

**MANALAPAN TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REORGANIZATION AND PUBLIC MEETING**

**MINUTES**

**JANUARY 3, 2019**

The Manalapan Township Zoning Board of Adjustment Reorganization meeting was called to order by Acting Recording Secretary, Janice Moench with the reading of the Open Public Meetings Act at 7:30 p.m. and followed with a salute to the flag.

A Motion was offered by Mr. Cooper, Seconded by Mr. Rosenthal to nominate Mr. Stephen Leviton as Acting Chair. All were in favor and none were opposed. The meeting was turned over to Acting Chairman Stephen Leviton.

Acting Chairman Stephen Leviton stated for record the designated newspaper for the 2019 Manalapan Township Zoning Board of Adjustment is the Asbury Park Press.

Mayor Cohen was present to swear in returning and new members.

Mayor Cohen administered the Oaths of Office of Eric Nelson and Robert Gregowicz. After the members were sworn in and joined the dais, Ms. Moench continued with Roll Call of the members:

**ROLL CALL:**

MEMBERS PRESENT: Mollie Kamen, Terry Rosenthal, Larry Cooper, Eric Nelson, Eliot Lilien, Mary Anne Byan, David Schertz, Stephen Leviton, Robert Gregowicz

ABSENT: Adam Weiss

**RESOLUTION APPOINTING ZONING BOARD ATTORNEY**

A Motion was offered by Mr. Schertz, Seconded by Mr. Cooper to nominate and/or appoint The Weiner Law Group, LLP as attorney(s) to the Manalapan Township Zoning Board. Mr. John Miller, Esq. will be in attendance at the meetings. There was no further discussion.

YES: Rosenthal, Cooper, Nelson, Lilien, Byan, Schertz, Gregowicz, Leviton

NO: None

ABSENT: Kamen, Weiss

ABSTAIN: None

The Weiner Law Group, LLC was elected/selected as Attorney to Zoning Board of Adjustment.

**RESOLUTION APPOINTING ZONING BOARD ENGINEER**

A Motion was offered by Mr. Rosenthal, Seconded by Mr. Schertz to nominate and/or appoint CME Associates as Engineer to the Manalapan Township Zoning Board. There was no further discussion.

YES: Rosenthal, Cooper, Nelson, Lilien, Byan, Schertz, Gregowicz, Leviton

NO: None

ABSENT: Kamen, Weiss  
ABSTAIN: None

CME Associates was elected/selected as Engineer to the Manalapan Township Zoning Board of Adjustment.

**RESOLUTION APPOINTING ZONING BOARD PLANNER**

A Motion was offered by Mr. Cooper, Seconded by Mr. Lilien to nominate and/or appoint Leon Avakian, Inc. as Planner to the Manalapan Township Zoning Board of Adjustment. There was no further discussion.

YES: Rosenthal, Cooper, Nelson, Lilien, Byan, Schertz,  
Gregowicz, Leviton  
NO: None  
ABSENT: Kamen, Weiss  
ABSTAIN: None

Leon Avakian was elected/selected as Planner to the Manalapan Township Zoning Board of Adjustment.

*(Ms. Kamen arrived to the meeting at 7:35 PM)*

**RESOLUTION APPOINTING CHAIRPERSON**

A Motion was offered by Mr. Schertz, Seconded by Mr. Cooper to nominate Mr. Stephen Leviton as Zoning Board Chairperson. There were no other nominees. No other discussions or nominations were offered. The nomination was accepted.

YES: Kamen, Rosenthal, Cooper, Nelson, Lilien, Byan,  
Schertz, Gregowicz  
NO: None  
ABSENT: Weiss  
ABSTAIN: Leviton

Mr. Leviton was elected/selected as Chairperson. He assumed the Chair.

**RESOLUTION APPOINTING VICE CHAIRMAN**

A Motion was offered by Chair Leviton, Seconded by Mr. Schertz to nominate Mr. Larry Cooper as Vice Chairperson of the Zoning Board. No other discussion or nominations were offered. The nomination was accepted.

YES: Kamen, Rosenthal, Cooper, Nelson, Lilien, Byan,  
Schertz, Gregowicz, Leviton  
NO: None  
ABSENT: Weiss  
ABSTAIN: None

Mr. Cooper was elected/selected as Vice Chairperson. He assumed the Chair.

**RESOLUTION APPOINTING RECORDING SECRETARY**

A Motion was offered by Chair Leviton, Seconded by Mr. Nelson to nominate Janice Moench as Recording Secretary to the Manalapan Township Zoning Board. No other discussion or nominations were offered.

YES: Kamen, Rosenthal, Cooper, Nelson, Lilien, Byan,  
Schertz, Gregowicz, Leviton  
NO: None

ABSENT: Weiss  
ABSTAIN: None

Ms. Moench was elected/selected as Recording Secretary to the Manalapan Township Zoning Board of Adjustment.

### **RESOLUTION OPEN PUBLIC MEETINGS**

A Motion was offered by Mr. Cooper, Seconded by Mr. Lilien to accept the resolution establishing meeting dates for the Township of Manalapan Zoning Board of Adjustment for the calendar year 2019.

YES: Kamen, Rosenthal, Cooper, Nelson, Lilien, Byan,  
Schertz, Gregowicz, Leviton  
NO: None  
ABSENT: Weiss  
ABSTAIN: None

Professionals were not chosen for a Conflict Planner, Conflict Engineer and Conflict Attorney.

