

1 **MEETING IS CALLED TO ORDER:**

2
3 MR. LEVITON: Testing, okay. Greetings everyone. Okay, I'm
4 going to call the meeting to order and ask you all to stand for a flag
5 salute.
6

7 **SALUTE TO THE FLAG**

8
9 MR. LEVITON: Pursuant to section five of the Open Public
10 Meetings Act, notice of this meeting of the Manalapan Township Zoning
11 Board of Adjustment was sent and advertised in the Asbury Park Press.
12 A copy of that notice was posted on the bulletin board where public
13 notices are displayed here in the municipal building. In addition, a
14 copy of this notice is and has been available to the public and is on
15 file in the office of the municipal clerk. Accordingly, this meeting
16 is deemed in compliance with the Open Public Meetings Act. Roll call,
17 please.
18

19 **ROLL CALL**

20
21 MS. MOENCH: Mr. Shalika?

22
23 MR. SHALIKAR: Yes.

24
25 MS. MOENCH: Mr. Weiss? Absent. Mr. Harrington?

26
27 MR. HARRINGTON: Here.

28
29 MS. MOENCH: Ms. Klompus?

30
31 MS. KLOMPUS: Here.

32
33 MS. MOENCH: Mr. Mantagas is absent today. Mr. Wechsler?

34
35 MR. WECHSLER: Here.

36
37 MS. MOENCH: Mr. Pochopin?

38
39 MR. POCHOPIN: Here.

40
41 MS. MOENCH: Ms. Levenson?

42
43 MS. LEVENSON: Here.

44
45 MS. MOENCH: Ms. Latilla?

46
47 MS. LATILLA: Here.
48

1 MS. MOENCH: Mr. Hughes?

2
3 MR. HUGHES: Here.

4
5 MS. MOENCH: Chair Leviton?

6
7 MR. LEVITON: Here. Okay, we need to accept the minutes from
8 August 21st. Will someone move to do so?

9
10 MS. KLOMPUS: I move to accept the minutes.

11
12 MR. LEVITON: Thank you Ms. Klompus, and will someone second
13 that motion?

14
15 MR. HARRINGTON: I'll second the motion.

16
17 MR. LEVITON: Thank you Mr. Harrington.

18
19 **ROLL CALL**

20
21 MS. MOENCH: Mr. Harrington?

22
23 MR. HARRINGTON: Yes.

24
25 MS. MOENCH: Ms. Klompus?

26
27 MS. KLOMPUS: Yes.

28
29 MS. MOENCH: Ms. Levenson?

30
31 MS. LEVENSON: Yes.

32
33 MS. MOENCH: Ms. Latilla?

34
35 MS. LATILLA: Yes.

36
37 MS. MOENCH: Mr. Hughes?

38
39 MR. HUGHES: Yes.

40
41 MS. MOENCH: Chair Leviton?

42
43 MR. LEVITON: Yes. We also need to accept the minutes from
44 September 4th. Will someone move to do so?

45
46 MS. KLOMPUS: I move to accept the minutes from September
47 4th.

48

1 MR. LEVITON: Thank you Ms. Klompus, and will someone second
2 the motion?

3
4 MS. LATILLA: I'll second it.

5
6 MR. LEVITON: Thank you Ms. Latilla.

7
8 **ROLL CALL**

9
10 MS. MOENCH: Mr. Shalika?

11
12 MR. SHALIKAR: Yes.

13
14 MS. MOENCH: Mr. Harrington?

15
16 MR. HARRINGTON: Yes.

17
18 MS. MOENCH: Ms. Klompus?

19
20 MS. KLOMPUS: Yes.

21
22 MS. MOENCH: Mr. Pochopin?

23
24 MR. POCHOPIN: Yes.

25
26 MS. MOENCH: Ms. Latilla?

27
28 MS. LATILLA: Yes.

29
30 MS. MOENCH: Mr. Hughes?

31
32 MR. HUGHES: Yes.

33
34 MS. MOENCH: Chair Leviton?

35
36 MR. LEVITON: Yes. Okay, there are two resolutions to
37 memorialize. The first one is ZBE2527. Mr. Marmero, it was a denial.

38
39 MR. MARMERO: Yes, yes. This was an application where the
40 applicant was looking to legitimize an existing driveway with a zero
41 foot setback. The application was amended during the presentation to a
42 three foot setback, but nonetheless it was a denial.

43
44 MR. LEVITON: Will someone move to memorialize?

45
46 MR. SHALIKAR: I'll make a motion to memorialize.

47

1 MR. LEVITON: Thank you Mr. Shalikar. Will someone make a
2 motion
3
4 MS. MOENCH: No, Mr. Shalikar is unable to vote.
5
6 MS. LATILLA: Yeah, he can't.
7
8 MR. SHALIKAR: I can't vote?
9
10 MS. MOENCH: Because you voted no on the application.
11
12 MR. LEVITON: Yes.
13
14 MR. LEVITON: Stacey, Dan, or Temika need to move to
15 memorialize.
16
17 MS. KLOMPUS: So, I'll move to memorialize.
18
19 MR. LEVITON: Thank you, thank you Stacey, and will one of
20 you?
21
22 MS. POCHOPIN: I'll second.
23
24 MR. LEVITON: And thank you Dan for seconding the motion.
25
26 MS. MOENCH: So, the first was Ms. Klompus and the second
27 was Mr. Pochopin?
28
29 MR. LEVITON: Correct.
30
31 MS. MOENCH: Thank you, okay.
32
33 **ROLL CALL**
34
35 MS. MOENCH: Ms. Klompus?
36
37 MS. KLOMPUS: Yes.
38
39 MS. MOENCH: Mr. Pochopin?
40
41 MR. POCHOPIN: Yes.
42
43 MS. MOENCH: Ms. Latilla?
44
45 MS. LATILLA: Yes.
46
47 MR. LEVITON: Alright, and the next one, Mr. Marmero, is
48 ZBE2524.

1
2 MR. MARMERO: Sure, the next one the applicant is looking to
3 do a single-family home on a recently or somewhat recently subdivided
4 lot. He lives nearby. He's going to be living at this new location.
5 That single-family home ---

6
7 MR. LEVITON: Thank you Albert. Will someone move to
8 memorialize?

9
10 MR. SHALIKAR: I'll make the motion for this one to
11 memorialize .

12
13 MR. LEVITON: Thank you Mr. Shalika. Will someone second
14 it?

15
16 MS. KLOMPUS: I'll second.

17
18 MR. LEVITON: Thank you Ms. Klompus.

19
20 **ROLL CALL**

21
22 MS. MOENCH: Mr. Shalika?

23
24 MR. SHALIKAR: Yes.

25
26 MS. MOENCH: Mr. Harrington?

27
28 MR. HARRINGTON: Yes.

29
30 MS. MOENCH: Ms. Klompus?

31
32 MS. KLOMPUS: Yes.

33
34 MS. MOENCH: Mr. Pochopin?

35
36 MR. POCHOPIN: Yes.

37
38 MS. MOENCH: Ms. Latilla?

39
40 MS. LATILLA: Yes.

41
42 MS. MOENCH: Chair Leviton?

43
44 MR. LEVITON: Yes. Our first public hearing tonight is Ambe
45 Holding, and on behalf of Mr. Halari, we have Mr. Alfieri.

46
47 MR. ALFIERI: Yes sir.
48

1 MR. LEVITON: Welcome to both of you. Bhaskar, I imagine
2 you're just going to be quiet and let him do all the talking?

3
4 MR. HALARI: Yes.

5
6 MR. LEVITON: Good. We'll have you out of here in thirty
7 seconds.

8
9 MR. ALFIERI: Thank you Mr. Chair. Members of the board,
10 Salvatore Alfieri of Cleary, Giacobbe, Alfieri & Jacobs. I'm here on
11 behalf of the applicant.

12
13 MR. LEVITON: Turn the microphone on. At the bottom push the
14 button.

15
16 MR. ALFIERI: Is that better?

17
18 MR. LEVITON: Yes.

19
20 MR. ALFIERI: Yes? Apologies, as I said Sal Alfieri of
21 Cleary, Giacobbe, Alfieri, & Jacobs on behalf of the applicant. We're
22 here tonight to get an extension of a prior approval. More
23 specifically there's two aspects of that approval we're seeking an
24 extension on. The prior approval was for a minor subdivision which
25 also included a use variance. The use variance was associated with
26 specific uses at the site, more specifically, indoor recreation and
27 activities. So, we're here tonight because we need an extension on two
28 aspects. One to perfect the minor subdivision and before we can
29 perfect that minor subdivision my client needs additional time to
30 complete a planting aspect of the prior approval. So, we're looking
31 for an extension to the end of the year which would give us time to
32 get the plantings in, and then perfect that minor subdivision.

33
34 MR. LEVITON: Thank you Mr. Alfieri. Board members, any
35 objection? Will someone move to grant the extension of time please?
36 I'm sorry. Let's go to Mr. Marmero first.

37
38 MR. MARMERO: So, it's a couple aspects. One of the things
39 is you need some additional time to perfect the subdivision. This
40 Board does have power to grant that additional time. With respect to
41 the extension of the subdivision or I guess --- we need some testimony
42 --- has been with respect to that subdivision.

