

MINUTES OF THE  
EAST BRUNSWICK TOWNSHIP  
BOARD OF ADJUSTMENT

March 18, 2021

STATEMENT - Open Public Meetings Act

FLAG SALUTE

ROLL CALL -

PRESENT:

ABSENT:

Christine Rampolla  
Steve Philips  
Robert Zuckerman  
Ivan Wynter  
Leon Gurevich  
Amy Papi  
Chester Brandt  
Cathleen Decker

Steve Pepe  
Deepak Arora

ALSO PRESENT:

Jay Weiner, Esquire  
Aaron Blessing - Zoning Assistant  
Colleen McGurk - Planner  
Keith Kipp - Director Zoning/Planning

MINUTES

February 18, 2021 - Motion to approve by Mr. Philips, second by Mr. Zuckerman. Minutes approved.

RESOLUTIONS

Zoning Board Secretary - Amy Papi - Motion to adopt resolution by Mr. Zuckerman, second by Mr. Gurevich. Resolution adopted.

Application #Z-20-12 - Chris Trans, LLC - Proposed transportation company office, garage, and parking facility located at 49 Main Street, block 317.13, lot 36.04, in the C-2 zone. Motion to adopt by Mr. Philips, second by Mr. Gurevich. Resolution

adopted.

Application #Z-20-17 - Hui - Proposed two-story addition within front yard setback to existing single-family dwelling located at 31 Hyde Park Drive, block 321.03, lot 57, in the VG-2 zone. Motion to adopt by Ms. Papi, second by Mr. Wynter. Resolution adopted.

Application #Z-21-03 - Gamble - Proposed accessory structure to enclose existing in-ground pool located at 555 Riva Avenue, block 309.04, lot 2, in the RP zone. Motion to adopt by Mr. Wynter, second by Mr. Zuckerman. Resolution adopted.

Application #Z-21-04 - Kimberly Alvin Property, LLC - Proposed interior renovation from warehouse to office space requiring parking variance located at 1 Kimberly Road, block 29.01, lot 43, in the O/I zone. Motion to adopt by Mr. Wynter, second by Mr. Philips. Resolution adopted.

#### NEW BUSINESS

Application #Z-21-06 - Schramm - Proposed 264-square-foot carport accessory structure at existing single-family residence located at 5 Judith Court, block 131.04, lot 15, in the R-3 zone. Mandatory date June 10, 2021. Motion to approve by Ms. Papi, second by Mr. Philips. Application approved with conditions.

Application #Z-21-02 - Gulberg Builders, LLC - Proposed new single-family dwelling located at 23 Pine Street, block 140, lot 10.04, in the HR zone. Mandatory date May 26, 2021. Motion to approve by Ms. Papi, second by Mr. Brandt. Application approved with conditions.

Application #Z-21-08 - Bebars - Proposed 6-foot-tall fence in front yard setback of existing single-family residence located at 27 Lincoln Avenue, block 162, lots 53, 55, 56, in the R-4 zone. Mandatory date June 27, 2021. Motion to approve by Mr. Philips, second by Mr. Gurevich. Application approved with conditions.

#### ADJOURNMENT

Motion to adjourn by Mr. Gurevich, second by Mr. Philips. Meeting adjourned at 10:50 p.m.

THE CHAIRWOMAN: The township is using the telephone meeting format in an effort to mitigate the chance of exposure to COVID-19 as a 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 will 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 phone. Each member of the public shall have only -- 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 the township forward during this health emergency.

This is the March 18, 2021, East Brunswick Township Zoning 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 an order different from that appearing on the agenda.

If everyone could please stand for the pledge of allegiance.

(Flag salute)

THE CHAIRWOMAN: Aaron, can you call the roll for us.

MR. BLESSING: Miss Decker.

MS. DECKER: Here.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Here.

MR. BLESSING: Mr. Pepe. Mr. Gurevich.

MR. GUREVICH: Here.  
MR. BLESSING: Mr. Arora. Mr. Wynter.  
MR. WYNTER: Present.  
MR. BLESSING: Mr. Zuckerman.  
MR. ZUCKERMAN: Present.  
MR. BLESSING: Miss Papi.  
MS. PAPI: Here.  
MR. BLESSING: Mr. Philips.  
MR. PHILIPS: Here.  
MR. BLESSING: Chairwoman Rampolla.

THE CHAIRWOMAN: Here. Thank you, Aaron. First I'd like to just start with welcoming Cathy Decker, who's -- was -- it's my understanding she was sworn in this week as a new alternate member for the zoning board of adjustment, so we'd like to just extend a warm welcome to Cathy. I think, Cathy, you'll find this to be a rewarding experience and great way to volunteer in town in service to our community. So we'll just extend a welcome to you.

Mr. Weiner, is there anything that you -- actually, I should introduce you to Cathy as our board attorney. Mr. Weiner can be a source of advice and counsel. He certainly is to all of us as board members.

Mr. Weiner, do you have anything that you would like to say or add?

MR. WEINER: First, thank you, Christine. I appreciate that. Both for Cathy as well as I guess candidly, for we've had several -- or not several, but we've had a few new members this year join the board, and I just want to for all of them, as I said, not just Cathy, I just want to make sure to extend to everyone that as the board's attorney, one of my many responsibilities is to make sure that everyone on the board understands all of their obligations, understands the legal requirements, as well as answer any legal related questions related to what we're doing on the board, and I'm always available. My office is in East Brunswick, and you can call me at any time, you know. As long as I'm available and there, I will obviously take your call, and I'm there, so please utilize me as a resource for any questions that you may have related to anything zoning board related that we're doing because it's -- it should be a very rewarding and enjoyable experience being on the board, but it's a legal obligation. It's governed by law, by statute, and we have to deal with the laws that apply as well as the town ordinances, which, you know, our ordinance is basically laws on

a local level, and there's a lot to digest early on, so I just want to make sure everyone understands and is fully aware that I am a resource for you. That's part of what I do. So don't hesitate if there's any questions to give me a call or reach out.

MS. DECKER: I sincerely appreciate that. This is Cathy Decker. Thanks so much. I'm going to be quiet for almost every meeting for the next couple ones because there's so much to learn, but Aaron shared with me some training that I have to do, and I'm looking forward to that, and everyone who's reached out has been just lovely, so I'm really looking forward to doing this.

MR. WEINER: Thank you.

THE CHAIRWOMAN: Okay. Thank you, Cathy. You're welcome. I'd also just like to point out, and I guess -- I don't know if welcome is the right word, but Leon was serving as an alternate member and was appointed to fill the vacancy that was previously -- the seat previously held by Dinesh Behal, so that's a full-term seat. So congratulations, Leon, and thank you for stepping up into that role.

MR. GUREVICH: Thank you very much, and that came very quickly.

THE CHAIRWOMAN: Okay. All right. So our first order of business, we have the minutes from our meeting of February 18, 2021. Does anyone have any comments or corrections or anything they'd like to add on those minutes? No? Okay, seeing none, can I hear a motion on those minutes.

MR. PHILIPS: I'll move the minutes.

MR. ZUCKERMAN: I second.

THE CHAIRWOMAN: Thank you, Mr. Philips, Mr. Zuckerman.

Aaron, can you call the roll on that.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Mr. Zuckerman.

MR. ZUCKERMAN: Yes.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Mr. Philips.

MR. PHILIPS: Yes.

MR. BLESSING: Chairwoman Rampolla.

THE CHAIRWOMAN: Yes. Thank you, Aaron.

Okay, next order of business we have -- we have a number of resolutions. The first was a

resolution appointing Amy Papi as our zoning board secretary. Anyone like to make a motion on that resolution?

