

1 **MEETING IS CALLED TO ORDER BY CHAIRMAN:**

2
3 MR. LEVITON: Okay then I'll call the meeting to
4 order. Pursuant to Section Five of the Open Public Meetings
5 Act, notice of this virtual meeting of Manalapan Township
6 Zoning Board of Adjustment was sent and advertised in the
7 Asbury Park Press. A copy of that notice was posted on the
8 bulletin board where public notices are displayed in the
9 municipal building. In addition a copy of this notice is and
10 has been available to the public and is on file in the office
11 of the municipal clerk. Accordingly this meeting is deemed in
12 compliance with the Open Public Meetings Act. Okay please take
13 the roll.

14
15 MS. MOENCH: Mr. Cooper is not with us yet right?

16
17 MR. LEVITON: Correct.

18
19 MS. MOENCH: Okay.

20
21 **ROLL CALL**

22
23 MS. MOENCH: Mr. Gregowicz?

24
25 MR. GREGOWICZ: Here.

26
27 MS. MOENCH: Mr. DiTota?

28
29 MR. DITOTA: Here.

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31 MS. MOENCH: Mr. Rosenthal?

32
33 MR. ROSENTHAL: Here.

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35 MS. MOENCH: Mr. Schertz?

36
37 MR. SCHERTZ: Here.

38
39 MS. MOENCH: Mr. Weiss is not with us this evening.
40 Mr. Mantagas?

41
42 MR. MANTAGAS: Here.

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44 MS. MOENCH: Mr. Shalika?

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46 MR. SHALIKAR: Here.

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48 MS. MOENCH: And Chair Leviton?

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MR. LEVITON: Here. Thank you all for coming. It's nice to see you all. Our first order of business is to accept the minutes from the 21st. I need someone to make that motion and then someone to second it.

MR. ROSENTHAL: I'll make the motion to accept, Terry.

MR. GREGOWICZ: I'll second, Bob.

MR. LEVITON: Thank you Terry. Thank you Bob.

ROLL CALL

MS. MOENCH: Mr. Gregowicz?

MR. GREGOWICZ: Yes.

MS. MOENCH: Mr. DiTota?

MR. DITOTA: Yes.

MS. MOENCH: Mr. Rosenthal?

MR. ROSENTHAL: Yes.

MS. MOENCH: Mr. Schertz?

MR. SCHERTZ: Yes.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Yes.

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Yes. Tonight there are two resolutions for memorialization. The first one is application number ZBE2205, Mr. Glass.

MR. GLASS: Yes thank you Chair Leviton. If you recall this application, this was an application for bulk variance relief. The property is located at 14 Springhouse

1 Circle in the CDM district and the applicant proposed removing
2 the rear paver patio and constructing a twelve foot by fifteen
3 foot office in the rear of the home. The relief requested and
4 which was granted was from the rear yard setback 25 feet was
5 required and was granted and 23 feet was proposed and granted.
6

7 MR. LEVITON: Thank you counselor. Let the record
8 reflect that Mr. Cooper is now in attendance and regarding the
9 memorialization of that resolution, will someone make a motion
10 and will someone second it please?
11

12 MR. GREGOWICZ: I make the motion.
13

14 MR. LEVITON: Thank you Bob.
15

16 MR. SHALIKAR: I'll second it, Josh.
17

18 MR. LEVITON: Thank you Josh.
19

20 MS. MOENCH: I'm sorry Josh you're ineligible.
21

22 MR. SHALIKAR: Fair enough.
23

24 MR. ROSENTHAL: I'll second, Terry.
25

26 MR. LEVITON: Thank you Terry.
27

28 MS. MOENCH: Thank you.
29

30 **ROLL CALL**

31
32 MS. MOENCH: Mr. Gregowicz?
33

34 MR. GREGORICZ: Yes.
35

36 MS. MOENCH: Mr. DiTota?
37

38 MR. DITOTA: Yes.
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40 MS. MOENCH: Mr. Rosenthal?
41

42 MR. ROSENTHAL: Yes.
43

44 MS. MOENCH: Chair Leviton?
45

46 MR. LEVITON: Yes and next up is application number
47 ZBE2206.
48

1 MR. GLASS: Thank you again. So again this was
2 another application for bulk variance relief. The property was
3 located at 114 Old Queens Boulevard in the R20 district. The
4 applicant proposed to extend the front covered porch into the
5 front yard setback as well as to legitimize the private
6 swimming pool and trex decking located around the pool. The
7 applicant requested, relief from the front yard setback of
8 69.16 feet where 70 feet was required and relief from the side
9 or rear yard setback for the swimming pool where they had six
10 feet where ten feet was required and both of those variances
11 were granted.

12

13 MR. LEVITON: Thank you Mr. Glass. I need Larry, Bob,
14 Rob, Terry, or David to make a motion and then one of you to
15 second it as well.

16

17 MR. COOPER: I'll make it, Larry.

18

19 MR. ROSENTHAL: Second, Terry.

20

21 MR. LEVITON: Thank you gentlemen.

22

23 **ROLL CALL**

24

25 MS. MOENCH: Mr. Cooper?

26

27 MR. COOPER: Yes.

28

29 MS. MOENCH: Mr. Gregowicz?

30

31 MR. GREGOWICZ: Yes.

32

33 MS. MOENCH: Mr. DiTota?

34

35 MR. DITOTA: Yes.

36

37 MS. MOENCH: Mr. Rosenthal?

38

39 MR. ROSENTHAL: Yes.

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41 MS. MOENCH: Mr. Schertz?

42

43 MR. SCHERTZ: Yes.

44

45 MS. MOENCH: Chair Leviton?

46

47 MR. LEVITON: Yes. Okay there are three public
48 hearings tonight. The first one is application ZBE2207. The

1 applicants are Vincent and Erin Solano. Mr. and Mrs. Solano
2 are you in attendance?

3

4 MR. SOLANO: Hi, yes I'm here. My wife is watching my
5 son I can get her if tha is required. There just will be a
6 nineteen-month-old in the background.

7

8 MR. LEVITON: Greetings sir, and no it's not
9 necessary. Why don't you tell the board why you are here
10 tonight and the variance relief that you seek?

11

12 MR. SOLANO: Sure so I am trying to close off the
13 front of my house which is about sixty feet with a four and
14 half foot high wrought iron fence on the right side of my home
15 and I believe I am going for C1 which is a hardship because I
16 am on a corner lot. My permit was denied beause I am too close
17 I think to the side road of Navajo. Ultimately, I am trying to
18 close off my yard because I do have a one and a half year old
19 and I just want to create a safe environment for him, his
20 little cousin, anyone who comes over to be in the backyard
21 without having to worry if someone loses site of him or ifhe
22 runs into the street. It is really just about protecting my
23 child. I have some pictures that can demonstrate how this
24 really will not be an inconvenience to anyone just based upon
25 the layout of my yard. I am happy to go through those if
26 necessary.

27

28 MR. LEVITON: We have seen them and we appreciate
29 them. I found them to be beneficial personally, but lets go
30 out to the board and see what they think. Bob you are up.

31

32 MR. GREGOWICZ: Yeah just one question, the fence.
33 That is going right up to the I guess the shrubs not in front
34 of it just right into the shrubs?

