

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, December 12, 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 6:30 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, H. Glen., P. Dambroski, S. Brustman
Members Absent: W. Cook, M. Dwyer, C. Schwartz

Also Present:
C. Reid, Board Attorney, M. Rohmeyer, Board Engineer

Administrative Session:

Approval of Minutes: November 14, 2019 Meeting

Motion to Approve: Mrs. Vaccaro, seconded by Mr. Dambroski
Roll Call: Mrs. Vaccaro-yes, Mr. Dambroski-yes, Mr. Glen-yes, Ms. Brustman-yes, Ms. Fazio-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: None

APPLICATIONS:

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| 1. Case 1933 | Jeffrey Jerman
PO Box 922
Point Pleasant, NJ | Block 1.353 Lot 6, 7 & 8
Bismarck Street
Zone R10 |
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Mr. Jerman needs a variance to construction a single family dwelling on a lot having a lot area of 7,500 square feet where 10,000 square feet is required; a lot width of 75 feet where 100 feet is required; a lot frontage of 75 feet where 100 feet is required; and an improvable lot area of 2600 square feet where 5,800 square feet is required. Jeffrey Jerman was sworn in by Ms. Reid. He is the owner and the applicant. The following items were marked into evidence:

A1: Affidavit of Deed

A2: Buy/Sell Letters, no response from owners of both Lots 3 & 9 Chairwoman Fazio verifies with the public in attendance that there is no interest in buying or selling of land from the neighbors. No one present.

A3: photos of the neighborhood. (Photo Board.)

Mr. William Stevens, professional engineer & planner was sworn in by Mr. Reid. Mr. Stevens explained this is the basic isolated undersized lot case. The 7,500 square feet total lot area is sufficient area for the proposed home & septic system. The home as proposed meets all the setbacks of the zone. There is no other use for this property except for a single family dwelling. If the variance were not granted the property would be zoned into inutility. In his opinion, Mr. Stevens believes there will be no detriment to the master plan, zoning plan or public good with the granting of these variances. Mr. Stevens explained what is shown on A-3, many large homes in the area. There are 54 homes in the 9 block area, 28- 1 story homes and 26- 2 story homes ranging in size from 1248 – 2580 square feet, this home is proposed as a 1 and ½ story at 1798 square feet. This home does fit within the character of the neighborhood, and typical of Pine Lake Park, also meets ordinance requirement of cape-cod style home and similar homes have been built in the neighborhood. By meeting all the required setbacks, there will be no violation of light, air & open space. There is no way to mitigate the requested variances except by acquiring a part of neighbors' properties, which Mr. Jerman has already covered. In Mr. Stevens's opinion, there is no reason this variance should be denied.

Mr. Rohmeyer inquired about the following items off street parking, trees and the grading of the property. Mr. Stevens explained that there is a proposed one car garage with driveway for 3 cars on site. There will be two trees to remain to meet the requirement and will be 4" in diameter along the eastern property line. Mr. Stevens further explained that the grading of the property is typical of vacant lots, the development will create a clean slate and allow to drain to the street and will leave the lower southeast corner as it's an isolated low point that would then effect neighbors, the development will also include the installation of a drywell with a grate. Mr. Rohmeyer inquired about how many stories and lot consolidation. Mr. Stevens testifies it is a one and half story home like many other homes that have been approved in this neighborhood. Mr. Jerman testifies that the lots will be consolidated prior to resolution compliance.

OPEN PUBLIC PORTION FOR QUESTIONS: Hearing none CLOSED PUBLIC PORTION.

Mr. Jerman reviews variance request.

Mr. Dambroski inquired about other lots having 2 drywells, that this particular lot holds a significant amount of water and is there a concern with the pool on the neighboring lot. Mr. Stevens explains that with most new construction the majority of the water will be directed toward the street, the lot is currently at elevation 53.5 where the neighboring lot is at elevation 54, the drainage will comply with the ordinance and the pool drains to the other adjoining lot so that will be addressed at the time of that development.

OPEN PUBLIC PORTION: Hearing none CLOSED PUBLIC PORTION.

This application was **APPROVED w/ Conditions** on motion by H. Glen and seconded by K. Vaccaro

ROLL CALL VOTE: H. Glen-yes; K. Vaccaro, yes; P. Dambroski, yes; S. Brustman-yes; L. Fazio-yes.

2. Case 1930	Mark Properties, LLC	Block 1.340 Lot 17 & 30
	1500 River Avenue	Englemere Boulevard
	Lakewood, NJ	Zone R10

Ms. Fazio reviews this variance is for relief to construct a single family dwelling on this lot having a lot frontage of 75 feet where 100 feet is required and a lot width of 75 feet where 100 feet is required and for a proposed first floor elevation of 6.92 feet where 4 feet above average centerline road grade along property frontage is permitted. Case started at 7:01pm.

