

**MINUTES OF THE REORGANIZATION MEETING  
AND REGULAR MEETING  
OF THE TOWNSHIP OF JACKSON  
ZONING BOARD OF ADJUSTMENT  
JULY 16, 2008**

The July 16, 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.

*Acting Recording Secretary Janice Kisty proceeded with the meeting:*

Acting Recording Secretary Janice Kisty announced tonight's meeting would be for the purpose of reorganization of the Zoning Board to appoint Board officers, the official newspapers, a recording firm, and a recording secretary, and to arrange meeting dates and times, followed by a regular business meeting.

**ROLL CALL:**

|                  |                       |
|------------------|-----------------------|
| Barry Calogero   | Peter Maher           |
| Stephen Costanzo | Vincent Sgro          |
| Carmen Esposito  | John Burrows, Alt. #1 |
| Sheldon Hofstein | John Suttles, Alt. #2 |

**ABSENT:** Vincent Sgro

**ALSO PRESENT:** Sean Gertner, Board Attorney  
Bruce Jacobs, Board Engineer  
Donna Miller, Board Planner  
Jeffrey Purpuro, Zoning Officer  
Steve McCrystal, McCrystal Reporting  
Janice Kisty, (Acting) Zoning Board Recording Secretary

**REORGANIZATION AND APPOINTMENTS**

Motion to appoint **Barry Calogero** as **CHAIRPERSON** by **SANTOS/Esposito**. YES: Calogero, Costanzo, Esposito, Hofstein, Maher, Santos, Burrows.

*Chairman Calogero then led the meeting.*

Motion to appoint **Carmen Esposito** as **VICE CHAIRPERSON** by **COSTANZO/Santos**. YES: Costanzo, Esposito, Hofstein, Maher, Santos, Burrows, Calogero.

Motion to appoint **Peter Maher** as **BOARD SECRETARY** by **COSTANZO**. Mr. Maher declined the nomination. Mr. Santos stated his interest in the Board Secretary's duties. Motion to appoint **William Santos** as **BOARD SECRETARY** by **BURROWS/Esposito**. YES: Costanzo, Hofstein, Maher, Burrows, Santos, Esposito, Calogero.

Motion to name **Asbury Park Press** as **OFFICIAL NEWSPAPER** by **COSTANZO/Santos**. YES: Costanzo, Hofstein, Maher, Burrows, Santos, Esposito, Calogero.

Motion to appoint **McCrystal Reporting** as **RECORDING FIRM** by **SANTOS/Esposito**. YES: Costanzo, Hofstein, Maher, Burrows, Santos, Esposito, Calogero.

Motion to appoint **Janice Kisty** as **ZONING BOARD RECORDING SECRETARY** by **SANTOS/Esposito**. YES: Costanzo, Hofstein, Maher, Burrows, Santos, Esposito, Calogero.

Motion to set the **MEETING SCHEDULE AND TIME** for the First and Third Wednesdays of the month for regular meetings of the Zoning Board, with the first Wednesday of the month certain and the third Wednesday of the month to be used as needed; meetings to begin at 7:00 p.m. The following dates were read into the record: For 2008, July 16, August 6 & 20, September 3 & 17, October 1 & 15, November 5 & 19, December 3 & 17; for 2009, January 21 (no meeting January 7), February 4 & 18, March 4 & 18, April 1 & 15, May 6 & 20, June 3 & 17, and July 15 for re-organization. **Motion to approve by BURROWS/Hofstein**. YES: Costanzo, Hofstein, Maher, Burrows, Santos, Esposito, Calogero.

**REGULAR MEETING**

**APPROVAL OF RESOLUTIONS**

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

**2008-34 – Megan's Associates – Block 5601, Lot 61 & 74 – Preliminary and Final Site Plan approval with variances for an office building.**

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

**2008-35 – JCP&L – Block 12101, Lot 32 –** Preliminary and Final Site Plan approval for an electrical substation.

**Motion to approve by MAHER.** Mr. Maher was concerned with the clarity of the Board's intention concerning the property on the eastern side of Bennetts Mills Road, directly across the street from this application and also owned by JCP&L, that it be buffered as discussed at the meeting. The Board asked for the buffer along Bennetts Mills Road opposite the substation. Mr. Costanzo asked for depth or footage. Mr. Gertner suggested the resolution be marked up to make sure it is as clear as the Board wants, and bring it back at the next meeting. He suggested carrying resolution 2008-36 as well. That resolution dealt with the Manhattan Street project, and Mr. Gertner said it is important to be sure comments are in the resolution. He said he will present both resolutions at the next meeting. Mr. Maher was agreeable and **withdrew his motion.**

