

**MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
Thursday, April 27, 2023**

**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 6:36 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, D. Tedeschi and G. Georgiano  
Members Absent: K. Vaccaro  
Also Present: C. Reid, Board Attorney, Mark Rohmeyer, Board Engineer

**Administrative Session:**

**Approval of Minutes:** March 23<sup>rd</sup> meeting

Motion to Approve by: Mr. Cook and seconded Mr. Dwyer.

Roll Call: Mr. Cook-yes, Mr. Dwyer-yes, Mr. Dambroski-yes, Mr. Galbreath-yes, Mr. Tedeschi-yes, Ms. Georgiano-Yes, Ms. Fazio-yes.

**Payment of Bills:**

MTZB R7910 Inv.# VP435502 for T & M Associates in the amount of \$1,011.75 for Case 2217

MTZB R7830 Inv.# VP440603 for T & M Associates in the amount of \$255.00 for Case 2209

MTZB R7820 Inv.# VP440602 for T & M Associates in the amount of \$255.00 for Case 2208

MTZB R7990 Inv.# VP440608 for T & M Associates in the amount of \$583.50 for Case 2301

MTZB R7920 Inv.# VP440606 for T & M Associates in the amount of \$382.50 for Case 2218

Motion to Approve by: Mr. Cook and seconded Mr. Dwyer.

Roll Call: Mr. Cook-yes, Mr. Dwyer-yes, Mr. Glen, Mr. Dambroski-yes, Mr. Galbreath-yes, Mr. Tedeschi-yes, Ms. Fazio-yes.

**Correspondence:**

Chris Reid, Esq- Correspondence received from Applicant, Jeffrey Jerman, on Case-22-19 for a request to carry the application for two months due to ongoing negotiations with the Town for a land exchange. The matter will be carried to June 22, 2023 with no new notice required.



would. Mr. Cook commented that due to the unique shape of the property he saw no reason why the application shouldn't be approved.

Motion to Approve by: Mr. Cook and seconded Mr. Dwyer.

Roll Call: Mr. Cook-yes, Mr. Dwyer-yes, Mr. Glen-yes, Mr. Dambroski-yes, Mr. Galbreath-yes, Mr. Tedeshi-yes, Ms. Fazio-yes.

2. Case ZB22-20	Jeffrey Jerman PO Box 922 Point Pleasant, NJ 08742	Block 1.15 Lot 16 & 17 First Avenue Zone R10
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Ms. Fazio reviews variance relief to construct a single family residential dwelling on an unimproved lot having an area of 5,000 SF where 10,000 SF is required, an improvable lot area of 2,600 SF where 5,800 SF is required, a frontage of 50 feet where 100 feet is required, a lot width of 50 ft where 100 ft. is required, a rear yard setback of 24 ft. where 26 ft. is required and maximum building height of one and half stories where two stories are proposed. Jeffrey Jerman, PO Box 922, Point Pleasant, NJ, and Mr. Bill Stevens, Professional Engineer & Planner sworn in. Mr. Stephens credentials accepted. Mr. Stephens submitted the Variance plan submitted to the Board with the application as Exhibit A-1. Mr. Jerman entered the following exhibits procedurally, A-2-Aerial photo of the property, A-3-Plans for the House, A-4-photos and descriptions of homes in the neighborhood on poster board, A-5-packets of photos and descriptions of homes in the neighborhood handed to the Board members. Mr. Stephens explained that this is a typical undersized, vacant lot. The applicant had to try and buy surrounding land to make the property conforming or sell the land to an adjacent property owner. There are two adjoining properties. Alexander Quinn is the owner of Lot 18. He was sent the standard buy/sell letter by certified mail on 1/20/23 and Mr. Jerman received no response. Mr. Quinn would not have been able to sell Mr. Jerman any land anyway because his lot is 100x100 and selling land would make his property non-conforming. Manchester Township owns Lot 15 and Mr. Jerman made numerous attempts to purchase the land from the Town. He sent letters and received no response. Mr. Jerman also sent a formal request to the Township to purchase the lot and was told that the Township would be having a land sale in April of 2023, and they would let him know then. Mr. Jerman testified that he has still yet to receive a response from the Township. He did send buy/sell letters as well with no response. Ms. Fazio asked if Mr. Quinn was here. Mr. Quinn confirmed that he was there and that he declined to sell any of his property but would be interested in purchasing Mr. Jerman's lot for a reasonable price. Mr. Jerman submitted his buy/sell letters as Exhibit A-6. Mr. Reid explained the buy/sell letters and how they work and why they are required. Mr. Quinn confirmed that he did receive a buy/sell letter. Mr. Reid explained that the value of the lot would have to be as if the variance was granted for fair market value. Mr. Quinn said that he was not sure of the value and would have to do some research before he made any offers. Mr. Reid advised that the Board should move forward with the application on its merits. Mr. Jerman submitted the title history of the property and his Affidavit as Exhibit A-7 to prove that he has never owned adjoining property. Mr. Jerman explained that this property is a typical undersized lot and he believes it will meet practically all the requirements of a nice home. Mr. Stephens confirmed that he prepared the application and

