

**MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
Thursday, December 22, 2022**

**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 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, W. Cook, M. Dwyer, H. Glen, P. Dambroski, S. Galbreath, R. Arace  
Members Absent: T. Umlauf, S. Brustman  
Also Present: C. Reid, Board Attorney and M. Rohmeyer, Board Engineer

**Administrative Session:**

**Approval of Minutes:** November 17, 2022 meeting \*Correction made to Date of meeting  
Motion to Approve by M. Dwyer seconded by P. Dambroski  
Roll Call: M. Dwyer-yes, P. Dambroski- yes, H. Glen- yes, S. Galbreath- yes, R. Arace- yes, L. Fazio- yes.

**Payment of Bills:**

Correction to one bill from the November list.

MTZB-R7870 for T&M Associates in the amount of \$608.75 for Case ZB22-12.  
MTZB-R7880 for T&M Associates in the amount of \$371.25 for Case ZB22-14.  
MTZB-R7850 for T&M Associates in the amount of \$4,382.75 for Case ZB22-10.  
MTZB-R7790 for T&M Associates in the amount of \$371.25 for Case ZB22-05.  
MTZB-R7870 for T&M Associates in the amount of \$123.75 for Case ZB22-12.  
MTZB-R7810 for T&M Associates in the amount of \$123.75 for Case ZB22-07.

Motion to Approve made by W. Cook and seconded by M. Dwyer.

Roll Call: W. Cook- yes, M. Dwyer- yes, H. Glen- yes, P. Dambroski- yes, S. Galbreath- yes, R. Arace- yes, L. Fazio- yes.

**Correspondence:** Mr. Reid reviews email received from Ms. Brustman resigning her position on the Zoning Board. Mr. Reid also reviews correspondence received from Mr. Pagano, request to carry Case 22-07 to January's meeting with time being waived and no notice required. Wish Bill well.

**Professional Reports:** none.

**MEMORIALIZATIONS:**

Memorialization of a variance for the height of a fence in a front yard to permit a six-foot fence where four- feet is allowed. Applicant: Gregg Hennings Block 99.101 Lot 1 1880 Elizabeth Avenue. Approved at the November 17, 2022 meeting. Case ZB22-11.

Motion to Approve made by M. Dwyer and seconded by P. Dambroski.

Roll Call: M. Dwyer- yes, P. Dambroski- yes, S. Galbreath- yes, R. Arace- yes, L. Fazio- yes.

Memorialization of a variance for the height of a fence in a front yard to permit a six-foot fence where four- feet is allowed. Applicant: Yitzchale & Miriam Stein Block 21 Lot 621.02 1 Morgan Court. Approved at the November 17, 2022 meeting. Case ZB22-14.

Motion to Approve made by M. Dwyer and seconded by P. Dambroski.

Roll Call: M. Dwyer- yes, P. Dambroski- yes, S. Galbreath- yes, R. Arace- yes, L. Fazio- yes.

**APPLICATIONS:**

- |               |   |  |
|---------------|---|--|
| 1. Case 22-12 | Walter & Kelleen Sheppard<br>361 Beckerville Road<br>Manchester, NJ | Block 79 Lot 12<br>361 Beckerville Road<br>Zone BV40 |
|---------------|---|--|

