

**MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REORGANIZATION MEETING
Thursday, January 18, 2024
TOWNSHIP OF MANALAPAN
Manalapan, NJ 07726**

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 noted the official newspaper for the Manalapan Township Zoning Board of Adjustment is the Asbury Park Press.

Mayor Musich administered the Oaths of Office to Michael Wechsler, Basil Mantagas, Daniel Pochopin, John Harrington, and Stacey Klompus. After they were sworn in, Ms. Moench continued with the roll call of the members.

In attendance at the meeting: Robert Gregowicz, Michael Wechsler, David Schertz, Joshua Shalika, Basil Mantagas, Daniel Pochopin, John Harrington, Stacey Klompus, Stephen Leviton

Absent from meeting Adam Weiss

RESOLUTION APPOINTING CHAIRPERSON

A Motion was offered by Mr. Shalika, Seconded by Mr. Gregowicz to nominate Mr. Stephen Leviton as Zoning Board Chairperson. No other discussions or nominations were offered. The nomination was accepted.

YES: Gregowicz, Wechsler, Schertz, Shalika,
Mantagas, Pochopin, Harrington, Klompus
NO: None
ABSENT: Weiss
ABSTAIN: None

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

RESOLUTION APPOINTING RECORDING SECRETARY

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

YES: Gregowicz, Wechsler, Schertz, Shalika,
Mantagas, Pochopin, Harrington, Klompus,
Leviton
NO: None
ABSENT: Weiss
ABSTAIN: None

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

RESOLUTION APPOINTING VICE CHAIRMAN

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

YES: Wechsler, Schertz, Shalika, Mantagas, Pochopin, Harrington, Klompus, Leviton
NO: None
ABSENT: Weiss
ABSTAIN: None

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

RESOLUTION OPEN PUBLIC MEETING DATES

A Motion was offered by Mr. Schertz, Seconded by Mr. Shalika to accept the resolution establishing meeting dates for the Township of Manalapan Zoning Board of Adjustment for the calendar year 2024. The nomination was accepted.

YES: Gregowicz, Wechsler, Schertz, Shalika, Mantagas, Pochopin, Harrington, Klompus, Leviton
NO: None
ABSENT: Weiss
ABSTAIN: None

RESOLUTION APPOINTING ZONING BOARD ATTORNEY

A Motion was offered by Mr. Gregowicz, Seconded by Mr. Shalika to nominate and/or appoint Marmero Law, LLC as attorney(s) to the Manalapan Township Zoning Board. Marmero Law, LLC. will be in attendance at the meetings. There was no further discussion.

YES: Gregowicz, Wechsler, Schertz, Shalika, Mantagas, Pochopin, Harrington, Klompus, Leviton
NO: None
ABSENT: Weiss
ABSTAIN: None

Marmero, LLC was elected/selected as Attorney to Zoning Board of Adjustment.

RESOLUTION APPOINTING ZONING BOARD ENGINEER

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

YES: Gregowicz, Wechsler, Schertz, Shalika, Mantagas, Pochopin, Harrington, Klompus, 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. Shalika Seconded by Mr. Mantagas to nominate and/or appoint Leon Avakian, Inc. as Planner to the Manalapan Township Zoning Board of Adjustment. There was no further discussion.

YES: Gregowicz, Wechsler, Schertz, Shalika,
Mantagas, Pochopin, Harrington, Klompus,
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. Marmero Swore in Professional Engineer, Brian Boccanfuso and Professional Planner, Ms. Beahm

Ms. Beahm exited the meeting after being sworn in.

MINUTES:

A Motion was made by Mr. Schertz, Seconded by Mr. Gregowicz to approve the Minutes of November 2, 2023 as written.

Yes: Gregowicz, Schertz, Pochopin, Leviton
No: None
Abstain: None
Absent: Weiss
Not Eligible: Wechsler, Shalika, Mantagas, Harrington, Klompus

RESOLUTIONS:

**Memorialization of Approval
Application No. ZBE2148**

Applicant: Triplet Square, LLC
Location: 405 Main St.~ 27/34.011

A Motion was made by Mr. Schertz, Seconded by Mr. Pochopin to approve the Resolution of memorialization for Application **ZBE2148**

Yes: Gregowicz, Pochopin, Schertz, Leviton
No: None
Abstain: None
Absent: Weiss
Not Eligible: Wechsler, Shalika, Mantagas, Harrington, Klompus

PUBLIC HEARINGS:

Application No: ZBE2334(carried to 2.1.24)

Applicant: Jorge Irizarry
Proposal: Fence
Request: Front & street-side setback relief
Location: 126 Iron Ore Rd. 68/1.05
Zone: R-AG
Board Must Act By: February 15, 2023

Application No: ZBE1838 (carried to 2.15.24)

Applicant: Christopher ; Catherine Colosi ; J Becker
Proposal: Legitimize use in residential zone
Request: Use Variance & Site Plan
Location: 333 Iron Ore Rd. 61/7
Zone: R-AG4
Board Must Act By: February 15, 2023

Chair Leviton announced the above applications would be carried to the February 1, 2024 and February 15, 2024. Zoning Board meeting date. Board Attorney Albert Marmero clarified there would be no further notice to the public.