plans. He explained that the Applicant is seeking to build a home on an undersized lot and put the Aerial photo taken on September 2022 (A-2) to show the property to the Board. He testified that the property is located in the R-10 zone and is in the southeast section of Pine Lake Park. The strip of land behind the property is Township owned and adjacent to the municipal boundary and Ciba Geigy. The driveway would be on First Ave, and it would be serviced by municipal water and a septic system designed for a single-family residential home. Mr. Jerman asked Mr. Stephens why the application required a variance and Mr. Stephens explained that it was an undersized lot. Mr. Jerman asked Mr. Stephens if there was any available property to be acquired and Mr. Stephens answered there was Township owned property available. Mr. Jerman explained that he already provided testimony to show that the Township won't sell. Mr. Jerman asked why a frontage variance is required and Mr. Stephens again explained that it was due to the lot being undersized. Mr. Jerman asked Mr. Stephens if the lot was big enough to accommodate a one and ½ story, 1,387 SF, 3-bedroom, 3-bathroom house with a partial basement. Mr. Stephens confirmed that the property could accommodate that. Mr. Jerman asked if the septic system proposed would be sufficient and Mr. Stephens said that it would be due to advanced technology. Mr. Jerman asked if there would be adequate parking and Mr. Stephens confirmed that the application meets the parking requirements with 2 stalls in the driveway. Mr. Jerman asked if the application meets the setbacks with restraints. Mr. Stephens explained that the proposed dwelling exceeds the front setback and meets the side setback, but that a variance would be required for the proposed 24 ft rear setback. Mr. Jerman asked if the rear setback was de minimis in Mr. Stephens opinion and he confirmed that he thought it was because the property in the back is undeveloped and is Township owned. Mr. Jerman asked if the improvable lot area was a concern and Mr. Stephens said it was not because he felt the application would meet the intent of the ordinance. Mr. Jerman testified that the first-floor variance is because they are constrained by the setback requirements and the septic size and would require an additional variance. He explained that he came before the Board with a 2-story home on a previous occasion and the Board wanted to see a 1 ½ story home. Considering that, he is proposing a cape home with the 60/40 percentage met, along with all conditions of the undersized lot ordinance. Mr. Rohmeyer asked if the proposed dwelling meets the roof requirements. Mr. Jerman said that he did not and would require a variance. He also testified that he revised the cape design so that the proposed dwelling would completely meet the ordinance requirements. The new cape has the same footprint, same square footage, but the porch would be extended a bit. Mr. Jerman stated that he likes the first design better but would work with the new proposal and leaves it up to the Board. Mr. Jerman submitted the new house design as Exhibit A-8. Mr. Cook inquired about the size of the rooms in the new design change. Mr. Jerman said that the size of the rooms would be slightly different because he had to slightly increase the size of the dormers and foyer due to structural problems, the rooms would be increased by 30 SF, but would still meet the 40/60 percent ratio. Mr. Dambroski pointed out that the original plans indicated that the proposed SF of the dwelling would be 1,387 SF and the new design proposes 1,488 SF. Mr. Jerman clarified that the new proposed SF would be 1,415 SF, which is 33 SF more. Mr. Dambroski asked whether the 911 SF on the ground floor is all living space or whether the porch is included in that, and Mr. Stephens confirmed that the porch is included in that calculation. Ms. Fazio and Mr. Jerman confirmed again that the original plans proposed 1,387 SF and the new proposed. Mr. Rohmeyer confirmed that section 245-8 requires that the covered porch be included in the calculation of

