

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, June 25, 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 7:00 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: F. Finn, H. Glen, P. Salvia, L. Fazio, K. Vaccaro, J. Hankins, M. Dwyer, R. Maloney, P. Ward

Members Absent: None

Also Present: R. Mullin, Engineer
D. Rumpf, Attorney

Administrative Session:

Approval of Minutes: The minutes for the May 28, 2015 Meeting were **APPROVED** on motion by P. Ward and seconded by M. Dwyer. All in favor.

Payment of Bills:

RFP #TM276376 for T & M Associates in the amount of \$382.50 for Case 1540-1393

RFP #TM276378 for T & M Associates in the amount of \$1032.75 for Case 1428

RFP #TM276402 for T & M Associates in the amount of \$38.25 for Case 1430

RFP #TM276380 for T & M Associates in the amount of \$573.75 for Case 1541

RFP #TM276381 for T & M Associates in the amount of \$382.50 for Case 1542

RFP #TM276382 for T & M Associates in the amount of \$382.50 for Case 1544

RFP #TM276373 for T & M Associates in the amount of \$918.00 for General Board Matters

RFP #TM276379 for T & M Associates in the amount of \$41.99 for Case 1532-0755

RFP #TM276374 for T & M Associates in the amount of \$38.25 for Case 0614

RFP #11475 for Rumpf Reid Dolcy in the amount of \$345.00 for Case 1534

RFP #11474 for Rumpf Reid Dolcy in the amount of \$315.00 for Case 1533

RFP #11477 for Rumpf Reid Dolcy in the amount of \$525.00 for Case 1535

RFP #11479 for Rumpf Reid Dolcy in the amount of \$270.00 for Case 1538

Bills were **APPROVED** on motion by K. Vaccaro and seconded by P. Salvia.

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

Correspondence: The Secretary has nothing at this time.

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

Memorialization of a resolution of a variance approval to allow the installation of an in-ground pool with a setback of 32' from Weston Avenue where 50' is required; also installation of a 6' high fence on the property line for a portion of Weston Avenue where a maximum of 4' high is permitted. Applicant: Lidia Wrazen. Block 28 Lot 1063.01, 3062 Wilbur Avenue. Approved at the May 28, 2015 meeting. Case 1535

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

ROLL CALL VOTE: P. Ward, yes; M. Dwyer, yes; F. Finn, yes; H. Glen, yes; P. Salvia, yes; K. Vaccaro, yes; L. Fazio, yes.

A copy of the approved resolution is attached.

Memorialization of a resolution of a variance approval for the construction of a 10' x 21' three-season room at the side of a dwelling having 32' between buildings where 40' is required. Applicant: Thomas D'Ambola. Block 75 Lot 90, 6B Moccasin Drive. Approved at the May 28, 2015 meeting. Case 1538

This resolution was **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; P. Salvia, yes; P. Ward, yes; L. Fazio, yes.

A copy of the approved resolution is attached.

Case 1543

John & Melanie Biscardi	Block 1.59 Lot 26
1541 Third Avenue	1541 Third Avenue
Toms River, NJ 08757	R-10 Zone

Mr. & Mrs. Biscardi need a variance to allow the relocation of an existing 8' x 10' playhouse having a 5' front yard setback where 30' is required and to install an 8' x 12' shed having a 13' front yard setback where 30' is required. John Biscardi was sworn in by Ms. Rumpf. The property in question is a corner lot and there is a 17' right of way along Parkview Blvd. He has a 6' fence around the property and the playhouse & shed would be located inside of that fence. The playhouse will be 8' high at the peak. The shed will most likely be the same height, he has not purchased it yet. There is no other place in the yard to locate either one of them. The picture from Google Maps is wrong with the pool location, the one shown was a temporary pool that was taken down years ago. A new pool was installed & the location shown on the survey at the left rear of the property is where the pool is actually located.

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 M. Dwyer and seconded by K. Vaccaro.