Ms. Fazio reviews variance request to construct a detached accessory structure (2400sf pole barn) where maximum accessory building coverage of 1,000sf is permitted and 2400sf is proposed, where an accessory building height of 16ft is permitted and 19.5ft is proposed, definition of an accessory structure- the structure must be subordinate in area to the principal building, whereas the proposed structure is larger in area, accessory structure within a front yard- no structure may be permitted within the front yard area, driveway material- all off street residential driveways shall be constructed of wither 2” thick bituminous material on compacted 4” gravel base or 6” NJDOT Class B concrete with wire mesh on a properly compacted subgrade, whereas the access to the proposed garage is stone. Mr. Michael Paxton- Applicant’s attorney present. Mr. Matthew Wilder-Morgan Engineering, sworn in and credentials accepted. Mr. Walter Sheppard- sworn in and explains that his son has inherited several antique cars. Mr. Paxton explains the intention if for the storage of cars only, no work on cars-storage only, no commercial use-hobby only. Mr. Paxton asks Mr. Wilder if he has reviewed the property, Mr. Wilder- yes. Mr. Paxton asks if he has reviewed the report, Mr. Wilder- yes, this property almost 13.67 acres, zone requires only 3.2 acres, oversized for zone, PPA zone, larger lots mostly vacant, this is developed. Mr. Wilder introduces Ex. A1: photo exhibit of property. Mr. Wilder states shows vegetation in area, not purposing any clearing. Mr. Paxton- what variances are required, Mr. Wilder- total of four, maximum building coverage, maximum building height proposed at 19.5’ where 16’ is allowed, accessory larger than principal, 104’ but in front yard, meets principal setback but for location of home. Mr. Wilder states garage placement required is 25’ from both rear and side yards in the zone, this placement is 370’ from the side and 430’ from the rear, able to provide based on size of lot, completely surrounded by vegetation, 1-3 acres generally undeveloped. Mr. Paxton if placed where it should be need to clear trees, Mr. Wilder- correct, no utilities, roll up doors, no electric, fits without impact, no need to extend driveway, cars rarely moved- they stay, access from rear, no need to increase impervious coverage, not moved daily. Mr. Paxton if granted no negative impact, Mr. Wilder- no detriment to the public.

Mr. Cook inquires about accessory structure definition, Mr. Wilder- variance because larger than principal building, incidental to primary use. Mr. Cook in your professional opinion, Mr. Wilder- yes. Mr. Dambroski inquires for septic location and well location. Mr. Sheppard- septic opposite the driveway and well by corner of pool. Mr. Cook 2,400 square foot building what about roof runoff? Mr. Wilder- nothing at this time, not a major development, sheet flow off roof, recharge into ground. Ms. Fazio storage for antique cars- how many? Mr. Sheppard- 9 total. Ms. Fazio with a lift, Mr. Sheppard no they will fit. Mr. Rohmeyer building coverage to fit vehicles- smallest that fit? Mr. Wilder-free access to move in and out. Mr. Rohmeyer height is for storage? Mr. Sheppard not planning on it but could. Mr. Rohmeyer personal use, Mr. Sheppard- yes. Mr. Rohmeyer this area because cleared, Mr. Sheppard- yes. Mr. Rohmeyer comments blocked view and recommends maintaining current vegetation, no habitable space. Mr. Sheppard comments plans on adding more. Mr. Cook will you add more, Mr. Sheppard-yes. Ms. Fazio any commercial use, Mr. Sheppard- no. Mr. Dambroski no utilities, concrete floor, Mr. Sheppard no utilities and yes concrete. Mr. Glen size of garage doors and why the height, Mr. Sheppard 12x14 and future use. Mr. Cook color? Mr. Sheppard same as house. Mr. Rohmeyer architectural, Mr. Wilder standard pole barn complimentary to house. Mr. Dambroski door face road, Mr. Sheppard face rear yard. Ms. Fazio any windows, Mr. Sheppard no. Ms. Fazio- one door? Mr. Sheppard- two, walk through for emergencies. Mr. Dambroski- no gutters is an issue, water has to go somewhere, Mr. Sheppard okay with adding gutters, Mr. Dambroski- okay with gutters, Mr. Wilder will direct away toward trees, Mr. Sheppard really elevated, Mr. Dambroski should slope away, Mr. Wilder Pinelands based on development, 20% wetlands. Mr. Dambroski Pinelands/wetlands needed? Mr. Wilder I don't believe so. Mr. Rohmeyer similar structures in the neighborhood? Mr. Sheppard next door, across the street.

OPEN TO THE PUBLIC FOR QUESTIONS OR COMMENT. Hearing none. CLOSED TO THE PUBLIC FOR QUESTIONS OR COMMENT.

