

**MINUTES OF REGULAR MEETING OF THE
JACKSON TOWNSHIP BOARD OF ADJUSTMENT SEPTEMBER 2, 2020**

The September 2, 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
Kathryn McIlhinney, Board Secretary
Scott Najarian, Board Vice Chairman
Carl Book, Board Chairman

Absent: *Nino Borrelli – Alt #2*

Also Present: Sean Gertner, Board Attorney, Evan Hill, Board Engineer, 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 2020-25: Sebbag, Block 13601, Lots 9 and 10, Clear Stream Road/ Hope Chapel Road-** Granting preliminary and final major subdivision to Joseph Sebbag **Motion to approve by NAJARIAN/ McIlhinney. Yes:** McIlhinney, Costanzo, Miller, Hurley, Fritch, Najarian, Book.

Resolution 2020-26: Salomon, Block 20201, Lot 22, 6 Bear Trail- Granting approval of a variance for a sport court and denying fence height **Motion to approve by NAJARIAN/ McIlhinney. Yes:** McIlhinney, Costanzo, Hurley, Najarian, Book.

APPROVAL OF MINUTES: Approval of August 19, 2020 Meeting Minutes by MCLIHINNEY/ Najarian. Yes: Maher, McIlhinney, Costanzo, Miller, Hurley, Najarian, 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, Costanzo, Miller, Hurley, Najarian, Book.

Applications: **1. Daniel Struble, Block 5103, Lot 33, 83 Piccadilly Drive- Daniel Struble- home owner- sworn-** advised the Board he needs a variance for the pool filter, because when the design was submitted the pool was flipped in error and the diving board was put where the filter should be installed, and the filter has been in the wrong place from day one, and the pool company argued that the filter needs to stay put, and when the pool was complete the concrete was installed and when final inspection was done, it was indicated that the filter was 10' off the back property line where 15' is required, and there is concrete installed and it would be difficult to move the filter at this point. Mr. Costanzo asked if the pool company installed the pool incorrectly, and where was the filter supposed to be. Mr. Purpuro stated there are plans that show what was approved before the pool was installed and the builder shows 15' from the property line, and the plans completed show 10', it's in the same place however it's shifted slightly from what was approved. Mr. Costanzo asked if there was relief sought for the pool error. Mr. Struble noted that the response from the company was to pay for the variance, and enjoy some free pool supplied. Mr. Book asked if the 15' vs the 10' aside from the 5' different, is there a significant adverse impact for the property or the neighbor's property. Mr. Purpuro stated the site is not the issue, it's the footage that is the problem since it does not meet the standard. Mr. Costanzo asked if lot 31 is wooded. Mr. Struble confirmed that is correct, and mentioned that there are 2 dead trees right next to his property, and the neighbors cannot see the yard with the existing trees. Mr. Book mentioned that there is wetlands noted and there is question if there is any environmental issues. Mr. Hill stated the wetlands were avoided based on the as built survey. Mr. Hurley asked if there is a fence around the pool. Mr. Struble said there is a fence, it's a vinyl fence that turns into an aluminum fence. Mr. Hurley asked if the neighbors can see the filter over the fence. Mr. Struble stated the neighbors cannot see over the fence, and noted that sadly this wasn't a mistake on his end, this was a contractor issue, and to move the filter there would need to concrete removed and it would really just be a hassle.

Opened to the public; seeing no one raise their hand, the public session is closed.

Mr. Najarian stated there are no issues with granting this application, there is no safety issues and there is hardship in place, and the developer messed up, so with that motion to approve.

