

**MINUTES OF THE REGULAR MEETING
OF THE TOWNSHIP OF JACKSON
ZONING BOARD OF ADJUSTMENT
FEBRUARY 4, 2004**

Chairman, Michael Kelly called the meeting to order at 8:02P.M., with a salute to the flag. Attorney Charles Mandell read the Open Public Meeting Act Statement in the absence of Robert Rothstein.

ROLL Call: Meredith Acacia, VC
Scott Weinstein
Adam Ziobro
Larry Hartman
Alt #1 Peter Clute
Alt #2 Edward Shaw
Michael Kelly, Chair

ABSENT: Robert Paneque, Sec'y
James Sheeran

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 -1- Allison & Samuel Barocas- Block 135.11 Lot 9- Motion to approve by WEINSTEIN /Ziobro
YES: Weinstein, Ziobro, Hartman, Clute, Shaw and Kelly. **VARIANCE GRANTED**

2004 -2- Jerry Rega- Block 144.01 Lot 1.03 - Motion to approve by WEINSTEIN/Hartman YES:
Weinstein, Ziobro, Hartman, Clute, Shaw and Kelly. **VARIANCE GRANTED**

2004 -3- Wade Benintente- Block 126.41 Lot 26- Motion to approve by WEINSTEIN/Hartman YES:
Weinstein, Ziobro, Hartman, Clute, Shaw and Kelly. **VARIANCE GRANTED**

2004 - 4- Jason & Lauren Cohn - Block 135.08 Lot 66- Motion to approve by ZIOBRO/Hartman YES:
Weinstein, Ziobro, Hartman, Clute, Shaw and Kelly. **VARIANCE GRANTED**

2004 - 5- Salvatore Camuto, Jr.- Block 135.02 Lot 2- Motion to approve by WEINSTEIN/Ziobro YES:
Weinstein, Ziobro, Hartman, Clute, Shaw and Kelly. **VARIANCE GRANTED**

2004 - 6- Suburban Agency, Inc. - Block 120.01 Lot 13.07- Motion to Approve by ZIOBRO/Weinstein
YES: Weinstein, Ziobro, Hartman, Clute, Shaw and Kelly. **VARIANCE GRANTED**

2004 – 7 –Masters & Edison, Inc. - Block 130.02 Lot 1.01- Motion to Approve by WEINSTEIN/Shaw
YES: Weinstein, Ziobro, Hartman, Clute, Shaw and Kelly. **USE VARIANCE GRANTED**

MINUTES: Motion to approve minutes for 1/7/04 as submitted by: HARTMAN/Weinstein YES:
Weinstein, Ziobro, Hartman, Clute, Shaw and Kelly **Motion Approved.**

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

Mr. Megill, Board Planner and Board Engineer duly sworn

ANNOUNCEMENTS: Michael Kelly announced that the following applications would be carried to the
March 3rd, 2004 meeting: #8- Anne L. Clayton Mc Carty – Block 96.01 Lot 25.03, #9- SDS Recreation,
LLC.- Block 154.32 Lot 25, #10- Citgo/19 Petroleum Distributors- Block 54 Lot 1.01. No additional
notice required.

Scott Weinstein will act as Secretary in the absence of Robert Paneque.

APPLICATIONS:

- 1. APPLICANT: JOSE & ANA TIRADO
BLOCK: 56.73 LOT: 5.01 ZONE: R-1/R-3
LOCATION: 225 WHITE ROAD**

Mr. Megill stated applicant is seeking a variance to construct a 16' x 42' in-ground pool, which has already been constructed in error 3.9' at one point and 12.5' at other point from side yard where 20' required also filter is 1' and heater 1.9' from side yard where 20' required. This application was carried from the January 7th meeting. Jose and Ana Tirado duly sworn. Michael

