

MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, October 21, 2021
TOWNSHIP OF MANALAPAN
Manalapan, NJ 07726
PUBLIC MEETING~ HD OFFICE SUITES

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, Robert DiTota, Basil Mantagas, Joshua Shalika, Stephen Leviton

Absent from the meeting: Mollie Kamen

Also, present John Miller, Zoning Board Attorney
Brian Boccanfuso, Board Engineer
Jennifer Beahm, Board Planner
Janice Moench, Recording Secretary

Mr. DiTota entered the proceedings at 7:35 PM

MINUTES:

A Motion was made by Mr. Cooper, seconded by Mr. Schertz, to approve the Minutes of **October 7, 2021** as written.

Yes: Gregowicz, Schertz, DiTota, Mantagas, Leviton

No: None

Abstain: None

Absent: Kamen, DiTota

Not Eligible: Kamen, Rosenthal, Weiss, Shalika,

RESOLUTIONS:

A Motion was made by Mr. Schertz, seconded by Mr. Mantagas to approve the Resolution of memorialization for **Application ZBE2126 ~ Pena**

Yes: Cooper, Gregowicz, Schertz, Mantagas, Leviton

No: None

Abstain: None

Absent: Kamen, DiTota (late)

Not Eligible: Kamen, Rosenthal, Weiss, Shalika

A Motion was made by Mr. Cooper, seconded by Mr. Gregowicz to approve the Resolution of memorialization for **Application ZBE2121 ~ Berg/Kaminsky/Palmer**

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

A Motion was made by Mr. Gregowicz seconded by Mr. Schertz to approve the Resolution of memorialization for **Application ZBE2123~Ventura**

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

A Motion was made by Mr. Schertz, seconded by Mr. Gregowicz to approve the Resolution of memorialization for **Application ZBE2128~Elshourafa**

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

A Motion was made by Mr. Gregowicz, seconded by Mr. Mantagas to approve the Resolution of memorialization for **Application ZBE2128~Elshourafa**

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

PUBLIC HEARINGS:

Application No. ZBE2108

Applicant: Dr. James Courey
Proposal: Generator
Request: Amended Site Plan & Bulk variance
Location: 224 Taylors Mills Rd
Block/Lot: 10/26
Zone: OP

David J. Leone, Esq. was present on behalf of the applicant, Dr. James Courey. Mr. Miller swore in Dr. James Courey and the Applicant's electrician Nicholas Scutti of Danley Electric.

Mr. Leone, Esq. explained to the Board that the Applicant proposed to install a 20-kilowatt automatic emergency generator for the safety and welfare of the Applicant's patients. Mr. Leone explained the location was selected because it is accessible to the electric panel and outside the traffic zone.

Mr. Scutti of Danley Electric, testified that the Applicant proposed to install a 20-kilowatt emergency generator which featured an automatic transfer switch. The purpose of this generator was to provide backup power in the event of a power outage. The generator would be operated by natural gas and that a gas line would be installed for the generator to be functional. Mr. Scutti explained that safety guidelines for generators required that a generator be located at least 10 feet from any door or window. Mr. Scutti testified that the proposed generator would be located 15 feet from the outer wall of the building. The Applicant proposed to run a gas line from one of the gas mains underneath the existing sidewalk on the property. The generator must be run once a week for five minutes for maintenance. The test runs would be monitored remotely from Mr. Scutti's company, Danley Electric. Mr. Scutti then testified that the proposed generator would have a decibel level of 67, which would not be disruptive to the neighborhood. The Applicant will be installing vegetation or fencing to screen the proposed generator

The following bulk variance relief was requested:

- whereas a 13-foot side setback is proposed and a 15-foot setback is required

Mr. Boccanfuso asked for clarification on the size of the generator. The Application stated the generator was a 27-kilowatt however, the testimony and documentation submitted prior states 20-kilowatt.

Mr. Scutti testified originally the applicant had planned to install a 27-kilowatt however after discussion they decided on a 20-kilowatt. It has a lower decibel level and would still be able to efficient enough to run the dental practice.

Mr. Boccanfuso and the applicant agreed on a conditional approval stating no additional grading or retaining walls would be required for the installation of the generator. Should any be required in the future, a plan would be submitted to the Township Engineer for review and approval.

Mr. Boccanfuso asked for testimony regarding the 71 ft setback from the buffer being the site resides next to a residential use.

Mr. Leone explained the Applicant was planning to testify on the positive and negative criteria with regard to the benefits of the generator itself. There is no Planner present to provide testimony.

Ms. Beahm agreed to hear the testimony from the Mr. Courey.

Dr. Courey explained that he is a prosthodontic surgeon who provides the community with a high level restorative dental practice with a restorative aspect. This includes wisdom teeth removal, sinus lifts, dental implants. Mr. Courey testified that some of these surgeries last 4 to 6 hours. The surgeries can be long and stressful on the doctor and the patient. Often times an additional doctor is present. It is important that these procedures be uninterrupted. There are blood vessels involved, controlling bleeding, sutures, etc. The machinery used is driven on 220 volts of electricity. There is no battery back up on the machine. Dr. Courey has been practicing in this location for 15 years. Mr. Courey further testified that his office has lost power twice in the past months due to heavy storms. The last outage was September of this past year due to a car accident on Route Nine. The New Jersey State Board of

Dentistry Law and Public Safety Manual, mandates under emergency protocol, there must be a back-up of some kind. Dr. Courey further testified without electricity there is no access to the patient charts, x-rays or medical complications.

