

**MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Thursday, September 25, 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 6:36 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, G. Georgiano, D. Tedeschi, B. Hay, G. Apgar
Members Absent: H. Glen, S. Galbreath, J. Petito
Also Present: C. Reid, Board Attorney, Jason Worth, Board Engineer

Administrative Session:

Payment of Bills:

MTZB-R8810 for T&M Associates in the amount of \$896.50 for Case ZB25-07.
MTZB-R8830 for T&M Associates in the amount of \$326.00 for Case ZB25-09.
MTZB-R8800 for T&M Associates in the amount of \$140.25 for Case ZB25-06.
MTZB-R8540 for T&M Associates in the amount of \$280.50 for Case ZB24-28.
MTZB-R8550 for T&M Associates in the amount of \$187.00 for Case ZB24-29.
MTZB-R8590 for T&M Associates in the amount of \$187.00 for Case ZB24-33.
MTZB-R8640 for T&M Associates in the amount of \$46.75 for Case ZB24-38.
MTZB-R8650 for T&M Associates in the amount of \$46.76 for Case ZB24-39.
MTZB-R8760 for T&M Associates in the amount of \$233.75 for Case ZB24-50.
MTZB-R8051 for T&M Associates in the amount of \$338.00 for Case ZB25-03.
MTZB-R8530 for T&M Associates in the amount of \$326.00 for Case ZB24-27.
Motion to approve made by W. Cook and seconded by G. Georgiano. Roll Call: W. Cook, yes,
G. Georgiano-yes, D. Tedeschi- yes, B. Hay- yes, G. Apgar- yes, L. Fazio- yes.

Memorializations:

Case 24-24 with changes to resolution. Motion to approve made by L. Fazio and seconded by W. Cook. Roll Call: L. Fazio-yes, W. Cook-yes, G. Apgar-yes.

Case 24-32 with changes to resolution. Motion to approve made by L. Fazio and seconded by W. Cook. Roll Call: L. Fazio-yes, W. Cook-yes, G. Apgar-yes.

APPLICATIONS:

1. Case 25-02 Jersey Shore Property Solutions, LLC 2991 Nicoletti Road
1310 Hooper Avenue Block 55 Lot 14

Toms, River, NJ

Zone R40

Ms. Fazio reviews variance request to construct a single family dwelling on an undersized, nonconforming lot. Variances requests include for lot area where 40,000sf is required and 5,408.5sf is existing, for lot frontage where 200ft is required and 50ft is existing, for width where 200ft is required and 50ft is existing, for minimum improvable lot area where 18,700sf is required and 0sf is existing, where a rear yard setback of 50ft is required and 15ft is proposed, a side yard setback of 25ft is required on each side and 5ft is proposed on each side, and for a maximum lot coverage where 25% is the limit and 33.23% is proposed.

Mr. Robert Shea- attorney for applicant, this is an isolated lot with 5400sf in the R40, where the zone requires 40,000 square feet. They are requesting a side yard setback variance with a modest house of 1900 square feet three bedroom home with driveway, variance is the result of the size of a lot. Mr. Shea- introduces exhibit A5 affidavit of ownership, reviews deed conveyance, the property a result from a sub division from the 1940s, over the course of the years, this been the same lot for seventy years, Mr. Shea introduces the buy sell letter as Ex. A6- part of the Dallmeyer case- sent certified mail, no offers to purchase. Introduces exhibit A7 offered to sell property adjoining for \$999,000. Mr. Shea will present two witnesses- one for engineering and the other- a professional planner. Mr. Stephen Kislick, licensed land architect. Mr. Shea- your firm prepared the plans? Mr. Kislick- yes. Mr. Cook- you were supervised by Engineer? Mr. Kislick- yes work directly with Engineer. Mr. Reid- will this be planning testimony Mr. Shea- no. Mr. Kislick- sworn in.

Mr. Shea-asked review exhibits A1, A2 and A3. Mr. Kislick- A1 is the project location. One house on corner on Johnson and Nicoletti, by the POW/MIA park, two properties adjacent to one story ranches, requesting relief from lot frontage where two hundred feet is required versus fifty proposed, lot width where two hundred required versus fifty and a proposed lot area of forty thousand square feet requires versus five thousand square feet provided, will review T&M letter. Rear setback required is twenty five feet and five feet is proposed, maximum lot coverage of 25% where 32.64% is proposed, front yard setback conforms, 35' maximum height where height proposed 23.5', maximum building coverage if 25% where 20.6% is provided.

