

1 **MEETING IS CALLED TO ORDER:**

2

3 MR. LEVITON: I'm going to call the meeting to order and ask
4 everyone to stand for a flag salute.

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 in the municipal building. In addition, a copy
13 of this notice is and has been available to the public and is on file
14 in the office of the municipal clerk. Accordingly, this meeting is
15 deemed in compliance with the Open Public Meetings Act. Roll call,
16 please.

17

18 **ROLL CALL**

19

20 MS. MOENCH: Mr. Shalihar? Mr. Mantagas? Mr. Wechsler?

21

22 MR. WECHSLER: Here.

23

24 MS. MOENCH: Mr. Pochopin?

25

26 MR. POCHOPIN: Here.

27

28 MS. MOENCH: Ms. Klompus?

29

30 MS. KLOMPUS: Here.

31

32 MS. MOENCH: Mr. Harrington?

33

34 MR. HARRINGTON: Here.

35

36 MS. MOENCH: Mr. Weiss? Ms. Levenson?

37

38 MS. 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

1 MS. MOENCH: Chair Leviton?

2

3 MR. LEVITON: I'm here. Greetings board. Greetings public
4 and Albert, Janice, and Brian, hello to you all. Alright tonight we
5 need to accept minutes from March 5th. Will someone move to do so?

6

7 MS. MOENCH: Only eligible are you and Dan.

8

9 MR. POCHOPIN: I'll make a motion.

10

11 MR. LEVITON: Thank you Mr. Pochopin, and I will second it.

12

13 MS. MOENCH: Oh, I'm sorry. Ms. Levenson is too. I'm sorry.
14 I'm sorry.

15

16 MS. LEVENSON: I thought I was here.

17

18 MS. MOENCH: Sorry.

19

20 **ROLL CALL**

21

22 MS. MOENCH: Okay, Mr. Pochopin?

23

24 MR. POCHOPIN: Yes.

25

26 MS. MOENCH: Ms. Levenson?

27

28 MS. LEVENSON: Yes.

29

30 MS. MOENCH: Chair Leviton?

31

32 MR. LEVITON: Yes.

33

34 MS. MOENCH: Sorry about that Jessica.

35

36 MR. LEVITON: There are no resolutions to memorialize this
37 evening. So, we're going to jump right into the public hearings, and
38 our first one was carried from March 5th. It's ZBE2529, Mr. and Mrs.
39 Lehman. If you're in attendance, come on up. Our attorney, Mr.
40 Marmero, will swear you in. Welcome to you both. Oh, hello Mr. Lehman
41 and hello.

42

43 MS. MILLER: Miller, Donna Miller.

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45 MR. LEVITON: Hello Ms. Miller.

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47 MR. MARMERO: Are you both going to be testifying tonight?

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MR. LEHMAN: Yes.

MR. MARMERO: So, I'll get you both sworn in if you raise your right hand. Do you swear the testimony you provide tonight will be the truth, the whole truth, and nothing but the truth? Okay.

MR. LEVITON: You can both sit down. Make yourselves comfortable. I will ask that you speak into the microphone closely. Bring it close to your face. The proceeding this evening is being recorded and then will later be transcribed and it's a sensitive system. Okay Mr. Lehman, you're here for your two-story addition. You've brought your architect and do you want to tell us what's going on, the variance relief that you need, and what brings you here tonight?

MR. LEHMAN: My mother-in-law moved in and I need some more space for the family.

MR. LEVITON: Okay so you need bulk relief. You need a D variance. Under the municipal land use law, that's a heavier lift. C variances under the law require a plurality. You're going to need a majority of members. You're going to need five affirmative votes tonight, and it's not a use variance. Typically, D variances are use variances. Yours is a floor area ratio. So, the floor area ratio ordinance exists to prohibit homes to be built to massive proportions on undersized lots, to prevent massing issues. We don't want these huge homes on small pieces of land. So, tell the board about your project and why it should grant the variance that you need.

MS. MILLER: So - - -

MR. LEVITON: Yeah, and again pull it close.

MS. MILLER: There we go. Is that better?

MR. MARMERO: Mr. Chairman, do you want some background on the witness?

MR. LEVITON: That'd be wonderful.

MR. MARMERO: Okay. Madam I don't think you've testified before here.

MS. MILLER: I have not.

1 MR. MARMERO: Okay then if you'd give the board some
2 background on your experience.

3
4 MS. MILLER: Sure. So, my full name is Donna Miller. I've
5 been a licensed architect since January 2015. I actually got it when I
6 was seven and a half months pregnant with my first child. That was
7 fun. I completed a five year Bachelor of Architecture degree at NJIT.
8 I did my internship at Cornerstone Architecture Group in South
9 Plainfield and I joined Jason Peist Architects six years ago.

10
11 MR. LEVITON: Thank you Ms. Miller. The board accepts your
12 credentials.

13
14 MS. MILLER: Thank you.

15
16 MR. LEVITON: You're impressive.

17
18 MS. MILLER: Thank you. So, this project, we are adding more
19 living space and bedroom space for a growing family. The additions are
20 being done on the back of the house. We are swearing, actually I'll
21 pull up these. I did the drawings. Let's show them off right?

22
23 MR. LEVITON: Ms. Miller, your firm is in Aberdeen?

24
25 MS. MILLER: Matawan, yes.

26
27 MR. LEVITON: Yeah, I've seen it on the internet, affiliated
28 with this case. I only looked when I read the background on the case.

29
30 MS. MILLER: I love Google. It's okay.

31
32 MR. LEVITON: I like the designs that you and your partner.

33
34 MS. MILLER: Thank you.

35
36 MR. LEVITON: Have come up with.

37
38 MS. MILLER: Thank you.

39
40 MR. LEVITON: Go ahead.

41
42 MS. MILLER: Okay, so the board has seen these drawings. So,
43 on the first floor, it's an addition filling in behind the garage. So,
44 none of that addition is seen from the front of the house. We are
45 adding a den to add more living space because now you'll be having six
46 people living there.

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48 MR. LEHMAN: Seven.

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MS. MILLER: Seven people living in the house, and we're also adding another half bath. The half bath will have direct access to the pool outside. It's less water dragging into the house and bring the laundry room up from the basement. So, it's easier for the family to use. On the second floor, again the two story addition is on the back of the house. We're adding a bedroom and an office because his mother-in-law does some side work. She's an artist, correct?

MR. LEHMAN: Work from home.

MS. MILLER: Works from home, and an en suite bathroom for her. And then we are doing some work to --- The current master suite is built into the attic space above the garage. So, it has a sloping ceiling so they lose a lot of head space. So, we're adding a dormer on the left side to gain them some more head height to improve the quality of the master bedroom space.

MR. LEHMAN: And egress windows.

MS. MILLER: And the egress windows because we're closing in the egress window on the back of the house for the two-story addition. So, we had to get ones on the side. That's basically the scope of the work. As far as the front of the house, you could see the only thing that changes the front of the house is this dormer that was added to the front to get that egress window into the master suite.

MR. LEVITON: Okay, let's go out to the board. You've concluded your affirmative case? Is there anything else you want to say?

MS. MILLER: There's nothing I want to talk about.

MR. LEVITON: Let's go see what the board thinks. Michael?

MR. WECHSLER: No, I have no questions. I was by your property yesterday, and good luck bringing in the extra family.

MR. LEHMAN: Thank you.

MR. LEVITON: Dan?

MR. POCHOPIN: Yes, hi.

MS. MILLER: Hi. How are you?

MR. POCHOPIN: So, the height of the new addition, is it going to supersede the existing roof on it?

1
2 MS. MILLER: No.
3
4 MR. POCHOPIN: Okay. No - - -
5
6 MS. MILLER: All in line, yes.
7
8 MR. POCHOPIN: No more further questions at this time.
9
10 MS. MILLER: Thank you.
11
12 MR. LEVITON: John?
13
14 MR. HARRINGTON: Just one question I have. On the egress
15 window, could you point out exactly where that's at?
16
17 MS. MILLER: For the master suite?
18
19 MR. HARRINGTON: Yes.
20
21 MS. MILLER: So, the master suite will be in this new dormer
22 on the side.
23
24 MR. HARRINGTON: Okay.
25
26 MS. MILLER: Above the garage.
27
28 MR. HARRINGTON: Alright, thank you.
29
30 MS. MILLER: The front of the house is where the bathrooms
31 are. You can't egress through a bathroom. So, there's the egress
32 windows.
33
34 MR. HARRINGTON: On the side, I got it. I understand that.
35
36 MS. MILLER: Yeah.
37
38 MR. HARRINGTON: I understand that, okay.
39
40 MR. LEVITON: You know what, Stacey before I go to you,
41 there are just a few issues I want to go over with Mr. Lehman. Mr.
42 Lehman, you've had several iterations of the plans that had been
43 previously reviewed by Mr. Boccanfuso. In some of them there were
44 renderings of kitchens and they've been removed.
45
46 MR. LEHMAN: Correct.
47

1 MR. LEVITON: Okay, that's my understanding because it's
2 laudable that you're going to take in your mother-in-law, but this
3 board has to ensure that there will be no rental unit that's being.

4
5 MR. LEHMAN: Yeah, that was all explained and we understand
6 that now.

7
8 MR. LEVITON: So yes. So, to ensure that there's no second
9 dwelling, I will, if the board is going to be inclined to act
10 favorably on your application, ask that your resolution gets recorded
11 with the county clerk. Albert, Brian does that get done through our
12 municipal clerk? Does Shari Rose? No, they have to go to the county
13 clerk themselves.

14
15 MR. MARMERO: - - - usually go to the county clerk in order
16 for it to be a property record. Your resolution is essentially public
17 record, but once it's filed with the county clerk anybody who's title
18 searching will see it. So, if someone was purchasing the home, it
19 would be something that would show up on record. - - -

20
21 MR. LEVITON: And that would be the impetus of that. So that
22 a future buyer would know that there is to be no second dwelling at
23 the residence, that it cannot be rented out for monetary reasons. It's
24 going to be recorded and no future owner is going to say, I didn't
25 know.

26
27 MR. LEHMAN: Agree.

28
29 MR. LEVITON: So, it's a nominal fee and we will if, I'm
30 only one vote, if they're going to back me up, I'll require it. Our
31 attorney's taking notes. Also, I am aware that you took down trees
32 that were on township property and I'm going to ask also as a
33 condition of approval that you agree to work with the forester to
34 ensure that they're replaced to her satisfaction.

35
36 MR. LEHMAN: Yeah, that was supposed to be in the process,
37 yes.

38
39 MR. LEVITON: Okay. For the county clerk Janice, that's
40 Christine Hanlon? Is her office in the Freehold Market Square? Is that
41 where they're going to go? Okay. If you'll need help, if you'll forget
42 Janice will help you. Call her, she'll tell you.

43
44 MR. LEHMAN: Okay.

45
46 MR. LEVITON: Okay. Also, there were a number of sheds on
47 your property. This board only permits one. The township ordinance is
48 one. Typically, we have always asked folks to remove sheds that were

1 non-compliant, and I will ask tonight. Is it your intention to remove
2 all, but one of the sheds?

3
4 MR. LEHMAN: Yeah, there's only one shed.

5
6 MR. LEVITON: There's only one remaining?

7
8 MR. LEHMAN: Yeah.

9
10 MR. LEVITON: Okay. Okay, we'll take you at your word. So,
11 also the patio.

12
13 MR. LEHMAN: There is permits that I filed for. I wasn't
14 aware when we did the pavers. I applied for permits. We're in the
15 process of making everything.

16
17 MR. LEVITON: You've applied for permits. They're on file?

18
19 MR. LEHMAN: I'm in the process, yeah. I handed in the
20 envelope and stuff like that.

21
22 MR. LEVITON: Good for you Mr. Lehman, okay. So we're on
23 record that you're not going to turn the addition into a second
24 dwelling. You've agreed to file the resolution with the county clerk.
25 You're down to one shed on the property and you put in paperwork for
26 the patio permits. You're good with me. Stacey?

27
28 MS. KLOMPUS: No, that answered a lot of the questions I was
29 going to raise so I'm good.

30
31 MR. LEVITON: Jessica?

32
33 MS. LEVENSON: Hi. So just out of curiosity because I've
34 been inside this model before. Was there another addition to this
35 house prior?

36
37 MR. LEHMAN: Prior to us purchasing the home, yeah.

38
39 MS. LEVENSON: Oh, okay I was wondering about that kitchen.
40 Is that?

41
42 MR. LEHMAN: Yeah, so that was prior to us.

43
44 MS. LEVENSON: Okay great, thank you. I don't have any other
45 questions.

46
47 MS. LATILLA: My only question is the driveway. So, the
48 revised plan is still showing that it's six feet away from the

1 property line. This plan is not showing any driveway modification. So
2 just what's happening with that?

3
4 MS. MILLER: So, the drawing that, the revised drawing that
5 was given to the town dated hold on let me flip all my paper. Yeah so
6 I have revision two dated November 4, 2025 shows the enlarged
7 driveway.

8
9 MS. LATILLA: Okay, but I thought doesn't the driveway have
10 to be ten feet away from the property line?

11
12 MR. HARRINGTON: Fifteen I believe.

