

MANALAPAN ZONING BOARD OF ADJUSTMENT  
MINUTES OF THE REGULAR MEETING  
Thursday, December 3, 2020  
TOWNSHIP OF MANALAPAN  
Manalapan, NJ 07726

PUBLIC MEETING~ HD OFFICE SUITES

DUE COVID-19, IN ACCORDANCE WITH GOVERNOR MURPHY’S EXECUTIVE  
ORDER NO. 103 & 107, THE PUBLIC WAS PERMITTED TO PARTICIPATE IN  
THIS MEETING VIA HD OFFICE SUITES BY ACCESSING THE LINK AND

MEETING ID

<https://meeting.windstream.com/j/1128256169?pwd=amN5ckl0cjBSYmVZNEY5bDB5dDIBUT09>

HD-Office Meeting Number: 112 825 6169 Password: Dec32020

Open Public Meetings Act: Stephen Leviton

Roll Call: Janice Moench

In attendance at the meeting: Mollie Kamen, Terry Rosenthal, Adam Weiss,  
Larry Cooper, Robert Gregowicz, David  
Schertz, Robert DiTota, Basil Mantagas  
Stephen Leviton

Absent from the meeting: Eliot Lilien

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

MINUTES:

A Motion was made by Mr. Cooper, Seconded by Mr. Schertz, to approve the Minutes of **November 5, 2020** as written.

Yes: Kamen, Rosenthal, Weiss, Cooper, Gregowicz, Schertz, DiTota,  
Mantagas, Leviton

No: None

Abstain: None

Absent: Lilien

Not Eligible: None

RESOLUTIONS:

A Motion was made by Ms. Kamen, Seconded by Mr. Rosenthal to approve the Resolution of memorialization for ***Application ZBE2040-Kleyn***

Yes: Kamen, Rosenthal, Weiss, Cooper, Gregowicz,

No: None

Abstain: None

Absent: Lilien

Not Eligible: Schertz, DiTota, Mantagas, Leviton

---

A Motion was made by Mr. Weiss and Seconded by Ms. Kamen to approve the Resolution of memorialization for ***Application ZBE2034-Govil***

Yes: Kamen, Rosenthal, Weiss, Gregowicz, Leviton

No: None

Abstain: None

Absent: Lilien

Not Eligible: Cooper, Schertz, DiTota, Mantagas

---

A Motion was made by Mr. Cooper and Seconded by Mr. Schertz to approve the Resolution of memorialization for **Application ZBE2035-Torrillo**

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

---

**PUBLIC HEARINGS:**

**Application No. ZBE2027**

Applicant: Ronko Developers, Inc.  
 Proposal: Proposed single family home  
 Request: Bulk variances-width/frontage/improvable area  
 Location: 22 Pension Hill Rd  
 Block/Lot: 14.05/60  
 Zone: RTF/TH

Paul Mirabella, Esq. was present to represent the Applicant.

Mr. Mirabella explained the Applicant proposes to construct an approximately 2,500 s.f. two-story single-family residential home. The Applicant was requesting three variances by the Board

Mr. Mirabella called his first witness, Applicant's Engineer and Planner, Marc Leber. Mr. Leber was sworn in by Mr. Miller and the Board accepted his credentials. Mr. Leber introduced and marked two exhibits that he referred to during his testimony:

- A1- Five photos taken of the site earlier in the day
- A2- A color rendering of the site plan that was previously submitted to the Board.

Both hard copy exhibits were provided to the Board Secretary after the virtual meeting for the file.

Mr. Leber testified that the following bulk variance relief was required:

- (1) **§95-5.1A(2)** - Minimum lot width where 64.7 feet is proposed and 85 feet is required;
- (2) **§95.5.1A(2)** - Minimum lot frontage where 65.73 feet is proposed and 85 feet is required; and
- (3) **§95-5.1A(2)** - Minimum diameter where 40 feet is proposed and 50 feet is required.

Mr. Leber then testified that the Applicant performed a freshwater Wetlands Investigation on the property which did not reveal any freshwater wetland areas. Mr. Leber explained that the Applicant had filed an L.O.I. determination application with the NJDEP to verify the results of the investigation. The application is currently pending.

Mr. Leber further testified that the Applicant conducted soil boring on the subject Property. He explained that the soil boring indicated that the seasonal high water table elevation was nine feet below grade and that nine feet was a sufficient depth to permit the construction of the proposed home which would include a cellar. The nine-foot depth complied with Township requirements.

Mr. Leber next stated that the proposed home would advance the purposes of the Municipal Land Use Law because it would promote the general welfare of the neighborhood and that the proposed home would also maintain adequate, light, air and open space on the subject Property. Mr. Leber then explained the variance relief would not result in substantial detriment to the zone plan, zoning ordinance or the public welfare because the new home would eliminate an existing vacant lot in the neighborhood.

Mr. Leber further confirmed that although the lot size is compliant with the ordinance, the Applicant sent Dallmeyer letters (otherwise known as buy/sell letters) to the adjacent property owners and did not receive any responses.

The Applicant agreed to install drywells on the subject Property in accordance with the recommendations contained in the Board Engineer's Variance Plot Plan Review Report and Supplemental Engineering Review Report both dated November 23, 2020.

