

## MANALAPAN ZONING BOARD OF ADJUSTMENT

### MINUTES OF THE REGULAR MEETING

**Thursday, April 19, 2018**  
**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 7:35 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, Eve Strauss, Eliot Lilien, David Schertz, Adam Weiss, Stephen Leviton

Absent from the meeting: Mary Anne Byan

Also present: John Miller, Esq., Zoning Board Attorney  
Nancy DeFalco, Zoning Board Officer  
Janice Moench, Recording Secretary  
Brian Boccanfuso, Board Engineer  
Jennifer Beahm, Board Planner

Chair Leviton announced application number ZBE1735 (Smith) of 7 Mill Road will be carried to June 21, 2018 with no further notice to the public.

### MINUTES:

A Motion was made by Ms. Strauss, Seconded by Mr. Cooper by to approve the Minutes of **April 5, 2018** as written.

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

### RESOLUTIONS:

#### Application No: 1807

Applicant: Joseph Giuseffi  
*Memorialization of Approval*

Location: 28 Springhouse Circle~ Block/Lot: 66.01/77

A Motion was made by Ms. Strauss, Seconded by Mr. Lilien to approve the Resolution of memorialization.

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

#### Application No: ZBE1749

Applicant: MetaVs Gaming LLC  
*Memorialization of Denial*

Location: 285 Gordons Corner Road ~ Block/Lot: 11.02/25.12

A Motion was made by Ms. Strauss, Seconded by Mr. Cooper to approve the Resolution of memorialization.

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

**PUBLIC HEARINGS:**

- **Application No. ZBE1804**  
Applicant: Lawrence Matarese (Salon at Manalapan)  
Proposal: Hair salon  
**Request: Use Variance\*\*\*\***  
Location: 202 Route 33 West  
Block/Lot: 66/11.05/23.01  
Zone: SED20

Mr. Lawrence Matarese of 17 Longview Avenue Freehold, New Jersey was sworn in by Mr. Miller.

Steven Gabor, Esq. appeared on behalf of the applicant. Mr. Gabor's office is located at 31 West Main Street, Freehold, New Jersey. Mr. Gabor resides in Manalapan for the past 25 years. Mr. Gabor explained he has three witnesses this evening:

- Lawrence Matarese, the Applicant
- John Ploskonka, of Concept Engineering
- Alison Coffin, of James Higgins Associates

Mr. Gabor begins the meeting with testimony from the applicant. Mr. Matarese thanked the Board for hearing his application. He explained he is a lifelong New Jersey resident who moved to Manalapan in 1986. He opened his first salon in 1993 located in Ashley Plaza in Manalapan. Mr. Matarese currently has another salon, The Salon at Manalapan with 25 -30 employees. He is proposing a small barber shop with approximately 6 chairs. Mr. Matarese recently opened the same type of barber shop in Asbury Park with much success. He feels Manalapan would benefit from this type of Barber shop on the Route 33 Corridor.

Mr. Gabor asked if any Board Members had any questions of Mr. Matarese. Chair Leviton said in reading through his file, Mr. Matarese mentioned the Asbury Park Barber shop would cater to men and also fashion forward woman. Chair Leviton asked for further explanation on the term "Fashion Forward Woman". Mr. Matarese explained the type of woman who would go to a men's barber shop wouldn't necessarily want a cut, blow out and highlights. They would be more interested in blue hair with a side head buzz.

Ms. Beahm asked Mr. Matarese how many hair technicians were anticipated. Mr. Matarese explains there will be 6 stations but will open with 3 to 4 barbers. Ms. Beahm confirmed with Mr. Matarese there will be less than 7 barbers.

Mr. Boccanfuso asked Mr. Matarese if he is proposing to use both floors of the building. Mr. Matarese explained he is only proposing to use the space on the first floor. The owner of the property intends to use the basement for storage only. Mr. Matarese states he has no plans to utilize the basement level. Mr. Boccanfuso asked if Mr. Matarese can testify as to the current use of the

basement level today. Mr. Matarese explained he believes the current owner uses the basement to store pool supplies relating to his pool business.

Chair Leviton clarified the line of questioning from the professionals regarding the amount of barbers and basement use as it would be related to the parking requirements. Mr. Boccanfuso confirmed.

Mr. Gabor calls his next witness Mr. John Ploskonka for testimony. Mr. Ploskonka, PP, PE is sworn in by Mr. Miller and the Board accepts his credentials.

