

**MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REORGANIZATION MEETING
Thursday, January 7, 2021
TOWNSHIP OF MANALAPAN
Manalapan, NJ 07726**

PUBLIC MEETING~ HD OFFICE SUITES

**DUE COVID-19, IN ACCORDANCE WITH GOVERNOR MURPHY'S EXECUTIVE ORDER
NO. 103 & 107, THE PUBLIC WAS PERMITTED TO PARTICIPATE IN THIS MEETING
VIA HD OFFICE SUITES BY ACCESSING THE LINK AND MEETING ID**

<https://meeting.windstream.com/j/1115988796?pwd=MEdDYVJIWE40SXM1MHdyaDdMdUlqZz09>

HD-Office Meeting Number: 111 598 8796 Password: Jan72021

The Manalapan Township Zoning Board of Adjustment Reorganization meeting was called to order by Acting Recording Secretary, Ms. Janice Moench with the reading of the Open Public Meetings Act at 7:30 PM. Ms. Moench stated the designated newspaper for the 2021 Manalapan Township Zoning Board of Adjustment is the Asbury Park Press.

A Motion was offered by Ms. Kamen and Seconded by Mr. Schertz to nominate Mr. Terry Rosenthal as Acting Chair. All were in favor and none were opposed. The meeting was turned over to Acting Chairman Terry Rosenthal.

Mayor McNaboe was present to swear in the returning members

Mayor McNaboe administered the Oaths of Office to reappoint Stephen Leviton and Larry Cooper. The Oath of Office was also administered to David Schertz to fill the unexpired term of Eliot Lillian as a fulltime Board Member; Robert DiTota was appointed to Alternate Board Member One and Basil Mantagas to Alternate Board Member Two. After the Board Members were sworn, Ms. Moench called the roll for the Board.

ROLL CALL:

MEMBERS PRESENT: Larry Cooper, Robert Gregowicz, Mollie Kamen, Terry Rosenthal, David Schertz, Robert DiTota, Basil Mantagas, Stephen Leviton

ABSENT: Adam Weiss

RESOLUTION APPOINTING CHAIRPERSON

A Motion was offered by Mr. Kamen, Seconded by Mr. Schertz to nominate Mr. Stephen Leviton as Zoning Board Chairperson. There were no other nominees. No other discussions or nominations were offered. The nomination was accepted.

YES: Cooper, Gregowicz, Kamen, Rosenthal, Schertz, DiTota, Mantagas, Leviton

NO: None

ABSENT: Weiss

ABSTAIN: None

Mr. Leviton was elected/selected as Chairperson and assumed the Chair.

RESOLUTION APPOINTING VICE CHAIRMAN

A Motion was offered by Mr. Leviton, Seconded by Mr. Gregowicz to nominate Mr. Larry Copper as Vice Chairperson of the Zoning Board. No other discussion or nominations were offered. The nomination was accepted.

YES: Cooper, Gregowicz, Kamen, Rosenthal, Schertz,
DiTota, Mantagas, Leviton
NO: None
ABSENT: Weiss
ABSTAIN: None

Mr. Cooper was elected/selected as Vice Chairperson. He assumed the Chair.

RESOLUTION APPOINTING RECORDING SECRETARY

A Motion was offered by Mr. Cooper, Seconded by Ms. Kamen to nominate Ms. Janice Moench as Recording Secretary to the Manalapan Township Zoning Board. No other discussion or nominations were offered.

YES: Cooper, Gregowicz, Kamen, Rosenthal, Schertz,
DiTota, Mantagas, Leviton
NO: None
ABSENT: Weiss
ABSTAIN: None

Ms. Moench was elected/selected as Recording Secretary to the Manalapan Township Zoning Board of Adjustment.

RESOLUTION OPEN PUBLIC MEETING DATES

A Motion was offered by Mr. Cooper, Seconded by Mr. Mantagas to accept the resolution establishing meeting dates for the Township of Manalapan Zoning Board of Adjustment for the calendar year 2021.

YES: Cooper, Gregowicz, Kamen, Rosenthal, Schertz,
DiTota, Mantagas, Leviton
NO: None
ABSENT: Weiss
ABSTAIN: None

RESOLUTION APPOINTING ZONING BOARD ATTORNEY

A Motion was offered by Mr. Schertz, Seconded by Mr. Cooper to nominate and/or appoint The Weiner Law Group, LLP as attorney(s) to the Manalapan Township Zoning Board. Mr. John Miller, Esq. will be in attendance at the meetings. There was no further discussion.

YES: Cooper, Gregowicz, Kamen, Rosenthal, Schertz,
DiTota, Mantagas, Leviton
NO: None
ABSENT: Weiss
ABSTAIN: None

The Weiner Law Group, LLC was elected/selected as Attorney to Zoning Board of Adjustment.

RESOLUTION APPOINTING ZONING BOARD ENGINEER

A Motion was offered by Mr. Rosenthal, Seconded by Mr. Schertz to nominate and/or appoint CME Associates as Engineer to the Manalapan Township Zoning Board. There was no further discussion.

