

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, February 26, 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 7:05 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: F. Finn, H. Glen, L. Fazio, K. Vaccaro, J. Hankins, M. Dwyer, R. Maloney

Members Absent: P. Salvia, P. Ward

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

Administrative Session:

Payment of Bills:

RFP #TM267340 for T & M Associates in the amount of \$1338.75 for Case 1428

RFP #TM267339 for T & M Associates in the amount of \$420.97 for Case 1425

RFP #TM267237 for T & M Associates in the amount of \$635.20 for Case 0767

RFP #TM264865 for T & M Associates in the amount of \$344.25 for Case 1406

RFP #TM267338 for T & M Associates in the amount of \$1820.00 for Case 1429

RFP#TM267595 for T & M Associates in the amount of \$1147.50 for General Board Matters

RFP #TM267596 for T & M Associates in the amount of \$1719.50 for Case 1430

RFP #TM268713 for T & M Associates in the amount of \$956.25 for Case 1423

RFP #TM267718 for T & M Associates in the amount of \$768.88 for Case 1428

RFP #TM268716 for T & M Associates in the amount of \$192.13 for Case 1430

RFP #TM268710 for T & M Associates in the amount of \$535.50 for General Board Matters

RFP #TM268712 for T & M Associates in the amount of \$191.91 for Case 1429

RFP #TM268711 for T & M Associates in the amount of \$923.46 for Case 0767

Bills were **APPROVED** on motion by K. Vaccaro and seconded by M. Dwyer.

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

Case 1425	A.J. Skora, Inc. 1982 Lakewood Road Toms River, NJ 08757	Block 1.323 Lots 1-4 801 Monmouth Avenue R-10 Zone
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This application is for an insufficient rear yard setback of 22' where 26' is required on a recently constructed single family dwelling. This application was carried from the January 22, 2015 meeting. Michael York, attorney for the applicant was present. Mr. Frank Baer was previously sworn in at the January meeting. Mr. York explained that at the last meeting one of the things discussed was whether other properties in the area had rear yard setbacks similar to the applicant's. Mr. Baer took a look at a number of the blocks surrounding the site, he had 7 photos taken from Google Earth marked into evidence as **A-5**. Within a 4 block area surrounding the site there are a total of 7 sites with measurements ranging from 12 or 13 feet to about 22 feet for rear yard setbacks. There could be a number of other lots out there if they were surveyed. The applicant & Mr. Baer both testified at the last meeting as to what was proposed & what was built. What was proposed & built shows a 21.7' rear yard setback. That is an existing condition. Mr. York asked if the house could be turned to face Northampton Blvd. Yes, it could. The home then would only be required to have a 10' side yard setback & they wouldn't need any approvals from the Board. He did a plan to show what that would look like. An unsigned plan showing the house turned to face Northampton Blvd. was marked as **A-6**. It is unsigned because they don't plan on using it, it is just for presentation purposes. The flooding of the neighbor's property wouldn't have anything to do with the placement of this home. Mr. Baer explained A-6 in comparison to the drainage plan that was approved. If they were to turn the house, it would not require any variances. That would be the least favorable of the 2 plans because that would create a house closer in proximity to the property line than what currently exists. The plan that currently exists & the grading that they proposed would meet all the standards of providing light, air & open space, health, safety & welfare in that the house is situated further away from the property line. They have already volunteered a retaining wall and also providing plantings to adequately screen the property and create a safe condition in that they can direct any runoff generated that comes across the property right toward the road and away from any adjoining properties. The other plan which would be fully conforming would still require the retaining wall for proper grading, it wouldn't require the need for any additional screenings because it meets all the zoning criteria. In his opinion, the best plan for the neighborhood based upon the fact that there are other homes in the area with rear yard setbacks similar to this would be to leave the house in the existing condition & have the Board grant the variance that would provide the best condition for the neighborhood as opposed to trying to make the house fit a situation that doesn't need any Board jurisdiction whatsoever. Mr. Glen asked about the 7 photos as to whether those homes received variances. Mr. Baer does not have that information, but they are existing conditions. Mr. Glen asked about the rear sliding doors whether they are cantilevered. Yes, 2 feet. So the house would be 2 feet closer to the property line. Mr. Baer stated the measurement goes from the foundation. Mr. Glen asked the landscaping. Mr. Baer stated they didn't revise the plan, but they did volunteer to put a row of arborvitaes on top of the wall generally 8-10 feet in height which would aid in screening this house from the adjoining property. Mr. York stated they still agree to do that. Mrs. Finn asked how high the retaining wall will be. It will be 2.8 feet high. Mr. Mullin asked the 2.8 feet will be the highest point along that property line. Yes, along that property line, that is the maximum height. Mr. Mullin asked from a drainage

