

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

MEETING IS CALLED TO ORDER:

MR. LEVITON: Okay I'm going to call tonight's meeting to order and ask you all to stand and join us for a flag salute.

SALUTE TO THE FLAG

MR. LEVITON: Thank you all. 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?

MR. ROSENTHAL: Here.

MS. MOENCH: Mr. Schertz?

MR. SCHERTZ: Here.

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Here.

MS. MOENCH: Mr. Weiss?

MR. WEISS: Here.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Here.

MS. MOENCH: Mr. Pochopin is not present. Mr. Wechsler is not present. Chair Leviton?

1 MR. LEVITON: I am here. Tonight's first order of business is the
2 minutes from August 3rd. I need a motion.

3
4 MR. SCHERTZ: So moved.

5
6 MR. LEVITON: Thank you David and I need a second.

7
8 MR. GREGOWICZ: Second.

9
10 MR. LEVITON: Thank you Bob.

11
12 **ROLL CALL**

13
14 MS. MOENCH: Mr. Gregowicz?

15
16 MR. GREGOWICZ: Yes.

17
18 MS. MOENCH: Mr. Schertz?

19
20 MR. SCHERTZ: Yes.

21
22 MS. MOENCH: Mr. Shalika?

23
24 MR. SHALIKAR: Yes.

25
26 MS. MOENCH: Mr. Mantagas?

27
28 MR. MANTAGAS: Yes.

29
30 MS. MOENCH: Chair Leviton?

31
32 MR. LEVITON: Yes. Okay next there are two resolutions that need
33 to be memorialized. We're going to take them individually. The first
34 one is ZBE2329, Mr. Marmero.

35
36 MR. MARMERO: Sure members of the board you'll remember this was a
37 resolution that grants bulk variance relief for a raised patio that
38 was in the rear yard setback.

39
40 MR. LEVITON: Thank you sir.

41
42 MR. MARMERO: Sure.

43
44 MR. LEVITON: Will someone move?

45
46 MR. GREGOWICZ: So moved.

47

1 MR. LEVITON: Thank you Mr. Gregowicz and will someone second it?

2

3 MR. MANTAGAS: I'll second.

4

5 MR. LEVITON: Thank you Mr. Mantagas.

6

7 **ROLL CALL**

8

9 MS. MOENCH: Mr. Gregowicz?

10

11 MR. GREGOWICZ: Yes.

12

13 MS. MOENCH: Mr. Schertz?

14

15 MR. SCHERTZ: Yes.

16

17 MS. MOENCH: Mr. Shalika?

18

19 MR. SHALIKAR: Yes.

20

21 MS. MOENCH: Mr. Mantagas?

22

23 MR. MANTAGAS: Yes.

24

25 MS. MOENCH: Chair Leviton?

26

27 MR. LEVITON: Yes. Next we're going to memorialize resolution
28 number ZBE2326, counselor.

29

30 MR. MARMERO: Yes Mr. Chairman and this resolution was a denial of
31 several bulk variances that were related to a proposed fence.

32

33 MR. LEVITON: Thank you sir.

34

35 MR. MARMERO: Sure.

36

37 MR. LEVITON: Motion?

38

39 MR. SCHERTZ: So moved.

40

41 MR. LEVITON: Thank you Mr. Schertz and second?

42

43 MR. GREGOWICZ: Second.

44

45 MR. LEVITON: Thank you Mr. Gregowicz.

46

47 **ROLL CALL**

1
2 MS. MOENCH: Mr. Gregowicz?

3
4 MR. GREGOWICZ: Yes.

5
6 MS. MOENCH: Mr. Schertz?

7
8 MR. SCHERTZ: Yes.

9
10 MS. MOENCH: Mr. Shalika?

11
12 MR. SHALIKAR: Yes.

13
14 MS. MOENCH: Mr. Mantagas?

15
16 MR. MANTAGAS: Yes.

17
18 MS. MOENCH: Chair Leviton?

19
20 MR. LEVITON: Yes and now it's time for the public hearings and
21 our first applicant this evening is number ZBE2330, Mr. Janowski. Yeah
22 come on up, Mr. Marmero will swear you in. If you'll both speak he'll
23 swear both of you in and then sit down and get comfortable.
24

25 MR. MARMERO: So if you'll both raise your right hands I'll get
26 you both sworn in. Do you swear that the testimony you will provide
27 tonight will be the truth, the whole truth, and nothing but the truth?
28

29 MR. JANOWSKI: Yes sir.
30

31 MR. MARMERO: Okay and we have it on the application, but
32 could you state your name and address for the record please?
33

34 MR. JANOWSKI: Dean Janowski 27 Lancelot Drive, Road sorry.
35

36 MR. MARMERO: Okay and ma'am what was your name?
37

38 MRS. JANOWSKI: Madison Janowski.
39

40 MR. MARMERO: Okay.
41

42 MR. LEVITON: Janowski's be comfortable. Notice you could sit,
43 yeah get comfortable. Notice how I'm speaking closely to the mic. The
44 proceedings this evening, every evening, they're recorded and then
45 transcribed and you do need to be close. So Mr. Janowski, Ms. Janowski
46 welcome to you both and why don't you tell the board what brings you

1 here tonight, what you in need in the way of relief, and why you're
2 here.

3

4 MR. JANOWSKI: Sure okay, again my name is Dean Janowski. This is
5 my beautiful wife Madison. The long and the short of it is we have an
6 existing deck at our house. I have pictures if you guys want to see it
7 and copies.

8

9 MR. LEVITON: Send them to Janice. We'll mark them because
10 they're not part of our file and then she'll send them down. Give us a
11 moment. Albert what are we going to call them?

