

**MINUTES OF THE REGULAR MEETING  
OF THE TOWNSHIP OF JACKSON  
ZONING BOARD OF ADJUSTMENT  
APRIL 2, 2008**

The April 2, 2008 Jackson Township Board of Adjustment meeting was called to order at 7:02 p.m. with a salute to the flag by all present. Attorney Sean Gertner read the Open Public Meetings Act Statement.

**ROLL CALL:** William Santos John Burrows, Alt. #1  
Jeffrey Bowen Carmen Esposito, Alt. #2  
Peter Maher, Secretary  
Vincent Sgro, Chairman

**ABSENT:** Barry Calogero Stephen Costanzo Diana LaBianca, Vice Chairwoman

**ALSO PRESENT:** Sean Gertner, Attorney of GluckSnyder LLC, Bruce Jacobs, Engineer of Gravatt Consulting Group, Donna Miller, Planner of Geller Sive & Company, Jeffrey Purpuro, Zoning Officer, Steven McCrystal, McCrystal Reporting and Janice Kisty, Recording Secretary.

**APPROVAL OF RESOLUTIONS**

Recording Secretary Janice Kisty announced the following resolutions and those eligible to vote:

**2008-12 – William Schmidt – Block 5902, Lot 21 –** variance approval for a garage addition

**2008-13 – Joseph Lee – Block 701, Lot 50 –** variance approval for a detached garage

**2008-14 – David & Monica Csatari – Block 1902, Lot 31 –** variance approval for a fence over 48" in front yard

**2008-15 – Anthony & Debra Rocco – Block 5102, Lot 25 –** variance approval for a shed

**Motion to approve the foregoing resolutions by MAHER/Burrows.** YES: Santos, Bowen, Burrows, Maher, Sgro.

**APPROVAL OF MINUTES OF MARCH 19, 2008**

**Motion to approve by MAHER/Burrows.** YES: Santos, Burrows, Esposito, Maher, Sgro.

**APPROVAL OF VOUCHER**

**Motion to approve the voucher in the amount of \$120.00 for the Recording Secretary for tonight's meeting and the voucher for McCrystal Reporting for January, February and March 2008 in the amount of \$950.00 by SANTOS/Esposito.** YES: Santos, Bowen, Burrows, Esposito, Maher, Sgro.

**ANNOUNCEMENTS –**

Ms. Miller stated she attended the Master Plan subcommittee meeting on March 24 which was held to discuss environmental issues and their impact on the Master Plan, which is currently under review by the Planning Board. The meeting yielded interesting ideas from the public and members of the committee. The committee is interested in obtaining formal input from the board. Mr. Sgro suggested she put her thoughts in a memo for distribution to the Board. Mr. Gertner said the Board could form a consensus reply to the subcommittee as to the Zoning Board's concerns.

**MATTERS FOR DISCUSSION** – none

**ADMINISTRATIVE APPROVALS** - none

**The professionals were sworn and their affiliations were stated for the record.**

**APPLICATIONS**

**1. Robert & Deborah Domino – 321 Mackenzie Drive – Block 1501, Lot 55 – Zone R-3**

Robert Domino was sworn. Mr. Burrows stepped down for this application due to a conflict of interest. Mr. Purpuro said the application is for a variance to construct a shed 1'6" from the side setback where 15' is required. Mr. Domino said there is a pool in the backyard, which is fenced. It is set back 20'-25' from the house. There is no room to put it elsewhere. Mr. Jacobs said it is an existing shed, there is a pool in the yard, and he did not know where else it could be put. Mr. Bowen asked what it is used for and Mr. Domino stated he stores pool supplies and his lawnmower there. Mr. Maher asked if this application was the result of a complaint and Mr. Domino said no; the notice came after an assessment and no complaints were filed.

