

**MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
Thursday, January 30, 2025**

**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 6:45 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, S. Galbreath, D. Tedeschi, G. Georgiano, B. Hay, M. Kasiewniak, G. Apgar.

Members Absent: H. Glen

Also Present: C. Reid, Board Attorney, Jason Worth, Board Engineer

**Administrative Session:**

**Approval of Minutes:** December 12, 2024, meeting.

Motion to approve made by W. Cook and seconded by S. Galbreath.

Roll Call: W. Cook- yes, S. Galbreath- yes.

**Payment of Bills:**

MTZB-R8740 for T&M Associates in the amount of \$1425.00 for Case ZB24-48.

MTZB-R8340 for T&M Associates in the amount of \$600.00 for Case ZB24-07.

MTZB-R8360 for T&M Associates in the amount of \$206.25 for Case ZB24-10.

MTZB-R8400 for T&M Associates in the amount of \$577.50 for Case ZB24-14.

MTZB-R8530 for T&M Associates in the amount of \$180.00 for Case ZB24-27.

MTZB-R8540 for T&M Associates in the amount of \$180.00 for Case ZB24-28.

MTZB-R8710 for T&M Associates in the amount of \$90.00 for Case ZB24-45.

MTZB-R8750 for T&M Associates in the amount of \$375.00 for Case ZB24-49.

Motion to approve made by W. Cook and seconded by S. Galbreath.

Roll Call: W. Cook- yes, S. Galbreath- yes, D. Tedeschi-yes, G. Georgiano-yes, B. Hay- yes, M. Kasiewniak-yes, L. Fazio- yes.

**Correspondence:** Ms. Mathioudakis reviews email received from Mr. Jerman regarding Case 24-31 and 24-35 on agenda- request to carry both to the April meeting. Mr. Cook- who do you

have agreements with? Mr. Jerman- with Township on 24-31 and Ridgewood Village Estates on 24-35. Mr. Cook both conforming lots. Mr. Jerman- the Township 24-35 will be 75'. Motion to carry, no notice and waive time made by W. Cook and seconded by D. Tedeschi. Roll Call: All in Favor.

**Professional Reports:** none.

**Memorializations:**

Memorialization of a variance to construct a single-family dwelling on an unimproved lot having an area of 7,500 square feet where 10,000 square feet is required, improvable lot area of 4,225 square feet where 5,800 square feet is required, a frontage of 75 feet where 100 is required, a lot width of 75 feet where 100 feet is required, with waivers for curb and sidewalk. Applicant: Jeffrey Jerman Seventh Avenue Block 1.125 Lot 15. Approved at the December 12, 2024, meeting. Case 24-07

Motion to approve made by W. Cook. Roll Call: W. Cook.

Memorialization of 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, with waivers for curb and sidewalk. Applicant: Jeffrey Jerman Fifth Avenue Block 1.89 Lot 16. Approved at the December 12, 2024, meeting. Case 24-27

Motion to approve made by W. Cook. Roll Call: W. Cook.

Memorialization of 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, with waivers for curb and sidewalk. Applicant: Jeffrey Jerman Second Avenue Block 1.26 Lot 16. Denied at the December 12, 2024, meeting. Case 24-28

Motion to approve made by S. Galbreath. Roll Call: S. Galbreath.

**Applications:**

- |               |                    |                    |
|---------------|--------------------|--------------------|
| 1. Case 24-23 | Jeffrey Jerman     | Champlain Street   |
|               | PO Box 922         | Block 1.175 Lot 26 |
|               | 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, applicant is requesting waivers for curb and sidewalk. Mr. Jeffrey Jerman and Mr. William Stevens- sworn in by stenographer, Linda Hill. Mr. Stevens credentials accepted. Mr. Jerman- owner/applicant introduces the following exhibits:

A1: aerial photo

A2: variance plan

A3: architectural plans

A4: picture board

A5: packet handout/200' list, smaller version of A4.

A6: affidavit of ownership

A7: buy/sell letters sent regular and certified mail: L22- no response, L28-Ridgewood Village responded, plus October 2024 meeting, Mr. Raport testified agreed to swap lots, in a week or two, sign and close, from October to now reneged, deal unacceptable to me, once he sees I'm granted a variance he'll see in his interests, no agreement without Board approval. Ms. Fazio-shame no deal was made, hardship created later when causing now. Mr. Cook- I agree. Ms. Fazio- going forward undersized lot, what's left is not a hardship.