43
44 MR. AFLIERI: Absolutely and we do have the Applicant who's
45 also the engineer who can provide that testimony.

46
47 MR. MARMERO: Yes, or it could be you just summing it up.
48

1 MR. ALFIERI: Absolutely so essentially the reason why we
2 can't perfect the subdivision is we need to complete the plantings
3 here at the site. Once we complete those plantings then we can file
4 the map with the town, then we can go ahead and perfect this minor
5 subdivision. So, we need to put, we can't put the cart before the
6 horse here. We need to go and complete those plantings, and then once
7 we complete those plantings we could move forward, and get the
8 subdivision perfected.

9
10 MR. MARMERO: Okay, and with respect to the plantings is
11 that the landscape screen as part of that condition?

12 MR. ALFIERI: Yes exactly. So, there was a condition that it
13 be completed by May of this year and there were some delays with that
14 and if needed we can get into the details, but essentially, we expect
15 the plantings to be completed in short order.

16
17 MR. LEVITON: This is the berm that's up high?

18
19 MR. MARMERO: This is - - - they were here previously this
20 year there was some problems. - - -

21
22 MR. LEVITON: Yeah.

23
24 MR. MARMERO: So, we did a apply a condition that the screen
25 needed to be completed by May of 2025. So, this would extend that
26 timeline as well which it sounds like you're talking to the engineer.

27
28 MR. ALFIERI: Well, the screen, we actually expect to get
29 done before that. The additional time after to the end of the year is
30 to perfect the subdivision just so that with holidays, vacations, etc.

31
32 MR. LEVITON: Anything else?

33
34 MR. MARMERO: No, I just wanted to give you guys a
35 background if --- the ability to extend the timeline on the
36 subdivision and with respect to the screening, the landscape
37 screening, that was a condition you guys applied. So, you can amend
38 that as well.

39
40 MR. LEVITON: Any thoughts? Then will someone move to
41 approve the extension of time?

42
43 MR. SHALIKAR: I'll make a motion to approve the extension.

44
45 MR. LEVITON: Thank you Mr. Shalikar, and will someone
46 second it?

47
48 MR. WECHSLER: I'll second it.

1
2 MR. LEVITON: Thank you Mr. Wechsler.
3

4 **ROLL CALL**
5

6 MS. MOENCH: Mr. Shalika
7

8 MR. SHALIKAR: Yes.
9

10 MS. MOENCH: Mr. Harrington?
11

12 MR. HARRINGTON: Yes.
13

14 MS. MOENCH: Ms. Klompus?
15

16 MS. KLOMPUS: Yes.
17

18 MS. MOENCH: Mr. Wechsler?
19

20 MR. WECHSLER: Yes.
21

22 MS. MOENCH: Mr. Pochopin?
23

24 MR. POCHOPIN: Yes.
25

26 MS. MOENCH: Ms. Levenson?
27

28 MS. LEVENSON: Yes.
29

30 MS. MOENCH: Chair Leviton?
31

32 MR. LEVITON: Yes. Before I let you go, are you still
33 friends with Dustin?
34

35 MR. ALFIERI: Yes.
36

37 MR. LEVITON: Send him my best regards.
38

39 MR. ALFIERI: Absolutely.
40

41 MR. LEVITON: Okay.
42

43 MR. ALFIERI: Thank you. Thank you everyone. Have a great
44 night.
45

46 MR. LEVITON: Mr. Halari, we'll see you soon. Okay, Mr. Rago
47 application ZBE2521, and it's your turn. Come on up. You're here for
48 the proposal of an oversized garage and you've brought.

1
2 MR. RAGO: Correct, yes.

3
4 MR. LEVITON: You've brought whom?

5
6 MR. RAGO: My father-in-law.

7
8 MR. VACARELLO: I'm the father-in-law.

9
10 MR. LEVITON: Oh, then you're not both Rago's.

11
12 MR. RAGO: No.

13
14 MR. VACARELLO: No, no.

15
16 MR. LEVITON: You're?

17
18 MR. VACARELLO: Rob Vaccarello.

19
20 MR. LEVITON: Mr. Vaccarello, very nice to meet you. You'll
21 both be sworn in by our board attorney.

22
23 MR. MARMERO: If you would both raise your right hand. Do
24 you swear the testimony you will provide tonight will be the truth,
25 the whole truth, and nothing but the truth?

26 MR. RAGO: Yes, we do.

27
28 MR. VACARELLO: Yes.

29
30 MR. MARMERO: Okay then please state your name for the
31 record.

32
33 MR. VACARELLO: Robert Vaccarello.

34
35 MR. RAGO: Joseph Rago.

36
37 MR. VACCARELLO: 162 Sunnymede Englishtown, New Jersey.

38
39 MR. MARMERO: And what's the first name? I'm sorry.

40
41 MR. VACARELLO: Robert.

42
43 MR. MARMERO: Robert? And you're testifying?

44
45 MR. VACARELLO: Yes.

46
47 MR. LEVITON: Okay. Who's going to be doing the primary
48 talking?

1
2 MR. VACARELLO: Well, I guess I'll talk. We're looking to
3 build an oversized garage. My son-in-law purchased the house in 2016.
4 We did some upgrades in it. It was a ranch home. In 2017, they got
5 married. They moved in there and so they're there now. The property
6 was built in 1960. I think it's 4.3 acres, and so we're looking, and
7 in 2022, we took out a permit and we built a second story on the
8 house.

9 MR. LEVITON: The proceedings here are recorded, and then
10 they're transcribed later. So, every word spoken needs to be picked up
11 by the mic.

12
13 MR. VACARELLO: And so, in '22 we took out a permit. We put
14 a second story on it. We were going to do an attached garage, but we
15 decided that we would do it at a later time. My son-in-law and myself,
16 we collect antique cars, motorcycles, and boats and so we were looking
17 to build an oversized garage on the property in the rear of the yard.
18 The property is unique. There's only one neighbor to the right of it
19 looking at the property from the street. There's a multi-dwelling
20 across the street, and then there's a commercial site to the left of
21 the property. So, the structure that we're looking to develop, it
22 would be all the way in the back of the property like I said. The site
23 is 4.3 acres. We initially came in with a large.

24
25 MR. LEVITON: I'm going to interrupt because when you say
26 all the way in the back that might be a little misleading because
27 there's an encroachment into the front setback as well. The front
28 setback is 200 feet. You're going to be maybe 160. I don't have it in
29 front of me.

30
31 MR. VACARELLO: Right. Right, but it's sort of in the middle
32 of the property. It's behind the house.

33
34 MR. LEVITON: Okay, but there's a front yard encroachment
35 and let's make that clear for the record. Continue.

36
37 MR. VACARELLO: But I think that issue was when the issue
38 came up on the 80 by 100, we reduced it now to 60 by 80, and I believe
39 that a lot of those non-compliant issues were resolved.

40
41 MR. LEVITON: Well.

42
43 MR. VACARELLO: I submitted new plans.

44
45 MR. LEVITON: So.

46
47 MR. VACARELLO: And I guess Mr. Chairman at the end.
48

1 MR. LEVITON: I understand you submitted your initial
2 application requesting an 80 by 100 foot pole barn that you were going
3 to use as a garage for your collection, and you noticed to the public
4 for that. So, anything that substantially or materially different than
5 that, this board may have to hear at a later date. I just want to let
6 you know. Tell us what it is that you change about your plan.

7
8 MS. MOENCH: Can I just? I just want to, everything that's
9 in front of you guys is the original plan.

10
11 MR. LEVITON: 80 by 100.

12
13 MR. VACARELLO: Right.

14
15 MS. MOENCH: The Board members are looking at your original
16 submission. You have a revised plan. That plan was not submitted to
17 our office within 10 days of the meeting so the plan you are speaking
18 about is not what they have in front of them.

19
20 MR. VACARELLO: I have.

21
22 MS. MOENCH: I understand, but like I said it was too late.
23 So, if you want to present the plan as an exhibit, then the Board
24 members will be looking at the same plan you are speaking about. And
25 everyone will be on the same page

26
27 MR. VACARELLO: Okay.

28
29 MR. LEVITON: Any exhibit that you'll present will be marked
30 and recorded for the record.

31
32 MR. VACARELLO: Okay.

33
34 MR. LEVITON: Thank you Mr. Rago. Janice?

35
36 MR. MARMERO: For the record, --- exhibit so exhibit A would
37 be the October 8, 25 central elevations and exhibit B would be revised
38 plot plan.

39
40 MR. LEVITON: Janice?

41
42 MR. MARMERO: Sorry A1, A2.

43
44 MR. LEVITON: Janice? I believe I've seen what the applicant
45 has just distributed. It's already in the file. I reviewed the file
46 earlier this afternoon.

1 MS. MOENCH: It's on the Google Drive, correct. But that is
2 not what is front of you.

3
4 MR. LEVITON: Okay.

5
6 MR. LEVITON: I understand. Everyone else understands now as
7 well. So, if you have not reviewed the application today, then the
8 material that was just handed to you is currently what the applicants
9 are proposing.

