

1 **MEETING IS CALLED TO ORDER:**

2
3 MR. LEVITON: Okay I'm going to call this meeting to order
4 and ask everyone to stand 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 in the municipal building. In addition, a copy
13 of that notice is and has been available to the public and is on file
14 in the office of the municipal clerk. Accordingly, this meeting is
15 deemed in compliance with the Open Public Meetings Act. Roll call
16 please.
17

18 **ROLL CALL**
19

20 MS. MOENCH: Mr. Shalika?

21
22 MR. SHALIKAR: Yes.

23
24 MS. MOENCH: Mr. Mantagas?

25
26 MR. MANTAGAS: Here.

27
28 MS. MOENCH: Mr. Wechsler?

29
30 MR. WECHSLER: Here.

31
32 MS. MOENCH: Mr. Pochopin?

33
34 MR. POCHOPIN: Here.

35
36 MS. MOENCH: Ms. Klompus?

37
38 MS. KLOMPUS: Here.

39
40 MS. MOENCH: Mr. Harrington?

41
42 MR. HARRINGTON: Here.

43
44 MS. MOENCH: Ms. Levenson? Ms. Latilla?

45
46 MS. LATILLA: Here.

47
48 MS. MOENCH: Mr. Hughes?

1
2 MR. HUGHES: Here.

3
4 MS. MOENCH: Chair Leviton?

5
6 MR. LEVITON: I am here. Welcome everyone. Greetings Board,
7 professionals, and public. Our first order of business tonight is to
8 accept the minutes from August 20th. Will someone make that motion?

9
10 MS. KLOMPUS: I'll make the motion to accept the minutes.

11
12 MR. LEVITON: Thank you Ms. Klompus. Will someone second
13 that please?

14
15 MR. POCHOPIN: I'll second.

16
17 MR. LEVITON: Thank you Mr. Pochopin.

18
19 MS. MOENCH: I don't think Ms. Klompus is eligible.

20
21 MR. LEVITON: Oh.

22
23 MS. KLOMPUS: Was I not here?

24
25 MR. LEVITON: She's on the list. I see her name here.

26
27 MS. KLOMPUS: Yeah, I was here. On the 20th?

28
29 MR. LEVITON: On the agenda it said her name.

30
31 MS. MOENCH: I can't help, but go ---

32
33 MR. LEVITON: Of course. Can you confirm?

34
35 MS. KLOMPUS: I can't even remember. Hold on, I can look in
36 my calendar. If someone wants to just accept it, then we can just. If
37 someone else wants to accept it.

38
39 MS. MOENCH: I have you marked as absent on the 20th.

40
41 MS. KLOMPUS: Okay. So let someone else accept it.

42
43 MR. LEVITON: Okay, I'll just ask for a new board member to
44 make that motion.

45
46 MS. LATILLA: Can I make that motion?
47

1 MR. LEVITON: Thank you Ms. Latilla and thank you Mr.
2 Shalikar. Alright.

3
4 **ROLL CALL**

5
6 MS. MOENCH: Mr. Shalikar?

7
8 MR. SHALIKAR: Yes.

9
10 MS. MOENCH: Mr. Harrington?

11
12 MR. HARRINGTON: Yes.

13
14 MS. MOENCH: Ms. Latilla?

15
16 MS. LATILLA: Yes.

17
18 MS. MOENCH: Chair Leviton?

19
20 MR. LEVITON: Yes. Okay there are two resolutions to
21 memorialize this evening. Counselor, is there anything that prohibits
22 us from taking them together?

23
24 MR. MARMERO: No, they were both approvals and it was the
25 same set of people there. So no, that's fine. I can explain them both
26 and you can do them as a group if you'd like.

27
28 MR. LEVITON: Let's do them together. The first one was
29 2618.

30
31 MR. MARMERO: Yeah.

32
33 MR. LEVITON: And ZBE2616.

34
35 MR. MARMERO: So ZBE2618 this was the one that was a corner
36 lot that fronted on both Carrie Drive and Union Hill Road. So, the
37 corner lot had had two front yards technically and the applicant was
38 seeking bulk variance relief to permit the installation of a six foot
39 high black aluminum fence. It needed bulk variance relief both for the
40 height of the fence and the location due to the front yard setback,
41 and then you had the second one which was ZBE2616. On this
42 application, the applicant was seeking bulk variance relief in
43 connection with modifications to the expansion of the existing deck.
44 It included a covered deck area, access to a crawl space, and then
45 there was some variance relief necessitated by the ten by fourteen
46 foot shed that the applicant was installing in the rear of the
47 property. As you'll remember, this was a new application somewhat

1 similar to the denial that was issued in the past, but the applicant
2 removed some variance relief from this application.

3
4 MR. LEVITON: Thank you barrister.

5
6 MR. MARMERO: Sure.

7
8 MR. LEVITON: Will someone move to memorialize both of these
9 applications?

10
11 MR. HARRINGTON: I'll move them forward.

12
13 MR. LEVITON: Thank you Mr. Harrington.

14
15 MR. WECHSLER: I'll second.

16
17 MR. LEVITON: Thank you Mr. Harrington and Mr. Wechsler.

18
19 MS. MOENCH: Wait, who was that? I'm sorry.

20
21 MR. LEVITON: John.

22
23 MR. HARRINGTON: I moved.

24
25 MS. MOENCH: Okay, thank you.

26
27 **ROLL CALL**

28
29 MS. MOENCH: Mr. Shalika?

30
31 MR. SHALIKAR: Not eligible.

32
33 MS. MOENCH: No, you're not eligible. I'm sorry. I have ---
34 Mr. Wechsler?

35
36 MR. WECHSLER: Yes.

37
38 MS. MOENCH: Mr. Pochopin?

39
40 MR. POCHOPIN: Yes.

41
42 MS. MOENCH: Mr. Harrington?

43
44 MR. HARRINGTON: Yes.

45
46 MS. MOENCH: Ms. Latilla?

47
48 MS. LATILLA: Yes.

1
2 MS. MOENCH: Chair Leviton?

3
4 MR. LEVITON: Yes, and that brings us to the only hearing on
5 tonight's agenda. That would be application ZBE2506, KELTL
6 Incorporated, and on behalf of the applicant, the Board recognizes
7 its friend Mr. Alfieri. Welcome back sir.

8
9 MR. ALFIERI: Thank you. Good evening chair, members of the
10 board, Sal Alfieri on behalf of the applicant. I'm going to see if
11 Hassan can put up the plans on the screen. While we're talking about
12 that.

13
14 MR. MARMERO: Sal, I think she's going to tell you to turn
15 your mic on.

16
17 MR. LEVITON: While he gets that straightened out, Mr.
18 Marmero would you swear in our professionals?

19
20 MR. MARMERO: Absolutely. If you guys would both raise your
21 right hands. Do you swear the testimony you'll provide tonight will be
22 the truth, the whole truth, and nothing but the truth?

23
24 MS. WENGER: I do.

25
26 MR. MARMERO: Okay.

27
28 MR. RIZZO: I do.

29
30 MR. MARMERO: Okay, and then we'll swear your group in once
31 they're situated or after you do your intro Sal, whatever you prefer.

32
33 MR. ALFIERI: Okay, so we're here tonight for a use
34 variance. The property is in the residential zone. It's been used
35 commercially for decades. The applicant who will come up in a moment
36 has owned the property for twenty so years and he'll give you the
37 history of the occupants during his ownership and also prior to his
38 ownership. He's been getting COs as, although there hasn't been much
39 change in the occupancy, but he was able to get COs in the past. When
40 Brian took over as the zoning officer and the applicant was looking to
41 sell the property, Brian said our records are sparse. We really don't
42 have much here as far as what happened in the past and what's
43 permitted and what's not permitted. I'm suggesting you go to the board
44 and try and legalize what's there so that there's no problems going
45 forward. So that's why we're here tonight. I know there's been some
46 talk about potentially expanding the uses and making it a far more
47 intense use. Very simply what we're here for tonight is there is a one
48 doctor practice on the first floor, and then my client has a business

1 on the second floor, and then there's another smaller space with
2 another business. So, we're seeking to have a one medical doctor first
3 floor approval and what's called professional offices as is defined in
4 your ordinance on the second floor, non-medical on the second floor.
5 So, it would be professional, non-medical. There's no expansion of any
6 type of what's going on there today. If someone buys the property and
7 wants to expand it in the future, they would have to come back to this
8 board. As you know in the use variance, the approval would be
9 specifically limited to what we're asking for and nothing more. So
10 having said that by way of introduction, if you want to swear everyone
11 in at one time.

12
13 MR. MARMERO: Yeah, if you want to get anyone that you think
14 will testify.

15
16 MR. ALFIERI: Okay. Unfortunately, we have four witnesses.
17 All will be relatively brief, but we have four.

18
19 MR. MARMERO: We can get them all sworn in together and then
20 they can come up piece by piece to testify. Alright and if you two
21 would raise your right hand. Do you swear the testimony you'll provide
22 tonight will be the truth, the whole truth, and nothing but the truth?
23 Okay, go ahead Sal.

24
25 MR. ALFIERI: Okay so we're going to call the applicant up
26 first. You're going to need this in front of you. Okay, so you've been
27 sworn in. Can you introduce yourself to the board? Your name, address,
28 and what your affiliation is to the property.

29
30 MR. DETORE: Tom Detore, I'm the owner of the property with
31 my wife Linda. We live at 134 Wintergreen Drive in Manalapan.

32
33 MR. ALFIERI: And Tom, how long have you and your wife owned
34 the property?

35
36 MR. DETORE: Approximately twenty-two years.

37
38 MR. ALFIERI: Okay and when you bought the property who were
39 the tenants and/or occupants of the property that immediately predated
40 your ownership?

41
42 MR. DETORE: The last tenant was Advanced.

43
44 MR. ALFIERI: Talk into the mic.

45
46 MR. DETORE: I'm sorry. The last tenant was Advanced Cable
47 Consulting. Before that, there was, I have a list here of ten to
48 twelve different tenants from 1973 through to 1998.

1
2 MR. ALFIERI: And all commercial type tenants correct?

3
4 MR. DETORE: All commercial. There's ERA sales office, an
5 accountant, an optician. It was a car rental office. There was a
6 variance granted for a car rental. There was Locker Room Sports, an
7 architect, a car company, electrolysis, accessories. There was and
8 this is only a partial listing. There was, when we did research, there
9 was more, but this is the only thing that we put down.

10
11 MR. ALFIERI: Okay, and when you bought the property, you
12 had an attorney represent you?

13
14 MR. DETORE: Yeah, Peter LaFrance.

15
16 MR. ALFIERI: And you confirmed with the then zoning officer
17 what could and could not happen on the property, correct?

18
19 MR. DETORE: Yeah.

20
21 MR. ALFIERI: What were you told?

22
23 MR. DETORE: We were told Peter went to Mark McCally who was
24 zoning officer at the time and he said could put a light business in,
25 whatever was here, if it was a similar business, he would allow it
26 which he did and that's when we went forward and purchased the
27 building.

28
29 MR. ALFIERI: Alright and then since you purchased the
30 property, who and what type of business was located on the first
31 floor?

32
33 MR. DETORE: On the first floor was Joffe Chiropractic. He's
34 been there for twenty years. He's a one doctor practitioner and he
35 just hired a part-time person; first employee he's had in twenty
36 years.

37
38 MR. ALFIERI: And that's not a doctor, administrative?

39
40 MR. DETORE: No, just a receptionist.

41
42 MR. ALFIERI: Okay so what you're seeking from the board
43 approval tonight as it relates to the first floor is exactly that, a
44 one medical?

45
46 MR. DETORE: One medical doctor.

47
48 MR. ALFIERI: One doctor practice?

1
2 MR. DETORE: Yes.

3
4 MR. ALFIERI: And then on the second floor who has been the
5 occupant since your ownership?

6
7 MR. DETORE: On the upper left, we have a home inspection
8 company. With my wife, we've been there for twenty years. On the upper
9 right, we had three different businesses. One was the Shop-A-Holic,
10 that newspaper thing with all the businesses in it. We had an office
11 for a window installation company and our last tenant was she did
12 personal training, consulting, and weight loss consulting. And she's
13 been there for sixteen years.

14
15 MR. ALFIERI: And all of those occupants or tenants were
16 signed off on by some zoning officer?

17
18 MR. DETORE: Some zoning officer, everybody was signed off
19 on.

20
21 MR. ALFIERI: Okay so tonight you're asking the board to
22 approve the medical as we indicated on the first floor and then
23 professional office on the second, but no medical on the second floor.

24
25 MR. DETORE: No medical on the second just professional
26 office.

27
28 MR. RIZZO: On the second floor, the consulting for the,
29 what was the last thing you said?

30
31 MR. DETORE: Weight loss.

32
33 MR. RIZZO: Weight loss. There's nothing physical in there,
34 right? No exercising? It's strictly?

