

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, January 23, 2020

**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 6:50 p.m. by Vice-Chairwoman Karen Vaccaro.
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: K. Vaccaro, W. Cook, M. Dwyer, C. Schwartz, P. Dambroski,
Members Absent: L. Fazio, H. Glen, S. Brustman

Also Present:

C. Reid, Board Attorney, M. Rohmeyer, Board Engineer

Administrative Session:

Approval of Minutes: December 12, 2019 Meeting

Motion to Approve: Mr. Dambroski, seconded by Mr. Schwartz

Roll Call: Mrs. Vaccaro-yes, Mr. Dambroski-yes, Mr. Schwartz-yes

Payment of Bills:

#MTZBR7350 Invoice 28020 for T & M Associates in the amount of \$620.00 for Case 19-34

#MTZBR7340 Invoice 28019 for T & M Associates in the amount of \$348.75 for Case 19-33

#MTZBR7330 Invoice 28016 for T & M Associates in the amount of \$310.00 for Case 19-32

#MTZBR7320 Invoice 28015 for T & M Associates in the amount of \$620.00 for Case 19-31

#MTZBR7310 Invoice FMK379727 for T & M Associates in the amount of \$155.00 for Case 19-30

#MTZBR7360 Invoice FMK379729 for T & M Associates in the amount of \$775.00 for Case 19-36

#MTZBR7290 Invoice FMK379725 for T & M Associates in the amount of \$623.22 for Case 19-28

#MTZBR7340 Invoice FMK379728 for T & M Associates in the amount of \$116.25 for Case 19-33

#MTZBR7370 Invoice FMK379730 for T & M Associates in the amount of \$530.00 for Case 19-35

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

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

Correspondence: The Secretary has nothing at this time.

Professional Reports: Nothing at this time from both professionals.

MEMORIALIZATIONS:

Memorialization of a variance relief to construct 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. Applicant: Jeffrey Jerman Block 1.353 Lot 6, 7 & 8 Bismarck Street. Approved at the December 12, 2019 meeting. Case 1933

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

ROLL CALL VOTE: P. Dambroski-yes, K. Vaccaro-yes

A copy of the approved resolution is attached.

Memorialization of a variance relief to construct a single family dwelling on a lot having a lot width of 75 feet where 100 feet is required; a lot frontage 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. Applicant: Mark Properties, LLC Block 1.340 Lot 17 & 30 Englemere Boulevard. Approved at the December 12, 2019 meeting. Case 1930

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

ROLL CALL VOTE: P. Dambroski-yes, K. Vaccaro-yes

A copy of the approved resolution is attached.

APPLICATIONS:

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| 1. Case 1935 | Jeffrey Jerman
PO Box 922
Point Pleasant, NJ | Block 1.105 Lot 19
632 Sixth Avenue
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 4,225 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: Buy/Sell Letters, 3 adjoining owners- no reply from two, owner of Lot 16 to the left offered \$10,000 for the lot. 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.

A2: Affidavit of Deed

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 one and half story 3 bedroom 2 and half bath 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 68 homes in the 9 block area, ranging in size from 1152 – 2559 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 are large in size and will comply with ordinance, those that can be saved, will be. Mr. Stevens further explained that the grading of the property is nothing unusual, stockpile will be removed and the lot will grade toward Sixth Avenue, the low point on the lot will collect drainage. Mr. Stevens testifies that the area between homes in very flat and lower on this lot, that generally the last lot to be built tends to be lower and that moving the low point would be a detriment to the neighborhood, the water will flow out toward the street.

Mr. Cook inquired about the drainage from Lot 30, Mr. Stevens stated that lot drains to the proposed lot and the seepage pit will be the lowest on this lot. Mr. Cook asked about soils done

on the property, Mr. Stevens states that they have not been done yet. Mr. Cook will the drywell increase if necessary, Mr. Stevens testifies that they will comply with ordinance and satisfy engineering.

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

Mr. Dambroski inquiries about the fence from the neighboring property, Mr. Jerman explains that his attorney reached out and the fence will be moved. Mr. Cook referred to trees, Mr. Stevens testifies that there are two large oak trees that are hard wood that will be saved on the lot.

OPEN PUBLIC PORTION: Hearing none CLOSED PUBLIC PORTION.

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

ROLL CALL VOTE: W. Cook-yes; K. Vaccaro, yes; M. Dwyer-yes; C. Schwartz-yes; P. Dambroski, yes

2. Case 1934	M. Sarama Builders, LLC 3174 Johnson Avenue Manchester, NJ	Block 1.293 Lot 6, 7 & 8 1512 Pemberton Street Zone R10
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Mr. Loffredo, attorney for the applicant, 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, an improvable lot area of 1,540 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, a rear yard setback of 25 feet where 26 feet is required and for a proposed first floor elevation of 4.29 feet where 4 feet above average centerline road grade along property frontage is permitted. Mr. Loffredo stated that undersized lots are common for the area and that all two adjoining properties are developed with pools on the properties and that no written responses were received in regards to the buy/sell letters sent. The following items were marked in to evidence:

A1: 12 pg. Booklet of exhibits

A2: Buy/Sell Letters. 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.