MR. ZUCKERMAN: I make a motion on that resolution.

THE CHAIRWOMAN: Thank you, Mr. Zuckerman.

MR. GUREVICH: Second that.

THE CHAIRWOMAN: Thank you, Mr. Gurevich.

Mr. Blessing, can you call the roll.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Mr. Zuckerman.

MR. ZUCKERMAN: Yes.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes, and thank you.

MR. BLESSING: Mr. Philips.

MR. PHILIPS: This is for Amy?

MR. BLESSING: Yes. Chairwoman

Rampolla.

THE CHAIRWOMAN: Yes. Okay.

Congratulations again, Amy.

MS. PAPI: Thank you.

THE CHAIRWOMAN: All right. We also have a resolution on application Z-20-12, Chris Trans, LLC, a proposed transportation company office, garage, and parking facility located at 49 Main Street, block 317.13, lot 36.04 in the R-3 zone. Would anyone care to make a motion on this application?

MR. PHILIPS: I'll move it.

THE CHAIRWOMAN: Thank you, Mr. Philips.

MR. GUREVICH: I'll second.

THE CHAIRWOMAN: Mr. Gurevich. Thank you. Mr. Blessing can you call the roll.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Thank you.

Mr. Zuckerman.

MR. ZUCKERMAN: Yes.

MR. BLESSING: Mr. Philips.

MR. PHILIPS: Yes.

MR. BLESSING: Chairwoman Rampolla.

THE CHAIRWOMAN: Yes.

Okay. The next is a resolution on application Z-20-17, Hui, proposed two-story addition within front yard setback to existing single-family dwelling located at 31 Hyde Park Drive, block 321.03, lot 57, in the VG-2 zone. Would anyone like to make a motion on that resolution? Miss Papi. Thank you.

MS. PAPI: Yes, I'd like to make a motion to adopt Z-20-17.

THE CHAIRWOMAN: Okay. Thank you. Any second?

MR. WYNTER: I second.

THE CHAIRWOMAN: Thank you, Mr. Wynter. Mr. Blessing, can you call the roll.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Mr. Zuckerman.

MR. ZUCKERMAN: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Mr. Philips.

MR. PHILIPS: Yes.

MR. BLESSING: Chairwoman Rampolla.

THE CHAIRWOMAN: Yes.

Okay. Next we have a resolution on application Z-21-03, Gamble, a proposed accessory structure to enclose existing in-ground pool located at 555 Riva Avenue, block 309.04, lot 2, in the RP zone. Would anyone make a motion on Z-21-03?

MR. WYNTER: Motion to adopt.

THE CHAIRWOMAN: Thank you, Mr. Wynter.

MR. ZUCKERMAN: Second.

THE CHAIRWOMAN: Thank you, Mr. Zuckerman.

Mr. Blessing, would you call the roll.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Mr. Zuckerman.

MR. ZUCKERMAN: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Mr. Philips.

MR. PHILIPS: Yes.

MR. BLESSING: Chairwoman Rampolla.

THE CHAIRWOMAN: Yes.

Okay, and finally, we have a resolution on application Z-21-04, Kimberly Alvin Property, LLC, a proposed interior renovation from warehouse to office space requiring parking variance, located at 1 Kimberly Road, block 29.01, lot 43, in the O/I zone. Would anyone make a motion on application Z-21-04.

MR. WYNTER: I also make that motion to adopt.

THE CHAIRWOMAN: Thank you, Mr. Wynter.

MR. PHILIPS: I'll second it.

THE CHAIRWOMAN: Second, Mr. Philips.

Thank you.

Mr. Blessing, can you call the roll.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Mr. Zuckerman.

MR. ZUCKERMAN: Yes.

MR. BLESSING: Mr. Philips.

MR. PHILIPS: Yes.

MR. BLESSING: Chairwoman Rampolla.

THE CHAIRWOMAN: Yes.

All right. Moving on to new business, our first application is Z-21-06, Schramm, a proposed 264-square foot carport accessory structure at existing single-family residence located at 5 Judith Court, block 131.04, lot 15, in the R-3 zone.

Mr. Weiner, have you reviewed their notices, and do we have jurisdiction on this application?

MR. WEINER: Yes, Chairwoman, the notices are in order. The board has jurisdiction to hear this matter.

THE CHAIRWOMAN: Thank you. Okay. Who is with us to represent this application?

MR. BLESSING: I know I saw him here before. Let me check our panelists or attendees.

THE CHAIRWOMAN: Okay. I just -- I see someone. Mr. Schramm, you're on mute.

MR. BLESSING: Okay.

MR. SCHRAMM: Testing 1, 2, 3.

THE CHAIRWOMAN: Okay.

MR. SCHRAMM: All right?

THE CHAIRWOMAN: Do you have working video, or you just with us on audio?

MR. SCHRAMM: I thought I had working video, but this is pretty much the first time I'm doing this so I'm kind of uncertain on what to do.

THE CHAIRWOMAN: Okay. Mr. Weiner, is that okay? Are we able to swear --

MR. WEINER: Yeah. I guess let me first ask both Aaron and Anthony if there's, I don't know, a quick remedy to that to get Mr. Schramm up, but if not, his voice is fine. We don't need video. We can swear him in by voice.

MR. BLESSING: I don't see any option available to me to change it.

MR. KIPP: No, Jay, there is nothing we can do bar me going to his house and helping him out directly.

MR. WEINER: No, we can do it just on audio. That's fine. Just as we've done in the past with, you know, board member by phone, we can do that.

THE CHAIRWOMAN: Okay. Thank you.

MS. MCGURK: You can try looking in the lower left-hand corner, start video, if he sees that.

MR. SCHRAMM: I see your name there. That's all I see.

MS. MCGURK: Okay. Never mind.

MR. SCHRAMM: You know, I had to turn it on in the settings portion, and, you know, I accepted for the camera to allow, you know, the Zoom video. I don't know. I can't, you know, like I said.

MS. MCGURK: Maybe one last thing. The top of your screen, do you see the camera, and maybe the -- sometimes there's a slide over the camera that prevents it from working.

MR. SCHRAMM: No.

MS. MCGURK: Okay.

MR. SCHRAMM: No, because what I did was I had set this up, and I had it showing myself to make sure that I was in the camera's view, and I'm not sure what else to do.

THE CHAIRWOMAN: Okay. Are you -- do you have -- well, let's start by swearing you in just so that we get -- everything that we're talking about we get on record. It sounds that our board attorney is okay with just having audio contact with you, so we can move forward with that. Can you start by stating and spelling your name for us and giving us your address.

MR. SCHRAMM: Yes. My name is Ernest Schramm, E-r-n-e-s-t S-c-h-r-a-m-m. I live at 5 Judith Court in East Brunswick.

THE CHAIRWOMAN: Okay. All right. I'll

ask you to raise your right hand. We can't see you so maybe you can say, yes, I'm raising my right hand.

MR. SCHRAMM: (Inaudible)

THE CHAIRWOMAN: Was that a yes?

MR. SCHRAMM: Yes, I am, yes.

THE CHAIRWOMAN: I need you to solemnly swear to tell the truth, the whole truth, and nothing but the truth this evening in reference to this application that we're reviewing. You can just say yes.

MR. SCHRAMM: Yes.

THE CHAIRWOMAN: Okay. Thank you, Mr. Schramm, and do you have video -- do you have video? Are you able to see our meeting, because I understand that you might have exhibits for us to view in a little bit during this application. So will you be able to view them to describe them and answer questions for us?

