

MEETING IS CALLED TO ORDER:

MR. LEVITON: Okay I'm going to call the meeting to order and ask you all to join me in the salute to the flag.

SALUTE TO THE FLAG

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

ROLL CALL

MS. MOENCH: Mr. Gregowicz?

MR. GREGOWICZ: Here.

MS. MOENCH: Mr. Rosenthal is not present. Mr. Schertz?

MR. SCHERTZ: Here.

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Here.

MS. MOENCH: Mr. Weiss is not present. Mr. Mantagas?

MR. MANTAGAS: Here.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Here.

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Here.

MS. MOENCH: Chair Leviton?

MR. LEVITON: I am here. Mr. Wechsler and Mr. Pochopin as number one and two alternates your votes will count this evening. We are down four members so you're on.

MR. POCHOPIN: Very good.

MR. WECHSLER: Thank you.

MR. LEVITON: Welcome to the public. It's nice to see everyone at attendance. Board members, good to see you all. Our first order of business tonight is to accept the minutes from July 20th. I need a motion please and a second.

MR. SCHERTZ: So moved.

MR. WECHSLER: Second.

MR. LEVITON: Thank you David and thank you Michael.

ROLL CALL

MS. MOENCH: Mr. Gregowicz?

MR. GREGOWICZ: Yes.

MS. MOENCH: Mr. Schertz?

MR. SCHERTZ: Yes.

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Yes.

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Yes. Okay next we need to memorialize resolution number 2320, Mr. Marmero.

MR. MARMERO: Yes Mr. Chairman and this was the resolution for the bulk variance approval at 15 Gettysburg

Drive. As you'll remember this was the bulk variances that were associated with a front covered porch slash walkway.

MR. LEVITON: Thank you Mr. Marmero. Will someone move to memorialize?

MR. SHALIKAR: I'll make the motion to memorialize.

MR. POCHOPIN: Second.

MR. LEVITON: Thank you Mr. Shalika and thank you Mr. Pochopin for the second.

ROLL CALL

MS. MOENCH: Mr. Gregowicz?

MR. GREGOWICZ: Yes.

MS. MOENCH: Mr. Schertz?

MR. SCHERTZ: Yes.

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Yes.

MS. MOENCH: Did you say yes?

MR. SHALIKAR: Yes.

MS. MOENCH: Oh I'm sorry. Mr. Pochopin?

MR. POCHOPIN: Yes.

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Yes. Alright there are three hearings on the agenda this evening. The first one is ZBE2329 and the board calls the Polito's. Hello Mrs. Polito how are you?

MRS. POLITO: Good thank you. How are you?

MR. LEVITON: I'm also well. Mr. Marmero, the board's attorney, is going to swear you in and I'll just ask if you'll

note the closeness with which I'm speaking into the microphone and I'll ask you to do the same.

MRS. POLITO: Should I sit here?

MR. LEVITON: Whatever makes you happy I don't care.

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

MRS. POLITO: Yes.

MR. MARMERO: Can you state your name and address for the record please?

MRS. POLITO: Gina Polito 60 East Parsonage Way
Manalapan, New Jersey 07726.

MR. MARMERO: Okay.

MR. LEVITON: Get comfortable Mrs. Polito. Sir this is a ZCCO application.

MRS. POLITO: Yes.

MR. LEVITON: You're the seller.

MRS. POLTIO: Yes.

MR. LEVITON: The buyer is also in attendance.

MRS. POLITO: Yes.

MR. LEVITON: And I read the correspondence in the file. If the board does not act favorably on your application you agree to bring it back into conformity.

MRS. POLITO: Yes.

MR. LEVITON: At your expense.

MRS. POLITO: The contractor is going to take care of everything, Anthony Nicosia.

MR. LEVITON: Okay. Why don't you tell the board what it is that you need and the relief that you seek?

MRS. POLITO: Okay so 2017 Anthony Nicosia built our patio. We told him we wanted a simple patio, just put a table and barbeque on there. No lights, we did it very simple. At that time my husband's company was planning on moving us to Florida. So he kept it simple. We told him just make sure you get permits because behind the house is very pretty. We have the water. We have the seventeenth hole so I thought everything was great. Everything looked great. I didn't think there was a problem because we got permits and then we go to sell the house and I felt a little blindsided because I found out we needed a variance. We're eighteen inches off the setback.

MR. LEVITON: About that, I'm about to go out to the board, but Nancy that doesn't seem right to me. When the applicant, when Mrs. Polito filled out the application she wrote that the encroachment was on line three ten feet, but you wrote twenty feet in the denial. Can you speak to us about that discrepancy? If you look at the application.

MRS. POLITO: Excuse me?

MS. DEFALCO: It's raised.

MRS. POLITO: Its three feet from the grounds.

MS. DEFALCO: Right that's the reason. If it were a flat patio then the setback would be ten feet because it's raised it's a twenty foot setback.

MR. LEVITON: So you understand that now? You wrote ten feet, but it's actually twenty feet. Your encroachment is eleven and a half foot into the rear setback not eighteen inches that you just testified to.

MRS. POLITO: Oh I was just told that it was eighteen inches.

MR. LEVITON: Nancy can you make that clear?

MS. DEFALCO: Because at the time we thought it was a flat patio.

MRS. POLITO: Oh.

MS. DEFALCO: Then we learned that it was a raised patio so the setback requirement changes.

MRS. POLITO: Oh, okay.

MR. LEVITON: Thank you for the clarification and let's go out to the board, Mr. Wechsler.

MR. WECHSLER: All the permits are filed and the permits are closed?

MRS. POLITO: Yes this was 2017.

MR. WECHSLER: I have no issues with it.

MR. LEVITON: Mr. Pochopin?

MR. POCHOPIN: Not at this time, thank you.

MR. LEVITON: Mr. Mantagas?

MR. MANTAGAS: It's a lawn in the back, tell us is there any lawn on the patio just the ---

MRS. POLITO: Do you have a picture?

MR. LEVITON: Yes she does.

MR. MANTAGAS: Oh I don't have the picture then.

MR. LEVITON: Take a look at Josh's.

MR. MANTAGAS: Let me take a look. I see it. I see it now yes. Okay that's all I have, thank you.

MR. LEVITON: Mr. Shalika?

MR. SHALIKAR: No questions.

MR. LEVITON: Mr. Schertz?

MR. SCHERTZ: No questions.

MR. GREGOWICZ: Just a one question, the Home Owners Associations they're aware of it and?

MRS. POLITO: They approved it.

MR. GREGOWICZ: They approved it?

MRS. POLITO: Yes.

MR. GREGOWICZ: Okay I have no other questions.

MR. LEVITON: Okay I have no questions either. At this time I'm going to go out to the public and ask if there's anyone in attendance who would like to ask Mrs. Polito a question or address the board. Now would be the time. Okay seeing none I'm going to close public and ask Mr. Marmero if he needs anything further.

MR. MARMERO: No I mean you've heard the applicant's testimony and this is a ZCCO program that we're dealing with here. From the application materials and then as Nancy clarified because it's a raised patio it actually makes the setback requirement twenty feet so with the bulk variance that's being sought here is the applicant has an 8.5 foot setback and where twenty is needed. So it's one bulk variance and that's what the variance would be.

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

MR. GREGOWICZ: I'll make the motion to approve the application.

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

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

MR. LEVITON: Thank you Mr. Mantagas.

ROLL CALL

MS. MOENCH: Mr. Gregowicz?

MR. GREGOWICZ: Yes.

MS. MOENCH: Mr. Schertz?

MR. SCHERTZ: Yes.

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Yes.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Yes.

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Congratulations. Welcome Correganno's to the neighborhood.

MRS. POLITO: Oh that's great.

MR. LEVITON: And Mrs. Polito good luck to you in Florida.

MRS. POLITO: I'm done?

MR. LEVITON: You are.

MRS. POLITO: Thank you so much, thank you.

MS. MOENCH: In two weeks it'll be memorialized and I'll e-mail it out to you.

MRS. POLITO: Thank you.

MS. MOENCH: You're welcome.

MRS. POLITO: Have a good evening everyone.

MR. LEVITON: Thank you same to you. Okay our next application is number ZBE2326 and I'm not going to pronounce this correctly please forgive me in advance, Fei Xia.

MS. XIA: Yeah.

MR. LEVITON: How do I Say your last name ma'am?

MS. XIA: Xia.

MR. LEVITON: Xia?

MS. XIA: Yeah ---

MR. LEVTON: Phonetically C-H-A-A chaa?

MS. XIA: More like S-H.

MR. LEVITON: S-H.

MS. XIA: Yes.

MR. LEVITON: A, sha?

MS. XIA: Yeah thank you.

MR. LEVITON: You're welcome.

MS. XIA: It's a hard one.

MR. LEVITON: It's okay. It's only hard on paper. It's easy in the real world. Ms. Xia welcome, Mr. Marmero is going to swear you in.

MR. MARMERO: Yes so just like the last applicant if you'll raise your right hand I'll get you sworn in. Do you swear that the testimony you'll provide tonight will be the truth, the whole truth, and nothing but the truth?

MS. XIA: Yes.

MR. MARMERO: Okay and again could you state your name and address for the record please ma'am?

MS. XIA: Fei Xia address One Judge Lane Manalapan, NJ 07726.

MR. MARMERO: Okay.

MR. LEVITON: Thank you Ms. Xia.

MS. XIA: Sit down now?

MR. LEVITON: Yes and make yourself comfortable. Again also the proceedings of the hearings are recorded because later they're transcribed by a court reporter. Every word that we say needs to be picked up and the system is very sensitive you have to speak closely to the microphone.

MS. XIA: Okay.

MR. LEVITON: So why don't you tell the board what it is that brings you here tonight and what type of relief you're seeking.

MS. XIA: Yeah I want to put a fence twenty feet from my property line, but then the setback says its ninety feet. I

just think it's very excessive because it's a little street inside a development. It's not a main road or anything and also I have trees they're planted. If you look at the pictures from you can ignore pictures one and two because its showing the back and the other side, but the rest of the pictures shows the trees along the property line. So if I put it at twenty feet it will be right next to the trees and when you look at the pictures here it'll be right inside here and you can't even see the street on this side and the last picture to this picture shows this is the walkway and this is the street and this is where my fence will be. So it's totally invisible from the street and when I say twenty feet if you're talking about a difference from my fence from the street it's actually like thirty because there's the walkway and a strip of grass and there's the street. So I don't know why the fence can be where at twenty feet and instead of ninety the ninety will be my total backyard is only 180-something. The ninety feet fence will be right in the middle of my backyard. I don't know what the purpose of putting my fence, cutting my backyard in half. I mean its expensive project, it's investment for me and for the long term and hopefully it's going to bring up the value of the house. Now you put the fence in the middle and cut the backyard half that's not going to do it. Also one of the purpose of putting up the fence is to keep the deer away. So you all know if the fence is invisible, they can't see it, they're not going to jump. Otherwise a six feet fence is nothing. They can still jump if they can see where everything is and I need the fence also for my kids and the dogs can run free. Also run free without catching the ticks all the time. That's why I'm a little nervous here, but ---

MR. LEVITON: There's no need to be nervous. We're very friendly.

MS. XIA: I am nervous. It's the first time for me --
-

MR. LEVITON: So the board will recognize that you are coming here this evening and you're asking permission.

MS. XIA: Yeah.

MR. LEVITON: I can't tell you how often we see folks who've already gone ahead with their plans, erected their fence and then we've had to ask them to take it down. So we commend you for that. I've driven past your property. I take exception to the idea that you can't see through your living fence, you can. I was able to see your backyard.

MS. XIA: Not the back.

MR. LEVITON: Through each of the trees. Also from the corner as I ---

MS. XIA: The corner has ---

MR. LEVITON: And then from the other side that's just me. I do appreciate the pictures that you have submitted, but let's go out to the board and see what they think, Mr. Wechsler.

MR. WECHSLER: So you're looking to encase your entire property with a six foot fence?

MS. XIA: Yeah.

MR. WECHSLER: Do you feel it would be aesthetically pleasing since I don't see any of the fences on any of the other properties?

MS. XIA: Well they have fences, but this is the backside of my house. It's not even the front side. My front is facing Judge Lane and it has a hundred or something setback already. So you could say this is a front setback, but this is the back side of my house right?

MR. LEVITON: Well she has a corner property.

MR. WECHSLER: Right I see.

MS. XIA: Yeah and ---

MR. LEVITON: So technically she has two front yards and she wants to put the fence along the side which she perceives to be the side.

MR. WECHSLER: Oh, but that'd be including the front entrance from the driveway, a fence over there too?

MS. XIA: Yeah the driveway, of course the gate will be right.

MR. WECHSLER: Right.

MS. XIA: Yeah facing the driveway.

MR. WECHSLER: And what type of fence is this?

MS. XIA: I'm going to consider metal so that way its not vinyl as more stands out.

MR. WECHSLER: Right.