Mr. Doyle reviews his credentials with the Board. He explains that this lot is greater in area only 10, 000 square feet required, this lot has 20, 000 square feet. This home is unique in that it fronts on the rear, there are only two other houses on the rear street. There is only 75' on Englemere Boulevard lending the lot to having a really long driveway. Mr. Doyle introduced into evidence the following:

A1: buy/sell letters to both Mr. & Mrs. Neuman and Mr. & Mrs. Peck although not required by applicant to do send such letter.

A2: aerial photo

Mr. Bill Stevens-VP of PDS- credentials given and sworn in by Mr. Reid. Mr. Doyle asks Mr. Stevens to provide to the Board a description of the variance request, to describe the home and the topography of the lot. Mr. Stevens states it's 20,000 square foot lot. Grinnell to the rear of the property is a paper street, Township ordinance requires frontage on an improved street and there is only 75' of frontage on Englemere. The home will be a 4 bedroom 2 and half bath 2,462 square foot home with a 100-foot-long by 20-foot-wide driveway with a turnaround. Mr. Stevens describes the topography of the lot as substantial in that the elevation in the front is at 51' and the elevation at the rear of the property is 35', so therefore the drainage will fall back towards the lake. Mr. Doyle asked Mr. Stevens to provide further testimony on drainage. Mr. Stevens replied that a drywell will be installed along with roof leaders to keep water to the rear of the property and that

this property is surrounded by undeveloped land with exception of Mr. Neuman's home. Mr. Doyle also inquired if the drywell has been sized for the property, Mr. Stevens replied yes but soil work has not been completed on the property, Mr. Doyle states that can be a condition of approval, Mr. Stevens replies-yes. Mr. Doyle asked is the side yard setback is met by the required ten feet, Mr. Stevens replied yes, it's actually 11 feet to the closest corner by the neighbor's rear corner that has the pool and patio. Mr. Stevens also testifies that a flat area will be created to build the home. MR. Doyle asks Mr. Stevens to provide testimony in regards to trees, Mr. Stevens replies that trees will remain around the entire perimeter of the property. Mr. Doyle refers to the Engineer's letter that points out a wall, Mr. Stevens affirms that a small wall will be built.

Mr. Doyle asked if Mr. Stevens was satisfied from an engineering standpoint, can this variance be granted without detriment to public good, Mr. Stevens-yes and testifies that the property would not be suitable for any other use and is suitable for this neighborhood. Mr. Stevens replies that in a surrounding 9 block radius there are mostly vacant lots, there are 22 homes- 15- 1 story and 7- 2 story ranging from 440 sq. ft. to 3,960 sq. ft. (Utilizing Exhibit A2). Mr. Stevens opines that they would be building a nice house on a nice big lot and that this a very different application that what the Board is used to hearing, it is unique. Mr. Doyle asked Mr. Stevens to provide testimony in regards to the crown of the road variance request. Mr. Stevens again points out the uniqueness of this lot in that this is an unusual request because the home would actually be lower (by approx. 6.5 feet) than the roadway, the driveway actually pitches downward from the road to the house but in a very nice way.

Mr. Dambroski notes that there is a large trench flowing through the woods and that there 4 to 6 feet of drainage toward the lake and if any study has been done. Mr. Stevens states it's approximately 150 feet to the lake and that this trench does not show within 50 feet of the property. Mr. Dambroski inquiries about if the front door can be greater than 11 feet from the neighbor's yard. Mr. Doyle reserves on the answer.

Mr. Glen inquires about the height of Mr. Neuman's home and the final elevation of the proposed home and the effects of drainage on Mr. Neuman's home. Mr. Stevens review that Mr. Neuman's home is at elevation 43, the final elevation of the proposed home will be 44.8 and that Mr. Neuman's lot flows into this lot and will continue to do so. Mr. Dambroski asks if there is a basement proposed, Mr. Stevens-yes. Mr. Rohmeyer states he agrees with Mr. Stevens, he also asks Mr. Stevens to provide wall grades and missing zoning information, Mr. Stevens agrees. Mr. Rohmeyer inquires if that the rear yard would be considered a front yard even though on paper street, concerns with future pool, shed, etc. Mr. Stevens cannot provide that answer. Mr. Dambroski states that there will be the requires 5 feet for accessory structures, Mr. Stevens states it's not about yard area but if it would be a front yard. Mr. Rohmeyer asks if the lots have been consolidated, Mr. Stevens not yet. Ms. Brustman inquires about the trees on property primarily the corner by Mr. Neuman's yard and if they will be large or small trees, Mr. Stevens states that they are trying to save a wooded perimeter although not required to by ordinance. Mr. Dambroski refers back to his question earlier, Mr. Doyle states he would like to hear from Mr. Neuman during the public portion before answering. Mr. Glen asks if the home can be flipped on the lot so the driveway is on the other side of the property. Mr. Stevens states that the home as proposed creates a greater tree buffer. Mr. Doyle notes that both the Board Engineer and the Applicant's Engineer are in agreeance. Ms. Brustman asks if more trees can be kept, Mr. Stevens

