

MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, December 16, 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, Robert DiTota, Basil Mantagas, Joshua Shalika, Stephen Leviton

Absent from the meeting: Mollie Kamen, Adam Weiss

Also, present John Miller, Zoning Board Attorney
Jennifer Beahm, Board Planner
Brian Boccanfuso, Board Engineer
Nancy DeFalco, Zoning Officer
Janice Moench, Recording Secretary

MINUTES:

A Motion was made by Mr. Cooper, Seconded by Mr. Mantagas, to approve the Minutes of **December 2, 2021** as written.

Yes: Cooper, Gregowicz, Rosenthal, Schertz, DiTota, Mantagas, Shalika, Leviton

No: None

Abstain: None

Absent: Kamen, Weiss

Not Eligible: Kamen, DiTota

RESOLUTIONS:

A Motion was made by Mr. Rosenthal, Seconded by Mr. Schertz, to approve the Resolution of memorialization for **Application ZBE2141~Fisher**

Yes: Rosenthal, Schertz, Mantagas, Shalika, Leviton

No: None

Abstain: None

Absent: Kamen, Weiss

Not Eligible: Cooper, Kamen, Gregowicz, DiTota

A Motion was made by Mr. Schertz, Seconded by Mr. Mantagas to approve the Resolution of memorialization for **Application ZBE2143~Jivani**

Yes: Rosenthal, Schertz, Mantagas, Shalika, Leviton

No: None

Abstain: None

Absent: Kamen, Weiss

Not Eligible: Cooper, Kamen, Gregowicz, DiTota

A Motion was made by Mr. Cooper, Seconded by Mr. Rosenthal to approve the Resolution of memorialization for **Application ZBE2145~Haber**

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

PUBLIC HEARINGS:

Application No. ZBE2107

Applicant: David's Lawn & Landscape Design
Proposal: Minor Site Plan to implement the approved use variance
Request: Minor Site Plan w/ Bulk Variance Relief
Location: 146 Daum Road
Block/Lot: 70/25.06
Zone: R-AG4

Board Attorney, John Miller explained to the Board that Application No. ZBE2107 will not be heard. Mr. Miller advised he has been in contact with Mr. Eastman, the Applicant's attorney and the Applicant wishes to file for amended site plan. The Applicant also wishes to file for a waiver for the bifurcated use variance. Specifically, condition number four of the use variance granted by the Zoning Board in 2019. The Applicant will re-notice the public for all of the relief they seek with a new date to appear before the Board. Mr. Miller further advised the Board that Mr. Eastman sent a letter to the Board Secretary, Janice Moench earlier in the day. Mr. Miller read the letter into the record as follows:

"May this serve to confirm that my client respectfully requests that he be permitted to file an amended site plan, seeking relief for the waiver of Condition four of the Bifurcated Use Variance Resolution and renote for the relief referenced herein for a future Zoning Board meeting. Kindly reschedule this matter for the February 3, 2022 (virtual hearing) so that the application may be heard."

Mr. Miller advised the public that they would receive a new notice prior to the Applicant appearing before the Board.

Board Attorney, John Miller swore in Professional Planner, Jennifer Beahm.

Application No. ZBE2146

Applicant: MB2 Development LLC
Proposal: New Single Family Dwelling
Request: Bulk variance w/ FAR
Location: 7 Conmack Lane
Block/Lot: 20/8
Zone: R4020

Mr. Salvatore Alfieri, Jr. of Cleary, Giacobbe, & Jacobs, LLC appeared on behalf of the Applicant. Mr. Alfieri explained the application is for an existing vacant single family lot from a previous sub-division approval. The proposed application is to construct a single family home that requires Floor Area Ratio ("FAR") relief. Prior to testimony, Mr. Alfieri clarified the Applicant submitted hard copies of the design that included a crawl space. When the PDF version of the plan was submitted, it was incorrect, and included a basement. The Applicant will proceed with the hard copy plan that includes a crawl space. There is no basement included in the plan.

