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MEETING IS CALLED TO ORDER:

MR. LEVITON: Greetings public. I'm going to call this meeting to order and ask that you all stand for the salute to the flag.

SALUTE TO THE FLAG

MR. LEVITON: Pursuant to section five of the Open Public Meetings Act notice of this meeting of the Manalapan Township Zoning Board of Adjustment was sent and advertised in the Asbury Park Press. A copy of that notice was posted on the bulletin board where public notices are displayed in the municipal building. In addition a copy of this notice is and has been available to the public and is on file in the office of the municipal clerk. Accordingly this meeting is deemed in compliance with the Open Public Meetings Act. Roll call please. Oh yeah let's do that first. Tonight its going to be my ---

MR. GLASS: You would do a roll call and then we would swear him in to start the meeting.

MR. LEVITON: Okay.

MR. GLASS: --- do the call to order so the meeting's at least in order and then I'll swear him in.

MS. MOENCH: So am I calling him? ---

MR. GLASS: You can just say he's joined the meeting later on.

MS. MOENCH: Okay.

ROLL CALL

MS. MOENCH: Mr. Gregowicz?

MR. GREGOWICZ: Here.

MS. MOENCH: Mr. DiTota is absent. Mr. Rosenthal?

MR. ROSENTHAL: Here.

MS. MOENCH: Mr. Schertz is not with us yet. He's on his way. Mr. Shalikar?

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MR. SHALIKAR: Here.

MS. MOENCH: Mr. Weiss is absent. Mr. Mantagas is absent. Mr. Pochopin?

MR. POCHOPIN: Here.

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Here.

MS. MOENCH: And Chair Leviton?

MR. LEVITON: I am here. Okay tonight it's going to be my pleasure to have our attorney Mr. Glass swear in our new board member Mr. Wechsler, counselor.

MR. GLASS: Mr. Wechsler so just repeat after me. I'll kind of say this in pieces and hopefully not so broken up, but --- I Michael Wechsler do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the state of New Jersey.

MR. WECHSLER: I Michael Wechsler do solemnly swear that I will support the Constitution of the United States and the Constitution of the state of New Jersey.

MR. GLASS: That I will bear true faith and allegiance to the same and to the governments established in the United States and in this state.

MR. WECHSLER: That I will bear truth and allegiance to the same and to the governments established in the United States and to this state.

MR. GLASS: Under the authority of the people.

MR. WECHSLER: Under the authority of the people.

MR. GLASS: And that I will faithfully, impartially and justly perform all the duties of the offices of the Manalapan Township Board of Adjustment alternate number three member according to the best of my ability so help me God.

MR. WECHSLER: And that I will faithfully, impartially, and justly perform all the duties of the offices of the Manalapan Township Board of Adjustment alternate number

1 three member according to the best of my ability so help me
2 God.

3

4 MR. GLASS: Congratulations.

5

6 MR. WECHSLER: Thank you.

7

8 MR. LEVITON: Congratulations Michael and Mr. Glass
9 would you as well swear in the board's professionals.

10

11 MR. GLASS: Yes will you please both of you raise
12 your right hands. Do you both swear or affirm that the
13 testimonies you're about to provide are the truth, the whole
14 truth, and nothing but the truth?

15

16 MR. BOCCANFUSO: Yes I do.

17

18 MS. BEAHM: I do.

19

20 MR. GLASS: Thank you.

21

22 MR. LEVITON: Thank you professionals. It's nice to
23 see you both. It's been awhile.

24

25 MS. BEAHM: Nice to see you guys.

26

27 MR. BOCCANFUSO: Likewise.

28

29 MR. LEVITON: Okay our first order of business this
30 evening is to accept the minutes from October 6th. I'll need
31 one of you to make a motion and I'll need one of you to second
32 it.

33

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

35

36 MR. SHALIKAR: I'll second that.

37

38 MR. LEVITON: Thank you Mr. Rosenthal and thank you
39 Mr. Shalika, yes very good.

40

41 **ROLL CALL**

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43 MS. MOENCH: Mr. Rosenthal?

44

45 MR. ROSENTHAL: Yes.

46

47 MS. MOENCH: Mr. Shalika?

48

1 MR. SHALIKAR: Yes.

2

3 MS. MOENCH: Mr. Pochopin, am I saying that right?

4

5 MR. POCHOPIN: Pochopin, yes.

6

7 MS. MOENCH: I'll get it and Chair Leviton?

8

9 MR. LEVITON: Yes and next we're going to memorialize
10 several applications. The first one is ZBE2236.

11

12 MR. GLASS: Thank you. This was an application for
13 bulk variance relief. Openly the board granted three variances
14 for excuse me an existing fence which is located 47 feet from
15 the street side of Tracy Drive where sixty feet was permitted,
16 for the existing pool patio located 47 feet from the street
17 side of Tracy Drive where sixty feet is permitted, and for the
18 existing wooden deck located 57 feet from Tracy Drive where
19 sixty feet is permitted. There was a condition of approval
20 placed on the application that the applicant remove the
21 existing vinyl shed from the property.

22

23 MR. LEVITON: Thank you Mr. Glass.

24

25 MR. GLASS: Which has been done I'm actually told.

26

27 MR. LEVITON: Outstanding. I need a motion.

28

29 MR. SHALIKAR: I'll make a motion to approve.

30

31 MR. LEVITON: Thank you Mr. Shalika.

32

33 MR. POCHOPIN: I'll second it.

34

35 MR. LEVITON: And a second?

36

37 MR. POCHOPIN: I'll second.

38

39 MR. LEVITON: Thank you Mr. Pochopin. Yes Mr.
40 Pochopin you didn't actually --- to vote so you can't be the
41 second. My mistake and thank you for pointing it out Ms.
42 Moench.

43

44 MR. ROSENTHAL: I'll second.

45

46 MR. LEVITON: Thank you Mr. Rosenthal.

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48 **ROLL CALL**

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MS. MOENCH: Mr. Rosenthal?

MR. ROSENTHAL: Yes.

MS. MOENCH: Mr. Schertz, I'm sorry he's not here.
Mr. Shalika?

MR. SHALIKAR: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Yes and as I scan the three other resolutions Mr. Pochopin your name doesn't appear on any of them either. Okay the next application to be memorialized is 2237, Mr. Glass.

MR. GLASS: Yes this was also an application for bulk variance relief. Ultimately there were three variances granted. One for the swimming pool, the existing pool and decking, located five feet from the rear and three feet from the side yard whereas they're permitted no closer than ten feet from those side and rear yard lines. Another variance for the detached accessory building for the storage shed which was permitted to be located not less than five feet from the side yard lot line and it was located four feet from the side yard lot line. There was a condition of approval placed on this application. If you'll recall the wooden deck to the extent the portion not being worked on at the time whether it be worked on in the future, the applicant agreed to bring it into conformity with the other five foot side yard set backs.

MR. LEVITON: Thank you counselor. I need a motion and a second.

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

MR. LEVITON: Thank you Mr. Rosenthal.

MR. SHALIKAR: I'll second that.

MR. LEVITON: Thank you Mr. Shalika.

ROLL CALL

MS. MOENCH: Mr. Rosenthal?

MR. ROSENTHAL: Yes.

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MS. MOENCH: Mr. Shalikar?

MR. SHALIKAR: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Yes. The next one is 2245, Mr. Glass.

MR. GLASS: Thank you. This was also an application for bulk variance relief. The first variance was granted for the existing garage which exists twelve feet from the side yard lot line whereas a variance had previously been granted for fifteen feet and the zoning ordinance requires thirty feet. Additionally driveway shall not be within ten feet of any property line. The existing driveway was seven feet from the property line and there was a condition of approval that the applicants agree to shield and/or angle the light that was on the garage away from the neighbors.

MR. LEVITON: Thank you counselor. Motion please.

MR. SHALIKAR: I'll make a motion.

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

MR. ROSENTHAL: Second.

MR. LEVITON: Thank you Mr. Rosenthal.

ROLL CALL

MS. MOENCH: Mr. Rosenthal?

MR. ROSENTHAL: Yes.

MS. MOENCH: Mr. Shalikar?

MR. SHALIKAR: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Yes and the last application for memorialization is 2241.

MR. GLASS: Yes thank you and the application also for bulk variance relief with just one variance. The applicant proposed to construct a portico and front porch on the home at

1 68 feet whereas the set back in the R20 zone on Olde Queens
2 Boulevard is 75 feet.

3

4 MR. LEVITON: Thank you Mr. Glass. Will someone move
5 to accept, to memorialize?

6

7 MR. SHALIKAR: I'll move to memorialize.

8

9 MR. LEVITON: Thank you Mr. Shalikar and will someone
10 second it please?

11

12 MR. ROSENTHAL: I'll second.

13

14 MR. LEVITON: Thank you Mr. Rosenthal.

15

16 **ROLL CALL**

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18 MS. MOENCH: Mr. Rosenthal?

19

20 MR. ROSENTHAL: Yes.

21

22 MS. MOENCH: Mr. Shalikar?

23

24 MR. SHALIKAR: Yes.

25

26 MS. MOENCH: Chair Leviton?

27

28 MR. LEVITON: Yes. Please let the record reflect that
29 board member David Schertz is now in attendance and off the
30 record my memory isn't what it used to be, forgive me David.
31 Okay our first public hearing this evening is 2107 David's
32 Lawn and Landscaping Design and on behalf of the applicant Mr.
33 Van Wart, the doctor of juris prudence and former attorney for
34 this board the esteemed Mr. Galvin. Welcome back Dennis.

35

36 MR. GALVIN: Greetings Mr. Chairman and its good to
37 be back. First thing I would say is this case is déjà vu all
38 over again. This case was before the board in 2019. At that
39 time, my partner who is no longer with us, he's deceased, Bob
40 Munoz prosecuted this case and received a use variance
41 approval for this project. For the new guys what happens when
42 you have a use variance case it's not unusual to do what we
43 call bifurcating. You get your use variance and then you have
44 to come back another night to do your site plan. One of the
45 things that happened over the course of the two years, Covid,
46 losing Bob, was that we were going to have to pave a parking
47 lot after site plan. We paved the parking lot in anticipation
48 of the site plan and we messed everything up. So we finally

1 worked out all the details with all the professionals and I
2 believe that we can give you very good answers on the site
3 plan and we will renew our use variance planning testimony,
4 but hopefully there is no material change between now and the
5 last time we received our approval except now we have a paved
6 parking lot that I'm led to believe you want. So with that, oh
7 I thought I was getting a drum roll. It's okay that works for
8 me. So I'd like Mr. Ploskonka to be sworn in and I'll have him
9 here to testify.

10

11 MR. LEVITON: Thank you Mr. Galvin.

12

13 MR. GLASS: Please raise your right hand sir. Do you
14 swear or affirm that the testimony you're about to provide is
15 the truth, the whole truth, and nothing but the truth?