**PUBLIC SESSION OPENED; No one came forward; PUBLIC SESSION CLOSED**

Mr. Santos said a space of only 1'6" gives no room to navigate around it unless he goes on the neighbor's property. Mr. Domino said the shed has been there for years and he can walk behind it. Mr. Maher asked if it is prefabricated and was told yes; it is plastic vinyl. **The public session was opened again and with no one coming forward, the public session was closed.**

**Motion to approve by BOWEN/Esposito.** YES: Bowen, Esposito, Maher, Sgro. NO: Santos

**2. Michael & Jeanne Schneider – 486 Matthews Lane – Block 1602 Lot 7 – Zone R-3**

Michael Schneider was sworn. Mr. Purpuro stated the application is to allow a shed in the left rear of the property within the 15' setback. The applicant is proposing a 3'5" setback. Mr. Schneider stated he has a 10' x 12' shed in his yard. He was not trying to avoid a zoning permit but was unaware one was needed. He stated the shed is already there, with landscaping around it. Mr. Jacobs said he has ample space to move the shed to a conforming location. Mr. Schneider said was not aware of the setback requirements at the time of construction and has future plans for the yard. Mr. Jacobs asked if he could still move it away. Mr. Schneider said it would cause a hardship to move it away and back with his future plans for the yard.

**PUBLIC SESSION OPENED; No one came forward; PUBLIC SESSION CLOSED**

Mr. Maher asked if the yard is fenced and was told yes. **Motion to approve by MAHER/Burrows.** YES: Santos, Bowen, Burrows, Esposito, Maher, Sgro. Mr. Santos said the setback was better than the previous 1'6", so he voted yes.

**3. Howard Crawford – 570 Freehold Road – Block 11402, Lot 7 – Zone R-3**

Mr. Purpuro stated the applicant has an 8' x 8' gazebo in the front yard area, which is not permitted. Howard Crawford was sworn. He stated the gazebo is there, it is a decorative structure which he had a picture of. His house is Victorian style. Mr. Gertner marked the pictures Exhibit A-1 and A-2, noting they look the same. The pictures were passed around for board members to see. Mr. Crawford described the structure, stating he did not realize there was a zoning issue as he thought that was only for enclosed structures. It is rather heavy to move and he has no place else to put it. He is considering an addition to the house and would like to keep it there.

**PUBLIC SESSION OPENED; No one came forward; PUBLIC SESSION CLOSED**

Mr. Bowen asked this is a corner lot and was told no. There is considerable property to the next house. Mr. Sgro asked Ms. Miller for her thoughts, who said Mr. Crawford has presented his case well. The setback was asked and Mr. Purpuro answered it shows 63' and appears accurate. Ms. Miller said the zoning is R-3; Mr. Purpuro said it is a lot of record. Ms. Miller said as an accessory structure, it is not as bad as if it were added to the principal structure [for setback purposes]. Mr. Burrows questioned the fence on the property. Mr. Crawford said he put up a 4' fence 10' off the road, and the property slopes off. It was noted for the record this is a conforming fence.

**Motion to approve by BURROWS/Bowen.** YES: Santos, Bowen, Burrows, Esposito, Maher, Sgro.

**4. Bette & Mark Scuzzese – 59 Anita Drive – Block 3601, Lot 148 – Zone R-3**

Mr. Purpuro said the applicant is seeking to install a 6' solid fence and pool in the front yard of their corner lot. They have not determined if the pool will be above ground or in-ground. Bette Scuzzese was sworn. She said she wants a fence because her lot offers no privacy, the back of her house faces [Route] 571, her kids can't play out there because it is unsafe, and she wants to fence it in. Mr. Gertner asked if there is any place else to put the pool. She said she has a conservation easement. Mr. Maher asked where it is. She was not aware of any rule. Mr. Jacobs asked the size of the pool and she said she wanted a 24' above ground pool. She wasn't sure how far the fence would be from the property line. The well is in the middle of her yard. Mr. Jacobs said the fence will not impact any sight triangles.