MS. XIA: Black metal so.

MR. WECHSLER: Like an aluminum fence that you could see through?

MS. XIA: Yeah, yeah that kind.

MR. WECHSLER: Okay that's all the questions I have.

MR. LEVITON: Thank you Mr. Wechsler and Mr. Pochopin.

MR. POCHOPIN: Yes thank you. So just to clarify it would be like a jerith fence not just a manufacture name that you could see through for safety purposes?

MS. XIA: Yeah.

MR. POCHOPIN: In the front for you, for cars, and traffic since you have two front yards so to speak as long as it's not encroaching on any sight triangle which is for safety for your driveway and backing out or cars or so forth.

MS. XIA: Not really I don't have hardly have space in there. The driveway is very long. It will be right I mean at the end of the driveway.

MR. POCHOPIN: But it is enough where four inches in between or is it --- and it's not a solid metal fence right?

MS. XIA: No it's not solid.

MR. POCHOPIN: Oh.

MS. XIA: It's just the simplest one.

MR. POCHOPIN: And it has to be six foot even in the front?

MS. XIA: I could go with five, but it's not going to keep the deers out. That's one of the purposes I have too many deers and you're picking up ticks more.

MR. POCHOPIN: Yeah.

MS. XIA: And I also need the fence now I mean you hear the crimes, things, everyday people get broken into, the car goes stolen. I have my neighbors, next door neighbors, got broken into before they even move in and another neighbor have their car stolen, all their stuff. I don't know just the fence gives me a sense of security. It's not a guarantee, but ---

MR. POCHOPIN: Thank you.

MS. XIA: Thank you.

MR. LEVITON: Thank you Mr. Pochopin, Mr. Mantagas.

MR. MANTAGAS: I drove past, hi how are you? I drove past your property I noticed you have the big, tall spruces on that one side. What is that Cozy? What's the next block around Judge?

MS. XIA: Cozy and Judge.

MR. MANTAGAS: Right.

MS. XIA: So this is Cozy when you come in from Gravel Hill.

MR. MANTAGAS: Right you're right on that corner?

MS. XIA: That's Judge.

MR. MANTAGAS: Now you want to put the fence right up to those trees? Is that what you're saying directly against them?

MS. XIA: It's like a couple feet from the tree because it's twenty feet.

MR. MANTAGAS: Right.

MS. XIA: The trees has been there for fifteen, eighteen years so their span is about not twenty feet quite yet so that's why ---

MR. MANTAGAS: But would you be willing to compromise a little bit? I mean not the whole ninety. We could work something out.

MS. XIA: I think twenty is good right because if you say thirty right and then you have a big ten, fifteen feet

open space and the deer is going to come in anyway. My purpose is closer to the trees so it's like more hiding there and ---

MR. MANTAGAS: Well.

MS. XIA: The deer won't come in I mean.

MR. MANTAGAS: So your main purpose to keep the deer away from your property?

MS. XIA: The deer away. The other purpose is security of the house right? And then also I have kids and dogs, finally they could run free.

MR. MANTAGAS: Right okay.

MS. XIA: Right yeah.

MR. MANTAGAS: Okay thank you, no more questions Mr. Chairman.

MR. LEVITON: Thank you Mr. Mantagas, Mr. Shalika.

MR. SHALIKAR: Hi so would you be willing to make it a condition to guarantee that it's a metal fence that is see-through?

MS. XIA: It is, it is. I already talked to my fence guy and the simple ones cost less money and I'm not going to go with anything fancy. It's just an enclosure right for the kids and ---

MR. SHALIKAR: I understand that --- I do, I do. I think for safety purposes when you have two front yards it's important that you have visibility for people as they make the corner as they drive by.

MS. XIA: Yes.

MR. SHALIKAR: That's ---

MS. XIA: That's why there's no trees close to the driveway so you could see.

MR. SHALIKAR: Sure because I do understand your predicament where ninety feet would cut your property in half, that's definitely an inconvenience I can understand that.

MS. XIA: It is.

MR. SHALIKAR: I have no other questions Mr. Chairman.

MR. LEVITON: Thank you Mr. Shalihar, Mr. Schertz?

MR. SCHERTZ: Nancy.

MS. XIA: I'm sorry can I make a point?

MR. SCHERTZ: Sure.

MS. XIA: You said that you drive by my house right and you can see it's a little bit opening at end. The problem is that last year was so dry four or five of my trees died so I had to replace them so at the end corner here, over here, the trees are smaller because I just planted last year. Otherwise they were this big, but they died. Otherwise it would be more, sorry.

MR. LEVITON: It's okay, David?

MR. SCHERTZ: Nancy the fact that the fence will be within the sight radius on the corner of Cozy and Judge will that be a problem?

MS. DEFALCO: Yes you have to ---

MS. XIA: Sight radius?

MS. DEFALCO: This is.

MS. XIA: What's that?

MS. DEFALCO: Two ordinances that she's seeking relief from. One is we don't allow any fencing in the first twenty-five feet and she's asking for a fence let alone a six foot fence. Second is the setback. Please keep in mind that the residents that live on Cozy Drive are supposed to have the same open space as on Judge so now when they look out their front door they now have a fence blocking their view.

MS. XIA: No, but the trees are actually blocking it that's why if you look at the pictures here I look at it from my backyard you don't see my neighbors house. See? You don't see nobody's house, but that's --- I don't see any house here. There's a deck. This is the back it's a house and then here there's two houses.

MS. DEFALCO: Okay.

MS. XIA: Yeah that's the thing if I don't have the trees I know the fence will be right out, everybody could see it.

MR. LEVITON: Well Ms. Xia.

MS. XIA: Yeah.

MR. LEVITON: The setbacks they help maintain the character of the neighborhood, that's their purpose.

MS. XIA: Yeah.

MR. LEVITON: They ---

MS. XIA: I understand.

MR. LEVITON: It's to improve the aesthetics throughout everyone's home not just your own and the point that the zoning officer makes is that not behind you, but on Cozy Street the people across the street on Cozy will have to look at your --- fence and then the chain link fence through it. Also you yourself testified to the fact that trees die. We've all seen tree lines that have expired and they're brown and you can see through them and it's not a pretty sight.

MS. XIA: Yeah, but like you said I plant it again. I mean mostly they are covered. How could you see? You don't even see the street or a house from here.

MR. LEVITON: I don't, but I'm not going to argue it. I'll simply tell you that for me, you need to establish some type of hardship to the board so that we can get grant you a variance. Hardships relate to the property. They run with the land, narrowness, shallowness, an irregular shape, some type of unusual topographic elevation.

MS. XIA: There's nothing there.

MR. LEVITON: Correct you haven't offered anything.

MS. XIA: Grass, there's nothing in the back and the side.

MR. LEVITON: Didn't give me anything in the way of a physical feature that affects the property or a unique

condition. I can't support your application, but that's just me. Mr. Schertz let's go back to you.

MR. SCHERTZ: I have a problem with the fence being positioned where it is. Again because of the negative problems with the bulk variance, but also because that corner inside the sight radius and ---

MS. XIA: What's this radius here?

MR. SCHERTZ: So.

MS. XIA: You mean the corner --- right?

MS. DEFALCO: --- sight triangle.

MR. SCHERTZ: Sight triangle.

MS. XIA: Sight triangle is?

MR. SCHERTZ: On the corner of Cozy and Judge.

MS. XIA: --- There's like ---

MR. LEVITON: Ms. Xia.

MS. XIA: A hundred.

MR. LEVITON: Ms. Xia.

MS. XIA: A hundred feet.

MR. LEVITON: You don't need to explain because Mr. Schertz is speaking to Ms. DeFalco.

MS. XIA: Oh I see, I'm sorry.

MR. LEVITON: David go ahead what was your question?

MR. SCHERTZ: So the corner of the fence is actually inside of the sight triangle.

MS. DEFALCO: You see the sight triangle is at the bottom correct?

MR. SCHERTZ: No look at the corner of Cozy and Judge.

MS. DEFALCO: Is it not it right here?

MR. MARMERO: Yeah I think that's ---

MS. DEFALCO: Within the circle is that right? ---

MR. MARMERO: Yeah --- up here.

MS. DEFALCO: It's fine in the sight triangle David.

MR. LEVITON: David it's not in the sight triangle.
Do you have anything else?

MR. SCHERTZ: Then what is this circle on the corner?

MR. LEVITON: That's an easement. There's an easement
on the property. I don't recall off hand.

MR. SCHERTZ: This is not the sight triangle?

MS. DEFALCO: Yes she's proposing --- here trying to
bring it down.

MR. LEVITON: Let the record reflect that the zoning
officer is working on the survey and explaining it to Mr.
Schertz.

MR. SCHERTZ: Oh.

MS. DEFALCO: She's going here where these X's are.

MR. SCHERTZ: Okay thank you.

MR. LEVITON: Mr. Schertz anything further?

MR. SCHERTZ: No I'm good.

MR. LEVITON: Thank you sir, Mr. Gregowicz.

MR. GREGOWICZ: The only thing is we went over the
setbacks and you understand the importance of why we have
setbacks.

MS. XIA: Right.

MR. GREGOWICZ: And you're deadest on a six foot high
fence you haven't considered anything lower?

MS. XIA: I could go five because when I started
right we want a fence so you're not allowed eight so I'm like

okay six is okay, but if you allow me to put it with the twenty is and I could put it at twenty feet and you say you could only go as high as five I'm okay with it. It's just I can't go three that's not going to serve the purpose right? If you insist that five.

MR. LEVITON: No further questions?

MS. XIA: Yeah I'll go five.

MR. LEVITON: Okay.

MS. XIA: ---

MR. LEVITON: We're not here to negotiate. We're going to consider your proposal as it is and it will come to a vote. Nancy before I call for one, before I go out to the public, can you quantify the encroachment into the setback?

MS. DEFALCO: Like I said previously the ordinance states no fencing within the first twenty-five feet so she's already five feet into that and the requirement is ninety and she's asking for twenty.

MR. LEVITON: A seventy-foot encroachment?

MS. DEFALCO: Yes, yes.

MS. XIA: I just think why there's one thing I haven't mentioned. Could this ninety feet you said it's the front setback could it be a mistake?

MS. DEFALCO: It's a street side setback.

MS. XIA: I see. I thought it was a mistake.

MR. LEVITON: It's not.

MS. XIA: Originally that house was supposed to face Cozy and then eventually it turned around.

MR. SHALIKAR: You would have the same problem on Judge Lane.

MS. DEFALCO: Yeah and you would have ninety on Judge and a hundred on Cozy.

MS. XIA: I see.

MR. SHALIKAR: You have two front yards that's how this is being considered. That's why it's ninety on both sides.

MS. XIA: Yeah, but I thought it's inside streets not like a main road because I've been driving around town right so now I'm more aware of where people's fences are. So Gordons Corner, Ryan Road, big roads, I see people's fence like what ten, fifteen feet tops from those roads. I don't know how people could do that and my little street I can't have.

MS. DEFALCO: Alright first of all the property is zoned differently. It has a different setback.

MS. XIA: I see.

MS. DEFALCO: And it's also possible they received a variance. It could be their rear yard that back up to Gordons Corner Road. It doesn't necessarily mean it's their front yard.

MS. XIA: No it's not the front, but.

MS. DEFALCO: Correct.

MS. XIA: It's right next to the main road.

MR. LEVITON: First of all Ms. Xia you should take comfort in knowing that when people go to sell their homes they're going to be reviewed through the lens of zoning. And if they're not compliant they're going to have to bring their property back into conformance.

MS. XIA: Yeah that's why I want to go.

MR. LEVITON: You did the right thing.

MS. XIA: These three months I mean all I could think about is this variance.

MR. LEVITON: I recognize that you're here. I appreciate that you're here and that you're asking permission. I cannot support you application. At this time I want to go out to the public and ask if there is anyone in attendance who would like to ask Ms. Zia about her proposal or address the board. Okay I'm going to close public and go out to the board and ask if there's anything that they require. Then I'll go out to you Mr. Marmero. How about yourself?

MR. MARMERO: So to summarize, Nancy kind of quantified the necessary variance relief is and she pointed out really we're dealing with two separate ordinance problems here. The first one is the general language that no fence can be within twenty-five feet of the street. This one is within twenty feet and then because of the location of the fence this fence would need to be three feet but its actually proposed at six feet and then the setback to Cozy Drive as we indicated would be ninety feet whereas the applicant is proposing twenty feet. Mr. Chairman as you indicated that would be a seventy foot encroachment. This is a bulk variance so the C standards apply. You indicated there would need to be some type of hardship which would be the C1 standard. The applicant could also present the C2 flex standard which is that some standard or some goal of the planning is being advanced and that the goals outweigh any kind of detriments to the surrounding area. So those would be the standards that you would need to hear in order to grant this variance relief.

