

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, June 26, 2019

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 6:40 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: L. Fazio, K. Vaccaro, M. Dwyer, H. Glen., W. Cook,
P. Dambroski, C. Schwartz, S. Brustman
Members Absent: None

Also Present:
C. Reid, Board Attorney and P. Jeffrey, Board Engineer

Administrative Session:

Approval of Minutes: April 25, 2019 Meeting

Motion to Approve: Mr. Cook, seconded by Mr. Dwyer
Roll Call: Mr. Cook-yes, Mrs. Vaccaro-yes, Chairwoman Fazio-yes,
Messrs. Dwyer- yes, Glen-yes, Dambroski- yes, C. Schwartz- abstain

*Please note May's meeting cancelled due to lack of applications so therefore no Minutes vote required.

Payment of Bills:

#TMC365402 Invoice 25786 for T & M Associates in the amount of \$80.00 for Case 19-20
#TMC356679 Invoice 25785 for T & M Associates in the amount of \$160.00 for Case 18-16
#SCL367157 Invoice 25793 for T & M Associates in the amount

of \$320.00 for Case 19-22

Motion to approve by Mr. Cook, seconded by Mrs. Vaccaro
Roll Call: Mr. Cook-yes, Mrs. Vaccaro-yes, Chairwoman Fazio-yes, Messrs. Glen-yes, Dwyer-yes, Dambroski-yes, Schwartz-yes.

Correspondence: The Secretary has nothing at this time.

Professional Reports: Nothing at this time from both professionals.

Ms. Stacie Brustman sworn in as new alternate Board member by Mr. Reid.

Case 1786

Peter & Angela Ploumitsakos	Block 1.335 Lot 5 & 7
1900 Baltimore Avenue	1900 Baltimore Avenue
Manchester, NJ	WT-40 Zone

Applicant proposing to construct a fence along Coolidge Avenue that will be 6' and solid which is located within the required front yard setback.

Mr. Ploumitsakos sworn in by Mr. Reid.

Applicant states that there is a pool and patio installed in the yard and is requesting this fence for safety along with privacy.

Applicant presented Exhibit A1, which shows the 6' foot portion of fencing on the property and the rest of the fence is 4' chain link.

Mr. Jeffrey asked what other improvements would be there be from the fence to the roadway.

The applicant state there would be stone and landscape. Mr. Jeffrey also noted that the requested location of the fence is approximately 8' from the property line and 30' from the road. He also reviewed with the applicant the length of the property, which is approximately 53' and the fence will run to about the half way point. Mr. Jeffrey also noted that there is a 10' gate on the proposed plan and asked why. The applicant stated that their well is on the interior of the fence and this gate would provide access to it if needed for any future repairs to the well.

Mr. Reid suggested to that applicant request the 6' and solid fencing along both frontages to the midway point as indicated. The application to be amended.

Mr. Reid asked due to a corner lot if the fence will impede any traffic. Applicant replied no.

Mr. Glen asked the applicant if approved what would happen to the piles of wood that are currently there. The applicant stated that all wood would be removed.

Mr. Cook noted to the applicant that if approved he would be required to extend the existing chain link fence along the rear to the new fence, the applicant agreed.

Mr. Reid inquired if the fence fits in with the character of the neighborhood and if the fence is aesthetically pleasing, to which the applicant replied that it does and is.

OPEN PUBLIC PORTION:

Hearing none

CLOSE PUBLIC PORTION:

Motion to approve with CONDITIONS by Mr. Cook, seconded by Ms. Vaccaro

Roll Call: Mr. Cook-yes, Ms. Vaccaro-yes, Chairperson Fazio-yes

Messrs. Glen-yes, Dwyer- yes, Schwartz-yes, Dambroski-yes

Case 1923

John & Renae Cribbin
1125 Amsterdam Avenue
Manchester, NJ

Block 1.333 Lot 31
1125 Amsterdam Avenue
Zone R10

Applicant requesting variance relief to construct a deck on the rear of the existing dwelling which will provide a setback of 15 feet to the rear of the property where a minimum setback of 26 feet is required.

Mr. Cribbin sworn in by Mr. Reid.

