

JACKSON TOWNSHIP PLANNING BOARD MEETING

Monday, October 3rd, 2022

The October 3rd, 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: Mr. Hudak, Board Chairman Mr. Haring, Board Vice Chairman
 Mr. Flemming, Councilman Mr. Wall-Municipal Representative
 Dr. Campbell Mr. Burnstein
 Mr. Herman –Alt #1 Ms. Demarzo –Mayor’s Designee

Absent: Mr. Canderozzi –Alt # 2, Mr. Riker

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

Payment of Recording Secretary, Irina Darrar for the October 3rd, 2022 meeting. Motioned by Dr. Campbell/Burnstein Yes: All in favor among present.

Minutes to approve for June 20th Executive Session. Motion by Dr. Campbell/Mr. Burnstein Yes: Mr. Flemming, Mr. Canderozzi, Mr. Haring, Mr. Herman, Mr. Herman, Mr. Hudak

Dr. Campbell was not present at June 20th2022 meeting, Mr. Burnstein Excused himself at the Executive Sessions.

Minutes to approve from the July 18th, 2022 regular meeting. Motion by Flemming/Burnstein Yes: Dr. Campbell, Mr. Burnstein, Mr. Wall, Mr. Flemming, Ms. Demarzo, Mr. Haring, and Mr. Hudak

Minutes to approve from the August 1st, 2022 regular meeting. Motion by Flemming/Burnstein Yes: Dr. Campbell, Mr. Burnstein, Mr. Wall, Mr. Flemming, Ms. Demarzo, Mr. Haring, and Mr. Hudak

Resolution # 2022-21 of the Planning Board of the Township Of Jackson, County of Ocean, State of New Jersey Granting Preliminary Major Site Plan approval with appropriate relief for 3 private Educational schools for Leesville Village, LLC. Block 11901, Lot 40.

Motion by Flemming/Campbell Yes Dr. Campbell, Mr. Burnstein, Mr. Herman, Mr. Wall, Mr. Haring, Mr. Hudak

Resolution # 2022-22 of the Planning Board of the Township of Jackson, County of Ocean, State of New Jersey Granting Final Site Plan approval for a pedestrian and bicycle path for property located along West Fish Road and Freehold Road. Block 4901, Lot 18.

Motion by Flemming/Campbell Yes: Dr. Campbell, Mr. Wall, Mr. Flemming, Mr. Haring, Mr. Hudak.

Resolution # 2022-23 of the Planning Board of the Township of Jackson, County of Ocean, State of New Jersey Granting Minor Subdivision approval with variance relief for Zahara Bensoussan. 235 White Road, Block 21901, Lot 5.

Motion by Haring/Flemming Yes: Mr. Burnstein, Mr. Herman, Mr. Flemming, Mr. Haring, Mr. Hudak

Application Block 3902 Lot 58 Bellevue Estates, LLC. Major subdivision, subdivide into 4 lots.

Mr. Flemming excused himself at 7:46 PM.

Mk. Klee states that this is an application for Preliminary and Final Major Subdivision. The applicant is seeking to create 4 lots for future development. All those lots are confirming the requirements of their R3 Zoning District. Curbs and sidewalks are included along Leesville. The development review will come later with the site plan. The layout is conforming except for the Western side of the roadway, where no sidewalks and trees are proposed. The roadway is butted up against the track's eastern property line, which could cause problems as far as impacting the adjacent properties. Mk. Klee is concerned about the new road-inducing variances because once the new road is in place, all those lots will be impacted by a front yard setback 80 feet to that new roadway. If this is the best alignment for the road, testimony from the applicant is needed. Some buffering can be provided and help with the grading as far as the location of the road. The road will create lot 57 as a corner lot. All the lots fronting on Diamond Road, lots 44 through 50 will have double frontages. Not the best, ideal situation. Testimony from the applicant is needed if this is the best road alignment they can come up with.

Mr. Peters stated that his property is located in R3 Zone; where the public schools are permitted use under 244 46 A6. However, we have reconciled in the past on similar applications that the Municipal Land Use Law at 40:55D66B indicates there is not to be any distinction between public and private non-profit schools. Mr. Peters said that Mr. Klee indicated that the new proposed right of way is uniquely shaped. The Board would like to have an understanding of why that layout was proposed and the jurisdiction for having a right of way along the common property line with existing lots that front another street.

