

**MEETING IS CALLED TO ORDER:**

MR. LEVITON: Gentlemen, is everyone ready? We're good to go? Alright then, I will call the meeting to order and ask everyone to join me for a 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 this building. In addition, a copy of the notice is and has been available to the public. It is on file in the office of the municipal clerk. This meeting is therefore deemed in compliance with the Open Public Meetings Act. Roll call please.

**ROLL CALL**

MS. MOENCH: Mr. Gregowicz, not with us this evening. Mr. Wechsler?

MR. WECHSLER: Here.

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Here.

MS. MOENCH: Mr. Weiss?

MR. WEISS: Here.

MS. MOENCH: Mr. Mantagas, absent. Mr. Pochopin?

MR. POCHOPIN: Here.

MS. MOENCH: Mr. Harrington?

MR. HARRINGTON: Here.

MS. MOENCH: Ms. Klompus, absent. Chair Leviton?

MR. LEVITON: I am here. Okay so first of all if you're here tonight for application ZBE2408, that's Ace Sign Company, that's not going to be heard this evening and I understand Mr. Marmero that they're going to re-notice.

MR. MARMERO: It's been carried several times, but at this point they will re-notice.

MR. LEVITON: Thank you sir.

MR. MARMERO: Sure.

MR. LEVITON: Okay so our first order of business tonight as a zoning board is to accept the minutes from - - -

MS. MOENCH: 10/17.

MR. LEVITON: 10/17. Will someone make the motion and will someone accept it? Will someone second it?

MR. WECHSLER: I'll make a motion to accept.

MR. SHALIKAR: I'll second.

MS. MOENCH: That was Michael and?

MR. LEVITON: Michael and Joshua.

#### **ROLL CALL**

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Yes.

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Harrington?

MR. HARRINGTON: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Yes. I now have my bearings and next up we need to memorialize three applications. The first one is ZBE2434, Albert.

MR. MARMERO: Sure. For this one as you remember this was variance relief that was related to an addition being put on to the home, a cabana house, and a pool expansion in the rear of the property. All of the variances were necessary because it was an undersized lot. None of the improvements were going into any of the

required setbacks, but because it was an undersized lot variance relief was needed.

MR. LEVITON: Thank you counselor.

MR. MARMERO: Sure.

MR. LEVITON: Will someone move to memorialize?

MR. WECHSLER: I'll make the motion to memorialize.

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

MR. SHALIKAR: I'll second it.

MR. LEVITON: Thank you Joshua.

**ROLL CALL**

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Yes.

MS. MOENCH: Mr. Shalikar?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Harrington?

MR. HARRINGTON: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Yes, next up is ZBE2433.

MR. MARMERO: Sure and this application also involved an addition that was being put on to an existing home. For this application the existing home actually existed within the front yard setback so any addition put on to the home was going to require front yard setback relief and then this addition also required a side yard setback variance.

MR. LEVITON: Thank you. Gentlemen there aren't many folks who are eligible, I'll need you two.

MR. SHALIKAR: I'll make the motion.

MR. WECHSLER: I'll second.

MR. LEVITON: So we're going to reverse it this time.

**ROLL CALL**

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Yes.

MS. MOENCH: Mr. Shalikar?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Harrington?

MR. HARRINGTON: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Yes and the last one is ZBE2430.

MR. MARMERO: Sure as you remember for this application there were several improvements that were done prior to receiving permits. There was a driveway that was basically re-done and put on the other side of the property. There was a patio that was installed in the rear of the property and then there was an existing shed that was protected by the ZCCO program, but nonetheless variance relief was sought for it. So those were the three improvements that required setback relief.

MR. LEVITON: Thank you solicitor.

MR. MARMERO: Sure.

MR. SHALIKAR: I'll make the motion.

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

MR. HARRINGTON: I'll second.

MR. LEVITON: Thank you Mr. Harrington.

**ROLL CALL**

MS. MOENCH: Mr. Shalikar?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Harrington?

MR. HARRINGTON: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Yes and now we're ready for the public portion of our meeting and first case tonight is application 2429. I see Mr. Halari here and on behalf of Christopher and Catherine Colosi and Ms. Joann Becker we call Mr. Licata and I see also that Mr. Ploskonka's making his way up and before you begin Peter, let's have Albert swear in our professionals.

