

MINUTES OF JACKSON ZONING BOARD JUNE 1, 2022

The June 1, 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: Scott Najarian, Chairman; Stephen Costanzo, Vice Chairman; Carl Book, Secretary; Lynne Bradley, Acting Secretary; James Hurley (absent); Jeanine Fritch (absent); John Spalthoff, Alt #1; Samara O'Neill, Alt #2

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

Announcements: Alternates are eligible to vote because only six members are present

Payment of (2) Vouchers: Fran DiBella, recording secretary and King Reporting, court reporting services, for 06/01/22. Motion/Book. Second/Spalthoff. Voted yes: Book, Bradley, Spalthoff, O'Neill, Costanzo, Najarian

Approval of regular and executive minutes of May 18, 2022: Motion/Book. Second/Bradley. Voted yes: Boo, Bradley, O'Neill, Costanzo, Najarian

APPROVAL OF RESOLUTIONS:

- 1) 2022-21: Neustadt, Block 6103, Lot 23, 9 New Jersey Avenue, granting a variance to construct a fence. Motion/Bradley. Second/Costanzo. Voted Yes: Bradley, Costanzo, Najarian
- 2) 2022-22: Brehm, Block 17802, Lot 3, 1 Biscayne Court, granting approval of variances to permit an in-ground swimming pool. Motion/Bradley. Second/Costanzo. Voted Yes: Bradley, Costanzo, Najarian
- 3) 2022-23: Cervasio, Block 2701, Lot 6, 730 W. Commodore Blvd, granting approval of variances to permit an above-ground swimming pool, deck and shed. Motion/Book. Second/Bradley. Voted Yes: Book, Bradley, Spalthoff, Costanzo, Najarian
- 4) 2022-24: Cardinale & Jackson Crossings 2, Block 3001, Lot 1, Monmouth Road, granting preliminary and final site plan approval on phae 4 for a commercial recreational facility. Motion/Book. Second/Spalthoff. Voted yes: Book, Bradley, Spalthoff, Najarian

APPLICATIONS CARRIED:

6. Miles II, LLC, Block 2603, Lot 18, 470 W. Commodore Blvd., Variance 3360, carried to August 3, 2022 without requirement of further notice and time waived to August 31, 2022

7. Green Apple Holdings, LLC, Block 12004, Lot 62.01, 32 Bennetts Mills Road, carried to August 3, 2022 without requirement of further notes and time waived to August 31, 2022.

9. 26 Whitesville Road, LLC, Block 19501, Lot 21, 26 Whitesville Road, carried to August 17, 2022 meeting

Board professionals sworn in by Mr. Gertner

APPLICATIONS:

1. Michael Rosenberg, Block 13601, Lot 22, 6 Denmark Lane, Variance 3399. Applicant seeking a variance for a new single-family dwelling on a lot that has deficient front and side yard setbacks, also lot area and width. Witness No. 1, Samuel Fligman, Professional Architect, duly sworn and testified that parking will accommodate 8 cars in the driveway and two in the garages. Floor plans submitted, including the basement. The basement will have three bedrooms/three bathrooms, a gym room, a playroom, and a mechanical room. Mr. Gertner asked for clarification of integration of the home as a single-family unit and Mr. Fligman explained that, through design, this will only be a one-family house. The only outside access from the basement will be access to the rear pool. Mr. Hill clarifies the architectural plans incorporate three bedrooms within the basement with bathrooms and six bedrooms on second floor for a total of nine bedrooms, an alternate septic system with ejector pump. Mr. Peters asked for clarification on the three egress points. Mr. Fligman testified that they are egress window wells, not steps, and Mr. Peters asked that they be

incorporated on the engineer's plans. Public portion opened/closed. Motion/Costanzo. Second/Bradley. Voted yes: Book, Bradley, Spalthoff, O'Neill, Costanzo, Najarian.