MR. SCHRAMM: I could see you guys, you know, but --

THE CHAIRWOMAN: Okay. All right. If you can see us, you should be able -- I believe you'll be able to then see those exhibits once they're shared. So let's just start with getting on the record what you are proposing to do here. I see that you are looking to add a 12-foot-by-22-foot carport that would be attached to the existing 22-foot-by-14-foot detached garage; is that correct?

MR. SCHRAMM: Yes, it is.

THE CHAIRWOMAN: Okay, and can you tell us the purpose of the carport.

MR. SCHRAMM: The purpose of the carport is to protect my vehicle from weather, and there's no other place really to put that carport.

THE CHAIRWOMAN: Okay, and there's no place -- this is at the edge of your driveway; is that correct?

MR. SCHRAMM: Yes, it is.

THE CHAIRWOMAN: Is that -- that's why you're saying that there's no other place to put it?

MR. SCHRAMM: Well, yeah, the other side of my house doesn't have a driveway.

THE CHAIRWOMAN: Okay.

MR. SCHRAMM: And it's probably (audio disruption) that side, too, to the property line.

THE CHAIRWOMAN: Okay, and so you are seeking a side setback because -- a variance for the side setback because it would be -- the way that you're proposing, it would only be a foot and a half

from the side property line as opposed to the 10 that's required; is that right?

MR. SCHRAMM: That's correct.

THE CHAIRWOMAN: Okay.

MR. KIPP: Excuse me, Madam Chair. This is Keith. Would you like me to share the screen to have his plot plan up?

THE CHAIRWOMAN: Okay, yeah, I think that would be helpful.

MR. KIPP: Okay, Anthony, I'm going to share the screen.

THE CHAIRWOMAN: Okay. Thank you. So these are new exhibits, correct?

MR. WEINER: Mr. Kipp.

MR. KIPP: Yes.

MR. WEINER: I'm sorry, Madam Chairman. Is this part of the submissions, or is this an exhibit that you're sharing?

MR. KIPP: This is part of the submission. Aaron, correct? It's stamped Z-21-06.

MR. BLESSING: Yes.

MR. WEINER: Okay, so then once it comes up, I guess, Mr. Schramm, I just need you to identify what this is, but we don't have to mark it as an exhibit because it's already part of your application.

MR. SCHRAMM: Okay. I believe I am viewing the survey I had provided of my property on 5 Judith Court.

THE CHAIRWOMAN: Okay. So you're -- the ground underneath that carport, you're proposing to keep that, the gravel that's currently there. You're not looking to change that, to pave that?

MR. SCHRAMM: No.

THE CHAIRWOMAN: Okay.

MR. PHILIPS: (Audio disruption) no, he's not going to keep it, or no, he's not going to change it?

MR. SCHRAMM: No, I'm not going to change it. It's going to stay gravel.

MR. PHILIPS: Thank you.

THE CHAIRWOMAN: Okay. Are there additional exhibits that you brought to share with us or --

MR. KIPP: That's all that I have, Madam Chair.

THE CHAIRWOMAN: Oh. Okay. All right. Thank you. I didn't know -- I wasn't sure how many -- I just knew the applicant had additional stuff to share. Okay.

All right. Miss McGurk, do you have comments that you want to share with us on this application?

MS. MCGURK: Well, it is -- the proposed carport is creating the variance that you already mentioned, the 1.5 feet from the side yard. That could have a negative impact on the adjacent property. But also the gravel. I didn't see any kind of impervious coverage permit for the gravel. The gravel should also be 2 feet from the side yard property line, so that would be a variance if the gravel is going to be right up to the property line. I mentioned impervious coverage variance for the concrete pad that's next to the existing shed. The shed, there was no permit for that or the concrete pad, so that would have to be granted variances if the board were to approve this application. Those two items would also need variances in order to remain.

THE CHAIRWOMAN: Okay. Mr. Schramm, would you agree to bring that shed and the concrete pad that it's on into compliance if the board were to act favorably on your application for the variance for the carport?

MR. SCHRAMM: Yes. I'd like to state that the shed was moved after I had the survey done and realized that it was on the property line, and the concrete pad, it's not a solid concrete pad. It's made of patio blocks and landscaping ties.

THE CHAIRWOMAN: Okay.

MR. SCHRAMM: I don't know if that's still considered a concrete pad.

MS. MCGURK: Maybe I could come out and inspect it and take look at it?

MR. SCHRAMM: Sure, that would be fine.

MS. MCGURK: Okay. Does the gravel have to go right up to the property line in order for you to access the carport? Could you take it in a little bit?

MR. SCHRAMM: Well, the gravel is -- it's already next to the garage where the carport would go. Is that what you're asking?

MS. MCGURK: Yes, the existing gravel, could there be a small landscape strip there, 2 feet or at least a foot, something?

MR. SCHRAMM: To -- I'm not sure what you're trying to say. The footing --

MS. MCGURK: Your property line and the existing gravel that might go to the proposed carport, could there be a little landscaped strip

there?

MR. SCHRAMM: Well, there is landscaping blocks there to keep the gravel from spilling over so --

MS. MCGURK: Right, but I mean not impervious coverage, grass.

MR. SCHRAMM: Oh, no, because that's all gravel there, and the carport is taking pretty much that whole spot there.

MR. WEINER: Mr. Schramm, I think what the -- and I don't want to speak for Miss McGurk, but I guess I will. I think what the question was is is it possible that you could taper in the gravel so there's a little bit of a gap between the property line and what would be a new edge of the gravel where some landscaping that's pervious could be there, whether it be grass or dirt or plants or something of that nature, which I guess would also serve as a little bit of a buffer and a transition between the carport, which is the gravel, and the property line.

Colleen, am I getting that correct? If not, please --

MS. MCGURK: Perfectly, perfectly, because it looks like in order to turn into the carport, it doesn't really need to go right up to the property line.

THE CHAIRWOMAN: So, Mr. Schramm, would you be willing to turn -- I'm sorry -- to pull back some of that -- I'm sorry -- the -- not asphalt.

MS. MCGURK: The gravel.

THE CHAIRWOMAN: Gravel, thank you. Would you be willing to replace some of that gravel area with grass or some other landscaping?

MR. SCHRAMM: The carport that I wanted to put there really is the size that would be, you know, beneficial to me.

THE CHAIRWOMAN: I'm sorry, we're not talking about the gravel that's underneath the carport. We're talking about the gravel area that extends out beyond the carport. Could some of that be replaced with grass?

MR. SCHRAMM: There is grass at the end of the carport, yes.

MR. WEINER: Not at the end of the carport, along the side of the gravel, right now there's a portion of the gravel that basically abuts the property line, and the question is is can there be a little -- can that be reduced a little bit? Can you lessen the width of the gravel to allow for

a little bit of landscape along the property line.

MR. SCHRAMM: I had put landscaping blocks there to prevent the gravel from spilling over, and with that landscaping block there, there's -- that's included in the foot and a half from the property line to the first footing of that carport.

MR. WEINER: I guess what the question has been is I guess you have landscaping blocks there, and our planning staff was asking about the possibility of perhaps replacing the landscaping blocks with something that's pervious because that would help for drainage, as well, by having something there that can more readily absorb water and things of that nature than landscaping blocks. So I think you just said it's a foot and a half, the landscaping blocks, so again, I'll defer to Ms. McGurk, but -- if the numbers are different, but otherwise, could those blocks in that foot and a half be replaced with something along the lines of grass or another pervious type of material that -- in lieu of the blocks that are there.

MR. SCHRAMM: Removing the blocks will just make the gravel spill over.

MR. PHILIPS: Can I ask a question.

