

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, March 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 7:00 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

Members Absent: P. Ward

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

Administrative Session:

Approval of Minutes: The minutes for the January 26, 2015 Re-Organization Meeting were **APPROVED** on motion by K. Vaccaro and seconded by M. Dwyer. All in favor.

The minutes for the February 26, 2015 Meeting were **APPROVED** on motion by K. Vaccaro and seconded by M. Dwyer. All in favor.

Payment of Bills:

RFP #TM233257 for T & M Associates in the amount of \$222.00 for Case 1281

RFP #TM269840 for T & M Associates in the amount of \$420.75 for Case 1531

RFP #18294 for T & M Associates in the amount of \$76.50 for Case 1409

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

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

Correspondence: The Secretary received a letter from Mr. Humeny with regard to Case 0614 which was a variance to construct a single family dwelling on an unimproved road. Mr. Mullin explained in 2008 a plot plan was approved and a foundation was constructed and that's as far as they got, however after looking into the file it

appears the original application was never perfected meaning that Mr. Reilly never followed through with the resolution compliance process. Mr. Humeny will have to complete that process based upon the prior applicant not doing so.

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

Annual Report: The Annual Report for 2014 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; J. Hankins, yes; L. Fazio, yes.

Memorialization of a resolution of a variance approval for an insufficient rear yard setback of 22' where 26' is required on a recently constructed single family dwelling. Applicant: A.J. Skora, Inc. Block 1.323 Lots 1-4, 801 Monmouth Avenue. Approved at the February 26, 2014 meeting. Case 1425

This resolution was **APPROVED** on motion by M. Dwyer and seconded by F. Finn.

ROLL CALL VOTE: M. Dwyer, yes; F. Finn, yes; R. Maloney, yes; L. Fazio, yes.

A copy of the approved resolution is attached.

Case 1429

Quick Chek	Block 30 Lot 636
3 Old Highway 28	3001 Ridgeway Road
Whitehouse Station, NJ	HD-3 Zone

This application is for the installation of a permanent standby natural gas generator for the Quick Chek gasoline station. Mary Elizabeth Warner, attorney for the applicant was present. Mr. Robert Streker of Bohler Engineering was sworn in by Mr. Reid. He gave his credentials and was accepted by the Board. The following items were marked into evidence: **A-1** Aerial photo of the area with the subject property outlined in yellow. **A-2** Colored rendering of sheet 4 of the site plan that was submitted with the application. Mr. Streker explained the area shown in A-1. The Quick Chek is visible and PNC Bank is right on the corner the Quick Chek lot wraps around that, which consists of 5 acres of land. At the rear portion of the lot which is the southwest corner is where the generator is proposed to be located. It is over there because it doesn't interfere with circulation, traffic, utilities are readily available for the generator and it is in close proximity to the electrical connections on the building. On A-2 it shows the generator is located immediately adjacent to the trash enclosure. This is a gas powered generator which will generate 125 kw of power. This is part of a grant to alleviate some of the issues that happened during Sandy. The generator is sized appropriately to provide gas, electrical service for the parking lot lights, safety mechanisms and the store. The location of the generator doesn't trigger any variances, doesn't impact any of the prior approvals. It does impact a few pieces of landscaping, they plan on relocating them. The generator is approximately 4' x 12' that will sit on a concrete pad. It will have a cream colored sheet metal enclosure that wraps around it which provides weather protection and sound attenuation as well. It will be exercised once a week for 15 minutes. In an emergency situation it's remotely controlled and will come on once the power goes out. All the permits will be applied for through the building department. Mrs. Fazio asked Mr. Streker to go through Mr. Mullin's letter dated December 30, 2014. Yes, it is being

funded partially through a grant. The generator will be 510 feet from the nearest residence. Mr. Mullin asked when the testing would be done. It would be done during daytime hours. They will agree to have it done during business hours during the week. Bollards are required and will be provided around the exposed side of the generator. No other screening will be provided. The testing will be done between 9:00 a.m. and 5:00 p.m. during the week. They will provide the plans to the Office of Emergency Management for their review. They will submit the inspection escrow, they will modify the signature block on the plans. They will submit something from the Ocean County Planning Board. Mr. Glen asked if there was a way they could move the generator to the other side of the trash enclosure. He would look into it and see if it is possible and no other extenuating circumstances or utilities would be interfered with, he would work administratively with the Board Engineer. The generator is tamper proof, all the access panels to the generator are a locked enclosure. Mrs. Vaccaro asked if they were going to have an additional enclosure around it. No they are not, the metal enclosure is what will be around the generator, that is what will be the cream color, not the generator itself.

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.

Conditions: Will work with the Board Engineer as to possibly moving it to the other side of the trash enclosure. Testing will be done between the hours of 9:00 a.m. and 5:00 p.m. during the week. Will comply with all items in T & M letter dated 12/30/14. Bollards will be provided around the generator.

This application was **APPROVED with conditions** 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.

Case 1531	Arista Care at Manchester 1770 Tobias Avenue Manchester, NJ 08759	Block 51.06 Lot 109 1770 Tobias Avenue R-40 Zone
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This application is for a use variance (expansion of a non-conforming use) and site plan approval relative to an existing nursing and rehabilitation facility for a 1,250 square foot addition containing an indoor therapy pool. Harvey York, attorney for the applicant was present. Mr. Benjamin Kurland, Regional Administrator was sworn in by Mr. Reid. The facility is a 3-story nursing facility located on Tobias Avenue off Route 70. They are proposing to do a minor addition to add an indoor therapy pool. As a result of this addition, there will be no additional people coming to the facility. This is to service the patients/residents. The addition will match the existing facility. They have ample parking on the site at this time. He visits the site at least once a week.

