

**MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Thursday, September 23, 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 6:35 p.m. by Chairwoman 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: none

Also Present: C. Reid, Board Attorney, Jason Worth, Board Engineer

Administrative Session:

Approval of Minutes: August 26, 2021 meeting *w/ corrections

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

Roll Call: Messrs. Cook, Dwyer, Glen, Dambroski, Arace-yes, Ms. Brustman –yes, Ms. Fazio-yes.

Correspondence: None at this time.

Professional Reports: None at this time.

Payment of Bills:

MTZB R7600 Inv.# SE409316 for T & M Associates in the amount of \$362.25 for Case 2161
MTZB R7680 Inv.# SE410866 for T & M Associates in the amount of \$442.75 for Case 2170
MTZB R7400 Inv.# SE410860 for T & M Associates in the amount of \$161.00 for Case 2039
MTZB R7660 Inv.# SE410864 for T & M Associates in the amount of \$184.00 for Case 2168
MTZB R7490 Inv.# SE410861 for T & M Associates in the amount of \$322.00 for Case 2048
MTZB R7500 Inv.# SE410862 for T & M Associates in the amount of \$120.75 for Case 2049
MTZB R7561 Inv.# SE410863 for T & M Associates in the amount of \$2,882.25 for Case 2167
MCZ0003 Inv.# 0000674279 for Colliers Engineering in the amount of \$242.50 for Case 2158

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

Roll Call: All in Favor

Memorialization: Case 2039 carried to October's meeting.

APPLICATIONS:

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| 1. Case 2168 | Lorraine DelCorso
215 Bridport Place
Manchester, NJ | Block 38.102 Lot 21
215 Bridport Place
Zone RC |
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Ms. Fazio reviews variance to construct a 3 season room where a 15 feet rear yard setback is proposed where a 20 feet rear yard setback is required. Ms. Lorraine DelCorso (homeowner) and Chris Myers (Contractor) sworn in. Ms. DelCorso states the reason for the three season room is she would like more space, refinishes furniture, her own furniture. Ms. Fazio asks if this will be a commercial space and if this has been approved by the Village Association, MS. DelCorso states no to the commercial use and yes it has been approved. Mr. Worth asks for the location, Ms. DelCorso states an eight-foot slab to the rear exists, would like to extend out another two feet. Mr. Worth so 10x16? Ms. DelCorso-yes. Mr. Worth uniqueness of property, Ms. DelCorso there is an easement in the rear, Mr. Worth any available land? Ms. DelCorso- no. MR. Worth and this is HOA approved? Ms. DelCorso- yes. Mr. Worth any negative impact to light, air and open space or any impact to grading? Ms. DelCorso states no to all. Mr. Worth will match color and style of existing? Ms. DelCorso- yes. Mr. Worth it will have a door out to it, Ms. DelCorso- yes. Mr. Cook- will have roof drain and splash blots? Ms. DelCorso will attached to existing gutters and yes. Mr. Glen any others in neighborhood, Mr. Myers states his company one across the street. Mr. Reid fits into neighborhood, Mr. Myers- yes. Mr. Cook back to house, Mr. Myers 2.5-3 feet away, Mr. Cook roughly 25 feet? Mr. Myers- correct, extend 4 feet. Mr. Worth clarifies that it will approximately 35 feet to the next house. Mr. Reid any negative impact, Mr. Myers- none. Ms. Brustman the refinishing of furniture- use of tools? Ms. DelCorso-no use liquids to distress.

OPEN FOR QUESTIONS & COMMENTS FROM THE PUBLIC: Hearing none. CLOSED FOR QUESTIONS & COMMENTS FROM THE PUBLIC.

Mr. Cook believes due to the easement sufficient distance to next home.

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

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

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| 2. Case 2165 | Michael Neividomski
34 Lacey Road
Manchester, NJ | Block 100 Lot 17
34 Lacey Road
Zone WTRC |
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Ms. Fazio reviews variance to construct a detached accessory structure-pole barn, where a minimum 50-foot side setback is permitted and a 5-foot setback is proposed, where a maximum of 1,000 square feet is permitted for all accessory structures and a total accessory structure of 2,850.1 square feet is proposed and where a building height for detached garages of 16 feet is permitted and for all other accessory structures of 12 feet is permitted and a height of 12.5 feet is proposed. Mr. Paxton, attorney for Mr. Michael Neividomski. Mr. Neividomski sworn in. Mr. Paxton asks how long Mr. Neividomski has owned the home and to describe the property. Mr.

