

1 **MEETING IS CALLED TO ORDER:**

2
3 MR. LEVITON: Okay, I will call our meeting to order and ask
4 you all to rise for a salute to our flag.
5

6 **SALUTE TO THE FLAG**
7

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

18 **ROLL CALL**
19

20 MS. MOENCH: Mr. Shalika? Mr. Mantagas?
21

22 MR. MANTAGAS: Yeah.
23

24 MS. MOENCH: Mr. Wechsler?
25

26 MR. WECHSLER: Here.
27

28 MS. MOENCH: Mr. Pochopin?
29

30 MR. POCHOPIN: Here.
31

32 MS. MOENCH: Ms. Klompus?
33

34 MS. KLOMPUS: Here.
35

36 MS. MOENCH: Mr. Harrington?
37

38 MR. HARRINGTON: Here.
39

40 MS. MOENCH: Mr. Weiss is not here this evening. Ms.
41 Levenson?
42

43 MS. LEVENSON: Here.
44

45 MS. MOENCH: Ms. Latilla is not with us. Mr. Hughes?
46

47 MR. HUGHES: Here.
48

1 MS. MOENCH: Chair Leviton?

2
3 MR. LEVITON: I am here. Okay, we need to accept the minutes
4 from June 4th. Will someone move to do so?

5
6 MR. SHALIKAR: I make a motion.

7
8 MR. LEVITON: Thank you Mr. Shalika. Will someone second
9 it?

10
11 MS. KLOMPUS: I'll second it.

12
13 MR. LEVITON: Thank you Ms. Klompus.

14
15 **ROLL CALL**

16
17 MS. MOENCH: Mr. Shalika?

18
19 MR. SHALIKAR: Yes.

20
21 MS. MOENCH: Mr. Pochopin?

22
23 MR. POCHOPIN: Yes.

24
25 MS. MOENCH: Ms. Klompus?

26
27 MS. KLOMPUS: Yes.

28
29 MS. MOENCH: Mr. Harrington?

30
31 MR. HARRINGTON: Yes.

32
33 MS. MOENCH: Ms. Levenson?

34
35 MS. LEVENSON: Yes.

36
37 MS. MOENCH: Mr. Hughes?

38
39 MR. HUGHES: Yes.

40
41 MS. MOENCH: Chair Leviton?

42
43 MR. LEVITON: Yes. There are three resolutions to
44 memorialize tonight. This first, am I wrong?

45
46 MR. MARMERO: There's two.

47
48 MR. LEVITON: I'm sorry, there are not three.

1
2 MS. MOENCH: Two.

3
4 MR. LEVITON: There are two resolutions to memorialize. The
5 first one is 2604.

6
7 MR. MARMERO: Sure Mr. Chairman. This was a resolution where
8 the property was located in the LBW, limited business Wilson Avenue
9 zone district. This was a district that does not allow residential
10 uses. It was an existing residential use that essentially predated
11 zoning. So, there was variance relief that was required for
12 renovations that were being done to the property.

13
14 MR. LEVITON: Thank you counselor.

15
16 MR. MARMERO: Sure.

17
18 MR. LEVITON: Someone move to memorialize.

19
20 MR. HARRINGTON: I'll move to memorialize.

21
22 MR. SHALIKAR: I'll second.

23
24 MR. LEVITON: Thank you Mr. Harrington and for the second
25 Mr. Shalikar.

26
27 **ROLL CALL**

28
29 MS. MOENCH: Mr. Shalikar?

30
31 MR. SHALIKAR: Yes.

32
33 MS. MOENCH: Mr. Pochopin?

34
35 MR. POCHOPIN: Yes.

36
37 MS. MOENCH: Ms. Klompus?

38
39 MS. KLOMPUS: Yes.

40
41 MS. MOENCH: Mr. Harrington?

42
43 MR. HARRINGTON: Yes.

44
45 MS. MOENCH: Ms. Levenson?

46
47 MS. LEVENSON: Yes.

48

1 MS. MOENCH: Chair Leviton?

2
3 MR. LEVITON: Yes, and the other one is 2608.

4
5 MR. MARMERO: Sure Mr. Chairman and this one was a property
6 located in the CD-KH Knob Hill consent district. This was one where it
7 was a single-family dwelling looking to expand an existing second-
8 story balcony into a deck with an access staircase. It did have
9 approval from the HOA, but did need variance relief from this board.

10
11 MR. LEVITON: Thank you Mr. Marmero. Will someone move to
12 memorialize?

13
14 MS. KLOMPUS: I'll move to memorialize it.

15
16 MR. LEVITON: Thank you Ms. Klompus. And will someone second
17 the motion?

18
19 MR. POCHOPIN: I'll second.

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

22
23 MS. MOENCH: The first was Ms. Klompus?

24
25 MS. KLOMPUS: Yes.

26
27 MR. LEVITON: Yes.

28
29 MS. MOENCH: Thank you.

30
31 **ROLL CALL**

32
33 MS. MOENCH: Mr. Shalika?

34
35 MR. SHALIKAR: Yes.

36
37 MS. MOENCH: Mr. Pochopin?

38
39 MR. POCHOPIN: Yes.

40
41 MS. MOENCH: Ms. Klompus?

42
43 MS. KLOMPUS: Yes.

44
45 MS. MOENCH: Mr. Harrington?

46
47 MR. HARRINGTON: Yes.

48

1 MS. MOENCH: Ms. Levenson?

2
3 MS. LEVENSON: Yes.

4
5 MS. MOENCH: Chair Leviton?

6
7 MR. LEVITON: Yes. Our first public hearing is 2148, Triplet
8 Square LLC, and we welcome you back sir.

9
10 MR. RENTSCHLER: Thank you.

11
12 MR. LEVITON: And we thank you.

13
14 MR. RENTSCHLER: Good evening, everyone. John Rentschler
15 from Sonnenblick, Mehr, and Licata representing the applicant Triplet
16 Square. I'm used to standing in court so.

17
18 MR. LEVITON: Of course. Mr. Rentschler, you're here on
19 behalf of your client and before we grant you an extension of time,
20 can you just summarize where your client is at?

21
22 MR. RENTSCHLER: Sure.

23
24 MR. LEVITON: How far along they are.

25
26 MR. RENTSCHLER: So.

27
28 MR. LEVITON: What their plans are.

29
30 MR. RENTSCHLER: So, the resolution was memorialized in
31 January 18, 2024. Once that memorialization happened, it was stuck in
32 New Jersey D.E.P. for approximately a year to two year period, came
33 out of that at the end of the year. Client was starting the process
34 and the construction. He was having little issues. It's still turmoil
35 with financing and with contractor's materials, and as he was going
36 through that process, a major health issue popped up. So, we kind of
37 tabled the development for that. He was almost a year in treatment
38 before the health issue, came out of that. Now he's in the process of
39 starting the project back up.

40
41 MR. LEVITON: Okay, just so you know, this is one of the
42 cases that was the impetus for this board instituting a time frame on
43 applications and I think we settled it on one year. Is that right, Mr.
44 Boccanfuso?

45
46 MR. BOCCANFUSO: Well, this one was a site plan approval. So
47 that would be subject to the time limits that are established for

1 those specifically. I think what you're referring to are more the bulk
2 variances that don't have a time limit defined by ordinance.

3
4 MR. LEVITON: I understand.

5
6 MR. BOCCANFUSO: So, Mr. Rentschler is here seeking an
7 extension to the time allowed on its site plan approval.

8
9 MR. LEVITON: Thank you for the clarification. Okay, I have
10 no questions for him. Board? A lot of head shaking in the negative.
11 Well then let's go out to the public. Is there anybody who wants to
12 ask Mr. Rentschler a question or address the board regarding this
13 matter? Seeing none, I'll close public, and Mr. Marmero, is there
14 anything further?

15
16 MR. MARMERO: No, I mean typically we want to hear some
17 inclination as to something that was causing a hold up, typically some
18 type of outside agency situation. Here, it sounds like NJDEP which is
19 often the culprit that we hear when we're hearing these extension
20 applications. Took approximately a year and that caused some setbacks.
21 How long of an extension are you seeking again Mr. Rentschler?

22
23 MR. RENTSCHLER: It would be one year.

24
25 MR. MARMERO: The one year extension.

26
27 MR. RENTSCHLER: Statutory, if I counted it out right it
28 should be January 18, 2027.

29
30 MR. MARMERO: Yeah.

31
32 MR. LEVITON: Thank you counselor.

33
34 MR. MARMERO: Yeah, so you heard, I don't want to say
35 testimony, but you heard the assertions from counsel and if you were
36 to grant the one-year extension based on the timelines of the existing
37 resolutions, it would run until, like counsel said, January 18, 2027.

38
39 MR. RENTSCHLER: Yes.

40
41 MR. MARMERO: Okay.

42
43 MR. RENTSCHER: And this would be their first extension.

44
45 MR. MARMERO: Yeah.

46
47 MR. LEVITON: Okay. Will someone make a motion?
48

1 MR. SHALIKAR: I'll make a motion to approve the extension
2 as stated.

3
4 MR. LEVITON: Thank you.

5
6 MR. WECHSLER: I'll second it.

7
8 MR. LEVITON: Thank you Mr. Shalika and Mr. Wechsler.

9
10 **ROLL CALL**

11
12 MS. MOENCH: Mr. Shalika?

13
14 MR. SHALIKAR: Yes.

15
16 MS. MOENCH: Mr. Mantagas?

17
18 MR. MANTAGAS: Yes.

19
20 MS. MOENCH: Mr. Wechsler?

21
22 MR. WECHSLER: Yes.