MR. LEVITON: So Ms. Xia before I go to the board and call for a vote, our attorney Mr. Marmero says that you don't have the proofs on the record for a C1 variance, but if you'd like he invites to put the proofs on the record for a C2 variance wherein you establish that your project would be advancing one of the purposes of the municipal land use law.

MS. XIA: What does that mean?

MR. LEVITON: Well I'm not here to school you on that, but I'm just suggesting it's not the only avenue to tell us you have a hardship. You could come and say I'd like a C2 variance where I'm advancing one of the purposes of the municipal land use law, that is the law that governs our decision-making here. It's what we look to. We can't grant the variance because you say I feel like it.

MS. XIA: No it's not I feel like it.

MR. LEVITON: I understand, but to grant you the variance we need to hang our hat on something based in law and you haven't given to my satisfaction enough so I just want to make that clear.

MS. XIA: Why do people put up fence right? It serves multipurpose.

MR. LEVITON: Well the ordinance here in town is three feet. You're asking for six and for no other reason than you don't want deer jumping over and you're also asking for a

seventy-foot encroachment and saying that you've seen it elsewhere. Again I'm trying ---

MS. XIA: --- the situation.

MR. LEVITON: I understand, but again the ordinances exist for a purpose and this board does have the power to grant you variance relief.

MS. XIA: I know.

MR. LEVITON: If it advanced one of the purposes of the municipal land use law or if you were able to establish that there was a hardship that runs with the law.

MS. XIA: You need a hardship?

MR. LEVITON: Yes, yes Ms. Moench gave you that paperwork when you filled out your application.

MS. XIA: Right.

MR. LEVITON: You had that information.

MS. XIA: Just for an expensive and permanent project like that if I have to do it I mean it has to make sense right?

MR LEVITON: Sure.

MS. XIA: So wouldn't this ninety feet doing that the twenty feet off the street is not servicing and you said the main thing is because the neighbor's won't like to look at it and stuff. I mean it's almost invisible from the trees. You could walk on walkway you won't even see much and they are mostly evergreen trees. So of course they will die, but I mean ---

MR. LEVITON: I would like to help you I really would. I'm only one vote. This is a C variance. You only need a plurality. There are seven votes tonight if you get four yes' then you're going to be free to erect your fence. It won't come from me though and with that we're just going around and around. There are other applicants. I'm going to ask if there's anything you want to say to summate your proposal before I call for a vote.

MS. XIA: I just say I need the fence for the safety of my kids and adults. I have a big yard. Hopefully my dog could run free and run free without picking up the ticks every time. Alright so if I have to spend all of this money I lived in the house for fifteen years. I get along very well with the neighbors. I talk to them personally, nobody has any issues and I mean I don't know just because you said there's a setback there so I have to follow, but what purpose does it serve that my twenty feet does not? I mean if I have to put the fence in the middle I mean why right? I need the fence to feel a little more secure nowadays. Also I mean I always feel like my sliding door is a weak point. At least if I have the fence I will either lock, you have the code to get in. I feel a little safer because my husband is not here. He always works late, okay. I have dog to protect me. Alright my kids are always with earphones now so the fence gives a sense of security.

MR. LEVITON: I understand.

MS. XIA: I need that nowadays more than ever. I never feel this less safe. I love this town. Okay I would love to live here many more years, but I don't know. I can't even put the fence this many feet from the street and I mean actually almost I can not say it's invisible but its almost invisible with the trees. You want more trees I could plant more trees, but if I want to set up the fence I want the thing that makes sense not cut my backyard in half that's why.

MR. LEVITON: Thank you for your testimony.

MS. DEFALCO: --- different location. How about what's plan B?

MS. XIA: I have no plan B. I don't.

MS. DEFALCO: Well maybe you should consider plan B.

MS. XIA: Plan B is what like five feet maybe?

MS. DEFALCO: Maybe sixty feet?

MS. XIA: What?

MS. DEFALCO: How about sixty feet instead of ninety? The setback is ninety. How about sixty feet? ---

MS. XIA: Sixty feet will be alongside the driveway?

Ms. DEFALCO: Yes, I don't know if the board would be in favor of that, but.

MR. LEVITON: We, I don't know.

MS. DEFALCO: Its better than twenty.

MR. LEVITON: I can't speak for everyone else. I feel badly for her. We don't like to negotiate though. It is nice that you're offering her.

MS. DEFALCO: Having another option.

MR. LEVITON: Plan B.

MS. XIA: But the other purpose is to keep the deer out. The deer will jump if there's big open space and they see what's in there. I mean there's absolutely nothing on that piece with ninety feet.

MR. LEVITON: I'm going to call the vote. Will someone make a motion.

MR. GREGOWICZ: I'll make the motion to deny the application which was submitted.

MR. LEVITON: Okay will someone second that?

MR. WECHSLER: I second.

MR. LEVITON: Thank you Mr. Wechsler. Mr. Marmero given that its a motion to deny would you go over for the board's edification what their yes or no vote means.

MR. MARMERO: Sure so the motion on the table is a motion to deny the application. That motion has been seconded so a "yes" vote is to actually deny the application. A "no" vote is to approve the application.

MS. MOENCH: Who was the second I'm sorry? Was it Mr. Wechsler?

MR. LEVITON: Wechsler.

MS. MOENCH: Okay thank you, okay.

ROLL CALL

MS. MOENCH: Mr. Gregowicz?

MR. GREGOWICZ: Yes.

MS. MOENCH: Mr. Schertz?

MR. SCHERTZ: Yes.

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Yes.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Yes.

MS. MOENCH: Mr. Wechsler?

MR. WECHSLER: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: We're very sorry ma'am.

MS. XIA: Okay thank you for your time.

MR. LEVITON: You're welcome. Mr. Marmero?

MR. MARMERO: Yes.

MR. LEVITON: Ms. Moench, before I go any further I neglected to alert the audience in attendance to the fact that one of the proposed applications on tonight's agenda has been carried. Mr. Marmero can you make a statement to that affect I didn't want it sitting out there waiting.

MR. MARMERO: Yeah so the application that would have been next is the application for Kevin Cavanaugh at 2 Iroquois Drive. This as zoning board application number ZBE2327. This application is being carried to the September 21st, 23rd meeting. If anyone received notice and you're here for that application, please come back on that night September 21, 2023. No additional notice would be offered. The public notice was issued for this evening and it's being announced tonight that that application will be carried to September 21, 2023. Sufficient?

MR. LEVITON: Thank you Mr. Marmero.

MR. MARMERO: Sure.

MR. LEVITON: Alright next application is 2315 Ms. Cibelli. Welcome ma'am how are you?

MS. CIBELLI: Good, how are you?

MR. LEVITON: I'm also well. Our attorney will swear you in, Mr. Marmero.

MR. MARMERO: Yeah are you guys both going to testify this evening?

MR. WAGA: Yes.

MR. MARMERO: Okay what I'll do I'll get you both sworn in at the same time. Do you both want to raise your right hand? Do you swear that the testimony you will provide tonight will be the truth, the whole truth, and nothing but the truth?

MR. WAGA: I do.

MR. MARMERO: Okay and then if each of you could state your name and address for the record please?

MS. CIBELLI: Sure Emma Cibelli 12 Washingtons Advance Manalapan, New Jersey.

MR. MARMERO: Okay.

MS. CIBELLI: 07726.

MR. MARMERO: And you're the owner of the property correct?

MS. CIBELLI: That is correct.

MR. MARMERO: Okay and sir?

MR. WAGA: My name is Gregory J. Waga W-A-G=A, architect, 2109 St. George Avenue Rahway, New Jersey 07065.

MR. MARMERO: Okay and Mr. Waga have you testified before this board before?

MR. WAGA: A very, very long time ago.

MR. MARMERO: Okay and have you testified before other boards?

MR. WAGA: Numerous boards and my license is in good standing with the state of New Jersey and eight other states.

MR. MARMERO: Okay.

MR. LEVITON: Thank you for the ---. The board accepts your credentials Mr. Waga and Ms. Cibelli tell the board what it is that brings you here this evening and the variance relief that you seek.

MS. CIBELLI: Sure we currently have.

MR. LEVITON: --- bring the mic close to you.

MS. CIBELLI: Sure.

MR. LEVITON: Your mouth, just like I.

MS. CIBELLI: Better?

MR. LEVITON: Yeah adjust it like I am, very sensitive yeah.

MS. CIBELLI: Is that better?

MR. LEVITON: The old system used to pick up side conversations. This wasn't doesn't, but if you don't speak into it, it neglects to pick up your voice as well.

MS. CIBELLO: Okay no problem. Do you hear me better now?

MR. LEVITON: Perfectly, it's not me. Some software that they use I'll ask Janice when she's over there and she'll give me the thumbs up.

MS. CIBELLO: Okay.

MR. LEVITON: Please tell the board what you need.

MS. CIBELLO: So we currently have some temporary sheds that are on our property to store our car materials, maintenance stuff for our cars, our lawn, and for our home which we know is in violation so we would like to put forward

a request for permit to build a two-car, two-story garage. In order to do that we need a variance approval.

MR. LEVITON: Okay will Mr. Waga would you like to show the board the design that you've come up with?

MR. WAGA: Sure. So building on Ms. Cibelli's comments okay sure building on Ms. Cibelli's comments.

MR. LEVITON: Mr. Waga also do me a favor, turn your easel and we have it so why don't you turn it so the audience can see?

MR. WAGA: Sure.

MR. LEVITON: And pull it back over all the way. Yeah we can all see it now.

MR. WAGA: So what we're proposing to construct a twenty-five by forty detached wood frame garage with a second story with the use of storage only and in doing so we currently have five temporary structures. Four are approximately ten by twelve and the other one is a stand alone eight by eight Rubbermaid type of storage shed. Those would be eliminated, removed and we've satisfied all the obligations of an accessory use within the zone. We'll satisfy the left side setback at approximately thirty-two feet and the rear yard setback at approximately twenty-three feet. The structure itself will stand twenty-three feet tall. It'll be configured in a similar format to compliment the existing two-story dwelling that exists in the center of the site and the vehicles themselves will be stored within the garage.

MR. LEVITON: Thank you Mr. Waga.

MR. WAGA: Surely.

MR. LEVITON: Is there anything else from you before I go out to the board?

MS. CIBELLI: No, at this time no.

MR. LEVITON: Okay, Mr. Wechsler?

MR. WECHSLER: Yes thank you Ms. Cibelli for coming in. I was not able to go out to your property to take a firsthand look. You said you have five sheds on the property?

MS. CIBELLELI: Correct.

MR. WECHSLER: And what's in the sheds?

MS. CIBELLI: Materials for maintenance of my home, lawn equipment, materials for maintenance of our cars.

MR. WECHSLER: Okay so you're looking to build a small house?

MS. CIBELLI: No a garage.

MR. WECHSLER: A garage?

MS. CIBELLI: Yeah.

MR. WECHSLER: A two-story garage?

MS. CIBELLI: Correct.

MR. WECHSLER: With a second story and a bathroom?

MS. CIBELLI: Yes.

MR. WECHSLER: And this is just going to be for storage?

MS. CIBELLI: Correct.

MR. WECHSLER: Because I would make a garage out of it and I'd put cars and everything else in there. So have you thought about what you're going to do with the building as far as electrical service goes or what you're going to be putting in the garbage?

MS. CIBELLI: In the garage will go the materials that we currently have in the sheds.

MR. WECHSLER: So you didn't think just putting a simple steel building or a simple shed just to store the merchandise and materials would be more cost effective than putting up a building?

MS. CIBELLI: We don't have the capacity for a simple shed. Aesthetically I don't like them. They don't look good. I wanted to have a structure that was very similar to the design and look of my home.

MR. WECHSLER: That's all the questions I have.

MR. LEVITON: Thank you Mr. Wechsler, Mr. Pochopin.

MR. POCHOPIN: How are you?

MS. CIBELLI: Hi.

MR. POCHOPIN: So this I haven't got a chance to visit your site either. So it seems as if there's a business you have in Freehold that I read.

MS. CIBELLI: That is correct.

MR. POCHOPIN: Your husband's business?

MS. CIBELLI: Yes so there was I'll explain further. We received a notice from the township that allegedly we were running my husband's business from my home which is false. My husband has an office at 31 West Main Street in Freehold and we also store his materials for his business in storage units in both Manalapan and in Howell. There was also alleged that we were conducting business in our home, having meetings, people coming in and out. Quite honestly I think that's something that I don't really need to defend. I can have people come in and out of my home at any time and conversations that we have in my home are really private, but my husband conducts all of his business either at his client's homes where he's doing an assessment or an evaluation of the work that they want done or in his office.

MR. POCHOPIN: Very good. Now the business I think I read something about could be combustible materials.

MS. CIBELLI: Absolutely not.

MR. POCHOPIN: No?

MS. CIBELLI: No there are no combustible materials on that property.

MR. POCHOPIN: What type of business if you don't mind?

MS. CIBELLO: It's a construction business.

MR. POCHOPIN: So there could be adhesives or something like that correct?