Mr. Mullin asked Mr. York to address the issue of the completeness waiver of submitting an environmental impact statement before going further. Mr. York stated the 1,250 square foot addition will have no impact on the site at all. It is a de minimus addition on a very large building. The impervious coverage at this point is 50.56 and after the addition it will be 50.58, so it is of no consequence, it doesn't affect the site at all. Mr. Mullin agrees, the site is fully built out.

The *completeness waiver* was **APPROVED** on motion by M. Dwyer and seconded by P. Salvia.

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

Mr. York asked about parking being an issue. No parking has never been an issue except once in awhile during a special event, but then they have overflow parking. They have never received complaints from the municipality about the overflow parking. With regard to the use, it will be a therapy pool strictly for people in the facility. They do not allow walk in patients. You have to be a resident there in order to use the pool. Mrs. Fazio asked if they will have to hire additional employees. The existing employees would be conducting the therapy in the pool, they would just be getting additional

certifications, he doesn't plan on hiring additional people for that. Mr. Salvia asked if they own the property. No they don't own the property, they are leasing it. Mr. Stuart Challoner of Challoner & Associates was sworn in by Mr. Reid. A satellite image (colored rendering) aerial overview of the site dated 3/16/15 was marked into evidence as A-1. The property is surrounded by unimproved/paper streets. There are no properties close to this with any activity. Lakewood Avenue is somewhat improved as a driveway for this site. As an Avenue, a municipal street it goes from nowhere to nowhere. It merely provides additional circulation around this site. Lakewood Avenue and Sixth Street both provide access only to this site. Part of this application requires a variance for front yard setback off of Manchester Avenue, he showed the Board where Manchester Avenue would be if it existed, it is highlighted in yellow on A-1. That variance does not adversely impact the zoning ordinance or master plan or anything else that might go on out there. It is a de minimus variance because 2 streets intersect in that area. The applicant does not require a variance for parking. As far as impervious coverage, it is a de minimus variance. The total increase in impervious coverage is approximately 50 square feet. No changes will be made to the existing trash compactor & dumpster area. Is there any parking located across the street from the proposed addition? Yes there is, people do use that area for parking, it's a convenience, but it wasn't the location that was designed at the time the site plan was approved. There is ample parking throughout the site. Mr. York asked if that area could be striped to control the parking in that area. Mr. Challoner stated that could be done. He stated parallel parking would be best for that area. The applicant would agree to re-delineate it and make it so it is organized parking and would add parking to the existing. Mr. Mullin's concern is, it appears the edge of pavement on that side would leave you with a 24' wide access which is designated as a fire lane. The original plan had no parking approved there. He doesn't think you will be able to parallel park there because you are narrowing the fire lane. Mr. Challoner agrees that area will have to be delineated as no parking in that area. Mr. York agreed that it will be marked & striped & signed as no parking. Mr. Mullin stated they will also have to go out and repaint the no parking fire lane as well. There are no plans to change the drainage or grading. With regard to the retaining wall, they will provide detailed drawings for that. No changes to the access. No changes to the lighting. Foundation plantings are proposed and shown on the plan. All other outside agencies will be addressed. Mr. Glen asked about having 4 dumpsters. Mr. Kurland stated they only have that many at this time because the compactor is not working and waiting for parts. They normally have the compactor plus 2 small dumpsters, one for recycle the other for trash. Mr. Glen asked to see architectural plans to see what the building is going to look like. The applicant did not bring them. Mr. Mullin asked if there was going to be access to the pool area from the outside. The only access would be from the inside of the building. Mr. Mullin stated bollards would be needed because of the close proximity to the drive aisle. The architect Mr. John Baumgarten gave his credentials and was sworn in by Mr. Reid and explained to the Board what the addition is going to look like. He apologized for not bringing the drawings. The size of the pool is 6' wide x 11' long and 3-1/2' deep. There is no access to that wing except for from the inside of the building. The plan has received approval from the State of New Jersey. The addition will match the existing building. The window tint will be the same as the existing windows. You will not be able to tell it is an addition when it is complete. The pool will be equipped with a swinging chair lift. Mrs. Vaccaro asked what else would be housed in there. There is a lot of mechanical equipment that goes into running/filtering the pool, air conditioning units, dehumidification units, mechanical equipment only. Also enough room for the patients to be brought in in wheelchairs, etc. Mr. Mullin asked that colored architectural drawings with elevations be submitted as part of resolution compliance. He also asked for a copy of the State Health Department approval and the DCA approval once they receive that.

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. Glen asked what the area is used for now. Mr. Kurland stated it's just a courtyard. Mrs. Fazio asked how many people would be using the pool at one time. He stated it will most likely be 1 patient and 1 therapist at a time, the most would be 2 patients and 2 therapists. This addition will be adjacent to the therapy area.

Mechanical equipment only, no offices. There will be no parking where people are parking now and it will be striped & marked as no parking. Access from inside only. Pool to be used only for residents/patients of the facility only, no walk ins. Not to be used for recreation purposes, therapy only. Comply with everything in T & M letter dated March 6, 2015. Bollards to be installed. Colored architectural to be submitted.

This application was **APPROVED with conditions** 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.

Mr. Glen asked the zoning officer about setback requirements for decks. Mrs. Ashkar explained that she will be looking further into that issue to make possible changes.

Adjournment: The meeting was adjourned at 8:20 p.m. on motion by J. Hankins and seconded by K. Vaccaro. All in favor.

Respectfully submitted,

Darlene E. Garcia
Secretary