

**MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REORGANIZATION MEETING
Thursday, January 6, 2022
TOWNSHIP OF MANALAPAN
Manalapan, NJ 07726**

PUBLIC MEETING~ HD OFFICE SUITES

The Manalapan Township Zoning Board of Adjustment Reorganization meeting was called to order by Acting Recording Secretary, Ms. Janice Moench with the reading of the Open Public Meetings Act at 7:30 PM. Ms. Moench stated the designated newspaper for the 2022 Manalapan Township Zoning Board of Adjustment is the Asbury Park Press.

A Motion was offered by Mr. Cooper and Seconded by Mr. Rosenthal to nominate Mr. Stephen Leviton as Chairman. All were in favor and none were opposed. The meeting was then turned over to Chairman Leviton.

Mayor Cohen administered the Oaths of Office to reappoint David Schertz and Robert DiTota. Mr. DiTota was appointed to a fulltime Board Member; Mr. Joseph Iantosca was appointed as an Alternate Member. Mr. Mantagas was re-appointed as an alternate member however, he was unable to attend the meeting. Mr. Mantagas will be sworn in at the January 20, 2022 Zoning Board meeting. Ms. Moench called the roll call for the Board.

ROLL CALL:

MEMBERS PRESENT: Larry Cooper, Robert Gregowicz, Robert DiTota
Terry Rosenthal, David Schertz, Joshua Shalika,
Joseph Iantosca, Stephen Leviton

ABSENT: Adam Weiss, Basil Mantagas

RESOLUTION APPOINTING CHAIRPERSON

A Motion was offered by Mr. Cooper, Seconded by Mr. Schertz to nominate Mr. Stephen Leviton as Zoning Board Chairperson. There were no other nominees. No other discussions or nominations were offered. The nomination was accepted.

YES: Cooper, Gregowicz, DiTota, Rosenthal, Schertz,
Shalika, Iantosca

NO: None

ABSENT: Weiss, Mantagas

ABSTAIN: None

Mr. Leviton was elected/selected as Chairperson and assumed the Chair.

RESOLUTION APPOINTING RECORDING SECRETARY

A Motion was offered by Chair Leviton, Seconded by Mr. Cooper to nominate Ms. Janice Moench as Recording Secretary to the Manalapan Township Zoning Board. No other discussion or nominations were offered.

YES: Cooper, Gregowicz, DiTota, Rosenthal, Schertz,
Shalika, Iantosca, Leviton

NO: None

ABSENT: Weiss, Mantagas

ABSTAIN: None

Ms. Moench was elected/selected as Recording Secretary to the Manalapan Township Zoning Board of Adjustment.

RESOLUTION APPOINTING VICE CHAIRMAN

A Motion was offered by Chair Leviton, Seconded by Mr. Schertz to nominate Mr. Larry Copper as Vice Chairperson of the Zoning Board. No other discussion or nominations were offered. The nomination was accepted.

YES: Cooper, Gregowicz, DiTota, Rosenthal, Schertz,
Shalika, Iantosca, Leviton
NO: None
ABSENT: Weiss, Mantagas
ABSTAIN: None

Mr. Cooper was elected/selected as Vice Chairperson. He assumed the Chair.

RESOLUTION OPEN PUBLIC MEETING DATES

A Motion was offered by Mr. Cooper, Seconded by Mr. DiTota to accept the resolution establishing meeting dates for the Township of Manalapan Zoning Board of Adjustment for the calendar year 2022.

YES: Cooper, Gregowicz, DiTota, Rosenthal, Schertz,
Shalika, Iantosca, Leviton
NO: None
ABSENT: Weiss, Mantagas
ABSTAIN: None

RESOLUTION APPOINTING ZONING BOARD ATTORNEY

A Motion was offered by Mr. Rosenthal, Seconded by Mr. Shalika to nominate and/or appoint The Weiner Law Group, LLP as attorney(s) to the Manalapan Township Zoning Board. Mr. John Miller, Esq. will be in attendance at the meetings. There was no further discussion.

YES: Cooper, Gregowicz, DiTota, Rosenthal, Schertz,
Shalika, Iantosca, Leviton
NO: None
ABSENT: Weiss, Mantagas
ABSTAIN: None

The Weiner Law Group, LLC was elected/selected as Attorney to Zoning Board of Adjustment.

