

**MINUTES OF THE REGULAR MEETING
OF THE TOWNSHIP OF JACKSON
ZONING BOARD OF ADJUSTMENT
MAY 7, 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: Meredith Acacia, VC
Ron Hampton
Michael Kelly
Robert Paneque, Sec'y
Scott Weinstein
Alt. #1 Adam Ziobro
Alt #2 Larry Hartman
Scott Najarian, Chairman

ABSENT:
James Sheeran

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

MEMORIALIZATION OF RESOLUTIONS:

2003-30 Robert White Jr.-Block 106.01 Lot 1.05- Motion to approve by KELLY /Ziobro YES: Kelly, Paneque, Weinstein, Ziobro & Najarian. **VARIANCE GRANTED**

2003-31 Ann Marie & Jeffrey Dinocento - Block 135.12 Lot 24 - Motion to approve by KELLY/Weinstein YES: Kelly, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

2003-32 John & Barbara Provini- Block 80 Lot 3.13- Motion to approve by ZIOBRO/Weinstein YES: Kelly, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

2003-33 Thomas & Debra Hall- Block 5.01 Lot 65- Motion to approve by KELLY/Paneque YES: Kelly, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED WITH STIPULATIONS**

2003-34 Vincent Walsh- Block 32.02 Lot 1.07- Motion to approve by ZIOBRO/Weinstein YES: Kelly, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

2003-35 Lisa Biesterfeld- Block 10 Lot 1 & 2- Motion to deny by KELLY/Weinstein YES: Kelly, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE DENIED**

MINUTES: Motion to approve minutes for 4/2/03 as submitted by: ZIOBRO/Weinstein YES: Kelly, Paneque, Weinstein, Ziobro, Hartman and Najarian **Motion Approved.**

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

Mr. Megill, Board Engineer and Planner duly sworn

Ron Hampton arrived at 8:10 pm.

APPLICATIONS:

- 1. APPLICANT: ANTHONY & FRANCES LAGOTTA
BLOCK: 111 LOT: 87.26 ZONE: R-1/R-3
LOCATION: 34 OLIVIA WAY**

Mr. Megill stated applicant is seeking a variance to construct a 30'x 40' deck and 30'x30' deck to home, a 20'x20' utility shed and 6' solid fence in front yard on this corner lot. Frances Lagotta duly sworn explained she lives on a bend and has small children which she wants to protect. She decided to construct a black jerith fence and has decided not to construct the decks will have a cement patio instead. Shed is to be 15' in from side yard but requests 10' on the larger part of side yard. Evan Hill has issues with the 10' and suggests 15' from North side and 20' off Property line west. **No objection from the public.** Motion to approve by ZIOBRO/Acacia YES: Acacia, Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman and Najarian. **VARIANCE GRANTED WITH STIPULATIONS**

2. **APPLICANT: THERESA & WILLIAM SCHIAZZA**
BLOCK: 66.09 LOT: 2.17 ZONE: R-1/R-3
LOCATION: 110 WESTLAKE COURT

Mr. Megill stated applicant is seeking a variance to construct a two tier deck each to be 16' x 16' rear setback required is 50' and applicant proposing 40'. Michelle Schiazza duly sworn explained she her home has a walk out basement and wants to expand on existing 12'x10' deck with steps down into backyard. Mr. Megill stated the home was developed with a far set back. **No objection from the public.** Motion to approve by WEINSTEIN/Paneque YES: Acacia, Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman and Najarian. **VARIANCE GRANTED**

3. **APPLICANT: JEFFREY & MICHELLE AMEIORSANO**
BLOCK: 135.18 LOT: 39 ZONE: R-1/R-3
LOCATION: 339 MURRAY DRIVE

Mr. Megill stated applicant is seeking a variance to construct an addition to their dwelling where the rear setback required is 50' and is proposing 30' also construct a 6' and 4' vinyl fence in a conservation/drainage easement. Michelle Ameiorsano duly sworn explained her in-laws babysit for her children and sometimes stay's over, they want the fence for safety of their small child. **No objection from the public.** Motion to approve by WEINSTEIN/Ziobro YES: Acacia, Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

