

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, May 23, 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 Vice Chairman William Cook.
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, K. Vaccaro, J. Hankins, H. Glen

Members Absent: T. Umlauf, L. Fazio, M. Dwyer

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

Administrative Session:

Approval of Minutes: The minutes for the April 25, 2013 Meeting were **APPROVED** on motion by K. Vaccaro and seconded by P. Salvia. All in favor.

Payment of Bills:

RFP #18524 for T & M Associates in the amount of \$76.50 for Case 1158

RFP #18526 for T & M Associates in the amount of \$76.50 for Case 1172

RFP #18529 for T & M Associates in the amount of \$153.00 for Case 1281

RFP #18531 for T & M Associates in the amount of \$612.00 for Case 1392

RFP #18530 for T & M Associates in the amount of \$382.50 for Case 1391

RFP #18523 for T & M Associates in the amount of \$1344.58 for General Board Matters

RFP #18525 for T & M Associates in the amount of \$76.50 for Case 1276

RFP #18528 for T & M Associates in the amount of \$1032.75 for Case 1278

RFP #18527 for T & M Associates in the amount of \$76.50 for Case 1175

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

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

Correspondence: The Secretary stated she received a letter from Mr. Gasiorowski asking that Case 1390 not be scheduled

until the 6/27/13 meeting. He did give a waiver of time. Mr. Reid stated that will be discussed in Executive Session.

She received a copy of a letter from Ms. Trafton to Mr. Sarama with regard to the location of his fence. (This will be discussed in Executive Session due to pending litigation)

She received paperwork with regards to a lawsuit from Mr. Shea with regard to Case 1390 which will be discussed in Executive Session.

Professional Reports:

Mr. Reid has nothing at this time.

Mr. Mullin has nothing at this time.

Case 1281

Jeffrey Jerman

P.O. Box 355

Monmouth Beach, NJ 07750

Block 1.309 Lots 1 & 2

Southampton & Wellington

R-10 Zone

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 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. Mr. Jeff Jerman was sworn in by Mr. Reid. He is the owner/applicant. The following items were marked into evidence:

A-1 Buy/Sell letter & response (not interested) from Lot 4 Shady Pines

A-2 Affidavit & deed (title history)

A-3 Letter to Shady Pines dated 4/9/13 notifying them of hearing date

A-4 Photo board & tax map of surrounding area

Mr. Jeff Daum, Professional Engineer/Professional Planner was sworn in by Mr. Reid. He was accepted by the Board as an expert. This is a classic undersized/isolated lot variance. The 7500 square feet is enough area to build a house. The proposed home will meet all the setback requirements and meet all other requirements of the zone. The home will be serviced by a well & septic system. The only variances being requested are because of the size of the lot. The proposed home will be a 2-story 3 bedroom home with a 1-car garage with a basement. The driveway will be farthest away from the intersection. The home will face Southampton Blvd. to give a larger backyard. Mr. Daum stated that 50% of the homes in the area are 2-story homes. The newer homes in the area are 2-story homes. The proposed home will fit into the character of the neighborhood. There would be no adverse impact on the zoning plan or public good if the variance were approved. There would be no negative impact on light, air or open space. There is no other way to mitigate the variances requested without buying additional land. In his professional opinion there is no reason why this variance should be denied or changed, the proposed home fits in very well into the neighborhood. Mr. Hankins asked what size lots the other 2-story homes are built on? Mr. Daum stated a majority of them are on 100' x 100' lots, 1 on 125' x 100'. Mr. Glen asked if this is a very heavy wooded lot. Yes it is. He asked that trees be left. Mr. Daum stated they would be able to leave trees and he expected the developer to try to save as many as he could. Mr. Cook asked if this variance were not approved could this lot be used for anything else. No, not consistent with zoning. Mr. Glen asked if this was the exact house they planned on building. Yes, this is a model that has been used in the past and it is the model that will be built, possibly just some minor cosmetic changes. Mr. Jerman asked the Board to consider, he talked to the builder who builds this and he now is developing a new plan, he could make this house another 1-1/2' wider and 2' deeper and it's basically going to look like the same plan the only thing it's going to do is make the kitchen area & storage area for utilities better. He was wondering if the Board could give a little leeway with a little bigger house; it will fit into the exact footprint. Mr. Mullin stated right now the house is right on the setback line. Mr. Jerman said they will not go outside the setback lines.

Mr. Cook opened this portion up for Board discussion. Mr. Reid asked Mr. Jerman if this variance was not granted, the lot would be zoned into inutility? Yes, what else can you do but put a residence in a residential zone. The increase in size, would that increase the value of the property? The house would sell for a little more. Most of the houses in

the area are a little bigger on conforming lots, so the slightly larger house would fit in better.

Mr. Glen would like a definite answer on the square footage before making a decision. Mrs. Vaccaro feels they should have a definite square footage also. Mr. Jerman said he would have to stick with the original plan. The rear setback would go from 28-1/2' to 26-1/2' which would still be within the requirements. The right side (south side) would be decreased from 32.25' to 30.75'. The home as submitted is 1695 square feet which includes the garage. Mr. Mullin said with the alterations it would be no more than 1895 square feet. Mr. Jerman said that it's not a make it or break it. Mr. Glen would like Mr. Mullin's opinion on the extra square footage. Mr. Mullin stated it does still meet the requirements, albeit by inches instead of a couple feet.

Mr. Cook 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. Hankins made a motion to deny the application. It is his opinion that to grant this variance would have a substantially detrimental effect on the Township Zoning Plan. It is also his opinion that building on these undersized lots would depress property values in the immediate area. There is so much house on such a little lot. Mrs. Vaccaro seconded the motion.

This application was **DENIED** on motion by J. Hankins and seconded by K. Vaccaro.

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

Case 1392	Jeffrey Jerman P.O. Box 355 Monmouth Beach, NJ 07750	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.

This application was **CARRIED to June 27, 2013** on motion J. Hankins and seconded K. Vaccaro.

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

On motion by K. Vaccaro and seconded by J. Hankins the Board went into Executive Session to discuss litigation issues at 8:05 p.m. All in favor.

On motion by J. Hankins and seconded by K. Vaccaro the Board came out of Executive Session at 8:25 p.m. All in favor.

On motion by K. Vaccaro and seconded by P. Salvia to authorize Christopher Reid to represent the Zoning Board in both Orders to Show Cause (Sarama & Perlmutter)

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

Mr. Glen asked what was happening with the lot sizes in Roosevelt City. Mr. Mullin asked if he was referring to the surveying error. That is being addressed, he believes it was part of the same ordinance package; they were going to bring it down to 195 feet.

Adjournment: The meeting was adjourned at 8:25 p.m. on motion by J. Hankins and seconded by K. Vaccaro. All in favor.

Respectfully submitted,

Darlene E. Garcia
Secretary

June 24, 2013