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

2. Sal Bilancione, Block 5301, Lot 7, 35 Hampshire Blvd- Mr. Gertner announced that Mr. Book does have to step down for this application due to a conflict, and Mr. Najarian will be acting as the Board Chair person for this application. **Sal Bilancione- home owner- sworn-** said he would like to install a detached garage along one of the setbacks. Mr. Najarian stated the variance application shows that there is a garage 6" from the property line where 20' is required. Mr. Bilancione stated if the garage is placed where it is required, there is no space to get past the house to get into the backyard. Mr. Costanzo asked what the intent of the garage is. Mr. Bilancione advised it will be for the storage of ATV's, Jet Ski, and plastic cars. Mr. Costanzo asked if the height of the building is known. Mr. Bilancione noted that is UN sure. Mr. Costanzo asked if there will be utilities. Mr. Bilancione stated there will be electric. Mr. Costanzo asked what material the garage will be. Mr. Bilancione stated it would be made of wood. Mr. Costanzo asked why this location was picked. Mr. Bilancione stated this is next to the current garage, and the only other place to put the shed would be in the back of the yard, in the back corner. Mr. Najarian asked if that could be considered, because this is a safety issue. Mr. Bilancione advised it can be considered. Mr. Najarian asked how that would work. Mr. Purpuro stated the garage would have to be 22' from the side yard, and there would have to be 10' distance from the house. Mr. Najarian asked if that can be done. Mr. Bilancione stated that cannot be accommodated because the setback would take up the entire yard. Mr. Hill noted that along that property line there is a drainage swale in between the lots, and 6" would potentially effect the drainage, however if the applicant is here, 10' would be acceptable to ask. Mr. Bilancione stated that would be too close to the house. Mr. Hurley mentioned that a survey was provided, and there is a rectangle shown next to the house, and asked if that is where the purposed garage is going. Mr. Bilancione said yes. Mr. Hill stated the confusion

is the 6", and there is a box 30' from the property line, and the drawing is drawn incorrectly. Mr. Miller asked if the shed can be rotated. Mr. Hill noted if the garage were to be moved to the back of the property line, there would only be permits necessary. Mr. Najarian suggested a brief recess so the applicant can discuss the placement options with his wife.

Recess taken at 7:25 p.m. reconvened by Mr. Najarian at 7:29 p.m.

Grace Bilancione-spouse-sworn- stated 6" is too close to the property line, however keeping the shed towards the front yard would be the best, and the garage would be requested to be 10' from the house and 5' from the property line. Mr. Gertner asked if that will negatively affect the drainage swale. Mr. Hill stated that if the garage has a 10' separation from the house, and it moves back 5'-10' beyond the house, it would be closer to the high spot of the drainage swale. Mr. Gertner asked what the hardship is to move the shed only 5' as opposed to 10', which would be the safest location related to the drainage swale. Ms. Bilancione stated it's a narrow side of the yard. Mr. Hill stated from an engineer's perspective there are numerous places where a garage can be installed, and a variance is being requested per preference. Ms. Fritch asked if the height been determined. Mr. Bilancione advised not at this time. Mr. Fritch asked with the shed 5' off the property line, what happens when there is snow, will the snow pile onto the neighbor's property. Mr. Hill mentioned that it could however there would need to be gutters and down spouts installed. Mr. Costanzo asked if there would need to be a drainage system. Mr. Hill mentioned there would need to be dry wells. Mr. Hurley asked why the garage can't be moved with a side entrance. Ms. Bilancione stated there would not be enough room for entering. Mr. Hurley mentioned that a certified survey should be provided. Mr. Gertner asked if there is a concern with Zoning or construction about how close this garage is to the principal structure. Mr. Hill stated it has to be off the property line by 10' minimum. Mr. Purpuro added that installing an accessory structure 3' would require a fire separation. Mr. Gertner stated the garage should be a minimum of 10' from the property line and at least 3' from the house or more if possible, and as it pertains to hardships, bulk variances have 2 requirements, and the applicant has to ask the Board to evaluate the circumstances.

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Mr. Gertner stated the applicant has indicated that one variance is being removed and the structure will be 1' from the dwelling, and there will be a variance for the garage to be 10' off the property line where 20' is required and the Township engineer requirements will be met as well and dry wells will be necessary and any utilities would be pursuant to the Building Department, and this will not be used as a dwelling with no commercial use, and it will be aesthetic to the general core of the neighborhood, and a proposal should be shown to the Board professionals for review and if there is issue it would have to come back before the board. Mr. Costanzo asked what the height will be. Mr. Hill stated the maximum height it can be is 25'. Ms. McIlhinney made a motion to approve the shed 10' from the property line with electric.

Motion to approve by MCILHINNEY/ Maher. Yes: Maher, McIlhinney, Najarian. No: Costanzo, Miller, Hurley, Fritch.

