

WEST LONG BRANCH ZONING BOARD OF ADJUSTMENT
COUNTY OF MONMOUTH - STATE OF NEW JERSEY

REGULAR MEETING FOR:

TRANSCRIPT OF
PROCEEDINGS

THURSDAY, MARCH 28, 2019

BEFORE:

ROBERT VENEZIA, Chairman
MICHAEL SCHULZ
PAMELA HUGHES
PAUL SANTORELLI
PAUL GIGLIO
AUGUST STOHL
MARK ENGEL

ALSO PRESENT:

MICHAEL A. IRENE, JR., ESQ., Board Attorney
BONNIE HEARD, P.E, Board Engineer
CHRIS ANN DEGENARO, Recording Secretary

LISA NORMAN, CCR
15 Girard Avenue
West Long Branch, New Jersey 07764
732-229-5897

1 A P P E A R A N C E S :

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3	WITNESS NAME	PAGE NO.
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1 E X H I B I T S

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3	EXHIBIT NO.	DESCRIPTION	PAGE NO.
4	A-1	Variance Plan of James	7
5		B. Goddard, PLS of CC Widdis	
6		Surveying, LLC consisting of one	
		sheet dated December 20, 2018	

7

8	A-2	Set of Floor Plans	7
9		and Elevations by Keith	
10		Mazurek, AIA, consisting of one	
		sheet dated February 20, 2019	

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1 MR. VENEZIA: Ladies and Gentlemen, we
2 are going to continue our meeting extension of
3 our 6:15 training meeting into coming into the
4 application part of our meeting. Once again,
5 this is the March 28th 2019 meeting of the
6 Zoning Board and the Agenda tonight, first of
7 all, is there anyone here on the matter of the
8 Scaba matter? Roll call?

9 MS. DEGENARO: Robert Venezia?

10 MR. VENEZIA: Here.

11 MS. DEGENARO: Michael Schulz?

12 MR. SCHULZ: Here.

13 MS. DEGENARO: Pamela Hughes?

14 MS. HUGHES: Here.

15 MS. DEGENARO: Paul Santorelli?

16 MR. SANTORELLI: Here.

17 MS. DEGENARO: Paul Giglio?

18 MR. GIGLIO: Here.

19 MS. DEGENARO: August Stohl?

20 MR. STOHL: Here.

21 MS. DEGENARO: Mark Engel?

22 MR. ENGEL: Here.

23 MR. IRENE: Yeah, the record will
24 reflect Chairman Venezia indicated this was
25 actually an extended meeting of the Board. We

1 started early, about 6:30, for an informational
2 training session for Board Members. It was open
3 to the public. We Noticed it. We did the
4 requirements of the Open Public Meetings Act,
5 the pledge, we did a roll call. We went into
6 our training session and then when that
7 concluded around about 7:30, we took a 10 or 15
8 minute break. We've come back on, done a roll
9 call, again, and regularly-scheduled. I think
10 we are good to go, Mr. Chairman.

11 MR. VENEZIA: We are going to go right
12 into the Variance 2019-4 Cipriano.

13 MR. IRENE: I am going to ask you to
14 have a seat up here, Ma'am, please?

15 THE WITNESS: Sure 36 Orchard Road.

16 MR. IRENE: I've reviewed the Notice
17 materials. They appear to be in order. Does
18 anyone have any issues, questions or problems
19 with regard to the Cipriano application? Let
20 the record reflect no response. The Board has
21 jurisdiction. Swear in Ms. Heard.

22 (Bonnie Heard, P.E., sworn.)

23 MR. IRENE: You are Miss Alycia
24 Cipriano?

25 THE WITNESS: Yes.

1 MR. IRENE: Give us your full name,
2 spell your last and your address for record and
3 Lisa will swear you in.

4 MS. CIPRIANO: Alycia Cipriano,
5 C-I-P-R-I-A-N-O.

6 (Alycia Cipriano, sworn.)

7 MR. IRENE: Mr. Chairman, we received
8 with the application a Variance Plan prepared by
9 James B. Goddard, PLS of CC Widdis Surveying,
10 LLC consisting of one sheet dated December 20,
11 2018. We are going to mark that as Exhibit A-1.
12 Can you mark that, Chris Ann? We also had a Set
13 of Floor Plans and Elevations prepared by Keith
14 Mazurek, M-A-Z-U-R-E-K, AIA, consisting of one
15 sheet dated February 20, 2019. We are going to
16 mark that as Exhibit A-2, please? You may have
17 just reduced copies.

18 MS. HEARD: The reduced one is mine. I
19 didn't want to walk all the way downstairs to
20 print it before I left. I printed it from the
21 network.

22 MR. IRENE: Ms. Cipriano, do you want to
23 tell the Board what the application is all
24 about?

25 MS. CIPRIANO: It's for the front

1 setback. We are in compliance with code right
2 now, even though our setback is close to the
3 street in code. That is how the house was
4 built. We just want to go up a floor, so I
5 guess we need a variance for that.

6 33: Up a floor?

7 MS. CIPRIANO: Up a floor. It is a
8 ranch. We want a second story.

9 MR. IRENE: Do we have completeness?

10 MS. HEARD: We have completeness.

11 Referring to the February 6, 2019 letter, there
12 are six items that were on the checklist that
13 were not provided. The majority of them we have
14 no objection to completeness waivers being
15 granted. Those include Items B3, which is the
16 fact that the sign variance plan or the variance
17 plan was submitted, but we wanted, you know,
18 signed and sealed floor plans which you guys
19 have, but we didn't have with this letter.
20 There were, you know, Chris Ann, had to confirm
21 the taxes are current. That is one of those
22 ever-changing things. When you get into a new
23 quarter, you have to comply with your taxes. We
24 asked the Applicant to confirm with the
25 testimony portion there is no easements or

1 restrictions on the land.

2 Item B24 would be whether there is any
3 environmentally-sensitive areas and looking at
4 New Jersey Geo-web, there were no
5 environmentally-sensitive lands that came up.
6 The building elevations and floor plans, which
7 they gave us some of the information, but you
8 guys have more information than I do. The
9 Affidavit of the owner's consent, the owner is
10 the Applicant, so they can consent to their own
11 application. So, subject to the fact that Chris
12 Ann confirmed the taxes are current, I have no
13 objection to granting the completeness waivers.

14 MR. IRENE: Unless anyone has any
15 questions, issues, does someone want to grant a
16 motion to grant the completeness waivers so we
17 can move to the merits of the application?

18 MR. ENGEL: I will make a motion to
19 accept the completeness.

20 MR. STOHL: I will second it.

21 MS. DEGENARO: Robert Venezia?

22 MR. VENEZIA: Yes.

23 MS. DEGENARO: Michael Schulz?

24 MR. SCHULZ: Yes.

25 MS. DEGENARO: Pamela Hughes?

1 MR. HUGHES: Yes.

2 MS. DEGENARO: Paul Santorelli?

3 MR. SANTORELLI: Yes.

4 MS. DEGENARO: Paul Giglio?

5 MR. GIGLIO: Yes.

6 MS. DEGENARO: August Stohl?

7 MR. STOHL: Yes.

8 MS. DEGENARO: Mark Engel?

9 MR. ENGEL: Yes.

10 MR. IRENE: The issue is the house has
11 29.32 feet where 32 feet is required. And other
12 than the porch, you are going straight up so
13 that is exacerbating that front yard setback
14 vertically. And now you are also adding a front
15 porch. What does that do? That is coming
16 closer, I assume, to the property line.

17 MS. CIPRIANO: Yes, I think it was about
18 two feet.

19 MR. IRENE: So it is a five-foot deep
20 porch that is going to yield a 24.88 foot front
21 yard setback?

22 MS. HEARD: So the proposed front yard
23 setback is 24.88 when the porch is added.

24 MR. IRENE: So is that the five foot?

25 MS. HEARD: Yes.

1 MR. IRENE: Do you know the height of
2 the porch? It is a covered front porch.

3 MR. VENEZIA: The height of the porch is
4 not shown on this plan.

5 MS. HEARD: It is a one-story porch. It
6 does not come across the full frontage of the
7 property. It is about three-quarters of the
8 property.

