

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, August 23, 2012

**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: P. Salvia, W. Cook, L. Fazio, K. Vaccaro, J. Hankins, M. Dwyer, H. Glen

Members Absent: T. Umlauf

Also Present: C. Reid, Attorney
R. Mullin, Engineer
A. Thomas, Planner

Administrative Session:

Approval of Minutes: The Minutes for the June 28, 2012 meeting were **APPROVED** on motion by K. Vaccaro and seconded by M. Dwyer. All in favor.

The Minutes for the July 26, 2012 meeting were **APPROVED** on motion by W. Cook and seconded by K. Vaccaro. All in favor.

Payment of Bills:

RFP #15083 for T & M Associates in the amount of \$694.25 for General Board Matters

RFP #15088 for T & M Associates in the amount of \$143.00 for Case 1170

RFP #15097 for T & M Associates in the amount of \$38.25 for Case 1175

RFP #15093 for T & M Associates in the amount of \$1088.25 for General Board Matters

RFP #15092 for T & M Associates in the amount of \$321.75 for Case 1281

RFP #15096 for T & M Associates in the amount of \$114.75 for Case 1170

RFP #15099 for T & M Associates in the amount of \$76.50 for Case 1280

RFP #15100 for T & M Associates in the amount of \$573.75 for Case 1281

RFP #15086 for T & M Associates in the amount of \$679.25 for Case 1051

RFP #15094 for T & M Associates in the amount of \$191.69 for Case 1051

RFP #15087 for T & M Associates in the amount of \$71.50 for Case 1276

RFP #15098 for T & M Associates in the amount of \$459.00 for Case 1278

RFP #15090 for T & M Associates in the amount of \$250.25 for Case 1278

RFP #15085 for T & M Associates in the amount of \$286.00 for Case 0925-0892

RFP #15095 for T & M Associates in the amount of \$38.25 for Case 1276

RFP #15084 for T & M Associates in the amount of \$181.75 for Case 1279

RFP #74474 for Cafarelli & Reid in the amount of \$180.00 for Case 1054

RFP #74475 for Cafarelli & Reid in the amount of \$420.00 for Case 1050

RFP #74476 for Cafarelli & Reid in the amount of \$385.05 for Case 1276

Bills were **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.

Correspondence: The Secretary stated she has nothing at this time.

Professional Reports: Mr. Reid has nothing at this time.
Mr. Mullin has nothing at this time.

Memorialization of a resolution of approval for an extension of time for site plan approval for a warehousing & self-storage facility. Applicant: Bettio Enterprises. Block 69 Lot 7. Approved at the June 28, 2012 meeting. Case 1279

This resolution was **APPROVED** on motion by K. Vaccaro and seconded by M. Dwyer.

ROLL CALL VOTE: K. Vaccaro, yes; M. Dwyer, yes; P. Salvia, yes; H. Glen, yes; L. Fazio, yes.

A copy of the approved resolution is attached.

Case 1175	Todd Jerman 10 Cupsaw Drive Ringwood, NJ 07456	Block 1.302 Lots 19-21 Wellington & Manchester R-10 Zone
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Mr. Jerman needs a variance for the construction of a single family dwelling on a lot having a lot area of 7,500 square feet where 10,000 square feet is required; an improvable lot area of 2,600 square feet where 5,800 square feet is required; a lot width of 75 feet where 100 feet is required; and a lot frontage of 75 feet where 100 feet is required.

This application was previously carried to the September 27, 2012 meeting.