16

17 MR. PLOSKONKA: I do.

18

19 MR. GLASS: Thank you.

20

21 MR. PLOSKONKA: John J. Ploskonka P-L-O-S-K-O-N-K-A,
22 professional engineer Manalapan, New Jersey.

23

24 MR. LEVITON: Welcome back Mr. Ploskonka.

25

26 MR. PLOSKONKA: Thank you Mr. Chairman, appreciate
27 that. So we've been working about a year and a half on this
28 plan back and forth trying to work things out with the
29 professionals. This is a 5.5 acre site. I see four of the
30 members here have heard the original testimony on the original
31 application which was voted unanimously by the board, but you
32 have some new members tonight so just take me a little bit
33 more time, but not much time because of the Yankee game
34 tonight to move along as quick as I can. It's a 5.5 acre site.
35 It's on Daum Road and I did provide the board and the board
36 members with an aerial photograph, if everyone got that yet.
37 Was that passed out?

38

39 MR. SCHERTZ: Is there exhibit number for it?

40

41 MR. PLOSKONKA: It's exhibit A.

42

43 MS. MOENCH: It's exhibit A, yes.

44

45 MR. PLOSKONKA: And that kind of shows you where
46 we're at with the site. It's a landscape business. It's on
47 Daum Road. It's close to Iron Ore Road. It's close to the
48 Happy Day day camp if you've been there at all. It's close to

1 Ellen's Tree Farm which is down the street a little bit so
2 it's in an area that's residentially zoned for farms and other
3 activities besides David's landscape business. On his left
4 side as you face the house is Joe Brenner, a long-time member
5 of Manalapan and Joe Dooling on the right side, both are
6 familiar with the client and have worked with our client over
7 the years. So we have a 5.5 acre site. In the back of the
8 property there's the Manalapan Brook so it's environmentally
9 sensitive in the back and we can't go back and touch that.
10 There's the township stream --- buffer that comes on to the
11 site a little bit. We're trying to now go from the use
12 variances that were approved to a plan how we'll manage the
13 property in the future. The property has 5,500 square foot
14 pole barn behind an existing house. There's a house near the
15 road which is the residence of my client and he keeps stones,
16 shrubs, other landscaping materials that he takes in and out
17 on a daily basis to different projects throughout the Monmouth
18 County area. There's no work proposed at all for the
19 environmentally-sensitive area in the rear and basically with
20 the two neighbors on both sides he has had a good neighbor
21 policy where they ask him to do some buffering. He put a lot
22 of trees up front near the right side for Mr. Dooling and he
23 put trees on the back side for Joe Brenner over the years
24 whatever they've asked him to do he's done that. There's also
25 a drainage problem that existed on Daum Road where waters
26 flooding right in front of the property which wasn't his
27 fault. It was a matter of the road issue. The township came in
28 and they put in some drainage and they ran it through his
29 property to a ditch in the back of his property. It's shown on
30 the site plan and that was not ever finalized. First Bob Munoz
31 had passed away. They didn't get the paperwork done on that
32 easement, but there's an easement proposed on our plan that's
33 to be dedicated to Manalapan subject to the client meeting
34 with the town attorney and Dennis and my client working out
35 those details. That's shown on the plan.

36

37 MR. LEVITON: Let me stop you there and talk to you
38 Mr. Galvin. Regarding that easement, a condition of approval
39 I'm going to ask that the twenty foot drainage easement that
40 Mr. Ploskonka is talking about be provided to the township. So
41 if the board's going to act favorably I'm going to want it
42 written in as a condition.

43

44 MR. GALVIN: Subject to the terms we work out with
45 the township.

46

47 MR. LEVITON: Of course.

48

1 MR. GALVIN: Okay and if we can't work out those
2 terms then we won't have an approval.

3
4 MR. LEVITON: Counselor?

5
6 MR. GLASS: Yeah it's just like any other condition
7 of approval. If they don't satisfy it then they wouldn't
8 satisfy it.

9
10 MR. GALVIN: It's important to understand that we can
11 ask for reasonable things as part of an approval, but there's
12 a point where we got to be careful. We can't ask for a fire
13 truck so we got to be careful when we're doing this and we're
14 going to play nice in the sandbox. We're going to work it out.
15 I got to talk to the municipal attorney about what we're doing
16 and how we're doing it.

17
18 MR. LEVITON: And so that the board knows the
19 applicant, the fees for tonight's hearing were waived and that
20 was adopted by the township committee and the applicant agreed
21 to grant the township the easement.

22
23
24 MR. GALVIN: It's a little different than a normal
25 situation where you say hey we want some roadway. This is
26 different. This would be like they came on our property and
27 created a roadway. So it's a slight variation. The other thing
28 in the spirit of cooperation things got messed up between the
29 loss of Bob and Covid to be quite honest with you. I tell you
30 candidly it's a broken play and I'm trying to do what I can to
31 save it for everyone concerned so. But I get the point. Are we
32 good Jen? We're good?

33
34 MS. BEAHM: Yeah I think that it's important to know
35 that Mr. Ploskonka showed the easement on the plan. I'm
36 totally fine. If we condition any positive action by this
37 board even being provided terms to be worked out between ---

38
39 MR. GALVIN: Right.

40
41 MS. BEAHM: The applicant and the township.

42
43 MR. GALVIN: That's the way to settle this.

44
45 MS. BEAHM: It's not really our issue. It's the
46 township's issue so let them work out the terms of it. If it
47 falls apart at that point then we're looking --- at that
48 point, but I think ---

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MR. GALVIN: I'm going to work really hard.

MS. BEAHM: Right so I think in terms of what we're dealing with today I think that's all we need to say about it honestly.

MR. GALVIN: Right as long as everything else is set and we'll give you the condition. We can't operate without dealing with it we will deal with it.

MS. BEAHM: Yup.

MR. BOCCANFUSO: And Mr. Chairman I agree wholeheartedly. In fact, I don't think it would be appropriate for the board to engage in negotiations of the terms of the easement. It's going to be between the applicant and the township not the board of adjustment. So to condition the approval on it, let them work it out, hope that they can. We have reasonable people on both sides of the table I think. I think that's the way to go.

MR. LEVITON: Thank you to the board's professionals and once again thank you to Mr. Van Ward for allowing the township to put the drainage piping in. At the time there was horrible flooding in front of your home sir so thank you. Please continue Mr. Ploskonka forgive the interruption.

MR. PLOSKONKA: Thank you Mr. Chairman. We did have meetings with the --- and review committee with Brian and Jen a couple months ago. We went over some of the details and we had to meet new stormwater regulations based on the fact that they've been there for fifteen years and now we're closing a stormwater basin towards the back of the property which will help with the stormwater runoff. Subject to Brian's approval, we'll finalize that with his office in the future. We've given him information so far.

MR. GALVIN: So that'll improve stormwater runoff for the whole neighborhood right?

MR. PLOSKONKA: Well just for our property.

MR. GALVIN: Okay.

MR. PLOSKONKA: It's just for our property and what's important as we've gone through these tough years and the Covid we had to put in a new septic system for both buildings

1 and because there was a lot of clay out there we went down
2 twenty feet. It cost them like \$60,000.00 to put in that new
3 septic system out there and there's been a lot of cost
4 involved that he's run up against over the last couple years
5 just in delays etcetera. So we now propose a stormwater
6 management basin, repaved a portion of the property in advance
7 which we shouldn't have done, but now we have a place to put
8 nineteen parking spaces. We can repave them. We're going to
9 stripe them and we're going to have an aisle that's 24 foot
10 wide for most of the area, some of its 34 feet wide and the
11 last five spaces have an 18 foot aisle, a little bit larger
12 than 18 foot. So that's a waiver of variance. We do have a
13 planner to talk about the variances. The sign is out there on
14 the road. It's a nice little small sign. It's only 23 square
15 feet. It's around nine foot from the pavement and it's the G5
16 sign. We need a variance for that sign. It's a small, tasteful
17 sign. The parking spaces are nine by eighteen. The ordinance
18 says ten by twenty, but these are people parked all day long
19 so nine by eighteen for this area is a reasonable. No need to
20 have a ten by twenty. If you have a 7-11 or a Wawa where
21 people come in and out every five minutes you need the bigger
22 spaces. So these are people coming to park with their truck,
23 with their cars and staying all day. There's no curbing around
24 the parking lot.

25

26 MR. LEVITON: And just a second Mr. Ploskonka for the
27 edification of the new members its not, your client doesn't
28 own a store. He has clients come pick out shrubs for
29 landscaping so there isn't a lot of traffic anyway was what
30 the testimony had been for the use variance.

31

32 MR. PLOSKONKA: He's basically a wholesale dealer. A
33 few retail people come in, but basically it's wholesale. So
34 that's correct and we're not putting in curbing because we got
35 stormwater running right down to the stream with a retention
36 basin now. We want the water flow naturally over the ground
37 and take it into the basins so there's a waiver for curbing.
38 Shade trees, we'll providing shade trees. I think we're going
39 to have a meeting which Shari Spiro to finetune the
40 landscaping in front that was recommended by the planner and
41 the engineer. In paving the property we understand that we've
42 done at his cost and expense and his peril, but I'll put a
43 note on the plan saying the work is done in accordance with
44 his private parking lot and he doesn't hold the township
45 harmless at all. That'll be a note on the plan ---

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47 MR. GALVIN: So he does hold the township
48 responsible? He will hold the township responsible?

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MR. PLOSKONKA: I'm sorry?

MR. GALVIN: That's alright, that's alright keep going, keep going. Keep going you're almost there.

MR. PLOSKONKA: Thank you counselor. There's a buffer required on both sides of fifty feet. I mentioned before that Mr. Dooling's on the right, Mr. Brenner's on the left, they both asked for some landscaping that we did over the years and I think it's more than adequate. There was a mention of putting up a fence on the right side next to Joe Dooling. He was against that. He came out and --- that I don't want any fence on this property. He wants it the way it is. We put a lot of trees there so I think we're good with Mr. Duling on that basis.

MS. BEAHM: The buffer is on both sides. It's a variance right?

MR. BOCCANFUSO: Yes.

MS. BEAHM: Okay I just want, we're running through it and I'm totally fine with running through it I just want make sure it's very clear what we're asking for.

MR. PLOSKONKA: Buffer on both sides good.

MR. GALVIN: Our planner ---

MS. BEAHM: I understand.

MR. PLOSKONKA: And we're going to park the construction vehicles which are like ten pickup trucks and maybe four trailers to be parked behind the building in the back towards the rear not in the wetlands and we'll probably have to cut back some of that landscaping that's been active there just to get those to fit back there and --- some space so we're going to take back a little bit of that area Brian and park them in the building back to the edge of the stone.

MS. BEAHM: And that's going to be gravel?