13
14 MS. LATILLA: This is showing six.

15
16 MR. BOCCANFUSO: Yes, it does and in the zoning report that
17 additional relief was identified. So that would be an additional
18 variance along with the F.A.R. variance.

19
20 MS. LATILLA: Got it, okay. Okay, that's all I have.

21
22 MR. LEVITON: And that's a good catch Temika and typically
23 bulk relief is subsumed in a D variance, so it'll be covered.

24
25 MS. LATILLA: Okay.

26
27 MR. LEVITON: Thank you so much. What hasn't been mentioned
28 yet, and before I get to Patrick, is the fence. Did you build the
29 fence?

30
31 MR. LEHMAN: I did not.

32
33 MR. LEVITON: Or did the last owner?

34
35 MR. LEHMAN: It was like that. Yeah, when we purchased the
36 home that was all news to us.

37
38 MR. LEVITON: But you are aware that it encroaches onto
39 township and county property?

40
41 MR. LEHMAN: I am and that's part of the permit that I
42 submitted to make everything right.

43
44 MR. LEVITON: Well Mr. Lehman, God bless you sir. Patrick?

45
46 MR. HUGHES: I do not have any questions.

47
48 MR. LEVITON: Okay.

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MR. HUGHES: Going last is.

MR. LEVITON: Absolutely, it's enviable.

MR. HUGHES: I cross off my list.

MR. LEVITON: I'd like to do that. Mike, anything else?

MR. WECHSLER: No, we're good.

MR. LEVITON: Mr. Boccanfuso, anything else?

MR. BOCCANFUSO: Yeah, I think Mr. Marmero's going to speak to you a little bit, the D4, the criteria that are necessary. You did touch on it, but since we don't have our planner here tonight, I would like Albert to speak about that. From my standpoint, I think pretty much everything has been addressed. In my memorandum, I identified some existing non-compliant issues, things that didn't get permits that type of thing on the property. I met with Mr. and Mrs. Lehman and Janice a little while ago. We kind of went over those things in detail. They seem to understand it. Specifically, we talked about the fence needing to be relocated, a permit needing to be obtained for the replaced patio, the shed needing to be relocated, and a tree removal permit needing to be obtained along with any restoration that goes along with that. I think either Mr. and Mrs. Lehman tried to submit the permit application for that, but there was an issue with the survey as I understood it. So, I don't know that it's been submitted yet, but if the board's amenable I wouldn't have an issue with it being made a condition of approval where they're going to have to address those items before they move forward towards permitting for any improvements that are approved here tonight. I'm sorry?

MR. MARMERO: Do you have the survey?

MR. BOCCANFUSO: Permit, yeah need permits for the collective work.

MR. LEVITON: So, our attorney is going to speak to the board about the D4 variance, the F.A.R. relief that's being sought.

MR. MARMERO: Sure. So, for the bulk review or mostly here we typically deal with bulk variances or C variances. The standard is somewhat lower obviously that we have tonight. The standard that you're typically dealing with is the positive criteria and negative criteria for C variance which is typically shown by some type of hardship maybe the size of the property, the shape of the property, or it's the flex C2 where they're show some purpose of zoning that is

1 being met, and then there's the negative criteria which is showing
2 that the proposal is not a substantial detriment to the surrounding
3 area or to our zoning code or master plan. It's a little different
4 here with the D4, like Brian and like Steve said, this requires five
5 affirmative votes no matter how many are present, you always need five
6 affirmative votes. So, there is a supermajority, and then your
7 positive criteria, it's a little bit different. In this situation,
8 the applicant has to show what's known as special reasons and those
9 special reasons are two-fold. It's that the proposal promotes and
10 recognizes some type of zoning purpose and that the site is
11 particularly suited for this increased intensity, and then the
12 negative criteria is essentially the same. Still have to show that
13 it's no substantial detriment to the surrounding area and no
14 substantial impairment of the zone plan or zoning ordinance. The
15 application sounds pretty straightforward. I know there wasn't a ton
16 of questions, but I think you need some testimony as to the criteria
17 we just discussed.

18

19 MR. LEVITON: Ms. Miller, is it your testimony that the
20 addition would improve the aesthetics of the cul de sac on which the
21 house is located?

22

23 MS. MILLER: I would agree with that.

24

25 MR. LEVITON: Mr. Lehman, do you take exception to her
26 opinion?

27

28 MR. LEHMAN: Yes.

29

30 MR. LEVITON: You agree with her opinion?

31

32 MR. LEHMAN: Agree, yes.

33

34 MR. LEVITON: You agree?

35

36 MS. MILLER: You don't take exception.

37

38 MR. LEVITON: And, okay. And site suitability, there's
39 legislation that the municipal land use law talks about that indicates
40 that when you need to make the addition that you are proposing and the
41 variance relief that you're requesting necessitates that it is
42 exclusive to this property. That it can't be built anywhere else. That
43 your home is particularly suited to this particular project. Is that
44 sufficient?

45

46 MR. MARMERO: Yeah, essentially we just need to know that
47 the site is suitable so that the F.A.R. variance is essentially an
48 intensity variance. It creates from the intensity. So typically, you

1 would want some testimony that this specific site is suitable for
2 that.

3
4 MR. LEVITON: Would you say that this site is suitable to
5 withstand the intensity increase?

6
7 MR. LEHMAN: I do.

8
9 MR. LEVITON: Okay. Board, any questions regarding the
10 positive or negative criteria?

11
12 MR. POCHOPIN: I would just like to reinforce, has nothing
13 to do with this board, the zoning board, but with the addition put on
14 and all the construction I heard some permits that are in the process,
15 with the fence and the pool. You guys are just going to all abide by
16 the codes and regulations that are the construction department with
17 the gates opening out on the pool, --- etc.

18
19 MR. LEHMAN: Yeah, of course.

20
21 MR. LEVITON: We're putting all that in Mr. Pochopin.
22 Albert, he takes copious notes. He understands and the resolution will
23 stipulate that all approvals, if the Board is so inclined, will be
24 predicated on following through with the entire process properly.
25 Okay, Janice, anything from you? No, love the shoulder shrug. Okay,
26 let's go out to the public and see, does anybody want to cross-examine
27 Ms. Miller's testimony or address the board? Seeing none, I'll close
28 public and ask if one of our board members, one of our esteemed board
29 members, would make a motion? Esteemed, yeah.

30
31 MR. MARMERO: Go over the --- really quick?

32
33 MR. LEVITON: That'd be great, thank you.

34
35 MR. MARMERO: Yeah, so and there also are a few other
36 variances here which are also --- of bulk variances. The one we were
37 talking about is the floor area ratio variance which in this zone ---
38 R20 requires a .15. The plan's proposing .189 --- There was a couple
39 of different calculations. Do you remember Brian?

40
41 MR. BOCCANFUSO: We're going to rely on Ms. Miller's
42 calculations. If anything, it's slightly less than that so in an
43 abundance of caution I'm okay with it.

44
45 MR. LEVITON: Let me interject, Brian I read that because
46 Ms. Miller was eligible to subtract things like hallways and
47 crawlspaces and bathrooms that she didn't. So, she's either right up

1 to it or right above it and we're going to grant her the relief Mr.
2 Lehman seeks either way to be sure.

3
4 MR. BOCCANFUSO: Yeah, I mean I don't know exactly how the
5 calculations were performed. I did some rough calculations just kind
6 of tracing the plans in Adobe. So that's not nearly as accurate as
7 using the tools that the design professional would have. It looked to
8 me like the number was if anything perhaps a little bit lower than
9 .189, definitely not higher. We're talking percentage points here, not
10 a tremendous difference.

11
12 MR. LEVITON: And if one of you because it's interesting and
13 the board should know for posterity, if nothing else, our ordinance
14 for F.A.R. is different than other municipalities. It's a different
15 formula that we use and one that is stricter. Can either of you speak
16 to that?

17
18 MR. BOCCANFUSO: Yeah, it's more in commercial zones. In
19 residential zones, our F.A.R. calculations are consistent, generally
20 consistent with other municipalities. In commercial zones, however, we
21 include impervious areas, parking lots, walkways. It's more of an
22 impervious coverage calculation than it is an F.A.R. calculation
23 except that it utilizes all of the floors in the building. It's not
24 applicable here because we're in a residential zone, but in those
25 commercial zones the calculation is unique. I haven't seen that
26 anywhere else in any other town in my former life was a consultant,
27 but at the same time our permitted numbers are higher than you would
28 typically see. Yes there are more things that are included, but it's
29 equivalent because the numbers are higher.

30
31 MR. LEVITON: It's a wash.

32
33 MR. BOCCANFUSO: Yes, it's a wash.

34
35 MR. LEVITON: I understand.

36
37 MR. BOCCANFUSO: Yeah.

38
39 MR. LEVITON: Okay, Albert? Continue with your chart sir.

40
41 MR. MARMERO: So that covers the floor area ratio and then
42 there was a few bulk variances. Most of them are just existing, non-
43 compliant conditions that are being changed with the minimum required
44 lot frontage --- is seventy-five feet. Here we have a lot frontage of
45 46.5 feet. Again, it's an existing condition and not changing. The
46 minimum required lot width is a hundred feet whereas the lot width
47 approximately ninety-three feet currently exists. Temika asked about
48 the driveway. In this zone the driveway should be within ten feet.

1 They start at the side yard line, and then fifteen feet of the rear
2 lot line. Here we have a six foot setback to the left side. So those
3 are bulk variances.

4
5 MR. LEVITON: Thank you.

6
7 MR. MARMERO: And with respect to the conditions we
8 discussed, there was discussion the applicant agreed that there would
9 be no second dwelling, and then to memorialize that they would record
10 their resolution with the county clerk. So that everyone understands
11 that and that it's on the record. The applicant would agree to work
12 with the township's forester to replace trees to her satisfaction. The
13 applicant indicated that only one shed exists on the property because
14 the other sheds have been removed. All necessary permits for any other
15 issues are in the process of being pulled or will be, and he indicated
16 that all permits for corrective work would have to be received and
17 submitted to the board. Is that sufficient?

18
19 MR. LEVITON: It's more than sufficient. It's completely
20 thorough and you made me look good because I said you took copious
21 notes. Thank you, counselor.

22
23 MS. MOENCH: It's the gum.

24
25 MR. LEVITON: It is the gum, yeah.

26
27 MS. LEVENSON: I do have one more question though.

28
29 MR. LEVITON: Of course.

30
31 MS. LEVENSON: Before we go.

32
33 MR. LEVITON: Of course.

34
35 MS. LEVENSON: The driveway expansion because I guess what I
36 have in front of me wasn't the final version. How wide is the driveway
37 going to be? Is it now fit three cars?

38
39 MS. MOENCH: It's existing.

40
41 MS. MILLER: So up against the house, it's going to be
42 thirty-nine feet wide, and then it's going to narrow down to the
43 existing curb cuts. I believe we're going to be able to fit more than
44 three cars. I don't remember the number off the top of my head. The
45 idea was to expand it because we have more people living in the house
46 to get off the street because having visited several times, being
47 there you end up parking down the street, so.

48

1 MS. LEVENSON: So just visually, the driveway is going to,
2 when you're looking at the house, is going to expand to the left of
3 the house?
4

5 MS. MILLER: It's going to expand to the left of the house.
6 Instead of ending at the width of the garage as it is now, it's going
7 to head towards the left of the house and kind of taper like a pie
8 piece, right? So it's not a rectangular, it's kind of at an angle to
9 the one side, but in the length of it, sixty-four feet I believe we
10 could fit four cars in this driveway.

11
12 MS. LEVENSON: Width wise at the very top?
13

14 MS. MILLER: No, stacked.
15

16 MS. LEVENSON: Oh, currently or when you make the addition?
17

18 MS. MILLER: When we're done it's about four or so cars, two
19 in a row and then stacked in the back.
20

21 MS. LEVENSON: Okay.
22

23 MS. MILLER: Yeah, the idea is to kind of try and seven
24 people in the house. The kids are getting older. At some point there's
25 going to be seven drivers in that house so try and get some of them
26 off the street and onto the property.
27

28 MS. LEVENSON: Okay. I don't have any more questions.
29

30 MS. MILLER: Yeah.
31

32 MR. LEVITON: Thank you Jessica. Anyone else? Anyone from
33 the public? Professionals? Then I call on someone to make a motion.
34

35 MR. WECHSLER: I'll make a motion for 2529 to include all of
36 the revisions that were covered tonight.
37

38 MR. LEVITON: Will someone second that?
39

40 MS. KLOMPUS: I'll second it.
41

42 MR. LEVITON: Thank you Ms. Klompus.
43

44 **ROLL CALL**
45

46 MS. MOENCH: Mr. Wechsler?
47

48 MR. WECHSLER: Yes.

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MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Yes.

MS. MOENCH: Ms. Klompus?

MS. KLOMPUS: Yes.

MS. MOENCH: Mr. Harrington?

MR. HARRINGTON: Yes.

MS. MOENCH: Ms. Levenson?

MS. LEVENSON: Yes.

MS. MOENCH: Ms. Latilla?

MS. LATILLA: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Congratulations Mr. Lehman.

MR. LEHMAN: Thank you.

