

**MINUTES OF THE REGULAR MEETING
OF THE TOWNSHIP OF JACKSON
ZONING BOARD OF ADJUSTMENT
APRIL 7, 2004**

Chairman, Michael Kelly called the meeting to order at 7:30P.M., with a salute to the flag. Attorney Robert Rothstein read the Open Public Meeting Act Statement.

ROLL Call:

Meredith Acacia (Arrived at 7:37)	Adam Ziobro, V.C.
Larry Hartman	Peter Clute
Robert Paneque, Sec'y (Arrived at 7:55)	Alt.#1 Peter Maher
Scott Weinstein	Michael Kelly, Chair

ABSENT:

ALSO PRESENT:

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

MEMORIALIZATION OF RESOLUTIONS:

2004 -15- Thomas & Jennifer Avrora- Block 125.21 Lot 10.02- Motion to approve by WEINSTEIN /Ziobro YES: Hartman, Weinstein, Ziobro, Clute and Kelly. **VARIANCE GRANTED**

2004 -16- John & Susan Avino- Block 135.08 Lot 58 - Motion to approve by ZIOBRO/Weinstein YES: Hartman, Weinstein, Ziobro, Clute and Kelly. **VARIANCE GRANTED**

2004 -17- Erik & Debra Jones- Block 137.02 Lot 11- Motion to approve by WEINSTEIN/Ziobro YES: Hartman, Weinstein, Ziobro, Clute and Kelly. **VARIANCE GRANTED**

2004 - 18 - Karl & Linda Piff- Block 128.01 Lot 27.01- Motion to approve by ZIOBRO/Weinstein YES: Hartman, Weinstein, Ziobro, Clute and Kelly. **VARIANCE GRANTED**

2004 -19- Darren Newfield- Block 80 Lot 11.07- Motion to approve by WEINSTEIN/Hartman YES: Hartman, Weinstein, Ziobro, Clute, and Kelly. **VARIANCE GRANTED WITH STIPULATIONS**

2004 - 20- Ricky Bailey - Block 141 Lot 7.02- Motion to Approve by WEINSTEIN/Ziobro YES: Hartman, Weinstein, Ziobro, Clute, and Kelly. **VARIANCE GRANTED**

2004 - 21- Omnipoint Communications - Block 32.02 Lot 5- Motion to Approve by WEINSTEIN/Ziobro YES: Hartman, Weinstein, Ziobro, Clute and Kelly. **USE VARIANCE WITH SITE PLAN APPROVED WITH STIPULATIONS**

2004-22- Ann L. Mcarty/CB Broker- Block 96.01 Lot 25.03- Motion to approve by WEINSTEIN/Ziobro YES: Hartman, Weinstein, Ziobro, Clute and Kelly. **DISMISSED WITHOUT PREJUDICE**

MINUTES: Motion to approve minutes for 3/3/04 as submitted by: WEINSTEIN/Ziobro YES: Hartman, Weinstein, Ziobro, Clute and Kelly **Motion Approved.**

VOUCHERS: To be held until Board Members finish review.

Mr. Megill, Board Planner and Board Engineer duly sworn

ANNOUNCEMENTS: Robert Rothstein announced that the following applications would be **carried to the May 5th, 2004 meeting:** #13- Mark Properties – Block 155 Lot 6, #14- Mark Properties.- Block 155 Lot 2, # 16- Mardonio & Maria Marroquin- Block 111 Lot 75. No additional notice required.

Michael Kelly Announced Peter Maher as the new alternate Board Member, he welcomed him and wished him luck.

APPLICATIONS:

- 1. APPLICANT: XAVIER & ALESSANDRA ALVEAR
BLOCK: 125.12 LOT: 13 ZONE: R-9
LOCATION: 10 MARYLAND DRIVE**

Mr. Megill stated applicant is seeking a variance for a front porch addition 8 ft. x 22 ft. where 30 ft. setback is required and is proposing 25 ft. Alessandra Alvear duly sworn explained she wants a front porch with an overhang. **No objection from the public.** Motion to approve by WEINSTEIN/Hartman YES: Hartman, Weinstein, Ziobro, Clute, Maher and Kelly. **VARIANCE GRANTED**

