

1 **MEETING IS CALLED TO ORDER:**

2

3 MR. LEVITON: Okay, I'm going to call our meeting to order.
4 Greetings board. Greetings public, and I'll ask everyone to join me in
5 a salute to our flag.

6

7 **SALUTE TO THE FLAG**

8

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

18

19 **ROLL CALL**

20

21 MS. MOENCH: Mr. Shalihar? Not with us. Mr. Mantagas?

22

23 MR. MANTAGAS: Here.

24

25 MS. MOENCH: Mr. Wechsler?

26

27 MR. WECHSLER: Here.

28

29 MS. MOENCH: Mr. Pochopin?

30

31 MR. POCHOPIN: Here.

32

33 MS. MOENCH: Ms. Klompus?

34

35 MS. KLOMPUS: Here.

36

37 MS. MOENCH: Mr. Harrington?

38

39 MR. HARRINGTON: Here.

40

41 MS. MOENCH: Mr. Weiss? Not here. Ms. Levenson?

42

43 MS. LEVENSON: Here.

44

45 MS. MOENCH: Ms. Latilla? Is not here. Mr. Hughes?

46

47 MR. HUGHES: Here.

48

1 MS. MOENCH: Chair Leviton?

2

3 MR. LEVITON: I am here. Thank you Janice. Okay, our first
4 order of business tonight is to accept the minutes from March 19th.
5 Will someone move to do so?

6

7 MS. KLOMPUS: I'll make the motion.

8

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

11

12 MR. WECHSLER: I'll second.

13

14 MR. LEVITON: Thank you Mr. Wechsler.

15

16 **ROLL CALL**

17

18 MS. MOENCH: Mr. Wechsler?

19

20 MR. WECHSLER: Yes.

21

22 MS. MOENCH: Mr. Pochopin?

23

24 MR. POCHOPIN: Yes.

25

26 MS. MOENCH: Ms. Klompus?

27

28 MS. KLOMPUS: Yes.

29

30 MS. MOENCH: Mr. Harrington?

31

32 MR. HARRINGTON: Yes.

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34 MS. MOENCH: Ms. Levenson?

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36 MS. LEVENSON: Yes.

37

38 MS. MOENCH: Mr. Hughes?

39

40 MR. HUGHES: Yes.

41

42 MS. MOENCH: Chair Leviton?

43

44 MR. LEVITON: Yes. We also need to accept the minutes from
45 April 16th. Will someone make a motion and will someone second that as
46 well?

47

48 MR. HARRINGTON: I'll make the motion.

1
2 MR. LEVITON: Thank you Mr. Harrington.

3
4 MR. POCHOPIN: I'll second it.

5
6 MR. LEVITON: And thank you Mr. Pochopin.

7
8 **ROLL CALL**

9
10 MS. MOENCH: Mr. Mantagas?

11
12 MR. MANTAGAS: Yes.

13
14 MS. MOENCH: Mr. Wechsler?

15
16 MR. WECHSLER: Yes.

17
18 MS. MOENCH: Mr. Pochopin?

19
20 MR. POCHOPIN: Yes.

21
22 MS. MOENCH: Ms. Klompus?

23
24 MS. KLOMPUS: Yes.

25
26 MS. MOENCH: Mr. Harrington?

27
28 MR. HARRINGTON: Yes.

29
30 MS. MOENCH: Ms. Levenson?

31
32 MS. LEVENSON: Yes.

33
34 MS. MOENCH: Mr. Hughes?

35
36 MR. HUGHES: Yes.

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38 MS. MOENCH: Chair Leviton?

39
40 MR. LEVITON: Yes, and there is a resolution to memorialize
41 this evening. It's number ZBE2545.

42
43 MR. MARMERO: Sure Mr. Chairman and as you'll remember, this
44 resolution was for an application that was denied. The applicant was
45 seeking several variances; expanding an existing deck, constructing a
46 roof over that deck, installation of a shed, and then expansion of the
47 patio area through installation of pavers. As the Board voted and

1 found the paver side yard variance seemed to be the one that was the
2 issue and that was a denial of that variance request.

3
4 MR. LEVITON: Thank you counselor.

5
6 MR. MARMERO: Sure.

7
8 MR. LEVITON: The only members eligible to make a motion
9 and/or to second are Mr. Mantagas, Mr. Wechsler, and Mr. Pochopin. I'm
10 wrong?

11
12 MS. MOENCH: Yes.

13
14 MR. LEVITON: Correct me and help me.

15
16 MS. MOENCH: Alright it's Mr. Pochopin.

17
18 MR. LEVITON: Yes.

19
20 MS. MOENCH: Ms. Klompus.

21
22 MR. LEVITON: Yes.

23
24 MS. MOENCH: Mr. Harrington.

25
26 MR. HARRINGTON: Yes.

27
28 MR. LEVITON: Yes, that's correct. I see it on the agenda
29 and on my notes they're on.

30
31 MS. MOENCH: I'm sorry.

32
33 MR. LEVITON: Don't be. Did you change it along the way?

34
35 MS. MOENCH: No, I probably just read that out of my order.

36
37 MR. LEVITON: Okay. Alright then. Stacey, John, or Dan, need
38 a motion and a second please.

39
40 MS. KLOMPUS: I'll make the motion to.

41
42 MR. LEVITON: Memorialize.

43
44 MS. KLOMPUS: As a denial, right?

45
46 MR. LEVITON: Yes, that's fine. Thank you, Stacey. And will
47 someone second it?
48

1 MR. HARRINGTON: I'll second it.

2
3 MR. LEVITON: Thank you John.

4
5 **ROLL CALL**

6
7 MS. MOENCH: Mr. Pochopin?

8
9 MR. POCHOPIN: Yes.

10
11 MS. MOENCH: Ms. Klompus?

12
13 MS. KLOMPUS: Yes.

14
15 MS. MOENCH: Mr. Harrington?

16
17 MR. HARRINGTON: Yes.

18
19 MR. LEVITON: Easy enough. Okay, we only have one public
20 hearing tonight. It's application number ZBE2534, Mrs. Cibelli and Mr.
21 Waga. Welcome back to both of you. Come on up here. The seats at the
22 table in front of the dais are for you.

23
24 MRS. CIBELLI: Thank you.

25
26 MR. LEVITON: You're welcome and before we get started, Mr.
27 Marmero will.

28
29 MR. MARMERO: Sure.

30
31 MR. LEVITON: Swear you both in.

32
33 MR. MARMERO: Sure. Let's wait for Mr. Waga as well and
34 we'll get you both sworn in at the same time. Alright if you both
35 raise your right hand. Do you swear that the testimony you provide
36 tonight will be the truth, the whole truth, and nothing but the truth?

37
38 MR. WAGA: Yes, I do.

39
40 MR. MARMERO: Okay.

41
42 MR. LEVITON: Be comfortable.

43
44 MR. WAGA: Thank you.

45
46 MRS. CIBELLI: Thank you.

47
48 MR. LEVITON: Wagyu or Waga?

1
2 MR. WAGA: Waga.
3
4 MR. LEVITON: Waga?
5
6 MR. WAGA: Waga.
7
8 MR. LEVITON: I butcher everyone's name, I'm so sorry.
9
10 MR. WAGA: Yeah, it's okay. I felt like I was in grammar
11 school again.
12
13 MR. LEVITON: That's funny.
14
15 MR. WAGA: Everything, but my last name was pronounced
16 right.
17
18 MR. LEVITON: Waga.
19
20 MR. WAGA: Waga.
21
22 MR. LEVITON: Does it rhyme with anything that'll help me
23 remember?
24
25 MR. WAGA: No, it's a Polish translation, direct means
26 weights and measures, never shortened.
27
28 MR. LEVITON: Outstanding.
29
30 MR. WAGA: Our family crest is a scale.
31
32 MR. LEVITON: Okay.
33
34 MR. WAGA: Yes.
35
36 MR. LEVITON: Good for you.
37
38 MR. WAGA: So, I'm in the right business, right?
39
40 MR. LEVITON: Completely. Board members, Mr. Waga is not an
41 attorney. He is an architect and he and Mrs. Cibelli will be
42 representing the application together.
43
44 MR. WAGA: Yes sir.
45
46 MR. LEVITON: Okay.
47
48

1 MR. MARMERO: And I believe you've testified here before,
2 the last application?

3
4 MR. WAGA: In August of 2023 on this application.

5
6 MR. MARMERO: No.

7
8 MR. LEVITON: Not this application.

9
10 MR. WAGA: Well a prior application, this applicant.

11
12 MR. LEVITON: Yes, this applicant. This is a brand new
13 application, yes.

14
15 MR. WAGA: Yes sir.

16
17 MR. LEVITON: Okay. So, you were here in August 2023 and
18 that application was withdrawn in September of '23.

19
20 MR. WAGA: Yes sir.

21
22 MR. LEVITON: Alright so it brings me to a point that I'd
23 like to make note of and put on the record, the agenda tonight,
24 counselor has the B.M.A.B., the board member agenda briefing.

25
26 MR. MARMERO: Yes.

27
28 MR. LEVITON: May 7, 2025, a year ago. I've never seen
29 B.M.A.B. on agenda.

30
31 MS. MOENCH: It should say '26, my apologies, Board must act
32 by.

33
34 MR. LEVITON: Anyway, for posterity and for the record,
35 would you explain?

36
37 MR. MARMERO: Sure.

38
39 MR. LEVITON: The procedural things that occurred relative
40 to this application?

41
42 MR. MARMERO: Sure, so before the testimony I can kind of
43 give the procedural history and the board's timeline to act under the
44 municipal land use law which is that B.M.A.B. acronym that you see
45 there. So, under New Jersey Land Use Law, once a zoning board
46 application is deemed complete, the board generally has a hundred and
47 twenty days to either approve or deny that application unless the
48 applicant consents to an extension of that deadline. If the board does

1 not act within that timeframe and if no extension was granted, the
2 application can potentially be deemed approved by default meaning it
3 could be an automatic approval. So the board has to pay very close
4 attention to those deadlines. So accordingly, when applications are
5 adjourned or carried, it's important that the board carefully track
6 and extend that time. So that's why it shows up on what you're looking
7 at. With respect to this matter, I think you kind of started summing
8 it up Mr. Chairman, so I think it was back in 2022 there was some
9 notices of violations that led to an application coming before this
10 board. That application was filed I think in April of '23 or so. That
11 prior application was different. It sought construction of a garage
12 and some other compliance measures. A public hearing on that
13 application was conducted on August 23, 2023. That application was
14 ultimately withdrawn by the applicant September 11, 2023. Following
15 that withdrawal, I think there was some additional code enforcement
16 activity and then we have the present application which was submitted
17 on August 19, 2025. That application was deemed complete. Shortly
18 thereafter which then established a board must act by date of January
19 15th of 2026, so a few months ago. We had a hearing scheduled November
20 6, 2025, I think there was a conflict at that time. As you know our
21 agendas get quite packed and they're booked in advance sometimes so I
22 think the next available hearing date was February 19, 2026. So the
23 applicant consented to an extension of the board must act by time to
24 February 20th of '26 to accommodate that. There was another scheduling
25 conflict. So, the applicant could not proceed on February 19th so then
26 it was rescheduled to tonight which obviously is May 7th and our board
27 must act by date is May 7th. So, this is our deadline to act on this
28 application and that brings us here to where we are.

29
30 MR. LEVITON: Thank you for the history.

31
32 MR. MARMERO: Sure.

33
34 MR. LEVITON: Sir, there will be a public portion where
35 you'll be invited to speak to the board and/or address Mr. Waga.

36
37 MALE VOICE: ---

38
39 MR. LEVITON: No, you may not sir. Procedurally, it's just
40 not appropriate at this time. You're going to get a chance. I promise
41 anybody that wants to talk will get to speak. Tonight, the board is in
42 receipt of correspondence from Mrs. Cibelli requesting that testimony
43 remain relevant to the application and that the proceedings remain
44 respectful and orderly, and this board fully intends to conduct a
45 hearing in that manner.

46
47 MRS. CIBELLI: Thank you.

48

1 MR. LEVITON: We'll consider testimony and evidence relevant
2 to the application before us and we'll give appropriate weight to
3 first hand observations and comments related to land use impacts. So,
4 everybody's going to get their chance.
5

6 MR. MARMERO: The only thing I would point out Mr. Chairman,
7 Mr. Waga did testify here before, was recognized as an expert. Would
8 you want to do that again this evening or do you need any background
9 credentials from Mr. Waga?
10

11 MR. LEVITON: I'm sorry I need you to say that again. I
12 didn't process any of it.
13

14 MR. MARMERO: He said he testified here before and was
15 recognized as an expert in the field of architecture. I don't know.
16

17 MR. LEVITON: Yes, yes, I thought we settled that a moment
18 ago, of course.
19

20 MR. MARMERO: Okay.
21

22 MR. LEVITON: He's been here before. The board accepts his
23 credentials and welcomes him back.
24

25 MR. WAGA: Chair, thank you.
26

27 MR. LEVITON: And apologizes for butchering his name.
28

29 MR. WAGA: That's okay, no offense taken. I just want to let
30 this board know that my license after thirty-two years is still in
31 good standing in this state and eight others. Okay, just to bring it
32 up to speed counsel.
33

34 MR. LEVITON: Okay.
35

36 MR. WAGA: Thank you.
37

38 MR. LEVITON: Before we continue, I just want to clarify one
39 item for the record regarding the Board's ability to view the
40 property. Mrs. Cibelli, as part of the application process, did you
41 grant permission for the board representatives to visit?
42

43 MRS. CIBELLI: Not a --- I don't remember if I did or not
44 quite honestly, but the Board members did come to my home back in
45 August of 2023 unscheduled, went onto my property without
46 authorization, and viewed the property without my knowing, and then
47 there were drone pictures recently taken back in March of, in
48 September of 2025 and June of 2025. Nothing has changed back there at

1 all. There's nothing officially written on the township website that
2 indicates that I have to authorize any unscheduled visits to my
3 property and I'm happy to arrange for anyone to come to my house if
4 they would want to schedule that with me going forward.
5

6 MR. LEVITON: Well, Mrs. Cibelli as part of the application,
7 as part of every application, applicants always sign a form indicating
8 that you give consent to view the property.
9

10 MRS. CIBELLI: Okay.
11

12 MR. LEVITON: That's why members showed up. In 2023 that was
13 part of a different application and.
14

15 MRS. CIBELLI: But they showed up and they trespassed on my
16 property.
17

18 MR. LEVITON: No, no ma'am.
19

20 MRS. CIBELLI: Yes, they did. They did not.
21

22 MR. LEVITON: There's no trespassing.
23

24 MRS. CIBELLI: There was no authorization from me as a
25 homeowner.
26

27 MR. LEVITON: Okay, well I'm not going to argue with you.
28

29 MRS. CIBELLI: I'm not either. I'm just stating a fact.
30

31 MR. LEVITON: Okay. John, you went out there to the
32 property. Tell us what happened.
33

34 MR. HARRINGTON: Like many other properties visit that I
35 would have, I went up to the door, knocked on the door to introduce
36 myself and asked for permission to go into the backyard knowing that
37 we did have something signed on the application that we do have
38 authorization to go back, but it's out of courtesy to double-check and
39 make sure everything's okay if we go back there. I don't know if you
40 have a dog back there. I know nothing that's in the backyard. I'm not
41 sure who answered the door, but I explained this to them and that's
42 when they went and they got you and then when Mrs. Cibelli came to the
43 door, Mrs. Cibelli basically said you need to leave.
44

45 MR. LEVITON: Okay, so I do want to direct your attention
46 Mrs. Cibelli to the screen on the wall. That is the form and I'm going
47 to read it into the record. It's your signature underneath it. It says
48 the applicant and owner realize that as part of the zoning board of

1 adjustment review of its application, the board may determine it
2 necessary or advisable to visit the subject premises for the purposes
3 of performing a site inspection and review. The applicant and owner do
4 hereby give permission to any member of the township's Manalapan
5 Zoning Board of Adjustment, Environmental Commission, as well as any
6 other township employee or officer to enter the subject premises for
7 the purposes of performing the site inspection and review, and you
8 signed and dated that in August of 2025 when you filed the
9 application.

10
11 MRS. CIBELLI: Can I speak to that?

12
13 MR. LEVITON: Of course.

14
15 MR. HARRINGTON: And I would like to just add one thing
16 because I want to correct my statement of you need to leave. You
17 didn't say those words specifically.

18
19 MRS. CIBELLI: I don't remember speaking to you at all. I
20 met a gentleman in my driveway who came to my house unscheduled and
21 said to me that he was here to look at my property and I walked him
22 back, but that was --- I've never spoken to anyone else except for you
23 Mr. Leviton and Mr. Pochopin.

24
25 MR. HARRINGTON: I'm sorry, were you speaking in '23 or we
26 speaking this year?

