

1 **MEETING IS CALLED TO ORDER:**

2

3 MR. LEVITON: Okay, I'm going to call our meeting to order
4 and ask you to join me for a salute to our flag.

5

6 **SALUTE TO THE FLAG**

7

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

17

18 **ROLL CALL**

19

20 MS. MOENCH: Mr. Shalika?

21

22 MR. SHALIKAR: Yes, here.

23

24 MS. MOENCH: Mr. Mantagas? Absent. Mr. Wechsler is absent.
25 Mr. Pochopin?

26

27 MR. POCHOPIN: Here.

28

29 MS. MOENCH: Ms. Klompus?

30

31 MS. KLOMPUS: Here.

32

33 MS. MOENCH: Mr. Harrington?

34

35 MR. HARRINGTON: Here.

36

37 MS. MOENCH: Mr. Weiss is absent. Ms. Levenson?

38

39 MS. LEVENSON: Here.

40

41 MS. MOENCH: Ms. Latilla?

42

43 MS. LATILLA: Here.

44

45 MS. MOENCH: Mr. Hughes?

46

47 MR. HUGHES: Here.

48

1 MS. MOENCH: Chair Leviton?

2
3 MR. LEVITON: Here. Okay, our first order of business
4 tonight is to accept the minutes from May 7th. I'm sure we've all had
5 an opportunity to review them. Will someone make a motion to do so?

6
7 MR. POCHOPIN: I'll make a motion to accept the minutes.

8
9 MR. LEVITON: Thank you Mr. Pochopin. Will someone second
10 that?

11
12 MR. HARRINGTON: I'll second it.

13
14 MR. LEVITON: Thank you Mr. Harrington.

15
16 **ROLL CALL**

17
18 MS. MOENCH: Mr. Pochopin?

19
20 MR. POCHOPIN: Yes.

21
22 MS. MOENCH: Mr. Harrington?

23
24 MR. HARRINGTON: Yes.

25
26 MS. MOENCH: Ms. Levenson?

27
28 MS. LEVENSON: Yes.

29
30 MS. MOENCH: Mr. Hughes?

31
32 MR. HUGHES: Yes.

33
34 MS. MOENCH: Chair Leviton?

35
36 MR. LEVITON: Yes, and then we also need to accept minutes
37 from May 21st. Will someone move to do so please?

38
39 MR. HARRINGTON: I make a motion to accept the minutes from
40 May 21st.

41
42 MR. LEVITON: Thank you Mr. Harrington, and will someone
43 second that?

44
45 MR. POCHOPIN: I'll second it.

46
47 MR. LEVITON: And thank you Mr. Pochopin.
48

1 MS. MOENCH: Wait so the first was Mr. Harrington, the
2 second --- So they just reversed it.

3
4 MR. LEVITON: Yeah reverse.

5
6 MS. MOENCH: Okay.

7
8 **ROLL CALL**

9
10 MS. MOENCH: Okay, Mr. Pochopin?

11
12 MR. POCHOPIN: Yes.

13
14 MS. MOENCH: Mr. Harrington?

15
16 MR. HARRINGTON: Yes.

17
18 MS. MOENCH: Ms. Levenson?

19
20 MS. LEVENSON: Yes.

21
22 MS. MOENCH: Ms. Latilla?

23
24 MS. LATILLA: Yes.

25
26 MS. MOENCH: Mr. Hughes?

27
28 MR. HUGHES: Yes.

29
30 MS. MOENCH: Chair Leviton?

31
32 MR. LEVITON: Yes. Okay, Mr. Marmero, we have sitting in
33 tonight for our regular planner Jen Beahm Mike Shafai. Did I say that
34 right?

35
36 MR. SHAFAI: Shafai.

37
38 MR. LEVITON: And I'd like you to swear him in.

39
40 MR. MARMERO: Sure Mr. Shafai, if you'd raise your right
41 hand. Do you swear the testimony you provide tonight will be the
42 truth, the whole truth, and nothing but the truth?

43
44 MR. SHAFAI: Yes.

45
46 MR. MARMERO: Excellent.

47

1 MR. LEVITON: Thank you Mr. Marmero, and then we have one
2 resolution to memorialize. It's 2605.

3
4 MR. MARMERO: Sure, for the board's edification this is one
5 where the applicant was previously granted a variance in 2024. Side
6 yard variance was included, but during the permitting process it was
7 determined that the plans included a covered rear porch which was not
8 specifically depicted which also needed side yard variance relief. So
9 it was a difference of about one foot and some change, a de minimis
10 variance which you guys granted.

11
12 MR. LEVITON: Will someone move to memorialize? Thank you
13 Albert.

14
15 MR. POCHOPIN: I'll make a motion to memorialize.

16
17 MR. LEVITON: Thank you Mr. Pochopin. Someone second please?

18
19 MR. HARRINGTON: I'll second.

20
21 MR. LEVITON: Thank you Mr. Harrington.

22
23 **ROLL CALL**

24
25 MS. MOENCH: Mr. Pochopin?

26
27 MR. POCHOPIN: Yes.

28
29 MS. MOENCH: Mr. Harrington?

30
31 MR. HARRINGTON: Yes.

32
33 MS. MOENCH: Ms. Latilla?

34
35 MS. LATILLA: Yes.

36
37 MS. MOENCH: Mr. Hughes?

38
39 MR. HUGHES: Yes.

40
41 MS. MOENCH: Chair Leviton?

42
43 MR. LEVITON: Yes. Okay, our first hearing this evening is
44 Wicker Place Investments, LLC. It's application ZBE2604 and on behalf
45 of the applicant, we have Mr. Alfieri. Mr. Alfieri, have you appeared
46 before our Board before?

47
48 MR. ALFIERI: Yes, many years ago.

1
2 MR. LEVITON: Okay, then welcome back.

3
4 MR. ALFIERI: Thank you Chairman.

5
6 MR. LEVITON: We get confused between Mr. Alfieri Esquire,
7 Mr. Alfieri Esquire, and Mr. Alfieri Esquire.

8
9 MR. ALFIERI: It's a good problem to have.

10
11 MR. LEVITON: Yes.

12
13 MR. ALFIERI: Well good evening, Chairman, members of the
14 board, Dante Alfieri on behalf of the applicant. The applicant is
15 Wicker Place Investments, LLC. The property address is 2 Sanford
16 Street. It is Block 40, Lot 5. It's located in the LBW zone. It is
17 improved with an existing one-story, single-family home. We're here
18 seeking the board's approval to renovate the basement to install a
19 bedroom, family room, and related improvements. As Mr. Boccanfuso can
20 attest to my clients filed for building permits. They were demoing the
21 first floor and because of the location of the property being in the
22 LBW zone, they had to come before this board to get approval for the
23 expansion of what's called an expansion of a non-conformity. It's a
24 pre-existing, non-conformity.

25
26 MR. LEVITON: So, this is a residence in a limited business
27 district?

28
29 MR. ALFIERI: That is correct.

30
31 MR. LEVITON: And it has been there since 1981.

32
33 MR. ALFIERI: I think it predates 1981.

34
35 MR. LEVITON: We saw a variance relief that was granted.

36
37 MR. ALFIERI: Yes.

38
39 MR. LEVITON: From 1981 and the zoning ordinance has since
40 that time changed to create the limited business district and your
41 client has the right to live there in perpetuity, but he needs a D2
42 variance to expand the basement.

