

MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, December 5, 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: Mollie Kamen, Terry Rosenthal, Larry Cooper, Eric Nelson, Eliot Lilien, Mary Anne Byan, David Schertz, Stephen Leviton

Absent from the meeting: Robert Gregowicz, 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. Rosenthal, Seconded by Mr. Lilien to approve the Minutes of **November 7, 2019** as written.

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

RESOLUTIONS: None

PUBLIC HEARINGS:

Application No. ZBE1945

Applicant: Anthony & Diana Petriello
Proposal: Proposed roof cover over rear patio
Request: Bulk Variance
Location: 18 Springhouse Circle
Block/Lot: 66.01/72
Zone: CDM

Mr. Miller swore in Anthony Petriello. Also, present, and sworn in by Mr. Miller was Mr. Christopher Foti, of SRA Home Products.

Mr. Petriello explained he is proposing a 10x10 structure that will come off the rear of the home to cover an existing deck.

Ms. DeFalco asked for clarification on the size of the proposed roof structure. The application states 12X10 but Mr. Petriello gave testimony the size was to be 10X10.

Mr. Foti confirmed the roof structure will project 12 feet away from the home and will be 10 feet in width. The measurements match the existing deck. The cover is

four and quarter inches thick with an aluminum finish. The roof will protect the deck from the elements and keep the area clean from leaves and other debris. The proposed roof structure will also provide privacy for the homeowner.

Mr. Cooper asked if there was any lighting proposed. The applicant advised no lighting is proposed.

Ms. Kamen asked if there were to be any ceiling fans. Mr. Foti explained there is no electric permitted within close proximity to water. There is an existing hot tub on the deck.

Mr. Schertz asked for clarification on why the applicant would need a variance for the proposed roof but the deck was in compliance. Ms. DeFalco explained the roof becomes part of the principal structure and encroaches into the setback.

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 explained a 17 foot setback is proposed where 25 feet is required. The roof structure will be 10x12. There will be no lighting or ceiling fan.

A Motion of Approval for Application ZBE1945 was made by Mr. Lilien, Seconded by Ms. Kamen

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

Application No. ZBE1946

Applicant: Ioan Bucurici
Proposal: Proposed cover over side patio door
Request: Bulk Variance
Location: 19 Deer Way
Block/Lot: 29.03/1.21
Zone: R4

Mr. Miller swore in Ioan Bucurici. Also, present and sworn in was the applicant's step-brother Ioan Beuca.

Mr. Beuca explained the applicant is proposing a roof over an existing door. The applicant was denied a zoning permit, due to the encroachment of the side yard setback. Mr. Beuca testified the proposed covering would protect the home from the elements. Snow and rain blow into the home due to the fact there is no covering over the existing door.

Mr. Cooper asked if there is any lighting proposed. Mr. Beuca explained there is existing electric in the area. The applicant will obtain the necessary electrical permits to relocate any electric to the proposed structure.

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 confirmed with the applicant the roof is proposed and not yet constructed. The proposed set back is 3.7 feet.

A Motion of Approval for Application ZBE1946 was made by Mr. Nelson,
Seconded by Ms. Kamen

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

Application No. ZBE1947

Applicant: Daniel Pochopin
Proposal: Ratify existing shed
Request: Bulk Variance – Side setback relief
Location: 12 Jeanine Court
Block/Lot: 342/36
Zone: R20/40

Mr. Miller swore in the applicants, Daniel and Denise Pochopin. The applicants were present to ratify a shed with a side set back of 3.8 feet where 30 feet is required.

Mr. Pochopin explained in 2016 they applied for a pool permit. During the Zoning review of the pool permit the shed location was shown on the survey. The Zoning Officer noticed the violation and advised the applicant a 10x14 shed in an R20/40 zone requires a side setback of 30 feet. Mr. Pochopin testified he had the shed delivered to his home. He had the shed placed in the most convenient area of his yard so he would be able to gain access during the winter months. The applicant testified he did not file for a permit when he purchased the shed.

In 2016, the applicant composed and signed a letter during the pool permit process stating they would address the shed violation by either moving it or applying for a variance prior to closing out the pool permit. The pool permit remains open and inspections need to be completed.

