

## MINUTES OF JACKSON ZONING BOARD OCTOBER 5, 2022

The October 5, 2022 Jackson Township Board of Adjustment Meeting was called to order at 7:06 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 (ABSENT); Carl Book, Jr., Secretary (ABSENT); Jeanine Fritch, Acting Secretary; James Hurley; John Spalthoff; Joseph Riccardi, Alt #1; Raymond Lovacco, Alt #2 (ABSENT)

**Also Present:** Sean Gertner, Board Attorney; Evan Hill, Board Engineer; Ernest Peters, Board Planner/Traffic consultant; Jeffrey Purpuro, Zoning Officer; Anthony Jacob, 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 10/05/22. Motion/Bradley. Second/Hurley. Voted Yes: Fritch, Hurley, Bradley, Spalthoff, Riccardi, Najarian

APPROVAL OF RESOLUTIONS:  
(NONE)

APPROVAL OF MINUTES:

September 7, 2022: Motion/Bradley. Second/Hurley. Voted Yes: Fritch, Hurley, Spalthoff, Bradley, Najarian.

September 21, 2022: Motion/Bradley. Second/Hurley. Voted Yes: Fritch, Hurley, Bradley, Najarian

APPLICATIONS CARRIED:

1) Nicholas and Kenneth Pipher, Block 11404, Lot 91, 617 Oak Leaf Street, Carried to November 2 meeting because they improperly noticed. They will require notice

4) Earle Investments, LLC, Block 23001, Lots 20.05, 20.06, 20.07, Zone PM-1, Earle Way, Preliminary/Final Site Plan-857, will be carried to November 16, 2022.

Board professionals sworn in by Mr. Gertner (except Jeffrey Purpuro, who stepped out into the hallway) New member Joseph Riccardi sworn by Mr. Gertner.

APPLICATIONS:

**Michael and Ellen Cunningham**, Variance 3435, Block 2701, Lot 23, Zone R-3, 650 W. Commodore Boulevard. Applicant Michael Cunningham sworn by Board Attorney. Looking to install a two-story/three-car garage in the front of his house because he has a narrow piece of property. The two sheds that are on his property will be destroyed. He has seven neighbors behind him on Hallmark Court and doesn't want to back up his garage to his neighbors. Electricity will be the only utility in the garage. The second floor will be used as storage and as a gym. The garage will be 44x36. Mr. Hill asked for a dry well for stormwater runoff. Public portion opened/closed. Motion/Spalthoff. Second/Bradley. Voted Yes: Fritch, Hurley, Spalthoff, Riccardi, Bradley, Najarian.

3) **Swanborne, LLC**, Preliminary/Final Major subdivision 662 with Preliminary/Final Site Plan 869, 869-1, 869-2, Block 20701/20801, Lots 3/1, 8 through 12, 15 through 18, and 28, Zone RG-2, Whitesville Road & East Veterans Highway. Applicant's Attorney: John Giunco, Esq. Four exhibits presented: A-12 (Revised Affordable Housing plan); A-13 (Architectural plans for five-bedroom house); A-14 (Architectural plans for six-bedroom house); A-15 (Architectural plans for seven-bedroom house)

Mr. Giunco asked the Board to consider an amendment to the application to bank six Affordable units; our client is also a principal in a project located at 19 Denton Lane, which is near the site and we would suggest that those units be applicable to that unit and we'll present further testimony through Mr. Borden about that portion of the application. Mr. Hurley asked for clarification if the GDP is withdrawn. Mr. Gertner said the way the application came in, he does not believe they can do that. Witness No. 1, Ian Borden, P.P., PDS Professional Services, sworn, credentials accepted, testified that eight storage sheds are now being proposed for the Affordables. They will be 8x16 each and have sidewalks connecting them. The refuse area will have landscaping/evergreen screening. Residents will have keys to the storage sheds. Mr. Borden submitted a revised stormwater management report. Impervious coverage will be 50 percent. Parking available for four cars at every house. Ms. Fritch pointed out that the exhibits have optional finished attics and could they potentially be turned into bedrooms. Witness No. 2, John Rea, Traffic Engineer, sworn by board attorney, testified beyond a four-bedroom home, every additional bedroom required a half a parking space; so for an eight-bedroom home that would be four extra bedrooms over a four-bedroom home, that would be two additional spaces added to the 2.5, so I believe it would be 4.5 required spaces for an eight-bedroom home. Mr. Gertner clarified six bedrooms is 3.5, rounding up is four; eight is 4.5, rounding up to five. Mr. Giunco stated the applicant is agreeable to that. Mr. Spalthoff stated that he has concerns if we do build a 10-bedroom potential house, it's not just going to be four cars, from a reality standpoint. Mr. Hurley asked if there was a definition of a "driveway." Traffic counts were conducted in the spring of 2022 when schools were open. At the intersection of Whitesville Road, at 527 and 528, which is right off the map here, we will have a level of service C for the a.m. and p.m. peak street hours for both the no-build and the build condition, so that intersection will operate accept within acceptable traffic engineering parameters. At the intersection of East Veterans Highway and South Hope Chapel Road, we have level of service C conditions for both the a.m. and p.m. peak street hours for both the no-build and the build conditions, and the no-build conditions would be without our project. The build condition would be with it. The one intersection which needs some mitigation is the intersection of Whitesville Road and South Hope Chapel Road. With respect to the access points to East Veterans Highway, to South Hope Chapel Road into Whitesville Road, they will all operate at acceptable levels of service. We have C levels of service during the morning and afternoon peak hours at the access to East Veterans Highway and to Whitesville Road and because of slightly higher traffic volumes on South Hope Chapel Road we have a C level of service during the morning peak hour and a D level of service during the afternoon peak hour for traffic exiting the project to those roadways. They are all considered to be within acceptable traffic engineering and parameters. The Chair asked about the number of additional cars. Mr. Rea testified that the number is, including the house of worship, 201 trips for the morning peak hour and for the afternoon peak hour 259 trips. Mr. Hurley said that the ITE numbers that you get based on the square footage of the house of worship are telling us that a.m. peak is going to be 19, p.m. peak is going to be 24. Witness No. 3, Brian Flannery, Architect, duly sworn by Board Attorney, testified that other model homes are being offered to customers so long as it doesn't exceed impervious coverage threshold. Opened to the public. Cindi Zanki, 995 E. Veterans Highway, sworn, and said she is concerned about air pollution, noise pollution, and the traffic is crazy now. Peter Kubacz, 170 South Hope Chapel Road, sworn by board attorney, testified that pulling out of his driveway takes maybe 10, 15 minutes at not the peak hours that were proposed and the heavy traffic flow in a heavy traffic area that already is very