12

13 MR. MARMERO: It looks like its a series of photos so we
14 could call it A1 for applicant one and we could just call it A1
15 photographs.

16

17 MR. LEVITON: Okay A1 photographs. Okay sir continue.

18

19 MR. JANOWSKI: I just got those done that's why.

20

21 MR. LEVITON: No worries.

22

23 MR. JANOWSKI: So as you'll see in the photographs the deck is
24 rotted. It's beyond repair. I know it's not in the ordinance. It's I
25 believe its fifteen feet from the side of the deck to the property
26 line. That is about nine feet, nine or ten feet give or take exactly
27 where you're at and basically what we want to do is we want to replace
28 this existing deck with a new deck. It wouldn't encroach any further
29 towards the property line at all. It would beautify the yard and from
30 the curb. It definitely would present a nicer curb appeal. We've
31 spoken to neighbors. Nobody seemed to have an issue with it. We sent
32 out all the letters, nobody's here. We want to use it because we have
33 a door that comes from our kitchen that leads directly out onto this
34 deck. The door from our kitchen is on the second floor. It's not on
35 the first floor unfortunately and it would pretty much be the only
36 place that we could set up a table to eat outside and enjoy the
37 outdoors.

38

39 MR. LEVITON: Thank you sir. Let's go to the board and see what
40 they think, Mr. Mantagas.

41

42 MR. MANTAGAS: Hi Mr. and Mrs. Janowski.

43

44 MR. JANOWSKI: Hello sir.

45

46 MR. MANTAGAS: You're going to do the deck yourself or you're
47 going to have a contractor?

1
2 MR. JANOWSKI: No I hired a contractor.

3
4 MR. MANTAGAS: You hired a contractor to do it?

5
6 MR. JANOWSKI: Yes.

7
8 MR. MANTAGAS: It's going to be made of composite or wood?

9
10 MR. JANOWSKI: Composite.

11
12 MR. MANTAGAS: Composite?

13
14 MR. JANOWSKI: Yes sir.

15
16 MR. MANTAGAS: Okay no more questions Mr. Chairman, thank you.

17
18 MR. LEVITON: Thank you Mr. Mantagas, Mr. Schertz.

19
20 MR. SCHERTZ: So the footings will be the same? You're not
21 changing the footings or anything like that?

22
23 MR. JANOWSKI: The footings will be all new. The footings are
24 as of right now they're actually starting to lean a little bit. The
25 deck is pretty unsafe.

26
27 MR. SCHERTZ: So they'll be digging new holes for concrete?

28
29 MR. JANOWSKI: Yes new footings yes.

30
31 MR. SCHERTZ: The footprint won't change?

32
33 MR. JANOWSKI: The footprint of the deck will look almost
34 identical except we would like to extend it a few feet in the back
35 basically to view the pool. It's a weird setup.

36
37 MR. SCHERTZ: So you won't be putting it any closer to your side?

38
39 MR. JANOWSKI: No actually it would be further towards the house.
40 It would actually grant a little bit of relief in that fashion. It's
41 about a foot difference. The new plans are about a foot difference
42 closer towards the house away from the property line.

43
44 MR. SCHERTZ: Okay thank you.

45
46 MR. LEVITON: Give me a second Josh I just want to clarify. So you
47 testified that what is there needs be replaced.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

MR. JANOWSKI: Yes sir.

MR. LEVITON: And it is currently nine feet from the property line where it needs to be fifteen.

MR. JANOWSKI: Correct.

MR. LEVITON: And now you want to replace it with something that's going to be eight feet from the property line.

MR. JANOWSKI: No closer, further away about almost a full foot away further away so almost closer to ten foot.

MR. LEVITON: It's only going to be an eight foot encroachment into the fifteen foot setback then.

MR. JANOWSKI: Encroachment or distance?

MR. LEVITON: You can characterize it however you want as long as it's clear on my mind which its not right now.

MR. JANOWSKI: Okay.

MR. LEVITON: You rebuild the fence.

MR. JANOWSKI: Yeah deck.

MR. LEVITON: I mean the deck yes. When you rebuild the deck...you take it from there.

MR. JANOWSKI: The current deck is about nine feet.

MR. LEVITON: Yes.

MR. JANOWSKI: From the property line.

MR. LEVITON: Yes.

MR. JANOWSKI: Okay that deck is going to move closer towards the house and away from the property line making it almost ten foot.

MR. LEVITON: Do you have that Mr. Marmero? You're good? Okay.

MR. MARMERO: Yeah so they're extending it in the rear, but they don't need rear yard relief. They have the existing deck encroaches into the side yard. They need fifteen feet, but the

1 existing deck I guess has a nine foot setback. The new deck you're
2 saying will have approximately a ten foot setback.

3

4 MR. JANOWSKI: Closer to ten.

5

6 MR. MARMERO: You're improving it's still.

7

8 MR. JANOWSKI: Its improving.

9

10 MR. MARMERO: It's still going to be encroaching, but it's going
11 to be improving.

12

13 MR. JANOWSKI: Yes.

14

15 MR. LEVITON: So I understood, but I was moving the numbers in the
16 wrong direction.

17

18 MR. MARMERO: Yeah.

19

20 MR. JANOWSKI: That could be my fault that could be.

21

22 MR. LEVITON: No it's mine completely. Thank you for indulging me,
23 Joshua.

24

25 MR. SHALIKAR: No questions thank you.

26

27 MR. LEVITON: Adam?

28

29 MR. WEISS: Yeah just one. I see from the pictures it appears you
30 have children because I see a playhouse.

31

32 MR. JANOWSKI: I have a seven-year-old daughter and a two-year-old
33 son.

34

35 MR. WEISS: Okay and so when you bump out the back of the deck by
36 one foot that will give you a better vantage point?

