

MANALAPAN ZONING BOARD OF ADJUSTMENT  
**MINUTES OF THE REGULAR MEETING**  
**Thursday, April 21, 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, Basil Mantagas, Stephen Leviton

Absent from the meeting: Joshua Shalika, Joseph Iantosca

Also, present Dustin Glass, Esq., Zoning Board Attorney  
Nancy DeFalco, Zoning Officer  
Janice Moench, Recording Secretary

**MINUTES:**

A Motion was made by Mr. Schertz, Seconded by Mr. Gregowicz to approve the Minutes of April 7, 2022 as written.

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

**RESOLUTIONS:**

**Memorialization of Approval**

Application No. ZBE1917

Applicant: Englishtown Business Park (Ambe Holding)

Location: Freehold Rd. & McGellairds Crossing ~ B/L 20/70-74 & B/L:  
2013/1 & 2

A Motion was made by Mr. Gregowicz, Seconded by Mr. Weiss to approve the Resolution of memorialization for Application ZBE1917

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

**PUBLIC HEARINGS:**

**Application No. ZBE2205**

**Applicant:** Mudassir Tufail  
**Proposal:** Addition-rear setback relief  
**Request:** Bulk variance  
**Location:** 14 Springhouse Circle  
**Block/Lot:** 66.01/70  
**Zone:** CDM

Mr. Mudassir Tufail was present and sworn in by Board Attorney, Justin Glass, Esq.

Mr. Tufail explained to the Board he is in need of a home office. Due to the recent Covid-19 outbreak, his employment is no longer located outside the home. Mr. Mudassir is proposing a 12' x 15' addition to the rear of the home for a home office. The proposed addition will require a rear setback relief of 2'. The minimum rear yard setback for a principal structure in the CD-M zone is 25' whereas 23' is proposed.

Chair Leviton opened the meeting to the Board members for questions and comments. Mr. Cooper asked the applicant to advise on the type of business he would be conducting from the home. The Applicant advised Citigroup employs him, in the Information Technology department ("IT"). There would be no other persons coming or going from the home office. The office would be a home office only. Mr. Cooper asked if the plans were drawn up by an architect. The Applicant confirmed an architect drew up the plans and discovered the encroachment. The Applicant explained he is requesting the variance relief because if the proposed addition were to be conforming it would create a space more like a "tunnel" and not wide enough for a desk.

Mr. Mantagas confirmed the dimensions of the proposed addition with the Applicant to be 12' x 15'.

Mr. Weiss confirmed with the Applicant that he noticed his neighbors within a 200 ft radius of the dwelling.

No other Board members had comments or concerns.

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

Dustin Glass, Esq. explained the noticing was reviewed by his office for jurisdictional purposes. The noticing was found to be sufficient for the Board to hear and decide the matter. Mr. Glass explained this application fits the C2 variance requested. Mr. Glass reviewed the positive and negative proofs required by the Applicant. Mr. Glass asked that the Applicant provide further testimony on how the variance requested would benefit the community and how it will not be a detriment.

The Applicant agreed the addition would be an improvement to the aesthetics of the neighborhood.

Chair Leviton asked if the Applicant had HOA approval in order for the proposed addition. Mr. Tufail confirmed the HOA approval was submitted to the Zoning Office.

Zoning Officer, Ms. DeFalco stated the addition is 15' x 12' however there is a bay window. Ms. DeFalco asked for clarification if the addition would come out past the 12'.

Mr. Glass swore in Mr. Gary Segal, Architect and Professional Planner and the Board accepted his credentials. Mr. Segal wanted to clarify the proposed addition will lose 6 inches of useable space inside due to the thickness of the wall. The floor stops at the bay window sill. The floor does not advance to the contour of the window. The bay window projects two feet from the wall for a 10 foot width with a windowsill that is approximately 22 inches.

Chair Leviton asked Mr. Segal, which purposes of the MLUL would be advanced as a result of this project. Mr. Segal explained he familiarized himself with the surrounding properties. The proportion of the addition and the design aesthetics are enhancing the flatness of the wall on the existing home. Mr. Segal explained, to his knowledge, the extension of 2' from the bay window would not infringe on the setback because it does not include floor area. There is no detriment to the neighboring properties.

Mr. Glass explained section K and E were two of the purposes advanced by this application.

Mr. Cooper and Mr. Segal discussed the proposed addition in more detail. It was determined the Applicant will be keeping the existing back wall of the existing house.

A Motion of approval was by made by Mr. DiTota, Seconded by Mr. Weiss for application ZBE2205.

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

**Application No. ZBE2206**

**Applicant:** John & Susan Agosta  
**Proposal:** Front setback relief- Legitimize pool deck  
**Request:** Bulk variance  
**Location:** 114 Old Queens Blvd  
**Block/Lot:** 1402/7  
**Zone:** R20

Mr. Joseph Agosta and Susan Agosta were present and sworn in by Mr. Glass.

Mr. Agosta explained to the Board that he would like to change the curb appeal of his home that has been the same since 1965. Furthermore, the Applicants are proposing to change the roofline and extend the front door to allow for more space in the entrance way. Upon entry of the home you immediately have to go up or down a flight of steps. Mr. Agosta explained his proposal includes bringing the front door 3' closer to the street.

Ms. DeFalco explained the R20 zone has a front yard setback is 60'. However, there are some areas of the zone with a 75' setback. Old Queens Blvd has 75' setback.

The Applicants and Ms. DeFalco discussed the relief requested. The Applicant is requesting front setback relief of 5.5' from the front setback.

The new roofline will be located at 69.5' from the front property line, where 75' is required.

Chair Leviton asked the Applicants to provide testimony on the pool decking that was discovered in the Zoning Officer's review of the file.

Mr. Agosta explained when he had the pool installed it was located within the proper setbacks. Mr. Agosta stated he was not aware the decking around the pool was required to be 10' from the property line as well. The decking is 6' from the side property line where 10' is required.

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

Mr. Cooper confirmed with the Applicant that there was no permit for the deck around the pool.

Mr. Rosenthal and the Applicant discussed the front porch and front door in more detail and confirmed the current situation is a hazard.

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

Mr. Glass explained the variance would classify as C2 variance. The Applicant must demonstrate that purposes of the MLUL are being advanced by the Application. The application should benefit the community as a whole and not the applicant as an individual. The Applicant must also show there is no substantial detriment to the zoning ordinance. Mr. Glass asked the Applicant for additional testimony regarding these proofs.

The Applicant discussed with Chair Leviton that the proposed improvement would aesthetically improve the neighborhood and there would be no substantial detriment as a result of the addition.

A Motion of approval was by made by Mr. Weiss, Seconded by Mr. Gregowicz for application ZBE2206.

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

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

Ms. DeFalco and Mr. Glass discussed the virtual meeting and the in-person meeting noticing in more detail.

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**ADJOURNMENT:**

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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.