overdeveloped with lots of shopping, let alone what is that going to do to the wetlands behind me, my water table, my septic system, my well water, the rest of the well water in that area. I know there is access to town water, but a lot of people still use a well. John Zanki, 995 East Veterans Highway, sworn by board attorney, testified that the homes that are going across the street, I feel that, as a Christian, I will not be allowed to even purchase there and it's reverse prejudicing. Ann Marie Kubacz, 107 South Hope Chapel Road, sworn by board attorney, had a question for the Board. What does this bring to our community? How does it enhance our lives in Jackson? Does it increase our tax base so there is ways that you can say this is good for Jackson? It is a parking lot on South Hope Chapel Road. I don't know where these numbers come from but they don't live in my house, I can tell you that. Because when I'm trying to get out of my driveway, thank God there are bus drivers and truck drivers who will actually stop so I can get out, but then they need to tell me if I can see the cars coming the other way because there's a line of cars to Whitesville Road. And I don't see what this is doing for our town. I don't understand why building and building and building is beneficial to a community. It's not about a synagogue. I have plenty of friends who are orthodox. That's not my concern. My concern is the sheer volume of what you're dumping in and, frankly, I don't see how the wetlands is going to approve this. Edward Bannon, 22 Abercorn Court, sworn by Board attorney, I understand where Mr. Rea comes with these numbers because they are driven by a book, but these houses that they are presenting here are twice the size. All these numbers need to be doubled of what he's presented. Randolph Kubacz, 170 South Hope Chapel Road, Jackson, sworn by board attorney, testified that his concern is the size of the homes. These are 5,000 square foot homes that are being put on a 10,000 square foot lot. Where are they going to stick them? You got side yards. They are going to be off the road. How much room are they going to have? And as far as the traffic is concerned, again, there were times where I had to get out of my car and stop traffic so my wife can get out of the driveway. It's ridiculous. And as far as the synagogue, if anybody can buy these homes and it's going to be a multi—denominational community, what's the need for a synagogue? There are plenty of synagogues in the neighborhood. Why don't you complete all of these eight projects that are going on right now, finish them all, and then see what kind of impact you have before you go on with something like this because there's no benefit to this project in our community when you have a lot of other things going on. After a closing statement by Mr. Giunco, the board deliberated. Mr. Hurley stated he had a problem with the traffic expert's testimony. Ms. Bradley concerns, too, that she disagrees with the traffic expert's testimony. Mr. Riccardi asked for clarification on the house of worship and schedules and other activities. Ms. Bradley made a motion for preliminary approval only on the subdivision for the single —family residential with the condition of appropriate number of parking spots that correlates to the number of bedrooms, and only 50 percent impervious coverage. There was no second by any board member. Ms. Bradley withdrew her motion. Mr. Hurley made a motion to grant preliminary and major subdivision approval on the condition that based on the testimony that's been presented to this Board by the applicant the maximum number of parking spaces proposed mandates that the maximum number of bedrooms to be built is no more than eight and I put the condition at 50 percent. Second by Ms. Bradley. Voted Yes: Hurley, Riccardi, Bradley. Voted No: Fritch, Spalthoff, Najarian.

Motion to adjourn at 10:46 p.m. by all. All voted unanimously

Respectfully submitted by,  
Fran DiBella  
Zoning Board Recording Secretary