

**MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
ZOOM REGULAR MEETING  
Thursday, March 25, 2021**

**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 6:40 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, H. Glen, P. Dambroski, S. Brustman  
Members Absent: M. Dwyer, C. Schwartz, R. Arace

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

**Administrative Session:**

**Approval of Minutes:** February 22, 2021 meeting \*w/ corrections

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

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

**Payment of Bills:**

#MTZB R7560 Invoice SE402735 for T & M Associates in the amount of \$523.25 for Case 20-56

#MTZB R7400 Invoice SE402732 for T & M Associates in the amount of \$80.50 for Case 20-39

#MTZB R7440 Invoice SE402733 for T & M Associates in the amount of \$281.75 for Case 20-43

#MTZB R7481 Invoice SE402734 for T & M Associates in the amount of \$845.25 for Case 21-58

#MTZB R7550 Invoice SE401163 for T & M Associates in the amount of \$120.75 for Case 20-55

#MTZB R7550 Invoice WW395640 for T & M Associates in the amount of \$563.50 for Case 20-55

#MTZB R7430 Invoice SE401160 for T & M Associates in the amount of \$241.50 for Case 20-42

#MTZB R7510 Invoice SE401161 for T & M Associates in the amount of \$281.75 for Case 20-51

#MTZB R7530 Invoice SE401162 for T & M Associates in the amount of \$120.75 for Case 20-53

#MTZB R7560 Invoice SE401164 for T & M Associates in the amount of \$80.50 for Case 20-56

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

Roll Call: Mr. Cook-yes, Ms. Vaccaro-yes, Messrs. Glen, 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, April 22<sup>nd</sup> meeting with notice of this application being required to include Zoom meeting information. Motion to Carry by: Mr. Cook and seconded by Ms. Vaccaro. Roll Call: All in Favor.

**Professional Reports:** None at this time.

**MEMORIALIZATIONS:**

It was notes that members would like to receive these in advanced of the meeting.

Memorialization of a Use variance for the construction of a multi-tenant/ warehouse building with indoor storage, where the proposed use “Warehouse Building” is not permitted in the TC zone. Additional bulk variances include a minimum lot area where 10 acres is required and 4.99 acres is provided, a minimum lot frontage of 500 feet is required where 197.82 feet is provided, a minimum lot width of 500 feet is required where 197.82 feet is provided, a minimum improvable lot area of 200,000 sq. ft. is required where 111,778 sq. ft. is provided and a minimum floor area of 60,000 sq. ft. is required where 30,400 sq. ft. is provided. Applicant: Yosef Rothenberg Block 46 Lots 7.01 2671 Route 37 Approved at the February 25, 2021 meeting. Case 2056

This resolution was **APPROVED w/ conditions** on a motion by W. Cook and seconded by K. Vaccaro. \*Edit-typo in line i- hours at site plan, remove general warehouse not in code book

**ROLL CALL VOTE:** Mr. Cook-yes, Ms. Vaccaro-yes, Mr. Glen-yes, Mr. Dambroski-no, Ms. Fazio-yes

**APPLICATIONS:**

- |              |                       |                       |
|--------------|-----------------------|-----------------------|
| 1. Case 2157 | Kevin Kura            | Block 99.239 Lot 5    |
|              | 1300 Tuckerton Avenue | 1300 Tuckerton Avenue |
|              | Manchester, NJ        | Zone WTR-40           |

Ms. Fazio reviews variance requesting to construct a detached accessory structure- 30’x 40’ x 16’ Pole Barn as well as a six-foot solid fence in front yard area. The subject property is located within the WTR 40 where a maximum of 1,000 square feet is permitted for all accessory structures, where a garage pole barn structure is proposed with 1,200 square feet, where a six foot solid fence is not permitted in the front yard area, where a six foot solid fence is proposed with a six foot setback on