Mr. Jerman- 50x100 lot, same as before, 10 or so, approved and denied, Court overturns denial, owner entitled to build on his property, every denial on undersized lot always overturned, doing these 20-25 years, appeal, overturn, absolutely no reason to deny. Mr. Jerman beautiful home with no detriment to neighbors, Court will overturn, understand neighbors don't want these, want trees.

Mr. Jerman did you view the site and prepare the plans, Mr. Stevens- I have, and I did. Mr. Jerman summarize variances? Mr. Stevens- subject property existing isolated lot, 50x100, along Champlain, A1 aerial taken October 2024, west side of Champlain between 8<sup>th</sup> and 9<sup>th</sup> in PLP, variances for lot area, frontage, width and improvable lot area, with a de minimis rear yard setback of two feet, with municipal water and septic. Mr. Jerman bulk variance 5000 versus 10000 sufficient, Mr. Stevens- yes, home fits plus driveway with two spots, front and side setbacks met and fits septic. Mr. Jerman design meets undersized lot ordinance, Mr. Stevens- yes, proposed 1.5 story Cape does meet the ordinance. Mr. Jerman 50' versus 100', 50' enough, Mr. Stevens- it is, fits driveway and septic in front. Mr. Jerman and the de minimis rear yard setback, Mr. Stevens- 24' proposed where 26' required, smaller lot, challenge to find home that fits, best design, compared to requesting a side yard setback. Mr. Jerman and it's truly de minimis? Mr. Stevens- yes, not noticed in the field. Mr. Jerman nay constraint, Mr. Stevens- it does not. Mr. Jerman front and side setbacks met, Mr. Stevens- correct. Mr. Jerman based on area map, variety of homes in neighborhood, Mr. Stevens- referring to A4- homes along Champlain older and newer, 9 block analysis- 78 homes ranging from 2603sf to 1024sf, our proposed 1.5 story 1415sf, 3 bedroom, 3 bathroom with partial basement fits into character of neighborhood, not the largest and not the smallest home, undersized lot ordinance only 25' in height, this will comply. Mr. Jerman referring to A4 picture board does not have full lot, Mr. Stevens not showing vacant lots. Mr. Jerman with front and side setbacks met any violation to light, air or open space, Mr. Stevens- as Planning testimony- it fits character of neighborhood and meets the intent of the R10 zone. Mr. Jerman no infringement to neighbors will side setback met, Mr. Stevens- correct. Mr. Jerman property used for anything else, Mr. Stevens- no, if not approved, zoned into inutility. Mr. Jerman any detriment to Master Plan or zone plan, Mr. Stevens- residential home only. Mr. Jerman familiar with building and variances granted and approved by Court, the same. Mr. Stevens- yes generally the same yes. Mr. Jerman any other way to mitigate? Mr. Stevens- no only through buy/sell process. Mr. Jerman- you've been an Engineer for many years, 40 plus years' experience, many denials, please tell Board what happens. Mr. Stevens- all undersized lots

overturned; these will be built. Mr. Jerman please explain why granted. Mr. Stevens- Case law evolved over the years; property owners are entitled to build. Mr. Jerman from a Planning or Engineering perspective any reason not to grant, Mr. Stevens- I do not see any. Mr. Jerman we think the best house, design, and the best proposal but if Board or neighbors want reasonable changes like fence or shed, Mr. Stevens- we are always willing to make changes to satisfy concerns. Mr. Jerman many changes already made over the years, Cape style fits undersized lot ordinance, Mr. Stevens- correct. Mr. Jerman- no problem with the house, issue is with variance request. Mr. Jerman we also have to review positive and negative criteria with this request- positive criteria met, we can't acquire additional land, Mr. Stevens- yes established through the buy/sell process. Mr. Jerman negative criteria met, all testimony shown, setbacks met, no infringement on neighbors, Mr. Stevens- I believe it does. Mr. Jerman any validity of denial based on lot, Mr. Stevens- I do not believe there are. Mr. Jerman grading and drainage- meets ordinance, Mr. Stevens- it does. Mr. Jerman explain what we are doing, how we vastly exceed what is required and if Board wants larger willing to do so. Mr. Stevens- drainage toward Champlain, rear to low point, northwest corner with drywell with grate, roof leaders to it, meets ordinance, Township study of PLP- TRN1- no immediate known issues. Mr. Jerman meets ordinance, conforming lot we would get approval from Construction Department, Mr. Stevens- correct. Mr. Jerman we actually contribute less, Mr. Stevens half of conforming lot so half. Mr. Jerman only until the past year or so for these variances why never before, Mr. Stevens- septic technology, advanced treatment system, very different before to build septic.

