

**MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, January 17, 2019
TOWNSHIP OF MANALAPAN – Courtroom
Manalapan, NJ 07726**

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

Roll Call: Janice Moench

In attendance at the meeting: Mollie Kamen, Terry Rosenthal, Eric Nelson, Adam Weiss, David Schertz, Robert Gregowicz, Stephen Leviton

Absent from the meeting: Larry Cooper, Mary Anne Byan, Eliot Lilien

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

Mayor Susan Cohen was present to swear in returning Board member, Adam Weiss. Mayor Cohen left the proceedings after reading the Oath of Office for Mr. Weiss. The roll call was taken again with Mr. Weiss as a returning Board member.

Chair Leviton advised The Golden Years application no. ZBE1839 will be amended by the applicant and not heard at the meeting. The applicant will re-notice the public with a new hearing date when set.

MINUTES:

A Motion was made by Mr. Nelson, seconded by Mr. Schertz to approve the Minutes of **November 3, 2018** as written.

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

RESOLUTIONS:

A Motion was made by Mr. Weiss, seconded by Mr. Schertz to approve the Resolution of memorialization for Application **ZBE1809 Lash N Brow**

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

A Motion was made by Mr. Rosenthal, seconded by Mr. Nelson to approve the Resolution of memorialization for Application **ZBE1704EXT HESP Solar**

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

Mr. Miller advised the Board the Battleground Country Club resolution will be carried to the next meeting for consideration. There were some minor changes requested by the applicant's attorney and Mr. Miller requested additional time for the changes to be made.

PUBLIC HEARINGS:

Application No: ZBE1844

Applicant: Harvey Diamond
Proposal: Erect Fence in setback
Request: Bulk variance
Location: 1 Avalon Lane
Block/Lot: 66.01/99
Zone: CDM

Mr. Dante Alfieri was present to represent the applicant, Mr. Harvey Diamond. Mr. Alfieri explained his client is seeking Board approval for the installation of fence. Mr. Diamond owns the property located at 1 Avalon Lane in the Meadow Creek subdivision that is part of a Homeowner Association ("HOA"). Mr. Diamond has obtained approval from the HOA for the installation of the fence. There are some variances associated with the location of the proposed fence. Mr. Alfieri clarified to the Board, there is existing fencing in the rear of the property on the northbound side. Mr. Diamond is proposing additional fencing in the rear of the property and the southeast side that fronts Springhouse Circle. Currently there is a tree line that will remain. The proposed fence is to be installed inside the tree line. Being the property is on a corner lot there are two front yards. Three feet is the maximum height permitted in the front yard. The applicant is proposing a fence along the Springhouse Circle side at four feet in height. Additionally, there is no fence permitted within the first 25 feet, the applicant is proposing the fence to be at eight feet. The property has landscaping in place therefore the fence will not create a hardship to site lines.

Mr. Rosenthal, asked the applicant why he chose a four foot fence. At this time Mr. Miller swore in Mr. Diamond. Mr. Diamond then provided testimony explaining his Daughter resides in the home with her husband and two children. The children are seven months and three years in age. The applicant chose four feet in height for the fence to ensure the children are not able to get over the fence.

Ms. Kamen asked if the fence would create any site issues. Mr. Alfieri explained there is existing landscaping and the fence would not be in the site triangle. Mr. Diamond explained the trees that are currently in place are higher than the proposed fence and the proposed fence will be eight feet off the property line.

Ms. DeFalco and Mr. Alfieri discussed the two site triangles and 30 foot buffer in the rear where there is no fencing and the site is clear.

Ms. DeFalco confirmed with Mr. Alfieri the proposed fence to be open fencing.

Mr. Weiss asked Ms. DeFalco for clarification on the two front yards. Ms. DeFalco explained when you have a corner lot there are two front yards. One front being where the address is and the other front is considered the street side.

Chair Leviton asked Mr. Diamond if when he was made aware of the two front yards when he purchased the home. Mr. Diamond answered no.

Mr. Miller confirmed with Mr. Diamond the fence to be an aluminum open fence.

Chair Leviton opened the meeting to the public for comment or questions on the application. Seeing there were none, Chair Leviton closed public

A Motion of Approval for Application ZBE1844 was made by Mr. Weiss and seconded by Ms. Kamen

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

Application No. ZBE1825

Applicant: Joseph and Melina Dani
Proposal: Ratify Stanchions with winged walls
Request: Bulk variances
Location: 11 Kipling Way
Block/Lot: 2006/53
Zone: R20

The applicant, Joseph Dani was sworn in by Mr. Miller. Mr. Dani was welcomed back by Chair Leviton. This applicant was before the Board to ratify multiple items including winged walls and columns. At the last meeting the application was bifurcated leaving the winged walls and stanchions separate. The Board had consented to have Mr. Dani mull over his options and come back to the Board regarding the winged walls and stanchions only.

Mr. Dani explained the major concern of the Board at the last meeting was the sight lines due to the height of the winged walls and columns closest to the street. Mr. Dani explained he is prepared to remove the winged walls and the columns closest to the street. The remaining two columns, closest to the home, would still require a variance being they are higher than three feet. The columns are twenty-five feet from the street.

Chair Leviton confirmed with the applicant; the winged walls are comprised of front and rear columns. The applicant is proposing to remove the two front columns along with the winged walls and leave the two rear columns closest to the dwelling.

Ms. Kamen expressed she was concerned for the safety of the children on bicycles and such so she is appreciative of Mr. Dani removing the walls. Mr. Weiss and Mr. Schertz expressed the same.

Chair Leviton explained the site lines and safety issues were overwhelming. Chair Leviton was apologetic to Mr. Dani for stress and time that it took in the length of the process.

Ms. Kamen asked if Mr. Dani had plans to put anything in place of the walls that are going to be removed. Mr. Dani said there are no plans to put anything in place.

Mr. Miller asked Mr. Dani to confirm the variance relief required for the record and purposes of the resolution.

Mr. Dani explained the column to remain on the left is 71 inches tall and the column to remain on the right is 72 inches tall.

It was discussed and confirmed a permit would not be required for the removal of the winged walls and stanchions.

Ms. Kamen asked Mr. Miller to include a condition in the approval stating the applicant would agree to dispose of the materials accordingly and not throw the debris in the woods. Mr. Dani explained he planned on hiring someone to demolish the walls so he didn't feel this would be an issue.

Chair Leviton opened the meeting to the public for comment or questions on the application. Seeing there were none, Chair Leviton closed public.

A Motion of Approval for Application ZBE1825 was made by Mr. Weiss and seconded by Mr. Schertz

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

Chair Leviton, Ms. DeFalco, and Mr. Miller discussed the Next Generation application. Ms. DeFalco explained the applicant is not withdrawing and they have extended time for the Board to act. Ms. Moench will follow up with the applicant's attorney again within the coming week.

Chair Leviton opened the meeting to the public for comment or questions. Seeing there were none, Chair Leviton closed public.

ADJOURNMENT:

A Motion was offered by Mr. Schertz and agreed by all to adjourn the meeting at 8:05 PM

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.