

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, September 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., P. Dambroski,
Members Absent: W. Cook, C. Schwartz, S. Brustman

Also Present:

Mark Rohmeyer, Board Engineer and C. Reid, Board Attorney

Administrative Session:

Approval of Minutes: August 22, 2019 Meeting

Motion to Approve: Mr. Dwyer, seconded by Mrs. Vaccaro

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

Payment of Bills: None at this time

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 detached accessory garage within the front yard area (between the principal building and Pershing Avenue) where accessory structures (garages) are permitted in side and rear yard areas only. Variance relief was also granted for the placement of a temporary storage trailer. Applicant: Joseph & Kerri Schulman Block 99.249 Lot 18 1281 Paterson Avenue. Approved at the August 22, 2019 meeting. Case 1924

This resolution was **APPROVED w/ conditions** on a motion by M. Dwyer and seconded by H. Glen

ROLL CALL VOTE: M. Dwyer- yes; H. Glen, yes; L. Fazio-yes; K. Vaccaro- No; P. Dambroski- yes.

A copy of the approved resolution is attached.

APPLICATIONS:

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| 1. Case 1925 | Elsa Bacenet
824 Grinnell Avenue
Manchester, NJ | Block 1.345 Lot 17.01
824 Grinnell Avenue
Zone R10 |
|--------------|---|--|

Matt Kalwinsky, attorney for the applicant states that the variance is for relief of a stamped concrete driveway which now exceeds the permitted lot coverage for the subject property. The permitted lot coverage for the R10 zone is 35% and the current lot coverage on the subject property is 41.86%. The applicant will also be removing 3 feet from the portion of the driveway encroaches on the neighboring property, thus eliminating the encroachment of 1 foot on the neighbor's property. Mr. Steven Ruggiero sworn in and testifies that they will add gravel to the portion that will be eliminated to match what the neighbor currently has. The need for this driveway stems from his mother in law being disabled and that there are plans in the future to add a handicap ramp to the front door.

Mr. Rohmeyer inquired about the need for the additional driveway space and if there was any way to reduce the width. Mr. Ruggiero stated that they own several cars and if reduced any further no cars would fit. Mr. Dambroski asked if any water drains into the neighboring property, Mr. Ruggiero testified that no water drains into the neighboring property. Mr. Glen indicates that the survey reflects a fence encroachment. Mr. Ruggiero explains that there are two fences, one that is his and the other belonging to the neighbor. Mr. Kalwinsky states that if necessary the applicant will either move the fence to the correct location or obtain a letter from the neighbors. Mr. Reid asked when the applicant installed the fence. Mr. Ruggiero stated in May of 2018. Mr. Reid notes that the survey is dated April 2018. Mr. Reid refers the fence to the Zoning Officer to determine if located in proper location.

OPEN PUBLIC PORTION:

Hearing None

CLOSED PUBLIC PORTION

Motion to caucus made by M. Dwyer, seconded by P. Dambroski. All in favor.

Mr. Rohmeyer explains 5' from property line is required, the applicant is only providing 2 feet. Mr. Dwyer asks can they stipulate that an updated survey is required and a further reduction of 2.5 feet. Mr. Rohmeyer states it would be very tight for the cars. Mr. Kalwinsky opined that an updated survey would not change what is currently being presented to the Board for approval. Mr. Glen motioned to close caucus, seconded by Ms. Vaccaro. All in favor.

Mr. Kalwinsky states that the fence cannot be granted by the Board if on neighbor's property, no jurisdiction on someone else's property. Mr. Ruggiero states that a new fence has been installed by way of permit on his property. Ms. Vaccaro inquired who installed the driveway, Mr. Ruggiero states that he did and he is willing to remove 3 feet, Ms. Vaccaro questioned that it should have been 5 feet in and Mr. Ruggiero acknowledged that it should have been five feet. Ms. Fazio reiterates that the Zoning Officer will address the fence.

Motion to approve with CONDITIONS by M. Dwyer, seconded by P. Dambroski

Roll Call: M. Dwyer-yes; P. Dambroski-yes; L. Fazio-yes; K. Vaccaro-no; H. Glen-no

Case 1926	Peter Roccaforte	Block 116 Lot 7
	1401 Hwy 70	1401 Hwy 70
	Manchester, NJ	Zone PPA

Requesting variance relief to construct a detached accessory structure within in the front yard area (between the principal building and State Highway 70) where accessory structures (garages) are permitted in side and rear yard areas.