43
44 MR. ALFIERI: That is correct.

45
46 MR. LEVITON: Okay.

47

1 MR. ALFIERI: And I do have Ms. Cofone here to provide some
2 planning testimony.

3
4 MR. LEVITON: Oh.

5
6 MR. ALFIERI: So, I'll have her come up as well.

7
8 MR. LEVITON: Oh Ms. Cofone, very nice to see you. How've
9 you been?

10
11 MS. COFONE: Nice to see you as well.

12
13 MR. LEVITON: Okay.

14
15 MS. COFONE: It doesn't help that he sounds just like the
16 other Mr. Alfieri too, right?

17
18 MR. LEVITON: Both of them.

19
20 MR. ALFIERI: The chairman just said that before.

21
22 MS. COFONE: They sound so much alike.

23
24 MR. LEVITON: Yeah, and they look the same too.

25
26 MS. COFONE: They do.

27
28 MR. ALFIERI: I have a beard and some hair.

29
30 MR. LEVITON: Yeah, that's true.

31
32 MR. ALFIERI: Or no hair I should say.

33
34 MR. LEVITON: Okay.

35
36 MR. ALFIERI: We switched.

37
38 MR. LEVITON: You'll be sworn in, but we accept her
39 credentials.

40
41 MR. MARMERO: Yup absolutely. Do you swear the testimony
42 you'll provide tonight will be the truth, the whole truth, and nothing
43 but the truth?

44
45 MS. COFONE: Yes.

46
47 MR. MARMERO: Okay and for the record can you state your
48 name?

1
2 MS. COFONE: Yes, it's Christine Cofone C-O-F-O-N-E.
3 Business address is 52 Reckless Place Red Bank, New Jersey 07701
4 testifying this evening as a licensed professional planner. I've been
5 testifying as such for thirty years now in the state of New Jersey.
6 I've been qualified here and my licenses are current and valid.

7
8 MR. MARMERO: Okay.
9

10 MR. ALFIERI: Thank you Ms. Cofone. Before the meeting
11 started, I handed out a print out if we want to mark it as an exhibit.
12

13 MS. MOENCH: Are they marked?
14

15 MS. COFONE: They're marked right? I believe we have A1 is
16 the floor plan and A2 is the exterior elevations.
17

18 MR. ALFIERI: Thank you.
19

20 MS. COFONE: Great. So, referring, good evening again
21 Chairman and members of the board. Thank you for accepting my
22 credentials. This is what I hope you'll find to be a pretty
23 straightforward application. The Chairman was referring to the prior
24 action on this board. I did review the resolution from that approval.
25 It was a 1981 subdivision. However, in that 1981 subdivision, in the
26 resolution of approval it was specifically referenced that this
27 structure predated the zoning ordinance here in Manalapan which makes
28 it a lawful, pre-existing, non-conforming use. So, but because we are
29 finishing the basement with the 1,655 square feet and it's a non-
30 conforming use allowed to exist in perpetuity, we need to seek a D
31 variance. So the board has to find that the site is particularly
32 suitable. I would say with the existing home on the property, you
33 could certainly find that it is suitable for the finished fit out of a
34 basement and that certain purposes of the Municipal Land Use Law would
35 be advanced. I think the board can rely on criteria E which talks
36 about an appropriate population density. As we know, this site has a -
37 -- dwelling prior to the existence of your zoning ordinance and a
38 minimal expansion will have certainly no impact on the population
39 density of the area, but then I also think the board can accommodate,
40 can rely on criteria G which talks about sufficient space and
41 appropriate locations for a variety of uses. I do think that this is a
42 sufficient space for this residential use to continue. I'm familiar
43 with the area. I visited the subject property. We are flanked by
44 residential uses on either side. There are two-family homes in the
45 area. So, we're immediately contiguous to residential uses and as far
46 as the negative criteria. The negative criteria asks that this
47 application not have a substantial detriment to the zone plan or the
48 public good. This is a seriously undersized lot in the LBW zone. The

1 LBW zone, limited business Wilson zone, requires a minimum of four
2 acres. This is a 0.4 acre site so certainly undersized. It also allows
3 for a number of commercial uses, professional offices, animal
4 hospitals, banks, antique shops. If you've been out to the site, you
5 know that the likelihood of putting any of those uses on this site is
6 not reasonable. So, I think as far as the impact and having no
7 substantial detriment on the LB zone, I don't see a substantial
8 detriment and that's the test. So having reviewed also A1 and A2 in
9 evidence and I believe your engineer's March 5, 2026 review letter
10 asks us to comment on the programming for the house today and what
11 would be there. So, my understanding, the interior fit out has been
12 demolished on the first floor, but my understanding from speaking to
13 my client was that there was previously three bedrooms and two
14 bathrooms in the house. We are now proposing to have three bedrooms
15 and two bathrooms on the first floor and then the basement floor will
16 have an additional bedroom and bathroom. So it would be a four
17 bedroom, three bathroom home if the application were to be approved.
18 Additionally, as far as the impact on the public good, if you look at
19 A2 in evidence, it has in the upper right hand corner of A2 in
20 evidence, there's a picture of the existing conditions on the subject
21 property which looks sort of like a Brady Bunch-era, ranch style home,
22 and then if you look at the second page of that which is titled A8 in
23 evidence or titled A8, but it's part of A2 in evidence. You can see
24 that the curb appeal is going to be substantially increased in
25 conjunction with improvements proposed by this application. So, having
26 reviewed all of these things, reviewed what the LB zone was envisioned
27 to do, reviewed the subject property, reviewed the character of the
28 area, I can submit to the board that it's my opinion that the board
29 can grant this D variance with no substantial detriment to the zone
30 plan or the public good and that is the test. The other thing I should
31 tell you is that there will be two means of egress to that basement.
32 You will have internal stairs from the first floor that will not be
33 locked off. It's not that there's a locking mechanism to get down
34 there so, and then there will be an additional access directly to the
35 outside. So there are two means of ingress and egress from that
36 basement. So that's it. It's a pretty straightforward one, right? A
37 nice way to end the week, not so bad. So that's my testimony. I
38 believe we meet our burden of proof. I believe the site is
39 particularly suitable. I've given you two purposes of the Municipal
40 Land Use Law, criteria E and criteria G. Statutorily, we only have to
41 advance one and I've given you my testimony as to the impact on the
42 zone plan and why I think that there's no substantial detriment to
43 either the public good or the LBW zone here in Manalapan.

44
45 MR. ALFIERI: Thank you Ms. Cofone.

46
47 MS. COFONE: You're welcome.

1 MR. LEVITON: Thank you Ms. Cofone. Mr. Shafai, do you take
2 any exception to her testimony?

3
4 MR. SHAFAI: No, I agree with her testimony.

5
6 MR. LEVITON: Outstanding. Let's go to the board then.
7 Joshua?

8
9 MR. SHALIKAR: Zero questions, phenomenal testimony.

10
11 MS. COFONE: Great.

12
13 MR. LEVITON: Mr. Pochopin?

14
15 MR. POCHOPIN: Yes, thank you. So, we heard a couple times
16 from my partner here about A2 you were referring?

17
18 MS. KLOMPUS: A4. Our A4 is her A2.