37

38 MR. JANOWSKI: Is the side of the deck towards the property line.

39

40 MR. WEISS: Okay are you making the I'll call it the back of the
41 deck any?

42

43 MR. JANOWSKI: That'll extend out, yes.

44

45 MR. WEISS: Right so that extension will allow you to see the kids
46 in the pool?

47

1 MR. JANOWSKI: In the pool correct because for safety measures
2 basically.

3
4 MR. WEISS: Yup that's what I was getting at thank you appreciate
5 it. No further questions.

6
7 MR. LEVITON: Thank you Adam, Terry.

8
9 MR. ROSENTHAL: I just was curious the original deck it was there
10 when you bought the house?

11
12 MR. JANOWSKI: Yes we just moved here in March and.

13
14 MR. ROSENTHAL: Okay.

15
16 MR. JANOWSKI: So yeah it's been there since we bought our
17 property yes.

18
19 MR. ROSENTHAL: Thank you sir.

20
21 MR. LEVITON: And Bob.

22
23 MR. GREGOWICZ: No questions.

24
25 MR. LEVITON: I also have no questions. At this time I'm going to
26 go out to the public and ask if there's anyone in attendance who wants
27 to ask the Janowski's a question or address the board. Seeing none I'm
28 going to close public and --- Let the record reflect that the zoning
29 officer Ms. DeFalco is now in attendance and let's also ask Mr.
30 Marmero if he requires anything further.

31
32 MR. MARMERO: No, but I think I know Nancy is looking at the plan
33 just to be safe.

34
35 MS. DEFALCO: I'll look at the plan. We just want to be safe. We
36 don't want to give you less and then you're closer to the side yard.

37
38 MRS. JANOWSKI: Right.

39
40 MS. DEFALCO: Your deck. The drawing says that your deck is going
41 to be twelve foot wide on the side of the house towards the property
42 line, right here.

43
44 MR. JANOWSKI: Towards the property line?

45
46 MS. DEFALCO: In the drawing.

47

1 MR. JANOWSKI: I'm sorry what are you looking at ma'am?

2
3 MR. LEVITON: She's looking at this.

4
5 MR. JANOWSKI: Oh.

6
7 MS. DEFALCO: The drawing.

8
9 MR. JANOWSKI: Oh this? What am I look at here? I'm sorry. I have
10 two hundred pieces of paper. No, no that's the length of the deck
11 ma'am.

12
13 MS. MOENCH: You might have - - - on another page A2 right, A2. I
14 just didn't have enough copies.

15
16 MR. JANOWSKI: Hold on one second. No A2 is just a schematic, A1.
17 Are you talking about up here ma'am?

18
19 MS. DEFALCO: No I'm talking about this old deck right? This is
20 the whole side of the house.

21
22 MR. JANOWSKI: I don't think we're looking at the same thing. Oh
23 here. Is that the back of the deck you're talking about?

24
25 MS. DEFALCO: What is the width? This shows the deck right?

26
27 MR. JANOWSKI: Right, yes.

28
29 MS. DEFALCO: What is the width of the deck? Twelve?

30
31 MR. JANOWSKI: The width of the deck?

32
33 MR. LEVITON: By the stairs Mr. Janowski, right next to the
34 stairs.

35
36 MR. JANOWSKI: Oh twelve feet yes.

37
38 MS. DEFALCO: Because.

39
40 MR. JANOWSKI: I'm sorry I didn't know what you were looking
41 at, yes.

42
43 MS. DEFALCO: Because that leaves you with nine.

44
45 MR. JANOWSKI: No so our property is on an angle so the only
46 real part that would violate the code would be the front end of the

1 deck and as it gradually goes back it would actually come into code
2 because the distance would increase from the fence.

3

4 MS. DEFALCO: It's really only an inch difference between the
5 front of the deck and the side door. You look at your survey, your
6 survey says you have 21.1 feet from the corner of the front of the
7 house to the property line to the side door and in the back the corner
8 of your house you have twenty-one feet so there's really a one inch
9 difference really not much.

10

11 MR. LEVITON: It's showing here.

12

13 MR. JANOWSKI: I believe its twenty-seven.

14

15 MS. DEFALCO: Where are you seeing?

16

17 MR. LEVITON: Yeah I'm seeing twenty-seven.

18

19 MR. JANOWSKI: 27.70 yeah.

20

21 MS. DEFALCO: Where do you see twenty-seven?

22

23 MR. LEVITON: Right next to the deck on the survey.

24

25 MS. DEFALCO: Am I looking at the wrong survey?

26

27 MR. WEISS: 27.7.

28

29 MR. SCHERTZ: Yeah.

30

31 MS. DEFALCO: No, no.

32

33 MR. JANOWSKI: It should be 13.61 and 27.7.

34

35 MS. DEFALCO: I'm like I have twenty-one feet.

36

37 MS. MOENCH: I apologize that's the next one.

38

39 MS. DEFALCO: Okay. I'm not looking at the correct survey.

40

41 MS. MOENCH: That survey is for the next application which just
42 happens to be the identical property and relief being sought.

43

44 MR. JANOWSKI: Oh really?

45

46 MS. DEFALCO: Yeah identical surveys, okay.

47

1 MR. LEVITON: And this one is Lancelot and there other Galahad.
2 Nancy we're good?

3
4 MS. DEFALCO: Let me see I'm still trying to.

5
6 MR. LEVITON: Okay take your time.

7
8 MS. DEFALCO: So it's twelve in the back is what you're saying
9 right?

