

**MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
ZOOM REGULAR MEETING  
Thursday, April 22, 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 6:34 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, C. Schwartz (arrived 7:05pm), P. Dambroski, S. Brustman  
Members Absent: M. Dwyer, H. Glen, R. Arace

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

**Administrative Session:**

**Approval of Minutes:** March 25, 2021 meeting \*w/ corrections

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

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

**Payment of Bills:**

#MTZB R7570 Invoice SE401165 for T & M Associates in the amount of \$684.25 for Case 21-57

#MTZB R7481 Invoice SE403961 for T & M Associates in the amount of \$281.75 for Case 21-58

#MTZB R7510 Invoice SE403962 for T & M Associates in the amount of \$161.00 for Case 20-51

#MTZB R7560 Invoice SE403963 for T & M Associates in the amount of \$80.50 for Case 20-56

#MTZB R7570 Invoice SE403964 for T & M Associates in the amount of \$120.75 for Case 21-57

#MTZB R7400 Invoice SE403960 for T & M Associates in the amount of \$563.50 for Case 20-39

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

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

**Correspondence:** None at this time.

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

**MEMORIALIZATIONS:**

Memorialization 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. Applicant: Kevin Kura Block 99.239 Lots 5 1300 Tuckerton Approved at the March 25, 2021 meeting. Case 2157

This resolution was **APPROVED w/ conditions** on a motion by W. Cook and seconded by S. Brustman.

**ROLL CALL VOTE:** Mr. Cook-yes, Ms. Brustman-yes, Ms. Vaccaro-yes, Mr. Mr. Dambroski-yes, Ms. Fazio-yes

Memorialization 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. Applicant: David & Lois Nichols Block 99.162 Lots 2 1661 Cabot Approved at the March 25, 2021 meeting. Case 2158

This resolution was **APPROVED w/ conditions** on a motion by W. Cook and seconded by S. Brustman.

**ROLL CALL VOTE:** Mr. Cook-yes, Ms. Brustman-yes, Ms. Vaccaro-yes, Mr. Mr. Dambroski-yes, Ms. Fazio-yes

**APPLICATIONS:**

- |              |                      |                 |
|--------------|----------------------|-----------------|
| 1. Case 2039 | 141 Office Park, LLC | Block 109 Lot 5 |
|              | 128 Berger Street    | 141 Route 539   |
|              | Wood-Ridge, NJ       | Zone WTO-P      |

Ms. Fazio reviews variance requesting a Use variance for the construction of a 12-unit warehouse facility, where the proposed use “Warehouse Building” is not permitted in the WTO-P zone. Additional variances include a rear yard setback of 43 feet to the building where 50 is required, maximum lot coverage of 67.6% where 65% is permitted, a front yard setback (Sec. 245-28D2-parking area and drive aisle) of 5 feet to the proposed parking area where 20 feet is required, a rear yard setback (Sec. 245-28D2-parking area and drive aisle) of 5 feet to the proposed parking area where 25 feet is required, no delineated loading dock where a 12x35 loading area is required

(Sec.245-28E-Loading Area), a vegetative buffer width of 5 feet to the Eastern property line where 50 feet is required (Sec. 245-29B).

Mr. Reid reviews only 5 members present. Mr. Shea okay with 5 with no vote and absent Board members signing certifications to move forward. Mr. Reid objectors present, next meeting May 27<sup>th</sup>, can professionals be there for questions-1-yes, 1-no. Allyson Kassetta, attorney for Us Home Corp./Lennar, to cross examine and present Professional Planner Tiffany Morrissey.

Ms. Fazio not good idea-sounds like significant testimony. Mr. Shea-Board's decision, understands needs all five tonight. 7:05 pm Board member, Carl Schwartz joins meeting. Ms. Fazio-now six members present.

