

MEETING IS CALLED TO ORDER:

MR. LEVITON: Okay, let me ask you to join me in a salute to our flag.

SALUTE TO THE FLAG

MR. LEVITON: Pursuant to section five of the Open Public Meetings Act, notice of this meeting of the Manalapan Township Zoning Board of Adjustment was sent and advertised in the Asbury Park Press. A copy of that notice was posted here on the bulletin board outside these doors where public notices are displayed. In addition, a copy of this notice is and has been available to the public and is on file in the office of the municipal clerk. God bless you. Accordingly, this meeting is deemed in compliance with the Open Public Meetings Act. Roll call please.

ROLL CALL

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Yup.

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

MR. HARRINGTON: Yes.

MS. MOENCH: Ms. Klompus? Not with us tonight. Mr. Mantagas? Not here. Mr. Wechsler?

MR. WECHSLER: Here.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Here.

MS. MOENCH: Ms. Levenson?

MS. BAKER-LEVENSON: Here.

MS. MOENCH: Ms. Latilla?

MS. LATILLA: Here.

MS. MOENCH: Mr. Hughes?

MR. HUGHES: Here.

1 MS. MOENCH: Chair Leviton?

2
3 MR. LEVITON: Here. Okay, we need to accept the minutes from
4 October 16th. Will someone move to do so?

5
6 MR. WECHSLER: I'll make a motion to accept the minutes.

7
8 MR. LEVITON: Thank you Mr. Wechsler. Will someone else
9 second that?

10
11 MR. POCHOPIN: I'll second it.

12
13 MR. LEVITON: Thank you Mr. Pochopin.

14
15 **ROLL CALL**

16
17 MS. MOENCH: Mr. Shalika?

18
19 MR. SHALIKAR: Yes.

20
21 MS. MOENCH: Mr. Harrington?

22
23 MR. HARRINGTON: Yes.

24
25 MS. MOENCH: Mr. Wechsler?

26
27 MR. WECHSLER: Yes.

28
29 MS. MOENCH: Mr. Pochopin?

30
31 MR. POCHOPIN: Yes.

32
33 MS. MOENCH: Ms. Levenson?

34
35 MS. LEVENSON: Yes.

36
37 MS. MOENCH: Ms. Latilla?

38
39 MS. LATILLA: Yes.

40
41 MS. MOENCH: Mr. Hughes?

42
43 MR. HUGHES: Yes.

44
45 MS. MOENCH: Chair Leviton?

46

1 MR. LEVITON: Yes. Before we get to our public hearing
2 tonight, we need to also memorialize one application. It's number
3 1917A-EX, counselor.
4

5 MR. MARMERO: Sure Mr. Chair. What you have in front of you
6 is an resolution the applicant Ambe Holding, LLC and this application
7 was just for an extension of time. The applicant was granted a minor
8 subdivision variance approval earlier this year. One of the conditions
9 was to timing to a landscape screening and the applicant sought an
10 extension of time for that to comply with that condition and the
11 extension of time was - - - as well.
12

13 MR. LEVITON: Thank you very much Mr. Marmero. Okay, will
14 someone move to memorialize?
15

16 MR. SHALIKAR: I'll make the motion.
17

18 MR. LEVITON: You are not, oh yes you are. Thank you Mr.
19 Shalika and will someone second that please?
20

21 MR. POCHOPIN: I'll second it.
22

23 MR. LEVITON: Thank you Mr. Pochopin.
24

25 **ROLL CALL**
26

27 MS. MOENCH: Mr. Shalika?

28
29 MR. SHALIKAR: Yes.
30

31 MS. MOENCH: Mr. Harrington?
32

33 MR. HARRINGTON: Yes.
34

35 MS. MOENCH: Mr. Wechsler?
36

37 MR. WECHSLER: Yes.
38

39 MS. MOENCH: Mr. Pochopin?
40

41 MR. POCHOPIN: Yes.
42

43 MS. MOENCH: Ms. Levenson?
44

45 MS. BAKER-LEVENSON: Yes.
46

47 MS. MOENCH: Chair Leviton?
48

1 MR. LEVITON: Yes. Alright before we call our application
2 for this evening, I just want to indicate that I am aware that the
3 storm last week interrupted the webinar that the three of you were
4 scheduled to participate in and that it's been subsequently
5 rescheduled and that all three of you missed it for that as well and I
6 want to thank you for it and good stuff. Okay, at this time I will
7 call the Lobzhanidze's. Their application is number ZBE2537. Come on
8 up. Our attorney Mr. Marmero will swear you in. Mrs. Lobzhanidze
9 you'll be doing most of the speaking, but we'll swear in Mr.
10 Lobzhanidze as well. In case he has to contribute.

11
12 MR. MARMERO: Sure, so if you'll both will raise your right
13 hand, I'll swear you in. Do you swear the testimony you provide
14 tonight will be the truth, the whole truth, and nothing but the truth?
15 Okay.

16
17 MR. LEVITON: Thank you. Please sit and be comfortable. Take
18 note of the closeness of the microphone to my own mouth. These
19 proceedings are recorded and then later transcribed and they're
20 sensitive so they'll pick up what you say.

21
22 MS. MOENCH: Yup perfect.

23
24 MRS. LOZHANIDZE: Can I grab my water?

25
26 MR. LEVITON: Oh, get whatever you need, sure.

27
28 MRS. LOZHANIDZE: I'm nervous so I need it.

29
30 MR. LEVITON: Very good. Does anyone on the dais speak
31 Russian if we need to? How about Georgian? Okay, then we're going to
32 rely on your understanding of English.

33
34 MRS. LOZHANIDZE: I'll try my best

35
36 MR. LEVITON: And so will we. Okay, before I ask you to tell
37 us about your application, I want to let you know that your case is
38 different from all of the cases that this Board has seen this year.
39 So, there will be opportunities for myself to take and pause and maybe
40 share with the Board things that they haven't seen. Some of our Board
41 members are new. I assure you that these discussions will be purely
42 educational and they won't impact on our decision whatsoever.

43
44 MRS. LOZHANIDZE: Okay.

45
46 MR. LEVITON: Okay why don't you walk the Board through your
47 application and explain to them what it is you need from us.
48

1 MRS. LOZHANIDZE: Good evening, everyone. First of all, I
2 want to tell you thank you for giving me minutes to share our story.
3 So, I'm Tamar, his wife, and the house at 195 Pease Road is the first
4 home our family has owned, first time. So, me and my husband purchased
5 this house for our children, parents, and we decided three generations
6 under one roof. So, we were saving long time and we got the key for
7 house. We were very happy and excited to move in and our dream came
8 true, but soon this dream turned into something very different. So, at
9 the beginning we wanted simply safe house for build a future. So,
10 before we move in, we decided to do small cosmetic work to feel our
11 own. For example, painting, changing floor, and then we found and
12 uncovered different problems. For example, kitchen floor was
13 absolutely rotten and half of the pad of the floor was - - - away
14 absolute out. Ceiling was wet and was tearing down. Pipes were not
15 connected right way. Electricity was wired many times and it was
16 absolutely unsafe. In the middle of the room was like a concrete wall,
17 double walls, windows. When we found the sign of fire damage it was
18 covered up. So, then our dream became a very nervous, anxious because
19 we found absolutely different. We didn't have experience. It was the
20 first time purchase and nobody told us about that. What we want right
21 now I can't count - - - found more. I've had plumbing. It was
22 destroyed. Underneath the kitchen was years collecting the rain water
23 and it was destroying structure and hole beneath the kitchen.

24
25 MR. LEVITON: Did you get your home inspected before you
26 closed on it?

27
28 MRS. LOZHANIDZE: Can I translate to him?

29
30 MR. LEVITON: Yeah.

31
32 MR. LOZHANIDZE: Yeah, we inspected everything. I hired
33 another inspection.

34
35 MRS. LOZHANIDZE: Addition, addition inspection.

36
37 MR. LOZHANIDZE: But every paper checked by agent. I believe
38 he thinks he knows everything. He told me some problems, but he says
39 to me only baseboard colors problem and he changed the baseboard
40 colors. Okay, I'm happy.

41
42 MR. LEVITON: Time out, I'm not following him. Maybe you can
43 finish that story.

44
45 MR. LOZHANIDZE: Sorry.

46
47 MR. LEVITON: It's okay.

48

1 MRS. LOZHANIDZE: So, when we did the inspection, when we
2 did the inspection after that they mentioned everything's fine there
3 just needs move in only - - - board.

4
5 MR. LOZHANIDZE: Base board.

6
7 MRS. LOZHANIDZE: Base board, yes, base board was problem
8 that's all. Absolutely nothing was mentioned there. So that was not
9 only place we could not move. It was not safe, absolutely not safe to
10 go there.

11
12 MR. LEVITON: Okay so you bought the house, you moved in,
13 and then you discovered you can't stay there because there are too
14 many problems?

15
16 MRS. LOZHANIDZE: We didn't move in.

17
18 MR. LEVITON: You never moved in.

19
20 MRS. LOZHANIDZE: We never moved in. We tried to do the
21 small cosmetic work, painting and the floor change. That time we found
22 many serious different problems which I counted them.

23
24 MR. LOZHANIDZE: So, I tell him in Georgian I don't want to
25 bother you with my broken English.

26
27 MRS. LOZHANIDZE: So, we didn't know at all, anything the
28 problem we found there.

29
30 MR. LEVITON: Okay, let me just back track a little bit and
31 ask. When did you close on this house?

32
33 MRS. LOZHANIDZE: When was the closing?

34
35 MR. LEVITON: Yes.

36
37 MRS. LOZHANIDZE: That was January 16, 2025.

38
39 MR. LEVITON: Okay, almost one year now.

40
41 MRS. LOZHANIDZE: Almost.

42
43 MR. LEVITON: Are you still living in Avenel?

44
45 MRS. LOZHANIDZE: Yes.