Mr. Jerman- approval versus denial, if approved willing to do extra work, fence, shed, driveway all not required with ordinance, I don't have to but want to work with neighbors, if denied- 9 months from now I get approved and the extras don't need to be done and I'm \$20K richer, wastes taxpayer money, for 40 years done my own legal work, costs \$5-\$10K for lawyer for the Board to fight it, interest in best proposal with \$20K in improvements, they don't get it if I go to Court.

Mr. Worth- the drainage and swale any impact to adjoining properties, Lot 28 lower elevation, Mr. Stevens- create our own low point but will confirm. Mr. Worth drywell for roof with open grate, sized, Mr. Stevens- will look into it. Mr. Worth soils? Mr. Stevens not done yet. Mr. Worth then how are elevations set, Mr. Stevens- based on experience, but will do the work at least 4 borings. Mr. Worth 2' separation would create additional variance, Mr. Stevens house will not exceed. Mr. Worth- comply with trees, Mr. Stevens-yes. Mr. Worth 2 cars complies with RSIS, Mr. Stevens- yes. Mr. Worth and the basement, no kitchen, no bedrooms, no egress windows? Mr. Stevens- we are not. Mr. Worth- the waivers requested? Mr. Stevens- curbs and sidewalks don't exist in PLP, drainage relies on swales, better plan without. Mr. Worth- many months ago, submitted additional parking, Mr. Stevens-yes, Mr. Jerman- stone, trench driveway. Mr. Worth there is no garage, proposing any type of accessory structure? Mr. Jerman- yes a shed, but need to remove aesthetically pleasing from resolution. Mr. Worth exterior to match, Mr. Jerman- yes, just eliminate aesthetically pleasing. Mr. Worth an 8x10, Mr. Jerman- yes. Mr. Worth in the 9 block analysis, larger homes on larger lots, any analysis on lot coverage, Mr. Stevens- I have not. Mr. Worth could be misleading, Mr. Stevens- you are right. Mr. Kasiewniak- proposal nicely done, any other lots this size, Mr. Jerman- probably, Mr. Stevens- 9 blocks, many 75' lots, Mr. Jerman- many 50' lots all over, additional 25' to present to Board. Mr. Kasiewniak- is all lost with land next door, Mr. Jerman- requesting variance to entice. Mr.

Cook- drainage to lot 28, change in slope, Mr. Stevens- building itself fairly flat, 50' property line- ½' - 1' lower, we'll make sure that water stays on lot. Mr. Cook with that in mind, push water to street, Mr. Stevens- always with development, mitigate by stone along street. Mr. Jerman- lot 28, 50' will never be built on. Mr. Hay- if yours go through, why can't he ask, Mr. Jerman- he can but he has to prove hardship. Mr. hay makes me think you won't get it, Mr. Jerman- no makes it conforming lot. Mr. Hay- 4 lots in play, Mr. Stevens- no 50x100 dog leg lot, lot 28 has lot area but still needs variance, this takes away hardship claim. Mr. Reid- put up map, Mr. Stevens- we're only talking about two homes. Mr. Reid- land swap, 50' for 50', what incentive does neighbor have, swap 50 for create 100x100, Mr. Hay- so what's the hold up, Mr. Jerman- I agree, advantageous to have conforming lots. Mr. Hay- I disagree. Mr. Jerman- one conforming lot much more than two undersized lots, this has no bearing. Mr. Reid- actually it does, to point, Mr. Hay does see it, neighbor could ask for variance too, since neighbor is not moving forward and this is part of the process, neighbor created own hardship. Mr. Hay- but according to his testimony- says he's allowed to build. Mr. Jerman- the incentive is money. Mr. Hay be respectful. Mr. Jerman- Board not empowered to negotiate. Mr. Reid- the purpose of the buy/sell process about mitigating the variance. Mr. Jerman Board has no power to say. Ms. Fazio- said at beginning, you have tried. Mr. Reid-Mr. Hay? Mr. Hay- why if conforms doesn't he, behooves him to. Mr. Jerman- can lead a horse to water but can't make him drink. Mr. Reid- this is only one sided, Board has right to consider for hardship. Mr. Jerman- I disagree, he reneged, been here since October, not fact finding Board.