Neividomski answers 2 years and a small house with barns and horse stalls, all buildings existing when purchased, minor repairs done only. Mr. Paxton plot plan provided with application is accurate, Mr. Neividomski-yes, Lacey in front and Lake toward rear. Mr. Paxton the entrances? Mr. Neividomski on the corner of property. Mr. Paxton describe existing structures, Mr. Neividomski barn in rear holds horses, Mr. Paxton no further improvements, Mr. Neividomski-that's correct. Mr. Paxton why pole barn garage, Mr. Neividomski cheaper way to construct, storage for cars and small office, no animals. Ms. Fazio asks if there are any animals on the property? Mr. Neividomski- yes in other structures, Ms. Fazio personal or commercial, Mr. Neividomski-personal. Mr. Worth inquires what is in current existing metal structure, Mr. Neividomski quads, personal tools, Mr. Worth inquiries about roll up door, small office, Mr. Neividomski-yes home is very small, Mr. Worth operate commercial vehicles? Mr. Neividomski-no. Ms. Fazio- business equipment, Mr. Neividomski- yes. Mr. Cook heavy equipment? Mr. Neividomski-no. Ms. Brustman clarifies small tools, hand held tools? Mr. Neividomski- correct. Ms. Vaccaro any heat in the building, Mr. Neividomski- did not consider, would be electric only, Ms. Vaccaro- a bathroom? Mr. Neividomski- no. Ms. Fazio what will be stored? Mr. Neividomski some equipment, office to review blueprints, etc. Mr. Dambroski why this particular location, Mr. Neividomski- Pinelands only allowable location. Mr. Cook could move further off property line, Mr. Neividomski would be right in the middle of the property. Mr. Worth and the hardship, more compliant location? Mr. Neividomski would be very close to the other buildings. Mr. Cook inquired about neighboring property- residential, Mr. Neividomski shed is from neighbor and yes it is residential. Mr. Worth asks about proposed access, Mr. Neividomski around rear through gate. Mr. Worth 50' does move it, fits general character and no impact to light, air and open space. Mr. Neividomski states no there is a 12x20 shed there. Mr. Paxton clarifies that this is a barn in name only-no storage of animals. Ms. Fazio what is the existing metal building used for, Mr. Neividomski- storage. Ms. Fazio how many animals? Mr. Neividomski a couple of horses, ducks, and ponies. Mr. Paxton currently you do not have a garage, Mr. Neividomski- correct, would like to store my ATVs. Ms. Fazio and the shed, Mr. Neividomski- it's a horse stall, Ms. Fazio how many horses 5? MR. Neividomski 3 horses, 2 ponies. One per acre have 6.5 acres. Ms. Fazio points out plan depicts area for ten. Mr. Neividomski clarifies area in rear is for shelter. Ms. Fazio 5 in barn and stalls outside, MR. Neividomski outside is for shelter only. Mr. Dambroski remove existing shed? Mr. Neividomski- yes small metal container. Mr. Dambroski why wouldn't you move to conforming location, Mr. Neividomski it wouldn't fit. Mr. Dambroski trying to help. Mr. Paxton all this existed when you bought property, Mr. Neividomski-yes. Mr. Cook how did you come up with size, Mr. Neividomski to stay under 1,000sq. ft. 24x40, Mr. Cook standard height of pole barn? Mr. Neividomski- yes 12.5 feet.

Mr. Kevin Shelley, PE since 2012, sworn in and credentials accepted. Mr. Paxton please describe, Mr. Shelley- 6.5 acres, WTRC zone WTRA zone standards applied per Zoning Officer, single family home with existing accessory structures. Mr. Paxton did you have a chance to review the T&M letter, Mr. Shelley-yes. Mr. Paxton the side setback variance, Mr. Shelley if a garage a required 15-foot side yard setback, proposed at 5 feet, push further impacts usable yard area, would block driveway and rear in other location, location requires variance but best location, no negative impact. Mr. Paxton the neighboring property, Mr. Shelley to the southeast a single family dwelling with an existing accessory structure only 3.7 feet to side property line. Mr. Paxton and in regards

to maximum coverage, Mr. Shelley existing coverage is already 1,970sq. ft. already over, kept under 1,000sq.ft. to try to be compliant. Mr. Paxton and the variance for building height, Mr. Shelley, a garage would be a max height of 16 feet and 12 feet for all others, the mean on this structure is 12.5 feet or base to peak 14.5 feet, pole barn structure doesn't count as a garage. Mr. Paxton can speak to runoff, Mr. Shelley water from downspouts will remain onto subject property and not onto adjoining property. Mr. Paxton if granted no negative impact, Mr. Shelley, I believe so, and no detriment to public good.

