

**MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Thursday, February 23, 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 6:37 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, K. Vaccaro, D. Tedeschi, G. Georgiano
Members Absent: H. Glen, P. Dambroski, S. Galbreath

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

Administrative Session:

Approval of Minutes: December 22, 2022 meeting

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

Roll Call: W. Cook-yes, M. Dwyer-yes, L. Fazio- yes.

January 26, 2023 Re-Org. Mtg.

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

Roll Call: W. Cook-yes, M. Dwyer-yes, K. Vaccaro-yes, D. Tedeschi-yes, G. Georgiano-yes, L. Fazio- yes.

January 26, 2023 Regular Mtg.

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

Roll Call: W. Cook-yes, M. Dwyer-yes, K. Vaccaro-yes, D. Tedeschi-yes, G. Georgiano-yes, L. Fazio- yes.

Payment of Bills:

MTZB-R7760 for T&M Associates in the amount of \$563.50 for Case ZB22-02.

MTZB-R7840 for T&M Associates in the amount of \$156.25 for Case ZB22-11.

MTZB-R7970 for T&M Associates in the amount of \$82.50 for Case ZB22-23.

MTZB-R7900 for T&M Associates in the amount of \$165.00 for Case ZB22-16.

MTZB-G2201 for T&M Associates in the amount of \$82.50 for General Engineering.

MTZB-R7880 for T&M Associates in the amount of \$156.25 for Case ZB22-14.

MTZB-R7930 for T&M Associates in the amount of \$41.25 for Case ZB22-24.
MTZB-R7860 for T&M Associates in the amount of \$123.75 for Case ZB22-12.
MTZB-R7890 for T&M Associates in the amount of \$387.00 for Case ZB22-15.

Motion to Approve by W. Cook and seconded by K. Vaccaro.

Roll Call: W. Cook- yes, K. Vaccaro-yes, M. Dwyer- yes, D. Tedeschi- yes, G. Georgiano- yes, L. Fazio- yes.

Correspondence: Mr. Reid reviews Case 22-07 carried to March's meeting with time being waived and no notice required.

Professional Reports: none.

APPLICATIONS:

- | | | |
|---------------|--------------------|--------------------|
| 1. Case 22-18 | Jeffrey Jerman | Block 1.150 Lot 41 |
| | PO Box 922 | Seventh Avenue |
| | Point Pleasant, NJ | Zone R10 |

Chairwoman 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. Mr. Jeffrey Jerman owner and applicant sworn in. Mr. Bill Stevens sworn in and credentials accepted. Mr. Jerman introduces the following as Exhibits:

A1: variance plan

A2: house plans

A3: aerial photos

A4: picture board/packet, Mr. Reid packet same as board? Mr. Jerman, yes, page one architectural renderings and exact house built.

Isolated undersized proofs

A5: Buy/sell letters: 3 adjoining property owners, 2 letters sent-certified and regular, Lot 1 to West- no response, Lot 9-12, 100x100 to rear- no response, Township- Lot 40 25x100- no response, still tried to acquire other way, property change request 1st time October 2022, Township not selling at this time, on January 3, 2023- same thing, final inquiry January 31st haven't received reply.

A6: Affidavit of Ownership

A7: property change request.

Robert Belmont-1424 Seventh Avenue-objection-sworn in, wasn't notified. Mr. Stevens clarifies his block/lot 1.131/45 not on certified list. Mr. Belmont withdraws objection. Ms. Fazio exhausts buy/sell letter with public.

