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MEETING IS CALLED TO ORDER:

MR. LEVITON: Okay I will call this meeting to order and ask everyone to stand for the flag salute.

SALUTE TO THE FLAG:

MR. LEVITON: And so before we call the roll let's thank township committeeman Mr. McNaboe. His honor is responsible for facilitating the two new memberships and Jack if you'll pass on our thanks to the rest of the committee we'd appreciate that.

MR. MCNABOE: And again the appreciation from the township committee and to all of you guys for all the work you do so if you need something and you reach out and we make it happen and I'm sure we have some good fits here.

MR. LEVITON: Thank you sir.

MR. MCNABOE: Thank you.

MR. LEVITON: Okay Janice.

ROLL CALL

MS. MOENCH: Mr. Gregowicz?

MR. GREGOWICZ: Here.

MS. MOENCH: Mr. DiTota's not with us. Mr. Rosenthal's not with us. Mr. Schertz?

MR. SCHERTZ: Here.

MS. MOENCH: Mr. Weiss?

MR. WEISS: Here.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Here.

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Here.

1 MS. MOENCH: Chair Leviton?

2

3 MR. LEVITON: Here and also before I read the Open
4 Public Meetings Act, I want to alert the board that Mr. Rich
5 Brigliadoro is sitting in for Dustin tonight who's out with
6 Covid. Thank you counselor.

7

8 MR. BRIGLIADORO: Nice to be here Mr. Chairman.

9

10 MR. LEVITON: Okay. Pursuant to section five of the
11 Open Public Meetings Act notice of this meeting of the
12 Manalapan Township Zoning Board of Adjustment was sent and
13 advertised in the Asbury Park Press. A copy of that notice was
14 posted on the bulletin board where public notices are
15 displayed in the municipal building. In addition a copy of
16 this notice is and has been available to the public and is on
17 file in the office of the municipal clerk. Accordingly this
18 meeting is deemed in compliance with the Open Public Meetings
19 Act. Okay now let's get to our first order of business on
20 tonight's agenda which is to accept the minutes from September
21 1st. I need a motion and a second please.

22

23 MR. SCHERTZ: So moved.

24

25 MR. LEVITON: Thank you David.

26

27 MR. GREGOWICZ: Bob second.

28

29 MR. LEVITON: And thank you Bob.

30

31 **ROLL CALL**

32

33 MS. MOENCH: Mr. Gregowicz?

34

35 MR. GREGOWICZ: Yes.

36

37 MS. MOENCH: Mr. Schertz?

38

39 MR. SCHERTZ: Yes.

40

41 MS. MOENCH: Chair Leviton?

42

43 MR. LEVITON: Yes. Okay next up there are two
44 resolutions to be memorialized this evening. The first one is
45 number ZBE2215, Mr. Brigliadoro.

46

47 MR. BRIGLIADORO: Yes Mr. Chairman.

48

1 MR. SCHERTZ: Mr. Chairman roll call.

2

3 MR. LEVITON: Could you take the roll? Did you do
4 that already?

5

6 MS. MOENCH: Yes.

7

8 MR. LEVITON: David she already called the roll.

9

10 MR. SCHERTZ: Where was I?

11

12 MS. MOENCH: Are you still sick David?

13

14 MS. SCHERTZ: Yeah I am.

15

16 MR. LEVITON: We're good David thank you. Okay Rich.

17

18 MR. BRIGLIADORO: Alright thanks Mr. Chairman. So as
19 the chairman said application ZBE2215 Englishtown Auction
20 Sales, this is an application for property on 90 Wilson Ave,
21 Block 29, Lots 27 and 28. On September 1st the board granted
22 approval permitting the applicant to remove the 42 square foot
23 static sign and replace to it with two panels, a sixteen
24 square foot top portion that would be static yet illuminated
25 and a twenty-four square foot digital lower portion. The ---
26 is also granted in connection with that sign.

27

28 MR. LEVITON: Thank you Mr. Brigliadoro. Will someone
29 move to memorialize and will someone second it please?

30

31 MR. SCHERTZ: So moved.

32

33 MR. GREGOWICZ: Second.

34

35 MR. LEVITON: Thank you David. Thank you Bob.

36

37 **ROLL CALL**

38

39 MS. MOENCH: Mr. Gregowicz?

40

41 MR. GREGOWICZ: Yes.

42

43 MS. MOENCH: Mr. Schertz?

44

45 MR. SCHERTZ: Yes.

46

47 MS. MOENCH: Chair Leviton?

48

1 MR. LEVITON: Yes. The next application is 2218, Mr.
2 Brigliadoro.

3
4 MR. BRIGLIADORO: Yes, Mr. Chairman this is an
5 application to RST Corp. Scalps Micropigmentation property of
6 348 Route 9 and this is regard to Block 8, Lot 7.02. This was
7 a use variance application granted by the board at its
8 September 1st meeting and the use variance approval permits the
9 applicant to operate a medical tattoo facility,
10 micropigmentation for medical treatment, and the resolution
11 contains a condition that the board wanted to impose that the
12 applicant shall not convert or expand the medical pigmentation
13 practice use to a tattoo parlor.

14
15 MR. LEVITON: Thank you sir. Will someone make a
16 motion?

17
18 MR. GREGOWICZ: Yes Chairman so moved.

19
20 MR. SCHERTZ: Second.

21
22 MR. LEVITON: Thank you Mr. Gregowicz and thank you
23 Mr. Shalika.

24
25 MR. SCHERTZ: No, me.

26
27 MR. LEVITON: Janice that wasn't Josh it was David.

28
29 **ROLL CALL**

30
31 MS. MOENCH: Mr. Gregowicz?

32
33 MR. GREGOWICZ: Yes.

34
35 MS. MOENCH: Mr. Schertz?

36
37 MR. SCHERTZ: Yes.

38
39 MS. MOENCH: Chair Leviton?

40
41 MR. LEVITON: Yes and now it's time to hear our first
42 public hearing tonight. There are five of them. Its
43 application 2233, Lian Chen and on behalf of Mr. Chen, Mr.
44 Uniglicht also a former township committeeman and we welcome
45 you back sir. You can approach. Mr. Chen you're going to be
46 sworn in by our attorney if you'll just raise your right hand.

47

1 MR. BRIGLIADORO: Mr. Chen do you swear or affirm the
2 testimony you're about to give before this board is going to
3 be the truth, the whole truth, and nothing but the truth?

4
5 MR. CHEN: Yes I do.

6
7 MR. BRIGLIADORO: Please tell us your name, spell
8 your last name, and give us your address for the record.

9
10 MR. CHEN: Sure, my name is Lian Chen. The first name
11 Lian, L-I-A-N, last name Chen, C-H-E-N. I'm from the 9 Merior
12 Drive Manalapan, New Jersey.

13
14 MR. LEVITON: Welcome Mr. Chen make yourself
15 comfortable. Kevin I'm going to screw up your name.

16
17 MR. UNIGLICHT: Yeah no problem.

18
19 MR. LEVITON: Just say it for me.

20
21 MR. UNIGLICHT: Thank you Mr. Chairman, Kevin
22 Uniglicht.

23
24 MR. LEVITON: Uniglicht.

25
26 MR. UNIGLICHT: On behalf of Mr. Chen.

27
28 MR. LEVITON: Thank you sir. He is here to legitimize
29 his fence, deck, and driveway. You can sit also Kevin.

30
31 MR. UNIGLICHT: Thank you.

32
33 MR. CHEN: Thank you sir.

34
35 MR. LEVITON: You're welcome.

36
37 MR. UNIGLICHT: Mr. Chen is here today to legitimize
38 fence, his driveway, and a portion of the deck in the back. I
39 believe the board has pictures that we had sent in previously.
40 The key point in this application that we'd like to point out,
41 do you have the pictures of the old, Mr. Chairman, the old
42 fence and if not we have?

43
44 MR. LEVITON: Can't tell you that from memory, but
45 I'm going to look right now.

46
47 MR. WEISS: Yes we do, it was a multicolored fence.
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MR. UNIGLICHT: Yes.

MS. MOENCH: Please clarify for the record when you reference a picture.

MR. UNIGLICHT: Approximately a four foot fence. It looks like it's about thirty, forty years old roughly. Mr. Chen because this was deteriorating and falling apart, he had a fence company come out. The fence company just wasn't familiar with the procedures. The fence company moved ahead, put it up, and then he came to learn that he would need a variance for this. So if you look at the newer pictures of the fence and this is our application here tonight, picture four, picture five and you may have some others as well. Clearly aesthetically this is much more pleasing not only, most importantly, not only to the applicant here, but certainly to the neighborhood. If you're going into that neighborhood there's a lot of neighboring properties that have fences that are similar to this one, similar set backs to the street. So this is now consistent with the rest of the neighborhood and it certainly benefits the neighborhood tremendously moreso than the pictures that we see from prior when it was the older fence. So we're asking the board tonight to grant a variance legitimizing the fence, the driveway, and the deck in the back.

MR. LEVITON: Okay so we're going to put on the record Mr. Uniglicht.

MR. UNIGLICHT: You can call me Kevin.

MR. LEVITON: Thank you.

MR. UNIGLICHT: Absolutely.

MR. LEVITON: We're going to put on the record the encroachment. It's a ten foot encroachment into the front set back. Is that right Nancy?

MS. DEFALCO: It's fifteen feet from the front line whereas no fences are permitted in the first twenty-five feet of the front yard and the setback itself is sixty feet for fences that are more than three feet in height.

MR. LEVITON: Okay so he needs for the front yard encroachment and he needs for the height as well.

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MS. DEFALCO: That's correct.

MR. LEVITON: Okay and let's go to the board and see what they think, Basil.

MR. MANTAGAS: Hi good evening Mr. Chen. What's the main reason you need the fence and why do you need that fence?

MR. CHEN: Because this fence is too old and the tree was falling on it. It is almost collapsed and it's not safe for the kids also.

MR. MANTAGAS: You have young kids?

MR. CHEN: Yeah I have three and they all play inside the garden.

MR. MANTAGAS: Right now is there any kind of sight issues on the corner with people driving around?

MR. CHEN: Yea, no thre is no sight issues

MR. MANTAGAS: Is there any kind of issue with the outside street?

MR. CHEN: I don't believe so.

MR. UNIGLICHT: Mr. Chairman the fence was put in the same exact footprint as the old fence.

MR. MANTAGAS: It's exactly the same? It's exactly the same footprint, okay.

MR. UNIGLICHT: It's the exact same footprint. It just looks a lot nicer.

MR. MANTAGAS: Okay so basically for safety you're saying?

MR. CHEN: Yes.

MR. MANTAGAS: Your family?

MR. CHEN: For my kid's own safety.

MR. MANTAGAS: Great thank you.

1 MR. LEVITON: His question was trying to get at sight
2 lines and does the fence impair a driver's ability to see
3 around the curve that the house sits on.