MR. PLOSKONKA: In the gravel area yeah. We're not going to change that. We're not going to change the gravel. We have some of the gravel in the township stream corridor buffer, but we're not going to touch that area at all. That'll be off limits. The dumpsters, there's two dumpsters that are

1 up front next to the fence. They're set back 200 feet from the
2 road.

3

4 MR. GALVIN: They were moved.

5

6 MR. PLOSKONKA: They were moved.

7

8 MR. GALVIN: They were moved a hundred feet based on
9 the last hearing before the board. They were moved from a
10 hundred foot location to two hundred feet back.

11

12 MR. PLOSKONKA: And there'd be a --- behind the house
13 right now and they're pretty far off the road and actually
14 blocked by some vision and McKinley will talk to that a little
15 bit when she gets up.

16

17 MS. BEAHM: No I agree that that's what was
18 discussed. I just you're not proposing any closure which I'm
19 not advocating any additional fence.

20

21 MR. GALVIN: Or against you need a variance for that.

22

23 MS. BEAHM: I agree, but I'm just saying that I
24 really want to make sure that wherever the dumpster is
25 actually located whether its refuse, refuse recycling,
26 whatever it is not visible from the street. If you're not
27 going to put it in an enclosure you got to make sure we can't
28 see it.

29

30 MR. GALVIN: We're going to verify that for you. We
31 believe we moved what?

32

33 MS. MOENCH: I looked at the minutes from the first
34 meeting and it was stated that they're in the rear of the
35 property for grass clippings in the rear.

36

37 MS. BEAHM: And that's not garbage this is a
38 dumpster. We're talking about a dumpster. We're not talking
39 about ---

40

41 MS. MOENCH: Two dumpsters it says.

42

43 MS. BEAHM: Yes, but I want to make sure the
44 ordinance requires that it not be visible right? It says
45 technically from people on an off-site. I'm not really worried
46 about the on-site because I understand that this is a
47 commercial business, but I just want to make sure that if
48 you're not going to put it in an enclosure which I'm perfectly

1 fine with then you won't ever hear me say that again, ever.
2 Just so long as it's not visible so as long as you can ---
3

4 MR. GALVIN: So can we put a tree in front of it so
5 it's not visible?
6

7 MS. BEAHM: I don't care whatever you do, but just
8 make sure it's not visible.
9

10 MR. PLOSKONKA: Why don't we work it out with Shari
11 Spiro? We put some kind of buffering up front before the
12 dumpster.
13

14 MS. BEAHM: Perfect.
15

16 MR. PLOSKONKA: Trucks can pull around and get in.
17

18 MR. BOCCANFUSO: That'll be fine just it might be
19 easier for the operator to move it to a different location in
20 the back where they can just drive in instead of having to
21 navigate around a tree. I mean I have no issue working out the
22 details, but I agree with Jen on this. As long as it's not
23 visible from the street I think it complies, may not comply
24 fully with the ordinance, because as she said it says you
25 can't even see it from on-site. I don't know how you could
26 even do that.
27

28 MR. GALVIN: We'll let our planner talk to this. I
29 put David under oath, but we need a hundred feet. There's a
30 topographical change you cannot see the dumpster from the
31 street.
32

33 MS. BEAHM: Which is fine, I would submit Mr. Chair
34 that this be a condition and that the ultimate location be
35 verified by myself and Brian. As any condition, if the board
36 acts favorably on the application I don't think we need to
37 delve any further into it I'm just saying as long as we can
38 agree to agree then we're fine.
39

40 MR. GALVIN: We're going to make whatever you tell
41 me.
42

43 MS. BEAHM: Perfect.
44

45 MR. LEVITON: Any you want to present who else?
46

47 MR. GALVIN: Or do you want to ask the public to ask
48 questions?

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MR. LEVITON: We're going to hold questions in advance. Board we're going to let the affirmative case play out. We'll go to our professionals and then I'll go out to you, then I'll go to the public.

MR. GALVIN: No problem, good call Mr. Chair. Alright I'd like McKinley could you come on up?

MR. LEVITON: Good evening ma'am.

MS. MERTZ: Hi.

MR. LEVITON: Welcome.

MS. MERTZ: Thank you.

MR. LEVITON: And Mr. Glass will swear you in.

MR. GLASS: Please raise your right hand ma'am. Do you swear or affirm that the testimony you're about to provide is the truth, the whole truth, and nothing but the truth?

MS. MERTZ: I do.

MR. GLASS: And please spell and state your name for the record.

MS. MERTZ: Sure. McKinley Mertz M-E-R-T-Z business address is 236 Broad Street in Red Bank.

MR. GLASS: Great and then I guess just your qualifications for ---

MS. MERTZ: Sure.

MR. GLASS: To qualify you as an expert.

MS. MERTZ: I have a Master's of city and regional planning from Rutgers. My PP License, professional planning license, is active and in good standing. I also have the National Planning Certification, the A.I.C.P. I've been qualified in several boards around this state. I have not had the pleasure of being in front of you all, but I have been in front of your planning board a few times. Also Branchburg, Toms River ---

1 MS. BEAHM: Mr. Chair I have seen this professional
2 multiple times.

3
4 MS. MERTZ: Thank you Ms. Beahm.

5
6 MS. BEAHM: I have worked with her on many instances.
7 I have absolutely zero qualms about her qualifications.

8
9 MR. LEVITON: Thank you Ms. Beahm.

10
11 MR. GALVIN: She's the planner of Millstone Township.

12
13 MS. MERTZ: I'm right around the corner, yeah.

14
15 MR. LEVITON: Thank you Ms. Mertz. The board accepts
16 your credentials.

17
18 MS. MERTZ: Thank you.

19
20 MR. GALVIN: We're actually lucky to have her tonight
21 that's how good I think she is.

22
23 MS. MERTZ: My other meeting was cancelled so I got
24 to come here.

25
26 MR. LEVITON: Okay.

27
28 MS. MERTZ: Mr. Ploskonka ran through what's
29 happening on the site, the existing conditions, why we're
30 here. I'm going to retouch on the variances so it's clear
31 what's a variance relief and what's a waiver relief and this
32 being, please correct me if I put one in the wrong category.
33 First just to remind the board and to let the new board
34 members know we were approved in 2019 for three bulk variances
35 that remain the same, that are not changing. That would be the
36 front yard set back of the existing single family home. It's
37 required to be a hundred feet set back. We have about 76 feet
38 that's not changing by our application. We also have outdoor
39 storage of materials and outdoor storage of goods. Both of
40 those are associated with the nursery and landscaping use and
41 the conditions of that have not changed since 2019. We of
42 course received the use variance for the nursery and
43 landscaping that is being asked for again tonight. That was
44 one of our "new variances". It is a D1 variance instead of a
45 D2 variance because it was a non-conforming use that was
46 approved by a D1 variance. So its not a pre-existing, non-
47 conforming and this one's under D2 so we're here again to ask
48 for another D1 to approve our nursery, to legitimize our

1 existing nursery and landscaping business. The additional
2 variances we are seeking tonight are and again Mr. Ploskonka
3 touched on them, but we have two variances associated with
4 buffering. The first being that we are required to provide a
5 fifty foot buffer, a landscaping buffer, because we are
6 adjacent to two residential properties and we do not have that
7 full fifty feet. Associated with that we're not permitted to
8 have any loading or parking within that buffer area and we do
9 have some of the paved area, some of the outdoor storage is
10 within that buffer area. The third which is one or two I guess
11 depending on how you look at it is a deviation from the sign
12 requirements. We are required to have a ten foot set back for
13 signage. Our existing sign is one foot from the property line.
14 Although I'll note that it is actually about eight to nine
15 feet from the roadway itself because the grass does extend a
16 little bit further. Second and I did confirm with Ms. Beahm
17 before we started tonight we are qualifying the sign as a G5
18 ground sign which is allowed to be twenty square feet and up
19 to two and a half feet in height. The essential part of our
20 sign is 18 feet and then we have an address below as it was
21 distributed. If I may was this one of the exhibits?

22

23 MR. SCHERTZ: Janice do we have this one as an
24 exhibit?

25

26 MS. MERTZ: I'm sorry. Oh this was not distributed I
27 apologize. Can we distribute that?

28

29 MR. GLASS: We'll mark it. Sorry we can mark it.

30

31 MS. MERTZ: So this would be exhibit B.

32

33 MS. MOENCH: What are you marking as A2?

34

35 MS. MERTZ: A2? Whatever you prefer.

36

37 MS. MOENCH: I think the first one was just A1 right?

38

39 MR. GLASS: And that's fine.

40

41 MS. MERTZ: So this is A2, okay. Okay --- I'll refer
42 to my copy, but you can follow the top part is of the sign
43 that says the address, 146 and then it says David's Lawn &
44 Landscaping Design. That's approximately eighteen square feet.
45 The piece that hangs below it which reads greener pastures,
46 nursery, wholesale and retail is approximately five square
47 feet so we exceed the total of twenty between the two and it's
48 taller than two and a half feet. I apologize I don't have the

1 exact height, but it's a little bit more about four and a half
2 feet tall. So those are the variances associated with the sign
3 all from your attachment six from the ---

4

5 MR. GALVIN: Does it identify the business well?

6

7 MS. MERTZ: It does. It's very easy to see. I visited
8 the site this morning for the first time and had absolutely no
9 problem seeing it in time to slow down and turn.

