

MINUTES OF JACKSON TOWNSHIP ZONING BOARD MARCH 16, 2022

The March 16, 2022 Jackson Township Board of Adjustment Meeting was called to order at 7:02 p.m. with a salute to the flag by all present. Board Attorney Sean Gertner read the Open Public Meetings Act Statement and announced that adequate notice has been provided for this meeting.

ROLL CALL: Jeanine Fritch; Carl Book; Stephen Costanzo, Vice Chairman; James Hurley; Scott Najarian, Chairman; Stephen Costanzo; ToniAnn Comello; Michelle Russell; Lynne Bradley, Alt #1; John Spalthoff, Alt #2

Also Present: Sean Gertner, Board Attorney; Evan Hill, Board Engineer; Ernie Peters, Board Planner; Jeffrey Purpuro, Zoning Officer; Anthony Jacob, Township I.T. Representative; Fran DiBella, King Reporting and Zoning Board Recording Secretary

7:04 PM Entered into executive session. Motion/Book. Second/Costanzo.

Unanimous.

7:24 PM Closed executive session. Motion/Book. Second/Costanzo. Unanimous

Board professionals sworn in by Mr. Gertner

Approval of Resolutions: (Subject to renumbering, per Mr. Gertner)

- 1) 2022-08: Rachel Davis, Block 101004, Lot 22, 18 Short Hills Blvd, granting a variance to construct a fence and maintain a shed. Motion/Book. Second/Costanzo. Voted: Book, Russell, Bradley, Costanzo, Najarian
- 2) 2022-13: Alexander Sauickie, III, Block 10003, Lot 4, 58 Overlook Drive. Granting approval of variances to permit an inground swimming pool. Motion/Book. Second/Costanzo. Voted: Book, Fritch, Hurley, Comello, Russell, Bradley, Costanzo, Najarian.
- 3) 2022-14: Donald and Alana Pearson, Block 16003, Lot 28, 21 Aristocrat Way. Granting approval of variances to maintain a shed. Motion/Book. Second/Bradley. Voted: Hurley, Comello, Russell, Bradley, Spalthoff, Costanzo, Najarian.
- 4) 2022-15: Bennetts Mills Realty/Michael Schwimmer. Withdrawing the D-1 use variance for property located at 344 Bennetts Mills Road, Block 12201, Lots 16 & 18. Motion/Book. Second/Costanzo. Voted: Book, Fritch, Hurley, Comello, Russell, Badley, Spalthoff, Costanzo and Najarian.

Motion to approve regular meeting minutes from March 2, 2022 by Book, Second by Costanzo. Yes: Book, Fritch, Hurley, Comello, Russell, Costanzo, Najarian

APPROVAL OF VOUCHERS: Motion to approve a voucher for King Reporting (\$250.00 for March 16, 2022) and Francesca DiBella in the amount of \$150.00 as recording secretary. Motion/Book. Second/Costanzo. Voted: Book, Fritch, Hurley, Comello, Russell, Costanzo, Najarian

Applications Carried:

Application No. 1, Tiffany Cervasio, Variance 3403, Block 2701, Lot 6, 730 W. Commodore Boulevard, carried to April 6, 2022 due to nonappearance of the applicant, without further notice to the applicant. Motion/Book. Second/Costanzo. Voted: Book, Fritch, Hurley, Comello, Russell, Costanzo, Najarian

APPLICATIONS:

2) County Line Construction, Inc, Frank Applegate Road, Block 4402, Lot 73, Zone R-3. Applicant's attorney, Dante M. Alfieri, Esq. Applicant is seeking a nine lot subdivision (eight single-family homes and one stormwater management system) 11.9 acres in R-3 zone. 1st Witness: Brian Murphy, P.E. testified use variance previously granted for the nine lots of five-bedroom homes, 3,000 square feet, with unfinished basements (no bathroom in the basement). Mr. Evans explained that it complies with the State and the

township's best management practices for storm water management. To the north and west are single-family homes. To the south are wetlands. Access is off of Frank Applegate Road. Sidewalks on one side of street, per RSIS standards. The stormwater basin lot is **in the southwest corner in the property. That lot will be owned by the township but will be completely maintained by the homeowners' association.** Mr. Hill stated that consistent with the prior variances that were granted, the stormwater lot is to be owned and maintained by the homeowners' association. Sidewalks on both sides.

