

**ZONING BOARD OF ADJUSTMENT
BARNEGAT LIGHT
MARCH 10, 2025**

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: Oros, Passaro, Clark, Esposito, Raughter, Dolan, Finelli,

ABSENT: Spark, Manookian,

Also present, Board attorney Joe Coronato and Board secretary Cece Hodgson

MINUTES OF FEBRUARY 10, 2025 MEETING MINUTES

AT THIS TIME, Vice Chairwoman Lee-Anne Oros asked for a motion to approve the minutes of the February 10, 2025 meeting minutes.

MOTION: Clark

SECOND: Esposito

VOTE: Oros, Passaro, Clark, Esposito, Raughter,

ABSTAIN: Dolan, Finelli

ABSENT: Manookian, Spark

**RESOLUTION 2025-04 SABURN, BLOCK 36 LOT 13.01
VARIANCE APPLICATION 2025-01**

AT THIS TIME, Vice Chairwoman Lee-Anne Oros asked for a motion to memorialize resolution 2025-04

MOTION: Clark

SECOND: Raughter

VOTE: Oros, Passaro, Clark, Esposito, Raughter,

ABSTAIN: Dolan, Finelli

ABSENT: Manookian, Spark

**RESOLUTION# 2025-04
RESOLUTION OF APPROVAL
APPLICATION OF
JOSEPH SABURN
APPLICATION #ZB-2025-01**

IN THE MATTER OF
JOSEPH SABURN

: BOARD OF ADJUSTMENT
: BOROUGH OF BARNEGAT LIGHT
: APP NUMBER 2025-01
: BLOCK 36; LOT 13.01
: 10 WEST 18th STREET

WHEREAS an application has been made to the Borough of Barnegat Light Board of Adjustment (the "Board") by Joseph Saburn (the "applicant"), for approval to construct a 4FT x 28 FT 2nd floor exterior deck at the rear of the dwelling. No additional improvements are proposed. The subject site is presently developed with a single-family dwelling on a 52,580 SF lot. The property known as 10 West 18th Street in the Borough of Barnegat Light, NJ, Block 36 Lot 13.01, as depicted on the Tax Maps of the Borough of Barnegat Light, Ocean County, New Jersey, and said premises being located in the M-C (Marine Commercial) Zone: where single-family dwellings are permitted and regulated under RA- Single-Family Residential Zoning requirements, and

WHEREAS, the Applicant has satisfied the notice 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 represented himself at the hearing.; 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 February 10th, 2025, made the following findings:

1. The Board found the application complete.
2. According to the application, the Applicant is requesting to construct a 4 FT x 28 FT 2nd floor exterior deck at the rear of the existing single-family dwelling.:
 - A. The Applicant is requesting a rear yard setback, a minimum rear setback of 10 FT is required, whereas 6 FT is proposed to the deck addition. variances.
 - B. The Applicant is not requesting any waivers.

3. In support of the application, the Applicant submitted the following documents:
 - A. Plot Plan of Survey, One (1) Sheet, prepared by Nelke/Tyszla Land Surveyors, Inc., signed by Leon J. Tyszka, PLS, and dated 01/04/2023

4. During the public hearing held on February 10, 2025, the Planning Board discussed the following review letter prepared by the Board's professional, the contents of which are hereby adopted and incorporated in full:
 - A. Review letter dated January 24, 2025, by the Board of Adjustment Engineer, Frank Little, P.E., P.P., C.M.E.

5. The Planning Board has received no review letters/memos from the Barnegat Light Officials.

6. During the public hearing one exhibit was marked into evidence.
 - A. Exhibit A-1, One (1) sheet a first and second floor plan, prepared by Robert P. Musgnug AI, dated 2/6/2025 with no revisions.

7. During the public hearing on February 10, 2025, the Applicant's Architect Robert P. Musgnug AI, described to construct a 4 FT x 28 FT 2nd floor exterior deck at the rear of the existing single-family dwelling.
 - A. Mr. Musgnug described the Applicant's proposal and plans and that the stairs were essentially cantilevered into the rear setback. The existing stairs are in poor condition and the new stairs as proposed make the existing deck usable.
 - B. He indicated the proposed stairs and 2nd floor exterior deck as requested create a rear yard setback of 6 Ft whereas 10 FT is required but further stated that would not be detrimental to the Barnegat Light Master plan. He further stated that positive criteria outweighed any negative criteria,

8. During the public hearing on February 10, 2025, Mr. Joseph Saburn, the Applicant testified:

- A. The applicant is proposing to construct a 4 Ft x 28 Ft 2nd floor exterior deck at the rear of his existing single-family dwelling.
 - B. Mr. Saburn has owned the property for 30 years and has lived at the property full time for the last 3.5 years.
 - C. Mr. Saburn stated that the existing deck is not usable as it currently exists, but the newly proposed deck makes the area usable,
 - D. Mr. Saburn explained the unusual shape and configuration of the lot and adjacent lot, creates the rear set back. The strange configuration of the lot created a small area where the rear yard setback of 6 FT came into effect.
9. There was public comment on this application and the neighbor supported the application
 10. The Board specifically finds the application to construct a 4 Ft x 28 FT 2nd floor exterior deck at the rear of the existing single-family dwelling and 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 application 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 applicant is granted a variance for a rear yard setback of 6 ft whereas 10 FT is required and

WHEREAS the applicant's unique lot configuration, the small area which necessitated the rear yard setback, the Board found that the positive criteria outweigh any negative criteria; 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 10th day of February 2025, upon a motion made by Nancy Manookian and seconded by Brian Raughter, that the application of Joseph Saburn is granted.

ADOPTED this 10th day of February 2025.

VOTE ON ROLL CALL:

IN FAVOR: Kathleen Clark, Kathryn Esposito, Nancy Manookian, Linda Passaro,
Brian Raughter

OPPOSED: Chairwoman Nancy Spark, Lee-Anne Oros

NOT- PRESENT: Mark Finelli, Michael Dolan

PUBLIC COMMENT

There was no one from the public present.

OTHER BUSINESS

Joe Coronato briefly discussed how the publication processes will evolve in the coming years as society shifts toward a more paperless lifestyle. He highlighted the growing trend of digital platforms replacing traditional paper-based methods for publishing and communication. This transition is will likely change the current publication laws.

AT THIS TIME, Vice Chairwoman Lea-Anne Oros asked for a motion to close to adjourn

MOTION: Clark

SECOND: Passaro

ALL IN FAVOR

Cecile Mattina, Zoning Board Secretary