**PUBLIC SESSION OPENED; No one came forward; PUBLIC SESSION CLOSED**

Mr. Bowen asked if there is an oil tank on property and she said not any more; she has gas. Mr. Burrows asked how far from the sidewalk she wanted to put the fence. She said her neighbor has the fence to the sidewalk, and she does not plan to put it to the sidewalk, but she doesn't want to limit herself. She showed pictures, which were marked Exhibit A-1, showing the conservation easement and A-2 with the neighbor's fence to the grass, which does not actually show it, but that is her representation. Mr. Jacobs asked if it will be a 6' fence and was told yes. She needs a variance for height. Mr. Jacobs asked if her well was for drinking water and was told yes. Mr. Maher asked about the location of her house on Route 571 and she said her back yard faces Route 571. She showed a picture of that to the Board, which was marked A-3. Mr. Gertner said she requires a fence for her young child and to enclose the yard as she will have a 24' above ground pool. Mrs. Scuzzese said yes, but asked if she wanted an in-ground pool in the future, would that affect this variance. Mr. Maher asked what the setbacks would be and Mr. Purpuro said the setbacks would be the same for in-ground and above ground pools. Mr. Gertner told Mrs. Scuzzese they were trying to get out the size limits, and she may want to suggest to the Board the maximum size pool she may want. Mr. Santos said he would not approve both, as it is an unknown. Mr. Jacobs recommended a minimum side setback for the pool. Mr. Sgro asked if she could have an alternative for either pool. Ms. Miller said if the structure is in the required setback area and it's a pool, there are things in the back yard already that restrict the pool's location. The Board can say whatever structure, including any decks, would have to be set back at least 20' from the southerly property line or whatever dimension makes them comfortable. Board members may feel an in-ground pool is permanent and above ground is not. Although this is a corner lot, Mr. Jacobs said the side setback requirement is 20' from the side. Her house is 40' off the street. Ms. Esposito asked if there is a septic and where, and Mrs. Scuzzese said in the front. Mr. Jacobs scaled the plans and said it is about 55' from the south property line to the rear corner of the house. Bowen asked if they could place conditions. Mr. Gertner said there should be deliberation of the Board to set parameters like the pool can't exceed certain dimensions and certain setbacks. Mr. Santos said for the variance itself, the pool in the side yard met the burden of proof with the conservation easement, well, and highway, and the fence is needed for the small child and it will not obstruct any vision, but he does have a problem with giving a blank check

because he does not know what the applicant may do. Mr. Sgro did not think it was a blank check to give parameters of certain setbacks so the applicant doesn't have to come back. Mr. Gertner asked Mr. Jacobs for parameters. Assuming a 20' setback, Mr. Jacobs said he would limit the pool to a 20' side setback and it is not allowed in the conservation easement. The area of the pool could be up to 70 feet, but the actual size would be much less. Mr. Gertner asked 70 by what and Mr. Jacobs said he would not restrict the width. Ms. Esposito said the well is there and restricts it anyway. Mr. Jacobs said there are swing sets, too. Mr. Purpuro said setbacks are measured to the water line. Esposito said in-ground pools require a small fence around them in addition to having any outside perimeter fence. Mr. Purpuro said the purpose of the fencing is to protect the pool from the neighbor's property. Ms. Esposito thought it best if the applicant reapplies for an in-ground pool. Mr. Santos asked if it is possible to table the decision as opposed to just voting no. Mr. Gertner suggested to Mrs. Scuzzese to come back in two weeks with better specifics of what kind of pool or some type of dimensions. The Board would be better informed to give some of the discretion they are looking for. She would not have to re-notice and could be first on the agenda; it should be a quick issue. Mrs. Scuzzese asked if she needs to come back and show what kind of pool, and Mr. Gertner said the more information, the better to help the Board make a determination.

**Motion to carry application to April 16, 2008, number one on the agenda by SANTOS/Esposito.**  
YES: Santos, Bowen, Burrows, Esposito, Maher, Sgro.