MR. MARMERO: Yeah I was going to say do you want to get everybody sworn in. Well let me get ours sworn in first. If you guys will raise your right hand. Do you swear the testimony you'll provide tonight will be the truth, the whole truth, and nothing but the truth?

MS. BEAHM: I do.

MR. BOCCANFUSO: I do.

MR. MARMERO: Okay, and then Peter do you anticipate testimony from anyone else?

MR. LICATA: I don't, but I have Peter Becker here who might --- a question or two so ---

MR. MARMERO: Sure if you want to come up I'll get you sworn in. Alright and then if the three of you will raise your right hand. Do you swear that the testimony you'll provide tonight will be the truth, the whole truth, and nothing but the truth?

MR. PLOSKONKA: I do.

MR. HALARI: I do.

MR. BECKER: I do.

MR. MARMERO: Okay, go ahead Peter.

MS. MOENCH: Can we just get on record who ---

MR. MARMERO: Sure, yeah if we could just get on record who we've sworn in. I mean you guys have all appeared before us, but if you'll each state your name for the record.

MR. PLOSKONKA: John J. Ploskonka, professional engineer, professional planner Manalapan, New Jersey.

MR. HALARI: Bhaskar Halari professional engineer, Concept Engineering, New Jersey.

MR. MARMERO: And if we could just get you on the record sir.

MR. PLOSKONKA: Peter?

MR. BECKER: Peter Becker.

MR. MARMERO: Okay.

MR. BECKER: Good?

MR. MARMERO: Yes.

MR. LICATA: Mr. Chairman naturally Mr. Ploskonka and Mr. Halari are familiar to the board as are their credentials.

MR. LEVITON: The board welcomes them back and accepts their credentials.

MR. LICATA: Thank you.

MR. PLOSKONKA: Thank you.

MR. HALARI: Thank you.

MR. LICATA: Just briefly as the board may remember we were here in February of this year and presented an application.

MR. MARMERO: Peter, Janice is saying your mic might not be on.

MR. LICATA: Oh I'm sorry. There's a green light now, there we go. We were here in February requesting bulk and use variance relief. We testified at that time to the site operations and users. The board granted the bulk and use variance relief that was requested subject to a number of conditions. The most important of which is that we obtained an L.O.I. from the NJDEP which we have done since we were last here, and that we submit a site plan proposing some modest site improvements in conformance with our testimony of last time. By way of summary, we are not proposing any changes to the use or occupancy of the property or any of the operations, containers, or vehicles that

were on the property as discussed at last time. So unless there are questions we will not revisit that testimony which was introduced at length back in February. I do have Mr. Ploskonka to give an overview. So John in order to provide the board with a quick summary of the site plan application. You have since verified the areas of permitted disturbance with the NJDEP and have gotten an L.O.I that's been submitted to the board. Is that correct?

MR. PLOSKONKA: That is correct. That was part of the revised site plan that we submitted in June of this year and what happened is this site which was larger two or three years ago has shrunk because of the necessary need to replant some of the buffer areas that were disturbed by DEP and that was outlined by DEP for us to do, and then we reduced it further to minimize the amount of area being used. So that we basically got rid of about a half-acre of property in this disturbed area which you can see on the plan.

MR. HALARI: Where you see the hatched area is the previously disturbed area that is getting replanted. You have a little bit of east here and also the west side. Also, the rear of the property where there's an existing stone area that is proposed to be removed which is closest by the line and that is going to be basically grass recreated in that area.

MR. PLOSKONKA: Yeah, so basically while we don't have stormwater management issues because of the fact that we're so small now and we mitigated all of the issues by DEP and have the L.O.I. So we're now here looking for site plan approval, but there is no really improvements to the site. There's no buildings. There's no ---

MR. LICATA: There is no signage or lighting proposed.

MR. PLOSKONKA: Signage. There's no lighting. There's no signage. There's no expansion. There has been a reduction of the area that they're going to use and they're going to use the areas. That well line in the variance that we've obtained so we do want to have Shari Spero come out to the site and make sure that the landscaping that we've done for DEP is acceptable to her or make some slight modifications. Jen Beahm suggested at the TRC that we have a split rail fence around the area and where the logs are that separate the usable area from the wetlands, wetlands buffer and we agreed to that fencing that would be, then not allow use of the other areas except what's now have been identified.

MR. LICATA: And with that Mr. Chairman I would make Mr. Ploskonka available for questions by the board's professionals.