MS. CIBELLI: No. We don't store any of those materials on my property.

MR. POCHOPIN: What would you store for construction?

MS. CIBELLI: Nothing, there's no materials on my property that are construction. Maybe tools like a saw or hammers and stuff like that, but there is no construction, commercial construction materials on my property.

MR. POCHOPIN: So what is the space for then? I'm just trying to clarify what you're using this big garage for?

MS. CIBELLI: We have two tractors to mow our lawn. We don't have a service so we do that on our own.

MR. POCHOPIN: Okay.

MS. CIBELLI: We have materials, tools to maintain our cars. We have several cars in our driveway so we have someone who comes and maintains our cars in our yard and materials that we use to repair our home. Currently right now I have some a pallet of stone that I'm using to fix my walkway.

MR. POCHOPIN: So the lower level would be for tractors, working on cars? The upper level I think I've seen. Is there a bathroom up there? Because that's going to be storage too you stated I believe.

MS. CIBELLI: It is going to be storage. We are putting.

MR. WAGA: If I can speak to that.

MR. POCHOPIN: Yes sir.

MR. WAGA: The bathroom is only accessible from the exterior. It's at the ground level and it faces if I can upgrade I neglected to state that the three sheets that I'm presenting tonight are those that in fact were provided to this board and are in front of you. So we have a ground level bathroom which is going to be accessed from the northeast side of the site at ground level and potential thought for future consideration for putting in a pool, a little barbecue area. This way the guests, visitors, family don't have to go inside. It's at ground level. Nothing is upstairs, but again utilizing that space for the storage or the replacement of the floor area of the existing five sheds and placing that material other than the tractors of course placing that material upstairs.

MR. LEVITON: Let the record reflect that that was Mr. Waga, Mr. Pochopin.

MR. POCHOPIN: Okay now I briefly looked at the electrical specifications too. Is there going to be a sizable electrical like a 200 amp service or just general receptacles that's required in a garage is only a GFI a dedicated GFCI receptacle.

MR. WAGA: Correct. We'll have four to six outlets. We'll have LED light so if a hundred amp panel is I think it's more than enough to suffice our needs.

MR. POCHOPIN: That's a good idea, but what I was getting at is if it's considered a garage.

MR. WAGA: Yes.

MR. POCHOPIN: Then with a bathroom then you have to get within resident so I need clarification on residential code as compared to commercial garage code.

MR. WAGA: Sure.

MR. POCHOPIN: Or like a basement if you're familiar sir I'm sure you are.

MR. WAGA: Yeah.

MR. POCHOPIN: So that's what I'm trying to figure out. Is it going to be more residentially laid out every twelve feet outlets or just going to be like a garage where you have a dedicated GFCI circuit, a couple spread out which would be fine, but I'm trying to see what the significant difference is between the usage.

MR. WAGA: So this will be constructed and designed to satisfy the 2021 IRC, the International Residential Code, adopted by New Jersey on March 6th of this year, alright. So it'll be based upon one need and capacity, alright. So well probably have four to six outlets, all GFI in the garage area because it can potentially be a wet area. The bathroom will have a GFCI outlet mounted at forty-four inches high. There'll be a switch, a combination light and exhaust, okay and then we'll probably have some convenience outlets on the second floor for maintenance purposes, for vacuum, cleaning up dust, spider webs so on and so forth and LED lights scattered throughout.

MR. POCHOPIN: Thank you so as you know the residential needs are a little more than that even the electrical panel. I didn't see that in there that would have to be arc fault current to the new code.

MR. WAGA: Of course.

MR. POCHOPIN: That's a forty-two space panel so there's a big difference between usage for residential which I think you stated and just a garage usage. So that's not my, that would be up to the board and the construction officials.

MR. WAGA: And that's fine and whatever plans are submitted I can attest to that they will be permit ready and satisfy all the necessary building code obligations.

MR. POCHOPIN: According to the usage?

MR. WAGA: Yes.

MR. POCHOPIN: Correct thank you.

MR. LEVITON: Thank you Mr. Pochopin, Mr. Mantagas.

MR. MANATAGAS: Hi Ms. Cibelli.

MS. CIBELLI: Hi.

MR. MANTAGAS: I was by your house today. It's a beautiful house.

MS. CIBELLI: Thank you.

MR. MANTAGAS: And I know you say it's not used for commercial or business, but it sure looked that way to me. The way the driveway was, the way the backyard was it was wide open. You had storage. You had another storage shed close to the house. It was a white canvas.

MS. CIBELLI: That's actually just a tent.

MR. MANTAGAS: That's a tent?

MS. CIBELLI: Yes.

MR. MANTAGAS: I noticed there was stuff inside there.

MS. CIBELLI: Yeah it's just ---

MR. MANTAGAS: And I looked around your neighbors and I noticed they had nothing like your backyard. You were like unique in the way your backyard looked and in my opinion I thought it looked commercial the way it looked.

MS. CIBELLI: Okay. Can you tell me why you thought that it looked?

MR. MANTAGAS: It just looked like it was accessible from the street. You could drive anything in there and it was more rural to me not like a typical backyard.

MS. CIBELLI: Well my husband keeps his cars, his passenger cars. They're not registered commercial vehicles. There's no advertisement or anything on those vehicles in that driveway so we have several cars as well as some trailers that he uses to put materials in to go to different sites from the storage unit. So he uses that as a commuting.

MR. MANTAGAS: So do some people that think you do around your neighborhood that you do? Neighbors or people do say that is that just my opinion?

MS. CIBELLI: Well I received a notice from the township saying that I'm running a business out of my home and I responded to that last week and clarified all of the questions that were raised.

MR. MANTAGAS: But I could see why somebody would get that idea that's what I'm saying. Coming in cold not knowing anything today that was my impression.

MS. CIBELLI: I understand.

MR. MANTAGAS: I just wanted to let you know.

MS. CIBELLI: But my response to that notice was accepted and cleared in terms of the reasoning of everything that was brought to the township.

MR. MANTAGAS: So you feel you need that size shed to store whatever you have for your home whatever tools, tractors, and stuff?

MS. CIBELLI: Yeah I mean right now.

MR. MANTAGAS: You couldn't use a smaller shed?

MS. CIBELLI: No.

MR. MANTAGAS: You wouldn't be open to a smaller shed?

MS. CIBELLI: You have to understand too. My husband and I moved here sixteen years ago. We have an elderly mother-in-law living with us. We sold her house. We're consolidating all of the things that she's had in her home. We've had storage facilities that we're trying to reduce because of the cost. So this unit, this building is going to help confine and consolidate what we have in our sheds and also the ability to store things that my mother-in-law also had in her home in Brooklyn.

MR. MANTAGAS: Okay thank you.

MS. CIBELLI: You're welcome.

MR. MANTAGAS: No more questions Mr. Chairman.

MR. LEVITON: Thank you Mr. Mantagas, Mr. Shalika.

MR. SHALIKAR: Hi.

MS. CIBELLI: Hi.

MR. SHALIKAR: So I did stop by as well. I'm going to echo probably what you hear a lot of us say is that when I did stop by I was in the backyard. First impression is that there's a lot going on that I would consider to be basic maintenance material. There were buckets of drywall, pre-mix I mean a lot of buckets sitting back there.

MS. CIBELLI: Empty buckets.

MR. SHALIKAR: They had lids on them. I wasn't going through your stuff, but I'm saying I'm just going to echo what they said it looked odd. So I can understand why that would be the assumption. That there could be something else going on. Why is the bathroom only accessible from the outside?

MR. WAGA: Because it's intent is to be used on a seasonal basis from the exterior when and if there's a

MR. SHALIKAR: From the rear of the garage?

MR. WAGA: Not the rear it's going to be from the left side of the garage. Which yes in turn in plain view is the rear of the garage or the right side of the garage, but in elevation view it is the rear wall of the garage. So let me go to if you look at sheet C1 our garage entry is off the driveway here front and into the right. The bathroom is to the rear of the garage, but it's actually the right side in plain view. So it faces the rear yard.

MR. SHALIKAR: Right so if I'm going to enter the bathroom.

MR. WAGA: Yes sir.

MR. SHALIKAR: Which side of the structure am I entering on?

MR. WAGA: The right side.

MR. SHALIKAR: The right side of the structure.

MR. WAGA: In plain view yes. Not the rear here along the property line.

MR. SHALIKAR: Okay and then how come no access from inside the garage?

MR. WAGA: Again it's intent is for seasonal use.

MR. SHALIKAR: Okay.

MR. WAGA: For a master plan which includes a pool, an outdoor barbecue area, things like that. More convenience than anything else.

MR. SHALIKAR: Understood okay and then just to reiterate the upstairs, the second division is going to be used for just storage?

MS. CIBELLI: Storage.

MR. SHALIKAR: And there's two rooms upstairs or is it open space? I was trying to look at the plans.

MR. WAGA: No it's all open space.

MR. SHALIKAR: All open space?

MR. WAGA: Yes sir. It's just a stairwell open to below and open space.

MR. SHALIKAR: Okay Chairman.

MS. DEFALCO: Downstairs has two rooms.

MR. SHALIKAR: Right okay.

MR. WAGA: Yeah to separate and isolate the area of the garage where the vehicles would be stored and again just create a small little transition between outside and upstairs.

MR. SHALIKAR: So then what would be in the parked. I'm not asking too much I'm just curious.

MS. CIBELLI: It's fine.

MR. SHALIKAR: It's a garage right? So I assume it's going to be cement floors on both sides.

MS. CIBELLI: Yes.

MR. WAGA: Yes.

MR. SHALIKAR: Okay so sorry the transition part I'm not following. What is the purpose of?

MR. WAGA: It's just an ending point. It's a wall that can be eliminated if needed, but it was just something that came up in design.

MR. SHALIKAR: Alright understood Chairman no further questions, thank you.

MR. LEVITON: Thank you Mr. Shalika, Mr. Schertz.

MR. SCHERTZ: So I've listened to my board members go back and forth and I'm getting a little confused. Is this going to be a garage or a storage unit?

MS. CIBELLI: It's a garage with storage for my household.

MR. SCHERTZ: So I understand. So currently in your five sheds what's in them?

MS. CIBELLI: My car repair materials so oil, tires, and rims for our cars and the other one is the lawn care and

then we have materials for the maintenance of our home. We have tile. We have paint. We have ladders.

MR. SCHERTZ: I understand and you have a two car garage under your house?

MS. CIBELLI: Correct.

MR. SCHERTZ: And what is in your two car garage?

MS. CIBELLI: Bins of holiday decorations. I mean we keep again we're consolidating my mother-in-law's home from Brooklyn and we're using our garage as part of that storage.

MR. SCHERTZ: So you don't keep your vehicles in the garage under the house?

MS. CIBELLI: I do not. I've never kept my ---

MR. SCHERTZ: So you park them on your driveway now?

MS. CIBELLI: I park them in my driveway correct.

MR. SCHERTZ: And when this structure is built you'll be pulling cars in there?

MS. CIBELLI: We'll be putting our lawnmowers in there. We'll be putting our cars in there. WE can easily depending on the season we can easily put a car in there or. my husband's truck, my truck.

MR. SCHERTZ: Okay and Mr. Architect there's going to be power dedicated to the garage?

MR. WAGA: Yes.

MR. SCHERTZ: Or shed or?

MR. WAGA: Yes.

MR. SCHERTZ: What is it?

MR. WAGA I'm just going to call it a utility structure, a garage with storage above.

MR. SCHERTZ: Okay no more questions.

MR. LEVITON: Thank you Mr. Schertz, Mr. Gregowicz.

MR. GREGOWICZ: You mentioned your five sheds not only do you have five sheds, but you have what looks like four or five mini sheds in front of those large sheds and on top of the mini sheds you have more storage compartments. To the right of the house you have a trailer and then you have a makeshift looks like a ---

MS. CIBELLI: Tent.

MR. GREGOWICZ: Tent.

MS. CIBELLI: Yeah.

MR. GREGOWICZ: I find it very, very hard to believe that that's only for personal use and not use for a business. I find it extremely insulting that you're going to come here and tell us this is all for your personal usage and not a business because it looks like you're storing your husband's business supplies there.

MS. CIBELLI: Absolutely not.

MR. GREGOWICZ: I can't in my mind believe that you need all of that storage for personal use. I have a house. I don't have a shed and I'm fine, but five big sheds and little sheds and little sheds on top of those sheds. I just find it hard to believe it's for personal use.

MS. CIBELLI: Okay so let me tell you a little bit more about my personal.

MR. GREGOWICZ: That's how I feel.

MS. CIBELLI: I understand that so now let me explain. My husband and I own two homes up in Pennsylvania which we have rented so we now have taken the storage elements in that out of that that belong to our personal belongings and we have that in our home, in storage in different storage units and we have them in our house utilize the outdoor for our lawn equipment, for our cars. We have several cars in our driveway that we use for my family. We do a lot of our own maintenance ourselves. We don't hire anyone to do the work for us. So we keep the supplies on hand so that we can do it ourselves.