23
24 MS. MOENCH: Mr. Pochopin?

25
26 MR. POCHOPIN: Yes.

27
28 MS. MOENCH: Ms. Klompus?

29
30 MS. KLOMPUS: Yes.

31
32 MS. MOENCH: Mr. Harrington?

33
34 MR. HARRINGTON: Yes.

35
36 MS. MOENCH: Chair Leviton?

37
38 MR. LEVITON: Yes, give Pete our best.

39
40 MR. RENTSCHLER: Yup, thank you.

41
42 MR. LEVITON: You're welcome.

43
44 MR. RENTSCHLER: Everyone, have a good night.

45
46 MR. LEVITON: Thank you. Okay, next up Ms. Khandros, your
47 application, my mistake. Scratch that. Mr. Passarello, your
48 application 2609. Good evening, sir. How are you?

1
2 MR. PASSARELLO: Good evening to you. Good evening everyone.

3
4 MR. LEVITON: Our attorney is going to swear you in.

5
6 MR. MARMERO: Sure. Could we get your name and address for
7 the record sir?

8
9 MR. PASSARELLO: Sure, Daniel Passarello 1 Vail Valley Drive
10 Manalapan, New Jersey 07726.

11
12 MR. MARMERO: Okay and if you raise your right hand, I'll
13 get you sworn in. Do you swear the testimony you will provide tonight
14 will be the truth, the whole truth, and nothing but the truth?

15
16 MR. PASSARELLO: Yes sir.

17
18 MR. MARMERO: Okay, go ahead sir.

19
20 MR. PASSARELLO: Thank you.

21
22 MR. LEVITON: Mr. Passarello, your application asks to
23 permit the installation of a fence and a paver patio. However, our
24 board professional notes that the patio has been physically present
25 since shortly after you moved in. Why does your application represent
26 this as a proposed patio installation when it's an after-the-fact
27 variance for an existing structure?

28
29 MR. PASSARELLO: Sure, so quite honestly, I want to make it
30 right. I moved here from Staten Island in 2021, and I come from a
31 world where we can just do, and I didn't know and I was unfamiliar
32 with the process here. Part of the reason the patio went in in the
33 first place is because my backyard was like a swamp in that particular
34 area, right? In 2024, I went into my basement and found my walls were
35 bowing. Okay, part of what was happening in my basement and why it's
36 relevant is that as they were coming down, I had to put thirteen steel
37 I-beams across the back of my basement, redo three quarters of the
38 drainage inside and as part of that, they installed drainage outside
39 next to the patio to help alleviate the water. Yes, I did get a permit
40 for all that. Yes, it all went through the zoning for everything that
41 had to get done in the basement. I have it all with me if you guys
42 need to see it. Part of that was, hey it came up in that conversation
43 that you need to have. With the patio here, did you get a permit? I
44 said oh I didn't know that. So as the conversation started to come up
45 with the fence and I came to the town to get the zoning I wanted to
46 add the patio to this, to legitimize it and make it right to make sure
47 everything that I have is up to code, is the right way, is where it
48 needs to be.

1
2 MR. LEVITON: And Brian, can we confirm that his permits are
3 up to date?
4

5 MR. BOCCANFUSO: I can confirm. I can confirm that permits
6 were issued from the construction department. I can confirm that he
7 did get a road opening permit for the sump discharge connection
8 drainage connection to the inlet. There was no zoning review or zoning
9 permits associated with any of the basement improvements. It was all
10 handled through the construction department and be it the road opening
11 permit. So, I'm not sure at what point Mr. Passarello was notified of
12 the zoning patio issue during that process because it would have been
13 someone in the construction department. Typically, they kind of stay
14 in their lane, but sometimes they might say, hey, by the way, you need
15 a permit for that, look into it. That was the road opening permit
16 application was issued some time in 2024. So, I guess that work was
17 several years after the patio had already been installed.
18

19 MR. LEVITON: So, Mr. Passarello, your application under
20 section five you listed your side yard setback as thirty feet, but in
21 section three, you wrote the patio was two feet from the side yard.
22 Can you clarify that discrepancy?
23

24 MR. PASSARELLO: Sure, if the home, if this is my home, it's
25 two feet from the home on that side.
26

27 MR. LEVITON: So, if the patio is two feet from the property
28 line, why did you write thirty feet in the setback section?
29

30 MR. PASSARELLO: I might've made an error. I apologize. I'm
31 not very good at this stuff. I did try to do it to the best of my
32 ability. When you say setback, just so I can clarify, you mean from
33 the front of my house, from the back of my house because it's not,
34 it's in my backyard so to speak, but it starts right where the fence
35 line is. So that's, I believe, eighty-three feet or eighty-something
36 feet from the property line.
37

38 MR. LEVITON: So you have a corner lot which means you have
39 two front yards, and in our administrator's memorandum, he's seen that
40 Brian? It went to him? Your notes, your thoughts, that you sent to us?
41

42 MR. BOCCANFUSO: I'm sorry. What's your question sir?
43

44 MR. LEVITON: Has he seen the memorandum that you sent to us
45 with the concerns?
46

47 MR. BOCCANFUSO: It was sent to him. I would assume he
48 probably reviewed it.

1
2 MR. PASSARELLO: Yes.

3
4 MR. BOCCANFUSO: Yes, in fact I know he did because he sent
5 Jax and I an email with responses to the items in the supplemental
6 memorandum which I notified him were things that he would need to get
7 on the record here tonight for board members to consider as you're
8 deliberating on the application.

9
10 MR. LEVITON: Okay, so while you're talking about the side
11 yard, let's talk about that because one of Mr. Boccanfuso's concerns
12 is that you need to understand the distinction of where that property
13 line is, where it starts and where it ends. Setback distances are
14 measured from the invisible property lines which may or may not Mr.
15 Boccanfuso write, but probably not coincide with the curb along
16 Pension Road. How can he be sure where his property line does start
17 and end?

18
19 MR. BOCCANFUSO: Sure? The only way to be sure is to have it
20 staked out by a surveyor. That's the most fail-safe way. I mean even
21 that is not a hundred percent because you're relying on a surveyor,
22 but that is the closest thing you can get to being sure. Aside from
23 that, it can be challenging because the tax map and the map that was
24 submitted don't have physical improvements on it. So it's difficult to
25 exactly locate where that setback will be. I mean ultimately if the
26 board acts favorably on the application or even if they don't and a
27 permit application is submitted for fencing, it's always the
28 applicant's responsibility to ensure compliance with whatever is
29 permitted, and if they don't for whatever reason, if they don't have
30 it staked out, if they're not careful with how they're measuring,
31 where they're measuring from, it could potentially come back and bite
32 them in the future with either a future permit application or when the
33 property is sold. So, to directly answer your question, using a
34 surveyor is the best way. But ultimately, it's the applicant/property
35 owner's responsibility to ensure compliance however they see fit.

36
37 MR. LEVITON: So, I want to revisit the patio. We're going
38 to come back. I want to switch gears though.

39
40 MR. PASSARELLO: Yes sir.

41
42 MR. LEVITON: Mr. Boccanfuso brings up fencing and I don't
43 know about the rest of the board, but we know where you live. I don't
44 really mind a six foot fence there, but there are concerns about the
45 fence that's left over and the encroachment on the neighbor's
46 property.

47
48 MR. PASSARELLO: Sure.

1
2 MR. LEVITON: Can you clarify what's going on out there?
3

4 MR. PASSARELLO: Yes sir, so the fence to the east on Lot 37
5 I believe that is my neighbor's fence. That's not mine. He changed it
6 out. I believe it was last summer because the old fence was falling
7 down. So, he put it up right in place where the old fence is. I mean
8 if he's encroaching, I guess his property from what I'm to understand
9 reading that. It's, I have no problem with the location of where that
10 particular fence on the left side is. He put it in. It was in place of
11 the one that was there when I got there and then there's another fence
12 that's a half fence that's in the back. That also was there when I got
13 there. I didn't move it, but if you look at the property line from the
14 survey when I moved in, my neighbor behind me is actually on my
15 property by about ten feet. Right? So that's also something I talked
16 to my neighbor, and to be honest with you I have a lot of property.
17 I'm not looking to have him deconstruct his whole backyard, and given
18 I've had amicable conversations about that process. I hope that
19 clarifies what you're looking for sir.
20

21 MR. LEVITON: Yeah, but I want to ensure that if this board
22 acts favorably on your application, that you will submit to township
23 oversight. That they'll go out and they'll see for themselves. They'll
24 take measurements, and they'll ensure that what you've testified to is
25 accurate.
26

27 MR. PASSARELLO: Yeah, I'm absolutely okay with that.
28

29 MR. LEVITON: And then also as a condition of an approval
30 that any encroachments would need to be removed or resolved in
31 connection with any permit application for new fencing.
32

33 MR. PASSARELLO: Would that include the gentleman behind me
34 who's on my property? Is that?
35

36 MR. LEVITON: Well, that's to be determined.
37

38 MR. PASSARELLO: Okay.
39

40 MR. LEVITON: Okay.
41

42 MR. PASSARELLO: Sure.
43

44 MR. LEVITON: Brian, any exception to what I've asked for?
45

46 MR. BOCCANFUSO: Well, just slightly. The township is not
47 going to take measurements and make determinations as to what's where.
48 We're not surveyors. So we don't. It's not something that we're

1 qualified to do. It's not something that we do at all. We rely on
2 surveys, and the reason that this comment was included in the report
3 was that the survey that was submitted and marked up to show the
4 improvements that are under consideration tonight, it raised some
5 questions relative to the existing fencing. Really, they were brought
6 up more as an FYI to Mr. Passarello because when we review these types
7 of things if we see an issue that's going to become a problem later,
8 it's really appropriate for us to bring that to the applicant's
9 attention now so that they don't say, well some years down the road he
10 goes to sell the property and it's a problem, and he says how come no
11 one said anything about this until now. I went to the zoning board, I
12 pulled permits, and nobody said anything and now you're forcing me to
13 do x, y, and z. So, it's really more of an FYI. I know that an issue
14 relative to the fence came up during the ZCCO process when Mr.
15 Passarello bought the property and the previous property owner did
16 have to do some corrective work. I think they had to remove a small
17 segment of fence that was encroaching onto probably Lot 37 to the east
18 or the left when you're facing the front of the house. Again, it was
19 just a situation where it showed up yet again on the survey and I want
20 to be sure that if the fence that was removed was subsequently
21 replaced or if there was new fencing installed, you got permits, that
22 the applicant was aware that it could potentially be an issue. So, I
23 don't think that we need to, if the board acts favorably on this
24 application or any portion of it, I don't think that we need to really
25 include any special conditions relative to fencing encroachments. The
26 applicants on notice that his fencing can't be on neighboring
27 properties. I think that's probably sufficient for our purpose.