Pershing Avenue, where a six foot solid fence is not permitted in the front yard area, where a six foot solid fence is proposed with a one foot setback on Price Avenue. Kevin Kura, 1300 Tuckerton sworn in. Ms. Fazio lets applicant know he must provide testimony that supports variance in that there will be no negative impact and is substantially good for the neighborhood. Mr. Rohmeyer review T&M letter. Price-paper street opposite Tuckerton. Max. allowed 1,000 sq. ft., proposed at 1,200 sq. ft. 6' solid in front yard on Pershing and Price, must come back 10 feet off Pershing to avoid the site triangle. Mr. Rohmeyer inquires what is the reason? Mr. Kura states for personal use and projects, for cars 2 post lift not straddle, would have to push back to have more room otherwise, right side will be used as more of a shed. Mr. Rohmeyer-size of lot accommodates- Mr. Kura-yes. Mr. Rohmeyer inquiries into negative impact, materials and when property was acquired. Mr. Kura- no negative impact, normal to this area, no detriment, corrugated metal sheathing, 1' eaves, keep residential looking-two colors, 2017 permits to build home, about 4 months ago for these permits. Mr. Cook how many vehicles and lifts, Mr. Kura 3 vehicles and 1 lift. Mr. Cook cars onto lift, Mr. Kura 30 x 32 centered to vehicle, if 2 posts always where doors open, Mr. Cook couldn't you just move one? Mr. Kura-yes but the 8' adds versatility. Mr. Glen-business use, Mr. Kura- no personal only. Mr. Rohmeyer-existing driveway access- Mr. Kura-yes. Mr. Rohmeyer-the other surrounding lots -Mr. Kura all residential. Mr. Rohmeyer-clear wooded area -Mr. Kura- as needed would like to keep 25' buffer, Mr. Rohmeyer buffer off property, fence between trees and reason for fence- Mr. Kura buffer on property, fence between trees, fence needed for safety for kids and pets. Mr. Rohmeyer- fence to be places 10' off Pershing to avoid site triangle- Mr. Kura runs parallel to Lake, wooded property, can't imagine it being developed, will make modification if development occurs. Mr. Rohmeyer at least 5' from Pershing, outside of site triangle, Mr. Kura-yes. Mr. Glen fence on Pershing inside or outside of the evergreens- Mr. Kura inside the evergreens, soften the look same as the front. Mr. Rohmeyer other properties with similar fencing- Mr. Kura- yes, on Elizabeth, Pershing, Coolidge. Ms. Fazio- 6' fence- Mr. Kura- yes. Mr. Rohmeyer- Pinelands approval? Mr. Kura- yes with home doesn't believe required now. Mr. Rohmeyer determine if required or letter of no interest, Mr. Kura- yes. Mr. Rohmeyer- any issues with storm water? Mr. Kura- no lowest point on block, corner doesn't affect neighbors. Mr. Dambroski- will there be gutters, concerns with storm water, Mr. Kura- yes there will be gutters and storm water dissipates into lot. MR. Rohmeyer- install French drain- Mr. Kura would want to anyway 30 x32 not required but would if need to, Mr. Rohmeyer-could be condition. Ms. Fazio comments on large size, Mr. Glen comments quite a distance doesn't think it would be problem, Mr. Rohmeyer agrees. Mr. Cook confirms gutters. Mr. Rohmeyer already has drywell. Mr. Cook inquiries about color- Mr. Kura white trim, gray color, close to house color. Mr. Rohmeyer-white fence? Mr. Kura- yes. Mr. Cook inquiries about heat, Mr. Kura electric utilities, propane portable heater, Mr. Cook in building not a good idea. Mr. Kura could do natural gas line. Mr. Reid can condition. Mr. Rohmeyer confirms not habitable space- Mr. Kura that's correct.

OPEN PUBLIC PORTION FOR QUESTIONS FOR ENGINEER ONLY: Hearing none CLOSED PUBLIC PORTION

Mr. Rohmeyer clarify fence on Pershing 5' it is recommended at 10' must move 5' back if developed. Mr. Reid condition fence must be moved if developed. Mr. Kura agrees. Ms. Vaccaro inquiries if Mr. Kura no longer owner, how to enforce-deed restriction? Mr. Reid-variance runs with land. Ms. Fazio reviews conditions-gutters, fence inside evergreens, 25' buffer in back, Mr.

Kura clarifies around whole backyard, also fence to be moved from site triangle, Mr. Cook- no propane and Pinelands. Mr. Reid adds no habitable space.

