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MEETING IS CALLED TO ORDER:

MR. LEVITON: Okay I'm going to call the meeting to order and ask you to stand for the flag salute.

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 here in the municipal building. An additional 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 in compliance with the Open Public Meetings Act. Now sadly three weeks ago this board lost one of its own one Mr. Larry Cooper suddenly passed away. Larry was a dedicated volunteer who served as the chairman of Manalapan's Economic Development Council and is the vice chair of this board. He never avoided or shirt-tucked decisions. He understood making those difficult decisions and casting potentially unpopular votes were part of the privilege of public service. Larry loved government and politics so much that every November he'd head down to Atlantic City to attend the New Jersey State League of Municipalities where he honed his skills. He was always the first to text me a happy Thanksgiving, Father's Day, and Memorial Day and thanks to Larry I never missed a Shavuos. He was always sincere, persistent, interesting, honest, and straightforward. I'm honored to have known and worked with him. Now please join me in a moment of silence as we remember and honor our friend and colleague.

MOMENT OF SILENCE

MR. LEVITON: Thank you and now before I turn to tonight's agenda, we're obligated to fill the void in the vice chairmanship and to that end I need someone to nominate someone else.

MR. MANTAGAS: Mr. Chairman I'd like to nominate Bob Gregowicz.

MR. LEVITON: Bob would you accept the nomination?

MR. GREGOWICZ: Yes.

MR. GLASS: We just have to start the roll first.

MR. LEVITON: On the advice of counsel we're going to first actually call the roll.

ROLL CALL

MS. MOENCH: Mr. Gregowicz?

MR. GREGOWICZ: Here.

MS. MOENCH: Mr. DiTota is absent tonight. Mr. Rosenthal?

MR. ROSENTHAL: Here.

1 MS. MOENCH: Mr. Schertz?

2

3 MR. SCHERTZ: Yeah.

4

5 MS. MOENCH: Mr. Weiss?

6

7 MR. WEISS: Here.

8

9 MS. MOENCH: Mr. Manatagas?

10

11 MR. MANTAGAS: Yeah.

12

13 MS. MOENCH: Mr. Shalikar is absent and Chair
14 Leviton?

15

16 MR. LEVITON: I am here. Okay so Basil nominated Bob.
17 Bob accepts the nomination and then I guess Mr. Glass we need
18 to call the roll.

19

20 MR. GLASS: Yes

21

22 MR. WEISS: Should we be doing this without a full
23 board?

24

25 MR. LEVITON: We have a quorum and it's a regularly
26 scheduled meeting and I don't see why not and Mr. Glass and
27 his legal acumen would have said whoa if I was inappropriate.
28 We spoke earlier this is what we need to be doing.

29

30 MR. WEISS: I'll second the motion.

31

32 MR. LEVITON: Thank you.

33

34 MR. WEISS: I'm sorry I'll second the nomination.

35

36 MR. LEVITON: You second the nomination, that's good.

37

38

39 **ROLL CALL**

40

41 MS. MOENCH: Mr. Gregowicz?

42

43 MR. GREGOWICZ: Yes.

44

45 MS. MOENCH: Mr. Rosenthal?

46

47 MR. ROSENTHAL: Yes.

48

49 MS. MOENCH: Mr. Schertz?

50

51 MR. SCHERTZ: Yes.

52

53 MS. MOENCH: Mr. Weiss?

54

55 MR. WEISS: Yes.

56

57 MS. MOENCH: Mr. Mantagas?

58

59 MR. MANTAGAS: Yes.

60

61 MS. MOENCH: Chair Leviton?

62

63 MR. LEVITON: ---

64

1 MS. MOENCH: Congratulations.

2
3 MR. LEVITON: Bob don't get offended if I call you
4 Sergeant Hulka.

5
6 MR. GREGOWICZ: I won't get offended.

7
8 MR. LEVITON: Alright then tonight if you're here for
9 application ZBE2230, I'm sorry ZBE2231, Mederios, that is
10 being carried to September 15th's meeting. It will not be heard
11 this evening and there will be no further notice of it. Is
12 that correct Mr. Glass?

13
14 MR. GLASS: That is correct.

15
16 MR. LEVITON: Okay so our first order of business is
17 to accept the minutes from our previous two meetings from the
18 7th of July and the 12th of July. We're going to take them
19 together and I will need someone to make that motion.

20
21 MR. WEISS: So moved.

22
23 MR. GREGOWICZ: I'll second.

24
25 MR. LEVITON: Thank you Mr. Weiss and thank you for
26 seconding Mr. Gregowicz.

27
28 **ROLL CALL**

29
30 MS. MOENCH: Mr. Gregowicz?

31
32 MR. GREGOWICZ: Yes.

33
34 MS. MOENCH: Mr. Rosenthal?

35
36 MR. ROSENTHAL: I'm sorry, me?

37
38 MS. MOENCH: Yeah.

39
40 MR. LEVITON: Say yes.

