

MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, February 20, 2020
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: Mollie Kamen, Terry Rosenthal, Adam Weiss, Stephen Leviton, Eliot Lilien, David Schertz, Robert Gregowicz,

Absent from the meeting: Larry Cooper, Rob DiTota, Basil Mantagas

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

MINUTES:

There were no minutes offered

RESOLUTIONS:

There were not resolutions offered

Chair Leviton recused himself as Chairman due to a conflict of interest. The Vice-Chairman was present. Mr. Rosenthal assumed the role of Chairman.

PUBLIC HEARINGS:

Application No. ZBE1909

Applicant: Elton Point Partnership
Proposal: Office/Warehouse Flex Space
Request: Use Variance
Location: County Road 537
Block/Lot: 84.01/9.03
Zone: SAG 4

Peter Licata, Esq. was present on behalf of the applicant. Mr. Licata explained when the applicant submitted their notices by mail there was a technical deficiency. Service was not properly made on the residents within 200 feet of the subject property. The applicant was unable to proceed with the application. Subject to republication and proper mailings to the public, the application will be on the May 7, 2020 agenda. In the interim, the applicant will have the opportunity to meet with members of the public. This will afford time for the applicant to absorb and respond to the professional reports of the Board Engineer and Planner. The applicant's goal is to submit revised plans based upon the public and professional input.

Mr. Miller explained the Board received a letter from Mr. Licata dated February 18, 2020 extending time for the Board to act and advising of the noticing deficiency.

Mr. Miller reviewed the notice documents and found them to be deficient. The notice did not comply with the Municipal Land Use Law. The Board did not have jurisdiction to hear the application under the law. There was no testimony permitted by the applicant or witnesses, no cross examination by the public and no comments or questions by the Board. Mr. Miller further explained Mr. Licata asked the Board to hear the application at the May 7, 2020 Zoning Board meeting, subject to the applicant providing notice that complies with the Municipal Land Use Law. If the noticing for May 7, 2020 does not comply with the Municipal Land Use Law, the Board would not be able to proceed with the application.

The members of the public on the 200-foot list will receive written notice at least ten days prior to the new meeting date. Mr. Miller explained when the application is placed on the agenda there will be a notice in the municipal building and on the Municipal website. The public is also welcome to contact the Zoning Board Secretary to confirm that the meeting will be going forward.

Mr. Miller reminded the public they have the right to examine the complete application filed by the applicant with the Board Secretary's office during regular business hours. The public will have an opportunity participate once the hearing moves forward and the Board has jurisdiction to hear and decide on the application.

Mr. Miller made recommended the Board make a motion to acknowledge that the applicant will re-notice and the new tentative hearing date, subject to proper notice of the Municipal Land Use law, will be May 7, 2020.

A Motion was by made by Mr. Weiss and Seconded by Mr. Schertz for application ZBE1909 to be on the May 7, 2020 agenda subject to the applicant re-noticing.

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

ADJOURNMENT:

A Motion was offered by Mr. Weiss to adjourn the meeting at 7:40 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.