28
29 MR. LEVITON: The board thanks you for your thoroughness and
30 for the clarification. Mr. Marmero, I hope your pencil's eraser is in
31 good working condition tonight.

32
33 MR. MARMERO: No eraser, but crossing out.

34
35 MR. LEVITON: Alright, good stuff. Alright, back to your
36 patio. You're in luck because this board isn't municipal court. We're
37 not here to punish the violation, but we need to ensure that the
38 municipality's rules and engineering standards are fully upheld. To
39 that end, water becomes the issue.

40
41 MR. PASSARELLO: If I may Mr. Chairman?

42
43 MR. LEVITON: Sure.

44
45 MR. PASSARELLO: We had drainage that went in, perforated
46 drain that runs along the back end of my house, along the side, and
47 right out into that pump that goes right into the sewer. It has very
48 much alleviated the water that was in my backyard, but I can only

1 speak for my yard. My neighbor, I asked as the process was going on,
2 does he see anything. He told me no because I wanted to be respectful
3 and mindful, right, that he's right there. As part of that, listen I'm
4 going to be honest with you, my basement was a forty thousand dollar
5 renovation which is very unexpected when you buy a new house, right?
6 And then with two young kids at home and everything going on there, I
7 tried to do what I thought was best in consideration of the people
8 around me. I do want to genuinely and sincerely apologize for the
9 patio. Had I known that I had to go through this process first, please
10 know that I would've been the first one here to take ownership and
11 accountability, and I'd like to do that now through the process and I
12 mean that from the bottom of my heart because I really do love living
13 out here and I want to be part of the community that does things the
14 right way.

15
16 MR. LEVITON: So, I need to tell the board, and I'm sure
17 they know, but the built status is legally irrelevant to the variance
18 test. We need to consider his patio as if it wasn't there whatsoever,
19 and you testified to the drainage issue. You acknowledge that there
20 was a problem with water that you mitigated and I'm going to ask our
21 counselor. Is he permitted to run his pipes into the public sewers?

22
23 MR. MARMERO: Typically, no. I would think he would need
24 some type of approvals. Are you running it into the storm sewer?

25
26 MR. PASSARELLO: It ran. I have because the contractor was,
27 if you'd like to see it, I can provide it.

28
29 MR. LEVITON: No, I'll just ask Mr. Boccanfuso.

30
31 MR. BOCCANFUSO: Yes Mr. Chairman, we typically do allow
32 residents to directly connect their sump discharge and those types of
33 improvements to a drainage inlet. While it's not perfect, it's
34 preferable to having them daylight it through a curb and having it
35 discharge onto the surface of the road which creates all types of
36 problems such as icing in the winter, stagnant conditions in the
37 summer. So we do typically allow that. We require a road opening
38 permit which Mr. Passarello got. There's typically an inspection and
39 approval by the Public Works Department so that when they make that
40 connection to the township's infrastructure, they don't damage it or
41 put it back together in a way that's acceptable to public works. It
42 requires a bond, a cash bond, to be posted to ensure that the work was
43 done satisfactorily. That bond was released which to me suggests that
44 Public Works Department, Mr. Spector or somebody in his department
45 took a look at it and blessed the release of that bond, and I'm not
46 aware of any issues in that area since the work has been done. So, the
47 connection is legal. It was permitted, and there's no issue with it. I
48 mean we do review it on a case by case basis, but more often than not

1 we do authorize that connection because it's better than the
2 alternative of discharging either at or through the curb.

3
4 MR. LEVITON: Okay, Mr. Passarello, the board appreciates
5 your efforts to mitigate the water collection problem. It is not
6 incumbent upon this board though to take your word for it, and our
7 administrator has recommended one of two things: a topographic survey
8 or a grading and drainage plan. And I'm going to go out to the board
9 and see what they think here. Let's start on this end. Michael?

10
11 MR. WECHSLER: No questions sir.

12
13 MR. SHALIKAR: So, I'm inclined to say that I would like to
14 see a topographical and the drainage plan. Be, I'm just the voice of
15 concern, but two feet off of the property line also is a concern of
16 mine. I'll just highlight that, but anyway no further comments.

17
18 MR. LEVITON: Okay, so for everyone else's edification, the
19 topographic survey contains no forward-looking design. It just, it
20 says what's there and it's typically prepared by a licensed surveyor.
21 The topographic, the grading and drainage plan, that's a plan of
22 action going forward to ensure there are no problems, that there's no
23 runoff onto neighbor's properties, etc. That would be prepared by a
24 professional engineer, a licensed engineer. Alright, we're done down
25 here. Basil?

26
27 MR. MANTAGAS: Hi Mr. Passarello. I also would like to see
28 the drainage plan because you had such a horrible flooding problem in
29 your basement and like to see that is going away and you mitigated
30 that problem. Also, when you did the pavers, did you do the pavers
31 yourself or a contractor did them?

32
33 MR. PASSARELLO: No, my old landscaper did it.

34
35 MR. MANTAGAS: Oh, and he never recommended getting a
36 permit?

37
38 MR. PASSARELLO: No and that's exactly why. Just to be
39 clear, I don't want to be the guy from Staten Island that comes here
40 and does things the Staten Island way.

41
42 MR. MANTAGAS: No, we appreciate that.

43
44 MR. PASSARELLO: Just so you know.

45
46 MR. LEVITON: That ship has sailed anyway, and unfortunately
47 this board is precluded from considering anything related to money,

1 but we're sensitive to the problem that you have. It's going to cost
2 you a lot.

3
4 MR. PASSARELLO: That's why I'm trying to see.

5
6 MR. LEVITON: No matter what we do, and to be frank, we
7 haven't even talked about how you built your patio right up to the
8 property line. That's a problem.

9
10 MR. PASSARELLO: I understand, and that's. Listen, whatever
11 it will be, it will be, but I just want to make it right.

12
13 MR. MANTAGAS: Also, you said your neighbor's fence is ten
14 feet on your property?

15
16 MR. PASSARELLO: My behind neighbor. The neighbor behind me,
17 and I had no idea about that.

18
19 MR. MANTAGAS: No, but that's, maybe you should resolve that
20 issue because that's in your favor to resolve that. He's benefitting
21 from your property, but you should resolve that. You shouldn't just
22 say, it's okay I don't want to bother, rock the boat.

23
24 MR. PASSARELLO: No, I have a plan. If you'd like, I can do
25 two things. I can either say hey I'm coming up to my property line and
26 you have to figure it out which I want to be a good neighbor and not
27 do, but I have family that's attorneys and what they told me was that
28 if I put at least an access point in the back to that part of my land,
29 then it's still considered my property, that I'm still able to access
30 it.

31
32 MR. MANTAGAS: I think you should resolve that. Don't just
33 shrug that off.

34
35 MR. PASSARELLO: No, no, no.

36
37 MR. MANTAGAS: I don't think you were very serious about
38 that issue.

39
40 MR. PASSARELLO: No one hundred percent.

41
42 MR. MANTAGAS: That's it, no more questions.

43
44 MR. PASSARELLO: Thank you.

45
46 MR. LEVITON: Dan?

47

1 MR. POCHOPIN: Yes, Mr. Chair. So, this pool was in already
2 sir?

3
4 MR. PASSARELLO: Yes sir.

5
6 MR. POCHOPIN: Okay so of course you seem forthcoming. You
7 did a lot of work there, and I'm not going to say it causes no value
8 to us here, but the back fence, what my co-partner here just said is,
9 it's a stockade fence it says so and it's infringing on your property.
10 So of course, you're going to --- A survey will probably get
11 everything in line where everything should be and that's up to you.
12 What to do, like everyone said with being in compliance. Just adhere
13 to the pool codes which I'm sure you're going to. That's the fence
14 proposed that you're going for.

15
16 MR. PASSARELLO: Yes sir.

17
18 MR. POCHOPIN: But make it right for the pool because that
19 stockade fence probably didn't --- to it, or did it?

20
21 MR. PASSARELLO: If it helps, there's a fence around my pool
22 as well.

23
24 MR. POCHOPIN: Oh okay.

25
26 MR. PASSARELLO: So, my pool is fenced in. In addition to
27 having the fence there, and I have no plans to remove that fence
28 whatsoever. With my children, I feel much better with that fence
29 around the pool.

30
31 MR. POCHOPIN: Very good, very good thank you. That's it.