Mr. Shea- please review the architectural plans. Mr. Kislick- A2 shows a two-story structure, a half bath, open first floor, three bedrooms, three bathrooms on 2nd floor with two off street parking. Mr. Shea- did you review the T&M letter? Mr. Kislick- yes. Mr. Shea on page five. Mr. Kislick- questions about moving septic system which is in the front looking and cannot be moved based on the size of the fields. Mr. Shea needs to be approved. Mr. Kislick yes by Ocean County Board of Health. Mr. Shea meets RSIS? Mr. Kislick-yes. Mr. Worth- the septic field 23x37 detail on system proposed, 3 bedroom 21x23 Starr system available, so a smaller system. Mr. Kislick could look but does not conform with 50' rear yard setback, could shorten and bring up. Mr. Shea, will you work with the engineer, Mr. Kislick- Yes. Mr. Shea- shed on site. Mr. Kislick, yes covered but there. Mr. Shea the applicant agrees to remove Mr. Kislick, yes. Mr. Shea revise zone requirements, any issue with this? Mr. Kislick, no. Mr. Worth the grading on the property. Mr. Kislick rear to existing frontage on Nicoletti, follow existing pattern. Mr. Worth- any drainage towards neighbor? Mr. Kislick- no. Mr. Cook- the elevations, indicate otherwise. Mr. Kislick- proposing swales on both sides. Mr. Shea- preserve trees, Mr. Kislick yes, maintain along border. Mr. Cook- the percentage of the second floor to the first floor. Mr. Kislick, 1262sf. Mr. Shea- 1980 total. Mr. Cook, this is sixty percent. Ms. Fazio- that's for the R10 zone. Mr. Kislick 1262 on first and the rest on second floor. Mr. Shea the side setbacks are

from the design of the home. Mr. Kislick forty feet long house proposed with 50' width of property. Mr. Shea by using star system. Mr. Kislick – could possibly improve. Mr. Shea rear and side setbacks can't be met. Mr. Worth conventional system is a larger field than what is used today, can enhance septic system moves house forward or reduces side setbacks. Mr. Shea- as it sits 25-foot side setback, only 50-foot lot, 25 and 25 would take up the whole lot. Ms. Apgar- this shows land on both sides remain to the neighbor, other side has six foot fence, Mr. Kislick- yes, lawn areas though. Ms. Apgar the attic no gables, no fan. Mr. Kislick- true two story home has pull down. Ms. Apgar pull down and fan preserves roof. Ms. Apgar, there will be sidewalk and then driveway. Mr. Kislick- yes to keep vehicles away. Ms. Apgar- no basement. Mr. Kislick slab on grade. Ms. Apgar- what about flooding or is it flat. Mr. Kislick- sandy soils drain but to Nicoletti before reaching elevation of house. Ms. Apgar- no sump then. Mr. Kislick- no. Mr. Hay- lot incredibly small what benefit gives to build to the home values. Mr. Kislick- four other lots on Nicoletti- on other side. Mr. Hay can only address this lot, the other lot is larger, how far the trees overhang? Mr. Kislick they will be trimmed. Mr. Hay, any oak, Mr. Kislick yes. Mr. Hay- with only five foot setback with trees could damage other house. Mr. Kislick- true, but will protect during construction, can border the trees. Mr. Hay really don't think much can be done, when did current owner purchase? Mr. Shea-2006. Mr. Hay- well aware then. Mr. Shea- but that's not the law, applicant is contract purchaser proofs have been given should be able to prove sufficiently a lot can be developed, will increase value, lot created by subdivision in the 1940s, always 5000sf for the last seventy years, right to build based on case law, we have OPRA'd the entire lot. Mr. Hay- don't know if I agree with everything you said. Mr. Shea- this is more planning testimony. Ms. Georgiano- the buy sell letter, purchased for twenty thousand, what is trying to sell for surprised no one bought. Mr. Shea- value is based with variance approval. Mr. Tedeschi- the shed removal, will he replace? think should be when there's no garage. Mr. Shea, no. Ms. Apgar- garbage cans with no garage add lattice work, two story on corner already, very different street. Mr. Shea- will detail area of garbage cans. Mr. Cook- drywells sized for all roof runoff? Mr. Kislick correct. Mr. Cook and the water in rear. Mr. Kislick will flow over to dry well. Mr. Cook- will it be pitched in that direction? Mr. Kislick- it can be.

OPEN TO THE PUBLIC FOR QUESTION AND COMMENT TO THE ARCHITECT.