Ms. DeFalco explained when these issues come up in plan review, the Zoning Office will advise the homeowner so they are aware of the violation. They homeowner is typically asked to sign a letter stating they are aware of the situation and will rectify the matter within a reasonable amount of time. Ms. DeFalco testified the property is located in the R40/20 zone that follows the standards of an R40 zone. An R40 zone is a 40,000 square foot lot. The development was built with the standards of an R20 zone that requires small lot sizes and setbacks. The property has to adhere to the current zoning regulations of an R40 lot.

Mr. Miller addressed the applicant regarding the pictures provided with the application. The applicant explained the area surrounding the property is wooded and the property is pie shaped. The neighbor's home from the applicants shed is approximately 50–80 feet away. Mr. Pochopin testified a 30 foot setback would place the shed in the center of the yard and would interfere with drainage.

The applicant provided pictures of the property that were marked as the following exhibits:

- A1- Photograph of the pool area from the deck
- A2- Photograph of the pool from the rear yard
- A3- Photograph of the shed taken from the driveway
- A4- Photograph of the pool equipment

The applicant testified the exhibit photos provided at the meeting, were taken by Mrs. Pochopin earlier in the day on December 5, 2019.

Mr. Nelson asked the applicant to provide an explanation as to the pool permit filed in 2016 and first filing for a variance in 2019. The applicant testified he and his wife had some personal matters pending. They were also deciding on purchasing a new shed, selling the home or filing for variance relief. Mr. Nelson confirmed with the applicant that the lot was pie shaped due to the bend in the road.

Mr. Rosenthal asked if there was another area on the property, the applicant could move the shed to in order to comply with the ordinance. The applicant testified there was no other location on the property to move the shed.

Ms. Byan confirmed with the applicant that the trees lined the side of the pool.

Mr. Schertz asked if the applicant was aware of the setbacks required by the township when he purchased the shed. Mr. Pochopin testified he was not aware of the setbacks.

Ms. Kamen asked if there were complaints from the neighbors regarding the shed. Ms. DeFalco explained there have been no complaints. The violations was discovered during the plan review of the in-ground pool.

Chair Leviton expressed concern of the open pool permit and the liability issue for the applicant being no final inspections were done.

Mr. Miller explained the Board is unable to impose a timeframe to close the pool permit. The pool permit is under the Building Department. However, the applicant has testified their intent is to close the permit out after completing the variance process.

There were no further questions from the Board members.

Mr. Miller explained the variance relief sought is for a 3.8 feet setback for an existing 14 x 10 foot shed, where a 30 foot setback is required under the ordinance. There is no electric or foundation for the shed. The applicant will close out the open pool permit pending with the Building Department should the Board grant the variance relief.

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 ZBE1946 was made by Mr. Cooper, Seconded by Ms. Byan.

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

Application No. ZBE1952

Applicant: Meghan Davolt & Dori Miller
Proposal: Proposed rear deck
Request: Bulk Variance – Front setback
Location: 467 Tennent Road
Block/Lot: 19/17
Zone: R20

Mr. Miller swore in the applicants, Meghan Davolt and Dori Miller. The applicants were before the Board to ratify an existing driveway and garage and to build a proposed deck in the rear of the home.

Ms. Miller explained the home is approximately 85 years old and the applicants purchased the home over the summer of 2019. The applicant explained they would like to ratify the pre-existing garage. The garage has a gravel bottom is mainly used for storage. The driveway is a shared between the applicants and the neighbor. The dwelling is currently located in the front yard setback so the proposed rear deck would be located in the front yard setback.

Ms. DeFalco explained the violations were all pre-existing. The home was built in 1935. The applicant had to come before the Board for the proposed deck so it was discussed to ratify the other issues on the property during the variance process.

Ms. Davolt explained the proposed deck would be 12x25 feet in size in a rectangular in shape in the rear of the home. The home is located on a busy street so rear entrance is mostly used for safety reasons. To better appreciate and enjoy the backyard the proposed deck would enhance the property.

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 explained the setback required is 75 feet and 43 feet from the front yard property line is proposed. The existing garage is 1.52 from the side yard property line where 15 feet is required. The existing driveway is located on the property line and a 10 foot setback is required.

A Motion of Approval for Application ZBE1946 was made by Mr. Lilien, Seconded by Ms. Kamen.

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

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

Chair Leviton and the Board members discuss the year-end report. Ms. DeFalco explained the R40/20 zoning regulations in more detail with the Board members. Mr. Miller explained the reviewed the regulations of a closed session with the Board members.

ADJOURNMENT:

A Motion was offered by Mr. Cooper, Seconded by Mr. Lilien to adjourn the meeting at 8:45 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.