Mr. Shea- applicant is proposing a 10-unit contractor warehouse, 15,480 sq. ft. in the WTO-P, combo warehouse/office space-1,300 sq. ft./each, not in ordinance. Permitted uses quite a few- dentist, restaurant, etc., much more intense use than proposed, refrigeration like furs-atmospheric storage, Mr. Gemma to explain. Mr. Shea explains that it's directly adjacent to warehouse already there-been there for years-use is required-D1. Mr. Boel and Mr. Trano, applicants, comport with all requirements, no bulk variances, design waivers only, meets criteria. Mr. Shea states that the applicants started off with a larger building-problem with rear setback-pre-existing approval for a vintage car museum (not done, not economically feasible) with larger footprint, could have gone with that footprint, after discussion- reduced rear setback from 12 to 10, 50' setback now met, meets criteria in WTO-P, Mr. Boel and Mr. Trano concluded good type of use for this property- contractor home base with small office space. Mr. Shea reviews exhibit list.

Mr. Jeff Carr-Lindstrom, Diessner & Carr- Professional Engineer-sworn in, credentials accepted. Mr. Carr pump station to right of site on sheet 2, Sheet 3 one driveway circular access around building, each unit (each box shown)- overhead door on left side, man door and windows on right, no access on either end, parking outside perimeter, two trash enclosures, long vacant south side, storm water management basin. Ms. Fazio-not revised plan. Mr. Carr switches to correct one, 50' buffer with removal of two units. Mr. Shea original footprint based off approval from Planning Board, Mr. Carr copy of said plan (museum) extended as far as possible, over seventy parking spaces, encroached buffer, required setback not met. Mr. Shea-new revised plan, Mr. Carr- Ex. 3 created larger buffer. Mr. Shea inquired into building coverage, Mr. Carr- all bulk requirements met. Mr. Shea aerial p.o.v.-Mr. Carr-Ex. A1-300 scale, Mr. Shea the rear of the site- Mr. Carr-Ex. A2- to the north existing commercial, to the south the pump station, emergency access, does not serve development, homes under construction, 125' buffer being provided, 75' from other development (Woodlands), wooded area below pump station, south corner buffer actually increases, 6' vinyl fence-50' into subject property, 125' from residential property. Mr. Shea inquiries about the use, Mr. Carr- several buildings to north-warehouse-names not known. Mr. Shea asks about description of proposed building, does parking conform and any assembly or manufacturing on site? Mr. Carr provides the following testimony, the building located at the center of the lot, wider aisles, 30' wide, easier turning radius, vans, FedEx, box trucks, not tractor trailers, 40' larger turn into building, parking conforms more than needed here based on the number of employees. 43 spaces, could have 65 employees, not even close. 10 units-3 to 4 on average per unit, part-time, temporary, contractor type shops, like electrician with workers, no customers,

contractor pick up stuff in morning, secretary in office, unit bulk storage, low employee usage, plumbers, contractor, tradesmen. No assembly or manufacturing, no outside storage, no boats or trailers, no individual unit signs-directional only, for drop off deliveries. Ms. Fazio asks will this be open to the general public? Mr. Carr- not gated so not entirely closed off to the public, customers will not be there but secretary on site- check email, website, order supplies. Mr. Shea refers to 75' buffer not shown, Mr. Carr explains 50' natural buffer plus 6' vinyl fence shown, fence for 2 reasons: 1. Blocks headlights 2. Can maintain natural buffer beyond the fence. Mr. Shea inquires about overhead doors, lighting and hours-dusk until dawn. Mr. Carr states overhead doors on sides only, site light on Sheet 8 for circulation and parking, pole mounted, down and in toward site, edge toward building, and normal business hours, no evening hours generally but lighting needed in winter hours.