46
47 MR. LEVITON: And you rent in Avenel?
48

1 MRS. LOZHANIDZE: Yes.

2
3 MR. LOZHANIDZE: Yes.

4
5 MR. LEVITON: And I believe you testified it's your
6 intention to improve on this house to move in parents and children,
7 three generations?

8
9 MRS. LOZHANIDZE: Yes, two children and then parents, my
10 sister.

11
12 MR. LOZHANIDZE: Yes, our parents come here in January.

13
14 MRS. LOZHANIDZE: January, they came.

15
16 MR. LOZHANIDZE: Because we're thinking buy house and we can
17 live together.

18
19 MR. LEVITON: They came from Ukraine?

20
21 MR. LOZHANIDZE: From Georgia.

22
23 MR. LEVITON: From Georgia, okay. So let me define for the
24 record what it is that you seek. First off, their home is a pre-
25 existing, non-conformity. It's legal. It's at the zero property line.
26 It should be seventy. In today's world, seventy-five feet setback,
27 front yard setback would be what's required. So, they're currently
28 legal in their pre-existing, non-conformity. So, with that in mind,
29 let's go out and see what you all think. Let's start with Michael.

30
31 MR. WECHSLER: Thank you. I have no questions. I will not
32 attempt to pronounce your last name out of respect.

33
34 MRS. LOZHANIDZE: It's okay.

35
36 MR. WECHSLER: I have passed that property since I've lived
37 here probably like ten thousand times. I live near the corner so. I
38 think what you're going to be doing was great for the community and
39 for the area. I wish you the best of luck.

40
41 MRS. LOZHANIDZE: Thank you.

42
43 MR. WECHSLER: And thank you for your time.

44
45 MR. LOZHANIDZE: Thank you.

46
47 MR. LEVITON: Joshua?

48

1 MR. SHALIKAR: I was actually going to have a very similar
2 speech as Michael over here. Passed it probably about ten thousand
3 times as well. I'm actually very excited for what you're going to be
4 doing to that property. I wish you the best of luck. I have absolutely
5 no questions.

6
7 MRS. LOZHANIDZE: Thank you.

8
9 MR. LEVITON: Daniel?

10
11 MR. POCHOPIN: At first I've seen that you have a two, looks
12 like you have a driveway on the side with a garage. You're going to
13 have in the front. You also have, it's still cut out on the curb to
14 pull in the front also and you plan on leaving it that way, I guess?

15
16 MRS. LOZHANIDZE: Yes, and I don't know adding anything
17 else. So, we know that this property - - - So the back is wetlands.
18 It's too close to lot so we're not doing anything, adding, or moving,
19 or change the footprint. We just want to fix everything right first of
20 all to be safe and second floor we can show the picture. Second floor
21 only just enlarge to get more space, more rooms, and then second floor
22 height. Right now, it's a triangle shape to get height which is the
23 standards. Nothing else. Right now, it looks like that.

24
25 MR. LEVITON: Okay so just a second. We need to slow down
26 just a little bit. I have seen that picture. It is part of my packet,
27 but I don't know where it is or what it's called.

28
29 MS. MOENCH: It was submitted with the application.

30
31 MR. LEVITON: The picture that Mr. Lobzhanidze is holding up
32 is submitted. It is part of our packet and it is showing the existing
33 home as it is looking south on Pease Road from north to south. Okay
34 and what is it that you want to say about it? Anything else?

35
36 MRS. LOZHANIDZE: And the way to assure that if we do
37 whatever we're planning to do want to do it would be aesthetically
38 pleasing in the neighborhood to look good also, and we want to join
39 this neighborhood as soon as possible and we'd love to be there and
40 hoping that everything will be good.

41
42 MR. LEVITON: Okay, let me just back up a second. Dan, she
43 testified about the wetlands in the back and I want to direct your
44 attention to the memorandum written by our administrator Mr.
45 Boccanfuso. Number one he talked about, are you planning on improving
46 anything outside behind the house?

47
48 MR. LOZHANIDZE: No.

1
2 MR. LEVITON: So, the answer's no. You don't have to show
3 us.

4
5 MRS. LOZHANIDZE: No, outside staying. What exactly is the
6 question?

7
8 MR. LEVITON: Yeah.

9
10 MRS. LOZHANIDZE: No, I'll translate him what exactly the
11 question.

12
13 MR. LEVITON: Let the record reflect that they're talking to
14 each other in their native language.

15
16 MRS. LOZHANIDZE: Garden, only if it's possible. Garden and
17 the path that's all because behind is the huge land.

18
19 MR. LEVITON: Okay so number two in his memorandum he talks
20 about you possibly requiring permits from. Brian, do you remember? Oh,
21 permits from the New Jersey Department of Environmental Protection
22 that you may. I'm assuming that you have not been in contact with that
23 department? You don't have a letter of interpretation from them. You
24 don't know. If that's the reason why the house is situated where it
25 is. It's likely that that's the reason. If there was a buffer in the
26 back that could not be built upon. The home initially needed to be
27 built in the front right on the zero lot line. We don't know though
28 because you have not spoken with them. You don't have a letter of
29 interpretation. So, I need to put on the record that if this Board
30 approves your application, that does not waive or imply D.E.P.
31 approval. You would still need to get that if it's necessary, and no
32 disturbance in the back. I don't even think a garden. I don't know you
33 testified you want to put a garden, but there's no disturbance that
34 can occur without D.E.P. permits. Albert, am I correct about that?

35
36 MR. MARMERO: Yeah, I don't know if a garden - - - Again
37 have to be subject to whatever D.E.P. permits doesn't constrain us on
38 granting an approval or not granting an approval from outside agencies
39 - - - an approval from us would be considered - - - D.E.P. and the
40 determination of where those wetlands are located - - -

41
42 MR. LEVITON: So, Applicants need to, according to the law,
43 the New Jersey Municipal Land Use Law, they need to satisfy positive
44 criteria and negative criteria. Albert, they're seeking a C variance,
45 correct? This is bulk?

46
47 MR. MARMERO: Yes.

1 MR. LEVITON: So, one way you can establish positive
2 criteria is by telling this board which you already have that there
3 are wetlands in the back that constrict the way you can build on the
4 property. That's a hardship. A hardship is a C1 variance. The second
5 way you can establish positive criteria is by advancing one of the
6 purposes of the MLUL and you indicated that this would be an aesthetic
7 improvement, and that does it. So, you can get to C1 or C2 easily.
8 There's no problem doing that. However, in this case board and here's
9 where it deviates from others that we've seen this year, it's the
10 negative criteria that they may have difficulty establishing. The
11 negative criteria stipulates that what they do doesn't create a
12 substantial hardship to the community. It also says that it can't
13 deviate from the master plan. It can't fly in the face of what the
14 ordinance says and what the township is already directed in the way of
15 the law. So, Mrs. Lobzhanidze testified that she's not changing the
16 footprint. That their plan doesn't change the footprint and that's a
17 good thing. That usually matters, but what she is increasing. What
18 this application does increase is the intensity of the use. Right?
19 They're going up and they're putting seven bedrooms up there. There's
20 only one currently in the house downstairs. So, there are going to be
21 a lot of people in the house and that's going to bring more Amazon
22 trucks, more school buses. At a place where there's a light and I grew
23 up around the corner also. I know the area well and I worked at Pine
24 Brook School for a good number of years. It's not unfamiliar to
25 myself, but this Board now needs to weigh, is it a substantial
26 detriment. It may, the intensity is definitely going to be increased,
27 but offsetting that, the aesthetics are going to definitely improve
28 and that's where we need to weigh whether or not we grant the variance
29 relief that the applicant seeks. So now that I've said that, Dan I'll
30 go back to you and ask you to forgive me for interrupting.

31
32 MR. POCHOPIN: Thank you, yes. Thanks for that summary,
33 Steve. You said you had parents and two children?

34
35 MRS. LOZHANIDZE: Yes.

36
37 MR. POCHOPIN: Is there any reason why you have seven
38 bedrooms though or just maybe for future just in case more relatives?

39
40 MR. LOZHANIDZE: We're not having seven bedrooms. It's not
41 big house.

42
43 MR. POCHOPIN: It looked like there was seven bedrooms on
44 the print out.

45
46 MRS. LOZHANIDZE: On the paper?

47
48 MR. POCHOPIN: Second floor.

1
2 MR. LEVITON: Let me direct you to the plot plan you
3 submitted to the township. Page two of your plot plan shows
4 downstairs, one master bedroom and then upstairs I'm going to count
5 them. One, two, three, four, five, six making seven altogether or
6 eight. Did I undercount? Did anybody follow along?

7
8 MS. LATILLA: No seven.
9

10 MR. LEVITON: It's seven altogether. Okay so your plot plan,
11 you submitted it to this board shows seven bedrooms. It's futile to
12 argue that the intensity is going to increase, it will. So, Dan back
13 to you.
14

15 MR. POCHOPIN: Thank you. So, seven bedrooms and what the
16 Chair is concerned about the traffic on that corner. It's very close.
17 I understand the aesthetics and making it better and safe, but then
18 it's also very high. So be cognizant of lighting also there on that
19 corner high up. People at those intersections - - - that's another
20 concern so. That's all the questions I have.
21

22 MR. LEVITON: Thank you Dan. John? Yeah, let the record
23 reflect that they're speaking to each other again in their native
24 language. We're going to give them a minute to finish that up.
25

26 MRS. LOZHANIDZE: He's saying that this is not the final
27 plan what you have right now. The upstairs so many bedrooms and
28 downstairs, one master bedroom. So, this bedrooms amount doesn't
29 change our family members number. So, it is not final. It doesn't mean
30 we're going to do upstairs seven bedrooms and totally eight bedrooms,
31 no. It was the idea we want upstairs, more space and room for living.
32

33 MR. POCHOPIN: I understand, but unfortunately this is all
34 we have here. So, I'll leave the Chair to the final comment.
35

36 MR. LEVITON: Yeah, the work is going to increase the
37 intensity of the habitable space. How many bedrooms specifically there
38 are is a moot point because the intent of section 95-7.3 subsection F
39 that Mr. Boccanfuso delineated in his denial is what we need to
40 consider. Actually, this board needs to see, they need to weigh
41 whether or not the intensity increase is going to offset the aesthetic
42 appeal and it's up to them. You only need four yes votes and despite
43 the fact that there are eight of us up here, only three, five, six,
44 seven. Despite the fact that there are eight of us, only seven votes
45 will count tonight and you need four yeses. So, let's continue on,
46 John? I have no preconceived notion of which way I'm going to go. I'm
47 just laying out the case and we're going to talk about it and we'll
48 see where we get to. Go ahead John.

