

1 **MEETING IS CALLED TO ORDER:**

2  
3 MR. LEVITON: Okay, I'm going to call this meeting to order  
4 and ask everyone to stand for a flag salute.  
5

6 **SALUTE TO THE FLAG**  
7

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

17 **ROLL CALL**  
18

19 MS. MOENCH: Mr. Shalikar? Absent. Mr. Weiss? Absent. Mr.  
20 Harrington?  
21

22 MR. HARRINGTON: Present.  
23

24 MS. MOENCH: Ms. Klompus?  
25

26 MS. KLOMPUS: Here.  
27

28 MS. MOENCH: Mr. Mantagas?  
29

30 MR. MANTAGAS: Here.  
31

32 MS. MOENCH: Mr. Wechsler?  
33

34 MR. WECHSLER: Here.  
35

36 MS. MOENCH: Mr. Pochopin? Absent. Ms. Levenson?  
37

38 MS. BAKER-LEVENSON: Here.  
39

40 MS. MOENCH: Ms. Latilla?  
41

42 MS. LATILLA: Here.  
43

44 MS. MOENCH: Mr. Hughes?  
45

46 MR. HUGHES: Here.  
47

48 MS. MOENCH: Chair Leviton?

1  
2 MR. LEVITON: I am here. So we are down a significant number  
3 of members tonight, but we do have a quorum, and Ms. Baker-Levenson  
4 and Ms. Latilla's votes will count for this first application. Mr.  
5 Hughes' will count in this second when I believe Mr. Mantagas will be  
6 recusing himself and walking out the door. Okay, our first order of  
7 business is to accept minutes from November 6th. Will someone move to  
8 do so?

9  
10 MR. WECHSLER: I'll make a motion to accept the minutes.

11  
12 MR. LEVITON: Thank you Mr. Wechsler. Will someone second  
13 the motion?

14  
15 MR. HARRINGTON: I'll second.

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

18  
19 **ROLL CALL**

20  
21 MS. MOENCH: Mr. Wechsler?

22  
23 MR. WECHSLER: Yes.

24  
25 MS. MOENCH: Mr. Harrington?

26  
27 MR. HARRINGTON: Yes.

28  
29 MS. MOENCH: Ms. Levenson?

30  
31 MS. BAKER-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. Okay, we now need to memorialize  
44 application ZBE2537, Counselor.

45  
46 MR. MARMERO: Sure Mr. Chairman. So, the resolution you have  
47 before you tonight. While the applicant was proposing to construct an  
48 addition to a pre-existing, non-conforming single-family dwelling, the

1 variance relief that was - - - 95-7.2F2B which essentially says that  
2 any enlargement, extension, increases in height, width, depth or any  
3 kind of modification that increases the habitable, useful space of an  
4 existing, non-conforming requires the variance relief.

5  
6 MR. LEVITON: Thank you Mr. Marmero. Will someone move to  
7 memorialize?

8  
9 MR. WECHSLER: I'll make a motion to memorialize.

10  
11 MR. LEVITON: Mr. Wechsler, the board thanks you and will  
12 someone second the motion?

13  
14 MR. HARRINGTON: I'll second the motion.

15  
16 MR. LEVITON: Thank you Mr. Harrington.

17  
18 **ROLL CALL**

19  
20 MS. MOENCH: Mr. Wechsler?

21  
22 MR. WECHSLER: Yes.

23  
24 MS. MOENCH: Mr. Harrington?

25  
26 MR. HARRINGTON: Yes.

27  
28 MS. MOENCH: Ms. Levenson?

29  
30 MS. BAKER-LEVENSON: Yes.

31  
32 MS. MOENCH: Ms. Latilla?

33  
34 MS. LATILLA: Yes.

35  
36 MS. MOENCH: Chair Leviton?

37  
38 MR. LEVITON: Yes. There are two applications on tonight's  
39 agenda. Before we call our first one, Mr. Marmero will you swear in  
40 Mr. Ryan MacNeill and Ms. Christine Bell sitting in for Mr. Rizzo and  
41 Ms. Beahm respectively.

42  
43 MR. MARMERO: Absolutely. Do you both swear that the  
44 testimony you will provide tonight will be the truth, the whole truth,  
45 and nothing but the truth?

46  
47 MR. MACNEILL: I do.

1 MS. BELL: I do.

2  
3 MR. LEVITON: Okay wonderful. The board calls Mr. Ball on  
4 behalf of Old Tennent Church, and the board welcomes back Mr.  
5 Ploskonka. And who else have you with you Mr. Ball?

6  
7 MR. BALL: I have Joyce Zimmerman. She is a trustee of both  
8 the church as well as the cemetery board.

9  
10 MR. LEVITON: Wonderful. Will she be testifying?

11  
12 MR. BALL: I believe so, briefly.

13  
14 MR. MARMERO: If you'll both raise your right hand. Mrs.  
15 Zimmerman if you're going to testify, I'll get you sworn in as well  
16 too. Do you both swear that the testimony you will provide tonight  
17 will be the truth, the whole truth, and nothing but the truth?

18  
19 MR. PLOSKONKA: I do.

20  
21 MS. ZIMMERMAN: I do.

22  
23 MR. LEVITON: I forget her name already. Zimmerman?

24  
25 MR. BALL: Joyce Zimmerman, yes.

26  
27 MR. LEVITON: Hello Ms. Zimmerman. How are you?

28  
29 MS. ZIMMERMAN: Good.

30  
31 MR. MARMERO: Hang on what was Ms. Zimmerman's position?

32  
33 MR. BALL: She's the trustee of the church as well as the  
34 cemetery board.

35  
36 MR. MARMERO: Gotcha.

37  
38 MR. LEVITON: Okay counselor. You can put on your  
39 affirmative case.

40  
41 MR. BALL: Thank you. Good evening, ladies and gentlemen. My  
42 name is Andrew Ball. I'm an attorney with Davison, Eastman, Muñoz  
43 Paone, here tonight on behalf of Old Tennent Church. We're addressing  
44 the property located at Block 25, Lot 7.01 in the RE zone in town. Our  
45 application is for the replacement of the existing ground sign on the  
46 portion of the church property which is alongside Route 522. The  
47 existing sign is used to provide information and messages about the  
48 church such as service times and as well as special events. It's quite

1 old. It's not terribly functional and in order to change the sign, for  
2 example, someone actually needs to physically drive the letters over  
3 to the sign, pull over, get out, replace the letters, and drive away.  
4 It's not a convenient location by any means and our application is to  
5 modernize the sign and make it far more functional for the property.  
6 We would propose to replace it in its same location with an electronic  
7 sign with an LED screen. It will allow for better visibility and  
8 importantly it will allow for the messages or for the sign face itself  
9 to be changed remotely from the church office as opposed to physically  
10 doing it in person. Now I know when you hear signs and electronic  
11 messages, people often have concerns about large billboards that you  
12 see along the highway with variable messages and all that. This is not  
13 one of those signs. This is one with a static message, a static image  
14 and it's not going to have any flashing, video, movement, anything  
15 like that. It will remain a single image for long periods of time as  
16 it's currently used today. There are three variances associated with  
17 our request. One is the size of the sign which is slightly larger than  
18 the existing sign today. Its 42.64 square feet is proposed whereas ten  
19 feet is permitted, ten square feet is permitted. The setback is at  
20 4.28 feet from the property boundary. Fifteen feet is required, but  
21 that 4.28 is the existing condition of the current sign and the final  
22 variance that we are going to be requesting is the minimum letter  
23 height. We proposed five inches on certain letters of the sign and six  
24 inches is required. I am also happy to report. I know the township had  
25 some concerns about there were other signs on the property along the  
26 fence and as well as nearby this particular sign for the cemetery. One  
27 of those signs has already been removed. Those signs were apparently  
28 put up without permits. One has been removed already and we're happy  
29 to condition this application tonight on the removal of the other sign  
30 on the property.

31  
32 MR. LEVITON: The one right next to wherever digital sign is  
33 proposed still remains?

34  
35 MR. BALL: It still remains. That's the one we will be  
36 removing and we're happy to condition its removal for this  
37 application.

38  
39 MR. LEVITON: That's wonderful.

