

**MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Thursday, August 24, 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 6:31 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, H. Glen, P. Dambroski, S. Galbreath, K. Vaccaro, D. Tedeschi, G. Georgiano
Members Absent: M. Dwyer
Also Present: J. Worth, Board Engineer and C. Reid, Board Attorney

Administrative Session:

Approval of Minutes: July 27, 2023, meeting.

Motion to Approve made by W. Cook and seconded by P. Dambroski.

Roll Call: W. Cook-yes, P. Dambroski-yes, H. Glen-yes, S. Galbreath-yes.

Payment of Bills:

MTZB-R8090 for T&M Associates in the amount of \$617.00 for Case ZB23-11.

MTZB-R8040 for T&M Associates in the amount of \$850.00 for Case ZB23-06.

MTZB-R8000 for T&M Associates in the amount of \$170.00 for Case ZB23-02.

MTZB-R8010 for T&M Associates in the amount of \$85.00 for Case ZB23-03.

MTZB-R8030 for T&M Associates in the amount of \$85.00 for Case ZB23-05.

MTZB-R8020 for T&M Associates in the amount of \$85.00 for Case ZB23-04.

MTZB-R8060 for T&M Associates in the amount of \$722.50 for Case ZB23-08.

MTZB-R8080 for T&M Associates in the amount of \$612.50 for Case ZB23-10.

MTZB-R7910 for T&M Associates in the amount of \$212.50 for Case ZB22-17.

MTZB-R7990 for T&M Associates in the amount of \$100.00 for Case ZB23-01.

MTZB-R8050 for T&M Associates in the amount of \$422.50 for Case ZB23-07.

MTZB-R8070 for T&M Associates in the amount of \$934.50 for Case ZB23-09.

Motion to approve made by W. Cook and seconded by K. Vaccaro.

Roll Call: W. Cook-yes, K. Vaccaro-yes, H. Glen-yes, P. Dambroski-yes, S. Galbreath-yes, D. Tedeschi-yes, G. Georgiano-yes, L. Fazio- yes.

Correspondence: Mr. Reid reviews correspondence for Case 22-10- US Homes, Danielle Kinback, attorney for applicant, to withdraw application from the Zoning Board.

Professional Reports: none.

Memorializations:

Memorialization of a variance for a minimum accessory rear yard setback where 25 feet is required, and 7 feet is proposed. For a minimum accessory front yard setback where an accessory structure is not permitted in the front yard (50 feet) and a gazebo is existing in a front yard (10.33 feet). For a fence height where 4 feet is permitted, and 6-foot solid vinyl fence exists along Johnson Avenue. For lot coverage where 25% is permitted and 32.4% is proposed. Applicant: Ronald Hart 2980 Nicoletti Road, Block 54 Lot 17. Approved at the July 27, 2023, meeting. Case 22-17.

Motion to approve resolution made by W. Cook and seconded by H. Glen.

Roll Call: W. Cook-yes, H. Glen-yes, P. Dambroski-yes, S. Galbreath-yes.

APPLICATIONS:

- | | | |
|---------------|---------------------|---------------------|
| 1. Case 23-02 | M. Sarama Builder | 3044 Nicoletti Road |
| | 3174 Johnson Avenue | Block 54 Lot 29 |
| | Manchester, NJ | Zone R40 |

Ms. Fazio reviews variance request to construct a single-family dwelling on a lot for lot area, lot frontage on Ridgeway Road, lot width along Ridgeway Road, side setbacks and existing side and rear setbacks. Mr. Peter Loffredo- applicant's attorney-property located at south corner of Nicoletti and Ridgeway, in R40, undersized lot, existing mobile home, client purchased in March, will remove mobile home to construct a single-family dwelling. Mr. Loffredo Exhibits A1: buy/sell letters- no response. Mr. Jason Marciano-East Coast Engineering-sworn in, credentials accepted. Mr. Marciano submitted survey and grading plan, 571 & Nicoletti-R40 zone, enclave of R15 but this is R40. North on bottom 158' on Nicoletti, existing structures- mobile home and sheds, proposed two story single-family home, already removed shed. Mr. Marciano state applicant would like to keep one shed, existing lot size 166.67' where 200' front and width required. Mr. Marciano this is not an isolated lot, is developed but letters sent, south to lot 100x116- no response, lot to East-too narrow 133' - no response, can't conform to 200'. On grading map North is down, Southeast corner shed to keep, front yard setback of 50' is required, 51' is proposed, rear yard setback 50' required, 93' is proposed, no variance sought, other front yard setback 50.25' proposed, 50' required, existing mobile home only 33', will comply with new structure, side yard setback of 17.79' proposed where 25' is required, narrowness of lot, interior would comply, if home faced Nicoletti, only 16' building envelope, rear is opposite the front door for zoning purposes, gives maximum backyard, smaller variance needed as proposed, 9.1% building coverage and 15.4% lot coverage, 26.5' height, complies fully. Mr. Marciano refers to the shed that will be kept, 25.5' rear yard setback, 21.4' to rear and 4.8 to side if moved right in backyard, nestled among the trees, mature trees to be kept, property grading doesn't alter, trees removed to accommodate basement, will remove stone drive to 2 concrete car drive,