Alice DeVit- driveway design with plug in electric would reach. Mr. Kislick- yes.

CLOSED TO THE PUBLIC.

Barbara Ehlen- Professional Planner, licensed since 2015, Board Planner for Livingston and Boro. Of Freehold. Mr. Shea- provide planning testimony. Ms. Ehlen- in preparation viewed Master Plan, ordinance, application docs and visited site. Mr. Shea- can you provide overview. Ms. Ehlen- really undersized lot, 5408sf, 13.5% of lot area proposed, zone does permit single family dwellings, 50' width, 108.7' depth vacant lot. 1980sf three bedroom, three bathrooms with asphalt driveway and two car driveway proposed, under 25' in height, zone allows 35', visual impact will be lower, will comport with coverage, septic in front than the home setback from there, minimum lot width required 200' only one parcel on Nicoletti meets this requirement, all properties on this road are undersized, others 50' frontage, contributes to the character of the neighborhood. Mr. Shea referring to a tax map and aerial, does this fit? Ms. Ehlen, while isolated lot not out of character. Mr. Shea walked the road? Ms. Ehlen, yes, in R40, 50' frontage, homes are trailers. Mr. Shea, there's a variety of homes, any new homes, Ms. Ehlen yes, on lot 17 & 54. Mr. Shea there for many years? Ms. Ehlen- yes. Ms. Fazio- the square footage of homes on those lots- smaller or larger. Ms. Ehlen neither. Ms. Georgiano- all trailers? Ms. Ehlen, I think so, master plan says residential, seek to stabilize, not how we in vision progress into the future,

encourage upgrade, applicant seeking to reinvest in neighborhood, not McMansion, more akin to starter home, also promotes b, the neighborhood doesn't comply with R40, vary in that area, all lots are under size, ours smallest, but range from 5000sf to 16000sf. Mr. Worth- off Nicoletti? Ms. Ehlen, yes. Mr. Worth a greater width? Ms. Ehlen yes, this portion of the roadway, also promote i 25' height fills in where there's a gap, vacant lots expand residential, proves hardship under Dallmeyer, 1. burden of positive and negative criteria, 2. Demonstrates attempt at conformity- buy/sell letter, 3. Detailed plans, 4. Attempt where possible front setback met, height met, does not violate light, air, or open space Ms. Ehlen- closest zone R10-lot width 100', side setback 10' building envelope is 80', this is only 50', 5' representative of condensed lot. Mr. Worth compare with R10- Board sees a lot of these come to see homes that do meet setbacks and a Cape less than 25' in height. Ms. Georgiano- with the required 10' side setbacks. Mr. Worth- yes. Mr. Shea, but no restriction in R40. Mr. Worth- no further restrictions in R40, correct. Ms. Ehlen- commits to finding of facts, conscientious of review, can result in condemnation, applicant has taken steps into conforming, C1- existing conditions, rear 50' versus 15' work, will work on septic, 25' side, lot only 50'wide, applicant asking for 5'side setbacks, reasonable home. Ms. Georgiano- 35' in the height is conforming? Mr. Worth- standard for any lot. Ms. Ehlen- limited lot area, positive criteria- re-invest in the neighborhood, eliminates vacant lot appearance, no traffic noise or trash, storm water managed, home is scaled to size of the property, no substantial detriment and fits the master plan. The balance- the positive outweighs the negative. Mr. Cook familiar with new septic design, Ms. Ehlen, no. Ms. Georgiano- three-bedroom homes the septic was made small smaller. Ms. Ehlen looked to build for modern family, Ms. Georgiano- make a better side setback, still three bedroom. Ms. Fazio, I agree, house design in neighborhood. Mr. Worth- septic system has new technology, house will move forward, similar square footage. Mr. Shea would only pull two feet. Mr. Worth could be different, understand no violation of air, light, or open space, but could be improved, view before a vote. Mr. Shea- different system will work with it, perhaps 40' and square footage from architectural plan give the better idea, first floor open floor plan, could find a few feet here and there gained. Mr. Cook- We hear applications like this all the time where all setbacks are met, this does not meet most. Mr. Shea- this zone does not have an undersized lot ordinance provision. Mr. Reid- houses being approved in R10 less relief necessary, if presented here it would be more pleasing. Ms. Fazio- design of home very nice, but aesthetically pleasing can change the septic to get more side yard and more rear yard. Mr. Shea- will look at this and bring plans, there is some room to move. Mr. Reid are alternative to mitigate relief. Ms. Apgar- agree with ladies would like to see architectures maybe smaller house wider driveway. Mr. Hay trailers right now using double lots, anyone know if the trailers conform, looks like they're over on lines Ms. Mathioudakis- lot lines skewed slightly. Mr. Hay- nothing to indicate not conforming at the time they were placed. Mr. Worth with aerial image lots may be a skew, GIS layering. Mr. Shea- will come back. Mr. Hay- Seaside heights, small beautiful homes on small lots- great idea to look at redesign.

