

**MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Thursday, September 28, 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 6:30 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, D. Tedeschi, G. Georgiano
Members Absent: M. Dwyer, S. Galbreath, K. Vaccaro
Also Present: J. Worth, Board Engineer and C. Reid, Board Attorney

Mr. Reid- informs attendees the Board needs to discuss litigation and will enter an Executive Session, reads resolution.

Motion for Executive Session made by W. Cook and seconded by H. Glen.

Roll Call for Executive Session: L. Fazio, W. Cook, H. Glen, P. Dambroski, D. Tedeschi, G. Georgiano, also Present: J. Worth, Board Engineer and C. Reid, Board Attorney.

For recording purposes the following will be used: LF-L. Fazio, WC-W. Cook, HG- H. Glen, PD-P. Dambroski, DT- Dominick Tedeschi, GG- Gina Georgiano, JW- Jason Worth, CR- Chris Reid, EM-E. Mathioudakis (Board Secretary).

CR reviews 200' list from last case, case law, model rules, if Board member is within 200' can't hear case, rehearing requested, avoids litigation. No malfeasance on Dominick's part, in transition between homes, not always at that house. Board also has by-laws, which states same, case law-clear conflict, not waste time or money. GG-heard tonight? CR- no was requested but Board decides. GG- if he abstained? CR-no, announce conflict, step down, out of abundance of caution-leave room. HG-re-notice and re-read witness record? CR-yes to re-notice, no to witness record and waive time. GG-does Dominick moving allow him to hear case? CR-no, all new application. WC-how to address? CR-will explain-conflict of interest. PD-other alternate-could vote. HG-can we refer to any change in testimony? CR-no but other ways to ask, HG-change material-plans, etc.? CR-don't see him doing that. LF-drainage-we're not engineers. CR- as far as drainage -drainage not part of the process, drainage handled by Township in Construction Department. PD- negative criteria considered. CR- study exists whether they build. PD-no storm drainage in the neighborhood. CR- focused on drainage-applicant not creating it. PD-our

variance creates it. CR-the study. PD-makes worse. HG-said grading toward street. CR-drywells, HG-no. GG-street is flooded already-they are testifying. CR-two professional engineers-not making it worse. Mark said actually may improve with development. PD-not what the study says. EM- Township engineer reviews. PD-detriment to neighbors. CR-lots identified in study? PD-yes. CR-seems simple logic, already has hardship, applicant development not creating condition, not telling you how to vote, even with conflict of interest-goes back and forth, if elected official calls and talks about these applications-ethical violation. LF- second report? PD-T&M. JW-2007 & 2022, LF- what was done? PD-not using the Town, Town wrong, but neighbors effected. LF-not disagreeing with report. CR-not unreasonable by any means. EM-Jason-received report from Al Yodakis. JW-not Zoning Board doc but Township, still says draft. PD- re-address entire undersized lot ordinance, ordinance from Zoning Board-our input. CR-governing body creates ordinance, Planning Board has input, Zoning Board involved at the time. WC-planner involved too. PD-won't refer to it-just a layman. EM-acknowledge my error with the 200' list, won't happen again. LF-anyone live 200' tonight? All members respond no. HG-Mt. Olive case versus case in planner, applicant bought lot undersized, self-created hardship. CR- reviews case, Mr. Jerman submits affidavit of ownership, applicant steps into shoes of previous owner, pre-dates zoning, lot existed, pre-existing non-conforming. GG-don't understand why he keeps buying undersized? CR- several do this, it's their job. LF- Mr. Jerman tries to comply, works with Town-swaps land. CR-reviews dissenting opinion, exists for these cases too, essentially a windfall. GG-denied-is it now no longer buildable? CR- I guess. JW-buy/sell letter, willing to go further. EM-buys lot with no available land. CR-reviews Dallmeyer case, reviews quit claim deed. GG-offered \$20,000, he paid a dollar. CR-doesn't matter-niche market. HG-started 25x100 in Pine Lake Park. CR-right, what is the threshold, at 50' more stringent, case by case basis. PD-on it's own merit. CR-can they build-no, need variance-yes, depends on the area. PD-size of house, CR-that's why Mr. Stevens does a 9 block analysis, JW-that's why setback, CR-negative criteria analysis-4 being litigated, 2 in December- 2 more recent, would consider complying to settle. WC-come back to Board? CR- no through the settlement, WC- go against Board, CR-no Board would have to agree to settlement. The other case-affidavit of ownership-failed to prove. PD-can ask when purchased? CR- sure.

