

MEETING IS CALLED TO ORDER:

MR. LEVITON: Pursuant to section five, oh I'm sorry. I will call this meeting to order and ask everyone in attendance to join us for a salute to our 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 is posted on the bulletin board right outside this door 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, we are in compliance with the Open Public Meetings Act. Roll call, please.

ROLL CALL

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Here.

MS. MOENCH: Mr. Weiss? Not here. Mr. Harrington?

MR. HARRINGTON: Here.

MS. MOENCH: Ms. Klompus?

MS. KLOMPUS: Here.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Here.

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Here.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Here.

MS. MOENCH: Ms. Levenson?

MS. LEVENSON: Here.

1
2 MS. MOENCH: Ms. Latilla?

3
4 MS. LATILLA: Here.

5
6 MS. MOENCH: Mr. Hughes? Absent. Chair Leviton?

7
8 MR. LEVITON: I am here. Thank you board for showing up.
9 Thank you for being here and greetings to the public. Welcome to you
10 all. Okay, up first we need to accept the minutes from April 17th.
11 Will someone move to do so and then will someone second it?

12
13 MS. MOENCH: Hold on one second.

14
15 MR. LEVITON: Yeah? For the public's edification, the
16 proceedings this evening and every evening are being recorded and then
17 later will be transcribed. So, everyone needs to enunciate well and
18 into the microphone, and Janice is having a little problem with the
19 recording in the moment.

20
21 MS. MOENCH: Okay.

22
23 MR. LEVITON: Jessica, by the way, my daughter's name is
24 Rebecca. I meant to tell you that. It just occurred to me. I forgot.

25
26 MS. LEVENSON: That's funny.

27
28 MR. LEVITON: Yeah.

29
30 MS. MOENCH: Okay.

31
32 MR. LEVITON: Okay, alright so I need someone to make a
33 motion and someone to second it.

34
35 MR. SHALIKAR: I'll make the motion to approve the minutes.

36
37 MR. LEVITON: And a second?

38
39 MS. KLOMPUS: I'll second it.

40
41 MR. LEVITON: Thank you Mr. Shalika and Ms. Klompus.

42
43 **ROLL CALL**

44
45 MS. MOENCH: Mr. Shalika?

46
47 MR. SHALIKAR: Yes.

48

1 MS. MOENCH: Mr. Harrington?

2
3 MR. HARRINGTON: Yes.

4
5 MS. MOENCH: Ms. Klompus?

6
7 MS. KLOMPUS: Yes.

8
9 MS. MOENCH: Ms. Levenson?

10
11 MS. LEVENSON: Yes.

12
13 MS. MOENCH: Chair Leviton?

14
15 MR. LEVITON: Yes. Okay, there's one resolution to
16 memorialize this evening, Mr. Marmero.

17
18 MR. MARMERO: Sure , so we had, well the only resolution we
19 had was for application ZBE2507. This was when the applicant was
20 looking to construct a portico over the front door that necessitated a
21 front yard setback variance, and then through this --- property
22 discovered that the existing shed also needed setback relief.

23
24 MR. LEVITON: Thank you counselor. Will someone move to
25 memorialize?

26
27 MS. KLOMPUS: I'll move to memorialize it.

28
29 MR. LEVITON: Thank you Ms. Klompus. Will someone second
30 that?

31
32 MR. HARRINGTON: I'll second that.

33
34 MR. LEVITON: Thank you Mr. Harrington.

35
36 **ROLL CALL**

37
38 MS. MOENCH: Mr. Shalika?

39
40 MR. SHALIKAR: Yes.

41
42 MS. MOENCH: Mr. Harrington?

43
44 MR. HARRINGTON: Yes.

45
46 MS. MOENCH: Ms. Klompus?

47
48 MS. KLOMPUS: Yes.

TOWNSHIP OF MANALAPAN
MINUTES

ZONING BOARD MEETING
May 1, 2025
PAGE 4

1
2 MS. MOENCH: Ms. Levenson?

3
4 MS. LEVENSON: Yes.

5
6 MS. MOENCH: Chair Leviton?

7
8 MR. LEVITON: Yes. Okay, our first application tonight is
9 number 2511. The board welcomes Sweetmans Properties, LLC, Mr.
10 Yadgarov, and his representation so come on up.

11
12 MR. MAGALETTA: Thank you, my name's Frank Magaletta M-A-G-
13 A-L-E-T-T-A on behalf of the applicant Sweetmans Properties.

14
15 MR. LEVITON: Magaletta? Am I saying that correctly?

16
17 MR. MAGALETTA: Magaletta.

18
19 MR. LEVITON: Magaletta.

20
21 MR. MAGALETTA: Magaletta, yeah.

22
23 MR. LEVITON: What's the last letter?

24
25 MR. MAGALETTA: A.

26
27 MR. LEVITON: Magaletta.

28
29 MR. MAGALETTA: Yes.

30
31 MR. LEVITON: Thank you sir.

32
33 MR. MAGALETTA: Sure.

34
35 MR. LEVITON: Mr. Magaletta, were you here with Mr. Yadgarov
36 the last time he was here?

37
38 MR. MAGALETTA: No.

39
40 MR. LEVITON: Okay. Mr. Magaletta, you're going to put on an
41 affirmative case?

42
43 MR. MAGALETTA: Yes.

44
45 MR. LEVITON: And you'll be calling this evening, how many
46 witnesses?

47
48 MR. MAGALETTA: One witness this evening.

1
2 MR. LEVITON: And who will that be?

3
4 MR. MAGALETTA: That'll be David Grimm.

5
6 MR. LEVITON: Mr. Grimm.

7
8 MR. GRIMM: Excuse me, Grimm yes.

9
10 MR. LEVITON: Mr. Grimm, you're the architect?

11
12 MR. GRIMM: I am, yes.

13
14 MR. LEVITON: Before we get started, our board attorney will
15 swear you in.

16
17 MR. MARMERO: Yeah, Mr. Grimm if you'll raise your right
18 hand. Do you swear the testimony you will provide tonight will be the
19 truth, the whole truth, and nothing but the truth?

20
21 MR. GRIMM: I do.

22
23 MR. MARMERO: Okay, and I think you probably testified
24 before for this applicant if I remember correctly.

25
26 MR. GRIMM: That's correct.

27
28 MR. MARMERO: Okay. Chairman, do you need him to put his any
29 credentials on the record again?

30
31 MR. LEVITON: No, the board recognizes them and accepts
32 them.

33
34 MR. MAGALETTA: Okay. Does the Board want a brief summary or
35 should I just launch right into it?

36
37 MR. LEVITON: Yeah, I'd like you to go ahead and introduce
38 to the Board what brings Mr. Yadgarov here this evening, what kind of
39 relief he needs, and why.

40
41 MR. MAGALETTA: Okay, well basically what the applicant is
42 trying to do is...

43
44 MR. LEVITON: Okay, it's fine. Move the mic closer though.

45
46 MR. MAGALETTA: Is that better?

47
48 MR. LEVITON: I don't know yet. Janice, is it?

1
2 MS. MOENCH: Yes.

3
4 MR. MAGALETTA: Can you hear, okay.

5
6 MR. LEVITON: Not really, not really.

7
8 MR. MAGALETTA: Okay. So basically, we have this lot that
9 there are two dwellings on the property. Our goal here is to remove
10 the home in the front that is violating the setback ordinance, and
11 develop or actually renovate the back property so that the house would
12 become modern and sellable. The project here is to list the property
13 for sale and make it marketable and to improve it. The property now as
14 it sits is just sitting there. There's no use to it. It's a
15 residential property and the house in the front is derelict. It's
16 falling down basically and basically the idea is to make this property
17 beautiful so that it could be sold and be an asset to the
18 neighborhood.

19
20 MR. LEVITON: Do people live in the back?

21
22 MR. MAGALETTA: No, there's no one there right now. It's
23 vacant.

24
25 MR. LEVITON: There are cars in the driveway though.

26
27 MR. GRIMM: I can speak to the current use of the property
28 if you don't mind.

29
30 MR. LEVITON: Okay.

31
32 MR. GRIMM: We'll take a step back. I'd like to talk and
33 we'll use the site plan to do this. I think it's important.

34
35 MR. MAGALETTA: Before we do that, I just want to mention
36 real quickly, that there is a history here. I don't know if this board
37 wants hear as far as resolutions in the past.

38
39 MR. LEVITON: Our administrator Mr. Boccanfuso and his
40 assistant Ms. Moench, they have graciously provided for us all the
41 resolutions relevant, and Mr. Boccanfuso has even summarized them for
42 us which we thank you for Brian.

43
44 MR. MAGALETTA: Okay.

45
46 MR. LEVITON: So there won't be a need.

47

1 MR. MAGALETTA: In that case I will step back and let Mr.
2 Grimm speak to the comments.

3
4 MR. LEVITON: Okay. Mr. Grimm, go for it.

5
6 MR. GRIMM: Alright, great. So, to understand this property,
7 we'll use the site plan to walk you through the history. The front
8 dwelling, it's a two-story dwelling identified as Dwelling A. This is
9 the piece of the property that's been occupied most recently and up
10 until the sale of the property was being utilized. It's a single-
11 family dwelling and as mentioned it's in a non-compliant location on
12 the lot. We are proposing the removal of that property. In
13 conjunction, the removal of the property we'd like to utilize the
14 second dwelling unit that is deeper on the lot. So, speaking to the
15 history, Dwelling B was constructed starting in '96 with its
16 associated approval. The property was constructed in its entirety on
17 the exterior; footings, foundation, framing, exterior siding, windows,
18 the like. It's water-tight and has existed as such for the last thirty
19 years. That property itself was never finished on the interior. By
20 finished on the interior, it doesn't have finishes, right? So, it was
21 never occupied. So, when we think about this property, though it has
22 two dwelling units it's always operated as a single-family residential
23 use and we're looking to maintain that. We're saying, there's two
24 homes on the house. One historically used, one constructed, but never
25 used. We would like to remove the historic, at this point, falling
26 apart front home and complete the construction on we think the far
27 more appealing and frankly just better of the two homes on the
28 property. So, with that in mind, the history of the property also
29 extends to the other two structures on the lot. So, with that in mind,
30 there is a historic shed or the out building for dwelling A. With the
31 removing of dwelling A, it would then place this shed in the front
32 yard. We have no interest in retaining that so we are also proposing
33 the removal of this shed, and then completing this summary of
34 structures on the property we have a fourth and final structure which
35 is the framed garage in the rear. This structure is historically used
36 as a garage and we'd like to maintain that. With regards to the
37 garage, I think it's important to note that it is in a compliant
38 location, but in its current configuration it is oversized. It's
39 oversized by a way of a shed roof in the rear which we are proposing
40 the removal of to bring this structure into compliance and it also is
41 too tall. So, in an effort to and I think this will hopefully become an
42 overarching theme of this application, do everything we can to bring
43 this property into compliance, modernize it, and beautify it. What
44 we're also going to do is we're going to remove the roof which we
45 think is less than ideal, lower that roof by six to eight inches so we
46 can then also become compliant in height, and in turn offer the board
47 a fully-compliant rear garage structure with this application as well.

