

**MINUTES OF REGULAR MEETING OF THE
JACKSON TOWNSHIP BOARD OF ADJUSTMENT AUGUST 19, 2020**

The August 19, 2020 Jackson Township Board of Adjustment Meeting was called to order at 7:00 p.m. with a salute to the flag by all present. Attorney Sean Gertner read the Open Public Meetings Act Statement and announced that adequate notice has been provided for this meeting.

ROLL CALL: Peter Maher
Stephen Costanzo
James Hurley
Garry Miller
Jeanine Fritch - Alt #1
Nino Borrelli – Alt #2

Kathryn McIlhinney, Board Secretary
Scott Najarian, Board Vice Chairman
Carl Book, Board Chairman

Also Present: Sean Gertner, Board Attorney, Evan Hill, Board Engineer, and Ashton Jones sitting in for Ernie Peters, Board Planner, Frank Miskovich, Traffic Engineer, Jeffrey Purpuro, Zoning Officer, Fran DiBella Torro Reporting, and Danielle Sinowitz, Zoning Board Recording Secretary.

Resolutions: **Resolution 2020-19- Laczynski, Block 22401, Lots 7-12, 510 Whitesville Road-** Denying an interpretation to permit an asphalt contractor in the PM-1 zoning district where is it not a permitted use. **Motion to approve by NAJARIAN/ Hurley. Yes:** Maher, Najarian, Miller, Hurley, Fritch, Costanzo, Book.

Resolution 2020-21- White Oak, LLC, Block 11501, Lot 7.02, 130 Pushkin Road- approving use and bulk variances to convert an existing two-story multi residential structure into an in-patient, residential counseling and treatment center for substance abuse problems. **Motion to approve by MCILHINNEY/ Maher. Yes:** Maher, McIlhinney, Najarian, Hurley, Fritch, Costanzo, Book.

Resolution 2020-22- Resolution of appointments to the Board of Adjustment for the Township of Jackson for the period of July 1, 2020 to June 30, 2021. **Motion to approve by MCILHINNEY/ Costanzo. Yes:** McIlhinney, Najarian, Hurley, Borrelli, Costanzo, Book.

Resolution 2020-23- Esteves, Block 15805, Lot 1, 1 Morning Star Lane- granting variance approval to construct a 10' x 16' shed and a 6' solid fence in front yard area. **Motion to approve by NAJARIAN/ McIlhinney. Yes:** McIlhinney, Najarian, Hurley, Borrelli, Costanzo, Book.

Resolution 2020-24- Reynolds, Block 12002, Lot 5, 66 Cedar Swamp Road- Granting approval of variances to construct a detached storage structure and shed. **Motion to approve by MCILHINNEY/ Costanzo. Yes:** McIlhinney, Najarian, Hurley, Borrelli, Costanzo, Book.

APPROVAL OF MINUTES: Approval of July 15, 2020 Meeting Minutes by NAJARIAN/ McIlhinney. Yes: McIlhinney, Najarian, Hurley, Borrelli, Costanzo, Book.

APPROVAL OF VOUCHERS: Motion to approve a voucher for Danielle Sinowitz in the amount of \$150.00 for the meeting of August 19, 2020 by NAJARIAN/ McIlhinney. Yes: Maher, McIlhinney, Najarian, Miller, Hurley, Costanzo, Book.

Mr. Book announced as the calendar is shown for this evening, number 1. Renee Bogart/ Glenn Knowles, Block 18502, Lot 55, 485 Toms River Road applicant is the use variance, and application number two is 2. Bryan Vincent, Block 18101, Lot 9.19, 6 Veronica Court, and number 3 is 3. Joseph Sebbag, Block 13601, Lot 9 & 10, Clearstream and North Hope Chapel Road, and there is a conflict attorney present to handle the item number 3. Joseph Sebbag, Block 13601, Lot 9 & 10, Clearstream and North Hope Chapel Road, and to keep things fair the Board is moving application 3 to the number 1 position and 2 will remain second on the agenda, and item 1 will then move the third slot on the agenda and then the remaining application will heard as scheduled. Mr. Gertner noted that Mr. Hill is available via zoom, and stated that the stenographer is not available this evening however the video will be recorded, so the Board members should announce who is speaking, and Mr. Maher will also be stepping down for the Joseph Sebbag subdivision application.