40  
41 MR. BALL: So that concludes my introduction unless there's  
42 any particular questions of me. I would turn it over to Ms. Zimmerman  
43 at this point.

44  
45 MR. LEVITON: Mrs. Zimmerman.

46

1 MR. BALL: And I would just ask that you in your own words  
2 explain why we're here tonight and why the church would like to update  
3 the sign.

4  
5 MS. ZIMMERMAN: Okay. We've had that sign for many years  
6 here, but it's just not helping us any, and there are different  
7 reasons. The area is very wet so when somebody comes in to change the  
8 sign, they either have to pull over on the side of the road, lug all  
9 of these letters and numbers, and they have to lift the screen up to  
10 be able to put the numbers or letters on it. It's a handful. It's a  
11 process. It's electric in the background because it does light, and my  
12 issue is you're dealing with electric and your near water. So, I would  
13 really like to remove that headache and for the whole church it would  
14 be so much easier to program it from our office, and it can be  
15 programmed so that everybody can see it and nobody has to be  
16 adventurous to try to change it. So, for that I'm asking for the sign  
17 to be replaced.

18  
19 MR. LEVITON: Are you of the opinion that the new sign would  
20 be more aesthetically pleasing than the current sign?

21  
22 MS. ZIMMERMAN: Yes. The existing sign, they said that the  
23 electric is fine. Everything is there so I'm hoping that it's an easy  
24 fix. I'm not the sign company so that's their issue, but it would be a  
25 big advantage for Old Tennent Church.

26  
27 MR. LEVITON: Thank you Mrs. Zimmerman. Mr. Ball?

28  
29 MR. BALL: That's all I have for Ms. Zimmerman, and unless  
30 there's any questions of her, we would call Mr. Ploskonka.

31  
32 MR. LEVITON: Mr. Ploskonka. The Board welcomes the engineer  
33 from Concept Engineering back and we accept his credentials.

34  
35 MR. MARMERO: --- Mr. Chairman?

36  
37 MR. PLOSKONKA: Thank you Mr. Chairman. Good evening.  
38 Janice, did you hand out these exhibits or no?

39  
40 MS. MOENCH: Did I hand them out?

41  
42 MR. PLOSKONKA: No, did you. You had them all, but.

43  
44 MS. MOENCH: Oh I'm sorry I didn't see you --- These?

45  
46 MR. PLOSKONKA: Yes.

47  
48 MS. MOENCH: I uploaded them to the Google Drive.

1  
2 MR. LEVITON: We've seen them, John.

3  
4 MR. PLOSKONKA: You've seen those?

5  
6 MR. LEVITON: Yes.

7  
8 MR. BOCCANFUSO: Does anybody want physical copies?

9  
10 MS. MOENCH: Does anybody want a physical copy?

11  
12 MR. BOCCANFUSO: No, I don't need one.

13  
14 MR. PLOSKONKA: Anybody need copies? We're, okay? Good?  
15 Okay, so again just to regurgitate. The signs been there probably  
16 forty years maybe even longer than that, might be in the history books  
17 that the mayor gave us a few minutes ago, and it's close to the right-  
18 of-way, but it's a straight shot there to level road straight. So,  
19 it's never been a problem with any sight distance at all, and again  
20 it's five by eight and we're doing something just a little bit bigger.  
21 So instead of being forty square feet, we're 42.25 square feet, and  
22 basically, we're in the environmental zone of the town, and we have in  
23 the Old Tennent Church and the cemetery are basically historic areas.  
24 So, we're doing something along the road that improves safety for the  
25 church and makes a much more visible, pleasant looking sign that can  
26 be used easily. We had a report from CME that we agreed to whatever  
27 was laid out in terms of the sign. The sign will be 42.65 square feet.  
28 It will have a clearance of twenty-three inches on the bottom where  
29 thirty-six is required. So that would be another variance, and that's  
30 been existing for forty years or so, and we have the letter height ---  
31 . The maximum height for the sign will be 7.25 feet where 6.5 is  
32 allowed. So, we do have a variance for the height of the sign. As  
33 counsel points out, the minimum letter height is five and a quarter  
34 inch for just a portion of the sign where it says "Presbyterian  
35 Church". Everything else is either six inches or ten inches and  
36 conforming to the ordinance, and the messages would not be changed  
37 maybe once a day or a couple times a week, but it wouldn't be changed  
38 very often. We'll conform to all the items in Mr. Rizzo's report  
39 regarding item number G one through four, and it'll operate 24/7. It  
40 can be dimmed in the evening or turned off if required by the Board.  
41 We just need county approval and this board's approval to get going on  
42 that and basically, we're asking for the variances because I think  
43 it's a safety issue and it's going to be a very nice improvement to  
44 the church.

45  
46  
47 MR. LEVITON: Before we go to Mr. MacNeill, Mr. Ploskonka  
48 testified that the sign is close to the right-of-way, and I just want

1 to define it for my new members who may never have heard the term  
2 before. The right-of-way is part of a piece of property that is owned  
3 by the township.

4  
5 MR. PLOSKONKA: County.

6  
7 MR. LEVITON: In this case it's the county. Typically,  
8 they're sidewalks, they don't belong to the homeowner. They're in the  
9 right-of-way. You can't build in a right-of-way. It belongs to someone  
10 else. Okay, Ryan?

11  
12 MR. MACNEILL: Thank you Mr. Ploskonka. You did cover a lot  
13 of our comments listed in our letter. Just to quickly go over it. So,  
14 number five, we have four comments more just adding notes and  
15 including an updated detail on the plans. Do you have any issue  
16 addressing those comments?

17  
18 MR. PLOSKONKA: No, we agree.

19  
20 MR. MACNEILL: Okay, and one thing just to discuss. So, I  
21 know we're talking about this is a wet area that floods. Is there any  
22 issue or really does the sign manufacturer have an issue with  
23 installing the sign in this area?

24  
25 MR. PLOSKONKA: No, because we're using the same stanchions  
26 that are there. So, we're taking the sign off those stanchions. We're  
27 going to paint the stanchions and put in a new sign.

28  
29 MR. MACNEILL: Okay and really, I'll just end with I think  
30 you did provide testimony on this, but just really to drive this home.  
31 You will not change the sign more than once per day? You won't change  
32 the message on the sign more than once per day?

33  
34 MR. PLOSKONKA: Correct.

35  
36 MR. MACNEILL: In order to comply with the ordinance? Okay,  
37 and then yeah again you do need that additional height variance for  
38 7.25 feet.

39  
40 MR. PLOSKONKA: Correct.

41  
42 MR. MACNEILL: Okay, yeah that's all the questions I have.

43  
44 MR. LEVITON: And Albert, they didn't ask for that. It can  
45 be subsumed.

46



1 MR. MARMERO: Yeah, it's just a bulk variance in the notice  
2 --- for any and all additional. If it was a use variance it would be  
3 an issue, but because it's just simply a bulk variance, that's fine.  
4

5 MR. LEVITON: Christine, they did the heavy lifting for you  
6 there.  
7

8 MS. BELL: They did. I think really the only other thing ---  
9 two, but I would like to confirm is, there'll be no flashing or  
10 scrolling on the sign, correct?  
11

12 MR. PLOSKONKA: Absolutely.  
13

14 MS. BELL: Thank you.  
15

16 MR. LEVITON: Let's go out to the board. Patrick?  
17

18 MR. HUGHES: Yeah, I have no questions. The county right  
19 away is what the question was that was answered.  
20

21 Mr. LEVITON: Thanks Patrick. Temika?  
22

23 MS. LATILLA: Just a comment. I definitely think it's an  
24 improvement, definitely visually much nicer. I pass this quite often  
25 so I'm very familiar with the sign that's there. The only question I  
26 have I think maybe more for Brian. Do we have requirements where the  
27 sign needs to be off by a certain time or dimmed by a certain time? It  
28 does look awfully bright on the pictures, but maybe it's just because  
29 that's just the rendering. But do we have that requirement?  
30

31 MR. BOCCANFUSO: So, there's no specific requirement as far  
32 as off. I believe our ordinance does have language talking about that  
33 it should be dimmed during off hours. I will, yes, it's actually in  
34 the CME report 9587D4U. I can pull up that exact language just so that  
35 we can get it on the record unless Al or somebody with a laptop wants  
36 to beat me to it.  
37

38 MR. MACNEILL: Yeah, I'll definitely. So, it does  
39 essentially indicate and bear with me here, so it says brightness  
40 cannot exceed three hundred nits which is just a brightness unit. So,  
41 it says at any time between one half hour after sunset until one half  
42 hour before sunrise and then you have a higher brightness of 6,500  
43 nits between one half hour before sunrise until one half hour after  
44 sunset. Essentially it will be brighter, if I'm reading that  
45 correctly, at night just for visibility, but they do have those  
46 requirements and I do believe Mr. Ploskonka indicated they will comply  
47 with those.  
48

1 MR. BOCCANFUSO: Yeah, thanks Ryan. I appreciate that. I  
2 didn't have it at my fingertips. I'm glad you did. I think it's  
3 actually the opposite. It's actually brighter in the daytime because  
4 it's more difficult to see.