1
2 MR. HARRINGTON: I think it's a great improvement on the
3 corner. I understand the height, the number of bedrooms, seven. I see
4 six people living in the house. I don't see that much of a detriment.
5 So that's kind of how I feel.

6
7 MR. LEVITON: That's fine, that's fine, and the negative
8 prong of the MLUL is substantial detriment, and that's subjective. You
9 can see it however you want.

10
11 MR. HARRINGTON: Yeah, and the only question I will ask
12 though, your septic right, is it septic, or is it?

13
14 MR. LOZHANIDZE: No.

15
16 MRS. LOZHANIDZE: Public.

17
18 MR. HARRINGTON: Public, okay yeah, I didn't see it there. I
19 just saw concrete on one of the things and it prompted me to ask that
20 question. Other than that, I have no other questions. I think I feel a
21 certain way.

22
23 MR. LEVITON: Ms. Baker-Levenson?

24
25 MS. BAKER-LEVENSON: Sure, so thank you. My initial thought
26 when I saw the design of the house, the first thing that came to mind
27 was if you would be keeping that door on Pease Road and which way
28 would you consider the front of the house?

29
30 MRS. LOZHANIDZE: So, question is which way would be the
31 front door? The side, so yes driveway, side of driveway side. There is
32 already existing door so when we can park the car the side it's
33 already existing door. We not creating. It is already there the door.
34 That would be front door.

35
36 MS. BAKER-LEVENSON: So, the one closest to the garage door
37 is going to be your front door or the one on the other side of the
38 house?

39
40 MRS. LOZHANIDZE: Other side. This one.

41
42 MR. LEVITON: Let the record reflect that the applicants are
43 holding up a large rendering of the house as it currently exists, and
44 they're pointing to the existing front door which is on the east face
45 of the dwelling.

46
47 MS. BAKER-LEVENSON: So just my own curiosity, is there a
48 reason you wanted to keep the door near the garage?

1
2 MRS. LOZHANIDZE: The garage side door?

3
4 MS. BAKER-LEVENSON: Yes, so you have a door next to the
5 garage.

6
7 MRS. LOZHANIDZE: Yes, it is already there so that's why we
8 keeping. If it doesn't need it, we can just not have it.

9
10 MR. LEVITON: Yeah she makes a good point, and I'm going to
11 piggy back on that and I'm going to say I would not, the way your plot
12 plan has shown the new rendering and I'm going to hold it up so
13 everybody can see what I'm talking about and counselor you know, shows
14 a portico over the door by the garage and the existing front door
15 still there where the small area of blacktop and if this board were so
16 inclined I would suggest strongly that we make it a condition that
17 that front door gets eliminated and that the blacktop there gets
18 eliminated as well. It would make me very uncomfortable to put a home
19 full of children and this family may not have it, but in twenty years
20 a new family may have an upstairs filled with children standing on
21 Pease Road looking to get picked up by a bus makes me uncomfortable
22 so, and I will tell you I had. I lived here in town. I grew up in
23 town, and I can tell you horror stories that would make this courtroom
24 cringe and I will not, but they're ugly and they have to do with homes
25 right on Pease Road and children. So, Mr. Marmero, you're taking
26 notes. Board, you can revisit or you can tell me you don't care. It
27 matters to me. So, I take your point well and I thank you for it.

28
29 MS. BAKER-LEVENSON: So yes, that was where I was kind of
30 getting with my thought process as well as I have young kids and yeah
31 they rarely, they could go out of the house. That was a concern for
32 me. That door is so close to Pease Road and also just practically
33 you're going to get trick-or-treaters at that door and the front door
34 and you're going to get Amazon packages delivered all over. So I was
35 thinking the practical purposes and the safety reasons were a concern
36 when I first saw this picture.

37
38 MRS. LOZHANIDZE: Yes, not needed, more safety so.

39
40 MR. LEVITON: Albert, have I overstepped? Are we not allowed
41 to impose that as a condition?

42
43 MR. MARMERO: Well, it's a safety issue so you certainly
44 can. I think we just want to be sure just in case some of that
45 blacktop leads back to that garage. So, I think we can clearly the
46 door- - - if that's your concern while eliminating that's certainly
47 an issue for - - - again because it's an intensification of the use

1 and the condition based on safety. I was just looking at it. I don't
2 know if --- access to that garage. ---

3
4 MR. LEVITON: Yeah. I don't want to see children standing
5 there. I'd rather them where the driveway is wide and more accessible
6 and near the safety of a portico just not right on the road.
7 Definitely a safety matter.

8
9 MS. BAKER-LEVENSON: So, my only other question though and I
10 don't know the answer to this. I'm assuming you need at least one
11 other door for fire safety purposes, but I do see there is another
12 back door to the house currently off the master bedroom. So, then
13 you'd still have two exits, two doors. I don't know if there's any
14 requirement for that. That's the only questions I have.

15
16 MR. LEVITON: Okay so about that garage, if it's important
17 to the Lobzhanidze's they can orient the door on the other side of
18 where it is now and access it from the back of the house and I
19 wouldn't have a problem with that, but getting there from the front, I
20 want to see that removed. I think that wouldn't rise in my mind to a
21 substantial detriment to the public good, to safety. So, I can't ---
22 I'm only one vote. That's just me. I'm only one vote. You only need
23 four yeses. Okay, before I go onto Ms. Latilla, I do want to redirect
24 my thoughts to the memorandum written and sent to you by Mr.
25 Boccanfuso. There's a third bulleted suggestion. It talks about
26 sidewalks and your home is in an area where there are not currently
27 sidewalks running the length of Pease Road. Therefore, I will not
28 impose the construction of a sidewalk, but you would still be
29 responsible for paying into a fund in lieu of building a sidewalk.
30 That's a new law. Brian, how long has that been on the books?

31
32 MR. BOCCANFUSO: It's been on in some form for a while, but
33 it's been cleaned up and clarified recently, probably the past couple
34 of years. So, it's not brand new, but the interpretation of it and the
35 black and white language in the ordinance was recently modified.

36
37 MR. LEVITON: So, you would have to pay for the construction
38 of a sidewalk which we're not going to make you do, but you do have to
39 contribute to that fund. Okay, Ms. Latilla.

40
41 MS. LATILLA: So, just like everybody here I pass this a lot
42 as well. I think it's a great improvement. I do have one concern is
43 parking and drivers. How many people are going to be in the home, and
44 where are they going to put the cars especially where? I agree with
45 eliminating the black in the front, but then if you've got multiple
46 people, multiple drivers. I'm not sure where they're going to park
47 especially being close to there. I do see sometimes parking on Pease
48 Road, but with this being close to the light, I would say that's one

1 of my concerns. Where are the cars going to go? Not just for them, but
2 for future because we're going to have seven bedrooms, seven drivers.

3
4 MR. LEVITON: Of course, a legitimate concern.

5
6 MRS. LOZHANIDZE: So right now, we have three cars in the
7 family. The parents, not driving. So, the house has a long driveway,
8 over here, and also there is a --- garage next to garage at this spot.

9
10 MS. LATILLA: I'm so sorry. What was the second part?

11
12 MRS. LOZHANIDZE: Next to garage there is a space. So maybe
13 we can use for car, for driveway.

14
15 MR. LEVITON: That space next to the garage, can you go
16 around the back of the house? Is there?

17
18 MRS. LOZHANIDZE: Yes, it's a space.

19
20 MR. LEVITON: There's blacktop there?

21
22 MRS. LOZHANIDZE: There is not a driveway now. Driveway is
23 in front.

24
25 MR. LEVITON: Is it possible barrister, that that impervious
26 material behind the house is? Yeah, infringing on constraints that the
27 buffer zone may have on the property?

28
29 MR. MARMERO: Well, we wouldn't know.

30
31 MR. LEVITON: We don't know. It's something else to
32 consider. Good point Temika. Anything else?

33
34 MS. LATILLA: That's all I have, thank you.

35
36 MR. LEVITON: Mr. Hughes?

37
38 MR. HUGHES: Well, going last everyone's hitting on the
39 points that I was going to say. First, I do think that this is a
40 tremendous improvement to that corner. I too live in the area and pass
41 it multiple times. I had a question about the sidewalk which the
42 chairman had answered. Also, about the impervious material infringing
43 on the wetlands and what not, but we don't know without that formal
44 D.E.P. submission permit. I did have a question about the front door.
45 I agree with the safety elements of it, but someone had mentioned
46 code, and I wasn't sure about in an emergency locating a door if
47 someone had to access the house or what not. If that would be so

1 intuitive to go around the corner to find a door, but other than that
2 that was my only comment.

3
4 MR. LEVITON: Thank you Patrick. Michael, anything else?

5
6 MR. WECHSLER: I have a question just about the context.
7 Currently can you get from the garage to the inside of your house? Is
8 there a door there?

9
10 MRS. LOZHANIDZE: What's the question?

11
12 MR. WECHSLER: So, the garage that's there now.

13
14 MRS. LOZHANIDZE: There's the garage yes.

15
16 MR. WECHSLER: Right so currently, is there a door that goes
17 between the house and that garage?

