

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, September 22, 2011

**Manchester Township High School
101 South Colonial Drive, Manchester, NJ**

MINUTES OF MEETING

1. The meeting of the Manchester Township Zoning Board of Adjustment was called to order at 7:00 p.m. by Chairwoman Linda Fazio. Mrs. Fazio made an announcement as to where all the exits were in case of an emergency. She thanked the Board of education for allowing us to use the school free of charge.
2. This meeting had been duly advertised, filed and posted in accordance with the Open Public Meetings Act.
3. A Pledge of Allegiance and Salute to the Flag.
4. Roll Call:
Members Present: P. Salvia, W. Cook, L. Fazio, K. Vaccaro, J. Hankins, M. Dwyer (7:10 p.m.), H. Glen

Members Absent: T. Umlauf

Also Present: C. Reid, Attorney
R. Mullin, Engineer
T. Thomas, Planner
C. Edwards, Planning Board Member

At this time the following Board Members stepped down: W. Cook, K. Vaccaro, P. Salvia, H. Glen. Planning Board Member C. Edwards stepped up.

Case 1162	Manchester Rehab Realty, LLC 485 River Road Lakewood, NJ 08701	Block 21 Lots 1 & 2 3086 Ridgeway Road R-40 Zone
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This application is for a use variance and preliminary & final site plan approval to construct a skilled nursing facility where the proposed use is not permitted. This application was carried from the August 25, 2011 meeting. Mrs. Fazio turned the meeting over to the attorney, Christopher Reid. He explained the Board received a letter from Ms. Lisa John dated 9/21/11, in that letter she points out several issues & essentially requests the Board not hear this application tonight for a few reasons. The main reason is a submission of a new site plan, at the last meeting the applicant stipulated that the facility will no longer be a 260 bed facility, but a 180 bed facility, as a result of that & our experts Bob Mullin & Tom Thomas, also concur since there was a change that a new site plan must be submitted for review. There is also an issue regarding notice, the notice states that there is a copy of the site plan on file for review, technically now that it is down to 180 beds that site plan needs to be updated and therefore there is a request to have a new site plan submitted. For those reasons the Board is considering the request by Ms. John. The letter was just received by the Board, Chairwoman Fazio, myself & Mr. York yesterday. He is going to give Mr. York a few minutes to respond. Mr. Harvey York, attorney for the applicant & Ms. Lisa John, attorney for the objectors were present. Mr. York stated he received the letter by email around 2:00 p.m. the day before. This

hearing was scheduled a month ago; he wanted to put an objection on the record to receiving it less than 24 hours before the hearing. With regard to the law that has been raised they disagree with the position taken by the attorney, he believes notice is proper, the modifications are a downgrade, the bifurcation of the plan was in reality done at the behest & suggestion of the Board so they said fine they would bifurcate the application. The letter goes through several different issues. Their view however, is they've asked that they cease & desist from this hearing. They would like to accommodate them & not hear the application tonight. They want a new plan, they want to unbifurcate the application, they want new notice, the applicant would be glad to do it because they have nothing to hide. They will have it on file 10 days prior to the next hearing, they will provide new notice. Several other things he would like to represent to the Board (a) if anyone wants to go to any of the other sites that his client owns, contact his office & he will arrange for the citizens to see the other sites. With the exception of the Bayville site because that is for the developmentally disabled & is apart & different from the other 14 sites & this one, it operates under a different certificate & setup. This site if approved will be a nursing home similar to the other nursing homes the applicant operates. They make that option available if anyone wants to come & see. As for resubmitting, they have no problem doing that. The changes will not be significant. He has no problem with the adjournment tonight.

Mr. Reid stated that the Board does feel there are significant issues raised by Ms. John's letter & they do believe it is in the best interest of the hearing to postpone tonight.

There will be new notice provided. The application will no longer be bifurcated. An amended site plan will be submitted.

Ms. John asked if this is going to be a new application or a continuation. It will be a continuation; the testimony already on the record will stand. All of the previous testimony will be relevant & part of the record.

Mr. Reid addressed the issue of Mr. Lareau's correspondence dated 8/31/11 & 9/18/11 there was also correspondence from Mr. Archie Miller and Mr. Cecil Hensley Jr. dated 9/6/11. The Board is not going to hear testimony tonight; this is not the public portion. Mr. York has not received any copies of the correspondence that the Board received & he asked that none of the correspondence be given to the Board Members, he gave case law with regard to that. He doesn't feel they should be given to the Board because they are not part of the record. Mr. Lareau asked that he should have some type of verification or response to his letters. Mrs. Fazio explained to the public that if the residents want to submit correspondence it must go to the Board Secretary who will in turn forward it to the Board attorney. Mr. Reid put it on the record because Mr. Lareau wanted him to acknowledge it.