41
42 MR. ROSENTHAL: Yes.

43
44 MS. MOENCH: Mr. Schertz?

45
46 MR. SCHERTZ: Yes.

47
48 MS. MOENCH: Mr. Weiss?

49
50 MR. WEISS: Yes.

51
52 MS. MOENCH: Mr. Mantagas?

53
54 MR. MANTAGAS: Yes.

55
56 MS. MOENCH: Chair Leviton?

57
58 MR. LEVITON: Yes and our next order of business is
59 to memorialize three different applications. The first one is
60 ZBE2230, counselor.

61
62 MR. GLASS: Yes, thank you. This was an application
63 for bulk variance relief. There was one variance requested if
64 the board will recall. This was for an existing encroachment

1 into the front yard setback. The R20 zone permits, the setback
2 in the R20 zone is 60 feet whereas the front porch existed
3 56.1 feet from the front yard lot line and the variance was
4 granted.

5

6 MR. LEVITON: Thank you so will someone move to
7 memorialize?

8

9 MR. WEISS: So moved.

10

11 MR. LEVITON: Thank you Mr. Weiss. Will someone
12 second it?

13

14 MR. MANTAGAS: I'll second.

15

16 MR. LEVITON: Thank you Mr. Mantagas.

17

18 MS. MOENCH: Mr. Mantagas is not eligible I'm sorry.

19

20 MR. LEVITON: Mr. Mantagas you are not eligible. We
21 thank you anyway. Will someone else second it?

22

23 MR. ROSENTHAL: I'll second.

24

25 MR. LEVITON: Thank you Mr. Rosenthal.

26

27 MS. MOENCH: Who was the first, I'm sorry?

28

29 MR. WEISS: Adam.

30

31 MS. MOENCH: Adam thank you.

32

33 **ROLL CALL**

34

35 MS. MOENCH: Mr. Gregowicz?

36

37 MR. GREGOWICZ: Yes.

38

39 MS. MOENCH: Mr. Rosenthal?

40

41 MR. ROSENTHAL: Yes.

42

43 MS. MOENCH: Mr. Weiss?

44

45 MR. WEISS: Yes.

46

47 MS. MOENCH: Chair Leviton?

48

49 MR. LEVITON: Yeah so next up is the Catapano
50 resolution ZBE2219, Mr. Glass.

51

52 MR. GLASS: Yes thank you so this is also an
53 application for bulk variance relief except there were six
54 total variances in this application. I'll go through them top
55 to bottom. The first was for relief from the rear yard setback
56 for the shed which were permitted six feet. The existing shed
57 was located four feet. There was also same setback except for
58 the side yard. Sheds are permitted three and a half feet from
59 the side yard. The existing shed is two and a half feet. The
60 next was for the driveway extension, shall not be within ten
61 feet of any property line. The existing driveway was expanded
62 to eight feet from the side yard lot line. The swimming pool
63 shall not be located within ten feet of any side or rear yard
64 lot line. The existing pool patio was eight and a half feet

1 from the rear yard lot line and then last, or two more. In the
2 residential zone the fences shall not exceed three feet in
3 height. The existing fence was six feet in height and
4 relatably fences in the front yard shall be set back sixty
5 feet. The existing fence was set back forty-seven feet and all
6 those variances were granted and there were no conditions of
7 approval.

8
9 MR. LEVITON: Thank you sir. Will someone move to
10 memorialize please?

11
12 MR. SCHERTZ: So moved.

13
14 MR. LEVITON: Thank you Mr. Schertz and will someone
15 second it?

16
17 MR. ROSENTHAL: I'll second.

18
19 MR. LEVITON: Thank you Mr. Rosenthal.

20
21 **ROLL CALL**

22
23 MS. MOENCH: Mr. Gregowicz?

24
25 MR. GREGOWICZ: Yes.

26
27 MS. MOENCH: Mr. Rosenthal?

28
29 MR. ROSENTHAL: Yes.

30
31 MS. MOENCH: Mr. Schertz?

32
33 MR. SCHERTZ: Yes.

34
35 MS. MOENCH: Mr. Weiss?

36
37 MR. WEISS: Yes.

38
39 MS. MOENCH: Mr. Mantagas?

40
41 MR. MANTAGAS: Yes.

42
43 MS. MOENCH: Chair Leviton?

44
45 MR. LEVITON: Yes. Last one is ZBE2226, the Spencer
46 application.