27
28 MRS. CIBELLI: This year, and back in '23, I only spoke to
29 one young woman who came to my driveway and said I'm here to look at
30 your property. That was not a scheduled visit with me. There was no
31 courtesy given to me. He just showed up unscheduled and I allowed that
32 individual to go back there and I showed him my property, but no other
33 person from this board member knocked on my door and spoke to me
34 directly about that except this past Saturday.

35
36 MR. LEVITON: John, I just want to wrap this up and then
37 move on.

38
39 MR. HARRINGTON: That's fine.

40
41 MR. LEVITON: To be, Dan, you were there.

42
43 MR. POCHOPIN: Yeah, I was just going to say for the record,
44 I was there Saturday and I accompanied John and that's when you said
45 you people were here three years ago and you should've made an
46 appointment. Right? I mean that's what you said. So, then we just said
47 okay, well that's fine, sorry to bother you and we proceeded to leave.
48 We didn't trespass.

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MR. LEVITON: Just to be clear they were denied access to the rear of the property. Correct? They were not allowed into the backyard? And now you can give your reason for that if it pleases you, okay.

MRS. CIBELLI: Okay, I would appreciate that.

MR. LEVITON: Would you state for the record they were denied admittance into the rear of the property please?

MRS. CIBELLI: Back in '23?

MR. LEVITON: No.

MRS. CIBELLI: This year?

MR. LEVITON: Yeah.

MRS. CIBELLI: Yes, I will say that.

MR. LEVITON: Okay.

MRS. CIBELLI: Yes, I agree to that. I came out onto my porch at 10:30 in the morning and said this is not happening and I gave my reasons why as well, so.

MR. LEVITON: Tell us now for the record what are your reasons why weren't board members permitted to go back and see.

MRS. CIBELLI: So again, I looked at the township website and there's no published rule on the township site that says I must permit unscheduled access to board members to my property. They can observe from the public access. Nothing publicly posted appeared to require me to admit them without notice. You coming to my house at 10:30 in the morning where I just woke up. I had a rough morning health wise and asking me to look at my back property with no scheduling, nothing. That would've been a courtesy to me as an owner and protecting my own privacy.

MR. LEVITON: I understand.

MRS. CIBELLI: Because of the prior and again, this was not the first time it happened three years ago where it was an unannounced visit. It really should be scheduled with members of the township with owners of the homes in this township.

1 MR. LEVITON: Okay.

2
3 MRS. CIBELLI: I'm happy for you to come.

4
5 MR. LEVITON: So, what the Board members were doing was they
6 were attempting to clarify the existing conditions, not conditions
7 from three years ago, but what's there now, and it's fine that you
8 didn't let them. That's where we're at and we're going to move on.
9 We're going to make our findings tonight based on what is offered into
10 evidence in the way of testimony and from first hand observations.

11
12 MRS. CIBELLI: Right. So, the other thing I want to add to
13 that is that back in '23 there was an observation of the property and
14 the back. Also, in March of 2025 and September of 2025 there were
15 drone images of my home and my backyard taken. So, I felt that you had
16 the evidence that you needed and the information you needed for this
17 meeting.

18
19 MR. LEVITON: Thank you Mrs. Cibelli.

20
21 MRS. CIBELLI: Thank you.

22
23 MR. LEVITON: You're welcome. Okay, let me clarify your
24 purpose for tonight. You're here to legitimize the driveway and the
25 front porch.

26
27 MR. WAGA: Yes sir.

28
29 MR. LEVITON: Alright, I have some questions. First, can you
30 clarify whether all existing structures are reflected on the plans
31 submitted with the application?

32
33 MR. WAGA: The plan that's submitted on the application,
34 everything if I have it, I have it here.

35
36 MR. LEVITON: No, no I want to know.

37
38 MR. WAGA: Okay.

39
40 MR. LEVITON: So that, you're about to reference.

41
42 MR. WAGA: Yes sir, sheet A1 which is in front of this
43 board.

44
45 MR. LEVITON: That's the survey.

46
47 MR. WAGA: Correct.

48

1 MR. LEVITON: And is part of the board's packet.

2
3 MR. WAGA: Yes.

4
5 MR. LEVITON: And I'm asking are all of the structures in
6 the backyard reflected on this survey?

7
8 MR. WAGA: No sir.

9
10 MR. LEVITON: Okay.

11
12 MR. WAGA: No sir.

13
14 MR. LEVITON: Alright so let's talk about the porch. Can you
15 describe Mrs. Cibelli the porch that's currently on the property
16 please?

17
18 MRS. CIBELLI: Yes, so it's a porch on the front end of the
19 house, the length of the house, the dwelling part of the house. It
20 doesn't extend past the dwelling or to the garage. It is covered. It
21 has three steps in the front. It is paved with a stone front on the
22 front of the house and it's just a seating area, covered. It has
23 lights. It has fans for the summer months.

24
25 MR. LEVITON: And that porch is constructed, it exists.
26 Correct?

27
28 MRS. CIBELLI: Correct.

29
30 MR. LEVITON: And how far does it extend into the required
31 front setback?

32
33 MR. WAGA: If I can answer that.

34
35 MR. LEVITON: Sure.

36
37 MR. WAGA: Sure, approximately four feet.

38
39 MR. LEVITON: Four feet.

40
41 MR. WAGA: Yeah.

42
43 MR. LEVITON: It's a seventy-five foot setback.

44
45 MR. WAGA: Correct.

46
47 MR. LEVITON: And you're seventy-one feet.

48

1 MR. WAGA: Yes sir.
2
3 MR. LEVITON: It's a four foot encroachment.
4
5 MR. WAGA: Yes sir.
6
7 MR. LEVITON: Would you characterize that as de minimis?
8
9 MR. WAGA: It's less than ten percent, I would think so.
10
11 MR. LEVITON: Okay.
12
13 MR. WAGA: Yes sir.
14
15 MR. LEVITON: Alright. Was that constructed without prior
16 zoning approval?
17
18 MR. WAGA: I'm not aware of that. When I arrived to the
19 home, I first started --- the Cibelli's became my client back about
20 twelve or thirteen years ago.
21
22 MR. LEVITON: Then I'll ask Mrs. Cibelli.
23
24 MRS. CIBELLI: Yes, it was not. It was built without
25 permits.
26
27 MR. LEVITON: Okay.
28
29 MR. WAGA: Okay.
30
31 MR. LEVITON: Am I saying your name correctly? He called you
32 Cibelli.
33
34 MRS. CIBELLI: Cibelli, yeah.
35
36 MR. LEVITON: It's Cibelli with a, like a "CH" sound?
37
38 MRS. CIBELLI: Yes, that's the Italian way.
39
40 MR. LEVITON: Zero for two. Okay, does the porch have a
41 traditional look and is it consistent with other homes on the street?
42
43 MRS. CIBELLI: It does have a traditional look. It has a
44 baluster, steps. It has a stone front on the house. There's nothing
45 there that has any extraordinary differences. It's a white fence. It's
46 a white banister rail.
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MR. LEVITON: Would you agree that it represents an aesthetic improvement without creating a substantial impact on the neighborhood or the streetscape?

MRS. CIBELLI: Yes, I do. Just want to note that we did have a u-shaped kind of patio in front of the house when we first bought it. It had a rotunda on top with metal on it. It was covered. We removed that and just extended the porch to the length of the dwelling.

MR. LEVITON: Okay, let's talk about the driveway. Can you confirm that the driveway exists and is on the property today?

MRS. CIBELLI: Yes.

MR. LEVITON: The rear driveway. Okay, and what is the setback provided to the rear property line?

MR. WAGA: If I may.

MR. LEVITON: Yes.

MR. WAGA: Go to my board Chair.

MR. LEVITON: Sure.

MR. WAGA: So, we're currently.

MS. MOENCH: You need a microphone.

MR. LEVITON: Oh yeah.

MR. WAGA: I'm sorry.

MR. LEVITON: It's alright.

MR. WAGA: Can I carry my voice?

MR. LEVITON: No sir.

MR. WAGA: It's not going to work? Okay.

MR. LEVITON: All zoning board proceedings are recorded.

MR. WAGA: Yes.

MR. LEVITON: And then later transcribed.

1
2 MR. WAGA: Sure. So, we're currently encroaching --- The
3 distance from the property line to the current concrete pad is
4 approximately four feet.
5

6 MR. LEVITON: Now that's a discrepancy with what the
7 reporting from Mr. Boccanfuso told us. His report indicates that it's
8 a fifteen foot rear yard setback and that the driveway exists less
9 than one foot, .08 feet, from the rear yard lot line.
10

11 MR. WAGA: Let me view my survey or the surveyor's.
12

13 MR. LEVITON: It's okay. While you do that, let me ask Mrs.
14 Cibelli.
15

16 MR. WAGA: It is true, point eight.
17

18 MR. LEVITON: Point eight?
19

20 MR. WAGA: Yes sir.
21

22 MR. LEVITON: Okay, would you characterize that as de
23 minimis?
24

25 MR. WAGA: No.
26

27 MR. LEVITON: That's not?
28

29 MR. WAGA: No.
30

31 MR. LEVITON: Okay. Mrs. Cibelli, was that constructed with
32 prior zoning approval?
33

34 MRS. CIBELLI: No, it was not.
35

36 MR. LEVITON: Okay. How is that rear yard driveway currently
37 used?
38

39 MRS. CIBELLI: We just put our cars back there.
40

41 MS. MOENCH: We can't hear her.
42

43 MRS. CIBELLI: We put our cars back there.
44

45 MR. LEVITON: You put your cars back there. How many
46 vehicles does it typically accommodate?
47

1 MRS. CIBELLI: It can accommodate, well we have a Ski-Doo
2 back there, my daughter's Ski-Doo.
3
4 MR. LEVITON: A Ski-Doo?
5
6 MRS. CIBELLI: Yeah.
7
8 MR. LEVITON: What is a Ski-Doo?
9
10 MRS. CIBELLI: It's a watercraft.
11
12 MR. LEVITON: Oh a watercraft. Oh it's like a four-wheeler
13 for?
14
15 MR. WECHSLER: Like a jet ski.
16
17 MR. LEVITON: Like a jet ski.
18
19 MRS. CIBELLI: Yeah, we have a jet ski back there. So, we
20 have the jet ski.
21
22 MR. LEVITON: Thank you Michael.
23
24 MRS. CIBELLI: We have my husband's work van as well as his
25 truck and we have my daughter's pickup truck, my truck.
26
27 MR. LEVITON: Does it connect to any structures or areas of
28 the property used for parking or storage?
29
30 MRS. CIBELLI: No.
31
32 MR. LEVITON: It doesn't?
33
34 MRS. CIBELLI: Does not. There's no storage back there.
35
36 MR. LEVITON: Were construction permits obtained before it
37 was built?
38
39 MRS. CIBELLI: No.
40
41 MR. LEVITON: Are there any permits related to this driveway
42 that have been issued or closed?
43
44 MRS. CIBELLI: For the driveway?
45
46 MR. LEVITON: Yes.
47

1 MRS. CIBELLI: No. This is why we're here because we want to
2 clear the variance so that we can get issued the permit to show that
3 it's built. Get clearance and that way we can move forward.
4

5 MR. LEVITON: Okay. Mr. Waga, you've submitted a three-page
6 document in addition to the survey and I believe it's titled
7 alterations or proposed alterations.
8

9 MR. WAGA: Yes.
10

11 MR. LEVITON: On the first one on the first page, you have
12 it looks like a proposal to cut back the driveway.
13

14 MR. WAGA: Yes, we're looking to relieve that variance,
15 comply with the fifteen foot buffer that's mandated for the entire
16 area of the surface of that concrete area that's paved.
17

18 MR. LEVITON: And how will what's left between the end of
19 the driveway and the rear yard line be restored? Is it going to be
20 grass? Is it going to be soil? Is there a buffer going to be going in?
21

22 MR. WAGA: It'll either be a planted buffer. They do have
23 numerous arborvitaes along the perimeter as you may have noticed. It
24 might be mulched. Okay, there's a chain-link. There's a common fence
25 that stretches across the entire two hundred feet between the various
26 neighbors that buffer to the west. So, it'll either be planted or
27 mulched to maintain that integrity. We want to relieve that as a
28 variance and make that a condition of approval.
29

30 MR. LEVITON: And will the proposed modifications to that
31 driveway require permits?
32

33 MR. WAGA: If there are demolition permits required, we'll
34 review those either with Janice and Brian or we'll submit those to
35 John and the Building Department.
36

37 MR. LEVITON: Would you talk to us about the easement back
38 there?
39

40 MR. WAGA: Sure. There is a fifteen foot utilities easement
41 that is captured on again the western portion of the property and that
42 doubles up most likely on the opposite neighbor's side or neighbor's
43 side. So that will no longer be affected by the walkway.
44

45 MR. LEVITON: Okay so to be clear, you're going to get
46 permits prior to any work being begun? Mrs. Cibelli, I see you nodding
47 your head in the affirmative. You can just say yes.
48

1 MRS. CIBELLI: Yes.

2

3 MR. LEVITON: So that the --- okay. Counselor, I'm going to
4 ask that as a condition of approval.

5

6 MR. MARMERO: Ahead of you.

7

8 MR. LEVITON: What's that?

9

10 MR. MARMERO: One step ahead. I'm already, yup.

11

12 MR. LEVITON: You're taking copious notes?

13

14 MR. MARMERO: Yup, absolutely.

15

16 MR. LEVITON: Okay. Alright, so with these proposed changes
17 Mr. Waga, Mrs. Cibelli, you're no longer seeking any variance relief
18 for the rear yard driveway.

19

20 MR. WAGA: Correct Chair.

21

22 MR. LEVITON: Okay, for the record --- for the record the
23 board is in receipt of a review memorandum from the township zoning
24 officer and also the township engineer, they're one in the same, Mr.
25 Boccanfuso, dated September 23, 2025. Based on that memo, there are
26 multiple outstanding compliance issues and discrepancies that remain
27 unresolved. I'd like you Mr. Waga or Mrs. Cibelli to address the
28 points in the memo, please.

29

30 MR. WAGA: Would you like me to read the point and then we
31 have an answer or do we just address it numerically?

32

33 MR. LEVITON: Whatever pleases you. I need to get it on the
34 record because we're going to evaluate the entirety of the
35 application.

36

37 MR. WAGA: Sure.

38

39 MR. LEVITON: Okay.

40

41 MR. WAGA: No, no I'll recite it. I'll recite it. Okay? So
42 the applicant purchased the property in and around July of 2007. Since
43 that time a substantial amount of work has been done on the dwelling
44 and the property without permits including, but not limited to
45 lowercase a, construction of a covered front porch with non-compliant
46 front setback.

47

1 MR. LEVITON: Hold on, let me interrupt. I'm going to try to
2 organize it better. You're right. There's a better way to do it. My
3 attorney's taking notes and God bless him. He doesn't miss anything,
4 but if we can make it easier.

5
6 MRS. CIBELLI: Are you referring to item one?

7
8 MR. LEVITON: I'm not looking at it.

9
10 MS. MOENCH: It's on the board.

11
12 MR. LEVITON: It's up on the board. I can't see it. Is it
13 item one Brian? Are violations number one?

14
15 MR. BOCCANFUSO: Mr. Chairman.

16
17 MR. LEVITON: Yeah.

18
19 MR. BOCCANFUSO: I'm certainly mindful of your efforts to be
20 as concise and save Al some writer's cramp here, but to just simply
21 recite the violations given the history it would be complicated. I
22 think that the best way is at least for Mr. Waga to go through the
23 comments in the report item by item. Not necessarily read them
24 verbatim, but at least go through them item by item and address them.
25 Some of these things do need to be read item by item whereas others
26 you can perhaps summarize. I'll jump in if and where appropriate, but
27 just to ensure that nothing gets missed I think that trying to
28 summarize and bounce around is going to end up costing us more time
29 than it would take to simply go through the report.

30
31 MR. LEVITON: Thank you sir.

32
33 MR. WAGA: Okay so we'll just 1A then. I won't recite the
34 actual comment. It is regarding the covered porch. Permits or
35 construction permits will be applied for. We'll address it with
36 construction documents reflecting same, and then the Cibelli's will
37 submit to building department for permit approval. That's 1A. 1B, the
38 roof overhang on the side of the house. Again, drawings were prepared
39 by my office and we have those drawings and we will update those
40 drawings to reflect current residential code New Jersey edition or
41 current New Jersey edition residential codes. 1C, concrete,
42 construction of the concrete driveway expansion with non-compliant
43 rear yard setback, we just addressed that. We will now comply. That
44 will no longer be a variance. Sheds, the two sheds on the property are
45 canopied. We provided on the A1 sheet for your review this evening,
46 just a master plan. I've been in direct communication with zoning,
47 Janice, and Brian on numerous occasions and we felt it best to provide
48 this board with a master plan, moving forward, so you can see that

1 anything we do will be in compliance. So that is all reflected on
2 that. Once the garage is constructed, the garage that will comply with
3 the borough's ordinance, we will then remove the sheds, but right now
4 again I can't. I'll defer that question of the contents of the shed
5 because I know they're personal items. So that I defer to Mrs. Cibelli
6 at the board's pleasure. Construction, installation of patios and
7 walkways, again permits will be submitted in concurrence with all
8 other permits. So, it'll reflect an entire scope under one permit
9 jacket, okay. Item number two.