5  
6 MS. LATILLA: To see, yeah.

7  
8 MR. BOCCANFUSO: Dimmed at night time. I am certainly not an  
9 illumination expert. I don't think we have any illumination experts  
10 here, and the long and short of it is that it does need to be dimmed  
11 at night. So that it's not so strikingly bright so as to create a  
12 distraction and be offensive. Fortunately, we're not in a residential  
13 area here. There is a couple of residential properties nearby. It is a  
14 residential zone, but it's not right smack in the middle of a  
15 neighborhood. With that said, some dimming after hours would be  
16 appropriate, and I'm sure all the modern signs and sign companies are  
17 capable of doing that.

18  
19 MS. LATILLA: Yeah, okay. I have nothing else. Thank you.

20  
21 MR. LEVITON: Thank you Temika. Jessica?

22  
23 MS. BAKER-LEVENSON: Hi, my only concern was the font that  
24 was going to be five inches in height, but you provided testimony that  
25 that size font is very limited on the sign, correct?

26  
27 MR. PLOSKONKA: I'm sorry? Repeat that.

28  
29 MS. BAKER-LEVENSON: In your paperwork you had mentioned  
30 that some of the lettering was going to be five inches, but you just  
31 provided testimony that that was very limited in scope, and that the  
32 rest of the font would be larger.

33  
34 MR. PLOSKONKA: You have this map, right?

35  
36 MS. BAKER-LEVENSON: Yes.

37  
38 MR. PLOSKONKA: So where it says "Presbyterian Church" is  
39 the five inch lettering. Everything else complies.

40  
41 MR. LEVITON: Let the record reflect that Mr. Ploskonka is  
42 referring to exhibit three.

43  
44 MR. PLOSKONKA: Thank you Mr. Chairman. So just that one  
45 area will be smaller.

46  
47 MS. BAKER-LEVENSON: Great, thank you. That was my only  
48 concern was that font size, and given the size of the sign I didn't

1 know if it would be possible to make it the six inches. I'm just  
2 always concerned about people driving trying to read a sign. Five  
3 inches seemed a little on the small side to me for such a large sign.  
4

5 MR. PLOSKONKA: Well the presbyterian church does not  
6 change, only the information below it changes. That's a permanent part  
7 of the sign.  
8

9 MS. BAKER-LEVENSON: Yes I understand. I was just wondering  
10 if it could be made six inches in height or was it just not going to  
11 fit on the sign?  
12

13 MR. PLOSKONKA: We can ask the sign company that question if  
14 the board feels that that's real important.  
15

16 MS. BAKER-LEVENSON: It was just a question I had when I was  
17 reading through everything. I know it's a small point, but just for  
18 safety when people driving.  
19

20 MR. PLOSKONKA: You're talking three quarters of an inch,  
21 right?  
22

23 MS. BAKER-LEVENSON: Yes but.  
24

25 MR. PLOSKONKA: That's a small point.  
26

27 MS. BAKER-LEVENSON: If you made the presbyterian church  
28 lettering larger in height, it would also be larger in width, correct?  
29 And then it may not fit.  
30

31 MR. BALL: That's the concern is trying to cram that many  
32 letters into one line.  
33

34 MR. PLOSKONKA: Yes, good point.  
35

36 MS. BAKER-LEVENSON: Long words.  
37

38 MR. LEVITON: Ms. Zimmerman, would you like to come back up  
39 and address the Board or the concern?  
40

41 MS. ZIMMERMAN: We actually.  
42

43 MR. LEVITON: Into the mic, please. The proceedings are  
44 recorded and then later transcribed.  
45

46 MS. ZIMMERMAN: We could actually take presbyterian out and  
47 just put "Old Tennent Church" if that would help.  
48

1 MS. BAKER-LEVENSON: No, I wouldn't want you to change your  
2 wording on your sign that you had planned. I was just curious if the  
3 size was something that could be made larger.

4  
5 MR. PLOSKONKA: She's talking about that.

6  
7 MS. ZIMMERMAN: She wants to make this larger?

8  
9 MR. PLOSKONKA: Three-quarter inch larger.

10  
11 MS. ZIMMERMAN: I guess we could. I don't see why not.

12  
13 MR. PLOSKONKA: We'll work with the sign company to try to  
14 do that.

15  
16 MS. BAKER-LEVENSON: If it's a possibility.

17  
18 MR. PLOSKONKA: If we can easily, we'll do it. If we can't,  
19 we'll report back to the engineer and the planner.

20  
21 MS. BAKER-LEVENSON: Okay, and obviously everyone else on  
22 the Board will have their turn if this is an issue. It was just  
23 something that caught my attention in terms of safety when driving.  
24 People, I read every sign so I like to have the size as large as  
25 possible, in my opinion.

26  
27 MR. LEVITON: You know when it would be most important would  
28 be in the AM hours driving, I guess south eastward because the sun is  
29 right in your eyes at certain times of year, and if you're squinting  
30 to see lettering on a sign, there is a potentially dangerous situation  
31 there. So, thank you for addressing her concerns and Mrs. Zimmerman  
32 thank you very much.

33  
34 MS. ZIMMERMAN: You're welcome.

35  
36 MR. LEVITON: Thank you Jessica. Stacey?

37  
38 MS. KLOMPUS: I have no questions.

39  
40 MR. LEVITON: Okay, John?

41  
42 MR. HARRINGTON: I don't have any questions, thank you.

43  
44 MR. LEVITON: Michael?

45  
46 MR. WECHSLER: I have two, most have been answered. One is  
47 for the Board. I understand the flashing and scrolling, why not  
48 changing the message more than once a day?

1  
2 MR. LEVITON: Oh, there are more than one time a day allowed  
3 in the ordinance.

4  
5 MS. MOENCH: No there isn't.

6  
7 MR. LEVITON: There's not? It's just once a day? Once a day?  
8 Okay.

9  
10 MR. MACNEILL: Yeah.

11  
12 MR. WECHSLER: Is that township ordinance or is that a  
13 different?

14  
15 MR. LEVITON: Township, yeah. It may actually be antiquated  
16 and I believe I read somewhere that it is and that there's a  
17 possibility that it's going to be re-written.

18  
19 MR. BOCCANFUSO: Yeah, I mean I don't study a whole lot of  
20 other ordinances to see what they allow. I know that in practicality  
21 it seems to be antiquated from what I see in other towns. I don't know  
22 if Ryan or Christine can speak to it. They do consult for other towns.  
23 It seems to be a bit antiquated, but to use a very overused  
24 expression, it is what it is. Our ordinance right now in Manalapan  
25 allows for once per day. If the applicant wanted to change it more  
26 than that, they would need relief. Is it something that the township  
27 committee might consider changing? Probably, but I can't speak for  
28 them. So right now, it is what it is. I don't know if Ryan and  
29 Christine have seen different requirements in other towns. If so, let  
30 us know.

31  
32 MR. MACNEILL: Yeah, so in other municipalities I have seen  
33 a more I guess lenient restriction. I've seen even once per hour. So,  
34 in my experience I have seen it being allowed more times over that one  
35 day period in other municipalities.

36  
37 MR. WECHSLER: Thank you for clearing that up because that  
38 was the first time I've heard. I understand the rest. I never knew  
39 that you could only change it in this township once which thank you.  
40 My second point would be I enjoy that sign and I enjoy the sayings.  
41 So, I just hope that you continue doing it. As I'm passing through, I  
42 enjoy looking to see how I could reach God in a better way.

