MEETING IS CALLED TO ORDER:

MR. LEVITON: Call our meeting to order. Good evening, everyone. Would you please join me in a salute to our flag?

SALUTE TO THE FLAG

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

ROLL CALL

MS. MOENCH: Mr. Shalikar?

MR. SHALIKAR: Here.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Here.

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Here.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Here.

MS. MOENCH: Ms. Klompus?

MS. KLOMPUS: Here.

MS. MOENCH: Mr. Harrington?

MR. HARRINGTON: Here.

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

MS. LEVENSON: Here.

MS. MOENCH: Ms. Latilla?

MS. LATILLA: Here.

MS. MOENCH: Mr. Hughes?

MR. HUGHES: Here.

MS. LEVITON: Chair Leviton?

MR. LEVITON: I am here. Okay, our first order of business is to accept the minutes from September 3rd. What is the board's pleasure?

MS. LATILLA: I'll make a motion to accept.

MR. LEVITON: Thank you Ms. Latilla. Will someone second it?

MR. POCHOPIN: I'll second it.

MR. LEVITON: Thank you Mr. Pochopin.

ROLL CALL

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Yes.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Yes.

MS. MOENCH: Mr. Harrington?

MR. HARRINGTON: Yes.

MS. MOENCH: Ms. Levenson?

MS. LEVENSON: Yes.

MS. MOENCH: Ms. Latilla?

MS. LATILLA: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Yes. We need to accept the minutes for September 17th as well. Will someone move to do so?

MR. HARRINGTON: I'll make a move. I'll move.

MR. LEVITON: Thank you Mr. Harrington. Will someone second that?

MR. MANTAGAS: I'll second it Mr. Chairman.

MR. LEVITON: Thank you Mr. Mantagas.

ROLL CALL

MS. MOENCH: Mr. Shalikar?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Yes.

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Yes.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Yes.

MS. MOENCH: Ms. Klompus?

MS. KLOMPUS: Yes.

MS. MOENCH: Mr. Harrington?

MR. HARRINGTON: Yes.

MS. MOENCH: Ms. Latilla?

MS. LATILLA: Yes.

MS. MOENCH: Mr. Hughes?

MR. HUGHES: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Yes. Mr. Marmero, there's a resolution that needs to be memorialized.

MR. MARMERO: Sure Mr. Chair. So you have a resolution tonight for application ZBE2506. For this application, the applicant is seeking use variance approval to utilize an existing two-story building for medical office purposes on the first floor, professional office purposes on the second floor. Together there was some bulk variances for parking and site improvements.

MR. LEVITON: Thank you counselor. Will someone make a motion?

MS. KLOMPUS: I'll make the motion to accept it.

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

MR. HARRINGTON: And I'll second.

MR. LEVITON: Thank you Mr. Harrington.

ROLL CALL

MS. MOENCH: Mr. Shalikar?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Yes.

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Yes.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Yes.

MS. MOENCH: Ms. Klompus?

MS. KLOMPUS: Yes.

MS. MOENCH: Mr. Harrington?

MR. HARRINGTON: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Yes. If you are here this evening for application ZBE2505, PRC Development Company, Incorporated, that

application will not be heard this evening. It's been carried to 12/3/26 and there will be no further noticing. Our only public hearing this evening is on number 2623, Mr. Pugliese. Are you here?

MR. PUGLIESE: Pugliese.

MR. LEVITON: Pugliese.

MR. PUGLIESE: Pugliese.

MR. LEVITON: Pugliese.

MR. PUGLIESE: Yes.

MR. LEVITON: Come on up sir. Our board attorney, Mr. Marmero, will swear you in.

MR. MARMERO: Yes sir, if you raise your right hand. Do you swear the testimony you will provide tonight will be the truth, the whole truth, and nothing but the truth?

MR. PUGLIESE: I do.

MR. MARMERO: Okay.

MR. LEVITON: Mr. Pugliese, make yourself comfortable and turn on your microphone. You'll see the green light come on.

MR. PUGLIESE: I believe it's on.

MR. LEVITON: Okay wonderful.

MR. PUGLIESE: No, it's not. I see a green light on there.

MR. LEVITON: Just press the bar.

MR. PUGLIESE: There you go.

MR. LEVITON: Outstanding and pull it closer. Dynamite, okay Mr. Pugliese, you're here tonight for the encroachment into the side setback from your pool pavers and the rear setback. Tell the board what brings you here and what it is that you need from us.

MR. PUGLIESE: So I installed a pool last year and applied for all the necessary permits. I actually hired an architect to create the plan for the yard and it seems. I'm now selling my home and I had a survey done and when the survey was done, apparently the pool wasn't

put necessarily exactly from the plans or the plans said or read and the setbacks are off.

MR. LEVITON: I understand. For the record, can you quantify the encroachments? Can you tell me how much into the setback?

MR. PUGLIESE: You know what I don't know the exact number offhand. It might be a foot to be about three feet perhaps.

MR. LEVITON: Okay, let's ask our administrator Mr. Boccanfuso. Do you know how much into the setback his encroachments are?

MR. BOCCANFUSO: Of course I do Mr. Chair.

MR. LEVITON: I do. It was a rhetorical question.

