

1 **MEETING IS CALLED TO ORDER:**

2

3 MR. LEVITON: And ask you to join me in a salute to the
4 flag.

5

6 **SALUTE TO THE FLAG**

7

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

17

18 **ROLL CALL**

19

20 MS. MOENCH: Mr. Shalikar? Absent. Mr. Mantagas? Not here.
21 Mr. Wechsler?

22

23 MR. WECHSLER: Here.

24

25 MS. MOENCH: Mr. Pochopin?

26

27 MR. POCHOPIN: Here.

28

29 MS. MOENCH: Ms. Klompus? Absent. Mr. Harrington?

30

31 MR. HARRINGTON: Here.

32

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

34

35 MS. LEVENSON: Here.

36

37 MS. MOENCH: Ms. Latilla?

38

39 MS. LATILLA: Here.

40

41 MS. MOENCH: Mr. Hughes?

42

43 MR. HUGHES: Here.

44

45 MS. MOENCH: Chair Leviton?

46

47 MR. LEVITON: Here. Greetings, board members, and
48 professionals, and members of the public. Let us take care of some

1 housecleaning before we begin. Our first order of business is to
2 accept the minutes from March 19th. Will someone make a motion and
3 will someone second it please?

4
5 MR. HARRINGTON: I'll make a motion.

6
7 MS. MOENCH: What'd you say? I'm sorry.

8
9 MR. LEVITON: I asked for a motion.

10
11 MS. MOENCH: For what?

12
13 MR. LEVITON: Accepting the minutes.

14
15 MS. MOENCH: The minutes were removed. There were no
16 minutes.

17
18 MR. LEVITON: There are no minutes. Okay, will someone move,
19 then let's talk about the one resolution that we need to memorialize.
20 Counselor?

21
22 MR. MARMERO: Sure, Mr. Chairman. So, you have a resolution
23 before you this evening. It was an application at 12 Washingtons
24 Advance. As you'll remember the applicant submitted the application
25 seeking variance relief in connection with existing improvements
26 including variance relief associated with the existing covered front
27 porch, and then there was also the existing driveway encroachment.
28 However, the driveway variance was removed through testimony. So it
29 was just the covered front porch and then associated conditions that
30 were applied.

31
32 MR. LEVITON: Will someone move to memorialize?

33
34 MR. WECHSLER: I'll make a motion to memorialize.

35
36 MR. LEVITON: Thank you Michael. Will someone second it?

37
38 MR. POCHOPIN: I'll second.

39
40 MR. LEVITON: Thank you Dan.

41
42 **ROLL CALL**

43
44 MS. MOENCH: Mr. Wechsler?

45
46 MR. WECHSLER: Yes.

47
48 MS. MOENCH: Mr. Pochopin?

1
2 MR. POCHOPIN: Yes.
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4 MS. MOENCH: Mr. Harrington?
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6 MR. HARRINGTON: Yes.
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8 MS. MOENCH: Ms. Levenson?
9
10 MS. LEVENSON: Yes.
11
12 MS. MOENCH: Chair Leviton?
13
14 MR. LEVITON: Yes. Before we call our first application, Ms.
15 Baker-Levenson, you want to recuse yourself?
16
17 MS. LEVENSON: Yes, our first applicant, I'm friends with
18 the family.
19
20 MR. LEVITON: Okay.
21
22 MS. LEVENSON: So I think it's in the best interest that I
23 recuse myself for that application.
24
25 MR. LEVITON: Then if you'll excuse yourself and wait
26 outside, we'll call you in for the second application.
27
28 MS. LEVENSON: Thank you.
29
30 MR. LEVITON: You're welcome.
31
32 MS. MOENCH: You should probably just clarify that you're
33 going out of order on the agenda.
34
35 MR. LEVITON: No, I'm looking at the agenda.
36
37 MS. MOENCH: Oh I changed it, never mind.
38
39 MR. LEVITON: Yeah okay. Okay, so Dr. Klepner application
40 ZBE2605, we call you to the stand, make yourself comfortable, but
41 before you sit our attorney will swear you in.
42
43 MR. MARMERO: If you raise your right hand, I'll get you
44 sworn in. Do you swear the testimony that you provide tonight will be
45 the truth, the whole truth, and nothing but the truth?
46
47 MR. KLEPNER: Yes.
48

1 MR. MARMERO: Okay, can you state your name for the record
2 please?

3
4 MR. KLEPNER: Stephen Klepner.

5
6 MS. LATILLA: I don't think the mic is on.

7
8 MR. KLEPNER: Stephen Klepner.

9
10 MR. LEVITON: And pull it closer to you. You spell your name
11 the way I do. There aren't very many of us left.

12
13 MR. KLEPNER: Yeah.

14
15 MR. LEVITON: Okay, Dr. Klepner you were here in November of
16 '24 and this board granted you all kinds of things in the way of
17 improvements on your home, and you're back tonight because of a
18 discrepancy in the permitting process when you submitted to the zoning
19 office. Something that you had not identified initially when you were
20 here appeared on the plans and it, I believe, affects the setback that
21 we granted you.

22
23 MR. KLEPNER: Yeah, it does. So, the side setback, we made a
24 decision to --- the covered porch in addition to redoing some of the
25 patio. So, oh it's not on okay, sorry. We were redoing some of the
26 patio and we would like the edge of the patio to line up with the edge
27 of the house.

28
29 MR. LEVITON: So, if you would put on the record the amount
30 of the encroachment and also the discrepancy between what we granted
31 and what you're asking for.

32
33 MR. KLEPNER: So, it's supposed to be thirty-five feet and
34 it will be 26.14 feet. I don't have the exact. It was slightly
35 different. The original grant, I didn't bring it with me. It was
36 similar, but I don't remember the exact number.

37
38 MR. LEVITON: That's fine. I have no further questions.
39 Board members? And professionals, anything from you?

40
41 MR. BOCCANFUSO: No Mr. Chairman, it's really pretty
42 straightforward. Sounds like a design change as they were finalizing
43 and refining the design. Unfortunately, it wasn't captured in the
44 original approvals. So, Dr. Klepner has to come back and amend the
45 application that's why he's here tonight.

46
47 MR. LEVITON: Thank you Mr. Boccanfuso.

48

1 MR. MARMERO: --- The prior approval granted a side setback
2 of 27.45 feet and now is 26.14 feet.

3
4 MR. LEVITON: Oh, about a foot difference.

5
6 MR. KLEPNER: Yeah.

7
8 MR. LEVITON: Would you characterize that as de minimis?

9
10 MR. KLEPNER: Characterize it as what?

11
12 MR. LEVITON: As de minimis.

13
14 MR. KLEPNER: I don't know what that means.

15
16 MR. LEVITON: Small.

17
18 MR. KLEPNER: Small, oh yes. I could've used context clues.

19
20 MR. LEVITON: Not important. Okay, it's a legal term.

21
22 MR. KLEPNER: Yes, yes. I mean, yeah. Yes, it's de minimis.

23
24 MR. LEVITON: It is de minimis, okay. I have nothing
25 further. Let me go to the public. Is there anyone in attendance who
26 wants to ask the doctor a question about his application? Seeing none,
27 I'll close public and I'll ask someone to make a motion to grant the
28 relief that he seeks.

29
30 MR. WECHSLER: I'll make a motion to grant the relief.

31
32 MR. LEVITON: Thank you Mr. Wechsler. Will someone second
33 that?

34
35 MR. HARRINGTON: And I'll second that.

36
37 MR. LEVITON: And let me just state for the record before
38 the roll is called, this is I believe an eleven member board in total.
39 Seven regular members and several alternates and tonight all the
40 alternates will count and now.

41
42 MS. MOENCH: Mr. Harrington, did you make the second?

43
44 MR. HARRINGTON: Yes, I did.

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46 MS. MOENCH: Thank you.

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48 MR. LEVITON: And we'll call it.

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ROLL CALL

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Yes.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Yes.

MS. MOENCH: Mr. Harrington?

MR. HARRINGTON: Yes.

MS. MOENCH: Ms. Latilla?

MS. LATILLA: Yes.

MS. MOENCH: Mr. Hughes?

MR. HUGHES: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Yes, congratulations sir.

MR. KLEPNER: Thank you board. I appreciate you.

MR. LEVITON: Do us a favor, send Mrs. Baker-Levenson back
in.

MR. KLEPNER: Sure.

MR. LEVITON: Okay thanks.

MR. KLEPNER: Have a great night everybody.

MR. LEVITON: You as well. Alright, let us call on our next
application ZBE2603, Mr. Alfieri on behalf of his client Mr. Lennon. I
see Mr. Ploskonka is accompanying counsel and will any of the Lennon's
be testifying tonight Mr. Alfieri?

MR. ALFIERI: Just Mr. Ploskonka, but the applicant is
present if --- questions.

MR. LEVITON: Okay. Let the record reflect that Ms. Baker-
Levenson has rejoined these proceedings and is in attendance.

1
2 MR. MARMERO: --- I'll get you sworn in.

3
4 MR. ALFIERI: Please, please.

5
6 MR. MARMERO: If you'll raise your right hand, do you swear
7 the testimony you provide tonight will be the truth, the whole truth,
8 and nothing but the truth?

9
10 MR. PLOSKONKA: I do.

11
12 MR. MARMERO: And Mr. Chairman I assume you don't need ---
13 credentials?

14
15 MR. LEVITON: No need to voir dere the professional. He's
16 appeared before this board many times. He has our respect and we
17 welcome him back.

18
19 MR. PLOSKONKA: Thank you Mr. Chairman.

20
21 MR. MARMERO: Mr. Alfieri, something that was submitted in
22 this application.

23
24 MR. LEVITON: It's all stuff I recognize so there's no need
25 to mark any of it.

26
27 MS. MOENCH: It wasn't included in the application. It was
28 sent yesterday as exhibits so pre-marked.

29
30 MR. MARMERO: Okay great --- the exhibit back.

31
32 MR. ALFIERI: Right and good evening, Mr. Chair, members of
33 the board. Salvatore Alfieri, Cleary, Giacobbe, Alfieri, & Jacobs, on
34 behalf of the applicant. We're here for variance relief for a free-
35 standing garage structure. As we indicated, the applicant is present
36 if the board has specific questions of the applicant, but otherwise
37 we're going to ask that Mr. Ploskonka present the case and explain to
38 the board what we're trying to do and what variance relief is
39 required, John.

40
41 MR. PLOSKONKA: The applicant has property which is about
42 thirty-eight acres on McCaffrey Road. If you remember, some of the
43 older members, this was going to be the Driscoll Expressway to be
44 built throughout Manalapan probably sixty years ago. Never got built.
45 Property was sold to local people, and eventually my client purchased
46 this thirty-eight acre parcel to build one single-family house on
47 McCaffrey Road. He uses the property to hunt because he's a hunter and
48 it's a nice piece of property, but it's long. Two thousand feet deep,

1 about three hundred feet wide, and the house that was just built on
2 there is shown on exhibit A if you saw that or exhibit one.