Parking: Each 5-bedroom house will be compliant with RSIS standards and have three parking stalls and a two-car garage. Mr. Hill asked for an updated survey. A recreational facility will not be considered. No wetlands on the property, and there will be no impact to the barn owl habitat. Septic and well. Mr. Evans' letter wanted widening of Frank Applegate Road. It's a county road, and it's being done. Each individual house site has to be raised a little bit and the applicant believed they are going to balance the site. But the septic system is already designed for a five-bedroom home. The plans have been revised since our original letter to correct some inconsistencies with the permeability testing for the infiltration system. Currently the center line of the property, the center line width, the half road, it varies as you would expect, **from 12 to 13 feet. We're going to have to bring that up to an even 20 along the entire frontage. We're going to have** tapers going off to the south as you exit the property. There will be a taper coming in so you will have an acceleration area to get on to the road and also there will be a deceleration taper to the north that will pull off the side way so right now there's really no **shoulder. There will be a shoulder and we're also providing sidewalks along the entirety** of Frank Applegate along our frontage. We're extending Marybeth Lane and creating a cul de sac. Originally it was supposed to be emergency access coming out the Frank Applegate off of the cul de sac and now we flipped directions and it came off of Frank Applegate. There's no connection at all to Marybeth Lane. An infiltration basin is proposed with no discharge to the stream. **Elevation is 99.** Mr. Hurley asked if there would be a problem with puddling. Mr. Hill explained that the grading design that's provided on the plans submitted for this application are designed to meet the standards. Mr. Najarian asked about the retention basin and the applicant said they will put a fence and landscaping **around it.** Mr. Purporo asked for an updated map regarding the front yard setback. Application opened up to the public: James Rapp, 49 Johnson Lane, **Jackson, New Jersey,** testified that he is content with the amount of trees, but am I understanding that what the builder is proposing here is to build to the density of R-1 on an area of Jackson that's currently zoned R-3 meaning three acres required per homestead? Mr. Gertner explained that Resolution 2020-46 granted the applicant the **ability to present this plan for eight building lots and one storm water management lot.** Originally the applicant had proposed 10 residential lots and one stormwater management lot and after listening to the public the applicant had agreed to reduce the number of residential lots to eight. Mr. Hill further explained that in 2020 the applicant was here and presented testimony to support the request for a density variance. At that time, **it was 11 homes. The board said 11 was too many and based on the exhibits and** additional supplemental testimony it was determined that eight 1-acre lots were more appropriate for this property so the board in 2020 granted him density variance approval and it took him this long to perfect the engineering design which is why we're here tonight so what you're asking for was already asked, vetted, and approved two years ago. Lawrence Anderson, 394 Frank Applegate Road, speed limits are too high and there's too many curves and if they finish, if you put this roadway in, it's going to be a **hazard. Stacey Schwartz, 3 Candy Court,** Jackson, asked about the stormwater basin and I want to make sure that there's going to be some secure system because I have young children, boys, that most definitely probably want to try to get in there. Mr. Murphy explained there will be a 4' fence around the basin and it will be landscaped and locked. Mr. Hill explained that is enough because **these are infiltration basins so they shouldn't be wet.** Every day without rain, they should be dry. There's emergency spillway which is required to be there which means once every 100 years when we get that real heavy rain event, if anything above that will flow out and into the wetlands it's designed to do that. Mr. Gertner suggested to send letters saying dear Mr. and Mrs. so and so, please be advised that this application was

approved by the Jackson Township, presuming it's approved, this is a hypothetical right now, I'm dictating the letter, was approved by the Jackson Township Board of Adjustment on such and such a date pursuant to a portion required resolution compliance. **You are to receive the following property and a copy of which is set forth in the deed attached. Please note that we will be file this deed shortly and upon receipt of the final deed we will forward a copy of the file deed to your intention. If you have any questions please advise.** Mr. Alfieri said he had no objection to that. Keith Stanger, 22 Marybeth Court, stated that water has been three feet deep in the wetlands at least three times in the last 22 years so where is that water going to go? The houses on the west side of Candy Court were inundated with water. I'm sure they are going to be nice homes, but when we have one of those storms again and we have three to four feet of water in the yards starting in October and it lasts until the heat cooks it off in June or **July. Then what?** Mr. Hill explained that this site is designed in a manner that's consistent with township standards to not promote uncontrolled unmanaged stormwater from the property as a whole. It's designed to collect all additional stormwater runoff resulting from the impervious cover, collecting it, managing it, in a manner consistent **with the standards. If there are neighbors experiencing grading and drainage issues on their properties, that has nothing to do with this project and what I could tell you, though, is this project, the way it's designed, will not further contribute to whatever issues that the neighbors on other parcels may be having. Mr. Hill explained that if you're experiencing drainage on the street, contact the town. That's first and foremost. That's not this board's jurisdiction and what we are tasked with doing here is making sure that any development does not adversely impact the neighboring properties. That's why the professionals are here.** Mr. Purporo and Mr. Hurley asked for clarification on the buffer **on the northern part of the property.** Mr. Murphy responded that based on the rear yards of the lots, on the north side of the roadway and the lots that back up to the lots of Candy Court we're maintaining at least a 50-foot conservation easement so that **homeowners can't come back later and clear that area.** Rebecca Nicola, 17 Marybeth Court. **We have the overlap in question of the property line.** The question is: What would you do with the easement on that side. Mr. Murphy testified that we would provide a 50-foot conservation easement obviously minus the portion of the road that's on the property. Deliberations opened up to Board members. Mr. Book moved to approve the applicant's final and subdivision approval. Motion/Book. Second/Costanzo. Yes: Book, Fritch, Hurley, Russell, Bradley, Costanzo, Najarian