MR. LEVITON: Mr. Rizzo?

MR. RIZZO: Thanks Mr. Chair. I really don't have much more at this point. They addressed some of the questions especially that we discussed at the TRC. Just for the record, will you agree to comply with all of our outstanding comments in our letters including providing any other outside agency approvals beyond the DEP's L.O.I.?

MR. PLOSKONKA: We'll agree to provide whatever else minor things that you had in your letter, yes.

MR. RIZZO: Yeah, and that's all I have thank you.

MR. LEVITON: Thank you Jordan. Ms. Beahm?

MS. BEAHM: The only question I have which is relating more to conditions of the variance approval specifically for the ice cream use, that the condition said it's going to be limited to three forty-foot steel storage containers and that they're required to remove any additional items within thirty days. So, is that still correct?

MR. LICATA: That is still correct. I've verified that with the applicant.

MS. BEAHM: Okay that's all I have Mr. Chair.

MR. LEVITON: Wonderful Ms. Beahm, thank you. Gentlemen, Mr. Harrington, any questions?

MR. HARRINGTON: No questions.

MR. LEVITON: Mr. Pochopin?

MR. POCHOPIN: No questions at this time, thank you.

MR. LEVITON: Thank you Dan. Mr. Wechsler?

MR. WECHSLER: No questions Mr. Chairman.

MR. LEVITON: Thank you Michael. Mr. Shalika?

MR. SHALIKAR: No questions.

MR. LEVITON: Thank you Joshua. Mr. Weiss?

MR. WEISS: Just one question. Will you agree to a condition and I think you mentioned it Mr. Ploskonka, but would you agree to a condition that you'll meet whatever requirements Ms. Spero puts out there with regards to trees, etc.?



MR. PLOSKONKA: Absolutely.

MR. WEISS: Thank you and no further questions.

MR. LEVITON: Thank you Mr. Weiss. Mr. Marmero before I go out to the public, oh Mr. Boccanfuso, why don't you jump in.

MR. BOCCANFUSO: Thank you Mr. Chairman. Mr. Licata, Jen kind of alluded to the conditions of the use variance approval with regard to the specific equipment that's on the site. It does appear that the site plan complies with those conditions based on my review. I just want to be sure that you confirmed with your client that they're comfortable with that. I mean if there's any changes, now would probably be the time to get it on the record.

MR. LICATA: I've gotten acknowledgement from my client that they are good with the prior conditions and stipulations.

MR. BOCCANFUSO: Great thank you. The only other thing I have to add, if there is an approval zoning permits will be required for the two uses once the resolution is memorialized myself and Al --- department can --- through the process.

MR. MARMERO: Certainly.

MR. BOCCANFUSO: That's all.

MR. LEVITON: Mr. Marmero, this is the second part of their bifurcated application. They've already got the approval for a use variance. What type of relief are they seeking tonight?

MR. MARMERO: So they're seeking site plan approval from you. One of the conditions that was attached to their resolution was number three. The condition was that this approval is granted conditioned upon the applicant's receipt of site plan approval. As I remember it I think the reason or the main reason you attached site plan approval to it was because you wanted to see where certain things were. They made a promise or agreed to certain conditions as to how many trailers would be there, the parking, the logs, all of these things, and I think it sounded good enough for you to give the variance approval, but you wanted to see how it would actually be laid out in front of you on a plan. Plus, there was still that outstanding issue of the L.O.I. as well which has now been resolved and you're now able to show us exactly where everything is. So, there's no variance relief needed tonight. It's strictly site plan, but because the application generated with you as the zoning board because of the variances now the site plan rests with you as well.

MR. LEVITON: Then it's a plurality they need or do they need five affirmative votes?

MR. MARMERO: It's just a simple majority.

MR. LEVITON: Simple majority.

MR. MARMERO: So, you have six of you tonight so four to two would be sufficient.

MR. LEVITON: Outstanding. The board does thank Mr. Becker for his compliance and for getting everything that this board asked for on the record and before we go to the board and ask for a motion, I'll go out to the public and ask if there's anyone who wants to address the board regarding this matter or ask questions of Mr. Halari or Mr. Ploskonka. Seeing none, I'll close public. Albert, anything further?

