

**MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Thursday, April 24, 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 6:35 p.m. by Chairwoman Linda Fazio.
2. This meeting was 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. Apgar
Members Absent: H. Glen, G. Georgiano, D. Tedeschi, Mr. Hay
Also Present: C. Reid, Board Attorney, Charles Cunliffe, Board Engineer

Administrative Session:

Approval of Minutes: March 27th meeting

Motion to Approve by: Mr. Cook and seconded Mr. Galbreath

Roll Call: Mr. Cook-yes, Mr. Galbreath-yes, Ms. Apgar-yes, Ms. Fazio-yes

Payment of Bills:

MTZB-R8580 for T&M Associates in the amount of \$347.75.00 for Case ZB24-32.

MTZB-R8750 for T&M Associates in the amount of \$187.00 for Case ZB24-49.

MTZB-R8730 for T&M Associates in the amount of \$93.50 for Case ZB24-47.

MTZB-R8630 for T&M Associates in the amount of \$304.75 for Case ZB24-37.

MTZB-R8620 for T&M Associates in the amount of \$304.75 for Case ZB24-36.

MTZB-R8640 for T&M Associates in the amount of \$347.75 for Case ZB24-38.

MTZB-R8650 for T&M Associates in the amount of \$347.75 for Case ZB24-39.

MTZB-R8560 for T&M Associates in the amount of \$721.75 for Case ZB24-30.

MTZB-R8450 for T&M Associates in the amount of \$46.75 for Case ZB24-19.

MTZB-R8360 for T&M Associates in the amount of \$163.00 for Case ZB24-10.

MTZB-R7821 for T&M Associates in the amount of \$175.00 for Case ZB25-01.

Motion to Approve by: Mr. Cook and seconded Mr. Galbreath.

Roll Call: Mr. Cook-yes, Mr. Galbreath-yes, Ms. Apgar-yes, Ms. Fazio-yes

Correspondence:

None at this time.

Professional Reports:

None at this time.

Memorializations:

Carried until next meeting due to forest fire evacuations.

Mr. Reid explained that there were a few applications that were going to be withdrawn and dismissed and there were other applications that would be carried. Specifically, Case 24-19, Case 24-23 and Case 24-31 are being dismissed and withdrawn by the applicant. Case 24-35 will be carried to discuss potential land swaps.

Ms. Fazio called for a motion to withdraw and dismiss Case numbers 24-19, 24-23 and 24-31. Mr. Cook made that Motion, seconded by Mr. Galbreath.

Roll Call: Mr. Cook-yes, Mr. Galbreath-yes, Ms. Apgar-yes, Ms. Fazio-yes
Motion carries.

Mr. Reid announced that item number 8 on the agenda, Case 24-31 will be carried to the July meeting with no new notice required. A waiver of time was given by the applicant.

APPLICATIONS:

Ms. Fazio announced and introduced the first application as follows:

- | | | |
|---------------|------------------|---------------------|
| 1. Case 23-27 | James Hughes | Philadelphia Avenue |
| | 1901 Highway 539 | Block 99.202 Lot 4 |
| | Whiting, NJ | Zone WT40 |

Applicant seeks a variance to construct a single-family dwelling on a semi-improved road pursuant to NJSA 40:55D-35 and NJSA 40:55D-36.

Mr. Peter Loffredo, Esq. introduced himself as the attorney for the applicant. He apologized to the Board members for being late, but there was a lot of traffic. He explained that the applicant is proposing a single-family residential dwelling on a residential paper street.

M. Loffredo introduced Leo Dealmeida, PE, as the engineer for the applicant. He was sworn in. He provided his credentials to the Board. He has been a licensed Engineer in the state of NJ since 2011. He has appeared before several Boards including Manasquan, Point Pleasant and Wall Township. The Board accepted his credentials.

Mr. Dealmeida introduced the following Exhibits:

A-1 Satellite view of the property.

A-2 Site Plan

A-3 Google Street view of the home

A-4 Elevations

A-5 Floor Layout

He explained that the property was a wooded vacant lot on one-acre. He described the location of the property to the Board. He explained that the property would front on unimproved Philadelphia Ave. The onsite construction is conforming on site. No variances are required. The proposed street improvements do not conform. The Pinelands Commission said they needed a full threatened and endangered species study. On July 8, 2024, they did the study. It showed that the development of a single-family residential dwelling would have no adverse impact on the site.

Mr. Reid asked if the study was a part of the submission packet and Mr. Dealmeida said it was not. Mr. Cunliffe said that they did receive a copy of it. Mr. Reid introduced the Threatened and Endangered Species study as Exhibit A-6.

