

## **MINUTES OF REORGANIZATION & REGULAR MEETING OF THE JACKSON TOWNSHIP ZONING BOARD OF ADJUSTMENT- JANUARY 7, 2026**

The January 7, 2026 Jackson Township Board of Adjustment meeting was called to order at 7:07pm with a salute to the flag by all present. Chairperson Lynn Bradley read the Open Public Meeting Act Statement and announced that adequate notice has been provided for this meeting.

**ROLL CALL:** Lynn Bradley, Chair; Dr. Hofstein, Vice Chair  
Moshe Heiman, Secretary  
Carlos Martins  
Chrystabel Rosal, Acting Secretary  
Raymond Tremer Jr.  
Laya Cusano  
Alt #1 James Silecchia  
Alt #2

Recording Secretary: Kathleen Bibza  
Zoning Board Attorney: Robin La Bue  
(Jean Cipriani in attendance late)

### **RE-ORGANIZATION**

Ms. Bradley stated the only applicant for the Board Attorney was the law firm, Rothstein, Mandell, Stroh, Halm, & Cipriani

Motion to appoint / Hofstein Second / Heiman Vote and Yes Vote: Heiman, Martins, Tremer, Cusano, Silecchia, Hofstein, Bradley

Motion Approved

Engineering firms that submitted were Morgan Municipal Engineering (current rep), CME Assoc, Harbor Consultants Inc, Neglia, and Remington Vernick Engineers

Mr. Heiman is not in favor of Neglia and Harbor they are both over an hour away and they do not service any towns in this area. Mr. Heiman got this information from their RFP's. Dr. Hofstein said he did not get the RFP's. Ms. Bradley said there was a limited amount of hard copies of RFP's. Dr. Hofstein said he does not know how the Board can vote when they did not get copies. The Board Members agreed with Dr. Hofstein. Ms. Bradley said the Board can vote or table the appointments for other professionals and reach out to Ms. D'Agostino to obtain the copies. Mr. Heiman had a few more comments concerning the RFP's. He said CME Assoc submitted for engineering and conflict engineer Drew Pavlick but a different person for planner. Mr. Heiman emailed the current traffic engineer to ask why his name was not on the RFP, he said he is no longer local but added it would be an associate of his if they were to continue using CME. Mr. Mazur, agreed, if the Board continues with his firm that for any current applications that he has testified he will continue to finish up those application. Mr. Heiman is happy with current professionals and would be happy to reappoint all of them.

Motion to table the appointments / Hofstein Second/ Silecchia Yes is to table the professional positions  
Vote and Yes Vote: Heiman, Martins, Tremer, Cusano, Silecchia, Hofstein, Bradley

Appointments will be continued at the next meeting

### **Resolutions: none**

Board Professionals in Attendance and sworn in by Board Attorney Cipriani

Mark Rohmeyer, Board Engineer

Ernie Peters, Board Planner

Gina Tumolo, Assistant Zoning Officer Absent

### **APPROVAL OF MINUTES:**

Ms. Bradley and all the Board agreed with Ms. Bradley wanted on the record that they appreciate the timeliness and accuracy of the minutes.

Kathleen Bibza Zoning Board Recording Secretary for 12/17/2025

Motion to Approve / Heiman Second/Tremer Vote and Yes Vote: Heiman, Martins, Tremer, Silecchia, Hofstein, Bradley

### **PAYMENT OF VOUCHER**

Kathleen Bibza, Zoning Board Recording Secretary for 01/07/2026

Motion to Approve/ Heiman Second/ Tremer Vote and Yes Vote: Heiman, Martins, Tremer, Cusano, Silecchia, Hofstein, Bradley

### **ANNOUNCEMENTS**

APPLICANT: MOSHE AND LISA WEISS (VARIANCE 3502-1) BLOCK: 13601 LOT: 3 LOCATION: 486 CLEARSTREAM ROAD ATTORNEY: SALVATORE ALFIERI ZONE: R-3 ARCHITECT: GARFINKEL ARCHITECTS/LEWIS GARFINKEL APPLICANT IS SEEKING AN AMENDED VARIANCE TO FINISH THE BASEMENT AND MAKE IMPROVEMENTS TO THE DECK ON AN EXISTING HOME. PRIOR VARIANCE V3502 APPROVED PER RESOLUTION 2024-45

Mr. Alfieri requested application to be carried. Mr. Alfieri put on record they received reports from Board Professionals and they need to submit revised plans, there were questions about what the rest of the house was like. They only submitted basement plans. They wanted to make sure, before they come back, they had a clean report for the Board and the Professionals.