square footage for the purposes of the 60/40 percentage ratio. Mr. Fazio asked if there were any more questions from the Board or the professionals. Mr. Rohmeyer asked Mr. Jerman to provide testimony regarding the difference in the effect on light, air and open space between the two proposed dwellings. Mr. Stephens explained that the proposed dwellings have the same dimensions and that only the volume of air space has changed. There would be no perceived difference from one home to the other. Mr. Rohmeyer suggested that the board consider which home would be more appropriate for the look. Mr. Stephens added that the neighborhood is made up of 9 blocks. Since the properties surrounding this property to the east are mainly undeveloped, he only considered 6 blocks. There are 26 homes in 6 blocks. The largest house in the neighborhood is 2,531 SF and the smallest house is 768 SF. Both 1,387 SF and 1,415 SF would be in keeping with the neighborhood. Mr. Jerman asked Mr. Stephens if there would be any detriment to the light, air or open space and Mr. Stephens said there would not. He also indicated that there was a home existing on Second Avenue that is on a 50 ft. lot. Mr. Jerman indicated there were a few. Mr. Rohmeyer asked how many were in a 6-block radius and Mr. Stephens said that Block 1.20 Lot 13 & 14 is a house on Second Ave that is on a 50 ft. lot. Mr. Jerman asked Mr. Stephens if he could develop this property for any other use without a variance and Mr. Stephens said that he could not. Mr. Jerman asked if Mr. Stephens felt that this application would cause any detriment to the Zoning Plan and Mr. Stephens said that it would not. Mr. Jerman asked Mr. Stephens if the proposed home would look like the existing houses in the neighborhood and Mr. Stephens said it would especially because of the small Township owned lot adjacent to it that would never be developed. Mr. Jerman asked if this sized lot was commonly built on in surrounding Towns like Berkely and Lacey and Mr. Stephens confirmed that it is. Mr. Jerman asked if there was any way to mitigate the variances and Mr. Stephens said that the only way would be through the purchase of more property or the sale of the lot to an adjacent property owner. Mr. Jerman asked if there was any reason from an engineering standpoint that this lot couldn't be developed, and Mr. Stephens said no. Mr. Jerman asked Mr. Stephens if there would be any substantial detriment and Mr. Stephens said there would not be because the property is zoned residential, and it should be developed in that manner. Mr. Jerman said that if there was anything else that he could do, he would. Mr. Fazio asked if there were any questions. Mr. Rohmeyer explained that Manchester has added requirements for the development of an undersized lot to mitigate required variances such as height requirements, stormwater requirements and steps to develop on an appropriately graded lot. He asked Mr. Stephens if there would be any stormwater impact from the proposed project and Mr. Stephens explained that there would not be because the stormwater is directed to run towards the rear of the property and the adjacent lot to the rear is undeveloped. Mr. Glen asked to repeat the two Towns that allowed us to build on lots relative to the size of the lot proposed, and Mr. Stephens answered that it was Berkely and Lacey. Mr. Glen asked if those Towns were predominantly public water and sewer. Mr. Stephens answered that Lacey is mostly public sewer, but Berkely has a lot of septic. Mr. Glen asked whether the smaller septic system would be able to accommodate this home and Mr. Stephens said that the advanced technology of the systems would be able to accommodate the home, but they do require additional maintenance. Mr. Dambroski asked if the rear landing was attached to the house. Mr. Stephens said that it could be done either way. Ms. Fazio asked if there were any questions again. Mr. Galbreath asked that the advanced treatment entailed. Mr.

