

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 salute to our flag.

5

6 **SALUTE TO THE FLAG**

7

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

16

17 **ROLL CALL**

18

19 MS. MOENCH: Mr. Shalikar?

20

21 MR. SHALIKAR: Here.

22

23 MS. MOENCH: Mr. Mantagas? Absent. Mr. Wechsler?

24

25 MR. WECHSLER: Here.

26

27 MS. MOENCH: Mr. Pochopin?

28

29 MR. POCHOPIN: Here.

30

31 MS. MOENCH: Ms. Klompus?

32

33 MS. KLOMPUS: Here.

34

35 MS. MOENCH: Mr. Harrington?

36

37 MR. HARRINGTON: Here.

38

39 MS. MOENCH: Mr. Weiss? Absent. Ms. Levenson?

40

41 MS. LEVENSON: Here.

42

43 MS. MOENCH: Ms. Latilla?

44

45 MS. LATILLA: Here.

46

47 MS. MOENCH: Mr. Hughes?

48

1 MR. HUGHES: Here.

2
3 MS. MOENCH: Chair Leviton?

4
5 MR. LEVITON: Here. Okay, let's begin tonight by accepting
6 the minutes from January 29th. Will someone move to do so?

7
8 MR. WECHSLER: I'll make a motion to accept the minutes.

9
10 MR. SHALIKAR: I'll second.

11
12 MR. LEVITON: Thank you Mr. Wechsler and thank you Mr.
13 Shalikar for the second.

14
15 **ROLL CALL**

16
17 MS. MOENCH: Mr. Shalikar?

18
19 MR. SHALIKAR: Yes.

20
21 MS. MOENCH: Mr. Wechsler?

22
23 MR. WECHSLER: Yes.

24
25 MS. MOENCH: Mr. Pochopin?

26
27 MR. POCHOPIN: Yes.

28
29 MS. MOENCH: Ms. Klompus?

30
31 MS. KLOMPUS: Yes.

32
33 MS. MOENCH: Mr. Harrington?

34
35 MR. HARRINGTON: Yes.

36
37 MS. MOENCH: Ms. Levenson?

38
39 MS. LEVENSON: Yes.

40
41 MS. MOENCH: Mr. Hughes?

42
43 MR. HUGHES: Yes.

44
45 MR. LEVITON: And let's memorialize two applications. The
46 first one being ZBE2544, counselor.

47
48

1 MR. MARMERO: Sure Mr. Chairman. So ZBE2544, the applicant
2 was seeking relief for construction of a fence, a six foot fence,
3 where three foot is the maximum height with a twenty-five foot setback
4 where seventy-five foot setback would be required.

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

8
9 MR. WECHSLER: I'll make a motion to memorialize ZBE2544.

10
11 MR. LEVITON: Thank you Mr. Wechsler. Will someone second?

12
13 MS. KLOMPUS: I'll second.

14
15 MR. LEVITON: Thank you Ms. Klompus.

16
17 **ROLL CALL**

18
19 MS. MOENCH: Mr. Shalika?

20
21 MR. SHALIKAR: Yes.

22
23 MS. MOENCH: Mr. Wechsler?

24
25 MR. WECHSLER: Yes.

26
27 MS. MOENCH: Mr. Pochopin?

28
29 MR. POCHOPIN: Yes.

30
31 MS. MOENCH: Ms. Klompus?

32
33 MS. KLOMPUS: Yes.

34
35 MS. MOENCH: Mr. Harrington?

36
37 MR. HARRINGTON: Yes.

38
39 MS. MOENCH: Ms. Levenson?

40
41 MS. LEVENSON: Yes.

42
43 MR. LEVITON: And ZBE2543.

44
45 MR. MARMERO: Sure Mr. Chairman, ZBE2543 a somewhat similar
46 application dealing with fence height and the fence setback and a
47 fence of six feet height where three feet is the maximum that's
48 permitted. This time the fence setback of sixty feet was required.