Motion to allow carry / Heiman Second / Silecchia Vote and Yes Vote: Heiman, Martins, Tremer, Cusano, Silecchia, Hofstein, Bradley

### **TO BE CARRIED TO MARCH 4, 2026, MEETING No additional notice**

Matters for Discussion: NONE

### **APPLICATIONS:**

APPLICANT: 889 GREEN VALLEY ROAD LLC/CYTRYN (VARIANCE 3545) BLOCK: 13691 LOT: 1 LOCATION: 889 GREEN VALLEY ROAD ATTORNEY: SALVATORE ALFIERI ZONE: R-3 ENGINEER: PDS/GRAHAM MACFARLANE APPLICANT IS SEEKING A VARIANCE FOR A NEW 2 STORY SINGLE FAMILY DWELLING, VARIANCE FOR LOT AREA, LOT DEPTH, FRONT AND SIDE YARD SETBACKS

Attorney Salvatore Alfieri, Attorney representing the applicant. This is an application to construct a new home on an isolated undersized lot. Mr. Alfieri is in possession of two reports. Remington Vernick, dated Nov 20, 2025 and Morgan dated Dec 19, 2025. Mr. Alfieri testified since it is an undersized lot he sent letters to the two adjacent property owners, they have not received a reply for either letter. Mr. Alfieri addressed questions by Zoning Officer Jeff Purpuro; The first is the 6ft high solid fence and appears to not have approval on record in town, it is Mr. Alfieri testimony the fence was there when the property was purchased and if this application is approved that fence will be removed. The second was questions about the ownership of the lot. This matter was addressed with communication with the applicant. Mr. Alfieri submitted buy proofs to Bd Attorney. Mr. Silecchia asked about the second page of the Morgan letter it references the 2016 checklist, he asked if there is an updated checklist. Board Attorney advised that is something the Board can review with the Professionals. Dr. Hofstein asked Mr.

Alfieri to verify that the deed, dated March 4, 2024, for the property is owned by 889 Green Valley LLC and owners are Aaron and Barbara Cytryn and each own 50%. Mr. Alfieri said yes, and all decisions made will be made by the LLC and the Cytryn's acting as officers of the LLC. Mr. Alfieri agreed. Dr. Hofstein asked if the application is approved and the LLC rents out the property, if there will be a lease. Mr. Alfieri said the intent is for the Cytryn's to occupy the home. Mr. Alfieri said the LLC will follow all the Jackson Twp rules and ordinances as far as rentals with LLC. Graham MacFarlane, sworn by Bd Attorney LaBue. Board accepts credentials. Mr. MacFarlane started with the coversheet for the application, it shows the property, block 13601 lot 1 at 889 Green Valley Rd. The property has frontage on Green Valley and Clearstream Rd, it is a corner lot. The property is 1 acre and is located in the R3 zone, in this zone 3 acres in the minimum. The existing lot does not meet lot area requirement. The lot does not meet the lot width requirement of 200ft. The lot frontage along Green Valley is 172ft and the frontage on Clearstream satisfies the requirement. The lot does not satisfy the lot depth requirement, citing ordinance requires 400ft and this lot is 246ft. Those are the 3 non conformities. (Ms. LaBue stepped down as attorney and Ms. Cipriani joined the meeting) The application is to demolish the existing home and redevelop with a new single family house. The house will have a floor area of 6800sq ft, 10 bedrooms, garage and basement. Mr. Silecchia asked if there were any residence within 200ft. Mr. MacFarlane said there are properties they are just not listed on the cover sheet. Mr. Silecchia wanted to stress the importance of applicants submitting a complete application. This application is missing the 200ft list of properties. Mr. Alfieri confirmed the notices were sent out. Mr. Peters said the checklist does require a list of the people that were noticed, this information is required and should be provided. Ms. Cipriani said it is not a requirement but it is effective information. Mr. Peters said the checklist does require the list on the plans. The applicant did provide the request to the tax assessor for the 200ft list and in the packet is a copy of the 200ft list, they just did not revise the plans to include them on the cover sheet. Mr. Peters said it is in the checklist and required to be on the plan. Mr. Peters feels the missing information would be a de minimus waiver. Ms. Cipriani made Mr. Alfieri aware moving forward this information must be on the application. Mr. Tremer asked if it is not present on the application can the application be deemed incomplete. Ms. Cipriani said if it is put into the ordinance, but cited at that point the applicant can ask for a waiver. Mr. Rohmeyer said the applicant can add it during resolution compliance or they can request a waiver. Mr. Rohmeyer recommends the applicant add it to the plan, but moving forward it must be submitted with the application. Mr. Tremer asked the applicant how many acres is needed and why are they here. Mr. MacFarlane said 3 acres is required, they feel this is an irregular lot and that is why they are asking for relief. Mr. Tremer expressed concern with giving relief, he feels there have been a lot of people that were unable to build a bigger house because they have a lot that is too small. Ms. Cipriani said the Board must make the determination for the variance and each application has to be taken on its own merit. The applicant has the right to come before the Board and present a case for the waiver. Mr. Heiman addressed Mr. Tremer's concerns, he said that the Town Master Plan zoned this area an R3 and they have a 1 acre property, the other properties are similar in size and are 1 acre properties, further down there are 3 acre properties. Mr. Heiman feels it is not uncharacteristic for the neighborhood. (Ms. Rosal joined the meeting) Mr. Alfieri pointed out case law, citing Ocean County case Dalmire and one of the prongs of the proofs is to demonstrate there is a hardship. The hardship is there is an undersized lot and they can't acquire land to make it larger. Mr. Alfieri said if they wanted to put a shed on the property they can't because they only have 1 acre. Mr. MacFarlane presented exhibit A1 is the aerial view of the property outlined in yellow. The surrounding lots in close proximity are all undersized lots, except for lot 23, across the