Stephens answered that it has a pressure closing system and self-treatment and was approved Pinelands septic system.

#### OPEN TO PUBLIC FOR QUESTIONS

Alexander Quinn asked if the septic system could handle a 3-bedroom, 3-bathroom home and Mr. Stephens answered that it could. Mr. Alexander said that he didn't understand how. Mr. Stephens and Mr. Jerman both said that the Board of Health approved the system and he has designed many of these systems throughout Ocean County. Mr. Quinn asked if they have ever built this particular size septic system in Manchester and Mr. Stephens said that he has not.

Mr. Fazio said there were no more questions for Mr. Stephens.

#### OPEN TO PUBLIC FOR QUESTIONS

Alexander Quinn of 2140 First Avenue was sworn in. He does not agree with being able to build on a 50 ft, x 100 ft. lot. He moved from Toms river to Pine Lake Park for the size of the properties and the land. It does not seem to him that building on a lot size would benefit anyone. He was told that all lots were supposed to be 100 x 100 ft when he moved there and he is against being able to build on 50 x 100 ft lots.

Dorothy Webb of 2141 First Ave was sworn in. She has lived in Pine Lake Park for 42 years. She loves Pine Lake Park and it has always been open and spacious. She purchased a 50 x 100 ft. lot next to her to avoid this situation. She feels that even though the proposed house may be considered a beautiful house, it just doesn't fit in with the neighborhood. She is not against change but doesn't feel this house will look nice with 10 ft. setbacks.

Robert Luft of 2124 First Ave was sworn in and said he did not have much to say except that they call it an undersized lot for a reason. It doesn't fit. It looks like it was squeezed in and once it starts it won't stop.

Ms. Fazio asked Mr. Jerman if he would purchase the adjacent Township owned lot if it was offered at a reasonable price and Mr. Jerman confirmed that he would. Mr. Quinn commented that he would like to see the home built on a 100x100 ft. lot. Mr. Jerman said that the Architectural plans are beautiful, small, meets all the setbacks, house has no detriment, fits in, will raise the values of the surrounding properties and that he hopes that everyone considers all these factors. He has done everything that he could possibly do. Mr. Jerman thanked the Board for their time and consideration.

#### PUBLIC PORTION CLOSED.

Mr. Reid asked if the application complies with the RSIS parking requirements, tree ordinance, promotes the MLUL, provides a desirable visual environment, promotes proper density and safety from fire, flood and natural disaster. Mr. Stephens confirmed that it does.

Mr. Fazio stated that out of the two plans provided for review, her opinion is the second plan. Mr. Glen said that before he makes a decision he would like to postpone the matter to allow the neighbors and the Township to make a decision on the purchases and sales brought forth tonight. Ms. Fazio asked if the Board should further penalize Mr. Jerman because the Township has

neglected to respond. Mr. Glen said that he does not feel like it was penalizing him to postpone the application and said that if they do not postpone the vote for an opportunity to negotiate, it would affect his vote.

Mr. Jerman said that he would agree to wait to act on the approvals for four months in an effort to try to come to an agreement with the Township or Mr. Quinn who owns the other adjacent property owner. Mr. Reid explained that Mr. Glen was not here for a few meetings and did not hear Mr. Jerman explain the process. He asked Mr. Jerman to explain the process for him. Mr. Jerman said that he began the process over a year ago. He said that he sent letter after letter with no response or decision to date. He was told that the Township would be doing land sales in April, and he reached out to the Township attorney for a status and has yet to hear a decision or response regarding this particular property. Mr. Reid asked how many buy/sell letters Mr. Jerman sent, and he said 8. Two of the letters he did get a response of no to because there is a drainage issue in those areas. Mr. Jerman said that he would do a land swap and the Township agreed. The first application that was set to be heard tonight was carried for that same reason. In two instances they have agreed to swap. Mr. Reid confirmed with Mr. Jerman that the buy/sell process was completed and exhausted and Mr. Quinn did not accept or make an offer. Mr. Quinn asked if he would have the opportunity to buy the Township owned lot as well. Mr. Reid explained that the sales are usually for ad joiners, but that he is not the Township attorney so Mr. Quinn would have to check with the Township attorney about that. Ms. Fazio asked if there were any more Board questions or comments. Mr. Cook explained that he feels that what he would like to do personally and what the Board is required to do by law are two different things. He said that legally, if the proposed project meets substantially most of the requirements, the Board should grant the requested variance relief.

