

**MINUTES OF REORGANIZATION MEETING OF THE
JACKSON TOWNSHIP BOARD OF ADJUSTMENT JANUARY 5, 2022**

The January 5, 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
Michelle Russell
Lynne Bradley- Alt #1
John Splathoff- Alt #2
Stephen Costanzo, Board Vice Chairman
Scott Najarian, Chairman

Absent: *Carl Book, Board Secretary, Toni Ann Comello, Alt 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, Fran DiBella, King Reporting, and Danielle Sinowitz, Zoning Board Recording Secretary.

Motion for Sean Gertner as Zoning Board Attorney by COSTANZO/ Hurley. Yes: Fritch, Hurley, Russell, Bradley, Splathoff, Costanzo, Najarian

Motion for EDH Engineering as Engineer - Zoning Board by COSTANZO/ Hurley. Yes: Fritch, Hurley, Russell, Bradley, Splathoff, Costanzo, Najarian

Motion for Remington & Vernick as Planner - Zoning Board by COSTANZO/ Hurley. Yes: Fritch, Hurley, Russell, Bradley, Splathoff, Costanzo, Najarian

Motion for Remington & Vernick as Traffic Engineer - Zoning Board by COSTANZO/ Hurley. Yes: Fritch, Hurley, Russell, Bradley, Splathoff, Costanzo, Najarian

APPROVAL OF VOUCHERS: Motion to approve a voucher for Fran DiBella in the amount of \$250.00 for January 5, 2022 with Danielle Sinowitz in the amount of \$150.00 for the meeting of January 5, 2022 Motion to approve by COSTANZO/ Hurley. Yes: Fritch, Hurley, Russell, Bradley, Splathoff, Costanzo, Najarian.

Motion to approve regular meeting minutes from November 17, 2021 by COSTANZO/ Hurley. Yes: Fritch, Hurley, Russell, Bradley, Costanzo, Najarian

Motion to approve regular meeting minutes from December 1, 2021 by COSTANZO/ Hurley. Yes: Fritch, Hurley, Bradley, Costanzo, Najarian

Mr. Gertner sworn in Mr. John Splathoff as Alternate II for the Jackson Township Zoning Board of Adjustment

Mr. Gertner thanked the Board and the professionals for the re appointment and advised his father had the honor of serving this Board in the 70's and he has recently passed away and the number of people who have reached out privately is over whelming, and appreciated. Mr. Gertner announced that application **3. The Kiebler Family Trust, Block 9702/ 107, Lot 20/ 7.05, E. Pleasant Grove** is being carried to January 19, 2022 without the need for notice. Continuing to application **4. Miles II LLC, Block 2603, Lot 18, 470 W. Commodore Blvd** that matter is being carried as there is a requirement for 7 members and the applicant ask that be carried to the February 2, 2022 hearing

1. Yonah Lowenthal and Tova Berstein, Block 15803, Lot 1,8 Francesca Lane- Yonah Lowenthal- property owner- sworn- lives on a corner property, and the house faces Francesca Lane and he has a 4 year old and a 1 year old and it's tough with the yard being exposed to both streets and we would like a fence around the property. Mr. Najarian asked if there is an existing fence. Mr. Lowenthal said no, the neighbor has a fence and there is a fence behind the property. Mr. Najarian asked if the new fence will work of the back fence and the fence on the right side which is existing. Mr. Lowenthal said that was correct, and it would be desired to connect on the right and along the entire left side on Aleena. Mr. Najarian asked what height the fence would be. Mr. Lowenthal advised the back is 6' and the side is 5' and it is chain link with posts and slots. Mr. Najarian asked if the new fence will be the same material. Mr. Lowenthal advised it will be 6' white vinyl. Mr. Najarian asked if there are any line of site issues. Mr. Hill stated there are is no issue with the line of sight however the survey does not show the shade tree easement which is about 6' wide and there are shade trees and utilities there and the fence should be 6' off the property line to the inside, which is approximately at the inside of the sidewalk and normally the easement has to be honored and the fence would be in 6' from the property line. Mr. Najarian asked if the utilities are underground utilities. Mr. Hill stated they are within Aleena, and yes they are underground. Mr. Gertner stated that is why the presumption is being made that the easement is not being shown on the survey, and rather than guessing the person who did the closing who is certified on the survey should contact the surveyor and have them add the shade tree and utility easement on the survey. Mr. Lowenthal stated he wanted to go in 20' from the curb. Mr. Hill stated there is the curb 4' to the sidewalk then 4' is sidewalk and at 20' it would be approximately 12' from the property line. Mr. Purpuro noted this zone requires a 15' setback and there is no issue.