Donna Jennings of the Law firm of William, Goldman, and Spitzer. She stated that the applicant had a technical meeting a few months ago with the professionals. The applicant was told that

they would be consolidating the subdivision and site plan, so that ay the applicant will not have repetitive testimony. Mr. Jennings thinks that this is the best way to go about it. Ms. Jennings said that the applicant is seeking to construct 3 private elementary schools, 1 private high school, and an Ancillary gymnasium on property located at 443 Leesville Road. Block 390, Lot 458. Specifically, the applicant seeks Preliminary final Major subdivision approval to create 4 separate lots as well as Preliminary Final Major Site plan approval with related site improvements. No variances or design waivers or requests are proposed. The proposed private schools and ancillary gymnasium are permitted use in R 3 Zone according to the Ordinance Section 244-46 AG specifically states that public schools are permitted per MLUL 4055D-66B no Zoning Ordinance governing the use of the land by or for school may discriminate between public and private non-profit schools. Ms. Jennings said the applicant has received the following reports: The board planning report dated September 27th, 2022, Board Engineers report dated September 30th, 2022. Fire official's memo dated September 23rd. 2022. Police department memo dated December 9th, 2021. Several memos from the Environmental Commission, but no specific final comment.

Ian Borden was sworn in. President to Professional design service, Lakewood New Jersey. Licensed Professional Planner in New Jersey. Mr. Borden stated that in front of the Board there is exhibit A1 which is an aerial photograph of the property. The site contains 31.5 acres, known as Lot 58. The site is occupied by the existing homes and a few sheds and barn structures close to Leesville Road. The site is surrounded by exciting Residential development. The site is in the R 3 Zone. The number of Lots along Diamond Road and Leesville is 40,000 sq. feet Lots, developed under R40 Zone, which was the precursor to the R1 Zone. Mr. Borden says that the applicant is surrounded by Residential uses and that's a key factor in the planning of the project. On the northern edge of the property, there are freshwater Wetlands. Those Wetlands have been delineated and verified by the New Jersey Department of Environmental Protection with an interpretation dated June 20th, 2022. The transition area associated with those wetlands is exceptional resource value, which requires a buffer or transit area of 150 feet. There is a small tip of a stream classified by DEP as a category one water, basically, the headwater is located right in the Northeastern corner of the property line. Because it's mapped by DEP as a category one or contributory to a category one it requires a 300 feet repairing buffer. Exhibit A2 shows the final plat that was submitted in support of the Major subdivision. Mr. Borden said moving to the subdivision that the applicant proposed, is a cul-de-sac along the Eastern boundaries, which is the bottom of the map. Extending from Leesville Road down the Eastern property line to create 4 lots, being created in accordance with the R 3 Zone standards. R3 Zone requires a minimum lot area of 3 acres. The smallest of 4 lots is 4.89 acres. They all comply with the Zone requirements. The design of the roadway as to its location on the property, was necessary. The subdivision was aligned with that intersection and for that reason is located in the generally eastern part of the property, the roadway curves and hugs the Eastern lines. Questions were raised by the Engineer or Planner. The reason why the applicant did that is there was an earlier design of this which had a right-of-way offset by 35 feet and we proposed that to be part of the right-away. In the earlier

review letter, the applicant has not been in front of the board on this project, but the original review letter states that the extra right of way should be added to that fourth Lot and not having an extended right-away. The concern that I. Borden advised my client is that doing that it would create a lot of depth variance for the 4th lot because that narrow strip of the property under the terms of how the block depth is defined under the Jackson Ordinance would create a lot of depth variance. So the applicant shifted right away to the property line as to not have that variance. Mr. Borden stated that the applicant currently had waivers requested for a sidewalk on this side of the street and he wants to eliminate them. There are sidewalks on the side of the street where the schools are proposed. Mr. Borden said that the applicant will shift the road 6 feet to provide additional 6 feet which would need to be right of way because the applicant has an issue with the narrow side of the property that would require a lot of depth variance. We would agree to plant street trees. Mr. Borden said that the sidewalk can be discussed as part of the site plan application to follow, but if the board feels that the sidewalk is appropriate on that side of the road, the applicant will provide it.

Mr. Peters stated that it is important to focus on this one issue and maybe make a policy decision. Mr. Peters wants to suggest the following scenario. If the applicant leaves the right of way along the common property lines, those existing homes would in theory through lots and if any of those residents wanted to go and get a shade, pool, or deck in their yard, the Zoning officer will probably tell them they would have to go to Zoning Board for the variance. Under the Justification of whose impacted and whose not impacted, there will be half a dozen neighbors who if they wanted to put a shed in their backyard will need to pay whatever the application fees, escrow fees, surveying, and engineering fees to accomplish that. As opposed to walking into the Zoning office or whatever it is 20 or 50 bucks and getting a shed, deck, or fence permit. Mr. Peters said to best serve the existing surrounding uses, the board may wish to consider granting what Mr. Borden discussed which is a relief for what would be a technical variance if we were to leave the right of way not adjoining the rear of these folks property. In order to accomplish that, a variance needs to be requested and the Board has to grant it.