Applications: 1. Joseph Sebbag, Block 13601, Lot 9 & 10, Clearstream and North Hope Chapel Road- Sal Alfieri- attorney for the applicant- stated this application has a use variance approval, and for members not present at that time, there will be a little background provided, the application was here in April for a D variance approval and there were multiple approvals requested for the D variance relief and there are no variances requested this evening, there is just a desire to clean up the current D variance, and this subdivision will result in 3 homes in Jackson and 4 in Lakewood, and one will be the applicants house and the other lots will be building lots with a cul de sac in Lakewood. There will be a service agreement with Jackson and Lakewood for the taxes and roadway up keep, however nothing has been discussed yet, and Lakewood just recently approved the subdivision and there is outside agency approvals, and there will be water and sewer and the D variance relief is being asked to be amended and with the Lakewood approval it was agreed that there would be a buffer area that will not be touched and there were some changes that needed to be made.

Michael Dipple- licensed civil engineer in New Jersey, and has been practicing for 29 years- credentials accepted- sworn- Mr. Alfieri asked Mr. Dipple to refresh the Boards memory of the orientation of what is being purposed. Mr. Dipple stated there is a purposed a cul de sac on the north side of North Hope Chapel which complies with the RSISi standards and there is a black diagonal line that runs through the plans and that shows the municipal board with Jackson to the left and Lakewood to the right, with the applicants house to the left and that home is constructed and but not yet occupied. Mr. Dipple stated this subdivision was fully approved for 5 units and this is coming back for the 6th space, and there were use variances in both Jackson and Lakewood, and things did change from the prior approval and as Mr. Alfieri stated there are 2 homes of the 6 purposed that are fully in Jackson Township and that is to the left of the cul de sac, and the homes along Hope

Chapel are fully in Lakewood or in Jackson, no lots will be split between Townships. There have been county approvals received and there was submission for the amendment, and there are treatment work approvals for the sewer and there is a change in flow for the 6th unit and the approvals are near the very end of the processes to get this project started. Mr. Alfieri asked per the professional's response, there is a note that the homes will have up to 6 bedrooms, is the parking per lot up to the RSIS standard. Mr. Dipple stated this plan shows 6 spaces per lot, 4 in driveway and 2 in the garage, and RSIS only runs to 5 bedrooms which requires 3 spaces and this plan purposes 6. Mr. Alfieri asked if the houses will have basements once lot plans are established, and will that be part of the building approval, and what is the traffic impact. Mr. Dipple noted that the RSIS list gives 10.1 trips per day for a single family detached dwelling, which would total to 60.6 throughout the day, and 100 trips per peak hour, and family dwelling don't bring in much traffic and this plan was approved by the county. Mr. Alfieri asked if there are wetlands located onsite. Mr. Dipple advised there are not, and stated this is a steep sloped site off Hope Chapel. Mr. Alfieri mentioned that there is an agreement with the property owner behind the lot, which stated that no trees will be disturbed, and asked what has changed in the plans. Mr. Dipple showed the landscape plan and the negotiation that was done to make things fair and Mr. Sebbag promised for a double row of trees to buffer between this site and the home owner behind the site. Mr. Alfieri asked if there will be a 30' buffer. Mr. Dipple confirmed that the 30' is what is purposed and it will be maintained. Mr. Alfieri stated there were reports issued by the Boards professionals, and there many comments are listed and technical comments, and asked if the comments can be agreed to comply with. Mr. Dipple stated all comments will be complied with. Mr. Costanzo asked if the 2 properties will have 6 bedrooms. Mr. Alfieri stated the houses would be up to 6 bedrooms. Mr. Costanzo asked if there will be an egress directly into the basement. Mr. Alfieri mentioned that there can be a deed restriction to not having bedrooms in the basement. Mr. Costanzo state that would be appreciated because then it turns into a mother daughter home. Mr. Alfieri stated this will all be single family homes. Mr. Hurley asked a question about drainage, there are a number of homes however the question is whether or not they will all have drainage run into Hope chapel. Mr. Dipple stated what was approved in Lakewood was a detention system in the cul de sac, and within the right of way there is a drainage system and for each home, and there is roof run off collected as a dry well type of system. Mr. Hurley asked if there will be underground drainage. Mr. Dipple stated there will be multiple, 1 per home just for the roof runoff and a larger system that run in the right of way on hope chapel. Mr. Costanzo asked if those homes with the roof drain systems had a capacity for 50, and 100 years. Mr. Dipple advised the Board that there can't be a time frame place on these, however as much roof run off is obtained as possible, however it should be enough to hold up to 100 year storms. Mr. Hill stated the applicants attorney is correct, all infiltration is done to accommodate the 100 year storm, and there was additional information requested about the sub surface soils, and that should be done at the time of plot plan submission. Mr. Alfieri stated that is acceptable. Mr. Purpuro asked if the line can be shown on the plan for the 30' buffer to indicate what is deed restricted. Mr. Alfieri confirmed that it can be provided. Mr. Najarian asked if there have been pore holes. Mr. Dipple stated the site is sand soil and there could be restricted layers in Lakewood, however there is a significantly high water table, and this can be engineered properly, and there could be several directions gone through. Mr. Borrelli asked if the soil will be sound per the new ordinance in town. Mr. Dipple stated this site because of the cul de sac will need to be cut, so in order to make this work there will be soil exported, the site needs to be brought down at least 6'-7' just to get the road to work properly, and however the ordinance will be complied to. Mr. Jones stated the applicant will need to provide the tree removal numbers to the Township tree expert. Mr. Dipple advised the tree removal ordinance will be complied with and there have been calculations done along with a tree removal plan. Mr. Miskovich stated the comments were addressed, and the comments from the RSIS and the driveway did not comply, and the buildings are within the front yard setback and the property line to the garage door should be shown to assure there is enough room to park the cars, and it should be stipulated in the approval that the lines are met. Mr. Dipple stated the dimensions are now shown, and the proper size space is provided and the RSIS standards were followed, and the front yard setbacks were obtained. Mr. Hill stated the applicant and attorney agreed to comply with the comments made, there are still architectural needed that are needed and the Board can ask for that during resolution compliance and the Ocean County Planning Board is still pending. Mr. Dipple confirmed that is correct, however the 5 lots were approved. Mr. Hill asked as it pertains to the storm water management because each lot is going to be owned and operated by the system, who is going to own those basins and the operations and maintenance should be discussed, to assure they will be protected for the future development. Mr. Alfieri stated the applicant will agree to let each property owner know of the maintenance and each home is custom however the footprint is 2,460' and it would be stipulated that the footprints will remain the same.

