

**MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
Thursday, February 27, 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 6:30 p.m. by Chairwoman Linda Fazio.
2. This meeting has 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, G. Georgiano, B. Hay, G. Apgar.

Members Absent: H. Glen

Also Present: C. Reid, Board Attorney, Jason Worth, Board Engineer  
Motion for Executive Session at 6:36 made by W. Cook and seconded by L. Fazio. Roll Call: All in favor.

Conclusion of Litigation Discussed.

Motion to return from Executive Session at 7:17pm made by W. Cook and seconded by G. Georgiano. Roll Call: All in Favor.

**Administrative Session:**

**Approval of Minutes:** January 30 2025, re-org. meeting.

Motion to Approve made by W. Cook and seconded by G. Georgiano. Roll Call: W. Cook- yes, G. Georgiano- yes, S. Galbreath- yes, B. Hay- yes, G. Apgar- yes, L. Fazio- yes.

**Approval of Minutes:** January 30 2025, regular meeting.

Motion to Approve made by W. Cook and seconded by G. Georgiano. Roll Call: W. Cook- yes, G. Georgiano- yes, S. Galbreath- yes, B. Hay- yes, G. Apgar- yes, L. Fazio- yes.

**Payment of Bills:**

MTZB-R8690 for T&M Associates in the amount of \$247.50 for Case ZB24-43.  
MTZB-R8760 for T&M Associates in the amount of \$915.00 for Case ZB24-50.  
MTZB-R8440 for T&M Associates in the amount of \$291.25 for Case ZB24-18.  
MTZB-R8360 for T&M Associates in the amount of \$93.50 for Case ZB24-10.  
MTZB-R8430 for T&M Associates in the amount of \$291.25 for Case ZB24-17.  
MTZB-R8490 for T&M Associates in the amount of \$420.75 for Case ZB24-23  
MTZB-R8510 for T&M Associates in the amount of \$542.50 for Case ZB24-25.

MTZB-R8590 for T&M Associates in the amount of \$327.25 for Case ZB24-33.

Motion to approve made by W. Cook and seconded by G. Georgiano. Roll Call: W. Cook- yes, G. Georgiano- yes, S. Galbreath- yes, B. Hay- yes, G. Apgar- yes, L. Fazio- yes.

**Correspondence:** Ms. Mathioudakis reviews email received from Mr. Jerman regarding Case 24-19 on agenda- request to carry to the April meeting, Case 24-23, Case 24-38 and Case 24-39 to the March meeting.

Motion to Carry 24-19 to April made by W. Cook and seconded by S. Galbreath with a waiver of time and no notice requirement. Roll Call: All in Favor.

Motion to Carry 24-23, 24-38, 24-39 to March made by W. Cook and seconded by S. Galbreath with a waiver of time and no notice requirement. Roll Call: All in Favor.

Mr. Jerman comments 24-19 more than likely will be dismissed and working on property swap for 24-23, trying to resolve a lot of these matters. Mr. Reid- for undersized lots, applicant must try to make more conforming and the last two on the agenda- just a time constraint, public comment can be made on any application, any interested party, anything in general comments made at the end of the meeting. Ms. Fazio please no repetitive comments. Mr. Reid- correct.

**Professional Reports:** none.

**Memorializations:**

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 1.127 Lot 19. Denied at the January 30, 2025, meeting. Case 24-33

Motion to approve made by G. Georgiano and seconded by S. Galbreath. Roll Call: G. Georgiano- yes, S. Galbreath- yes, B. Hay- yes.

**Applications:**

- |               |                    |                    |
|---------------|--------------------|--------------------|
| 1. Case 24-29 | Jeffrey Jerman     | Seventh Avenue     |
|               | PO Box 922         | Block 1.136 Lot 16 |
|               | 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: L12-no response, L18-sell house, value without variance, L32-no response.

