

MINUTES OF JACKSON ZONING BOARD AUGUST 3, 2022

The August 3 2022 Jackson Township Board of Adjustment Meeting was called to order at 7:05 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, Acting Secretary, Carl Book, Secretary (Absent); Lynne Bradley, Vice Chairman; James Hurley; Scott Najarian, Chairman (absent); Stephen Costanzo; Lynne Bradley, Vice-Chair; John Spalthoff; Samara O'Neill, Alternate No. 1; John Pejoski, Alternate No. 2 (Absent)

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

APPROVAL OF RESOLUTIONS:

- 1) 2022-32: Hernandez, Block 11803, Lot 5, 20 Arrowhead Circle Road. Granting a variance to construct a shed. Motion/Spalthoff. Second/Costanzo. Yes: Spalthoff, Bradley, Costanzo, O'Neill
- 2) 2022-33: Schwartz, Block 7214, Lot 22, 6 Louisiana Parkway. Granting a variance to construct a fence. Motion: Spalthoff. Second/Costanzo. Yes: Costanzo, Spalthoff, O'Neil, Bradley.
- 3) 2022-34: Munck, Block 5810, Lot 47, 8 Juniper Lane. Granting a variance to construct a fence. Motion/Spalthoff. Second/O'Neill. Yes: Costanzo, Spalthoff, O'Neil, Bradley.
- 4) 2022-35: Birnhack, Block 16005, Lot 33, 16 Royal Grove Drive. Granting a variance to construct a fence. Motion/O'Neill. Second/Spalthoff. Yes: Fritch, Hurley, Spalthoff, O'Neil, Bradley.
- 5) 2022-36: Resolution of appointment to the Board of Adjustment for the Township of Jackson for the period of July 1, 2022 through June 30 2023. Motion/O'Neill. Second/Spalthoff. Yes: Fritch, Hurley, Costanzo, Spalthoff, O'Neil, Bradley
- 6) 2022-37: Denton Holdings, LLC, Block 20701, Lot 2, Denton Lane. Memorializing court ordered approval for preliminary/final major subdivision for 21 residential lots, 1 affordable housing lot and 1 storm water lot. Motion/Costanzo. Second/Fritch. Yes: Fritch, Hurley, Costanzo, Spalthoff, O'Neil, Bradley

APPROVAL OF VOUCHERS: Motion to approve voucher for Francesca DiBella in the amount of \$150.00 as recording secretary and \$250 for court reporting services. Motion/Costanzo. Second/Spalthoff. Unanimous approval

APPLICATIONS CARRIED:

- 1) County Line Holdings, LLC, Block 2101, Lot 16-17, North County Line Road. Attorney: Adam Pfeffer, Esq. Carried to October 19, 2022 without requirement of further notice
- 2) 508 Burke LLC, Block 3601, Lot 19, 33, 35, 35, 40, Burke Road, to be carried to August 17, 2022
- 3) Miles II LLC, Block 2603, Lot 18, 470 W. Commodore Blvd, carried to Oct. 19, 2022
- 4) Green Apple Holdings, LLC, Block 12004, Lot 62.01, 32 Bennetts Mills Road, carried to September 21, 2022

Board professionals sworn in by Mr. Gertner

APPLICATIONS:

Bellevue Estates, LLC, Block 3902, Lot 58, Leesville Road, Donna Jennings, Esq., Applicant's Attorney, Wilentz, Goldman & Spitzer, waived her right to have a full board. Exhibit A-1 (aerial map), Exhibit A-2 (cover sheet), Exhibit A-3 (variance map), Exhibit A-4 (sample plot plan) Exhibit A-5 (school plan) marked for identification. Court Reporter Carmen Wolf present. This is a density variance and related bulk variance to construct 48 single-family homes along a county roadway. The property is in R-3 zone where single-family homes are permitted, but on larger lots. The applicant filed a fully conforming application currently pending before the planning board and scheduled to be heard at its August 15 hearing to construct four schools to **accommodate over 2800 students on the subject site. As an alternative to that development** plan and based on comments applicant received on its application already approved by the planning board to construct three fully conforming schools at 31 Leesville Road, the applicant **decided to present this current application. The applicant** would stay the school application and return to the board for a subdivision approval and if that, future subdivision application is granted to withdraw the school application. Density variance is being sought tonight

First witness: William Stevens, P.E., P.P., VP of PDS, will testify only as an engineer.

Recreation lot/stormwater lot is towards the rear of the property. Bulk variances being sought: Minimum lot area required of 130,000 sf; we're proposing a minimum lot area of 17,000 sf.

Required lot width of 200'; our proposal is 100'. Requirement required minimum lot frontage of 100 feet; our proposal is minimum of 75 and 125' **counting the corner lots. The minimum**

required front yard setback is 80'; our proposal is 40'. **The minimum rear yard setback is 50'**;

our proposal is 30'. The maximum building height we're seeking, what is permitted in the zone, which is 35 feet for principal structures and 25 feet for accessory structures just what is

permitted in the zone. Mr. Hurley asked if we were voting on C variances; bifurcating this application is confusing. Mr. Gertner clarified that we are voting on density variances. Seeking 30% building lot coverage. Mr. Costanzo asked what size building. Exhibit A-4 shows the

sample building, but Mr. Spalthoff said that exhibit doesn't show the square footage. The building is 3,600 sf, without adding basements and second floor measurements. Mr. Purporo

