

1 **MEETING IS CALLED TO ORDER:**

2
3 MR. LEVITON: Okay I'm going to call our meeting to order
4 and ask you to join me in a salute to our flag.
5

6 **SALUTE TO OUR FLAG**
7

8 MR. LEVITON: Pursuant to section five of the Open Public
9 Meetings Act, notice of this meeting of the Manalapan Township Zoning
10 Board of Adjustment was sent and advertised in the Asbury Park Press.
11 A copy of that notice was posted on the bulletin board where public
12 notices are displayed here in the municipal building. In addition, a
13 copy of that notice is and has been available to the public and is on
14 file in the office of the municipal clerk. Accordingly, this meeting
15 is deemed in compliance with the Open Public Meetings Act. Hello Mr.
16 Boccanfuso, we were just going to get started. It's good to see you.
17

18 MR. BOCCANFUSO: Likewise.
19

20 MR. LEVITON: Okay roll call, please.
21

22 **ROLL CALL**
23

24 MS. MOENCH: Mr. Shalika?
25

26 MR. SHALIKAR: Here.
27

28 MS. MOENCH: Mr. Weiss, not here. Mr. Harrington? Ms.
29 Klompus?
30

31 MS. KLOMPUS: Here.
32

33 MS. MOENCH: Mr. Mantagas?
34

35 MR. MANTAGAS: Here.
36

37 MS. MOENCH: Mr. Wechsler?
38

39 MR. WECHSLER: Here.
40

41 MS. MOENCH: Mr. Pochopin?
42

43 MR. POCHOPIN: Here.
44

45 MS. MOENCH: Ms. Levenson?
46

47 MS. LEVENSON: Here.
48

1 MS. MOENCH: Ms. Latilla? Mr. Hughes? Chair Leviton?

2
3 MR. LEVITON: Here. Okay, our first order of business is to
4 accept the minutes from our July 17th meeting. Will someone move to do
5 so?

6
7 MR. SHALIKAR: I make the motion.

8
9 MR. WECHSLER: I'll second.

10
11 MR. LEVITON: Thank you Mr. Shalikar and Mr. Wechsler.

12
13 **ROLL CALL**

14
15 MS. MOENCH: Mr. Shalikar?

16
17 MR. SHALIKAR: Yes.

18
19 MS. MOENCH: Mr. Wechsler?

20
21 MR. WECHSLER: Yes.

22
23 MS. MOENCH: Mr. Pochopin?

24
25 MR. POCHOPIN: Yes.

26
27 MS. MOENCH: Ms. Levenson?

28
29 MS. LEVENSON: Yes.

30
31 MS. MOENCH: Chair Leviton?

32
33 MR. LEVITON: Yes. There are no resolutions to be
34 memorialized this evening. So we are to our hearing portion of the
35 meeting and just going to ask our attorney Mr. Marmero, have you
36 reviewed the noticing for ZBE2515 and do we have jurisdiction to hear
37 the case?

38
39 MR. MARMERO: I did, yes.

40
41 MR. LEVITON: Okay.

42
43 MR. MARMERO: The notice is compliant so you have
44 jurisdiction.

45
46 MR. LEVITON: Then the board calls the Krulick's and Mr.
47 Garlick on their behalf. Mr. Krulick you're going to be sworn in by
48 Mr. Marmero.

1
2 MR. MARMERO: Sure. If you raise your right hand, I'll get
3 you sworn in. Do you swear the testimony you will provide tonight will
4 be the truth, the whole truth, and nothing but the truth?

5
6 MR. KRULICK: I do.

7
8 MR. MARMERO: Okay.

9
10 MR. LEVITON: And Mr. Garlick, welcome. We've never worked
11 together before?

12
13 MR. GARLICK: It's my first time here so thank you very much
14 for having me tonight.

15
16 MR. LEVITON: You're from Newark?

17
18 MR. GARLICK: My office is in Newark, yes, and I'm - - -
19 from Bergen County so far away, but I'm actually down here on
20 vacation so it's perfectly fine.

21
22 MR. LEVITON: I'm glad, but my geography isn't that good.
23 Bergen is on the east or the west side of New Jersey?

24
25 MR. GARLICK: East side of New York City.

26
27 MR. LEVITON: Oh, that's Fort Lee area?

28
29 MR. GARLICK: Yes, I live a little west of that. You're good
30 with your geography.

31
32 MR. LEVITON: Not particularly. Is that Springfield area?

33
34 MR. GARLICK: No, that's more north.

35
36 MR. LEVITON: Okay.

37
38 MR. LEVITON: Alright well welcome to you sir.

39
40 MR. GARLICK: Thank you.

41
42 MS. MOECH: Can I just ask you guys to hit the microphones
43 on please?

44
45 MR. GARLICK: Sure.

46
47 MR. LEVITON: Everything during these proceedings is
48 recorded and later transcribed and always available to the public. So,

1 it's got to be picked up by the mic. Mr. Krulick, your client, he's
2 here for relief for some bulk things, but primarily he got himself
3 into some trouble with what he did in his backyard. You've read Mr.
4 Boccanfuso's recommendations. Is your client compliant with them all?

5
6 MR. GARLICK: So, if I could.

7
8 MR. LEVITON: Sure.

9
10 MR. GARLICK: I think I could summarize for the board and I
11 don't mean to take anything away from you Chair. I think maybe we can
12 streamline this a little bit for us.

13
14 MR. LEVITON: It's fine. Streamline is good.

15
16 MR. GARLICK: Is it alright if I sit?

17
18 MR. LEVITON: Please.

19
20 MR. GARLICK: Okay, so Chair yes, you're right. So, we're
21 here technically for two bulk variances. One for side yard setback for
22 the pool equipment where we sit at six feet ten inches, where the side
23 yard setback is ten feet, and also for the rear yard setback where the
24 pool patio setback requirement is ten feet. We are at three feet, but
25 to the Chair's point there's a number of items that came up in Mr.
26 Boccanfuso's report which I've reviewed with my clients. We're
27 prepared here to essentially a number of agreeable conditions that I
28 think address Mr. Boccanfuso's concerns in his report. Obviously
29 subject to the Board's review and approval that I think and would hope
30 would address these issues. If it's okay I'll just run through them.
31 If there's testimony that the board would like to hear from my client
32 regarding the exhibits that we submitted, were the exhibits shared or?

33
34 MS. MOENCH: Yes.

35
36 MR. GARLICK: Okay so everyone's seen. I have copies if we
37 needed additional copies.

38
39 MS. MOENCH: I didn't distribute because you said you were
40 bringing copies.

41
42 MR. GARLICK: Okay.

43
44 MS. MOENCH: But I did put them on Google Drive.

45
46 MR. GARLICK: Would anyone like?

47
48 MR. LEVITON: Is that A1?

1
2 MR. GARLICK: It was.