47
48 MR. GLASS: Yes thank you again. Also an application
49 for bulk variance relief, in this case also six variances were
50 ultimately requested. The first was for the fence which in
51 this case shall not be located within twenty-five feet of any
52 street line. The fencing was proposed to be four to eight feet
53 from Franklin Lane which was the street side lot line as well
54 as the fence shall not exceed three feet in height. The
55 proposed fence was to be six feet in height. No structure was
56 to be erected within the seventy-five foot front yard setback.
57 The front porch of the dwelling, the existing front porch was
58 located seventy-one feet from the property line. Next,
59 driveway shall be within ten feet of a sideyard line for
60 fifteen feet of a rear yard line. The existing driveway was
61 four and a half feet from the side property line and then
62 lastly there were two variances for the shed. No shed shall be
63 erected within ten feet of the rear yard line. The existing
64 shed was 3.39 feet from the rear property line and relatably

1 no shed shall be erected within fifteen feet from the side
2 property line whereas this is thirteen feet. Now related to
3 the shed there was a condition of approval that the applicant
4 needed approval for the WMUA for the shed and that if approval
5 was not granted the applicant would either relocate the shed
6 or remove it entirely.

7
8 MR. LEVITON: Have we heard from them Janice?

9
10 MS. MOENCH: Yes and the WMUA confirmed via letter
11 that there was no easement on the property.

12
13 MR. LEVITON: Very nice.

14
15 MS. MOENCH: And he provided a letter stating the
16 same.

17
18 MR. GLASS: Okay perfect so that condition has been
19 satisfied.

20
21 MR. LEVITON: Will someone make the motion and
22 someone second it please?

23
24 MR. ROSENTHAL: So moved.

25
26 MR. MANTAGAS: I'll second that.

27
28 MR. LEVITON: Thank you Mr. Rosenthal and Mr.
29 Mantagas.

30
31 **ROLL CALL**

32
33 MS. MOENCH: Mr. Gregowicz?

34
35 MR. GREGOWICZ: Yes.

36
37 MS. MOENCH: Mr. Rosenthal?

38
39 MR. ROSENTHAL: Yes.

40
41 MS. MOENCH: Mr. Schertz?

42
43 MR. SCHERTZ: Yes.

44
45 MS. MOENCH: Mr. Weiss?

46
47 MR. WEISS: Yes.

48
49 MS. MOENCH: Mr. Mantagas?

50
51 MR. MANTAGAS: Yes.

52
53 MS. MOENCH: Chair Leviton?

54
55 MR. LEVITON: Yes. Thank you to the public for your
56 patience as we conduct our own business and we're going to
57 begin our hearings now. Up first is Mr. Carbone or Ms. Gorsky,
58 welcome. Come on up, make yourselves comfortable. Your
59 application ZBE2229 and before we get started the board
60 attorney Mr. Glass will swear you in.

61
62 MR. GLASS: I'll start with you ma'am if you could
63 raise your right hand and repeat after me. Do you swear or

1 affirm that the testimony you're about to provide is the
2 truth, the whole truth, and nothing but the truth?

3

4 MS. GORSKY: Yes I do.

5

6 MR. GLASS: And then sir same for you. Do you swear
7 or affirm that the testimony you are about to give is the
8 truth, the whole truth, and nothing but the truth?

9

10 MR. CARBONE: Yes sir.

11

12 MR. GLASS: Thank you.

13

14 MR. LEVITON: Welcome to you both.

15

16 MS. GORSKY: Thank you.

17

18 MR. LEVITON: You're here this evening regarding your
19 oversized garage and we've seen the mockup for it and we've
20 read the denial so why don't you tell the board what it's all
21 about and why you need the variance that you're seeking and
22 why we should give it to you.

23

24 MR. CARBONE: Alright well I wanted to clean up my
25 property and I got stuff laying all around and I just wanted
26 to keep it in good working condition, keep it indoors. I just
27 have a couple of trucks and boats and stuff like that that I
28 want to put in there just to clean up the place, be
29 presentable.

30

31 MR. LEVITON: Okay let's go out to the board, Basil.

32

33 MR. MANTAGAS: Hi, Mr. and Mrs. Carbone.

34

35 MR. CARBONE: How are you doing?

36

37 MR. MANTAGAS: Alright, how did you come up with the
38 dimensions of that garage?

39

40 MR. CARBONE: I was driving down the road and I
41 passed this garage and I'm like that's the one I want.

42

43 MR. MANTAGAS: So they're refrabricated?

44

45 MR. CARBONE: Same garage as Mr. Palmers down the
46 road.

47

48 MS. GORSKY: I provided pictures of Mr. Palmer's that
49 is down the road from us with my application and that's
50 exactly the same building that we were are proposing.

51

52 MR. CARBONE: Minus one door.

53

54 MR. MANTAGAS: Right what are you going to store in
55 there, just equipment?

56

57 MR. CARBONE: I got a few trucks. I got two boats,
58 like ATVs, utility vehicles and stuff like that, lawnmowers.

59

60 MR. MANTAGAS: Personal stuff?

61

62 MR. CARBONE: All my personal stuff.

63

1 MS. GORSKY: Yeah I have pictures of everything that
2 we have plus all of our outdoor furniture and everything. We
3 don't have space anywhere so we work hard for the money, we
4 buy these personal things and we haven't had anywhere to keep
5 them so they're outside in the elements through all the
6 different seasons, and we want to be able to take care of
7 everything and like he has a duckboat.