MR. MARMERO: No, so any motion would be to grant minor site plan approval to the applicant. The conditions that we heard tonight was it sounded like the applicant was willing to go with Ms. Beahm's suggestion to provide a split rail fence that would essentially separate the usable areas from the wetlands. Does that sound agreeable?

MR. LICATA: That's correct.

MR. MARMERO: Obviously the applicant would comply with both our planner and our engineer's letter. The applicant agreed to meet with the arborist for approval of landscaping at the site and then of course the applicant when asked by Mr. Boccanfuso agreed that all prior conditions from the variance resolution would still be agreed to and complied with.

MR. LICATA: That is correct.

MR. WEISS: I'd like to make a motion to approve the application subject to the conditions that Mr. Marmero just stated.

MR. LEVITON: Thank you Mr. Weiss.

MR. WECHSLER: I'll second the motion.

MR. LEVITON: Thank you Mr. Wechsler, and also thanks Mr. --

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**ROLL CALL**

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Yes.

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Weiss?

MR. WEISS: Yes.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Yes.

MS. MOENCH: Mr. Harrington?

MR. HARRINGTON: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Congratulations everyone.

MR. LICATA: Thank you everybody.

MR. LEVITON: Much continued success. And thank you to our professionals.

MS. BEAHM: Thank you.

MR. LEVITON: And we wish you well. We'll see you at the League of Municipalities.

MS. BEAHM: We'll be there.

MS. MOENCH: Actually it's dated - - - 12/5.

MR. LEVITON: 12/5? Oh yeah. No, the League of Municipalities is before then.

MS. MOENCH: Yes, yes.

MR. LEVITON: Yeah, Jen's firm is having a party at Cuba Libre and Jordan's is in a ballroom, but they've got jumbo shrimp. Unfortunately, they run concurrently.

MS. MOENCH: Goodnight guys.

MR. LEVITON: Goodnight, everyone so good to see you.

MR. MARMERO: See you guys.

MR. BOCCANFUSO: Have a lovely evening.

MR. LEVITON: It is our pleasure to welcome back Mr. Licata, representing Azzara Properties, and Mr. Ploskonka and Mr. Halari as well. This is case number ZBE2427, Mr. Licata.

MR. LICATA: Good evening again everyone. Peter Licata on behalf of the applicant who is requesting bulk variance relief in order to be able to submit construction permit applications to build a single-family home on a lot which at the time the property was subdivided back in 2002, was conforming to the bulk standards, but since that time the standards have changed and it is therefore pre-existing, non-conforming lot. I have Mr. Ploskonka to summarize the variance relief needed which is simply lot area as well as lot width and to provide you with some of the engineering and topographical detail.

MR. MARMERO: For the record both of your professionals have been sworn in. They remain sworn in. They've been accepted by this board as experts in their field so that can continue for this application. Do you have anyone else that'll testify Peter?

MR. LICATA: We do not.

MR. MARMERO: Okay.

MR. LICATA: Thank you Albert. John, could you summarize. You were already sworn in.

MR. MARMERO: You're good.

MR. LICATA: Could you summarize for the board what's proposed on the lot?

MR. PLOSKONKA: You can see on the plan an aerial that shows in red outline the lot in question. This lot was part of a three lot subdivision which goes to the left and Bhaskar can you put that map up?

MR. HALARI: ---

MR. PLOSKONKA: The three lots.

MR. HALARI: ---

MR. PLOSKONKA: Subdivision.

MR. LICATA: Can you rotate it and then yeah. There we go.