Ms. Beahm confirmed with Dr. Courey that the installation of the generator would promote the health, safety and well-being of his patients in the event of a power outage. Ms. Beahm further confirmed with Dr. Courey that the relief being sought was diminis.

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

Board members agreed the presentation was comprehensive and covered all questions.

Mr. Cooper asked if there was a conforming location where the generator could be installed.

Mr. Scutti testified there was no conforming location that would allow the gas lines to be run according to code.

Mr. Cooper disagreed and explained he was at the site and familiar with the property. Mr. Cooper asked how far the proposed generator is from the gas meter.

Mr. Scutti testified the generator would be 15 feet from the gas meter as stated in prior testimony.

Mr. Cooper asked who would be installing the gas line, if he was licensed and the decibel on the generator.

Ms. Scutti testified Danley Electric will be installing the gas line, he is licensed and the decibel is 67.

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.

A Motion of approval was by made by Mr. Weiss Seconded by Mr. DiTota for application ZBE2108

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

Mr. Bocanfusco and Ms. Beahm left the proceedings for the evening at 8:10 PM

Application No. ZBE2140

Applicant: Steve Weintraub

Proposal: Legitimize pre-existing non-conforming improvements

Request: Bulk Variances

Location: 200 Shepherd Way

Block/Lot: 8202/10.26

Zone: RR

Peter Licata, Esq. was present on behalf of the Applicant, Mr. Weintraub. Mr. Miller swore in the Mr. John Ploskonka, Professional Planner and Engineer for this application.

Mr. Licata explained to the Board his client brings the application to legitimize a few backyard improvements recently brought to light during a Zoning CCO review. The Applicant has recently sold the property and the new owner asked to pursue the application in an effort to preserve the existing improvements. The property is located a corner lot with two front yard setbacks. One side of the common lot line has a retention basin. It only has one residential neighbor along a common boundary line. Mr. Licata stated Mr. Weintraub is present if any testimony should be required.

Mr. Ploskonka testified the home was built by Toll Brothers 20 years ago and Mr. Weintraub is the original owner. The Applicant improved the property with a swimming pool, deck, pergola, fencing and sports court. In 2004 the Applicant appeared before the Board for a shed and a sports court both to be located on the Beagle Drive side. In 2013, fence approval was granted along the front yard on Beagle Drive. The setback on Shepherd Way is 100 feet and on Beagle Drive is 90 feet. The property is two acres with approximately forty percent of the lot located in the front setback. This is why the improvements were granted with front setback relief by the Board in the past. Mr. Ploskonka explained that recently during the ZCCO report violations were noted for the improvements granted by the Board. The shed located the conservation easement has been removed and the fencing has been moved. There were pillars located in the Township Right of Way that have been removed. Mr. Ploskonka referred to Exhibit "A" which, a survey of the property where he notes the shed facing Beagle Drive that received relief from the Board to be located at 72 feet. The 2021 survey shows the shed to be located at 61 feet. A permit was issued however the shed was misplaced during installation. A permit was also issued for the fence with pillars to be located 12 feet from property line. During the installation of the fence and pillars it was installed at different angles. The setbacks are 12 feet toward the back of property and taper down to 5 ft at the pillar nearest to the driveway. There is landscaping behind the entire fence making it hard to remove. There are additional pavers and a pergola in the rear that require side-yard setback relief of 5 feet. Mr. Ploskonka went on to testify about the property in greater detail. Mr. Ploskonka testified he was at the property earlier in the day. The shed, fence, pergola and pavers are not visible from the street. Mr. Ploskonka adds the improvements add to the aesthetics of the property and do not have a negative effect or detriment to the zone plan.

Mr. Licata asked if the improvements were in line with the rest of the neighborhood. Mr. Ploskonka confirmed.

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

Mr. Shalika asked if the pillars could be moved closer into conformance. Mr. Licata explained the outer most pillars have been removed and are no longer on the property.

Mr. Licata explained before appearing before the Board the Applicant worked closely with Ms. DeFalco to eliminate the movable non-conformities. Mr. Licata further explained the remaining pillars and fence provide security to the property and enclose the pool.

Mr. Rosenthal asked why the fence was installed at the non-conforming location.

Mr. Ploskonka explained the fence was installed at 12 feet from the property line in one location but then follows the angles and in turn is located in the setback. It was installed improperly

Mr. Cooper explained he feels the improvements should be relocated to where they were originally approved. Mr. Cooper asked if there was electric in the pillars that were removed.

Mr. Ploskonka explained there were lights on the pillars that were removed. The electric was capped off.

Chair Leviton and Mr. Licata discussed the improvements that were removed prior to coming before the Board.

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.

A motion to deny the Application was made by Mr. Cooper due to the prior approvals granted by the Board. There was no second on the motion.

A Motion of approval was by made by Mr. Weiss Seconded by Mr. Gregowicz for application ZBE140

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

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 upcoming volunteer breakfast and responses were required. The Board also discussed the League of Municipalities in November. There will be one Zoning Board meeting in November as per the calendar resolution that was adopted in January 2021.

The Board also discussed the virtual meetings.

ADJOURNMENT:

A Motion was offered by Mr. Cooper to adjourn the meeting at 8:45 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.