street. Mr. Alfieri said in addition to the hardship for undersized lot, they also have hardship relating to setbacks due to being a corner lot. In this zone 80ft is required front yard setback. The plan shows a tabulation of the existing setbacks in the neighborhood. The development proposed is consistent with the development pattern in the neighborhood and would not cause any negative impact. Of the 13 nearest lots, there are 7 that do not conform to front yard setback. Lot 25 is a new home, under construction and has front yard setback of 68ft. The goal is to demolish the existing home and build a 6800sq ft single family dwelling, including 10 bedrooms, garage and a basement. Dr. Hofstein asked if that total sq footage includes basement. Mr. MacFarlane said it does not, the basement is approximately 3,000sq ft but the architect will confirm this. The next exhibit shows the plot plan. This shows the home and a new inground pool and the driveway, which will access Green Valley and Clearstream Rd. The proposed relief is for three variances. The first 2 for front yard setback, the setback for Green Valley Rd is 69.2ft and the setback at Clearstream Rd is 57.8ft and 80ft is required. The west side yard setback is proposed at 36.1ft, where 50ft is required. Mr. MacFarlane said the limited building envelope is very small and would not meet the demands of today's growing families. It is consistent with pattern development in the area. It does not negatively impact the neighborhood. Mr. MacFarlane pointed out that there have been a few homes in this area that have been demolished and expanded. Mr. MacFarlane pointed out that at least 7 of the homes in the area have front yard setback in the 50ft range and they are proposing 69ft and 57.8ft. He believes the lot qualifies under the hardship criteria for C1 as it is an irregular and undersized lot and a corner lot with 2 street frontages. The front and side yard setbacks are consistent with the development in the neighborhood. Mr. MacFarlane referenced case law *Chirichello v Monmouth Beach*, where front yard setback does not impair zone plan as long as it is similar to other homes on undersized tracts in the neighborhood. The side yard setback proposed at 36ft is compatible with the neighborhood. It does not violate zoning purposes such as light air and open space. This application is proposing 10.6% building coverage and the ordinance allows 15%. Removing the old and house and putting up a new home will promote a desirable visual environment. This application does not substantially impair the intent and purpose of the zone plan, does not have substantial detriment to the public good. Mr. MacFarlane addressed the Nov 20, 2025 letter from Mr. Peters. Mr. MacFarlane confirmed the pool pump will conform to the 50ft setback. Mr. MacFarlane does not take any exception to the variances identified in the letter. Mr. MacFarlane reiterated it is a 10 bedroom house. Inground pool will be surrounded by a fence with gated enclosure, and be in compliance with town ordinance. The application is required to have 6 off street parking spaces, the parking spaces will be a combination of garage and driveway, no relief or on street parking. They also received a letter from Morgan Municipal, dated Dec 19, 2025, Mr. Rohmeyer deemed the application complete. They will maintain existing drainage patterns. They are proposing to provide roof recharge systems, which is an upgrade from the existing storm water management. Mr. MacFarlane said they will defer to the Board if sidewalks and curbs are required or contribution to pedestrian fund, this will apply to both frontages. Dr. Hofstein asked any drainage problems on the lot. Mr. MacFarlane said there are not any currently and with proposed improvements when it is complete there will be less run off than there is today. He asked if there will be any landscaping issues, since they are clearing the lot. Mr. MacFarlane said they are not proposing any landscaping, at this time. They would like to give the applicant the flexibility to put the landscaping in as they see fit. They are open to Board's input. Dr. Hofstein asked will all the trees be removed. They are not clearing the whole site but they will have to file for tree removal permit as part of the application. Asked to identify any issues with driveway site line. Mr. MacFarlane said they do not see any problems and stated they would work with Mr. Rohmeyer

for any details regarding site visibility. Mr. MacFarlane said lighting around the pool and all lighting will be in accordance with ordinance. Dr. Hofstein asked about septic and will the applicant provide enhanced septic if required by Ocean County. Mr. MacFarlane said the application shows a new septic and they will be guided by Board if enhanced septic is required. They will comply with the Board's request for enhanced septic. Mr. Silecchia asked about the frontage on Clearstream. They are proposing 57.8ft and 69.4ft at the other corner and they feel it is consistent with area homes. Mr. Silecchia pointed out that the closest frontage on Clearstream was 91ft, and the new house came in at 68ft and now they are pushing it another 10ft. Mr. MacFarlane pointed out the existing home on this lot is at 70ft, which is not in compliance with current ordinance. Mr. MacFarlane agreed with Mr. Silecchia that this lot will be a lot closer than any of the other lots but this lot has a different configuration. This property does not have the depth that the other properties around it have and that is the hardship for the relief requested. Mr. Tremer asked what the setback was when that house was built. Mr. MacFarlane is not sure. Mr. MacFarlane said the test is if it is consistent with the area and it does not pose any negative impact. Mr. MacFarlane said this is his opinion. Mr. Peters asked about the building envelope and the width is about 40ft parallel to Green Valley and about 60ft wide by the pool and about 110ft to Clearstream. Mr. Peters said that seems like a significant property to build a property, but it is the applicant's choice to build a house that is not consistent with this building envelope. Mr. Peters asked can a house be built that conforms to the setbacks. Mr. MacFarlane said yes you could but the applicant does not have to prove that they cannot. They designed the house to keep the frontage to Green Valley Rd. Mr. Tremer wanted to know about bedrooms and why they are labeled as guest rooms. Mr. Alfieri said to wait for architect. Mr. Martins stated he is having trouble finding a hardship, since they can build a house on this lot that is conforming. Mr. MacFarlane said the lot is undersized. Mr. Martins is struggling with the size of the home. Mr. MacFarlane said it is what he feels is necessary for his family and comfort. Mr. Heiman asked where setbacks for R1 would be and would this be compliant. Mr. MacFarlane is not sure. Mr. Tumolo said R1 front yard setback corner lot is 40ft and 60ft if on major street, and side yard is 20ft. Ms. Bradley confirmed coverage is 6% now and proposing to increase coverage to 10.6. Mr. MacFarlane agreed. Mr. Rohmeyer wants to go over the sidewalk and is it appropriate to install sidewalks or if a contribution is more appropriate. Mr. MacFarlane said there is no sidewalk in close proximity to this home. Mr. Rohmeyer said if there are no sidewalks that can be a factor for the Board to weigh and or if they think this should be the start of sidewalks in that area. Ms. Bradley stated the home was built in 1975 and in 2000 it was in the R2 zone and still considered an undersized lot, she is concerned about the sidewalk and feels it should be considered. The property was in R2 zone but it is not automatically grandfathered in. Ms. Bradley asked about lot 25, in the neighborhood and if they had variances. Mr. MacFarlane said they would have had to and they probably had a left side yard setback. Ms. Tumolo wanted for the record that the sheds will be removed. Mr. MacFarlane confirmed they will be removed. Mr. Rohmeyer advised there is a letter from townships tree expert and as a condition of approval the applicant will satisfy the tree expert requirements. Mr. Rohmeyer wanted to clarify the driveway, two entrances and wants to confirm it will be outside the AASHTO site triangle and would it be shown on revised plan. Mr. MacFarlane agreed to this. Ms. Bradley asked if they built a house that was compliant, would that mean less trees have to come down. Mr. MacFarlane said no, they are going to work through this with resolution compliance and meet with township forester. Mr. Silecchia thinks they should have a clear tree replacement plan in place as a condition of the application. Mr. Silecchia also thinks that sidewalks should be placed. Mr. Heiman agrees and thinks sidewalks would be beneficial but does not think it is necessary as that area is