YES: Cooper, Gregowicz, Kamen, Rosenthal, Schertz,
DiTota, Mantagas, Leviton
NO: None
ABSENT: Weiss
ABSTAIN: None

CME Associates was elected/selected as Engineer to the Manalapan Township Zoning Board of Adjustment.

RESOLUTION APPOINTING ZONING BOARD PLANNER

A Motion was offered by Mr. Cooper, Seconded by Mr. Schertz to nominate and/or appoint Leon Avakian, Inc. as Planner to the Manalapan Township Zoning Board of Adjustment. There was no further discussion.

YES: Cooper, Gregowicz, Kamen, Rosenthal, Schertz,
DiTota, Mantagas, Leviton
NO: None
ABSENT: Weiss
ABSTAIN: None

Leon Avakian was elected/selected as Planner to the Manalapan Township Zoning Board of Adjustment.

Professionals were not chosen for a Conflict Planner, Conflict Engineer and Conflict Attorney.

Mr. Miller Swore in Professional Engineer, Brian Boccanfuso and Professional Planner, Ms. Beahm

MINUTES:

A Motion was made by Mr. Cooper, Seconded by Mr. Gregowicz to approve the Minutes of December 17, 2020 as written.

Yes: Cooper, Gregowicz, Kamen, Rosenthal, Schertz, Leviton
No: None
Abstain: None
Absent: Weiss,
Not Eligible: DiTota, Mantagas

RESOLUTIONS:

Memorialization of Approval

Application No. ZBE2041

Applicant: Treadwell Investments Co., LLC

Location: Union Hill Road; Block/Lot: 3.02/25.01

A Motion was made by Mr. Rosenthal, Seconded by Mr. Schertz to approve the Resolution of memorialization for Application **ZBE2041**

YES: Cooper, Gregowicz, Kamen, Rosenthal, Schertz,
Levinton
NO: None

ABSENT: Weiss
ABSTAIN: None
NOT ELIGIBLE: DiTota, Mantagas

PUBLIC HEARINGS:

Application No. ZBE2011

Applicant: Yum & Chill TB Holdings, LLC
Proposal: Demo service station/Proposed Taco Bell Restaurant
Request: Preliminary & Final Major Site Plan w/Use Variance & FAR
Location: 199 Highway Route 9 South
Block/Lot: 18.01/1.03
Zone: OP3

Chair Leviton announced the above application would be carried to the January 21, 2021 Zoning Board meeting date. Board Attorney John Miller clarified there would be no further notice to the public.

Application No. ZBE2033

Applicant: Rakesh & Divya Menon
Proposal: Hydro-Court/Tennis Court & Pickle-ball Court
Request: Bulk Variances
Location: 2 Beechwood Drive
Block/Lot: 7808/8
Zone: RR

Prior to the testimony on this application, Chairman Leviton advised the Board the Applicant, Ms. Menon is Mr. Leviton's Cardiologist. Mr. Leviton explained there was no conflict of interest for him personally to hear the application.

Mr. and Mrs. Menon were present and sworn in by Board Attorney John Miller, Esq.

The Applicants proposed to install a clay surface tennis court with fencing and a pickle ball court in the side and rear yards.

Mr. Menon testified that he and his family have resided in Manalapan since 2001 and continue to be happy here. He explained his property is an irregularly-shaped lot located on the corner of Beechwood Drive and Lamb Lane. Mr. Menon testified that the side and rear yards of the property are large and that they wished to install a 60-foot x 120-foot clay surface tennis hydro-court and a 28-foot x 54-foot pickle ball court in the rear and side yards. Mr. Menon also proposed to construct a 12-foot high open chain link fence that would surround the tennis court. The following bulk variance relief would be required:

- a. Maximum permitted fencing height is 3 feet, whereas a 12-foot height of the fencing surrounding the tennis court is proposed.
- b. Side yard setback for the tennis court (non-street side) is 20 feet, whereas a 35-foot setback is required.
- c. Rear yard setback for the tennis court (non-street side) is 15 feet, whereas a 50-foot setback is required.
- d. One (1) residential sports court is permitted, whereas two (2) residential sports courts are proposed.

- e. Side yard setback for the tennis court (street side) is 47 feet, 8 inches, whereas a 90-foot setback is required.
- f. Side yard setback for the pickle ball court (street side) is 50 feet, whereas a 90-foot setback is required.

Mr. Menon explained in light of happened this past year relating to COVID-19 and the stay-at-home orders, their family ended up spending more time at home. Their goal is to utilize their rear yard more as a family rather than have to us public facilities.

The Applicant clarified the size of the tennis court for Mr. Mantagas.

Mr. Rosenthal asked Ms. DeFalco for clarification on the variances requested.

Ms. DeFalco further explained to The Board tennis court fencing is exempt from the requirements, provided they are not located in the setbacks. Only one sports court is permitted per property.