4. **APPLICANT: DAVID & STEPHANIE LINDQUIST**
BLOCK: 126.09 LOT: 9 ZONE: R-20
LOCATION: 1 MONROE LANE

Mr. Megill stated applicant is seeking a variance to construct a 6' solid fence in front yard on this corner lot. David Lindquist duly sworn explained they want a pool and wants to maximize the play area. Evan Hill discussed the fence setback is proposed at 41' from property line. **No objection from the public.** Motion to approve by KELLY/Paneque YES: Acacia, Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

5. **APPLICANT: PATRICIA & MATTHEW BENJAMIN**
BLOCK: 126.05 LOT: 17 ZONE: R-20
LOCATION: 42 ASHFORD ROAD

Mr. Megill stated applicant is seeking a variance to construct a 5' solid fence in front yard on this corner lot. Patricia and Matthew Benjamin duly sworn. Matthew explained wants the 5' fence to protect dogs and children. There is an existing tree line of tall oak's which, fence will be inside about 10' off property line on the Brewers Lane side and to middle of home on Ashford road side. **Public portion.** Tom Barchie, 15 Dunn Barton Road, duly sworn explained he has been a resident for 28 years and a few years ago a child was hit by a car Claridge Road which was called Brewers Lane in the past. He opposes the fence due to vehicles speeding on that road. Joy Barchie, 15 Dunn Barton Road duly sworn explained she will live right behind the applicant and feels there will be a problem if a fence is constructed. Scott Najarian stated the Survey shows a sight triangle easement for safety and fence could not be constructed in it. Mr. Megill showed the public the survey with the proposed fence location. Ron Hampton questioned the proposed 10' off property line and suggests, move fence in to eliminate any concern, he stated the Board generally requests 20' in from property line. Floyd Stollsteimer, 9 Dunn Barton Road, stated he lived in Jackson all his life and in Oakley Hill for 27 years and the development is special to him and doesn't want any fences in front yards. David Dawes, 16 Dunn Barton Road, has safety concerns with vehicles speeding. Mr. Megill questioned the public if anyone has attempted to contact the Police Department about the safety is sue with Speeding and suggested they should do so. **Public portion closed.** Mrs. Benjamin explained she has a 3 year old and wants the fence for her child's safety and they also have two 100 pound dogs and wants fence to contain them safely also. Mr. Benjamin stated the neighbors have expressed their concerns but they can't control other peoples driving. Evan Hill stated that 20' in from property line would better the situation. The Board asked Evan Hill to go out to the sight and determine if 20' setback from property line would be favorable or should it be a greater distance in. Motion to approve by ACACIA/Kelly YES: Acacia, Hampton, Kelly, Weinstein, Ziobro, Hartman and Najarian. No: Paneque **VARIANCE GRANTED WITH STIPULATIONS**

6. **APPLICANT: TAMI & THOMAS DOHERTY**
BLOCK: 99.01 LOT: 11 ZONE: R-1/R-3
LOCATION: 370 NIGHTHAWK LANE

Mr. Megill stated applicant is seeking a variance to construct a 5' fence in front yard on this corner lot. Tami Doherty duly sworn explained they want an iron fence in front and a chain link on the sides. Diamond Road is very busy and has even been chased by wild turkeys, she has a dog and child and wants fence for their safety. They will not need to take any trees down to construct the fence 20' in from property line. **No objection from the public.** Motion to approve by: ZIOBRO/Paneque YES: Acacia, Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman and Najarian. **VARIANCE GRANTED**

