

**MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Thursday, October 26, 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, S. Galbreath, K. Vaccaro, G. Georgiano
5. Members Absent: M. Dwyer, P. Dambroski, D. Tedeschi
Also Present: J. Worth, Board Engineer and C. Reid, Board Attorney

Administrative Session:

Approval of Minutes: September 28th, meeting.

Motion to approve made by W. Cook and seconded by G. Georgiano

Roll Call: W. Cook-yes, G. Georgiano-yes, H. Glen-yes, L. Fazio

Payment of Bills:

MTZB-R8090 for T&M Associates in the amount of \$87.50 for Case ZB23-11.

MTZB-R8120 for T&M Associates in the amount of \$970.00 for Case ZB23-14.

MTZB-R8040 for T&M Associates in the amount of \$391.50 for Case ZB23-06.

MTZB-R8030 for T&M Associates in the amount of \$207.25 for Case ZB23-05.

MTZB-R8020 for T&M Associates in the amount of \$350.00 for Case ZB23-04.

MTZB-R7970 for T&M Associates in the amount of \$131.25 for Case ZB22-03.

MTZB-R8000 for T&M Associates in the amount of \$175.00 for Case ZB23-02.

MTZB-R7980 for T&M Associates in the amount of \$304.00 for Case ZB22-24.

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

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

Correspondence: None.

Professional Reports: none.

MEMORIALIZATIONS:

Memorialization of a 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. Applicant: George

Reichenbach 1301 Camden Avenue Block 99.229 Lot 26 Approved September 28, 2023 Case 23-09

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

Roll Call: W. Cook-yes, H. Glen-yes, G. Georgiano-yes, L. Fazio-yes.

Memorialization of a 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. Applicant: Boguslaw Kozera 2080 New Brunswick Avenue Block 99.52 Lot 1 Denied September 28, 2023 Case 23-11

Mr. Reid applicant wanted to eliminate 60’ radius but withdrew, at that point no relief required, tried to speak with Mr. Ramdeen.

Motion to carry Resolution made by W. Cook and seconded by H. Glen.

Roll Call: W. Cook- yes, H. Glen-yes, G. Georgiano-yes, L. Fazio- yes.

Memorialization of a variance to construct a single-family dwelling on a lot having an area of 7,500 square feet where 10,000 square feet is required, lot frontage of 75 feet where 100 feet is required, lot width of 75 feet where 100 feet is required and improvable lot area of 4,225 square feet where 5,800 square feet is required. Applicant also seeks a variance for a rear yard setback of 23 feet where 26 feet is required and seeks waivers for curb and sidewalk. Applicant: Jeffrey Jerman Englemere Boulevard Block 1.345 Lot 30 Approved September 28, 2023 Case 23-05

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

Roll Call: W. Cook- yes, G. Georgiano-yes, H. Glen- yes, L. Fazio.

APPLICATIONS:

- | | | |
|---------------|--|--|
| 1. Case 23-13 | Raymond Wysokowski
2051 Harrison Avenue
Manchester, NJ | 2051 Harrison Avenue
Block 99.125 Lot 5
Zone WTR40 |
|---------------|--|--|

Ms. Fazio reviews variance where applicant seeks to install a six-foot white privacy fence in the front yard where a four-foot open fence is allowed. Raymond Wysokowski- 2051 Harrison Avenue-sworn in. Ms. Fazio the purpose of the fence? Mr. Wysokowski existing fence damaged from age, really for security, privacy, safety for kids, and to keep deer out, chain link in poor condition, much needed privacy for pool utilization in summer. Mr. Wysokowski explains people tend to stop in front of our house-apparently good cell service there but it’s nerve racking, also to keep items behind fence. Mr. Wysokowski it’s also safer for my kids to play and keeps the dog in the yard, 4’ fence seems to do nothing to keep the deer out, motion light on all the time. Mr. Wysokowski states he believes really no effect on his neighbors, over 100’ from Harrison, Ex. A1-photos- 32’ off from Lincoln, fence no where near road. Mr. Worth- tree buffer, Mr. Wysokowski yes, Mr. Worth- privacy between neighbors and neighbors have fence also, keep in character of neighborhood, Mr. Wysokowski- didn’t know 2 front yards, didn’t know couldn’t put 6’ fence, didn’t realize variance was required. Mr. Worth opines it is setback, it’s out of the site triangle, and no impact to light, air and open space.

