

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, August 26, 2010

**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 7:15p.m. by Chairperson Linda Fazio.
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, H. Glen

Members Absent: J. Vitale, M. Dwyer, T. Umlauf

Also Present: C. Reid, Attorney
R. Mullin, Engineer
5. Administrative Session:
Approval of Minutes: The minutes for the July 29, 2010 Re-Organization Meeting were **APPROVED** on motion by W. Cook and seconded by K. Vaccaro. All in favor.

This minutes for the July 29, 2010 Regular Meeting were **APPROVED** on motion by W. Cook and seconded by K. Vaccaro. All in favor.

Payment of Bills:
The secretary originally stated there were 12 bills due for payment totaling \$4948.47, however (6) of those were duplicates.
RFP #3555 for T & M Associates in the amount of \$477.80 for Case 0925-0892
RFP #7675 for T & M Associates in the amount of \$36.75 for Case 0612
RFP #7676 for T & M Associates in the amount of \$183.75 for Case 1037
RFP #7678 for T & M Associates in the amount of \$1286.47 for General Board Matters
RFP #86928 for T & M Associates in the amount of \$73.50 for Case 1031
RFP #86929 for T & M Associates in the amount of \$73.50 for Case 1032

Bills were **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; H. Glen, yes; L. Fazio, yes.

Correspondence: The Secretary stated she received a letter from Mrs. Babinski Fairweather asking that Case 0612 be carried to the September 23, 2010 meeting.

Also received a letter from Mr. Richard Tomasik with regard to Case 1030. It was originally approved for a 2-story home with 4 bedrooms 2-1/2 baths 2-car garage. The letter states they are staying within the same footprint, but doing away with the 2-car garage and making it a 6 bedroom 3-1/2 bath. He did get Ocean County Health Dept. approval for that. The footprint is staying the same and the elevation is staying the same. The appearance of the house is not going to change.

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

Case 0612	A T & T Mobility 15 East Midland Avenue Paramus, NJ 07652	Block 99.161 Lot 6 Grant & Scranton Avenue WTR-40 Zone
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This application is for a Use Variance to erect a 170-foot tall monopole cell tower in a zone where the use is not permitted. The applicant is also requesting preliminary & final site plan approval for the proposed structure & appurtenant equipment.

This application **CARRIED to the September 23, 2010 meeting** on motion by W. Cook and seconded by K. Vaccaro. All in favor. A waiver of time was given.

Memorialization of a resolution of a variance approval for a Use Variance for the placement of additional antenna facilities on an existing 165-foot monopole (collocation), as well as Preliminary & Final Site Plan Approval for the installation of the associated ground-mounted equipment. Block 85.03 Lot 12 Applicant: MetroPCS New York, LLC. Approved at the July 29, 2010 meeting. Case 1037

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; L. Fazio, yes.

A copy of the approved resolution is attached.

Case 1036	Glenn Kallai, Jr. 1340 5 th Avenue Toms River, NJ 08757	Block 1.95 Lot 22 1340 5 th Avenue R-10 Zone
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Mr. Kallai needs a variance to replace an existing 6-foot high stockade fence located on the property line along Burnside Street with a new 6-foot high vinyl fence in the same location where a 5' setback is required. A variance is also requested for encroaching into the required sight triangle. Mr. Frank Baer of WSB Engineering was sworn in by Mr. Reid. There is an existing vinyl fence that runs along the property line parallel to Burnside Street from the front of the house to the rear property corner. Based upon the review of T & M and the Zoning Officer variances are required. There were (3) photos marked into evidence. **A-1** is a photo Burnside looking south from 5th facing west. **A-2** is a photo Burnside looking north from 5th facing west. **A-3** is a photo standing on 5th Avenue facing east looking south down Burnside. A-1 & A-2 show fences in the immediate neighborhood that are in a similar condition as the vinyl fence in question. It does not create a safety issue. This fence has existed well in excess of 5-7 years. It

replaced a wooden stockade fence in the same location. It does not create any site visibility obstructions. It is an existing condition. There is approximately 7' between the property line and the edge of pavement. It is his opinion that granting the variance would not adversely impact the zone plan or the zoning ordinance. It would not impact the health, welfare and safety of the neighbors in the area. Mr. Cook stated there are discrepancies on the numbering of the lots on the plan which should be corrected. Mr. Baer is also a traffic engineer so in his expert opinion it will not create a safety hazard. Mr. Salvia expressed concern with the fence encroaching into the site triangle. Mr. Mullin does concur with Mr. Baer's opinion with regard to the line of site. He did visit the site and did sit at the stop sign and had clear vision down through the next intersection. The site triangle in the ordinance is from the property line. Mr. Baer stated the national standard (AASHTO) is from the edge of pavement. He did go by the property line as per township ordinance. Mr. Cook asked about the fence encroachment on lot 26. Mr. Mullin stated the existing wood stockade fence is encroaching onto lot 26. That fence is not part of this application; in good faith they will relocate that fence. The applicant is in negotiations to lease or purchase that piece of property. The applicant would agree to move that fence within 6 months if he doesn't lease or purchase that piece of property. Mr. Glen asked if the police department commented on this application. The secretary stated they do not get a copy of the application.

Mrs. Fazio opened this portion of the meeting to the public. The following people were recognized and spoke:

Theresa Lettman – 1401 Broadway Blvd.

There being no further 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 P. Salvia.

ROLL CALL VOTE: W. Cook, yes; P. Salvia, yes; K. Vaccaro, yes; J. Hankins, no; H. Glen, yes; L. Fazio, yes.

Adjournment: The meeting was adjourned at 7:40 p.m. on motion by W. Cook and seconded by K. Vaccaro. All in favor.

Respectfully submitted,

Darlene E. Garcia
Secretary

Dated: September 11, 2010