3
4 MR. ALFIERI: That's up on the screen too, and yes, I did
5 hand them out.

6
7 MR. PLOSKONKA: That's the house that they built. They're
8 about to move into the home shortly. It's a modular home. It worked
9 out pretty well. The house is in. The septic is in and some of the
10 driveway is in next to the septic. So, the client, again, has a lot of
11 toys and trucks that he uses for his own personal use that include a
12 thirty-one foot travel trailer, two full size RAM trucks, a Jeep, two
13 four-wheelers and a side-by-side. I have one set of photographs of
14 those things which we'll pass around to the board.

15
16 MR. ALFIERI: So, we're going to need. These weren't pre-
17 submitted, correct?

18
19 MR. PLOSKONKA: No, they were not.

20
21 MR. ALFIERI: So, this would be A4. Do you call them A?

22
23 MS. MOENCH: Well, you literally have A two and three. I
24 would just say A4.

25
26 MR. ALFIERI: So, this is a series of four photographs of
27 the vehicles that Mr. Ploskonka just testified to. I could start down
28 here.

29
30 MR. PLOSKONKA: These vehicles are for personal use. The
31 garage he wants to construct, a free-standing garage, on the property
32 would be for storing the vehicles. There will be no septic for the
33 house, no toilet facilities, no water. Simply having electricity so he
34 can operate with his personal vehicles and there'll be no commercial
35 use of the property for any reason. The garage is proposed to be forty
36 by forty and twenty-five foot high. So again, be able to store the
37 vehicles. It's a large garage because the ordinance allows thirty-five
38 by twenty-five for size and then fifteen feet for height. So, we need
39 variances for the area as well as for the height that we're seeking
40 tonight.

41
42 MR. ALFIERI: Can you just give the board the gross square
43 footage permitted versus proposed of the garage?

44
45 MR. PLOSKONKA: Yeah, the permitted is 875, proposed is
46 sixteen hundred square feet and height is fifteen feet permitted,
47 twenty-five feet requested. So, it's a ten foot above that and it's
48 about eight hundred over the size. We don't want to have these

1 vehicles, which are nice vehicles parked in the backyard, the side
2 yard. They should be under cover and this is again a thirty-eight acre
3 parcel.

4
5 MR. LEVITON: Excuse me for a moment Mr. Ploskonka. Mr.
6 Boccanfuso, Mr. Ploskonka testified that the ordinance permits 875
7 square feet. My understanding was 840. Am I wrong?

8
9 MR. BOCCANFUSO: You are not wrong.

10
11 MR. LEVITON: I mean it's not that big a deal. Right? He's
12 still proposing.

13
14 MR. ALFIERI: Sixteen hundred.

15
16 MR. LEVITON: Sixteen hundred square feet, but okay. Just
17 for keeping the record straight.

18
19 MR. ALFIERI: Twenty-five by thirty. Twenty five times
20 thirty five, if those dimensions.

21
22 MR. BOCCANFUSO: Twenty-four.

23
24 MR. ALFIERI: Oh, it's twenty-four.

25
26 MR. LEVITON: Yeah, he said twenty, it's twenty-four.

27
28 MR. ALFIERI: Yeah.

29
30 MR. PLOSKONKA: Twenty-five, thirty-five by twenty-four
31 sorry.

32
33 MR. ALFIERI: That's where the difference is, okay. Thank
34 you. So, Mr. Ploskonka, can you present the proofs to support the
35 variance relief that's being sought?

36
37 MR. PLOSKONKA: Yeah, in order to grant the C variance, you
38 have the positive and negative criteria. The positive includes the
39 demonstration there is a practical and unique hardship regarding the
40 property that relates to the shape, topography, or neutral features of
41 the property. Hardship does not mean property cannot be used, but that
42 strict enforcement of the ordinance in view of the property's
43 characteristics imposes a hardship that may inhibit the extent to
44 which the property can be used. This is a large property. So that when
45 you look at, coverage for the property. You have ten percent coverage
46 on the property. We have .31 percent coverage. So, we don't have a lot
47 of coverage on this thirty-eight acre parcel.

48

1 MR. LEVITON: So, let me just clarify that for those in
2 attendance who may not know and board members. Mr. Ploskonka testified
3 that there are thirty-eight acres or thirty-acres on the property, but
4 most of it appears to be constrained by environmental constraints.
5 There are easements in the backyard and they're undevelopable. Can you
6 quantify the area for which the house sits on and is framed by trees
7 and the side trees?

8
9 MR. PLOSKONKA: It's probably 300 by 250 something like
10 that, probably it's more like.

11
12 MR. ALFIERI: Acre and a half.

13
14 MR. PLOSKONKA: Acre and a half. Acre and a half are what's
15 usable. Can you go back and use some of the property in the back?
16 Maybe, but it'd be very difficult without getting D.E.P. approvals. We
17 did have last year an issue with trees out here, that we went back and
18 forth to meet D.E.P. requirements. So, we reforested part of the
19 property as part of a permit we got around six years ago, but you're
20 right. Most of the property is not usable. It's good for hunting, but
21 that's about it.

22
23 MR. LEVITON: So, you referenced the L.O.I. that you got and
24 I commend you for doing that. My question is did your client send
25 proof to the D.E.P. that the information that it required was
26 recorded? They had three months Mr. Alfieri from which to do so. There
27 were five things in the L.O.I. that the D.E.P. requested.

28
29 MR. ALFIERI: I never saw the L.O.I. so it's news to me. So
30 John I defer.

31
32 MR. LEVITON: So Mr. Ploskonka, they had three months from
33 the date of the letter that would've expired that time frame some time
34 ago.

35
36 MR. PLOSKONKA: Last year, D.E.P. was out there. I met them
37 out there with expert witnesses so we could pick out an area that had
38 to have reforestation. It was done maybe six years ago. It didn't last
39 so we got Gary Ravello, who used to be a former arborist here. We got
40 other experts out there, met D.E.P., did a plan of mitigation. The
41 plan was planted and that was approved by D.E.P.

42
43 MR. LEVITON: So, let me read from the L.O.I. It says within
44 ninety calendar days of the date of this letter, the applicant shall
45 submit the following information to the clerk of each county in which
46 the site is located and shall send proof to the division that this
47 information is recorded on the deed of each lot referenced in the
48 letter of interpretation.

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MR. ALFIERI: Right and that's --- you don't have to read it because that's a standard provision in every L.O.I.

MR. LEVITON: And then there are five.

MR. ALFIERI: Right.

MR. LEVITON: They enumerate five conditions.

MR. ALFIERI: Right, the legal description, the plan, etc.

MR. LEVITON: Yes.

MR. ALFIERI: So, your question was did they record that in the county clerk's office as required.

MR. LEVITON: Yeah.

MR. ALFIERI: I don't know.

MR. PLOSKONKA: I'm not sure. I don't recall.

MR. LEVITON: Let's ask your client.

MR. ALFIERI: Right and I do know that having been down this road many times even if it wasn't recorded, the D.E.P. doesn't do anything if you record it late and then send it to them. There are no penalties involved.

MR. LEVITON: I understand.

MR. ALFIERI: But they should record it. They should record it.

MR. LEVITON: But this board can impose as a condition of approval to meet the D.E.P. requirements before they get any further hearing.

MR. ALFIERI: Right and I would stipulate certainly as a condition of approval that if that document has not been recorded, I would undertake to do it on behalf of the applicant. We would need the exhibits from Mr. Ploskonka, but it's a form that the D.E.P. has on its website.

MR. LEVITON: Okay.

1 MR. ALFIERI: So yes, if the board were to grant that we
2 would agree as a condition.

3
4 MR. LEVITON: We accept that.

5
6 MR. ALFIERI: Thank you.

7
8 MR. LEVITON: Mr. Ploskonka, you testified that you, lost my
9 train of thought. Oh yeah, Mr. Ploskonka you've testified to the
10 hardship as being that it's a huge piece of property and that there's
11 just a small envelope for development. Is that the hardship that
12 you're talking about, an acre and a half?

13
14 MR. PLOSKONKA: That's part of it, yes.

15
16 MR. LEVITON: So, they have an acre and a half and that's
17 not, that's a hardship?

18
19 MR. PLOSKONKA: Yes.

20
21 MR. LEVITON: That's what you want this board?

22
23 MR. ALFIERI: Well and John you can also go C2 variance,
24 right? We don't need a hardship if you want to do the flexible C that
25 they just weigh the benefits versus the detriments ---

26
27 MR. PLOSKONKA: That's also possible in this case.

28
29 MR. ALFIERI: Then you can ignore the hardship argument
30 completely.

31
32 MR. PLOSKONKA: Keeping in mind that the garage will be
33 matching the house so it'll be aesthetically pleasing and that there's
34 no issue with light or blocking of air because of the big size here,
35 and there's no --- and the land use law does allow for sufficient
36 space for a variety of uses including residential, recreational, and
37 commercial, etc., both public and private. So, if you have a good
38 civic design and arrangement, I think you have a nice-looking house
39 and you're going to have a good-looking garage on this property
40 that'll be useful. You're not going to have vehicles parked in the
41 side yard, driveway, etc. which you don't want to see done in town.

42
43 MR. ALFIERI: And John can you give the board the setbacks
44 or is there any setback relief associated with the garage?

45
46 MR. PLOSKONKA: No, the garage is set back a hundred feet,
47 over a hundred feet from the street. It has a sixty-five feet side
48 yard which is thirty is only required.

1
2 MR. ALFIERI: I think thirty-five might be required.

3
4 MR. PLOSKONKA: Thirty-five is for the house.

5
6 MR. ALFIERI: Principal?

7
8 MR. PLOSKONKA: But the accessory is thirty. In the rear
9 yard, you have probably two thousand feet. Rear yard because of the
10 long, thin property going back.

11
12 MR. ALFIERI: And then is there, what if any negative impact
13 with the variance relief it creates?

14
15 MR. PLOSKONKA: We're well within the setbacks that we just
16 indicated. We're meeting the ordinance in all respects and that he's
17 not using the garage for commercial purposes only for storage of his
18 vehicles which you've seen that were passed around to the board
19 members.

20
21 MR. ALFIERI: And another question is we received a Board of
22 Health letter today that had two comments. Can you advise the board
23 what, if anything, has been done to address those comments?

