

JACKSON TOWNSHIP PLANNING BOARD MEETING

Monday, May 16th, 2022

The May 16th, 2022 meeting of the Jackson Township Planning Board was called to order at 7:30 p.m. by Board Chairman Robert Hudak 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: <i>Tim Dolan</i>	<i>Robert Hudak, Board Chairman</i>
<i>Dr. Michele Campbell</i>	<i>Mr. Wall-Municipal Representative</i>
<i>Jeffrey Riker</i>	<i>Joseph Riccardi, Mayor's Designee</i>
<i>Mordechai Burnstein</i>	<i>Len Haring, Board Vice Chairman</i>
<i>Tsvi Herman –Alt #1</i>	<i>Mr. Canderozzi-Alt # 2</i>

Also Present: *Sean Gertner, Planning Board Attorney, Ernie Peters, Board Planner, Doug Klee, Board Engineer, Anthony Jacob, Township I.T. Representative, Irina Darrar, Planning Board Recording Secretary, and Laura Morrison Planning Board Secretary.*

Payment of Recording Secretary, Irina Darrar for May 16th, 2022 meeting.

Motioned by Riker/Burnstein Yes: Mr. Wall, Dr. Campbell, Mr. Riccardi, Riker, Mr. Burnstein, Mr. Haring, Dolan, and Mr. Hudak.

Approved minutes from Executive Session March 21, 2022.

Motion by Riker/ Riccardi all in favor among present.

Mr. Gertner *stated that we have Block 20701, Lot 2 Denton Holdings; they are requesting to be carried from June 6th, 2022 to another day. The application was carried to July 18th, 2022. Block 101, Lot 1 Joseph Rothenberg was carried from June 6th, 2022 to July 18th, 2022. Mr. Pfeffer will be sending out the notices.*

Motion to carry the applications by Mr. Riccardi/Riker Yes: Mr. Dolan, Dr. Campbell, Mr. Riker, Mr. Riccardi, Mr. Burnstein, Mr. Herman, Mr. Wall, Mr. Haring, and Mr. Hudak

Application Block 20501, Lot 27 Casey Hunter

Mr. Hudak said he understands this is a time extension request.

Mr. Klee said it is a time extension application relating to a major subdivision involving 34 single-family residential building lots that were approved in July of 2019 based on the terms and conditions of the Municipal Land Use Law, and that protection of the approval would be in place until July 1st 2021. I need some guidance and clarification from the applicant; it appeared that two one- a year extensions would get him to 2023. One would just get into July 2022. Just some testimony from the applicant regarding the clarification needed.

Mr. Peters asked the applicant to verify that there have not been any changes to the Zone within which the property is located, seeing that there will be none, time extension can proceed before the board.

Mr. Pfeffer stated for clarification nothing has changed in the development. Six months ago we received a time extension that took up through July 2022. We won't be finished by July, so we are seeking a second extension. I have Mr. Borden to address technical difficulties that we had that is why we did not finish last year.

Mr. Bordon was sworn in, President of Professional Services, Lakewood, NJ Graduate of Rutgers University, Licensed Professional Planner. This project has 18 single-family lots in the RG2 zone. Originally approved in 2007. I believe we received our final approval on July 15, 2019. The original approval period was carried out to July 15th of 2021. We did receive a one-year extension a few months ago as noted which carries us to July 15th of this year and we are seeking our second one-year extension to July 15th, 2023. There has not been a single change to the project. The reason why this project is not completed is because of utility permitting. We did not receive our sewer permit from the State. We have received our treatment works application from the State and working on obtaining our final sewer and water approval from Jackson MUA. The time extension was approved.

Motion by Riker/Burnstein Yes: Mr. Dolan, Dr. Campbell, Mr. Herman, Mr. Wall, Mr. Riker, Mr. Burnstein

Mr. Riccardi, Mr. Harring, and Mr. Hudak

Application Block 11091, Lot 40 Leesville Village, LLC

Mr. Klee stated that this is an application for a preliminary and final site plan involving three private schools. We last heard testimony on the application on April 4th 2022. The applicant has submitted revised plans and we would ask the applicant for the details as far as the revised plans. There was a question from the public. They asked me to look into deficiencies from Ocean County Planning Board, and I provided the board with my letter dated May 11, 2022. The letter provides those deficiencies to the applicant. I would leave it to the applicant to address where

those deficiencies are. We are also considering may be preliminary approval and final to some other time, the applicant has to be agreeable to that.