Brian Flannery- Planner- sworn- stated the plans that are submitted are the same however there is a 30' buffer which is different, where it was indicated to be natural vegetation however there will be planters now. Mr. Alfieri asked if there would be a new variance. Mr. Flannery stated there are no new variances being requested.

Opened public comment; seeing no one using the "raising hand" function; public comment closed.

Mr. Alfieri thanks the Board for their time, and stated there was hard work done to get the D variance relief, and there has been work done with the neighbors so that the Board can grant in favor of this application. Ms. Fritch asked if there will plans be shown of the homes. Mr. Alfieri stated the lot lines are being approved this evening, and the building department and zoning office will grant the home approvals, this is for the lots, roads and the drainage. Mr. Costanzo noted the square footage was testified too. Mr. Dasti stated the conditions for approval would be that there will be a double row of evergreen trees in the rear of lot 1406, as well as a 30' buffer that was originally approved in the use variance, the homes will be limited to 6 bedrooms maximum and the applicant will provide the tree removal calculations, and the setback requirements will be complied too, along with technical comments and reviews, there is going to be a deed restriction regarding the use and maintenance of the storm water management for the 6 lots and the square footage will not exceed the footprint of 2,460. Mr. Costanzo added the fact that there will not be a second residence. Mr. Dasti stated these will be single family homes and 6 bedrooms will be for the family not for a secondary use. Mr. Alfieri confirmed this will be single family uses otherwise there would be an additional application for different approvals.

Motion to approve by NAJARIAN/ McIlhinney. Yes: McIlhinney, Najarian, Miller, Hurley, Fritch, Costanzo, Book.

2. Bryan Vincent, Block 18101, Lot 9.19, 6 Veronica Court- Bryan Vincent- home owner- sworn- stated his house is on a corner lot and would like a 6' solid fence, and noted the one thing the application doesn't say that should be mentioned is that the fence will be inside the tree line which is 10' off the street, and although it says front yard, on a corner lot the side is technically the front. Mr. Gertner asked Mr. Hill if there was an estimate as to about how far off the property line the fence will be. Mr. Purpuro stated there is a 6' shade tree easement off the property line, so it would be 6' from the property line. Mr. Book stated with looking at the plan and it looks like the fence is highlighted in orange, and there is a note to stop at the neighbors fence, and asked if the neighbors have a fence where purposed fence will not be installed, and once completed will the entire property be closed in. Mr. Vincent stated that was correct. Mr. Book asked why the fence is being asked for. Mr. Vincent stated it would provide privacy. Mr. Gertner asked if it would be fir safety and security as well. Mr. Vincent said that was correct. Mr. Gertner mentioned that there is another section of the fence where there is a short piece from the front

of the property to the side yard, and asked if that portion needs a variance. Mr. Purpuro advised it did not. Mr. Costanzo mentioned that there was no site triangle provided, and the fence line runs along the driveway towards the street to the tree line, and asked if it will fall in the right of way, or sight view. Mr. Purpuro advised the fence would not be in the way. Mr. Brook stated the Board doesn't want anyone coming out to be in an accident or cause one. Mr. Jones stated there are no concerns.

