

## MINUTES OF JACKSON ZONING BOARD JANUARY 4, 2023

The January 4, 2023 Jackson Township Board of Adjustment Meeting was called to order at 7:00 p.m. with a salute to the flag by all present in person and via Zoom. Vice Chair Bradley 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; Jeanine Fritch, Acting Secretary; James Hurley; Joseph Riccardi, Alt #1; Raymond Lovacco, Alt #2 (Absent)

Also Present: Ryan Murphy, Board Attorney; Evan Hill, Board Engineer; Ernest Peters, Board Planner/Traffic consultant; Jeffrey Purpuro, Zoning Officer (ABSENT); Anthony Jacob, I.T. Representative; Fran DiBella, King Reporting and Zoning Board Recording Secretary

### **ANNOUNCEMENT #1**

Executive Session opened at 7:02 p.m. to discuss reorg of Board's professionals. Motion to close at 7:15 made by Book. Second/Bradley.

### **APPROVAL OF PROFESSIONALS** (back in open session)

- 1) Mr. Book made the motion to appoint Ryan Murphy, Esq. of Gertner & Murphy, LLC as attorney for the Board. Second/Bradley. Voted Yes: Book, Fritch, Hurley, Costanzo, Riccardi, Bradley, Najarian
- 2) Mr. Book made the motion to reappoint Evan Hill of EDH as the Board engineer. Second/Bradley. Voted Yes: Book, Fritch, Hurley, Costanzo, Riccardi, Bradley, Najarian
- 3) Mr. Book made the motion to reappoint Ernest Peters of Remington & Vernick as the Board conflict engineer. Second/Bradley. Voted Yes: Book, Fritch, Hurley, Costanzo, Riccardi, Bradley, Najarian.
- 4) Mr. Book made the motion to reappoint Ernest Peters of Remington & Vernick as the Board planner. Second/Bradley. Voted Yes: Book, Fritch, Hurley, Costanzo, Riccardi, Bradley, Najarian
- 5) Mr. Book made the motion to reappoint Ernest Peters of Remington & Vernick as the Board's traffic engineer. Second/Bradley. Voted Yes: Book, Fritch, Hurley, Costanzo, Riccardi, Bradley, Najarian.

**Payment of (2) Vouchers:** Fran DiBella, recording secretary and King Reporting, court reporting services, for 01/04/23. Motion/Book. Second/Bradley. Voted Yes: Book, Fritch, Hurley, Riccardi, Bradley, Najarian

### **APPROVAL OF RESOLUTIONS:**

(NONE)

**APPROVAL OF MINUTES:**

12/7/2022 minutes. Motion/Bradley. Second/Costanzo. Yes Vote: Book, Fritch, Hurley, Costanzo, Riccardi, Bradley, Najarian

**APPLICATIONS CARRIED:**

6) The Walter Earle Corp, Minor Site Plan 728-1, Block 22902, Lot 7, Zone PM-1, 655 S. Hope Chapel Road, will be carried to February 15, 2023, no additional notice required.

7) Joseph Rabinowitz, Variance 3432, Block 14201, Lot 19, Zone R-3, will be carried to an uncertain date. Therefore, notice will be required.

**ANNOUNCEMENT #2**

Executive Session to discuss general attorney client privilege matters. Motion to enter executive session at 7:25 pm. made by Mr. Book. Second/Bradley. Exited executive session at 8:04 pm. Motion/Book. Second/Bradley

Board professionals sworn in by Mr. Murphy.

**APPLICATIONS:**

1) **Shindel Goldman**, Variance 3445, Block 16801, Lot 26, Zone RD, 302 Harding Court.

Applicant sworn by Board attorney, would like to put a pool into her side yard/front yard of her property with a 6' full privacy vinyl fence. The original application said 5' aluminum fence. Now it's amended to a 6' solid fence. Mr. Hill clarified with the applicant that the pool will be too close to the drainage easement which would negatively impact the neighbor's property, so would it be possible to move the pool 25', 30' to the west (left).

Mr. Hill suggested to have the engineer revise the plans and call Mr. Hill with any questions. Application carried to January 18, 2023. No further notice required.