***Mr. Peters** stated that the office has received a revised report dated May 13th of 2022. The project is still in NC neighborhood Commercial zone, where schools are permitted use under certain conditions. Also, I would leave it to the applicant to explain the changes that were made from the last meeting.*

***Donna Jennings** from the Law Firm Wilentz, Goldman, and Spitzer on behave of the applicant. I would like to address two issues raised by the board's consultants. One with the respect to the County Planning Board's conditional approval. Obviously, we will address the issues even when we secure a board approval, we'll obviously address all of them. There is no point in granting easement in deed, dedications to the County. If the board does not act favorably, so it's standard that this board would grant approval subject to all other outside agency approvals including meeting the conditions of all those approvals, that will come forthwith. With the respect to bifurcation, the applicant had submitted and is seeking both preliminary and final approval. For this application, Jennings stated that if the applicant gets only preliminary approval, she does not see any downside to it. It gets the applicant 5 extra years of the period of protection from any zone changes. This was explained to the applicant, but she said she will leave this up to the board; of course, they would like to get both preliminary and final approvals.*

***Mr. Klee** stated for the clarification that comments from the County are not approvals, there are the items that need to be deemed complete from the County to consider the application, I would say 90 % of the time once you meet all the conditions that get complete, the County will give you approval but does not mean it is been approved.*

***Mr. Ian Borden** President of Design Service was sworn in, Lakewood, New Jersey, Professional Planner, licensed in New Jersey. We had submitted sets of plans dated May 6, 2022. Changes were submitted in the letter. From a site plan perspective, we had a centralized refuse enclosure which the board did not look favorable towards, so we were asked to do individual enclosures for each school so we provided that redesigned board request. Also, we provided traffic circulation and stripping plan of improvements to Leesville road, to show left movements. We were asked as it related to the Northern boundaries of our site along the rear of the schools, we had added the last set of revisions back before the April hearing, we had added an emergency exit road, which would be a grass surface but stable for emergency vehicles. A neighbor who lives on the Northern side asked for some buffering, understanding that he lives in the neighborhood Commercial zone, so no buffering is required. The charge that I was given leaving that last hearing was to move the access drive if we could at very least provide some buffering. Looking at the design we were unable to move the access drive there is sufficient space if it is a grass drive. We did add some landscaping and street trees along the road. Landscaping that is added is between access and neighbor property as well. Mr. Borden stated that should receive a*

preliminary approval they would proceed with the County and come back to this board once we have approval.

Mr. Riccardi asked about the road that is in the back the emergency road which is a road that is **only for emergencies**

Mr. Bordon said yes.

Dr. Campbell stated that she is concerned about the division and the property. I understand that buffering is not required but this is a school, and this will be a noisy place for 11 months, have you reached out to the property owner next door, and would he prefer a fence, this would cut down on some noise.

Mr. Bordon said that we had not discussed a fence, but I would say a 6-foot solid fence would be fine. It seems like a good idea, we certainly agree to have that.

Mr. Klee stated that the applicant added a side door for the delivery. On the other rendering A-7 exhibit, it looks like the sidewalk extends to the rear of the building. The intent is to stop it at the door?

Mr. Borden said yes.

Mr. Klee said that the trash area in the recreation field or portions of the project any concern about computability, whatever rec is going be there versus the trash enclosure.

Mr. Bordon said the refuse enclosure will be the standard Jackson design six-foot-high masonry wall will split fence decorative block.

Dr. Campbell asked about solar panels on the flat roof.

Mrs. Jennings stated that solar is not something that the client does, so right now he is not considering and is not promising. We will have a definite answer at the final.

Mr. Gertner asked regarding the statement of operations, board had some questions over the final design for lack of a better term for that recreation area. I assume that at the final that would be a condition of the approval. Regarding the statement of operations and users the board had some questions over the final design for the lack of a better term, for that recreation area, I presume as well, that at times that would be a condition of the approval, you will have final information, integration, and rendering as to the recreation areas of final approval.

Mrs. Jennings said it is agreeable.

Mr. Rea was sworn in, a principal with Mc Donough and Rea associates, traffic and transportation engineers, and licensed professional engineers in New Jersey. Mr. Rea said this is what we have done based on the comments from the last meeting. There was some concern

about how the left-turn lanes and left-turn movement would be accomplished. What we did was we worked with Mr. Borden, we prepared a red line sketch which Ian had hard lined. This is showing here coming from the North there will be a full left turn lane developed that will come into the site, access for the property South of our driveway heading down towards the signal at Veterans, we are going to stripe a two-way left-turn lane which will serve a dual function of providing for left turns into the Commercial strip center with the Pizzeria over on the other side of Leesville Road and also serves as a left turn lane for traffic heading South turning into the Quick Check and then further off the page to the left you'll come into the full left turn lane at E. Veterans Highway. We believe this is the most sufficient and safest way of restriping Leesville Road. They will be widening involved with all of this of course. There will also be a right turn lane for the traffic heading North right into the site an and acceleration lane on the North side of the curb return for traffic heading back, that is all that Ocean County had required, Exhibit A-9.

