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MEETING IS CALLED TO ORDER:

MR. LEVITON: Call the meeting to order and ask you to stand for a flag salute.

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 here 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.

ROLL CALL

MS. MOENCH: Mr. DiTota is not with us. Mr. Gregowicz?

MR. GREGOWICZ: Here.

MS. MOENCH: Mr. Rosenthal?

MR. ROSENTHAL: Here.

MS. MOENCH: Mr. Schertz?

MR. SCHERTZ: Here.

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Here.

MS. MOENCH: Mr. Weiss?

MR. WEISS: Here.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Here.

MS. MOENCH: Mr. Pochopin?

1 MR. POCHOPIN: Here.

2

3 MS. MOENCH: Mr. Wechsler?

4

5 MR. WECHSLER: Here.

6

7 MS. MOENCH: Chair Leviton?

8

9 MR. LEVITON: Here. Tonight's first order of business
10 is to accept the minutes from April 20th. They were prepared by
11 a court reporter and if you read through them there were a
12 couple of errors.

13

14 MS. MOENCH: There was?

15

16 MR. LEVITON: Nothing major just simple things not
17 even worth mentioning.

18

19 MS. MOENCH: But you did.

20

21 MR. LEVITON: I know because it's I don't know. You
22 know it's amazing the way they keep up with spoken word, but
23 they're not perfect. Okay I did mention it. Alright can I get
24 a motion and a second please.

25

26 MR. SCHERTZ: So moved.

27

28 MR. LEVITON: Thank you David.

29

30 MR. SHALIKAR: Second. Josh.

31

32 MR. LEVITON: Thank you Josh.

33

34 MS. MOENCH: It was David and Josh right?

35

36 MR. LEVITON: Yes.

37

38 **ROLL CALL**

39

40 MS. MOENCH: Mr. Gregowicz?

41

42 MR. GREGOWICZ: Yes.

43

44 MS. MOENCH: Mr. Rosenthal?

45

46 MR. ROSENTHAL: Yes.

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48 MS. MOENCH: Mr. Schertz?

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MR. SCHERTZ: Yes.

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Yes.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Yes.

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Yes. Next up we need to memorialize application ZBE2243 and we thank Mr. Marmero for the job well done. It was a long and complicated resolution and his legal acumen is publicly recognized.

MS. MOENCH: There were no errors.

MR. LEVITON: You're welcome.

MR. MARMERO: This resolution to refresh your memory was a use variance to extend the use of an existent place of worship and then there was also some bulk variance relief and then site plan relief connected to the pavilion that will allow outdoor ceremonies and services and then the sun shades and then there was some safety improvements as well.

MR. LEVITON: Thank you Mr. Marmero. Motion and second please?

MR. WECHSLER: Motion.

MR. LEVITON: Thank you Mr. Wechsler.

MR. MANTAGAS: Second.

MR. LEVITON: And thank you Mr. Mantagas.

1 **ROLL CALL**

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MS. MOENCH: Mr. Gregowicz?

MR. GREGOWICZ: Yes.

MS. MOENCH: Mr. Rosenthal?

MR. ROSENTHAL: Yes.

MS. MOENCH: Mr. Schertz?

MR. SCHERTZ: Yes.

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Yes.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Yes.

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Yes. Okay Mr. Rugo you're up application number ZBE2311. You're here about your deck, the one you want to build in your backyard and you can come sit right up here sir. Make yourself comfortable and before you tell us about your application our attorney Mr. Marmero is going to swear you in.

MR. RUGO: Okay.

MR. MARMERO: Mr. Rugo if you'll raise your right hand. Do you swear the testimony that you provide tonight will be the truth, the whole truth and nothing but the truth?

MR. RUGO: Sure yes.

MR. MARMERO: Okay.

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MR. LEVITON: Okay sir. The only thing I ask is that you speak into the mic. It's sensitive and you need to be close.

MR. RUGO: Sure I'd be glad to.

MR. LEVITON: You can tell the board about the deck you are proposing.

MR. RUGO: Okay.

MR. LEVITON: And what you need from us.

MR. RUGO: Sure I even have a couple pictures if you want to pass them around.

MR. LEVITON: Sure. Give them to Ms. Moench and she'll mark them.

MR. MARMERO: And these weren't included with the application?