35

36 MR. SOLANO: Yeah it's almost perpendicular. The
37 arborvitaes will come out a little bit past it.

38

39 MR. GREGOWICZ: Okay.

40

41 MR. SOLANO: The fence will go into the arborvitaes
42 and there's a couple more feet of arborvitaes that will still
43 go out further. So if you're standing on Navajo you won't be
44 able to see the fence at all.

45

46 MR. GREGOWICZ: Okay no other questions.

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48 MR. LEVITON: Thanks Bob, David.

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MR. SCHERTZ: I was over there today and I kind of visualized what the sight line would be and everything seems fine to me so no questions.

MR. LEVITON: Thank you sir, Terry.

MR. ROSENTHAL: I had a sight line question which was just answered so nothing further.

MR. LEVITON: Thank you Terry.

MR. ROSENTHAL: I'm sorry, I do have one question. It says that it's infringing on the 75 foot setback but there was no number there so how much is the infringement of the 75 feet, I guess Nancy? Bueller?

MR. LEVITON: You're muted.

MS. DEFALCO: I tried to un-mute. Janice mutes me again.

MR. ROSENTHAL: Okay.

MS. DEFALCO: It's the battle of the un-mute. Okay so Terry your question was how far is the fence from the front yard line?

MR. ROSENTHAL: It says it's a 75 foot setback and it's in the setback, but I didn't see a number in my paperwork.

MR. ROSENTHAL: How far is the infringement into the 75 feet?

MS. DEFALCO: 25 feet from the street.

MR. ROSENTHAL: 25 feet? Okay.

MS. DEFALCO: I'm sorry 20 feet.

MR. ROSENTHAL: I saw the 20 where it needs to be 25.

MS. DEFALCO: The twenty-five is the relief he needed for fencing because our ordinance says no fencing within 25 feet.

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MR. ROSENTHAL: But there was also mention of the 75 foot setback.

MS. DEFALCO: Seventy-five is the required setback for a fence that is over three feet in height so he needs relief from two of the ordinances. One to have the fence within 25 feet of the street line and the second is for the height of the fence twenty feet within the front setback.

MR. ROSENTHAL: Okay I'm just confused because 75 feet was mentioned.

MS. DEFALCO: Seventy-five is mentioned because he exceeds the three feet.

MR. ROSENTHAL: Oh okay.

MS. DEFALCO: Anything more than three feet he would have to be at least seventy-five feet from the front setback so he's looking for relief for having a fence within the 25 feet and to have a fence that was higher than three feet within the front yard.

MR. ROSENTHAL: Got it, answered my question thank you.

MS. DEFALCO: Sorry for the confusion.

MR. LEVITON: Thank you Nancy. Thank you Terry, Basil.

MR. MANTAGAS: No questions Mr. Chairman.

MR. LEVITON: Thank you Mr. Mantagas, Joshua.

MR. SHALIKAR: No questions Mr. Chair.

MR. LEVITON: Thank you Mr. Shalikar, Mr. DiTota?

MR. DITOTA: I was going to ask the same question that was asked in the beginning but I just wanted to get clarification because I didn't hear clearly. The bushes are going to be covering from the street view is that correct?

MR. SOLANO: Yes from the side street view.

1 MR. DITOTA: Yeah alright good I passed by it today
2 so no questions.

3
4 MR. LEVITON: Thank you Rob, Larry.

5
6 MR. COOPER: You said front yard or the back yard?
7 This is the front yard we're talking about correct?

8
9 MR. SOLANO: I guess it's technically the front yard,
10 but it's really in the middle. It's like to the side, the back
11 side of the house so it closes off the backyard from the front
12 yard I guess is the best way to describe it.

13
14 MS. DEFALCO: Technically Larry he's in the street
15 side, but because he's a corner lot he does have two front
16 yards.

17
18 MR. COOPER: Yes okay, I'm just concerned about the
19 sight view on that corner.

20
21 MR. SOLANO: I also took an additional picture that I
22 don't think I sent over earlier that shows the view when
23 you're turning off of the street. I can share that pretty much
24 because it's going to be left of the arborvitaes that are
25 already there. It in no way impares your ability it's going to
26 be when turning on or off the street.

27
28 MR. LEVITON: You can pull it up that'd be helpful.

29
30 MR. SOLANO: Okay happy to do so. Microsoft
31 Powerpoint.

32
33 MS. MOENCH: You have to hit share your screen at the
34 bottom.

35
36 MR. SOLANO: Yeah I have to give the application
37 permission to share so I'm just doing that right now which
38 when I've done in the past it has made me. Okay quit and re-
39 open Powerpoint that's fine. Okay, stop, okay. I just have to
40 re-open it. Okay.

41
42 MS. MOENCH: I can try and do it from my screen if
43 you're having trouble. Are you having trouble?

44
45 MR. SOLANO: Let me just double check.

46
47 MS. DEFALCO: Janice do you have this picture Janice?
48

1 MS. MOENCH: I'm sorry, yeah they're on the Google
2 Drive.

3
4 MS. DEFALCO: So he has an additional one.

5
6 MR. SOLANO: I took one additional one, but I mean
7 you probably could see it from one of the ones I sent you.

8
9 MR. SOLANO: I gave the application permission, but
10 it's still asking me. I wonder if I could just share my whole
11 desktop if it will let me do that.

12
13 MS. MOENCH: Let me just see if it's asking me.

14
15 MR. SOLANO: Yeah it says I have Powerpoint checked
16 off. I don't know why. I wonder if I would have to quit and
17 come back into the meeting or not. I don't want to take up too
18 much time but.

19
20 MS. DEFALCO: When you hit the share screen button
21 what comes up?

22
23 MR. SOLANO: So it shows all of my applications so my
24 desktop or Powerpoint

25
26 MS. DEFALCO: Don't open it just highlight it,
27 select it.

28
29 MR. SOLANO: Okay.

30
31 MS. DEFALCO: Without double-clicking and then you
32 can share it.

33
34 MR. SOLANO: Yeah and when I click share I have to
35 allow Office Suite HD meeting to share your screen, open
36 system preferences security and privacy to grant access so I
37 did that.

38
39 MR. LEIVTON: It's okay. Let's clarify your testimony
40 then. So you're saying that when the fence runs perpendicular
41 from the house to the arborvitaes there would be no sightline
42 issues for someone turning from Mohawk to Navajo?

43
44 MR. SOLANO: Absolutely not, no.

45
46 MR. LEVITON: Okay that's good enough. Larry anything
47 else?

48

1 MR. COOPER: I'd just like to know the color of the
2 fence?

3
4 MR. SOLANO: It's going to be a wrought iron, see-
5 through fence so just like the black poles, so very
6 uninterested. I mean you probably won't even notice it unless
7 you're looking really hard at the front of the house.

8
9 MR. LEVITON: They call that a jerith fence correct?
10 I remember reading jerith and I looked it up.

11
12 MS. DEFALCO: So Larry I just wanted to point out
13 Larry because I know you're concerned about the sight that Mr.
14 Solano is not increasing he's going, from the hedge right,
15 from his hedges to the side of his house. He's not coming
16 forward towards the street line. He's going across. Basically
17 the hedge is acting as his fence or fence post correct Mr.
18 Solano?

19
20 MR. SOLANO: Yes.