4
5 MR. UNIGLICHT: Right.

6
7 MR. LEVITON: So we'll let you answer that or you can
8 answer for him. Do you understand Mr. Chen?

9
10 MR. UNIGLICHT: In other words the fence that you put
11 up it's not going to impair drivers. Do you know what the word
12 impair means?

13
14 MR. CHEN: Yeah.

15
16 MR. UNIGLICHT: It's not going to affect somebody
17 driving to be able to see better.

18
19 MR. CHEN: I don't think so.

20
21 MR. LEVITON: Okay anything else Basil?

22
23 MR. MANTAGAS: That's it thank you Mr. Chairman.

24
25 MR. LEVITON: Joshua?

26
27 MR. SHALIKAR: Do you have a fence around the pool as
28 well or is this the primary fence for the pool?

29
30 MR. CHEN: Inside they do have like a three feet of
31 fence covered at the pool.

32
33 MR. SHALIKAR: Okay no further questions.

34
35 MR. LEVITON: David?

36
37 MR. SCHERTZ: On the exhibit that you gave us,
38 there's a black line with an arrow pointing to the rear of
39 your property what does that signify?

40
41 MR. LEVITON: The line from the deck.

42
43 MS. DEFALCO: That's the deck David.

44
45 MR. SCHERTZ: Excuse me?

46
47 MS. DEFALCO: That's for the deck.

48

1 MR. SCHERTZ: I understand that, but is it to
2 indicate how far the deck is from the rear property line?

3
4 MS. DEFALCO: Yes, forty-five feet.

5
6 MR. SCHERTZ: So is that arrow indicating forty-five
7 feet?

8
9 MS. DEFALCO: That arrow is indicating where the
10 violation is of the set back from that part of the deck to the
11 rear property line forty-five feet.

12
13 MR. SCHERTZ: Which should be fifty feet correct?

14
15 MS. DEFALCO: Fifty feet is required, yes.

16
17 MR. SCHERTZ: So we're five short there and the
18 driveway where you have highlighted was that there when you
19 bought the house or did you do that?

20
21 MR. CHEN: It's already there.

22
23 MR. SCHERTZ: It was already there?

24
25 MR. CHEN: Yeah when I bought the house.

26
27 MS. DEFALCO: And not when the house was built. Is
28 that what you're asking?

29
30 MR. SCHERTZ: So that means that they when the house
31 was built.

32
33 MS. DEFALCO: It was not there when the house was
34 built.

35
36 MR. SCHERTZ: Not there when the house was built.

37
38 MS. DEFALCO: He's saying when he purchased the house
39 it was that way.

40
41 MR. CHEN: Yeah.

42
43 MR. UNIGLICHT: It appears Mr. Chairman it looks like
44 they purchased I believe it was '05, 2005, and when they
45 purchased it this is the survey and that's what it looked like
46 at the time.

47
48 MR. SCHERTZ: Okay that's all I have.

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MR. LEVITON: So that part of the driveway encroaches two feet onto the side?

MR. CHEN: Yeah.

MR. LEVITON: Is that right?

MS. DEFALCO: Ten feet is required. He's two feet from the property line.

MR. LEVITON: Oh it's an eight foot encroachment.

MS. DEFALCO: Eight foot encroachment.

MR. SCHERTZ: Nancy that's why I'm asking about it.

MR. LEVITON: Now that it's a uniquely shaped piece of property Mr. Uniglicht, can you expand on that?

MR. UNIGLICHT: If you have the survey.

MR. LEVITON: Yes.

MR. UNIGLICHT: You can see it sits on a corner and the property and the structure is sort of tilted like this which then puts the driveway over right towards the property line so it's kind of difficult for them to get up to that driveway without having that extra that paving and I presume that's why it was put in some time ago for that very reason. If they were to cut it back I don't think that they would have much ---

MR. CHEN: Too much space to garage.

MR. UNIGLICHT: Was this submitted?

MR. CHEN: Not yet I don't think so.

MR. UNIGLICHT: Okay. We have a picture. I don't know if it would be helpful but.

MR. LEVITON: Sure.

MR. UNIGLICHT: Picture of the driveway.

1 MR. LEVITON: Sure Janice can mark it and this board
2 is empowered to grant exceptions to ordinances when rigid
3 enforcement would result in a hardship.

4
5 MS. DEFALCO: And the side entry garage correct?

6
7 MR. UNIGLICHT: Yes.

8
9 MR. LEVITON: So with this irregular shape would most
10 definitely fall into that category there. The municipal land
11 use law can't anticipate these types of things.

12
13 MS. MOENCH: Do you want me to just pass the picture
14 around - it has been marked A1?

15
16 MR. LEVITON: Yes.

17
18 MR. BRIGLIADORO: Council can you just describe what
19 A1 is for the record?

20
21 MR. UNIGLICHT: Sure. A1 shows from the front of the
22 house looking up the driveway and you can see there are about
23 four vehicles on the driveway in this picture just to show the
24 width so if you were to cut it because of the way that the
25 driveway and the structure is uniquely tilted if you were to
26 cut it to where it should be you're cutting right through the
27 cars.

28
29 MR. LEVITON: Okay now let's pass around then we're
30 going Bob.

31
32 MR. GREGOWICZ: I was going to touch on the driveway
33 and you answered the question, but also I guess what you're
34 trying to say is the reason why you got that extension on the
35 driveway it makes it more safer for the cars to go in.

36
37 MR. UNIGLICHT: Absolutely.

38
39 MR. GREGOWICZ: And back out of that garage because
40 you have that side garage and have to swing to get in/out of
41 the garage

42
43 MR. UNIGLICHT: Right. It would be going right into a
44 tree.

45
46 MR. GREGOWICZ: No further questions.

47

1 MS. DEFALCO: And along the garage is it trees,
2 shrubs, wooded? Between the neighbor and this property.

3
4 MR. CHEN: Yeah there's a tree here. That's a tree on
5 the line. That's a tree separate from our and the neighbors.

6
7 MR. LEVITON: Thank you Bob.

8
9 MR. GREGOWICZ: You're welcome.

10
11 MR. LEVITON: Adam.

12
13 MR. WEISS: Yeah I had more statements than
14 questions. I note that the old fence was damaged in a couple
15 of areas allowing sight into the yard and I would imagine Mr.
16 Chen wants to insure privacy for his children that play on the
17 play set in that area. Additionally with regard to the sight
18 lines there's a representation on the record that it is in the
19 same footprint as the prior fence which is great. I also note
20 that there are rather mature trees beyond the fence that
21 arguably they've been there for quite awhile and I'm sure it's
22 not an issue for sight lines. They certainly are rather wide
23 at least at the trunk and I do think as far aesthetics go
24 certainly to have an updated, solid vinyl fence is more
25 preferable than a damaged 1970's or 80's style multi-colored
26 chainlink fence.

27
28 MR. UNIGLICHT: Thank you.

29
30 MR. CHEN: Thank you sir.

31
32 MR. LEVITON: Thank you Adam for those statements and
33 I will echo them Mr. Lian. I grew up here in Manalapan
34 Township. I've raised my family here and I worked here like a
35 geographic womb Manalapan and I. I love when young families
36 come in and they spend money to upgrade the yuck and make the
37 town that much better so I thank you as well. I have no
38 questions. Let's go to Mr. Brigliadoro and ask is there
39 anything you require further for the record?

40
41 MR. BRIGLIADORO: Chairman I think the applicant is
42 seeking C variance relief and I think there's been proofs put
43 on the record tonight to substantiate both the C1 variance as
44 I believe you indicated Mr. Chairman the unique shape of the
45 property, the irregular and unique shape of the property. Also
46 the location of the dwelling how it's oriented on the lot
47 especially with all the common property line that looks like
48 Lot 5. It's skewed to that side of the lot and the other

1 comments in regard to C2 in terms of whether or not the
2 applicant has met, has satisfied any of the purposes of the
3 municipal land use law and we talked about safety and other
4 things and in addition to that the applicant must show and the
5 board must find both that the variance relief can be granted
6 without substantial detriment to the public good and without
7 substantial impairment of the zone plan and zoning ordinance
8 and that the benefits of any deviation would substantially
9 outweigh any detriments for the C2 component.

10

11 MR. LEVITON: Thank you sir. At this time I'm going
12 to go out to the public and ask if anyone in attendance wants
13 to cross-examine anything that the witness has put on the
14 record or address the board that now would be the time. Seeing
15 none I'll close public and I will ask if someone here on the
16 dais will make a motion.

17

18 MR. WEISS: I make a motion to approve the
19 application as submitted.

20

21 MR. LEVITON: Thank you Mr. Weiss.

22

23 MR. GREGOWICZ: I'll second.

24

25 MR. LEVITON: Thank you Mr. Gregowicz.

26

27 **ROLL CALL**

28

29 MS. MOENCH: Mr. Gregowicz?

30

31 MR. GREGOWICZ: Yes.

32

33 MS. MOENCH: Mr. Schertz?

34

35 MR. SCHERTZ: Yes.

36

37 MS. MOENCH: Mr. Weiss?

38

39 MR. WEISS: Yes.

40

41 MS. MOENCH: Mr. Shalika?

42

43 MR. SHALIKAR: Yes.

44

45 MS. MOENCH: Mr. Mantagas?

46

47 MR. MANTAGAS: Yes.

48

1 MS. MOENCH: Chair Leviton?

2

3 MR. LEVITON: Congratulations and your resolution
4 will be memorialized on October 6th. You won't need to be here
5 at that time.

6

7 MR. CHEN: Okay thank you sir.

8

9 MR. UNIGLICHT: Thank you Chairman. Thank you board.

10

11 MR. LEVITON: Good to see you sir.

12

13 MS. MOENCH: I'll send the resolution via e-mail and
14 follow up with you. Just really quick I just wanted to make
15 two statements really quick. So because there's so many
16 applications on the agenda tonight I went ahead and
17 highlighted the areas of need. They don't necessarily have it
18 highlighted so they don't know what you're talking about.

19

20 MR. LEVITON: Once again we thank you Ms. Moench for
21 everything that you do. You are amazing.

22

23 MS. MOENCH: And also the bathrooms if anybody should
24 need the bathrooms this evening they have to go to the hall
25 ones, these are under construction. Okay that's it.

26

27 MR. BRIGLIADORO: Chairman if I could

28

29 MR. LEVITON: Sure.

30

31 MR. BRIGLIADORO: In terms of the motion that was
32 made to approve that incorporates all the variances that are
33 set forth.

34

35 MR. LEVITON: Yes sir.

36

37 MS. DEFALCO: And the denial.

38

39 MR. BRIGLIADORO: And the denial.

40

41 MR. LEVITON: Yes.

42

43 MR. BRIGLIADORO: Okay.

44

45 MR. LEVITON: Janice I was the first one in the
46 building this evening and I went right to the bathroom that
47 was under repairs for construction or updating, it was like a
48 Seinfeld episode.