Motion to Approve with conditions made by W. Cook and seconded by M. Dwyer.

Roll Call: W. Cook-yes, M. Dwyer- yes, H. Glen- yes, P. Dambroski- yes, S. Galbreath- yes, R. Arace- yes, L. Fazio- yes.

2. Case 22-15	Jeffrey Jerman	Block 1.305 Lots 32 & 33
	PO Box 922	Wellington Avenue
	Point Pleasant, NJ	Zone R10

Ms. Fazio reviews variance request to construct a single family dwelling on an unimproved lot having an area of 5,000 square feet where 10,000 square feet is required, an improvable lot area of 2,600 square feet where 5,800 square feet is required, a frontage of 50 feet where 100 is required, a lot width of 50 feet where 100 feet is required, a rear yard setback of 24 feet where 26 feet is required and a maximum building height of one and a half stories is required and 2 stories is proposed. Ms. Mathioudakis notes correction to block number. Mr. Jeffrey Jerman, applicant and owner sworn in. Mr. Jeffrey Daum, Sub for Mr. Stevens as Engineer, sworn in and credentials accepted. Mr. Jerman presents the following for exhibit:

- A1: variance plan
- A2: house plans
- A3: aerial photos
- A4: picture board of neighborhood

Undersized isolated lot-affidavit presented as A5.

A6: Buy/Sell Letters- sent twice-regular and certified mail. 3 Properties-Young Lots34-37- no response, Lopez lots 17-20 to the rear- no response, last one owned by Township-Lot 31- efforts to buy from Township- March 2022-wrote to Township- would create 75x100 lot, read Township response-drainage study being conducted and Township does not property that would create a variance.

Mr. Jerman a little different variance tonight. Mr. Jerman asks Mr. Daum if he visited the property, Mr. Daum yes. Ms. Fazio exhausts buy/sell letter requirement with the public in attendance, sent two other letters sent- no response. No one from Township in attendance in regards to this. Mr. Jerman asks Mr. Daum to summarize variances, location and zone. Mr. Daum- north side of Wellington, 50x100 lot, variances for lot frontage, improvable lot area, lot width, minimum lot area, also building height variance, 2 story not 1.5 story required for lot frontage of 90' or less, to make livable because on a 50x100 lot raised to 2 story structure not higher than 25', not actually going over the height just the story requirement and rear yard setback to landing, believes that is de minimis. Mr. Jerman there is also a variance for first floor square foot, Mr. Daum yes that variance is required because this house is on the smaller lot, to make it 2' shorter would reduce the rear yard setback variance but would increase the minimum first floor area requirement in the zone. Mr. Jerman why main bulk variances required, Mr. Daum can't acquire additional property, would have loved to acquire the 25x100 lot from the Township, absent that, designed to fit on lot, meets setbacks except de minimis in rear. Mr. Daum this will look other 75x100 lots as you are going down the street. Mr. Jerman just like bulk variances, why lot frontage and lot width? Mr. Daum again because you can't acquire any additional property. Ms. Fazio if additional property acquired you would build a 1.5 story, Mr. Jerman- yes, in this case we are complying with the height not the story. Mr. Jerman why de minimis the rear yard setback, Mr. Daum not very noticeable, 3 bedrooms better than small cottage. Mr. Jerman reducing it would increase other variance, Mr. Daum- correct. Mr. Jerman also the improvable lot area variance does that make any constraint on developing the property? Mr. Daum can fit drainage, septic, driveway, more than sufficient off street parking-working within. Mr. Jerman again we need a first floor area variance explain a little more. Mr. Daum in order to maintain side yard setbacks, front yard setbacks, septic, if you were to go to the 900 sq. ft. it would require other setback variances. Mr. Jerman the 2 story versus the 1.5 story still meets the height requirement, Mr. Daum- yes. Mr. Jerman any way to do cape style home, Mr. Daum would not fit on property. Mr. Jerman small cottage detriment to neighborhood, Mr. Daum to keep consistent with the neighborhood, garage needed, 1,500 sq. ft. 3 bedrooms needed-to keep look of neighborhood. Mr. Jerman meets front and side setbacks, Mr. Daum- yes. Mr. Jerman de minimis rear, Mr. Daum-yes. Mr. Jerman referring to A4-describe neighborhood. Mr. Daum fairly consistent 1& 2 story homes with garages. Mr. Jerman based on a 9 block analysis-

