

MANALAPAN ZONING BOARD OF ADJUSTMENT

MINUTES OF THE REGULAR MEETING Thursday, June 7, 2018 TOWNSHIP OF MANALAPAN – Courtroom Manalapan, NJ 07726

The meeting was called to order with the reading of the Open Public Meetings Act 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, Mary Anne Byan, Eliot Lilien, Adam Weiss, Stephen Leviton

Absent from the meeting: David Schertz

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

Chair Leviton stated former Chairman Mr. Budai was present in the audience.

MINUTES:

A Motion was made by Mr. Cooper, Seconded by Mr. Lilien to approve the Minutes of **May 17, 2018** as written.

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

RESOLUTIONS:

Application No: ZBE1805

Applicant: Simply Storage of Englishtown, LLC
Memorialization of Approval
Location: 289 Route 9 South – Block 10 Lot 22

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

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

Application No: ZBE1814

Applicant: Arnold Feldman
Memorialization of Approval
Location: 7 Ashby Court – Block 302 Lot 22

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

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

PUBLIC HEARINGS:

Application No. ZBE1818

Applicant: Troy Lecarreux
Proposal: Construct a 6 ft fence
Request: Bulk variance – Front yard setback
Location: 2 Castle Court
Block/Lot: 413/6
Zone: R20

Mr. Troy Lecarreux and his wife Laura Rainer were sworn in by Mr. Miller. Mr. Lecarreux explained his property to be a corner lot that has a small backyard with large frontage. The applicants plan to put a pool in the rear yard in the future which will make the yard smaller. They are before the Zoning Board to erect a fence in the setback. The fence will allow for their dog to utilize the backyard and keep the deer away. Ms. Rainer explained the lot is irregular in shape and size.

Chair Leviton discussed the Municipal Land Use Law with the applicants and how the irregular corner lot is affected by the Law.

Mr. Miller asked the applicants to explain where the fence is proposed for the record. Mr. Lecarreux and Mr. Miller discussed the existing fence along the rear of the property that belongs to the neighbor and the location of the fence proposed by the applicants. For clarification purposes Mr. Lecarreux drew the proposed fence location in red on a copy of his survey. Mr. Miller confirmed the length of the fence will be 42 ft from the property line and the bottom portion will extend 32 ft. Mr. Lecarreux explained the proposed fence would be a 6 ft high white PVC.

Mr. Cooper asked for confirmation on what part of the fence is exists.

Mr. Weiss and Mr. Lecarreux discussed the fencing in the front of the property.

Chair Leviton asked Mr. Lecarreux if when he purchased the property he was aware the corner lot basically consisted of two front yards. Meaning the front lot is regarded as a side lot. Mr. Lecarreux said he became aware and learned more going through the process.

Mr. Cooper asked for clarification on the site lines. Ms. DeFalco explained the fence is not located in the site line. The proposed fence is set back 42 feet.

A Motion of Approval for application ZBE1818 was made by Ms. Kamen and Seconded by Mr. Nelson.

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

Application No. ZBE1815

Applicant: Ann Marie Widmer
Proposal: Construction of Rear Deck
Request: Bulk variance – Side setback relief
Location: 20 Herbert Drive

Block/Lot: 47/32
Zone: R4020

Ms. Widmer was accompanied by Mr. Budai to assist her in presenting the application to the Board. Ms. Ann Marie Widmer and Mr. Butch Budai were both sworn in by Mr. Miller. Mr. Budai was the former Zoning Board Chairman and currently resides at 330 Richmond Avenue in Point Pleasant Beach, New Jersey.

Ms. Widmer explained she would like build a deck on the side and rear of the home. Mr. Budai explained the property is a preexisting non conforming lot. There is an existing encroachment into the side setback. Ms. Widmer proposed a deck on the rear of the home that will come out to the left side of the home. This would allow Ms. Widmer to exit from the door and gain access to the rear of the home. The only other way to gain access to the rear of the home is to go downstairs, come around the back of the home and go upstairs to get access to the deck.

