

**MINUTES OF THE REGULAR MEETING
OF THE TOWNSHIP OF JACKSON
ZONING BOARD OF ADJUSTMENT
JUNE 4, 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 Alt. #1 Adam Ziobro
Robert Paneque, Sec'y Alt #2 Larry Hartman
Scott Weinstein Scott Najarian, Chairman

ABSENT: Ron Hampton
Michael Kelly
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:

2003-36 Anthony & Frances Lagotta -Block 111 Lot 87.26- Motion to approve by WEINSTEIN /Ziobro
YES: Acacia, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

2003-37 Theresa & William Schiazza - Block 66.09 Lot 2.17 - Motion to approve by ZIOBRO/Weinstein
YES: Acacia, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

2003-38 Jeffrey & Michelle Ameiorsano- Block 135.18 Lot 39- Motion to approve by
WEINSTEIN/Paneque YES: Acacia, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE
GRANTED**

2003-39 David & Stephanie Lindquist- Block 126.09 Lot 9- Motion to approve by ZIOBRO/Weinstein
YES: Acacia, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

2003-40 Patricia & Matthew Benjamin- Block 126.05 Lot 17- Motion to approve by ZIOBRO/Weinstein
YES: Acacia, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED WITH
STIPULATIONS**

2003-41 Tami & Thomas Doherty- Block 99.01 Lot 11- Motion to Approve by ZIOBRO/Weinstein YES:
Acacia, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

2003-42 James Groesbeck- Block 130.01 Lot 28.05- Motion to Approve by WEINSTEIN/Paneque YES:
Acacia, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED WITH
STIPULATIONS**

2003-43 Toni & William Ross- Block 106.02 Lot 1.08- Motion to Approve by WEINSTEIN/Paneque YES:
Acacia, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

2003-44 Lori & Samuel Hulme- Block 135.12 Lot 21- Motion to Approve by ZIOBRO/Paneque YES:
Acacia, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

2003-45 Paul & Phyllis Buttari- Block 125.21 Lot 10.03- Motion to Approve by WEINSTEIN/Acacia
YES: Acacia, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

2003-46 Matt & Christine Wachowski- Block 135.06 Lot 10- Motion to Approve by ZIOBRO/Weinstein
YES: Acacia, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED WITH
STIPULATIONS**

2003-47 Patrick & Maura Opperman- Block 75.01 Lot 55- Motion to Approve by WEINSTEIN/Acacia
YES: Acacia, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

2003-48 Geronimo & Rowena Rabo- Block 135.07 Lot 8- Motion to Approve by ZIOBRO/Weinstein YES:
Acacia, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

2003-49 Mark Scellato- Block 135.06 Lot 1- Motion to Approve by ACACIA/Ziobro YES: Acacia,
Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

2003-50 Kristopher Lopez- Block 132 Lot 10.10- Motion to Approve by WEINSTEIN/ZIOBRO YES:
Acacia, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

2003-51 Joan & Carl Book- Block 52 Lot 42- Motion to Approve by ACACIA/Hartman YES: Acacia,
Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

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Applications Continued

MINUTES: Motion to approve minutes for 5/7/03 as submitted by: ZIOBRO/Weinstein YES: Paneque, Weinstein, Ziobro, Hartman and Najarian **Motion Approved.**

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

Mr. Megill, Board Engineer duly sworn

ANNOUNCEMENTS: Robert Rothstein announced that the following applications will be carried to the July 2, 2003 meeting: **Louis and Jeanette Flora-** Block 150.01 Lot 2.01 Variance #2199 for a single family dwelling. **Omnipoint Facilities Network-** Block 151.01 Lot 28 Variance with Site Plan #585 for co-locating antennas on existing monopole. **No additional notice required for both applications.**

Also, **Jose & Anna Tirado-**Block 56.73 Lot 5.01 Variance # 2226 for in-ground pool and pool filter and heater, will have to re-notice and publish for the July 2nd meeting. And Jim Mercadante Block 94.02 Lot 1 Variance #2229 for fence in front yard, has withdrawn his application the situation abated.