Mr. Shea asks about private carting and control of that operation via hours and by the Board. Mr. Carr- yes site doesn't generate a lot of waste usually, yes can control hours, it's also an enclosed area as well, and Board can condition. Mr. Shea refers to Ex. A4 and size of units. Mr. Carr- two units removed-overhead door, man door, open space, small 143 sq. ft. office for billing/ordering, bathroom, 66' deep, 40' aisle for maneuvering. Mr. Shea any car repairs? Mr. Carr- no, no auto, no manufacturing, can have something fixed to up front, like maybe a window sash or minor work related to the contractor. Mr. Shea asks Mr. Carr to review architectural drawings, Mr. Carr- 1 story, 16', gable, no doors on either end-face road and buffer, street view curb island with landscaping. Mr. Shea- grade to peak, below height in zone, heat/ac, contractor storage, Mr. Carr replies 27.5' at center, yes below height and reviews overhead doors, man door and windows, yes heat/ac, yes contractor storage. Mr. Rohmeyer agrees with testimony so far. Referring to T&M letter dated 3/23/21, Mr. Shea pages 1 & 2 accurate, Mr. Carr-yes. Mr. Shea- WTO-P multi-uses permitted, Mr. Carr yes-dentist, mental health offices, different hours, more in and out traffic, a fitness center with early morning hours, rec. center with weekend hours- more intense uses, full service restaurant, zone allows for more intense uses but doesn't mention this particular use. Page 4, paragraphs 3 and 4- hybrid use. Mr. Shea refers to restaurant use and parking, Mr. Carr larger building approved by Planning Board with 30 more spaces, opined as a restaurant over 70 spaces and larger building. Mr. Shea inquired about hours of that type of operation, Mr. Carr opined that it would be later into the day as well. Mr. Carr testified that there will be approximately 6 employees per unit, totaling 30 employees, hours would most likely not include weekends, tractor trailers restricted, no hazardous material except what is allowed per contractor, no explosives, small office with open space, water in street, storm water addressed, pump station-sewer, heat and cooled units, no outdoor storage, no boats, not good outside like bulk or landscaping, wall sign- no site ID, street side- directory of units sign for deliveries.

Mr. Shea confirms no outside storage, Mr. Carr correct nothing outside, Mr. Shea inquires that it will be more like switching from personal vehicle to business vehicle, Mr. Carr yes, often commercial parking not allowed in residential areas. Mr. Shea parking in building also, Mr. Carr- yes. Mr. Shea 43 spaces with potentially 10 inside, Mr. Carr- could easily fit 2 inside. Mr. Shea page 3, 1-5 any issues, Mr. Carr-no pump station, compatible to neighborhood. Mr. Shea noise reduced and use- Mr. Carr, correct, landscaping, street trees, yes, use aesthetically appealing. Mr. Shea- already satisfies parking, zoning criteria met, design standard, pg. 4 covered in testimony. Mr. Carr- yes believes exceeds parking requirement, yes, zoning met, meet and exceed lot

coverage, rear and side setbacks. Mr. Shea height below 40', 13' below, neighbors would see it if built as permitted in zone. Mr. Carr- yes. Mr. Shea testimony on waivers. Mr. Carr, odd shape angled lot, variance pg. 1 & 2, pg. 5 dedication to County, large landscape area to help mitigate, pg. 5 #3 loading area-overhead doors instead. Mr. Shea checklist, Mr. Carr landscape partial carry over from last application, water and sewer right in front of site, electric as well, SEIA completely developed all the way around, environmentally okay, OCPB and OC soils reviewed along with Pinelands, no storm water issues, again Planning Board already approved development of site. Mr. Shea review A6 & A7-vintage museum, Mr. Carr larger footprint, less intense, pg. 5 T&M letter- #6-none, #7- none, #8, already covered nothing visible, pg. 6 #9- doesn't generate, #10- already covered, #11- covered at great length, down and in lighting. Mr. Shea clarify height of poles, Mr. Carr- 20' relative low light, less than height of building, turned off once vacant for day, maybe door lights for safety during winter later hours. Mr. Shea reviews 11e, 12 & 13. Mr. Carr- 11e- no, 12- covered, 13- covered, landscape speaks for itself, especially basin area, lawn areas provided, buffer, trash enclosure.

Mr. Rohmeyer inquires about impact to traffic, Mr. Carr-peak hours-early morning and 4pm to 6pm, no impact at intersection, OCPB approved project. Mr. Shea continuing with letter pg. 7 1-6, 14 & 15, 16 waivers, 16c, 17 revised architectural removed 2 units, no change to height. Mr. Carr 1-6 agree, 14 & 15 already provided, 16 previously approved by Planning Board, smaller building, meet all storm water, 16c.- yes, 17- yes and correct. Mr. Shea 17c., Mr. Carr curbed islands sidewalk along with concrete apron, bollards on back end of building. Mr. Shea 19 a through m, Mr. Carr- yes OCPB does an exhaustive review. Mr. Cook- Manchester Township ordinance just updated- may be more stringent. Mr. Carr imagines it mirrors NJ Stormwater Management but will confirm. Mr. Shea will comply, Mr. Carr-yes. Mr. Shea 19-tree clearing limits buffer to rear and 20, Mr. Carr- depth met natural wooded area and done.