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MS. MOENCH: I meant to say something in advance of the meeting.

MR. LEVITON: I went downstairs and I couldn't get to our office because the doors locked to get that far.

MS. MOENCH: You should have told me.

MR. LEVITON: And then I came back upstairs and the door that was typically locked was unlocked.

MS. MOENCH: Yeah.

MR. LEVITON: So if you need to use the men's or the lady's room

MR. GREGOWICZ: Don't do what he did.

MR. LEVITON: No go through the glass door and the bathroom is down the hall.

MS. MOENCH: Sorry about that.

MR. LEVITON: It's okay. Thank you again Janice. You're unbelievable, so good.

MS. MOENCH: I can't take credit for the bathroom

MR. LEVITON: You can take credit for the highlighting.

MR. LEVITON: Okay our next application is number 2218, Cevasco and Grasso. This is a ZCCO application and here come happy people. Hello folks. You're going to be sworn in so if you'll raise your right hand, Mr. Brigliadoro will swear you in.

MR. BRIGLIADORO: Thank you. Do ou swear or affirm the testimony you're about to give before this board is going to be the truth, the whole truth, and nothing but the truth?

MR. CEVASCO: I do.

MR. BRIGLIADORO: Tell us your name, spell your last name and give us your address for the record.

1 MR. CEVASCO: Richard C-E-V-A-S-C-O, current address
2 is 788 Colts Neck Road in Freehold, New Jersey.

3
4 MR. BRIGLIADORO: Is this other gentleman going to
5 testify as well?

6
7 MR. CEVASCO: I'm not sure.

8
9 MR. LEVITON: Yes, let's swear him in.

10
11 MR. BRIGLIADORO: Swear him in?

12
13 MR. LEVITON: Yes.

14
15 MR. BRIGLIADORO: Same instructions please raise your
16 right hand. Do you swear or affirm the testimony you're about
17 to give before this board is going to be the truth, the whole
18 truth, and nothing but the truth?

19
20 MR. GRASSO: Yes sir.

21
22 MR. BRIGLIADORO: Same thing, tell us your name,
23 spell your last name, give us your address.

24
25 MR. GRASSO: Pasquale G-R-A-S-S-O, current address is
26 52 Stratford Drive Manalapan, New Jersey.

27
28 MR. LEVITON: Okay so let me see if I can't get this
29 straight. Mr. Cevasco you were the original owner of the
30 property.

31
32 MR. CEVASCO: Former owner.

33
34 MR. LEVITON: You're the former owner correct and
35 you've since sold it and you Mr. Grasso are the new owner.

36
37 MR. CEVASCO: Correct.

38
39 MR. LEVITON: And you now live in Freehold?

40
41 MR. CEVASCO: Correct.

42
43 MR. LEVITON: And this is, I'm curious to know who
44 will be responsible for bringing the property back into
45 conformity if the board doesn't act favorably on your
46 application?

47
48 MR. GRASSO: I will.

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MR. LEVITON: Okay alright then I don't know who wants to present your case, but if you would like to tell the board why you're here this evening and the type of relief that you need.

MR. CEVASCO: So we're looking to legitimize a number of projects that are current at 52 Stratford Drive. The first one would be the deck enclosure which happened in 1993 for which we did get a permit, but apparently when we were selling the house and it got reviewed it is within and encroaching on my neighbor's property because it's not within fifty feet, but all of the house is within fifty feet of my neighbor's property. We did not extend the line of the prior deck. We just expanded it out towards the back so the distance I think it's about eighteen feet stays the same or stayed the same and we did get a permit and that permit was approved. There's also an issue with the pool that we appeared before this board in 1996 looking for a variance to install an above ground pool in the backyard. The only place that was suitable to do that was in the back quadrant which would require a variance for the placement of the pool and then to move the fence I think it was about ten or fifteen feet closer to the street line. Currently again when we went to sell the property that paperwork could not be found. I had a copy of what I submitted and the board's resolution, but a closer inspection of that only approved the fence and not the pool so we're here to legitimize the pool and at the time of our appearance before the zoning board in '96 that was our main reason for the variance was to install the pool and then there's issues with setbacks with regards to the fence lines that are not in compliance with existing code.

MR. LEVITON: I'm going to interrupt for a moment and ask Janice is he being picked up by the?

MS. MOENCH: Yeah if you could just bring it a little bit closer.

MR. CEVASCO: Sorry okay. I don't have to repeat all that do I?

MR. LEVITON: No she's going to try and scribe these proceedings at a later time and everything is recorded and that's how she's going to do it. Okay is there anything else you want to tell the board?

MR. CEVASCO: No.

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MR. LEVITON: Okay. Is there anything you want to add Mr. Grasso? How long have you been the owner?

MR. GRASSO: About three months.

MR. LEVITON: Oh congratulations to you by the way.

MR. GRASSO: Thank you.

MR. LEVITON: You're welcome. Okay let's go out and see what we think, Basil.

MR. MANTAGAS: Mr. Cevasco, hi. When you enclosed that porch that has a permit?

MR. CEVASCO: That has a permit, correct.

MR. MANTAGAS: So in other words the deck is too far out?

MR. CEVASCO: The deck

MR. CEVASCO: Under the enclosed porch.

MR. MANTAGAS: Right.

MR. CEVASCO: Encroaches beyond that fifteen feet that is allowed

MR. MANTAGAS: And that was not an issue at that time?

MR. CEVASCO: That was not an issue at the time.

MR. MANTAGAS: So that was the same size when you got a permit?

MR. CEVASCO: Right.

MR. MANTAGAS: Okay and also the pool. The fence was put in the same time as you did the pool?

MR. CEVASCO: The fence was there. We moved it ten or fifteen feet closer to the street.

MR. MANTAGAS: You didn't get a permit for that?

1 MR. CEVASCO: No that was part of the variance.
2
3 MR. MANTAGAS: That was part of the variance that you
4 got?
5
6 MR. CEVASCO: Yes.
7
8 MR. MANTAGAS: Okay, but the pool is not?
9
10 MR. CEVASCO: In the original paperwork on the
11 variance, we cited both, but apparently when the variance came
12 back it only dealt with the fence.
13
14 MR. MANTAGAS: Cleared that issue?
15
16 MR. CEVASCO: I just assumed they were both approved.
17
18 MR. MANTAGAS: Okay and all the electric in that
19 pool?
20
21 MR. CEVASCO: Yeah.
22
23 MR. MANTAGAS: And it's all up to code?
24
25 MR. CEVASCO: Yes.
26
27 MR. MANTAGAS: Okay no more questions Mr. Chairman,
28 thank you.
29
30 MR. LEVITON: Thank you Basil, Joshua.
31
32 MR. SHALIKAR: Hi.
33
34 MR. CEVASCO: Hi.
35
36 MR. SHALIKAR: The deck that's attached to the
37 enclosed porch was that added the same time as the enclosed
38 porch or that was added afterwards?
39
40 MR. CEVASCO: Same time.
41
42 MR. SHALIKAR: Same time?
43
44 MR. CEVASCO: Yes.
45
46 MR. SHALIKAR: Okay, no questions thank you.
47
48 MR. LEVITON: Thank you Josh, David.

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MR. SCHERTZ: I'm having a little trouble understanding what we're asking for right now. A lot of stuff was approved in 1996 and I'm just trying to understand what we're trying to approve now.

MS. DEFALCO: So David the reason why he's before the board is because there was a variance granted for the fence and the variance was granted at 70 feet, but it was built at 55 so it's in violation of the variance that was granted and so because he's here for that we addressed everything else that's on the property that's non-conforming. He has permits from 1993 for the enclosed porch, for the wood deck, but again they don't meet the set back requirements so since he's here before the board we could address it or you could just address the fence at this time. It's up to the board.

MR. SCHERTZ: Would that be the fence that is...

MS. DEFALCO: Both fences.

MR. SCHERTZ: Left of the house or the one behind the house?

MS. DEFALCO: Both fences. The Jamestown Road fence is where he received the variance.

MR. SCHERTZ: Right.

MS. DEFALCO: The Stratford Drive there was no variance or mention of that fence in the variance.

MR. CEVASCO: And just for the record I never touched that fence other than replacing the panels on it. We didn't move it. That's where it was when we bought the house. I did replace the panels on it.

MR. SCHERTZ: When did you buy the house?

MR. CEVASCO: 1982, thank you.

MR. SCHERTZ: Okay so the fences were already there?

MR. CEVASCO: Correct.

MR. SCHERTZ: And you've replaced or upgraded the fence over the years?

1 MR. CEVASCO: Right, right yes.

2

3 MR. SCHERTZ: Because that fence is thirty years old
4 or so?

5

6 MR. CEVASCO: Right so we replaced the panels. We
7 didn't replace the posts.

8

9 MR. SCHERTZ: Right. Okay that's all thank you.

10

11 MR. LEVITON: Bob I'm going to jump in and piggyback
12 on the fence if you don't mind. Mr. Cevasco I have an issue
13 with the fence, the one on Stratford Drive. I understand that
14 you've replaced panels, but to me they look like they're I
15 don't know circa 1920. They look old and it's not just that
16 they're too far into the set back they're too high as well. Is
17 that correct?

18

19 MR. BRIGLIADORO: That is correct.

20

21 MR. LEVITON: That is correct so one of our
22 objectives, one of this board's objectives is to conserve the
23 value of property and encourage the most appropriate use of
24 land throughout Manalapan Township and there are fifteen
25 purposes of the Municipal Land Use Law of New Jersey. One of
26 them is to promote a desirable visual environment and so with
27 that in mind I wouldn't be opposed to granting you the relief
28 for the set backs or the height, but I'd be remiss if I didn't
29 note that there is a lack of visual desirability related to
30 that fence and I wanted to state that before we go to you Bob.
31 So for me the fence even though he's testified that it looks,
32 that he's replaced panels it's not good. Not good that's my
33 opinion.

34

35 MR. GREGOWICZ: No I agree with you. I did see that
36 fence was almost like patchwork.

37

38 MR. LEVITON: Yeah.

39

40 MR. GREGOWICZ: The pool, you said you had the pool
41 so did you get a permit for the pool?

42

43 MR. CEVASCO: Yes.

44

45 MR. GREGOWICZ: And it was all closed out. At the
46 time of the permit did they mention anything where the pool
47 would be located with the deck because it's close?