asked what's going to prevent someone from installing 12,000 sf impervious coverage on the lot. Ms. Fritch asked for artist rendering of the homes and if we're voting before we see what these

homes look like and she is not comfortable voting on a blanket vote on an impervious lot size. Mr. Stevens testified the proposed home will be 2 story home with a basement with required

parking of 4 cars located in the driveway for a maximum 8BR home. The Chair asked about garages. Ms. Fritch asked if these are walk-out basements. Mr. Stevens replied that it hasn't

been designed yet. Mr. Spalthoff asked why so many homes. Mr. Hill pointed out July 15, 2022 letter, wetlands and riparian buffer. The applicant received the DEP LOI. Recommend they be

placed into a conservation easement. Would like some testimony on the daily school volume would be. There is an application pending before the planning board for a school on the

property. 4 private schools, 2850 students, 524 parking spaces. Fully compliant. Septic loads are about 30,000 gallons per day. This residential development would propose additional flows.

Ms. Jennings said defer this issue until the subdivision application because there are going to be five models of homes. A homeowners association will be established.

Second Witness: John Rea, Traffic Engineer, sworn by Board Attorney, submitted a traffic report dated June 28, 2022: Peak hours trips are 1130 school trips vs. 34 residential trips. PM

peak trips is 540 for the school vs. 34 residential.

Third Witness: Andrew Janiew, P.P., Beacon Planning, sworn by board attorney, visited the site, reviewed the township's master plan and MLUL. We are seeking a D-5 density

variance. The bulk variances will be subsumed into the density variance: Coventry Square criteria, proposing a density without creating a burden. Mr. Spalthoff asked why 48 homes with

5' buffers?

Public session opened: 1) Donna Tuminaro, Diamond Road, testified she is pleased homes are being proposed as opposed to schools. She pays taxes on 1 1/3 acre. She wants everybody to understand that R-40 is over an acre. She thinks the 48 homes are 4x more than what it's zoned for. Is the applicant open to reducing the exorbitant amount of homes. The board should not appease an owner of R-3 piece of property, but should understand that this is more than just one person seeking a variance. 2)

Susan Cooper, Willetta Drive, lives one mile from this site. Feels the schools will cause a major detriment. Zoning laws are law for a reason; they are not suggestions. She always listens to these meetings online. 3) Elaine Kowalski, Diamond Road, testified lives on the east side of this application, moved there in 1977, and she believes her

property is R-1. 4) Ken Wilson, Riis Court, he is friends with the previous owner. If the

new owner didn't know about this zoning, he should've researched it. This will increase volume of water, noise. He doesn't see any property hardship. If this were approved,

could this open up the township to a lawsuit? Mr. Gertner said it's pure speculation. 5) Katherine Ford, 17 Elana Drive, her property backs up to the wetlands. With a heavy rain, there's a stream bc of the grading. Lived in Jackson for 29 years. Jackson was the best place to raise her kids, community of friendship, and welcomes all families to come to Jackson. This will be a mini-city. The owner of this property had a handpainted sign on his property re: very against gigantic developments. She finds it ironic. She's come to many meetings. Construction in Jackson was out of control in the early 90s. We were told we're coming up with a new master plan. She does watch the meetings on Zoom. She feels that we are being threatened: Cram 48 houses into a shoebox and if you don't, we're putting 4 schools. Shoehorn 4 private schools 2 miles up the road? Put a smaller school. Put less kids. Put smaller homes. Put less homes. Where's the safety factor? What's the impact on the homeowners' septic in the bowling alley homes? What happens to the homeowners that have been here from the 1970s? Will the playground be open to other children from other developments? Quality of life will be compromised. Please reconsider. 6) Priit Pals, Solomon Court, questioned about the side setbacks. Are we setting precedent in the township going from R-3 to R-4? Would the applicant be willing to reduce the number of houses? 7) Lisa Zayac, Diamond Road, is in agreement with the members of the public that spoke. She owns a "bowling alley" property. How long is it going to be before her well water runs dry and/or is contaminated? Why are we trying to cram in 48 homes if this property is R-3? Why should we be asked to change our master plan to accommodate this? 8) John Martingano, Shepherds Way, is any buffer going to be left between properties? What are you doing right up to my property line? Is every tree going to be gone up to my property line? Applicant Mordechai Eichorn, sole manager of Bellevue Estates, Lakewood, NJ, called as a rebuttal witness, testified as follows: He feels humbled to talk in front of the ZB and appreciates the opportunity to talk. He is the sole owner of the 3 schools next to QuickCheck and was approached by many residents to possibly reconsider the idea of building 4 schools. He went back to his professionals to discuss. Lakewood township currently has 135 private schools to accommodate up to 66,000 students. There will be an increase of students from Jackson in the next 5 to 7 years, so economically the schools would be better economically than the 48 homes. He will make a lot more money building the schools. He is not prepared to go below 48 homes. He is okay with 15' side setback, and creating a conservation/tree/plantation buffer in the back. He is prepared to address design concerns. Motion to deny/Costanzo. Second/Hurley. Yes to deny: Fritch, Hurley, Costanzo, O'Neil, Bradley. No vote by Mr. Spalthoff. Application denied.

Motion to adjourn at 11:15 p.m. by all. Unanimous vote

Respectfully submitted by,
Fran DiBella
Zoning Board Recording Secretary