Mr. Borden stated that he has no disagreement with what Mr. Peters said. It is certainly is an option that Board can exercise.

Mr. Klee stated that Mr. Peters mentioned that the existing homes wanted to put an improved in their backyard and might be precluded to do that if the road would be where it is. Talking about the corner lot 57, Mr. Borden is there a home that is adjacent to that property line, and is that home going to wind up in a front yard setback?

Mr. Borden said as it is noted by the professionals there is a number of lots affected by this double frontage as the applicant is proposing. Mr. Borden stated that there are lots numbers 44 through 50, those are the lots that have reverse frontage that extends all the way to Diamond Road. The old R40 lots, they are very narrow and very deep. Those lots have a depth between 618 to 684 feet. The applicant could go back to the aerial if the board chose, but the house are

located approximately 90 feet from Diamond Road. Mr. Borden said if the applicant puts the right of way on the property line, it would impose a front setback on those lots compared to a rear setback which is the difference of 80 feet for a front setback or 50 feet for a rear setback. The amount of existing forest there remains undeveloped and those lots have all been built more than thirty years ago, which is meaningful, As far as Lot 57 is concerned, there is an existing house on it. That house is 80 feet from the roadway. That is the property most impacted by the proposed road. The applicant could shift the road back, which is 35 feet off the property line, if the Board grants the variance, then there will not be a double frontage or rear setback situation on any of those lots.

Mr. Borden said as far as the streets, that the applicant is proposing it has been designed in accordance with the residential site improvement standards. The street will have 30 feet wide court way. We have curbs on both sides. Sidewalk proposed only on the Westerly side. The waiver was asked on the Eastern side. Since all the activities are proposed on the Western side the applicant sees no value to have a sidewalk on the Eastern side. Sidewalk and curbing are proposed along Leesville Road. Mr. Borden said the applicant presented a stripping plan to provide left turn lanes at the proposed intersection. Proposing Improvement on Leesville Road as required by the Ocean County Planning Board Design Standards. Leesville Road is a county roadway. Proposing to widen the road according to the County standards.

Mr. Klee had a few questions about lot 57. As Mr. Borden indicated that the house appears to be 80 feet from that common property line.

Mr. Borden said that we did not survey it. We did the survey as part of the Boundary survey and it is 15 feet off the common property line. House is 15 feet off the common line.

Mr. Klee said that if that common line becomes right-a way, that house is in the front setback.

Mr. Borden said the house is in the setback of the right of way measured from the property line. That is correct.

Mr. Klee said if that person wants to put a shed in his side yard, now it is his front yard and he could not do it.

Mr. Borden said there would be a need for a variance to put a shed in the rear yard on the same side as our development.

Mr. Klee said these through lots, there could be a driveway connection from these half lots if the homeowner wanted, he could come out and draw a driveway connection to road A.

Mr. Borden said he would expect the Board to limit the access to this road. Normally double frontage lots are deed restricted not to have permitted access. The Board may choose to do that.

Mr. Gram McFarland was sworn in. Professional Engineer, Principle of PDS. Qualified as an expert witness for engineering matters and licensed in New Jersey. Mr. McFarland stated that he thinks he heard two questions, one related to the design of the roadway and the grading of the roadway and the second related to the design of the stormwater management basin. To address the first issue the design of the roadway, the grading of the roadway, the road is designed in accordance with all applicable standards, the longitudinal grades are 1.4 to 2.9 % so they are well within acceptable standards for roadway grading. As to whether there will be a need for a retaining wall, the applicant plan does not show any need for a retaining wall. The proposed curb line would only be about one foot below the existing grade and any side slopes are graded at a 3 to 1 slope. That is design standards that are widely accepted for an area to be easily maintainable. Mr. McFarland stated in regards to the area draining to the stormwater basin, Mr. McFarland agrees with Mr. Klee's comments for the basin to be considered a small-scale infiltration structure its area is limited to two and a half acres. What the applicant would have to do according to Mr. McFarland is just to incorporate a rain garden in front of the detention basin as currently proposed to satisfy that requirement and then the design would be in compliance with current stormwater management rules.

Mr. Klee said why it isn't there now. He asked for some drainage calculations, and he gave four general items where some technical items were missing. Mr. Klee does not feel comfortable as far as you know approving or supporting the drainage design he has. He thinks that Mr. McFarland indicates in the steep slope area, that the curb might be one foot above the adjacent grading but Mr. Klee is looking at the topo map and he has a grade of like 163 and an existing grade of maybe 166, he is seeing more like 3 feet.

