

Gertner stated application **4. Green Apple Holdings LLC, Block 12004, Lot 62.01, 32 Bennetts Mills Road** is going to be carried to a date to be determined and noticed, it will not be heard in 2 weeks however there will be an announcement as to when this application will be heard.

2. Phillip Kornbluth, Block 20601, Lot 17 & 18, 91 Whitesville Rd- Adam Pfeffer- attorney for the applicant- sworn- thanked the Board for their patience, and stated this application has been around for about a year now and there was a wait from the pinelands approval, and the applicant is looking to combine a minor subdivision to consolidate 2 lots into 1 single family lot. **Walter Hopkin- professional engineer licensed in New Jersey, municipal engineer, and has been accepted by both Jackson Boards, Howell, Lacey and Brick-credentials accepted- sworn-** to orient the Board of the site, the 2 lots are 1.078 acres on the east side of Whitesville Road, known as 91 Whitesville Road located in the RG-2 zone, and the site is a wooded vacant site with wetlands to the rear, the applicant just wanted to get this property available to be sold, and wanted to consolidate both non-conforming lots into a conforming lot, and there is an existing lot depth variance, and the goal is to receive those variances. Mr. Hopkin stated there was a potential home a septic as well as it could be configured, and there can be a plot plan, there are wetlands waivers and there will be a well and advanced treated septic system. Mr. Hopkin noted that Mr. Peter's letter has been reviewed and all comments can be complied with. Mr. Gertner asked if the testimony is that by seeking this consolidation these 2 lots that do not conform will become more conforming. Mr. Pfeffer asked for the pre-submitted exhibits to be marked. Mr. Hopkin marked **Exhibit A-1** the rendering of the lots that will be combined, and **Exhibit A-2** the colored rendering. Mr. Peters stated this is taking 2 non-conforming lots to make 1 slightly more conforming lot. Mr. Hill mentioned confirmation with the applicant, and the Pinelands approvals were received and for the Board's knowledge, the improvements are acceptable and will need a plot plan and review at that time. Mr. Najarian asked what is the potential size of the home that will be presented. Mr. Hopkin stated the footprint is 3000SF maximum. Mr. Pfeffer noted there are no variances being sought for the home.

Opened public comment;

Denise Garner- 14 Evergreen Court- sworn- mentioned that the applicant testified to the pinelands approval, and asked if that the lot is near the Toms River Tributary.

Mr. Hopkin stated the tributary is not near this site, and that was part of the Pinelands review and if there is any piece of the Tributary near the site, it's beyond 300'

Seeing no one else use the "raise hand" function, public comment is closed;

Mr. Borrelli asked if this repurposed home will be near the wetlands. Mr. Hopkin advised that was part of the Pinelands review, and the buffer will be met. Mr. Borrelli asked what the footage for the wetlands buffer is. Mr. Hopkin mentioned the buffer is UN sure at this time however it does have to be at least 50'. Mr. Peters noted this Board cannot provide wetlands relief. Mr. Najarian asked if bore holes were done. Mr. Hopkin stated it was done for the Pinelands approval, and this is in a high water table.

Mr. Najarian made a motion to approve based on the fact there are 2 lots that were purchased, and subject to all the conditions placed on the record.

Motion to approve by NARIAN/ Hurley. Yes: Costanzo, Hurley, Fritch, Borrelli, Najarian, Book.

3. Michael Schwimmer, Block 15901, Lot 4, 144 E. Veterans Highway- Adam Pfeffer- attorney for the applicant- stated this is an application for a new single family dwelling, the required site is 3.2 acres where there is existing lot is 1.1, and Graham Macfarlane is present and should be sworn in to provide testimony.

Graham Macfarlane- professional engineer and planner and has testified before this Board several times-credentials accepted-sworn-