Mr. Rohmeyer explain how tenant would gain approval, through a zoning permit for use. Mr. Carr- each time tenant fit out, both zoning and building permit. Mr. Shea clarifies that tenant would submit to Zoning Officer a statement of operations, check, approve along with building plans submitted, additional checks and balances- no issue with this. Mr. Rohmeyer and if use presented not as originally describe apply again, Mr. Carr- conceivably example- a showroom, lease is clear. Mr. Rohmeyer storm water basin found acceptable, site captures water flow. Mr. Carr- sheet 4 roof run-off collected, shaded area and into ground, parking lot water goes into inlets goes into basin. Overflow release storm pipe in County road into several basins, approved by County and Pinelands, overflow capacity 100-year storm in south direction. Mr. Cook- handicap parking comply with ADA-8', Mr. Carr 8'+5' stripped area ADA and 11'+ 5' stripped area van access- 2 on left with overhead and 2 on right with handicap curb. Mr. Cook warehouse air conditioned or just office, Mr. Carr depends on tenant, each office will be but could be climate controlled. Mr. Cook noise from condensers, vent fans, Mr. Carr- 1,200 sq. ft. small units. Mr. Shea-Mr. Boel testimony on this. Mr. Cook- stormwater basin first, Mr. Carr-yes. Mr. Cook inquired about fire protection, sprinklers, hydrants, Mr. Carr- full design not complete yet. Mr. Cook vehicles in building-will have CO2 monitors and vents, Mr. Carr- not for site plan phase but building code requirement. Mr. Cook observed on truck turning template truck blocking spots when backing in, Mr. Carr- those templates are tricky but more than ample turning has been provided. Mr. Cook- condition limits on trash pick-up, Mr. Carr- no problem

with that. Ms. Vaccaro inquires to the size of the parking spots- Mr. Carr- 10 x 20 with exception of the handicap spots.

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

Allyson Kassetta inquires if any security provisions are in place, Mr. Carr- couldn't say, Ms. Kassetta asks if user can combine space, Mr. Carr- yes, doesn't change my testimony, Ms. Kassetta how does impact testimony, still under this approval, Mr. Carr-yes. Ms. Kassetta inquires about the AC units, Mr. Shea- Mr. Boel to provide testimony on wall units. Ms. Kassetta how can hours be controlled only Monday through Friday, knows several contractors that work weekends, what can be done to stop that, Mr. Carr typically contractors do work at site where work is being done rather than here-would be oddity. Ms. Kassetta inquires about the lighting plan, Mr. Carr one light post, adjacent to buffer, down light box fixture, down and out toward building with back shield, only one on that side 20' in height. Ms. Kassetta no detriment to the neighbor, Mr. Carr- none, won't even spill into buffer. Ms. Kassetta in regards to the tree line 50' wooded area will remain if feasible, Mr. Carr- it will be feasible-remain pristine, effectively a 125' wooded area, adding a 6' vinyl fence. Ms. Kassetta concern during construction some may be destroyed, Mr. Carr- will be staked out, silt fence, a tree protection fence, all prior to any construction starting. Ms. Kassetta questions contribution to hook up to pump station, Mr. Carr- they will connection fees. Ms. Kassetta a concern with pedestrians on North side as well as pedestrians and trucks at same time in parking lot any pedestrian safety provided, Mr. Carr- trucks typically have back-up sensors, and typically only employees and staff on site, not customers, not a retail center, additionally concrete aprons and bollards are provided so not walking out into a traffic aisle. Ms. Kassetta-conflicting testimony heard design waivers versus performance standard variances- front and side setback to the parking area-5' only in front, County required dedication? Mr. Carr- yes, just curve in access aisle- County- road widening purposes, odd shape of property. Ms. Kassetta- side setback 5' proposed where 12.5' required, Mr. Carr- yes against the existing adjacent commercial use there, shifted development to the left to keep large green area on pump station side of property, felt more important, aesthetic value, more visible, landscaped heavily and keep curve to minimum. Ms. Kassetta that deficiency extends for the length of the property, Mr. Carr -yes that's correct, that's a design waiver, doesn't change that it meets all bulk requirements. Ms. Kassetta will defer to Board and Board Engineer on that because whether design waiver or variance changes the standard to the applicant, entire length of property and provides less 50% of what is required, you testified de Minimis and whether or not less than 50% of what is required is. Mr. Carr- yes, when decided to shift over to maintain larger green area between basin and parking, reduce encroachment of roadway, more important than meeting standard on side of building where existing commercial property is next to it, thought better choice. Ms. Kassetta- circulation and trucks- no tractor trailers, Mr. Shea-yes. Ms. Kassetta also testified to truck turning, an SU30 truck, backup into to spot, despite template showing can't do that, that in fact will not occur? Mr. Carr-yes due to AutoCAD limitations. Ms. Kassetta SU30 trucks for deliveries or use by occupants, Mr. Carr- both. Ms. Kassetta fire truck longer than 30', Mr. Carr couldn't comment without plans, Ms. Kassetta- reviewed by Fire Official? Mr. Carr- yes submitted, no comments made.