923sq. ft. to 3,400 sq. ft. homes, 34-2 story, 8-1 story homes, 4 times as many 2 story, median sq. ft. 1,900 sq. ft. Mr. Reid what was the smallest, Mr. Jerman- 923 sq. ft. Mr. Dambroski what year was that built? Mr. Jerman don't know 50-60 years. Mr. Dambroski long before zoning, Mr. Jerman most likely. Mr. Jerman house fits with character of neighborhood, Mr. Daum yes 3-bedroom open floor plan, small garage, Colonial style, fits in well. Mr. Jerman how many baths, Mr. Daum 2.5, Mr. Jerman it that usual? Mr. Daum- yes. Ms.; Fazio a basement? Mr. Daum yes a partial basement. Mr. Jerman infringe on neighbors, Mr. Daum my opinion it does not, 25' vacant lot, 35-40 feet from next house. Mr. Jerman meeting setbacks any violation to light, air and open space, Mr. Daum maintaining these setbacks no. Mr. Jerman without variance can the property be used for anything else in the R10? Mr. Daum no zoned into inutility, no other option but Court. Mr. Jerman any detriment to the Master Plan? Mr. Daum 5 houses on block. Mr. Jerman referring to A3, Mr. Daum 5 across, 5 around, meets standard in Master Plan. Mr. Jerman any detriment to the public good? Mr. Daum- no actually raises public good, not doing 10 in a row. Mr. Jerman with the Township owned lot from the street you would think it's a 75x100, Mr. Daum-yes. Ms. Fazio the Township mentioned drainage, MR. Jerman doing study 10 months ago, Ms. Fazio and this won't affect the lot- drainage to rear, Mr. Daum Mr. Stevens designed-yes in rear of lot. Mr. Jerman- Township won't sell to create variance; septic has been upgraded to fit. Ms. Fazio but should they sell- you would build a 1.5 story. Mr. Dambroski \$10,000 for 25' lot, assessed value versus fair market value, Mr. Jerman assessed \$5000 for each. Mr. Dwyer theoretically Town would sell, Mr. Jerman you would think. Mr. Cook different the plot plan and the architectural, which one is it? Mr. Jerman the plot plan. Mr. Jerman to Mr. Daum- lots in other towns? Mr. Daum in Lacey and Berkeley- Dallmeyer decision. Mr. Jerman any other way to mitigate? Mr. Daum- no, 1<sup>st</sup> floor increase doesn't really mitigate. Mr. Jerman a 2' decrease would eliminate powder room and would move laundry to basement. Mr. Jerman any reason the variance should not be granted, Mr. Daum confident it's a good application. Mr. Jerman any substantial detriment, Mr. Daum could argue that from any but not from standard. Mr. Cook you have visited the site- undersized-any other lots like this, Mr. Daum I don't know, Mr. Jerman several 75x100 lots. Mr. Dwyer lot 14 n Amsterdam, Mr. Cook plans show lot 14, Mr. Jerman B1.323 Lot 14, B1.298 Lots 27-29, 4 quadrants, 2-50' dog leg lots-variances granted, houses similar. Mr. Dambroski- 10,000 sq. ft. improvable lot area smaller, Mr. Jerman doesn't matter house still in same location. Mr. Cook the ZO says to porch on rear so really 5'. Mr. Rohmeyer it is listed; Mr. Cook- realize that. Mr. Glen how wide in front, Mr. Jerman 30', Mr. Glen how many like this? Mr. Jerman very few, Mr. Daum older houses, Mr. Jerman 923 sq. ft. older house. Mr. Glen comments look at the pictures. Mr. Dambroski what is the average square footage, Mr. Jerman 2,100 sq. ft. Mr. Dambroski drywell 2.5' from property line, what is the code, Mr. Rohmeyer will double check. Mr. Dambroski the other towns- storm drainage in those areas, Mr. Daum- Lacey- some, Mr. Jerman- Berkeley-none. Mr. Dambroski Township concerned last wooded lot, Mr. Jerman I don't know, decreases run-off though. Mr. Rohmeyer requirements to applicant for this, shed toward street, overflow to wooded lot. Mr. Daum roof to re-charge decreases. Mr. Arace how many 50x100 lots built, Mr. Jerman don't know- 2 in the last year. Mr. Dambroski on 10,000 square foot lots. Mr. Jerman 50x100 half the negative impact, 100x100 twice the environmental impact & drainage, Mr. Rohmeyer not necessarily.