10
11 MR. MARMERO: And Mr. Chairman just so you know, Janice
12 brought it to my attention that they were going to bring some exhibits
13 tonight. It was the plans for - - - including the packet. You guys ask
14 a lot of applicants to amend the application to something less and as
15 long as it's something less in scope it's fine. If they came with a
16 plan that was bigger than what's on file, you'd have an issue. So, you
17 have the ability to evaluate and potentially approve this, but if you
18 gave them more time or if you have questions based on what's been
19 submitted, you have that - - - too.

20
21 MR. LEVITON: You've reduced the size of the pole barn from
22 8,000 square feet to 4,800 square feet.

23
24 MR. VACARELLO: Correct.

25
26 MR. LEVITON: Forty-eight hundred square feet can hold
27 comfortably twenty-five cars.

28
29 MR. VACARELLO: Yeah, we were thinking between twenty and
30 twenty-three cars. You need the opening at the entrance to jack your
31 cars around.

32
33 MR. LEVITON: How many cars do you have?

34
35 MR. VACARELLO: I have a dozen motorcycles, cars, and boats.

36
37 MR. LEVITON: And Mr. Rago?

38
39 MR. RAGO: I have.

40
41 MR. LEVITON: Rago, forgive me.

42
43 MR. RAGO: No problem, a twenty-eight foot boat which also
44 includes the trailer which also needs room to get in and out. I have
45 ATVs and trailers that I would like to keep inside instead of outside
46 as an eye sore. I have five or six trucks that I would like to fix up
47 and restore and enjoy instead of them being outside and getting
48 weathered and rusty.

1
2 MR. LEVITON: I understand. Gentlemen, let me just go to my
3 administrator Mr. Boccanfuso. You wrote a memo to the board. Do the
4 applicants have access to that? Have they seen it?

5
6 MR. BOCCANFUSO: Yes.

7
8 MR. LEVITON: So, I'm referring to the memo that he wrote to
9 us dated May 14th.

10
11 MR. VACARELLO: Right, I have that one. That's the May 14th
12 letter, right with the items.

13
14 MR. LEVITON: You've read it? You've seen it?

15
16 MR. VACARELLO: Yes.

17
18 MR. LEVITON: So, you have every right to represent
19 yourself. There's no need for you to hire a lawyer, if you are
20 prepared to discuss tonight the technical and the legal aspects
21 required for this board to grant you the relief that you seek?

22
23 MR. RAGO: Yes.

24
25 MR. VACARELLO: Yes.

26
27 MR. LEVITON: Because one of the things that Mr. Boccanfuso
28 advised this board, let me find it for you and I'll tell you where it
29 is. Number two, he asks that for this board to grant variance relief
30 that you need, you're going to need to demonstrate that the Pole barn
31 advances one or more of the purposes of the municipal land use law.
32 That you're seeking a C2 variance for this pole barn that we can grant
33 to you. We have the ability to do that, but we need to hang our hat on
34 something. It's not a hardship, that'd be a C1. This is a C2 variance
35 and you need to advance one of the purposes of the MLUL and I've got
36 to say that's a heavy lift. I often like to help applicants get to
37 where they need to be and I would love to help you, but I have to be
38 honest. The one that I always go to is I, purpose I. It's the ninth
39 purpose on the municipal land use law which most applicants can use
40 because it talks about promoting a desirable visual environment. Mr.
41 Boccanfuso, I'm at a loss here. I've reviewed it closely several
42 times. I don't know which one can help these applicants and they're
43 staring at me like I'm speaking French.

44
45 MR. RAGO: I was just listening.

46
47 MR. LEVITON: I know, but it's such a heavy lift. Brian, any
48 thoughts?

1
2 MR. BOCCANFUSO: Yeah, I mean it certainly is. It's a much
3 larger garage than what our ordinance envisions and permits. I think
4 that the purpose of the land use law that you described, purpose I,
5 the promotion of the desirable visual environment is the one that this
6 board often looks to in cases like this. It's somewhat difficult to
7 connect the dots here, but perhaps the board could get there. You
8 heard Mr. Rago and Vaccarello talk about the vehicles they own and the
9 hobbies that they have. There's nothing in the land use law or in our
10 zoning regulation that prohibits folks from having hobbies. What they
11 could do as of right, is they could certainly extend their driveway on
12 this property to some extent, and then have all these vehicles on the
13 driveway. Now certainly that's not preferable to the applicant because
14 as they alluded to, they'd be subject to the elements and things of
15 that nature, but from the board's standpoint I think that that
16 solution to their problem may be inferior to the relief that's being
17 requested because instead of having all those vehicles in a garage
18 where they're not exposed to the public eye by the travelling public
19 or neighbors or other residents. They would be enclosed within a
20 garage. Now, whether the deviations from the requirements specifically
21 a garage that's about six times as large as what's permitted is needed
22 to satisfy that criteria? I mean that's the question, that's the
23 balance I think that the Board needs to reconcile. Can that benefit be
24 realized with something smaller? I don't know. It's there, but you as
25 Board members have to decide whether or not it's sufficient to satisfy
26 the criteria along with whether there are any detriments, or
27 substantial detriments. Whether the benefits substantially outweigh
28 those detriments if there are any. So that's kind of the long and
29 short of it. As you know, I'm not licensed as a planner and I
30 certainly don't have the other purposes of the act committed to
31 memory. I don't know if Mr. Marmero wants to weigh in on it, but I
32 think that if there is one that's probably the most logical one that
33 the board could use and that the applicant could use to satisfy the
34 statutory criteria.

35
36 MR. LEVITON: Counselor?

37
38 MR. MARMERO: I mean there's also kind of just the promotion
39 of general welfare which is one we usually kind of always lean if
40 we're ever grasping at straws.

41
42 MR. LEVITON: What letter is that?

43
44 MR. MARMERO: I can't get the internet in here so.

45
46 MR. LEVITON: Yeah I always use my hotspot by the way. If it
47 wasn't for my phone I couldn't either. They all? None of them really
48 do it. As a stretch maybe letter M which is really, it's really about

1 government agencies and private developers working together in a way
2 that makes sense, and it talks about making good use of space. So I'll
3 throw that out there and to the administrator's point, we don't want
4 to see your vehicles on your driveway. We don't want to see them on
5 your lawn.

6
7 MR. RAGO: Or taken apart in a million pieces on the
8 driveway.

9
10 MR. LEVITON: Yeah, we don't want that. Let's go out.

11
12 MR. RAGO: I've refrained heavily from doing that previously
13 so like I said that's the whole point.

14
15 MR. LEVITON: Well good for you.

16
17 MR. BOCCANFUSO: One point of order Mr. Chairman, on the
18 lawn is strictly prohibited. That is a code violation and we would
19 send out notices of violation and if unaddressed it could rise to the
20 level of a summons. So, they couldn't have them on the lawn, but they
21 could pull permits to expand the driveway and keep them on that
22 expanded driveway or driveway extension.

23
24 MR. LEVITON: Yeah.

25
26 MR. BOCCANFUSO: So, I think the point remains.

27
28 MR. LEVITON: So.

29
30 MR. MARMERO: Again, to your question Mr. Chairman, that
31 general welfare one is known as the letter A, --- is to encourage
32 municipal action to guide the appropriate use of development --- to
33 promote public health, safety, morals, and general welfare. It's kind
34 of --- but you may hear some testimony to advance one of these.

35
36 MR. LEVITON: It could be applicable. There are two that we
37 can hang our hat on. Let's see what the board members think. Michael?

38
39 MR. WECHSLER: I have nothing at this time, but reserve the
40 right to go back at a future moment.

41
42 MR. LEVITON: Thank you Mike. Joshua?

43
44
45 MR. LEVITON: Josh?

46
47 MR. SHALIKAR: I don't know if I have anything because we
48 haven't heard testimony.

1
2 MR. LEVITON: Do you want to finish testifying? Do you want
3 to tell? He wants more information.

4
5 MR. SHALIKAR: It's more of.

6
7 MR. VACARELLO: We don't really have too much testimony.
8 We're going to do lighting, no water, no new gas service, no bathroom
9 or anything like that. We're just going to do electric for lighting in
10 there.

11
12 MR. LEVITON: Well, hold on.

13
14 MR. SHALIKAR: I think when, what's that?

15
16 MR. LEVITON: One of these.

17
18 MR. SHALIKAR: Is a hose bibb.

19
20 MR. LEVITON: One of these that you just handed out
21 indicates that all of those things that you just said weren't going to
22 be, are planned.

23
24 MR. VACARELLO: Just the lighting is on there.

25
26 MR. SHALIKAR: I saw a hose bibb as well, water.

27
28 MR. LEVITON: There's also cabinetry for like a kitchen.
29 Yeah, I'll find it for you. I need a minute.

30
31 MR. VACARELLO: Cabinetry? That wasn't part.

32
33 MR. RAGO: That's news to us.

34
35 MR. VACARELLO: Yeah that's new, that wasn't part of the
36 plan.

37
38 MR. SHALIKAR: Let me just articulate why.