Mr. Jason Marciano, East Coast Engineering, sworn in, credentials were accepted by the Board. Mr. Marciano reviews the variance requests, the property will be on a septic system with municipal water, the soils have been done on the property, drywells will be installed on the northeast portion of the property. Mr. Marciano reviews the rear yard variance, and notes that only the stairs encroach in the rear yard setback, 26' is required where 23' is proposed, not the deck itself, there is no roof or enclosure on the deck. Mr. Marciano explains that for the height of the finished first floor elevation being over by 3.5", the Zoning Officer calculated the average elevation of both roads of this corner property, even though the home is only fronting on one

roadway as it's the best way to face the home. Mr. Marciano reviews Exhibit A1 with the Board. Page 2 is the site location. Pages 3 through 12 are homes within a 200' radius of the site location. A total of 19 homes- 9-2 story homes and 9-1 story homes. 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. This home is proposed as a 1 and ½ story, 3 bedrooms, 2 and half bath with a basement and 1 car garage with 2 off street parking spaces. 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. Marciano believes there will be no detriment to the master plan, zoning plan or public good with the granting of these variances. By meeting all the required setbacks, there will be no violation of light, air & open space. In Mr. Marciano's opinion the home as proposed would be a good fit in the neighborhood.

Mr. Rohmeyer inquired about the following items the impact of storm water, the grading of the property as well as the trees on the property. Mr. Marciano testifies that there will be no impact from storm water, the natural grade of the property will be kept. Drywells will be installed to collect roof runoff and are way above the water table, by about 10'. The trees will comply with the Township ordinance and the builder will plant additional trees if necessary. Mr. Cook inquires if soils have been done on the property, Mr. Marciano states yes, pits are done and are good for the septic and drywells. Mr. Cook- the 2' requirement has been met, Mr. Marciano more than 2 feet.

OPEN PUBLIC PORTION: Hearing none CLOSED PUBLIC PORTION.

Mr. Dambroski inquires about the 26' rear yard setback requirement. Mr. Marciano explains that the Zoning Officer noted in the denial that it is the stairs that encroach, the Board can decide or the deck could be an accessory structure if not attached to the home therefore alleviating the need for this variance. Mr. Cook so the deck will not be attached, Mr. Marciano states no it will not.

This application was **APPROVED w/ Conditions** on motion by W. Cook and seconded by M. Dwyer

ROLL CALL VOTE: W. Cook-yes; M. Dwyer-yes; C. Schwartz-yes; P. Dambroski, yes; K. Vaccaro, yes.

3. Case 1931	Steve & Kelly Kutch	Block 43.05 Lot 13
	20 Ridgeview Court	20 Ridgeview Court
	Manchester, NJ	Zone R14

Applicant requesting variance relief to construct an accessory apartment to the single family dwelling. Variance relief for the addition is for a use not specifically permitted in the R14 zone single family zone pursuant to Township Ordinance 245-31E(1).

Steven and Kelly Kutch, applicants and Rowland Pascoe, builder for applicant sworn in. Mr. Reid reviews the Zoning Officer's denial letter of a separate full efficiency space as not permitted. Mr. Reid further explains that for this variance 5 affirmative votes are required not a simple majority,

which means that all Board members present tonight must vote yes. Mr. Reid confirms with the applicant that testimony will be crucial to this application and they must meet positive, negative and special reasons criteria, the burden of proof is great. Mr. Pascoe asks if the application is heard can it be heard again by the Board, Mr. Reid informs the applicant that no, the Board cannot hear it again, that an appeal would have to be filed in Superior Court and transcripts obtained, that is an expensive and lengthy process. Mr. Cook explains to the applicants that while they may have reasons for this request, it's the applicant's responsibility to prove hardship and that is property specific and not applicant specific.

Applicants request to carry until the next meeting. Mr. Cook requests the applicants to waive time requirements of the Board.

Motion was made to CARRY the application by W. Cook and seconded by K. Vaccaro with no notice requirement and time waiver.

ROLL CALL VOTE: W. Cook-yes; K. Vaccaro, yes; M. Dwyer-yes; C. Schwartz-yes; P. Dambroski, yes

Additional Business: The Board discussed available dates in February for a Special meeting. February 12th was selected.

Adjournment: The meeting was adjourned at 8:15 p.m. on motion by Mr. Cook and seconded by Mr. Dambroski. All in favor.

Respectfully submitted,

Erin Mathioudakis
Secretary