Kelly stated he wants to hear comments from Mr. Tirado since he acquired the transcripts of the meetings from Mc Crystal Reporting. He also stated he has been present for all the Tirado meetings and would like to put an end to this application. Atty. Gary Mundy for the objectors Mr. and Mrs. Birch gave a closing statement that they are suing the Tirados for \$12,000 for property damage and want the pool moved to meet the required setbacks. Mr. Tirado stated that there is no damage to the Birch's property and the survey showed that all construction was done on his own property. Adam Ziobro questioned what the pool company will do? Mr. Tirado explained that the pool company wanted them to try to get the variance to keep the pool where it is or they will have to dig up a \$20,000 pool and move it. Mr. Tirado stated that it would be an inconvenience to dig up the pool and move it. Mr. Megill stated that the filter and pool equipment has to be moved also. **No objection from the public.** After hearing testimony from both sides Michael Kelly wished the best to both sides and hope they can work things out than asked for a vote. Motion to deny by HARTMAN/Weinstein YES: Acacia, Hartman, Weinstein, Ziobro and Kelly. **VARIANCE DENIED**

2. **APPLICANT: ROBERT HASKING**
BLOCK: 66.09 LOT: 2.19 ZONE: PRC/R-1/R-3
LOCATION: 90 WESTLAKE COURT

Mr. Megill stated applicant is seeking a variance to construct a 5 ft. chain link fence in front yard on corner lot. Mr. Hasking duly sworn explained he is getting a pool and wants the fence for safety reasons. Evan Hill stated the fence appears to be following a wetlands conservation easement line which is allowed it is not a permanent structure. Mr. Megill stated the variance is requested for height only 4 ft. allowed. **No objection from the public.** Motion to approve by ZIOBRO/Weinstein YES: Acacia, Hartman, Weinstein, Ziobro, Clute, Shaw and Kelly. **VARIANCE GRANTED**

3. **APPLICANT: WAYNE ROBERTSON**
BLOCK: 9.01 LOT: 34 ZONE: PV
LOCATION: 662 SWIMMING LANE

Mr. Megill stated applicant is seeking a variance to construct two additions 30 ft. x 32ft. and 8ft x 8 ft. to dwelling where 60 ft front yard setback is required and applicant is providing 20 ft. also addition will exceed 50% of the Market value of the home. Wayne and Paula Robertson duly sworn. Wayne explained he wants to add on to his home. His septic is 30 ft off the back of the home not in front. Evan Hill questioned of he was adding another bedroom which Mr. Robertson stated no and he had is septic redone last year. Meredith Acacia questioned the size of the home in comparison to the adjacent homes? Mr. Robertson explained the homes in front and on the side had been remodeled and his home is the one in need of repair. **No objection from the public.** Motion to approve by ACACIA/Weinstein YES: Acacia, Hartman, Weinstein, Ziobro, Clute, Shaw and Kelly. **VARIANCE GRANTED**

4. **APPLICANT: LILLIAN SCHOTT**
BLOCK: 78.24 LOT: 5 ZONE: R-9
LOCATION: 8 PINE HILL ROAD

Mr. Megill stated applicant is seeking a variance to construct a 6 ft. solid fence in front yard on this corner lot. Lillian Schott duly sworn explained she has lived there for many years and took down the old fence and put up a new one, she didn't know she needed a new permit. Michael Kelly questioned how far back from the curb?: Evan Hill stated based on the drawing on the survey it will be outside of the sight triangle. **No objection from the public.** Motion to approve by WEINSTEIN/Acacia YES: Acacia, Hartman, Weinstein, Ziobro, Clute, Shaw & Kelly. **VARIANCE GRANTED**

5. **APPLICANT: CHRISTOPHER BROOME**
BLOCK: 85 LOT: 7.01 ZONE: R-1/R-3
LOCATION: 363 FREEHOLD ROAD

Mr. Megill stated applicant is seeking a variance to construct a 10 ft. x 16 ft. shed with a 10ft. x 10 ft. overhang in front yard on this corner lot. Mr. Broome duly sworn explained he already constructed the shed on the property and asked for a variance to stay. The shed is in a wooded area and no trees were taken down. The shed would be used for lawn equipment and storage. **No objection from the public.** Motion to approve by ZIOBRO/Shaw YES: Acacia, Hartman, Weinstein, Ziobro, Clute, Shaw and Kelly. **VARIANCE GRANTED**