1 Removing both that height and size variance relief that would be
2 necessary with the application.

3
4 MR. MAGALETTA: And just for the record, these plans that
5 Mr. Grimm is referring to have been provided to the board, and that's
6 sheet one of nine. Correct?

7
8 MR. GRIMM: That's correct.

9
10 MR. MAGALETTA: Okay, I just wanted to put that on the
11 record. Go ahead.

12
13 MR. GRIMM: Absolutely. So, then I think as we think about
14 this lot, there's a couple other just improvements that I want to
15 make. I want to talk about that we plan for the land, and then we'll
16 talk about the improvements we'd like to make for the rear structure.
17 So, we are proposing the paving of the driveway. So, there's currently
18 a driveway that's accessed off Sweetmans Lane by two locations. We'd
19 like to maintain the shape of that driveway, but notably we are
20 shifting the driveway, and for orientation north is to the top of the
21 sheet, south is to the bottom. We are shifting the driveway on the
22 west property line to a ten-foot compliant location. So, we have an
23 existing driveway, we'd like to pave that driveway, but through this
24 application we are also slightly relocating that. Once again, bringing
25 that element into compliance, and then that paved driveway becomes a
26 gravel driveway. So, we paved the horseshoe-shaped front drive, and
27 then gravel drive to the rear-framed garage, and again, compliant
28 location with that. As far as --- are concerned, we also proposed
29 front walk from driveway to home. We propose what we think is a
30 generous forty-two by twenty-foot deck on the rear of the existing
31 home. So, in this case, as previously mentioned, the home was
32 constructed, but never finished. There are doors leading to nowhere,
33 right? So, clearly there was some intent to have rear egress from the
34 home. We'd like to address that with what we think is a very
35 marketable rear deck off the property, and we are also with that deck
36 we are proposing a small roof over the rear entry. We're proposing new
37 Bilco. So again, there's a pit that had access to the basement. Stairs
38 of Bilco are appropriate. We're adding that to the exterior of the
39 home and then we have two porches or other accesses on this home
40 itself. We have a front deck that wraps and provides main entry, and
41 then we also have a side entry by way of ramp. Both of these we'd just
42 like the opportunity to prepare to like-new condition. It's been
43 thirty years. The materials are tired. It was all done of wood. So
44 we're proposing new deck boards, repair to any structure as necessary,
45 and then new cellular PVC trim as appropriate on those. And then
46 speaking to the PVC trim, it's an opportunity I'd like to just talk
47 about the finishes to the home itself. All exterior finishes are to be
48 replaced. That includes windows surrounds, fascia board, all soffits.

1 So generally speaking, the objective is to bring this home to market.
2 Both the site and the home in the condition that looks to like-new
3 conditions. So clean the lot, remove the home, the old home on the
4 front, replace all the exterior finishes on the home itself, and then
5 finish the inside. So that's what it really came down to. If you're
6 familiar with the original '96 approval, I think the original
7 intention of the application was to complete the construction in the
8 rear, inhabit the home in the rear. They were obligated to tear down
9 the front structure, and don't know the exact history, but at some
10 point, something hit a wall, everything froze. The front home was
11 inhabited from that point forward with the rear home just sitting,
12 waiting for the right buyer to come across and correct the wrongs.
13 That's what we're looking to do. We're looking to finish the project.

14
15 MR. LEVITON: Thank you Mr. Grimm.

16
17 MR. MAGALETTA: Right, and there's no as far as the side
18 yard setbacks on both the east and the western side. What we're
19 proposing is going to be consistent with. We're not changing that from
20 what it's currently created, right?

21
22 MR. LEVITON: Yes, Mr. Magaletta. Would you put onto the
23 record the setback encroachments for the sides?

24
25 MR. MAGALETTA: Right exactly, so.

26
27 MR. LEVITON: I'm asking you to quantify them for the
28 record.

29
30 MR. MAGALETTA: Right.

31
32 MR. LEVITON: Okay.

33
34 MR. MAGALETTA: So right now, Mr. Grimm the side yard
35 setback on the east side I'm sorry the west side, what is required?

36
37 MR. GRIMM: Sure, it's thirty-five feet required for side
38 yard setbacks. We have an existing non-conformance. We're at 30.8 feet
39 on the east side, and we are at 31.2 feet on the west side. So those
40 are our two pre-existing, non-conformances that track with this
41 application, and then the third just for the record is lot width. When
42 this lot was originally approved in '84 approval.

43
44 MR. MAGALETTA: '85 subdivision approval, right.

45
46 MR. GRIMM: Excuse me, it would've been a compliant lot.
47 Through the history of the rezoning in the town, it has now become
48 non-compliant in width only. It is still a generous lot where 40,000

1 square foot is required in town, and we have 56,350 square here. In
2 summary, the three pieces of relief we seek are recognition of these
3 historic approvals, the lot width, and the two side yard
4 encroachments. Again, we are at 31.2 and 30.8 where thirty-five is
5 required on those side yards.

6
7 MR. LEVITON: Brian, do you take exception to that
8 testimony?

9
10 MR. BOCCANFUSO: No, Mr. Chairman I do not.

11
12 MR. LEVITON: Okay.

13
14 MR. BOCCANFUSO: I think it was a good summary of the
15 history. A good summary of the proposal. There were a couple of
16 comments and questions in my supplemental memorandum that was attached
17 to the application. Would you like me to kind of run through that or
18 do you want Mr. Grimm and Mr. Magaletta to address those?

19
20 MR. MAGALETTA: I had a couple of issues --- regarding the
21 septic system and also the lot coverage. I want to make sure that's on
22 the record as far as why, just the issues that were raised by the
23 health department. So, we can put that out there for everybody to
24 understand.

25
26 MR. LEVITON: You know what Janice; I didn't see that they
27 were CC'd on those memorandums. Obviously, I get that, but I didn't
28 know that. How come? Why is it that they'd get it, but it's not
29 indicated as such in the file?

30
31 MS. MOENCH: The health department I send it. The health
32 department sends it to me, and then I in turn send it to them.

33
34 MR. LEVITON: Didn't I see from Jahn how do you say her
35 name? Jahn?

36
37 MS. MOENCH: Oh Ms. Jahn.

38
39 MR. LEVITON: Ms. Jahn.

40
41 MS. MOENCH: Margaret Jahn.

42
43 MR. LEVITON: I thought it had her stationary that it was
44 from her. Okay, but Brian your memorandum was addressed to us and I
45 didn't see them on it at all.

46
47 MR. MAGALETTA: We were not. We were not copied.

1 MR. LEVITON: Oh okay.

2
3 MR. BOCCANFUSO: Okay, and that's fine Mr. Chairman. Let me
4 let the applicants complete their affirmative case. It's just a few
5 items that I can run through pretty quickly.

6
7 MR. LEVITON: If it pleases you, I'd rather he did it now so
8 that you could address his points.

9
10 MR. MAGALETTA: That's fine, sure. Go ahead. All yours.

11
12 MR. BOCCANFUSO: Oh you want me to do it now Mr. Chairman? I
13 was going to let them finish with whatever was on the health. At your
14 pleasure, however you want to do it.

15
16 MR. GRIMM: We are happy to.

17
18 MR. LEVITON: Do you want to stipulate you're going to be
19 compliant with the health memo?

20
21 MR. MAGALETTA: Yes.

22
23 MR. GRIMM: Yes.

24
25 MR. LEVITON: You're going to redo the septic system is what
26 they want.

27
28 MR. MAGALETTA: Yes, what we're going to do is we have
29 actually engaged the civil engineer and based upon what this board
30 decides this evening, we will prepare a septic system that will be
31 cited and installed, and to the satisfaction of this board's engineer
32 or the township engineer, excuse me.

33
34 MR. LEVITON: Perfect Mr. Magaletta. Mr. Marmero is taking
35 copious notes as you're speaking. Mr. Boccanfuso is going to update
36 you on his thoughts.

37
38 MR. BOCCANFUSO: Okay so as the board's aware I apologize
39 that you gentlemen didn't get it, but I think you'll be able to
40 address these pretty easily. There was a supplemental memorandum that
41 was attached to my report. Just addressed some of the history which
42 was already summarized here by the applicant's team. I think the first
43 item that requires some specific attention pertains to the timing of
44 demolition and removal of the existing dwelling on the property. The
45 1996 approval included a condition that required the dwelling to be
46 completely demolished and removed prior to the issuance of a building
47 permit. Now, assuming that building permits were issued for the house
48 that's nearly constructed, one would conclude that that condition

1 somehow got missed. How or why, I don't know. It was thirty years ago.
2 The fact of the matter is it did, and we have a dwelling that's
3 largely constructed now, but for the inside and the improvements that
4 Mr. Grimm talked about. So, the question becomes when will the
5 existing dwelling be demolished and removed?

6
7 MR. MAGALETTA: Just for clarification so the existing
8 dwelling is dwelling A, that's the front dwelling, right?

9
10 MR. BOCCANFUSO: Correct.

11
12 MR. MAGALETTA: Okay, and dwelling B is just so we're clear.

13
14 MR. BOCCANFUSO: Understood yes, so everybody's on the same
15 page, no problem.

16
17 MR. LEVITON: Actually, can you confirm that the photograph
18 that's marked exhibit A2 is building B?

19
20 MR. MAGALETTA: Yes, that is dwelling B.

21
22 MR. LEVITON: Okay.

23
24 MR. MAGALETTA: And that's ---

25
26 MR. LEVITON: The nomenclature is very confusing.

27
28 MR. MAGALETTA: I know, and those photos were taken by Mr.
29 Grimm. He can authenticate those.

30
31 MR. LEVITON: Okay. No, that's fine.

32
33 MR. MAGALETTA: Yeah please.

34
35 MR. LEVITON: Go ahead Brian.

36
37 MR. BOCCANFUSO: And that was the question and my
38 recommendation was that subject to the board's discretion, there's a
39 couple of options. I mean first of all; you could impose no real
40 condition. I don't think that's a good idea, but you could do it. You
41 could also impose a timing, a regulation on whereby the dwelling A
42 would be removed within a year, six months, what have you. The third
43 option is you could require it prior to the issuance of a certificate
44 of occupancy for the rear dwelling. That would provide the applicant a
45 little more flexibility. They would be able to perhaps utilize the
46 front dwelling. Although Mr. Grimm indicated that it's currently
47 vacant, and they would have to, I would strongly recommend that the
48 condition require demolition and removal and closure of all associated

1 permits for dwelling A before the issuance of a CO because otherwise
2 you could have two potentially occupiable dwellings on the same
3 property which would be a non-permitted use.

