

MINUTES OF THE
EAST BRUNSWICK TOWNSHIP
BOARD OF ADJUSTMENT

January 21, 2021

STATEMENT - Open Public Meetings Act

FLAG SALUTE

ROLL CALL -

PRESENT:

ABSENT:

Christine Rampolla, Chair Robert Zuckerman
Steve Philips
Dinesh Behal
Ivan Wynter
Amy Papi
Deepak Arora
Leon Gurevich
Steve Pepe
Chester Brandt

ALSO PRESENT:

Jay Weiner, Esquire
Aaron Blessing, Zoning Assistant
Colleen McGurk, Planner
Jason Cline, Engineer

ZONING BOARD REORGANIZATION

Chairperson - Nomination of Christine Rampolla by
Mr. Behal, second by Mr. Arora. All in favor; Mr.
Gurevich abstained.

Vice Chairman - Nomination of Mr. Philips by Ms.
Papi, second by Mr. Arora. All in favor.

Secretary - Nomination of Mr. Behal by Mr. Arora,
second by Ms. Papi. All in favor; Mr. Wynter
abstained.

Recording Secretary - Nomination by Deborah
Masterton by Mr. Philips, second by Mr. Behal. All
in favor.

Attorney - Nomination of Weiner & Weiner by Ms. Papi, second by Mr. Behal. All in favor.

Engineer - Nomination of Remington & Vernick Engineers by Mr. Philips, second by Mr. Arora. All in favor; Mr. Gurevich abstained.

Conflict Engineer - Nomination of CME Associates by Mr. Behal, second by Mr. Arora. All in favor; Mr. Gurevich abstained.

Conflict Attorney - Nomination of Shamy, Shippers & Lonski by Mr. Philips, second by Mr. Arora. All in favor.

MINUTES

December 3, 2020 - Motion to approve by Mr. Behal, second by Mr. Philips. Minutes approved.

RESOLUTIONS

Application #Z-20-04 - Van Loon, LLC - Proposed two-family dwelling located at 30 Wallace Street, block 96, lots, 11, 14, 15 in the HC-2 zone. Motion to adopt by Mr. Philips, second by Mr. Behal. Resolution adopted.

OLD BUSINESS

Application #Z-20-05 - Rockland National Development, LLC - Proposed single-family dwelling located at 295B Milltown Road, block 317.13, lot 36.04, in the R-3 zone. Mandatory date January 21, 2021. Adjourned to February 4, 2021, without further notice. Mandatory date extended to March 31, 2021.

Application #Z-20-12 - Chris Trans, LLC - Proposed transportation company office, garage, and parking facility located at 49 Main Street, block 150, lot 39, in the C-2 zone. Mandatory date March 31, 2021. Adjourned to February 18, 2021, without further notice.

NEW BUSINESS

Application #Z-20-16 - Lyman - Proposed in-ground pool at existing residence with bulk variances located at 122 Willow Street, block 122, lot 8.02, in the R-4 zone. Mandatory date April 1, 2021. Motion to approve by Mr. Arora, second by Ms. Papi. Application approved with conditions.

ADJOURNMENT

Motion to adjourn by Mr. Wynter, second by Mr. Arora. Meeting adjourned at 8:21 p.m.

MR. WEINER: Good evening, everyone. This is the East Brunswick Township Zoning Board of Adjustment meeting of this date, January 21, 2021. Going to begin. This is our reorganization meeting. I'm going to begin by reading the standard notice.

This is the January 21, 2021, East Brunswick Township Zoning Board meeting -- Board of Adjustment meeting. In accordance with the Open Public Meeting Law, on December 22, 2020, notice of this meeting stating the time, date, and location was sent to the Home News Tribune, filed with the township clerk, and posted on the bulletin board in the lobby of the municipal building. A copy of this notice will be incorporated in the minutes of this meeting.

The zoning board will not hear any case beyond 10 p.m. with the exception of any hearing in progress at that time and will terminate all testimony at 10:30 p.m.

The Chair reserves the right to call any application in order different from that appearing on the agenda.

Aaron, before I can continue, I know that we normally have another supplemental notice for the virtual meetings; however, I don't have a copy of that. If you have that, if perhaps you can jump in and just read that for the record.

MR. BLESSING: Yes. The township is using the telephone meeting format in an effort to mitigate the chance of exposure to COVID-19 as part of the township's ongoing effort to slow the rate of transmission and avoid overwhelming our treatment

centers. The dial-in information and agenda have been posted on the township web site and are posted on EBTV for members of the public. Members of the public can call in with the number provided if they have any questions for the zoning board members. You'll have 3 minutes to speak. Should you have any further comments or questions, the planning and engineering office is always available by e-mail and telephone. Each member of the public shall only have one opportunity to speak during the public portion.

Thank you in advance for your patience as we implement this new technology to continue to move forward the township -- sorry -- move the township forward during this health emergency.

MR. WEINER: Thank you. The next order on the agenda will be the pledge of allegiance. If I could ask that everyone please stand and follow me in the pledge.

(Flag salute)

MR. WEINER: Thank you, everyone. And the next order, if we can please have a roll call.

MR. BLESSING: Okay. Mr. Brandt.

MR. BRANDT: Here.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Here.

MR. BLESSING: Mr. Gurevich.

I saw a wave.

