

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, July 28, 2011

**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 7:30 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: P. Salvia, W. Cook, L. Fazio, K. Vaccaro, J. Hankins, M. Dwyer, H. Glen

Members Absent: T. Umlauf

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

Mr. Reid stated normally at this time the Board would start with the Administrative Session, however the interest of follow up to what happened before the start of the meeting of the adjourning of one of the applications he asked the attorney for the applicant of Manchester Rehab Realty Application to step forward, as everyone knows that portion of the meeting has been adjourned this evening because of the great number of people that were here this evening. It is called a public hearing for a reason, the public needs to HEAR what the testimony is, because we could not accommodate all the public and therefore they may not be able to hear any of the testimony and not be able to properly cross examine or give their own comments, it has been adjourned. What the Board asks the applicants attorney to do is to waive the statutory limits in which the Board is required to act. Mr. York has agreed to do that.

Case 1162	Manchester Rehab Realty, LLC 485 River Road Lakewood, NJ 08701	Block 21 Lots 1 & 2 3086 Ridgeway Road R-40 Zone
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This application is for a use variance and preliminary & final site plan approval to construct a skilled nursing facility where the proposed use is not permitted. Mr. Harvey York, attorney for the applicant was present. He wanted to put on the record that prior to the meeting there were anywhere from 200-500 people here and the Board made the determination that it was unsafe and unrealistic to proceed. This record should be clear since that happened before the meeting and the applicant has consented to that adjournment. With regard to the proceedings, it is his understanding that it has been adjourned without date and that the Secretary will advise them as to date, time & place for the new hearing. They will provide new notice again to the people on the original list and re-publish in the newspaper. It is also his understanding that the Board had represented to the public prior to the meeting that they would provide additional noticing either through the newspaper, the website, posting it at town hall or other means and

obviously anyone who was here knows that the meeting is in fact adjourned and therefore has the actual notice of the adjournment. Further, they will extend the time period within which the Board can act through October 31, 2011 and he will provide notice.

This application will be **CARRIED** to another location at another time to be determined on motion by W. Cook and seconded by J. Hankins. All in favor.

5. Administrative Session:

Annual Report: The Annual Report for 2010 was **APPROVED** on motion by W. Cook and seconded by K. Vaccaro.

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

Payment of Bills:

RFP #88623 for T & M Associates in the amount of \$1072.50 for General Board Matters

RFP #88630 for T & M Associates in the amount of \$9223.50 for Case 1162

RFP #88624 for T & M Associates in the amount of \$107.25 for Case 1048-0917

RFP #88625 for T & M Associates in the amount of \$35.75 for Case 0612

Bills were **APPROVED** on motion by W. Cook and seconded by M. Dwyer.

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

Correspondence: The Secretary stated she had received several requests from residents with regard to Case 1162 asking that it be adjourned. She also received correspondence from Mr. York asking that it not be adjourned, but however due to the circumstances this evening it had to be.

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

Memorialization of a resolution of a variance approval for modifications to the originally approved plan including a variance approval to allow a 10' high fence where a maximum height allowed is 6 feet. Block 82.09 Lot 14, Hilltop Road. Applicant: Presbyterian Homes & Services. Approved at the June 23, 2011 meeting. Case 1048

This resolution was **APPROVED** on motion by W. Cook and seconded by M. Dwyer.

ROLL CALL VOTE: W. Cook, yes; M. Dwyer, yes; P. Salvia, yes; K. Vaccaro, yes; J. Hankins, yes; L. Fazio, yes.

A copy of the approved resolution is attached.

Case 1165-0767

Bettio Enterprises
2985 Hwy 547
Manchester, NJ 08759

Block 69 Lot 7
Hwy 547
PB-1 Zone

This application is for an extension of time (one-year) for site plan approval for a warehousing & self-storage facility. Mr. Hankins recused himself because he is an adjacent property owner. Mr. Greg Leonard, attorney for the applicant was present. He is also a partner in Bettio Enterprises, he was sworn in by Mr. Reid. They received the original approvals in 2008. They received Mr. Mullin's letter dated July 7, 2011 and do agree. The reason for the one-year extension is due to the economy. When they got the approvals in 2008 they immediately did considerable engineering, obtaining final engineer drawings, design drawings for the buildings. They worked with HVAC people and were preparing plans, which brought them to spring 2009, but with the economy as such, they couldn't get financing. Basically, they have been bargaining time over the last year and a half hoping things would change. They have a great deal invested in this to date and it is their desire to complete the project and move as timely as possible. They can't give a precise time because (1) they have to redo some of the bidding & engineering because it is out of date and (2) they are confronted with the uncertainty of financing. They are hoping to complete everything within the one-year period.