Mr. McFarland said that he does not want to argue this will Mr. Klee in front of the Board but he is looking at the profile grades and the existing and proposed elevations are shown along every station of the profile and at station 5.0 s plus 01 of the locations that Mr. Klee identified, the applicant goes from 166.15 to 164.87 so that is only about a foot and a half or so different from the existing grade to the proposed grade and it is offset the property line by 10 feet so that gives ample room for the applicant to grade back into the existing property line, again what that property is maintainable and the sloping within acceptable standards.

Dr. Campbell said she is struggling with what the Board is dealing with. It seems to Ms. Campbell that the Board is getting the cart before the horse. There is a lot is talk about the design plans, Ms. Campbell thought that they were hear was to discuss a different issue and she would like to separate those issues. Ms. Campbell asked if the discussion and testimony can be limited to what the Board was asked to limit it to.

Mr. Hudak said that there are two separate applications and the applicant has requested that the Board hears them because they work with each other. Mr. Hudak asked how the rest of the Board feels.

Mr. Peters jumped in and stated that the applicant requested the subdivision. The applicant could have come in and had one piece of property, one site plan for four buildings, but they chose not to, they chose to put a public right of way that the Municipality has to take over and put public improvements in that quite frankly is going to end to the taxpayers of Jackson and the Municipality. We need to have an understanding of how this road was designed, and why it was designed because once we say that it's okay some of those pluses and minuses are going to the 4 individual site plans as opposed to one complete site plan if they had not done a subdivision. The purpose for doing the subdivision is up to the applicant, they filled out an application, they paid their fees, and come in for an application for subdivision and it's important that the board understand what the impacts are for proposing a public right of way for this type of development are upon the Municipality and that the reason we're sort of dragging it out and not getting to the good stuff. Mr. Peters said that the Board has an understanding that this public right of way is going to be the town unless the applicant wants to take it over and then it's just a lease line subdivision. But if it's a public right of way that the Municipality is going to take over, then the Board has to have an understanding of that.

Dr. Campbell asked why both applications have to be heard at the same time.

Ms. Jennings said that there is nothing unusual. If we want to do the subdivision first. We can certainly go to a vote on the subdivision. It is a fully conforming subdivision and you can take a vote on a fully conforming subdivision, then we can move to the site plane issues.

Mr. Peters stated this may be a policy decision for the Board. What would you rather see? Mr. Peters stated as he said before the applicant made a choice filed an application for subdivision and site plans on the individual lots. The Board is concerned about hearing them all together is almost contrary to what has been said. If we mixed them all up and then the board can't separate them, we are going to end up voting on basically a site plan application with a right of way. If we bring up the issue of whether or not a right of way is the best choice, some of the sites plans issues sort of fall to the wayside, because certainly as Mr. Borden had indicated and Dr. Campbell had set forth we can create the same thing whether it's a public right of way to not, it's simply a determination of whether variances will be necessary. So when Mr. Borden and the applicant come in with a conforming application and we say okay, well the town got to take over the road and bear the responsibility of maintaining it in perpetuity and whatever improvements they're proposing throughout that right of way or if the Board considered the alternative which was this is an entirely private site and we're going to allow the developer to own and maintain all of the improvements including the access out to Leesville Road, yet we would have to give up planning variants of frontage along a public street, which is a balance that the Board has to make. Mr. Peters said it is important to create what is conforming within the Ordinance, but what's best for the neighborhood and the surrounding residents and users.

Mr. Hudak said that he is looking at the map, and sees what appeared to be structured on this right of way.

Mr. Peters said as we get to that improvement portion it would appear that some below-ground fire tanks are being proposed to the public right away. Mr. Peters thinks that probably there is a good reason for having them there, I would ask that question when we get to that point. The applicant made an application for a subdivision. Mr. Peters guesses that Mr. Klee, Mr. Gertner and Mr. Peters want to ask the Board if they believe that's the best solution for the Municipality given the type of development that's being proposed.

Dr. Campbell stated that with that said what are your recommendations? Because you are the one, you two are the ones advised by the Board and Dr. Campbell said she looks to professionals for their recommendations.