43  
44 MR. LEVITON: Mike, that's great. I don't pass by often, but  
45 I have seen a wonderful sign that said, "C-H blank black C-H what's  
46 missing?" and that was my favorite church sign. Mr. Marmero, before we  
47 go on why don't you make a note to put into the year-end report that  
48 this board supports the ordinance modification that was mentioned.

1  
2 MR. MARMERO: For more than once per day?

3  
4 MR. LEVITON: Yes sir.

5  
6 MR. LEVITON: Yeah, yeah. Let's all come into the 21st  
7 century, not just Old Tennent Church. Mr. Mantagas?

8  
9 MR. MANTAGAS: No questions Mr. Chairman.

10  
11 MR. LEVITON: I also have no questions. Brian?

12  
13 MR. BOCCANFUSO: Just one very brief one. I want to thank  
14 the applicant and their team for helping us out here particularly with  
15 that one advertising sign as well as agreeing to all the items in the  
16 professional's report. The only question I have and it should be  
17 obvious, but I'm just not seeing it anywhere. Are there two LED  
18 panels? One on each side or is it just one on one side?

19  
20 MR. PLOSKONKA: I think it's both sides.

21  
22 MS. ZIMMERMAN: On both sides.

23  
24 MR. BOCCANFUSO: Okay so you have essentially the same thing  
25 one on each side, the message. Would the message be identical or not  
26 necessarily?

27  
28 MS. ZIMMERMAN: Not necessarily. I think it might ---

29  
30 MR. LEVITON: Ms. Zimmerman, hold on. Ms. Moench is going to  
31 bring you a microphone.

32  
33 MS. ZIMMERMAN: Thank you. It'll be two-sided. Probably a  
34 message on one side and the hours of the church on the other. We  
35 haven't really broached anything other than what we've had before, but  
36 it would be nicer to be able to do it automatically, and we do reach  
37 out to a lot of people as you're all saying. I enjoy the messages that  
38 are on there so I appreciate that.

39  
40 MR. LEVITON: Thank you ma'am.

41  
42 MS. ZIMMERMAN: Thank you.

43  
44 MR. LEVITON: Brian other objections to a double-sided?

45  
46 MR. BOCCANFUSO: Thank you. No, no of course not I  
47 appreciate the clarification. No objections. There's no issue with it  
48 having different messages on either side as long as they each only

1 change once per day, and as long as it's relevant to the activities on  
2 the site. It can't function as a billboard advertising thing in other  
3 towns or other sites, things of that nature. As long as it's specific  
4 to the church and/or cemetery, that would be fine.

5  
6 MR. LEVITON: Ms. Zimmerman, you could just nod your head.  
7 You understand the condition that Mr. Boccanfuso just talked about?

8  
9 MS. ZIMMERMAN: Yes.

10  
11 MR. LEVITON: Very good. So, she did indicate affirmatively  
12 that she understood, and you agree to it?

13  
14 MS. ZIMMERMAN: Yes.

15  
16 MR. LEVITON: Okay, well that's very good. Thank you, Mr.  
17 Boccanfuso.

18  
19 MR. BOCCANFUSO: Sure thing.

20  
21 MR. LEVITON: Ms. Zimmerman before I finish with you, this  
22 board is authorized to grant you variance relief to change your  
23 message more than one time a day. Do you foresee a need for that?

24  
25 MS. ZIMMERMAN: I don't believe so.

26  
27 MR. LEVITON: Okay. She indicated in the negative and the  
28 board is now going to go to Mr. MacNeill and to Ms. Bell and ask if  
29 there's anything further from either of you.

30  
31 MR. MACNEILL: Thank you Mr. Chairman. I have no further  
32 questions.

33  
34 MS. BELL: No further questions.

35  
36 MR. LEVITON: Then I'll go out to the public and ask if  
37 there's anyone in attendance who wants to question the testimony  
38 that's been entered into the record this evening or address the board.  
39 Okay, then Mr. Ball if you'd like to summate.

40  
41 MR. BALL: I will skip any summation. I'll just thank the  
42 board for their time and appreciate it. We'll submit for decision.

43  
44 MR. LEVITON: Terrific, and Mr. Marmero anything further?

45  
46 MR. MARMERO: No, just to start off with what we heard  
47 tonight. Essentially there's several different bulk C variances that  
48 are associated with replacing a sign. We heard testimony regarding the

1 need for a variance related to the size of the sign, the setback, the  
2 minimum letter height of the sign, the sign height itself. We heard  
3 some conditions that we discussed with respect to a potential  
4 approval. Some of the conditions that were discussed --- a stagnant  
5 message that would be changed once per day in accordance with the  
6 township code. We heard testimony that all existing, non-conforming  
7 signs would be removed. It sounds like one of them is already removed  
8 and the one that hasn't been removed will be removed. The applicant  
9 has agreed to comply with the brightness requirements that's contained  
10 in section 95-V.7 of the code. It is code so they have to comply with  
11 it anyway as well as a condition, and the applicant although seeking  
12 the minimum letter height size variance has agreed to work with the  
13 sign company to attempt to make it or eliminate that letter height  
14 variance, if possible, with a report back to the board professionals  
15 as to whether or not that's something that can be accomplished.

16  
17 MR. LEVITON: Thank you barrister.

18  
19 MR. BALL: Mr. Chairman?

20  
21 MR. LEVITON: Yes.

22  
23 MR. BALL: If I may just on the condition for switching the  
24 message more than once per day. If we can just specify in the  
25 resolution that it be ---

26  
27 MR. MARMERO: In compliance with the code.

28  
29 MR. BALL: Exactly.

30  
31 MR. MARMERO: So, if the code changes, yup that's fine.

32  
33 MR. BALL: Precisely, thank you.

34  
35 MR. LEVITON: Well, everybody's happy. Alright, will someone  
36 make a motion?

37  
38 MR. WECHSLER: I'd like to make the motion, but amended to  
39 include the ability to change the sign prior to the resolution being  
40 made.

41  
42 MR. LEVITON: They need to be specific and we don't have  
43 specific.

44  
45 MR. WECHSLER: --- specific sign. So, if they decided that  
46 they wanted to change the sign next month every other day or every day  
47 or twice a day?

48



1 MR. LEVITON: They can do it once a day and they don't see  
2 the need to be more than that.

3  
4 MR. BALL: Yeah, we're happy with once per day.

5  
6 MR. WECHSLER: Okay I just figured if you wanted down the  
7 road to do it, you had the ability now to ask.

8  
9 MR. BALL: We understand. We appreciate it, thank you.

10  
11 MR. LEVITON: Go ahead make your motion Mike.

12  
13 MR. WECHSLER: I make a motion for the passing of the  
14 resolution.

15  
16 MR. LEVITON: Will someone second that?

17  
18 MR. MANTAGAS: I'll second that Mr. Chairman.

19  
20 MR. LEVITON: Thank you Mr. Mantagas. Michael and Basil.

21  
22 **ROLL CALL**

23  
24 MS. MOENCH: Mr. Harrington?

25  
26 MR. HARRINGTON: Yes.

27  
28 MS. MOENCH: Ms. Klompus?

29  
30 MS. KLOMPUS: Yes.

31  
32 MS. MOENCH: Mr. Mantagas?

33  
34 MR. MANTAGAS: Yes.

35  
36 MS. MOENCH: Mr. Wechsler?

37  
38 MR. WECHSLER: Yes.

39  
40 MS. MOENCH: Ms. Levenson?

41  
42 MS. BAKER-LEVENSON: Yes.

43  
44 MS. MOENCH: Ms. Latilla?

45  
46 MS. LATILLA: Yes.

47  
48 MS. MOENCH: Chair Leviton?

1  
2 MR. LEVITON: Congratulations, Ms. Zimmerman, good luck.

3  
4 MR. PLOSKONKA: Thank you very much.

5  
6 MR. LEVITON: You're welcome. Mr. Ploskonka, always a  
7 pleasure. Alright, the board thanks the professionals and releases  
8 them from their obligation this evening and we wish you well. Does  
9 anybody need a break? We're only here for five minutes. Actually, it's  
10 been a long time.

