

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, August 27, 2015

**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, P. Salvia, K. Vaccaro, J. Hankins, R. Maloney

Members Absent: L. Fazio, M. Dwyer, P. Ward

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

Administrative Session:

Payment of Bills:

RFP #TM280098 for T & M Associates in the amount of \$39.75 for Case 0767
RFP #TM280097 for T & M Associates in the amount of \$879.75 for General Board Matters
RFP #TM280100 for T & M Associates in the amount of \$306.33 for Case 1428
RFP #TM280101 for T & M Associates in the amount of \$460.98 for Case 1430
RFP #TM280102 for T & M Associates in the amount of \$153.55 for Case 1532-0755
RFP #TM280820 for T & M Associates in the amount of \$308.88 for Case 1541
RFP #TM280821 for T & M Associates in the amount of \$344.25 for Case 1544
RFP #TM278614 for T & M Associates in the amount of \$765.11 for Case 1532-0755
RFP #TM280099 for T & M Associates in the amount of \$155.86 for Case 1423
RFP #TM278611 for T & M Associates in the amount of \$841.50 for Case 1423
RFP #TM281833 for T & M Associates in the amount of \$420.75 for General Board Matters
RFP #TM281841 for T & M Associates in the amount of \$76.50 for Case 1544
RFP #TM281840 for T & M Associates in the amount of \$1033.52 for Case 1542
RFP #TM281839 for T & M Associates in the amount of \$76.50 for Case 1541

RFP #TM281838 for T & M Associates in the amount of \$76.50 for Case 1430

RFP #TM281836 for T & M Associates in the amount of \$1568.25 for Case 1423

Bills were **APPROVED** on motion by P. Salvia and seconded by K. Vaccaro.

ROLL CALL VOTE: P. Salvia, yes; K. Vaccaro, yes; F. Finn, yes; H. Glen, yes; J. Hankins, yes; R. Maloney, yes.

Correspondence: The Secretary received a letter from Mr. Klett dated 7/31/15 with regards to Case 1541.

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

Memorialization of a resolution of a variance approval to allow the construction of a 12' x 14' three-season room at the side of the dwelling having 32' to the adjacent building where a minimum of 40' is required. Applicant: Marilyn Menta. Block 75 Lot 85.252, 166A Constitution Blvd, Co-Op 2. Approved at the July 23, 2015 meeting. Case 1545

This resolution was **APPROVED** on motion by P. Salvia and seconded by F. Finn.

ROLL CALL VOTE: P. Salvia, yes; F. Finn, yes; J. Hankins, yes; K. Vaccaro, yes.

A copy of the approved resolution is attached.

Memorialization of a resolution of a variance approval to allow the construction a single family dwelling on a lot 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. Applicant: Czelaw Klusek. Block 1.285 Lots 40-42, 1509 Birmingham Avenue. Approved at the July 23, 2015 meeting. Case 1428

This resolution was **APPROVED** on motion by F. Finn and seconded by P. Salvia.

ROLL CALL VOTE: F. Finn, yes; P. Salvia, yes; J. Hankins, yes; K. Vaccaro, yes.

A copy of the approved resolution is attached.

Case 1541

Jeffrey Jerman	Block 1.93 Lot 22
P.O Box 922	5 th Avenue & Parkview Blvd
Pt. Pleasant Borough, NJ	R-10 Zone

Mr. Jerman needs a variance to allow the construction of a single family dwelling on a lot 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 2,600 square feet where 5,800 square feet is required. ***This application was carried from the June 25, 2015 meeting.*** Jeffrey Jerman was sworn in by Mr. Reid. Mr. William Stevens, professional engineer & planner was sworn in by Mr. Reid. Mr. Jerman questioned the letter the secretary stated she received from Mr. Klett, he was not aware of it & didn't receive a copy.

The Board took a 5 minute recess at 7:10 for Mr. Jerman to read Mr. Klett's letter to the Board dated 7/31/15 on motion by P. Salvia and seconded by J. Hankins. All in favor.