other side removed. Mr. Marciano opines old dated structure, small residence to be replaced with conventional home, increased setback on Nicoletti, serviced by new septic, more C2 benefit outweighs the detriment, promotes public health and safety, current building codes, safety from fire, preserves light, air and open space, all but one setback met, appropriate density, creates desirable visual environment, much more attractive home, can grant without any substantial detriment-yes, better home systems, no impact on neighbors, no impact on neighbors or traffic. Mr. Marciano also states R40 allows single family homes and meets the criteria for C2 variance. Mr. Worth relates to density-consider one story or one and a half story, Mr. Marciano- no. Mr. Loffredo- certain models built by builder. Mr. Worth architectural is mirrored? Mr. Marciano- yes, uses prototype. Mr. Marciano continues desirable- has playroom, office, garage space, front porch, siding, windows, etc., desirable built home.

Mr. Marciano- Exhibit A2-booklet. Cover-aerial, larger lot on Nicoletti, pg. 2- street views, pg.3- shed to keep-tucked back, good distance away, 59 + 20 nearly 80' between shed and next house. Pg. 4- across the street, newer neighborhood, pgs. 5 +6- South behind property, pg.7- property east of property= taken today and one from Google on pg. 7, pg. 8- west from property, pgs. 10 +11- homes within 200', many two-story homes, all permitted. Mr. Worth existing decks, fences, drive removed, Mr. Marciano- yes. Mr. Worth- roof leaders tied in, Mr. Marciano- yes, yard perimeter into catch basin on 571, fairly flat lot, manage stormwater through yard inlets. Mr. Worth- tree save how many? Mr. Marciano refers to page 2 in Ex. A2, beyond mobile home not impacted by construction- will be saved, pg. 3- right of shed-saved trees. Mr. Worth within 15' of property, Mr. Marciano- correct. Mr. Cook new construction, drywell required? Mr. Marciano-no, connect to existing system. Mr. Cook but environmentally, Mr. Marciano I understand, Mr. Cook would consider, Mr. Marciano- yes. Mr. Glen and the septic, Mr. Marciano will fill according to Ocean County Board of Health, properly abandon. Mr. Glen and the concrete slab? Mr. Marciano- remove.

OPEN TO THE PUBLIC FOR QUESTIONS TO THE ENGINEER

Gail Apgar-see pictures? Mr. Loffredo clarifies pictures-property in general area. Ms. Apgar 2 story home, will continue to build? Mr. Marciano can't speak to that; my client only owns this property. Ms. Apgar looks rough, Mr. Marciano-has nothing to do with this property. Ms. Apgar concerned would look like a sore thumb, Ms. Fazio so you're not in favor? Ms. Apgar not sure, don't know how you do this. Mr. Marciano again nothing to do with this. Mr. Loffredo comments only for this application. Mr. Marciano- reviews photos.

CLOSED TO THE PUBLIC FOR QUESTIONS TO THE ENGINEER

Mr. Loffredo- Mr. Marciano presented everything. Ms. Fazio undersized lot one and a half story. Mr. Marciano R10 zone not R40.

OPEN TO THE PUBLIC FOR COMMENTS. Hearing none. CLOSED TO THE PUBLIC FOR COMMENT.

Ms. Fazio reviews conditions-remove only trees as necessary, shed removed, fence, graded yard, drywell, septic filled-OC Bd. Of Health. Mr. Loffredo clarifies one shed removed, other stays.

Ms. Fazio concrete slab and stone drive-removed. Mr. Cook concrete to shed removed, Mr. Marciano- yes. Mr. Reid-drywell, septic, small shed, driveway removed. Mr. Cook comments great improvement.