OPEN TO THE PUBLIC FOR QUESTIONS FOR PLANNER. Hearing none. CLOSED TO THE PUBLIC.

OPEN TO THE PUBLIC FOR COMMENT. Hearing none. CLOSED TO THE PUBLIC.

Mr. Cook problem now not specific. Mr. Shea- will seek clarification, will come back

Motion to carry to November 13th with a waiver of time from Mr. Cook. Mr. Reid- no notice. Seconded by Mr. Tedeschi. Roll call: All in favor.

Motion to recess made by W. Cook and seconded by D. Tedeschi. Roll Call: All in favor.

Motion to return made by W. Cook and seconded by D. Tedeschi. Roll Call: All in favor.

2. Case 25-03	Manchester Warehouse, LLC 109 Claremont Court Lakewood, NJ	131 Hwy 539 B109 L4 Zone WTO-P
---------------	--	--------------------------------------

Ms. Fazio reviews request for a use variance where a warehouse/packing use is not permitted, while the use is not changing, the raising of the roof of the existing building at the southwest corner of the site constitutes an expansion of an existing nonconforming use. Applicant also see front yard setback variance of 44.75 feet where 50 ft is required. Applicant seeks use variance approval for contractor warehouse use.

Mr. Robert Shea- attorney for applicant- this is a use variance, site is currently in this configuration, no change except to the roof, front building in highway area, used for warehouse and packaging and sells candy, would like to add device to wrap and package, the owner and operator of this business seeking strictly to add warehouse use, number of buildings will be the same main facility- front building where candy is package, all others used on site are for storage only, e-commerce is a generic use. Mr. Shea introduces exhibit A4: OPRA request site use since 1976 as warehouse and has continued for many years. Brian Murphy- FWH Associates- sworn in credentials accepted

Mr. Murphy- exhibit A1: aerial to the north shows BOE building, to the west- residential subdivision, to the south- a contractors warehouse, to the east- single family dwelling, property is already developed, A2 two shows the color rendering of the changes, Grey buildings are warehouses, light blue- only that square raised to 33.4' expansion of non-conforming use because height is changing, no change in employees or use, trash enclosers proposed, in red shows- fencing six foot chain link and six foot vinyl fence and any repair and replaced, will re-stripe parking area, 1600sf to be elevated. Mr. Worth, why needed? Mr. Murphy, the package equipment doesn't fit into this space currently, it's to wrap the pallets. Mr. Murphy- will be used Monday through Friday from 6am to 6pm, Saturdays from 6am to 11am and closed on Sundays, four employees, no customers, not open to the public, for the parking ordinance doesn't address, 27 spots proposed, one spot per 1500sf, so that's what was used, we are over on parking, no other changes to the site, really seeking more headspace in the building, zoned currently for various uses- permitted in this zone- restaurants, sports complex or refrigerated warehouse. Mr. Murphy- this proposal is lower impact and less impervious coverage and less building coverage, scaled for building same as area only this portion of the roof would be 2 story, this property sits along a County road, six times the lot area for uses, commercial area. Mr. Murphy- meets the positive and negative criteria, no impact to light, air, or open space, under impervious and building coverage, appropriate location, and sufficient use of land, no substantial detriment- use in place since 1976, the area built up around this small area, under in height, compared with other uses in this corridor, no detriment given already in use, no detriment to the intent of the

master plan or a zone plan. This zone permits refrigerated warehouse just not warehouse, more intense use if used as refrigerated warehouse, this is a less intense use, creates a balance, fits with zoning been here before residential use, does not impair the intent. Mr. Worth existing buildings, no change. Mr. Murphy correct Mr. Worth rented. Mr. Murphy will need to confirm. Mr. Worth whole building used for candy? Mr. Murphy- separate tenant along back half. Mr. Worth- a contractor? Mr. Murphy, no.

