

**MINUTES OF THE REGULAR MEETING  
OF THE TOWNSHIP OF JACKSON  
ZONING BOARD OF ADJUSTMENT  
OCTOBER 6, 2004**

The October 6, 2004 Jackson Township Board of Adjustment meeting was called to order by acting Chairman Peter Clute at 7:47 p.m. with a salute to the flag by all present. Attorney Robert Rothstein read the Open Public Meetings Act Statement.

**ROLL CALL:** Meredith Acacia Robert Paneque, Secy. (8:03 p.m.)  
Peter Clute Scott Weinstein  
Larry Hartman Peter Maher, Alt. #1

**ABSENT:** Adam Ziobro, V. C. Michael Kelly, Chairman  
Donna Hopkins, Alt. #2

**ALSO PRESENT:** Richard Megill, Director of Planning and Zoning  
Robert Rothstein, Board Attorney  
Evan Hill, Board Engineer  
Leah Furey, The Ragan Design Group  
Steve McCrystal, McCrystal Reporting

**MEMORIALIZATION OF RESOLUTIONS:**

**2004-83** – James Wall- Block 40.68 Lot 51.02- Motion to approve by Maher/Weinstein. YES: Hartman, Maher, Weinstein and Clute. **VARIANCE GRANTED**

**2004-84** – Donald and Deborah Surchinski – Block 82.01, Lot 38.28 – Motion to approve by Maher/Weinstein. YES: Hartman, Maher, Weinstein and Clute. **VARIANCE GRANTED**

**2004-85** – John and Kim Gaskill - Block 119.01 Lot 16 – Motion to approve by Weinstein/Maher. YES: Hartman, Maher, Weinstein, and Clute. **APPLICATION DISMISSED WITHOUT PREJUDICE**

**2004-86** – Thomas Gray – Block 9.03 Lot 48 – Motion to approve by Maher/Weinstein. YES: Hartman, Maher, Weinstein and Clute **VARIANCE GRANTED**

**2004-87** – Michaela Pavelkova – Block 154.14, Lot 1 – Motion to approve by Hartman/Weinstein. YES: Hartman, Maher, Weinstein and Clute. **VARIANCE GRANTED.**

**2004-88** – Richard and Sheng Nan Lutz – Block 128.01, Lot 10.01 – Motion to approve by Hartman/Weinstein. YES: Hartman, Maher, Weinstein and Clute. **VARIANCE GRANTED.**

**2004-89** – John Crognale – Block 10, Lot 44.03 – Motion to approve by Hartman/Weinstein. YES: Hartman, Maher, Weinstein and Clute. **VARIANCE GRANTED.**

**ANNOUNCEMENTS:**

Mr. Rothstein announced that application 9, Limo Line, has been adjourned to the November 3, 2004 Zoning Board meeting with no further notice required and a waiver of time constraints granted by the applicant.

Mr. Rothstein also announced an application for Mr./Ms. Pallante was noticed in time for this hearing but was left off the agenda. It will be heard this evening.

Mr. Megill announced that item #2 on the agenda, Mr. & Mrs. Czaczkowski, would be heard first because they had a young child with them.

**APPLICATIONS:**

**2. APPLICANT: JOHN & LAURA CZACZKOWSKI (VARIANCE #2381)  
BLOCK: 96.01 LOT: 61.16 ZONE: R-3  
LOCATION: 1 STONEHENGE COURT**

John and Laura Czaczkowski sworn by Steve McCrystal. Mr. Megill, Mr. Hill, Ms. Furey sworn. Mr. Megill stated the nature of this application: applicant wishes to construct a 12' x 16' shed, a 25' x 16' cabana and a 6' solid fence in the front yard of this corner property, which has three frontages. Mr. Rothstein noted the cabana was within the building envelope while the shed was not and he asked how far the fence would be placed from the property line along Stonehenge Court. Mr. Hill noted the cabana is proposed within the conservation easement and he recommended it be moved out of the easement. He also noted the shed is 3-4 feet off the property line [on Stonehenge Court]. Mr. Clute asked the applicant if he was willing to move the cabana out of the easement. Mr. Czaczkowski stated there is an existing fence around that easement/basin. Mr. Hill asked if the applicant was willing to move the cabana 10' off the fence and Mr. Czaczkowski said yes. Mr. Hill suggested the location of the fence for 6' off the property line. Mr. Hill reminded the applicant the implications of fences on or in easements: if the township has to perform repairs in the easement, the homeowner must remove the fence at his own

expense. Mr. Clute asked if the applicant was willing to move everything in. Mr. Czaczkowski said he is in agreement if that is what the township wants.