MR. GUREVICH: Here.

MR. BLESSING: Mr. Arora.

MR. ARORA: Here.

MR. BLESSING: Miss Papi.

MS. PAPI: Here.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Present.

MR. BLESSING: Mr. Zuckerman.

Mr. Behal.

MR. BEHAL: Here.

MR. BLESSING: Miss Rampolla.

MS. RAMPOLLA: Here.

MR. BLESSING: Chairman Philips.

MR. PHILIPS: Here.

MR. WEINER: Okay. Before we move on to the reorganization, I just want to quickly say welcome to two new members of the board, Mr. Brandt and Mr. Pepe. Welcome aboard.

MR. BRANDT: Thank you.

MR. WEINER: And then the first order of business is the board reorganization, and to start, we need to fill the vacancy once again of the board

officers as well as the professionals, and we should start first with a chairperson, and I think at this point we should open the floor open for nominations.

MR. BEHAL: I want to nominate Christine Rampolla for chair this year.

MR. ARORA: I can second it.

MR. WEINER: Any other nomination?

Seeing none, we can close the nominations off, and we can have a vote if, Aaron, you would kindly call the roll.

MR. BLESSING: Very well, everybody present. Just run through the roster?

MR. WEINER: Yes.

MR. BLESSING: Okay. One moment, please. Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Abstain.

MR. BLESSING: Mr. Arora.

MR. ARORA: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Mr. Zuckerman is not present. Mr. Behal.

MR. BEHAL: Yes.

MR. BLESSING: Miss Rampolla do I call?

MS. RAMPOLLA: Yes.

MR. BLESSING: Mr. Philips.

MR. PHILIPS: Yes.

MR. WEINER: And now that that vote has passed, I'm going to congratulate Miss Rampolla and welcome her to the chairpersonship, and I will turn the meeting at this point over to the zoning board's newly nominated chairwoman.

THE CHAIRWOMAN: I just want to say thank you. I do appreciate the vote of confidence from my peers to be the chair the zoning board of adjustment, and I promise to do my very best at running very orderly meetings and accomplishing the work we're here to do together.

So I would ask next for a motion for the position of vice chair.

MS. PAPI: May I? Amy. I'd like to put into nomination for the vice chair Steve Philips. I think that he would, you know, do a great job helping out.

MR. ARORA: I can second it.

MR. BLESSING: Okay. Once again, I'll call the --

MR. WEINER: Let me just -- before we do that, are there any other nominations?

Seeing none, and hearing none, we can put this to a vote.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.

MR. BLESSING: Mr. Arora.

MR. ARORA: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Mr. Behal.

MR. BEHAL: Yes.

MR. BLESSING: Miss Rampolla.

THE CHAIRWOMAN: Yes.

MR. BLESSING: Mr. Philips.

MR. PHILIPS: Yeah, sure.

THE CHAIRWOMAN: Okay. I don't know if this is the right time, but I would also like to say thank you to Steve Philips for being the chairperson and doing an excellent, excellent job as chair the last 2 years. I know that I have big shoes to fill, and I just appreciate that as the chair that you continue to really mentor all of the new members that are here, and I just wanted to really -- just really thank you for that because it's been exceptional working with you, and I look forward to continuing to work with you.

MR. PHILIPS: I only have size 8 shoes. It's not bad.

THE CHAIRWOMAN: Okay.

MS. PAPI: If I may, I just want to say -- Amy Papi -- I echo what the Chair -- Madam Chair just said.

MR. BEHAL: Yeah, actually, everybody, we all want to echo, you know. Steve is a great guy. We all learned from him a lot, and we are lucky that he's there with us, and we will learn more, a lot more.

MR. ARORA: Yeah, too, I learned a lot from Steve in the short span of time, you know, the way he presents, the way he handles the team. It's

awesome.

THE CHAIRWOMAN: Okay. All right. So now I'd like to ask for a nomination for secretary.

MR. ARORA: I would like to nominate Dinesh Behal for this position.

THE CHAIRWOMAN: Thank you.

MS. PAPI: I'll second it.

THE CHAIRWOMAN: Thank you for the second. Are there any other nominations?

Okay. Then can we have a roll call vote.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.

MR. BLESSING: Mr. Arora.

MR. ARORA: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Abstain.

MR. BLESSING: Mr. Behal.

MR. BEHAL: Yes.

MR. BLESSING: Miss Rampolla.

THE CHAIRWOMAN: Yes.

MR. BLESSING: Sorry. Chairwoman Rampolla. Mr. Philips.

MR. PHILIPS: Yes.

THE CHAIRWOMAN: Okay. Thank you. And, Dinesh, I know you will continue to do a great job at secretary of the zoning board.

Can I have a nomination for recording secretary.

MR. PHILIPS: I would like to nominate Debbie Masterton.

MR. BEHAL: I second it.

THE CHAIRWOMAN: Thank you. Are there any other nominations?

MR. PHILIPS: For the record, for the board, Debbie is the person who actually transposes the minutes that we make as we have conversations. They're all recorded, and she will then provide us with the actual minutes of the meeting in the typed-out version. That's what Debbie does. That's why she's not here and she's not at these meetings.

THE CHAIRWOMAN: Thank you for adding that. Can we have a roll call.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.

MR. BLESSING: Mr. Arora.