MR. PLOSKONKA: There we go. So, looking at this lot, this plan, this is from twenty-four years ago approved by the planning board which created on the left side a six-acre lot which is vacant, a three acre lot next to it which is where my client lives right now, and then there's another lot that's four hundred by three hundred that wasn't part of the subdivision, and finally the lot in question is where Bhaskar's pointed the cursor is a lot here which is 3.3 acres. So all those that was approved only one house was constructed. The second one in and now we're here for the third lot and now at the time in 2001 or two the zoning was three-acre zoning. So these lots all conformed to the ordinance and as the board, as the town changed the zoning we now have a four-acre zone where we used to have a three-acre zone. So this lot is undersized under the zoning, we're here for a variance for that purpose of getting approval for the undersized lot that's pre-existing with houses on both sides. In addition, we did submit a plot plan to the town and we have reports by Jordan Rizzo. We also have a report by Brian Buccanfuso. The issues are the three acres versus four acres which we're seeking a variance for and the other issue is the house is raised up about five or six feet above the ground which requires waivers under the new ordinance which wasn't in effect at the time of the subdivision and of course the subdivision design was already similar to what you see today because this is a low area and if you do a septic system in front of the house you have to raise the ground up to show it that way. Of course, if you raise the ground up for the subdivision and you lower the house down, the lot behind it you have this mound in your front yard and you have to pump to pump to it. So, the purpose here was to raise up the ground so gravity feeds into the septic system and that's the intent, and that's the reason we're asking for the waivers of the ordinances that were outlined by Brian in his memo. In addition, Brian pointed out that there was a low spot on the right side of the house and in that area we did have in 2001 an easement to go dump some water onto the adjoining property, but now since the client in 2001 put in drainage along the roadway we're going to put in the yard inlet next to the house on the left side and have it connected to the storm sewer so we don't have that issue. So, under these plans we're seeking the variance for the house for the area and seeking the waivers, thank you, thank you. I'm not speaking loud enough, sorry about that. Seeking waivers for the outline in Brian's note of 95.83C1, 9583.C2, and 95-83.C7 so that we have a decent looking front yard, and this will be similar to what will be built on the six-acre lot that's still

vacant to the left that was approved with basically the same grading you're seeing here today.

MR. LICATA: John in addition to the minimum lot area I believe we also need a minimum lot width variance, is that correct?

MR. PLOSKONKA: I think that might have been granted in 2001. If I recall correctly, if not we'll ask for it now. Obviously, the frontage was okay, but the width.

MR. LICATA: At the time.

MR. PLOSKONKA: At the time a little bit short.

MR. LICATA: Yeah, I understand according to the CME report dated July 23, 2024, two hundred feet is required and 195.9 feet is provided so it is slightly.

MR. HALARI: --- previously approved.

MR. LICATA: It says previously approved on the.

MR. HALARI: It says previously approved.

MR. LICATA: On the subdivision?

MR. HALARI: Yes.

MR. LICATA: Okay thank you for pointing that. I see on the subdivision and other plans that you have topographical lines for both this lot and the lots to the left and right side of the property as you look at it. John, is it fair to say that if approved based on the proposed topography for this lot that the relative topography of this lot as to its neighbors would be substantially similar and not out of character with the scheme of the neighborhood?

MR. PLOSKONKA: I would say this would be aesthetically pleasing, not out of character, and also there are wetlands on the property. We did agree to go for the new L.O.I. We asked the board to waive that at one point because it's a year to get an L.O.I. from New Jersey right now.

MR. LICATA: Right.

MR. PLOSKONKA: D.E.P. is so backlogged. You saw how long it took me to get Becker's.

MR. LEVITON: Yes sir.

MR. PLOSKONKA: But we're applying for it immediately.

MR. LEVITON: Yes.

MR. LICATA: Okay and in addition to applying for the L.O.I. there are a number of the technical comments in Mr. Rizzo's report which you would stipulate to satisfying in the event the board granted approval?

MR. PLOSKONKA: Absolutely.

MR. LICATA: Thank you. I'll make Mr. Ploskonka available for questions.

MR. LEVITON: Mr. Ploskonka, we appreciate your compliance with Mr. Rizzo's request and we understand it's a hardship and that it's going to take a long time. Nevertheless, we support our professionals and we thank them for their diligence, I have no questions. Mr. Harrington?

MR. HARRINGTON: I have no questions.

MR. LEVITON: Mr. Pochopin?

MR. POCHOPIN: Yes, thank you. So just to reiterate, the topography you said the septic system is a little bit more aesthetically pleasing so you raised the house. Is that what you said?

MR. PLOSKONKA: The water table out there is relatively high so that we have to build up the septic system to be able to make it functional. Now when you build it up and you have the septic system this high in your front yard and you then met the ordinance for the house without raising it above the water table, you'd be down about four or five feet maybe so your house would look like the front windows and you see this big mound on your front yard. So, it's kind of a low area so we're bringing in fill to fill up the lots of the house grades from there to the street and it's above the septic system and it works by gravity.

MR. POCHOPIN: Okay so all the drainage is proper and then it just looks a lot better on the front.

MR. PLOSKONKA: It does and there's a little low spot on the left side. We're running a drain up to there from the street so it's going to get rid of that low spot.

MR. POCHOPIN: Very good thank you.

MR. PLOSKONKA: You're welcome.