more rural. Samuel Fligman, owner of Sam Fligman Architecture, duly sworn by Board Attorney. Mr. Fligman testified that the home owners intend on living in this house. This home is a 6800sq ft dwelling, first and second floor, plus a basement of 4087sq ft. Proposed to be a single family home with 4 bedrooms on the second floor, 1 bedroom on the first floor and 5 additional bedrooms in the basement. There is a 1 car garage facing Clearstream, there are 4 bathrooms on the second floor, and ground floor has his and her master bathroom and then two half bathrooms for the living spaces. There are 4 bathrooms in the basement, one of these is meant to be used by the pool. Dr. Hofstein asked if full kitchen will be in the basement. Mr. Fligman said it is a Passover kitchen. Mr. Peters asked isn't that usually on same floor as kitchen and expressed the Board's concern with full kitchen in the basement. The 5 bedrooms 4 bathrooms and a kitchen in the basement. Mr. Fligman testified there is no plan for a separate family to occupy the basement living space. Mr. Fligman said they would agree to a deed restriction for no separate family or apartment in the basement. Mr. Tremer asked why they need a full kitchen. Mr. Tremer expressed concern that the design appears to accommodate single room occupancy. Mr. Fligman testified the total bathrooms for the house is 12 bathrooms. Mr. Martins confirmed with Bd Attorney that a deed restriction is enforceable. Ms. Cipriani advised it is enforceable. Ms. Tumolo added they would be questioned if they were ever to go for a rental CO. There are steps that need to be taken to enforce it but it is enforceable. Ms. Cipriani said there are additional items they need provide but there is nothing in the law that provides for prohibition of home ownership by LLC. Dr. Hofstein asked why they need two master bedrooms. Mr. Fligman stated the owners plan on staying long term and would have the master on main floor as they age. Ms. Rosal concerned with the applicant's ability to build a house that conforms but is choosing to build a larger home. Mr. Fligman said the client wants this style home, they currently live in a large home, the upstairs space will be used and the additional space is for family in the area. Mr. Alfieri pointed out that it is not the zoning board concern of how many children they have or how large their family is. Mr. Peters asked given the building envelope you could build a 10 bedroom similar size house. Mr. Fligman said yes they could but it would not be facing Green Valley. Mr. Peters said the design of the house could be developed differently and require a less intense variance or no variance at all. Mr. Alfieri commented on questions about the home and the size and why it is needed by the family.

#### Open to Public Session

Deb Jones, resident Jackson, duly sworn by Bd Attorney. Ms. Jones stated the house sold 3 years ago and she is concerned with the fact that the property is purchased, knowing what they are purchasing and the zone they are in. She feels this issue keeps coming up again and the applicant should have looked for a property they could have fit the type of house on. She said they knew when they bought the property what was allowed and this seems like a self-imposed hardship. She said as a town we have to start denying and the answer should be no.

#### Public Session Closed

Mr. Alfieri made a closing statement. Mr. Alfieri said there is any dispute to the hardship as it relates to the size of the lot and they have demonstrated they can't improve or mitigate the hardship. With respect to the setback variance, he believes they should look at the character of the neighborhood and compare that to R1 standards. They will see it is a consistent pattern to support the variance. Mr. Alfieri said they would agree to install sidewalks, enhance the septic system and address all the technical

comments in the Bd Prof reports, and include the deed restriction for single family use. In closing they request the Board grant to application.