THE CHAIRWOMAN: Yes, go ahead, Mr. Philips.

MR. PHILIPS: Mr. Schramm, on the plan that's now being visible to everybody on the board, there's an asphalt driveway clearly delineated. There is a dotted line area, and it says gravel area. Do you see that, as well?

MR. SCHRAMM: Yes.

MR. PHILIPS: Okay. The gravel area extends along the side of your property line to the point where it goes, from what I can see here, way past the end of your planned carport extension all the way down to a spot that looks maybe 7 feet or so from the back of your property line. Is that accurate?

MR. SCHRAMM: Yes.

MR. PHILIPS: Okay. I think what you're hearing from other members of the board and from the staff is you have a very large area of gravel that's behind, on the side of, and is not going to be driven on by any vehicle you might want to put there. So what could you possibly do to ameliorate the large amount of gravel that extends beyond the carport that you're asking to have approval of? The (audio distortion) right now that is being put

through by Mr. Kipp is kind of showing you the area we're talking about, that whole region there that's being identified with the arrow.

MR. SCHRAMM: Okay. All right. Now -- okay. All right. So you're asking if that could be transferred into soil or something?

MR. PHILIPS: I think the answer to that is yes.

THE CHAIRWOMAN: Yes.

MS. MCGURK: Yes. Between a property owner and the adjacent property owner, there isn't supposed to be any type of impervious coverage within 2 feet because it creates water flow between the two properties and create issues. So gravel is not an impervious -- gravel is an impervious surface, so what I'm asking for is something pervious like landscaping and grass. It goes all along the property line for a distance next to and behind the carport, which doesn't seem necessary now that you're going to have a carport.

MS. PAPI: Madam Chair, may I ask a question?

THE CHAIRWOMAN: Yes, go ahead, Miss Papi.

MS. PAPI: As I'm looking at this diagram, I noticed that you already have an asphalt driveway, which leads to your one-car garage, and now you're extending the portion where you're having your carport is to have the gravel, but you want to extend the gravel beyond the area where you're going to be building the carport. So your intentions are you're planning to do something on that piece, also, maybe park something, you know. Your intentions are to actually use it as well as you're going to be using your carport and the garage.

THE CHAIRWOMAN: Miss Papi, I think that's -- I'm sorry to interrupt you, but I think that's existing there.

MS. MCGURK: It is.

MS. PAPI: That's already there?

THE CHAIRWOMAN: Yes.

MS. PAPI: Okay, the gravel.

MR. SCHRAMM: Yes.

MS. PAPI: Okay, so my question is are you planning to redo your driveway so that it would -- you're going to enlarge it at some point because you want to redo the driveway? I'm just trying to figure out your decision in doing this with what could possibly be happening, like, in the future, as well.

MR. SCHRAMM: The gravel was put there so it would, you know, so it doesn't become muddy over there. You know, the -- another vehicle was being parked next to the garage, and, you know, that's why the gravel was put there.

MS. PAPI: Okay, so -- okay.

MR. SCHRAMM: I mean, it's being used now as, you know, just a parking spot, and that's why gravel was put there, and the reason I'm asking for the carport is just to protect the vehicle in that location.

MS. PAPI: But the question I'm having is that you only have a one-car driveway so in order to get to the carport, you have to create another way of traveling to get to that carport, so that's why you need to extend it with the gravel, because right now you only have a one driveway -- one-car, you know, it's only one car, not a --

THE CHAIRWOMAN: Miss Papi, the asphalt goes straight up into that area. The cars currently there parked on the gravel.

MS. PAPI: Right. I guess the way I'm looking at the diagram, seeing that he's enlarging the driveway.

THE CHAIRWOMAN: No, no.

MS. PAPI: The driveway, one portion is asphalt and the other portion is gravel.

THE CHAIRWOMAN: No, nothing is changing; is that correct, Mr. Schramm? Nothing is changes in terms of what's currently asphalt and what's currently gravel. That's -- in the plan that you're presenting to us, none of that is changing; is that correct?

MR. SCHRAMM: That's correct, it's all staying the same.

THE CHAIRWOMAN: But we're -- I think several our professionals and several of the board members, though, are asking for you to change it, it sounds like, because some of that gravel so that you can bring the property into conformance. I think the interest of the board would be to see some of that gravel area changed over into landscaping so that there's, as Miss McGurk explained, so that that landscaping is between your property and the neighbor's property. So if the board were to move favorably on your application so that you can put up this carport, would you be willing to change some of that asphalt area that is behind the carport into grass?

MR. SCHRAMM: I wanted to keep that

gravel area next to the garage still there because other items are being put there, like garbage cans and stuff like that, also. So --

MR. GUREVICH: Just for point of clarification, I'm just hearing in terms of the conversation - and I apologize. See if maybe one more voice. I think what we have over here, we have an existing gravel area, and we're all talking about, you know, there's -- I kind of look at it as three parts of that area, right. There is the part in front of the proposed new addition to the carport, which is that triangular piece that blends into the asphalt driveway, which would allow you to bring whatever vehicle from the road up the asphalt driveway, kind of veer off a little bit to the right and get into what is potentially going to be the proposed new covered area, which is what we're discussing right now, right? So we can agree there is that section. Then there's a section, if I was in that covered carport, you know, facing to the back, okay, to the right of me is an open area, which eventually, you know, it's kind of a triangular space, reaches towards my neighbor's yard, right. There is nothing that's parked there. It's not part of the parking facility or where you intend to park a car, but there is existing gravel over there that extends all the way to the property line. And then there's a third area, which is behind that carport and again extending kind of like a, you know, jagged -- what's it called -- triangle towards the property line.

Mr. Schramm, can you agree? Do you understand sort of what I'm trying to describe over here?

MR. SCHRAMM: Described that perfectly, yes.

MR. GUREVICH: Okay. So I think the question we have is kind of two parts, right. If we take a look at the part in the front, understanding that if we're making a determination about the carport, the triangle in the front coming in, the only concern we have is where that triangular gravel might reach towards the property line going beyond that furthest corner, which is a whole other conversation, that furthest corner of the carport in the front. So in other words, it's the -- looking at this, if I was again facing from the street towards the carport, it's exactly there. It's that furthest corner, the closest corner to lot 14.

Our question is, in along that area, is

there an opportunity to take that gravel from as close to that corner, giving at least a 2-foot -- 2-foot pervious -- what's it called -- substance other than gravel between that going back to the triangle. That's question number 1.

And then question number 2 is all of that gravel in section 2 and section 3 that I described that runs along the property line, I think there's less of a, you know, conversation in terms of are we asking you to remove it, you know. Miss Papi had asked are you planning to use it, are you planning to park, which I think is a reasonable question because, again, that goes towards the use of the -- this structure, and this structure is the gravel, but is there -- and it seems easier to move that back away from the property line by 2 feet, and that is the question. Not creating more -- I understand the idea that it could create -- what's it called -- mud, but you're going to maintain potentially the majority of it just moving back, like if I was to walk down the property line with both, you know, and draw a line 2 feet out from that, is that a possibility and still get us to that other original corner that we discussed and just draw a 2-foot line over there and put something other than gravel between where that 2-foot line is and the property line of lot 14. That's the question that I think we're trying to a certain here.

MS. MCGURK: Madam Chair.

THE CHAIRWOMAN: Yes.

MS. MCGURK: I understand it's existing. It is an issue for water flow. There was no permit for this, so it would have to be a bulk variance if the board were to look at that, but the applicant would also have to justify the bulk variance based on some type of hardship, and this is a very large property, so while the applicant might want to utilize that area with gravel, there does seem to be plenty of room on the property to use storage elsewhere on the property, and I just -- I don't see a justification for the variance.

