

MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, April 1, 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/1125802253?pwd=M2c2Z1lIS0NMUG5zVHFcbUw4UGxQZz09>

HD-Office Meeting Number: **112 580 2253** Password: **April12021**

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, Rob DiTota, Basil Mantagas, Stephen Leviton

Absent from the meeting: None

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

MINUTES:

A Motion was made by Mr. Weiss, seconded by Mr. Schertz, to approve the Minutes of **March 4, 2021** as written.

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

No: None

Abstain: None

Absent: None

Not Eligible: Kamen, DiTota

RESOLUTIONS:

A Motion was made by Mr. Weiss, seconded by Mr. Gregowicz to approve the Resolution of memorialization for **Application ZBE2054 Milazzo**

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

A Motion was made by Mr. Weiss, seconded by Mr. Schertz to approve the Resolution of memorialization for **Application ZBE2055 Canqialosi**

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

A Motion was made by Mr. Weiss, seconded by Mr. Rosenthal to approve the Resolution of memorialization for **Application ZBE2101 Shalika**

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

PUBLIC HEARINGS:

Application No. ZBE2045 (carried from 2.4.21)

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

Board Attorney John Miller, Esq. advised the Applicant Andrew Gritsiuk is remains under oath from the February 4, 202 meeting. Mr. Miller sworn

in John Ploskonka, P.E., P.P, the Applicant's Engineer and Planner who was present to provide testimony.

The Applicant proposed to construct a 35 foot x 24 foot x 15-foot one-story detached garage in the rear yard of the property, legitimize the existing side-yard paver patio, side yard retaining wall and driveway.

Mr. Ploskonka, explained to the Board the Applicant contracted his services shortly after the last meeting in February. Mr. Ploskonka testified the first step taken was a new survey of the property in order to provide a variance plan. Originally, the Applicant had proposed a new shed and garage resulting in 18 % building coverage. The Applicant has since eliminated the shed reducing the building coverage to 16.5%. The Applicant purchased the home in 2004 with the patio and retaining walls pre-existing.

Mr. Ploskonka further testified the Applicant proposed to construct a new 35 foot x 24 foot x 15 foot (height) detached three-car garage in the rear of the subject Property. He testified that four licensed motorists currently reside in the existing home with five motor vehicles. Mr. Ploskonka stated the Applicant needed additional space to store the five motor vehicles. He explained that the Applicant proposed to install electric, to charge an electric car, in the garage but would not extend plumbing or running water. He then testified that a boat and jet skis are currently stored in the existing driveway, which would be removed.

Mr. Ploskonka further testified that bulk variance relief was also required to legitimize the following:

- 1) The existing side yard paver patio where a 10-foot side yard setback is required and a zero front setback exists
- 2) A side yard retaining wall where the maximum permitted height is 3 feet and a 5-foot height exists
- 3) The existing driveway where a 10-foot side yard setback is required and a 3-foot setback exists. He added that the Applicant proposed to install a paved/paver driveway to replace the stone of the existing driveway.

The Applicant then testified that the proposed garage would enhance the aesthetics of the subject Property.

Chair Leviton opened the meeting for Board Member comments and questions.

Mr. Schertz confirmed the pool and the patio were pre-existing when the Applicant purchased the home in 2004. The Applicant confirmed.

Mr. Cooper discussed the crushed stone driveway and setbacks with Ms. DeFalco. Mr. Ploskonka testified the driveway would be use pavers or paved

Mr. Weiss discussed the reduction in the building coverage with Ms. DeFalco.

Ms. Kamen explained she was appreciative of the Applicant reducing the building coverage in an effort to comply with the ordinance.

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

Mr. Joseph D 'Agosta of 15 Manor Drive was present and sworn in by Mr. Miller. Mr. D 'Agosta asked if the height of the garage, 15 feet would require a variance. Ms. DeFalco explained no variance would be required for the height. Mr. D 'Agosta stated he had no objection.

Chair Leviton Closed public.

A Motion of approval was by made by Mr. Rosenthal and Seconded by Ms. Kamen for application ZBE2045

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

Application No. ZBE2059

Applicant: Jay & Emily Murray
Proposal: Proposed addition
Request: rear yard setback & Building coverage
Location: 14 Tiffany Court
Block/Lot: 2213/9
Zone: R20

Board Attorney John Miller, Esq. swore in the Applicants Jay and Emily Murray.

The Applicants propose to construct a 735 square foot two-story attached addition to the existing home in the front and side yards of the Property. The Applicants further propose to install a front yard covered porch and rear yard patio on the Property.

The Applicant, Emily Murray, testified that she needed additional space in the existing residential home to house her twin special needs adult children who have moved back into the home during the recent pandemic. Ms. Murray explained that the first floor of the addition would contain two bedrooms, a family room and new handicapped bathroom. She further testified that the second floor of the proposed addition would contain a new workout room, a new quiet room and a new craft room.

The Applicant, Jay Murray, then testified that the relief required to permit the new home addition would be as follows:

- a 48 foot, 8 inch front yard setback was proposed, and a 50 foot setback is required;
- a 55 foot, 9 inch rear yard setback is proposed where a 60 foot rear yard setback is required;
- Building coverage of 17.9% is proposed where a maximum building coverage is permitted.