Motion to Close Executive Session made by W. Cook and seconded by L. Fazio. Roll Call: All in Favor.

Administrative Session:

Approval of Minutes: August 24th, meeting.

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

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

Payment of Bills:

MTZB-R7970 for T&M Associates in the amount of \$237.00 for Case ZB22-23.

MTZB-R7990 for T&M Associates in the amount of \$165.50 for Case ZB23-01.

MTZB-R8040 for T&M Associates in the amount of \$170.00 for Case ZB23-06.

MTZB-R8050 for T&M Associates in the amount of \$789.50 for Case ZB23-07.

MTZB-R8060 for T&M Associates in the amount of \$127.50 for Case ZB23-08.

MTZB-R8080 for T&M Associates in the amount of \$127.50 for Case ZB23-10.

MTZB-R8090 for T&M Associates in the amount of \$246.00 for Case ZB23-11.
MTZB-R8100 for T&M Associates in the amount of \$300.00 for Case ZB23-12.
MTZB-R7910 for T&M Associates in the amount of \$255.00 for Case ZB22-17.
MTZB-R8110 for T&M Associates in the amount of \$200.00 for Case ZB23-13.

Motion to Approve made by W. Cook seconded by G. Georgiano.

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

Correspondence: None.

Professional Reports: none.

MEMORIALIZATIONS:

Memorialization of a variance 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. Applicant: M. Sarama Builder 3044 Nicoletti Road Block 54 Lot 29. Approved: August 24, 2023. Case 23-02

Motion to approve made by W. Cook seconded by P. Dambroski.

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

Mr. Reid reviews Case 23-04, conflict of interest and Mr. Jerman's request for a re-hearing. Mr. Jerman has waived time and will re-notice for the December 21st meeting.

Motion to void Case 23-04 as heard at the August meeting and re-hearing, waiver of time and re-notice made by W. Cook and seconded by H. Glen. Roll Call: W. Cook-yes, H. Glen-yes, P. Dambroski-yes, D. Tedeschi-yes, G. Georgiano-yes, L. Fazio- yes.

APPLICATIONS:

- | | | |
|---------------|--------------------|---------------------|
| 1. Case 23-09 | George Reichenbach | 1301 Camden Avenue |
| | 1301 Camden Avenue | Block 99.229 Lot 26 |
| | Manchester, NJ | Zone BV40 |

Ms. Fazio reviews variance to construct 1,200sf pole barn, where maximum accessory building coverage of 1000sf is allowed and 1200sf is proposed and where a paved access drive is required for the proposed garage and no paved access driveway is proposed. George Reichenbach-1301 Camden Avenue-owner & applicant sworn in. Ms. Fazio why 1,200 sf? Mr. Reichenbach house classic cars and motorcycle, keep property clean. Ms. Fazio how many cars? Mr. Reichenbach one right now and a boat. Ms. Fazio- electric, Mr. Reichenbach- yes, Ms. Fazio- heat? Mr. Reichenbach-no, Ms. Fazio- water? Mr. Reichenbach- no. Mr. Cook inquiries about the front loader, any fabrication, any commercial. Mr. Reichenbach, front loader is for this work only, no fabrication and no commercial. Mr. Cook no driveway? Mr. Reichenbach- drawn on. Mr. Worth around and right, Mr. Reichenbach correct. Mr. Glen stone driveway not paved, Mr. Reichenbach-yes, Mr. Glen drainage higher, Mr. Reichenbach that's why stone, thinking of pool in future, don't want to pave. Mr. Dambroski well water, Mr. Reichenbach-yes, Mr. Dambroski-