21
22 MS. DEFALCO: From the end of that hedge he's going
23 to have a fence go across and connect to the side of his
24 house. It's not coming towards the street at all.

25
26 MR. COOPER: Okay. Thank you Nancy I appreciate it.

27
28 MR. LEVITON: Anything else Lar?

29
30 MR. COOPER: No I'm good.

31
32 MR. LEVITON: Okay Mr. Solano my question is about
33 the fence. It's a jerith fence you indicated this much on your
34 application. My question is I looked it up and I saw it on the
35 internet, but I neglected to check futher and I'm curious now
36 so I'll ask is that a style or a brand?

37
38 MR. SOLANO: I'm not sure I can just describe it as
39 it's just a ---

40
41 MR. LEVITHON: I know what it looks like I'm
42 wondering is it like a cotton swab is a thing, but Q-tip is a
43 brand. Is jerith a brand or is it a generic name for any fence
44 that's rod iron?

45
46 MR. SOLANO: I'm unsure.

47
48 MR. LEVITON: Okay I'll check.

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MR. SOLANO: Yeah it's whatever Carl's the company gave me.

MR. LEVITON: It's much appreciated. Let me go out to the public.

MR. COOPER: One question to Nancy please.

MR. LEVITON: Yeah.

MR. COOPER: Nancy, does he have to get a permit with the town?

MS. DEFALCO: Yes of course. He'll get a permit once the board renders a decision.

MR. COOPER: --- calling the utilities, okay.

MR. LEVITON: Okay at this time I'm going to go out to the public if there's anyone that wants to ask Mr. Solano a questions or address the board regarding this matter. Seeing none I'll close public and check in with Mr. Glass and see if he needs anything further.

MR. GLASS: I guess just a point of clarification and I think the applicant actually did a good job of addressing the additional criteria, but the applicant indicated this would be a C1 hardship. I would disagree and say it would still be a C2 variance the benefits versus the burdens because this is a corner lot. That being said there are other corner lots that exist and a fence could be built within the appropriate setbacks. That being said I think the applicant addressed the C2 criteria in his testimony which the C2 criteria variance will be granted if the purposes of the MLUL are advanced by a deviation from the zoning ordinance and that that deviation substantially outweighs the benefits. So again I'm not saying to grant or deny the application, but I believe the applicant testified as to aspect of the C2 variants indicating that there would be no substantial detriment to the sight lines. He testified as to the attributes and aesthetics of it. So again I would submit that it's more appropriately considered under a C2 variance to the extent the board has other questions. In that respect it's possible but I do think the applicant did address it under either way.

1 MR. LEVITON: And that's why we pay you sir. Thank
2 you for yor contribution. Let's go out to the board and see if
3 someone will make a motion.

4
5 MR. SCHERTZ: So moved, David.

6
7 MR. LEVITON: Thank you David and will someone second
8 the motion to approve this application?

9
10 MR. GREGOWICZ: I'll second, Bob.

11
12 MR. LEIVTON: Thank you Mr. Gregowicz.

13
14 **ROLL CALL**

15
16 MS. MOENCH: Mr. Cooper?

17
18 MR. COOPER: Yes.

19
20 MS. MOENCH: Mr. Gregowicz?

21
22 MR. GREGOWICZ: Yes.

23
24 MS. MOENCH: Mr. DiTota?

25
26 MR. DITOTA: Yes.

27
28 MS. MOENCH: Mr. Rosenthal?

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30 MR. ROSENTHAL: Yes.

31
32 MS. MOENCH: Mr. Schertz?

33
34 MR. SCHERTZ: Yes.

35
36 MS. MOENCH: Mr. Mantagas?

37
38 MR. MANTAGAS: Yes.

39
40 MS. MOENCH: Chair Leviton?

41
42 MR. LEVITON: Yes. Congratulations Mr. Solano. Enjoy
43 your new fence and your young family.

44
45 MR. SOLANO: Thank you so much. I really appreciate
46 it. I just wanted to say too I wanted to give a special shout
47 out to Janice. She's been with me for months going through
48 this and she was amazing.

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MS. MOENCH: Thank you.

MR. SOLANO: So I just wanted to say thank you so much.

MS. MOENCH: You're welcome, easy to work with.

MS. DEFALCO: Thank you Mr. Solano.

MR. LEVITON: We appreciate that and we concur. Okay you have a good night. Your application will be memorialized at our next regular meeting which is currently scheduled for June 2nd, but may or may not transpire at that time. The one after that would be the 16th and definitely by then it will be memorialized and you won't need to be here.

MR. SOLANO: Okay great so I'll just receive an e-mail or something or?

MS. MOENCH: I'll keep in touch with you.

MR. SOLANO: Okay.

MS. MOENCH: I will let you know if that meeting is cancelled. If it is then we'll go to the next one. But in the meanwhile you get your permits in order and then when that resolution is done we can just hit the button and be ready to roll.

MR. SOLANO: Okay great. Thank you so much everyone. I really appreciate your time.

MS. MOENCH: You're welcome. Have a great night.

MR. SOLANO: Have a great night.

MR. LEVITON: Okay our next application is ZBE2208. This is Mr. Simas and Mr. Amenula. This is a sale of a property. Mr. Simas I believe you're in attendance. Mr. Amenula are you here as well?

MR. AMENULA: Yes I am.

MR. LEVITON: Am I pronouncing your name correct sir?

MR. AMENULA: Yes you are.

1 MR. LEVITON: Good I was afraid I was butchering it.
2 It wasn't clear to me from the lawyer's memorandum who is
3 going to be responsible for bringing the property back into
4 conformance if the board doesn't act favorably upon your
5 request?

6
7 MR. SIMAS: I am responsible for that Chair Leviton,
8 Mike Simas.

9
10 MR. LEVITON: Okay, okay thank you Mr. Simas I
11 appreciate it.

12
13 MR. SIMAS: Of course.

14
15 MR. LEVITON: Why don't you tell the board what
16 brings you here this evening and what it is that you need from
17 us?

18
19 MR. SIMAS: Sure thanks chair and members of the
20 board for hearing us tonight. We are seeking relief from both
21 the rear and side setbacks around the pool where the pavers
22 are around the pool for two feet and three feet respectively
23 and then the side street setback which is sixty feet. We're
24 also on a corner lot like the previous testimony and that is
25 compliant so we added onto the house which the board granted
26 us a variance for about five years ago which goes 41 feet into
27 the street lot line aligned with this paver patio that we're
28 looking for relief on today. So basically behind the addition
29 that we built, we dug a basement under the house which some of
30 you may be familiar with from when we went through this
31 process and the paver patio behind the house really works the
32 shed water away from the basement back towards the yard
33 towards the drainage area. None of these are visible from the
34 street because we have a three foot fence that is outside of
35 this line so the sight line with kind of a row of leyland
36 cypresses along that side. So from Barrister you can't see
37 into any of this I don't think it should impact the sight line
38 issue given that we're a corner lot. The rear behind the pool,
39 we hadn't realize that until we did the survey for the sale
40 that our fence that was here when we bought the house twelve
41 years ago was in the wrong spot so we moved that fence three
42 feet closer into the yard and I think that negatively impacted
43 the rear setback on the pavers and the sides off by two feet
44 which we're hoping to seek relief on. If we can't get relief I
45 guess we can come and cut a row of the pavers out.