**PUBLIC SESSION OPENED**

Neil and Roxanne Moschel, 31 Stonehenge Court, sworn. They live across the street from 1 Stonehenge Court and are most affected by this application. Mr. Moschel stated this is not only their home, it is their investment. There are 2-3 sheds on properties on this street, and they are 200' back, and you can't see them from the street. He stated every time he comes out of his house, he would see the fence and the top of the shed in a neighborhood having half-million dollar homes. He wants the fence to be moved in 50' from the property line along Stonehenge Court.

Mr. Rothstein noted the shed in this case couldn't be constructed 200' back due to the type of lot. Mr. Moshel countered they should put the shed near the cabana, and the fence should be back 50'. He does not want the application to be approved as it stands.

Mr. Czaczkowski stated he wants the fence for his child's well being and to keep him safe. With three frontages, the road is a thoroughfare, and the fence would improve the quality of life for his family. He is willing to decorate the fence with shrubbery and the like. Mr. Moschel wanted the shed to be placed as far from Stonehenge Court as possible, and the fence 30' in from the well. Mr. Megill noted the setback line for the home, stating any addition to the home could be built to that setback line. He suggested allowing the fence along the setback line, where a house could have been built to begin with. Mr. Czaczkowski said he would like to construct a pool in the future, so that would limit the size of his yard. Mr. Megill noted that once the fence is approved [by variance] a pool would be allowed as the applicant is not worsening the condition. Mr. Czaczkowski asked what would happen if he did not agree to any changes. Mr. Rothstein said it was a win or lose situation. Mr. Hill tried to summarize the compromises: the cabana should be outside the conservation easement, and the fence along the setback line along Stonehenge Court. A discussion ensued between the Moshels and Czaczkowskis, and Mr. Rothstein suggested them to go in the hall to work out their differences, so that the other applications were not held up too long.

Ray Shea, attorney for Application #9, Limo Line, requested this application be adjourned to the November 3, 2004 meeting with no further notice required., as it is a use variance requiring a full board. The applicant waives time constraints. Mr. Rothstein made the appropriate announcement concerning it.

Regarding Application #8 for Jackson Veterinary Clinic, this also requires a full board. Dr. Jehn has been in business 25 years and he feels comfortable presenting this application to six Board members.

**APPLICATIONS: (cont'd)**

- 1. APPLICANT: JEFFREY & MICHELLE AMEIORSANO (VARIANCE #2205-1)  
BLOCK 135.18 LOT 39 ZONE: R-3  
LOCATION: 339 MURRAY DRIVE**

Mr. Clute noted the application was for a 6' solid fence in the front yard. Mr. Weinstein verified the taxes are current on this property. Mr. Rothstein asked if this is a corner lot, and Mr. Megill answered no. Mr. Rothstein asked if the fence would be for safety reasons, and Ms. Ameiorsano answered yes. Mr. Hill asked how far off the property line the fence would be, and Ms. Ameiorsano said 5' off the sidewalk. She said there is a tree line and the trees would be inside the fence.

**PUBLIC SESSION OPENED**

Susan Tavone, 338 Murray Drive, sworn. She lives across the street from the applicant. She said the 6' vinyl fence would be in direct view of her home and it would be an eyesore. She understands the safety issue with the children, but this fence is not in conformance with township ordinances, and she has pictures of the applicant's property. Mr. Rothstein said 60% to 70% of the lot is unusable. Mr. Maher asked who from the township told her they would not be able to construct, and Ms. Tavone answered she was told no construction could occur. She did not give a name of a township employee. Ms. Tavone said the applicant was given a variance for an addition to their home which was OK with her, but the fence affects her directly as it will bring her property value down. She suggested trees or bushes for privacy, or a 4' fence, which is allowed, or a picket fence, or set the fence back farther. Mr. Megill responded that a 48" high, open fence is allowed, as long as it is 2/3 open, and it can be constructed on the property line. Mr. Hill suggested the applicant work with the neighbor; he suggested the fence be placed 15' off the property line and landscaping in front. Ms. Tavone showed pictures of the house and jungle gym, and Evan Hill showed the pictures to the Board. Ms. Tavone re-emphasized she does not want a 6' fence there. Mr. Rothstein countered the applicant can put 20' trees right now in that same location, without a variance.