Mr. Roccaforte sworn in. Mr. Rohmeyer inquired about the size and purpose of the structure. Mr. Roccaforte states that it is 30'x33' and will be used for storage because his property is tree farm. Mr. Rohmeyer indicates that the building will be located 700' from the roadway but it is still considered the front yard and asked the material of the driveway and if there are trees on both sides. Mr. Roccaforte testifies yes, 700' away and will never be seen from the highway, the driveway will be paved and yes there are trees making the building hidden. Mr. Reid asked Mr. Roccaforte to describe the lot, Mr. Roccaforte states that the it is a 6.3 million square foot lot and he's requesting to build a 1,000 sq. ft. accessory building. Mr. Rohmeyer asked what type of material will it be constructed from, Mr. Roccaforte presents that he has two options to consider, one option would be pole barn like and made from all wood and the other option would be an all metal building similar to a carport. Ms. Fazio questioned will the size remain the same regardless of the material. Mr. Roccaforte answered yes. Mr. Rohmeyer questioned the applicant in regards to utilities, that the structure will be used for storage only and given the size of the property is there an alternative location. Mr. Roccaforte specifies that electric only will be added, the structure will only be used for storage and that he worked closely with Pinelands Commission and they determined this location for the structure. Mr. Rohmeyer asked about the height of the structure, Mr. Roccaforte testified that it will 12' in height and 16' at the peak. Mr. Glen inquired about the structure being enclosed, Mr. Roccaforte testified that yes it will be enclosed with a possible overhang. Mr. Glen asked why will it be enclosed and in regards to the tree clearing that occurs if it will effect this building. Mr. Roccaforte stated that he may want to cover in the future for the addition of a sawmill and that the area in questioned will never be cleared so that the building becomes visible on Rt. 70. Ms. Vaccaro inquired if any chemicals will be stored there, Mr.

Roccaforte states no.

OPEN PUBLIC PORTION:

Hearing None

CLOSED PUBLIC PORTION

Motion to approve by H. Glen, seconded by K. Vaccaro

Roll Call: H. Glen-yes; K. Vaccaro-yes; L. Fazio-yes; M. Dwyer-yes; P. Dambroski-yes

Case 1927

Jeffrey Jerman

PO Box 922

Point Pleasant, NJ

Block 1.312 Lot 28 & 30

Wellington Avenue

Zone R10

Ms. Fazio reviewed variance requested of relief to construct a 2 story family dwelling on this corner lot and provides frontage along the northwest corner of Wellington Avenue and Parkview Boulevard, an improvable lot area of 3,727 square feet where 5,800 square feet is required, a lot frontage of 50 feet along Parkview Blvd. where 100 feet is required and a lot width of 50 feet where 100 feet is required. Additionally, a maximum building height greater than 25' where 25' is permitted, for a 2 story home where 1.5 stories is permitted, for a minimum first floor area of 753 square feet where 900 square feet is required. Also, a proposed finished first floor height of 8.2 feet where a maximum of 4 feet above average centerline road grade along property frontage is permitted.

Mr. Jeffrey Jerman sworn in along with Mr. Gram McFarland of 1245 Airport Road in Lakewood, NJ whose qualifications were accepted by the Board and sworn in. Mr. Jerman submits to the Board the affidavit and buy/sell letters to property owners. Letter entered as Exhibits A1, A2 and A3. Ms. Fazio verifies with the public in attendance that there is no interest in buying or selling of land from the neighbors. Mr. Jerman presents for exhibit the following:

Ex. A4: Architectural plans

Ex. A5: Variance Plan

Ex. A6: Picture Board of surrounding lots

Ex. A7: aerial of site location

Mr. Jerman states that this is a 10,000 sq. ft. corner lot, with 50' frontage along Parkview Boulevard. Mr. Jerman asks Mr. McFarland if he has visited the site and if he is responsible for the site plan being presented this evening. Mr. McFarland testifies yes to both. Mr. McFarland refers to Ex. A7 the aerial showing the irregular shape of the lot, meets minimum standards but not the bulk standards by not meeting improvable lot area. Mr. McFarland referred to Ex. A5 describing the location of the home and driveway and the proximity to the neighboring homes, meets the other standards of the zone like front, side and rear yard setbacks. Mr. McFarland also testified that there is high contour at 52' indicated on the topography that runs right through the middle of the building. The grade of the road is approximately 47' where the relief sought based on the ordinance requiring less than 4' and this is 8'. Mr. McFarland also indicated that this lot has an outer coastal plain topography. Mr. Jerman asked from where are the measurements taken, from in front of the home, Mr. McFarland stated that they are taken from the road directly in front of

the home and that this home has a finished first floor elevation of 55.5'. Mr. McFarland points to Ex. A4 depicting the best layout for this lot and home and that at 900 sq. ft. it would eliminate the garage, additionally of Ex. A5 depicts that setback reliefs are not required and that this home is consistent with other homes in neighborhood. Mr. McFarland stated that in the surrounding 8 block area there are homes between 600 sq. ft. and 4,000 sq. ft., the average is 1600-1700 sq. ft., like this proposed home. There are 44 homes, 20-2 story and 24-1 story homes, he utilizes Ex. A6 to show the mix of homes in the surrounding area. It is Mr. McFarland's opinion that this home is in character with the neighborhood. Mr. Jerman states that the home could be increased into the rear yard to meet only the 5' setback and still fit on the lot but felt that this home as presented would fit nicely into the neighborhood. Mr. Jerman refers to the height of the home as two stories, Mr. McFarland states a variance is not being sought for the height. Mr. Jerman testifies it will not exceed the maximum allowed of 25'. Mr. Jerman asks if the property can be used if this variance is not granted, Mr. McFarland states that no it cannot, Mr. Jerman asks if the development meets the bulk requirements, does it negatively light and air or open space, Mr. McFarland testifies that the home as proposed meets the bulk requirements and had no negative impact on light & air or open space. Mr. Jerman asks if there is any detriment to the Master Plan or to the neighbors, Mr. McFarland testifies there is no detriment to the Master Plan and that the home as proposed fits in with style and character of the neighborhood and that the lot area is satisfied but still the applicant treated it with the requirements of an undersized lot.

Mr. Rohmeyer inquires why a two story home rather than a one and half story, Mr. Jerman testifies it is extremely difficult to design a cape style home on the style of lot. Mr. Rohmeyer asks is it possible to reduce to one and half story, Mr. Jerman testifies that on the 50' it would be difficult unless you created reverse living and a much smaller home and it would encroach further into rear yard eliminating a usable backyard. Mr. McFarland testifies that the home as proposed is a much better alternative. Mr. Rohmeyer disagreed, could make it one and half if required to by Board, Mr. Jerman states that it's just not a good idea.

Mr. Rohmeyer inquires how many trees will remain. Mr. McFarland testifies approximately a 10' buffer along lot 22 will remain. Mr. Jerman also testifies that 24 pine trees and the 6' maple will remain. Mr. Rohmeyer inquires about storm water management on the property, Mr. McFarland states that roof runoff and gutters will be directed toward the drywell. Mr. Rohmeyer asks about off-street parking, Mr. McFarland states that the development meets RSIS compliance and the driveway is 31' x 10' thus satisfying off-street parking. Mr. Glen asked if a slope can be added around the septic as there is a significant drop off and if run off can be directed away from the street. Mr. McFarland states that the plans conform to septic standards and that lawn runoff is always graded to the street whereas roof runoff is directed to the drywell. Mr. Jerman states that there will be virtually no change to how the runoff from property is now. Mr. Dambroski inquires about the distance of the septic to the neighbor, Mr. Jerman states it is an Ocean County Health Department approval, Mr. McFarland adds that if it is less than 50' it must also go to the DEP, and must maintain 25' to the house.

OPEN PUBLIC PORTION:

Sharlene O'Hara of 1612 Parkview sworn in, she states that she resides at the bottom of

Parkview and that during any heavy rain the streets flood and this would be adding another property to flood the area, additionally she states that this home does not fit into the character of the neighborhood and would change the aesthetic. Mr. McFarland replied that all runoff will go into re-charge and only the lawn areas are directed to the street. Mr. Reid also offered explanation that currently all water on the lot now goes into the street and that development of the lot may help improve this.