**AMENDED RESOLUTION**

**Williams Tool and Die – 795 Toms River Road - Block 18701, Lot 39 – Zone PV**

Denis Kelly represented the applicant who requests an amended resolution for their variance application which was heard November 7, 2007. At the time they asked for waiver of site plan since no major changes would occur to the site, but the resolution of approval does not state that a waiver of site plan was granted and they are now asking for the resolution to be amended to state that. They are also asking for a waiver of applications to outside agencies. Mr. Kelly stated they will do what the Board asked them to do, but they want the waiver to be noted in the resolution. Mr. Gertner referred to Mr. Jacobs and Resolution #2007-82 which approved a "D" variance with conditions and waiver of site plan. The resolution did not waive necessary outside approvals; Mr. Jacobs agreed. Mr. Kelly said waiver of site plan is noted in the heading of the resolution but not the body of the resolution. Mr. Jacobs said due to the de minimus nature of the site improvements, the outside agencies would have no review, and he therefore had no problem with the waiver. Mr. Santos said he remembered waiving the site plan requirement but does not remember waiving the outside agencies. Ms. Miller said the Board does not have the right to waive outside agency approvals, unless speaking about certain inside agencies such as the Forester or Environmental Commission. Mr. Gertner had no issue with adding the waiver and thought the applicant could ask for letters of no interest from the outside agencies. Mr. Kelly said some agencies do not move quickly enough. Mr. Kelly agreed to get a letter of no interest from the County, stating they need resolution compliance to do any improvements, and these things take time. Mr. Maher did not want to waive approval from the Bureau of Fire Prevention, stating the business is changing from a tool and die business to a carpet warehouse and why bypass that? Mr. Kelly said Fire Prevention will continue to monitor the site's internal operations. Mr. Santos said the Board acted on that application in a timely manner, he is concerned with the applicant's position of not wanting to have fire prevention approval, and he has a problem with all the waivers. Mr. Sgro asked what other agencies there are besides fire prevention. Mr. Jacobs mentioned a few, including Ocean County Planning Board and the MUA. Ms. Miller said the Environmental Commission and Forester are slow to respond and need to get in sync; but that is their responsibility and not this Board's. Mr. Kelly said he can't make them move and if the Board is not inclined, they still wish the waiver of site plan wording to be added to the resolution. Mr. Maher asked if they tried to apply to the outside agencies and was told the applicant does not want to send money out. Mr. Gertner suggested adding the minimal change to the resolution, since the use variance was approved. Ms. Miller did not know if the Board could waive input from certain agencies. Mr. Sgro asked Mr. Gertner to find out if the applicant needs Environmental Commission approvals, adding if they hold up the applicant for one year, it is no good. Mr. Gertner said the applicant did not bring forth the basis to waive the requirement for outside agency approvals. Mr. Sgro asked if that must be included. Mr. Gertner said if it is waivable, he could find out in two weeks. Mr. Sgro suggested giving them 60 days to try to get the approvals. Mr. Santos said he would like the answer as well, but he is not inclined to vote for a waiver of those approvals. He wanted to make that clear. Mr. Kelly asked that the resolution be changed, adding not much would change in two weeks. He also asked if there is anything the Board could do to speed up those approvals he would appreciate it, noting resolution compliance takes quite a long time as it is. He asked if the chairman would write a letter to the agencies. Mr. Gertner asked for the authority to add the wording for site plan waiver to the body of the resolution. Mr. Santos had no problem with that but did not understand the letter from the chairman. Mr. Gertner said that could be discussed after the meeting. Mr. Gertner said if any letter goes out, it should be general and not directed toward any applicant. Mr. Maher asked if the property has not changed hands due to the hold up of approvals and was told yes.

**Motion to amend the resolution to include the words "Site Plan waiver granted" in the body of the resolution by MAHER/Bowen.** YES: Bowen, Maher. NO: Santos.

**Recess at 8:15 p.m.; reconvened at 8:28 p.m.**

**APPLICATIONS (CONT'D)**

**5. JCP&L First Energy – Bennetts Mills Road – Block 12101, Lot 32 – Zone NC**

John Beyel represented the applicant. The proposed new substation on Bennetts Mills Road is a permitted conditional use for which they need a variance for height of the structure and for the barbed wire on top of the fence. They seek preliminary and final site plan approval. He stated when he reviewed the minutes from the website, he thought it was the best summary he has ever seen and said the Board should be very proud.