Motion to **Approve with conditions** by: Mr. Cook, seconded Ms. Brustman

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

2. Case 2158	David & Lois Nichols	Block 99.162 Lot 2
	5011 Treely Road	1661 Cabot Avenue
	Chester, VA	Zone WTR-40

Ms. Fazio reviews variance requesting relief to construct a single family dwelling, applicant is proposing to provide +/- 70 feet of semi-improved frontage, where 195 feet of improved frontage is required, where the subject property's frontage is not proposed in accordance with Township Standards for improved streets.

Mr. Cook asks if this falls under res judicata. Mr. Reid- Mr. Rohmeyer and Mr. York to explain. Mr. York, applicant's attorney, NJSA 40:55D-70c-previously applied, NJSA 40:55d-36-entirely different, doesn't need any variance not on an improved street. Mr. Reid- maybe appeal not a new application, focusing on relief how is it different? Mr. York res judicata not applicable. Mr. Rohmeyer-not at previous meeting cul-de-sac previously removed now keeping it. Mr. York-cul-de-sac installed by Town illegally. Ms. Fazio-is the same case? Mr. York-no application has changed will use cul-de-sac as frontage. Mr. Cook refers to page 3 of T&M letter- variance is required. Mr. York- 40:55d36- refers to 26 & 35-permit allow for access, lot conforms with ordinance, case law 70c does not apply, taking up a road, now using a road. Mr. Rohmeyer-maintain cul-de-sac, Mr. Reid back to letter from T&M, Mr. Rohmeyer- yes based on access to property. Ms. Fazio- How? Mr. Rohmeyer- not removing cul-de-sac- Board has right. Mr. Cook- 1<sup>st</sup> floor elevation-EM not applicable. Mr. Rohmeyer- reviews Zoning Officer denial. Mr. York-ZO got it wrong on the 1<sup>st</sup> time- no variance required, Mr. Reid did this cover res judicata, Mr. Cook- not an A variance, Mr. York- not going for A, not an application for zoning, look at Cox-planning not zoning, clear & obvious-improved street- Section 36 no positive/negative criteria-different standard, test adequate access on cul-de-sac, applicant has right to build. Mr. Reid- now clarified what is the difference. Ms. Fazio- appeal vs. different application. Mr. Reid- Mr. York is referring to language in statute. Ms. Fazio-clarity obtained. Mr. Cook -yes 36 follows 35. Mr. York must have adequate access 40:55-35 prior appeals section. Ms. Fazio- everyone good. Yes.

Mr. York adequate access mean can approach be made by vehicles, emergency, etc. Frontage on cul-de-sac not to Township standards no different than up and down the road, previous question from neighbors about drainage- will hold on this property, not adding to any flooding will actually reduce, no increase to impervious surface. Mr. Andrew Stockton, professional planner, professional engineer in NJ, NY & MD, with Scope Engineering, sworn in and credentials accepted. Mr. York- location, street, other homes on Cabot- Mr. Stockton- located in the WTR40 zone, 200' x 220' along Cabot, 4 other homes, 2 @ intersection of Cabot & Grant. Mr. York-similar construction to Cabot- Mr. Stockton- yes on Zeppelin, a sand cul-de-sac. Mr. York cul-de-sac effect, Mr. Stockton- southwest corner of property, 600' from Grant Avenue, 6 homes