Dominick DeVivo inquired about limit of type of construction and limits of tools, Mr. Carr no manufacturing. Mr. Shea- Mr. Boel to provide testimony, no heavy machinery, no cutting or manufacturing on site.

Ms. Fazio- fire truck seems very difficult to maneuver, Mr. Carr cannot answer specifically, firetrucks have smaller, closer base, expanded aisles than you normally see. Ms. Fazio- reduce to 8 units instead of 10 for emergency vehicles, Mr. Carr- not necessary, truck wouldn't be negotiating at a high speed and wouldn't likely be at the back of building to fight fire. Mr. Cook inquired about snow removal and tying up spots, Mr. Carr typical to any other site off front of parking, same on every commercial site. Mr. Cook refrigerator storage traffic more or less intense, Mr. Carr can't imagine a use, couldn't answer that. Mr. Cook outside equipment- Mr. Carr don't know, not expert in this.

Nicholas Lardieri, 163 Woodside, inquired about traffic study on 539, Mr. Carr traffic statement done, submitted OCPB, est. 94 trips all day in/out, peak hours 33 vehicles, consistent with employees, no impact on County road. Mr. Lardieri aware there is a bus stop on McKenzie Court, Mr. Carr- no impact, 33 additional trips, bus stop does not affect capacity of roadway. Mr. Vincent DiDonato, 116 Woodside, as a storage facility 2-3 units- cars parked on site, Mr. Carr- they could, no restrictions. Mr. Shea- Mr. Boel to provide testimony. Dominick DeVivo- fire truck access to wooded area- Mr. Carr- can't answer-hypothetical. Ms. Fazio fence to provide privacy- you want access, Mr. DeVivo- maybe a gate. Mr. Shea- Fire Official approval required or recommend change, trucks not usually near fires, same issue regardless of use, approval would be required for any development. Richard Bessette- can't it be a one way going North rather than both ways right into the traffic? Mr. Carr- no restrictions from OCPB, testified to peak hours.

Mr. Shea refers to page 3 on site plan-clarify where, Mr. Carr- north side-building next to it, could shift but pushes curved area, landscaped heavily on Whiting Road, most visible part, can't see shorter in that area from roadway-substantially green area. Mr. Shea jog in the area- see trash area, Mr. Carr- residents of Woodland can't see it. MR. Shea- Fire Official approval, hydrants, snow removal no different from other uses, temporary stored. Mr. Carr- correct, clearly marked, no hydrants, water brought in, yes to snow removal and yes temporary.