Mr. Jerman- similar case, many before, most approved, some denied, denial- overturned at Court, last week on two denied- ordered Board to approve, thought being handled tonight, exact same lot and house, house- common, typical, very nice, 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- referring to A1- aerial dated October 2024, subject property existing isolated lot, 50x100, south side of Seventh between Middlesex and Champlain, A2- property in R10 zone, 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 size of lot 5000 versus 10,000 sufficient with 1400sf home, Mr. Stevens- it is, conforms with front and side setbacks with exception of 24' versus 26' rear yard setback. Mr. Jerman- 50' versus 100' supports everything, Mr. Stevens- yes, side setbacks met with septic and two off street parking with driveway. Mr. Jerman you say de minimis- why? Mr. Stevens- because a smaller lot in order to get home that fits character of neighborhood, alternative is wider side setbacks, this is a better choice. Mr. Jerman any detriment to neighbors, MR. Stevens- not visually seen. Mr. Jerman with improvable lot area any constraint, Mr. Stevens- no- just smaller home. MR. Jerman- variety of homes in neighborhood, Mr. Stevens- 9 block analysis- 86 homes ranging from 2,363sf to 1,092sf. Mr. Jerman and the proposed home? Mr. Stevens- 1.5 story Cape complies with undersized lot ordinance, under 25' in height, 3 bedrooms, 3 bathrooms with basement, 1,415sf, so not largest nor smallest, as Planner- fits into the neighborhood. Mr. Jerman- does not infringe on neighbors, Mr. Stevens- correct. Mr. Jerman- any violation of light, air or open space, Mr. Stevens- I do not believe so with the setbacks met. Mr. Jerman- undersized lot ordinance also met, Mr. Stevens- yes. Mr. Jerman- meet every respect, Mr. Stevens- we do. Mr. Jerman property used for anything else, Mr. Stevens- in my opinion, residential only, no other use appropriate, without variance, zoned into inutility. Mr. Jerman any detriment to the Master Plan or zone plan? Mr. Stevens- I do not believe so, keeps character of neighborhood, any variance has some but not substantial. Mr. Jerman any detriment to the public good, Mr. Stevens- I don't believe so. Mr. Jerman- several underway-any difference? Mr. Stevens- some minor differences but not with setbacks. Mr. Jerman- exact same house, cookie cutter, same setbacks, Mr. Stevens- correct. Mr. Jerman- outside of acquiring additional property any way to mitigate the variances, Mr. Stevens- only way- the buy/sell process. Mr. Jerman as Engineer and Planner for many years, many undersized lot variances, Mr. Stevens- hundreds- yes. Mr. Jerman and most approved, Mr. Stevens- yes. Mr. Jerman what happens if not approved,

Mr. Stevens- Court approves. Mr. Jerman- why? Mr. Stevens- Case law- if hardship proven, applicant has the right to build. Mr. Jerman- any reason not to grant? Mr. Stevens- I can see none. Mr. Jerman- we believe the best plan but open to reasonable changes like fence, shed, etc., Mr. Stevens- always agreeable to reasonable change. Mr. Jerman many changes to get here, Mr. Stevens- yes with the undersized lot ordinance, Mr. Jerman less than 25' in height, Mr. Stevens- correct complies. Mr. Jerman no objection to the house, lot size only, positive criteria met- no additional land, Mr. Stevens- positive met through buy/sell process. Mr. Jerman- the negative criteria setbacks met, no infringement, compatible house, Mr. Stevens- yes. Mr. Jerman- when positive and negative criteria met, reasons like lot too small, Mr. Stevens- not as Planner, not a reason. Mr. Jerman grading and drainage met, Mr. Stevens- ordinance met. Mr. Jerman- same as a conforming lot, Mr. Stevens- yes. Mr> Jerman- less impact actually, Mr. Stevens- yes, less coverage. Mr. Jerman reasonable changes like shed, stone trench required by ordinance, Mr. Stevens- no not required. Mr. Jerman- why do we do it, Mr. Stevens- to make better plan for the Board and neighbors. Mr. Jerman- but do we have to, Mr. Stevens- we do not.

Mr. Jerman- application complies with grading and drainage, Court said Board has no jurisdiction over this, no discussion about this whatsoever, not in Board's purview, grading and drainage only a site plan issue but I like to get it out of the way with Mr. Worth. Mr. Jerman- can't even consider septic issue, not in purview, do not interrogate Mr. Stevens- he will not answer.