35
36 MR. DETORE: No, strictly that.

37
38 MR. ALFIERI: Administrative.

39
40 MR. RIZZO: Okay thanks.

41
42 MR. ALFIERI: How is refuse handled or how has it been
43 handled for the twenty some odd years that you've ---

44
45 MR. DETORE: We have a residential garbage pail that we'll
46 bring out towards the curb for the truck with the arm comes and scoops
47 it up.

1 MR. ALFIERI: Like a household type?

2
3 MR. DETORE: Household, yeah. It's a household garbage can.

4
5 MR. ALFIERI: And that's what you intend to keep?

6
7 MR. DETORE: That's it.

8
9 MR. ALFIERI: Now in, there are, there were non-conforming
10 signs located on the property, correct?

11
12 MR. DETORE: Yes.

13
14 MR. ALFIERI: There were two freestanding signs?

15
16 MR. DETORE: It was two. The one on the far left, we
17 removed. The one in the front.

18
19 MR. ALFIERI: We're going to seek to have it. It actually
20 encroaches on the right-of-way so when the engineer comes up, we're
21 going to request that we be able to move it onto the site. It will
22 require variance relief just because of the nature of the property,
23 but we're going to move it off the right-of-way. It's in the road.
24 It's in the township right-of-way presently. Alright and then in terms
25 of parking, we're proposing fourteen parking spaces and the parking
26 has been kind of haphazard. Handicap spaces were not properly, space
27 was not properly striped, etc. We're going to clean all that up as
28 part of this application, but your parking lot, we're going to have
29 fourteen spaces when this is done.

30
31 MR. DETORE: Yes.

32
33 MR. ALFIERI: How many parking spaces are there on a normal
34 day of your peak operation of all your businesses?

35
36 MR. DETORE: The most? Five, six maybe.

37
38 MR. ALFIERI: Okay.

39
40 MR. DETORE: So maybe pushing it seven, but rarely that
41 much.

42
43 MR. ALFIERI: So, fourteen's more than adequate?

44
45 MR. DETORE: Yeah.

46
47 MR. ALFIERI: Okay, that's really all we have from an
48 operational point of view Mr. Chair.

1
2 MR. LEVITON: Thank you very much Mr. Detore.

3
4 MR. ALFIERI: Wait, stick around in case the board members
5 have questions. You want to wait until the end?

6
7 MR. LEVITON: We'll hold them in abeyance. You can.

8
9 MR. ALFIERI: Do them all?

10
11 MR. LEVITON: Continue, yeah.

12
13 MR. ALFIERI: Okay.

14
15 MR. LEVITON: Do, put on your affirmative case. I'll ask my
16 professionals to hold their questions in abeyance as well.

17
18 MR. ALFIERI: Sure. Alright we're now going to call our
19 engineer and we may not see pictures.

20
21 MS. MOENCH: I think maybe what we'll do. Is it something
22 that I don't have?

23
24 MR. MAQSOOD: ---

25
26 MS. MOENCH: Yes, they're going to have to ---

27
28 MR. MAQSOOD: Okay yeah.

29
30 MS. MOENCH: Do you want to switch sides with Sal maybe?

31
32 MR. LEVITON: Mr. Rizzo, while he gets ready, I couldn't
33 help but notice you fraternize with this engineer earlier before our
34 meeting began, and I'm curious to know had you worked together or is
35 the engineering community that small that everyone knows everyone?

36
37 MR. RIZZO: The latter.

38
39 MR. LEVITON: Really?

40
41 MR. RIZZO: Hassan is a regular especially at the planning
42 board with Mr. Ploskonka. So, we work together a lot.

43
44 MR. LEVITON: Okay.

45
46 MR. ALFIERI: Okay so you've been sworn in, but we need you
47 to introduce yourself to the board and then also place your
48 professional credentials on the record please.

1
2 MR. MAQSOOD: My name is Hassan Maqsood M-A-Q-S-O-O-D. I am
3 a professional engineer licensed in the state of New Jersey. My
4 license is current and in good standing. I have appeared before
5 multiple boards in New Jersey and I have about six years of land
6 development engineering experience.

7
8 MR. ALFIERI: And you're employed by?

9
10 MR. MAQSOOD: Concept Engineering Consultants.

11
12 MR. ALFIERI: Mr. Ploskonka who's seated somewhere in the
13 back, correct?

14
15 MR. MAQSOOD: Yes.

16
17 MR. ALFIERI: Are you able to get anything on the screen?

18
19 MR. MAQSOOD: Yeah, those screens are working.

20
21 MR. ALFIERI: Okay, I can't see.

22
23 MS. MOENCH: ---

24
25 MR. ALFIERI: It's alright. I don't need to see it. I've
26 seen it. So Hassan, can you?

27
28 MR. MARMERO: Do you need any more of his credentials?

29
30 MR. ALFIERI: Oh sorry.

31
32 MR. LEVITON: No, the board accepts his credentials.

33
34 MR. ALFIERI: Okay, thank you. So, Hassan, first orient the
35 board as to where this property is located please.

36
37 MR. MAQSOOD: Yeah, this is a triangular-shaped parcel just
38 over 20,000 square feet located on 61 Pease Road. Behind this property
39 is I think Constitution Court. So as Sal said, this is a use variance
40 application to permit a professional office use on the second floor
41 and medical office on the first floor. With respect to engineering,
42 not much is being modified on the site. No building is being expanded.
43 There's not much engineering really being done besides parking lot
44 striping and making the ADA space compliant, and the removal of the
45 sign outside of the right-of-way. So, as I said engineering will just
46 include resurfacing and milling in place of the ADA parking space. The
47 parking lot is in fairly good condition. I do have some pictures of

1 the parking lot. It's in fairly good condition, just needs to really
2 be restriped.

3
4
5 MR. ALFIERI: Alright so that photograph is on the screen
6 behind me? I guess right so, is it? So, we need to at least mark that
7 and you need to lay a foundation as to who took the photo, when was it
8 taken approximately.

9
10 MR. MARMERO: These were in the submission package or?

11
12 MS. MOENCH: No.

13
14 MR. MAQSOOD: I don't think so, no.

15
16 MR. MARMERO: Okay, yup.

17
18 MR. ALFIERI: So, who took the photo then?

19
20 MR. MAQSOOD: I did.

21
22 MR. ALFIERI: Approximately when?

23
24 MR. MAQSOOD: Today, this morning.

25
26 MR. ALFIERI: So, they accurately depict the current
27 condition of the property?

28
29 MR. MAQSOOD: Correct.

30
31 MR. ALFIERI: Okay and then the building that's to the right
32 on the photo, that's the building that we're talking about tonight?

33
34 MR. MAQSOOD: Correct. This is an image taken from Pease
35 Road looking into the parking lot of the site.

36
37 MR. MARMERO So we're going to label these A1 series of
38 photographs.

39
40 MR. MAQSOOD: Yeah.

41
42 MR. MARMERO: Okay.

43
44 MR. ALFIERI: Go ahead.

45
46 MR. MAQSOOD: Okay.

47

1 MR. ALFIERI: And then you heard me mention the signage. Can
2 you describe for the board what the applicant is proposing and if
3 you're jumping through the photos, why don't you just describe each
4 one as you go through them?

5
6 MR. MAQSOOD: Yeah so, this second photo showcases where
7 previous miscellaneous signage used to be and the applicants are
8 ready. They're going to take down some miscellaneous signage that
9 existed and I think these, as the applicant said, a lot of these did
10 have zoning approval at one point, but again just to get a lot of
11 these non-compliant signs off in an effort to keep this clean. They've
12 already begun to remove some of them. So, this is a temporary real
13 estate sign that's there. The only sign to remain as mentioned by the
14 applicant is this twelve square foot sign, ground sign, and currently
15 it is maybe about half a foot into the right-of-way. We will just
16 slide it over and back to be outside, beyond the actual property and
17 not encroaching to the right-of-way.

18
19 MR. ALFIERI: And is the location of that sign, can you show
20 the board on the plan where the proposed new location would be? You
21 may have to blow that up.

22
23 MR. MAQSOOD: Yup.

24
25 MR. ALFIERI: And this plan was submitted previously?

26
27 MR. MAQSOOD: Yeah so, the sign is located right here in
28 front of the fence if we can see it and we would just slide it over
29 along the fence to get it outside the right-of-way. That's all.

30
31 MR. LEVITON: Mr. Maqsood, for the benefit of the audience
32 this evening who may not be associated with this presentation or
33 hearing, would you define right-of-way so that folks know what it is
34 that you're talking about.

35
36 MR. MAQSOOD: Yeah so, this sign is located outside of the
37 property that we're speaking of today is located in a public space
38 that's meant for sidewalks, public improvements.

39
40 MR. LEVITON: Typically owned by the township.

41
42 MR. MAQSOOD: Typically owned by the township.

43
44 MR. LEVITON: So, anything that was in the right-of-way is
45 being removed. The sign that you're keeping I believe you testified is
46 currently encroaching into the right-of-way and will be moved back.

47
48 MR. MAQSOOD: Correct.

1
2 MR. LEVITON: Please continue.

3
4 MR. ALFIERI: And then that sign and just further
5 clarification, the public typically thinks the roadway, the actual
6 roadway, is the right-of-way, but there's usually land beyond the
7 roadway for potential future road widenings or sidewalks or whatever
8 or maybe for nothing. We're not in the road, but we're in the area
9 that the town owns technically. Now the sign does need a variance when
10 it's relocated, correct? Because it's too close to the property.

11
12 MR. MAQSOOD: Correct, it would be about half a foot inside
13 the property. So, it will require a variance for its location and it
14 would also require a variance just by the nature of signs not being
15 permitted. I think this type of sign.

16
17 MR. ALFIERI: Is not permitted in a residential zone.

18
19 MR. MAQSOOD: Exactly.

20
21 MR. ALFIERI: And is there another place on the property
22 that it could be located that would not require a variance? A
23 dimensional variance not the use?

24
25 MR. MAQSOOD: I don't think so. I think this is a reasonable
26 location where it's still viewable from the street.

27
28 MR. ALFIERI: Right and then there are other bulk variances
29 associated with this property, correct?

30
31 MR. MAQSOOD: Correct.

32
33 MR. ALFIERI: I know we have a plan. We could talk about in
34 a little more detail, but I'd like you at least to lay out for the
35 board because they're all existing conditions, but just to lay out
36 what they are.

37
38 MR. MAQSOOD: Correct so we have a few existing conditions
39 that are subject to this triangular parcel. One of which being the
40 minimum lot depth whereas 180 feet is required and the existing is
41 less than that. The minimum setbacks for the principal structure,
42 seventy-five feet is required whereas the building is only set back
43 five feet from the right-of-way line, 5.1 feet. Moving forward, the
44 minimum required rear setback for the building is fifty feet required
45 whereas we have 22.9 feet which is the existing building. So, these
46 are all existing conditions on the property that are non-conforming.
47 We are seeking again the use variance for the proposed use and then we
48 do have some technical variances with the parking. The minimum number

1 of parking spaces required per the zoning is twenty-two spaces whereas
2 we've proposed fourteen spaces and we do have a traffic engineer who
3 will be testifying.

4
5
6 MR. RIZZO: And how many spaces today? How many spaces
7 today?

8
9 MR. MAQSOOD: Today there are I believe sixteen to seventeen
10 spaces, but one or two of them are ---

11
12 MR. RIZZO: Not in the property line?

13
14 MR. MAQSOOD: Not in the property line. They're located in
15 the right-of-way so we will be removing those spaces that encroach
16 into the township's property. So, the proposed spaces will be fourteen
17 and they will be nine by twenty feet spaces which also requires a
18 variance for the size. Whereas the township requires ten by twenty
19 spaces, we have proposed nine by twenty spaces just due to the small
20 size of this parking lot and intensity.

21
22 MR. ALFIERI: And then last question relates to site
23 lighting. What is proposed?

24
25 MR. MAQSOOD: With respect to the lighting, the applicant is
26 not proposing any new lighting system. For the last twenty-one years,
27 there's been existing building mounted lighting and I believe it's
28 been adequate to light this parking lot. It is on a timer to shut off
29 at 8:00 PM. So, we're not proposing any new lighting.

30
31 MR. ALFIERI: And I guess just one final question. There are
32 a few technical comments contained within the board professional
33 report. You would agree as a condition of approval to address those
34 writ comments?

35
36 MR. MAQSOOD: Correct.

37
38 MR. ALFIERI: Okay, that's all we have of the engineer.

39
40 MR. LEVITON: Before we let him go, Mr. Maqsood, would you
41 mind backing up your presentation of slides to the sign that's going
42 to be moved and read for the record what it says?

43
44 MR. MAQSOOD: It says Joffe Family Chiropractic and then it
45 has a doctor's name and his phone number.

46
47 MR. LEVITON: And lastly, would you please for the
48 edification of the public who may or may not know, define ADA?

