

**MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT**

**REGULAR MEETING**

**Thursday, September 26, 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  
R. Mullin, Engineer

**Administrative Session:**

**Approval of Minutes:** The Minutes for the August 22, 2013 meeting were **APPROVED** on motion by W. Cook and seconded by T. Umlauf. All in favor.

**Payment of Bills:**

**RFP #TM236019** for T & M Associates in the amount of \$1428.75 for General Board Matters

**RFP #TM236022** for T & M Associates in the amount of \$153.00 for Case 1391

**RFP #11410** for Cafarelli & Reid in the amount of \$360.00 for Case 1395

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.

**Professional Reports:**

Mr. Mullin has nothing at this time.  
Mr. Reid has nothing at this time.

Memorialization of a resolution of a variance approval to allow an existing shed in the front yard area along Broadway Blvd. having a 15' front yard setback where 30' is required. Applicant: Linda LaGrutta Block 1.98 Lot 26, 451 Larchmont Street. Approved at the August 22, 2013 meeting. Case 1395

This resolution was **APPROVED** on motion by W. Cook and seconded by T. Umlauf.

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

A copy of the corrected resolution is attached.

<b>Case 1398</b>	Joseph Ferrigno 13 Hastings Road Manchester, NJ 08759	Block 52.05 Lot 56 13 Hastings Road RC Zone – Leisure Knoll
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Mr. Ferrigno needs a variance to construct an 18' x 10.5' three-season room over an existing concrete slab having a 13' front yard setback to Hexham Court where 20' is required. Joseph Ferrigno was sworn in by Mr. Reid. He just bought the home and it has an existing patio on the back of the house and they want to put a sunroom on it. They got a survey, which they didn't have in the beginning. The survey shows the setback line cuts right through the patio. Mr. Cook asked him to describe his house & property. He had (2) photos marked into evidence. **A-1** is a photo of the back of the house showing the patio. **A-2** is a photo from the sidewalk to the setback line. The patio does not extend past the house. The house is on a cul-de-sac, the side of the house is on the cul-de-sac. They get a lot of sun in that area and want to be able to enjoy the area, but be out of the sun. There are a lot of sunrooms in the area. This sunroom will not be aluminum, it will be wooden. The Leisure Knoll Association did give their approval for this construction. There will be no problem with runoff; there will be a 4" gutter. There will be no additional landscaping, but there is landscaping on the side of the cul-de-sac which would shield the sunroom from view. Mr. Glen asked about the roof of the sunroom, asking if it would be the same color as the house. No, it is going to be a torch down roof, which is white. Mr. Glen asked if there was a way to match the roof. He was only given the option of black or white. The existing roof is like a gray color. The contractor told him that he couldn't do shingles on it. Mr. Umlauf stated that the torch down would match the existing home. He asked if the downspouts would go across the lawn. Yes, they will. There will be no heat or air conditioning in the room.

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.

Condition – no heat or air conditioning in the room.

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

<b>Case 1399</b>	Danielle Rodriguez 1701 Ninth Avenue Toms River, NJ 08757	Block 1.191 Lot 1 1701 Ninth Avenue R-10 Zone
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Ms. Rodriguez needs a variance to allow the replacement of an existing 6' high wooden fence with a 6' high vinyl fence in the front yard area abutting the front of the dwelling (Ninth Avenue) having a 10' front yard setback where 30' is required. Danielle Rodriguez was sworn in by Mr. Reid. She stated she has an existing 6' wood fence, that is old and a few pickets are broken. The fence is weathered and worn. The fence was there when she moved in. Mr. Cook asked why she couldn't move her fence to meet the

setback. The side of her home is basically her backyard. Currently, in her backyard is a concrete patio. The pool was taken out. The survey shows there are 2 sheds, but she is going to be removing them and has a permit to put up one larger shed. The fence is obstructed from view by trees. The fence is far enough away from the corner so as not to obstruct the view. She wants 6' as opposed to 4' for her privacy. The existing fence is 6' high, but for aesthetic purposes she wants to put up the vinyl. If she had to move the fence she would have to remove trees. The new fence will be on the property line along the vacant lot next door. The survey shows the existing fence is 2-1/2 feet on the inside of her property, but she is going to put the new fence right on the property line. Mr. Mullin stated the existing fence is in disrepair. She stated she started taking panels down. Mr. Mullin asked about the shed on the Beechmont Street side. She said that was there also when she bought the house. It will be coming down once the other larger shed is constructed. Mr. Mullin recommended that if the Board approves this that it be a condition of approval that the shed on the left side of the house on Beechmont side be removed. The Board agreed on it being removed within the next year. Mr. Cook feels the existing fence is in disrepair and the new vinyl fence will be more aesthetically pleasing for the neighborhood.