19
20 MS. COFONE: Okay so they're marked as A1 and A2 in
21 evidence, but A1 is --- bottom right hand corner, you probably have an
22 A4 on that, those are the existing floor plans and then A2 which also
23 has an A4 on the bottom of it and then an A8 on the back of it. Those
24 are the elevations. So, your A1 should show the floor plans like what
25 is going on in the house and then A2 is the exterior elevations. So
26 that shows you what it's going to look like from the outside. So A1
27 think inside, A2 outside. Walls in A1, walls out A2.

28
29 MR. POCHOPIN: Okay and is this going to be used for I guess
30 renting out or the existing homeowner? Is that?

31
32 MS. COFONE: So, I don't know if they're going to rent or
33 own the home. I'm not certain what they're going to do with it. So,
34 they may sell it. They may rent it. I'm not sure.

35
36 MR. ALFIERI: But it is remaining as a single-family home.

37
38 MS. COFONE: Right. Either way it will be rented as a
39 single-family unit.

40
41 MR. POCHOPIN: And it looks as if the driveway can hold a
42 couple cars.

43
44 MS. COFONE: Yes.

45
46 MR. POCHOPIN: Three cars.
47

1 MS. COFONE: There's no problem with parking. The parking
2 demand will be met on site.

3
4 MR. POCHOPIN: I don't see any references to how long the
5 driveway is or anything, but there's four more bedrooms downstairs
6 you're saying?

7
8 MS. COFONE: No, there's definitely not four more bedrooms.
9 It's one additional bedroom.

10
11 MR. POCHOPIN: Oh, one additional.

12
13 MS. COFONE: One additional bedroom, right? There's three
14 upstairs now and there always was three so it's one additional
15 bedroom.

16
17 MR. POCHOPIN: Okay.

18
19 MS. COFONE: Yeah, so no, no, three existing, one proposed.

20
21 MR. POCHOPIN: And the height isn't anything different? It's
22 all lower construction?

23
24 MS. COFONE: The only thing you will see from the outside is
25 basically a facelift. There are no structural changes to the outside
26 of the basement or to the outside of the structure. It's all interior
27 fit out.

28
29 MR. POCHOPIN: Thank you.

30
31 MS. COFONE: You're welcome.

32
33 MR. LEVITON: Ms. Klompus?

34
35 MS. KLOMPUS: You said the stairs going from the main floor
36 to the basement is open. There's no door?

37
38 MS. COFONE: There may be a door on it, but it's not a door
39 you would have to your front house. So, there will be a stairwell
40 interior and then there is an exterior door to that area as well.

41
42 MS. KLOMPUS: Okay I'm just concerned with the egress.

43
44 MS. COFONE: There will be two means of egress, and we'll
45 have to meet the code in order to get the permits. He'll have to meet
46 the code for that so.

47
48

1 MS. KLOMPUS: And the room that's in the back that's opening
2 up to the mechanical I see that it's more open, but what will that be
3 used for because there's no window over there?

4
5 MS. COFONE: Just storage or I would think just.

6
7 MS. KLOMPUS: But there's no door closing that?

8
9 MS. COFONE: There is not.

10
11 MS. KLOMPUS: Okay thank you.

12
13 MS. COFONE: You're welcome.

14
15 MR. LEVITON: Thank you Stacey. John?

16
17 MR. HARRINGTON: I really don't have anything. Other than
18 one question on the egress. I can't remember exactly where I saw it.
19 It was just a matter of the homeowner I believe and the contractor
20 will specify the windows and any hardware and I think the hardware
21 you're referring to would be let's say the grates and/or possibly
22 ladders for the egress. Am I correct?

23
24 MS. COFONE: So, the architect is not here tonight. I'm not
25 sure I fully understand your question.

26
27 MR. HARRINGTON: I guess I'm just more concerned of the
28 egress window. They mentioned on one of the plans I was overseeing, it
29 mentioned that it was having a cover for the windows and I'm assuming
30 that's because of grade differences. If it was greater than thirty
31 inches.

32
33 MS. COFONE: Yes.

34
35 MR. HARRINGTON: It would have to have a cover. So, I would
36 just more of a safety issue.

37
38 MS. COFONE: Right so again they're going to have to pull
39 permits for all of this. So, your building department will be able to
40 inspect all of the construction.

41
42 MR. HARRINGTON: Okay.

43
44 MS. COFONE: Documents prior to the issuance of permits.

45
46 MR. HARRINGTON: I would just like to note who's responsible
47 for making sure that stuff is being put on.

1 MS. COFONE: Well, I'm sure it will be inspected, right?

2
3 MR. HARRINGTON: Yeah.

4
5 MS. COFONE: Your building inspectors and your construction
6 department will certify.

7
8 MR. HARRINGTON: Certify whether or not.

9
10 MS. COFONE: Yeah.

11
12 MR. HARRINGTON: It's got the grades.

13
14 MS. COFONE: And the applicant I'm sure would accept as a
15 condition of approval that they have to get all the required permits
16 from the building department.

17
18 MR. HARRINGTON: Okay that's the only thing I really was
19 more concerned on the safety issue.

20
21 MS. COFONE: Understood.

22
23 MR. LEVITON: Thank you John. Jessica?

24
25 MS. LEVENSON: I just had one quick question. So there
26 currently is stairs that lead down to the basement from the exterior.
27 Am I reading this right?

28
29 MR. ALFIERI: Correct, there's a Bilco door.

30
31 MS. LEVENSON: Okay, is that going to be removed?

32
33 MR. ALFIERI: That Bilco door.

34
35 MS. COFONE: Yes.

36
37 MR. ALFIERI: Is proposed to be removed and then there'll be
38 a standard door put in place.

39
40 MS. COFONE: Okay.

41
42 MR. ALFIERI: So, there will be that egress from the
43 interior and the exterior.

44
45 MS. COFONE: So, there'll be two means of ingress and egress
46 from the basement. From inside the house will be a stair, and then
47 that Bilco door will be replaced with a traditional person door. I was
48 criticized for calling it a man door on a --- for my application. So

1 it'll be a traditional person door. Not a Bilco door. So, you'll be
2 able to get in that basement from the outside or from the inside via a
3 stairwell.

4
5 MS. LEVENSON: Okay great. That was really, that was my only
6 question.

7
8 MR. LEVITON: So, removing that Bilco door actually pushes
9 your western side yard setback further away from the property line
10 improving it from 20.3 to 25.3 feet.

11
12 MR. ALFIERI: That's correct.

13
14 MS. COFONE: Where fifty I believe is required.

15
16 MR. LEVITON: Correct.

17
18 MR. ALFIERI: Correct.

19
20 MR. LEVITON: Thank you Jessica. Temika?

21
22 MS. LATILLA: I have no questions.

23
24 MR. LEVITON: And Patrick?

25
26 MR. HUGHES: I do not have any questions.

27
28 MR. LEVITON: Okay. Ms. Cofone, this is an interesting
29 application. We don't see many like them because in addition to the D2
30 relief that your client needs, there's bulk variances and tonight's
31 require, one of tonight's C variances or just bulk relief, requires us
32 to approve less of the maximum. The minimum required gross floor area.
33 Five thousand feet is required and your client only has 3,482 square
34 feet. Can you explain that to the board?