Mr. Jerman- current plan meets ordinance, Mr. Stevens- yes. Mr. Jerman- never before, why now, what's changed? Mr. Stevens- advancement in septic, advanced treatment system, bed smaller to allow development. Mr. Jerman- last month denied, raised traffic, pollution, population, taxes as issues, you remember, Mr. Stevens- yes. Mr. Jerman- can't consider these, Mr. Stevens- Dallmeyer case says no, not to be used. Mr. Jerman and yet the Board attorney told the Board they can consider these, Mr. Stevens- is purpose of zoning but not an application, in my opinion. Mr. Jerman- ever hear these reasons before, Mr. Stevens- no, first for me. Mr. Jerman why not including these, Mr. Stevens- really there to help Town with Master Plan, zoning map, zoning regulations, if use variance then applicable, does not apply to "c" variance. Mr. Jerman it's no different to conforming lot, Mr. Stevens- "c" variances more simply. Mr. Jerman- hoping this cleared it up and Mr. Reid did in Executive session, but positive and negative criteria only. Ms. Fazio- yes- he did- new Board members taking classes.

Mr. Worth- analysis- not smallest or largest, any analysis on house on lot size? Mr. Stevens I do not- 9 blocks- 5 undersized, in Sea Girt- 5 & 6K lots. Mr. Worth- set number of homes on a block? Mr. Stevens- Five on most this is six. Mr. Worth 6? Mr. Stevens- correct. Mr. Worth-4 100x100 lots, 1- 75x100 lot and this 50x100 lot? Mr. Stevens- correct. Mr. Worth 9 others have garages, this does not, not better, Mr. Stevens- not necessarily, lots of people don't want them, market dictates, people want more large living space. Mr. Worth nowhere for outdoor equipment like lawn mowers, bicycles, Mr. Stevens- same rights- build fence or shed. Mr. Worth- no storage at this time, Mr. Stevens- correct. Mr. Jerman- would agree to shed. Mr. Worth you indicate the 2' rear de minimis from property line to rear does not impair light, air or open space, Mr. Stevens- I do not believe so. Mr. Worth- home 44' back as opposed to 30', many homes further forward, still in keeping with neighborhood, can't move forward? Mr. Stevens- no we

can't. Mr. Worth eliminate 2' makes it unusable, Mr. Jerman- greatly restricted 2<sup>nd</sup> story, couldn't get two bedrooms upstairs, only works because porch included in 1<sup>st</sup> floor to do 2<sup>nd</sup> story, virtually impossible to construct. Mr. Worth- one bedroom on 2<sup>nd</sup> story. Mr. Jerman- would be very strange, not saleable. Mr. Worth but would eliminate the variance of rear yard, you say 2 bedrooms not saleable. Mr. Jerman no it's not, no such thing as that except in senior communities. Mr. Worth any two-bedroom homes in Pine Lake Park, Mr. Jerman- sure, several. Mr. Worth and you said for seniors, Mr. Jerman- no market, Mr. Worth- but you said this, Mr. Jerman- this is not a senior community. Mr. Worth- the State has issues with shortage of affordable housing and there's also first time home buyers. Mr. Jerman just not marketable, not saleable. Mr. Worth but 2' rear yard variance eliminated. Mr. Jerman- doesn't affect anyone, it costs more to build than can sell for, both on sides- 2 story, perfectly willing to build 2 story with garage with reasonable conditions. Mr. Worth- there is an ordinance, these are 2 stories because of ordinance. Mr. Jerman- sure, the Board is for variance from ordinance. Mr. Worth - no one said 2 story, no one said too small but rather too large for the lot.