OPEN TO THE PUBLIC FOR QUESTIONS/COMMENTS.

Gail Apgar-53 Columbus Blvd-sworn in- fence does fit in character of neighborhood.

CLOSED TO THE PUBLIC FOR QUESTIONS/COMMENT.

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

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

2. Case 23-10	Jeffrey Jerman	Amsterdam Avenue
	PO Box 922	Block 1.327 Lot 30.01
	Point Pleasant, NJ	Zone R10

Ms. Fazio reviews variance requesting relief to construct a single-family dwelling on a lot having an area of 7,500 square feet where 10,000 square feet is required, lot frontage of 75 feet where 100 feet is required, lot width of 75 feet where 100 feet is required and improvable lot area of 4,225 square feet where 5,800 square feet is required. Applicant also proposes to construct an extension of Amsterdam Avenue which does not fully conform to Township requirements for a public street and thus “semi-improved.” Jeffrey Jerman-owner/applicant sworn in, Mr. Bill Stevens-professional engineer, credentials accepted and sworn in. Mr. Jerman this is an undersized lot and presents the following exhibits.

A1: affidavit of ownership

A2: Buy/sell letters: 3 adjoining owners, Lot 19- no response, Lot 26- no response, Lot 33-unknown owner, couldn't find, dates back to 1914, could not clear title.

A3: House plan

A4: variance plan

A5: aerial- taken September 2023

Mr. Jerman- this is a 75x100 lot and plans to extend the road. Mr. Jerman- did you view the property, Mr. Stevens- yes. Mr. Jerman please describe the property. Mr. Stevens referring to A5 subject property, paper street of Amsterdam, Leisure Village to west, Pine Lake Park area of Manchester, 175' of Amsterdam, isolated undersized lot. Ms. Fazio exhausts buy/sell letter. Mr. Jerman supports a house, 3-bedroom, 2.5 bathroom, Mr. Stevens keeps with zone. Mr. Jerman variance for frontage and width, Mr. Stevens yes existing, isolated, nature of lot. Mr. Jerman and improvable lot area, Mr. Stevens area inside of front yard and accessory, setup for 100x100 lots. Mr. Jerman setbacks met, Mr. Stevens yes 26' house, free-standing deck agreed to in rear. Mr. Jerman lot used for anything else, Mr. Stevens no residential use only. Mr. Jerman any detriment to zoning, Master Plan or neighbors, Mr. Stevens-no. Mr. Jerman with aerial- explain neighborhood. Mr. Stevens- rather than 9 block analysis, area still developing, so looked at 6 blocks, 26 homes ranging from 1,200sq.ft. to 2,927sq. ft., proposed 3-bedroom 2.5 bathroom, 1 and a half story Cape is 2,722 sq. ft., actually designed and built next two blocks many years ago. Mr. Jerman Cape comports with the ordinance, Mr. Stevens- yes. Mr. Jerman any violation to light, air and open space, Mr. Stevens no not in my opinion, will look like others in neighborhood. Mr. Jerman in regard to the road, Mr. Stevens extend 175' long, 24' wide with 2 stone recharge swales, holds edge of pavement, helps stormwater, waiver requested- no curbs and sidewalks in neighborhood. Mr. Jerman road width waiver, Mr. Stevens appropriate width with stone, travel way comparable design only a few more lots and then ends. Mr. Jerman meets RSIS, Mr. Stevens-