Mr. Ploskonka provided an aerial view picture of the site that was marked as Exhibit A1. Mr. Ploskonka explained the building has been in the location for a number of years. In 2003 East Coast Pool obtained Board approval to use the basement level for storage and the first floor for retail. At this time the parking lot was installed and the septic was fixed. A few years back a dog salon took occupancy for grooming for the first floor. The square footage of the building is 43,020. The salon will occupy only the first floor which is approximately 21,060 square feet. There are 17 parking spaces up front and 5 parking spaces in the rear. A small portion of the property is located in the CD Zone, that portion will not have any improvements on it. All of the approvals are on the SED 20 portion of the property. The applicant is asking for approval based on the SED 20. There was an approval for a retail center on this property back in 1984 but was never developed. Mr. Ploskonka explained the applicant will require a variance for parking. The basement is 11 feet high so theoretically it can be used for storage however, the applicant has a lease for the first floor only and the pool company will continue to use the basement for storage. The ordinance requires 29 parking spaces and 22 parking currently existing.

Based on the testimony given by the applicant and planner stating the salon will not occupy the entire building, Ms. Beahm and Mr. Boccanfuso recalculated the parking requirement to be 23 parking spaces. This would include 8 spaces for the open storage in the basement. Mr. Boccanfuso said with his understanding of the way the basement is being used, 8 spaces would be sufficient. Ms. Beahm explained if the applicant would agree on a condition of the basement being used for nothing other than storage, she would take no exception to the relief being requested. Mr. Ploskonka agreed to the condition and stated there are no site improvements being made. The only site improvement would be subject to the Board Engineer comments relating to the upgrading of the berm in front of the property. There will be no sign on the building.

Mr. Rosenthal asked if the dog grooming business was still occupying the property. Mr. Ploskonka explained the dog grooming is expected to leave shortly.

Mr. Boccanfuso confirmed with Mr. Ploskonka there will be no site improvements outside of the building. He also confirmed with Mr. Ploskonka that the applicant would be comfortable with a condition that states there will be no disturbance of any kind beyond the gravel parking area in the rear. There are environmental restraints in the rear of the property. Mr. Boccanfuso added when he reviewed an aerial image there some vehicles parked in the rear and would like to avoid that going forward. Mr. Ploskonka agreed and offered to walk the property with his client and the owner of the property to ensure the owner will clean up that area. Mr. Boccanfuso asked if the applicant intends to keep the site identification sign and change it to reflect the new business. Mr. Ploskonka agreed. Mr. Boccanfuso explained the 2011 approval included a condition requiring the removal of the existing sign in the front of the property although he is not sure why that condition was made. Based upon the sign dimensions and height it doesn't appear the sign complies with the zoning requirements for a ground sign. Mr. Boccanfuso explained if the intent was to keep the sign, it would be appropriate for variance relief to be requested. Mr. Ploskonka confirmed his client would propose variance relief to keep the sign as is with a change in the lettering. Mr. Boccanfuso explained the prior approval required the berm and

landscaping be installed across the front. It is agreed that the applicant would dress up the frontage of the site and come back with a revised plan to CME.

Chair Leviton refers to the Health review of April 18, 2018 where Mr. Richardson, the Health Officer indicated to impose a condition that no construction permits be issued until the Health Office fully resolved on site sewage disposal needs. Mr. Ploskonka explained his applicant will comply with the Health Department.

Mr. Coopre asked if there would be a sign on the building. It was confirmed there would be no sign affixed to the building.

Ms. Allison Coffin, Professional Planner, was sworn in by Mr. Miller and her credentials were accepted by the Board. She explained the site at 202 Route 33 West was developed with a retail commercial structure with 22 spaces and significant environmental constraints. In 1984 use and site plan approval was granted for retail that was never developed. In 2003, use and bulk variance approval for a pool design company with retail on the first floor and storage in the basement was approved. In 2011, a use variance was granted for the first floor retail space as a dog daycare and grooming business with the pool company storage remaining in the basement. The applicant is requesting a use variance approval to convert the dog grooming facility to a barber shop use with no changes to the site. The site is located in the SED 20 Zone at the western edge of the site in the CDFS Zone (Four Season Consent District). Ms. Coffin reviewed the permitted uses for the SED 20 Zone. A D1 variance is required to change the use from a dog grooming use to a barber shop. Ms. Coffin reviewed the bulk variance relief previously granted as it relates to the particular suitability. Ms. Coffin explained it is her opinion that special reasons exist for the granting of the requested use variance. The granting of the variance will not impair the intent and purpose of the master plan or the zoning ordinance. Ms. Coffin explained it is also her opinion the use variance would not result in a substantial detriment to the health safety and general welfare of the public. The property is not capable of supporting the intensities of uses that the SED 20 Zone intends. Ms. Coffin reviewed the SED Zone requirements. She explained how the site is uniquely suited for a barber shop. The prior use variance for the dog grooming business already installed washing stations. The plumbing alterations such as hair traps and vacuum breakers make it ideally suited for the conversion to a barber shop.