Mr. Worth- grade up by 1.2', does not meet ordinance, on plan, front right 66.6, Mr. Stevens- exactly what existing grade- 67.6. Mr. Worth 67.3' swale high point, front corner 66.1, Mr. Stevens- correct that with low block wall. Mr. Worth- drywell-sized with roof run-off, Mr. Stevens- yes complied with ordinance. Mr. Worth with a grate, Mr. Stevens- yes- creates low point there. Mr. Worth- run-off from side to rear and side to front, Mr. Stevens- ordinance says 160cf, proposed 192.5cf, sized better. Mr. Worth soils done? Mr. Stevens- not yet. Mr. Worth finished first floor 3.7 any issue with water table, Mr. Stevens- we're not asking for that variance, Mr. Worth- Board can vote without this information? Mr. Stevens- we're not requesting this variance, we would eliminate basement but don't expect that to be the case.

Mr. Reid- testimony given about septic and stormwater, that you will answer, Mr. Stevens- yes I will. Mr. Reid-no analysis on number without garages, Mr. Stevens- I have not. Mr. Reid- cost exceed sale price, no expert provided, Mr. Jerman- I guess I'm not an expert but cost analysis. Mr. Reid- have not presented, no real estate expert with you, no analysis from one, Mr. Jerman- no. MR. Reid- as applicant of 100s of 100s but no expert, Mr. Jerman- no I don't have to, 20 houses not expert testimony? Ms. Fazio- keep to the 9 blocks, we are. Mr. Reid- all toward testimony here tonight. Ms. Fazio- questions based on what was presented.

Mr. Reid- 40:55D-2 more applicable to "D" variance, Mr. Jerman- you don't have transcript. Mr. Reid- disagree not complete inapplicable to "C" in these small, isolated lot cases, judge says it is not substantial, it does not meet substantial. Mr. Jerman- no, he said not bring it up.

Ms. Apgar- study of flood zone, Mr. Jerman- objection- flooding outside of Board purview. Mr. Reid- these developments comply with drainage ordinance, determine decision based on relief requested. Ms. Fazio- Mr. Worth did bring it up, Mr. Worth- Mr. Stevens' said he will address.

Mr. Reid- have to be considerate to Board and public, recognized your objection but be respectful, need to give Board members time to understand, same with public.

Ms. Apgar asked because property in flood zone X. Mr. Stevens- fair question- flood zone x has no minimum requirements. Mr. Reid- can you expand on that. MR. Worth- no flood zone

elevations, no flood zone versus flood zone X. Mr. Stevens- area with minimal flooding. Ms. Mathioudakis- flood zones come from which agency, Mr. Stevens- FEMA. Ms. Mathioudakis- so an outside agency. Ms. Apgar home with garage-costs builder more. MR. Stevens- people want more square footage not less. Mr. Cook install 8x10 shed, Mr. Jerman- yes, Mr. Cook provide drywell calculations, eliminate basement if necessary, Mr. Stevens- yes. Mr. Cook no kitchen or bedrooms in basement, Mr. Jerman- yes. Mr. Stevens- notes on plan say most of these. Mr. Hay- elevation of septic field, Mr. Jerman- fairly in line with grading, Mr. Stevens- not noticeable. Mr. Hay- pushed back substantially, can't move septic forward. Mr. Jerman- can't be. Mr. Hay- asking if variance process. Mr. Reid- understands not in purview, aware of process from OCHD and DEP for relief, but asking almost like a variation. Mr. Stevens- unless TWA approval- OCHD approved, DEP not involved- can go to State to ask for waiver. Mr. Hay alleviates aesthetic question. Mr. Jerman- don't know of this approval. Mr. Reid- would eliminate 2' variance and makes compatible. Mr. Jerman- never been done in any of my experience. Mr. Reid- pursuit of best development is to eliminate variances, in my opinion- it is reasonable. Mr. Jerman- I don't think it's reasonable, maybe I should ask lawmakers to change all laws. Mr. Worth individually you say never, MR. Stevens- says not sure. Mr. Jerman- can guarantee because every Engineer would know about it already. Mr. Worth but you don't know for sure, brings you back to smaller septic questions. Mr. Jerman- I would ask my Engineer. Mr. Worth and I would say call OCHD, no one knows here, question is can you provide proof. Mr. Jerman- no, I can't, septic not in Board's purview. Mr. Worth- in this case the rear yard setback could be eliminated. Mr. Jerman- DEP takes 9 months, Ms. Fazio- not our problem, Mr. Jerman- yes it is if unreasonable.