46
47 MR. LEVITON: So I'm just going to interrupt for a
48 moment and ask the zoning officer a question. Mrs. DeFalco it

1 doesn't seem correct to me that the moving of the fence
2 affects the encroachment on the rear setback. The survey
3 indicates in yellow what is different today from what the
4 board approved in 2015 So my question to you is Mr. Simas
5 correct is it the moving of the fence or is it because they
6 did something different from what the board permitted seven
7 years ago?

8

9 MS. DEFALCO: I'm sorry you're asking Mr. Simas or
10 me?

11

12 MR. LEVITON: I'm asking you.

13

14 MS. DEFALCO: I'm sorry so it's two-fold the fence
15 maybe could've been a factor why the pavers are too close to
16 the rear because the fence is beyond the property line which
17 would need to be corrected as well, but the brick pavers
18 behind the pool is one thing, but has nothing to do with the
19 two patios that are behind the addition that the board
20 approved.

21

22 MR. LEVITON: Okay thank you anything else Mr. Simas
23 before we go out to the board?

24

25 MR. SIMAS: No the fence has been moved Ms. DeFalco
26 so that's done.

27

28 MS. DEFALCO: I didn't want to assume that it was
29 done so.

30

31 MR. SIMAS: No of course I appreciate it.

32

33 MR. LEVITON: Also Mr. Simas before we go out to the
34 board you mentioned that the water runs away from the house
35 now. Are there drainage issues?

36

37 MR. SIMAS: No it's more precautionary because the
38 houses in our neighborhood are all built on slabs. We were the
39 first to ever put a basement in under the addition. So when
40 the contractor did it in addition to the drainage that's in
41 the basement he wanted to be sure that the water went away
42 from the house. Basically it goes the length of the patio and
43 then there is a drainage built in, we put drains in that go to
44 the side yard and then we've got it'll come in the side yard
45 beyond the fence that exists and there's a street drain past
46 there that kind of goes down too. It just moves the water
47 safely away from the basement.

48

1 MR. LEVITON: Away from your house, but are there
2 runoff issues on the other properties?

3
4 MR. SIMAS: No it's in the middle of my backyard so
5 it doesn't go to the property line. The drain is probably
6 twenty feet from the back of the addition and then it goes
7 into the side yard towards Barrister. So it doesn't go towards
8 the next. It's not graded. Both sides of my lot are graded
9 away. One's graded away from my house, one's graded away from
10 my neighbor's property to a drain that runs down the center.

11
12 MR. LEVITON: Let's go out to the board, Bob.

13
14 MR. GREGOWICZ: Now I looked at the property this
15 morning and I have no questions or concerns on it.

16
17 MR. LEVITON: Thank you Mr. Gregowicz, Mr. Schertz.

18
19 MR. SCHERTZ: Mr. Simas I was over there this
20 afternoon and you said you have a drainage easement in the
21 back, at the rear of your property correct?

22
23 MR. SIMAS: Yeah there's a drain. It's kind of the
24 middle of the property not the rear it's the middle.

25
26 MR. SCHERTZ: The easement is in the middle of your
27 property?

28
29 MR. SIMAS: Where the drain is. There's basically a
30 drain that's built in on the edge of the patio that then
31 drains out under the fence to the side yard by the sidewalk on
32 the Barrister side and there's a pop up there that comes up
33 and then it's easily able to go down to the street drain over
34 the sidewalk.

35
36 MR. SCHERTZ: Okay so the easement is not at the rear
37 of your property?

38
39 MR. SIMAS: No.

40
41 MR. SCHERTZ: Stones are?

42
43 MR. SIMAS: Where the cones are?

44
45 MR. SCHERTZ: Stones, stones, rocks at the rear of
46 your property no?

47
48 MR. SIMAS: No right at the rear?

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MR. SCHERTZ: Correct.

MR. SIMAS: No I have a fence back there.

MR. SCHERTZ: Yeah and beyond the fence is there like stones?

MR. SIMAS No they put hay down. I had to have the landscaper when we moved that fence in per the zoning requirement I had to dig out and reseed my neighbor's property from where they moved the fence.

MR. SCHERTZ: Oh okay.

MR. SIMAS: So that's just hay on top of the new grass seed.

MR. SCHERTZ: Okay. It looked like rocks but okay.

MR. SIMAS: Just trying to be a good neighbor.

MR. SCHERTZ: No further questions, thank you.

MR. LEVITON: Thank you Mr. Schertz, Terry.

MR. ROSENTHAL: Just to be clear what were talking about two foot abd a three foot exception to the required ten feet is that correct?

MR. SIMAS: Correct.

MR. SIMAS: Yes and then behind the addition is the 41 feet consistent with the addition that we've already built in the setback on the side, street setback.

MR. SCHERTZ: Okay thank you.

MR. SIMAS: Thank you.

MR. LEVITON: Thank you Mr. Rosenthal, Mr. Mantagas.

MR. MANTAGAS: Yeah hi Mr. Simas your neighbors do they have any kind of water issues?

MR. SIMAS: Hang on.

1 MR. MANTAGAS: Run offs, flooding, puddling?
2
3 MR. SIMAS: Sorry I can't hear you.
4
5 MR. MANTAGAS: I'm sorry. Do you hear me now? Hello?
6 Does anybody hear me?
7
8 ALL: Yes. I can hear you.
9
10 MR. LEVITON: Mr. Simas can you hear me? Okay.
11
12 MR. MANTAGAS: It's on his side.
13
14 MR. LEVITON: Yeah he's lost us.
15
16 MR. SIMAS: You hear me? I think I lost audio there.
17
18 MR. LEVITON: You did are you back? Can you hear us?
19
20 MR. SIMAS: I'm back I apologize.
21
22 MR. MANTAGAS: I have a question about your
23 neighbors. Are they experiencing any flooding, puddling, water
24 on their property, water issues?
25
26 MR. SIMAS: Not that I'm aware of, no. My neighbor
27 who's most impacted behind me is where it was mostly from
28 moving the fence. He and I are just going back and forth on
29 grass seed versus sod so we put the seeds out and it should
30 grow.
31
32 MR. MANTAGAS: There's no runoff problems from your
33 property on to their property is there?
34
35 MR. SIMAS: Not from the pavers at all, no. They're
36 futher in from the property line and are drained through the
37 drain that we put in. When we bought the house none of the
38 pavers were there obviously and it was much wetter out there.
39 We were able to get the water out and down to the street I
40 think much more effectively with the drains.
41
42 MR. MANTAGAS: Right, okay thank you.
43
44 MR. SIMAS: No thank you.
45
46 MR. LEVITON: Thank you Mr. Mantagas, Mr. Shalika.
47
48 MR. SHALIKAR: No questions.

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MR. LEVITON: Thank you Joshua, Mr. DiTota?

MR. DITOTA: No questions.

MR. LEVITON: Thank you Rob, Mr. Cooper.

MR. COOPER: Yes ---

MS. DEFALCO: Sorry can you repeat that?

MR. COOPER: The approval that you're looking for
today ---

MR. SCHERTZ: Can't hear him.

MR. ROSENTHAL: It's real low. His voice is real low.

MS. MOENCH: Almost sounds like you're a bit muffled
Larry. --- something maybe like a microphone or something?

MS. DEFALCO: We can't hear him at all. It looks like
he lost audio.