MR. GUREVICH: And that's why I said that's a whole different topic, but I was just trying to resolve the one of understanding that 2 -- foot section.

MS. MCGURK: Thank you.

MR. WEINER: And, Colleen, you took the words right out of my mouth. From a legal requirement, Mr. Schramm, you need a variance to

have that gravel where it exists, and as Ms. McGurk very eloquently explained, in order to get the variance, you need to justify it by showing a hardship, and so far, other than that you would like it there and like to utilize it because it's there, we really haven't heard anything in the way of a hardship why you need it and why you need it in that location, so if that exists, this would be a good time to explain that to the board.

MR. SCHRAMM: The gravel area behind the carport just acts as to keep the mud down and for storage, or if the board would like, I could put grass behind the carport if that's what -- in that back corner.

MR. WEINER: In that triangular area along -- between the carport, the property line to lot 14, and extending back towards the rear property line, is that that triangular area that you're referencing?

MR. SCHRAMM: Yes.

MR. WEINER: And you'd be willing to put grass in that whole area and remove the gravel?

MR. SCHRAMM: Yes, in that back portion, but next to the carport, I think the gravel should still be there just because of, like I said, the mud and everything and how the drainage is.

THE CHAIRWOMAN: So I think Miss McGurk went over this, that, you know, that having the grass there also should -- I don't want to put words in your mouth, Miss McGurk, but grass should also meet that issue of not having mud there, the grass instead of the asphalt.

MS. PAPI: Madam Chair, can I just say something? We've had plenty of rain. How is your property now?

MR. SCHRAMM: It's dry. There's no puddles or anything there, and that's why the gravel being used so it absorbs into, you know, the water absorbs into that. Without anything there, it becomes one big mud hole. That's (audio disruption) gravel was put there in the first place.

THE CHAIRWOMAN: Did you have -- you had grass there prior to the gravel?

MR. SCHRAMM: Oh, it was always gravel. When I moved in, there was always gravel there.

MR. PHILIPS: We don't know.

MR. WEINER: Colleen, if I may just run by you. Mr. Schramm had indicated that to the rear of the proposed carport he'd be willing to put grass in, but in the area along the side, he wants to keep

the gravel there because of his concern about the mud. What is your expert thought about that for the board?

MS. MCGURK: Yeah, I can understand that because that is where the car will be driving, so it would be more difficult, and I feel that removing the gravel along the side to the side and rear of the proposed carport and actually removing more gravel than needed for the variance would mitigate the proposed variance in front of the carport.

MR. WEINER: Okay.

MR. PHILIPS: We have --

MR. WEINER: Mr. Schramm, what Miss McGurk is saying is that the -- by taking care of -- by removing the gravel basically from everywhere from that front point of the carport extending back along the side and to the full rear of the carport and replacing that with grass, that would mitigate the need to do removal of the gravel to the front of the carport. Would that be agreeable?

MR. SCHRAMM: Yes.

MR. WEINER: Okay.

MS. MCGURK: Thank you.

MR. PHILIPS: Can we clarify something else while we're on this?

THE CHAIRWOMAN: Yes, go ahead.

MR. PHILIPS: The concrete pad in the back, what is the purpose of the large concrete pad in the back that you actually said was pavers?

MR. SCHRAMM: I was thinking of putting another shed there.

MR. PHILIPS: The existing shed is already too close to the property line.

MR. SCHRAMM: That was moved last year after I realized that, you know, I got a survey and that was mentioned to me.

MR. PHILIPS: Did you move the concrete pad, as well?

MR. SCHRAMM: No, no, because I didn't -- I didn't think that that was an issue since it was patio block and landscaping.

MS. MCGURK: No. Again, it all has to be 2 feet from the side yard property line.

MR. SCHRAMM: I don't have a problem with cutting it.

MR. WEINER: Is the shed -- you said the shed has been moved. Where is the shed now?

MR. SCHRAMM: Actually on the opposite side of that concrete pad.

MR. PHILIPS: Is it 2 feet from the

property line?

MR. SCHRAMM: Yes, it is.

MS. PAPI: Yeah. He also has a fence.

THE CHAIRWOMAN: Miss McGurk, your hand raised icon --

MS. MCGURK: Oh, sorry.

THE CHAIRWOMAN: Okay. I didn't know if it was another comment.

Okay, so, Mr. Schramm, you understand that if we were to move favorably on this then that you also need to bring that -- those pavers 2 feet out from the property line. You agree to do that?

MR. SCHRAMM: Yes.

THE CHAIRWOMAN: Okay. Miss McGurk, were there any -- was there additional testimony that we needed to put on the record or any other comments that you wanted addressed?

MS. MCGURK: I didn't have anything further, no.

THE CHAIRWOMAN: Okay.

MR. PHILIPS: We have a letter, though, Christine -- Madam Chairman, from the township dated March 5. Mulch and debris piled in the rear corner of the yard causing ponding and freezing on neighborhood properties. And that's only 2 weeks ago, less than 2 weeks ago. Safety hazard.

Mr. Schramm, are you aware of this letter?

MR. SCHRAMM: Yes, I am, and I have been making a good faith effort to remove the compost to grade and comply with the recommendations from the township. It wasn't known that a dry well was also on the other side of that fence that could have prevented this also from flooding in that area, also.

THE CHAIRWOMAN: Can we -- Mr. Weiner, can we make that a condition that comes into compliance before the carport goes in?

MR. WEINER: Yes. Mr. Schramm, would you be willing to agree that you would remediate the problems addressed in the March 5 letter of Mr. Sciuto prior to the issuance of any permits for the carport?

MR. SCHRAMM: Yes, I'm in the process of moving it now.

MR. WEINER: And, Ms. McGurk, would that be satisfactory to you and your department?

MS. MCGURK: Yes. I was just going to actually ask for that as a condition. Thank you.

THE CHAIRWOMAN: Are there other

questions from any of the board members?

MR. PHILIPS: Can I just get a clarification from Mr. Schramm. He indicated that he puts recycle or garbage cans back in this area. Exactly where do they go?

MR. SCHRAMM: Right now they go right next to the garage.

MR. PHILIPS: Okay. Well, now you're going to have a carport so I assume then you're planning on putting them someplace else.

MR. SCHRAMM: Well, that's why I wanted the gravel there, so I was able to place them there, also, but, you know, I'll have to relocate them somewhere else.

THE CHAIRWOMAN: Is there room on those pavers that you have back by your shed. You can -- just sort of thinking out loud.

MR. SCHRAMM: That would be too far. My wife is disabled and can't make it that far.

THE CHAIRWOMAN: Okay. I mean, it seems that the asphalt and the gravel make up a pretty large area. It seems that there must be an area in there where you can store them.

Are there any other -- are there any other questions from any other board members?

MR. WEINER: I just -- Madam Chair, if I may, I just -- I want to address this also to Ms. McGurk. Do we need to make sure that the grade is brought even with adjoining property? Is that an issue that we need to be concerned about?

MS. MCGURK: We can deal with that when he's going for his building permit, but, yeah, I mean, he should --

MR. WEINER: Is there language that you would like --

MS. MCGURK: Shouldn't be negatively -- I guess he shouldn't be negatively impacting his neighbor with any altered grading that would affect the water flow.

MR. WEINER: So no altered grading to be permitted that would negatively impact neighbor -- impact neighbor. Must be to satisfaction of staff?

MS. MCGURK: Yes. Thanks.