10

11 MR. GALVIN: So would you say the motoring public
12 needs that sign in order to be able to identify the business?

13

14 MS. MERTZ: I think so because the business is close
15 to the rear of the property. I shouldn't say closer, but
16 further back from the single-family dwelling so you would
17 really just think it was a single-family home if you were
18 driving past it. That sign really does provide a needed
19 identification. So those are the variance associated with
20 tonight's application. The design waivers we're seeking also
21 includes a landscaping screening. There is one ADA parking
22 space located next to the pole barn that does not have any
23 landscaping surrounding it and the reason for that is it's in
24 the middle of the property next to the pole barn. It's not
25 adjacent to any other neighbors. There's really no reason to
26 screen it because nobody can see it. As was mentioned, the
27 size of the parking stalls, nineteen feet by eighteen feet
28 instead of ten by twenty feet. The ordinance does say that it
29 can be nine by eighteen feet if it's for employee parking and
30 we do anticipate 98 percent of these parking spaces to be
31 utilized by employees of David's Landscaping so really we're
32 mostly in conformance with that and as Mr. Ploskonka testified
33 to you're not having people coming in and out very quickly.
34 The cars are being parked there for much longer so we feel
35 that that's an appropriate size. The aisle width is required
36 to be 24 feet whereas the smallest width is 18 feet. The
37 parking area/curbing and I'll come back to that in a little.
38 The parking area/curbing as John testified to we don't have
39 any curbing around the paved parking area where it's required
40 and he noted that that's for drainage purposes. So that's
41 really what I consider a technical waiver that is engineering
42 based. Pavement and marking of signage, I'm sorry, pavement
43 markings and signage for off street parking spaces because the
44 truck parking is on gravel we're not striping those parking
45 spaces for that pure reason. Its gravel and striping them
46 really wouldn't do much good as the trucks run over them
47 they're going to move it. This allows the trucks a little bit
48 more flexibility with parking within the gravel space and

1 finally the recycling containers as we just talked about. We
2 do have one dumpster that's a refuse and one that's the
3 recycling. I'm going to come back to the proofs for that in a
4 little bit, but that is another one that we are requesting
5 from this board. First I'm going to touch on the planning
6 first for our D variance. For those of you who were here three
7 years ago our planning testimony has not changed in terms of
8 the positive and negative criteria. We still believe that the
9 site is particularly suited for this use. It's located in a
10 generally rural, agricultural area. There are residents near
11 us, but they're on fairly large lots and our neighbor straight
12 to the north is very similar to us where they have residential
13 unit in the very front of the property and then they have the
14 commercial business towards the rear of the property so we're
15 really right in tune with what they already have there. There
16 is an active farm across, down road from us. So again my
17 opinion is that the landscaping and nursery business is really
18 akin and contextually sensitive to what's already in the
19 neighborhood and to what the agricultural zone permits. The
20 expansion that we're here for is the paving of roughly five
21 thousand square feet. It's my opinion that this paving, it was
22 already the plan to pave this. It is not going to increase the
23 intensity of this use in any way. The parking testimony and
24 the traffic testimony that was given three years ago remains
25 the same. We do not anticipate any change in the operations
26 because we are paving five thousand square feet. It's going to
27 provide a much better circulation and management of the
28 parking area. We also have to prove that special reasons exist
29 to justify this D1 variance and these are pulled from the
30 purposes of zoning in the M.L.U.L. It's my opinion that the
31 same purposes that were given to you three years ago remain
32 valid. That would be purpose G to provide sufficient space in
33 appropriate locations for a variety of uses including
34 agricultural and commercial which is really what we have here.
35 Again as was testified it's an appropriate location and
36 contextually sensitive to the neighborhood that it's in. The
37 second purpose of zoning that again qualified in 2019 that
38 we're reiterating tonight is purpose M which is to encourage
39 the efficient use of land. These improvements like I said
40 they're going to make the parking and circulation patterns on
41 this site much more efficient and will provide an aesthetic
42 benefit to the site as well. It won't look as chaotic because
43 the cars now have a designated place to park instead of just
44 haphazard around the site. The negative criteria associated
45 with the D variance, we have to prove that granting the use
46 variance will not be a substantial detriment to the public
47 good nor will it impair your zone plan. As was testified in
48 2019 and again tonight I do not believe there are any negative

1 impacts from the D variance that we are seeking. Mr. Ploskonka
2 testified that the owner has worked closely with the neighbors
3 to ensure that they do not feel negative impact from the
4 property. The dumpsters were moved at the request of this
5 board, but I believe it was in conjunction with discussion
6 with those neighbors so they have worked together to improve
7 the site. Again the nursery and landscaping business is
8 contextually sensitive so they're not putting on an additional
9 burden to the neighborhood that they're within. There's
10 nothing expressly in the township's master plan that addresses
11 this site, this zone, or this geographic location, but the
12 fact that this is a long-standing business within the township
13 speaks to its viability and that's a benefit to the township
14 as a whole. The C variances that I mentioned before, it is
15 typically my testimony when it comes to D1 variances that bulk
16 variances are subsumed into the use. However, these are
17 associated with the buffering and the recycling so I think it
18 is prudent to go ahead and give all of the C variance testimony
19 associated with them. We are qualifying these under what we
20 refer to, I'm sure you're familiar with the C2 variance,
21 commonly known as the benefits versus detriments. We have to
22 prove to you that the benefits of granting these variances are
23 going to outweigh any potential detriments associated with
24 them. Again, there are three/four associated when you count
25 the two for signage. All three variances, four variances can
26 be qualified under the C2. Again, I do not believe there are
27 any detriments associated with granting these variances. The
28 buffer distance of fifty feet is a product of the fact that we
29 are next to residential. However, we have a commercial
30 property also north of us.

31

32 MR. GALVIN: You did good. Do you want more?

33

34 MR. ROSENTHAL: Would you repeat?

35

36 MR. GALVIN: Thanks Ter.

37

38 MR. LEVITON: Anything else Mr. Galvin?

39

40 MR. GALVIN: No that's our case Mr. Chairman. I think
41 we've done a good job presenting the negative and the positive
42 criteria.

43

44 MR. LEVITON: Let's go to our professionals then.
45 I'll start with you Ms. Beahm. Do you take exception to any of
46 Ms. Mertz's testimony?

47

1 MS. BEAHM: I do not. I think she is very thorough. I
2 think that she provided the justification for the relief and I
3 don't take exception to the relief that has been asked for by
4 the application.

5
6 MR. LEVITON: Then I echo Mr. Galvin's sentiments,
7 well done.

8
9 MS. MERTZ: Thanks.

10
11 MR. LEVITON: Mr. Boccanfuso, how did Mr. Ploskonka
12 do?

13
14 MR. BOCCANFUSO: He did well and I'll defer to Jen on
15 the variance relief and design waivers, but I think there is
16 one thing that we do need to get on the record. Perhaps Ms.
17 Mertz mentioned it and I missed it when I was taking notes and
18 that is the existing stone areas in the township stream
19 corridor buffer.

20
21 MS. BEAHM: Oh yeah.

22
23 MR. BOCCANFUSO: It's an improvement that as we sit
24 here today is existing however it was done by the applicant
25 some ten years ago or so. As Mr. Ploskonka indicated there's
26 no new improvements proposed in the stream corridor buffer.
27 It's going to remain as stone. There's no structural
28 improvements within it. It's really just a disturbed area,
29 however, to the letter of the ordinance a design waiver is
30 required. So I'll defer to Jen as far as any criteria or any
31 testimony.

32
33 MR. GALVIN: We request ---

34
35 MS. BEAHM: And I don't think that Ms. Mertz needs to
36 provide any testimony. I think that Mr. Ploskonka provided the
37 background as Brian had indicated that it's existing, there's
38 stone, there's no additional disturbance, but if we're just
39 trying to clean everything up on the site and get all the
40 approvals ---

41
42 MR. GALVIN: Yes.

43
44 MS. BEAHM: We mind as well include that as a waiver
45 that the applicant is seeking and I don't take exception.

46
47 MR. GALVIN: Sorry I missed.

48

1 MR. LEVITON: And I see.

2

3 MS. BEAHM: I missed it too.

4

5 MR. GALVIN: No problem and just kind of to further
6 support the granting of the waiver, I'd point out that the
7 applicant had some issues with the D.E.P. which he has since
8 resolved to their satisfaction and at that time this stone
9 area was stone and the township stream corridor buffer and the
10 D.E.P. gave him effectively a clean bill of health, said he
11 was okay with anything he had done previously up to that point
12 and that included the stone areas. So I don't take any
13 exception to it either.

14

15 MR. LEVITON: Thank you Mr. Boccanfuso.

16

17 MR. BOCCANFUSO: Sure just a couple of engineering
18 things Mr. Chairman, members of the board. I'll try to be
19 quick. John did a pretty good job going through our report,
20 but he bounced around a little bit so I just want to make sure
21 everything's covered. He spoke about the hold harmless
22 agreement that was in reference to the paving that was
23 performed. Typically when paving is done in connection with a
24 site plan it would need to be observed by the township to
25 ensure that it's done in accordance with the township
26 specifications. In this case that didn't happen so instead of
27 requiring all kinds of investigative work I have no issue with
28 the applicant's willing to put a note on the plan indicating
29 that they hold the township harmless from any damages to the
30 pavements so they can't turn around and say that we approved
31 it if anything gets damaged, if it falls apart, or anything
32 like that.

33

34 MR. GALVIN: Pinpoint by a week.

35

36 MR. BOCCANFUSO: The stormwater management
37 improvements at the very outset of the testimony Mr. Galvin
38 asked Mr. Ploskonka if this would actually improve conditions
39 in the area. I think it would albeit maybe imperceptibly for
40 offsite. The applicant ---

41

42 MR. GALVIN: I was hoping he would say yes.

43

44 MR. BOCCANFUSO: Yes he didn't take the bait so I'll
45 take it for him.

46

47 MR. GALVIN: He's going to be as honest as he can
48 possibly be.

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MR. BOCCANFUSO: Yeah.

MS. BEAHM: The first rule of being a lawyer always know the answer before you ask the question.

MR. GALVIN: --- not a good lawyer.

MR. BOCCANFUSO: It certainly will in my opinion at least mathematically because they are required to reduce the flow that's the whole point of the stormwater management improvement. So while it may not be noticeable to the neighbors, in fact they will reduce the peak flows that are leaving the site. So there is some not just an improvement on site, but a global and regional improvement as a result of stormwater management improvements and there's a couple of technical things that I'd like to go over with Mr. Ploskonka and Mr. Hillari. They've agreed to do that. Nothing that I don't think we can't satisfy if the application is approved. Spoke about the refuse enclosures, spoke about the landscaping. The striping, the parking area will be striped is that correct?

MR. GALVIN: Correct.

MR. BOCCANFUSO: Okay. The grating has been addressed. Traffic was addressed during the wetlands, I'm sorry --- I'm skipping right to the next one was addressed during the use variance. Wetlands items were addressed. Lighting, there's no lighting proposed in connection with the application is that correct?

MR. GALVIN: --- going to be operating at night.

MR. BOCCANFUSO: Okay and then Mr. Chairman, members of the board, if they're not operating at night they don't require lighting by ordinance so there's no relief necessary there. The last thing, kind of an open-ended item, as Ms. Mertz indicated, Mr. Ploskonka as well, they do need a variance from the buffer requirements. There is landscaping out there. You heard Mr. Ploskonka's testimony about the fence. I will really leave it to the discretion of the board as to whether or not you feel requiring additional buffering, fencing, anything of that nature is necessary the ordinance requires it to protect the neighbors really so it's a matter of whether you think what's out there is sufficient or whether it should be supplemented. I don't feel strongly either way. To my knowledge there haven't been any complaints

1 that there should be additional buffering. We haven't open
2 public yet so perhaps we'll hear some, but I'll leave it to
3 your discretion as to whether or not anything else is
4 warranted.

5

6 MS. BEAHM: If I can make a suggestion to that end,
7 you've committed to working with Shari on the various
8 landscaping, a buffer ---, I would recommend that if the board
9 act favorably that you commit to working with Shari and if she
10 feels that there's bald spots or open spots that require
11 additional landscaping to solidify the buffer that you provide
12 that.