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

The one-year extension was **APPROVED** on motion by W. Cook and seconded by K. Vaccaro.

ROLL CALL VOTE: W. Cook, yes; K. Vaccaro, yes; H. Glen, yes; P. Salvia, yes; M. Dwyer, yes; L. Fazio, yes.

Case 1049

Ralph & Pat Ainsworth
1313 Larchmont Street
Toms River, NJ 08757

Block 1.269 Lot 22
1313 Larchmont St
R-10 Zone

Mr. & Mrs. Ainsworth need variances for the following: an existing 10' x 12' shed having a 2'6" rear yard setback where 5' is required; a driveway having a 3' side yard setback where 5' is required; an existing pergola having an 8' front yard setback along Madison Avenue where 30' is required; a 6' fence along Madison Avenue having a 4' setback where 5' is required; the fence also encroaches into the required sight triangle; a 4' chain link fence along Larchmont Street is located up to 1.6' into the Township right-of-way; a 6' stockade fence along Birmingham Avenue is located from 1.5 to 3' into the Township right-of-way. Ralph Ainsworth was sworn in by Mr. Reid. He stated that he removed all the trees out of the sight triangle. Mr. Mullin & Mrs. Fazio advised Mr. Ainsworth to follow the letter dated May 5, 2011 and address each item. Mr. Mullin stated that the Board may want to hear justification reasons why these variance conditions exist as they do. Mr. Ainsworth stated he put a chain link fence up because everyone used to dump trees, rubbish on his lot. His home is located on the corner of Birmingham & Larchmont. He then purchased the lot at the corner of Madison & Larchmont and put the fence up to keep people from dumping on it. He put some trees to make it look nice and they grew into the sight triangle so he took those out. Mr. Mullin suggested they follow the letter (see attached). 1. The shed – he needed some place to store his tools so he put up a shed and it ended up being too close to the property line. 2. The driveway used to be a stone driveway so he put pavers there, it was an existing condition. 3. The pergola is for his grapevines and shade. It is an open structure, no walls or roof. 1. The existing 6' stockade fence along Larchmont, he put it up inside the chain link fence for privacy for his family & to keep his dogs in. 2. The 6' fence around the corner of Madison, he put it up for privacy for his family & to keep his dogs in. 3. The 6' fence in the sight triangle at Madison & Larchmont and the trees in front of fence. Mr. Ainsworth said he took all the trees out, but the fence is still there. He agreed to move the 6' fence at Madison & Larchmont back at least 2 feet and put it on a 45 degree

angle to keep it out of the sight triangle. 4. The 4' chain link fence along Larchmont needs to be moved back about 2 feet out of the right of way and onto his property. He agreed to move it back 2 feet. 5. The existing 6' fence along Birmingham & Madison needs to be moved back. He stated he moved it back about 18 inches, but it has to be moved back an additional 2 feet to be out of the right of way and onto his property. He agreed to move it back the additional 2 feet. A letter had been provided with regard to the sign dated January 2005 from John Tilton, Zoning Officer stating home occupation was permitted at that time.

Mr. Glen asked with the movement of the fences is he in compliance with the Township Ordinance? Mr. Mullin stated he still needs the variance to allow the fence to be located on the property line, but it will be outside the sight triangle. The ordinance allows 6' fences to be located 5' from the property line.

Mrs. Fazio asked why the shed is where it is? Mr. Cook asked if it could be moved or if it was on a concrete slab? It is on a concrete slab. When he installed it 30+ years ago he didn't have the additional lot so he didn't have any other place to put the shed at that time.

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

Mr. Cook added that an existing driveway condition that the bush adjacent to the driveway be trimmed to a height of about 42 inches.

This application was **APPROVED with conditions as discussed** on motion by W. Cook and seconded by M. Dwyer.

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

Adjournment: The meeting was adjourned at 8:15 p.m. on motion by W. Cook and seconded by M. Dwyer. All in favor.

Respectfully submitted,

Darlene E. Garcia
Secretary

Dated: August 13, 2011