MR. SCHRAMM: As it is now and it was existing that that gravel -- that gravel area was raised, so it is approximately 6 inches higher than that other property.

MR. WEINER: Well, that's why the -- I'm asking about that, and I think that's why Ms. McGurk is concerned about it, that it needs to be to

satisfaction because no one wants the water now -- - whether it was preexisting or not, these matters are all open once you come before the board for an approval such as this for a variance, and we want to make sure that there's not an artificial condition, no matter who put it there, that's causing excess runoff onto the neighbor's property, so this is the opportunity to get that resolved in an equitable way where it's not doing that.

MR. SCHRAMM: Okay. I just would like to add to that that the runoff does go into my property. It doesn't go into the neighbor's property, and it all flows into my property. It doesn't flow out. There is a drainage system back there that it all flows to the back of the property. So nothing is going to the side. It's all flowing back.

MR. WEINER: Well, that's why the language is necessary as we propose to the satisfaction of the staff, to make sure there's no negative impact. This way the staff professionals can make that determination themselves.

MS. MCGURK: Because now there's going to be an additional structure, also.

MR. PHILIPS: Can you tell us about the roofline on this new structure you're putting on and if there are downspouts.

MR. SCHRAMM: There is a gutter system on that.

MR. PHILIPS: Okay, and where would the water be draining then, if you can use that example of what we're looking at. Is (audio disruption) leader down? Is it four? How would that water be flowing?

MR. SCHRAMM: It would be going towards the shed portion of that property in that back corner, and that's how the water flows in that -- on that property.

MR. PHILIPS: Is it one down leader spout? Is it two?

MR. SCHRAMM: There's only one leader spout, and I was considering about putting a rain barrel in, also.

THE CHAIRWOMAN: Ms. McGurk, do you think that rain barrel is needed?

MS. MCGURK: I think a rain barrel would be fantastic. I'm not an engineer, but I thought that all downspouts had to be aimed towards the street, but I guess that's something that we could also -- that would just be part of Jay's suggestion

for the -- we could add that as another condition that staff would --

MR. KIPP: Colleen, I think I can help you out here.

MS. MCGURK: Good. I didn't know you were still on. Thank you.

MR. KIPP: The rain barrel is an excellent solution --

MS. MCGURK: Yes.

MR. KIPP: -- and I think we should make that a requirement.

MR. WEINER: Where do we want to place that, Mr. Kipp?

MR. KIPP: I would say just -- he was going to have his downspout to the back and the shed. Put the rain barrel back there. And again, Mr. Schramm, you've met Mr. Sciuto from my office, and he will be out there, you know, inspecting the results of the repairs from his letter, and he will also be the one out there inspecting when you put the grass to make sure that there is no additional hardship for you for storm drainage or your neighbor.

MR. SCHRAMM: If he sees that the gravel does not pose a drainage issue, can it stay then?

MR. KIPP: No, that's -- the board has already made their request on that topic, and I think we would want to stay with the board's recommendations.

MR. WEINER: Mr. Kipp and Ms. McGurk, I just want to make sure I reduce to writing what you were trying to express. I have rain barrel to be in the back area of the shed to complement down spouting.

MR. SCHRAMM: The carport, not --

MR. KIPP: The back corner of the carport, correct.

MR. WEINER: Back corner of the carport, okay.

THE CHAIRWOMAN: Are there any additional questions or concerns from any other board members?

MR. KIPP: Okay, Madam Chair, I'm going to take the shared screen down, okay?

THE CHAIRWOMAN: That would be great. Thanks. I can't see everyone's faces. I don't know if anyone is trying to add a question in. Okay. Great. All right. I don't see anyone raising their hand, anything like that, so I think it's probably time to open it up to any members of the public who

may have questions or -- for -- in reference to the testimony they just heard or comments on this application. I don't see anyone on the Zoom.

Aaron, do we have anyone on the phone line?

MR. BLESSING: Madam Chair, we do have one attendee who is raising their hand, only one out of all the other attendees. May I promote them to panelist, and you may swear them in.

THE CHAIRWOMAN: Oh, okay, thank you. Okay. I've got a Todd Mayo. Is that who you just -- the additional square?

MR. BLESSING: Yes.

THE CHAIRWOMAN: Mr. Mayo, can you -- do you have video or --

MR. MAYO: Yes.

THE CHAIRWOMAN: There you are.

MR. MAYO: Hello.

THE CHAIRWOMAN: Hello. Okay, can you state and spell your name for us and give us your address.

MR. MAYO: Yes. My name is Todd Mayo, M-a-y-o. My address is -- for purposes of this is 743 Route 18 or lot 35.01 on that diagram that was up earlier, on that survey.

THE CHAIRWOMAN: Okay.

MR. MAYO: So I have the law office that's behind Mr. Schramm's office -- his house -- I'm sorry.

THE CHAIRWOMAN: Okay. Sorry. Go ahead.

MR. MAYO: So behind my office, whenever it rains, I get a lake. They call it lake Mayo.

THE CHAIRWOMAN: I'm sorry. Do we need to swear him in?

MR. WEINER: Mr. Mayo, if you could let the chairman swear you in.

THE CHAIRWOMAN: Okay. Thank you for raising your hand. Do you swear to tell the truth, the whole truth, and nothing but the truth in your testimony on this application this evening?

MR. MAYO: Yes.

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

MR. MAYO: So I have a law office, which is behind Mr. Schramm's property, and whenever it rains, I get a large amount of water, covers my entire -- my entire back yard, parking lot, and I come to find out that Mr. Schramm has put some orange fencing and dumps leaves and the clippings

from his grass back there and has created a dam on my property. So I went to visit Mr. Schramm and asked him to remove that, and he told me he would not, and then this meeting came up, and I made an objection, and he's -- he went out there and moved the stuff around. He didn't lower it at all. He didn't remove any of it. He might have picked up some sticks. So if he says he's going to clear that area, I need to know that he'll clear it down to the level of my property and not leave it so it's high and leave that dam there, because he's -- what he's doing is he's stopping the natural flow of water.

THE CHAIRWOMAN: Is that that -- the area that you're talking about, is that the area that you were discussing that was mentioned in the memo from our township professional? Is that --

MR. MAYO: It is that area, and I just want to be clear that he's going to bring it down to the level of the surrounding property because if he keeps it high, it's just going to have the same effect that it has. That water pools in the back of my property, and especially when the gets cold, I get an ice rink back there, and it's dangerous.

MR. WEINER: Mr. Mayo, if I may, earlier -- I don't know if you had the opportunity to hear specifically the dialogue involving myself and Ms. McGurk where a condition was proposed that there would be no altered grading that's permitted that would negatively impact the neighbor. It must be -- and that grading must be ultimately to the satisfaction of the township staff.

That, Colleen, if I'm correct, that would include the area along the property line that Mr. Mayo is concerned about. Am I correct on that?

And, Mr. Mayo, is -- that language is giving the discretion to the township staff. Is that something that would attenuate your concern?

MR. MAYO: As long as the township staff is out there and sees that it's down to the same level, then I'm fine.

MR. KIPP: Mr. Mayo, this is Keith Kipp. Good to see you. Have you spoke with Vin Sciuto from our office?

MR. MAYO: Yes, I have.

MR. KIPP: Okay.

MR. MAYO: He was very helpful.

MR. KIPP: And you think he has a good grasp of the problem that's going on?

MR. MAYO: I do, yes.

MR. KIPP: Okay, so what the board's

recommendation is to have Mr. Sciuto to sign off on that condition that it's been repaired prior to them -- to him doing -- getting any approvals.

MR. MAYO: And prior to him getting a variance, correct?