1
2 MR. MAQSOOD: Oh, it is parking for handicapped parking and
3 the existing handicapped parking that exists there today, the one
4 space, is not compliant and we would be resurfacing and putting it to
5 the correct dimensions for it to be compliant with the American
6 Disability standards for parking.

7
8 MR. LEVITON: Thank you Mr. Maqsood.

9
10 MR. ALFIERI: Next, John Ray please.

11
12 MR. LEVITON: Counselor, Mr. Ray has testified before this
13 board on numerous occasions.

14
15 MR. MARMERO: Yup.

16
17 MR. LEVITON: We welcome him back and there's no need to
18 voir dire him.

19
20 MR. RAY: Thank you Mr. Leviton.

21
22 MR. ALFIERI: And just for the public, Mr. Ray is a traffic
23 engineer, traffic expert, and that's what he'll be testifying to.
24 John, you had an opportunity, you heard the testimony, but I know you
25 also did a report and you analyzed the site. Can you just explain to
26 the board why you were hired and what your conclusions were?

27
28 MR. RAY: The reason why I was hired was just to confirm
29 that the fourteen parking spaces that are being proposed for the
30 property will be adequate to support the medical office use on the
31 ground floor and the professional office use on the second floor. I've
32 been out to the site three occasions now during the middle of the day
33 to observe parking demand. I personally have never seen more than five
34 cars parked in the parking lot with the existing uses that are there,
35 but I do want to go over the report I prepared and provide some
36 testimony with respect to what I anticipate would be a worst case
37 scenario with respect to the parking. As Mr. Detore has testified to
38 tonight, there are three tenants in the building. The ground floor
39 contains a chiropractic office. Apparently, the chiropractor has just
40 hired a part-time receptionist and so if the receptionist was at the
41 property along with the doctor and the doctor sees one person at a
42 time, it would generate a need for three parking spaces and if there
43 was someone waiting for an appointment could be four parking spaces
44 for the ground floor for the medical office. Up on the second floor,
45 my client owns a home inspection business. If both he and his wife
46 were in the office at the same time, two more parking spaces; generate
47 a need for a total of six parking spaces. The second business on the
48 second floor, a professional office, again is a consulting business.

1 Something to do with health, not really a medical business, but just a
2 consulting business could generate a need for an additional two
3 parking spaces. So at the end of the day, the worst case scenario
4 based on the existing usage and the existing tenants that are in the
5 building would be eight parking spaces, but I didn't want to leave it
6 at that because I wanted to look at my professional organization, The
7 Institute of Transportation Engineers, what they say with respect to
8 medical office and professional office and so I went into the I.T.E.,
9 that's the Institute of Transportation Engineers Sixth Edition of a
10 Parking Generation Manual and I looked at the size of the building, it
11 is approximately fifteen hundred square feet on each floor and looking
12 at the ground floor, the medical office space, based on the I.T.E.'s
13 data would generate and I'm using what we call the eighty-fifth
14 percentile peak parking rate which means it's a design parameter. I'm
15 not using the average rate. I'm going beyond that and using the
16 eighty-fifth percentile peak parking rate which is the design
17 parameter for the medical office space of 4.2 spaces per thousand
18 square feet comes out to 6.42 spaces. We round it up to seven. So
19 based on the I.T.E. data we would have an anticipated peak parking
20 demand of seven spaces for the ground floor and then I looked at the
21 fifteen hundred square feet that's on the second floor and that would
22 be professional office which would be two and a half spaces per
23 thousand square feet equal 3.75 spaces rounded that up to four. So, if
24 you add the four spaces for the second floor and the seven spaces for
25 the ground floor, we would have an anticipated peak parking demand of
26 eleven spaces, and this again is a worst case scenario. One in which
27 all three of the businesses are operating at the same time, have the
28 same hours, and are generating the peak parking at the same time.
29 Worst case scenario, we would need eleven parking spaces. We have
30 fourteen. My job was pretty simple tonight. That's all I have to say.

31
32 MR. ALFIERI: Thank you.

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

35
36 MR. RAY: Thank you.

37
38 MR. ALFIERI: And now our planner Amanda. You probably have
39 not been here, right? You have?

40
41 MS. DADDARIO: Planning, not zoning.

42
43 MR. ALFIERI: Okay so introduce yourself to the board and
44 indicate by whom you are employed.

45
46 MS. DADDARIO: Alright, good evening, Chair, members of the
47 board. My name is Amanda Daddario. I have worked under as a licensed
48 professional planner under Christine Cofone for the last three years.

1 I've worked in the land use and development industry for the last five
2 to six years. I have a Master's of City and Regional Planning from
3 Rutgers University and a Bachelor's of Science in Urban Planning and
4 Design from Rutgers University and I think that's.

5
6 MR. ALFIERI: And you're a licensed professional planner.

7
8 MS. DADDARIO: Oh yes. Yes, I'm a licensed professional
9 planner.

10
11 MR. ALFIERI: More importantly.

12
13 MR. LEVITON: She had us at Cofone.

14
15 MS. DADDARIO: It's current and in good standing as well.

16
17 MR. ALFIERI: Thank you and you have a zoning map there that
18 has not been submitted previously, correct?

19
20 MS. DADDARIO: Yes, it has not been submitted.

21
22 MR. ALFIERI: So we're going to have that marked as A2.

23
24 MS. DADDARIO: Correct, yes.

25
26 MR. ALFIERI: Alright, continue.

27
28 MS. MOENCH: Do you have a physical copy of it?

29
30 MS. DADDARIO: I do not.

31
32 MR. ALFIERI: We'll email you one tomorrow. No? Yes?

33
34 MS. DADDARIO: Can we email you the package that we have?

35
36 MS. MOENCH: Mark all of the exhibits that you ---

37
38 MS. DADDARIO: Let me just note that really quick.

39
40 MR. ALFIERI: I have them. You sent them to me right?

41
42 MS. DADDARIO: Yes.

43
44 MR. ALFIERI: So, I'll send them to you.

45
46 MS. DADDARIO: Okay, perfect.

47
48 MR. ALFIERI: So, I'll send them to you tomorrow, Janice.

1
2 MR. RIZZO: Is this just the zoning map or is it a markup?

3
4 MS. DADDARIO: It's just a snippet of the zoning map with
5 our site identified on the zoning map.

6
7 MR. RIZZO: Thanks.

8
9 MS. DADDARIO: Okay. Okay, so as we heard earlier this
10 evening, we are here for a D1 use variance. The board has the power to
11 grant this D1 use variance relief under what is known as the Medici
12 standard, and under the Medici standard as part of the positive
13 criteria, the board must find the specific site is particularly suited
14 for this specific use and that the application advances at least one
15 of the purposes of the Municipal Land Use Law. Now it is my
16 professional opinion that this site is particularly suited for this
17 proposed use for several reasons. For one reason and I'm going to go
18 to the next slide for the record. I'm showing an aerial picture of the
19 site in context of Pease Road and Gordons Corner Road where it
20 intersects. In this ---

21
22 MR. ALFIERI: That would be A3 then.

23
24 MR. MARMERO: Call A3 aerial photo?

25
26 MS. DADDARIO: Yes, A3 aerial photo. So, this property's
27 located approximately three hundred feet as we see right here, three
28 hundred feet from our property line to the intersection of Pease Road
29 and Gordons Corner Road. It's an area that transitions from
30 residential development to commercial with non-residential uses, and
31 then as I go back to A2 which is the zoning map, we see here that our
32 property is located at the confluence of three different zones. We
33 have this R20 zone right here, the RT zone, and this C2 zone right
34 here. So, I find for this reason, it's particularly suited and not
35 only that, the location of it, but the physical characteristics of the
36 property distinguish it from a conventional residential lot in the R20
37 zone. It's an irregularly, triangularly-shaped property. It has
38 approximately 374 feet of frontage along Pease Road. So its shape and
39 configuration and the extensive roadway frontage are not
40 characteristic of a conventional single-family development pattern
41 contemplated within the zone and as the property is already developed
42 with an existing two-story building that has been historically
43 accommodated for the chiropractic and medical office use. I find that
44 this is particularly suited. So statutorily, as part of the positive
45 criteria, the application must also advance at least one of the
46 purposes of the Municipal Land Use Law. Where I find that the
47 application advances the following purposes; purpose A, to promote the
48 public health, safety, and general welfare through the appropriate

1 reuse of the existing property for medical, professional office uses,
2 purpose G, providing sufficient space and appropriate locations for a
3 variety of uses. The property is located at the confluence of several
4 zoning districts and provides an appropriate transition between the
5 residential uses to the south and the commercial and non-residential
6 uses to the north. Purpose I, promoting a desirable visual environment
7 through good civic design and arrangement. The applicant proposes to
8 restripe and better organize the existing parking area improving both
9 the functionality and the appearance of the site, and purpose M, to
10 encourage the efficient use of land through reutilization of the
11 existing structure and associated site improvements. So now we're
12 going onto the negative criteria, and as part of the negative criteria
13 the board may not grant variance relief, if the variance relief will
14 have a substantial detriment to the public good or if it will
15 substantially impair the intent and purposes of the zoning ordinance
16 and the zone plan. So as part of my first prong of the negative
17 criteria, it's my professional opinion that there will be no
18 substantial detriment to the public good regarding the use variance
19 request. This site has historically operated under similar conditions.
20 So, this type of use is already integrated into the surrounding
21 community. It's relatively low intensity and non-residential use. It's
22 not a high turnover residential use where there's going to be cars
23 coming in and out. Our traffic expert testified earlier this evening
24 there will be no substantial increase in traffic generation and the
25 parking sufficiently works throughout the site, and again there is no
26 proposed expansion of the building as part of this application. With
27 respect to the intent and purpose of the zoning ordinance, while there
28 is no specifically stated purpose of the R20 zone. It's reasonable to
29 understand that the intent for the R20 zone is to protect and maintain
30 a predominantly single-family residential development pattern. In this
31 case, as our property is located at the confluence and it is
32 irregularly-sized. This location of it, I believe that it does not
33 undermine that intent. We are at the fringe of this zoning
34 designation, and then with respect to the master plan, the 2020
35 reexamination report reaffirms goals, objectives, and recommendations
36 from the prior master plan documents from 2009 and 1991. These
37 planning documents recommend that the township study the potential
38 expansion of commercial areas and also recognize the planning fits
39 both that the long term community interests is best served by
40 identifying and reserving appropriate locations for the development of
41 an economic base. So as part of the enhanced burden of proof from the
42 Medici standard, it's what's called a reconciliation of omission and
43 what this means is that the applicant must provide reasoning as to why
44 the use was not originally contemplated under the adoption of the
45 zoning ordinance or included in any subsequent revisions. So in my
46 opinion, the omission can be reconciled here because granting this
47 variance does not undermine the actual R20's overall residential
48 purpose. It is not a typical interior residential property in the

lion's share of the R20 parcels do not have the characteristics of our site. As was testified to previously tonight, in addition to the D1 use variance relief we are also seeking bulk variance relief. The board has the power to grant this bulk variance relief under what is referred to as the C1 and the C2 criteria. C1 has to do with a hardship due to physical constraints of the property such as irregular shape, size, narrowness, or existing structures. C2 variance relief is referred to as the flexible benefits versus detriments test and under the Pullen case, the board must consider the benefits of the application as a whole when outweighing any potential detriments. So it is my opinion that the board can grant the following relief under the C1 hardship criteria due to the irregular shape of the property and the existing structures. The minimum lot depth, the ordinance requires 160 feet, where 126 feet exists. There is front yard setback, the ordinance requires seventy-five feet where 5.1 feet exists and the rear yard setback, the ordinance requires fifty feet while 22.9 feet exists. All of these are pre-existing conditions. Again, there's no alterations proposed as part of this application. In the absence of any hardship, I believe the board can grant the remaining relief under the C2 flexible benefits versus detriments criteria. The first item is the number of parking spaces. The ordinance requires twenty-two parking spaces while fourteen spaces are proposed. As our traffic expert testified earlier this evening this parking supply is adequate. There's going to be no overflow parking onto residential streets, and what we are proposing is a more organized striped site and function of the site, flip that. The next item is the ADA parking space width. The ordinance requires twelve feet while eleven feet is proposed. It's actually ADA compliant at eleven feet. The ordinance just has not been updated to reflect the change of what ADA has been revised to. The next item is parking space size. The ordinance requires ten feet by twenty feet where we are proposing a nine foot width. Nine feet is standard and cars have adequate space to maneuver in and out of their spaces. Again, it's not a high turnover commercial use so vehicles that will be there are pretty familiar with the site, and finally the signage relief as testified to earlier tonight, we have removed primarily most of the signage and the only signs that we are proposing is the one that already exists and we are proposing to scooch it over into the right-of-way. So overall I believe that the variance can be granted. The benefits outweigh the detriments and it's my professional opinion that there will be no substantial detriment to the public good or impairment to the zone plan or master plan.