why here, Mr. Reichenbach in front of pool. Mr. Worth height under 16', Mr. Reichenbach- yes. Mr. Worth elevate ground, Mr. Reichenbach height of grade, taper to back, Mr. Worth how it is now? Mr. Reichenbach-yes. Mr. Worth eliminate shed, Mr. Reichenbach-2 sheds. Mr. Worth currently above ground pool and deck, Mr. Reichenbach-yes, Mr. Worth fits in, Mr. Reichenbach-yes, same as house, same color. Mr. Worth behind the fence, Mr. Reichenbach-yes. Mr. Worth store equipment, boats mowers, Mr. Reichenbach-yes. Ms. Fazio any hazardous materials, Mr. Reichenbach-no. Mr. Worth no heat and water, Mr. Reichenbach-no. Mr. Dambroski-square footage of home, Mr. Reichenbach- I'm not sure. Mr. Dambroski gutters, Mr. Reichenbach no, 4' of stone around. Mr. Dambroski to Mr. Cook- which is better, Mr. Cook probably the stone. Ms. Fazio to Mr. Worth same question. Mr. Worth either way, keeps erosion at, gutters probably better. Ms. Fazio so both to make it better, Mr. Reichenbach- not a problem. Mr. Worth 1700sq. ft., Mr. Reichenbach-2100sq.ft. home.

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

Motion to Approve with conditions made by W. Cook and seconded by G. Georgiano.
Roll Call: W. Cook-yes, G. Georgiano-yes, H. Glen-yes, P. Dambroski-yes, D. Tedeschi-yes, L. Fazio-yes.

2. Case 23-11	Boguslaw Kozera	2080 New Brunswick Avenue
	172 Jackson Mills Road	Block 99.52 Lot 1
	Freehold, NJ	Zone WTR40

Ms. Fazio reviews variance to construct a single-family dwelling on a lot where a minimum lot frontage of 191.87ft. is proposed and 200 ft. is required, where frontage on a improved street is required and "semi-improved" is proposed, and where a paved driveway is required and a gravel driveway is proposed. Boguslaw Kozera owner/applicant-sworn in. Mr. Leslie Ramdeen-applicant's engineer, credentials accepted and sworn in. Mr. Ramdeen construct a single family dwelling on unimproved portion of New Brunswick, property bound to the north by Crestwood Village, house more than 100' away, lot has prior approval, some work done, 200' to Monroe, code requires paved road, currently 18' gravel access and lot frontage of 191.87' where 200' required, stormwater back toward roadway, reduce flooding, well drained soil, no negative impact to neighbors, fits in neighborhood, drywells installed, stone/gravel drive, also meets setbacks, previously heard and approved, Case 06-14 in April 2007 with 2 modifications to the house footprint, 60' radius eliminated, driveway out into road, removal of radius reviewed by Applicant, street light, road acts more like roadway rather than thruway street. Mr. Worth previously approved driveway and turnaround, why eliminate. Mr. Kozera only driveway to house, no other drives, does not cross Monroe. Mr. Worth public right of way (R.O.W.), not private drive, emergency vehicle access, Township standard is to build road, minimum 24' in width, base course, surface course. Mr. Ramdeen-6 in. of gravel. Mr. Worth prior approval for lot frontage, Mr. Ramdeen- yes. Mr. Worth- in essence eliminate turnaround, Mr. Ramdeen-yes. Mr. Worth footprint doesn't trigger variance? Mr. Ramdeen-correct. Mr. Cook-site plan change-new application. Mr. Reid-yes, emergency vehicles part of prior approval, Mr. Ramdeen-yes. Mr. Reid possibly not satisfying, Mr. Ramdeen-of course. Mr. Kozera-would be cul-de-sac. Mr.

Ramdeen existing homes serviced on Monroe Avenue-no further lots. Ms. Fazio will defer to Mr. Worth. Mr. Worth but is a public R.O.W., take into account emergency vehicles, marginal 40' radius. Mr. Ramdeen acknowledges importance, would do that with amended plan. Mr. Worth what are changes to footprint? Mr. Ramdeen was 2 story, now 1 story with basement, still conforms, all setbacks met. Mr. Worth well, septic, drywell, Mr. Ramdeen- yes. Mr. Reid 400 linear feet, said 200', Mr. Kozera- 300'. Mr. Worth 392' keep driveway, radius beyond that point, Mr. Ramdeen- yes. Mr. Cook- says will comply, just footprint now, site plan change, Mr. Reid-still unimproved roadway. Mr. Cook comply with previously submitted, Mr. Reid- don't know, Mr. Worth essentially a denial of change to eliminate radius. Mr. Reid withdrawing that request to eliminate 60' radius. Mr. Worth 20' concrete apron recommended.