18
19 MR. LOZHANIDZE: No.

20
21 MR. WECHSLER: Right, which is the reason why the other door
22 is out front. In your current plan when they do the new construction,
23 will there be a door going from the garage into the house?

24
25 MRS. LOZHANIDZE: Yes.

26
27 MR. WECHSLER: Then that would answer any questions on.

28
29 MR. LEVITON: What was the answer? Did you get an answer to
30 your satisfaction?

31
32 MR. WECHSLER: Yeah. I haven't asked ---

33
34 MR. LEVITON: Okay.

35
36 MR. SHALIKAR: Chair if I can comment.

37
38 MR. LEVITON: Yeah, Mr. Shalika.

39
40 MR. SHALIKAR: So, I think safety can be interpreted in many
41 different ways. I don't think it's our obligation to determine where
42 the front door of the house goes. I don't think it's in our purview
43 and to be honest I do agree with the blacktop. I think it's excessive
44 in terms of the plan of the house to having blacktop going all around
45 the front. I think that might be excessive. You can accommodate a
46 walkway, other ways of satisfying that. You're maintaining the
47 existing footprint of the house, correct? You're not extending it by
48 any means?

1
2 MRS. LOZHANIDZE: Nothing.

3
4 MR. SHALIKAR: Right.

5
6 MRS. LOZHANIDZE: Just the second floor enlarged. We're
7 calling enlarged not adding anything or go the side any direction.

8
9 MR. SHALIKAR: Albert, in terms of what are we looking at
10 here in terms of zoning?

11
12 MR. MARMERO: The provision from your code you're looking at
13 is 95743-2B non-conforming building or structure cannot be enlarged,
14 extended, increased in height, width - - -

15
16 MR. SHALIKAR: Okay increased in height, fine.

17
18 MR. MARMERO: Located in --- all requirements so it doesn't.

19
20 MR. SHALIKAR: Thank you.

21
22 MR. MARMERO: Which then subjects it to a positive criteria
23 to do that. ---

24
25 MR. SHALIKAR: Yeah that makes sense. I certainly see the
26 negative and positive criteria. I don't see a struggle with that from
27 my perspective. I'm strongly --- where we're going to tell them to put
28 the front door. Again, do you want to talk safety and egress? Removing
29 a front door to a house is a huge safety concern and limiting to where
30 they can even enter a house is another safety concern. In the event of
31 a fire, I can pull that card, you're eliminating a very I would say
32 logical way to leave a residence. That's my opinion. They're also
33 probably not going to be the first and last people to own this house.
34 The next owners might be a family of two, might be a family of four.
35 So the concerns may not exist in the future. I don't know if it's up
36 to us to dictate that. That's just my personal opinion, take it or
37 leave it. I don't know if I want to approve or deny an application
38 based on that contingency. I don't know how fair that would be to the
39 applicant. That's my opinion. I fully support the fact that the
40 blacktop surrounding the entire front of the house, I think that's
41 excessive. That's my personal opinion. That's it Chair.

42
43 MR. LEVITON: So, you would agree to the condition that
44 there's no blacktop in the front?

45
46 MR. SHALIKAR: I would agree and I would say you can
47 circumvent that by putting a concrete patio that is adequate in terms
48 of width, a walkway that goes to the driveway. I think that's very

1 common for the neighborhood in the area. It wouldn't seem out of
2 place. I think by doing blacktop you're making it look like a
3 commercial establishment like a restaurant, and I don't know if that
4 really fits the bill.

5
6 MR. LEVITON: See for me, the intensity is going to be
7 increased. That is a negative situation. When you increase intensity
8 of the habitable space at that site, that's a problem. I don't know
9 that it rises to the level of substantial and I do love that their
10 application would definitely improve the aesthetics of the community.

11
12 MR. SHALIKAR: Sure.

13
14 MR. LEVITON: However, in my mind's eye I can see young
15 children not necessarily the Lobzhanidze's, but someday children
16 running around that house right along Pease Road in a situation that
17 could potentially be hazardous and it's not. My main philosophy, my
18 number one philosophy as the chairman of this board is to never make a
19 bad situation worse. I would hate, just hate, to me it's a danger.

20
21 MR. SHALIKAR: I support that. I think my theory is it goes
22 back we make it mandatory for a sidewalk, it's contradictory. Right?

23
24 MR. LEVITON: No, it's not mandatory. It's within our
25 purview to say. You understand? Okay.

26
27 MR. SHALIKAR: I am. I'm just kind of putting perspective,
28 but if you say we have a sidewalk where kids or families are going to
29 be walking, then we say we have to put a stipulation on what they can
30 do in terms of where their kids will play, in my opinion, it's
31 contradictory. Right? I think that's their home, their residence. They
32 determine the safety of their children, etc. I don't know if that's up
33 to us to do.

34
35 MR. LEVITON: Our attorney says we have the right to do so.
36 So, I'll just say it. I had a friend that got killed on Pease Road.

37
38 MR. SHALIKAR: Yup.

39
40 MR. LEVITON: He got off the late bus from high school and
41 got killed crossing the street. It may change how I feel if that door
42 stays. I know it may change how you feel too, but that's what we have
43 to. We each have a vote.

44
45 MR. POCHOPIN: Mr. Chair, can I just clarify?

46
47 MR. LEVITON: Yeah, of course.

1 MR. POCHOPIN: So, you've testified that that is not the
2 front door that we're addressing right now. The front door is on the
3 side.

4
5 MR. LOZHANIDZE: Yes.

6
7 MR. POCHOPIN: So that's the house that we're looking at,
8 the front on the side. Not what we're talking about eliminating.
9 That's not the front door. So, for the safety concern that Mr. Chair
10 has which I agree with, with the blacktop in the front and you also
11 have three other means of egress out of the house. That's more than I
12 have in my home. You have the two back. I see two sliding doors in the
13 back off the bedrooms and I see another one on the side behind the
14 garage, and behind the garage what are those? Are they two swinging
15 doors also off the garage? That's not going into the house though, is
16 it? These two swinging doors here. Are they doors? Are they swinging
17 doors off back of the garage?

18
19 MR. LOZHANIDZE: It's not sliding door. Right now, nothing
20 here.

21
22 MR. POCHOPIN: Yeah, but it's showing swinging doors in the
23 back of the garage.

24
25 MR. LOZHANIDZE: If it's possible, but right now it's just
26 wall.

27
28 MR. POCHOPIN: No, but this is your plans. Yeah, so this
29 they're talking about now. Everybody's thinking they're talking about
30 eliminating the front door, but you already testified that isn't the
31 front door. This is the front door.

32
33 MRS. LOZHANIDZE: Yes, this is one yes.

34
35 MR. POCHOPIN: Yes, and then one of our chair people,
36 committee asked if you're going to have a door leading into the
37 garage, and that's not on here. So, I'm just trying to get everything
38 clear before I make a decision. Is there going to be a door going from
39 the house like one of our committeepersons said?

40
41 MR. LEVITON: Assume that there is Dan. They said it's on
42 the plot plan, it's fine.

43
44 MR. POCHOPIN: Okay.

45
46 MR. SHALIKAR: But it doesn't matter. It's a point of egress
47 though. So, whether we label it a front door, side door, back door it
48 doesn't matter. It's a point of egress.

1
2 MR. POCHOPIN: Yeah, so there's three other ones into the
3 house.

4
5 MR. SHALIKAR: Right but.

6
7 MR. POCHOPIN: Four total.

8
9 MR. SHALIKAR: That's all I'm trying to say.

10
11 MR. POCHOPIN: Yeah, four total doors in and out of the
12 house. That's all, yeah.

13
14 MRS. LOZHANIDZE: So, you think that this side door, this
15 front door could never be front door?

16
17 MR. POCHOPIN: I'm just trying to clarify what the front
18 door is and you guys testified it was the side not the front, and the
19 safety concern that the chair had I would agree with that not being
20 the front, but walking out of the garage into the house. So, if
21 there's going to be a door going into the garage you could be coming
22 out on the front so.

23
24 MR. LEVITON: Well, doesn't matter what you call it. It's
25 semantics, but I don't want to make a bad situation worse and I need
26 to weigh whether or not the relief that they seek rises to the level
27 of a substantial detriment. I don't believe I'm there, but I do feel
28 strongly about children playing on Pease Road, and with good reason,
29 and that's my opinion, and I'm sticking to it. Let me go back down to
30 this side, and ask ladies and gentlemen is there anyone who wants to
31 say anything further?

32
33 MS. KLOMPUS: I have nothing further.

34
35 MR. HARRINGTON: Are you looking to do a fence in the
36 backyard in the future, now, never?

37
38 MR. LEVITON: Well, they're prohibited from doing so unless
39 they get permits from the D.E.P., and any action that this board take
40 that allows this project to go further doesn't imply approval. They
41 would need that.

42
43 MR. HARRINGTON: Right, absolutely agree with you. I'm
44 saying is there?

45
46 MR. BOCCANFUSO: Mr. Chairman if I could just jump in. I
47 have several things, but one item in particular with regards to the
48 fence and the D.E.P. I think the more critical issue as it pertains to

1 improvements in the rear yard with a patio, or a fence, or a pool, or
2 a deck, not so much a garden unless you're talking about a big
3 structural raised garden. That's not regulated by the zoning
4 requirements, but those other items are regulated by the zoning
5 requirements, and the primary or first challenge with those is that
6 even though they are behind the home they would be within the front
7 setback because there's a seventy-five foot front setback. So, if any
8 of those improvements are envisioned in the future, they're going to
9 need a variance.

10
11 MR. LEVITON: I'm not inclined to give it to them now.