48

1 MR. CEVASCO: No.

2

3 MR. GREGOWICZ: The fence, they never mentioned
4 anything?

5

6 MR. CEVASCO: No it was never brought up.

7

8 MR. GREGOWICZ: But you did get the permit for the
9 pool?

10

11 MR. CEVASCO: Yes.

12

13 MR. GREGOWICZ: And the permits were closed?

14

15 MR. CEVASCO: I think I have a copy with me.

16

17 MR. GREGOWICZ: The reason I'm asking you said the
18 electricity break and the pool was up to code and I just want
19 to make sure that the permit was closed out and you ---

20

21 MR. CEVASCO: I don't know if it was closed out, but
22 I have the permits with me from the time.

23

24 MS. DEFALCO: Did you receive the CCO from the
25 building department?

26

27 MR. CEVASCO: Not that I recall.

28

29 MS. DEFALCO: In order for you to do the transfer of
30 title did you receive paperwork from the housing inspector?

31

32 MR. CEVASCO: Yes.

33

34 MS. DEFALCO: Passed that inspection?

35

36 MR. CEVASCO: Yes.

37

38 MS. DEFALCO: So Bob he wouldn't receive the
39 paperwork from housing if he had open permits. They would make
40 sure all the permits were closed out prior to issuing it.

41

42 MR. GREGOWICZ: Okay thank you no further questions.

43

44 MR. LEVITON: Thank you Bob, Adam.

45

46 MR. WEISS: Yeah I echo the chairman's sentiments
47 with regard to that fence. The placement of it is I could look
48 beyond the placement of it no pun intended, but the condition

1 of the fence is certainly problematic as is the condition of
2 at least visually speaking the condition of the steps in the
3 area to get up to the pool. I have concerns about it so like I
4 said the aesthetic part of that when it comes to reviewing the
5 application in terms of aesthetics with regard to that fence
6 which is seen from a public roadway is problematic for me.
7 That's all I have to say.

8

9 MR. LEVITON: So you heard from all of us now. You
10 would need a plurality of votes on the dais to get the relief
11 that you seek you may not have all of it unless we impose on
12 you a condition that the fence be replaced. We're good with
13 where it is. We're good with how high it is, but we're not
14 good with the way it looks.

15

16 MR. CEVASCO: What exactly would I need to change it
17 to?

18

19 MR. LEVITON: Well something that's consistent with
20 something nice. I don't know how to advise you. I can't in
21 good conscience give you a stamp of approval this evening for
22 something that makes me uncomfortable. I grew up in Yorktowne.
23 I could hit your old house with a nine iron from where I slept
24 as a boy and it's a problem. Why don't you tell me? If you
25 want to take a couple of minutes and talk to Mr. Grasso I'll
26 call for a small break.

27

28 MR. CEVASCO: Well are we talking and I think I
29 understand, but I want to make sure. We're talking about a
30 four foot fence?

31

32 MR. LEVITON: Yes. It's six foot.

33

34 MS. DEFALCO: He's asking if you're willing to
35 replace the existing fence with a new fence because the
36 existing fence is in disrepair.

37

38 MR. LEVITON: Yes.

39

40 MS. DEFALCO: That's what he's asking.

41

42 MR. LEVITON: Correct.

43

44 MR. CEVASCO: Yes, but that would have to be replaced
45 with a four foot ---

46

47 MS. DEFALCO: What's there now?

48

1 MR. CEVASCO: I'm sorry?
2
3 MS. DEFALCO: What is there now?
4
5 MR. CEVASCO: Six feet.
6
7 MS. DEFALCO: Six feet so ---
8
9 MR. LEVITON: I'm okay.
10
11 MS. DEFALCO: Ask the board if they would accept.
12
13 MR. CEVASCO: Well that's what I'm trying to figure
14 out.
15
16 MR. LEVITON: Mr. Grasso do you need six feet?
17
18 MR. GRASSO: If we could.
19
20 MR. LEVITON: I'm okay with six feet. Board what are
21 your thoughts? They're shaking their heads in the affirmative.
22
23 MR. WEISS: And for me the fact that there's a pool
24 there while you may be able to get away with a four foot
25 there's children in the area and so for me I'd say six feet so
26 me.
27
28 MR. LEVITON: We're good with that, yeah.
29
30 MR. CEVASCO: Are you talking the Stratford side?
31
32 MR. LEVITON: Most definitely and the Jamestown side.
33
34 MS. DEFALCO: Both sides.
35
36 MR. LEVITON: Yeah.
37
38 MS. DEFALCO About the pool steps.
39
40 MR. WEISS: Yeah and addition and thank you Ms.
41 DeFalco for flagging my attention on that. I have a similar
42 problem with the pool steps. The pool steps are in disrepair.
43 There's really no question in my mind about that and so ---
44
45 MR. CEVASCO: Could you definite it to me by
46 disrepair because they were reboarded two years ago, three
47 years ago so they're not falling down. They're structurally
48 sound. The boards have been replaced on top.

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MR. WEISS: I'm just going to refer to my photos.
It's just going to take me a minute.

MR. LEVITON: I'm looking at them.

MR. WEISS: I got a quick questions regarding the
stairs going to the pool.

MR. CEVASCO: Yeah.

MR. WEISS: Now that pool, when you go into the pool
you can go up the deck?

MR. CEVASCO: Right.

MR. WEISS: And that's how you would gain access into
the pool?

MR. CEVASCO: Correct.

MR. WEISS: Is there a gate at the bottom of those
steps?

MR. CEVASCO: Yes.

MR. WEISS: I don't see a gate so in other words so
no kid or small child can get into the backyard, go up those
steps, and go in because I'm looking at it now it's like wide
open.

MR. LEVITON: I think it was at three, look at photo
four.

MR. CEVASCO: It is gated.

MR. WEISS: It's gated, but the gate does not meet
the post of the stairway and it looks to be in this photo that
I'm looking at the provided photo.

MR. LEVITON: Photo three.

MR. WEISS: Photo three, photo three the gate at the
bottom looks to meet the step, but as you go upwards from the
bottom of the gate and the first step you notice a gap of
probably I would think six inches to maybe, it's not to scale,
but six inches to maybe a foot that a child could easily fit
through.

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MR. CEVASCO: I beg to differ that a child could easily fit through and the gate opens at the top and it does close and lock. There is a latch.

MR. LEVITON: Mr. Grasso would you show Mr. Cevasco photo three?

MR. CEVASCO: Yes.

MR. LEVITON: The post and the gate meet. There is a gap that's what Mr. Weiss is referring to.

MR. WEISS: The gap goes all the way down to the bottom step.

MR. CEVASCO: Correct.

MR. WEISS: And you see at the bottom step you'll note that it appears, the step appears flushed to the gate.

MR. CEVASCO: I understand.

MR. WEISS: At the very bottom.

MR. CEVASCO: Yes.

MR. WEISS: But as you go up from the very bottom that gap widens.

MR. CEVASCO: But your characterization that a child could fit through that is not accurate.

MR. WEISS: Well it doesn't meet

MR. CEVASCO: But that's what you said.

MR. WEISS: You can disagree with me that's fine.

MR. CEVASCO: But that's what you said. That's just not possible.

MR. LEVITON: His point was well taken though. It's a problem for us.

MS. DEFALCO: Actually can we just talk about the condition of the deck?

1 MR. LEVITON: Yes.

2

3 MS. DEFALCO: Because he has a fence around the
4 property that is the barrier for the pool so I don't think
5 it's a requirement for him to have an additional gate at the
6 steps.

7

8 MR. LEVITON: Okay.

9

10 MS. DEFALCO: Okay? So I think we just can talk about
11 that and again he received his CCO from the housing department
12 so if there was a violation I think they would have flagged
13 it, but I would like to touch upon it. If it's in disrepair
14 that's altogether different.

15

16 MR. WEISS: And that's fine and thank you Ms.
17 DeFalco, but I'm also looking at where the pool meets the wood
18 deck, the wood deck of the stairway and there's a gap there
19 too.

20

21 MR. CEVASCO: Yes.

22

23 MR. WEISS: Can you see that?

24

25 MR. CEVASCO: There's about an inch and a half gap so
26 the pool cover can go over around the deck/stairs

27

28 MR. WEISS: Oh I think that gap is more than an inch
29 and a half. Again the photo's not to scale, but certainly I
30 would think I could fit my hand through that gap where the
31 step meets the pool. So for me the steps are in disrepair, the
32 fence is in disrepair I would have a hard time putting my name
33 to this.

34

35 MR. LEVITON: Okay again you need a plurality of
36 board members to support your application and grant the relief
37 that you seek. Let's revisit the fence issue are you willing
38 to replace the fence?

39

40 MR. CEVASCO: Yes I'm willing to replace the fence.
41 I'm just looking for the parameters.

42

43 MR. LEVITON: We've defined them and they're minimum
44 three feet, we prefer higher. We're allowing six and we're
45 allowing them to occupy the same footprint that they're in
46 now. Okay so that would be a condition. Mr. Brigliadoro is
47 taking copious notes.

48

1 MS. DEFALCO: What is the condition?
2
3 MR. BRIGLIADORO: I just want to make sure.
4
5 MR. LEVITON: Yes.
6
7 MR. BRIGLIADORO: Let's clarify that he understands
8 what he's agreeing to.
9
10 MR. LEVITON: Okay do that sir.
11
12 MR. BRIGLIADORO: So you're going to replace the
13 fence.
14
15 MR. CEVASCO: Correct on Stratford and Jamestown.
16
17 MR. BRIGLIADORO: Stratford and Jamestown side. You
18 could do it at six feet.
19
20 MR. CEVASCO: Correct.
21
22 MR. BRIGLIADORO: The board said you could have a six
23 foot high fence and you can replace it in the same location it
24 presently is.
25
26 MR. CEVASCO: Correct that's my understanding.
27
28 MR. BRIGLIADORO: That's good.
29
30 MS. DEFALCO: And a time frame?
31
32 MR. BRIGLIADORO: When will this be accomplished? How
33 soon?
34
35 MR. LEVITON: Okaythe board --- will yield to the
36 zoning officers charge that the property is encased by a fence
37 that satisfies code in town and that the gate to the stairs
38 upway to the pool is not responsible for the entire safety of
39 your property and so we're going to go back out to the board
40 and see if they have any further questions.
41
42 MR. MANTAGAS: Mr. Chairman no further questions, but
43 I agree with that aesthetically that fence should be a lot
44 nicer.
45
46 MR. LEVITON: And it's going to be.
47

1 MR. MANTAGAS: If we're going to grant them the
2 variance that's the least they can do is make it a nicer
3 fence.

4
5 MR. LEVITON: Mr. Cevasco has agreed to do that,
6 thank you Basil. Anybody else?

7
8 MR. LEVITON: Bob.

9
10 MR. GREGOWICZ: The fence gets replaced it will be up
11 to code with a point on the yard where the gates going in that
12 I'm assuming the fence is going to have gates?

13
14 MR. CEVASCO: Yes.

15
16 MR. GREGOWICZ: To get to the outside?

17
18 MR. CEVASCO: Yes.

19
20 MR. GREGOWICZ: And it's going to have the gate self-
21 closing gates, child proof, all of that for the pool correct?

22
23 MR. LEVITON: Adam anything further?

24
25 MR. WEISS: No Mr. Chair.

26
27 MS. DEFALCO: Can we have a time frame on the
28 replacement of the fence?