4
5 MR. MAGALETTA: Just to be clear, yeah, the intention is a
6 single-family use on this lot. We do not want to have two families on
7 this property, so good.

8
9 MR. GRIMM: And we are in full agreement. I just checked
10 with the owner of the property, prior to COs being issued on the rear,
11 the front will be removed. We would just like the opportunity to have
12 construction permits for the rear so we can do this in conjunction. We
13 can go through the legal process for removal and we can also be
14 constructing in the rear. So, we can just resolve this whole property
15 as soon as possible is our objective.

16
17 MR. MAGALETTA: Right.

18
19 MR. LEVITON: Do you have a timeframe in mind for removal of
20 the front property?

21
22 MR. MAGALETTA: ASAP.

23
24 MR. GRIMM: As soon as we get a resolution granted, we have
25 approval, we will submit for health department approval A.S.A.P.,
26 right?

27
28 MR. MAGALETTA: Can this board issue that demolition?

29
30 MR. LEVITON: No, no.

31
32 MR. MAGALETTA: No? Okay.

33
34 MR. BOCCANFUSO: So, the way that the demolition would work
35 is you would submit at the local level for a demolition permit. You
36 would need a zoning permit which is really just a formality,
37 construction permits as well. It would be slightly more complicated. I
38 think they would be looking for abandonment letters from utility
39 companies and things of that nature. If there is an approval here, I'm
40 sure you can speak with our construction department and they'll guide
41 you through the process. It would be zoning first which is very easy;
42 just kind of a prerequisite then construction.

43
44 MR. MAGALETTA: So, I think based upon that I think we can
45 do both contemporaneously. We want to remove this property, dwelling
46 A, and we want to get started on dwelling B as soon as possible. We
47 can do both at the same time, please.

1 MR. LEVITON: Yeah, he's nodding affirmatively. That's okay.
2 It's up to the board.

3
4 MR. MAGALETTA: Right.

5
6 MR. LEVITON: Because he recommended the issuance of the CO
7 predicated on the removal as the least restrictive condition that we
8 can put on you and I'm just one vote.

9
10 MR. MAGALETTA: Right, yeah.

11
12 MR. LEVITON: Let's ask the board what they think. We'll
13 start with Michael. Do you want to impose a timeframe given the
14 testimony or just tie it to the CO?

15
16 MR. WECHSLER: Your microphone was on. I'd rather put it
17 with a time frame or at least tie it to the CO. This way it's
18 guaranteed it's going to be taken care of.

19
20 MR. LEVITON: That's where we're at. It's one or the other.

21
22 MR. WECHSLER: No tie it to the CO.

23
24 MR. LEVITON: Okay. Joshua?

25
26 MR. SHALIKAR: Yeah, tie it to the CO.

27
28 MR. LEVITON: Down here I see a lot of nodding, okay. We're
29 good with that. We accept your testimony. We believe you.

30
31 MR. MAGALETTA: Thank you.

32
33 MR. GRIMM: Wonderful.

34
35 MR. MARMERO: Yeah, I spoke with counsel previously about
36 timing. It sounds like they want to move pretty quickly. So, I think
37 even if you impose the year, it's probably going to be quicker even if
38 it's tied to the CO.

39
40 MR. MAGALETTA: Right, right as soon as possible.

41
42 MR. LEVITON: Just so you know, time and the completion of
43 relief granted has become an issue, a broader issue. Not specifically
44 related to your application, but in general and timeliness has been
45 focusing on and trying to hone in on better.

46
47 MR. MARMERO: And I told counsel, he and I ended up
48 discussing with him one of the things that he and I both wanted to

1 smooth things out and he wanted to see if there were any issues to be
2 aware of. One of the things that I brought up was the timing - - - the
3 one-year duration can be varied so the - - - because this involves
4 demo and construction, I asked you if that would be a problem, but he
5 seemed to be pretty confident that that wouldn't be an issue.

6
7 MR. MAGALETTA: I remain confident that will not be an
8 issue.

9
10 MR. LEVITON: That's because you're as wise as you are
11 erudite.

12
13 MR. MARMERO: I try.

14
15 MR. LEVITON: Alright Brian has, Mr. Boccanfuso has a few
16 more minor details that won't necessitate really any relief.

17
18 MR. BOCCANFUSO: No.

19
20 MR. LEVITON: They touched on some.

21
22 MR. BOCCANFUSO: I think these last couple issues based on
23 testimony that's already been presented, these are really more FYIs
24 than anything else, and Mr. Grimm I can provide you with a copy of
25 this memo just for reference. I'll email it to you tonight or tomorrow
26 so that you have it for the record.

27
28 MR. GRIMM: Wonderful, thank you.

29
30 MR. BOCCANFUSO: Okay, Janice can send it to you right now.
31 You spoke a little bit about the driveway that's been addressed.
32 There's a comment in there about the garage which you also spoke
33 about. The one kind of FYI or condition relative to the garage is in
34 addition to the geometric requirement which you talked about and with
35 which you comply, there's some use requirements in there. As far as
36 not allowing a second floor which it doesn't have. Also, how much of
37 that garage area is permitted for parking versus storage, things of
38 that nature. I can send you the reference to the code section. I think
39 that this is probably going to be something that's more applicable to
40 the future owner, assuming that your client does in fact sell the
41 property and there's someone else in there in the future, but I think
42 that the way that we address this is that you just review it and
43 perhaps put some notes on your plan when you submit for permitting.

44
45 MR. GRIMM: Happily, will reflect the code sections and
46 permitting and in turn those will be provided to any future owner.

1 MR. BOCCANFUSO: Great, next one similar thing just one
2 minor discrepancy in the table that the setback requirement is
3 incorrectly cited. The setback does comply with the regulations,
4 however, because this is a county road the underlying zoning calls for
5 a sixty-foot front setback. On county roads, it's increased to
6 seventy-five feet. There's a table, there's a footnote in our table,
7 just want to make sure that the plan correctly reflects the correct
8 information, really minor change to your plan.

9
10 MR. GRIMM: Sure, we'll update accordingly.

11
12 MR. MAGALETTA: And what is the setback of dwelling B from
13 the front for the record?

14
15 MR. GRIMM: For the record, dwelling B exists at 145 feet.

16
17 MR. BOCCANFUSO: Okay, the last item that I have is in the
18 memorandum may no longer be applicable. There is a property just to
19 the east that has a permit application pending for construction.

20
21 MR. MAGALETTA: And that's Lot 4.01 to the east.

22
23 MR. BOCCANFUSO: Is it?

24
25 MR. MAGALETTA: Oh no, no, no. Yeah it is 401.

26
27 MR. BOCCANFUSO: I'm not sure.

28
29 MR. MAGALETTA: 401 is to the east.

30
31 MR. BOCCANFUSO: 4.01, yes, I did put the lot number in
32 there. 4.1, 4.01 to the east so there's a builder for that property
33 that has an application in, seeking permits, and he's been kind of
34 back and forth with the septic well versus water issue because just
35 east of his property, there is a water main. It is yet to be
36 determined whether he's going to be able to connect to that water main
37 or whether he will have well. So, at this stage I don't know if
38 there's going to be water available to this property, but initially it
39 looked like he was going to be able to connect to water and would have
40 to extend the water main across the entire frontage of his property
41 thereby making it relatively easy for you and your client to connect
42 to that public water, but I don't know if that's the case any longer.
43 Things have changed since I wrote this memorandum on April 11th.

44
45 MR. MAGALETTA: And you don't know the timing even if he was
46 going to do it with the timing of it happening?

47
48 MR. BOCCANFUSO: I mean he's trying to get permits now.

1
2 MR. MAGALETTA: Okay.

3
4 MR. BOCCANFUSO: He's behind by a couple of months because
5 of this back and forth with the D.E.P. and our water utility.

6
7 MR. MAGALETTA: So right now, we're proposing septic, I mean
8 well, but I mean you raise an interesting point.

9
10 MR. BOCCANFUSO: Here's the issue and this is the issue that
11 he had. His proposal was for septic and well similar to you, however,
12 when he sought to obtain the permit to dig the well, he got flagged
13 because of the proximity of the water main. So, I don't know,
14 depending on if he extends the water main or not, you may have that
15 same issue.

16
17 MR. MAGALETTA: Right.

18
19 MR. BOCCANFUSO: So it's something that unfortunately I
20 don't have a firm answer for you right now. It's something we can
21 certainly look into as we move forward, but the initial comment in the
22 report as you'll see was that he would be extending water and you
23 probably would be able to connect. That may no longer be the case. So,
24 this is just kind of.

25
26 MR. GRIMM: We appreciate the heads up.

27
28 MR. BOCCANFUSO: Something to consider, and look into as we
29 move forward.

30
31 MR. GRIMM: We'll make applications for sewer and water,
32 excuse me, excuse me.

33
34 MR. BOCCANFUSO: Septic and well.

35
36 MR. GRIMM: Septic and well, and if it turns out that the
37 extension does happen, obviously we are adaptable and we will move to
38 comply with any and all.

39
40 MR. MAGALETTA: Will we have to come back here for that?

41
42 MR. BOCCANFUSO: You do not.

43
44 MR. MAGALETTA: Okay.

45
46 MR. BOCCANFUSO: No, it's not going to impact the
47 application. This was really more kind of an FYI. It has no bearing on
48 the board's business here tonight, but given that it's a ball that's

1 up in the air I just wanted to let you know so you can kind of start
2 looking into it.

3
4 MR. MARMERO: Right. Yeah, and any resolution will just
5 simply say you have to comply with all outside agencies with respect
6 to well and septic and like you said if it flags back and it's looking
7 like water and sewer then you should do that. So ---

8
9 MR. MAGALETTA: Okay. We just come to zoning for that?

10
11 MR. LEVITON: And they're not going to be obligated to hook
12 up to city water. It's just for their benefit if it might be more
13 cost-effective that you bring it to their attention.

14
15 MR. BOCCANFUSO: Well, that may not be true depending on how
16 close the well is or the water line, water main is. Sometimes you
17 can't get a permit to dig a new well. You have to connect to water,
18 so.

19
20 MR. LEVITON: Your work is cut out for you.

21
22 MR. GRIMM: Yes. We also have existing well on property
23 which we'll explore, but again we will develop an application that
24 meets the needs of all approving agencies and move forward
25 accordingly.

26
27 MR. LEVITON: Thank you for your thoughts, Brian.

28
29 MR. BOCCANFUSO: That's all I have Mr. Chair.

30
31 MR. LEVITON: And thank you for sharing them.