3. Steve Ortiz, Block 16003, Lot 30, 17 Aristocrat Way- Steven Ortiz- home owner- sworn- stated he lives on a corner lot and a fence is desired and there was a variance approved in 2014 for an open fence, however it is now desired to be closed with a 6' solid fence, and the setback is currently 35' from the side yard and the fence would be desired to be as close to the property line as possible, and noted there are no shade trees installed that cannot be touched. Mr. Book asked if the solid fence going where the open fence was installed. Mr. Ortiz said that is correct. Mr. Book asked if the open fence was installed. Mr. Ortiz said no. Mr. Book noted he read the previously approved resolution, and asked if the request is to be granted again however a solid fence is being requested rather than an open fence, and why is there a change from the previous approval. Mr. Ortiz stated the fence would like to be changed for privacy, and to keep things safe as there is more homes in the area and more traffic.

Opened to the public; seeing no one raise their hand, the public session is closed.

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

4. Francis Hoffman-Kowalski, Block 11502, Lot 21, 162 Thompson Bridge Road- Francis Hoffman-Kowalski-home owner- sworn- stated when the home was first purchased, only a permit was applied for, for a fence, however at that time there was no knowledge that on a corner lot, the back yard is considered the side yard, so a variance needs to be requested for the fence that is desired to be installed. Mr. Book mentioned that in the front, there is an open fence requested, and the back would be a chain link fence, and asked if that is correct. Mr. Hoffman said that is correct. Mr. Book asked if the 6' chain link fence would run around the entire property. Mr. Hoffman stated it would go from the back corner of the house down the side to enclose the back in. Mr. Gertner asked if the fence going from the front of the house. Mr. Hoffman stated it would go from the back corner of the house down Sunnybrook and across the back on the property. Mr. Maher asked if there will be a gate. Mr. Hoffman said there will be gate. Mr. Gertner asked if the gate is going towards Sunnybrook, because it looks like there is a stone driveway. Mr. Hoffman stated there has been a permit to remove the driveway.

Opened to the public; seeing no one raise their hand, the public session is closed.

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

5. Grawtown Acres LLC, Block 19403, Lot 8, Grawtown Road- Adam Pfeffer- attorney for the applicant- asked that Ian Borden be sworn in. **Ian Borden- licensed professional planner- president of PDS with 35 years' experience- credentials accepted- sworn-** stated there are two Exhibits for this evening, **A-1** and **Exhibit A-2** which would have been shown this evening, and **Exhibit A-2** is an Ariel of the site and surrounding area, however that was not submitted to be viewed over zoom so that Exhibit will be withdrawn. **Exhibit A-1** is the development plan sheet 3 of 10. Mr. Gertner stated although **Exhibit A-1** was withdrawn, the general location should still be described. Mr. Pfeffer asked for the layout of the site. Mr. Borden stated the property is on the east side of Grawtown Road, and the property is 4.8 acres and is occupied by an existing home, and the property is in the RG-2 residential zone which permits residential lots, and the conditional use is primarily to comply with public sewer which is to be provided and that is being done, and what is being purposed is 9 residential lots and 1 lot that will contain 2 affordable housing units and there will be 8 market units, all units comply with the RG-2 zone, and the 10th lot is in the storm water basin lot and 30,000SF is provided, and it does not comply with the setback requirements. As far as the development goes there are cul de sacs purposed and the min 40' radius is being provided with curb and sidewalks along Grawtown Road and there are no wetland constraints, the property is within the Pinelands and the certificate of filing has been received so this application can be brought forward this evening, and the density is under the maximum required, and lot areas comply with all zoning requirements and the storm

