

**MINUTES OF THE REGULAR MEETING
OF THE TOWNSHIP OF JACKSON
ZONING BOARD OF ADJUSTMENT
APRIL 2, 2003**

Chairman, Scott Najarian called the meeting to order at 8:00P.M., with a salute to the flag. Attorney Robert Rothstein read the Open Public Meeting Act Statement.

ROLL Call: Ron Hampton
Michael Kelly
Robert Paneque, Sec'y
Scott Weinstein
Alt. #1 Adam Ziobro
Alt #2 Larry Hartman
Scott Najarian, Chairman

ABSENT: Meredith Acacia
James Sheeran

ALSO PRESENT: Richard Megill, Director of Planning and Zoning
Robert Rothstein, Board Attorney
Evan Hill, Board Engineer
Richard Ragan, Planner
Steve McCrystal, McCrystal Reporting

MEMORIALIZATION OF RESOLUTIONS:

2003-19 Karen Mandel-Block 94.01 Lot 19.02- Motion to approve by WEINSTEIN /Ziobro YES: Weinstein, Ziobro & Najarian. **VARIANCE GRANTED**

2003-21 Dawn Boffardi - Block 94.01 Lot 22.06 - Motion to approve by WEINSTEIN/Ziobro YES: Weinstein, Ziobro & Najarian. **Resolution Amended/VARIANCE GRANTED WITH STIPULATIONS**

2003-24 Peter & Mosca Petterides - Block 70 Lot 32.02- Motion to approve by ZIOBRO/Weinstein YES: Hampton, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

2003-25 Thomas Moody- Block 155 Lot 9.09- Motion to approve by WEINSTEIN/Hampton YES: Hampton, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

2003-26 Andrew & Veronica Busch- Block 27 Lot 3- Motion to approve by HAMPTON/Weinstein YES: Hampton, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

2003-27 Laura Massano- Block 111 Lot 81.01- Motion to approve by ZIOBRO/Weinstein YES: Hampton, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

2003-28 Frederick Taylor and Carol Meyer- Block 10 Lot 15.04-Motion to approve by ZIOBRO/Weinstein YES: Hampton, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

2003-29 Donald & Patricia Letho- Block 82.01 Lot 32- Motion to approve by HAMPTON/Weinstein YES: Hampton, Paneque, Weinstein, Ziobro, Hartman & Najarian. **USE VARIANCE GRANTED**

2003-30 AT&T Wireless- Block 121.11 Lot 34-37 & 39-41- Motion to approve by ZIOBRO/Weinstein YES: Hampton, Paneque, Weinstein, Ziobro, Hartman & Najarian. **SITE PLAN AND VARIANCE GRANTED**

MINUTES: Motion to approve minutes for 3/5/03 as submitted by: ZIOBRO/Weinstein YES: Hampton, Paneque, Weinstein, Ziobro, Hartman and Najarian **Motion Approved.**

VOUCHERS: Motion to approve as submitted by: KELLY/Paneque YES: Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman and Najarian. **Motion approved.**

Mr. Megill, Board Engineer and Planner duly sworn

APPLICATIONS:

- 1. APPLICANT: ROBERT WHITE JR
BLOCK: 106.01 LOT: 1.05 ZONE: R-1/R-3
LOCATION: 351 FREEHOLD ROAD**

Mr. Megill stated applicant is seeking a variance to construct a 6' solid fence in front yard on corner lot. Robert White Jr. duly sworn explained he wants to enclose his property and lives on a corner lot he wants to use more of his yard. The existing fence is his neighbors, which is over the property line and left side is his fence which is to be moved too. **Public Portion.** Mrs. Xenia Circulis, 277 Leesville Road, duly sworn explained she lives two houses down from Mr. White, she understands corners have particular problems but doesn't want the fence due to it will look

Like a compound. Scott Najarian discussed that the Board Engineer did a review and there is no safety issue the fence will be a safe distance from the road. Mr. White explained the proposed fence is to be white vinyl with mesh on top and he has planted white pines and will also plant shrubs which will be decorative. **Public portion closed.** Scott Najarian expressed appreciation to Mr. White for increasing the property value with the fence and landscaping. . Motion to approve by WEINSTEIN/Paneque YES: Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman and Najarian. **VARIANCE GRANTED**

2. **APPLICANT: ANN MARIE & JEFFREY DINOCCENTO**
BLOCK: 135.12 LOT: 24 ZONE: R-1/R-3
LOCATION: 104 PICADILLY DRIVE

Mr. Megill stated applicant is seeking a variance to construct a 34'X 20' in-ground pool, filter, pool heater and 6' solid fence in front yard on corner lot. Jeffrey Dinocento duly sworn explained the way his yard it set up there is not sufficient room behind the house for the pool which has to go further out. Mr. Megill explained the Code requires 10' off the house. Evan Hill stated the fence will be ok due to not encroaching on any easements or site triangles. Stipulations are 6' solid fence with landscaping to be 25' off property line, the pool to be within 5' of property line and 9' off house. Ron Hampton questioned landscaping being added to variance. Mr. Ragan explained that landscaping will soften the look of a solid fence in the front yard. Mr. Megill stated the Board will have to be careful requesting planting's and trees especially evergreens. **No objection from the public.** Motion to approve by KELLY/Ziobro YES: Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman and Najarian. **VARIANCE GRANTED**