Ms. Beahm agreed with the Ms. Coffin's testimony and feels the site is particularly suited can accommodate the use nicely. Ms. Beahm explained she takes no exception to the relief requested and recommends the Board act favorably on the application.

Mr. Boccanfuso said the site is comprised of two separate lots and asked if there would there be an issue with consolidating the two lots into one. Mr. Ploskonka explained the applicant has no problem consolidating the lots subject to owner approval being the applicant doesn't own the property.

Ms. Beahm and Ms. Coffin discuss the site identification sign. Ms. Coffin explained she visited the site and the sign did not seem excessively distracting. Mr. Beahm explained Route 33 is a high speed highway so site identification that is readily visible promotes traffic safety. Ms. Beahm states she is in support of the relief associated with the existing signage.

Mr. Ploskonka spoke with the owner and they agreed to consolidate the lots.

Mr. Cooper asked if the sign was going to be lit with LED lighting. Mr. Ploskonka explained the sign would have spot lights. Mr. Cooper asked how many handicap parking spaces are required. Mr. Boccanfuso explained the applicant is in compliance with one ADA parking spot.

Ms. Kamen asked Mr. Miller if the tenant or the owner of the property be responsible to beautify the berm as Mr. Boccanfuso stated. Mr. Miller explained the onus would be on the applicant because the applicant is asking for the relief.

Mr. Schertz asked Mr. Miller for clarification on noticing. Mr. Miller, Mr. Ploskonka and Ms. Beahm discuss and explain the applicant's application to the Department of Transportation. Mr. Miller later stated for the record the applicant did notice the Department of Transportation.

Chair Leviton opened the meeting to the public to cross examine the expert testimony and address the Board. Seeing there were no public comments, Chair Leviton closed the public portion.

Mr. Cooper asked for clarification on lighting on the property. Mr. Ploskonka explained he will provide the lighting to the township Engineer.

Mr. Miller reviewed the conditions to be as follows:

1. No changes to the building or impervious coverage.
2. There will not be parking, storage or any other use of the property beyond the gravel limits.
3. The applicant agreed to work with the Board Engineer as far as beautifying the berm as required in the overlay zone.
4. No permits will be issued until the septic issue is resolved with the Board of Health
5. The basement will be use for storage only
6. The applicant and owner of the property agreed to consolidate the lots
7. ADA compliance
8. Lighting illumination
9. Spot lighting on the site identification sign

A Motion of Approval for application ZBE1804 was made by Mr. Rosenthal, and Seconded by Mr. Cooper.

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

At approximately 8:20 p.m. Mr. Boccanfuso and Ms. Beahm left the meeting. Their attendance was not required for the remaining applications on the agenda.

• **Application No: ZBE1753**

Applicant: Joseph Resciniti  
Proposal: Construct additional two car garage  
Request: Bulk variance – setback and building coverage relief  
Location: 8 Derek Court  
Block/Lot: 18/14.17  
Zone: RE

Mr. Dante Alfieri, Esq. appeared on behalf of his client Joseph Resciniti. Mr. Alfieri explained the applicant is here to seek approval for the construction of a detached garage. The architect and engineer will provide testimony.

Mr. Joseph Primiano, licensed Architect was sworn in by the Mr. Miller. Mr. Primiano has an office at 26 Old Trenton Road, East Windsor, New Jersey. The Board accepted his credentials. Mr. Primiano sat on the Manalapan Township Zoning Board years ago with Ms. Strauss. Mr. Primiano explained the applicant is seeking approval to construct a two car garage to a dwelling with prior approval. The dwelling has not yet been constructed but is approved. The Building Permit was issued to build the home with a porte cochere. The intent is

to complete the overall look of the dwelling. The attached garage will match the approved dwelling with similar materials, roof lines and windows. The proposed garage is 1,445 square feet with 2 garage doors facing the porte cochere. There is also a 6 foot by 6 foot powder room proposed inside the garage.