Ms. Murray explained that the property is undersized and irregular in shape like a “pie.

Ms. Murray added they were granted variance approval by the Zoning Board in 2003. The Applicants made the decisions for their sons to reside in a group home shortly after the approval. Therefore, they did not move ahead with the construction within the one-year timeframe and the variance was no longer valid.

Chair Leviton opened the meeting for Board Member comments and questions.

Mr. Cooper asked Ms. DeFalco if a two-family home was permitted. Ms. DeFalco explained two-family homes are not permitted. The Applicants are proposing a single family home with an addition. There is no separate entrance or kitchens proposed.

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

A Motion of approval was by made by Mr. Weiss and Seconded by Ms. Kamen for application ZBE2059

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

Application No. ZBE2058

Applicant: Scott Klein

Proposal: Legitimize pool patio; proposed pavilion & pool patio extension

Request: rear/side setback relief

Location: 1 Plainridge Court

Block/Lot: 19/24.18

Zone: RE

Both Chairman Leviton and Vice Chairman Cooper explained they have a conflict with the Klein Application and would need to recuse themselves. Chair Leviton and Vice Chairman Cooper signed off and left the meeting for the evening at 8:30 pm.

A Motion to nominate Mr. Weiss as Temporary Chairman for the Klein Application ZBE2058 was made by Mr. DiTota and Seconded by Mr. Rosenthal.

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

Board Attorney John Miller, Esq. swore in the Applicant, Scott Klein.

The Applicant proposed to install a 20 foot x 18 foot x 15 foot open pavilion in the rear yard of the property. The Applicant further proposed to construct a paver patio to be installed between an existing concrete patio that surrounds an existing in-ground swimming pool and the residential home. The Applicant also proposed to legitimize the existing concrete patio, which surrounds the existing in-ground swimming pool, and remove a portion of that concrete patio which would be replaced by pavers. The proposed pavilion would be installed on the new section of

paver patio. The Applicant further proposed to legitimize an existing concrete patio, which encroaches the side setback.

Mr. Klein testified he had recently received approval from the Township Committee with regard to the driveway and rear patio located in the Township Drainage easement. These improvements were made by the previous owner of the home and were inherited by the Applicant in 2009.

Mr. Klein testified that he proposed to construct an 18 foot x 20 foot x 15 foot open pavilion to be located on both a portion of the existing concrete patio surrounding the in-ground pool and a 10-foot by 18-foot section of the concrete patio that would be replaced by pavers. Mr. Klein then explained that he wished to legitimize the existing concrete patio located in the side yard and another existing concrete patio surrounding the in-ground swimming pool in the rear yard of the Property. He explained that the improvements proposed to be legitimized existed on the property at the time he purchased in 2009.

Mr. Klein then testified that bulk variance relief was required to permit the installation of the pavilion where a 2-foot rear setback was proposed and a 10-foot setback is required. Mr. Klein explained to the Board that his wife would need the pavilion for shade after being diagnosed with skin cancer.

The Board and the Applicant agreed to locate the proposed pavilion 5 feet from the rear yard setback.

The Applicant further testified that bulk variance relief was also required to legitimize the following:

- Existing concrete patio where a 5 foot, 6-inch setback exists and a 10-foot side setback is required.
- Encroachment of the existing concrete patio surrounding the in-ground swimming pool where a 1-foot rear yard setback exists and a 10-foot rear yard setback is required.

Mr. Klein testified that the Property is bordered by large established trees, which block his neighbors' view. The Applicant explained the adjacent property to the rear is vacant land owned by the Township of Manalapan.

Acting Chair Weiss opened the meeting for Board Member comments and questions.

Mr. Mantagas asked Mr. Klein if he considered reducing the size of the Gazebo. Mr. Klein said he would have to discuss the pavilion size with his contractor and work with the town.

Mr. Rosenthal also mentioned reducing the size of the pavilion.

Ms. Kamen asked Mr. Klein if the pavilion would be prefabricated or custom. Mr. Klein explained originally he was proposing a prefabricated pavilion but also explored the option of a custom-built pavilion, depending on the outcome of the hearing.

Acting Chair Weiss explained the size of the pavilion in the application before the board is 18 X 20.

Mr. Miller explained the position of the Board in more detail to the Board members and Acting Chairman.

Ms. Kamen confirmed with Mr. Klein the proposed structure is to be fully opened and not enclosed with a screen or partial wall. Mr. Klein confirmed same.

Mr. DiTota recommends modifying the pavilion to be more in compliance with the setback requirements of the zone.

Ms. DeFalco and the Board members discussed some recommendations for the proposed application to be more in compliance. Ms. DeFalco explained the Board should make a recommendation on the setback that would be acceptable to the Board not necessarily the size of the pavilion.

Mr. Miller and Ms. DeFalco recommended the Board to have a discussion prior to making a motion.

Mr. Mantagas recommended a 5-foot setback and the Board members agreed.

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

A Motion of approval was by made by Mr. DiTota and Seconded by Mr. Mantagas, for application ZBE2058

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

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

There was no other business to be discussed.

ADJOURNMENT:

A Motion for adjournment was offered by Ms. Kamen to adjourn the meeting at 9:00 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.