

MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, September 24, 2020

**Manchester Township
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, C. Schwartz, P. Dambroski, S. Brustman,
Members Absent: R. Arace,

Also Present:

C. Reid, Board Attorney, Jason Worth, Board Engineer

Administrative Session:

Approval of Minutes: August 27, 2020 meeting

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

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

Correspondence: Mr. Reid reviews an email received from RC Shea & Associates, applicant's attorney for Case #20-39 requesting the case be carried to Thursday, November 12th meeting with no further notice if this application.

Professional Reports: Nothing at this time from both professionals.

Payment of Bills:

#MTZBR7390 Invoice WW392623 for T & M Associates in the amount of \$241.50 for Case 20-38

#MTZBR7510 Invoice WW392624 for T & M Associates in the amount of \$483.00 for Case

20-51

#**MTZBR7480 Invoice WW391327** for T & M Associates in the amount of \$885.50 for Case 20-47

Invoice No. 41012 for Christopher Reid, Esq. in the amount of \$345.00 for Case 20-41

Invoice No. 41013 for Christopher Reid, Esq. in the amount of \$420.00 for Case 20-44

Motion to approve by: Mr. Cook, seconded by Mr. Dwyer

Roll Call: Mr. Cook-yes, Mr. Dwyer-yes, Ms. Vaccaro-yes, Messrs. Glen-yes, S c h w a r t z-yes, Dambroski-yes, Ms. Fazio-yes

MEMORIALIZATIONS:

Memorialization of 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 4,225 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. Applicant: Reliable Cleaning Block 1.41 Lot 19, 20, 21 1332 Third Avenue Approved at the August 27, 2020 meeting. Case 2044

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. Dwyer-yes, Glen-yes, Dambroski-yes, Ms. Brustman-yes, Ms. Fazio-yes

Memorialization of variance relief to construct a sunroom on the side of an existing dwelling where a separation distance between buildings of 32.5 feet where a minimum of 40 feet is required. Applicant: Philomena Mullen Block 75 Lot 85.327 7B Hancock Drive Approved at the August 27, 2020 meeting. Case 2041

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. Dwyer-yes, Glen-yes, Dambroski-yes, Ms. Brustman-yes, Ms. Fazio-yes

APPLICATIONS:

- | | | |
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| 1. Case 2043 | Angel & Brenda Rivas
203 Atlantic City Blvd.
Beachwood, NJ 08722 | Block 1.13 Lots 16 &21
1932 First Avenue
Zone R10 |
|--------------|--|---|

Chairwoman Fazio reviews variance request. Requesting variance relief to construct a new single family dwelling with a finished first floor elevation of 7.18 is proposed where 4 feet above average centerline road grade is permitted.

Brenda & Angel Rivas of 213 Atlantic Boulevard, sown in. Jason Marciano with East Coast Engineering, over 21 years' experience as a professional planner and professional engineer, credentials accepted. Mr. Marciano explains only one variance being sought, First Avenue is the most southerly road in the Pine Lake Park section, there are no neighbors to the south or east,

Cumberland is a paper street. The lot is 150x100. The proposed home is a 2 story, 2 car garage with a basement with all septic and drywell specifications met. Mr. Marciano testifies that the home as proposed meets or exceeds all setback & bulk requirements. The building height from grade to rafter is 29.53'. Mr. Marciano also testifies that the road slopes to the east at an average of 58.17' putting the home at 7.18' above the crown of the road. The plot plan is dated April 23, 2020. Mr. Marciano also states that the elevation is on a diagonal across the lot of 57.1' to 59.28' from the front right corner to the back left corner, creating over 8' of elevation across the lot. Mr. Marciano also states that based on architectural codes that as proposed the foundation has met the max backfill requirements. A small retaining wall will be built, they worked on getting the elevation down as much as possible to ensure there is no drainage issues on the property. Mr. Marciano testifies that he's been before this Board before for this same variance but some lots can't get it to under the 4' requirement. Ms. Fazio asks about the T&M letter that indicates 63, Mr. Worth explains it's a typo and should read 65.35. Mr. Marciano points out that the chart on page 2 does refer to the correct elevations, also page 3 65.3' @7.18' still places the home under the building height requirement for the zone. Mr. Marciano also states that no waivers are being requested. Mr. Marciano testifies that he believes that this falls under a c1 or c2 as the uniqueness of the topography of the lot. The homes on Second Avenue look out over the roof and essential have walk out basements. Mr. Marciano also testifies there will be no detriment to the master plan, zoning plan or public good with the granting of these variance. By meeting all the required setbacks, there will be no violation of light, air & open space. Mr. Marciano also testifies that the lot is 50% larger than most PLP lots and coverage on the lot has not been exceeded, the building coverage is 18% and impervious coverage is 26.4%. Mr. Marciano also states that if they were able to reduce the elevation by the 3' that would eliminate the need for any variance. Mr. Marciano additionally points out that all roof runoff will go to the proposed drywell.

