

MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, August 15, 2019
TOWNSHIP OF MANALAPAN – Courtroom
Manalapan, NJ 07726

Chairman Stephen Leviton called the meeting to order with the reading of the Open Public Meetings at 7:30 PM followed by the salute to the flag.

Roll Call: Janice Moench

In attendance at the meeting: Mollie Kamen, Larry Cooper, Eric Nelson, Stephen Leviton, , Eliot Lilien, Mary Anne Byan, David Schertz, Robert Gregowicz.

Absent from the meeting: Terry Rosenthal, Adam Weiss

Also, present John Miller, Esq., Zoning Board Attorney
Nancy DeFalco, Zoning Officer
Janice Moench, Recording Secretary

MINUTES:

A Motion was made by Mr. Cooper, Seconded by Ms. Kamen, to approve the Minutes of **July 18, 2019** as written.

Yes: Kamen, Cooper, Leviton, Byan, Schertz, Gregowicz
No: None
Abstain: None
Absent: Rosenthal, Weiss
Not Eligible: Lilien, Nelson

RESOLUTIONS:

A Motion was made by Mr. Cooper, Seconded by Ms. Byan to approve the Resolution of memorialization of approval for **Application ZB1925, Isaac Carbajal**

Yes: Kamen, Cooper, Leviton, Byan, Schertz
No: None
Abstain: None
Absent: Rosenthal, Weiss
Not Eligible: Nelson, Lilien, Gregowicz

A Motion was made by Mr. Cooper, Seconded by Ms. Byan to approve the Resolution of memorialization of approval for **Application ZBE1926 Suzanne and Carmelo LoGiudice**

Yes: Kamen, Cooper, Leviton, Byan, Schertz
No: None
Abstain: None
Absent: Rosenthal, Weiss
Not Eligible: Nelson, Lilien, Gregowicz

PUBLIC HEARINGS:

Application No. ZBE1927

Applicant: Barbara Williams
Proposal: Ratify Existing Deck
Request: Bulk Variance –rear & side setback relief
Location: 12 Blenheim Rd
Block/Lot: 402/6
Zone: R20

Ms. Barbra Williams of 12 Blenheim Road was sworn in by Mr. Miller. Ms. Williams explained to the Board she had a permitted above ground pool, hot tub and two decks installed in 1998. Ms. Williams hired a contractor to remove the pool and fill the pool area with a deck. Ms. Williams explained she was unaware there were different setbacks for the pool when the deck was attached. The newly completed deck attached to the dwelling, in place of the pool, is located 11' from the side property line where 15' is required and 6.9' from the rear property line where 50' is required. The second deck is located 40 feet from the rear property line where 50' is required.

Ms. Williams testified although the Township advised the contractor that variance relief was necessary in order to continue construction, the contractor completed the improvements with no approvals. Ms. Williams explained she was not aware of the difference between a variance and a permit.

Mr. Lilien asked for clarification regarding the timing of the pool construction and removal. Ms. Williams explained in more detail.

Ms. DeFalco explained the pool was 10' from the property line, which is the required setback for a pool. Once the pool was removed, the deck setback changed to 50' from the rear and 15' from the side because it is attached to the principal structure.

Chair Leviton advised the applicant that the Board must consider the application as if the improvements were not yet completed.

Ms. Kamen asked for clarification on the timing of the construction and asked the applicant at what point was she made aware there was an issue. Ms. Williams explained the contractor advised her of the setback issues when he started the removal of the pool.

Ms. DeFalco explained the contractor was advised to redesign the project to meet the setback requirements. The deck was completed with no Township approvals and the contractor was fined by the Construction Department for completing the project with no approvals.

Mr. Cooper asked the applicant how the contractor advised her in this process. The applicant testified the contractor advised her to continue the work.

Mr. Miller advised the Zoning Board does not punish an applicant for not having the proper permits in place. The Board's charge is to review the application as if the project was not yet constructed. The applicant has to meet the proofs for the variance relief.

Ms. DeFalco explained the typical lot size for the area is 100' by 180'. Ms. Williams' lot is irregular in size measuring 148' on the side where the deck is constructed.

The applicant further testified that three adjacent properties (Lot 16, 17 and 5) all contain a swimming pool and deck. The property is fenced and private. The applicant provided five pictures of the yard as a visual aid for the Board. The pictures were marked as the following exhibits:

- A1: Photo of the yard showing the irregular shape
- A2: Photo of the yard showing the irregular shape
- A3: Photo of the yard when the pool was existing
- A4: Photo of the remaining deck and the pool removed
- A5: Photo as the deck remains today with the deck in place of the pool

Chair Leviton confirmed with the applicant that the footprint of the backyard has not changed.

Chair Leviton opened the meeting to the public for questions or comments on this application. There were no members of the public expressing an interest in this application. Chair Leviton closed public.