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

Case 1541	Jeffrey Jerman	Block 1.93 Lot 22
	P.O Box 922	5 th Avenue & Parkview Blvd
	Pt. Pleasant Borough, NJ	R-10 Zone

Mr. Jerman needs a variance to construction a single family dwelling on a lot having a lot area of 7,500 square feet where 10,000 square feet is required; a lot width of 75 feet where 100 feet is required; a lot frontage of 75 feet where 100 feet is required; and an improvable lot area of 2,600 square feet where 5,800 square feet is required. Jeffrey Jerman was sworn in by Ms. Rumpf. He is the owner and the applicant. The following items were marked into evidence:

A-1 Buy/sell letters to Lot 25 (Blue Fountain Restaurant/Koufous) – there is an existing home – letters dated 2/17/15, 5/21/15 & 5/27/15 – no responses received.

A-2 Buy/sell letters to Lot 20 (Klett) – vacant 50' x 100' lot – letters dated 2/17/15, 5/21/15 & 5/27/15 – Mr. Klett did respond in March willing to sell his property via phone call. Mr. Jerman offered the assessed value of \$10,000. Mr. Klett did not respond to that offer. Mr. Klett called him last week and wants \$20,000. Mr. Jerman will not pay that because he still has to go for the other variances and has put out a lot of money already.

The Board took a recess at 7:27 for Mr. Jerman & Mr. Klett to discuss a price and see if they could come to an agreement on motion by K. Vaccaro and seconded by J. Hankins. All in favor.

The Board reconvened at 7:35 on motion by K. Vaccaro and seconded by J. Hankins. All in favor.

Mr. Jerman did say that during their conversation mentioned earlier when he first wanted \$20,000 that Mr. Klett did say he would agree to \$16,000 which was 2/5th of the property. Mr. Jerman & Mr. Klett were not able to come to an agreement on a price. Theodore Klett 5 Mercer Street, Hopewell, NJ was sworn in by Ms. Rumpf. He is the executor of Lot 20. He is interested in selling his lot to Mr. Jerman. Mrs. Fazio stated that since he is willing to sell, this Board would like that issue resolved before the case goes forward. Mr. Jerman & Mr. Klett will hire appraisers and come back before the Board in August. The appraisals must be submitted to the Board & to the opposition at least 10 days prior to the meeting. Both must come back to the August 27, 2015 meeting with their appraisers for presentation to the Board.

This application was **CARRIED to the August 27, 2015** on motion by K. Vaccaro and seconded by J. Hankins.

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

Case 1544

Jeffrey Jerman
P.O Box 922

Pt. Pleasant Borough, NJ

Block 1.304 Lot 22
Monmouth Avenue &
Northampton Blvd
R-10 Zone

Mr. Jerman needs a variance to construction a single family dwelling on a lot having a lot area of 7,500 square feet where 10,000 square feet is required; a lot width of 75 feet where 100 feet is required; a lot frontage of 75 feet where 100 feet is required; and an improvable lot area of 2,600 square feet where 5,800 square feet is required. Jeffrey Jerman was sworn in by Ms. Rumpf. Mr. Mullin brought up an issue as far as ownership of the property goes, the certified list shows Todd Jerman as the owner. Mr. Jerman clarified he is the owner through tax sale liens/foreclosures.

The following items were marked into evidence:

- A-1 Buy/sell letters dated 4/17 & 5/27/15 & response – Lot 21 (Jerman & F. Elmore)
- A-2 Buy/sell letters dated 4/17 & 5/27/15 – Lot 25 100' x 100' with house (Marcucci-Murray) – no response
- A-3 Property record showing Jeffrey Jerman as owner of the property
- A-4 Photo Board – houses in the area
- A-5 Aerial photo of the area
- A-6 Elevations/architecturals of the proposed home
- A-7 Site Plan