Motion to Approve made by W. Cook and seconded by H. Glen.

Roll Call: W. Cook- yes, H. Glen- yes, P. Dambroski-yes, S. Galbreath- yes, K. Vacarro-yes, D. Tedeschi- yes, L. Fazio- yes.

2. Case 23-04	Jeffrey Jerman	Englemere Boulevard
	PO Box 922	Block 1.341 Lot 41
	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 first floor area of 721 feet is provided where 900 feet is required.

Applicant is requesting waivers for curb and sidewalks. Mr. Jeffrey Jerman and Mr. Bill Stevens-Engineer-PDS sworn in and Mr. Stevens credentials accepted.

Mr. Jerman originally a 50x100 application, in the meantime buy/sell letters sent, neighbor to convey 25'. Ms. Fazio there is a contract? Mr. Jerman- yes, subject to variance. Mr. Reid explains contract purchaser, proofs 75x100, agree you have to come back to Board if sale does not go through. Mr. Jerman- yes. Mr. Reid- updated review letter. Mr. Jerman note variances are lessened, lot front & width and lot coverage. Mr. Jerman presents Exhibits.

A1: variance plan

A2: house plan

A3: aerial

A4: photo board

Mr. Reid-all houses within 200'? Mr. Jerman yes all on this street. Mr. Cook also Cedar Creek Homes, Ms. Fazio which lot, Mr. Jerman west 25' of it.

A5: Affidavit of ownership.

Mr. Jerman buy/sell letters, 3 adjoining lots, no response from rear, Lot 1 corner-100x100 couldn't sell-no response, Lot 36 Shady Pines owner, worked it out, re-submitted.

A6: buy/sell letters.

Mr. Jerman to Mr. Stevens did you view and prepare these? Mr. Stevens- yes. Mr. Jerman please summarize, Mr. Stevens-undersized lot in Pine Lake Park, aerial: subject property on center, Paper street-Grinnell, east-Pemberton, just see the lake, B1.341/L41 and part of L36, originally 50' acquired 25' from next door L36, is vacant 125x100, only has 25' to sell, best case scenario for these lots. Mr. Stevens- 5 houses on street, when lots are developed, referring to A1: variance plan, property has shed, conforms with undersized lot ordinance, 18x42' drive, municipal water,

septic and drywell to be installed. Mr. Jerman what variances? Mr. Stevens- all associated with undersized lot, 10,000 only 7500, 100' front required, 75' proposed, 100' lot width, 75' proposed, 5800 sq. ft. required, 4225 sq. ft. proposed, all conditions of the lot. Mr. Jerman will the lot support the house, Mr. Stevens- yes. Mr. Jerman the lot front and width, Mr. Stevens does not meet ordinance and zone. Mr. Jerman 3 bedroom, 2 and ½ bathroom, with septic front setback, side setback, possible rear setback all fits? Mr. Stevens- yes, rear setback interpretation by Zoning Officer-not sure-but ask for it anyway, 23' to rear landing. Mr. Reid and to the house? Mr. Stevens- 26'. Mr. Jerman and we meet at 26', Mr. Stevens-yes. Mr. Jerman- de minimis? Mr. Stevens- yes. Ms. Georgiano it's a one and a half story? Mr. Jerman- yes. Mr. Jerman describe how it fits, Mr. Stevens-ordinance specific-Cape Cod, Ex. A2: architectural-dormers in front, dormer in back- for living space. Mr. Jerman 60% of the downstairs complies? Mr. Stevens- yes. Mr. Jerman fully complies, Mr. Stevens yes except landing. Mr. Jerman any violation to light, air and open space, Mr. Stevens- no. Mr. Jerman anything else, Mr. Stevens if not granted zoned into inutility, residential zone-no other use. Mr. Jerman any detriment to zone plan or Master Plan, Mr. Stevens- no, Town drafted ordinance-meets ordinance. Mr. Jerman negative impact to neighbors, Mr., Stevens- no, 5 homes, like all other blocks, referring to A3: 50' front dog leg already built. Mr. Jerman comments 4-5 in this area. Mr. Glen on aerial, behind property, all open space? Mr. Stevens- paper street portion, hasn't been added. Mr. Glen heavily wooded lot? Mr. Stevens- yes. Mr. Glen environmental study for that area before more building? Mr. Stevens not for 7500, maybe for full development, no detrimental effects, this area behind will be built, maybe 10-15 acre clearing, Mr. Glen one by one, Mr. Stevens already on improved road, Mr. Glen leave any trees, Mr. Stevens ordinance required re-planting. Mr. Glen same question again, Mr. Stevens will clear property. Mr. Jerman impossible in front-septic/drive, side & rear-drain pits, that's why ordinance says replant. Mr. Jerman- Shady Pines will develop lot eventually, 2.5 acres to Ocean County property- will be developed. Mr. Dambroski-huge drainage issue at Southampton- main corridor. Mr. Stevens lone along back is preserved, Northeast corner of Pine Lake Park. Mr. Cook no need if platform & stirs free standing, Mr. Stevens yes but believe Zoning Officer is incorrect. Mr. Dambroski and the parking requirements? Mr. Stevens 3 bedrooms- 2 parking spots, 18x42' technically 4 cars, Mr. Worth agrees. Mr. Galbreath 5 houses, there are 3 and 4 on Englemere, Mr. Jerman not done yet, last section to be developed in this area, Mr. Galbreath to the left, Mr. Stevens 5 vacant lots.