10
11 MR. JANOWSKI: The width of the deck, yes.

12
13 MS. DEFALCO: Twelve.

14
15 MR. JANOWSKI: Yes.

16
17 MS. DEFALCO: And you have twenty-seven, fifteen so the front is
18 where you have the issue.

19
20 MR. JANOWSKI: Yes correct towards the front of the property yes.

21
22 MS. DEFALCO: That is five and a half so you need ten for the
23 front?

24
25 MR. JANOWSKI: It's about nine and a half.

26
27 MS. DEFALCO: So we said nine feet just to be safe?

28
29 MR. JANOWSKI: Yes.

30
31 MR. MARMERO: Yeah and I think with the discrepancy.

32
33 MS. DEFALCO: Right.

34
35 MR. MARMERO: We've been saying nine feet to be safe because
36 you're saying it's almost ten.

37
38 MR. JANOWSKI: Right it's almost ten that's correct.

39
40 MS. DEFALCO: Okay we're good Steve thank you.

41
42 MR. LEVITON: Okay Albert anything further?

43
44 MR. MARMERO: No, but we've heard the testimony tonight and
45 the relief that the applicant requires is a side yard setback bulk
46 variance. In this situation it required a side yard setback would be
47 fifteen feet according to the application materials. We indicate that

1 the deck is approximately nine feet from the side yard. The applicant
2 said it's closer to ten feet. I think any relief you grant should
3 indicate nine feet just to kind of make up that space so they don't
4 have to come back if it is a little bit closer.

5
6 MR. LEVITON: He's being very generous and so is Ms. DeFalco
7 and they're taking good care of you. We concur. Board anything
8 further? Can I get a motion?

9
10 MR. SCHERTZ: Excuse me.

11
12 MR. LEVITON: Yes.

13
14 MR. SCHERTZ: I have a question that's not related to the
15 variance, but the PVC fence that's to the left of your property, is
16 that your fence?

17
18 MR. JANOWSKI: Which direction are you?

19
20 MR. SCHERTZ: Lot sixteen.

21
22 MR. MANTAGAS: Behind the deck.

23
24 MR. LEVITON: If you're looking at your house it's the one
25 the left.

26
27 MR. JANOWSKI: The left?

28
29 MR. LEVITON: Yeah.

30
31 MR. JANOWSKI: Yes.

32
33 MS. DEFALCO: The one that's off the property I think that's one
34 he's questioning. Right, the one that's off the property?

35
36 MR. SCHERTZ: Yeah.

37
38 MS. DEFALCO: See how the front goes off on an angle and then it
39 goes on to neighbor's lot?

40
41 MR. JANOWSKI: Where am I looking at this now?

42
43 MR. SCHERTZ: Is there a house next to you?

44
45 MR. JANOWSKI: Oh yeah.

46
47 MS. DEFALCO: Yes.

1
2 MR. SCHERTZ: So according to this it looks like that PVC fence is
3 on the next property.
4

5 MS. DEFALCO: I think all of it was corrected during the process
6 right? The ZCCO?
7

8 MR. JANOWSKI: Yes.
9

10 MS. DEFALCO: He's the buyer.
11

12 MR. JANOWSKI: Yes.
13

14 MS. DEFALCO: And I think the previous owner.
15

16 MR. SCHERTZ: Moved it?
17

18 MS. DEFALCO: In order to get the ZCCO he had to make the
19 corrections.
20

21 MR. SCHERTZ: I see.
22

23 MS. DEFALCO: For the fencing.
24

25 MR. SCHERTZ: Okay.
26

27 MS. DEFALCO: Move it back onto his property.
28

29 MR. SCHERTZ: That's just not reflected on here.
30

31 MS. DEFALCO: The fence being moved is not shown on here you're
32 right.
33

34 MR. SCHERTZ: Okay good thank you.
35

36 MR. WEISS: I'd like to make a motion to approve the application
37 as submitted, but with the nine feet that we spoke about that Mr.
38 Marmero and Ms. DeFalco spoke about.
39

40 MR. LEVITON: Thank you Adam.
41

42 MR. SHALIKAR: I'll second it.
43

44 MR. LEVITON: And thank you Joshua for seconding it.
45

46 **ROLL CALL**
47

1 MS. MOENCH: Mr. Gregowicz?
2
3 MR. GREGOWICZ: Yes.
4
5 MS. MOENCH: Mr. Rosenthal?
6
7 MR. ROSENTHAL: Yes.
8
9 MS. MOENCH: Mr. Schertz?
10
11 MR. SCHERTZ: Yes.
12
13 MS. MOENCH: Mr. Shalikar?
14
15 MR. SHALIKAR: Yes.
16
17 MS. MOENCH: Mr. Weiss?
18
19 MR. WEISS: Yes.
20
21 MS. MOENCH: Mr. Mantagas?
22
23 MR. MANTAGAS: Yes.
24
25 MS. MOENCH: Chair Leviton?
26
27 MR. LEVITON: Congratulations and welcome to our neighborhood.
28
29 MR. JANOWSKI: Thank you very much.
30
31 MR. LEVITON: Happy and healthy years here.
32
33 MR. JANOWSKI: What a relief.
34
35 MR. LEVITON: Your application will be memorialized at our next
36 regular meeting and that won't happen until the 7th of next month. You
37 won't need to be here.
38
39 MS. MOENCH: These are extra copies of your survey that you
40 submitted.
41
42 MR. JANOWSKI: Okay.
43
44 MS. MOENCH: I am going to give them back to you because you'll
45 need them to file the permit.
46

1 MR. JANOWSKI: Okay perfect thank you. Anything else from us
2 or?

3
4 MR. LEVITON: You're good.