Mr. Hudak asked if you are coming down the road and making a left into the facility, how many cars you think you could stack up there.

Mr. Rea said now we are showing a 100-foot left turn lane that will stack about 4 or 5 cars. This is subject to the County's approval. They may ask us to make it a little bit longer.

Dr. Campbell was concerned about parking on Leesville.

Mr. Rea said that it would be for the Township to adopt a no parking and no standing ordinance along both sides of Leesville which generally the board can do. You just have to run it by the County, since it is a County Road and County will have to approve it.

Mr. Peters also commented on NO parking. The method that will go into that is the applicant would make a recommendation, the board would somewhere in approval set forth what they were looking for from the applicant, then the Municipality through either their Township engineer or their public safety Department would write a report to either the Business Administrator or the governing body, then the governing body would take up the issue.

Mr. Gertner said the board can make a recommendation to the Municipality and the applicant.

Mr. Rea stated that you want to make a No stopping and No standing sign versus a No parking sign.

Mr. Hudak had a question with regards to school buses. We heard testimony about, the hours of the operation that school is going to be running until 9:30 PM, so kids will be getting off the bus at night. I can see kids getting dropped off at night in their neighborhood and I have a safety concern regarding that. Kids get off at the bus stops and they have to walk to their homes, I'm concerned about kids' safety. Any input on that?

Mr. Rea said this is not something that traffic engineer typically gets involved in, but I say that schools have later hours, I think it's only the high school and it's not uncommon for the school

buses in wintertime when it gets dark at 5 PM when kids with after school activities get dropped off.

Resident Dawn Slay, 93 Leesville Road was sworn in. She stated that No stopping and NO standing signs should be placed on Leesville Road. She also had a question regarding the traffic situation on Leesville Road. It is too hard to pull out from my driveway now, if the Middle school starts at 7:40 and the High School will be at 7: 30 that overlaps with the traffic that goes to Memorial High School as it is now. Whatever was submitted to the County looks like it will be additional 200 vehicles that will be in that intersection from anywhere between 6:30 and 8:15 in the morning. High school is proposed the same number of classrooms as the elementary and middle schools, but the high school only is going to have about 255 students. Does that mean somewhere down the road that high school will go up to 600 students? Whereas you would increase the number of buses and the number of the staff?

Mrs. Jennings clarified No because the number of the students is regulated by the number of parking spaces that we have on the site. You would need fewer parking spaces for Elementary school because they don't drive.

Mrs. Slay asked about the paperwork that was submitted to the County, it had an approximate number of how many buses were going to the lower schools and how many would be going to the high schools, but it was the same size buildings.

Mrs. Jennings said that the number of students in the high school will be limited, because of parking regulations. Also, we are not increasing the number of students beyond what we have testified.

Mrs. Slay asked since we have no tenants, how can we ensure that the number won't be increased.

Mrs. Jennings stated that one thing that was suggested by the board consultants was that we would get preliminary approval this evening, so once the tenants are identified we come back and the approval will be limited to the number of the student since parking regulated how many students can be in the building.

Mrs. Slay said it was 600, 600, and 255.

Mrs. Jennings said that is correct.

Mr. Gertner stated that should the board act favorable, that would be the number in writing that would be the memorialization. Whatever applicant has testified that is what they are bound to, if they change what they are bound to, they have to come back and would need more property, since they would not have sufficient parking. That is why Mr. Klee is suggesting a preliminary approval. Mr. Gertner stated that in his opinion the applicant is overreaching by seeking final approval. Applicant testified to the number, they don't have a tenant, the board had no

opportunity to review the recreation space, and they have not had a final understanding of the interaction between the number of students and number of faculty and staff. This is the stuff that will come up at the final approval, so if there is some interaction as to what Mr. Klee indicated in his letter of the statement of operations, the board and public can feel comfortable as to how that site is going to function. One more thing was raised by the board is the need for flexibility in terms of ingress and egress to that site, exactly what you are talking about for timing and of course, the world is going to change in 2024, there is a change in the statute to the high school, cannot start before 8:30 AM. This is why Mr. Klee thought that is a little bit overreaching by asking for the final approval. Final approval means they still have to do their submissions.

Mr. Hudak said that for the clarification of a new law that is coming out, I don't think it applies to private schools.

Mr. Gerner said that what it does do and that was testified, the applicant testified, that he recognizes that there has to be the decider on the site, a Liaison on the site, ultimately with the Municipal Board of Education to ensure that there are no traffic conflicts.

Mrs. Slay had a question regarding traffic counting. Mrs. Slay was curious if it was done the same week? If it coincided with any Spring break and was it submitted to the county and was it done for a period of one week and if it was done pre-pandemic?

