

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, December 17, 2012

**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 7:05 p.m. by Chairwoman 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: T. Umlauf, P. Salvia, W. Cook, L. Fazio, K. Vaccaro, J. Hankins, H. Glen

Members Absent: M. Dwyer

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

Administrative Session:

Payment of Bills:

RFP #17061 for T & M Associates in the amount of \$497.25 for Case 1051

RFP #17066 for T & M Associates in the amount of \$1377.00 for Case 1284

RFP #17060 for T & M Associates in the amount of \$1109.25 for Case 0925-0892

RFP #17064 for T & M Associates in the amount of \$79.58 for Case 1278

RFP #17065 for T & M Associates in the amount of \$306.00 for Case 1280

RFP #17059 for T & M Associates in the amount of \$1606.83 for General Board Matters

RFP #17062 for T & M Associates in the amount of \$612.00 for Case 1276

RFP #11322 for Cafarelli & Reid in the amount of \$1035.00 for Case 1284

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

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

Memorialization of a resolution of a variance approval 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; an improvable lot area of 2,600 square feet where 5,800 square feet is required; a lot width of 75 feet where 100 feet is required; and a lot frontage of 75 feet where 100 feet is required. Block 1.302 Lots 19-21, Wellington Avenue & Manchester Street Applicant: Todd Jerman. Approved at the October 25, 2012 meeting. Case 1175

This resolution was not acted upon at this meeting. Mr. Reid has to do some research to answer questions brought up by several of the Board Members before a vote will be taken.

Memorialization of a resolution of approval for the demolition of a residential structure, use variance to expand the parking area at an existing non-conforming use (restaurant), and consolidation of two adjoining lots. The applicant also requires a bulk variance for insufficient lot frontage along Tenth Avenue. Block 36 Lots 1.02 & 1.03, 1889 Ridgeway Road. Applicant: Anthony Schiano. Approved at the November 29, 2012 meeting. Case 1284

This resolution was **APPROVED** on motion by W. Cook and seconded by T. Umlauf.

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

A copy of the approved resolution is attached.

Case 1282	Amy Attia 1309 First Avenue Toms River, NJ 08757	Block 1.28 Lot 37 1309 First Avenue R-10 Zone
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Ms. Attia needs a variance to allow an existing shed to remain with a 1'3" rear yard setback and a 1'5" side yard setback where 5' is required; and an attached deck having a 10' rear yard setback where 26' is required. Amy & Ahmed were both sworn in by Mr. Reid. Mrs. Attia stated they would like to keep the existing structures. They are first time home buyers. They just bought the house this past winter and they were not alerted to the fact that the structures were not in compliance with the code. They bought the house like that & the structures were existing. Mr. Cook asked about the shed, is there a concrete base under the shed? Yes, it is on a concrete base. He also asked if there was anywhere else in the yard it could be placed to meet the setbacks? They have trees in the back yard and it would be costly to remove the trees and because it is on a concrete base. When they bought the house, they did get a CO but it wasn't indicated that those structures didn't meet code. The house was in bad shape when they bought it and they put a lot of money into it so that they could live in it and don't have any extra money to move the shed or deck. The shed is used for storage, lawn mower, bike, etc. They have not made any changes to the shed or deck since they have owned it. The only thing that was changed was the fence/railing on the one side of the pool to be in compliance with the pool code. Mr. Mullin stated he mentioned in his letter that they resubmit a new plan with the dimensions clearly marked of the structures and to the property lines. Mr. Umlauf is concerned that there were no inspections on the deck, what bothers him is that the deck is built structurally sound. He would like to make a request that the building inspector inspect the deck when he comes out to inspect the pool. Mr. Glen asked the square footage of the shed? Mr. Cook said it looks like about 12' x 10', they said that's about right. Mr. Glen asked how high it is? Mr. Cook stated from his visit he would guess about 12 feet. Mr. Mullin scaled the drawing and it is 12' x 15', the survey is dated 5/15/12. Mr. Umlauf asked if the shed has tie downs? They don't know. Mr. Umlauf asked that the building inspector also inspect that as well. Mr. Attia stated the shed didn't move at all during the hurricane.

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

Mr. Umlauf stated that he would like the front deck inspected also. Mrs. Fazio stated they would like to see both decks & shed inspected by the building inspector.

