

MANALAPAN ZONING BOARD OF ADJUSTMENT  
**MINUTES OF THE REGULAR MEETING**  
**Thursday, December 19, 2019**  
**TOWNSHIP OF MANALAPAN – Courtroom**  
**Manalapan, NJ 07726**

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

Roll Call: Janice Moench

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

Absent from the meeting: Mollie Kamen, Terry Rosenthal, Eric Nelson, and 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 Mr. Schertz to approve the Minutes of **December 5, 2019** as written.

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

**RESOLUTIONS:**

A Motion was made by Mr. Lilien, Seconded by Mr. Cooper, to approve the Resolution of memorialization of approval for **Application ZB1945 – Petriello**

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

A Motion was made by Mr. Cooper, Seconded by Mr. Schertz, to approve the Resolution of memorialization of approval for **Application ZB1946- Bucurici**

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

A Motion was made by Mr. Cooper, Seconded by Mr. Lilien, to approve the Resolution of memorialization of approval for **Application ZB1947– Pochopin**

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

A Motion was made by Mr. Schertz, Seconded by Mr. Cooper, to approve the Resolution of memorialization of approval for **Application ZB1952– Davolt/Miller**

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

### **PUBLIC HEARINGS:**

Mr. Miller announced two applications on the agenda would be carried to the January 16, 2020 Zoning Board Reorganization meeting with no further notice to the public:

- Treadwell Investments ZBE1954
- Pushpaben Patel ZBE1942

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#### **Application No. ZBE1955**

Applicant: Joseph & Elizabeth Prescott  
Proposal: Home Addition  
Request: Bulk  
Location: 3 Salem Court  
Block/Lot: 1404/10  
Zone: R20

Mr. Miller swore in the applicants, Anthony Joseph Prescott and Elizabeth Prescott. The applicants were present to seek relief for a proposed addition to their home that will require variance relief from front and side yard setback. Additionally, they are asking relief to ratify an existing shed and patio pavers located in the setback.

The applicants provided pictures of two Salem Court. This home has a very similar addition as to what is proposed. Two Salem Court completed the addition and variance process approximately six years prior. Two Salem Court is located across the street from the applicant. The home in the picture is the same model as the applicants, so the plans for the addition are similar.

Mr. Prescott explained the proposed addition encroaches 5 feet to the side yard setback on the right side. The applicants explained the home is a bi-level model with no bathroom located on the main floor. The proposed bathroom will be a necessity. Mrs. Prescott's Father will be spending more time at the home and will need help as his health is declining. The applicant's architect did attempt to design the addition without the need for the variance. He was unsuccessful. Mr. Prescott explained the addition would enhance the neighborhood while keeping current with aesthetics.

Chair Leviton asked for specifics on the pool installation. Mr. Prescott gave testimony that he employed seasonal work to install the pool and the pavers.

Chair Leviton confirmed the proposed addition would be 10 feet to the side setback where 15 feet is required. The additional pavers around the pool are located 5 feet from the rear property line where 10 feet is required.

Mrs. Prescott explained the latch on the fence broke when the building inspectors came out for the final inspection of the pool. The pool permit remains open.

Mr. Prescott gave testimony that he had purchased the shed from Home Depot and had it delivered. They chose the location thinking ahead to leaving room for the additional garage they planned to install.

Ms. DeFalco reminded the Board there is a minimum of 5 feet between all structures on the property.

Mr. Miller confirmed with the applicant that the proposal includes an expansion of the kitchen, dining room and great room. Mr. Prescott reminded the Board they tried to reconfigure the addition with the bathroom to be in compliance; however, they were unsuccessful from a design standpoint. The main goal was to have a bathroom on the main level of the home for their elderly parents that will be eventually moving in. The family is growing.

Ms. DeFalco, Mr. Miller and the applicants discussed the addition in more detail. Specifically the uses of each room and the location of the proposed bathroom.

Mr. Miller confirmed with the applicants the proposed addition would allow for light, air and open space. The property next door is irregular in shape and provides open space on the side of the encroachment. There would be no detriment to the neighbors or the zone plan.

Ms. DeFalco asked the applicants to give testimony on the location of the shed. Mr. Prescott explained they would like to keep the shed closer to the front yard for convenience.

Mr. Schertz asked if the addition would require a Floor Area Ratio variance. Ms. DeFalco calculated the Floor Area Ratio and it was in compliance.

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.

Mr. Miller reviewed the variance relief requested:

- Front Portico proposed is 71.2 feet and 75 feet required;
- Addition proposed is 10 feet and 15 feet is required;
- Existing shed to be ratified is 10 feet and 15 feet is required
- Existing pavers to be ratified at 5 feet and 10 feet is required

A Motion of Approval for Application ZBE1955 was made by Mr. Lilien, Seconded by Ms. Byan

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

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

**ADJOURNMENT:**

A Motion was offered by Mr. Lilien, Seconded by Mr. Byan to adjourn the meeting at 8:15 PM. All were in favor and none 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.