RESOLUTION APPOINTING ZONING BOARD ENGINEER

A Motion was offered by Mr. Cooper, Seconded by Mr. Gregowicz to nominate and/or appoint CME Associates as Engineer to the Manalapan Township Zoning Board. There was no further discussion.

YES: Cooper, Gregowicz, DiTota, Rosenthal, Schertz,
Shalika, Iantosca, Leviton
NO: None
ABSENT: Weiss, Mantagas
ABSTAIN: None

CME Associates was elected/selected as Engineer to the Manalapan Township Zoning Board of Adjustment.

RESOLUTION APPOINTING ZONING BOARD PLANNER

A Motion was offered by Mr. Cooper, Seconded by Mr. Shalika to nominate and/or appoint Leon Avakian, Inc. as Planner to the Manalapan Township Zoning Board of Adjustment. There was no further discussion.

YES: Cooper, Gregowicz, DiTota, Rosenthal, Schertz, Shalika, Iantosca, Leviton
NO: None
ABSENT: Weiss, Mantagas
ABSTAIN: None

Leon Avakian was elected/selected as Planner to the Manalapan Township Zoning Board of Adjustment.

Professionals were not chosen for a Conflict Planner, Conflict Engineer and Conflict Attorney.

Mr. Miller Swore in Professional Engineer, Brian Boccanfuso and Professional Planner, Ms. Beahm

MINUTES:

A Motion was made by Mr. Cooper, Seconded by Mr. Schertz to approve the Minutes of December 16, 2021 as written.

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

RESOLUTIONS:

Memorialization of Approval

Application No. ZBE2124

Applicant: MB2 Development, LLC

Location: 7 Conmack Ln.~ B/L: 20/8.02

A Motion was made by Mr. DiTota Seconded by Mr. Cooper to approve the Resolution of memorialization for Application **ZBE2124**.

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

PUBLIC HEARINGS:

Application No. ZBE2138 (Carried to 2.3.22)

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

Extended Time for Board to Act

Chair Leviton announced the above application would be carried to the January 20, 2022 Zoning Board meeting date. Board Attorney John Miller clarified there would be no further notice to the public.

Application No. ZBE2147

Applicant: Dawn Roccaro
Proposal: Proposed deck, patio, fireplace & outdoor kitchen
Request: Bulk Variance
Location: 68 East Parsonage Way
Block/Lot: 6504/99
Zone: GCRC

Board Must Act By: 2.17.2022

Ms. Dawn Roccaro and her contractor Justin Tal were present and sworn in by Mr. Miller. Ms. Roccaro introduced herself and explained she has resided in Manalapan for 15 years. Ms. Roccaro explained she has wanted to install a patio and deck since she took residency.

Mr. Tal testified that Ms. Roccaro has been a longtime client of his. Ms. Roccaro's background in interior design together with Mr. Tal's background in exterior design and landscape allowed them to design a backyard for the Applicant that took two years to perfect. Mr. Tal testified the Applicant had a new survey along with a topographical survey completed on June 22, 2021. Mr. Mark Leber of East Point Engineering designed a deck and variance (plot) plan. The plan was submitted with the application. The plan shows setbacks, topography and grading. The Applicant is asking for a 5' setback for the proposed patio where a 10' setback is required. The Applicant is also seeking relief for the deck of a 15' setback where a 20' setback is required. In addition, the proposed improvements will bring the property over by 1 percent on impervious coverage. Mr. Tal testified the Applicant has secured ("HOA") Home Owners Association approval. Mr. Tal further explained to the Board that there are no homes located behind the Applicant. The property backs up to the golf course and there is a lightly wooded buffer. Mr. Tal explained to the Board the proposed plan calls for the removal of the 14' x 10' existing deck and replace it with a 14' x 15' deck. The increase in square footage will allow space for a table and chairs along with a safe passage up and down the stairs. The proposed paver patio is on grade. Also proposed is a sitting wall with water features, and 6' tall non-permanent portable fireplace with an outdoor kitchen. Most of the landscaping is existing. There is landscape lighting proposed that will be facing the Applicant's home and will not disturb any neighboring properties. Mr. Tal installed similar patios at both 72 and 84 East Parsonage Way that required variance relief. The proposal does provide aesthetic beauty, privacy and be an will be an improvement to the community. The proposed improvement will improve the lifestyle of the Applicant and her family. There is no detriment resulting from the proposed improvement. There will be no trees removed and there will be no negative impact in drainage. The improvement is not visible from the roadway. The existing deck provided by the builder is in disrepair and needs to be replace.

