

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, November 29, 2012

**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, H. Glen

Members Absent: M. Dwyer

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

Administrative Session:

Approval of Minutes: The Minutes (corrected) for the July 26, 2012 meeting were **APPROVED** on motion by W. Cook and seconded by T. Umlauf. All in favor.

The Minutes for the October 25, 2012 meeting were **APPROVED** on motion by W. Cook and seconded by T. Umlauf. All in favor. The following members abstained K. Vaccaro, J. Hankins, H. Glen.

Payment of Bills:

RFP #17042 for T & M Associates in the amount of \$114.75 for Case 1051
RFP #17043 for T & M Associates in the amount of \$38.25 for Case 1276
RFP #17044 for T & M Associates in the amount of \$38.25 for Case 1175
RFP #17045 for T & M Associates in the amount of \$1568.25 for Case 1280
RFP #17046 for T & M Associates in the amount of \$1453.50 for Case 1284
RFP #17047 for T & M Associates in the amount of \$838.30 for General Board Matters
RFP #11301 for Cafarelli & Reid in the amount of \$690.00 for Case 1239
RFP #11302 for Cafarelli & Reid in the amount of \$525.00 for Case 1283
RFP #11303 for Cafarelli & Reid in the amount of \$600.00 for Case 1168

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; H. Glen, yes; L. Fazio, yes.

Correspondence: The Secretary has nothing at this time.

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

Memorialization of a resolution of a variance approval to allow the construction of a 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. Block 1.302 Lots 19-21, Wellington Avenue & Manchester Street Applicant: Todd Jerman. Approved at the October 25, 2012 meeting. Case 1175

This resolution was not acted upon at this meeting. Mr. Reid has to do some research to answer questions brought up by several of the Board Members before a vote will be taken.

Memorialization of a resolution of a variance approval to allow an existing 14' x 14' outside "tiki bar" to remain having a 2.20 foot front yard setback where 30 feet is required and for the installation of a 6' high fence along the front property line. Block 1.340 Lot 3, 1209 Englemere Blvd. Applicant: Michelle Lloyd. Approved at the October 25, 2012 meeting. Case 1164

This resolution was **APPROVED** on motion by W. Cook and seconded by P. Salvia.

ROLL CALL VOTE: W. Cook, yes; P. Salvia, yes; T. Umlauf, yes.

A copy of the approved resolution is attached.

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| Case 1284 | Anthony Schiano 55 Bennett Road Matawan, NJ 07747 | Block 36 Lots 1.02 & 1.03 10 th Avenue & Ridgeway Rd R-10 Zone |
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This application is for the demolition of a residential structure, a use variance to expand the parking area at an existing non-conforming use (restaurant), and consolidation of two adjoining lots. The applicant also requires a bulk variance for insufficient lot frontage along Tenth Avenue. Robert Shea, attorney for the applicant was present. The restaurant has been in Manchester for many years, it was has been owned by Mr. Schiano & his family for 19 years. The purpose of this application has nothing to do with the restaurant per se; it's not an expansion of the restaurant, no additional seating proposed in the restaurant. The only seating that is proposed is outside seating, which is seasonal, no waitress service. The main body of the application involves the utilization of a now residential parcel of property that has been owned by Mr. Schiano for a number of years, it is now rented as residential. He plans on knocking that residence down and join it up with the restaurant solely to provide additional parking for his patrons. John Ernst, Professional Engineer and Professional Planner was sworn in by Mr. Reid. He has testified before this Board in the past and was accepted as an expert. The property is located on the south side of Ridgeway Road (Route 571) right near 10th Avenue. Currently there is an existing restaurant on the corner property. The property just to the east has an existing 2 story residential unit on it. They are proposing to remove the home on the eastern property and make a new parking area. A colored rendering of the site plan was marked into evidence as **A-1**. The only proposed changes on the existing restaurant site, on the west side of the building they are proposing to construct a concrete/paver patio with (2) concrete picnic tables. They will be utilized for seasonal use. There will be no wait service out there, just some overflow seating for someone who

wants to sit outside & have their pizza. There are no other changes to the restaurant, no change to the capacity or seating. What exists now will exist after. Mr. Shea had Mr. Ernst go through T & M's letter dated 11/20/12 item by item. The current hours of operation are Monday-Saturday 11a.m. – 10p.m. Sunday 12 noon – 10p.m. There are generally 6 employees on at any one time, but at peak times there may be as many as 8-9 employees. The deliveries come 1-2 deliveries a day in a box truck, approximately 4 days a week. The only other change on the existing restaurant property is to remove the existing driveway and relocate it further to the east away from 10th Avenue. There is no physical change to the restaurant. The bulk variance for frontage is an existing condition and not being changed by what they are proposing. There are garbage containers outside near the proposed picnic tables. The patio & tables have been revised to show them farther away from the common property line with lot 1.04 as per Mr. Mullin's request in his first review letter. The tables are 20' away from the property line instead of 13-1/2' away. The drainage was discussed, there will be no runoff leaving the site. They will comply with Mr. Mullin's comments & will provide the information he has requested in section 2. Section 3.1 they do have a conditional approval from Ocean County Planning Board. They are still working on whether or not the roadway easement that exists on the restaurant property can be expanded across the residential property that will become the parking lot. Section 3.2.1-3.2.4 the design waivers were discussed. The design as proposed is reasonable & practical and it comports with good engineering standards. The changes would be good engineering design because they are improving the separation from the intersection with the driveway, they are eliminating the backing up of vehicles into the driveway area by reconfiguring the driveway and by positioning the parking spaces in an angle form they are still allowing for adequate site lines for vehicles entering & exiting the property. They agree to make the revision in 3.3, 3.4 revision will be made. They will comply with 4.1 & 4.2; will work with Mr. Mullin on 4.2. As far as 5.1 no comments were received. They will comport with 5.2. and will install bollards along the sidewalk area and fire lanes & markings will be addressed as mentioned in 5.3. They will comport with 5.4 and are working on 5.5.