**2008-36 – Manhattan Real Estate Investment Group – Block 14801, Lot 5 –** To grant the use variance for a bank.

**Resolution 2008-36 was carried to the next meeting.**

**2008-37 – Amending Resolution 2008-16 – Beth Zion Synagogue – Block 11801, Lot 79 –** Amendment to reflect concerns of the Zoning Board of Adjustment and its Board Professionals on the approval of Preliminary Site Plan

**Motion to approve by SANTOS/Maher.** YES: Costanzo, Burrows, Maher, Santos, Calogero.

**2008-38 – Manhattan Real Estate Investment Group – Block 12705, Lot 1 – Withdrawal of an application for use variance and site plan**

Mr. Gertner said this application was withdrawn but there was no formal vote to accept its being withdrawn. He said it should be done formally and memorialized. The other application [for Block 14801, Lot 5] started with this first portion being withdrawn. Mr. Gertner said the applicant wanted to present the other application first but the Board wanted this one first, so the applicant withdrew it. Then the Board heard the other application but no formal action was taken to withdraw this one. He felt the formal action would protect the board and the residents. Mr. Maher said he had no problem but stated the applicant said that parcel would remain as open space. Mr. Gertner said that will have to be reflected in the resolution. Mr. Calogero asked if we need a vote to withdraw the application. Mr. Costanzo asked if that was done in the past and thought they have the right to withdraw an application. Mr. Gertner said the resolution would help clean up the record. Mr. Costanzo asked if that is infringing on our rights since it was stated on the record he was withdrawing. Mr. Gertner said by moving forward [with the other application] we permitted him to do so. He would ask that the Board vote on it, but in order to take into account Mr. Maher's concerns based on connection of this lot to the other one, he felt it prudent to hold off on this resolution and look at it again. Mr. Maher requested more clarification on the open space condition. **No vote was taken at this time on resolution 2008-38.**

#### **APPROVAL OF MINUTES**

**Motion to approve the minutes of June 4, 2008 by MAHER/Esposito.** YES: Costanzo, Maher, Burrows, Esposito, Calogero.

#### **APPROVAL OF VOUCHERS**

**Motion to approve the voucher for McCrystal Reporting in the amount of \$1,200.00 for the period April 2, 2008 to June 4, 2008 by MAHER/Esposito.** YES: Costanzo, Hofstein, Maher, Burrows, Santos, Esposito, Calogero.

**Motion to approve the voucher in the amount of \$125.00 for the Recording Secretary for tonight's meeting by ESPOSITO/Burrows.** YES: Costanzo, Hofstein, Maher, Burrows, Santos, Esposito, Calogero.

#### **ANNOUNCEMENTS**

None

The Board professionals were sworn by Steve McCrystal and their affiliations stated for the record.

Mr. Calogero welcomed the new Board members and thanked Peter Maher for his service last year. He stated Mr. Sgro did a great job as Chairman and expressed his thanks.

#### **MATTERS FOR DISCUSSION – Courtesy Review-Board of Education**

**Signage for Jackson Liberty High School – Block 13801, Lot 1.01**  
**Signage for Jackson Memorial High School – Block 16601, Lot 10**

Mr. Gertner stated the applicant's attorney asked that the Planning Board look at these applications for jurisdiction, and they were carried until the August meeting. Mr. Santos said he is a graduate of Jackson schools, and they did a nice job on the signs. It was announced if anyone was present for this application, it will not be heard tonight.

Denis Kelly of Levin, Shea and Pfeffer addressed the Board, stating Application #5 has an issue between the applicant and property owner next door. He asked this application be carried to September 3 in order to allow enough time to get appraisals for the Board. The Board had no problem in granting this request to be carried to September 3 and Mr. Kelly waived time.

**APPLICATIONS**

**1. Jeana Yoon – Block 701, Lot 655 – 7 Trumbull Court – PMUD Zone**

Robert and Jeana Yoon were sworn. Mrs. Yoon said they reached a compromise with their neighbor. They requested the shed be 4' back initially, but they will push it back 15'-16' from the front of the property. Mr. Calogero asked why they need a variance and what is the hardship; why is that the best spot? Mrs. Yoon said their property is small and they already placed a pool and other accessories, plus pavers, and there is no room at all for any kind of shed, so they need to put it on the side of their property to left or right. They only have 12-½' to the property line on both sides. They decided to push it back from 4' to 15'-16' to alleviate the neighbor's concern that the shed will block his window. By pushing the shed toward the back, it will not block their view as the shed will be located between the windows, and this is beneficial to both.