He continued, stating the Board carried the application to allow the applicant to provide more drainage and basin information. The engineer for the applicant prepared a revised site plan and updated drainage and storm water management report which was reviewed by Mr. Jacobs, who had comments on the revisions. The planner also reviewed the plans and the engineers spoke about drainage issues and landscaping. Mr. Malick will respond to the Board professionals' reactions to the submissions, and the planner for the applicant is present for testimony tonight. Arif Malick was previously sworn and remains under oath. The applicant is aware he needs five votes and only six Board members are present and eligible to vote. Mr. Jacobs addressed the basin issue, wanting to know if changes are made to it, could they stay within the area between the fence, the property line and the driveway, or if they could shift the substation back. Mr. Malick displayed the exhibits at Ms. Miller's request. He stated the site plan was revised 3/18/08, addressing Mr. Jacobs' comment that in order to comply, they must raise the bottom of the basin, which would expand the area surface-wise and if it could fit in the area on the site plan. Mr. Malick said he could do that, if need be, because you are talking about very minor amount of the volume. Mr. Jacobs asked if there was any word from the DEP on site plan review. Mr. Malick said their technical review engineer called, and the only additional information needed is ground water recharge and the location of the seasonal high water table. He did not have that information back in November but had it now due to soil testing. Mr. Malick felt the DEP was satisfied. Mr. Jacobs asked if they had an issue with C-1 buffer, noting there is a wetlands buffer and asked if the DEP will issue a fill permit for that. Mr. Malick said they will get the permit; there has been much discussion, and so far they have looked at the application positively for various reasons. Mr. Jacobs said the ordinance requires a buffer which can be up to 50' and asked what the benefit is to having all this up front and not providing any trees, or could the facility be located further back on the property. Mr. Malick said if they push the facility back, the lot narrows and you just can't squeeze it in, and additionally the tree line would be cleared further back. With overhead lines coming in you can't put high trees in the front to interfere and the replacement landscaping will be shrubs. Mr. Jacobs asked the restrictions of planting in the JCP&L right of way. Mr. Malick said depending on the type of transmission lines, there are strict requirements for the height of plants that JCP&L would testify to, but he thought perhaps a maximum of 5'. Mr. Beyel said it is a matter of law in their administrative code that vegetation standards directly below the wires could have nothing higher than 3' tall at maturity and the border zone shall not exceed 15' in height. Per BPU regulations they preferred grasses or low growing scrubs under the wires. Mr. Jacobs asked the tolerance under the wire zone. Mr. Beyel said the wire zone is the land under the widest portion of the transmission line and nothing there shall be higher than 3'. Mr. Malick referred to the site plan, showing the transmission line right of way which took up most of the lot width pointed it out on Mr. Jacob's plan and described where it is for the court reporter. Two parallel dashed lines that continue across Bennetts Mills Road represent the area of plant limitations. The plan also showed the overhead lines coming into the site which have restrictions on vegetation plantings. About  $\frac{3}{4}$  of the frontage is restricted from vegetation. Mr. Jacobs confirmed at least the easterly  $\frac{2}{3}$  of the frontage is restricted for the right of way and wire zone and was told yes. Mr. Jacobs said the westerly side of the basin could be planted and Mr. Malick agreed, pointing out the lower left corner of the site that could be planted.

Jim Tobia was previously sworn, and still under oath. To clarify, the overhead wires are not governed under the statute as stated; there is a JCP&L standard to keep a 50' offset from the outer wire zone and there is a 15' maximum height for plantings. Mr. Jacobs asked if the plans could be revised to show the limits of those zones. He said it would be helpful on a landscape plan to show the proposed vegetation, and therefore the reason why the substation can't be pushed back further from the road. Mr. Tobia said plantings won't do a whole lot to hide the infrastructure. Mr. Malick spoke with Ms. Miller and said he will continue to work with both professionals to agree on species that could be planted. They could do grasses and flowering things, just nothing woody to exceed 3' in height. Mr. Beyel said he is willing to provide a drawing subject to the limitations of the administrative code. They will superimpose the wires, the right of way and the species. Ms. Miller asked for clarification about the transmission lines not covered by the administrative code. Mr. Beyel said they will be able to do some things there but not to limit the wire zones. Mr. Jacobs said their testimony is they won't have to shift the substation to the north because the basin could be made to work and they will add vegetation as noted. Ms. Miller asked for Board input as she is concerned the landscape plan shows shrubs and she would like higher plants. Mr. Beyel referred to the plan, which Ms. Miller said is not completely accurate, and Mr. Beyel said the evergreens would be staggered. Ms. Miller spoke with Mr. Malick, and her idea is to minimize the view from the street into the site. It cannot be screened, but as people drive by, the idea is to keep their eyes toward the road corridor instead of looking into the site. If they can get larger material mixed in under the 34kv lines, it would help. Ms. Miller was expecting more input since the last meeting than was received. She asked for Board input, if they need a picture to visualize it, it should be provided. Mr. Beyel said the greater portion of the area that can't be planted is along the frontage. Mr. Malick agreed the plans show sparse landscaping, and could make 5' staggered plantings near the road and some in the back, which will be substantially more buffering. Mr. Maher asked for an artist rendering of what this is going to look like. Ms. Miller agreed. Mr. Maher said they ask for elevations on houses to be built and this is bigger. Mr. Santos said screening is extremely important, and agreed with Ms. Miller and Mr. Maher about the rendering. Mr. Bowen and Ms. Esposito agreed this is a huge structure, and wanted to see what it will look like.