10
11 MR. BOCCANFUSO: Before we move on Mr. Waga from item number
12 one. Item 1B talks about the roof overhang on the side of the
13 dwelling.

14
15 MR. WAGA: Yes.

16
17 MR. BOCCANFUSO: This roof overhang was constructed without
18 permits in 2017. In late 2017, a violation stop work order was issued
19 by the construction department. Subsequent to that, a permit was
20 obtained, but that permit was never closed out.

21
22 MR. WAGA: Okay.

23
24 MR. BOCCANFUSO: Not only was it never closed out, no
25 inspections were called for, and this matter was brought to Ms.
26 Cibelli's attention and your attention when we had a meeting here in
27 Town Hall a year ago.

28
29 MR. WAGA: Correct.

30
31 MR. BOCCANFUSO: The direction that I gave you at that time
32 was to speak with the construction department about the status of the
33 permit and do what was necessary to close the loop on it. What has
34 been done to address that matter since that time?

35
36 MRS. CIBELLI: We have not submitted any new permits. That's
37 why we're doing that now.

38
39 MR. BOCCANFUSO: No, no not new permits. The existing permit
40 that you obtained that was never closed out.

41
42 MRS. CIBELLI: I did nothing with it.

43
44 MR. BOCCANFUSO: Excuse me, that was never closed out, that
45 you never called for inspections on. We spoke about this a year ago
46 when we had the meeting in the room right next door and I directed you
47 to speak with the construction department about the status of that
48 permit, seeking inspections, pay the fines. The fines have accrued and

1 they automatically accrue. Right now, they're in the ballpark of \$3.1
2 million. Certainly not something you're going to pay, but that's a
3 testament to the fact of how long they have been accruing, and the
4 direction I gave you was to speak with the construction department.
5 Based upon the report I received from the construction department this
6 week, there was no effort made whatsoever to contact them about the
7 status of this active permit. So, is there any reason that you did not
8 seek to close the permit and address the outstanding issues associated
9 with it?

10
11 MRS. CIBELLI: During that time when we met, I clearly
12 stated that I did not know that there were fines being applied to that
13 permit and I knew that it was open, but from personal standpoint I was
14 very sick over that period of time and was not able to go down to the
15 construction department to declare that permit.

16
17 MS. MOENCH: I think she did meet with John.

18
19 MR. BOCCANFUSO: Okay so you didn't go down. Did you call
20 them or email them?

21
22 MRS. CIBELLI: No, I was sick. I was in the hospital.

23
24 MR. BOCCANFUSO: Understood.

25
26 MR. LEVITON: Okay, Mr. Boccanfuso.

27
28 MR. BOCCANFUSO: Yes.

29
30 MR. LEVITON: Mrs. Cibelli, I'm going to ask that they fully
31 close out all required permits for previously-constructed improvements
32 including, but not limited to that roof overhang.

33
34 MR. BOCCANFUSO: Sure.

35
36 MR. LEVITON: Basement access.

37
38 MR. BOCCANFUSO: Okay.

39
40 MR. LEVITON: All of it.

41
42 MR. BOCCANFUSO: There's additional comments later in the
43 report that we'll get to about outstanding issues and things of that
44 nature. I just was seeking clarification as to, I think Mr. Waga
45 indicated he would get the permits. I wanted the record to be clear
46 that permits were issued eight years ago, but they are still
47 outstanding and based upon the records of the construction department
48 there's been no follow up, no call for inspections, no efforts to

1 close them, nothing of the sort. Also, with regard to item D and the
2 numerous accessory structures, sheds, etc., some of which have been
3 removed, as Mr. Waga indicated earlier the survey submitted does not
4 depict all structures that are in the rear yard and we will get into
5 that in a little bit further detail with one of the later comments.

6
7 MR. LEVITON: I'd like to get into it now because Mr. Waga
8 testified that they're not going to be removed until after the garage
9 is built and I just want to let Mrs. Cibelli know that that's not
10 going to happen.

11
12 MRS. CIBELLI: Okay so.

13
14 MR. LEVITON: I'm going to insist as a condition if your
15 application is going to be approved tonight.

16
17 MRS. CIBELI: Okay.

18
19 MR. LEVITON: That all accessory structures and improvements
20 not in compliance with our ordinances including sheds or similar
21 structures, they're going to have to be removed and we're going to set
22 a time limit. We can talk about that time limit.

23
24 MR. BOCCANFUSO: Alright Mr. Chairman if you'd like to get
25 into the structures specifically.

26
27 MRS. CIBELLI: Can I say something please?

28
29 MR. LEVITON: Yes, of course.

30
31 MRS. CIBELLI: So, we have removed all of the sheds that
32 were previously on the property back in 2023 except for one. We are
33 permitted to have one shed.

34
35 MR. LEVITON: You are.

36
37 MRS. CIBELLI: So there's one shed, one U-shaped shed that
38 is out of compliance and we intend on getting rid of that shed and the
39 reason why we have that shed is because we wanted to build that two-
40 car garage that is compliant with township ordinances so that we can
41 put the contents of that in that shed, but the intention is to get rid
42 of that shed. We've gotten rid of every other shed that is on that
43 property and I also want to note that throughout this township, and
44 even on my block there are several residences that have two to three
45 sheds on their property.

46
47 MR. LEVITON: Mrs. Cibelli, all that's before this board
48 this evening is your application.

1
2 MRS. CIBELLI: Correct.

3
4 MR. LEVITON: Your front porch and your rear driveway. If it
5 is going to please you, then please file a complaint and we'll address
6 it. We have people to do that. It won't be me personally. Mrs.
7 Cibelli, they're going to have to come down and we're going to impose
8 a time frame.

9
10 MRS. CIBELLI: Okay.

11
12 MR. LEVITON: Okay.

13
14 MR. BOCCANFUSO: So, Mr. Chairman if you'd like to talk
15 about the structures on the property in detail while we're on the
16 topic instead of when we get to it.

17
18 MR. LEVITON: Well, we can't because we don't really know
19 what's back there.

20
21 MR. BOCCANFUSO: Oh, we do. We have, I know Mrs. Cibelli
22 indicated that there were drone photos taken of the property. I don't
23 know anything about that. However, there are publicly available aerial
24 images of the property that are on the screen right now. They're
25 available to anyone with internet access and those images which are
26 rather clear and updated several times per year do clearly show there
27 are several structures on the property that are not shown on the
28 survey that includes at least two pool house-style accessory
29 structures roughly 180 square feet each. They're shown on an aerial
30 image from March 26th plus or minus of this year. I performed the site
31 observation just yesterday morning. They are still present on the
32 property. One is located basically if you're looking at the site plan
33 adjacent to the outhouse. The other is located at or near the
34 northerly property line. These are accessory structures. They require
35 permits. They were erected without permits. They are in addition to
36 several other accessory structures on the property. They were notices
37 of violation and summons were issued for them roughly a year ago.
38 They're still present, and they were present at the time that the
39 survey was prepared, which really gives me some concern because a
40 licensed surveyor is supposed to accurately depict all the
41 improvements on the property. In this case for some reason, they
42 excluded those structures. So, my question is how are those structures
43 used?

44
45 MRS. CIBELLI: So, the permits were not obtained at the time
46 they were built. We plan on submitting plans to construct, for
47 construction, with the zoning board once the variances were this
48 evening were discussed. Now the two structures are accessory

1 structures. We have what we call a little barbecue hut. So, when we
2 have guests over, the barbecue is kind of tucked away, not in the
3 seating area where everyone is, and then we have a bathroom that's
4 outside that we use for our guests. The intention was back in 2023
5 that we would have a bathroom within the garage, but that was. We
6 pulled that off of the table.

7
8 MR. LEVITON: So, the outhouse is the bathroom?

9
10 MRS. CIBELLI: Yes, it's a bathroom.

11
12 MR. LEVITON: And the hoop-style structure next to that,
13 that's where you barbecue?

14
15 MRS. CIBELLI: No, the barbecue is on the other side.

16
17 MR. LEVITON: The other side. What is the hoop structure
18 next to the outhouse?

19
20 MRS. CIBELLI: It's my shed. It's a shed. It's storage.

21
22 MR. LEVITON: That's a shed?

23
24 MRS. CIBELLI: Yeah.

25
26 MR. LEVITON: How many sheds are there?

27
28 MRS. CIBELLI: Just one other one. There are two hoop sheds.

29
30 MR. LEVITON: Brian?

31
32 MRS. CIBELLI: One, that's right next to the outhouse. The
33 other one is on the opposite side, the northeast side of the house.

34
35 MR. LEVITON: Okay. Brian, can you?

36
37 MR. BOCCANFUSO: Well, I mean, the question I asked was how
38 are the hoop house structures used.

39
40 MRS. CIBELLI: The hoop houses?

41
42 MR. BOCCANFUSO: Yes.

43
44 MRS. CIBELLI: Oh, one has our lawn equipment in it. The
45 other one has the equipment that we use to fix our cars. My husband
46 fixes cars and our cars in the driveway.

47
48 MR. BOCCANFUSO: What type of car repair equipment?

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MRS. CIBELLI: Tires, oil, typical. Nothing, no lifts or anything, just regular.

MR. BOCCANFUSO: So which structure do you keep the car repair equipment in?

MRS. CIBELLI: In the back one towards the north of the house.

MR. BOCCANFUSO: The one that's near the property line on the right hand side?

MRS. CIBELLI: Correct.

MR. BOCCANFUSO: Why would you keep?

MRS. CIBELLI: No, towards north by north east on the north side of the house, not southwest of the house.

MR. BOCCANFUSO: The north if you're standing on Washingtons Advance looking at the house, the right side is the north side?

MRS. CIBELLI: Correct, that's where it is.

MR. BOCCANFUSO: So, you keep, your driveways on the opposite left side.

MRS. CIBELLI: Correct.

MR. BOCCANFUSO: Where you have an attached garage and you keep all your car repair equipment on the right side, on the opposite side of the property?

MRS. CIBELLI: Yes, because we use the shed that's right next to the driveway for our lawn equipment.

MR. BOCCANFUSO: Why wouldn't you keep the lawn equipment in the lawn area?

MRS. CIBELLI: Because it's easier to get out on the driveway to go cut the lawn.

MR. BOCCANFUSO: Okay. I point out that car repairs strictly limited in our zoning ordinance. You are permitted to work on your own vehicles, but within limitations.

1 MRS. CIBELLI: Yeah, we do brakes. We change our oil, tires,
2 just general repair on the cars. There's no lifts. There are no major
3 repairs happening on the cars.

4
5 MR. BOCCANFUSO: So, what equipment? Why do you need a
6 hundred and eighty square foot structure for?

7
8 MRS. CIBELLI: We have a lot of cars.

9
10 MR. BOCCANFUSO: Yeah, but you said you keep the equipment
11 in the ---

12
13 MRS. CIBELLI: Yeah, our tires. The tires on my truck alone
14 are enormous.

15
16 MR. BOCCANFUSO: A hundred and eighty square feet?

17
18 MR. LEVITON: Brian, she's going to have to take it down.

19
20 MR. BOCCANFUSO: I understand. I'm trying to see because the
21 board is going to impose a timeline on the removal of these
22 structures, and the explanation that there's time needed to move the
23 contents of these structures that aren't supposed to be there in the
24 first place is not going to be a valid reason why these structures
25 aren't going to be removed within whatever timeline the board.

26
27 MR. LEVITON: Absolutely not. I absolutely agree one hundred
28 percent.

29
30 MR. BOCCANFUSO: So, I'm trying to understand and I still
31 don't quite frankly, but that's okay why structures of this size are
32 needed for the types of things that Mrs. Cibelli is stating.

33
34 MR. LEVITON: And Mrs. Cibelli wants to build her garage and
35 she's going to have to comply with all the conditions that this board
36 sets upon this application if it's inclined to approve it. She's going
37 to have to comply with everything that we set forth in the way of a
38 condition.

39
40 MR. BOCCANFUSO: Okay.

41
42 MR. LEVITON: And we're going to insist that she take down
43 those accessory structures including hoop-style sheds and whatever
44 else is back there that we know or don't know about subject to
45 township oversight.

46
47 MR. BOCCANFUSO: Okay so moving onto some other structures
48 and improvements that are not shown on the survey, in the back rear of

1 the property, the right rear, so the northwesterly corner, there is a
2 fence or a gate, a wood fence identified. What is that area and how is
3 it used?

4
5 MRS. CIBELLI: It's my dog run.

6
7 MR. BOCCANFUSO: Okay. Now there's also a structure in there
8 that's clearly visible.

9
10 MRS. CIBELLI: A dog house.

11
12 MR. BOCCANFUSO: It is a dog house, okay. And it's just used
13 for the typical things a dog need? Okay, got it. Alright, in addition
14 there is a fabric fence around the property. This was installed
15 sometime in the past year or two, no permits obtained. Why were no
16 permits obtained for a fence that was erected?

17
18 MRS. CIBELLI: Well, it's a temporary fence. It retracts. It
19 goes down and I put it up because we get a lot of leaves on the lawn.
20 We get a lot of leaves on the driveway. That fence helps kind of
21 prevent things from going. The deer that run through our backyard eat
22 things, our garden. We have a garden there on that side as well and a
23 garden on the south side of the property. So, we have this fabric
24 fence that we use to kind of keep animals out, but it is retractable.
25 It falls down. We keep our garbage pails behind there as well.

26
27 MR. BOCCANFUSO: Fences require permit. In addition, fabric
28 fences are prohibited by ordinance.

29
30 MRS. CIBELLI: Okay so I'll take it down.

31
32 MR. BOCCANFUSO: Fences of that nature are not going to stop
33 deer. I'd also point out that you have what appears to be a fence
34 around your garden on the southerly side of the property already. On
35 the left hand side, it's your driveway? That's enclosed by a fence, is
36 it not?

37
38 MRS. CIBELLI: Yes, but I have another one, another garden
39 on the north side of the house that has fruit trees.

40
41 MR. BOCCANFUSO: Okay. Is that enclosed by a fence?

42
43 MRS. CIBELLI: It's like a wire fence. It's a short wire
44 fence that keeps the deer out.

45
46 MR. BOCCANFUSO: Okay.

47

1 MR. LEVITON: Wait, she's going to have to take the fence
2 down clearly. It's going to be another condition, but I want to know
3 about, Mrs. Cibelli, he's talking about a fabric fence that encloses
4 the property. I drove by and saw fabric covering the backyard where
5 the opening exists next to the existing garage leading to the back
6 driveway. Is that part of the fence he's talking about?
7

8 MRS. CIBELLI: That's what he's talking about. That fence
9 and the fence on the other side.
10

11 MR. LEVITON: Brian, is that correct? That's what you're
12 talking about?
13

14 MR. BOCCANFUSO: Yeah, it looks almost like a --- fence.
15

16 MRS. CIBELLI: It's green mesh.
17

18 MR. LEVITON: Yeah.
19

20 MR. BOCCANFUSO: But taller.
21

22 MR. LEVITON: Yeah, okay.
23

24 MR. BOCCANFUSO: It does appear to be temporary in nature.
25 Although I've been by the site many times.
26

27 MR. LEVITON: You have to come down.
28

29 MR. BOCCANFUSO: In the past couple of years, I've never
30 seen it down.
31

32 MR. LEVITON: you have to come down.
33

34 MR. BOCCANFUSO: It's just simply not permitted because our
35 ordinance does specifically prohibit fabric fences.
36

37 MR. LEVITON: Okay, continue sir.
38

39 MR. BOCCANFUSO: Okay, a little bit about some improvements
40 that are shown on the survey. These were detailed in item seven in my
41 report. The first one is identifiable as an outhouse. It's roughly
42 fifty-six square feet and Mrs. Cibelli indicated that it is in fact an
43 outhouse. Were any permits obtained for the outhouse?
44

45 MRS. CIBELLI: No, there were no permits obtained when they
46 were built and we plan on putting permits in place for that, for the
47 construction that's currently there.
48

1 MR. LEVITON: It's going to have to be done before
2 construction begins as a condition tonight.

3
4 MR. BOCCANFUSO: Where does the effluent from the outhouse
5 go?

6
7 MRS. CIBELLI: I don't have that detail. I would have to
8 come back to you with that information.

9
10 MR. LEVITON: It's okay because if it's not appropriate she
11 won't get permitted.

12
13 MR. BOCCANFUSO: Is the property on septic?

14
15 MRS. CIBELLI: No.

16
17 MR. BOCCANFUSO: You're connected to public sewer?

18
19 MRS. CIBELLI: Yes.

20
21 MR. BOCCANFUSO: Your application indicated that you were on
22 septic.

23
24 MRS. CIBELLI: We are not on septic.

25
26 MR. BOCCANFUSO: Okay. So, is the, you don't know if the
27 outhouse is connected to that public sewer?