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.

Condition – the existing shed on the Beechmont Street side be demolished within the next year.

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

**Case 1301**

Anthony Tomassone  
10 Gainsborough Lane  
Manchester, NJ 08757

Block 71.02 Lot 110  
10 Gainsborough Lane  
PRA Zone – River Pointe

Mr. Tomassone needs a variance to allow the construction of a 12' x 20' attached deck off the rear of an existing dwelling having an 11' rear yard setback where 20' is required. Mr. Umlauf recused himself at this time. Mr. Glen stepped up. Anthony Tomassone was sworn in by Mr. Reid. He would like to build a deck because of an existing condition in his backyard. He has a 10' x 12' patio that is half occupied by his porch coming off the back of his house. The patio is 3' below his back door. The patio is actually 8' wide and he has to go down the steps to get there and can't put much there. At the edge of the patio his property drops off 4 feet to the back of the lot. He wants to put the deck in so he can walk out and enjoy it, put some furniture on there. Behind his house is all wooded. He is on a cul-de-sac. He had two photos marked into evidence. A-1 is a photo that shows the drop off in the back yard. A-2 is a photo of the existing patio and how small it is. Mr. Mullin asked how the deck is going to be constructed. There will be 4 footings along the outside edge; ledger board against the house, pressure treated lumber and composite decking. The height of the deck will be about 3-3-1/2 feet. The existing steps will be removed. There will be lattice around the bottom of the deck and a railing all around. The River Pointe Homeowner's Association did give their approval. Mr. Glen asked who owns the property to the rear of his home. The Association does. There is a wetlands buffer; nothing can be done on that property. Mr. Mullin 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.

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

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

Mr. Glen stepped down and Mr. Umlauf rejoined the Board at this time.

**Case 1300**

Pablo & Kathy Garcia  
35 Lacey Road  
Whiting, NJ 08759

Block 98.06 Lot 24.02  
35 Lacey Road  
WTRC-AF Zone

Mr. & Mrs. Garcia need a variance for an insufficient side yard setback to an existing dwelling due to a surveying error prior to the applicant's purchase of the property. The side yard setback is 23.73' where 25' is required. Kathy Garcia was sworn in by Mr. Reid. She stated that when this property was first subdivided they used a surveyor named Angster, he did the original subdivision and ignored the fact there was a fence there. Ten years later the people next door bought the house and he did that survey also, and ignored the fact the fence was there. Then Douglas bought the property that was subdivided and he built a house, Mr. Angster did that survey as well and he ignored the fence. She comes along and buys it out of bankruptcy and uses a different surveyor, Mr. Post. The fence was over on her property by 7 feet, which caused the other side setback to be off. She needs 1-1/2 feet now. She tried to get in touch with Mr. Angster, but he doesn't speak with her. She wishes Mr. Angster could be held responsible. The fence was moved back onto the correct property. She also wants to put a deck on the back of her house, but had to get this issue straightened out first. The deck will not be on the side of the house that needs the variance. The deck will meet all the setback requirements. Nicole Ashkar, Zoning Officer stated the deck will not be in question as long as she keeps her deck 25 feet over, which is the required setback, she has no problems.

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; T. Umlauf, yes; P. Salvia, yes; W. Cook, yes; J. Hankins, yes; L. Fazio, yes.

**Executive Session – Litigation**

The Board did not go into Executive Session this evening.

**Correspondence:** The Secretary stated the Board does have to discuss Ordinance 13-008 which the Council would like comment on. Nicole Ashkar, Zoning Officer stated there have been revisions made to this Ordinance so it shouldn't be discussed this evening. It has gone through first reading and pulled from second reading. With the changes, it will have to go back before Council again for another first reading.

**Adjournment:** The meeting was adjourned at 7:45 p.m. on motion by W. Cook and seconded by T. Umlauf. All in favor.

Respectfully submitted,

Darlene E. Garcia  
Secretary