Mr. Dealmeida testified that the grading is compliant with minimal disturbance. They are proposing a 15' wide driveway and there is no turnaround proposed which requires a variance. There is no street lighting proposed which requires a variance. There is no street signage proposed which requires a variance. There will be no increase in traffic and there are no commercial uses proposed. They will be improving a paved apron and a depressed curb. There are no curbs proposed. They will provide notice 48 hours prior to construction. They have no plans to improve Lot 3. They will obtain a new survey. A hardship exists because they cannot access the property.

Mr. Dealmeida explained that the stormwater will be recharged back into the ground. They would like to keep all utilities within the 15' wide driveway. Mr. Cunliffe asked if they would add an apron on Harry Wright and Mr. Dealmeida said yes. Mr. Cunliffe asked if there would be any adverse impacts and Mr. Dealmeida said that there would not be. Mr. Cunliffe asked if they would provide a balance of frontage and Mr. Dealmeida said that they would be happy to so long as the Pinelands Commission allows it. Mr. Cunliffe asked if they would assume the responsibility of maintenance because it only services a single lot and they confirmed that they would.

Mr. Cunliffe said that other than having no frontage on a paved roadway there is no other relief. He said that it is a simple application, and the Pinelands Commission said no cul-de-sac, which Mr. Dealmeida confirmed. He said that he has no issue with the application, and he feels like it would be a burden to force the applicant to construct a cul-de-sac.

Ms. Fazio opened to the Board members for questions of Mr. Dealmeida.

Mr. Cook asked about snow removal and Mr. Dealmeida said that the applicant would be responsible for up to Harry Wright Blvd. Mr. Cook asked if they did soil testing yet and Mr. Dealmeida said yes and that they are ready to submit their septic application. Mr. Cook asked if the Harry Wright Blvd sign is small and Mr. Dealmeida said that it would be big enough for people to see. Mr. Cook asked if the only streetlight would be on the corner and Mr. Dealmeida said that there would only be a light at the entrance of the driveway.

Mr. Cunliffe said that the plans show a swale on both sides all the way to Harry Wright Blvd. and Mr. Dealmeida confirmed that.

Mr. Apgar said that when she went there, she couldn't figure it out because it was a paper street. She asked Mr. Dealmeida to explain the location of the dwelling and he did.

Ms. Fazio asked if there were any more questions from the Board.

Mr. Reid asked if it would be practically different with a fully conforming road and if it would be a burden. He also asked if there was adequate access for emergency vehicles. Mr. Dealmeida said that there was and that he had a conversation with the Fire Marshal, who said that a turnaround was not needed because they could back out.

Mr. Loffredo introduced the Applicant, Mr. James Hughes of 1901 Hwy 539, Whiting, NJ. He was sworn in.

Mr. Reid asked about his conversation with the Fire Marshal. Mr. Hughes said that he spoke with Mike Martin, and he said that no turnaround is necessary when he spoke to him in person and on the phone. Mr. Reid said that it would be a condition of approval that the applicant obtain a letter from the Fire Marshal saying that emergency vehicles can access and leave the property as it is proposed. Mr. Hughes agreed to comply.

Ms. Fazio opened to the public for questions.

Alice DeVito of 2016 Fourth Ave, Manchester NJ, was sworn in. She asked if this would have any interference with traffic at Harry Wright Lake in the summer. Mr. Dealmeida showed Ms. DeVito the location of the property and explained that it is just one single family residential home and there would be no impact.

Ms. Fazio asked if there were any more questions. There were none. Ms. Fazio closed the public portion.

Ms. Fazio called for a motion to approve the application. The conditions of approval include that the applicant get a letter from the Fire Marshal, they must provide details showing swale and grading, the applicant would be responsible for snow removal, a light would be provided at the driveway entrance, a curb would be provided to prevent gravel coming off the property, and they would grant relief for the gravel driveway.

Mr. Cook made that motion to approve with conditions, seconded by Mr. Galbreath.

Roll Call: Mr. Cook-yes, Mr. Galbreath-yes, Ms. Apgar-yes, Ms. Fazio-yes
Motion carries

2. Ms. Fazio introduced the next application as follows:

Case 24-45	Sharon Wood (Leslie)	701 Monroe Avenue
	701 Monroe Avenue	Block 99.50 Lot 2
	Whiting, NJ	Zone WTR-40

Applicant seeks variance relief to construct a 26x30 detached garage with tree removal.

Sharon Wood of 701 Monroe Ave was sworn in and Randy Wood, her husband, also of 701 Monroe Ave was sworn in.

Ms. Fazio asked the applicants to tell the Board about the proposed 26'x30' detached garage and what it would be used for.

Mr. Wood explained that he has equipment that sits outside, which he uses to service the driveway and the road and the yard. He also has an older car that he wants to store in there.