28
29 MRS. CIBELLI: I don't have that information in front of me
30 right now, but I can provide it, but it should be connected to the
31 sewer, yes.

32
33 MR. BOCCANFUSO: Okay.

34
35 MR. LEVITON: Construction will handle all of that. Won't
36 they?

37
38 MR. BOCCANFUSO: Yes.

39
40 MR. LEVITON: Okay.

41
42 MR. BOCCANFUSO: Okay. Also shown is a plus or minus
43 seventy-four square foot gazebo. Were any permits obtained for that
44 structure?

45
46 MRS. CIBELLI: No, for that same question permits will be
47 put in for that as well. It's a temporary piece so it's a temporary

1 piece. We're planning on taking it down. It's not something that's
2 going to stay

3
4 MR. BOCCANFUSO: Okay. How is the gazebo used?

5
6 MRS. CIBELLI: We have a barbecue on it, that's it. We have
7 a barbecue with a little shelf for barbecue utilities, how you cook.

8
9 MR. LEVITON: Where does? Where is it Brian?

10
11 MR. BOCCANFUSO: Well, the gazebo is shown on the survey
12 directly behind the house. Aerial images show that it's been relocated
13 to, there it is right there on the kind of the left hand side of the
14 screen.

15
16 MR. LEVITON: That's the gazebo? Okay.

17
18 MRS. CIBELLI: And it's open. There's no walls around it. It
19 is completely open.

20
21 MR. BOCCANFUSO: My September 23, 2025 report item number
22 seven indicated that you should provide an associated picture exhibit
23 for review. Has that been brought here tonight?

24
25 MRS. CIBELLI: No, it has not.

26
27 MR. BOCCANFUSO: It has not?

28
29 MRS. CIBELLI: No.

30
31 MR. BOCCANFUSO: So, you don't have any visual
32 representation of these gazebos or the outhouse?

33
34 MRS. CIBELLI: No, but again I can provide that.

35
36 MR. BOCCANFUSO: Why?

37
38 MR. LEVITON: Yeah, but you were asked to bring it tonight
39 is what he's saying and I am sympathetic to you and I almost don't
40 want to make you take down your gazebo, but without visual evidence,
41 without pictures that we asked you to bring and with not letting board
42 members go back and determine what was there for ourselves, we have to
43 go with what's on the record and I don't know how the rest of the
44 board is going to feel, but we'll feel them out later. But this, in my
45 mind, that's going to be an open issue and we'll talk to them about
46 it. Continue, Brian.

47
48

1 MR. BOCCANFUSO: Okay so I think that is the sum of the
2 structures on the property. Those were discussed in items seven and
3 nine of my report. Mr. Waga had addressed item number one so if I
4 could just return his attention to paragraph two and we can kind of
5 reconvene from there.

6
7 MR. LEVITON: Okay Mr. Waga, you're back up.

8
9 MR. WAGA: Thank you. So again after, that's just a general
10 comment. It appears that after the meeting in August of '23 that the
11 application was withdrawn due to family personal issues, and that
12 closes out item number two. Item number three, most of these non-
13 compliant issues have been resolved. See the list in number four, the
14 multiple sheds 4A. Again, we've discussed that. Storage trailers have
15 been removed from the property. The trash receptacles have been moved
16 to behind the trees on the northeast side of the house. No longer
17 visible from the street. The vehicles are illegally parked at the
18 existing driveway and on the street. No vehicles are parked on the
19 lawn area on the right side or anywhere else, and the applicant will
20 be submitting permits for 4F, for all work performed that we've
21 discussed.

22
23 MR. BOCCAFUSO: Okay so with regard to item four, there was
24 a court hearing for these summonses. Is that correct?

25
26 MRS. CIBELLI: Correct.

27
28 MR. BOCCANFUSO: And fines were assessed at that time?

29
30 MRS. CIBELLI: Correct and paid.

31
32 MR. BOCCANFUSO: Was there any direction by the court given
33 as far as timing of corrective work or anything along those lines?

34
35 MRS. CIBELLI: No.

36
37 MR. BOCCANFUSO: No, they just simply said pay the fines
38 and?

39
40 MRS. CIBELLI: Correct.

41
42 MR. BOCCANFUSO: Move on from there.

43
44 MRS. CIBELLI: Correct.

45
46 MR. LEVITON: Well, I'm confused there. Are you saying that
47 all notices of violation have been closed out?

48

1 MRS. CIBELLI: Yes.

2
3 MR. LEVITON: Every one of them?

4
5 MRS. CIBELLI: Everyone except for the multiple sheds that
6 we talked earlier this evening.

7
8 MR. BOCCANFUSO: Mr. Chairman, I can't say that that's true.
9 What I can say is what Mrs. Cibelli indicated is consistent with what
10 I have in my records was that they went to court. They went before the
11 judge. The judge assessed them fines. I was not sure that they've been
12 paid, but Mrs. Cibelli's under oath so I trust that they have been. If
13 not, the court certainly doesn't forget.

14
15 MR. LEVITON: So it's okay. I take her at her word too, but
16 I'm also going to make it a condition counsel that all N.O.V.s are
17 closed out, and Mr. Waga, you can continue.

18
19 MR. WAGA: Thank you. Okay moving on to number five. We
20 confirm that the proposed garage will comply with all applicable
21 zoning requirements, yes, we do, and that is as shown on sheet A1
22 fully dimensioned for both setbacks and overall size and area. I know
23 there is a conflict and it was an oversight on our part. Not
24 intentional of course, but the area of that detached garage reflected
25 the applicant's presentation from 2023. We will comply with the
26 required and I will submit that revised zoning bulk chart as a
27 condition of approval.

28
29 MR. LEVITON: Okay so counselor, they're going to have to
30 reconcile the discrepancy in the building coverage calculations.

31
32 MR. BOCCANFUSO: And Mr. Chairman just before we move on,
33 circling back quickly to item number five. Mr. Waga, there is a
34 section of the code that has some ancillary requirements with regard
35 to the use of the garage. Have you reviewed those with your client?

36
37 MR. WAGA: I have. I have a while back.

38
39 MR. BOCCANFUSO: Okay.

40
41 MR. WAGA: But yeah.

42
43 MR. BOCCANFUSO: You're comfortable with those and you can
44 comply with those?

45
46 MR. WAGA: I'm very comfortable with all those, yes sir.

47
48 MR. BOCCANFUSO: Great, thank you.

1
2 MR. WAGA: And so is the applicant.

3
4 MR. LEVITON: And Mr. Waga, before you continue just for
5 everyone's edification, that garage is fully compliant with township
6 ordinances? It's not before the board tonight for consideration.

7
8 MR. WAGA: No sir not at all.

9
10 MR. LEVITON: Continue sir.

11
12 MR. WAGA: Sure, and again items five and.

13
14 MR. BOCCANFUSO: Item seven's been addressed.

15
16 MR. WAGA: Five and six are complementary. Basically, talks
17 about the coverage and the compliance. Actually, our overall lot
18 coverage will decrease as a reflection of the reduced footprint of the
19 garage. Item number seven, we've discussed which regards the outhouse
20 and the gazebo, and the u-shaped driveway and the materials. So, the
21 intent is, as is reflected on sheet A1 is to provide for a semi-
22 circular driveway with a new apron allowing for full access. We showed
23 a gravel section of the driveway. That will be fully compliant now and
24 become all asphalt.

25
26 MR. BOCCANFUSO: Yes, that's fine. Mr. Chairman if I could
27 just touch on that. The geometry, location, and just about all
28 features of the driveway are compliant. The only real question was
29 what was the composition. There was a detail provided I think for
30 asphalt. The notes indicated it was tan gravel which would've required
31 a design waiver. If the proposal is to construct an asphalt driveway,
32 no relief is needed from the board with regard to the driveway.
33 However, for the record, I just want to point out that a road opening
34 permit will be required before you do the curb cut and apron and
35 anything of those concerns.

36
37 MR. WAGA: Of course, yes, yes.

38
39 MR. LEVITON: And then there's the sidewalk frontage
40 improvement requirements.

41
42 MR. WAGA: The one that's parallel to the existing porch,
43 correct?

44
45 MR. LEVITON: Yes.

46
47 MR. WAGA: Yeah, so that was installed as a, Mr. Cibelli's,
48 Mrs. Cibelli mother-in-law, again not quite bed-ridden, but was very

1 ill. I can't speak to in detail, but they required that extra walkway
2 because they couldn't get her up that slope. So that's why when she
3 was walking in with the walker and/or wheelchaired they provided that
4 area of additional walkway, but that will be permitted for as well
5 Chair.

6

7 MR. LEVITON: Okay.

8

9 MR. WAGA: Thank you. Item number nine as Brian has
10 discussed is in fact already in place which is the violation of
11 multiple sheds. The basement access, we touched on earlier. It was
12 regarding the roof overhang we'll call it or the railed off open area
13 roof along the right side of the home with the stair access down to
14 the basement. Again, we will file. I'll update the necessary drawings
15 to be code compliant and to today's New Jersey standards and those
16 will be submitted under. Again, under all one package, one complete
17 package so we don't inundate the building department unnecessarily
18 with various open permit applications. Item number eleven.

19

20 MR. BOCCANFUSO: Mr. Waga, before we move on to item number
21 eleven. With regard to item number ten, the permit was for the roof
22 overhang not the access as best I can tell.

23

24 MR. WAGA: Yes, yes, I don't know what the permit was for. I
25 wasn't part of that process. I was just, I'm going to say I was just
26 the architect preparing the construction documents for that roofed
27 area. How it was finished I rarely come back to the site to view these
28 things. So how it was submitted or interpreted on the permit
29 application is not to my knowing.

30

31 MR. BOCCANFUSO: Okay so the documents you prepared.

32

33 MR. WAGA: Yes sir.

34

35 MR. BOCCANFUSO: Did they include the access to the basement
36 or did they simply?

37

38 MR. WAGA: I don't recall. It's been ten years.

39

40 MR. BOCCANFUSO: Okay.

41

42 MR. WAGA: Or nine years. So, I don't recall, but we will
43 dig into this early next week.

44

45 MR. BOCCANFUSO: Mrs. Cibelli, do you recall if the permit
46 documents included the access to the basement or it was just the
47 overhang?

48

1 MRS. CIBELLI: No, just the overhang.

2
3 MR. BOCCANFUSO: Okay. How is the basement used?

4
5 MRS. CIBELLI: It's a finished basement. It is used for
6 storage. We have open living space down there, the laundry room,
7 storage for clothing.

8
9 MR. BOCCANFUSO: Is there a kitchen down there?

10
11 MRS. CIBELLI: No there is not a kitchen.

12
13 MR. BOCCANFUSO: Okay. Is the basement connected to the rest
14 of the house in the interior of the home?

15
16 MRS. CIBELLI: Yes, it is.

17
18 MR. BOCCANFUSO: So, it kind of serves as a secondary access
19 to the house?

20
21 MRS. CIBELLI: Yeah.

22
23 MR. BOCCANFUSO: Okay.

24
25 MRS. CIBELLI: There's been no expansion down there at all,
26 just storage and open living space.

27
28 MR. BOCCANFUSO: Any improvements that were done down there
29 were done without permits.

30
31 MRS. CIBELLI: Right.

32
33 MR. BOCCANFUSO: So, any work was an expansion from the
34 standpoint of the township.

35
36 MRS. CIBELLI: Well as Greg mentioned, we will resubmit that
37 permit that shows the stairs included in the plans as well as the
38 improvements made to the basement.

39
40 MR. BOCCANFUSO: Understood. Okay, okay you can move onto
41 number eleven.

42
43 MR. WAGA: Okay, we only have two more, board. Construction
44 of sidewalk and frontage of property, again I believe we've just
45 discussed that, and then the approval of the board subsequent is
46 number twelve which I can leave to Mr. Boccanfuso.

47

1 MR. BOCCANFUSO: Okay so number eleven speaks to the
2 requirement for any variance applicant to construct public sidewalk
3 along frontage of the property.

4
5 MR. WAGA: Okay.

6
7 MR. BOCCANFUSO: Now, you and your client can request a
8 waiver from the board for that requirement. I'm sure the board is
9 familiar with the area. There's no sidewalk.

10
11 MR. WAGA: Correct.

12
13 MR. BOCCANFUSO: I don't think anywhere on Washingtons
14 Advance. However, the township's code does require paying in lieu of
15 construction for the sidewalk. So essentially what you would have to
16 do is by the approval. If the board grants the waiver, it's up to
17 them, is pay the payment in lieu to the township. It goes into a fund
18 for the township to construct sidewalk in this area or some other more
19 appropriate area in town as the case may be.

20
21 MR. WAGA: Understood.

22
23 MR. BOCCANFUSO: So those would be the two options. While
24 we're discussing it, I don't know if Chairman if you want to bounce
25 that around with the board members or discuss it at all.

26
27 MR. LEVITON: Yeah, well like Brian said, there's no
28 sidewalks anywhere. So, payment in lieu of building the sidewalk on
29 Washingtons Advance Road would be like a sore thumb and it would be
30 fine with me. I have no problem with that. I see everyone shaking
31 their head in agreement. So, the payment will be a condition.

32
33 MR. BOCCANFUSO: And I think that's appropriate.

34
35 MR. LEVITON: Yeah.

36
37 MR. BOCCANFUSO: I don't take an exception to that.

38
39 MR. LEVITON: Sure.

40
41 MR. WAGA: And that cost will be established by?

42
43 MR. LEVITON: It's sixty-five dollars a square foot.

44
45 MR. BOCCANFUSO: Yeah, by my office.

46
47 MR. WAGA: By your office? I wasn't.

1 MR. BOCCANFUSO: It's roughly sixty-five dollars a square
2 foot.
3
4 MR. WAGA: A square foot.
5
6 MR. BOCCANFUSO: Yeah so, it's simple arithmetic.
7
8 MR. WAGA: Understood.
9
10 MR. BOCCANFUSO: The length and width.
11
12 MR. WAGA: What are the requirements? Is it a standard four
13 by four pad and the ---?
14
15 MR. BOCCANFUSO: Four foot sidewalk over the length of the
16 frontage.
17
18 MR. WAGA: Four feet wide over the, okay.
19
20 MR. BOCCANFUSO: Did I say square foot? Sixty-five a square
21 yard.
22
23 MR. LEVITON: Yard, yard.
24
25 MR. WAGA: Yard?
26
27 MR. BOCCANFUSO: Yes, sixty-five dollars a square yard.
28 Foot, big difference.
29
30 MR. WAGA: Yard, okay a little difference.
31
32 MR. LEVITON: Just saved them a third.
33
34 MR. WAGA: Yeah.
35
36 MR. BOCCANFUSO: Yeah. So, I have a little birdie in my era.
37 Can we just get some, instead of head-nodding heads, some confirmation
38 from the board members on the waiver with the payment in lieu?
39
40 MR. LEVITON: Yes, they're all in agreement.
41
42 MS. KLOMPUS: Yes, we're in agreement.
43
44 MR. BOCCANFUSO: Are you satisfied? Okay, alright and then
45 just item twelve. I don't know, we kind of addressed it with the other
46 comments. The only thing that I think that requires some specific
47 attention is that with regard to the removal of the existing, non-
48 compliant improvements that are not allowed by the board's approval or

1 not allowed by permits, that the zoning department is authorized to
2 perform an inspection of the property, confirm that those have been
3 removed. I know there was some differences of opinion at the outset
4 here on the ability to access the property, but I just want to get on
5 the record that that will be authorized.

6
7 MRS. CIBELLI: I am fine with that as long as it's scheduled
8 with me ahead of time.

9
10 MR. BOCCANFUSO: No problem.

11
12 MR. LEVITON: Let's ask our counselor for some
13 clarification. What type of notification is an applicant entitled to?

14
15 MR. MARMERO: I mean the document that's signed here is just
16 consent for entry. So, it doesn't really reference notification, but
17 it sounds like reasonable notification is something that Brian's
18 office is sufficient with. I mean what do you see as reasonable notice
19 Brian? I mean, a day in advance or so? I mean is that?

20
21 MR. BOCCANFUSO: I mean, yeah, we can do forty-eight hours.

22
23 MR. LEVITON: Okay.

24
25 MR. BOCCANFUSO: But because, the situation is, it's a
26 little bit different than the Board seeking to access the property to
27 assess the conditions in connection with a variance application. What
28 my office would be doing is more of a subsequent inspection. It could
29 be once we're notified that everything's been removed or at whatever
30 deadline the Board sets be it thirty days, forty-five days, fifteen
31 days, whatever the case maybe we can simply reach out to Mrs. Cibelli
32 and say, hey we'll be there next week at 10:00 AM on Wednesday,
33 something like that. The timing is a little more flexible in something
34 like this because you're inspecting after the fact instead of trying
35 to paint a current picture.

36
37 MR. LEVITON: The Board appreciates your flexibility Mr.
38 Boccanfuso and Mr. Marmero, I've never given notice when I've gone to
39 inspect a property.