MS. MILLER: Thank you.

MR. LEVITON: Very nice to meet you Ms. Miller.

MS. MILLER: Thank you.

MR. LEVITON: Be well. Okay the board calls application 2546, Mr. Crowell. Hello sir. You brought your son-in-law with you.

MR. CROWELL: Yes, I did.

MR. LEVITON: I see he's making his way forward and our attorney will swear the both of you in. Before you sit, just raise your right hand.

MR. MARMERO: Sure. If you'll please raise your right hand. Do you swear the testimony you will provide tonight will be the truth, the whole truth, and nothing but the truth? Okay.

MR. LEVITON: What's your name sir?

1 MR. FITZPATRICK: Mark Fitzpatrick.

2
3 MR. LEVITON: Mr. Fitzpatrick, how are you tonight?

4
5 MR. FITZPATRICK: I'm doing well. How about yourself?

6
7 MR. LEVITON: Peachy. Okay Mr. Crowell, you're here. You
8 want to legitimize. Oh, you're here for your two-story addition.

9
10 MR. WECHSLER: Garage.

11
12 MR. LEVITON: With the garage and the extra living space,
13 and you need bulk relief for it. So, tell the board what it is that
14 brings you here and what it is that you need, and of course Mr.
15 Fitzpatrick if you want to speak on his behalf that's fine.

16
17 MR. FITZPATRICK: Thank you. So, we're here for an
18 application. The current structure is pre-existing, non-conforming. So
19 the addition was created to be more aesthetically-pleasing and more
20 consistent with the current structure and with the remaining
21 neighborhood.

22
23 MR. LEVITON: So, let me stop you for a minute. I
24 understand. I want to make it clear to the audience and for the board.
25 The current structure is pre-existing, non-conforming. The front of
26 the house encroaches into the front yard setback and there's nothing
27 you can do about that. It's probably the builder who did it. The
28 builder built the house too close to the street.

29
30 MR. CROWELL: Right.

31
32 MR. LEVITON: So the addition that you propose requires
33 variance relief because of that.

34
35 MR. FITZPATRICK: Yes sir.

36
37 MR. LEVITON: Okay, continue.

38
39 MR. FITZPATRICK: So basically, we're just here to get
40 approval. According to the plans that are laid out with the intention
41 of like I said, making it look like it belongs. If you follow the
42 current setbacks and things, it's going to look a little bit more like
43 it was added on rather than part of the true flow of a home as it
44 should which I think makes it stick out in the neighborhood and that's
45 not necessarily what you're trying to do when you're adding on to your
46 home. You want to make it look like it was there. You don't want to
47 make anything look like it was forced in or whatever. That sort of
48 thing. So the variance is to make it look more compliant with the rest

1 of the neighborhood, and also unfortunately he did have some code
2 violations. Upon moving here, he was unaware of some of the rules in
3 Manalapan and this will help him alleviate some of those violations
4 that he currently has.

5
6 MR. LEVITON: Can you expand on them? What are we talking
7 about?

8
9 MR. FITZPATRICK: I believe that he had for additional
10 sheds.

11
12 MR. LEVITON: So, he's down to one now?

13
14 MR. FITZPATRICK: Well with the addition and the garage
15 area, he will be able to remove all of the additional sheds that are
16 not in compliance at this point. The garage will be used for his
17 antique cars and all of the other things that go along with that, with
18 his hobbies and such and will allow him to then remove all of those
19 additional structures that are not in compliance.

20
21 MR. CROWELL: Right.

22
23 MR. LEVITON: That sounds good. I'm curious to know how many
24 antique cars does he have?

25
26 MR. CROWELL: I have seven.

27
28 MR. LEVITON: What kind?

29
30 MR. CROWELL: I have a ---

31
32 MR. FITZPATRICK: He brought pictures.

33
34 MR. CROWELL: '68 Firebird convertible.

35
36 MR. LEVITON: A Firebird convertible.

37
38 MR. CROWELL: And a '59 Cutlass convertible.

39
40 MR. LEVITON: A Cutlass convertible.

41
42 MR. CROWELL: And my '55 Cadillac.

43
44 MR. LEVITON: A '55 Cadillac.

45
46 MR. CROWELL: And my '69 Firebird.

47
48 MR. LEVITON: '69 Firebird.

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MR. CROWELL: And also, I have a '59 Biscayne.

MR. LEVITON: Mr. Crowell, can you assure this board that your addition will not be used as a second residence?

MR. CROWELL: No, it won't be.

MR. LEVITON: It won't be?

MR. CROWELL: No, absolutely not.

MR. LEVITON: You're on record and will there be provisions for a kitchen?

MR. CROWELL: No.

MR. LEVITON: Okay, let's go to the board. Mr. Pochopin?

MR. POCHOPIN: Well, my mind's made up, you're a Chevy guy.

MR. CROWELL: Absolutely. My wife's even more of a Chevy guy than I am.

MR. POCHOPIN: Not at this point, thank you.

MR. LEVITON: Okay Dan, sorry John?

MR. HARRINGTON: Just a couple questions. I noticed on the drawings that you had, I believe it was mechanical, the septic on your property. You have two. Am I right?

MR. CROWELL: Yes, we have septic, right.

MR. HARRINGTON: And if you're looking at the house, I'm assuming from the front you're looking west.

MR. CROWELL: Right.

MR. HARRINGTON: And then to the right of the house is where you have one septic, but the leach field, more towards the rear.

MR. CROWELL: Right, actually we have two septic.

MR. HARRINGTON: One's in the front.

MR. CROWELL: One's in the front and one's right on the side and the leach field runs mostly in the backyard.

1
2 MR. HARRINGTON: Mostly in the backyard?

3
4 MR. CROWELL: Yeah.

5
6 MR. HARRINGTON: It indicated I think you're looking at
7 changing that septic out from a five hundred gallon tank to 2,500 or?

8
9 MR. CROWELL: When we moved in, they made us put a bigger
10 tank in which only takes care of the downstairs bathroom and the
11 laundry room.

12
13 MR. HARRINGTON: Yeah, so basically --- and your basement.

14
15 MR. CROWELL: Yeah.

16
17 MR. HARRINGTON: I'm assuming because you have a pump in
18 there.

19
20 MR. CROWELL: Right, right exactly.

21
22 MR. HARRINGTON: Alright, the only other question as I was
23 looking, who owns the lake?

24
25 MR. CROWELL: Everybody that lives on the lake owns it.

26
27 MR. HARRINGTON: Okay.

28
29 MR. CROWELL: A portion of it, I could say. Six families and
30 all six families own it.

31
32 MR. HARRINGTON: Everybody gets to use it then? That's the
33 only questions I have that I'm coming up with.

34
35 MR. LEVITON: Thank you John. Stacey?

36
37 MS. KLOMPUS: What will you use the upstairs as?

38
39 MR. CROWELL: It's going to be, well a laundry room is
40 number one. We're going to put a laundry room up there and a family
41 room. When I have my grandkids over, they hog the TV. So I'm going to
42 put a nice big TV up there and have a little place for them to watch
43 TV and have fun.

44
45 MS. KLOMPUS: Okay thank you.

46
47 MR. LEVITON: Ms. Baker-Levenson?

48

1 MS. BAKER-LEVENSON: I don't have any questions at this
2 time. Thank you.

3
4 MR. LEVITON: Thank you Jessica. Ms. Latilla?

5
6 MS. LATILLA: No questions.

7
8 MR. LEVITON: And Mr. Hughes?

9
10 MR. HUGHES: I do not have any questions.

11
12 MR. LEVITON: Okay, then I'm going to go out to the public
13 and ask if there's anyone that. Ma'am? Come on up. Yeah and Ms.
14 Moench, our recording secretary extraordinaire, is getting a
15 microphone that you'll speak into. Before you talk, our attorney will
16 swear you in.

17
18 MR. MARMERO: And could you state your name and address for
19 the record please?

20
21 MS. SINATRA: Of course, Rebecca Sinatra, 31 Highland Ridge
22 Road. I share a property line with the Crowell's.

23
24 MR. MARMERO: 39 Highland Ridge you said?

25
26 MS. SINATRA: Thirty-one.

27
28 MR. MARMERO: Thirty-one and if you raise your right hand,
29 I'll get you sworn in. Do you swear the testimony you provide tonight
30 will be the truth, the whole truth, and nothing but the truth?

31
32 MS. SINATRA: Yes.

33
34 MR. MARMERO: Okay.

35
36 MR. LEVITON: Ms. Sinatra, I'm trying very hard.

37
38 MS. SINATRA: No, no relation.

39
40 MR. LEVITON: To not hit the easy pitch. I don't swing at
41 it.

42
43 MS. SINATRA: Okay.

44
45 MR. LEVITON: Okay.

46
47 MS. SINATRA: I have a lot of questions.

48

1 MR. LEVITON: Please.

2

3 MS. SINATRA: First I'd like to see a plan because I have no
4 idea what they're intending to build. ---

5

6 MR. LEVITON: She wants to see the plans.

7

8 MS. SINATRA: Yeah, I think the plans would be good to see.
9 There's ---

10

11 MR. LEVITON: Janice is going to put it up on the screen.

12

13 MS. SINATRA: Okay. My first question, well that's really
14 difficult to understand other than seeing. Can we see the front
15 perspective of the front? Is this being built on the front of the
16 house? Existing home.

17

18 MR. LEVITON: Mr. Fitzpatrick, maybe you can field her
19 questions as she presents them. Janice, sort of use your cursor to go
20 around where it is on the survey.

21

22 MS. MOENCH: Alright. ---

23

24 MS. SINATRA: So where is the addition?

25

26 MR. FITZPATRICK: On the left side. On the left side.

27

28 MS. SINATRA: So that's closest to my property, that's the
29 shared property line. The addition is going there?

30

31 MR. CROWELL: Correct, not on your property line .

32

33 MS. SINATRA: And the setback from the property line is
34 what?

35

36 MR. LEVITON: How many feet will the addition be from the
37 property line?

38

39 MR. CROWELL: Well, the property from my garage to the
40 property line is eighty-seven feet, and the addition is going to be
41 twenty-four feet so whatever that.

42

43 MR. LEVITON: So roughly sixty-one.

44

45 MR. CROWELL: Yeah, sixty-one, sixty feet.

46

47 MS. LEVENSON: Sixty-two feet four inches.

48

1 MR. LEVITON Sixty-two feet.

2

3 MS. SINATRA: So, the addition will be sixty-two feet away
4 from the side property line?

5

6 MR. CROWELL: Right.

7

8 MR. LEVITON: Yes.

9

10 MS. SINATRA: And this is going to be two stories attached
11 to the home?

12

13 MR. CROWELL: Yes.

14

15 MR. FITZPATRICK: Yes.

16

17 MS. SINATRA: I'd like to know what the intention of this
18 property is and before you answer, you said that you're an antique car
19 collector. I'm very well ---

20

21 MR. LEVITON: He's already testified he's going to the use.
22 He's going to house his cars and he's going to build recreation space
23 above that.

24

25 MS. SINATRA: That's what he's telling you.

26

27 MR. LEVITON: Yes, and he's also on record saying that he
28 will not use it for another residence. There are no kitchens being
29 built.

30

31 MS. SINATRA: How about it's going to be used as a repair
32 shop for automobiles and trucks? Because that is the.

33

34 MR. LEVITON: Is there an intention to use it? They're
35 shaking, the applicants are shaking their heads in the negative. For
36 the record, Ms. Sinatra you can see that.

37

38 MS. SINATRA: Okay.

39

40 MR. LEVITON: Okay.

41

42 MS. SINATRA: I can see what they're saying, but I do know
43 what they've been telling more than one of the neighbors and that is.

44

45 MR. LEVITON: So, I'm going to ask them and it'll be on the
46 record and we'll find out. Do you intend to use the proposed addition
47 for commercial reasons?

48

1 MR. CROWELL: No.

2

3 MS. SINATRA: So, they currently have an unregistered
4 Facebook reseller business that they run from that house, and they run
5 it under an alias Geraldine Jones.

6

7 MR. LEVITON: Well Ms. Sinatra, in nature that's defamatory.
8 It's unsubstantiated and I'm going to have to disallow it.

9

10 MS. SINATRA: That's fine. I'm just telling you.

11

12 MR. LEVITON: I'm taking them at their word.

13

14 MS. SINATRA: You're taking them at their word, but these
15 are.

16

17 MR. LEVITON: They're my neighbor too like they are yours.
18 I'm not going to call them a liar and if you can't show hard evidence,
19 I would ask you to refrain from dealing in rumors and supposition.

20

21 MS. SINATRA: Okay well it's not a rumor because I've had
22 people show up at my house.

23

24 MR. LEVITON: It is here at this board Ms. Sinatra, it is.

25

26 MS. SINATRA: Asking for their merchandise. Okay so let's
27 move on. If in fact this addition is going to be used for commercial
28 purposes.