9 MR. IRENE: It's only if it's an issue
10 for the Board.

11 MR. SANTORELLI: It is the height of the
12 first floor.

13 MR. HUGHES: If someone has a scale.

14 MS. HEARD: Here.

15 MR. GIGLIO: Do you want to keep that
16 there?

17 MS. HEARD: No. No, that is good.

18 MR. VENEZIA: The second story on your
19 property is proposed to be the same footprint,
20 but with a little cantilever over the front and
21 back by a couple of feet?

22 MS. CIPRIANO: Yes.

23 MR. VENEZIA: So you are going to see
24 that, but it's going to be bigger also coming
25 over. It's going to project in the front and in

1 the back a couple of feet?

2 MS. CIRPRIANO: Yes.

3 MR. IRENE: Well, if it projects out the
4 front then we are exacerbating the existing
5 front yard setback not only vertically, but
6 laterally towards the front. I didn't see that
7 on the plan, but I thought it was just the porch
8 that was projecting into the front yard.

9 MR. VENEZIA: It appears that the front
10 of the project will be also coming out a
11 distance.

12 MR. GIGLIO: No. The back -- the only
13 thing in the front is the porch.

14 MR. VENEZIA: Do you see that little
15 kick in?

16 MR. GIGLIO: Do you see the side? Do
17 you see the side setback?

18 MR. VENEZIA: Yeah, I'm looking at this
19 left side elevation.

20 MR. GIGLIO: Right.

21 MR. VENEZIA: And it shows that, I
22 believe that is an existing line that is going
23 up and it's coming over a certain amount.

24 MR. SANTORELLI: Looks like the window.

25 MR. VENEZIA: And the roof is going to

1 continue out. The second floor roof, I'm told.

2 MS. HEARD: Somewhere between 13 and 14
3 feet, depending on how well I did the math.

4 MR. VENEZIA: In addition?

5 MS. HEARD: No, the height of the porch.

6 MR. VENEZIA: I'm talking about the
7 second floor in the front coming out, its going
8 to be an additional two feet.

9 MS. HEARD: Straight up.

10 MR. VENEZIA: Straight up.

11 MR. GIGLIO: The back is cantilevered.

12 MR. SANTORELLI: No. The windows are
13 boxed out. The windows are projected out in the
14 front of the house. If you look at the second
15 floor plan and you look at the shape of the
16 rooms, you will see that the windows are
17 projected out further by at least a foot.

18 MR. IRENE: If you look at the variance
19 plan, I don't think it matches that.

20 MS. HEARD: The variance plan shows it
21 being straight.

22 MR. VENEZIA: Could you take a look at
23 these plans here?

24 MR. HUGHES: I don't think it affects
25 the setback. It's the edge of the porch that

1 affects the setback.

2 MR. VENEZIA: No. They are already in a
3 pre-existing situation where there is, it's
4 less.

5 MR. HUGHES: They are exacerbating. I
6 don't think the windows on the second floor go
7 beyond the front porch.

8 MS. HEARD: They don't go beyond the
9 front porch.

10 MR. VENEZIA: What they are asking for.

11 MR. HUGHES: Right.

12 MR. VENEZIA: Oh, no.

13 MR. HUGHES: What is the issue?

14 MR. VENEZIA: The second floor is coming
15 out over the existing house.

16 MR. HUGHES: Over the existing
17 footprint.

18 MR. VENEZIA: Without the porch. If we
19 agree on the porch then it's within no problems.

20 MR. HUGHES: I get what you are saying.

21 MR. VENEZIA: We are waiting for a
22 calculation.

23 MS. HEARD: Oh, no. No. Hold on. So
24 it's about two feet that they bump out. The
25 windows bump out beyond the existing front

1 facade.

2 MR. IRENE: It's just the windows.

3 MS. HEARD: Yeah.

4 MR. SANTORELLI: The window areas, yes.

5 MS. HEARD: It doesn't go beyond the
6 porch.

7 MR. IRENE: The window areas of the
8 second floor?

9 MR. SANTORELLI: Yes.

10 MS. HEARD: Yes. And there is three
11 windows, one over the garage and one in Bedroom
12 4 and 5.

13 MR. SANTORELLI: You have two doubles
14 and one triple.

15 THE WITNESS: Uh-huh.

16 MR. VENEZIA: I don't see it on the
17 plans here, but there was talk earlier on a plan
18 earlier that you wanted to put a circular
19 driveway.

20 MR. CIPRIANO: Yes.

21 MR. VENEZIA: Does that still exist on
22 the plan?

23 MR. CIPRIANO: Yes.

24 MR. SCHULZ: We were told it doesn't
25 exist. I was told.

1 MR. IRENE: No. The plan says it's
2 proposed. Is it there now?

3 MS. HEARD: It is a proposed circular
4 driveway.

5 MR. SCHULZ: The proposed circular
6 driveway, is that part of the plan tonight? We
7 are voting on both?

8 MS. HEARD: The circular driveway
9 doesn't need relief. You are voting on the
10 variance for the porch and the second-story
11 addition. The project, I guess, should it be
12 approved, they are going to proceed with the
13 house and the driveway. If they wanted to go in
14 and get a zoning permit for the driveway, they
15 could do that, because they conform.

16 MR. IRENE: They don't need relief for a
17 second curb cut?

18 MS. HEARD: No.

19 MR. GIGLIO: Okay.

20 MR. VENEZIA: And the purpose of the
21 addition?

22 MS. CIPRIANO: I'm sorry?

23 MR. VENEZIA: The purpose of your second
24 floor addition?

25 MS. CIPRIANO: For bedrooms upstairs.

1 MR. VENEZIA: What is it downstairs now?

2 MS. CIPRIANO: Right now, it's just a
3 ranch house, so everything is downstairs.

4 MR. VENEZIA: How many bedrooms or in
5 the ranch?

6 MS. CIPRIANO: There are three bedrooms.

7 MR. SCHULZ: The 24.88, the new
8 frontage, is that the curb line or it's set off
9 the curb to reach that 24.88? I know there is
10 no sidewalks there.

11 MS. HEARD: It would be from the front
12 property line and not from the curb.

13 MR. SCHULZ: What degree would they be
14 at if this were to be built? How much are they
15 missing 24.88 out of 35 feet is how much?

16 MS. HEARD: Eleven.

17 MR. SCHULZ: It would be at 33 percent.

18 MS. HEARD: Yeah, hold on. Yeah,
19 basically.

20 MR. IRENE: The issue is because of the
21 location of the dwelling, you couldn't put a
22 porch on the house without getting some relief
23 because the dwelling is deficient slightly right
24 now. It's the issue. You allow a flat facade
25 with no cover. And again, the deviation for the

1 porch is only the span to the porch and only to
2 the height of the porch. It's not the entire
3 facade.

4 MR. VENEZIA: But at length, it's half
5 the house, if not more.

6 MR. SANTORELLI: About two-thirds.

7 MR. IRENE: It is a single-family
8 dwelling, right?

9 MS. CIPRIANO: Yes.

10 MR. HUGHES: How deep is the porch?

11 MR. IRENE: The application said five
12 feet.

13 MR. SANTORELLI: Five foot.

14 MS. CIPRIANO: It's not very deep.

15 MR. VENEZIA: And you have the existing
16 intruding porch already --

17 MS. CIPRIANO: Yes.

18 MR. VENEZIA: -- to that amount and you
19 just want to square it off or do you want to
20 make it even bigger out from the house? You are
21 walking up into the house from the front, so
22 it's two steps into the house. Do you want to
23 make that, knock that front porch off completely
24 and bring it out even further?