11  
12 MR. BOCCANFUSO: Mr. Chairman just need two minutes. We're  
13 looking at baby pictures over here.

14  
15 MR. LEVITON: Okay. No, no break. Okay, thank you for your  
16 patience, Mr. Rago. The Board calls your application 2521. Mr.  
17 Vaccarello you're welcomed back as well. It's nice to see you both.

18  
19 MR. MANTAGAS: Mr. Chairman I'm going to --- I'm going to  
20 recuse myself Mr. Chairman from this application.

21  
22 MR. LEVITON: I'll put on the record that. Oh yeah, let the  
23 record reflect that Mr. Mantagas has recused himself and that he's  
24 leaving the proceedings at this time. He will not hear application  
25 ZBE2521. Basil, we'll see you on the 18th hopefully and good luck on  
26 the 15th. No, it's not. We're all on the same team. Okay.

27  
28 MR. WECHSLER: I'm just saying.

29  
30 MR. LEVITON: Okay so, Mr. Rago I guess we should swear you  
31 in again.

32  
33 MR. MARMERO: Yeah, --- Do you both plan on testifying?

34  
35 MR. VACCARELLO: I'm going to.

36  
37 MR. MARMERO: We'll get you both sworn in. Do you both swear  
38 that the testimony you will provide tonight will be the truth, the  
39 whole truth, and nothing but the truth?

40  
41 MR. RAGO: Yes, yes.

42  
43 MR. VACCARELLO: Yes we do.

44  
45 MR. MARMERO: Okay.

46  
47 MR. LEVITON: Okay Mr. Rago, Mr. Boccanfuso gave me the  
48 heads up. He said he thinks you have all of your ducks in a row.

1  
2 MR. VACCARELLO: Well, I'm going to try.

3  
4 MR. LEVITON: Wonderful.

5  
6 MR. VACCARELLO: Okay. First of all, good evening, everyone  
7 and happy holidays.

8  
9 MR. LEVITON: Thank you. Same to you.

10  
11 MR. VACCARELLO: Sorry for dragging everybody out tonight on  
12 this cold night.

13  
14 MR. LEVITON: We had to be here anyway.

15  
16 MR. VACCARELLO: I hope tonight to clarify any  
17 misunderstandings or any confusion from our last meeting.

18  
19 MR. LEVITON: Okay.

20  
21 MR. VACCARELLO: We certainly were not prepared last time.

22  
23 MR. MARMERO: And really quick I know you guys presented  
24 before, but could you remind me of your name sir?

25  
26 MR. VACCARELLO: I'm sorry, Robert Vaccarello. V like in  
27 Victor, A- double C-A-R-E-L-L-O. Okay? So, we have re-submitted the  
28 drawings and would like to go over our submission item by item which  
29 includes an additional handout that I just gave to the board members.  
30 So the first thing.

31  
32 MR. LEVITON: We have that in front of us, board.

33  
34 MR. VACCARELLO: Okay, we re-submitted the building  
35 footprint.

36  
37 MR. LEVITON: No, we don't, hold on. We don't.

38  
39 MS. MOENCH: This packet that you gave me that you're going  
40 to ---

41  
42 MR. LEVITON: Oh yeah, we have it.

43  
44 MS. MOENCH: You gave that out?

45  
46 MR. VACCARELLO: No, I didn't. I'm sorry.

47  
48 MS. MOENCH: That's okay.

1  
2 MR. VACCARELLO: This one?

3  
4 MR. LEVITON: We all have it.

5  
6 MS. MOENCH: The memorandum on the top is the same, but  
7 there's pictures behind it.

8  
9 MR. LEVITON: I understand. So, Mr. Vaccarello has handed  
10 the professionals a packet that we all already have access to as well  
11 as new pictures. Should we mark them, Albert?

12  
13 MR. MARMERO: Yeah, so Janice has marked the packet as A1.  
14 So, we'll call it A1 ---

15  
16 MR. LEVITON: Okay terrific, so then in the order that  
17 they're there they'll be A1-1, A1-2. Mr. Vaccarello for our  
18 edification if it pleases you, would you refer to them as such?

19  
20 MR. VACCARELLO: Okay. So, the first one will be A1?

21  
22 MR. LEVITON: A1-1.

23  
24 MS. MOENCH: So A1 is going to be marked.

25  
26 MR. LEVITON: The whole packet. It suffices for legality  
27 purposes, but when you talk about a specific picture just count down  
28 and we'll count with you.

29  
30 MR. VACCARELLO: Okay.

31  
32 MS. MOENCH: So that whole packet is A1 and then this one  
33 I'm going to mark as A2

34  
35 MR. VACCARELLO: Okay, okay so again thank you. We re-  
36 submitted our application. We reduced the building footprint.  
37 Originally it was a hundred by eighty then we came in eighty by sixty,  
38 and now we reduced it to sixty by sixty as reflected in revised  
39 drawings. We reduced from 4,800 square feet which was approximately  
40 twenty-four bays to 3,600 which is approximately eighteen bays of  
41 storage for vehicles. We adjusted the building location. If you recall  
42 last time on the plans, the building was rotated in the wrong  
43 direction, and so now that it's a square building the setback is the  
44 same, but we moved it five feet from the rear of the building away  
45 from the wetlands. I know there was some concern from the board how  
46 close it was to the wetlands. In addition, and I'll talk about it  
47 further as we speak, we added some evergreen screening. Some  
48 additional trees in the front that I'll talk about that a little

1 later. We can certainly talk about additional tree plantings. The  
2 electrical service, I know there was a lot of confusion last time on  
3 utilities and so what we proposed here is from our original  
4 construction, and that was sort of my fault. Sometimes I should listen  
5 instead of talking all the time and I wasn't listening to my son-in-  
6 law. We're just having electric in there, and the electric is just for  
7 lighting period. We have no water, no water service and no sewer  
8 service in the proposed drawing in the proposed application. Now I  
9 guess there was confusion last time and I just want to clear that up.  
10 On one of the drawings, it showed a hose bib and I think one of the  
11 board members brought that up that it showed a hose bib, and that was  
12 a mistake, but there were no details in the actual installation of a  
13 water line. We were talking about a water line for washing the cars  
14 down, but after we talked about it, we could certainly bring a hose  
15 from the house itself. So, there will be no water service or any sewer  
16 service in there, no gas service. I know that was a discussion. I  
17 think one of the board members mentioned that the possible gas  
18 service. There is a note in the drawings, in the construction  
19 drawings, but it's just a general note that in the event that we were  
20 to install gas we'd have to comply with those certain regulations. The  
21 building is for residential use only. The structure is intended solely  
22 for residential accessory use. It will be used to store motor  
23 vehicles, motorcycles, ATVs, car boat trailers that are part of the  
24 applicant's personal collection. It will not be used for any  
25 commercial purpose or business operation. The applicant would be  
26 willing to sign an affidavit that no commercial work or use would be  
27 done at the property for the duration of the time that he owns the  
28 property. I don't know if the restrictions will be put on the deed for  
29 any future and if my son-in-law should sell the house which I don't  
30 believe he ever will.

31  
32 MR. LEVITON: If they record it Albert that satisfies  
33 everything, right?

34  
35 MR. MARMERO: Yeah, I think one of the things we talked  
36 about with this application in the past was possibly recorded in the  
37 resolution if it were to get approved. If it wasn't this applicant  
38 then it was a similar one.

39  
40 MR. LEVITON: It was this one.

41  
42 MR. MARMERO: Recording the resolution simply just puts into  
43 the public record at the county clerk's office. So, if somebody were  
44 to do a title search if they were going to purchase the property it  
45 would should up.

46  
47  
48 MR. VACCARELLO: Okay, okay that's fine.

