

**MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Thursday, July 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 6:35 p.m. by Vice Chairman William Cook.
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: W. Cook, M. Dwyer, H. Glen, P. Dambroski, S. Galbreath
Members Absent: L. Fazio, K. Vaccaro, D. Tedeschi, G. Georgiano
Also Present: M. Rohmeyer, Board Engineer and C. Reid, Board Attorney

Administrative Session:

Approval of Minutes: June 22, 2023, meeting.

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

Roll Call: H. Glen- yes, P. Dambroski-yes, M. Dwyer-yes, W. Cook- yes.

Payment of Bills:

MTZB-R8030 for T&M Associates in the amount of \$366.00 for Case ZB23-05.

MTZB-R7860 for T&M Associates in the amount of \$85.00 for Case ZB22-12.

MTZB-R7910 for T&M Associates in the amount of \$76.00 for Case ZB22-17.

MTZB-R7960 for T&M Associates in the amount of \$340.00 for Case ZB22-22.

MTZB-R8000 for T&M Associates in the amount of \$488.00 for Case ZB23-02.

MTZB-R8010 for T&M Associates in the amount of \$366.00 for Case ZB23-03.

MTZB-R8020 for T&M Associates in the amount of \$366.00 for Case ZB23-04.

Motion to Approve made by M. Dwyer and seconded by H. Glen.

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

Correspondence: Case 22-10 request to Adjourn to August meeting. Motion to adjourn made by M. Dwyer and seconded by P. Dambroski. Roll Call: All in Favor.

Professional Reports: none.

Memorializations: none.

APPLICATIONS:

- | | | |
|---------------|---------------------|---------------------|
| 1. Case 22-17 | Ronald Hart | 2980 Nicoletti Road |
| | 2980 Nicoletti Road | Block 54 Lot 17 |
| | Manchester, NJ | Zone R40 |

Mr. Cook reviews variance request 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. Mr. Matt Kalwinsky, applicant's attorney states this is a 22,000 sq. ft. lot where 40,000 sq. ft. is required, hard for property owner to fix things, variances- corner lot-gazebo, impervious coverage and existing 6' fence. Mr. Ronald B. Hart, Jr., 2980 Nicoletti Road- sworn in.

Mr. Kalwinsky this is your survey, shows the existing conditions and you are the owner of the property, Mr. Hart- yes. Mr. Kalwinsky this is for a 6' fence and the gazebo, Mr. Hart- yes. Mr. Kalwinsky any changes to the grade, Mr. Hart- no. Mr. Kalwinsky-what is the distance from the pool to the fence, Mr. Hart 5-6', Mr. Kalwinsky and the height, Mr. Hart 4' metal fence. Mr. Kalwinsky and Zoning Officer says it complies, Mr. Hart- yes. Mr. Kalwinsky this is an undersized lot, Mr. Hart- yes. Mr. Kalwinsky north of the septic, Mr. Hart- south. Mr. Kalwinsky-pool placed north of house-in plain sight on Nicoletti, Mr. Hart- yes. Mr. Kalwinsky and to park vehicles, Mr. Hart- yes. Mr. Kalwinsky off the deck in rear, Mr. Hart-yes. Mr. Kalwinsky mature landscape and buffering, Mr. Hart- yes. Mr. Kalwinsky others lot with similar conditions, Mr. Hart- a few. Mr. Kalwinsky consistent with the neighborhood, Mr. Hart- yes. Mr. Kalwinsky-you've read T&M letter and will comply with all items, Mr. Hart- yes. Mr. Kalwinsky any detriment to the neighbors or zone plan, Mr. Hart- no. Mr. Glen the addition on the house, Mr. Hart- variance for that. Mr. Glen plot plan shows fence, Mr. Hart yes 6' chain. Mr. Glen shed and gazebo on plan? Mr. Hart shed was replaced by gazebo. Mr. Glen approved by Town, Mr. Hart yes I believe so, early 2000s. Mr. Glen shed on corner, Mr. Hart permit in place. Mr. Glen with a plot plan and approved again, Mr. Hart- yes. Mr. Rohmeyer reviews minimum accessory setback, Mr. Kalwinsky no I was asking about pool safety fence, Mr. Rohmeyer so edge to property line, Mr. Hart- 7'. Mr. Rohmeyer no other location, Mr. Hart- correct. Mr. Rohmeyer structure already there, just reconstructed and visible, Mr. Hart- yes. Mr. Rohmeyer- 6' solid, Mr. Hart- yes. Mr. Rohmeyer lot coverage- undersized lot by about half, so you believe this is the hardship, Mr. Hart- yes. Mr. Dwyer side of property already a 6' fence, Mr. Hart in the back. Mr. Dwyer so another fence around the pool, Mr. Hart- yes. Mr. Kalwinsky on the northerly side, Mr. Hart yes but will do all. Mr. Dwyer perimeter fence, no one can walk in? Mr. Hart yes. Mr. Cook access gate, Mr. Hart lockable. Mr. Cook on the inside, any objections from neighbors, Mr. Hart- no. Mr. Reid a compliant pool barrier fence.

