

MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, November 4, 2021
TOWNSHIP OF MANALAPAN
Manalapan, NJ 07726
PUBLIC MEETING~ HD OFFICE SUITES

Open Public Meetings Act: Stephen Leviton

Roll Call: Janice Moench

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

Absent from the meeting: Mollie Kamen, Robert DiTota, Joshua Shalika

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

Mr. Rosenthal entered the proceedings at 7:54 PM

MINUTES:

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

Yes: Gregowicz, Schertz, DiTota, Mantagas, Leviton
No: None
Abstain: None
Absent: Kamen, Rosenthal (late), DiTota, Shalika
Not Eligible: Kamen, Weiss,

RESOLUTIONS:

A Motion was made by Mr. Weiss, seconded by Mr. Schertz, to approve the Resolution of memorialization for **Application ZBE2108~Dr. Courey**

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

A Motion was made by Mr. Weiss, seconded by Mr. Gregowicz to approve the Resolution of memorialization for **Application ZBE2140~Weintraub**

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

PUBLIC HEARINGS:**Application No. ZBE2134****Applicant: Daniel Moran**

Proposal: Detached garage & Fence-setback relief

Request: Bulk variance

Location: 144 Iron Ore Rd.

Block/Lot: 68/3.02

Zone: RAG

The Applicant Daniel Moran was present and sworn in by Mr. Miller.

The Applicant proposes to construct a 24 foot x 24 foot x 16 foot, 10-inch one-story detached garage in the front yard and fencing to enclose a portion of the two front yards along Mount Vernon and the rear yard of the property. Mr. Moran explained the hardship to his land being he has three front-yards to his corner lot. The property is located on a corner lot with the three front yards; Iron Ore, Mount Vernon Rd (East) and Mount Vernon (South). Mr. Moran further testified the proposed six foot fence would enclose the portion of the property that he considers the rear, where the back door is facing. Mr. Moran explained after speaking with Ms. DeFalco and Ms. Moench at the Zoning office he decided to reposition the garage to face Iron Ore Road in an effort to reduce additional variance relief.

Chair Leviton opened the meeting to the Board members for questions or comments.

Mr. Cooper asked Mr. Moran if he considered moving the garage closer to a conforming location. Mr. Moran explained that after repositioning the garage to avoid additional variances, he would be unable to find another location and maintain the minimum 10-foot setback requirement from the newly installed septic system, as per the Health Department. Mr. Cooper asked the Applicant what height variance on the detached garage was needed. Mr. Moran explained in order to have the interior height he would like, it would require an additional 4.5 feet due to the support beams needed to frame the structure. The proposed garage would house vehicles and additional lawn equipment. Mr. Cooper asked Mr. Moran if he had an oversized truck. Mr. Moran explained he does not have an oversized truck at this time he may have one in the future. He would like the additional height inside for when he would have the truck up on a lift to complete work on the vehicle.

Mr. Gregowicz confirmed with Mr. Moran the 9' setback would be on the Mr. Vernon side and the space between the home and the garage would be 36 feet.

Mr. Mantagas asked what type of electric would be in the garage. Mr. Moran explained there would be one light with one light switch and there would be no plumbing.

Mr. Miller confirmed the height variance relief to be 16' 10" where 15 feet is permitted. The front yard setback relief of 100' is permitted where 41' is proposed on the Iron Ore street. 90' on the street side of Mt. Vernon Rd. where 9' is proposed. The fence height permitted is 3' where 6' is proposed. Mr. Moran testified the fencing was to enhance safety and security on the property and to provide an enclosed outdoor area for his dog.

The following bulk variance relief was requested:

- Minimum setback requirement for detached accessory structure is 100' where 41' is proposed; 90' on street side where 9' is proposed
- Maximum height permitted for an accessory structure is 15' where 16 feet 10" is proposed
- Maximum fence height is 3' where 6' is proposed

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

A Motion of denial was by made by Mr. Cooper, Seconded by Mr. Gregowicz, for application ZBE2134

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

The Application was approved.