24
25 MR. PLOSKONKA: Yes, I spoke to Margaret, Margy, Yang today.
26 She's the health officer in Freehold and when I spoke to her, she did
27 not have the plan that she approved for the septic system on this
28 property. I had the letter of approval. She had the letter of
29 approval, but for some reason she had an older plan. So, I provided
30 her with that plan and we discussed the fact that the septic system
31 was near the driveway for the garage and that what would be good would
32 be to have a small fence, like a board on board or a split rail fence
33 between the driveway and the septic. So that people wouldn't drive on
34 the septic. We looked at the site tonight and there are clean outs for
35 the septic and the clean outs are about eight feet from the driveway.
36 So, there is plenty of room there, but we still would put the fence in
37 for Margy's consideration and she agrees that would be good. I did a
38 memo on that and I sent it to Janice and I copied Margy with that
39 today.

40
41 MR. LEVITON: So, the only communication you relied on from
42 the Department of Health was an e-mail and a phone call. Correct?

43
44 MR. PLOSKONKA: Yes.

45
46 MR. LEVITON: Did you receive formal written health
47 department approval resolving all the concerns regarding the septic
48 field?

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MR. ALFIERI: No, we just got. What time did we get this Janice?

MS. MOENCH: It came through at like 3:30, 4:00 and then they addressed it.

MR. LEVITON: So, there's no official health department determination on the record? Correct?

MS. MOENCH: No.

MR. ALFIERI: No.

MR. PLOSKONKA: You just have my reference, my speaking to her today. I know we were out there last year and we inspected the system as it went in. It was approved. We sent the letter to Margy at that time saying everything was done according to the requirements.

MR. LEVITON: So, you didn't modify or relocate the septic system then?

MR. ALFIERI: From when? From the approval? From the original approval?

MR. PLOSKONKA: She still needs an as-built which we're going to give her and we're going to give her that as-built. We're going to give her a map that shows the location of the septic, the location of the house, location of the driveway. An eight foot difference for the septic to the driveway and a split-rail fence between both.

MR. ALFIERI: And the applicant would agree to, again if this were approved to make a condition of approval that Board of Health does the final sign off, we have no issue. If we had time, we could've probably dealt with it beforehand. More so than what Mr. Ploskonka already did.

MR. LEVITON: So, then your statement that the issue has been addressed is your professional interpretation, not a health department determination? Is that correct?

MR. PLOSKONKA: I'm sorry, repeat.

MR. LEVITON: You testified to the fact that the issue regarding the septic field has been addressed, and that Margy is satisfied.

1 MR. PLOSKONKA: Correct.

2
3 MR. LEVITON: And I just want it on the record that that's
4 your professional interpretation and not a health department
5 determination.

6
7 MR. PLOSKONKA: Correct.

8
9 MR. LEVITON: Okay.

10
11 MR. PLOSKONKA: Well, we will provide her certification for
12 the board's edification and for Brian's.

13
14 MR. LEVITON: So, they want an as-is. You're going to
15 provide that? I don't need to make it a condition? Albert, what are
16 your thoughts?

17
18 MR. MARMERO: Well, I mean you're going to make it a
19 condition that they get all outside agency approvals including Board
20 of Health obviously. So, assuming that's one of their conditions, it's
21 going to be our condition by virtue of making all outside agency
22 approvals a condition.

23
24 MR. PLOSKONKA: And we need that approval for the C of O for
25 the house, so.

26
27 MR. BOCCANFUSO: They would also, Mr. Chairman, need health
28 department approval for the zoning permit if the board were to act
29 favorably on the application when they submit the permit application
30 for the garage. The first thing that the zoning department would do is
31 to send it to the health department. So, they will get, the health
32 department will get another bite at the apple. We did just receive the
33 health department's letter earlier today as Janice said. To Janice's
34 credit, she has been rattling their cage relentlessly to try to get
35 this in advance of the meeting tonight, and I would point out that
36 even their initial letter that they put in writing, they didn't really
37 object to the proposal. They merely said that if there is an approval
38 that the applicant needs to install a retaining wall between the
39 septic and bed. That was subsequently amended to be a split rail
40 fence, but ultimately the health department's going to have to approve
41 what's proposed. Otherwise, the zoning department wouldn't even be
42 able to review the permit application.

43
44 MR. LEVITON: I've read it and they talk about inspections.
45 Three different ones and as long as they're going to be compliant,
46 it's fine. Okay, can one of you talk to me about the second proposal?
47 You filed an initial application and then amended it in May and the

1 square footage increased thirty percent. What changed that
2 necessitated the thirty percent increase?

3
4 MR. ALFIERI: Yeah, I didn't file the application. So again,
5 I can't tell you how it came down. Did you want --- We should bring
6 the applicant up. He can explain it.

7
8 MR. LEVITON: Sure.

9
10 MR. ALFIERI: Do you mind?

11
12 MR. LEVITON: I don't mind at all. Mr. Lennon, Mr. Marmero
13 will swear you in, sir and Janice is offering you a handheld mic Mr.
14 Lennon.

15
16 MR. LENNON: Stay seated.

17
18 MR. ALFIERI: Stay John.

19
20 MS. MOENCH: Stay John.

21
22 MR. ALFIERI: Alright you're going to get sworn in.

23
24 MR. MARMERO: Do you swear the testimony that you provide
25 tonight will be the truth, the whole truth, and nothing but the truth?

26
27 MR. LENNON: Yes sir.

28
29 MR. MARMERO: Okay, and for the record you're the applicant
30 John Lennon?

31
32 MR. LENNON: Tyler Lennon.

33
34 MR. MARMERO: --- got Beatles on my mind, there you go.

35
36 MR. ALFIERI: And Mr. Lennon, the house that's being
37 constructed is for you to move into, correct?

38
39 MR. LENNON: Yes sir.

40
41 MR. ALFIERI: And the garage is for your use?

42
43 MR. LENNON: Yes sir.

44
45 MR. ALFIERI: You heard Mr. Ploskonka describe the size and
46 the purpose of the garage. That's all accurate?

47
48 MR. LENNON: Yes sir.

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MR. ALFIERI: So the chairman asked a question about why the application changed and the size of the garage was increased. Can you explain that?

MR. LENNON: That original application was proposed prior to the camper size. I didn't measure the exact size of that camper from rear to front. To be a little bit easier to bring that vehicle into there, the increased size makes up for that.

MR. LEVITON: So you're asking this board to approve a much larger structure Mr. Lennon, and you haven't submitted the floor plans or the structural elevations that Mr. Boccanfuso initially asked you to do so. So why are you requesting an expanded footprint without providing the architectural plans requested by this board's professional?

MR. LENNON: I don't recall receiving anything in regards to that.

MR. LEVITON: Well, he wrote a memorandum and sent it out to you. This board is privy to that. Is it in front of you Mr. Boccanfuso?

MR. BOCCANFUSO: It is.

MR. LEVITON: Would you read the section that he?

MR. ALFIERI: I don't have that either. What's the date?

MR. BOCCANFUSO: The initial one was March 16, 2026. Comment number four near the top of page two, architectural plans for proposed garage must be provided to depict floor plan and building layout, confirm proposed height, verify no second level, and provide representation of the physical appearance of the structure. That was in March, and then as the chairman indicated the application was amended a couple of weeks ago. A revised grading plan was submitted along with the information from the D.E.P. and a response letter from Mr. Ploskonka, but still no architectural plans, floor plans, elevation, nothing of the sort. So we have no idea what the structure is going to look like.

MR. ALFIERI: Well, we can certainly provide. I'm getting this information firsthand tonight. So I was hired in late April. So I'm kind of new to this. If this is something the board needs to see which makes sense that you would want to see it, we can certainly provide it and come back. So you have an opportunity to review it. I assume we have all that that we can provide.

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MR. LEVITON: How tall?

MR. PLOSKONKA: We did testify we were going to have the house and the garage in the same facade.

MR. LEVITON: Yes, I did hear that. The fascia of the garage is going to be.

MR. PLOSKONKA: Similar to the house so it would look aesthetically-pleasing as you went down the street.

MR. LEVITON: See it's such a big structure, forty by forty. We're talking about is --- Tell me about the trailer that you didn't consider the first time you submitted a proposal. How high is it off the ground?

MR. LENNON: Roughly fourteen feet with a bunch of satellite dishes and antennas that I can't remove. So I would say with those it would be closer to fifteen.

MR. LEVITON: Fifteen is the maximum allowed by ordinance. You're asking for ten feet over. That's a sixty-seven percent increase over what's permitted by right. With a height of twenty-five feet, the structure could easily accommodate a second floor. Can you definitively state under oath whether there will be another level, a loft or any kind of mezzanine inside this structure?

MR. LENNON: No sir, there will not be any of that.

MR. LEVITON: So you're affirming that there will be no second floor?

MR. LENNON: There will be no second floor.

MR. LEVITON: Mr. Ploskonka, how is a sixteen hundred foot, twenty-five foot tall building remain subordinate and accessory to the principal structure? See this board has to consider massing and even though the intent is to, if we accept what he tells us and we do, that the intent is to house his vehicles. This could be converted to a residence. It reaches the proportions of a small house here in town. This board needs to consider not only what's on the application and what its intended use or stated use is, but its potential, and this is huge. I don't get how a forty by forty structure right next to the house is accessory. That's where I'm having a hard time.

MR. ALFIERI: Well I mean accessory is the legal term. Accessory means that there's a principal use which is the home and

1 then a garage is accessory to the house. So the size of the garage
2 whether it's eight thousand square feet or sixteen hundred square feet
3 or five thousand square feet is still subordinate to the main use
4 which is the house.

5
6 MR. LEVITON: An accessory structure is defined by its
7 relationship to the principal structure, not just by square feet.

8
9 MR. ALFIERI: Right so a garage is clearly accessory to a
10 house.

11
12 MR. LEVITON: But this is huge. He's asking for something
13 that's enormous and is going to read from the street like a second
14 principal structure, because of its size.

15
16 MR. ALFIERI: Well one of the things we talked about with
17 the client was can he reduce the size because we anticipated that
18 there may be some concern with the size, the height. I'm sorry, and
19 they're certainly willing to reduce the height to potentially allay
20 that concern. So it won't, from the street, won't look so massive.

21
22 MR. LEVITON: To what?

23
24 MR. ALFIERI: Is there a size that, a height. I keep saying
25 size. Is there a height you're comfortable with?

26
27 MR. LENNON: Twenty feet?

28
29 MR. LEVITON: Okay, twenty feet. Is there going to be HVAC
30 in there Mr. Lennon?

31
32 MR. LENNON: No sir.

33
34 MR. LEVITON: Heating?

35
36 MR. LENNON: No sir.

37
38 MR. LEVITON: Plumbing?

39
40 MR. LENNON: No sir.

41
42 MR. ALFIERI: Just electric.

43
44 MR. LEVITON: Electric. What kind of electric do you plan to
45 use?