25 MS. CIPRIANO: Yes.

1 MR. VENEZIA: Or will that remain the
2 same?

3 MS. CIPRIANO: No, we are going to go
4 even farther.

5 MR. SANTORELLI: Was the original porch
6 there now? What is the size, would you say?

7 MS. CIPRIANO: What size?

8 MR. SANTORELLI: How far off the house
9 would you say it comes out? It's not as far as
10 the five foot.

11 MS. CIPRIANO: You go up two steps and
12 then you have to turn to go in, so it's pretty
13 small right now.

14 MR. SANTORELLI: It's basically just a
15 landing. Probably, roughly, three feet.

16 MR. SANTORELLI: You would be coming up
17 from the side where the driveway is. Where your
18 driveway, the stairs face the driveway and turn
19 to go in?

20 MS. CIPRIANO: Uh-huh.

21 MR. GIGLIO: Paul, if you go down
22 Orchard Place and look across the street, they
23 are doing exactly what the house across the
24 street did to theirs. The house is a mirror to
25 the house that was rebuilt five years ago.

1 Identical. I went there, looked at it.
2 Word-for-word. Step-for-step, spec-for-spec
3 minus the new driveway. The next house to the
4 right has the new driveway.

5 MR. VENEZIA: You are talking about the
6 one on the corner.

7 MR. GIGLIO: Correct. The one on the
8 corner of Golf.

9 MR. VENEZIA: Do they have that long of
10 a porch?

11 MR. GIGLIO: The one directly across the
12 street. The one on the corner with the new
13 driveway was an existing piece of property that
14 was built.

15 MR. VENEZIA: That is the other
16 neighborhood.

17 MR. GIGLIO: Correct.

18 MR. VENEZIA: Because it's the newer
19 home.

20 MR. GIGLIO: Correct.

21 MR. VENEZIA: I can't envision that
22 house directly across the street having that big
23 of a --

24 MR. GIGLIO: Go take a look. I was very
25 surprised, actually.

1 MR. STOHL: The stairs that you are
2 going to put on the new porch, are they going to
3 be in front of the porch or still next to the
4 driveway going up? Those stairs would come out
5 even further than five feet.

6 MR. SANTORELLI: At least another foot.

7 MS. CIPRIANO: I'm not sure. I think
8 they would be in front. Maybe one step. It's
9 only one or two steps right now. I can't
10 remember if it's one or two, it's you have to
11 walk up to it.

12 MR. HUGHES: It looks like it might just
13 be one.

14 MS. CIPRIANO: It's one step.

15 MR. VENEZIA: Like you said, that kicks
16 it out another 16 --

17 MR. SANTORELLI: That is another foot at
18 least.

19 MR. IRENE: Does that count for the
20 setback?

21 MS. HEARD: Usually, if it's not
22 covered, it's not counted.

23 MR. HUGHES: Yes, because I am thinking
24 if the porch was not covered, it wouldn't be
25 counted.

1 MS. HEARD: Right. A landing is not
2 counted.

3 MR. HUGHES: I mean, it's a pre-existing
4 condition. She had a landing to begin with.
5 She is expanding her landing, but, you know, we
6 could argue whether her landing is
7 3-foot-by-3-foot or 5-foot-by-20-feet. I'm not
8 sure.

9 MR. VENEZIA: But the expansion from
10 that pre-existing, what she is asking for is
11 another couple feet from the two feet or at
12 least to make it five feet plus to make it
13 complete. Instead of what the existing is, is
14 maybe three feet, you are going to additionally
15 add another two feet to it. Just so we are
16 aware of that. And that kicks out the line of
17 the neighborhood even further.

18 Right now, it is already off a little
19 bit pre-existing then it's off a few feet, if
20 you look down the street, though, there is
21 trees, I think, alongside that pretty well
22 blocks that vision. I feel we have to make a
23 call on that as far as --

24 MR. GIGLIO: He has White Cedars, that
25 is correct.

1 MR. IRENE: Do you know if the setback
2 was increased?

3 MS. HEARD: At least since I've been
4 doing stuff in West Long Branch from '97, '96,
5 it's been the same.

6 MR. IRENE: It's odd that the house is
7 built at 30. Do you know what I'm saying? It's
8 a nice round number.

9 MS. HEARD: That 35-foot setback has
10 been there since the late '90s that I know of.

11 MR. IRENE: Do you know when the house
12 was built, Mrs. Cipriano?

13 MS. CIPRIANO: My grandfather bought it
14 original, so my mom was like only five years
15 old.

16 MR. VENEZIA: I am going to say the
17 1950s, late '50s.

18 MR. IRENE: If the zoning was not, if
19 the setback was not pre-existing non-conforming.

20 MR. GIGLIO: The house next to it is
21 part of the Orchard Curve. As I think about it,
22 that house and the Orchard Curve part, so there
23 is no shrubbery to the right of that at all.

24 MR. VENEZIA: If you're looking at the
25 house straight on --

1 MR. GIGLIO: Right. It starts to curve.
2 It's that greyish house. I am picturing it in
3 my mind right now.

4 MR. VENEZIA: From your recollection,
5 the house directly across the street, which they
6 did an amazing job on it. It's beautiful. The
7 porch is the length of the -- I am thinking it's
8 only it's maybe two feet on each side of the
9 door to go into the house. Not that whole
10 frontage.

11 MR. GIGLIO: The only thing I can
12 envision is the beautiful grass. I'm trying to
13 remember. You got the birdbath on the right and
14 then you got the --

15 MR. HUGHES: It looks like this whole
16 area over here, if you look up to the left, they
17 are all, the setbacks all seem to be smaller.

18 MR. GIGLIO: That whole neighborhood,
19 yeah. It cuts off at the curb. I can't
20 remember. I'm trying to envision.

21 MS. CIPRIANO: If I went through my
22 phone, I could have a picture. When I went to
23 the architect, I wanted something like this. I
24 think they do have a covered porch.

25 MR. VENEZIA: I don't believe it's

1 two-thirds of the house length. I think it is
2 only a couple of feet on each side of the
3 doorway.

4 MR. GIGLIO: With the double pillar,
5 right? It's got a double pillar-type of thing
6 with a double door. My head is spinning now on
7 this one. Okay. Whatever.

8 MR. VENEZIA: I'm thinking, and it's
9 just my opinion and I don't want to throw you
10 completely off, but if you had the porch maybe
11 say three feet each side of the doorways instead
12 of running it the whole front? Would that throw
13 you off? What is the purpose of having it the
14 whole length of the two-thirds of the frontage?

15 MS. CIPRIANO: I like the way it looks.

16 MR. VENEZIA: Do we have anything with
17 the impervious coverage?

18 MS. HEARD: No.

19 MR. VENEZIA: It is the area of the
20 setback that's not going to be the whole
21 frontage. Which we don't have any control over.

22 MS. HUGHES: Would you be willing to cut
23 it down if we said we weren't going to approve
24 this?

25 MS. CIPRIANO: The porch?

1 MR. HUGHES: Yeah.

2 MS. HEARD: You can also ask the Board,
3 if you want, to go back and talk to your
4 architect and see what it would look like to
5 carry your application to another meeting to
6 give you time to talk to your professionals and
7 see what it would look like. You don't have to
8 make a decision right now.

9 MS. CIPRIANO: I mean, is that what you
10 are deciding that I can't do?

11 MR. VENEZIA: We are thrown in between.

12 MS. CIPRIANO: I wouldn't be very happy
13 with it, no. I wouldn't be very happy.

14 MR. VENEZIA: It was just a suggestion.

15 MR. HUGHES: How do other Board Members
16 feel? What are your thoughts on this? Is this
17 porch pushing it too far or do we think it's
18 okay? It is a residential area and it's going
19 to look pretty.

20 MR. GIGLIO: I already know the area. I
21 already know the houses on that street. I hate
22 to use the expression, I apologize, they are all
23 pretty much cookie cutter and copying the one
24 specific house on Orchard. Everybody went down
25 that road and that is why the person on the

1 corner of Golf took the same exact one on the
2 corner. He copied that one.

3 The porch thing, I am okay with it. I
4 am more concerned about the new driveway.

5 MR. IRENE: The driveway is conforming.

6 MR. IRENE: Well, one thing, too, it's
7 on the side of the house that has the greater
8 setback. That side is set back 20 feet from the
9 side property line. The other side is only 10,
10 for what it's worth.