MR. WEINER: Well, it wouldn't be prior to the variance. If the board were to move favorable on the variance, that would be granted tonight, but he wouldn't be able to construct the carport until that condition was resolved.

MR. KIPP: Right, Mr. Mayo, we would have the opportunity to not approve his construction permit if he didn't comply.

MR. MAYO: Are we talking about the carport that's up there now, or there's going to be a new carport put up?

THE CHAIRWOMAN: It's an addition to that carport.

MR. MAYO: Okay. Okay. As long as it's subject to Mr. Sciuto's approval, I'm fine with it.

THE CHAIRWOMAN: Okay.

MR. KIPP: Thank you, Mr. Mayo.

THE CHAIRWOMAN: Thank you.

MR. MAYO: Thank you, everybody. I appreciate your help.

THE CHAIRWOMAN: Thank you for joining us.

MR. MAYO: Okay. Bye.

THE CHAIRWOMAN: Okay. Are there any other -- Aaron, do you see any other members of the public trying to bring comment to us?

MR. BLESSING: There are not.

THE CHAIRWOMAN: Okay.

MR. BLESSING: My mistake. We do have one.

THE CHAIRWOMAN: Okay.

MR. BLESSING: Give me 1 minute. I will promote to panelist.

THE CHAIRWOMAN: Okay. Is that Christine Femia; is that who you just added?

MR. BLESSING: Yes.

THE CHAIRWOMAN: Okay. Miss Femia? You're on mute so we can't hear you. If you're wishing to address the board, we'll need you to unmute, and if you're able to turn your video on, that would be great. Hello.

MR. BEYER: We're trying to. I'm Walter Beyer.

THE CHAIRWOMAN: Okay. There's --

MR. BEYER: My wife's computer. I own

Stardust Pools two properties over.

THE CHAIRWOMAN: Okay. Hold on. To start, I just need you to state and spell your name for us and then also give us your address.

MR. BEYER: It's Walter Beyer, B-e-y-e-r, and the address is 747 Route 18 South, East Brunswick.

THE CHAIRWOMAN: Okay, and I'll just need to swear you in, so if you can raise your right hand for us and solemnly swear to tell the truth, the whole truth, and nothing but the truth regarding this application this evening.

MR. BEYER: I do.

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

MR. BEYER: Just trying to figure out the property. I understand what Todd's talking about on -- he's actually two doors down from me. So I have Stardust Pools and H&R Block and then Todd's area -- business, and I do see water that runs in that area back there. I don't know if it really affects me so much. I have a large piece of property and I have the buffer zone with H&R Block I believe. I don't have the map up in front of me again, but I don't think his -- I don't know if his property goes by H&R Block or does it go by Todd Mayo. I'm not sure.

THE CHAIRWOMAN: Okay. Is that -- I guess that's a question for our applicant then.

MR. BEYER: Had the map up before so I don't know -- his property, does that butt up to H&R Block or right behind Todd Mayo?

MR. KIPP: Madam Chair, would you like me to share the screen again?

THE CHAIRWOMAN: Yes. Thank you.

MR. BEYER: Okay, so Todd is block 34.01? Is that Todd?

MR. KIPP: That's correct.

MR. BEYER: And then block 35.01 would be H&R Block?

THE CHAIRWOMAN: Did we have the address of that lot number, Mr. Kipp?

MR. KIPP: I do not, but I could share another view, an aerial that shows all the properties that maybe more helpful.

MR. BEYER: There you go.

MR. WEINER: Mr. Beyer, do we know what your lot is?

MS. MCGURK: I thought Mr. Mayo said he was lot 35.01.

MR. BEYER: He was -- okay.

THE CHAIRWOMAN: Thank you. That's really helpful. Okay. So do we -- Mr. Weiner, does this need to be --

MR. WEINER: Well, is this an applicant's exhibit, or -- I'm not sure where this is coming from.

MR. KIPP: No, this is me trying to clarify the person questioning what the property's relation to his is.

MR. BEYER: Right, so if Todd's is --

MR. WEINER: I think we should mark this as Township Exhibit 1, and if, Mr. Kipp, if you would do that.

MR. KIPP: Okay.

MR. WEINER: The record is not going to be clear as to what it is is being looked at in the transcript.

MR. KIPP: For the record, this is an aerial view of the property and its relationship to Route 18, and the person questioning his property is shown, too, I believe.

MR. WEINER: I think from my recollection, Mr. Mayo had said his lot was 35.01.

MS. MCGURK: I believe so.

MS. PAPI: Excuse me, Madam Chair, I just have a question if I may ask. Is that a water drainage that is behind your property and the applicant who's coming from before us? I see, like, I don't know if those are shrubs, but then there's like -- is that a drainage behind your parking lot areas?

THE CHAIRWOMAN: Miss Papi, who are you addressing the question to?

MS. PAPI: I'm addressing it to the individual who is testifying before us.

MR. BEYER: Well, that's on my property. So if Todd is 35.01, that next driveway there would be H&R Block.

MS. PAPI: And where are you?

MR. BEYER: And then if you scroll up, I'm the next property next to that.

MS. MCGURK: Madam Chair, I looked on the New Jersey Tax Assessor Records, and 35.01 is Mr. Mayo's property.

MR. BEYER: Right.

MS. PAPI: So behind his property, whether it's a parking lot, whatever, what is -- to me it appears like it's some sort of a drainage. Then comes the applicant's property, and I don't

know if those are shrubs or what's, you know, separating the two, the lots, what separates --

MR. BEYER: The lot next to 35.01 is H&R Block. I don't know what that is, if that's (inaudible) or just a fence, but it does look like there's trees, arborvitaes or some type of trees behind Todd. I'm actually the next lot over from H&R Block, so you have 35.01, and you have that driveway, and then that's H&R Block, and then I'm the next property down. I'm 747.

MS. PAPI: What separates your lots? What separates it? Is it a fence? Is it a --

MR. BEYER: It's a fence between me and H&R Block.

MR. WEINER: And, Mr. Beyer, did you have a question for the applicant or the board?

MR. BEYER: Yeah, I was just wondering where the property ended that was affecting me or was I just within the 200 feet of the applicant that's going for this carport.

MR. WEINER: You're seeing the visual there. I mean, you would be able to make that determination. The board can't answer that for you.

MR. BEYER: Is there any way you can move that picture up so I can see? The other way.

MR. WEINER: The other direction.

MR. BEYER: Down I mean. So it's not showing any other picture past that. This is my lot that you see now -- yes -- and that's the property line between me and H&R Block, so really, if he's lot 31.04, the applicant, that really affects H&R Block and Todd. It wouldn't affect me so I wouldn't have any objection.

THE CHAIRWOMAN: Okay. All right. Thank you for your comment. So you are mainly trying to see where your property was in reference to this.

MR. BEYER: Correct.

THE CHAIRWOMAN: Your question has been answered then, right?

MR. BEYER: Yes.

THE CHAIRWOMAN: Okay. All right. Well, thank you for joining us.

MR. BEYER: You're welcome.

MR. KIPP: Okay. I'm going to take the share down.

THE CHAIRWOMAN: Okay. Thank you.

All right, Mr. Blessing, do we have any other members of the public wishing to address the board?

MR. BLESSING: We do not.

THE CHAIRWOMAN: No. Okay. All right, then we will close the public portion.

Mr. Weiner, can you just review for us what the conditions that we went over with the applicant are.

MR. WEINER: Yes, Madam Chairwoman. Should the board ultimately decide to move favorable on this application, there were six conditions that were requested and conditionally agreed to. The first one was with regard to the gravel to the side and rear of the carport; the gravel is to be replaced by grass. Mr. Schramm, is that agreeable?