3) Dubin Contracting, LLC/Abraham Jacobs, Block 7501, Lot 4, Zone R-1, 283

Metedeconk Trail. Applicant Attorney: Dante Alfieri, Esq. Witness No. 1: Glen Lines, P.E., P.P. testified the rear of the property slopes down to the Metedeconk River.

Variance Requested: The lot is 131' where 150' is required. As far as the neighborhood,

on the entire length of the street there are 29 homes. Five are conforming as far as width. The remainder are nonconforming and there are 1000-foot wide lots which make up the majority of the lot sizes. The existing dilapidated house (possibly 2 bedroom, 1000 square foot home) will be replaced with a seven-bedroom home, including basement, garage, and new septic system. Four parking spaces are required, but this proposal will have five (one in the garage and four in the driveway). Waiver Requested: Construction of sidewalks. Applicant will contribute to the pedestrian safety fund. Mr. Hill stated that originally the architectural plans were for a 15-bedroom home with ejector pumps, then a 7-bedroom home with ejector pumps. This lot is 50 percent encumbered by environmental constraints. Historically, this board, on lots less than two acres, have asked applicants to consider an alternative treatment system or a nitrate solution system, **consistent with those that are approved by the Pinelands. Even though this isn't Pinelands, the board has historically asked people developing on undersized lots to highly consider that. The applicant agreed to meet that request.** Ms. Fritch asked for clarity on the bedroom locations. Mr. Lines explained five bedrooms on the second floor, none on the first floor, and two in the basement, which is the reduction that Mr. Hill explained. Mr. Costanzo asked about an exterior staircase on the left side of the home that leads down into the playroom and was concerned if this proposal was now for a two-family house or mother/daughter situation. Mr. Lines explained it will be a single-

