

**MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, May 2, 2019
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 7:30 PM followed by the salute to the flag.

Roll Call: Janice Moench

In attendance at the meeting: Terry Rosenthal, Larry Cooper, Eric Nelson, Adam Weiss, Mary Anne Byan, David Schertz, Robert Gregowicz, Stephen Leviton

Absent from the meeting: Eliot Lilien

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

MINUTES:

A Motion was made by Mr. Schertz, Seconded by Mr. Weiss to approve the Minutes of **April 4, 2019** as written.

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

RESOLUTIONS:

A Motion was made by Mr. Cooper, Seconded by Mr. Rosenthal to approve the Resolution of memorialization of approval for Application **ZBE1719** **~Anthony Fontana**

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

PUBLIC HEARINGS:

Application No. ZBE1735 *(Carried from 2.7.19)*

Applicant: Katherine C. Smith & Katherine K. Smith
Co-Trustees of the Katherine C. Smith Revocable Trust
Proposal: Single family residential home
Request: Bulk variance
Location: 7 Mill Road
Block/Lot: 82/4
Zone: RAG 4

Mr. Steib, Esq. with an office at 16 Cherry Tree Road, Middletown Township was present on behalf of the applicants. The meeting was continued from February 7, 2019. The applicant has made changes to the plans to reflect the comments made from the Board members and the professionals. The changes include the Floor Area Ratio, reduction in the building size and reconfiguring the driveway access. The changes made to the application eliminate the Building Coverage Variance previously requested. The building coverage is now in compliance.

Mr. John Ploskonka, Professional Engineer from Concept Engineering was previously sworn in at the last meeting. Mr. Ploskonka referred to the plans revised by his office on April 17, 2019 previously submitted to the Board Secretary. Mr. Ploskonka explained the client and the architect worked together to reduce the home from 4,138 sq. ft. to 3,399 sq. ft. Previously the building coverage was exceeded by 12 percent. The revised plan is slightly below 10 percent; therefore, a variance is no longer required. As per Mr. Winckowski's recommendation at the last hearing, the driveway has been moved to the right side of the property for better site distance. The Floor Area Ratio was reduced from 18 percent to 15 percent. The proposed home will still appear to be one story with a walk-out basement in the rear. These changes were made at the recommendations of the Board Planner and Engineer. Mr. Ploskonka reviewed the requested variances:

- area; the lot is a half-acre (4 acres)
- width; 93 ft. where (200 ft.)
- depth 79 ft. where (250 ft.)
- front setback is 27 ft. where (100 ft.)
- side setback is 26 ft. (35 ft.)
- FAR .15 percent (.06)
- Improvable area is 23 sq. ft. (20,000 sq. ft.)
- Diameter is 4.5 (100)

The revised plan no longer requires a building coverage variance. The home was reduced by 700 sq. ft.

Mr. Steib explained that he had nothing further to present for the application. The applicant welcomed questions from the Board.

Chair Leviton explained to the Board Ms. Beahm was not present because she did not feel it was necessary for her to attend. Ms. Beahm asked Chair Leviton to characterize her thoughts for the Board. Chair Leviton explained Ms. Beahm felt the applicant showed a considerable effort and fully endorsed the revised plans.

Mr. Boccanfuso explained he agreed the applicant has made a considerable effort. Full compliance is not feasible on the lot. The reduction is substantial. A variance is still required for FAR, however that is a function of the undersized lot. A house of this size on a conforming lot would be under the FAR requirements in the subsection zone. Mr. Boccanfuso was not present at the last meeting for this application, however he did speak with his colleague Jim Winckowski regarding the proceedings. The driveway realignment is a positive improvement. The revised plan presented an improvement from where the application began. In addition to the variance relief requested there are the following design waivers::

- Steep slope disturbance
- Encroachment into the township stream corridor

Mr. Boccanfuso explained he had no issue with either waiver.

Chair Leviton went to the Board for questions. Ms. Kamen asked the applicant if they would require an elevator for the home. Mr. Ploskonka explained there is a plan for an elevator from the first and second floor and it will be on the architectural plan.

Mr. Boccanfuso explained to Ms. Kamen the applicant would have to comply with the building code. The elevator matter is outside the jurisdiction of the Zoning Board.