12
13 MR. BOCCANFUSO: Well, that's what I'm saying. Obviously,
14 you can't because there's nothing proposed. We can't just give them a
15 blank, a free pass to do whatever they want. So, if they had short to
16 medium term visions of doing anything like that, it would be in their
17 best interest to maybe take an adjournment for tonight and come back,
18 figure out exactly what they want, and return to the board. Now, if
19 they're confident, saying look we don't want that, we don't need that.
20 If we do want it in the future, we recognize that we'll have to come
21 back and go through this process again, that's fine. Whichever way
22 they go, the board has no ability to supersede the D.E.P. regulations.
23 Those would be reviewed when the permit comes into the zoning
24 department. My department would take a look at that and say either we
25 think you do need a D.E.P. permit and you have to go to the D.E.P. and
26 get it or we're confident saying you don't need a D.E.P. permit and
27 zoning can approve this without it, or we're not sure and you got to
28 either hire an engineer or go to the D.E.P. It would be one of those
29 three things, but it's not something that we need to hash out now
30 except to advise the applicant that, look there are regulated areas
31 back there somewhere. We don't know exactly where they are and they
32 may impact your future development or plans or improvements in the
33 rear portion of the property, but the zoning part is critical because
34 without that they can't even pull a permit.

35
36 MS. MOENCH: Do you remember we discussed that when you guys
37 came to the zoning office about your testimony about if you wanted to
38 do something in the back technically it would be the front? And then
39 at that time they told me if you guys wanted to do something you would
40 come back to the board. But Brian, I just want to make sure that you
41 guys understand what.

42
43 MR. SHALIKAR: So point being, you can come back with plans
44 that indicate your interest in putting a fence up or anything you want
45 in the back yard or you'd have to come back and do this process all
46 over again with another variance request to submit for plans in the
47 future and why I'm mentioning this is if safety is a concern and you
48 have children and if the interest is to potentially put up a fence in

1 the backyard so that you keep your children in the backyard from
2 playing in the front of the house that could be an indication for you
3 that you care about safety.

4
5 MR. LEVITON: Did she testify to that? I missed it.

6
7 MR. SHALIKAR: We're all saying safety. We're telling them
8 that we have safety concerns.

9
10 MR. LEVITON: Yeah.

11
12 MR. SHALIKAR: Right, I'm saying because of the proximity of
13 the house to Pease Road.

14
15 MR. LEVITON: Do you understand what they've talked to you
16 about?

17
18 MRS. LOZHANIDZE: Yeah, anything we can, for example, want
19 to do patio, fence, or deck, or anything.

20
21 MR. LEVITON: Yes.

22
23 MRS. LOZHANIDZE: We should do the same process we are going
24 through right now.

25
26 MR. LEVITON: Correct or what they're offering you in the
27 alternative is go home, determine what it is that you may want to put
28 up right now and then come back without having to re-notice, without
29 having to pay more and have us evaluate your new plan at that time.
30 So, whatever you want to do.

31
32 MRS. LOZHANIDZE: The new plan related only.

33
34 MR. LEVITON: Correct, new things.

35
36 MRS. LOZHANIDZE: Anything the back?

37
38 MR. LEVITON: Yes.

39
40 MRS. LOZHANIDZE: So, I mean addition, deck, fence, patio.

41
42 MR. LEVITON: Exactly.

43
44 MR. BOCCANFUSO: It's not a requirement. It's an offer
45 because say you're going to get this done and next year, you're going
46 to want to put a fence in, I mean it maybe something you want to take
47 a couple weeks and consider because otherwise it's going to be a
48 couple months and another thousand plus dollars when you want to do

1 it. So, it's entirely up to you. It's not something that you have to
2 do. It's just I think the board has seen this act enough times to know
3 that you may want a fence or a patio in the semi-near future so maybe
4 it benefits you to think a little bit about it now and take some time.
5 Entirely up to you.

6
7 MR. LEVITON: But you're here now and you can continue and I
8 will take a straw vote for you right now. I will survey the board so
9 that you can see whether or not you're going to get the relief that
10 you seek. Let's do that. Michael, are you for or against the
11 application?

12
13 MR. WECHSLER: Thumbs up.

14
15 MR. LEVITON: You need four. Joshua?

16
17 MR. SHALIKAR: I am for the application. Hold on, not
18 including the condition of moving the front door and removing the
19 blacktop in the front.

20
21 MR. POCHOPIN: So, I need a little bit of clarity, more. I
22 wish you would consider getting a whole package as suggested for
23 safety reasons, etc. which they expressed, but the difference of doors
24 and not really the front, the side, what you're doing in the backyard.
25 I think I heard a couple of different things that you're not really
26 sure on the plans.

27
28 MR. LEVITON: You're still at two votes. Janice, I'm fairly
29 certain Mr. Hughes is the vote that won't count tonight. Is that?

30
31 MS. MOENCH: I'm sorry?

32
33 MR. LEVITON: Who are the seven members that count tonight?

34
35 MS. MOENCH: Yes.

36
37 MR. LEVITON: Who's votes?

38
39 MS. MOENCH: Everybody but Patrick.

40
41 MR. LEVITON: Everybody but Patrick. Okay, only at the end.
42 So, you're at two so far. John?

43
44 MR. HARRINGTON: --- three.

45
46 MR. LEVITON: You've got three now.

47

1 MR. HARRINGTON: The only thing I would want is that if you
2 were to put a fence in or want to.

3
4 MS. MOENCH: Is your microphone on?

5
6 MR. HARRINGTON: You would have to come back before the
7 board.

8
9 MR. LEVITON: Microphone. Well, they would have to.
10 Microphone John. Just repeat it.

11
12 MR. HARRINGTON: I apologize. I would be a third yes. The
13 only thing is that if you were to want a fence or want to do anything
14 a little bit different with the property you would have to come back
15 in front of the board.

16
17 MR. LEVITON: Actually, there's only two. It's Mr. Wechsler
18 and Mr. Harrington unless the Board collectively agrees with Mr.
19 Shalika and then we'll talk about that in a minute. Ms. Baker-
20 Levenson?

21
22 MS. BAKER-LEVENSON: I'm for the improvements here. My
23 concern remains about the door and the blacktop or the grass, but I'm
24 going back and forth on this issue because.

25
26 MR. LEVITON: I vacillate myself, but site plan is
27 definitely in our purview. Correct? I mean we can impose these
28 conditions.

29
30 MR. MARMERO: What conditions? The ones we talked about?

31
32 MR. LEVITON: Yeah.

33
34 MR. MARMERO: Yeah so, I'm reading this specific ordinance -
35 -- for non-conforming buildings or structures may not be enlarged,
36 extended, increased in height, width, or depth, relocated, modified in
37 such a way to increase habitable --- space --- bedrooms. Yeah, it's
38 all within your purview. You have to find a positive and negative
39 criteria. The negative criteria certainly could be safety. That is
40 certainly --- positive as well. But the ordinance is clear that
41 anytime this increases in height or bedrooms its within your purview
42 to ---

43
44 MR. LEVITON: But we do have the authority to grant you the
45 relief, and working in your favor, the footprint doesn't change. The
46 addition is modest. It's all internal. You can clearly get to a
47 hardship or you can demonstrate that there's going to be aesthetic

1 improvement. So, putting conditions on it wouldn't in my mind mitigate
2 potential negative impacts. That's where I come from. Ms. Latilla?

3
4 MS. LATILLA: I'm for, minus the blacktop.

5
6 MR. LEVITON: Okay so you have enough votes to go forward
7 tonight. We have not heard from the public yet and I see people out
8 there who want to address us, and they will have the opportunity and
9 we thank them for their patience, and why don't we do that. Go to our
10 professionals here, and then talk about conditions. Okay? Let's do
11 that. Folks, would you like to come up and address the Board or? Come,
12 please. Mr. Marmero will swear you in first. It's okay.

13
14 MR. MARMERO: If you raise your right hand. Do you swear the
15 testimony you provide tonight will be the truth, the whole truth, and
16 nothing but the truth?

17
18 MS. OBERHUBER: Yes.

19
20 MR. MARMERO: And then if you could state your name and
21 address for the record, please?

22
23 MS. OBERHUBER: Bridgett Oberhuber 192 Pease Road.

24
25 MR. MARMERO: !92?

26
27 MS. OBERHUBER: Across the street from subject 192.

28
29 MR. LEVITON: Okay Ms. Oberhuber, talk to us.

30
31 MS. OBERHUBER: Okay so the only concern that we would have
32 been the number of bedrooms which is the seven bedrooms because that's
33 the potential of increasing the number of people living there. So
34 right now, if you have the three generations, the two children living
35 in two bedrooms, the two couples would be three bedrooms, four
36 bedrooms. One, two, four bedrooms so I could see five bedrooms, but it
37 comes into concern with seven bedrooms which is a possibility to
38 increase the habitat.

39
40 MR. LEVITON: We appreciate that input.

41
42 MS. OBERHUBER: That's it. Otherwise, everything else from
43 what everybody stated makes sense. We moved in there twenty-five
44 years, yeah twenty-five years. Our children were small, three and one
45 year, one month old. So, we had the experience of living on Pease Road
46 with the kids running around and everything. So, the safety of how
47 close, like you were saying with the blacktop would be an area of
48 concern, but mostly just like I said the bedrooms. That's it.

1
2 MR. LEVITON: So, the applicant did testify that they're not
3 married to seven bedrooms, and that the final project may not look
4 like what they're presenting and we take them at their word. And we
5 appreciate your input.

6
7 MS. OBERHUBER: Thank you.

8
9 MR. LEVITON: You're welcome. Okay, Brian? Any thoughts or
10 anything else?