OPEN TO THE PUBLIC FOR QUESTIONS OR COMMENT.

Dean Renzi-1608 Champlain- sworn in. Mr. Renzi comments if approved 50x100 will continue to decrease the lot size, should be left wooded lot, changing very quickly, will continue to keep going on. Mr. Renzi inquires any plumbing in the basement, Mr. Jerman- no. Mr. Rohmeyer flooding concerns, Mr. Renzi just on corners during heavy rains.

CLOSED TO THE PUBLIC FOR QUESTIONS OR COMMENT.

Mr. Jerman no substantial detriment, no detriment to the Master Plan or zone plan, meets all setbacks-de minimis rear yard setback, positive effect on neighborhood, no junk, tires, brush, weeds on vacant lots, variance for 1<sup>st</sup> floor area would ask for greater if rear yard variance decreased, meets 25' maximum height even at 2 story, undersized isolated lot-generally grant subject to conditions from Board, if I could do better I would, beautiful house that fits- credit to my wife, Township owned next to it 25x100, 5 houses on road, block looks the same, no one will notice it's on undersized lot, asks Board to consider granting, asks for reasons to given if denied, specific finding of facts.

Mr. Dwyer if Board wanted driveway pervious material-asphalt, Mr. Jerman- would agree. Ms. Fazio as you've heard, tried and exhausted gone to Township, Dallmeyer case, if Township sells will change, sometimes are hands are tied, work with Court, tells us to consider, Town wants to keep lot next to it. Mr. Cook visited area- needs lots of variances, Dallmeyer case states size/layout adversely affect neighborhood can deny- believe it would. Mr. Reid- Mr. Jerman has asked for reasons, better for the record, resolution adopts reasons, not uncommon to say why/why not. Ms. Fazio requests a re-read. Mr. Cook- visited, viewed presentations, Dallmeyer case- desirable visual environment. Mr. Arace comments familiar with Pine Lake Park area- doesn't align.

Motion to DENY made by Mr. Cook and seconded by Mr. Arace.

Roll Call:

Mr. Cook- yes, Mr. Arace-yes, Mr. Dwyer-no, applicant agreed to condition, would change application if Town sells, pervious asphalt, Mr. Glen- yes, based on pictures submitted, 30'- no houses even close, really out of character with the neighborhood, Mr. Dambroski- yes- negatively affects overall zone plan in R10- did not meet the negative criteria, Mr. Galbreath- yes, Ms. Fazio- no, takes into account everything, 5 homes, they are smaller homes, Mr. Jerman will appeal.

8:17pm- Mr. Cook motioned to recess seconded by Mr. Dambroski- All in favor. Resumed 8:22pm.

