

**MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, June 20, 2024
TOWNSHIP OF MANALAPAN
Manalapan, NJ 07726
Public In-Person Meeting**

Board Member Joshua Shalika 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: Josh Shalika Robert Gregowicz, Michael Wechsler, Adam Weiss, John Harrington, Stephen Leviton

Absent from the meeting: David Schertz, Basil Mantagas, Daniel Pochopin, Stacey Klompus

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

No Minutes were offered

RESOLUTIONS:

A Motion was made by Mr. Weiss, Seconded by Mr. Wechsler to approve the Resolution of memorialization for **Application ZBE2420- Adamo**

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

A Motion was made by Mr. Weiss, Seconded by Mr. Wechsler to approve the Resolution of memorialization for **Application ZBE2421- Belovin**

Yes: Gregowicz, Wechsler, Weiss, Harrington

No: None

Abstain: None

Absent: Schertz, Mantagas, Pochopin, Klompus

Not Eligible: Shalika, Leviton

PUBLIC HEARING:

Application No: ZBE1822EX2

Applicant: 500 Madison Capital, LLC

Proposal: Extension of Time

Request: Extension of Time

Location: 500 Madison Ave.~72/7.04

Zone: SED2W

Counsel for the Applicant, William Mehr, Esq., stated that the floor area ratio (“FAR”) with preliminary and final site plan approval along with ancillary bulk variance relief and design waivers had previously been granted in a Resolution memorialized on June 20, 2019 which permitted the construction of two commercial warehousing and office buildings. Mr. Mehr further explained that the Applicant was now seeking an extension of time ending September 23, 2024 and additional extension of time ending September 23, 2025, if needed. Mr. Mehr explained the original conditions of the approval were in place.

The project has experienced delays with respect to utilities and utility infrastructure as well as financing.

Mr. Weiss asked Mr. Marmero what the standard is for the relief being sought for an extension.

Mr. Marmero explained the different extensions. This extension would fall under NJSA40:55D-52(d) that indicates the Board can grant an extension of approval determined by the Board but not exceeding one year from what would otherwise be the expiration date if the developer proves to reasonable satisfaction of the Board that the developer was delayed in obtaining legally required approvals from other entities.

The Applicant did have difficulty marketing the building as well as difficulty with the water and sewer utilities. Three (one year) extensions may be granted. This extension would provide three months.

Mr. Mehr, Mr. Marmero and the Board discussed the proposed approvals.

The Applicant's approvals shall be extended until September 23, 2024 and the Board can grant a conditional second one-year extension until September 23, 2025 if, prior to September 23, 2024, the Applicant indicates that the conditions that necessitate the required extension still exist.

Mr. Boccanfuso, Mr. Mehr and Mr. Marmero discussed utility extension and delays.

Mr. Marmero explained the Applicant is seeking a one- year extension that would be retroactive from September 25, 2023 through September 25, 2024. Recognizing the approval leaves three months, the Applicant is also asking for a second conditional extension that would be from September 25, 2024 through September 25, 2025 assuming the delays still exist which will be quantified to the Board before September 25, 2024. There was no public notice required for this application, therefore the application was not opened for public comment.

A Motion of approval was by made by Mr. Weiss to approve the Application, Seconded by Chair Leviton for application **ZBE1822EX2 ~500 Madison Capital**

Yes: Gregowicz, Wechsler, Shalika, Weiss, Harrington, Leviton

No: None

Abstain: None

Absent: Schertz, Mantagas, Klompus, Pochopin

Not Eligible: None

Chair Leviton commended Mr. Shalika on job well done leading the meeting this evening. Chair Leviton also expressed gratitude to Ms. Moench for reserving parking for the Board due to the High School graduation. Chair Leviton and the Board discussed the MLUL and the way it relates to Board decisions.

Mr. Shalika opened the meeting to the public for questions or comments for any non-agenda items. Seeing there was none, Mr. Shalika closed public

ADJOURNMENT:

A Motion was offered by Mr. Weiss to adjourn the meeting at 8:10 PM. All were in favor and none opposed.

Respectfully Submitted,

Janice Moench
Recording Secretary

RECORDING OF THE ZONING BOARD OF ADJUSTMENT IS AVAILABLE FOR REVIEW, IN THE PLANNING/ZONING BOARD OFFICE BY APPOINTMENT.