8
9 MR. CARBONE: A lot of stuff.

10
11 MS. GORSKY: A bass boat. It's all of our
12 recreational things. We have the snowmobile, the quads, things
13 like that and we don't have any place so when you pull up
14 they're throughout the yard and we want to clean everything up
15 and make it aesthetically pleasing.

16
17 MR. CARBONE: Right.

18
19 MS. GORSKY: And the other to keep everything in good
20 condition since we purchased everything.

21
22 MR. CARBONE: Right.

23
24 MS. GORSKY: We don't want to just let it sit there
25 and rot.

26
27 MR. MANTAGAS: No, I understand. Thank you no more
28 questions Mr. Chairman.

29
30 MR. LEVITON: David.

31
32 MR. SCHERTZ: No questions at this time.

33
34 MR. LEVITON: Bob.

35
36 MR. GREGOWICZ: No questions.

37
38 MR. LEVITON: Adam.

39
40 MR. WEISS: No questions.

41
42 MR. LEVITON: Terry.

43
44 MR. ROSENTHAL: Mr. Carbone do you run your business
45 out of your home?

46
47 MR. CARBONE: No, no.

48
49 MR. ROSENTHAL: Okay.

50
51 MR. CARBONE: I don't have a business.

52
53 MR. ROSENTHAL: You've determined that this is the
54 size garage that you need to store everything?

55
56 MS. GORSKY: His brother has, yes.

57
58 MR. ROSENTHAL: Everything's sitting out on the yard
59 now?

60
61 MR. CARBONE: Yes.

62
63 MS. GORSKY: I have pictures of everything that's
64 around the yard and then we have a very long driveway and it's

1 steep. We're set high up and we have a plow truck that we have
2 to plow the driveway because I've shoveled it many a times and
3 after that I said I can't do it no more because it's very long
4 and very steep so we also have that and his brother, about
5 Scott's size garage.

6
7 MR. CARBONE: No, no my brother also had one built
8 and he's like whatever you do just make sure it is big enough
9 for what you need because it fills up fast.

10
11 MR. ROSENTHAL: Okay.

12
13 MR. CARBONE: And that's why I wanted that.

14
15 MR. ROSENTHAL: Alright thank you.

16
17 MR. LEVITON: So we can interpret the steepness of
18 your property as a hardship that runs with the land, but can
19 you testify to the location of your home on Iron Ore Road. How
20 far is it set back off from the street? Can I see it when I
21 drive by from the road?

22
23 MR. CARBONE: No.

24
25 MR. LEVITON: So you're really high up in your
26 property is covered by trees?

27
28 MR. CARBONE: Yeah at this time of the year I can't
29 even see any neighbors. There's hundreds of trees.

30
31 MS. GORSKY: We can't see the street. I mean we can
32 hear the cars going by, but.

33
34 MR. LEVITON: Will the community be able to see your
35 new building?

36
37 MS. GORSKY: Not at all.

38
39 MR. LEVITON: And would you say that the construction
40 of this proposed shed would improve the aesthetics of your
41 home in general?

42
43 MR. CARBONE: Absolutely.

44
45 MR. LEVITON: Mr. Glass are we going to be looking to
46 grant them a C1 or a C2 variance here?

47
48 MR. GLASS: It would still be a C2 in this case just
49 because the garage could be placed on the property. I don't
50 think the steepness in this case affects the garage so it
51 would still be a benefits versus the burdens. On the rendering
52 there was no, it didn't show a driveway going to the proposed
53 garage.

54
55 MS. GORSKY: Yeah there is. I did provide a picture.

56
57 MS. MOENCH: That's my fault.

58
59 MR. GLASS: No problem.

60
61 MS. MOENCH: After the applicant provided me with the
62 digital copy, I realized the driveway was not shown. I didn't
63 want to make her go back into Staples and rescan the document.
64 I advised her to address the driveway at the meeting.

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MS. GORSKY: I do have a picture here of existing driveway.

MS. DEFALCO: Maybe we could just do it as an exhibit?

MR. GLASS: Yeah we could do this as an exhibit.

MS. GORSKY: Yeah I'm looking for that one. I just wanted to come prepared so.

MR. WEISS: Well you did so good job.

MS. GORSKY: Yeah.

MR. LEVITON: And take your time.

MR. GLASS: Yeah you could give it to Janice to make a copy.

MR. GLASS: I think we just need in this case just for the driveway.

MS. GORSKY: Yeah that's where the driveway is so proposed garage will begin at the end of that driveway.

MS. MOENCH: So we just need the one.

MR. GLASS: Yeah I think.

MS. DEFALCO: Is this going to connect to your existing driveway?

MR. CARBONE: Say it one more time please.

MS. DEFALCO: The new driveway to the garage going to connect to your existing driveway?

MR. CARBONE: Yes.