Mr. Worth storm drainage problems mentioned, explain lot and drainage. Mr. Stevens- grade splits North & rear front to Englemere, keep ours lower than the neighbors, double drywell, 1.- house, 2. Lawn area, manage on site, no run-off to the neighbors. Mr. Worth any soil or test pits, Mr. Stevens- not yet, Ocean County does not have records, fairly high to lake, don't expect issues. Mr. Worth received Ocean County approval, Mr. Stevens we have to. Mr. Worth front 37.5' move house forward, Mr. Stevens no, septic system has setbacks, 10' from street, area requirements, 15.4' to home, 25' to basement, partial only here, would reduce parking are also. Mr. Glen what about lawnmowers, bikes, etc. Mr. Jerman shed in rear or fenced in area, Mr. Glen sheds allowed, yes as long as meets 5' setback, Mr. Stevens yes.

OPEN TO PUBLIC FOR QUESTIONS FOR THE ENGINEER

Alice DeVito-2016 4th- thank you environmental study request, misinformed 35 years ago-once Town permits 50x100-sewer would be installed by Town. Mr. Worth wasn't aware, Ms. DeVito but doesn't that make sense.

Matthew Quinn & Danielle DePalma-1201 Englemere-Mr. Quinn letter said hardship. Mr. Reid reminds public this portion is for questions. Mr. Quinn land study-good idea- so why not done, drainage issue significant-slopes of behind. Mr. Stevens- west property owner, topography sets ours lower than yours, behind heads northwest same on this property, but also installing drywells. Mr. Quinn you've been back there, slopes and slopes downward, add house and water channels. Ms. DePalma after corner-built water shifted behind. Mr. Stevens clarifies fence location, drains to lake, Mr. Quinn and Ms. DePalma-no, channels, it flows through. Mr. Stevens not change rear of property, in front property lower, so water will not go. Mr. Quinn water finds the path of least resistance, Mr. Worth property high points in front, 1.5' higher, Mr. Quinn push more water. Mr. Worth falls 2' down Englemere, run-off to drywell, Mr. Stevens yes, split point the same. Mr. Worth walk up drive- water will continue. Mr. Quinn bigger issue at Southampton then will contribute to more erosion. Ms. Fazio answered? Mr. Quinn he tried, the distance between our house? Mr. Stevens 12.5' from property line to ours, about 16-17', about 30' between homes. Ms. DePalma and to the shed, Mr. Stevens- 3.9'. Mr. Quinn fire safety less than 20', Mr. Stevens 10' required, we are 12.5'.

Gail Apgar-53 Columbus-septic in front? Mr. Stevens yes, preferred design. Ms. Apgar ugly though-, Mr. Stevens- below ground. Ms. Apgar waivers of curbs and sidewalk, Mr. Stevens none in this neighborhood.

CLOSED TO PUBLIC FOR QUESTIONS FOR THE ENGINEER

Mr. Glen-known flood problems? Mr. Worth yes PLP does have some issues, Mr. Glen no run-off to street? Mr. Worth all roof to drywell, front yard and drive to Englemere. Ms. Fazio Lot41 will that have any issues? Mr. Stevens will not be before the Board, Ms. Fazio yes but will it add? Mr. Stevens all development has impact but as engineers we try to design to minimize. Ms. Georgiano drywell in front? Mr. Jerman no, 50' required for separation. Ms. Fazio done everything to comply? Mr. Worth- yes by ordinance. Mr. Glen on list? Mr. Stevens-I don't know, don't know issues are being worked on. Mr. Worth- no where to outlet, very difficult with underground re-charge, but Town is moving forward.