11 MR. ENGEL: I am okay with the porch.
12 Setting it down.

13 MR. VENEZIA: Of the length of the
14 porch.

15 MR. SANTORELLI: No, to the frontage.

16 MR. STOHL: Not to the street. To the
17 property line.

18 MR. SANTORELLI: To the property line.
19 I'm sorry. I'm not sure how I feel about it.
20 I'm thinking about the proximity, you know, to
21 the street.

22 MR. SCHULZ: Bonnie, I've got a
23 question. If you go through with this new
24 driveway, there is no impervious issue with the
25 new driveway with the coverage?

1 MS. HEARD: It is a total impervious
2 coverage. It's not a impervious coverage for
3 the front yard only. They look at it overall
4 for the lot. Obviously, the backyard has a lot
5 of grass. The backyard counterbalances what is
6 in the front. Certain towns have a limitation
7 of impervious coverage in the front yard. Some
8 of them -- ours is whole lot.

9 MR. SANTORELLI: I have actually one
10 more question. The side setback on the left is
11 10.29, 10.1.61. We are adding a chimney. Does
12 that count?

13 MS. HEARD: Chimneys are allowed to bump
14 into. There is an exemption under the Uniform
15 Construction Code. They go up to two feet into
16 a required setback.

17 MR. VENEZIA: That meets the two feet?

18 MS. HEARD: I believe so. I don't have
19 the plan in front of me right now. My plan is
20 somewhere floating around here somewhere. But
21 if they are not asking for that relief, they
22 would have to conform. If the chimney was two
23 feet one inch, the construction department is
24 going to tell them to make it two feet. We are
25 just looking at the request for the front yard

1 setback at this point.

2 MR. HUGHES: Well, I am kind of leaning
3 to granting it. I've been through the area.
4 The houses there are large. They are big. I do
5 think there is, I mean, I am kind of leaning
6 towards, you know, feeling like it's a beautiful
7 house and she is going to need some sort of, you
8 know, unless we want to, I mean, she can't,
9 unless she eliminates it completely or like
10 really you couldn't even do three feet, if you
11 wanted to do a porch.

12 MR. VENEZIA: On either side.

13 MR. HUGHES: Running the whole length.

14 MR. GIGLIO: Because it runs into the
15 garage.

16 MR. STOHL: Not necessarily.

17 MR. SANTORELLI: You are probably three
18 feet to the left of the door now.

19 MR. GIGLIO: Yeah, exactly.

20 MR. SANTORELLI: I mean, you could,
21 aesthetics. It comes down to aesthetics.

22 MR. HUGHES: Right. It's symmetrical
23 right now. If you cut that in half, are you
24 going to end it between the two windows above?

25 MR. GIGLIO: It won't be correct. Is

1 that what you are trying to say?

2 MR. HUGHES: It will look tricky.

3 MR. ENGEL: The way it is in the plan,
4 it doesn't change the gross footprint the way it
5 takes up the property. I have no objection to
6 the way it's printed.

7 MR. VENEZIA: While we are still
8 thinking, anyone in the audience has a concern
9 with this application?

10 MR. IRENE: Questions or comments?

11 MR. DEDEYN: Shawn Dedeyn. My address
12 18 Franklin Parkway.

13 MR. IRENE: Question or comment?

14 (Shawn Dedeyn, sworn.)

15 MR. DEDEYN: The panel asked if anybody
16 has had a comment on this and I think if she has
17 children they are going to love spending time
18 with their mom and dad in the front porch.
19 Whether it's 9 feet, 16 feet, I think the bigger
20 the better. I think it's going to be awesome
21 for their family and that's important.

22 MR. VENEZIA: Our concern is the
23 community.

24 MR. DEDEYN: It sounds like it's going
25 to be beautiful.

1 MR. VENEZIA: Thank you.

2 MR. DEDEYN: No problem.

3 MR. VENEZIA: It should also be noted,
4 too, at our last meeting, there were a lot of
5 concerned citizens here. I don't know if they
6 were objectors or for, but they are not here at
7 this time. They weren't noticed to, you know,
8 change their meeting and you weren't responsible
9 to put it back in.

10 MS. CIPRIANO: No, no one had a problem.
11 They actually all loved the plans. It was with
12 the driveway. We don't need a variance for.

13 MR. IRENE: We should indicate the
14 Applicant did re-Notice for tonight's meeting.
15 They did re-Notice.

16 MR. VENEZIA: They did re-Notice.

17 MS. CIPRIANO: Yes, we did.

18 MR. IRENE: Because they missed by a
19 date.

20 MR. VENEZIA: That is right. Once
21 again, the people that were here, whether
22 objectors or promoting it, are not here tonight
23 again and they knew this was going to come up.

24 MR. CIPRIANO: Actually, they made it
25 very clear how much they loved the house and

1 they thought --

2 MR. IRENE: That is what we call
3 hearsay, because they are not here, so we don't
4 know. Not here to say.

5 MR. VENEZIA: We are back to the issue
6 of, we're not worried about it coming over in
7 the front or in the back.

8 MS. HEARD: Well, they conform to lot
9 coverage, so the back isn't an issue, because
10 they conform to setback and lot coverage. It's
11 really the extension of the pre-existing
12 non-conforming vertically of the dwelling, as
13 well as the further encroachment of the porch
14 into the front yard setback and the windows.

15 MR. IRENE: The bump-outs.

16 MS. HEARD: The zone is 35. The
17 existing house is 30. They are going to 24.88,
18 which is, you know, essentially five foot.

19 MR. IRENE: What is on either side of
20 you, Mrs. Cipriano? Are they single-family
21 dwellings?

22 MS. CIPRIANO: Yes.

23 MR. IRENE: Do either of those houses
24 have porches?

25 MS. CIPRIANO: I think so.

1 MR. VENEZIA: I think they are very
2 similar to what she has now.

3 MR. IRENE: Normally, an Applicant would
4 testify as to whether the proposal is consistent
5 or inconsistent. They might have photographs.
6 Look, my neighbor has a similar porch. The
7 question is, what is the setback of the
8 neighbor. Those are things that you would
9 normally get. And again, an Applicant that is
10 not represented and never done this may not
11 really know that's something that a Board might
12 look at.

13 I think Mr. Giglio was talking about
14 some of the neighboring dwellings I don't know
15 about the setbacks. You mentioned some of them
16 have porches.

17 MR. GIGLIO: Mr. D'Averso has a porch,
18 the one to the right of her has a porch. That
19 was a ranch that was blown up. That grey one is
20 like a crazy charcoal blue. Across the street,
21 I don't know what that was before they started
22 to put it.

23 MR. VENEZIA: It was definitely an
24 improvement to the neighborhood across the
25 street. But again, it is a corner piece of

1 property where she has two neighbors on each
2 side of her.

3 MR. GIGLIO: Bingo. When I try and
4 envision it, all I see is that blue in that
5 corner. My mind goes blank.

6 MR. VENEZIA: Mr. Stohl, any comments?

7 MR. STOHL: No, my questions were
8 answered.

9 MR. SANTORELLI: Yeah, everything was
10 pretty much answered.

11 MR. VENEZIA: Do you have anything to
12 add?

13 MS. CIPRIANO: No.

14 MR. VENEZIA: Go for a motion, if anyone
15 has a motion or a feeling on it.

16 MR. IRENE: There is no one else in the
17 room expressed an interest.

18 MR. VENEZIA: We did that.

19 MR. IRENE: Unless the Board has any
20 further discussion among yourselves or if you
21 have anything else you want to ask the
22 Applicant, I think, pretty much that is fine.

23 MR. HUGHES: I would make a motion to
24 accept the application as proposed.

25 MR. VENEZIA: Any additions or anything

1 like that, that it just follows?

2 MR. HUGHES: Yes. Yes, as proposed.

3 MR. IRENE: Subject to compliance with
4 any requirements or recommendations of Ms.
5 Heard's review letter and subject to the
6 Applicant submitting a revised variance plan
7 that matches the floor plans and elevations.