MR. COOPER: Do you hear me now?

MS. DEFALCO: Very low.

MR. ROSENTHAL: Very low volume.

MR. COOPER: Nancy the issue that we're dealing with
now is that because of the ruling that we had made couple of
years ago? Is that part of it that he built more than what he
was allowed?

MS. DEFALCO: Couple of years ago when he came before
the board he received approval to build the addition within
the setback. He did not receive approval I should say he
didn't receive approval the two block patios, paver patios,
brick patios whatever you want to call them were not part of
his application. So the board didn't approve or disapprove.

MR. COOPER: Okay --- at that time. Okay and so he
just put the pavers in then?

MS. DEFALCO: Correct.

MR. COOPER: Okay thank you, that's it.

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MR. LEVITON: Yes last variance that was granted the applicant went beyond the permission granted by the board in 2015 there's no way to determine the impact of the runoff. I'd feel more comfortable if there was a drainage plan that we could see to insure that there is no negative impact, but that's just me. Having said so I'll go out to the public and ask if there's anyone in attendance who wants to ask Mr. Simas a question or address the board regarding this matter. Seeing none I'm going to close public and go back to our good friend Mr. Glass, counsel.

MR. GLASS: Sure, I guess just to piggyback on that point, if that was a drainage or grating plan was something the board did want to consider that could be a condition of approval. If the board were inclined to grant the application it could condition it on the submission of that and the board engineer would review. But to address what the applicant's proof again like the last application I believe this is a C2 variance the benefits versus the detriments. The applicant must demonstrate that the purposes of the municipal land use law would be advanced by deviating from the zoning ordinance and that doing so would substaintially outweigh any detriment there too. I believe there was testimony as to the aesthetics, what is in there, what's being done to improve what is in there, that there is no detriment to the public good. However there was a point made about the possible drainage issues which was raised. But again that is what the applicant has to demonstrate to the extent the board has additional questions for the applicant on that. But then again there has been testimony as to those issues.

MS. DEFALCO: I'm sorry Mr. Leviton can we just ask Mr. Simas when these improvements were built?

MR. SIMAS: They were built two years ago.

MR. LEVITON: Anything else Nancy?

MS. DEFALCO: No I'm just looking at Google Earth to see. Is there a row of hedges where the fence is as well?

MR. SIMAS: Yes those were there before the pavers.

MS. DEFALCO: So first the hedges and then the fence?

1 MR. SIMAS: No fence first and then the hedges and
2 then the pavers.

3
4 MS. DEFALCO: The hedges are behind so the hedges are
5 your neighbors?

6
7 MR. SIMAS: No the hedges are on the street side of
8 Barrister so ---

9
10 MS. DEFALCO: I'm sorry so I'm talking about by the
11 pool where the fence is beyond the property line.

12
13 MR. SIMAS: Those hedges are mine within two years
14 because the stuff that was there died during the pandemic. We
15 replaced it with arborvitaes.

16
17 MS. DEFALCO: So the arborvitaes are before the
18 fence?

19
20 MR. SIMAS: They're on my side of the property
21 correct.

22
23 MS. DEFALCO: And your neighbor can you testify to
24 why he's having a drainage issue?

25
26 MR. SIMAS: No I don't think he's having a drainage
27 issue. My issue with the fence was that I just had to replace
28 his lawn because the fence was on his property and I had to
29 move it into my yard so it left him with a patch of mulch from
30 the garden behind my pool. So we just dug that out and put
31 grass seed in for him so it looks clean on his side of the
32 property. There was no issue other than just aesthetically
33 bringing it back to where it was.

34
35 MS. DEFALCO: So he's not getting any water runoff
36 from your patio around the pool?

37
38 MR. SIMAS: Not that I'm aware of. I mean we're at
39 the end of Barrister. My house is the lowest on the whole
40 block so all of the water from both sides of the U kind of
41 come down to the drain next to our house. Our property line on
42 the corner by the drain and the sidewalk on the side of my
43 house always puddle. I think it's just a product of where we
44 are honestly on the block. We kind of get everybody's runoff
45 unfortunately.

46
47 MS. DEFALCO: Okay.

48

1 MR. LEVITON: Thank you Nancy. So Mr. Simas this is
2 where we are at. We can grant you variance relief. We can
3 ratify what's there and legitimize it. However, our attorney
4 indicates that it would be done so under a C2 variance which
5 would be is a detriment versus benefit test. He indicates that
6 the benefits have been established through testimony, but that
7 the second part the negative criteria to my satisfaction
8 hasn't really been met, but it can be if we set forth this
9 part of the variance relief the condition that you get a
10 drainage plan because only then will the board be assured
11 through the review of our engineer that there are no runoff
12 issues and that's the second problem of the detriment versus
13 benefit test. So that is going to be my recommendation and I
14 hope that the board will take it. I'm going to ask that
15 someone make the motion and that someone second it.

16
17 MR. GLASS: Just before I can jump in for just one
18 second. The applicant can choose to proceed without the
19 condition if he wants to attempt to go forward on the merits
20 without it. So I would just ask that the applicant if he
21 doesn't want the condition and he would like to try to proceed
22 without it he's obviously it's is his application, but again
23 as the chair indicated at least his concern and potentially
24 the board's concern on the matter.

25
26 MR. LEVITON: Mr. Simas how do you wish to proceed?
27

28 MR. SIMAS: So I have to choose whether to proceed
29 with the condition or without for a single vote and it will be
30 up or down vote either way we proceed right? There's no fall
31 back to a down vote to be conditional?
32

33 MR. LEVITON: Correct.
34

35 MR. SIMAS: And then the drainage plan is that
36 something that I would get from an engineer or ---
37

38 MR. LEVITON: Yes.
39

40 MR. SIMAS: Got it.
41

42 MS. MOENCH: He would get it from an engineer and
43 then the township engineer would review it.
44

45 MR. SIMAS: Okay so the drainage issue is with
46 regards to the setbacks behind the pool right that's what it's
47 concerning because it's so approximate to the fence?
48

1 MS. DEFALCO: For both. For both neighboring
2 properties I would just assure the township that you're not
3 creating any drainage issues with either neighbors.
4

5 MR. SIMAS: If we were to resolve that issue by just
6 removing the pavers behind the pool on the side of the pool is
7 the board comfortable approving the size cutback without the
8 drainage plan? The only reason I'm asking is because we're
9 moving at the end of the month. I'm worried about timing
10 getting this done to be totally transparent with the board. I
11 have no issue doing it I'm just concerned with the timing to
12 be totally honest with you. I'd be happy to remove a foot of
13 the pavers behind the pool or the two feet just to expedite
14 things, but if it's inclusive of both components then I guess
15 we'll have to do the conditional. I was just clarifying
16 whether that as the case.
17

18 MS. DEFALCO: Can we ask the new homeowner his
19 feeling. Does he want the pavers removed or would he prefer
20 the drainage plan?
21

22 MR. AMENULA: I'm in cooperation with what needs to
23 be done. If it's to get an engineer there then that's fine,
24 but if we have to remove it then that's fine as well.
25

26 MS. DEFALCO: Okay thank you.
27

28 MR. GLASS: And it would be a conditional approval.
29 So if it was granted the application would be granted it would
30 just be something conditional that would have to be done going
31 along.
32

33 MR. SIMAS: Okay so then --- thanks for explaining,
34 thanks Chair. So why don't we go ahead with the vote on the
35 conditional approval.
36

37 MR. LEVITON: Okay. I think it's a good decision Mr.
38 Simas. It's the board's responsibility to set forth the safety
39 and welfare of the community with the objective of conserving
40 the value of property. So even though you'll be gone we need
41 to look at the property in perpetuity and insure for the
42 safety of your neighbors. Okay so let me get someone to make
43 that motion and then second it.
44

45 MS. DEFALCO: Steve I'm sorry to interrupt.
46

47 MR. LEVITON: Yes?
48

1 MS. DEFALCO: Can we just have our attorney put on
2 the record the relief that the applicant s seeking?

3
4 MR. GLASS: Yes so to be clear so beyond what is in
5 the application the condition of approval if the board is
6 inclined to grant the relief is that the applicant in this
7 case Mr. Simas would have to submit a grating/drainage plan to
8 the board engineer for his review and approval and that that
9 would be the rest of the application is as is.