11
12 MR. BOCCANFUSO: Thank you Mr. Chairman. First, a few
13 things. So, I think you nailed the relief that this could either be
14 considered a C1 hardship or a flexible C2 in addition to the wetlands
15 areas and D.E.P.-regulated areas you spoke about in the rear of the
16 property. As it pertains to a hardship, I think that the existing, the
17 legal existing dwelling on the property is a hardship. The section of
18 the land use law speaks to the legal existing improvements on the
19 property. So, I think that that also speaks to the hardship case. We
20 spoke about the rear yard improvements. I would just make sure that we
21 allow the applicant an opportunity to decide, maybe converse with
22 themselves, as to whether or not they want to reconsider that before
23 you go ahead and take any action tonight. We spoke a little bit about
24 the D.E.P. regulations. I think we've beaten that horse sufficiently
25 to death. The D.E.P. is something that the board has no jurisdiction
26 to supersede. They've been notified that there's regulated areas. I'm
27 sure they're aware of that already, and while it does in my opinion
28 contribute to the beauty of the property. It also presents challenges
29 with use and future development. With regard to the layout, bedrooms,
30 design, etc., of the house it's not unheard of or even uncommon for
31 variance applications to come in without architectural plans being
32 completely finalized because there's a cost with going ahead with
33 architectural plans and if you can't get a setback variance, why would
34 you spend the money and do the full architectural? So, certainly not
35 uncommon. However, with that said I think your discussion relative to
36 the intensity and the comments we heard from the neighbor are
37 certainly valid because the design could contribute to the intensity.
38 So that's something that you need to balance. One thing that I would
39 say is that under no circumstances will the architectural design that
40 includes a second kitchen be permitted in this development in this
41 home because that would constitute a second dwelling unit which is not
42 a permitted use and is a whole different type of animal. So that's
43 something that would not be able to get zoning permits if it was
44 included in the final design. Assuming of course if there is an
45 approval here. Along the same lines with intensity while it's
46 certainly logical to conclude that more bedrooms could potentially
47 lead to a higher intensity. What I would say is that when you look at
48 a single-family home from a traffic engineering standpoint, the number

1 of bedrooms is generally not considered when you're talking about
2 average daily trips. If you look to the residential site improvement
3 standards, they have a breakdown of A.D.T., average daily trips, and I
4 believe it's on the order of 10.1. Mr. Hughes may even be able to
5 speak to this as well as I can, but I think it's 10.1 or 10.2 trips
6 per day for a single-family home. It does not speak to the number of
7 bedrooms in the home. So, while it's logical to conclude that more
8 bedrooms could be more intense, that's not really supported on the
9 engineering side of things.

10
11 MR. LEVITON: Well, there's testimony that multiple
12 generations are going to be living there. I don't know. I guess it's
13 still subjective, but.

14
15 MR. BOCCANFUSO: Of course, it is, absolutely. You're not
16 bound by the engineering standards here. I'm just offering it for
17 perspective.

18
19 MR. LEVITON: That's your purview Patrick? The I.D.? What do
20 you call it? The I.D., what's the?

21
22 MR. BOCCANFUSO: R.S.I.S.

23
24 MR. LEVITON: That's you?

25
26 MR. HUGHES: Yeah, what he was saying is that trip
27 generation is dictated by those standards and yes.

28
29 MS. MOENCH: Is your microphone on?

30
31 MR. HUGHES: Yes.

32
33 MR. LEVITON: Does he work with?

34
35 MR. HUGHES: Trip generation is based on all those
36 standards, and I believe Brian is correct of ten to two. So, we don't
37 judge it's based on applicable traffic engineering studies that are
38 done for that size of the dwelling.

39
40 MR. LEVITON: Do you work with McDonagh and Raye?

41
42 MR. HUGHES: I do not. I work for Colliers Engineering
43 Design, formerly Maser Consulting.

44
45 MR. LEVITON: Continue sir, thank you.

46
47 MR. BOCCANFUSO: Sure thing. Now one thing that engineering
48 standards do consider as it pertains to the number of bedrooms is

1 parking. Now we heard there were some concerns relative to the
2 parking. I think those are again certainly valid from a practical
3 standpoint, but what I would say is that the parking standards max out
4 at five bedrooms. When you have a five bedroom, single-family home,
5 the requirement is three parking spaces and this existing site does
6 provide three. So, it does meet the standard. The R.S.I.S. and I.T.E.
7 don't have standards for six, seven, eight bedrooms homes. They max
8 out at five. Five is three. Anything more than that I think is three
9 or subject to discretion. So, I think that's where we are here. I
10 would say it complies with the regulations, but of course there's some
11 judgment involved. So, with all that said, one thing that the board
12 could consider and I just kind of had a little, really quick, sidebar
13 with our attorney is that if the intensity is legitimately a concern
14 whether from a traffic generation standpoint or a parking standpoint
15 or both, you could impose a condition limiting the final design to a
16 certain number of bedrooms. Whatever that number is that you're
17 comfortable with; be it four, five, six, seven, whatever. Not a
18 requirement, not something you have to do, just not something I heard
19 anybody raise as a possibility. So, I'm offering it for consideration.
20 As far as the conditions, there seems to be not a total consensus on
21 what the condition would be relative to the door placement and the
22 pavement removal. So, I would just ask that if there is a motion
23 whether it be tonight or in the future that that condition be clearly
24 specified because I'm the one. I'm going to review the resolution that
25 I would have to enforce of course as part of the zoning permit
26 application, and the last thing is with regard to the sidewalk payment
27 in lieu, I will take a close look at this because if sidewalk and
28 curbing, if the requirement is applied to the totality of the lot,
29 this is a tremendous dollar amount. It would be several tens of
30 thousands of dollars for the payment in lieu based upon how much
31 sidewalk due to the size of the lot.

32
33 MR. LEVITON: Then we appreciate your intervention. That
34 would be harsh and uncalled for.

35
36 MR. BOCCANFUSO: I think it would render the project
37 financially infeasible for these folks. So, I would look at it as
38 liberally as I could. The board has no ability to completely waive the
39 requirement. So, I would do everything I could to make it reasonable,
40 but there would be some type of contribution that would be required.

41
42 MR. LEVITON: But the Board does see to the authority to
43 make that decision on its behalf and Mr. Marmero will include.

44
45 MR. MARMERO: Well, I'm looking at the code now as far as I
46 understand it your authority is to allow the sidewalk curb to require
47 the sidewalk which permits a payment. I just don't know what your
48 curbing is with respect to ways to mitigate.

1
2 MR. LEVITON: We're going to permit the payment, and we're
3 going to allow the administrator to determine what a fair payment is.
4 Write it up that way.
5

6 MR. BOCCANFUSO: Yeah, I think it's as calculated by the
7 township engineer. So, I would have to put that hat on, and make the
8 calculation, but I had some recent correspondence with the municipal
9 attorney about a similar matter. Whether this item in particular and
10 others are applicable to these single-family lots, and the variance
11 applications were a bit of a gray area. So, I could certainly circle
12 back with him and try to be as reasonable as I can as the ordinance
13 allows me to be with regard to the imposition of this payment in lieu
14 requirement.
15

16 MR. LEVITON: Thank you Brian.
17

18 MS. MOENCH: Pavement doesn't count as; the pavement
19 couldn't count as the sidewalk?
20

21 MR. LEVITON: Even if it did, it would be a drop in a
22 bucket. The total frontage of this site is between Pease and Pine
23 Brook is 900 linear feet, if not more.
24

25 MS. MOENCH: But then they'd --- take up pavement or that
26 wouldn't?
27

28 MR. BOCCANFUSO: Yeah, but I mean that's.
29

30 MS. MOENCH: I mean that wouldn't count?
31

32 MR. BOCCANFUSO: That's like twenty, thirty feet. Nine
33 hundred minus twenty is still an extraordinary amount of sidewalk.
34

35 MS. MOENCH: Yeah, just thought that it would count in their
36 favor.
37

38 MR. BOCCANFUSO: And the Pease Road frontage does have
39 curbing. So that's a non-issue, but just sidewalk along the entire
40 frontage whether it's eight hundred feet, nine hundred feet times four
41 times the unit cost plus the curbing on Pine Brook it would be. I did
42 a real quick dirty calculation, it's like thirty thousand dollars.
43

44 MS. MOENCH: But they might have wanted to wetlands there
45 too or --- issues there.
46

47 MR. BOCCANFUSO Potentially, maybe that's the gray area.
48

1 MR. LEVITON: Brian, Janice, Albert I don't know. Whoever
2 knows. They've submitted a plot plan. In the past, I've considered
3 asking applicants to come back with a grading plan or a plot plan, and
4 I know that the grading plan is much less expensive. I know that the
5 plot plan is expensive, but less expensive than an architectural mock
6 up. Do you know how much people would spend on a plot plan?

7
8 MR. BOCCANFUSO: It can vary wildly. It's hard to say.

9
10 MR. LEVITON: Give me a range. Give me a low to.

11
12 MR. BOCCANFUSO: To hire an engineer to do. The topography
13 is very costly because you have to do the topographic survey, and the
14 grading design.

15
16 MR. LEVITON: It could be five thousand? It could be ten
17 thousand?

18
19 MR. BOCCANFUSO: Ten thousand would be a little high. I
20 would say probably three to six thousand is probably something that
21 they would be looking at, but in this particular case since there's
22 no, virtually no, site improvements proposed unless they have to
23 remove some of that pavement from the house. They wouldn't need to
24 submit a grading plan or detailed engineering report.

25
26 MR. LEVITON: No, but they already have a plot plan. I was
27 just curious.

28
29 MR. BOCCANFUSO: Yeah, well they don't. They have an
30 architectural.

31
32 MR. LEVITON: It's titled plot plan. I haven't looked at it.

33
34 MR. BOCCANFUSO: Semantics.

35
36 MR. LEVITON: Yeah, semantics.

37
38 MR. BOCCANFUSO: What they have here in their.

39
40 MR. LEVITON: And they're not bound by it. Let's make that
41 clear too.

42
43 MR. BOCCANFUSO: Actually, I'm not even seeing a plot plan.
44 I'm seeing the survey marked up.

45
46 MS. MOENCH: It's a survey.

47
48 MR. LEVITON: That's it?

