is in place.

Mr. Borden said no.

Resident Yako Lemberger, 17 Cambridge Drive, Jackson. He expressed concern about 1-hour ride to school for his kids.

Resident Brian Schank, 16 Dunhill Road in Jackson. The resident is concerned about the location of this school project.

Resident Himler Handler, 3 Mimosa Court, Jackson. He is concerned about the long ride for his kid on the school bus.

Resident Karen Stafford-Smith, 266. E. Veterans Highway, Jackson. Her question was how long the traffic light would be.

Mr. Rea stated that during the peak hours 8 to 9 AM and 4-5 PM, he thinks the light will have to be timed. He stated that modern traffic lights can be very sufficient.

Resident Joseph Ricchiuti, 7 Corey Lane, Jackson. He had a question about North East corner of the property and whether it still be developable.

Mr. Borden stated that it is not the applicant's property.

Resident Rafael David, 194 Bartley Road, Jackson. The resident has a concern about the long school ride for his daughter.

Resident Arnold Lomita, 8 West Dickens Court, Jackson. The resident is concerned about the traffic.

Resident Celeste Bova, 15 Emma Lane, Jackson. She has a concern about the school built here in this part of Jackson.

Mr. Shea asked if she is represented by Mr. Michelini.

Mr. Michelini said that he represents her husband. He never specifically met Ms. Bova to discuss the project. He represents her husband in conjunction with the property next door, which is 9.7 acres.

Ms. Bova is concerned that her backyard will face the high school and is concerned about the construction noise that comes with the project and about the traffic with this project.

Resident Jeff Bova, 15 Emma Lane, Jackson, is also a managing partner on 237 E. Veterans Highway, Jackson, which is an adjacent property. Owner of the property another property his mother lives in Meadowbrook which is near the project. Mr. Bova distributed documents that were marked as 02, 03, 04, and 05.

Mr. Riker left the meeting at 9:42 PM.

Mr. Bova said he owns Omega Farm LLC. He has horses there. He shows the exhibit that was the enlargement of his property survey. He expressed concern about the project regarding the habitats that are on his property. Mr. Bova is concerned about maintaining the integrity of his property. He thinks the school is not a farm-oriented project.

Mr. Flemming suggested adjourning the meeting since the Board lost one member and part of the audience. He said it is a lot to consume here. Mr. Wall seconded. Bressi No, Burnstein NO, Flemming Yes, Haring NO, Sullivan NO, Demarzo Yes, Wall Yes. Campbell No, Herman No.

The session continued.

Shirely Cino, 42 Pembroke Drive, Jackson. She expressed her concern that this is not the right spot for the school.

The Resident of Ashford Rd, Jackson wants the project to move forward.

Motion to close public comments.

Public comments closed.

Ms. Jennings stated that this is a permitted use. The project is essentially variance-free. The only thing the applicant is asking is to land bank 136 of 503 parking spaces.

Mr. Micheleni said it is permitted for zoning only, but that does not mean that you should approve this plan.

Dr. Campbell said that the application has a long way to go, through outside agencies, DEP and Environmental Commissions, and all kinds of checkpoints before the shovel will go in. She wants to make a motion to approve the project with land banking.

Mr. Shea stated that the applicant agreed as a conditional approval that there will be an enforcement mechanism to make sure that the land banking is being appropriately conducted.

Dr. Campbell/Bressi with the land banking stipulation and no occupancy until the traffic light is put in.

Flemming, Haring, Sullivan, and Demarzo said the application is incomplete but has to vote yes, Mr. Heller, Mr. Wall, Dr. Campbell, and Mr. Herman

The meeting adjourned Flemming/Sullivan all in favor among present.

Respectfully submitted by

Irina Darrar

Planning Board Recording Secretary