5
6 MR. JANOWSKI: Have a good night.

7
8 MR. LEVITON: Okay Susan and Michael I'm going to screw it up. I
9 don't know how to say your last name. Hi, hello Susan.

10
11 MRS. GUERCIO: Guercio, the u is silent.

12
13 MR. LEVITON: Guercio?

14
15 MRS. GUERCIO: Yes.

16
17 MR. LEVITON: Welcome ma'am come on up. It's okay so you're going
18 to get sworn in by Mr. Marmero.

19
20 MR. MARMERO: Raise your right hand ma'am. Do you swear the
21 testimony that you will provide tonight will be the truth, the whole
22 truth and nothing but the truth?

23
24 MRS. GUERCIO: Yes.

25
26 MR. MARMERO: Okay and could you state your name and address for
27 the record again?

28
29 MRS. GUERCIO: Yes it's Susan Guercio at 7 Galahad Drive.

30
31 MR. MARMERO: Okay.

32
33 MR. LEVITON: That's good Ms. Guercio you can take a seat.
34 Remember to talk closely to the microphone and you're here about the
35 pavers and the deck and why don't you tell the board what it is that
36 you need in way of relief and what brings you tonight.

37
38 MRS. GUERCIO: Yes thank you and thank you for being here. So I
39 purchased this house in 2006 and this wooden deck that is in question
40 was already pre-existing. It happens to be a two foot difference I
41 believe from the fifteen foot setback. So I'm thirteen feet actually
42 and what happened that was pre-existing and the truth is those pavers
43 I put in. My mom, my parents live with me so my mom was ill and I had
44 this little quiet space. It's all quiet space really and that's what
45 that was. I mean it could be removed. It could stay.

46
47 MR. LEVITON: So what brings you here tonight? Are you moving?

1
2 MRS. GUERCIO: No, so actually the only reason I found this out at
3 all is because we are actually applying to put a pool in. We have pool
4 permits. I wanted to do a little leisure pool back there and this came
5 up. I had no clue.

6
7 MR. LEVITON: Okay let's go out to the board and see what they
8 think. Gentlemen, starting with you Mr. Mantagas.

9
10 MR. MANTAGAS: How are you?

11
12 MRS. GUERCIO: Hi.

13
14 MR. MANTAGAS: So how many feet are you? What is the setback on
15 that side, on the pavers?

16
17 MR. WEISS: Looks like she's two feet short.

18
19 MR. LEVITON: She's thirteen and its a fifteen foot setback.

20
21 MR. MANTAGAS: Fifteen foot setback okay.

22
23 MRS. GUERGIO: Yes sir.

24
25 MR. MANTAGAS That's it no more questions.

26
27 MR. LEVITON: Okay, Mr. Schertz.

28
29 MR. SCHERTZ: No questions.

30
31 MR. LEVITON: Mr. Shalika?

32
33 MR. SHALIKAR: No questions.

34
35 MR. LEVITON: Mr. Weiss?

36
37 MR. WEISS: No questions.

38
39 MR. LEVITON: Mr. Terry?

40
41 MR. ROSENTHAL: No all good.

42
43 MR. LEVITON: Mr. Bob?

44
45 MR. GREGOWICZ: No questions.

46
47 MR. LEVITON: Today is your lucky day. Nancy?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

MS. DEFALCO: No I just want to put on the record or Al you can.

MR. MARMERO: Yeah so the deck is thirteen feet where she needs fifteen, but the pavers are a little closer so the pavers would also need the fifteen foot setback there approximately five feet from the property line. So it's really two bulk variances that are being sought, one for the deck and then one for the pavers.

MR. LEVITON: Well let me go out to the public and ask if there's anyone in attendance who would like to ask questions or address the board. Seeing none I'll close public and ask for a motion.

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

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

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

MR. LEVITON: Thank you Mr. Mantagas.

ROLL CALL

MS. MOENCH: Mr. Gregowicz?

MR. GREGOWICZ: Yes.

MS. MOENCH: Mr. Rosenthal?

MR. ROSENTHAL: Yes.

MS. MOENCH: Mr. Schertz?

MR. SCHERTZ: Yes.

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Weiss?

MR. WEISS: Yes.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Yes.

1 MS. MOENCH: Chair Leviton?

2

3 MR. LEVITON: Yes congratulations.

4

5 MRS. GUERCIO: Thank you so much.

6

7 MR. LEVITON: You're very welcome. Good luck with your pool.

8

9 MRS. GUERCIO: Thank you. Have a good evening.

10

11 MR. LEVITON: You too. Czyzak? Am I butchering that?

12

13 MS. MOENCH: See? It wasn't bad.

14

15 MR. LEVITON: It is. Say it loudly for me I'm deaf.

16

17 MS. CZYZAK: Czyzak.

18

19 MR. LEVITON: Czyzak. Is it Russian?

20

21 MR. SHALIKAR: Polish?

22

23 MR. LEVITON: Is it Russian?

24

25 MS. CZYZAK: No Polish.

26

27 MR. LEVITON: Oh Polish he called it.

28

29 MS. CZYZAK: Oh okay.

30

31 MR. LEVITON: I forgot already though. Adam help me out. How
32 do you say their name?

33

34 MR. WEISS: Czyzak.

35

36 MR. LEVITON: Czyzak, Czyzak. You're going to get sworn in, Mr.
37 Marmero.

38

39 MR. MARMERO: Raise your right hand. Do you both swear that any
40 testimony you provide tonight will be the truth, the whole truth and
41 nothing but the truth?