46
47 MR. LENNON: Just 110, just to run a few lights.

48

1 MR. LEVITON: Just lights?

2
3 MR. LENNON: Yes sir.

4
5 MR. LEVITON: How about lifts for your cars?

6
7 MR. LENNON: If that's something that I could do, I'd like
8 to.

9
10 MR. LEVITON: Well this is the time. When I ask you, you
11 need to tell me. Let's go out to the board, see what they think. Dan?

12
13 MR. POCHOPIN: Thank you Mr. Chair. So I think what our
14 chair is asking, probably a subpanel that I was going to ask the
15 height. That's what caught my attention, the height of the new
16 proposed building, and I guess like you said it's for hobbyists and
17 I'm one also. You got some nice toys there I just looked at. So, but
18 probably be a good idea and I'm not here for construction purposes.
19 You'll have to obtain the proper permits and all, but what Chair
20 Leviton is saying he wants you to say if it's just for lights then you
21 could run one circuit out there, but a subpanel or something would be
22 more significant if you are putting lifts in because that was going to
23 be one of my questions because you have wetlands and if you're going
24 to be doing anything with oil changes. That's another concern. So no
25 second floor and the utilities itself will just be minimis electric.
26 So that was my question. I just wanted to clarify that, and that's the
27 main thing with the structure. You mentioned Steve, my concern, but
28 that's all. Thank you.

29
30 MR. LEVITON: Without objection from the applicant, I'd like
31 to take a five minute break. Okay. I'd like to, yes, I'd like to call
32 the meeting to order.

33
34 MR. ALFIERI: Mr. Chair, we'd like to call the applicant's
35 father up because he has more knowledge of the type of structure and
36 we could address the height even more than what we just offered as the
37 twenty feet.

38
39 MR. LEVITON: I would encourage that, but before we do, Mr.
40 Pochopin raised the subpanel. I don't know a lot about this, but I do
41 want to get on record that I want no separate metering and I don't
42 know what the necessitates, but I don't want separate metering.

43
44 MR. MARMERO: Yeah I could throw something in there.

45
46 MR. LEVITON: Alright, alright.

47
48 MR. POCHOPIN: ---

1
2 MR. LEVITON: Okay and I also want Mr. Lennon to assure this
3 board that his garage is for residential use only.
4
5 MR. ALFIERI: Yes we.
6
7 MR. LEVITON: Never commercial. I'm going to want it
8 recorded as a condition of approval. It's going to have to be recorded
9 and also that it's not rentable. I don't want him renting it to
10 anybody.
11
12 MR. ALFIERI: So if we bring.
13
14 MR. LEVITON: So now please, Mr. Lennon. Mr. Marmero will
15 swear you in.
16
17 MR. MARMERO: I'll get you sworn in sir. Do you swear the
18 testimony you'll provide tonight will be the truth, the whole truth,
19 and nothing but the truth?
20
21 MR. LENNON: Yes.
22
23 MR. MARMERO: Okay what was your name for the record?
24
25 MR. LENNON: Michael Lennon.
26
27 MR. MARMERO: Okay.
28
29 MS. MOENCH: Can you talk into the microphone? It's
30 recorded.
31
32 MR. LENNON: Michael Lennon, sorry.
33
34 MR. LEVITON: Yeah, the proceedings are a hundred percent
35 recorded and then a hundred percent transcribed and the public has
36 always the ability to read what happened here tonight.
37
38 MR. ALFIERI: So Michael first the chairman, what's your
39 relationship to the applicant and to the property?
40
41 MR. LENNON: I'm the father and a resident of the property.
42
43 MR. ALFIERI: You live there? You're going to live there as
44 well?
45
46 MR. LENNON: Yes.
47
48

1 MR. ALFIERI: Alright, now you heard the comment about that
2 the garage was only being used residentially ancillary to the house.
3 That's correct?
4

5 MR. LENNON: Yes.
6

7 MR. ALFIERI: And then no commercial activity of any kind?
8

9 MR. LENNON: No.
10

11 MR. ALFIERI: Okay. Can you explain to the board the height
12 that you're willing to stipulate to and explain why you're doing it
13 that way?
14

15 MR. LENNON: Yes. What it is, is it's going to be fourteen
16 foot high doors. So we only need two feet to the ceiling above it. So
17 the twenty feet is not going to be the whole building is twenty feet.
18 It's to the peak up top which is unused. You know? Because it's going
19 to be a slant roof on top.
20

21 MR. ALFIERI: So what would it be to the rafters?
22

23 MR. LENNON: Sixteen feet.
24

25 MR. ALFIERI: Alright. So the structure would be sixteen
26 feet, then you have a peak roof that gets you to the twenty and you
27 measure, the ordinance measures to the highest point.
28

29 MR. LENNON: Right.
30

31 MR. ALFIERI: Alright so it's not going to be a rectangular
32 or square view from the?
33

34 MR. LENNON: No it will not. No, the roof will be slanted
35 and that will get to the twenty feet, but it's above the door below it
36 is sixteen feet high. So the whole front will be sixteen and then it
37 slants up to the roof.
38

39 MR. LEVITON: My attorney is taking copious notes and my
40 board understands. Correct?
41

42 MR. POCHOPIN: Yes.
43

44 MR. LEVITON: Okay, thank you Mr. Lennon.
45

46 MR. LENNON: Thank you.
47

1 MR. ALFIERI: We ran out of witnesses. So any other
2 questions, we'll be glad to answer.

3
4 MR. LEVITON: You're fresh out. Let's continue on with Mr.
5 Harrington.

6
7 MR. HARRINGTON: I think a lot of my questions were just
8 answered on the design because I am a little bit concerned without
9 seeing the actual plans, the architectural plans. It's forty by forty.
10 I get it. You have to fit or you'd like to fit the motorcoach inside.
11 What's the length of that motorcoach?

12
13 MR. LEVITON: So let the record reflect that Mr. Tyler
14 Lennon now has the microphone and will address the question.

15
16 MR. LENNON: Thirty-two feet. That's from bumper to ---

17
18 MR. HARRINGTON: Okay. So that's going to give you an extra
19 eight foot buffer in the back of the forty by forty.

20
21 MR. LENNON: Yes sir.

22
23 MR. HARRINGTON: And is your intent on putting additional
24 lifts in there? You indicated that you want to put additional lifts.

25
26 MR. LENNON: It would just be one, one single lift.

27
28 MR. HARRINGTON: Okay, that helps me out tremendously. Thank
29 you.

30
31 MR. LEVITON: Hold on Mr. Lennon. What do you need an
32 additional eight feet for?

33
34 MR. LENNON: Storage.

35
36 MR. LEVITON: Okay, Ms. Baker-Levenson?

37
38 MS. LEVENSON: Hi. I'm going to echo some of what Mr.
39 Harrington just said about not having the visuals of what this
40 structure is going to look like. I don't know based on this, how many
41 garage doors there's going to be. I'm picturing basically a garage
42 door and a warehouse because I don't have any other pictures to go off
43 of and this is in a residential neighborhood, and we're being told
44 it's going to be aesthetically-pleasing, but I don't have anything to
45 go off of. Is there going to be more than one garage door?

46
47 MR. LENNON: Yes, two garage doors in the front, and I'd
48 like to do one in the back. So that way when I do pull the trailer in

1 there, I can back up a little bit further, straighten it out, so we
2 can pull through.

3
4 MS. LEVENSON: And the garage door, I'm assuming because we
5 don't have any pictures in front of us, they're going to be out on the
6 front?

7
8 MR. LENNON: Yes.

9
10 MS. LEVENSON: You're going to have two in the front, one in
11 the back. Is the one on the back a normal size garage door or is it
12 like an extra-long garage door?

13
14 MR. LENNON: Normal size.

15
16 MS. LEVENSON: Okay. Without those pictures, it's really
17 hard to judge what this is going to look like. Is there going to be
18 any type of windows on the structure to make it match the house?

19
20 MR. LENNON: Yes, yes ma'am.

21
22 MS. LEVENSON: I don't think I have other questions right
23 now.

24
25 MR. LEVITON: I'd like to build on what she asked you about
26 the rear garage door. I was unaware that there was one being proposed.
27 Would you say that any movement of vehicles beyond the driveway
28 surface that's proposed, the gravel, would be incidental use and not a
29 design circulation system?

30
31 MR. LENNON: No sir. There would be no vehicle traffic
32 beyond that point.

33
34 MR. LEVITON: I'm a lay person. I can look at a survey and
35 generally understand what's going on there, but not really. It's not
36 my forte. On your survey, I do see lines that go from, that encompass
37 the garage and then traverse over the backyard to where the already
38 installed gravel driveway exists. The one that connects to your
39 existing two-car garage. You're not proposing any grading or paving to
40 support backyard vehicle operation or circulation, are you?

41
42 MR. LENNON: No sir.

43
44 MR. LEVITON: Mr. Ploskonka for my edification, maybe you
45 can tell me what those lines are. I see them up there on the board.

46
47 MS. MOENCH: And which one are you looking at?
48

1 MR. LEVITON: That one's fine.

2
3 MS. MOENCH: Oh okay.

4
5 MR. LEVITON: Maybe you could just blow it up. Yeah, keep
6 going.

7
8 MS. LATILLA: Do you mean the dash lines in the back? 109,
9 110, 111, that?

10
11 MR. LEVITON: You know my eyes aren't that good Temika, but.

12
13 MR. ALFIERI: That's probably just.

14
15 MR. LEVITON: I can make it clear for everyone. I just want
16 to ensure that we're not connecting the two driveways and that we're
17 not driving through the backyard.

18
19 MR. PLOSKONKA: Contour lines.

20
21 MR. ALFIERI: That's the topography.

22
23 MR. LEVITON: That's just contour. I was at the property. It
24 appeared flat. Am I mistaken?

25
26 MR. PLOSKONKA: There is no driveway around the house to the
27 other garage.

28
29 MR. LEVITON: Alright, and.

30
31 MS. MOENCH: Is that what you want?

32
33 MR. LEVITON: Yeah that's what I wanted because you can see
34 the contour lines go around the proposed garage and then circulate
35 back to the existing driveway and I just want to ensure that there
36 isn't a designed circulation system.

37
38 MR. ALFIERI: There's no improvements proposed back there at
39 all, John? That's just the topography?

40
41 MR. PLOSKONKA: It's just topography. It's just grading.

42
43 MR. BOCCANFUSO: Yeah, but Mr. Chairman if I can jump in
44 here. That topography's fairly steep in the back there. This pull-
45 through garage and I guess there would need to be some maneuvering
46 area in the rear. This is new. This is not something I've seen. With
47 the current design it simply wouldn't work. The slope is too steep. So

1 I mean it would need to be designed and I'm not really understanding
2 what is the purpose for the pull-through garage?