3. Case 22-16	Jeffrey Jerman	Block 1.325 Lots 31 & 32
	PO Box 922	Monmouth Avenue
	Point Pleasant, NJ	Zone R10

Ms. Fazio reviews variance request to construct a single family dwelling on an unimproved lot having an area of 5,000 square feet where 10,000 square feet is required, an improvable lot area of 2,600 square feet where 5,800 square feet is required, a frontage of 50 feet where 100 is

required, a lot width of 50 feet where 100 feet is required, a rear yard setback of 24 feet where 26 feet is required and a maximum building height of one and a half stories is required and 2 stories is proposed. Ms. Mathioudakis notes correction to block number. Mr. Jeffrey Jerman, applicant and owner sworn in. Mr. Jeffrey Daum, Sub for Mr. Stevens as Engineer, sworn in and credentials accepted. Mr. Jerman presents the following for exhibit:

A1: site plan

A2: house plans

A3: picture board of neighborhood –packets to Board

A4: aerial photos

A5: affidavit of ownership

Mr. Jerman- isolated undersized lot requirement

A6: Buy/Sell Letters- 3 adjoining property owners- two letters sent one regular, one certified. To the left-lot 33 conforming 100x100-no reply, to rear, lot 18 100x100 Schwartz- offered \$20,000, buy as if variance granted- a little less than \$150,000 for 75x100. Lot 30- Township owned, letters sent in March & November 2022- response received November 29, 2022, correspondence read- won't sell to create undersized lot, absurd not to mitigate, properties sold twice a year, basically telling me to wait but how long? Ms. Fazio- I disagree. Mr. Jerman it's a non-answer, they didn't say they would sell it. Ms. Fazio but did he exhaust the requirements? Mr. Reid the questions is yes or no, Town said no. Ms. Fazio just want to make sure we are following all avenues. Mr. Jerman- I replied to Township attorney-reads correspondence, Mr. Reid did you receive a response, Mr. Jerman- no. Mr. Glen what is the date of your letter, Mr. Jerman December 12<sup>th</sup>. Ms. Fazio would you change if Township sells, Mr. Jerman- yes.

Mr. Jerman isolated undersized lot, a little unusual. Mr. Jerman to Mr. Daum did you visit site? Mr. Daum- yes, site plans, 2 car drive, single family home, variances for lot frontage, lot width, improvable lot area, front and side setbacks met with de minimis rear yard setback variance. Mr. Dambroski can that be clarified, Mr. Rohmeyer ZO measures to landing, to be consistent with ZO, previously grant to landing. Mr. Jerman why is variance needed Mr. Daum can't acquire land. Mr. Jerman can do this, Mr. Daum seems you can, Township won't sell, full 100x100 to West and Township land to the East-would help mitigate. Mr. Jerman 24' rear yard setback, 21' to landing, Mr. Daum- septic to property line, septic to roof, take 2' off would increase 1<sup>st</sup> floor area variance. Mr. Jerman ask for de minimis rather than greater variance, Mr. Daum- yes. Mr. Jerman improvable lot area concern, MR. Daum fits into reduced area, setbacks met. Mr. Jerman 900' required versus 721' proposed, Mr. Daum would require additional variance, would love to build a bigger house. Mr. Jerman 2 story versus ranch, Mr. Daum 2 story better, on 90' or less 1.5 story- 3 bedrooms, in Cape only 2 bedrooms upstairs. Mr. Jerman- if Cape 2 tiny bedrooms, slated ceilings, eliminate ½ bath. Mr. Jerman why 2 stories, Mr. Daum reduced space at 1.5 stories, 2 stories still maintain 25' max. height. Mr. Jerman with Cape couldn't fit 3 bedrooms unless closet size, Mr. Daum correct. Mr. Jerman a Cape would be detrimental? Mr. Daum if designed that way would be out of character of the neighborhood, fits in much better as designed. Mr. Jerman front and side setbacks met, Mr. Daum- yes, Mr. Jerman de minimis rear, Mr. Daum- yes. Mr. Jerman referring to the picture Board describe neighborhood, Mr. Daum 2 story Colonials, couple ranch homes, most have garages. Mr. Jerman- Mr. Stevens' 9 block analysis 34-2 story, 8- 1 story, 1,248-2,800 sq. ft.- smaller is Cape, Mr. Daum 2 story will fit better, 3 bedrooms, 2.5 bath with garage, more open space. Mr. Jerman 1,488 sq. ft. look out of character,

