

**MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT**

**REGULAR MEETING**

**Thursday, January 24, 2013**

**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 7:15 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, W. Cook, L. Fazio, K. Vaccaro, J. Hankins, M. Dwyer, H. Glen  
  
Members Absent: P. Salvia  
  
Also Present: C. Reid, Attorney  
R. Mullin, Engineer

Administrative Session:

**Approval of Minutes:** The minutes for the 11/29/12 meeting were APPROVED on motion by W. Cook and seconded by T. Umlauf. All in favor.

The minutes for the 12/17/12 meeting were APPROVED on motion by T. Umlauf and seconded by W. Cook. All in favor.

**Payment of Bills:**

**RFP #17151** for T & M Associates in the amount of \$382.50 for Case 1287

**RFP #17150** for T & M Associates in the amount of \$689.27 for Case 1284

**RFP #17149** for T & M Associates in the amount of \$153.00 for Case 1280

**RFP #17145** for T & M Associates in the amount of \$115.83 for Case 0925-0892

**RFP #17146** for T & M Associates in the amount of \$1309.25 for Case 1276

**RFP #17148** for T & M Associates in the amount of \$306.00 for Case 1278

**RFP #17147** for T & M Associates in the amount of \$76.50 for Case 1175

**RFP #17063** for T & M Associates in the amount of \$229.50 for Case 1175

**RFP #17144** for T & M Associates in the amount of \$1338.90 for General Board Matters

**RFP #15089** for T & M Associates in the amount of \$286.00 for Case 1175

**RFP #17154** for T & M Associates in the amount of \$573.75 for Case 1278

**RFP #17152** for T & M Associates in the amount of \$612.11 for General Board Matters

**RFP #17153** for T & M Associates in the amount of \$38.25 for Case 1276

**RFP #17156** for T & M Associates in the amount of \$38.25 for Case 1287

**RFP #74469** for Cafarelli & Reid in the amount of \$630.00 for Case 1250

**RFP #74477** for Cafarelli & Reid in the amount of \$630.00 for Case 1249

**RFP #74473** for Cafarelli & Reid in the amount of \$585.00 for Case 1248

Bills were **APPROVED** on motion by T. Umlauf and seconded by W. Cook.

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

**Annual Report:** The 2012 Annual Report was **APPROVED** on motion by W. Cook and seconded by K. Vaccaro.

**ROLL CALL VOTE:** W. Cook, yes; K. Vaccaro, yes; T. Umlauf, yes; H. Glen, yes; J. Hankins, yes; M. Dwyer, 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 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. Block 1.28 Lot 37, 1309 First Avenue. Applicant: Amy Attia. Approved at the December 17, 2012 meeting. Case 1282

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

**ROLL CALL VOTE:** W. Cook, yes; T. Umlauf, yes; K. Vaccaro, yes; J. Hankins, yes; L. Fazio, yes.

A copy of the approved resolution is attached.

Memorialization of a resolution of approval 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. Block 2 Lot 67, 1780 Ridgeway. Applicant: William Peace. Approved at the December 17, 2012 meeting. Case 1285

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

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

A copy of the approved resolution is attached.

Memorialization of a resolution of approval 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. Block 99.106 Lot 1, 1250 Coolidge Avenue. Applicant: Leo & Lillian James. Approved at the December 17, 2012 meeting. Case 1286

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

**ROLL CALL VOTE:** W. Cook, yes; T. Umlauf, yes; K. Vaccaro, yes; J. Hankins, yes; L. Fazio, yes.

A copy of the approved resolution is attached

**Case 1287**

Douglas & Noreen Diani	Block 99.84 Lot 4
10 Lippincott Drive	New York Avenue
Little Egg Harbor, NJ 08087	WTR-40 Zone

Mr. & Mrs. Diani need a variance to allow an the construction of a single family dwelling on a lot having a lot width of 198.12 feet where 200 feet is required and a lot frontage of 198.12 feet where 200 feet is required. Anthony Pagano, attorney for the applicant was present. The map from 1924 shows the lot as 200 feet, but it is actually 198.12 which is diminimus. This application was presented to the Board & approved in 2006. The current owner had the approval and is selling to Mr. & Mrs. Diani. There was some issue as to whether or not it was covered under the Permit Extension Act, so to be safe and to make sure they don't have any issues in the future they are here tonight for approval. The proposed house will meet all the setbacks of the zone. The setbacks that are proposed are the same exact that were approved in 2006. The buy/sell letters to the adjacent owners were marked into evidence as **A-1**. He did receive a response from the Messina's that was marked as **A-2**. They were not interested in buying or selling. The property is short by 1.88 feet. The home will fit in with the others in the area. Mr. Douglas Diani was sworn in by Mr. Reid. Mr. Cook asked if this variance were denied, does he know of any other use this property could be used for? No he does not. Mr. Mullin asked Mr. Pagano to confirm they are aware the property is in the Pinelands. The septic system will meet all of the requirements of the Pinelands Commission. Mr. Pagano stated everything will be in complete compliance.