MR. WECHSLER: No questions Mr. Chairman.

MR. LEVITON: Thank you Michael. Josh?

MR. SHALIKAR: Yes, just one quick question. So, five and a half your house is probably going to be eight feet above grade, something like that, give or take?

MR. LICATA: Bhaskar, could you respond to the elevation change?

MR. HALARI: ---

MR. SHALIKAR: Okay and I'm assuming it'll taper to the sides then?

MR. HALARI: Yes, it tapers to the sides then the front and back.

MR. SHALIKAR: Okay I know you had mentioned that in terms of being aesthetically pleasing, for the neighbors that will look normal? It's not going to be an eye sore?

MR. HALARI: No, no the house to the left also is raised.

MR. SHALIKAR: It is?

MR. HALARI: Yes, so if you look at only the house on the right which is very close to the street. So that house at least not on this plan, but --- you had previously approved that --- you can see here. This is the house to the right which is much closer to the street and the house to the left has about --- floor I would say 114, 115. This house is going to be about 117.

MR. SHALIKAR: Okay so a few feet there.

MR. HALARI: So, a couple of feet.

MR. SHALIKAR: Yes.

MR. HALARI: But the difference between the houses is two hundred feet.

MR. SHALIKAR: Understood thank you, no additional questions.



MR. WEISS: I have no questions, thank you.

MR. LEVITON: At this time, I'll go out to the public and seeing only the Azzara's. Is there anybody who wants to question the professionals or address the board? Seeing none I'll close public. Mr. Boccanfuso?

MR. BOCCANFUSO: Thank you Mr. Chairman. Yeah, not much to add. I think the applicants addressed the application. The variance relief with regard to the lot area and width which I guess was previously granted, very straightforward. They did provide testimony on the design waiver relative to the grading requirements. I do think the grading will be a little bit steep in what's proposed, but they have proposed to mitigate the drainage impact by introducing drainage improvements. We did hear testimony relative to the septic system. There certainly is some consideration with regard to that because the septic system does have to be a certain elevation for compliance with the applicable regulations. So it does help to kind of transition by allowing for the waiver. So as long as they're willing to provide the necessary drainage improvements which will be subject to review and approval by CME Associates. I don't have any major issues with the relief that's necessary.

MR. LEVITON: Thank you sir. Mr. Marmero?

MR. MARMERO: So, Brian did you say the lot width was previously granted?

MR. BOCCANFUSO: To be quite honest with you I did not notice that in my review. I'm not sure if CME did either. I mean we have them here perhaps.

MR. MARMERO: Yeah, and it's applied for.

MR. BOCCANFUSO: --- re-affirm while they're here.

MR. MARMERO: That's what I was saying. It's applied for. It's on the application so okay.

MR. BOCCANFUSO: Yeah, I mean I'm not disputing it. I did not notice that it was previously granted with the original application during my review of this application.

MR. MARMERO: Okay.

MR. LEVITON: Mr. Licata, can you confirm?

MR. LICATA: My understanding is that the dimension is shown on the approved.

MR. HALARI: This was 206 feet right? So that's the current. You're talking about this part of the 206 feet previously it was 209 feet.

MS. MOENCH: Wait, wait, wait I'm not picking up anything you said.

MR. PLOSKONKA: The same width, the same width requirement. The same frontage we have is two hundred feet. The width was less right by five feet.

MR. HALARI: Right.

MR. PLOSKONKA: There was an asterisk on our plan. To be safe we'll ask for the variance again.

MR. MARMERO: Yeah, that would look like it was previously granted, but like I said you applied for it tonight.

MR. PLOSKONKA: Yeah.

MR. MARMERO: So, it kind of all goes together anyway.

MR. PLOSKONKA: Minor things.

MR. MARMERO: Yeah.

MR. LEVITON: Adam?

MR. WEISS: I was going to suggest that we just include it to the extent that the board is inclined to do so.

MR. MARMERO: Yeah.

MR. WEISS: So that there's no issues down the road.

MR. LEVITON: Why is floor area ratio not under consideration as well? If the lot is undersized, isn't the house oversized?

MR. HALARI: No, no because the house is still small enough that it's still below the required floor area ratio.

MR. LEVITON: It's a big house.

MR. HALARI: It's a big house still not big to really go beyond the allowable limit.

MR. MARMERO: It's a pretty big lot too. Albeit not big enough for the zone though.