water lot has the frontage required however the lot width cannot be met, 25' is being provided where 100' is required. The proposed lots will be serviced by public sewer which is provided to each lot. Mr. Borden stated the property is surrounded by a major subdivision, and that project was received 4 years ago, and that project is supplying a pump station and this will further extend the sewer system, and the affordable housing set aside must also be complied too, and in the RG-2 zone there is the fair share obligation, and 20% must be provided and that is why there are 2 units being provided, and the affordable units may be provided as attached units, and the affordable building does comply with all zoning requirements. A traffic impact assessment is required to be done no matter the size of the project, and Pinelands credits must be obtained, and 30% of the 8 market units must have credits obtained, and that is a requirement to be purchased and obtained before the project can begin. Mr. Borden mentioned that this is a D3 variance for the conditional use requirements for the storm water lot, residential uses and associated info structures are permitted in the zone, and it is not necessary for the Board to grant relief, and the width along the road of the storm water lot only serves as access to the lot. Mr. Gertner stated presuming there is testimony heard from Mr. Stevens regarding the storm water basin, can the planning testimony be guided towards the affordable housing to the site, and can the relationship be spoken on the attached units being surrounded by single family dwellings. Mr. Borden stated the affordable has reasonable conditions due to the fair share plan, and that is to meet the state UHAC standards which established the number of units that the Township and developers are required to provide and there were 8 different categories and properties for projects, and the category for this is in the RG-3 zone, and it states that any projects in this zone required to have a 20% set aside, and there will be full curbs and sidewalks and the only relief that is being sought is for the storm water lot relief, and the cost aspect speaks towards the 2 attached units and the cost to construct the units should not be a cost burdened to the developer and to balance the use of the affordable housing obligation and the cost, the units have been proposed to be attached. Mr. Gertner asked for the number of bedrooms, and asked if the affordable council been met with. Mr. Pfeffer asked if there are standards as to how many bedrooms can be in the affordable units. Mr. Borden noted that is controlled by UHAC, a specs will need to be complied with and each unit will be 2 bedrooms. Mr. Peters noted that the applicant agreed to comply with any requirements and this project complies with the affordable housing portion of the master plan. Mr. Borden stated the basin is proposed to be owned and maintained by the Township and there is a mandatory maintenance bond that needs to be done. Mr. Hurley asked if this lot is being dedicated to the Township. Mr. Borden advised that is correct. Mr. Maher asked why there can't be a home owners association. Mr. Borden stated there is no guidance to do so the Township wants monies to be held with bonding. Mr. Hill stated this Board has requested in the past that the maintenance be maintained by a home owners association, because the Township does not always maintain the basins as they should. Mr. Gertner mentioned the board should keep in mind that this project is providing affordable housing and this should be looked at differently and the requirements that need to be met for the affordable housing, and the other burdens may not be necessary. Mr. Maher mentioned that there are plenty of subdivisions with home owners associations. Mr. Borden noted that is UN true, and mentioned several subdivisions in Jackson without a home owners association. Mr. Gertner stated there should be additional testimony regarding the design on the affordable units, and why is it the imposition of a home owner's association's responsibility. Mr. Borden stated as far as the appearance goes, it's required that there needs to be a similar appearance to the residential area and the duplex will be completed with the same materials as the other units. Mr. Gertner asked if the affordable units are being sold or rented. Mr. Borden advised the Board that the units will be rented, and the houses will be for sale. Mr. Pfeffer noted the reasoning for that is there is an ordinance where it has the developer pay into the fees is because when the developer is gone and it's turned over to the residents, the residents decide not to turn over and pay the fees, and there are complaints throughout the Township, and they have no rights because it's not owned and maintained. Mr. Book asked how did this come to conclude the one lot will have 2, 2 story buildings. Mr. Borden stated that is what the 20% calculated to. Mr. Peters agreed with Mr. Peters. Mr. Book asked how this configuration get chose for the deviation that is being requested. Mr. Borden stated the argument is different if this is residential vs. a storm water use, because if this was a residential lot, the lot would not be formed the way that it is, the storm water is trying to be provided in the appropriate location with property access, and frontage is only provided to provide access to the site. Ms. McIlhinney asked if the applicant is applying for a variance on an undersized lot for the storm water basin, and other then the access is the smaller size of the basin going to impact the subdivision. Mr. Borden stated only the front is being requested for variance. Mr. Borden stated there is proposed 3 parking spaces per unit, and it was noted that the driveways should be widened 2' and that will be agreed to and all other technical comments in the reports will be complied with. Mr. Hill asked what is the maintenance fee that will be paid to the Township. Mr. Borden mentioned he was UN sure. Mr. Hill stated there is a minimum of \$10,000. Mr. Pfeffer asked what maintenance is required for this lot. Mr. Borden stated this is an infiltration basin and there is no pipe system, this is an excavated sand bottom with grass along the side, or the basin could be naturalized and not be mowed. Mr. Hill stated testimony should be heard from Mr. Stevens as the plans show pipes.