MR. ARORA: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Mr. Behal.

MR. BEHAL: Yes.

MR. BLESSING: Mr. Philips.

MR. PHILIPS: Yes.

MR. BLESSING: Chairwoman Rampolla.

THE CHAIRWOMAN: Yes. May I also have a nomination for attorney for our board.

MR. BEHAL: I want to nominate -- okay, Amy, you can do it.

THE CHAIRWOMAN: Miss Papi.

MS. PAPI: Let's do ladies first. I would like to nominate Mr. Weiner for attorney, for the zoning board attorney. I think he's doing an amazing job.

MR. BEHAL: I second it.

THE CHAIRWOMAN: Thank you. Are there any other -- are there any other nominations?

Hearing none, can we have a roll call.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.

MR. BLESSING: Mr. Arora.

MR. ARORA: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Mr. Behal.

MR. BEHAL: Yes.

MR. BLESSING: Mr. Philips.

MR. PHILIPS: For Jay? Is this for Jay?

MR. BLESSING: Yes.

MR. PHILIPS: Yes.

MR. BLESSING: And Chairwoman Rampolla.

THE CHAIRWOMAN: Yes. Very appreciative. I'm glad that you're here -- will be

here with us again through this next year.

MR. WEINER: Thank you. It's always my pleasure.

THE CHAIRWOMAN: Can I hear a nomination for an engineer for our zoning board.

MR. PHILIPS: I'd like to nominate Remington Vernick.

MR. ARORA: I can second it.

THE CHAIRWOMAN: Okay. Thank you. Are there any other nominations?

Hearing none, can we have a roll call.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: I abstain.

MR. BLESSING: Mr. Arora.

MR. ARORA: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Mr. Behal.

MR. BEHAL: Yes.

MR. BLESSING: Mr. Philips.

MR. PHILIPS: Yes.

MR. BLESSING: Chairwoman Rampolla.

THE CHAIRWOMAN: Yes. Okay. Thank you. And thank you, Mr. Cline. We're very happy that you'll be here with us again this year.

Can I hear a nomination for a conflict attorney -- I'm sorry -- a conflict engineer first.

MR. BEHAL: I want to nominate CME Associates.

MR. ARORA: I second it.

THE CHAIRWOMAN: Thank you. Are there any other nominations?

Okay. Hearing none, can we have a roll call.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Abstain.

MR. BLESSING: Mr. Arora.

MR. ARORA: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Mr. Behal.

MR. BEHAL: Yes.

MR. BLESSING: Mr. Philips.

MR. PHILIPS: Yes.

MR. BLESSING: Chairwoman Rampolla.

THE CHAIRWOMAN: Yes. Can I also have a nomination for a conflict attorney for the board.

MR. PHILIPS: I'll nominate Lonski, Dave Lonski.

THE CHAIRWOMAN: Thank you.

MR. ARORA: I second that.

THE CHAIRWOMAN: Okay. Mr. Arora, thank you for the second. Are there any other nominations?

Okay, hearing none, can we have a roll call.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.

MR. BLESSING: Mr. Arora.

MR. ARORA: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Mr. Behal.

MR. BEHAL: Yes.

MR. BLESSING: Mr. Philips.

MR. PHILIPS: Yes.

MR. BLESSING: Chairwoman Rampolla.

THE CHAIRWOMAN: Yes. Okay. Thank you, and I just I want to express my thanks to everyone, all of the professionals that we have with us. We are very lucky to have the professionals that we have here on board, and I look forward to working with them. I think we all do look forward to working with them again this year.

Our first order of business, we have the minutes from December 3, 2020. Are there any comments or corrections from anyone on these minutes? Okay. Can I have a motion for approval of those minutes.

MR. BEHAL: I make the motion to approve the December 3 minutes.

THE CHAIRWOMAN: Thank you. Is there a

second?

MR. PHILIPS: I'll second it.

THE CHAIRWOMAN: Thank you, Mr. Philips.
Do we need a roll call vote for the minutes?

MR. PHILIPS: Yes.

THE CHAIRWOMAN: Thank you.

MR. PHILIPS: Who's eligible, Aaron?

MR. BLESSING: Shall I just go through
or just say?

MR. WEINER: You could read out the
names of everyone who's eligible first so this way
there's no surprise they're being called.

MR. BLESSING: Okay. It would be
Chairwoman Rampolla, Mr. Philips, Mr. Behal, Mr.
Wynter, Miss Papi, Mr. Arora, and Mr. Gurevich.

MR. WEINER: Now you can call the roll.

MR. BLESSING: All right. Mr. Arora.

MR. ARORA: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.

MR. BLESSING: Mr. Behal.

MR. BEHAL: Yes.

MR. BLESSING: Mr. Philips.

MR. PHILIPS: Yes.

MR. BLESSING: Chairwoman Rampolla.

THE CHAIRWOMAN: Yes. Thank you, Aaron.

And, okay, we have two -- there were two
applications that were on the agenda that have both
been adjourned. So anyone who is listening to the
meeting over the phone, that's going to be
application Z-20-04, Van Loon, LLC. That -- I'm
sorry, we have a -- I'm sorry, the first one is a
resolution.

MR. WEINER: Why don't we -- since you
started with the old business and the adjournments,
why don't -- let's do that. Then we'll go back to
the resolutions.