MATTERS FOR DISCUSSION: **Leon Huppert/ Time Extension,** Block 73 Lot 8- Minor Subdivision. Attorney Steve Pfeiffer explained they received a time extension in December of 2002 but still has not been able to file the map due to the property is also in Lakewood Twp. and still need Ocean County Planning Board Signatures which they feel they will have in two weeks. They are requesting an amendment in the language of the Resolution to extend the time to October 2003. Motion to grant approval by PANEQUE/Ziobro YES: Acacia, Paneque, Weinstein, Ziobro, Hartman & Najarian. **TIME EXTENSION GRANTED per RESOLUTION 2003-53**

APPLICATIONS:

1. **APPLICANT: RANDOLPH & PEGGY FISHER**
BLOCK: 130.01 LOT: 16.25 ZONE: R-1/R-3
LOCATION: 1 PHOENIX COURT

Mr. Megill stated applicant is seeking a variance to construct solid wing walls in front yard in excess of 30" high, which are already constructed. Randolph Fisher duly sworn explained he wants the walls to beautify his home and increase the value of his home. When he had an inspection on his pool, the inspector told him he needed permit. He stated he had the walls constructed professionally. **No objection from the public.** Motion to approve by WEINSTEIN/Acacia YES: Acacia, Paneque, Weinstein, Ziobro, Hartman and Najarian. **VARIANCE GRANTED**

2. **APPLICANT: BRIAN SUOJANEN**
BLOCK: 120.01 LOT: 87 ZONE: R-1/R-3
LOCATION: 50 BATES ROAD

Mr. Megill stated applicant is seeking a variance to construct 6' solid fence in front yard on this corner lot. Brian Suojanen duly sworn explained he wants the fence for the safety of his children and for privacy. The fence is to be 20' from property line. **No objection from the public.** Motion to approve by WEINSTEIN/Acacia YES: Acacia, Paneque, Weinstein, Ziobro, Hartman and Najarian. **VARIANCE GRANTED**

3. **APPLICANT: DAVID NANCE**
BLOCK: 127.05 LOT: 15 ZONE: R-9
LOCATION: 1144 ALDRICH ROAD

Mr. Megill stated applicant is seeking a variance to construct A 20' X 44' in-ground pool which exceeds ground coverage, only allowed 25% of back yard. David Nance duly sworn explained his above-ground pool is falling apart and wants the pool for his family's enjoyment. Evan Hill stated he feels the water run off will not be an issue. **No objection from the public.** Motion to approve by ACACIA/Ziobro YES: Acacia, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

4. **APPLICANT: LARRY & JULIA SKAGGS**
BLOCK: 130.04 LOT: 44 ZONE: R-1/R-3
LOCATION: 16 SUMMERHILL AVE.

Mr. Megill stated applicant is seeking a variance to construct a 8' X 12' Shed 18' x 28' in-ground pool, 5' jerith fence and 6' solid fence in front yard on this corner lot. Larry Skaggs duly sworn explained he wants the fence for privacy and safety. He wants the pool for his family's enjoyment and the shed for storage of tools and lawn tractor. He wants the 5' jerith fence for safety of the pool. The proposed fence is to be 12' from property line. **No objection from the public.** Motion to approve by WEINSTEIN/Acacia YES: Acacia, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

5. **APPLICANT: CZAJAK, ELIZABETH, HARRIET AND KAROL**
BLOCK: 75.10 LOT: 15 ZONE: R-9
LOCATION: 11 VILLANOVA DRIVE

Mr. Megill stated applicant is seeking a variance to construct an 8' X 24' shed 2' from the rear yard where 10' is required, which has already been constructed in error. Karol Czajak duly sworn explained they built the shed in 1995 and didn't now they needed a permit. **No objection from the public.** Motion to approve by WEINSTEIN/Ziobro YES: Acacia, Paneque, Weinstein, Ziobro, Hartman and Najarian. **VARIANCE GRANTED**

6. **APPLICANT: MARK & TRICIA DREYFUS**
BLOCK: 125.14 LOT: 18 ZONE: R-9
LOCATION: 57 CITADEL DRIVE

Mr. Megill stated applicant is seeking a variance to construct a 6' Solid fence in front yard on this corner lot. Mark Dreyfus duly sworn explained they want to replace the existing chain link fence with a new 6' solid fence. Mr. Megill stated the existing shed is on the property line which Mr. Dreyfus explained it was there when they purchased the home. **No objection from the public.** Motion to approve by ZIOBRO/Paneque YES: Acacia, Paneque, Weinstein, Ziobro, Hartman and Najarian. **VARIANCE GRANTED**