Mr. Jerman isolated undersized lot, 50x100, typical like others, no detriment. Mr. Jerman to Mr. Stevens did you visit site and prepare variance plan, Mr. Stevens yes to both. Mr. Jerman describe variance, Mr. Stevens referring to A# aerial, 50x100 vacant wooded lot, 25-foot lot to East is Township lot. Mr. Jerman variance requested 5000sq. ft. vs 10,000sq. ft., Mr. Stevens existing isolated lot, lacks requirement. Mr. Jerman if acquired Township 25-foot lot? Mr. Stevens best of my understanding Township reluctant to sell, if could acquire would be typical 75' lot variance. Mr. Jerman 5,000sq.ft. sufficient? Mr. Stevens it is, unusual for Manchester, but done in a lot of adjacent municipalities. Mr. Jerman in past hasn't happened, Mr. Stevens not true- 2 homes built on 50' with variances in Beacon Street neighborhood, this is 1st with septic. Mr. Jerman previously septic couldn't fit 3 bedrooms, Mr. Stevens design technology has been there for decades can't explain why not done. Mr. Jerman-waiting for sewer in Pine Lake Park, all surrounding areas have it, home designed 3 bedrooms 2 and half bath, Mr. Stevens- correct. Mr. Jerman lot front and width will support, Mr. Stevens- it does, front and side setbacks met, driveway-2 cars, fits septic. Mr. Jerman side setback met, Mr. Stevens- yes. Mr. Jerman front setback met, Mr. Stevens- yes. Mr. Jerman rear yard setback is 24' rather than 26', Mr. Stevens allows sufficient house not smallest or largest, reduce 2' further less desirable. Mr. Jerman de minimis variance, Mr. Stevens yes plenty of homes with this variance condition. Mr. Jerman improvable lot area any constraints, Mr. Stevens does not, lot shrinks so does the area. Mr. Jerman 2 story home versus 1.5 story homes, Mr. Stevens ordinance states less than 90' front- 1.5 story Cape not 2 story, this 2 story is better planning for living area. Mr. Jerman the purpose of that ordinance was to keep height to 25' rather than 35' 2 story, Mr. Stevens agree-less than 25' height, Ex. A2-architectural-measures to median, this seeks full 2nd story. Mr. Jerman this home meets side and front yard setback and is under the height, Mr. Stevens- correct. Mr. Jerman have you visited the site and area? Mr. Stevens-yes and the typical 9 block analysis performed showed a mixture of homes- 77 homes ranging from 540 sq. ft. to 2788 sq. ft.- proposed home 1488 sq. ft.- fits in character of neighborhood, not largest or smallest home. Mr. Jerman just on this block how many 2 story versus 1.5 story, Mr. Stevens (using Ex. A4) homes that front on 8th and the homes that front on 7th, the homes behind on 8th 4 2 story homes and 1 one story, and in front- they all are 1 story homes save for the one being proposed. Mr. Jerman and then across the street 1-2 story and 1- 1 story correct, Mr. Stevens that is correct. Mr. Jerman so a mix of all, Mr. Stevens correct a mix of homes. Mr. Jerman so 3 bedrooms, 2.5 bath fits, Mr. Stevens believes based on planning reasons, fits character of neighborhood. Mr. Jerman any violation to light, air, and open space, Mr. Stevens meets the R10 zone. Mr. Jerman doing anything else to the property? Mr. Stevens- residential zone should be residential; property would be zoned into inutility. Mr. Jerman any substantial detriment? MR. Stevens- no keeps with the character of the ordinance. Mr. Jerman with the Township owned lot-how will it look driving by, Mr. Stevens- will look like 75x100 and remain wooded. Mr. Jerman 5 houses on the block, Mr. Stevens- yes, Mr. Jerman and behind, Mr. Stevens-yes, MR. Jerman like majority blocks, Mr. Stevens- yes, Mr. Jerman looks like other Pine Lake Park blocks, Mr. Stevens- yes. Mr. Jerman any detriment to public good? Mr. Stevens- no. Mr. Jerman others had sewer, 50' front plus dog leg, construct septic in rear so have been granted. Mr. Jerman any way to mitigate? Mr. Stevens- acquire additional land or someone purchases. Mr. Jerman you've been an Engineer many years what happened when denied? Mr. Stevens it's appealed and overturned. Mr. Jerman put simply? Mr. Stevens prove hardship-owner has right to build. Mr. Jerman and if Town still denies, Mr. Stevens the Town would have to purchase, Mr. Jerman at what price, Mr. Stevens at fair market price. Mr. Jerman any Engineering concerns, Mr. Stevens- no, 2 just done on dog legs. Mr.

Jerman optimal plan, can't say not a beautiful home, if Board wants to will entertain changes, I'm willing to listen, neighbor fence possibly, changes within reason.