2. Karina & Edward Hernandez, Block 11803, Lot 5, 20 Arrowshead Circle, Variance 3412, testified that since they would like to install a 6' high privacy/safety fence on their front yard facing Sherwood Court and a 4' privacy/safety fence along the rear of their property to enclose a pool. Public portion opened/closed. Ms. Bradley stated that she drove by the property. Motion/Bradley. Second/Spalthoff. Voted Yes: Book, Bradley, Spalthoff, O'Neill, Costanzo, Najarian.
3. Rachel & Ignacio, Jr. Cruz, Block 9901, Lot 40.01, 156 W. Pleasant Grove Road, Applicant is seeking a variance, proposing an in-ground pool, at 10' to side yard property line, where 50' minimum is required. No applicant present. Matter recalled at end of meeting. No applicants present. Application rescheduled to July 20, 2022 without the requirement of further notice.
4. Baila & Yitzchok Schwartz, Block 7214, Lot 22, 6 Louisiana Parkway, Variance 3414. Applicant is seeking a variance for a 6' in height solid privacy fence on the in the front yard area on the property line where it is not permitted. Applicants sworn. They live on a corner lot. Mr. Hill explained the Board's policy is 6' from the property line for visual safety, potential utilities are buried underneath the sidewalk and there could be potential damages done to the fence if the utilities had to be repaired/upgraded. Ms. Schwartz explained that they want the fence on the property line because of two trees (even though they weren't depicted on the survey). Mr. Peters explained you can put the fence behind the tree(s). Public portion opened and closed. After a five-minute recess, M/M Schwartz asked for a variance for a 6' vinyl fence, 6' off the property line, and along California Drive and the sidewalk but that six feet off the property line applies only to that area of the sidewalk. Motion/Book. Second/Spalthoff. Voted yes: Book, Bradley, Spalthoff, O'Neill, Costanzo, Najarian.
5. Yechezkel & Yocheved Munk, Block 5810, Lot 47, 8 Juniper Lane, Variance 3415. Both applicants sworn, seeking to install at the property line a 6' privacy fence on left side yard. Reasons stated: safety of their children and topography (slopes and trees). Mr. Hill suggested re-angling the fence. Public portion opened/closed. The application was modified to place their fence along Connecticut Concourse, west property line, no closer than six feet. Motion/Book. Second/Spalthoff. Voted yes: Book, Bradley, Spalthoff, O'Neill, Costanzo, Najarian.
8. 508 Burke, LLC, Block 3601, Lot 19 33, 34, 35, 40 Burke Road, Major Subdivision 652. Applicant is seeking preliminary/final major subdivision for previously approved density variance to allow 13 residential lots and 2 stormwater lots. Applicant's Attorney, Salvatore Alfieri, Esq. Member of the Public, Priit Pals, 5 Solomon Court, duly affirmed. Mr. Pals e-mailed an objection, a jurisdictional argument, to the board because of the changes of the 2 cul-de-sac roadways and the 5 BR limitation. Mr. Book asked Mr. Pals if his belief is that the applicant would have to file a new application because of the change from a two cul-de-sac road to a one cul-de-sac road, and Mr. Pals confirmed that was his argument. Mr. Hill explained that what was originally presented as part of the use variance **was 16 single family homes plus two stormwater lots. That configuration, the extra three lots, required a secondary cul-de-sac. In order to accommodate those lots. When the board granted a density variance approval for less than what they originally proposed, which is now 13 residential lots, then there is no engineering basis to keep that extra impervious cover; not going to build a cul-de-sac to nowhere.** Witness No. 1, Graham MacFarlane, P.E., P.P., sworn and testified that although the property is in an R1 zone, R3 relief standards were granted. Exhibits A-1, A-2, A-3 marked for identification. A variance was requested for Burke Road, lot 40.01, 20 foot buffer proposed along the common boundary of all of these lots **that front on Solomon based upon input from residents. We just felt it was the appropriate thing to do.** As a result, we end up with a lot **depth of about 192 feet where 200 feet is the required.** The Chair asked if bore holes were done. Mr. MacFarlane testified approximately 12 were done and the water table was very deep. Fire department has requested installation of a dry water main or dry hydrant system and we would agree to do that if it is permissible to the MUA. An HOA will maintain the stormwater basin. Landscaping around the basin. Mr. Costanzo inquired about lot 30 and how it appeared landlocked. Mr. MacFarlane explained that lot 30 will share an easement with lot 20. Public portion opened. Susan Cooper, 89 Willetta Drive, Jackson, sworn, is concerned about what was going to be cut down and how it's going to affect the integrity of the neighborhood and if they are going to see a big empty space. Mr. MacFarlane said they will be clearing for the detention basin. No landscaping proposed, but they can add some landscaping to add a visual buffer. Mr. Priit Pals inquired who the owner of the development is because he went to the Ocean County Clerk's Office and saw that the deeds for the development are being transferred to Burke Dreams. He also presented photographs of the property that showed slopes and barbed wire. Todd McManus, 513 Cobain Road, sworn, testified he owns part of Cerrina Road. What is going to be done to close off Cerrina Road and giving Lot 20 access to their driveway? Jennifer Andrews, 7 Solomon Court, mother, and Isabella Finer, 7 Solomon Court, daughter, lot 37, and are in favor of the conceptual design, but now with the new plan there will be no privacy because of the road that will be going through their backyard. Eric Meyers, 9 Solomon Court, lot 36, sworn, testified that he moved from Long Island to this address 22 years ago and loves the privacy of his backyard and now feels that these changes will impede his quality of life. Application carried to August 3, 2022.

Motion to adjourn at 10:40 p.m. by Book, Bradley, Spalthoff, O'Neill, Costanzo, Najarian.

Respectfully submitted by,
Fran DiBella
Zoning Board Recording Secretary