MR. ALFIERI: Thank you, and so that concludes our presentation Mr. Chair. There are two little housekeeping things I wanted to address. One is we do have a letter from Bureau of Fire Prevention that they have no objection to the application, and then the Health Department was unclear as to how the sanitary sewer was operational, whether it was septic or not. Our engineer did confirm

1 with the W.M.U.A. that there is sanitary, public sanitary sewer there
2 currently, and it will remain that way. And that's all we have.

3
4 MR. LEVITON: Thank you Mr. Alfieri. Thank you, Ms.
5 Daddario, and while you're sitting here, let's go to Ms. Wenger. Do
6 you take exception to any testimony that she offered tonight?

7
8 MS. WENGER: I do. Looking into the requested use variance,
9 it's actually making it a little less non-conforming because you're
10 taking a use that has three non-conforming uses making into two which
11 makes it less non-conforming. In addition, the bulk variances
12 requested as well because it's not being expanded. These, like ---
13 said are pre-existing conditions that we find no issues with, and then
14 similar with the design waivers as well. The aesthetics and promoted
15 improvements all promote desirable environments so we see no issues.

16
17 MR. LEVITON: So, one of the non-permitted units currently
18 operating on the site is being removed.

19
20 MR. ALFIERI: But the application is still for medical first
21 floor, professional second floor. There may still be two tenants on
22 the second floor. We don't know, but right now there are two, and
23 there may ultimately be two in the future.

24
25 MR. LEVITON: We understand.

26
27 MR. ALFIERI: Okay.

28
29 MR. LEVITON: Anything else Ms. Wenger?

30
31 MS. WENGER: No, I'm good.

32
33 MR. LEVITON: Okay. Let's go to the board and see if they
34 have any questions for Ms. Daddario or for anyone who testified this
35 evening. I'll start over here, Michael?

36
37 MR. WECHSLER: I'm going to hold my time for later.

38
39 MR. LEVITON: Okay. Joshua?

40
41 MR. SHALIKAR: So, I have a question just for clarity. I
42 know that you're saying that everything is remaining the same, but
43 I've noticed many times that there's a realty sign.

44
45 MS. MOENCH: Mic is not on.

46
47 MR. SHALIKAR: There's a realty sign that was on the
48 property. So, the site is for sale?

1
2 MR. ALFIERI: Actually, the chiropractor is under contract
3 to buy the property.
4

5 MR. SHALIKAR: To buy the property? Okay, that's good to
6 know. Is it clear that the intent will remain the same or is there
7 speculation that there will be different use for that property? Just
8 for my knowledge. I'm just curious.
9

10 MR. ALFIERI: I'd have to bring my client up. The
11 chiropractor obviously is going to stay because he's buying the real
12 estate. I'm not sure if my client, how long he's going to stay with
13 his business on the second floor. Is that the question you're asking?
14

15 MR. SHALIKAR: I'd love to understand if the intent is for
16 the new buyer to keep the property as is with the same uses.
17

18 MR. ALFIERI: Yeah.
19

20 MR. DETORE: Yeah, right now.
21

22 MR. LEVITON: Let the record reflect that speaking now is
23 the owner Mr. Detore.
24

25 MR. DETORE: Right now, the way the contract is, it's
26 contingent on us getting this use variance. It's staying the same way,
27 professional second floor, medical chiropractor, he's staying on the
28 first floor.
29

30 MR. SHALIKAR: Upon purchase, but then the intent is?
31

32 MS. MOENCH: Can you turn that mic? Is that microphone on?
33

34 MR. SHALIKAR: The intent is.
35

36 MR. RIZZO: Move closer.
37

38 MR. SHALIKAR: Sorry. The intent that it will stay that way
39 post purchase?
40

41 MR. DETORE: Yes, it's going to stay that way, yes.
42

43 MR. SHALIKAR: That's in the contract?
44

45 MR. DETORE: Yup. It's not anything changing, that's the way
46 it's going to be.
47
48

1
2 MR. LEVITON: And of course, after the property is sold, the
3 variances, if they're granted this evening, will run with the property
4 and any changes would need to.

5
6 MR. SHALIKAR: That's right.

7
8 MR. LEVITON: Have to come back before this board for
9 approval.

10
11 MR. SHALIKAR: Absolutely, thank you. That was all.

12
13 MR. ALFIERI: Well to clarify, Brian, if this were approved
14 and if Tom moves out and a new tenant wants to move in, Brian would
15 look at it and see if it's a similar use then he could sign off and if
16 it's not, then he can't, and then they'd have to come back.

17
18 MR. LEVITON: So, for the public, Brian is the administrator
19 of the zoning office. His name is Brian Boccanfuso and Mr. Alfieri is
20 suggesting that should the property transfer hands and new businesses
21 or tenants want to come in, if they're of similar use that would be
22 presented to the zoning administrator for approval and if it doesn't
23 meet the standards of the zoning officer or local ordinances, then the
24 new tenants would have or the new owner would have to come back for
25 variance relief. Thank you for the clarification.

26
27 MR. ALFIERI: You're welcome and this is exactly what Brian
28 wants so that he's not, every time someone comes in, he doesn't know
29 what to do and he has to send them to the board. He needs clarity. So
30 we're trying to clarify so going forward he has a road map or in this
31 case, if Brian's not here, whoever succeeds him with that road map.

32
33 MR. LEVITON: Joshua, anything else?

34
35 MR. SHALIKAR: No, I think it's important for the board to
36 know the status of the building. Thank you.

37
38 MR. LEVITON: Thank you sir. Basil?

39
40 MR. MANTAGAS: I have one question about the parking lot.
41 You said they're going to be re-milling the parking lot or they're
42 going to reseal it?

43
44 MR. ALFIERI: I believe they're re-milling the ADA
45 locations.

46
47 MR. MANTAGAS: Just that one spot to widen it?
48

1 MR. ALFIERI: Right and then they're restriping the parking
2 lot.

3
4 MR. MANTAGAS: So, they're probably just going to seal,
5 coat, and restripe?

6
7 MR. ALFIERI: Yeah.

8
9 MR. MANTAGAS: The parking lot.

10
11 MR. ALFIERI: Yes, that's correct.

12
13 MR. MANTAGAS: Thank you.

14
15 MR. LEVITON: Dan? Thank you, Basil.

16
17 MR. POCHOPIN: Yes, thank you Mr. Chair. Yes, I have some
18 operational questions. I don't know if you could answer that, but it's
19 what type of procedures will you be doing on the medical first floor?

20
21 MR. ALFIERI: He's a chiropractor. He's not the
22 chiropractor.

23
24 MR. POCHOPIN: Oh.

25
26 MR. ALFIERI: The chiropractor's been there for twenty
27 years. It's the same person.

28
29 MR. POCHOPIN: Okay so just basic office business doctor,
30 doctor's office.

31
32 MR. DETORE: Yeah, adjustments, stuff like that.

33
34 MR. LEVITON: Once again, let the record reflect that's Mr.
35 Detore who's responding to the question.

36
37 MR. POCHOPIN: Very good, thank you.

38
39 MR. DETORE: You're welcome.

40
41 MR. LEVITON: Okay, thank you Dan. Stacey?

42
43 MS. KLOMPUS: So, when the building was built originally,
44 was there any variances granted for the building and the sign?

45
46 MR. ALFIERI: We, well we can't tell you from when it was
47 originally built because Tom's records when he researched it went back
48 to 1973.

1
2 MR. DETORE: 1973.

3
4 MR. ALFIERI: Which at that time was a, he has the list.
5 He'll tell you. Before that, there's no records anywhere so.

6
7 MS. KLOMPUS: There's no records for the town, like in the
8 township?

9
10 MR. ALFIERI: No, that's why we're here because Brian said I
11 don't really.

12
13 MS. KLOMPUS: I just wanted to check.

14
15 MR. ALFIERI: There are some records. I shouldn't say
16 there's none, but there aren't enough for the zoning officer to make
17 any decision on permitted uses.

18
19 MR. LEVITON: Stacey, I'm not going to testify, but I'll
20 tell you I've lived here my whole life. I remember it as a small ---
21 Boy, it's been here.

22
23 MS. KLOMPUS: Yeah, my whole life too.

24
25 MR. LEVITON: Forever.

26
27 MS. KLOMPUS: I just didn't know when it originally got
28 built.

29
30 MR. LEVITON: I don't know either.

31
32 MR. ALFIERI: In '73, who was?

33
34 MR. DETORE: It was --- sales office and in '82 there was a
35 variance granted for a car rental office, and then there was like I
36 said it was businesses probably from the sixties we just didn't write
37 them all down.

38
39 MS. KLOMPUS: Right, but just nothing on the structure
40 allowing it to be so close or in the variance, all that?

41
42 MR. DETORE: Right.

43
44 MS. KLOMPUS: Okay, thank you.

45
46 MR. LEVITON: Thank you Stacey. John?
47

1 MR. HARRINGTON: Just one question. I think it piggybacks on
2 Mr. Shalika. You're looking to just run four offices, the
3 professional office, the medical office downstairs?

4
5 MR. DETORE: Three.

6
7 MR. HARRINGTON: Upstairs so four in total.

8
9 MR. DETORE: Three offices.

10
11 MR. ALFIERI: Three total.

12
13 MR. DETORE: Three total.

14
15 MR. ALFIERI: Two upstairs, one down.

16
17 MR. DETORE: Yeah.

18
19 MR. HARRINGTON: Two up and one down, so three?

20
21 MR. ALFIERI: Correct.

22
23 MR. HARRINGTON: Are there any plans for building it out to
24 put more in?

25
26 MR. DETORE: No.

27
28 MR. HARRINGTON: Okay.

29
30 MR. ALFIERI: And I neglected to mention earlier on in
31 response to your question specifically, in 1975 this zone was changed
32 from C3 to the residential. So probably when it was built was in a
33 commercial zone.

34
35 MS. KLOMPUS: It was in a commercial zone.

36
37 MR. ALFIERI: Yeah.

38
39 MS. KLOMPUS: Okay.

40
41 MR. HARRINGTON: And I'm assuming that it's been commercial
42 ever since?

43
44 MR. ALFIERI: Yeah, certainly since the twenty some odd
45 years.

46
47 MR. HARRINGTON: Yeah and no vacancy or?

1 MR. ALFIERI: You've been fully occupied during your
2 ownership?

3
4 MR. DETORE: Fully occupied.

5
6 MR. HARRINGTON: Okay.

7
8 MR. DETORE: For twenty years.

9
10 MR. LEVITON: Thanks John.

11
12 MR. HARRINGTON: Yup.

13
14 MR. LEVITON: Temika?

15
16 MS. LATILLA: I don't have anything.

17
18 MR. LEVITON: Thank you Temika. Patrick?

19
20 MR. HUGHES: So, you're milling and overlaying just the
21 handicapped spot over there?

22
23 MR. DETORE: That's correct.

24
25 MR. HUGHES: Just the handicapped? Was there any, there's no
26 ponding or drainage issues now in the lot, right? And it's not
27 changing the two percent cross look because everything, it's pretty
28 flat there now, right?

29
30 MR. DETORE: Yes.

31
32 MR. HUGHES: And I have one more question as far as
33 deliveries and pick-ups. You don't get any?

34
35 MR. DETORE: I mean they might get an Amazon. I'm sorry they
36 might get an Amazon delivery or UPS, but that's about it.

37
38 MR. HUGHES: And with the medical doctor's office, is there
39 any specific medical waste? I know you said residential.

40
41 MR. DETORE: No.

42
43 MR. ALFIERI: He's a chiropractor. He can't do medicine.

44
45 MR. HUGHES: Okay, but if it's approved for a medical, it
46 could be any type of doctor's office.
47

1 MR. ALFIERI: In theory, yes and then they would have to
2 dispose of medical waste per whatever regulations exist.

3
4 MR. HUGHES: Okay, that's all the questions I have.

5
6 MR. LEVITON: Thanks Pat. Mr. Rizzo, Mr. Maqsood testified
7 that he would meet as a condition of approval all of the suggestions
8 in your report. Do you have anything to say to him to question
9 anything that he's put on the record?

10
11 MR. RIZZO: I appreciate the efforts to comply with the
12 technical comments as part of an approval. I do have some questions
13 beyond that as well if you don't mind.

14
15 MR. LEVITON: So, we'll call Mr. Maqsood back and have at
16 it.

17
18 MR. RIZZO: Yes, so the first thing is the signage. So in my
19 letter, I outlined all the relief that's required. I don't have
20 anything on the signs because until tonight I wasn't sure what the
21 solution was for this sign. So, I know they're shifting it. It's going
22 to technically be a variance. Have you outlined what that variance
23 relief is or the multiple variances? So, we can get them on the record
24 properly.