7. **APPLICANT: JAMES GROESBECK**
BLOCK: 130.01 LOT: 28.05 ZONE: R-1/R-3
LOCATION: 18 SUMMERHILL AVE

Mr. Megill stated applicant is seeking a variance to construct a 20' x 40' in-ground pool with filter, heater and 6' solid fence in front yard on this lot with 3 corners. James and Paula Groesbeck duly sworn. James explained they always wanted a pool and they want the fence for privacy, safety and to keep down the noise from street traffic. Evan Hill stated they will be out of the sight triangle. Scott Najarian suggests the fence to be constructed 15' in from property line so trees will not have to be taken down. **No objection from the public.** Motion is to approve by: HAMPTON/Weinstein YES: Acacia, Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman and Najarian. **VARIANCE GRANTED WITH STIPULATIONS**

8. **APPLICANT: TONI & WILLIAM ROSS**
BLOCK: 106.02 LOT: 1.08 ZONE: R-1/R-3
LOCATION: 1 SUNBIRD COURT

Mr. Megill stated applicant is seeking a variance to construct a 6' solid fence in front yard on this corner lot. Toni and William Ross duly sworn explained they want the 6' chain link fence with privacy slats 15' off property line. No trees to be removed. **No objection from the public.** Motion to approve by ACACIA/Weinstein YES: Acacia, Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

ANNOUNCEMENT: Application # 9- Randolph and Peggy Fisher and Application # 18- Louis and Jeanette Flora to be carried to the June 4th meeting. No additional notice or publication will be required.

- 9(10). **APPLICANT: LORI & SAMUEL HULME**
BLOCK: 135.12 LOT: 21 ZONE: R-1/R-3
LOCATION: 27 VICTORIA CIRCLE

Mr. Megill stated applicant is seeking a variance to construct a 32' X 16' in-ground pool 10' from side property line where 20' required and 10' from rear property line where 15' required. Samuel Hulme duly sworn explained his family always wanted a pool, one of the conditions of buying the home is to have variance approved. **No objection from the public.** Motion to approve by ZIOBRO/Hampton YES: Acacia, Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

- 10(11). **APPLICANT: PAUL & PHYLLIS BUTTARI**
BLOCK: 125.21 LOT: 10.03 ZONE: R-9
LOCATION: 2 CHRISTINA COURT

Mr. Megill stated applicant is seeking a variance to construct a 6' solid fence in front yard on this corner lot. Paul and Phyllis Buttari duly sworn. Paul explained they have four children and wants a safe environment for them to play and will construct fence 20' in from property line. **No objection from the public.** Motion to approve by KELLY/Weinstein YES: Acacia, Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman and Najarian. **VARIANCE GRANTED**

- 11(12). **APPLICANT: MATT & CHRISTINE WACHOWSKI**
BLOCK: 135.06 LOT: 10 ZONE: R-1/R-3
LOCATION: 20 KNIGHTSBRIDGE PLACE

Mr. Megill stated applicant is seeking a variance to construct a 6' fence in front yard on this corner lot. Christine Wachowski duly sworn explained they are starting a family and wants fence for safety and privacy and would like to utilize most of their property. They are requesting 20' from curb and 15' from property line. **Public portion.** Lisa Durovich, 18 Sussex Place, duly sworn stated the applicants backyard is her front/side yard and she has issues with fence, which she submitted pictures. Ronald Duorvich duly sworn asked for fence to be setback 40' in from property line. **Public portion closed.** Ron Hampton questioned setback to be approved, which is fence to be constructed 24' from property line and 30' off curb of Sussex Place. Motion to approve by: ZIOBRO/Hampton YES: Acacia, Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman and Najarian. **VARIANCE GRANTED WITH STIPULATIONS**

- 12(13). **APPLICANT: PATRICK & MAURA OPPERMAN**
BLOCK: 75.01 LOT: 55 ZONE: R-9
LOCATION: 3 LEIGH BLVD.

