

MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, March 4, 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/1115655689?pwd=ZVZNOEFTR25NanFXTkQ2V0N5NS92UT09>

HD-Office Meeting Number: **111 565 5689** Password: **March42021**

Open Public Meetings Act: Stephen Leviton

Roll Call: Janice Moench

In attendance at the meeting: Larry Cooper, Robert Gregowicz, Terry Rosenthal, David Schertz, Adam Weiss, Basil Mantagas, Stephen Leviton

Absent from the meeting: Mollie Kamen and Rob DiTota

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

MINUTES:

A Motion was made by Mr. Schertz, seconded by Mr. Rosenthal, to approve the Minutes of **October 15, 2020** as written.

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

A Motion was made by Mr. Weiss, seconded by Mr. Cooper, to approve the Minutes of **March 4, 2020** as written.

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

RESOLUTIONS:

A Motion was made by Mr. Rosenthal, seconded by Mr. Gregowicz to approve the Resolution of memorialization for **Application ZBE2047 Tardogno**

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

A Motion was made by Mr. Gregowicz, seconded by Mr. Rosenthal to approve the Resolution of memorialization for **Application ZBE2049 Perez**

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

A Motion was made by Mr. Weiss, seconded by Mr. Gregowicz to approve the Resolution of memorialization for **Application ZBE2052 Doyle/Golumenko**

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

PUBLIC HEARINGS:

Application No. ZBE2054

Applicant: Fabio Milazzo
Proposal: Proposed carport addition & driveway
Request: Bulk
Location: 8 Templar Rd.
Block/Lot: 308/1
Zone: R20

Board Attorney John Miller, Esq. swore in Applicant Fabio Milazzo. Also sworn in was John Ploskonka, P.E., P.P, the Applicant's Engineer and Planner who was present to provide testimony.

The Applicant proposed a 15-foot x 24-foot carport in the side yard of the property. The carport would be an open structure with a roof, no sides and supporting columns. The Applicant has obtained building permits to renovate the home with a new façade. The carport will incorporate the same façade to make the home aesthetically pleasing.

Mr. Ploskonka testified that the application was proposing a new carport to be located in the side yard of the property which was undersized 18,292 s.f. where a 20,000 s.f. minimum lot is permitted. Mr. Ploskonka explained that the width of the property was 75 feet where a 100 foot minimum is required. Bulk variance relief was required, where a 5-foot side setback for the carport was proposed, and a 15-foot front setback is required. Mr. Ploskonka testified if the lot were conforming at 100 by 100 the applicant would not require variance relief. The lot is undersized and irregular in shape.

Mr. Ploskonka stated that the proposed carport would provide additional space in the Applicant's driveway for parking vehicles. Mr. Ploskonka testified that a new home would be constructed on the adjacent property to the east as part of a new subdivision. Mr. Ploskonka stated that based on his review of the permits for that new home, the proposed carport would be located approximately 140 feet from the proposed home on the adjacent property. Mr. Ploskonka testified the driveway existed in its existing location when the Applicant purchased the property two years prior and a shed in the rear yard that had encroached had been removed

and the Applicant plans to remove the existing rear yard paver patio that encroached on an adjacent property.

Chair Leviton opened the meeting for Board Member comments and questions.

Mr. Cooper asked the purpose of the carport would serve. The Applicant explained he presently has two cars that he would be parked in the carport. The garage is currently being utilized for storage of belongings for his three children. Mr. Milazzo explained the carport would enhance the curb appeal of the property. Mr. Cooper asked if there were any plans for electric. The applicant testified there will be no electric.

Mr. Schertz asked if there will be an extension of the driveway leading to the carport. Mr. Ploskonka confirmed there will be a driveway leading to the carport.

Ms. DeFalco confirmed with Mr. Ploskonka the Applicant will be removing the shed that is currently on the property so the Applicant would no longer require variance relief. Ms. DeFalco and Mr. Ploskonka determined the Applicant will require additional variance relief for the proposed driveway. Mr. Ploskonka explained the driveway will require side yard setback relief. The driveway will have a 45-degree angle to provide a car to turn into the carport. At one point the driveway will be 5 feet from the side yard setback. Most of the driveway will be in conformance at 10 feet from the side yard setback.

Mr. Mantagas asked if the applicant would be adding an entryway to the home from the proposed carport. The Applicant testified there would be no additional entry way.

Chair Leviton, Ms. DeFalco and Mr. Ploskonka discussed the approved subdivision next to the subject property with regard to Hawkins Road access.

Chair Leviton opened the meeting to the public for questions or comments on this application. There were no comments relating to the application. There was a member from the public asking about the 693 Tennent Road, LLC application. Ms. Moench explained that application will be on the March 18, 2021 agenda. Chair Leviton closed public portion.

Mr. Miller explained the additional variance relief requested for the driveway encroaching in the side yard setback. Mr. Miller further explained there will be no electric or entryway and the carport will be open. The shed and paver patio on the property will be removed and the fence will be placed on the property line.