MR. GREGOWICZ: I have no further questions.

MR. LEVITON: Thank you Mr. Gregowicz.

MR. WECHSLER: Can I ask another question?

MR. LEVITON: Sure.

MR. WECHSLER: I have two questions.

MR. LEVITON: Just a second let the record reflect that it's Mr. Wechsler speaking.

MR. WECHSLER: Two questions, A. Have you thought about heating and air conditioning on the property because its going to be really hot in there if you don't do on air conditioning or really cold if you don't plan on heating it?

MR. WAGA: We may put in a minisplit or some sort of electric heater.

MR. WECHSLER: And I guess my second question would be if I'm building a garage why isn't there a door to the bathroom on the inside of the garage?

MR. WAGA: We wanted to avoid any further complications with this board in making this look like it might be a rented facility when its not. The sole intent again per the master plan I've been working with Mr. and Mrs. Cibelli for about three and a half years now on and off on this especially during the virus. So our intent is to create an entertainment rear yard that entertains. A pool as I mentioned numerous times this evening, a grilling area, an extended patio. This bathroom is going to be set up the intent was to set up for seasonal purposes only and access from the outside. So in other words first frost bathroom's closed.

MR. WECHSLER: I understand that fully and I don't want to cut you off, but if I'm working on my vehicle I'm going to need to wash my hands I need to go out, come around. You don't have anything for a slop sink inside, anything janitorial-wise?

MR. WAGA: Well we're not at that point yet where we're submitting for formal building permit. We're here basically on a use aspect in my opinion on the structure itself and how it relates directly to the site, but as I alluded to to one of the committee members here, one of the commissioners is that these plans once they are finalized will satisfy all required code compliant elements.

MR. WECHSLER: Okay thank you Mr. Chairman.

MR. WAGA: Thank you.

MR LEVITON: All welcome. Ms. Cibelli.

MS. CIBELLI: Yes.

MR. LEVITON: You testified that you don't like the look of the sheds and yet you have five of them.

MS. CIBELLI: Well that's the reason I've been telling my husband I don't like the look of the sheds to begin with. It looks like a Rubbermaid village. I definitely want to get rid of them. I want to build something that aesthetically looks nice that matches the design and look of my home. I've seen two-story garages off of Craig Road that look beautiful. Now I have a vision of how I want the outside of my home to look and I think a two-story garage will accommodate my family needs as well as look aesthetically pleasing to the block.

MR. LEVITON: You also testified that there's nothing combustible in the sheds and then you told Mr. Mantagas that you have paint out there.

MS. CIBELLI: Latex paint that's not combustible.

MR. LEVITON: Shows you how much I know. You testified that your husband's truck and trailer are there.

MS. CIBELLI: Yes.

MR. LEVITON: The trailer is not permitted.

MS. CIBELLI: The trailer is a towing trailer that he puts to the back of his car and according to Nancy DeFalco's letter to me that those trailers are permitted as long as there's nothing labeled as commercial and none of my vehicles are commercial.

MS. DEFALCO: The trailers are not permitted.

MS. CIBELLI: Even a towing vehicle?

MS. DEFALCO: Even the towing vehicle.

MS. CIBELLI: Well I think there needs to be a review of that from a township perspective because there are plenty of towing trailers.

MR. LEVITON: Ms. DeFalco is the township. She is paid by the township. She is the zoning officer.

MS. CIBELLI: Okay.

MR. LEVITON: And the code enforcement officer. She's our expert.

MS. CIBELLI: Okay.

MR. LEVITON: And we trust her implicitly.

MS. CIBELLI: I'm just saying that there is some disparity between what is being pointed out on my property and what I see on others.

MR. LEVITON: As far as I'm concerned the only one discrepancy is between what you testified to and what the truth is, now.

MS. CIBELLI: I didn't lie.

MR. LEVITON: Well you said, you said that there was nothing on your property related to the business and the trailer is not allowed on the property.

MS. CIBELLI: Even though the trailer's not housing anything? It's just being used to pick up materials from our storage units to.

MR. LEVITON: Yes once again I'm going to defer to Ms. DeFalco's expertise in these matters.

MS. CIBELLI: Thank you for clarifying.

MR. LEVITON: Now regarding the five sheds, I'm going to reference a letter that you received. The letter was written a year ago not quite a full year, but September of '22 and it was sent to you by Ms. DeFalco's assistant zoning officer Ms. Crohn. In it she told you your sheds were non-compliant and they had to be taken down and yet they're still there and I want to ask you why.

MS. CIBELLI: So I'll tell you, in 2020 I was diagnosed with heart failure. I have an aging mother-in-law who is suffering with depression for the past twenty years. We were living through a pandemic. I'm living with a condition that I have to maintain on a regular basis. Money is tight. We hired Mr. Waga to come in and prepare some plans so that we

can get rid of those sheds and this is our plan. I responded to that letter. I did not ignore it and explained what we're doing and was not told to remove it. The plans are in place.

MR. LEVITON: I'm really sorry about your heart condition.

MS. CIBELLI: It's fine. I'm good now.

MR. LEVITON: Your health is everything and you have my sympathy. I am glad that you're well. I am also sensitive to the fact that money is tight. However, this board cannot consider issues related to monetary concerns. We are governed by the MLUL and it precludes us from those considerations. I am looking Ms. Crohn's correspondence with you. It did talk about fines. They were excessive and I have not seen your response to it, but I am surprised that you haven't complied with it. You did reference the back and forth with Ms. DeFalco regarding the correspondence and accusations leveled against you and I'm going to ask her to talk to us about them and clarify.

MS. DEFALCO: Sorry Chairman I missed whatever happened I stepped out a minute.

MR. LEVITON: It's okay. Ms. Cibelli testified to the fact that she had a correspondence with you where accusations were leveled against her. She said that you or the back and forth indicated that she was running a business out of her home and that she wasn't allowed to.

MS. DEFALCO: Allegedly correct.

MR. LEVITON: Could you expand on that?

MS. DEFALCO: We've received numerous complaints of the activity --- oh sorry we received numerous concerns that they were running a business so I sent a letter which you responded with her husband has a place in Freehold and that no materials were being stored at the home, no commercial vehicles or equipment were being stored at the home. I asked about other people living in the home and she said it was only family-related, family relatives and they had access for themselves within the house, not a separate entrance and not closed off from the main residence.

MS. CIBELLI: Correct.

MS. DEFALCO: Not a separate dwelling.

MS. CIBELLI: No separate dwellings in my home. It's a one-family home.

MR. LEVITON: Then to be clear Mrs. DeFalco, you didn't accuse her of running a business. You said that there were complaints from neighbors that asserted as such.

MS. DEFALCO: Correct.

MR. LEVITON: Okay.

MS. DEFALCO: That's why I said allegedly.

MR. LEVITON: Ms. Cibelli I went out to your home and I walked into your backyard and I saw your husband there. He was at his truck with someone else and there were what appeared to me to be workers moving things around so to me it appeared to be business-related. That's my interpretation of what I saw. You can't change what I think, it's an opinion and I'm entitled to mine. I would like to suggest to you that you can see where the board's mindset is and if you'd like to modify your application and come back at a later time I haven't even gone out to the public yet, but I'm going to offer that to you as a plan B if you will.

MS. CIBELLI: We already have a plan B in place. We're friendly neighbors. We don't get into any issues with anyone. I don't want to piss off anybody quite honestly. Excuse my language. I am willing to come to a compromise in terms of what we want to build as a structure. I aesthetically want to have a home that looks great. We're in the middle of the block. We're on the highest point of the block, but at the same time I am looking to build something that accommodates my home, my family, my needs and that is the purpose of why we moved here. In addition to that we do have people that work for my husband. They commute together. So they'll come to my house. They'll park their cars in my backyard. They head off to their work. They come back and they pick up their cars and they leave. That's just the commuting aspect of his business. Sometimes they'll have something in their truck that they put in the back of their cars they'll put in the back of my husband's cars to go to a site. It's again perception.

MR. LEVITON: It is good to hear that you are amenable to change and that you want to work with your neighbors. That's important. I can tell you for me before I go out to the public I thought it was a business. You heard what Mr. Gregowicz thought. You heard what many of the board

members repeated. I could not support an oversized garage like the one you're proposing because to me the perception and that's important, the perception is that I'd be facilitating the business being run out of the home and I know that you vehemently deny that there's a business but I cannot ignore what I saw or my opinion and at this time I'm going to open up to the public. If there's anyone in attendance this evening who would like to address the board or to cross-examine the testimony that Ms. Cibelli put on the record now would be the time, ma'am. Hi, Ms. Moench is going to give you a microphone over at the podium. We're going to ask you to stand at the podium. It's already there and Mr. Marrero, the board attorney, is going to swear you in.

MR. MARMERO: Yeah so any comments you present tonight and other members of the public as well it's considered testimony as this is a quasi-judicial body so we will get you sworn in just like we got the applicant and her architect sworn in. So if you'll raise your right hand. Do you swear the testimony that you provide tonight will be the truth, the whole truth and nothing but the truth?

MS. DALLAVALLE: Yes.

MR. MARMERO: Okay and if

MS. MOENCH: Could you just speak into the microphone

MS.DALLAVALLE : Yes I do.

MR. MARMERO: And then if you could state your name and address for the board please.

MS DALLAVALLE : Sure my name is Debbie Dallavalle I live at 18 Washingtons Advance Manalapan, New Jersey 07726.

MR. LEVITON: Ms. Dallavalle I'm just going to ask you to hold that mic right up to your mouth.

MS. DALLAVALLE: Okay.

MR. LEVITON: Thank you ma'am. What is it that you'd like to share?

MS. DALLAVALLE: Okay I would just like to state that my family has lived in a residential neighborhood for the past forty-seven years. We love living in Manalapan. We have nice,

young couple moving in to the houses and we also have seniors and senior, seniors on our block. Our block is vey historic. We have George Washington's Battle of Monmouth, the Craig House and that's just a few. We all help each other and we have pride in all property and our homes. I just have some questions too, but anyway. Twelve Washingtons Advance is seemingly being used to run a business. This has been ongoing and it's getting worse. This is a residential neighborhood. There are workers, trucks, vans parked all over during the day and on weekends. People are constantly going in and out all the days of the week. Not to mention the large amount of garbage and parking all over the lawn and I have pictures of that also. I don't understand what the need for two-story building with two entrances, a full bathroom facility and utilities.

MR. LEVITON: You hear her?

MS. DALLAVALLE: That can be easily turned into a kitchen. If it's only going to be a garage what is the need for everything else? Okay there's an awful lot of driveways on the plan can you explain why?

MR. LEVITON: Mr. Waga?

MR. WAGA: Yes sure, put sheet C1 back up on the easel. Again that is all part of a master plan. The intent is to put a semicircular drive with two aprons and we've already reviewed that with zoning and have gotten or received their blessing on that, but we're not able to proceed with that until we get through the elimination of the sheds.

MS. DALLAVALLE: But wouldn't that allow for the circulation of a lot of vehicles more than a single family dwelling would need?

MS. CIBELLI: I'd like to answer that question.

MR. LEVITON: Feel free tell her.

MS. CIBELLI: So our house is situated at the top of the house which is also a blind spot. So during the course of me living there my daughter would get off the bus and cars and trucks and buses would come flying up that hill. I almost actually got into a car accident right in front of my driveway because somebody cut in front of me as I was pulling in. So the circular driveway is meant to facilitate the entrance and exit of my property so they don't have to back out. So I don't

have to worry, that there's more visible view that I can easily exit my property.

MS. DALLAVALLE: Well you have a lot of vehicles that are on the grass. They're parked there all the time.

MR. LEVITON: Ask her a question Ms. Delevale. It's not going to be a back and forth dialogue.

MS. DALLAVALLE: Okay.

MR. LEVITON: Okay. If you have question for her about something she's already testified to otherwise you can continue with your statement and by the way her circular driveway is not a matter before the board this evening.

MS. DALLAVALLE: Okay.

MR. LEVITON: We're not taking it under consideration. It's her right to put it in.

MS. DALLAVALLE: Okay. I would like to ---

MR. LEVITON: The other part of the driveway is though.

MS. DALLAVALLE: I'd like to ask you if you can explain what happened to all the work vans and vehicles that have been parked there in the driveway it seems like in the past couple of weeks.

MS. CIBELLI: So those vehicles are actually at sites where my husband's company is working.

MS. DALLAVALLE: But they're on sites at the house.

MS. CIBELLI: At customers' homes.

MS. DALLAVALLE: And I'd like to know if you could explain the entrance on the northside of the house so if your looking.

MS. CIBELLI: That's my basement.

MS. DALLAVALLE: That's your basement?

MS. CIBELLI: Yeah my daughter has her bedroom in the basement.

MS. DALLAVALLE: But did you have permits to put that in?

MS. CIBELLI: Yes I filed a permit for it several years ago.