Ms. Beahm provided some history on the site prior to the application being heard. The site was part of a subdivision that took place in 2007. The approval in 2007 included the area, frontage, improvable area, width and radius. In addition the side-yard variance relief was granted at 12' and 15'. The proposed application is reducing the footprint to eliminate the front yard setbacks, improve both side yard setbacks and go up a second story instead of the original ranch design. This has now increased the FAR from the .095 to .13. The home is modest in size. If the lot were 40,000 sf, what the zone allows, a 3,800 sf home would be permitted. The proposed home is approximately 2,600 sf.

Mr. Alfieri agreed with Ms. Beahm's summary.

Mr. Alfieri called his first witness, Nicholas Graviano, PP. Mr. Miller swore in Mr. Graviano and the Board accepted his credentials. Mr. Graviano explained the Applicant was present to request FAR variance relief of .135 where .095 is permitted. The parcel is located between Gordons Corner Road and Taylors Mills Road. The lot is 20,000 sf. located in the R40/20 Zone. The home will be set back 80' from Conmack Lane. There is not front setback variance relief requested and the rear yard will be 122'. The proposed home is a four bedroom, three and half bath, two story, single-family home with a two-car garage. The living space is approximately 2700 sf. Mr. Graviano referred and shared the plot plan that was previously submitted with the application. Mr. Graviano noted there is a 20 ft drive and the home is consistent with other homes in the area. Mr. Graviano then shared the architectural plans and noted the home will have a crawl space. The first floor is an open floor plan consisting of a kitchen, family room, dining room and living room with access to the two-car garage. The second floor will consist of a master bedroom with a master bath. A main hall bathroom with three smaller bedrooms and a full bathroom. The home is keeping with what a modern homebuyer looks for. Mr. Graviano further testified the Board has the power to grant the FAR variance in particular cases with special reasons. The Board's focus should be on whether or not the site can accommodate any potential problems associated with the proposed development. Mr. Graviano further explained for FAR variance relief the Applicant does not need to show the property is particularly suited for the development. The applicant must show that the variance relief can be granted with showing that there is no substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. In terms of the positive criteria, the application enhances Purpose A and Purpose G. Lastly, it helps promote a desirable visual environment. The Applicant is improving previous variance relief granted. Mr. Graviano summarized that the application advances the positive criteria and creates no substantial impairment to the zone plan.

Ms. Beahm agreed with the testimony provided.

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

Mr. Rosenthal inquired about the surrounding properties. Ms. Beahm explained the home is consistent with others in the area.

Mr. Schertz inquired if the crawl space is accessible from inside the dwelling. Mr. Graviano confirmed the crawl space would be accessible from the exterior only.

Mr. Cooper inquired as to if there would be a sump pump. Mr. Alfieri confirmed the proposal would include a sump pump.

Mr. Mantagas inquired as to the height of the crawl space. Mr. Graviano confirmed the crawl space would be approximately 3' in height.

Chair Leviton opened the meeting to the public for questions or comments on this application. Seeing there were none, Chair Leviton closed public.

A Motion of Approval was by made by Mr. Cooper, Seconded by Mr. Gregowicz, for Application **ZBE2146 ~ MB2 Development LLC**

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

Chair Leviton opened the meeting to the public for questions or comments regarding any non-agenda items. Seeing there were none, Chair Leviton closed public

The Board discussed the upcoming holiday dinner.

ADJOURNMENT:

A Motion was offered by Mr. Cooper to adjourn the meeting at 8:00 PM. All were in favor and none opposed.

Respectfully Submitted,

Janice Moench
Recording Secretary

A RECORDING OF THE ZONING BOARD OF ADJUSTMENT IS AVAILABLE FOR REVIEW, IN THE PLANNING/ZONING BOARD OFFICE BY APPOINTMENT.