1  
2 MR. LEVITON: We would make that a condition of approval,  
3 okay.  
4

5 MR. VACCARELLO: Okay, that's fine. The next issue was the  
6 municipal land use law. We believe that this pole barn will enhance  
7 the property safety by consolidating all the vehicles and equipment  
8 into a single code-compliant structure.  
9

10 MR. LEVITON: You did your homework.  
11

12 MR. VACCARELLO: Thereby eliminating scattered outdoor  
13 storage. Right now, we have two or three large storage sheds there  
14 which we have some of the vehicles and the antique vehicles are in a  
15 storage facility that we pay currently every month. I've given the  
16 board a listing of those vehicles and some photos for them to look at.  
17

18 MR. LEVITON: You've mentioned them. Janice will distribute  
19 them at this time and we're marking them.  
20

21 MR. MARMERO: Yes, so the packet that's marked as exhibit A2  
22 which I think will just be passed around.  
23

24 MR. VACCARELLO: Right.  
25

26 MR. LEVITON: Okay.  
27

28 MR. VACCARELLO: The building design and finishes will match  
29 the color of the primary residence in the front to try to reduce the  
30 look of it. No adverse drainage or environmental impacts. With all the  
31 stormwater measures complying with the township requirements. The  
32 property increases the property value without increasing the density.  
33 Full compliance with all applicable building and safety codes ensuring  
34 the project maintains and supports community standards. I believe this  
35 application to be very unique situation. As you can see from the  
36 aerial photo in the package A1 that I submitted, the property sits on  
37 4.3 acres. It has one commercial business to the left which houses two  
38 pole barns. Now I know this is a commercial space and is allowable  
39 there, but these pole barns are quite large. They're a hundred by  
40 forty. The one to the left is a hundred by forty. The one onto the  
41 right closest to our property is about eighty by thirty-five which is  
42 quite large. Ours is a little wider, but certainly narrower, and so I  
43 believe that our application is unique in a way and again you folks  
44 would know better than I do, but I can't believe there are that many  
45 homes with a commercial building to the left and a multi-dwelling in  
46 the front of it. We're looking to nestle this pole barn. If you look  
47 at the second attachment in the A1 package that I submitted I had the  
48 engineer draw a layout of the proposed pole barn in the back of that

1 layout. It's over three hundred feet from the street. It's set way  
2 back into the property, and if you look at the next picture in the A1,  
3 it shows on Woodward Road travelling east to west, it shows how it  
4 would look when you pass. I believe if we were to move again and I  
5 have my thing here. If we were to add where the house is over there to  
6 put some additional plantings, I believe that would resolve a lot of  
7 the issues and concerns of the board on how it would look from the  
8 outside. The next picture in that package is from west to east and  
9 that is the area in the back of that picture you could actually see  
10 the pole barns from the commercial space. So, we would like to do some  
11 additional planting there also to further it from being seen from the  
12 street. On the last picture I know there was concern about what the  
13 folks in the multi-dwelling across the street would see. So, the last  
14 picture, and again, it's a little fuzzy the picture because I walked  
15 up to the fourth floor. I know somebody in the building. They allowed  
16 me access, but the window was very dirty which made for a poor  
17 picture. So, it was the best I could do. I couldn't get on the roof  
18 and so I took this picture. I just wanted to give you an idea. I think  
19 the picture gives you a good idea of the layout of this property. When  
20 my son-in-law brought his parents and us, me and my wife, to look at  
21 the house we weren't happy about it to be honest with you, but sort of  
22 fell in love with it and it is nice and quiet there. The next three  
23 photos, okay. I also attached a list of the current vehicles that we  
24 propose to store in the facility. They're currently being stored in  
25 property containers on the site which would be removed if approved to  
26 construct the pole barn. The cars and the trucks are in a storage  
27 facility which we currently pay on a monthly fee. Based on the  
28 forgoing, the applicant respectfully submits the proposed sixty by  
29 sixty pole barn garage which we believe advances the purpose of the  
30 M.L.U.L.. It satisfies both the positive and the negative criteria  
31 that benefits the granting that requested variance substantially  
32 outweigh any detriment. The applicant respectfully requests the board  
33 grant a variance to relieve and to allow construction of the proposed  
34 accessory building. I turn myself over to the board. If I have any  
35 questions or answers.

36  
37 MR. LEVITON: Thank you Mr. Vaccarello. Mike?

38  
39 MR. WECHSLER: First, let me say thank you and happy  
40 Thanksgiving to you and your families.

41  
42 MR. VACCARELLO: Thank you.

43  
44 MR. WECHSLER: Let me compliment you on your second  
45 presentation as being the most thorough I have seen since I've been on  
46 this board. I only wish everyone else came this prepared. But in  
47 seriousness, thank you for taking it so seriously and reducing the  
48 size of the footprint and adjusting all the needs that were asked and

1 met at the last meeting. Personally, I appreciate it because I was at  
2 your property Wednesday and I saw the boat and the trailers and  
3 everything else laying around and I made the U turn in your neighbor's  
4 industrial lot of whatever next door and I don't think you'll see the  
5 pole barn from the street. I don't think you'll see it at all nestled  
6 where it is. No, I just thank you very much for being prepared and  
7 answering all our questions and my concerns are taken care of.

8  
9 MR. RAGO: Thank you.

10  
11 MR. LEVITON: Thank you Michael. John?

12  
13 MR. HARRINGTON: My concerns have been taken care of. I  
14 wanted to thank you, awesome presentation. I think you crossed your  
15 T's, dotted your I's, and brought everything forth that satisfies any  
16 questions I may have had. Thank you for your time.

17  
18 MR. LEVITON: Thanks John. Stacey?

19  
20 MS. KLOMPUS: I agree. I'm impressed with everything that  
21 you have said and how you said it. I do like that you added the  
22 landscaping to block some things. I live right over there and so  
23 seeing that I think will make it look much more appealing.

24  
25 MR. VACCARELLO: During the summer months, there's a lot of  
26 foliage. There's a lot of trees, but during the winter months it is  
27 bare.

28  
29 MS. KLOMPUS: It's very bare.

30  
31 MR. VACCARELLO: So I would have to do some evergreen  
32 planting to protect it all year round which is something we will do.

33  
34 MS. KLOMPUS: Appreciate that.

35  
36 MR. LEVITON: Let's get it on the record. What type of  
37 plantings are you planning?

38  
39  
40  
41 MR. VACCARELLO: I guess Douglas Fir, Christmas tree type of  
42 evergreens. I think he has something in the drawings. I guess I can  
43 get back to, I don't have the drawings with me.

44  
45 MR. BOCCANFUSO: Mr. Chairman, the drawings submitted  
46 identify the plantings as Leyland Cypress. They're a common evergreen  
47 planting. They're deer resistant. They grow relatively quickly. Often  
48 you see either those or certain species of arborvitae that are deer



1 resistant. Those are the two most common. The Leyland are a little  
2 more rustic looking if you will, a little bit not as shaky as an  
3 arborvitae might be, but they're very common. This is a private  
4 property. I don't know that the board wants to really get into  
5 imposing a specific species as long as it's evergreen, deer resistant,  
6 and achieves the desired goal of screening the building, I think  
7 that's sufficient.

8  
9 MR. LEVITON: No, I don't want to get into specifics, but I  
10 do believe that the proposal mitigates the negative impact on the  
11 community and therefore satisfies the prong of the M.L.U.L. that asks  
12 him to put onto the record proof that it won't do that.

13  
14 MR. BOCCANFUSO: I would agree.

15  
16 MR. LEVITON: Thank you Stacey. Ms. Baker-Levenson?

17  
18 MS. BAKER-LEVENSON: Hi, again just repeating what  
19 everyone's saying. Thank you for your very clear presentation today.  
20 All my concerns have been addressed and I'm really glad that you  
21 addressed that the current containers on the property are going to be  
22 removed if this is approved.

23  
24 MR. VACCARELLO: Removed, yes. They're an eyesore. We know  
25 that. It's just that the cost of keeping the vehicles in storage is  
26 getting quite costly. I sold my home two years ago. I lived thirty  
27 years in Manalapan. I downsized. I have two daughters, no sons. So,  
28 he's waiting for me to go to collect my cars.

29  
30 MR. LEVITON: It's an enviable collection.

31  
32 MR. VACCARELLO: So, thank you.

33  
34 MR. LEVITON: But I'm sure he's not waiting for you to go.

35  
36 MR. VACCARELLO: The Chevy Nova in there I've owned that car  
37 since I've been fifteen. I bought it for a hundred dollars and I  
38 restored it. I went to high school and college. I took my road test in  
39 it, and then I did a full restoration in '89 and I won the '94 country  
40 Nova nationals, best in show.

