

MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, February 4, 2021
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/1114109867?pwd=MkRFUm9WWDridXRBYWNBQmdNNFhvUT09>

HD-Office Meeting Number: 111 410 9867 Password: Feb42021

Open Public Meetings Act: Stephen Leviton

Roll Call: Janice Moench

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

Absent from the meeting: Robert DiTota

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

MINUTES:

A Motion was made by Ms. Kamen, seconded by Mr. Cooper, to approve the Minutes of **January 21, 2021** as written.

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

No: None

Abstain: None

Absent: DiTota,

Not Eligible: None

RESOLUTIONS:

A Motion was made by Mr. Cooper, seconded by Mr. Rosenthal to approve the Resolution of memorialization for **Application ZBE1822 Facility Solutions Group**

Yes: Cooper, Gregowicz, Kamen, Rosenthal, Schertz, Leviton

No: None

Abstain: None

Absent: DiTota

Not Eligible: Weiss, Mantagas

Ms. DeFalco was having experiencing some technical differences. The Board waited for her to attend the meeting with both audio and visual.

PUBLIC HEARINGS:

Application No. ZBE2045

Applicant: Andrew Gritsiuk
Proposal: Proposed driveway/garage/shed-Legitimize pavers and wall
Request: Bulk variances-side yard setback & Building coverage
Location: 17 Manor Dr.
Block/Lot: 1106/10
Zone: R20

Board Attorney John Miller, Esq. swore in the Applicant Andrew Gritsiuk as well as the Applicant's Son Andrew Gritsiuk, Jr. The applicant proposed to construct a garage in the rear yard and a new driveway. The current existing driveway is gravel. The applicant is proposing asphalt.

Mr. Cooper asked the applicant if there was a garage currently on the property. The applicant explained currently there is two-car garage attached the home. Mr. Gritsiuk explained the existing two-car garage is being used for storage. The proposed garage would be utilized to store and charge a Tesla (electric) vehicle.

Mr. Gritsiuk lost connection to the meeting at 7:51 pm. The Board paused and awaited for his return. While the Board was waiting for Mr. Gritsiuk to re-connect, it was agreed to table the application and moved on to the next application.

Mr. Miller explained being the Applicant was having technical difficulties the Board would move on the next application. The Gritsiuk application would be heard later in the evening and the public would then have an opportunity participate.

At 8:05, the Mr. Gritsiuk was able to re-join the meeting and the Board continued to hear the application.

Chair Leviton reminded the Applicant he was still under Oath.

Mr. Cooper asked the Applicant if there was any plumbing proposed for the garage. The Applicant explained there was no plumbing proposed. The Applicant explained he currently has three cars and plans to purchase two Tesla (electric) cars that would need to be stored and charged in the proposed garage.

Mr. Gregowicz asked if the existing gravel driveway would remain and lead to the proposed garage. Mr. Gritsiuk explained the gravel driveway was existing when he purchased the home four years ago. His intention is to have it paved.

Mr. Rosenthal inquired about the other non-conformities listed in the Zoning Officer's denial. The height of the shed and the existing pavers around the pool.

Mr. Gritsiuk explained he purchased the home with the existing pool and pavers.

Mr. Gritsiuk was confused on the violation on the proposed shed. He explained his intent was to keep the height the same as the proposed garage.

Mr. Miller explained the proposed 15- foot height on the shed would require variance relief.

Mr. Gritsiuk's son was explaining the recent developments in more detail. Mr. Gritsiuk explained to the Board that he would prefer the 15-foot height for the proposed shed. The Applicant explained the proposed garage is 15-feet in height he was hoping to keep both heights the same.

Mr. Schertz asked the applicant about reducing the building coverage on the property.

Ms. Kamen inquired about the size of the garage with regard to the electric required for the charging station. Ms. Kamen further discussed the driveways in the neighborhood with Ms. DeFalco.

Chair Leviton felt it was in the Applicants best interest to review the variances he was requesting relief of and understand them fully. Chair Leviton recommended the Applicant carry the application to a later date to come back and present his case again without prejudice. The Applicant agreed.