2. **APPLICANT: DARLENE GUILFOYLE**
BLOCK: 126.16 **LOT: 4** **ZONE: R-9**
LOCATION: 1201 ALDRICH ROAD

Mr. Megill stated applicant is seeking a variance to construct a 15ft. x 30 ft. above ground pool and attached deck where the rear setback required is 25 ft. and applicant is proposing 11 ft. Darlene Guilfoyle duly sworn explained she wants a pool and a deck but can't meet the requirements. Evan Hill pointed out the 10 ft. utility easement which the township and county must have access to and she must not encroach on that easement and call the Dig number to have the utilities marked out. **Public portion.** David Ferraro – 7 Rhode Island Drive duly sworn stated he lives behind Darlene and has no objection. **Public portion closed.** Motion to approve by ZIOBRO/Hartman YES: Acacia, Hartman, Winstein, Ziobro, Clute, Maher and Kelly.
VARIANCE GRANTED

3. **APPLICANT: JEFF & MICHELE CANFIELD**
BLOCK: 126.38 **LOT: 2** **ZONE: R-1/R-3**
LOCATION: 4 WISCONSIN DRIVE

Mr. Megill stated applicant is seeking a variance to construct a 10 ft. X 10 ft shed where the side yard setback required is 10 ft. and applicant is proposing 5 ft. and 5 ft. from the dwelling where 10 ft. is the minimum allowed per code. Michelle and Jeff Canfield duly sworn. Jeff Canfield explained they want a 10 ft. x 10 ft. shed but due to the way property lay out and existing pool also large tree in yard and do not want to take down needs a variance for shed ..**No objection from the public.** Motion to approve by WEINSTEIN/Ziobro YES: Acacia, Hartman, Weinstein, Ziobro, Clute, Maher and Kelly. **VARIANCE GRANTED**

Robert Paneque arrived at 7:55 pm.

4. **APPLICANT: MARK & LOUIS KRESSIG**
BLOCK: 126.11 **LOT: 30.05** **ZONE: R-3**
LOCATION: 30 POINT CIRCLE

Mr. Megill stated applicant is seeking a variance to construct a 6 ft. solid fence in a conservation easement. Mark and Louis Kressig duly sworn. Mark Kressig explained they want to enclose the yard with a fence. They will not have to take down any trees to put up fence. **Public portion.** Ann Gorr- 7 Ashford, duly sworn explained that when Prospect Point was going for Planning Board approvals the Board gave a conservation easement to be an undeveloped buffer. She is highly opposed to variance being granted, should be kept undeveloped. Albert Kolb- 5 Ashford Road, duly sworn explained as Ann Gorr stated easement is to be kept as is. **Public portion closed.** Michael Kelly questioned if the Kressig's would keep fence out of easement. Louis Kressig stated the fence would be in front of landscaping and would not be able to see it. Kelly also stated that with a variance the Board tries to address the neighbors concerns. Meredith Acacia stated she remembers when the developer wanted to put additional number of homes than allowed the conservation easement was set as part of the agreement. She feels the easement and neighbors concerns should be respected to maintain present state. Motion to deny by ACACIA/Ziobro YES: Acacia, Hartman, Paneque, Weinstein, Ziobro, Clute and Kelly.
VARIANCE DENIED

5. **APPLICANT: PHILIP & KATHRYN LAMANNA**
BLOCK: 59.01 **LOT: 33** **ZONE: RG-2**
LOCATION: 234 S. HOPE CHAPEL ROAD

Mr. Megill stated applicant is seeking a variance to construct a second story addition 20 ft, x 35 ft. 9 ft. from their side yard where 10 ft. is required and their left side where 20 ft. is required and is providing 13 ft. 72 inches. Kathryn Lamanna duly sworn explained they want to add a second story on their home. Evan Hill expressed concern that it looks like the addition will be 5ft. from side yard. Mr. Megill requested an as built be done to confirm the 9 ft. to the Planning and Zoning office. Michael Kelly stated that it will be a nice improvement to the home. **No objection from the public.** Motion to approve by WEINSTEIN/Hartman YES: Acacia, Hartman, Paneque, Weinstein, Ziobro, Clute and Kelly. **VARIANCE GRANTED**