Ms. Cipriani stated the conditions are that the 200ft property address list be added to cover sheet, the pool will conform to 50ft setback, the sidewalks will be provided, advanced treatment of septic willing to install, the shed will be removed, tree removal plan must be approved by township forester, they agree to show driveway site plan triangle on revised plan, deed restriction for single family home and no apartment in the basement. They are requesting 3 variances. The standard for undersized lot case is the applicant carries the burden of proof on both the positive and negative criteria. They testified the hardship for the positive and some testimony that it could be done without detriment to public good. They must provide proof that they attempted to conform to zoning ordinance by attempting to acquire adjacent property. These letters were provided as proof. They must submit detailed plans for proposed house. This has been provided. Applicant must demonstrate compliance with the use, side yard and setback requirements on similar homes on small pieces of land. This application is not compliant with front and side yard setbacks in the R3 zone. They testified they are in compliance with R1 setback. There was testimony that they will not violate zoning purpose such as light, air, and open space. In addition positive and negative criteria must be proved for this bulk variance.

Mr. Martins asked if they follow the R1 is there any variances they would need. Ms. Cipriani stated they would be in compliance with the R1 setbacks. Mr. Silecchia said he has issue with the fact that a similar house can be built and would conform. He is struggling with why the applicant is not attempting to put a similar house up that may not require variance. Mr. Silecchia commented on the testimony that it is keeping with the character of the homes going up in the area, he said there was a character to the neighborhood before the larger houses too. He is concerned with the balance of old and new. Mr. Heiman said he understands both sides, and he said he does not see an issue with fit, it fits with character of the neighborhood and they agreed to put in sidewalks. He does not see any negative criteria. Mr. Heiman said the hardship for this property is that it has two front yards and he does not think it is setting any kind of precedent to any other properties. Dr. Hofstein stated the township and the County have got together to put sidewalks in place in the town. The new Master Plan that was passed and there was an opportunity to change this to an R1 zone but it was kept as an r3 zone. The applicant can build a comparable home, eliminate the variances and still build a similar home. Mr. Tremer asked where we draw the line, there is a piece of property they could build a house that fits but it seems these applications keep coming before the Board. Mr. Tremer expressed concern for the possibility of another use. Ms. Cusano agrees with the Board members. Ms. Bradley said the application is struggle, she struggled with the town keeping this an R3 zone, despite the homes in the area that have only about an acre. She also struggled with the fact that they can build a home and not require variances. She understands the house has some non-conformities and the house may have gone through zone changes since it was built. She appreciates the things the applicant is willing to do like sidewalks. Mr. Silecchia said he attended the forum when MP was drafted and he said one of the main things was density. The fact that the town kept this R3 seems like they want to keep this neighborhood close to what it was.

**Motion to Deny / Hofstein Second/ Silecchia Vote and Yes Vote to deny: Martins, Rosal, Tremer, Cusano, Hofstein, Bradley No Vote: Heiman**

**Application Denied**

APPLICANT: FALZARANO GROUP LLC/ ENZO'S RESTAURANT (PRELIMINARY AND FINAL SITE PLAN 938 W/ USE VARIANCE 3525) BLOCK: 2507 ZONE: LC LOCATION: 237 W. COMMODORE BLVD ATTORNEY: SALVATORE ALFIERI ENGINEER: PDS/GRAHAM MACFARLANE APPLICANT IS SEEKING PRELIMINARY AND FINAL SITEPLAN WITH USE VARIANCE TO RETAIN RESTARUANT USE, CONVERT SINGLE FAMILY DWELLING TO SALES OFFICE, OUTDOOR SHED SALES, CONVERT THE BUILDING TO MULTI-TENANT WAREHOUSE AND ON-SITE LEASED PARKING. (CARRIED FROM 8/6/25 and NOVEMBER 5, 2025, MEETING) Testimony given 8/6/25 Will re-notice

Mr. Alfieri, Attorney representing client. Mr. Alfieri said they are here tonight for preliminary and final site plan with use variance. They are here to finish testimony and clarify some questions that were asked at the last meeting. Graham MacFarlane, previously sworn by Bd Attorney, still under oath. Exhibit A5 is updated variance plan that was submitted to the Board. Adding an adequate basin, fencing the two separate uses, the conversion of house to sales office. Mr. MacFarlane said they submitted revised statement of operations. The hours of operation M-S 8am-8pm and this is to give the owners flexibility if they need to be there a little later some night. The rest pizzeria would operate as it has historically no change. The shed business would use the single family home converted to a sales office. The sheds are constructed off site. The warehouse building would have 4 bays, they envision it to be smaller businesses. The two leased parking areas are shown with fencing. The number of tenants is not fixed and will change. They are asking for flexibility that the parking does not have to be leased to one or two people and instead be allowed to rent to anyone that is going to comply with the requirements. The landscaping business is shown, it has a front portion which is storage of materials, and then the back portion had landscape stock that is growing and then taken to be installed to customers. The storage area has bins for stone, sand and mulch to be stored. The bins will have height limitations. They also would like an area to have roll off containers, which may contain bush, stumps, vegetation and clippings. The landscaper has roll off containers that he brings back to the site and they are temporarily stored until they can be disposed of. Hours of operation for this business are 7am-7pm. There is no manufacturing performed at the site. This application is for multiple uses but they are outdoor storage uses. They anticipate deliveries by single unit trucks to the restaurant and tractor trailers make shed deliveries. Various vehicles for the landscaping business will enter and exit the site during the day. They are in receipt of review letters from both Bd Professionals. Mr. Peter's letter December 29, 2025, goes over everything they are seeking, a number of variances and design waivers. They are not looking to make a lot of site upgrades, due to the low intensity use being proposed. Mr. Peters does state the restaurant, the retail office, the warehouse and the lease parking are not permitted in this zone. The property is located in limited commercial use zone. Mr. MacFarlane testified they don't take any exception to the bulk variances that Mr. Peters cited in his letter. Mr. MacFarlane does not take any exception to the waivers that are necessary, he is requesting relief from those waivers based upon the plans as they are submitted. Mr. MacFarlane said as an example they are asking to not have the landscaping materials screened in, they are located in the rear of the property and not highly visible. The Morgan letter, dated January 2, 2026, summarized the application, the wetlands, the 8ft chain-link fence, buffer requirements (buffers are not required as all adjoining properties are zoned commercial), EV parking, and curb and sidewalk to be determined by the Board. There was a sign that was previously approved, they are asking for that sign setback to be granted. Mr. Rohmeyer pointed out that it requires pavement structure. Mr. MacFarlane said most of the site is accessed via a gravel driveway and he feels this is adequate. They are asking for a waiver so they do not have to install any impervious surface. Mr. MacFarlane said the limited commercial zone does not allow for a lot of commercial