32
33 MR. LEVITON: Thank you Dan. Stacey?

34
35 MS. KLOMPUS: So, this paver patio is just there to fix the
36 water problem?

37
38 MR. PASSARELLO: Yes.

39
40 MS. KLOMPUS: There's nothing you do on it? There's no door
41 over there? You don't go out on it?

42
43 MR. PASSARELLO: No, the only two things that are on it
44 right now, aside from my kids' toys, are two Rubbermaid sheds. Not the
45 giant, they literally, if you told me get them out, I would take them
46 and put them in my garage. That's pretty much all that's there.

47
48 MS. KLOMPUS: Okay, no questions.

1
2 MR. PASSARELLO: Thank you.

3
4 MR. LEVITON: Thank you Stacey. John?

5
6 MR. HARRINGTON: My questions have been answered.

7
8 MR. LEVITON: Thank you John. Jessica?

9
10 MS. LEVENSON: I think I'm just going to echo what other
11 people on the board have said about a concern about how this paver
12 patio. I'm not understanding how this paver patio is helping the water
13 problem in light of all the steps you've already taken. Maybe I guess
14 that step of how this paver patio's helping.

15
16 MR. PASSARELLO: Sure, so again in light of honesty, when I
17 got there, it was literally just, in other words it's incidental to
18 the water problem. Right? When I got there, that particular area of my
19 yard was like a swamp. If it would rain and you'd walk there, water
20 would be ankle high, but it was that gross and a mess. My brain, which
21 apparently was the wrong choice said, if I put pavers there that
22 should mitigate the water problem. I've learned a lot about home
23 ownership and permits and all that stuff since I've moved in and the
24 reality is that I don't think it impacted it one way or another, and
25 if I could go back in time, I would've not done that. It would've come
26 up with the basement, but I did it thinking it was the right thing to
27 do. Hindsight's twenty-twenty and that's why it's there.

28
29 MR. LEVENSON: So just so I'm understanding the paver patio
30 now is not in any way connected to the work you did to mitigate the
31 water in the basement?

32
33 MR. PASSARELLO: No ma'am, because that paver patio was put
34 in in 2022, and I thought oh this'll solve the problem until one day a
35 couple years later I walked in my basement and said I shouldn't smell
36 water down here and I had my walls literally bowing out, and I have
37 pictures. I have everything I can show you guys, and it started to
38 become a problem as water in that particular area, I mean even before
39 I put the pavers down. I moved in, the first rain storm we had I want
40 to say was probably within two weeks after I moved in there and there
41 was water coming up in my floor. It was all behind the basement wall.
42 It was coming in the windows. It was bad. So, the worst part when I
43 went outside to look because again, I'm not, this is the first home
44 that I actually bought. Right? When I went out to look, I noticed that
45 area, I'm like wow, there's a lot of swamp here. There's a lot of
46 just, whatever. If there's no, again my mind right, if there's no
47 grass and there's pavers that should solve the problem and turns out
48 that did not solve the problem. That's just me being honest.

1
2 MS. LEVENSON: No, no, thank you for explaining the history
3 of this paver patio. So, I'm just trying to understand, what is your
4 reason for keeping this paver patio at this point?
5

6 MR. PASSARELLO: Right there, I mean it's there. Right? I
7 mean I paid to have it put in to be perfectly honest with you. He
8 charged me about six thousand dollars to do all that. I didn't really
9 want to waste any more money considering that since I've moved in to
10 this home, it was forty thousand to repair all the issues in the
11 basement, it was sixteen thousand to repair my fiberglass pool that
12 was cracked and broken as I opened it up the following year and found
13 no water in it, it was. I had to spend two thousand dollars to repair
14 the steps in my backyard. They fell apart and the list goes on and on.
15 There were a lot of things in that home that. It did pass inspection.
16 It went through the whole process, but it's a thirty year home and it
17 looks like I was fortunate enough to buy it on year thirty and one day
18 where everything just started to fall apart after I closed on it. So,
19 yeah, it's money spent. I would personally love not to burn six
20 thousand dollars' worth.
21

22 MR. LEVITON: So again, I'm going to interrupt and remind
23 you that one of the ways for you to keep this patio is to establish
24 that there's a hardship. That's how you get a C1 variance. A hardship
25 of your own making is not recognized under the law, and there doesn't
26 seem to be a hardship. So, whether it stays or not is still up in the
27 air, and another thing we are precluded from hearing any testimony
28 related to financial matters.
29

30 MR. PASSARELLO: Okay.
31

32 MR. LEVITON: We can't take them under consideration.
33 Excellent questions by the way.
34

35 MR. PASSARELLO: Apologies, I wasn't trying to.
36

37 MR. LEVITON: No need, no need.
38

39 MR. PASSARELLO: Play a violin.
40

41 MR. LEVITON: You're fine.
42

43 MR. PASSARELLO: I was just kind of going through. Thank
44 you.
45

46 MR. LEVITON: I need to state for the record for you and for
47 our board members that the things that you're discussing won't relate
48 to a hardship.

1
2 MR. PASSARELLO: Yes sir, thank you.

3
4 MR. LEVITON: So, while we're at it, Patrick, is there
5 anything that you want?

6
7 MR. HUGHES: No, I don't have any questions. All my
8 questions I had were answered.

9
10 MR. LEVITON: Then let's ask you what is the rationale for
11 keeping the patio? How do we approve the variance relief? What do we
12 hang our hat on? How do we get you there?

13
14 MR. PASSARELLO: Well, I would tell you that the way that
15 that area is maintained as grass would invite more water, in my
16 opinion. I am not a professional whatsoever, would invite much more
17 water in that area and I don't want to overwhelm existing drainage. I
18 don't want to overwhelm the yard and I can tell you why.

19
20 MR. LEVITON: Yeah again, but you did it. We can't accept
21 that. Again, the law specifically precludes us from regarding a
22 hardship that you've made on your own as a reason for granting a
23 variance.

24
25 MR. PASSARELLO: I understand. I just, again I would love to
26 sit here and tell you I can research all of that and come back with an
27 answer. I don't want to give you something short sighted. I don't want
28 to make up something that isn't true. Right? I just want to tell you
29 from what I see in my yard that I have not seen any water in that
30 particular area since the drainage was there. Right? Again, it's
31 irrelevant to the patio. I understand that.

32
33 MR. LEVITON: Yeah, I mean your patio encroaches into the
34 setback. It's built practically to the property line, and you're
35 asking us to legitimize it. And I'm going to repeat myself, because I
36 don't think you get it. You need to establish two things. One, that
37 it's not a detriment to the neighborhood or to the community or the
38 master plan. That's the negative criteria, and two, the positive
39 criteria. You've got to establish that it either advances one of the
40 purposes of the Municipal Land Use Law as it relates to neighborhood
41 development or establish that there's a hardship. Now, a hardship runs
42 with the land. A hardship can be an irregularly-shaped property,
43 something that renders it inutile. I don't know. I'm asking you. I
44 can't testify for you. I need you to tell me what is the hardship.
45 That's what you came here for.

46
47 MR. PASSARELLO: So.
48

1 MR. LEVITON: I don't need you to go home and research
2 after. I need you to tell me now. That's what we're here to discuss.

3
4 MR. PASSARELLO: So, the land being a corner property,
5 right? It's irregular in the sense of my yard comes down a downward
6 slope that pushes everything forward, right? Because of that downward
7 slope, because of the way everything lands, the end of that piece has
8 helped mitigate what goes on there. As far as pleasing, it is very
9 aesthetically pleasing in my opinion. My wife picked the colors.

10
11 MR. LEVITON: What does it mitigate? You testified that it
12 was of no benefit and that you needed to install drainage into your
13 sewer.

14
15 MR. PASSARELLO: Okay, I'm trying to find the right way to
16 say this and I don't want.

17
18 MR. LEVITON: I'm being patient with you.

19
20 MR. PASSARELLO: No, no I appreciate you being patient with
21 me and I'm not certainly trying to speak out of turn. I can tell you
22 from a pleasing standpoint, I don't do things that affect anything
23 with my neighbors without speaking with them and that was part of it.
24 Right? To make sure that they were okay with it. That it didn't
25 encroach on anything over there on their property and again.

26
27 MR. LEVITON: Well, I appreciate that and I'm going to go
28 out to the public. Maybe your neighbor is here to testify on your
29 behalf, but beyond that this board needs to think about posterity. It
30 needs to think about not does it disturb a neighbor today, but what
31 about in twenty-five years, or fifty, or a hundred. It's a factor. I
32 don't know. Let me go out to the board.

33
34 MR. WECHSLER: Mr. Chairman?

35
36 MR. LEVITON: Yeah?

37
38 MR. WECHSLER: I have a question. What came first? The patio
39 or the drainage issue?

40
41 MR. PASSARELLO: Well, there was the drainage issue when I
42 moved in because the water was there. I didn't put the patio until I
43 saw all the water and all the stuff that was coming into my house.

44
45 MR. WECHSLER: So you put the patio to take care of the
46 drainage issue, and then you put the drains in to relieve the water?

47
48 MR. PASSARELLO: Yes sir.