29
30 MS. MOENCH: The zoning officer just wants to take a
31 look, are you guys done? Thank you.

32
33 MR. CEVASCO: I would hope sixty days.

34
35 MR. LEVITON: That would be wonderful, fairly
36 satisfactory.

37
38 MR. CEVASCO: --- hold out

39
40 MR. WEISS: I would give yourself more time only
41 because I know that the fence companies right now, they're
42 having supply chain issues and they're backed up so I wouldn't
43 want you to cheat yourself.

44
45 MR. CEVASCO: Okay so what would be an outside number
46 that would be tolerable for you folks?

47
48 MR. LEVITON: Nancy?

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MS. DEFALCO: How about you get an estimate from a fence company, a reliable company, and they give us when the fence is expected to be installed and we'll work with you? But I have a question for Mr. Grasso I see that you have a dump trunk on the driveway.

MR. GRASSO: It's a trailer, trailer.

MS. DEFALCO: Trailer?

MR. GRASSO: Yeah.

MS. DEFALCO: Is that going to leave anytime ---

MR. GRASSO: Oh yeah it's out already.

MS. DEFALCO: And it's not going to come back?

MR. GRASSO: No.

MS. DEFALCO: Okay, thank you.

MR. GRASSO: No problem.

MR. LEVITON: She's thorough.

MS. DEFALCO: You can see the pictures.

MR. LEVITON: Okay. At this time let me go out to the public and ask if there's anyone who wants to ask Mr. Cevasco or Mr. Grasso a question. I see a hand raised, ma'am you can come up. Ms. Moench is going to give you a microphone and Mr. Briigliadoro is going to swear you in.

MR. BRIGLIADORO: Do you swear or affirm the testimony you're about to give before this board is going to be the truth, the whole truth, and nothing but the truth?

MS. MANNINO: Yes.

MR. BRIGLIADORO: Please tell us your name, spell your last name, and give us your address.

MS. MANNINO: Mary Lou Mannino M-A-N-N-I-N-O, 82 Little Silver Parkway, Little Silver.

1 MS. MOENCH: I'm sorry could you just spell your last
2 name for me one more time?

3

4 MS. MANNINO: M-A-N-N-I-N-O.

5

6 MS. MOENCH: Okay thank you.

7

8 MS. MANNINO: So I'm just curious what kind of fence?
9 Is it going to be a PVC fence like is there some kind of a ---

10

11 MR. LEVITON: We haven't said.

12

13 MS. MANNINO: So does the buyer have a say in it or
14 no or the current owner I should say?

15

16 MR. WEISS: That's up to the two individuals two work
17 it out.

18

19 MS. MANNINO: Okay.

20

21 MR. WEISS: We have no role in that.

22

23 MS. MANNINO: Just a question.

24

25 MS. DEFALCO: The only thing that we can say is it
26 has to be a fence code for a pool that's all.

27

28 MS. MANNINO: Okay.

29

30 MS. DEFALCO: They'll have to work.

31

32 MS. MANNINO: Okay.

33

34 MR. LEVITON: Thank you for your interest Ms.
35 Mannino.

36

37 MS. MANNINO: I'm the realtor.

38

39 MR. LEVITON: Oh.

40

41 MS. MANNINO: Just thought I'd come.

42

43 MR. LEVITON: Okay. Is there anyone else in the
44 public who would like to ask a question or address the board?
45 Seeing none I'm going to close public and will ask Mr.
46 Brigliadoro if there's anything further he requires. Anything
47 else sir?

48

1 MR. BRIGLIADORO: No.

2

3 MR. LEVITON: No? Okay let's go out to the board,
4 yeah okay.

5

6 MS. DEFALCO: So what was the decision on the deck
7 and the steps by the pool? Is the board okay with that?

8

9 MR. LEVITON: Adam's not, but on your advice we
10 looked past it.

11

12 MS. DEFALCO: No mine was more of a code not of a
13 disrepair.

14

15 MR. LEVITON: Well we were talking about the state of
16 disrepair when you asked us to move on.

17

18 MS. DEFALCO: Right, but Adam was touching upon the
19 spacing of the steps and that we don't have jurisdiction over
20 that, that's the building department. We can talk about the
21 condition of the steps.

22

23 MR. LEVITON: And the gate.

24

25 MS. DEFALCO: And the gate.

26

27 MR. LEVITON: Okay then I'm going to revisit Mr.
28 Weiss' point about the gate and disregarding his
29 characterization of it, it's a problem and we'd like that gap
30 to be fixed. You don't have to replace it, but that gate needs
31 to be fixed so that there is no gap and that it aligns for
32 safety purposes. That's what I would do, Adam.

33

34 MR. WEISS: Yeah I said what I had to say about it.

35

36 MR. CEVASCO: Can I just ask for clarification?

37

38 MR. LEVITON: Sure.

39

40 MR. CEVASCO: According to Ms. DeFalco the gate is
41 not necessary, correct?

42

43 MS. DEFALCO: According to the building department.
44 They gave you a CO.

45

46 MR. CEVASCO: So is the resolution to this to just
47 take the gate off?

48

1 MR. LEVITON: Nancy?

2

3 MR. CEVASCO: So it's not an eye sore.

4

5 MS. DEFALCO: No I was talking about the look and the
6 condition of the deck and the fence around it not about
7 spacing.

8

9 MR. LEVITON: Yeah let's see what the board thinks
10 about it, the aesthetic quality of the pool deck and the fence
11 that surrounds it.

12

13 MR. MANTAGAS: Mr. Chairman I don't have a problem
14 with that because it's inside the yard as far as aesthetics so
15 that's not a problem for me.

16

17 MR. LEVITON: Josh?

18

19 MR. SHALIKAR: Should that be a matter that's handled
20 between the buyer and the seller?

21

22 MR. LEVITON: David?

23

24 MR. SCHERTZ: No problem right now.

25

26 MR. LEVITON: Robert?

27

28 MR. GREGOWICZ: I have some concerns over the
29 condition of the deck and the steps, but then if it's out of
30 our hands then and he got the ok for the pool and the deck and
31 we're just here for the fence then I'll leave it at that.

32

33 MR. LEVITON: Dare I ask?

34

35 MR. WEISS: I have nothing further to say thank you.

36

37 MR. LEVITON: Okay. I'm inclined to agree with most
38 of the board. It's continued within the fence within the
39 parameters of the property. It's not visible to the neighbors
40 or to the neighborhood. It's an issue that could have and
41 should have if it was a problem you can work between the buyer
42 and the seller and Ms. DeFalco we'd be willing to leave it at
43 that, but we are going to make a condition that the fence on
44 both the Jamestown and Stratford side be replaced and updated
45 and Mr. Brigliadoro if there's nothing further I'll ask for a
46 motion.

47

1 MR. BRIGLIADORO: Do we want to put something in
2 there about the vinyl fence or something in terms of what type
3 of fence is going to go in?

4
5 MR. WEISS: I would recommend that we put something
6 in that it says to code for residential dwellings with pools.

7
8 MS. DEFALCO: He will have to get a permit to replace
9 it and then the building department will do the inspection to
10 make sure that everything is to code.

11
12 MR. LEVITON: Now if that works, anything from the
13 board?

14
15 MR. BRIGLIADORO: Mr. Chairman do you want to?

16
17 MR. LEVITON: Yes.

18
19 MR. BRIGLIADORO: Ms. DeFalco on the denial of the
20 zoning certificate identifies the various relief that's being
21 sought here.

22
23 MR. LEVITON: She always does. Okay so you want to
24 put on the record what it is that they're getting? You want
25 him to go through them again?

26
27 MS. DEFALCO: Want me to do it?

28
29 MR. LEVITON: Yeah.

30
31 MS. DEFALCO: Okay so in 1996 a variance was granted
32 for the fence along the Jamestown Road which encroaches the
33 front set back of 70 feet versus where it's existing at 55.

34
35 MR. LEVITON: Yes.

36
37 MS. DEFALCO: So that was granted and 75 feet was
38 required, okay we know that, variance granted to accomodate
39 the above ground pool, however, there was no mention of relief
40 being granted for the above ground pool or the deck connected
41 to the pool and the pool is located at 65 feet from Jamestown
42 Road and the deck is three feet from the rear lot line so he
43 needs relief for that and then for the fence along the
44 Stratford Drive is located within the 75 foot set back whereas
45 fences more than three feet in height need to be 75 feet back
46 and he is at six feet and then last is the existing deck and
47 enclosed porch. Permits were granted in 1993. They exist at 18
48 feet from the rear and the enclosed porch was approved and

1 exists at 26 feet from the rear whereas the minimum is fifty
2 feet requirement for the rear.

3

4 MR. LEVITON: Thank you Nancy.

5

6 MS. DEFALCO: It was a little confusing.

7

8 MR. LEVITON: Mr. Brigliadoro you have all of that?

9

10 MR. BRIGLIADORO: Yes.

11

12 MR. LEVITON: Terrific, okay will someone make a
13 motion please?

14

15 MR. SHALIKAR: I'll make a motion to approve with the
16 condition of replacing the fence.

17

18 MR. LEVITON: Thank you Mr. Shalikar. Will someone
19 second that please?

20

21 MR. MANTAGAS: I'll second that Mr. Chairman.

22

23 MR. LEVITON: Thank you Mr. Mantagas.

24

25 **ROLL CALL**

26

27 MS. MOENCH: Mr. Gregowicz?

28

29 MR. GREGOWICZ: Yes.

30

31 MS. MOENCH: Mr. Schertz?

32

33 MR. SCHERTZ: Yes.

34

35 MS. MOENCH: Mr. Weiss?

36

37 MR. WEISS: No.

38

39 MS. MOENCH: Mr. Mantagas?

40

41 MR. MANTAGAS: Yes.

42

43 MS. MOENCH: Chair Leviton?

44

45 MR. LEVITON: Yes. Thank you sir, congratulations and
46 Mr. Grasso welcome to Manalapan.

47

48 MR. GRASSO: Thank you.

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MR. LEVITON: Good luck here.

MR. GRASSO: Appreciate it.

MR. LEVITON: Yes

MS. MANNINO: I just have one more question about the fence through the backyard.

MS. MOENCH: She has to be, we're not going to pick her up.

MR. LEVITON: You're going to need to step forward again. It's out of order, but I'm going to permit it.

MS. MOENCH: She can use those wireless microphone

MR. LEVITON: You can just take the mic or you can just step up here.

MS. MOENCH: You can sit right those will pick you up.

MS. MANNINO: I was just curious how the fence affects the neighbors. I think its three feet high with the pool, is that okay?

MR. LEVITON: Yes.

MS. MANNINO: Oh okay.

MS. DEFALCO: What fence is three feet high?

MS. MANNINO: Isn't it three feet in the back? It's three feet where the neighbors touch.

