

# MINUTES OF JACKSON ZONING BOARD JULY 20, 2022

The July 20, 2022 Jackson Township Board of Adjustment Meeting was called to order at 7:04 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; Jeanine Fritch; John Spalthoff, Alt #1; Samara O'Neill, Alt #2, and John Pejoski (new member)

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

## Announcements:

- 1) Although a second reporter is present for the Bellevue application, the official record will be King Reporting.
- 2) John Pejoski was welcomed as the newest member
- 3) As part of the July reorg for chair, vice-chair, secretary, acting secretary, recording secretary, recording firm, and official newspapers, there was a motion to re-nominate current chairman Scott Najarian as Chairman. Motion/Book. Second/Bradley. Yes Vote: Book, Fritch, Hurley, Bradley, Spalthoff, Costanzo, Najarian
- 4) Motion to nominate Lynne Bradley as Vice-Chair. Motion/Book. Second/Hurley. Yes Vote: Book, Fritch, Hurley, Bradley, Spalthoff, Costanzo, Najarian
- 5) Motion to re-nominate Carl Book, Jr. as Secretary. Motion/Costanzo. Second/Bradley. Voted Yes: Book, Fritch, Hurley, Bradley, Spalthoff, Costanzo, Najarian
- 6) Motion to nominate Jeanine Fritch as acting secretary. Motion/Bradley. Second/Costanzo. Voted Yes: Book, Fritch, Hurly, Bradley, Spalthoff, Costanzo, Najarian
- 7) Motion to re-nominate King Reporting/Francesca DiBella as Recording Secretary and court reporter and a motion to nominate TriTown News, Asbury Park Press, and Jackson Times as official newspapers: Motion/Book. Second/Bradley. Voted Yes: Book, Fritch, Hurley, Bradley, Spalthoff, Costanzo, Najarian

Payment of (2) Vouchers: Fran DiBella, recording secretary and King Reporting, court reporting services, for 07/20/22. Motion/Book. Second/Spalthoff. Voted yes: Book, Bradley, Spalthoff, O'Neill, Costanzo, Najarian

APPROVAL OF RESOLUTIONS: (None)

APPROVAL OF MINUTES: June 1, 2022. Motion/Book. Second/Bradley. Yes Vote: Book, Bradley, Spalthoff, O'Neill, Costanzo, Najarian. June 15, 2022. Motion/Book. Second/Bradley. Yes Vote: Book, Fritch, Hurley, Bradley, Spalthoff, O'Neill, Najarian

Board professionals sworn in by Mr. Gertner

## APPLICATIONS:

1. John & Stacey Reilly, Block 17301, Lot 5, Zone R-1, 760 W. Veterans Highway, Variance 3417. Applicant seeking a variance for a proposed detached garage at 10' to the rear yard where 50' minimum is required and 10'to side yard where 20' minimum is required. Mr. John Reilly, duly sworn, and testified he would prefer to make the garage a two-car garage rather than a four-car garage and put it on the left side of the house within the fence lines. Mr. Peters stated that without dimensions or a building size, we can't formulate what the variance is for. The applicant stated he will come back with drawings for this alternate plan. Public portion not opened. Carried to August 17, 2022 meeting.