Mrs. Fazio asked if there were any other items the Board would like to discuss. Mr. Andrew Thomas addressed the Board's questions & concerns with regard to the Draft Undersized Lot Report dated April 16, 2012 that was prepared by his office. He opened with a brief review of the report. Pine Lake Park has 3,829 separate lots with 449 blocks. All those lots are in multiples of 25 feet widths. The vacant undersized lots are scattered throughout the park. There are 702-50 x 100 vacant lots and 482-25 x 100 vacant lots. The current zoning requirements for the R-10 zone, the 2 biggest limiting factors for the R-10 development are the building coverage & height. Building coverage is 25% and the height is capped at 35 feet. What they did was look at those 2 factors just to see what the potential house size could be if you applied those factors on 2 of the most common types of undersized lots. You could construct a 2500 square foot house on a 50 x 100 lot and a 3750 square foot house on a 75 x 100 lot. These are pretty large homes that could be built on undersized lots. They reviewed with the tax assessor the size of the homes that have actually been built in Pine Lake Park. They found the 2-story homes average about 2000 square feet on both the 100 x 100 and 75 x 100 lots. The largest homes are well over 3000 feet, the largest pushing about 3500 square feet. The size of the homes has been increasing over the years. Many of the older homes are only 1-1 ½ stories and typically around 1500 square feet. They looked at ordinances in the surrounding area to see if there is anything specifically that dealt with undersized lots, there is one in Beachwood. That Board of Adjustment asks applicants to provide a lot of detailed information about the house, and about what they are doing, just so that the board knows whether it is compatible with the surrounding neighborhood. What they did was in direct response to what Judge Serpentelli did in the Dallmeyer Case what they said was permissible to do. Their initial recommendation after looking at the alternatives would be to incorporate a maximum floor area ratio (FAR). That would be for the entire R-10 zone. What the floor area ratio is, the maximum floor area in comparison to the total square footage of the lot. For example, if you have a 10,000 square foot lot and you set a maximum FAR to .25 that means you could construct a maximum of 25% of that lot could be dedicated to the house or 2500 square feet. The applicant could spread those 2500 square feet into 1 floor or into 2 floors. As it relates to undersized lots, if you have a 75 x 100 the largest house you could construct would be 1875 square feet. It applies to everyone equally in the zone.

One of the points Mr. Mullin brought up was the definition for FAR. By definition FAR includes all the floor areas, not just the principle building, but also sheds, detached garages, etc. If you constructed a 2500 square foot home & if you wanted to construct a shed you would need a variance. The ordinance would be changed to reflect that the FAR would be only for the principle structure. Mr. Mullin asked if under sized corner lots should be treated differently given the frontages are reduced improvable lot. The FAR doesn't reduce the improvable lot area itself; it just reduces the size of the house. He will take a closer look at it to see if the improvable lot area standards should be modified just for corner lots. The schedule does require a 2-story home to have a minimum first floor of 900 square feet; they will have to look at modifying that requirement. Septic systems are usually are a condition of approval item rather than a completeness item, that will be revised in the ordinance. Should the completeness package include a buy/sell letter? Yes, it should, that will be added.

Mr. Cook asked about a title search being required as opposed to just testimony, is it a common thing? It's not a common thing; they did have it in the Beachwood ordinance. Appendix 4-4 8(a) should be corrected. Appendix 4-5(p) typo should be Ocean County. 4-2(6) confusing, needs to be reworded.

Mrs. Fazio asked if he would advise the Board to put in the requirement for the title search, not just rely on testimony from the applicant. The Board agreed, they would like the title search & buy/sell letters to be added as required items for completeness.

Mr. Glen asked whether detached garages or sheds would be included in the FAR. No, they would be exempted out. What size detached garage could you put on an undersized lot? He didn't figure that out, not sure.

Mr. Mullin stated that we do have a building coverage, but don't have a lot coverage. FAR leads to a building coverage number, but then people put in driveways, pools, patios, decks if they are impervious and because we don't have a lot coverage restriction it's kind of wide open. Impervious lot coverage should also be added.

Mr. Cook asked about the height issue. Mr. Thomas stated the ordinance limits the height, not the number of stories, so you could actually have living space on the top floor

which would make it 3 stories. They are still working on that issue. Mr. Dwyer expressed his concern about the height of the homes with regard to light, air & open space with more people turning to solar.

Mr. Glen asked if there was any consideration taken as far as water runoff from the properties. Not in this ordinance. It is already addressed in the ordinance; drywells are required to manage the roof runoff. The impervious lot coverage will have a positive impact as well.

Mr. Hankins would like this ordinance to remove the economic attractiveness & building on the 75 x 100 lots. Mrs. Fazio stated this is a step in the right direction. He agrees with that, he would like the ordinance to be made as restrictive as possible.

Mr. Cook is concerned about the homes that are already existing and now they want to put a shed in the back yard, they may have to come before the Board for a variance. Mr. Thomas stated yes, it is a balancing act. Mrs. Fazio stated the Board would take them on a case by case basis.

Mr. Reid asked the Planning Board Chairman how they felt. Mr. Vaccaro said they recommended the Beachwood ordinance be examined & take the most restrictive positions & put them in our ordinance.

Adjournment: The meeting was adjourned at 8:00 p.m. on motion by W. Cook and seconded by K. Vaccaro. All in favor.

Respectfully submitted,

Darlene E. Garcia
Secretary