1
2 MR. WECHSLER: So, the basement flooded. So let me get the
3 timeline. The basement flooded. You put the patio up?
4

5 MR. PASSARELLO: Yes sir.
6

7 MR. WECHSLER: Then you put the drainage?
8

9 MR. PASSARELLO: Yes.
10

11 MR. WECHSLER: So, could the patio have caused more of an
12 issue pushing the water towards your neighbor?
13

14 MR. PASSARELLO: No, my neighbor does not have any water
15 issues because I made sure of that with him. My basement wall that was
16 reinforced, it's a two foot long wall all the way across. So that's on
17 the right side if you're looking at the house from the back. The patio
18 is on the right. On the left is just whatever I have there.
19

20 MR. LEVITON: So, let me interrupt again Michael. To protect
21 the neighbors from water issues, we need professional verification,
22 not just the applicant's word for it. That's why we discussed the
23 drainage plan. If the patio is to remain, this board could implement a
24 condition of getting a drainage plan, and/or topographic survey
25 whichever way it wants to go on that. I have my thoughts. It's a
26 drainage plan because that's a plan of action.
27

28 MR. WECHSLER: Okay.
29

30 MR. LEVITON: But right now, we're looking at does he, do
31 we? I don't know. I haven't heard testimony that helps me get there,
32 but maybe you have folks. Does he keep his patio? Do we ask him to cut
33 it back so that it doesn't encroach on the side setback? Do we?
34

35 MR. SHALIKAR: How would you cut it back Chair?
36

37 MR. WECHSLER: It's the whole patio.
38

39 MR. SHALIKAR: The whole patio is in the setback.
40

41 MR. LEVITON: Yeah, you can't cut it back.
42

43 MR. SHALIKAR: So I think it's.
44

45 MR. LEVITON: You're right, can't be cut back. My mistake.
46

47 MR. SHALIKAR: No, no that's okay.
48

1 MR. LEVITON: Albert's going to strike it from the notes
2 he's taking.

3
4 MR. SHALIKAR: No, no totally fine, totally fine. Didn't
5 include it.

6
7 MR. LEVITON: So, do we, I don't know. I'm going to go back
8 out and hear your thoughts. Who wants to chime in?

9
10 MR. POCHOPIN: Thank you, thank you Steve. I was thinking
11 the same thing that Mr. Wechsler said. We're past that now, perhaps
12 you do one thing to remediate the water, might have caused the issue
13 to go elsewhere. So, I think a few of our board members suggested the
14 drainage plan which would be a very good idea to protect your
15 neighbors down the road even if you move or somebody. I'm agreeing
16 with that with our members.

17
18 MR. LEVITON: It's Brian's suggestion.

19
20 MR. POCHOPIN: And Brian, yes.

21
22 MR. LEVITON: So that's what you would do?

23
24 MR. POCHOPIN: Yup, yes.

25
26 MR. LEVITON: You'd have him keep the patio?

27
28 MR. POCHOPIN: Well yeah because he's already went the ---,
29 you were forthcoming, and our engineer said on certain cases that's
30 acceptable. So, if everybody agrees on that, I'm good with that.

31
32 MR. LEVITON: Stacey what do you think?

33
34 MS. KLOMPUS: I agree, getting the plan and making sure
35 we're not going to have any problems at a later date --- the kind of
36 storms that we've been having and the neighbors do have a problem. So
37 I would.

38
39 MR. LEVITON: Okay. Michael, let's go back to you. I cut you
40 off.

41
42 MR. WECHSLER: No, I was going to go to, do I open a can of
43 worms, but how many sheds did you say you have on your property?

44
45 MR. PASSARELLO: They're Home Depot little Rubbermaid sheds.

46
47 MR. WECHSLER: Oh just.

48

1 MR. SHALIKAR: It's a box.

2
3 MR. PASSARELLO: Yeah, I open the box, and I put it up, and
4 I can.

5
6 MR. WECHSLER: It's not a shed, shed.

7
8 MR. PASSARELLO: Yes, storage box there you go.

9
10 MR. SHALIKAR: Shed's a sensitive word.

11
12 MR. PASSARELLO: Yes, okay it is not a permanent structure
13 or anything that would've required me to be here.

14
15 MR. WECHSLER: Storage box.

16
17 MR. BOCCANFUSO: How tall is it?

18
19 MR. PASSARELLO: Storage box, there you go. Done, yes, yes,
20 I apologize.

21
22 MR. WECHSLER: How tall is the structure?

23
24 MR. PASSARELLO: I mean one of them is just as tall as me.
25 That's where I keep the pool stuff, and the other one is probably just
26 as tall as me and maybe as wide as me. It's not so flattering, but
27 wide and it keeps all my girls' stuff that they use for the backyard
28 and the pool that they play on.

29
30 MR. BOCCANFUSO: Okay I mean if it is a structure that's
31 greater than a human man's height, it's a shed and it requires a
32 permit and it's subject to the setback requirements.

33
34 MR. PASSARELLO: If I may, I can literally unscrew it and
35 throw it in my garage, and you'll never see it again.

36
37 MR. BOCCANFUSO: Okay.

38
39 MR. PASSARELLO: It's that unimposing.

40
41 MR. BOCCANFUSO: I'm not suggesting the board needs to go
42 down this road and get into it, but what I will say is Mr. Passarello
43 offered it up. It's on the record. I don't want anyone to think that
44 it's permitted or it's ratified because if it is we need to add it to
45 the application and consider it because it is a shed, for our zoning
46 regulations and per our consistent determinations on these types of
47 things. The storage boxes that are like three, four feet, we don't
48 consider those sheds. Something that you can walk into, we consider a

1 shed. So, if we want to let sleeping dogs lie, that's fine, but it's
2 out there. It's on the record. I have to be clear that if it is
3 something that you can walk into, it's a shed subject to zoning
4 regulations, setback requirements. It does require a zoning permit.

5
6 MR. PASSARELLO: I couldn't walk into it and lay flat
7 without my body being like this. It's not.

8
9 MR. LEVITON: It's okay. Albert's taking notes. It's going
10 to be subsumed.

11
12 MR. MARMERO: Because it is on record.

13
14 MR. PASSARELLO: Yeah, I'm just being honest with you guys.
15 I literally bought it at Home Depot and threw it on top of my car.

16
17 MR. LEVITON: So we're going to legitimize that if the
18 application is approved.

19
20 MR. PASSARELLO: Thank you sir.

21
22 MR. LEVITON: And just to be on the safe side.

23
24 MR. PASSARELLO: I appreciate it.

25
26 MR. LEVITON: Michael? Joshua?

27
28 MR. SHALIKAR: I, personally, I would not legitimize it
29 because we don't have enough information to make that determination.

30
31 MR. WECHSLER: No.

32
33 MR. SHALIKAR: I would say it's on record. We don't know if
34 it's a deck box versus a shed. We don't have the measurements. We
35 don't know --- to say that. It would be --- that if it ever came into
36 play, he'd have to come back in front of the board and get a variance
37 for it.

38
39 MR. LEVITON: Your point is well taken.

40
41 MR. SHALIKAR: That's all.

42
43 MR. PASSARELLO: If I may, I'd rather throw it out. You know
44 what I mean?

45
46 MR. LEVITON: Any other thoughts down here before he, before
47 Mr. Passarello speaks?
48

1 MR. SHALIKAR: We'll cross that bridge, but it's.

2
3 MR. WECHSLER: We just need it on the record.

4
5 MR. PASSARELLO: Understood. I understand.

6
7 MR. LEVITON: Okay.

8
9 MR. SHALIKAR: Sorry Mr. Chairman.

10
11 MR. LEVITON: No worries. Michael, back to you.

12
13 MR. WECHSLER: Nope, we're good.

14
15 MR. LEVITON: Okay, Josh? Regarding the variance he needs
16 for the patio.

17
18 MR. SHALIKAR: Yeah, my personal feeling, and every property
19 is different. I understand that. I personally feel as if the deck has
20 absolutely no bearing on the drainage issue whatsoever. I think the
21 drainage that you put in is what solved the actual issues. So that
22 testimony is not strong enough for me unfortunately. To the board, I'm
23 more inclined to say that paver patio has to go regardless of. I'm
24 sure the drainage that he put in is sufficient from a topography
25 perspective and from a drainage perspective. Being that he went
26 through all the, jumped through all the hoops, have it connected to
27 the main line, I still don't see enough testimony to prove to me that
28 the patio, the paver patio is solving anything from a C1 variance
29 perspective. That is my personal view.

30
31 MR. LEVITON: Patrick, what are your thoughts?

32
33 MR. HUGHES: When we talked about the topographic survey and
34 the drainage plan, I think that's critical to make a full analysis
35 here, but I concur with Josh there. I don't see that it did have an
36 impact to the drainage.

37
38 MR. LEVITON: So, I'm confused because it's one or the
39 other. If we ask him to get a drainage report or a topographic survey,
40 he keeps the patio.

41
42 MR. HUGHES: Right. My thought is that if there's no
43 negative impact to the adjacent property with drainage and he can
44 prove that to the drainage plan, I wouldn't have an issue with the
45 patio.

