

MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, July 1, 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

Open Public Meetings Act: Stephen Leviton

Roll Call: Janice Moench

In attendance at the meeting: Larry Cooper, Robert Gregowicz, Mollie Kamen, Terry Rosenthal, David Schertz, Adam Weiss, Rob DiTota, Joshua Shalika, Stephen Leviton

Absent from the meeting: Basil Mantagas

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

MINUTES:

A Motion was made by Mr. Cooper, Seconded by Mr. Weiss to approve the Minutes of **June 3, 2021** as written.

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

RESOLUTIONS:

A Motion was made by Mr. Schertz, Seconded by Mr. Rosenthal to approve the Resolution of memorialization for **Application ZBE2110~ Claudia Tabares & Larry Gjika**

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

A Motion was made by Mr. Weiss, Seconded by Mr. Schertz to approve the Resolution of memorialization for **Application ZBE2111, John & Paula DiMaiuta**

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

A Motion was made by Mr. Rosenthal, Seconded by Mr. Schertz to approve the Resolution of memorialization for **Application ZBE2048, Lloyd & Jennifer Drucker**

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

Mr. Miller advised the Board and members of the public that due to a deficiency in the Noticing for Application ZBE2116 (George Pavlushkin), the Application would not be heard. The Board did not have jurisdiction to hear the application. The Applicant would be re-noticing for a new date on the Zoning Board agenda.

PUBLIC HEARINGS:

Application No. ZBE2109

Applicant: Taylor Palmer, Jr.
 Proposal: Proposed detached Garage
 Request: Oversized detached garage; existing driveway to close to lot line
 Location: 161 Iron Ore Rd.
 Block/Lot: 59/6.04
 Zone: RAG

Board Attorney John Miller, Esq. swore in John Ploskonka, PE PP and the Applicant Taylor Palmer.

Mr. Ploskonka explained the Applicant has a history in Manalapan for many years. Mr. Palmer's Great-Grandfather owned land in Manalapan in the 1880s. Mr. Palmer owns a 150-acre farm on Iron Ore Road that was preserved by the State of New Jersey. Mr. Palmer recently sold the farm. He plans to move into the residence adjoining the farm. Mr. Palmer is proposing to build a garage to store farm equipment on the new property. There is a provision in the recent sale of the farm for Mr. Palmer to maintain five acres of the farm for 13 years. Just maintain it; not own it. The garage will store the oversized farm equipment used to continue horse farming on the five acres.

The proposed garage will require two variances:

Size: The proposed garage is 60 x 40 where 35 x 24 is permitted in the RAG zone
 Height: The proposed height for the garage is 23 feet where 15 feet is permitted in the RAG zone

Mr. Ploskonka explained that Mr. Palmers children reside next door to Mr. Palmer. There is one home located behind Mr. Palmer however there is a very heavy natural buffer of trees between the two properties.

Chair Leviton opened to meeting to the Board members for comments and questions.

Mr. Cooper asked what the Applicant planned on doing with the equipment after the 13 years. The Applicant explained his children would use the equipment and the garage to maintain the farm. Mr. Cooper inquired as to why the applicant would not be able to meet the requirements of the zone. Mr. Ploskonka explained the height and size requirements would not allow for the storage of the large farm equipment. Mr. Cooper then asked if there was any plumbing proposed. The Applicant confirmed there would be no plumbing only electricity.

Mr. Ploskonka explained the lighting to be located on the outside of the garage would be facing down with shields.

Mr. Schertz, Mr. Ploskonka and Ms. DeFalco discussed the pre-existing non-conformities on the property.

Ms. DeFalco confirmed with Mr. Ploskonka there will be no trucks or other farming equipment stored outside the garage.

Chair Leviton confirmed with Ms. DeFalco an additional variance would be required for the fourth bay proposed with the garage as three bays are permitted by ordinance.

Mr. Rosenthal asked where the equipment is currently being stored. The Applicant confirmed the equipment is currently being stored on the property he recently sold. Mr. Palmer will require a location of his own to properly store the equipment. Mr. Rosenthal asked what the need was for the fourth bay. Mr. Palmer explained in order to maneuver the equipment the fourth bay would be necessary.

Mr. Ploskonka and Ms. DeFalco discussed the driveway that required side yard setback relief. It was determined the Applicant would remove the 10 feet of pavement and replace it with gravel.

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

Mr. Miller explained the variances requested:

- Maximum height permitted in the zone is 15 feet where the Applicant is proposing 23 feet in height.
- Maximum size for the garage is 35 feet in width and 24 feet in depth. The Applicant is proposing 60 feet in width and 40 feet in depth.
- Maximum amount of bays/doors permitted for the garage is three. The Applicant is proposing four doors.
- The Applicant will bring the driveway into compliance

The pre-existing variances are:

The minimum areas for the RAG zone is 120,000 square feet where the pre-existing lot is 101,843 square feet. The front setback for the principal structure is 100 feet and the home is currently at 97.3 feet.

A Motion of approval was by made by Ms. Kamen and Seconded by Mr. Weiss for application ZBE2109

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

Application No. ZBE2114 (zcco)

Applicant: Edward & Sandra Farrell (Marc & Jessica Doronila)
Proposal: Legitimize pre-existing non-conforming improvements
Request: Bulk variances
Location: 8 Camelot Court
Block/Lot: 414/15
Zone: R20

Board Attorney John Miller, Esq. swore in the Applicants Edward & Sandra Farrell and Marc Doronila.

