

MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, October 3, 2019
TOWNSHIP OF MANALAPAN – Courtroom
Manalapan, NJ 07726

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

Roll Call: Janice Moench

In attendance at the meeting: Mollie Kamen, Terry Rosenthal, Larry Cooper, Eric Nelson, Adam Weiss, Eliot Lilien, Stephen Leviton, Mary Anne Byan, David Schertz, Robert Gregowicz.

Absent from the meeting: None

Also, present John Miller, Esq., Zoning Board Attorney
Nancy DeFalco, Zoning Officer
Janice Moench, Recording Secretary

MINUTES:

A Motion was made by Mr. Weiss, Seconded by Mr. Nelson, to approve the Minutes of **September 19, 2019** as written.

Yes: Rosenthal, Cooper, Nelson, Weiss, Lilien, Leviton, Byan, Schertz
Gregowicz

No: None

Abstain: None

Absent: None

Not Eligible: Kamen

PUBLIC HEARINGS:

Application No. ZBE1934

Applicant: Arkadiy Klots
Proposal: Ratify existing storage garage
Request: Bulk Variance
Location: 10 Red Fox Run
Block/Lot: 82/12.03
Zone: RR

Applicant Arkadiy Klots was present and sworn in by Mr. Miller. Mr. Klots explained he purchased the home with a shed in place from the previous owner. As the applicant was in the process of purchasing the home, he was advised the shed would require variance relief. Mr. Klots had already sold the home he was living in and was under a time restraint Mr. Klots agreed to purchase the home and make application to the Zoning Board to seek relief after the closing, as part of the temporary CCO process.

The shed is located 8 feet and 1 inch from the side property line where 30' is required. The shed is not visible by surrounding neighbors. A leach field for the

septic system is located within ten feet of the shed, making it nearly impossible for the shed to be relocated.

Mr. Nelson confirmed the setback relief for encroachment to the side setback.

Mr. Weiss asked if there was two septic fields on the property. Mr. Klotz confirmed.

Mr. Cooper asked for clarification on the structure use being a storage unit or a garage. Mr. Klotz explained the structure is a shed, built on four-by-four wood. There is no concrete foundation. There could never be a driveway leading up to the shed due to the location of the leach field. Mr. Klots explained he has no interest in storing vehicles inside the shed. There are gardening tools, child ride-on toys and seasonal items stored in the shed. There is electric in the shed completed by the previous owner.

Ms. DeFalco testified the structure could not be utilized as a garage due to the flooring, as per the building inspector.

Mr. Klotz explained he does not intend to utilize the structure as storage for a motor vehicle or motorcycle.

Mr. Miller advised the applicant of the condition set forth in the resolution. In order to utilize the structure as a garage in the future, Mr. Klotz would have to make application to the Zoning Office and come back to the Board for relief.

Chair Leviton opened the meeting to the public for questions or comments on this application. There were no members of the public expressing an interest in this application. Chair Leviton closed public.

A Motion of Approval for Application ZBE1934 was made by Mr. Weiss and Seconded by Mr. Cooper

Yes: Rosenthal, Cooper, Nelson, Weiss, Lilien, Leviton, Byan,
No: None
Abstain: None
Absent: Kamen
Not Eligible: Schertz, Gregowicz

Application No. ZBE1936

Applicant: Deborah Simanek
Proposal: Proposed fence & ratify existing driveway
Request: Bulk Variance (side & front yard setback relief)
Location: 39 Pine Brook Road
Block/Lot: 1440/22.01
Zone: R20

Applicant Deborah Simanek was present and sworn in by Mr. Miller. The applicant is seeking variance relief for a proposed 6' privacy fence and a driveway located in the setback.

The applicant explained to the Board in 1965 her home was built 14' from Pine Brook Road. To erect a conforming fence at the 75' setback the fence would be located 20' behind the house. The applicant would like the fence to begin at rear of the dwelling. The property is next to Pine Brook Nursing Home.

A solar array is under construction at the nursing home on the adjacent property. The array gives off glare. The fence will provide privacy to the applicant. The home faces the nursing home although the address is Pine Brook Road.

The applicant explained the shape of her property is wider in the front and becomes narrow towards the rear. Ms. Simanek further testified she has either rented or occupied the home since the 1970's. She is currently living in the home.

Mr. Rosenthal asked the applicant the reasoning for the height of the fence. The applicant explained her neighbor has two aggressive dogs and she would like to get a dog herself. The 6' privacy fence will keep the dogs contained on both sides being her neighbor has a 4' chain link.

