

**MANALAPAN ZONING BOARD OF ADJUSTMENT  
MINUTES OF THE REGULAR MEETING  
Thursday, May 16, 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, Joshua Shalika, David Schertz, Josh Shalika, Basil Mantagas, Daniel Pochopin, John Harrington, Stacey Klompus, Stephen Leviton

Absent from the meeting: Adam Weiss

Also, present Albert Marmero, Zoning Board Attorney  
Brian Boccanfuso, Zoning Officer/Administrative Officer/PE  
Janice Moench, Recording Secretary/Asst. Administrative Officer

*Chair Leviton acknowledged the presence of Ms. Ilona Hofmann, of the Zoning Office. Ms. Hofmann compiles the ZCCO reports.*

**MINUTES:**

A Motion was made by Mr. Gregowicz, Seconded by Mr. Wechsler, to approve the Minutes of **May 2, 2024** as written.

Yes: Gregowicz, Wechsler, Shalika, Pochopin, Harrington, Klompus, Leviton

No: None

Abstain: None

Absent: Weiss

Not Eligible: Schertz, Mantagas

**RESOLUTIONS:**

A Motion was made by Mr. Shalika, Seconded by Mr. Gregowicz, to approve the Resolution of memorialization for **Application ZBE1901REX2 Manalapan Land Holdings.**

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

**PUBLIC HEARING:**

**Application No.: ZBE2409**

Applicant: Annmarie Stillman/Jerome Resker  
Proposal: Legitimize existing pavers and shed  
Request: Bulk variance relief  
Location: 33 Winthrop Dr. 1405/5  
Zone: R20

Ms. Annmarie Stillman and Mr. Jerome Resker of 33 Winthrop Dr. were present and sworn in by Mr. Marmero.

Ms. Stillman explained to the Board that she and her husband were seeking C2 bulk variance relief to legitimize pavers around the pool. Ms. Stillman explained her home is currently under contract and during the ZCCO process, it was discovered the pavers were too close to the side and rear lot lines. She was unaware of the violation. The pool was installed in the summer 2014 and the pavers were installed following the completion of the pool. The Applicant explained they assumed the permits in place included the additional pavers. The pavers have been in place just shy of ten years. Ms. Stillman explained the benefits the pavers bring to the property.

1. The pavers offer enhanced safety. The pavers provide a safer surface for walking and lounging compared to other materials such as concrete or grass. The risk for slips and falls is reduced by the pavers. They also stay cooler so they are safer to walk on.

2. The pavers are aesthetically appealing. They enhance the visual appeal of the property which contributes positively to the neighborhood aesthetics.
3. The pavers create a cohesive and attractive outdoor space which increased the property value for this property as well as the neighbors.
4. The pavers require very little maintenance, far less than gravel or grass and easy to clean. They also create a beautiful and safe place to socialize together.
5. The pavers aid in water management. The pavers allow the water to run through and manage stormwater runoff and reduce strain on local water systems. To date there has never been a drainage issue.

Ms. Stillman stated she and her husband feel and demonstrated the benefits of the pavers far outweigh any possible detriment to the property or surrounding properties.

Chair Leviton stated it was clear that Ms. Stillman spent quality time researching the variance she is seeking and the testimony required for C2 variance under the Municipal Land Use Law.

Mr. Marmero explained although the Applicant didn't specifically identify areas of the statute that would be advanced, but the list of items she did provide would be included in the prefaces of the Municipal Land Use Law.

Mr. Wechsler asked the Applicant to provide some testimony with regard to the shed. Mr. Resker explained the shed was in the location when they purchased the home and it has not been moved.

The Zoning Officer, Mr. Boccanfuso explained the existing shed was identified in the denial in addition to the pavers. Any shed less than 100 square feet must be five feet from the side property line, this shed is identified as 3.6 feet from the side property line. This was discovered during the ZCCO process. Since the Applicant was appearing before the Board for the pavers, the shed is to be addressed for relief.

Mr. Leviton and the Applicants discussed the foundation of the shed.

Mr. Gregowicz asked when the pavers were put in in regard to the permits for the pool. Ms. Stillman explained the pool permit was approved in May of 2014 and the pool was completed in late July of 2014. The pavers were completed the end of August 2014. Mr. Gregowicz asked if the pavers were installed when the pool permit was closed out. Mr. Gregowicz further explained that the Building Department would have flagged the pavers being there during the inspection to close out the pool permit.

Chair Leviton explained the Building Department may not have flagged it as this is a Zoning issue.

Mr. Gregowicz asked if the contractor mentioned anything about an additional permit for the pavers. The Applicant said the contractor did not.

Mr. Mantagas asked why the pool was built to the extreme right side of the property. The Applicants requested to have the left side of the property open with grass so the children could utilize the rest of the yard. Mr. Mantagas asked if the neighboring properties had any drainage issues. Ms. Still explained they had two neighbors present in the courtroom this evening that can attest there are not drainage issues.

Chair Leviton reminded everyone that the Board would need to act as if the pavers were not yet completed and if the Applicant was “requesting” permission. Furthermore, the Board needs to consider the pavers in perpetuity, beyond what the current neighbors would testify to.

The Board had no further questions.

The relief being request, as follows:

- a. **§208-8** – The minimum required side setback for pools and all appurtenances thereto is 10 feet, whereas the existing side setback of the pool paver patio is 2.6 feet.
- b. **§208-8** - The minimum required rear setback for pools and all appurtenances thereto is 10 feet, whereas the existing rear setback of the pool paver patio is 7.1 feet.
- c. **§95-7.8.A(3)** – The minimum required side setback for sheds with a floor area of less than 100 square feet is 5 feet, whereas

the side setback from the existing shed to the southerly property line is 3.6 feet.

Chair Leviton opened the meeting to the public for questions or comments regarding the Application.

Ms. Rebecca Glogg of 31 Winthrop Drive was sworn in by Mr. Marmero. Ms. Glogg indicated that she is a neighbor and she feels that the paver patio is beautiful. She indicated that stormwater run-off is her biggest concern but there are no stormwater issues from this paver patio.

Mr. Max Brocato of 35 Winthrop Drive was sworn in by Mr. Marmero. Mr. Brocato stated that he is the next-door neighbor and that the paver patio is beautiful and safe and that he supports this application.

Mr. Justin Rivera of 516 Stanford Square in Englishtown, NJ was sworn in by Mr. Marmero. Mr. Rivera stated he is the contract purchaser of the Property and he loves the aesthetics of the paver patio.

A Motion of approval was by made by Mr. Shalikaar to approve the Application with moving the shed into conformity, Seconded by Mr. Wechsler for application ZBE2409.

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

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

The Board took a short recess at 8:00 PM to allow Mr. Marmero to set up for the educational presentation he prepared for the Board Members.

Chair Leviton called the meeting back to order at 8:05 PM. Mr. Marmero conducted a two-hour educational presentation for the Board members with regard to the Municipal Land Use Law.

**ADJOURNMENT:**

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A Motion was offered by Chair Leviton to adjourn the meeting at 10:05 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.