

**ZONING BOARD OF ADJUSTMENT  
BARNEGAT LIGHT  
MARCH 13, 2023**

**THE MEETING OF THE ZONING BOARD OF ADJUSTMENT** was called to order at 6:00pm by Vice Chairwoman Lee-Anne Oros who stated that notice of this meeting has been published and posted in accordance with requirements set forth in the New Jersey Open Public Meetings Act.

**The Pledge of Allegiance followed.**

**ROLL CALL OF MEMBERS**

**ROLL CALL:** Vice Chairwoman Lee-Anne Oros, Kathryn Esposito, Tim Brindley, Linda Passaro, Virginia Fitzsimons, Mark Finelli,

**ABSENT:** Chairwoman Nancy Spark, Nancy Manookian, Kathleen Clark,

**MINUTES OF JANUARY 9, 2023 MEETING**

**AT THIS TIME,** Vice Chairwoman Lee-Anne Oros asked for a motion to approve the minutes of the January 9, 2023 meeting minutes.

**MOTION:** Tim Brindley

**SECOND:** Katy Esposito

**VOTE:** Vice Chairwoman Lee-Anne Oros, Kathryn Esposito, Tim Brindley, Linda Passaro,

**ABSTAIN:** Mark Finelli, Virginia Fitzsimons,

**NAYS: NONE ABSENT:** Nancy Manookian, Kathleen Clark, Chairwoman Nancy Spark

**APPLICATION 2023-01**  
**DONAHUE, BLOCK 39, LOT 17.01**

Mr. Visotcky approached the board as the attorney representing John and Linda Donahue. He explained that the property is on an oversized lot and that there is plenty of room on site. He explained that the proposed location for the elevator is the most practical and that they will need a variance for a side yard setback on the northside. Mr. Visotcky called Malcolm Burton, registered architect, to testify on behalf of the applicant. Mr. Burton was sworn in and explained that the front-yard setback for this property is 27ft where 25ft is required. The side yard setback on the south side is 8.3ft and the north side is 9.5ft where 9ft is required. Mr. Visotcky asked that 3 photographs be marked A1, A2 and A3. A1 depicts the front of the house facing the ocean, A2 depicts the rear of the property with the two access garages and a walkway along the northside that leads to the front entrance of the house. A3 depicts the west-side of the house looking down the access street. Burton explained that they chose to put the elevator on the northside because they have about a foot more side-setback and it gives the applicant access to their bedroom and living room without going outside of the house. Mr. Burton explained that they are proposing to

extend the existing walkway to the new hoist way and add a 3ft covered entrance way. Mr. Finelli asked if the walkway would be elevated and Mr. Burton responded that it would not be. Mr. Brindley asked if the cleanouts on the Northside would be in the way. Mr. Burton responded that a flush cap would be installed with an access panel to the cleanouts. Mr. Burton further demonstrated that the proposed location is the most ideal, considering the structure of the house. Mr. Bruce Jacobs, the applicant's engineer and professional planner was sworn in and explained that the proposed location for the elevator is the most practical considering the architectural features and the site constraints. He explained that he believes there is adequate space between the applicant's home, the property line and the neighboring property. Mr. Jacobs asked to mark a packet of two photos as A4. Both photos depict the center area between the neighboring house and the subject property. He stated that after the elevator installation, there will be approximately 12.3ft between the properties. Mr. Jacobs explained that he is familiar with the zoning ordinance for the Borough of Barnegat Light and believes the proposed setback will not impair the purpose of the zoning ordinance. The board asked the applicant's professionals about alternative locations for the elevator. Vice Chairman Oros expressed concern about the closeness of the 3.8 feet. Ms. Esposito explained that the intent of Barnegat Light's zoning code is to make sure houses are not on top of each other and she expressed concern that 3.8ft is too close. The applicant, John Donahue was sworn in. Mr. Donahue explained that he needs an elevator because he is medically handicapped by Parkinson's disease. He also explained that his wife, Linda Donahue has an inflammatory muscular disease which affects her leg movement. Mr. Finelli asked Mr. Donahue if this was his primary residence. Mr. Donahue answered that it is not his primary residence. There were no other comments from the applicant or the applicant's professionals.

Vice Chairwoman Lee-Anne Oros opened to the public. There being no public, Vice Chairwoman Lee-Anne closed to the public.

Mr. Brindley expressed concern about the possibility of the neighbor wanting to put an elevator in and the neighbor asking for a similar variance on the southside of the house, which might pose an access issue. Mr. Visotcky explained that both homes were built at the same time with the same layout, therefore they would likely go for a variance on the northside of the property. Mr. Finelli stated that he believes that this is the best location for the elevator based on the information provided. The board discussed possible issues of access by emergency personnel. Ms. Esposito explained that she is concerned about the closeness of 3.8ft and that there seems to be enough space in this home to find another location. Ms. Passaro stated that because emergency personnel will still have access from the other side of the home, she feels this is the best location. Ms. Oros explained that she does think an elevator is necessary, however, she does feel there should be alternate locations based on the size of the home.

At this time, the board concluded their discussion.

**AT THIS TIME,** Mark Finelli made a motion to approve the application.

**MOTION:** Mark Finelli

**SECOND:** Tim Brindley

**APPROVE:** Tim Brindley, Linda Passaro, Mark Finelli

**NAYS:** Vice Chairwoman Lee-Anne Oros, Kathryn Esposito, Virginia Fitzsimons

The application was denied and there was no other business.

**AT THIS TIME**, Vice Chairwoman Lee-Anne Oros asked for a motion adjourn the meeting

**MOTION:** Tim Brindley

**SECOND:** Katy Esposito

**ALL IN FAVOR.**

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Cecile Hodgson  
Zoning Board Secretary