13

14 MR. GALVIN: We know a good landscaper.

15

16 MS. BEAHM: I would think so and I think that would
17 satisfy it unless there's comments from the public.

18

19 MR. GALVIN: And we're okay with that.

20

21 MR. LEVITON: Thank you Mr. Galvin. Thank you Ms.
22 Beahm. Thank you Mr. Boccanfuso. You make our job easy tonight
23 and at this time I'm going to go to the board and we'll start
24 with you Terry.

25

26 MR. ROSENTHAL: Just out of curiosity the parking
27 spaces, I'm just curious as to why they can't be complied, not
28 a big deal.

29

30 MS. MERTZ: You mean the nine by eighteen versus the
31 ten by twenty?

32

33 MR. ROSENTHAL: If it's more spaces I don't know.

34

35 MS. MERTZ: It does, but it also really is a modern
36 standard. It's used much more frequently these days in a ten
37 by twenty and we're not going to have cars coming in and out
38 very frequently that might be needing that extra space because
39 of the influx and we're going to have cars coming in the
40 morning, parking, and staying. I was there today and there was
41 spaces available. It was very easy to park. There really just
42 isn't a need for the wider spaces and we can fit the cars that
43 we need in terms of the number of employees we expect to have
44 on site.

45

46 MS. BEAHM: Plus it's less pavement.

47

48 MS. MERTZ: Yeah.

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MS. BEAHM: Like to have more, wider parking spaces over a course of "x" amount of spots, you'd need more pavement and I concur that nine by eighteen is a pretty good standard. No usually like at a Home Depot or some kind of retail space where you have cars going in and out, in and out, here you don't have that issue and I would recommend the smaller space as they provided which would be more than adequate for what they need and also keep the amount of impervious coverage to the minimum necessary.

MR. GALVIN: The other thing too is predominantly the parking spaces is going to be for employees and the standard in the town is nine by eighteen.

MS. BEAHM: Which is true.

MR. GALVIN: For employee parking. We're just trying to be as honest as possible. We don't know if there's going to be a few people that are going to get there that are going to be outsiders but.

MS. MERTZ: Yeah like me this morning so.

MR. ROSENTHAL: Understood thank you.

MR. LEVITON: Thanks Terry, Bob.

MR. GREGOWICZ: I did have a few with the signs and the parking, but they were answered over and over again so I have no further questions.

MR. GALVIN: Thank you.

MR. LEVITON: Yeah while he's talking about the signage, I'm just curious is there a right of way down there? Is that why there's grass beyond his property?

MS. BEAHM: Yes.

MR. LEVITON: David?

MR. SCHERTZ: The parking spaces are nine by eighteen will they accommodate 4x4 pickup trucks?

MS. MERTZ: I saw very large trucks parked in them this morning so yes it'll accommodate.

1 MR. SCHERTZ: Okay.

2

3 MS. MERTZ: Yeah.

4

5 MR. SCHERTZ: Thank you.

6

7 MR. LEVITON: Thank you David, Josh?

8

9 MR. SHALIKAR: No questions Mr. Chairman.

10

11 MR. LEVITON: Dan?

12

13 MR. POCHOPIN: That was just a lot of information.

14 I'm new to the committee so these guys up here ---

15

16 MS. MERTZ: My apologies I also talk a little quickly
17 sorry.

18

19 MR. POCHOPIN: Due diligence these very thorough. I
20 have no problem with that sign --- the size of it and all, the
21 parking spaces, etc. for clients coming in there and I guess
22 with the less size of the parking spaces is it actually good
23 because you fixed the drainage problem which probably helped
24 out like you said the neighbors also although off. So that's
25 also a good thing and you're not going to operate after hours
26 so by trade I'm in the electrical field so if you did you'd
27 probably would like I said you have a couple for just means of
28 people going from the cars maybe to one of the first buildings
29 for the public. Winter time it gets dark a little bit earlier,
30 something like that so just evaluate that as you go along. You
31 seem like you --- with all this a simple one more light
32 wouldn't matter, a flood light or something like that so, but
33 otherwise yeah I don't see any other issues there. Good job.

34

35 MR. LEVITON: Thank Dan. Their case was tidy and
36 behind the scenes over an extended period of time Mr. Van
37 Wart's professionals have worked closely with ours to ensure
38 that tonight went smoothly and so we thank everyone involved
39 for that. Mr. Wechsler?

40

41 MR. WECHSLER: No Mr. Chairman. It was a very
42 thorough presentation, checked off all my answers and
43 questions as we went along so I thank you very much for your
44 time.

45

46 MR. LEVITON: Thank you sir. At this time I'm going
47 to go out to the public and ask if there's anyone in
48 attendance who wants to ask a question to Ms. Mertz or to Mr.

1 Ploskonka about the testimony that they've entered onto the
2 record this evening or Mr. Galvin or if you'd like to address
3 the board that would be appropriate at this time as well.
4 Seeing none I'm going to close public and look to you Mr.
5 Galvin for something summative.

6
7 MR. GALVIN: Well I had this really long
8 dissertation, but I'm not going to give it to you. I do think
9 you have an advantage in this case because you see the
10 finished product. Not that you want a finished product when
11 you're approving these things, but you know it's out there as
12 opposed to all the other cases. They're going to tell you
13 something then you got to hope it's going to come out the way
14 they're telling you. We submit based on the proofs and
15 everything supplied and subject to the condition that I will
16 work with the municipal attorney to resolve the easement
17 issue.

18
19 MR. LEVITONL: Thank you Mr. Galvin. Mr. Glass do you
20 require anything further sir?

21
22 MR. GLASS: I do not. I would just echo the
23 sentiments of a very thorough presentation. I think the legal
24 proofs were covered in detail.

25
26 MR. LEVITON: Thank you sir. Then I'm going to go to
27 the board and ask someone to make a motion.

28
29 MR. ROSENTHAL: I'll make a motion to approve.

30
31 MR. GLASS: I'll just put the conditions on the
32 record. ---

33
34 MR. LEVITON: Outstanding.

35
36 MR. GLASS: So in addition to the variances and
37 waivers with the use variance there were certain conditions of
38 approval. The first being that the dumpsters would not be
39 visible from the road regardless of location. The second being
40 that the applicant agrees to enter into an easement with the
41 township, the details to be worked out amongst the parties.
42 Additionally there'd be a hold harmless agreement for the
43 paving that was performed and to the extent that needs to be
44 in there that the applicant will work with the township to
45 address any necessary buffering in the fifty foot buffer.

46

1 MR. LEVITON: Thank you Mr. Glass. Mr. Rosenthal has
2 moved to approve the application. Will someone second the
3 motion?

4
5 MR. SHALIKAR: I'll second.

6
7 MR. GREGOWICZ: I'll second.

8
9 MR. LEVITON: Mr. Shalikar we thank you sir and we
10 thank Mr. Gregowicz too.

11
12 **ROLL CALL**

13
14 MS. MOENCH: Mr. Gregowicz?

15
16 MR. GREGOWICZ: Yes.

17
18 MS. MOENCH: Mr. Rosenthal?

19
20 MR. ROSENTHAL: Yes.

21
22 MS. MOENCH: Mr. Schertz?

23
24 MR. SCHERTZ: Yes.

25
26 MS. MOENCH: Mr. Shalikar?

27
28 MR. SHALIKAR: Yes.

29
30 MS. MOENCH: Mr. Pochopin?

31
32 MR. POCHOPIN: Yes.

33
34 MS. MOENCH: Mr. Wechsler?

35
36 MR. WECHSLER: Yes.

37
38 MS. MOENCH: Chair Leviton?

39
40 MR. LEVITON: Congratulations Mr. Van Ward, many
41 years of success and health and happiness. It was very nice to
42 meet you Ms. Mertz and Dennis what a pleasure to see you again
43 sir.

44
45 MR. GALVIN: Hopefully I'll see you again.

46
47 MR. LEVITON: Okay. And Mr. Halari, hello. It was
48 nice to see you sir. Alright next up is 2124 Luso Builders,

1 LLC. Mr. Klauser on behalf of the applicant we call you sir
2 and you're the court reporter? Welcome, you're welcome. Thank
3 you so much Jennifer. Yeah you wrote a nice report you mind as
4 well --- sure. Okay Mr. Klauser your client is proposing a
5 two-story single family home. Have at it sir.

6

7 MR. KLAUSER: Thank you Mr. Chair, members of the
8 board Peter Klauser with the firm Heilbrunn Pape on behalf of
9 the applicant Luso Builders. I've been in front of this board
10 a number of times, but it feels like forever. This is the
11 first time I've been back live in front of this board in a
12 long time so it's nice to be back here.

13

14 MR. LEVITON: It's nice to have you back.

15

16 MR. KLAUSER: Mr. Boccanfuso thank you for staying. I
17 appreciate that.

18

19 MR. BOCCANFUSO: No problem Mr. Klauser. It's good to
20 see you. It's been a long time.

21

22 MR. KLAUSER: It has been a while.

23

24 MR. BOCCANFUSO: Not counting Zoom meetings.

25

26 MR. KLAUSER: Right, yeah. I've had about enough of
27 those. So yes Mr. Chair this is an application for a single-
28 family home on Sweetmans Lane in between I think we're between
29 Woodward and Smithburg and the lot is half as wide as it's
30 supposed to be under the ordinance standards and you'll
31 actually see from Lorali's testimony that there's a few houses
32 that are out there like that. However, the applicant has
33 proposed a home on a lot that meets the floor area ratio
34 requirements so it fits within the type of house that is
35 supposed to be out there, but because the lot is narrow we
36 need variance relief for lot width and --- for lot frontage
37 and then we also need side yard set back. Again we're squeezed
38 in minimum improvable area and minimum improvable diameter. We
39 were supposed to be here in August. I think we might have had
40 a couple of board members that were unavailable. Somebody
41 wasn't available and we pushed it to tonight.

42

43 MR. LEVITON: Yes it's been carried since the 18th.

44

45 MR. KLAUSER: Right exactly. We did notice for then.
46 That notice was carried to this evening. The applicant sent
47 letters out to the neighbors as you might be aware when you
48 have an undersized lot we have an obligation to reach out to

1 the neighbors and say hi want to buy some of our property or
2 do you want to buy our property or can we buy some of your
3 property. In this instance I don't think really the letters
4 made a lot of sense because we would've been taking from other
5 people who were also undersized, but I did it. So the board
6 has that as part of your record and that's important because I
7 think Lorali is probably going to use the word hardship when
8 she testifies as to the variance relief that's requested. So
9 if I could I'd like to have Ms. Totten sworn, place her
10 credentials on the record. Having Lorali this evening testify
11 as both a professional engineer and a professional planner.

12

13 MR. GLASS: Thank you ma'am. Do you swear or affirm
14 that the testimony you're about to provide is the truth, the
15 whole truth and nothing but the truth?