Mr. Peters stated that is the reason why the Board heard the application for the subdivision first. Mr. Peters said he does not want to jump ahead There is information that's in evidence about the number of buses and vehicles that will be exiting the individual site plans onto the proposed road and onto the county. The town is going to own those roads and when they get beat up by having buses on them 180 days a year, they're going to come and look to the Township to spend taxpayers' money to improve that road. Mr. Peters said that if I'm your Engineer, I don't want to have to maintain that road. It's a school driveway maintained by the school. This is not a public right of way. It doesn't create access to anything. Mr. Peters said there was nothing public about this road. It serves 4 private schools. Yet the township takes it and becomes responsible for maintaining it. It can be done a different way but may require the Board to give up variances, dimensional or bulk variances because it's not going to be fronting on the right- way and the applicant wants to be able to financially have 4 separate schools that can be owned, maintained, and sold. Mr. Peters thinks they either don't have lots, have just one big old site plan, or have lots and try to get rid of the right of way so the Municipality is not in the business of maintaining a school driveway.

Mr. Klee said the recommendation wise is to move the road, give the residents some type of buffering, some additional area to work with the grading, to be able to provide some green infrastructure, and if this is a lot of depth variance and Mr. Klee is missing where this depth lot variance would be if block 5804 was extended to Leesville, that 35 strip foot, 50-foot strip. It would be an odd-shaped lot, but it would be part of 5804 extending to Leesville road. Mr. Klee is not sure where the variance would be or what is the impact. Mr. Klee is having an issue running this road against the common property line and creating front-yard setbacks.

Mr. Wall says that it seems to him that you have the planners are doing the best job to do gymnastics to make somebody confirm regardless of whether it makes sense or not and so when charged with making it conforming. When the governing body of any Municipality makes Land Use decisions, they are not thinking of contemplating every type of plan and what its impact will be. The notation that this is your plan, is conforming. It does not mean that is what they are expecting. Expecting and conforming are two different things. Mr. Wall is asking who is responsible for the snow removal in that facility. Who is handling the liability in the event there

are some care and concern issues as to how that was addressed? Icing condition and slips and falls. Mr. Wall thinks it's planned to conform, but even if a judge, if it goes to court and a judge looks at it, what makes the right thing for the community, both for the applicant and the community? It would be nice to get the right plan done and maybe that is the meeting of the minds, about wrong about those variances hurdles.

Mr. Wall asked Mr. Jennings if there is any mechanism of stipulated conformities in other parts of something and then reducing it to the areas of this more narrow area..

Mr. Gertner said so we are not talking in code, the testimony that the Board heard thus far related to the subdivision in Mr. Gertner's opinion ultimately confronts the board with listening to a question of policy, leading with whether or not in fact the design as presented, I.E. four separate site plans with a subdivision into the four lots is that the best planning policy contemplated by the Municipality, if they contemplate at all, for this particular lot, which arguable they did not for the reason Mr. Wall articulated, and then from that point whether or not the applicant would be willing, based upon some of the concerns, arguments of our professionals with the applicant, first willing to alter the application to set it up in the matter which it's forced its 4 sites on one lot. That's what would trigger some of those variances, but ultimately their call, because it's their case to make.

Ms. Jennings said that Mr. Wall hit the nail right on the head. There is an Ordinance and its general and then the applicant comes in with an application, and every site is unique, and that is why the Board has the ability under the MUL to grant C1 and C2 variances, that's exactly why. So the applicant came in with the fully confirming application because MUL says that if the applicant complies with everything, the Planning Board shall grant approval. Ms. Jennings stated that the applicant made sure, that he is not asking for any specific relief. But both the Boards consultants and all of you recognize that this is a circumstance that perhaps would make a lot of sense, planning sense, it's a better planning alternative to granting applicants some variances. Ms. Jennings thinks that Ian could massage the plan such that the applicant would have a couple of bulk variances and address the concerns with the adjoining neighbors, create she believes a private road would be okay, and then have a separate subdivision so that everybody kind of gets not all they want, but maybe the more compromised plan. Now it would look very similar to what the applicant is presenting this evening other than a shifting of the road a little bit and calling out the variances and asking for them. Ms. Jennings said that the applicant probably would not wrap up this evening. Ms. Jennings said she can certainly massage the plan and then come back with a subdivision further defined and put it on the planning testimony indicating why based on positive and negative criteria the applicant would be entitled to the variance requested. The applicant could then continue on because there are a lot of people here that are interested in the application and it was a pretty lousy night to drive out here. Ms. Jennings would like to continue with the application and at least present the site plan because that's not going to change much. The buildings are going to pretty much be where they are laid out right now and the applicant can get into the lighting, and landscaping and hear other concerns not just from the

Board and consultants, but a lot of the people that are sitting in the audience way probably want to say something. Mrs. Jennings would like to have a more complete hearing this evening, touching on both the subdivision and site plan. The applicant can certainly work on tweaking that palliation, assuming the client is okay with that.