Ms. Strauss asked if there was any access from the house to the deck from the rear of the home. Mr. Budai explained there is another access door but this door would require you to go through the bedrooms to gain access.

Mr. Budai provided pictures of the property. Two pictures of the rear property taken by Ms. Widmer were one sheet of paper and marked at exhibit A1. Mr. Budai provided the Board with 11 copies.

While the Board members were reviewing the photos Ms. DeFalco asked Ms. Widmer if the shed shown on the survey still exists. Ms. Widmer confirmed the shed is still on the property and according to the survey is 10.7 ft by 20.02 ft. in size. Ms. DeFalco asked if there is a permit on file for the shed. Ms. Widmer explained the shed is approximately 20 years old and there should be a permit on file. Ms. DeFalco explained the shed is currently placed to close to the property line. Ms. DeFalco explained she discussed this issue with the Board Attorney and it was decided the shed would be made part of the application. Ms. DeFalco explained same to the Board Members.

Mr. Budai explained Ms. Widmer currently owns lot number 30 and 34. Ms. Strauss asked if there was anything built on the lots. Ms. Widmer replied nothing is built however, on lot 30 there is a driveway which has the right of way.

Chair Leviton and the applicant discuss other structures in seen in the pictures. Ms. Strauss asked for clarification on the first picture showing the house view. Mr. Budai explained the first picture is the side of the home.

Mr. Budai explained the surrounding homes are owned by family.

Chair Leviton opened the meeting to the public for comment or questions on the application. Seeing there were no comments Chair Leviton closed public.

A Motion of Approval for application ZBE1815 was made by Mr. Lilien and Seconded by Ms. Kamen.

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

Application No. ZBE1821

Applicant: Artur & Olga Kucharzyk
Proposal: Construct new two-story single family home
Request: Bulk variance - Undersized lot

Location: 308 Iron Ore Road
Block/Lot: 67/9.05
Zone: RAG

Artur and Olga Kucharzyk are both present and sworn in by Mr. Miller.

Ms. DeFalco gave some background information to the Board on the application. She explained the applicant came to the township for zoning and construction permit to build two additions as seen on the survey. During construction Mr. Kucharzyk razed the dwelling due to termite damage. The applicant is now before the Zoning Board to rebuild the entire home on the preexisting non conforming lot.

Chair Leviton confirmed the home was preexisting and nonconforming. The ordinance allows for an addition to a nonconforming home. However, now that the home has to be rebuilt the application is before the Board.

Ms. DeFalco explained the applicant did meet the setback of the zone but need a variance for the lot requirement.

Ms. Kamen asked how many square feet does the ordinance allow for. Ms. DeFalco explained the lot requirement is 120,000.00 square feet and this lot is 60,000 square feet.

Mr. Rosenthal asked for the square feet of the home that was originally built on the lot. Mr. Kucharzyk stated the original house was approximately 2,200 square feet. The applicant would like to rebuild in the same footprint of the original home.

Mr. Miller asked if the lot was ever subdivided. Ms. DeFalco explained she didn't have that answer. She could look into it. Mr. Miller explained he asked the question regarding a subdivision to clarify the undersized lot was not created by the applicant and this was not a self-created hardship.

Chair Leviton opened the meeting to the public for comment or questions on the application. Seeing there were no comments Chair Leviton closed public.

A Motion of Approval for application ZBE1821 was made by Ms. Strauss and Seconded by Mr. Lilien.

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

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

A motion was made by Mr. Weiss and Seconded by Mr. Cooper at 8:10 PM to allow the Board to conduct a brief closed session to discuss pending litigation.

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

Chair Leviton reopened the meeting from closed session at 8:18 PM with a motion from Mr. Lilien, seconded by Mr. Weiss.

ADJOURNMENT:

A Motion was offered by Mr. Lilien and agreed by all to adjourn the meeting at 8:20 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.