

1 **MEETING IS CALLED TO ORDER:**

2
3 MR. LEVITON: Okay, I'm going to, call our meeting to order
4 and ask everyone to join me in a salute to the 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 was sent and advertised in the
10 Asbury Park Press. A copy of that notice was posted on the bulletin
11 board where public notices are displayed in the municipal building.
12 Also, a copy of the notice is and has been available to the public and
13 is on file in the office of the municipal clerk. Accordingly, this
14 meeting is deemed to be in compliance with the Open Public Meetings
15 Act. Roll call, please.
16

17 **ROLL CALL**
18

19 MS. MOENCH: Mr. Shalika?

20
21 MR. SHALIKAR: Yes.
22

23 MS. MOENCH: Mr. Mantagas? Absent. Mr. Wechsler?
24

25 MR. WECHSLER: Here.
26

27 MS. MOENCH: Mr. Pochopin?
28

29 MR. POCHOPIN: Here.
30

31 MS. MOENCH: Ms. Klompus?
32

33 MS. KLOMPUS: Here.
34

35 MS. MOENCH: Mr. Harrington?
36

37 MR. HARRINGTON: Here.
38

39 MS. MOENCH: Mr. Weiss is not with us. Ms. Levenson?
40

41 MS. LEVENSON: Here.
42

43 MS. MOENCH: Ms. Latilla?
44

45 MS. LATILLA: Here.
46

47 MS. MOENCH: Mr. Hughes? Absent tonight. And Chair Leviton?
48

1 MR. LEVITON: Here. Okay, let's accept the minutes from July
2 16th. Will someone make a motion?

3
4 MS. KLOMPUS: --- motion.

5
6 MR. LEVITON: Thank you Ms. Klompus, and will someone second
7 that?

8
9 MR. POCHOPIN: I'll second.

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

12
13 **ROLL CALL**

14
15 MS. MOENCH: Mr. Shalika?

16
17 MR. SHALIKAR: Yes.

18
19 MS. MOENCH: Mr. Wechsler?

20
21 MR. WECHSLER: Yes.

22
23 MS. MOENCH: Mr. Pochopin?

24
25 MR. POCHOPIN: Yes.

26
27 MS. MOENCH: Ms. Klompus?

28
29 MS. KLOMPUS: Yes.

30
31 MS. MOENCH: Mr. Harrington?

32
33 MR. HARRINGTON: Yes.

34
35 MS. MOENCH: Chair Leviton?

36
37 MR. LEVITON: Yes. There are three resolutions to
38 memorialize tonight. The first one is 2148.

39
40 MR. MARMERO: Yes Mr. Chairman. This was for Triplet Square
41 LLC. This is an extension of time for one year for the site plan
42 approval with the outside agency delay primarily related to NJDEP.

43
44 MR. LEVITON: Thank you Mr. Marmero.

45
46 MR. MARMERO: Sure.

47
48 MR. LEVITON: Will someone move to memorialize?

1
2 MR. SHALIKAR: So moved.

3
4 MR. LEVITON: Thank you Mr. Shalika, and will someone
5 second that?

6
7 MR. WECHSLER: Second.

8
9 MR. LEVITON: Thank you Mr. Wechsler.

10
11 **ROLL CALL**

12
13 MS. MOENCH: Mr. Shalika?

14
15 MR. SHALIKAR: Yes.

16
17 MS. MOENCH: Mr. Wechsler?

18
19 MR. WECHSLER: 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: Chair Leviton?

34
35 MR. LEVITON: Yes. The next one is 2609.

36
37 MR. MARMERO: Yes Mr. Chairman, for Mr. Passarello. This was
38 a resolution that granted bulk variance relief for the construction of
39 a fence within the front yard setback. This was a corner lot that had
40 two front yards essentially. This application originally included
41 relief for an existing paver patio, but that variance was withdrawn.

42
43 MR. LEVITON: Thank you Mr. Marmero.

44
45 MR. MARMERO: Sure.

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

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

2
3 MR. LEVITON: Thank you Ms. Klompus. Will someone second
4 that motion?

5
6 MR. SHALIKAR: I'll second.

7
8 MR. HARRINGTON: I'll second it.

9
10 MS. MOENCH: Who was it? I'm sorry.