3
4 MR. LENNON: So when I back the trailer out because the
5 axles sit more towards the middle of the trailer.

6
7 MR. BOCCANFUSO: On the camper you're talking about?

8
9 MR. LENNON: Yes sir.

10
11 MR. BOCCANFUSO: Okay.

12
13 MR. LENNON: So that way when I back up, I can open up that
14 garage door, let it go through a little bit, not the tires. Tires
15 would stay on concrete inside the building.

16
17 MR. BOCCANFUSO: Okay.

18
19 MR. LENNON: And then I can back up, straighten up that
20 trailer.

21
22 MR. BOCCANFUSO: So the camper itself would be overhanging
23 out the rear door? Is that what I'm understanding?

24
25 MR. LENNON: Only when pulling in, backing in.

26
27 MR. BOCCANFUSO: Okay so you're backing it in, whatever
28 vehicle you're using to pull it, a pickup truck of some kind.

29
30 MR. LENNON: Yes.

31
32 MR. BOCCANFUSO: A large pickup truck. You'd back the camper
33 into the garage?

34
35 MR. LENNON: Yes sir.

36
37 MR. BOCCANFUSO: Through the garage and out the back garage
38 door to kind of overhang beyond the footprint of the structure. Is
39 that correct?

40
41 MR. LENNON: Just for when putting the trailer inside of
42 that building. So it's not like the trailer is going to stay there.
43 The trailer would just be passing through in a sense as if you removed
44 the wall entirely, then you pass through, pull the trailer back in,
45 close it.

46
47 MR. BOCCANFUSO: Okay so there's no tires beyond the rear
48 footprint of the building. Is that correct?

1
2 MR. LENNON: Yes.

3
4 MR. BOCCANFUSO: You wouldn't need a driveway or anything?

5
6 MR. LENNON: No sir.

7
8 MR. BOCCANFUSO: Okay, alright. I wasn't following that
9 initially Mr. Chairman. I was thinking he was, the intent was to pull
10 forward with the towing vehicle, say the pickup truck, drop the
11 trailer, and then have pickup trucks in the rear of the garage in
12 which case he would need a driveway. You would need a circulation area
13 to turn that pickup truck around to get it out of there, but that's
14 not what I'm hearing. Is that correct?

15
16 MR. LENNON: No sir.

17
18 MR. BOCCANFUSO: Okay understood.

19
20 MR. LEVITON: And Mr. Boccanfuso, we are thankful for your
21 expertise in these matters and in this case particularly that you know
22 how to read a survey, because I surely don't. Thank you Ms. Baker-
23 Levenson. Ms. Latilla?

24
25 MS. LATILLA: Just a comment, I think I'm just echoing
26 everybody. Without an architectural rendering or specs so we know it's
27 very hard to make a determination when I feel like it's just us asking
28 a bunch of questions and trying to piece together visually. So that to
29 me is a problem, not having that drawing or rendering. The question I
30 have is that back door you said was a standard garage door height?

31
32 MR. LENNON: Yes ma'am.

33
34 MS. LATILLA: Then the front ones you said are fourteen feet
35 so that's higher than standard. What's the purpose of having the front
36 so much larger if the back fits what you need?

37
38 MR. LENNON: The back wouldn't necessarily fit what I would
39 need.

40
41 MS. LATILLA: Okay.

42
43 MR. LENNON: It would allow the vehicle to overhang a little
44 bit through the building, but that's it. The fourteen foot would allow
45 that vehicle to be pulled into that, that.

46
47 MS. LATILLA: Okay. Yeah my only comment is just visual, the
48 visuals.

1
2 MR. LEVITON: Thanks Temika.
3
4 MS. LATILLA: No problem.
5
6 MR. LEVITON: Patrick?
7
8 MR. HUGHES: I had a question on this stone driveway.
9
10 MR. LENNON: Yes sir.
11
12 MR. HUGHES: And at the road, is there no concrete apron or
13 anything like that? Just cutting it from the road and you have an
14 existing driveway to the residence as well?
15
16 MR. LENNON: Yes sir.
17
18 MR. HUGHES: Okay and it looks like, I mean I see, comments
19 on the revised grading plan. I'm assuming that this one that was
20 provided on 5/6 is the revised grading plan. Is that correct?
21
22 MR. ALFIERI: May 6th?
23
24 MR. HUGHES: Yeah.
25
26 MR. ALFIERI: There's a revised grading plan John?
27
28 MR. PLOSKONKA: We're going to do an as-built grading plan.
29
30 MR. ALFIERI: No, but he's asking.
31
32 MR. BOCCANFUSO: Yeah the latest grading plan is dated 5/6.
33 That's the one that shows the forty by forty garage.
34
35 MR. LEVITON: There were minor adjustments to it from the
36 first one.
37
38 MR. PLOSKONKA: Yeah.
39
40 MR. BOCCANFUSO: I mean largely it was the increase in the
41 size.
42
43 MR. LEVITON: Yeah.
44
45 MR. BOCCANFUSO: Obviously the driveway was widened
46 slightly, topography was tightened up a little bit, but it's not
47 extraordinarily different. The setbacks didn't change. It was just the

1 geometry of the garage and the grading contours got squeezed together
2 a little bit.

3
4 MR. LEVITON: I understand. So let's ask you Mr. Lennon,
5 other than the garage footprint, the grading adjustments, the driveway
6 geometry, are there any other physical changes to the site layout that
7 we should be aware of?

8
9 MR. LENNON: No sir.

10
11 MR. LEVITON: Patrick?

12
13 MR. HUGHES: No, thank you. You answered my question.

14
15 MR. LEVITON: Oh you're good? Okay, Michael?

16
17 MR. WECHSLER: Thank you Mr. Chairman. It is a heavy lift
18 the building size that you're proposing, but I do have a couple
19 questions, but before I ask you the questions I want to give you some
20 background. I started out with a twenty-eight foot pull behind and now
21 a forty-two foot fifth wheel, a Dually, a Wrangler, three other
22 vehicles, and an ATV. So I know your size requirements. My question is
23 two-fold. A. are the utilities already ran into the area?

24
25 MR. LENNON: No sir.

26
27 MR. WECHSLER: Okay so when you run your utilities you're
28 going to want to put a fifty footer for a thirty amp or a fifty amp
29 plug-in for your camper, keep the batteries charged?

30
31 MR. LENNON: No sir.

32
33 MR. WECHSLER: So you're not going to keep your battery
34 tendered?

35
36 MR. LENNON: It has a regular one ten battery.

37
38 MR. WECHSLER: Okay, so you're just going. Okay so you're
39 going to need a dedicator for that?

40
41 MR. LENNON: Yes.

42
43 MR. WECHSLER: Okay so I guess what I'm asking is without
44 knowing what it's going to look like, forty foot depth is fine to pull
45 in. A fourteen foot door I could see because your max height is
46 thirteen four.

47
48 MR. LENNON: Thirteen six at.

1
2 MR. WECHSLER: And mines thirteen six with three air
3 conditioners on it so I could see that height. I do have a problem
4 though with the height of the unit only because in previous cases and
5 asks, they've also wanted twenty-five and twenty foot peaks and I
6 think that is kind of excessive for the needs. You also mentioned
7 wanting to put in a lift. That would require more than fifteen, thirty
8 amps, or whatever you're going to put back there. So my concern is
9 what you're looking to actually do there and I would really need to
10 see a building layout. Personally, in my opinion, I don't think you
11 need the back door. You can put a center door, back the camper in,
12 that maybe one or two on either side. I know that works for us at the
13 fire department. I have a fourteen and two twelves. So you might want
14 to look at something like that when it comes to the building size, but
15 again for me, I would really need to see a dedicated building layout
16 just to be consistent with what other people in the town have asked
17 for for construction. That's all I have.

18
19 MR. LEVITON: Thank you Michael. Architectural plans keep
20 coming up. It's a consistent theme up here Mr. Alfieri.

21
22 MR. ALFIERI: Yes, so we understand. We could provide a
23 rendering. What they don't want to do is spend five thousand dollars
24 on construction drawings. You want to just see what it's going to look
25 like. Might be able to get something out of the catalog or something.
26 It's just to spend all the money and then find out they can't do it.
27 So that's why. That's what they told me during the break is why they
28 didn't do it originally. So we'll get you something so you know what
29 you're voting on.

30
31 MR. LEVITON: Are you asking me anything? Are you?

32
33 MR. ALFIERI: No, I'm just saying that we're going to
34 provide something. I'm giving you the reason why I was told it wasn't
35 provided in response to Mr. Boccanfuso's letter.

36
37 MR. LEVITON: I understand and you also, you understand Mr.
38 Alfieri and you probably explained to your client that this board
39 can't consider financial hardships. It's not something under our
40 purview.

41
42 MR. ALFIERI: Okay, we're not asking for --- in any way
43 justifying that. I'm just explaining what the reason, but we'll get
44 you what you need so you understand the application.

45
46 MR. LEVITON: Prior to this board taking a vote?

47
48

1 MR. ALFIERI: Again, it's up to the board. It sounds like
2 the board wants to see it before they vote but.

3
4 MR. LEVITON: Well a number of members expressed concern.

5
6 MR. ALFIERI: So yeah, so that's what the board's.

7
8 MR. LEVITON: And the reason is because our professional
9 asked for it and didn't get it, and we understand and we're
10 sympathetic, but something. Michael, I want to talk to you about, your
11 comments, by the way, I've learned so much about you tonight and your
12 culture. I'm, amazed more than I've ever learned before. Michael, are
13 you having a problem with the height at twenty feet?

14
15 MR. WECHSLER: I'm having a problem with the height at
16 twenty feet only because we've previously.

17
18 MR. LEVITON: Well past.

19
20 MR. WECHSLER: Had situations, but honestly for this
21 situation I think twenty feet on the peak might be a little excessive.
22 But again.

23
24 MR. LEVITON: But he has sixteen foot. He testified to
25 sixteen foot rafters and then a peak.

26
27 MR. WECHSLER: Right, but if you put the trailer dead center
28 in the premises of the building, you have plenty of room on either
29 side. I don't have a problem. I need to see what the twenty foot
30 entitles.

31
32 MR. ALFIERI: Right and the peak is not usable.

33
34 MR. WECHSLER: I understand that. So we've had the
35 conversation if he wants to put a lift in there. I don't have a
36 problem with him putting a lift in there. I'd like to see a set of
37 plans that detail what's going in there because even once the plans
38 are submitted, they're still going to have to pass construction
39 depending on again, what's going in the building. So without having
40 proof of what's going, I have a hard time. It's like buying something
41 without seeing it. That is my --- and I think we can't be any more
42 transparent as to what the board is looking for.

43
44 MR. LEVITON: Always the voice of reason, always.