10
11 MS. DEFALCO: Right but I wanted you to put that on
12 the record.

13
14 MR. GLASS: Alright let me just, my apologies.

15
16 MS. DEFALCO: Do you have it in front of you?
17 Otherwise I'll ---

18
19 MR. GLASS: So the relief requested is for the
20 swimming pool to be located within ten feet of the side or
21 rear yard setback. In this case the existing pavers are
22 located eight feet from the side and seven feet from the rear
23 yard so that is one variance. As well as the street side
24 setbacks for the building and structures sixty feet in this
25 case. The brick patio and the freestanding patio would be 41
26 feet, 41.04 feet from the street side line. So those are the
27 two variances the board is voting on again with the condition
28 that the grating plan be submitted to the board engineer for
29 approval.

30
31 MR. LEVITON: Thank you Mr. Glass. Thank you Ms.
32 DeFalco.

33
34 MR. COOPER: I have a question to ask.

35
36 MR. LEVITON: Okay.

37
38 MR. COOPER: I think we should explain to Mr. Simas
39 what the cost may be involved so he has an idea what's
40 involved with the cost.

41
42 MR. LEVITON: Do you know the cost Larry?

43
44 MR. COOPER: The cost of our engineer looking at it?

45
46 MS. DEFALCO: I can talk to --- the cost for the
47 township engineer to review the plan will be \$200.00 for the
48 initial review. If any improvements or re-grating was required

1 after the re-grating was done you would submit a revised plan.
2 For each revision it's \$100.00 per revision. So it would
3 probably be best to do all your re-grating and all your
4 planting and then have an engineer come out and do the grating
5 plan and then come to the township and we'll submit it to the
6 engineer. It's a \$200.00 fee and we'll move forward from
7 there.

8
9 MR. COOPER: Okay that's plus whatever the engineer
10 is going to charge him to do that.

11
12 MS. DEFALCO: That's not our concern Larry.

13
14 MR. COOPER: That's right, I'm just saying.

15
16 MS. DEFALCO Go back to the surveyer that prepared
17 your survey and ask him if he'll come out and do it. I don't
18 know what the charge is.

19
20 MR. COOPER: I just wanted to bring the facts. It's
21 still his choice. He can pull up the pavers and not cost him
22 anything, but pulling up the pavers and that would be the end
23 of it. So you have a choice. I just wanted to put all of the
24 options on the table.

25
26 MS. DEFALCO: Thank you.

27
28 MR. ROSENTHAL: But does pulling up the pavers solve
29 the issue?

30
31 MR. COOPER: It solves the zoning issue.

32
33 MR. ROSENTHAL: But the drainage issue.

34
35 MR. LEVITON: Mr. Simas I'll go to you again before I
36 ask for a motion from the board. Would you like to proceed or
37 would you like to amend the way in which you wish to proceed?

38
39 MR. SIMAS: I'm happy to proceed. I just don't based
40 on this nothing's changed since the previous conversation
41 right?

42
43 MR. LEVITON: No you have more information but
44 nothing's changed.

45
46 MR. SIMAS: I guess the question that was just raised
47 that I couldn't fully understand what the cost of the engineer
48 would be right? I'll have to look into that on my own.

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MR. LEVITON: Correct.

MR. SIMAS: Yeah and we don't have any drainage issues from that area. I understand that we need to contemplate future use Chair, but I just wanted to make clear that there aren't any existing drainage issues that I'm aware of.

MR. LEVITON: And thank you for your understanding. The board is guided by the municipal land use law and it compels us to insure that there are no significant impacts to the surrounding properties.

MR. SIMAS: Understood.

MR. LEVITON: Or the neighborhood in general. Okay I appreciate that sir.

MR. SIMAS: No of course.

MR. LEVITON: Let me go back out to the public one more time and ask if anybody wants to ask Mr. Simas a question or address the board. Seeing none I'll close public and I'll ask Mr. Glass if he's good to go.

MR. GLASS: I am as long as everyone on the board is clear on what we're voting on.

MR. LEVITON: Okay thank you Mr. Glass and now I'll go out to the board and I'll ask will someone please make a motion to approve the application with the condition that a drainage plan is submitted and reviewed by our engineer.

MR. DITOTA: Rob will make the motion as stated by you.

MR. LEVITON: Thank you Mr. DiTota and will someone second that please?

MR. MANTAGAS: I'll second that, Basil.

MR. LEVITON: Thank you Mr. Mantagas.

ROLL CALL

MS. MOENCH: Mr. Cooper?

1 MR. COOPER: Yes.
2
3 MS. MOENCH: Mr. Gregowicz?
4
5 MR. GREGOWICZ: Yes.
6
7 MS. MOENCH: Mr. DiTota?
8
9 MR. DITOTA: Yes.
10
11 MS. MOENCH: Mr. Rosenthal?
12
13 MR. ROSENTHAL: Yes.
14
15 MS. MOENCH: Mr. Schertz?
16
17 MR. SCHERTZ: Yes.
18
19 MS. MOENCH: Mr. Mantagas?
20
21 MR. MANTAGAS: Yes.
22
23 MS. MOENCH: Chair Leviton?
24
25 MR. LEVITON: Yes. Mr. Simas thank you for your
26 understanding and your cooperation.
27
28 MR. SIMAS: Of course.
29
30 MR. LEVITON: Good luck with your move and
31 congratulations to you sir and good luck on your new home.
32
33 MR. SIMAS: Thanks everyone and I second Janice
34 you've been terrific so thanks again for all of your help. It
35 sounds like I'll see you again soon.
36
37 MS. MOENCH: You can just submit everything to me.
38 It'll go through me and then we'll take it from there.
39
40 MR. SIMAS: Perfect thanks again I really appreciate
41 everyone's help, thank you.
42
43 MR. LEVITON: Have a good night.
44
45 MR. ROSENTHAL: Take care.
46
47 MR. SIMAS: Have a good night.
48

1 MR. LEVITON: Okay our last application this evening
2 is number ZBE2214 and it is Mr. Jonathan Giordano. I see you
3 sir, good evening to you. How are you?
4