Mr. Shea- warehouse with packaging not permitted in zone, the accessory use is the packaging. Mr. Worth because site operates doesn't mean particularly suited, but expert testimony states does not impact. Mr. Murphy, correct, there will be no greater intensification of use. Mr. Worth no new employees Mr. Murphy, no. Mr. Worth more deliveries and more candy? Mr. Murphy, no, business will function the exact same way. Mr. Worth trash mentioned, fence, parking, front lot will be re-paved. Mr. Murphy yes, in areas that need it, sealed and re-striped.

Mr. Worth with architectural plan show areas. Mr. Murphy- three area faces the highway- storage/package area, the square highlighted area to be raised, tenant area along side, small office and rest room. Mr. Worth all in this front building is the applicant, but three potential tenants.

Mr. Murphy, yes. Mr. Worth- raw material and packaging? Mr. Murphy both. Mr. Worth- review site circulation. Mr. Murphy- Ex. A2-two loading docks on north side trucks in, unload, plenty of room to turn and leave. Mr. Worth- what type, box truck? Mr. Murphy- typically. Mr. Worth, any new utilities, Mr. Murphy, no. Mr. Worth any change to the signage or lighting Mr. Murphy, no. Mr. Cook hours changing, Mr. Murphy no 6a-6p Monday through Friday, 6a to 11a on Saturday. Mr. Cook- those are the current hours Mr. Murphy, yes. Mr. Cook, any utilities on the roof? Mr. Murphy already there. Mr. Cook- would you be willing to restrict hours of shipping and receiving Mr. Murphy would have to talk to client. Ms. Fazio box trucks only Mr. Murphy, yes. Ms. Apgar- building made of cinder block. Mr. Murphy, no frame style. Ms. Apgar- you mentioned the bathroom, but I don't see it, Mr. Murphy labeled RR. Ms. Apgar- the applicant plans to make it look nice Mr. Murphy, yes. Ms. Apgar- the pole barns in the rear. Mr. Murphy, all buildings will be painted. Ms. Apgar and what about fencing? Mr. Murphy referring to A2- all new fencing. Ms. Apgar opines probably good improvements. Mr. Worth- exterior upgrades what are they and what color? Mr. Murphy- paint all buildings but will ask what color. Mr. Hay- with the new equipment, any noise created. Mr. Murphy not from exterior. Mr. Hay with raise building and fence, will it affect views? Mr. Murphy- referring to A1- neighbors are very far away. Mr. Hay- the fence? Mr. Murphy will replace entirely. Mr. Tedeschi- the gutter system will drain onto the blacktop? Mr. Murphy-yes as it does today.

OPEN TO THE PUBLIC FOR QUESTIONS FOR MR. MURPHY.

Mike Felice- two buildings in the back- warehouse? Mr. Murphy, it was a mechanic. Before now seeking warehouse. Mr. Felice- what is front building now Mr. Murphy. package candy. Mr. Felice any change to the sign or lighting Mr. Murphy, no. Mr. Felice- four employees work twelve hours a day, what's the volume of the candy? Mr. Murphy- yes for the employees, not sure of the volume of candy. Mr. Worth site says twenty five. Mr. Murphy assuming six in other buildings. Alice Devito- raw materials stored? Mr. Murphy, yes. Ms. DeVito- will have a board of health inspection Mr. Murphy, yes. Ms. DeVito- add trash enclosures Mr. Murphy, yes. Ms. DeVito- the noise ordinance stipulates 8 am to 8 pm and no tractor trailers.

Rita Ferrantelli- warehouse- hasn't branched out. Mr. Murphy no, each tenant would have to be warehouse use and receive a zoning permit. Ms. Ferrantelli- what are you doing to protect the

neighbors? Mr. Worth- Township ordinance must be followed to get C.O.- provide description of operations to Zoning Officer. Ms. Ferrantelli- lived here six years not seeing these uses.

Richard Bissette- Saturday hours 8am to 11am and no Sundays Mr. Murphy, yes. Mr. Bissette- the equipment four times or ten times concerned with noise Mr. Murphy all inside the building. Mr. Bissette- so no sound. Mr. Murphy, some sound. Mr. Bissette-broken windows in front buildings are disgrace. Mr. Murphy, this is our chance to fix them.

Bruce Branda- reason to raise to make more efficient? Mr. Murphy- three machines currently down to one machine. Mr. Branda- with roof raise will see it? Mr. Murphy- can see it now.

Susan Piccirilli- really would like to hear about noise level. Ms. Fazio hours the same. Ms. Piccirilli- zoning hours so twenty four hours, Mr. Shea- restricted by testimony tonight. Ms. Piccirilli- but not permitted. Mr. Shea- trying to legitimize use, used as warehouse from 1986 to 2000s- flower design, warehouse where fake flowers were made.