Chair Leviton asked if the applicant was considering renting the basement level of the home. Mr. Steib explained the applicant had no intentions of renting the basement level. Chair Leviton asked if the applicant would agree to a condition of the resolution and recording of same. Mr. Steib and Mr. Ploskonka agreed.

Mr. Weiss asked what changes were made to the home to reduce the size. Mr. Ploskonka explained the home was basically squeezed in all directions to make it happen.

Mr. Boccanfuso explained there was an office on the first floor that was eliminated. The kitchen and the great room were reduced in size.

Mr. Cooper asked if there were any issues with the water table. Mr. Boccanfuso explained the applicant will have to meet the two-foot separation requirements. Mr. Boccanfuso stated with the topography of the site he wouldn't expect a water table issue.

Mr. Miller explained one of the proofs necessary for a FAR variance is to show the site can accommodate the FAR above the requirements. Mr. Miller asked Mr. Ploskonka to provide some testimony regarding same. Mr. Ploskonka explained that testimony was given by Mr. Higgins at the last hearing. Mr. Miller explained the testimony would be necessary with the revised numbers. Mr. Ploskonka explained the applicant approached the neighbors on all sides asking to buy property or sell property to them. There was a negative response regarding selling or buying property. Under the conditions of the *Dallmeyer case* the half acre lot must allow something reasonable to be built. Mr. Ploskonka explained the proposed home is reasonably sized for the lot. The proposed home meets the criteria of the zone plan and master plan.

Mr. Miller reviewed the conditions with the Board:

- Meet the requirements for the water table
- The basement area will be livable but not rented out any time
- The applicant will record the resolution at their expense
- The design waivers

Chair Leviton opened the meeting to the public for comment or questions regarding the application. Seeing there were none, Chair Leviton closed public.

A Motion of Approval for Application ZBE1735 was made by Mr. Weiss and Seconded by Ms. Kamen.

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

Application No. ZBE1910

Applicant: Davit Sargsyan & Anna Altunyan
Proposal: Home addition
Request: Bulk variance
Location: 571 Craig Road
Block/Lot: 22.01/6.02
Zone: R20

Mr. Davit Sargsyan of 59 Browning Terrace, Old Bridge, New Jersey was sworn in by Mr. Miller. Mr. Sargsyan explained to the Board he purchased the property in November of 2018 with the intentions of renovating the home. The proposed renovations include a two car garage on the right side of the home. There is an existing driveway on the right side of the home. Because the property is on an angle, the back corner of the proposed garage encroaches to the side setback.

Mr. John Ploskonka, Professional Engineer and Planner of Concept Engineering was sworn in by Mr. Miller. Mr. Ploskonka explained the property is on 571 Craig Road. Mr. Ploskonka referred to the variance sketch dated February 27, 2019 previously submitted with the application and explained in more detail. The applicant had previously met with Ms. Shari Spero, Arborist with the Shade Tree Department prior to removing any trees on the property. Mr. Ploskonka distributed pictures of the site to the Board. The pictures were marked as Exhibit A1 and A2. Exhibit A1 showed the existing house with a temporary electric pole on the front of the property. Exhibit A2 showed the existing house with the neighboring home to the left. Mr. Ploskonka testified that the applicants were proposing to construct a second story addition to the existing single story residential home and upgrade the existing front porch. He stated that the applicants had recently purchased the home and planned to conduct extensive renovations. The proposed improvements would upgrade the home and improve the aesthetics of the neighborhood. Mr. Ploskonka explained that the proposed overhang for the front porch encroaches into the front yard setback.

The proposed architectural plans show a garage on the right side of the home, a finished basement and second story added from the front to the rear. The applicant is requesting two variances. The side yard setback with the addition will be at 6.5 feet, where 15 feet is required. The proposed front yard setback is at 40 feet where 75 foot is required. The applicants plan on taking residency once the addition is completed.

Mr. Rosenthal asked if the driveway is currently unpaved. Mr. Ploskonka said the current driveway is not paved. It is a mixture of stone and dirt.

Ms. Kamen stated she is familiar with the property. She is happy to hear it has been purchased and will be improved. The home was an eyesore.

Mr. Cooper asked if there will be a bathroom in the proposed basement. The applicant explained at this time there are no plans for a bathroom in the basement. However, he had not given it too much thought. The Board discussed the application further to determine the home was built in 1948 and has city water and sewer. There were no further comments from the Board members.