42

43 MS. CZYZAK: Yes.

44

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

47

1 MS. CZYZAK: My name is Justyna Czyzak. I live at 91 Iron Ore
2 Road Manalapan.

3
4 MR. PACHOLAK: My name is Casper Pacholak I live at 91 Iron
5 Ore Road Manalapan, New Jersey.

6
7 MS. CZYZAK: He's my son.

8
9 MR. LEVITON: Welcome to you both. Take seats.

10
11 MR. PACHOLAK: Thank you Chairman.

12
13 MR. LEVITON: You're welcome sir. Okay so you want to replace and
14 expand the driveway that's there and you need the concrete of the pool
15 legitimized. Tell the board what brings you tonight and the relief
16 that you need.

17
18 MS. CZYZAK: Of course so thank you so much for taking your time
19 first of all and for the consideration. We bought the house about two
20 and a half years ago and there was already existing driveway which at
21 that time we didn't have an idea it's in the wrong place a little bit.
22 So right now it's not fifteen feet away from the property line, but
23 it's about in the best place it's about six, seven feet away from the
24 property line, and in the narrowest part of the driveway it's about
25 two feet away from the property line. So we would like to basically
26 replace the driveway the same as it is right now. It's very cracked at
27 the edges so we would like to add Belgian blocks which is going to
28 extend the driveway a little bit like a feet and also in the right
29 corner of the property standing straight upfront to the house we would
30 like to extend that little bit to our fence, to our gate. That's
31 basically the only gate where we can allow any machinery or anything
32 which we will need help - - - but in the future to get to the septic
33 we have in the backyard.

34
35 MR. LEVITON: May I ask regarding the right side on the pictures
36 that you provided you have an area in a red circle, what does that
37 denote?

38
39 MS. CZYZAK: Yes, so first when I came and I found out that we had
40 to keep fifteen feet away I went back home and I told its completely
41 doable. When we start measuring, we have circle driveway so from the
42 right side, in the middle, in the center of our property it's like a
43 hill, forest hill with a lot of trees. Basically there is huge trees I
44 hope I pronounce that correctly in the center of the property which
45 makes it almost impossible for us to move to the center of the
46 property and make the driveway in the right place.

47

1 MR. LEVITON: Thank you for clarifying that. Let's go to the board
2 and see what they think, Mr. Mantagas.

3
4 MR. MANTAGAS: Hi Ms. Czyzak.

5
6 MS. CZYZAK: Hello.

7
8 MR. MANTAGAS: You sure you want to expand the driveway on the
9 left side you said? Expand it meaning going further back towards the
10 back of the house.

11
12 MS CZYZAK: Yes so it's the right side of the house and as you can
13 see on the pictures three, four, eight right now the driveway is not
14 attaching to our gate. So we would to make it.

15
16 MR. MANTAGAS: So you want to bring the driveway up to the gate?

17
18 MS. CZYZAK: Up to the gate and a little bit closer to the
19 property line. That's exactly where our gate is.

20
21 MR. MANTAGAS: Is there anything you want to store there? Is that
22 the reason why you want to expand the driveway? Is there anything that
23 you're going to put there or just a car?

24
25 MS. CZYZAK: No, no just make accessible.

26
27 MR. MANTAGAS: Right, okay thank you. No more questions Mr.
28 Chairman.

29
30 MR. LEVITON: Thank you Basil.

31
32 MS. CZYZAK: And.

33
34 MR. LEVITON: David?

35
36 MS. CZYZAK: If I can ask.

37
38 MR. LEVITON: Sure.

39
40 MS. CZYZAK: Something.

41
42 MR. LEVITON: Absolutely.

43
44 MS. CZYZAK: I would like to mention the left side. Due to the
45 hardship of our property as you can see on the survey its widest at
46 the beginning of the property and going towards the house it's getting
47 narrower. So that's basically what is the problem because on the left

1 side of our house on the property pictures one, two, six and seven
2 there is a garage. So if you won't be able to extend over there as the
3 driveway a little bit we will not have access to the garage basically
4 and I also spoke to our neighbor on the right side because we don't
5 have neighbors on the left side and he doesn't have anything against.
6 He said if you want you can even do it at the property line. I don't
7 mind at all and it's basically a wasted land on the right side of the
8 property.

9

10 MR. LEVITON: You were here not long ago and you were granted
11 relief. Tell the board about that.

12

13 MS. CZYZAK: I'm sorry?

14

15 MR. LEVITON: Your prior, your prior application the last time you
16 were here. Tell the board what you came for last time.

17

18 MS. CZYZAK: You mean the application I submitted before I checked
19 if its possible for us to do it or the affidavit I signed when I buy
20 the?

21

22 MR. LEVITON: No not the affidavit, the.

23

24 MS. CZYZAK: Sir I'm not sure if I.

25

26 MR. LEVITON: You have an approved zoning permit.

27

28 MS. CZYZAK: Oh yeah.

29

30 MR. GREGOWICZ: It was back in July of '23.

31

32 MR. LEVITON: Yes.

33

34 MS. DEFALCO: She wasn't before the board.

35

36 MR. LEVITON: No.

37

38 MS. CZYZAK: Yeah it was.

39

40 MS. DEFALCO: During the ZCCO when she purchased the house, the
41 driveway was non-conforming so they signed an affidavit saying that
42 when they replace the driveway they would replace it in a conforming
43 location. So she submitted a zoning permit showing how she was going
44 to redo the driveway and maintain the ten foot setback on each side
45 and then I guess they decided not to do the driveway and they wanted
46 to seek a variance instead.