Mr. Hay- there are machines now Mr. Murphy, yes. Mr. Hay- any noise complaints Mr. Murphy, no. Mr. Hay- so to clarify would be three machines down to one machine can only assume quieter Mr. Murphy- and not outside.

Rosalynn Carr- about the building where will it be raised Mr. Murphy shows on exhibit-this square. Ms. Carr- is there electric Mr. Murphy-yes. Ms. Carr- and plumbing? Mr. Murphy only in this building. Ms. Carr can see lights on after 6pm? Mr. Murphy- Yes. Ms. Carr any of these businesses in there now? Mr. Murphy, no. Ms. Carr concerned with plumbing, concern for employees. Mr. Murphy bathrooms are in front building. Ms. Carr with the variance for the setback Mr. Murphy, this is an existing variance. Ms. Carr- FedEx guy, still there, Mr. Murphy. no. Ms. Carr- what time will the deliveries be Mr. Murphy- through the hours of operation. Ms. Carr- so lighting on Mr. Murphy- no change. Ms. Carr- don't see any out side lighting. Mr. Murphy by the building. Ms. Carr- but no trees. Mr. Shea- no proposed site light and keep sight lighting down, will have safety lighting due to building code. Mr. Worth- add some vegetation or arborvitae along front, possibly along rear. Mr. Murphy row along fence. Mr. Worth double row better. Mr. Bissette- packaging outside of zoning right now. Ms. Fazio- no. Mr. Worth- some uses in town are pre-existing, non-conforming uses, zoning regulations changed but can continue the use. Mr. Bissette- packaging candy, it is an industrial use. Mr. Worth that's why they're here to get the used approved. Mr. Murphy- to answer the color question, it will be a neutral palette and will restrict to 8am. Mr. Reid- load and unload limited to not between 10pm and 7am. Mr. Shea- restrict further to 8am. Mr. Cook restrict deliveries and shipping. Mr. Reid- 8am to 6pm, the history of use. Mr. Shea-confusion of warehouse, package of this type not permitted, tried for certificate of non- conformity, reviewed entire history past and present history, asked for use exactly- warehouse, only warehouse in rear, warehouse and packaging in the front building. Mr. Reid- what was the use? Mr. Shea- definition of packaging is what's at question? Mr. Reid ever received warehouse approval. Mr. Shea- yes, in packet given. Mr. Reid doesn't change burden because expansion of use. Mr. Shea- Mr. Popolizio issue with interpretation of this type of use, no different from Golda family for fifty years, if client wants e-commerce would have to come back to Board. Mary Felice- this goes back 50 years, no homes then, says wants to be neighborly. Mr. Reid- have to be within ordinance, hours, etc., all noise in building. Mr. Cook- if approved open to decibel reading. Mr. Felice- only change is going up 10' but use is changing, no packaging going on, no activity there. Mr. Shea- no activity because no approvals, if no noise now then no noise in future. Ms. Fazio- testimony is no change, saying haven't seen people coming and going. Mr. Shea- applicant doesn't have approval.

Chaim Tillim-owner/applicant- sworn in. Mr. Shea- what's going on now? Mr. Tillim- owed property for three years, more tenants then, car museum with pickup and drop off of cars, this is my first commercial property, love this area, car museum- 15000sf-left about a year ago, left vacant, want to be straight and clear, front building-someone always there- FedEx truck, pinball repair, in July in a different warehouse, just trying to follow the rules, moved candy there, haven't had any deliveries, no pallets, trying to follow the rules, minor packing. Ms. Fazio- well this is concern of public, Board of Health there? Mr. Tillim- prepackaged candy, no handling of open candy. Mr. Worth- raw material, Mr. Tillim- all pre-wrapped candy. Ms. Fazio- no manufacturing, Mr. Tillim- absolutely not. Ms. Fazio- operating with machines. Mr. Tillim- existing storage packaging area, direct access, machine only fits in back room, running testing right now with machines- about 1000 bags filled, cannot hear any noise from machinery, quiet operation. Ms. Fazio- I understand. Mr. Tillim- smaller machine operating, Ms. Fazio- public says business not operating. Mr. Shea- disagreement with Zoning Officer. Mr. Tillim- daily pick up. Mr. Shea- initial result raising of roof, package question part of warehouse. Ms. Fazio- neighbors saying not seeing this use in place. Mr. Shea- uses eliminated. Ms. Fazio- told daily. Mr. Reid- increase in activity, Mr. Tillim- yes. Mr. Reid- intent to increase business, Mr. Tillim- yes and no, for candy business yes but other uses- no, all gone. Mr. Reid- public wants assurance. Mr. Worth- asked about delivery, shipping, told no, now you're saying yes. Mr. Tillim- outside-no change, 2 deliveries each week, Mr. Worth- in future more than that, Mr. Tillim- no. Ms. Georgiano- just saying different trucks, instead of box truck maybe a trailer. Mr. Tillim- one pallet versus four pallets. Ms. Apgar- warehouse at another location before, Mr. Tillim- yes. Ms. Apgar- small business, Mr. Tillim-yes. Ms. Apgar- four employees and you, Mr. Tillim- yes. Mr. Tillim- with machine- more efficient. Ms. Apgar- cinder block cut down on noise maybe neighbors can't hear because of it.