41  
42 MR. LEVITON: That's great.

43  
44 MR. VACCARELLO: It's a very rare vehicle. It was produced  
45 in '63 to offset Mustang sales that were coming up in '64, but it  
46 never worked out for Chevy. So, Mustang won.

47  
48 MR. LEVITON: Temika?

1  
2 MS. LATILLA: I think it looks great. I do have one  
3 question. Is there a restriction on them having a water hose bib  
4 there? Are they permitted to?

5  
6 MR. BOCCANFUSO: Having what?

7  
8 MS. LATILLA: Like a water hose bib.  
9

10 MR. BOCCANFUSO: No, there's not. It was just I think that  
11 there was some question as to whether or not it would be there at the  
12 previous public hearing and if there is going to be water service. It  
13 leads to other questions. What else is being done out there if not by  
14 these folks by a future owner potentially?

15  
16 MR. VACCARELLO: Yeah, I think it was more confusion there  
17 because one said a plan showed the hose bib and we said we weren't  
18 putting water in there. So, it was conflicting information there and  
19 again.  
20

21 MS. LATILLA: Okay, I just think it would be beneficial to  
22 have one. So, I just wanted to make the comment. If it's not  
23 restricted, they can always apply to add water service.  
24

25 MR. BOCCANFUSO: This was something that when I had my  
26 opportunity I was going to talk about. So, mind as well jump in right  
27 now. The applicant has stated that they don't want it. The board can  
28 certainly impose that condition. My only concern with that is  
29 something that I raised at the last public hearing and I don't know if  
30 you've done any investigation into this since then I don't know if the  
31 fire code is going to require sprinklers in this building based upon  
32 the use and so forth. Did you happen to investigate that or discuss it  
33 with your architect?  
34

35 MR. VACCARELLO: No, I didn't. It's going to be a regular  
36 ancillary garage use. The vehicles, the cars do not keep gas in them.  
37 Most of them I flat bed or tow to a show. We start them up once in a  
38 while, but you're not talking and if I do have gasoline in them, it's  
39 a small amount because it goes bad in a year. So, I really don't  
40 believe and again if that restriction was put on for some type of fire  
41 suppression system it would be quite costly.  
42

43 MR. BOCCANFUSO: I mean it's not so much a practical concern  
44 as it is a code compliance issue. The codes don't care how much gas  
45 you're keeping in it. If you need it, you need it.  
46

47 MR. VACCARELLO: I'm required, these vehicles are insured  
48 under an antique insurance policy, I need to notify the carrier of

1 where the vehicles are being held. They require fire extinguishers in  
2 the facility that's there. Fire extinguishers that are ---  
3

4 MR. LEVITON: Mr. Vaccarello, you understand what Mr.  
5 Boccanfuso is saying. It's not our obligation to look into it or to  
6 know. You need to be compliant, if it's necessary. Whether or not it's  
7 cost prohibitive, it doesn't matter.  
8

9 MR. VACCARELLO: Right. I guess that would be more involved  
10 when I actually file for the permit for construction.  
11

12 MR. LEVITON: Mike, you might have expertise here. What do  
13 you think?  
14

15 MR. WECHSLER: --- Once the permit and plans are filed, I  
16 think it goes to construction and construction. ---  
17

18 MR. BOCCANFUSO: Right yes.  
19

20 MR. VACCARELLO: That's fine.  
21

22 MR. VACCARELLO: We could do our homework before that.  
23

24 MR. MARMERO: A proposed a condition it would just be no  
25 water unless required.  
26

27 MR. WECHSLER: Right.  
28

29 MR. MARMERO: Fire suppression.  
30

31 MR. WECHSLER: My question would be when he files the permit  
32 and the plans, does he need to tell them what's going to be in there?  
33

34 MR. BOCCANFUSO: Yes, but they're going to review it. If it  
35 doesn't comply with the code, they're going to reject it or call him  
36 and say you need to revise the plans and put sprinklers in just as an  
37 example.  
38

39 MR. WECHSLER: vehicles that are going to be in there as  
40 part of the plan.  
41

42 MR. BOCCANFUSO: I don't think he would need to get into  
43 that level of detail. It's just really use groups, square footage that  
44 type of thing and based upon that the code will dictate what the  
45 requirements are.  
46

47 MS. MOENCH: Based on your expertise, would it be something  
48 like a fire extinguisher?

1  
2 MR. WECHSLER: It depends on what code goes. I mean it could  
3 be something as simple as multiple fire extinguishers on columns and  
4 poles. I don't see a fire suppression system because they said they're  
5 not going to do any commercial work or anything else like that in  
6 there, but I would just for their safety and everyone's involved,  
7 construction look at it and says, well he's got X amount of vehicles  
8 maybe they want to put a sprinkler system in. I don't see it. I don't  
9 know. It's not my forte, but I think fire extinguishers might be the  
10 difference.

11  
12 MR. LEVITON: Temika, you have experience here?

13  
14 MS. LATILLA: Not with the fire. Well, I have some  
15 experience with the fire code, but I think there's two issues of what  
16 I was trying to bring up. One, yes when it goes through that review,  
17 they'll let you know if they think you need a fire line, and usually  
18 it's going to be a dedicated fire line. If it's going to be a  
19 sprinkler system, it's going to be that dedicated fire line for the  
20 sprinkler system. My comment was also just about water because I  
21 remember the last time we were here, there was a lot of concern about  
22 the hose bib or what it's going to be used for. So, my comment is if  
23 it is allowed and if financially, they can do it and want to put one  
24 in later that they should be permitted to do so.

25  
26 MR. LEVITON: Sure. Personally, and I believe I speak for  
27 everyone on the dais, we took the applicants at their word, but often  
28 that question goes to motivation. Sometimes we worry that if they're  
29 bringing electric and water and utilities in general that they're  
30 planning on putting people in to live there, and that's antithetical  
31 to everything we stand for. So, we question a little bit. We probe and  
32 we get lied to, but these folks are honest as the day is long.

33  
34 MS. LATILLA: Yeah, but that's what I'm saying. I feel like  
35 that became a topic and that's why it's in bold that it's no water,  
36 but if it's allowed and financially later, they want to install one,  
37 they can apply to put a hose bib there.

38  
39 MR. LEVITON: The issue last time was that we had ---

40  
41 MS. LATILLA: I think the kitchen cabinets too was there,  
42 that's why.

43  
44 MR. LEVITON: Yeah, they didn't know, but now they've got it  
45 all.

46  
47 MS. LATILLA: Yeah.

48

1 MR. LEVITON: They've got it all. They worked with someone  
2 who helped them well so my compliments.

3  
4 MR. VACCARELLO: Well, I did a little on my own. We did  
5 reach out for an attorney who was going to come here tonight, but he  
6 had a prior engagement and his two sons. He just couldn't make it.

7  
8 MR. LEVITON: That's fine.

9  
10 MR. VACCARELLO: He was going to try.

11  
12 MR. LEVITON: I don't think you're going to need one. Mr.  
13 Hughes?

14  
15 MR. HUGHES: No, very nice presentation, reiterate what  
16 everyone's saying. So, I have no comments.

17  
18 MR. LEVITON: Okie doke, let's ask Brian if there's anything  
19 else on his mind.

20  
21 MR. BOCCANFUSO: Aside from the water issue, I think the  
22 Board, if there's a motion, just need to be clear if you're imposing  
23 any condition on the approval that restricts water and if so I would  
24 recommend that the restriction be unless required by code or no  
25 restriction, whatever, but I think it just needs to be clear. The only  
26 other question I have for the applicant is as I was reviewing for the  
27 hearing tonight, this was on the previous iterations of the plans, but  
28 I just missed it. It appears that there is some exterior lighting  
29 proposed on the outside of the pole barn. Is that correct?

30  
31 MR. VACCARELLO: I'm not sure.

32  
33 MR. BOCCANFUSO: It was shown on the plans. So here go  
34 again, but it's okay. All I would say is if there is exterior lighting  
35 on the pole barn, it needs to be shielded and/or angled downwards so  
36 that you don't have any lighting spillover onto the adjacent  
37 properties. That is a code, ordinance requirement. It's common sense,  
38 but in practice oftentimes folks put flood lights outside because they  
39 put out a lot of light, but they're not shielded at all. So just be  
40 mindful of that if you do exterior lighting, make sure you choose  
41 something that you can angle downward or can be fitted with shields to  
42 keep the lighting where it's supposed to be.