32
33 MR. MAGALETTA: Just a couple other points I just want for
34 the record. So, right now what is the lot coverage?

35
36 MR. GRIMM: Sure. The existing lot coverage, the allowable
37 lot coverage is sixty percent. Currently, the site sits at 15.72
38 percent, and we are increasing that coverage to 19.9 percent.

39
40 MR. MAGALETTA: Well within the sixty percent.

41
42 MR. GRIMM: Absolutely.

43
44 MR. MAGALETTA: Okay.

45
46 MR. GRIMM: And the same can be said for building. Max
47 building coverage 9.5, the lot was at 9.14. With the removal of the

1 front dwelling or dwelling A we are at 6.8 percent. So again,
2 compliant in our coverages.

3
4 MR. LEVITON: Thank you Mr. Grimm. Let's go out to the board
5 and see if they have any questions or thoughts. Let's start with you
6 again Michael.

7
8 MR. WECHSLER: No, actually just one question. So, we're
9 here tonight just for bulk variance relief, right? For left and right
10 on the property? We've already agreed that the front setback is, okay?

11
12 MR. MARMERO: Yeah, so the two sides which are pre-existing,
13 and then it's lot width which is pre-existing.

14
15 MR. WECHSLER: Which is pre-existing.

16
17 MR. MAGALETTA: Basically, a lot of times they say they'll
18 give you a variance for a pre-existing condition, but to me it's more
19 of a recognition of a pre-existing condition.

20
21 MR. MARMERO: Yeah, first of all a reaffirmation or
22 recognition - - - it already exists. You're not proposing.

23
24 MR. MAGALETTA: Right, right.

25
26 MR. BOCCANFUSO: And it's also I'd point out that, but for
27 the condition in the '96 approval that says that place a time frame on
28 the construction wouldn't even be here. I mean they would just be
29 moving forward on the previous approval.

30
31 MR. GRIMM: Right.

32
33 MR. BOCCANFUSO: And the board at that time in its infinite
34 wisdom decided to impose that condition. I don't know why, maybe time
35 was of the essence for some reason, but here we are.

36
37 MR. WECHSLER: Okay, so up for discussion is not
38 construction or anything else like that? It's just left, and right?

39
40 MR. MAGALETTA: Correct.

41
42 MR. WECHSLER: Okay, no questions.

43
44 MR. LEVITON: Joshua?

45
46 MR. SHALIKAR: Thank you for your testimony, no questions.

47
48 MR. LEVITON: John?

1
2 MR. HARRINGTON: I don't have any questions that were
3 mentioned.

4
5 MR. LEVITON: Stacy?

6
7 MS. KLOMPUS: I appreciate it was very thorough. Thank you,
8 no questions.

9
10 MR. GRIMM: Thank you.

11
12 MR. MANTAGAS: I have one question about the driveway.
13 You're going to move it west?

14
15 MR. GRIMM: North to the top.

16
17 MR. MANTAGAS: You're going to move it? You're going to move
18 it west?

19
20 MR. GRIMM: So, it currently infringes on the west.

21
22 MR. MANTAGAS: Right, right.

23
24 MR. GRIMM: We are moving it to the east.

25
26 MR. MANTAGAS: But you're not going to go north? You're not
27 going to go towards the house?

28
29 MR. GRIMM: No, no we're just pulling it to a compliant
30 location.

31
32 MR. MAGALETTA: If you look at the drawing, it's the
33 perforated line.

34
35 MR. MANTAGAS: Right.

36
37 MR. MAGALETTA: That's the one being proposed.

38
39 MR. MANTAGAS: I see it.

40
41 MR. MAGALETTA: Yeah.

42
43 MR. MANTAGAS: Now as far as the garage in the back, you
44 call it a garage not a shed? Is it going to be for storing cars or
45 vehicles?

46
47 MR. GRIMM: Yeah so, we refer to it as a garage. It has a
48 garage door on the face of it. The intention would be to store

1 vehicles in it, and then utilize it for storage. So, with that in mind
2 if we look at the exhibit marked 1-2, image six, I'll put it up here.
3 This is the rear structure in all of its glory, and this is this
4 existing driveway. So we're bringing the driveway to this existing
5 garage door to allow for vehicular parking. With the idea that, and
6 you see the trash sticking out on the side, this is that six-foot shed
7 roof that we intend to remove.

8
9 MR. MAGALETTA: And again this, Mr. Grimm you took those
10 pictures, correct?

11
12 MR. GRIMM: I did.

13
14 MR. MAGALETTA: Okay.

15
16 MR. LEVITON: Janice?

17
18 MS. MOENCH: It's A2 correct?

19
20 MR. LEVITON: Not A6.

21
22 MR. GRIMM: I have it marked sheet title exhibit 1-2. I'm
23 sorry. How did you mark it? I apologize.

24
25 MS. MOENCH: A2.

26
27 MR. GRIMM: I apologize, exhibit A2. I pre-marked them
28 inadvisably ---. So yes, does that answer?

29
30 MR. MANTAGAS: Yes, thank you. Thank you, that's great.

31
32 MR. LEVITON: Daniel?

33
34 MR. POCHOPIN: Yes, thank you Mr. Chairman. So just one
35 simple question, after thirty years what brought you here tonight?

36
37 MR. GRIMM: So, we're new owners of the property. It was on
38 the open market, and we think just this is the highest and best use of
39 the property to maintain its original objective, single-family
40 residence.

41
42 MR. MAGALETTA: Yeah, the applicant purchased the property
43 in February of 2025, just recently, and immediately they made an
44 application to do the work and that's when the, I think in March or
45 early yeah March, no April, we were denied the application because we
46 moved quickly. So, and the idea is to bring it back to a single-family
47 property, right? It's to decrease the intensity of the use, and we

1 just want to buy the property, renovate it, fix it up, make it really
2 an attractive part of the neighborhood, and that's really it.

3
4 MR. POCHOPIN: Very good, thank you.

5
6 MR. MAGALETTA: Sure.

7
8 MR. LEVITON: Jessica?

9
10 MS. LEVENSON: I don't have any questions, thank you.

11
12 MR. MAGALETTA: Thank you.

13
14 MS. LATILLA: Yeah, nothing from me either, thank you.

15
16 MR. MAGALETTA: Thank you.

17
18 MR. LEVITON: Yeah, I'm still curious about who's living in
19 the house now. Is there a tenant?

20
21 MR. GRIMM: No, it's vacant.

22
23 MR. MAGALETTA: No one can live in that house.

24
25 MR. LEVITON: There are cars on the driveway.

26
27 MR. MAGALETTA: Those will be removed.

28
29 MR. GRIMM: I mean or it's construction crews just utilizing
30 because it's vacant.

31
32 MR. LEVITON: They're not, they're not. Yeah, I drove by it
33 today on my way to the meeting here. There were two cars there on the
34 driveway to the right when I passed it coming from the Millstone side.

35
36 MR. GRIMM: So, to the right. So that is the active
37 construction site to the right so maybe.

38
39 MR. MAGALETTA: They will be removed. They are not our
40 clients' vehicles.

41
42 MR. LEVITON: So, there are two cars that belong to no one
43 that have been abandoned on the driveway?

44
45 MR. MAGALETTA: Possibly. Whether abandoned or not, whatever
46 they are doing there, they will be removed.

47
48 MR. LEVITON: Okay.

1
2 MR. GRIMM: We were there March 17th, the last time I was
3 there, there was no cars. So, if between March 17th and now cars have
4 arrived.

5
6 MR. LEVITON: You're not calling me a fibber?

7
8 MR. GRIMM: No, today I'm saying to the last of our
9 knowledge no vehicles. If they are there, we will happily have them.

10
11 MR. MAGALETTA: I think maybe some people think because the
12 property is abandoned, they can park because they want to. So maybe
13 we'll post a sign to say move your car or we'll give you 24 hours or
14 whatever it is. Just we'll do something, but those cars will be
15 removed.

16
17 MR. LEVITON: I have another question. Mr. Grimm, the house
18 to the west that's a spectacular newer home, and my question is is the
19 rear property that's going to be developed fully, the rear house, on
20 your property that's about to be developed this one that we see on A2,
21 where is it relative to the house to the west? In terms of setback
22 from the front. Is it even with it? Is it in front of it?

23
24 MR. GRIMM: I don't have testimony to comment, I apologize.

25
26 MR. LEVITON: Okay.

27
28 MR. GRIMM: I can pull Google Earth and provide.

29
30 MR. LEVITON: No, it won't be.

31
32 MR. GRIMM: Some immediate testimony, but I'm unsure.

33
34 MR. LEVITON: No, we can't accept it from Google Earth, Mr.
35 Marmero.

36
37 MR. MARMERO: No, it wouldn't be --- testimony you can use
38 it to kind of give you a general --- provided.

39
40 MR. LEVITON: Go ahead, I'm curious.

41
42 MR. GRIMM: I'm curious as well, so.

43
44 MR. LEVITON: And the reason I ask is I can't see it from
45 the road. I did not walk the property myself. I drove past it, but I
46 could not see the rear house.

47
48 MR. MAGALETTA: Is the concern?

1
2 MR. LEVITON: No, there is no official concern. It's more of
3 a curiosity. The setback to the house to the west is significant.

4
5 MR. GRIMM: Sure, I would say we are five to ten feet in
6 front of that house.

7
8 MR. LEVITON: Okay.

9
10 MR. GRIMM: So, we near matched the setback to the house to
11 the west. It's our porches that protrude us, but the main building
12 mass. The house to the west is fifteen I would say in entirety fifteen
13 feet further to the property line than us.

14
15 MR. LEVITON: And gentlemen, there is a swath of trees for
16 lack of a better word.

17
18 MR. GRIMM: Sure.

19
20 MR. LEVITON: It's a forest or growth that's unsightly. Do
21 you have plans to address it?

22
23 MR. GRIMM: I want to speak.

24
25 MR. MAGALETTA: When you say I mean which area? The point is
26 to make the property look nice.

27
28 MR. LEVITON: I know, but I don't.

29
30 MR. MAGALETTA: It's our intention to move any trees. I mean
31 there's shrubs, things like that. We want to clean it up.

32
33 MR. LEVITON: You didn't reference it so. I want to get it
34 on the record is all.

35
36 MR. GRIMM: Sure, so spoke to the client. We're going to
37 walk the site. We're going to identify mature and healthy trees for
38 retention. All undergrowth, kind of anything, bushes, anything that's
39 unsightly we plan on removing, but the idea is we'll make sure that we
40 work with the Shade Tree Commission before we just go in and hack
41 trees off the property.

42
43 MR. MAGALETTA: The property will be beautifully landscaped
44 so that it's attractive.