Motion to approve by COSTANZO/ NAJARIAN. Yes: Maher, McIlhinney, Najarian, Miller, Hurley, Costanzo, Book.

3. Renee Bogart/ Glenn Knowles, Block 18502, Lot 55, 485 Toms River Road- Mr. Book thanks both applicants, as they were so patient. **Renee Bogart/ Glenn Knowles- home/ business owners- sworn-** Ms. Bogart stated this application is to add an addition to the garage for a small woodworking shop. Mr. Knowles noted he is looking to transition into a retirement space, which has been a big interest, and generally woodworkers don't give up their tools and the interest is to consolidate the tools, crafts and home space all into one location. Mr. Hurley had question about what the application is for, is it for a variance for a principal use not permitted or a home occupation which is not permitted. Mr. Gertner stated the applicant was asked to provide a planner so the planner can testify.

Edward Betz- professional engineer/ planner, who was asked to help with the application- licensed for 35 and a planner for 23 and accepted as expert in both professions-credentials accepted- sworn- stated Mr. Knowles was explaining his plan for retirement, he is an artist who does fine woodwork and has a shop in Montclair, and plans to retire while keeping his hands and mind working. The goal would be to keep the skill going but for a much smaller scale in a single story 50'x50' unit, which is purposed to go behind the existing garage and it would be added to the garage with a use variance request for this to be a roadside retail with a small sign where the invite of passers-byers would be engaged to come shop, pull in, give an idea, and the woodwork would be produced, this would not be manufacturing, it is a hobby. Mr. Betz stated to address the use variance, the positive criteria and what's brought to the town is the artistry, craft, and product, and the plan is to bring in someone from high school and vocational school to see if Mr. Knowles could have students come visit to learn the craft, and there is a goal for the applicant to bring a small shop and a craft to be shared, and to address the negative criteria, the building purposed is 30' away from the fence line, and it is well buffered and the building will be insulated, with sight and sound being addressed by the natural buffer and it's more of a hobby, so there is no expectancy to have cars coming and going or materials coming in by truck or being shipped by truck there will be one person doing the work, and this would not be in any way using services to the Township. Mr. Gertner noted that the applicant was in receipt of Remington and Vernick's letter, and on page 3 it lists the criteria for home occupation however on page 4, the operations should be discussed, and the points should be gone through from the ordinance and hours of operations, along with the discussion of employees. Mr. Betz stated the applicant is applying as roadside retail, and there will be a sign out front indicating what is available and there will be customers, it is a home business of course, and every roadside retail is a home business, and the home business criteria is met, however the one issue is employees, the applicant is not allowed to have employees, and there are volunteers that can be shown how to master the art and the legal system does not allow for that due to labor laws etc.. Mr. Gertner mentioned that one of the issues that the Board generally has is that there are no employees, because where is the parking going to accrue, and there should be some testimony to the circulation and what type of advertising will go on the site. Mr. Betz stated there is an asphalt driveway and there is a long shoot to the main driveway to the garage which is a 2 car width driveway, and there is no anticipation to having vehicles on site, there will possibly be 2-3 clients at a time, and there is enough parking onsite and as a home business there needs to be a sign out front so there will be a small sign assumed to be custom crafted saying "fine woodwork". Mr. Book mentioned driving by the location and could see how busy the street is and how close the houses are on that strip and the building is 2,500SF, and that is bigger than the applicant's house, this is a super intensive use on the lot that seems to small and the size of the structure belies what Mr. Knowles stated the intent is, there is no doubt the applicant is a craftsman however this isn't a phasing down with the use being done at a lesser level, and the letter states what equipment will be placed inside the unit and it doesn't seem to be a small business, and Mr. Peters noted several items that need to be addressed, such as noise, fire hazards, etc., and there is traffic impacts, that is a tight road, and how is the applicant going to deal with the traffic issues on that road. Mr. Betz stated this is a small retiring business, and why the 50'x50' is needed should be explained by the applicant, because the equipment necessary is unfamiliar, and what is being used has been desired to fit comfortably to do what needs to be done, and if the applicant is lucky there will be only be handful of visitors a day. Mr. Gertner stated this is a county road, and there was a second use to be asked for, does that require county approval. Mr. Betz confirmed it does not, this is part time business. Mr. Hill stated if there are no site plan issues or requirements to trigger approval, just a use variance is to be sought, and asked if this is a home based business or accessory structure. Mr. Gertner stated this is neither, this is a second conditional use in the zone, however if the home base business is sought and not the roadside retail then it is an accessory to the main structure. Mr. Hill mentioned in this case, this is similar to a home base business however based on the testimony put on the record, this is not going to be a high intensity use for the public, there may be a UPS vehicle or a single client to pick up or request a piece, but this is not a retail store or establishment where there are hours for people to show up, this is by appointment and from a planner's perspective there was no use specific to require additional use. Mr. Betz stated this is close to a home based business and the reason for the roadside business is because a sign is being requested, and the fact that there will be a paid volunteer, a sign could be removed and a home business could be requested, the applicant wants to do whatever it takes to make this happen. Mr. Gertner suggested an opinion for the Board based on testimony from Mr. Hill, and the engineering perspective, the Board should consider this a home based business with variances requested from the conditional use rather than a second conditional use, and should the Board approve this with whatever conditions there may be, it would be particular to the home based business as described, and if someone else came along with the same type structure, it would be more difficult for the zoning officer to deny that request, the Board should consider this a home based business. Mr. Book asked if looking at the letter from Mr. Peters, is the Board then saying the criteria on page 3 is now into play. Mr. Jones stated that is correct, and basically the home occupation can be spoken too however there will be conditions. Mr. Purpuro stated the conditions listed are for various purposes and that zone does not permit that use. Mr. Gertner stated the applicant is now seeking a D-1 variance and the argument is the existing conditional use ordinance where this isn't permitted at all in this zone however there will be criteria to permit what is being asked. Mr. Betz mentioned revising the variance and asking that there be 1 part time employee as a mentor ship, along with a small sign out front. Mr. Purpuro stated the sign can be no taller than 8' in height. Mr. Betz stated the applicant is looking for a 2'x3' sign. Mr. Book stated there should be no external display of goods other than a non-illuminated sign, and asked if possible there could be a walkthrough of Mr. Peter's letter. Mr. Betz stated there should be no employees onsite, and there is a waiver being requested for 1 employee part time, occupations will remain inside the building, the applicant is asking for a waiver for the sign of 150 square inches, and there will be no noise affecting the neighbors as the building will be insulated, and there is 25' natural buffer, so the occupation shall not affect the adjacent property owners, and there will be no internal or external alterations, the building will be sheetrocked, and there should be no more 6 people in the 50'x50' space, and there will be no on street parking, no fire arms, and the applicant is requesting this be an in home occupation. Mr. Book mentioned the beautiful box of some sort that was brought in by the applicant, and stated there are no explanations of the need for execution or cleaners, what types of materials will be stored inside the structure, and that raises to noise and fire rating. Mr. Knowles stated that safety is a huge concern along with courtesy, and finishes are water poured finishes, and there is an occasional use of other paints for example paint