Application No. ZBE2138

Applicant: Ruth Aung
Proposal: Addition-setback relief
Request: Bulk variance
Location: 33 Tamarack Dr.
Block/Lot: 705/17
Zone: R20

Ms. Ruth Aung was present and sworn in by Mr. Miller. Ms. Aung explained to the Board she is seeking variance relief for a proposed two-story addition to the property. The lower level is a proposed two-car garage and the upper level will be a master bedroom and bathroom. The property is located on the corner of Willow Grove Way and Tamarack Drive. Being the property is located on a corner there are two front yards. The variance relief requested for the addition on the Willow Grove Way side will encroach into the 75' setback. Additionally there is a concrete pad located on the opposite side-yard of Ms. Aung to legitimize. This pad was present when Ms. Aung purchased the property two months prior. The concrete pad is located 10' from the side-yard property line where 15' is required.

Chair Leviton opened the meeting to the Board members for questions or comments.

Mr. Cooper asked the Applicant if she intended to move in additional family into the addition. Ms. Aung explained she purchased the home two months prior. The property currently has a one-car garage that is narrow and small. She would be unable to park her car inside. The Applicant further explained they are proposing a two-car garage to house their cars. Mr. Aung is an Emergency Room Physician. He will need to have his car free of any snow or ice when called into work at the hospital.

Ms. DeFalco and Mr. Cooper discussed the variances requested.

Mr. Rosenthal explained he had audio difficulties in the beginning of the application, therefore he will not be voting on the application.

Mr. Miller confirmed with Ms. Aung that the proposed driveway from the proposed addition to Willow Grove Drive and the existing driveway on Tamarack Drive. Mr. Miller confirmed with Ms. DeFalco variance relief would not be needed for the proposed driveway. Ms. DeFalco testified Ms. Aung will be required to complete a Road Opening application because of the curb cut in the right of way. Ms. DeFalco further testified corner properties are typically 150' wide where this property is 109' wide. The property narrows in the rear.

The following bulk variance relief was requested:

- Minimum setback requirement for the proposed two-story addition is 75' where 55' is proposed
- Maximum side yard setback is 15' where 16 feet where 10' is existing for a concrete pad (off the enclosed porch)

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

Julie Esner, of 28 Willow Grove Way was present to address the Board regarding this application. Mr. Miller swore in Ms. Esner. Ms. Esner expressed concerns about the proposed addition. Ms. Esner explained the Applicant's proposal to use the small existing garage as living space and install a two-car garage would not be aesthetically pleasing to the neighborhood. Ms. Esner explained there are no other homes in the neighborhood with a circular driveway. Ms. Esner also expressed concern for two driveways and increased traffic.

Chair Leviton explained to Ms. Esner her input is appreciated. The Board needs to consider if the proofs satisfy the negative criteria and impact the master plan and a detriment to the neighborhood.

Richard Esner, of 28 Willow Grove Way was present and sworn in by Mr. Miller. Mr. Esner expressed concern with the proposed driveway on an upgrade from his property. This area currently has drainage issues when there is heavy rain and the nearest sewer is a house and half-away.

Mr. Miller suggested the Board allow Ms. Aung be allowed to respond to the comments from the public.

Ms. Aung explained the reason they opted not to build the addition on the Tamarack side is due to setback relief. In designing the proposed addition, the goal in mind was to keep the variance relief to a minimum.

Mr. Miller asked Ms. Esner what additional traffic she was referring to with regard to the proposed driveway. Ms. Esner explained it is not additional traffic. She has difficulty when exiting her driveway due to the bend that is in the road. Additionally, there will be a new development built down the road soon that will increase the traffic. Installing a new driveway will create additional traffic. Mr. Miller confirmed with Ms. Esner her concern was the addition and that the driveway will increase the traffic. Ms. Esner responded yes because the Applicant will have three more cars adding to the traffic.

Mr. Miller confirmed with Ms. Aung that she is not proposing a circular driveway. The proposal is to have one driveway to the new garage on Willow Grove Way. Mr. Miller had no further questions.

Chair Leviton explained to Mr. Miller although the proposed driveway is shown on the survey, the driveway is not part of the Application and does not require variance relief.

Chair Leviton closed public. There was another member of the public wishing to speak. Therefore, Chair Leviton re-opened public.

Charles Kalos, of 30 Willow Grove Way was present and sworn in by Mr. Miller. Mr. Kalos moved here 15 years ago and completed research regarding 100-year flood plain. There is a 100-year flood plain behind his home. Mr. Kalos explained he likes it because it is nature. A natural swale runs from Tamarack and Highland. Mr. Kalos expressed concerns about flooding, adding more square footage of home is unacceptable, and it is not necessary. Mr. Kalos also expressed concern regarding aesthetics. Mr. Kalos has no issue with the shed.