Mr. Costanzo asked professionals for their concerns. Mr. Jacobs asked if the shed is in front or behind the fence. Mrs. Yoon said it will be behind the fence, you cannot see it from the street, and large trees block it besides. Mr. Burrows asked if it will still be 1' from the property line and 4' from house and Mrs. Yoon said yes. Mr. Purpuro said this is a two-part variance, 1' from the property line and 4' from the house. Mr. Costanzo asked what will be kept in the shed and was told outdoor furniture, and a lawnmower. Mr. Costanzo asked if there will be electric service and was told no.

**Public Session Opened**

Curtis Brockman, 5 Trumbull Court was sworn. Just for clarification, he asked if pushing the shed from 4' to 15' is from the front corner of the house and Mrs. Yoon agreed, stating that is not from the front property line. Mr. Brockman had no further objection.

**Public Session Closed**

Mr. Costanzo saw no problem with the modifications discussed. Mr. Santos agreed, based on the compromise reached. **Motion to approve by COSTANZO/Santos.** YES: Costanzo, Hofstein, Maher, Burrows, Santos, Esposito, Calogero.

**2. Monica & Ronald Knox – Block 5812, Lot 62 – 30 Andover Road – R-15 Zone**

Monica and Ronald Knox were sworn. They are looking to put an addition onto their house. They tried to sell their house three times and can only afford to do the addition. They are looking to add a game room and just to expand the house. Mr. Costanzo asked if it is a one-story addition and was told yes, and it will be built on a slab. Mr. Calogero visited the site, noting they are building to the right of the house where there is a vacant lot next door. The Knoxes said that is the only place where they can put the addition. Mr. Calogero asked how it will fit in with the rest of the house and Mrs. Knox said it will match. Mr. Costanzo asked how many square feet and Mr. Knox said 36' x 15'. Mr. Hofstein said that is according to the plan, and Mr. Jacobs said it is approximately 540 square feet. Mr. Burrows asked if there will be any exterior doors and was told there will be a garage door on the driveway side. Mr. Purpuro said the addition consists of a garage in front and a game room in the back.

**Public Session opened; no one came forward; Public Session closed**

Ms. Esposito had no objection to the application. Mr. Burrows said he visited the site and this is a good lot for an addition as the next lot is vacant, and he thinks it is fine. Mr. Hofstein drove by, and he asked if the fence will continue from the new addition, and was told yes. Mr. Jacobs asked about the driveway cut and Mr. Knox said they will just widen the driveway. Mr. Purpuro asked for clarification on the slab, and Mr. Costanzo said he would not hold them to that. The Knoxes said they have lived there 26 years and refer to the vacant lot as a 'sand lot'; it has always been vacant.

**Motion to approve by COSTANZO/Esposito.** YES: Costanzo, Hofstein, Maher, Burrows, Santos, Esposito, Calogero.

**3. Monica & Jose Ugarte – Block 10108, Lot 6 – 35 Mill Pond Road – R-3 Zone**

Jose Ugarte was sworn. He is building a pool and has a corner lot. He wishes to have a 5' high fence where only 4' is allowed. Mr. Calogero asked if it is for safety and privacy and was told yes. Mr. Costanzo asked the type of fence and Mr. Ugarte was not sure but said it will probably be aluminum, not solid. Mr. Costanzo asked if it would be inside or outside the tree line. Mr. Ugarte said it will be toward the curb and the trees will be inside the fence, about 11'-12' from the curb. When asked if the sight triangle is affected, Mr. Jacobs said it is not near the triangle. Mr. Calogero said he visited the site and it is a nice property. Mr. Purpuro asked for verification of distance to the curb and if the trees will be inside the fence, and that he could pull the subdivision file to see if a shade tree easement exists for this property. Mr. Calogero said this is subject to the Zoning Officer showing the shade tree easement, if it exists. Mr. Burrows said the minimum would then be 11-12'; if there is no shade tree easement, it will not be less than 11' to the curb. Mr. Jacobs said the property line is probably 10' from the curb line and 11' puts the fence on his own property.