#### OPEN TO QUESTIONS FOR MR. STEVENS.

Mr. Reid- please be courteous.

Patric Dambroski- area in Collier's study, Mr. Stevens- TRN3- no concerns. Mr. Dambroski- ho close nearest septic and drywell to here, Mr. Stevens- fully conforming. Mr. Jerman- objection. Mr. Dambroski- agree flooding issue a public detriment, Mr. Stevens- yes. Mr. Dambroski- any living space in attic, Mr. Stevens- no. Mr. Dambroski- a sump pump? Mr. Stevens- maybe. Mr. Dambroski where will it drain to, Mr. Stevens- to the drywell. Mr. Dambroski the undersized lot ordinance, the new on or old one, Mr. Stevens- applicable under the old one. Mr. Dambroski- how many two bedroom homes in Pine Lake Park, Mr. Stevens- I don't know. Mr. Dambroski- machine already digging said soils not done, Mr. Stevens- not submitted to Board, make full y conforming. Mr. Dambroski- what year was the Dallmeyer case, Mr. Jerman- 1987. Mr. Dambroski do you the density of PLP in 1987, Mr. Jerman that case was 40x100 lot, Mr. Dambroski- on septic? Mr. Dambroski- density about half of what it is now. Mr. Dambroski- 901 7<sup>th</sup>- sworn in- elevation of Middlesex to Champlain toward which one, Mr. Stevens- toward Champlain but very flat.

Robert Seiden- septic in front, street flooding. Mr. Redi- more of a comment.

Alice DeVito- home with dedicated EV line, Mr. Jerman- no, definitely not. Mr. Dambroski- shed- needs another variance, Mr. Worth no if setback 5', Mr. Dambroski on a drywell, Mr. Worth- no other side of lot.

Robert Seiden- 932 7<sup>th</sup>- sworn in- I've owned a 2 bedroom in PLP, all have garages, without them it doesn't fit in, affects neighborhood, sold via tax sale, not notified, tried to buy- always got the run around, had contracts drawn up, never got anywhere. Mr. Seiden- fire safety sign right when you enter PLP, Mr. Jerman- objection, Mr. Seiden-says not within 30', within 30' of my property so big concern, 6 houses on this side of the street, pictures of how it floods. Ex. O1: picture of flooding on street, what happens when raise elevation. Mr. Reid- when was this taken and by who? Mr. Seiden- last week and by me, runs down and floods. Mr. Jerman- objection- drainage issue in PLP not for me to fix, not to be discussed. Mr. Reid- objection noted. Mr. Jerman- sustain it. Mr. Reid- allowing public comment. Mr. Jerman- this would go on for months if not stopped. Mr. Reid- judge very clear 50x100 do not impact the flooding, flooding already exists. Ms. Fazio- concern with flood in septic in front. Mr. Seiden- septic is in front but really no issues with this water, Mr. Stevens- water will continue down the street, meets or exceeds the ordinance. Mr. Seiden- never had sump before. Mr. Stevens- known flooding issues in PLP but Township concern. Mr. Seiden- 30 trees now, how many after? Mr. Stevens- requires 2 trees. Mr. Seiden 2' kick out 8.2 how far from me? Mr. Stevens- that's the cantilever, Township measures to the foundation, 10' to ours, Mr. Seiden- so 18', Mr. Jerman- 20', Mr. Seiden 18' to kickout.