45
46 MR. PLOSKONKA: Very good.

47
48 MR. WECHSLER: Never been told --- reason.

1
2 MR. ALFIERI: How much time do you need to get that drawing?
3 So when's the next meeting?
4

5 MR. LEVITON: Well that.
6

7 MS. MOENCH: I could tell you what we have available would
8 be.
9

10 MR. LEVITON: Before we go there, I have some other concerns
11 I'll forget.
12

13 MS. MOENCH: Okay.
14

15 MR. LEVITON: The house, you testified, was prefab. Is the
16 garage we're talking about prefab?
17

18 MR. LENNON: It's a pole barn. Is that considered prefab?
19

20 MR. LEVITON: It's a pole barn. Yeah, that's something we
21 didn't know. Actually yeah that's prefab. Brian, what are your
22 thoughts? Pull barn, prefab yes or no?
23

24 MR. BOCCANFUSO: I don't really like the term prefab because
25 you still have to fabricate it on site.
26

27 MR. LEVITON: Okay.
28

29 MR. BOCCANFUSO: Pre-engineered, pre-designed.
30

31 MR. LEVITON: Okay.
32

33 MR. BOCCANFUSO: I mean a pole barn is really just a
34 description of a structure, type of structure. I don't think that it's
35 really prudent to the or really important to the board's decision.
36 Though I do understand the concerns and the desire to see what it's
37 going to look like, both from an elevation standpoint as well as some
38 type of floor plan as to how it's going to be laid out. I also
39 understand the applicant's concerns with not wanting to get a fully-
40 engineered set for thousands of dollars when they don't know if
41 they're going to be approved and I mean we have applicants come in
42 here for variances all the time for additions and they don't have
43 fully-architected plans, fully-architected plans, but they do have
44 something. Some type of representation as to what they're going to do.
45 Something that the board can consider so I think that there certainly
46 is a middle ground there. That's something the board needs to see. I
47 think it's fair. It's something that I had asked for in both my

1 reports. So if that's the way that we're going to go, I don't really
2 see an issue with it and doesn't sound like Mr. Alfieri does either.

3
4 MR. LEVITON: I was just curious about the prefabrication
5 and I am unable to tell. There are very few renderings. There is the
6 survey and my expertise was unable to ascertain the height of the
7 house, and I would like to know what the height ratio is relative to
8 the house. What is the proportion there? How tall is the house?

9
10 MR. PLOSKONKA: It's less than thirty-five feet, but I'm not
11 sure. We'll get the dimensions for you.

12
13 MR. LEVITON: Thirty-five feet is probably the maximum by
14 ordinance. Is that right Brian?

15
16 MR. BOCCANFUSO: Yeah that's right, and it was a compliant
17 house. So it's less than that. I don't have the documents here, but
18 they're certainly on file. I could find that out for sure.

19
20 MR. LEVITON: No its.

21
22 MR. BOCCANFUSO: I'm sure the applicant could as well.

23
24 MR. ALFIERI: We'll provide that.

25
26 MR. LEVITON: Okay, and also before we look to solidify a
27 date, there are members of the audience in attendance who may want to
28 come up.

29
30 MR. ALFIERI: We do.

31
32 MR. LEVITON: And ask questions.

33
34 MR. WECHSLER: Can I ask one question?

35
36 MR. LEVITON: Michael, of course.

37
38 MR. WECHSLER: Is this going to be a metal building?

39
40 MR. LENNON: I'm sorry?

41
42 MR. WECHSLER: Is this a metal prefab building?

43
44 MR. LENNON: Yes sir.

45
46 MR. WECHSLER: So if you went online and just put because I
47 just did it for us. If you just put in dimensions you want, they will
48 give you a rough sketch.

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MR. LENNON: Yeah, the one we were going with.

MR. WECHSLER: Yeah.

MR. LENNON: They were just giving kind of a rendering.

MR. WECHSLER: Yeah I mean.

MR. LENNON: It wouldn't let me save it. So I'm going to have to figure out how to screenshot or something.

MR. WECHSLER: Do something because they sent me blueprints for the ones we're going to have built, and it gave you garage doors, peak elevation, pictures, the whole nine yards. I think that's all, pretty much what we're looking to see to be visual. You don't need to have it specced out for load capacity and everything else like that. They're going to do that, but it'll give you an understanding off a couple websites exactly what you want it to look like.

MR. LENNON: So just a visual of the building?

MR. WECHSLER: Yeah, I think what would help the board is to be able to see schematics of a building, what the peak height's going to be. Maybe it's not going to be twenty feet. Maybe it's going to be sixteen feet too or eighteen feet, but they'll tell you and they'll show you exactly what it's going to look like. So everybody will have the ability of seeing it. I know what it's going to look like.

MR. LENNON: Yeah.

MR. WECHSLER: But this way everybody else can and you can do it online and they didn't charge us anything when we did --- So at least you have something.

MR. LENNON: That was the issue I ran into. I went to go do the estimate and ---

MR. WECHSLER: With ---

MS. LEVENSON: I would comment just on all sides so we know what it looks like.

MR. WECHSLER: Yeah.

MS. LEVENSON: Yeah.

MR. LEVITON: And Dan?

1
2 MR. POCHOPIN: So thank you Michael. That's the exact same
3 question I had was the materials. Whether it was wood or they're using
4 a pole barn structural steel with kits that you get. So again, that
5 would just be for your information. The bonding with the electric, a
6 subpanel would be preferable. No separate meter as the board chair
7 requested because then that would be habitable. So another
8 consideration for not this board, but for your electrical needs.

9
10 MR. LENNON: Thank you.

11
12 MR. POCHOPIN: Thank you Steve.

13
14 MR. LEVITON: Mr. Lennon, is the proposed driveway roughed
15 in currently?

16
17 MR. LENNON: Yes, it's roughed in.

18
19 MR. LEVITON: It's there except for the gravel?

20
21 MR. LENNON: I'm sorry?

22
23 MR. LEVITON: It's there except for the gravel?

24
25 MR. LENNON: Yes sir.

26
27 MR. LEVITON: Okay, I'm going to go out to the public.

28
29 MR. BOCCANFUSO: Mr. Chairman?

30
31 MR. LEVITON: Yeah?

32
33 MR. BOCCANFUSO: Before you do that, there's a few things I
34 wanted to discuss. First of all, at the outset here when Mr. Ploskonka
35 was talking about the variance relief and whether it was going to be a
36 C1 or a C2. I think that the board should just outright dismiss the C1
37 hardship.

38
39 MR. LEVITON: Absolutely.

40
41 MR. BOCCANFUSO: I mean the hardship would be that they
42 can't put a smaller structure. They have to put a bigger structure
43 because of topography. It's just completely out of touch with reality.
44 I think you need to focus on the C2 relief. Along those same lines,
45 Mr. Ploskonka talked about how there could be an aesthetic benefit by
46 keeping all the vehicles in the structure. Would you be willing to
47 agree to a condition that all vehicles, all personal recreational
48 vehicles, quads, trucks, things of that nature, perhaps everything

1 aside from Mr. Lennon and his family's personal passenger vehicles are
2 kept in this structure if it's approved. Is that something that you
3 can agree to?

4
5 MR. LENNON: I could.

6
7 MR. BOCCANFUSO: In other words, no towing vehicles, no
8 recreational vehicles, no campers, nothing like that outside of the
9 structure if it's approved.

10
11 MR. LENNON: I have other trailers. Now would that be a
12 problem with that?

13
14 MR. BOCCANFUSO: Well that's what I'm asking because I think
15 that if the board's going to rely upon that benefit, that aesthetic
16 benefit, that benefit needs to be realized and I think that you would
17 need to keep those in the garage. I think that's going to be part of
18 the consideration. Now if you're not comfortable with it, that's fine,
19 but that's something that I think the board could weigh if they
20 determine if there's an aesthetic benefit or not.

21
22 MR. LEVITON: Yeah, but even if he agrees to it, it's a
23 multi-family household.

24
25 MR. BOCCANFUSO: It is not a multi-family household.

26
27 MR. LEVITON: I believe.

28
29 MR. BOCCANFUSO: It could be. It cannot be a multi-family
30 dwelling as defined in our ordinance. It has to be one family. Now
31 they can, Mr. Lennon's father could live with them. They can have
32 other people besides their immediate family living there, but you
33 can't have mother-daughter situations. You can't have multiple
34 kitchens. You can't have separate apartment units. That is strictly
35 prohibited by the zoning regulations.

36
37 MR. LEVITON: Yes, thank you for the clarification. I simply
38 mean that he testified to his father living there.

39
40 MR. BOCCANFUSO: And that's fine.

41
42 MR. LEVITON: So we're talking at a minimum two trucks.

43
44 MR. BOCCANFUSO: Sure.

45
46 MR. LEVITON: Two family cars.

47

1 MR. BOCCANFUSO: Absolutely, and again I'm not telling Mr.
2 Lennon that this is what he needs to do. I'm simply pointing out if
3 they're going to rely upon the aesthetic benefit to justify the
4 variance relief needed for this oversized garage, I think it's fair
5 for the board to want to see what that aesthetic benefit is going to
6 be. I mean are we going to have this oversized, non-compliant garage
7 and also have half a dozen vehicles parked all over the property? I
8 don't know.

9
10 MR. LEVITON: So that's a valid point and I'm going to try
11 to break it down for you Mr. Lennon. In order for this board to grant
12 you the variance relief that you need to build the garage, you need to
13 satisfy both positive and negative criteria. You had to put the proofs
14 on the record and initially your representation tried to tell us that
15 there was a hardship and that's one way to get this kind of relief
16 through a C1 variance and that's been dismissed. There is no hardship,
17 and the second way is through a C2 variance where one of the purposes
18 of the Municipal Land Use Law is being advanced and the one that's
19 referred to and cited is the one that talks about the aesthetic
20 benefit. So when Mr. Boccanfuso says you're relying on the aesthetic
21 benefit for the neighborhood to look better, he wants to ensure that
22 there aren't vehicles all over the property at any time that someone
23 drives by. That the garage purposed is going to be utilized to hide
24 all of the vehicles and the toys that you have and this board takes
25 his point well and I hope I've explained it to you well.

26
27 MS. LATILLA: Chair Leviton?

28
29 MR. LEVITON: Yes?

30
31 MS. LATILLA: Can I ask a question?

32
33 MR. LEVITON: Sure.

34
35 MS. LATILLA: You mean just the extra vehicles though. So if
36 there's four drivers, you don't mean their four vehicles that they're
37 using on a day-to-day basis. Right?

38
39 MR. LEVITON: Yeah.

40
41 MS. LATILLA: Okay.