35
36 MS. COFONE: Correct. So right now, on the subject property,
37 so in the LBW zone is a minimum floor requirement of five thousand
38 square feet as the chairman said. So right now, our structure is about
39 1,827 square feet, so non-conforming. When we finish the basement of
40 the 1,655 square feet, we actually come closer into conformance with
41 the zoning because we bring it up to 3,482 square feet. Still non-
42 conforming, but closer to conforming than what exists on the property
43 today.

44
45 MR. LEVITON: And the purpose of such an ordinance in the
46 limited business zone is what I'm trying to get at. It exists because.

1 MS. COFONE: It exists because it wants to bring a critical
2 mass of intensity to the development, right?

3
4 MR. LEVITON: And a single-family home doesn't do that.

5
6 MS. COFONE: It does not, but there's a single-family home
7 on the property now.

8
9 MR. LEVITON: Thank you.

10
11 MS. COFONE: You're welcome.

12
13 MR. LEVITON: Okay, Brian, any thoughts?

14
15 MR. BOCCANFUSO: Thank you Mr. Chairman. I don't take any
16 exception to the testimony or the representations. I think as far as
17 use variances go, this is as, I don't want to say easy, but as simple
18 a use variance application as we will see. I think the most
19 complicated question, if the only complicated question, is whether
20 this is a certification of an existing, non-conforming use with a D2
21 variance as you alluded to or a straight D1 variances, D1 variance.
22 I'll defer to our planners on that. I think Ms. Cofone's testimony is
23 sufficient for the D1 criteria. I would ask Mike to weigh in on that
24 or ask Christine if she has any thoughts on whether we're talking
25 about.

26
27 MS. COFONE: So I do have some thoughts and feel some kind
28 of way about that. I think it's a D2 expansion of a non-conforming use
29 and I'm going to tell you why I think that. Because when you come to a
30 board or any municipality and you want to take credit for having a
31 lawful, pre-existing, non-conforming use, there's two ways to do that,
32 several ways to do that. One, in this case, is you would pre-date the
33 zoning ordinance. So, we were there before Manalapan adopted a zoning
34 ordinance. So, it doesn't matter what the current zoning is, there's
35 no way for us to say we were conforming because there was no zoning
36 when the structure was built. So that is a, I would say if I was
37 teaching a class, I'd use that as a textbook example of a non-
38 conforming use. There are other ways non-conforming uses can happen,
39 right? Say that at one time, it was an R5 residential zone and at the
40 time the structure was built, we could demonstrate to you based on
41 aerials and tax records and historical zoning documents that at the
42 time it was built it was conforming and then there was a subsequent
43 change in zoning rendering it non-conforming. That's also a lawful
44 expansion of a non-conforming use. Now if we were established by a use
45 variance initially, I would say no. That that needs to be an addition
46 D1 and, rest his soul, Ron Cucchiara taught me that on the record in
47 Marlboro when I was arguing a pet care expansion as a D2 because it
48 got a use variance and he said no. It's a D1 because if it gets

1 established by a D1, it's still a D1. So, in this case, I think we
2 have your resolution which is part of the file because it's referenced
3 in the CME review letter. That prior resolution on this recognizes
4 right on that resolution that this use predated the zoning ordinance.
5 So that's why I think it's a D2, but in order to be conservative I put
6 the testimony on for D1 because if we were just going on the D2 we
7 could argue that the negative criteria should be looked at with
8 greater liberality and the reason is because the neighborhood's
9 already accustomed to the use. So, when you're talking about the
10 negative criteria, you're using when most of the time that someone
11 comes here and a planner's testifying on the negative criteria,
12 they're asking you to evaluate their testimony because they're looking
13 to introduce that use into the neighborhood. Here we know it's been
14 there for a long time and under the verbiage case on the D2, it says
15 we can look at the negative criteria with greater liberality. So, it
16 has a little bit lesser of a burden of proof than a D1. So, the D1 is
17 the strictest so we went with that just in case there was any doubt
18 that you felt it was a D2 so.

19
20 MR. LEVITON: That's so thorough Ms. Cofone.

21
22 MS. COFONE: That's a little D1-D2 clinic. You're welcome.

23
24 MR. LEVITON: Burbridge 1990 not Mine Hill.

25
26 MS. COFONE: Yes, a junkyard case, right? I know the case.

27
28 MR. LEVITON: Yes, so I'm curious Mr. Boccanfuso is correct.
29 You put the proofs onto the record for a D1 and a D2 requires a lesser
30 showing of special reasons and you cite it too for D1. Would one have
31 sufficed? I don't understand.

32
33 MS. COFONE: One will always suffice.

34
35 MR. LEVITON: But for D2 what would have been necessary?

36
37 MS. COFONE: So D2 doesn't really impact that. What D2
38 impacts is the negative criteria and the Burbridge case specifically
39 the courts have held that when you're dealing with a D2, you get a
40 relaxed standard on the negative criteria, the impact on the zone plan
41 and the public good. So exactly what you said when you made the point
42 that this zone didn't contemplate single families. It didn't, but it's
43 there. So that way when you're dealing with the negative criteria and
44 the impact on the zone plan, Burbridge on a D2 schools us that we look
45 at that with greater liberality. So, we have a bit of a relaxed
46 standard there.

47
48 MR. LEVITON: Thank you.

1
2 MS. COFONE: You're welcome.

3
4 MR. LEVITON: Brian, anything else?

5
6 MR. BOCCANFUSO: Yeah, I certainly don't disagree. I'm not
7 licensed as a planner. Ms. Cofone is and I don't take exception to
8 testimony. I do have a question though.

9
10 MS. COFONE: Sure.

11
12 MR. BOCCANFUSO: Since we're discussing it and we have some
13 time because the next application can't proceed until 7:30 anyway.

14
15 MR. LEVITON: There were issues with the noticing and we
16 can't take the next hearing until 7:30.

17
18 MR. BOCCANFUSO: But the question I have is the 1981
19 approval I think that was actually prior to the establishment of the
20 current zoning, the LBW. I think there was some other zoning in place
21 that changed, right?

22
23 MS. COFONE: C3. Yeah, it was C3.

24
25 MR. BOCCANFUSO: So, our ordinance has language in it that
26 speaks to a requirement for a property owner or interested party to
27 obtain a certificate of non-conforming use within one year from the
28 zoning officer or at any time from the zoning board. Does that in any
29 way change your opinion on whether or not the D1 or D2 variance relief
30 is appropriate?

31
32 MS. COFONE: It doesn't because when I reviewed the
33 resolution of approval for this application which is dated September
34 24th of 1981.

35
36 MR. BOCCANFUSO: And looks yellow.

37
38 MS. COFONE: Yes, it does. Finding number three in that
39 resolution reads exactly as follows, "Situated on the property in
40 question is a residential dwelling, the use of which predated the land
41 use ordinance in the Township of Manalapan and thus is a non-
42 conforming use." So based on how it was treated in conjunction with
43 the 1981 application, I would say there's no reason to treat it any
44 differently today.

45
46 MR. BOCCANFUSO: So, you think the language in that
47 resolution effectively checks the box of getting what our ordinance

1 calls for either from the zoning officer or from the zoning board? You
2 think that's sufficient?

3
4 MS. COFONE: Yes, I do. I think it provides the board with
5 positive proofs.

6
7 MR. MARMERO: Yes, it says that the option would've been to
8 come to this board to get that, but the board essentially deemed it
9 that in the resolution.