Williams Stevens- professional engineer and planner licensed in NJ- sworn- stated this basin is designed to have an outlet structure and an overflow system to Grawtown Road, and because the surround property is going to be developed the applicant does not want water to go into other properties, and it's better off in the road and there is no 10 year storm and it's very low for the 100 year storm, and it was done purposely to be good citizens and neighbors to have a system that functions. Mr. Book stated there is a lot of thought that goes into this, and it's expected that the maintenance over time would be low, and in-expensive, what the burden would be upon the developer to create a home owners association for a basin that would be in expensive to avoid burdening the Township. Mr. Stevens mentioned the maintenance is small and goes towards cutting the grass, and keeping trash and debris needing to be removed and silks do annually have to be removed, and this is a better solution for the Township because they have the staff to get this maintained. Mr. Book asked if this is the design is a truly low cost maintenance basin, or is this labor intensive to maintain over time, and is there a way to evaluate. Mr. Hill stated there is detention basin which is to fill up and discharge water, and this is an infiltration basin, and they do fail if not maintained properly. Mr. Book asked what the property maintenance is. Mr. Hill stated in addition to routine maintenance vegetation should be cut at least 6 times per year and this is a sand bottom basin and in some parts there needs to be sand brought in, and that will be done here and that sand has to be maintained, and if that sand isn't turned it will clog and turn into a detention basin. Mr. Najarian asked if the Township is supposed to go there to rotate the sand. Mr. Maher stated there is no staff or equipment to have this done when it's done through the town. Mr. Hill agreed that the Township does not have those capabilities or the time. Mr. Gertner asked Mr. Hill from an engineering opinion based on experience given, does the design of this basin and the cost of maintenance, would the home owners association be in a better position to maintain this basin as appose to the Township, and if a home owners association would be crated, it would assist in the affordable housing, and the basin would be better taken care of which would be lesser expense to the maintenance. Mr. Hurley asked if this basin serves anyone other than these lots. Mr. Hill stated the basin will only serve the proposed lots. Mr. Book asked Mr. Stevens is he agreed with the statement made. Mr. Stevens stated the Township ordinance was put into place for a reason. Ms. McIlhinney stated this was designed so this would meet the ordinance requirement however, why couldn't this be designed to meet the zoning requirements.

John Rea- McDunna and Rea, traffic professional-sworn- Mr. Pfeffer stated Mr. Rea had the opportunity to prepare a report. Mr. Rea stated this will generate about 10 peak hour trips and this complies with the RSIS standards and the radius and the street width of the subdivision does comply with the RSIS standards, and a trip generation analysis was requested. Mr. Najarian asked if first aide and fire trucks will have enough space to navigate. Mr. Rea stated that is correct, and the state has looked at this as well. Mr. Miskovich agree with Mr. Rea, and mentioned that 9 homes are not going to generate a lot of traffic, and there is no issue with the traffic however, the compliance with the RSIS standards, and it has been indicated that the driveway will be completed, however there was comments with the review letter it appears on Grawtown Road there is about 15.4' and its used to be narrowed to 14' when it should be widened, and the sidewalk relative to the curb, it's purposed to be 2.5' from the roadway with 13' of the right of way. Mr. Borden stated the roadway widening was from another project that was approved by the Planning Board, and the sidewalks can be looked at and adjusted. Mr. Najarian mentioned that it was stated that there are 3 cars per single family home, how many spaces are being provided for the affordable units. Mr. Borden noted 2 per home. Mr. Gertner asked if the affordable units will have a or 2 driveway spaces. Mr. Borden stated there will be a 1 car garage. Ms. McIlhinney asked if there can be explanation to the sidewalks within the development. Mr. Borden stated there will be sidewalks within the development. Ms. McIlhinney asked about lighting. Mr. Borden stated whatever lighting is required will be met, typically there are colonial lights from JCP&L. Mr. Peters mentioned there were comments made that have not been addressed, and there is a letter from February 25, 2020, and on page 6 comment it talks to chapter 244 with 10% being set aside for open space. Mr. Borden stated that open space ordinance was restricted and is no longer applicable per court order. Mr. Peters asked about recreation space. Mr. Borden noted that fall under the same court order. Mr. Peters asked if there was a forester response. Mr. Borden stated there is no letter yet however it will be obtained. Mr. Peters asked when the affordable units will be built. Mr. Borden stated sheet 3 of the plans shows the affordable housing completion schedule and what required is to put 1 of the 2 unit upon completion of the 4th market lot and the 2nd to be completed by the 7th market lot, however both will be completed by the 4th unit to be practical. Mr. Hill mentioned there was the question about roadway parkway width, the scale is 28', however will the plans be revised to 30'. Mr. Borden stated that will be done. Mr. Hill stated the site is designed for 1 large infiltration system and the pinelands issued a letter of inconsistency, and the pinelands encourages the installation of 2 lots rather than 1, and the plan works however there should be an approach to the pinelands. Mr. Borden mentioned that they will be individual.