2) **Meshullam and Toba Teiler**, Variance 3444, Block 7701, Lot 31, Zone R-9, 17 Drexel Drive.

Meshullam Teiler, applicant, affirmed, and testified that he originally was approved for a 6' fence, but his neighbors installed new windows and the applicant would now like an 8' x 30' fence right where the neighbor's windows would be facing. Mr. Book inquired about the survey because it has different names. The applicant stated that it was the previous owners and the survey is from 2019. Mr. Costanzo stated that this appears to be a landscaping issue and he doesn't see this as a hardship issue. A variance wouldn't be required if trees/shrubs were planted and would also provide privacy. Mr. Hurley went and looked at the property and saw a road between he and his neighbor (15 Drexel). He was standing on that road (open area) and the neighbor has trees there 8-10' high, just screen it. The applicant declined because the upkeep is more costly. Mr. Book also visited the property and said the solution is in the applicant's hands and an 8' fence would change the character of the neighborhood and change the aesthetics and it's contrary to the Code. The applicant stated that 15 Drexel's trees look unkempt. Mr. Hill countered and said 21 Drexel's landscaping is very well kept. Public portion opened/closed. Mr. Murphy offered to carry the application if he wanted to discuss it with a planner and return. The applicant declined.

Motion to deny by Mr. Costanzo. Second/Bradley. Voted to deny application: Book, Fritch, Hurley, Costanzo, Riccardi, Bradley, Najarian.

**3) Concourse Holdings, LLC/The Concourse Office Building**, Time Extension SP 771-3, Block 13801, Lot 7.01, 1197 E. Veterans Highway. Applicant's attorney, Steven Leone, Esq. This is a request for an extension for an approval that was granted in April 2017 and extended by a resolution in January 2022 for two years and then a one-year extension that was granted on January 5, 2022. The extension expires tomorrow. The applicant is seeking a one-year extension due to the fact that there are still outside approvals required: Jackson Township MUA for a private pump station and from Ocean County for a road-widening easement that was determined to be required. **Witness No. 1**, William Stevens, P.E., P.P., vice president of PDS, sworn by Board attorney, credentials accepted, testified that the JTMUA has given preliminary approval for the pump station and believes all the approvals will happen this year. Mr. Costanzo asked if this would be their last extension. Mr. Murphy explained that they would be entitled to three one-year extensions on the original two-year extension. The five-year period has now expired. What they are requesting is pursuant to NJSA 40:55d-52d which allows the Board to grant an extension not exceeding one year in the event that the applicant can show that the holdup is due to outside entity approvals. Mr. Costanzo pointed out that it's Jackson Liberty HS on the exhibit. Mr. Hill asked when the process started. Mr. Williams explained they had final approval from the Ocean County Planning Board in March of 2022 and were in the process of perfecting it when we came here for our last extension last year and upon submitting for resolution compliance the county decided they wanted to change what they saw as our required improvements; most specifically we have a right turn lane coming off of 528 into this project. They then asked us to extend that right turn lane into the driveway for Jackson Liberty High School including reconstructing the driveway for Jackson Liberty High School so it is a significant change, but there is a house in between us and the school driveway and that particular person has been through way too many issues with the county over the years and is not amenable to working through this so we have to go through a condemnation proceeding to get that right of way. The applicant approached the owner of Lot 5.01 to request right of way and the response has been no. Opened to the public. **Stephen Kovacofsky**, 1183 E. Veterans Highway, Lot 5.01, and no party has ever approached them. They've only seen real estate business cards. We have no issues with any extensions being granted, this is the first time we've heard of us being in the way of anything, and invite discussion. Public session closed. **Witness No. 2, Wakil (phonetic) David**, principal, 209 Arlington Avenue, Lakewood, affirmed by the Board attorney, and testified that this property changed hands multiple times. They bought the property in March of 2022. They did have their realtor Barbara Borghese (phonetic) at the 5.01 property to inquire about the 11' needed. Mr. Kovacofsky did remember Barbara coming to the door and leaving business cards on top of older business cards, but did not believe that was a professional way to contact an owner for an easement and they had no idea she was there representing the owners of the property next to them. Motion to approve extension/Book. Second/Bradley. Voted Yes: Book, Fritch, Hurley, Costanzo, Riccardi, Bradley, Najarian.