#### CLOSED PUBLIC PORTION FOR QUESTIONS FOR ENGINEER ONLY

Mr. Boel, 417 6<sup>th</sup> Avenue Ortle, NJ, sworn in-applicant/owner. Mr. Shea principle owner and some of your background. Mr. Boel, yes, principle owner of 141 Office Park, LLC, police officer for 25 years, investor in real estate and projects like this. Own similar in Toms River- bigger-16 units. Mr. Shea-how does it work? Mr. Boel- trade field, electrician, wood floor contractor-stores flooring, warehouse furniture, Ocean County Vo-Tech has 2 units- stores staging for programs, Amazon dealers. Mr. Shea intention accurate representation- Mr. Boel- yes, no manufacturing, no hazardous materials, no cutting, switch personal to business vehicle and vice versa. Mr. Shea have you done due diligence, Mr. Boel need for this type of use based on development of area. Mr. Shea- warehouse too, store windows, worked with Mr. Rosetto, not sit empty. Mr. Boel yes warehouse and general supplies and correct. Mr. Shea- tenant must apply for to Zoning Officer- Mr. Boel- same as Toms River, feels paved, new-good location & need for it. Mr. Shea smaller

than museum footprint, after discussion with objectors amended plan, rear setback and buffer and from 12 units to 10. Mr. Boel yes to all. Mr. Shea architectural submitted. Mr. Boel- beautiful building for area, deco block, pole barn, take pride in our properties. Mr. Shea did you explore other uses- Mr. Boel- no, use picked because less intense than permitted uses, less light, noise and traffic. Mr. Shea provide testimony to employees, hours of operation- 7 days a week, leave personal take work vehicle, any auto repair. Mr. Boel testifies that in the Toms River 16 unit building about 5-6 employees that stay all day come in a.m. leave in the evening. Hours 7 a.m. to 6 p.m., very rare on weekends, only in emergency situation when it calls for it-not all weekend. Yes, personal vehicle to work vehicle, some assigned spots, some park inside, some outside and no auto repair. Mr. Shea inquired about AC & heat, Mr. Boel no outside condensers, office with wall unit for AC, warehouse-heat only overhang gas unit. Mr. Shea and how does the interior work, Mr. Boel small office space, small bathroom, the rest open concept. Mr. Shea the office use, Mr. Boel-contractor leaves, secretary there for calls, billing, etc. Mr. Shea any outdoor materials, Mr. Boel- no just vehicles, Mr. Shea- trash time- Mr. Boel- whatever town says, Mr. Shea the lights are on timers and property has security cameras- Mr. Boel- yes. Mr. Shea inquiries why use is successful, Mr. Boel- based on development of surrounding community, additionally commercial vehicles not parked in residential neighborhoods. Ms. Fazio not open to general public, Mr. Boel- not retail or shopping, Ms. Fazio and Amazon-how does that work- Mr. Boel- buy/sell goods online, stored at facility. Ms. Fazio inquired already have this Toms River and the traffic, Mr. Boel- yes, light traffic- FedEx, UPS trucks. Mr. Cook- a place for recycling, Mr. Boel- County required four at the other place, will surely have at least one and fenced in.

#### OPEN PUBLIC PORTION FOR QUESTIONS FOR APPLICANT ONLY

Vincent DiDonato- no deco block shown, Mr. Boel- preliminary plans 4' deco block, dresses up building, you can pick color. Mr. DiDonato inquiries about pole barn/truss, fire partition and insulation, Mr. Boel- 5/8 double rock between, all pole barn roof and insulated.

Ms. Kassetta inquires about fire protection measures, Mr. Boel- not required by State, in Toms River no sprinklers in building, fire hydrant right outside. Ms. Kassetta any welding, Mr. Carr's testimony mentioned concrete mixer. Mr. Boel- no welding, no hazardous material, heard that but storage of mixer only not to be mixed on site. Ms. Kassetta did you look anywhere else or other locations in Manchester, Mr. Boel- several places but demand seemed to be here, even your client and no other places in Manchester, this was a good deal. Francesco Farantelli, next door neighbor comment only- trying to put this next to us. Mr. Boel- buffer provided is significant, a very nice building, when younger worked in dairy refrigeration, snow blower could be heard for miles. Mr. Farantelli for sale on property, Mr. Boel-no, Mr. Farantelli when did you purchase, Mr. Boel- 2 years ago, Mr. Farantelli-is it contingent on this approval- Mr. Boel-no. Mr. Farantelli take approval and sell- Mr. Boel- no, business is the tenants. Mr. DeVivo- precast at warehouse and bring to job, Mr. Boel- no. Ms. Fazio clarifies no manufacturing- Mr. Boel- correct. Joann Drake comments consider extensive landscape design to make aesthetically pleasing, Mr. Boel testifies that the buffer is being left in its natural state with a 6' fence, doesn't believe it can be seen, up to Board but would prefer trees.

