

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, July 25, 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 7:00 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, M. Dwyer, H. Glen, P. Ward

Members Absent:

Also Present: C. Reid, Attorney (arrived 7:10 p.m.)
R. Mullin, Engineer

Administrative Session:

Payment of Bills:

RFP #TM233255 for T & M Associates in the amount of \$1509.00 for General Board Matters

RFP #TM233260 for T & M Associates in the amount of \$229.50 for Case 1392

RFP #TM233262 for T & M Associates in the amount of \$1071.00 for Case 1394

RFP #TM233259 for T & M Associates in the amount of \$114.75 for Case 1391

RFP #TM233261 for T & M Associates in the amount of \$765.00 for Case 1393

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; M. Dwyer, yes; L. Fazio, yes.

Correspondence: The Secretary stated she received a letter from Mr. Jeff Jerman withdrawing his application for Case 1392
Received litigation paperwork for Case 1281 which will be discussed in Executive Session

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

The Board took a 5-minute recess at 7:05 p.m. to wait for Mr. Reid who had been delayed. The meeting reconvened at 7:10 p.m.

Memorialization of a resolution of a variance approval to allow the construction of 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. Applicant: Jeffrey Jerman Block 1.356 Lots 1, 2 & 3 Middlesex & Grinnell. Approved at the June 27, 2013, meeting. Case 1393

This resolution was **APPROVED** on motion by M. Dwyer and seconded by P. Salvia.

ROLL CALL VOTE: M. Dwyer, yes; P. Salvia, yes; T. Umlauf, yes; H. Glen, yes; L. Fazio, yes.

A copy of the corrected resolution is attached.

Case 1392	Jeffrey Jerman P.O. Box 355 Monmouth Beach, NJ 07750 R-10 Zone	Block 1.302 Lots 16 & 17 Manchester Street R-10 Zone
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Mr. Jerman needs a variance to allow the construction of 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 4,225 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. Mr. Jeff Jerman owner/applicant was sworn in by Mr. Reid. The following items were marked into evidence:

- A-1 Affidavit & title history
- A-2 Buy/Sell letter & response Lot 19 – Todd Jerman (not interested)
- A-3 Buy/Sell letter & response Lot 14 – Ridgewood Village Estates (interested in selling, but no price)
- A-4 Mr. Jerman's response to Ridgewood Village Estates (lot 14) offering \$7000 dated 5/9/13

Mr. David Messer, Counsel for Ridgewood Village Estates was sworn in by Mr. Reid. He has the authority to enter into negotiations with Mr. Jerman regarding the buy/sell of the property. The offer that Mr. Jerman takes certain discounts that he doesn't think he is entitled to. He put a value on the property but didn't provide any support. He hasn't filed any reports with the Board. There are no appraiser's reports that have been filed as to value. Mr. Reid stated that it is the Board's normal practice is to have the adjoining property owners, especially if they are here, at least discuss it for a couple minutes to see if you can come up with some type of arrangement. If you can't then of course you are more than welcome to give any type of comment during public portion.

On motion by P. Salvia and seconded by K. Vaccaro the Board took a recess 7:40 for the 2 parties to discuss a possible sale/purchase. All in favor.

The Board reconvened at 7:55. Mr. Cook asked if there was an agreement reached. Both Mr. Jerman & Mr. Messer agreed, yes there has been. Mr. Jerman doesn't want to withdraw his application at this time, he would like to continue on with his application and have the purchase as a condition of approval. The agreed upon purchase price for Lot 14 (50' x 100') is \$12,500 with a closing date within 30 days.

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This application was **WITHDRAWN** by the applicant. (copy of letter attached)

Case 1394	Arthur Kurpiewski 1908 First Avenue Toms River, NJ 08757	Block 55 Lot 691.03 Johnson Avenue R-40 Zone
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Mr. Kurpiewski needs a variance to allow the construction of single family dwelling on a lot having a lot width of 133.32 feet where 200 feet is required; and a lot frontage of 133.2 feet where 200 feet is required. Mr. Gregory Hock (standing in for Terry Brady), attorney for the applicant was present. He is the contract purchaser. This is basically a classic isolated undersized lot variance. It is a vacant lot, undersized as far as frontage & width. There are developed lots all around it on both sides. They are proposing to construct a 1-story ranch home. Arthur Kurpiewski was sworn in by Mr. Reid. He worked with the architect to design the home that is proposed on this lot. He feels the proposed home will improve the aesthetics of this neighborhood. He feels this home will fit into the character of the neighborhood. The lot is oversized so there will be no negative impact on the area or on light, air or open space. He has attempted to purchase additional property, but there is none available. There are houses on both sides. Mr. Cook asked if there are other undersized lots in the area. Mr. Kurpiewski stated the whole side of the street is. Both lots on either side of him are as well, the one is even smaller. There are houses on the undersized lots. All the setbacks are being met for the zone. This property will be serviced by public water & a septic system. Mr. Mullin stated that on the plan it shows a well, that will have to be corrected. Mr. Mullin said drywells are required and the applicant will show them on the plan. He will have the engineer add a note to the plan that they will comply with the tree ordinance & show the limits of clearing. He will comply with all comments in Mr. Mullin's review letter. Mr. Cook asked if this variance wasn't approved could it be used for anything else? No, it cannot be, it is a residential zone. Mr. Dwyer asked if the Board saw the buy/sell letters. Yes, they are part of the file.