10
11 MR. BOCCANFUSO: Got it.

12
13 MS. COFONE: Yes, the plain language of the resolution from
14 1981 which is the governing resolution that we could find on this
15 property, in my opinion, establishes a non-conforming use.

16
17 MR. BOCCANFUSO: Got it. The only other thing I have on this
18 application Mr. Chairman, members of the board is that we're dealing
19 with a use that's not permitted in the zone. That's why we're here and
20 there's also a number of bulk variances that were detailed in an
21 Artheon report of, most recent one was May 22nd I believe. In any
22 event.

23
24 MR. LEVITON: Artheon is the new CME.

25
26 MR. BOCCANFUSO: Yeah, I'm struggling with the name.

27
28 MR. LEVITON: It's the same company, different name. It's
29 our engineer's report is what he's referencing.

30
31 MR. BOCCANFUSO: Trying my best, but struggling with it.

32
33 MS. COFONE: Yes.

34
35 MR. BOCCANFUSO: But there was a comment in Mr. Rizzo's
36 report about the patio and accessory structures. One thing I would
37 point out here is that if this application is approved and the
38 improvements are built, or even if they're not quite frankly, because
39 they do have a building permit to improve the first floor. If the
40 property owner, either the applicant or future property owner, ever
41 sought to build a shed or to expand the flat patio, they would run
42 into problems because those improvements would have a hard time
43 complying with the setback requirements that are applicable in the LBW
44 zone. So, one thing I would recommend that the board consider is to
45 establish some reasonable setback standards for accessory structures
46 specifically that don't intensify or further expand the non-conforming
47 use and that are clearly incidental to a house of this size and scale
48 and that could certainly be in the judgment of me as the zoning

1 officer and my department. Given that the lot area is 21,000 square
2 feet, that's very close to what's in the R20 zone and the R20 zone is
3 not far from here. So, my recommendation, if the board's amenable to
4 it, if the applicant's amenable to it, and of course if our attorney's
5 amenable to it, is to apply the accessory structure setback
6 requirements of the R20 zone in future permit applications if they
7 should ever be submitted. Of course, subject to the zoning officer's
8 determination that they are clearly incidental to what it is, the
9 existing single-family use on the property.

10
11 MR. LEVITON: Yeah, that's very generous of you. Let's just
12 ask Mr. Shafai. Do you think that doing so would negatively impact the
13 ballpark nearby or the American Legion Hall?

14
15 MR. SHAFAI: I do not.

16
17 MR. LEVITON: Alright good then I have no problem with it.
18 Board, what do you think?

19
20 MS. KLOMPUS: I just have a question.

21
22 MR. LEVITON: Yeah.

23
24 MS. KLOMPUS: Will this stay with the property meaning will
25 they have to record this with the county and it'll stay?

26
27 MR. BOCCANFUSO: I don't think they would have to. I think
28 since we're talking a D variance it runs with the land as long as we
29 kind of establish it on the record and get it in the resolution. It's
30 not a situation where we often see bulk variances and it's been common
31 for this board to place a deadline on those and this case, since we're
32 talking a D variance here, it would run with the land.

33
34 MS. KLOMPUS: Got it.

35
36 MR. BOCCANFUSO: I've seen it a number of times on these
37 existing, non-conforming uses. A property owner could do something
38 very simple, a patio, a shed, a gazebo, and they simply can't because
39 of the zoning standards that are underlying. So, I think this is an
40 opportunity. They're here. We're all dressed up. We heard the
41 testimony. It could certainly make my life easier and either this
42 applicant or a future property owner's life easier in the future if
43 they want to do what anyone else in town could reasonably do on their
44 property.

45
46 MS. KLOMPUS: Makes sense, thank you.

47
48 MS. COFONE: It's a great suggestion.

1
2 MR. LEVITON: Any objections Mr. Alfieri?

3
4 MR. ALFIERI: No objections at all.
5

6 MR. LEVITON: Okay, then let me go out to the public and see
7 if there's anyone in attendance who wants to cross-examine Ms. Cofone
8 or ask Mr. Alfieri a question or even address the zoning board
9 members. Okay, seeing none I'll close public. Albert, anything else?
10

11 MR. MARMERO: No just to go over the necessary relief that's
12 --- You heard testimony regarding a use variance. I would agree that
13 it is a D2 variance. We heard testimony that it meets the higher
14 standard for a D1 variance and that's essentially because again it's a
15 residential use that's consistent with non-residential zone. They're
16 looking to essentially expand the basement improvement so that does
17 necessitate the D2 variance. We heard some talk about a lot of bulk
18 variances being required as well. Again, that's by nature of it being
19 a residential use that's located essentially in a commercial district
20 and those are bulk variances that would essentially be subsumed within
21 the use variance which just to put them in on record here. In this
22 district, you need a minimum lot area of four acres so that's the
23 smallest lot you could have. Again, that's --- commercial district
24 we're in. They had --- forty acre lot so again that's an existing,
25 non-conforming. The minimum lot --- would be two hundred feet, they
26 had 120 feet. The minimum lot depth would be two hundred, they have
27 150. Minimum principal front yard setback would be seventy-five, they
28 have forty-eight and a half feet. Principal side yard setback is fifty
29 feet, they have 47.9 and 20.3 feet. We did hear some testimony about
30 that improvement with regard to removing the Bilco. With respect to,
31 see if there's any others listed, you talked about the maximum gross
32 floor area five thousand square feet. Again by virtue of the zone that
33 they're in, this variance this proposed improvement would bring their
34 gross floor area up to 3,482 feet. So again, closer to what's required
35 even though it's not a commercial use, and then we heard the minimum
36 improvable lot area which is one acre. The minimum improvable lot area
37 here is 0.023 acres. Finally, we had minimum improvable lot diameter
38 which is a hundred and fifty feet and they have twenty-five feet. So
39 again, it's a long list of bulks that are really by virtue of the non-
40 conforming use being in this commercial district. In terms of any
41 conditions, the only conditions you discussed, we heard some talk
42 about requiring the applicant to get all necessary permits for
43 improvements. Obviously, we always include that as a condition anyway
44 and then there was some discussion about perhaps allowing R20 zone
45 setback standards for any future accessory uses because again by
46 virtue of being in a commercial district --- review for any future
47 accessory proposal.
48

1 MR. LEVITON: Always the hardest working man in the room.
2 Thank you, Albert.

3
4 MR. MARMERO: Thank you. I appreciate that.

5
6 MR. LEVITON: And, so we're going with a D2 variance. It's
7 just the expansion of a pre-existing, non-conforming use even though
8 the D1 proofs were put on the record, and like a D1, we're going to
9 need five affirmative votes. We're typically a larger group. We have
10 absent members tonight. There are seven of us whose votes will count
11 and five of them need to be affirmative. Okay, Janice call it.

12
13 **ROLL CALL**

14
15 MS. MOENCH: Mr. Shalika?

16
17 MR. SHALIKAR: Yes.

18
19 MR. BOCCAFUSO: Was there a motion?

20
21 MR. SHALIKAR: Oh.

22
23 MS. MOENCH: Oh, I was counting.

24
25 MR. SHALIKAR: I'll make the motion to approve the
26 application as a D2 variance with the condition of all permit
27 approvals and the amendment on the inclusion of the R20 setback
28 requirements.