This application was **CARRIED to the October 27, 2011 meeting** on motion by J. Hankins and seconded by M. Dwyer. A waiver of time was given through 12/31/11.

ROLL CALL VOTE: J. Hankins, yes; M. Dwyer, yes; C. Edwards, yes; C. Edwards, yes.

The Board took a 5-minute recess at this time.

At this time C. Edwards stepped down and the following Board Members stepped back up: W. Cook, P. Salvia, K. Vaccaro, & H. Glen.

Case 1166	Robert Gethard 1141 4 th Avenue Toms River, NJ 08757	Block 1.74 Lots 26-29 1141 4 th Avenue R-10 Zone
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Mr. Gethard needs a variance to construct a 22' x 20' detached garage with a front yard setback from Southampton Blvd of 10' where 30' is required; and to allow an existing driveway to remain having a 0' side yard setback where 5' is required. Mr. John Doyle, attorney for the applicant was present. The property doesn't presently have a garage. Mr. Jason Marciano, Engineer was sworn in by Mr. Reid. He gave his credentials for the

Board and was accepted as an expert. Mr. Marciano prepared a 4-page document that consists of photographs that shows the house, its location the existing shed the proposed site for the garage, the driveways that are in the area, this was marked as **A-1** into evidence. Mr. Marciano explained the property is a residential lot 100' x 100' on a corner lot in Pine Lake Park. There is a driveway, but they couldn't put the garage there because of the configuration of the current home. The septic tank is located off the front right corner of the house; the septic field is in the front yard of the house the southeast portion of the property. The only place they could put a garage would be behind the house, it would be the only unobstructed land in order to place a garage, but with being a corner lot, what is visually a rear yard is a front yard. By putting it on Southampton, the best place to put it would be the furthest from the corner to keep the site triangle & open view corridor and in this case it's also a very good location because there is an abutting detached garage that will be nearby, the driveways will be nearby other driveways. By saying an abutting garage that's on the neighbor's property & is even closer to Southampton than they propose. It is the adjoining lot to the north. The garage location will be where there is an existing shed currently. The shed is 4.9' from the road and the garage will be 10', so they are in fact removing one variance and making it less non-conforming. From a planning standpoint, it is a hardship in common living for not having a garage for storage or vehicle maintenance. The existing home is on a crawl space with trusses in the attic so there is no storage space. The roof line will be similar to the existing home and have vinyl siding. There will be no detriment to the neighbors with the proposed driveway. In his opinion, there will be no substantial detriment to the zone plan, zoning ordinance or public good. During the course of the application, they were made aware the existing paved driveway represented a variance situation and that it wasn't setback 5'. That is a pre-existing situation, there was no landscaping there previously it was gravel, when Mr. Gethard moved in he decided to have it paved. It was basically a gravel overflow parking area. They have incorporated that into their application.

Mr. Mullin asked about the planter & block wall. The planter bed & plantings will have to be relocated. Mr. Cook asked about the fir tree. There is a blue spruce outside the planter that will be relocated. Mr. Mullin asked that a drywell be installed. The applicant agreed. Mr. Mullin asked about if there were any discussion about having the utility pole relocated. No there has not. He was concerned about the RV trying to turn into that driveway. Mr. Doyle stated he had discussion with Mr. Gethard & he is #53 on the list with Art's RV for a storage space. The existing fence will but up to the garage. Mr. Glen asked about the width of both driveways together. About 24' on the existing on Fourth Avenue & 18' on Southampton. He asked if that was normal for a home in that area. No it's not, but to do just one narrow driveway then flare out in front of the garage it wouldn't look right or be as useful & accessible. He asked about the existing driveway with the 0' setback & the RV, he feels the neighbor will have a problem backing out of his driveway with the parking of the RV in that area. The owner plans on moving it offsite once a spot becomes available. Mr. Cook asked if the applicant is going to testify. Mr. Doyle said he is available. Mr. Robert Gethard was sworn in by Mr. Reid. Mr. Cook asked if there is going to be any commercial storage. No, he is going to store his personal items, right now everything is stored under the crawl space which is getting ruined. Nothing flammable will be stored in there, just 2 cars.

Mrs. Fazio opened this portion of the meeting to the public. There being no public participation at this time, this portion of the meeting was closed.