MR. LEVITON: Three feet is what fences in Manalapan Township should be at. They were granted variance relief for their six feet in the front and the aside.

MS. MANNINO: So even though there's a pool it's okay?

MR. LEVITON: Yes.

MS. MANNINO: Okay.

1 MR. LEVITON: Thank you ma'am.

2

3 MS. DEFALCO: The existing fence is three feet in
4 height? No it's not.

5

6 MR. LEVITON: The one in the back.

7

8 MS. DEFALCO: The back?

9

10 MR. LEVITON: Yeah.

11

12 MR. LEVITON: Hold on folks I think I because we're
13 looking at the survey. Nancy?

14

15 MR. LEVITON: The one between her and the neighbor on
16 Jamestown between the-

17

18 MS. MANNINO: Look at the rear yard.

19

20 MR. LEVITON: Yeah the rear yard.

21

22 MS. MOENCH: Yeah the gates of the steps is the
23 barrier.

24

25 MR. LEVITON: It does look like three feet to me
26 Nancy.

27

28 MS. DEFALCO: To me the fence looked like we thought
29 it was tall if the neighbors can't really see it. It looks
30 like its ---

31

32 MS. DEFALCO: That would be up to the construction
33 department when you get the permit.

34

35 MR. LEVITON: Okay so Ms. DeFalco has indicated that
36 the construction department is going to take a look when you
37 go out ---

38

39 MS. DEFALCO: For the permit.

40

41 MR. LEVITON: For the permitting of the new fence and
42 everything will be compliant with the ordinances and again
43 thank you for your interest. Okay we're going to move on and
44 we're going to call our next case and that would be Patel and
45 Sciortono. I'm sorry doctor I don't know how to say your name
46 if you're in attendance.

47

48 MR. PATEL: Sciortono

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MR. LEVITON: He's not here?

MR. PATEL: He's not here.

MR. LEVITON: Oh wonderful. Mr. Patel you're the seller. You're the former owner, okay and you're going to be responsible for bringing the property back into conformance if we don't approve your application?

MR. LEVITON: Okay Mr. Brigliadoro is going to swear you in and you can get comfortable.

MR. BRIGLIADORO: Do you swear or affirm the testimony you're about to give before this board tonight is going to be the truth, the whole truth and nothing but the truth?

MR. BRIGLIADORO: Tell us your name, spell your last name and give us your address for the record.

MR. PATEL: Jakdiven Patel P-A-T-E-L. The address is 48 Fork Road.

MS. DEFALCO: Hi Mr. Patel how are you?

MR. PATEL: Good thank you.

MR. LEVITON: Mr. Patel welcome to you, how are you sir?

MR. PATEL: Good thanks.

MR. LEVITON: Good. Alright Mr. Patel tell the board why you're here tonight and what it is that you need from them.

MR. PATEL: So I had a deck constructed I don't know about six, seven years ago an the builder submitted the paperwork to have it with fifty feet set back which majority of the deck is except for a portion in the corner. If you look on the diagram you will see that a portion of it is not. That's like forty-eight feet from the property line. The deck, like I said, permit was granted and approved as well so everything was done but unfortunately the builder did not factor that in.

1 MR. LEVITON: So we're here for two foot encroachment
2 for about two inches of an existing deck?

3
4 MR. PATEL: Yes.

5
6 MR. LEVITON: Now you understand that this board has
7 to consider this application as if the deck wasn't built. I
8 mean if we ask you to take it down that's entirely possible.

9
10 MR. PATEL: Yes.

11
12 MR. LEVITON: Okay let's go out to the board and see
13 what they think, Basil.

14
15 MR. MANTAGAS: No questions.

16
17 MR. LEVITON: Joshua?

18
19 MR. SHALIKAR: No questions.

20
21 MR. LEVITON: David?

22
23 MR. SCHERTZ: No questions.

24
25 MR. LEVITON: Robert?

26
27 MR. GREGOWICZ: Yeah I did have a question with the
28 deck. It got permits. Well you were going to have the deck
29 built, the builder came in, the builder got the permits from
30 the township.

31
32 MR. PATEL: Correct.

33
34 MR. GREGOWICZ: And you had the builder to what the
35 township says with set backs. When they came and inspect the
36 deck did they pick up on it?

37
38 MR. PATEL: No.

39
40 MR. GREGOWICZ: They didn't pick up on it?

41
42 MR. PATEL: No.

43
44
45 MR. GREGOWICZ: Speaking from experience it happened
46 to me and I had to change plans.

47
48 MR. LEVITON: Wow.

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MR. GREGOWICZ: So I had to conform so I knew right then and there I had two choices. Well I had no choice. Well you would have the permit denied or do what the township told me to do and I had to change it so I'm in compliance with the township.

MR. LEVITON: So they identified on two feet?

MR. GREGOWICZ: A foot.

MR. LEVITON: In just one place?

MR. GREGOWICZ: In one place because its like a kidney shaped pool and when I went out it was too close to the rear set back so I had to change the design even though it was a foot to bring it back in.

MR. LEVITON: Crazy.

MR. SCHERTZ: You didn't have the option of going through a variance?

MR. LEVITON: Adam?

MR. GREGOWICZ: No.

MR. WEISS: No questions, thank you.

MR. LEVITON: I also have no questions, but I will characterize it as de minimis and I will ask if there's anyone in the public who has a question for Mr. Patel. Seeing none I'll close public and I'll go to Mr. Brigliadoro and ask if he requires anything for the record.

MR. BRIGLIADORO: Mr. Chairman I don't believe there's anything we need to add to this.

MR. LEVITON: Then I will call for a motion and a second.

MR. WEISS: I make a motion to approve the application as submitted.

MR. LEVITON: Thank you Mr. Weiss.

MR. SCHERTZ: Second.

1 MR. LEVITON: And thank you Mr. Schertz.

2

3 **ROLL CALL**

4

5 MS. MOENCH: Mr. Gregowicz?

6

7 MR. GREGOWICZ: No.

8

9 MS. MOENCH: Mr. Schertz?

10

11 MR. SCHERTZ: Yes.

12

13 MS. MOENCH: Mr. Weiss?

14

15 MR. WEISS: Yes.

16

17 MS. MOENCH: Mr. Mantagas?

18

19 MR. MANTAGAS: Yes.

20

21 MS. MOENCH: Mr. Shalikar?

22

23 MR. SHALIKAR: Yes.

24

25 MS. MOENCH: Mr. Leviton, Chair Leviton sorry?

26

27 MR. LEVITON: It's okay. Congratulations Mr. Patel,
28 good luck in your new residence and this board is going to
29 adopt a formal resolution on October 6th. You won't need to be
30 here at that time.

31

32 MR. PATEL: Okay thank you very much.

33

34 MR. LEVITON: You're welcome.

35

36 MS. MOENCH: I'll be in touch. I'll send it to you.

37

38 MR. PATEL: Okay.

39

40 MR. LEVITON: Alrighty then we are moving along at a
41 quick pace now. Ms. Medeiros, am I saying that correctly
42 ma'am?

43

44 MS. MEDEIROS: That's correct, Medeiros.

45

46 MR. LEVITON: Medeiros, okay forgive me Medeiros.
47 You're application 2227 and you're going to be sworn in, you
48 and the gentleman who is accompanying you, okay.

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MR. BRIGLIADORO: Please raise your right hand. Do you swear or affirm the testimony you're about to give before this board is going to be the truth, the whole truth, and nothing but the truth?

MR. BRIGLIADORO: Please tell us your name, spell your last name, and give us your address for the record.

MS. MEDEIROS: My name is Emily Medeiros, last name is M-E-D-E-I-R-O-S and the address is 3 Sutton Drive Manalapan.

MR. BRIGLIADORO: Ms. Medeiros is your husband also going to provide testimony?

MS. MEDEIROS: Yes.

MR. BRIGLIADORO: He is?

MS. MEDEIROS: Yes.

MR. BRIGLIADORO: Okay. Sir do you swear or affirm the testimony that you give before this board is going to be the truth, the whole truth and nothing but the truth?

MR. SCANTORINO: Yes.

MR. BRIGLIADORO: Okay and then tell us your name, spell your last name, and I'm assuming you live at the same address.

MR. SCANTORINO: Yes, Andrew Scantorino, S-C-A-N-T-O-R-I-N-O.

MR. BRIGLIADORO: I'm sorry your first name again sir?

MR. SCANTORINO: Andrew.

MR. BRIGLIADORO: Andrew, sorry.

MR. LEVITON: You can sit Mr. Scantorino.

MR. SCANTORINO: Thank you.

MR. LEVITON: You're welcome.

1 MR. SCANTORINO: Yeah we didn't know we had to ---

2

3 MS. MOENCH: Yeah what you gave to me was uploaded to
4 the Google Drive and that's why you have to give me twenty ---

5

6 MS. MEDEIROS: Got it, okay --- Okay you know what --
7 - picture ---

8

9 MS. MOENCH: Okay I just want to run it by the
10 attorney. I guess each picture that she has here ---

11

12 MR. BRIGLIADORO: Has this been submitted to the
13 board?

14

15 MS. MOENCH: No.

16

17 MR. BRIGLIADORO: Okay so I'll tell you what we're
18 going to do. Let's take these photographs and I'm going to ask
19 her to run through the photographs and identify what they are.

20

21 MS. MEDEIROS: Okay.

22

23 MS. MOENCH: And then we'll just mark the whole thing
24 in?

25

26 MR. BRIGLIADORO: Yes.

27

28 MS. MOENCH: Okay perfect.

29

30 MS. MEDEIROS: And that's five --- you said?

31

32 MS. MOENCH: Yeah I think he just --- to mark the
33 whole thing as one exhibit and then we'll ---

34

35 MR. BRIGLIADORO: This will be exhibit A1. It's a
36 series of ten photographs.

37

38 MS. MEDEIROS: Okay, okay.

39

40 MR. BRIGLIADORO: And I'm just going to ask you a few
41 questions about it and then we can show the board each one or
42 ---

43

44 MS. MEDEIROS: Sure.

45

46 MR. BRIGLIADORO: Board member what they are.

47

48 MS. MEDEIROS: Sure.

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MR. BRIGLIADORO: So why don't you take these back.

MR. SCHERTZ: We have a copy.

MS. MEDEIROS: We have a lot of copies.

MR. BRIGLIADORO: Alright good, good so Ms. Medeiros as I indicated you've provided the board with a series of ten photographs, correct?

MS. MEDEIROS: Yes.

MR. BRIGLIADORO: Okay and those photographs we're going to mark exhibit A1 and we have a picture key attached with items one through ten number identifies what it is?

MS. MEDEIROS: Correct.

MR. BRIGLIADORO: Okay so were these photographs taken by you?

MS. MEDEIROS: Yes.

MR. BRIGLIADORO: And when were they taken by you?

MS. MEDEIROS: They were taken today.

MR. BRIGLIADORO: Okay and do these photographs fairly and accurately depict the conditions indicated on the photographs at the time you took them?