thinner, however the best practices are always done. Mr. Book asked with regards to what will be inside the shop, is there a separate booth or inside area without vents, safety equipment or fire extinguishers to assure the safety of the work space. Mr. Maher mentioned the Board should require this building to be inspected by fire inspectors on an annual basis. Mr. Knowles agreed to annual inspections should this be approved. Mr. Gertner mentioned that information is being pulled that should be provided, should someone use oil, it has to be stored into a separate can, and there has to be a system to remove it, how would dirty product/ chemicals for the finished work be disposed of, and is there a license that needs to be obtained. Mr. Knowles stated these material will be managed properly as they need to be managed properly. Mr. Betz asked how many gallons of product would be used. Mr. Knowles stated there are about 3 or 4 gallons of product at a time mostly paint thinner, or thinner for cleaner, however standard paint thinner is what is normally held. Mr. Betz asked what is done to protect everyone within the shop. Mr. Knowles stated there is a limited use of the products and there is an exhaust fans, one for the sidewall and one for the roof, and currently there cannot be a mass amount of volume. Mr. Betz asked if the building will have an exhaust fan that will be used when the materials are in use. Mr. Knowles stated that was correct. Mr. Betz asked there will be vacuums on the machines. Mr. Knowles stated that machines will not be used without a vacuum. Mr. Betz asked where does the saw dust go once the machine has completed collecting the dust. Mr. Knowles mentioned that it can be composted however there isn't a huge amount, and the products being spoken about are so little used that there isn't much waste. Mr. Betz asked if UPS will be delivering materials every week. Mr. Knowles stated that currently there is very little traffic coming to the house, and that shouldn't change, and UPS is delivering everyday with daily packages, and materials can be picked up. Mr. Betz asked if products be shipped out. Mr. Knowles stated products can be delivered to UPS and shipped from the UPS store. Mr. Betz asked how many hours a week would it be estimated to be doing this. Ms. Bogart stated the desire is to see Glenn to retirement, and the shop will be worked in less than 40 hours a week. Mr. Book stated the hours should be no more than 40 hours a week, and asked if there are time frames where the machines will not be on so the neighbors aren't concerned. Mr. Knowles stated the hours would be 9am-3pm Monday through Friday, and regarding noise, the door can be closed. Mr. Miskovich stated that this is going to a home based operation which is better because it controls the amount of traffic and this controls what can go there should this be sold and there is a plan with no dimensions other than the building and there was talk about a student who is now an employee, however there is questions as to where do they park along with visitors, there should be dimensions provided, and regarding deliveries, something can be picked up however what will be delivered, how do they get in deliver and get out, and how will trash come get the saw dust, and how will the pieces that are not needed going to be handled, there are issues with parking and the dimensions, how does UPS come and drop off the items and how to they access the site and turn around and leave, there hasn't been much spoken on about the employees. Mr. Knowles stated in terms of the wood by products, there is a wood stove in the house, so scraps are usually burned. Mr. Miskovich asked how the saw dust bags destroyed are. Mr. Knowles stated currently there is a container for all waste. Mr. Miskovich asked if it is curb side. Mr. Knowles stated the bags will go out to the curb and it's picked up. Mr. Miskovich asked what happens to paint thinners, rags, etc., how are they disposed of. Mr. Knowles mentioned that when there are wasted rags, they are hung out and dried and thrown out. Mr. Miskovich asked where the gas and electric is. Mr. Knowles stated the electric is in the current garage, and gas will be ran to the pole barn. Mr. Miskovich asked if there will be a bathroom or water. Mr. Knowles stated there will not be, the bathroom in house will be used in the existing dwelling. Mr. Miskovich stated the Board does need to know how many spaces are necessary, is there room for the UPS drivers to pull in turn around and leave. Mr. Knowles stated UPS currently pull in and the driveway provides for a k turn which is preferred, so there are no vehicles backing up onto Toms River Toad. Mr. Betz noted the driveway is currently 22' wide, and in front of the existing garage you can back up, and make a k turn and turn left to leave the site. Mr. Miskovich asked for confirmation that there is a k turn function in the driveway, there is no maneuvering into the road. Ms. Bogart stated they do strongly encourage the driver turn in the driveway. Mr. Betz noted the main driveway