businesses. They must satisfy positive and negative criteria. Mr. MacFarlane believes this application advances 4 purposes of the MLUL, he believes this will promote public health, safety and general welfare, provides adequate light, air and open space, they are proposing an application on a property that does have wetlands buffer and they are not proposing to disturb them. They are providing a variety of commercial uses to meet the needs of citizens. Mr. MacFarlane said there is a need for parking, he feels this will satisfy that need. He believes it substantially conforms to the MP and it is well suited to the use in this application. There is no demand on municipal roadways. They are not proposing any land clearing. They are only proposing 7.4% impervious coverage, 60% is allowed. The site is repurposing existing buildings, which helps protect and reuse resources. The property has limited street frontage, which makes it good for this use, it does not rely on visibility. The negative criteria, he does not feel that this application has any negative impact on the community, considering the low intensity use proposed. He believes it promotes MP by promoting commercial use on this property. Mr. MacFarlane testified that the outside agency approvals include, Ocean County application with conditions, approval from Ocean County Soil Conservation, they do not need DEP permit. Ms. Cipriani asked about the last meeting and discussion of obtaining an LOI. Mr. MacFarlane testified an application has been submitted and is pending with DEP. Mr. MacFarlane added it is his understanding, that the landscape nursery stock stored near cat 1 riparian buffer, is not regulated by riparian buffer rules. Mr. MacFarlane said they do not have any encroachment or clearing of the riparian buffer. He testified as a condition of the approval they would get an interpretation from the DEP. Ms. Cipriani confirmed the letter of interpretation would be required. Mr. Silecchia was at the site and he observed 15 wooden pallets and a metal stand sitting in the riparian buffer, he also noted there is a lot of cleanup that needs to be done. Mr. MacFarlane said they have discussed this with the applicant and advised him that he needs to clean up the area and they need to keep the sheds back from the road. Mr. Silecchia observed a bunch of pumpkins and two gas tanks on the ground. Mr. Silecchia confirmed that Broadway Ave is not running through this property. Mr. MacFarlane said this street does not run through this property, he referenced the cover sheet of the application, where you can see the street does not go through. The applicant is still proposing 8ft chain link fence with slats for privacy. Mr. Martins likes the amended plan, but his concern is if the applicant will stay on top of the property. Mr. Falzarano back up to testify, previously sworn still under oath. Mr. Falzarano said once there is a plan in place then he will know what they are allowed to do and will be able create a lease and hold tenants responsible for keeping everything organized. Mr. Falzarano testified that he is there 10-12 hours a day to monitor. Dr. Hofstein wanted to go over the various uses on the property, the pizzeria, he said it is fine and has no issues. The shed and home/office, he noticed the sheds are all over the place and wants testimony that the sheds will be located one place. Mr. Falzarano testified he told the owner he needs to sell them or move them. Dr. Hofstein questioned the existing home that will be converted into an office space and asked how many employees will be using it. Mr. Falzarano testified they are not changing the foot print of the house, it will be used by the employees of the shed company and will have a break room for lunch. Dr. Hofstein wants to know what type of tenants will be in the prefab building with 4 bays, 25,000sq ft; Mr. Falzarano testified that he would like one tenant but goal is plumbers, electricians, people that need some extra storage. Mr. Alfieri testified there is no bathroom on site, or offices, and it will not be used for mechanical repair or service. No storage of hazardous materials. Mr. Peters stated an underground or on ground gas tank is not permitted, however if a vehicle has 5 gallon gas can in the back of a truck is not something they can regulate. Dr. Hofstein asked what kind of surface will be on leased parking. Mr. Falzarano said they are proposing gravel. Dr. Hofstein said he noticed there is every