Mr. Dambroski- remind everyone, no matter how many times said, each application on it's own merit, presents photos. Mr. Reid- describe the photos, who, when. Mr. Dambroski- 1. Applicant's lot on 9/2024- rain, 2. Applicant's lot- shows pooling, 3. Police block due to safety issue, 4. Water cresting over road at Champlain. Mr. Reid- Court specific in that this lot not creating issues, no relief for grading or drainage being requested. Mr. Dambroski- Engineer testimony-public safety issue. Mr. Reid- expert opinion- not exacerbating the issue you're talking about, Board can only consider request for relief, drainage not being requested, can't allow to present evidence about this. Mr. Dambroski- can't present Collier's study- 22 known areas? Mr. Jerman- no in purview, not relevant. Mr. Reid- if development does not require relief of drainage cannot. Mr. Dambroski- okay, no study, despite 22 areas. Mr. Reid- this is not my discretion. Ms. Fazio- by all means, go to Council. Mr. Dambroski- negative criteria, ordinance to encourage, Mr. Jerman- objection- Court rules on this, exact same things presented at Court, so sustain. Mr. Reid- Court said that they are not substantial, Mr. Dambroski- the negative criteria, Mr. Reid- the intent and purpose can't be on 50x100 lots because not substantial impairment, if you want to say your opinion even though Mr. Jerman wants me to say sit down but I think I've been fair about what Court said. Mr. Dambroski- negative criteria, light, air and open space, 6<sup>th</sup> house on the block, Pine Lake Park supposed to be 100x100, Mr. Jerman- objection- 25x100, Mr. Dambroski- for trailers. Mr. Dambrsoki-R10 zone, 4 homes, 2 undersized lots, Mr. Jerman- objection- misstating.

Motion for 10-minute Recess made by W. Cook and seconded by S. Galbreath. Roll Call: All in Favor.

Motion to return from recess made by W. Cook and seconded by G. Georgiano. Roll Call: All in Favor.

Mr. Reid- it's 9:33pm, items 6-8 on the agenda, Cases 24-32, 24-36 and 24-37 carry to March. Motion to carry with no notice and a waiver of time made by W. Cook and seconded by L. Fazio. Roll Call: All in Favor.

Mr. Reid- please do not argue, do not address each other directly.

Mr. Dambroski- in my opinion, what I thought was negative criteria for neighbors, light, air and open space, non-conforming nature of setback further than other homes, flooding, Mr. Jerman- objection. Mr. Reid- 50x100 lots do not contribute. Mr. Dambroski- density of population in neighborhood, Council does not want overdevelopment, population unsustainable, 2 traffic lights, Dallmeyer from 1987- time to address this Case, parking issues, Mr. Jerman- parking met, not relevant. Mr. Reid quoting Council. Mr. Dambroski- it's in the record, in my opinion, I agree. Mr. Reid- light, air, open space, density said, Mr. Dambroski- several undersized lots all submitted before new ordinance, Mr. Jerman- objection, Mr. Dambroski- ask Council and Board to re-evaluate, Mr. Jerman- objection- Board has no authority, Mr. Reid- yes- correct. Mr. Dambroski- who should I go to for healthy development, Mr. Reid- can't say, Mr. Dambroski- in my opinion, would like to see a study, Mr. Jerman- again objection- not Board's purview. Mr. Reid- I understand, I actually said this, but Court sustained Mr. Jerman's objection, only what relief is being requested. Mr. Dambroski- DEP green infrastructure memo in 2021, Mr. Jerman- objection, Mr. Reid- you can just say more green infrastructure.

Robert Seiden- when property developed, what is the grading from my property to this one, Mr. Stevens- yours grades onto this lot. Mr. Seiden any issues with neighbors, Mr. Stevens- I would hope not. Mr. Seiden- don't understand why you keep buying these. Mr. Reid- successor in title steps into predecessor in title, were permitted at one time. Mr. Seiden- within zoning laws. Mr. Reid- yes but then ask the Board for deviation, Case law and statutes must be satisfied to grant, applicant is testifying can grant with no detriment, ordinance created the hardship, right changed by regulation.

CLOSED TO THE PUBLIC.