40
41 MR. MARMERO: No and it's not needed. It's just really
42 something Brian would be doing graciously really.

43
44 MR. LEVITON: I mean for the members on the dais going
45 forward, what is protocol? I mean I can just show up and peak over.

46
47 MR. MARMERO: You showing up, yeah. I think it makes sense
48 to knock on the door just to make sure there's not an animal back

1 there or something just so they're aware you're back there, but the
2 application's pretty clear that by signing and seeking this relief
3 they're consenting to your entry so knocking is really just a
4 courtesy.

5
6 MR. LEVITON: Thank you counselor.

7
8 MR. MARMERO: Sure.

9
10 MR. LEVITON: Okay, let's go out to the board, see if they
11 have any questions for Mr. Waga or Mrs. Cibelli, and Mr. Mantagas, I'm
12 going to start with you.

13
14 MR. MANTAGAS: Hi Mrs. Cibelli.

15
16 MRS. CIBELLI: Hi.

17
18 MR. MANTAGAS: My first question is why didn't you apply for
19 any permits before you did construction or any kind of work at your
20 house?

21
22 MRS. CIBELLI: Well, some of this construction took place
23 during 2020 during Covid.

24
25 MS. MOENCH: We can't hear you.

26
27 MR. MANTAGAS: I asked why didn't she.

28
29 MS. MOENCH: I heard you.

30
31 MR. MANTAGAS: You looked at me.

32
33 MRS. CIBELLI: So some of this construction did take place
34 during 2020 during Covid. We had some work done on the house. We
35 didn't submit permits on the house.

36
37 MR. MANTAGAS: So what was your end game?

38
39 MRS. CIBELLI: It's my fault for not.

40
41 MR. MANTAGAS: You expected to come before the board and get
42 a variance for your construction? What was your thinking?

43
44 MRS. CIBELLI: Well, we had decided we wanted to do the
45 garage which was a two-story garage in the back and that's when we did
46 come in and asked for a variance, but we were denied with that
47 application and then we withdrew it. The driveway was already pulled
48 back into the --- It was already back there. It was already paved at

1 that point. It is definitely our fault. My fault for not issuing,
2 requesting the permits. I'm not going to deny that. I'm at fault.

3
4 MR. MANTAGAS: Now you testified your husband parks
5 construction vehicles or commercial vehicles. What is it?

6
7 MRS. CIBELLI: No, they're passenger.

8
9 MR. MANTAGAS: Passenger? No work trucks or?

10
11 MRS. CIBELLI: There's no work trucks back there. We have a
12 F350. We have a passenger van and our pickup trucks, and our Ski-Doo
13 or jet ski.

14
15 MR. MANTAGAS: And now is there any kind. What kind of
16 business are you in if you don't mind me asking?

17
18 MRS. CIBELLI: Me?

19
20 MR. MANTAGAS: No, we're talking your husband, what kind of
21 business is he in?

22
23 MRS. CIBELLI: My husbands in construction.

24
25 MR. MANTAGAS: Construction?

26
27 MRS. CIBELLI: Yes.

28
29 MR. MANTAGAS: Is there any construction use on the property
30 where you store materials for your construction company?

31
32 MRS. CIBELLI: No. No, we have a storage facility in Howell
33 and my husband has his business located in Main Street in Freehold
34 which I testified to back in August of 2023.

35
36 MR. MANTAGAS: So, there's no materials from your
37 construction company on the property?

38
39 MRS. CIBELLI: No, there's no.

40
41 MR. MANTAGAS: Nothing on the property. No sheds in the
42 back?

43
44 MRS. CIBELLI: No, there's no sheds in the backyard except
45 for the two that we talked about this evening.

46
47 MR. MANTAGAS: Now assuming he has workers that work with
48 him, right?

1
2 MRS. CIBELLI: Yes, he has workers, but they don't live with
3 us.
4
5 MR. MANTAGAS: They don't come in the morning to shape up or
6 park their car sometimes?
7
8 MRS. CIBELLI: Sometimes they'll come and they'll share a
9 ride to a site, but no they don't have.
10
11 MR. MANTAGAS: They don't every day? Would you say they come
12 every day?
13
14 MRS. CIBELLI: Occasionally they'll come every day.
15 Occasionally they'll check in with my husband, but they don't have
16 construction materials in our yard.
17
18 MR. LEVITON: Let's try to keep the questions focused on
19 land use relief and site conditions.
20
21 MR. MANTAGAS: Yeah, because that's part of it because the
22 use of the land.
23
24 MR. LEVITON: Yeah.
25
26 MR. MANTAGAS: Have an idea.
27
28 MR. LEVITON: Zoning compliance, land use impacts, site
29 conditions. Let's stay away from anything that's speculative.
30
31 MR. MANTAGAS: Okay. So now you're going to take that
32 driveway into compliance?
33
34 MRS. CIBELLI: Correct.
35
36 MR. MANTAGAS: Right now?
37
38 MRS. CIBELLI: Yes.
39
40 MR. MANTAGAS: Okay so what you're saying Mr.?
41
42 MR. WAGA: Waga.
43
44 MR. MANTAGAS: Waga?
45
46 MR. WAGA: Yes.
47

1 MR. MANTAGAS: How many feet are you taking off the
2 driveway?

3
4 MR. WAGA: Almost fifteen feet.

5
6 MR. MANTAGAS: Fifteen feet?

7
8 MR. WAGA: Yes sir.

9
10 MR. MANTAGAS: Okay then, I don't have any more questions
11 Mr. Chairman.

12
13 MR. LEVITON: Related to that, Brian, he, Mr. Waga testified
14 to mulch filling in the buffer or something else. Do you need him to
15 be specific at this time or was that satisfactory?

16
17 MR. BOCCANFUSO: No because it's compliant. I mean it is an
18 easement, but as a general practice the township doesn't permit
19 landscaping in the easement and we don't as a general practice get
20 involved in the details of the design. The exception to that would be
21 if there is a buffer that's required by ordinance. In this case, there
22 is not a buffer required by ordinance. It sounds like the applicant is
23 willing to do that, but we wouldn't specify a certain species or a
24 certain quantity or anything along those lines. I mean they should be
25 aware that placing any landscaping in an easement. If, for whatever
26 reason, the party to which the easement is dedicated needed to get in
27 there, that landscaping is subject to removal. But they could still
28 plant shrubs, arborvitaes, as long as it's the deer-resistant kind,
29 mulch, shrubs, things of that nature.

30
31 MR. LEVITON: Thank you sir.

32
33 MR. BOCCANFUSO: Sure.

34
35 MR. LEVITON: And thank you Basil. Michael?

36
37 MR. WECHSLER: Yeah, I have a couple of questions. So when
38 was the front patio built? The front ---

39
40 MR. LEVITON: Porch.

41
42 MR. WECHSLER: The porch built?

43
44 MRS. CIBELLI: I want to say over ten years ago.

45
46 MR. WECHSLER: So roughly 2016?

47

1 MRS. CIBELLI: Probably 2014 around the time my father-in-
2 law passed away.

3
4 MR. WECHSLER: 2014. The contractor that built it for you,
5 he didn't apply for permits?

6
7 MRS. CIBELLI: No.

8
9 MR. WECHSLER: Tell you - you would need permits?

10
11 MRS. CIBELLI No.

12
13 MR. WECHSLER: Trust me I'm working off of digital images
14 here because I was not able to come out to the property. So currently
15 there is no u-shaped driveway, right?

16
17 MRS. CIBELLI: No.

18
19 MR. WECHSLER: Okay, and you are looking for a variance for
20 the front porch and what else? Are we just talking about just the
21 porch now?

22
23 MR. LEVITON: That is all because the rear driveway will be
24 brought back into compliance and the front driveway proposed had an
25 issue of the materials.

26
27 MR. WECHSLER: Right.

28
29 MR. LEVITON: To be used. They would've needed a design
30 waiver if they were going to ask for gravel, but they're going to be
31 fully compliant by putting in asphalt as they've testified to.

32
33 MR. WECHSLER: So, I guess my question would be and this is
34 a stretch to ask that if the board voted not to allow the front porch
35 overhang, have you spoken to the contractor about having to do
36 modifications for that?

37
38 MRS. CIBELLI: No, I haven't.

39
40 MR. WECHSLER: Was that conversation?

41
42 MRS. CIBELLI: I have not spoken to the contractor about
43 that.

44
45 MR. WECHSLER: Okay, that's all the questions I have now.

46
47 MR. LEVITON: Thank you Michael. Daniel?

48

1 MR. POCHOPIN: Yeah, just curious. So, when was the last
2 time --- When was the last time you were out to ---
3
4 MS. MOENCH: ---
5
6 MR. POCHOPIN: Sorry.
7
8 MS. MOENCH: That's okay.
9
10 MR. POCHOPIN: Just curious, when was?
11
12 MR. WAGA: Monday at 7:00.
13
14 MR. POCHOPIN: Monday at 7:00.
15
16 MR. WAGA: This past Monday, the fourth of May.
17
18 MR. POCHOPIN: Okay. So, you testified today that it's not
19 set to go well, right?
20
21 MRS. CIBELLI: Correct.
22
23 MR. POCHOPIN: I'm just wondering what does it say on the
24 front on your diagram here? It says well. Do you know if that's a well
25 for monitoring something or?
26
27 MR. WAGA: I believe it's a water well, a fresh water well.
28
29 MR. POCHOPIN: Okay.
30
31 MR. WAGA: Yes sir.
32
33 MRS. CIBELLI: Yeah, it's not connected to anything in the
34 house.
35
36 MR. WAGA: It's disconnected from the house.
37
38 MR. POCHOPIN: Oh, it is?
39
40 MR. WAGA: Yes.
41
42 MRS. CIBELLI: That's how we bought it.
43
44 MR. POCHOPIN: Oh, okay so then that was beforehand.
45
46 MRS. CIBELLI: Correct.
47
48 MR. POCHOPIN: Okay, thank you.

1
2 MR. LEVITON: You're welcome, thank you.

3
4 MR. WAGA: Thank you.

5
6 MR. LEVITON: Stacey?

7
8 MS. KLOMPUS: No, the question I had was already asked.

9
10 MR. LEVITON: Thank you. John?

11
12 MR. HARRINGTON: Just one question on the driveway that's
13 existing, concrete. On the apron itself if you're looking westerly
14 from Washingtons Advance to the house, on the very bottom where
15 depression of the curb is where the apron looks like it's been knocked
16 away and it's shown on this plan here that you're looking at about a
17 two foot opening. Is that correct?

18
19 MRS. CIBELLI: We wanted a wider opening, but I think we
20 were told we weren't allowed to. So, we were planning on repairing
21 that opening, that apron, to comply with what the township is.

22
23 MR. HARRINGTON: Okay, that's something that's going to be
24 repaired?

25
26 MRS. CIBELLI: Yeah, that needs to be repaired. That's the
27 original, the front to the house is never been modified.

28
29 MR. HARRINGTON: Okay.

30
31 MRS. CIBELLI: It's wear and tear.

32
33 MR. HARRINGTON: There's a lot going on. I had more.

34
35 MR. BOCCANFUSO: While you're doing that John, just for the
36 record there is a maximum curb opening. It is way more than fifteen
37 feet. It's like in thirty foot range or something. So, if you were
38 looking to widen that a little bit, it looks like the driveway is
39 roughly sixteen feet on the curb. I think we're talking about the left
40 hand side there. Is that the one you're referring to?

41
42 MR. WAGA: Correct, correct.

43
44 MRS. CIBELLI: Yeah.

45
46 MR. WAGA: I believe that's what we're alluding to.

47

1 MR. BOCCANFUSO: Yeah I mean as part of the road opening
2 permit you can certainly widen that a little bit. I mean not
3 tremendously, but perhaps to match the driveway.

4
5 MR. WAGA: Yeah ideally that's what we'd do.

6
7 MR. BOCCANFUSO: Fifteen, eighteen feet.

8
9 MR. WAGA: The width and then we slope up gradually to hit
10 the curb height.

11
12 MR. BOCCANFUSO: As long as the driveway maintains a ten
13 foot side setback and you get the road opening permit, you could
14 potentially widen that a little bit, so.

15
16 MR. WAGA: Yes, and we'll again abide by all municipal
17 engineering standards.

18
19 MR. BOCCANFUSO: Sure. It's up to you. It's up to you as
20 long as it's shown on the road opening permit.

21
22 MR. WAGA: I'll work with you on that Brian.

23
24 MS. MOENCH: You should explain that it doesn't mean opening
25 a road just the ---

26
27 MR. LEVITON: Anything else John?

28
29 MR. HARRINGTON: Just two more questions really quick,
30 pretty simple, I think. On page two of the application, you're not
31 septic, you are sewer correct?

32
33 MRS. CIBELLI: Correct.

34
35 MR. HARRINGTON: I just want to make that notation. That's
36 what you're using, especially with the condition of the outhouse in
37 the back, and then the next question I have, you're very thorough
38 about putting everything down. I see a lot of n/a's on page one for
39 question number five and six. You notated single-family dwelling, but
40 on number seven I know it's kind of redundant, but what is your
41 proposed type of use for the property?

42
43 MRS. CIBELLI: I'm sorry?

44
45 MR. HARRINGTON: Just single-family house? There's nothing?

46
47 MRS. CIBELLI: Yes it's a single-family house.

48

1 MR. HARRINGTON: Okay so there's not anybody to ---

2
3 MRS. CIBELLI: No.

4
5 MR. HARRINGTON: Okay I just wanted to make sure that that
6 stays with the house. I think Mr. Boccanfuso already asked you about
7 this. The inside of your house, you can get down to your basement from
8 your first level?

9
10 MRS. CIBELLI: Yes.

11
12 MR. HARRINGTON: Okay.

13
14 MRS. CIBELLI: Yeah there's an original staircase.

15
16 MR. HARRINGTON: So it's like more ease of access?

17
18 MRS. CIBELLI: With the house, yeah.

19
20 MR. HARRINGTON: For what you currently have on, like going
21 into the house now or?

22
23 MRS. CIBELLI: Yeah it just goes into the basement.

24
25 MR. HARRINGTON: Okay, no more questions.

26
27 MRS. CIBELLI: Thank you.

28
29 MR. WAGA: Thank you.

30
31 MR. HARRINGTON: Thank you.

32
33 MR. LEVITON: Thank you John. Jessica?

34
35 MS. LEVENSON: Alright, there have been a lot of discussions
36 about the sheds and the other accessories that's on the backyard.
37 Under this new plan, once you have this new garage will there be any
38 sheds remaining?

39
40 MRS. CIBELLI: Just the one that I'm able to have, but not a
41 u-shaped shed.

42
43 MR. LEVITON: Which we called hoop-style. Brian referenced
44 them as hoop-style.

45
46 MS. LEVENSON: Yeah that's the first time I've heard hoop-
47 style.

48

1 MRS. CIBELLI: Yeah hoop-style.

2
3 MR. LEVITON: Yeah, and if it helps to think of it as.

4
5 MS. LEVENSON: ---

6
7 MR. LEVITON: A greenhouse.

8
9 MR. WECHSLER: The technical term is a garage in a box. It's
10 the technical term for that, that type.

11
12 MS. LEVENSON: The technical term I'm sorry.

13
14 MR. WECHSLER: It's a garage in a box. It's what it's
15 called.

16
17 MRS. CIBELLI: It's a temporary structure, it's not.

18
19 MR. WECHSLER: Yeah, it's technically a garage in a box.

20
21 MR. LEVITON: It looks like a greenhouse.

22
23 MS. LEVENSON: Thank you. I know what you're talking about
24 now.

25
26 MR. LEVITON: Those are hoops.

27
28 MS. MOENCH: On the screen.

29
30 MR. LEVITON: It's on the screen, yeah. It's at the bottom
31 of the screen underneath the gazebo or the outhouse. That's the
32 outhouse.

33
34 MS. LEVENSON: Okay.

35
36 MR. LEVITON: And it's right behind the existing garage and
37 it.

38
39 MS. LEVENSON: Okay.

40
41 MR. LEVITON: It's got the black.

42
43 MS. LEVENSON: So the shed you intend to have is your one
44 shed on the property. Is that currently on the property or you're
45 going to be making some changes?

46
47 MRS. CIBELLI: No. We're going, well when we have the garage
48 built we will take the contents of this hoop shed and the one that's

1 on the north side of the house and put that inside the garage, and
2 then we'll have a shed.

3
4 MS. LEVENSON: Okay, so a new shed.

5
6 MRS. CIBELLI: A new shed.

7
8 MR. LEVITON: Actually, we're going to impose conditions on
9 them that necessitate the removal of all accessory structures prior to
10 getting permits for their garage. So, despite the fact that she just
11 testified that they're going to build their garage and then transfer
12 the contents into the garage from their accessory structures, pay no
13 attention to that. We're about to talk about it after Patrick has any
14 questions for the applicant. We're going to talk about how much time
15 we want to give the Cibelli's to bring their property back into
16 compliance. So, Jessica, anything else from you?