1
2 MR. BOCCANFUSO: Survey, yeah, they have a survey mark up.
3 If the board were to act favorably on the application, that would be
4 sufficient for zoning permits because they're not proposing any
5 improvements outside the footprint of the home. They really just need
6 to identify where everything is that they're doing. They would need
7 architectural designs for permits from the construction department
8 which would need to be more detailed than what they've submitted here,
9 but from the zoning standpoint, what they have may be a nip here, and
10 a tuck there, but it would generally be okay for permitting.

11
12 MR. LEVITON: Albert, before we come to you, I want to have
13 a discussion about the conditions with the board.

14
15 MR. MARMERO: Yes.

16
17 MR. LEVITON: And I'll say that Josh's point about ingress
18 and egress and removal of doors.

19
20 MR. SHALIKAR: I did have one more question if I can.

21
22 MR. LEVITON: Yeah, go ahead.

23
24 MR. SHALIKAR: That door is the existing door of the house.
25 You're not changing that door?

26
27 MS. MOENCH: Is your microphone on? - - - Your mic?

28
29 MR. SHALIKAR: It's on.

30
31 MS. MOENCH: Okay.

32
33 MR. SHALIKAR: That door is the existing door to that house,
34 correct?

35
36 MRS. LOZHANIDZE: Yes, it is existing.

37
38 MR. SHALIKAR: So, the ask of the Board would be to remove
39 an existing door to the house.

40
41 MR. LEVITON: That door is in a house that's vacant and
42 unlivable.

43
44 MR. SHALIKAR: Yeah, I'm aware. I'm just saying, but this is
45 not an addition to the house. This is not part of a modification to
46 the house. This is the existing door to the house.

47
48 MR. LEVITON: Yeah and so.

1
2 MR. SHALIKAR: I'm just making that statement.
3

4 MR. LEVITON: I'm going to say I would impose, and I would
5 ask the board for their thoughts. I would impose the removal of that
6 door and having it placed in the back of the house. I would also
7 change the orientation of the garage. So that the door doesn't face
8 Pease Road. I don't want anybody on Pease Road. I don't want any
9 children on Pease Road ever. Yeah, they were there I know, but I don't
10 want to make a bad situation worse. I just don't want to do it. That's
11 me.
12

13 MR. SHALIKAR: But if we're changing the footprint, now
14 we're asking for ---
15

16 MR. LEVITON: Footprint doesn't change. We're changing doors
17 and orientation, that's it.
18

19 MR. SHALIKAR: How do you change the orientation of the
20 garage?
21

22 MR. LEVITON: The garage doesn't. The door goes to this
23 side.
24

25 MR. SHALIKAR: --- it's not wide enough. The depth. You're
26 saying the width of the garage.
27

28 MR. LEVITON: So, if it was up to me, the little bump out on
29 the curb that leads to the garage that allows ingress off of Pease
30 Road, I'd take that away. I think that's a problem. I think, in my
31 mind, I see with the increased intensity. I see landscapers with their
32 trucks. I see Amazon trucks. I see buses and mail trucks. I see this
33 board having contributed to an intersection that may well have an
34 existing problem and making it worse. I don't want to do that. Let's
35 see what the rest of you think. We've had our discussion.
36

37 MS. KLOMPUS: So I definitely hear what you're saying about
38 the safety concern, but my comment will be if a child's going to find
39 a way to Pease Road, they're going to find a way to Pease Road
40 unfortunately. That main front door is only steps away from Pease
41 Road. The one that's the front door, and also if we can't change the
42 orientation where the garage door is because then the car won't fit,
43 and then we're talking about new curb cuts, then more asphalt, and
44 more asphalt, and then extending the driveway. They would not be able
45 to put a car in there. So that's just my thought.
46

47 MR. LEVITON: Thank you for sharing it. Patrick? Jessica?
48

1 MR. HUGHES: I agree. I don't think we could dictate where
2 the front door goes. I think it's an existing door. I think a house
3 oriented in that matter, the front door opposite effect with the
4 safety factor of a first responder trying to find a way into the
5 house. Again, it may not --- The other door is right there, but
6 typically you'd go through the front door and what you said if a
7 child's going to find a way, they'll find a way. So, but I don't know
8 if we could dictate eliminating a front door. To me, it doesn't.

9
10 MS. BAKER-LEVENSON: The side door, I guess.

11
12 MR. HUGHES: Yeah, the side door or whatever you're calling
13 it. The front or side seems.

14
15 MR. LEVITON: Jessica?

16
17 MS. BAKER-LEVENSON: I hear Josh's point. It's a good point.
18 This is the way the house has been, and this is the way the design is
19 that they brought in. They have a door here. I'm just also now re-
20 thinking this grass idea. I think visually it would look nicer not to
21 have that paved area. However, this is a busy road. They're going to
22 have cars, and they could use that area to constantly turn around or
23 park cars for guests on that area if they leave it paved.

24
25 MR. LEVITON: On which area?

26
27 MS. BAKER-LEVENSON: On the area right outside the side door
28 because we had mentioned possibly putting grass there in the front,
29 but maybe that isn't the best idea for this house. Maybe it should be
30 left the way it is, to have that blacktop outside the house.

31
32 MR. LEVITON: You don't see guests with one tire on Pease
33 Road and one tire on the blacktop?

34
35 MS. BAKER-LEVENSON: It looks wide enough from photos. It
36 looks like there's a car in the picture right now.

37
38 MR. LEVITON: Well, this isn't to scale. I don't know.

39
40 MS. BAKER-LEVENSON: No, the picture of the current house.
41 There's a car there. So that is wide enough for a car and that could
42 be wide enough for someone to turn around. If they're coming out the
43 garage and they're backing up, someone who is not me and a better
44 driver, could use that to help turn the car around. So, I'm re-
45 thinking the grass idea as well.

46
47 MR. LEVITON: John?

1 MS. BAKER-LEVENSON: I just want to say visually I think the
2 grass would look nicer and would make it look more residential versus
3 a commercial building, but the parking and using that space for cars
4 and turning around could be ---

5
6 MR. LEVITON: John?

7
8 MR. HARRINGTON: I'm very much exactly where I was before, -
9 -- vote.

10
11 MR. LEVITON: Remind the applicants where you are.

12
13 MR. HARRINGTON: I think personally as long as everything
14 that you presented to me makes sense. It brings it up to
15 aesthetically, the area. I kind of struggled back and forth with
16 what's the front? Is it the east? Is it the west? The south? The
17 north? And I happen to agree that if a child or an adult for that
18 matter is going to find Pease Road, they're going to find Pease Road.
19 It's just something that happens, and it's not something that's
20 without our control.

21
22 MR. LEVITON: Well, it would be if we imposed a condition to
23 move the door to the back instead of the front, but your opinion is
24 well-taken as is everyone's and we're going to move on.

25
26 MR. HARRINGTON: --- I mean in that scenario there then,
27 change the roof and make the roof flat and take away the brick on that
28 one wall and make that whole side siding. Now you're telling somebody
29 how to design their home which I think is an overstep of what.

30
31 MR. LEVITON: Let me return to Albert and have him charge
32 this Board as to what its purview is.

33
34 MR. MARMERO: Yeah - - - I've said, but I think what you're
35 dealing with, the intensity of the use in this situation, the
36 applicant has a one-story home that's relatively small. They're not
37 changing the footprint, but they're increasing the height and the
38 intensity and bedrooms. All of which are governed by this provision of
39 the ordinance. So, to the extent you have concerns about and again you
40 can impose conditions, and then of course with safety, you always have
41 the ability to impose conditions as well. So, it is something you can
42 do. It's not something you have to do, but it's something you as a
43 group can figure out. If there is going to be an approval, what those
44 conditions are going to be. Needs four of you willing to agree to
45 that.

1 MR. LEVITON: The ordinance is clear that they want non-
2 conformities frozen. They don't want the intensity increased. It
3 doesn't want the intensity to be increased.

4
5 MR. MARMERO: Correct.

6
7 MR. SHALIKAR: Chairman, if I may, sorry. They can also just
8 move into the house as is, and the same problems would still exist
9 that we're identifying as safety concerns. So, this is where I'm
10 struggling. Again, they're coming in to make a dramatic improvement to
11 that structure. When they could just move into the existing structure
12 and the doors would exist. The pavement would exist. Everything would
13 exist as is.

14
15 MR. LEVITON: Your points are well-taken, and everyone on
16 the dais agrees with you.

17
18 MR. SHALIKAR: No, no I'm just.

19
20 MR. LEVITON: I don't see it that way.

21
22 MR. SHALIKAR: I know, fair.

23
24 MR. LEVITON: And my opinion's not going to change.

25
26 MR. POCHOPIN: Mr. Chair?

27
28 MR. LEVITON: Yeah?

29
30 MR. POCHOPIN: So, the intensity is my concern. You don't
31 need my vote, but you did testify that the seven bedrooms. As our
32 engineer assured us that that might not be the final plan, seven.
33 Maybe if you compromise to five or something with the neighbors and
34 everybody's concern about the traffic and safety. Of course, the
35 children could get in and out of any door, but I do see other doors in
36 the back of the design. So, it is a very big improvement. I would
37 almost change my direction if you'd compromise on one of the
38 suggestions here.

39
40 MR. LEVITON: Well, they've already testified they're not
41 married to seven bedrooms. That's just a mock up. Yeah, I'm going to
42 ask them now.

43
44 MRS. LOZHANIDZE: We want to tell you all that anything what
45 is not good and need to be removed or changed, side door or garage
46 looking side or wherever you tell us, we will do.

47
48 MR. LEVITON: That's very nice of you.

1
2 MRS. LOZHANIDZE: We understand that the number of the
3 bedrooms it's not final. As much as we can, we will do that way. So
4 that's what we agree.

5
6 MR. LEVITON: We appreciate that too. This board is not
7 going to impose those conditions on you though. If they are so
8 inclined to approve your application, and it looks like they will, the
9 only question remaining is are you going to ask us to take a vote
10 tonight or do you want to come back with possible additions to your
11 backyard? Let the record reflect that they're talking amongst
12 themselves.