MR. LEVITON: It's not before the board this evening.

MS. DALLAVALLE: Okay.

MR. LEVITON: I don't know.

MS. DALLAVALLE: Okay.

MR. WAGA: If it eases Ms. Dallavalle we were retained to prepare construction documents which were submitted to the building department.

MS. DALLAVALLE: Okay and you did mention that tent in the back of the house. That's used just to store things correct?

MS. CIBELLI: I have some bikes in there. I have barbecue equipment in there, grills, utensils things like that.

MS. DALLAVALLE: Okay.

MR. LEVITON: Thank you Ms. Delevale if there's anyone else from the public who'd like to, ma'am please come forward. Pick up the microphone. Mr. Marmero will swear you in as well and remember to hold it close.

MR. MARMERO: Good evening ma'am. Do you swear the testimony you provide tonight will be the truth, the whole truth, and nothing but the truth?

MS. POLICELLI: I do.

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

MS. POLICELLI: My name is Jacqueline Policelli. I live at 11 Washingtons Advance across the street from the current property that is under question right now.

MR. MARMERO: That was eleven you said?

MS. POLICELLI: Yeah I'm at 11 Washingtons Advance directly across the street. So my life partner has been living in this home for ten years now. He has been very successful, moved in when he was twenty-six years old and I have now been there for five and a half years. We are lucky to say that we are on one of the nicest blocks in Manalapan. We all have about an acre of land setback. I take pride in saying that I live on Washingtons Advance. It seems as though over the last couple of years it's definitely grown into a business being run out of the house. Now my boyfriend and I are thirty-six, and thirty-five I like to say that we're relaxed and cool and have no issues, but I think for me my issues arrive when something that will affect the sale of my home in a couple of years.

MR. LEVITON: Again this board cannot take monetary considerations as something ---

MS. POLICELLI: So if you never ask, the answer is always going to be no. So they're asking to put up a two-story dwelling when they've already received notification that their five sheds are not allowed to be there anymore. So if they already received notification almost a year ago about five sheds being on the property why should it be permitted for an ever larger structure to blow up the property for even more things to be placed in there? To me this sounds like a bad episode of Hoarders and I just don't think that that seems right for a residential property and neighborhood of eighteen homes to have to be around that constantly. To have large vehicles, trailers that drive across the lawn. If we're being told that a business isn't being run out of there I don't understand why there are always workers there. Why there are large trucks on the property. If there are other driveways and other garages where is everything exactly going? So to me it just seems like at this point when you give an inch people take a mile and that's what's going to continue to happen. I don't understand the bathroom. To me it seems like the bathroom is going to turn into a home for the workers to go in and that's just what it seems like and we all have just kind of hung back until now you're being asked for essentially a second home to be built on the property when we were just told that her daughter lives in the basement so I'm just kind of confused what the actual true need of this dwelling is and if it really is for its intent and purposes. I mean its hard these are our neighbors that live right across the street from us and we're not really going anywhere. So at this point its just kind of in the very awkward zone.

MR. LEVITON: Thank you Ms. Policelli. We appreciate your thoughts and your comments. Is there anyone else who would like to address the board? This gentleman and then that gentleman and anybody else and you and you of course. Sir, you sir. Why don't you stay there? Stay there Janice is going to here you have a microphone. Thank you Mr. Waga. You're fine right there. You don't have to move. You're good.

MR. MARMERO: Speak into the microphone and I'll swear you in.

MR. LEVITON: No you're good. Just hold the microphone up to your mouth and the board attorney, okay fantastic. Mr. Marmero swear him in.

MR. MARMERO: You're up. Just raise your right I'll swear you in sir. Do you swear the testimony you provide tonight will be the truth, the whole truth and nothing but the truth?

MR. PERRY: I have a hearing problem.

MR. MARMERO: Okay.

MR. PERRY: I have a leg problem. I don't have a head problem.

MR. MARMERO: We're just getting you sworn in sir. Do you swear that the testimony you provide tonight will be the truth, the whole truth, and nothing but the truth?

MR. PERRY: I sure do.

MR. MARMERO: Okay state your name and address for the record and the floor is yours.

MR. PERRY: My name is Robert E. Perry and I live at 14 Washingtons Advance.

MR. MARMERO: Okay.

MR. PERRY: I live at 14 Washingtons Advance next to the applicant. The first question I got may seem to you a little off, but today one of the applicant's received permission for a front covered porch on his property. He had a public hearing. They had a public hearing and they got approval. The applicant today about two years ago put a covered front porch on his property. There was no hearing. It just appeared. I wondered why somebody in an R20 zone is

treated different than somebody in an R40 zone that don't need a hearing and this gentleman with his pictures here has the front porch listed as an existing front porch. It's a question why one person has to have a public hearing and the other person can just do as he pleases?

MR. LEVITON: Thank you Mr. Perry. Is there anything else sir? Do you want to ask Ms. Cibelli a question about the testimony that she put on the record this evening?

MR. PERRY: That's --- question.

MR. LEVITON: Then if you want to ask questions move them along. I'm going to briefly answer your question and first I'm going to tell the board Mr. Perry was here at our last public meeting when a portico was approved and Mr. Perry my answer to you is that the board takes each application individually, examines it on its own merits and votes accordingly. If folks work outside the purview of this jurisdiction we have nothing that we can do. There is no recourse until they go to sell and then there's the ZCCO program.

MR. PERRY: Alright next situation is I received the mail that everybody did for notice of this hearing. The notice I got listed that this application was a replacement for five existing sheds. How did these sheds get approved to be put on a property.

MR. LEVITON: Mr. Perry the sheds are not approved. The ordinance is that here in town only one shed is permitted. The applicant was served notice that the sheds needed to come down. That happened in September of 2022 and they did not comply with the request. What else sir? Ask us what else is on your mind.

MR. PERRY: Next question.

MR. LEVITON: Take your time.

MR. PERRY: This structure that they presented which sits twenty by forty feet is about 2,000 square feet --- This structure is twenty-three feet high. It's 2,000 --- feet. It's bigger than my house. It's higher than my house and it's going to be facing my house, a two-car garage on the bottom floor, three doors on the bottom and on the top we're going to have two --- windows with excuse me with a height at the ridge line of twenty-three feet. This is going to tower over my house. It's going to tower over everybody's house because they're not

that high and it's going to have a bigger area than my house, almost well over five hundred, seven hundred feet more than my property. Why does an applicant need a garage with 2,000 square feet? Why does an applicant --- and want a garage with a full bathroom in it? He has shown a sink, he's shown a toilet, he's shown a full-sized shower. Why is this allowed in a shed or a excuse me shed or in a garage? I don't understand how this is going to be allowed and I'm going and I got more to say I just to go through this.

MR. LEVITON: Go ahead sir. We're going to take that as rhetorical. It was more posed for effect than really looking for an answer so continue.

MR. PERRY: Anyway, I moved to Manalapan Township --- '62. I moved into my house on March 22, 1962. The property where Washingtons Advanced is was zoned single-family R40 prior to 1960, prior to any houses on the street, prior to the street even existing. When I moved into the property, the house where the Cibelli's live was built in 1962, '61, '61. Since I've lived there the property is always been zoned single-family R40. When the Cibelli's bought their property in August 2008 it was zoned single-family R40 forty, forty-five years later after I bought my home. Sixteen years since they've lived there the property is still zoned R40 single-family. This is something I have to know before this. Before the Cibelli's moved into the property they owned a construction business. They still own a construction business. Its called Multimac M-U-L-T-I-M-A-C Construction. They have been operating this property as their own personal industrial zone. Not under the ordinance required --- R40. This plan --- I used to be able to do this real good.

MR. LEVITON: Maybe you'll benefit.

MR. PERRY: Pardon?

MR. LEVITON: You may sit down if it'll help.

MR. MANTAGAS: Sit down, you don't have to stand.

MR. PERRY: No no no. I'm sorry I've got to sit down. It's just I'm not what I used to be.

MR. LEVITON: None of us are Mr. Perry.

MR. PERRY: When the Cibelli's moved in in 2007 they owned a business called Multimac M-U-L-T-I-M-A-C you can look them up on the internet they'll tell you everything they do.

They do just about everything. Ever since they moved in they've been using this property as their own personal industrial zone.

MR. LEVITON: Yes sir you've already said as much. Is there anything else?

MR. PERRY: I'll get there eventually. --- This construction business which is located there is not an office, a desk, a phone in the house. It's a full blown industrial company Multimac Construction. He has on his property how many endless trucks. There are --- lands. There are at least two full-sized enclosed trailers, but they operate on a daily basis at the property. In addition he not only has these some of these things in my letter for now --- they also asked for permission to do, to put trucks on the property. This doesn't say that. This only says shed, garage enlargement.

MR. LEVITON: Just a second Mr. Perry. Nancy is that correct?

MS. DEFALCO: There is a note on the denial about the storage of trucks because there are trucks on the property. So if they want to store their trucks there they will have to request a variance.

MS. CIBELLI: Even though the trucks are not commercial?

MS. DEFALCO: Well.

MS. CIBELLI: They're not commercial. When we refer to a truck it's a pick up truck and a passenger van.

MS. DEFALCO: You have trailers there.

MS. CIBELLI: They are not registered commercial vehicles.

MS. DEFALCO: Okay fine, but you did testify that you have trailers.

MS. CIBELLI: Yes.

MS. DEFALCO: Are those ---

MR. LEVITON: So it wasn't done in the noticing Mrs. DeFalco has said. It was on the denial, her denial for.

MR. PERRY: I don't know.

MR. LEVITON: Well that's why we have Mrs. DeFalco.

MR. PERRY: Let me continue.

MR. LEVITON: You want to try to move it along though there's a lot of people who want to address the board.

MR. PERRY: Yeah they got a lot to say supporting this. Where did I leave off?

MR. LEVITON: The business.

MR. PERRY: Yeah the business. In addition to having --- vehicles, trucks, and everything there and trailers. They operate with several of their full-time workers working on a daily basis on the property doing construction during whatever working out of the sheds, working out of the garage which is a little storage place for the business.

MR. LEVITON: Alleged, alleged business. The Cibelli's deny that so we want to keep that in mind.

MR. PERRY: Okay I know this.

MR. LEVITON: I'm saying feel free to testify to what you see exclusively.

MR. PERRY: How, I'll move along a little more. How does the township allow somebody to run an industrial business, construction business out of the single-family R40 zone? --- Why were the five sheds permitted? How did it happen?

MR. LEVITON: You've already asked us. We've addressed that. We told you they're not. They're not permitted.

MR. PERRY: But I don't know that. All I got is this notice in the paper.

MR. LEVITON: Okay.

MR. PERRY: Then I'm going from that.

MR. LEVITON: Is there anything else sir?

MR. PERRY: Sir what's going on at this property is not an enlargement of the garage as he said. This is an attempt by the Cibelli's to build a second house on the single-family R40 zone.

MR. LEVITON: Yes.

MR. PERRY: As insulting as that is, it's not about the enlarged garage. It's an attempt to build a second house in the single-family R40 zone.

MR. LEVITON: Thank you Mr. Perry.

MR. PERRY: With pleasure.

MR. LEVITON: We appreciate your input sir. Thank you very much.

MR. PERRY: I'm not done yet.

MR. LEVITON: We're going to start opening it up though yes? You got to start opening up. I'm going to give you another three minutes, three more minutes and then I'm going to cut you off. --- limits.

MR. PERRY: What you see here today is an attempt by somebody to completely ignore the zone ordinance of the township. Why does the township have zoning ordinances? It's just to prevent these things from happening. From one person to be allowed to do anything they desire while everybody lives under the rules of the zone.

MR. LEVITON: Mr. Perry this board is empowered to grant exceptions to ordinances in cases where strict enforcement would result in a hardship or an injustice. This board will weigh whether those proofs have been met, but you're beginning to repeat yourself is why I'm asking you to wrap things up.

MR. PERRY: Alright.

MR. LEVITON: Thank you Mr. Perry we appreciate your input. Is there anybody else who'd like to address the board? Sir? Sir here and then I'll go back there. I think I said you'd be next so why don't I hold off on you. Yeah you'll be next yes. Yeah there's a microphone over there. Try not to repeat what's been said.

MR. GUTIERREZ: No, no I'm just going to emphasize everything that was said.

MR. LEVITON: Okay hold on Mr. Marmero let's just swear him in.

MR. MARMERO: Let me get you sworn in sir. If you'll raise your right hand and do you swear that the testimony you will provide will be the truth, the whole truth and nothing but the truth?

MR. GUTIERREZ: Yes.

MR. MARMERO: Okay and just like the others could you state your name and address for the record sir?