Dr. Campbell stated that she agrees and also wants to hear all the testimony, she is just not comfortable with that road that appeared out of nowhere all of a sudden that belongs to Jackson. On the other hand, I want to make sure that the Residents are taken care of. Dr. Campbell does not want to be forced into voting for something on that large scale. Dr. Campbell said all are anxious to hear testimony but don't expect to vote this evening.

Ms. Jennings said she never thought that the applicant would be finishing in one night.

Mr. Hudak said that the township professionals will lead off.

Mr. Klee stated that as indicated, it's proposed to develop 4 lots with private schools and a gymnasium. Those schools will be serviced by well and septic. Mr. Klee thinks that where the Board should start as far as the environmental impacts. He said he is not aware of any schools exempt maybe the Ocean County Vo-Tech School that is on a septic system and wells, especially schools with this enrollment. Mr. Klee is concerned about adjacent wells, and septic systems and how are they all impacted by these septic systems that are going to be provided for those schools, as well as the portable wells. There has been no groundwater mounting analysis provided, which is usually done with stormwater, but Mr. Klee is wondering if the basements are feasible, are these septic systems going to impact the adjacent properties. Mr. Klee thinks that are some environmental issues that need to get flushed out.

Mr. Peters stated that it would appear that there is one proposed variance for a ground-mounted sign. Requires some testimony. The township professionals noted in their report for discussion, that gym on the high school lot in Mr. Peter's opinion might be considered an accessory structure to the high school and in that case, it would be in the front yard of that lot and would require a variance, so Mr. Peres like to have some discussion and testimony regarding that. As it relates to the layout of the street and traffic concerns, it appears that connecting to Quicker Hill road may require a site triangle to the east that goes onto someone else's property. Mr. Peters needs to know whether or not off-site easements will be required to complete and design the site triangles for the proposed road A in its current location, opposite Quicker Hill Road. Within the traffic report, the township professionals provided some comments about the counts that were utilized, and some of their assumptions that were made, Mr. Peter would like to hear about the proposed improvements along Leesville Road and what conversation may have been had with the County with regards to the impacts of this project not only on this proposed intersection but the intersections in the area. Mr. Peters said that the concern of the Planning Board is that the Board simply does not have any design information regarding the utilities. Mr. Peters needs design information regarding utilities.

Mr. Klee added that the underground fire tanks assuming they are for fire suppression, Mr. Klee sees them by each school. The sizing of them, who is responsible for filling them? Who monitors them? The ones that are in the public right of way, is that the towns to take care of? Mr. Klee needs some discussion about fire safety, use, and operation.

Ms. Jennings said that well and septic is outside agency's approvals beyond the jurisdiction of this Board. Ms. Jennings will come back next meeting perhaps with more information.

Mr. Klee said that the applicant will get all the approvals, he thinks a TI permit wastewater permit for the septic system. Will each lot have its own permit? And that property owner will be responsible for compliance and monitoring of this or it will be a property owner's Association that the permit is going to be written to.

Mr. Borden said it will be for each lot. It will be written to each property owner.

Mr. Klee asked when DEP comes down to do their inspection, to look at the records, they'll know that it will be the property owner that has to produce those documents.

Mr. Borden said that it is correct.

Mr. Borden stated Exhibit A3 is the overall sight plan, 4 schools each of them on a separate lot, each having a lot area of 4.8 Acres. Each of the proposed school buildings and parking areas complies with the setback requirements under the R3 Zone, gym is located within the front setback of the Cull-de-sac. An exhibit was done where if the gym was simply shifted back towards the high school, they would connect them with a breezeway and there would be a single building, but this would relate to the technical variances as related to the private road. Mr. Borden said the A3 exhibit shows each of the lots has a 35-foot buffer, as per Ordinance requirements, it is along the perimeter of the property to the west undisturbed as well as along Leesville Road, all of which is to remain undisturbed and forested, proposed are 35-foot buffers along the fronts of these 3 schools which will be planted in accordance with the variants. Also, an undisturbed buffer would be on the 4th lot, 58.04 on the eastern boundary. The applicant complies with that. Mr. Borden said that the client is willing to construct a solid fence along the rear of the schools along the property line. It will be a 6-foot-high solid fence around the Western boundary, along the rear yards of the schools. The 4th school backs up to the wetland buffer and riparian buffers, there is a large undisturbed forest that will remain undisturbed, and it will be part of a conservation easement. The applicant doesn't believe it's needed along the northerly line.

Mr. Hudak asked about the Pond on the property. He wants to know if there will be a fence around it.