Mr. Alfieri called his next witness Professional Engineer, Frank Baer to provide testimony relative to the overall site and variances requested. Mr. Baer was sworn in by Mr. Miller and the Board accepted his credentials. Mr. Baer identified the property as block 18 lot 14.17 as shown on sheet 9 of the Manalapan Township Tax Map known as 8 Derek Court. The property was created as result of a subdivision of then Lot 14.02 by Rand, LLC recorded in the Clerk's Office as case 293-9 in 2004. The property is 63,951 square feet 1.46 acres and presently vacant with approvals for a two story single family dwelling. There other subdivisions are all similar in size with 2 and 3 car garages. Mr. Baer provides the lot measurements. The approval for the home was originally applied under the R40 zoning district. The approval was carried from the Permit Extension Act. The property is currently under the RE zone. This creates variances that didn't exist when the lot was originally approved under the subdivision. The RE zone currently has a minimum 3 acre lot area, and the lot was originally approved at approximately 1.5 acres. The applicant does meet the current lot width, depth and frontage of the RE zone. The old R40 zone had a 60 foot front yard setback requirement; the applicant is asking to position the house at 42.4 foot from the front yard setback because of the way the cul-de-sac cuts into the property. This is very similar to the lot at the opposite end of the subdivision also on cul-de-sac. The 42.4 feet set back allows for the home to be further away from an existing wetland and flood hazard area. It also allows for the home to be in line with the other homes in the subdivision. The applicant is also requesting building coverage relief ; 7.5 percent is required and 10.75 percent is proposed when you add the house porte cochere and garage. The coverage is relative had the property been 3 acres. The amount of house would be substantially less then the 7.5 percent. Being the lot was approved in the R40 zone and now in the RE zone the 10.75 percent will require a variance. Aesthetically, the proposed dwelling will be consistent with the other homes in the subdivision.

Ms. Kamen explained the paperwork submitted delineates a 2 car garage and another plan shows 3 car garage. Mr. Baer confirms there was a typo on the plans. The proposed garage is a 2 car garage. Ms. Kamen asked why a bathroom is needed in a garage. Mr. Alfieri explained his client can speak to that. It is a medical issue. Ms. Kamen asked if a handicap ramp was being proposed, if a wheelchair is accessible from the home to the garage. Mr. Alfieri explained the medical issue is not wheelchair related and his client will gladly speak to the medical issue. Chair Leviton stated the issue seemed to be personal and asked Mollie if it would be necessary to put that testimony on the record. Ms. Kamen explained she was concerned the garage would turn into an in-law suite. Mr. Alfieri explained no in-law suite is being proposed.

Mr. Cooper asked if the garage would be set up with living quarters. Mr. Alfieri confirmed there are no living quarters proposed it the garage.

Mr. Alfieri called Mr. Resciniti to provide testimony. Mr. Resciniti was sworn in by Mr. Miller. Mr. Resciniti explained he put the bathroom in with the architect for convenience purposes being he suffers from ulcerated colitis. Currently he is in remission but when symptoms occur the bathroom would be convenient. Mr. Resciniti explained he has a business with a shop and retail store. This bathroom in the garage is for nothing other than convenience.

Mr. Miller addressed Mr. Alfieri and asked if the application were to be approved would the applicant object to a condition of not allowing any living quarters in the garage. Mr. Alfieri agreed to the condition. Chair Leviton asked if the condition is in perpetuity, Mr. Miller confirmed same.

Mr. Weiss asked if the applicant had any plans to put any lifts in the garage. Mr. Resciniti explained he does not have any current plans for a lift. In the future, if a lift would be installed, it would be to house another car. Ms. DeFalco asked the height of the garage. Mr. Primiano said the garage is 20 feet tall so the structures are balanced and match the rest of the home. Lifts would be possible if the client wanted to store additional cars in the garage. Mr. Primiano explained he has done this before with a client who had collectible cars. This allows for the collectible car to be stored up and out of the way.