MS. MEDEIROS: Yes.

MS. DEFALCO: And I'd be --- Ms. Medeiros ---

MS. MEDEIROS: Oh perfect okay.

MS. DEFALCO: It has multiple copies?

MS. MEDEIROS: Yes. Do you want to have my copy that

MR. WEISS: You're very prepared.

MR. LEVITON: I'll share you can give that --- Okay Ms. Medeiros once you're comfortable you can tell the board what brings you here this evening and what it is that you need from us.

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MS. MEDEIROS: Sure so my husband and I are looking for a variance for the street side of our fence. Our entire yard is fenced, but the one side is apparently non-compliant with the town ordinance, it's not as far back as it should be. You have the measurements, correct?

MR. SCANTORINO: Yes so on the left side of our house I believe it's about the entire fence totaling in about 142 feet of fence. When we purchased the house the fence was already there and when we were about to close we were told that this wasn't to code. In order to get the CO they had to move the fence, but the fence people can't come out for another three or four months so they paid the fence to be removed and at the time we didn't really have an option. We had sold our house. We were out of our house and we would have lost a \$20,000.00 deposit if we would have said no to the house. The reason that we wanted the house is because it had a yard that size which is what we were looking for and then when they came to remove the fence the realtor and the owner of the house just said just refuse them, you don't have to do it. We just have to do this for the CO so that's what we did. I was unaware that this was what we needed to do. I'm new to this and that's why we're looking to get a variance on the fence that's currently there.

MR. LEVITON: So let me see if I understand. You bought the house and the seller paid you to remove ---

MR. SCANTORINO: I'm sorry didn't pay us, paid a fence company.

MR. LEVITON: So the seller paid the fence company.

MR. SCANTORINO: Correct.

MR. LEVITON: To remove what was not compliant.

MR. SCANTORINO: Correct.

MS. MEDEIROS: Correct.

MR. LEVITON: Was the fence company paid in full?

MR. SCANTORINO: Yes.

MS. MEDEIROS: They wre paid in full, yes.

1 MR. LEVITON: So they owe you a service still?

2

3 MS. MEDEIROS: So they did. They came out and gave us
4 a service. I'm sorry he was jumping all over the place just to
5 give a timeline. So we purchased the home in January of this
6 year. We were supposed to close in December of last year, but
7 the previous owner was an elderly woman she needed more time.
8 We had already sold our house. We asked our buyers to delay so
9 that we could not have a lapse in a place to live. In I would
10 say the beginning of January we closed on the 18th. In the
11 beginning on January we were notified that after inspections
12 had happened, after we had a closing date schedule tha oh by
13 the way in order to get the CO the fence needs to be removed.
14 We're paying the fence company because of Covid it couldn't
15 come out until March and we were well the fence was a huge
16 piece of this property because it's a huge lot. We have three
17 dogs. We eventually want to have children so this a huge thing
18 for us and she was we already paid for it. We paid for it, you
19 didn't have to. It doesn't matter. You can refuse them and
20 this is the seller's realtor and this seller ---

21

22 MR. BRIGLIADORO: I'm sorry can I just stop you? We
23 can refuse what?

24

25 MS. MEDEIROS: The service, the fence company because
26 they already paid for it they said it didn't matter and we
27 didn't know any better. We were like okay so instead she had a
28 fence around the pool and then also around the perimeter of
29 the property. She had little grandchildren so she said she
30 wanted both and she had a dog. So they came out, they had
31 called and wanted to schedule it and we said we actually don't
32 want your service and they're like well it was already paid in
33 full. We have to come out and give you a service whether its
34 put a different fence, take down a fence, whatever it is. So
35 we had them take the pool fence out because of the --- fence
36 so we didn't need a pool fence so they took the pool fence out
37 and the perimeter stayed fenced. They also added to make sure
38 I guess which was compliant with getting the CO. Both fences
39 on both sides of our property have to be automatically closing
40 and they needed to be locked so they added that to both
41 fences.

42

43 MR. LEVITON: Can you define for the board the
44 encroachment into the set back and talk to us about the height
45 as well?

46

47 MS. MEDEIROS: Yes.

48

1 MR. SCANTORINO: Sorry I could talk about that. So I
2 believe the code is sixty feet, is that correct?

3
4 MS. DEFALCO: In the front yard, but the way I
5 remember it is in November you signed a document.

6
7 MS. MEDEIROS: Correct.

8
9 MS. DEFALCO: Right saying all of the ---

10
11 MS. MEDEIROS: But not for the fence.

12
13 MS. DEFALCO: On the property and at the time of the
14 report which you are also included on the email report you
15 were aware of the violation of the fence.

16
17 MR. SCANTORINO: Correct.

18
19 MS. DEFALCO: Correct.

20
21 MR. SCANTORINO: We were aware of the violation of
22 the fence, but the affidavit that we signed has pool,
23 concrete, block ---

24
25 MS. DEFALCO: But there's an email for the violation
26 came out way before November so all the parties were advised.

27
28 MS. MEDEIROS: Can you confirm I was on that because
29 I don't have ---

30
31 MS. DEFALCO: Yes.

32
33 MR. SCANTORINO: We do not have that email.

34
35 MS. MEDEIROS: Yeah I searched --- and we also
36 contacted the seller to see did she have a document that we
37 may have signed because I keep meticulous records so we have a
38 copy. We got another copy from your office, but it was for the
39 pool concrete.

40
41 MR. SCANTORINO: Pool concrete, the block padding on
42 the shed.

43
44 MS. DEFALCO: Right.

45
46 MS. MEDEIROS: The shed and the block patio not the
47 actual fence.

48

1 MS. DEFALCO: We wouldn't put the fence on that
2 because we're not permitting it and the agreement was the
3 fence to be removed.

4
5 MS. MEDEIROS: Okay.

6
7 MS. DEFALCO: That was the agreement, but anyway ---
8

9 MS. MEDEIROS: When we looked in open reports she
10 said, the seller told us that she put the fence around the
11 property the same time she put the fence around the pool and
12 that permit was closed at the time.

13
14 MS. DEFALCO: There was no permit. Otherwise it
15 wouldn't even flagged. There was no permit for it, but get
16 back to your question yes sixty foot is required.

17
18 MR. SCANTORINO: Okay.

19
20 MS. DEFALCO: And the fence is at -

21
22 MR. SCANTORINO: No.

23
24 MS. MEDEIROS: The fence is four feet high.

25
26 MR. SCANTORINO: The fence is four feet high and it's
27 about 22.5 feet from when I measured this morning.

28
29 MS. DEFALCO: That's 20.5 feet from the front yard
30 property line.

31
32 MR. SCANTORINO: From the front yard right because
33 the side of our house is technically the front right, correct
34 corner property?

35
36 MS. MEDEIROS: Because we're on a corner property.

37
38 MR. SCANTORINO: I also did not know that so learning
39 a lot here.

40
41 MR. LEVITON: Hold on that's interesting. It's on a
42 curve.

43
44 MS. DEFALCO: Yes.

45
46 MR. LEVITON: Doesn't really --- corner.

47
48 MS. DEFALCO: It is ---

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MS. MOENCH: It's a corner.

MS. MEDEIROS: Yeah it's a corner.

MR. SCANTORINO: It's a corner, but yes it does curve.

MS. MEDEIROS: Yeah you can see one of the pictures is standing at the corner where it curves so you can see that you can't see the fence because we have rows of arborvitaes.

MR. LEVITON: I drove by I know, but I want to pursue that further Nancy. I'm confused. I did see the affidavit. --- you flagged concrete, you flagged the pool concrete, the patio, and the shed.

MS. DEFALCO: That affidavit goes back it was more than ten years.

MR. LEVITON: Oh they used the ten year --- from now?

MS. DEFALCO: Yes.

MS. MEDEIROS: We were grandfathered.

MS. DEFALCO: Not grandfathered. It's just a ten year rule. You prove that it's there. When they're replaced they have to be conforming.

MS. MEDEIROS: Correct, yeah.

MR. LEVITON: So that by township ordinance if they can establish that these things have been there for ten years then they're permitted to keep them, but they're not allowed to replace them. Now so they signed the affidavit and at that time you flagged the fence is what you're saying?

MS. DEFALCO: Yes in the report everything was flagged at one time.

MR. LEVITON: And when you all agreed to remove the fence at that time?

MS. DEFALCO: I'm not going to say that because I don't have my documents in front of me, but the seller received an estimate from a fence company, provided us the invoice that it was paid in full with a projected date when

1 the work would be done. When we followed up with the current
2 owners, we found the fence still existed and that's why they
3 decided to come before the board.

4

5 MR. SCANTORINO: Correct.

6

7 MS. MEDEIROS: We put an addition onto the back of
8 our house so once we decided to add an addition it kind of
9 opened up Pandora's box for all of the things that were
10 initially grandfathered or other code ---

11

12 MR. LEVITON: Okay you can continue sir.

13

14 MR. SCANTORINO: Okay so like you said twenty feet
15 and it is a four foot fence. Surrounding the four foot fence
16 are twelve foot arborvitae trees that the fence can't really
17 be seen from the outside. There is nothing blocking the eye
18 line sight of view when you turn the corner. There is a
19 picture in there showing from that corner how I mean a twelve
20 foot arborvitae can't block the view of a four foot rod metal
21 fence it won't be able to block that view. We have dogs. We
22 foster dogs. We like to give them a good life and having a big
23 backyard like this to run around and play around is kind of
24 why we purchased the house. We would love to keep it that way.

25

26 MS. MEDEIROS: And to note the previous owner because
27 she was elderly she couldn't take care of the property so we
28 actually received I think it's five or six quotes to get those
29 trees replaced because most of them are dead so we want to
30 make sure that it's nice. In picture one you'll see our
31 neighbor's trees on the left hand side and then some of the
32 ones that are not dead on ours on the right. Those are the
33 good ones and then the rest are not.

34

35 MR. SCANTORINO: That's what we want it to look like.
36 We want the property to look very nice and we want to replace
37 all the old arborvitae trees that were dying and dead and
38 replace them with new arborvitae trees because this is a
39 beautiful town and we want to keep it beautiful.

40

41 MR. LEVITON: Basil?

42

43 MR. MANTAGAS: I have no questions Mr. Chairman.

44

45 MR. LEVITON: Thank you Basil, Joshua.

46

47 MR. SHALIKAR: No questions.

48

1 MR. LEVITON: David?

2

3 MR. SCHERTZ: The shed appears to be too close to the
4 side.

5

6 MR. LEVITON: It's not before us. We're not
7 considering it.

8

9 MR. SCHERTZ: No?

10

11 MR. LEVITON: No.

12

13 MR. SCHERTZ: Okay.

14

15 MS. DEFALCO: They signed an affidavit David.

16

17 MR. SCHERTZ: Oh they did?

18

19 MS. DEFALCO: Yeah.

20

21 MR. SCHERTZ: Okay.

22

23 MS. DEFALCO: Everything else fell under the ten-year
24 rule. They were able to prove that exists for ten years or
25 more.