THE CHAIRWOMAN: Okay. Sorry about
that. Actually, it's application Z-20-05, which is
Rockland National Development, LLC. That's been
adjourned to February 4.

Mr. Weiner, is there anything that we
need to do?

MR. WEINER: The only thing that we
should add is that this -- there will be no --
there's no further notice of this, as the board

already has jurisdiction on that matter. So this announcement today is the additional notice of the adjournment to February 4, 2021. If anyone is tuning in for that matter and you wish to revisit when the matter is again scheduled, please tune in on February 4, 2021.

THE CHAIRWOMAN: Okay. Thank you. And then the second application that's going to be adjourned that's not going to be heard tonight will be Z-20-12, Chris Trans, LLC, and that's been adjourned to the February 18 meeting.

MR. WEINER: And, Madam Chairwoman, likewise, there will be no further notice on that matter. The meeting -- the next meeting will be February 18, 2021. Anyone who is listening or tuning in for the purposes of wanting to hear or participate or both -- and participate in those meetings as a member of the public, please take note the new date of February 18, 2021. There will be no further notice published.

And you can go back to the resolution now.

THE CHAIRWOMAN: Okay. Thank you. We have a resolution for application Z-20-04, Van Loon, LLC, a proposed two-family dwelling located at 30 Wallace Street, block 96, lots 11, 14, and 15, in the HC-2 zone. Can I hear -- I'm sorry -- is there a motion to approve this resolution?

MR. PHILIPS: I'll move it.

MR. BEHAL: I second it.

THE CHAIRWOMAN: Okay. Was that Mr. Philips, that motion?

MR. WEINER: Yes, Mr. Philips moved and there was a second.

THE CHAIRWOMAN: Mr. Behal second.
Okay.

MR. WEINER: And I guess, Aaron, if you want to just call out those who are eligible on this application.

MR. BLESSING: Okay. It's fewer than last time. Two of the members who had voted did not get terms in 2020, so the roll is shorter this time. I'll start with Mr. Behal. I'm sorry, no, my mistake, Mr. Arora.

MR. ARORA: Yes.

MR. BLESSING: Next, Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Mr. Behal.

MR. BEHAL: Yes.

MR. BLESSING: Mr. Philips.

MR. PHILIPS: Yes.

MR. BLESSING: Chairwoman Rampolla.

THE CHAIRWOMAN: Yes. Okay. Thank you. We have under new business application Z-20-16, Lyman, a proposed in-ground pool at an existing residence with bulk variances located at 122 Willow Street, block 122, lot 8.02, in the R-4 zone.

I see we have Vincent and Kerri Lyman on with us. Will you both be speaking or -- we'll need to swear each of you in. Will one of you or both of you --

MS. LYMAN: I can speak unless someone has a direct question which he wants to contribute to.

THE CHAIRWOMAN: Okay. I think we just need to swear you in. So do you promise to tell the truth, the whole truth, and nothing but the truth?

MS. LYMAN: Yes.

MR. PHILIPS: We have jurisdiction, Jay?

MR. WEINER: -- record and spell your last name.

MS. LYMAN: My first name, Kerri, K-e-r-r-i; last name Lyman, L-y-m-a-n.

MR. WEINER: And, Ms. Lyman, you're the applicant. Are you the property owner, as well?

MS. LYMAN: We are the property owner. It's my husband and I, the both of us here, Vincent and Kerri. We're both property owners.

MR. WEINER: Well, at this point, as you had indicated, you're taking the lead as far as speaking. If Mr. Lyman wants to interject at some point, we would have to before he speaks put him under oath. If you want, Mr. Lyman, we can do that now. This way you can --

MR. LYMAN: Sure.

MR. WEINER: --we don't have to stop.

MR. LYMAN: Sounds good.

MR. WEINER: You want to raise your right hand. And do you promise to swear the testimony that you give tonight is going to be the whole truth, nothing but the truth, so help you God?

MR. LYMAN: Yes.

MR. WEINER: Okay. And if you can just state your full name for the record and again spell your last name.

MR. LYMAN: Sure. Last name is Lyman, L-y-m-a-n. First name is Vinnie.

MS. LYMAN: Vincent.

MR. LYMAN: Vincent, V-i-n-c-e-n-t.

MR. WEINER: Now the floor is yours as

the applicant. Go ahead.

MR. PHILIPS: Mr. Weiner, excuse me.
Can we just --

MR. WEINER: I apologize. There's one other thing that I need to state before you continue any further is that I have reviewed the notices for this matter, and they are all in order, and the board has jurisdiction to hear this matter, which is why we've gone as far as we have. I want to get that on the record, and thank you for reminding me.

THE CHAIRWOMAN: Thank you. So can you just explain to us why you're here asking for a variance.