46
47
48

1 MR. LEVITON: Okay, so you're good with getting something
2 that will verify existing conditions and make a plan to ensure that
3 there's no runoff and letting him keep his patio?
4

5 MR. HUGHES: Correct.
6

7 MR. LEVITON: Basil, how about you?
8

9 MR. MANTAGAS: My issue is it's so close to the property
10 line. It's two feet from the property line. That's pretty close.
11

12 MR. LEVITON: Maybe less because he doesn't know how to
13 actually measure it. There's no stakes.
14

15 MR. PASSARELLO: Maybe more.
16

17 MR. MANTAGAS: I mean you're saying you don't use that
18 particular patio for anything, but just.
19

20 MR. PASSARELLO: Just where the Rubbermaid Home Depot items
21 are placed.
22

23 MR. MANTAGAS: Now if you took that patio out and planted
24 grass seed in there.
25

26 MR. PASSARELLO: I mean my hope is that that would solve the
27 drainage, but to be honest I wouldn't put grass. I would probably look
28 to put rocks over there and just standard.
29

30 MR. MANTAGAS: Whatever.
31

32 MR. PASSARELLO: Yeah.
33

34 MR. MANTAGAS: Besides having the pavers there, and then
35 that would relieve the problem of getting the drainage plan, and it
36 would solve that problem, it would solve the encroachment problem, but
37 to me that's close to the property line. That's very close.
38

39 MR. LEVITON: So, you're a removal guy?
40

41 MR. MANTAGAS: I would say yes, removal for me.
42

43 MR. LEVITON: And Dan, where do you fall?
44

45 MR. POCHOPIN: Thank you Mr. Chair. So you know it's a
46 drainage issue, so I'm going to let Stacey chime in because we were
47 just discussing some of that, Stacey.
48

1 MS. KLOMPUS: My question I guess to you is going forward
2 which one would you rather do? Would you rather go and get a drainage
3 plan to possibly keep it or remove it? I don't know the cost of either
4 and I don't know which one would be more, but.

5
6 MR. LEVITON: It's going to be thousands for a drainage
7 plan, but we can't consider that.

8
9 MS. KLOMPUS: Well, I'm guessing it's cheaper to remove it.

10
11 MR. LEVITON: It's a problem of his own making. We
12 appreciate that he wants to rectify it. We're sensitive to the
13 problems that he's had, but we need to protect the neighborhood.
14 That's our job and we need to enforce our zoning ordinances. Really,
15 we need to ensure that there's no runoff onto neighbors' properties.
16 We can't just take his word for it. That's the purpose of the drainage
17 plan because he would do that, and it could cost. It's going to cost
18 him a lot of money no matter what we decide. It needs to be fixed.

19
20 MR. PASSARELLO: Mr. Chairman, if I may solve the problem?
21 If it's just easier for me to personally not spend any money and do it
22 myself and take it out and put my box in there I would much rather do
23 that than spend thousands because to be perfectly honest with you, I
24 just don't have it especially if the opportunity for this fence
25 application gets to be approved, it's going to be tougher for me to do
26 that.

27
28 MR. LEVITON: That's perfect because I don't think you were
29 going to get variance relief anyway.

30
31 MR. PASSARELLO: Understood.

32
33 MR. SHALIKAR: Sorry, if I may.

34
35 MR. LEVITON: Yeah.

36
37 MR. SHALIKAR: It just comes for me personally, it just
38 comes down to testimony.

39
40 MR. PASSARELLO: Okay.

41
42 MR. SHALIKAR: That's really what it comes down to.

43
44 MR. PASSARELLO: That's fair.

45
46 MR. SHALIKAR: So, for us to be a neutral board which we
47 very much are, we have to consider the testimony as the validating
48 source of our decision. Right, so you heard not financial. It has to

1 be something that works off of M.L.U.L. which is what guides us. It's
2 a law. Right? That keeps it neutral for every applicant that comes in
3 front of us. Personally, there really was no testimony to say this
4 patio needs to be here in your side yard setback for the board to say
5 yes. That's kind of where I'm at. Right?

6
7 MR. PASSARELLO: Okay. Listen, I just wanted to be honest
8 with you guys and tell you exactly what happened.

9
10 MR. SHALIKAR: No, no, no, and that's appreciated, but I
11 want you to understand why I'm saying what I'm saying. That's what it
12 comes down to.

13
14 MR. PASSARELLO: Okay, I don't take it personal.

15
16 MR. LEVITON: Don't be. We're governed by the Municipal Land
17 Use Law of New Jersey, and it's really all we have to go by. It's
18 never how do we feel. It's never a gut feeling.

19
20 MR. PASSARELLO: I understand. Listen, it's unfortunate, but
21 to your point, I did it. Right? I just didn't know. If I could go back
22 I would've definitely done it differently and just took the grass out,
23 put the rocks down, called it a day, and not been here asking for a
24 patio.

25
26 MR. LEVITON: Okay, so all that remains is your six foot
27 fence and I got to tell you because you live right on Pension Road and
28 there's a lot of traffic, I'm amenable to granting variance relief for
29 that. The Municipal Land Use Law doesn't know where your home is. It
30 doesn't recognize the traffic that goes through. It's identified as a
31 collector street. Although I don't really agree with that. I think
32 it's sub collector.

33
34 MR. BOCCANFUSO: I'm not sure which Mr. Chairman, but it
35 doesn't matter.

36
37 MR. LEVITON: Yeah, it doesn't matter.

38
39 MR. BOCCANFUSO: It's still subject to that enhanced setback
40 requirement whether it's a collector or sub collector.

41
42 MR. LEVITON: Yeah so, I'm going to be good with that.

43
44 MR. MARMERO: And part of that enhancement too is because
45 it's a corner lot as you mentioned. So, he has two front yards.

46
47 MR. LEVITON: Yeah.

1 MR. MARMERO: He respects the setback on the one front yard,
2 but Pension is also a front yard and that you didn't.

3
4 MR. PASSARELLO: Yes, yes, got it.

5
6 MR. LEVITON: Of course. Anything further from board
7 members?

8
9 MS. LEVENSON: I think I do have a question about the back
10 fence where the issue is with your neighbor who is behind you. Are you
11 planning on putting the fence up to your actual property line in the
12 back?

13
14 MR. PASSARELLO: I mean to be fair I, look, I want to be a
15 good neighbor. Right? If I do that, he has a whole bunch. He'd have to
16 take down part of his fence. I mean his whole yard is there, and again
17 I know how short-sighted and stupid that may sound, but to me as long
18 as I knew that I can put a gate or an access point in the back to
19 access my property that I can still say hey that's mine and take it
20 out any time I want. I mean, listen, if the board came here and said
21 you need to tell him to move it, then that's what it is. Right? I mean
22 my plan was just to run what I have existing. I have a very large lot.
23 Right? And again, I'm not the guy who's donating my land to pay taxes.
24 Right? It's not what I want to do. Right, but it is what it is. I just
25 I don't, if he had to do it, I'm sure he would. I just want it to be
26 neighborly and not make him like hey, can you destroy this part of
27 your yard so I can have this that I'm not going to do anything with.

28
29 MR. SHALIKAR: I think the board here will say do what you
30 need to do to protect that land as yours.

31
32 MR. PASSARELLO: Yes sir.

33
34 MR. SHALIKAR: You can do your own research on that one.

35
36 MR. PASSARELLO: Yup.

37
38 MR. SHALIKAR: Or we can speak with our office. I'm sure
39 they can give you that information.

40
41 MR. PASSARELLO: Sure.

42
43 MR. SHALIKAR: But that's a good question.

44
45 MS. LEVENSON: I was also just thinking in terms of
46 maintenance. If he's fencing off a certain portion of his land.

47
48 MR. SHALIKAR: That's another thing to look into.

1
2 MR. PASSARELLO: So, if I can? Over that portion of that
3 land, right, so he had I guess years ago, whatever it was, long before
4 my time here, put a pool in. When they did the pool, they said Hey,
5 this is not your property. This is his words, not mine. So, I can't
6 verify this. I have no way of knowing. It's just what he told me. If
7 you look over that stockade fence, there's the ten feet, and then
8 another fence back there. So again, this is the weirdest thing because
9 I looked at it like what's going on. So, when you look, there's the
10 stockade fence. There's another fence that runs parallel to the
11 stockade fence with my ten feet of property in between. Then he put a
12 fence going this way and it cuts off my stockade fence ends. Right?
13 So, in theory, my land runs where the secondary fence is behind him
14 all the way back down and across the property line there. Right? So,
15 there is no other because the stockade fence doesn't go across my
16 whole backyard. It stops maybe a little more than halfway through from
17 the east side fence and then he's got a fence with ten feet of space
18 in between that runs parallel where he's basically fenced a part of my
19 land in between my stockade fence and his fence if that makes sense. I
20 knew none of this until I started this whole process and discovered
21 that when I looked at the property line, and said that is off of my
22 property.

23
24 MR. SHALIKAR: If I could say one thing if that's okay. Just
25 remember and the chairman said it earlier this is the current. When
26 your neighbor sells his house, this headache will become a real
27 headache based on the person that moves in.

28
29 MR. PASSARELLO: Okay.

30
31 MR. SHALIKAR: So, you need to do what you have to do to
32 protect yourself.

33
34 MR. PASSARELLO: Yes, and listen.

35
36 MR. SHALIKAR: So, I understand neighborly love, I love it.
37 This is Manalapan. We love each other.

38
39 MR. PASSARELLO: He was open to that conversation and so was
40 I.

41
42 MR. SHALIKAR: I'm just saying, yes. You're coming here with
43 a request. We're going to look at the application as stated.

44
45 MR. PASSARELLO: Okay.

46
47 MR. SHALIKAR: I'm telling you more neighborly advice. Do
48 what you have to do to protect yourself.

1
2 MR. PASSARELLO: Understood.

3
4 MR. SHALIKAR: Okay.

5
6 MR. PASSARELLO: Understood.

7
8 MR. POCHOPIN: Mr. Chair, just one suggestion. A lot of
9 community residents came here, please supervise your contractor
10 because a lot of times they say I didn't know. I thought you knew and
11 then we're back to square one with the fence.

12
13 MR. PASSARELLO: I learned lessons the hard way. That I
14 have.

15
16 MR. POCHOPIN: Yes, there you go.

17
18 MR. PASSARELLO: Made sure to make right. I will not make
19 those hard lessons again. Thank you. I appreciate that.

