

MINUTES OF JACKSON ZONING BOARD MAY 18, 2022

The May 18, 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. Sean D. Gertner, Esq. read the Open Public Meetings Act statement and announced that adequate notice has been provided for this meeting.

ROLL CALL : Scott Najarian, Chairman; Stephen Costanzo, Vice Chair; Carl Book, Secretary; Jeanine Fritch; Lynne Bradley, Acting Secretary; Samara O'Neill, Alt # 2 Absent: John Spalthoff (Alt #1)

ALSO PRESENT : Sean D. Gertner, Esq., Board Attorney; Evan Hill, Board Engineer; Ernie Peters, Board Planner; Jeffrey Purpuro, Zoning Officer; Anthony Jacobs, Township I.T. Representative; Fran DiBella, King Reporting and Zoning Board Recording Secretary. Board professionals duly sworn by Mr. Gertner

Approval of regular meeting minutes of May 4, 2022, Motion/Bradley. Second/O'Neill
Yes: Bradley, O'Neill, Costanzo, Najarian

APPROVAL OF VOUCHERS : Motion to approve voucher for King Reporting in the amount of \$150.00 as recording secretary and \$250 for recording services: Motion/Book. Second/Bradley. Yes: Book, Fritch, Hurley, Bradley, O'Neill, Costanzo, Najarian

APPLICATIONS CARRIED :

Application No. 2, Countyline Holdings, Block 2101, Lot 16-17, North County Line Road, Variance 3362, to be carried to August 3, 2022 meeting, with requirement of further notice.

Announcements by Mr. Gertner : 1) Member Samara O'Neill has certified she is prepared to vote on the Dubin Contracting application

APPLICATIONS :

1. **Christina and Ken Griffith** (Variance 3408), Block 103, Lot 94, Zone R-3, 2 Hardwood Drive. Applicant seeking a variance for a 5' open fence in the front yard area, but since the house is a corner lot and the fence is 5' high, the applicant needs a variance for that reason only. Public session opened and closed. Mr. Book went out to look at the property. Motion/Book. Second/Bradley. Yes: Book, Fritch, Hurley, Bradley, O'Neil, Costanzo, Najarian.
2. **Dubin Contracting, LLC/Abraham Jacobs** , Block 7501, Lot 4, 283 Metedeconk Trail, Variance 3394. Applicant is seeking a variance for a new, isolated, single-family dwelling because of insufficient lot width. Applicant's attorney: Salvatore Alfieri, Esq. Revised plans were submitted. **Witness No. 1** , Glenn Lines, P.E (credentials accepted) testified that after listening to a concern from a neighbor at the last meeting that there's a drainage issue, water flowing through this property, an inlet was added on the east side of the property between lots 4 and 5 with pipe running down Applicant's property which would be an easement to a discharge just outside the wetlands line and the environmental line. The septic was redesigned as a Fuji system, which has been used before in Jackson, and it will include flow from basement, the two bedrooms and the basement, ejector pump. There is no sewer service on this road and there is not a way to connect to the OCUA sewer system because pressures are too high and flows **are too much**. If one tries to connect to it, it would all flow back into the home. (According to response letters from OCUA, JTMUA, and DEP). Since the last hearing, the applicant has applied to DEP for a letter of interpretation re: wetlands just behind the property area. The applicant has agreed that there will be no improvements in the attic. Revised architectural drawings were submitted to the board and do not show a bathroom in the attic and they show a nonegress window in the attic so it can't be a living space. The Chair asked if the bore holes were hitting water at 2'. Mr. Lines explained that there is enough space **between the ground surface and the water table. It was down two feet behind the property** closer to the wetlands. Mr. Hill explained that soil borings were performed on the property, one within the location of the proposed dwelling, which shows a seasonal high water table is **approximately six feet below grade. Because the property slopes back towards wetlands, a** soil boring was also performed outside of the area they are proposing to develop which shows a seasonal high water table of 1.75' below grade. The applicant is not proposing any improvements within that area. Curbing proposed along Metedenconk Trail along their **frontage which will help keep water flowing on to their property. They are installing a proposed** inlet within the roadway which will collect that stormwater and convey it via underground pipe