11
12 MR. LEVITON: Thank you Mr. Shalika, and thank you as well
13 Mr. Harrington.

14
15 **ROLL CALL**

16
17 MS. MOENCH: Mr. Shalika?

18
19 MR. SHALIKAR: Yes.

20
21 MS. MOENCH: Mr. Wechsler?

22
23 MR. WECHSLER: Yes.

24
25 MS. MOENCH: Mr. Pochopin?

26
27 MR. POCHOPIN: Yes.

28
29 MS. MOENCH: Ms. Klompus?

30
31 MS. KLOMPUS: Yes.

32
33 MS. MOENCH: Mr. Harrington?

34
35 MR. HARRINGTON: Yes.

36
37 MS. MOENCH: Chair Leviton?

38
39 MR. LEVITON: Yes, and the last resolution is number 2610.

40
41 MR. MARMERO: Yes Mr. Chairman. This was the Meisner
42 application. This was improvements that were being made to a single-
43 family dwelling. All improvements were in the required setbacks, but
44 it was an undersized lot meaning that any improvements required
45 variance relief. So here, there was a couple of additions to the
46 property which required the bulk variance relief.
47
48

1 MR. LEVITON: Thank you counselor. Will someone move to
2 memorialize and then will someone second that motion?

3
4 MR. SHALIKAR: So moved.

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

7
8 MS. KLOMPUS: I'll second.

9
10 MR. LEVITON: And thank you Ms. Klompus.

11
12 **ROLL CALL**

13
14 MS. MOENCH: Mr. Shalika?

15
16 MR. SHALIKAR: Yes.

17
18 MS. MOENCH: Mr. Wechsler?

19
20 MR. WECHSLER: Yes.

21
22 MS. MOENCH: Mr. Pochopin?

23
24 MR. POCHOPIN: Yes.

25
26 MS. MOENCH: Ms. Klompus?

27
28 MS. KLOMPUS: Yes.

29
30 MS. MOENCH: Mr. Harrington?

31
32 MR. HARRINGTON: Yes.

33
34 MS. MOENCH: Chair Leviton?

35
36 MR. LEVITON: Yes. Okay, the board calls Mr. Rentschler on
37 behalf of the applicant Mr. Riquito and Mr. Procaccini. This is
38 application number 2611. Mr. Rentschler, welcome back.

39
40 MR. RENTSCHLER: Thank you. Good evening, everyone. John
41 Rentschler from Sonnenblick, Mehr, & Licata representing the applicant
42 in this matter. ---

43
44 MS. MOENCH: Mr. Rentschler, can you turn that microphone
45 on? Is it on? Okay.

46
47 MR. LEVITON: Mr. Riquito, the proceedings tonight, every
48 night, they're recorded and then later transcribed and you need to

1 speak into the mic pretty much the way I am. Pull it closer. Pull it
2 closer and then you can forget about it. And before we begin Mr.
3 Riquito, Mr. Marmero, the board attorney, is going to swear you in.

4
5 MR. MARMERO: Sure.

6
7 MR. LEVITON: Okay.

8
9 MR. MARMERO: So, if you raise your right hand Mr. Riquito.
10 Do you swear that the testimony you will provide tonight will be the
11 truth, the whole truth, and nothing but the truth?

12
13 MR. RIQUITO: Yes sir.

14
15 MR. MARMERO: Okay sir.

16
17 MR. LEVITON: Mr. Rentschler, you have an affirmative case
18 to present.

19
20 MR. RENTSCHLER: Thank you. So just give a little background
21 --- to correct an honest mistake basically. The honest mistake as far
22 as the misplaced rear fence. ---

23
24 MS. MOENCH: Hold on I'm sorry, wait one second. It's not
25 picking up. Is it on? Is it the bright green?

26
27 MR. RENTSCHLER: There you go. It was in light green.

28
29 MS. MOENCH: Okay you can start over.

30
31 MR. RENTSCHLER: So.

32
33 MR. LEVITON: Thank you Ms. Moench.

34
35 MS. MOENCH: Sorry.