29
30 MR. LEVITON: And someone second it please.

31
32 MR. POCHOPIN: I'll second.

33
34 MR. LEVITON: Thank you Dan.

35
36 MS. MOENCH: Okay, let's try this again.

37
38 **ROLL CALL**

39
40 MS. MOENCH: Mr. Shalika?

41
42 MR. SHALIKAR: Yes.

43
44 MS. MOENCH: Mr. Pochopin?

45
46 MR. POCHOPIN: Yes.

47
48 MS. MOENCH: Ms. Klompus?

1
2 MS. KLOMPUS: Yes.

3
4 MS. MOENCH: Mr. Harrington?

5
6 MR. HARRINGTON: Yes.

7
8 MS. MOENCH: Ms. Levenson?

9
10 MS. LEVENSON: Yes.

11
12 MS. MOENCH: Ms. Latilla?

13
14 MS. LATILLA: Yes.

15
16 MS. MOENCH: Chair Leviton?

17
18 MR. LEVITON: Yes. Mr. Shafai, before we let you go tonight,
19 please do not tell Ms. Beahm that Christine was here because she'll be
20 envious and it may even bother her.

21
22 MS. COFONE: I spoke with Ms. Beahm the entire ride here
23 tonight.

24
25 MR. LEVITON: Okay.

26
27 MS. COFONE: So, she knows where I am.

28
29 MR. LEVITON: Alright, then congratulations to you both.
30 It's very nice to see you.

31
32 MS. COFONE: Thank you so much. Have a great night.

33
34 MR. ALFIERI: Thank you Chairman, members of the board. We
35 appreciate your time tonight.

36
37 MR. LEVITON: And Mike, --- thank you sir.

38
39 MS. COFONE: And the 7:30 is an honest mistake because
40 honestly when we had our prep call for this, I was like 7:00. It's a
41 good thing I looked at the agenda, I would've missed the application.

42
43 MR. BOCCANFUSO: Yeah, we were 7:30 until this year.

44
45 MS. COFONE: I know.

46
47 MR. BOCCANFUSO: We just changed it so.
48

1 MR. ALFIERI: It just changed right? Six thirties' next
2 right?

3
4 MR. BOCCANFUSO: I hope that would be great.

5
6 MR. ALFIERI: Take care everyone.

7
8 MR. BOCCANFUSO: Good night.

9
10 MR. LEVITON: Okie dookie. Ms. Khandros, I know I'm
11 butchering your name. How do I say it?

12
13 MS. KHANDROS: Khandros.

14
15 MR. LEVITON: Khandros. Come on up. This is application
16 2608.

17
18 MR. SHALIKAR: Accessory.

19
20 MR. LEVITON: Ms. Khandros is here and Mr. Marmero will
21 swear you in ma'am.

22
23 MS. KHANDROS: Should I stand up?

24
25 MR. MARMERO: Sure, if you raise your right hand I'll get
26 you sworn in. --- is fine. Do you swear the testimony you will provide
27 tonight will be the truth, the whole truth, and nothing but the truth?

28
29 MS. KHANDROS: I do.

30
31 MR. MARMERO: Okay.

32
33 MR. LEVITON: Okay ma'am. You're here because you want to
34 expand your deck and there is a need for variance relief as it relates
35 to impervious coverage and rear yard setback.

36
37 MS. KHANDROS: Correct, that's my understanding.

38
39 MR. LEVITON: Tell the board about your project.

40
41 MS. KHANDROS: So, I live in a community called Knob Hill.
42 I'm requesting a second-story deck. Currently there's just a small
43 balcony attached to my home and my understanding is I need a variance
44 for some additional, for the size of the deck, the setback that I'm
45 requesting. So, the proposed deck is about thirty-five by fifteen with
46 a staircase going down to the first floor. My understanding is that
47 the concern is that it will create a disruption to the neighbors
48 around me. It's a very small community. The houses are very close

1 together. I'm not requesting anything, but the deck. I'm not
2 requesting to run electricity or lighting, or to put a television or
3 anything like that. I'm happy to agree to those terms if that would be
4 required.

5
6 MR. LEVITON: This board does have the capacity to impose
7 such conditions if it did see fit because a deck that close to the
8 rear line can create privacy, noise, visual impacts for the neighbors
9 next to you or behind you, but before we get that far. As I went
10 through your application, I didn't see a formal architectural review
11 board approval letter from your HOA. Did you get that?

12
13 MS. KHANDROS: That is the first I've heard of anything like
14 that. I just received a simple approval from my HOA.

15
16 MR. LEVITON: So, oh you did? I didn't see it. Did I miss
17 it? Is it in the?

18
19 MS. KHANDROS: Is it called an --- I'm sorry I don't know
20 what it's called. I do have an approval.

21
22 MR. LEVITON: Just a letter of approval from your HOA.

23
24 MS. KHANDROS: Yes, I do have.

25
26 MR. LEVITON: Let's call it that.

27
28 MS. KHANDROS: I do have that, yes. I submitted it including
29 for.

30
31 MR. LEVITON: Hold on Janice is going to look.

32
33 MS. MOENCH: I'm going to double check.

34
35 MR. LEVITON: It could be my error. I'm not as bright as I
36 used to be and my memory is even worse, but she's looking. Typically.

37
38 MS. KHANDROS: I don't have a paper copy of my application
39 with me unfortunately, but I did have an approval.

40
41 MS. MOENCH: She must have put in in with the provisional
42 application.

43
44 MS. KHANDROS: I actually had to because I revised the deck
45 sketch to make it a little bit smaller when I requested the variance
46 and so I had a fresh approval from the HOA when I submitted the
47 variance application.

1 MR. LEVITON: So, for the record, our Board Secretary is
2 currently looking for the.

3
4 MS. MOENCH: She does have it.

5
6 MR. LEVITON: She, has it? Okay.

7
8 MS. MOENCH: --- fifteen. Thirty-five by fifteen deck
9 expansion and the setback --- feet.

10
11 MR. LEVITON: See that usually carries a lot of weight here.
12 Past practice tells me that without that, we have a problem. So, let's
13 go to the board, see what they think. Mr. Pochopin?

14
15 MR. POCHOPIN: No questions at this time, thank you.

16
17 MR. LEVITON: Okay, Ms. Klompus?

18
19 MS. KLOMPUS: My only question is and I don't know if you
20 can tell this, but it looks like your neighbor has one.

21
22 MS. KHANDROS: Right.

23
24 MS. KLOMPUS: Are you going to be aligned with them or
25 further out?

26
27 MS. KHANDROS: Pretty much. No, not further out. Honestly,
28 the majority of my neighbors have them.

29
30 MS. KLOMPUS: Yeah.

31
32 MS. KHANDROS: So, they're all about the same size.

33
34 MS. KLOMPUS: Okay so you're keeping it ---

35
36 MS. KHANDRODS: I'm not requesting anything larger than what
37 my neighbors currently have.

38
39 MS. KLOMPUS: Okay thank you.

40
41 MR. LEVITON: So, I'm going to piggy back on that. This zone
42 is a CD. I guess it's for Hovnanian. Brian, is that right? CDKH, is
43 the K.H. Hovnanian?

44
45 MR. BOCCANFUSO: Knob Hill Consent District.