MS. GORSKY: Yeah. The garage has a six foot apron, that concrete apron, that will be the length of it so then the driveway will be coming to over here directly up to that apron.

MR. GLASS: And I guess moreorless where the basketball hoop is it'll connect continuing on?

MS. GORSKY: Yeah.

MR. CARBONE: Just a little bit passed that. Just a little bit passed that.

MR. LEVITON: Ms. Gorsky I have one more question. Will the construction of your garage impede on your neighbors in any way?

MS. GORSKY: No I don't believe so at all.

1 MR. LEVITON: And at-large, the community at-large,
2 will it have a negative impact on Manalapan Township in any
3 way?

4
5 MS. GORSKY: No not at all.

6
7 MR. LEVITON: Okay.

8
9 MS. GORSKY: I think it will benefit. Everybody wants
10 the, I've been here for numerous years and it's a wonderful
11 town to live in. I brought him into this town and you just
12 want to keep it the way it should be and we love our home. We
13 love our area and ---

14
15 MR. CARBONE: I don't plan on moving.

16
17 MS. GORSKY: We just want to make it a beautiful
18 place. We have a lot of flowers, gardens, you come up you see
19 this and we just want to make it.

20
21 MR. LEVITON: While that picture gets passed around
22 to the end of the dais I'm going to open up to public and ask
23 if anyone in attendance wants to ask a question of either Ms.
24 Gorsky or Mr. Carbone or if anybody would like to address the
25 board regarding this matter? Okay seeing none I'll close
26 public. Board members any further questions?

27
28 MR. WEISS: You gaver notice to your neighbors within
29 two hundred feet?

30
31 MS. GORSKY: I gave yeah I took care of all of that.

32
33 MR. CARBONE: We had to do an ad in the Asbury Park
34 Press for whatever it was a week or so.

35
36 MR. LEVITON: Janice was extremely helpful?

37
38 MS. GORSKY: She was. Let me tell you she is a God
39 sent and when I saw all the other people at the zoning office
40 like how crazy it gets down there I commend them.

41
42 MR. LEVITON: She's a magician.

43
44 MS. GORSKY: She's unbelievable.

45
46 MR. LEVITON: Unbelievable.

47
48 MR. MANTAGAS: Magical.

49
50 MR. LEVITON: Mr. Glass do you need anything else?

51
52 MR. GLASS: No I think we'll just put the variances
53 on the record, but I have no, nothing further is needed I
54 guess and I think the benefits versus the burdens is just the
55 purposes of municipal land use law will be advanced by a
56 deviation from the zoning ordinance and that benefits from the
57 deviation substantially outweigh any detriment so I do believe
58 there has been testimony in that regard.

59
60 MR. LEVITON: Okay so he wants you to quantify the
61 relief that we're going to grant you. It's in denial. Nancy do
62 you want to cover for him?

63

1 MR. GLASS: Yeah Nancy I was just going to say that
2 what I meant was I would go over that so.

3
4 MR. LEVITON: Okay so wonderful.

5
6 MR. GLASS: So in this case it is relief from Section
7 957.25 or in this case the garage shall not exceed thirty-five
8 feet in width by twenty-four feet in depth by fifteen feet in
9 height. The proposed garage is sixty feet in width so that
10 exceeds the width criteria, thirty feet in depth so they
11 exceed the depth criteria and sixteen feet in height.

12
13 MS. DEFALCO: Forty feet.

14
15 MS. GORSKY: Yeah forty feet.

16
17 MR. GLASS: Oh okay. Yeah this one said thirty, but
18 that's alright. So my apologies so forty feet in depth so
19 either way they want three variances at 60 by 40 by 16 whereas
20 the ordinance permits 35 feet by 24 by 15. In this case the
21 storage area shall not expand the floor area of the garage
22 beyond the maximum permitted thirty-five feet in width by
23 twenty-four feet in depth which in this case that would also
24 apply and the garage may have a storage area occupying a
25 maximum floor area of twelve feet in width by twenty-four feet
26 in width or twenty-four feet in depth, sorry I'm having
27 trouble reading. Yeah my mistake.

28
29 MR. LEVITON: You're good?

30
31 MR. GLASS: Yes I'm good sorry just had a discrepancy
32 on my sheet, but yes I'm good.

33
34 MR. LEVITON: Will someone make a motion?

35
36 MR. WEISS: I move to approve the application as
37 submitted.

38
39 MR. LEVITON: Thank you Mr. Weiss. Will someone
40 second that?

41
42 MR. GREGOWICZ: I'll second it.

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

45
46 **ROLL CALL**

47
48 MS. MOENCH: Mr. Gregowicz?

49
50 MR. GREGOWICZ: Yes.

51
52 MS. MOENCH: Mr. Rosenthal?

53
54 MR. ROSENTHAL: Yes.

55
56 MS. MOENCH: Mr. Schertz?

57
58 MR. SCHERTZ: Yes.

59
60 MS. MOENCH: Mr. Weiss?