17
18 MS. LEVENSON: No, no further questions, thank you.

19
20 MR. WAGA: Thank you.

21
22 MRS. CIBELLI: Thank you.

23
24 MR. LEVITON: Okay, and Patrick?

25
26 MR. HUGHES: I do not have any questions. The ones that I
27 had were answered.

28
29 MR. WAGA: Thank you.

30
31 MR. LEVITON: Okay, alright so there are two issues before
32 the board that I want to discuss before we go out to the public. One
33 is the time frame. We can impose fifteen days, thirty days, forty-five
34 days, sixty days. Mrs. Cibelli testified to the fact that despite
35 applying last year, that she had and her family had health issues and
36 we're sensitive to that, but now this board has an obligation to the
37 community to bring this property back into compliance in a timely
38 manner. So I don't want to be totally unreasonable, but I'd like to
39 hear what you think. Pat, let's start with you.

40
41 MR. HUGHES: Of course, I'm sympathetic to having stuff that
42 you need to put into the new structure. As far as time frame, my
43 thoughts are a couple months to do that.

44
45 MR. LEVITON: A couple months isn't an option. The high end
46 would be two months.

47
48 MR. HUGHES: That's sixty days.

1
2 MR. LEVITON: That's sixty days and that's fine. I respect
3 your opinion. Jessica?

4
5 MS. LEVENSON: Are we also talking about the removal of
6 whatever this outhouse is within this time period?

7
8 MR. LEVITON: The outhouse is an accessory structure. It's
9 not permitted and it needs to come down.

10
11 MR. BOCCANFUSO: Well Mr. Chairman.

12
13 MR. LEVITON: Yeah.

14
15 MR. BOCCANFUSO: If I can weigh in on that. Certainly, the
16 board could impose that condition. Another option would be to
17 currently parallel with the timing of removal condition, require the
18 submission of a permit application for that because frankly I have
19 never seen just an outhouse. I can't recall seeing just an outhouse. I
20 don't know if it's, what building code requirements would be
21 applicable to it. I don't know if Mr. Waga can speak to that, but it's
22 entirely possible that it would be allowed subject to certain
23 regulations. Now it's also entirely possible that the construction
24 department might say, yes, it's permissible, but we didn't inspect it
25 and you got to excavate the whole thing so we can check the plumbing
26 connections. I really don't know. So certainly, the Board could
27 require it to be removed because it was installed without permits. The
28 board could also require that a permit application be submitted within
29 a specified time frame. I would not recommend neither of those. I
30 would recommend that at least one of those.

31
32 MR. LEVITON: He's always the voice of reason and I respect
33 it. I appreciate that. And Jessica, I believe he's correct. We should
34 not ask them to take the outhouse down, but we should insist on it
35 being permitted concurrent to the time frame that we impose on the
36 other accessory structures and before I ask you how much time because
37 that's what's still on the table, the other issue is do we ask them to
38 take their gazebo down and we'll get to that shortly. What do you
39 think Jess?

40
41 MS. LEVENSON: So, we're talking about the items in the shed
42 and removing the shed structures?

43
44 MR. LEVITON: The hoop structures and everything, but the
45 outhouse and perhaps the gazebo.

46
47 MS. LEVENSON: So, in my opinion it should be thirty days.
48

1 MR. LEVITON: Okay.

2
3 MS. LEVENSON: The shorter of the time frames and my
4 reasoning is that this is not a surprise. We've known and it seems the
5 applicant has also known that these structures were not permitted. So
6 because of that I think a smaller time frame would be appropriate.

7
8 MR. LEVITON: Thank you. John?

9
10 MR. HARRINGTON: And as I listened to you earlier, they were
11 between fifteen to forty-five was kind of a ballpark. I'm in the same
12 boat so I could be happy to know that everything going on I think
13 thirty days is more than ample.

14
15 MR. LEVITON: Stacey?

16
17 MS. KLOMPUS: I agree with the thirty days.

18
19 MR. LEVITON: Dan?

20
21 MR. POCHOPIN: I also concur.

22
23 MR. LEVITON: Looks like we have consensus. Gentlemen down
24 here?

25
26 MR. WECHSLER: Thirty.

27
28 MR. LEVITON: Thirty days it will be then.

29
30 MR. MANTAGAS: I would say thirty days.

31
32 MR. LEVITON: The barrister is writing it down as a
33 condition, and now let's switch tasks and talk about the gazebo. Since
34 we're being nice and we're heeding the suggestion of the zoning
35 officer and we're allowing the applicant to permit concurrent with the
36 time frame that we set for the removal of the accessory structures,
37 permit the outhouse. What do you think about the gazebo, Pat?

38
39 MR. HUGHES: I would say.

40
41 MR. LEVITON: It is technically an accessory structure, but
42 most folks have a gazebo. It is aesthetic in nature. That's my
43 feeling.

44
45 MR. HUGHES: I mean if all these other conditions are met, I
46 don't have an objection to it remaining.

47
48 MR. LEVITON: Okay. Jessica?

1
2 MS. LEVENSON: Just for my understanding here, the gazebo is
3 allowed or is not allowed on this property?
4

5 MR. LEVITON: Well, we don't really know what's there.
6 That's a problem. Brian asked them to bring pictures which they
7 didn't, and we tried to get into the backyard. We were denied access.
8

9 MS. LEVENSON: And I am concerned there was testimony I
10 believe, there's been a lot of testimony here tonight, but just to
11 clarify it. There was testimony that there is a grill in the gazebo.
12

13 MRS. CIBELLI: Yeah there's a grill in the gazebo and a
14 little shelf for barbecue tools.
15

16 MS. LEVENSON: Is it a gas grill or charcoal or is it a
17 built-in structure?
18

19 MRS. CIBELLI: It's one of those tanks.
20

21 MR. MANTAGAS: Propane.
22

23 MR. WAGA: Yes, propane.
24

25 MRS. CIBELLI: Propane.
26

27 MS. LEVENSON: I'm on the same level as you as far as
28 barbecue knowledge. I understand what you're saying here.
29

30 MR. LEVITON: You're in a tough spot because all we can do
31 is evaluate the application based on the record in front of us. We
32 don't really know.
33

34 MS. KLOMPUS: Can we put in something saying that they're
35 entitled to go and do an inspection of it and if it's a, then this is
36 what you have to do and if it's b, this is what you have to do?
37

38 MR. LEVITON: We could, but I don't really want to do that.
39 I want to set the record clearly. I want to impose a deadline. They
40 need to bring the property back into compliance. Mrs. Cibelli, you
41 moved in when? How long have you been there?
42

43 MRS. CIBELLI: 2000. We bought the house in 2007, August of
44 2007, and we moved in in 2009.
45

46 MR. LEVITON: So, they've been there a long time and all of
47 the work that they've done has been by the seat of their pants really.

1 It's not without any oversight. There could be safety concerns. We
2 don't know what's going on.

3
4 MR. HUGHES: One quick question for Mrs. ---

5
6 MR. LEVITON: So it's got to be brought back into
7 compliance, and they want to get our approval tonight only for their
8 porch, but we have the ability to impose conditions. Albert's taking
9 extensive notes. There are lots of them. Everything needs to be
10 brought back into compliance, and they want to meet those conditions
11 because they want to put in their driveway and they want to put in
12 their garage. Neither of which is before this board. Those things are
13 fully compliant.

14
15 MS. KLOMPUS: So can't we say that they need to find out
16 what is a compliant gazebo and if it's not compliant, brought into
17 compliance within the thirty days, then they have to take it down?

18
19 MR. LEVITON: Yeah, it just seems excessive to me, but I
20 take your point. I thank you for your offer. Daniel?

21
22 MR. POCHOPIN: Yes, as a state electrical contractor and
23 safety is pretty much my forte on all trades. I don't know if you guys
24 are aware. I'm sure you are as an architect. Even a simple thing as
25 the gazebo with a gas fire, gas grill or anything, if something was to
26 burn, right? When we're making the decision here and everybody's
27 testifying here, the homeowner, which would be you, would be
28 responsible for any punitive damages or God forbid somebody burned.
29 Like I said, so you have to consider everything. That's my biggest
30 factor here tonight. There's been a lot of negligence. I wish I
31 could've got in there on Saturday, but I would just make a motion that
32 we have.

33
34 MR. HARRINGTON: Thirty days.

35
36 MR. LEVITON: I'm not calling for a motion yet.

37
38 MR. POCHOPIN: Okay, okay no motion, but I would suggest
39 thirty days. We have to get into compliance, the main safety thing
40 here and everything else ---

41
42 MR. LEVITON: Albert, Brian, a gazebo needs to be permitted,
43 correct?

44
45 MR. MARMERO: Yeah, I mean if you're talking about giving
46 thirty days to find out whether it's compliant or not, it sounds like
47 you're going to allow them to get it permitted.

48

1 MR. LEVITON: That's good then.

2
3 MR. MARMERO: I mean, you kind of apply a timeline to it you
4 wouldn't be the ones determining whether or not it's compliant. They
5 would go seek a permit and then that would determine whether or not
6 it's compliant.

7
8 MR. LEVITON: That's perfect. Stacey is loving that.

9
10 MR. BOCCANFUSO: Yeah, the way that compliance is determined
11 is they would need to submit a permit application. It would be
12 reviewed by zoning first. We would review what it is, where it is, how
13 high it is, and then typically with structures like that, the
14 construction department does have some involvement. They will want to
15 review at least if it's a pre-fabricated structure, the pamphlet, and
16 specifications for it. If it's stick built, they would want some type
17 of architectural drawings or specifications whether there's footings,
18 things of that nature. If there's electric to it, those details would
19 need to be included. So the way they can determine whether or not it's
20 allowed is you require them to submit a permit application.

21
22 MR. LEVITON: So Mrs. Cibelli, the condition is going to be
23 all accessory structures except for the gazebo and the outhouse which
24 need to have a permit filed within that thirty days. And Mrs. Cibelli
25 if you'd just verbalize your response. I know what you're thinking.

26
27 MRS. CIBELLI: Yes, that's the intention.

28
29 MR. LEVITON: Okay.

30
31 MRS. CIBELLI: That's the intention of coming in here
32 tonight.

33
34 MR. LEVITON: That is so perfect then. That's a beautiful
35 thing. Michael?

36
37 MR. WECHSLER: Can I ask Albert a question?

38
39 MR. LEVITON: Yeah.

40
41 MR. MARMERO: Sure.

42
43 MR. WECHSLER: Does it fall within the Board's purview to
44 ask if the homeowner did their own construction?

45
46 MR. MARMERO: I mean you can ask it. I mean again they're
47 here tonight for the.

48

1 MR. WECHSLER: For the patio.

2

3 MR. MARMERO: Porch variance which is construction. So I
4 mean yeah sure if you have a reason to know that, sure.

5

6 MR. WECHSLER: Your husband is a contractor. Did you guys do
7 your own construction on your property?

8

9 MRS. CIBELLI: Yes, yes, he's a licensed contractor.

10

11 MR. WECHSLER: That's all I wanted to know. Okay, thank you.

12

13 MRS. CIBELLI: And insured.

14

15 MR. WECHSLER: --- no one even got the permits necessary
16 right? Okay that's all ---

17

18 MR. LEVITON: So just so you know our primary focus is
19 clarifying the intended use of the structures and Brian nailed them
20 down.

21

22 MR. WECHSLER: Yeah.

23

24 MR. LEVITON: And also, site improvements. So, all of the
25 improvements and their uses are appropriate to be discussed right now.
26 Conditions are appropriate to be imposed right now because they need
27 variance relief for admittedly a limited number of things and really
28 their porch to me seems pretty simple because it advances purposes of
29 the M.L.U.L. and it's consistent with the streetscape according to the
30 applicant and well I've driven there. There are multiple homes that
31 look similar and past practices for this board would be consistent
32 with approving that if a different applicant came and asked us for
33 permission to build it. We love, in Manalapan Township, when
34 homeowners make improvements to their home that improve the aesthetic
35 quality of the neighborhood. They're no longer asking for relief for
36 their rear driveway and their porch seems pretty simple. Michael,
37 anything else? Basil?

38

39 MR. MANTAGAS: Mr. Chairman, I don't have a problem with the
40 gazebo as long as it's in compliance.

41

42 MR. LEVITON: Yeah, they're going to have to get it
43 permitted.

44

45 MR. MANTAGAS: That's the issue.

46

47

48

1 MR. LEVITON: It's out of our hands and that's a good thing.
2 We thank Stacey for bringing it up and it's now your turn sir. We're
3 going to go out to the public.

4
5 MR. BOCCANFUSO: Mr. Chairman.

6
7 MR. LEVITON: Yeah.

8
9 MR. BOCCANFUSO: Before you do go out to public, I think
10 there's a few loose ends. The fencing, the temporary fencing.

11
12 MR. LEVITON: Yes.

13
14 MR. BOCCANFUSO: Removal of that.

15
16 MR. LEVITON: Absolutely.

17
18 MR. BOCCANFUSO: With the same thirty day time frame.

19
20 MR. LEVITON: Yes.

21
22 MR. MARMERO: Yeah I have a note, no fabric fence, thirty
23 day removal.

24
25 MR. LEVITON: Definitely .

26
27 MR. BOCCANFUSO: Follow up with construction department
28 relative to the open permit from 2018 for the roof overhang. I believe
29 some contact should be made with the construction department and
30 documented within fifteen days. That permit has been outstanding for
31 eight years. It's time for Mrs. Cibelli and her team to contact the
32 construction department and get that resolved.

33
34 MR. MARMERO: And are there other open permits Brian?
35 Because after that conversation, I have a note to just close out all
36 open permits.

37
38 MR. BOCCANFUSO: Yeah there is another open permit per our
39 permit software for a two hundred amp electrical service and a car
40 charger. That permit was pulled in 2024 I believe.

41
42 MR. LEVITON: Mr. Waga, you're taking notes. Mrs. Cibelli,
43 you're getting both of them?

44
45 MRS. CIBELLI: Yes.

46
47 MR. LEVITON: Okay so the permits you're going to have to go
48 downstairs here in this building to construction and you're going to

1 need to do that within fifteen days. You've got two weeks to apply for
2 permits. After that it's in their hands.

3
4 MRS. CIBELLI: Well the permits were issued. We just need to
5 close them out.

6
7 MR. LEVITON: You need to close them out.

8
9 MR. WAGA: Those we'll close out in fifteen days. I'll need
10 more time with all due respect just to schedule this, get this going,
11 and get this in queue because we'll be out here with two individuals
12 assessing everything that's been built to comply for the gazebo, for
13 the outhouse, for the front porch. Compliance of and validation of
14 that right side canopy we'll call it or portico with the stair going
15 down.

16
17 MR. LEVITON: We've called it an overhang.

18
19 MR. WAGA: That's okay.

20
21 MR. LEVITON: And I prefer you be consistent.

22
23 MR. WAGA: That's okay, overhang, but I can't do that in
24 fifteen days, but closing out those two permits for that overhang and
25 the electrical permits that I can say, but I'll need the thirty days
26 for permitting for the other structures please.

27
28 MR. BOCCANFUSO: I got to tell you, I don't think Mr. Waga
29 can guarantee those will be closed out. There haven't even been
30 inspections. I don't even know that they're going to get an inspection
31 in fifteen days.

32
33 MR. LEVITON: He's.

34
35 MR. BOCCANFUSO: And when those inspections could reveal.
36 Nothing's been inspected. It could reveal substantial issues that may
37 take months to resolve. So I think that, I mean I don't know why
38 contact hasn't been made yet. I think a documented contact with the
39 construction department within fifteen days is a good start regarding
40 the open permits, and closure of those permits prior to the issuance
41 of any new permits for the garage. It may take some time. I mean
42 listen if everything's in order, hopefully they can close them out in
43 fifteen days, but.

44
45 MR. LEVITON: They have to make the attempt within fifteen
46 days.

47
48 MR. BOCCANFUSO: They have to make and document the attempt.

1
2 MR. MARMERO: And then close them before new.

3
4 MR. BOCCANFUSO: Close them before new permits are issued.

5
6 MR. LEVITON: Which again, that could take a long time,
7 okay.

8
9 MR. BOCCANFUSO: And then lastly which I think Mr. Waga just
10 indicated, the filing of the permit application for the basement
11 entrance that is kind of supplemental to that overhang. The side
12 access and whatever else happened in the basement that requires
13 permits, the filing of those permits, those permit applications within
14 I mean thirty days. Is that something that you would be comfortable
15 with?

16
17 MR. WAGA: Yeah, yeah, that's fair.

18
19 MR. LEVITON: Okay.

20
21 MR. WAGA: Yes.

22
23 MR. LEVITON: So we're all in agreement and Mr. Marmero,
24 you're up to date.

25
26 MR. MARMERO: Yup.

27
28 MR. LEVITON: Terrific, then I'm going to go out to public.
29 Before I do, I want to remind everyone that testimony should be
30 limited to observations and impacts to the application before us. If
31 you choose to speak, please focus on what you have personally observed
32 and any effect it's had on your property and we ask that you avoid
33 speculation or drawing conclusions.