Chair Leviton noted for the record Ms. Kamen entered the proceedings at 7:50pm.

Ms. DeFalco asked the applicant if there is currently a fence along the side of the property where the solar array is. The applicant testified there is no fence currently in place.

Mr. Nelson confirmed the relief needed for the proposed fence is due to the home built close to the road before the zoning rules were in place.

Mr. Miller and Ms. DeFalco confirmed the proposed fence location with the applicant.

Chair Leviton opened the meeting to the public for questions or comments on this application. There were no members of the public expressing an interest in this application. Chair Leviton closed public.

A Motion of Approval for Application ZBE1936 was made by Mr. Weiss and Seconded by Mr. Lilien

Yes: Kamen, Rosenthal, Cooper, Nelson, Weiss, Lilien, Leviton, Byan,
No: None
Abstain: None
Absent: Kamen
Not Eligible: Schertz, Gregowicz

Application No. ZBE1937

Applicant: Michael Guidice
Proposal: Ratify existing portico and soffit
Request: Bulk Variance (front yard setback relief)
Location: 11 Iron Ore Road
Block/Lot: 69/11.03
Zone: R20

Applicant Michael Guidice was present and sworn in by Mr. Miller. The applicant explained his home sits 80' from the front property line therefore the dwelling is encroaching into front setback. Any improvements made to the front of the home would require variance relief. Mr. Guidice proposed a 4' portico over the front door and a 19" soffit over the garage. The proposed portico will attach to the home with two columns resting on an existing concrete pad. The proposed improvements will protect the garage and front door from the elements and provide an aesthetically pleasing look to the home.

Mr. Weiss confirmed with the applicant the columns will not be load bearing. The façade of the house will be vinyl siding with cultured stone. There will be no additional electric with the proposed improvements.

Mr. Miller asked Ms. DeFalco to review the required variance relief for the record. Ms. DeFalco explained the property is located in the RAG zoning district. This zone requires the principal structure to be 100' from the front property line and 35' from the side property line. The proposed improvements are 72' and 74" feet from the front property line and 17.5' from the side property line. The house is a pre-existing non-conforming.

Chair Leviton opened the meeting to the public for questions or comments on the application. There were no members of the public expressing an interest in this application. Chair Leviton closed public.

A Motion of Approval for Application ZBE1937 was made by Mr. Weiss and Seconded by Ms. Byan.

Yes: Kamen, Rosenthal, Cooper, Nelson, Weiss, Lilien, Leviton, Byan,
No: None
Abstain: None
Absent: None
Not Eligible: Schertz, Gregowicz

Application No. ZBE1938

Applicant: Edward Colleton
Proposal: Proposed roof over existing deck
Request: Bulk Variance (rear setback relief)
Location: 7 Avalon Lane
Block/Lot: 66.01/96
Zone: CDM

Applicant Edward Colleton was present and sworn in by Mr. Miller. The applicant explained he purchased the home in 2010 preconstruction and was able to choose the lot. Mr. Colleton testified he choose the corner lot, shaped like a slice of pizza, to give the illusion of a larger rear yard. The rear deck was recently refurbished. There are no trees in the backyard to create shade. The sun affects the pets as well as the family. The applicants considered a retractable awning. After meeting with a contractor and discussing the wind factor to the backyard, they decided a permanent roof over the deck would work best.

Ms. Kamen asked the applicant if Meadow Creek Association was in favor of the proposed improvement. The applicant explained he received approval from the Homeowners Association prior to coming to the Board of Adjustment.

Chair Leviton opened the meeting to the public for questions or comments on this application. There were no members of the public expressing an interest in this application. Chair Leviton closed public.

A Motion of Approval for Application ZBE1938 was made by Mr. Weiss and Seconded by Mr. Cooper.

Yes: Kamen, Rosenthal, Cooper, Nelson, Weiss, Lilien, Leviton
No: None
Abstain: None
Absent: None
Not Eligible: Byan, Schertz, Gregowicz

Chair Leviton and the Board discuss the future agenda and Board member terms.

Chair Leviton opened the meeting to the public. Being there were no comments
Chair Leviton closed public.

ADJOURNMENT:

A Motion was offered by Mr. Nelson and Seconded by Mr. Cooper to adjourn the
meeting at pm. All were in favor and none opposed.

Respectfully Submitted,

Janice Moench

Recording Secretary

RECORDED COMPACT DISCS OF THE ZONING BOARD OF ADJUSTMENT ARE
AVAILABLE FOR REVIEW, IN THE PLANNING/ZONING BOARD OFFICE BY
APPOINTMENT.