Mr. Gertner asked Mr. Beyel about page 7 of 9 of the engineers report, section E, 1-7, are they in agreement and are there any comments? Mr. Malick saw no issues and will comply with all. Mr. Gertner asked general comments page 6 of 9 section D, and asked them to address number 11. Mr. Malick said pushing the facility back will take down more trees and it will be closer to residential properties even though they are far back. They will provide for additional planting with respect to height limitations, which they will show and provide an artist rendering. Mr. Gertner said the Board would like to see the rendering before voting. The planner for the applicant could testify later. Mr. Beyel said this is an inherent beneficial use for which some testimony was given at the beginning of their testimony two months ago. Their planner was present tonight could testify now or come back, and the Board agreed to the planner coming back. Mr. Jacobs asked for landscaping and drainage improvements to be shown on revised plans, which was agreed to.

Mr. Maher asked for an explanation of the crossing over the bog to the south. Mr. Malick pointed it out on the key map shown on the title sheet. Mr. Malick said it is going through the Butterfly Bog. Mr. Maher said that is some of the most pristine land in Jackson.

Mr. Beyel asked how long Mr. Malick will need and was told at least two weeks to prepare and get to the professionals, so perhaps May 7. Mr. Bowen asked if they could show the structure pushed back; Mr. Malick said he was aware of the concern which was discussed. Mr. Bowen asked how far away the residence to the north is. Ms. Miller said pushing the structure back will not allow more trees to the front. Mr. Jacobs said the pushing back had to do with the drainage basin. **Motion to carry to May 21, 2008 by MAHER/Burrows, with no further notice and applicant to provide revised plans.** YES: Santos, Bowen, Burrows, Esposito, Maher, Sgro.

**6. Lester Pools – 79 Whitesville Road – Block 20601, Lot 21 – Zone RG-2**

Mr. Sgro advised the applicant that for a "D" variance, 5 affirmative votes are needed and six board members are present. The applicant wished to proceed. Agnes Rybar, attorney with Horn, Turnbach and Rybar represented the applicant for a use variance required for a home occupation and directional sign. They submitted applications for outside agency approvals. Mr. Purpuro said they are seeking a variance for a home occupation with sign and he had the applicant add the fence and the pool to the application based on the location of the fence, for which public notice was given. Ms. Rybar noted while she is an attorney, land use is not part of her regular background. The applicant wants to open a pool business consisting of opening and closing pools, maintaining them and minor repair of filters, but not for the construction of pools. This home occupation involves a telephone line in a spare bedroom to call and order supplies and contact customers. There is no storage of supplies on the premises. The applicant gets his supplies from a warehouse approximately 7 miles away. There is no storage of chemicals or supplies on his property. He has photos of the sign which complies with requirements for a sign. There are no walk-in clients and no additional parking spots are needed. There is no noise involved with the operation of the business; the applicant takes calls and does the work on the clients' properties. Mr. Bowen drove past the property and saw 80# bags in the garage; he questioned what that was. Mr. Gronowski, the applicant, was sworn. Mr. Gertner asked the attorney if she is translating from Polish to English and vice-versa, that she do so to the best of her ability. Ms. Rybar was sworn and indicated she would comply. Mr. Gronowski said the product is vermiculite; he bought too much and brought it in from outside. He said it is not garbage but is used for his pool he built last year. Mr. Bowen asked what kind of sign is proposed. The applicant had a picture which was marked A-1, a 48" x 48" sign posted on a sort of fence. Exhibit A-2 is a blowup of the existing survey, to show the location of the sign to be 25' from the property line. Ms. Miller noted that is different from what is existing. Exhibit A-3 is a picture of the proposed sign; Ms. Rybar stated what is there now is only temporary. Mr. Bowen asked if the poles will be moved back 25' and was told yes. Ms. Miller said signs are not permitted in this zone and said the Board could ask why that size sign. Mr. Gronowski said it is a good size to see from the car. It is a good advertisement because the bus stops there and there are a lot of cars. Mr. Sgro asked if there are other businesses in the area and Mr. Maher said there is a Doggie Day Care and I&G Farms. Ms. Miller said signs are not permitted in the Pinelands and home occupation signs are supposed to be subtle so as not to look like a business; it should be small like a shingle and he is asking for a variance. When asked if the applicant does other advertising, Mr. Gronowski said he advertises in newspapers. Ms. Miller said the Board should consider location and size. Ms. Miller asked if there are other employees and was told it is just him.