3. **APPLICANT: JOHN & BARBARA PROVINI**
BLOCK: 80 LOT: 3.13 ZONE: R-1/R-3
LOCATION: 2 NICOLE COURT

Mr. Megill stated applicant is seeking a variance to construct a 6' solid and 5' chain link fence in front yard on this corner lot. John Provini duly sworn explained he has two young children and lives on the corner of Bennett's Mills Road he wants the fence for safety of his family and friends. Evan Hill stated that 20' off curb line will not infringe upon site triangle or septic system. **No objection from the public.** Motion to approve by KELLY/Hampton YES: Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

4. (5) **APPLICANT: LOUIS & JEANETTE FLORA**
BLOCK: 150.01 LOT: 2.01 ZONE: LM
LOCATION: WRIGHT-DEBOW & HAMILTON ROAD

Mr. Megill stated applicant is seeking a use variance to construct a single family dwelling in the LM-Zone. Attorney Paul Murphy representing Mr. and Mrs. Flora in their contract purchase of the property, explained the situation is unique due to the property had an approval per Resolution 45-86 when the area was Zoned as M-1. Board atty. Mr. Rothstein explained since the approval was in 1986 it is deemed abandoned then the Zone changed but the requirements didn't change. The Board must take notice of the existing resolution and take into consideration when hearing the application. Scott Najarian recognized Engineer, Bill Stevens present but he did not do the plans that where submitted for the application which doesn't show proposed well and septic, he requested that revised plans be submitted and made a motion to carry the application to the **May 7th 2003 meeting, the applicant will not have to notice or publish again and waiver the time limit.**

5. (4) **APPLICANT: THOMAS & DEBRA HALL**
BLOCK: 5.01 LOT: 65 ZONE: R-3
LOCATION: PINE STREET

Mr. Megill stated applicant is seeking a variance to construct a single family dwelling in the R-3 Zone, 3 acre required .59 provided, also requests variance for lot width 200' required 125' provided, lot depth 400' required 181.04 provided. Request a variance to use the R-1 standards. Originally proposed by Otto Builders asking for variance for .59 acre in R-1 zone at the time the Board voted to deny. The applicant went to Ocean County Court and it was sent back to Jackson Board of Adjustment for further testimony, unfortunately Otto passed on therefore this should be viewed as a new application. Attorney Michael Pugliese and Thomas Hall duly sworn. Mr. Pugliese explained that Mr. Hall is a contract purchaser from the estate of Otto Einstedler and the contract time is almost up. He stated that he looked into the complaints against the last application and proposes a smaller home also discussed the new application with the neighbors and feel they will satisfy their concerns. The size home proposed is approximately 2,000 sf. 3 bedroom colonial, 2 and a half bath with a 2 car garage also, the adjoining properties could not sell any land due to would make their lots non-conforming and the public did have an opportunity to purchase the land and did not. Evan Hill requested that the limit of clearing be shown on a revised plan to be submitted for review and must acquire Ocean County Health Department approval. Front setback is to be 60'. **No objection from the public.** Motion to approve by KELLY/Ziobro YES: Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman and Najarian. **VARIANCE GRANTED WITH STIPULATIONS**

6. **APPLICANT: VINCENT WALSH**
BLOCK: 32.02 LOT: 1.07 ZONE: PV
LOCATION: MILLER AVE

Mr. Megill stated applicant is seeking a variance to construct a single family dwelling in the PV Zone where lot depth required IS 250' and providing 188.91. Vincent Walsh duly sworn explained he wants to build a single family home and his only problem is lot depth he can meet all other setbacks. He can't purchase and additional land due to adjacent lots would be non-conforming. Mr. Megill stated that Mr. Walsh has a letter of filing with the Pinelands. Evan Hill stated that the applicant is proposing an alternate septic system which allows him to use the 1 acre standards and he requests the apron be replaced on the lot. The proposed home is a 4 bedroom 2,500 sf. home. **No objection from the public.** Motion to approve by: KELLY/Ziobro YES: Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman and Najarian. **VARIANCE GRANTED**

7. **APPLICANT: LISA BIESTERFELD**
BLOCK: 10 LOT: 1 & 2 ZONE: RD
LOCATION: 1401 W. VETERANS HIGHWAY

Mr. Megill stated applicant is seeking a variance to park 3 trucks and trailers in excess of 12,000 LBS. Scott Najarian discussed the prior meeting and the 30 days allowed to come back before Board with the proper testimony and information which the applicant failed to do they didn't even come to the meeting tonight. **Public Portion.** Ed Miller, 1400 W. Veterans Highway, duly sworn stated he lives across the street from the Biesterfeld's and expressed his concerns for safety and has concern they will rent out storage spots for trailers. He also explained the 14 acres are not contiguous they have 6 acres in front and has 7.11 acres that is land locked. Mr. Megill stated yes, Mr. Biesterfeld misrepresented that point. Michael Pasznik, 1371 W. Veterans Highway, duly sworn explained his property is between the Biesterfeld's 6 and 7.11 acres they must cross his property to access the 7.11 acres he feels it is unsafe for the trucks to pull into the intersection which pulls rocks and gravel onto the roadway. Scott Najarian requested for Code Enforcement to look into any violations and issue summonses. Mr. Rothstein gave a brief review of the application and stated the time limit ran out will need to vote for a resolution. Scott Najarian stated that based on safety issues the motion is to deny by: WEINSTEIN/Ziobro YES: Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman and Najarian. **VARIANCE DENIED**

ADJOURNMENT: Motion to adjourn meeting at 9:28 p.m. by KELLY/Hampton YES:
UNANIMOUS

The next meeting of the Zoning Board of Adjustment will be May 7th 2003 at 8:00 pm. in the Municipal Building.

Respectfully submitted,

Dawn D'Agostino, Recording Secretary