1 Here the applicant was seeking twenty-five feet, and then with his own
2 inspections there was also the discovery that the existing deck on his
3 home also encroached into the rear yard setback. So that was something
4 that was ratified in this application.
5

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

9 MR. SHALIKAR: I make the motion.
10

11 MR. LEVITON: Thank you Mr. Shalika.
12

13 MR. WECHSLER: I'll second.
14

15 MR. LEVITON: Thank you.
16

17 MS. MOENCH: Mr. Wechsler?
18

19 MR. LEVITON: Mr. Wechsler.
20

21 **ROLL CALL**
22

23 MS. MOENCH: Mr. Shalika?
24

25 MR. SHALIKAR: Yes.
26

27 MS. MOENCH: Mr. Wechsler?
28

29 MR. WECHSLER: Yes.
30

31 MS. MOENCH: Mr. Pochopin?
32

33 MR. POCHOPIN: Yes.
34

35 MS. MOENCH: Ms. Klompus?
36

37 MS. KLOMPUS: Yes.
38

39 MS. MOENCH: Mr. Harrington?
40

41 MR. HARRINGTON: Yes.
42

43 MS. MOENCH: Ms. Levenson?
44

45 MS. LEVENSON: Yes.
46
47
48

1 MR. LEVITON: Okay, that brings us to the public hearings
2 portion of tonight's agenda, and Mr. Toto I just want to inform you
3 that we're going to take Mr. Mehr first.

4
5 MR. TOTO: Of course.

6
7 MR. LEVITON: He's here to request an extension of time.
8 He's going to be out in thirty seconds. Alright, then we'll call
9 application 2209EX2. The applicant is SCI New Jersey Funeral Services
10 doing business as Bloomfield and you're here Mr. Mehr on behalf of
11 them.

12
13 MR. RENTSCHLER: Yes, good evening, everyone, John
14 Rentschler from Sonnenblick, Mehr, & Licata representing the applicant
15 Bloomfield Cooper. We're seeking a second one-year extension of the
16 approvals. Basically, it's been in the D.E.P. for this period of time.
17 We actually just got the permit this past Tuesday. We had to go back
18 to the county to get their final approvals and then finish up with CME
19 and do all the resolution compliance. So that's the reason why we're
20 actually seeking the extension.

21
22 MR. LEVITON: Mr. Marmero, do you require anything further?

23
24 MR. MARMERO: No, nothing further. The applicant has to show
25 that they did due diligence seeking any outside agency approvals and
26 you heard the representation from counsel seems like it's mainly a
27 D.E.P. issue which I think most of us who do this stuff understand
28 that that is something that can be pretty --- It sounds like you've
29 not got that permit.

30
31 MR. RENTSCHLER: Yeah, just came in on Tuesday.

32
33 MR. MARMERO: Right. Yeah, I don't see any issues.

34
35 MR. LEVITON: Mr. Boccanfuso?

36
37 MS. MOENCH: Just hold one second.

38
39 MR. LEVITON: Yeah.

40
41 MS. MOENCH: I don't hear anything in here. I did receive
42 recording, but I can't hear it in here for some reason.

43
44 MR. LEVITON: Of course, our meetings are recorded for
45 posterity and then later transcribed and are available to the public
46 upon request and our recording secretary has expressed an issue with
47 the system and she will resolve it. Testing.

1 MS. MOENCH: It says it's recording.

2
3 MR. LEVITON: Okay. Brian, anything from you sir?

4
5 MR. BOCCANFUSO: Just a quick question for either Mr.
6 Rentschler or Mr. Marmero. Do you know the day to which this new
7 extension would extend the approval?

8
9 MR. MARMERO: I think --- so what I was going to do is look
10 back at the last resolution concerning that initial approval and then
11 you have a first extension and now this would be the second extension.
12 Typically, it would run from whenever that last extension. We'd have
13 to look at that date.

14
15 MR. RENTSCHLER: It would be from March 20th.

16
17 MR. BOCCANFUSO: From March 20th of this year to March 20th
18 of 2027.

19
20 MR. MARMERO: So, you're here proactively essentially.

21
22 MR. RENTSCHLER: Yes.

23
24 MR. MARMERO: Because that extension would expire on March
25 20th.

26
27 MR. RENTSCHLER: Right.

28
29 MR. MARMERO: So typically, you'd run it from March 20th of
30 '26 to March 20th of '27, however you had it.

31
32 MR. BOCCANFUSO: Of course. That's all, thank you.

33
34 MR. RENTSCHLER: You're welcome.

35
36 MR. LEVITON: Will someone make a motion?

37
38 MR. SHALIKAR: I'll make a motion to approve the extension.

39
40 MR. LEVITON: Before we proceed, I'm obligated to go out to
41 the public. Is there anyone who wants to address the board or question
42 the applicant? Seeing none, I'll close public. Thank you, Mr. Shalika
43 and Mr. Pochopin, for the motion and the second.