Mr. Cunliffe asked if it would be a prefabricated pole barn and Mr. Wood confirmed that it would be. Mr. Cunliffe said that he submitted the information from the manufacturer with the description. Mr. Wood said that the garage would have vinyl siding, a metal roof for longevity and it would be approximate the same color as the house. Mr. Cunliffe asked if it would be facing the same way as the existing garage and Mr. Wood confirmed that it would be. Mr. Cunliffe asked what material would be used for the driveway and Mr. Wood said that it would be millings at first. Mr. Cunliffe asked if they would get a zoning permit at that time and Mr. Wood said that he was not sure. Mr. Cunliffe said that he would need to submit a zoning permit at that time and that the driveway should be improved in accordance with Township standards and the natural topography should not be disturbed. Mr. Wood said that there would not be any water or gas in the garage. Mr. Cunliffe said that it was important so that it would not be used as a habitable space.

Mr. Cunliffe asked about the existing shed on the property and whether the garage would be in the technical front yard of the property. Mr. Wood explained that it is all wooded in that area. The road is currently just millings and the front of the property adjacent to Monroe is all millings.

Mr. Cunliffe asked about the existing shed and how long it had been there. Mr. Wood said that the existing shed is in bad shape. Mr. Cunliffe said that the applicant would need variance relief for a 68 SF accessory structure because there would be an overage with the shed and the proposed pole barn.

Mr. Wood said that the road will never extend because there is a house there.

Mr. Cunliffe said that there is no issue with the Pinelands Commission, there are no negative impacts to the zone, the stormwater complies, and the road won't ever be extended.

Ms. Fazio asked how many trees would be removed and Mr. Wood said just enough for the garage to be built so it would be very minimal. Mr. Cunliffe said it would be just 5 to 10 feet of the existing garage line, so there would be just a few trees. Mr. Wood confirmed that there are not many trees in the proposed area. Mr. Cunliffe said they would need to revise their plans to show the trees being removed to avoid clear cutting. Mr. Wood agreed.

Mr. Cunliffe said that it would be up to the Board what they wanted to do about the shed. Mr. Wood said that it is out of sight and out of mind.

Ms. Fazio said that she would wait for public comments and asked if there were any questions from the Board members.

Mr. Cook asked if there would be any heat or electricity and Mr. Wood said that it would be just electricity. Mr. Cook asked if there would be any commercial use and Mr. Wood said no that it would just be for personal use. Mr. Cook asked if there would be a buffer between the left side of the shed and the neighbor and Mr. Wood confirmed that there would be.

Ms. Apgar asked to confirm that this would not be used for business and Mr. Wood confirmed that it would not be. Ms. Apgar said that the house is beautiful, and it is a small shed. She thinks that it would look nicer with the proposed garage. She asked if Mr. Wood would be taking trees down. Mr. Wood said that he would not be unless the Fire Marshal tells him to, Ms. Apgar asked if it fits into the neighborhood and whether they are willing to make the driveway black top. Mr.

Wood said that they are willing to make the driveway black top in the future, but in the meantime, they are proposing a little leveling and asphalt millings.

Ms. Fazio opened to the public for questions.

Phil Sapio of 2080 Perth Amboy Ave, was sworn in. He said that his house is unique because it is on a paper road. They maintain it. This proposed shed would be in keeping with the neighborhood. They don't cut trees. He is in favor of the application, and he thinks that it is better than a pole barn.

Robert Lewis of 651 Monroe Ave, Manchester NJ, was sworn in. He showed where his house is and stated that he is in favor of the application and thinks it will fit in with the neighborhood.

Ms. Fazio asked if there were any more questions from the public and there were none. The Public portion was closed.

Ms. Fazio said that the applicant would need relief for the sheds.

Mr. Cook said that because of the location, he does not feel that there would be any detriment to the public or the zone. The property is very wooded. The shed on the west side would need variance relief. The garage side setback would require variance relief. There would be some conditions including installing an asphalt driveway, no heat would be provided, just electricity, the siding on the garage would match the house, there would be no commercial use of the garage, tree removal would only include 5-8 feet, and they would need to submit a sketch showing the 5-6 trees being removed. They would not be required to comply with the tree ordinance. Mr. Reid said that, regarding the tree ordinance relief, they would still be held to the testimony provided on record.

Ms. Fazio called for a motion to approve with the conditions set forth. Mr. Cook made that motion, seconded by Mr. Galbreath.

Roll Call: Mr. Cook-yes, Mr. Galbreath-yes, Ms. Apgar-yes, Ms. Fazio-yes

Motion carries

Ms. Fazio called for a recess at 7:32 p.m. Mr. Cook made that motion, seconded by Ms. Fazio, All in Favor, none opposed.

Ms. Fazio called to return to session at 7:39 p.m., seconded by Mr. Cook, All in favor. Meeting resumed.

3. Ms. Fazio introduced the next application as follows:

Case 24-24	Jeffrey Jerman	First Avenue
	PO Box 922	Block 1.31 Lot 34
	Point Pleasant, NJ	Zone R10

Applicant requesting a 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.