6. **APPLICANT: KEVIN MUSTO**
BLOCK: 78.29 LOT: 1 ZONE: R-9
LOCATION: 69 S. COOKSBRIDGE ROAD

Mr. Megill stated applicant is seeking a variance to construct a 6 ft. solid fence in front yard on this corner lot. Kevin and Stacy Musto duly sworn. Kevin explained he has a chain link fence and wants the 6 ft. solid fence for privacy and safety, also the headlights from cars on Georgian shine

in his bedroom windows at night. **No objection from the public.** Motion to approve by WEINSTEIN/Acacia YES: Acacia, Hartman, Weinstein, Ziobro, Clute, Shaw and Kelly.
VARIANCE GRANTED

7. APPLICANT: EDISON & MASTERS, INC, C/O JACOB ELKS
BLOCK: 130.02 LOT: 1.01 ZONE: NC
LOCATION: FARMINGDALE ROAD

Mr. Megill stated applicant seeks approval for use variance and preliminary and final site plan to construct a 14,999 sf. retail store with associated improvements. The retail store is to encompass a bicycle repair facility and auto parts store, which are not a permitted use in the neighborhood commercial zone. A bulk variance is required for the front yard setback on Farmingdale Road where 33.8 ft. are provided and 60 ft. is required. **This application was carried from the January 7th meeting where the use variance was granted and is coming back for the site plan approval.** Atty. Ray Shea and Engineer Robert Frued duly sworn. Robert Frued with Boller Engineering gave credentials which were accepted by the Board. Mr. Shea explained the use variance was granted at the last meeting, but they still need to meet with the Forester to discuss some issues in two review letters, 1/27/04 from Mr. Ragan's Office and 1/30/04 from JCA, Mr. Hills Office. Mr. Shea stated they will comply with the comments in Mr. Hill's review letter and reviewed the points in Mr. Ragan's review letter. Exhibit marked as A-1A sheet 1 of 1 revised Feb. 3, 2004. Mr. Frued, Engineer gave a brief summary of comments made at the last meeting. He discussed the parking spaces will be increased to 75 and will increase 25 ft buffer along Chandler and Farmingdale Road, there will be a 30 ft. distance between the curb and the closest parking space. They pulled the parking in to achieve more green space as per Forester, Gary Lovallo's request and to take inventory of trees and 4 trees are worth saving. The trash enclosure will be on side of building and agreed there will be no refuse storage at rear. Mr. Ragan questioned if there are seven tenants, the trash enclosure may not be sufficient. The applicant agreed that if there is a problem they will have trash picked up more often. Signage is to be a total of 30 sqft. Leah Fury explained if only two or three tenants the signage will have to be in scale with the building. Evan Hill stated the revised plans are accepted. Michael Kelly thanked Mr. Shea for complying with the Board Professional's comments; the less variances requested the better. Scott Weinstein questioned the loading zone in back? Mr. Frued explained there will be only one full loading zone necessary. **No objection from the public.** Motion to approve by ZIOBRO/Weinstein YES: Acacia, Hartman, Weinstein, Ziobro, Clute, Shaw and Kelly. **SITE PLAN APPROVED**

ANNOUNCEMENT: Chairman, Michael Kelly announced the start time for the Zoning Board of Adjustment meetings will be changed from 8:00 pm. to 7:30 pm. starting with the March 3rd, 2004 meeting. Mr. Megill also announced that the Board will not hear any new applications after 10:30 pm. A legal notice will be placed in the newspaper of the change.

ADJOURNMENT: Motion to adjourn meeting at 9:45pm. by ACACIA/Ziobro YES: UNANIMOUS

The next meeting of the Zoning Board of Adjustment will be March 3rd, 2004 at 7:30 pm. at the Municipal Building, 95 West Veterans Highway, Jackson

Respectfully submitted,

Dawn D'Agostino, Recording Secretary