Mr. Clute asked if anyone else wished to speak on this matter. No one came forward.

**PUBLIC SESSION CLOSED**

Motion to approve fence 10' off the property line with sporadic plantings in front of the fence, with no color restrictions on the fence. Applicant asked how tall the plantings should be. Ms. Furey answered they should be a minimum 36" at planting.

**Motion to approve Maher/Acacia.** YES: Acacia, Hartman, Paneque, Weinstein, Maher and Clute.

Mr. Rothstein told the applicant she may want to consider an alternate color fence.

**Application #1, continued**

Mr. Czaczkowski spoke with Mr. Moschel regarding the fence on the setback line. They are willing to push the shed back to the side by the cabana, inside the fence line, out of the easement, and on either side of the cabana. The fence may be aluminum.

Mr. Clute asked if anyone else had any comment on this application.

**PUBLIC SESSION CLOSED**

**Motion to approve Weinstein/Maher.** YES: Hartman, Paneque, Weinstein, Maher and Clute. (Ms. Acacia was out of the meeting room when the vote for this application was taken)

Mr. Rothstein stated this application for a 6' solid fence at the setback line along Stonehenge Court is approved, 10' off the side adjacent to the adjoining lot. The cabana and shed will be placed inside the fence to the rear of the house next to, but not inside the conservation easement.

3. **APPLICANT: THERESA MC SHANE (VARIANCE #2385)**  
**BLOCK: 126.39 LOT 11 ZONE: R-15**  
**LOCATION: 62 VERMONT AVENUE**

This applicant was called but was not present.

4. **APPLICANT: CONNIE SORENTINO (VARIANCE #2387)**  
**BLOCK: 76 LOT: 1.05 ZONE: R-3**  
**LOCATION: 74 MANHATTAN STREET**

Connie Sorentino and Michael Schopher, 74 Manhattan Street, sworn. Taxes current on the property. Mr. Schopher stated he wishes to construct a garage with a 10' setback where 20' is required. He will need room for a future pool and to avoid a septic tank. He called the Board of Health who informed him he can't build on a septic field or tank. Mr. Hill had no engineering comments. Mr. Clute asked if the board had any questions. There were none.

**PUBLIC SESSION OPENED**

No one came forward.

**PUBLIC SESSION CLOSED**

**Motion to approve by Hartman/Maher.** YES: Acacia, Hartman, Paneque, Weinstein, Maher and Clute.

5. **APPLICANT: BRIAN & LEAH TYE (VARIANCE #2391)**  
**BLOCK: 78.07 LOT: 4 ZONE: R-9**  
**LOCATION: 8 BEAM AVENUE**

Brian Tye sworn. Taxes current on the property. He wishes to construct a porch where 30' is needed and he is proposing 25' 11". Mr. Hill had no engineering comments. Mr. Clute asked if the board had any questions. There were none.

**PUBLIC SESSION OPENED**

No one came forward.

**PUBLIC SESSION CLOSED**

**Motion to approve by Hartman/Maher.** YES: Acacia, Hartman, Paneque, Weinstein, Maher and Clute.

6. **APPLICANT: KIM MC KINNEY (VARIANCE #2372)**  
**BLOCK: 141 LOT: 11 ZONE: R-3**  
**LOCATION: 795 HARMONY ROAD**

This application was continued from the September 1<sup>st</sup> meeting. Anthony Muscaro was reminded he is still under oath. Taxes are in order on this property. Mr. Muscaro stated he provided a drawing of the concrete pad that was requested, and provided a survey showing adjacent homes. The proposed tower will be no risk to homeowners there. The new location of the tower will be 140' from the home, and 171' from one neighbor, and 135' from another neighbor. He intends to comply with the engineer's and planner's review letters. Mr. Hill said there is a sufficient fall zone now, and the applicant only needs a height variance, no side setback variances. Mr. Clute asked if the board had any questions; there were none. Mr. Muscaro summarized his request, and Mr. Rothstein reviewed the agreement.