Mr. Reid introduced Jeffrey Jerman as the applicant and Mr. Bill Stevens as the engineer for the applicant. Mr. Jerman of 814 River Ave, Point Pleasant, NJ was sworn in. Mr. Stevens of 1245 Airport Rd, Lakewood, NJ, was sworn in. Mr. Stevens' credentials were accepted by the Board.

Mr. Jerman explained that he is the owner and the applicant. He introduced the following exhibits into testimony:

A-1-Aerial photograph of the property

A-2- The variance plan submitted to the Board

A-3- The house plans

A-4- The Picture Board showing surrounding houses and the proposed house

A-5- The packet distributed to the Board members.

Mr. Jerman explained that this is an isolated undersized lot. He submitted the title report and Affidavit as exhibit A-6. He explained that because this is an isolated lot, he had to contact the surrounding property owners. There were three Buy/Sell letters sent:

1. Lot 15 is a 100' x 100' lot owned by Virginia Naples and he received no response.
2. Lot 30 is a 100'x 100' lot owned by Rich and Judith Hex and he received no response.
3. Lot 36 is a 175' x 100' vacant lot owned by Ridgewood Village estates. He explained that the response that he received from the property owner was difficult for him to understand. He said that that applicant is willing to swap properties. They sent a letter in November. At the October meeting, the owner said that he would swap property, which would be 50 ft. of Lot 36 for another 50 ft. property in Pine Lake Park. Mr. Jerman asserted that David has not done so. He said that he made attempts, but none were acceptable to Mr. Jerman. Mr. Jerman said that David was only willing to swap the 50 ft. portion of the lot for another 50 ft. lot in Pine Lake Park.

Ms. Fazio asked if it was a yes or a no. Mr. Jerman asserted that it was not what he wanted to do. Mr. Reid asked if there was a lot that Mr. Jerman offered to Mr. Raport. Mr. Jerman said that he offered Block 1.365 Lot 15, a 50 ft. lot, for the lot in question. Mr. Reid said that Mr. Raport is here and he asked him if he would like to address this and Mr. Raport said that he would.

David Raport of 835 Wyoming Ave, Elizabeth NJ was sworn in. Mr. Reid asked Mr. Raport if Mr. Jerman offered the lot that he mentioned to him and Mr. Raport confirmed that he did. However, Mr. Raport said that at the meeting he said that he did not want the lot that Mr. Jerman proposed and he suggested a different lot. Mr. Raport also said that he offered to subdivide the adjacent lot and sell it to Mr. Jerman to make his lot conform and Mr. Jerman said no. He said that Mr. Jerman is not interested in making his lot conform and he asked him to reconsider. Mr. Reid asked if Mr. Raport would accept the lot that Mr. Jerman offered and Mr. Raport said that he is not interested in that lot. Mr. Reid said that he cannot force anything but wanted to give both Mr. Raport and Mr. Jerman a chance to discuss. The offers were discussed along with the Buy/Sell process. Mr. Raport stated that he offered Mr. Jerman a different lot. Ms. Fazio asked him to clarify.

Mr. Reid said that it is in the best interest of the applicant and the Town to make conforming lots.

There were communications back and forth about the desire for the lots.

Mr. Reid asked Mr. Raport if he was willing to purchase Mr. Jerman's lot. Mr. Raport said that he would be at the right price. Mr. Reid asked if they would discuss it during a 5-minute recess. Mr. Reid said that the Buy/Sell has not yet been exhausted. He said that they should take a 5-minute recess to talk.

Mr. Cook made the motion for a 5-minute recess, seconded by Ms. Fazio, All in Favor, none opposed. 8:02 p.m.

Mr. Cook made a motion to return from recess at 8:08 p.m., seconded by Mr. Galbreath. All in favor, none opposed. Meeting resumed.

Mr. Jerman said that Mr. Raport said that he would do the subdivision, but that he would not do the swap offered. Mr. Raport said that he did not give an offer for the lot, but he will subdivide. Mr. Raport said that he would offer to purchase Mr. Jerman's lot for \$125,000 and he offered to pay for his part of the subdivision. Mr. Reid asked Mr. Jerman if he would accept Mr. Raport offer of \$125,000 for the lot and Mr. Jerman said no.

Mr. Jerman said that he would only accept the subdivision offer if they were able to make two 112.5 ft lots and Mr. Raport said no.

Mr. Reid said that he cannot force a subdivision, and that Mr. Jerman is entitled to his opinion. He said that he does not think that an agreement is going to be made and that the Board should move forward with the hearing.

Ms. Fazio asked if Buy/Sell had been exhausted. Mr. Reid said that Mr. Raport can come during the hearing to make these arguments. Mr. Reid asked if there were any Board questions. There were none.

Ms. Fazio said that they would move forward with the hearing and that real estate deals should not wait until the last minute.

Mr. Cook told Mr. Raport that he was here in October and told the Board that they would get something done in two weeks and it wasn't done.

Ms. Fazio said that they would move on with the case.