Motion to deny to remove 60' turnaround made by W. Cook and seconded by L. Fazio.

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

3. Case 23-05	Jeffrey Jerman	Englemere Blvd.
	PO Box 922	Block 1.345 Lot 30
	Point Pleasant, NJ	Zone R10

Ms. Fazio reviews variance 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, applicant is requesting waivers for curb and sidewalk. Jeffrey Jerman-owner/applicant sworn in, Mr. Bill Stevens-professional engineer, credentials accepted and sworn in. Mr. Jerman lot originally 50x100, Township agreed to sell 25x100, now 75x100. Mr. Jerman submits the following to be marked as exhibits:

A1: variance plan

A2: house plan

A3: aerial

A4: photo board

A5: packet of photo board

A6: affidavit of ownership

A7: buy/sell letters- 4 adjoining properties-2 in back, lot 33 to west-no response, lot 26-not interested, lot 17.01- no response, last lot Township-no response initially. Mr. Worth inquires how did you come into this buy/sell letter from Township. Mr. Jerman a lot of effort, no response until went for variance answer received, could have fought price but didn't.

Mr. Jerman, Mr. Stevens did you view the property, Mr. Stevens-yes, Mr. Jerman did you prepare these plans, Mr. Stevens-yes. Mr. Jerman can you please summarize. Mr. Stevens referring to A1: variance plan, existing isolated undersized lot, 75x100, to the north Englemere, west Champlain, vacant lot, R10, Pine Lake Park (PLP) section of Manchester, construct a single family dwelling in accordance with ordinance, Cape Cod style. Mr. Jerman 7,500 vs 10,000, Mr. Stevens not met, Mr. Jerman 3 bedroom, 2.5 bath home, Mr. Stevens- correct, Cape complies with ordinance. Mr. Jerman lot fits house, Mr. Stevens yes, built dozens. Mr. Jerman lot frontage

and width, Mr. Stevens 75' versus 100', shape and size of lot. Mr. Jerman 75' supports septic and driveway, Mr. Stevens yes, septic does fit, 18' wide drive, 42' depth, park 2 cars could argue 4. Mr. Jerman side and front setbacks, Mr. Stevens- exceeds. Mr. Jerman and the rear yard setback, Mr. Stevens home does need variance, setback requirement is 26' seeking 23' to landing, Zoning Officer sees as variance, I disagree. Mr. Jerman de minimis? Mr. Stevens- yes, not visible to neighbors. Mr. Jerman and improvable lot area, Mr. Stevens- Manchester unique area outside of front and accessory 5,800 required, 4,225 proposed. Mr. Jerman elevations and architectural, Mr. Stevens referring to A2-3 bedroom, 2.5 bath Cape, 2nd floor living space, appears as 1 story in front, partial basement due to requirement of septic. Mr. Jerman will conform with ordinance? Mr. Stevens- yes. Mr. Jerman describe area and neighborhood. Mr. Stevens referring to A3, in fill develop, homes all around, still some vacant lots, 9 block analysis, 68 homes ranging from 1,222sq. ft. to 3,080 sq. ft., proposed home 2,722 sq. ft., right in the middle, fits neighborhood. Mr. Jerman and under the 35' height requirement, meets setbacks except rear, any violation to light, air and open space. Mr. Stevens correct, will appear like all other homes in PLP and no. Mr. Jerman used for anything else, Mr. Stevens if not granted zoned into inutility, zoned residential no other use. Mr. Jerman any detriment to the zone plan, Master Plan, any negative impact, Mr. Stevens- no, 5 homes on block. Mr. Jerman is this a common variance, Mr. Stevens yes, many, speaks that there is an ordinance. Mr. Jerman any reason not to grant, Mr. Stevens-no.