Mr. Hay- size of septic, Mr. Jerman 23'x22'. Mr. Hay how many gallons, only 5' from neighboring property. Mr. Stevens- meets OCHD requirements. Mr. Hay the size? Mr. Stevens- 12,050 gallons, star tank 1,000 gallons. Mr. Hay- 250 gallon bed, looks undersized but approved by State, Mr. Steven- yes, 30 years ago, Pinelands Commission looked for septic on undersized lots, 3.2 acres, pressure dosage system. Mr. Hay- not gravity fed? Mr. Stevens- correct, but not enough for Pinelands, concern with nitrogen, Star tank far superior, treatment system fields are smaller, standards in place, OCHD approved. Mr. Hay but not yet, Mr. Stevens- no Board is the first step. Mr. Jerman 8 already approved. Mr. Hay who maintains, Mr. Stevens- company comes out for maintenance, Mr. Hay with chemicals? Mr. Stevens- no organically. Mr. Hay any study on small house effects on water plants, traffic study? Mr. Jerman not under the Board's purview. Mr. Hay it was just a question. Mr. Jerman- ask the Council. Mr. Worth- gets Building Department approval, Mr. Stevens- yes- first resolution compliance, OCHD, Township Engineer and then building permit. Ms. Georgiano- he reneged but you said you weren't happy. Mr. Jerman- he changed the deal.

David Raport and Miriam Raport- Wyoming Avenue, Elizabeth, Nj- sworn in. Mr. Rapport- very sorry for loss of Ms. Vaccaro, welcome new Board members, yes here before in October, seek similar style lot to swap, diligent search, flag lot with 50' odd shape, 1 of 2 potential solutions, Mr. Jerman's idea to combine properties, create conforming lot, one caveat tie into other deals, I wasn't going to do that, after that he completely shut down, statements not assertions of the Law, if I don't capitulate could be adversely affected in the future, emailed if I didn't sign before the meeting, combine, build, sell, I offered to participate in the money to build, Mr. Jerman has a caustic, condescending style but I will not be bullied into something, variance granted tonight, antithesis to agreement. Ms. Fazio when was the contract handed to you or him? Mr. Rapport before the meeting. Ms. Fazio here at the October meeting said 2 weeks. Mr. Rapport- correct

then family emergency, he is a savvy business owner. Ms. Fazio said 2 weeks, Mr. Rapport- I did, and I did reach out. Mr. Hay if this goes through adversely affects you. Mr. Rapport combined it's a conforming lot. Mr. Hay- no deal happens, he builds, adversely affects you? Mr. Rapport can't say, if denied- work together, he says it's about profit, I say it's about- making homes that fit neighborhood. Ms. Fazio- said that back in October, shouldn't use meeting. Mr. Hay tried 2 to 3 weeks. Mr. Rapport- unilaterally said roll the dice, I'm not dealing. Mr. Hay adverse affect, Mr. Rapport- I do, especially drainage. Ms. Georgiano what is the size of your lot? Mr. Worth 50x100 to the side and 75x100 in rear, combine and seek sub-division, 100x100 lot and 75x100 lot. Ms. Georgiano why not sell lot at fair market value? Mr. Jerman fair market as buildable, 150K for either of us. Mr. Rapport- king like Solomon, cut baby in half, combine two interests with greater plan, better values. Ms. Georgiano- you have a conforming lot without? Mr. Jerman- no. Mr. Rapport- open to suggestions. Mr. Worth for Mr. Rapport no variances for lot size but other variances. Mr. Stevens- lot width and lot frontage. Mr. Cook shouldn't be mediation Board hearing this tonight. Ms. Apgar this lot? Mr. Jerman alternates can participate? Mr. Reid- yes. Ms. Apgar- empty lot, Mr. Jerman- yes, wooded, Ms. Apgar corner vacant yours? Mr. Rapport- yes. Mr. Reid- one at a time, zoom in on lots. Ms. Apgar- lot vacant corner. Mr. Stevens- lot 26- Mr. Jerman's lot, lot 28- dog leg, Mr. Rapport's lot. Mr. Reid- dog leg fronts on 8th and Champlain, Mr. Stevens- correct. Mr. Worth- two areas vacant and wooded, one lot, L shaped, Mr. Stevens- correct. Mr. Reid- vacant and wooded, both? Mr. Stevens- correct. Mr. Reid explain lot lines, Mr. Stevens- 50' across front then 175x100. Ms. Apgar cut all trees, Mr. Jerman- you know we are. Mr. Reid- not to you, Mr. Jerman. Ms. Apgar, small house on one, small house on other, Mr. Stevens- no, Mr. Rapport needs variance for lot frontage and lot width. Ms. Apgar can he build on lot 28, Mr. Stevens- he could. Ms. Apgar- but I remember them saying they would work together. Mr. Jerman- 1. stated agreement given five minutes before meeting, 2. buy/sell letter- willing to swap 50x100, showed one, two, three lots he could give me, 3. memory good, October meeting- said two weeks. Mr. Reid-mark exhibit. marked as A8- letter on 9/19, reply 10/10. Ms. Fazio- if swap happens, one conforming home on lot- this will not be built. Mr. Jerman- correct. Mr. Worth- sub-division sought? Mr. Jerman- no just swap. Ms. Georgiano- propose lot to switch, Mr. Rapport- he did, like in kind. Ms. Georgiano- giving you this lot, you give him one. Mr. Rapport- better situation for Mr. Jerman- combine-win/win situation. Ms. Georgiano- why not just swap 50x100 for 50x100? Mr. Reid- offered lot 26 to give you oversized lot, Ms. Georgiano presents simply, point is 50x100, lot 26, you give him something else, swap 50x100- are you willing to do this, willing to swap- yes or no? Mr. Rapport- yes, Mr. Reid how long- two weeks? Mr. Rapport- one week. Mr. Reid- have you found lots to swap, Mr. Rapport-no, Mr. Jerman- no. Mr. Worth- 50x100 next to one you own, Mr. Reid- understand. Mr. Kasiewniak- think it's wonderful. Ms. Rapport- making every effort. Mr. Reid- you understand the swap, fully conforming lot, have you identified any, Ms. Rapport- we are trying, Mr. Reid because of sub-divisions? Ms. Rapport- unusual lots, Mr. Reid- why? Ms. Rapport- needs sub-division. Mr. Worth sub-division does not needed, lot of consolidation. Mr. Reid- why out of ordinary. Ms. Rapport attached 75x100, need variance. Mr. Reid- grey area added 175x100. Ms. Fazio- like Mr. Worth said Planning Board, Mr. Reid- no crystal ball. Mr. Rapport- contract into evidence, Mr. Reid- what lot, Mr. Rapport prior agreement didn't include swap. Mr. Reid- judge will say satisfied positive criteria.