Mr. Cook made a Motion to approve the new 1,415 SF Model with conditions including no construction for 4 months at the request of the adjacent property owner and to give the Township a final opportunity to sell Mr. Jerman the lot. Mr. Dwyer seconded that Motion to approve.

Roll Call: Mr. Cook-yes, Mr. Dwyer-yes, Mr. Glen-no, Mr. Dambroski-no, Mr. Galbreath-no, Mr. Tedeschi-no, Ms. Fazio-yes.

Motion to approve does not carry.

Mr. Dambroski made a motion to deny on the basis that the application would be impairing the intent and purpose of the Master Plan and the undersized lot ordinance. Mr. Tedeschi seconded that motion to Deny.

Roll Call: Mr. Cook-no, Mr. Dwyer-no, Mr. Glen-yes, Mr. Dambroski-, Mr. Galbreath-yes, Mr. Tedeschi-yes, Ms. Fazio-no.

Motion to deny the application carries.

**MEMORIALIZATIONS:**

Memorialization of variance to for the height of a fence in a front yard to permit a six-foot fence where four feet is allowed. Applicant: Latonya Conley, Block 21 Lot 621.16 2 Morgan Court, Approved with conditions at the March 23, 2023 meeting. Case ZB22-21.

Motion to Approve by: Mr. Cook and seconded Mr. Dambroski.

Roll Call: Mr. Cook-yes, Mr. Dwyer-yes, Mr. Dambroski-yes, Mr. Galbreath-yes, Mr. Tedeshi-yes, Ms. Georgiano-yes, Ms. Fazio-yes.

Memorialization of a variance for the construction of a single family dwelling where a minimum lot area of 10,000 square feet is required and 7,500 square feet is proposed, where a minimum lot frontage of a 100 square feet is required and 75 feet is proposed, where a minimum lot width of 100 feet is required and 75 feet is proposed and where a minimum improvable lot area of 5,500 SF is required and 2,6000 SF is proposed. Application: Ifeoma & Amadi Oguagha Block 1.366 Lot 27.01 2101 Manchester Street. Approved at the March 23,2023, meeting. Cas ZB22-23.

Motion to Approve by: Mr. Cook and seconded Mr. Dambroski.

Roll Call: Mr. Cook-yes, Mr. Dwyer-yes, Mr. Dambroski-yes, Mr. Tedeshi-yes, Ms. Fazio-yes.

Memorialization of a variance to replace and extend an existing 6’ wooden fence with a 6’ wooden fence along the corner of the property (64’ in length, offset from the edge of property along Coolidge Ave. x 48’ in length, offset 97.6’ from the edge pf the property along New York Ave.). The Applicant is also seeking variance relief to maintain a gravel driveway, pop-up tent, and shipping container within the property. Applicant: Ross & Peggy Briggs Block 99.108 Lot 1 1880 New York Avenue. Approved with conditions (fence & driveway) at the March 23, 2023, meeting. Case ZB22-07.

Mr. Reid explained that there was a question about the 1<sup>st</sup> and 2<sup>nd</sup> meeting regarding this application. The attorney for the applicant was only present at the second meeting. The Resolution will be carried to the next meeting so that Mr. Reid and the applicant’s attorney can sort out the existing questions and issues with the Resolution proposed.

**Adjournment:** The meeting was adjourned at 8:20 p.m. on motion by Mr. Cook and seconded by Mr. Dwyer. All in favor.

Respectfully submitted,

Amanda Kisty  
Alternate Secretary