**PUBLIC SESSION OPENED**

Jonathan Drusack, 749 Harmony Road sworn. He is for this application and does not feel it will be an eyesore. He told the board to give the man his tower.

David Decker, 809 Harmony Road sworn. He lives two properties away and has no problem with this application. He does not feel it will be an eyesore; the property is heavily wooded.

**PUBLIC SESSION CLOSED**

**Motion to approve with conditions by Hartman/Weinstein.** YES: Hartman, Maher, Paneque, Weinstein and Clute.

7. **APPLICANT: CHARLES BAKER/SERGEY-DIETZ (VARIANCE #2383)**  
**BLOCK: 6 LOT: 28.04 ZONE: R-3**  
**LOCATION: SERGEY ROAD**

This application was carried to the November 3, 2004 hearing with no further notice required and a waiver of time constraints given.

8. **APPLICANT: JACKSON VETERINARY CLINIC (USE VARIANCE #2386)**  
**BLOCK: 126.28 LOT: 5 ZONE:R-15**  
**LOCATION: 33 SOUTH NEW PROSPECT ROAD**

Mr. Rothstein asked Mr. Shea, attorney for the applicant if he is aware there is a 6 member versus a 7-member board. Mr. Shea said yes. This application is for an expansion of a pre-existing use. The applicant received a variance 25 years ago. It was modified 15 years ago; Dr. Jehn is the applicant. This was the first veterinary office to be approved in Jackson by the Zoning Board of Adjustment. Thomas Ertle has prepared the plans. They propose to add on to three sides of the two-story frame dwelling. They are asking for permission to expand the building with a waiver of site plan: the improvements are on site, they are only adding to the building with no changes to access or ingress. William Peck, Professional Planner and Professional Engineer from Thomas Ertle & Associates, Brewers Bridge Road, sworn. He has appeared before this Board before, and his credentials were accepted. Lutheringer Architects prepared the drawings. Mr. Peck responded to Ragan's review letter. He explained this is an expansion of three small additions, and the existing parking is adequate. There are 4 gravel spaces for employees. They will construct a small recharge trench to collect roof runoff to mitigate additional runoff generated by this addition. The expansion is to provide additional space to make day-to-day activities more convenient: exam rooms, file space. The veterinary office meets the needs of public purpose. Mr. Shea asked if they were encroaching on surrounding properties. Mr. Peck said the addition will come closer to the southeast and northeast property lines. A condition of the residential zone for veterinary clinics states the structure must be 150' from a neighboring dwelling. Currently it is 101' from Lot 33's dwelling and the addition will make it 94' away. The addition will be greater than 150' from any other dwelling. Mr. Shea asked about parking. Mr. Peck stated 12 spaces are paved and 4 gravel. The parking requirement is 7 spaces, so this exceeds the code. Mr. Shea stated there will be no changes to the signage. The site is connected to public sewer and water. Mr. Peck added this is an existing business, the expansion is minimal and it meets a public need.

**PUBLIC SESSION OPENED**

Erin Leivonen, 5 Upper Pennsylvania Avenue, sworn. She previewed the plans in the Zoning office and asked if there would be any kennels. Dr. Roberta Jehn, applicant, sworn. She stated there would be no kennels or boarding, only hospitalized animals. She has 8 cages and 1 run. She is running out of space. If she has 7 surgeries and 1 emergency comes in, she is strapped for space. Mr. Megill said the addition to the rear which will contain cages must be soundproofed, and Mr. Shea agreed to this. Ms. Leivonen asked about the parking, and the applicant said it is pre-existing. She asked if the trees would be removed, it would expose two sides of the property. Mr. Shea answered there are 4 trees to be removed. Mr. Hill said it was added in the square footage of the area in question. Mr. Peck said the existing tree line is 100' away, and would be reduced to 80' of undisturbed property. Four significant trees with a 20" caliper would be removed. Mr. Megill stated the trees will be costly to remove under the ordinance, and it may require additional planting as fees will not cover it. Mr. Shea said he was in touch with the forester. M. Leivonen asked what kind of buffer would be provided. Mr. Shea answered none, as the adjacent properties are not affected because they are 80' away.