42
43 MR. LEVITON: The vehicles can't be on the lawn. The toys
44 can't be on the lawn. You already have an attached accessory garage
45 and a gravel driveway. They need to be utilized and we don't want to
46 see, the neighbors don't want to see frankly, and you're trying to
47 justify the purpose of the structure as an aesthetic improvement for
48 the neighborhood. We don't want to see vehicles strewn about. Mr.

1 Boccanfuso made it clear. You initially nodded your head in agreement
2 and I just want to get it on the record that you agree to such a
3 condition if you do.

4
5 MR. LENNON: It would be hard for me to agree to that
6 condition as I do have multiple other trailers. So if I did agree to
7 that, then there would still be trailers that would be parked along in
8 that driveway.

9
10 MR. LEVITON: Then I'll ask you Mr. Ploskonka. What would
11 the aesthetic benefit be then?

12
13 MR. PLOSKONKA: My client and I will recess and come back
14 shortly.

15
16 MR. LEVITON: Alright then, keep that in mind and you should
17 also remember in the interim that I have a problem with massing. It's
18 a massing problem for me. I'm not saying that I'll vote against it,
19 but it can't read like a second house. It can't read like a principal
20 structure. You gentlemen understand what I mean and now, I'm going to
21 go out to the public.

22
23 MR. BOCCANFUSO: Mr. Chairman.

24
25 MR. LEVITON: Yeah?

26
27 MR. BOCCANFUSO: I've not finished, a few more.

28
29 MR. LEVITON: A few more? You.

30
31 MR. BOCCANFUSO: If I can. If that's alright.

32
33 MR. LEVITON: Of course. I'm so sorry, please.

34
35 MR. BOCCANFUSO: Mr. Ploskonka, Mr. Lennon, when you guys
36 come back, I don't know that I saw any trailers in the photos that
37 were submitted with the exhibit tonight. If I did, there were one. So
38 if there are multiple trailers, we need to know what they are and why
39 you need them because our ordinance does not permit trailers. Now if
40 those are part of quads, things of that nature, so be it, but we need
41 to know what these trailers are. I mean if they're construction
42 trailers, they're flat out not permitted. So if your representation is
43 that you have multiple trailers that aren't going to fit in this forty
44 by forty garage, I think the board needs to see what those are.

45
46 MR. LENNON: Well it's an extra enclosed trailer and a quad
47 trailer.

48

1 MR. BOCCANFUSO: Okay.

2
3 MR. LENNON: That's what won't fit in this garage. If we
4 mathematically figured out where everything he's putting in there. My
5 enclosed trailer that --- body --- stuff will not fit in that garage
6 nor will the other open trailer.

7
8 MR. BOCCANFUSO: Okay. I think that.

9
10 MR. LENNON: There are no work trailers. There are, I mean
11 you can see the trailers. It's like an enclosed trailer where you pull
12 the quads in.

13
14 MR. BOCCANFUSO: Sure. I'm familiar with them, but I think
15 the board's going to need to see those.

16
17 MR. LENNON: Sure.

18
19 MR. BOCCANFUSO: That's something that when you guys, sounds
20 like this is moving towards another date. So I think that's something
21 that you guys are going to need to show the board when you return.

22
23 MR. LEVITON: And let the record reflect that that exchange
24 was between Mr. Boccanfuso and Mr. Mike Lennon.

25
26 MR. LENNON: Yes sir.

27
28 MR. LEVITON: Okay. Anything else Brian?

29
30 MR. BOCCANFUSO: Yes Mr. Chairman, thank you. We did not yet
31 touch upon the design waiver that's needed for the driveway.
32 Technically the ordinance requires paved driveways. In this part of
33 town, gravel driveways are common. It would technically require a
34 design waiver. I don't take exception to it, conditioned upon an apron
35 being provided that'll transition to the roadway minimum ten feet long
36 either asphalt or concrete.

37
38 MR. LEVITON: And I don't remember if the existing driveway
39 has an apron.

40
41 MR. BOCCANFUSO: I believe it does. I think that's a paved
42 driveway.

43
44 MR. LEVITON: It's a gravel driveway.

45
46 MR. LENNON: It's the millings from the town.

47
48 MR. LEVITON: Excuse me?

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MR. LENNON: It's the millings from the town.

MR. LEVITON: Oh the millings.

MR. LENNON: There's no black top yet for the right side of the house, the other driveway, garage.

MR PLOSKONKA: The garage area, there's millings and for the house, it's basically dirt and gravel right now.

MR. LENNON: And millings.

MR. PLOSKONKA: And millings.

MR. LENNON: Yes.

MR. LEVITON: Thank you.

MR. BOCCANFUSO: Okay, but is that something that you can agree to?

MR. ALFIERI: The apron?

MR. BOCCANFUSO: If the board grants you the design waiver for the gravel driveway, for the detached garage that you can provide a ten foot long apron asphalt or concrete?

MR. LENNON: Yes, there will be asphalt on the garage that's attached to the house, and then there will be an apron at the end of the detached garage.

MR. BOCCANFUSO: Okay, great.

MR. LEVITON: And again, that was Mr. Mike Lennon and we thank him for the response.

MR. BOCCANFUSO: Yup and I think that as I noted in our report Mr. Chairman, members of the board I think that's critical. It kind of protects the roadway edge and keeps that stone and gravel from migrating into the roadway.

MR. LEVITON: And we're extremely grateful once again that as our administrator, you're also the township engineer and that you're sitting here tonight wearing many hats. We're very fortunate. Okay.

MR. BOCCANFUSO: One more thing.

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MR. LEVITON: Yes sir.

MR. BOCCANFUSO: If that's alright, if I may.

MR. LEVITON: Of course.

MR. BOCCANFUSO: There was a comment in my report about the fencing on the property, the split-rail fencing. The plan that was submitted shows, looks to show fencing all the way up to the property line. Do you guys have a post rail fence that goes up to the front property line?

MS. MOENCH: I advised them.

MR. LENNON: It's twenty-five feet off the road. Right?

MS. MOENCH: He came in to get a permit for that and I advised him it wasn't permitted.

MR. BOCCANFUSO: Okay so.

MR. PLOSKONKA: I think you applied for fencing right?

MR. LENNON: There's no fence going across the front of the house.

MR. BOCCANFUSO: No, but anywhere within twenty-five feet of the front property line, even if it's along the sides like perpendicular.

MR. LENNON: Right. It would be twenty-five from the road in towards the back of the house.

MS. MOENCH: I explained to him.

MR. LENNON: Yeah.

MR. BOCCANFUSO: Okay so I mean for our purposes here tonight in fact I don't think there's going to be a vote. So it doesn't even need to be resolved tonight, but we would need, either you to agree that it's going to comply with the zoning regulations or you could request relief, but this board would be the place to get the relief. Otherwise, you're going to have to comply with the regulations.

MS. MOENCH: Remember I told you to wait before you go before the board?

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MR. BOCCANFUSO: Do you understand or if not let's get it cleared up so that everybody's on the same page.

MR. LENNON: My understanding is we need the CO first. Am I correct? For the fence. Is that where we're at?

MS. MOENCH: What I also explained to him that he needs relief for it. That he wanted it to come all the way out, this would be the place to do it. That's why you want to wait until you came before us.

MR. LEVITON: Mr. Alfieri has indicated he fully understands and he will communicate to the client what needs to be done.

MR. BOCCANFUSO: Yeah, if they need.

MR. ALFIERI: Right and if we need relief.

MR. BOCCANFUSO: And if you want a variance, you can ask for it next time. We'll get all that taken care of. I just want to be sure that it doesn't slip through the cracks and then we get through all of this and then they need to come back for a fence variance. I think everybody would prefer to avoid that.

MR. ALFIERI: I agree.

MR. LEVITON: And with that, I would like to go to the public and ask if there's anyone here in attendance tonight who wants to come up and ask. Sir, please, you're invited. You'll grab the same mic from the board's secretary and then our attorney will swear you in and you can either. You can express to the board your feelings or you can ask the representation or Mr. Lennon questions about their testimony.

MR. BERMAN: Okay.

MR. MARMERO: What's your name for the record sir?

MR. BERMAN: Bradley Berman and I live at 39 McCaffrey Road.

MR. MARMERO: Thirty-nine McCaffrey?

MR. BERMAN: Yes.

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

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MR. BERMAN: Yeah.

MR. MARMERO: Okay sir.

MR. LEVITON: Hello Mr. Berman.

MR. BERMAN: Thanks for your time.

MR. LEVITON: You're welcome.

MR. BERMAN: You should not grant a variance for the proposed structure to 8 McCaffrey Road. First, the proposed structure is excessively large for the property. It's going to be an eye sore. Second, although Mr. Lennon has no present intention to run a business out of the proposed structure, if the variance is granted that building will be an attraction to a future buyer who may want to run a business. As circumstances change for Mr. Lennon and he sells the property, someone wants to operate, for example, a lawn care business would be attracted to that property because the building would be large enough to put some of their trucks and equipment inside. My property backs up to an active landscaping and snow removal business. We have trucks crossing our property and easement all times of day understood this when I bought the property. I accept it, but I don't want another residential property on the road with commercial activity being run out of the property. If you do grant a variance for this property, you're not going to be able to refuse the same request for other properties on this street. The person who sold the property to Mr. Lennon has two other buildable empty lots on the same side of the street as Mr. Lennon's property. Each of which could also have a large house and an oversized building that would really change the character of this part of McCaffrey Road which brings me to the last reason not to grant the variance. Mr. Lennon's property is part of a very nice group of homes starting at Woodward Road. None of those homes have out buildings. They're all nicely kept up and are, if you will, a bit of unspoiled suburbia. The proposed building will not fit in aesthetically with those homes and will, if allowed, bring down the property values of the surrounding homes. A building like that would be more at home much farther west on McCaffrey Road where it's a little less perfect, but not on the proposed location. It also seems to me that the process is a little backwards in that rather than coming to the town and saying well this is what everybody has agreed to as a normal maximum size for a garage, therefore I will have X number of toys to put in the garage. It seems like I have some very large toys and therefore you should give me a variance for my toys. It just seems a little backwards. Everybody else is living within the requirements.

1 MR. LEVITON: Mr. Berman, the board thanks you for your
2 comments and I wish I took notes. There are a few I want to address
3 regarding your points. One of them is the running of a business out of
4 the property. There's been no testimony about a business being run out
5 of that property, and the applicant has sworn under oath that no
6 business will be run out of there.

7
8 MR. BERMAN: I agree.

9
10 MR. LEVITON: And I have asked the applicant, Mr. Lennon, if
11 he would be willing as a condition of approving the garage, he seeks
12 that he would record with the county that there is no business
13 permitted there. He had no objection and that will run with the deed.
14 No one who buys that house will also be able to run a business out of
15 there ever without coming and asking for approval first.