to the back of their **property**. That's the preferred way to manage the stormwater runoff as opposed to just trying to create vegetative swales that tend to erode under high velocities and also may **not maintained correctly**. With respect to the septic system, that falls under the **jurisdiction of Ocean County Health Department**. **However, this Board has** asked and the applicant has agreed to incorporate an alternative treatment system for this seven bedroom home (five bedrooms on the second floor, two in the basement) with an ejector pump in the basement. Four parking spaces within the driveway and the fifth one in the garage will comply with RSIS. **They eliminated the bathroom from the sitting area. There don't appear to be any other changes for the plans that were originally submitted.** Mr. Hurley and Mr. Book inquired if the proposed home is consistent with the character of the neighborhood. Mr. Lines confirmed that the area has smaller single-story homes, but there are newer larger homes already on Metedeconk Trail. Mr. Book read the definition of single-family home into the record, Section 244-6. Mr. Gertner asked for clarity because the basement rooms are denoted as guest bedrooms which potentially leads to the speculation of are they guests of the single family, are they going to be used as an Airbnb. Ms. Fritch said it looks like there is a separate entrance. Ms. Bradley and Ms. Fritch asked for the reason of the two and a half bathrooms in the basement. Mr. Alfieri offered to bring the buyer and the architect to the next meeting. Mr. Peters stated that the applicants have offered no information to say it's other than a single family home, but given the layout of the house it could pass as a mother/daughter or a two-family **because of the way it's laid out**. Public session open. **Amy Howells**, 277 Metedeconk Trail, sworn, testified that her children attend Jackson schools; she lives, works, and volunteers in Jackson and expressed concern that the proposed home is too large and too close to her home and what would it do to her foundation, her well, her drinking water, her children playing in her yard, her quality of life. Her house is a small ranch and the applicant is proposing a 6,600 sf home. **Timothy Howells**, 277 Metedeconk Trail, sworn, asked about conservation zone overlay and Section 244-45 and the letter of interpretation. **Anthony Verzella** (no address stated on the record), sworn, asked about water outflow from pipes. When you put water into a pipe, it can only be discharged into a retention area. Mr. Hill disagreed; stating there's nothing in the State regulations that says a pipe has to discharge to a stormwater basin. His next point was about the width of the road and bus/car traffic. Metedeconk is only a lane; not a street. Mr. Lines said they will widen the street to 16' from the center line in front of the applicant's property in lieu of sidewalks. Public session closed. Mr. Hill inquired about the basement, considering the proximity of the wetlands. Mr. Hill explained that they meet Code at 91.8'. Application carried to June 15. No further notice required.

3. **Michael Rosenberg**, Block 13601, Lot 22, 6 Denmark Lane, Variance 3399, Applicant's attorney, Salvatore Alfieri, Esq. questioned his client under oath on the record. **Witness No. 1** Ahron Michael Rosenberg testified that he is one of the owners of this property currently resides there. The original plan and application was to demolish the house and build a new home, but reconsidered and is now looking to do an addition. The family consists of applicant, wife, and six children, and they would like to update the house and have six bedrooms on the second floor and expand the size of the basement to include three bedrooms for family visitors. Since the Applicant has a pool, they'd like to update to a 6' Jerith fence. **Witness No. 2**, Charles Surmonte, P.E. and land surveyor, 301 Main Street, Allenhurst, credentials accepted, testified that he prepared the variance plan and testified the lot itself is undersized as to area and depth and width as it relates to the R-3 zoning requirements. This is a one acre lot where **130,000 square feet is required. The lot has 137 feet of width where 200 feet is required** and the lot is 320 feet deep where 400 feet is required so those are existing conditions that aren't going to change by the application. There's a couple of other existing conditions that are **noncompliant. That would be the setback to the front porch which is presently 59 feet where 80 feet is required. Side yard setback 50 feet is required. Both sides are short 33.9 feet on the left and 37 feet on the right** and the other existing condition variance would be the location of the swimming pool. **There's a 50' side yard requirement for the swimming pool and that pool presently exists at 27 and a half feet.** The garage and the bedrooms above it off the existing **back left corner. We're looking to maintain that same setback that presently exists now of 33.9 feet**, not getting any closer to the side yard. The other improvements we've proposed is to extend the 75' driveway back about 30 or 35 feet to serve the signage and garage into the rear, so we'll have two cars in the garage and easily, easily another six parking spaces in the back half of the driveway where the driveway is about 68 feet wide and then there will be a narrower driveway at about 50 feet in depth off to the front so beyond 50 feet from the street we'll have room for the parking of eight vehicles. Any required tree removal permits would be obtained. The applicant will either install on the frontage and/or pay to the fund. And then a six foot wide shade tree utility easement. Mr. Hill inquired of the total amount of bedrooms; nine bedrooms are proposed, six on the second floor, three in the basement. Two bathrooms are proposed in the basement. Mr. Hill stated that the property will require a new septic system (an alternative treatment unit); the proposed expanded dwelling is going to incorporate roof drains so the

runoff from the roof is going to be collected and conveyed to an infiltration French or recharge. Mr. Costanzo inquired if there were any proposed egress out the basement and would like to see the basement plans. Mr. Book and Mr. Hurley stated that they both drive the area. **Witness No. 3**, Sam Fligman, licensed architect in the State of New Jersey. Besides being the architect for this home, he lives across the street at 5 Denmark Lane. Testified that the house fits the character of the neighborhood. Mr. Peters stated the front yard setback of the covered porch is a foot and a half further forward than the house. **The existing setback requirement is 80 feet.** Currently the house is 59 feet which would be nonconforming and they are proposing 57.6 feet so as Mr. Surmont indicated they are moving the porch out a foot and a half. To the extent had they need another variance, they would exacerbating the existing condition by moving the porch forward. The applicant was requested to presubmit basement plans, aerials, and full architectural in PowerPoint format or pdf format. Public session opened/closed. Mr. Gertner announced that at least one board member wouldn't appear. Mr. Alfieri stated they are comfortable with five board members. Carried to the June 1, 2022 meeting without the **requirement of further notice of the. The applicant waives time, however, through June 30, 2022.**

Motion to adjourn at 8:35 p.m.

Respectfully submitted by,
Fran DiBella
Zoning Board Recording Secretary