**PUBLIC SESSION OPENED**

Thomas Dennolis, 83 Whitesville Road, was sworn. He had no problem with the sign, noting the Doggie Day Care has a big sign and so does I&G Farm. There is also a strip mall down the street. He did not see a problem with the sign and it will not disturb him. Mr. Maher asked where he lives and was told right next door; his house is 100 feet away.

**PUBLIC SESSION CLOSED**

Mr. Bowen said the doggie day care sign is lower. Mr. Sgro said that could be addressed. Mr. Bowen did not remember the setback. Mr. Gertner asked if there was a problem with a 25' setback and Ms. Miller said it was good for sight distance. Mr. Purpuro asked the height of the sign and was told 6' off the ground, so a total of 10' high. Mr. Jacobs said there is usually a 6' clearance if people are walking under the sign. Mr. Purpuro reminded the Board of the 6' fence not shown on their surveys because it was discovered at the last minute. Mr. Gertner asked for testimony on why the fence was there and Mr. Gronowski said his son was involved in an accident on that corner so the fence was needed for safety. Mr. Gertner asked why a 6' fence. This question was translated from English to Polish and Polish to English; and Mr. Gronowski said he put it around the yard. He has a permit for the 4' pool fence. The 6' fence is already up. Ms. Miller noted the fence is not in the sight triangle. Ms. Rybar said he needs it for privacy. Mr. Purpuro said it appears to be on the property line in the front yard. Mr. Santos said the applicant should indicate negative and positive criteria relative to the variance issue for the home occupation, and he was not sure that was addressed. Mr. Sgro asked why he wants to work at home. Ms. Rybar said it is expensive to rent an office, and he is creating no disturbance to the neighbors. Mr. Gronowski said he may open an office in the future, but now he needs to work for himself. Home occupations are not permitted in the Pinelands zones, and the Pinelands does not recognize home occupations, either. Mr. Gertner said there are no customers, storage, parking requirements, trucks or deliveries. The phone line is all he needs and he is requesting the sign. Mr. Santos said they addressed his concerns, as long as it is strictly an office. Anything beyond that is a violation.

**Motion to approve by SANTOS with stipulations by Gertner to be in the resolution of approval as well as the representations made to the Board. Second on the motion by Mr. Maher.** Mr. Gertner said there is still the issue with the sign and asked for suggestions. Mr. Bowen said the doggie day care sign is lower. Mr. Santos said it is up to the Board. Ms. Esposito said it may impede the view on the corner property if lower. Mr. Bowen said it is 25' in. Mr. Purpuro asked if there is a phone number on sign, adding

that is not permitted. Mr. Gertner asked if it should be lower, and Mr. Burrows thought 10' is too high. Mr. Gertner asked where to start. **Mr. Santos amended motion to add the sign shall be 6' high, or 2' off the ground. Mr. Maher seconded the amended motion.** There was a further question about the phone number on the sign and a question was raised about real estate signs with phone numbers. Ms. Miller noted real estate signs are not identification signs. **Motion further amended by SANTOS to allow the phone number, second by Maher.** YES: Santos, Bowen, Burrows, Esposito, Maher, Sgro.

