

MINUTES OF JACKSON ZONING BOARD SEPTEMBER 7, 2022

The September 7, 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. Board Attorney Sean Gertner read the Open Public Meetings Act Statement and announced that adequate notice has been provided for this meeting.

ROLL CALL: Scott Najarian, Chairman; Lynne Bradley, Vice Chairman; Stephen Costanzo; Carl Book, Jr., Secretary (Absent); Jeanine Fritch, Acting Secretary; James Hurley; John Spalthoff; Samara O'Neill, Alt #1; John Pejowski, Alt #2 (Absent)

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

Payment of (2) Vouchers: Fran DiBella, recording secretary and King Reporting, court reporting services, for 09/07/22. Motion/Bradley. Second/Costanzo. Voted Yes: Fritch, Hurley, Bradley, Spalthoff, O'Neill, Costanzo, Najarian

APPROVAL OF RESOLUTIONS:

- 2022-41: A&A Truck Parts, Inc., Block 2401, Lot 8, Progress Place. Granting preliminary and final site plan approval with use variance approval. Motion/Spalthoff. Second/Bradley. Voted Yes: Costanzo, Bradley, Spalthoff, Najarian

APPROVAL OF MINUTES:

- 1) August 3, 2022: Motion/Bradley. Second/Costanzo. Voted Yes: Fritch, Hurley, Costanzo, Spalthoff, O'Neill, Bradley, Najarian.
- 2) August 17, 2022: Motion/Bradley. Second/Costanzo. Voted Yes: Fritch, Hurley, Costanzo, Spalthoff (ABSTAIN), O'Neill, Bradley, Najarian

APPLICATIONS CARRIED:

- 1) Mordechay Tzabari, (Variance 3407), Block 6702, Lot 13, Zone R-15, 12 Harvest Court. Nonappearance of the applicant didn't show, even though Mr. Hill did see the applicant today. The matter was called twice. Carried to November 16, 2022.
- 4) Dubin Contracting, LLC/Abraham Jacobs, Variance 3394, will be carried to November 2, 2022. They've asked not to be required to re-notice. Mr. Gertner announced that because this application has been carried numerous times, it is recommended that the Applicant re-notice. All voted unanimous.

Board professionals sworn in by Mr. Gertner

APPLICATIONS:

John & Lauren Ayres, (Variance 3425) Block 4402, Lot 23, 4 Marybeth Lane. Lauren Ayres, Applicant, sworn by board attorney, testified that she is seeking a 13.1' setback where 20' is required because since January she's been working from home exclusively. Her architect submitted a plan. Shows septic system is located off the back of the deck towards the right side and a disposal bed. An inground pool will be installed at a later time and it would need to clear that bed. A two-story addition is proposed with a crawl space (no basement). No grading/drainage modifications are needed. It will have sliders as

a separate entrance, but no kitchen. Public portion opened/closed. Motion/Spalthoff. Second/O'Neill. Voted Yes: Fritch, Hurley, Costanzo, Spalthoff, O'Neill, Bradley, Najarian.

59 Mill Pond Road, Block 10106, Lot 1-59, 59 Mill Pond Road. Applicant's Attorney, Dante Alfieri, Esq. We are here seeking approval to install a 6' vinyl fence along the perimeter of the property. Solar panel application will not be sought at this time. First Witness: Steven Diamantstein, 59 Mill Pond Road, husband of (indecipherable), although the applicant is an LLC. Mr. Gertner questioned his authority to testify on behalf of the LLC. Didn't bring paperwork to prove he has authority to testify. Location is currently under renovation. Questioned by Mr. Alfieri. Fence will not be taller than 6' and is needed for privacy. Mr. Hill clarified that the property is a corner lot. Based on sketch submitted, applicant is proposing to extend the fence from the front along Mill Pond Road and the front left corner of Cedarview Avenue. Ms. Bradley confirmed that the trees that are on the property will be inside the fence. Applicant will keep 6' between the property line and the fence. Ms. Fritch looked at Google Earth and doesn't see any other house with a fence that has that much of their yard fenced in. Public portion opened. Anna Petrillo testified, 2 Round Hill Road, president of Spring Hill homeowners association, sworn by board attorney, testified that aesthetically it will change the look of the neighborhood and visibility will be obscured by the fence, a fire engine cannot get into the property because of the fence, and it might be prohibited by the bylaws, but she didn't bring them and she'd have to check. Joseph Rucci, 24 Short Hills Blvd, sworn by board attorney, testified that he lives on a corner lot without a fence, the police have set up radar panel on that corner because the speed limit is 25, but drivers still speed and have hit his mailbox twice Motion/Bradley. Second/Hurley. Voted Yes: Hurley, Costanzo, O'Neill, Bradley, Najarian. Voted No: Fritch, Spalthoff.