A Motion of Approval for Application ZBE1927 was made by Mr. Nelson and Seconded by Ms.Kamen

Yes: Kamen, Cooper, Nelson, Lilien, Leviton, Byan, Schertz
No: None
Abstain: None
Absent: Rosenthal, Weiss
Not Eligible: Gregowicz

Application No. ZBE1928

Applicant: Bryan Koslow
Proposal: Proposed Deck
Request: Bulk Variance –rear yard setback relief
Location: 22 Turnberry Drive
Block/Lot: 7227/10
Zone: CDKH

Mr. Bryan Koslow of 22 Turnberry Drive was sworn in by Mr. Miller. The applicant explained he would like to construct a 16' by 27' deck in the rear of the property. A 16' rear yard setback was proposed, where 25' is required. The applicant explained his lot is irregularly shaped with an angle in the back. The proposed deck would require a variance for relief in the rear setback.

The applicant has received approval from the Knob Hill Association for the proposed improvements. The property is located on the curve of the street creating an oddly shaped lot, the rest of the properties in the area are rectangular.

Chair Leviton opened the meeting to the public for questions or comments on this application. There were no members of the public expressing an interest in this application. Chair Leviton closed public.

A Motion of Approval for Application ZBE1928 was made by Ms. Kamen and Seconded by Mr. Lilien

Yes: Kamen, Cooper, Nelson, Lilien, Leviton, Byan, Schertz
No: None
Abstain: None
Absent: Rosenthal, Weiss
Not Eligible: Gregowicz

Application No. ZBE1929

Applicant: Brian Lisi
Proposal: Ratify pavers around pool
Request: Bulk Variance –side yard setback relief
Location: 3 Bloomfield Rd
Block/Lot: 65058/5
Zone: GCRC

Mr. Brian Lisi of 3 Bloomfield Road was sworn in by Mr. Miller. Mr. Lisi was present to ratify the existing pavers surrounding the pool on his property. The pavers are 7' from the side of the property line on the easterly side where 10' is required. Mr. Lisi explained he was not aware that the pavers were encroaching into the setback until the inspection. The contractor advised the applicant some areas in Manalapan have a 10' setback but his property was not one of them. Mr. Lisi applied for variance relief once he was made aware of options.

Mr. Lilien asked the applicant if he was still in contact with the contractor. Mr. Lisi advised the contractor was awaiting the outcome of the variance hearing.

Chair Leviton opened the meeting to the public for questions or comments on this application. There were no members of the public expressing an interest in this application. Chair Leviton closed public.

A Motion of Approval for Application ZBE1929 was made by Ms. Kamen and Seconded by Mr. Schertz.

Yes: Kamen, Cooper, Nelson, Lilien, Leviton, Byan, Schertz
No: None
Abstain: None
Absent: Rosenthal, Weiss
Not Eligible: Gregowicz

Application No. ZBE1935

Applicant: Stacey Feit
Proposal: Proposed deck
Request: Bulk Variance- rear yard setback relief
Location: 8 Cambridge Court
Block/Lot: 1309/71
Zone: R20

Ms. Stacey Feit of 8 Cambridge Court was sworn in by Mr. Miller. The applicant proposed to build a new rear yard deck to the existing home. The total square footage would be 252 square feet. The deck would encroach into the rear yard setback by 7'. The 21' by 12' deck would create a setback to the rear property line of 42' where 50' is required. The applicant testified the rear yard is sloped. She further testified if she built the deck to the setback requirements the deck would be 2' in depth.

Ms. Kamen asked what is beyond the slope in the rear of the property. The applicant testified there is a home with six acres of property.

Ms. DeFalco explained she measures 55' to the rear of the property on the survey. Therefore, the setback including the slope would be at 42'

Mr. Cooper asked if electric proposed on the deck. The applicant testified no electric was proposed.

Chair Leviton opened the meeting to the public for questions or comments on this application. There were no members of the public expressing an interest in this application. Chair Leviton closed public.

A Motion of Approval for Application ZBE1935 was made by Mr. Lilien and Seconded by Ms. Kamen

Yes: Kamen, Cooper, Nelson, Lilien, Leviton, Byan, Schertz
No: None
Abstain: None
Absent: Rosenthal, Weiss
Not Eligible: Gregowicz

The Board, Chair Leviton, Ms. DeFalco and Ms. Moench reviewed the tentative agenda for future applications.

The Board and Mr. Miller discussed the definition of a hardship as it pertains to the Municipal Land Use Law.

The Board and Mr. Miller discussed tentative dates for an educational session and it was determined that Mondays would work best for everyone.

Chair Leviton opened the meeting to the public. Being there were no comments Chair Leviton closed public.

ADJOURNMENT:

A Motion was offered by Ms. Byan to adjourn the meeting at 8:45 pm. All were in favor and none were opposed.

Respectfully Submitted,

Janice Moench

Recording Secretary

RECORDED COMPACT DISCS OF THE ZONING BOARD OF ADJUSTMENT ARE AVAILABLE FOR REVIEW, IN THE PLANNING/ZONING BOARD OFFICE BY APPOINTMENT.