7. **APPLICANT: FRANK AND RENEE D'ASTOLI**
BLOCK: 135.07 LOT: 5 ZONE: R-1/R-3
LOCATION: 10 SCARBOROUGH DRIVE

Mr. Megill stated applicant is seeking a variance to construct a 6' solid fence in front yard on this corner lot. Renee D'Astoli duly sworn explained they want the fence for privacy, they put in a pool and lives on a corner. The fence is to be constructed 20' off property line. **No objection from the public.** Motion is to approve by WEINSTEIN/Acacia YES: Acacia, Paneque, Weinstein, Ziobro, Hartman and Najarian. **VARIANCE GRANTED**

8. **APPLICANT: KEVIN & DONNA HOGAN**
BLOCK: 135.12 LOT: 23 ZONE: R-1/R-3
LOCATION: 31 VICTORIA CIRCLE

Mr. Megill stated applicant is seeking a variance to construct an in-ground pool 10' from side yard where 20' is required. Kevin Hogan duly sworn explained they want the pool for enjoyment and to increase the value of his property the pool size proposed is 16' x 32'. **No objection from the public.** Motion to approve by WEINSTEIN/Paneque YES: Acacia, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

9. **APPLICANT: KEN & JOANNE WHARRY**
BLOCK: 128.01 LOT: 13.36 ZONE: R-20
LOCATION: 28 TEAKWOOD DRIVE

Mr. Megill stated applicant is seeking a variance to construct a 18' X 33' above-ground pool with a 6' x 18' deck, and filter 7' from side yard where 15' required also construct a 6' solid fence in front yard on this corner lot. Ken Wharry duly sworn explained he has 4 small children and wants the fence for the safety of his children and pool for the enjoyment of his family. **No objection from the public.** Motion to approve by WEINSTEIN/Paneque YES: Acacia, Paneque, Weinstein, Ziobro, Hartman & Najarian. **VARIANCE GRANTED**

10. **APPLICANT: MICHAEL MATOS**
BLOCK: 67 LOT: 13 ZONE: R-2
LOCATION: 312 JACKSON PINES ROAD

Mr. Megill stated applicant is seeking a variance to construct a 17' x 37' in-ground pool 20' from both sides where 30' required. Michael Matos duly sworn explained he wants the pool for enjoyment. He will not infringe on his septic or leach field. Evan Hill advised Mr. Matos to make his engineer aware of the well line. **No objection from the public.** Motion to approve by ACACIA/Ziobro YES: Acacia, Paneque, Weinstein, Ziobro, Hartman and Najarian. **VARIANCE GRANTED**

- 11(12). **APPLICANT: JEFF & KAREN BARNARD**
BLOCK: 120.01 LOT: 52.02 ZONE: R-3
LOCATION: PINEOAKA ROAD

Mr. Megill stated applicant is seeking a variance to construct a single family dwelling in the R-3 Zone where 3 acre required and is providing .99 acre also variances requested for front yard setback 60' required 39' proposed and rear yard setback 50' required proposing 49'. Jeff Barnard and Engineer Christopher P Rosati duly sworn. Mr. Barnard explained he has a contract purchase to build and home to live. He explained his family has outgrown their existing home and wants to

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Applications Continued

Upgrade he has been a lifelong resident of Jackson and active in the community. Evan Hill discussed his site visit and the main driveway and the road of record and is a substandard road. Robert Rothstein discussed the road is thin and Mr. Barnard explained the last 30' is gravel. Scott Najarian discussed the variances required. The proposed home is to be a 2,600 sf two-story home. Engineer, Mr. Rosati described the plans, grading and wet lands on property. Evan stated due to the stream encroachment the DEP will have jurisdiction and the drainage pipe. Mr. Megill stated if they wanted the Township to maintain the easement the Barnards would have to post money with the Town. Richard Masker, 6 Gardenia Place duly sworn explained he has owned the property about 30 years and the pipe was put in when the first house was built on that road. Scott Najarian suggests they look into who is responsible for the drainage easement. Evan stated the road is wide enough for fire trucks and garbage truck. **Public portion.** Melony Sorge, 46 McCurdy Lane duly sworn explained in the fall the stream was active and she would like the family to build the home. **Public portion closed.** Motion to approve by: WEINSTEIN/Ziobro YES: Acacia, Paneque, Weinstein, Ziobro, Hartman and Najarian. **VARIANCE GRANTED**

5 minute break.