This application was carried to the April 1, 2021 Zoning Board agenda. Mr. Miller explained to the public that they would have an opportunity to address the Board during the public portion on the April 1st meeting.

Application No. ZBE2047

Applicant: Anthony & Gina Tardogno
Proposal: Legitimize paver patio
Request: Bulk variance-side yard setback
Location: 7 Darby Court
Block/Lot: 1820/6
Zone: R20

Board Attorney John Miller swore in the Applicants Anthony and Gina Tardogno.

Mr. Tardogno explained he had recently applied to the Zoning Office for a pool permit. During the pool permit review the Applicant was advised there was no permit on file for the flat patio installed four years prior. The Applicants explained they were advised by the contractor a permit was not required being it was a paver patio. The patio is currently 5 feet from the side property line where 15 feet is required.

Mr. Cooper asked how long the applicants resided in Manalapan the Tardogno's advised they have lived in Manalapan for the past 20 years. Seven years in the current home. Mr. Cooper confirmed with the applicant they were unaware a zoning permit was required.

Ms. DeFalco explained the Applicant requires side setback relief. The side yard setback requirement is 15 feet where the existing patio is 5 feet from the side yard property line.

Mr. Rosenthal confirmed with the Applicants that there have been no complaints to date with regard to the patio.

Ms. Kamen confirmed with applicants the fence was installed prior to the patio. Ms. DeFalco explained the different setback requirements for a fence as opposed to an accessory structure (paver patio). The fence is permitted to be within the property line. The accessory structure requires a 15-foot setback in the R20 Zone. Ms. Kamen discussed the shape and sloping the property in more detail with the applicants. The property slopes down to the rear and there is a 30-foot wide drainage easement in the rear of the property. Ms. Targogno explained there has not been any water/flooding issues to date.

Mr. Schertz discussed the proposed re-location of shed 8 x 12 foot shed on the property. Ms. DeFalco explained that a shed under 100 square feet would only require a setback of 5 feet to the rear property and 5 feet to the side yard.

Mr. Miller asked the applicant to set forth the relief requested from the Board on the record. Mr. Tardogno explained the current patio is 5 feet from the side property line where 15 feet is required. They further

explained the patio adds to the aesthetics of the property and to the neighborhood.

Chair Leviton opened the meeting to the public for questions or comments on this application. See there were no comments, Chair Leviton closed public portion

A Motion of approval was by made by Mr. Rosenthal and Seconded by Ms. Kamen for application ZBE2047

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

Application No. ZBE2049 (zcco)

Applicant: Lauro Perez
 Proposal: Legitimize addition to principal structure & driveway
 Request: Bulk variance-side yard setback
 Location: 30 Wickatunk Rd
 Block/Lot: 705/39
 Zone: R20

Mr. Weiss recused himself from the application at 8:34 pm by leaving the virtual meeting.

Board Attorney John Miller, Esq. swore in the Applicants Lauro and Yillian Perez.

Mr. Perez explained he was seeking side-yard setback relief for a garage he built in 2017. Mr. Perez explained to the Board he obtained permits from the building department and the permits were closed.

Mr. Gregowicz confirmed with the applicants that they hired a contractor prior to the construction of the garage.

Ms. Kamen asked how the application came before the Board.

Ms. DeFalco explained the Applicant has applied for a ZCCO, which requires a new survey of the home. Upon the zoning review of the new survey, the non-conformity was discovered along with the driveway. The driveway is 4.5 feet from the side property line where 10 feet is required. The garage extension is 47 & 49 feet from the rear yard property line, where 50 feet is required; and 11.5 feet from the side yard property where 15 feet is required. Ms. DeFalco confirmed with the Applicant that the second shed has been removed from the property.

Mr. Rosenthal, reviewed the variance relief requested and had concerns regarding the driveway.

Ms. Perez explained they were having trouble accessing the home via Wickatunk Rd. due to heavy traffic. When they built the garage addition they installed a door in both the front and rear of the garage. This allowed them to use the Heather Drive access for safety.