Mr. Pfeffer asked if there were any exhibits that need to be marked. Mr. Macfarlane presented **Exhibit A-1**, and aerial display of subject property, the subject property is lined in heavy yellow, and the lot is undersized for this RD zone and there is a lot area of 3.8 acres required and the lot is 1.1 existing which is similar to the adjoining lots, and this lot is within the Toms River coordinator and the Pinelands have confirmed wetlands, and they are out of the 300' wetlands buffer and the additional 300' buffer. Mr. Macfarlane stated the hardship is that this lot is isolated and undersized and there is no additional property that can be purchased and the encumbrances of the Toms River corridor, and the ordinance states if there is a home that is sought with these constraints this Board needs to make the approval. One condition of approval is a plot plan which was submitted and shows how the lot complies. Mr. Macfarlane presented **Exhibit A-2**, and noted that the ordinance stated that the applicant has the right to build on this type of lot as long there is minimized disturbance, and the ordinance says roadways in this part of town are considered "scenic", which require a front yard setback of 200' or a setback similar that exists in the neighborhood. The applicant is purposing to demolish the existing home and rebuild the new dwelling in the same place, as the current home is in need of replacement, and the new home is 88' from the right of way line and is in the same location as the current dwelling. Mr. Macfarlane state there are 4 variances required for the application, lot area, as 3.8 acres are required where 1.1 acres are provided, lot width as 250' is required where 148' will be provided, lot depth as 400' is required where 322' is being provided, and lot frontage as 250' is required and 156' is available, and the last is the scenic corridor to be maintained, and this should grant relief for the 88' frontage. Mr. Pfeffer asked if all variances aside the front yard are existing conditions today. Mr. Macfarlane stated that is correct. Mr. Pfeffer noted the buy/sell letters that were sent out to attempt to bring the lot to more of a conformance have been provided, and to the rear, the lot is owned by the DEP and that is where the wetlands buffer is, and the lots to either side are also undersized and non-conforming. Mr. Costanzo asked for the history of the RD zoning in that area, and asked was it always the same lot size. Mr. Macfarlane advised he can't speak off the top of his head however for information purposes, the existing home was built in 1979 and the ordinance contains a grandfather provision which allows for existing homes at the time of adoption in 1981, and putting two and two together, this zone was adopted in 81. Mr. Costanzo asked regarding the structure purposed, is there an approximate square footage. Mr. Hurley asked if these are C, or D3 density variances. Mr. Macfarlane mentioned that these are bulk variances being sought, and the RD zone has a bulk standard of 3.8 acres, and there is hardship which is why the variances are being sought. Mr. Peters stated this is a bulk variance application, it was noted that in accordance the existing house would require a variance however the house is being demolished which makes this lot vacant. Mr. Macfarlane presented **Exhibit A-3**, the architectural, and stated this is a 2 story home colonial style with 2600SF living area, which will be 4 bedrooms, a basement and garage, and the current home is 2 bedrooms with approximately 2800SF living area. Mr. Costanzo asked if the septic will be updated. Mr. Macfarlane advised that is correct and noted that a new septic will be installed in accordance to the Pinelands. Mr. Book mentioned

the testimony about mitigation, and asked if the prior application applicant had to ask the property owners if they have property for sale, and with the wetlands in the back of lot 32, how does that issue play in terms of what is being purposed, can wetlands be bought. Mr. Peters mentioned that Mr. Macfarlane should explain how the replacement of the house will be permitted by the Pinelands. Mr. Macfarlane stated that Wetlands are under the Pinelands jurisdiction, and this has an application for an LOI, and it has been approved however the letter has not been physically obtained due to the pandemic and the placement has been confirmed, and there is no more disturbance purposed then what was existing. Mr. Peters agreed with the testimony provided, and stated that is the way it works. Mr. Macfarlane stated that per Chapter 244-79, it speaks on the scenic corridor, and when that is heard the first thought is being on a river and that is what should be protected however the ordinance states the roads that go through the Pinelands that are close to the wetlands is defined as a scenic corridor, and along that road 200' frontage is required, however the lot is on 300' deep and the existing home on this lot is 88' off the road and that will not change. Mr. Hill mentioned that this is a single family home with reconstruction to the home, and there is a 30' temporary easement that was recorded for drainage or roadway improvement. Mr. Macfarlane stated that is correct. Mr. Najarian asked if the existing home on the property had a basement. Mr. Macfarlane mentioned that he was UN sure. Mr. Najarian stated there is a concern about the water table. Mr. Macfarlane stated both test pits have been done and the water table has been considered. Mr. Najarian asked how far down were the tests done. Mr. Macfarlane stated 10'.

Opened public comment;

Peter Vicinio- 62 Tuscany Drive-sworn- said this comment has nothing to do with the application, however in the past people tuned into the zoom meeting could see who everyone in attendance, and now only the meeting and the members are shown on the screen, what happened to being transparent.

Mr. Gertner stated that is to insure there is zoom bombing, everyone has to use the "raise hand" function and then that person can speak and be spoken too. Mr. David confirmed that is correct.

Denise Garner- 14 Evergreen Court-sworn- said with talking about the wetlands and the trails, how is the home owner going to be notified to protect the area, will it be deeded so nothing can be built beyond the wetlands area.

Mr. Macfarlane stated there will be markers provided and those lines will be provided during resolution compliance, so the occupant will be aware of the wetlands areas.

Denise Garner- 14 Evergreen Court- mentioned that land has been purchased in the past where land has been filled in, and people from the city come in and feel just because they own the lot, they can fill the land.

Mr. Gertner suggested like some municipalities do, the resolution can be filed with the County Clerk, and one matter to give a future property owner the warning of wetlands, and the resolution can be created and filed with the County Clerk to show for the title records.

Mr. Peters asked if there is an LOI received which is an encumbrance. Mr. Book asked for elaboration to the question. Mr. Peters stated its part of the deed to the property and will show up in the title search and there will be a NJ-DEP file number and permit number. Mr. Hill mentioned that markers have been discussed to be placed and the suggestions provided are not applicable or permitted and the suggestions made are above and beyond.

Seeing one else use the "raise hand" function, public comment is closed.

Mr. Najarian made a motion to approve based on the hardship that there is no other property to purchase. Mr. Gertner noted subject to an LOI, wetlands markings, and filing on the survey, with no requirement to file the resolution with the County Clerk.

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

Motion to adjourn by NAJARIAN at 8:10 pm. Yes: Unanimous by all those present.

Respectfully submitted,

Danielle Sinowitz,
Zoning Board Recording Secretary