3
4 MR. LEVITON: A2?

5
6 MR. GARLICK: Yes so, I don't know. If anyone needs physical
7 copies, I have copies so I'm happy to share them.

8
9 MR. LEVITON: So, before you go through the letter and the
10 recommendations I want to ask about the negotiated setback that you're
11 going to have the rear yard moved to. It was at zero. It's at three
12 something?

13
14 MR. GARLICK: It's proposed to be three feet. It's been
15 pushed back.

16
17 MR. LEVITON: Was that negotiated with Mr. Boccanfuso?

18
19 MR. GARLICK: That was not discussed with Mr. Boccanfuso.

20
21 MR. LEVITON: With whom was it discussed? How did you come
22 to that number?

23
24 MR. GARLICK: I believe that's what my client is proposing
25 with their architect and their professionals.

26
27 MR. KRULICK: Yes, that was when we started doing the
28 renovations to the house which is sort of what brought all of this up.
29 Our architect met with Mr. Boccanfuso and said there's a problem with
30 the backyard. The work that was done was not permitted here and so
31 they said you're going to need to move the patio back.

32
33 MR. LEVITON: So, you were alerted to the problem by Mr.
34 Boccanfuso, but did not come to that number with his consultation?

35
36 MR. KRULICK: No, I know Mr. Boccanfuso was discussing it
37 with our architect of record who from that conversation I had with
38 him, he said that this was the number we were going to add. This was
39 the setback we were going to ask for.

40
41 MR. LEVITON: Brian?

42
43 MR. KRULICK: Based off of where the patio currently exists
44 relative to where the pool is and so we were just trying to get to
45 what we thought was a reasonable space between the pool and the patio
46 just that we thought was safe enough for us.

47

1 MR. LEVITON: Brian, did he come to that number with your
2 consultation or independently?

3
4 MR. BOCCANFUSO: No, I certainly wouldn't give an
5 application direction on what relief to request. As the zoning officer
6 and board administrator, if you ask me what the setback would be I
7 would give you the zoning compliant number. I did state that zero feet
8 is a very heavy lift.

9
10 MR. LEVITON: Extremely, that's a huge understatement.

11
12 MR. BOCCANFUSO: And the closer to compliance you can get,
13 the better, but it's the applicant's right to present whatever
14 application they choose.

15
16 MR. LEVITON: Always, yes.

17
18 MR. BOCCANFUSO: And if we want to get into further detail
19 after we hear their testimony, obviously I'm available for questions,
20 but the bottom line is they need to satisfy the criteria, the land use
21 law, for the board to grant the necessary relief.

22
23 MR. LEVITON: This Board is authorized to grant the relief
24 that they seek at that number. I was just curious and now Mr. Garlick
25 if you will, you can present your affirmative case.

26
27 MR. GARLICK: So, if it would be alright with the Chair, I
28 just want to discuss the issues outside, I guess the variances.

29
30 MR. LEVITON: Sure.

31
32 MR. GARLICK: And just how we're agreeable to certain
33 requirements that Mr. Boccanfuso had put in his memo just so that we
34 can at least, the Board can at least know where we stand and then if
35 there's any questions whether it's factually or as to those, I guess
36 resolutions or conditions if the Board is favorable to the
37 application. Those issues I guess are maybe off the table a little bit
38 easier to handle, but again we're open to discussion.

39
40 MR. LEVITON: Significant and they merit your attention.

41
42 MR. GARLICK: So, my client will testify this, but the fence
43 issue. The fence has existed there long before their ownership. We
44 actually have neighbors here today who live, if you're looking at the
45 front of the house, they live to the left.

1 MR. GARLICK: Okay, I have lived there for about twenty
2 years so they can come forward and testify the fence has been there
3 for at least twenty years. It was there when my client took photos
4 during his home inspection before he took ownership of it. We don't
5 know which owner prior to him put it in, but what I can tell the board
6 is that we're agreeable to removing it. We're agreeable to removing
7 it. We're agreeable to putting a new fence on our side of the property
8 line, and submitting the correct permit for that fence. So that it
9 goes to the township and there's a proper review of that fence. So,
10 the fence would be removed from the municipal property. There was, on
11 the survey that was submitted there's a swing set that's located over
12 the property line, but within the fence. That's already been removed.
13 It's been removed from the property completely, correct?

14
15 MR. KRULICK: That's correct.

16
17 MR. GARLICK: Okay so it's not even on the residential
18 property, but removed from the entire property. It's definitely no
19 longer on the municipal property.

20
21 MR. LEVITON: The fence is still there?

22
23 MR. GARLICK: The fence is still there and I know that Mr.
24 Boccanfuso had made a note that I guess there was a requirement of a
25 prior zoning permit associated with the work that's going on at the
26 property for it to be removed. My client's concern.

27
28 MR. LEVITON: It was a condition of that, wasn't it? Is that
29 right, Brian? My memory.

30
31 MR. BOCCANFUSO: Yes, that's correct.

32
33 MR. LEVITON: Okay, go ahead then.

34
35 MR. BOCCANFUSO: And just for the record the permit
36 application is still open, I believe, Is that correct?

37
38 MR. GARLICK: Correct, the work is still being done and
39 being completed. I think because it's an ongoing project, and this
40 application was then required by the township, reasonably so. The
41 fence is still there so that we could get a resolution here that the
42 town would want so that we wouldn't have duplicative efforts. We're a
43 hundred percent agreeable to removing it. It wasn't removed simply
44 because we wanted to make sure it was removed to the satisfaction of
45 the board.

46
47 MR. LEVITON: It's so delineated on the survey that you
48 provided to us and I'm not really great at reading these surveys. The

1 fence goes all the way from one side of the property to the other and
2 there's an opening to the part that was infringed upon.

3
4 MR. GARLICK: So, the fence runs along the side property
5 line so I think that's.

6
7 MR. LEVITON: That's the fence we're talking about?

8
9 MR. GARLICK: We're talking about the fence that essentially
10 exceeds the rear property line into the municipal property. That
11 portion of the fence will be removed, and then new fencing will be put
12 back onto the property with appropriate fencing permits.

13
14 MR. LEVITON: And what about on the rear property line?
15 Because it says existing fence to be relocated and it says the place
16 that has already been removed as you just stated here.

17
18 MR. GARLICK: Right.

19
20 MR. LEVITON: So, I'm curious now about that fence. How does
21 that fence run?

22
23 MR. GARLICK: It would be running from the fence on one side
24 of the property to the other on.

25
26 MR. LEVITON: All the way?

27
28 MR. GARLICK: The plan is for it to be all the way. I have
29 discussed with my client that they may potentially forgo that fence
30 and put a code-compliant fence around the pool, so around the patio
31 which would be further into the property.

32
33 MR. LEVITON: Okay I was really asking what exists now?