36
37 MR. RENTSCHLER: I don't know I'll start over again. So
38 we're here tonight to correct an honest mistake that occurred with the
39 placement of the fence along the rear property line. Basically, when
40 the fence was installed, the fence installer connected the fence from
41 the property on the left and the property on the right. Well, who knew
42 that the property on the right was out of line by a lot. So, it cut
43 across the back of the property line and it actually impeded upon the
44 rear property which is actually owned by the township which is vacant
45 wooded area. So, when that fence was installed, when they went to
46 install the shed and the pool equipment, they thought they had extra
47 space because they were going off the fence. So, when my client sold
48 the property and you've got the surveys for the ZCCO, it was

1 determined at that point that the fence was mislocated. The fence was
2 relocated back from where it was not supposed to be and as a result it
3 created the shed and pool equipment to be in the rear yard setback.
4 So, we're here tonight to try to get a variance for those two items to
5 leave them where they are and work from there. You probably see from
6 the survey that you got, there's little pictures on it. You can
7 actually get a sense of the locations and stuff like that. You'll see
8 the grass in the back where on the other side of the fence, where
9 actually the fence was originally located, and then off to the right
10 on that picture, you'll actually see the neighbor's fence which is
11 into the woods which created the whole problem in the first place. So
12 I have my client here today. We have a few questions I'll run through.
13 We'll take it from there and you guys have any questions, we'll be
14 here to answer them. So really quick.

15
16 MR. RIQUITO: Yeah.

17
18 MR. RENTSCHLER: So you're the owner of the property 25
19 Briar Hill Drive, correct?

20
21 MR. RIQUITO: Yes.

22
23 MR. RENTSCHLER: And you recently sold it?

24
25 MR. RIQUITO: Yes.

26
27 MR. RENTSCHLER: And as part of the ZCCO process, you're
28 required to obtain that survey?

29
30 MR. RIQUITO: Yes.

31
32 MR. RENTSCHLER: Okay, and as a result of the survey, you
33 discovered that the rear section of the fence was mislocated on the
34 adjacent rear property.

35
36 MR. RIQUITO: Yes.

37
38 MR. RENTSCHLER: Okay, and that adjacent rear property is
39 owned by the township, correct?

40
41 MR. RIQUITO: Yes.

42
43 MR. RENTSCHLER: And that property is vacant, and wooded,
44 and basically conserved property?

45
46 MR. RIQUITO: That's correct.
47

1 MR. RENTSCHLER: Okay. And like I explained, why is the rear
2 portion of your fence mislocated?

3
4 MR. RIQUITO: Just because we went from one tip on the left
5 side to the right side, and obviously the right side was wrong so it
6 kind of went on an angle to twelve feet out on a triangle. So, in a
7 sense to that spot, that's why it was off by.

8
9 MR. RENTSCHLER: And it created extra space that actually
10 wasn't your property? It was township property at that point.

11
12 MR. RIQUITO: Correct.

13
14 MR. RENTSCHLER: Okay, and when you installed the fence, you
15 obtained all the required permits, correct?

16
17 MR. RIQUITO: That's correct.

18
19 MR. RENTSCHLER: Okay, and since you've discovered that the
20 fence was mislocated you've had the fence relocated, correct?

21
22 MR. RIQUITO: Correct.

23
24 MR. RENTSCHLER: Okay, and it was basically that mislocation
25 of the rear fence that caused your pool equipment and shed to be also
26 mislocated?

27
28 MR. RIQUITO: Correct. We went off the fence lines, yeah.

29
30 MR. RENTSCHLER: Okay, and when you installed the pool
31 equipment and the shed, you also obtained the necessary permits?

32
33 MR. RIQUITO: Correct.

34
35 MR. RENTSCHLER: Okay. How long has the fence, and shed, and
36 pool equipment been mislocated?

37
38 MR. RIQUITO: About eight years.

39
40 MR. RENTSCHLER: Eight years okay, and during that eight
41 year period, has any of your neighbors or anybody complained about it?

42
43 MR. RIQUITO: No, none.

44
45 MR. RENTSCHLER: And have you spoken to your neighbors about
46 the recent issue with that?

47
48 MR. RIQUITO: Yeah and they've been okay with it, yes.

1
2 MR. RENTSCHLER: Okay, and you're asking the board to grant
3 the bulk variance for those two items tonight, correct?

4
5 MR. RIQUITO: Correct.

6
7 MR. RENTSCHLER: That's about all I got Mr. Chairman.