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

Mr. Glen the bamboo, very invasive, Mr. Hart barrier of 36", considering removing it though. Mr. Cook shed in corner variance needed? Mr. Hart no- have permit. Mr. Cook- you have a permit, Mr. Hart- yes. Mr. Reid- 1 condition- UCC pool barrier, 4 variances? Mr. Rohmeyer- yes.

Motion to Approve with conditions made by M. Dwyer and seconded by H. Glen.

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

General Discussion:

Board reviews Annual Report. Mr. Rohmeyer comments lot of undersized lots and pole barns- square footage. Mr. Cook look at square footage based on size of property.

Motion to approve Annual Report made by M. Dwyer and seconded by H. Glen.

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

For recording purposes, the following will be used: WC-W. Cook, MD-M. Dwyer, HG- H. Glen, PD-P. Dambroski, SG- Shawn Galbreath, CR- Chris Reid, MR-Mark Rohmeyer, EM-E. Mathioudakis.

HG-undersized lot & septic on 50' lots, would like expert testimony, septic and drywells installed will eventually have an effect on our water systems, contamination increase, drains interfere with others, etc.

WC- study now.

MR-PLP-stormwater done, Jack Mellon explained-State DEP, spacing requirements, proper distancing. Recommend study of Town-test water quality, in other Towns testing is done, Homeowners responsibility.

HG-what happens when doesn't meet-add chemicals, water from Town- we don't know.

SG-all public record.

MR-monitor and report to State.

WC-did see something

PD-yes senior villages.

HG- with septic-seepage.

SG-same waste into ground on smaller systems just has a pump in it.

MR-with that argues it's cleaning it more efficiently.

WC-29%? Hardscape, natural resources inventory 22%.

MR- just one factor- others runoff, management, treatment.

PD-smaller lot-10,000-7,500 ordinance, half the size, no reason to approve unless change in Master Plan by Planning Board.

WC-we deny, Town has to buy.

PD-people working on it, 50x100 detriment to public good.

HG-don't see why Town has to buy, I can buy and then Town has to buy, makes no sense.

PD-timeline

CR-never owned joined lots, remains undersized.

PD-why retail value if denied, no longer buildable.

EM- case law says otherwise.

CR-sues both Town & ZBA, Court upholds, dismiss, re-institute, reverse condemnation, bifurcate from Town, almost like use variance without site plan.

HG-Town 25' lot only adjoining lot owners only why not whole Town.

EM-goes to bid with requestor and other adjoining lot owners.

CR-really Town attorney questions, different scenarios, tax sale, vacate land, 3rd party purchaser.

HG-wise for Town to sell 25' lots.

CR- can't answer. Example-land at end of lagoons, 20' to bulkhead, why not sell, 40x30 lot, can't put anything on it, then put boat, weekends, campers, boats.

Adjournment: The meeting was adjourned at 7:16 p.m. on motion by M. Dwyer and seconded by P. Dambroski. All in favor.

Respectfully submitted,

Erin Mathioudakis
Zoning Board Secretary