MR. BOCCANFUSO: There's two non-compliant conditions on the property. The minimum required side setback to the pool patio is ten feet. It was approved at ten feet as Mr. Pugliese indicated. It was constructed with a setback of 6.5 feet, so 3.5 feet deficient. In the rear, the minimum required setback is ten feet where 9.4 feet is provided so 0.6 feet or roughly seven inches deficient in the rear.

MR. LEVITON: And Mr. Boccanfuso, Mr. Pugliese testified to the fact that he had an architect draw plans that were within the setbacks and then for one reason or another, the company that installed his pool built it not according to the plan and therefore he, to his surprise and chagrin, is non-compliant. Can you confirm that? Have you seen that architectural mock up?

MR. BOCCANFUSO: I mean I can confirm that what's there is inconsistent with the plan. I obviously can't speak to the reasons why. Whether it was accidental, careless, intentional. I certainly don't have any position on that, but there was a plan approved that showed compliant conditions and due to whatever reason, there was some deviation with the way it was built.

MR. LEVITON: Thank you sir. Alright, let's go out to the board and see what we all think. We'll start down here with Michael Wechsler, Mr. Wechsler.

MR. WECHSLER: No questions Mr. Chairman.

MR. LEVITON: And then we'll go to the vice chair.

MR. SHALIKAR: And no questions at this time.

MR. LEVITON: No questions, thank you sir. Mr. Mantagas?

MR. MANTAGAS: No questions.

MR. LEVITON: No questions. Mr. Pochopin?

MR. POCHOPIN: Yes, thank you Mr. Chair. So of course, you obtained all the construction permits and all, etc., right?

MR. PUGLIESE: Yes sir.

MR. POCHOPIN: Okay, thank you. That's all.

MR. LEVITON: Stacey?

MS. KLOMPUS: I have no questions.

MR. LEVITON: Okay. John?

MR. HARRINGTON: I don't have any questions.

MR. LEVITON: Jessica?

MS. LEVENSON: I don't have any questions.

MR. LEVITON: Temika?

MS. LATILLA: I have no questions.

MR. LEVITON: And Patrick?

MR. HUGHES: I have no questions.

MR. LEVITON: I also have no questions. I'm going to go out to the public and ask if there's anyone in attendance who would like to ask Mr. Pugliese a question. Seeing none, I'll close public and go over to the barrister and ask if there's anything further that he requires.

MR. MARMERO: There was some --- to address. I just asked Brian and he ---

MR. BOCCANFUSO: Yeah, just one other item Mr. Chairman and Mr. Pugliese. As we noted in the report, the issue was identified as part of the ZCCO process when Mr. Pugliese was seeking to sell his home. That review also identified an encroachment relative to the fencing. I see --- in the audience here, I believe that that issue was

resolved or is in the process of being resolved. I just wanted to get that confirmed on the record.

MR. PUGLIESE: That was resolved.

MR. BOCCANFUSO: Okay so the fence encroachment's been eliminated. Great, thank you.

MR. LEVITON: Super, then if there's nothing further, Mr. Marmero I will ask if. What does the board think? Does anyone want to make a motion? Mr. Shalikar?

MR. SHALIKAR: Yeah, I'll make the motion to approve the application as stated.

MR. WECHSLER: I'll second.

MR. LEVITON: Thank you also Mr. Wechsler.

MS. MOENCH: It was Mister?

MR. LEVITON: Shalikar and then Wechsler.

ROLL CALL

MS. MOENCH: Mr. Shalikar?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Yes.

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Yes.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Yes.

MS. MOENCH: Ms. Klompus?

MS. KLOMPUS: Yes.

MS. MOENCH: Mr. Harrington?

MR. HARRINGTON: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Yes. Mr. Pugliese, congratulations and good luck with your move.

MR. PUGLIESE: Thank you everyone for your time. I really appreciate it.

MR. LEVITON: You're welcome sir. Okay, at this time I'm going to go out to the public. You're free to go. Your resolution will be memorialized at our next regular meeting. You won't need to be here.

MR. PUGLIESE: Very good, thank you.

MR. LEVITON: Have a good night, John. Okay at this time I'm going to go out to the public and ask if there's anyone who wants to address the zoning board for any non-agenda items. Seeing none, I'll close public. Statute annotated 10:4-12, whereas N.J.S.A. 10:4-12 provides that a public body may exclude the public from a portion of the meeting at which the public body discusses certain subject matter which is deemed private and whereas it has been determined that it is necessary to hold an executive session to discuss matters which are exempt from the regulations of the Open Public Meetings Act. Now therefore be it resolved by the board of the Township of Manalapan that it hereby approves an executive session during this meeting to discuss ongoing contract matters. Be it further resolved that it is anticipated that the session will last approximately five minutes and no further action will be taken. Can I get a motion to go into executive please?

MS. KLOMPUS: I make the motion.

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

MR. HARRINGTON: I'll second.

MR. LEVITON: Thank you Mr. Harrington. Counselor, we're good? Hold on, we're going to turn off and the microphones going to go back on and will someone move to adjourn?

MR. SHALIKAR: I make a motion to adjourn.

MR. LEVITON: Thank you Mr. Shalikar. Will someone second it?

MR. WECHSLER: Second.

MR. LEVITON: Thank you Mr. Wechsler. Thank you all.

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