Ms. Fazio you mentioned sell to Town-did you offer? Mr. Jerman- yes, Ms. Fazio at what price, Mr. Jerman a building lot. Ms. Fazio you mention sewer- very large septic with 3-4 bedrooms, why not 2 bedrooms/2baths? Mr. Stevens could be done. Ms. Fazio-2 bedrooms reduces variance needs- not saying you can't build. Mr. Jerman- Board can't control marketability; 2 bedrooms are Senior Communities- no market for them elsewhere. Ms. Fazio limit bedrooms, nice 2 bedrooms, keeps with ordinance, goes with size of lot, still when you 75x100-will look natural. Mr. Jerman comments won't sell to build. Ms. Fazio our hands tied, buy/sell/appeals-out of your way to try, can conform, reduce variances. Mr. Jerman Cape will require just about same septic, ordinance on 1.5 instead of 2 story for height, this house same as 25' not 35' high, 21-22' high at most, that's all part of consideration in the combined ordinance. Mr. Cook must also consider square footage, square footage of 2nd floor must only be a certain percentage of the first floor. Mr. Jerman- yes and we meet that, no I'm sorry it doesn't. Mr. Cook so in addition to the height you are not meeting the square footage. Mr. Stevens to be clear the ordinance does not talk about square footage what it does talk about is that it is a Cape with sloped ceilings. Mr. Cook that's not how I recall the ordinance. Mr. Stevens detailed ceiling in ordinance. Mr. Jerman big change in Pine Lake Park- 2nd story added on ranches. Ms. Fazio on 100x100 lots, Mr. Jerman – yes. Ms. Fazio 3 to 4 bedrooms, Mr. Jerman we're not talking about a 4 bedroom. Ms. Fazio no we're not but you keep talking about bug changes and I think we should be looking at lots like this with 2 bedrooms. Mr. Cook there's no garage right, Mr. Jerman there is just cut down a little for storage. Mr. Cook fits a car, Mr. Jerman- no but parking still met- 2 cars. Mr. Cook 3-bedroom home no other cars ever? Mr. Jerman good point can add 10' stone to allow additional parking, certainly would consider that. Mr. Cook you mention Mr. Stevens across the street a two story building on 7th Avenue? Mr. Stevens yes it's on the corner of 7th and Oakdale. Mr. Cook lot 26? Mr. Stevens lot 22. Mr. Cook calling it 2 story but 1st story somewhat submerged, Mr. Stevens a bi-level, 2 story according to the tax records. Mr. Jerman just in this area on 50x100 portion of lot homes built-1 block away to the north, 2 blocks away there is another and then 2 blocks to the East another, 3 blocks south there's another house, there's a lot of these on 50x100. Mr. Cook but they pre-date the ordinance, Mr. Jerman- yes. Mr. Jerman they are speaking of building a two-bedroom home, Mr. Stevens better way to ask is as a 3-bedroom Cape. Ms. Fazio 2 bedroom 2 bath home. Mr. Rohmeyer could have bedroom on 1st floor. Mr. Jerman comments there would be no garage and junk everywhere outside. Ms. Fazio asking for a 2 bedroom. Mr. Jerman- re-design Cape, not easy, not optimal, no 2 bedroom homes built except in age restricted, Mr. Stevens correct not really built except in age restricted. Ms. Fazio still 55 and older could buy-no kids. Mr. Jerman every home builder wrong for 30-40 years. Ms. Fazio why should we agree to 3 or 4, Mr. Jerman not 4 but good reason not built. Ms. Georgiano why not have larger first floor, Mr. Jerman because of septic system. Mr. Stevens from an engineering standpoint-front yard septic, 10' R.O.W., 15' from home, 23' wide septic. Ms. Georgiano smaller house would reduce size? Mr. Stevens slightly. Mr. Rohmeyer drainage on lot? Mr. Stevens- vacant wooded lot, split grading to street, drywell in rear, roof re-charge system. Mr. Jerman regarding drainage people think smaller lots have more impact but counterintuitively

they are half as big. Mr. Dwyer 50' lots how many 2 beds versus 3 beds, Mr. Jerman not sure-built without septic. Mr. Dwyer build if 75x100, Mr. Jerman yes, Township will decide in April, will try to buy. Mr. Dwyer if can't acquire-build a different Cape, Mr. Jerman can't- won't sell, throwing money away. Mr. Dwyer would you install a fence, Mr. Jerman- I would, also a gravel parking lot. Mr. Cook garage on left versus right, Mr. Jerman just flipped.

OPEN TO THE PUBLIC FOR QUESTIONS.

Daniel Terry-613 Burnside-setbacks from septic 48' front, Mr. Stevens- correct, and 15' from side, Mr. Stevens- 10' and from the driveway, Mr. Stevens- left side 6', 23' depth. Mr. Jerman 34' for septic, up to max. distance. Mr. Terry it doesn't have to be 10' from property line, Mr. Stevens- no meets the requirements. Mr. Terry lots been here for years, lots of restrictions, Mr. Stevens- leading from Ocean County Health Department (OCHD), built on 40' lots. Mr. Terry is there a leech field, Mr. Stevens- yes. Mr. Jerman if it didn't OCHD wouldn't approve. Mr. Stevens- good point, OCHD is an outside approval.