Mr. Miller Swore in Professional Engineer, Brian Boccanfuso and Professional Planner, Jennifer Beahm.

### **MINUTES:**

A Motion was made by Mr. Nelson, Seconded by Mr. Cooper to approve the Minutes of December 6, 2019, as written.

YES: Rosenthal, Cooper, Nelson, Byan, Schertz, Leviton  
NO: None  
ABSENT: Weiss  
ABSTAIN: None  
NOT ELIGIBLE: Kamen, Lilien, Gregowicz

*Chair Leviton acknowledged Mr. Jack McNaboe, Deputy Mayor had entered the proceedings and was present at the hearing.*

### **RESOLUTIONS:**

#### **Memorialization of Approval**

Application No. ZBE1841

Applicant: Heidt

Location: 9 McCaffery Rd; 70/1.06

A Motion was made by Mr. Cooper, Seconded by Mr. Nelson to approve the Resolution of memorialization for Application **ZBE1841**

YES: Cooper, Nelson, Byan, Schertz, Leviton  
NO: None  
ABSENT: Weiss  
ABSTAIN: None  
NOT ELIGIBLE: Kamen, Rosenthal, Lilien, Gregowicz

#### **Memorialization of Approval**

Application No. ZBE1842

Applicant: Ahmed

Location: 12 Conover Ln.; 82/22

A Motion was made by Mr. Schertz, Seconded by Mr. Cooper to approve the Resolution of memorialization for Application **ZBE1842**

YES: Cooper, Nelson, Byan, Schertz, Leviton  
NO: None  
ABSENT: Weiss  
ABSTAIN: None  
NOT ELIGIBLE: Kamen, Rosenthal, Lilien, Gregowicz

Chair Leviton noted on the record, application number ZBE1735 Smith, will be carried to the February 7, 2019 meeting with no further notice to the public. Also application number ZBE1825 Dani will be carried to the January 17, 2019 meeting with no further notice to the public.

### **PUBLIC HEARINGS:**

#### **Application No: ZBE1704-EXT**

Applicant: HESP Solar  
Proposal: Extension of Time  
Request: Extension of time on Prelim & Major Final Site  
Location: 104 Pension Road  
Block/Lot: 1440/68  
Zone: R20

Ms. Grace Chun, Esq. was present on behalf of the applicant HESP Solar. Daniel Grohman, Owner of HESP Solar was sworn in by Mr. Miller.

Mr. Miller explained the applicant was present to seek an Extension of Time. The applicant was granted use variance relief with a preliminary and final site plan. The Board memorialized the resolution of approval in September 2017. A condition set forth in the resolution required the applicant to obtain permits within one year of approval. The deadline would have been September of 2018. Under the Municipal Land Use Law ("MLUL"), the applicant would have two years to gain approvals. Mr. Miller advised the Board can consider a waiver of the condition to the resolution as opposed to an extension of time. Mr. Miller asked Ms. Chun to advised the Board of the application and the circumstances to date.

Ms. Chun explained the project was a ground mounted solar projected located on the grounds of the Pine Brook Rehabilitation Center. The applicant was granted a use variance because the site is located in a residential zone. In November of 2018 the applicant's engineer submitted the resolution of compliance to Mr. Boccanfuso and to date there are a few minor outstanding conditions.

Mr. Boccanfuso explained he was present for the two hearings on this application. Mr. Boccanfuso explained he would have no objection to eliminating and/or modifying the one-year limitation on obtaining the building permit. Mr. Boccanfuso had nothing in his file noting the one-year condition to the resolution. The condition is not consistent with the MLUL. With regard to the application status, the applicant has made several submissions for resolution of compliance. There are six minor technical comments that needed to be addressed and the applicant is close to compliance. Being the applicant is not at compliance yet, there should be no work performed on site. There was a recent complaint logged by a nearby resident that there was some activity on the site. No approvals have been perfected and there are have been no permits obtained. Mr. Boccanfuso advised the applicant there should be no work being done on site until they receive Board approval, plans signed and necessary permits from the Township are obtained.

Ms. Beahm explained she takes no exception to the relief of the waiver for the one year understanding that the applicant has been working towards the resolution of compliance. By the statute the applicant has two years and is one year away from the deadline. If not for the one-year condition in the resolution, the applicant would not be before the Board at this time. As long as the applicant continues to work diligently with

Mr. Boccanfuso to get through the resolution of compliance, Ms. Beahm has no objection to granting the request.

Chair Leviton confirmed with Mr. Miller the two options of the Board. One being the Board can grant the applicant the Extension of Time. The second option would be to grant a waiver for the one-year deadline to obtain permits. Mr. Miller gives further explanation to the Board.

A Motion was made by Mr. Rosenthal and Seconded by Mr. Cooper to grant the waiver for application ZBE1704-EXT.

YES:	Rosenthal, Kamen, Cooper, Nelson, Lilien, Byan, Leviton
NO:	None
ABSENT:	Weiss
ABSTAIN:	None
NOT ELIGIBLE:	Schertz, Gregowicz

Chairman Leviton opened the floor to the public for any non-agenda items. Seeing there were none, the public section of the meeting was closed.

### **ADJOURNMENT:**

A Motion was offered by Mr. Cooper to adjourn the meeting at 7:55 p.m. and was agreed to by all. 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.