34
35 MR. GARLICK: Oh okay.

36
37 MR. LEVITON: Does it go all the way across?

38
39 MR. GARLICK: No so.

40
41 MR. LEVITON: It's open so that you could have access to
42 that area.

43
44 MR. GARLICK: Correct, it's as it's existed since they
45 purchased the property Chair.

46
47 MR. LEVITON: Okay.

1 MR. GARLICK: So, what's being removed is what's north of
2 the rear property line and what's potentially proposed and again a
3 permit would be submitted so that the town can review it is either a
4 fence that goes along the property line on my client's side of the
5 property or a fence. They would remove again the fencing north, the
6 side fencing may remain, but then they would do a code-compliant fence
7 just around the pool itself which is required by the municipal code.
8 I'm sure the board's very aware of pool-required fences. So they may
9 then just leave that area open and allow it to regrow or just be open
10 back there and not be using it and not be cutting it and not touching
11 it. Understanding now completely that it's municipal property, but
12 what's proposed before the board right now is a fence that would run
13 along the southern side of the rear property line on my client's
14 property and removal of any fencing that's on the municipal property.
15

16 MR. LEVITON: Okay.
17

18 MR. GARLICK: Okay, I mentioned earlier the swing set has
19 already been removed. There's a shed that on the survey is showing in
20 the municipal easement that's also been removed already. It's not
21 going back and I'm just making sure. There were questions with regards
22 to the trees that were existing, going to try and explain this
23 correctly. Again, north of the rear property line, but within the
24 fence as it exists today, the improperly-placed fence on the municipal
25 property. Just I believe three trees?
26

27 MR. KRULICK: There are three trees.
28

29 MR. GARLICK: Three trees, and again my client can testify
30 that we submitted photos. I think they're A4 through A6 showing the
31 trees had fallen in a storm in 2016. Our client coordinated knowing
32 that they had fallen through the fence in what he thought was behind
33 the fence was municipal property not everything forward. He
34 coordinated removal of same with the town. I guess DPW got involved at
35 one point and told him that they can remove it. I'm sure DPW didn't
36 look at a survey so they didn't know exactly what the property line
37 was and he went through the process of removing the fallen trees. Our
38 understanding or hope is that what we would do I guess to address
39 those trees that had fallen, again we didn't actively go and cut them
40 down, they fell. We'd like to file a tree permit now using the photos
41 that we have that show the trees there in hopes that with your
42 Forrester, your municipal Forrester, they can review the permit, the
43 trees that existed and make a determination whether any trees need to
44 be replaced. Appropriate trees that would be replaced based on the
45 size that we can kind of judge from the photos, the health, and the
46 location of the trees in that area. The only thing we'll say is it's a
47 very wet area which is municipal and I know there's a stream in the
48 back. We don't know if trees will remain standing back there which is

1 probably why the fell in the first place, but we're open to that if
2 the board would be agreeable to just filing a tree permit so that the
3 forester can take appropriate action as to what should be done with
4 those three trees that are no longer there.

5
6 MR. LEVITON: Brian, do you take exception to that?

7
8 MR. BOCCANFUSO: Exception to whom?

9
10 MR. LEVITON: Do you take exception to their proposal to
11 work with the forester instead of the D.E.P.?

12
13 MR. BOCCANFUSO: I do not Mr. Chair and just to give you a
14 little bit of background. Mr. Garlick and I had a conversation today
15 at length about a lot of the details on the application and my report.
16 I'm certainly appreciative of that. I think that it helps things go a
17 lot more smoothly. It avoids embarrassment on both sides oftentimes
18 and we can resolve a lot of issues and get on the same page to save
19 everybody's time. So, I am appreciative of that. As I explained today
20 during that conversation, subsequent to the release of my report I
21 contacted the D.E.P. to see what if anything would be required from
22 them in the way of restoration for possible disturbance in their
23 regulated areas and what they told me was that it was a bit of a gray
24 area. I'm not quoting, but it was something to that effect, and they
25 would be content to allow the township to kind of take the lead on the
26 requirements for restoration. They did provide some guidance documents
27 as far as species. If it is a wet area, it would be important to
28 select a species or species that would survive and thrive in those
29 areas. As you know our forester Shari Spiro is an expert in that type
30 of thing so I have no doubt that she'll help the applicant select a
31 species that will work both aesthetically and from a vitality
32 standpoint. I'm not sure if I mentioned they gave me a guidance
33 document. They said they would allow us to go ahead. I also spoke with
34 Shari after my conversation with Mr. Garlick today regarding my
35 recommendation for a condition of approval. She was fine with it. She
36 said certainly we can do our best to kind of piece together the permit
37 application given that the trees were removed a number of years ago.
38 What we have now is aerial images and photos and things of that nature
39 and she did confirm, Mr. Garlick, that her expectation was that the
40 replacement quantity would probably be in the four to eight range.
41 Similar to what we discussed today, she didn't see any reason why it
42 would be extraordinarily excessive. I know that's obviously a concern
43 of you and your client, agreeing to something that you don't know what
44 it's going to be. So she said she felt based upon the information that
45 she had available that was kind of the range that she was looking at.
46 So long story short, I don't take exception if the board wants to
47 impose that condition on an approval. If there is not an approval,
48 what I would tell you is that from the township's side of things we're

1 going to require that anyway. So even if it's absent an approval
2 tonight the township is going to impose that condition on the
3 applicant by virtue of the fact there was some things that went on
4 township property. So, I think it's fair. I think it's reasonable. I
5 think it will both address the removal of the trees or the falling of
6 the trees, and the work on the township property. I also think there's
7 a benefit to the applicant. In that it will reforest that kind of
8 environmentally-sensitive area that's beyond their rear property line.
9

10 MR. LEVITON: Mr. Garlick, I did see your request submitted
11 to meet with Mr. Boccanfuso and I'm glad that that meeting was
12 arranged, and that it transpired, and Brian is it fair to say that we
13 can cross off recommendations A, B, and C?
14

15 MR. BOCCANFUSO: A pertains to the D.E.P., no longer
16 applicable. B, D.E.P., no longer applicable. D.E.P. no longer
17 applicable. The only thing I do want to add for the record, Mr. Chair
18 with regard to the D.E.P., we heard Mr. Garlick talk a little bit
19 about the relocation of the fence and getting a permit for the
20 relocation of the fence. I'm fine with that. The one thing the D.E.P.
21 said is that any fencing would need to comply with their specific
22 regulations. So, if and when a zoning permit application is approved,
23 that approval will be conditioned upon compliance with any D.E.P.
24 regulations, and it will be the applicant's responsibility to ensure
25 that what they're doing is not going to violate any of those D.E.P.
26 regulations.
27

28 MR. LEVITON: You understand Mr. Garlick?
29

30 MR. GARLICK: We understand. Yes, we understand.
31

32 MR. LEVITON: And you're in agreement?
33

34 MR. GARLICK: Yeah, we have to.
35

36 MR. LEVITON: You do.
37

38 MR. GARLICK: So, it's the state level. So, we completely
39 understand the requirement.
40

41 MR. LEVITON: Okay as it relates to his D recommendation,
42 his fourth recommendation, Mr. Boccanfuso is the township engineer.
43 He's the one that's going to put a dollar amount on the escrow. Brian,
44 do we want to quantify that here and now?
45

46 MR. BOCCANFUSO: No and in fact based upon my discussions
47 with Shari, both in the past and again today, I don't think that a
48 separate escrow deposit is warranted given the scope and nature of

1 what I anticipate is going to be needed. The cost, the township's
2 cost, will be covered through the permit application fee for the Shade
3 Tree permit, the tree removal permit.