16

17 MS. TOTTEN: I do.

18

19 MR. GLASS: And then please spell and state your
20 name.

21

22 MS. TOTTEN: Lorali Totten T as in Tom, O-T-T-E-N,
23 CREST Engineering Associates Millstone Township, New Jersey.

24

25 MR. GLASS: And just some of your credentials.

26

27 MS. TOTTEN: Yes I graduated from Lehigh University
28 more than forty-five years, 1977 with a Bachelor of Science
29 and I studied and passed my professional engineering test in
30 1983 and my planner's license is from 1986. Both are in good
31 standing in the state of New Jersey as well as I've worked
32 with six different firms over the course of my career the last
33 ---

34

35 MR. LEVITON: Ms. Totten, the board interrupts you
36 and accepts your credentials because my daughter is a Lehigh
37 alumnus and we're Mountainhawks.

38

39 MS. TOTTEN: No we're engineers sorry.

40

41 MR. LEVITON: We're Mountainhawks now.

42

43 MS. TOTTEN: I know, but when I went we were the
44 engineers, we are we are.

45

46 MR. KLAUSER: Let's not fight with the chairman.
47 Lorali if I could, if you could identify for the board the

1 property and then bring us to the site. Give us a little bit
2 about the existing conditions and what we're proposing.

3

4 MS. TOTTEN: Yes can you hear me if I use my planning
5 board voice over here?

6

7 MR. LEVITON: We can, but for posterity Ms. Moench is
8 going to transcribe the proceedings and she can only do that
9 from the recording through the microphone.

10

11 MS. TOTTEN: Okay thank you very much. So the site as

12 ---

13

14 MR. LEVITON: Alrighty.

15

16 MS. TOTTEN: Is known as Lot 4.01 in Block 76.01 and
17 it's located as noted on Sweetmans Lane between Woodward Road
18 which shows in the upper corner of our exhibit, upper right
19 corner and the other road Smithburg Road very small piece of
20 it in the lower left hand corner of the exhibit. Do we need to
21 enter this into evidence?

22

23 MR. LEVITON: Janice will mark it.

24

25 MR. KLAUSER: We didn't submit the aerial so that
26 shall be A1.

27

28 MR. GLASS: Then will mark this as I guess A1 then.

29

30 MS. TOTTEN: So the site is outlined in red on this
31 particular exhibit. It is a 42,000 square foot lot that is a
32 hundred feet wide and 424 feet long so it's a long narrow lot.
33 It contains the correct amount of area because we're located
34 in the R-40 zone which is a 40,000 square foot zone. It slopes
35 gently from west to east across the property and based upon
36 the width of the lot and the required set backs of thirty-five
37 feet you have a thirty foot wide strip in the middle of the
38 lot on which to construct the house that would conform with
39 the ordinance. So now I'm going to switch to the second
40 exhibit which is a copy of the variance sketch that was
41 submitted. I've just colored it in and put a couple of
42 dimensions on it. So I don't know if you want to.

43

44 MR. GLASS: Just to be safe we'll just mark it as A2
45 so it'll be the colored version of this.

46

47 MS. TOTTEN: Yes so as you can see from the larger
48 scale of the lot it is obviously narrow and deep I'm sorry

1 narrow and deep. Dropped my notes here. I'm sorry there is a
2 dry sewer line in the road however we have conducted septic
3 sutability testing because this lot is four lots outside the
4 sewer area and I spoke with W.M.U.A. today, there's no plans
5 in the near future to activate this line. There's nothing near
6 by it's just a segment installed years ago. There is a water
7 line in the street. We show a well that was accidental. We do
8 so much work in Millstone where you need both septic and well
9 so we apologize, but it will be on city water. The proposal is
10 to construct a single family home with a driveway and we will
11 add as requested and required a turn around area in the front.
12 The septic system is proposed on the lot. We will seek
13 approval for that septic system. It is close to a drainage
14 easement and there are ways to work with that by putting an
15 impermeable barrier along the sides so we feel very confident
16 we can obtain approval for a septic system on this lot. We
17 will also seek soil erosion, sediment control should you grant
18 approval for this. Now the meat of the issue here is as was
19 pointed out the lot is only half the width. That means that
20 under existing conditions we do not have the buildable area.
21 We don't have the 70 foot diameter circle so we're asking for
22 waivers from both of those. Also because a thirty foot wide
23 home would not really be in, first of all, people don't want
24 to really live in a thirty foot wide home and secondly it
25 would be not in accordance with the standards or the
26 character, sorry, character of the neighborhood. We're
27 proposing a sixty foot wide home and the home is located,
28 would be located adjacent to the set back with a home that's
29 located to the left. The home to the right is on a much
30 smaller property and is located somewhat in the middle of this
31 lot. So I just wanted to give you an idea of the types of
32 widths of homes and widths of properties in the neighborhood
33 so you can get a sense of why this home will be in character.
34 I'm going to move back to exhibit A and again the lot in
35 question is highlighted in red. Now this is a very interesting
36 part of town. So the lot, the block I'm sorry on the left side
37 is Block 76.01. The block on the right side is 7601, very
38 interesting so. Anyway the house three houses to the left,
39 it's an area of .92. It has a width of 100 feet and the house
40 width is around 59 feet scaled from this aerial. The house two
41 houses from the left, I'm sorry the lot is 135 feet and the
42 house is about 64 feet wide. The house directly next to the
43 proposed lot is 135 feet and the house is about 75 feet wide.
44 The house to the right which is a small lot; it's only it's
45 less than a half acre. The width is 93 feet and the house is
46 53 feet. The next lot to the left which is also a half acre,
47 under a half acre, lot that's 100 feet wide with a 66 foot
48 wide home and then the last lot in this immediate neighborhood

1 of the proposed development is another lot that's under a half
2 acre. Again about a hundred feet wide and the house is about
3 sixty. My lot widths are taken from the tax map as well as the
4 tax assessor website where they give you all the information
5 on lots plus I checked by scaling, but we didn't survey those.
6 So those are approximate numbers, but it gives you an idea
7 that the existing lot which meets the lot area is in character
8 with the neighboring lots in the immediate vicinity of this
9 particular lot and none of these lots, well at least not five
10 of them, do --- the houses that exist on those meet the side
11 yard set backs. The proposed lot where we're proposing to put
12 a sixty foot wide home which would mean we would request side
13 yard set backs of 20.1 on each side where thirty-five foot is
14 required fits in very nicely in the neighborhood. As you heard
15 me say we have one at fifty-three. We have three in the
16 sixties, one at fifty-nine, and 175 or six foot wide home. So
17 it will be in character with the neighborhood. Let's see, so
18 that gives you an idea of the neighborhood. With regard to the
19 engineering aspects of this we will seek any approvals that
20 are required which includes subsurface disposal system, FSCD.
21 We will also agree to comply with all the comments and Mr. I
22 hope I can say his name right, Boccanfuso and I think I just
23 have to say this I've spoken with Brian over the years many
24 times, I don't think we've ever met in person before.

25
26 MR. LEVITON: He's very handsome.

27
28 MS. TOTTEN: Yes and probably half my age too right?

29
30 MR. LEVITON: I doubt it too.

31
32 MS. TOTTEN: So anyway we agreed to all of his
33 comments that are in his letter which are mostly I believe
34 housekeeping items. So now if it's alright with the board I
35 could start planning testimony or if you have engineering
36 questions.

37
38 MR. KRAUSER: Well I just want to clarify, yes there
39 are some technical comments in the plot plan review which we
40 have no issue complying with as you've stated. There was a
41 request that a sidewalk be installed along the front of the
42 property. The applicant will do that. You did it, during your
43 testimony that we would put the turn around in. The hammerhead
44 can be installed there. You're comfortable. You have room to
45 do that.

46
47 MS. TOTTEN: Absolutely.

48

1 MR. KRAUSER: And FSCDs so we can do FSCDs.

2

3 MS. TOTTEN: Yes.

4

5 MR. LEVITON: So before you continue Ms. Totten we
6 thank Mr. Boccanfuso for those suggestions and we thank the
7 applicant for compliance. You may continue ma'am.

8

9 MR. KRAUSER: You've identified now I would say this
10 if I was bringing up a planner, you've identified facts with
11 regard to the character of the neighborhood and also with
12 regard to the layout of the existing site when it's to be
13 built out should the board act favorably. So now as a planner
14 using those facts if you could just take the board through the
15 proofs that they need in order to be able to grant the
16 variances.

17

18 MS. TOTTEN: It is my opinion that this is a C1 bulk
19 variance or these all are related. The side yard set backs,
20 the minimum buildable area and the circle that's required on
21 these plans, they're all related to the lot width so I'd like
22 to speak about them all as one if that's acceptable.

23

24 MR. LEVITON: Sure. You can take them all as one.

25

26 MS. TOTTEN: Yes so I believe that this is a hardship
27 C1 that's due to size, lot configuration, topography in this
28 case to lot configuration. So we do meet one of the purposes
29 of zoning which is G, we're providing appropriate and
30 sufficient space in appropriate locations for a variety of
31 agricultural, residential, recreational, and commercial, and
32 industrial uses and open space both public and private
33 according to their respective environmental requirements in
34 order to meet the needs of all New Jersey citizens. So
35 therefore this is a residential space that meets the lot size
36 in a residential zone. The site is uniquely suited because the
37 use is permitted and the house on this narrow lot is not out
38 of character with the neighborhood as from my facts from
39 before and there are other, several other lots that are also
40 narrow in this area and some that don't have enough area
41 either for the zone and this one does have enough area.
42 Additionally the house meets the F.A.R. requirements. It's
43 actually a little bit less which means that the house is not
44 oversized for the lot itself. With regard to the negative
45 criteria, the proposal will not have a substantial detriment
46 to the public good for the following reasons. With regard to
47 the impact on the neighborhood the use is permitted. The other
48 lots in the vicinity are either narrow or undersized or both

1 right in the immediate neighborhood of this particular house
2 proposal. The home is consistent with the other homes in the
3 area and as I noted it meets the building coverage requirement
4 as well. There's no substantial impairment to the intent and
5 purpose of the zone plan and ordinance. This lot is also
6 unique in that it's the last lot if you look again at exhibit
7 A. It is the last lot in this immediate vicinity on this side
8 of the road that is of this shape and to be developed. So once
9 this one if you grant approval to develop the house, the
10 property as we request all the lots on this side of the road
11 will then be developed and so then the uniqueness is gone.
12 Therefore it is my opinion that these deviations from the
13 ordinance can be granted without substantial detriment to the
14 zone and the zone plan.