Mr. Jerman explained this is an isolated undersized lot. He stated the variances he's requesting. Mr. William Stevens was sworn in by Ms. Rumpf. He is a Professional Engineer & Planner in the State of New Jersey. He has reviewed the site and his office has prepared the site plan. The applicant is proposing to construct a 1-1/2 story cape cod, 3 bedrooms, 2-1/2 baths, 1 car garage. It will be approximately 1,800 square feet, 1,568 living space plus garage, having an approximate height of 23'10" to the ridge. The 7,500 square feet is sufficient to construct the proposed house that will fit into the neighborhood. The home does meet all setback requirements. The lot width & frontage of 75' does not impose any issues to building the home. The only use for this property is for a single family residence. There are no other uses appropriate. In his opinion, there would be no violations of light, air and open space because the applicant is proposing to meet all the required setbacks. It will appear as all the other homes in the area. It will fit within the principles light, air & open space and the conforming constraints of the surrounding neighborhood. There would be no substantial detriment to the zoning plan, master plan or to the public if these variances were granted. In his opinion as a planner, the only appropriate use for this property would be for a single family residence. If the variances are not approved the property would be zoned into inutility. Mr. Stevens explained the photos shown on A-4. In the subject block there are 7 homes, 5 of those homes are 2 story ranging in size from 1,359-2,848 square feet. The 9 block area around the area has 54 homes of those 27 are 2 stories ranging in size from 923-2,848 square feet. The proposed home will not be the smallest or the largest in the area. It is his testimony that the applicant's proposal for this particular home will fit into the character of the neighborhood. Mr. Stevens explained the floor plan shown on A-6. The proposed home does meet the constraints of the new ordinance. Mr. Mullin discussed his 5/26/15 review letter. Mr. Stevens stated they are proposing to construct the drywells necessary to meet the storm water management ordinance. All roof runoff will be directed to the drywells. The applicant will also comply with the Township tree ordinance. The applicant will address all concerns in Mr. Mullin's letter.

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 M. Dwyer and seconded by K. Vaccaro.

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

Case 1428	Czelaw Klusek 1201 Twelfth Avenue Toms River, NJ 08757	Block 1.285 Lots 40-42 1509 Birmingham Avenue R-10 Zone
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Mr. Klusek needs a variance to construction a single family dwelling on a lot having a lot area of 7,500 square feet where 10,000 square feet is required; a lot width of 75 feet where 100 feet is required; a lot frontage of 75 feet where 100 feet is required; an improvable lot area of 4,225 square feet where 5,800 square feet is required; a building height/number of stories 28 feet/2 stories where the maximum permitted is 25 feet/1-1/2 stories; and a finished floor elevation of 53 inches above the roadway centerline where a maximum of 48 inches above the roadway centerline is permitted. Agnes Rybar, attorney for the applicant was present. Czelaw Klusek was sworn in by Ms. Rumpf. Ms. Rybar had the (3) buy/sell letters & responses marked into evidence as **A-1**. Robert Harrington of East Coast Engineering was sworn in by Ms. Rumpf. He is a Professional Engineer in the State of New Jersey. Mr. Mullin asked if he was also a Licensed Planner. No he is not. He has prepared the site plan for this property. It has been amended since the original submission in accordance with the review letters dated 12/16/14, 1/7/15 & 5/13/15. Mr. Mullin stated in the matter of saving time, as seen in the previous application the licenses planner provided planning testimony as to air, light and open space, positive & negative criteria. Mr. Harrington did state that he is not a licensed planner. Mrs. Fazio stated this Board has wanted testimony from a licenses planner in the past. Mr. Mullin stated the Board has the option to decide whether or not they would like to hear the testimony, some of the testimony is planning in nature. Mrs. Finn asked the attorney if both were needed. Ms. Rumpf stated the engineer & planner would provide different testimony to different questions, they each have their own expertise. The Board would like to have a licensed planner provide that testimony.

This application was **CARRIED to the July 23, 2015 meeting** on motion by J. Hankins and seconded by K. Vaccaro. A waiver of time was given.

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

Adjournment: The meeting was adjourned at 8:40 p.m. on motion by K. Vaccaro and seconded by J. Hankins. All in favor.

Respectfully submitted,

Darlene E. Garcia
Secretary