Mr. Worth other amenities on property, google aerial shows pool, Mr. Neivdomski on side of home, oval 21x43 above ground pool. Mr. Cook by bilco doors, Mr. Neivdomski- yes. Mr. Cook chain link stays, Mr. Neivdomski yes, Mr. Cook not usable area between, move up to chain link, Mr. Neivdomski 5 feet forward would be up to fence. Mr. Glen what is the size of the existing metal barn, Mr. Neivdomski 24x40, Mr. Glen and you store equipment, Mr. Neivdomski-yes, Mr. Glen and the same for the new one, Mr. Neivdomski- yes- right now have to move everything around to access things. Ms. Brustman how far back to chain-link, Mr. Neivdomski- 32 feet. Mr. Shelley corrects the response to 10 feet. Ms. Fazio if you move the proposed structure down you wouldn't need variance, Mr. Neivdomski would have to tear down unique buildings made for horses. Ms. Fazio same recreation, Mr. Neivdomski would have to take down both. Ms. Fazio points out that the survey is not up to date, does not show walkway and pool. Mr. Neivdomski-correct 2 years old. Mr. Reid and what is behind, Mr. Neivdomski- open field, Mr. Reid not a shed, Mr. Neivdomski no 8x8 full structure with doors. Ms. Fazio states is 10x20, Mr. Worth confirms. Mr. Dambroski comments there's lots going on, MR. Neivdomski- yes. Mr. Worth states that it's for light equipment, a garage at 15' would be in line with area already blocked. Mr. Cook comments if moved wouldn't need variance. Ms. Mathioudakis explains for the Zoning Officer- a garage is used for the storage of cars. Mr. Shelley states that garages are generally used for both, storage and cars. Mr. Cook inquiries about type of equipment, fabrication? Mr. Neivdomski- no. Mr. Reid construction business at site, Mr. Neivdomski- depends most if not all work done at customer site, Mr. Reid what percentage done at home? Mr. Neivdomski about 5%. Mr. Reid any clients, customers, employees, vehicles, Mr. Neivdomski- no. Mr. Reid is property large enough to accommodate, Mr. Neivdomski- yes. Mr. Reid difference for 50 feet for pole barn versus 15 feet for garage. Mr. Shelley opines very different use, pole barn versus garage, with pole barn noises and smells from animals warranting larger distance. Mr. Neivdomski states 100% no animals in this space. Ms. Brustman asks if equipment will be used inside, Mr. Neivdomski-no, used only at work sites. Mr. Reid you don't have a garage, most single family homes have a garage, that's used for storage, Mr. Neivdomski- correct. Mr. Reid will use for storage like other homes, Mr. Neivdomski- yes. Mr. Reid clarifies only 5% of business, similar to hobby work, no noise, Mr. Neivdomski- not using for work. Mr. Reid don't have a garage, would like a garage, Mr. Neivdomski- correct. Mr. Cook states could move up to chain-link fence, would be 15 feet off property line, Mr. Neivdomski move it 10 feet? Mr. Reid comments Board is meeting you half way, will you accept at 15 feet, Mr. Neivdomski- yes. Mr. Reid clarifies 6.5 acres, 5 horses-complies, Mr. Neivdomski-yes. Ms. Fazio 1 acre per horse. Mr. Cook how many horses inside, Mr. Neivdomski- five, the stall outside is open just for shade. Mr. Reid clarifies the stall in rear, Mr. Neivdomski- yes. Ms. Fazio clarifies existing metal building is for storage only and no animals, Mr. Neivdomski- yes. Ms. Vaccaro inquiries what prevents from adding more, currently

you have 3 horses and 2 ponies, Mr. Neividomski- not sure, Ms. Fazio- the Zoning Officer would notice.