61
62 MR. WEISS: Yes.

63
64 MS. MOENCH: Mr. Mantagas?

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MR. MANTAGAS: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Congratulations.

MS. GORSKY: Thank you so much. I appreciate it.

MR. LEVITON: We're going to adopt a formal resolution at a subsequent meeting likely our next one which would be on the 18th of this month. You won't need to be here. Janice will mail it out to you after it's been published and you're going to be there she'll talk you through it.

MS. GORSKY: Okay yeah I'm sure she'll talk me through each step. She's the best. Thank you so much. I appreciate all of you.

MR. WEISS: Good luck.

MS. GORSKY: Thank you.

MR. LEVITON: Okay next up is Mr. Lucas application 2232. Good evening sir.

MR. LUCAS: Good evening.

MR. LEVITON: How are you?

MR. LUCAS: I'm good. How are you?

MR. LEVITON: I'm also good. Are you nervous?

MR. LUCAS: No.

MR. LEVITON: Good.

MR. LUCAS: Should I be?

MR. LEVITON: No but I am because there's so much caffeine rushing through me. I don't typically drink it anymore.

MR. LUCAS: Okay it happens.

MR. LEVITON: Yeah I've got the shakes. Mr. Glass is going to swear you in sir.

MR. LUCAS: Thank you.

MR. GLASS: Please raise your right hand and repeat after me. Do you swear or affirm that the testimony you're about to provide is the truth, the whole truth and nothing but the truth?

MR. LUCAS: Yes.

MR. LEVITON: So you're here to legitimize your shed and relocate your fence?

MR. LUCAS: Yes.

1 MR. LEVITON: Tell the board about why you want to
2 relocate the fence and where the shed is. How much it
3 encroaches on which setback, the side or the rear.

4
5 MR. LUCAS: So the lot itself is a corner lot and two
6 of the rooms that run up against the edge of it create a
7 setback that takes up almost a third of the property and so
8 when I was trying to find a location for the shed that would
9 be close to the garden which is its main purpose as well as
10 look good on the property not be too much in the backyard that
11 spot where it is now is the best spot that I came up with and
12 so that location, moving the fence to the other side of the
13 shed would allow for it to be a much cleaner look as you're
14 driving by rather than having a shed with the trees right next
15 to it. So I tried to put it in the spot where it would be
16 beneficial where it wouldn't take up too much space in the
17 back, the limited space that I have in the back yard as well
18 as what would look best from the road and the street. So
19 that's when I came up with that location and then the fence
20 there. Then I was also thinking later on down the road I want
21 to put in a generator for the house in case I lose power and
22 so I was thinking the best spot to put it would be behind the
23 fence, right next to the house there and the fence and new
24 location that I'm proposing would cover it so you wouldn't see
25 it from the street and so I didn't think it would be any
26 issues if you're driving down the street it doesn't block on
27 any of the sight lines for the two streets Tuppence and
28 Hapenny so that's why I figured that would be the best spot
29 for the fence as well as the shed.

30
31 MR. LEVITON: There are no sight line issues I've
32 driven by. Mr. Mantagas let's start with you.

33
34 MR. MANTAGAS: How are you doing Mr. Lucas?

35
36 MR. LUCAS: Good, how are you?

37
38 MR. MANTAGAS: Alright. You're going to put a gate in
39 that fence?

40
41 MR. LUCAS: Yes a two foot gate.

42
43 MR. MANTAGAS: So what is the distance between the
44 existing fence and the new fence?

45
46 MR. WEISS: Its three feet.

47
48 MR. LUCAS: Yeah I think it's like four feet.

49
50 MR. MANTAGAS: Four feet?

51
52 MR. LUCAS: I think a little bit more. I think that
53 fence is right on the sixty foot mark, but we're proposing to
54 move it. Twelve feet? Thank you.

55
56 MR. MANTAGAS: Thank you, no more questions.

57
58 MR. LEVITON: Thank you Mr. Mantagas. I neglected to
59 say it, you wouldn't have an issue because you're a corner lot
60 and that's where the two front yards so you have two front
61 setbacks instead of a side yard setback. Nancy is that
62 correct?

63
64 MS. DEFALCO: That's perfect.

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MR. LEVITON: Okay, David.

MR. SCHERTZ: The existing fence would be taken down?

MR. LUCAS: Yes.

MR. SCHERTZ: Okay. Nancy what's the setback for a chainlink fence or any type of fence from the property line?

MS. DEFALCO: The setback for a fence higher than three feet is sixty feet.

MR. SCHERTZ: Okay.

MS. DEFALCO: On the front line.

MR. SCHERTZ: Okay that's all I have.

MR. LEVITON: Is the shed, it doesn't and this is unusual I don't think we've ever seen you and I since we've worked together. We've never seen one like this. It's still going to be encroaching on the front yard.

MS. DEFALCO: So that's relief that he's requesting.

MR. LEVITON: How much though? It's not quantified. I can't see a number.