Mr. Worth inquires if the drywells as proposed have been sized, Mr. Marciano states yes, and the soils on the property are sandy, Mr. Worth asks if the basement can be lowered, Mr. Marciano testifies that only 6' of backfill is allowed by code, they would have to change the entire foundation design on the rear of the home 2' is exposed and in the front it is 3.5' and will be covered mostly by landscaping, so it will not be easily seen. Mr. Worth asks about the material on the foundation, Mr. Marciano states it's a stone front. Mr. Worth inquired about parking at the property, Mr. Marciano states that 3 spots are required and the home has a two car garage and 2 spots in the driveway. Mr. Worth asked about replanting for the property, Mr. Marciano states that sufficient trees will be left. Mr. Worth asked about lot consolidation, Mr. Marciano states it's done already, Mr. Reid inquires as to when, Mr. Marciano states it was recorded in June. Mr. Reid points out that it is a beautiful home, Mr. Marciano testifies that it fits in with the character of the neighborhood, there are about a 50/50 mix of ranch and 2 story homes. Mr. Cook inquires about the lot to the right when facing the property, Mr. Marciano points out it is a town owned 25x100 lot, Mr. Cook asks if he believes it will remain wooded, Mr. Marciano-yes. Mr. Dwyer inquires about the paper street, Mr. Marciano states that it is on Cumberland and that 1 or 2 have been vacated and generally remain that way.

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

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

ROLL CALL VOTE: W. Cook-yes; M. Dwyer-yes; K. Vaccaro-yes, Messrs. Glen-yes, Schwartz-yes, Dambroski-yes, L. Fazio-yes.

2. Case 2047	David & Lois Nichols	Block 99.162 Lot 2
	5011 Treely Road	1661 Cabot Avenue
	Chester, VA	Zone WTR-40

Chairwoman Fazio reviews variance request, variance relief to construct a single family dwelling, where the subject property's frontage is not proposed in accordance with Township Standards for improved streets. Lois and David Nichols of 5011 Treely Road Chester, VA sworn in. Lois Nichols states the property is a one-acre lot with the road paved up to 63' and the rest is a hard sand road and the driveway for the home will be set on the paved portion of the road and there is a cul-de-sac. David Nichols states that the cul-de-sac is used for bus, FedEx turnabout. Mr. Worth asks why the home is tied into the cul-de-sac, Ms. Nichols replies that maybe Scope Engineering suggested this to them. Mr. Worth points out that this a 1 story home with a detached garage and the question before the Board is if the roadway is not improved all the way if the existing roadway is sufficient. Mr. Worth points out the finished floor elevation is at 5.94', Mr. Nichols explains it will be a 5 course block foundation so there is access to the crawlspace. Mr. Worth asks if the roof run-off will go to the drywells on the property, Ms. Nichols-yes. Ms. Nichols states that they have received their Pinelands approval for development. Mr. Worth inquiries how many bedrooms, how many parking spaces and have they received Board of Health approval, Ms. Nichols testifies there are 3 bedrooms, at least 3 parking spaces and yes, they have Board of Health approval. Mr. Worth where is the street light located, Ms. Nichols on the corner of the lot. Mr. Worth asks how wide is the sand road, Ms. Nichols as wide as the paved road, Mr. Worth about 30'? Ms. Nichols-yes. Mr. Worth, the Township requires that the road be paved, what reason or hardship is there, Ms. Nichols-honestly, financial, the Pinelands Approvals required more than anticipated and really threw off the project. Mr. Worth inquiries that the building height will not be exceeded for the zone, Ms. Nichols-that is correct. Mr. Worth notes that the review letter addresses items that need correction- Ms. Nichols- Scope Engineering has already done these corrections. Mr. Reid inquiries where is the Engineer, Ms. Nichols- he couldn't be here tonight. Mr. Cook asks if the cul-de-sac states there is no problem with that- Ms. Nichols-no. Mr. Dambroski asked if the block can be lowered? Mr. Nichols yes just put the footings lower. Additional discussion Mr. Reid you understand the need for this variance and if not approved will have to comply with the 4'-Mr. Nichols-yes.

OPEN PUBLIC PORTION:

Walter Jankowski-1641 Cabot Avenue-sworn in. The road in question has serious flooding issues, police and buses use the cul-de-sac-cannot get rid of it. Tara Jankowski-lived here since Sept. '81-sworn in-the road has been graded but continues to flood.