OPEN FOR QUESTIONS & COMMENTS FROM THE PUBLIC: Hearing none. CLOSED FOR QUESTIONS & COMMENTS FROM THE PUBLIC.

Ms. Fazio comments better to move it forward. Mr. Cook would be my motion. Mr. Reid refers to sheet 3 and Mr. Worth states that Zoning Officer's interpretation was a barn structure but testimony given more like a garage. Ms. Fazio clarifies the following, no animals, no heavy equipment, no large construction equipment, no commercial use, no bath, no heat. Mr. Reid adds only 5% of use for business as small office. Mr. Cook existing metal building no animals either. Mr. Neividomski testifies he will move 15 feet off property line.

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

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

3. Case 2162	MDR Developers	Block 99.171 Lot 2
	519 Curtis Lane	Scranton Avenue
	Lakewood, NJ	Zone WTR40

Ms. Fazio reviews variance to construct a single family home where frontage on an improved street is required where the right of way along subject property's frontage is not proposed in accordance with Township standards for improved streets and regarding the provision of length, grading, curbing, composition and a cul-de-sac or turnaround. Mr. John Doyle- applicant's attorney- property is single lot in Roosevelt City, specific lot from sub-division, 44,000 sq. ft., meets all bulk requirements, refers to MLUL sect. 36, build house where providing adequate access for emergency vehicles to reach, hope you will grant, statute states practical difficulty or unnecessary hardship, if road built changes stormwater and sends to Pinelands. Mr. Bill Stevens, PDS, professional engineer, sworn in and credentials accepted. Mr. Doyle asks if what he has stated is accurate, Mr. Stevens, yes, unusual case, single family dwelling meets bulk requirements, individual septic and well behind, property in Pinelands, have Certificate, also approval from Ocean Board of Health, underground infiltration off roof ties into ground, construct drive off cul-de-sac. Mr. Stevens- Exhibit A1- aerial- Scranton in center, end of cul-de-sac, lots 8,9 and 10 vacant Township or County owned lots-directly across from subject property, if sold developed as one home on lot 8, paper street intersects County road, if intersection constructed would result in bad road conditions, variance required from County to build, no other homes will exist, no further clearing, would bring more noise and would be negative impact also increased stormwater requirements. Mr. Stevens opines that the cul-de-sac driveway makes the most sense. Mr. Doyle asks Mr. Stevens' background-professional engineer and professional planner, Mr. Stevens-yes. Mr. Doyle the home will be 2,600sq. ft. and consistent with the height in neighborhood- Mr. Stevens- yes a beautiful home, intend to keep tradition, not clear too many trees keep substantial wooded buffers. Mr. Doyle emergency vehicles access through cul-de-sac to house, Mr. Stevens just like typical of drives in Roosevelt City. Mr. Doyle asks about width, Mr. Stevens 16 feet side

entry garage with turnaround in drive. Mr. Doyle satisfies would provide adequate access for emergency vehicles- Mr. Stevens- it would. Mr. Doyle you agree there is a practical difficulty, Mr. Stevens opines yes for all previously stated reasons, nothing gained from extending the road, and it's a financial hardship. Ms. Brustman asked based on exhibit A1- photo- cul-de-sac is already there, Mr. Stevens yes where the property begins, not usual condition in Roosevelt City, dirt road next to it, area that been kept rural. Ms. Brustman the driveway will be asphalt, Mr. Stevens- yes. Mr. Cook asked will firetrucks be able to turn in driveway, Mr. Stevens- yes. Mr. Glen inquiries how long? Mr. Stevens states 50 feet to turn and 50 feet to pad. Mr. Glen- will runoff to cul-de-sac, flood the area? Mr. Stevens, no well-defined drainage there. Mr. Glen 150-foot driveway could create problem, Mr. Stevens site graded, grass swale, could alter side driveway if needed, good soils, is of the opinion it will not be an issue. Mr. Worth T&M letter comment #4 agree, Mr. Stevens yes no problems here, places for stormwater to go, follow natural pattern, recharge, majority wooded area, could increase infiltration. Mr. Worth- garden latter? Mr. Stevens could pitch driveway. Mr. Worth inquiries on the following soil borings, septic on property, 2-foot separation for stormwater, how many bedrooms, meet parking and will this development keep with the area? Mr. Stevens answers, yes soil borings done, yes to septic both Ocean County board of Health and Pinelands done, yes to 2-foot separation, the home is 4 bedrooms, and has 3.5 parking spaces, exceeding what is required, and the home will keep with the area, beautiful manicured home. Mr. Worth inquiries if there is existing vehicle access, Mr. Stevens testifies yes, no change to that. Mr. Worth inquiries to street lighting, tree clearing and addressing clerical errors noted. Mr. Stevens there is adequate lighting, electric is underground, tree clearing will be far below what is allowed, no reason to cut all and yes will address clerical errors. Mr. Worth no other buildable lots, Mr. Stevens-correct, small undersized lots, Township would have to sell together to build one house but nothing further down. Mr. Cook due to length of drive and area being so rural- could driveway not be lit, Mr. Stevens yes we would agree, Mr. Cook could be motion activated, Mr. Stevens-yes. Mr. Cook property would be zoned into inutility- Mr. Stevens-yes.

