

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, July 23, 2020

**Manchester Township
Via Zoom Meeting
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, W. Cook, M. Dwyer, H. Glen, P. Dambroski, S. Brustman, R. Arace,
Members Absent: C. Schwartz

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

Administrative Session:

Approval of Minutes: June 25, 2020 meeting *with correction made under motion to approve bills to include both Ms. Vaccaro's name and vote of yes.

Motion to Approve by: Mr. Cook, seconded by Mr. Dwyer
Roll Call: Mr. Cook-yes, Mr. Dwyer, Ms. Vaccaro-yes, Messrs. Glen-yes,
Dambroski-yes, Ms. Brustman-yes, Ms. Fazio-yes

Payment of Bills:

#MTZBR7470 Invoice WW390031 for T & M Associates in the amount of \$483.00 for Case 20-46

#MTZBR7450 Invoice WW390029 for T & M Associates in the amount of \$483.00 for Case 20-44

#MTZBR7460 Invoice WW390030 for T & M Associates in the amount of \$483.00 for Case 20-45

#MTZBR7430 Invoice WW388599 for T & M Associates in the amount of \$1,127.00 for Case 20-42

Motion to approve by: Mr. Cook, seconded by Ms. Vaccaro

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

Correspondence: The Secretary has nothing at this time.

Professional Reports: Nothing at this time from both professionals.

MEMORIALIZATIONS:

Memorialization of variance relief for a previously constructed single family dwelling on this lot having a rear yard setback of 25 feet where 26 feet is required. Applicant: Jared Graff Block 1.81 Lot 12 1824 Broadway Boulevard. Approved at the June 25, 2020 zoom meeting. Case 2040

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

ROLL CALL VOTE: W. Cook- yes, K. Vaccaro-yes, Messrs. Glen-yes, Dambroski-yes, Ms. Brustman-yes, Ms. Fazio-yes

A copy of the approved resolution is attached.

APPLICATIONS:

- | | | |
|--------------|--------------------------|-------------------|
| 1. Case 2038 | Chapman Enterprises, LLC | Block 66 Lot 2 |
| | 615 Montana Drive | 3858 Ridge Avenue |
| | Toms River, NJ | Zone PR-15 |

Chairwoman Fazio reviews variance request and Engineer's review letter. Mr. Richard Stanzione, applicant's attorney presented Exhibit A1- a notice of decision from 1976 Zoning Board of Adjustment that was adopted for this property. Ms. Fazio asks to review requests for waivers, page 3, numbers 1-10 of the Board Engineer's letter. Mr. Stanzione states that they intend to bifurcate the application and come back before the Board for a site plan application. Mr. Robert Harrington of East Coast Engineering with 25 years as an engineer was sworn in and credentials were accepted. Mr. Harrington testifies that based on a violation letter from the Zoning Officer, he wants the non-conformities to be addressed and all but one of the non-conformities pre-date the zoning ordinance. Mr. Harrington states that the container storage is not open to the public additionally the site is not a business so therefore a determination for parking is not required. Mr. Harrington also states that there are no changes to the drainage as all landscape is being left the way it is and no changes to the site plan are being sought at this time. Mr. Reid explains that items 1, 2, 5, 6, 7, will be addresses during the testimony. Mr. Glen disagrees, several businesses operating there so parking should be addressed. Mr. Stanzione states all businesses have been eliminated, that they are wholesale and distribution only, no customers. Mr. Glen points out that the is landscaping and paving and trucks on the property. Mr. Stanzione states that Best Paving is no longer operating and will be addressed by Mr. Chapman. Mr. William Chapman of 615 Montana Avenue was sworn

in. Mr. Stanzione inquired of Mr. Chapman's position in the company and when the company started. Mr. Chapman states he is President of Chapman Enterprises and it was established in April of 2000, he purchased the garden center and turned it into wholesale over 10 years ago. Mr. Stanzione asked what was Mr. Chapman's relationship to Best Paving, Mr. Chapman testified that he was the Secretary/Treasurer for the company and that back in 2011, the landscape items were added like pavers, stones, landscape stone and bricks. Mr. Stanzione asks if Mr. Chapman received a notice of violation from the Township's Zoning Officer and subsequently met with the him. Mr. Chapman replied yes to both questions. Mr. Stanzione asked Mr. Chapman if he has remedied any of the issues mentioned in the notice. Mr. Chapman replied that the pergola was removed, the pool was filled in and the metal frame tent was removed all by way of permit. Mr. Stanzione confirmed that the pool has been filled in, he also inquired to the commercial sign, Mr. Chapman testified that it has been removed. Mr. Stanzione requested Mr. Chapman review the chicken coops on the property. Mr. Chapman stated that they are currently utilized as storage. Mr. Stanzione inquired about the trailers and containers on the property and would the applicant eliminate them. Mr. Chapman stated that they are there for overnight parking only and yes he would eliminate them. Mr. Stanzione inquired to how that began-the overnight parking, Mr. Chapman replied it started as a favor, guys struggle with finding a place to park overnight. Mr. Stanzione asked if the intent was to continue the garden center use with items such as rocks and gravel, Mr. Chapman replied yes. Mr. Cook inquired about the tank on the property-is it diesel and if Best Paving is still in business, Mr. Chapman replied yes to both. Mr. Dambroski asked what businesses currently operate there, if Building #7 was an auto repair, what types of chemicals are stored and about storm water. Mr. Chapman testified that Manchester Gardens & Ultimate Landscaping are the businesses, Building #7 is waste oil only with equipment stored both inside and out, the chemicals are pesticides and all water stays on property. Mr. Cook asked about the waste oil, Mr. Chapman stated it's a 175-gallon tank. Mr. Dambroski asked about the fence and if it's barbed wire, about the fire hydrant on the property and the well on the property if it feeds the house. Mr. Chapman states the fence is chain linked, the hydrant will remain and the well does not feed the house and was just tested. Mr. Stanzione states there is no residency, no occupancy at the home on the property.

Mr. Rohmeyer asks if the applicant would be willing to do an environmental impact study since there is concerns on how the property has been impacted over the years. Ms. Fazio states there is concern that the property has been leased since 2011 with asphalt storage and overnight truck parking. Mr. Reid states that testimony will flush concerns and it would only be relevant to variance testimony, Ms. Fazio states the Board understands the issues for the site plan. Mr. Stanzione states the applicant would be willing to a submit a Phase I for present initial indications on the property. Mr. Reid inquires to Mr. Rohmeyer will a Phase I address all waivers, Mr. Rohmeyer replies no but will address environmental impact. Mr. Stanzione reiterates that there are no changes to the site at this time. Mr. Cook asserts that bifurcating the variance all these issues still stand. Mr. Reid reiterates that the Board has concerns with the waivers listed.

Motion for 5-minute recess by: Ms. Brustman, seconded by Mr. Cook
Roll Call: All in Favor

Motion to Resume by: Ms. Brustman, seconded by Mr. Dwyer
Roll Call: All in Favor

Mr. Stanzione- the applicant would like to withdraw the application without prejudice, not really prepared to address all the waivers and in light of the current climate would take months for professionals to prepare these items.

Motion to withdraw without prejudice by: Ms. Brustman, seconded by Ms. Vaccaro
Roll Call: All in Favor

Adjournment: The meeting was adjourned at 7:15 p.m. on motion by Ms. Vaccaro and seconded by Ms. Dwyer. All in favor.

Respectfully submitted,

Erin Mathioudakis
Secretary