45
46 MR. LEVITON: Okay, I have nothing further at this point.
47 I'm going to go out to the public, and ask if there's anyone here in
48 attendance who would like to question Mr. Grimm or Mr. Magaletta or

1 cross-examine any of the testimony that they entered onto the record,
2 now would be the time. Ma'am?

3
4 MS. PROKURAT: Do I have to come up there?

5
6 MR. LEVITON: So, there are two of you, either one whomever.
7 I

8 MS. MOENCH: She's an applicant.

9
10 MR. LEVITON: I'm being told you're an applicant, and I
11 didn't know that Albert that applicants are prohibited from.

12
13 MS. MOENCH: No, no I thought -- ==

14
15 MR. MAMRERO: I think she's the next applicant.

16
17 MR. LEVITON: Oh, do you want to speak?

18
19 MR. MARMERO: Do you have any questions about this
20 application?

21
22 MS. PROKURAT: No.

23
24 MR. LEVITON: Okay, do you want to speak to this
25 application?

26
27 MS. ZURRELLI: Yes.

28
29 MR. LEVITON: Come on up then. You're going to be sworn in.
30 You'll have a microphone, and I'm going to remind you that everything
31 gets recorded and then later transcribed. So hold up, hold up. There's
32 nothing off the record. We're bound by the Sunshine Act of I don't
33 know what year.

34
35 MS. ZURRELLI: Thank you.

36
37 MR. MARMERO: Good evening, ma'am. Could you state your name
38 and address for the record please?

39
40 MS. ZURRELLI: Cindy Zurrelli, 17 Darlington Drive.

41
42 MR. MARMERO: 17 Darlington, you said?

43
44 MS. ZURRELLI: Yes.

45
46 MR. MARMERO: Okay and do you swear the testimony you
47 provide tonight will be the truth, the whole truth, and nothing but
48 the truth?

1
2 MS. ZURRELLI: Yeah, it's really just a question.

3
4 MR. MARMERO: Sure.

5
6 MS. ZURRELLI: So that very back building that I guess you
7 guys are going to make the garage.

8
9 MR. GRIMM: Yes.

10
11 MS. ZURRELLI: It's just going to be a regular garage?

12
13 MR. GRIMM: That's the objective for cars and storage alone.

14
15 MS. ZURRELLI: Okay just because I see it right now from the
16 back, and it's kind of all falling apart.

17
18 MR. GRIMM: Yeah, so that's everything we're looking to
19 remove.

20
21 MS. ZURRELLI: Okay that's what I thought.

22
23 MR. GRIMM: There's the six foot shed with all the trash
24 storage, the storage of parts, and then as you identify the roof is in
25 really rough shape. We're taking the roof off, and then like the home
26 it'll be all new materials from the exterior.

27
28 MS. ZURRELLI: Okay.

29
30 MR. GRIMM: So it'll be like-new condition, framed as
31 necessary, repaired as necessary, and then function solely as a garage
32 for vehicular and optional storage.

33
34 MS. ZURRELLI: Well that's my main thing. So it'll just be a
35 regular garage? It's not like people can be building things, and
36 selling them out of there or anything right? It's just going to be a
37 garage.

38
39 MR. GRIMM: No business will be operated on the property.
40 It'll be a single-family residential home and it will be an accessory
41 structure supporting that single-family residential home.

42
43 MR. MAGALETТА: Right, this property is zoned R40
44 residential. It is residential use only, and it will remain
45 residential use.

46
47 MS. ZURRELLI: Okay.
48

1 MR. MAGALETTA: Okay.

2
3 MS. ZURRELLI: Thank you.

4
5 MR. MAGALETTA: Sure.

6
7 MR. LEVITON: Thank you Mrs. Zurrelli.

8
9 MS. ZURRELLI: Thank you.

10
11 MR. LEVITON: Anyone else? Seeing none then I'll close
12 public and we'll go to our board attorney Mr. Marmero.

13
14 MR. MARMERO: Sure, so you heard testimony from the
15 applicant and their professional. What we're dealing with tonight is a
16 situation where there's two homes on this property. I'll call them A
17 and B as you did with A being in the front, B in the rear. A has been
18 occupied in the past, but the testimony is it's no longer occupied.
19 For this application the buyer plan will accept the --- be to fix the
20 --- here. So, structure A would be demolished. Structure B would be
21 essentially finished then it'll be able to be inhabited. Because of
22 the house needed some prior approval because of the situation now they
23 do need approval for three pre-existing variances which is what brings
24 them here tonight. Those three variances are a side yard setback on
25 the east. Thirty-five feet is required, they are proposing 30.8 feet
26 or that's actually what exists there now. Again, thirty-five feet
27 needed on the west side, they are proposing or they currently have
28 31.2 feet, and the lot width is 135.18 feet where two hundred feet
29 would be required. With respect to some conditions that were assessed
30 tonight, the applicant indicated that the existing rear garage would
31 be brought into compliance so the roof will be brought down and the
32 height variance would no longer exist nor would the size variance
33 exist. The applicant indicated that the existing driveway will be
34 brought up to compliance which means it will be moved further to the
35 east to eliminate the existing side yard relief that would be
36 required. The applicant indicated that they would comply with all
37 health department requirements for septic and well. We did hear from
38 Brian about some potential about the water main being moved and
39 possibly connecting there. So really I think it's whatever your
40 outside agency approvals would require in there. The applicant
41 indicates and the board seems to accept that structure A would be
42 fully demolished prior to COs being issued for structure B. This will
43 allow you to do both of those at the same time. As I indicated to the
44 applicant's attorney and as we discussed the variance relief will
45 probably be a longer duration, and then the applicant's ---
46 presentation indicated that their claim to retain all mature healthy
47 trees, remove others, but they would work with the township's arborist
48 in order to come to a determination as to how best to accomplish that.

1
2 MR. MAGALETТА: We agree with all that.

3
4 MR. LEVITON: Thank you Mr. Magaletta. Thank you, Mr.
5 Marmero.

6
7 MR. MARMERO: Sure.

8
9 MR. LEVITON: Board, any further thoughts or need to
10 discuss? Then someone should make a motion.

11
12 MR. SHALIKAR: I'll make a motion to approve the application
13 with all stipulated conditions as stated by our board attorney.

14
15 MR. LEVITON: And someone needs to second that.

16
17 MR. WECHSLER: I'll second that.

18
19 MR. LEVITON: Thank you gentlemen.

20
21 **ROLL CALL**

22
23 MS. MOENCH: Mr. Shalikaг?

24
25 MR. SHALIKAR: Yes.

26
27 MS. MOENCH: Mr. Harrington?

28
29 MR. HARRINGTON: Yes.

30
31 MS. MOENCH: Ms. Klompus?

32
33 MS. KLOMPUS: Yes.

34
35 MS. MOENCH: Mr. Mantagas?

36
37 MR. MANTAGAS: Yes.

38
39 MS. MOENCH: Mr. Wechsler?

40
41 MR. WECHSLER: Yes.

42
43 MS. MOENCH: Mr. Pochopin?

44
45 MR. POCHOPIN: Yes.

46
47 MS. MOENCH: Chair Leviton?

48

1 MR. LEVITON: Mr. Grimm, Mr. Magaletta thank you gentlemen.
2 Pyotr, congratulations.

3
4 MR. MAGALETTA: Thank you very much. Thank you, board.

5
6 MR. GRIMM: Thank you members of the board. Thank you board
7 professionals.

8
9 MR. LEVITON: Okay, it's 8:16. Does anyone need a break or
10 bathroom break? Two minutes? Five minutes? We're all good up here. And
11 I will call our next applicants. This is number 2512 and I don't want
12 to butcher your name. How do I pronounce your last name?

13
14 MS. PROKURAT: Prokurat.

15
16 MR. LEVITON: Prokurat? I know I'm doing it injustice,
17 forgive me. Prokurat. Okay Ms. Prokurat, welcome and remain standing.
18 Mr. Marmero will swear you in.

19
20 MR. MARMERO: You just indicated your name for the record.
21 So please raise your right hand. Do you swear the testimony you will
22 provide tonight will be the truth, the whole truth, and nothing but
23 the truth?

24
25 MS. PROKURAT: I do.

26
27 MR. MARMERO: Okay.

28
29 MR. LEVITON: Okay Ms. Prokurat, you're here for a fence.

30
31 MS. PROKURAT: Yes.

32
33 MR. LEVITON: That you want to put on your property, and it
34 encroaches into the setback. You also indicated something about a
35 driveway on your application. That is not under consideration here
36 tonight and I just want to make that.

37
38 MS. PROKURAT: She just explained to me this.

39
40 MR. LEVITON: I'm glad. I want to make it clear to the
41 board. We're only considering the proposed fence. So, Ms. Prokurat go
42 ahead and tell the board what it is that you need from them and what
43 brings you here, and all about your property and your proposed fence.

44
45 MS. PROKURAT: I'm here to respectfully request a variance
46 to allow fifteen-foot setback for a fence on the left side of our
47 home. Our house is situated on the corner lot between Twin Lakes Drive
48 and Thompson Grove Road and we recently learned that the left side of

1 our property is technically classified as a front yard which imposes a
2 ninety-foot setback requirement. We live in this home for nearly two
3 years, and have come to fully understand the challenges that come with
4 this unique corner location. Firstly, the road adjacent to our
5 property is extremely busy. We are talking about Thompson Grove Road.
6 If you know this is where the Thompson Grove Park is located and this
7 road doesn't have any sidewalks. Vehicles frequently speed by and
8 there is regular pedestrian traffic including people walking large
9 dogs. We also have our small grandchildren living with us during
10 summers and a dog of our own, and the current openness creates
11 significant safety concerns. A fence set closer to the road would
12 provide the safety and security we urgently need. Additionally, the
13 ninety-foot setback line rounds nearly to our retaining wall which is
14 directly connected to our garage. Installing a fence this far back is
15 not only impractical, but would also be aesthetically unappealing and
16 inconsistent with the layout of our property. Last year we invested in
17 removing old trees street side. Many of which were dead or damaged by
18 deer and planted new deer-resistant trees to improve privacy. However,
19 the deer continue to enter easily and damage the new plantings
20 especially by rubbing their antlers on the trees causing many to die.
21 I have some pictures. We are still struggling to establish the privacy
22 and protection we hoped for. Finally, we observed that several
23 properties along the same road already have fences much closer to the
24 street than the required setback. These fences have not posed any
25 negative impact on the appearance of the neighborhood or on other
26 residents. We believe that our proposed fence would be similarly
27 unobtrusive and for these reasons we kindly ask that you approve our
28 request for variance to allow fifteen-foot setback for our fence. This
29 adjustment is necessary for the safety, privacy, and well-being of our
30 family.