8
9 MR. LEVITON: Thank you Mr. Rentschler and also thank you
10 Mr. Riquito. Let's go out to the board. Mr. Pochopin?

11
12 MR. POCHOPIN: Good evening.

13
14 MR. RIQUITO: Good evening.

15
16 MR. POCHOPIN: So, the pool, you relocated the pool
17 equipment, but the pool was there already when you bought the house?

18
19 MR. RIQUITO: No, I installed the pool as well.

20
21 MR. POCHOPIN: Oh okay.

22
23 MR. RIQUITO: Yes, yes.

24
25 MR. POCHOPIN: So everything was all, the shed and
26 everything was put in by the offsets of the original.

27
28 MR. RIQUITO: That's correct.

29
30 MR. POCHOPIN: What you thought was the wrong?

31
32 MR. RIQUITO: Correct.

33
34 MR. POCHOPIN: It was a domino effect.

35
36 MR. RIQUITO: Right, pretty much.

37
38 MR. POCHOPIN: So, you did acquire all the permits and at
39 that time?

40
41 MR. RIQUITO: Everything.

42
43 MR. POCHOPIN: Nobody said, look at a site survey or
44 anything?

45
46 MR. RIQUITO: No, I got permits for everything I did.

47
48 MR. POCHOPIN: Okay, thank you.

1
2 MR. LEVITON: Thank you Dan. Ms. Klompus?

3
4 MS. KLOMPUS: I have no questions.

5
6 MR. LEVITON: Thank you Stacey. Mr. Harrington?

7
8 MR. HARRINGTON: Yeah, the only question I have, is the shed
9 --- to the back fence line, I'm going to take a stab, that's probably
10 like two, three feet?

11
12 MR. RIQUITO: Yeah, it's roughly almost three feet, yeah.

13
14 MR. HARRINGTON: I have no other questions.

15
16 MR. LEVITON: Thank you John. So, if you wouldn't mind
17 quantifying for the record the encroachment for both the shed and the
18 equipment.

19
20 MR. RENTSCHLER: So, the pool equipment, everything's kind
21 of on a skewed angle because the fence went out on an angle so that
22 the closest point of the pool equipment to the rear property line is
23 approximately a foot, and then the closest point of the shed to the
24 rear property line is approximately two feet, three-quarters of a foot
25 which is illustrated on the survey that was provided. You can actually
26 see the distance between the fence and those two items.

27
28 MR. LEVITON: And Mr. Rentschler, what will your client be
29 doing about the continued misplacement of the fence?

30
31 MR. RENTSCHLER: The fence is off by less than half a foot.
32 I think it's four, maybe five inches. There is discussion with the
33 township about creating a license for that and I believe they were
34 agreeable to that. So, the fence could stay for that little bit that
35 it's off in the one corner.

36
37 MR. LEVITON: So you know this Board obviously doesn't have
38 jurisdiction to grant land use rights or easements of the municipal
39 property, and we cannot variance that away. It's not before us tonight
40 anyway, but as a condition we can ask your client to bring it back
41 into conformity. There is no --- The governing body won't be obligated
42 to grant the revocable license that he needs, and just because you
43 tell me that they're inclined to grant it doesn't necessarily mean
44 that they will.

45
46 MR. RENTSCHLER: So, could, if you're so inclined to do a
47 condition, could it be an either or condition that if they grant it,

1 that works, but if they don't grant it, then the fence has to be moved
2 the less than a foot?

3
4 MR. LEVITON: Yeah, it'll be up to the Board. It's going to
5 be cleaner to have it moved though.

6
7 MR. BOCCANFUSO: Mr. Chairman?

8
9 MR. LEVITON: Yeah.