MS. DEFALCO: Its 52 feet.

MR. LEVITON: And it should be 60 so it's going to be eight feet that he needs variance relief on that shed.

MS. DEFALCO: Correct for the shed.

MR. LEVITON: And the new fence it's going to encroach how much?

MS. DEFALCO: Twelve feet.

MR. LEVITON: Bob.

MR. GREGOWICZ: No questions at this time.

MR. LEVITON: Adam.

MR. WEISS: No questions.

MR. ROSENTHAL: Is the fence currently compliant? I'm just curious.

MS. DEFALCO: The existing fence he has now? Yes.

MR. ROSENTHAL: Okay.

MS. DEFALCO: It's at sixty.

MR. LEVITON: Anything else Terry?

MR. ROSENTHAL: No, nothing.

MR. LEVITON: Okay then at this time I'm going to go out to the public and ask if there's anyone who wants to ask a

1 question or cross examine the witness or address the board?
2 Seeing none I will close public and I will go to Mr. Glass,
3 sir.

4
5 MR. GLASS: I have no questions for the applicant. I
6 think the applicant did provide testimony as to the positive
7 and negative criteria. In this case, the corner lot aspect
8 does make the lot unique, but again not in terms of again you
9 could put a shed somewhere else on the property in that
10 respect. It does affect the fact that the maybe one aspect,
11 one variance the fact that you have two front yards, but
12 overall if you're looking at all the variances it would be
13 benefits versus the burdens because the property in it of
14 itself the fact that it's a corner lot it's unique, but it's
15 not unique. There's other corner lots in town, but again I
16 think the applicant has testified as to the benefits versus
17 the burdens criteria so I don't think there's any further
18 testimony needed.

19
20 MR. LUCAS: Thank you sir.

21
22 MR. LEVITON: Let's get someone to make a motion.

23
24 MR. WEISS: I make a motion to approve the
25 application has submitted.

26
27 MR. LEVITON: Thank you Mr. Weiss and will someone
28 second that please?

29
30 MR. MANTAGAS: I'll second that.

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

33
34 MR. GLASS: And then just so we're clear there's
35 going to be four even though there were three variances on the
36 denial, there will be four in total. So in this case just so
37 not to jump in, but to jump in, in this case the detached
38 accessory building shall not be located in a front yard. The
39 existing shed is still in the street side yard lot line that
40 won't change. The minimum street side setback for a detached
41 structure is sixty feet. The existing shed is 52 feet. For the
42 fence, the proposed fence will also be located in the front
43 yard setback by twelve feet and the fences shall not exceed
44 three feet in height in the front yard. The proposed street
45 side fence will be six feet in height.

46
47 MR. LEVITON: Thank you Mr. Glass.

48
49 MS. MOENCH: Okay so I have a motion by Mr. Weiss and
50 a second by Mr. Mantagas, correct? Okay.

51
52 **ROLL CALL**

53
54 MS. MOENCH: Mr. Gregowicz?

55
56 MR. GREGOWICZ: Yes.

57
58 MS. MOENCH: Mr. Rosenthal?

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60 MR. ROSENTHAL: Yes.

61
62 MS. MOENCH: Mr. Schertz?

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64 MR. SCHERTZ: Yes.

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MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Yes.

MS. MOENCH: Did I call you Mr. Weiss?

MR. WEISS: No.

MS. MOENCH: Sorry. I thought I skipped it, sorry.
Mr. Weiss?

MR. WEISS: Still yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Congratulations so I was nervous for
nothing.

MR. MANTAGAS: He's cool, calm, and collected.

MR. LEVITON: We will memorialize your project at our
next meeting on the 18th here. You don't need to be here.

MR. LUCAS: Okay.

MR. LEVITON: And Janice will mail out that
resolution once it's completed and if you have any questions
you can give her a call.

MR. LUCAS: Will do.

MR. LEVITON: Okay.

MR. LUCAS: Thank you guys.

MR. LEVITON: Thank you sir.

MS. MOENCH: Good night.

MR. LEVITON: Ms. Altieri congratulations it's your
turn and thank you for your patience. You're here to
legitimize your patio. We've seen pictures of it, it's very
pretty. Mr. Glass will swear you in.

MR. GLASS: Please raise your right hand. Do you
swear or affirm that the testimony you're about to provide is
the truth, the whole truth, and nothing but the truth?

MS. ALTIERI: Yes.

MR. GLASS: Thank you.

MR. LEVITON: Okay Ms. Altieri tell us what brings
you here this evening and about the variances that you need?

MS. ALTIERI: So I'm thinking about putting my house
on the market so I went to the township to make sure all my
permits were closed out and enquire that my property was ok.

MR. LEVITON: Mr. Glass you swore?

MR. GLASS: Yeah I swore her in. Off your game over
there.

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MR. LEVITON: He's so good to me.

MR. WEISS: I'm admiring the pictures of your backyard.