family dwelling. Generally, the two guest bedrooms would be somebody who would be in from out of town over the weekend and they will have usually the parents in one, the children in the other, and then they go back to Brooklyn or where ever on that Sunday during the day. Mr. Costanzo asked if it's 2600 square foot home with proposed seven bedrooms, is the house not undersized for that many bedrooms and to be able to service that many people. Mr. Lines testified probably 90 percent of the time it's a five-bedroom home. **Nobody's using the guest rooms during the week.** Mr. Peters explained it's a proposed two-story dwelling, **23.29 square feet. The architect has plans that says the second floor is 2300 square feet.** Obviously the basement is around 2000 square feet. **It's a 60-something square foot house.** Mr. Costanzo asked if the basement is considered living space and is it counted in the square footage. Mr. Hill stated yes, it's finished living space and it doesn't matter which floor it's on; so in this case you're looking at 6,400 square feet of living space roughly. Ms. Fritch inquired if that includes the finished attic with the bathroom as well. Mr. Hill explained no, it doesn't include the attic. **There's no calculation on the attic. Add another 500 square feet, maybe another 600 square feet. Some 7,000 square feet of living space.** Mr. Costanzo asked how many proposed bathrooms. Mr. Hill testified eight; one in the basement, one on the first floor, four on the second floor, and one in the finished attic (with a shower). Mr. Hill explained that the septic system design criteria is primarily driven by the number of bedrooms with the exception of if there are bathrooms within a basement which require an ejector pump. **Once you have an ejector pump in the basement,** it requires that whatever you're required to have for a 7-bedroom home, as far as the tank and disposal bed size, you then have to **increase it by 50 percent, both of them. Both the tank and the disposal bed have to be increased by 50 percent.** Alternative treatment units take credit for that pretreatment and reduce the disposal bed by up to 25 percent, so the number of bathrooms aren't **the driving pattern.** Mr. Gertner asked what constitutes a bedroom and Mr. Hill explained a closet and egress windows. Mr. Book asked if that attic bedroom/bathroom could morph into a master bedroom in the future and how to prevent it. Mr. Hill explained if the applicant applied for building permits if they were to construct a closet. Opened to the public: Timothy Howells, 277 Metedeconk Trail, testified that the south bridge Metedeconk flows right behind Metedeconk Trail and removing all of the cover that needs to be removed from the lot to build a house this size, changing how the flood waters and the rain waters have drained historically, my house was built in the '30s, that house was built in the '30s, it's now going to be torn down, **I'm worried as the next door neighbor am I going to have effects? Is there going to be damage to my foundation having this large home built right next door and how the wetlands could be affected with that size of a home and that size of a septic system.** On Tuesday, I spoke to the office that issues LOIs. I gave the block and lot number and they **told me they have no record of a letter being requested. That may have changed since Tuesday. But as of Tuesday they had no record of that letter and it's important because of the wetlands situation.** I spoke with a gentleman by the name of Mark Davis (DEP rep for Ocean County). **My last point is the septic system itself. I do have a picture (Exhibit O-1) here and this is a picture of the current sewer system here in Jackson. We have sewer line that they could hook to.** Mr. Lines responded that based on the map (O-1), there is a pump station over on Brewers Bridge Road which collects the sewerage from the area and then there's a force main that runs up Delaware Trail, based on that map, and then would connect to the Ocean County Sewage Authority's trunk collector system that picks up everything in Jackson, Lakewood, Brick and runs now to the northern treatment plant off of Mantoloking Road so while there is a line there, it's a dashed line rather than a solid line and that means it's a force main and it's not something that **anybody can connect to.** Mr. Book asked Mr. Lines to address Mr. Howell's comment about the LOI. Mr. Lines testified that his admin assistant said it had been sent out. Opened to the Public: Anthony Verzella, 278 Metedeconk Trail testified that I own heavy equipment and I **kind of know what's going on. The water is a big problem there.** On the original map, plot plan, the last six years before the owner died I was maintaining **that property.** The little wiggles on the map is as far as he **cleared. The bump is where the big pile of logs, we were pulling all those trees down. That reason that line is there is all the property past that turns into marsh when there's a heavy rain. You can't even walk on it.** I designed my septic system. Had them come out and bore test. I did the

iron rod test. The water comes up to just four foot below the surface when the river rises. That is a marsh. Those Vs, that's the original stream bed where all the water from about 500 feet on either side ran to my house and then across and out through there. The property they are going to put on there does not pay attention to the natural grading of the land. They are blocking the water flow. On the variance plan you can see the original gradient line underneath the fill and he's totally blocking all the access route for the water. The original contour needs to be maintained for at least a 5' buffer so there's some place for all the water to go because it comes in from the street, goes into his yard, that's who used to own it, and then it goes down that channel. The water comes off the other side, comes across the back and goes out that channel and that is going to completely block that water and build a big damn there. That is just bad design. It doesn't take into account what the original landscape is and that marsh underneath the septic. I designed my septic system for a two and a half bath house; a 1,000 gallon tank. This house has seven and a half bathrooms in it. That means it has to have a 3,000 gallon tank minimum and that field is not capable of handling that. We have a high pressure line in the street. My brother-in-law works for a company that builds private ejection system where you put them in the front yard, you hook it up, it fills like a septic tank, and it shoves it away. They need to take that into consideration. Mr. Najarian asked if they did bore holes. Mr. Lines said yes, but he did not bring report. Mr. Hill asked about seasonal water elevation. Mr. Lines testified where the soil boring was taken, it was done with a hand auger. The elevation of the ground was 93.25. The estimated seasonal high ground water was 91, 92, which is only a foot and a half below the surface. We are proposing to fill the backyard and the property so that elevation in the backyard be 98 which we can get a septic system in the ground. Mr. Najarian said the soil has to be analyzed for contamination before it comes to Jackson. Permits were submitted to the Ocean County Health Department. As far as the water that goes down the property line, we have proposed a retaining wall base filling the backyard around the property. We've left five feet to the property line so that any water that goes down the property line will continue to be on the property line the way it does today or to the neighbor. Mr. Najarian asked how high is that hill going to be back there to maintain your septic system? Mr. Lines testified five feet. Mr. Verzella said the water can't get around the walls. Mr. Najarian asked if you want a hill in your backyard after building seven bedrooms there? Mr. Lines testified the water will continue to run down the property lines as it does today. We're not building the wall on the property lines. We have brought it in from the edge of the property lines. Mr. Hill clarified that the applicant is proposing a retaining wall along the rear of the property along the sides. The retaining wall height varies from six inches tall to the front yard to a maximum height of three feet in the rear yard. The wall is positioned about five feet away from the property lines. Therefore, there's a five foot wide area of existing ground surface elevations that remain unchanged and do not alter the drainage patterns right up against the property line. Mr. Verzella said right now when we have a heavy rain the water that goes next to my garage is 13 feet wide and runs 12 to 13 inches deep. That goes across the street and into that slot. If you cut it down, it's like the Mississippi. There has to be heavy rock in there to keep it from washing out because you're going to have two foot of water running through there. Ms. Bradley asked what happens to the neighbors with all this water. Mr. Hill explained that it's not on the outside. It's on the wall and the property, so if there is an issue of offsite stormwater from the road flowing through this property and obviously this development is pushing it closer to the property line, if not over the property line. Mr. Spalthoff asked is it reasonable to say that in a heavy rainstorm that on either side of the property now because you've built this wall and you've put your field back there, that there's a strong possibility that that water could leach into the neighbors on either side. Mr. Hill said it's a possibility because the applicant has not incorporated any provisions in his design to capture that water and convey it with piping to the rear of his property. Mr. Gertner and Mr. Hill suggested that based upon the comments that the board has made as well as some of the neighbors, we would request that we carry the application in order to further evaluate those items and come back to the board with either revisions to the plan or more updated testimony. The matter is being carried to the May 18, 2022 meeting without requirement of further notice. The applicant has waived time to May 31, 2022