Mr. Reid- let's reset-don't interrupt, let testimony happen. Mr. Tillim- open to decibel test, not looking to affect quality of life for neighbors. Ms. Apgar- what about lumber yard, Mr. Tillim- strictly storage. Mr. Shea- different from what was there, all eliminated.

Mr. Bissette- said operating all the time, then said started 3 months ago, industrial use variance. Mr. Worth- not manufacturing, packaging/warehouse, raise building but this is use going forward.

Ken Saenger- could you have used more up to date photo, not showing 141, chock full of trucks, skid steer there. Mr. Shea- contractor's warehouse next door. Mr. Saenger- 141 has contractors, but quads and dirt bikes coming out. Mr. Shea- this is not contractor warehouse. Francisco Ferrantelli- changes zoning. Mr. Reid- approval for exception to zoning, packaging/labeling permitted but assume have to put some stuff somewhere, but warehouse not permitted but a refrigerator warehouse is. Mr. Reid- public still not clear. Mr. Ferrantelli- changes to zoning, Mr. Reid- no, only governing body can do that. Mr. Ferrantelli- then came to you, Mr. Reid- no. Mr. Ferrantelli-mentioned FedEx- gas- electric. Mr. Tillim- understand concerns, a mine don't hear outside, once a week, tractor with 4-5 pallets, unloads, 20 minutes, is paid and gone, pallets in closed garage, candy separated into blending machine, fill hopper, up conveyor, weighed, bagged, boxes filled, pallet built, once pallet full picked up, one delivery per week with tractor trailer, once or twice a week- 4,5,6 pallets loaded up and drives off, so quiet. Mr. Tillim- owned for 3 years, waiting for permission from Board, have already been asked to sell to refrigerator

warehouse, more intense with fans and tanks, I want to improve the property, if sold for refrigerator warehouse would add sub-station, but I would like to run my little operation or I will have to sell to someone because I can't keep it.

Tom Baloghi- decibel reading, Mr. Shea- already represented this, Mr. Baloghi- so new machine in elevated area- not cinderblock but frame would need something to block sound. Mr. Shea will comport with Township ordinance and IBC plus decibel reading. Mr. Worth- all ordinance says is at property line. Mr. Baloghi- business expands has to come back? Mr. Worth- if approved and then further expansion would come back.

Rosalynn Carr- raising roof- no one there in these, why can't you move to another building. Mr. Tillim- building has plumbing and electric, back buildings don't, no heat, this building on highway. Ms. Carr- boats there. Mr. Tillim- cleaned it up. Mike Felice-testimony no Board of Health but sorting, Mr. Tillim- no wrapped candy. Mr. Felice- so what are you mixing. Mr. Worth- all assorted flavors into one bag.

CLOSED TO THE PUBLIC.

Ms. Georgiano- already using new machine, Mr. Tillim- on a testing basis, Ms. Georgiano- bring pallet in, Mr. Tillim- exactly. Mr. Worth- clarify entire site- your business in front, four other buildings- warehouse only. MR. Tillim- correct. Mr. Worth- any plumbing, Mr. Tillim- storage only, Mr. Worth- workers though, Mr. Tillim- one there one hour, Mr. Worth- package/label not proposed because no plumbing, Mr. Tillim- correct. Mr. Worth- present to Zoning Officer tenant. Ms. Apgar- relatively small 12x6, 33x10, 23x9 storage for like when I moved, Mr. Tillim- right- small business. Ms. Apgar- rent to store my stuff, Mr. Tillim- correct. Mr. Worth- commercial- no flammables, Mr. Tillim- correct.