43  
44 MR. VACCARELLO: Yeah, he may have put a light on the  
45 entrance. I didn't really. I had so many other things to resolve.

46  
47 MR. BOCCANFUSO: Yeah, that's fine.

1 MR. VACCARELLO: That was the only thing I came into that was  
2 working properly.

3  
4 MR. BOCCANFUSO: It's not something really that's under the  
5 jurisdiction of the board except that it has to be shielded so that  
6 the illumination is contained on the property.

7  
8 MR. LEVITON: Thank you Mr. Boccanfuso. Alright, I see that  
9 there's no one in attendance this evening. Our audience is empty, but  
10 I will open up to public and I will close it and we are compliant with  
11 the Sunshine Law. Alright, does someone. Albert?

12  
13 MR. MARMERO: So just that the applicant was here recently  
14 in October. As you remember the specifications changed would be  
15 primarily reduced in scope. At that time and at this time, the  
16 applicant requires a few variances, all the variances essentially  
17 related to size of the garage and the height of the garage.  
18 Essentially what the ordinance reads is that primary attached garages  
19 for a home may be designed for a maximum of three vehicles and shall  
20 not exceed thirty-five feet in width by twenty-four feet in depth or  
21 840 square feet. This is obviously still quite a bit bigger than that  
22 while being much smaller than what was previously presented. There  
23 also is an ordinance requirement that the maximum permitted height for  
24 accessory structures is fifteen feet. Whereas the proposed pole barn/  
25 garage has a height of 20.3 feet and I think that still remains the  
26 same. Correct?

27  
28 MR. VACCARELLO: Yes.

29  
30 MR. MARMERO: So those would be the variances needed. The  
31 applicant has addressed the positive and negative criteria. So you  
32 heard that testimony and some of the conditions that were discussed  
33 were that Brian just brought up the exterior lighting that may or may  
34 not be shown on the plans, but if exterior lighting is going to be  
35 present that you comply with all code requirements with respect to  
36 shielding. The applicant did talk about landscape screening. We talked  
37 about perhaps what type of screening, but it sounds like as long as it  
38 evergreens and deer resistant that would be sufficient. The applicant  
39 indicated that the containers that currently store the vehicles on the  
40 property will be removed. We talked about having a resolution if this  
41 proposal is approved that the resolution will be recorded with the  
42 county clerk in order to make sure that any conditions that are  
43 proposed run on with the property --- have sufficient notice for any  
44 attempt to purchase. The applicant made it clear that this would be a  
45 residential accessory solely meaning it's not going to be for  
46 commercial or business use. That comes into play in a resolution when  
47 recording the resolution so that make sure that in the future  
48 prohibits the use of the property for those purposes. Then finally you

1 talked about utilities. The applicant made it clear that there will be  
2 no electricity, only for lighting. The applicant made it clear that  
3 there will be any sewer or gas, and then we talked about water. The  
4 applicant said there will be no water. They don't need it. We talked  
5 about maybe carving out a condition that there wouldn't be water  
6 unless required by the fire code, and then there was some talk about  
7 perhaps just not restricting water at all. So that --- is kind of left  
8 in the air as to how you guys want to treat that condition.

9  
10 MR. LEVITON: A lovely opinion that it should not be  
11 mentioned in a motion, but because any mention of it would be more  
12 restrictive than Temika wanted it to be.

13  
14 MR. MARMERO: Yeah, not only that I only mentioned it  
15 because the applicant mentioned it. If you want to leave it to the  
16 applicant as a - - - that there will be no sewer or gas you could  
17 leave it at that.

18  
19 MR. LEVITON: I don't want to do that to you.

20  
21 MS. LATILLA: No?

22  
23 MR. LEVITON: No, we don't want to do that.

24  
25 MR. MARMERO: Okay.

26  
27 MR. LEVITON: Okay and the lighting, like Brian said, it's  
28 per ordinance and we don't have jurisdiction to impose restrictions  
29 anyway.

30  
31 MR. MARMERO: Yeah, you're going to have to do it either  
32 way.

33  
34 MR. LEVITON: Yeah.

35  
36 MR. BOCCANFUSO: And Mr. Chairman, I brought it up last  
37 time, but just in the interest of full disclosure there is the  
38 sidewalk requirement. Anytime you have a variance application, I seem  
39 to recall based upon my notes the board was inclined to grant the  
40 waiver to not require the construction. In which case the applicant  
41 would have to do a payment in lieu as a condition of approval.

42  
43 MR. LEVITON: Mr. Vaccarello is nodding in the affirmative.  
44 He understands and agrees.

45  
46 MR. MARMERO: Right so then I'll agree with the removal of  
47 those conditions and we discussed --- it's going to be verifying that  
48 this will be strictly residential not commercial or business. That

1 will then be in the resolution which will then be recorded. Then we  
2 talked about the removal of containers and the landscape screening,  
3 and any payment for the sidewalk in lieu of actually providing it.  
4

5 MR. LEVITON: And Brian you talked about a fee structure  
6 consistent with your best judgment.  
7

8 MR. BOCCANFUSO: Yeah, I mean this is a much straighter  
9 forward case than the application we had last time. It's just square  
10 footage times a reasonable unit cost. The unit cost that I use in  
11 calculating these things is I believe it's fair. It's probably cheaper  
12 than it would be to actually install the sidewalk. At least using  
13 capital rates, the rates that we have to pay as the township when  
14 we're going out to bid and so forth.  
15

16 MR. LEVITON: That formula that you use is predicated on a  
17 slide rule still?  
18

19 MR. BOCCANFUSO: No, it's so simple it could be done in your  
20 head.  
21

22 MR. LEVITON: Not in my head. Okay, will someone make a  
23 motion please?  
24

25 MS. KLOMPUS: I'll make the motion to approve as stated.  
26

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

30 MS. LATILLA: I'll second.  
31

32 MR. LEVITON: Thank you Ms. Latilla.  
33

34 **ROLL CALL**  
35

36 MS. MOENCH: Mr. Harrington?  
37

38 MR. HARRINGTON: Yes.  
39

40 MS. MOENCH: Ms. Klompus?  
41

42 MS. KLOMPUS: Yes.  
43

44 MS. MOENCH: Mr. Wechsler?  
45

46 MR. WECHSLER: Yes.  
47

48 MS. MOENCH: Ms. Levenson?



1  
2 MS. BAKER-LEVENSON: Yes.

3  
4 MS. MOENCH: Ms. Latilla?

5  
6 MS. LATILLA: Yes.

7  
8 MS. MOENCH: Mr. Hughes?

9  
10 MR. HUGHES: Yes.

11  
12 MS. MOENCH: Chair Leviton?

13  
14 MR. LEVITON: Mr. Rago, congratulations. Mr. Vaccarello,  
15 many, many years of further enjoyment of your collection.

16  
17 MR. VACCARELLO: Thank you everyone.

18  
19 MR. RAGO: Thank you everyone.

20  
21 MR. VACCARELLO: Have a nice holiday.

22  
23 MS. KLOMPUS: You too.

24  
25 MR. LEVITON: Same to you. With that, someone move to  
26 adjourn and we'll be on our way.

27  
28 MS. KLOMPUS: I move to adjourn.

29  
30 MR. LEVITON: Oh, hold on Stacey.

31  
32 MS. KLOMPUS: Oh, I don't.

33  
34 MR. LEVITON: I have to go out to public.

35  
36 MS. KLOMPUS: He has to what?

37  
38 MR. LEVITON: By law.

39  
40 MS. KLOMPUS: Oh.

41  
42 MR. LEVITON: So, at this time I'm going to go out to public  
43 to see if anybody wants to address the board on non-agenda items.  
44 Seeing none I'll close public. And we are adjourned. We're not? Stacey  
45 made the motion.

46  
47 MS. KLOMPUS: I have to adjourn us again. I move to adjourn  
48 the meeting.

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MR. LEVITON: Now we're adjourned.

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