Mr. Worth states that the property grades toward the rear, all roof leaders will go into the drywell, no runoff on the street from the structure, minimal water runoff from the driveway. Ms. Nichols we will leave the driveway; Mr. Nichols drywells will be built. Mr. Worth suggested an area near the driveway for an additional drywell, Mr. Nichols-yes, Chairwoman Fazio inquired to objectors if their questions had been satisfactorily answered-Mr. Jankowski-yes.

Mr. Glen-this is a dirt road-what happens if left-does that make the next owner required to pave. Mr. Worth accurate and true concern. Mr. Reid-required frontage, Mr. Worth it wouldn't leave a gap. Chairwoman Fazio-good comment. Mr. Glen believes that with development that's why this

ordinance exists. Board discussion of existing paper roads, dirt roads, other homes on dirt roads. Mr. Cook asks if a condition could be a local assessment-Mr. Reid no-it's either approve or deny-cannot condition future. Mr. Cook inquires about another cul-de-sac; Mr. Nichols it corners at the end. Mr. Jankowski-corner is already paved. Mr. Nichols removes request for first floor elevation variance will comply. Mr. Reid reviews with Board positive criteria and no detriment.

CLOSED PUBLIC PORTION

Motion to **DENY the application** by H. Glen and seconded by W. Cook

Mr. Nichols comments that paving the road will create more water in the future.

ROLL CALL VOTE: H. Glen-yes, W. Cook-yes; K. Vaccaro-yes, M. Dwyer-no; Schwartz-yes, Dambroski-no, L. Fazio-yes.

Mr. Reid points out that the applicant has the right to appeal decision, suggests they seek legal counsel and that their Engineer should have been here to help with presentation.

3. Case 2042	Derek Arnold	Block 1.41 Lot 11
	1316 Third Avenue	1316 Third Avenue
	Manchester, NJ	Zone R10

Chairwoman Fazio reviews variance request for relief to construct an addition on the rear of an existing dwelling with a proposed rear yard setback of 17.5 feet where 26 feet is permitted and a maximum lot coverage of 40.59% where 35% is permitted. Derek Arnold of 1316 Third Avenue sworn in. Starting with letter from T&M, Mr. Worth points out a rear yard setback of 17.5' and a lot coverage of 40.59% with the 18x14 addition. Mr. Arnold submits 2 photos- marked as Exhibit 1 & 2, Mr. Reid please describe and when were they taken, Mr. Arnold this a.m. and to demonstrate the addition will not exceed existing footprint from different angles. Mr. Worth no detriment to zone, Mr. Arnold will match existing, Mr. Worth any impact on light, air and open space, Mr. Arnold-no. Mr. Worth-describe existing fence -Mr. Arnold 6' cedar plank fence. Mr. Worth testify to need, Mr. Arnold-this was father's home, need room for growing family-kids are getting older. Mr. Worth points out that currently the lot coverage is at 38%-what will address storm water -Mr. Arnold-the engineer's report indicates drywells to be installed. Mr. Worth-sized correctly? Mr. Arnold-yes, this addition does not create an additional bedroom. Mr. Worth-existing parking -Mr. Arnold-1 car garage, 2 in driveway. Mr. Reid clarifies that there is already a non-conforming condition -Mr. Arnold-yes. Mr. Glen-any drawings of proposed addition -Mr. Arnold Ex. A3 in packet. Mr. Schwartz-flat roof? Mr. Arnold-pitched roof.

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

Mr. Glen coverage already exceeded-drywells on all downspouts? Mr. Arnold-no, not on all. Mr. Reid to Mr. Worth can that be conditioned -Mr. Worth-yes engineer could design proper drywells for the lot. Mr. Glen-the whole house -Mr. Worth-yes. Chairwoman Fazio-the addition will match existing roofing and siding -Mr. Arnold yes.

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

ROLL CALL VOTE: W. Cook-yes; K. Vaccaro-yes, Messrs. Dwyer-yes; Glen-yes, Schwartz-yes, Dambroski-yes, L. Fazio-yes.

General Discussion: Board discussed amending application to withdraw without prejudice, avoid appeal, the Engineer for the Board should not provide testimony, burden is on applicant, reasons for ordinance, res judicata, and money a significant factor on paving, can cost an upward of \$10K.

Adjournment: The meeting was adjourned at 7:52 p.m. on motion by Mr. Cook and seconded by Mr. Dambroski. All in favor.

Respectfully submitted,

Erin Mathioudakis
Secretary