Maryann Siciliano, 61 Vermont Avenue, sworn. Her property abuts the site and more building encroaches on their property. Each addition further reduces the amount of land buffering the site. Mr. Shea noted she lives on lot 17 and the addition is not near her lot. Ms. Furey clarified what the 150' distance meant. Ms. Siciliano said she lived there a long time and does not want to affect the property value or the quality of their lives. Dr. Jehn said she does not expect to expand further. She needs room to work, needs storage, and needs to provide an employee break area away from the animals, not to expand the business.

Patrick Flynn, 3 Upper Pennsylvania Avenue, sworn. He is located behind Dr. Jehn and has lived there 22 years with no problem, but is concerned about real estate values and barking dogs may contribute to a lower property value. Mr. Shea said there would be no change in current operations – the renovations are to the inside only, no expansion of business and no additional lighting is proposed. No trees in the rear will come down.

Randy Pond, 59 Vermont Avenue, sworn. He asked if any other structures will be expanded. Dr. Jehn said no. Mr. Pond asked about kennels. Dr. Jehn said she does not believe in them – there would be no kennels and no boarding. Mr. Pond said he has not had noise issues but he is concerned that may change. Mr. Shea noted there has not been a complaint in 25 years. They are only making the operation more convenient.

Mr. Weinstein, board member, asked if there has been an increase in business in the last 6-10 years. Dr. Jehn said she is booked and has to turn customers away.

**PUBLIC SESSION CLOSED**

**Motion to approve by Hartman/Weinstein.** YES: Acacia, Hartman, Paneque, Weinstein and Clute. ABSTAIN: Mr. Maher (as he appraised the property and was unsure of a conflict of interest).

10. **APPLICANT: VITO PALLANTE**  
**BLOCK: 78.16 LOT: 6 ZONE:R-9**  
**LOCATION: 19 GOLDWEBER AVENUE**

This application was not included on the agenda, but the applicant noticed properly and requested to be heard this evening. Mr. Megill read the reason for denial – the applicant wishes to construct a covered porch on the front of their dwelling where 35 feet is required and 24 feet is proposed. Lisa Pallante sworn. Mr. Hill had no engineering comments. Mr. Clute asked if the board had any questions and there were none.

**PUBLIC SESSION OPENED**

No one came forward.

**PUBLIC SESSION CLOSED**

**Motion to approve by Weinstein/Maher.** YES: Acacia, Hartman, Paneque, Weinstein, Maher and Clute.

3. **APPLICANT: THERESA MC SHANE (VARIANCE #2385)**  
**BLOCK: 126.39 LOT: 11 ZONE: R-15**  
**LOCATION: 62 VERMONT AVENUE**

Theresa McShane sworn. Taxes are current on this property. She wants to construct a 6' solid fence around her back yard. The fence is going toward Pennsylvania Avenue. Mr. Hill noted it would be 40 feet from the property line along Pennsylvania Avenue. Mr. Clute asked if the Board had any questions, there were none.

**PUBLIC SESSION OPENED**

No one came forward.

**PUBLIC SESSION CLOSED**

**Motion to approve by Hartman/Weinstein.** YES: Acacia, Hartman, Paneque, Weinstein, Maher and Clute.

**Motion to pay attorney's bills by Acacia/Weinstein.** YES: Unanimous by all present.

**Motion to approve minutes of September 1, 2004 by Weinstein/ Hartman.** YES: Clute, Hartman, Paneque, Weinstein, and Maher.

**Motion to approve the voucher for the Recording Secretary by Acacia/Weinstein** YES: Unanimous by all present.

**ADJOURNMENT:** Motion to adjourn meeting at 9:53 pm by Acacia/Clute. YES by affirmation.

Respectfully submitted,

Janice Kisty  
Zoning Board Recording Secretary