20
21 MR. LEVITON: Anyone else? Anyone in the public want to ask
22 Mr. Passarello a question about what he's testified to this evening?
23 Seeing none, I'll close public. Mr. Marmero, anything further that you
24 require sir?

25
26 MR. MARMERO: No, the discussion about the fence. I mean I
27 think we heard some indication that perhaps the corner yard or the
28 corner lot creates a hardship. Is that accurate? Yeah, so I think
29 we've heard that testimony. Mr. Passarello was here for two variances
30 this evening. It sounds like one of those variances was removed from
31 the table as he's agreed to remove that paver patio which he'll remove
32 himself. There was some discussion about those storage boxes/sheds
33 that were on the paver patio. I would assume they'll be removed as
34 well since the patio is going to be removed which then leaves nothing,
35 but the fence variance which requires the variance for the six foot
36 height and for the setback. Again, it essentially needs two front yard
37 setbacks because of the location. Both would need to be seventy-five
38 feet. He meets it on the Vail Valley Drive side, but would not meet it
39 on the Pension Road side where it's a thirty-eight foot setback
40 instead of the seventy-five. So that necessitates the variance which
41 we heard the testimony on. So again, if it's just that variance which
42 will be granted as the other one's been taken off the table, it sounds
43 like the only conditions that were discussed were removal of the paver
44 patio and removal of those sheds.

45
46 MR. LEVITON: Thank you counselor.

47
48 MR. MARMERO: Sure.

1
2 MR. LEVITON: Will someone make a motion please?
3

4 MR. SHALIKAR: Yeah, I'll make the motion to approve the
5 fence variance, and obviously to turn down the paver patio variance
6 that, basically the conditions that the attorney has stipulated.
7

8 MR. PASSARELLO: Good.
9

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

12 MR. MANTAGAS: I'll second that Mr. Chairman.
13

14 MR. LEVITON: Thank you Mr. Mantagas.
15

16 **ROLL CALL**

17
18 MS. MOENCH: Mr. Shalika?
19

20 MR. SHALIKAR: Yes.
21

22 MS. MOENCH: Mr. Mantagas?
23

24 MR. MANTAGAS: Yes.
25

26 MS. MOENCH: Mr. Wechsler?
27

28 MR. WECHSLER: Yes.
29

30 MS. MOENCH: Mr. Pochopin?
31

32 MR. POCHOPIN: Yes.
33

34 MS. MOENCH: Ms. Klompus?
35

36 MS. KLOMPUS: Yes.
37

38 MS. MOENCH: Mr. Harrington?
39

40 MR. HARRINGTON: Yes.
41

42 MS. MOENCH: Chair Leviton?
43

44 MR. LEVITON: Yes. Good luck going forward Mr. Passarello.
45

46 MR. PASSARELLO: Thank you all very much for your time. I
47 greatly appreciate you and thank you for your help.
48

1 MR. LEVITON: You're welcome. Thank you.

2
3 MR. PASSARELLO: Quick question. When do you want that paver
4 patio out?

5
6 MR. BOCCANFUSO: I think tomorrow.

7
8 MR. PASSARELLO: How's the fall when they won't find me back
9 there, and take them up on my beneficiary?

10
11 MR. LEVITON: Brian, how much time should we give him?

12
13 MR. BOCCANFUSO: Well, I mean typically what we do with
14 zoning permits, so your resolution will be memorialized at the next
15 meeting, most likely. After that, you can come in with permits for
16 your fence application. Those permits will be approved by the zoning
17 department subject to the condition that you remove the patio.

18
19 MR. PASSARELLO: Okay.

20
21 MR. BOCCANFUSO: I mean listen; we don't inspect to ensure
22 the condition is going to be that you remove it in connection with the
23 installation of your fence as soon as possible. If you don't do it,
24 you're going to find yourself in municipal court and I don't think
25 anybody wants that so.

26
27 MR. PASSARELLO: I assure you that ---

28
29 MR. BOCCANFUSO: At some time during the installation of the
30 fence, you should do it, if not before.

31
32 MR. PASSARELLO: Okay.

33
34 MR. BOCCANFUSO: Alright.

35
36 MR. PASSARELLO: Thank you very much.

37
38 MR. BOCCANFUSO: Yes.

39
40 MR. PASSARELLO: I appreciate that. Thank you guys.

41
42 MR. SHALIKAR: See you later. Thank you.

43
44 MR. LEVITON: Thank you Brian. We're going to take a short
45 two-minute recess for a bathroom break, and then we'll convene and the
46 Meisner's you're --- Okay, I'm going to call our meeting back to
47 order. I'm going to call application ZBE2610, Mr. Meisner, and Mr.
48 Meisner, before we get started Mr. Marmero will swear you in.

1
2 MR. MARMERO: Sure. Could you state your name and address
3 for the record sir?

4
5 MR. MEISNER: Sure, it's Craig Meisner 148 McCaffrey Road
6 Manalapan, New Jersey.

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

11
12 MR. MEISNER: I do.

13
14 MR. MARMERO: Okay, thank you sir.

15
16 MR. LEVITON: Mr. Meisner, you want to put two additions
17 onto your home?

18
19 MR. MEISNER: Correct.

20
21 MR. LEVITON: Tell the board about them.

22
23 MR. MEISNER: I'm sorry?

24
25 MR. LEVITON: Tell the board about the additions you want to
26 put on.

27
28 MR. MEISNER: Okay, so we want to do a master bedroom suite
29 and we want to do a sunroom off the back of our house, and a two-car
30 garage off the side front of our house.

31
32 MR. LEVITON: So, you have an existing garage.

33
34 MR. MEISNER: We do.

35
36 MR. LEVITON: Tell us about that and how will it be used
37 going forward.

38
39 MR. MEISNER: So, the two-car garage, we have three cars.
40 Two cars will go in that one, one car will go in the new, second
41 garage, two-car garage and I want to build a small workshop and
42 storage.

43
44 MR. LEVITON: And in Mr. Boccanfuso's memorandum he talks
45 about the garage and its setback.

46
47 MR. MEISNER: Yes.

1 MR. LEVITON: Which wasn't on your survey. Can you talk to
2 us about it please?

3
4 MR. MEISNER: So, the way the architect drew the garage, he
5 has it on a forty-five degree angle, and at the point according to the
6 drawing it's 103 feet setback where the minimum is a hundred, but if,
7 during the engineering phase we find that it's encroaching on those
8 hundred feet we can tip the degree to get it to be within the
9 boundary.

10
11 MR. LEVITON: Or we can just allow it. We have that right
12 here, don't we? We can grant him permission to keep it the way it is
13 or?

14
15 MR. BOCCANFUSO: It's difficult only because we don't
16 exactly know what it would be and I agree with Mr. Meisner. He and I
17 spoke about this after I released the report. I think he understands
18 the issue. The drawing is neatly done. There's no reason for me to
19 believe it's inaccurate, but it is hand drawn and it scales to 103
20 feet. So, it's not as if it's right on the dot. There are a couple of
21 feet of wiggle room there. I certainly don't have an issue with the
22 board giving him some wiggle room there. The problem is without
23 knowing a number, it's hard to do that. You can't just give him a
24 blank check to violate the setback requirements. So, I think that the
25 way we proceed is Mr. Meisner's aware of the issue. He's looked into
26 it. He's confident that this is accurate. If for some reason when they
27 start doing the final design and hard engineering it doesn't work,
28 then it sounds like his testimony is that they would just modify the
29 design, change the angle a slight bit, and make sure that they
30 maintain that hundred foot setback requirement.

31
32 MR. LEVITON: Okay. So, you want to put a workshop in. That
33 entails electricity?

34
35 MR. MEISNER: Yeah, it'd be part of the garage. Nothing
36 unusual, just normal outlets. Workshop for me, nothing professional.

37
38 MR. LEVITON: Okay. Brian, is there anything that your
39 memorandum requires him to do given that now he's testified that he's
40 going to put electric in there and he's going to use it as a workshop?

41
42 MR. BOCCANFUSO: No, Mr. Chairman. As long as this remains a
43 single-family home, there's really nothing to it. You can't put a
44 kitchen there, convert it to an apartment. None of that appears to be
45 proposed. This really is a relatively straightforward application. The
46 proposal meets all the setback requirements. The only reason Mr.
47 Meisner's here is because the lot itself is undersized. That is a
48 classic hardship case. I think it's very clear. We can get some

1 testimony from Mr. Meisner with coaxing from the board via questions
2 as to the negative criteria which I don't think we're going to hear a
3 lot of negative impacts, but it is a really simple application. I
4 think that the only thing that aside from testimony on the negative
5 criteria that we need to kind of address is the possibility of future
6 accessory improvements. Because this is an undersized lot, technically
7 anything on it requires variance relief. I use some discretion in the
8 zoning department. I have to try to come to the conclusion as to
9 whether the proposal is intensifying the use. In this case, an
10 addition is intensifying the residential use, but would a shed
11 intensify the residential use? Would a small patio? Probably not. So,
12 I think that, it makes my life a lot easier down the road if the board
13 can put a condition in the approval that would allow Mr. Meisner or a
14 future homeowner some flexibility with accessory improvements on this
15 undersized lot. It takes the guesswork and determination out of it for
16 the zoning department. I think that's really the only kind of open-
17 ended item that we need to discuss here aside from getting some
18 negative criteria testimony on the record.

19
20 MR. LEVITON: Thank you Brian.

21
22 MR. MEISNER: Chairman, the only thing I would say is that
23 there is a chance we may expand the patio in the back. So, I think
24 what Brian said is ---

25
26 MR. LEVITON: He's very nice because we're going to build
27 language into the resolution that you can put things like that on, and
28 won't need to come back for variance relief if the board is so
29 inclined to act favorably on your request. So, the only thing you need
30 to do now is to put onto the record that the construction that you
31 intend to put onto the property will not negatively impact on the
32 surrounding homes or neighborhood at large.