6. **APPLICANT: GARY & TERRIE BASKO**
BLOCK: 125.19 **LOT: 19** **ZONE: R-9**
LOCATION: 2 SHAW COURT

Mr. Megill stated applicant is seeking a variance to construct a 6 ft. solid fence and 12 ft. x 8 ft. shed in front yard on this corner lot. Terrie and Gary Basko duly sworn. Terrie explained she went to get fence permit to replace the existing 6 ft. stockade fence with a new 6 ft. solid fence and replace the old shed, which would benefit the neighborhood, but found out needed a variance which the previous owners of the home didn't do. They need the fence because they have dogs and want the fence for security and safety of the dogs. Evan Hill stated they are requesting to put the fence on the property line. Terrie bought pictures to show neighbor across the street has same issue with dogs and fence. Evan Hill stated the fence appears to be out of the sight triangle and doesn't see any safety issues. **No objection from the public.** Motion to approve by HARTMAN/Ziobro YES: Acacia, Hartman, Paneque, Weinstein, Ziobro, Clute and Kelly.
VARIANCE GRANTED

7. **APPLICANT: PAUL & JANETTE PACZKOWSKI**
BLOCK: 82.09 LOT: 5 ZONE: R-5
LOCATION: 9 PRINCE WAY

Mr. Megill stated applicant is seeking a variance to construct a 6 ft. solid fence and 12 ft. x 8 ft. shed in front yard on this corner lot. Paul and Janette Paczkowski duly sworn. Paul explained they have a child and one on the way and since their property is along Butterfly Road need a fence for safety and need a shed for storage. They are working with the fence installer so they will not have to take down any trees to put up the fence. Fence to be 8 to 10 feet off property line to Butterfly Road. Robert Rothstein stated the resolution will read fence to be 10 ft. off property line with 4 ft. buffer to shade tree utility easement. **No objection from the public.** Motion to approve by ZIOBRO/Weinstein Yes: Acacia, Hartman, Paneque, Weinstein, Ziobro, Clute and Kelly.
VARIANCE GRANTED

8. **APPLICANT: CITGO/ 19 PETROLEUM DISTRUBUTORS**
BLOCK: 54 LOT: 1.01 ZONE: RGC-1
LOCATION: 274 WHITESVELLE ROAD

Mr. Megill stated applicant is seeking preliminary and final site plan with use variance approval to construct a 1,800 sqft. Retail building, six fuel pumps, parking area and storm drain area in the RGC-1 Zone which is not a permitted use. Application was carried from the March 3rd 2004 meeting. Attorney Steven Leone representing applicant asked if there where any members of the public which would like to meet with them to address their concerns. Michael Kelly questioned the public and yes the public would like to meet with the applicant's attorney. After meeting with the public the applicant asked to be carried to the May 5th meeting. No additional notice required.
Carried to the May 5th meeting.

9. **APPLICANT: SDS RECREATION, LLC**
BLOCK: 154.32 LOT: 25 ZONE: LM
LOCATION: WRIGHT- DEBOW ROAD

Mr. Megill stated applicant seeks approval for a use variance and preliminary and final site plan to construct a paint ball facility with 1,500 sqft. Building which is not a permitted use in the light manufacturing Zone. The application was carried from the March 3, 2004 meeting. Dennis Galvin attorney representing the applicant discussed the interpretation of administration fees asked to be capped off alt \$5,000. Michael Kelly discussed the January meeting when the attorney questioned the fees and feels they would affect the Zoning office. Mr. Galvin stated the additional fees would be a burden on his client due to the number of acres this property has. Applicant is asking for the Board to grant relief to the applicant and not set president. Robert Rothstein discussed that the Board can make a decision to grant the relief due to special circumstances. After much discusstion relief was granted. Chris Frew duly sworn explained the business operations such as approximately 80 customers with 15- 20 employees. The hours of operation will be during daylight only, 8:00 am to 5:00 pm except in winter will close at 4:00 pm or dusk.. He also explained the paintball game and how the fields will be marked off and will have supervision at all times. The building will not have any kitchen facilities only vending machines and will sell paintball equipment and supplies. Michael Kelly questioned employee training? Mr. Frew replied that due to insurance and safety all employees will have extensive training. Richard Difaloco, engineer and planner duly sworn discussed the LM-Zone and that an indoor facility is permitted but due to outside fields needs variance. He also discussed the JCA Associates and Ragan Design Group review letters and how they will comply with the concerns. Evan discussed the design waivers which some can be granted. The landscape plan was addressed by Richard Ragan the Board Planner and a tree save plan must be provided. Also Mr. Ragan requested a sign to be placed near the driveway entrance to caution motorists that they will be approaching a driveway, since the road is very densely wooded. A dumpster enclosure was requested and also a storm water management plan. **Public Portion.** Bill Merkler- 705 Wright-Debow Road duly sworn stated he is the property owner and wanted to bring it to the Boards attention that Down to Earth Farms planted 4,000 trees already and will be planting more, this application will help them to improve their business by funding. He stated they are part of the states tree save program. He also stated he had offers from developers to purchase the land, but wants to preserve it and keep in the family. Larry Hartman questioned if hunters hunt the property and would this stop if the approval is granted for the facility.? Also Peter Maher questioned what would stop hunters from coming onto the property anyway? Bill Merkler explained that the property is marked with highly visible cord for the fields and property posted with markers and patrolled since they have expensive equipment on site. **Public portion closed.** Motion to approve by WEINSTEIN/Ziobro YES: Acacia, Hartman, Paneque, Weinstein, Ziobro, Clute and Kelly. **SITE PLAN APPROVED WITH STIPULATIONS**