CLOSED TO THE PUBLIC FOR QUESTIONS OR COMMENT.

OPEN TO THE PUBLIC FOR COMMENT.

Robert Belmont-1424 Seventh- sworn in-against this project, live on 125x100 and been denied for garage, can't understand home with this variance, 50' property, history-resort area-bungalow type homes, don't like shoe horn development, nowhere else like it in our neighborhood, didn't like tone of Mr. Jerman to Board.

Daniel Terry-613 Burnside-sworn in-with this open up 100x100 lots to be split in half, Mr. Reid-can't answer-would be a Planning Board application. Ms. Fazio- totally different. Mr. Reid-a sub-division 2-50x100 plus "c" variances, can't tell you what they will do. Mr. Terry-so could open up? Mr. Reid- not an isolated undersized lot in your scenario-they would be creating the 2 lots-can't tell-not isolated, doesn't have the ability to acquire land. Mr. Terry- concern for future. Mr. Reid- general answer no, ordinance would have to change, granting relief to isolated lots. Mr. Cook comments it's also about ownership. Mr. Reid- affidavit-never entitled to the other properties, would be self-created hardship.

Mr. Belmont- other 50' lot would be open to development, used 9 block radius to show, would decrease value of our homes, based on a snap shot in time, used clutter and junk about the garage-having storage doesn't mean people will be neat, a young couple could move in, would move when family outgrows the home.

Anthony Loffredo-1417 Monmouth- sworn in-my property coming up, agrees with opening Pandora's box, will impact neighborhood, if it has to be 2 bedroom/2 bath-okay, neighbor on ranch-600sq.ft. addition. Ms. Fazio did approach Town, Mr. Loffredo-I know, don't begrudge him making money, wish 75x100 better even 100x100. Ms. Fazio- wouldn't be here if 100x100. Mr. Loffredo-really pushing the envelope with this one.

Lisa Johnson-1425 Amsterdam-sworn in- don't believe there is no market for 2 bed/2bath, house just next door is, nice young couple just bought, nice new house.

Amanda Carter-Ommundsen-1401 Seventh-sworn in- what is the length of the driveway? Mr. Stevens 48' to R.O.W., Town owns about 10', Ms. Ommundsen ac on property and 10' wide, Mr. Stevens yes and correct. Ms. Ommundsen assume family moves in based on size of home, parking is an issue, Mr. Jerman offered to add stone drive. Ms. Ommundsen over septic? Mr. Jerman- no. Ms. Ommundsen SUVs, Mr. Jerman can't say, Ms. Ommundsen still park on street, Mr. Jerman meets the requirements as Mr. Stevens said. Ms. Ommundsen addressing the Board-parking is an issue.

William Webb-2141 First-sworn in. Mr. Reid comments cannot become redundant. Mr. Webb- 50' front way too small, width on building? Mr. Stevens 30' in width, 10' sides. Mr. Webb-zoning distance between structures- 35' from one house to another. Mr. Rohmeyer- no requirement. Mr. Webb so none? Mr. Rohmeyer- none. Mr. Reid essentially 20', 10' on one property and 10' on the other.

CLOSED TO THE PUBLIC FOR COMMENT.

Mr. Jerman- I don't think I was disrespectful if I was- sorry. Just discussion. Complain too large, this is 1488sq.ft., newer homes 2200-2400sq.ft., parking less than 4-5 bedrooms. This is really less impact. Say shouldn't be built on 50'-built all over Towns, sold for millions, 100s of homes on 40' lots. Dallmeyer decision-right to build. Nothing wrong with this house, just smaller-30' wide, 21-22' in height, easily fits.