Mr. Rosenthal asked Mr. Baer to clarify the building coverage. In Mr. Baer's testimony he stated the coverage to be 10.75 percent; Mr. Rosenthal said his notes show 9.85 percent. Mr. Baer explained he calculated everything on the property and came up with 10.75 percent.

Chair Leviton asked Ms. DeFalco if she could recall when the zone changed. Ms. DeFalco explained the subdivision was approved in the R40 from the Planning Board, then zoning changed and the builder came before the Zoning Board for relief for the remaining lots.

Chair Leviton states the cul-de-sac established a hardship in his view.

Ms. Strauss asked what the need was for a second two car garage on the property. Mr. Resciniti explained their will not be a shed on the property, so anything related to the pool will be stored in the garage. All of the other homes in the subdivision have a full basement. Due to the high water table and the lot being the lowest, he can not have a basement. So there is no additional storage space.

Mr. Cooper asked what the ceiling height is of the 2 car approved garage. Ms. DeFalco asked if there is a living area above the approved garage. Mr. Primiano explained the second floor of the home goes over a portion of the garage. There are high ceiling but this house was designed with high ceiling. Mr. Primiano explained how each house has something unique about but yet they are all consistent with size and style within the subdivision.

Ms. DeFalco asked Mr. Baer if he calculated all of the covered structures on the property in the building coverage calculations. Mr. Baer explained he did incorporate them all. Mr. Baer said that would most likely explain the difference in the coverage numbers that Mr. Rosenthal came up with earlier in the meeting.

Chair Leviton opened the meeting to the public regarding this application. Seeing there were no public comments, Chair Leviton closed public.

Mr. Miller asked Mr. Baer if the permit issued for the home included the swimming pool. Mr. Baer said yes. Mr. Resciniti confirmed pool plans were submitted to the town and approved.

Mr. Miller reviewed the conditions as follows:

1. The proposed garage will not be utilized as a habitable living area;
2. The bathroom 6 feet by 6 feet located in the garage
3. There will be no lifts installed. If the applicant wished to install them in the future, he would need to come back before the Board.

A Motion of Approval for application ZBE1753 was made by Ms. Kamen, and Seconded by Mr. Lilien.

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

- **Application No: ZBE1812**

Applicant: Ethan & Robyn Waller  
Proposal: Proposed rear addition  
Request: Bulk variance – side yard setback  
Location: 42A Daum Road  
Block/Lot: 70/17.04  
Zone: RAG

Chair Leviton explained for the record, he is employed by the Manalapan Englishtown Region School District Board of Education as is Ms. Waller. Their professional duties never cross paths. Ms. Waller's Husband and Sons were all students of Chair Leviton. There are no financial dealings and do not socialize outside of work. Chair Leviton explained he does not feel the need to recuse himself and can remain objective. However, Chair Leviton defers to Mr. Miller's judgment. Mr. Miller confirms the relationship and sees no conflict.

Mr. Brian Collis, Licensed Architect is sworn in by Mr. Miller. Mr. Collis has an office at 128 John Street, Brick, New Jersey. The Board accepts his credentials. Ms. Robyn Waller is sworn in by Mr. Miller as well.

Mr. Collis explained the applicant is looking to add on to the first floor of the home. The existing home is two stories. The master bedroom and the garage are one story only with added storage above. There is a small area of a two story space that has bedrooms above. The applicant is looking to expand the first floor towards the rear to enlarge the master suite and dining room. The lot is currently undersized and narrow for the zone. Side setback requirements are 35 feet and the existing home is at 22.16 feet. The proposed addition would continue with the current side setbacks without going any further. With adding the addition the coverage requirements would still be met. The lot is currently 47,250 feet and the addition would add 1.3 percent to the lot.

Chair Leviton mentioned the Health review from Mr. Richardson regarding an old well on the property. Ms. Waller agreed to get in touch with the Health Department as a condition of the approval.

A Motion of Approval for application ZBE1812 was made by Mr. Rosenthal, and Seconded by Ms. Kamen.

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

Chair Leviton reminded the Board members they have until April 30, 2018 to complete and submit the Financial Disclosure form. Chair Leviton also reminded the new Board members they have 18 months to complete the mandatory training session.

Chair Leviton opens the meeting to the public for any non agenda items, seeing there were no public comments, he closed public.

**ADJOURNMENT:**

A Motion was offered by Mr. Cooper and agreed by all to adjourn the meeting at 9:10 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.