

**ZONING BOARD OF ADJUSTMENT  
BARNEGAT LIGHT  
JULY 10, 2023**

**THE MEETING OF THE ZONING BOARD OF ADJUSTMENT** was called to order at 6:00pm by Chairwoman Nancy Spark 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:** Chairwoman Nancy Spark, Mark Finelli, Kathleen Clark, Virginia Fitzsimons, Nancy Manookian

**ABSENT:** Lee-Anne Oros, Linda Passaro, Tim Brindley, Kathryn Esposito  
Board attorney, Joseph Coronato was not present and Board Secretary, Cecile Hodgson was present.

**MINUTES OF JUNE 12, 2023 MEETING MINUTES**

**AT THIS TIME,** Chairwoman Nancy Spark asked for a motion to approve the minutes of the June 12, 2023 meeting minutes.

**MOTION:** Nancy Manookian

**SECOND:** Virginia Fitzsimons

**ALL IN FAVOR**

**AT THIS TIME,** Chairwoman Nancy Spark asked for a motion to memorialize resolution 2023-05

**MOTION:** Nancy Manookian

**SECOND:** Virginia Fitzsimons

**ROLL CALL:** Chairwoman Nancy Spark, Mark Finelli, Kathleen Clark, Virginia Fitzsimons, Nancy Manookian

**RESOLUTION# 2023-05**

**RESOLUTION OF APPROVAL  
APPLICATION OF  
PAUL and PATRICIA CLARK  
APPLICATION #ZB-2023-02**

IN THE MATTER OF  
PAUL and PATRICIA CLARK

: BOARD OF ADJUSTMENT OF THE  
: BOROUGH OF BARNEGAT LIGHT

: APP NUMBER 2023-2  
: BLOCK 58; LOT 1.01

: 2901 CENTRAL AVENUE

**WHEREAS** an application has been made to the Borough of Barnegat Light Board of Adjustment (the "Board") by Paul and Patricia Clark (the "applicant"), for variance approval to construct an exterior elevator stack on the west side of existing two (2) story single family dwelling. The property known as 2901 Central Avenue in the Borough of Barnegat Light, NJ, Block 58 Lot 1.01 as depicted on the Tax Maps of the Borough of Barnegat Light, Ocean County, New Jersey, and said premises being located in the R-A Single Family Residential Zone: and

**WHEREAS**, the Applicant has satisfied the noticing requirements of the New Jersey Municipal Land Use Law and provided proof of same to the Barnegat Light Board of Adjustment; and

**WHEREAS** the Applicant was represented by James Raban Esq.; and

**WHEREAS**, the Barnegat Light Board of Adjustment reviewed the application, documents, plans and exhibits as submitted, and listened to the applicant and received information from its professional staff; and

**WHEREAS** the Board heard the testimony and the evidence presented by the applicant and received comments from the public in support of the application.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Adjustment of the Barnegat Light, County of Ocean, and State of New Jersey on June 12th, 2023, made the following findings:

1. The Board found the application complete.
2. According to the application, the Applicant is requesting a rear yard setback variance to construct an elevator stack on the West side of the existing single-family dwelling. The following variances and waivers:
  - A. The following are new variances being requested:
    1. A minimum rear yard setback of 10 Ft. is required, whereas 5.25 Feet is proposed. A variance is required,
  - B. The Applicant is not requesting any waivers.
3. In support of the application, the Applicant submitted the

following documents:

- A. Map of Survey/Plot Plan/Variance Plan, One (1) Sheet, prepared by Nelke/Tyszka Land Surveyors, Inc. The map is signed by Leon J. Tyszka, PLS. and John P. Augustine, P.L.S., dated 03/08/2023 with latest revision date of 05/18/2023.
  - B. Architectural Plans, four (4) Sheets prepared by Hand Line Architects dated 05/18/2023.
  - C. Color Photographs, two (2) color photographs showing various angles of the dwelling.
4. During the public hearing held on June 12, 2023; the Board of Adjustment discussed the following review letters prepared by the Board's professionals, the contents of which are hereby adopted and incorporated in full:
- A. Review letter dated June 1, 2023, by the Board of Adjustment Engineer, Frank Little, P.E., P.P., C.M.E.
5. The Board of Adjustment has received no review letters/memos from the Barnegat Light Officials.
6. During the public hearings, the following exhibits were marked into evidence:
- A. A-1 color photo facing the southern side.
  - B. A-2 color photo side yard area.
7. The Applicant requested a rear yard variance approval for the elevator stack.
8. During the public hearing on June 12, 2023, the Applicant's Engineer James Brzozowski, PE, PP, described the variance needed by the Applicant.
- A. The applicant is requesting a rear yard variance pertaining to the house access for the Clark family.
  - B. Mr. Brzozowski described the lot, the existing house, and the neighborhood.
  - C. The applicant is seeking to construct an elevator on the rear side of the house with access through the garage.