*A drywell will be installed. The planter areas & spruce tree will be relocated. There will be no commercial storage for business purposes. The RV will be moved offsite as soon as a spot becomes available.

This application was **APPROVED with conditions*** on motion by W. Cook and seconded by P. Salvia.

ROLL CALL VOTE: W. Cook, yes; P. Salvia, yes; H. Glen, yes; K. Vaccaro, yes; J. Hankins, yes; M. Dwyer, yes; L. Fazio, yes.

5. Administrative Session:

Approval of Minutes: The minutes for the June 23, 2011 Regular meeting were **APPROVED** on motion by M. Dwyer and seconded by J. Hankins. All in favor.

The minutes for the July 28, 2011 Regular meeting were **APPROVED** on motion by W. Cook and seconded by K. Vaccaro. All in favor

The minutes for the July 28, 2011 Re-Organization meeting were **APPROVED** on motion by W. Cook and seconded by M. Dwyer. All in favor

Payment of Bills:

RFP #74496 for Cafarelli & Reid in the amount of \$10,027.50 for Case 1162

RFP #86695 for T & M Associates in the amount of \$35.75 for Case 1037

RFP #88626 for T & M Associates in the amount of \$715.00 for Case 1047

RFP #88633 for T & M Associates in the amount of \$715.00 for Case 1165-0767

RFP #88637 for T & M Associates in the amount of \$1505.29 for Case 1162

RFP #88634 for T & M Associates in the amount of \$107.25 for Case 1048-0917

RFP #88636 for T & M Associates in the amount of \$107.25 for Case 1040

RFP #88632 for T & M Associates in the amount of \$500.50 for General Board Matters

RFP #88635 for T & M Associates in the amount of \$35.75 for Case 0612

RFP #88640 for T & M Associates in the amount of \$107.25 for Case 1040

RFP #88642 for T & M Associates in the amount of \$143.00 for Case 1165-0767

RFP #88643 for T & M Associates in the amount of \$1567.25 for General Board Matters

RFP #88638 for T & M Associates in the amount of \$3181.75 for Case 1162

RFP #88641 for T & M Associates in the amount of \$35.75 for Case 1048-0917

RFP #88639 for T & M Associates in the amount of \$35.75 for Case 1158

RFP #88629 for T & M Associates in the amount of \$35.75 for Case 1158

RFP #86709 for T & M Associates in the amount of \$321.75 for Case 1158

Bills were **APPROVED** on motion by W. Cook and seconded by K. Vaccaro.

ROLL CALL VOTE: W. Cook, yes; K. Vaccaro, yes; H. Glen, yes; P. Salvia, yes; J. Hankins, yes; M. Dwyer, yes; L. Fazio, yes.

Correspondence: The Secretary stated she had received letters from Ms. John, Mr. Lareau & Mr. Hensley with regard to Case 1162.

Professional Reports: Mr. Mullin has nothing at this time.
Mr. Reid has nothing at this time.

Memorialization of a resolution of a variance approval for the following: an existing 10' x 12' shed having a 2'6" rear yard setback where 5' is required; a driveway having a 3' side yard setback where 5' is required; an existing pergola having an 8' front yard setback along Madison Avenue where 30' is required; a 6' fence along Madison Avenue having a 4' setback where 5' is required; a 6' fence along Birmingham Avenue having a setback of 0' where 5' is required. Block 1.269 Lot 22, 1313 Larchmont Street, Pine Lake Park. Applicant: Ralph & Pat Ainsworth. Approved at the July 28, 2011 meeting. Case 1049

This resolution was **APPROVED** on motion by W. Cook and seconded by K. Vaccaro.

ROLL CALL VOTE: W. Cook, yes; K. Vaccaro, yes; P. Salvia, yes; J. Hankins, yes; M. Dwyer, yes; L. Fazio, yes.

A copy of the approved resolution is attached.

Memorialization of a resolution for a one-year extension of time for site plan approval for a warehousing & self-storage facility. Block 69 Lot 7, Hwy 547. Applicant: Bettio Enterprises. Approved at the July 28, 2011 meeting. Case 1165-0767

This resolution was **APPROVED** on motion by W. Cook and seconded by K. Vaccaro.

ROLL CALL VOTE: W. Cook, yes; K. Vaccaro, yes; H. Glen, yes; P. Salvia, yes; M. Dwyer, yes; L. Fazio, yes.

A copy of the approved resolution is attached.

Adjournment: The meeting was adjourned at 8:05 p.m. on motion by W. Cook and seconded by M. Dwyer. All in favor.

Respectfully submitted,

Darlene E. Garcia
Secretary