MR. RUGO: No

MR. MARMERO: We'll mark them A1 and A2 in photographs.

MR. RUGO: So we have the original deck which is a very small deck in our home and it's falling apart so we need to fix it. So doing that we figured we'd kick it out about eight feet and we found out that there was a zoning issue between the end of our house and the end of the property is twenty feet exactly. So we're asking for a variance, push it out a bit. There's nobody behind us at all. We're not going to encumber anybody, the view of anything or getting in anybody's way.

MR. LEVITON: You're on the fifteenth hole is that correct sir?

MR. RUGO: That is correct, yes.

MR. LEVITON: Mr. Rosenthal shared that with me. Thank you Terry. Okay the exhibits are being marked and they're going to be passed around.

1 MR. MARMERO: Mr. Rugo you said it's an existing deck
2 that's in the photograph and you're looking to extend it out?
3

4 MR. RUGO: That's correct. The deck in the pictures
5 is the existing deck. That was taken a few years ago. Now it's
6 literally falling apart just wood rot that type of thing.
7

8 MR. LEVITON: Mr. Rugo was it your HOA that alerted
9 you to the fact that you needed permission from the township?
10

11 MR. RUGO: Well yeah not for the variance.
12

13 MR. LEVITON: How did you find out that you needed
14 variance relief?
15

16 MR. RUGO: So we had our deck people, they're taking
17 care of getting the permits and when they did that they were
18 denied the permit because of the zoning of it.
19

20 MR. LEVITON: Thank you sir.
21

22 MR. RUGO: Whereas the HOA approved the work.
23

24 MR. LEVITON: Does anybody have any questions for
25 him?
26

27 MR. SCHERTZ: So are you going to be repairing the
28 old deck?
29

30 MR. RUGO: We're going to be replace and add/
31

32 MR. SCHERTZ: or just replacing it entirely?
33

34 MR. RUGO: We're going to replace it entirely instead
35 of using wood which is rotting, we're using the trex material.
36 It'll last forever probably longer than I will.
37

38 MR. LEVITON: Anyone else?
39

40 MR. WEISS: Yeah for Nancy are we talking about
41 essentially a four foot issue here?
42

43 MS. DEFALCO: We're talking about a nine foot, eight
44 and a half.
45

46 MR. WEISS: Eight and a half?
47

48 MS. DEFALCO: One side is 11.5.

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MR. WEISS: Oh okay got it.

MS. DEFALCO: When twenty is required.

MR. WEISS: Got it thank you.

MS. DEFALCO: The existing deck is in conformance.
The extension would encroach.

MR. LEVITON: Do golf balls wind up in your backyard?

MR. RUGO: They do. My wife has two jars about this
tall and this wide.

MR. LEVITON: And I presume you don't golf or you
would have laid claim yourself? Yeah, what a shame.

MR. ROSENTHAL: Hooked drives.

MR. LEVITON: Oh is it a hook on the hole?

MR. ROSENTHAL: No I'm saying that when the golfer
hooks the ball he's on the left.

MR. RUGO: Correct.

MR. ROSENTHAL: And there's plenty of room, landing
room, for some golfers.

MR. LEVITON: So when you're standing on that tee box
you're looking at Route 33 then if he's on the left.

MR. RUGO: Essentially yeah.

MR. LEVITON: Yeah it would have to be, yeah.

MR. ROSENTHAL: Right, right.

MR. RUGO: Parallel to Millhurst Road.

MR. LEVITON: Yeah, yeah that's a hook for right-
handed golfers. Gentlemen any other questions?

1 MR. ROSENTHAL: I would just add that you know you're
2 going to be more susceptible to golf balls now.

3
4 MS. DEFALCO: You're going to get hit.

5
6 MR. ROSENTHAL: To golf balls if you're extending.

7
8 MR. RUGO: There's a lot of trees.

9
10 MR. ROSENTHAL: Yeah there are some trees there. The
11 superintendent is taking a lot of them down, but he hasn't cut
12 those.

13
14 MR. LEVITON: Adam do you have concerns with the
15 encroachment?

16
17 MR. WEISS: No, I have no concerns with this
18 application.