The applicant is proposing to improve his parking situation for this property; in doing that they are also improving the safety aspect of the access to and from the site by shifting the driveway away from vehicles that are backing into the driveway area. The improved driveway at the county road is a significant improvement to the property and it is a good engineering solution to providing some additional parking for this property and providing a safer means for people to get in & out of the property. There is an existing fence along the common line & lot 1.04. There are also evergreen trees planted along that fence line, which hide & screen this property from the residential property. From a planning point of view there would be no detriment to the zoning plan or master plan if the Board were to approved this application. The benefits substantially outweigh any detrimental effects. Mr. Mullin asked for a copy of the counties comments; Mr. Ernst will forward him a copy. Mr. Mullin asked about the parking spaces, the existing 16-17 parking spaces are they always full at dinner time; do you need 30 or something less? Mr. Shea stated Mr. Schiano would be best to answer that. Anthony Schiano was sworn in by Mr. Reid. Right now they have 14 spaces and on a busy night, weekends they are all full and people are double parking, & parking in the street especially for pickups. Mr. Mullin stated the ordinance based upon the existing seating capacity requires like 22 spaces and would require 24 spaces with the outside tables. Now it is under the requirement, do they really need 30 spaces or would 27 spaces work? Mr. Shea stated the ordinance does require a certain number of spaces for employees. Mr. Mullin stated they only need 24 spaces, could they do with 27 and bank 3 spaces? Mr. Schiano stated the more the better because you never know how many people are going to come in for pick up/take out. Mr. Mullin stated the parking need is not based just on seating then? That is correct. Delivery times are during daytime hours only off peak hours, never weekends. The bread is delivered early morning the rest is between like 1p.m. – 4p.m. Mr. Mullin asked if it would make sense or is it reasonable to dedicate a certain number of spaces for pick up only. Mr. Schiano stated from an operational standpoint, no he wouldn't want to do that. The Board had a concern with the tables and kids coming & hanging out all hours with the residential home that close. They would like a sign put up that says "No seating after 8:00 p.m." or something like that.

Mr. Umlauf asked about the well shown on site. That is used for the outside sprinkler system. Mr. Mullin asked they provide a truck turning template. Mr. Ernst agreed.

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. Shea stated that Mr. Schiano spoke to the adjacent neighbor (Mr. Charles Koerkel) and he had no issue and was very happy with the improvements.

Mr. Glen feels it would be a benefit with the extra parking, it would keep the cars off the roadway, safety is a big issue. Mr. Umlauf agrees with Mr. Glen's comments. Mrs. Fazio stated it will definitely improve, especially the safety part of it. Mr. Cook feels it will be less of an impact on the neighborhood and improve the safety with the moving of the driveway on Route 571. The conditions would be: no wait service outside, seating only. There will be a sign posted that seating area will close at 8p.m. No increase in seating on the outside. Deliveries will only occur during daytime hours. Subject to county approval for the driveway relocation & any other approvals needed for the easement & right of way. Bollards will be placed over in the area of the tables. The lots be consolidated into 1 lot as suggested by tax assessor. The fire marshals comments will also be complied with.

This application was **APPROVED** with conditions on motion W. Cook and seconded K. Vaccaro.

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

Mrs. Fazio asked if anyone had anything else they would like to discuss at this time, Mr. Hankins, Mrs. Vaccaro & Mr. Glen wanted to discuss the issue that came up with regard to Case 1175. They object to the approval of that case. Mr. Hankins doesn't believe the Board was adequately represented at the September meeting. He wants to enter an appeal if that is in order. Mr. Reid stated that what happened that night was unusual, the vote was a motion to deny and the vote was 3-3. The applicant was leaving the room because he thought his application was denied. However when it is a motion to deny & it is a tie the motion doesn't carry, & a motion to approve must be made & voted on. If there is a tie during a vote to approve then the application is denied. They were at the September meeting when the error in the voting was made, but were not able to attend the October meeting and feel that a vote should not have been taken at that time. If the Board did re-vote in September on a motion to approve the application would have been denied. Mr. Reid has to look into what can be done. He explained that the Board has 120 days to act on an application unless the applicant agrees to a waiver of time. The Board had no choice but to re-vote at the October meeting. Mr. Hankins asked if anyone asked Mr. Jerman to carry at the October meeting. Mr. Jerman was not present at the October meeting.

The Board authorized Mr. Reid to look into all the options for Case 1175 on motion by J. Hankins and seconded by K. Vaccaro. All in favor.

Adjournment: The meeting was adjourned at 8:20 p.m. on motion by W. Cook and seconded by T. Umlauf. All in favor.

Respectfully submitted,

Darlene E. Garcia
Secretary