8 MR. HUGHES: Yes.

9 MS. HEARD: Mike, there is nothing in
10 our letter that needs to be included.

11 MR. IRENE: Thank you. Subject to the
12 Applicants submitting a revised variance plan
13 showing the elevations.

14 MR. VENEZIA: Is that this?

15 MR. IRENE: The variance plan does not
16 show the bump-outs. You have the bump-outs.

17 MR. VENEZIA: Where would she get that
18 information?

19 MR. IRENE: She could go back to Mr.
20 Goddard and take the floor plans and elevations
21 and make your plan look like that one so you get
22 the bump-outs.

23 MR. STOHL: I will second her motion.

24 MS. DEGENARO: Robert Venezia?

25 MR. VENEZIA: Yes.

1 MS. DEGENARO: Michael Schulz?

2 MR. SCHULZ: Yes.

3 MS. DEGENARO: Pamela Hughes?

4 MR. HUGHES: Yes.

5 MS. DEGENARO: Paul Santorelli?

6 MR. SANTORELLI: Yes.

7 MS. DEGENARO: Paul Giglio?

8 MR. GIGLIO: Yes.

9 MS. DEGENARO: August Stohl?

10 MR. STOHL: Yes.

11 MS. DEGENARO: Mark Engel?

12 MR. ENGEL: Yes.

13 Attorney attorney: It carries. Thank
14 you.

15 MS. HEARD: At next month's meeting,
16 they will adopt a Resolution memorializing this.
17 After that Resolution is memorialized and you
18 get a copy from Chris Ann, before you can apply
19 for your building permit you will have to revise
20 the variance plan to match. So within the next
21 month, you might want to talk to your surveyor.

22 MS. CIPRIANO: Do I have to come back?

23 MS. HEARD: You don't have to come back.
24 We will adopt it after next meeting. You can
25 pick it up. You might want to work on the plan

1 in the interim.

2 MS. CIPRIANO: Thank you.

3 MR. VENEZIA: You are welcome. When we
4 clear out, we will go to the second matter. Is
5 the Board prepared to have their plans? For the
6 variance matter in front of us now will be the
7 application for Zoning Board 2018-9 the Dedeyn
8 application.

9 MR. IRENE: Mr. Chairman, I've reviewed
10 the Notice materials and they appear to be in
11 order. Anybody have any problems with the
12 Notice materials on the Dedeyn application? Let
13 the record reflect no response. The Board has
14 jurisdiction to hear and consider the matter.
15 We are going to swear in Ms. Heard.

16 (Bonnie Heard, P.E., sworn.)

17 MR. IRENE: Sir, would you give us your
18 full name, spell your last name and address for
19 the record?

20 MR. DEDEYN: Shawn Dedeyn, D-E-D-E-Y-N,
21 18 Franklin Parkway, West Long Branch.

22 (Shawn Dedeyn, sworn).

23 MR. IRENE: We had a pool plot plan
24 prepared by Robert C. Burdick, P.E. of R.C.
25 Burdick, P.E., P.P., P.C. That was good. One

1 sheet dated August 24, 2018. We are going to
2 mark that A-1. And we had a set of lot coverage
3 calculations prepared by Mr. Burdick consisting
4 of one sheet dated September 5, 2018. We are
5 going to mark that Exhibit A-2, please?

6 MS. HEARD: Referring to the March 25th
7 2018 letter, there were seven items that were
8 from the checklist that were not provided.
9 Those items were the title block was missing,
10 the tax map sheet number, they didn't have the
11 properties showing 500 feet, the schedule of the
12 Zoning Officer's review form, there wasn't a
13 schedule, but the proof the taxes are current,
14 but the Board secretary has confirmed the taxes
15 are current. They didn't actually have the list
16 of the variances requested. They didn't have
17 any building elevations or floor plans, but this
18 is a pool and a fence, not the actual building
19 construction. And the signed Affidavit of
20 owner's consent, but the Applicant is the owner,
21 so they can consent to themselves.

22 So since Mrs. Degenaro confirmed the
23 taxes are okay, I have no objection to waving
24 the seven items.

25 MR. VENEZIA: It is eight items.

1 MS. HEARD: Did I count eight? I'm
2 sorry. It's been a long day.

3 MR. VENEZIA: So all of the items are
4 okay with you? Do we have a motion on the
5 waiver --

6 MR. STOHL: I make a motion.

7 MR. GIGLIO: I will second it.

8 MS. DEGENARO: Robert Venezia?

9 MR. VENEZIA: Yes.

10 MS. DEGENARO: Michael Schulz?

11 MR. SCHULZ: Yes.

12 MS. DEGENARO: Pamela Hughes?

13 MR. HUGHES: Yes.

14 MS. DEGENARO: Paul Santorelli?

15 MR. SANTORELLI: Yes.

16 MS. DEGENARO: Paul Giglio?

17 MR. GIGLIO: Yes.

18 MS. DEGENARO: August Stohl?

19 MR. STOHL: Yes.

20 MS. DEGENARO: Mark Engel?

21 MR. ENGEL: Yes.

22 MR. IRENE: Before Mr. Dedeyn gets
23 going, Bon, maybe you can help me. I don't
24 know. I think the application references Lot
25 30. I believe it's 30 and 31.

1 MS. HEARD: It's 30 and 31.

2 MR. IRENE: So, it's the kind of thing
3 to have a Deed of Consolidation if the Board
4 grants to relief.

5 MS. HEARD: Probably makes sense.

6 MR. VENEZIA: Do you want to go onto
7 that right now?

8 MR. IRENE: If the Board sees fit to
9 grant relief, one of the things I would suggest
10 is a Deed of Consolidation, so both of the lots
11 are merged.

12 MR. VENEZIA: Remember that, please.
13 Thank you. Is there any other housekeeping?

14 MR. IRENE: I don't believe so. So, if
15 the Board wants to hear Mr. Dedeyn about what
16 his proposal is, this is probably a good time.

17 MR. DEDEYN: Yeah, I would like to, I
18 mean, my most important item is the fence. I
19 have a two-and-a-half year old son who is pretty
20 much a hurricane and runs all over the place. I
21 have a daughter being born in six weeks. I live
22 pretty much on that lake by the park by the
23 school. There is tons of people, tons of dogs,
24 tons of strangers that walk their dogs and come
25 to games and park over there and go to the park

1 and I want to keep my son in my yard safe from
2 not getting hit by a car or not getting stolen
3 or not getting hit by an animal.

4 So, mostly, my biggest concern is the
5 fence which is why I want to put that up. Also,
6 it's inside existing, I guess they are 10-foot
7 arborvitae green giants, you can't even see the
8 fence. There is black chain link on the left
9 with the cedarwood in the back. Six-foot
10 cedarwood blocks my yard in, so no one can get
11 in. Most of it is hidden anyway. You can't see
12 it from the road.

13 And then secondly, we would like to put
14 a small pool in so that we can spend time as a
15 family so when I have my daughter we don't have
16 to go to the beach or a beach club and spend
17 some time in the back yard.

18 MR. VENEZIA: Paul, you had a question?

19 MR. GIGLIO: Negative. I am fixing
20 this.

21 MR. IRENE: So I don't lose sight of
22 what relief is needed, so the fence is going to
23 exceed the fence height. Is that what it is?

24 MS. HEARD: It is a corner lot. So, on
25 a corner lot, you basically can't have -- you

1 got two fronts.

2 MR. DEDEYN: They count my side as
3 front.

4 MR. VENEZIA: Well, Mike, I notice that
5 within the trees, you have the fence.

6 MR. DEDEYN: That is right.

7 MR. VENEZIA: You are talking about
8 taking the same line as the fence?

9 MR. DEDEYN: Yeah, I mean, honestly, I
10 didn't know I needed a variance for the fence,
11 so the fence is put up.

12 MR. VENEZIA: If you want something new.

13 MR. DEDEYN: Yeah.

14 MS. HEARD: The fence was installed --
15 let me just, you installed the fence.

16 MR. DEDEYN: That is right.

17 MS. HEARD: Without permits.

18 MR. DEDEYN: Right.

19 MS. HEARD: In a non-conforming
20 location. I guess you got flagged by the Zoning
21 Officer somehow?

22 MR. DEDEYN: Yeah, I got bad
23 information. I guess I thought it was good,
24 because it was 35 feet from the front of my
25 house not considering the side of my house is

1 counted as the front.