5 MR. GIORDANO: Good evening to everybody. Thank you
6 Chair.
7

8 MR. LEVITON: Mr. Giordano I'm prohibited in these
9 proceeding from testifying which I try not to do, but before
10 we begin I'm going to say to you sir that I grew up right
11 around the corner from you. I have friends on your street and
12 I've been looking forward to hearing your application. You're
13 looking to build a vestibule and I want you to tell the board
14 a little bit about it and what brings you here this evening.
15

16 MR. GIORDANO: Okay again good evening everybody and
17 thank you for hearing the reason that my family and I are
18 putting this forward. We moved out here a little over two
19 years ago now and started our family. My son was born in this
20 home and my daughter was just born about eight months ago in
21 this home. You could already tell by the accent I'm born and
22 raised in Staten Island, New York and I wanted to do the right
23 thing and choose a place to live to grow a family in which we
24 are currently doing. Being with that the main reason is a
25 safety concern. This house that we're currently in, we
26 absolutely love the neighborhood. We love the community, the
27 neighbors quite possibly friends of whoever on the board you
28 know the area. I absolutely love it and being that the
29 vestibule addition that we are trying to do, you can tell by
30 the pictures that were submitted as soon as you enter the door
31 there is a platform at the bottom of the staircase and it's
32 just very dangerous. I've tripped over it myself several
33 times. My son is right over two years old and he's in the
34 toddler stage so he likes to run around and he's tripped over
35 it and talking to the architect and engineers trying to expand
36 the front of the house there. Ideally would be able to take
37 out that platform. Open up, give us a space to actually enter
38 the house. Drop our sneakers so we don't drag obviously the
39 dirt and if it's raining the raincoats, just have a place to
40 keep things organized with some little cubbies and some hooks
41 just to be able to put some groceries down, the diapers bags,
42 the strollers. There's just no room as soon as you enter the
43 house. If you ever drive by my house you probably will see the
44 strollers outside the house because they just can't get a
45 double stroller through that walkway. Ideally it's to have
46 that space to just have that area that we're not tripping over
47 this landing creating that into just a single step and then
48 the vestibule itself would be a ten foot, six inch by eight

1 foot in length box and then a three foot overhang to just
2 protect us from the weather if it is raining and again any
3 packages, stuff like that just to have that space to put that
4 belongings. Again I do thank everybody for taking the time to
5 hear my little schpeel here and I'm free to answer any
6 questions that anyone may have.

7

8 MR. LEVITON: Thanks Mr. Giordano. Mr. Glass, the
9 board's attorney, is going to tell us that the hardship can't
10 be that there isn't a lot of room when you enter the house or
11 sneakers are a hinderance and perhaps a threat to your
12 family's safety, but there are other ways that we can grant
13 variance relief through the MLUL which is what gives us the
14 authority to do so. As long as your project advances one of
15 the purposes of the municipal land use law you're going to be
16 in good standings. My question to you is this vestibule that
17 you're constructing would it enhance the aesthetics of your
18 home and the neighborhood in general?

19

20 MR. GIORDANO: Oh absolutely. I do actually have a
21 neighbor on the block that has previously done it. So I know
22 that just by seeing what's being done over there already adds
23 to the street view. The look of it is not going to stand out
24 in any way that it would look out of place. We're minimalists
25 and we're trying to obviously our architect designed it that
26 it blends right into our house. It would definitely beautify
27 the community here.

28

29 MR. LEVITON: Of course we can't consider what's been
30 done on your block as we consider your application because
31 each case is viewed on its own merits and Mr. Giordano I know
32 you testified that it's minimalist I just want you to state
33 for the record that in your opinion let me ask you will there
34 be any detriment to the community from the construction of
35 this vestibule?

36

37 MR. GIORDANO: Absolutely not and by saying
38 minimalist I'm saying that my wife and I are not looking to do
39 anything in essence like over the top, gaudy, diamonds, and
40 bells and whistles. We want it to fit the neighborhood.

41

42 MR. LEVITON: Okay let's go out and see what the
43 board thinks, Mr. Gregowicz?

44

45 MR. GREGOWICZ: No questions.

46

47 MR. LEVITON: Thank you Bob, Mr. Schertz?

48

1 MR. SCHERTZ: No questions.
2
3 MR. LEVITON: Thank you David, Terry?
4
5 MR. ROSENTHAL: I have nothing.
6
7 MR. LEVITON: Thank you Mr. Rosenthal, Basil?
8
9 MR. MANTAGAS: Yes I have one question Mr. Giordano.
10 Are you going to re-side the house to match the new addition
11 or are you just going to match the addition with another
12 material?
13
14 MR. GIORDANO: Good question. Submitted in the
15 drawings the plan is to do some stone the first three feet and
16 then the rest of it will match. It's like a khaki color
17 siding, the vinyl.
18
19 MR. MANTAGAS: Right, right I passed by your house.
20 It's a nice house and it looks like you have room in the front
21 there so just curious of what you were using as a material.
22 Thank you no more questions.
23
24 MR. GIORDANO: Thank you.
25
26 MR. LEVITON: Thank you Mr. Mantagas, Mr. Shalikar?
27
28 MR. SHALIKAR: I have no questions. Thank you
29 Chairman.
30
31 MR. LEVITON: Thank you Joshua, Mr. DiTota?
32
33 MR. DITOTA: No questions.
34
35 MR. LEVITON: Thank you Rob and Mr. Cooper?
36
37 MR. COOPER: Nancy what is the setback requirement
38 for that lot? The setback requirements?
39
40 MR. GIORDANO: 75 feet.
41
42 MR. COOPER: And you're --- at what for or how far?
43
44 MR. GIORDANO: 66.3.
45
46 MR. COOPER: Okay thank you.
47

1 MR. LEVITON: And don't forget Larry it's Yorktowne
2 where the requirement in the R20 zone is more stringent than
3 anywhere else.

4
5 MR. COOPER: I understand Steve.

6
7 MR. LEVITON: Okay let's go out to the public and ask
8 if there's anyone in attendance who wants to ask Mr. Giordano
9 a question or address the board regarding this matter. Seeing
10 none I'll close public. Mr. Glass do you require anything
11 further sir?

12
13 MR. GLASS: I don't think so. I believe you you laid
14 out the criteria the applicant would have to demonstrate so I
15 believe it has been laid out there.

16
17 MR. LEVITON: Alright so then will someone make the
18 motion to approve Mr. Giordano's application for his C2
19 variance and then will someone second it?

20
21 MR. GREGOWICZ: I'll make the motion to approve the
22 application as submitted.

23
24 MR. LEVITON: Thank you Bob.

25
26 MR. DITOTA: I'll second it then.

27
28 MR. LEVITON: Thank you Rob.

29
30 **ROLL CALL**

31
32 MS. MOENCH: Mr. Cooper?

33
34 MR. COOPER: Yes.

35
36 MS. MOENCH: Mr. Gregowicz?

37
38 MR. GREGOWICZ: Yes.

39
40 MS. MOENCH: Mr. DiTota?

41
42 MR. DITOTA: Yes.

43
44 MS. MOENCH: Mr. Rosenthal?

45
46 MR. ROSENTHAL: Yes.

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48 MS. MOENCH: Mr. Schertz?

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MR. SCHERTZ: Yes.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Congratulations Mr. Giordano. Good luck with your new house and you're going to be in a beautiful home.

MR. GIORDANO: I very much appreciate everyone. Thank you so much.

MR. LEVITON: It is going to be memorialized likely on June 16th and Janice will keep you apprised of what's going on.