4
5 MR. LEVITON: You've been extraordinarily lucky this evening
6 so far. We only have one recommendation left and I've got to tell you
7 this one's new on me. I had to look up what an as-built survey is, and
8 I'm just going to read from what chatGPT told me.

9
10 MR. GARLICK: I don't mean any disrespect, but be careful.

11
12 MR. LEVITON: I will be careful and Mr. Marmero will check.

13
14 MR. GARLICK: With what chatGPT recommends.

15
16 MR. LEVITON: It didn't recommend anything. It defined it
17 for me.

18
19 MR. GARLICK: I don't mind you reading it, but.

20
21 MR. LEVITON: I had never heard of an as-built survey in all
22 of my time here, and I found it to be extremely informational. Mr.
23 Boccanfuso was the one who made the recommendation. He will be able to
24 actually I can't put my finger on it right now, let me see. Here we
25 go. So, an as-built survey, Brian, listen carefully and check for the
26 accuracy of the artificial intelligence's definition, okay? And Albert
27 as well. Okay so it says here that the as-built survey is to be
28 prepared by a licensed surveyor to perform boundary and topographic
29 surveys, and that it's usually done after construction. So, in this
30 particular case after everything is brought back into compliance is
31 when I would like to see it done. The final product is a signed and
32 sealed survey document. Often required by architects or engineers for
33 future work. To me, it was a tremendous, there's plenty more here. I'm
34 not going to bore anybody. There's plenty more here that I absolutely
35 think is necessary. I believe that to protect the town's interests, we
36 need to ensure that the property's brought back into conformity,
37 compliant with all kinds of regulations, that this type of as-built
38 survey will ensure. So, I will keep this recommendation and ask that
39 it's a condition of anything that this board's going to approve.
40 Brian, do you want to add anything else about it?

41
42 MR. BOCCANFUSO: I'd like to add that I'm tremendously
43 insulted that you asked chatGPT before you asked me what my report
44 meant. Aside from that, I would just, an as-built survey is just as
45 the name implies as it is built, the way in which it's built. It's an
46 after construction or at some point during construction. It's a survey
47 to kind of show how things are. We, from a compliance and regulatory
48 standpoint, we use it to confirm that things are built in accordance

1 with an approval. So, in this case the recommendation was to ensure
2 that the changes that are going to be made and the improvements that
3 are going to be installed are consistent with any approvals that are
4 applicable including zoning permits, zoning board approvals,
5 construction permits, etc. They're all different types. Some have
6 topography, others do not. In this particular case, I think the
7 locations are the most critical items that we need to see, that the
8 setbacks comply with the zoning regulations, or any approval that's
9 here, that's granted here tonight. Of the five conditions ironically,
10 it's pretty rare that I don't require all the conditions that I read
11 in my letter, but in this case, this is the only one remaining, but I
12 do strongly feel that it is something that the board should require as
13 a condition of any approval that may be granted.
14

15 MR. LEVITON: Okay so we've taken care of Mr. Boccanfuso's
16 recommendations. Let's talk about the bulk relief that you're seeking
17 and we'll start down here with Mr. Wechsler. We'll go out to the
18 board. Are you finished?
19

20 MR. GARLICK: The only thing I'll add and just in case
21 anyone had any questions, I know there's a couple other items that Mr.
22 Boccanfuso had hit on. There's a lamp post that's in the setback.
23 That's going to be relocated. We don't know where it's going to be
24 relocated yet, but it will be compliant with any of the setbacks. So
25 it will not be in any of the setbacks. It'll be compliant with the
26 ordinance. So, if you wanted to make that a condition of any kind of
27 approval that you're considering tonight, we're happy to have that
28 also be a condition. There was also I think comment on the outdoor
29 kitchen and the covering of the outdoor kitchen. The covering of the
30 outdoor kitchen has been removed, and the outdoor kitchen permits will
31 be applied for. Again, we're here really to trying to do a global
32 resolution of everything that's outstanding whether its construction
33 permits that are not necessarily before the board or zoning issues
34 that are before the board. So that again was I think when the patio
35 was originally done that was that contractor who seemed to not follow
36 any rules and not file for any permits. So, the contractor that my
37 client's currently working with will be filing those for the outdoor
38 kitchen. If my client decides to proceed with the covering that was
39 originally on the outdoor kitchen, separate permits will be filed for
40 that as well.
41

42 MR. LEVITON: And what about and while you're bringing these
43 items up, what about the deck? The modifications to the deck?
44

45 MR. GARLICK: I believe the permit was already filed for
46 that.
47

1 MR. KRULICK: So, with the renovation that we're doing, a
2 permit has already been filed for the renovation of the deck. That has
3 already been, I believe the building department already came out once
4 already to do their initial inspection and so that has already been
5 addressed.

6
7 MR. LEVITON: It's really not under consideration this
8 evening, but good for you. Okay, Michael?

9
10 MR. WECHSLER: No questions Mr. Chairman. I was on their
11 property last night. I walked it.

12
13 MR. LEVITON: Okay good, thanks Mr. Wechsler.

14
15 MR. SHALIKAR: We're referring to the bulk variance or we're
16 referring to the testimony just given?

17
18 MR. LEVITON: Yeah, you can ask about the recommendations,
19 but yeah, the bulk variance is what he needs, that's what he's here
20 for.

21
22 MR. SHALIKAR: Can you walk me through again the pool
23 equipment, why zero feet?

24
25 MR. GARLICK: We're at three.

26
27 MR. SHALIKAR: You're at three now.

28
29 MR. GARLICK: I think we were originally at zero, and then
30 we've pulled it back to three.

31
32 MR. SHALIKAR: Okay where five is needed, is that right?

33
34 MR. GARLICK: Ten.

35
36 MR. SHALIKAR: Ten, okay. Is there a justification as to why
37 just for my knowledge?

38
39 MR. KRULICK: Yeah so, the pool that's on the property which
40 has been existing I think has been there since we bought the house and
41 I don't know when.