Ms. Aung explained the shed is not encroaching into the setback there is an existing patio with a small encroachment. This was on the property when she purchased the home.

Chair Leviton explained to the public that the Municipal Land Use Law sets provisions to guide the Zoning Board of Adjustment. The Applicant entered her evidence to support her positive proofs. There are two prongs to the negative proofs; one being the negative cannot allow a substantial detriment to the public good. The Board has to consider the impact to the surrounding properties and the neighborhood in general.

Chair Leviton closed the public portion

Chair Leviton opened to meeting up to the Board for any further discussion.

Mr. Weiss asked Ms. DeFalco for feedback regarding the additional coverage and run off. Ms. DeFalco explained the Township Engineer does not review additions. Ms. DeFalco explained if the Board would like a report from the Township Engineer the Board can request the Applicant submit a grading plan. Mr. Weiss confirmed he thought that would be the best idea. Ms. DeFalco explained the Applicant could submit a grading plan to the Township Engineer and if she should receive an approval, then come back to the Board for variance relief.

Mr. Miller explained the Board could ask the Applicant to submit a grading plan to the Township Engineer as a condition of approval.

Chair Leviton explained to Mr. Weiss that he did not feel there was a need for the grading plan being there is no substantial amount of impervious coverage proposed. It is a garage and a bedroom above. There is a 100 year flood plain in the area and drainage problem existing.

Mr. Weiss disagreed respectfully and expressed it was best to err on the side of caution to request the report prior to any building taking place.

Mr. Gregowicz expressed concern about the proposed two-story addition having a negative impact on the traffic driving westbound on Willow Grove Way. Mr. Gregowicz additionally expressed concern on the site

triangle located on the corner of Willow Grove Way and Tamarack. Mr. Gregowicz explained a two-story structure close to the road might affect site lines if there were to be a double-parked cars, cars speeding and pedestrians walking.

Ms. DeFalco explained the site triangle is 35 feet so there would be no impact on site.

Mr. Mantagas asked the Applicant if she had considered widening the original driveway on the Tamarack side instead of a proposed driveway on the Willow Brook side. Ms. Aung explained the new driveway will be facing the Willow Grove Way and if the addition were to be on the Tamarack side additional variance relief will be required.

The Board carried the application to the January 6, 2022 to allow Ms. Aung to either revise her plan or provide a grading plan.

Mr. Miller advised the public that Application number ZBE2138 has not be completed and will be carried to the January 6, 2022 Zoning Board agenda held virtually without further notice to the public.

Mr. Weiss recused himself for the Roche Application and signed off the virtual meeting.

Application No. ZBE2139

Applicant: William Roche
Proposal: Detached garage-depth
Request: Bulk variance
Location: 33 Church Lane
Block/Lot: 21/2
Zone: RT

Mr. William Roche and Robyn Roche were present and sworn in by Mr. Miller. Ms. Roche, testified that she proposed to construct a new 24' (width) x 35' (depth) detached two-door garage the property. Ms. Roche further explained that the variance relief was necessary because construction of a compliant garage would encroach into the side yard setback. The proposed garage will be more aesthetically pleasing and will not require setback relief. Ms. Roche explained the garage would house collectible cars and keep the driveway clean.

The following bulk variance relief was requested:

- A private detached garage shall not exceed 35 feet in width x 24 feet in depth whereas the proposed garage will would be 24 feet in width x 35 feet in depth

Chair Leviton opened the meeting to the Board for questions and discussion.

Mr. Cooper asked the applicant if there would be a lift installed in the garage. Mr. Roche confirmed there would be no lift. Mr. Cooper asked if he would work on the cars in the garage. Mr. Roche explained he does not have the vehicles yet so he is not completely sure what he will be "tinkering" with. Mr. Cooper asked if this was a business. Mr. Roche explained he does not have a car business this is a hobby. Mr. Cooper asked if there is any way for the garage to be built to regulation. Ms. Roche explained if it were built to regulation, the aesthetics would be awful. Mr. Roche explained the garage would then encroach into the setback and relief would be required.

Mr. Mantagas confirmed with the Applicant the existing driveway will remain.

Mr. Rosenthal confirmed the permitted depth and width are reversed, he has no issues with this application.

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

A Motion of Approval was by made by Mr. Rosenthal, Seconded by Mr. Mantagas, for application ZBE2139

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

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 upcoming League of Municipalities and the desire for virtual meeting format to remain.

ADJOURNMENT:

A Motion was offered by Mr. Schertz 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.