Opened to the public; seeing no one raise their hand, the public session is closed.

Mr. Pfeffer stated this is a fully conforming application aside from the basin lot and the variances pertains to the lot frontage and lot width and the design will meet the requirements of what it is supposed to do, and the applicant as per the ordinance is seeking the Township maintain the basin lot and will pay the necessary fees. Mr. Costanzo stated there was a lot of discussion on who would maintain the lot and discussion would be desired to see why the Township would want to take the burden to wanting basins, was it because basins were found to be left UN touched, and the public cry was for the Township to own and maintain these lots. Mr. Gertner stated there is testimony from the applicant indicating that the maintenance should be given to the Township per an ordinance and a necessary fee will be provided, and it was agreed that this basin design is not difficult, and it's the Board engineer's opinion that this basin and design would not be cost prohibited. Mr. Hurley stated quite frankly there is no major problem with granting the d variance for the basin, and per testimony this is not convinced that a variance is required however that is a legal decision, and if a d variance was not required a c variance would be sought and the burden would be much less, and the applicant could get around the d variance with combining the affordable lot with the basin lot with the lot owner responsibility being left for the property owner, and this detention basin/ storm water basin serves only these lots, and because this basin is only for this subdivision why should the tax payers be responsible for this sole basin for this sole subdivision, it doesn't run into a stream, and because of the way this is designed being designed to only serve these lots there shouldn't be a burden to the Township, and there would be agreement to approve this with the condition of a home owners association for the basin. Mr. Najarian agreed with Mr. Hurley's statement. Mr. Maher also agreed and noted he cannot see how a home owners association would have a burden of the basin lot.

Mr. Hurley made a motion to approve the variance request with a condition of approval that there be a developer agreement along with the opportunity to review the Grawtown Road design and during resolution compliance, and if there is a finding the applicant can come back to go through the deviation, and there will be an updated lighting plan, internal sidewalk and "no parking" signs, and the accessory structure marks are being done. Mr. Pfeffer stated should the request be to have a home owners association, the association will own the lot. Mr. Gertner stated the owner of that lot will be a part of the association and will be a part of the maintenance fee.

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

Recess at 9:37 p.m. reconvened by Mr. Book at 9:47 p.m.

6. Platinum Developers, Block 7501, Lot 32, 319 Clearstream Road- Adam Pfeffer- attorney for the applicant- stated the applicant is seeking an approval for a single family dwelling in the R-3 residential zone.

Williams Stevens- engineer- credentials previously accepted- sworn- stated the exhibits have been provided for zoom, and this project was approved in 2005 to prepare a variance plan and it was sent to this Board and was approved in 2006 by resolution 2006-99 in November of 2006, and the reason this is back is because when this was first approved in 2006 this was the R-2 zone and this is a 2 acre lot that requested a lot width variance, and the property was not adjusted, it was left for a future project and when the application was submitted this is now in the R-3 zone where there are additional variances required. Mr. Stevens stated this is closer to the Brewers Bridge Road, and the property is bordered on 2 sides, the south and east which is owned by Lakewood Hotel and land corp., and it is zoned light commercial so there is no property that can be acquired to make this lot more compliant, and there is another 2 acre lot with a current residents, so there is no land that can be purchased, the applicant is then left with an abandoned undersized lot. Mr. Pfeffer noted the sell buy letters were submitted as well. Mr. Stevens stated the lot is zoned residential, and there is a single family dwelling purposed, and this is residential so it should be used that way, lot area is requested, and it's important to know that since this was granted, the house has been shrunk down by 1 foot from the house that was originally approved, if the R-3 standards were to be complied to there would only be room for a home that is 25' wide, and that is not suitable for a 2 acre lot, the applicant is purposing a single family home with water, and there is an existing dwelling that will be removed to construct the new home. Mr. Stevens stated the home will be built where it was originally approved, and it was asked to move the house back where it is purposed, not 190' to the front of the garage, and the reason being is the large trees that were looking to be saved. Mr. Book asked if there was a requirement or agreement on how many bedrooms the house would have. Mr. Stevens mentioned there was not. Mr. Book asked what is being purposed. Mr. Stevens stated the house purposed is a 5 bedroom home, and noted that **Exhibit A-2** is the architectural plan, and