MR. GUTIERREZ: My name is Leonard Gutierrez. I live on 2 Washingtons Advance. I'm probably the newest homeowner on the block. I'm on 2 Washingtons Advance right on the corner. I've done work around the house myself so I understand coming to ask for zoning, asking for permission, what's allowed. Now because we did an extension on our home so we know what's denied and what's requested to keep the zoning, the aesthetic and the neighborhood a neighborhood. So everything that was said from 18 Washingtons from 11 across the street, yes it looks like a business. Everybody that passes by everybody comments on it, my mother-in-law comments. It doesn't look good. It looks either they're going to have more space to run a business by this addition or it's going to be for both, a business slash they have it now with the plumbing and everything to be a mother and daughter kind of situation. So it just doesn't look good for the block. I mean I'm opposed to it.

MR. LEVITON: Thank you Mr. Gutierrez.

MR. GUTIERREZ: Yeah I mean I just pretty much everything everybody is saying I agree with.

MR. LEVITON: Noted and I went to you next and then there's two gentlemen over here in the white and then in the black in the front, yes. Mr. Marmero.

MR. MARMERO: Sure.

MR. LEVITON: You're about to swear in the esteemed Ms. Padlo. She served on our board of education here in town and she sat in this chair for a number of years as well.

MR. MARMERO: Okay.

MR. LEVITON: The board recognizes her contribution.

MR. MARMERO: Good well pleasure to meet you.

MS. PADLO: Thank you Diane Padlo, 111 Symmes
Manalapan, New Jersey.

MR. MARMERO: 111 Symmes that was?

MS. PADLO: Symmes S-Y-M-M-E-S.

MR. MARMERO: Okay and we'll get you sworn in. Do you swear the testimony you provide will be the truth, the whole truth and nothing but the truth?

MS. PADLO: Absolutely yes.

MR. MARMERO: Okay.

MS. PADLO: Okay first of all I'd like to thank the board for those of you that went and visited the property. I know a times the paperwork you get does not adequately show a condition or a circumstance, so taking the time to go out there does make a difference, a lot of difference. Secondly it's not at all easy for these people to come out here tonight. They're good neighbors. They've been here a very long time. I'm a forty year resident, a lot of them beat me by many years and some are very good half a lifetime friends which is why I'm here tonight. This situation has been growing over the course of years and people have just let it be, but it has reached critical mass which is why we're all here tonight and why Nancy has cited things. It's a shame that they didn't react to the citation from last year. Hopefully those fines are building up and will be collected. I'd just like to confirm an allowable detached garage that counts for 840 square feet I believe by code. They're allowed to have an 840 square foot detached garage. The proposed garage is two thousand square feet. Mr. Perry was absolutely right. When you put that second floor on it the first floor plan is one thousand so it's a 237 percent increase over what the ordinance would allow. It's pretty unreasonable and I'm not sure I know you don't have professionals here. When I was on the board we always had two professionals and I was knew if I was looking at a C1 or 2 or a D, what is this variance a one or a two? I know it's a C, but is it a C1 or 2?

MR. MARMERO: So they've applied for a bulk variance and so it's incumbent upon them to state what type of variance they want, obviously.

MS. PADLO: And have we heard that?

MR. MARMERO: Not yet, no.

MS. PADLO: Okay we have not heard that so.

MR. MARMERO: They haven't even really addressed the variances yet, but what they will need to provide as you know is some type of C1 argument that shows some type of hardship usually based on the size of the property or some type of topographic issue or in the alternative the C2 proofs which show that they're advancing some purpose of zoning and that that advancement will outweigh any detriment to the surrounding area. We've not heard that yet.

MS. PADLO: No we have not. We've not heard one aspect of any C1 or any C2 and C1 I mean besides from narrowness and shallowness we have to remind ourselves that the topographic features of the property are your only consideration. They cannot relate to any personal or financial hardship that the applicant may suffer; has to do with the land and the land only. Not any other circumstance, not the I don't have room to store all of my things. That's not a hardship of the land. That's a personal consideration possibly a financial consideration, but this board's really not allowed to even consider and I know you do know that and then for C2 the municipal land use law, that's that letters of the alphabet A through zero that drive you crazy. I don't see any condition in A through O that apply to this application. I have all of them right here in front of me. I'm not going to recite them to you. I can't make any sense or correlation of this application to a C2 and the municipal land use law, the variances needed for a specific piece of property. It's not needed for this specific piece or property. There are plan Bs. Go rent a warehouse or store your stuff elsewhere. You do not have to impact the quality of life of this neighborhood by storing all your stuff there with five sheds, with tents, with a trailer, and now with this proposed two thousand square foot, two-story structure. I live in a house that's 1,983 square feet. I know Mr. Perry does. I know the Delevale's live in a house smaller than this. I'm not sure of the other homes square footage. It's just not right and Washingtons Advance is a great, historic street. The story is General Washington actually marched down there to go to the battle. The houses pre-date I think it is one of our first developments in town.

They're not even on the same electric grid as the rest of the town. When we all lose power they still have it. It's remarkable. It's a wonderful street and people bought there for a very specific reason and it's not like that anymore and it's this applicant that's causing the quality of life issues on that block. So I would just like to remind everybody here that there are laws that govern this kind of variance and there are guidelines that have to be applied to and addressed and met for any variance to be allowed and I haven't heard any rational for a 1 or a 2 and thanks for listening to me.

MR. LEVITON: Thank you Ms. Padlow and we'd like to extend an invitation for you to return. He said only half kidding. Okay we're over here now the gentleman in the white shirt yes and then you sir here in front and then anyone else who wishes to address the board will additionally be heard.

MR. MARMERO: Alright just like the others if you'll raise your right hand I'll get you sworn in. Do you swear the testimony that you will provide tonight will be the truth, the whole truth and nothing but the truth?

MR. GALANTE: Yes I do.

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

MR. GALANTE: Very quickly I' guess I'm going to reiterate.

MR. LEVITON: Stop before you do that you need to put your name on the record and your address.

MR GALANTE: Ant Galante 15 Washingtons Advance Manalapan.

MR. LEVITON: Would you spell your name for the record?

MR. GALANTE: Spell my name?

MR. LEVITON: Yes please.

MR. GALANTE: G-A-L-A-N-T-E.

MR. LEVITON: Thank you sir.

MR. GALANTE: Okay I'm probably going to reiterate what a lot of other people have said already.

MR. LEVITON: Then I'll ask you to keep it brief. I'm going to ask you to keep it brief then.

MR. GALANTE: Okay.

MR. LEVITONL Okay.

MR. GALANTE: Even though the business isn't pertinent to this hearing, it is pertinent in a way of why somebody's asking to put such an enormous building up in their backyard. I think if you looked at a reasonability test and you saw somebody that had maybe four people living in their house why would they want to build another house right next to them to put storage? I mean on a reasonability standpoint is there anybody else in Manalapan that's doing that? And the second question I guess why do you need all of this electricity, storage, and all this other stuff if its or not storage, electricity, air conditioning, etc. if it's just for storage? It's not normal. I don't think it is, maybe it is in certain areas and I guess you're going to have a sewage line going in here also because if you're going to take a shower. So a lot of those things you're going to need and why do you need that? Another question I had was if you did approve this would you want in your house somebody next door building the same structure next to your house? I don't think so. What does that do to our property value? I think when we go to sell a house and somebody looks across the street and sees what's going on, sees this big building they're going to say well maybe I should go down the street and buy the house somewhere else. I think if anybody's been on our street, 15 Washingtons Advance, you'd know the history of it. You know it's probably one of the best looking streets in Manalapan. Anybody opposed to that? No. Okay so it is a beautiful street. We want to keep it that way. The second thing and I guess the last point is if you were to approve that would you approve the same thing for my building across the street? Would I be allowed to build that same structure? Would anybody else here be able to build it? I don't think it's reasonable. I hope the board feels the same way. Thank you for hearing me.

MR. LEVITON: Thank you Mr. Galante.

MR. GALANTE: And may God bless you all.

MR. LEVITON: Thank you sir.

MR. MARMERO: Alright sir we'll get you sworn in. Do you swear the testimony you will provide tonight will be the truth, the whole truth and nothing but the truth?

MR. OLSEN: Yes I do.

MR. MARMERO: Okay and can you state your name and address sir?

MR. OLSEN: Bill Olsen 45 Sutton Drive Manalapan. I've lived there for thirty-five years now.

MR. LEVITON: Mr. Olsen where is?

MR. OLSEN: I live adjacent to their house, behind. It's the next block over.

MR. LEVITON: Thank you sir.

MR. OLSEN: Okay my backyard is adjacent to theirs.

MR. LEVITON: We understand.

MR. OLSEN: I live right behind Bob. For over a decade now there's been construction going on at that house. I don't know about their business. I don't about anything else. All I know is the noise is immense. There are men working there. At times they are very loud. I don't know where I am at times because there is so much noise. The noise is crazy. It's just constant, constant banging and sawing. It is a commercial property. It is definitely a commercial property, okay and my son came over the house one day he says dad they're still working on that house back there? The noise is crazy, okay that's all I have to say. Thank you.

MR. LEVITON: Thank you Mr. Olsen. Who else? Yes ma'am. Hello ma'am how are you?

MR. MARMERO: Let's get you sworn in ma'am. Do you swear the testimony that you will provide tonight will be the truth, the whole truth and nothing but the truth?

MRS. GALANTE: I do.

MR. MARMERO: Okay and name and address for the record please ma'am?

MRS. GALANTE: Dorothy Galante G-A-L-A-N-T-E.

MR. LEVITON: Hi Mrs. Galante.

MRS. GALANTE: Oh 15 Washingtons Advance Manalapan, New Jersey 07726. I sit out in front of my house sorry but I have to look at this everyday and I'm sorry. It's just getting ridiculous. I sit out sometimes I can't sleep so like at 4:30, 5:00 in the morning I might be sitting out front. Now there's workers coming form behind the house maybe one sometimes two. They sleep there. I'm sorry I know they sleep there. They're not driving into the driveway. They're just coming in from behind the house. He's got these things up. He does work from his house. I know Mike personally. They do work from the house and it's just getting ridiculous. We're getting older. We're going to want to sell our home. How can we get the price we need when someone comes and looks across the street and says who the hell lives there? I don't like looking at it. I wouldn't buy my house if I saw their house. Their house is lovely. Don't get me wrong they've got a beautiful home. They've got all that commercial and stuff around it.

MR. LEVITON: Mrs. Galante I've been very liberal. I've let you make your point. Mr. Galante made it as well, but this board is precluded from considering financial matters.

MRS. GALANTE: Okay but why can I ask Emma a question?

MR. LEVITON: Sure.

MRS. GALANTE: Why do you need this garage? When there's only three people living in your house? Mom is there too, but your mother is handicap so she's not storing anything or needing anything and I know your garage is filled with work equipment. I've been in it, but why do you need a big garage like that for a wife, a husband, and your daughter has her apartment in your basement? Why do you need this big thing?

MS. CIBELLI: Well first of all its not an apartment in the basement. It's a basement that we ---

MRS. GALANTE: Well you told me you were making an apartment in the basement for your daughter because you didn't want her to leave home when she got out of college.

MS. CIBELLI: My basement wasn't finished, but that's not the point here. We finished our basement so that it is a living space, an open space and my daughter hangs out there with her friends. The reason for the garage is primarily to get rid of those sheds so that we can store the materials. That are in the sheds which is my lawn equipment, our

equipment to fix our cars and the maintenance of our house in that garage. That is the purpose of that. We also have storage facilities that we're trying to get rid of where we condensed my mother-in-law's home. We sold that. We have tons of her stuff that we're trying to get rid of, but there's things that we do want to keep and that facility will be used for that that building, that garage is going to be used for it. That's what that's for Dottie.

MRS. GALANTE: I understand what you're saying, but I can't believe it.

MR. LEVITON: Ms. Olsen.

MRS. GALANTE: Because I see the workers over there.

MS. CIBELLI: So the workers ---

MR. LEVITON: Ms. Cibelli its not going to be a back-and-forth dialogue.

MRS. GALANTE: Okay.

MR. LEVITON: You made your point, you asked your question. It was answered.

MRS. GALANTE: Alright.

MR. LEVITON: If there's anything else feel free.

MRS. GALANTE: No I'm good.

MR. LEVITON: Okay thank you Mrs. Olsen. Anyone else? Yes ma'am. And Mrs. Olsen we recognize that it was emotional for you to share that and the board thanks you for it. It wasn't easy. Yes ma'am.

MR. MARMERO: Good evening ma'am. Do you swear that the testimony you will provide tonight will be the truth, the whole truth, and nothing but the truth?

MS. LIST: I do.

MR. MARMERO: Okay and name and address for the record please ma'am?

MS. LIST: Cheryl List 535 Craig Road Manalapan. So my house is right on the corner of Craig Road and Washingtons Advance and I just want to reiterate the historic nature of

our neighborhood. I live in a Craig House and there's another Craig House right behind them so I just think we need to preserve that and I get so many compliments on the neighborhood and how historic it is and beautiful and I think we need to preserve that.

MR. LEVITON: Thank you Ms. List. Anyone else? Yes.