47

1 MR. WEISS: Nancy do we have a copy of that affidavit?
2

3 MS. DEFALCO: I do.
4

5 MR. WEISS: It might be in the drawing. I'm just curious to see
6 what.
7

8 MS. MOENCH: The affidavit is not part of the file. Not on the
9 Google drive.
10

11 MR. LEVITON: I haven't see it.
12

13 MR. WEISS: I'd just like to see what it says that she signed off
14 on.
15

16 MS. DEFALCO: What it says is they acknowledged that their
17 driveway is non-conforming. Upon replacement they will either bring it
18 into conformity or apply to the zoning board.
19

20 MR. WEISS: Or apply.
21

22 MS. DEFALCO: Right they have the option.
23

24 MR. WEISS: Okay.
25

26 MS. DEFALCO: They chose to apply for the permit and since they
27 have such a large driveway and they have room they decided they were
28 going to conform, but then I don't know why they changed their mind.
29

30 MS. CZYZAK: I mean the reason is when I went back home and we
31 start measuring and checking with my husband if we could basically do
32 it according to because that's what we want to do. Originally we want
33 to do everything according to the rules.
34

35 MS. DEFALCO: Right.
36

37 MS. CZYZAK: But when we check, we draw the lines and basically
38 the driveway if we do it fifteen feet away we're going to have in the
39 middle of our gate from both sides basically.
40

41 MS. DEFALCO: Why can't you expand the driveway going towards the
42 middle?
43

44 MS. CZYZAK: To the center because we have trees.
45

46 MR. LEVITON: The hill.
47

1 MS. CZYZAK: Huge hill and basically it's filled with the trees
2 over there.

3
4 MS. DEFALCO: Where does your driveway turn in on the left side?

5
6 MS. CZYZAK: It's basically - - - it's one way.

7
8 MS. DEFALCO: The garage, I'm sorry the garage.

9
10 MS. CZYZAK: The garage is on the left-hand side.

11
12 MS DEFALCO: And the side?

13
14 MS. CZYZAK: Yes, yes exactly. You have to make a turn to turn
15 over there.

16
17 MR. LEVITON: And there's no home on the left side only on the
18 right side?

19
20 MS. CZYZAK: So if you see over here the left side pictures one,
21 two it's our neighbor.

22
23 MR. LEVITON: The left side is the neighbor.

24
25 MS. CZYZAK: On the left side yes and the right side we don't have
26 any houses over there.

27
28 MS. DEFALCO: But there's still a lot - --

29
30 MR. LEVITON: Sure so you knew when you moved in that there was a
31 problem with the driveway that it encroached on the side setback and
32 the seller didn't chose to bring it back into conformity or come to
33 this board asking for relief and I'm curious as to why that is and I'm
34 going to ask the zoning officer.

35
36 MS. DEFALCO: Sorry they chose to use the ten-year rule.

37
38 MR. LEVITON: They used the ten-year rule. Can you explain
39 the ten-year rule for the people in the audience and for the board?

40
41 MS. DEFALCO: The ten-year rule basically says if you can prove
42 that the non-conforming improvement has existed for at least ten years
43 then you're eligible to sign this affidavit which allows the driveway
44 to remain, how do you say in perpetuity until it's replaced and then
45 at that time they have to make a decision.

46

1 MR. LEVITON: Or until the new owner would be moving because then
2 it would be non-conforming.

3
4 MS. DEFALCO: No it doesn't say anything about.

5
6 MR. LEVITON: Oh really?

7
8 MS. DEFALCO: No, it could stay like that as long as they never
9 touch it.

10
11 MR. LEVITON: Then it's fair.

12
13 MS. CZYZAK: We want to make this nice, a nice addition to
14 Manalapan Township that's why we want to make it nice and wide.

15
16 MR. LEVITON: Okay let's see what everyone thinks. David did I
17 leave off with you?

18
19 MR. WEISS: You're up.

20
21 MR. SCHERTZ: I'm sorry, but why can't you widen the driveway
22 towards the middle of the property? Oh they have trees.

23
24 MS. CZYZAK: The center is like a field with the trees. It's like
25 a small forest over there. It's a little bit hill and it's a lot of
26 trees, beautiful trees which I would love to just stay there.

27
28 MR. SCHERTZ: Yeah I see so that's decorative basically?

29
30 MS. CZYZAK: I'm sorry?

31
32 MR. SCHERTZ: That the center portion of the front of your
33 property that's decorative?

34
35 MR. LEVITON: There's trees there David what do you mean
36 decorative?

37
38 MR. SCHERTZ: In other words like landscaping.

39
40 MR. LEVITON: No, no natural.

41
42 MS. CZYZAK: No we didn't do anything they're natural it's like a
43 forest, small forest over there.

44
45 MR. PACHOLAK: They are natural.

46
47 MR. LEVITON: Joshua?

1
2 MR. SHALIKAR: Yes, hi thank you for coming.

3
4 MS. CZYZAK: Hi.

5
6 MR. SHALIKAR: So would you say that by replacing the driveway
7 it'll make the neighborhood look better?

8
9 MS. CZYZAK: Yes definitely.

10
11 MR. SHALIKAR: Yeah.

12
13 MR. PACHOLAK: The driveway is falling apart. It needs work.

14
15 MR. SHALIKAR: Okay.

16
17 MS. CZYZAK: It's forest starting to grow on this.

18
19 MR. SHALIKAR: Got it and I totally understand the curbside
20 growths and weeds coming out. I understand the hardship of a pie-
21 shaped lot. I had to stand before the board once upon a time for the
22 same thing so I truly do understand it. No further questions Chairman.

23
24 MR. LEVITON: He was an applicant and he is a board member.

25
26 MR. SHALIKAR: Look at that, that's how they got me.

27
28 MR. LEVITON: Adam?