Mr. Borden said he encourages going into the woods and exploring, he does not like the idea of a fence.

Mr. Hudak thinks it's important to prevent Elementary school kids from accessing a Pond.

Mr. Borden thinks it's not important. The building coverage proposed on each of these lots is permitted to be 15%, the maximum coverage that is proposed, which is on the smallest lot, lot 58.03, and is 11%. The buildings all have a height of 34 feet per the architecture that was submitted, the maximum permitted height is 35 feet. Exhibit A5 shows the gym's current configuration. Sliding it back and over and connecting it to the breezeway, the applicant could eliminate that variance. The applicant does propose a ground sign out on the road. Ground signs are not permitted in R3 Zone. Mr. Borden says that the applicant will propose to eliminate the ground sign. Mr. Borden said the applicant has 3 proposed elementary schools on lots 5801, 5802, and 5803. Each of those schools has a maximum number of students 750 with 94 parking spaces being required, each providing 106. High school requires 200 parking spaces, the applicant provides 206. There are 4 ADA spaces for each of the elementary schools. The planner noted that the applicant needs the 5th one. The applicant will provide that. Provided are 3 EV-ready spaces for each of the schools. Mr. Borden said that circulation for each school is designed with one-way circulation in a counter-clockwise direction with separate bus drop-off and parent drop-off lanes with a pedestrian crosswalk. Mr. Borden said the applicant did provide an emergency access drive to Grass Creek. It is a grid with stabilized grass suitable for Emergency vehicles. Mr. Borden said the applicant has different grade levels, all with staggered starting and ending times. A4 exhibit shows the school's starting and ending times. The applicant tried to stagger the times. Traffic Engineer will testify on the impact of it. No buses will remain on the site during school hours. 5% of students are typically dropped off by parents, the remainder being bused. No high school students are permitted to drive. The high school gym and pool are only for use by the high school during school hours, there is no rental or other use of those facilities. The only deliveries to the schools will be single units trucks, deliveries will only occur during school hours and only when the buses are not present. No buses or vehicles will be stored on-site when the school is not in session.

Mr. Burnstein asked how many days a week are these schools intended to be open. There are no days listed.

Mr. Borden said it's his understanding that it's 6 days a week. He said the client will give additional information.

Mr. Bursntein asked that 5 % of the students will be dropped off, where is this number coming from?

Mr. Borden said it comes from his client, from the proposed operators who might be operating those schools.

Mr. Wall said is it realistic not to have any maintenance vehicles or others parked, there might be a snow event.

Mr. Borden said that the intent is to show that the applicant is not storing school vehicles. His understanding is that maintenance would be done by an outside contractor. Mr. Borden said that the property is not located in close proximity to the Jackson Municipal Utilities Authority Public System. There is no public sewer and water close to the project, so the applicant is proposing to set the site with three private wells and individual sewerage disposal systems. There is a well for each of the buildings, located in the front left of each school. Each well will be drilled into the Mount Laurel Aquifer. The surface aquifer is the Kirkwood-Cohansey aquifer which nearly every residential home utilizes for well water. The applicant is very aware that the surrounding homes are serviced by well water. The applicant is cognizant of the potential impact of those schools and a higher demand than a residential would have on the adjoining wells. Mr. Borden advised the client that what is being proposed is to install these wells deeper, in the Mount Laurel aquifer. It is a confined aquifer, approximately 300 feet deep, so any water withdrawn for domestic use by those schools would have absolutely no impact on the Cohansey wells that are accessed by any of the residents. As far as the sewer goes the applicant provides individual subsurface disposal systems. The applicant shows the disposal beds. They are to the rear of all schools. The utility plan that the applicant provided has the flows that are estimated for each bed for the three elementary schools, there would be 8,250 gallons per day each and then the high school would be 6,750 gallons. Each system needs to be permitted through the state Department of Environmental Protection. Any septic Disposal system that proposes a flow of more than 2,000 gallons per day is beyond the authority of the Ocean County Health Department. So each septic requires 3 approvals. One would be a Water Quality Management Plan for the entire site and each bed would require a permit from New Jersey, which is a New Jersey pollution discharge eliminated system permit, as well as the treatment, and works approval. The subdivision and site plan shows two underground tanks, one up along Leesville road and one at the end of the cul-de-sac. The purpose of those tanks is to provide a source, since the applicant has no public water, the only source of water for fighting a fire comes from the Jackson Township fire Department tanker trucks. The applicant provides these tanks as a source of water. They are 40,000 gallon polyethylene plastic tanks with a hydrant outside of them and the intent is to provide an outside source of water supply for the fire department, so they are not really upon their tankers. Those tanks would be owned and maintained by the property owners association. The same would apply to the main stormwater basin.