Ms. Kamen confirmed with the Applicants that the fencing would be open for visual reason. Ms. Kamen also confirmed with the Applicants that there would not be any tournaments held on the property. Ms. Kamen asked for clarification on water drainage on the tennis court. Mr. Menon explained the sprinkler system for a hydro-court to be different from the older tennis courts. Chair Leviton explained the Township Engineer had submitted a report regarding same.

Mr. Cooper asked if any lighting was proposed on the courts. The Applicant confirmed there would be no lighting.

Ms. DeFalco explained lighting is not permitted. If the Applicant wanted to add lighting at a later time, they would be back before the Board.

Mr. Cooper asked the Applicant to explain the need for multiple sports courts.

Mr. Menon explained the pickle ball court can be utilized for multiple sports. The clay tennis court will only allow tennis use.

Chair Leviton opened the meeting to the public for questions or comments on this application. See there were no comments, Chair Leviton closed public portion

The application is granted subject to the following conditions:

1. The development of this site shall take place in strict conformance with the testimony, plans and drawings which have been submitted to the Board.
2. Lighting on the tennis court and pickle ball court is prohibited.
3. The tennis court and pickle ball court shall only be used for residential personal recreational purposes and tournaments or competitions shall be prohibited.
4. The Applicants shall comply with all Township grading and drainage requirements.

A Motion of approval was by made by Ms. Kamen and Seconded by Mr. Gregowicz for application ZBE2033

YES:	Gregowicz, Kamen, Rosenthal, Schertz, DiTota, Leviton
NO:	Cooper
ABSENT:	Weiss
ABSTAIN:	None
NOT ELIGIBLE:	Mantagas

Application No. ZBE2053

Applicant: Olesin/Collie
Proposal: Legitimize Shed, Stanchions & Fence
Request: Bulk Variances
Location: 9 Cozy Drive
Block/Lot: 8101/16
Zone: RAG4

Mr. Olesin was present and sworn in by Board Attorney John Miller, Esq.

Mr. Olesin currently resides at 1207 Salerno Way, Howell, NJ and has since sold the property to Mr. Collie. Mr. Collie was present on the virtual meeting however, was unable to use the video and only available by voice. Mr. Miller explained as per the new guide lines the Applicant must be on video in order to provide testimony. Being Mr. Collie and Mr. Maxwell were listed as co-applicants on the application, it was determined Mr. Olesin would be able to provide the testimony necessary to proceed.

Mr. Olesin testified that the application was proposing to legitimize the existing front yard fencing, driveway stanchions and rear year shed on the property. The following bulk variance relief were required:

- a. Minimum side yard setback for the shed is 30 feet, whereas a 15-foot setback exists.
- b. Maximum permitted height of the driveway stanchions is 36 inches, whereas a 48-inch height exists.
- c. Maximum permitted fencing height is three (3) feet, whereas a 6-foot fencing height exists.

Mr. Olesin explained that the front yard fencing, driveway stanchions and rear yard shed existed in the same location when he purchased the Property in 2014. He stated that bulk variance relief was therefore required to legitimize the existing improvements.

Chair Leviton opened the meeting to the public for questions or comments on this application. See there were no comments, Chair Leviton closed public portion.

Chair Leviton explained he was out at to the sight and saw there is a cul-de-sac beyond the driveway and sightlines would not be in issue with regards to the height of the stanchions.

Mr. Rosenthal asked for clarification on how Mr. Collie purchased the home with all of the non-conforming issues.

Ms. DeFalco clarified the new Zoning Certificate of Continued Occupancy program implemented in February 2020 in more detail to the Board members.

Ms. Kamen asked if there were any complaints on file for any of the non-conforming issues.

Ms. DeFalco explained there were no complaints regarding the improvements.

Mr. Cooper asked if there were permits issued.

Ms. DeFalco explained the permit for the fence was proposed in a different location that where it is located today.

Ms. DeFalco explained the lot is on a cul-de-sac and the lot is heavily and the fence is not visible from the street.

The application is granted subject to the following conditions:

1. The development of this site shall take place in strict conformance with the testimony, plans and drawings which have been submitted to the Board.
2. The Applicants shall comply with all recommendations contained in the reports of the Board's consultants except as modified herein.
3. The Applicants shall comply with all Township drainage requirements.

A Motion of approval was by made by Mr. Gregowicz, and Seconded by Ms. Kamen for application ZBE2053.

YES:	Gregowicz, Kamen, Rosenthal, Schertz, DiTota, Leviton
NO:	Cooper
ABSENT:	Weiss
ABSTAIN:	None
NOT ELIGIBLE:	Mantagas

Chair Leviton opened the meeting to the public for any non-agenda items. Being there were no comments Chair Leviton closed public.

ADJOURNMENT:

A Motion was offered by Mr. Schertz to adjourn the meeting at 8:45 PM. and was agreed to by all. None were opposed.

Respectfully Submitted,

Janice Moench
Recording Secretary

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