yes. Ms. Georgiano cul-de-sac for emergency vehicles, Mr. Stevens not proposed, will be extended in the future, only road with turn around is Montgomery, really serves as driveway. Mr. Worth contact emergency services for waiver or temporary, Mr. Stevens I haven't, 40' Stone Square on the right. Mr. Jerman only 175', Mr. Stevens correct, turnarounds usually more land available, stuck with 40'. Mr. Jerman states that this will be developed with others, plans in the works will be extended in the future, emergency vehicles easily service this lot with 175' drive. Mr. Worth would feel better with letter, Ms. Fazio-putting on record-easy, Mr. Worth temporary turn around, Mr. Jerman not enough room on the lot, Ms. Fazio because you say is easier-would like their letter of approval. Mr. Jerman- happy to get letter. Mr. Stevens- agree to get approval from emergency services. Mr. Cook and the drainage, Mr. Stevens- stone trench 2' on each side, 2 drywells, 2nd in the rear with grate. Mr. Cook any effect on neighbors, Mr. Stevens-no. Ms. Georgiano- stone trench no damage to vehicles, Mr. Stevens- holds car, clean crushed stone, protects from crushing edge of pavement. Mr. Worth sized drywell, Mr. Stevens- 10 year storm. Mr. Worth would like sizing provided, Mr. Stevens basically roadside swale. Mr. Worth existing grading, drywell with grate, Mr. Stevens- yes. Mr. Cook fire hydrant within 500', Mr. Stevens- yes at Manchester Street intersection. Mr. Glen basement size windows? Mr. Stevens-architectural plan doesn't show. Mr. Jerman that's a construction thing. Mr. Glen not big enough to bedroom, Mr. Stevens yes egress windows. Mr. Reid undersized practical difficulty, Mr. Stevens- yes, Mr. Reid- 70c1, Mr. Stevens- yes. Mr. Reid financial hardship for road improvement for one property, Mr. Stevens yes but waiver, Mr. Jerman believe it would be a financial hardship to improve road, Mr. Stevens- yes. Mr. Reid access adequate for emergency vehicles, Mr. Stevens- yes it does work. Mr. Reid development to West doesn't impair, Mr. Stevens no 3 or 4 more houses, future will have cul-de-sac, no detriment. Mr. Jerman protect future layout, Mr. Stevens it does.

OPEN TO THE PUBLIC FOR QUESTIONS/COMMENTS.

Alice DeVito-2016 Fourth Avenue-sworn in- home with garage, Mr. Stevens- no. Ms. DeVito- driveway? Mr. Stevens yes- 2 var 18'x42' can actually park 4 cars. Ms. DeVito- comments 4 cars for 3 bedrooms. Ms. DeVito- flooding because so much pavement, trees replaced, Mr. Stevens very difficult to save but will re-plant. Ms. DeVito gas or electric, Mr. Jerman- gas. Ms. DeVito-warranty, Mr. Jerman- yes. Ms. DeVito-hardship for us, residents, vehicle situation becoming unbearable. Ms. DeVito no sewer? Mr. Jerman- no.

CLOSED TO THE PUBLIC FOR QUESTIONS/COMMENTS.

Ms. Fazio lot unknown-tax paid, Mr. Jerman they are. Ms. Fazio- default, Mr. Jerman- no way to close lien, to clear title- virtually impossible- over 200 heirs.

Motion to Approve with conditions made by W. Cook and seconded by H. Glen. Conditions are letter from Fire, no turn around, deck free standing, waiver sidewalks & curb, calculate drainage, no bedroom in basement, no egress window, tree ordinance observed.

Roll Call: W. Cook- yes, H. Glen- yes, S. Galbreath- no, K. Vaccaro- no, G. Georgiano- yes, L. Fazio- yes.

3. Case 23-08 Jeffrey Jerman
PO Box 922

Sixth Avenue
Block 1.117 Lot 13

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 this is an undersized lot and presents the following exhibits.