Mr. Jeffrey reviewed with the applicant the comments section of his review letter. Asked about the size and material of deck. The applicant stated the deck runs the length of the house and will be trex deck material. Mr. Jeffrey asked will there be any skirting on the deck, Mr. Cribbin-no, it will be completely open. The deck will be approximately 85” above the ground. There is currently a roll out awning and a ground level deck. The applicant testified that there will no utilities on the deck. Additionally, Mr. Jeffrey inquired about any impact to the neighbors- applicant replied there wouldn’t be any and that there would be no runoff impact due the sloping nature of the property.

Mr. Glen asked about additional buildings, pools sheds, etc., applicant replied there isn’t any.

Mr. Glen also inquired about the current ground level deck, is it a solid deck and the current drainage system. The applicant replied it is an open deck with slats for rain water and there is currently a drywell on the property.

Mr. Jeffrey reviewed with the applicant if it is necessary would they be willing to install the proper systems to pipe runoff to the drywell, the applicant replied if necessary they would.

Mr. Reid asked how far would that have to be? Mr. Jeffrey replied 20’.

Mr. Cook asked the applicant about the existing deck, the applicant stated it’s from ground level to 6”, Mr. Cook asked about the portion of the property to the rear of the deck in relation to the height, the applicant stated that the rear property is a couple of feet higher. Mr. Cook –so there is a slope in the yard, how much? The applicant replied approximately 3’ in the rear.

Mr. Dambroski- what is the size of the deck that is currently there? Applicant replied a 2’x12’ deck.

Chairwoman Fazio- there will be no utilities and the decks will never be enclosed, the applicant agreed.

Ms. Vaccaro inquired about the deck that is currently there, the applicant stated it will be removed to build the new one. Ms. Vaccaro asked if there are permits filed, applicant stated he will file if application is approved.

OPEN PUBLIC PORTION:

Hearing none

CLOSE PUBLIC PORTION:

Motion to approve with **CONDITIONS** by Mr. Cook, seconded by Mr. Dwyer

Roll Call: Mr. Cook-yes, Mr. Dwyer-yes, Chairperson Fazio-yes, Ms. Vaccaro-yes,
Messrs. Glen-yes, Schwartz-yes, Dambroski-yes

Case 1921

Sarama Builders
3174 Johnson Avenue
Manchester, NJ 08759

Block 1.166 Lot 19
1732 Ninth Avenue
Zone R10

Mr. Loffredo, attorney, credentials accepted explained that the applicant is requesting a variance relief to construct a 1.5 story single family dwelling on this lot having an area of 7,500 square feet where 10,000 square feet is required, improvable lot area of 4,225 square feet where 5,800 square feet is required, a lot frontage of 75 feet where 100 feet is required and a lot width of 75 feet where 100 feet is required. Mr. Loffredo stated that undersized lots are common for the area and that all three adjoining properties are developed and that no written responses were received in regards to the buy/sell letters sent. Mr. Jason Marciano, East Coast Engineering, credentials were accepted by the Board.

Public portion was opened at this time to address multiple objectors related specifically to the buy/sell requirements of the application.

Andrew Scarpulla residing at 1733 8th Avenue was sworn in. He is the adjacent rear property, interested in selling a portion of his property. Mr. Reid explained that selling the rear portion of his property creates a non-conformity for his lot and additionally selling his entire lot to the applicant would not negate the non-conformity of the lot. Mr. Scarpulla not interested in purchasing the property. Mr. Scarpulla also asked then why did he receive this letter, Mr. Reid explained that municipal land use law requires the applicant to do so.

Frank Gluck residing at 1740 9th Avenue was sworn in. He is the owner of the property directly to the left of the property on this application. Mr. Gluck is not interested in buying or selling any portion of his property or this one. He states an adverse possession claim, Mr. Reid explained that this Board has no jurisdiction over this claim, it would be handled by the Superior Court of Ocean County and that he would have to consult with an attorney to discuss his options and/or remedies for this opposition.

Public portion was closed at this time to address specifically to the buy/sell requirements of the application.