34
35 MS. MOENCH: Mr. Chair.

36
37 MR. LEVITON: Yes.

38
39 MS. MOENCH: If I could just ask Mr. Waga to remove that and
40 then everybody that wants to speak can use the --- with the
41 microphone.

42
43 MR. LEVITON: Okay so Mr. Waga is going to take down his
44 easel with the display on it and if you're going to come up to speak,
45 in the interest of fairness and efficiency I'm going to ask that all
46 comments to not be repetitive. If someone before you has already made
47 a point that you agree with, simply state that you share that concern
48 rather than re-stating it, but I will allow anyone who wants to speak

1 to come up and speak. There's a microphone at the podium and if you
2 choose to do so now would be the time. Sir come on up. Take the
3 handheld mic and before you ask questions of Mr. Waga and Mrs.
4 Cibelli, Mr. Marmero will swear you in.

5
6 MR. MARMERO: Okay sir if you raise your right hand, I'll
7 get you sworn in. Do you swear the testimony you will provide tonight
8 will be the truth, the whole truth, and nothing but the truth?

9
10 MR. GALANTE: Yes.

11
12 MR. MARMERO: Okay. Can you state your name and address for
13 the record please sir?

14
15 MR. GALANTE: --- Galante 15 Washingtons Advance Manalapan,
16 New Jersey 07726.

17
18 MR. LEVITON: How do you spell your last name? How do you
19 spell your name?

20
21 MR. GALANTE: G-A-L-A-N-T-E.

22
23 MR. LEVITON: Galante.

24
25 MR. MARMERO: Okay thank you sir.

26
27 MR. GALANTE: First I want to thank the Board for being here
28 and holding this and all the staff. I received a notice and that's how
29 we initially got here, and the notice really didn't describe
30 everything that you covered tonight. You're covering a lot more than
31 what was actually on the notice. So I wrote some notes. I guess
32 Brian's update was really from September of 2025. Those were the
33 minutes that you were addressing earlier.

34
35 MR. LEVITON: It was the memorandum, a memorandum.

36
37 MR. GALANTE: There was a proposal that initially a big
38 structure, we had a meeting and that was withdrawn. It's
39 understandable that there's still some and you covered them earlier,
40 still some things that are still existing on the property that aren't
41 supposed to be there. I don't know if that was in the drawing or not
42 that was submitted today. I got the feeling in hearing everything that
43 the drawing really didn't depict exactly what was on the property.

44
45 MR. LEVITON: Yes Mr. Boccanfuso.

46
47
48

1 MR. GALANTE: So I think that's a concern for anybody here
2 giving you a drawing and saying here's what we want you to approve and
3 it's not accurate. Why would be the question.

4
5 MR. LEVITON: Mr. Galante?

6
7 MR GALANTE: Sure.

8
9 MR. LEVITON: They did submit a survey and they did
10 acknowledge that all accessory structures are not depicted on that
11 survey, and this board, if it approves the application before tonight,
12 which is simply to legitimize the existing porch, then as a condition
13 of approval that all accessory structures in the rear yard depicted
14 and not depicted on this survey will be removed within thirty days and
15 there will be township oversight.

16
17 MR. GALANTE: Right, that's what you're proposing.

18
19 MR. LEVITON: No.

20
21 MR. GALANTE: What you're going to vote on.

22
23 MR. LEVITON: That is what we will vote on, yes.

24
25 MR. GALANTE: The outhouse I guess it's a permitted fixture.

26
27 MR. LEVITON: It needs to be permitted sir. It's not and
28 they will apply for.

29
30 MR. BOCCANFUSO: Permitting.

31
32 MR. LEVITON: Yes, it needs to be permitted. The
33 construction office will go out and it's going to be brought into
34 compliance or removed.

35
36 MR. GALANTE: Yeah, the other question I had was and I don't
37 know about the details that you were talking about earlier, but there
38 were fines I guess going back, a way back. Has all of the money been
39 collected before you approve this?

40
41 MR. LEVITON: The applicant has testified that all notices
42 of violation and associated fines have been closed out.

43
44 MR. GALANTE: Okay.

45
46 MR. BOCCANFUSO: The applicant testified that all fines were
47 paid.

1 MR. LEVITON: Yes.

2
3 MR. BOCCANFUSO: The notices of violation technically have
4 not been resolved because some of them are before us tonight and those
5 are some of those items are items that'll need to be resolved within
6 thirty days either via removal or permitting. So technically some of
7 the violations are still open. The fines, speaking about them
8 separately, Mrs. Cibelli indicated they were paid. I have not gotten
9 any indication to the contrary. However, I would say if they haven't
10 been paid, the court is not going to forget and I'm sure that there
11 are penalties for non-payments so.

12
13 MR. MARMERO: And one of the conditions you referenced too
14 was closure or payment of all of those notices of violation as well.
15 So you kind of took her word for it, but also wanted to attach a
16 condition.

17
18 MR. LEVITON: Thank you, both of you.

19
20 MR. GALANTE: I know the point that was brought up earlier,
21 there's several permits or construction was performed without a
22 permit. Her husband did the construction. He's in construction. So one
23 would ask the question, why so many permits weren't obtained. It's
24 just not logical.

25
26 MR. LEVITON: She took responsibility for it. She said mea
27 culpa and that's it.

28
29 MR. GALANTE: So, I'm just asking that you consider that
30 when you make your voting.

31
32 MR. LEVITON: Of course.

33
34 MR. GALANTE: Okay.

35
36 MR. LEVITON: The Board will consider everything on the
37 record.

38
39 MR. GALANTE: Okay.

40
41 MR. LEVITON: But again, the only thing before the board is
42 the legitimization of their front porch.

43
44 MR. GALANTE: Okay. Well, this all goes.

45
46 MR. LEVITON: Yeah.

47

1 MR. GALANTE: It's all included. The other thing was I guess
2 Mrs. Cibelli had indicated to the two gentlemen that came up and I
3 could understand if they wanted to come into my house. I could
4 understand she's a female. You don't want somebody to come in your
5 house, but I think the only thing they wanted to do was go to the
6 backyard and she had already signed documents saying yes you can.
7 Maybe that's the way I heard the testimony. So based on that, I don't
8 understand why they're getting all this leniency in your thought.
9

10 MR. LEVITON: All we have before us is what's on the record.
11 The things that you've asked us about are on the record, and we aren't
12 being lenient. We're following the law. We're obligated to evaluate
13 the application based on the Municipal Land Use Law and in order to.
14

15 MR. GALANTE: But they haven't been able to go to the
16 property. That's all I'm saying.
17

18 MR. LEVITON: I see the porch sir. I drive by. I see it. All
19 they need to do as an applicant to satisfy the Land Use Law of New
20 Jersey is establish that it doesn't negatively impact on the
21 neighborhood which they've done and demonstrate that it advances one
22 of the purposes of the M.L.U.L.
23

24 MR. GALANTE: But I believe initially --- the driveway.
25

26 MR. LEVITON: Please don't talk over me.
27

28 MR. GALANTE: Sorry.
29

30 MR. LEVITON: Which they've done. Legally, they have made an
31 improvement on their property and that's what we're going to evaluate
32 along with all of those other things that you enumerated. We're going
33 to take it all into account. Is there anything else that you've
34 observed and you want to share?
35

36 MR. GALANTE: I guess on your drawing, you had I guess it's
37 the new garage that they're proposing. You don't want to talk about
38 that I guess?
39

40 MR. LEVITON: It's not before us.
41

42 MR. GALANTE: But it's part of the document that was
43 presented and discussed.
44

45 MR. LEVITON: Yes because.
46

47 MR. GALANTE: But we're not allowed to talk about it?
48

1 MR. LEVITON: It's not to be considered by this board.
2 Everything they're proposing in the way of that garage is fully
3 compliant with all township ordinances.
4

5 MR. GALANTE: But on the drawing the two dimensions don't
6 add up.
7

8 MR. LEVITON: And any discrepancies in calculations have to
9 be resolved and it's a condition.
10

11 MR. MARMERO: Yeah, one of the conditions was there was a
12 building coverage discrepancy which we have a condition that they
13 would need to resolve.
14

15 MR. GALANTE: That's a number ten. I mean --- number ten.
16 You had a hundred, one thousand three hundred and eighty-one square
17 feet and I think if you multiply the twenty-four by thirty-five it
18 comes to eight hundred forty feet.
19

20 MR. LEVITON: Mr. Waga, you.
21

22 MR. GALANTE: I don't know if that makes any difference.
23

24 MR. LEVITON: Mr. Waga took responsibility for it. He said
25 he was in error and I'll let him address you regarding that matter.
26

27 MR. WAGA: Yes as I alluded to earlier in my testimony,
28 there was --- unintentional oversight Mr. Galante and it will be
29 rectified as part of the conditions of.
30

31 MR. GALANTE: So is it the larger amount?
32

33 MR. WAGA: No, no I testified that it will be the smaller
34 amount thereby even reducing the overall, not only building coverage,
35 but lot coverage.
36

37 MR. GALANTE: Thank you.
38

39 MR. WAGA: Thank you.
40

41 MR. GALANTE: I guess in closing I want to thank everybody,
42 Brian, I think your document was tremendous and you guys did a lot of
43 hard work and I appreciate it everybody. Thank you.
44

45 MR. LEVITON: Thank you Mr. Galante.
46

47 MR. GALANTE: Thanks for listening.
48

1 MR. LEVITON: And I will echo that sentiment. He is amazing
2 and we're very fortunate as we are to have the board's recording
3 secretary and his assistant administrator Ms. Moench. And anyone in
4 the audience tonight who's dealt with her including Mrs. Cibelli knows
5 how wonderful she is. Is there anyone else who wants to come up?
6 Ma'am? Before she gets up here, Mr. Galante, any relation to Anne
7 Marie?

8
9 MR. GALANTE: Excuse me?

10
11 MR. LEVITON: Are you related to Anne Marie?

12
13 MR. GALANTE: No.

14
15 MR. LEVITON Okay. Ma'am, if you'll pick up the microphone.

16
17 MS. PADLO: Diane Padlo 111 Symmes Road Manalapan, New
18 Jersey, P-A-D-L-O.

19
20 MR. MARMERO: P-A-D-L-O you said ma'am?

21
22 MS. PADLO: Yes sir.

23
24 MR. MARMERO: And what was the address?

25
26 MS. PADLO: 111 Symmes.

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

31
32 MS. PADLO: Yes, I do.

33
34 MR. MARMERO: Okay, go ahead.

35
36 MS. PADLO: First of all, I give you guys an awful lot of
37 credit. There's 3.1 million dollars in accrued fines. There were no
38 visual pictures as requested tonight. There's an incomplete site plan
39 that is grossly short on structures. You were denied access to the
40 property and even the application has bad information on it. It says
41 they're on a septic system, they're not. They're on a well and sewer.
42 You're very forgiving and very patient and better people than I, but
43 Mr. Chair, your last statement about you have to comply with the
44 Municipal Land Use Law. I'm not sure if we're looking at a C1 or two.

45
46 MR. LEVITON: It's a two.

47
48 MS. PADLO: It's a two?

1
2 MR. LEVITON: There's no hardship.
3
4 MS. PADLO: I would agree.
5
6 MR. LEVITON: They didn't ask for one.
7
8 MS. PADLO: There is no hardship, and if there was a
9 hardship, it would have to be land-related.
10
11 MR. LEVITON: Yes.
12
13 MS. PADLO: Not personal.
14
15 MR. LEVITON: There is no hardship.
16
17 MS. PADLO: There is no hardship. So if it's C2.
18
19 MR. LEVITON: Yes.
20
21 MS. PADLO: Which?
22
23 MR. LEVITON: The one that.
24
25 MS. PADLO: Which clause of the Municipal Land Use Law the
26 purposes of the act A through the letter O?
27
28 MR. LEVITON: Yeah.
29
30 MS. PADLO: Did they comply with? I don't see any nexus A
31 through O. Which one?
32
33 MR. LEVITON: The one that, I don't have it in front of me.
34 I can't.
35
36 MS. PADLO: I have it. I don't see it.
37
38 MR. LEVITON: Look for the one that talks about aesthetics.
39
40 MS. PADLO: Okay A is health, safety, morals, and general
41 welfare. B is safety and fire. Then we've got C adequate light, air,
42 and open space.
43
44 MR. MARMERO: Steve, the aesthetics is usually tied in with
45 the general welfare. When you tie it in, when you do the criteria
46 here.
47
48 MR. LEVITON: Thank you Albert.

1
2 MS. PADLO: So which letter of the alphabet are we looking
3 at that you will put in your resolution?
4

5 MR. LEVITON: He will.
6

7 MS. PADLO: I know, but which letter if you could tell me
8 tonight?
9

10 MR. LEVITON: He'll tell you.
11

12 MR. MARMERO: It'll be in the resolution, but I don't have
13 it in front of me.
14

15 MS. PADLO: I don't see anything about general aesthetics,
16 that's my problem.
17

18 MR. LEVITON: Nevertheless Mrs. Padlo.
19

20 MS. PADLO: Nevertheless yeah, and you have residents out
21 here tonight that would really like to talk about a whole lot of stuff
22 and I think they've been precluded from doing that because we've been
23 reduced now to just a porch. There's an awful lot going on on that
24 property.
25

26 MR. LEVITON: Not before this board.
27

28 MS. PADLO: --- going on for years, and it's not before this
29 board, but this board because they were denied access, because they
30 don't have the pictures, because they don't have the right site plan
31 could at least delay things. Why would you approve something tonight
32 before all these other conditions were met? Let them come back.
33

34 MR. LEVITON: Nothing.
35

36 MS. PADLO: Let them come back.
37

38 MR. LEVITON: Nothing that they're going to do will happen
39 until everything else is brought back into compliance or permitted.
40

41 MS. PADLO: I do admire your ---
42

43 MR. LEVITON: No new permits will be issued until all old
44 permits are closed out.
45

46 MS. PADLO: Trying to get them in compliance. Well we could
47 be years from now for that.
48

1 MR. LEVITON: It could be, but they're not going to get
2 their garage until then. They're not going to get their driveway until
3 then.

4
5 MS. PADLO: Well who's going to be the watchdog on all of
6 this because obviously there've been lapses in our town system.

7
8 MR. LEVITON: There will be several and I don't really
9 appreciate that characterization.

10
11 MS. PADLO: I think it's a true characterization.

12
13 MR. LEVITON: It's not because these things that the
14 applicant, by her own admission, were done without permission. Nobody
15 asked. They're asking forgiveness after the fact, and the oversight is
16 going to take place by Mr. Boccanfuso through the zoning office and/or
17 the construction office.

18
19 MS. PADLO: Okay, I hope you're right Mr. Chair. I really
20 do.

21
22 MR. LEVITON: And I do too. It's an imperfect system.

23
24 MS. PADLO: And they all hope you're right. They're living
25 with this.

26
27 MR. LEVITON: Of course they do. Sure, we're all part.

28
29 MS. PADLO: I wish they would speak.

30
31 MR. LEVITON: They're all invited to speak. We're all part
32 of the same community. We're all neighbors. The people you see up here
33 on the dais, they're volunteers. They come here out of the kindness of
34 their heart.

35
36 MS. PADLO: And it is a thankless job.

37
38 MR. LEVITON: Ms. Padlo you know. You volunteered on the
39 school board for years.

40
41 MS. PADLO: I was on this board for twenty-two years.

42
43 MR. LEVITON: And on this board for twenty-two years.

44
45 MS. PADLO: And it is a thankless job, but I worry about the
46 enforcement, the oversight, and any repercussions because there has
47 been no consistent justice on this property. They've been to court.
48 Your zoning officers have cited them. The infractions are still

1 happening, and then, and then, and then, and now you are giving them
2 an approval, okay.

3
4 MR. LEVITON: I'm not giving them approval. The board won't
5 be giving them approval. We're going to legitimize their porch. That
6 is all this board is going to be looking at, and in order to do that
7 we're going to impose conditions that are going to clean up the site.
8 It's a win-win.

9
10 MS. PADLO: I hope so.

11
12 MR. LEVITON: Thank you Ms. Padlo. Who else? Are you sure?
13 How about over here? No? Okay, seeing no one else then I'm going to
14 close public. I will thank you Mr. Galante and Ms. Padlo for your
15 thoughts, and I'm going to look to the zoning officer Mr. Boccanfuso.
16 Is there anything further from you sir?

17
18 MR. BOCCANFUSO: I don't think so Mr. Chairman. I think
19 we've got it all on record.

20
21 MR. LEVITON: Good. That pleases me to hear him say that
22 because I'm always afraid I'm going to miss things. He's so thorough.
23 Mr. Marmero?