Motion to recess made (8:48pm) by W. Cook and seconded by G. Georgiano. Roll Call: All in Favor.

Motion to return (9:07pm) made by W. Cook and second by D. Tedeschi. Roll Call: All in Favor.

Ms. Fazio- all questions answered. Ms. Georgiano- right, swap on for one. Mr. Rapport swapped Block 1.369 Lots 33 and 36. Mr. Worth- repeat, Mr. Rapport. Mr. Rapport- Block 1.369 Lots 33 and 36. Ms. Mathioudakis- Mr. Jerman owns lots in the middle. Mr. Worth on Riverside. Mr. Jerman- perfectly agreeable to this. Mr. Reid- carry this. Mr. Jerman- conditional variance. Mr. Reid- assuming Board grants, doesn't mean Board is ready to vote on negative criteria, looks like 100x100, Board to carry or vote. Mr. Jerman- Board doesn't have the right, Mr. Reid- yes they do, Mr. Jerman- no automatic approval, Mr. Reid- no, you're assuming variance will be granted. Mr. Jerman and you're assuming a clean title. Mr. Reid, how long to clear the title? Mr. Jerman- 15 days, Mr. Reid- you've been waiting a year. Mr. Jerman- vote on this- don't carry. Ms. Fazio- buy/sell in the beginning, this case several months, this Board just told the lots tonight, 15 days title search, 30 days. Mr. Reid- Board has discretion to carry, resolution more cost, more time, this is a win/win/win, and a win for the Town. Mr. Jerman- amend, finish hearing with public comment.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS.

Alice DeVito-2016 4th- sworn in- 10 year warranty, Mr. Jerman- yes. Ms. DeVito includes septic? Mr. Jerman- different warranty. Ms. DeVito- if approved shed, fence, Mr. Jerman- depends. Ms. DeVito- no garage, overcrowding, too much parking.

CLOSED TO THE PUBLIC.

Motion to carry with a waiver of time and no notice required made by W. Cook and seconded by M. Kasiewniak. Roll Call: All in Favor.

Mr. Reid- next case, a deal can be made, not going to get to all cases.