Mr. Jerman introduced his emails with Mr. Raport regarding the Buy/Sell negotiations as part of A-7.

Mr. Jerman explained that this is a 50' x 100' lot case. All cases that have been heard were either approved or if denied, were overturned by the Court.

Mr. Stevens called the Board's attention to Exhibit A-1. He described the lot location on First Avenue between Larchmont St and Middlesex St. Next, he showed the Board, A-2. He explained that the property is in the R-10 zone and will require variances for Lot Area, where 10,000 SF is required but 5,000 SF if proposed, lot frontage where 100 ft is required, 50 feet is proposed, and improvable lot area. The rear setback variance is no longer required. They have redesigned the septic system and moved the house forward so the required 26 ft. will be provided. The applicant requires the variance for lot area because the lot is undersized. Mr. Jerman asked if the lot could

accommodate the size of the house proposed and Mr. Stevens said that it could. Mr. Jerman asked if a 50 ft. frontage and width was adequate to support the home and Mr. Stevens said that it was and the home will conform with all the required setbacks. Mr. Jerman asked Mr. Stevens to describe the picture Board and the other homes in the area.

Mr. Stevens showed the Board, A-5. They looked at a 9-block radius. There are a total of 69 homes. The largest is 3,644 SF and the smallest is 768 SF. There are currently 6 undersized lots being constructed in this radius. Mr. Jerman asked if there was a mix of different houses and Mr. Stevens confirmed and said it was typical of Pine Lake Park where the older houses are smaller.

Mr. Reid asked to clarify if the six lots were under construction and Mr. Stevens said no that there were six homes already constructed.

Mr. Jerman asked Mr. Stevens to show the home and Mr. Stevens did. He then described the house as a 3-bedroom 3-bathroom, 1415 SF home. Mr. Jerman asked if the home presents any violation of light, air or open space and Mr. Stevens said that it did not. He said it was the same light, air and open space as a fully conforming lot. Mr. Jerman asked if the proposed dwelling is at the maximum building height of 25 ft for the undersized lot ordinance and Mr. Stevens confirmed that it was. Mr. Jerman asked if the lot could be developed without the requested variances and Mr. Stevens said that there was no other way. Mr. Jerman asked if there would be any detriment to the zoning plan, master plan or the neighborhood and Mr. Stevens said there is no substantial detriment, and it meets all other requirements of the R-10 zone.

Mr. Jerman asked if the new development raises home values and Mr. Stevens confirmed that he thinks that it does.

Mr. Jerman asked if there is any difference between previously approved applications and this one and Mr. Stevens said no, except for minor differences. Mr. Jerman said that they eliminated the rear setback request. Mr. Jerman asked Mr. Stevens what happened in all cases where the application was denied for undersized lot variances and Mr. Stevens said that they were all overturned. Mr. Jerman asked him why and Mr. Stevens responded that an owner has a right to build. Mr. Jerman asked Mr. Stevens if there were any reasons that he could think of that the variances requested should not be granted and Mr. Stevens said no. Mr. Jerman asserted that he is open to reasonable suggestions made by the Board like more drainage or stone parking. Mr. Stevens said that they are always willing to agree with reasonable requirements. Mr. Jerman asked if the house meets all requirements and Mr. Stevens said yes. Mr. Jerman asked if there was any way to meet the lot size requirement and Mr. Stevens said that the only way to do that would be through the Buy/Sell letters that were sent. Mr. Jerman asked if there would be any negative impacts and Mr. Stevens said that the house fits with the character of the neighborhood. Mr. Jerman asked Mr. Stevens if there was any validity in denying his request and Mr. Stevens said not in his opinion. Mr. Jerman asked if the grading and drainage have been met and Mr. Stevens confirmed that it had been. Mr. Jerman asked if the project would have half the drainage impact and Mr. Stevens said yes because of the size of the house being proposed. Mr. Jerman asked Mr. Stevens to provide a reason that the Board had not seen applications for lots of this

side before recently and Mr. Stevens said that improvements have been made in the design for septic systems that can accommodate a lot of this size. Mr. Jerman asked if there was any reason now why this lot size should not be built on and Mr. Stevens said no. Mr. Jerman asked if taxes, drainage, population, etc. were in the purview of the Board's considerations and Mr. Stevens said that offsite improvements should not be considered, but the Board can. Mr. Jerman asked if they were reason for denial and Mr. Stevens said no.

Mr. Cunliffe said that they need an update for the 25 ft height. He asked Mr. Stevens where the required trees were going to go since the lot will probably be completely cleared and Mr. Stevens said that they generally go in the backyard away from the septic. Mr. Cunliffe asked how the septic will be oriented to make up for the setback. Mr. Stevens said that they reduced the size of the septic slightly and changed the configuration because the Board of Health would not let them reduce the setback from the structure. Mr. Cunliffe asked if it complies with the state requirements and Mr. Stevens confirmed that it does.