39
40 MR. VACARELLO: It's just going to be a storage facility.

41
42 MR. SHALIKAR: I understand that. I think the point still
43 stands, right? You heard our professional, you heard the zoning
44 officer, you heard the chairman. I think the reality is that you have
45 to move one of those conditions forward to prove the need for this
46 variance or for the relief. Again, going back to what the chairman
47 said to set you up for success, it would probably be beneficial to
48 have the right testimony against those factors. That's all it is.

1
2 MR. VACARELLO: Okay.

3
4 MR. SHALIKAR: I understand the project. I think it's a cool
5 project, but we're regulated by a law, and that's kind of where we're
6 coming from.

7 MR. VACARELLO: Yeah, I'm going to have to get more prepared
8 for that to come back.

9
10 MR. LEVITON: Josh, you're good?

11
12 MR. SHALIKAR: I'm good.

13
14 MR. LEVITON: Alright so it's in the general notes section
15 of the document that's titled new construction residential space.

16
17 MR. VACARELLO: Okay.

18
19 MR. LEVITON: And in that general note section, I'll direct
20 your attention to the continued part. It's on the second page of it
21 and on the left hand side.

22
23 MR. RAGO: These are on our plans we gave you?

24
25 MR. LEVITON: Yes.

26
27 MR. VACARELLO: Okay.

28
29 MS. MOENCH: Can you just refer to --- A1 or A2 when you ---
30 ?

31
32 MR. LEVITON: You know I'm looking at it digitally. I don't
33 know.

34
35 MR. SHALIKAR: Third page.

36
37 MR. LEVITON: It's probably.

38
39 MS. MOENCH: You're referring to A1?

40
41 MR. LEVITON: I'll tell you in a second. It's A1. I'm
42 referring to A1 and I'm calling your attention to this second page of
43 general notes and to the left column.

44
45 MR. RAGO: Okay.

46
47 MR. LEVITON: There are areas called toilet accessories,
48 toilet partitions. There's cabinetry, kitchen and bath cabinets, the

1 plumbing, the plumbing fixtures. It's specified and delineated in what
2 your engineer delivered to you and you in turn gave to us.

3
4 MR. RAGO: We were not aware of that. We apologize.

5
6 MR. BOCCANFUSO: Mr. Chairman I don't want to put words in
7 the applicant's mouth, but I have seen plans from this architect
8 before. I suspect those are probably general notes that go on every
9 plan set. If the applicant's testimony is that there will be no
10 utilities aside from electric in the building, and if the board were
11 comfortable with getting to an approval whether it's tonight or some
12 other night, you could certainly impose that condition that they can't
13 have plumbing, and then they would not be able to obtain permits to do
14 that going forward. Unless they were to return and amend the approval
15 of course.

16
17 MR. LEVITON: So I will take you at your word, but I will as
18 Mr. Boccanfuso recommended insure that as a condition of approval if
19 the Board gets there. This structure can never be used residentially.

20
21 MR. VACARELLO: We didn't.

22
23 MR. LEVITON: You'll have no problem because it's not your
24 intent.

25
26 MR. VACARELLO: It was never our intention to do that.

27
28 MR. RAGO: That was never the plan.

29
30 MR. LEVITON: I take you at your word.

31
32 MR. VACARELLO: It was just a storage facility.

33
34 MR. LEVITON: But we'll make it a condition.

35
36 MR. RAGO: Absolutely.

37
38 MR. LEVITON: When we impose conditions on applicants,
39 there's always a question of enforcement. However, with your
40 application it's so big and you're a mechanic, I will also ask the
41 Board members to back me and ask our counselor to include as a
42 condition of approval that once we memorialize a resolution that's
43 passed the way you saw us do earlier, that you'll need to bring it to
44 get recorded. So that our approval runs with the land and not with you
45 personally so that Mr. Rago, we believe you won't use the pole barn
46 commercially for your mechanics business, but by having you record it
47 in the same place that deeds are recorded, the county clerk's office,

1 that will ensure that it runs with the land and no one will be able to
2 use it commercially.

3
4 MR. VACARELLO: Correct.

5
6 MR. RAGO: I don't have a problem with that.

7
8 MR. LEVITON: So, I just throw that out there before we go
9 on, and now let's go onto the rest of the Board and see what they
10 think. Dan?

11
12 MR. POCHOPIN: Thank you Mr. Chair. So just to reiterate
13 what everybody's saying, it looks as if you're not going to use this
14 for a commercial body shop, etc., just your own personal hobby uses
15 cars, motorcycles, etc.

16
17 MR. RAGO: Correct. There will be working on vehicles, but
18 not commercially, our own personal vehicles.

19
20 MR. POCHOPIN: Right so any utility hook ups like you said,
21 you're just stating there would be electric.

22
23 MR. VACARELLO: There would be electric.

24
25 MR. POCHOPIN: But no water or anything like that? Like
26 detailing cars?

27
28 MR. RAGO: Maybe in the future, maybe in the future, just
29 maybe possibly water for a hose bibb just to wash a car and possibly
30 maybe gas for heater in the future.

31
32 MR. POCHOPIN: Okay.

33
34 MR. RAGO: No utilities of any sort.

35
36 MR. POCHOPIN: Well, that's pretty much utilities.

37
38 MR. BOCCANFUSO: Those are two utilities though. So no
39 utilities and ---

40
41 MR. RAGO: Not like a stove and an oven for residential, but
42 heater for just climate control not for residential use.

43
44 MR. POCHOPIN: And of course, I'm not going to get too
45 detailed, but if it is body work or anything like that, there's extra,
46 as a few of our members are on fire department, fire codes, etc.,
47 safety booth, things like that.

1 MR. RAGO: No, not body just mechanical.

2
3 MR. VACARELLO: There's no body work.

4
5 MR. POCHOPIN: Mechanical. Okay, alright thank you.

6
7 MR. VACARELLO: Just mechanical, yeah.

8
9 MR. RAGO: No painting, nothing like that.

10
11 MR. POCHOPIN: Very good, thank you. Thank you Mr.Chair.

12
13 MR. LEVITON: Before I go to you John, I just want to
14 redirect your attention to Mr. Boccanfuso's memo to the Board. He's
15 recommended that we include as a condition, our attorney is taking
16 notes right now, that you're going to need to get a letter of
17 interpretation from the New Jersey Department of Environmental
18 Protection because there needs to be a transition between your garage
19 and the wetlands that are identified behind it. So, you need the
20 L.O.I.

21
22 MR. BOCCANFUSO: Mr. Chairman if I can just address that.

23
24 MR. LEVITON: Go ahead.

25
26 MR. BOCCANFUSO: I know that we have a new exhibit here
27 which the board members may not have had an opportunity to fully
28 review and digest, and we haven't gotten a comprehensive summary of
29 the changes here. Obviously the most substantial change is the
30 reduction in size of the building, but another significant change is
31 that the area of disturbance has been reduced and the limit of
32 disturbance has been shifted substantially away from the rear of the
33 site. As a result, the building is over a hundred feet further from
34 the rear of the site and from the apparent regulated areas as compared
35 to what was originally shown. So, with this modification, they are
36 over a hundred feet further from where those potential regulated areas
37 are. So given that substantial change, I don't have the same, I don't
38 think it's as necessary for this letter of intent. I think what
39 they've done is moved away from those regulated areas, apparent
40 regulated areas, by a sufficient margin that it no longer appears that
41 the disturbance is proposed.

42
43 MR. LEVITON: Then your recommendation number eight, also
44 needs to fall by the wayside since they're under five thousand square
45 feet.

46

1 MR. BOCCANFUSO: No, number eight, number eight would remain
2 because they still are disturbing in excess of five thousand square
3 feet. They would need Freehold Soil's certification.

4
5 MR. LEVITON: Their building's only 4,800 square feet.

6
7 MR. BOCCANFUSO: It's disturbance. The Freehold Soil, the
8 trigger for Freehold Soil certification is disturbance not building
9 area.

10
11 MR. LEVITON: Okay.

12 MR. BOCCANFUSO: Okay, their area of disturbance is a little
13 over 30,000 square feet. So it's not quite that acre which would
14 trigger the need for compliance with the stormwater management
15 regulations that's item number seven in the supplemental memo, but
16 they are in excess of the five thousand square feet. So it would be
17 treated as an outside agency approval if the board were to grant an
18 approval prior to permitting or in connection with permitting, they
19 would need to go to Freehold Soil and get the necessary certification,
20 but circling back to item number six, I don't think that the
21 application to D.E.P. for an L.O.I. would be strictly required. I
22 think that a statement or certification from their engineer would
23 suffice. Now if their engineer's unwilling to do that, then they made
24 need to go to the D.E.P. and get the L.O.I.

25
26 MR. LEVITON: They're shaking their heads affirmatively. So
27 I assume they have no objection and Albert you have that down as a
28 condition?

29
30 MR. MARMERO: I do, and the only question I have, Brian for
31 number seven, did you say that is not a problem any longer or it still
32 is?