MS. LYMAN: Yes, absolutely. So our yard is U-shaped essentially, so one side is really small where nothing can be built. The back of our yard is not deep, so the bulk of our property is on one of the sides because we have that U shape. So when we had the engineers here and we were doing -- trying to figure out the schematics of how to put the pool in, the size with which everything is being done, despite the township rules of being able to build within 3 feet of the foundation, they said because we have a basement, they will not build within 6 feet of our house property because they want to be able to maintain the integrity of the foundation. So it kind of shifts everything a little bit. So the variance primarily is because we need to be 10 feet from the property line, and the pool that we're building is 7 and a half feet from the property line, so we're talking about 2 and a half feet essentially, and then because of that, it goes over the lot allotment, and essentially really what this boils down to, why we wanted to do this, this past year, obviously, everyone knows what we've all been through. I'm a pediatric ER nurse. He's a teacher. It was a really rough year for us, and being stuck home with our young kids, quarantine every day, we realize that who knows how long this is going to be, we need to (audio disruption) what we want it to be and the best that it can be and be able to optimize our family lifestyle at home with our children. We have elementary school kids who go to Chittick who, you know, want to be kids in our back yard, and they can't play with anyone else right now, so we -- essentially, we want this for our family, for our lifestyle.

The width of it is 12 feet on the side. Honestly, we just didn't want to make it any shorter than that due to -- honestly, my husband is over

6 feet tall. My kids are on the track to be the same way. If someone has a running jump and start, I really wanted it to be double the width of their body length in order to allow for extra space. I work in the ER. I've seen tons of injuries, and I'd rather just have space for them to be able to have a clearance should someone jump in the pool.

With the engineer's report we put in, we are building a significant trench in order to accommodate for any runoff so that it doesn't go into our neighboring yard.

THE CHAIRWOMAN: Okay, and the two variances that you're seeking, one is for the side yard setback. It's at -- the proposal is to have it 8.3 feet from the side yard, and then there's an issue of the max lot coverage, correct?

MS. LYMAN: Correct.

THE CHAIRWOMAN: Is there -- so it's -- I mean, 47.1 is sort of a high number. Can we get -- Colleen, can you give us some guidance on -- on that impervious coverage amount I guess.

MS. MCGURK: Sure. Well, the maximum allowed is 30 percent with a lot this size. It's allowed to be increased to 35 percent without requiring any type of variance if they do attenuation. So they are doing a trench and a channel drain, which I'll leave that up to Jason, the engineer, to comment on, but, yeah, 47 percent is a bit high. I was wondering what they're going -- what they're planning on doing when they remove the other pool, if they're going to put in grass and landscaping, and we've started recommending to everyone if they could do some type of green infrastructure, like a rain garden or a rain barrel, to also help with that and offset the impervious coverage.

MS. LYMAN: Yup, so I can answer a couple of those questions. So the -- couple things. So, yes, we're having the trench and the drain built there. The -- I don't want to say tiles. What is it -- the pavers that they're putting down there, they absorb water and moisture, as well, and so for the runoff, in anticipation, we already have adjusted all of our gutters so that they run off completely on the opposite side of our house, and we do have a rain barrel there. We've actually had it there for 2 years now, and that's actually -- on the other side there is where I have my garden. We use the rain barrel currently to water our garden every year. So we already have a rain barrel there.

MS. MCGURK: On the inside of the fence?
I'm sorry.

MS. LYMAN: Yes, we have a rain barrel on the inside of our fence. We have one, and it actually -- it's probably exceeding, and we were probably going to get a second one and connect them together because we collect so much, and when we move the above-ground pool, yes, it's going to be all grass. It's going to be all landscaping with some extra added space for our kids to play on.

MS. MCGURK: Okay. On my site visit, I didn't see the rain barrel, but I guess that's why. It was on the inside of the fence.

MS. LYMAN: It's flat on one side. It goes up against the house, and then it's like a semi-curve, semicircle.

MS. MCGURK: So if the board were to approve this variance, you would not be able to do any type of increase of impervious coverage, even stone or pavers, on the lot. That's it.

MS. LYMAN: Okay.

MS. PAPI: See my hand?

THE CHAIRWOMAN: Miss Papi, go ahead.

MS. PAPI: I just want to comment that in listening to your testimony and explaining that you are addressing the water drainage, the trenches and the gutters, I just want you to know that that was my most important concern because I have had individuals that had in-ground pools, and those are the things that they really ended up having to deal with, and you've explained it, and therefore, I'm happy that you've addressed it.

MS. LYMAN: Thank you.

THE CHAIRWOMAN: In planning out the layout of the pavement around the pool, would you say that you did your best to not add extra coverage there?

MS. LYMAN: Yeah, we did, and actually, our engineer originally had more. We kept scaling it back more and more. It's basically going to be just the runner around the pool essentially. It's nothing added. It's nothing that extends to the fence or anything like that.

THE CHAIRWOMAN: Okay, and just for the record, it's the size and the shape of the lot that really impacts your ability to have that pool and come under those -- that 35 percent number.

MS. LYMAN: Yeah, we have a decent size property. The thing is our house is very set back so we have a very large front yard, which takes up

half of our property size. So it significantly reduces the size of our yard.

THE CHAIRWOMAN: Okay.

MR. WEINER: If I may --

MR. PHILIPS: I have a couple questions.

MR. WEINER: Go ahead, Mr. Philips.

MR. PHILIPS: First, Colleen.

MS. MCGURK: Yes.

MR. PHILIPS: With a pool, the pool surface, itself, is not -- is considered impervious, or is that considered part of the surface that -- where water would go?

MS. MCGURK: No, the water -- the entire area of the pool is considered impervious coverage because the water cannot filter into the ground.

MR. PHILIPS: Right, okay, but at the same time, it is a catch basin for the water.