Mr. Daum will fit right in, my first home was 1,200 sq. ft. Mr. Jerman does this infringe of light, air, open space or neighbors? Mr. Daum no if house built on other lot 10' side setback and 25' Township lot- 35' no infringement. Mr. Jerman could develop any other use, Mr. Daum- no zoned into inutility. Mr. Jerman any detriment to zone or Master Plan? Mr. Daum- no, no extra houses- 5 homes, same here. Mr. Dambroski how many undersized built on this block? Mr. Daum- 2. Mr. Dambroski- so 6 homes if other lot built, Mr. Daum- yes, Mr. Dambroski- 3 undersized on this block- how many in Pine Lake Park, Mr. Daum- several in other towns. Mr. Jerman essentially proposing on 75 because Township owns other lot. Ms. Fazio 1.5 story only on those, how many, Mr. Jerman 2. Mr. Dambroski and this would be a third, Mr. Jerman- yes. Mr. Jerman our proposal looks the same, Mr. Daum comments drove today didn't even notice. Mr. Jerman can't tell the difference, unless you get out and measure, if you see Cape could tell but that's now since change in ordinance. Mr. Jerman any detriment to the public good, Mr. Daum- no. Mr. Jerman new construction increases value to neighborhood, Mr. Daum- yes. Mr. Jerman what about a smaller house, Mr. Daum- no. Mr. Jerman this is a 3 bedroom, 2.5 bath with basement- beautiful house, not detrimental to neighborhood, can't put together smaller lot and house, most room on lot to maintain light, air and open space, doesn't infringe on neighbors. Ms. Fazio how can 50' be no different than 75', Mr. Jerman 75' because Township owned next to it. Ms. Fazio so looking at it no difference visually, Mr. Jerman- correct. Ms. Fazio no reduce bedrooms to 2. Ms. Fazio ordinance change 75x100 at 1.5 stories, saying it looks no different. Ms. Fazio does Dallmeyer say 3-4 or so many beds, Mr. Jerman- no, not a saleable house. Ms. Fazio not concerned with sale, Mr. Jerman of course you are affects values. Ms. Fazio a 1.5 story with 2 bedrooms- Mr. Jerman not true, 75x100 at 25'. Ms. Fazio know you work with variance, Mr. Jerman at 25' high, Ms. Fazio we take into consideration as you drive, anything written about bedrooms, Ms. Mathioudakis- I don't know. Ms. Fazio two bed- looks the same, Mr. Jerman no- constraints of the lot, 2 story fits neighborhood. Mr. Rohmeyer believes refer to ridge height-slightly different. Mr. Jerman- two variance lots look any different, Mr. Daum appearance the same. Mr. Jerman any detriment, Mr. Daum actually raises values. Mr. Jerman 2 dog leg, 50' front, how common? Mr. Daum in Lacey/Berkeley- all fit in neighborhood. Mr. Jerman what happens after? Mr. Daum eclectic-brings up the neighborhoods. Mr. Jerman any consideration no others exist not entitled to variance, Mr. Daum still entitled to rights. Mr. Jerman anyway to mitigate, Mr. Daum- no, Mr. Jerman unless Township sells, Mr. Daum- correct. Mr. Jerman as engineer here and other places any experience with denials, best of your knowledge, Mr. Daum- overturned in the Court, Mr. Jerman why granted, MR. Daum- property owner has rights. Mr. Jerman when Court overturns and Board still denies, Mr. Daum inverse condemnation. Mr. Jerman from an Engineer/Planner viewpoint, Mr. Daum- good application, Mr. Stevens did a good design, will not look out of place at all. Mr. Jerman any substantial detriment, Mr. Daum none of these have substantial detriment.