10. **APPLICANT: CASSVILLE NURSERY/VANDANA SINHA**
BLOCK: 45.01 LOT: 33 ZONE: NC
LOCATION: 15 CASSVILLE ROAD

Mr. Megill stated applicant is seeking site plan with use variance approval for building a child care facility with variances. Attorney Warren Peterson on behalf of the applicant, Vandana Sinha, which has a contract purchase on the land. Engineer Frederick Voss with GTS Consultants duly sworn discussed the plans for the daycare center and the existing building on the property such as

Page 4- Zoning Minutes of 4/7/04 (Continued)
Applications Continued

the 2 sheds to be removed and the existing building to be used for storage. He discussed the building size proposed as 60 ft. x 60 ft. 3,600 sqft total. Discussion was made of drainage, trash enclosure and landscape plan. Evan Hill is firm on not granting design waivers, which Mr. Ragan agreed the plan had been enhanced to include the open parking lot. Mr. Voss discussed the storm water management plan will comply with the state requirements. Mr. Megill stated that the forester is not totally satisfied with plan he is looking for some trees to be possibly saved. Mr. Voss agreed to meet with the forester to discuss. Vandana Sinha duly sworn explained the contract purchase and hours of operation of 5 days a week 6:30 am to 7:00 pm. She discussed that the daycare is regulated by the State and Dyfus. She is pre-approved for 65 children with 7-8 employees the age group of the children will be infant to 6 year old, the procedure for dropping off the children is that they must be walked into the building and signed in. Meredith questioned the number of 65 children, she had children of her own and has done the daycare drop off and pick up. She has concerns about the peak hours and parking. Peter Clute requested a traffic engineer to address the matter. Traffic Engineer Harvey Yesowitz duly sworn discussed traffic impact study submitted in 2003. Cassville road has a high traffic volume. He also discussed the peak hours and feels the site plan will work effectively with the traffic flow. Michael Kelly had concerns on the lighting, which Mr. Voss agreed will comply with the Townships request to have lights shielded. Adam Ziobro asked what would be stored in the storage building which Vandana Sinha explained only storage of toys, bicycles such as seasonal toys not being used. Mr. Ragan discussed parking spaces concerns to add 12 more spaces for a total of 25 spaces which the Board needed to grant a variance for parking in front. **Public portion.** Tom Hogan- 14 Rodeo Drive duly sworn explained he is with Century 21 a real estate broker discussed the plan and the surrounding area and feels this application would benefit the town and is a good use of the property. Peter Maher questioned the abandoned gas station near this property which Mr. Megill stated the Dep had done an investigation. Mr. Ragan discussed the front elevation of the proposed model unit and suggested to improve with a brick front to make the building pleasing to the historical area. Timothy Carr- 7 Cassville Road duly sworn stated his concerns about the highway and volume of traffic. He stated how hard it is to leave his driveway in the morning and to enter in the evening. Also wants the property to keep as many trees as possible. Evan Hill discussed the landscaping and fence and no sign was proposed. Vandana Sinha stated she did not think of a sign but will put one on the building. **Public Portion closed.** Motion to approve by ZIOBRO/Acacia YES: Acacia, Hartman, Paneque, Weinstein, Ziobro, Clute and Kelly. **USE VARIANCE AND SITE PLAN APPROVED WITH STIPULATIONS**