44
45 **ROLL CALL**

46
47 MS. MOENCH: Mr. Shalika?

48

1 MR. SHALIKAR: Yes.
2
3 MS. MOENCH: Mr. Wechsler?
4
5 MR. WECHSLER: Yes.
6
7 MS. MOENCH: Mr. Pochopin?
8
9 MR. POCHOPIN: Yes.
10
11 MS. MOENCH: Ms. Klompus?
12
13 MS. KLOMPUS: Yes.
14
15 MS. MOENCH: Mr. Harrington?
16
17 MR. HARRINGTON: Yes.
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19 MS. MOENCH: Ms. Levenson?
20
21 MS. LEVENSON: Yes.
22
23 MS. MOENCH: Chair Leviton?
24
25 MR. LEVITON: Okay, yes.
26
27 MR. RENTSCHLER: Thank you.
28
29 MR. LEVITON: You're welcome.
30
31 MR. RENTSCHLER: Thank you everyone. Have a good evening.
32
33 MR. LEVITON: Thank you.
34
35 MR. BOCCANFUSO: Good night.
36
37 MR. LEVITON: Okay, we have application ZBE2541, Mr. Joudeh.
38 I believe, have I butchered that?
39
40 MR. TOTO: No, and that's correct.
41
42 MR. LEVITON: Is he in attendance Mr. Toto?
43
44 MR. TOTO: He is not.
45
46 MR. LEVITON: Okay then on behalf of him, we welcome Mr.
47 Toto.
48

1 MR. TOTO: May I start Mr. Chair?
2

3 MR. LEVITON: You may, Attorney at law, you don't need to be
4 sworn in, but you're here to request bulk relief for a patio and a
5 pavilion.
6

7 MR. TOTO: Correct Mr. Chairman and good evening, Mr.
8 Chairman, members of the board. Nice to see everyone this evening.
9 Walter Toto, my office is in Monroe Township on behalf of Ramy Joudeh
10 who unfortunately has a conflict and could not be here tonight. We had
11 a little bit of a snafu with the initial notice. It was published in
12 the Home News and not the Asbury Park Press. So, he would've, Mr.
13 Joudeh, would've been here at the last meeting, but here we are
14 tonight.
15

16 MR. LEVITON: I have no problem with that. Mr. Marmero? It's
17 fine that the applicant isn't here?
18

19 MR. MARMERO: Yeah.
20

21 MR. LEVITON: Okay.
22

23 MR. MARMERO: --- If counsel wants to provide testimony,
24 that's fine.
25

26 MR. TOTO: And I would note that we did submit an affidavit
27 of service and public education. I trust everything is in order.
28

29 MR. MARMERO: Yes.
30

31 MR. TOTO: Thank you. Okay, so we are seeking bulk variance
32 relief, a number of bulk variances, some are pre-existing, for 5
33 Falcon Drive. I'm sorry, it's Block 7902, Lot 22. It's an existing
34 single-family home with existing pool, and these improvements, or
35 proposed improvements, are largely based on enhancing the pool area in
36 the rear of the property. I will belabor the number of variances or
37 the specifics. I'll have my one witness is Kevin Shelly from Shore
38 Point Engineering. I'll leave it to his capable hands to describe the
39 engineering aspects of the application as well as the variances that
40 we are seeking.
41

42 MR. LEVITON: What is it that he's going to testify to?
43

44 MR. TOTO: What is Mr. Shelly going to testify to? Site
45 layout, the existing structures, the proposed structures, and the
46 variance relief that's required.
47

48 MR. LEVITON: Okay.

1
2 MR. TOTO: Okay, Kevin if you would.

3
4 MR. LEVITON: Mr. Kelly, you're going to be sworn in.

5
6 MR. MARMERO: Do you swear the testimony you provide tonight
7 will be the truth, the whole truth, and nothing but the truth?

8
9 MR. SHELLY: Yes.

10
11 MR. MARMERO: Okay, now you've testified before this Board
12 before?

13
14 MR. SHELLY: I have.

15
16 MR. MARMERO: Okay. Do you want some background Mr.
17 Chairman?

18
19 MR. LEVITON: No, there's no need to voir dire him. The
20 Board accepts his credentials and welcomes him back.

21
22 MR. SHELLY: Thank you Mr. Chairman.