states if the home were shifted back-yes. Mr. Doyle suggests moving the home to 15 feet from side, giving an additional 4 feet. Ms. Brustman points out that the 11 feet already meets the ordinance requirements. Mr. Doyle agrees however trying to be a better neighbor. Mr. Dambroski points out that it would be greater if the home were centered on lot as if it were a regular lot.

OPEN PUBLIC PORTION:

Mr. Neuman-1325 Englemere Boulevard-sworn in by Mr. Reid. Inquired if there is concern with flooding of the basement, Mr. Stevens notes that soils still need to be done on the property. Mr. Neuman notes that 200 feet north of this-they flood. He noted that he offered to buy the property in the past, he purchased this home for the lake views and believes that based on the elevations that they will have a view into his rear yard. Mr. Rohmeyer asked Mr. Neuman to testify to the current drainage, Mr. Neuman states that it currently goes through his front yard. Ms. Brustman then notes that the drainage goes from his property into this property, Mr. Neuman-yes. Mr. Doyle inquires to the conditions of Mr. Neuman's rear yard-is there a deck, is it raised and were building permits obtained, Mr. Neuman states there is a wood deck, level to the ground and permits were obtained. Ms. Brustman points out that moving the home back to 26 feet will effect setback and usage of rear yard for items like a future pool. Mr. Dambroski notes that if Grinnell improvements occur this home will really be out of place. Mr. Stevens notes that only if the town allows the improvement. Mr. Doyle reviews surrounding lot ownership, notes that drainage and setbacks comply with ordinance requirements, and applicant is willing to move to 15 feet instead of the 11 feet proposed to preserve a more usable back yard. Mr. Stevens points out moving the home back would create a larger driveway. Mr. Doyle also notes that more building material would be required for the driveway and may affect drainage and marketability of the home. Mr. Reid asked the distance to Mr. Neuman's pool, Mr. Stevens 32 feet. Mr. Glen inquired if the applicant will live in home, Mr. Doyle no and not legally required to and is not pertinent to the Board's decision. Ms. Brustman makes a motion with a 20' foot setback. Straw poll conducted 15', Ms. Brustman and Mrs. Vaccaro, 20' Mr. Glen and Mr. Dambroski.

Ms. Brustman motions to caucus, seconded by Mrs. Vaccaro.

Mr. Dambroski right now property has 46' backyard. Ms. Brustman notes that the 20 feet would take away from rear usage leaving only 16 feet of yard for future improvements and at 15 feet it does create more of a tree buffer. Ms. Fazio didn't realize only 16 feet left. Mr. Rohmeyer agrees with the numbers. Mr. Glen believes that more space will add value to both homes. Mr. Reid does point out that marketability of the homes may be affected additionally the owners would not put a shed in the middle of the yard, more than likely will come back to the Board for approval. Mr. Rohmeyer notes that Mr. Neuman's finished first floor elevation is 55.1 and the proposed home's finished first floor elevation is 44.8, so neither is towering. Ms. Fazio to her right agrees to 20 feet and to her left is in agreeance at 15 feet, notes however, the home is compliant in its current location so they do not have to move the house at all, might be better to move the driveway. Ms. Brustman notes that based on Mr. Stevens testimony the drainage will effected.

Ms. Vaccaro motions to close caucus, seconded by Ms. Brustman.

Mr. Reid notes that the Board has come together on the 15 feet. Mr. Doyle agrees. Additional conditions set forth include updated engineering and an 8-foot tree buffer.

OPEN PUBLIC PORTION: Hearing none CLOSED PUBLIC PORTION.

This application was **APPROVED** as amended w/ **Conditions** on motion by S. Brustman and seconded by K. Vaccaro

ROLL CALL VOTE: S. Brustman-yes; K. Vaccaro, yes; H. Glen-no; P. Dambroski, no; L. Fazio-yes.

Adjournment: The meeting was adjourned at 8:19 p.m. on motion by Ms. Vaccaro and seconded by Ms. Brustman. All in favor.

Respectfully submitted,

Erin Mathioudakis
Secretary