

**MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, June 20, 2024
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, Josh Shalika, Basil Mantagas, Daniel Pochopin, John Harrington, Stephen Leviton

Absent from the meeting: Adam Weiss, Stacey Klompus

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

MINUTES:

A Motion was made by Mr. Gregowicz, Seconded by Mr. Wechsler, to approve the Minutes of **September 19, 2024** as written.

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

RESOLUTIONS:

A Motion was made by Mr. Shalikar, Seconded by Mr. Mantagas to approve the Resolution of Denial to be memorialized for **Application ZBE2401- 191 Highway 9, LLC**

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

A Motion was made by Mr. Mantagas, Seconded by Mr. Gregowicz to approve the Resolution of memorialization for **Application ZBE2424-Dhimmar**

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

A Motion was made by Mr. Mantagas, Seconded by Mr. Gregowicz to approve the Resolution of memorialization for **Application ZBE2426-Martorana**

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

A Motion was made by Mr. Mantagas, Seconded by Mr. Gregowicz to approve the Resolution of memorialization for **Application ZBE2428-Salvador**

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

PUBLIC HEARING:

Application No: ZBE2432

Applicant: Roselyn & Robert Tannenbaum
Proposal: Legitimize deck, pool filter, concrete around pool & driveway
Request: Bulk Variance
Location: 11 Nottingham Rd. ~ B/L:408/1
Zone: R20

The Applicants, Roselyn Tannenbaum and Robert Tannenbaum were sworn in by Albert Marmero, Esq. The variance relief being requested is to legitimize existing non-compliant improvements including the pool patio, pool filter, driveway and deck. The Applicant is in the process of selling their home and discovered these items during the ZCCO review process.

For the Applicant's application request the following variance and waiver relief:

- a. **§95-7.8.E** – Within a residential zoning district, no driveway shall be within ten (10) feet of a side yard line, whereas the existing driveway, which was expanded without a zoning permit, is setback 1.5 feet from the easterly side property line.
- b. **§95-7.8.F** – A deck that is attached to the principal building shall conform to the setback requirements for principal structures; the minimum required front setback for this property, as per the filed plat, is seventy-five (75) feet, whereas the existing front setback from Merlin Drive to the attached deck, which was constructed without a zoning permit, in the general vicinity of a preexisting deck, is +/-62.5 feet.
- c. **§208-8.A** – No private swimming pool or any equipment and/or appurtenances thereto shall be constructed, installed, or maintained within ten (10) feet of any side or rear lot lines, whereas the existing pool equipment is setback +/- 7 feet from the easterly side property line.
- d. **§208-8.A**- No private swimming pool or any equipment and/or appurtenances thereto shall be constructed, installed, or maintained within ten (10) feet of any side or rear lot lines, whereas the existing pool patio is setback +/- 7 feet from the easterly side property line.

The Applicant indicated that they have a corner property located on a dead end, which creates an unusual property shape. Ms. Tannenbaum testified the 10 X 12-foot deck existed when they purchased the home in the 1985. The deck fell into disrepair and had to be replaced. The contractor advised a permit was not required being the deck was being replaced in the same footprint. It was determined that the deck was expanded slightly out of the original footprint prior to the Tannenbaum's purchasing the home.

Mr. Boccanfuso explained that the Applicants testimony was consistent with what the Zoning Office found on review. The deck was there since the home was built in the 1980s. The deck was reconstructed approximately five years ago. At some point the deck was expanded in length but not into the setback. The access staircase was relocated slightly from the original alignment. The required front setback in the zone is 75 ft whereas the deck is located at 62.5 ft.

Ms. Tannenbaum explained the pool patio and pool filter were in place when they purchased the home. Mr. Boccanfuso, Zoning Officer conceded that these items typically were not depicted on permit plans at the time these improvements were approved, so while the pool was properly permitted, these items would have slipped through the cracks. The pool patio was slightly enlarged during a repair. Just enough to fit a lounge chair. The pool patio and filter are located at 17 ft from side property line where 10 ft is required.

Ms. Tannenbaum testified she expanded the driveway without a permit. The driveway is 1.5 ft from the side property line where 10 ft is required.

As part of the ZCCO program, being the driveway expansion has been in place for over ten years, the town allows for the driveway to remain. However, the new homeowner will be responsible for bringing the driveway back into conformity when they repair or replace it. However, should the Zoning Board should grant relief for the driveway, it can remain in perpetuity.

Chair Leviton opened discussion to the Board members regarding the application.

Mr. Shalika explained in looking at other the properties on the block they all seem to have similar issues with the driveway.

Chair Leviton expressed concern with the driveway expansion being so close to the neighboring property, the headlights from a car can shine directly into the neighboring home.

Mr. Schertz explained he would like the driveway to be brought back into conformance when the new owners repair or replace it.

Mr. Marmero summarized the application for bulk variance relief. The Applicants made a hardship case due to the shape and location of the lot. The testimony was sufficient for the Board to vote once the public portion is satisfied.

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

A motion was made by Mr. Schertz to allow the relief for the deck, concrete and pool filter and apply the ten-year rule for the driveway encroachment. There was no second to the motion.

A Motion of approval for all relief being sought was by made by Mr. Shalika, and Seconded by Mr. Wechsler for application **ZBE2432-Tannenbaum**

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

The Board discussed a date for the Holiday dinner.

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

ADJOURNMENT:

A Motion was offered by Mr. Mantagas 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.