Mr. Rea said I don't know if it was the same calendar week, but it did not coincide with any kind of spring break. 2018 counts were DOT counts that were obtained. We wanted to take a look at the pre-pandemic counts and compare them to 2021 counts. They were generally pretty equal, but we used a higher of the two counts to do our traffic study.

Resident Lisa Zayac 318 Diamond Road was sworn in. She stated I just want every one of you to think if this is a good thing for the town. It does not matter what kind of school it is. It is the traffic, population, what it is going to do to our town. It will change the dynamics of the town.

Mr. Rea stated that our traffic counts were conducted from May 9th through May 16th, 2021. We also did manual turning movement counts in April of 2021 at Cedar Swamp and Bennetts Mills Road and E. Veterans highway. I don't have DOT counts with me but they were in 2018. They are pre-pandemic counts.

Resident John Constantino was sworn in. I live down over in Cassville. The resident's concern is not just the traffic, it is the lighting for the area, the time of the schools, whether it's 3 schools and 4 more on another block on the same road. When you are going to call it quits?

Mrs. Slay asked if another trip generation counts will be done since the hours of the school have changed and they are more in line with the high school for now.

Mr. Rea said that in the original traffic study we took a look at the more intense overlap between the schools, so I did not redo the counts because I testified to this board at the last meeting if I

was to redo everything with the new hours, we'd have less of an impact and I recommended some improvements for the intersection of E. Veterans and Leesville Road, that we are committed to doing.

Mrs. Slay asked the board to require a new trip generator to be done for the preliminary or the final approval.

Mr. Peters stated that for the preliminary I'm not sure we can go and ask that, to consider something like this in the future that is not on the books. When they come back for the final the Legislation is moved along and then, it would be prudent for the board to ask how they are going to reconcile it, given what the Jackson board of education is going to do and this potential development, given whatever tenant they have when they come back if they come back for the final. The current jurisdiction of this road is County, Leesville road is about the limit of our Legal responsibility, and everything else is subordinate to what the County asks for. We did not get to determine what the regional impacts are. County has the formula for that.

Resident Elaine Kowalski on Diamond Road was sworn in. I'm not sure about the safety factors in the frontage of the school. Is there going to be sidewalks, would there be a shoulder?

Mr. Bordon said they do provide sidewalks throughout the entire site.

Mr. Rea stated if you look at the exhibit on the board we will be widening along Leesville road to provide for a right turn lane in what you could be described as a shoulder, but it will be full-width pavement so that school buses and the vehicles turning into our driveway have a full-width right turn lane and on the other side of Leesville, there will be a widening again to have what the county describes it as an acceleration lane. There will be widening done as per county approval.

Public comments are closed.

Mrs. Jennings stated I'm going to start with four words: permitted use, fully conforming, that is what we presented from the very beginning. The state statute is very clear 4055D-46 states that the planning board shall grant approval if the development supplication is fully conforming to the Township ordinance. Applicant owns the property, he is developing it in full conformance with the ordinance he heard your concerns, or consultants and public. He had modified the application even though it was not required to do so. He added secondary access which is 20 feet wide emergency access it was reviewed by the fire bureau and approved. He revised the loop road design to make it one-way instead of what was originally approved as a two-way. He created a separate bus drop-off lane and a separate parent drop-off lane. Added a crosswalk between the parking through the parents drop off and across the bus drop-off, added a separate refuse area for each of the buildings, he added additional buffering throughout the site specifically next to the adjoining neighbor because we're was a concern expressed. Added sidewalk and side doors to each of the buildings to accept deliveries. This evening he agreed to add a 6-foot high privacy fence along the border of the adjoining property owner to give

increased privacy, although not required. This evening he agreed to add pavement markings to identify the loading areas. He wants this project to be safe and in compliance. Hope an applicant sets approval from the members of the board.

Mr. Gertner wanted to clarify if the applicant would accept preliminary approval?

Mrs. Jennings said yes, he would.

Mr. Klee wanted to confirm that if we do preliminary approval, this evening for the final we will get some definite answers for a variety of different things. The safety and security of the schools are paramount above everything else. They come back for the final, we have a description of operations, which I think won't be well served to spend a little time on the security issues.

Mr. Hudak asked if there is a laundry list of the items that need to be done before you come back for the final approval.

Mrs. Jennings said it will be memorialized in the Resolution granting preliminary approval and I'm sure Sean will draft that and hopefully I get a chance to look at it. Also have transcripts for the last two hearings and will get one more from this meeting as well.

Motion by Dr. Campbell/Bernstein All in favor. Preliminary approval was granted.

Meeting was adjourned at 9: 10 PM.

Motion by Riker/ Burnstein all in favor among present.

Respectfully submitted by

Irina Darrar

Planning Board Recording Secretary