A1: variance plan

A2: house plan

A3: picture board & packet

A4: aerial- September 2023

A5: affidavit of ownership

A6: buy/sell letters: 3 adjoining owners- L9 to West-no response, L15 to East- no response, Lot to rear- no response. Ms. Fazio exhausts buy/sell letter. Mr. Jerman not usual presentation 50x100 versus 75x100. Mr. Jerman did you view site and create these plans, Mr. Stevens- yes. Mr. Jerman what variances are needed? Mr. Stevens existing isolated lot south of 6th between Hannibal and Beacon, lot area- 5,000sq.ft., lot frontage 50', lot width 50', improvable lot area 2,600 sq. ft., seek de minimis rear yard setback where 26' is required, 24' is proposed. Mr. Jerman 500sq.ft. lot enough for 1415sq.ft. house, Mr. Stevens- yes. Mr. Jerman 3 bedroom, 2.5 bathroom fit with septic other than rear yard, Mr. Stevens can and does. Mr. Jerman conform with undersized lot at 1.5 stories, Mr. Stevens- yes. Mr. Jerman 50 vs 100 frontage, Mr. Stevens-existing isolate lot, can't remedy through buy/sell, can't make lot larger. Mr. Jerman width enough with septic, Mr. Stevens- yes meet and conform. Mr. Jerman and parking met? Mr. Stevens- yes, 3 bedroom requires 2 parking spaces, 10'x40' driveway. Mr. Jerman de minimis 2' 24' versus 26', Mr. Stevens house is small, 30' wide, 28' depth, allows usable habitable space, can't be 2 story with undersized lot ordinance. Mr. Jerman without this would need side setback, Mr. Stevens could change so side setback needed but felt this is best. Mr. Jerman any issue with improvable lot area, Mr. Stevens no, can fit in with the character of the neighborhood. Mr. Jerman the picture board map, Mr. Stevens- older part of Pine Lake Park, varied 1 and 2 story homes. Mr. Jerman couple 2 stories, ranches, Cape, very mixed, Mr. Stevens- yes. Mr. Jerman more detail of homes in area, Mr. Stevens- 9 block analysis- 65 homes ranging from 648 sq. ft. to 2,800 sq. ft., proposed 1.5 story Cape at 1,415 sq. ft. fits and complies. Mr. Jerman house plans with details, Mr. Stevens- A2-3 bedroom, 3 bathroom home, partial basement, half story above, Mr. Jerman no bedrooms in basement, Mr. Stevens-correct-agree no egress windows cannot support based on septic system requirements. Mr. Jerman site plan; violation to light, air, open space, and distance from neighbors, Mr. Stevens no and to East 31' from property line- so 41', to West 21' to property line so 31', R10 requirement as small as 20'. Mr. Jerman complies with height under 25', Mr. Stevens- yes, limited by ordinance. Mr. Jerman any other use for the property, Mr. Stevens- no other use appropriate. Mr. Jerman with setbacks, height and far away from house, over 20' & 30' any detriment to zone plan or Master Plan, Mr. Stevens- no. Mr. Jerman any detriment to the neighbors, Mr. Stevens- no. Mr. Jerman back to picture board-describe how 5 houses in Pine Lake Park on blocks, Mr. Stevens- typically 5 houses on each block, final development- 5 homes. Mr. Jerman same across the street, Mr. Stevens- yes, Mr.