29

30 MR. LEVITON: But it's not and they're not permitted to do
31 that. If it is, you have recourse.

32

33 MS. SINATRA: So, it's on me to prove.

34

35 MR. LEVITON: Well, they've already testified to the fact
36 that it's not intended for that purpose.

37

38 MS. SINATRA: Maybe they want to rethink their answer.

39

40 MR. LEVITON: I will give them an opportunity. Do you want
41 to rethink your answer?

42

43 MR. CROWELL: No.

44

45 MR. FITZPATRICK: No.

46

47 MR. LEVITON: They don't.

48

1 MS. SINATRA: I'd like to know what the unnecessary hardship
2 is that they need to apply for this variance.

3
4 MR. LEVITON: What is the hardship that you're hanging your
5 hat on?

6
7 MR. CROWELL: Well basically I need a garage for the cars.

8
9 MR. LEVITON: That's not a hardship. Hardships run with the
10 land.

11
12 MR. FITZPATRICK: There's compliance issues at this point
13 with the code violations and we are seeking to adhere to remedy those
14 code violations by extending the structure and allowing him to
15 continue to use the structure for its purpose and to continue to use
16 his cars and store his cars in a way that fits the code of the town.

17
18 MR. LEVITON: Yeah, but that's not a hardship. Hardships run
19 with the land. Narrowness, shallowness, topographical issues,
20 typically something that would render the property inutile for the use
21 that you're purportedly asking relief for. So, you need to put on the
22 record, Ms. Sinatra has asked what is the hardship. This board is
23 governed by the M.L.U.L., the municipal land use law, of New Jersey
24 which says you need to establish a hardship or in the absence of a
25 hardship which would be a C2 variance, you can ask for a C1 variance
26 which would necessitate you're demonstrating that your addition and
27 the variance relief that we would grant would advance one of the
28 purposes of the M.L.U.L. There are sixteen of them I believe. One of
29 them is aesthetics. Would you testify that your addition is going to
30 improve the look in the neighborhood?

31
32 MR. FITZPATRICK: With this variance, yes. That's why we're
33 here is to improve the aesthetics. If we had to follow the current
34 setback requirements, the home and the property would be less
35 appealing because it would look less conforming to the neighborhood.

36
37 MR. LEVITON: So.

38
39 MS. MOENCH: It's pre-existing, non-conforming.

40
41 MR. LEVITON: Yeah, it's pre-existing, non-conforming, but
42 to expand pre-existing, non-conforming, let's ask our attorney. What's
43 going to be applicable here and how do we satisfy Ms. Sinatra's
44 charge?

45
46 MR. MARMERO: Well as of now, you got to believe the
47 testimony. So, you've heard testimony that the variance will create
48 aesthetic improvements to the surrounding area which is something you

1 could use for the positive variance C component. The applicant did
2 indicate that this is a pre-existing, non-conforming condition as
3 well. So, they wouldn't have any ability to construct any addition
4 without variance relief which could be seen as one of the hardship
5 problems as well. So, you've heard testimony, it's up to you guys.
6

7 MR. LEVITON: Ms. Sinatra, you understand? He has two ways
8 to get there and both are satisfied under the law, and therefore by
9 virtue of that good enough for this board.
10

11 MS. SINATRA: I would like to follow up to what Mr.
12 Fitzpatrick said that the reason for the addition to the house is to
13 alleviate some of the violations that currently exist which I'm
14 guessing he's referring to the additional three sheds that they put up
15 after they purchased the home.
16

17 MR. LEVITON: He testified to that, yeah.
18

19 MS. SINATRA: In addition to the original shed that was
20 there.
21

22 MR. LEVITON: Yes.
23

24 MS. SINATRA: Those sheds, what is it that they're housing
25 in those sheds that would necessitate the addition this huge, and by
26 the way what is the square footage of this addition?
27

28 MR. LEVITON: It doesn't matter to this board what he's
29 using it for. I'll ask him, but under the law he's going to take them
30 down. They're not compliant. He understands and he will remove them.
31 What is currently in? What are the sheds currently being used for?
32

33 MR. CROWELL: Excess stuff that I have from my old garage,
34 and also, I have one shed I have a car in it. Another car that I have
35 to put in the garage, but I can't.
36

37 MR. LEVITON: Excess garage stuff and then in one shed he
38 has a car. I'm going to go out on a limb Ms. Sinatra, I don't think
39 you like the proposal.
40

41 MS. SINATRA: These are nefarious people. I have a
42 restraining order against them.
43

44 MR. LEVITON: Again.
45

46 MS. SINATRA: It's filed with the courts. So, they are not
47 very law-abiding citizens.
48

1 MR. LEVITON: I cannot.

2
3 MS. SINATRA: I know it's my opinion, but I do have a
4 harassment charge against them.

5
6 MR. LEVITON: It's an assassination of their character and I
7 will not abide by it.

8
9 MS. SINATRA: I'm just giving you the facts.

10
11 MR. LEVITON: You're not.

12
13 MS. SINATRA: I have a court order.

14
15 MR. LEVITON: That's a fact. That's fine.

16
17 MS. SINATRA: That's a fact. I'm providing you with a fact.

18
19 MR. LEVITON: Stop there and you're okay.

20
21 MS. SINATRA: Okay. I'd like to know with this addition,
22 what the plan is for the runoff of water because again if it's set
23 back far enough, I don't really care. My thought was that they were
24 planning on building a detached garage.

25
26 MR. LEVITON: That's a fair question. It's out of their
27 purview, but you are fortunate in that our administrator is an
28 engineer by nature, by education, and by profession. He's the township
29 engineer and at one time, he was the engineer of this board. So, I
30 will ask him. Does Ms. Sinatra have any legitimate concern about
31 runoff?

32
33 MR. BOCCANFUSO: I think all concerns relative to runoff are
34 legitimate, but what I would say is that the drainage impacts of any
35 proposal whether it comes before this board or not, is reviewed at the
36 time the permits are issued. So that is something that will be
37 reviewed. I can tell you looking at the conditions now, the bulk of
38 the proposal involves improvements on top of existing impervious
39 coverage. So, the increase in impervious coverage is minimal and
40 therefore the drainage impact I expect will be minimal. It's also
41 mitigated by the fact that the improvements are at closest, at their
42 closest point, over sixty feet from the property line which is, from a
43 drainage standpoint, an improvement of this scope, what I would
44 consider to be minimal. So, I wouldn't expect this to have any
45 noticeable drainage impact, but again that will be reviewed at the
46 time that a permit application is submitted if there is an approval
47 and certainly my office will take a look at that.

48

1 MR. LEVITON: Thank you Mr. Boccanfuso.

2

3 MS. SINATRA: Yes, thank you. Is there any plan to expand
4 the driveway?

5

6 MR. LEVITON: Mr. Fitzpatrick, Mr. Lehman, any plans to
7 expand the driveway?

8

9 MR. CROWELL: Yeah, I'm going to have to. I'm going to have
10 to expand the driveway.

11

12 MR. LEVITON: There are plans to do so.

13

14 MS. SINATRA: Okay. This goes back to the drainage issue
15 because it is very wet along their property line and again it seems as
16 though it's set back far enough that I don't have a concern, but an
17 overall impact to the environment because we do live on the lake. I do
18 have concerns, environmental concerns. There are five homes that own a
19 piece of the lake and they are one of them and I do have concern about
20 how they go about doing what their plan, executing on their plan.

21

22 MR. LEVITON: And I hope that what Mr. Boccanfuso told you
23 is going to satisfy that concern. All plans are going to be reviewed
24 and ensure that runoff isn't going to be an issue for you, and if it
25 is then it'll be addressed.

26

27 MS. SINATRA: May I see the front elevation?

28

29 MR. LEVITON: There is no rendering of a front elevation.
30 That's all that we have, what you're looking at there.

31

32 MS. SINATRA: I'm just trying to make out what this plan is
33 showing. Is that the back of the house?

34

35 MR. LEVITON: That's the front.

36

37 MS. SINATRA: That's the front?

38

39 MR. LEVITON: Yeah.

40

41 MR. CROWELL: That's the back.

42

43 MR. LEVITON: It's what you asked to see.

44

45 MS. SINATRA: The addition, okay. So, the addition is to the
46 left and there are no windows at the front?

47

1 MR. LEVITON: Not according to the plan. Are there windows
2 on the front that your architect hasn't shown?

3
4 MR. CROWELL: There are windows in the front, yes.

5
6 MR. LEVITON: They are going to put windows in.

7
8 MR. CROWELL: It's not going to look like a garage. It's
9 going to look like another room.

10
11 MR. LEVITON: Did you hear him?

12
13 MS. SINATRA: No.

14
15 MR. LEVITON: It's not going to look like a garage. It's
16 going to look like another room.

17
18 MS. SINATRA: Okay. This is not at all what I thought I was
19 coming here for. I was expecting a three car or more detached garage
20 along the property line. So, I don't have any further questions.

21
22 MR. LEVITON: So, this is better than what you had been
23 expecting?

24
25 MS. SINATRA: Nothing these people do is better.

26
27 MR. LEVITON: You can answer the question fairly, I'm
28 asking.

29
30 MS. SINATRA: I would say it's surprising because the
31 neighborhood homes are all very different. I would say my house and
32 their house are most similar in construction as far as the aesthetic
33 and this is making it very contemporary. I can't really tell without
34 the front elevation being completed what it'll finally look like. I do
35 hope that they take care of landscaping and making the home appealing
36 because the previous owner was a landscaper and the landscaping was
37 beautiful. So, I guess they're ---

38
39 MR. LEVITON: Is there a plan to landscape the addition?

40
41 MR. CROWELL: Oh yeah, absolutely.

42
43 MR. LEVITON: That's a legitimate concern. This board does
44 concern itself with those matters.

45
46 MR. CROWELL: Yeah, whatever we tear up as far as grass goes
47 or something like that, it's going to be sod put down and different
48 landscaping.

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MR. LEVITON: I would like to ensure for Ms. Sinatra's sake and the community's sake, that you do put in some shrubs, that you landscape it.

MR. CROWELL: Oh absolutely.

MR. LEVITON: And.

MR. MARMERO: You want to put it as a condition?

MR. LEVITON: I do. I don't know if the board does.

MR. MARMERO: Landscaping that's sufficient to?

MR. LEVITON: Yeah.

MR. MARMERO: The engineer or someone else?

MR. LEVITON: It's a subjective thing, but I don't know how. I'm going to leave it to your discretion.

MR. MARMERO: Well, I mean I think you mean that a landscape plan that's sufficient to one of the professionals. --- that's something that you're comfortable doing Brian or do you think someone else should handle that?

MR. BOCCANFUSO: No, certainly not me. I mean if anything it could be our township forester, but I think it depends on the scope of what's proposed. I mean it has to be tied to the relief that's necessary which is a front setback. So, I think it has to be a measured condition, perhaps disturbed areas or areas where there is the non-compliance along the frontage of the property or along the driveway expansion. We could certainly have our township forester take a look at the plan if that's what the board, if that's the condition that the board collectively wants to impose, but I think that you have to kind of specify what it is. I mean you can't just say landscape the property to the township forester's satisfaction. It's much too open-ended. It's subjective as you indicated Mr. Chairman.

MR. LEVITON: It's a problem Ms. Sinatra.

MR. BOCCANFUSO: So, you can say that the area of the proposed addition or any areas disturbed in connection with the construction are restored in acceptable landscape. You can take it a step further and say with a plan to be approved by the township forester.

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MR. LEVITON: No, I'm good with the first option.

MR. BOCCANFUSO: But I think you have to narrow the specifications.

MR. LEVITON: Albert, did you get what he said? Read it back for Ms. Sinatra's sake and the board's sake.

MR. MARMERO: The areas of disturbance or the areas that are subject to the variance will be restored. --- the term used by Brian? That required conditions subsequently?

MR. BOCCANFUSO: To satisfactory condition or subject to the approval of the forester.

MR. MARMERO: Satisfactory condition or subject to the approval of the forester.

MR. LEVITON: No, I don't need it to go to the forester. Mr. Fitzpatrick and Mr. Crowell testified that they fully intend to landscape the addition. I take them at their word and I would be more than satisfied with the wording minus the forester, and I live in your community, not your exact neighborhood, but very nearby. They are all different and some are very contemporary, not just those two. Some are way more contemporary. You know that.

MS. SINATRA: At the end of the road.

MR. LEVITON: Sure.

MS. SINATRA: Yes, but right around us.

MR. LEVITON: Sure, but they are all different.

MS. SINATRA: They are different.

MR. LEVITON: This is definitely going to enhance the overall look.

MS. SINATRA: We'll see.

MR. LEVITON: Okay.

MS. SINATRA: I would like to have on record that they will be adding windows to the addition at the front of the house. Otherwise, it looks like a warehouse.

1 MR. LEVITON: Yeah, I think you're right. We'll make that a
2 condition. Any objection?

3
4 MR. CROWELL: No.

5
6 MR. LEVITON: Okay.

7
8 MS. SINATRA: Thank you.

9
10 MR. LEVITON: You're welcome.

11
12 MS. SINATRA: Thank you.

13
14 MR. LEVITON: You're welcome. Ladies and gentlemen on the
15 dais, anything further? Stacey?

16
17 MS. KLOMPUS: I have no questions.

18
19 MR. LEVITON: Jessica?

20
21 MS. LEVENSON: I don't have any question.

22
23 MR. LEVITON: Temika?

24
25 MS. LATILLA: There are windows proposed. So what kind of
26 condition are we putting on them? They're remaining there.