Applicant: Gevorg Kyureghyan
Proposal: New Single Family Home
Request: Bulk relief
Location: 88 Wood Ave~47/53.03
Zone: R20
Board Must Act By: February 15, 2023

Vincent DeSimone, Esq. was present on behalf of his client Gevorg Kyureghyan. Mr. DeSimone appeared before the Board on Dec 15, 2023 when the Board granted bulk variance relief to build a single family home with a condition that was not met.

Mr. DeSimone explained there was a home on the property that had been destroyed by fire. The Applicant's intent was to remove the home and build a single- family home requiring bulk relief. The conditions of the prior approval were to ensure there were no wetlands or buffers on property. After completing mapping on the property, wetland buffers were discovered. The Application now required a NJDEP permit in order to move forward. That permit approval required to the proposed home to shift forward. The same home is proposed in the new location and will change the variance relief, in an effort to be out of the wetlands buffer area. The Applicant has since received the NJDEP permit. Mr. DeSimone explained that his office did again send out the Buy/Sell letters to the neighboring properties because the lot is undersized. There were no responses received.

Board Attorney, Albert Marmero, Esq. explained to the Board that the Applicant intends to make a hardship argument and the Buy/Sell letters were necessary to show they tried to buy neighboring land or sell a portion of his land.

Chair Leviton explained in 2023 when the Applicant appeared before the Board a neighbor appeared and expressed concern about the existing home that encroached onto her property. Mr. DeSimone explained that issue will be resolved with the proposed home.

Mr. DeSimone called his first witness, Joseph May, PE of East Point Engineering.

Mr. May explained his professional qualifications and the Board accepted his credentials.

Mr. May was sworn in by Mr. Marmero. Mr. May explained the property is located on 88 Wood Ave. The previous approval created some variances. The revised proposal remains a four-bedroom single family home however, it will eliminate the rear yard variance of 41 feet that was granted in the prior approval. The front setback relief requested is be 30.21 feet where 75 feet is required. The Freshwater Wetlands Transition Area permit has been obtained with a 50-foot-wide buffer. In order to qualify for the permit the home had to be moved forward. There is also a 250 square foot reduction in lot coverage due to the driveway being reduced. The NJDEP was issued on December 7, 2023. There are no neighbors to the right of the site and there are eight existing dwellings to the left of the property. The front setback of the eight homes are between 25-35 feet so, the proposed 30 feet front yard setback is in the character of the neighborhood. Mr. May explained the Applicant will address everything mentioned in the December 12, 2023 CME review letter. Mr. May explained in his opinion the revised application will have no detriment and will improve the neighborhood and eliminate the encroachment on the neighboring lot line. The proposed home will not inhibit any light, air or open space.

Mr. Boccanfuso did not take any exception to the testimony provided. The plan that was submitted and approved to the DEP is consistent with what is before the Board.

Mr. Marmero explained the prior resolution predated his time with the Board, however he did review all the materials and prior resolutions.

Mr. Boccanfuso explained that the Applicant submitted a variance plan not a site plan. If the Board should grant approval, Mr. Leber will then revise the variance plan to address all comments in the CME report and submit for Plot Plan approval.

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

Mr. Schertz inquired about the 25-foot dedication to right of way.

Mr. Mantagas inquired on the water table on the property and drainage. Mr. May ensured there will be stormwater management on the property.

Mr. Boccanfuso explained the water table is very shallow which is expected when there are wetlands nearby. So shallow that a crawl space will be constructed instead of a basement.

Mr. Pochopin asked if the electric will be overhead. Mr. May confirmed the electric will serve from the utility pole overhead.

Mr. DeSimone stated the Applicant has an account with Gordons Corner Water and a letter from Western Monmouth Utilities.

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 of the meeting.

Mr. Marmero explained the Bulk relief requested by the Applicant. The prior approval stated a condition, if the wetlands were found to impact the subject property, the Applicant shall seek approval from NJDEP. If the site plan were to be revised the Applicant shall return to the Board to seek amended approval.

The amended approval is before the Board. This amendment eliminated one variance but exasperated another variance.

The bulk variances are:

- Minimum lot area and depth (pre-existing non confirming)
- Front setback variance
- Maximum Floor Area Ratio
- Minimum improvable area
- Minimum improvable diameter

A Motion of approval was by made by Mr. Gregowicz, Seconded by Mr. Shalika for application ZBE2244A

YES:	Gregowicz, Wechsler, Schertz, Shalika, Mantagas, Pochopin, Leviton
NO:	None
ABSENT:	Weiss
ABSTAIN:	None
NOT ELIGIBLE:	Harrington, Klompus

Chair Leviton and the Board discussed having an educational session for the Board members led by Mr. Marmero. Ms. Moench will relay the information to Ms. DeFalco. Ms. DeFalco can speak to Administration in an effort to secure the educational workshop.

Mr. Marmero, Mr. Boccanfuso and the Board discussed the 2023 Annual Review Report by Mr. Marmero. Mr. Marmero will forward a resolution with regards to the overview of the report.

Chair Leviton stated he would not be in attendance for the next meeting and Mr. Gregowicz, Vice Chairman would be sitting in.

Chair Leviton opened the meeting to the public for any non-agenda items. Mr. Sullivan was present and inquired about the Becker application. Chair Leviton advised an announcement was made at the beginning of the meeting that Application ZBE1838 (Becker/Colosi) was carried to the February 15, 2024 meeting with no further notice to the public.

ADJOURNMENT:

A Motion was offered by Mr. Schertz to adjourn the meeting at 8:35 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.