Mr. Cunliffe asked why the drywells were different and Mr. Stevens explained. Mr. Cunliffe asked if they were upsizing drywells to accommodate runoff and Mr. Stevens said yes. Mr. Cunliffe asked if the as-builts will be approved prior to construction and Mr. Stevens confirmed they would be. Mr. Stevens stated that the property would not be serviced by well water. Mr. Cunliffe asked if they received Ocean County Soils approval and Mr. Stevens said that they will get that. Mr. Cunliffe asked if test pits were down yet and Mr. Stevens said they were not, but they will do it. Mr. Cunliffe asked to confirm that there is no crown of road variance required and Mr. Stevens confirmed. Mr. Cunliffe asked how they would satisfy parking and Mr. Stevens said that they would do gravel parking pads. Mr. Cunliffe asked if the septic size is still adequate for the house and Mr. Stevens said that it would be. Mr. Cunliffe said that they will have to update the plans with a new 200 ft list when they submit for Resolution Compliance.

Ms. Fazio asked if there were questions from the Board members.

Ms. Apgar asked if there was flooding in this area. Mr. Stevens said that this property is not a contributing factor to the flooding in the area. Mr. Galbreath said that it still floods 3 blocks away from the property. Ms. Apgar asked if that lot will still be there and Mr. Jerman said yes that it was the owner that was here before. Ms. Apgar asked if there would be a shed since there is no garage and Mr. Jerman said yes and they are willing to install a sump pump in the dwelling. Mr. Cook asked to confirm that there is no kitchen proposed in the basement and no egress windows in the basement and Mr. Jerman agreed that there would not be. Mr. Cook asked if Mr. Stevens felt that the flooding in the area has an adverse effect on the property and Mr. Stevens said that he is not aware of any flooding issues.

Ms. Fazio opened to the public for questions.

Alice DeVito of 2016 Fourth Ave was sworn in. She stated that there is definitely a flooding problem on First Ave and that they would need gravel for additional parking.

David Raport of 835 Wyoming Ave, Elizabeth, NJ came forward. He asked Mr. Stevens if the application would be better from an Engineering standpoint if the applicant were to acquire

adjoining property. Mr. Stevens said that they always try to make the application as best as it can be. The property would be more conforming, but it would have to go before the Planning Board.

Mr. Raport asked if there were better options than what is being proposed and Mr. Stevens said that we all hope for buy/sell to work out, but his client said that it was not possible. A conforming application is always better.

Ms. Fazio asked if there were any more public questions. There were none.

Mr. Reid asked if there was a retaining wall proposed on the west side and Mr. Stevens confirmed that there was. Mr. Reid asked if it was the entire length of the property and Mr. Stevens said that it was not the entire length, just the back left corner of the home. There is a stone area in the front, a shed and a drywell. Mr. Stevens stated that there is an oversized drywell. Mr. Reid asked if it was a 10-year storm event drywell and Mr. Stevens said yes. Mr. Cunliffe asked if the increases drywell size would have a negative impact and Mr. Stevens said no, that it would be a positive impact so that the water stays on the property.

Ms. Fazio restated that there would be a shed, a stone parking pad and a retaining wall. She asked if this was a densely populated area and Mr. Stevens said no. Mr. Fazio asked if having no garage causes parking issues and Mr. Stevens explained about the stone parking pad. Mr. Cook restated that a condition of approval would be that there is no kitchen in the basement and no egress in the basement.

Ms. Fazio asked for a motion to approve the application with the conditions set forth in testimony and Mr. Cook made that motion, seconded by Ms. Apgar.

Roll Call: Mr. Cook-yes, Mr. Galbreath-no, Ms. Apgar-yes, Ms. Fazio-yes
Motion carries

Mr. Raport came before the Board and said that he didn't get his opportunity to ask about the buy/sell letters.

Mr. Reid said that it would be in the best interest of the Board and Mr. Jerman to let Mr. Raport ask his questions.

Ms. Fazio told him to proceed. Mr. Reid said that this hiccup shouldn't happen, but it did because of the inability of two adults to have a discussion and he will no longer entertain it. He said this is a circus between the two of you. This time is for its own reasons. If it has not been completed before hearing it does not get done. Mr. Reid opened the application back up.

Mr. Raport is a representative of Ridgewood Village Estates, an adjacent property owner of the subject property. He is willing to chop off 50 ft. of his lot to make Mr. Jerman's more conforming. He offered Mr. Jerman \$125,000.00 to acquire his lot. Mr. Raport introduced Exhibit O-1 as the correspondence between Mr. Jerman and himself. Mr. Jerman objected. Mr. Reid noted the objection. Mr. Raport explained the emails. There were offers made. Mr. Jerman is unwilling to negotiate. He asked the Mr. Cook to recuse himself for the way that he spoke to him and he said that he feels disrespected by Ms. Fazio because she "shhh-ed" him like a child.