11. APPLICANT: WAYNE BROWN
BLOCK: 120.08 LOT: 86 ZONE: R-3
LOCATION: HYSON ROAD

Mr. Megill stated applicant is seeking a variance to construct a single family dwelling in the R-3 zone where 3 acre is required and is providing 1.02 acre. Carried from the March 3rd meeting. Wayne Brown duly sworn explained he has lived in Jackson for 20 years and wants to take down the existing house and build a new home on the property. He has city water and septic but wants to connect into the city sewer. The new home will improve the property. He also would like to be able to live in the existing home with his family while the new home is being built. Charles A Boyle, engineer duly sworn discussed the property and the Board engineer review letters the proposed home is to be a 3,200 sqft house. Leah Furey discussed the Ragan review letter and concerns and that there should not be any access through Bruce Terrace, which the applicant agreed. Also the existing fence will be replaced with a 6 ft. vinyl fence. **Public Portion.** Tom Hogan duly sworn explained he is not involved in the transaction but lives in the area and is a casual acquaintance with the applicant and feels this is a good up grade. **Public portion closed.** Motion to approve by HARTMAN/Weinstein Yes: Acacia, Hartman, Paneque, Weinstein, Ziobro, Clute and Kelly. **VARIANCE GRANTED**

Mr. Megill, announced that the Board needs to appoint a conflict attorney.

Edward Glasner is the conflict attorney for the Planning Board and is familiar with the Township codes and procedures. Motion to approve by WEINSTEIN/Ziobro Yes: Acacia, Hartman, Paneque, Weinstein, Ziobro, Clute and Kelly. **Conflict Attorney Approved.**

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

12(15). APPLICANT: THOMAS CZARNECKI
BLOCK: 101.04 LOT: 3-7 ZONE: R-3
LOCATION: LOMBARDI STREET

Mr. Megill stated applicant is seeking a variance to construct a single family dwelling in the R-3 zone where lot frontage required is 100 ft. and applicant is providing 71.68 ft. Attorney Richard Tomaso and Thomas Czarnecki duly sworn. Mr. Tomaso explained the variance requested and the surrounding area of Lombardi street. Evan Hill discussed his review letter comments and the applicant stated they would comply. Leah Fury questioned the 65 ft. of frontage and the size of the home, which the proposed home will be the largest on the street. Motion to approve by ZIOBRO/Hartman Yes: Acacia, Hartman, Paneque, Weinstein, Ziobro, Clute and Kelly. **VARIANCE APPROVED**

13(12). **APPLICANT: LEIGH REALTY/ROBERT PELSANG- A1 JDK SPECIALTY**
BLOCK: 111 LOT: 27 ZONE: HC
LOCATION: N. COUNTY LINE ROAD

Mr. Megill stated applicant is seeking site plan, minor subdivision consolidation and use variance approval for two commercial buildings, 2,080 sqft and 2,660 sqft with a change in use for the 2,660 sqft building to residential. Carried from the March 3rd meeting. Attorney Dennis Galvin representing Mr. and Mrs. Pelsang explained how Bob Pelsang has been involved with many of organizations in town and always helping out with trophy's and name plates. Robert Pelsang duly sworn explained he has lived in Jackson for 26 years and has an existing trophy business in town similar to what he is proposing to have his home next to his business. He discussed the hours of operation are basically 9am to 5pm and averages about 3 cars a day at the business. Engineer Tim Louri duly sworn explained that other than use there are no other variances requested. Mr. Louri handed out an exhibit which is a smaller version of the plans. He also discussed the JCA review letter and how the plans were revised and resubmitted to Evan Hill and the Board. Evan Hill discussed the traffic study would be waived. Mr. Ragan addressed sidewalk is to connect with both sides which the applicant agreed to put in if in the future there where and constructed. **No objection from the public.** Michael Kelly thanked the Pelsang's for keeping their business in Jackson. Motion to approve by ZIOBRO/Weinstein YES: Acacia, Hartman, Paneque, Weinstein, Ziobro, Clute and Kelly. **USE VARIANCE WITH SITE PLAN AND MINOR SUBDIVISION FOR CONSOLIDATION APPROVED.**

JACKSON COMMONS APPLICATION- Due to the number of bulk variance and use variance applications being heard at the Board of Adjustment regular scheduled meeting Mr. Megill suggested that the Jackson Commons Application for a hotel and distribution center be heard at the reserve meeting date. The Board professionals and members were all in agreement to hear the **Jackson Commons general development plan on May 19th 2004 at 7:30 pm. The applicant must advertise and notice property owners.**

ADJOURNMENT: Motion to adjourn meeting at 11:10pm. by ACACIA/Ziobro YES: UNANIMOUS

The next meeting of the Zoning Board of Adjustment will be May 5th, 2004 at 7:30 pm. at the Municipal Building, 95 West Veterans Highway, Jackson

Respectfully submitted,

Dawn D'Agostino, Recording Secretary