33
34 MR. BOCCANFUSO: Well, it applies, but one of the other
35 changes that was made, I did speak with the applicant's engineer on
36 the phone about this particular comment. They advised Mr. Rago
37 correctly, I think, that he should make every effort to reduce the
38 scope of his proposal so that he did not trigger the need for
39 compliance with these major development standards, and because of the
40 reduction in building area as well as total disturbance, it no longer
41 appears that they rise to the level that would trigger the need for
42 compliance. Not only that, their engineer has put on the revised plot
43 plan, exhibit A2, a note stating that because the increase in
44 impervious coverage of 1,906 square feet and total area of disturbance
45 of 35,198, project does not qualify as a major stormwater development.
46 So they don't need to meet those more complicated and difficult
47 standards. There are still standards that they're going to need to
48 meet, but not the heavy ones.

1
2 MR. LEVITON: Thank you Brian.

3
4 MR. BOCCANFUSO: Of course.

5
6 MR. LEVITON: John?

7
8 MR. HARRINGTON: Yeah, really quick, the height of the
9 building is twenty feet if I remember correctly?

10
11 MR. VACARELLO: Twenty feet, yeah.

12
13 MR. HARRINGTON: I'm sorry?

14
15 MR. VACARELLO: Twenty feet on the peak, seventeen on the
16 sides.

17
18 MR. HARRINGTON: On the sides and as far as I believe it was
19 fourteen feet for the garage door openings?

20
21 MR. VACARELLO: Fifteen. Oh, fourteen for the garage.

22
23 MR. RAGO: I believe fourteen by fourteen.

24
25 MR. HARRINGTON: And there's two of them, correct?

26
27 MR. VACARELLO: They did make changes. I don't remember
28 which one was which, but I know we wanted two, but I only see there's
29 only one on there.

30
31 MS. LATILLA: There's one with two exit doors.

32
33 MR. HARRINGTON: Oh, okay I see it. So, they did make
34 changes.

35
36 MR, VACARELLO: There's two exit doors and one garage door.

37
38 MR. HARRINGTON: I mean because there's a couple things I
39 noticed and I didn't see that, but I did notice the hose bibb that we
40 were talking about a little bit earlier, and you're looking to use it
41 obviously to store your vehicles that are restored.

42
43 MR. VACARELLO: Storage facility.

44
45 MR. HARRINGTON: Your vehicles that are restored plus you're
46 looking at using it to do I guess some more project cars, trucks?

47

1 MR. RAGO: I do have project cars and trucks already that
2 slowly get done because they're outside and there's not much you can
3 do outside. Some of them are at my shop, but I would like to bring
4 them inside and get them done and driving.

5
6 MR. HARRINGTON: Some place where it's climate controlled.

7
8 MR. RAGO: Yeah and where if you sand something it doesn't
9 get weld. It doesn't get rusty right away from being outside.

10
11 MR. HARRINGTON: Any concerns with the fire protection at
12 all? Let's say parts washers and fumes.

13
14 MR. VACARELLO: We're not going to do it. It's going to be
15 strictly a storage facility. We're not going to be doing any. He has a
16 shop to do the work.

17
18 MR. RAGO: Yeah I have all that type of stuff wouldn't be
19 done there.

20
21 MR. VACARELLO: In his shop. This is just a storage
22 facility.

23
24 MR. HARRINGTON: But I thought initially.

25
26 MR. LEVITON: Albeit a huge one.

27
28 MR. VACARELLO: A huge one, right.

29
30 MR. HARRINGTON: Albeit I mean size is, no I'm just looking
31 at a standpoint of in that zone, R20, what's the height?

32
33 MR. LEVITON: It's fifteen feet. They're five feet over,
34 roughly. It's in that neighborhood. It's not exact. Brian's here.

35
36 MR. POCHOPIN: Twenty feet they said.

37
38 MR. LEVITON: Brian, do you remember?

39
40 MS. KLOMPUS: Twenty feet, yeah.

41
42 MR. BOCCANFUSO: What was the question?

43
44 MR. HARRINGTON: R20.

45
46 MR. LEVITON: How much over what he's permitted is the
47 twenty foot height of his?

1 MR. BOCCANFUSO: Yeah so garages specifically are permitted
2 to be fifteen feet. He's proposing twenty feet, nominal height as
3 shown on the architectural. There's a little bit of a slight
4 deviation in the grade around the building. So we're talking twenty
5 inches or twenty feet, one inch or two inches. For all intents and
6 purposes, it's roughly twenty feet which is roughly five feet greater
7 than what's permitted.

8
9 MR. HARRINGTON: Okay. I mean that's really, the main thing
10 is I'm looking at safety. You're saying you're doing restoration which
11 to me, I'm not in that business and everything for you guys, but I was
12 more looking at a safety kind of concern.

13
14 MR. LEVITON: This Pole barn, it's a kit that's going to be
15 put together, right?

16
17 MR. RAGO: We didn't get that far, but for the most part I
18 believe so.

19
20 MR. LEVITON: And are we talking metal or wood?

21
22 MR. VACARELLO: Metal.

23
24 MR. RAGO: Well, the framing I believe is wood and then
25 outside is metal.

26
27 MR. LEVITON: Which I only bring up to allay concerns of Mr.
28 Harrington, yeah. Stacey?

29
30 MS. KLOMPUS: Sorry so on the elevation plan it's
31 referencing to a second floor. So is this going to be an open space?
32 Are you having lifts in there and will there be a second floor ---
33 inside?

34
35 MR. VACARELLO: No, there's only one, no second floor.

36
37 MR. RAGO: No, no second floor.

38
39 MS. KLOMPUS: Okay because it references a second floor.

40
41 MR. VACARELLO: Yeah, I don't know. It's a one story
42 facility. I don't think you're able to do two story garages. So I
43 don't think you're able to do.

44
45 MR. LEVITON: Those Pole barns come with lofts.

46
47 MR. BOCCANFUSO: Yeah, that's correct. The garage
48 requirements specifically say you can't have a second level of

1 storage. So if that were proposed it would be additional variance
2 relief. The applicant's saying it's not.

3
4 MS. KLOMPUS: I just wanted to make sure since it does say
5 it.

6
7 MR. LEVITON: And what about her other question, hydraulics?

8
9 MS. KLOMPUS: Right. Are you going to be having lifts to
10 have multiple cars?

11
12 MR. VACARELLO: No. no just regular standard garage level.

13
14 MS. KLOMPUS: So, if you're just doing it on one level, why
15 do you need so much height?

16
17 MR. VACARELLO: Again, we don't need any additional height.
18 I'm assuming the peak, the Pole barn is set up that way. I don't think
19 they have and again we can certainly inquire if they have a garage
20 with a lower peak.

21
22 MR. LEVITON: They're buying a kit.

23
24 MR. VACARELLO: It's a kit.

25
26 MS. KLOMPUS: Right, but the kits come in different.

27
28 MR. SHALIKAR: I would assume a twenty-eight foot pull out
29 trailer also requires a certain height.

30
31 MR. RAGO: Yeah, and a certain height - - -

32
33 MS. KLOMPUS: That height because of how wide you're doing
34 it.

35
36 MR. RAGO: Yeah, I need a certain height because of the
37 garage door.

38
39 MS. KLOMPUS: Okay, my only other I did also notice that the
40 hose bibb was on here. So, if you're not having water to have it
41 removed.

42
43 MR. LEVITON: Jessica, before I go to you and forgive me
44 please, I just have another question for Albert. I've never recorded a
45 resolution that's been memorialized. I've requested that you make a
46 note of the recording as it relates to non-commercial usage, but does
47 he need to record it additionally as non-residential or?
48

1 MR. MARMERO: In the list, I have conditions we obviously
2 have no commercial purpose, no residential purpose that'll all appear
3 in there so just recording the resolution by itself would accomplish
4 that. The resolution does technically run with the land anyway so it
5 would bar future use, but recording it puts future users on notice.
6 So, it does make sense, but just get one condition of recording for
7 resolution would take care of both of those.

8
9 MR. LEVITON: And one more thing, see forgive me. In my
10 mind, it's massive even though they've reduced the footprint. It's
11 still huge and it sticks in my craw. I can't get past it, but for me I
12 want to ask you, why is it that there's nothing in the MLUL that
13 speaks to massing as it relates to C variances. We know F.A.R. for D
14 variances, but there's nothing here that falls under our purview as a
15 board to speak to this mass.

16
17 MR. MARMERO: Well, they really leave it to your local zone.
18 I mean your local zone speaks to the mass by restricting this to I
19 think to 860 square feet. I mean it's in your zone. We can give them a
20 permit to do that, but that would also give you the purview to depart
21 from that if you hear some testimony that'll allow you to do that.
22 We've kind of thrown out some ideas, but I'm not sure we truly heard
23 testimony yet.

24
25 MR. BOCCANFUSO: Mr. Chairman I'd also point out to some
26 extent the zoning does speak to massing by virtue of the building
27 coverage requirements. Anything that's covered with a roof is included
28 in the building coverage and even with this large structure, the
29 applicant complies with the building coverage. So if this garage were
30 attached to the regular dwelling, we probably wouldn't even be here
31 right now. They'd probably be able to call it a zoning permit and get
32 it approved. Of course, it's hypothetical. We'd have to look at what's
33 proposed inside and so on and so forth, but the reason that we're here
34 is because this is a detached garage and the zoning ordinance has
35 specific regulations for detached garages. So, to some extent maybe
36 that speaks to the massing a little bit.