OPEN FOR QUESTIONS & COMMENTS FROM THE PUBLIC: Hearing none. CLOSED FOR QUESTIONS & COMMENTS FROM THE PUBLIC.

Mr. Doyle appreciates Mr. Cook's question, it is an isolated lot, will meet all requirements. Ms. Fazio some conditions are the drywell and pitch driveway, light the driveway.

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

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

4. Case 2169	Northern Ocean Habitat for Humanity	Block 31.02 Lot 2
	1214 Route 37	2643 Ridgeway Road
	Toms River, NJ	Zone R15

Ms. Fazio reviews variance to construct a single family home where minimum lot area of 15,000 square feet is required and 10,000 square feet is proposed, where a minimum improvable lot area of 9,600 square feet is required and 5,280 square feet is proposed. Mr. Stephen Kotzas, attorney for applicant, property was tax foreclosure, developer's agreement, satisfy affordable housing. Mr. Brian Murphy, professional engineer, with FWH Associates since 1995, sworn in and credentials

accepted. Exhibit A1- aerial- all lots same 100x100 single family, all in R15, all undersized. Exhibit A2-variance map-lot area required 15,000, subject lot is 10,000 and buildable area is 5,280, existing reduced size of property, no vacant land available around property. Ms. Fazio confirms letters were sent, no response and none tonight. Mr. Murphy opines no detriment to grant, conforms with neighborhood. Mr. Worth inquires all lots are undersized, Mr. Murphy- yes. Mr. Worth all bulk requirements met? Mr. Murphy- yes all setbacks. Mr. Worth inquires about tree clearing and preservation, Mr. Murphy responds will meet ordinance, preserve northwest corner. Mr. Worth asks about drainage on property, Mr. Murphy replies will run out to front of property along with roof runoff to the road. Mr. Worth points out good space in rear, not to impact neighborhood, Mr. Murphy good soils here no drainage issues. Mr. Worth inquires about bedrooms and parking, Mr. Murphy 3 bedrooms, 3 parking provided. Mr. Worth the drive will have turnaround, Mr. Murphy yes, safer onto Ridgeway. Mr. Worth paved drive, fully stabilized, Mr. Murphy- yes. Mr. Worth looks smaller meets height requirement, Mr. Murphy- yes. Mr. Worth refers to comment #7 in T&M letter, Mr. Murphy- yes. Mr. Cook asks about architectural not received. Mr. Murphy- Exhibit A3-elevations and A4- floorplan. Mr. Cook inquires about egress and water/sewer, Mr. Murphy responds in street. Mr. Murphy explains there is urgency on this application as the Vo-Tech will help build the home.

OPEN FOR QUESTIONS & COMMENTS FROM THE PUBLIC: Hearing none. CLOSED FOR QUESTIONS & COMMENTS FROM THE PUBLIC.

Mr. Reid explains to the Board there is a request to also adopt the resolution this evening.

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

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

Mr. Reid reads resolution into the record.

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

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

Open discussion of Board- Mr. Reid discusses escrow and the need for an increase, so Township isn't paying, and additionally would like to amend application for the applicant to send to both the attorney and engineer their application rather than through the Board Secretary distributing. Follow procedure for suggestion to governing body.

Adjournment: The meeting was adjourned at 8:23 p.m. on motion by Ms. Vaccaro and seconded by Mr. Cook. All in favor.

Respectfully submitted,

Erin Mathioudakis
Secretary