is 25' wide approximately. Mr. Miskovich asked if the only way in or out is through the garage. Mr. Knowles mentioned there is a pair of sliding doors desired to go to the back of garage into the new space. Mr. Miskovich mentioned that it would be up to the building department to add an additional door for an emergency exit. Mr. Hurley raised concerns about the initial application, this is a home occupation as appose to a principal use on the lot, and the home occupation would make it work, and with testimony it's satisfying however with the home occupation there is a concern with noise and it has been addressed, and it has been testified that noise will not be an issue however it seems like an industrial use in the area, can anything be done to make this fit better. Mr. Knowles noted for the Board that the location where the building will be, only himself and Ms. Bogart will be able to see it, and it will be an eye sore however this is something that would like to be done, and there are double rows of white pines that block the view from the side. Mr. Jones- stated there is still a bulk variance being requested, and if there were a single family home being constructed and since this a structure, there is questions if there should be a site plan be required. Mr. Purpuro stated if this were a home a permit and site plan would be obtained, and this would not call for a need for a minor site plan. Mr. Gertner stated because the D1 variance is being sought utilizing the home based business, this requires waivers because the applicant is the only one providing any improvements, and from the applicants perspective, and as a condition of approval a site plan can be submitted and as variance plan has been requested before in the past and that has been provided for parking and because this is variance relief, the board has the opportunity to apply reasonable conditions should the Board approve this. Mr. Hill noted that a certificate of filing has been obtained. Mr. Gertner asked if that can be articulated. Mr. Hill stated once there is a Board decision, a copy goes to the pinelands to assure it is consistent with the Pinelands to assure it is constant with the pinelands, and to go back to the comment about the site plan, this is a home occupation where this does not need a formal site plan application and if the Board feels there is additional information, the Board has asked for it, and Mr. Miskovich has spoken to the parking stalls on the plans and it's been utilized to have the hours of operations on the plan so it is known and it would be suggested the building size be put on the record and then there have been dry wells for the roof and it's been talked about out lights, however there is question is that is being purposed. Mr. Knowles stated whatever is required will be installed. Mr. Hill noted lighting would be provided, however just for above the doors. Mr. Knowles advised there will be sensible lighting. Mr. Hill stated the operations that have been discussed are consistent with the woodworking business and what it is. Mr. Hurley mentioned that with looking at the certificate of filing to the Pinelands, it stated the construction cannot exceed a 2,160SF building, and this is 2,500SF, and that is an issue. Mr. Hill stated the garage got bigger once the plan was bigger however there shouldn't be much effect on it. Mr. Betz asked if there was a variance obtained for the garage. Ms. Bogart stated all permits and variances were obtained to build the existing garage. Mr. Purpuro there was a variance required. Mr. Borrelli mentioned looking at the property from the road and it is busy, and asked if there will be trees removed for the new building. Mr. Betz stated there is currently a shed there, and that is a small, however no trees will be removed. Mr. Borrelli asked if the fence will remain. Mr. Betz stated that is correct. Mr. Borrelli asked if there will be additional equipment stored in the building not related to the wood working business. Mr. Knowles stated the existing garage will continue to store what it has, and there will possibly be a shovel should there be snow. Mr. Borrelli asked if the door will be closed once the equipment is no longer in use. Mr. Knowles stated that is correct, and the building will be locked and secured. Mr. Betz asked if the windows will be closest to the property line. Mr. Knowles stated some windows, however that has not been fully decided as this is a big project however there was fear of going too far ahead in the event this is denied. Mr. Book asked if that building can be made smaller to accomplish what needs to be done. Mr. Knowles stated practically speaking this space is comparable to what is currently occupied. Mr. Book asked if the current space will have the same requirements as the purposed building. Mr. Knowles stated that is correct, this is a fundamental wood working business. Mr. Book asked what the quantity of work is being done in the current location, is it 1 or 2 pieces a day, or how hundreds a week, and is there pieces sent out and brought back