Mr. Cook mentioned Township 25' lot, Mr. Jerman- no not really given answer-can't be held to Township whim. Mr. Cook would you rather hear answer from Board tonight or wait until April. Concerned with res judicata-one bite. Mr. Reid- doesn't apply here. Ms. Fazio not denying you right to build reasonable house, just heard 2 bed homes do sell, by 2 bedroom-less impact, lowers variances. Mr. Jerman sold in Browns Mills. Ms. Fazio- no. Mr. Jerman not buying 2 bedroom new homes, Ms. Fazio heard the resident, Engineer said could. Mr. Jerman not saleable/profitable, not reasonable. Ms. Fazio-listened to comments, took an oath, concerns of public, concerns of sewer, you said they are all 1 story homes, not saying you can't build. Mr. Jerman half are 2 story across the street. Ms. Fazio am I correct to ask him to comply? Mr. Reid-to Mr. Stevens- eliminate variances? Mr. Stevens number of stories, Mr. Reid clarify height? Mr. Stevens- architectural set low, Cape could be 25' mean. Mr. Reid- could be greater? Mr. Rohmeyer- 1.5 story versus 2 story- limit livable space on half story. Mr. Cook 50%, Ms. Mathioudakis- 60%. Mr. Rohmeyer build yes or no? Mr. Jerman 27' tall Cape still meets 25' mean, no garage, lousy kitchen, ordinance is about height, smaller living area-Cape had nothing to with it, Tudor style, no storage, reduce kitchen and living room, 3rd bedroom on 1st floor. Ms. Fazio- you just said it's going to do all these things. Mr. Jerman no new 2 bedroom homes built anywhere. Ms. Fazio- could go back and forth, took in all comments.

Mr. Jerman-undersized isolated, no substantial detriment to neighbors, Master Plan or zone plan, fits in neighborhood, positive effect, meets front and side setbacks and de minimis rear and height met, willing to add parking, 2 story instead of 1.5 story, height being maintained, grant

subject to reasonable conditions anything but 2 bedrooms-just isn't done. Similar to everything to every other town, done here as well. Unbelievable time passed for Township lot, will be back for 75x100 if I acquire, otherwise block looks same with Township 25x100 in Pine Lake Park. Philosophically I understand these will be like 75x100-30 years ago decided undersized isolated applications guaranteed right to build, will appeal. 50x100 trees not falling, no more garbage all over the lot, when I'm cited for trees, I go out and take care of it. Board-hardship clearly demonstrated, positive criteria met, negative criteria show no detriment to neighbors, meeting side yard setbacks, height 35' only 2/3 much lower, less parking impact, Mr. Stevens testified no detriment to neighbors, Master Plan or zone plan, swamped by these every time, respectfully ask for approval.

Ms. Fazio said yes to fence, said no to 2 bedrooms, 1.5 story, comply with ordinance- he said no, April sale by Township if acquired will come back.

Mr. Reid- vote a yes vote to the motion, vote a no vote to the motion.

Mr. Cook has any built or sold, market all-time high, 2 bedrooms more attractive, square footage 60% of 1st floor.

Mr. Cook- motion to meet 2 bedroom Cape, meet height and square footage, plus the rear yard setback, plus fence on West side. Mr. Dwyer asks about 10' stone driveway, Mr. Cook- no. Mr. Reid clarifies the motion. Motion seconded by Mr. Dwyer.

Roll Call: Mr. Cook-yes, Mr. Dwyer- yes, Ms. Vaccaro- yes, Mr. Tedeschi- no, Ms. Georgiano- no, Ms. Fazio- yes.

Mr. Jerman-don't understand why motion limited in bedrooms.

Motion to Recess for 10 minutes @ 8:42pm made by Mr. Cook and seconded by Mr. Dwyer.

Roll Call: All in Favor.

Chairwoman Fazio leaves meeting during recess.

Motion to Return at 8:57pm made by Mr. Dwyer and seconded by Ms. Vaccaro. Roll Call: All in Favor.

2. Case 22-19	Jeffrey Jerman	Block 1.317 Lots 33 & 34
	PO Box 922	Monmouth Avenue
	Point Pleasant, NJ	Zone R10

Vice-Chairman Cook 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.

Mr. Jerman-owner/applicant-almost identical to the other application, take into consideration, request to carry matter to April 27th meeting.

Mr. Cook and next Case 22-20. Mr. Jerman carry to April also, considerations of Board. Mr. Cook- waive time, Mr. Jerman- yes.

Mr. Reid- waive statutory time, carry Case 22-19 Block 1.317 Lots 33 & 34 to April 27th with no further notice. Carry Case 22-20 Block 1.15 Lots 16 & 17 to April 27th with no further notice.

Mr. Loffredo- what happens if you can't make April 27th? Mr. Reid- you can hire an attorney; Mr. Loffredo- can I send someone? Mr. Cook- you could. Mr. Reid carried to April meeting because of agenda in March.

Adjournment: The meeting was adjourned at 9:03 p.m. on motion by Mr. Dwyer and seconded by Ms. Georgiano. All in favor.

Respectfully submitted,

Erin Mathioudakis
Zoning Board Secretary