Opened public comment; seeing no one come forward, public comment closed

Mr. Hurley noted the hardship is also because there is frontage on both streets.

Motion to approve by HURLEY/ Bradley. Yes: Fritch, Hurley, Russell, Bradley, Spalthoff, Costanzo, Najarian.

2. The Concourse Office Buildings/ Concourse Holdings LLC, Block 13801, Lot 7.01, 1197 E. Veterans Highway- Catherine Kim- attorney for the applicant- stated this application is here for a 1 year extension that was granted in 2017. Mr. Najarian asked why there is a need for an extension. Ms. Kim advised there are issue with connection issues and jurisdiction with utility companies.

William Stevens- professional Engineer and Planner licensed to practice in NJ, and is the vice president with PDS and has been appearing before this Board for decades now- credentials accepted- sworn- advised this will be on East Veterans Highway as soon as you enter Jackson from Lakewood and the owners were looking to build A class office building and it is something that the town will be proud of and the problem is when this was approved the plan was to provide sanitary sewer back to Lakewood Township and at the time it was approved, and everyone said "ok" however going through this, American Water and sewer company decided the only way this could connect is if there was an agreement with the JTMUA and it did not only include this project and the high school it was much more and there is a need for sewer with the JTMUA and there is a pump station at McAuliffe school and the Clayton family who was the original owners took on a series of improvements to make a new force main and it's been well over \$1,000,000 worth of improvements and that is what took this time and we are still designing and permitting the force main, and if there was another year granted this can be finished and under construction. Mr. Najarian asked what would happen if this goes beyond another year. Mr. Stevens advised if it did it would have to come back with an amended application. Mr. Peters stated there is a report dated December 21, 2021 and for the record when there is a request for time extension there is a proof required to say why there is a need for the additional time which is what was done by Mr. Stevens and it's to be sure the town doesn't pull the rug under the applicants to change the zone which does happen and in this case regarding this application the zoning doesn't matter because the use variance was obtained and just the site plan is looked at and there was preliminary and final approval, so there is 2 and 3 extensions, and it may not be entitled however under the Municipal Land Use Law the applicant was barred from obtaining the necessary approvals. Mr. Stevens stated the site would follow the time line and the approvals would be good to April 5, 2022 which is not enough time to get finished and there was a permit extension act granted in 2020 and it gave approvals for extension since COVID and that was 6-9 months and this could be entitled to some of that however a year is really necessary and the zoning here does not matter the only thing that would change if there would be an amended site plan approval or another 5 years and a year would get this in the ground. Mr. Gertner mentioned the only reason that was brought up was to reconcile any additional time between April 2022 and January 5, 2023. Mr. Peters stated the idea to come back for site plan for an approval period of the plan has not changed and some outside agency approval may require a little more or a little less and an application would only benefit the professionals to get paid. Mr. Gertner asked if the pump station serve 528 LLC shopping center. Mr. Stevens said yes as well as other Clayton properties and that is why so much time and effort is being put forth.

Opened public comment; seeing no one come forward public comment closed

Motion to approve by COSTANZO/ Hurley. Yes: Fritch, Hurley, Russell, Bradley, Spalthoff, Costanzo, Najarian.

Motion to adjourn at 7:35 p.m. by BRADLEY/ Fritch. Yes: Fritch, Hurley, Russell, Bradley, Spalthoff, Costanzo, Najarian.

Respectfully submitted by,

Danielle Sinowitz
Zoning Board Recording Secretary