- D. Mr. Brzozowski testified that there is no other place to put the elevator stack except where it is located.
  - E. The applicant proposed the elevator stack will be 5.25 FT from the property line where 10 FT s required.
  - F. Mr. Brzozowski testified that the positive criteria outweighed any negative criteria and would not be detrimental to the zoning plan.
9. During the public hearing on June 12, 2023, the Applicant's house designer Will Esarey, described the variance needed by the Applicant and the proposed changes.
- A. Mr. Esarey described the proposed plans using the submitted plans.
  - B. The elevator will provide access to the house through the garage area both to the bedroom and living area on the second and third floor.
  - C. Stack will be located on the rear side of the house.
  - D. The remainder of the house will be unchanged.
  - E. Mr. Esarey testified that the house was constructed in such a manner that there was no other place to locate the elevator based on the existing interior floor plan.
10. During the public hearing on June 12, 2023, Ms. Patricia Clark, the Resident/Applicant testified:
- A. Applicant is requesting to install the elevator as her husband Paul has the onset of Parkinson's will require a wheelchair. In addition, the house was purchased in 2003 and her husband has regressed so that he cannot gain access to the house. Access will be through the garage only and it is a necessity for him to have an elevator to gain access to the second and third floors.
  - B. The family does utilize the home virtually 12 months during the year.
  - C. Ms. Clark indicated that they would trim the trees on the side of the house so that there is access for emergency personnel.
11. The Board specifically finds the variance for the elevator in the rear yard setback 5.25 feet as proposed is acceptable. There is concern for emergency access to the rear of the property and the applicant has agreed to trim the trees for emergency personnel access. The Board finds that the application is not detrimental to the zoning ordinances of the Borough, and the same should be approved.

#### **CONCLUSIONS OF LAW**

WHEREAS the Board determined that the Applicant's variance pursuant to *N.J.S.A. 40:55D-46* and *N.J.S.A. 40:55D-50* were found to be sufficient as to style and design, and the Board approves the Applicant's request; and

WHEREAS the need for the Minimum rear yard setback of 10 Ft. is required, whereas and 5.25 ft. is proposed to the new elevator and is approved, and

WHEREAS, the Board has determined that the relief sought does not impair the intent and purpose of the Master Plan or Zoning Ordinance of the Borough of Barnegat Light.

NOW, THEREFORE, BE IT RESOLVED, by the Barnegat Light Board of Adjustment, in the County of Ocean and State of New Jersey, on the 12th day of June 2023, upon a motion made by Virginia Fitzsimons and seconded by Mark Finelli, that the application of Paul and Patricia Clark is granted

ADOPTED this 10th day of July 2023.

#### MEMORIALIZATION RESOLUTION VOTES

MOTION: Manookian

SECOND: Clark

APPROVE: Chairwoman Spark, Fitzsimons, Manookian, Clark, Finelli

NAYS:

NOT- PRESENT: Lee-Anne Oros, Linda Passaro, Kathryn Esposito, Tim Brindley

#### VOTES FROM JUNE 12<sup>TH</sup>

IN FAVOR: Chairwoman Nancy Spark, Tim Brindley, Mark Finelli, Kathleen Clark, Virginia Fitzsimons, Nancy Manookian

OPPOSED: Kathryn Esposito

NOT- PRESENT: Lee-Anne Oros, Linda Passaro

**AT THIS TIME**, Chairwoman Nancy Spark asked for a motion to adjourn the meeting.

**MOTION:** Kathleen Clark

**SECOND:** Mark Finelli

**ALL IN FAVOR**

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Cecile Hodgson, Zoning Board Secretary