25
26 MR. MAQSOOD: I would say that it's an existing twelve
27 square foot sign that will need a front yard setback of 0.5 feet.
28 Other than that, I ---

29
30 MR. RIZZO: So, you'll set it off the front property line?

31
32 MR. MAQSOOD: 0.5 feet.

33
34 MR. RIZZO: Six, okay.

35
36 MR. MAQSOOD: Yeah, six inches.

37
38 MR. RIZZO: So, is that one variance you're saying or
39 multiple?

40
41 MR. MAQSOOD: I would think that would be the only variance.
42 I don't think we need a side yard.

43
44 MR. RIZZO: Because signs for the most part aren't permitted
45 so.

46
47 MR. MAQSOOD: Yes.

1 MR. RIZZO: Kind of all encompassing.

2
3 MR. MAQSOOD: Yeah, it's kind of an all-encompassing because
4 the setback is yeah just one portion of that sign, yeah.

5
6 MR. RIZZO: Mr. Marmero, you're you good with that?

7
8 MR. MARMERO: Yeah, I think it's really just the existence
9 of the sign because again we're in a residential area. So, the sign by
10 itself is non-compliant and then just get on the record the location
11 of it which it sounds like from what you're saying is six inches or so
12 from the setback?

13
14 MR. MAQSOOD: Correct.

15
16 MR. ALFIERI: So, the size and location are established and
17 fixed now.

18
19 MR. RIZZO: Okay, and then to make sure the record's clean
20 now for the future, I've asked that your final plan also show that new
21 sign location.

22
23 MR. MAQSOOD: Yup.

24
25 MR. RIZZO: Show the setback, label it twelve square feet,
26 and then provide the detail of the sign as well.

27
28 MR. MAQSOOD: We agree to that.

29
30 MR. RIZZO: Okay, thank you. For the lighting, I understand
31 it's an existing light. It's been that way for a while. Can you show
32 the location of the light on the plan and label the height of it, and
33 then label that it's on a timer? Just testified to.

34
35 MR. MAQSOOD: Yup we agree. We'll revise the plans.

36
37 MR. RIZZO: There was a comment I had about the row of six
38 parking spaces on the left. It's the southern side of your property.

39
40 MR. ALFIERI: Want to pull the plan up just so?

41
42 MR. MAQSOOD: Yeah.

43
44 MR. RIZZO: My opinion is that the rear most space, so
45 really the southernmost parking space, you're going to have some
46 complex pulling in and pulling out of that space. I think there's room
47 to maybe just spin it a little bit or make the orientation a little

1 bit better. Can you take a look at that to make sure that cars can get
2 in and out?

3
4 MR. MAQSOOD: Yes, we'll work with your office to alter that
5 as necessary for better in and out movement.

6
7 MR. RIZZO: Thank you. The floor area for the building, I've
8 noted in my letter, its first floor is 1,496 medical office, second
9 floor is 1,507 square feet professional office and that also was used
10 for the parking calculation. Did you agree with those numbers?

11
12 MR. MAQSOOD: Yes.

13
14 MR. RIZZO: Alright, and I think that's all I have. Thank
15 you.

16
17 MR. MAQSOOD: Thank you.

18
19 MR. LEVITON: Thank you Mr. Rizzo and Mr. Maqsood. Okay,
20 before I go out to the public, let me ask the board if they have any
21 further questions now that Mr. Rizzo has testified. Mr. Pochopin?

22
23 MR. POCHOPIN: Yes sir. So just a question for the engineer,
24 reason why my colleague here had a question about procedures a few
25 minutes ago was because chiropractors still give injections. So that
26 would be hazardous point with medical waste disposal properly and they
27 also have x-ray machines also. So, I'm sure this isn't really in front
28 of the board code of compliance, but there's a lot of different groups
29 from one floor to the other. I'm concerned about x-rays and doing the
30 right thing, and meeting up the codes for egress, and ADA, etc. which
31 I'm sure you're all going through the construction with that.

32
33 MR. ALFIERI: Right and there are annual fire inspections
34 too.

35
36 MR. POCHOPIN: Yes.

37
38 MR. ALFIERI: So that happens, that did happen.

39
40 MR. POCHOPIN: Okay, I just want to make sure everybody's
41 safe on the second floor too.

42
43 MR. ALFIERI: Right, I agree and I did confirm there is an
44 x-ray machine on the first floor.

45
46 MR. POCHOPIN: Okay.

47
48 MS. MOENCH: It's in his letter of intent.

1
2 MR. POCHOPIN: It is? Okay thank you.

3
4 MR. ALFIERI: You're welcome.

5
6
7 MR. LEVITON: Mr. Alfieri, can you get Mr. Detore to put on
8 the record the hours of operation for the chiropractor?

9
10 MR. ALFIERI: Do you know?

11
12 MR. DETORE: Yeah, his hours are 9:00 to 12:00 and then 3:00
13 to 7:00.

14
15 MR. ALFIERI: How many days?

16
17 MR. DETORE: Monday to Friday, actually Monday to Thursday.
18 Friday is just 9:00 to 12:00 and Saturday I believe is 9:00 to 1:00.

19
20 MR. ALFIERI: Right, but we would like if the doctor wants
21 to expand, like fill the gap in the middle of the day, we don't want
22 to be prohibited. We don't have to come back because he wants to open
23 up at 1:00 instead of 2:00 or something like that, but normal business
24 hours I think is safe to say.

25
26 MR. LEVITON: And Mr. Alfieri the sign going forward is
27 going to be fixed, but will its appearance change?

28
29 MR. ALFIERI: It's the exact sign that you saw the picture
30 of. It's just being shifted however many feet.

31
32 MR. RIZZO: I think the board just needs to consider that
33 the sign, it's twelve square feet, six inches off the property line, a
34 future tenant could wish to re-panel that I think within the same
35 parameters that they're proposing tonight. So I think we need to
36 establish those parameters which we've done and understand that it
37 could change, but the proposal it's going to be exactly the same it
38 sounds like.

39
40 MR. LEVITON: Thank you Mr. Rizzo. I have nothing further.
41 Board members? Then at this time I'll go out to the public and ask if
42 there's anyone in attendance who'd like to question one of the expert
43 witnesses who've offered testimony this evening or address the board.
44 Now would be the time.

45
46 MS. MOENCH: Stand at the podium.

47
48 MR. CREESE: Thank you. My name is Kenneth Creese.

1
2 MR. MARMERO: Real quick sir. I have to get you sworn in to.

3
4 MR. CREESE: Oh --- sworn in?

5
6 MR. MARMERO: Yeah, anyone testifying. So if you swear that
7 the testimony you'll provide tonight will be the truth, the whole
8 truth, and nothing but the truth?

9
10 MR. CREESE: So, help me God.

11
12 MR. MARMERO: Okay and what's your name and address for the
13 record sir?

14
15 MR. CREESE: Kenneth Creese 18 Constitution Court.

16
17 MS. MOENCH: Can you talk into the microphone?

18
19 MR. CREESE: 18 Constitution Court Manalapan Block 28.

20
21 MR. MARMERO: Okay go ahead sir.

22
23 MR. CREESE: So, my wife and I are the original owners,
24 moved in January of 1981. My concerns are two. One and I don't know if
25 it's the current owner or the previous owner when they were cleaning
26 up the property either before or after the sale, the land from where
27 the parking lot is as their landscapers cleaned the property, they
28 took out trees and dumped them into the lot between me and my fenced
29 in area.

30
31 MR. LEVITON: Mr. Creese, am I to understand that your
32 property on Constitution backs up directly to the?

33
34 MR. CREESE: No, there is a --- I put in a fence, but I left
35 a barrier because it was hilly and it was natural. I left it there for
36 privacy. I had two posts put in to mark our boundary line. When the
37 landscapers came in and cleaned up that property, they took down one
38 of the posts. Fortunately, my wife was home. She stopped them, but
39 they were dumping the trees and brush into our property as well as
40 whatever property was left for theirs.

41
42 MR. ALFIERI: How long ago was this?

43
44 MR. CREESE: When it was twenty-years ago either when the
45 owner, the previous owner as I said, or the current owner. I don't
46 know who was making. We should've said something at the time, but we
47 caught them. They stopped, but now the problem is that some people are
48 going in there and dumping. I had to have, and thankfully Manalapan

1 had a tire reclamation program this spring, and there were two tires
2 back there and a commercial tire was taken out. There is also some
3 other metal. The area because it's a parking lot and in the middle of
4 the night I can see cars. People are coming in and dumping. So that
5 provides a health hazard, the tires. We know they were all picked up
6 because they become an area for breeding mosquitos.

7
8 MR. LEVITON: Unfortunately, Mr. Creese, these concerns are
9 outside of the jurisdiction of this board. I would suggest in the
10 moment to call and complain to the police department immediately when
11 you uncover dumping in your backyard or behind your property, and I
12 will get on the record, I will ask for Mr. Detore to come back up and
13 answer the questions. Sir, have you ever dumped tires, brush, or
14 anything in that area?

15
16 MR. DETORE: No.

17
18 MR. LEVITON: No, you have not.

19
20 MR. DETORE: I'm not aware of anything being dumped back
21 there either, but look I don't know what happens in the middle of the
22 night.

23
24 MR. LEVITON: Yeah, we're not going to call him a liar.

25
26 MR. ALFIERI: If a neighbor were to contact you and say
27 something's dumped in your back, you'll clean it up. Right?

28
29 MR. DETORE: I'll clean it up.

30
31 MR. ALFIERI: Yeah.

32
33 MR. DETORE: Never heard anything.

34
35 MR. LEVITON: Thank you Mr. Detore.

36
37 MR. CREESE: Well, I'm not saying it's just their property,
38 but they come in and throw the tires in, the two tires that were
39 there.

40
41 MR. LEVITON: I understand you perfectly. The board is
42 sympathetic, but again there's, I don't even know what we would do. I
43 mean unless you catch somebody in the act, people litter all the time.

44
45 MR. CREESE: I understand that. I'm not asking you to stop
46 the littering because you're not, but I'm just saying that as a remedy
47 perhaps the owners would like to put in some sort of shrubbery behind

1 the parking area that would block it or a privacy fence which would
2 eliminate anything like that happening.

3
4 MR. LEVITON: That's a good suggestion and it's under
5 consideration right now. Give us a moment.

6
7 MR. ALFIERI: So, we have photographs of the back of the
8 property with the landscaping. It seems like it's pretty well-
9 buffered, but I don't know. I never really focused on that until I
10 just heard it.

11
12 MR. LEVITON: Mr. Creese.

13
14 MR. CRESE: Yeah, I just know that in my first twenty-one
15 years of living there, I didn't have an issue, but it was when the
16 building was starting to be used more frequently under what the
17 previous owners were. That is when we would start to get the issues
18 with the debris and the tires back there.

19
20 MR. LEVITON: Okay so Mr. Alfieri.

21
22 MR. ALFIERI: Yes.

23
24 MR. LEVITON: Counsel for the applicant has indicated after
25 looking at pictures provided by the applicant that there is a
26 substantial living buffer, a tree line, something, between your
27 property and the subject property. So this board is going to accept
28 that testimony. Again, it's sensitive to your concerns. If there's
29 nothing else, we're going to move on. There are other people who want
30 to testify.

31
32 MR. CREESE: Okay.

33
34 MR. LEVITON: Okay. Thank you, Mr. Creese.

35
36 MR. ALFIERI: And just the photos up that you can see some
37 landscaping there at the rear of the parking lot that was shown by Mr.
38 Detore when he was testifying.

39
40 MR. LEVITON: Thank you Mr. Alfieri. Okay, any other member
41 from the public? I believe I saw. Yes, ma'am? Come on up. Take the
42 microphone. The board attorney, Mr. Marmero, will swear you in.

43
44
45 MR. MARMERO: If you raise your right hand ma'am, I'll get
46 you sworn in. Do you swear the testimony you will provide tonight will
47 be the truth, the whole truth, and nothing but the truth?
48

1 MS. SANDOVAL: Yes.

2
3 MR. MARMERO: Okay, and could you state your name and
4 address for the record please?

5
6 MS. SANDOVAL: Jenny lee Sandoval. I'm at 55 Pease Road.

7
8 MR. LEVITON: How do you spell that?

9
10 MS. SANDOVAL: My last name or first name? My first name is
11 Jenny lee so it's just J-E=N-N-Y-L-E-E. My last name is Sandoval, sand
12 oval, S-A-N-D-O-V-A-L.

13
14 MR. LEVITON: Thank you Ms. Sandoval.