from an outside agency that rips, sands, and finishes goods. Mr. Knowles mentioned that occasionally someone will make something offsite, and as it pertains to products produced now there are 2 to 3 clients a year and they never come to the shop. Mr. Book asked what type of pieces are made. Mr. Knowles stated the desire is to transition out of what is being done now, so this box that is brought would be an example of what is done on the down time, and there are things from libraries to kitchens doors, and windows. Mr. Book asked if this structure is the minimum square footage that is needed for what needs to be done. Mr. Knowles advised that is correct, and should it be necessary to provide a smaller space, it has been thought about, however on the property making it smaller will be of no benefit. Mr. Book stated as it is now, it looks like an industrial complex, and asked what can be done to make this look more residential, and should this be voted on favorably, there would be a condition of approval, and that should be subject to review to make certain it fits and conforms with the neighborhood. Mr. Knowles stated there is no desire to have something UN appealing, and the company that will be used has stunning pole barns. Mr. Book stated the Board would like to see the roof and siding fit in with the neighborhood so this doesn't look like a shop and so inconsistent with the neighborhood. Mr. Gertner noted that the chairman suggested that regardless where the building is, it should look like a residential building as much as possible. Ms. Fritch mentioned that the applicant is looking at pole barns, and asked if there is room to turn it so the garage doors face the woods or the other direction so they aren't facing the road and the windows can face the street. Mr. Najarian agreed with the chairman, this building is too big, and asked if 2,000SF can be feasible. Mr. Gertner stated the Board given the fact that the certificate of filing has the specific square footage, the building can be limited. Mr. Betz stated there is a C variance requested because the house is not complying with the lot area and the lot width which is 200' where 250' is required, the depth provided is 500', and the front yard setback will be compliant, and the house setting is 69' and the one side yard setback required is 25', and it is 14' and the purposed addition meets the side yard setback and the drawings show the back yard, and although the structure does not meet the front yard setback, the current house doesn't either. Mr. Gertner mentioned that the reason this may be considered the front yard is because of the forward line of the house. Mr. Jones stated the accessory building section of the code stated the building cannot be in the front yard and if the dwelling is not 200' back, the structure would be in the front yard. Mr. Maher asked how is the pole barn going to be attached to the garage. Mr. Betz stated the assumption would be that this would be a self-sustained building, there would be 2 separate building foundations and sheet walls to cover the gap. Mr. Maher asked if the garage will be heated also. Mr. Knowles advised he was UN sure at this time. Mr. Maher suggested requesting utilities this evening. Mr. Knowles stated he would like electric, and gas, and mentioned that water would be requested if it wasn't so costly. Mr. Knowles asked for clarification for the 2,100 SF mentioned, because this application is for a 50'x50' shed, and it appears there is documentation limiting the space to 2,100SF. Mr. Betz discussed with the applicant about agreeing to a 46'x46' space. Mr. Knowles agreed to a 46'x46' shed if that is what the Board would like to do, the goal is to just get this approved.