37
38 MR. LEVITON: Yeah, both of you, thank you, very helpful.
39 Jessica?

40
41 MS. LEVENSON: I just want to go back to your earlier
42 testimony about what's being stored in the garage. You went through it
43 a little quickly. Obviously, vehicles, was there a boat that was also
44 mentioned and what was the size of the boat?

45
46 MR. RAGO: Yes, twenty-eight feet.

47
48 MS. LEVENSON: And you mentioned ATVs?

1
2 MR. RAGO: ATVs, yes.

3
4 MS. LEVENSON: How many ATVs?

5
6 MR. RAGO: Between ATVs and dirt bikes and side by sides,
7 probably four or five.

8
9 MS. LEVENSON: And then you mentioned trailers.

10
11 MR. RAGO: Yeah.

12
13 MS. LEVENSON: So what do you mean exactly by trailers?

14
15 MR. VACARELLO: Boat trailers.

16
17 MR. RAGO: Well the boat is on a trailer, then I have a car
18 trailer and a utility trailer for the ATVs and the dirt bikes.

19
20 MS. LEVENSON: So I have no frame of reference for what
21 those are. Are these large? I'm picturing a double decker car port.

22
23 MR. RAGO: No, no picture if your landscaper would come to
24 the front of the house with the lawnmowers on the trailer, on the back
25 of the truck. That, but I don't, like I said, I don't want to leave it
26 outside to weather. I would like to bring everything inside,
27 especially curb appeal for the --- .

28
29 MR. VACARELLO: They're open utility trailers.

30
31 MS. LEVENSON: Okay, that definitely clarified to several of
32 those that would be stored in this garage.

33
34 MR. RAGO: I have three plus the boat trailer.

35
36 MR. LEVITON: Gentlemen you need to talk into the mic.

37
38 MR. RAGO: Sorry, three plus the boat trailer that are on
39 the property.

40
41 MS. LEVENSON: Okay, okay thank you. That definitely helps
42 clarify what trailer is that you would be using for this. I don't have
43 any further questions right now, but I might have some as more people
44 ask. Thank you.

45
46 MR. LEVITON: Thank you Ms. Baker-Levenson. Ms. Latilla?
47

1 MS. LATILLA: Hello. I don't have any questions. I guess
2 just a comment. I like the reduction in size and just given the list
3 of everything that's being stored in there, I understand why you're
4 looking for this larger size. How far back is it? Actually, I do have
5 a question. How far back is this set now from the road?

6
7 MR. RAGO: I would say about 275 feet if I'm looking at,
8 probably more than that, probably three hundred feet from the road.

9
10 MS. LATILLA: Okay. Yeah, because visually, you won't see it
11 as much driving since it won't be right at your face.

12
13 MR. RAGO: Right. Also, if I can make a note. The engineer
14 did draw it the wrong way. So right now, the side facing the road is
15 eighty feet.

16 MS. LATILLA: Okay that would make sense because when I was
17 looking at the image of where the doors were, it looked smaller. So,
18 you're saying the doors are supposed to be facing where the driveway
19 is coming in.

20
21 MR. RAGO: Yeah, correct.

22
23 MS. LATILLA: Okay.

24
25 MR. RAGO: So, the sixty foot side should be facing the
26 road. They didn't draw it like that.

27
28 MS. LATILLA: Okay.

29
30 MR. RAGO: So, the mass of it from the road would look
31 significantly less.

32
33 MS. LATILLA: Yeah, okay that actually makes sense. I mean
34 visually I do like that better than seeing twenty plus cars and ATVs
35 and boats. I don't have anything else.

36
37 MR. LEVITON: Yeah, I do too, but she brings up a good
38 point. It's the one rendering that your engineer omitted that I wish
39 was included. What is it going to look like from the road or from the
40 rental properties across the street that are several stories? Behind
41 your second story house, it's going to tower over it, won't it?

42
43 MR. VACARELLO: No, no, no the house is a two-story home.

44
45 MR. LEVITON: Yeah.

46
47 MR. VACARELLO: So the garage will be a lot lower than the.

1 MR. LEVITON: But wider.

2
3 MR. VACARELLO: But wider, oh yes, a lot wider.

4
5 MR. RAGO: The house, I believe the roof peak I want to say
6 is probably thirty feet high.

7
8 MR. LEVITON: Okay, and if you're going to **guess**-timate and
9 I guess that's what we're doing, how wide is your two-story dwelling?

10
11 MR. RAGO: Forty from the road.

12
13 MR. LEVITON: So, there's going to be, no, no. How wide is
14 it? How wide is the house if the Pole barn is sixty feet?

15
16 MR. RAGO: The house.

17
18 MR. LEVITON: Yeah.

19
20 MR. RAGO: Looking at the house from the street it's forty
21 feet wide.

22
23 MS. LATILLA: It's 46 feet and eight inches wide.

24
25 MR. LEVITON: The house is? You're looking at the survey?
26 Thanks.

27
28 MR. VACARELLO: Right, it's actually on an angle, the house,
29 from the main road.

30
31 MR. LEVITON: Okay, I'm good. Patrick? Thanks for your
32 patience. I'm sorry Patrick, any?

33
34 MR. HUGHES: I have no questions.

35
36 MR. LEVITON: You have no questions, okay. Michael, let me
37 go back to you. Any thoughts?

38
39 MR. WECHSLER: Yeah, I have a couple of things and I don't
40 know if it falls on the board or through the professionals, but we're
41 granting permission based on an eighty by sixty Pole barn, right? Pole
42 barn?

43
44 MR. LEVITON: Yeah.

45
46 MR. WECHSLER: But do we have the ability to know what's
47 going, I mean we know there's cars. We don't know the size of the
48 service. We don't know the amount of water. We don't know the size of

1 gas. Does that fall under construction to make sure it's a non-
2 commercial variant or? How do we know that it's not going to get lifts
3 and four hundred amps and large gas mains? What's our proof on that?
4

5 MR. BOCCANFUSO: Well, I mean, a couple of things. First,
6 the board could impose conditions on the utilities, and as far as I'm
7 concerned that's still a question in my mind. I don't know what is
8 proposed, what is being restricted. I mean we heard there was no
9 utilities and then we heard that there's water, then we heard there
10 wasn't water, and might be gas in the future. I'm personally a little
11 unclear as to what's proposed, and I'm also unclear with what the
12 board is comfortable with. One thing I would say is that the building
13 codes or the construction codes are the jurisdiction of the
14 construction department. We have no ability to regulate those nor
15 should they really be a part of our proceedings or considerations. So
16 one of the questions that comes to mind is if the board is inclined to
17 say, look no water period. That could potentially present a problem if
18 sprinklers are required by the construction codes. I don't know if
19 they are. I'm not an expert in that and I don't know what's going to
20 be necessary. So if the board says look we're okay with this, but you
21 can't have water period and then the applicant comes in for permitting
22 and the construction department says you need water because you have
23 to have a sprinkler. Well they're in a problem. They have a problem.
24 They have to come back to the board at that point. So that's a
25 challenge. Now, to your point I don't know. Now the board could impose
26 conditions: no water, no gas, water only if specifically required for
27 fire suppression by the building code, no plumbing or not no plumbing,
28 no sanitary sewer, things of that nature, but absent specific
29 restrictions by the board, you don't know. The permitting would allow
30 them to do certain things on this and the building department is not
31 going to look at the zoning.
32

33 MR. WECHSLER: I mean I understand, but my specific question
34 would be if we're putting vehicles and gasoline or anything else then
35 I would like to see the fire suppression system in a building of that
36 size with the amount of vehicles that are in there and the
37 flammability, but I don't know if that falls under something that we
38 can put.
39

40 MS. MOENCH: --- fire inspection on ---.
41

42 MR. WECHSLER: Right, I mean we're looking at a Pole barn
43 with basic two panels, one entry. I don't know what's going in the
44 building. So my concern is that if you're going to put all this
45 flammable merchandise and items in there and you're going to be doing
46 work, if there is a fire, what is it just a fire extinguisher on the
47 wall or can we have them put up a sprinkler system in there? We're
48 going to have them run water and gas and power? That would be my

1 question because this is very vanilla. I'm not really seeing any
2 details on this.

3
4 MR. BOCCANFUSO: Yeah, I don't. The answer is I don't know
5 if we can require that because I don't know if it's under our
6 jurisdiction. I'm not saying we can't, but I just don't know if we
7 can.

8
9 MR. MARMERO: Some applications though do depend on the
10 scope; they have to go to the fire official or the fire department for
11 review. I mean that's something we can do.

12
13 MR. BOCCANFUSO: They absolutely would need fire sub code
14 review as part of the permitting process, but I don't know if the fire
15 sub code requires.

16 MS. MOENCH: Usually --- on a commercial application, on a
17 commercial application with something this size.

18
19 MR. WECHSLER: Right.

20
21 MS. MOENCH: Would go to fire first.

