

MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, February 3, 2022
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 Robert DiTota, Terry Rosenthal, David Schertz, Adam Weiss, Joshua Shalika, Stephen Leviton

Absent from the meeting: Basil Mantagas, Joseph Iantosca

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

MINUTES: There were no minutes offered.

RESOLUTIONS: There were no resolutions offered.

PUBLIC HEARINGS:

Application No. ZBE2107 (Carried to 4.7.22)

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

Mr. Miller advised the Board that this Applicant was before the Board for a bifurcated use variance in 2019. The Applicant is returning for site plan. Earlier this week the Applicant advised they wished to carry the application to March 3, 2022. However, the Applicant's attorney sent an email to Ms. Moench, late afternoon today, requesting an adjournment to April 7, 2022. Mr. Miller further advised there would be no further notice given to the public.

Mr. Schertz joined the meeting at 7:40pm

Mr. Miller swore in Mr. Boccanfuso, Engineer for Manalapan Township Zoning Board of Adjustment.

Application No. ZBE2138 (carried from 11.4.21)

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

Chair Leviton explained this application was originally heard and carried from November 4, 2021. At the last meeting The Board asked Ms. Aung to come back with a drainage report or an amended plan on the addition. Chair Leviton explained Mr. DiTota was present for the meeting however, he was unable to vote on the application. Mr. DiTota was not in attendance for the initial meeting on November 4, 2022.

Mr. John Ploskonka, PP, PE was sworn in by Mr. Miller. The Board accepted his credentials. Mr. Ploskonka provided a report in response to the last Board meeting. Mr. Ploskonka explained, at the prior meeting there was question as to whether or not there was a drainage issue in front of the property and if an increase in building size of approximately 1600 sf of impervious surface would have a negative impact on the drainage on Willow Grove Way. Mr. Ploskonka referred to the Monmouth County aerial map and explained all of the Holiday North development drained to Willow Brook Way. The portion on the west side, which is 44 acres, drains to the location of Willow Grove Way and Tamarack Drive. There is almost two million square footage of drainage area coming down every time it rains. When you compare 44 acres to the proposed 1600 sf addition, it is miniscule. The proposed addition will have no bearing on the current drainage issue. Mr. Ploskonka mentioned the township might want to ensure the system is maintained. When Mr. Ploskonka was out at the site, there was an abundance of leaves in the catch basin preventing the water from draining. Mr. Ploskonka also suggested a study of the pipes to ensure they can handle the drainage. Mr. Ploskonka referenced the CME Engineering report to the Board where Mr. Boccanfuso suggested not putting in curbing as well as ensuring the roof drains are draining into the grass. Mr. Ploskonka referred to the "Good Neighbor Policies" that the Applicant will comply with; however, they will have no impact on the drainage.

Mr. Boccanfuso explained that he takes no exception to Mr. Ploskonka's testimony and report. The 1600 sf of impervious coverage contains the addition as well as the proposed driveway. The driveway does not require any variance relief. The applicant is requesting setback relief for the addition on the Willow Grove side. Without the addition, the Applicant would not be before the Board. They would obtain a permit and perform the work. Mr. Boccanfuso explained, with the driveway and proposed addition, in his opinion from an engineering standpoint the associated drainage impact is imperceptible. As part of the preparation for this meeting Mr. Boccanfuso spoke to the Public Works Director, Alan Spector. Mr. Spector confirmed the drainage issue is a combination of the drainage going to one large area as well as backed up inlets with leaves, sticks and debris. This comes from the residents in the area not bagging their leaves. The Public Works Department cleans the inlets periodically, however they are unable to clean every inlet all of the time in town. There are thousands of inlets. In summary the drainage issues in the area are due to maintenance, not a result of underground piping and the proposed improvements would not have any impact on the conditions.

Ms. DeFalco agreed with all of Mr. Boccanfuso's points made.

Mr. Cooper explained to Mr. Boccanfuso that he would like to know what could be done to alleviate the homeowners concerns about drainage. Mr. Boccanfuso explained that clogged inlets have no bearing on this application and is not in the Board's jurisdiction to solve. From a practical standpoint, Mr. Boccanfuso suggested cooperation from the residents regarding maintenance (leaf bagging) would help to remedy the

situation. Mr. Boccanfuso suggested the residents contact the Department of Public for further assistance in the matter to see how to improve the current drainage conditions.

Mr. Gregowicz asked the applicant if there were any reductions in size made to the proposed plan. Ms. Aung explained the plan has no changes.

Mr. Weiss asked Mr. Boccanfuso for further explanation regarding driveway crowns as indicated in his report. Mr. Boccanfuso stated for the record that he takes no exception to the Board imposing no restrictions to the variance should there be an approval. Mr. Boccanfuso and Mr. Weiss discussed the driveway crowns and cross-pitch in further detail and how it affects run off. There was further discussion that removing a portion of the existing driveway and adding the new driveway will reduce the net increase. Mr. Boccanfuso explained to Mr. Weiss, as he and Mr. Ploskonka stated earlier, all of the impervious area is draining into the same existing area. Mr. Weiss explained he is sad to hear that there were no changes made to the proposed plans in light of the comments from the public at the last hearing.