27
28 MR. LEVITON: No.

29
30 MS. LATILLA: We don't see them.

31
32 MR. LEVITON: On the proposal, the one that's on the
33 television screen, the lower half on the television screen, is the
34 mock-up of the front of the house. There are no actual renderings. So,
35 what we're looking at.

36
37 MS. LATILLA: That front is the top, right?

38
39 MR. LEVITON: No, the top looks like a top down to me. The
40 front looks like the one underneath it. We're way out of my purview.
41 You have expertise here that I don't and I will yield to your
42 understanding here if you want to straighten me out.

43
44 MS. LATILLA: According to what's noted on the plan,
45 although --- because the existing home is not really showing --- That
46 is the rear elevation because you look at the floor plan the back of
47 that extension has patio doors and you can see them right here.

1 MR. LEVITON: Yeah.

2

3 MS. LATILLA: This top is supposed to be the front of the
4 house and the windows are at that second-story family room,
5 recreational area.

6

7 MR. LEVITON: Oh, you mean what's on the screen now. I
8 wasn't looking. So, you're saying what's on the screen now.

9

10 MR. BOCCANFUSO: No not that, no.

11

12 MS. LATILLA: What's on the screen now is the side.

13

14 MR. LEVITON: Yeah, that is the side, yes.

15

16 MS. LATILLA: The previous elevations that were up.

17

18 MR. LEVITON: Yes.

19

20 MS. LATILLA: Was showing the front with the small windows
21 that were second-story.

22

23 MR. LEVITON: Oh, that looks like --- What you're saying
24 is.

25

26 MR. BOCCANFUSO: Scroll up.

27

28 MR. WECHSLER: Yeah, it's four windows.

29

30 MR. HARRINGTON: That's the front.

31

32 MS. LATILLA: Yeah, the top is the front.

33

34 MR. LEVITON: Oh yeah it is showing windows.

35

36 MS. LATILLA: The floor plan is showing the back.

37

38 MR. LEVITON: It is showing windows, and Ms. Sinatra you're
39 seeing that also? I stand corrected and we thank Ms. Latilla for
40 pointing it out. The applicants, the Crowells and the Fitzpatricks,
41 have agreed as a condition to ensure that there are windows put in,
42 and our attorney is going to put it in the resolution.

43

44 MS. LATILLA: So, make it that there's no change in design,
45 don't remove any windows, make sure it stays.

46

47 MR. LEVITON: And Albert hears you and he's taking notes.
48 Good stuff Temika. Patrick?

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MR. HUGHES: I do not have any questions.

MR. LEVITON: John, did I hear you say you had?

MR. HARRINGTON: Yeah, you're in a rural residential zone and I know you're talking about the aesthetics and thank you for putting windows up because it is --- If I'm looking at the plan marked G101.0 in the bottom right corner.

MS. LATILLA: The site plan.

MR. HARRINGTON: Yeah, the site plan. You said the depth of the garage is twenty-seven or twenty-nine feet?

MR. CROWELL: Twenty-four. The addition is going to be twenty-four feet.

MR. HARRINGTON: Twenty-four feet. How wide is your actual home prior to this addition?

MR. CROWELL: Was it mentioned up there? I don't know if I have the measurements. It's fifty-nine feet, three inches, the addition, the width.

MS. LATILLA: The addition is. So, if you subtract, it's probably about forty-nine feet.

MR. CROWELL: Right.

MS. LATILLA: It's just estimated based on the dimensions of the addition.

MR. CROWELL: Yeah.

MR. HARRINGTON: Then you're saying from one side to the other, Temika?

MS. LATILLA: The deck.

MR. HARRINGTON: No, I'm not talking deck. I'm talking if I'm looking at the house.

MS. MOENCH: Temika, can you turn your microphone on please?

MS. LATILLA: Sorry.

MR. HARRINGTON: So, if I'm looking at the house.

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MR. FITZPATRICK: What side of the house sir?

MR. HARRINGTON: Front of the house looking west towards the lake.

MR. CROWELL: Oh, the front of the house.

MS. LATILLA: Okay so the front you're talking about the whole width.

MR. HARRINGTON: I'm talking about.

MS. LATILLA: That's not on here.

MR. LEVITON: Mr. Fitzpatrick, please don't, step forward and again sir you're going to need to speak into the microphone so that it's recorded.

MR. FITZPATRICK: From the property record card it's forty-eight feet. Talking about the garage side? I'm sorry.

MR. HARRINGTON: No, I'm talking about if the garage is twenty-four feet if you're looking at the house from the left driveway corner to where you're going to attach to the home is twenty-four feet depth?

MR. FITZPATRICK: Right.

MR. HARRINGTON: And then from that corner to the right-hand side of the house where we spoke about the septic that was put in. How wide is that portion of the house? In other words.

MR. FITZPATRICK: I'm sorry.

MR. POCHOPIN: It's about the same.

MR. HARRINGTON: Yeah.

MR. FITZPATRICK: Can you point, just point?

MR. CROWELL: Are you talking about what's the width of the addition?

MR. LEVITON: There's a lot happening. I'm going to need to reign it in and ensure that whatever the microphone is picking up is clear so that the transcriber knows to whom to ascribe dialogue.

1 MR. BOCCANFUSO: Maybe I can help get to the answer here,
2 but first let's all try to understand the question. So is the
3 question, if you're standing on Highland Ridge Road, looking at the
4 front of the house, how wide is the house from the existing front left
5 corner to the existing front right corner? Is that the question?
6

7 MR. HARRINGTON: That would be one question and then the
8 twenty-four feet would be an addition to?
9

10 MR. BOCCANFUSO: Yes. So, we heard testimony that if you're
11 standing on Highland Ridge Road, looking at the front of the house,
12 the addition is proposed on the left side of the house. From that
13 perspective, that width is roughly twenty-four feet. I think that was
14 the testimony and that is, I believe that is consistent with what's
15 shown on the plan. Let me just confirm. Yes, more or less twenty-four
16 feet is that width.
17

18 MR. HARRINGTON: Is that with addition?
19

20 MR. BOCCANFUSO: Yes.
21

22 MR. HARRINGTON: The actual house itself currently without
23 the addition.
24

25 MR. BOCCANFUSO: Yeah, is roughly sixty-two feet, that
26 includes the, there's an existing garage at that location as well. So
27 including that existing garage, the width is roughly sixty-two feet.
28 So with the addition, sixty-two and twenty-four you're looking at
29 something in the ballpark of eighty-six feet total.
30

31 MR. HARRINGTON: Okay, how does that fit aesthetically with
32 everybody else on the block was my next question.
33

34 MR. LEVITON: He wants to know how does your house look
35 relative to the rest of the community.
36

37 MR. HARRINGTON: The concept.
38

39 MR. FITZPATRICK: Yeah, no I mean I believe that it'll be a
40 larger looking structure, but with the way that the design is, its
41 going to flow and look as if it was originally built that way. It's
42 not an absurdly wide, long, deep home compared to everything else
43 around it. It will be obviously wider than some of the other homes
44 that are there, but I don't believe that this addition makes it look
45 like an over improvement for the area.
46

47 MR. HARRINGTON: Okay and I guess my other question is how
48 many windows would you be looking at putting on the downstairs?

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MR. FITZPATRICK: I think there was four on that plan.

MR. HARRINGTON: The downstairs.

MS. KLOMPUS: You said the downstairs, the four is on the upstairs.

MR. FITZPATRICK: Oh, on the downstairs, how many windows on the downstairs.

MR. HARRINGTON: Yeah, I'm just trying to make it. I'm looking at it that you're.

MR. FITZPATRICK: Four windows.

MR. HARRINGTON: Throwing an extra house onto the property.

MR. FITZPATRICK: That's the side. Four, I could see you're asking for the back?

MR. HARRINGTON: No from the front of the house.

MR. FITZPATRICK: The four.

MR. CROWELL: Four.

MR. FITZPATRICK: Yes sir.

MR. HARRINGTON: So, another four across?

MR. FITZPATRICK: Yes sir.

MR. HARRINGTON: On the lower and I guess I'm assuming upstairs possibly you'll be putting something up there as well?

MR. LEVITON: Well, wait. Let's be clear, hold on. There's only four shown John. There aren't going to be an upstairs and downstairs set of windows. There's one set.

MR. HARRINGTON: Yeah, I see.

MS. KLOMPUS: Only upstairs.

MR. HARRINGTON: - - -

MR. FITZPATRICK: Because the downstairs isn't - - -

1 MR. HARRINGTON: Oh, okay I got you. I understand. Thank
2 you, Stacey.

3
4 MR. LEVITON: Anything else John?

5
6 MR. HARRINGTON: No, that's it.

7
8 MR. LEVITON: Michael?

9
10 MR. WECHSLER: Yeah, I have a couple of questions. I was at
11 your property yesterday, the Blue Bronco sitting in your driveway if
12 you're looking at videos for about twenty minutes. Avid Ford guy. I
13 will be a Chevy guy after this though. So, my question is, is it seven
14 cars or five cars? You're keeping the existing garage and building
15 against it? So, you'll be going deeper too?

16
17 MR. CROWELL: We're going deeper too. The existing garage,
18 those three bays, are going to be like two cars deep.

19
20 MR. WECHSLER: Straight through?

21
22 MR. CROWELL: Right.

23
24 MR. WECHSLER: Okay, and on the second floor, no bathrooms?

25
26 MR. CROWELL: No.

27
28 MR. WECHSLER: Just two large great rooms?

29
30 MR. CROWELL: Yes.

31
32 MR. WECHSLER: Okay, and just basically standard garage
33 stuff going in?

34
35 MR. CROWELL: Yes.

36
37 MR. WECHSLER: Working on your cars on the weekends I'm
38 guessing? What else are you putting in your garages?

39
40 MR. CROWELL: Exactly.

41
42 MR. WECHSLER: Just the stuff that was sitting outside?

43
44 MR. CROWELL: Just standard garage stuff.

45
46 MR. WECHSLER: Okay, that's it. I'm good.

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48 MR. LEVITON: Dan?

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MR. POCHOPIN: I'm going to wait for after summation. He sums up everything and I'll clarify.

MR. LEVITON: Okay.

MS. LATILLA: Can I? I have another question.

MR. LEVITON: Temika?

MS. LATILLA: I'm sorry. What is the purpose of installing an elevator?

MR. CROWELL: Excuse me?

MS. LATILLA: Elevator?

MR. CROWELL: Oh, I'm getting older and the stairs are getting to be trouble.

MS. LATILLA: Okay.

MR. CROWELL: So eventually we are going to put one of those home elevators in so we're leaving a space for it.

MS. MOENCH: Talk into the microphone.

MR. LEVITON: The microphone didn't pick it up.

MR. CROWELL: I'm sorry.

MR. LEVITON: I'll repeat it for him. He testified to the fact that he's getting old and it's difficult to go up and down stairs. And the question had to with what was the need for an elevator. Anyone else on the dais? I'll go back to the public.

MS. SINATRA: I have a follow up question.

MR. LEVITON: Ms. Sinatra, let's keep it brief though. You're still under oath and the microphone is being handed to you now.

MS. SINATRA: Is the purpose of storing, let me rephrase. Is the purpose of having all of these cars purely for collection or are people coming in to view these cars so that there are constantly people in and out? I face, my house, my master bedroom faces their garage. So I do not want constant flow of people in and out. This is a residential neighborhood.

1 MR. LEVITON: I know. I'm willing to ask him that. He's
2 allowed to have company.

3
4 MS. SINATRA: It's not about company. It's bringing
5 strangers into the neighborhood.

6
7 MR. LEVITON: He's allowed to show off his collection.
8 There's no law against it.

9
10 MS. SINATRA: On a personal level, but we're talking about a
11 business purpose.

12
13 MR. LEVITON: He's testified it's not professional.

14
15 MS. SINATRA: I just wanted to be put on record that I truly
16 believe that they are misleading you as to the intention of this
17 addition.

18
19 MR. LEVITON: Again, that's.

20
21 MS. SINATRA: Thank you.

22
23 MR. LEVITON: On the record. And, it's okay it wasn't
24 intentional, and I will ask Mr. Crowell, is there a parade of
25 spectators that come to view your vehicles?

26
27 MR. CROWELL: No, we take the vehicles to car shows. That's
28 where we show it off. We don't have anybody come to our house and look
29 at our cars.

30
31 MR. LEVITON: Okay. Mr. Boccanfuso, anything further from
32 you?