24
25 MR. MARMERO: Ready for me to sum it up? Sure. The applicant
26 is here tonight initially for two variances. One involving the
27 driveway rear setback which the applicant has put on the record that
28 that variance will be eliminated as the driveway will be brought into
29 compliance. The other variance that the applicant is here tonight is
30 for the front porch setback. That variance obviously remains so that's
31 what you're voting on tonight. If the vote or the motion is to approve
32 that variance, some of the conditions that we discussed that could be
33 attached to that variance are as follows: number one which I already
34 referenced would be that the driveway variance would be eliminated and
35 any necessary permits for that demo, construction, re-construction of
36 the driveway would be obtained, the applicant would comply with all
37 conditions.

38
39 MR. LEVITON: Oh Albert, just a second. That driveway that
40 falls under the thirty-day umbrella for improvements. Correct? I mean
41 for.

42
43 MR. MARMERO: Yeah, we can attach the thirty days to that.
44 So that driveway.

45
46 MR. LEVITON: Because it's going to fall under the auspices
47 of Brian's oversight, okay.

48

1 MR. MARMERO: So we can attach the thirty days that we're
2 going to discuss throughout these other conditions to that. The
3 general condition that we would attach is that they comply with all
4 comments and conditions of Brian's September 23, 2025 memo unless
5 changed by testimony throughout the hearing this evening. We heard
6 testimony that they would close out all open permits which it sounds
7 like there's two open permits. There was some discussion that perhaps
8 that could be done within fifteen days, but it sounds like a more
9 reasonable approach would be to have some type of contact that could
10 be verified with the construction office within fifteen days of the
11 resolution, and then have those permits closed out prior to issuance
12 of any new permits that are going to result from this application. The
13 applicant and the board discussed removal of all non-compliant
14 accessory structures and improvements. They would have to be removed
15 subject to township oversight within thirty days whether or not those
16 structures or improvements are shown on the plan that was before you
17 this evening. The same result would be for the fabric fence. That
18 would need to be removed within thirty days. The applicant would need
19 to seek a construction permit for the non-compliant outhouse, or the
20 unpermitted outhouse I should say, with a permit application filed
21 within thirty days. The same outcome for the non-permitted gazebo. A
22 construction permit would need to be applied for within thirty days.
23 We talked about notices of violations and some of those notices of
24 violation, if not all of them, are referenced in item number four in
25 Brian's report. There was testimony between the board and the
26 applicant that those notices of violations would need to be closed/
27 paid as a condition of this approval. The applicant has agreed to fix
28 the building coverage discrepancy note where there was a square
29 footage issue that was just discussed. The proposed garage on the plan
30 states that the proposed garage is 1,381.48 square feet which the
31 applicant has agreed to fix. There was discussion that a road opening
32 permit would likely be necessary for the driveway. So that would be a
33 condition of any approval. There was a discussion of sidewalk and the
34 board seemed to agree that the actual construction of the sidewalk
35 would be unnecessary. So the applicant asked for and the board agreed
36 to allow a payment in lieu of the construction of sidewalk with costs
37 to be established in accordance with the township code which is
38 essentially established by the township engineer. There was discussion
39 that there would be no permit applications for any new improvements
40 until all permits are obtained for any previously-constructed items
41 and/or all non-compliant items are removed. There was discussion about
42 the basement access permits, and that that will be applied for within
43 thirty days and I think that covers all the conditions discussed
44 unless there's any that anyone feels I'm missing.

45
46 MR. LEVITON: The one that broadly recommends that
47 everything in the township engineer's memo is addressed even if not
48 stated covers everything and I compliment you on your amazing job.

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MR. MARMERO: And then of course I'll have the ones that I don't mention, but are always there that any and all outside agencies that may have jurisdiction have to be complied with. Any variance relief that we grant has a life of one year. So all the standard conditions that will typically grant will be applied for as well.

MS. KLOMPUS Can I ask a question?

MR. LEVITON: Thank you counselor, yes.

MS. KLOMPUS: What happens if they don't meet the fifteen and the thirty day deadline?

MR. BOCCANFUSO: They start getting notices of violation followed shortly after by summons.

MR. MARMERO: Yeah, so the resolution has essentially the same effect as our zoning ordinance so it essentially becomes the zoning for the property. So they can be cited for the zoning office for violating their resolution.

MS. KLOMPUS And is that after the next meeting when we memorialize it?

MR. MARMERO: Yeah so none of this is official until you get a resolution in front of you and memorialize that which I guess will be, is our next meeting two weeks from now?

MS. KLOMPUS: ---

MR. MARMERO: Yeah.

MR. LEVITON: It's a good point Stacey and I'm going to Mrs. Cibelli that. The fifteen days and the thirty days, they really start from the time that your application is memorialized and that will take place at our next regular meeting.

MR. MARMERO: Yeah and the reason for that is you guys memorialize the resolution, then that resolution gets published in the newspaper or online now and then that sets forth the time period where anyone has the ability to appeal the resolution as well.

MRS. CIBELLI: So when is that next meeting?

MR. LEVITON: The 21st.

MR. WAGA: Two weeks from today.

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MRS. CIBELLI: Okay, thank you.

MR. LEVITON: Barrister, anything further?

MR. MARMERO: No, nothing on my end.

MR. LEVITON: Stacey, you're good?

MS. KLOMPUS: Yes, I think.

MR. LEVITON: Okay

MR. WECHSLER: I have a question.

MR. LEVITON: Michael.

MR. WECHSLER: For clarity and transparency, so if a no vote was to occur I'm guessing.

MS. MOENCH: --- with a motion.

MR. WECHSLER: Well so my question would be what happens to everything that was put into place and none of this?

MR. MARMERO: So the porch remains non-compliant and essentially would probably have to be remedied. It would have to go. I mean it sounds like there's a four foot deficiency so they would have to find some way to comply. All of the other items that we're listing as conditions, they would not be conditions. Zoning can still enforce them because it sounds like there's a lot of non-compliant issues out there, but the timelines that we're discussing now wouldn't apply because those are conditions you're applying. One of the things that was discussed tonight is that there's only kind of one minor thing before the board tonight which is this porch, but because the applicant needs relief it gives you the ability to attach a lot of conditions to it. So it kind of brings everything else in play. It allows you to set the timelines for all these other things. If there is no approval tonight the porch remains non-compliant and none of these conditions apply at that point.

MR. WECHSLER: Thank you for clarification.

MR. MARMERO: Sure.

MR. BOCCANFUSO: Yeah the porch would have to be brought into compliance if the application were denied. All the other non-compliant conditions would still be subject to code enforcement

1 action. I wouldn't say that summons would be issued tomorrow in the
2 event of a denial tonight, but probably on the same timeline that the
3 board is discussing as conditions of approval. It would be on those
4 same timelines. Thirty days, the summons would start flying if the
5 non-compliant conditions still remain on the property.

6
7 MR. WECHSLER: Sounds good, thank you.

8
9 MR. LEVITON: So everyone knows this is a C2 variance that's
10 being sought. It is not a use variance. It only necessitates a
11 plurality of votes from the members of the board. There are two
12 alternates sitting among us tonight. So there are six regular board
13 members. There will be one alternate voting that will be Jessica and
14 four votes will carry the application. Four votes will deny it. I will
15 personally be voting in favor of it because had someone in the
16 community come to ask permission for what they've done I would
17 absolutely give it. It's consistent with past practice of this board.
18 Their encroachment is de minimis as characterized by Mr. Waga and I
19 have to concur. It's only four feet and that is. How much Mr. Waga?
20 What percent?

21
22 MR. WAGA: It's just over six percent.

23
24 MR. LEVITON: Four feet, it's seventy-one feet where
25 seventy-five are required.

26
27 MR. WAGA: And it's an open air.

28
29 MR. LEVITON: It's an open air?

30
31 MR. WAGA: Porch.

32
33 MR. LEVITON: Okay. Alright, I have nothing further.
34 Michael, anything from you?

35
36 MR. WECHSLER: We're good.

37
38 MR. LEVITON: Basil?

39
40 MR. MANTAGAS: So in other words they won't be able to do
41 any new construction on the property without taking care of all these
42 violations and all these different things?

43
44 MR. MARMERO: Yeah, per the conditions that you referenced
45 as long as everyone's in agreement with those conditions, yeah there
46 wouldn't be any new permit applications for any new improvements until
47 any of the non-permitted things that are going to remain are permitted
48 and all of the non-compliant items that are going are removed.

1
2 MR. MANTAGAS: Thank you.
3
4 MR. MARMERO: Sure.
5
6 MR. WAGA: Chair, if I may ask a question.
7
8 MR. LEVITON: Yes sir.
9
10 MR. WAGA: Of Mr. Marmero.
11
12 MR. MARMERO: Sure.
13
14 MR. LEVITON: Yes.
15
16 MR. WAGA: Just for fluency here, I've too taken very
17 copious notes. How long would it take your office to turn around a
18 draft of the resolution?
19
20 MR. MARMERO: I usually have it by next Thursday or next
21 Friday.
22
23 MR. WAGA: Okay perfect.
24
25 MR. MARMERO: The board typically likes to have them by
26 Friday and when there's an attorney or a professional involved, I
27 genuinely share, usually with attorneys, but I can certainly flip you
28 a copy.
29
30 MR. WAGA: That would be great.
31
32 MR. MARMERO: To review ahead of time.
33
34 MR. WAGA: That would be great. Thank you.
35
36 MR. LEVITON: He's amazing Mr. Waga.
37
38 MR. WAGA: Oh I know.
39
40 MR. LEVITON: When we hired him, we spoke to him about the
41 completion of resolutions in a timely manner and he's been with us now
42 for, how many years?
43
44 MR. MARMERO: '23 was the first year.
45
46 MR. LEVITON: No, no, no with us. How long have you been?
47
48 MR. MARMERO: This is the fourth year.

1
2 MR. LEVITON: Four years now and he never missed. He's
3 amazing.

4
5 MR. BOCCAFUSO: Hundred percent hit rate I think.

6
7 MR. LEVITON: Yeah and you know what, he's the only attorney
8 that, I've been here for ten years, that's been this good regarding
9 resolutions and other things.

10
11 MR. MARMERO: Well I appreciate it. Thank you.

12
13 MR. LEVITON: Anyone down here? Thoughts or concerns before
14 we call for a motion?

15
16 MS. LEVENSON: So the one thing that still is on my mind,
17 we're talking about the gazebo and the outhouse and we kind of came to
18 a consensus to permit it if a permit was applied for within thirty
19 days. What happens if that is not? I know we just discussed that a
20 little because I'm still concerned.

21
22 MR. LEVITON: I'll tell you. See this is our leverage. They
23 want to build their garage. They want to build their circular
24 driveway. They're not going to be able to request permits for any of
25 that until that outhouse is permitted, until that gazebo is permitted,
26 until the basement and the overhang and the accessory structures are
27 all brought back into compliance.

28
29 MR. MARMERO: And also thirty days after the resolution is
30 memorialized, they'll be in violation of the resolution as well if
31 those permit applications aren't filed because the condition is that
32 the permit applications have to be filed within thirty days.

33
34 MR. BOCCANFUSO: Maybe I misunderstood Jessica's question,
35 but I thought she asked what happens if the structures aren't
36 permitted.

37
38 MS. LEVENSON: That was my, yes structures.

39
40 MR. BOCCANFUSO: So let's say a permit application comes in
41 in a couple weeks for the outhouse with all the details, the design,
42 the layout, all the information necessary and a thorough review of the
43 submission and the zoning ordinance reveals that this is not permitted
44 by zoning or it gets through zoning and the construction department or
45 the plumbing subcode official reviews it, says this is just simply not
46 permitted, it would then need to be removed. It could not be
47 permitted. If it was a zoning violation, the applicant would have the
48 ability to return to the board and seek approval for it. If it was a

1 construction code violation, it's got to go. So if that were to happen
2 and quite frankly because we don't know what it is, and I don't know
3 what it is, I can't tell you if it's permitted by zoning. I'm not
4 aware of anything in our zoning ordinance that specifically prohibits
5 this type of structure. I have seen an approved pool houses that have
6 sanitary facilities in them. So it's similar in some ways, but once we
7 receive and review the details, if there is a denial because it
8 doesn't comply then they have to remove it at that point.

9
10 MRS. CIBELLI: Can I ask a question to that?

11
12 MR. BOCCANFUSO: Sure.

13
14 MRS. CIBELLI: So if it fails the construction inspection,
15 do we have an opportunity to correct whatever was listed as?

16
17 MR. BOCCANFUSO: It would be up to the construction
18 department. The way I was looking at it is if upon application review
19 or plan review they say just no you can't have it, then it would need
20 to be removed. If the permit is approved and then the subsequent
21 inspections reveal issues, I think you would have an opportunity to
22 correct those. What would be involved? It's up to the construction
23 department. I mean it could be minor. It could be very substantial or
24 anything in between is on the table, but I was speaking more to the
25 front-end permit application review. If you can't even get to the
26 point where it's permitted, then it's got to go.

27
28 MR. MARMERO: And then if there was some kind of zoning
29 issue, you could always come here for a variance, but I think the
30 setbacks looks like there's probably no ---

31
32 MR. BOCCANFUSO: Yeah, the setbacks are definitely not an
33 issue. It's the use really.

34
35 MR. MARMERO: Yeah.

36
37 MR. BOCCANFUSO: That's a little unclear right now, but
38 again I'm not familiar with anything. Nothing's coming to mind that
39 would immediately dismiss this or cause an immediate reaction, but
40 we'll review the application when it comes in and make a
41 determination.

42
43 MR. LEVITON: Mrs. Cibelli, I appreciate your amenability
44 and we're here at a place where our interests are aligned like
45 Stonehenge on a summer solstice and I hope that you take full
46 advantage of this opportunity, if it's so granted and that you bring
47 everything back into compliance.

1 MRS. CIBELLI: As I said from the very beginning, that is my
2 intention and I appreciate you listening to my petition and hearing us
3 out and this is what we want to do. We don't want to have any issues
4 with our neighbors, but we also want to be compliant with what you've
5 asked us to do, but also comply in a way that is aesthetically
6 pleasing to myself and my family.

7
8 MR. LEVITON: Mr. Waga, anything in summation sir?
9

10 MR. WAGA: No sir, just thank you for the opportunity to
11 this board. Again, I'll just build on Mrs. Cibelli's comments and
12 we'll end it there. Thank you.
13

14 MR. LEVITON: Then at this time, I'm going to look to the
15 members of the board and ask for someone to make a motion.
16

17 MR. MANTAGAS: Mr. Chairman, I'll make a motion to accept
18 the application with all of the conditions to be met, like Mr. Marmero
19 pointed out, every one and this is for the front porch and the
20 driveway.
21

22 MR. LEVITON: The driveway's no longer under consideration.
23

24 MR. MANTAGAS: Okay right it's just the front porch and the
25 waiver of sidewalk with the payment in lieu and the waiver of
26 sidewalk.
27

28 MR. LEVITON: Yeah, that the applicant has to obtain and
29 close out all permits for previously-constructed improvements
30 including the roof overhang, the basement access, and the front porch
31 with all required inspections completed, all existing accessory
32 structures including sheds and similar structures need to be removed
33 or they need to be permitted according to the time frame that the
34 attorney has laid forth in front of them. Also, they can't get any new
35 permits until all old permits are closed out. I just want to get those
36 on the record and I'm going to ask you Basil. You made the motion, is
37 that acceptable to you?
38

39 MR. MANTAGAS: Yes.
40

41 MR. LEVITON: Okay. Will someone second that?
42

43 MS. KLOMPUS: I'll second.
44

45 MR. LEVITON: Thank you Ms. Klompus. Call the vote.
46

47 **ROLL CALL**
48

1 MS. MOENCH: Mr. Mantagas?
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3 MR. MANTAGAS: Yes.
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5 MS. MOENCH: Mr. Wechsler?
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7 MR. WECHSLER: Yes.
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9 MS. MOENCH: Mr. Pochopin?
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11 MR. POCHOPIN: Yes.
12
13 MS. MOENCH: Ms. Klompus?
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15 MS. KLOMPUS: Yes.
16
17 MS. MOENCH: Mr. Harrington?
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19 MR. HARRINGTON: Yes.
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21 MS. MOENCH: Ms. Levenson?
22
23 MS. LEVENSON: Yes.
24
25 MS. MOENCH: Chair Leviton?
26
27 MR. LEVITON: Yes, and we thank you and we wish everyone
28 well, neighbors, and applicant, and good luck to everyone. Again, the
29 resolution will be memorialized at our next regular meeting and you
30 won't need to be here for that.
31
32 MRS. CIBELLI: I'm sorry?
33
34 MR. LEVITON: You won't need to be here for that, okay.
35
36 MR. WAGA: Thank you.
37
38 MR. LEVITON: You're welcome. At this time, I'm going to go
39 out to public once again to ask if there's anyone who wants to address
40 the board on any non-agenda items. Seeing none, I will close public
41 and ask for someone to make a motion to adjourn.
42
43 MR. WECHSLER: I make a motion to adjourn.
44
45 MR. POCHOPIN: Second.
46
47 MR. LEVITON: Thank you Michael.
48 *****