**PUBLIC SESSION OPENED**

William Washington, 33 Mill Pond Road, was sworn. In the notice he received, it sounded as if the fence would be all around the property, which he said would be injurious to property values and that would be the only fence in whole development like that. He has no objection to the fence but didn't want it all around the property. Mr. Calogero explained this to Mr. Ugarte and asked him if he was comfortable with that. Mr. Ugarte said he is not fencing his entire property. Mr. Purpuro showed the two neighbors where the fence will go, based on the survey submitted for the application.

Thomas Ahde, 34 Mill Pond Road, was sworn. He thought the fence was going toward Mill Pond Road. He had no problem with the fence going toward Cedar View Road.

**PUBLIC SESSION CLOSED**

Mr. Suttles asked what type of fence. Mr. Ugarte said he was thinking of a picket or jerith aluminum fence at this time. Mr. Costanzo wanted to clarify the location off the rear corner of the house toward Cedar View, and along Cedar View to the rear of the property. It will be approximately 11' off the curb line at the shallowest point. Mr. Costanzo asked if there needs to be a clearance from the shade trees and Mr. Purpuro said no, as long as it is not in the shade tree easement. Twelve feet is a safe distance from the property line. Mr. Costanzo said the fence will run along the other side property line as well.

**Motion to approve by SANTOS/Hofstein with clarifications made by Mr. Costanzo and that the neighbors' concerns were addressed.** YES: Costanzo, Hofstein, Maher, Burrows, Santos, Esposito, Calogero.

Ms. Miller asked if there is any recommendation to change the standard for fences in front yard. Mr. Purpuro said he is compiling a list to the Planning Board for Master Plan changes and it is in the works.

**4. Gary Mayer – Block 11407, Lot 2 – Oakleaf & Cherry Street – R-3/R-1 zone**

Gary Mayer was sworn. He owned this property for 21 years, got a variance in 1988 and it was rezoned in 2002 or 2003 to R-3 and the lot wasn't big enough for one-acre zoning. His COAH fee is \$25,000 and he can't afford to build now, so he is asking to carry this application. He may need an attorney. Mr. Santos stated he has concerns that need to be addressed on this application, and he may vote against it. Mr. Calogero asked if he wants to withdraw at this time, or postpone. Ms. Miller said he needs to work out issues, but the affordable housing fee is not due till the time of building permit. Mr. Mayer was told the law may go away, and Mr. Calogero said his obligation might be tied to the approval. Mr. Gertner questioned how much time he needs in order to address further issues with Mr. Maczuga or Mr. Russo, and Mr. Mayer said he waited 15 years to build, and if he needs to wait longer, he will. He asked what the objections were and the Board could not get into that. Mr. Gertner said generally the objections are technical and suggested Mr. Mayer return, prepared with professionals so those questions can be addressed and proofs be met. Mr. Mayer was advised he could represent himself. Mr. Santos said yes, if he is prepared to answer all questions and provide all proofs. Mr. Calogero said he could be carried to October and represent himself, get representation or withdraw. Mr. Mayer asked for September and the Board thought October would give him more time to prepare and seek consultation. Mr. Mayer said he had all he needed, and Mr. Santos said if proofs are not provided, he will have to vote no. Mr. Maher asked why he did not build in 1988, and Mr. Mayer said he was married, divorced and waiting to afford it. His children are at an age where can afford it now and he paid taxes for 21 years. Mr. Maher asked if he lives here now and was told no, he lives in Lakewood. Mr. Calogero said some questions may not be able to be answered tonight, and Mr. Mayer said it did not look good to be heard tonight, and he read about the opposition to COAH. Mr. Gertner said there is some talk that the new legislation may address hardships, and he suggested Mr. Mayer obtain counsel to assist with this application. He advised Mr. Mayer to be carried to October with no further notice or fees, he has a complete application, and he will speak to Mr. Mayer after the meeting as well. Mr. Maher said this board did not make that law [COAH]. Mr. Santos said it is a State mandate and all taxpayers are obligated to pay for the affordable housing. Mr. Mayer asked to be postponed to October and the Board agreed.

**5. B.S.M.C. LLC – Block 1302, Lot 8 – Durant Street – R-3 zone**

*carried earlier this evening to September 3, 2008*

**Motion to adjourn by ESPOSITO/Costanzo at 8:07 p.m.** Yes, by affirmation.

Respectfully submitted,

Janice Kisty  
Zoning Board Recording Secretary