

MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, October 17, 2019
TOWNSHIP OF MANALAPAN – Courtroom
Manalapan, NJ 07726

Chairman Stephen Leviton called the meeting to order with the reading of the Open Public Meetings Act at 7:30 PM followed by the salute to the flag.

Roll Call: Janice Moench

In attendance at the meeting: Mollie Kamen, Terry Rosenthal, Eric Nelson, Adam Weiss, Eliot Lilien, Stephen Leviton, David Schertz, Robert Gregowicz

Absent from the meeting: Larry Cooper, Adam Weiss, Mary Anne Byan

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

MINUTES:

A Motion was made by Mr. Schertz, Seconded by Mr. Nelson, to approve the Minutes of **October 17, 2019** as written.

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

RESOLUTIONS:

A Motion was made by Mr. Rosenthal, Seconded by Mr. Lilien, to approve the Resolution of memorialization of approval for **Application ZB1934 – Arkadiy Klotz**

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

A Motion was made by Mr. Nelson, Seconded by Mr. Lilien, to approve the Resolution of memorialization of approval for **Application ZB1936 – Deborah Simanek**

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

A Motion was made by Mr. Rosenthal, Seconded by Ms. Kamen, to approve the Resolution of memorialization of approval for **Application ZB1937 – Michael Guidice**

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

A Motion was made by Ms. Kamen, Seconded by Mr. Lilien, to approve the Resolution of memorialization of approval for **Application ZB1938 – Edward Colleton**

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

PUBLIC HEARINGS:

Application No. ZBE1942

Applicant: Pushpaben Patel
Proposal: New Single Family Home
Request: Bulk Variance
Location: McBride Road
Block/Lot: 48/4
Zone: R20

Mr. Miller explained the applicant submitted notice to the Zoning Board Secretary earlier in the day. It was determined there was a deficiency in the notice and the applicant concurred with the findings. The applicant will have to submit a new notice with a new hearing date. Mr. Miller advised the public that if they received written notice, they would receive written notice again with a new hearing date. Anyone present that is not in receipt of a written notice, were advised to check the township website for the rescheduled date. He further advised any member of the public has the right to see Ms. Moench in the Zoning Office to review any portion of the application during regular business hours.

Application No. ZBE1939

Applicant: Paul Khoudary
Proposal: Deck
Request: Bulk Variance (rear setback relief)
Location: 56 E. Parsonage Way
Block/Lot: 6504/105
Zone: GCRC

Paul and Rosemary Khoudary were present and sworn in by Mr. Miller. Mr. Khoudary explained there is an existing 12-year-old deck on the home in disrepair. The applicant is proposing a new deck 12' deep by 14' wide. The current deck is 6' from the dwelling and the applicant is fearful of a fire hazard when using the gas grill on the deck.

The applicant has approval from the Homeowners Association. The property backs to Millhurst Road.

Chair Leviton opened the meeting to the public for questions or comments on this application. There were no members of the public expressing an interest in this application. Chair Leviton closed public.

Mr. Miller asked for clarification. The rear setback in Ms. DeFalco's denial is 17' from the rear property line. The survey submitted by the applicant notes the rear setback to be 18'. Mr. Khoudary explained the deck would be 12' deep from the exterior of the home. It was determined the deck would extend out from the fireplace on the home, making the proposed rear setback 15' and 20' is required.

A Motion of Approval for Application ZBE1939 was made by Ms. Kamen, Seconded by Mr. Rosenthal.

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

Application No. ZBE1941

Applicant: Katherine Seesman
Proposal: Ratify pavers and lamp posts
Request: Bulk Variance (Rear yard setback)
Location: 10 Nottingham Road
Block/Lot: 410/5
Zone: R20

The applicant Katherine Seesman was present and sworn in by Mr. Miller. Ms. Seesman testified she moved into the home three years ago and unaware permits were required for improvements to the property. Ms. Seesman explained she received a letter that a neighbor had filed a complaint regarding the lighting in the rear of the property.

Ms. DeFalco explained a complaint for the lighting in the rear came to the Zoning Office. The Board is unable to grant relief for the lighting, being the lighting is a nuisance to the neighbor. Since the complaint and filing for the variance, Ms. Seesman has obtained an electrical permit and reduced the wattage on the lighting. She was unable to rectify the paver patio. The paver patio is 5' from the property line on one-side and 0' on the other side where 10' is required.

Mr. Miller advised the Board that the lighting would fall under Section 208 of the Code. The lighting would be a property maintenance issue, enforced by the Code Official. The setbacks are within Section 245, the Land Use Ordinance.

Ms. DeFalco clarified there is no setback for the light post itself. The ordinance reads the lighting cannot be a nuisance to a neighbor.

Ms. Seesman clarified items marked on the survey as "removed" with Ms. Kamen. Ms. Seesman testified the rear of the property is shallower in size than the front.

The Board and Ms. DeFalco discuss where the concrete was when the applicant purchased the home and the additional 5' of pavers added.

Prior to the pavers installed, the area consisted of red rock and weeds. The red rocks went up to the property line.

Chair Leviton opened the meeting to the public for questions or comments on this application. There were no members of the public expressing an interest in this application. Chair Leviton closed public.

A Motion of Approval for Application ZBE1941 was made by Mr. Lilien, Seconded by Mr. Rosenthal.

Yes: Kamen, Rosenthal, Lilien, Leviton

No: Nelson, Schertz, Gregowicz
Abstain: None
Absent: Cooper, Weiss, Byan
Not Eligible: None

Application No. ZBE1944

Applicant: Gregg Riina
Proposal: Ratify patio in rear setback
Request: Bulk Variance
Location: 64 Monkton Drive
Block/Lot: 6503/14
Zone: GCRC

Gregg and Jodi Riina were present and sworn in by Mr. Miller. Mr. Riina testified the patio was installed approximately 16 years ago. The landscaper that installed the patio advised the applicant a permit was not required for a flat patio. In July of 2019, the applicants sold the home. During a CCO inspection the Riina's were advised the paver patio was encroaching into the rear setback. The applicant retained approval from the Home Owners Association for the patio.

Ms. DeFalco explained there are no neighbors to the rear, the property has open space behind it.

Chair Leviton opened the meeting to the public for questions or comments on the application. There were no members of the public expressing an interest in this application. Chair Leviton closed public.

A Motion of Approval for Application ZBE1944 was made by Ms. Kamen, Seconded by Mr. Lilien.

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

Chair Leviton and the Board members discuss the future agenda and Board member terms.

Chair Leviton opened the meeting to the public. Being there were no comments Chair Leviton closed public.

ADJOURNMENT:

A Motion was offered by Mr. Schertz, Seconded by Mr. Nelson to adjourn the meeting at 8:15 PM. All were in favor and none 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.