33
34 MR. BOCCANFUSO: No, I think we've really been through it
35 all. I mean as I'm sure the board saw it wasn't a whole lot in my
36 report. We got confirmation on record that the bonus room or rooms
37 won't be converted into a second dwelling unit as defined by the
38 township regulations. There will be no kitchen. Mr. Fitzpatrick spoke
39 about the previous notices of violation and that the intent of this
40 addition is to resolve those. The third comment on my report is really
41 just an FYI for permitting purposes. In response to Ms. Sinatra's
42 concerns, we spoke a little bit about drainage which will be reviewed
43 in connection with the permit application if there's an approval. I
44 really don't take any exception to any of the testimony. I think that
45 it was pretty thorough. I think that to Mr. Marmero's point I think
46 that while Mr. Fitzpatrick is not a planner, he didn't qualify himself
47 as a planner, he provided testimony on the aesthetics as well as the
48 existing, non-compliant front setback. So, I think the board could

1 either look at this as a C1 hardship variance or a C2 flexible
2 variance. It could go either way. Really not much more to offer. I
3 will say one thing about the windows, if the board wants to get those
4 as a condition of approval, I do think it's appropriate to include it
5 as a condition because otherwise the applicant wouldn't be bound
6 necessarily by these exhibits. If you put it as a condition then we
7 can ensure when they come in for permitting that those windows are
8 there. Otherwise, there's nothing that says he couldn't simply
9 eliminate them. Not to say he would or that he would want to, but he
10 could potentially unless there's a condition.

11
12 MR. LEVITON: That's a good recommendation. Mr. Fitzpatrick,
13 Mr. Crowell you heard it, you understood it, if not I'll explain it.

14
15 MR. FITZPATRICK: Understood.

16
17 MR. LEVITON: Mr. Crowell?

18
19 MR. CROWELL: Understood.

20
21 MR. LEVITON: Are you sure?

22
23 MR. CROWELL: Yes.

24
25 MR. LEVITON: Okay so windows is going to be a condition of
26 approval and I would like to allow the applicants to seek their relief
27 based on hardships. Since it is pre-existing, non-conforming and any
28 addition would need variance relief because of that and that's a
29 hardship.

30
31 MR. MARMERO: Do you want me to sum it all up what we heard
32 Mr. Chairman?

33
34 MR. LEVITON: I would like that sir.

35
36 MR. BOCCANFUSO: Just very briefly Mr. Chairman before Al
37 does that, does the board want to impose any timing conditions on any
38 of this? Either permit application submission or resolution of the
39 non-compliant sheds.

40
41 MR. LEVITON: The board does and for this reason. The board
42 has in the past extended approval to applicants who then never move on
43 their projects or stop halfway through. That cannot happen. So we will
44 impose time limits on you, but we want to be fair. How long do you
45 need to get through the permitting process and then the construction?

46
47 MS. MOENCH: Keeping in mind that this won't be memorialized
48 until 4/16.

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MR. LEVITON: Which means you can't begin until April 16th.

MR. CROWELL: Oh no it's going to be later in the summer to start the project because my contractor is working on a job now that he has to finish up.

MR. LEVITON: Is one year enough time.

MR. CROWELL: Oh yeah, oh yeah.

MR. BOCCANFUSO: Yeah, I think that in recent history the board has tied the permit application to the timing restriction. Understanding that when you get to construction, things happen. Contractors get other jobs and all types of things of that nature. So, I think if the applicant is comfortable with a year and the board's comfortable with a year to submit permit applications. That's fair and reasonable.

MR. LEVITON: No, it is, but you know what, it's generous and I didn't realize that the time needed to be tied to the permitting and so I'd like to ask for six months. Is that enough time?

MR. CROWELL: That's enough, yeah.

MR. LEVITON: Okay. I don't want to speak for everyone. I want to feel you all out.

MR. WECHSLER: Is it six months?

MR. BOCCANFUSO: To submit permits.

MR. LEVITON: To get permits.

MR. WECHSLER: To get permits submitted?

MR. LEVITON: Submitted, yeah.

MR. WECHSLER: That's reasonable.

MR. MARMERO: Well, they're going to submit the permits right?

MR. BOCCANFUSO: I mean it's up to the board. I would prefer to tie it to the submission. Otherwise.

MR. LEVITON: Yeah.

1 MR. BOCCANFUSO: The construction department is on the hook.
2 You're imposing conditions on Rick Hogan and his staff and they're not
3 here. I don't know how they would like that, so.

4
5 MR. LEVITON: What do you think folks? Okay, a lot of
6 affirmative nods. So, we're going to go with applying for permits
7 within six months.

8
9 MR. FITZPATRICK: Six months of 4/16?

10
11 MR. LEVITON: From 4/16, yes.

12
13 MR. FITZPATRICK: Thank you.

14
15 MS. MOENCH: The memorial date.

16
17 MR. LEVITON: Or yeah for some reason we don't memorialize
18 on 4/16 and you never know, then it'll be from the date that your
19 application gets memorialized. Assuming that the board acts favorably
20 on it. They may not. Okay, Albert anything further?

21
22 MR. MARMERO: No, just to sum it up. So, like Brian
23 indicated and the application shows, it shows one bulk variance here.
24 This is a pre-existing, non-conforming condition that required front
25 yard setback from the principal structure is one hundred feet. A front
26 setback of 79.2 feet exists. So, any addition anywhere is going to
27 require a variance. The conditions that we discussed is that the
28 applicant will remove all non-compliant sheds and structures. The
29 addition will not be used as a second residence. There is no kitchen.
30 There will be no kind of commercial use, no kind of automobile repairs
31 in a commercial nature. We discussed landscaping. I think we settled
32 on the area disturbed and where the area subject to the variance must
33 be restored satisfactorily with landscaping. Windows added to the
34 structure as shown on the plans will be a condition so it's going to
35 remain, and then I think we settled on six months as a timeline for
36 submission for permit applications from memorialization of the
37 resolution.

38
39 MR. LEVITON: Thank you barrister.

40
41 MR. CROWELL: You'll explain it to me later.

42
43 MR. LEVITON: Will someone make a motion?

44
45 MR. POCHOPIN: I'll make a motion to approve Albert's notes
46 and the testimony from these gentlemen here tonight.

47
48 MR. LEVITON: Thank you Dan. Will someone second that?

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MS. KLOMPUS: I'll second it.

MR. LEVITON: Thank you Ms. Klompus.

ROLL CALL

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Yes.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Yes.

MS. MOENCH: Ms. Klompus?

MS. KLOMPUS: Yes.

MS. MOENCH: Mr. Harrington?

MR. HARRINGTON: Yes.

MS. MOENCH: Ms. Levenson?

MS. LEVENSON: Yes.

MS. MOENCH: Ms. Latilla?

MS. LATILLA: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Yes, congratulations gentlemen.

MR. CROWELL: Thank you.

MR. LEVITON: Good luck with your addition and enjoy your grandchildren.

MR. CROWELL: I will.

MR. LEVITON: Does anyone need a break before we continue? Okay then the board calls. Oh, we're going to recess for five minutes. You're welcome, John. Call the meeting to order. Okay, application 2601, Mr. Morelli. Come on up and tell us about your proposed breezeway. It's up on the screen. Mr. Marmero is going to swear you in and then make yourself comfortable.

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

MR. MORELLI: Yes.

MR. MARMERO: Okay.

MR. LEVITON: Mr. Morelli, are you related to Anthony?

MR. MORELLI: No.

MR. LEVITON: Okay. Mr. Anthony Morelli was the, well he could've been the mayor here at one time. I'll have to check the wall. Yeah, and he was definitely the --- Yeah, he was the mayor and he was also the board president and it would be entirely possible for you to be one of his grandchildren.

MR. MORELLI: You never know.

MR. LEVITON: You never know. Okay, so tell the board about your breezeway.

MR. MORELLI: Okay so I'm obviously non-conforming, non-compliant.

MR. LEVITON: So, like the application before, your home is pre-existing, non-conforming.

MR. MORELLI: Correct.

MR. LEVITON: It's on an undersized lot.

MR. MORELLI: Yes.

MR. LEVITON: Thank you sir.

MR. MORELLI: So, the existing breezeway was at some point enclosed so it's now, it still is a concrete slab. To my discovery when I bought the house, I took the rug up to see there was concrete and there's really no insulation. My heat's just going out the cracks in the floor. The corner is crumbling so it needs improvement.

MR. LEVITON: Janice, put it back up for a second.

1 MS. MOENCH: Oh, the other one?
2

3 MR. LEVITON: Yeah. Mr. Morelli, let me call your attention
4 to the television screen and have you confirmed that the rendering
5 that we're looking at is what the home is going to look like after
6 your proposal.
7

8 MR. MORELLI: Correct.
9

10 MR. LEVITON: Okay. Alright so you want to take the existing
11 breezeway that's there and enclose it, make it all look like one.
12

13 MR. MORELLI: Right.
14

15 MR. LEVITON: You want to improve the aesthetics.
16

17 MR. MORELLI: The width of it now is not the same width as
18 the rest of the house and the roofline is not the ---
19

20 MR. LEVITON: So, the width of, so it looks like the garage
21 is not attached and you want to make it look attached?
22

23 MR. MORELLI: Well, it looks attached, but.
24

25 MR. LEVITON: It's not as nice as the rendering that we just
26 saw.
27

28 MR. MORELLI: Right.
29

30 MR. LEVITON: You want to improve the aesthetic?
31

32 MR. MORELLI: Yes.
33

34 MR. LEVITON: Okay. So, because it's an undersized lot, Mr.
35 Morelli really can't do anything without approval for variance relief
36 and unfortunately the use intensifies the deficiency. So, since you're
37 getting a building coverage variance, going forward any addition with
38 a roof, you're going to have to come back for approval.
39

40 MR. MORELLI: Understood.
41

42 MR. LEVITON: Okay. I have nothing further. Let's see if the
43 board does. Dan?
44

45 MR. POCHOPIN: Yes, thank you Mr. Chairman. I'm looking at
46 your diagram. That's it right there, same one. So, to the right is
47 that an existing garage now sir?
48

1 MR. MORELLI: Yes, it's a two-car garage.

2

3 MR. POCHOPIN: So then that breezeway there that's what you
4 want to square up?

5

6 MR. MORELLI: Right so when you walk in the house from the
7 garage that's the breezeway and then there's another step that goes up
8 into the kitchen.

9

10 MR. POCHOPIN: Gotcha.

11

12 MR. MORELLI: And there's no door there so there's no.

13

14 MR. POCHOPIN: Yeah, just a waste of energy.

15

16 MR. MORELLI: The heat just goes right out, right.

17

18 MR. POCHOPIN: Okay thank you.

19

20 MR. LEVITON: John?

21

22 MR. HARRINGTON: I have no questions.

23

24 MR. LEVITON: Stacey?

25

26 MS. KLOMPUS: No questions.

27

28 MR. LEVITON: Jessica?

29

30 MS. LEVENSON: No questions.

31

32 MR. LEVITON: Temika?

33

34 MS. LATILLA: No questions.

35

36 MR. LEVITON: Patrick?

37

38 MR. HUGHES: I don't have any questions.

39

40 MR. LEVITON: Michael?

41

42 MR. WECHSLER: No questions.

43

44 MR. LEVITON: Brian?

45

46 MR. BOCCANFUSO: Thank you Mr. Chairman. Obviously by the
47 lack of questions, the board understands the very strict application.
48 Mr. Morelli's simply here because the property is undersized. It's a

1 very old property. It's been there since it looks like the house was
2 built probably in the '50s. When you have an undersized lot, just
3 about anything you do requires a variance. I point out that aside from
4 the undersized lot, the proposal meets all the setback requirements in
5 the zone. So, the only reason he's here is because the lot is
6 undersized and as a result of that undersized lot this slight increase
7 in building coverage puts him over the maximum permitted building
8 coverage. That's because of the denominator in the fraction is too
9 low. Just one other thing I did point out in my report that there are
10 a couple of existing, non-compliant conditions with regard to the side
11 setbacks to the existing structure, excuse me, as well as the driveway
12 setback. These are existing, non-conforming conditions. They looked to
13 have been there for many years, possibly many decades. So, they are
14 permitted to remain, however, if God forbid something were to happen
15 with the house, the applicant would not be permitted to rebuild in the
16 exact footprint unless the board considers and grants the variances
17 necessary to ratify these conditions.

18
19 MR. LEVITON: I would be good with that. I grew up here in
20 town and where Mr. Morelli lives, we used to call, I'm not going to
21 say what we called it. It wasn't favorable because it was so far away.
22 It was on the other side of town and it took forever to get there. It
23 was dark. Nothing else existed except The Knolls. That's all that
24 there was. I had friends who lived there and I enjoyed going there,
25 but it was a hike.

26
27 MR. MORELLI: I love it there.

28
29 MR. LEVITON: As you should. And then I have, in my opinion,
30 we should legitimize all of his deficiencies. I don't know. Do you
31 agree? Okay, so Albert will do that, and now I'll go out to the
32 public. Soriano's, do you want to ask Mr. Morelli anything or? No you
33 don't. You want to address the board. Thank you for your patience,
34 you're next, and it's imminent. Albert, anything further?

35
36 MR. MARMERO: No, but you did hear testimony from the
37 applicant and you heard what Brian had to say about the application as
38 well. What the applicant is seeking in connection with the breezeway
39 improvement is a couple of bulk variances. Again, the applicant needs
40 a bulk variance because this is an undersized lot. You need a lot size
41 of 80,000 square feet. He has 21,350 square feet. And then probably
42 because of that small lot size, the applicant is already over the
43 building coverage limit and obviously this will go even further over
44 the building courage limit, and then you heard some discussion about
45 some non-complying, existing issues that were discovered as well which
46 the applicant legitimized this evening which would add two other bulk
47 variances which is the side yard setback to a principal structure. The
48 subject's home which requires thirty-five feet. The existing dwelling

1 has side setbacks of fourteen seven, and fourteen six, and then the
2 driveway side setback. The driveway needs to be at least ten feet of a
3 side yard line, more than fifteen feet of the rear lot line. The
4 existing driveway we'll say runs a side setback of .1 feet so that
5 would be summed --- as well so we just have four bulk variances.