46
47 MR. LEVITON: Oh yeah, the C.D. is consent district. So that
48 tells you that it's a planned community and all the lots were

1 meticulously engineered and that there's one that we can see in the
2 neighbor's yard, similar to what she's proposing, raises a red flag
3 for me because since they were so carefully engineered for drainage
4 and her impervious coverage goes above the fifty percent to close to
5 fifty-five percent, 54.4. Not close to fifty-five, 54.4 to be exact.
6 That with the neighbor's deck which by the way, we don't know if that
7 was done with a permit. We don't know if we approved it. We don't know
8 the history.

9
10 MS. MOENCH: It was not.

11
12 MR. LEVITON: It was not what?

13
14 MS. MOENCH: Permitted.

15
16 MR. LEVITON: It's not permitted. So plus each case is
17 evaluated individually on its own merits and we're not bound by
18 anything that's gone before and just because the applicant testified
19 that there are lots of them has no bearing on this board and I'm
20 concerned that the impervious coverage increase along with what the
21 neighbor already has and others creates a cumulative effect that could
22 potentially hurt other homes when there's a major storm. Where does
23 the runoff go? See it was the consent district was carefully planned
24 for runoff and now with the increase in impervious coverage on
25 multiple lots, everything changes and there could be damage down the
26 line to other people's foundations or common areas. I don't really
27 know, but to me it's not a good thing that you can see others. It's a
28 bad thing for that reason. So I just wanted to piggy back on that
29 Stacey and give you my thoughts and move on to John.

30
31 MR. HARRINGTON: I don't have any questions. I mean I just
32 want to make a note just because she's requesting relief.

33
34 MR. LEVITON: She needs relief.

35
36 MR. HARRINGTON: And she's come to this board and we know
37 the neighbor doesn't have a permit. Why should that affect?

38
39 MR. LEVITON: Nothing about the neighbor has any bearing on
40 what we're doing today.

41
42 MR. HARRINGTON: Okay, alright just wanted to make sure that
43 we're not looking at that.

44
45 MR. LEVITON: Jessica?

46
47 MS. LEVENSON: I don't have any questions at this time.

1 MR. LEVITON: That's fine.

2
3 MR. LEVITON: Maybe in a minute.

4
5 MR. LEVITON: You reserve the right to ask if one pops up.

6
7 MS. LEVENSON: Yes.

8
9 MR. LEVITON: Okay. Temika?

10
11 MS. LATILLA: Nope, I have no questions.

12
13 MR. LEVITON: And Patrick?

14
15 MR. HUGHES: I do not have any questions.

16
17 MR. LEVITON: No worries.

18
19 MS. KLOMPUS: Can I ask one more?

20
21 MR. LEVITON: Yeah.

22
23 MS. KLOMPUS: Are you changing anything underneath?

24
25 MS. KHANDROS: No.

26
27 MS. KLOMPUS: So, the pavers that you have there are just
28 staying like that?

29
30 MS. KHANDROS: Correct. My understanding is that maybe some
31 will be removed for the foundation or whatever it's called, but.

32
33 MR. LEVITON: So, I'm going to piggy back on that before I
34 go to you again Josh because that, what's underneath, you could
35 install dry wells or gravel beds to mitigate the runoff issue that
36 concerns me, but I didn't see any of those ideas on the plans either.

37
38 MS. KHANDROS: Unfortunately, this is the first time this
39 issue has come up. It's something I can certainly discuss with the
40 deck contractor that I'm using. I don't have any objection to it
41 theoretically. I don't know what it would involve or how much money
42 that would cost, but.

43
44 MR. LEVITON: This board, I really dislike coming down so
45 hard on you. I know what it's like to sit in that chair, so do a lot
46 of us up here. Forgive me. Joshua, any thoughts?

47

1 MR. SHALIKAR: I don't know if I have a concern with any
2 impervious runoff being that this is going to be an elevated deck.
3 What's the height of the deck? I don't know if you know offhand. I
4 didn't see it on the plan, maybe I missed it. I just see the depth and
5 the width.

6
7 MR. LEVITON: But she's exceeding the maximum allowable
8 amount.

9
10 MR. SHALIKAR: Understood.

11
12 MR. LEVITON: So, the fact that it's elevated doesn't change
13 the fact that the impervious coverage is increasing.

14
15 MS. KHANDROS: It's level with the second floor of my home.

16
17 MR. SHALIKAR: Okay, okay.

18
19 MS. KHANDROS: The first floor basement is about eight feet
20 high so I.

21
22 MR. SHALIKAR: So, eight to ten feet, that's fine, so
23 standard for a second. I have no questions, thank you.

24
25 MR. LEVITON: Brian?

26
27 MR. BOCCANFUSO: Thank you Mr. Chairman. If the board is
28 concerned with the impact of the increase in impervious coverage which
29 is minimal by the way. I point out that most of the deck is above the
30 existing paver patio, but if the board is concerned with the increase
31 in impervious coverage and the associated stormwater runoff, Ms.
32 Khandros, Ms. Khandros agreed at the outset here that she would be
33 amenable to any reasonable conditions that the board wanted to impose
34 to mitigate the negative impact. You could consider requiring drainage
35 improvements if and as directed by my office when a permit is
36 submitted. I know that one of our standard conditions in most, if not
37 all of our resolutions is that an applicant must comply with all
38 stormwater and drainage improvements or regulations something along
39 those lines.

40
41 MR. MARMERO: Yeah.

42
43 MR. BOCCANFUSO: Usually something, an increase in
44 impervious coverage as minimal as this is, we probably wouldn't
45 require structural improvements, drainage improvements, things of that
46 nature, but the point that we could be looking at death by a thousand
47 paper cuts here to use a.

1 MR. LEVITON: Well, that's my point. It's cumulative.

2
3 MR. BOCCANFUSO: Yeah, I mean I understand the concern. So
4 if the board does share that concern, you could impose that condition
5 and the improvements would be pretty simple and pretty
6 straightforward. I think any skilled contractor could take care of it.
7 We'd be talking like a stone recharge trench where they would dig a
8 ditch, maybe a foot to two feet wide, a foot to two feet deep, fill it
9 with stone at the low point of the yard or downstream of any
10 impervious coverage and that would effectively mitigate any adverse
11 impacts associated with the stormwater runoff. That's certainly
12 something you could impose if you had that concern.

13
14 MR. LEVITON: I feel.

15
16 MR. BOCCANFUSO: You brought it up.

17
18 MR. LEVITON: I know and I'm the only one who cares and I
19 know it's, I've heard you that it's de minimis and I appreciate that.

20
21 MR. BOCCANFUSO: I also point out that the 54.4 percent, if
22 you look at the survey that's submitted. For some reason the way that
23 this property was designed, the front property line actually goes out
24 into the street. So, the impervious coverage includes the sidewalk.
25 Now at the same time, the lot is larger and that was probably
26 accounted for when that fifty percent requirement was established with
27 the consent district regulations, but looking at it from a practical
28 standpoint, most people's properties and their impervious coverage
29 don't include sidewalk and driveway aprons in front of their property,
30 and further most residential zones in Manalapan don't even have an
31 impervious coverage requirement. They have setback requirements,
32 building coverage, and things like that.