22
23 MR. WECHSLER: But it's residential.

24
25 MS. MOENCH: But it doesn't have to because it's
26 residential.

27
28 MR. WECHSLER: Right.

29
30 MS. MOENCH: We never had something like that.

31
32 MR. WECHSLER: My fear is that we're granting permission to
33 do something of this size then down the road something else happens
34 and then.

35
36 MR. MARMERO: Yeah, I don't think ---

37
38 MR. WECHSLER: We're setting a precedent.

39
40 MR. MARMERO: I don't think you guys can mandate fire
41 suppression, but I think you can mandate that it goes to fire for them
42 to look at. So that's a condition you can impose and make them make
43 that call.

44
45 MR. LEVITON: Michael, Michael of course, is part of the
46 Gordons Corner Fire Company and Michael, I can tell you on, that you
47 haven't been here for one, but I can tell you on commercial
48 applications, they always have something to say and they talk about

1 turnaround and the ability for a fire truck to get back there. Only on
2 commercial.

3
4 MR. WECHSLER: Yeah, it's residential.

5
6 MS. MOENCH: --- This would go to fire after. ---

7
8 MR. LEVITON: Michael, do you have any strong feelings about
9 what you want to limit the applicant to be able to put there?

10
11 MR. WECHSLER: I would like it to go to fire, and to go to
12 fire inspection and go to building, and if they're looking to do
13 certain things in there, have a more detailed plan of it.

14
15 MR. LEVITON: I don't have a problem with that. Albert?

16 MR. MARMERO: No, that's exactly what I suggested. You guys
17 can - - - to send them - - -

18
19 MR. LEVITON: Does anyone else have strong feelings?

20
21 MR. SHALIKAR: Yes.

22
23 MR. LEVITON: Josh?

24
25 MR. SHALIKAR: So ---

26
27 MR. LEVITON: I do.

28
29 MR. SHALIKAR: Not to be a naysayer, I'm just uncomfortable
30 right now again because there's conflicting testimony. Regardless, I'm
31 hearing things like we do welding, we want to have protection from
32 when we do welds. What's to say that you're not going to weld inside
33 this structure? We were told no utilities. Now there are utilities.
34 There's a hose bibb on the plan. The plan is wrong. You guys admitted
35 that. It's on testimony. I'm not saying the story, I'm not saying you
36 guys are fibbing. What I'm saying is just, it's not right. Right? So
37 for me personally I need to have a level of comfortability that what
38 you're presenting is the final idea, the final plan and I'm just not
39 seeing it.

40
41 MR. LEVITON: I don't think you know yourselves.

42
43 MR. SHALIKAR: I just think it needs to be polished, right
44 and again my point is I want to give you the best chance at getting
45 what you're seeking. To what the chairman said earlier, we want to
46 help you. I don't think you're there. This is my personal opinion.

47
48 MR. LEVITON: Albert.

1
2 MR. SHALIKAR: I just don't think you're there. So I would
3 recommend coming back in front of the board with correct plans, with
4 testimony, with some help, wink, wink, right? So, you have the best
5 chance of getting what you need. That's just all it is.

6
7 MR. VACARELLO: Our plan was again, we were just going to do
8 electric for lighting, no gas, no sanitary, no water.

9
10 MR. SHALIKAR: I get it, but here's the thing I'm going off
11 of the exhibits that you guys provided and this is the second
12 rendition, the newest, and it's still saying a different story.

13
14 MR. LEVITON: Mr. Vaccarello, it needs to be nailed down.

15
16 MR. SHALIKAR: Including the orientation of the building,
17 etc.

18
19 MR. VACARELLO: No no that's fine. We'll refine it.

20
21 MR. LEVITON: And let's see if we can talk about the
22 legality here. Can we ask them to come back at a later date without
23 having them re notice?

24
25 MR. MARMERO: Yeah, as long as you announce the date and
26 technically the ask would really come from them to be asked to be
27 tabled and return to a later date, and then you guys can determine a
28 date certain. If we could pick a date certain, you could announce to
29 everyone in the room, which is nobody, that it'll be carried to that
30 certain date and then no further notices would be required. But if the
31 plans are revised to again larger in scope of what they're seeking
32 which it doesn't sound like is going to take place, then noticing may
33 be required, but as long as it's this exact application, but more
34 fine-tuned and maybe even limited in some scopes then it's fine. No
35 need for new notice, but if they're adding new relief to it than that
36 might require re-notice, but again I don't anticipate.

37
38 MS. MOENCH: Just to note if you do want them to go before
39 fire bureau or you want them to go to have it reviewed by?

40
41 MR. SHALIKAR: Reviewed by the fire inspector.

42
43 MS. MOENCH: Because they meet once a month and it's Monday.
44 Their meeting is Monday so they won't be able to get it in.

45
46 MR. SHALIKAR: Honestly, I wouldn't even give this to them
47 because it's not ready. I wouldn't even present this to them now
48 because it's just not accurate.

1
2 MS. MOENCH: But that's what I'm saying. They need time to
3 revise their plan.

4
5 MR. SHALIKAR: Yeah.

6
7 MS. MOENCH: And get before the fire bureau.

8
9 MR. SHALIKAR: Yes, that'll be my recommendation.

10
11 MS. MOENCH: If we need to have a date certain, it would
12 have to be December 4th because that would be the only time that they
13 would be able to get before the fire bureau.

14
15 MR. VACARELLO: And going in front of the fire bureau, what
16 is that for?

17
18
19 MR. LEVITON: It would be a submission of your plan to them
20 for their review.

21
22 MR. VACARELLO: Okay.

23
24 MR. LEVITON: So, you would have to nail down specifically
25 what it is you're requesting and what you're going to be building, and
26 before we go further let me talk to you about some options here.
27 You've heard some thoughts from some board members who had strong
28 feelings. This is a large board as you can see, but only seven votes
29 will count. So, you can do some quick math in your head. You may not
30 want to come back another time. You may want to take your chances.
31 This is a C variance. You'll only need a plurality of members. You'll
32 need four affirmative votes. Three against you will not kill your
33 application. So let me just continue on down the line. Is there anyone
34 else with strong feelings that they want to express or positive
35 thoughts that they want to share?

36
37 MR. HARRINGTON: I just want to ask one additional question
38 really quick, just clarification. On the building, sixty by eighty,
39 and initially it shows eighty going parallel to the road.

40
41 MR. LEVITON: John, your microphone.

42
43 MR. HARRINGTON: Sorry, shows eighty going parallel to the
44 road and this is what I want to clarify. Is eighty parallel to the
45 road or is it sixty?

46
47 MR. RAGO: The final plan, most likely, will be sixty facing
48 the road.

1
2 MR. LEVITON: See, that's why you have a problem. When you
3 say most likely, you're not sure.

4
5 MR. RAGO: It is.

6
7 MR. LEVITON: That's a problem, but it's on the record and
8 we know.

9
10 MR. RAGO: It's more so that this unfortunately I picked
11 these drawings up on Tuesday. There wasn't enough time for them to
12 change it when I realized when I was there.

13
14 MR. HARRINGTON: So, and this is what our, I guess I'm
15 having a hard time,

16
17
18 MR. RAGO: Sure.

19
20 MR. HARRINGTON: Is you go to the project data and talks
21 about - - - speed of 105 miles per hour. Okay so again I'm not
22 construction, but things
23
24 just don't match up.

25
26 MR. LEVITON: Pole barns are really well-constructed. Think
27 of them like a tent that's --- It's not traditional construction.
28 There's a slab and there's the poles that are recessed into the
29 concrete and everything else is affixed to the sides.

30
31 MR. HARRINGTON: Yeah so, it's mechanically engineered.

32
33 MR. LEVITON: Yeah.

34
35 MR. HARRINGTON: It's solid.

36
37 MR. LEVITON: They're built to last forty to eighty years.
38 They're solid.

39
40 MR. HARRINGTON: Yeah so, I just wanted to clarify on a
41 couple of those things because it changes when you look at it. From
42 what you're asking is turning it sixty parallel to the road and that
43 would put your garage door perpendicular to the road, but yet the way
44 your driveway's coming in is coming in straight into the building at
45 eighty feet, to the eighty foot side.

46
47 MR. LEVITON: Okay.

1 MR. RAGO: Right, again it was more of a miscommunication
2 with me and the architect than the engineer.

3
4 MR. LEVITON: Mr. Rago, it's fine. You can see this board
5 doesn't, we don't want to hurt you in any way, and we certainly don't
6 want to see all of your vehicles on a driveway. We want to get you
7 there, but we're not there yet. So, anybody else want to say
8 something?

9
10 MS. LEVENSON: I just have one more question. It might
11 really also be for Brian. The items that we discussed that would be
12 stored in the garage, are those permitted in this zone, a twenty-eight
13 foot boat? Would that be permitted to be stored?