42
43 MR. SHALIKAR: Okay.

44
45 MR. KRULICK: '87 was when it was built? Yeah, so if you
46 come back ten feet from the existing property line, I think that goes
47 to almost three feet from the pool and so we just didn't feel like it
48 was a safe enough distance especially that's the deep end of the pool

1 and so we wanted to give at least a good enough space behind the pool
2 for people to get out and not have to worry about it being safe.
3 Again, when we did the patio a couple years ago, we tried to be as
4 close to where the original patio was based off of what we originally
5 had when we bought the house. I think it went back a couple more feet
6 behind that, but other than that we tried to be as close to where the
7 original patio was before we had to do work on it.

8
9 MR. SHALIKAR: Oh, was there an opportunity?

10
11 MS. MOENCH: That's correct. It was 1998 with a compliant
12 patio that's when it was installed.

13
14 MR. KRULICK: Oh okay, thank you.

15
16 MS. MOENCH: Sorry.

17
18 MR. SHALIKAR: And in terms of the pool equipment, was there
19 an opportunity to move the pool equipment somewhere that it wouldn't
20 have been a concern based on three feet versus ten feet?

21
22 MR. KRULICK: The pool equipment?

23
24 MR. GARLICK: So, the pool equipment, it's still non-
25 compliant, but it's at where ten feet is required, we're at six ten,
26 six feet ten inches.

27
28 MR. SHALIKAR: Okay.

29
30 MR. GARLICK: So, I just wanted to clarify the differences
31 between the two, but you can answer that question.

32
33 MR. KRULICK: So originally the pool equipment was really
34 very in the middle of the property close to the house. The issue that
35 existed was that we were having a lot of erosion that was happening on
36 the property from rainwater, and which caused us to have to redo the
37 backyard and the patio. At the time, my pool person said he doesn't
38 like the pool equipment there. One, it's right in the middle of the
39 walking area, and two he doesn't like the fact that there's a lot of
40 erosion going on. So, the idea was let's get the pool equipment as far
41 from the house as possible in a safer location and so they chose the
42 back end of the property. Again, I thought everything was being done
43 up to code, but come to find out when we went through our renovation,
44 it wasn't. So, the pool equipment is currently existing at its current
45 location right now which is why we're asking for the variance.

46
47 MR. SHALIKAR: Understood, no further questions Chair.
48

1 MR. LEVITON: So, you expanded the pool patio right to the
2 property line?

3
4 MR. KRULICK: Yes, unknowingly at the time. At least I
5 didn't realize and I know Mr. Wechsler was there yesterday and he
6 could see. When you go back there and you look at that property it's
7 hard to tell that my property line actually ends almost ten feet
8 beyond. The way the property is, is you go in the backyard it kind of
9 opens and then there's the fence that lines all the way around the
10 creek up into the drainage ditch. We knew that the property line was
11 somewhere back, but we didn't know exactly where. So, when we had
12 problems with the pool a couple years ago and we had to get the patio
13 done again, I said let's go as close as we can go to the original
14 patio. I think we went out a little bit further because there was once
15 a diving board. We got rid of that. I said let's go out a little bit
16 further just to give a little bit more space. Again, not thinking that
17 we were going even up to the property line just because of the way the
18 property exists. When we found out that we did go up to the property
19 line that's when we said OKAY obviously, we have to come back. What's
20 the furthest back? How far back can we go that we still feel is a safe
21 distance and aesthetically looks good? So that's why we chose the
22 three feet.

23
24 MR. LEVITON: Are you looking to sell your property? Do you
25 need to bring the property back into conformance? Is that why you're
26 here?

27
28 MR. KRULICK: I am putting so much money into this property;
29 I will be buried in that property if you allow me to.

30
31 MR. LEVITON: So, you're going to stay? You're going to be
32 staying?

33
34 MR. KRULICK: Oh, I'm going to be staying.

35
36 MR. LEVITON: Okay and.

37
38 MR. KRULICK: Not to make a joke out of it, but I am just
39 saying no we are not going anywhere. I grew up in Manalapan. I lived
40 in Manalapan since 1984, and we're going to stay here for as long as
41 we can.

42
43 MR. LEVITON: Basil?

44
45 MR. MANTAGAS: I'm a little bit confused Mr. Krulick. You
46 didn't work off of a survey when you were doing the pavers? You have a
47 survey for your property?

48

1 MR. KRULICK: So, when we originally did the backyard a
2 couple years ago, we did have a company come in, an engineering
3 company. I forgot the name of the company. I think it's something with
4 a K.

5
6 MR. MANTAGAS: Did they put stakes down on your property
7 line? Did they put stakes down on your property line to survey the
8 property?

9
10 MR. KRULICK: I don't recall. To be honest I really don't.

11
12 MR. LEVITON: Just in hedges.

13
14 MR. KRULICK: And I do recall having a meeting with the
15 engineers and surveyors and I think they basically said this is the
16 property line. I remember having a meeting with them saying everything
17 needs to be up to code. Everything needs to be in the properly
18 setbacks and all that stuff, and they were like yes, everything's
19 going to be fine. They gave me the plan. I said is everything within
20 code? Is this --- They said yes, and then I said OKAY well then go
21 ahead and do the project.

22
23 MR. MANTAGAS: So, then you hired a contractor to put the
24 pavers down and he went? How did he determine where the property line
25 was and where it was going to stop?

26
27 MR. KRULICK: That's a great question. I'm assuming he went
28 based off of whatever the engineers and the surveyors told him.

29
30 MR. MANTAGAS: So, you had to have a survey to look at.
31 That's what I'm saying.

32
33 MR. KRULICK: I'm assuming he did yes, but I did not see
34 one.

35
36 MR. LEVITON: I can see there was a survey submitted. This
37 is from last year.

38
39 MR. KRULICK: Yes, so maybe we could step back a little bit
40 and explain what happened. So, I think around 2021 we noticed that
41 there was an issue with the pool, and that the pool kind of shifted a
42 little bit because we were having a lot of erosion. I called the pool
43 guy. He said, listen I need to get underneath the pavers to fix the
44 pool because there was some damage done to the pool wall. I said OKAY.
45 So, we have to pull up the concrete patio that was existing at the
46 time. I said fine, well if you're going to do that and we're going to
47 pull all this stuff up I was like well let's do the backyard. Let's
48 redo the backyard because it was clearly old and hadn't been touched

1 in twenty-something years. So ultimately, we decided to redo the
2 backyard. We were going to put in an outdoor kitchen. We were going to
3 put in a pavilion in and redo the patio which is just remove the
4 concrete and put in pavers. So, we did that two years ago. At that
5 time, I thought everything was going to be permitted and properly done
6 through the contractor, and then a year ago and so they did all that
7 work. Everything went through. I, again, unknowingly thought
8 everything was permitted. A year ago, we had a flood in the house
9 which caused severe damage to the first floor as well as to the
10 basement area. Again, we're going to have to spend a lot of money to
11 rebuild things that were done twenty years ago. We said listen, we're
12 going to live here forever. Let's make this house the way we want it.
13 So, we decided to do an extension to the house. We decided to do a lot
14 of renovations to the interior of the house. At that time, we hired
15 another contractor to do that work. We hired an architect, etc., and
16 then we submitted an application. Then they had somebody come, they
17 did a full survey, as-built. The as-built survey that you see right.