MS. ALTIERI: Thank you.

MR. LEVITON: He's a real-life attorney and like my de facto attorney personally because he sits next to me.

MS. ALTIERI: So I went to the township and started seeing all these open issues. My ex-fiance took charge of the patio and everything to do with it. I do remember seeing a permit in the window and I do remember Battleground approving it and I thought all was taken care of.

MR. LEVITON: So what is not compliant with township ordinances? What do you need?

MS. ALTIERI: I believe its five feet.

MS. DEFALCO: The requirement is ten.

MS. ALTIERI: So I need, I'm six or five? I thought it was five.

MS. DEFALCO: You're at four.

MR. MANTAGAS: Six feet.

MS. ALTIERI: Six feet?

MR. WEISS: Six feet.

MS. ALTIERI: Okay I see five here, okay.

MR. LEVITON: So your patio encroaches onto the rear setback by six feet?

MS. ALTIERI: Correct.

MR. LEVITON: And your HOA approved your project?

MS. ALTIERI: Yes.

MR. LEVITON: And you had permits to build everything and now you want to sell and you see there are issues and it's a rear setback issue, Terry.

MR. ROSENTHAL: Alright I'm 37 West Parsonage.

MS. ALTIERI: Oh okay you're on my block. There is nothing behind me. There's a beautiful pond and it's a beautiful, now I might not sell I don't know with the market going the way it is, but I'm going to kind all that I found that do have permits that are not closed out taken care of. So this is one of the issues that needs to be taken care.

MR. LEVITON: Basil.

MR. MANTAGAS: How long ago was that installed then that patio?

1 MS. ALTIERI: Five years ago. I'm going to say five
2 years ago.

3
4 MR. MANTAGAS: Thank you.

5
6 MS. ALTIERI: Because I think I'm there six, a little
7 over six.

8
9
10 MR. MANTAGAS: Okay.

11
12 MR. LEVITON: David.

13
14 MR. SCHERTZ: No questions.

15
16 MR. LEVITON: Bob.

17
18 MR. GREGOWICZ: No as long as the homeowner's
19 association is fine with it, I'm fine.

20
21 MR. LEVITON: Adam.

22
23 MR. WEISS: It's beautiful and you shouldn't move.

24
25 MS. ALTIERI: I know now I'm probably not going to at
26 this point.

27
28 MR. LEVITON: I have no questions Ms. Altieri, Mr.
29 Glass.

30
31 MR. GLASS: I guess only a few, have there I guess it
32 would in this case it is a benefits versus a burden so that
33 the applicant has to demonstrate that the purposes of the
34 municipal land use law will be advanced by deviating from the
35 zoning ordinance and that doing so would substantially
36 outweigh any detriment so to that effect have you received any
37 complaints about the patio, anything from the neighbors, any
38 negative aspects in that respect?

39
40 MS. ALTIERI: No, my neighbors, I love my neighbors
41 both neighbors. They're fine with it. They come over to my
42 house to have barbecues actually.

43
44 MR. GLASS: I have nothing further.

45
46 MR. LEVITON: I'm going to open and close public at
47 the same time because there's nobody in the room and I'll ask
48 for a motion.

49
50 MR. WEISS: I'll make the motion to approve.

51
52 MR. LEVITON: Hold on, hold on.

53
54 MR. GLASS: So yeah in this case it is just one
55 variance from the rear yard setback. In this case the paver
56 patios would be permitted ten feet from the rear yard lot line
57 and they are located four feet from the rear yard lot line so
58 it is a six foot variance.

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60 MR. LEVITON: Thank you Mr. Glass and Mr. Weiss thank
61 you for the motion. Will someone second it please?

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63 MR. GREGOWICZ: I'll second it.
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MR. LEVITON: Thank you Sergeant Hulka.

ROLL CALL

MS. MOENCH: Mr. Gregowicz?

MR. GREGOWICZ: Stripes, yeah. Yes.

MS. MOENCH: Mr. Rosenthal?

MR. ROSENTHAL: Yes.

MS. MOENCH: Mr. Schertz?

MR. SCHERTZ: Yes.

MS. MOENCH: Mr. Weiss?

MR. WEISS: Yes.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Congratulations.

MS. ALTIERI: Thank you.

MR. LEVITON: Janice will mail the resolution out to you once it's completed and you're good to go.

MS. ALTIERI: Thank you and she's great.

MR. LEVITON: She's amazing. We're so lucky to have her.

MS. ALTIERI: She really is.

MR. LEVITON: Oh my God you have no idea.

MS. ALTIERI: No I do because I see what she does.

MR. LEVITON: The Mets are winning 2-0. They're at home and they're going into their half of the third inning now. Is there anything else from anyone? I think we're good then. Will someone move to adjourn?

MR. WEISS: So moved.

MR. LEVITON: Will someone second it?

MR. MANTAGAS: I'll second.

MR. LEVITON: Good night everyone and thank you all.

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