Ms. Apgar said that she feels like Mr. Raport is attacking the Board members, specifically Mr. Cook and Ms. Fazio. She said she does not like what David is doing here.

Mr. Reid asked if there were any more questions or comments. There were none. Mr. Reid explained that they would have to have another motion and another vote.

Ms. Fazio stated that Mr. Raport did not stay in the Courtroom the whole time.

Mr. Cook made the motion to approve, seconded by Ms. Apgar.

Roll Call: Mr. Cook-yes, Mr. Galbreath-yes, Ms. Apgar-yes, Ms. Fazio-yes
Ms. Apgar said that she wishes she could see two bedrooms instead of 3 bedrooms.
Motion carries

4. Ms. Fazio introduced the next application as follows:

Case 24-32	Jeffrey Jerman	Commonwealth Blvd.
	PO Box 922	Block 1.236 Lot 30
	Point Pleasant, NJ	Zone R10

Applicant requesting a 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.

Mr. Reid asked to confirm that the rear yard setback variance was no longer being sought, and Mr. Stevens confirmed and stated that the plan had been revised.

Mr. Raport asked if there would be anything else heard tonight and Mr. Reid said that he is not sure.

Mr. Reid asked for a motion to carry Items 10, 11 and 12 on the agenda to the next meeting on May 22, 2025. Mr. Jerman stated that he would waive the time requirement and Mr. Reid said that there would be no notice required.

Ms. Apgar made that motion, seconded by Ms. Fazio.

Roll Call: Mr. Cook-yes, Mr. Galbreath-yes, Ms. Apgar-yes, Ms. Fazio-yes
Motion carries

Mr. Jerman's application is resumed.

Jeffrey Jerman introduced himself as the applicant and was sworn in.

Mr. Stevens introduced himself as the applicant's engineer and was sworn in. The Board accepted his credentials.

Mr. Jerman introduced the following Exhibits:

A-1- Aerial

A-2- Variance Plan

A-3- House Plans

A-4- Picture Board

A-5- Smaller picture packet provided to the Board members

A-6- Affidavit of Title

A-7 Buy/Sell Letters:

1. Lot 18-Mohammad Chakov responded that he was not interested.
2. Lot 26- 100' x 100' owned by Donna Thompson and she can't sell
3. Lot 32- 100' x 100' owned by Daniel, he received no response

Mr. Jerman said that this is exactly the same application as the previous application that was just approved by the Board and approved by the Court. The only change is that they removed the need for a rear setback variance.

Mr. Stevens said that he prepared the plans and the exhibits. He explained that this property is an existing undersized vacant lot as shown on A-1. He explained the location of the property and the surrounding properties. He said that it is located in the R-10 zone and will be a single-family residential dwelling. It will meet all the required setbacks but will need all variances provided for in the undersized lot ordinance. These variances include Lot Area, Lot Width and Improvable lot area.

Mr. Jerman said that the main variance is a bulk variance for lot area. Mr. Stevens agreed with that. Mr. Jerman asked if the lot was sufficient to support the proposed home with lot width and lot frontage and Mr. Stevens said that it was. Mr. Jerman asked if the application met the undersized lot requirements and Mr. Stevens said yes, but just a smaller house. Mr. Jerman directed the board to the picture board, A-4. Mr. Stevens explained that the adjoining residences were a mixture of homes. There are 83 homes in a 9-block radius. The largest home is 2,820 SF; the smallest home is 336 SF. Five undersized lots are already constructed. Three of those 5 homes are on 50 ft. lots and were built a long time ago.

Mr. Jerman asked Mr. Stevens to describe the proposed home. Mr. Stevens said that it would be a 1415 SF home, and it will comply with the undersized lot ordinance. It is 1 ½ stories, 25 ft. in height, 3-bedroom, 3 bathroom house with a partial basement. It is not the largest or the smallest house in the neighborhood. Mr. Jerman asked if it effected light, air and open space and Mr. Stevens said that the light, air and open space would be maintained. Mr. Jerman asked if it was 25 ft. in height and Mr. Stevens said that it was. Mr. Jerman asked if they would be able to develop the property without a variance and Mr. Stevens said only for a residential use, no other uses. Mr. Jerman asked if there would be any detriment to public good and Mr. Stevens said no, that the home fits in the character of the neighborhood in the R-10 zone. Mr. Jerman asked if new construction lifts the value of the homes and Mr. Stevens confirmed that he thought that it did. Mr. Jerman asked if the homes were being built differently than previously proposed homes and Mr. Stevens said only minor differences. Mr. Jerman asked if there were any ways to make

the property bigger and Mr. Stevens said only through the Buy/Sell process. Mr. Jerman asked what happens when an application like this gets denied and Mr. Stevens said it gets overturned in Court. Mr. Jerman asked if there were any reasons to deny the application and Mr. Stevens said no. Mr. Jerman asked if they would accommodate reasonable requests and Mr. Stevens said yes. They satisfied the Buy/Sell process to prove the positive criteria. The testimony provided satisfies the negative criteria proof. The House is in character with the neighborhood, there is no reason for denial in his opinion, and they meet all the grading and drainage requirements. There will be half the amount of stormwater runoff then a conforming lot because there is smaller home. They agree to enlarge the drainage pits as a condition of approval. The Board has not seen these applications until recently because of the new septic design proposed.