23
24 MR. TOTO: Appreciate that and if I could make a suggestion.
25 I think one way you might want to follow the application; Mr. Shelly
26 gives a very excellent job on the plan itself. On page, well there is
27 only one page, but in the middle of the plan it does talk about the
28 existing impervious coverage and the proposed impervious as well as
29 existing building coverage and proposed building coverage. You can
30 kind of follow along as to what exists and what we are proposing to
31 add on to the existing single-family residence in the rear yard.

32
33 MS. MOENCH: I'm sorry. Most of the board members have a
34 reduced size and then there are about four copies of the larger size
35 throughout the dais, if you should need.

36
37 MR. LEVITON: So, what we're talking about is the variance
38 plan. That's what it's labeled in our packet.

39
40 MR. TOTO: Yes.

41
42 MR. LEVITON: And I state as much for the record. Go ahead
43 sir.

44
45 MR. TOTO: And the date of that plan Mr. Chairman is August
46 7, 2025 just so the Board.

47
48 MR. LEVITON: Yes.

1
2 MR. TOTO: Is on the same page, Kevin.

3
4 MR. SHELLY: Sure. Just to assist in the testimony I'll give
5 tonight, I do have two additional exhibits that I could pass out to
6 the board members. The first, you want to mark it as exhibit A1.

7
8 MR. TOTO: Sure, counsel.

9
10 MR. MARMERO: Yeah, exhibit A1 is what you want to call it.

11
12 MR. SHELLY: This will be A1. So, exhibit A1 and again I'll
13 hand out copies, is just a depiction of what the existing front of the
14 property looks like on the top of the front walkway and steps, and on
15 the bottom is what the proposed improvements are to there because that
16 does trigger a variance relief as noted in Mr. Boccanfuso's letter,
17 and then the second exhibit we can mark as exhibit A2. It is a series
18 of four colored renderings of what the proposed yard improvements are.
19 I think it will just help depict exactly what it is that we are
20 proposing and what's associated with that.

21
22 MR. TOTO: Kevin, that's a three-page exhibit A2?

23
24 MR. SHELLY: A2 is four pages.

25
26 MR. TOTO: Four pages.

27
28 MS. MOENCH: ---

29
30 MR. TOTO: Thank you.

31
32 MS. MOENCH: Mr. Toto, please provide me with a copy?

33
34 MR. TOTO: Absolutely, yeah. This takes longer than the
35 presentation.

36
37 MS. MOENCH: Those are the only exhibits?

38
39 MR. TOTO: Those are the only ones, yes.

40
41 MR. BOCCANFUSO: And Mr. Shelly just before you get started
42 and before I forget, it would be a big favor if you could email these
43 to our secretary. It doesn't need to be immediately, but tomorrow.

44
45 MR. SHELLY: Absolutely.

46
47 MR. BOCCANFUSO: At some point.

48

1 MR. SHELLY: Will do.
2

3 MR. LEVITON: We already have the renderings. The color
4 renderings are part of our packet and they were part of what was
5 submitted through Elite Landscaping.
6

7 MR. SHELLY: Oh wonderful. Okay yeah so these are just some
8 We've weeded out a couple of them. I think what may be in your packet
9 is maybe twenty-five different versions, night, day, different
10 depictions. We just dwindled it down to be a couple of these to aid in
11 our presentation, but we'll certainly make sure that the board
12 secretary has copies of all this. So really, we're here, the
13 applicant's proposing to replace the existing patio around the
14 existing pool. He's trying to construct a two hundred and fifty-eight
15 square foot pavilion adjacent to the pool and a three hundred eighty
16 square foot covered patio on the back of the house as well as
17 replacing the existing front porch and walkway. No roof over top of
18 the front porch, the front entry. There is none now. There will be
19 none proposed. The pool, patio, the improvements such as the pool
20 equipment and the lighting will all comply with the township's ten
21 foot minimum setback requirements, but there are several variances
22 that are necessary for the project. The first is a variance for the
23 minimum lot area; 42,327 square feet is existing and 80,000 square
24 feet is required. This is an existing, non-conforming condition that
25 the applicant cannot change. A variance is requested for the minimum
26 front yard setback to the principal structure; 60.8 feet is existing
27 whereas a hundred feet is required. Again, it's an existing, non-
28 conforming condition that the applicant can't change. Two variances
29 are required for the existing shed which on exhibit A2 is located in
30 the back left corner. It's an existing shed, it's there now. Variance
31 is requested for the minimum side yard setbacks for accessory
32 structures of 23.3 feet and 26.7 feet whereas thirty feet is required,
33 and then a variance to permit the two hundred and ninety square foot
34 shed where a maximum allowed is two hundred and sixteen square feet.
35 Again, it is an existing shed. As Mr. Boccanfuso noted in his letter
36 or his review memorandum that the shed has been on the property for
37 over twenty years and construction permits were issued for the shed
38 back in 2001, but the township has no zoning approval on files that
39 ever reviewed or approved this location. So, it's been existing for
40 over twenty years. It's in a location and a size that are non-
41 conforming to township standard, but again there was a construction
42 permit that was issued for it. We'd be requesting the relief to allow
43 the shed to continue in its current location and if the event that the
44 shed was ever damaged, it would be able to be rebuilt in its current
45 size and location.
46

