

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, April 28, 2016

**Manchester Township Municipal Building
1 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 Vice-Chairwoman Karen Vaccaro.
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: F. Finn, H. Glen, K. Vaccaro, J. Hankins, M. Dwyer, R. Maloney, W. Cook

Members Absent: P. Salvia, L. Fazio

Also Present: C. Reid, Attorney
R. Mullin, Engineer

Administrative Session:

Approval of Minutes: The minutes for the Mach 24, 2016 meeting were **APPROVED** on motion by W. Cook and seconded by F. Finn. All in favor.

Payment of Bills:

RFP #TM284246 for T & M Associates in the amount of \$387.50 for Case 1551

RFP #TM284246 for T & M Associates in the amount of \$78.38 for Case 1553

RFP #TM286142 for T & M Associates in the amount of \$348.75 for General Board Matters

RFP #TM284246 for T & M Associates in the amount of \$39.41 for Case 1551

RFP #TM286145 for T & M Associates in the amount of \$426.36 for Case 1430

RFP #TM286142 for T & M Associates in the amount of \$581.25 for Case 1660-1040

RFP #TM286142 for T & M Associates in the amount of \$1278.75 for General Board matters

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

ROLL CALL VOTE: W. Cook, yes; K. Vaccaro, yes; F. Finn, yes; H. Glen, yes; R. Maloney, yes; J. Hankins, yes; M. Dwyer, yes.

Correspondence: The Secretary has nothing at this time.

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

Case 1658	Michael Kozyra II 332 Savannah Road Toms River, NJ 08757	Block 41.06 Lot 1 332 Savannah Road R-14 Zone
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Mr. Kozyra needs a variance to allow the installation of a 16' x 32' in-ground pool having a rear yard setback of 5' where 10' is required; a 5' front yard setback where 30' is required; and a 6' high solid fence along a portion of the 8th Avenue property line where a minimum setback of 30' is required. Michael Kozyra was sworn in by Mr. Reid. He would like to put the pool in this location because there is no other place in the yard to put it. The rest of the Pine Lake Park area only needs a 5' rear yard setback, but where his home is located he needs 10 feet. Mr. Mullin stated that the 5' requested along the right side of the property is actually along a paper street which requires a 30' setback. There is an easement to the rear of his property. There is approximately 20 something feet from the back of his property to the residence to the rear. To the right side of his property is vacant land, which is actually 8th Avenue (paper street). To his knowledge there is no plan that it will ever be paved and used, he tried to purchase it years ago. His proposed fence will be approximately 50 feet to his neighbor's fence on the right side. The fence will start at the back of his property and come up the side to the back of the garage. Mr. Glen mentioned the shed that is located on the side of the driveway, it is not shown on the survey. The shed is actually located partially in the right of way and has to be moved onto his property. There was discussion regarding the location of the shed and it was agreed that the shed would have to be moved and be no closer than 6 feet away from the 8th Avenue property line. The proposed fence is a 6' high white vinyl solid fence. Some of the Board Members had concerns with the location of the pool and fence because of the possibility of 8th Avenue being improved. Mr. Mullin said the likelihood of that happening is very slim. The fence would still be set back from the edge of pavement 10 feet and the pool would be behind the fence. It would be similar to other variances this Board has approved.

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

The application was amended to include a variance for the shed to be located no closer than 6' away from the 8th Avenue property line. Mr. Kozyra stated there is no other place in the yard to put it.

This application was **APPROVED with conditions** on motion by W. Cook and seconded by M. Dwyer.

ROLL CALL VOTE: W. Cook, yes; M. Dwyer, yes; F. Finn, yes; H. Glen, yes; R. Maloney, yes; J. Hankins, no; K. Vaccaro, no.