2. Case 24-33	Jeffrey Jerman	Seventh Avenue
	PO Box 922	Block 1.127 Lot 19
	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, applicant is requesting waivers for curb and sidewalk. Mr. Jeffrey Jerman and Mr. William Stevens- sworn in by stenographer Linda Hill. Mr. Stevens credentials accepted.

Mr. Reid- better to go to #7 Ms. Mathioudakis- no sent public away, Mr. Jerman is also trying to acquire a lot with Town. Mr. Reid- why not just carry now to Mr. Cook's point.

Motion to carry 24-34 waiver time to April 24th, no notice made by W. Cook.

Mr. Reid- can't waive notice, we made aware, Mr. Jerman- didn't tell him to leave, Mr. Reid- yes but statutory, Ms. Fazio- we did tell him we were going to, Mr. Reid- needs notice. Mr.

Jerman-change to say, Ms. Fazio- May 22nd.

Seconded by S. Galbreath.

Roll Call: All in Favor.

Mr. Jerman- owner/applicant introduces the following exhibits:

A1: aerial photo

A2: variance plan

A3: architectural plans

A4: picture board

A5: packet handout/200' list, smaller version of A4.

A6: affidavit of ownership

A7: buy/sell letters sent regular and certified mail: lot 14- no response, lot 21- no response, lot to rear- no response.

Mr. Jerman- same house, same variances, beautiful house, no detriment. Mr. Jerman did you view the site and prepare the plans, Mr. Stevens- I have, and I did. Mr. Jerman summarize variances? Mr. Stevens- subject property existing isolated lot, south side of 7th, aerial from October 2024, between Beacon and Hannibal, 50x100 R10 zone in PLP, variances for lot area, lot frontage, lot width, improvable lot area and de minimis 2' rear yard setback at 24' versus 26', home will fir driveway and septic. Mr. Jerman 5000 versus 10000 enough, 3 bedroom/3 bath as shown, Mr. Stevens- side yard setbacks enough. M. Jerman complies with undersized lot ordinance, Mr. Stevens- yes it does, limits height to 25', proposed 1.5 story Cape. Mr. Jerman 50' width, 50' frontage fits septic and driveway, Mr. Stevens- yes it does. Mr. Jerman and the variance for the rear yard setback, Mr. Stevens- 24' versus 26' smaller lot, keeps with character of neighborhood, to make 2' de minimis rear alternative is to reduce side yard setbacks. Mr. Jerman does this create any detriment to the neighbors or zone plan, Mr. Stevens- it does not. Mr. Jerman variance for improvable lot area, any constraint, Mr. Stevens- no, just smaller house. Mr. Jerman any detriment to the public good, Mr. Stevens- no, new construction- generally good. Mr. Jerman few approved here and by the Court- the same? Mr. Stevens- generally the same. Mr. Jerman any other way to mitigate the need for a variance, Mr. Stevens- no only through the buy/sell process. Mr. Jerman dozens and dozens- denied on some, Mr. Stevens- overturned on appeal, Mr. Jerman- why? Mr. Stevens- owner has right to build. Mr. Jerman any reason not to grant, Mr. Stevens- can't see any. Mr. Jerman not only no substantial detriment but can say benefit, Mr. Stevens- generally new construction is good. Mr. Jerman and if Board suggests reasonable changes, Mr. Stevens- always willing to consider. Mr. Jerman just like before, Cape re-designed for undersized lot ordinance, Mr. Stevens- yes we have had many iterations. Mr. Jerman-for these we must talk about the positive and negative criteria, the positive criteria met as it's an isolated lot and no additional land, Mr. Stevens- yes through the buy/sell process. Mr. Jerman- and the negative met, meets setbacks, does not infringe on neighbors, Mr. Stevens- yes I believe met as well. Mr. Jerman, any validity of denial based on lot, Mr. Stevens- I do not believe so. Mr. Jerman- grading and drainage met, Mr. Stevens- yes. Mr. Jerman and reviewed for building permit, Mr. Stevens- correct. Mr. Jerman- much less drainage because smaller, Mr. Stevens- correct. Mr. Jerman agreeable to change- are those necessary to conform, Mr. Stevens- no they aren't, supposed to go back and forth. Mr. Jerman generally agreeable to them, Mr. Stevens- yes. Mr. Jerman- why never before 50 x 100 lots? Mr. Stevens- advancement in septic, more modern, 1000 gallons, sized by bedrooms, 3 bedrooms needs 750 gallons, minimum 1000 gallon size though. Mr. Jerman with new septic no reason can't fit with parking, Mr. Stevens- all correct, yes. Mr. Jerman- approval by Board or by Court, willing to do reasonable changes like

fences, sheds, expensive stuff about 20K in improvements, if denied goes to Court- 9 months from now overturned- save 20K- wasted 5K-10K of taxpayer money, never upheld, consequences of denial- no extras.