29
30 MR. WEISS: No questions thank you.

31
32 MR. LEVITON: Terry?

33
34 MR. ROSENTHAL: Yeah I just had one question. Your exhibit number
35 four you have a red circle round the bush and the bottom of these
36 trees. Does that mean that they're coming out?

37
38 MS. CZYZAK: No I just wanted to point out that's basically the
39 trees very close. We would like to do it according to the rules and
40 move to the center. That's where the big trees coming out so.

41
42 MR. ROSENTHAL: Thank you.

43
44 MS. CZYZAK: We would have to knock them down or just remove them.

45
46 MR. ROSENTHAL: Okay.

47

1 MS. CZYZAK: I feel bad to remove trees to be honest.

2

3 MR. GREGOWICZ: No questions.

4

5 MR. LEVITON: I have one question. Will the expansion facilitate
6 turning a car around up there?

7

8 MS. CZYZAK: Next to the garage?

9

10 MR. LEVITON: Yes.

11

12 MS. CZYZAK: It will help to get to the garage.

13

14 MR. LEVITON: Just to get, you won't be able to turn it around
15 though?

16

17 MS. CZYZAK: No.

18

19 MR. LEVITON: What a shame.

20

21 MS. CZYZAK: I know.

22

23 MR. PACHOLAK: It could be a hurtful K-turn, but you'd be able to
24 do it.

25

26 MR. LEVITON: Okay I'm good. Let me go out to the public and ask
27 if there's anybody who wants to ask them a question or address the
28 board. Seeing none I'll close public and I'll ask the zoning officer
29 Ms. DeFalco if she has anything further. She does not and let's ask
30 the board attorney Mr. Marmero if he has anything that he requires.

31

32 MR. MARMERO: No nothing additional, but just to sum it up so
33 there's a couple of difference bulk variances here. We have the I
34 guess we would call it the pool/patio that is seven feet from the
35 sideyard line which would need to be ten foot so that's the one
36 variance and then you talked a lot about the extension of the driveway
37 and it looks like there's a couple of ordinance problems that Nancy
38 pointed out in the denial. One talks about no extension shall be
39 within ten feet of the property line. Here zero is proposed obviously
40 because it comes right to the property line and then right below that
41 is another provision that talks about if that extension and contiguous
42 area provides for parking for four or more motor vehicles then it's an
43 enhanced setback of fifteen feet. So again it's a zero foot setback so
44 that's the bulk relief that would be required if you were so inclined
45 to grant relief.

46

47 MR. LEVITON: Thank you Mr. Marmero. Will someone make a motion?

1
2 MR. SCHERTZ: So moved.

3
4 MR. LEVITON: Thank you Mr. Schertz. Will someone second that?

5
6 MR. SHALIKAR: I'll second that.

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

9
10 **ROLL CALL**

11
12 MS. MOENCH: Mr. Gregowicz?

13
14 MR. GREGOWICZ: Yes.

15
16 MS. MOENCH: Mr. Rosenthal?

17
18 MR. ROSENTHAL: Yes.

19
20 MS. MOENCH: Mr. Schertz?

21
22 MR. SCHERTZ: Yes.

23
24 MS. MOENCH: Mr. Shalika?

25
26 MR. SHALIKAR: Yes.

27
28 MS. MOENCH: Mr. Weiss?

29
30 MR. WEISS: Yes.

31
32 MS. MOENCH: Mr. Mantagas?

33
34 MR. MANTAGAS: Yes.

35
36 MS. MOENCH: Chair Leviton?

37
38 MR. LEVITON: Your motion has been approved. We congratulate you
39 and we wish you well.

40
41 MS. CZYZAK: Thank you so much.

42
43 MR. LEVITON: You're welcome and at that time I'm going to open up
44 to the public to see if there's anyone who wants to address the board
45 for non-agenda items. Seeing none I will close public. What?

46
47 MS. MOENCH: Nothing.

1
2 MR. LEVITON: Okay. We're done we've been through all of our
3 public hearings.

4
5 MS. MOENCH: Yes.

6
7 MR. LEVITON: Okay yes. You will not have to come back, but your
8 application will be memorialized on September 7th and again you won't
9 need to be here. You're welcome, you're very welcome. Okay and now Mr.
10 Marmero let's ask if you have updates for us.

11
12 MR. MARMERO: No status quo from the last meeting. The motion
13 hearing that we have for the motion to dismiss in the case we're on is
14 in September. I think it's September 8th, but I will double check the
15 date, but I probably will have an update for you at one of the
16 September meetings.

17
18 MR. LEVITON: Thank you sir. Janice?

19
20 MS. MOENCH: --- I just want to say that at the next meeting
21 because right now it looks like --- might not and I'm not sure.

22
23 MR. LEVITON: Oh. That's a good tip. The 7th is currently filled
24 with - - - Oh.

25
26 MR. MARMERO: Per the law I mean you have more than a month to
27 give them a resolution so even if you have to go to the next one.

28
29 MR. SCHERTZ: No applications for the first week in September?

30
31 MS. MOENCH: She's just concerned about her pool - - - and I
32 told her moving forward with it as long as.

33
34 MS. DEFALCO: Yeah absolutely. I will do that separately.

35
36 MR. LEVITON: Gentlemen is there anything further that anyone
37 needs to share?

38
39 MS. DEFALCO: - - -

40
41 MR. LEVITON: Someone move to adjourn?

42
43 MR. WEISS: Motion to adjourn.

44
45 MR. LEVITON: Thank you Mr. Weiss.

46
47 MR. SCHERTZ: Second.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

MR. LEVITON: Goodnight everyone. Thank you all.
