

MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, March 21, 2023
TOWNSHIP OF MANALAPAN
Manalapan, NJ 07726
Public In-Person Meeting

Chairman Leviton called the meeting to order with the reading of the Open Public Meetings Act at 7:30 p.m., followed by the salute to the flag.

Board Secretary, Janice Moench, took the roll call of the Board

In attendance at the meeting: Robert Gregowicz, Michael Wechsler, David Schertz, Joshua Shalika, Basil Mantagas, Stacey Klompus, Stephen Leviton

Absent from the meeting: Adam Weiss, Daniel Pochopin, John Harrington

Also, present Albert Marmero, Zoning Board Attorney
Brian Boccanfuso, Zoning Officer
Janice Moench, Recording Secretary

MINUTES:

A Motion was made by Mr. Shalika, Seconded by Mr. Wechsler to approve the Minutes of **February 15, 2024** as written.

Yes: Gregowicz, Wechsler, Schertz, Shalika, Mantagas, Klompus.
Leviton

No: None

Abstain: None

Absent: Weiss, Pochopin, Harrington

Not Eligible: None

RESOLUTIONS:

A Motion was made by Mr. Wechsler, Seconded by Mr. Mantagas, to approve the Resolution of memorialization for **Application ZBE2402~Auriemma.**

Yes: Gregowicz, Wechsler, Schertz, Shalika, Mantagas, Klompus.
Leviton

No: None

Abstain: None

Absent: Weiss, Pochopin, Harrington

Not Eligible: None

A Motion was made by Mr. Wechsler, Seconded by Mr. Mantagas, to approve the Resolution of memorialization for **Application ZBE1838~Becker/Colosi.**

Yes: Gregowicz, Wechsler, Schertz, Shalika, Mantagas, Klompus.
Leviton

No: None

Abstain: None

Absent: Weiss, Pochopin, Harrington

Not Eligible: None

PUBLIC HEARINGS:

Application No: ZBE2338

Applicant: Abner Larrieux

Proposal: Proposed fence, In-ground pool, patio & pavilion

Request: Bulk relief

Location: 2 Colleen Court

Zone: R20

Board Attorney, Albert Marmero, Esq. swore in the Applicant, Abner Larrieux and his contractor Tony Nicosia of Nicosia Construction.

Mr. Larrieux explained he was seeking relief on his property based on a hardship. The Applicant is proposing a pool with surrounding patio, walkway and pavilion to be located in the setback.

Mr. Gregowicz asked if the pool could be relocated to create less of an encroachment. Mr. Nicosia explained that would not be possible due to the proposed drainage. Mr. Nicosia explained the hardship to be the collector road behind the home. Mr. Boccanfuso explained for clarity, although it would require substantial redesign, the pool could be moved.

Mr. Boccanfuso noted there was no drainage proposed on the plan and asked Mr. Nicosia for clarification on the proposed drainage.

Mr. Nicosia explained a catch basin is proposed due to the grading on the property. The water will collect by the dwelling and patio. The catch basin is proposed to the left and a let-out on the right side.

Mr. Boccanfuso confirmed Mr. Nicosia's the proposed structural drainage improvements installed between the pool and house that will discharge towards Colleen Court. Mr. Nicosia added there will be smaller catch basins that will collect water and diverting to the right side.

Mr. Boccanfuso explained to the Applicant, should the Board act favorably, the drainage improvements will need to clearly shown on the plan.

Chair Leviton asked Mr. Marmero if a collector Road would be considered for a hardship. Mr. Marmero explained the hardship would be due to a unique feature or characteristic of the land. Mr. Marmero explained a collector street is not one he sees often come up. However, a corner property is considered to have two front yards this would be a similar argument.

Chair Leviton asked the Applicant to characterize the rear of the property to the Board.

Mr. Nicosia, explained there is an eight to nine-foot grade raise in the rear of the property and that is one of the reasons for the location of the pool and the catch basin locations.

Mr. Wechsler asked where the proposed fence would be located. Mr. Larrieux explained that the fence is not proposed, it is currently standing and will remain in the current location.

Mr. Schertz asked where the proposed retaining wall would be located. Mr. Nicosia explained there is a two-foot-high raised beam in the back of the pool that would be the retaining wall at the pool. The wall will then be

continued in a circular area to the left. Mr. Schertz asked if the slope went from the pool towards Wickatunk? Mr. Nicosia replied the drop is reversed so the water would be going toward the pool and home. Mr. Schertz asked Mr. Marmero if the retaining wall would require variance relief. Mr. Marmero explained a retaining wall would require the same variance relief from the collector road that the pool, patio and pavilion would. Chair Leviton explained that would be part of the hard ship.

Mr. Boccanfuso added, the setback relief for the retaining wall would be required if the wall was three feet in height or higher. Mr. Nicosia testified the proposed wall is 16 inches. Therefore, relief would not be required.

Mr. Schertz asked if the proposed improvements would encroach into the site triangle. Mr. Nicosia answered there would not be any encroachment into the site triangle.