Mr. Cook- the drainage for the property, Mr. Stevens- UR21, 2 areas in need of improvement, this property drains opposite, no detriment to stormwater, drywell in rear, low point created on lot. Mr. Cook- house to the rear- lower elevation, Mr. Jerman just the picture. Mr. Worth house to left- retaining wall, Mr. Jerman- houses lower, Mr. Worth not on the topographic survey, looks like retaining wall needed. Mr. Stevens- we could do that- a low wall. Mr. Worth roof to rear drywell, need calculations, Mr. Stevens- will increase size. Mr. Hay- septic fields on adjoining lots, Mr. Stevens- lot to left not septic system. Mr. Hay anything in back corner or lot behind, Mr. Stevens- lawn area. Mr. Jerman- of there is- TWA permit. Mr. Stevens- separation distance, TWA permit, level above the County from the State, always granted. Mr. Jerman- 75' lot behind, so septic in the front most likely. Mr. Reid- requires TWA, Mr. Stevens- not that I'm aware of. Mr. Reid but OCHD? Mr. Stevens- correct, their records. Mr. Reid- right now doesn't need. Mr. Stevens- no separation distance issue. Mr. Reid what happens if not? Mr. Stevens- less than 50' needs TWA. Mr. Worth slope on roadway, new curb or remove, Mr. Stevens- asphalt curbs become drainage issue becomes erosive. Mr. Jerman- stone in front, Mr. Stevens- drive over, Mr. Jerman- stone with extra trench. Mr. Worth also extra parking. Mr. Worth in basement- any kitchen, bedrooms or egress windows, Mr. Jerman- no. Mr. Worth a shed, Mr. Jerman yes as long as it doesn't have to be aesthetically pleasing. Mr. Worth you say more in keeping with neighborhood, reduce the size of the home to meet all setbacks. Mr. Jerman- rooms real small, not a structure you want to promote, lose rear setback and go to 2 story home, rear yard setback most appropriate. Mr. Worth- with side setbacks greater impact to light, air and open space? Mr. Jerman- yes, only 60% of first floor area, took a lot of work to barely meet ordinance with this 2'. Mr. Reid- stone trench area? Mr. Jerman stone to allow additional parking, with trench to take on additional stormwater from lot and driveway. Mr. Hay- and piped where? Mr. Stevens- nowhere, it's a perforated pipe. Ms. Fazio- small 500sf home, how many bedrooms and bathrooms? Mr. Jerman- not many, Mr. Stevens- my report does not have that. Ms. Fazio- just mentioning it. Mr. Stevens- not something Town wants.

OPEN TO THE PUBLIC FOR QUESTIONS/COMMENTS.

Alice DeVito-2016 4th- sworn in- enough Manchester water supply? Other projects bringing water in from Jackson. Mr. Stevens- yes, my office working on that project. Ms. Apgar- wooded lot, Mr. Stevens- yes. Ms. Apgar- concerned- no room to fit, maybe 2 bedroom, 2 bath, maybe it would help. Mr. Worth obviously with smaller house- less run-off, less impact. Mr. Jerman- when you have to go doesn't matter. Mr. Worth- sized by bedrooms, minimum 1,000.

CLOSED TO THE PUBLIC.

Mr. Jerman- no substantial detriment, no impact to Master plan or zone plan, fits nicely, no detriment, meets almost all setbacks except rear, accept reasonable conditions, Court says right to build, Board may not like it but can't deny just because they don't want to see something built, agree to do improvements, cost 20K but if goes to Court don't do it, 5K-10K tax payer dollars, respectfully ask to grant but if vote no- give reasons.

Mr. Reid- comment in caucus if you'd like. Ms. Georgiano- it looks out of character, block has oversized lots or conforming lots, this is pushing it.

Motion to caucus made by W. Cook and seconded by S. Galbreath. Roll Call: All in Favor. For recording purposes the following will be used: CR= C. Reid (Attorney), JW= J. Worth (Engineer), LF= L. Fazio, WC= W. Cook, SG= S. Galbreath, DT= D. Tedeschi, GG= G. Georgiano, BH= B. Hay, MK= M. Kasiewniak, GA= G. Apgar, EM= E. Mathioudakis ( Board Secretary).

