

MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, April 4, 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, Adam Weiss, Daniel Pochopin, John Harrington, Stacey Klompus, Stephen Leviton

Absent from the meeting: Joshua Shalika, Basil Mantagas,

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

MINUTES:

A Motion was made by Mr. Wechsler, Seconded by Mr. Schertz to approve the Minutes of **March 21, 2024** as written.

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

RESOLUTIONS:

A Motion was made by Mr. Schertz, Seconded by Mr. Klompus, to approve the Resolution of memorialization for **Application ZBE2338 Larriex.**

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

A Motion was made by Mr. Schertz, Seconded by Mr. Klompus to approve the Resolution of memorialization for **Application ZBE2404 Cuoco.**

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

PUBLIC HEARINGS:

Application No: ZBE2405

Applicant: Anand Vibhor
Proposal: Proposed raised deck in the rear setback
Request: Bulk relief
Location: 12 Turnberry Dr. 7227/6
Zone: CDKH

Board Attorney, Albert Marmero, Esq. swore in the Applicant, Anand Vibhor. The Applicant proposed to construct a raised deck attaching to the rear of the home that will encroach in the rear-yard setback. The Applicant is proposed a 15 X25 deck, 17 feet to the rear lot line where 25 feet is required.

The Applicant explained the 25-foot rear yard setback requirement will not allow for the deck to have appropriate space for a table, chairs etc. The deck will be located on the first floor living space off the kitchen. The Applicant said there would be no adverse impact on the neighboring properties and would be aesthetically pleasing. There will be no issues with any lighting. This deck will allow for the Applicant and his family to access the rear of the property to utilize the outdoor living space.

Mr. Gregowicz asked the Applicant if he had approval from the Homeowner's Association for the proposal. Mr. Vibhor testified he had approvals in place from the HOA.

Mr. Weiss asked if the proposed deck would be wider than the current deck. Mr. Vibhor said the proposed deck would be slightly wider and the supports under the deck would be relocated on the patio below. The current deck is over 20 years old and is in need of repair.

Chair Leviton expressed a general concern of lights shining into the surrounding homes although there is an established tree line behind the property. The Applicant stated he had no plan to put lighting on the deck.

Mr. Boccanfuso stated there were two variances with the proposal. In addition to the 17-foot setback proposed where 25 feet is required. Decks are not permitted to be constructed above the first floor living area. Mr. Boccanfuso noted there is a permit on file for the existing paver patio to be 25 feet from the rear property line and it currently exists at 24 feet. This is an existing non-conforming improvement. Mr. Marmero and Mr. Boccanfuso agreed to add the patio to the resolution.

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. Weiss, Seconded by Mr. Pochopin for application ZBE2405.

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

Application No: ZBE2406

Applicant: Samantha Duffy
Proposal: Proposed fence in street-side setback (over 3 ft in height)
Request: Bulk relief
Location: 24 Saratoga Dr. 1502/1
Zone: R20

Board Attorney, Albert Marmero, Esq. swore in the Applicant, Ms. Samantha Duffy.

Ms. Duffy explained she is requesting variance relief for a proposed fence. Her property is located on the corner of Saratoga Drive and Constitution Place. Being this is a corner lot there are two front yards. The setbacks create a hardship. Ms. Duffy has future plans for an in-ground pool and would like a safer area for her children to use. The proposed 6-foot fence would be aesthetically pleasing and would not encroach into any site lines. The neighbor across the street was granted similar variance relief for a fence as well.

Mr. Gregowicz confirmed with the Applicant the rear yard is wide open for the Applicant's small children.

Chair Leviton asked Ms. Duffy discussed neighboring fencing.

Mr. Boccanfuso confirmed with Ms. Duffy that the fence on the Westerly side would be located a few inches from the property line in a straight line. The proposed fence was not drawn in straight on the proposal. Mr. Boccanfuso wanted to confirm. The chicken wire fence currently there will be removed. Mr. Boccanfuso also explained Ms. Duffy would need to pull a permit for the shed that has recently been constructed in the rear yard.

Mr. Marmero explained this is a corner lot with two front yards. Because of the two front yards, the setback requirements for the fence along with the height is enhanced. The Applicant is proposing fence 6 foot high fence where 3-feet is permitted in the front yard and the fence will be located at 54.2 feet where 75 feet is required. There is an existing shed in the rear yard that will require a permit.

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. Weiss, Seconded by Mr. Wechsler for application ZBE2406.

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

Ms. Klompus, Mr. Boccanfuso and the Board discussed the ordinance that prohibits decking above the first floor living space.

Mr. Boccanfuso updated the Board on the conditions of the resolution for 1 Oldwyck Court, a prior approval. The Board requested plantings to shield the approved pool house from Union Hill Rd. Mr. Boccanfuso explained he felt the property was not in violation. The homeowners planted the trees six months prior, as per the resolution. The trees will take a year or so to mature and shield completely.

Ms. Moench discussed the training course for the new Board members. Also confirmed with the Board members received the Financial Disclosure email sent from Clerk, Shari Rose.

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. Weiss 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.