6
7 MR. LEVITON: Thanks Albert. Someone make a motion?

8
9 MR. HARRINGTON: I'll make a motion to approve.

10
11 MR. LEVITON: Thank you Mr. Harrington. Someone second?

12
13 MS. KLOMPUS: I'll second it.

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

16
17 **ROLL CALL**

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19 MS. MOENCH: Mr. Wechsler?

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21 MR. WECHSLER: Yes.

22
23 MS. MOENCH: Mr. Pochopin?

24
25 MR. POCHOPIN: Yes.

26
27 MS. MOENCH: Ms. Klompus?

28
29 MS. KLOMPUS: Yes.

30
31 MS. MOENCH: Mr. Harrington?

32
33 MR. HARRINGTON: Yes.

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35 MS. MOENCH: Ms. Levenson?

36
37 MS. LEVENSON: Yes.

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39 MS. MOENCH: Ms. Latilla?

40
41 MS. LATILLA: Yes.

42
43 MS. MOENCH: Chair Leviton?

44
45 MR. LEVITON: Yes, congratulations sir.

46
47 MR. MORELLI: Thank you very much.

1 MR. LEVITON: Your application will be memorialized on April
2 16th. It's our next regular meeting, most likely, and after that you
3 can go ahead with your work.

4
5 MR. MORELLI: Perfect.

6
7 MR. LEVITON: Okay.

8
9 MR. MORELLI: Thank you.

10
11 MR. LEVITON: You won't need to be here by the way. You're
12 done.

13
14 MR. MORELLI: I'll celebrate my birthday.

15
16 MR. LEVITON: Oh good.

17
18 MS. MOENCH: Happy birthday.

19
20 MR. LEVITON: Happy birthday, you're welcome.

21
22 MR. MORELLI: Alright, have a good night.

23
24 MR. LEVITON: Twenty-eight?

25
26 MR. MORELLI: The twelfth.

27
28 MR. LEVITON: You'll be twenty-eight.

29
30 MR. MORELLI: Oh my age.

31
32 MR. LEVITON: Yes.

33
34 MR. MORELLI: Thirty-one.

35
36 MR. LEVITON: Oh, I was close.

37
38 MR. MORELLI: I'll take that.

39
40 MS. MOENCH: Have a good night.

41
42 MR. MORELLI: Thanks guys. See you later.

43
44 MR. LEVITON: Just so everyone knows, right outside this
45 door next to the work room there's a locked class door when we get
46 here, but during the day you walk down that hallway and on the right
47 hand side there are portraits of every mayor of Manalapan Township
48 going way back; at least as far back as Mr. Gray who was the mayor

1 when I was a boy. I don't know if it goes back further, I'm sure it
2 does. Yeah, okay, alright application 2547, Mr. and Mrs. Soriano. Mr.
3 Marmero will swear you in and we thank you for your patience before we
4 begin.

5
6 MR. MARMERO Okay so if you guys raise your right hand. Do
7 you swear the testimony you provide tonight will be the truth, the
8 whole truth, and nothing but the truth?

9
10 MRS. SORIANO: Yes.

11
12 MR. LEVITON: Okay. Boy, I grew up in a house that if I put
13 a golf ball on a tee and took out a nine iron I could hit your house.

14
15 MR. SORIANO: Nice, what road was that? Our street?

16
17 MR. LEVITON: Yorktowne Drive.

18
19 MR. SORIANO: Yorktowne, right around the corner.

20
21 MR. LEVITON: Yeah. Alright Mr. Soriano, you're here to
22 legitimize an addition to your house. You were here before.

23
24 MR. SORIANO: Yes.

25
26 MR. LEVITON: We granted you relief for your portico.

27
28 MR. SORIANO: Yes, we went with the front of the house.
29 You're probably familiar with the style of the home we have. We have
30 the raised ranch and had a horrible, horrible entrance. You came in
31 the door and you're falling on people, so. The new foyer is quite
32 nice.

33
34 MR. LEVITON: And at the same time, you got relief for this
35 work as well.

36
37 MR. SORIANO: No, we didn't. So, I proposed something here
38 and I'll read this and that should probably answer a lot of questions
39 and I can get into more detail if this makes it nice and easy.

40
41 MR. LEVITON: Sure.

42
43 MR. SORIANO: So basically, I'm here requesting approval for
44 the as-built side variance for the garage side of my home. The as-
45 built survey shows the garage was approximately two feet closer to the
46 side property line than the zoning ordinance requires. The condition
47 is not intentional. The original survey submitted, which was from the
48 purchase of my home in 2005 and used at the time of the application in

1 2020 for this project, had the new structure within the zoning code.
2 As the location of the improvements were laid out based on the prior
3 survey which I relied on within good faith and the zoning permit was
4 issued with our final as-built survey approval due to the survey being
5 out of scale. Upon receipt of the new scaled survey provided to the
6 zoning office which I submitted within days of completion I was made
7 aware that the building was set in the field slightly off from what
8 was intended due to our prior survey inaccuracies. In addition, the
9 building was constructed exactly according to the 2020 application
10 drawings. Once the accurate as-built survey was completed, we promptly
11 notified the township and were advised that the garage did not meet
12 the zoning requirement setback. We are now seeking to legitimize the
13 condition through this board process. Granting the variance also
14 advances the purpose of the zoning under the municipal land use law by
15 allowing safe functional residential improvement that is consistent
16 with the established development pattern in the neighborhood and by
17 supporting the appropriate orderly use of the property without
18 creating any crowding or overdevelopment. The garage improves the
19 functionality and safety of the home by providing secure, off street
20 vehicle storage and normal residential utility consistent with the
21 homes in the area. This request is not solely for my private benefit.
22 The completed garage is consistent with the size and appearance with
23 surrounding homes and maintains the cohesive streetscape. Approving
24 this as-built condition promotes the neighborhood's stability
25 preserving well-maintained visual consistent residential improvement
26 that aligns with the community expectations for the area. Granting
27 this variance will not cause a substantial detriment to the public
28 good and will not impair the intent or the purpose of the zoning plan
29 and zoning ordinance. There are no drainage impacts created by the as-
30 built placement. There is no meaningful loss of open air and
31 circulation affecting neighborhood properties beyond the typical in
32 the neighborhood. The garage addition does not create any hazardous
33 condition and does not interfere with the public streets, sidewalks,
34 or sight lines. The improvement is consistent with the spacing and
35 development pattern of nearby homes and does not change the use of the
36 property. Please see the photos that I've submitted of the right side
37 of the house. For those reasons I respectfully ask the board to
38 approve the request of the as-built setback variance for the garage
39 from fifteen feet to the thirteen feet provided and I'm happy to
40 answer any questions.

41
42 MR. LEVITON: Oh, good because I have to admit it's
43 difficult for me to process in the moment that well. I'm much better
44 looking than I am bright. You --- don't laugh. I did hear that you're
45 looking for a C2 variance. Albert, am I right? He's quoting M.L.U.L.
46 and he's.

47
48 MR. MARMERO: Yeah, there could be several purposes.

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MR. LEVITON: Yeah.

MR. MARMERO: Of the ordinance. I will confess I didn't catch them all because he was going quite quick so I'm trying to go through the code right now just so we can get it all.

MR. LEVITON: Okay so he's working on that. He also hit the negative criteria.

MR. MARMERO: Yeah

MR. LEVITON: And then you talked about an as-built survey. Why do you have an as-built survey?

MR. SORIANO: So, and I have the email from Susan Cohen at the time who was the head of zoning or part of zoning, whoever that was.

MR. LEVITON: Oh no Susan Cohen was never head of zoning.

MR. SORIANO: --- hold on.

MR. BOCCANFUSO: Suzanne Krohn.

MR. LEVITON: Oh Suzanne Krohn, that's different.

MR. SORIANO: Yeah, Krohn.

MR. LEVITON: She was an assistant.

MR. SORIANO: No actually sorry it was Nancy DeFalco, my apologies.

MR. LEVITON: Ms. DeFalco is our former administrator and Mr. Boccanfuso wears her hat now. So, what about Ms. DeFalco?

MR. SORIANO: So back then when we originally applied and obviously, we were dealing with Covid at the time, the survey that I had when we purchased the home back in 2005.

MR. LEVITON: Was not to scale. You testified to that.

MR. SORIANO: A gentleman in Jamesburg completed it through our lawyer and we were young children at the time when we first bought this house, and then we came to found out obviously that this survey was out of scale and Nancy approved the survey for us moving forward with an as-built survey once our project was completed.

1
2 MR. LEVITON: That's highly unusual.

3
4 MR. SORIANO: Yeah. I have a copy.

5
6 MR. LEVITON: When it comes to the completion of an
7 application, our administrator doesn't deem it complete unless it has
8 a survey to scale. Brian, would you expand on that a little bit?

9
10 MR. BOCCANFUSO: Yeah, I don't think it's a determination of
11 completeness for zoning permits. My department and it is a policy that
12 Nancy held to pretty strictly as well, we simply don't set permit
13 applications with surveys that aren't to scale. In this case, Nancy
14 did. She put it in writing. It may have something to do with the Covid
15 situation at the time. I can't put myself in Nancy's head and know why
16 she did it, but the way that she sought to address it was to require
17 that Mr. and Mrs. Soriano obtain an as-built survey at the end of
18 construction.

19
20 MR. LEVITON: So, the survey that he submitted wasn't to
21 scale. The addition was built and Nancy allowed him to submit a survey
22 reflecting what was actually there?

23
24 MR. BOCCANFUSO: Yeah. There were in addition to the survey
25 not being to scale, it appears that there were some errors at the time
26 of application whether they were arithmetic errors or errors in the
27 original survey or both isn't really relevant at this point. It
28 happened and in hindsight I think that if Nancy were here, she
29 probably would have said maybe I shouldn't have allowed it to go
30 through with a not to scale survey because here we are. The intent of
31 getting the as-built was to identify any errors. Well, what happens if
32 there are errors that lead to a non-compliant condition? Now, here we
33 are. So I think that she was trying to work with Mr. Soriano and help
34 things move forward, but in doing so she didn't account for the fact
35 that this might happen.

36
37 MS. MOENCH: It was very difficult though trying to navigate
38 through Covid because.

39
40 MR. BOCCANFUSO: Yes.

41
42 MS. MOENCH: --- Building wasn't open, we had to stay
43 working and we had to approve and not approve permits.

44
45 MR. BOCCANFUSO: Yeah, I'm not questioning what she did or
46 saying it was inappropriate or anything like that. I just think that
47 if she had a crystal ball.

48

1 MS. MOENCH: Yeah.

2
3 MR. BOCCANFUSO: She probably would've found another way to
4 work it out. She'd probably just assume that it would comply and there
5 would be no issue and the as-built would show compliance, but
6 unfortunately it didn't so here we are. I don't really take any
7 exception to the testimony. I think that particularly with the
8 negative impact, the addition has been there awhile. If there was a
9 negative impact, we would've heard about it by now from the neighbors
10 or from some complainant. So, I think that that speaks to the fact
11 that there is, if any, negative impact, it's certainly negligible. The
12 benefits I think we heard a little bit from Mr. Soriano. It was going
13 fast there. I don't know that he caught exactly the purposes in the
14 land use law, but I think that he got the gist of it to enough of an
15 extent that the board can rely upon that.

16
17 MR. LEVITON: And Mr. Soriano, what is the encroachment?
18 What is the difference in what was proposed and what was built?

19
20 MR. SORIANO: Nothing actually. So, the fact of the matter
21 is that that survey was out of scale. So, if you look at my drawings
22 or you came out and you measured the structure, we built it exactly to
23 the drawings and based on the original survey, we were, I don't
24 remember the exact inches. It's in the document there, the pdf that I
25 sent, but it was outside those fifteen feet. It was maybe fifteen
26 feet, three inches from the property line. So, it was within the
27 zoning based on that out of scale survey.

28
29 MR. LEVITON: Brian, do you take exception to that
30 testimony?

31
32 MR. BOCCANFUSO: I don't agree with that, no.

33
34 MR. LEVITON: What is your understanding?

35
36 MR. BOCCANFUSO: The addition may have been built to the
37 architectural plans, but it was not built to the dimensions and
38 setback indicated on the plan that was approved by zoning to scale or
39 not. It was written on there to be fifteen feet from the side setback,
40 from the side property line and in fact it was built to thirteen feet.
41 So, it certainly may have followed the architectural plans, but the
42 non-compliant condition that we have today in the as-built condition
43 had nothing to do with the survey being out of scale or errors on the
44 survey. It was trans positioned errors from the architecturals to the
45 zoning plan that was approved.

46
47 MR. LEVITON: So, there's a two foot discrepancy.

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MR. BOCCANFUSO: I don't know about that, but there is two feet of relief that's being sought. I think the discrepancy's somewhere between one and two feet looking at the numbers.