MS. MCGURK: Yes.

MR. PHILIPS: Unless we have so much that it overflows.

MS. MCGURK: Correct.

MR. PHILIPS: That was the first question. The second, to your knowledge, Mr. and Mrs. Lyman, do you know if any of the lots anywhere around you have property that they would be willing to sell to expand the size of your property?

MS. LYMAN: We tried actually. We tried to purchase our neighbor's property, and he was -- we were not seeing eye to eye with the cost. We had a lawyer even getting involved, and he said that they were just not -- they were not -- the man was not being realistic with what he was expecting. We weren't even asking for a lot. So the house next to us on that side is a double lot, extends from Willow Street to Old Bridge Turnpike.

MR. PHILIPS: And there's a shed there or something on that (audio disruption) that's (audio disruption) to your property.

MS. LYMAN: Yeah, it's like an old chicken coop.

MR. PHILIPS: Okay, there's an old chicken coop.

MS. LYMAN: We even volunteered to take that lot and take responsibility for it because we would like that to be gone, to be honest. So I offered to take that and incur the cost ourselves of having to do away with that, and that was not --

MR. PHILIPS: For the record, it means that you can't expand your property in order to reduce the impervious coverage by having picked up

some empty land next to yours.

MS. LYMAN: Correct.

MR. PHILIPS: Okay. Thank you.

MR. WEINER: For the record, it means that none of the chickens have flown the coop, as well.

MR. ARORA: This is going to be a heated pool, right?

MS. LYMAN: Yes.

MR. GUREVICH: I had a couple of questions. Sorry, is it --

THE CHAIRWOMAN: Go ahead, Mr. Gurevich.

MR. GUREVICH: Yeah, looking at the plan, I noticed it stated that the existing fence -- and that's the vinyl fence that is on the side of the pool between the properties -- that you are planning to relocate that fence to the property line. Has that already been done?

MS. LYMAN: So when we had the survey done, we actually found out that the fence is not in the right spot, so up to 4 and a half feet of ours is currently located on our neighbor's side. So they put the stakes in the ground, the engineering company, Mid State Engineers. They put the stakes with the flags to outline where the property lines are because we're actually shortchanged by a couple of feet. We contacted the neighbors. They're well aware. The engineer spoke to them. They're well aware. So at some point when all this is going on, everything will be adjusted so all the property lines are in their right spots.

MR. GUREVICH: So the expectation right now is --and I know that the property that is next door to you, it's not landscaped let's just say at the moment, so you're going to move the what's called the fence, and that accounts for the 8.3 feet at the narrowest point closest to the side of the house is with the new fence movement, right?

MS. LYMAN: Correct.

MR. GUREVICH: And that is still within, you know, fence guidelines in terms of how far in from the neighbor's property that is there, correct?

MS. LYMAN: Uh-huh.

MS. MCGURK: Madam Chair.

MR. GUREVICH: Okay, so there's no variance on that fence is what I'm asking.

MS. LYMAN: I don't believe so, no. No, the fence just needs to be moved because it's not -- correct, it's not on the property line. When the fence was installed, it was installed straight, and

when the survey was done, it looks like it's on an angle so it wasn't put at the angle with which it should be. If you notice, in the front, it looks like there's only --

MR. GUREVICH: Right.

MS. LYMAN: -- like 2 feet in the back there's like 4 feet because it wasn't done properly.

MR. GUREVICH: Okay.

MS. MCGURK: Madam Chair. As long as we're talking about the fence, if you're going to relocate the fence and it's going to be on the property line, you will need a letter from your neighbor stating that that's acceptable.

MS. LYMAN: Okay.

MR. GUREVICH: I guess that's what I was asking, if it's on the property line or it's, you know, to standard the property line.

MS. LYMAN: Oh, it'll be within the property line. It won't be on the line, but it will be where it should be.

MR. GUREVICH: One foot in and --

MS. LYMAN: Yes.

MR. GUREVICH: Okay.

MS. MCGURK: Six inches is acceptable, but you can also have it on the property line. Sometimes preferable. You just need a letter from your neighbor stating that they're okay with that.

MS. LYMAN: Okay.

MR. GUREVICH: Okay.

THE CHAIRWOMAN: To the left side if you're looking at the front of the house, is there -- I guess there's a play structure there. Is that staying there? Did I see that from behind?

MS. LYMAN: That's my kids -- our children's swing set. We've left it there until we found out what the results of this would be because we didn't want to prematurely take that down and then we couldn't get a pool and in the meantime get rid of the swing set, also. But yes, I would --

THE CHAIRWOMAN: Okay, so there's no -- I didn't know -- I only could see what's over the top of the fence. So it's -- there's no change to what type of ground you have underneath that play structure that changes there at all, is there?

MS. LYMAN: There's some grass and some mulch; that's all that's there.

THE CHAIRWOMAN: Okay.

MR. GUREVICH: Can I ask one other question. Just in terms of the side of the house over there where the deep end kind of extends a

little bit further back, is there a window -- I wasn't able to see. Is there a window or something on that side of the house?

MS. LYMAN: No, we only have windows on the front and back of the house. Neither side has windows.