Opened public comment; seeing no one using the "raising hand" function; public comment closed.

Mr. Costanzo stated there has been discussion about the home base proposition as opposed to the roadside retail, and the applicant has agreed to have 1 employee although the intent is more towards apprentice by law, also to a 2x3 sign, and Toms River Road is active and the property is on a straight away and there is question if that big enough to draw attention, however if the applicant feels that is acceptable, then it should be acceptable. Mr. Gertner stated this is a health and safety concern and that is more the people looking for the sign rather than advertising. Mr. Miskovich stated that would be UN sure because the Board doesn't know what the message is, is it just the street number, the business, the name, it could be a number of things. Mr. Gertner stated the sole question is what type of sign would be sufficient to assure the safety of the traveling public, just the address and business name. Mr. Miskovich noted that it's hard to say without knowing what will go on it, just the number is fine however if it will be detailed there might not be enough room, there has been no testimony to what was purposed. Mr. Costanzo stated the size of the building has concerns, and after visiting the site and speaking to the rear coverage the applicant will see this building the most, and it's been testified that being a craftsman the facade can be appreciated and understanding the craft the 50'x50' building is really the adequate safe space, and there is no problem with the building size and there have been no objections from any neighbors and there is proper foliage, and regarding the C variance it is what is it out there, the storm drainage and runoffs were discussed and the parking, and again the comment that wanted to be addressed was not being upset with the size of the building, and the applicant will seek something esthetic. Mr. Najarian stated Mr. Hurley addressed sound and insulation because the machines get loud, and the isolation was mentioned and that should be included in any conditions of approval. Ms. McIlhinney stated there is no issue with the building size, and the applicant has been very reasonable and has agreed to the conditions put on the record and to make this aesthetically pleasing would be a big plus, and there is a good feeling with approving the application. Mr. Maher stated regarding the size of the building there wasn't an issue, and with the applicant having agreed to have the building inspected as it pertains to chemicals by the fire marshals, and a pole barn doesn't seem to be bigger than horse barns in the area. Mr. Hurley expressed the opinion about the size of the building, however if the applicant needs this size, and the size would be an issue fit the esthetics, and as it pertains to the D1 variance to permit a home occupation which is not permitted, would have to have restrictions to family members for the primary residents. Mr. Gertner stated there are dual applicants and this ties the business those applicants. Mr. Hurley stated the interested is to be in control of the use for the future, and there are concerns about employees however the hours would be 9 am-3 pm with no weekends which is satisfying, and there are concerns with the appearance but if it can be worked on, then there is agreement to approving this application. Mr. Borrelli stated the applicants, and planner's questions and concerns have been satisfied, and the applicant has agreed to have a residential pole barn. Mr. Miller stated the only comment is about the traffic, Toms River Road is highly traveled, and there is a lot of traffic before 9 am and the traffic during the applicant's hours don't seem to be an issue. Mr. Costanzo made a motion to approve with a home occupation. Mr. Gertner stated the conditions of approval are as follows: permitted to having 1 employee, traffic engineer's advice will be taken, and the applicant will make the pole barn aesthetically pleasing, and a variance plan should be brought in administratively, and a separate sketch should be provided and even if a company of the installation it should be provided, a 3'x3' table will be showed to share some goods and more detail can be prided during the administrative approval, and the sheetrock has been agreed to, to make sure the sound stays inside the building, and the lighting was also agreed too, and there should be some safety lighting and the hours of operation were agreed to 9am -3pm, and the building will be inspected yearly by the fire Marshall, and a dust extraction system and a refuse will be provided by law. Ms. McIlhinney noted the Board is also approving the requested utilities. Mr. Gertner stated the building is permitted to have utilities, and the limitation is that this new building is a sole use for this application it will not be a separate meeting place.

Motion to approve by COSTANZO/ McIlhinney. Yes: Maher, McIlhinney, Najarian, Miller, Hurley, Costanzo, Book.

4. County Line Construction Inc., Block 4402, Lot 73, Frank Applegate Road- Mr. Book noted the hour. Mr. Alfieri stated whatever the Board would like to be done, the applicant will agree too. Mr. Gertner stated the applicant will have notice because the zoom information will change. Mr. Alfieri stated that is acceptable. Mr. Gertner announced this application will be carried to October 7, 2020 with new notice being provided.

Motion to adjourn by NAJARIAN at 10:11 p.m. Yes: Among all those in attendance.

Respectfully submitted,

Danielle Sinowitz,
Zoning Board Recording Secretary