18
19 MR. LEVITON: It's not as-built. This is just a regular
20 survey.

21
22 MR. KRULICK: Well, the survey you have is what is currently
23 existing. So, they did the survey. They submitted everything. They
24 filed for the application, and that's when I got a call from the
25 contractor, your backyards not permitted. At which time I was shocked,
26 and then said OKAY what do we have to do to get this right, and I
27 believe Mr. Boccanfuso was working with our architect here in
28 Manalapan. We have two architects on the project. Mr. Pizzimenti who
29 just sort of figured out; okay how do we address all the issues here.
30 We received the approval to go ahead with the renovations that we're
31 doing. At least as far as I understand it. Understanding that whatever
32 has to happen the fence will be removed and put in compliance, and
33 then the other work and then you'll need to file for a variance for
34 the pool equipment and the patio. So, we submitted the application for
35 the variance for the pool equipment and the patio knowing that the
36 fence is going to come in and which we've always said we will do that.

37
38 MR. LEVITON: Was it your contractor who identified the
39 encroachment into the setbacks?

40
41 MR. KRULICK: I believe it, I think it was the town that
42 notified us when we did it.

43
44 MR. LEVITON: What precipitated the town's involvement?

45
46 MR. KRULICK: Well because we were filing for a permit
47 application for the renovations itself.

1 MR. LEVITON: So, your contractor said I can't go any
2 further because nothing is permitted and that's the impetus for your
3 coming to the town? You approached the town?

4
5 MR. KRULICK: We came to the town to say we want to do an
6 extension to the house.

7
8 MR. GARLICK: Can I clarify?

9
10 MR. KRULICK: Yeah.

11
12 MR. GARLICK: So basically, two projects happen. The
13 backyard which is the patio and then the actual renovations to the
14 house. The renovations to the house went through the proper
15 procedures. Permits were taken out and the town was involved. I think
16 when those permits went to be closed out, the town realized that there
17 was other work that had been done previously on the rear yard that now
18 is not conforming which is why we're here today.

19
20 MR. LEVITON: That clears it up a lot, thank you.

21
22 MR. GARLICK: I do this a lot so I'm sorry. I should've
23 clarified. You're looking at two projects that happen maybe a year and
24 a half apart from each other. So, step two of the project has been
25 going through the town. The town's aware of the whole procedure. The
26 work that was done on the rear essentially just the patio around the
27 pool and movement of the equipment. That wasn't permitted and that's
28 why we're here today to clean all of this up.

29
30 MR. BOCCANFUSO: I can provide a little bit more clarity too
31 Mr. Chairman, a little more input. Certainly, can't speak to what was
32 done without permits, but in late last year I believe November, maybe
33 December perhaps October, a permit application was submitted to the
34 township for an addition in the rear of the dwelling, and during the
35 zoning review by my office of that permit application that's when all
36 these non-compliant issues came to light, and the zoning permit
37 application was initially denied because of it. Because we will not
38 issue a zoning permit when there are improvements that are not
39 permitted or non-compliant. Most of the time, we would require that
40 the zoning board application be filed before releasing any permit. In
41 this case Mr. Krulick was pretty fortunate. We actually let it go
42 ahead with the condition that the application be filed afterwards.
43 That has not been done since and probably will not be done again, but
44 we did allow it to move forward. It was basically conditioned upon
45 some things we've talked tonight as well as either bring the property
46 into compliance by relocating the pool equipment and cutting back the
47 patio or coming to the zoning board to seek approval. So, it was
48 during the zoning review that all of this kind of came out in the wash

1 and it was identified and that kind of slowly got us to where we are
2 today.

3
4 MR. LEVITON: Thank you Brian. The board commends you.

5
6 MR. KRULICK: Thank you.

7
8 MR. MANTAGAS: I just have one more thing. I know you said
9 from the property line three feet and you said ten foot is where the
10 setback is supposedly, right? So why wouldn't you cut that in half? So
11 if ten feet's too much you don't have enough, you said for the pool
12 for safety. So why not go half instead of three, go five? Would you
13 take that into consideration?

14
15 MR. KRULICK: We did. I think it was just based off of where
16 the patio is. It was just looking at it from the standpoint of where
17 the patio is relative to where we have the kitchen or wanted the
18 kitchen to be on the property line relative to where the pool is and
19 it was just about just spacing, I think is really. Also, we took into
20 account cost and trying to minimize the amount of work that has to be
21 done, but again I think we're open to if it needs to come back five
22 feet or three, it's okay with us.

23
24 MR. MANTAGAS: So, if it came down to that, you'd be
25 agreeable to that?

26
27 MR. KRULICK: Yeah, I think if it came down to saying hey
28 five feet, I think we'd be fine with that, yeah.

29
30 MR. MANTAGAS: Okay, alright thank you.

31
32 MR. LEVITON: Thank you Mr. Mantagas. Stacey?

33
34 MS. KLOMPUS: I think what I was looking at has already been
35 answered. I'm good.

36
37 MR. LEVITON: Dan?

38
39 MR. POCHOPIN: Thank you Mr. Chairman. So, there's a lot
40 going on here with the two different contractors. A lot of my
41 questions also were answered, but about the fencing, the light post
42 being removed, the swing set, and everything ---.

43
44 MS. MOENCH: Do you have the mic on? The microphone ---

45
46 MR. POCHOPIN: Thanks. So, my question is more concern about
47 your filter. You were more concerned about the deterioration of the
48 filter being there and I noticed that you have, was that French drain

1 added in back there because of the grading with flooding? Because you
2 said you had a flood down the basement, etc. I'm a little bit more
3 concerned about the grading perhaps now more than actually the
4 placement of the filter and deterioration of a filter.

5
6 MR. GARLICK: The flood was a pipe, right?

7
8 MR. KRULICK: The flood was the pipe in the laundry room.

9
10 MR. GARLICK: It was a burst pipe interior that caused the
11 flooding in the house.

12
13 MR. POCHOPIN: Oh okay. So, it wasn't coming from outside
14 with grading?

15
16 MR. KRULICK: No, no, no there was a valve in the washing
17 machine that broke while nobody was in the house.

18
19 MR. POCHOPIN: Yes.

20
21 MR. KRULICK: And so.

22
23 MR. GARLICK: It just kept going.