type of vehicle back there and just wants to know how they are going to prevent any leakage from going into the ground. Mr. Falzarano said he does not know. Dr. Hofstein said there are so many vehicles in all states of repair. Mr. Alfieri said one of the conditions, they agreed to, is that all vehicles have to be currently registered and in working order. Mr. MacFarlane said that having vehicles in good working condition would lessen the likelihood of leakage, he added they would be guided by the Board's advice. Mr. Peters said if Mr. Falzarano cannot present the Board with a plan for how to make this an environmentally safe use, perhaps the Board should not consider it. Mr. Peters said it is on stone and there is no protection for oil or gas leakage, the town should not have to babysit the site. Mr. Falzarano said the spots could be leased to one person or someone who owns numerous vehicles. Dr. Hofstein asked how many vehicles can fit in the spots. Mr. Falzarano said maybe 6 trucks, his plan was to mark them out with post and have reflective materials, and the other space is going to be continued use by the mechanic down the street. Mr. Falzarano's testimony is that there would only be vehicles there that are in for short term repairs. Dr. Hofstein said he feels there is more thought needed for the leased parking. Dr. Hofstein asked if the supplies for the landscaping company will be in containers. Applicant confirmed and in addition they will have brush and clippings in a roll off dumpster. Mr. Peters asked applicant to confirm that he has seen the statement of operations and agrees to what is written. Mr. Falzarano confirmed. Mr. Peters wants a condition that states no stump grinding on property, they need more specifics on the amount of materials that will be stored, the letter from Mr. MacFarlane does not indicate the amount of materials, they also indicated for the landscaping business there would be no retail sales and that is not in the letter. Mr. Alfieri agreed with all of Mr. Peter's requests. Ms. Bradley asked for parking spaces in the lots. Mr. Falzarano does not know exactly. Mr. MacFarlane was brought back up to continue testimony. Mr. MacFarlane said they are not looking to pave the site and does not think adding pavement, containing petroleum and hydrocarbons, will help water quality. The plan calls for all runoff to be directed to the storm water management basin, through gravel. Mr. MacFarlane testified that in the basin there is a separate water quality bay required and would provide additional management in accordance with State standards and in line with DEP guidelines. Mr. MacFarlane said during resolution compliance they can have a number for the parking spaces and work with the Professionals. Mr. MacFarlane said they will provide a not to exceed number for vehicles stored on the lot. Mr. MacFarlane said they could introduce a water treatment device in the leased parking area, this would provide more protection. Mr. MacFarlane said the plan indicates 3 storage bins, for the landscaping, 12ft wide by 18ft deep and max height of 6ft. Mr. Alfieri testified there will be a total of 50 vehicles between both parking lots. Mr. Falzarano said he is anticipating 6 or 7 tractor trailers and is not sure how many will be tankers. Mr. Tremer said the tankers will be the problem and they will need impervious surface especially if they are parking tankers. Mr. Falzarano said they would agree to not have tankers parked there. Mr. Alfieri said the applicant will stipulate no tankers. Mr. Heiman said the plans show a 24' gravel drive area and there is fencing to delineate the different areas and he is concerned how this will affect emergency vehicles getting around the property. Mr. Tremer said as a condition of approval for the access it should be based on fire professional's approvals. Mr. MacFarlane said the application was approved by fire in 2024 but he will resubmit the modified plans. Mr. Heiman asked what kind of maintenance will be done on the gravel driveway. Mr. MacFarlane said it will be the owner's responsibility to maintain the drive. Mr. Rohmeyer asked about the existing site identification sign and confirmed they will be adding an additional sign panel. Mr. MacFarlane agreed. Mr. Rohmeyer recommended the Board consider granting the variance, since the sign is just being expanded. There are no issues from an engineering standpoint, there is 9ft of space below the sign. Ocean County Roads

requested larger site triangles and the applicant agreed to revise the plan. Mr. Rohmeyer said he will leave up to the Board if they feel it is appropriate for contribution to pedestrian safety fund or sidewalks. Mr. MacFarlane does not believe there is any sidewalks in the area and they are requesting payment in lieu of sidewalk. Mr. Rohmeyer said the sheds are shown close to the property line, per town ordinance accessory structures should be 15ft from property line, suggestion to back it up 10 or 15ft. The applicant agreed to a treatment device which may help with storm water runoff, Mr. Rohmeyer suggest that to properly protect from pollutants concrete or some impervious surface should be installed. Mr. Peters wants a condition that there will be no above ground fuel storage tanks. Mr. Peters wants to verify there will not be any vehicle service or repair in the lots. Mr. MacFarlane testified no above ground fuel storage tanks and no vehicle service or repair on site. Mr. Peters asked if there are any plans to upgrade to septic system. Mr. MacFarlane said there are no plans, they are not proposing any bathrooms in the warehouse and the single family house conversion would not trigger any upgrade. Mr. Alfieri does not believe there is a need to make an application to the Ocean County Board of Health for review. Mr. Peters said he will leave that up to the engineers. Mr. Heiman asked about lighting, the statement of operations says the hours of operation will be 7pm and 8pm and it will be dark. Mr. MacFarlane said the warehouse building has one existing light and the plan is for every door to have some lighting. Mr. Heiman believes the proper procedure would be to provide adequate lighting for vehicles to get around the property safely. Mr. Heiman noticed the refuse container 2ft from neighboring property. Mr. MacFarlane said they put the 8ft privacy fence to keep it from view of neighbor, the placement of the dumpster was to keep it as far from W Commodore. Mr. Alfieri suggested bollard lights or solar for low lighting, maybe motion sensitive. Ms. Bradley asked about the impervious surface and asked if they are willing to install concrete. Mr. Alfieri said if the Board requests concrete they will install it. Ms. Tumolo questioned the storm water basin is 3ft depth and if there any barriers proposed, due to its close proximity to the drive aisle. Mr. MacFarlane proposed guide rails along the access drive, he does not think fencing is required. Ms. Tumolo agreed with using guide rails.