26

27 MR. SCHERTZ: Oh so that falls under?

28

29 MS. DEFALCO: Right, but the fence is a violation of
30 the township ordinance. It's not a bulk standard so that's why
31 they had to come before the board.

32

33 MR. SCHERTZ: Okay. No other questions then.

34

35 MR. LEVITON: Okay, Bob?

36

37 MR. GREGOWICZ: No questions.

38

39 MR. LEVITON: And Adam?

40

41 MR. WEISS: No questions.

42

43 MR. LEVITON: I have no questions. Let me go out to
44 the public. Is there anyone who wants to ask a question to Mr.
45 Scantorino or Ms. Medeiros? Seeing none I'll close public and
46 I'll ask Nancy if there's anything further she wants to
47 contribute.

48

1 MS. DEFALCO: No. You want to put it on the record?
2
3 MR. BRIGLIADORO: Three variances?
4
5 MS. DEFALCO: Yes.
6
7 MR. LEVITON: Yes so they're seeking ---
8
9 MR. BRIGLIADORO: ---
10
11 MR. LEVITON: Yes.
12
13 MR. BRIGLIADORO: Four foot where three feet is
14 allowed and the set back at 20.5 feet where I believe the set
15 back is ---
16
17 MS. DEFALCO: Sixty feet.
18
19 MR. BRIGLIADORO: Sixty feet.
20
21 MR. LEVITON: So it's a four and a half foot
22 encroachment into the set back and the fence is a foot higher
23 than it should be and that's all concealed by arborvitaes
24 except where their garage is pretty much?
25
26 MS. MEDEIROS: Correct, yeah.
27
28 MR. SCANTORINO: Even where the garage is. It's just
29 the door that's not covered.
30
31 MR. LEVITON: The door you can see, yeah.
32
33 MR. SCANTORINO: Correct.
34
35 MS. MEDEIROS: Yeah. It's inside in the arborvitaes.
36
37 MR. LEVITON: I understand.
38
39 MS. DEFALCO: So what happens when you replace the
40 trees if the fence is in between the trees?
41
42 MR. SCANTORINO: No, no, no.
43
44 MS. MEDEIROS: No, no just the gate to get in and out
45 of the yard.
46
47 MR. SCANTORINO: There's a picture.
48

1 MS. MEDEIROS: Yeah.

2

3 MR. SCANTORINO: The arborvitae tree is here, another
4 arborvitae tree is here, and the fence is in between that.

5

6 MS. MEDEIROS: The gate.

7

8 MR. SCANTORINO: Not actually in between them. That's
9 how we enter the backyard.

10

11 MS. MEDEIROS: The arborvitaes are on the street side
12 of the fence in front of it and then obviously our yard. So we
13 would just replace the entire street line so like an L.

14

15 MR. LEVITON: Okay Mr. Brigliadoro anything further
16 sir?

17

18 MR. BRIGLIADORO: No Mr. Chairman.

19

20 MR. LEVITON: Okay will someone make a motion?

21

22 MR. WEISS: Go ahead Josh.

23

24 MR. SHALIKAR: Chair I'll make a motion to approve.

25

26 MR. LEVITON: Thank you Mr. Shalika and Adam.

27

28 MR. WEISS: Oh I'm going to second that.

29

30 MR. LEVITON: Thank you Mr. Weiss.

31

32 **ROLL CALL**

33

34 MS. MOENCH: Mr. Gregowicz?

35

36 MR. GREGOWICZ: Yes.

37

38 MS. MOENCH: Mr. Schertz?

39

40 MR. SCHERTZ: Yes.

41

42 MS. MOENCH: Mr. Weiss?

43

44 MR. WEISS: Yes.

45

46 MS. MOENCH: Mr. Mantagas?

47

48 MR. MANTAGAS: Yes.

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MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Congratulations folks.

MR. SCANTORINO: Thank you.

MR. LEVITON: You have many years of health and happiness here.

MS. MEDEIROS: Thank you.

MR. LEVITON: You're welcome. And Ms. Gambino you are our last customer. Your application is 2234. Welcome to you ma'am and the board attorney will swear you in and then you can be comfortable.

MR. BRIGLIADORO: Please raise your right hand. Do you swear or affirm the testimony you're about to give before this board is going to be the truth, the whole truth, and nothing but the truth?

MS. GAMBINO: I do.

MR. BRIGLIADORO: Please tell us your name, spell your last name, and give us your address for the record.

MS. GAMBINO: Angela Gambino, G-A-M-B-I-N-O 18 Sandybrook Road Manalapan, New Jersey 07726.

MR. LEVITON: Ms. Gambino you're here for the fence that encroaches the front yard set back. Tell the board about your property, explain to them how it's angled on Sandybrook Road, and it sort of faces Tennent Road and how let them know why you need the relief that you seek.

MS. GAMBINO: --- okay.

MR. LEVITON: Okay.

MS. GAMBINO: I'm on Sandybrook and Tennent Road. The house is on angle. I want to enclose the whole house because it's never been enclosed. I enclosed it about a year ago the trees and I thought that would suffice. Unfortunately I got

1 two little dogs and I have a temporary fence. I have two
2 footer fence in there. One of the dogs jumped so I'm looking
3 to enclose it with a fence and this morning I don't know if it
4 was a sign, they have deers in my property as well. So
5 basically for the purpose of the dogs I want to be able to let
6 the dogs out. I haven't been able to sit on the patio or
7 anything because of fear that one of the dogs is going to go
8 into the street so that's the reason I'm here. I've been here
9 twenty years and I never thought I would do this because we
10 had a dog that he was trained not to go behind the borderline
11 and for privacy purposes I put all trees around not realizing
12 that the last year or so I decided to get two dogs for company
13 purposes and like I said one of them decided to jump so.

14

15 MR. LEVITON: So the two foot fence that you have is
16 inside of the trees that you put up?

17

18 MS. GAMBINO: Yes.

19

20 MR. LEVITON: Would you be installing the new fence
21 as well inside of the trees?

22

23 MS. GAMBINO: Yes.

24

25 MR. LEVITON: You would be.

26

27 MS. GAMBINO: Yes.

28

29 MR. LEVITON: Okay, Basil?

30

31 MR. MANTAGAS: No questions Mr. Chaiman.

32

33 MR. LEVITON: Josh?

34

35 MR. SHALIKAR: Would you say that that part of
36 Tennent Road is rather busy and congested with cars?

37

38 MS. GAMBINO: Yes definitely.

39

40 MR. SHALIKAR: Okay so the fence would be probably
41 beneficial to you and your family and your dogs right?

42

43 MS. GAMBINO: Yes.

44

45 MR. SHALIKAR: Okay no questions.

46

47 MR. LEVITON: Thank you Josh. David?

48

1 MR. SCHERTZ: No questions.

2

3 MR. GREGOWICZ: No questions.

4

5 MR. LEVITON: Thank you Bob.

6

7 MR. WEISS: No questions.

8

9 MR. LEVITON: I also have no questions, but I'm going
10 to make a statement for the record and that we can grant you
11 variance relief due to hardship, we can also grant them for
12 injustices and when there's a pooch in danger of getting
13 killed on Tennent Road that's an injustice.

14

15 MS. GAMBINO: I agree, thank you.

16

17 MR. LEVITON: You're welcome so let's go to our
18 attorney and ask him sir is there anything you require
19 further? Her lot is irregularly-shaped and it's on a corner on
20 a bust intersection.

21

22 MR. BRIGLIADORO: I'm just going to say similar to
23 the application we saw earlier.

24

25 MR. LEVITON: Correct.

26

27 MR. BRIGLIADORO: With the irregular shape of the lot
28 there's two front yards, Tennent Road and Sandybrook Road. The
29 location of the house on the lot, where the fence is located
30 it doesn't appear to impose or impede any sight lines in the
31 area. I believe the set back is okay, right Nancy it's just
32 the height?

33

34 MS. DEFALCO: Yes.

35

36 MR. BRIGLIADORO: It's just the ---

37

38 MS. DEFALCO: The height.

39

40 MR. BRIGLIADORO: The difference in height.

41

42 MR. LEVITON: Correct.

43

44 MR. BRIGLIADORO: For C1 purposes you have that and
45 you also have the C2 with aesthetics and the like ---

46

47 MR. LEVITON: He's pleased and so I'm going to go out
48 to the public and if there's anybody that wants to ask Ms.

1 Gambino a question now would be the time. I see none and so
2 I'm going to close public and I'm going to ask for a motion.

3

4 MR. SCHETZ: So moved.

5

6 MR. LEVITON: Thank you Mr. Schertz.

7

8 MR. SHALIKAR: I'll second that.

9

10 MR. LEVITON: Mr. Shalika who bought you to it. It
11 was quiet, but it was effective.

12

13 **ROLL CALL**

14

15 MS. MOENCH: Mr. Gregowicz?

16

17 MR. GREGOWICZ: Yes.

18

19 MS. MOENCH: Mr. Schertz?

20

21 MR. SCHERTZ: Yes.

22

23 MS. MOENCH: Mr. Weiss?

24

25 MR. WEISS: Yes.

26

27 MS. MOENCH: Mr. Mantagas?

28

29 MR. MANTAGAS: Yes.

30

31 MS. MOENCH: Mr. Shalika?

32

33 MR. SHALIKAR: Yes.

34

35 MS. MOENCH: Chair Leviton?

36

37 MR. LEVITON: Congratulation Ms. Gambino.

38

39 MS. GAMBINO: Thank you I appreciate it.

40

41 MR. LEVITON: You're welcome.

42

43 MS. GAMBINO: Have a good evening guys.

44

45 MR. LEVITON: And you as well, good luck to you.

46

47 MS. MOENCH: I'll send everything, the paperwork.

48

1 MR. LEVITON: So Mr. Brigliadoro we thank you sir. We
2 hope that Dustin is well.

3
4 MR. BRIGLIADORO: ---

5
6 MR. LEVITON: And to our new members we look forward
7 to working with you both. If you have any questions or
8 anything you both have my number, feel free to text me or call
9 me. I'm available to you at all times. You can see the real
10 people in charge here are sitting on that end of the table and
11 they take care of everything. Nancy doesn't miss a trick and
12 Janice my God, God bless her.

13
14 MS. DEFALCO: If I miss it she catches it.

15
16 MR. LEVITON: I'll bet.

17
18 MS. DEFALCO: Tag team.

19
20 MR. LEVITON: I'll bet and is there anything else
21 gentlemen? Then I'll just tell you quickly that the Mets are
22 up 5-1 in the fourth and I'll ask for someone to adjourn.

23
24 MR. SCHERTZ: So moved.

25
26 MR. LEVITON: Thank you David. Be well everyone.

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