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

Mr. Cook stated the approval of this variance will not have any detriment to the zoning plan or master plan of Manchester. He also stated the property would be zoned into inutility as stated by the attorney.

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

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

Mrs. Vaccaro stated due to the diminimus proportion of the land the lot is supposed to be 200 feet and it is only 1.88 feet short on the width & depth she is voting yes.

**Case 1389**

Eugene & Donna Lynch  
1681 Pennsylvania Avenue  
Whiting, NJ 08759

Block 99.88 Lot 8  
Newark Avenue  
WTR-40 Zone

Mr. & Mrs. Lynch need a variance to allow the construction of a single family dwelling on a lot having a lot width of 199.18 feet where 200 feet is required and a lot frontage of 199.18 feet where 200 feet is required. Eugene Lynch was sworn in by Mr. Reid. He stated that the property is only 10 inches short on the survey, but the tax map shows it as 200 feet. This is a common problem in certain areas of Roosevelt City. He has lived in this area for about 22 years. He did notify all the surrounding homeowners. He did send the buy/sell letters. One of the adjoining property owners (Hess) also is the owner of this lot and he is not interested in buying or selling. He doesn't have it with him this evening. Both of the other (2) certified letters were returned. The Board Secretary did receive an email response from Fiore which was marked into evidence as **A-1**. She is not interested in buying or selling. He will meet all the other zoning requirements. All setbacks will be met. He will be leaving 25' of trees all around the lot. He does have a certificate of filing from the Pinelands. He is aware of the special septic requirements. He stated the plan has been revised and will submit it to T & M Associates; he doesn't have it this evening. Mr. Mullin stated he did speak with his engineer about that. The fence encroachment will be addressed before closing on the property. Mr. Mullin stated the plan does show an in-ground pool and shed, as shown they meet applicable setback requirements, but this application is not addressing them. Mr. Lynch stated he will apply for all the required permits for those. He stated that if the variance is not approved the land would be useless. He plans on building a house & living in it.

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

Mr. Dwyer stated that it is very minor, hardly a detriment to the community. Mr. Cook stated that in as much as the violation is deminimus, he does not see an intent that would impede the zoning plan or master plan of Manchester Township.

This application was **APPROVED** with conditions on motion W. Cook and seconded T. Umlauf.

Conditions: A revised plan be submitted to the Engineer for approval that will include the location map depicting property boundaries. The Pinelands wastewater treatment will be complied with. The applicable tree ordinance will be complied with. The fence encroachment will be resolved before closing.

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

Mrs. Vaccaro stated that since this is only 1/200<sup>th</sup> of acreage required for width & depth she is voting yes.

On motion by W. Cook and seconded by T. Umlauf the Board went into Executive Session to discuss litigation & procedural issues at 7:40 p.m. All in favor.

On motion by W. Cook and seconded by T. Umlauf the Board came out of Executive Session at 8:40 p.m. All in favor.

Mr. Glen stated that they Board had 2 cases tonight involving properties in Roosevelt City and it indicated that the front yard requirement was undersized. He had occasion to look at maps of Roosevelt City and there are numerous lots that are undersized with 195 feet to 200 feet. He thinks maybe instead of having the people hire engineers & go through the expense, have the Township review it as far as the lots go, maybe they would reduce the lot frontage down to a reasonable amount, so the people wouldn't be forced to do this. Mr. Mullin stated the Township had those discussions about 3 years ago with Mr. Tom Thomas and he doesn't think they ever got as far as drafting an ordinance, but they did have discussions, but for some reason it never came to fruition. With these 2 cases tonight it is probably enough to kick it back into gear and get this to happen. Just reduce the minimum lot frontage & lot width requirement for these specific lots.

**Adjournment:** The meeting was adjourned at 8:45 p.m. on motion by W. Cook and seconded by K. Vaccaro. All in favor.

Respectfully submitted,

Darlene E. Garcia  
Secretary

February 23, 2013