Swanborne, LLC, Block 20701/20801, Lots 3/1, 8 through 12, 15 through 18, and 28, Whitesville & East Veterans Road, Preliminary & Final Major-Subdivision 662. Applicant's Attorney: John Giunco, Esq. Exhibits A-10 (Statement of Operations) A-11 (Recreational Facilities Map) A-12 (Affordable Units Map) Witness No. 1, Ian Borden, P.P., PDS Professional Services, sworn, credentials accepted, testified that the project has access to Denton Lane and Denton Lane is being approved by other developers. In the event they don't build, our plans show a temporary cul-de-sac that our residents would not be permitted to utilize Denton Lane's access until such time that improvements are completed by those other projects. All residents, including the affordable units, are members of the homeowners association. The nature trail will have curbs and sidewalks to keep it as a connected loop. The lakes, the trail, the recreation, the active recreation, improvements, and the stormwater basins would all be owned and maintained by the HOA, the homeowners association. The house of worship will be owned by a separate private entity. Access to it will be a driveway on South Hope Chapel Road and a secondary internal driveway with sidewalks. The stormwater basins will be dry basins. This site requires 42 affordable units. We're proposing 48. We would apply the other 6 for a future development that would require them. In essence, reserve those credits. Mr. Peters clarified that it may not be enforceable. In the end, it was decided to stay with the original 42. Mr. Spalthoff expressed concern about the South Hope Chapel Road and East Veterans intersection. Witness No. 2, Graham MacFarlane, Professional Engineer, sworn by board attorney, testified public water/sewer. Each house will have a drywell. The applicant will comply with all the details in Mr. Hill's 2/28/22 TRC letter. Mr. Spalthoff pointed out the police department's letter indicated a high number of vehicle crashes in the vicinity of East Veterans and Hope Chapel Road. Mr. Rea's testimony will be needed at the next hearing to address certain traffic issues of the residents and the Board. Witness No. 3, Brian Flannery, Architect, sworn by Board attorney, testified about the affordables. Each unit will have 8 three-bedroom units per building (4 upstairs, 4 downstairs). Public sewer/water. Trash pickup by private carters. Refuse enclosure outside of each parking area. Ms. Bradley and Mr. Najarian expressed an interest in outside sheds for additional

storage (bicycles, etc). Mr. Spalthoff requested more information on the single-family homes. If the maximum bedrooms per home is 8 bedrooms, the RSIS needs 4 parking spaces, and won't that increase the amount of vehicular traffic in the area. The house of worship will have EV parking. Opened to the public. Cindi Zanki, 995 E. Veterans Highway, sworn, testified that this application started with 68 homes and has now mushroomed to 204 homes. There have been multiple accidents at that intersection. Doesn't want a traffic light at her corner. The wildlife will be negatively affected (butterfly bogs, red-shouldered hawks, barn owls, pine snakes) Concerned with light/noise pollution. Affordable housing invites crime. Edward Bannon, 22 Abercorn Court, sworn by Board attorney, inquired why another house of worship is necessary if there's another one at the other end of Whitesville and East Veterans. Mr. Gertner and Mr. Giunco explained because freedom of religion and it's the applicant's right. Ann Marie Kubacz, 170 South Hope Chapel Road, sworn by board attorney, testified that she can't get out of her driveway. They wait and wait. They have to gun it out of their driveway because the cars are coming at you from both directions when the light turns green. Sometimes it's easier to just go right and go around instead of making a left turn. She had questions about the hours of operation and Mr. Spalthoff read her the Statement of Operation. Philip Bavaro, 74 East Pleasant Grove Road, sworn by the Board attorney, asked about the number of school buses and if the house of worship will have parties and will that bring extra traffic. Can an emergency vehicle access the site? John Zanki, 995 E. Veterans Highway, sworn, testified that there is a lot of flooding. Mr. Hill explained that the culvert is County property and to contact the county because they will maintain it. Motion carried to October 5th. Mr. Gertner may be absent due to holiday.

Motion to adjourn at 10:06 p.m. by all. All voted unanimously

Respectfully submitted by,
Fran DiBella
Zoning Board Recording Secretary