Jerman all look the same, Mr. Stevens- yes. Mr. Jerman any detriment to the public good, Mr. Stevens- no. Mr. Jerman new construction increases value, Mr. Stevens- generally does. Mr. Jerman add value to neighborhood, Mr. Stevens- not what I do but fits the character of neighborhood. Mr. Jerman give idea from other Townships, Mr. Stevens very common in several other Towns, 40' lots even. Mr. Jerman neighbors oppose but many on 75' lots, Mr. Stevens- yes correct. Mr. Jerman already done two 50' lots even though dog leg lots, Mr. Stevens- yes but septic on dog leg. Mr. Jerman February approval from Board, Mr. Stevens- yes. Mr. Jerman anyway to mitigate, Mr. Stevens- no zoned into inutility. Mr. Jerman experience with denials, Mr. Stevens yes. Mr. Jerman best knowledge what was outcome, Mr. Stevens overturned and homes built. Mr. Jerman why, even though not a lawyer, Mr. Stevens- law is clear, applicant has right to build. Mr. Jerman judge can overturn and Board disagrees, Mr. Stevens not sure. Mr. Jerman reverse condemnation, Mr. Stevens- yes, correct. Mr. Jerman can you think of any reason not to grant, Mr. Stevens- I cannot. Mr. Jerman any substantial detriment, Mr. Stevens- none. Mr. Jerman comments by definition every variance some detriment but must be substantial detriment, applicant present plan properly, cannot present huge house that doesn't meet setbacks. Mr. Jerman Cape house changes, 2 story to 1.5 story, modify changes, Mr. Stevens- yes. Mr. Jerman Board makes reasonable requests, have to be amenable to this, must satisfy both positive and negative criteria, never owned, tried to buy, show best possible plan, no detriment to the neighbors or neighborhood. Mr. Stevens- yes we have. Mr. Jerman they are unusual, Mr. Stevens- yes in past. MR. Jerman reason not before the Board because of the septic? Mr. Stevens conventional septic couldn't be used, now alternate design septic, size reduced so can fit, more expensive, offers treatment system, approved by the DEP. Ms. Fazio different sizes? Mr. Stevens designed as star system, used in Pinelands now, 2 chambers, 1 side treats, reduces disposal beds. Ms. Fazio size of house, size of septic, Mr. Stevens based on bedrooms, so none in basement. Ms. Fazio so if number of bedrooms reduced? Mr. Stevens no, this is the smallest the system gets. Ms. Fazio house moved toward rear, Mr. Stevens 10' from street, septic 15' to house, 25' to basement, State requirements. Mr. Worth- State says 23x22 smallest, Mr. Stevens- correct. Mr. Worth 2 bedrooms? Mr. Stevens must be at least. Mr. Worth provide calculations? Mr. Stevens yes of course. Mr. Worth essence of test, Mr. Stevens accurate, not sure where it is written. Ms. Fazio sized for 2, 3, 4 bedrooms, Mr. Stevens yes. Ms. Georgiano 5' between neighbors, Mr. Stevens yes, solid, underground. Mr. Galbreath made of concrete, Mr. Stevens- yes. Ms. Georgiano any warranty on these? Mr. Stevens warranty on homes 10 years, septic in there. Mr. Glen about grading- noticed a big drop, close to 4', Mr. Stevens yes, house on left- grade to swale to 6th, create berm, drywell in rear yard. Mr. Cook any reason we can't put in retaining wall, Mr. Stevens- no, Mr. Jerman no problem with that, Mr. Stevens- 18" wall, something low. MR. Glen house back because of septic, Mr. Stevens- yes. Mr. Glen property designed to fit septic? Mr. Stevens- have to make all things fir, don't like septic in rear yards, sewer grants are out there, could do it. Mr. Glen lots of trees 6" diameter, comply with tree ordinance, Mr. Stevens 2 trees in back, Mr. Glen 4"-6"? Mr. Stevens yes deciduous trees 1 & 2" caliper. Mr. Jerman- half the amount removed than on conforming lot. Mr. Cook anyway to keep any? Mr. Stevens yes, possible in Southwest corner. Mr. Jerman reasonable arborvitae planting, Mr. Stevens didn't want to make suggestions, but certainly can. Mr. Worth- Southwest corner and rear to help with screen, Mr. Stevens it is certainly possible- will look and save. Mr. Worth parking? Mr. Stevens 2 stalls, Mr. Worth how? Mr. Stevens 40' length. Mr. Worth underground

drywell? Mr. Stevens from roof and rear yard, water will go to the front also. Mr. Worth front 40' out to 6th, Township flooding Hannibal and 5th, exacerbate issue? Mr. Stevens no very small amount to front. Mr. Worth road drains West? Mr. Stevens no towards Beacon. Mr. Jerman meet ordinance requirements, Mr. Stevens yes we do.

OPEN TO THE PUBLIC FOR QUESTIONS/COMMENTS.

Tracy Wittenburg- 1809 5th- sworn in- so many homes for sale/foreclosure, tired of more homes, don't need more, there are owls in area, I would have no privacy, deal with lights, septic- where is leech field? Trees home to animals, have to deal with invasion of privacy, takes away from peace of neighborhood, need more businesses not more homes, just stop the building. Ms. Fazio inquiries lot 34, Mr. Worth lot 39. Ms. Fazio the leech field, Mr. Stevens front of home. Ms. Wittenburg with the septic? Mr. Stevens- yes. Ms. Wittenburg turning into a mini-city-build businesses. Mr. Stevens, I understand but this area is not for that.

Robin Ferguson-1732 1st-sworn in- 5 homes, around me only 4, building on tiny lot not good, maybe he can split between the neighbors, if you have kids, can't even put a swing set.

Ms. Fazio comments- the Board looks at each case individually.

Linda St. Clare-1733 6th—sworn in- property for sale, buy a conforming lot, loss of privacy, previous application 3 bedrooms, 4 parking spots, this only two.

Alice DeVito-2016 4th- sworn in- under general notes, property in flood zone, Zone X, Mr. Stevens not a flood zone. Mr. Worth indicates could flood, Mr. Stevens- correct.