15
16 MS. SANDOAL: So, I just prepared something that I was going
17 to read here. I know some things I might be reading might have already
18 been addressed. I was trying to take notes as you guys were going
19 along and here, we go. Good evening, I live directly next door to 61
20 Pease Road and I want to make clear that our concern is not about the
21 applicant personally. Our concern is about the long term use of this
22 property and preserving the residential character and safety of our
23 neighborhood. The application identifies this property as R20 which is
24 a residential zone and requests a D use variance to permit medical
25 office use on the first floor and professional use on the second
26 floor. It also states that the use is of no change. We understand that
27 the business has been operating there for some time. However, we
28 believe there is an important distinction between an existing use and
29 what the board is being asked to legally authorize going forward. We
30 would like clarification regarding the legal history of the property
31 which some things were. The application lists a previous zoning board
32 of adjustment approval application number 282. We would like to know
33 exactly what the approval authorized and whether the existing
34 chiropractic and professional offices uses were ever legally approved.
35 So, as you guys mentioned earlier, there's x-rays happening at this
36 chiropractic office and to my knowledge, they are not allowed in R20
37 zone. So, I wanted to know if have there been any variances regarding
38 this and how will it be handled moving forward whether they change to
39 other offices or stay the same office? Just moving forward for our
40 safety, we are directly next to them. I also wanted to understand
41 exactly what is being approved in this variance. We understand the
42 current parking analysis is based on the existing chiropractor, one
43 practitioner, and a limited number of patients at a time and the
44 existing professional use, but is this a permanent property, right? If
45 the variance runs with the property, what restrictions will actually
46 prevent a future owner or operator from increasing the number of
47 practitioners, employees, patients, appointments, or hours of
48 operation? Our concern is not simply the amount of traffic that exists

1 today because it is pretty slow, I will say. Our concern is what the
2 property will become after the variance is granted. There's also an
3 established area of professional offices on the Gordons Corner area
4 right off the corner of Gordons Corner that is designed for these same
5 types of uses. We would like to understand what is particularly
6 suitable about this residential property for medical and professional
7 use when there is appropriately zoned offices and medical commercial
8 areas existing right next door and they have ample parking. I would
9 also like to raise a pedestrian safety concern. My son has special
10 needs and there are children in our neighborhood that are routinely
11 picked up along the side of the street exactly around the area where
12 the post, that you're proposing to have removed, that's where the
13 children are picked up from the bus every morning, every afternoon
14 dropped off. So, we are concerned about vehicle movements and cars
15 entering and leaving the parking lot, and again we understand it's low
16 right now, but moving forward once this is put in place as we all know
17 once things get moving, it continues going from there. So, has the
18 traffic analysis specifically evaluated pedestrian and vehicle
19 conflicts during school pick up and drop off periods? That's one of
20 our questions, and ultimately, I'm asking the board to look beyond the
21 fact that the business has been operating there. We're asking whether
22 permanent authorization of a medical and professional office use in
23 this residential zone is consistent with the township's zoning plan
24 and whether the applicant has demonstrated the special reasons
25 required for it, which I understand that you said that very quickly,
26 but I understand there is still some concerns because again we, I am a
27 resident there and I live directly next door and I have concerns for
28 my children.

29
30 MR. ALFIERI: How long have you lived there?

31
32 MS. SANDOVAL: Eight years.

33
34 MR. ALFIERI: So, this was all there when you bought the
35 house?

36
37 MS. SANDOVAL: Yes, but it wasn't to our knowledge that it
38 wasn't appropriately zoned.

39
40 MR. ALFIERI: Well, okay. In the meantime, I think ninety-
41 nine percent of what she just said we responded to. We did not talk
42 about pedestrians and traffic so we could bring John Ray up to talk
43 about that, but we did stipulate that any medical practitioner on the
44 first floor would be limited to one practitioner. So, there would not
45 be an expansion of --- You can't have a five dental chair practice
46 with five doctors there. One doctor, if that doctor sells and/or wants
47 to expand to two doctors, he'd have to come back to this board on

1 notice to the public. So, we're comfortable that the intensity is not
2 going to change.

3
4 MR. LEVITON: Ms. Sandoval, there's a lot to unpack.

5
6 MS. SANDOVAL: Yeah.

7
8 MR. LEVITON: In your statement.

9
10 MS. SANDOVAL: I understand that.

11
12 MR. LEVITON: I'm not sure where to begin. Have you
13 finished? Would you like to finish?

14
15 MS. SANDOVAL: I just want to preserve the area as a
16 residential and ask for that to just remain residential. We're afraid
17 of moving forward what will happen and how many times we'll have to
18 come in front of you guys to present the same issues. That's it.

19
20 MR. LEVITON: Okay, why don't we bring Mr. Ray back and have
21 him address the pedestrian traffic and the methodology of his study
22 and whether or not he conducted any study time during bus pick up
23 and/or drop off.

24
25 MR. RAY: I personally have not been there when there's been
26 a school bus stopping to either pick up or discharge students.
27 However, what I will say is that Pease Road is what we call a
28 collector roadway in terms of the hierarchy of street network and it
29 is not unusual for school bus stops to be located on collector
30 roadways. In many cases, they're located on Route 9 arterial roadways.
31 So it's not out of the ordinary.

32
33 MR. LEVITON: Let me interrupt for the public. A collector
34 road is one that moves traffic within the township.

35
36 MR. RAY: Correct. It's not uncommon for school buses to
37 operate on collector roads, pick up and discharge students. Quite
38 frankly, they do it on, like I said on arterial roadways such as Route
39 9. So there's nothing out of the ordinary with school buses stopping
40 to pick up or discharge children on a collector road.

41
42 MR. LEVITON: Thank you Mr. Ray. Let me call Mr. Detore to
43 address some of the other concerns that I heard. Mr. Detore, Ms.
44 Sandoval has lived next door for eight years and I believe it's her
45 testimony that the chiropractor has been practicing for twenty years
46 at that location. Is that correct?

47
48 MR. DETORE: Yes, yes.

1
2 MR. LEVITON: Ms. Sandoval, you moved in, the chiropractor
3 was there and going forward there is going to be no change.
4

5
6
7 MS. SANDOVAL: Right so my question was whether or not what
8 variance was or was there any variance in place for him to have the x-
9 ray machines there because?

10
11 MR. LEVITON: That's not.
12

13 MS. SANDOVAL: Have we just been exposed? What's happening?
14 If this is the first time, if this is being brought to attention.
15

16 MR. LEVITON: None of those concerns fall within the
17 jurisdiction of this board or are areas of expertise. I can't tell
18 you.
19

20 MS. SANDOVAL: I understand that. The area what I was
21 focusing on was the zoning. So once that is considered R20 zone. So
22 residential so if it's medical and hasn't been all this time if it's
23 not prohibited or it's not allowed in a residential zone, was there
24 any variance in place?
25

26 MR. LEVITON: So, Ms. Daddario testified that this is at the
27 transition. Well, why don't we let her come back up and field the
28 question.
29

30 MR. ALFIERI: That could be the planning testimony, but the
31 factual testimony was that Mr. Detore obtained from the zoning
32 officers, approvals every time any occupant including the doctor came
33 there. So, they didn't get a variance, but whatever the zoning officer
34 determined twenty plus years ago was because they may have had records
35 then that determined that it was simply a change from one commercial
36 use to another. We don't know how that evolved.
37

38 MR. MARMERO: And there is, our packet does have a
39 resolution. So, there is a historic resolution in the packet which
40 looks like it's from 1982. That's the resolution when there was a
41 variance granted to allow an auto rental business to operate from
42 there and it looks like the findings of fact at the time were that the
43 applicant owned the property. The property was located in the C2 zone
44 which was a commercial zone. So, everything was commercial, so it
45 would be permitted. This variance was sought simply because it wasn't
46 specifically referenced in the code that an auto rental business could
47 operate from there. So, they got a variance to allow the auto rental
48 business. The resolution indicates that the property is presently used

1 as office space. The applicant testified he hasn't been able to fully
2 rent the building so is seeking this use. It's a C2 zone, commercial
3 zone. It looks like it started as a commercial zone, changed to
4 residential at some point and the only historic variance seems to be
5 this auto rental business variance that exists.

6
7 MR. LEVITON: So, Ms. Sandoval, it was commercial when the
8 rental car agency came before this board and got a variance relief to
9 operate the business out of that establishment and since then,
10 subsequent to that, the ordinance has changed, the zoning has changed
11 and now that it's no longer C2, this is what we call an existing, non-
12 conforming use.

13
14 MS. SANDOVAL: Okay.

15
16 MR. LEVITON: So, they're asking to legitimize what's been
17 going on there. It's.

18
19 MR. ALFIERI: And not expand.

20
21 MR. LEVITON: And not expand. It's going to be no different
22 than what you have and we can't give you any insurances going forward
23 except to tell you that should you see anything that doesn't feel
24 right, let us know.

25
26 MS. SANDOVAL: And then we come back to this same zoning
27 board again?

28
29 MR. LEVITON: If they need to change anything, yes.

30
31 MS. SANDOVAL: So, every time, there's a new tenant?

32
33 MR. LEVITON: No, no any time there's a change in use.

34
35 MS. SANDOVAL: Okay.

36
37 MR. LEVITON: That isn't what the zone allows for.

38
39 MS. SANDOVAL: So, if the zone allows for medical use, then
40 they can be?

41
42 MR. LEVITON: Yes.

43
44 MS. SANDOVAL: Any type of medical use? Is there a
45 guideline, a limit to what type of medical use?

46
47 MR. LEVITON: Mr. Alfieri?

1 MR. ALFIERI: What's going to happen is that the zoning
2 officer will look at the next user whoever that is and make sure that
3 user is comparable or similar to what's there today. If it has a
4 different parking demand or some other thing that would deviate from
5 what's there now, that zoning officer will not approve it and will
6 make the new tenant come back to this board, but if it's similar, he
7 has the authority to sign off.

8
9 MR. LEVITON: The zoning officer is our administrator. He's
10 not in attendance this evening, but that is the way he conducts the
11 office. It's consistent with his prior practice.

12
13 MS. SANDOVAL: Okay.

14
15 MR. LEVITON: Okay.

16
17 MS. SANDOVAL: And ---

18
19 MR. LEVITON: Thank you Ms. Sandoval. Is there anyone else?
20 Sir?

21
22 MR. MEIER: From that conversation.

23
24 MR. LEVITON: Hold on.

25
26 MR. MARMERO: Let me just get you sworn in real quick sir.

27
28 MR. LEVITON: I haven't said it, but the proceedings are
29 transcribed and then they're recorded and later transcribed. So it's
30 very important that you speak into the microphone and get sworn in.

31
32 MR. MAMRERO: Do you swear the testimony you'll provide
33 tonight will be the truth, the whole truth, and nothing but the truth?

34
35 MR. MEIER: I do.

36
37 MR. MARMERO: Okay and could you state your name and address
38 for the record sir?

39
40 MR. MEIER: John, last name is M-E-I-E-R, Meier.

41
42 MR. LEVITON: Welcome Mr. Meier.

43
44 MR MEIER: What's that?

45
46 MR. LEVITON: Welcome.

47
48 MR. MEIER: Thank you very much.

1
2 MR. RIZZO: Your address?

3
4 MR. MEIER: From the conversation here.

5
6 MR. LEVITON: Oh Mr. Meier, Mr. Rizzo has asked what is your
7 address?

8
9 MR. MEIER: I'm sorry?

10
11 MR. RIZZO: Did you give your address?

12
13 MR. Alfieri: Address.

14
15 MR. MEIER: My address? 56 Pease Road.

16
17 MR. RIZZO: Thank you.

18
19 MR. LEVITON: Okay Mr. Meier.

20
21 MR. MEIER: Okay. From the conversation prior to this, that
22 property is commercial now?

23
24 MR. LEVITON: Yes.

25
26 MR. MEIER: Because that was a concern. I live across the
27 street from there. Obviously, but I think the concern with my fellow
28 neighbors is that going forward it's going to be a one doctor office
29 down below and then two offices above. How does that get enforced
30 when, going forward? How does that get enforced? So that we make sure
31 that it doesn't turn into a McDonald's or a sandwich shop or something
32 like that?

33
34 MR. RIZZO: So, the zoning officer any time a new tenant
35 comes in has to review a permit for that occupancy and that zoning
36 officer should pull all the old files. So, they're going to review all
37 the resolutions in the past. With an approval tonight, this would be
38 one of them. So ---

39
40 MR. MEIER: So, it's going to say that office is only
41 rentable as a medical office?

42
43 MR. RIZZO: Medical office on the first floor, professional
44 office on the second floor. Any professional on the first floor, no
45 good. It's medical on the first floor, professional office second
46 floor and that's the only thing that he can permit through the zoning
47 office. Any deviation from that other than the permitted uses in the

1 ordinance would require an application back to this board to deviate
2 from it.

3
4 MR. MARMERO: I think one way to sum it up too is right now
5 you have all of these things operating there and there's no resolution
6
7 anyone can look at. This would now establish a resolution as to what
8 can be there and whatever's in that resolution is what's there.

9
10 MR. MEIER: Okay and the upstairs would be just office?

11
12 MR. ALFIERI: But non-medical.