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.

Mrs. Vaccaro clarified with Mr. Mullin that this lot is in fact oversized except for the lot dimensions. That is correct as are the adjacent lots.

Mr. Cook made the motion with the following conditions: the drawing be revised to come into compliance with Mr. Mullin's letter dated 6/14/13. The plan should also show limits of clearing and the note with regard to complying with tree ordinance.

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

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

Case 1396	William Romano 58 Aberdeen Lane Manchester, NJ 08759	Block 71.02 Lot 115 58 Aberdeen Lane PR-40 Zone River Pointe
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Mr. Romano needs a variance to allow the construction of a deck on the rear of his home having a 10' rear yard setback where 20' is required. Mr. Umlauf recused himself from this application because he built the house & works for the development. William Romano was sworn in by Mr. Reid. He wants to build a deck on the back of his house. The house itself is at the 20' setback line. He did receive the approval from his homeowner's association. He would like to use it to put his patio furniture on anything smaller would not be useful. The deck will be 2 steps up approximately 12-16" high. The ground is level in that area. There is a concrete patio existing now and he will put the deck over that and extend past it a couple feet. It will be attached to the house. There are other homes in the neighborhood with decks.

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.

This application was **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.

Mr. Umlauf rejoined the Board.

Case 1397	Robert & Maryann Martin 46 Mansfield Avenue Manchester, NJ 08759	Block 52.40 Lot 1 46 Mansfield Avenue RC Zone Leisure Knoll
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Mr. & Mrs. Martin need a variance to allow the construction of a 13' x 16' patio cover above an existing concrete slab having a 10' rear yard setback where 20' is required. Robert & Maryann Martin were both sworn in by Mr. Reid. Mrs. Martin stated they want to add a patio cover because it is very hot and they can't enjoy their yard. They are hoping that it will also help keep the room cooler also. They put in the patio last year. They did receive approval from the home owner's association to put up the cover, as long as they receive a variance. They would like to utilize their yard and be comfortable. Mr. Martin said it is like an oven out there, the sun comes up on that side. Mr. Martin also has health issues. They are hoping that it will help to keep some of the heat out of their family room. It is going to be just a roof. It will not be closed in. The patio is 26' the cover is only going to be 16'. Mr. Cook asked where the water runoff goes from their patio at this time. It goes into the grass, does not affect the neighbors at all. Mr. Mullin said they are not increasing the impervious coverage at all. Mr. Cook asked if they should put in drywells. Mr. Mullin said they could get away with down spouts & splash pads. That would prevent any erosion. Bonnie Jeffers of Jeffers Aluminum, the contractor was sworn in by Mr. Reid. The patio cover is going to be 8' high. The slope is going to be 1/4" to every foot. It is a very slight slope down. The roof will hold a 30 lb snow load at the slope.

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 made the motion for approval with the following conditions: the installation of splash pads by the downspouts.

This application was **APPROVED with conditions** 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; M. Dwyer, yes; L. Fazio, yes.

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This resolution was **APPROVED** on motion by M. Dwyer and seconded by P. Salvia.

Mr. Glen finds one thing wrong with the resolution, there is no mention of the trees. It was more than just the tree ordinance. It was leaving trees on the sight. Mr. Reid will add a condition that the applicant must adhere to all testimony provided during the hearing since he marked them agreed to do that.

ROLL CALL VOTE: M. Dwyer, yes; P. Salvia, yes; T. Umlauf, yes; H. Glen, yes; L. Fazio, yes.

A copy of the corrected resolution is attached.

On motion by W. Cook and seconded by T. Umlauf the Board went into Executive Session to discuss litigation 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 7:50 p.m. All in favor.

On motion by M. Dwyer and seconded by W. Cook to authorize Christopher Reid to represent the Zoning Board in the litigation with Mr. Jerman for Case 1281.

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

Adjournment: The meeting was adjourned at 7:50 p.m. on motion by T. Umlauf and seconded by W. Cook. All in favor.

Respectfully submitted,

Darlene E. Garcia
Secretary