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

Mr. Cooper questioned the UL on the lighting and asked Mr. Tal to provide further documentation. Mr. Tal explained there was a picture provided to the Board with the package of the paver cap light. Mr. Tal explained, Mr. Ed Reed Electrical Sub-Code Official, will be conduct a review at time of permit review. Mr. Tal explained he would supply Ms. Moench with the Wall Light technical spec sheet after the meeting. Mr. Cooper explained he was no happy with Mr. Tal's response. Mr. Cooper wanted to see picture of it and the UL approval.

Mr. Miller asked Mr. Tal if he is representing that the paver cap will have a UL number and be in compliance. Mr. Tal confirmed and advised it will be inspected by the Township electrical inspector as part of the permit process. Mr. Miller asked Mr. Tal, if he was willing to provide all documentation should the Board approve the Application. Mr. Tal confirmed he would send over the information after the meeting.

Ms. DeFalco advised Mr. Tal to send the information to Ms. Moench and she will distribute the information accordingly. Ms. DeFalco explained the permit will be reviewed by the Electrical Sub-Code Official and should the documentation not meet the code or standards it would be rejected.

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. Schertz, Seconded by Mr. Gregowicz for application ZBE2147.

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

Application No. ZBE2119

Applicant: Benjamin & Amanda Colyer
Proposal: Legitimize driveway, concrete pad & patio
Request: Bulk Variance
Location: 43 Pease Rd.
Block/Lot: 1505/44
Zone: R20

Benjamin and Amanda Colyer were present and sworn in by Board Attorney John Miller, Esq.

Ms. Colyer testified they purchased the home in 2016. At that time, she signed off on the certificate of occupancy committing to repair the driveway. The roots from the mature trees had caused the driveway to be very "bumpy". Ms. Colyer further explained that in 2019 they had the entire driveway repaved with no expansion. In doing some research, Ms. Colyer found that sometime between 1985 and 2007 the driveway was expanded from a one-lane driveway with one entrance on Pease Road to a single driveway with a loop and a second entrance on Pease Road. In 2014, there was an approval for the shed, concrete pad and patio using a 2007 survey.

Chair Leviton asked Ms. DeFalco if she took exception to the survey that legitimized the patio, shed and concrete pad. Ms. DeFalco explained with the new ZCCO program, the Township Committee put in place an ordinance that allows the non-conforming to remain in place if it has been in for 10 years or more. The only time an affidavit is not accepted to allow this non-conformity is if it is outside the property lines. The affidavit states the improvement may remain as is however, when it is replaced you will need to conform to the current zoning or apply for a variance.

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

Mr. Rosenthal explained that if the improvements have remained for over 10 years, he has no comments.

Chair Leviton explained the applicants are here to legitimize.

Mr. Schertz clarified the applicants were legitimizing the driveway, concrete and the patio that had been in place since they moved in.

Mr. Gregowicz clarified with the applicants that in 2016 the township did not advise them that the driveway was non-conforming.

Ms. DeFalco explained that in 2016 zoning was not involved in the CCO process. The inspector was addressing the driveway from a safety standpoint in the building department according to the residential housing code.

Mr. Cooper asked about run-off from the driveway onto the neighboring property. Ms. Colyer explained the entire side of the home is an easement for the run-off. There are no drainage issues.

Chair Leviton and the Applicants discussed the high amount of traffic on Pease Rd. making it difficult to back out of the driveway without the loop.

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

Mr. Miller asked applicants if the repaving of the driveway in 2019 improved the safety. Mr. Colyer stated it improved the safety immensely.

A Motion of approval was made by Mr. Gregowicz, Seconded by Mr. Rosenthal for application ZBE2119.

YES:	Cooper, Gregowicz, DiTota, Rosenthal, Schertz, Iantosca, Shalika, Leviton
NO:	None
ABSENT:	Weiss, Mantagas
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.

Mr. Miller advised the Board was served with a summons and complaint by Yum and Chill, TB Holdings. He will advise the Board accordingly as to the litigation.

ADJOURNMENT:

A Motion was offered by Mr. Cooper to adjourn the meeting at 8:30 PM. and was agreed to by all. None were opposed.

Respectfully Submitted,

Janice Moench
Recording Secretary

RECORDINGS OF THE ZONING BOARD OF ADJUSTMENT ARE AVAILABLE FOR REVIEW IN THE PLANNING/ZONING BOARD OFFICE BY APPOINTMENT.