2 MR. VENEZIA: You still want to keep
3 that fence.

4 MR. DEDEYN: That is right.

5 MR. VENEZIA: You are asking permission.

6 MR. DEDEYN: That is right.

7 MR. VENEZIA: You said it's hidden
8 within the trees. You are not asking to extend
9 it all the way to the front of your street.

10 MR. DEDEYN: No.

11 MR. VENEZIA: Just the back of your
12 house squared off.

13 MR. DEDEYN: Correct.

14 MR. IRENE: It's in the right-of-way.

15 MR. DEDEYN: It's in my property.

16 MS. HEARD: No, it's not.

17 MR. VENEZIA: If you would, tell us how
18 many feet.

19 MS. HEARD: Referring to Exhibit A-1, if
20 you look here, you will see there is a double
21 line right above the word that says, East Lake
22 Avenue. That is the existing curb.

23 MR. DEDEYN: Where?

24 MS. HEARD: Right here.

25 MR. DEDEYN: This is the curb of my

1 street.

2 MS. HEARD: This is the curb of your
3 street.

4 MR. DEDEYN: Okay.

5 MS. HEARD: If you come back a third of
6 an inch or a quarter of an inch, you will see a
7 line that has basically a line with a square
8 box, a line with a square box.

9 MR. DEDEYN: I see that.

10 MS. HEARD: That is your fence, if you
11 see the dark line.

12 MR. DEDEYN: Yeah.

13 MS. HEARD: That is your property line.

14 MR. DEDEYN: Okay.

15 MS. HEARD: Your fence is actually in
16 the Borough right-of-way which this Board can
17 not permit, so you would have to relocate the
18 fence to the dark line which is where your
19 property starts.

20 MR. DEDEYN: Okay. So how far is that
21 off the curb?

22 MR. GIGLIO: Out comes the magic ruler.

23 MR. DEDEYN: It's going to cut off a
24 piece of my yard. My yard is small.

25 MR. IRENE: It is not your yard.

1 MS. HEARD: Nine-and-a-half feet.

2 MS. HUGHES: From the curb. Maybe
3 another 5 feet.

4 MR. VENEZIA: What happens with the
5 trees that are in there?

6 MS. HEARD: The trees can stay in the
7 right-of-way. There is no prohibition about
8 vegetation being in the right-of-way, but this
9 Board can't permit a structure in the
10 right-of-way.

11 MR. IRENE: You can't allow someone put
12 a fence on someone's else's property.

13 MR. DEDEYN: Out of curiosity, and this
14 is a separate matter, is my property that I pay
15 taxes on all the way to the curb?

16 MS. HEARD: No. It stops right here,
17 this dark line. That is where your property
18 ends, 9 to 10 feet in.

19 MR. GIGLIO: From the curb.

20 MS. HEARD: That is Borough property.

21 MR. HUGHES: Everybody's house is the
22 same way.

23 MR. ENGEL: It looks like your fence has
24 to be pulled in four or five feet.

25 MR. IRENE: The issue with the fence,

1 how high is it going to be?

2 MR. DEDEYN: Four feet.

3 MR. IRENE: What is the restriction?

4 MS. HEARD: Three foot.

5 MR. IRENE: Fence in the front yard area
6 proposed at four feet. Actually, exists at four
7 feet height where three feet is the limitation
8 in the front yard, right?

9 MS. HEARD: Yes. The portion of the
10 fence that is abutting Lot 29.

11 MR. IRENE: Right.

12 MS. HEARD: And between the house and
13 the Lake View Avenue front property line is
14 listed as six-foot wood stockade, which is still
15 a front yard also. So that here and where the
16 gate is, so that would be limited to three feet
17 in height where it looks like it's six feet
18 existing.

19 MR. DEDEYN: In the back, it's six feet.
20 In the front, it's not six feet.

21 MS. HEARD: I am going off the plans. I
22 am sorry.

23 MR. VENEZIA: That is the back of your
24 house, if you came out the back?

25 MR. DEDEYN: If you walk straight from

1 my front door into my backyard, right through my
2 backyard is the back fence. The fence in the
3 front is three foot.

4 MR. IRENE: So the fence is going to be
5 located, essentially, in the same yards in the
6 same location, except that the Board, if it sees
7 fit to grant the relief is going to require to
8 relocate it in your property line. You are not
9 extending it anywhere else, right?

10 MR. VENEZIA: Also to approve the three
11 feet to six feet in the back, the wooden
12 stockade fence.

13 MR. IRENE: The plan says it's six foot.
14 So, yeah, that would stay.

15 MR. GIGLIO: I have a question.

16 MR. IRENE: Go ahead.

17 MR. GIGLIO: Considering this is going
18 to be enclosing a pool, isn't there a standing
19 law around the whole entire pool requires to be
20 a six foot?

21 MS. HEARD: No.

22 MR. SANTORELLI: Four foot. That would
23 come down to the building.

24 MR. DEDEYN: I don't know if this
25 matters or not. I don't really care about this

1 pool. I care about the fence, so that my son
2 doesn't, you know, have an issue.

3 MS. HEARD: The pool is conforming.

4 MR. GIGLIO: Got it.

5 MS. HEARD: This Board doesn't have a
6 jurisdiction.

7 MR. VENEZIA: Does it have to have a
8 fence?

9 MR. SANTORELLI: Typically, yes, you do
10 need a fence around the pool. That would come
11 down to the Building Department when he goes for
12 the permits, they would tell him if he needs to
13 put a secondary fence around the pool. That
14 would not fall on us to decide.

15 MR. IRENE: So, back to the pool.

16 MR. GIGLIO: I have a pool and I was not
17 required to put a secondary fence around my pool
18 and I passed.

19 MR. HUGHES: You have a fenced-in yard?

20 MR. GIGLIO: That's why I was going down
21 this road. If it's six foot, what happens to
22 the corner property now which is three foot?

23 MR. VENEZIA: Frontage-wise?

24 MR. GIGLIO: Right.

25 MR. SANTORELLI: He is asking for

1 relief.

2 MR. STOHL: He would have to either way,
3 because it's more than three feet. One
4 supercedes the other.

5 MR. VENEZIA: So, you are talking four
6 feet one way and six feet the other way.

7 MR. DEDEYN: The only six feet is in the
8 back of my property.

9 MR. VENEZIA: How about the both sides
10 of your house? They are all covered with the
11 trees, right?

12 MR. DEDEYN: Yes.

13 MR. VENEZIA: So you are going to have
14 the trees, the little buffer inside and your
15 fence.

16 MR. STOHL: On the Lake View side.

17 MR. IRENE: Back to the pool. The lot
18 coverage conforms.

19 MS. HEARD: Lot coverage conforms. They
20 are at 37.

21 MR. SANTORELLI: Three.

22 MS. HEARD: Three.

23 MR. IRENE: Excess lot coverage.

24 MS. HEARD: Revision to the plan where
25 that was based on the March 25th letter.

1 MR. IRENE: Okay. Other than the
2 pre-existing, non-conforming pertaining to the
3 lot dimension itself, the only issue is the
4 fence height.

5 MR. HUGHES: Yes.

6 MR. IRENE: Thank you.

7 MR. VENEZIA: You won't have a problem
8 with water table there?

9 MR. DEDEYN: I don't think so. I don't
10 know.

11 MR. HUGHES: That is your pool people,
12 yeah.

13 MR. VENEZIA: How about the water
14 wetlands?

15 MR. SANTORELLI: That would have went
16 through Bonnie, right?

17 MS. HEARD: Yeah. The lot also has some
18 pre-existing, non-conforming. It doesn't
19 conform to the width area. Those are all
20 pre-existing things to do with the lot. It's
21 not like --

22 MR. SANTORELLI: He is still meeting lot
23 coverage.

24 MS. HEARD: He does need lot coverage.

25 MR. VENEZIA: Is there anyone in the

1 audience that wants to say something? Sir?