10
11 MR. BOCCANFUSO: If I can just address that. I think you're
12 correct. The Board doesn't have jurisdiction to approve it. It is
13 subject to the discretion of the township's governing body. However, I
14 will say subsequent to the release of my report, given the challenges
15 that the applicant has faced, I'm glad to see he's less exasperated
16 than the last time I saw him. He really was struggling with some of
17 this when it all came to light, and understandably so because to Mr.
18 Rentschler's point, he obtained permits for everything that he was
19 supposed. He even got the revocable license for the encroachments into
20 the easement. It was just perhaps the only thing you did wrong was
21 hire the wrong contractor who wasn't really careful. But getting back
22 to the point, subsequent to the release of my report, I did review the
23 manner of the revocable license for the small, roughly five inch
24 encroachment onto the township's property, and the township
25 administrator said that if the board acted favorably on the
26 application, she would be amenable to a revocable license. Now that's
27 not the end of the story. It does need to be approved by public works
28 and there does need to be an application and a formal approval. So I
29 think that an either or condition is something that I would personally
30 be comfortable with. I think it's very likely that the revocable would
31 be approved based upon the feedback I got from our administrator.

32
33 MR. LEVITON: Thank you for that clarification.

34
35 MR. BOCCANFUSO: Sure.

36
37 MR. LEVITON: And for the memorandum in the first place. Mr.
38 Riquito, I can appreciate your frustration and I also appreciate your
39 good faith effort to bring that fence back into conformity prior to
40 appearing before us tonight. So, Mr. Marmero, if this Board is so
41 inclined to approve the variance relief that the applicant seeks,
42 either or would be acceptable.

43
44 MR. MARMERO: Yeah, from a legal perspective that's fine.
45 Like you said, we can't bind the governing body in any way, but they
46 can certainly choose to grant that license. So, we can set this up
47 where if they do grant it, then you're fine where you are. But if they
48 don't grant it, then you do have to relocate to a compliant location.

1
2 MR. LEVITON: Ms. Levenson, Ms. Baker-Levenson?

3
4 MS. LEVENSON: I don't have any questions. I guess my only
5 concern is if this license is not granted and the fence is moved, then
6 we're talking about the shed and pool equipment being even closer to
7 the property line. That is the real property line where it should be
8 about four or five inches closer. So that is a concern of mine.
9

10 MR. BOCCANFUSO: Well, the shed, the setback is not going to
11 change. It's just the fence location that's going to be changing. I
12 mean the physical separation would change by five inches or so, but
13 the property line's invisible. So, the setback is what it is.
14

15 MS. LEVENSON: Yeah.
16

17 MR. BOCCANFUSO: The board grants the relief, that's not
18 going to change. Assuming that the shed is not moved and I don't think
19 that's in the cards at this point.
20

21 MS. LEVENSON: Oh, thank you. No questions.
22

23 MR. LEVITON: Thank you Jessica. Ms. Latilla?
24

25 MS. LATILLA: I guess the only question tags off Ms.
26 Levenson's comment. So, then we're not going to put on record the
27 amount of setback we're granting? Just that we're granting it to
28 remain in the location if we choose to do so? Because then it changes,
29 if they don't grant it. When the fence moves then that changes the
30 amount set back.
31

32 MR. LEVITON: Well, I think that Mr. Rentschler testified
33 that since the fence was angled that the amount of the encroachment
34 varies.
35

36 MS. LEVENSON: On each.
37

38 MR. LEVITON: And he did quantify it for the record. Mr.
39 Rentschler?
40

41 MR. RENTSCHLER: Yes, I did.
42

43 MR. LEVITON: He did.
44

45 MR. RENTSCHLER: But doesn't the encroachment or the
46 setback, it doesn't change with the relocation of the fence.
47

48 MR. BOCCANFUSO: That's correct.

1
2 MR. LEVITON: That's correct.

3
4 MS. LATILLA: Okay.

5
6 MR. RENTSCHLER: It's based off the property line.

7
8 MR. LEVITON: Yeah.

9
10 MR. RENTSCHLER: So, it's just the fence is going to get
11 closer, but it's always going to be the same amount.

12
13 MR. LEVITON: So, ladies are you troubled by the proximity
14 to the property line of the equipment and the shed?

15
16 MS. LATILLA: I thought that the fence was directly on the
17 property line and then thinking of it is actually on half an inch,
18 five inches on the township's property line so we're not really
19 seeing.

20
21 MR. LEVITON: Tell the board again Mr. Rentschler. How much
22 into the setback?

23
24 MR. RENTSCHLER: So.

25
26 MR. LEVITON: Go ahead.