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

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

Case 1285

William L. Peace, Sr.
1780 Ridgeway Road
Toms River, NJ 08757

Block 2 Lot 67
1780 Ridgeway Road
RA Zone

Mr. Peace needs a variance to allow the construction of an attached deck/entryway on the front of an existing dwelling having a front yard setback of 41'4" where 50' is required. William was sworn in my Mr. Reid. He stated that there was an existing entryway 5' wide x 4' long and the stairs have a pitch of 7-1/2 – 11-1/2. His wife has a medical condition and needs a little bit of a lesser grade to negotiate down the stairs and a little more on the front deck area. His proposal is to build an 8' deep and about 10' wide deck so she is able to get out of the door. The stairs are going to be about 8-1/2 feet long because they are only a 5-1/2" height as opposed a 7-1/2" so it would be easier for her to get down the stairs. He looked at maybe moving the staircase toward the south of the house, but that goes into the driveway and then they couldn't park vehicles there. He also thought about moving it to the other side of the house, however they would have to build another sidewalk structure to come out to the driveway and it would be a longer walk for her and with her medical issues that's not good. Mr. Mullin asked if he turned the steps to go right to left instead of coming straight out, he would be at about 46'4". The existing deck was rotted so he went & constructed it the way he had drawn it. If he has to make any changes he will have to take the staircase off and realign it, because it is already there. Mr. Mullin stated just for clarification the applicant's dimensions are from the curb not the property line, there is an 8' difference. The deck is about 5' high. The pad is at grade. There are 11 steps with a 5-1/2" rise and the tread is 12' wide. Mr. Cook & Mr. Umlauf asked if there is a problem with a 5-1/2" riser? Mr. Mullin stated that would be something for the building inspector to address as to whether it meets code. Mr. Glen asked if he would eventually have to go to a ramp? No, his plan would be to have a lift device for a wheelchair. He didn't realize he needed to get permits for the replacement of something that was rotted. The applicant will have to apply for all permits and get all inspections on the deck to make sure it meets code and is structurally sound. If the building inspector feels it doesn't meet code, it would have to be corrected. If down the road he decides to put a lift, he agrees to change it back to a standard stair configuration.

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

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

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

Case 1286

Lillian & Leo James
1250 Coolidge Avenue
Whiting, NJ 08759

Block 99.106 Lot 1
1250 Coolidge Avenue
WTR-40 Zone

Mr. & Mrs. James need a variance to allow an existing 10' x 6' shed to remain having a front yard setback of 7.5' where 50' is required and a 4.9' rear yard setback where 25' is required; a 6' high wood fence located 3.7' from the property line along Camden Avenue where 50' is required; a 6' high wood fence located 3.5' from the property line along

Coolidge Avenue where 50' is required; a 10' high chain link fence (for tennis court) located 24' from the property line along Coolidge Avenue where 50' is required; and a 10' high chain link fence where the maximum allowable fence height is 6 feet. Harvey York, attorney for the applicant was present. This is an application where they are proposing nothing. Everything has been there for over 26 years. This didn't just happen. His client hired contractors to do the work; they were there when the work was done. There were Township inspectors on site. They are considering selling their house so they went to town hall to get copies of everything. The Township has no records of building permits or inspections. The Township has assessed the property, inspected the property within the 26 years and have been paying taxes on them. Lillian was sworn in by Mr. Reid. She has owned the property since 1980. She hired contractors to complete the work. She was living in the house at the time. She did see Township inspectors while the work was being done. She said she had the permits, she paid for them, she spoke to the inspectors when they were there. She did go to town hall within the past year to see whether all the permits were available for her review and to get copies and they were not. The only permit they had was for the deck. Everything she is seeking variances for were completed prior to 1986. She has not had any problems or complaints. The shed & fence on Camden Avenue are not visible from the street because of the trees. The following items are marked into evidence: **A-1** winter photo of yard & trees, **A-2** tennis court & landscaping behind it next to lot 10, **A-3** same as A-2 landscaping behind tennis court, **A-4** photo of shed & landscaping behind it. The property is approximately 1 acre. A 6' high fence around a tennis court would not be of any use. She is asking that everything that has existed for over 26 years be allowed to remain. If she had to move the fences it would cause a hardship because she would have to remove trees and landscaping. The fence encroachment on lot 10 has been relocated. The perimeter fence was installed in 1980, the tennis court 1986, the pool 1984 with final inspection 1985. The shed & deck were both inspected at the same time. Mr. Cook asked if when she had the tennis court & pool installed, did she pick the location or did she have someone come in and do it? She worked with the contractors and told them where she wanted them. There are no lights on the tennis court. Mr. Glen asked who built the shed? Her husband did. Did he get permits or need a variance? No, he got the permit, built it and had it inspected, the same time they inspected the deck. The shed is on a concrete slab. Her husband & son put up the fence. Mr. Glen asked if there are other fences with similar setbacks in the area. Yes, there are.

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

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

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

On motion by K. Vaccaro and seconded by W. Cook the public portion of the meeting was closed at 7:55 p.m. All in favor.

On motion by W. Cook and seconded by T. Umlauf the Board went into Executive Session at 7:55 p.m. All in favor.

On motion by W. Cook and seconded by K. Vaccaro the Board came out of Executive Session at 8:27 p.m. All in favor.

Adjournment: The meeting was adjourned at 8:30 p.m. on motion by W. Cook and seconded by K. Vaccaro. All in favor.

Respectfully submitted,

Darlene E. Garcia
Secretary