47 MR. LEVITON: You're invoking the twenty-year rule. Mr. Toto
48 can you clarify?

1
2 MR. TOTO: You're revoking the twenty?

3
4 MR. LEVITON: You're invoking the twenty-year rule. Is that
5 what Mr. Shelly is doing? He's referenced it. We have a ten-year rule,
6 not a twenty-year rule which is why I'm confused.

7
8 MR. BOCCANFUSO: Not exactly Mr. Chairman. It's been there
9 for a long time. I don't know what happened twenty years ago. Why
10 there is no zoning approval in the file. The way that things are
11 supposed to flow is that a zoning permit or an approval is kind of the
12 first gear maybe not, I don't know. Long and short of it is there is
13 no zoning approval in the file. So, since the applicant is here
14 anyway, in an abundance of caution I felt it was appropriate to get it
15 on the record. Let them request the relief. If the board's amenable to
16 it, then as Mr. Shelly indicated if the shed ever needed to be
17 rebuilt, there's damage or anything like that, they could do it
18 without having to come before the board. If the board has an issue
19 with the variance relief that's necessary for this existing shed
20 that's been there for twenty years, it could still remain as existing,
21 non-conforming. It just wouldn't be ratified and legitimized. If it
22 were to burn to the ground tomorrow, they wouldn't be able to rebuild
23 it where it is. I think the twenty years is just a statement as to the
24 length of how long it's been there. I don't know that Mr. Shelly is
25 relying on that except maybe to say that it speaks to the negative
26 impact. It's been there for twenty years. I am not aware of any
27 complaints about it. I think you're going to hear testimony that there
28 haven't been any complaints, any issues so clearly there's little if
29 any negative impact associated with the relief that's necessary.

30
31 MR. LEVITON: What is the primary use of this accessory
32 structure?

33
34 MR. SHELLY: It's a shed. Their storage of patio furniture
35 for the pool, pool equipment. I have some pictures that the applicant
36 took. I could hand them out if you'd like to see them.

37
38 MR. LEVITON: Thank you.

39
40 MR. SHELLY: Pool equipment, pool chemicals, the vacuum,
41 stuff like that is kept in there.

42
43 MR. LEVITON: Does it contain ---

44
45 MR. TOTO: The concern was that it's a cabana-type
46 structure, but it's not used in that fashion.

47

1 MR. SHELLY: So, if you actually look at the second page of
2 exhibit A2, it actually gives you a nice view looking across the pool
3 of what the existing shed looks like and it looks.

4
5 MR. LEVITON: Yeah.

6
7 MR. SHELLY: Exactly like that. It is a shed. It's got a
8 double door on the side. It's not a cabana. It's not a pool house or
9 anything like that. That the purpose of the proposed pavilion is to
10 provide an outdoor kind of entertaining shade space. This is simply a
11 shed.

12
13 MR. LEVITON: Okay, we take you at your word. There were
14 discrepancies on what was provided and what we had and we congratulate
15 Mr. Boccanfuso on identifying them. So just to be clear, there's no
16 electricity or HVAC in the building?

17
18 MR. SHELLY: No, not in the shed.

19
20 MR. LEVITON: No plumbing?

21
22 MR. SHELLY: No.

23
24 MR. TOTO: No.

25
26 MR. LEVITON: Are there permanent furnishings or built-ins?

27
28 MR. SHELLY: No.

29
30 MR. LEVITON: Okay, then it's a shed and we will take that
31 under consideration.

32
33 MR. TOTO: Thank you.

34
35 MR. LEVITON: Also, you've testified already Mr. Shelly.
36 Let's just point it out that there will be no new roofing. That was
37 number four on Mr. Boccanfuso's memorandum.