CR- consider/discuss comments now, no public, no applicant. Testimony says guarantee but not true, he can't guarantee, discuss impervious coverage, discuss impacts on neighbors, detriments versus benefits, value of home, what it does to neighbors, safety, fire, flood, appropriate location, water demand and septic, drainage.

LF & GG- close to the neighbor.

JW-zone 10", encroach to rear.

GG- I know he has 10' on side but when you look at it, he shows you on here, it will look pushed in.

JW- two conforming lots would have 10'.

GG-no garage, cars on front, doesn't really conform with neighborhood.

JW-100% drive is compliant as proposed but shifted.

WC-but it is compliant but with utility pole.

GA- instead of bedroom downstairs, a garage- will look like neighborhood.

SG- I think no matter what you do- looks squeezed in there.

GA-value going up but not here, I think jammed in there would make price go down.

BH- I agree, hurts appeal, plus more accidents, hurts water supply- have to purchase from Jackson- more to the taxpayer.

SG- not cheaper at all.

BH-not appealing to values, more services, more police.

SG-Toms River has connection to Manchester- we don't use.

WC-we just talked about 100x100- how any different, 2 lots- more water.

BH-prove merits of affect on infrastructure.

SG-since 2016-water restriction every year.

WC-not in two years.

GA- go to Court, in the beginning the Township not selling, Manchester can sell lots.

CR-if Town owns, current administration making greater efforts, less than 10 owners who have many lots- to eliminate variances on undersized lots.

GA- maybe put a cap.

CR- Council issue.

GA-can we ask Council this as the Zoning Board?

CR- really Council discussion.

MK-looking over city block- some concern- postage stamp next to large home not sure viable for neighborhood.

CR- as far as house being too close, setbacks met not outside of ordinance, lot area, positive criteria, more land, exhaust effort, proofs, positive criteria- hardship, just the land, someone had the right to build on land as long as they try to acquire more land otherwise likens to taking, if

deemed, Court says at fair market value, 150K- I'm sure Town does not have 150K for all these lots, the ordinance causes the hardship.

MK- previous Mayor acquired green acres, look into acquisition.

CR- Ms. Mathioudakis said before Township could encourage the players to swap.

GA-in this case, doesn't fit in neighborhood, get Town to keep.

CR-no, look at the law, primary purpose of ZBA- varies from Law, positive criteria- the land, negative criteria- substantial detriment to public good, the community, the neighbors, substantial detriment to the Master plan and zone plan.

BH- ordinance in place when Mr. Jerman purchased.

CR- doesn't matter Court says.

BH- what case

CR- many- read Dallmeyer.

BH- interpretation of Case Law, many lawyers have different interpretations, like Supreme Court.

Motion to close caucus made by W. Cook and seconded by L. Fazio. Roll Call: All in Favor.

Mr. Jerman- Ms. Georgiano said too close, meets ordinance, one side at least 40' away, lot too small, that's why I'm here, Ms. Apgar mentioned parking, meets RSIS standard, doesn't fit, I'll build a 2 story house, Mr. Hay mentions traffic study, septic, services, outside of consideration of this Board, Mr. Kasiewniak says too small- it's not.

Mr. Tedeschi- small house, small property. Mr. Jerman law is law- Dallmeyer case- 40 years ago, Board wants me to build another house, I'll do it.

Mr. Reid- Mr. Jerman's opinion, reads statute- public safety, fire, floss, public funds, etc.

Motion to approve with conditions made by W. Cook and seconded by L. Fazio. Roll Call: W. Cook- yes, L. Fazio- yes, S. Galbreath- no, flooding concerns, rear yard setback too close to other house, D. Tedeschi-no, detriment with flooding, G. Georgiano- no, does not fit character of neighborhood and flooding worse, B. Hay- no, safety issues, future costs to Town, flooding, applicant knew before acquiring, detriment to Town and values in this area, M. Kasiewniak- no, appreciate efforts, house doesn't fit in area, contribute to congestion, likes green acres idea.

Motion to carry 24-32 to February 27th meeting, no notice and waive time made by W. Cook and seconded by G. Georgiano. Roll Call: All in Favor.

Motion to carry 24-24 to April 24th meeting, no notice and waive time made by W. Cook and seconded by G. Georgiano. Roll Call: All in Favor.

**Adjournment:** The meeting was adjourned at 10:55 p.m. on motion by M. Kasiewniak and seconded by W. Cook. All in favor.

Respectfully submitted,

Erin Mathioudakis  
Zoning Board Secretary