MR. GUREVICH: Okay, so maybe just a question for engineering. We have any concerns in terms of the height of the fence, security of anybody, you know, potentially going in there and the fact that one side of the pool extends into a nonvisible area from the house? That's --

MR. WEINER: There's town -- Colleen can elaborate on this, but there's a town code that needs to be complied with with regard to the fencing. Can you address that, Colleen.

MS. MCGURK: So what about the pool location and the window?

MR. GUREVICH: If you take a look at the --

MR. WEINER: Mr. Gurevich was asking about fencing, correct, Leon?

MR. GUREVICH: I was asking -- it's a combination of two things. I was asking in regards to the height of the fence and the fact that it's being relocated and height for security of anybody coming into the pool area, especially because it's an unsecured lot that's next door. And then the second piece being that the pool extends to the front fence of the house over there, if you can see in the drawing. Actually, maybe if I hold it up, I'll make it much easier to see. I guess my question is specifically around this area --

MS. MCGURK: Right.

MR. GUREVICH: -- over here, which is -- there are no windows on this side of the house, and this is the deep end of the pool, so it becomes an area that you can't see in terms of somebody being in the pool.

MR. PHILIPS: Interrupt you for a second, Mr. Gurevich. For the purposes of the person taking the record, can you please give us the number of the document that you are referring to and a little bit of specificity as to where on the -- on that document you're referring just so that when the minutes are handled, they'll be able to know exactly.

MS. MCGURK: The south side of the house towards the east corner of the house. There's a bit of a blind spot. Pool grading plan.

MR. PHILIPS: Thank you.

MS. MCGURK: There is no zoning regulations for windows and pools or any type of blind spots. The only thing that we do regulate is the fence height, and that's a state regulation so it has to be a minimum of 4 feet high, and we allow for a maximum of 6 feet high, and they have to have a self-locking gate. Those are the only regulations that we actually have that they have to abide by.

MR. GUREVICH: Okay, so for that purpose, is the -- I see that there is a gate at the back side of that. Is that going to remain there as a gate to get into the pool area, because it seems like that's also the area that you're looking to propose the pool equipment right in front of that gate, as well.

MR. LYMAN: The plan was to keep the gate there because there would still be space for people to enter the yard, but that gate is locked --

MS. LYMAN: It is a self-locking gate.

MR. LYMAN: -- when it's not being used.

MR. GUREVICH: Okay.

MS. MCGURK: As long as we're talking still about the fence, the fence on the other side of the property, the north side of the property, you're correcting one side that went -- that robbed you of some of your property, but on the other side, it's 2 and a half feet onto the adjacent neighbor's property, so that would also have to be directed.

MS. LYMAN: Okay. Was not even aware of that, to be honest, because in the back corner -- I don't know north, south, east, west from our house, and --

MS. MCGURK: It's by where the existing pool is, the above-ground pool.

MS. LYMAN: Yeah. In that corner, it actually -- I think at one point it said unable to determine the actual location to mark anything because it wasn't accessible. I don't know if it was in that version. I know we had a couple of versions.

MS. MCGURK: It's nice and clear on the survey of property dated September 12, 2020.

MS. LYMAN: Okay.

MR. WEINER: I guess, Colleen, jumping on that, Madam Chairwoman, if I may, are we -- is our staff comfortable with that being an express condition of any approval, should this matter be approved --

MS. MCGURK: Yes.

MR. WEINER: -- that the fencing that's encroaching on the neighbor's property be relocated within the property line?

MS. MCGURK: Yes, I would like that as a condition in the resolution.

MR. WEINER: And so I guess, Mr. and Mrs. Lyman, essentially, should the board vote in favor of your application, would you be agreeable to a condition that as a condition of the approval that fencing would have to be relocated so it's no longer encroaching on the neighbor's property and is within the property line of your property.

MR. LYMAN: That's fine.

MR. WEINER: Okay.

MS. MCGURK: So, Madam Chair, if I can just clarify. I wasn't sure at the beginning of the meeting. So the variance that you're seeking is that the pool be located 8.3 feet from the property line. I thought I heard somebody say something about 7, so I wasn't sure. And the hardships that you're stating is that the lot depth is not adequate, and the current location of the dwelling limits your back yard usable area.

MS. LYMAN: Correct.

MS. MCGURK: Thank you.

THE CHAIRWOMAN: Okay. Do we have any additional questions from the board or professionals?

MS. MCGURK: I do not.

THE CHAIRWOMAN: Okay.

MR. PHILIPS: Aaron, is there anybody on the phone?

MR. BLESSING: We do have two attendees. One of them is raising their hand. If you'd like to open the public portion, I could put them through.

MR. WEINER: Yes, before we go to the public portion, is there anything else that the applicant wanted to add at this time?

MS. LYMAN: No, I think that's it. We appreciate your time for allowing us to come in and do this virtually and taking the time to listen to us. Thank you.

MR. WEINER: Madam Chairwoman, if it would be your pleasure, we can formally open the floor to the members of the public.

THE CHAIRWOMAN: Yes, can we do that. I think generally we give it at least a minute or so to see if anyone can connect in.

MR. WEINER: Do we have anyone in queue, Aaron?

MR. BLESSING: Yes. I'm going to put through one Ashley Emerson. Now I'm going to promote them to panelist. Okay. Ashley Emerson. Okay, she's in.

MS. EMERSON: Hi. So we're the owner of property --

THE CHAIRWOMAN: I'm sorry, Miss Emerson, can you state your full name and spell it for us for the record and also your address.