Chair Leviton opened the meeting to the public for comment or questions regarding the application. Seeing there were none, Chair Leviton closed public.

A Motion of Approval for Application ZBE1910 was made by Mr. Weiss and Seconded by Mr. Cooper.

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

Application No. ZBE1914

Applicant: Joseph and Christine DeAngelis
Proposal: Proposed fence in the front/side setback
Request: Bulk variance
Location: 11 Jeanine Court
Block/Lot: 341/6
Zone: R40/20

Joseph DeAngelis and Christine DeAngelis of 11 Jeanine Court were sworn in by Mr. Miller. Mr. DeAngelis explained he purchased the subject property in April 2017. The applicants were in contract for the home during the winter. There was snow on the ground which eluded them to believe there was more property in the rear that they originally thought. Mr. DeAngelis stated the property is an irregularly-shaped lot located on a curve. The side and rear yards of the property are small and the applicants wished to construct a 6-foot-high closed vinyl fence to enclose a portion of the front yard, the

rear and side yards in order to provide safety and security for their children. Mr. DeAngelis testified that he offered to purchase the adjacent lot but that the owner was unwilling to sell the property. The proposed fencing will require front yard setback relief. The fence is proposed at 14 feet from the front setback where 25 feet is required as well as for the 6-foot height proposed, where a maximum height of 4 feet is permitted.

Mr. Nelson explained he visited the site and explained the yard is sloped and dips down. He asked the applicants if they had considered going along the side the end of the driveway to the rear.

Mr. DeAngelis explained he planned to remove all of the large trees on the property and install a swing set in that location.

Mr. Nelson and other Board members expressed concern that the proposed 6-foot-high closed vinyl fence in the front yard setback would block the sight of motorists as they travel around the curve on Jeanine Court in front of the subject property.

The applicants explained he brought three picture exhibits where the Board can see the trees in the picture cause more of an obstruction than a fence ever would:

Exhibit A1- Google Satellite image of Jeanine Court showing the curve of the street.

Exhibit A2- Overhead Google Satellite image of Jeanine Court showing the curve in the road.

Exhibit A3- Two photos taken by the applicant from her vehicle as she was driving around the bend on Jeanine Court.

Ms. DeAngelis testified that the curve around the property is aggressive. The way the bend in the road was designed any driver coming around the bend would need to be cautious.

Mr. Nelson explained his concern for the site around the curve. The site is the reason the ordinance requires a 3-foot fence as opposed to 6 foot.

Ms. DeFalco asked the applicants if they have considered an open fence. Mr. De Angelis explained the closed fence would allow privacy. Ms. DeFalco reminded the applicant they have a 60-foot setback for a 6-foot fence and they are requesting 14 feet.

Ms. Kamen explained she is familiar with the street and she feels 14 feet would not impede on the site. Ms. Kamen suggested the applicant consider an open fence and install shrubbery for privacy.

Mr. Nelson asked Mr. Miller if the Board could suggest a site triangle study to be submitted. Mr. Miller explained the study would be a good recommendation. Mr. Miller explained the proofs that are needed to be satisfied in order to grant the variance and how the study would help in this area.

The Board took a short recess at 8:20 pm to allow the applicants to discuss their application. The Board resumed at 8:27 pm

Mr. DeAngelis confirmed that the fencing in the front yard would be located 24 feet from the front property line. The applicant will install a 6-foot-high closed vinyl fence to enclose portions of the front, rear and side yards of the property. The fence will be located 19 feet north from the front property line and run northeasterly to a point 24 feet from the front property line and the fencing would then extend perpendicularly to the existing driveway.

Mr. Miller reviewed the following bulk variance relief requested to be as follows:

- 19-foot side setback where a 25-foot setback is required
- Construct a 6-foot-high closed fence where 3 foot in height is permitted

Chair Leviton opened the meeting to the public for comment or questions regarding the application. Seeing there were none, Chair Leviton closed public.

A Motion of Approval for Application ZBE1914 was made by Mr. Weiss and Seconded by Mr. Cooper.

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

Chair Leviton opened the meeting to the public. Seeing there were no public for comments, Chair Leviton closed the public portion of the meeting.

ADJOURNMENT:

A Motion was offered by Mr. Cooper and agreed by all to adjourn the meeting at 8:40PM

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.