24
25 MR. KRULICK: And it just keeps going for probably about
26 four or five hours until my nanny came home and told me. I was
27 actually in Florida when it happened and she said there's water
28 everywhere, and I said there's a valve downstairs in the basement for
29 all of the water that comes into the house, turn it off until we
30 figure out what happened.

31
32 MR. POCHOPIN: Good old gate valves.

33
34 MR. KRULICK: Yeah, and we ultimately found out that it was
35 the washing machine we had and that's when we were like okay. That's
36 when we decided there's so much damage here, we're going to have to
37 basically redo our entire kitchen, our first floor, and so again we
38 decided let's go through this process of renovating the house. It's
39 been a whole year. It's been a very trying time for us to be honest
40 with you.

41
42 MR. POCHOPIN: And the construction permits, they were just
43 interior again? No footings outside in the back?

44
45 MR. KRULICK: Well, the only thing that was permitted for
46 was for the modification to the deck. They also did permit for
47 footings for the extensions that were done to the front of the house
48 as well as for the extensions that were done to the back of the house.

1
2 MR. POCHOPIN: Okay.

3
4 MR. KRULICK: So, all of that has been fully permitted,
5 fully inspected. Thankfully, knock on wood, everything's been going as
6 planned. We're probably still about three months from completion on
7 the renovations that we're working on, and as part of that process as
8 I said we are adamant about getting everything that's in the backyard
9 up to code. I'll be honest I'm mortified that I'm actually sitting
10 here asking for this because I've always lived my life as someone who
11 follows the rules. So, when I found out about this I was really just
12 was mortified, and I'm sorry that we have to have these conversations
13 and that's why when I found out the pavilion wasn't proper, I said and
14 my contractor said what do you to do. Tear it down. Just tear it down.
15 We'll rebuild it, I don't care. Let's get this right. Let's do the
16 right thing with the town because that's not the type of person that I
17 am.

18
19 MR. POCHOPIN: Very good. I'm sorry to hear about your
20 flood, but I'm glad to hear it had nothing to do with the grading.

21
22 MR. KRULICK: No thankfully no. We've never had any flooding
23 in the basement. The property, the house sits here, the pool is down
24 here, and so all the rain water just kept pushing against the pool
25 wall.

26
27 MR. POCHOPIN: Into the drain, yeah exactly.

28
29 MR. KRULICK: And then that's what caused the pool to crack
30 and that's why we needed to do the work we did.

31
32 MR. POCHOPIN: Okay very good thank you.

33
34 MR. LEVITON: Jessica?

35
36 MS. LEVENSON: I have a few questions. You've mentioned
37 several times you're having work done in the house, is that currently
38 just the modification of the rear deck? Is that the work that's going
39 on?

40
41 MR. KRULICK: No, no the work that's being done on the house
42 is a massive renovation to the house. We did a full extension to the
43 front of the house. We bumped out about three feet on either side of
44 the door. We did an extension in the back of the house. We extended
45 the kitchen out seven feet into the back of the property. We basically
46 opened up the entire first floor and so we did some work in the master
47 bath as well. So there's a full renovation of the house we are
48 currently undergoing. In addition to that we also because we had to go

1 back sorry back into the back of the house, we are doing a
2 modification of the deck that was existing or was there and that deck
3 is being permitted as part of this renovation that we're doing to the
4 house.

5
6 MS. LEVENSON: Okay and then you had mentioned the pool
7 equipment had been moved. I missed the year. Was that recently?

8
9 MR. KRULICK: That was two years ago, yes.

10
11 MR. GARLICK: So, when the patio that was now we know is
12 non-compliant what we're here modifying, when that patio was redone
13 the pool equipment was moved at the same time.

14
15 MR. KRULICK: Yes.

16
17 MS. LEVENSON: Where was the pool equipment prior?

18
19 MR. KRULICK: The pool equipment was probably I want to say
20 about ten feet from the house in the middle really smack dab of the
21 middle of the backyard. So, if you looked at the back of the property,
22 I don't know if you have a survey in front of you right now. It was
23 probably where the stairs coming up to the deck meet that level of the
24 deck, that's where the pool equipment was around that area. Give or
25 take where I guess probably the kitchen is where you see on there is
26 probably in that area. So, the pool equipment was smack dab in the
27 middle of the property.

28
29 MS. BAKER-LEVENSON: Okay, I don't have any questions right
30 now.

31
32 MR. LEVITON: Thank you Ms. Baker-Levenson. Mr. Krulick it's
33 nice to hear you laughing earlier and expressing embarrassment instead
34 of anger. It's just refreshing. It's also good you're going to bring
35 your property back into conformance and we're glad you're going to
36 stay here.

37
38 MR. KRULICK: Thank you.

39
40 MR. LEVITON: You're welcome. I mean it's not an easy thing
41 to come before this board. It's intimidating. It doesn't always go
42 well. You can't always please everyone. I have no problems with the
43 bulk relief and I'm glad you're amenable to contracting for the as-
44 built survey. I'm satisfied. Mr. Marmero?

45
46 MR. MARMERO: No, do you want me to sum it up or do you want
47 to go out to public?
48

1 MR. LEVITON: I'll go out to public. Is there anyone who
2 wants to address the board or ask questions?

3
4 MR. GARLICK: If you guys are comfortable, come on up.
5 You're good? Okay.

6
7 MR. LEVITON: So just --- You can't talk from there.
8 Remember all of the proceedings are recorded and transcribed. So they
9 have to be officially. You need to be sworn in. I'm not trying to
10 dissuade you. The microphone is right here if you want to come up and
11 talk, you're more than welcome. Yeah, it's probably wise. Things are
12 going well for you as it is.

13
14 MR. BOCCANFUSO: Mr. Chairman just before we go to Mr.
15 Marmero to summarize there is one other thing, I think the board
16 should consider if there is going to be an approval as far as a
17 condition in that some type of time frame associated with the things
18 that the applicant has agreed to do. Specifically, the relocation of
19 the fence and the permit required for same, permit application for the
20 outdoor kitchen whether it's covered or not, it does require a
21 separate permit application, and there was one other. I apologize I
22 just had it all in my head.

23
24 MR. LEVITON: Yeah, it's the lamp post and the fence.

25
26 MR. BOCCANFUSO: No, the application for the Shade Tree,
27 tree clearing permit. I would, I guess ask the applicant. I mean is
28 something in the order of sixty or ninety days agreeable to you?

29
30 MR. KRULICK: Yeah, so yeah if I can just adjust that. So,
31 sixty to ninety days doesn't seem like a problem. We have an architect
32 coming out supposed to be Monday to do a full plan for the pavilion
33 and the outdoor kitchen and how that's going to be done, and then
34 we'll file the necessary permits for that. I should hopefully be able
35 to be done in sixty to ninety days. As far as the fence goes, I don't
36 foresee a sixty to ninety day problem. I mean ninety days would be
37 better just because I know things. I've come to unfortunately
38 understand that contractors and people don't move as quickly as you
39 would like them and so sometimes things can take a little time, but I
40 would say sixty to ninety days.