Ms. Fazio- deal with 2 bedrooms, said not marketable, this Board not shown that, have changed the house, living room, dining room, 3 bedrooms, 6 on the block. Mr. Jerman- that's common. Ms. Fazio- based on 9 blocks it's not. Ms. Fazio- everyone has a garage, Mr. Jerman- offering a garage, Ms. Fazio- 2-bedroom house with garage, smarter, innovative homes, fits better. Mr. Jerman- your opinion, Ms. Fazio- I did not interrupt you, Mr. Jerman- I'm sure you have, Ms. Fazio- only when you are being rude, haven't heard expert. Mr. Jerman- you have, from me, from Bill. Ms. Fazio- smaller environmental footprint, lower utility costs. Mr. Jerman- no it won't. Mr. Reid- Board members thoughts, would you like to caucus? Ms. Fazio- Mr. Jerman said not marketable but no analysis presented. Mr. Jerman- by same token should I be doing an analysis of McGuire AirForce planes flying over these houses? Mr. Galbreath- should make him do that now. Ms. Fazio- you've heard market for seniors, young couples, developers with AI. Mr. Jerman- don't have Elon Musk helping me. Mr. Galbreath- a quick google search says otherwise. Mr. Jerman don't disagree in old days homes like this, but now the second they move they convert garage in bedroom. Ms. Fazio- no bedrooms in basement. Mr. Jerman- garages eliminated, Lakewood community running out of supply so moving here, for them the more

bedrooms the better, application complies completely with all Township ordinances. Mr. Worth- eliminate rear yard setback it would eliminate a bedroom upstairs, a 2 bedroom is marketable. Mr. Jerman- not saleable not just market. Mr. Worth you said cost to build but no analysis. Mr. Jerman cost to Assessor, Mr. Worth- yes 3 bedroom home but not a 2 bedroom home, it is your opinion. Mr. Jerman- doing this 40 years. Mr. Worth- but seniors buy. Mr. Jerman- in senior community. Mr. Worth- but doesn't have to be, discussion is to eliminate variances, create 2 bedroom, no analysis. Mr. Jerman- de minimis, virtually not noticeable. Mr. Worth- house set far back, 2' less. Mr. Jerman- don't disallow because of 2' variance. Ms. Fazio- your opinion. M. Jerman- yes, 40 years' worth. Ms. Apgar- if garage, homes to look same, my opinion and seniors would want, not here to make you richer. Mr. Jerman- nothing built if costs more to build than sell, that might be your Pollyanna view.

Motion to Caucus made by W. Cook and seconded by G. Georgiano. 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, GG= G. Georgiano, BH= B. Hay, GA= G. Apgar, EM= E. Mathioudakis (Board Secretary).

GA-concerned about lawns with cars, cars all over.

LF-driveway/stone- parking front lawn.

GA-yes with this no room for lawn.

WC- waivers for septic, waivers before between septic distances, no testimony that was ever asked.

LF- I agree, not asked but rather we were told.

WC- agree with applicant, no substantial detriment, if motion made that is one of conditions of approval- the septic.

GG- would like to comment, I think saleable, starter home or seniors not in a HOA, may not bring the money he wants, but is saleable.

LF-variation for septic, add garage, eliminate rear yard setback.

JW- not sure garage needed to comply, footprint smaller.

CR- 1 bedroom 2<sup>nd</sup> floor, 1 bedroom 1<sup>st</sup> floor without garage.

JW- based on current plan- correct.

LF- this is the upstairs- 2 upstairs.

JW- yes currently proposed.

LF-the garage.

JW- don't know but assume dining would be eliminated.

GG- 3 full baths.

BH-apply for variance with OCHD, move house forward, will look better, eliminate variance.

GA-if person with children with no garage on this, individually judged but everyone else on block has one.

Motion to close Caucus made by W. Cook and seconded by B. Hay. Roll Call: All in favor.

Ms. Fazio- would you like to answer anything? Mr. Jerman-back to septic- misconception, no waiver granted, can't be moved forward, if there was I would have done it. Ms. Fazio- Engineer

agrees, Mr. Jerman- opinion only, no proof provided. Mr. Stevens- testimony clear, regulations that do allow deviations, a process, but answer will be no but Board purview to ask.