Mr. Marciano described the location of the property in Pine Lake Park section of Manchester, the subdivision map filed in 1910. All three lots around the property are developed, a 75'x100' to the rear and 100'x100' to the left and right. Lots vary in size in this neighborhood. Currently there are 8 75'x100' lots being developed in the surrounding area. Mr. Marciano distributed a pamphlet (Exhibit A1) to the Board, contains 12 pages with photos taken that a.m. by Mr. Marciano. The photos are of the lot in question along with the homes on the lots of the surrounding area. The 1.5 story home being proposed fits into the character of the neighborhood and meets all other bulk requirements of the zone. The variance is directly relating to the lot width. The home is also under the height limit for the zone. The septic system will be in the front yard, drywell in rear for all runoff will meet the township requirements, will upsize drywell to meet lawn runoff, the positive drainage in the road will cause no detriment to the property. There will be a driveway, garage and porch and will be aesthetically pleasing.

Mr. Jeffrey asked about the trees on the lot and Mr. Reid asked will they planted in the front yard. Mr. Marciano explained that the developer will attempt to save trees at the center rear of the lot and will follow the township ordinance with regards to re-planting trees.

Mr. Jeffrey stated that a condition of the approval would be that the drywell in the rear must be upgraded and re-submitted to the Engineer's office for review to include the storm water runoff and the lawn runoff. The side yards will be sloped to the rear towards the drywell.

Mr. Glen asked if the water can be piped to the drywell rather than the street. Mr. Marciano said that's not really how it works. Mr. Glen stated that the current conditions of the property with the vegetation absorb much of the water onto the property, Mr. Marciano said the lawn will provide same. Mr. Reid explained that both engineers will collaborate to ensure proper drainage on the property. Mr. Cook stated that with these undersized lots they are trying to ensure as much water of the street and into the drywell system. Mr. Marciano explained that with the currently proposed development they are basically exhausting the coverage allowed for the property.

OPEN PUBLIC PORTION:

Ed Hudak of 1724 9th Avenue resident to right side of property on application sworn in. Mr. Hudak stated that the builder willing enter into this non-conformity and believes that he is not offering fair market value for the lot. He also stated that they purchased their particular home based on this lot existing as it does so it does change the character of the neighborhood and doesn't believe it adds value.

Mr. Reid explained to members of the public that there have been several case laws with regards to this type of application and the courts have ruled. If relief is not granted on these applications, the Board effectively zones the lot into inutility and gives the applicant the right to appeal.

Mr. Gluck states he has maintained a 25' portion of the property for 23 years so in his opinion there will be a drainage problem. Mr. Marciano reviewed with him the current and proposed grading of the property and the drywell system being installed. Mr. Jeffrey explained that the increase in the drywell system will be reviewed by his as the engineer for the Board as a condition of approval. Mr. Marciano also assured Mr. Gluck that the Township Engineer also reviews this as a prior approval to permits being issued.

Mr. Scarpulla also appreciates the undersized lots for the birds and nature it provides to the neighborhood and requests that the Board uphold the zoning.

Mr. Loffredo understands that all are hopeful for maintaining the natural lots but the courts have ruled on these issues. The hardship for this application and any engineering questions has been addressed here. The neighbors had the opportunity to purchase the land. Mr. Cook commented that yes, this has been litigated many times so far this Board has been chastised by this very type of case.

Motion to approve with CONDITIONS by Mr. Cook, seconded by Mr. Dwyer
Roll Call: Mr. Cook-yes, Mr. Dwyer-yes, Chairperson Fazio-yes, Ms. Vaccaro-yes,

Messrs. Glen-yes, Schwartz-yes, Dambroski-yes

Annual Report: The Annual Report for 2017 was **APPROVED** on motion by W. Cook and seconded by M. Dwyer.

ROLL CALL VOTE: Mr. Cook-yes, Mr. Dwyer-yes, Chairperson Fazio-yes, Ms. Vaccaro-yes, Mr. Glen-yes,

Annual Report: The Annual Report for 2018 was **APPROVED** on motion by W. Cook and seconded by M. Dwyer.

ROLL CALL VOTE: Mr. Cook-yes, Mr. Dwyer-yes, Chairperson Fazio-yes, Ms. Vaccaro-yes, Mr. Glen-yes,

Adjournment: The meeting was adjourned at 8:03 p.m. on motion by K. Vaccaro and seconded by M. Dwyer. All in favor.

Respectfully submitted,

Erin Mathioudakis
Secretary