MS. MOENCH: The only thing I will mention too Jonathan I believe I could be mistaken, but we never got just one survey for your home with the proposed addition on it as part of the plan to go before the board. Right did we do that?

MS. DEFALCO: Yes we did. We said it was fine to go before the board and then if the board approved the application when he filed the permit he would supply the survey as required.

MS. MOENCH: Do you understand what I'm saying?

MR. GIORDANO: Yes.

MS. MOENCH: Okay. Go ahead I'm sorry.

MR. GLASS: Sorry Janice just so the applicant is clear the applicant agrees to submit the survey as requested by the board.

MR. GIORDANO: Absolutely yes.

MS. MOENCH: Okay perfect.

MR. LEVITON: Okay Mr. Giordano thank you for coming sir good luck to you going forward.

1 MR. GIORDANO: I appreciate that thank you to
2 everybody. Have a good night.

3
4 MR. LEVITON: Dustin I don't need to throw a curve
5 ball at you I didn't ask you on the --- to prepare any
6 thoughts on the matter I'm curious about the litigation.

7
8 MR. GLASS: No go ahead I didn't mean to interrupt
9 you though.

10
11 MR. LEVITON: I just thought if you could just update
12 us on what's going on.

13
14 MR. GLASS: I actually thought of that. We would have
15 to go into executive session to do so which was not on the
16 agenda because it is litigation. I had this same thought
17 briefly earlier today and forgot to bring it up. We can do
18 that for the next meeting if we put it on the agenda. We put
19 that we're having an executive session. We would go into
20 executive session. We could discuss the litigation and then
21 come out of it, but because it's an ongoing litigation it's
22 not something for public dissemination.

23
24 MR. LEVITON: So there is no one here at this time
25 can I make a motion to go into executive session?

26
27 MR. GLASS: You can. We would have to then ---

28
29 MS. MOENCH: I don't think we have a ---

30
31 MR. GLASS: It's not on the agenda so we really it
32 could be problematic. I would counsel against it.

33
34 MR. LEVITON: Okay.

35
36 MR. GLASS: I would say it's something that should go
37 on the agenda as executive session and then we would place a
38 resolution action that we go out with the packet. In some
39 situations it's done as a walk on. It's just not preferred.

40
41 MR. LEVITON: It's fine I'll heed that advice and
42 Janice let's include that on our agenda for whenever we meet
43 next. Thank you dear.

44
45 MS. MOENCH: Easier to do it in person too right?

46
47 MR. GLASS: It is yes. It iss also something
48 executive session can be included on the agenda and then if

1 it's not needed if we don't need to go into it you don't have
2 to.

3

4 MS. MOENCH: Okay thank you.

5

6 MR. LEVITON: I have nothing further. Just so the
7 board knows it is likely that the meeting on the 2nd is going
8 to be cancelled. It's not definite, but it's likely and that
9 means that the next time we'll all see each other, most
10 likely, will be in-person in the courtroom on the 16th and I'm
11 looking forward to that. I have nothing further. Does anyone
12 else have anything?

13

14 MR. SCHERTZ: Steve I have a question. Historically
15 why has Yorktowne been more stringent than the rest of the
16 town?

17

18 MR. LEVITON: Only Nancy knows these things. She went
19 to college.

20

21 MR. ROSENTHAL: Just for spite.

22

23 MS. MOENCH: It's special. Yorktowne is special.

24

25 MS. DEFALCO: It was not any I shouldn't say a
26 mandate to go back so it was indivudal per town so we took the
27 more ---

28

29 MR. LEVITON: Insulated.

30

31 MS. DEFALCO: I don't want to say conservative or
32 yes. We wanted to proceed with caution and make sure that
33 everybody felt comfortable meeting in person moreso.

34

35 MR. LEVITON: No, I think he wants to know why is the
36 setback in Yorktowne?

37

38 MR. SCHERTZ: Why is Yorktowne more?

39

40 MS. DEFALCO: Why is everybody --- only one person?
41 I'm sorry I heard in my own head something else. It's not just
42 Yorktowne David. It's throughout the township. I can't tell
43 you why some developments were built with the 75 foot what the
44 reason behind it because I wasn't part of the planning and
45 zoning office back then, but there are quite a few that were
46 built with the 75 foot, but Yorktowne just to speak about
47 Yorktowne is a very busy neighborhood especially Old Queens. A
48 lot of residents use it as a cut through to get to Pease Road.

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MS. MOENCH: I tell you who I feel bad for the mailman.

MR. SCHERTZ: They don't have curbside mailboxes.

MS. MOENCH: Right so he has to walk up and down every 75 feet.

MS. DEFALCO: He does have to do that.

MR. MANTAGAS: He's in good shape.

MR. LEVITON: The guy whose has that route is the fittest mailman at the post office.

MR. GLASS: He'll be walking nine less feet I guess with the new approval.

MR. LEVITON: That's funny. Nancy I'll bet it's also Holiday Park, Holiday North, Monmouth Heights, and the Poets section because they're all similar in age.

MS. MOENCH: Not the Poets sections.

MR. LEVITON: Not the Poets section? It's not quite as old, but it's almost as old. It's certainly old relative to the new ---

MS. DEFALCO: No really I couldn't really say why, but some were built with 75 and some were built with 60.

MR. LEVITON: Thank you Nancy.

MR. SCHERTZ: Thank you.

MR. LEVITON: Anyone else?

MS. DEFALCO: And you got a double David. You got to know why we didn't go in-person too.

MR. LEVITON: Outstanding.

MS. DEFALCO: Just one question. I'm telling you I heard something totally different.

MR. COOPER: Why are we missing the June 2nd meeting?

1 MS. DEFALCO: What's that Larry?
2
3 MR. COOPER: Why are we missing the June 2nd meeting?
4
5 MS. DEFALCO: The first meeting you mean?
6
7 MR. COOPER: Yes.
8
9 MR. SCHERTZ: Somebody cancelled probably.
10
11 MS. DEFALCO: We don't have any applicants at this
12 time. I will be in Europe attending my daughter's wedding. Our
13 attorney has a tentative vacation. It's not one hundred
14 percent yet so we just planned around it rather than having to
15 cancel at the last minute. Just put the applicants on the
16 following week instead.
17
18 MR. LEVITON: Mazel Tov to Nancy DeFalco and to
19 Dustin Glass.
20
21 MS. DEFALCO: Thank you. I appreciate it.
22
23 MR. GLASS: Thank you.
24
25 MS. DEFALCO: Fingers crossed.
26
27 MR. SCHERTZ: What country?
28
29 MS. DEFALCO: She's getting married in Sienna,
30 Tuscany.
31
32 MR. MANTAGAS: Oh wow beautiful.
33
34 MR. LEVITON: Tuscany.
35
36 MS. DEFALCO: I'm looking forward to it.
37
38 MR. GLASS: A lovely trip to put it mildly.
39
40 MS. DEFALCO: Thank you, thank you.
41
42 MR. LEVITON: Well thank you very much board. I'll
43 see you on the 16th. Will someone move to adjourn?
44
45 MR. COOPER: I'll move.
46
47 MR. SCHERTZ: Second.
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MR. LEVITON: Thank you David and goodnight folks.

MS. MOENCH: Goodnight guys.