16
17 MR. BERMAN: I agree with that. I didn't pick up on the
18 recording.

19
20 MR. LEVITON: I know you didn't. That's why I mentioned it.

21
22 MR. BERMAN: Okay, but that assumes the next owner of the
23 house obeys the rules.

24
25 MR. LEVITON: They have to. Well, and if there's a problem,
26 then a neighbor identifies it and the township deals with it. Also,
27 I'm concerned with massing too and the applicant has mitigated some of
28 my concerns. They've reduced their request. They've lowered the height
29 of the proposal. They went down from twenty-five feet to twenty feet.
30 So it may not be as big. We're going to get renderings and the board
31 will come to a decision. We don't know what it looks like yet, but
32 many of your concerns are also ours and we hear you and we thank you
33 for them.

34
35 MR. BERMAN: You're welcome.

36
37 MR. LEVITON: Is there anyone else? Hello sir.

38
39 MR. TURI: Hello. How are you?

40
41 MR. LEVITON: I am well, thank you. Once again, Mr. Marmero.

42
43 MR. MARMERO: Sure.

44
45 MR. LEVITON: Will swear you in.

46
47 MR. MARMERO: Just state your name for the record sir.

1 MR. TURI: Kevin Turi.
2
3 MR. MARMERO: And how do you spell the last name?
4
5 MR. TURI: T-U-R-I.
6
7 MR. MARMERO: T-U-R-I, and what's the address?
8
9 MR. TURI: 32 McCaffrey Road.
10
11 MR. MARMERO: Okay and if you would raise your right hand,
12 I'll get you sworn in. Mr. Turi, do you swear the testimony you will
13 provide tonight will be the truth, the whole truth, and nothing but
14 the truth?
15
16 MR. TURI: Yes.
17
18 MR. MARMERO: Okay sir, go ahead.
19
20 MR. TURI: So I just want to say a few things and the reason
21 I came today is because I got the notice and I saw a forty by forty
22 foot building, twenty-five foot high and I got nervous because I think
23 it's too big. It's enormous, especially the height. Sixteen hundred
24 square foot is a big building, but I've met Tyler, just a little bit.
25 He built a beautiful home. He did a great job. It looks great, but I
26 am concerned about the aesthetically, that size. So, I came tonight
27 because I wanted to see a picture of it. I wanted to see what it was
28 going to look like, what was it going to look like from the front,
29 from the street. How is it going to look, a forty by forty foot home,
30 twenty-five foot high work, garage next to the home. What was it going
31 to look like? And so, I was hoping to see that and I'm worried about
32 construction, equipment, vehicles. I don't know. I was worried about
33 that. So not only for this owner, but maybe the next owner. So how do
34 we stop that? I'm worrying about landscaping equipment coming down the
35 street, construction equipment, heavy equipment. That's what I was
36 worried about. So, if the garage looks as nice as the house, I'm sure
37 it'll be fine, but I wanted to see a picture.
38
39 MR. LEVITON: Thank you Mr. Turi. We appreciate your
40 remarks.
41
42 MR. TURI: Okay.
43
44 MR. LEVITON: And is there anything else?
45
46 MR. TURI: No, that's it.
47
48 MR. LEVITON: Okay.

1
2 MR. TURI: I'm just worried about the aesthetic of the whole
3 thing and hopefully it looks nice, and we don't have construction
4 vehicles all over the place.
5

6 MR. LEVITON: I appreciate that. So one of my concerns Mr.
7 Alfieri is massing. I did ask about the height of the house. We have
8 established it's thirty-five feet or lower, but I am going to be
9 interested to hear specifically what it is. So that at least in my
10 mind I can see twenty feet, thirty feet, thirty-five, whatever and
11 ensure that it doesn't read like a Walmart. That can't happen.
12

13 MR. ALFIERI: Understood.
14

15 MR. LEVITON: And while we're talking about the aesthetics
16 and residents on the street have expressed concerns regarding them,
17 and my primary concern is massing and the way it's going to read from
18 the street because it does need to be accessory to the principal
19 structure is maybe mitigating the overall aesthetic with trees in
20 front of it, arborvitaes. Maybe talk to your client about that.
21

22 MR. ALFIERI: Okay.
23

24 MR. LEVITON: And I have nothing further. Board members?
25 Public? Brian? Albert?
26

27 MR. MARMERO: No, nothing to add. I mean I've been taking
28 notes of conditions that it sounds like you want to see if there's an
29 approval. It doesn't sound like we're going to get to a vote tonight.
30 It sounds like there's going to be a return with some plans. So I
31 don't think there's a ton for me to add unless you want me to discuss
32 some of the conditions to make sure.
33

34 MR. LEVTON: No, I didn't mention I want nothing on the
35 inside consistent with habitable construction and I don't ever want to
36 see inside of there. I'm satisfied that he has a lot of toys. He's
37 convinced me for sure that it's definitely for his toys and his RV,
38 but I still want it on the record for posterity that there's no
39 subdivisions in there, like no office spaces or anything.
40

41 MR. BOCCANFUSO: Mr. Chairman, I'm wondering if the board,
42 and just for the benefit of the applicant, really, I'm asking this
43 question. Would the board like to see? There's been a lot of talk
44 about the appearance, the elevations, and so forth. Is the board also
45 interested in seeing some type of floor plan layout even if it's
46 something that's prepared by the applicant or one of their
47 professionals? A conceptual floor plan as to how all these toys,

1 trailers, and so forth are going to fit within the building or is that
2 not really necessary?

3

4 MR. LEVITON: Not for me Brian because I'm satisfied. He has
5 a hobby that necessitates a lot of usage of space. The pictures and
6 their testimony and the way they present themselves, it's all
7 credible. They're nice folks and we're their neighbors, all of us, and
8 we wish them well.

9

10 MR. WECHSLER: Can I ask Mr. Lennon a question?

11

12 MR. LEVITON: Of course.

13

14 MR. WECHSLER: You might want to grab the mic just so we
15 have it on record. Okay well he can. I'm sorry. May I ask you what you
16 do for a living?

17

18 MR. LENNON: I own a data company.

19

20 MR. WECHSLER: You own a what?

21

22 MR. LENNON: A data company.

23

24 MR. WECHSLER: A data company?

25

26 MR. LENNON: Yes sir.

27

28 MR. WECHSLER: So, you're not a general contractor? You're
29 not a lawn and garden firm? You're not going to be doing any type of
30 landscaping or opening up any of those companies in the future?

31

32 MR. LENNON: No sir.

33

34 MR. WECHSLER: Okay I'm satisfied.

35

36 MR. LENNON: Other than landscaping at my property.

37

38 MR. WECHSLER: Okay, I'm satisfied. Thank you.

39

40 MR. LEVITON: Mr. Alfieri?

41

42 MR. ALFIERI: So yes, having heard all the comments we have
43 some work to do. I would request, just trying to figure out when the
44 next hearing date is to make sure we're all available and we'll
45 obviously make a full re-submission.

46

47

48

1 MR. MARMERO: And I guess before that, I mean to Brian's
2 point, do we want to establish what the expectation is? I mean sounds
3 like it's an architectural, elevation. Is that what you want to see?
4

5 MR. LEVITON: I know a lot of board members expressed the
6 lack of one as a big concern. As did I, but for me it's the massing. I
7 want to see what it's going to look like relative to the house that's
8 there and maybe some effort to mitigate the overall appearance.
9

10 MR. BOCCANFUSO: I think some form of quantification.

11 MR. LEVITON: Say again.
12
13

14 MR. BOCCANFUSO: The equipment, what can and will be stored
15 in the garage, what can't or won't so that the board can kind of weigh
16 that when it's trying to determine whether or not you meet the
17 aesthetic benefits necessary for the C2.
18

19 MR. LEVITON: That doesn't have to be fancy. That drawing
20 can be rudimentary and hand-done by yourself.
21

22 MR. MARMERO: Okay.
23

24 MR. LEVITON: Board members, anything else to add?
25

26 MR. MARMERO: You don't understand what they're looking to
27 see?
28

29 MR. ALFIERI: Yeah, we understand.
30

31 MR. MARMERO: Okay then let's figure out, yeah.
32

33 MR. LEVITON: Our board members, I don't want to speak for
34 you. I want you to express any concerns that still linger before we
35 send them on the way.
36

37 MR. WECHSLER: No, I would just like to see a wish list of
38 what you want to put in there. Do you want to put a lift in? Do you
39 want to put in extra power for the camper? I would ask for everything
40 and this way we have the ability of having a discussion about it when
41 you come back.
42

43 MR. LEVITON: And I also want to send you away with
44 uncertainty because the way you came tonight unsure about what this
45 board was going to do is the way you're going to come back. There are
46 no guarantees. Okay. Okay, Janice, offer them dates.
47
48

1 MS. MOENCH: Okay so we have 6/18. We do have a commercial
2 application on that evening, but we can probably finish this up
3 beforehand or we have 7/16 open.

4
5 MR. LEVITON: How's that work for you Mr. Alfieri?

6
7 MR. ALFIERI: The eighteenth doesn't work for me, but I can
8 have one of my sons come if we want to do June and not wait until
9 July. Are you okay June 18th?

10
11 MR. PLOSKONKA: Sure.

12
13 MS. MOENCH: You didn't even check John.

14
15 MR. LEVITON: I had to chuckle earlier. Alright.

16
17 MR. ALFIERI: June 18th, did we say?

18
19 MR. LEVITON: We did.

20
21 MR. ALFIERI: So we would request that.

22
23 MR. PLOSKONKA: We have the fifteenth. We have ---

24
25 MR. ALFIERI: Yeah I'm going away that day, the eighteenth.

26
27 MR. MARMERO: Mr. Chairman, for the record, no further
28 public notice. Anyone who's here is aware of the date certain.

29
30 MR. LEVITON: And the people who've expressed concerns,
31 they've already left, but there will be no need for you to apply again
32 or to notice, none of that.

33
34 MR. ALFIERI: Okay thank you all for your input.

35
36 MR. LEVITON: Thank you Mr. Alfieri.

37
38 MR. ALFIERI: Have a great weekend.

39
40 MR. LEVITON: Thank you Mr. Ploskonka and for the peppers
41 and. Lennon's, be well. We'll see you in June. And, I'm going to go
42 out to the public and see if there's anyone in attendance who wants to
43 address the board regarding non-agenda items. Seeing none, I'll close
44 public. Board members, I thank you all so much. Jessica, thank you for
45 recusing yourself earlier. Let me just quickly mention that I don't
46 think I ever recused myself. Yes, oh let's move to adjourn. Can
47 somebody do that for me?
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MR. POCHOPIN: Move to adjourn.

MR. LEVITON: Thank you Dan. Thank you Janice. Do you see -- shaking my head?