14
15 MR. BOCCANFUSO: The only thing that would be prohibited is
16 anything associated with a commercial use. So he couldn't rent space
17 to a landscaper. He couldn't have, if he had a landscaping business,
18 he couldn't have his commercial trailers in there. He has a commercial
19 business which most of us know, a mechanic shop. He couldn't have his
20 trucks or vehicles, tow trucks for example, associated with the
21 business in that structure. The way the ordinance reads is no trucks,
22 tractor trailers, tractors for use in pulling trailers, or trailers
23 shall be parked, stored, or garaged in any residential zone. Now, it
24 doesn't differentiate between commercial and utility trailers for
25 things like hobbies, dirt bikes, that type of thing, but generally
26 zoning and code enforcement doesn't really go after the utility
27 trailers especially if they're parked in a garage. If we see those
28 types of things in somebody's driveway, in the front yard and it's an
29 eye sore, then we get a little bit heavier handed with it, but if it
30 were Mr. Rago, say this were approved and he were to park the utility
31 trailer for his dirt bikes or his quads in the garage, it's a gray
32 area, but it's not something that zoning or code enforcement would be
33 going after them for.

34
35 MS. LEVENSON: Okay.

36
37 MR. BOCCANFUSO: Now if we started to see those types of
38 things in the front again in the front yard, on the driveway clearly
39 visible from the roadway, then it could potentially become a problem
40 particularly if there are complaints, but then that kind of circles
41 back to what I was talking about earlier. Maybe there is some benefit
42 to this garage. It could keep those type of things inside. Hope that
43 answers the question.

44
45 MS. LEVENSON: No thank you for clarifying that.

46
47 MR. BOCCANFUSO Sure.

1 MS. LEVENSON: Thank you.

2
3 MR. LEVITON: Mr. Vaccarello, this board can't provide you
4 with legal or strategic advice, but the bottom line is you need to
5 have a plan that's for sure. You need to show us this is what we're
6 building, and now I'll ask you to make a request of the board if it
7 pleases you.

8
9 MR. VACARELLO: We just would ask that if we could.

10
11 MR. LEVITON: Speak into the microphone.

12
13 MR. VACARELLO: If we could just get some additional time to
14 detail our plan, put it together a little better, get our ducks in
15 order, and come back to the board and present our case to you.

16
17 MR. LEVITON: Absolutely. We're going to grant you that
18 time. We need to get it on the record what date specifically.

19
20 MR. BOCCANFUSO: Mr. Chairman, just before we do that. I
21 would like to just kind of go through a few things that I want to make
22 sure that we get cleared up when we come back. There was some
23 discussion on the utilities. So we need to make sure that there's
24 clear representation to what it is that you guys would like, what
25 you're comfortable not having so that the board can consider that.
26 Alright?

27
28 MR. RAGO: Can I ask what would be considered actual
29 utilities that would be?

30
31 MR. BOCCANFUSO: Well utilities are electric, water, sewer,
32 cable, gas, cable kind of goes with telecom, all of those. So, if you
33 want any of them, it would behoove you to ask for them. You may also
34 want to speak to your architect about whether, and you'll get some
35 input on this when you go to the fire bureau, but whether fire
36 suppression is needed because it would really be a shame for you to
37 say, you know what we can do without the water and the board says fine
38 no water and then you go for permits and the fire subcode official
39 says you need water. Now you're in a pickle and you're back before the
40 board and you've lost months and a lot of money. So, I don't think
41 anybody wants that. So, I think find out whether you need it so that
42 we can resolve it. Secondly, the orientation of the building is
43 important because both your plot plan and your architectural plan show
44 the garage in the front. Now if you're rotating that building, it's
45 going to change the setbacks. Is it moving forward? Is the front
46 staying where it is and then now it's going to be extending back? That
47 can change the grading. Is it going to be centered in the property?
48 It's going to change the setbacks from the sides. So, it kind of has a

1 cascading effect. So, I think you need to get clarity on what's going
2 to be done there and you need a plan that clearly shows it. I spoke a
3 little bit about the, maybe a little more than a little bit, about the
4 wetlands. That's something you're going to want to talk to your
5 engineer about. Again, he can contact me if he'd like and we can kind
6 of go over that. I'm hopeful that we don't need to require a letter of
7 intent, but it's going to be dependent on what he's willing to
8 certify, and again rotating that building now you're pushing a little
9 bit closer to those wetlands. I mean it's only maybe twenty feet, but
10 something to consider. One thing that we did not discuss yet today is
11 any variance application is subject to the sidewalk and curbing
12 requirements in the township. So, what those say is that any property
13 in the town has to have sidewalk and curbing in front of it. Now the
14 board can waive that requirement, but if they do, you're required to
15 post a payment in lieu which is basically a dollar amount that's
16 calculated how much would it cost. It goes into a fund so that the
17 township can install sidewalk here or somewhere else in the town if it
18 chooses. It's an either or. You either have to build it or you have to
19 post a payment in lieu. There's no ability for the board to waive it
20 completely. I would point out there's virtually no sidewalk or curbing
21 on this side of the road in proximity to the site.

22
23 MR. LEVITON: And we wouldn't ask you to build it, but you'd
24 have to still pay them.

25
26 MR. BOCCANFUSO: Yeah so.

27
28 MR. LEVITON: The fund, yeah.

29
30 MR. BOCCANFUSO: So, you can look at that, review it with
31 your engineer, and maybe you'll want to have it. It's your property.
32 You're going to live there, maybe you want the curbing and the
33 sidewalk. So that's just something to consider and I just wanted to
34 get it on the record now while we're talking about everything. We can
35 work out the details at the next.

36
37 MR. LEVITON: So, I saw Mr. Vaccarello, you're taking notes.
38 Do you have any questions for Mr. Boccanfuso?

39
40 MR. VACARELLO: No, I'm good now.

41
42 MR. LEVITON: Okay.

43
44 MR. BOCCANFUSO: And then of course the fire bureau, I think
45 the best way. Typically, what happens on commercial application is it
46 gets submitted, once it's deemed complete either Janice or our
47 planning board secretary Nancy would send the documents to the fire
48 bureau. In this case, since we think there's probably or likely to be

1 some changes and clarifications, I think the best approach would be
2 the applicant should get those things cleaned up, the orientation of
3 the building and so forth, submit to the board, and then we can send
4 them to the fire bureau so the fire bureau is looking at the latest
5 and greatest and there's the best chance of everybody working off the
6 same page.

7
8 MR. LEVITON: And it's not likely that you'll be able to do
9 that until the middle of next month when the fire bureau meets again.

10
11 MS. MOENCH: Yeah, they meet on a Monday. I know this Monday
12 coming I believe or this Monday that just passed so we missed it. So
13 you would have to get it into me, clean version. Where you're looking
14 at it and you're like yes Janice this is it. Soup to nuts so that we
15 can get it to them and then. So I think that if we push it to December
16 4th, we might be good. Right?

17
18 MR. BOCCANFUSO: December 4th.

19
20 MS. MOENCH: December 4th.

21
22 MR. LEVITON: It gives you time to get your ducks in a row,
23 to get the fire bureau.

24
25 MR. VACARELLO: Yeah, December 4th yeah.

26
27 MS. MOENCH: Get them over to the fire bureau and we can ask
28 them.

29
30 MR. VACARELLO: Okay.

31
32 MS. MOENCH: Sometimes they do a review if it's easy,
33 sometimes they can do a review without meeting, but I don't know. I
34 wouldn't speak to them, for them I should say.

35
36 MR. LEVITON: I think you choose wisely and we look forward
37 to seeing you again soon.

38
39 MR. VACARELLO: Thank you everyone.

40
41 MR. RAGO: Thank you.

42
43 MR. VACARELLO: Have a good night.

44
45 MR. LEVITON: At this time, I'm going to go out to the
46 public and ask if there's anyone who wants to address the Board on
47 non-agenda items.

1 MR. BOCCANFUSO: Hold on Mr. Chair just to make sure.

2
3 MR. LEVITON: Yeah.

4
5 MR. BOCCANFUSO: We'll do the announcement.

6
7 MR. MARMERO: Yeah, December 4th. Everyone is good with
8 December 4th as the return date?

9
10 ALL: Yes.

11
12 MR. MARMERO: Okay, and obviously there's no one out in the
13 public and if there was anyone that had any issue with December 4th
14 would indicate that this matter was carried. So, if that changes for
15 some reason there would be re-notice required, but as long as 12/4 is
16 the date that's met then no new notice is required.

17
18 MR. LEVITON: You gentlemen understand that?

19
20 MR. RAGO: Yes.

21
22 MR. LEVITON: Okay. You had a little difficulty noticing. I
23 read some of the correspondence. You did it well and the final
24 analysis if you hadn't, we wouldn't have had jurisdiction to hear your
25 case tonight. So good for you. December 4th or you'll have to re-
26 notice this again.

27
28 MR. VACARELLO: Very good.

29
30 MR. LEVITON: Okay, have a good night.

31
32 MR. VACARELLO: Thank you everyone. Have a good night.

33
34 MR. LEVITON: Okay, once again, if there's anyone in
35 attendance who wants to address the board on non-agenda items. Seeing
36 none I will close public and ask someone to motion for adjournment.

37
38 MR. POCHOPIN: Move to Adjourn

39
40 MR. LEVITON: Thank you Mr. Pochopin

41
42
43 *****
44
45
46