#### CLOSED PUBLIC PORTION FOR QUESTIONS FOR APPLICANT ONLY

Mr. Ronald Rosetto, broker/owner Rosetto Realty in Toms River, sworn in and credentials accepted. Mr. Shea you deal with commercial real estate, familiar with Manchester and you were the listing agent. Mr. Rosetto- yes to all. MR. Shea when listed, Mr. Rosetto- 2016-2017 and Mr. Boel purchased in 2018. Mr. Shea any previous interest in property. Mr. Rosetto- no, STO-P not feasible not retail, not restaurant, no medical market- demographic wants more on Lacey Road or Route 70. Mr. Shea did you look anywhere else- Mr. Rosetto no some exposure over years, lowered price. Mr. Shea was it marketed with prior approval, Mr. Rosetto- yes. Mr. Shea- what was approval and size, Mr. Rosetto- vintage auto museum, larger at 18,000 sq. ft. Mr. She and no interest, Mr. Rosetto- correct. Mr. Shea any other property to accommodate this use, Mr. Rosetto- not at this time. Mr. Shea the uniqueness is warehouse with office, Mr. Rosetto- yes. Mr. Shea but conceivably could be a T.G.I.F. and intensity greater, Mr. Rosetto- yes correct much more intense. Mr. Shea highest and best use, Mr. Rosetto- yes, especially low intensity, service, resource, ac/heat, all needed by commercial, much less intense, smaller units, 2-3 parking per unit. Mr. Shea suited for intended use, Mr. Rosetto opines- yes.

#### OPEN PUBLIC PORTION FOR QUESTIONS FOR BROKER ONLY

Ms. Kassetta need for facility and service, market study done, Mr. Rosetto just regular marketing and demand for contractor warehousing, quite a bit of leases for contractor warehousing, area dictated demand for it so that's how site was chosen. Ms. Kassetta no specific data just general knowledge, Mr. Rosetto- correct, no market feasibility done, 40 years in market so really understand the market. Ms. Kassetta relates to the standard that the applicant has to meet in order to obtain a use variance. Ms. Kassetta you mentioned some permitted uses you marketed to did you market to others, Mr. Rosetto- yes, retail, banks, child care, a whole gambit, hundreds of companies contacted, medical or physical therapy only want Route 70 or Lacey Rd.

#### CLOSED PUBLIC PORTION FOR QUESTIONS FOR BROKER ONLY

Mr. Gordon Gemma, 68 Seneca, Oceanport, Professional Planner, sworn in and credentials accepted. Mr. Shea asks Mr. Gemma to review location of site, ordinance of Manchester Township and the Master Plan. Mr. Gemma 40' high structure allowed, what is permitted? 2012 NAICS code ordinance creates matrix, no luck finding any permitted use interest, standard industrial terms rather than broad terms, promote public safety, goals and objectives. Property next to it- warehouse use, there is a demand and need. D1 variance, positive and negative criteria, advance zoning, already discussed potential permitted uses, given hours of operations. 15,000 homes, attorney representative, will benefit from this type of use, negative impact greater with restaurant, noise, smell, hours. Refrigerator storage would need condensers and several of them. Meet bulk criteria, meet needs, makes sense along Warren Grove, has buffer of 125', lack of substantial impact on public good, not even detrimental, meet/exceeds standards, opinion does better job than permitted uses.

Mr. Reid 10:30 time limit. Ms. Fazio time limit with cross examination, public comment not enough time, make 5/27 meeting, re-cap/cross examine then. Mr. Gemma-yes.

MOTION to Carry with no notice requirement to the May 27<sup>th</sup> meeting moved by: Ms. Brustman  
seconded by Ms. Vaccaro

Ms. Kassetta: no objection

Mr. Shea: waive time for Board

Roll Call: All in Favor

**Adjournment:** The meeting was adjourned at 10:53 p.m. on motion by Ms. Vaccaro and  
seconded by Ms. Brustman. All in favor.

Respectfully submitted,

Erin Mathioudakis  
Secretary