MR. LICATA: Exactly, it's three acres.

MR. PLOSKONKA: And we have to come in for a building permit with a plot plan and go to the building department and go back to Jordan for his sign off.

MR. LEVITON: Okay, I'm good. Albert?

MR. MARMERO: Yeah, then to sum it up then what the applicant, they're seeking a few things. So, they have a lot that was created. I heard 2002, 2001 or so, but the plan is up there so the lot was created. A valid subdivision approval took place and the lot was created. It's in a residential zone, but now you can't use that lot for residential due to the zoning change so the main variance relief you're here is to allow a home to be built on what is now an undersized lot. We heard about the lot width which looks like it was clearly flagged as a variance on the approved plan from twenty or so years ago, but it's been applied for nonetheless. So it's probably safest to grant that again if the board is so inclined to grant the relief with respect to the undersized lot and then the only other relief we heard is merely just a design waiver not a variance, but it's been flagged in the letters nonetheless and that's essentially in layman's terms it sounds like because you had to raise the septic system due to the water table. You then had to raise the home and the prong of the ordinance that is implicated there is that if you alter the lot grading by more than three feet it then becomes a design waiver so that would be the waiver relief that is needed tonight, and then of course the applicant agreed to comply with all of the comments that appear in the planning board engineers, I'm sorry the zoning board engineers letter and then also comply with any of the drainage requirements issued by the board engineer.

MR. LEVITON: Most impressive counselor. Gentlemen, anything else?

MR. MARMERO: Yeah, then just as a reminder and Peter you weren't here last time, we are making sure that the condition in the resolution points out that the variances have a duration of one year. So from the time of memorialization of the resolution until building permit would have to be a one-year period. I would imagine you'll be seeking permits within a year.

MR. PLOSKONKA: We would ask that it be extended to eighteen months at least.

MR. MARMERO: Because of the L.O.I. situation?

MR. PLOSKONKA: Because of DEP, yeah.

MR. MARMERO: Okay. Yeah, and the reason we bring it up is because it's an ordinance change that we're looking to make in the future because we have no duration currently in our ordinance. Because we have no duration it's not technically in the relief you're seeking, but if the board is so inclined to insert a condition for eighteen months because as you indicated you are going to be seeking an L.O.I. so it could take longer than that.

MR. PLOSKONKA: We're submitting it next week so.

MR. MARMERO: Okay.

MR. LEVITON: Absolutely.

MR. WEISS: I'd like to make a motion to approve the application inclusive of the conditions that Mr. Marmero stated, but also with the extension by six months to allow adequate time or hopefully adequate time to get an L.O.I. from the DEP.

MR. LEVITON: Thanks Adam.

MR. SHALIKAR: I'll second that.

MR. LEVITON: Thank you Mr. Shalikar.

**ROLL CALL**

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Yes.

MS. MOENCH: Mr. Shalikar?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Weiss?

MR. WEISS: Yes.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Yes.

MS. MOENCH: Mr. Harrington?

MR. HARRINGTON: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Congratulations everyone.

MR. LICATA: Thank you again everybody.

MR. LEVITON: You're welcome.

MR. LICATA: Have a good evening.

MR. PLOSKONKA: Happy Thanksgiving.

MR. LEVITON: And to you as well sir. Watch out for the hot peppers.

MR. PLOSKONKA: I have a lot of peppers here if anybody needs any let me know. ---

MR. MARMERO: We're going to have to start calling you Peter Piper.

MR. LEVITON: Okay, at this time I'm going to go out to the public and ask if there's anyone here who wants to address the board for non-agenda items. Seeing none, I'll close public. I also want to tell the board that my future son-in-law sent me a picture today. It's a picture that says V-O-K-O-U-M. There's a big sign in front of a business on Route 9 that just went up.

MS. MOENCH: I can't hear anything you're saying. We can't hear anything you're saying.

MR. LEVITON: Oh, I'm in receipt of a picture of a storefront that has a sign on top of it that says Vokoum and I just want to let the board know that.

MR. WECHSLER: Yeah it's in Marlboro.

MR. LEVITON: It's in Marlboro, yes.

MR. WEISS: We wish them every bit of success.

MR. MARMERO: Ready for a motion to adjourn.

MR. LEVITON: So, moved. Thank you all. Thank you, Janice and good luck, to Bob.

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