2. Mordechay Tzabari, Block 6702, Lot 13, 12 Harvest Court, Variance 3407, Zone R-15. Applicant affirmed and testified that he had a pool house that he knocked down and built a new pool house with electricity and bathrooms. Mr. Purporo confirmed with the applicant that the pool house is knocked down and rebuilt without permits. Mr. Gertner stated we do not have authority to hear this application because now the notice is deficient. It should be renoticed. Carried to September 7, 2022
3. Shira & Shneur Verschleiser, Block 21501, Lot 15, 109 White Road, Variance 3204-I, Zone R-1, Public portion not opened. Applicant Shira Verschleiser, affirmed, testified that she would like to put up a 6' curtain around her 4' child safety fence to maintain the beauty of her backyard. She also claims religious hardship for herself and her daughters. She does not want a white picket fence because it will ruin the beauty of her backyard and she'd rather swim in a swimdress. Applicant's Exhibits 1-4 (four photographs) marked for identification. Mr. Najarian asked who would still see the women swimming? Her reply: The Amazon delivery man, if her son has friends over while the women are swimming, a neighbor with a chicken coop, a neighbor who walks their dog. Mr. Najarian and Ms. Fritch expressed safety concerns for single swimmers, elderly swimmers, and young children. Mr. Purporo explained the max height of a fence is 6'. Mr. Peters said the application says 8-10 feet. She confirmed that the curtains are heavy, very breathable if a child crawled under it, and nobody is allowed in the pool alone ever. Mr. Peters testified how would this be presented to the Building Department; is this curtain temporary, and more information is needed on the poles. The applicant testified that 13 poles are already in the ground and they are permanent. It was explained to the applicant that the variances run with the land. Mr. Shneur Verschleiser, affirmed, testified the poles have been installed approximately 3 years ago. Mr. Gertner stated this sounds like a C2 variance. Public portion opened/closed. Motion to deny the application/Hurley. Second/Bradley. All voted yes: Book, Fritch, Hurley, Bradley, Spalthoff, Costanzo, Najarian.
4. Rachel & Ignacio, Jr. Cruz, Block 9901, Lot 40.01, Zone R-5, 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. The hardship is the location of the well in the backyard. Despite having almost 8 acres of property, most of which is unusable because of wetlands buffer, this is where their engineer recommended the pool be installed. They have less than an acre of land that is useable. Mr. Peters confirmed that the property is encumbered with wetlands. Mr. Hurley went out to the property and saw the shared driveway with the neighbor. Public portion opened/closed. Motion to approve the application was made by Mr. Spalthoff. Second/Bradley. Voted Yes: Book, Fritch, Hurley, Bradley Spalthoff, Costanzo, Najarian
5. Efraim Rutta, Block 5104, Lot 1, Zone R-20, Variance 3418, 1 Hastings Court. Rachel Rutta and Efraim Rutta duly affirmed, seeking to install at the property line a 6' vinyl privacy fence on left side yard to match their neighbor, and on the right side and back of the property would be a 5' aluminum fence with shrubbery which will be at least 3' from the interior of the sidewalk line into their property not blocking the easement. Once it's completed, they have to provide an as-built to the Township. Motion/Book. Second/Spalthoff. Voted yes: Book, Fritch Hurley, Bradley, Spalthoff, Costanzo, Najarian.
6. Karin Worm and Axel Metzger, Block 17501, Lot 1, 177 South Stump Tavern Road, Variance 3419. Axel Metzger, duly sworn, would like to build a 16x24' shed close to the house. The property is 43 acres, 30 acres of woods, working horse farm, dressage is taught. The applicant has not applied to the County for assistance under the Right to Farm Act. The front of the house is 360 feet from the street. The

side of the house has a propane tank. The driveway is not part of the front of the house. Applicant's 1-4 (four photographs) marked for identification. The purpose of the shed will be tool storage and the applicant would like it close to the house. Applicant may apply for electricity permit at a subsequent time. No water/gas to the shed. The area behind the house is used as a horse pasture and for parking horse trailers. The farm is preserved. Public portion opened/closed. Motion/Costanzo. Second/Bradley. Voted Yes: Book, Fritch, Hurley, Bradley, Spalthoff, Costanzo, Najarian.

7. John & Tracy De Rouville, Block, 23202, Lot 31, 1435 Toms River Road, Zone RD-1. Steven Leone, Esq., Applicant's attorney. Exhibit A-1 site plan and application. Exhibit A-2, site plan, packet of photographs marked as one exhibit. Witness No. 1, Applicant Tracy De Rouville, sworn, testified. is seeking preliminary /final site plan to allow continued use of second residence and to allow commercial use for proposed Bldg#4, and demolition of an existing chicken coop/stable (4,000 SF) which goes into the wetlands buffer. The previous owner had 18 horses in that stable. The property currently has a 3BR home, 3-car detached garage, a separate 2BR home for their daughter Shelby, a 5,000SF steel pole barn. Maintenance will be done at this location from 7AM to 5PM (tire changing, oil changing) Monday - Saturday, The used oil will be put in 55 gallon drums and disposed of off-site. The heavy equipment will not be stored at this location. Witness No. 2, William Stevens, P.E., Professional Design Services, sworn, testified that he was the original planner in 2017 when this application was originally presented. He testified that this current application is seeking to update the stormwater management system. Public portion opened. Mr. Daniel Black, 1461 Toms River Road, testified that at this time there a lot of heavy equipment stored on site. Application carried to September 30, 2022.
8. Bellevue Estates, LLC, Block 3902, Lot 58, Leesville Road, Variance 3422 carried to August 3, 2022 meeting, due to running out of time this evening

Motion to adjourn at 11:00 p.m. by all members

Respectfully submitted by,  
Fran DiBella  
Zoning Board Recording Secretary