Mr. Jerman asked if taxes, population, or flooding could be considered by the Board and Mr. Stevens said yes.

Ms. Fazio asked if there were any questions from the Board members or professionals.

Mr. Cunliffe asked if the drainage will comply and Mr. Stevens confirmed that it would. Mr. Cunliffe asked Mr. Stevens to describe the drainage and Mr. Stevens described the swales and explained that there would be no runoff to adjacent properties. There will also be gravel along the front of the property for parking. They will comply with Ocean County Soils and the require a waiver for curbs and sidewalks. Mr. Stevens said that curbs would be detrimental to the area. Mr. Cunliffe asked if there would be trees in the rear yard and Mr. Stevens said yes. Mr. Cunliffe asked if there would be habitable space or a kitchen in the basement and Mr. Stevens said no. Mr. Cunliffe said that the revised plans would be submitted for site plan comments and Mr. Stevens said yes.

Ms. Fazio asked if there were any questions from the Board members.

Mr. Cook asked about the distance between the septic fields with the house on the left and Mr. Stevens said that they do not meet the 50 ft. setback and they need DEP approval.

Mr. Cook asked if there would be any runoff on adjacent properties and Mr. Stevens said no.

Mr. Galbreath asked if there would be curbs and sidewalks because there are some curbs in Pine Lake Park. Ms. Apgar asked if the trees were getting clear cut. Mr. Stevens said yes. Ms. Apgar said that there is so much traffic on Commonwealth Blvd. She asked if the application does get approved, if they could get an architect and make it not 3 bedrooms on such a busy street. She thinks that 2 bedrooms and a garage would be better.

Mr. Jerman said that he would not and that it was out of the question. Ms. Apgar asked if he would add a sump pump, a shed and stone and Mr. Jerman said yes.

Ms. Fazio opened to the public.

Alice DeVito of 2016 Fourth Ave was sworn in. She said that Commonwealth is a main thoroughway and there are already 4 traffic lights. She is concerned about the cars parked on the stone. Mr. Jerman said that stone is better than asphalt.

Ms. Kisty, as a Code Enforcement Officer for Manchester Township, interjected and explained that Code Enforcement has been issuing violations for parking on gravel and on front lawns in Pine Lake Park in response to complaints made at a Town Council meeting. She said that stone or gravel are not permitted parking surfaces in accordance with 245-81N and 245-28D(1) requires a driveway for onsite parking. She suggested that if the Board was going to permit a gravel parking pad, that they would also have to provide variance relief to the applicant.

Mr. Reid said that the Board would need to grant variance relief for the parking surface.

The Board members and professionals discussed the parking matter.

Ms. Fazio asked if there were any more Board questions and there were none.

David Raport of 835 Wyoming, Elizabeth NJ was sworn in. He said that he does not think that street parking on Commonwealth is in the best interest of the neighborhood because it is so busy. He said he is concerned with the gravel on the front and if a child rides a bike, they might hit a rock and get hurt.

Mr. Cunliffe said that they are not required to provide the gravel.

Ms. Apgar asked if the stone could go next to the fence. Mr. Jerman said that there is not much space. There is only 5 ft.

There was more discussion about the stone driveway.

Ms. Fazio closed the Public Portion of the application.

Mr. Cook said that he is making a motion to approve with the following conditions:

Sump pump installed in the dwelling

Construct a shed

Construct an enlarged drainage system

Comply with tree ordinance

Construct revised drywell

There will be no kitchen or ingress/egress in the basement

No gravel/stone parking just 15 ft of decorative stone 15 ft wide to the back of the property.

Mr. Galbreath seconded that motion.

Roll Call: Mr. Cook-yes, Mr. Galbreath-yes, Ms. Apgar-yes, Ms. Fazio-yes

Motion carries

Mr. Reid asked for a motion to carry item #9 (Case# 24-36) on the agenda to the May 22, 2025, meeting with no new notice required by Mr. Jerman.

Mr. Cook made that motion, seconded by Mr. Galbreath.

Roll Call: Mr. Cook-yes, Mr. Galbreath-yes, Ms. Apgar-yes, Ms. Fazio-yes
Motion carries

Adjournment: The meeting was adjourned at 10:10 p.m. on motion by Mr. Cook and seconded by Mr. Galbreath. All in favor.

Respectfully submitted,

Amanda Kisty
Alternate Secretary