A Motion of approval was by made by Mr. Weiss and Seconded by Mr. Schertz for application ZBE2054

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

Application No. ZBE2055

Applicant: Joseph & Susan Cangialosi
Proposal: Legitimize existing shed
Request: Bulk Variance- rear
Location: 10 Gawain Drive
Block/Lot: 406/8
Zone: R20

Prior to Chair Leviton calling this application he explained at one time he was employed by the same employer as Ms. Cangialosi; The Manalapan-Englishtown Regional School District. Chair Leviton explained he did not feel a need to recuse himself. Mr. Miller agreed.

Board Attorney John Miller, Esq. swore in the Applicants Joseph and Susan Cangialosi.

The Applicants propose to legitimize an existing shed (10.3 feet x 16.26 feet) which is located 5.01 feet from the side property line where a 15-foot side setback is required and 8 feet from the rear property line where a 10-foot rear setback is required.

The Applicant, Ms. Cangialosi, testified that she was seeking to legitimize an existing shed which was installed in the side and rear yards about 23 years ago. She explained that she recently applied for a permit for an addition to the single-family home and was made aware of the non-compliant location of the shed. She further stated that the shed could not be relocated due to the slope of the rear yard and the existing swimming pool. The Applicants recently renovated the shed in the same location due to deterioration.

Chair Leviton asked Ms. DeFalco if the 10-year rule would apply to this situation. Ms. DeFalco explained the Applicants had a choice to provide a letter to the Township with an estimated date as to when they would bring the shed into conformance. The Applicants chose to come before the Board to request variance relief rather than wait.

Chair Leviton opened the meeting for Board Member comments and questions.

Mr. Rosenthal asked if the shed was on a concrete pad. The Applicants explained the shed is on a concrete pad in the same location as when they purchased the home.

Mr. Cooper asked if any electric or plumbing was in the shed. The applicants explained there was none. Mr. Cooper asked Ms. DeFalco if there was conforming location on the property for the Applicants to relocate the shed. Ms. DeFalco explained she had not been out to the property. Ms. DeFalco reminded Mr. Cooper of the Applicants testimony that the pool occupied a good portion of flat yard and the rest of the property is sloped on either side.

Mr. Schertz asked if Applicants had applied for a permit when the shed was rebuilt. The Applicants explained they did not rebuild the shed they changed the shingles and the siding. A permit was not required.

Chair Leviton asked for clarification on the 10-year rule. Ms. DeFalco explained the 10-year rule only applies when a home owner is obtaining a Certificate of Continued Occupancy. The seller and the buyer both sign an affidavit stating should the structure be replaced it would need to conform with the setbacks of the zone or come before the Board of Adjustment.

Mr. Mantagas asked if there were any complaints from the neighbors. The Applicants explained there were no complaints.

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

A Motion of approval was by made by Mr. Weiss and Seconded by Mr. Rosenthal for application ZBE2055

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

Application No. ZBE2101

Applicant: Joshua Shalika
Proposal: Proposed garage addition
Request: Bulk
Location: 21 Sheridan Rd.
Block/Lot: 332/13
Zone: R20

Mr. Mantagas explained he had a conflict with the Shalika. Application and he would need to recuse himself. Mr. Mantagas signed off and left the meeting for the evening at 8:15pm.

Board Attorney John Miller, Esq. swore in the Applicant Joshua Shalika.

The Applicant proposed to construct a 872 s.f. one-story attached garage addition to the existing residential dwelling in the front and westerly side yards of the Property.

The Applicant explained he moved to Manalapan five years ago. Mr. Shalika and his wife have one son three years in age and another child due in six weeks. The Applicant's Brother will be graduating the police academy and moving in to the residence in three weeks. The house will be full. Mr. Shalika is a Lieutenant with the Gordons Corner Fire Company. The Applicants love the town of Manalapan and have no plans to leave, which is why they decided on an addition. The Applicant testified he plans to convert the existing garage into an office and a gym area. Due to the pandemic the Applicant and his wife both work from home and instead of moving they would like to expand. A section of the driveway will connect the existing apron and there will be no variance required. The new addition will match the existing façade.

The addition would be a new garage area. The Applicant further testified that bulk variance relief was required to permit the new attached garage where a 52-foot front setback was proposed and a 60-foot front setback is required. The design of the garage is on a slight angle for aesthetic purposes. The intent is to make the addition look as if it belongs and enhance the neighborhood. The Applicant then testified that the proposed garage would enhance the aesthetics of the property and the neighborhood.

Chair Leviton opened the meeting for Board Member comments and questions.

Mr. Rosenthal asked if the current garage meets the setbacks of the zone. Mr. Shalika confirmed the current garage is conforming.

Mr. Cooper asked if the architect was aware of the setbacks. Mr. Shalika explained the architect was aware. Mr. Cooper asked if the proposed addition could be situated on the property to where variance relief would not be required. Mr. Shalika explained that the addition could comply however, it would look out of place.

Ms. DeFalco explained the property is irregular in shape and tucked to the left a bit.

Mr. Schertz asked if the proposed addition would bring the property over on building coverage. Ms. DeFalco explained the building coverage would be under 10 percent where 15 percent is permitted.

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

A Motion of approval was by made by Mr. Weiss and Seconded by Mr. Schertz, for application ZBE2101

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

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

The Board discussed the pending agenda.

ADJOURNMENT:

A Motion for adjournment was offered by Mr. Cooper to adjourn the meeting at 8:30 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.