33
34 MR. LEVITON: Okay so Brian, given all that I'm going to
35 withdraw all concerns, but I do want you to explain to me and to the
36 board just so that we're informed. He's our township engineer. He used
37 to be this board's engineer. He sits here wearing his hat as an
38 administrator not an engineer, but we're going to tap his expertise
39 and ask him, how about a drywell? What does it entail to build a
40 drywell? Is it labor intensive? Is it cost prohibitive?

41
42 MR. BOCCANFUSO: It depends. There are a couple different
43 ways. The common way to build a drywell is to put it very simply, you
44 dig a deep hole, big old deep hole, you line it in a permeable filter
45 fabric that allows water in or out, but not soil in or out and you
46 fill that lined hole with stone and direct some type of conveyance
47 system whether it's a roof lead or pipe or yard drain, something like
48 that into the drywell. That's the simplest way. There are engineered

1 structures that are basically like a chamber that you would bury,
2 functions the same way except for its a complete void. It has more
3 volume. Those are more expensive, but they're also more efficient. The
4 thing with a drywell is you kind of need a conveyance mechanism
5 whereas a recharge trench is more of a --- It's a broader receiving
6 area. It can kind of receive surface runoff that's going in sheet flow
7 instead of needing a pipe that's tied into it. They all effectively
8 function the same way. They allow water to be stored underground in
9 some type of void space whether it's a void space between the stones
10 or void space created by the engineered chamber and that allows the
11 runoff to kind of slowly steep into the ground instead of discharging
12 openly to wherever it's going to go.

13
14 MR. LEVITON: Thank you Brian. So, I fully expect that when
15 the vote is called, we're all going to approve it. You're going to get
16 what you need to build your deck, but I would like you Albert and you
17 Brian to think about what we can do in our recommendation here and
18 recommendation to the township committee. What we can include to stave
19 off just rubber-stamping these because there will come a time when
20 foundations are affected. I have nothing further. Ladies or gentlemen?

21
22 MR. POCHOPIN: Yeah, I have something.

23
24 MR. LEVITON: Dan?

25
26 MR. POCHOPIN: So, the association gave you permission to do
27 this. So that was very astute of you because I know we're not
28 considering next door on these considerations with the drainage and
29 all, but that is the door up there and that was the builder put that
30 little deck up there, right? That's where they came from the
31 beginning.

32
33 MS. KHANDROS: Right.

34
35 MR. POCHOPIN: So, there is, I know you testified you
36 weren't going to put any electric out there, TVs, or anything like
37 that, but there should be, there's an outlet down at the bottom.

38
39 MS. KHANDROS: There is, there's currently.

40
41 MR. POCHOPIN: And there is one up on top too, right?

42
43 MS. KHANDROS: I'm not aware of one. Maybe there is, I know
44 there's one on the bottom. My point was that I'm not planning to add
45 lighting or. I meant running electricity for purposes of adding
46 lighting or any additional disturbances.

1 MR. POCHOPIN: I understand. Right and you testified
2 whatever the building codes are and all that --- electrical code, you
3 would need it now out there just like you have down on the bottom so
4 that's all I'm stating.

5
6 MS. KHANDROS: Got it.

7
8 MR. LEVITON: And we're not going to impose any conditions.
9 You go ahead and gussy it up.

10
11 MR. POCHOPIN: It's all building, yeah.

12
13 MR. LEVITON: Get yourself a big widescreen TV and a popcorn
14 machine, alright.

15
16 MR. POCHOPIN: Thank you.

17
18 MS. KHANDROS: Thank you.

19
20 MR. LEVITON: Let me go out to the public. Is there anyone,
21 anyone in attendance who would like to ask the applicant a question?
22 Okay, I have nothing further. Albert?

23
24 MR. MARMERO: No, I mean certainly the application so you
25 heard testimony regarding three bulk variances. There was discussion
26 on the impervious coverage and the zone requires fifty percent. The
27 survey marked up that was submitted that shows an impervious coverage
28 of approximately 54.4 percent. So, there is that bulk variance. The
29 deck itself does need a rear yard setback variance. --- correctly is
30 also the fact that the --- would be a second floor deck also.

31
32 MS. LEVENSON: I think it's the first floor elevation, isn't
33 it?

34
35 MR. BOCCANFUSO: I think it's a one or the other situation.
36 I think that footnote is really just that is because it's not on the
37 lowest level that is the reason that they don't kind of get that
38 flexibility.

39
40 MR. MARMERO: Yeah.

41
42 MR. BOCCANFUSO: They otherwise would if it was a first
43 floor deck.

44
45 MR. MARMERO: Right because the second floor. So, they had
46 the second floor surveyed and it just creates that rear yard setback.

1 MR. BOCCANFUSO: Right, it's either it could be on the
2 second floor, but it would need to meet the setback requirements or it
3 could be on the first floor and it would have less restrictive setback
4 requirements, but.

5
6 MR. MARMERO: Okay. So, it is a second floor deck so we have
7 the setback requirements --- So yes, they would need a variance for
8 that. Then you need a variance for the impervious coverage. One of the
9 potential conditions that was discussed was any necessary slowing
10 measures as required by the township engineer. I don't know there's
11 been some further discussion. I don't know if you still want to impose
12 that condition, but that was one of those discussed.

13
14 MR. LEVITON: Definitely not. Oh, that's it. Okay, will
15 someone make a motion?

16
17 MS. KLOMPUS: I'll make a motion to accept.

18
19 MR. LEVITON: Thank you Ms. Klompus. Will someone second it?

20
21 MR. HARRINGTON: I'll second.

22
23 MR. LEVITON: Thank you Mr. Harrington.

24
25 **ROLL CALL**

26
27 MS. MOENCH: Mr. Shalika?

28
29 MR. SHALIKAR: Yes.

30
31 MS. MOENCH: Mr. Pochopin?

32
33 MR. POCHOPIN: Yes.

34
35 MS. MOENCH: Ms. Klompus?

36
37 MS. KLOMPUS: Yes.

38
39 MS. MOENCH: Mr. Harrington?

40
41 MR. HARRINGTON: Yes.

42
43 MS. MOENCH: Ms. Levenson?

44
45 MS. LEVENSON: Yes.

46
47 MS. MOENCH: Ms. Latilla?

1 MS. LATILLA: Yes.

2
3 MS. MOENCH: Chair Leviton?

4
5 MR. LEVITON: Yes. Congratulations and use it in good
6 health.

7
8 MS. KHANDROS: Thank you.

9
10 MR. LEVITON: You're welcome. Okay, your application will be
11 memorialized at our next regular meeting. You won't need to be here
12 and that should be on the 18th and if you have any questions, you can
13 give Janice a call.

14
15 MS. KHANDROS: Thank you.

16
17 MR. LEVITON: She'll take good care of you.

18
19 MS. KHANDROS: Thank you so much.

20
21 MR. LEVITON: You're welcome.

22
23 MS. KHANDROS: Okay, perfect. Thank you so much. I
24 appreciate it.

25
26 MR. LEVITON: Okay. Will someone move to adjourn? Oh wait
27 before you do that, I need to go out to the public. I need to go out
28 to the public to see if anybody wants to address the board on non-
29 agenda items tonight. Seeing none, I'll close public, and now I'll ask
30 for an adjournment.

31
32 MR. HARRINGTON: I'll make a motion to adjourn.

33
34 MR. LEVITON: Thank you Mr. Harrington.

35
36
37 *****
38