Ms. DeFalco explained the permit showed the driveway to maintain 10 feet from the side yard. Ms. Perez explained she believed that to be an oversight on their part.

Ms. Perez further testified there is no easement on the property.

Chair Leviton opened the meeting to the public for questions or comments on this application. See there were no comments, Chair Leviton closed public portion

A Motion of approval was by made by Ms. Kamen and Seconded by Mr. Rosenthal for application ZBE2049

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

Application No. ZBE2052 (zcco)

Applicant: Kevin & Maryellen Doyle/Ury Golumenko
 Proposal: Legitimize existing shed
 Request: Bulk variance-side yard setback
 Location: 134 Iron Ore Rd.
 Block/Lot: 682.03
 Zone: RAG

Mr. Weiss rejoined the virtually meeting at 8:50pm.

Board Attorney John Miller, Esq. swore in the Applicants Kevin and Maryellen Doyle.

Mr. Doyle explained he was seeking variance relief for a shed that he rebuilt at a zero lot line. The shed was in the location when the Applicants purchased the home. Mr. Doyle explained he rebuilt the shed because it was deteriorating in the same location it was in when he purchased the home. Mr. Doyle explained the shed has been in this location for a number of years with no objections from either neighbor. He described the property to be rural and irregular in shape.

Chair Leviton confirmed with the applicant the shed required a 30 foot side setback where there is zero.

Ms. DeFalco explained the Applicant was before the Board for the size of the shed in addition to the location. The maximum size for a shed is 12x18 and 10 feet in height whereas the shed is 28x22 and 26 inches in height. Currently there are two sheds located on the property where one is permitted.

Mr. Cooper asked the size of the original shed. The Applicant testified the original shed was approximately 18x20. It is on a concrete pad with no plumbing or electric used for storage.

Mr. Rosenthal confirmed with the applicant he replaced the large shed and added an additional shed in 2004.

Mr. Schertz asked the applicant if they obtained permits for either shed. The Applicant explained they had no knowledge they needed to obtain a permit 16 years prior.

Chair Leviton asked Ms. DeFalco to explain on the 10-year rule. Ms. DeFalco explained to the Board if the Applicant is able to prove that the structure has been in place for over 10 years, the structure can remain with regard to a bulk variance relief. However, being that two sheds are not permitted on the property as per ordinance, the ten-year rule would not apply.

Ms. Kamen commented that if the Board would act favorably on the application, the structure was not be used as an in-law suite or apartment at any time in the future.

Mr. Miller asked the Applicants if they would consent to a condition of the approval to deny every using the shed as livable space. The Applicants both agreed.

Ms. DeFalco asked Mr. Miller, being the Applicants are selling the property could they agree to the condition discussed. Mr. Miller explained they Applicant could agree to the condition because the resolution will run with the land regardless of the homeowner. The final memorialized resolution will be recorded at the Doyle's expense.

Mr. Mantagas asked if the concrete slab was existing. Mr. Doyle confirmed they concrete pad was existing and was replaced.

Chair Leviton asked to clarify how much of the shed is visible to the neighbors. Mr. Doyle testified the one neighbor would be able to see the shed through the trees.

Mr. Weiss confirmed with the Applicant the shed was built in 2004.

Mr. Cooper asked the Applicant if the shed was built on the property. The Applicant explained he built the shed with the help of a contractor friend.

Mr. Rosenthal and Mr. Schertz both expressed concerns with allowing two sheds on the property.

Chair Leviton opened the meeting to the public for questions or comments on this application. See there were no comments, Chair Leviton closed public portion

A Motion of denial was by made by Mr. Cooper and Seconded by Mr. Rosenthal for application ZBE2052

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

Mr. Miller explained if the Board should memorialize the Resolution at the next scheduled meeting the Applicant will need to take the Resolution to the County Hall of Records to be recorded.

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

The Board discussed the pending agenda.

ADJOURNMENT:

A Motion was offered by Mr. Cooper to adjourn the meeting at 9:40 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.