The Board found the Applicant has satisfied the positive criteria with the following conditions:

1. The development of this site shall take place in strict conformance with the testimony, plans and drawings which have been submitted to the Board.
2. The Applicant shall comply with all recommendations contained in the reports of the Board Engineer's Variance Plot Plan Review Report and Supplemental Engineering Report both dated November 23, 2020.
3. A drywell or recharge system shall be installed to collect surface runoff, subject to the review and approval of the Board Engineer.
4. The Applicant shall submit a revised variance plot plan.
5. The Applicant shall procure the NJDEP L.O.I. Report to confirm the absence of wetlands on the subject Property.

Board members discussed lot coverage and fire hydrants with Mr. Leber.

Ronald Koenig, President and Owner of Ronko Developers was sworn in by Mr. Miller.

Mr. Cooper asked if there was any feedback on purchasing surrounding lots. Mr. Koenig explained the Dallmeyer letters (otherwise known as buy/sell letters) were sent to the adjacent property owners and did not receive any responses.

Chair Leviton opened the meeting to the public for questions or comments on this application.

Mr. Mitchell Elias, of 9 Roxbury Lane expressed concerns about the proposed driveway that would extend into the street and the Right-of-way. Ms. DeFalco, Township Zoning Officer, explained that most driveways in the Township extend into the right-of-way. Mr. Elias then expressed

concern about water draining onto his property from the subject Property. Mr. Leber explained that the Applicant had agreed to install drywells on the subject Property to direct drainage away from all adjacent lots. Mr. Elias then asked what the footprint of the proposed home would be. Mr. Leber explained the footprint of the home in greater detail to Mr. Elias.

There were no other members of the public expressing an interest in this application. Chair Leviton closed public.

A Motion of Approval for Application ZBE2027 was made by Mr. Weiss and Seconded by Mr. Rosenthal

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

---

**Application No: ZBE2038**

Applicant: Joan Miao  
Proposal: Fence street-side setback  
Request: Bulk Variance  
Location: 8 Elisa Court  
Block/Lot: 343/4  
Zone: R20

Applicant Joan Miao was present and sworn in by Mr. Miller. Ms. Miao explained her property is a corner lot that contains frontage along the north side of Elisa Court and the east side of Jeanine Court. The property is located in the R-40/20 Zone.

The Applicant proposes to install a 6-foot high fence along the front, rear and side yards of the property.

Ms. Miao testified she was seeking to install a 6-foot high privacy fence to enclose both the rear and side yards of the property. Ms. Miao explained that the fencing would extend from the front corner of the home to a point of 35 feet from the western side property line and to the eastern side property line. Ms. Miao testified that the fencing would then extend to the rear property line. The Board expressed concern that the privacy fencing would block sight lines from both Jeanine Court and Elisa Court. Ms. Miao then testified that the portion of the fencing fronting Jeanine Court and extending along the front of the home would be open fencing and the remaining fencing would be privacy fencing.

Bulk variance relief was required to permit the 6-foot high fencing to be located in the front yard (along Jeanine Court) where a 35-foot setback was proposed and a 60-foot setback is required. Additional bulk variance relief was also required for the 6-foot high fencing located in the front yard where a maximum 3-foot fence height is permitted.

The Applicant added that the proposed fencing would provide additional safety and security on the subject Property.

Board members expressed concerns regarding an easement in the rear of the property. Ms. DeFalco explained the Applicant has applied and received approval from the Department of Public Works for the fence to be erected in the drainage easement.

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 ZBE2038 was made by Mr. Weiss and Seconded by Mr. Schertz.

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

---

**Application No: ZBE2044**

Applicant: Keith Leto  
 Proposal: Fence street-side setback  
 Request: Bulk Variance  
 Location: 2 Oldwyck Court  
 Block/Lot: 4.02/7  
 Zone: 20PRC

Applicant Keith Leto was present and sworn in by Mr. Miller. Mr. Leto explained his property is a corner lot with frontage along the west side of Wild Turkey Way and along the north side of Oldwyck Court. The property is located in the R-20/PRC (Planned Retirement Community) Zone

The Applicant proposes to install a 6-foot high vinyl privacy fence along the front, rear and side yards of the subject Property. Mr. Leto testified that he was seeking to install a 6-foot high vinyl privacy fence to enclose the front, side and rear yards of the subject Property. Mr. Leto explained that the fencing would extend from the rear westerly corner of the home to a point 25 feet from the western side property line to the rear property line. Mr. Leto further testified that the fencing would then extend along the rear and easterly side property lines to a point 60 feet south of the front property line and then extend to the front easterly corner of the residential home.

Bulk variance relief was required to permit the 6-foot high fencing to be located in the side yard (along Wild Turkey Way) where a 25-foot setback was proposed and a 60-foot setback is required. Bulk variance relief was also required for the 6-foot high fencing located in the front yard where a maximum 3-foot fence height is permitted.

The Applicant testified that the proposed fencing would provide additional safety and security on the property. He added patrons on foot leaving the Wawa nearby use his property as a cut-through. Furthermore, litter from the patrons of Wawa has been a problem on his property as well.

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 ZBE2044 was made by Mr. Weiss and Seconded by Mr. Rosenthal

Yes: Kamen, Rosenthal, Weiss, Gregowicz, Schertz, Leviton  
 No: Cooper

Abstain: None  
Absent: Lilien  
Not Eligible: DiTota, Mantagas,

Chair Leviton opened the meeting to the public for any non-agenda items. Being there were no comments Chair Leviton closed public.

**ADJOURNMENT:**

A Motion was offered by Mr. Cooper to adjourn the meeting at 9:15 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.