Mr. Megill stated applicant is seeking a variance to construct a 16' X 24' above-ground pool attached to an existing deck where the rear setback required is 25' and is proposing 13'. Patrick and Maura Opperman duly sworn. Patrick Opperman explained they have three teenage daughters and want a pool but due to the odd shape of their property there is only one place to put it. Mr. Megill stated pool would be 13' one side and 11' off other. **No objection from the public.** Motion to approve by WEINSTEIN/Ziobro YES: Acacia, Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman and Najarian. **VARIANCE GRANTED**

13(14). **APPLICANT: GERONIMO & ROWENA RABO**
BLOCK: 135.07 LOT: 8 ZONE: R-1/R-3
LOCATION: 16 SCARBOROUGH DRIVE

Mr. Megill stated applicant is seeking a variance to construct a 6' solid fence in front yard on this corner lot. Geronimo and Rowena Rabo duly sworn. Mr. Rabo explained they have three children and a 2 ½ year old which they are concerned for their safety in the yard. Fence is to be constructed 20' in from property line. **No objection from the public.** Motion to approve by WEINSTEIN/Kelly YES: Acacia, Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

14(15). **APPLICANT: MARK SCELLATO**
BLOCK: 135.06 LOT: 1 ZONE: R-1/R-3
LOCATION: 2 KNIGHTSBRIDGE PLACE

Mr. Megill stated applicant is seeking a variance to construct a 6' solid fence in front yard on this corner lot, also to construct an 18' x 36' in-ground pool 10' from side yard where 20' required. Mark Scellato duly sworn explained he is proposing a 6' white vinyl solid fence and because the pool has to be 10' off the house he needs to maintain use of backyard. **No objection from the public.** Motion to approve by WEINSTEIN/Hampton YES: Acacia, Hampton, Kelly, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

15(16). **APPLICANT: KRISTOPHER LOPEZ**
BLOCK: 132 LOT: 10.10 ZONE: R-1/R-3
LOCATION: 22 SERENDIPITY DRIVE

Mr. Megill stated applicant is seeking a variance to construct a 50' x 32' in-ground pool where the side yard setback is 20' and is proposing 8'. Kristopher Lopez duly sworn explained due to wetlands on his property he needs the variance to construct the pool. Both he and his wife are swimmers and need large pool and he wants to maximize the use of pool space the adjacent home is approximately 45' from the property line. He also is proposing the heater and filter be 3' off house. He has applied to CME Associates the Township Engineers for review of a 5' 1" retaining wall due to property drops off. **Public Portion.** Martin Towle, 18 Serindipity Drive, duly sworn expressed his concern the pool is too close to the property line and there is one tree 1' off property line and has concern for damage to roots with the installation of the pool. A picture was submitted of the tree. Mr. Lopez stated he will not disturb the tree but if it dies he will replace it. **Public portion closed.** Motion to approve by KELLY/Weinstein YES: Acacia, Kelly, Paneque, Weinstein, Ziobro, Hartman & Najarian. Ron Hampton left at 9:45pm. **VARIANCE GRANTED**

16(17). **APPLICANT: JOAN & CARL BOOK**
BLOCK: 52 LOT: 42 ZONE: R-9
LOCATION: 1083 LARSEN ROAD

Mr. Megill stated applicant is seeking a variance to construct a 6' solid fence in front yard on this corner lot. Carl Book duly sworn explained he has an existing pool and wants fence for privacy. The previous chain link fence was struck by a car and he had just replaced it with a jerith fence which will not obstruct sight along the road. Evan Hill discussed sight triangle easement and liability and suggests 25' in from Larson road with the jerith fence. Carl Book stated he feels the jerith fence will not obstruct any view and he acquired the proper permits to replace the chain link fence. Mr. Megill explained he gave the permit to replace the chain link fence with the jerith fence which would not worsen the condition, in fact it made the condition better. **No objection from the public.** Motion to approve by KELLY/Weinstein YES: Acacia, Kelly, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

ADJOURNMENT: Motion to adjourn meeting at 10:05 p.m. by ZIOBRO/Acacia YES:
UNANIMOUS

The next meeting of the Zoning Board of Adjustment will be June 4th 2003 at 8:00 pm. at the Senior Center located at 45 Don Connor Blvd. Jackson.

Respectfully submitted,

Dawn D'Agostino, Recording Secretary