mentioned that there is developing happening, and the street was looked at and base on the tax records there are 27 homes existing which are 2 stories and some homes are actually small, and this home would be approximately 4,500 SF including the garage. Mr. Costanzo asked if that included the basement. Mr. Book asked if there will be bedrooms in the basements. Mr. Stevens advised there will not, and with public sewer there is no real room for additional rooms, there could be more, however 5 is what is suitable. Mr. Book asked for the septic to be addressed. Mr. Stevens stated the process has been gone through because of the prior variance acceptance, and this is going to be simple conventional system and the board of health approvals will be obtained and the system was designed and approved and it's a fill and close system and some soil will be removed to make this suitable. Mr. Book asked if this is a better designed system or just a basic septic system. Mr. Stevens mentioned this is just a basic septic and nothing more would be required, the density in this part of town is fairly low. Mr. Pfeffer stated in any matter the septic system falls under 3rd party approvals. Mr. Stevens noted that is correct. Ms. Fritch asked how gallons is needed for 5 bedroom. Mr. Najarian noted 1,100 gallons. Mr. Stevens advised that is correct. Ms. McIlhinney asked when this was approved in 2006 was it for the same square footage. Mr. Stevens stated it was for a similar house however the house has been made narrower, the first was 3,400 SF. Mr. Costanzo asked for the absent usage to be clarified, because there is no intent of putting any living space in the basement, no bathroom with bedrooms, what will be in the basement. Mr. Pfeffer stated an unfinished basement is purposed. Mr. Costanzo mentioned there is another entrance going to the basement, the Board wants to assure there will be no space occupied and rented. Mr. Gertner stated this is a single family home. Mr. Pfeffer stated there are no plans for this space. Mr. Gertner stated there can be a recreation room and a bathroom however no kitchen or bedroom so that it couldn't be turned into an apartment. Mr. Book asked if the applicant will stipulate to that. Mr. Pfeffer stated the laundry room is on the second floor, however the laundry room may be moved to the basement.

Opened public comment;

Anthony Gencarelli- 313 Clear Stream road- lot 33- sworn- said the home is going to be rather large, and it will be 190' from the road, the house is going to be seen from his front window, and asked if the back will be cleared.

Mr. Stevens stated the resident speaking, his house is shown on the variance plan and the front of his house is set back 100' further than the proposed house, the house is purposed to be set at 194' which is what was previous approved and 30' will be cleared behind the house for a back yard, however the home owner owns hundreds of feet further back.

Anthony Gencarelli- 313 Clear Stream road- lot 33- asked what the square footage would be

Mr. Stevens stated approximately 4,600 SF.

Anthony Gencarelli- 313 Clear Stream road- lot 33- asked the depth

Mr. Stevens stated it's about 55' in depth.

Anthony Gencarelli- 313 Clear Stream road- lot 33- asked if the site will be sold or is the property owner Platinum Developers

Mr. Stevens stated the site is owned by Platinum Developers, and the back of the house will line up with the front of the neighbor's house

Anthony Gencarelli- 313 Clear Stream road- lot 33- asked if the house can go back to line up with his house

Mr. Stevens mentioned that the house is 194' from the road and this is an unusual neighborhood, some houses sit right along the street and another lot sits in the middle. Mr. Najarian asked how long the driveway is. Mr. Stevens stated 194'. Mr. Costanzo asked if it could be done so is there some measurements. Mr. Pfeffer stated it could be done however the house is already almost 200' from the road. Mr. Costanzo stated there is testimony from the public that the back of the house will line up with the front of the new house, it could be set back possibly 20-30'.

Closed public portion.

Mr. Gertner reminded the Board there is a case out of Ocean County dealing with under sized lots, and the applicant should be required to carry the burden proof, and the applicant should make efforts to make the property complaint with the ordinance and there should be detailed plans of the purposed house and that demonstrates the compliance with the orientation of the house and there should be reasonable conditions and there should be conscientious effort. Mr. Costanzo stated the only concern is that the house remain as a single family dwelling and the basement not be occupied by another family.

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

Motion to adjourn by NAJARIAN at 10:20 p.m. Yes: Among all those in attendance.

Respectfully submitted,

Danielle Sinowitz,
Zoning Board Recording Secretary