38
39 MR. SHELLY: Yes, the front entry porch has no roof on it
40 existing. He's replacing it in kind, but there will be no roof on it
41 either.

42
43 MR. LEVITON: Continue on.

44
45 MR. SHELLY: Yeah. A variance is being requested for the
46 minimum side setback to the proposed pavilion which on exhibit A2 or
47 on the variance plan is the square pavilion located on the right hand
48 side of the pool. It is at a proposed setback of 18.6 feet where

1 thirty feet is required, and if you look at the variance plan or the
2 plans that were submitted, you see that this is a kind of a unique
3 property. It's almost a pie-shape, or triangular shape with a long
4 frontage along Falcon and then it comes to a peak in the back. So,
5 what would typically be considered your backyard, the back of the
6 house, is really considered a side yard which brings your side
7 accessory setback to thirty feet whereas if it was actually a rear
8 yard, it would be ten feet and this would be compliant. So I think
9 that the uniqueness of the lot gave us a hardship here, and I believe
10 that the setback for the structure is appropriate as located adjacent
11 to the neighbor on Lot 23. It's adjacent to their driveway. It doesn't
12 impact their house, their backyard improvements. I think it's in a
13 location that is appropriate not only for our property, but for it to
14 have no impact on adjacent property either.

15
16 MR. LEVITON: In terms of drainage? Are you addressing
17 number six with that statement?

18
19 MR. SHELLY: Yes, so I believe with the 18.6 feet that we
20 have from the structure to the property line, we have adequate space
21 to be able to provide grading to ensure that we are not sending any
22 runoff onto the adjacent neighbor's property. We're happy to
23 coordinate that with a grading plan with Mr. Boccanfuso. If additional
24 concerns are there and drainage needs to be in place, we would agree
25 to comply with that as well.

26
27 MR. LEVITON: Thank you sir.

28
29 MR. SHELLY: You're welcome. A variance is being requested
30 for the minimum front yard accessory structure setback of 39.8 feet
31 whereas a hundred feet is required. This is where I wanted to use
32 exhibit A1 because in the front of the house in there, there's a front
33 entry along with a curved walkway and I'll call it an oversized
34 landing at the bottom of those front steps. The applicant is trying to
35 rebuild that front walkway for entry and illuminate the curvature and
36 do it in straight lines. So, there's an existing oversized landing at
37 the bottom of the steps and there is a proposed one as well. From my
38 discussions with Mr. Boccanfuso that would technically be considered a
39 front patio. Based off of experience on other similar situations
40 within the township and then that front patio would be subject to the
41 accessory front yard setback requirements. So again, it's existing,
42 we're asking to replace it and just change the geometry a little bit,
43 but again out of an abundance of caution and to hopefully make clear
44 zoning records for the township and future, we wanted to put it on the
45 record and request the variance as well for that.

46
47 MR. LEVITON: Mr. Marmero has written down your request. The
48 Board will take it under consideration. It can be subsumed under the

1 entire application when variance relief is granted. Correct, Mr.
2 Marmero?

3
4 MR. MARMERO: Correct.

5
6 MR. LEVITON: Continue. So that was number five by the way.
7 You've hit almost all of them.

8
9 MR. SHELLY: The last one that we have that we're requesting
10 is a permit for building coverage of 11.8 percent or 10.3 exists and
11 7.5 is the maximum permitted. So, the proposed 258 square foot
12 pavilion and the 380 square foot rear patio in the back add an
13 additional 638 square feet of building coverage to the property which
14 is about 1.5 percent. Majority of the houses in this development have
15 inground pools. The ones that have inground pools, a lot of them do
16 have pavilions or structures like this adjacent to the pool with sheds
17 and/or back patios or back-covered porches. So, I believe what the
18 applicant is proposing, one is consistent with the neighborhood. It
19 doesn't stand out. It's typical for what you would find in a
20 residential neighborhood. It doesn't create any negative impacts to
21 the neighboring properties or the rest of the community I don't
22 believe. The proposed improvements can be constructed without
23 resulting in any adverse draining impacts. So, in general I believe
24 that the proposed improvements on the property are appropriate. It
25 would not be intensifying the existing residential use of the
26 property. I believe that granting the variances will have no negative
27 impact on this property, the adjacent properties, or the neighborhood
28 or community.

29
30 MR. LEVITON: Thank you Mr. Shelly.