#### **7. Kenneth Vaccaro – 450 Chandler Road – Block 902, Lot 9 – Zone NC**

Kenneth Vaccaro was sworn. This application is just for the use variance to allow a gas station in the Neighborhood Commercial Zone. Mr. Vaccaro was advised he needed five affirmative votes for a use variance and only six Board members were present. Mr. Vaccaro chose to move forward with his application. He stated he lives in Freehold on Siloam Road. He worked in construction and his family owns five gas stations in New York. His cousin is helping him with the project. The area is the southwest corner of Jackson Mills and Chandler Roads. An existing junkyard is a non-conforming use on the property. The community could use a gas station. The traffic light is an asset. There are two shopping centers across the street. A gas station could complement those businesses and they could help his. The closest gas stations in the area are four miles away, Hess is six miles away and Gas Time is five miles away. This corner gets a lot of traffic. He is looking for diesel as well for contractor fill up and he is proposing propane fill-ups as well. An ethanol fuel would have to be mixed on site. Two tankers would fill up the same tank. Mr. Maher asked if he is the owner or contract purchaser. Mr. Vaccaro said he has a lease with option to buy. Mr. Maher thought the application is incorrect. Mr. Gertner asked who the owner is and was told a realty company. When asked if he has a lease, Mr. Vaccaro answered yes and it was found he is a contract purchaser. Mr. Vaccaro said he will want an accessory building for added income to provide automotive service. Mr. Sgro asked him to name the pictures on the exhibit. He had different views of the corner of Jackson Mills Road. The pictures were marked A-1 to A-4 from top, going clockwise. Mr. Vaccaro explained each of the pictures. Mr. Bowen asked what will happen to the recycling yard. Mr. Vaccaro said it is 12 acres, the fence would be moved and the owner would be looking to get rid of 300 cars, with possibly an auction first. It is not a day to day operation. Ms. Miller asked if whatever vehicles are in the area for the gas station would be removed from the property and was told yes. Mr. Vaccaro said they will use fiberglass tanks for the gas and diesel storage due to the sandy soil, and that answered the well question of Minit Stop. Mr. Sgro asked what brand of gas and was told a major company trying to get into New Jersey. Mr. Maher asked if he was aware of any other company wanting to put in a gas station and was told no. Mr. Maher asked if he heard about a Wawa on the opposite corner and he said no. The public well is down 200' but he did not know the distance from these tanks. He referred to the adjoining lot owned by same owner as this lot, and marked the survey of that property Exhibit A-5 and would need distance for the well. Mr. Sgro asked the benefit to the town and Mr. Vaccaro said it will be a convenience and on a commuter route that would help other businesses in the area. Ms. Miller asked how. Mr. Vaccaro said they could get coffee and gas in the same area. Ms. Miller said it would be a ratable in the area and he agreed. Ms. Miller had the well distances in the report and there are eating establishments across the street. She wants to see where those wells draw from in the area. When it rains, it percs down into the soil. She showed an aerial map showing infiltration rings for pollutants, and this could potentially affect the ground water. The map was marked B-1. Mr. Sgro said the State is strict and Ms. Miller agreed. Wellhead protection deals with what is in the ground and also what is on the ground. In evaluating the negative criteria, it could have a negative impact on the area. Mr. Vaccaro said Mr. Ferrari's well (Lina's Pizzeria) is 200' down. Mr. Maher asked if any testing was done for test holes. He asked if it is a superfund site and Mr. Vaccaro said no, adding every salvage yard is listed. There are 31 in Jackson. His list was marked A-6, and he said it is not a superfund site or in the brown area. He understands there used to be an auto repair center there years ago but is no longer there. He did not know if they pumped gas.

#### **PUBLIC SESSION OPENED**

Linda Mika, 621 Breezy Road was sworn. She is concerned about ground water contamination because residential wells are shallow in the area. This will disturb a site used as a junkyard that has been cited for numerous violations, spills and instances where ground water has been at risk for contaminants on their site. And now the land will be disturbed to put another hazardous use. She is concerned about her wells as she lives behind the junkyard. Mr. Sgro said he would probably have to clean the area up. She is concerned the ground will be disturbed. You are exchanging a junkyard for a gas station. The junkyard is contaminated. Mr. Sgro said if the site is cleaned up to EPA requirements, would she object to a gas station and Ms. Mike said if the DEP is involved and the site cleaned up, she did not have a problem with the gas station but only if it is cleaned up. A copy of the violation was marked O-1. Mr. Vaccaro noted a caseworker for the DEP said this site could be removed from the list.

#### **PUBLIC PORTION CLOSED**

Mr. Santos had major concerns. The presentation lacked significant details he needed to hear. Questions from the planner and engineer were not addressed. Positive criteria was not addressed, and testimony not met. Negative criteria is there are residents in close proximity to the gas station and wells are shallow. It is across the street from businesses. He cannot vote for this application; these are significant reasons. Mr. Bowen appreciated Mr. Santos' comments, adding there are a lot of unknowns here, and Mr. Maher said that Mr. Santos said it all, and there is a lot missing. **Motion to deny by SANTOS/Bowen.** YES (to deny): Santos, Bowen, Burrows, Esposito, Maher, Sgro.

**Motion to adjourn at 10:31 p.m. by SANTOS/Esposito.** Yes, by affirmation.

Respectfully submitted,

Janice Kisty  
Zoning Board Recording Secretary