The Board re-adjourned at 7:14 on motion by J. Hankins and seconded by P. Salvia. All in favor. Mr. Reid explained the Board took a recess as a result of a letter that was received by the Board that was a response to a letter that Mr. Jerman sent to Mr. Klett. If Mr. Jerman were to acquire Mr. Klett's property, it would not alleviate the hardship, he would still need 3 variances.

Mr. Jerman offered Mr. Klett \$10,000 in January before he made application to the Board. He then sent him the buy/sell letter and received no response. Once a hearing date was set, Mr. Klett called him, he wanted \$20,000 and Mr. Jerman would not pay that. They could not agree on a price at the June meeting. Mr. Jerman did offer \$8000 that evening. The Board adjourned the application until tonight for Mr. Jerman & Mr. Klett to get appraisals. Neither have done that.

Mr. Jerman had these additional items marked into evidence:

- A-3 Site Plan
- A-4 Photo Board
- A-5 Architectural Plans
- A-6 Letter from Mr. Jerman to Mr. Klett dated 7/1/15

The letter from Mr. Klett to the Board dated 7/31/15 was marked into evidence as **O-1**.

Mr. Stevens explained this is the basic isolated undersized lot case. The 7,500 square feet total lot area is sufficient area for the proposed home & septic system. The proposed home will be a cape-cod style home, 3 bedroom, 2-1/2 bath approximately 1570 square feet. The home meets the requirements of the new ordinance. The home as proposed meets all the setbacks of the zone. There is no other use for this property except for a single family dwelling. If the variance were not granted the property would be zoned into inutility. In his opinion, Mr. Stevens believes there will be no detriment to the master plan, zoning plan or public good with the granting of these variances. Mr. Stevens explained what is shown on A-4. There are 50 homes in the 9 block area ranging in size from 550 – 2688 square feet both one & two story homes. This home does fit within the character of the neighborhood. By meeting all the required setbacks, there will be no violation of light, air & open space. There is no way to mitigate the requested variances except by acquiring a part of both neighbors' properties. The hardship would still exist even if they acquired the adjoining property to the rear. In Mr. Stevens's opinion, there is no reason this variance should be denied.

Mrs. Vaccaro opened this portion of the meeting to the public for questions of Mr. Stevens. The following people were recognized:

Theodore Klett – 5 Mercer Street Hopewell, NJ – questioned the size of the home & the value as proposed & if the 2 properties were adjoined.

Joseph Klett – 32 East Broad Street Hopewell, NJ – asked for clarification of the neighborhood & the 9 blocks, etc.

There being no further questions at this time, this portion of the meeting was closed on motion by P. Salvia and seconded by R. Maloney. All in favor.

Mrs. Vaccaro opened this portion of the meeting to the public for comments. The following people were recognized and spoke against the application:

Theodore Klett – 5 Mercer Street Hopewell, NJ

Joseph Klett – 32 E. Broad Street Hopewell, NJ

There being no further public participation at this time, this portion of the meeting was closed on motion by K. Vaccaro and seconded by P. Salvia. All in favor.

Mr. Glen doesn't feel that Mr. Jerman was negotiating in good faith. Mr. Salvia asked if an offer is made to make a deal and the offer is not accepted then the offer can be taken off the table & start back at square one? Mr. Reid stated the Board cannot put parameters on the negotiations, it's not the Boards job. Mr. Hankins agrees with Mr. Glen & doesn't feel that they did everything they could to negotiate a reasonable price, not a good faith effort.

This application was **APPROVED** on motion by F. Finn and seconded by P. Salvia.

ROLL CALL VOTE: F. Finn, yes; P. Salvia, yes; H. Glen, no; J. Hankins, no; R. Maloney, yes; K. Vaccaro, yes.

Adjournment: The meeting was adjourned at 8:45 p.m. on motion by J. Hankins and seconded by P. Salvia. All in favor.

Respectfully submitted,

Darlene E. Garcia
Secretary