perspective, the original plan as approved had a yard inlet at the back corner as well as the drywell. They are still going to retain the drywell, but with the grading they are showing they don't see the need for the yard inlet, he can convert the recharge pit & put a grate on it, but he doesn't see the need because the water will now run toward the road. The retaining wall will be butted up against the neighbor's fence at the bottom. The arborvitaes will be planted on top of that wall. Mr. Baer doesn't believe with the planting 5'-7' apart no one should be able to fall into the gap. The plantings will be approximately 4'-6' above the neighbor's fence. Mr. Glen asked about changing the access from the rear of the house. Mr. Baer stated he hasn't see any new architectural plans.

Mrs. Fazio opened this portion of the meeting to the public for questions at this time. The following people were recognized:

Darren Locklin, 800 Amsterdam Avenue – He asked about the windows at the rear of the house, he is not asking for them to be eliminated he asking about them being moved, is it possible? Is it feasible to move some of the windows? He's not concerned about the second floor windows, he's concerned about the first floor windows. Mr. Baer stated that with the arborvitaes on top of the wall, they will be higher than his fence. He said it may be possible, but he's not an architect. Mr. Locklin asked about the arborvitaes and no deck, etc. can another owner buy down the road & make those changes? Mr. Reid stated no, the variance goes with the land. Mrs. Finn asked if that would be deed restricted. No, it is part of the variance & that goes with the land, it would be up to any future buyer to research that. Mr. Locklin asked questions as to the flooding of his property. Mr. Baer couldn't answer those questions, he was not there when it happened, he doesn't know if this property or what caused the flooding. There was further discussion about the retaining wall, arborvitaes and the first floor windows. Mr. Mullin suggested 10' – 12' arborvitaes. Mr. Locklin asked what happens if they die, would they have to be replaced. Mr. Reid stated the zoning officer would go out & do resolution enforcement, if they don't meet the requirements of why they are there, which is screening.

Mr. Glen asked for the dimensions of the back porch. Mr. Baer stated the architectural shows about 8' wide by 4' landing with the stairs to the side. Mr. Hankins asked if the house was turned to comply, would there be windows on Mr. Locklin's side. Mr. Baer & Mr. York stated most probably. On the plan that exists, yes there are windows on that side.

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

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

Darren Locklin – 800 Amsterdam Avenue

There being no further public participation at this time, this portion of the meeting was closed.

Mr. Glen has a question for Mr. Baer, the house with the cantilevered sliding door brings the rear setback to 19 feet. Yes, that's correct. Mr. Mullin explained with the retaining wall, arborvitaes and landing that will leave 14 feet of usable back yard area and 16 feet from the rest of the house.

The Board discussed the possibility of putting a deck on the home. Mrs. Finn asked what the setbacks for a deck would be. If it were attached to the home, they would need a variance, if they keep it detached they would only need a 5' rear setback. Mr. York stated the plan they submitted doesn't include a deck. Mr. York stated the applicant is not putting a deck and has no problem with that as a condition.

This application was **APPROVED with conditions** on motion by M. Dwyer and seconded by R. Maloney.

Conditions: Retaining wall, 10'-12' arborvitaes 5' on center, 4' landing with the stairs to the side, no deck, drywell

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

Adjournment: The meeting was adjourned at 8:00 p.m. on motion by K. Vaccaro and seconded by J. Hankins. All in favor.

Respectfully submitted,

Darlene E. Garcia
Secretary