Dr. Campbell asked her usual question if the owner is considering a solar for these structures. There are four flat roofs and a gym with a peaked roof. Dr. Campbell asked if the pool is outdoors.

Mr. Borden said that he encourages the client to encourage these school developers to provide solar for schools. The pool will be outdoors.

Dr. Campbell asked if there will be one or four separate owners.

Mr. Borden said it is anticipated to be owned individually by separate owners. They would own their individual properties and be responsible to maintain them including the septic system and well, there will be a Property Owners Association that would be responsible to maintain the two large fire tanks as well as the main stormwater basin and the road itself.

Mr. Borden stated as to the operation question, its six days per week, 12 months per year, contracting busing provided on all holidays.

Public comments opened.

Mr. Hudak suggested to the residents to limit the questions to the testimony that was already given.

Resident Donna Tuminaro, Diamond Road, Jackson was sworn in. She is concerned about future home improvements that the residents would like to do in the future. The concern is also septic fields and well water that will be used by the schools.

Resident Susan Cooper, Willetta Drive, Jackson was sworn in. Her concern is about the bussing. She believes that never are only 5% of the students dropped off. It will be much more. The resident wants to know about the treatment centers.

Mr. Borden said the treatment systems are for each of the individual septic systems. There is typically a biological reactor to use bacteria to harvest the nitrogen from the waste before it's discharged. These are basically contained in underground tanks, nothing is visible above ground. In the case of the treatment, there will be another tank besides the septic tanks. Under the state permits, there is a mandatory sampling program in perpetuity that each school would have to quarterly sample their effluent and those results are reported to the DEP.

Resident **Brian J. Smith** 10 Shepherd Way was sworn in. The resident is concerned about the number of schools and their size. The resident said that DEP has sent a letter to the 23 homes that are contiguous to this property have answered. As the Board, the resident wants to know if that has been done and approved, the environmental impact statement.

Mr. Gertner wants to clarify that the resident is asking the board, and professionals, whether or not the State Department of Environmental Protection has done an independent Environmental impact study.

The resident replied yes.

Mr. Gertner said, that that is not how normally the process goes, so the answer will be no.

Resident Robert Balbach, 11 Shepherds Way was sworn in. The resident had a question if there was a consideration of making this property a preservation land by the Township.

Mr. Hudak said the board wouldn't be privy to that, this is a development application. This is a private farm that was sold to an individual.

The resident had a question if those two aquifers are connected in any way. He wanted to know if they were completely separate.

Mr. Borden said yes.

Mr. Borden said the Mount Laurel aquifer is confined by a quadratic restrictive layer from the upward points Cohansey aquifer.

Resident Jason Glushko, 24 Alana Drive was sworn in. His concern was a septic tank being close to his residency. Mr. Glushko wants to know if the applicant attempted to contact MUA and bring public utilities down to the school to make it safer.

Mr. Borden said he does not remember if the applicant has submitted a preliminary application. He said he is aware of surrounding water and sewer and they're not anywhere close. Manholes on Freehold Road are a significant distance east of Leesville Road. The site is not located in the sewer service area.

Mr. Borden said before then he returns to the next meeting he will make sure the submittal is made to MUA if it hasn't been already.

Motion to Close Public Comments Burnstein/Herman all in favor.

Ms. Jennings said they will go back and take consider some comments into consideration, revise the subdivision plan, ask for the variance and see where it takes the applicants, and regroup for the next hearing.

Motion to carry the application to December 12, 2022. Herman/Burnstein Dr. Campbell, Mr. Herman, Mr. Haring, Mr. Wall, Mr. Burnstein, Mrs. Demarzo, Mr. Hudak

The Board decided to carry the application to the December 12th, 2022 meeting.

Mr. Gertner stated that in Block 3902, Lot 58, and the proposed lots 5801, 5802, 5803, and 5804 this matter is being carried to the December 12th, 2022 meeting without the requirement of further notice. The applicant has wave time through December 31st, 2022. Mr. Gertner said that for the question raised regarding the septic the board at least should discuss the hiring of an additional expert to review the wastewater management.

Dr. Campbell asked if the Township has a person, who would facilitate that.

Mr. Wall said nobody on the staff, but any professionals needed in any way, shape, or form of Municipal government, the Township has to access.

Motion to authorize the hiring of a waste Management specialist. Dr. Campbell/Burnstein is all in favor.

Motion to Adjourn Campbell/Haring all in favor.

Respectfully submitted by

Irina Darrar

Planning Board Recording Secretary