

MANALAPAN ZONING BOARD OF ADJUSTMENT  
**MINUTES OF THE REGULAR MEETING**  
Thursday, June 20, 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: Terry Rosenthal, Larry Cooper, Mary Anne Byan, David Schertz, Robert Gregowicz, Stephen Leviton, Eric Nelson, Adam Weiss

Absent from the meeting: Mollie Kamen, Eliot Lilien,

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. Weiss, to approve the Minutes of **June 6, 2019** as written.

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

**RESOLUTIONS:**

A Motion was made by Mr. Weiss, Seconded by Mr. Cooper to approve the Resolution of memorialization of approval for **Application ZBE1822, and J & J Commercial & Industrial Properties.**

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

**PUBLIC HEARINGS:**

**Application No. ZBE1918**

Applicant: Vasiliki Arvanitis  
Proposal: Ratify Columns- proposed fence in setback  
Request: Bulk variance  
Location: 602 Winter Court  
Block/Lot: 8107/1  
Zone: RR

Peter Licata, Esq. of Sonnenblick, Parker and Selvers, PC was present on behalf of the applicant. Mr. Licata explained the applicant was present to request a variance from the Board for fence height. The street side fence height permitted in the zone is 3' and the applicant proposed a wrought iron fence at 5' in height. The applicant has a corner lot fronting on Winter Court. The proposed fence would front on Thompson Grove Road, the street side. To help the Board with a better understanding of the overall situation on the property, Mr. Licata produced fifteen color google images of the property and surrounding areas. The fifteen images were marked together as Exhibit A-1.

Mr. Miller swore in the applicant, Vasiliki Arvanitis who also goes by "Bessy". Mr. Licata and Ms. Arvanitis reviewed the images in further detail where Ms. Arvanitis depicted her red brick front home on 602 Winter Court and the surrounding areas. Page seven of Exhibit A-1 was a Final Plat of Regency Estates showing the location of the property and setback lines. Pages nine through fifteen on Exhibit A-1 showed various angles of the masonry columns that are constructed on the property.

Mr. Licata asked the applicant if she was aware of the Township ordinance that sets forth a requirement for fencing in a residential zone to be no higher than 3' in height. The applicant explained she was not aware of the ordinance. The applicant became aware of the violation to the ordinance when the construction of the masonry columns had begun. The fencing portion of the project has not yet been complete only the columns are complete.

The applicant explained there is an issue with deer on the property. A large amount of deer come from the wooded area along Thompson Grove Road; hit the door to her home underneath the deck. This caused the house alarm to sound and police dispatched. The applicant has to pay a \$75.00 false alarm fee each time this happened. The applicant explained the deer issue occurs at all hours of the night.

In response to questioning from Mr. Cooper, the applicant testified she has not received any complaints regarding the fence to date. There will be no lighting on the columns and the fence will be an open fence.

In response to the questioning from Mr. Rosenthal, the applicant testified the main reason for the fence is to protect her property from the deer. The applicant also babysits her Grandchild so safety is an additional issue.

Mr. Weiss explained the proposed fencing is to be wrought iron which has limited if any obstruction.

No further questions from the Board members.

Ms. DeFalco explained the location of the fencing on the property is on a hill that slopes down. Ms. DeFalco does not feel there is any obstruction of sight in any way.

Chair Leviton opened the meeting to the public for questions or comments on this application.

Chair Leviton open the meeting to the public regarding this application. Michael Vicksman of 97 Arrowood Road-Unit G, was sworn in by Mr. Miller. It was determined that Mr. Vicksman was present to testify on another application on the agenda.

Chair Leviton closed public.

A Motion of Approval for Application ZBE1918 was made by Mr. Weiss and Seconded by Mr. Cooper.

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

**Application No. ZBE1923**

Applicant: Habrack  
Proposal: Covered Front Porch  
Request: Bulk Variance – Front Setback Relief  
Location: 15 Coventry Court  
Block/Lot: 404/18  
Zone: R-20

Mr. Miller swore in Eric Habrack of 15 Coventry Court. The applicant explained he was before the Board to construct a proposed overhang in the front of his home that encroaches into the front yard setback by 4.5". The property is located in a cul-de-sac. Therefore the property is unique in shaped and curves inward in the front.

In response to Mr. Coopers questioning, the applicant explained the overhang is proposed to run from the front door in a straight line to the garage. Mr. Habrack explained it looks aesthetically pleasing for the overhang to run a straight line across the front of the home. Three quarters of the overhang is located within the setback. One section by the door will extend into the setback by 4.5'.

There were no further questions or comments from the Board.

Mr. Miller asked the applicant in his opinion, if he felt the encroachment on the front setback would compromise any site lines for traffic. Mr. Habrack answered no.

Chair Leviton opened the meeting to the public for questions or comments on this application.

Mr. Miller swore in Mr. Vicksman from the public. Mr. Vicksman explained that Covered Bridge, the development where he resides, is extremely crowded. Mr. Vicksman had concerns regarding the setback encroachment of the applicant. Ms. DeFalco explained the applicant is proposing construction in the front setback not the rear of the property. Mr. Vicksman had no issue with the proposal once Ms. DeFalco provided clarification.

Chair Leviton closed public.

A Motion of Approval for Application ZBE1923 was made by Mr. Weiss and Seconded by Mr. Rosenthal.

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

**Application No. ZBE1924**

Applicant: Mogolesko  
Proposal: Deck w/ Partial Roof Covering  
Request: Bulk Variance – Rear Setback Relief  
Location: 24 Navajo Road  
Block/Lot: 1301/15.02  
Zone: R-20

Mr. Miller swore in Daniel Mogolesko. The applicant explained he was before the Board to ask for relief from the rear yard setback for an improvement to the home. The applicant is proposing a deck structure that will be at 43' from the rear property line, where 50' is required. There are several acres of woods behind the property.

The applicant provided renderings of the back yard taken from the architectural drawings and then superimposed. These renderings were marked as Exhibit A-1.

Ms. De Falco explained the property is located in the R20 zone. A typical lot size would be 100' x 200'. The applicants lot is 118' x 170'. The property is short 30'

It is determined the property behind the applicant is mostly wetlands or conservation. The applicant noticed the property owners.

The applicant presented the noticing sent to 6 Grey Court for the hearing. The notice was returned to the applicant signed "no problem good luck" signed by Syd. The notice was added to the record and marked as Exhibit A-2.

In response to questioning from Mr. Cooper, the applicant testified the proposed deck would be 22' from the home and 40' in width. The deck will have an L shaped couch and a dining area. In order to have clearance for walking around of the furniture the applicant arrived at 22' x 40'.

Mr. Miller asked if the amount of space provided for circulation is adequate and safe. The applicant answered yes.

Chair Leviton opened the meeting to the public regarding the application. Being there were no questions or comments, Chair Leviton closed public.

Mr. Miller explained the applicant took a picture of the Affidavit of Service and sent it via email to Ms. Moench. Ms. Moench advised, via email, the original document was necessary for the file. Mr. Miller advised the applicant to provide the Zoning Office with the original document.

A Motion of Approval for Application ZBE1924 was made by Mr. Weiss and Seconded by Mr. Nelson.

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

Ms. Moench confirmed future attendance with the Board. Ms. Byan and Mr. Rosenthal will be absent for the August 1 meeting. There will be no meeting the first week in July due to the holiday.

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

**ADJOURNMENT:**

A Motion was offered by Mr. Weiss to adjourn the meeting at 8:20 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.