Case 1659	William DeStefano 74A Franklin Lane Whiting, NJ 08759	Block 75 Lot 72 74A Franklin Lane Co-Op 4 RC Zone
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Mr. DeStefano needs a variance to allow the replacement of a storm-damaged enclosed porch with a 12' x 20' three-season patio enclosure at the side of the dwelling having 27'6" between structures where 40' is required. William DeStefano was sworn in by Mr. Reid. He purchased the house 11 years ago and it had an existing screen room. During the January 2016 snowstorm the room collapsed. He did receive the Association's approval to replace the room with a 3-season room. It will not have any heat or air. He will be using the existing slab just raising it a bit and evening it out. He would like the

room for him & his wife to use, she suffers from allergies and cannot enjoy the yard. There are similar rooms in the neighborhood.

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

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

ROLL CALL VOTE: W. Cook, yes; K. Vaccaro, yes; F. Finn, yes; H. Glen, yes; R. Maloney, yes; J. Hankins, yes; M. Dwyer, yes.

Case 1430	Robert Patuto 2 First Street Manchester, NJ 08759	Block 1.70 Lots 30, 31 & 32 733 Fourth Avenue R-10 Zone
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Mr. Patuto needs a variance to allow the construction of a single family dwelling having a lot area of 7,500 square feet where 10,000 square feet is required; a lot width of 75 feet where 100 feet is required; a lot frontage of 75 feet where 100 feet is required; and an improvable lot area of 4,225 square feet where 5,800 square feet is required. This application was originally on the September 24, 2015 meeting, at that time it was deemed incomplete. Anthony Pagano, attorney for the application was present. Mr. Pagano had (4) buy/sell letters dated 4/13/16 & 4/15/16 marked into evidence as **A-4**. There were no responses received from any of them. Kenneth FX Schlatmann, professional engineer & planner was sworn in by Mr. Reid. He had appeared before this Board previously, he was accepted by the Board. Mr. Schlatmann will address Mr. Mullin's letter dated April 11, 2016. This property is located one lot in from Northampton Blvd. The proposal is to construct a 1-1/2 story single family residence. It will meet all the required setbacks for the R-10 zone. It will be serviced by an onsite septic system. The septic will be located in the front yard. The plan shows an onsite well, but the township does not have water available & the applicant did get a commitment from the utility department for public water. There is no way to mitigate the requested variances without purchasing additional property. There is a mix of one and two story homes in the area. The proposed home will fit within the character of the neighborhood. There are other 75' lots in the immediate area that do have homes on them. The original application that was submitted had a 2-story home proposed, but that has been changed to reflect a 1-1/2 story home to meet the ordinance. Mr. Mullin would like the retaining wall added to the plan. They did add the detail of the retaining wall to the plan. They will comply with the tree ordinance, if they have to remove all the trees they will provide additional trees. The signature block will be corrected. In Mr. Schlatmann's opinion if the variances were not granted it would zone this property into inutility. In his opinion these variances can be granted without substantial detriment to the zone plan and the public good. The application does not violate the purposes of light, air or open space. Mr. Cook asked about the well shown on the plan. That will be removed from the plan, no well was actually on the property.

Mrs. Vaccaro opened this portion of the meeting for questions of Mr. Schlatmann only. The following people were recognized:

Tammy Wernoch – 716 Fourth Avenue – asked about the setbacks

Henry Wernoch – 716 Fourth Avenue – asked about the drywells & water runoff

There being no further questions, this portion of the meeting was closed.

Mrs. Vaccaro opened this portion of the meeting to the public for any comments. There being no public participation at this time, this portion of the meeting was closed.

This application was **APPROVED with conditions** on motion by W. Cook and seconded by M. Dwyer.

ROLL CALL VOTE: W. Cook, yes; M. Dwyer, yes; F. Finn, yes; H. Glen, yes; R. Maloney, yes; J. Hankins, no; K. Vaccaro, yes.

Adjournment: The meeting was adjourned at 8:15 p.m. on motion by J. Hankins and seconded by W. Cook. All in favor.

Respectfully submitted,

Darlene E. Garcia
Secretary