31
32 MR. LEVITON: Thank you for your statement, Ms. Prokurat. I
33 have some thoughts and I'd like to address them before I go to the
34 board because I go by this house every day, if nobody minds. So, I
35 just want to say that I don't agree with you that it's a busy street.
36 It may be one in my opinion; it may be one of the least busy streets
37 in all of Manalapan Township. So, we don't see eye to eye on that.
38 It's not well travelled. There aren't very many people on our side of
39 town that use it as a go through. It used to be twenty-five miles per
40 hour. The speed limit was changed to forty. I don't know that there
41 are people going faster. I don't know that the road permits it, but
42 the one thing I do I wanted to say those things so that you know that
43 I don't see it the same way as you, but I do want to ask you to
44 specifically put on the record which homes on Thompson Grove Road have
45 fences?

46
47 MS. PROKURAT: Closer to Stayman.
48

1 MR. LEVITON: Because I can't think of any. I travel your
2 road every day, there are none. There are living fences up and down
3 the entire street. What you proposed would change the flavor of the
4 neighborhood. It would make it less of a bucolic neighborhood that it
5 is or a suburban feel, an upscale feel. There are people that walk
6 dogs. People walk that street despite the fact that there are no
7 sidewalks. I see it every day, and I do see that you're putting in a
8 pool or you're doing your backyard. I did not know that you moved in
9 two years ago. That house has been under construction.

10
11 MS. PROKURAT: It was previous owner.

12
13 MR. LEVITON: Yeah, but forever and I do see that there's an
14 increase in construction that the backyard is being worked on and I do
15 see that your trees are dying. To me, I can't and you don't specify
16 what kind of fence it would be or how high it would be. Materials is
17 something that this board considers. What kind of fence would you be
18 putting in and how high would the fence be? We need to know those
19 things.

20
21 MS. PROKURAT: It's a black aluminum, five feet.

22
23 MR. LEVITON: And is there a pool going into the backyard?

24
25 MS. PROKURAT: It's already built.

26
27 MR. LEVITON: It's already there. There's a pool there. So,
28 you need something around the pool. Is there a compliant fence around
29 the pool right now?

30
31 MS. PROKURAT: No. We put fence from that side where we're
32 allowed to put, and if you drove by you probably see that we just put
33 temporary fence only because pool already built, and I was going to
34 this meeting and I wanted to see where I can put the fence street
35 side.

36
37 MR. LEVITON: So, go ahead and clarify for me where there is
38 an actual hardscaped fence on Thompson Grove Road. I can't think of
39 any.

40
41 MS. PROKURAT: If you drive.

42
43 MR. LEVITON: Yeah.

44
45 MR. PROKURAT: I didn't want to take addresses specifically
46 because I didn't want to.

47

1 MR. LEVITON: Why not? Tell me relative to yours going down
2 towards Kinney?

3
4 MS. PROKURAT: Stayman Court, Stayman Court development
5 right next to us and if you drive there, you can see a couple fences
6 pretty close to the road.

7
8 MR. LEVITON: Yeah, that's a relatively new development. I
9 understand that there may be one there.

10
11 MS. PROKURAT: But if you haven't paid attention, it means
12 that it aesthetically looks good. It doesn't.

13
14 MR. LEVITON: Well, it aesthetically looks good because
15 everyone has what you attempted to do with your living fence. I'm
16 aware that they died. I can't say with a hundred percent certainty and
17 I'm not going to testify, but I know that there are people on your
18 street that have replaced those types of trees, plenty. Okay I've
19 given you my thoughts. I would hate to see the neighborhood change in
20 flavor and I think that that would be, see the standard here is and I
21 know you know the standard because you referenced it. You said that
22 there would be no negative impact on the community. Our standard is
23 significant negative impact. That's something we have to weigh. This
24 board weighs that that's the standard as outlined by the MLUL. It's
25 the municipal land use law and me personally I think that a fence that
26 close behind a tree line that will die, they're dying. It's
27 inconsistent with what is there and it significantly changes the
28 neighborhood. So, for me, that's what I think. Let's see what they
29 think. Michael?

30
31 MS. PROKURAT: Can I add a few more words?

32
33 MR. LEVITON: Yeah, of course.

34
35 MS. PROKURAT: You mentioned that this house was under
36 construction forever, right?

37
38 MR. LEVITON: Forever.

39
40 MS. PROKURAT: We purchased it two years ago and moved in in
41 August 2023 and all this time we did very big construction.

42
43 MR. LEVITON: You did.

44
45 MS. PROKURAT: We were wide open, right? Everyone sees
46 what's going on in our backyard.

47
48 MR. LEVITON: Yes, unavoidable yes.

1
2 MS. PROKURAT: And we did very beautiful job.

3
4 MR. LEVITON: You absolutely did.

5
6 MS. PROKURAT: And it's not like I'm trying to.

7
8 MR. LEVITON: No.

9
10 MS. PROKURAT: But we did a big, big job.

11
12 MR. LEVITON: Stunning. It's gorgeous.

13
14 MS. PROKURAT: This yard was looking abandoned for years.

15
16 MR. LEVITON: Yes, completely.

17
18 MS. PROKURAT: And we're trying to make it look. So, I don't
19 think that we bring in something that will change community to the
20 worst. We are doing something that, and I'm going to invest in some
21 beautiful landscaping here and there. We still have the front corner.
22 It will be open so it's not like I'm trying to close around the house.
23 We still will have, but it's a big yard to lose and also, we have
24 animals and we just cleaned up after all these animals. So, my
25 position here, that we are doing something good.

26
27 MR. LEVITON: You absolutely are and I'm confident that your
28 neighbors must think the same thing that I do because it's beautiful
29 like you've testified to. Michael?

30
31 MR. WECHSLER: I just have a couple of questions. So, the
32 only fence you're looking to put up is on the Thompson Grove Road
33 side?

34
35 MS. PROKURAT: Correct.

36
37 MR. WECHSLER: So, the rest of the property is going to be
38 unfenced?

39
40 MS. PROKURAT: No, no property is already fenced where I
41 allowed to put fence.

42
43 MR. WECHSLER: Right.

44
45 MS. PROKURAT: I'm only waiting for your decision because
46 for me to complete the project, I need to put the fence on the left
47 side. This is the only reason.

1 MR. WECHSLER: So, my question would be then the X's on the
2 survey, is there an existing fence already? The X's, the X's.

3
4 MS. PROKURAT: X's? Yes.

5
6 MR. WECHSLER: So that's existing?

7
8 MS. PROKURAT: Yes.

9
10 MR. LEVITON: She's proposing what's in green Michael.

11
12 MS. PROKURAT: Yes.

13
14 MR. WECHSLER: Gotcha. I was just trying to figure out if
15 there's a fence on the property to begin with or going by satellite.
16 There is no fence, it's just live trees.

17
18 MR. LEVITON: Yeah, you'd be hard pressed to find fencing
19 out in that part of town.

20
21 MR. WECHSLER: Right.

22
23 MR. LEVITON: It's just what's green. It runs along Thompson
24 Grove Road.

25
26 MR. WECHSLER: Okay, that's the only question I have.

27
28 MR. LEVITON: Josh?

29
30 MR. SHALIKAR: And the fencing that you put is the same? The
31 five-foot black all the way around?

32
33 MS. PROKURAT: It's very.

34
35 MR. SHALIKAR: Yeah, I have no objection to the fencing per
36 se because I think the black would be aesthetically pleasing. I am
37 struggling with the fifteen feet that you're asking for. I mean it's a
38 very large backyard and I think to move it further away from Thompson
39 Grove may be a decent idea. Can you walk me through why you want it to
40 be so close to the road? Is it because of the trees? You want it to be
41 on the outside of the trees?

42
43 MS. PROKURAT: Yes.

44
45 MR. SHALIKAR: Is that the only reason why? I heard your
46 testimony. You want to protect the trees from the deer, but I imagine
47 that.

1 MS. PROKURAT: No, these trees that already planted. I
2 probably can't protect them fully because they will stay there, but if
3 I put the fence and I put trees behind the fence it means that I will
4 have this extra layer for privacy.

5
6 MR. SHALIKAR: I understand that.

7
8 MS. PROKURAT: And the deer cannot access them easy.

9
10 MR. SHALIKAR: Right.

11
12 MS. PROKURAT: And this combination of black aluminum fence
13 and nice green trees I still think that it's going to look beautiful.

14
15 MR. SHALIKAR: Yeah, I'm going off of what the chairman had
16 said where that street really is beautiful because of the live fence,
17 right? That really runs pretty much all the way down Thompson and your
18 neighbors will probably have the same issues with the deer. So, your
19 proposal to have a fence there is really to protect trees. It really
20 has no implication on safety. It has no implication on the dogs
21 because a fence is a fence. You can have the fence further away from
22 Thompson Grove, right? It just wouldn't protect the trees.

23
24 MS. PROKURAT: It's not only the trees because we have.
25 Look, we will need to expand our driveway. It's our next project
26 because our driveway it probably was never sealed since this house was
27 built. So, it's all broken and there is no way that two cars can go.
28 So, when we extend the driveway, it means that I still need fence. I
29 can't have fence at ninety because I want to put double gate.

30
31 MR. SHALIKAR: I'm not saying that.

32
33 MS. PROKURAT: I mean everything that I have my vision and
34 my plan.

35
36 MR. SHALIKAR: I understand.

37
38 MS. PROKURAT: I envision it.

39
40 MR. SHALIKAR: I'm not saying ninety. Because I understand
41 that having two front yard setbacks or two front yards is a challenge.
42 You made that very clear. That's totally appropriate. What I'm saying
43 is if you could not go up against the road, it may be more favorable
44 for you. You see what I'm saying? To meet in the middle.

45
46 MS. PROKURAT: I just wanted to have this opportunity.

47
48 MR. SHALIKAR: Yeah, I hear you loud and clear.

1
2 MS. PROKURAT: If I need to go a little bit but I need to
3 have this opportunity, freedom to complete the project to have it.
4

5 MR. SHALIKAR: Yes, I understand and one more question,
6 sorry chairman. The back of your property, you put the fence in
7 already or it's temporary?
8

9 MS. PROKURAT: Fence.
10

11 MR. SHALIKAR: So where does the fence go in the back of the
12 property? Does it go up the fifteen-foot mark?
13

14 MS. PROKURAT: On the back?
15

16 MR. SHALIKAR: Yes.
17

18 MS. PROKURAT: On the back, it's on the property line
19 because back is not.
20

21 MR. SHALIKAR: Right, but where does it go up until Thompson
22 Grove?
23

24 MS. PROKURAT: It stopped probably at ninety. It's
25 temporarily.
26

27 MR. SHALIKAR: Okay so you have to add.
28

29 MS. PROKURAT: I didn't do it.
30

31 MR. SHALIKAR: I understand so you'd have to add additional
32 to the rear based on the decision. So, what I'm challenged with is
33 that you're asking us for the fifteen feet, but you're also asking us
34 what we allow you to do, and that's not really how this is going to
35 work unfortunately. You need to tell us what you want, right? So the
36 fifteen foot, that's your decision. I think you're hearing just a
37 little bit of objection to that fifteen foot. I may propose to you to
38 think a little bit, not ninety, but to think a little bit more into
39 your property. Again, it might not protect trees, but it might be more
40 of a favorable outcome. It's just something to consider.
41

42 MS. PROKURAT: Okay.
43

44 MR. LEVITON: Ms. Prokurat, your trees are consistent with
45 the house next door's trees. There's another tree line. It almost
46 meets right up to yours.
47

48 MS. PROKURAT: We did it this way. We tried to.

1
2 MR. LEVITON: You did it this way to match what was there.