31
32 MR. SHELLY: You're welcome.

33
34 MR. LEVITON: Joshua?

35
36 MR. SHALIKAR: So, I have no questions. It was very thorough
37 testimony.

38
39 MR. LEVITON: Michael?

40
41 MR. WECHSLER: I also have no questions.

42
43 MR. LEVITON: Daniel?

44
45 MR. POCHOPIN: So, thank you Mr. Chairman. So, you did
46 testify that you're going to have no utilities or anything in that
47 shed.

48

1 MR. SHELLY: Correct.

2

3 MR. POCHOPIN: I noticed that the pool filter and all the
4 utilities are exterior of that shed.

5

6 MR. SHELLY: Correct.

7

8 MR. TOTO: Yes.

9

10 MR. POCHOPIN: So, they're existing. There is some plumbing
11 codes that do require any combustible siding equipment ten feet away;
12 gas appliances, firepits, etc. So, it looks as if you're twenty-six
13 feet from the corner of that shed to the property line and I see that
14 there's a generator here also? Gas generator, I guess. That's what it
15 says.

16

17 MR. SHELLY: Yeah, I believe on the back.

18

19 MR. POCHOPIN: So, you have a gas line there, and then you
20 have a pool unit which is a gas line. Probably?

21

22 MR. SHELLY: Yeah.

23

24 MR. POCHOPIN: So, I would just take that. This isn't for
25 utilities --- right Mr. Chair? So just I would consider that. Look at
26 that, revisit that, and if you're redoing the patio, bonding or stuff,
27 you should probably look at that too. If you're going to rip that all
28 up bonding, the coping, the pool and stuff.

29

30 MR. SHELLY: Yeah, it's all the existing patio coping will
31 all be taken out and obviously if anything is structural with the
32 existing pool that needs to be adjusted including the bonding and
33 grounding, we would absolutely do that.

34

35 MR. POCHOPIN: Very good, thank you. That's its Mr.
36 Chairman.

37

38 MR. LEVITON: Thanks Dan. Stacey?

39

40 MS. KLOMPUS: I have no questions.

41

42 MR. LEVITON: John?

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44 MR. HARRINGTON: I'm fine on the questions.

45

46 MR. LEVITON: Jessica?

47

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

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MR. LEVITON: Latilla?

MS. LATILLA: I have no questions.

MR. LEVITON: Temika, I'm sorry.

MS. LATILLA: That's fine.

MR. LEVITON: And Patrick?

MR. HUGHES: I do not have any questions.

MR. LEVITON: I also have no questions. I'm going to go out to the public. Sir, would you like to cross-examine the testimony entered onto the record? Do you want to address the board?

MALE VOICE: No.

MR. LEVITON: Okay. Mr. Boccanfuso, anything further from you sir?

MR. BOCCANFUSO: No, not really. I did speak to Mr. Shelly today. We went through my report and the relief that's necessary. I think the testimony was thorough. I didn't take any exception to it. A lot of what's needed here is really in an abundance of caution, an example of that was this front patio or walkway. I mean frankly it's a gray area as to whether that's a walkway or a patio, but we have had situations in other parts of town on other properties where things similar to this have been treated as a patio and it has created some problems for folks. So, since they were coming here anyway, we felt it was appropriate. Let's get it all out there. Let the board consider everything. Assuming no one has any issue with it which I'm not hearing any, get the relief so that there is a clear record and Mr. Shelly and Mr. Toto's client aren't going to have the issues with the improvements as he moves forward.

MR. LEVITON: And we thank you for your diligence and how about you Albert? Anything further?

MR. MARMERO: No, but you've heard testimony from the applicant --- with a lot of different bulk variances. Some of them are really just existing conditions like the applicant said can't be changed. What you have before you tonight are a bulk variance for the lot size. The existing lot is 42,320 square feet or so and the minimum required lot area in this zone is 80,000 square feet again that's an existing condition. The applicant is seeking a variance relief for the minimum required front setback due to the principal structure; 60.64

1 feet or so is required or I'm sorry a hundred feet is required; the
2 applicant is proposing or has an existing condition of 60.6 feet or
3 so. The applicant is seeking several other variances. We have the
4 existing shed that was permitted, but no zoning approval. That shed
5 has side yard setbacks of 23.3 feet and 26.7 feet where thirty feet
6 would be required. That shed also seems to have a size issue, 290
7 square feet where 216 square feet or so would be required. We have the
8 variance that the primary variance for the pavilion, the side setback.
9 Again, thirty feet would be required, 18.6 feet is proposed, and then
10 we have the front patio/walkway variance that Brian just brought up.
11 That is kind of being granted in an abundance of caution. There forty
12 feet is proposed where one hundred feet would be required, and then
13 the applicant brought up the building coverage variance as well that
14 really seems to come from the pavilion and the other structure that
15 tipped you over the 7.5 percent of that minimum building coverage.

