

MINUTES OF JACKSON ZONING BOARD AUGUST 17, 2022

The August 17, 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; Lynne Bradley, Vice Chair; Carl Book, Secretary (absent); Jeanine Fritch; Acting Secretary; James Hurley; Stephen Costanzo; John Spalthoff (absent); Samara O'Neill, Alt #1; John Pejowski, Alt # 2.

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

RESOLUTIONS : (Motion/Bradley. Second/Fritch)

- 1) 2022-38: Ignacio Cruz, Block 9901, Lot 40.01, 156 W. Pleasant Grove, granting approval of variances to permit an in-ground swimming pool
- 2) 2022-39: Rutta, Block 5104, Lot 1, 1 Hastings Court, granting a variance to construct a fence
- 3) 2022-40: Worm/Metzger, Block 17501, Lot 1, 177 S. Stump Tavern Road, granting approval of variances to construct a shed.

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

APPLICATIONS CARRIED (announced by Mr. Gertner)

- 1) Application No. 6, 508 Burke, LLC, Block 3601, Lot 19, 33, 34, 35, 40, Burke Road, was carried to October 31, 2022 meeting, with requirement of further notice and time waived to October 31, 2022, due to time constraints this evening.
- 2) Application No. 8, Earle Investments, Block 23001, Lot 20.05, 20.06, 20.07, Zone PM-1, preliminary and final site plan approval 857, carried to October 5, 2022 meeting without requirement of further notice.

Board professionals sworn in by Mr. Gertner

APPLICATIONS :

1. **John & Stacey Reilly**, (Variance 3417), Block 17301, Lot 5, Zone R-1, 760 West Veterans Highway. John Reilly, applicant, duly sworn by the board attorney, seeking a variance for a proposed detached garage at 10 ft to the rear yard where 50 ft minimum is required and 10 ft to side yard where 20 ft min. is required. A revised drawing that is to scale was submitted to the board. To be more accommodating to his neighbor, the new garage will be built forward of the house, so a new variance is being sought for that reason. An accessory structure cannot be forward of the house. The garage will still be a 2-car 2-deep garage. The paint will match the house and will match the character of the neighborhood. The use of the garage is personal automobile storage. Electric only will be running to the garage. Public session opened and closed. Motion/Bradley. Second/Fritch. Yes: Fritch, Hurley, Bradley, O'Neil, Costanzo, Pejowski, Najarian.
2. **Ruchama Lubin**, Block 6902, Lot 13, 2 Monroe Lane, Zone R-20, Variance 3421. Applicant is seeking a variance for a 6' solid fence in the front yard because she lives on a corner. Applicant duly sworn by the board attorney, testified that she would like to remove the existing 4' fence and install a 6' fence in the same location for privacy and safety of her small children. Mr. Hill explained that there are no line-of-sight issues along Claridge Drive, but historically this Board asks for a buffer between the property line and the sidewalk. Currently the old fence is 1.6' off of the property line. Mr. Costanzo inquired if historically it's been the Board's request to have it 6' setback from the sidewalk. Mr. Hill explained when it's a higher fence, that the Board historically has asked for a 6' buffer. Mr. Gertner explained the reason is because if it's closer it tends to impede public access, light, air, view, almost creating a tunnel effect. Mr. Hill explained there are also utilities inside the sidewalk and when/if repairs need to be done to the utilities. Public session opened. Mr. William Lashley, 64 Claridge Drive, been a resident for 44 years, sworn and testified that Claridge Drive used to be part of Oakley Hill and no fences are/were allowed. He couldn't say if the reason was because of deed restrictions or because of a homeowners association. Mr. Purpuro is not aware of current deed restrictions. Ms. O'Neill

stated that there used to be an Oakley Hill association. Mr. Hurley inquired if we should get involved with deed restrictions because it is not a governmental contract. Mr. Hill searched on Google Earth aerial photo from 2022 and there are other corner properties with fences in the front/side yard and restrictions on the property haven't come up in the past. Public portion closed. Motion/Costanzo with the caveat that it's 6' off the property line. Second/Hurley. Yes: Hurley, O'Neil, Costanzo, Pejoski, Najarian. No: Fritch, O'Neil, Bradley. The record should reflect that the basis for the no is the condition, the corner lot, and the character of the neighborhood.