built late 70's meets temporary cul-de-sac definition. Mr. York- how much cul-de-sac, Mr. Stockton 75', diameter 70' R.O.W. 50' actually encroaches homeowner's lot. Mr. York- municipality constructed cul-de-sac, Mr. Stockton- yes seems to be the case. Mr. York- homeowner would have to provide easement to Town- Mr. Stockton-yes. Mr. York- adequate emergency vehicle access, Mr. Stockton- yes 245-81k 32' radius 64' diameter, ours is larger, exists for long time, school bus, deliveries, etc. just fine. Mr. York- use of property, Mr. Stockton- a new single family home with both an attached and detached garage with driveway access from cul-de-sac. Mr. York- driveway description, Mr. Stockton 12' wide and paved adequate for vehicles. Mr. York meets RSIS and all standards met for access, Mr. Stockton- yes, other end of Zeppelin has similar cul-de-sac. Mr. York if improved not an application- Mr. Stockton- correct if extended greater than 600' from intersection actually violates ordinance. Mr. York- regardless of design of Cabot-Mr. Stockton-yes. Mr. York- 200' of improved street significant undertaking- Mr. Stockton- yes. Mr. York is there a plan for trees and saving them- Mr. Stockton-yes. Mr. York- testimony to storm water, Mr. Stockton- storm water toward Cabot Avenue from rear of property, no change to pattern, 2 re-charge areas with slight depression, volume greater than needed, both rooftop and impervious area collected before allowing run-off from property. Mr. York- not usual for on-site drainage, Mr. Stockton yes, usually smaller seepage put is planned. Mr. York- have soil borings been conducted- Mr. Stockton yes- 12' & 11'6 and did not hit any water. Mr. York-please provide testimony to bedrooms, parking and street trees, Mr. Stockton- 3-bedroom home, 2.5 parking spaces plus 3 more in both the attached and detached garage, seeking waiver from trees based on septic and driveway locations. Mr. York- are there street lights and curbing, Mr. Stockton- yes street lights, curbing no the neighborhood does not have any. Mr. York is this home consistent with the neighborhood- Mr. Stockton- yes single family homes. Mr. York water and sewer, Mr. Stockton- well water and septic. Mr. York- the detached garage no habitable space and will electric & water, Mr. Stockton- correct no living space and a hose bib and electric. Mr. York and storm water- Mr. Stockton larger than necessary. Mr. York-your opinion on appeal 40:55d36- Mr. Stockton- yes and appropriate.

Mr. Rohmeyer- inquiries to lots beyond the property-vacant? Mr. Stockton-yes to the north and east, Harrison a sand road with temporary cul-de-sac. Mr. Rohmeyer opines that this is a Pinelands managed area and will most likely remained undeveloped. Mr. Rohmeyer- meets safety vehicle requirement- Mr. Stockton- yes been there since the late 70's cul-de-sac since then. Mr. Cook- location of fire hydrant- Mr. Stockton- don't know. Mr. Glen- can you explain temporary? Mr. Stockton- by definition, R.O.W. exists beyond possible roadway extension, Town decides. Mr. Glen next lot developed who's responsible- Mr. Stockton- I believe Mr. Rohmeyer just went over Pinelands managed area- has greater restrictions.

#### OPEN PUBLIC PORTION FOR QUESTIONS FOR ENGINEER ONLY:

Tara Jankowski-Batson- saw property for sale beyond this property, obligation of property owner, property to north. Mr. Stockton actually in different Pinelands zone. Ms. Jankowski-Batson- there is curb on rest of street. Mr. Stockton- not proposed on cul-de-sac. Ms. Fazio- could require at cul-de-sac, Mr. Rohmeyer- may create drainage issue, Mr. Stockton agrees.

CLOSED PUBLIC PORTION

OPEN PUBLIC PORTION:

Ms. Jankowski-Batson- was at last meeting, still doesn't see how it is different application. Mr. Rohmeyer- leaving cul-de-sac where before it was being removed- remains for safety.

CLOSED PUBLIC PORTION

Mr. York- the ZO lacks this authority, case law to this matter, only the ZBA can. Mr. Glen goes through to Harrison-must improve in front of your own property, everyone should be paying their fair share, not barricaded off by Town-allows through traffic. Ms. Fazio-yes, discussed previously will easement grant put onus on Town? Mr. Rohmeyer- possibly-doesn't seem likely next lot to be developed. Mr. York- needs Pinelands approval and permit; Town can assess to everyone on street in future- statute is clear-fair share pay. Mr. Dambroski comments on end of Harrison & several homes on dirt roads in Whiting.

Motion to **Approve with conditions** by: Mr. Cook, seconded Ms. Brustman

Roll Call: Mr. Cook-yes, Ms. Brustman-yes, Ms. Vaccaro-no, Mr. Glen-no, Mr. Dambroski-yes, Ms. Fazio-yes.

Oaths of Office: Ms. Stacie Brustman

**Adjournment:** The meeting was adjourned at 9:03 p.m. on motion by Ms. Vaccaro and seconded by Ms. Brustman. All in favor.

Respectfully submitted,

Erin Mathioudakis  
Secretary