

**MINUTES OF REGULAR MEETING OF THE  
JACKSON TOWNSHIP BOARD OF ADJUSTMENT SEPTEMBER 21, 2022**

The September 21, 2022 Jackson Township Board of Adjustment Meeting was called to order at 7:03 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:** Jeanine Fritch  
James Hurley  
Stephen Costanzo  
VACANT - Alt #1  
VACANT - Alt #2  
Lynn Bradley, Board Vice Chairwoman  
Scott Najarian, Board Chairman

**Absent:** John Spalthoff, Carl Book, Board Secretary

**Also Present:** Sean Gertner, Board Attorney, Evan Hill, Board Engineer, Ernie Peters, Board Planner, Jeffrey Purpuro, Zoning Officer, Anthony Jacob, Township I.T. Representative, Angela Buonotunno, King Reporting, and Danielle Sinowitz, Zoning Board Substitute Recording Secretary.

Announcements: Mr. Gertner announced that although there is a quorum and not a full Board there are a number of matters that have been asked to be carried, and before the applications are carried there is a consensus among the Board for a special meeting for November 30, 2022.

Motion to approve the special meeting date of November 30, 2022 Motion/ Costanzo. Second/Bradley. Voted Yes: Fritch, Hurley, Costanzo, Bradley, Najarian.

APPLICATIONS CARRIED:

- 3) Green Apple Holdings, LLC, Block 12004, Lot 62.01, 32 Bennetts Mills Road, will be carried to November 30, 2022
- 4) John and Tracy Derouville, Block 23202, Lot 31, 1435 Toms River Road, will be carried to November 30, 2022
5. Chana Siegel/ Yotzer OHR Lakewood a NJ Non-Profit, Block 21501, Lot 26, 950 Maplehurst Ave, will be carried to November 16, 2022 with no new notice required, and the applicant has waived time
6. Thomas D' Amore, Block 23108, Lot 29.02, 440 Basso Street, will be carried to December 7, 2022 with no new notice required, and the applicant has waived time.

APPROVAL OF RESOLUTIONS:

**2022-42: Rosenberg, Block 13601, Lot 22, 6 Denmark Lane-** Granting approval of a variance to construct a single-family dwelling on an undersized lot. Motion/Costanzo. Second/Bradley. Voted Yes: Costanzo, Bradley, Najarian

**2022-40-A: Worm/ Metzger, Block 17501, Lot 1, 177 S. Stump Tavern Road-** Granting approval of variances to construct a shed. Mr. Gertner advised this is an amendment to the original resolution, the approval has not changed however part of the approval was not listed in the resolution. Motion/ Costanzo. Second/ Bradley. Voted Yes: Fritch, Hurley, Costanzo, Bradley, Najarian.

Payment of (2) Vouchers: Danielle Sinowitz, recording secretary and King Reporting, court reporting services, for September 21, 2022. Motion/Bradley. Second/Costanzo. Voted Yes: Fritch, Hurley, Costanzo, Bradley, Najarian.

Board professionals sworn in by Mr. Gertner

Applications:

**1) Aharon and Chaya King, Block 7804, Lot 10, 1 Yale Court-** Aharon King- home owner- sworn- would like a 6' solid fence to close in the yard safely. Mr. Hill stated the applicant has submitted a sketch on a recent land survey from when the home was purchased on a corner lot that faces Yale Court, and the fence is a 6' solid fence from the West front corner along Lehigh Blvd to the rear property line and around the opposite way to the garage, the sketch is along the property line which is parallel to Lehigh, and typically pedestrian access and site visibility is taken into consideration, and there is a neighboring driveway 10' from the applicants property, and if the fence is installed 6' in from the property line there will be no issue and all the other houses in the area are also 6' off the property line so it would remain consistent. Mr. Peters added that the Board has been consistent even though the Brookwoods have been around for 50-60 years and in the event there are utilities to be installed underground there needs to be a 6' easement and there is an Ordinance in place in Jackson Township for these type of Planning purposes. Mr. King asked if there is an open fence off Lehigh would the variance still be necessary. Mr. Hill advised if there is a 4' chain link fence there is no variance needed. Mr. Gertner stated the recommendation that has been made from the Board professionals is for the fence to be 6' in off the property

line on the second frontage lot for safety purposes. Mr. Hill advised the application be amended to state the fence will be 6' in off the property line along Lehigh. Mr. Gertner asked if the applicant would agree to amend the application indicating the fence being placed 6' in off the property line. Mr. King agreed to amend his application.