3. **Shulamith Kastel**, Block 7209, Lot 19, Zone R-9, 6 Montana Drive, Variance 3424. Applicant is seeking a variance for 3 sheds at .80' to side yard property line where 10' minimum is required. Ms. Bradley has stepped down because she is within 200' of the property. Mr. Gertner forewarned the applicant is left with 6 members and if you get a tie, a tie is perceived as a no. The Applicant decided to continue. She was sworn/testified that when she moved in, she put a plastic 12.5x8' shed right in the center of her backyard and she obtained a permit. In fact, she obtained a permit for two sheds. The initial shed is now full and she would like a second shed. There is a concrete area in the backyard where there used to be an above-ground pool/deck and she would like to move the current shed over to that concrete area and purchase a second shed. She might get a third shed in the future. She brought a photograph; marked as Exhibit A-1. The new sheds will have the same dimensions. Mr. Najarian inquired about utilities. The applicant said no. The sheds will hold lawn mower, seed, boards from the sukkah. Ms. Fritch inquired about runoff. Mr. Hill said putting sheds doesn't change the drainage characteristics at all. The concrete is 10 inches off the property line. Ms. Fritch inquired why three sheds and not one big shed. Mr. Hill explained that one of these sheds is less than 100 SF. If you get a very large shed, then you have to go through a building permit process. Motion to deny the application/Costanzo. Second/Fritch. Motion denied. Yes to Deny: Fritch, Hurley, Costanzo, O'Neil, Pejoski. No: Najarian. Didn't pass.
4. **Charles & Bracha Hollander**, Block 6102, Lot 1, 44 Wyoming Drive, Variance 3428. Applicant is proposing an 8' high solid fence in the front yard where it is not permitted. Charles Hollander, sworn/testified he would like 8' fence, but if it's a problem then he will change it to a 6' fence and he is amending it right now. Because the ground slopes down towards the street, that's why there are paver retaining walls. Safety, security and privacy are an issue. Ms. Bradley said she grew up on the other side of Wyoming. When you are looking at the property, there is a hanging curtain for extra privacy. After discussion amongst the Board members and based on the sketch, the fence will now extend from where the garage is (the right corner of the house) along the asphalt driveway, 8' from the property line to prevent a line-of-sight issue, and then turn south to meet up with the existing fence and then the existing fence will change to 6'. Public portion opened. Mr. John Curatola, Jr., 40 Vermont Avenue, Brookwood section of Jackson, is concerned with Connecticut Concourse and an 8' high fence on a corner property and line of sight, but now with the new adjustments he is content with the application. Motion/Bradley. Second/O'Neil. Yes: Hurley, Costanzo, O'Neil, Pejoski, Bradley, Najarian. No: Fritch.
5. **26 Whitesville Road, LLC**, Block 19501, Lot 21, 26 Whitesville Road, Zone RG-2. Applicant is seeking minor site plan for a conditional use house of worship which the property has previous approval with the ZB for a single-family home and canine care facility. Applicant's attorney, Donna Jennings, Esq. of Wilentz Goldman & Spitzer. Exhibits A-5 (previous variance plan) and A-6 (updated variance plan) marked for identification. Mr. Hill gave some background: New information that is submitted is now a variance plan, will remove the site plan component, and bifurcate it. Ms. Jennings said they are now seeking a D-3 variance and the applicant will demolish the existing structures and construct a brand new schul and mikvah. Mr. Hurley expressed hesitancy about bifurcating. **Witness No. 1** Mordechai Hirsch, Applicant, testified that there will be religious services every day; 7:30 to 8:30 a.m.; evening services commencing 15 minutes prior to sundown for a duration of 30 minutes, a seasonal evening lecture; and on Sabbath and holidays morning services from 9:00 to 11:00 a.m., regrouping one hour prior to sundown for a lecture and evening services totaling about 1.5 hours. The proposed accessory structure will be a one-story mikvah to the rear of the building, a separate building, approximately 30x30. The front door is in the back because prayer services are situated where the arc is in the east side of the room so when we have religious services everyone is facing east, which is Whitesville Road; so when designing the interior layout of the **structure we have no choice but to position the arc in the east. That's why you don't see a doorway there.** Typically you'd have a door at the front of the building, but here the grand entry is in the back of the building. **It's another hardship that the lot creates for us, but that's the direction of the prayer.** Mr. Hurley inquired about the possibility of keeping the buildings right where you're showing them, but taking all the parking and the circulation patterns on to the **other property? not going to be a full kitchen downstairs, but a warming kitchen.** They might have a small van or something like that, bring some food in at some point in time. Ms. Fritch asked if there has been any thought to consolidate the two lots to eliminate the need for some

of these variances, Lot No. 22. **Witness No. 2**, Ian Borden, P.P., president of PDS, sworn/testified the PV zone lists houses of worship as a permitted use subject to the conditions of 244–115. Refuse enclosure at the rear of the site. Parking spaces will be 66, with 2 EV make-ready parking spaces. Between 65 and 75 congregants. A house of worship has been deemed inherently beneficial. Conditional uses are permitted subject to meeting the conditions. **We don't meet the conditions, but still a house of worship itself is permitted in the zone subject to meeting the conditions. Not a prohibited use.** Ms. Fritch inquired about parking on Whitesville Road. Mr. Borden testified that Whitesville Road is a 500 series road and parking is strictly prohibited on all 500 series roads. The new Pinelands rules require green infrastructure which requires decentralized system and we will provide rain gardens and underground detentions throughout the site. It is our intent to service the site with public sewer. **There is a public sewer located south to the site a couple of hundred feet away. There is a question of passing that system. We're working with the JTMUA on that. The alternative would be a septic system on the property for the sewer. As far as water, there is an existing 12–inch main in Whitesville Road, so the site will be serviced by public water.** **Witness No. 3**, John Rea, Traffic Engineer, McDonough & Rea, sworn/testified that the last traffic counts were done in July of 2022 and have projected those traffic volumes to 2032 and we've looked at the levels of service that will be present at our site driveway for traffic exiting onto Whitesville Road from the 2032 design year and we will have a C level for morning/afternoon peak hours. we have 66 parking spaces shown and we're required to have 67, so if we change two of the parking spaces to EV spaces **we'll have one more space than we need. We'll get two more spaces than we need so all we have to do is change two of the parking spaces to EV spaces.** Mr. Hurley inquired if EV spaces will be dedicated only for electric vehicles. Mr. Rea responded that if nobody is parked in that space that requires a charge, you don't let that parking space just sit there unused if nobody has an electric vehicle, so it can be used by a nonelectric vehicle. Public portion opened/closed. Applicant asked to carry the motion to address concerns posed by the Board. Matter carried to December 21, 2022.

Motion to adjourn at 11:09 p.m.

Respectfully submitted by,
Fran DiBella
Zoning Board Recording Secretary