15

16 MR. LEVITON: Thank you Ms. Totten. Anything else?

17

18 MR. KRAUSER: Lorali said it all. There's no need to
19 repeat it.

20

21 MR. LEVITON: She did put on the record proofs for C2
22 and C1.

23

24 MR. GLASS: I would agree with that and I guess just
25 for clarification I think it was a fair representation that
26 there are four variances they're straight up hardship, the
27 approval of a lot diameter is what it is, the lot frontage,
28 width, and improvable area. The side yard set back I think
29 there was testimony that you could fit a home on there however
30 the request is related to the fact that the lot is long and
31 narrow, but as you said Chair there was testimony as to both
32 the C1 and C2.

33

34 MR. LEVITON: Well they're asking for C1 variance.
35 They've established the positive and negative --- to do so.
36 Unlike the last application which was a use variance five
37 affirmative votes were needed. Here all they need is a
38 plurality. These are bulk variances and they fall under the C1
39 or C2 variance. They're asking for C1. Ms. Totten testified
40 about the uniqueness of the property. It's shallow and that is
41 a hardship under the municipal land use law. Brian do you take
42 any exception to anything she testified regarding engineering?

43

44 MR. BOCCANFUSO: I don't Mr. Chairman. Just for the
45 board's information I know that our report, both of our
46 reports, including our most recent was typed up as a
47 disapproval. However I think Mr. Klauser characterized it r
48 maybe it was Ms. Totten I'm not sure, one of them

1 characterized it well by saying it's largely housekeeping
2 items. Nothing that I think would substantially change the
3 proposal. They've agreed to comply with all the outstanding
4 comments. Further, I point out that this is a challenging lot
5 both geometrically and topographically. So the fact that they
6 were able to come in with an application that for all intents
7 and purposes meets the flexible standards, but for the side
8 set back is a testament to the effort that they put in with
9 the design. The one question I would ask is the 20.1 foot set
10 back that's proposed is very precise so I assume and correct
11 me if I'm wrong that the architectural plans have been
12 finalized and you know exactly what it is that you're going to
13 need at this point is that correct?

14

15 MS. TOTTEN: That is correct, yes.

16

17 MR. BOCCANFUSO: Okay I mean typically an applicant
18 would come in with twenty feet or plus or minus twenty feet so
19 that they have a little bit of wiggle room. In this case
20 they've got it down to the inch. Certainly no issue with that,
21 it just doesn't allow them any flexibility in the design. The
22 last thing I would offer I don't know that it really has any
23 bearing on the case, but just for the board's information, I
24 have worked with this builder before. They built several at
25 least several houses in town and I found that the finished
26 product is very nice. They build very nice homes so I'm
27 confident that if the board does approve the application and
28 the home gets built that it will be a nice addition to the
29 township and the neighborhood.

30

31 MR. LEVITON: Thank you Brian.

32

33 MR. BOCCANFUSO: Sure.

34

35 MR. LEVITON: And in particular thank you for the
36 suggestion for the turn around. Sweetmans Lane is a well-
37 traveled road and you head towards Smithburg Road and
38 Millstone on the other side it would be difficult for a
39 homeowner to back out. So I like that in particular and let's
40 go out to the board. We'll start with Terry, any questions?

41

42 MR. ROSENTHAL: No I'm good.

43

44 MR. LEVITON: Bob?

45

46 MR. GREGOWICZ: I did have the driveway, but you took
47 it.

48

1 MR. LEVITON: I didn't. I didn't take it.

2

3 MR. GREGOWICZ: Because I was looking at it and that
4 was a good thing when I read the report about the turn around
5 because backing out it's a busy road, but it's also a fast
6 road.

7

8 MR. LEVITON: Yeah.

9

10 MR. GREGOWICZ: About 50 miles an hour average. It's
11 --- about thirty-five but --- they're flying on that road.

12

13 MR. LEVITON: Mr. Gregowicz is a retired police
14 officer.

15

16 MR. GREGOWICZ: So that's what I was a little bit
17 concerned about, but then you clarified it all so no further
18 questions.

19

20 MR. LEVITON: David? Thanks Bob.

21

22 MR. SCHERTZ: Was there a house previously on this
23 property?

24

25 MR. KLAUSER: Not that I'm aware of and there's
26 nothing out there now.

27

28 MR. SCHERTZ: I know there's nothing out there now,
29 but I have something in the back of my mind that there were
30 houses on those lots twenty years ago.

31

32 MS. TOTTEN: There is an existing driveway on the
33 property.

34

35 MR. SCHERTZ: I see that.

36

37 MS. TOTTEN: But we did not investigate that.

38

39 MR. SCHERTZ: My concern is that there's a septic
40 system in there somewhere that nobody knows about.

41

42 MS. TOTTEN: When we submit for, should you approve
43 this of course, submit for an approval on the septic system.
44 If there is one they'll probably have records of it unless
45 it's really, really old.

46

47 MR. SCHERTZ: Okay I'd like to be included in the
48 conditions.

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MR. LEVITON: What David that they check ---

MR. SCHERTZ: They check. I'm sure there's got to be a septic system somewhere.

MR. LEVITON: Ms. Totten you testified that there's going to be public water.

MS. TOTTEN: Correct.

MR. LEVITON: And a septic system, correct?

MS. TOTTEN: Correct.

MR. LEVITON: So they need to locate is that on the plan? The septic system is that on the plan?

MS. TOTTEN: Yes it is.

MR. LEVITON: And what is the likelihood that they're going to find if they look for an old septic well?

MS. TOTTEN: Well they might encounter it when they are digging for the foundation or digging for the septic. We did not encounter anything when we conducted the test pits on either side of the septic which are done ten feet deep and they're done with the back hose so they're like twenty feet long and five feet wide.

MR. LEVITON: Did you know that?

MR. SCHERTZ: Depth?

MR. LEVITON: No that they all have already tested. They tested with a back hose going down ten feet at certain points around where they're intending to put the new septic system. He didn't know that.

MR. SCHERTZ: I didn't know that.

MR. KLAUSER: No I didn't know that.

MR. LEVITON: But you know that now.

MR. SCHERTZ: Now I know it.

1 MR. LEVITON: That was helpful. Do you still have
2 concerns?

3
4 MR. SCHERTZ: No.

5
6 MR. LEVITON: His concerns are gone.

7
8 MR. BOCCANFUSO: Mr. Chairman if the applicant, say
9 the application were approved and they were to go out there
10 and start digging the foundation and they found a septic
11 system or worse an underground storage tank. I think that
12 would be a worse situation. They would need to remove it,
13 abandon it, remediate it in accordance with any applicable
14 standards anyway. There's nothing that the board could approve
15 or disapprove that would get them off the hook from that. They
16 would have to do that.

17
18 MR. LEVITON: Under whose offices would that fall?

19
20 MR. BOCCANFUSO: I think the health department.

21
22 MR. LEVITON: Of course now that you said. She's so
23 good. She jogs my memory. She does everything for me.

24
25 MR. BOCCANFUSO: Ms. Totten any input on that on who
26 would be the agency that would kind of oversee and ensure that
27 that remediation, abandonment as the case may be would be
28 done?

29
30 MS. TOTTEN: I believe that would be correct. It
31 would probably during inspections it would be seen by the
32 inspecting people and the builder would have to report it and
33 then get a permit. I'm not sure whether a small tank you need
34 a permit or not, but has to be reported and then abandoned
35 properly, both an underground storage tank as well as a septic
36 system. It's really old. It's probably a cess pool which isn't
37 very big either.

38
39 MR. LEVITON: Thank you Ms. Totten. Any further
40 concerns about that David? It was a good one.

41
42 MR. SCHERTZ: As long as it's in the conditions ---

43
44 MR. LEVITON: We don't need to put it in the
45 condition because Brian said no matter what we did we can't,
46 they're going to be compelled to address it if it's found.

47

1 MR. GLASS: And there also is language in the
2 resolutions that they're subject to outside agency approvals
3 so whether that's the health department, the D.E.P., or
4 whatever that agency is they would have to comply with those
5 rules and regulations.

6
7 MR. SCHERTZ: Okay.

8
9 MR. LEVITON: Joshua? Thank you David.

10
11 MR. SHALIKAR: Mr. Chairman no questions, no
12 concerns. Thank you for your testimony.

13
14 MR. LEVITON: Mr. Pochopin.

15
16 MR. POCHOPIN: They were answered by Brian with the -
17 -- and this gentleman here Mr. Schertz with the tanks perhaps
18 being discovered, but they're all answered so no questions for
19 me.

20
21 MR. LEVITON: Mr. Wechsler?

22
23 MR. WECHSLER: No concerns, no questions Mr.
24 Chairman.

25
26 MR. KLAUSER: I'm sorry Mr. Chair with regard to
27 those concerens I share with Brian that I think it's state law
28 that kind of covers those decommissions, the things that you
29 have to do, but I would have no issue if the board feels
30 comfortable to put in the resolution that should an old septic
31 tank be discovered on the property that it has to be
32 decommissioned properly. I don't see why you can't put that in
33 your resolution.

34
35 MR. LEVITON: Sure.

36
37 MR. KLAUSER: Make sure that you did what you thought
38 was right.

39
40 MR. LEVITON: Mr. Glass takes copious notes. He's all
41 over that and Mr. Schertz is going to sleep well tonight and
42 at this time I'm going to go out to the public and ask if
43 there's anyone here who wants to cross examine Ms. Totten or
44 address the board or ask Mr. Klauser a question now would be
45 the time. Seeing none I'll close public. Oh I'm sorry sir I
46 didn't see you.

47
48 MR. FAUZA: I'm a neighbor of ---

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MR. LEVITON: Please step forward before you address us. You're going to need to be sworn in. Your testimony is very welcome.

MS. MOENCH: You can sit.

MR. LEVITON: I'm just blind I missed you.

MS. MOENCH: Do you want to sit here?

MR. LEVITON: So Mr. Glass will swear you in. He's going to ask you your name and your address and then we'll go to you and see what your thoughts are.

MR. GLASS: Please raise your right hand sir. Just raise your right hand please. Do you swear or affirm that the testimony you're about to provide is the truth, the whole truth and nothing but the truth?

MR. FAUZA: Yes I do.

MR. GLASS: And please spell and state your name for the record and your address.

MR. FAUZA: It's Mauro Fauza M-A-U.

MS. MOENCH: Say your first name again.

MR. FAUZA: Mauro, M-A-U-R-O, last name Fauza F-A-U-Z-A. I live at 154 Sweetmans Lane and that's where that property there.

MR. LEVITON: So Mr. Fouza your property is adjacent to the proposed home to be built.

MR. FAUZA: That's correct 154 yeah.

MR. LEVITON: So if you're standing on Sweetmans Lane and we're looking at the proposed home yours is to the left?

MR. GLASS: We're looking at A1 again.

MR. FAUZA: Yes.

MR. LEVITON: Yes Mr. Fauza is referencing exhibit A1.