33
34 MR. MEISNER: That's correct. We have, it's a fairly decent-
35 sized lot. The lot is 2.49 acres. We are so far within the setback
36 limits. Our neighbors are really a distance away so I don't believe
37 it'll impact any of our neighbors in any way.

38
39 MR. LEVITON: That's terrific. Thank you so much Mr.
40 Meisner. Gentlemen down here?

41
42 MR. SHALIKAR: No questions Chairman.

43
44 MR. LEVITON: Going down the line?

45
46 MR. MANTAGAS: Hi Mr. Meisner.

47
48 MR. MEISNER: Hi.

1
2 MR. MANTAGAS: I know your block. It's a nice block, a lot
3 of big lots on that block. How soon will you start construction if
4 you're granted the relief?

5
6 MR. MEISNER: We have an architect. The architect's actually
7 drawing the plan. Not formally for construction approval yet, but
8 hopefully today we walk away.

9
10 MR. MANTAGAS: So, you'll do it A.S.A.P.?

11
12 MR. MEISNER: We plan to do it straight away.

13
14 MR. MANTAGAS: Okay.

15
16 MR. MEISNER: Yeah.

17
18 MR. MANTAGAS: Very good, thank you.

19
20 MR. POCHOPIN: Thank you Mr. Chair. Hello sir.

21
22 MR. MEISNER: Hi.

23
24 MR. POCHOPIN: So just the electrical permits, it's a
25 garage, a shop. I would just stick to the garage with the code.
26 Dedicated outlet, serves no other place.

27
28 MR. MEISNER: Sure.

29
30 MR. POCHOPIN: I'm not here for construction, but just
31 letting you know when you go for the permits how to help you out,
32 okay.

33
34 MR. MEISNER: Thank you, we will.

35
36 MS. KLOMPUS: No questions.

37
38 MR. HARRINGTON: No questions.

39
40 MS. LEVENSON: No questions.

41
42 MR. HUGHES: I do not have any questions.

43
44 MR. LEVITON: Let's go out to the public. Is there anyone
45 here who wants to ask Mr. Meisner a question? Seeing none, I'll close
46 public. Albert, anything further from you sir?
47

1 MR. MARMERO: No, I was just chatting with Brian as to any
2 suggestions as to having control for some of these accessory
3 improvements.

4
5 MR. BOCCANFUSO: Yeah.

6
7 MR. MARMERO: That don't intensify the use.

8
9 MR. BOCCANFUSO: I think that I mean I tried to avoid taking
10 the guesswork out for the zoning officer by putting more guesswork in
11 for the zoning officer, but in my memo, I indicated that accessory
12 structures except for pool houses be permitted as long as they comply
13 with all other zoning regulations and are the judgment of the zoning
14 officer clearly incidental to and typical of a single-family
15 residential dwelling of this size. So, a ten thousand square foot
16 patio might be a little excessive, but a reasonable patio, a
17 reasonable swimming pool, sheds, decks. Things that you typically see
18 on a residential dwelling could be permitted. Obviously, at the
19 discretion of the zoning officer, but I think that you could probably
20 use the language that's in my memorandum.

21
22 MR. MARMERO: Yeah, I think that's fair. We'll piggyback
23 right from number three.

24
25 MR. BOCCANFUSO: Yeah.

26
27 MR. MARMERO: In your memo, and as the applicant testified
28 all the improvements are so far within the setbacks that I would think
29 that any accessory structure would fit that, then it just leaves it to
30 the judgment.

31
32 MR. BOCCANFUSO: Yeah, there's plenty of room. I mean that
33 is a condition. I would not be able to approve regardless of what the
34 board does tonight, I couldn't approve a pool that doesn't meet the
35 setback requirements.

36
37 MR. MARMERO: Right.

38
39 MR. BOCCANFUSO: That would be a dopey design. I don't think
40 anybody would ever do that given the size and geometry of the lot. I
41 think the only other thing that we didn't hear anything on, I thought
42 Basil was going to get there, is timing. Certainly, at your pace, but
43 the board on these types of applications typically does impose a time
44 limit, a deadline. So, I guess the question is how long do you think
45 it will take you to get your designs finalized and get your permit
46 applications submitted.

47
48

1 MR. MEISNER: We have a pretty good head start. The
2 architect's already drawing it. We've already approved the drawing,
3 but now it just needs to be formalized for the construction
4 department.

5
6 MR. BOCCANFUSO: Okay, so you think you'll get the permit
7 application submitted within a year?

8
9 MR. MEISNER: Yeah.

10
11 MR. MARMERO: Yeah, I was going to say the condition we
12 typically apply is one year. So once this resolution is authorized
13 next month, you would have a one year period.

14
15 MR. MEISNER: That would be fine.

16
17 MR. LEVITON: Albert, we've done this before where we've
18 allowed accessory structures to be put in. I'm surprised you were
19 stumped by the language.

20
21 MR. MARMERO: Well, we typically what we've done and
22 sometimes is apply zoning from a different area to one. Now this is an
23 area where the zoning is compliant, it's just the undersized lot
24 portion so it's a little different.

25
26 MR. LEVITON: I need someone to make a motion.

27
28 MR. SHALIKAR: I have one question.

29
30 MR. LEVITON: Oh.

31
32 MR. SHALIKAR: Brian, in terms of drainage reports and
33 anything topography would that be at your request as the zoning
34 officer?

35
36 MR. BOCCANFUSO: Typically, what happens is when the zoning
37 permit application is submitted, the zoning department has discretion
38 whether or not to require a drainage study, engineering plan, so on
39 and so forth. In this case, it's not likely. Given the size of the lot
40 and the distance from the adjacent property lines, but once all the
41 details are submitted, we make that determination.

42
43 MR. SHALIKAR: Okay, thank you.

44
45 MR. LEVITON: Someone make a motion.

46
47 MS. KLOMPUS: I'll make a motion to approve the application.
48

1 MR. LEVITON: Thank you Ms. Klompus. Will someone second
2 that?

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

5
6 MR. LEVITON: Thank you Mr. Pochopin.

7
8 **ROLL CALL**

9
10 MS. MOENCH: Mr. Shalika?

11
12 MR. SHALIKAR: Yes.

13
14 MS. MOENCH: Sorry, Mr. Shalika?

15
16 MR. SHALIKAR: Yes.

17
18 MS. MOENCH: Mr. Mantagas?

19
20 MR. MANTAGAS: Yes.

21
22 MS. MOENCH: Mr. Wechsler?

23
24 MR. WECHSLER: Yes.

25
26 MS. MOENCH: Mr. Pochopin?

27
28 MR. POCHOPIN: Yes.

29
30 MS. MOENCH: Ms. Klompus?

31
32 MS. KLOMPUS: Yes.

33
34 MS. MOENCH: Mr. Harrington?

35
36 MR. HARRINGTON: Yes.

37
38 MS. MOENCH: Chair Leviton?

39
40 MR. LEVITON: Yes, congratulations sir. Your application
41 will be memorialized at our next regular meeting and you will not need
42 to be here for it.

43
44 MR. MEISNER: Great, thank you so much. And just one
45 question, will I be able to begin the process with the architect now
46 or should I wait?

47
48

1
2 MR. BOCCANFUSO: I mean you have your approval. You can't
3 submit for permits, but you would need plans to do that anyway.

4
5 MR. MEISNER: Yeah.

6
7 MR. BOCCANFUSO: So, I mean you're approved, you just won't
8 get the resolution for a couple of weeks.

9
10 MS. MOENCH: On August 7th, you can start putting their
11 permits in.

12
13 MR. MEISNER: That's going to take some time.

14
15 MR. BOCCANFUSO: So, there's no real risk I guess. There is
16 one caveat. Somebody could appeal it.

17
18 MR. MARMERO: That's what I was going to say. If someone
19 were to appeal, I mean again nobody's here so I don't see that
20 happening, but sometimes people wait until the resolution is released
21 and wait the forty-five days just to see if anyone appeals. But I
22 don't see that happening.

23
24 MR. MEISNER: And when is that meeting taking place ---?

25
26 MS. MOENCH: August 6th.

27
28 MR. MEISNER: August 6th, okay.

29
30 MR. BOCCANFUSO: Forty-five days from then, anyone can
31 appeal it. I mean I've seen in my whole career less than a handful of
32 appeals.

33
34 MR. MARMERO: Yeah.

35
36 MR. BOCCANFUSO: It's very rare, usually it's contentious
37 applications. The likelihood is as close to zero as you can get
38 without being zero.

39
40 MR. MARMERO: Yeah, I've never seen one like this. It's
41 usually like a shopping center or something.

42
43 MR. BOCCANFUSO: Right, yeah.

44
45 MR. MARMERO: But that is the one risk.

46
47 MR. BOCCANFUSO: Yeah, aside from that, you're fully
48 approved and you're basically good to go. You could submit permit

1 applications as soon as your plans and application are ready and as
2 soon as that resolution is memorialized.

3
4 MR. MEISNER: Fantastic, thank you so much. Thank you
5 everybody.

6
7 MR. SHALIKAR: Don't lose sleep over it.

8
9 MR. LEVITON: Good luck. Will someone move to adjourn?

10
11 MR. MANTAGAS: So, moved.

12
13 MR. POCHOPIN: Second.

14
15 MR. LEVITON: Okay, we are in adjournment and I.

16
17 *****
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48