Public portion opened/closed. Motion to approve as amended Costanzo. Second/ Bradley. Voted Yes: Fritch, Hurley, Costanzo, Bradley, Najarian.

**2) John Paolo Lim, Block 18902, Lot 42, 963 Toms River Road-** *John Paolo Lim- home owner- sworn-* said back in 2020 a contractor was paid to build a gazebo and the contractor was un aware of the zoning rules as the gazebo was installed 6' away from the property line where it should be 10'. Mr. Costanzo asked if there are utilities in the structure. Mr. Paolo said no. Mr. Hurley asked what the purpose of the structure was. Mr. Paolo said it's just to have an area to hang out with the family. Mr. Hill noted the neighbor has a pool in a same area and there is a large evergreen easement, and it cannot be seen by the neighbor. Mr. Gertner asked to the extent that it's built already, are there still permits required. Mr. Hill advised there are permits necessary, however that is under the Construction Officials jurisdiction, however obtaining the Zoning variance is the first step.

Public portion opened/closed. Motion to approve Bradley. Second/ Hurley. Voted Yes: Fritch, Hurley, Costanzo, Bradley, Najarian.

**7) Sign PROS/ Dollar Tree Sign, Block 8201, Lot 34.01, 702 Bennetts Mills Rd-** *Michael Malinsky- Attorney for Dollar Tree- sworn-* stated this application is asking to increase the square footage of the wall mounted sign above the entrance way from 80SF to 89.62SF which will be for the addition of the Dollar Tree logo which is 9.62SF, the applicant is also seeking an additional 66.82SF wall sign on the Bennetts Mills side of the building. **Exhibit A-1** was provided to the Board, a series of photos showing the sites existing condition.

Mr. Malinsky stated the applicant is looking to add a logo above the existing sign above the entrance as well as add another wall sign along the Bennetts Mills Road side of the building which will be 66.82SF, and there were 5 wall mounted signs at the Rite Aid and we are looking for 2 wall mounted signs and a logo in total, the site will be going from 5 sign to 2 signs and a logo, there is also 1 monument sign for passengers to see at the corner of the property closest to the intersection, and the code allows for a second monument sign however the wall mounted signs are preferred. Mr. Malinsky stated the proposed wall mounted sign will go under the window where it originally said "pharmacy" for Rite Aid. Mr. Gertner asked if the reason for the variance is because the new sign is larger then what it's replacing. Mr. Malinsky advised the variance is needed for an additional sign, the Ordinance only allows 1 wall mounted sign however Dollar Tree is not looking to replace the 5 signs or add another street sign, and the square footage would be reduced from the original Rite Aid approval.

*Nick Kapptos- 1215 black horse pike- Owner of Sign Pros, vendor for Dollar Tree- sworn-* Mr. Hurley asked if there can be a comparison made to any of the signs that were on Rite Aid, are they larger/ smaller or the same size. Mr. Malinsky advised from a visual perspective the signs will be very close to what was there however the exact numbers from the Rite Aid signs are UN known. Mr. Kapptos said the logo is imperative to the company and it was left out to conform to the code, and the ownership feels the logo is important, and the sign along Bennetts Mills road is for passengers to see that it is a Dollar Tree. Mr. Malinsky noted this is a 15,000SF building and by right there could be another street sign but the wall mounted sign is preferred. Mr. Hill added the street sign is permitted however there would still be a variance needed for the setback. Mr. Costanzo asked what the lumens of the sign are. Mr. Kapptos mentioned it's a LED sign with about 60-65 lumens and that's because the green is laminate/ plastic and the lumens are not as bright because of the color and no lights will go past the property line, it's the same lumes on the front of the building. Mr. Costanzo asked when it will be lit. Mr. Malinsky stated within 1 hour after close of store the lights will be turned off, either 8pm or 9pm, and that is to ensure the safety of the staff leaving.

Public portion opened/closed. Motion to approve Bradley. Second/ Fritch. Voted Yes: Fritch, Hurley, Costanzo, Bradley, Najarian.

Motion to adjourn at 7:49 p.m. by all. All voted unanimously

Respectfully submitted by,

Danielle Sinowitz  
Zoning Board Recording Secretary