12(13). APPLICANT: HAL HVIDSTEN/LIMO LINE
BLOCK: 111 LOT: 1.02 & 2 ZONE: HC
LOCATION: 647 N. COUNTY LINE ROAD

Mr. Megill stated applicant is seeking a Use Variance for the existing dwelling to remain as such along with the right to use the dwelling as a commercial vehicle rental and car sales business. Hal Hvidsten, Engineer, Bill Stevens and Atty. Steve Pfeiffer duly sworn. Steve Pfeiffer gave a summary of what was discussed at the last meeting held on December 18th 2002. Mr. Hvidsten stated he has owned the property for the last 4-5 years. He wants to live in the home and run his limousine and used car lot business. Scott Najarian questioned the for sale signs on limousine? Mr. Megill discussed that in the state of NJ you can sell as many vehicles without a dealers license as long as you own them and they are registered. But Jackson does have an ordinance that doesn't allow that many unregistered vehicles on property. Mr. Hvidsten stated he only has 1 limo for sale which is registered and insured, he had 3 for sale but the others sold. Scott Najarian explained he is requesting to do a lot in a small area on the property. Bill Stevens discussed the proposed revised plan and the county right of way, also the wooded area which they are asking for a waiver of a letter of interpretation. Mr. Hvidsten described his operation hours and why he needs to live on the property for security reasons and convenience to his customers. He wants the Dealers license since after 9-11 his limo business went down and needs to supplement his income to pay for the very expensive limo insurance and up keep. Steve Pfeiffer discussed the HC Zone and what permitted and the location would be the best place to run this type of business. Meredith Acacia questioned the Mobile Home Park located next to the property? Evan Hill discussed the landscaping and buffers required if HC Zone adjacent to Residential Zone. Bill Stevens discussed the JCA Review Letter. Scott Najarian explained to the applicant and his professionals that a use variance will need 5 votes and there are only 6 members present to vote. It was discussed if the Board granted the variance the lots would be consolidated to conform to the HC Zone. The proposed number of vehicles to be on the property is 17 cars for sale and 7 limos for a total of 24 vehicles. Adam Ziobro questioned repairs of vehicles on property which Mr. Hvidsten answered he will only do minor repairs and detail the vehicles any thing else he would send the vehicles out for. Storm water and oil/water conditions will be met. Mr. Pfeiffer explained if variance granted the applicant could clean up the property and do consignment of cars so other residents in the town would not have to sell their vehicles on their property which would clean up the town a bit. Scott Najarian and Evan Hill feel that they could not grant any waivers and the applicant would have to meet DEP wetland requirements and buffers. Evan Hill explained a variance would have to be granted to allow vehicles to be parked in front yard. Scott Najarian questioned traffic impact study should be done which; Bill Stevens discussed the access to and from the property. Meredith Acacia questioned trying to fit so much in a small area? Bill Stevens stated they do not want to touch the existing wooded area of the property and that is why designed the site plan is such a way. **No objection from the public.** Motion to approve with all stipulations discussed and in Engineer Review letter by PANEQUE/Weinstein YES: Paneque, Weinstein, Ziobro, Hartman. NO: Acacia, Najarian. **Vote 4 to 2** Motion to Deny by ACACIA/Najarian YES: Acacia, Najarian NO: Paneque, Weinstein, Ziobro, Hartman. **USE VARIANCE DENIED**

ADJOURNMENT: Motion to adjourn meeting at 10:17 p.m. by ZIOBRO/Weinstein YES:
UNANIMOUS

The next meeting of the Zoning Board of Adjustment will be July 2nd 2003 at 8:00 pm. an the Municipal Building, 95 West Veterans Highway, Jackson

Respectfully submitted,

Dawn D'Agostino, Recording Secretary