2 MR. GANLEY: Bill Ganley. G-A-N-L-E-Y
3 41 Throckmorton.

4 MR. IRENE: You live adjacent?

5 MR. GANLEY: I live just east of him.

6 (Bill Ganley, sworn.)

7 MR. GANLEY: They've been good
8 neighbors. Like I said, the fence, it's better
9 on your property than mine. I've got no problem
10 with it. They've done a wonderful job fixing
11 the house up. I am probably like the adopted
12 grandfather to his kids.

13 MR. HUGHES: That is great.

14 MR. GIGLIO: That is cute.

15 MR. GANLEY: My backyard comes up to
16 their side where the arborvitae.

17 MR. VENEZIA: Are you the second house
18 in from Throckmorton or the corner house?

19 MR. GANLEY: I am the corner house.
20 Right on Throckmorton and Franklin Parkway.

21 MR. VENEZIA: You run on the east side
22 of his property.

23 MR. GANLEY: I am on the east side. If
24 you are standing, I am on the left. Like I
25 said, I watched them when the fence went in. I

1 watched when they rebuilt the house. They did a
2 nice job. Maybe the fence is a little bit
3 taller than you would want. You should have a
4 four foot limit on the fence anyway, you know,
5 not that three foot, because most fence
6 companies have four foot as a minimum. I am
7 here on their behalf mostly, you know, it's
8 going to be a shame to see his wife go, because
9 she is very nice. This guy can have an attitude
10 sometimes.

11 MR. VENEZIA: Any questions of the
12 witness?

13 MR. HUGHES: No.

14 MR. SCHULZ: Bonnie, on your letterhead
15 signed by you, it has c.c. on the last page.
16 Two of them, one went to Cubero Court and one
17 went to Jennifer Krimko. Any reason why they
18 are attached to this? The Applicant prior to
19 this, Orchard Road, had somebody from Summers
20 Avenue.

21 MS. HEARD: Yeah, we had a different
22 attendant that messed up the c.c.

23 MR. VENEZIA: It's not related.

24 MS. HEARD: Dorothy went on vacation.
25 We have to stop her from going on vacation.

1 Next time she wants to go on vacation, I will
2 tell her the Zoning Board said no.

3 MR. VENEZIA: Would you like to add
4 anything else in closing?

5 MR. DEDEYN: No.

6 MR. VENEZIA: Any comments among us
7 before we think about doing a motion?

8 MS. HUGHES: I am inclined to approve
9 it. I don't have a problem with the fence being
10 four foot instead of three foot. I did look at
11 the property and this is a lot of tree coverage
12 there, so honestly, you know, you don't really
13 see the fence. You have to really look.

14 MR. VENEZIA: Conforming with bringing
15 the fence in on the easement.

16 MR. HUGHES: Right. Right. Right.

17 MR. IRENE: And consolidating the lots.

18 MR. HUGHES: And consolidating the lots.

19 MR. VENEZIA: Is there a motion on the
20 floor for this?

21 MR. STOHL: I would like to make a
22 motion to accept this proposal as submitted
23 assuming we merge or consolidate the lots, as we
24 suggested, and I don't know if I need to say to
25 move the fence, but I think that is required

1 anyway. Do I need to make that part of the
2 motion?

3 MR. IRENE: My suggestion that be a
4 condition of the approval.

5 MR. STOHL: Condition of the proposal,.

6 MR. IRENE: Motion.

7 MR. STOHL: Thank you.

8 MR. SANTORELLI: We are letting the 6
9 foot stockade in the backyard go, right? The
10 four and the six we are going to allow, right?

11 MS. HEARD: Yes.

12 MR. SANTORELLI: I wanted to make sure
13 it's existing.

14 MR. IRENE: And the existing four,
15 because it all exists, but the portion of the
16 existing four that encroaches out of their
17 property be relocated.

18 MR. SANTORELLI: I will second it.

19 MS. DEGENARO: Robert Venezia?

20 MR. VENEZIA: Yes.

21 MS. DEGENARO: Michael Schulz?

22 MR. SCHULZ: Yes.

23 MS. DEGENARO: Pamela Hughes?

24 MR. HUGHES: Yes.

25 MS. DEGENARO: Paul Santorelli?

1 MR. SANTORELLI: Yes.

2 MS. DEGENARO: Paul Giglio?

3 MR. GIGLIO: Yes.

4 MS. DEGENARO: August Stohl?

5 MR. STOHL: Yes.

6 MS. DEGENARO: Mark Engel?

7 MR. ENGEL: Yes.

8 MR. VENEZIA: Thank you, sir. They will
9 tell you what the next step is.

10 MS. HEARD: At next month's meeting,
11 they will adopt the Resolution memorializing it.
12 The Board approved it subject to the
13 consolidation of the lots and the relocation of
14 that fence. You have a month. You might want
15 to start getting working on those things, so you
16 can get it resolved earlier in the interim.

17 MR. DEDEYN: Consolidate the lots and
18 what? I'm sorry?

19 MS. HEARD: Relocating the fence back
20 onto your property.

21 MR. DEDEYN: How far, just so I have
22 this?

23 MR. IRENE: You should have a surveyor
24 stake it out.

25 MR. DEDEYN: Yeah, sure. I would like

1 to know. I've already gotten bad information
2 once.

3 MS. HEARD: The problem is, I am scaling
4 off of it. I can't be that exact. Best bet.

5 MR. VENEZIA: Can he go on the property
6 line.

7 MS. HEARD: He can be on the property
8 line. You might want to talk to Mr. Burkis and
9 ask him to come out and put some flags.

10 Mr. DEDEYN: A few minutes ago, we said
11 on the record what it is.

12 MS. HEARD: It's about four to five
13 feet, but I can't give you, you know, this is
14 scaling off, this is the accuracy as to the
15 surveyor.

16 MR. VENEZIA: Your surveyor will tell
17 you.

18 MR. SANTORELLI: It could be a little
19 more or less, depending how it stakes.

20 MR. DEDEYN: I've never done this before
21 and that's why I am asking the question just so
22 I am clear. Let's pretend it is five feet, just
23 for argument's sake. If that is the actual
24 number, and I put my fence on five feet from
25 that curb, that would be acceptable.

1 MS. HEARD: It's not from the curb.
2 It's where your property line is. Yes, it can
3 be right on your property line.

4 MR. DEDEYN: I need to put it five feet
5 from the property line.

6 MR. SANTORELLI: Right on the property
7 line.

8 MR. ENGEL: From where it is now.

9 MS. HEARD: Roughly five feet from where
10 it is now.

11 MR. DEDEYN: My question is, what is
12 that right away? The Township right-of-way.

13 MS. HEARD: It's about 9 to 10 feet.
14 Your best bet is to stake out where that
15 property line is. If you're couple of inches
16 short, I mean, I'm scaling it not very accurate.

17 MR. DEDEYN: I understand.

18 MS. HEARD: I wouldn't want you to
19 follow it.

20 MR. IRENE: You can't put a tape measure
21 on your curb. You need to have it staked out.

22 MR. GIGLIO: Phone call.

23 MR. DEDEYN: Do I have to come back to a
24 meeting?

25 MS. HEARD: No. No. At the next

1 meeting will, if you wait 30 seconds, you will
2 see once they move onto the next one they will
3 adopt, do the Resolution at the next meeting.

4 MR. DEDEYN: Okay.

5 MS. HEARD: After that meeting, the
6 Board secretary you would need a copy of the
7 Resolution.

8 MR. DEDEYN: How do I consolidate the
9 lots?

10 MS. HEARD: Talk to your attorney and
11 put together a Deed of Consolidation and they
12 will record it in the County clerk's office.

