# MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT REGULAR MEETING

**Thursday, August 22, 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, S. Brustman

 Members Absent: C. Schwartz

Also Present:

 P. Jeffrey, Board Engineer and C. Reid, Board Attorney

Administrative Session:

 **Approval of Minutes:** July 25, 2019 Meeting

Motion to Approve: Mr. Cook, seconded by Mr. Dwyer

Roll Call: Mr. Cook-yes, Mrs. Vaccaro-yes,

 Messrs. Dwyer- yes, Glen-yes, Schwartz- yes, Ms. Brustman-yes.

**Payment of Bills:**

**Invoice 20578** for Christopher Reid, Esq. in the amount of $315.00 for Case 17-86

**Invoice 20579** for Christopher Reid, Esq. in the amount of $315.00 for Case 19-23

**#MTZBR7250 Invoice 25748** for T & M Associates in the amount of $400.00 for Case 19-24

**#MTZBR7230 Invoice 25747** for T & M Associates in the amount of $160.00 for Case 19-22

Motion to approve by Mr. Cook, seconded by Mrs. Vaccaro

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

**Correspondence:**  The Secretary has nothing at this time.

**Professional Reports:**  Nothing at this time from both professionals.

MEMORIALIZATIONS:

Memorialization of a resolution for a variance approval to construct a single family dwelling on this lot having an area of 8,816 square feet where 10,000 square feet is required, improvable lot area of 3,041 square feet where 6,300 square feet is required, a lot width of 60 feet where 75 feet is required and a first floor which is above 4’ from the average elevation of the crown of the roadway, where a maximum difference of 4’ is allowed. Applicant: Marcy Janora Block 60.06 Lot 14 Holly Hill Road & Steiner Road. Approved at the July 25, 2019 meeting. Case 1922

This resolution was **APPROVED w/ conditions** on a motion by W. Cook and seconded by K. Vaccaro

**ROLL CALL VOTE:** W. Cook- yes; K. Vaccaro- yes; M. Dwyer- yes; H. Glen, yes; S. Brustman- yes.

A copy of the approved resolution is attached.

Case # 1924 Joseph & Kerri Schulman Block 99.249 Lot 18

1281 Paterson Avenue 1281 Paterson Avenue

Whiting, NJ 08759 Zone WTR40

Mr. Sean Gertner, attorney from Jackson, NJ representing the applicant. The applicant is seeking 2 “c” variances and technical “d” variance. The applicant is requesting a 960 square foot detached garage on a corner lot with two frontages, relief for a temporary trailer that is existing for a time period greater than 30 days that will be utilized during the construction of the garage if granted. The technical (d) variance is being requested out of an abundance of caution, the applicant operates an off-site cleaning company for large corporations and medical offices. It is a husband and wife operation with the van of the company (used by the applicant) parked at the property, there are no outside employees with exception of an occasional supervisor stopping by the house. There is no outside storage, display or signage of the business.

Joseph & Kerri Schulman of 1281 Paterson Avenue sworn in. Mr. Gertner introduced Exhibit A, which reviews the chemicals stored in the garage, noting that there are no hazardous materials, nothing beyond ordinary consumer products. Mr. Gertner also explained to the Board that very little traffic will be generated at the property. Mr. Gertner asked the applicant if these statements are accurate, true and correct? Mr. Schulman replied that they are.