27
28 MR. RENTSCHLER: So roughly the pool equipment at the
29 closest point is approximately a foot from the property line and
30 that's just pool equipment, that's just the pump and piping. That's
31 not a full structure. The shed is approximately three feet and three-
32 quarters, a little under four feet from the property line, and that's
33 only because it was angled to match or shadow the way the fence was
34 angled out, and you got to remember too that the fence itself. It's
35 not the whole run of the backyard fence that's over by five inches.
36 It's the one little right hand corner of it that's over.

37
38 MS. LATILLA: Okay.

39
40 MR. RENTSCHLER: Which I think is shown on the full size
41 survey that you guys have.

42
43 MS. LATILLA: Yeah.

44
45 MR. BOCCANFUSO: Yeah, it is on the full size survey. If you
46 look at the survey in the back left corner it's says the fence plus or
47 minus on line or as on the back right corner it says fence 0.4 out.

1 That's a surveyor's indication that it's roughly 0.4 feet beyond the
2 property line which is about five inches.

3
4 MS. LATILLA: Okay, thank you.

5
6 MR. RENTSCHLER: And maybe just to put it further into
7 perspective, that property to the rear that's all conserved property.
8 There's no residential. There's no commercial. There's nothing back
9 there. It's a stream and woods. So, it's not like anybody would ever
10 be affected. That's never going to change. Nothing's ever going to get
11 built there. Nobody in the rear setback section would ever be affected
12 by this.

13
14 MR. LEVITON: Mr. Riquito, have you closed on your home?

15
16 MR. RIQUITO: Yes.

17
18 MR. LEVITON: And the other applicant, Procaccini, are they
19 the people who bought your home?

20
21 MR. RIQUITO: That's correct.

22
23 MR. LEVITON: And there was an agreement between you and the
24 new homeowner that you would clean this matter up?

25
26 MR. RIQUITO: That's correct.

27
28 MR. LEVITON: Mr. Wechsler?

29
30 MR. WECHSLER: I do have a question or two. When was the
31 fence put in, the new one?

32
33 MR. RIQUITO: The new fence meaning when I relocated it now?

34
35 MR. WECHSLER: Yeah, when was it relocated?

36
37 MR. RIQUITO: Probably I'm assuming when I came to you.

38
39 MS. MOENCH: When he got the report because it says here.

40
41 MR. RIQUITO: It had to be this year.

42
43 MR. BOCCANFUSO: March?

44
45 MR. RIQUITO: March of this year maybe. Could've been March
46 of this year, yeah. When I had to move it in on an angle to meet the
47 town.

48

1 MR. BOCCANFUSO: March or April?

2
3 MR. RIQUITO: March or April, something like that.

4
5 MS. MOENCH: It's updated on the survey. There's an updated

6 ---

7
8 MR. BOCCANFUSO: Yeah, the current survey, the latest survey
9 is.

10
11 MS. MOENCH: 3/4 I think is the update on here.

12
13 MR. BOCCANFUSO: Additional field work March 20th.

14
15 MR. RIQUITO: There you go.

16
17 MR. BOCCANFUSO: So, it was some time before March, some
18 time around.

19
20 MR. WECHSLER: So, it was around when you sold your house?

21
22 MR. RIQUITO: Yeah, correct.

23
24 MR. WECHSLER: So, you moved the fence to be compliant?

25
26 MR. RIQUITO: That's correct.

27
28 MR. WECHSLER: So, and here's the question. If you didn't
29 sell your house, would you have moved the fence?

30
31 MR. RIQUITO: If I didn't sell the house?

32
33 MR. WECHSLER: If you didn't sell your house, would you?

34
35 MR. RIQUITO: I wouldn't even know it was out of line.

36
37 MR. WECHSLER: Right.

38
39 MR. RIQUITO: If I didn't sell, if I didn't sell the house.

40
41 MR. WECHSLER: Just curious.

42
43 MR. RIQUITO: I didn't know it was out of line.

44
45 MR. WECHSLER: --- moving the fence. I got it, we're good.

46
47 MR. LEVITON: Thank you Michael. Mr. Shalika?

48

1 MR. RENTSCHLER: If you look at the photo, it's still out
2 there.

3
4 MR. SHALIKAR: I have no questions.

5
6 MR. LEVITON: Okay, I have also no questions, no further
7 questions. I'm sensitive to the problem. I do believe that you've been
8 acting in good faith and I don't know where you've landed after you
9 closed on your home, but I wish you ever success in your new location.