Scott Kennel-sworn in-Traffic Engineer- credentials accepted. Mr. Kennel- traffic report from 7/25/2025, inventory of traffic, Highway 539- August 2024-peak 7am to 10am- 880 vehicles- 2 way, 3pm to 6pm- 100 vehicles- 2 way, projected traffic closest use is manufacturing, traffic analysis overestimated, 40 trips in am and 40 trips in pm, Level C, Levels are A-f, projected level C, projected growth to 2035, operate in accordance with traffic standard, more than adequate parking. Mr. Worth- initial analysis around site, Mr. Kennel- 3 to 4 coming in and out, worst case analysis, Mr. Worth- both around the area and the site, Mr. Kennel- correct. Mr. Worth- no school route, Mr. Kennel- 539 shore route plus snowbirds.

OPEN TO THE PUBLIC FOR QUESTIONS TO TRAFFIC.

Richard Bissette-sworn in- we drive it every day to have tractor trailers and do nothing about driveway.

CLOSED TO THE PUBLIC.

OPEN TO THE PUBLIC FOR COMMENT.

Wayne Freeman- sworn in- in my opinion- facts loosely represented- raises red flags.

Bruce Banda-sworn in- very concerned about affect on our neighborhood, misrepresented, not manufacturing but industrial none the less, just like if bottling cola, traffic very backs up all the way to the light.

Rita Ferrantelli-sworn in- sorry for speaking loudly just concerned about misrepresentation, very concerned because Board approved building next door and we experience something very different, direct complain elsewhere.

Rosalynn Carr- sworn in- doing research WTOP- 141 next door, Manchester has NAICS codes, warehouse/packaging comes in LI zone, schedule E, Schedule G not allowed, people com in change use and then leave. 141 it was trees, should not be what it is now, out of control, I'm sorry Mr. Tillim-didn't buy in light industrial, we did not get office professional on 141 and now Board has to stop giving approvals, he's right about refrigerator warehouse, Manchester codes all over the place.

Thomas Carr, Sr.- sworn in- for years active military- Pentagon presentation- when you come please be on same page.

CLOSED TO THE PUBLIC.

Mr. Shea- use exists, continued for many years, what's driving this is the roof, other uses: car museum, auto mechanic, chose benign use, been operating 3 months, here to request use, bring some order to the site, variety of uses more intense, more parking, more traffic, applicant is tenant, clean up property- pallet increase any expansion he would have to come back.

Ms. Fazio- totally confused, public concerned, cleaning it up, still confusing, business operating, not operating. Ms. Fazio makes a motion to deny. Ms. Georgiano- but he could still operate from other room. Mr. Shea- clear up D2 vote. Mr. Worth- what you are requesting what your application stated. Mr. Reid- reads zoning denial, D1 and expansion of non-conforming use, both Board and public agree, ordinance far from consistent. Ms. Fazio- based on denial says both. Mr. Shea- packaging and labeling is a permitted use. Mr. Reid- come back with an amended application. Mr. Reid- D1- warehouse- go back to Zoning Officer with packaging/labeling permit. Ms. Fazio- motion to deny D1 & expansion. Ms. Georgiano- extremely torn, everyone moved in around him, beautification all for it, come back after decibel reading. Mr. Reid- unfortunately no due to motion, Ms. Georgiano- big piece of land, what happens next? Mr. Reid- can't have interchange. Ms. Georgiano- client could come back. Mr. Shea- based on Zoning Officer report could come back. Mr. Reid- suggest to deny without prejudice. Mr. Shea- rather than simply deny it or decibel reading, more clarification, don't want to have to make whole new application, address professionals, motion to withdraw. Ms. Apgar- does not change zone, Mr., Reid- we don't change zone, governing body only. Mr. Shea- really would like to see withdrawn, motion allow clarification with Zoning Officer. Ms. Fazio- everything you just said why you can see public and Board confused, the way it was presented. Mr. Shea- but you've clarity at this point. Ms. Apgar- fuzzy, Ms. Georgiano-I would have liked to have abstained, Ms. Fazio- going to take your lead and recommendation. Mr. Reid- not my recommendation.

Motion to deny without prejudice made by L. Fazio and seconded by W. Cook. Roll Call: L. Fazio- yes, W. Cook- yes, G. Georgiano-yes, D. Tedeschi- yes, B. Hay, no, G. Apgar- abstain.

Adjournment: The meeting was adjourned at 10:47 p.m. on motion by W. Cook and seconded

by D. Tedeschi. All in favor.

Respectfully submitted,

Erin Mathioudakis
Zoning Board Secretary