Mr. Gertner proceeded to review the comments section of Mr. Jeffrey’s letter with the applicant. The applicant testified that the materials of the garage are an Amish style post & frame steel building on a slab and the landscape will be replaced. Additionally, the garage door is a double door 15’ in height, which is allowed in the zone. Mr. Gertner asked if there will be any electric or plumbing in the garage? Mr. Schulman stated that there will be some electric and limited plumbing for use with a future pool. Mr. Schulman stated that the garage will be utilized as a “man cave” for personal use, that the home office is inside the home. Mr. Schulman no chemicals will be in the garage, it will be used also to store his gardening tools, lawn mower and shovels. Mr. Gertner questioned whether there will be any mustering of employees? Mr. Schulman stated that 1-2 per week a supervisor may stop at the house for supplies. Mr. Gertner asked if the garage fits into the character of the neighborhood, Mr. Schulman testified that it will match the home. Mr. Gertner asked about any impact on the neighbors, Mr. Schulman stated that there would be none, they have been in business for over 30 years and it has never been a problem at their previous home. Mr. Gertner asked if the applicant will submit for storm-water management calculations and provide drywells if necessary? Mr. Schulman agreed. Mr. Gertner inquired about the need for the 2nd driveway? Mr. Schulman stated that it provides access to garage. Mr. Gertner-will there be any signage? Mr. Schulman- absolutely not. Mr. Schulman went on to explain that repairs are minimal, typical in nature of household vacuums. Mr. Gertner inquired if the vast majority of the repairs happen off-site? Mr. Schulman-yes, at central repair in Jackson, NJ. Mr. Jeffrey was satisfied that the use portion has been addressed. Mr. Jeffrey reviewed the accessory structures in the front yard along with setbacks. Mr. Jeffrey questioned the applicant in regards to the trailer, Mr. Schulman explained that construction would take greater than the 30-day time limit and that he would have to keep re-applying for a zoning permit and this seems like the better option. Mr. Gertner offered that should the variance be granted that a condition be to hold the Certificate of Occupancy from the Building Department until the trailer has been removed. Mr. Schulman explained the trailer was an emergency response to their Landlord informing them they had 90 days to vacate their commercial business location. Mr. Reid asked if the home office will remain, Mr. Schulman yes. Mr. Reid inquired of the Applicant if they will at some point be going back to a commercial property, Mr. Schulman-no, all heavy duty cleaning equipment is stored at a self-storage facility, no need to have a commercial office space. Ms. Fazio inquired about the commercial space, Mrs. Schulman testified that it is a self-storage unit. Mr. Gertner is it your testimony that you run your office from your home computer, Mr. Schulman replied yes. Ms. Fazio clarified that the applicant has a home office and a commercial space on Rt. 70, Mr. Schulman-yes. Ms. Fazio questioned the applicant to explain why employees would be coming to the home then? Mrs. Schulman controls the inventory as the operations manager and on occasion the employees may have to pick up a starter set of supplies along with keys to new clients they contract with. Mr. Gertner-does the employee park in driveway? Mrs. Schulman-yes. Mrs. Schulman also noted that the commercial facility stores items and equipment that will never be brought to their home. Ms. Fazio questioned the Applicant in regards to the size of the storage facility, Mr. Schulman it’s a 10’x15’ unit. Mr. Gertner asked Mrs. Schulman to explain her role with the company. Mrs. Schulman does all the book-keeping, invoicing and calls from their home office. Ms. Fazio- you did this from a commercial space previously? Mrs. Schulman only for 5 years out of the 36 years in business. Mr. Gertner how man vehicles will be at the home? Mr. Schulman, the van that I drive. Mr. Cook what type of materials are currently in the trailer? Mr. Schulman furniture we’ve saved and all will be moved into the garage once complete. No desks. Mr. Cook asked how long the trailer has been there, Mr. Schulman since we moved in about a month ago. Mr. Reid asked what portion of the garage will be utilized as the commercial space, Mr. Schulman testified very minimal if at all. Mr. Reid suggests that the “d” variance be removed and to re-apply for a zoning permit every 30 days to alleviate this variance as well. Mr. Gertner says the intent for the variance for the trailer for the Applicant to not have to apply every 30 days. Mr. Gertner withdraws the “d” variance without prejudice. Ms. Brustman inquired about what else is currently stored in the trailer, MR. Schulman said his tools, a bench, furniture they’ve saved for their children. Mr. Cook states that the variance hinges on the removal of the materials from the garage, Mr. Gertner stated that applicant has removed the “d” variance. Mr. Reid takes the time to explain to the public what that means. Mrs. Vaccaro asks about the Gold Bond van in driveway, Mr. Schulman stated it is his own. Ms. Fazio asked if the garage could be attached to the home, Mrs. Schulman stated that it couldn’t due to the slope of the land and that it would block the existing gas lines and air conditioning system.

OPEN PUBLIC PORTION:

Several members of the audience questioned the Applicant in regards to size, location and use of the garage. Mr. Jeffrey explained to the public the only variance relief being sought is the location of the garage in the front yard area of the property and nothing else. The Applicant was questioned about the use of the existing garage, the chemicals currently in the garage and the location. The following was offered as testimony, the current garage is too small, the chemicals will be removed and the applicant has plans for a pool in the future, so this is the best location on the property. Additionally, members of the public wanted to know what stops the applicant from still utilizing the garage as a business? Mr. Jeffrey explained that becomes the job of Code Enforcement of the town. Another audience member questioned the need for a bathroom and the shed currently there not being enough. Mr. Schulman states that the shed is not large enough and the bathroom will be added at some point down the road when a pool may be added.

Mr. Jeffrey re-addressed the utilities in the garage. Mr. Schulman said they were not completely sure but since excavation was happening it would be best to install electric and plumbing underground instead of having to ripe out concrete in the future but no heat. Mr. Gertner states that the Board will retain jurisdiction. Mr. Dambroski asks about drainage concerns, Mr. Schulman reiterates that it’s better to dig up yard once. Mr. Gertner states that Applicant’s engineer will submit for approvals on drainage. It is explained to the public that the variances being sought are the location of the detached garage and the use of the temporary trailer beyond 30 days. Mr. Glen will the sheds be eliminated-Mr. Schulman-no, Mr. Glen what type of landscape will be provided, Mr. Schulman there is a stand plants that create a natural buffer on both street fronts. Mr. Gertner testified the Applicant will submit a landscape plan. Mr. Cook can you give a more accurate timeline of when the trailer will be removed? Mr. Schulman and Mr. Gertner as quickly as prudent or as soon as possible. Mr. Schulman stated he hopes to finish quickly weather permitting.

CLOSE PUBLIC PORTION:

OPEN PUBLIC COMMENT PORTION:

No Comments

CLOSED PUBLIC COMMENT PORTION

Motion made by S. Brustman to caucus, seconded by Mr. Cook. All in favor.

Ms. Brustman requests to handle this application as 2 separate variances with 2 separate motions. Mr. Cook does not see a problem with this. Can add a sunset variance for the temporary trailer.

Motion to separate variance into 2 motions made by Mr. Cook, seconded by Ms. Brustman. All in favor.

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

Roll Call: Mr. Cook-yes, Ms. Brustman- yes. Mr. Dwyer-yes, Chairwoman Fazio-yes, Ms. Vaccaro-yes, Messrs. Glen-no, Dambroski-no

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

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

**Adjournment:** The meeting was adjourned at 8:51 p.m. on motion by Ms. Brustman and seconded by Mr. Cook. All in favor.

Respectfully submitted,

Erin Mathioudakis

Secretary