Ms. Farrell explained to the Board the dwelling is located on a corner lot and the non-conforming improvements on the property have existed for 46 years. In 1975 the previous owners installed a pool in the incorrect location. Ms. Farrell further testified in 1992, when she purchased the home, all of the non-conforming improvements were in place. In 2000, the Applicants replaced the fence that encompassed the property and the pool. The Farrell's received a letter from Manalapan Township that the fence would be required to comply with 1996 pool code. There was no mention of any non-conforming structures on the property. Ms. Farrell referred to the three surveys previously submitted to the Board; the 1975 survey, the 1992 survey when the Farrell's purchased the home and the most recent survey 2021 when they sold the property. All of the non-conforming improvements exist on all three surveys.

Chair Leviton opened the meeting up to the Board members for questions and comments.

Mr. Gregowicz confirmed that the shed, deck, pool and fence were all in place when the Applicant purchased the home on 1992.

Ms. DeFalco explained there were no permits on file for the sheds. There was a variance granted for the pool in 1975 however, the pool was not installed according to the variance relief granted.

Mr. Rosenthal addressed the Farrell's regarding the two sheds on the property. The Applicant explained both sheds existed when they purchased the home in 1992. Mr. Rosenthal explained the two sheds are a concern for him, especially with no permits on file.

Mr. Cooper confirmed with the Applicant the fence height of 6 feet. Mr. Cooper expressed concern regarding the site triangle being the property is located on a corner. Ms. DeFalco confirmed the sight triangle is open. Mr. Cooper also expressed concern regarding two sheds on the property. The shed located nearest to the pool has an electrical outlet inside.

Ms. Kamen asked if there have been any complaints on file. Ms. DeFalco confirmed there have been no complaints to date. The items in violation came up during ZCCO review.

Mr. DiTota suggested that the shed without a concrete slab be removed, in an effort to bring the property into conformance. The remaining items should be legitimized considering the length of time.

Mr. Shalika expressed concern with regard to the power to the uninspected shed. Mr. Farrell explained there is no power to the pool from the shed. There is an electrical outlet used for the pool sweeper.

Mr. Doronila explained he is currently storing tools in the shed. It would be useful to keep the shed and the shed is not an eyesore.

Mr. Rosenthal explained the town allows for one shed on the property. There is no valid reason or hardship for going against the ordinance.

Ms. Kamen asked the Applicant to explain the layout of the home and asked if there was a basement for storage. Ms. Farrell explained she had bedrooms and a family room downstairs. There no basement the home is a bi-level. There is a garage.

Mr. DiTota explained the zoning laws are in place for a reason. The shed is not a permanent structure. The pool and fence are in the ground and can be difficult to remove. The Board is looking past these items because they have

been in place for so long. One shed should be removed in an effort to bring the property into conformance.

Chair Leviton explained if the Board should compel Mr. Doronila to remove the non-conforming shed located by the pool, the remaining shed will still require relief being it is located in the setback.

Ms. DeFalco agreed with Mr. DiTota. Ms. DeFalco reviewed the zoning ordinances in violation. Ms. DeFalco agreed with prior testimony given by Ms. Farrell, where she explained the size of the property is large. Ms. DeFalco stated she did not see the hardship.

The Board members and the Applicants discussed other storage ideas and possible compliant shed locations.

Mr. Doronila would prefer to keep the shed located near the pool. There is a patio and a retaining wall surrounding the area.

Mr. Gregowicz explained one shed should be removed from the property and the remaining shed should comply with the ordinance.

Mr. Schertz, Mr. Rosenthal and Mr. Weiss agreed with Mr. Gregowicz.

Ms. Kamen asked if there is a slope in the property and asked if it was realistic to move the shed. Ms. Farrell said it was not realistic to move the shed.

Mr. Miller asked Ms. Farrell to provide him with the area where the hardship is preventing the shed from being relocated. Mr. Miller compared the new survey to the past surveys and was unable to see the hardship.

Mr. Doronila explained he would like to remove both sheds and construct a larger shed in a conforming location.

Ms. DeFalco explained if Mr. Doronila wanted to construct a shed in a conforming location a decision does not need to be made at the Board level. However, if the new location of the shed will require variance relief, the Board will need to know that information in order to grant the relief at this time. Otherwise, a new application would need to be filed. Ms. DeFalco explained the setback requirements for a shed over 100 sf to be 15 feet from the side yard setback and 10 feet from the rear.

Mr. Doronila explained he would require time to review the property and decide on the location of the new shed. Ms. DeFalco advised the Applicant to ask for an adjournment at this time and carry the application to a later date when he has the location of the shed.

Mr. Miller confirmed the consent with all of the applicants for the adjournment request. All Applicants gave consent for the adjournment. The Farrell's asked if they would be part of the application at that point. Mr. Miller advised Mr. Doronila would like to take some measurements of the property to decide the location of a new shed. This request is in the right of the Applicant. Being the Farrell's are Applicants on this application all Applicants would need to be present for the next meeting.

Ms. Moench gave the adjournment date of August 5, 2021 for the continuance of the application.

Mr. Miller stated for the record the Applicant has requested additional time to provide additional information to the Board. The Application will be carried to the August 5, 2021 date without any further notice to the public.

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

The Board members discussed the future meeting dates to remain virtual at this time.

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

ADJOURNMENT:

A Motion for adjournment was offered by Mr. Cooper to adjourn the meeting at 9:15 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.