MR. LEVITON: Michael, any thoughts?

MR. WECHSLER: I do have a question. So in 2020 you had permits?

MR. SORIANO: Yes.

MR. WECHSLER: When did you do construction?

MR. SORIANO: So actually, the permits, I think, were issued in February of '21 by the time everything was approved because after we got memorialized for the first variance then we started building. So, the foundation was not put in due to Covid and obviously materials. Foundation began in August of that year so August of '21, and then obviously then you had framing, you had siding, you had roofing, you had interior work that was all done, and then everything once the construction was done is when we did this as-built survey and I believe that was back in October or November. I don't have the date the current survey was built.

MR. WECHSLER: So, construction started in '21. You finished in '25?

MR. SORIANO: Yeah.

MR. WECHSLER: Four years for?

MR. SORIANO: I did. I was the GC on the project. I brought in all the people and unfortunately my wife and I are very picky and I did a lot. I did things myself obviously in the house as well and that obviously takes time when you have two kids here playing Manalapan baseball, dealing with the rec, dealing with your kids with dance. It came to the point where it was, I'm not going to give up every weekend to work on the house and miss my children's childhood which is four years.

MR. WECHSLER: That's it. I'm just curious on such a long.

MR. SORIANO: Yeah, no worries.

MR. WECHSLER: Time frame between permit and completion to you sitting here. No, that's all I have.

1 MR. LEVITON: What is the impetus for the legitimization at
2 this time?

3
4 MR. SORIANO: I'm sorry. I missed that.

5
6 MR. LEVITON: Why are you here now? What brings you here
7 now?

8
9 MR. SORIANO: So, when we submitted the as-built survey, I
10 would say within weeks, Brian emailed us and let us know that it was
11 out of the zoning variance with going from fifteen feet to now the
12 thirteen feet. So, we wanted to legitimize it. We want to do
13 everything right. I mean we've done everything right throughout this
14 process whether that was with all the inspectors or anything going on
15 with zoning through the whole time we've lived here for now, twenty-
16 one years.

17
18 MR. LEVITON: I'm a little confused. I have to admit. Nancy
19 approved the as-built survey.

20
21 MS. MOENCH: The '21.

22
23 MR. LEVITON: And why is Brian looking at it in '26?

24
25 MS. MOENCH: Because that's when he brought in the as-built
26 '25.

27
28 MR. LEVITON: Oh.

29
30 MS. KLOMPUS: Because of the length of construction.

31
32 MR. SORIANO: The length of the construction.

33
34 MS. KLOMPUS: His requirement on his first approval was to
35 submit that as-built. It took him from that time to this time to
36 finish and now he's submitting that as-built as your requirement. Are
37 you understanding? So that when Brian received it, it did not match.

38
39 MR. LEVITON: Your company's going to miss you.

40
41 MR. BOCCANFUSO Yeah, the condition of.

42
43 MS. KLOMPUS: What?

44
45 MR. LEVITON: Your company's going to miss you.

46
47 MR. BOCCANFUSO: The condition of the zoning permit was
48 issued on December 1, 2020. The condition of that zoning permit was

1 that an as-built survey was to be provided upon completion of the
2 project. So as Mr. Soriano indicated, it took him a while for various
3 reasons to complete the project. Once he completed it, then he did the
4 as-built survey and at that point the error was identified.

5

6 MR. LEVITON: Thank you Brian for clarifying that and good
7 catch on your part. Dan?

8

9 MR. POCHOPIN: Yes, thank you so.

10

11 MR. LEVITON: Hold on. If this board doesn't favorably act
12 on his request for variance relief, he's going to have to chop off a
13 couple of feet of his addition. Is that correct, Mr. Boccanfuso?
14 Forget that, Brian. I'm going to ask our attorney. Is that correct?

15

16 MR. MARMERO: I mean at that point if he got denied, yeah.
17 He got approval. You need fifteen feet from the side yard and it's
18 thirteen feet so yeah.

19

20 MR. LEVITON: And this board needs to consider this
21 application under the law as if it hadn't been built yet. We can't
22 factor that into our decision.

23

24 MR. MARMERO: Sure.

25

26 MR. LEVITON: John?

27

28 MR. POCHOPIN: So.

29

30 MR. LEVITON: Dan?

31

32 MR. POCHOPIN: That's okay. The permits, all the ---
33 construction permits, you were going along the whole time and all
34 those were legitimized because these as-built drawings.

35

36 MR. SORIANO: A hundred percent.

37

38 MR. POCHOPIN: Mechanicals look like they're very impressive
39 until I just heard about the --- and I hope we don't have to go there,
40 but like I said everything else was legitimate. With the construction
41 department, all your construction permits.

42

43 MR. SORIANO: Absolutely, every permit was completed and we
44 got the final approval from the construction. That was back I believe
45 by the time all the finals were done; this was maybe over the summer.
46 I can't swear to the dates and then right after we got the final
47 approval on building based on Nancy's e-mail, we then engaged with the
48 engineering companies to complete the survey to finalize this project.

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MR. POCHOPIN: Okay so because usually as you know --- if you don't close the permits out sometimes, you're subjected to newer codes. So, I'm glad to hear that the construction codes were all closed out.

MR. SORIANO: Yes, all completed.

MR. POCHOPIN: Very good, thank you.

MR. LEVITON: And in the testimony that you entered onto the record that you read from, you blamed someone from Jamesburg? Was that the person who initially did your survey?

MR. SORIANO: So, the person that initially did the survey and I believe obviously if you're aware with the way surveys are done, they are done by a surveyor and then double-checked and then me going back and looking at this knowing the construction. The same person completed it and then checked their own work and then that's what was submitted when we purchased the home back in 2005. They are no longer in business. I couldn't even go back to them. It's been frustrating throughout the way.

MR. LEVITON: John?

MR. HARRINGTON: I just had my question answered.

MR. LEVITON: Oh okay. Stacey?

MS. KLOMPUS: No questions.

MR. LEVITON: Jess?

MS. LEVENSON: I have no questions at this time.

MR. LEVITON: Temika?

MS. LATILLA: No questions.

MR. LEVITON: And Patrick?

MR. HUGHES: No questions.

MR. LEVITON: I'll go out to public, and seeing none I'll close public and I'll look to Brian. Michael, did you want to?

MR. WECHSLER: I swear today. Do you have a shed in the back of your property?

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MR. SORIANO: Yes, we do.

MR. WECHSLER: Is your shed compliant? Is the shed that's on this property compliant? I visited your house yesterday and somehow note that there's a shed.

MR. SORIANO: Yes, and that's on the survey.

MR. WECHSLER: Is that to the right size back there? Because it looked bigger than what the pictures show.

MS. MOENCH: Is the shed compliant?

MR. BOCCAFUSO: No, it's just lawn.

MR. SORIANO: There was a second.

MR. WECHSLER: I saw a shed. I wasn't sure.

MR. BOCCANFUSO: I'm looking at the survey that was, the as-built, that was submitted which kind of led us to where we are dated 11/5/25. It does show a shed in the rear yard roughly eighteen by ten. So, it is a compliant size, but it looks like the setback may not comply. I don't know if there were permits issued for it at this point, so.

MS. MOENCH: Want me to check?

MR. BOCCAFUSO: Can you open up the other one?

MR. SORIANO: That was added to the zoning.

MR. BOCCANFUSO: Was it added to the zoning?

MR. SORIANO: Yes, it was because we had two sheds at the time so we put the additional one on it and I had the smaller shed which was eight by ten and that's been taken down.

MR. BOCCANFUSO: Okay.

MR. WECHSLER: Yes, so as long as the shed is compliant and permits are filed.

MR. BOCCANFUSO: Yeah, I think it's a good idea to check because if not we're all going to be back here.

MR. WECHSLER: Right while we're here.

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MR. BOCCANFUSO: At some point.

MR. LEVITON: Michael forgive me for overlooking you.

MR. WECHSLER: That's fine, it's only twice.

MR. LEVITON: ---

MR. WECHSLER: Only twice, don't worry about it. I know if Josh was here, it would be a different story.

MR. LEVITON: Okay the board and I personally value your input and I am sorry. Albert, anything further?

MR. MARMERO: No, I mean it's just, you heard the testimony. I think we're dealing with a situation with some type of error here. This construction was approved with a fifteen foot setback. It was constructed with a thirteen foot setback. This --- along the side property line. So, the applicant is now back for this, this relief essentially, this side relief.

MR. BOCCANFUSO: It looks like even if a permit wasn't obtained, it looks like the shed would meet the setback requirements. to the rear, ten feet would be required. This is an R20 zone right Janice?

MS. MOENCH: Yes, ten to the rear, fifteen to the side.

MR. BOCCANFUSO: R20, yeah so ten feet to the rear. It's scaling at ten feet.

MR. WECHSLER: Okay.

MR. BOCCANFUSO: So, if a permit was not issued for some reason, he could simply, if there's an approval here.

MR. WECHSLER: I would like to add it.

MS. MOENCH: --- put the shed --- for condition.

MR. BOCCANFUSO: Okay.

MS. MOENCH: Addition, rear, front, side, shed in the back.

MR. BOCCANFUSO: Okay great and it's showing the plan that was submitted, the markup?

1 MR. LEVITON: There's no question about it being compliant?
2

3 MR. BOCCANFUSO: I mean it complies with the geometric
4 requirements and the setback requirements. I think the only question
5 is whether it got a permit and Janice --- here. It sounds like it did.
6 That's what Mr. Soriano indicated. That was his understanding.
7

8 MS. MOENCH: It says it's eighteen by ten and thirty from
9 the side and --- from the rear.
10

11 MR. BOCCANFUSO: And that looks like where we're at.
12

13 MR. LEVITON: That's good.
14

15 MR. WECHSLER: Good.
16

17 MR. BOCCANFUSO: Yeah.
18

19 MR. MARMERO: So, there was discussion about legitimizing
20 that, but that's sufficient so --- made into --- just that one
21 variance.
22

23 MS. MOENCH: Thank you for going to the property.
24

25 MR. WECHSLER: I go to all four. I follow my email.
26

27 MR. LEVITON: Janice anything from you? No, right?
28

29 MR. BOCCANFUSO: I just have one more thing Mr. Chairman.
30

31 MR. LEVITON: Yes sir.
32

33 MR. BOCCANFUSO: The plans that were submitted with the
34 permit back in 2020 indicated that I guess a pre-existing kitchen was
35 going to be converted into a pantry and the cooking surface would be
36 removed. Was the cooking surface removed from that area?
37

38 MR. SORIANO: The pre-existing kitchen that was upstairs?
39

40 MR. BOCCANFUSO: No, I think it was on the first floor. It
41 was. It was on the first floor adjacent to the garage identified as an
42 existing kitchenette and then on the proposed plans it was indicated
43 that it would be converted into a pantry. No work in this area. No
44 cooking surfaces.
45

46 MR. SORIANO: That is correct. There's never been a cooking
47 surface in that area.
48

1 MR. BOCCANFUSO: So, there's no cooking? The only cooking I
2 guess another way of asking the question, the only cooking surface you
3 have is in your fairly new kitchen?

4
5 MR. SORIANO: In the new addition kitchen.

6
7 MR. BOCCANFUSO: Back left of the house.

8
9 MR. SORIANO: Correct. The new addition kitchen is the only
10 cooking area.

11
12 MR. BOCCANFUSO: Great and as you probably heard with some
13 of the previous applications, the line of questioning is to ensure
14 that there's not a potential for another dwelling unit there. If not
15 by you, by a future homeowner if there's a second kitchen.

16
17 MR. SORIANO: Absolutely.

18
19 MR. BOCCANFUSO: But if there's no kitchen or no cooking
20 provisions, you're fine. Alright, that's all Mr. Chairman.

21
22 MR. LEVITON: Thank you Mr. Boccanfuso. Will someone make a
23 motion?

24
25 MR. WECHSLER: I'll make a motion.

26
27 MR. LEVITON: Thank you Mr. Wechsler.

28
29 MR. POCHOPIN: I'll second.

30
31 MR. LEVITON: Thank you Mr. Pochopin.

32
33 **ROLL CALL**

34
35 MS. MOENCH: Mr. Wechsler?

36
37 MR. WECHSLER: Yes.

38
39 MS. MOENCH: Mr. Pochopin?

40
41 MR. POCHOPIN: Yes.

42
43 MS. MOENCH: Ms. Klompus?

44
45 MS. KLOMPUS: Yes.

46
47 MS. MOENCH: Ms. Harrington? Mr. Harrington? Sorry.

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MR. HARRINGTON: Yes.

MS. MOENCH: Ms. Levenson?

MS. LEVENSON: Yes.

MS. MOENCH: Ms. Latilla?

MS. LATILLA: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: You'll be legitimate on the sixteenth of April. You won't need to be here and we wish you well.

MR. SORIANO: Thank you. That's a relief. Have a good evening everyone.

MR. LEVITON: You as well. We have asked. Albert tends to take things down, yes. In my experience, it's only happened once, maybe twice. It was so egregious because it was a sports court if memory serves that. Not only, let's adjourn Someone move to make an adjournment.

MR. WECHSLER: I'll make a motion to adjourn.

MR. LEVITON: Okay we're in adjournment.