4) 26 Whitesville Road, LLC, Minor Site Plan 853, Block 19501, Lot 21, Zone RG-2, 26 Whitesville Road, Applicant's Attorney: Donna Jennings, Esq. Court Reporter Michael Williams. First Witness: Ian Borden, Exhibit A-1 (aerial photograph), Exhibit A-2 (variance plan), Exhibit A-3 (enlarged site plan), Exhibit A-4 (architectural plan) Formerly, this property was a canoe rental business and then a canine camp. The applicant seeks to make it a house of worship. Hours of operation 8:00 am to dusk, 7 days a week, occupancy 35 people total. Nine parking spaces. Gravel parking, gravel access to Whitesville Road. Parking will be prohibited on Whitesville Road. Single solar light. Mr. Costanzo asked for more lighting. Building is 594 square feet with 83' buffer. Two separate buildings on the same lot. A congregant could rent out the house of worship. No sidewalks proposed. The congregants will be coming from Calendula. Application opened to the public at 10:30 pm. Elaina Puglisi, 824 E. Veterans Hwy, testified she's lived there for 52 years, knew the previous owners, said that the parking will be inadequate because even though many congregants walk, most will drive. Busy street, crazy drivers, garbage trucks, tractor-trailers and dump trucks. John Puglisi, 824 E. Veterans Hwy, asked how would the fire department allow 35 people in a 600 square foot house. The traffic light has been knocked down four times and the telephone pole across the street has been hit numerous times and the traffic is unbelievable. Mr. Waxman, 967 E. Veterans Hwy, there's a big difference during the week when this community could hardly put together a minimum. Mr. Hurley asked the applicant to develop parking areas behind the house. Peter Kitay, 513 N. County Line Road, testified that parking is an issue and could they open the front area for parking and require signage along Whitesville Road that absolutely no parking is allowed. Mordechai Hirsch, (the applicant), 26 Whitesville Road, testified that there will be no parking on Whitesville Road **whatsoever. There is not even a shoulder wide enough to park a vehicle on Whitesville Road, so it's a moot point.** The intention is for prospective congregants that are coming from the eastward direction where you do have sidewalks that goes beyond the driveway opening of this property so that should alleviate a safety concern. Regarding traffic on the Sunday through Friday days, the residents who live here are currently inconvenienced to drive to a neighboring township to pray three times a day. **It's the same people driving on the same roadways. It will not add to any traffic.** It will only give them the convenience and accommodation closer to their homes so it doesn't interfere with the rest of their schedules. We do not foresee people coming from **far and wide. This is a neighborhood benefit and a convenience for the people who are currently living in this part of town.** Application carried to the June 1, 2022 meeting **without the requirement of further notice. The applicant is waiving time until June 15, 2022.**

Motion to adjourn at 11:05 p.m. by Mr. Book. All voted unanimously.

Respectfully submitted by Fran DiBella, Zoning Board Recording Secretary