19
20 MR. LEVITON: Does anyone? Alright then will someone
21 make a motion? I do see someone sitting in the public and at
22 this time I'm going to invite anyone who wants to ask Mr. Rugo
23 a question or address the board to come up and do so. Okay
24 seeing none I'm going to close public then and ask Mr. Marmero
25 do you require anything further sir?

26
27 MR. MARMERO: No, no further questions from me, but
28 just to sum up the relief that's needed. So there is a rear
29 yard setback requirement of twenty feet. It looks like with
30 this proposal the proposed deck is going to have a setback of
31 11 and a half feet and the proposed rear porch would be
32 sixteen feet from the rear yard lot line so that would be the
33 relief that's required.

34
35 MR. LEVITON: Thank you Albert. Nancy anything
36 further?

37
38 MS. DEFALCO: No all good thank you.

39
40 MR. LEVITON: We are good then. Motion and second
41 please.

42
43 MR. WEISS: Motion to approve the application as
44 submitted.

45
46 MR. LEVITON: Thank you Mr. Weiss.

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48 MR. SHALIKAR: I'll second.

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MR. WECHSLER: Second.

MR. LEVITON: Thank you Mr. Shalikar and that was a close one but I wanted to get Josh's name in.

MR. WECHSLER: --- because I still feel guilty.

MR. SHALIKAR: before the buzzer.

MR. LEVITON: Okay.

ROLL CALL

MS. MOENCH: Mr. Gregowicz?

MR. GREGOWICZ: Yes.

MS. MOENCH: Mr. Rosenthal?

MR. ROSENTHAL: Yes.

MS. MOENCH: Mr. Schertz?

MR. SCHERTZ: Yes.

MS. MOENCH: Mr. Shalikar?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Weiss?

MR. WEISS: Yes.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Mr. Rugo congratulations to you. Your application will be memorialized at our next regular meeting and you won't need to be here.

MR. RUGO: Thank you.

MR. LEVITON: You're welcome.

1 MR. RUGO: So I can tell the deck guys to carry on?
2
3 MR. LEVITON: You should wait two weeks I believe.
4
5 MR. RUGO: Okay.
6
7 MR. LEVITON: Yes and Janice will mail it out to you.
8 You can call her.
9
10 MR. RUGO: Oh perfect.
11
12 MR. LEVITON: Yeah two weeks you're good to go.
13
14 MR. RUGO: Fair enough.
15
16 MR. LEVITON: Is that the proper thing to tell him?
17
18 MS. MOENCH: Two weeks then you'll get the permits
19 in.
20
21 MR. RUGO: Okay.
22
23 MS. MOENCH: Yes but in addition you also have to
24 wait for building.
25
26 MR. RUGO: Building?
27
28 MR. WEISS: Construction.
29
30 MS. MOENCH: Construction, building.
31
32 MR. WEISS: The building department.
33
34 MR. RUGO: Oh so it's two permits I need?
35
36 MS. DEFALCO: Two applications for one permit. You
37 can come next week. We'll start to send it over to
38 construction for review. This way by the time the resolution's
39 memorialized I'll do the zoning review.
40
41 MR. RUGO: Okay fair enough.
42
43 MS. DEFALCO: Okay?
44
45 MR. RUGO: We'll talk next week. Thanks very much.
46
47 MR. LEVITON: You're welcome. Okay before we adjourn
48 I'm going to go out to the public for any items that are non-

1 agenda this evening. Sir do you want nothing to say or sorry
2 this our short meeting. You're here for school I presume?
3

4 MALE VOICE: No I'm not. I live at --- starting a
5 rural variance process for myself for my house so I just
6 wanted to come by and see to get a general idea.
7

8 MR. LEVITON: Okay good luck to you and they'll take
9 very good care of you downstairs when you come in.
10

11 MALE VOICE: Okay.
12

13 MR. LEVITON: And we'll see you soon. Gentlemen
14 anything else? Let's ask Mr. Marmero, any news on the
15 litigation front?
16

17 MR. MARMERO: No we're still working on putting
18 together a response and once we do we'll share that with you,
19 but no everything's status quo.
20

21 MR. LEVITON: Okie doke. Will someone move to
22 adjourn?
23

24 MR. WEISS: Motion to adjourn.
25
26

27 MR. LEVITON: Thank you Adam and thank you Josh for
28 seconding it. Thank you all for coming in.
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