Mr. Schertz stated that in light of the testimony from Mr. Boccanfuso and the questions raised by Mr. Weiss, he would recommend a condition that the driveway be cross-pitched to mitigate the run off.

Chair Leviton gave his view on the application. He stated when the township engineer explained that the proposed addition would have an imperceptible impact on a problem that currently exists; he does not see a need to impose conditions to the proposed addition that would make it more problematic for the Applicants. Chair Leviton further stated that he did not feel the negative criteria is in jeopardy. Based on the testimony from the township engineer and Mr. Ploskonka, there will be no substantial negative impact on the community at large. Chair Leviton asked the Board to have discussion.

Mr. Cooper recommended the driveway to be pitched.

Mr. Miller states after hearing the recommendation from Mr. Schertz and Mr. Cooper he advised The Board that if they wish to ask Mr. Ploskonka if their client agrees to pitching the driveway it is in the Board's purview to do so.

Chair Leviton agreed and asked Mr. Ploskonka to consult with his client regarding the pitching.

Mr. Weiss made a recommended a prohibition on any Belgium blocks or curbing that will keep the water on the driveway. He states the Belgium block will restrict the water run-off in respect to the pitching. Mr. Boccanfuso further explained the Applicant could install periodic depressions that would allow the water to flow out into the yard. Chair Leviton explained, the curbing is moot because, as stated by the professionals the proposed addition does not exasperate the current drainage issue.

Mr. DiTota explained if the engineers feel that there is no issue then he in supports that.

Mr. Gregowicz explained he is satisfied with the testimony regarding the run-off. His main concern is the setback relief. Mr. Gregowicz not comfortable with the proposed addition at 55 ft. as opposed to the 75 ft.

setback requirement. There was no changes made to the proposed plan from the last meeting.

Mr. Rosenthal asked the Applicants what the use would be for the existing driveway.

Ms. Aung explained the existing driveway on Tamarack Drive would be used for friends and guests to park their cars. The proposed driveway would be used to access the proposed garage.

Mr. Rosenthal was satisfied with the response from the Applicant.

Mr. Ploskonka testified as he stated in is testimony earlier, that he reviewed Mr. Boccanfuso's report. Even though there is no reason to do any additional drainage consideration, the Applicant has agreed to pitch the driveway, eliminate curbing and place the drainage from the new addition into the lawn. They agreed not to have the drainage run down the driveway. This is a good neighbor policy. With regard to the setbacks, every other development in the R20 zone has a 60 ft minimum setback, Holiday North is 75 ft from the filed maps.

Mr. Miller put on the record the following; the Applicant is requesting bulk setback relief of 55 ft where 75 ft is required. The Applicant has agreed not to install curbing on the new driveway, pitch/crown the driveway and drainage from the addition to go into the lawn.

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

Mr. Miller advised as to the legal reasons on why the public can only comment or question the testimony entered into the record this evening and not from the previous meeting.

Richard Esner, of 28 Willow Grove Way was present and sworn in by Mr. Miller. Mr. Esner explained he is concerned with the run-off. The water comes down Tamarack Drive to Willow Grove Way in the opposite direction. Run-off coming down the driveway will not go uphill. The run-off will not go to the sewer. Mr. Esner testified he does not understand how the proposed addition will help the drainage situation.

Mr. Charles Kalos, of 30 Willow Grove was present and sworn in by Mr. Miller. Mr. Kalos asked if the increased angle of the proposed driveway was analyzed.

Mr. Ploskonka explained the driveway would be perpendicular to the garage going straight in. The water from the house drains that way now.

Mr. Boccanfuso explained the change in slope. It is not known if the proposed garage will be at the same elevation as the existing garage. It could be lower and keep the slope the same. Even if the foundation of the proposed addition increased the pitch slightly, it would not increase the run-off. It may slightly increase the rate of the run-off although the increase in rate would be minimal. The amount of the run-off would be the same so the pitch of the driveway would not matter.

Mr. Kalos asked if the slope was a safety issue.

Mr. Boccanfuso testified in his opinion the proposed slope that is less than eight percent. Well within the acceptable range for a driveway.

Mr. Kalos testified opening up another driveway is making a change to the neighborhood. He is not in favor of the negative changes to the neighborhood.

Chair Leviton closed public portion

A Motion of approval was by made by Mr. Shalika, Seconded by Mr. Rosenthal for application ZBE2138.

YES:	Rosenthal, Shalika, Leviton, Leviton
NO:	Gregowicz, Weiss
ABSENT:	Mantagas, Iantosca
ABSTAIN:	Cooper, Schertz
NOT ELIGIBLE:	DiTota

Mr. Miller advised that an Answer has been filed on the pending litigation. The firm is awaiting on a briefing schedule from the courts.

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

ADJOURNMENT:

A Motion was offered by Mr. Weiss to adjourn the meeting at 8:35 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.