41
42
43 MR. GARLICK: If I can, if we could just say ninety days. I
44 think tree permit.

45
46 MR. KRULICK: We'll get that.

47

1 MR. GARLICK: Kitchen permit that's going to get filed right
2 away. It's a matter of just filling out the documentation. I think
3 other than maybe a professional looking at the property and doing what
4 needs to be done, but my other thought is we're putting these numbers
5 on right? I don't know how quickly the board is and not putting
6 pressure on you, gets the resolutions ready and prepared to vote. I'm
7 guessing maybe another thirty days.

8
9 MR. MARMERO: --- next meeting ---

10
11 MR. GARLICK: From the resolution so there's a little bit of
12 a buffer also built in there that gives us.

13
14 MR. MARMERO: --- resolution

15
16 MR. BOCCANFUSO: Yeah, I'm good.

17
18 MR. LEVITON: Two weeks.

19
20 MR. GARLICK: I know you have every two weeks. I wasn't
21 putting on pressure on counsel to.

22
23 MR. LEVITON: He's so good.

24
25 MR. GARLICK: Better than I am.

26
27 MR. LEVITON: Johnny on the spot really.

28
29 MR. GARLICK: At preparing my resolutions.

30
31 MR. LEVITON: He's never late. Maybe every now and then.

32
33 MR. GARLICK: It's still a little bit of a buffer if he's
34 thinking ninety days, he might be thinking ninety days from today. If
35 there's two weeks it gives us a little bit.

36
37 MR. LEVITON: It can't run indefinitely.

38
39 MR. GARLICK: Understood, completely understood.

40
41 MR. KRULICK: No absolutely no. It won't run indefinitely. I
42 can promise you that.

43
44 MR. LEVITON: You're as good as your word and we'll take you
45 at it.

46
47 MR. KRULICK: Okay.

1 MR. BOCCANFUSO: I mean whatever the board's amenable to.
2 What I would say is the threshold requirement should be permit
3 application. They should have to make permit application within
4 whatever time frame you establish. Fence permit takes about ninety
5 seconds to prepare. We could probably have it prepared before we all
6 went home tonight, but if the board feels comfortable granting Mr.
7 Krulick ninety days to get it done so be it. That's fine. I don't have
8 an issue with it. It's been this long already. I don't see the
9 difference between sixty and ninety days quite honestly all that
10 different, but it's up to you guys.

11
12 MR. LEVITON: Ladies and gentlemen? Ninety days it will be.

13
14 MR. KRULICK: Thank you.

15
16 MR. BOCCANFUSO: Thank you Mr. Chairman. That's all I have
17 to add.

18
19 MR. LEVITON: Thank you for your contribution. You said as
20 much in your recommendation letter and I neglected to impose a
21 timeline so forgive me. Albert?

22
23 MR. MARMERO: Sure. So, to sum up what you've heard this
24 evening and what the relief that's being granted and the bulk relief
25 that you heard is relatively simple, but some of the other stuff going
26 on on the property is a little more complex and we are --- some
27 conditions into the approval should the board grant it. I'll go over
28 some of the ones we discussed starting with the bulk relief. So, we
29 had a side yard issue dealing with pool equipment. The side yard ---is
30 ten feet. The applicant has approximately 6.8 feet or six feet ten
31 inches, and then we have the issue with the rear yard that's required.
32 Again, ten feet is required. There's a patio issue that was starting
33 at zero setback and now we have a three foot setback. At least have
34 some --- There was some discussion --- and as proposed it's a three
35 foot setback, and then the terms of conditions that came up. So,
36 there's the encroaching fence that the applicant has indicated will be
37 removed and replaced with a new compliant fence. We heard about a
38 swing set that's already been removed. We heard about the shed that's
39 located in the municipal region that's already been removed. The
40 applicant agreed to work with the township forester and that's to
41 replace any trees that are necessary north of the property line. This
42 is in respect to the three trees that fell and the forester would
43 determine any need to replace --- required to replace would be an
44 appropriate species. The applicant has agreed to comply with any
45 N.J.D.E.P. regulations of course in addition to any other outside
46 agencies that might have jurisdiction. The applicant has agreed to
47 provide an as-built survey to confirm compliance with any board
48 removal or any conditions and then of course confirm the accuracy of

1 any --- work. The applicant has agreed to relocate the lamppost
2 that's located within township property to a compliant location. The
3 applicant has agreed that the --- of the application has already been
4 removed and - - - the permit application will be filed, and with
5 respect to these conditions specifically the fence relocation, the
6 application permit, the tree permit, and any other associated ones the
7 applicant has agreed that he would take care of those issues within
8 ninety days from memorialization of a resolution. So probably at the
9 next meeting unless we don't have one. It's at the meeting after that.
10 I'm sure within thirty days. That sums it up.

11
12 MR. LEVITON: Board, anything else? Then I'll ask someone to
13 make a motion.

14
15 MR. SHALIKAR: I'll make the motion to approve the
16 application with all the conditions as stipulated by our counsel.

17
18 MR. WECHSLER: I'll second.

19
20 MR. LEVITON: Thank you Shalika and Wechsler.

21
22 **ROLL CALL**

23
24 MS. MOENCH: Mr. Shalika?

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26 MR. SHALIKAR: Yes.

27
28 MS. MOENCH: I'm sorry, Ms. Klompus?

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30 MS. KLOMPUS: Yes.

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32 MS. MOENCH: Mr. Mantagas?

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34 MR. MANTAGAS: Yes.

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36 MS. MOENCH: Mr. Wechsler?

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38 MR. WECHSLER: Yes.

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40 MS. MOENCH: Mr. Pochopin?

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42 MR. POCHOPIN: Yes.

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44 MS. MOENCH: Ms. Levenson?

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46 MS. LEVENSON: Yes.

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48 MS. MOENCH: Chair Leviton?

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2 MR. LEVITON: Mr. Krulick I hope that these proceedings will
3 ameliorate some of the anxiety that you've been experiencing. Your
4 addition sounds spectacular and I wish you many years on behalf of the
5 board of health and happiness.

6
7 MR. KRULICK: Thank you, thank you very much. Thank you to
8 everyone.

9
10 MR. LEVITON: You're welcome. Mr. Garlick, thank you. At
11 this time, I'm going to go out to the public and ask if there's anyone
12 in attendance who wants to address the board on non-agenda items.
13 Seeing none, I'll close public and I'll ask for someone to move for
14 adjournment.

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16 MR. MANTAGAS: So, moved.

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18 MR. LEVITON: Thank you Basil.

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