Mr. Rohmeyer stormwater to rear to drywell, capture roof run-off, clear trees and plant 3, Mr. Daum actually reduce run-off, rain tonight, no drainage issue in this area. Mr. Rohmeyer shape, size, width, Mr. Daum same except garage in front instead of on side, increase roof pitch. Mr. Cook site visit shows pitch backed, Mr. Daum 3-4' base wall in rear, Mr. Cook looks deeper, Mr. Daum from street 10' from property line. Mr. Glen when purchased ordinance in place, Mr. Jerman- sure. Mr. Glen bought knowing a variance would be needed and still said okay, Mr. Jerman I step into the shoes of the original owner, owner has rights to build, previously can't build because of septic or on wetlands. Mr. Glen build no matter what, Mr. Jerman subject to

constraints, 1000's of cases on the books. Mr. Reid lot existing, then ordinance passed, passage created the undersized lot, hardship exists by way of ordinance. Mr. Glen- Township reduced size of house on 75x100, he wants to increase the size of the house. Mr. Jerman- not true- 2 story at 25' high comforts with undersized lot ordinance, 1.5 story have peaks and dormers to create bedroom space. Mr. Cook what market is available. Mr. Jerman 2-bedroom Cape with no bath upstairs is not marketable. Ms. Fazio definition variance-doesn't say anything about money, 3 bedrooms equal money. Mr. Dambroski 900 sq. ft. all 2 bedrooms, Ms. Fazio money not a reason, Mr. Jerman part true. Ms. Fazio-don't want to get into that. Mr. Jerman profit not it, about what fits in the neighborhood, next to it- 2 story, across 2 story. Mr. Arace on a 75x100, Mr. Jerman- yes at same height. Mr. Dambroski drywell setback, Mr. Rohmeyer nothing stated from house or property line, just septic. Mr. Dambroski when did you purchase, Mr. Jerman 6 months ago, under my LLC previously.

OPEN TO THE PUBLIC FOR QUESTIONS OR COMMENT.

Avraham Schwartz-632 Amsterdam- sworn in. Rules in place for a reason 50x100 not same as 100x100, if neighbor on corner buys and combines, will still look the same? Offered based on assessment.

Yisroel Saltz-624 Monmouth-sworn in. moved here a year and a half ago, wasn't overdeveloped like other towns and areas, hope it doesn't change.

Chaim Brog-701 Bismarck-sworn in. Backyard to Township lot, would purchase if Town sells to add to my property, believe 50x100 would be noticeable especially with the other lots developed.

CLOSED TO THE PUBLIC FOR QUESTIONS OR COMMENT.

Mr. Jerman in conclusion-undersized lot, no substantial detriment, 1,488 sq. ft. 3 bedroom 2.5 bath home not small by any means ask for bigger house would need setback variance, suggest alternatives, can't just say don't like it, doesn't infringe on light, air, open space, meets setbacks except for de minimis rear, need variance for all reasons mentioned. 1.5 story would not fit into neighborhood, no taller than 75x100, no impediment just because not Cape style, keep height down, applicant entitled to granted variance with reasonable conditions, like 6' side setbacks, I'm willing to do whatever the Board wants, similar 2 other variances with 50' frontage, only difference is with dog legs, can't tell from street even with huge lot in back, house doesn't look any different on 50' frontage, willing to take on anything Board suggests.

Motion to DENY made by Mr. Dambroski and seconded by Mr. Arace.

Roll Call: Mr. Dambroski- yes, detriment to zone plan, Mr. Arace-yes, Mr. Cook- yes, looking at house from street-wider than others, Mr. Dwyer- no, as with last application willing to try and make changes-pervious driveway, Mr. Glen- yes, out of character for the neighborhood 10,000 vs. 5,000, 100 vs. 50, 26' rear vs. 21', out of character, Mr. Galbreath- yes, Ms. Fazio- no, based on same reasons, unfortunate we're in this position with Township property, Board upset about this.

General Discussion: Mr. Glen will not be at next meeting, would like to see re-appointments of Mr. Reid as attorney and Mr. Rohmeyer as Engineer, and Ms. Fazio as chair.

**Adjournment:** The meeting was adjourned at 9:50 p.m. on motion by Mr. Dambroski and seconded by Mr. Cook. All in favor.

Respectfully submitted,

Erin Mathioudakis  
Zoning Board Secretary