16
17 MR. LEVITON: Mr. Toto, would you care to summate?

18
19 MR. TOTO: Nothing further from the applicant Mr. Chairman.

20
21 MR. LEVITON: Will someone make a motion then?

22
23 MR. SHALIKAR: I would. Was there a condition for the
24 drainage that we wanted to include?

25
26 MR. MARMERO: I think he indicated that he would work with
27 Brian's office ---

28
29 MR. TOTO: Absolutely.

30
31 MR. MARMERO: Along with --- that's necessary for drainage.

32
33 MR. TOTO: Yes.

34
35 MR. LEVITON: That's good enough for Brian, that's good
36 enough for me.

37
38 MR. BOCCANFUSO: Usually just so the board's aware, what
39 typically happens is when patio improvements and things of that nature
40 are proposed, it isn't always required that the applicant submit an
41 engineered grading drainage plan. It's determined on a case by case
42 basis. So, I think in this case, we would handle it the same way. I
43 can certainly work with Mr. Shelly and with the applicant to ensure
44 that there's no drainage impacts. Maybe we'll require an engineered
45 grading plan, maybe a statement, maybe some type of plan, something in
46 between would work. We'll review it when the permit application comes
47 in.

48

1 MR. SHALIKAR: Sounds good.

2

3 MR. LEVITON: Okay.

4

5 MR. SHALIKAR: I'd like to make a motion to approve the
6 application as stated.

7

8 MR. LEVITON: And will someone second that?

9

10 MR. POCHOPIN: I'll second.

11

12 MS. KLOMPUS: Go ahead.

13

14 MR. LEVITON: Thank you Mr. Pochopin.

15

16 **ROLL CALL**

17

18 MS. MOENCH: Mr. Shalika?

19

20 MR. SHALIKAR: Yes.

21

22 MS. MOENCH: Mr. Wechsler?

23

24 MR. WECHSLER: Yes.

25

26 MS. MOENCH: Mr. Pochopin?

27

28 MR. POCHOPIN: Yes.

29

30 MS. MOENCH: Ms. Klompus?

31

32 MS. KLOMPUS: Yes.

33

34 MS. MOENCH: Mr. Harrington?

35

36 MR. HARRINGTON: Yes.

37

38 MS. MOENCH: Ms. Levenson?

39

40 MS. LEVENSON: Yes.

41

42 MS. MOENCH: Chair Leviton?

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44 MR. LEVITON: Yes. Mr. Toto and Mr. Shelly, thank you very
45 much.

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47 MR. TOTO: Thank you for your time this evening everyone. I
48 appreciate it.

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MR. SHELLY: Have a great night.

MR. LEVITON: At this time, I'm going to go out to the public for non-agenda items. Sir, do you wish to say anything?

MALE VOICE: Thank you ---

MR. LEVITON: Oh, you were here on behalf of the Joudeh application?

MALE VOICE: No --- for myself.

MR. LEVITON: Okay.

MALE VOICE: ---

MR. MARMERO: He was the applicant last week or two weeks ago.

MR. LEVITON: Oh, in my absence I would like to publicly thank the vice chair Mr. Shalikar. It's a great comfort knowing that in my absence that this board functions well under your leadership.

MR. SHALIKAR: Under your guidance.

MR. LEVITON: Thank you for that, and forgive me I wasn't here. I did not recognize you, and I have nothing further. Thank you so much for showing up at 7:00 PM. It's going to take a little bit for me to get used to it, but I made it too just by the skin of my teeth. Thank you to Janice who flew in and didn't get in until the middle of the night last night. She's functioning on no sleep.

MR. BOCCANFUSO: Oh, she had some sleep.

MS. MOENCH: I got in late, but I am ok.

MR. LEVITON: A tiny bit, and I have nothing further. Does anyone else have anything to contribute? Then if you will move to adjourn, we will be in adjournment.

MR. POCHOPIN: Move to adjourn.

MR. LEVITON: We are in adjournment.