MR. MARMERO: Okay good evening ma'am. Raise your right hand and do you swear the testimony that you will provide tonight will be the truth, the whole truth, and nothing but the truth?

MS. CANSILLARI: I do.

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

MS. CANSILLARI: Suzanne Cansillari 17 Washingtons Advance.

MR. LEVITON: Ms. Cansillari the microphone hold it up here please.

MS. CANSILLARI: Okay. I have resided at Washingtons Advance since '97 I bought my home there. I have witnessed over the years lights on the side of the home, work benches set up, and hear the saws going. I've seen men there. I don't know what they're cutting or what they're doing, but I do know they're cutting up something in the evenings. I take my dog out to go to the bathroom right before we go to bed at 9:30 and see the lights on, workers I don't know if they're workers, friends whoever but they're doing some kind of construction with saws and as far as storage goes my house is probably about 2,800 square feet. I have a small shed and I had a brother that passed away, an ex-husband that resided with me who passed away, and my daughter's father who passed away and I have so much stuff from all those cleared out all those homes and I don't need anything the size of that. So and I'm making out just fine with what I have and if this is going to be commercial are you going to re-zone our whole street as commercial?

MR. LEVITON: Thank you Ms. Cansillari. Anyone else? Sir.

MR. MARMERO: Okay sir if you will raise your right hand I'll get you sworn in. Do you swear the testimony you

will provide tonight will be the truth, the whole truth, and nothing but the truth?

MR. MCLAUGHLIN: I do.

MR. MARMERO: Okay and could you state your name and address clearly for the record?

MR. MCLAUGHLIN: George McLaughlin 5 Washingtons Advance Manalapan, George McLaughlin 5 Washingtons Advance Manalapan. My wife grew up there. Her grandparents built the house. She says there's no commercial vehicles, but the commercial trailers are construction trailers dual-axles that commercial vehicles pull them. You can't pull them with a passenger car. The other thing is when they pull them in it's across the grass not in the driveway because the driveway like tonight, an average Thursday night, seven cars four on the grass. So its not like you can come up the driveway anyway. You have to cross the grass to park the trailers and there's two trailers not one. So I think the application is just ludicrous. I just hope its voted down.

MR. LEVITON: Thank you Mr. McLaughlin. Anyone else? Okay seeing none I'm going to close public and thank the audience for their participation, for their remarks, and for coming out and Ms. Cibelli I'm going to look at you and I'm going to remind you what Ms. Padlo say you had not established a rationale for a C1 variance or a C2 variance. Those are the bulk variances and so I'm going to offer you again an opportunity to amend your application and come back at another time because I think you can see the way the evening is turning around. If you'd like I'll call a vote.

MS. CIBELLI: Like I said earlier I am a good neighbor. My husband and I are professionals. We keep to our business. We keep to our own with what happens within our family. I don't want any problems with my neighbors. My neighbors are good people. I too have moved into that neighborhood and that block because of how beautiful it is. It is one of the last houses I saw when I decided to move to Manalapan because I appreciate the style of it, the land that's around it. I wanted to make it comfortable for my family and for my family's needs. As I reiterated earlier there is not a business running out of there. Yes, we have people who work with husband, who commute with him. We have passenger vans. We have a pick up truck and we do have the trailers and that is something that we'll definitely take care of. The sheds that are in the back of the house the solution that we wanted to come up with is with the building of the

garage so that we can consolidate all of that and put it in the garage. The trailers that we have for I mean the tractors that we have to maintain our lawn. All of that will be put in the shed, in the garage. But again we're willing to compromise. We are willing to work with the board and with our neighbors to come up with a different solution. I'm open to that.

MR. LEVITON: Nancy would you tell me what the permitted size of a garage is in terms of length, width, and height and then talk to us about what the proposal is?

MS. DEFALCO: What is permitted for a detached garage is 35 feet wide and 24 feet deep, fifteen feet in height, one story. --- what you're proposing a 20 by 45 feet.

MR. WAGA: Twenty-five by forty.

MR. LEVITON: So Ms. Cibelli.

MS. DEFALCO: And twenty-three feet in height.

MR. LEVITON: That's huge. That's a huge ask and you're free to put up what is permitted. You don't have to come before this board for permission.

MR. WAGA: Mr. Chairman?

MR. LEVITON: Mr. Waga.

MR. WAGA: May I have a brief moment with the client?

MR. LEVITON: Sure.

MR. WAGA: Thank you very much.

MR. LEVITON: You're welcome.

MS. DEFALCO: Take a five-minute recess.

MR. LEVITON: Yeah we're going to take a five-minute recess and then give Mr. Schertz a chance to get back up to the dais. Okay I'm going to recall the meeting to order and I'm going to ask you Mrs. Cibelli where are we at?

MS. CIBELLI: We're going to withdraw our application, but we are going to come back with a new proposal that will be.

MS. DEFALCO: ---

MS. CIBELLI: I'm sorry?

MS. DEFALCO: You're not going to withdraw. You're going to amend.

MR. WAGA: We're going to amend yes.

MS. CIBELLI: Sorry we're going to amend it.

MR. WAGA: That's okay. Thank you for the brief recess.

MR. LEVITON: Okay before you're welcome before you do that whatever you come back with is going to have to be much more reasonable. Consistent with the concerns of the neighborhood and the board and the sheds have to come down. They have to come down. Its a construction company in your family. I know that you can handle it. You've have the workers to do the job. It's long overdue. They have to come down. Also there's the matter of legality wherein this board has to act within a certain timeframe or at or near ---

MR. MARMERO: So yeah Mr. Waga and I spoke on the phone. They were supposed to appear at the last meeting, but there was a hiccup with the notice. You guys are right at your limit where you have to act. So they did extend that time until tonight. We would need the applicant to extend our time to act again. What that time period would be I think you need to determine how quickly they think they can get something in. I don't think you just want to extend it indefinitely especially with some of the issues out at the property, the sheds and all of those things. I think you want to keep it on a tightrope, but I think we need to understand how long they need to come back.

MR. LEVITON: What kind of time do you need to return with an amended proposal?

MR. WAGA: So yeah its more on my end now because the graphic representation of the documents need to be amended. What is the ---

MS. MOENCH: 9/21.

MR. WAGA: 9/21 so we would have to have notice out by?

MS. MOENCH: 9/21 or 10/5 I have.

MS. DEFALCO: You don't have to.

MS. MOENCH: No you don't have.

MR. WAGA: Oh we don't have to re-notice?

MS. MOENCH: No.

MR. WAGA: Oh okay then 9/21 it is. What I will do and I will ask this board because I don't have my calendar in front of me. I know I have a very busy agenda in September and October so I'd ask this board for the courtesy of a review and I'll communicate directly with Nancy and Janice and the zoning staff, planning department to let you know whether I'm available for the 21st. If not then this board would hopefully render us being back here on the fifth of October.

MS. MOENCH: We need a date certain to carry it to.

MS. DEFALCO: We're going to carry it to the 21st.

MR. WAGA: But you'll know by tomorrow at 11:00AM.

MS. DEFALCO: So I just want to also as that the plans are in at least ten days prior so that the board can review it.

MR. WAGA: Yes we've already gotten it.

MS. DEFALCO: ---

MR. WAGA: Yeah we've discussed during the recess. We discussed an alternative and we know what we have to do. We've taken and listened to and respectfully I've heard all of the testimony from all of the neighbors and we acknowledge and respect that testimony.

MR. MARMERO: Okay so in terms of timing then it sounds like we'll set it for a date certain of September 21st this way you won't have to re-notice because everyone's here and will return on the 21st. If for some reason that has to be moved to October 5th you'd have to re-notice again.

MR. WAGA: I understand.

MR. MARMERO: Okay because residents would need to know and then in terms of extending the board's time to act I think to be safe we would extend that time until October 5th if that is amenable to you.

MR. WAGA: That is amenable absolutely and again your office will know by 11:00AM tomorrow. I'll be back. I might even do it tonight when I get home, check my schedule for that day but I know I have a very busy September.

MR. LEVITON: Janice what is the date? What's the date that they're coming back on?

MS. MOENCH: 9/21 right now.

MR. LEVITON: Audience members September 21st. They're not going to notice again. We're giving them until the 21st. Ms. Padlo?

MS. PADLOW: Mr. Chair I believe the --- not be available. ---

MR. MARMERO: I just indicated you'll get public notice if he's coming on the fifth.

MS. PADLO: There will be public notice?

MR. LEVITON: Only if he's coming.

MS. PADLO: No, no, no. There will not be public notice you just said.

MR. LEVITON: There will not be public notice if he's coming on the 21st. Your question is what happens if they don't. If they don't come on the 21st you will be notified. There will be notification.

MS. PADLO: There will be public notice.

MR. LEVITON: There will be notice, yes.

MS. PADLO: Okay great.

MS. DEFALCO: Understood Diane? 21st they'll be here. If they can't make it there will be notice.

MS. PADLO: They get that.

MS. DEFALCO: Okay.

MS. PADLO: They'll just put it in their calendars.

MR. LEVITON: Everyone understands? Nod your heads please.

MS. MOENCH: And its always on the website and you all have my number.

MR. LEVITON: Ms. Cibelli thank you. I just want to caution you, I would hate to say no to something unreasonable or to something that's not going to work. Something that's going to facilitate the working of a business is going to be met with a firm no so just keep that in mind.

MR. MARMERO: And also make sure there is variance criteria to meet too. The members of the public did address the C1 and the C2 criteria make sure you're able to present that to the board that night.

MR. WAGA: Understood.

MR. LEVITON: Thank you Mr. Marmero, great point. Okay then Ms. Cibelli I do thank you for ---

MS. CIBELLI: No thank you.

MR. LEVITON: For amending your application and we look forward to coming up with something that we can all agree upon.

MS. MOENCH: Do they have to take the sheds down at all?

MR. LEVITON: Oh and the sheds. Can they --- a timeframe within which you believe they can be brought down so that I don't have to impose one?

MS. CIBELLI: Let me talk with my husband.

MR. LEVITON: Go ahead go do that. I'm going to give you a minute to confer.

MS. CIBELLI: But I would like to come back to you tomorrow with an answer to that question.

MS. MOENCH: No you can't.

MS. CIBELLI: If it's possible?

MR. LEVITON: Isn't he here?

MS. CIBELLI: Yes he's here.

MR. LEVITON: Go talk to him. I'm going to wait.

MS. MOENCH: She went to talk to him about taking the sheds down.

MS. CIBELLI: So we have a family vacation that's starting tomorrow for the next two and a half weeks. When we return we will arrange to have those sheds taken down. We'll leave one up which I'm allowed to have. So I would say some time it'll be completed by mid-September because now I need to make arrangements to remove my personal items from those temporary sheds and find storage.

MR. LEVITON: I will accept that and I will give you until the 21st which is beyond mid-September and you'll be able to come back and tell me that it's been taken down.

MS. CIBELLI: Sure.

MR. LEVITON: Make sure that the one that remains conforms to the setbacks. Nancy review them with her please. Tell her what the setbacks.

MS. DEFALCO: I don't believe that they conform. You need ten feet to the rear and fifteen to the side. Actually you're R40.

MR. LEVITON: And if you forget feel free to call Janice she'll tell you.

MS. DEFALCO: Yeah ten and thirty.

MS. CIBELLI: Okay.

MS. DEFALCO: So keep the far one and just bring it up a little.

MR. LEVITON: And with that I will thank you. I'll wish you happiness on your vacation and I'll see you in September.

MS. CIBELLI: Appreciate that.

MR. LEVITON: Mr. Waga thank you sir.

MR. WAGA: Thank you Chairman. Thank you commissioners.

MR. LEVITON: You're welcome, just a second. I do see Mr. Olsen your hand is up. We've already dismissed the case. I'm going to go out to the public on non-agenda items.

MR. GALANTE: I just wanted to.

MR. LEVITON: You can't speak to me from there. You're not on the microphone. You haven't been recognized.

MR. OLSEN: I am Mr. Olsen.

MR. LEVITON: Oh that's right. Mr. Galante forgive me, forgive me.

MR. GALANTE: --- my wife here.

MR. LEVITON: I'm sorry Mr. Olsen. Okay thank you Mrs. Cibelli.

MS. CIBELLI: Thank you.

MR. LEVITON: Have a good night.

MS. CIBELLI: You too.

MR. LEVITON: Okay at this time I'm going to go out to the public and ask if there's anyone who would like to address the board on non-agenda items. Something other than the Cibelli case. Okay then I'm going to close public and I'm going to go back to the board and ask is there anything gentlemen that you require further or would like to share? Nancy anything further from you? Albert?

MS. DEFALCO: All good thank you.

MR. MARMERO: No all good.

MR. LEVITON: Janice?

MS. MOENCH: All good.

MR. LEVITON: Then I'll ask for a motion to adjourn.

MR. WECHSLER: So moved.

MR. LEVITON: Thank you.

MR. MANTAGAS: I second.

MR. LEVITON: Good night everyone.