10
11 MR. RIQUITO: Appreciate it, thank you.

12
13 MR. LEVITON: I, I don't typically like legitimizing things
14 that are that close to the property line either, but in this case, I
15 mean it's very unusual. I've never seen where a revocable license from
16 the township needs to be extended as a courtesy to an applicant. It's
17 just brand new to me, and have I? Have you?

18
19 MS. MOENCH: It's our property that's why.

20
21 MR. LEVITON: Yeah, I understand.

22
23 MR. BOCCANFUSO: Most revocable licenses are for
24 encroachments into easements. Those are pretty common. Fences, we
25 issue all the time. They can be handled administratively. Other
26 improvements such as decks, patios, sheds, they require an application
27 to and approval by the township committee. But if you read the
28 ordinance section on those licenses, it does also say that it can be
29 in an easement or township property. It's rare, but it does happen.
30 Occasionally, they'll issue one for an encroachment into the public
31 right of way. In this case, it's township-owned property that's open
32 space and I think it's --- Is it part of the commuter parking lot,
33 maybe? I'm not sure what the use is, and it doesn't really matter, but
34 the ordinance does allow for the revocable to be issued for
35 encroachments onto township property as well.

36
37 MS. MOENCH: He had the fence moved.

38
39 MR. BOCCANFUSO: Not common, but it happens.

40
41 MS. MOENCH: And the fence moved, and then had the survey
42 updated.

43
44 MR. LEVITON: I'm pretty good here. Albert?

45
46 MR. MARMERO: No, I mean that pretty much sums it up. I mean
47 obviously you have the two bulk variances that are here. They're
48 essentially the same. It's the rear yard setback variance. You have

1 the shed. As Mr. Rentschler explained, it's kind of on a slant, but it
2 looks like the closest is about 2.75 feet from the rear yard setback,
3 and then you have the pool equipment which is plus or minus one foot
4 from the rear yard setback. In both situations, ten feet is required.
5 So there's a bit of the encroachment, but you heard the testimony from
6 the applicant that explained the situation.

7
8 MR. LEVITON: Thank you counselor. At this time, I'm going
9 to go out to the public and there's only one person sitting out there.
10 I'm going to ask if you'd like to.

11
12 MR. RIQUITO: No, that's my fiancé. She doesn't even know
13 about. She's never been to that house so it's not.

14
15 MR. LEVITON: Okay.

16
17 MR. RIQUITO: She has no idea what.

18
19 MR. LEVITON: Okay, she is invited to cross-examine
20 testimony that was entered onto the record or to address the board,
21 and judging by her reaction, she wishes not to. And so, we will close
22 public, and go out to the board one last time. Is there anything
23 further folks? Then will someone make a motion?

24
25 MS. KLOMPUS: I'll make a motion to approve it.

26
27 MR. LEVITON: Thank you Ms. Klompus. Will someone second her
28 motion?

29
30 MR. HARRINGTON: I'll second the motion.

31
32 MR. LEVITON: Thank you Mr. Harrington.

33
34 **ROLL CALL**

35
36 MS. MOENCH: Mr. Shalika?

37
38 MR. SHALIKAR: Yes.

39
40 MS. MOENCH: Mr. Wechsler?

41
42 MR. WECHSLER: 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: Chair Leviton?

13
14 MR. LEVITON: Yes, congratulations and good luck to you.

15
16 MR. RIQUITO: Appreciate it, thank you.

17
18 MR. LEVITON: You're welcome.

19
20 MR. RENTSCHLER: Thank you everyone.

21
22 MR. RIQUITO: Have a good night.

23
24 MR. WECHSLER: You too.

25
26 MR. LEVITON: Be well Mr. Rentschler.

27
28 MR. RENTSCHLER: Yup.

29
30 MR. LEVITON: Regards to Pete.

31
32 MR. RENTSCHLER: Yup, absolutely.

33
34 MR. LEVITON: At this point, I'm going to go out to the
35 public and ask if there's anyone in attendance who wants to address
36 the board on non-agenda items. Seeing none, I will close public and
37 ask for a motion to adjourn. Thank you Mr. Pochopin. We are in
38 adjournment. Hold on a second, we're not in adjournment.

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