3
4 MS. PROKURAT: Because it was there --- you probably would
5 remember what kind of trees were planted before and we tried because I
6 was very happy that the lady redid hers because we also had the same
7 old trees.

8
9 MR. LEVITON: So, you know you've just testified she had to
10 replace that living fence. Her trees died. She put new trees in. Your
11 neighbor whose tree line is even with yours replaced those trees. She
12 put another living fence in and you put your trees in. Your trees are
13 dying. I'm not even sure I'm clear. Do you want to put your fence on
14 the inside of that tree line so that the trees are next to the road
15 and your fence is?

16
17 MS. PROKURAT: No trees are next to the road and fence will
18 be behind trees.

19
20 MR. LEVITON: And then you want to put more trees behind
21 your fence?

22
23 MS. PROKURAT: Yes.

24
25 MR. LEVITON: Presumably so you don't have to look at the
26 fence to give you a better.

27
28 MS. PROKURAT: Yes, and actually if these trees will make it
29 up probably the fence won't be an issue to see the fence.

30
31 MR. LEVITON: Yeah, maybe, but you testified and I believe
32 you because I pass your house every day. These trees are subject to
33 being eaten by deer.

34
35 MS. PROKURAT: I was told by landscapers that they don't eat
36 this type of trees.

37
38 MR. LEVITON: Yeah, that may be the case, but they're dying
39 just the same. They're dying.

40
41 MR. SHALIKAR: For the record, every single plant that I
42 have in the front of my house is deer resistant. Not a single plant is
43 saved from ---

44
45 MR. MANTAGAS: Not mine.

46
47 MR. SHALIKAR: Yeah, landscaper recommendation I'll just put
48 it that way.

1
2 MS. PROKURAT: Listen. I'm learning every day.
3

4 MR. SHALIKAR: So, here's the thing right. So, your plan A
5 is fifteen feet, right? Take a second and think about a plan B.
6

7 MR. LEVITON: What about in line with your driveway or the
8 expanded driveway that you're going to make? Put the trees even with
9 the driveway, close your backyard in. I wouldn't have a problem with
10 that. It's not on the road. There are fences that are set back on
11 Thompson Grove Road. They're just not right on Thompson Grove Road.
12 That's my feeling. Let's go this way. John?
13

14 MR. HARRINGTON: No, a lot of what my concerns are have been
15 addressed and you're looking at a black aluminum fence. So in my
16 mind's eye I just want the aluminum with you can see through.
17

18 MS. PROKURAT: Yes, see through.
19

20 MR. HARRINGTON: Kind of hesitant to look at the fifteen
21 feet because I've driven over and I know what Chair Leviton is saying.
22 A beautiful road and it's kind of how that area was put together and
23 developed. I know the house you're in. I can tell you I've seen what
24 it was and what it is now. It's totally different. I lean more towards
25 the fence being a little further away from the road, and maybe perhaps
26 going with the driveway. When you come back in for the driveway that
27 might be your answer.
28

29 MR. LEVITON: Your backyard will still be just as beautiful.
30 It's a minor tweak and it satisfies your safety concern, your
31 aesthetic concern, and it preserves the integrity of the neighborhood
32 and its current aesthetic. That's my feeling. Stacey?
33

34 MS. KLOMPUS: I kind of feel this same way in that you need
35 to figure out your driveway configuration, and then just figure out
36 what you can do with the fence because I think you can probably bring
37 it back off of the road side, but once you figure out what you want to
38 do with the driveway it's going to lead into what you want to do with
39 the fence. So, I feel like you kind of need to do that part in order
40 to figure out what will work best.
41

42 MR. LEVITON: Thank you.
43

44 MS. PROKURAT: I just have one issue, it's the timing
45 because look we completed backyard and we have pool. So I need to
46 fence, but for me I can't fence this way and then to move fence
47 because it's extra cost. To finish driveway, it's another big project.
48 I cannot finish driveway in a few weeks.

1
2 MR. LEVITON: We appreciate that. This board is precluded
3 from considering financial hardships. So, I want to mention that, but
4 I do want to tell you I'm sensitive to your need to get something
5 that's going to allow you to move forward with completing your
6 property. So if we can figure out, you're very lucky Mr. Boccanfuso is
7 not just the zoning administrator, he's also an engineer and he has
8 your survey. He sees the red line that you're proposing for your
9 driveway even though it's not under consideration tonight maybe he can
10 tell you what type of relief we would consider or me personally and
11 you would need here tonight you would need there are seven of us whose
12 votes count you'd need four to approve the fifteen feet, and I don't
13 think you have four. We haven't gone all the way around, but I don't
14 think there are four.

15
16 MS. KLOMPUS: Well, I can just say, the way she drew it here
17 it's showing the fifty setbacks. Would you consider moving that line
18 to the fifty feet?

19
20 MR. LEVITON: Oh, it's fifty feet? Oh yeah that is fifty
21 feet I see it.

22
23 MS. KLOMPUS: So, if this is where you're doing from the
24 driveway moving your fence line right in here.

25
26 MR. LEVITON: Ms. Klompus is referring to the survey.

27
28 MS. KLOMPUS: So, in the way where Josh was saying he's not
29 looking for ninety, but off of the street if you're proposing that
30 that's where your driveway might end. It might be a good spot for you
31 to possibly do the fencing.

32
33 MR. SHALIKAR: Can I just make?

34
35 MS. PROKURAT: If you can give me just a couple feet on this
36 side because I was thinking to put double, double gate.

37
38 MR. SHALIKAR: Can I make a recommendation for you? We just
39 crunched some numbers. Your new driveway which is the red line. Again,
40 we're precluded to talking about it, but it's under my knowledge that
41 it's fifty feet from the side setback. If you add ten feet that will
42 give you plenty of room for a double gate. Right? So that means forty
43 feet from the side yard setback. Right? That would not be in line with
44 the driveway. It'll give you an additional ten feet for a gate and
45 that will give a bit more relief in terms of not being so close to
46 Thompson Grove. Would you be willing to entertain something like that?

47
48 MS. PROKURAT: I think it's fair enough.

1
2 MR. SHALIKAR: Yes?
3

4 MR. LEVITON: Let's continue on, and that's very helpful
5 because she needs to walk out the door with some type of idea about
6 what she's going to be doing, what we're going to allow her to do.
7 Dan? I'm sorry, Basil?
8

9 MR. MANTAGAS: I'm in agreement with that, moving the fence
10 to that point. I have no problem with that.
11

12 MR. LEVITON: Daniel?
13

14 MR. POCHOPIN: I agree with what Basil just said.
15

16 MR. LEVITON: Jessica?
17

18 MS. LEVENSON: I don't have any other questions, but I do
19 have the same concern about the original numbers that were proposed at
20 fifteen feet.
21

22 MR. LEVITON: And Temika?
23

24 MS. LATILLA: Yup same, all my questions were answered like
25 type of fence and yeah.
26

27 MR. LEVITON: Then let me go out to the public. I see a
28 couple I don't recognize and there are no other applicants this
29 evening. Would either of you like to address the board or talk to Ms.
30 Prokurat?
31

32 MS. COHEN: I just didn't hear how many feet.
33

34 MR. LEVITON: You need to come up. We'd have to swear you
35 in, and then you need to speak into a mic. I'll repeat that. The
36 proceedings here are recorded and then later transcribed and saved for
37 posterity.
38

39 MS. COHEN: Okay thanks.
40

41 MR. LEVITON: So before you speak, anywhere just you can
42 come right up. You're going to be sworn in by the board attorney. Oh
43 that's good, very official.
44

45 MR. MARMERO: And then can you state your name and address
46 for the record please?
47

TOWNSHIP OF MANALAPAN
MINUTES

ZONING BOARD MEETING
May 1, 2025
PAGE 41

1 MS. COHEN: Sure Beth Cohen, 143 Thompson Grove Road
2 Manalapan.

3
4 MR. MARMERO: 143?

5
6 MS. COHEN: Yes.

7
8 MR. MARMERO: Okay and if you raise your right hand. Do you
9 swear that the testimony you will provide tonight will be the truth,
10 the whole truth, and nothing but the truth?

11
12 MS. COHEN: I do.

13
14 MR. MARMERO: Okay.

15
16 MR. LEVITON: Forgive me, before you begin, I missed your
17 name.

18
19 MS. COHEN: Beth Cohen.

20
21 MR. LEVITON: Cohen, thank you Mrs. Cohen.

22
23 MS. COHEN: Just I didn't hear how many feet you were
24 proposing.

25
26 MR. SHALIKAR: So it would be forty feet from the side yard
27 setback is what I'm recommending.

28
29 MS. COHEN: Okay.

30
31 MR. SHALIKAR: If she would take that option.

32
33 MS. COHEN: Okay, I just didn't hear that.

34
35 MR. LEVITON: It's an expansion of her existing driveway by
36 a couple of feet, and then we're proposing a tree line or fence, not a
37 tree line, a fence in line with the side of the driveway.

38
39 MS. COHEN: Yeah and our concern was just that her home is
40 so beautiful. We are right across the street. I love looking at it. I
41 really, it's just beautiful, but we agreed with you with putting a
42 fence fifteen feet it changes the whole vibe of the neighborhood. We
43 moved in. It's like the country. It's still the country. I'm here
44 twenty-five years.

45
46 MR. LEVITON: It's a country road.

47
48 MS. COHEN: It's beautiful. I just love it.

1
2 MR. LEVITON: Sure.

3
4 MS. COHEN: Fifteen feet would have been somewhat of an
5 issue depending on where the trees went, but forty feet is very
6 reasonable.

7
8 MR. LEVITON: Mrs. Cohen, how long have you lived there?

9
10 MS. COHEN: Twenty-six years, and then we were behind the
11 library for ten years before. So we're in Manalapan thirty-six years.

12
13 MR. LEVITON: It's one of the few streets in town that's
14 topographically interesting. Everywhere else is flat.

15
16 MS. COHEN: Right, it's beautiful. Every time I drive up to
17 my house I still feel like I live in the country. Every time and I
18 haven't and we looked today to see if there are any fences that are
19 close to the street, and is it unreasonable, but we didn't. There's
20 one home a couple of homes down like 163, 165.