Juliet Pender of 1525 Wellington sworn in and offered the following comment: was not notified, there is no local drainage just the lake, feels that this is essential a 50'x100' lot and this applicant currently owns 66 other lots in the area and of those- 30 are 50'x100' lots, if approved will this continue, feels that the applicant purchased this property, only for \$100, knowing there is a hardship and there is a concern about the steep grade for the septic.

Philip Pender of 1525 Wellington sworn in, questions how far away is the house from the street. Mr. McFarland refers to Ex. A5 depicting 30.5' from right of way on Wellington. The house is 10' from both the left and right sides. Mr. Pender only 10' from property line, Mr. McFarland setback in accordance with the ordinance. Mr. Pender opines that this does not fit in with the character of the neighborhood and that this creates a hardship on the neighbors.

Melissa Todero of 1513 Parkview sworn in and offers the following comment: purchased in this area a year ago because of the feel of the neighborhood not cramming all these houses on all these little lots, doesn't fit with the neighborhood, removing trees from the lot the water run-off has to go somewhere.

Ms. Fazio reviews tree testimony that the applicant will maintain a 10' buffer of trees.

Richard Klein of 1613 Parkview sworn in and offers comment that he is agreeance with all the others that this does not fit into the character of the neighborhood and was also not noticed.

Mr. Jerman responds to statement that property only cost \$100 that is simply not true, it costs significantly more than that, they may be referring to only a portion of the deed of ownership.

William Barron of 1163 Parkview sworn in and asks where the driveway will be located on the high side or low side. Mr. McFarland refers to Ex. A5 and the high side. Mr. Barron asks about the height of the home, Mr. McFarland states the max. of 25'. Mr. Barron points out that based on the numbers depicting elevation currently the height would greater than 25', Mr. Rohmeyer explains that height is measured from grade.

Mr. Reid responds to claims that notice of this meeting was not received, he explains that the applicant has provided proof to the Board that certified letters were sent.

Rosemarie Yannato of 1124 Tenth sworn in and states that there is currently a 50'x100' lot next door to her and what stops the applicant from requesting the same type of development on this lot. Mr. Jerman testifies that the proposed home is 50' away from both neighbors to the left and right, this proposal is no different if it was 100' lot and that there is a 100' frontage where the house is facing. Additionally, on 50'x100' lots a septic system would not fit.

Melissa Todero offered additional comment of why does the applicant purchase these lots if there is no intention of building on them, the standard should be set here tonight.

Juliet Pender also offered her opinion that the applicant is referring to property owned by her, her space and that the applicant is building to the capacity of the lot. Mr. Jerman notes that the home will be beautiful.

CLOSED PUBLIC PORTION

Mr. Glen refers back to runoff from the septic bed, Mr. Jerman says runoff will be the same in the septic area, Mr. Glen questions why can't it be made better, Mr. Jerman explains that regulations won't allow it except possibly with a drainage pit is between the septic and house but that would have to be reviewed with the engineer. Mr. McFarland states that a small drywell could be added by the driveway and the driveway is porous.

Mr. Dambroski inquires about the seepage pit seems to be dangerously high. Mr. McFarland explains it is approximately 3' on average above grade of the road and will be gently sloped. Ms. Fazio same as the property behind, Mr. McFarland yes about the same. Mr. Dwyer refers to the seepage area within the top of ground distance, Mr. McFarland explains all roof leaders will go to seepage pit. Mr. Dwyer asks if there is a certain amount of perking into the septic therefore not helping the property. Mr. McFarland replies yes.

Ms. Fazio reviews that making this home a one and half story as opposed to two story would use more property than what is proposed. Mr. Jerman indicates it would be a max. height of 25'. Ms. Vaccaro reviewed trees, Mr. Jerman referred to the buffer.

Motion to approve with CONDITIONS by M. Dwyer, seconded by H. Glen

Roll Call: M. Dwyer-yes; H. Glen-yes; L. Fazio-yes; K. Vaccaro-no; P. Dambroski-no

Adjournment: The meeting was adjourned at 9:08 p.m. on motion by Ms. Vaccaro and seconded by Mr. Dwyer. All in favor.

Respectfully submitted,

Erin Mathioudakis
Secretary