OPEN TO PUBLIC FOR COMMENTS

Matthew Quinn-1201 Englemere-sworn in. Pine snakes, old pieces of woods, those woods are old woods, another house would cause problems-drainage, wildlife, 3 homes versus 5 homes, more cars, more traffic, already blow through stop signs, would exacerbate issues at Southampton, no Township truck in over a year so not being addressed, need open space, like to deer hunt-where will deer go if another home, pine snakes are there, I know it. Ms. Fazio-Township working on it, even this applicant has swapped, Superior Court says hardship. Mr. Quinn-how? when he knowingly buys? Ms. Fazio-this is what Court says, right? Mr. Jerman-yes. Mr. Reid- Court says the property itself, original 50' too small, in order to reduce, buy/sell process, process by Case Law, buy/sell does help. Mr. Quinn but still not conforming. Mr. Reid

but if Board says no, like Mr. Stevens stated zoned into inutility, Township to buy lot, Township called into lawsuit but if Town wanted to buy at fair market value, then Mr. Jerman wouldn't be here. Ms. Fazio that's why you get the buy/sell letters. Mr. Quinn in essence will cost the Township money so my property suffers. Ms. Fazio-no. Mr. Reid if Court says can build, it will be built, 100x100 doesn't need this permission, the house will be built, must meet criteria, each Case on it's own merit, treated individually, no negative impact, meets almost all conditions of the ordinance, Town goes through litigation cost, quasi-judicial, no influence from Twon Officials, can't deny for sake of denying. Mr. Quinn not asking for that, but exacerbates issue at Southampton-flooding in PLP, amazed no sink hole yet.

Danielle DePalma-1201 Englemere-sworn in-lived here 32 years, seen excessive flood increase, only 3 growing up now 10, every development, flooding increases, continue to approve-will continue to have flooding issues.

CLOSED TO PUBLIC FOR COMMENTS

Mr. Jerman understand wanting woods, but not the place to address flooding, ironically less run-off because lot is undersized, smaller lot= less run-off, larger houses contribute more drainage not going onto property. Town is addressing and aggressively. Have traded lots to help create basins. Mr. Jerman this plan comports with everything, look at lot-drainage into the pits, maybe a little off the front drainage at corner-not place for it. Mr. Jerman on conforming lots no one gets to come to Board to say anything about drainage, done everything possible to lessen impact, will meet tree ordinance-2 reasons are almost irrelevant, Board familiar with these variances over the years as long as not substantially detrimental and this is not.

Ms. Fazio-75x100 not 50x100. Mr. Dambroski any copy of study? Mr. Worth overall study with Township. Mr. Dambroski we, the Zoning Board, have not seen it, request a copy. Ms. Fazio-Ms. Mathioudakis can obtain, Ms. Mathioudakis-yes. Ms. Fazio 3 bedroom, 2 and half bath home -rear deck, Mr. Cook attached to house needs variance, totally understand the neighbors, served here and on Environmental Commission, house on lot next door puts us in a terrible position, based on Courts and loses.

Motion to Approved made by W. Cook and seconded by L. Fazio.

Roll Call: W. Cook- yes, L. Fazio- yes, H. Glen-no, P. Dambroski-no, S. Galbreath-no, K. Vaccaro-no, D. Tedeschi- no.

Motion does not pass.

Mr. Jerman requests Board members to record their reason with their vote.

Motion to Deny made by P. Dambroski and seconded by H. Glen.

Roll Call: W. Cook- no, H. Glen-yes, flooding issue, even according to Mr. Stevens any amount terrible-believe Mr. Quinn observed pine snakes, P. Dambroski-yes-impairs intent and purpose of zoning, S. Galbreath-yes-drainage and wildlife, K. Vaccaro-yes-the water and drainage-nothing done & wildlife-area should be looked at before further development, D. Tedeschi- yes-deer, fox, snakes, serious water issue at intersection, should be addressed first, L. Fazio-no.

Adjournment: The meeting was adjourned at 8:39 p.m. on motion by W. Cook and seconded by K. Vaccaro. All in favor.

Respectfully submitted,

Erin Mathioudakis
Zoning Board Secretary