Mr. Cook landing could be free standing, Mr. Stevens yes could be. Mr. Cook okay with Mr. Jerman, Mr. Jerman works for me. Mr. Worth detailed grading and the retaining wall? Mr. Stevens front to Englemere, left side small wall 2', separate drainage from neighbors, well known knoll there, rear drywell, 2nd drywell proposed. Mr. Worth open grate, Mr. Stevens- yes. Ms. Fazio explain unusual, Mr. Stevens elevation 64' grades to 62.7', Ms. Fazio water running toward home, Mr. Stevens we want water to go away from homes, no water in that direction. Ms. Fazio is this best, Mr. Stevens- yes, Ms. Fazio to Mr. Worth do you agree, Mr. Worth- yes. Mr. Dambroski aware of any low lying areas, Mr. Stevens- no. Mr. Dambroski without the garage more or less value, Mr. Jerman buyers value to them without, this what they are asking for. Mr. Dambroski-enough parking without? Mr. Stevens- yes.

OPEN FOR QUESTIONS TO THE ENGINEER:

Gail Apgar-53 Columbus-already here for this case, street floods, Mr. Stevens not that I'm aware of.

Richard Naviello-840 Englemere-raise trees, completely leveled? Mr. Stevens-yes and then meet tree ordinance.

Alice DeVito-2016 Fourth-gas line? Mr. Jerman assuming gas, Ms. DeVito 2' concrete-possibility to go under, Mr. Stevens- created a swale, to run in both directions. Ms. DeVito-monies in escrow since not 100%, Mr. Stevens- I don't see that, grading here pretty good.

CLOSED FOR QUESTIONS TO THE ENGINEER.

Mr. Jerman to summarize no detriment to Master plan, Zone plan, believe positive 75x100 routinely granted by Board except last month, made effort to acquire, was 50' now 75'. Mr.

Dambroski when purchased? Mr. Jerman from Town-last week. Mr. Dambroski- last week? Mr. Jerman 50' long time ago, doesn't matter as you've been told.

OPEN FOR QUESTIONS/ COMMENTS.

R. Naviello-sworn in, thanks Board, my wife and I moved here in July, perfect setting for us, invested in home and one investment-nice big window, could see trees, trees, trees, now concerned won't have that anymore, think Cape Cod between two Ranches will look hideous.

Dennis Nadolny-700 Ninth-sworn in- parrot previous owner, trees are why I'm here, Town is getting too built, he says no detriment-what about traffic.

Alice DeVito-2016 Fourth-sworn in- upset with all building, put moratorium on building, now looking at 50x100 developed, really overwhelming.

CLOSED FOR QUESTIONS/COMMENTS.

Ms. Fazio-Mr. Jerman made every effort, actually helping neighborhood, how many trees will be planted, Mr. Stevens-3 trees.

Mr. Cook- with free-standing deck meets all setbacks, Courts have determined to us-must grant.

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

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

Motion to recess for 5 minutes made by L. Fazio and seconded by W. Cook. Roll Call: All in Favor. 8:43p.m.- Ms. Fazio leaves meeting. 8:48p.m.-Motion to return made by P. Dambroski and seconded by G. Georgiano. Roll Call: All in Favor.

4. Case 23-03	Jeffrey Jerman	Englemere Boulevard
	PO Box 922	Block 1.44 Lot 5
	Point Pleasant, NJ	Zone R10

Mr. Jerman-with only 5 people, prefer seven, unless assurance that both Ms. Fazio and Mr. Dwyer would review the record prior to next meeting, would like to request to carry. Mr. Cook and waive time? Mr. Jerman-yes.

Motion to carry made by G. Georgiano and seconded by P. Dambroski. Roll Call: All in favor.

Ms. Mathioudakis to Mr. Jerman-Case 23-03- notice for December.

Mr. Glen to Mr. Worth-Congratulations!

Adjournment: The meeting was adjourned at 8:53 p.m. on motion by D. Tedeschi and seconded by G. Georgiano. All in favor.

Respectfully submitted,

Erin Mathioudakis
Zoning Board Secretary