#### Open to the Public

Pattie Matlock, 251 W Commodore, duly sworn by Bd Attorney. She has lived there for over 25 years, she is the neighbor to applicant. She expressed that she was following the application up until the 50 trucks parked next to her property. She said she hears trucks as early as 4am and all kinds of noise. She has well water she does not use chemicals and does not want the noise and pollution. She added that the applicant has had septic issues for years, they have septic people out all the time and the smell is horrible. She wants the septic addressed and she does not want the fifty cars parked there.

#### Public Session Closed

Mr. Alfieri said they need guidance from the Board regarding curb and sidewalks, install concrete surface in the leased parking lot and if they need to have Board of Health review the septic. Mr. Alfieri put on the record that the statement of operations has the hours of operation and the tenants that lease will have to abide by them. The leased parking area is 7am-7pm. Ms. Bradley does not think curb and sidewalks are necessary and she thinks Board of Health should be contacted just to protect everyone's health. She also believes concrete should be put in place. Mr. Tremer said Board of Health will not come out but they will to have a company come out, possibly involve the neighbor. The neighbor said she does not need to be involved, she just wants the septic addressed. Mr. Tremer added what about moving the storage of the tractor trailers to the other side and keeping it further away from

the neighbor's home. Mr. MacFarlane said they had discussed limiting trailers to parking lot area one. Mr. Tremer asked if blacktop would be acceptable cover. Mr. Rohmeyer said yes it would still be an impervious surface.

Ms. Cipriani reviewed all the numerous conditions discussed: Applicant will have an 8ft chain link fence with privacy slats; no gas fueling vehicles on site; no above ground gas storage container; no vehicles repair on site; no tankers as stored vehicles; all lights to be repaired and installation ballard lights around the drive aisle; in lieu of sidewalks payment would be acceptable; landscape business will not retail, just storage; no stump grinding; current office trailer will be removed; restaurant operation set forth in the statement of operations; no maintenance or repair work done on property; no haz material; shed behind restaurant will be used for dry storage only; no sheds built on site; house will be an office for the shed business only; all vehicles must on leased lot must be current registration and in working order; max number of vehicles on site is 50, this has not been agreed upon by the Board; mfr treatment device placed in parking area unless impervious coverage is used; the leased parking area be made of impervious coverage; the storm water mgt would be required if it meets the criteria for major development; must submit approval to fire official; all encroachment to be removed from wetlands and riparian area; LOI must be provided; 3 storage bins 12x18 max height 6ft; access for emergency vehicles must be maintained; shed will be all in one area and fenced in; guide rail installed between drive and basin; leased parking area hours 7am-7pm; Board of Health septic system inspected and improved; tractor trailer storage to area 1; asking for variance for additional sign panel to the existing sign.

Mr. Martins has an issue with 50 vehicles. Ms. Cipriani said the Board can limit the number of vehicles on the lot. Mr. Martins is not sure what the number should be but 50 seems like a large number. Mr. Alfieri said they can say no more than 10 trucks. Mr. Silecchia said if they put down blacktop, they can make parking spaces and use RSIS to determine the number of parking spots. Mr. Alfieri said they could do the maximum number with conforming parking not to exceed 50 and no more than 10 trucks. Mr. Silecchia stressed the importance of applicants coming in front of the Board prepared. Ms. Bradley asked area of the leased parking. Mr. MacFarlane stated area 1 200ft x 100ft wide and area number 2 is 100ft x 60ft. Mr. Heiman does not like the use, the original approval for this lot was for a farm produce market. In 2002 they were granted the pizza restaurant. This zone is a limited commercial and he believes there is a reason. Mr. Heiman thinks this is way too much and it is not particularly suited and the proximity to the wetlands. There are 5 principle uses, trucks near residential property, the vehicle storage and the landscaping business. Mr. Silecchia said he went to the site today, 5 months since initial application, he noticed there has been no attempt to rectify any of the concerns that were brought up back in August. He does not feel comfortable trusting the applicant will keep the site in order. Mr. Silecchia observed things in the Riparian buffer and this was addressed months ago. There has been no attempt to clean it up. Mr. Martins said he believes more thought needs to be put into this. Mr. Martins does appreciate the effort on the part of the applicant's professionals to accommodate the Board's requests. Dr. Hofstein said the applicant has owned the property for many years and has allowed the property to continue to gather junk and no attempt to clean it up, and is concerned for his ability to maintain control of the property. Dr. Hofstein said he feels cutting out the leased parking for the vehicles would be a better idea. Mr. Tremer asked if they would consider dropping the leased lot. Mr. Alfieri said the applicant will drop the leased lots, they can see it is a source of opposition. Mr. Heiman expressed his concern, even with dropping the leased parking, there are too many uses for the

LC zone. Mr. Alfieri request the application be carried, so they can revise the plans and come back in front of the Board.

**Application to be carried to March 4, 2026 meeting No further notice**

**Motion to adjourn meeting / Tremer Second / Rosa**

**Meeting adjourned 10:56pm**

Respectfully Submitted,

Kathleen Bibza, Zoning Board Recording Secretary