13
14 MR. MEIER: Non-medical.

15
16 MR. ALFIERI: It would be no medical allowed on the second
17 floor.

18
19 MR. MEIER: Okay I think that's our --- We live there. For
20 us, we'd rather see it torn down and a house put there, but I mean
21 it's got this new commercial. But that's our concern. We want to know
22 that somebody from here is going to monitor that and make sure that it
23 stays a medical office.

24
25 MR. MARMERO: Yeah, if they get this approval tonight there
26 will be a document that establishes what can be there. Anything above
27 and beyond that would require them to come back here.

28
29 MR. MEIER: Thank you very much.

30
31 MR. MARMERO: Sure, thank you.

32
33 MR. LEVITON: Thank you Mr. Meier. Anyone else? Mr. Creese,
34 you can come back. You're still under oath.

35
36 MR. CREESE: Thank you. So it's one medical office?

37
38 MR. LEVITON: Yes.

39
40 MR. RIZZO: One practitioner, yes.

41
42 MR. CREESE: And I believe I heard one practitioner?

43
44 MR. LEVITON: Yes.

45
46 MR. CREESE: So, are you telling me that the practitioner
47 now cannot bring in an associate?
48

1 MR. ALFIERI: Not without coming.

2
3 MR. CREESE: How do you stop that?

4
5 MR. ALFIERI: Not without coming back here. If you see that,
6 you'll call the town and they have the right to enforce it.

7
8 MR. CREESE: Well, no I'm not going to stand there and look
9 to see if there's two practitioners. I understand what Mr. Rizzo said
10 that if it changes in the type of medical doctor, it is, but what
11 stops a doctor that's been there for twenty years from bringing in an
12 associate and that would increase the number of parking spaces?

13
14 MR. ALFIERI: He's not allowed to do it. It's just like.

15
16 MR. CREESE: How is it not allowed?

17
18 MR. ALFIERI: What's stopping you from renting your house to
19 ten other families?

20
21 MR. CREESE: The zoning board.

22
23 MR. ALFIERI: It's the same thing. That's what this is, the
24 same exact thing.

25
26 MR. CREESE: But this is the zoning board, but you're
27 limiting a practicing physician from bringing in an associate. Is
28 there a law against that?

29
30 MR. ALFIERI: No.

31
32 MR. CREESE: Is there a law in the township that says only
33 one doctor per office?

34
35 MR. RIZZO: No, this use is not permitted so they're
36 specifically outlining what they want.

37
38 MR. CREESE: It's specifically outlining just one doctor?

39
40 MR. RIZZO: That's what they're proposing. They could
41 propose three if they'd like, but they're proposing one.

42
43 MR. CREESE: And that's going to be settled that it's just
44 one doctor in that office?

45
46 MR. RIZZO: Yes, that's how an approving resolution would
47 read, correct.

1 MR. CREESE: So, if I see under the doctor's name, another
2 associate doctor.

3
4 MR. RIZZO: Yes, you may call.

5
6 MR. CREESE: We're coming here, we call you and.

7
8 MR. RIZZO: Not to the zoning board. You're going to go to
9 the zoning office.

10
11 MR. CREESE: Or the police as Mr. Leviton said.

12
13 MR. RIZZO: Not the police for that matter. That would be a
14 zoning officer matter.

15
16 MS. MOENCH: You're going to come to our office.

17
18 MR. CREESE: Yeah, I understand that.

19
20 MR. RIZZO: --- no business.

21
22 MR. CREESE: I just don't understand how you can limit a
23 practicing doctor to not bring in an associate.

24
25 MR. RIZZO: --- the proposal is so no medical office
26 permitted. They're proposing, they're requesting a use variance to
27 propose one practitioner and a medical office.

28
29 MR. LEVITON: Mr. Creese, when a use variance is granted,
30 this board has the authority to impose conditions like lighting,
31 signage, striping.

32
33 MR. CREESE: Oh, so you can propose a fence?

34
35 MR. LEVITON: And we are imposing.

36
37 MR. CREESE: For my back of the parking lot?

38
39 MR. LEVITON: We could have yes, but they've adequately
40 established that there is a buffer between your property. So we've
41 moved on from that, but this application, if it's going to be
42 approved, will set forth for all time a condition that only one
43 practitioner may occupy that space. If that's going to change, they
44 will need to revisit the zoning board of adjustment for a new
45 application.

46

1 MR. CEESE: So, it really is not for all time. It's next
2 time somebody wants to make a change, they're coming here and doing
3 this again.

4
5 MR. LEVITON: Yes sir.

6
7 MR. CREESE: So that you can approve it.

8
9 MR. LEVITON: Yes, sir or deny it.

10
11 MR. CREESE: Okay.

12
13 MR. LEVITON: Okay.

14
15 MR. CREESE: We'll have to see that.

16
17 MR. LEVITON: Thank you again Mr. Creese. Is there anyone
18 else? Okay Mr. Meier there's someone new before we recall you. Okay
19 Mr. Meier what is it you would like to say?

20
21 MR. MEIER: I just hearing this here.

22
23 MR. LEVITON: Hold the microphone to your mouth please.

24
25 MR. MEIER: In hearing this here, just a suggestion to solve
26 a couple of problems. If you have the authority to recommend lighting
27 or some other changes, this parking lot being an issue for this
28 gentleman and some others perhaps a consideration for this approval
29 would be a fence on what would be the south side and the west side
30 that not totally encasing it, but that would eliminate that and that
31 would eliminate, help the environmental portion of the where our peers
32 and other people can --- that. Just a thought. It might eliminate a
33 lot of things and make a lot of people happy.

34
35 MR. LEVITON: Thank you Mr. Meier. Ma'am? Sir? Hello.

36
37 MR. MARMERO: If you raise your right hand, I'll get you
38 sworn in. Do you swear you'll provide tonight will be the truth, the
39 whole truth, and nothing but the truth?

40
41 MR. MEIER: Yes.

42
43 MR. MARMERO: Okay. Could you state your name and address
44 for the record sir?

45
46 MR. MEIER: My name is Steven Meier M-E-I-E-R. Yes, I am
47 related to him. I live at 2 Timber Lane Manalapan, New Jersey.

1 MR. MARMERO: Okay go ahead sir.

2
3 MR. MEIER: I lived there for forty years. So I know Mr.
4 Grabowski who originally owned the building and I know he lived there
5 and he then moved to Timber Lane. So I know pretty much the whole
6 history there, but I have a question. When you say professional
7 building second floor, how is that defined? Because I know one time
8 there was an exercise place on the second floor where you get six or
9 seven cars parking in the lot.

10
11 MR. ALFIERI: That's not allowed.

12
13 MR. LEVITON: That is not a permitted use. Tonight, there
14 has been testimony offered onto the record that indicates that one of
15 the professions upstairs is weight loss management and that it's only
16 administrative. There are no clients exercising. That is not a
17 permitted use. There are two office spaces upstairs that will be
18 permitted going forward.

19
20 MR. ALFIERI: And professional office is specifically
21 designed in your ordinance. So that would be what would be permitted
22 and we stipulated that no medical because that's also a professional
23 office could occupy the second floor.

24
25 MR. MEIER: So, you couldn't put an exercise business in
26 there?

27
28 MR. ALFIERI: Exercise is not a permitted. It's not a
29 professional office use so it would not be permitted.

30
31 MR. MEIER: Okay, that's it. Thank you.

32
33 MR. LEVITON: Thank you Mr. Meier. Anyone else? Hello ma'am.
34 How are you?

35
36 MS. SING: I'm okay.

37
38 MR. MARMERO: I'll get you sworn in ma'am if you raise your
39 right hand. Do you swear the testimony you'll provide tonight will be
40 the truth, the whole truth, and nothing but the truth?

41
42 MS. SING: I do.

43
44 MR. MARMERO: Okay and your name and address ma'am?

45
46 MS. SING: Cris C-R-I-S Sing S-I-N-G and I'm at 60 Pease
47 Road, directly across.

1 MR. MARMERO: Great, okay thank you.

2
3 MS. SING: So, I just wanted to know, is there an inspection
4 every year?

5
6 MR. ALFIERI: Fire.

7
8 MS. SING: That the township goes in to inspect to see that
9 everything is still up to code?

10
11 MR. ALFIERI: Fire inspection every year.

12
13 MS. SING: Okay so not utilization or anything like that?
14 Except for the x-rays probably for the chiropractor that has to do.
15 Yeah, we were just concerned that they might be tearing down trees.

16
17 MR. ALFIERI: Not touching the property.

18
19 MS. SING: Okay because the deer are all over the place.
20 They have nowhere to go and also that there's not going to be any
21 major lighting or signage on the building.

22
23 MR. ALFIERI: Lighting and signage, exactly what you see
24 except for that one free-standing sign is going to be moved a few feet
25 closer to the building. That's it.

26
27 MS. SING: Okay alright, thank you.

28
29 MR. LEVITON: Thank you Ms. Sing. Someone else?

30
31 MS. SANDOVAL: This is my last.

32
33 MR. LEVITON: Ms. Sandoval, what can we do for you?

34
35 MS. SANDOVAL: - - - after hearing the back and forth.

36
37 MR. LEVITON: Yeah.

38
39 MS. SANDOVAL: I wanted to know if can the zoning officer
40 supersede a use variance?

41
42 MR. RIZZO: No.

43
44 MR. LEVITON: No.

45
46 MS. SANDOVAL: No.

47
48 MR. LEVITON: This is.

1
2 MS. SANDOVAL: So, in the future if they want to put up a
3 sign with a thing that is also covered by this as well? They have to
4 come back if they want to put a huge sign?

5
6 MR. RIZZO: They're proposing a twelve square foot sign, six
7 inches off the property line.

8
9 MS. SANDOVAL: Yeah.

10
11 MR. RIZZO: If it's approved that would go in the
12 resolution. If they want to put a fourteen square foot sign, they need
13 to come back to this board.

14
15 MS. SANDOVAL: Right.

16
17 MR. RIZZO: And seek variance relief.

18
19 MS. SANDOVAL: That I completely understand. It's just
20 everything we understand and again it's nothing to --- at all.

21
22 MR. LEVITON: So, it does.

23
24 MS. SANDOVAL: It's just in the future. Everything for us is
25 in the future because right now as it is, it's fine. It's in the
26 future, how is it going?

27
28 MR. MARMERO: Yeah.

29
30 MR. RIZZO: Yeah so, any sign other than twelve square feet
31 and six inches off the front property line would require review from
32 this board.

33
34 MS. SANDOVAL: And lighting?

35
36 MR. ALFIERI: Any change of lighting we've stipulated the
37 lighting will be on the plan, the final plans. So, if they change,
38 they have to come back.

39
40 MS. SANDOVAL: Okay.

41
42 MR. MARMERO: Yeah, this will legitimize the status quo.
43 Anything above and beyond the status quo, they'll be back here.

44
45 MS. SANDOVAL: Okay.

46
47 MR. RIZZO: And if you see a new sign, you can report it to
48 the zoning office.

1
2 MS. SANDOVAL: Okay, and I do want to testify.

3
4 MS. MOENCH: You need to speak into the mic.

5
6 MR. LEVITON: Into the microphone.

7
8 MS. SANDOVAL: I'm sorry. I just wanted to speak up about
9 what he's saying about the property use. I'm sorry, but it is very
10 unkept. We constantly have to, we are right next door, so we're
11 constantly just for the record having to deal with our kids going over
12 the snow and never cutting the grass and none of that being. The trees
13 are in the pathway and in the past, I've had to trim, but I haven't
14 lately because it's not my property, but it's just I wanted to attest
15 to that. That it is true that it is very unkept.

16
17 FEMALE VOICE: ---

18
19 MR. LEVITON: Ma'am you cannot speak because you do not have
20 a microphone.

21
22 FEMALE VOICE: I just wanted - - -

23
24 MR. LEVITON: And you have not been sworn in. Ms. Sandoval.

25
26 MS. SANDOVAL: Thank you guys for everything and again we
27 just want to keep it residential. Everything is moving very fast in
28 this town. There's a lot more people in town. There's a lot more
29 businesses in town. We are new ourselves so we just would like to keep
30 it a residential zone and would like our voices to be heard in that
31 aspect. We don't want any big major spaces coming right to our
32 neighborhood and in front of our children and our lives.

33
34 MR. LEVITON: Thank you again. Anyone else?

35
36 MR. CREESE: Can I get up one more time?

37
38 MR. LEVITON: Yes sir, but try not to repeat yourself.

39
40 MR. CREESE: I will try that.

41
42 MR. LEVITON: And please keep it brief.

43
44 MR. CREESE: I'm going to try that too, but there is a
45 transcript of this meeting. Correct?

46
47 MR. LEVITON: There will be, yes.

48

1 MR. CREESE: There will be. Is that available for all of us
2 residents to get a copy of that we can keep so that I could see when
3 another doctor moves in?