Gail Apgar-53 Columbus Blvd.- sworn in- your testimony is always good, bringing in judges, letters you send, people can't afford this, destroying dynamic of whole area, jamming in houses, maybe petition the County to buy. Ms. Fazio you would have to ask. Mr. Worth owner usually reaches out to County. Ms. Apgar so a possibility? Mr. Worth owner would have to approach County, Ms. Apgar maybe he can do this.

CLOSED TO THE PUBLIC FOR QUESTIONS/COMMENTS.

Mr. Jerman- undersize lot, no substantial detriment, no negative impact to the Master Plan or zone plan, fit in nicely, setbacks met with de minimis rear, neighbors very far away, 5 houses on block, no one will know the difference, Board aware of legal aspect, neighbor said privacy-willing to add fence along with arborvitae. If denied, same thing will happen-overturn, cost the Township a lot of money, end result same thing- overturned, nothing I haven't done here-complied completely, I understand neighbors would rather have woods but not reason to deny, law has no ambiguity, stepping in the shoes of the original owner, as far as contacting the County- I take every diligent step, byt from Town, buy from neighbors, I understand neighbors and I understand Board, lots never done, septic has changed, nice house with no detriment to neighbors, nothing more I can, save trees, will do anything reasonable. Mr. Jerman requests reasons if denial, reviewing Court needs to see reasons.

Ms. Fazio you said if Board requests reasonable, 2 bedrooms instead of 3, thinks that would be more positive, you have the right to build. Mr. Jerman- 2 bedroom wouldn't change the size of the house and unmarketable. Ms. Fazio- marketability nothing to do with this Board. Mr. Jerman- not true. Ms. Fazio you said we could ask, Mr. Jerman no reason 2 bedroom advantageous versus 3 bedroom. Ms. Fazio review trees, Mr. Cook would like arborvitae rather than fence- 6' high- not 20' apart, more like 4-5' apart. Mr. Jerman would consult a tree expert. Mr. Cook shortest span between, 18" wall on East side. Ms. Fazio tree save in Southwest corner. Mr. Reid what is reasonable? Mr. Stevens 5' accessory setback. Mr. Reid what is tree save? Mr. Stevens- maximize tree save. Mr. Worth and also replace, buffer intended. Mr. Cook Ocean County Board of Health approval, Mr. Stevens- yes. Mr. Jerman and soil district, Mr. Stevens every new house needs one. Ms. Fazio smallest size septic- require proof. Mr. Cook that means Ocean County Board of Health approval. Ms. Fazio but 2 bedroom may be smaller. Mr. Reid would like to mitigate 2' rear if smaller system. Mr. Stevens smallest field, not sure if rules or just policy. Mr. Worth rear yard removed if 2 bedroom with smaller septic. Mr. Galbreath seepage pit required for 2 bedroom, Mr. Stevens- no. Ms. Fazio 2 bedroom would be smaller, move house forward.

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

Roll Call: W. Cook- yes, K. Vaccaro- yes, H. Glen- no, S. Galbreath- no, G. Georgiano- no, L. Fazio- yes.

Motion does not carry.

Mr. Reid- need majority, so stalemate, Case law states arbitrary and capricious if denial unreasonable, denial based on testimony presented or something not presented, Mr. Stevens testified hardship exists, variance is an exception, positive versus negative criteria, setbacks met, height, character of neighborhood, evidence in the record. Mr. Jerman request the record reflect the motion to deny.

Motion to deny made by S. Galbreath and seconded by G. Georgiano.

Roll Call: S. Galbreath-yes-more development, more flooding, more parking issues, more congestion, G. Georgiano- yes, concur, not consistent with neighborhood, will look out of place, W. Cook- no, H. Glen- yes, impairs intent of zoning, minimum lot area 10,000sf this is 5,000, required frontage 100' this is 50', required width 100' this is 50', rear yard setback 26' this is 24', improvable lot area 5800 this is 2600, only providing half of what the zone requires, K. Vaccaro- no, L. Fazio- no.

Motion Approved- Denied.3-3

Adjournment: The meeting was adjourned at 9:15 p.m. on motion by W. Cook and seconded by K. Vaccaro. All in favor.

Respectfully submitted,

Erin Mathioudakis
Zoning Board Secretary