13
14 MRS. LOZHANIDZE: I'm sorry.

15
16 MR. LEVITON: It's okay.

17
18 MRS. LOZHANIDZE: So, we are still in hurry to start this
19 house.

20
21 MR. LEVITON: Yes, we understand.

22
23 MRS. LOZHANIDZE: We want to vote today.

24
25 MR. LEVITON: Okay, let's go to the board attorney and ask
26 him.

27
28 MR. MARMERO: Sure, so the relief that you're deciding on
29 tonight, and the applicants made it clear that if there's any further
30 relief, they'll come back before you. So that limits the scope of
31 relief tonight to rally just the addition on the home. Again, as we
32 heard in the addition on the home is not increasing the footprint in
33 any way. It's just increasing the height, but that's still --- the
34 ordinance at least in this situation because again it's a non-
35 conforming and if it goes up in height, goes up in intensity, goes up
36 in bedrooms it --- that ordinance and requires relief. So that's the
37 variance that you're looking at this evening whether to give them that
38 relief. That does require both positive and negative criteria. You
39 heard a couple of different ways to meet positive criteria. Hardship
40 created by the wetlands. That could also be aesthetic improvement.
41 That would be the C2 variance, and then talk about the substantial
42 detriment which also has to be met under --- and that's the applicant
43 needs to prove that improvement will not create a substantial
44 detriment to the surrounding area or to the property itself and
45 tonight --- we heard some concerns about intensity. So that would be
46 the variance that you need to approve. With respect to conditions that
47 you discussed, the simple ones are obviously the applicant need N.J.
48 D.E.P. approval. If those wetlands are an issue, we always have a

1 condition that they need any and all outside agency approvals. We
2 talked about the --- payment into the sidewalk fund in lieu of
3 providing sidewalk, and the ordinance is quite clear that that cost is
4 determined by the township engineer and we heard what the township
5 engineer had to say with respect to that. So, I think the remaining
6 condition that you discussed is the removal of what I'll call that
7 side door along Pease, and then there was some discussion as to what
8 to do with that blacktop along that same side. There was also some
9 discussion between myself and Brian about a condition related to
10 bedrooms if intensity was a concern as well. So that's the variance
11 relief --- those are the conditions that have been discussed.

12
13 MR. LEVITON: Actually, the conditions to be imposed are
14 zero.

15
16 MR. MARMERO: Well, I guess if someone make a motion with
17 certain conditions --- that's what ---

18
19 MR. BOCCANFUSO: And Mr. Chairman I'm certainly not trying
20 to complicate things further, but there is one additional thing I want
21 to point out. Perhaps it will lead to further discussion on
22 conditions, perhaps not, but the driveway could be expanded. A zoning
23 permit could be issued to expand the driveway without variance relief
24 because driveways are permitted in front yards. Obviously, you have to
25 cross your front yard with your driveway. So there was some discussion
26 about concerns relative to guest parking and turning vehicles around.
27 If the applicant wanted to expand their driveway to improve that
28 condition or if the board were to impose a condition on the approval
29 requiring them to do that, that is something that would not trigger
30 the need for additional variance relief. I think they could probably
31 do it without getting into the wetlands as long as they're not going
32 way into the rear of the property. If we're talking just a modest,
33 geometric modification on the existing asphalt driveway. Maybe that
34 could address some of the concerns of the board or that could help out
35 the applicant in the future.

36
37 MR. LEVITON: On the side of the portico?

38
39 MR. BOCCANFUSO: No, on the opposite side. Where the large
40 driveway is. Where I think what's being referred to as the functional
41 front door. On the left hand side of the house. Yes, so over here.

42
43 MR. LEVITON: I am? I don't think.

44
45 MR. BOCCANFUSO: Either way you could probably.

46
47 MR. SHALIKAR: He's talking about the left hand side.

1 MR. LEVITON: Where the portico is?

2
3 MR. SHALIKAR: Yes.

4
5 MR. LEVITON: The turn radius? Where it's already big?

6
7 MR. SHALIKAR: If we didn't change the blacktop.

8
9 MR. LEVITON: No, that doesn't throw a monkey-wrench. We
10 appreciate your input, and let's go and see what they think. We'll
11 start with Michael.

12
13 MR. WECHSLER: Are we looking for a motion?

14
15 MR. LEVITON: No.

16
17 MR. WECHSLER: Or we looking to discuss any further changes
18 allowed to the discussion?

19
20 MR. LEVITON: Yes, a condition to be imposed.

21
22 MR. WECHSLER: So if you want discussion, we can discuss
23 making the driveway larger or expand on a driveway if they so choose
24 doing that.

25
26 MR. LEVITON: Not if they choose. We can impose a
27 modification to the application to insist as a condition of approval.
28 That's why Brian's talking about.

29
30 MR. BOCCANFUSO: Both really. The Board absolutely could
31 impose a condition requiring the expansion to provide additional
32 parking and/or turn around area, or the board could stay silent on it
33 and the applicant could come in on their own accord and pull a zoning
34 permit to do it if they want it. It's either way.

35
36 MR. LEVITON: Correct, sorry Michael.

37
38 MR. WECHSLER: No that was my question.

39
40 MR. LEVITON: How do you mean?

41
42 MR. WECHSLER: I'm still voting the same way I was voting
43 before.

44
45 MR. LEVITON: And Joshua?

46

1 MR. SHALIKAR: May I ask how many cars you anticipate to
2 have in front of the house at all times? How many vehicles will be in
3 front of your house?

4
5 MR. LEVITON: They testified three currently.

6
7 MRS. LOZHANIDZE: Right now, we have three vehicles.

8
9 MR. SHALIKAR: And is it going to stay three vehicles?

10
11 MRS. LOZHANIDZE: But oldest one is going to be drive soon.

12
13 MR. SHALIKAR: Okay.

14
15 MRS. LOZHANIDZE: Not soon, but in the future. The car we'll
16 add.

17
18 MR. SHALIKAR: Okay so I think the parking space as is would
19 accommodate for four cars comfortably.

20
21 MRS. LOZHANIDZE: Yeah.

22
23 MR. SHALIKAR: Yeah, I have no other comments or questions.

24
25 MR. LEVITON: Dan?

26
27 MR. POCHOPIN: I'm good, thank you.

28
29 MR. LEVITON: John?

30
31 MR. HARRINGTON: I'm okay.

32
33 MR. LEVITON: Jess?

34
35 MS. BAKER-LEVENSON: I have no other questions.

36
37 MR. LEVITON: Temika?

38
39 MS. LATILLA: Nothing further.

40
41 MR. HUGHES: No questions.

42
43 MR. LEVITON: Okay so someone needs to move to make a
44 motion, and it would appear there are no conditions that this board is
45 going to impose. On the Lobzhanidze's so.

1 MR. MARMERO: It's not necessarily a condition or it sounds
2 like everyone was accepting of the idea on not installing sidewalk,
3 but permitting - - - This is up to you.

4
5 MR. LEVITON: Yes.

6
7 MR. MARMERO: --- sidewalk.

8
9 MR. LEVITON: Definitely.

10
11 MR. MARMERO: So, everyone was on Board with that. So, if
12 that is the case, - - - in as a condition that is up to you.

13
14 MR. LEVITON: Yes, thank you. We didn't discuss. Does
15 anybody object to that?

16
17 ALL: No.

18
19 MR. MARMERO: And then of course like Brian said, if you ---
20 it's going to be quite a large amount as Brian --- able to determine -
21 -- probably ---

22
23 MR. BOCCANFUSO: I'll be as reasonable as the ordinance
24 allows me to be.

25
26 MR. MARMERO: I always --- a condition for outside agencies.
27 So that covers D.E.P. something you really have to deal with. So
28 really just --- on any others you discussed which is the blacktop or
29 bedrooms which you don't have to impose, but you can.

30
31 MR. LEVITON: So, again we need someone to make a motion.

32
33 MR. SHALIKAR: I'll make a motion to approve the application
34 as stated with the condition with the sidewalk.

35
36
37 MR. WECHSLER: I'll second.

38
39 MS. MOENCH: So that was Mr. Shalika and Mr. Wechsler,
40 right?

41
42 MR. LEVITON: Yes.

43
44 MR. SHALIKAR: Yes.

45
46 **ROLL CALL**

47
48 MS. MOENCH: Mr. Shalika?

1
2 MR. SHALIKAR: Yes.

3
4 MS. MOENCH: Mr. Harrington?

5
6 MR. HARRINGTON: Yes.

7
8 MS. MOENCH: Mr. Wechsler?

9
10 MR. WECHSLER: Yes.

11
12 MS. MOENCH: Mr. Pochopin?

13
14 MR. POCHOPIN: No.

15
16 MS. MOENCH: Ms. Levenson?

17
18 MS. BAKER-LEVENSON: Yes.

19
20 MS. MOENCH: Ms. Latilla?

21
22 MS. LATILLA: Yes.

23
24 MS. MOENCH: Chair Leviton?

25
26 MR. LEVITON: I'm going to say yes, and I'm going to wish
27 you well and I hope that it turns out as beautiful as the plans that
28 you've presented here tonight. Good luck to you. Your resolution will
29 be memorialized at our next regular meeting. You won't need to be
30 here, and that's when you can get started on your improvements, and
31 Janice will help if you have any questions. Just give her a call.

32
33 MRS. LOZHANIDZE: Thank you so much.

34
35 MR. LEVITON: Okay, you're welcome. Okay, at this time I'm
36 going to go out to the public and ask if there's anyone in attendance
37 who wants to question the board on non-agenda items. Seeing none, I'll
38 close public, and I'll ask someone to move to adjourn.

39
40 MR. HARRINGTON: I'll move that Chair.

41
42 MR. LEVITON: Thank you Mr. Harrington.

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46 *****
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