The following relief was requested:

- a. **§95-5.1 and §95-7.4C** - A minimum setback of 75 feet from Wickatunk Road is required, whereas the proposed in-ground pool will have a setback from Wickatunk Road of 41.2 feet.
- b. **§95-5.1 and §95-7.4C** - A minimum setback of 75 feet from Wickatunk Road is required, whereas the proposed surrounding patio and walkway will have a setback from Wickatunk Road of 42.5 feet.
- c. **§95-5.1 and §95-7.4C** - A minimum setback of 75 feet from Wickatunk Road is required, whereas the proposed pavilion will have a setback from Wickatunk Road of 44.6 feet.
- d. **§95-7.24A** – Fences shall not be erected, altered, or reconstructed where located within 25 feet of any street line, whereas the existing fence is 20 feet from Wickatunk Road and 22 feet from Colleen Court.
- e. **§95-7.24C** – Fences shall not exceed 3 feet in height in a front yard whereas the existing fence is 6 feet in height within both of the front yards that abut Colleen Court and Wickatunk Road respectively.

Drainage would need to be shown on all future plans.

Chair Leviton opened the meeting to the public for questions or comments regarding the Application. Seeing there was none, Chair Leviton closed public.

A Motion of approval was by made by Mr. Shalika, Seconded by Mr. Wechsler for application ZBE2338.

Yes: Gregowicz, Wechsler, Schertz, Shalika, Mantagas, Klompus.
Leviton
No: None
Abstain: None
Absent: Weiss, Pochopin, Harrington
Not Eligible: None

Application No: ZBE2404

Applicant: Christine Cuoco
Proposal: Proposed fence in street-setback
Request: Bulk relief
Location: 1 Gettysburg Drive
Zone: R20

Board Attorney, Albert Marmero, Esq. swore in the Applicant Christine Cuoco and her fence contractor Ryan Wydrinski.

The Applicant explained she is new to Manalapan and purchased her home in July. At the time of purchase, she didn't realize the challenges a corner lot would have. Ms. Cuoco is proposing to install a fence for the safety of her children, keep the aesthetics consistent with the neighborhood and not create an encroachment to the site lines. Ms. Cuoco is planning on installing an-in-ground pool in the near future. She would like the fence to comply with of the Building and Zoning requirements for the future construction of the pool.

The Applicant provided testimony regarding hardships faced with respect to installing the proposed fence. The increased setbacks due to having two front yards would make it impossible to install a 4-foot fence anywhere on the southern side of her home and a fence of at least 4 feet is required in order to install a pool. Ms. Cuoco is proposing a 4-foot-tall black aluminum open fence. The Applicant has testified that she has seen other fences of a similar height located in "front yards" in the immediate area.

Chair Leviton asked the Applicant if she cleared the backyard. Ms. Cuoco testified there was a lot of brush. The previous owner did remove some however she cleared most of it. She explained with the yard being cleared of all the brushed, now the yard is visible from Union Hill. Chair Leviton explained Union Hill is a collector Road. A collector Road is a road leads to a major thoroughfare.

Mr. Marmero explained the setback from Union Hill is 75 feet.

The following variance relief is requested:

- a. **§§95-7.24C** – Fences shall not exceed 3 feet in height in a front-yard whereas a 4-foot fence is proposed along the Union Hill Road lot line

Mr. Mantagas explained as long as there are no site line issues, he sees no problem with the proposal.

Mr. Schertz ask what the setbacks are for the home. Mr. Marmero explained Union Hill Road is a collector street. The setback is 75 feet. Mr. Schertz stated the house is pre-existing non-conforming.

Mr. Boccanfuso explained the survey shows a 60-foot building setback which is also shown on the filed plat that created the lot. Mr. Boccanfuso explained after this map was filed the Township Committee adopted the ordinance that created the enhanced setback for collector streets.

Mr. Weschler and Ms. Klompus welcomed the Applicant to Manalapan.

Chair Leviton opened the meeting to the public for questions or comments regarding the Application. Seeing there was none, Chair Leviton closed public.

A Motion of approval was by made by Mr. Schertz Seconded by Mr. Shalika for application ZBE2404.

Yes: Gregowicz, Wechsler, Schertz, Shalika, Mantagas, Klompus.
Leviton

No: None

Abstain: None

Absent: Weiss, Pochopin, Harrington

Not Eligible: None

Chair Leviton discussed Code Enforcement issues for two properties that were granted prior variance relief.

12 Washingtons Advance withdrew the Zoning Board application however, the front porch was located in the setback and needed to file for relief from the front setback.

1 Oldwyck Court was granted relief for a pool house. One of the conditions was the Applicant to plant Arborvitae or Leland Cyprus trees to be a minimum 10 feet in height within six months of approval to screen the view from Union Hill Rd. Chair Leviton explained the view from Union Hill Road is not screened.

Mr. Boccanfuso and the Board discussed setting up the Zoning Board Educational session in the near future.

Chair Leviton opened the meeting to the public for questions or comments. Seeing there was none, Chair Leviton closed public.

ADJOURNMENT:

A Motion was offered by Mr. Schertz to adjourn the meeting at 8:30 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.