Mr. Jerman- address no lawn, pretty big one actually. Ms. Fazio- so the lawn. Mr. Jerman- yes, stone there isn't any now, Board hasn't asked for it. Ms. Fazio- no what was said was looks like parking in front yard. Mr. Jerman- no. Mr. Reid- stone area suggestion, Mr. Jerman not proposing it. Ms. Mathioudakis- can grant on Township property? Mr. Reid- no that's why Public Works approval required. Mr. Jerman- now after 20 years, need road opening permit, many variances with 2 bedrooms overturned, Judge will look at this and say 2' de minimis, laugh that out of Court. Mr. Reid- your opinion, not substantial detriment. Mr. Jerman- yes. Mr. Reid- then try saying that. Ms. Fazio- not just 2' but for garage. Mr. Jerman- you don't know they are garages. Ms. Fazio- you don't know either. Mr. Jerman- comports with ordinance. Ms. Fazio- wouldn't this be a negative, Mr. Jerman- no, Ms. Fazio- 5 homes have garages, Mr. Jerman looks like that, that's irrelevant, Ms. Fazio- 4 homes on opposite side, Mr. Jerman- yes looks like that. Ms. Fazio- 2 bedroom doesn't just eliminate variance but also conforms with area, compromise. Mr. Jerman- it has to be reasonable. Ms. Fazio I am being reasonable. Mr. Jerman- no you are not, the older ones have garages, 5<sup>th</sup> house across may not have garage. Mr. Reid- agree to disagree. Ms. Fazio- present your conclusion.

Mr. Jerman- Board as you see a beautiful house, no detriment to neighbors, agree to benefit, shed, extra drainage, stone also if conditioned but denied you know what happens next, no extras, not even a question of what happens, 40 years of case law, crazy to think denial would stand, costs Town \$5-10K, taxpayer money for nothing, definition of insanity, 100s of cases just like last week, no detriment to neighbors, Master Plan, zone plan, beautiful house, by definition no detriment, side yard setbacks met, understand people want it to remain wooded but law is the law, Board guided accordingly, reasonable change- not a 2 bedroom house to eliminate de minimis variance, respectfully ask to grant, if no- give reasons. Mr. Reid for or against reasons no matter what, so Mr. Jerman can refute.

Motion to approve made by W. Cook- substantial detriment met, 8x10 shed, drywell calculations, soils determined, exceed 1' eliminate basement, no kitchen/bedrooms in basement, block wall, waiver sidewalks and curbs, waivers for distance for septic- you don't know answer- if you don't ask, apply- if granted, move house forward.

Mr. Reid reviews conditions- tree ordinance, comply with T&M letter from May 10<sup>th</sup>. Mr. Jerman reasonable I guess but limit on how to get it, DEP- 90 days- would love to waiver granted. Mr. Reid- we have no ability to limit DEP. Mr. Stevens- DEP already has that, already 90 days. Mr. Worth- 90 days to complete. Mr. Stevens- walks through steps, OCHD 1<sup>st</sup>- denied. Mr. Cook- how long? Mr. Stevens- 3 weeks generally. Mr. Worth no different from other if TWA needed. Mr. Stevens- correct but no sure will be granted. Ms. Fazio- reviews conditions. Mr. Stevens- 8" wall from curb to mid-point of back yard.

Motion seconded by L. Fazio- two areas, willing to have home in line with other homes.

Roll Call: W. Cook- yes, L. Fazio- yes, S. Galbreath- no-no evidence 2 bedrooms doesn't fit PLP, this doesn't fit in character of neighborhood, G. Georgiano- no- house back further, garage

an issue, 2 bedrooms are saleable, other things that could be done to bring in line with neighborhood, B. Hay- no- mainly neighborhood testimony, good concerns for negative criteria, waiver for septic should be addressed first, show good faith in treating public better, G. Apgar- no- too much in air about basement, don't think house contributes to the neighborhood or street, the driveway thing misconstrued- cars on lawn not in front of garage.

Mr. Reid misunderstood Ms. Apgar. Motion failed- application denied.

Motion to carry Case 24-30 to March with no notice and waiver of time made by W. Cook and seconded by G. Georgiano. Roll Call: All in Favor.

**Adjournment:** The meeting was adjourned at 10:52 p.m. on motion by W. Cook and seconded by B. Hay. All in favor.

Respectfully submitted,

Erin Mathioudakis  
Zoning Board Secretary