**4)Gaelic Communications, LLC**, Site Plan 882 with Variance 3449, Block 22117, Lot 1, Zone 1, Gramme and Edison Avenue, Joseph O'Neill, Esq, this is an application for wireless with 140 monopole, compound and supporting equipment. Verizon has been looking for a site in this area for a number of years. **Witness No. 1**, Joseph Cottrell, P.E., French & Parrello Associates, sworn by the Board attorney, credentials accepted, the 100x100' lot is currently vacant and wooded. 50x50 gravel compound will be built with a new gravel access drive. In the center of the 50x50 compound will be a 140' monopole. The tower will be set back 50' from the right-of-way. The tower 50' from the front line where 100' is required. It will be centered in the lot from the front to the back. The lot is undersized for that zone. Does comply with the rear yard requirement of 50' and the side yard requirements. The wireless telecommunications requirement is 5 acres. We are only 0.23. The maximum height for three carriers is 150'. We're proposing 140' with a minimum of four carriers. The minimum setback from a residential zone is 500'. We meet that requirement. The tower is set back 142.6' from the nearest residential use property. The tower is 250' from the nearest residence. We are not within toppling distance to the residence. The tower will sustain 120 mph winds. The tower is within toppling distance to the right-of-way. The facility is unmanned and will be serviced every 4-6 weeks by a cell technician to do routine maintenance and diagnostics. A 30kw backup generator is proposed. Three equipment cabinets on concrete pad and electric and telephone utility. No water. No sewer. The generator will be powered by diesel fuel, which will be stored on premises (200 gallon tank). The fence will be 8' chain link fence with 2" anticlimb mesh as per Ordinance. **Witness No. 2**, Stephanie Koles, VComm, 2147 Route 27 South, Radiofrequency engineer, sworn by Board attorney, testified that there is gap coverage and showed it on Exhibit A-1 (map). Exhibit A-2 (overlay). Mr. Hurly asked who holds the FCC license. She replied that Verizon holds the FCC license and Gaelic is the operator of the tower. **Witness No. 3**, David Stein, Set Acquisition for Smart Link at Verizon, sworn by Board attorney, testified as a fact witness that they've been in negotiations with the MUA since 2018 for this location to go to a bid and was able to go out to a bid at the end of 2020. **Witness No. 4**, Sean Moronski, P.P., sworn by Board attorney, credentials accepted, presented Exhibit A-3 (aerial map) for identification, testified about positive criteria. Public portion opened: Andrew Conlin, 53 Cortland Drive, Jackson, sworn by Board attorney, wanted to know how much of the area would be clear cut. Motion to approve/Costanzo. Second/Bradley. Voted Yes: Book, Fritch, Hurley, Costanzo, Riccardi, Bradley, Najarian

Motion to adjourn at 10:40 p.m. by all. All voted unanimously

Respectfully submitted by,  
Fran DiBella  
Zoning Board Recording Secretary

EXECUTIVE SESSION(S) MINUTES OF THE JACKSON TOWNSHIP  
BOARD OF ADJUSTMENT – January 4, 2023

**ROLL CALL:** Scott Najarian                      Lynne Bradley  
                  James Hurley                         Joseph Riccardi (Alt #1)  
                  Carl Book, Jr.                                    Jeanine Fritch  
                  Stephen Costanzo

**ALSO PRESENT:** Ryan Murphy, Esq., Board Attorney  
                         Jeffrey Purporo, Zoning Officer (absent)  
                         Ernest Peters, Board Planner  
                         Evan Hill, Board Engineer

**First Executive Session** (7:02 to 7:15) Reorg of professionals. Vote on the board's attorney, engineer, conflict engineer, traffic engineer, and planner.

**Second Executive Session** (7:25 p.m to 8:04 pm) 26 Whitesville Road application

**Respectfully submitted,**

**Fran DiBella**  
**Zoning Board Recording Secretary**