1 MR. FAUZA: Yeah to the right ---.

2

3 MR. LEVITON: His home is to the right of the
4 proposed home to be built. Okay Mr. Fauza.

5

6 MR. FAUZA: So okay my concern is how this house is
7 going to fit properly there. I know it. I saw your testimony
8 here, but it seems to me that it's going to be too narrow
9 house. We tried to have the neighborhood in the same ways that
10 we, how can I explain that, the same level of sizes and the
11 level of --- So my concern is this going to be with this
12 variances is it going to be a little house, one more little
13 house. There along our house so you're going to be in the
14 front also right?

15

16 MR. KLAUSER: Are you concerned, may I Mr. Chair?

17

18 MR. LEVITON: Yes you may.

19

20 MR. KLAUSER: Sorry about that. Are you concerned
21 that this house will be too small for the area?

22

23 MR. FAUZA: Yeah too small and too close to my house
24 actually right.

25

26 MR. KLAUSER: Doing some math that Lorali had done I
27 believe your lot is 93 feet wide.

28

29 MR. FAUZA: Right.

30

31 MR. KLAUSER: And your house is 53 feet wide.

32

33 MR. FAUZA: Yeah.

34

35 MR. KLAUSER: Which leaves you with forty feet which
36 means depending on how your house is situated you have about
37 twenty feet on either side of your house on your lot. So
38 you're actually in a very similar situation to the ---

39

40 MR. FAUZA: To the other side.

41

42 MR. KLAUSER: We have about twenty feet on either
43 side.

44

45 MS. MOENCH: Wait, wait wait I'm not on ---

46

47 MR. KLAUSER: Thank you Janice. So this is Fauzer?

48

1 MR. FAUZA: Yeah Fauza.

2

3 MR. KLAUSER: My last name is Klauser. So this is you
4 here.

5

6 MR. FAUZA: Yeah.

7

8 MR. KLAUSER: Okay and this is where the home is
9 proposed.

10

11 MR. FAUZA: Right.

12

13 MR. KLAUSER: This is your real property line.

14

15 MR. FAUZA: Yeah and then.

16

17 MR. KLAUSER: I think, okay. So if you look here
18 right that would be your rear property line here.

19

20 MR. FAUZA: Yeah.

21

22 MR. KLAUSER: Ball parking. Our house is going to be
23 somewhere in this area. So we won't be directly next to you.

24

25 MR. FAUZA: There's another house here right?

26

27 MR. KLAUSER: There's a little house. This is crazy.
28 They have two houses on one property.

29

30 MR. FAUZA: Yeah but they use just that one I think
31 probably, the one that's still there.

32

33 MR. KLAUSER: So we won't be shoulder to shoulder
34 with you.

35

36 MR. FAUZA: Oh okay.

37

38 MR. KLAUSER: We'll be back a little bit. So in
39 addition to having the same kind of set back it looks like
40 you're a little more toward us, but in addition to having the
41 same kind of set back.

42

43 MR. FAUZA: Right.

44

45 MR. KLAUSER: We'll be a little further back. So
46 there'll be a little more.

47

48 MR. FAUZA: Okay.

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MR. KLAUSER: Breathing room.

MR. FAUZA: Yeah alright I just want to make sure.

MR. KLAUSER: We're not going to build right here right next to you. If that's your concern we'll be back a little bit and we will be twenty feet off.

MR. FAUZA: Yeah okay.

MR. KLAUSER: And our traffic movement is on this side too. The driveway is over here.

MR. FAUZA: Over there.

MR. KLAUSER: So it's not over. This will kind of be open because our septic system will be there.

MR. FAUZA: Yeah because this I think was a little bit because I bought this house two or three years ago and I think it was the same owner on both of them.

MR. KLAUSER: Yeah you know it's interesting if you look here.

MR. FAUZA: Yeah he kept that yeah there was ---

MR. KLAUSER: And that's what is on here to be removed. That'll be gone.

MR. FAUZA: Yeah okay alright, okay.

MR. KLAUSER: Got it?

MR. FAUZA: Alright.

MR. KLAUSER: Thank you.

MR. LEVITON: Thank you for your concerns Mr. Fauza.

MS. MOENCH: I got you.

MR. KLAUSER: Thanks for allowing that Mr. Chair.

MR. LEVITON: Yeah Ms. Totten is the proposed home consistent in feeling with the neighbor's home?

1 MS. TOTTEN: Yes actually that was a question I had
2 for Mr. Santo tonight. I said you're not building one of those
3 great, big huge ones that look really tall. This is about a
4 3,400 square foot home and two stories with a garage that's a
5 front-facing garage so it will look like the others in the
6 area.

7
8 MR. LEVITON: Thank you Ms. Totten. Is there anyone
9 else who wants to address the board before I close public?
10 Okay seeing no one I'm going to close public at this time and
11 Mr. Glass do you require anything further?

12
13 MR. GLASS: I do not. I just to the extent it needs
14 to be said if the applicant has agreed if the board looks
15 favorably on the application to a condition of approval that
16 to the extent there's an old septic or underground tank
17 located it would be decommissioned and remediated.

18
19 MR. LEVITON: Thank you counselor. Having said that,
20 I'll look to you gentlemen and ask for someone to make a
21 motion.

22
23 MR. SHALIKAR: I'll make a motion to approve.

24
25 MR. LEVITON: Thank you Mr. Shalikar. Will someone
26 second that?

27
28 MR. WECHSLER: I'll second.

29
30 MR. LEVITON: Thank you Mr. Wechsler and thank you
31 Mr. Gregowicz.

32
33 **ROLL CALL**

34
35 MS. MOENCH: Mr. Gregowicz?

36
37 MR. GREGOWICZ: Yes.

38
39 MS. MOENCH: Mr. Rosenthal?

40
41 MR. ROSENTHAL: Yes.

42
43 MS. MOENCH: Mr. Schertz?

44
45 MR. SCHERTZ: Yes.

46
47 MS. MOENCH: Mr. Shalikar?

48

1 MR. SHALIKAR: Yes.
2
3 MS. MOENCH: Mr. Pochopin?
4
5 MR. POCHOPIN: Yes.
6
7 MS. MOENCH: Mr. Wechsler?
8
9 MR. WECHSLER: Yes.
10
11 MS. MOENCH: Chair Leviton?
12
13 MR. LEVITON: Yes.
14
15 MR. KLAUSER: Thank you very much.
16
17 MR. LEVITON: Congratulations Mr. Klauser.
18
19 MR. KLAUSER: Have a lovely evening.
20
21 MR. ROSENTHAL: You as well.
22
23 MR. LEVITON: Go Mountainhawks. Board members I want
24 to call to your attention the fact that Janice has shared with
25 us on Google Drive a folder that has tools, very helpful for
26 new members. New members you're going to have I'm pretty sure
27 you know you're going to have to take a test. Did you know
28 that? You're going to have to take a class to be a board
29 member. I think you have a year. Janice is that right? They
30 have a year?
31
32 MR. GLASS: Yeah.
33
34 MR. LEVITON: Janice how long do they have to take
35 the test, new board members?
36
37 MS. MOENCH: --- almost like a year.
38
39 MR. LEVITON: Yeah you have a year and Janice will
40 help you.
41
42 MS. MOENCH: Sometime within the first year I
43 believe, but Nancy prefers that you get your feet wet a little
44 here, spend some time on the board. They'll take the class and
45 be like We want it to be more familiar to you and understand
46 why we're here and properly --- applications that --- on the
47 map.
48

1 MR. LEVITON: Yeah it's great advice. Also Janice you
2 now have heard I gave them the heads up about the folder that
3 you shared with us that has the tools inside of it and I don't
4 know, oh yeah, it's got all kinds of great things like ---

5
6 MR. ROSENTHAL: You mean the answers?

7
8 MR. LEVITON: Not the answers to the test that
9 they're going to have to take, but I forget. It may have the
10 M.L.U.L.. It may have like a cheat-cheat on what the variances
11 are and what proofs they require. What do you call that folder
12 in case somebody wants to search it? I'll do it now if you
13 remember. I can't find it. I'm looking for it. I have no idea.

14
15 MS. MOENCH: Open it ---

16
17 MR. LEVITON: I can't because I don't know. I don't
18 know how to find it.

19
20 MS. MOENCH: Open your Google Drive.

21
22 MR. LEVITON: My drive is open.

23
24 MR. SCHERTZ: Go to the folder.

25
26 MS. MOENCH: Which says zoning zoning?

27
28 MR. WECHSLER: Those are my folders. You need to
29 search in here.

30
31 MS. MOENCH: I'll share it again.

32
33 MR. WECHSLER: Okay.

34
35 MS. MOENCH: How about that?

36
37 MR. WECHSLER: Alright.

38
39 MS. MOENCH: I don't remember what it's called
40 either.

41
42 MR. LEVITON: Okay so she'll share it. So what you
43 want to do I you want to go to your Google account. Michael,
44 Danny do you gentlemen have familiarity with Google and the
45 way it works?

46
47 MR. POCHOPIN: A little bit yeah.

48

1 MR. LEVITON: So you understand the nine dots and if
2 you click on them you can get to your drive? Okay so when you
3 sign into your Google account and I know you made one Dan so I
4 thank you for that there are nine little dots in the upper
5 right hand corner next to your name and when you click on that
6 it'll provide you access to other things that Google offers
7 like Google Photos, Gmail, Maps, and the most important thing
8 for you is Drive, Google Drive because Google Drive is really
9 it's storage for you in the cloud. You can make, it provides
10 to you all kinds of tools like Microsoft products. They have
11 like Microsoft Word. They have a Word document like Microsoft,
12 Excel they have Sheets, Powerpoint they have something
13 comparable. They are tons of tools and when Janice shares the
14 folder you get an e-mail link. It opens up in your Drive and
15 when you're in your Drive if you'll just go to the top she'll
16 be sharing a new folder with you tons of tools, real important
17 for you guys to familiarize with you. If you have nothing to
18 do just open it up and look through it. It'll be helpful for
19 when you take the course and when you need to pass the test.
20 Josh, have you done that passed your test?

21
22 MR. SHALIKAR: I have not, no.

23
24 MR. LEVITON: How about the course?

25
26 MR. SHALIKAR: No I haven't. I actually had no idea
27 about it.

28
29 MR. LEVITON: Oh my God.

30
31 MR. SHALIKAR: I'm just looking it up, yeah.

32
33 MR. LEVITON: You don't have to be embarrassed.
34 That's my fault there.

35
36 MR. SHALIKAR: It's okay.

37
38 MR. LEVITON: I'm a horrible chairman.

39
40 MR. SCHERTZ: Usually on a Saturday.

41
42 MR. SHALIKAR: Perfect --- I have to look it up. I'll
43 just talk to Jen. Yeah we'll all do it together. We'll all
44 carpool.

45
46 MR. LEVITON: Alright will someone move to adjourn?

47
48 MR. SHALIKAR: I move to adjourn.

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MR. LEVITON: Okay Josh moved to adjourn