21
22 MR. LEVITON: To your left or to your right?

23
24 MS. COHEN: When you walk out of my house to your left.

25
26 MR. LEVITON: Yeah.

27
28 MS. COHEN: So it's like the 160's.

29
30 MR. LEVITON: Yeah, but it's set back so far.

31
32 MS. COHEN: No, the house is, but the street, these trees
33 are like a forest. It's beautiful. It's beautiful. You can't even see
34 the house, but that's why the greenery makes such a difference. You'll
35 appreciate it. You will.

36
37 MS. PROKURAT: No listen I love the trees, and --- We tried
38 to make it well kept.

39
40 MS. COHEN: It's beautiful. I'm never moving.

41
42 MR. LEVITON: Ms. Prokurat you need to speak into the
43 microphone again because the hearing is being recorded and later
44 someone's going to type out every word that's been spoken so that.

45
46 MS. PORKURAT: I just didn't.

47

1 MR. LEVITON: You need to. You can't even talk unless it's
2 into a mic.

3
4 MS. COHEN: I'm good. I got my forty feet answer. Thank you.

5
6 MR. LEVITON: Thank you Mrs. Cohen for your thoughts.

7
8 MS. COHEN: Thank you very much.

9
10 MR. LEVITON: And please you can say anything you'd like.

11
12 MS. PROKURAT: I'm sorry. I just didn't feel comfortable to.

13
14 MR. LEVITON: Yeah, of course, of course.

15
16 MS. PROKURAT: My back to the person so.

17
18 MR. LEVITON: Very polite, yes.

19
20 MS. PROKURAT: Like I said before, that we are trying to
21 make it beautiful and we are trying to plant more trees, but like I
22 said it takes time.

23
24 MR. LEVITON: We absolutely love what you're doing. On
25 behalf of Manalapan Township, we thank you for making that home
26 beautiful. It has been in a state of disrepair for an extended period
27 of time and I'm personally glad to see that you're undertaking
28 construction in a more aggressive manner, and I want nothing, but all
29 the things that you asked for; security and privacy and prettiness. So
30 Mr. Shalika has proposed allowing your fence consistent with the red
31 line that defines the left boundary of your new driveway, and I
32 believe that Mr. Boccanfuso has defined that as forty feet. Is that
33 correct Brian?

34
35 MR. BOCCANFUSO: What, the distance?

36
37 MR. LEVITON: Yeah that it would be a forty foot
38 encroachment into the setback on Thompson Grove Road.

39
40 MR. BOCCANFUSO: That was the number that was proposed. I
41 don't know what you mean.

42
43 MR. LEVITON: Yes, I'd like to.

44
45 MR. BOCCANFUSO: We roughed it out based on where the
46 driveway was. I think Mr. Shalika's explanation for it was that it
47 would allow some fence parallel to Twin Lakes to extend off the side

1 of the driveway. So there could be a gate there. I think that was the
2 explanation.

3
4 MR. SHALIKAR: Correct.

5
6 MR. LEVITON: Yeah it's a double gate. She wants a double
7 gate, and there would be room for that, and she'll know how she can
8 finish her property if we grant relief for a forty foot encroachment.
9 Is that consistent with?

10
11 MR. BOCCANFUSO: She'll know how she can finish her property
12 if you deny the application.

13
14 MR. LEVITON: She will, but then she.

15
16 MR. BOCCANFUSO: Either way she's going to know.

17
18 MR. LEVITON: Then she'd need to come back and she'd need to
19 ask relief for another encroachment. If she wants a forty foot
20 encroachment, it's not permitted. It's ninety feet so if she proposes
21 what we're suggesting. So you're proposing a five foot fence. Is that
22 right? Only three feet are permitted, but I'm willing to, me
23 personally, I'm willing to give her that extra two feet. I like the
24 materials that are. It's black and it's not iron, but it is pretty.
25 It's not chain-link. It's not PVC, and it's consistent with everything
26 else you've done and we appreciate that. And we know you're not going
27 to get everything you want here tonight, but we want to preserve the
28 consistent community that exists on behalf of everyone else, and not
29 the people who live there just today, but going forward in twenty-five
30 and a hundred years. So what are your thoughts? We've given you ours.
31 What are you thinking?

32
33 MS. PROKURAT: I just would like to clarify. You're
34 proposing forty feet from the?

35
36 MR. LEVITON: We've suggested it. We want you to propose it,
37 and if you do then we can grant you that type of relief and you can
38 complete.

39
40 MS. PROKURAT: Forty feet from the property line?

41
42 MR. LEVITON: Do you have your survey in front of you?

43
44 MS. PROKURAT: No.

45
46 MS. LATILLA: Here she can have mine.
47

1 MR. LEVITON: Come take a look. Take the survey. And you see
2 the red line that you drew where your new driveway is. The fence would
3 go directly behind that, straight back.

4
5 MS. LATILLA: Wouldn't it be an additional ten feet off of
6 that red line?

7
8 MR. SHALIKAR: I'm explaining that, yes.

9
10 MR. LEVITON: Temika.

11
12 MS. LATILLA: Oh okay.

13
14 MR. SHALIKAR: Left, that's the double gate then you have on
15 that line here so forty feet --- here.

16
17 MR. LEVITON: I know.

18
19 MS. PROKURAT: Thank you. No, I appreciate it. I think it's
20 fair enough.

21
22 MR. LEVITON: Okay. So yeah you were picked up on the mic.
23 So you came here tonight, and Mrs. Prokurat you were proposing a
24 fifteen foot distance from Thompson Grove Road. What is it that you'd
25 like to amend your proposal to?

26
27 MS. PROKURAT: I'm sorry?

28
29 MR. LEVITON: Do you want to amend your request? Do you want
30 to change your request now from fifteen feet to what?

31
32 MS. PROKURAT: To forty.

33
34 MR. LEVITON: To forty feet? The board attorney is.

35
36 MR. MARMERO: Sure, so to sum it up. So you --- you heard
37 the board's thoughts. To sum up the relief that's required the
38 application as presented required a --- seeking a fifteen foot setback
39 from Thompson Grove. The applicant is now amended that request to a
40 forty foot setback. As we discussed the required setback would be
41 ninety feet so this is significantly less of an encroachment. We did
42 also hear testimony that - - - was the fence height that was indicated
43 on the application. The fence height is five feet. As discussed, three
44 feet is permitted here so that would necessitate a second variance. So
45 it would be two variances. One for the fence height and one for the
46 it's actually the front yard setback because it's a corner, but it
47 would be a forty foot setback.

1 MR. LEVITON: Mrs. Prokurat, are you following all that?

2
3 MS. PROKURAT: Yes.

4
5 MR. LEVITON: Only three feet in height is permitted. We're
6 going to grant you five feet, okay.

7
8 MS. PROKURAT: Thank you. I appreciate that.

9
10 MR. LEVITON: Board, anything else?

11
12 MS. LATILLA: I just have one question.

13
14 MR. LEVITON: Temika?

15
16 MS. LATILLA: Yeah, is the live fence going to be
17 maintained? Right now you have trees that I think you said were dying.

18
19 MS. PROKURAT: Of course.

20
21 MS. LATILLA: You're going to maintain that?

22
23 MS. PROKURAT: Of course. I already installed irrigation
24 because it was no irrigation. We just completed our irrigation project
25 and there is sprinklers, and also I forgot. They're dripping
26 something.

27
28 MR. SHALIKAR: Yeah drip line.

29
30 MS. LATILLA: Drip line.

31
32 MS. PROKURAT: Yeah on those trees. So yeah absolutely, I
33 will fight for them.

34
35 MS. LATILLA: Okay.

36
37 MR. MARMERO: And we can add that as a condition of the
38 approval that the live fence will continue to be maintained ---.

39
40 MR. LEVITON: No, I don't want to impose that on her because
41 she has come here seeking permission which we appreciate, many folks
42 don't. They make improvements to their property. They don't ask for
43 the relief that the ordinance necessitates that they need, then they
44 come back when they try to sell the property, and they ask
45 forgiveness. You're not doing that. We appreciate that you're here
46 upfront, and we appreciate what you're doing to the house. The
47 renovations are spectacular. The neighborhood is very appreciative. I
48 have nothing further. I don't want to impose any conditions on her. We

1 appreciate that she was amenable to our suggestion, and we hope that
2 she'll take away that we wanted to do the right thing by everyone.
3 Anything else Albert?

4
5 MR. MARMERO: No that's it. It was really just ---
6 application for one variance --- two because of the height and the
7 request for the side yard is now forty foot setback.

8
9 MR. LEVITON: Brian, anything from you?

10
11 MR. BOCCANFUSO: No, nothing to add.

12
13 MR. LEVITON: Okay, will someone make a motion?

14
15 MR. SHALIKAR: I'll make a motion to approve the amended
16 application.

17
18 MR. LEVITON: Thank you Mr. Shalika. Will someone second
19 that?

20
21 MR. MANTAGAS: I'll second it Mr. Chairman.

22
23 MR. LEVITON: Thank you Mr. Mantagas.

24
25 **ROLL CALL**

26
27 MS. MOENCH: Mr. Shalika?

28
29 MR. SHALIKAR: Yes.

30
31 MS. MOENCH: Mr. Harrington?

32
33 MR. HARRINGTON: Yes.

34
35 MS. MOENCH: Ms. Klompus?

36
37 MS. KLOMPUS: Yes.

38
39 MS. MOENCH: Mr. Mantagas?

40
41 MR. MANTAGAS: Yes.

42
43 MS. MOENCH: Mr. Wechsler?

44
45 MR. WECHSLER: Yes.

46
47 MS. MOENCH: Mr. Pochopin?

1 MR. POCHOPIN: Yes.

2
3 MS. MOENCH: Chair Leviton?

4
5 MR. LEVITON: Health and happiness Ms. Prokurat,
6 congratulations.

7
8 MS. PROKURAT: Thank you. It was my first time and I
9 survived.

10
11 MR. LEVITON: Okay, you're welcome. Okay at this time I'm
12 going to go out to the public and ask if there's anyone who wants to
13 address the board regarding non-agenda items. Seeing none, you're
14 good. At our next regular meeting, your resolution will be
15 memorialized and then you can complete your work.

16
17 MS. PROKURAT: Thank you.

18
19 MR. LEVITON: Janice is going to reach out to you. Thank you
20 Janice and good night folks. Thank you for coming. Okay, will someone
21 move to adjourn?

22
23 MS. KLOMPUS: I move to adjourn.

24
25 MR. HARRINGTON: I second.

26
27 MR. LEVITON: Thank you Ms. Klompus and Mr. Harrington.
28 Okay, so we're off the record.

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