4
5 MR. LEVITON: Yes sir.

6
7 MR. CREESE: Okay good.

8
9 MR. LEVITON: You can come down to the building here
10 downstairs to the zoning office.

11
12 MS. MOENCH: No.

13
14 MR. LEVITON: Scratch that.

15
16 MS. MOENCH: No, you have to file an open public records
17 request once the minutes are approved and then we can give it to you.

18
19 MR. CREESE: Okay so we will get a copy. It's not we have to
20 come here.

21
22 MR. LEVITON: You have to file an OPRA request.

23
24 MR. CREESE: Right.

25
26 MR. LEVITON: Okay.

27
28 MR. CREESE: I understand that.

29
30 MR. LEVITON: Ms. Moench, where would he do that?

31
32 MS. MOENCH: You could do it right online on the mtnj.org
33 under residents. There's a OPRA form, O-P-R-A.

34
35 MR. LEVITON: And how long will that take one he's?

36
37 MS. MOENCH: Seven to ten days.

38
39 MR. CREESE: Alright, just one more question and I'll make
40 it brief.

41
42 MR. LEVITON: Yes sir.

43
44 MR. CREESE: Residents are, there are certain ordinances or
45 certain things that a residency has to maintain their property,
46 correct?
47

1 MR. LEVITON: Well, if the property is in a state of
2 disrepair such that it becomes an eyesore, the township will address
3 it themselves and they'll seek to it that it's fixed. Mr. Marmero, can
4 you speak to that?

5
6 MR. MARMERO: Yeah, I mean there's code enforcement
7 standards, sure.

8
9 MR. CREESE: So, does that apply to commercial properties
10 too?

11
12 MS. MOENCH: Yes.

13
14 MR. LEVITON: Sure.

15
16 MR. MARMERO: It applies to all properties, yes.

17
18 MR. CREESE: So, with respect to what the previous lady
19 said, the back of this property here, this building is totally unkept.

20
21 MR. LEVITON: Well.

22
23 MR. CREESE: So, we can reach out?

24
25 MR. LEVITON: I'm going to cut you off Mr. Creese. It's got
26 to look like it's been uninhabited for a year before it's going to
27 trigger a response.

28
29 MR. CREESE: Oh yeah well, I would think a couple of tires
30 in the back of it and a stainless steel pipe makes it look that way.

31
32 MR. LEVITON: Again, as I've counseled you, I hope that in
33 the moment when you catch them littering that you ring the alarm
34 bells.

35
36 MR. CREESE: But that's two different points. That's two
37 different points.

38
39 MR. LEVITON: And that we bring these folks to justice.

40
41 MR. CREESE: You said if I catch them.

42
43 MR. LEVITON: Yes.

44
45 MR. CREESE: And then he just said that if it looks like or
46 you said uninhabited and unkept.

47
48 MR. LEVITON: Yes.

1
2 MR. CREESE: Tires laying in the back of the property and a
3 stainless steel pipe means that it was unkept.
4

5 MR. LEVITON: Mr. Creese, I've extended to your
6 extraordinary latitude. This is not supposed to be a dialogue back and
7 forth. I've heard your concerns. The board has heard your concerns.
8

9 MR. CREESE: Okay.
10

11 MR. LEVITON: Someone else wants to speak. Let's invite her
12 up. Ma'am?
13

14 MR. MARMERO: If you raise your right hand, I'll get you
15 sworn in ma'am. Do you swear the testimony you'll provide tonight will
16 be the truth, the whole truth, and nothing but the truth?
17

18 MS. MARTINEZ-DOUBRASKI: Yes.
19

20 MR. MARMERO: Okay and can you state your name and address
21 for the record please?
22

23 MS. MARTINEZ-DOUBRASKI: My name is Moraima M-O-R-A-I-M-A
24 Martinez-Doubraski D-O-U-B-R-A-S-K-I. I live at 54 Pease Road. My
25 question is what's considered professional offices? Who can say that a
26 telemarketer doesn't come in and bring in ten telephone lines and
27 decide this is my professional office? This is what I'm going to be
28 doing out here.
29

30 MR. LEVITON: Ms. Martinez-Doubraski, forgive me, Ms.
31 Martinez-Doubraski, a professional office is delineated within the
32 ordinance according to Mr. Alfieri. We take him at his word. Beyond
33 that, if a telemarketer wanted to come in and occupy the space, it's a
34 change of use. They would need to come to see our administrator, the
35 zoning administrator officer, and if it's a similar use, if it's not
36 going to be substantially different that variance relief is required,
37 he'll authorize it. So he's the one who determines it, but I would
38 suggest common sense dictates what a professional office is. This
39 applicant has stipulated that there won't be any medical use upstairs
40 even though that is professional.
41

42 MS. MARTINEZ-DOUBRASKI: And if the building today is not
43 conforming, why is it allowed when the sellers have been forced to
44 tear down anything non-conforming in there before sale?
45

46 MR. LEVITON: So, because the zoning has changed whereas the
47 commercial use was compliant at one time.
48

1 MS. MARTINEZ-DOUBRASKI: So this is only for commercial?
2

3 MR. LEVITON: It is not zoned for commercial, but this board
4 has the capacity to allow the commercial use to exist there. That's
5 what the variance is going to do if it's approved and going forward it
6 will be permitted and it will be legitimate.
7

8 MS. MARTINEZ-DOUBRASKI: Okay, thank you.
9

10 MR. LEVITON: You're welcome. Thank you Ms. Martinez-
11 Doubraski. Anyone else? Okay, so we've heard from the public. Let me
12 go back out to my professionals. Let's ask Mr. Alfieri, is there
13 anything you want to say in a summative way?
14

15 MR. ALFIERI: Yes, just briefly. The important thing to
16 remember is that we're not asking you for permission to build a new
17 commercial use in a residential zone. This commercial use predated the
18 zone change. It's been operating without I mean you heard. I'm
19 surprised that so many people showed up for such what I think is a
20 pretty innocuous use. No one's other than dumping that is illegal and
21 it's not done by my client or the occupants. It's somebody, who knows
22 who's doing it. There are really no operational problems that we heard
23 of. There are no traffic issues, no parking issues. A lot of times
24 there's office space where it's overparked and people are parking on
25 the street and causing traffic jams. None of that's happening here and
26 we've narrowly defined exactly what we want to do on this site so we
27 could avoid any problems going forward in the future. It'll give Brian
28 Boccanfuso a road map for any changes to uses going forward and
29 essentially legalizes something and defines what could be done on this
30 property that's been going on for thirty or forty years potentially.
31 So we request that the board grant the approval with all the
32 conditions that we've stipulated to.
33

34 MR. LEVITON: Thank you Mr. Alfieri. Just to revisit my
35 professionals, Ms. Wenger. Anything further from you?
36

37 MS. WENGER: No, nothing further.
38

39 MR. LEVITON: Mr. Rizzo?
40

41 MR. RIZZO: No, thank you. I'm all set.
42

43 MR. LEVITON: Mr. Marmero?
44

45 MR. MARMERO: Sure, so just to sum up the application and
46 any potential motion or resolution that the board is going to offer.
47 So obviously you've heard testimony regarding the necessary use
48 variance. We've examined some of the prior approvals and it looks like

1 the property was zoned C2 at some point. It was a commercial use
2 consistent with zoning. At some point that zoning changed. The
3 applicant is now seeking a use variance and then there's bulk
4 variances that come along with the use variance which we've heard
5 testimony about. The use variance itself is to permit this commercial
6 use which is technically not permitted in this zone and the commercial
7 use that the applicant is seeking is to be a medical office on the
8 first floor with one practitioner and then professional office space
9 on the second floor which is currently two units. We heard testimony
10 from the applicant and our professionals regarding some of the bulk
11 variances which is the existing lot depth issue, the existing front
12 yard setback, the existing rear yard setback. We heard testimony
13 regarding the location of the sign which would have approximately a
14 six inch setback because it's being moved out of the right-of-way. We
15 heard testimony regarding the parking spaces with a total of fourteen
16 spaces that are being proposed. We heard testimony regarding the
17 parking space size variance where ten feet would be required for
18 width, but nine is proposed. Similarly with the ADA parking spaces, a
19 width of twelve feet where eleven is being proposed and then of course
20 the existence of the sign itself in a residential area. In terms of
21 conditions that were placed on the record, again the use variance
22 itself. There was testimony that there would only be one practitioner
23 in connection with the medical use and then of course as we referenced
24 the professional office space on the second floor are two units. The
25 applicant testified that they would show the location of any lighting
26 on the plan. They would show the relocation or the new location of the
27 sign on the plan. The applicant did provide testimony that they would
28 work with the board's engineer on logistics to get in and out of that
29 rear parking space and the applicant testified that they would address
30 all comments on the planner and the engineer's report.

31
32 MR. LEVITON: Comprehensive as always. Thank you, sir.

33
34 MR. MARMERO: Sure, thank you.

35
36 MR. LEVITON: Okay board, anything further from any of you?
37 Any concerns or issues? Seeing none, then I'll ask that one of you
38 make a motion.

39
40 MR. SHALIKAR: I'll make a motion to approve the application
41 with all stipulated conditions.

42
43 MR. LEVITON: Thank you Mr. Shalikar and thank you Mr.
44 Wechsler for the second.

45
46 **ROLL CALL**

47
48 MS. MOENCH: Mr. Shalikar?

1
2 MR. SHALIKAR: Yes.

3
4 MS. MOENCH: Mr. Mantagas?

5
6 MR. MANTAGAS: Yes.

7
8 MS. MOENCH: Mr. Wechsler?

9
10 MR. WECHSLER: Yes.

11
12 MS. MOENCH: Mr. Pochopin?

13
14 MR. POCHOPIN: Yes.

15
16 MS. MOENCH: Ms. Klompus?

17
18 MS. KLOMPUS: Yes.

19
20 MS. MOENCH: Mr. Harrington?

21
22 MR. HARRINGTON: Yes.

23
24 MS. MOENCH: Chair Leviton?

25
26 MR. LEVITON: Yes, congratulations.

27
28 MR. ALFIERI: Thank you very much everyone.

29
30 MR. LEVITON: You're welcome. Thank you, sir. Professionals,
31 we thank you and you're excused. Will someone move to adjourn?

32
33 MS. KLOMPUS: I'll move to adjourn.

34
35 MR. LEVITON: Before you do that, hold that. Let me just go
36 out to the public and ask if there's anyone who wants to address the
37 board on non-agenda items.

38
39 MS. SANDOVAL: I just want to ---

40
41 MR. LEVITON: Yes, Ms. Sandoval.

42
43 MS. SANDOVAL: I just don't understand.

44
45 MR. LEVITON: Hold the microphone.

46
47 MS. MOENCH: You need to adjourn.

48

1 MS. SANDOVAL: I just wanted to understand why it flipped
2 from residential, from commercial back to residential.

3
4 MR. LEVITON: That I can't tell you, but zoning overlays or
5 changes occur from time to time. It's not unusual.

6
7 MS. SANDOVAL: So multiple places throughout the township
8 can just flip flop back and forth?

9
10 MR. LEVITON: Yeah absolutely. Yeah, not back and forth, not
11 back and forth, but they change and sometimes back and forth I guess.
12 I can't say with any certainty, but changes occur all the time for a
13 multitude of reasons.

14
15 MS. SANDOVAL: In many municipalities?

16
17 MR. LEVITON: You're welcome and now.

18
19 MS. SANDOVAL: In many municipalities? Not just Jersey, not
20 just this township? In many states it does happen?

21
22 MR. LEVITON: Yeah, Mr. Meier.

23
24 MR. MEIER: If the owner of the property decides to tear it
25 down and build something else, is that permissible?

26
27 MR. RIZZO: Is this? Is this non-agenda items?

28
29 MR. MARMERO: Back into the application.

30
31 MR. LEVITON: It's okay. I'm going to --- There's so few
32 people. I'm going to allow it. These are our neighbors. They have
33 concerns. It's fine.

34
35 MR. MEIER: The sale is very low in terms of the property
36 value.

37
38 MR. LEVITON: This board cannot consider any monetary.

39
40 MR. MARMERO: I can answer his question. If they tear it
41 down and they rebuild, it would have to be residential. They would
42 abandon the use.

43
44 MR. MEIER: So if you tear it down?

45
46 MR. LEVITON: That's it.

47
48 MR. MEIER: Then it comes back to residential?

1
2 MR. LEVITON: Yes sir.
3
4 MR. MEIER: I thank you all for your time.
5
6 MR. LEVITON: Okay, will someone move to adjourn?
7
8 MS. LATILLA: I'll move to adjourn.
9
10 MR. LEVITON: Thank you Ms. Latilla and will someone second
11 that?
12
13 MR. POCHOPIN: Second.
14
15 MR. LEVITON: Okay, thank you Mr. Pochopin. You're welcome.
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