13 MR. IRENE: It's not a big deal.

14 MR. DEDEYN: Understood. Can I ask
15 another question, since this has been approved?
16 What if I decide that I don't want to put a pool
17 up anymore? I just take down the side fence?

18 MR. VENEZIA: Just leave the trees up.

19 MS. HEARD: Everything from the house.

20 MR. DEDEYN: It's 10 feet.

21 MS. HEARD: It's going all the way back
22 35 feet back from the property line. It's going
23 to be 45 feet into your backyard.

24 MR. DEDEYN: I thought we only approved
25 I have to take down to the property line.

1 MR. SANTORELLI: That is if you are
2 keeping the fence.

3 MS. HEARD: The other portion is in
4 order to go ahead and keep that six-foot fence
5 in the backyard where it is now, you would need
6 to do the Deed of Consolidation and you would
7 need to, well, if you remove the whole fence out
8 of the property it wouldn't the matter, but you
9 would have to do the Deed of Consolidation to
10 remove the back fence.

11 MR. DEDEYN: Right. If I do the Deed of
12 Consolidation and I move my fence on East Lake
13 into my property.

14 MS. HEARD: Right.

15 MR. DEDEYN: I am good. What if I do
16 the Deed of Consolidation and I don't want to
17 move that fence and I just take that fence down?

18 MS. HEARD: If you take that portion
19 down, that would be okay.

20 MR. VENEZIA: Keeping the six-foot fence
21 in the back.

22 MR. DEDEYN: As long as I consolidate
23 the yard either I move it 10 feet or take it
24 down.

25 MS. HEARD: Exactly.

1 MR. GIGLIO: Approximately.

2 MR. GIGLIO: They should be able to find
3 your markers, too. Once you find your markers.

4 MR. HUGHES: I've never seen markers on
5 my property.

6 MR. VENEZIA: Vote now?

7 MR. SANTORELLI: We approved it.

8 MR. VENEZIA: Next matter to review
9 this, whether you had it in your packet or on
10 the Internet, it is approval of the bulk
11 variance relief to the height of the tennis
12 court fence on the Scabia. It's Block 46, Lot
13 55.03 on the tax map. Also known as 12 Cubero
14 Court, West Long Branch. Any questions on Page
15 1 of the Resolution?

16 MR. HUGHES: No.

17 MR. VENEZIA: Hearing none and seeing
18 none, onto 2, any questions or corrections?
19 Going onto 3, any questions, comments? Going
20 onto 4, any questions, comments? Hearing none
21 and seeing none. Going on Number 5 under,
22 General Conditions, Michael, I have a question
23 on Number 6.

24 MR. IRENE: Go ahead.

25 MR. VENEZIA: Is that something new?

1 You always put that in?

2 MR. IRENE: Anytime during approval. If
3 there is any agency approvals that are required,
4 even though in many of these cases there aren't,
5 it's subject to that because we couldn't waive
6 that. If they required a DEP approval, even if
7 we never mentioned it, they would have to get
8 DEP approval. We have our jurisdiction and
9 other agencies have theirs. So, if it turns out
10 there is something else that they were supposed
11 to get and they didn't get it, it's rolled into
12 ours as well.

13 MR. VENEZIA: Thank you. I am all right
14 with that. Item 5, going back to 5 on that one,
15 any questions or corrections or additions? And,
16 Number 6, Page 6, questions, additions or
17 corrections? That's it. Do we have a motion?

18 MR. STOHL: I make a motion to accept
19 the Resolution as submitted.

20 MR. GIGLIO: I will second it.

21 MR. IRENE: Now the vote on this is only
22 those folks who voted in favor of the approval,
23 okay?

24 MS. DEGENARO: Robert Venezia?

25 MR. VENEZIA: Yes.

1 MS. DEGENARO: Pamela Hughes?

2 MR. HUGHES: Yes.

3 MS. DEGENARO: Paul Santorelli?

4 MR. SANTORELLI: Yes.

5 MS. DEGENARO: Paul Giglio?

6 MR. GIGLIO: Yes.

7 MS. DEGENARO: August Stohl?

8 MR. STOHL: Yes.

9 MS. HEARD: Shoreline Harley, there was
10 a general note on the plan that they were going
11 to fix any broken curbs, sidewalk, pavement
12 throughout the site. And I guess, now that, you
13 know, construction is underway and we are
14 looking at the parking lot, the parking lot is
15 for the Kmart, not because of the construction.
16 The existing parking lot is in fairly poor
17 condition to the point where you kind of almost
18 don't know where to start and stop.

19 The Applicant is asking, I guess, they
20 don't have the money to completely repave the
21 entire K-Mart shopping center parking lot, so
22 they are asking basically kind of getting some
23 feedback from the Board here to only fix the
24 really bad areas of the existing parking lot and
25 then because they said later on they anticipate

1 that K-Mart is probably going out of business at
2 some point and that they are going to have a new
3 tenant coming in at which point they will
4 rehabilitate the whole parking lot. I didn't
5 know what the Board's feeling was on that.

6 We always tell them, as a general rule,
7 they have to fix anything that is in poor
8 condition or that they damage during
9 construction, but usually the parking lots are
10 in much better shape. We don't even know where
11 to start with the K-Mart site.

12 MR. VENEZIA: Who is going to determine
13 that or monitor the repairs on that? Would it
14 be you?

15 MS. HEARD: Actually, it's probably
16 going to be Julie that is going to be the one to
17 pick the worst areas out. We would go out there
18 and meet with them. They can't really afford to
19 do the whole thing.

20 MR. HUGHES: They are the motorcycles,
21 so I'm sure they are going to want to bring it
22 up to a certain level.

23 MR. IRENE: It is the landlord. They
24 are the tenant. The question is, rather than
25 just saying, we will pick and choose, would you

1 rather, and I am thinking out loud, would you
2 rather stage it out and let them do a certain
3 part now and provide the rest is done within a
4 certain period of time. They have some hook,
5 rather than just saying do a little bit and
6 leave it..

7 MR. HUGHES: I think that is an
8 excellent suggestion.

9 MR. IRENE: I'm sorry? What was that?

10 MR. HUGHES: What I would suggest would
11 be they can start and do a certain amount now
12 with the intention or with the expectation, the
13 mandatory expectation that it would be
14 eventually all done.

15 MR. IRENE: Why don't we stage it out?
16 They do the most significant ones as selected by
17 the Borough engineer with the balance to be done
18 no later than three years from now.

19 MS. HEARD: Okay.

20 MR. ENGEL: Or a year after they get a
21 new tenant.

22 MR. IRENE: No. Three years from now
23 you can revisit it.

24 MR. VENEZIA: Three years or longer?

25 MS. HEARD: They can always come back

1 and if three years is a problem they can come
2 back to the Board and petition them.

3 MR. IRENE: Relief now and it keeps the
4 landlord feet to the fire a little bit.

5 MR. VENEZIA: Do you need a motion on
6 that?

7 MR. STOHL: We can say the eastern third
8 because that's where Harley is.

9 MR. VENEZIA: If they are going to be
10 shotgun.

11 MR. SANTORELLI: You still have to get
12 in and out. You would want a clean path coming
13 through in front of K-Mart.

14 MR. HUGHES: Don't repair anything
15 behind the building.

16 MR. GIGLIO: Not for nothing, have you
17 seen the nice beautiful wall buffer they put up?
18 I can tell you right now it rivals the stuff
19 that is in the Parkway. It is absolutely
20 gorgeous. I looked at it and thought, where did
21 that come from?

22 MR. STOHL: They should have spent less
23 on that.

24 MR. SANTORELLI: That was a requirement.
25 They had to meet certain sound requirements.

1 MS. HEARD: I was looking for some Board
2 direction.

3 MR. VENEZIA: Motion to close the
4 meeting.

5 MR. STOHL: Motion to adjourn.

6 MR. VENEZIA: Any other matters? I just
7 wanted to thank you.

8 MS. HEARD: Anytime.

9 (Whereupon, the hearing was adjourned at
10 8:54 p.m.)
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