MS. EMERSON: Sure. Ashley Emerson. Last name is E-m-e-r-s-o-n.

THE CHAIRWOMAN: Okay.

MS. EMERSON: We live at 109 Old Bridge Turnpike in East Brunswick.

THE CHAIRWOMAN: Okay. Is that -- can you tell me the relationship of your property to the -- are you --

MS. EMERSON: We're behind them.

THE CHAIRWOMAN: Behind? Okay.

MS. EMERSON: We share the back property line.

THE CHAIRWOMAN: Okay. Thank you. Okay, you can go ahead.

MS. EMERSON: Okay. I just wanted to state just for the record that Kerri and Vincent are great neighbors so we don't mind. We got the notice to be 7 feet from our property on the back, and we have no issue with this whatsoever. It really is not a big deal. I know how hard they work, and they have two great kids, so just saying if it makes them happy, we're happy.

MS. LYMAN: Thank you, Ashley.

MS. EMERSON: Of course.

THE CHAIRWOMAN: Thank you for joining us and for adding your sentiments and comments. It's definitely helpful to hear from the neighbors. That's great.

MS. EMERSON: Of course.

THE CHAIRWOMAN: Okay. Thank you. Is there --

MR. PHILIPS: Those Christmas cookies worked out well for you.

THE CHAIRWOMAN: Aaron, is there anyone else joining us that would like to comment?

MR. BLESSING: There is one other attendee. They are not at this present moment raising their hand, though, to speak.

THE CHAIRWOMAN: Okay. For the other attendee, if you want to raise your hand, we'll just give you another second to give us some sort of

signal that you'd like to join or make a comment.

Aaron, you're not -- are you seeing anything, Aaron?

MR. BLESSING: No.

THE CHAIRWOMAN: No. Okay. So then we can close the public comments section of this application. Are there any additional comments or questions I think from the board? We had I think finished that portion, too.

Mr. Weiner, is it just the one condition that we have, or are there others?

MR. WEINER: The only condition -- I'm going to double check the memorandum, see if there are any conditions there. Essentially, yeah, the only condition is what we went over is that the fencing that's encroaching on the neighbor's property to be relocated within the property line.

THE CHAIRWOMAN: Okay.

MR. PHILIPS: Was there something about a second rain barrel, Jay, that was committed to?

MR. WEINER: Colleen, was there a second rain barrel?

MS. MCGURK: I brought up the rain barrel or the rain garden, and the applicant stated that they already have one. I would leave that up to engineer to comment if he feels the need. Otherwise, they're providing other drainage, the trench, and so --

MR. WEINER: You're comfortable with not adding a second rain barrel.

MS. MCGURK: I am.

MR. WEINER: Okay.

THE CHAIRWOMAN: Thank you. Mr. Cline, did you have any comment on that?

MR. CLINE: Not particularly. It sounds like they've been quite proactive to this point and especially since a portion of the overage is, as Mr. Philips pointed out, the surface of water. So by and large, I think they have a plan that will work.

THE CHAIRWOMAN: Okay. Thank you. Okay. Hearing that, is there -- are there -- can I -- are there any motions that any of the board members would like to make?

MR. ARORA: I would like to make the motion to approve. What the applicant has provided with the fencing and the drainage, I think they are taking good care, and I think from that perspective the case and all, I think a pool, in-ground pool will be a great addition, so I do that motion.

THE CHAIRWOMAN: Thank you, Mr. Arora.

Do I hear a second? Miss Papi.

MS. PAPI: I will second that motion to approve.

THE CHAIRWOMAN: Okay. Can I have a roll call for a vote.

MR. BLESSING: Mr. Arora.

MR. ARORA: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes with a comment. I'd just like to say -- just comment that having children -- and during this pandemic, we're all really experiencing such hardship, and I think having an in-ground pool in your back yard, since a lot of families aren't able to really travel and be away from their home, it's a beautiful addition, and please enjoy it.

MR. LYMAN: Thank you.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.

MR. BLESSING: Mr. Behal.

MR. BEHAL: Yes.

MR. BLESSING: Mr. Philips.

MR. PHILIPS: For the record, these people have a preexisting situation. There is no available property for them to expand to meet the requirements of the zoning, and that area of the town has irregular sized lots, and it's unfortunate that they can't get their neighbor to agree, but in light of that, the water still has a place to go if it's in the pool. So with that in mind, I will also say yes and make it aware that your children know they can't go swimming tomorrow.

MR. BLESSING: Chairwoman Rampolla.

THE CHAIRWOMAN: I'm going to vote yes, also. I appreciate that the applicants really gone I think out of their way to try every attempt to bring that impervious lot coverage amount down, attempting to purchase the lot next door, and having the attenuation in place and the rain catch basin that's -- I think that there's been a lot of work done to make this workable on that property, and I appreciate that, so I'm also going to vote yes.

We wish you a lot of success with the pool.

MR. LYMAN: Thank you.

THE CHAIRWOMAN: Okay. So having no other business on the agenda, is there a motion to adjourn?

MR. WYNTER: Motion to adjourn.

MR. ARORA: I second it.

THE CHAIRWOMAN: Okay. All in favor?

Okay. Thank you, everyone.

MR. WEINER: Have a good evening.