MR. SCHRAMM: Yes.

MR. WEINER: Second, with regard to the concrete pad, the pavers are to be removed within 2 feet of the property line. Again, confirming; that's agreeable?

MR. SCHRAMM: Yes, they will get cut.

MR. WEINER: Okay. Next condition, items -- all the items in the March 5, 2021, letter of Vincent Sciuto of the township shall be remediated by the applicant prior to the issuance of any permits for the carport; that is agreeable?

MR. SCHRAMM: Yes, and just a foot of soil has been removed as of right now, and, of course, it rained today, but I'm in the process of moving it.

MR. WEINER: Okay, but ultimately, it will be -- it will be done to the satisfaction of Mr. Sciuto or his -- someone from his office.

MR. SCHRAMM: Yes.

MR. WEINER: Okay. Next condition, there's to be no altered grading -- no altered grading will be permitted that negatively impacts the neighbors. It must -- and the grading must be to the satisfaction of the township staff. That's agreeable?

MR. SCHRAMM: The carport, you mean, carport grading or something?

MR. WEINER: The grading along the property line.

MR. SCHRAMM: Yeah, that's fine.

MR. WEINER: That ties into what the member from the public, Mr. Mayo, was talking about.

MR. SCHRAMM: Oh, in the back there? Yeah, sure. Yeah, I agree to.

MR. WEINER: Okay, and then lastly, that a rain barrel shall be placed in the back corner of the carport to complement the down spouting.

MR. SCHRAMM: Yes.

MR. WEINER: Okay. Those were the conditions that we had taken note of, Madam Chairwoman.

THE CHAIRWOMAN: Thank you. Okay. Considering those conditions that the applicant has agreed to, do any of the members of the board wish to make a motion on this application? Miss Papi.

MS. PAPI: Okay. I make a motion that the application Z-21-06 with the six conditions discussed that our board members, you know, be able to vote on tonight.

THE CHAIRWOMAN: So you're motioning to approve with the conditions.

MS. PAPI: Uh-huh.

THE CHAIRWOMAN: Thank you. Do I hear a second from anyone?

MR. PHILIPS: I'll second it.

THE CHAIRWOMAN: Okay. Thank you, Mr. Philips.

Mr. Blessing, can you call the roll.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Sorry, moving off mute, aye.

MR. BLESSING: Mr. Wynter.

MS. PAPI: Muted.

MR. BLESSING: Mr. Wynter.

THE CHAIRWOMAN: Mr. Wynter.

MR. PHILIPS: Is he frozen?

MR. BLESSING: He appears frozen actually. Mr. Zuckerman perhaps.

MR. ZUCKERMAN: Yes.

MR. WEINER: You can come back to Mr. Wynter.

MR. BLESSING: Okay. Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Mr. Philips.

MR. PHILIPS: Yes.

MR. BLESSING: Chairwoman Rampolla.

THE CHAIRWOMAN: I feel like we just got Ivan back. Do you want to ask Ivan for his vote first.

MR. BLESSING: Sure.

THE CHAIRWOMAN: Mr. Wynter, are you back with us?

MS. PAPI: He's on mute.

MR. WYNTER: Yes. I lost connection there for a minute. My vote would be yes.

MR. BLESSING: Okay.

THE CHAIRWOMAN: Thank you.

MR. BLESSING: Madam Chair.

THE CHAIRWOMAN: Okay. Yes. I'm going to vote yes, also, with those conditions. I think they will improve the property and bring it up to code, and so with those conditions, I'm comfortable voting yes.

So, Mr. Schramm, you will hopefully come to meet all of those conditions and then go on to build a carport after meeting those conditions to our staff's satisfaction. So congratulations, Mr. Schramm.

MR. SCHRAMM: Thank you very much.

THE CHAIRWOMAN: Okay. All right.

Thank you. Next we have another application. That would be application Z-21-02, Gulberg Builders, LLC, a proposed new single-family dwelling located at 23 Pine Street, block 140, lot 10.04, in the HR zone.

Who is here to represent Gulberg Builders?

MR. WEINER: Perhaps a second call, Madam Chairwoman? Is there anyone present on behalf of the applicant, Gulberg Builders, LLC, application 21-Z-2?

THE CHAIRWOMAN: Mr. Blessing, do you know who was on the line to join us for that application, or do you know who was sent a link to join the Zoom.

MR. BLESSING: It was Mr. Ali, and I thought I saw his mask moving, but, sir, we don't have any audio coming from you.

THE CHAIRWOMAN: Okay. I see someone waving their hand.

MR. WEINER: They are present.

MR. PHILIPS: It's the two people.

MR. BLESSING: Yes.

THE CHAIRWOMAN: Okay. Okay. Mr. Ali, I don't know if we can hear you. Can you try to say hello so we can see if we're connected. Okay.

MR. BLESSING: He had another log-in as a panelist, which I just promoted, so we'll see if he -- attendee rather. We'll see if he can connect to audio now.

THE CHAIRWOMAN: Okay.

MS. PAPI: He is on. They're right there. There is two gentlemen together. You see them?

MR. PHILIPS: They're not hearing us, Amy.

MR. KIPP: I think they're hearing us, but we can't hear them.

MS. PAPI: Sorry.

THE CHAIRWOMAN: Okay.

MR. KIPP: Mr. Ali, did you try and dial in? Can you dial in on your cell phone?

MS. PAPI: I thought I was bad with all my technical skills.

MR. KIPP: Mr. Fletcher, are you here with this application?

MR. FLETCHER: Yes, I am.

MR. KIPP: Would you like to speak for them or --

MR. FLETCHER: Am I allowed to? I assume --

MR. WEINER: I guess, I mean, Mr. Fletcher, are you one of their witnesses or --

MR. FLETCHER: I'm the engineer and professional planner.

MR. WEINER: You're the engineer and professional planner. Were you planning on doing the majority of the -- or a portion of the testimony?

MR. FLETCHER: Yes, I'll be doing the majority.

MR. WEINER: I mean, you're not the applicant. Normally the applicant would call you and ask you to speak. Perhaps -- I don't know if Mr. Ali can hear us. If you can hear us, can you wave. Mr. Ali, can you wave. Would you like Mr. Fletcher to begin while you're trying to connect? Raise your hand. Okay. We'll take that as a yes. So I think under the circumstances, we can allow Mr. Fletcher to begin. You would have to first state your full name and spell it and state your affiliation under this matter and be sworn in, and then you can give us your CV, all in that order. But before we do that, Madam Chairwoman, the board does have jurisdiction to hear this application.

THE CHAIRWOMAN: Thank you, Mr. Weiner.

Okay, so, Mr. Fletcher, I think you're going to start with your name and affiliation with this application, and then we'll swear you in.

MR. FLETCHER: Very good. My name is Paul J. Fletcher. I'm the engineer and planner for Gulberg Builders. My company is Fletcher Engineering, Inc.

THE CHAIRWOMAN: Okay.

MR. FLETCHER: Mr. Ali texted me saying that you need to unmute him. I'm not sure if that's

factual. Excuse me. If you'd like to swear me in.

THE CHAIRWOMAN: Yes. Okay, thank you. Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth in reference to this application this evening?

MR. FLETCHER: Absolutely, yes.

THE CHAIRWOMAN: Okay. Thank you, and can you give us your professional background so that we can recognize you as an expert witness on this application.

MR. FLETCHER: Certainly. I'm a graduate of the University of Toronto in engineering. I obtained a bachelor of applied science degree. I'm a licensed professional planner, licensed professional engineer in the State of New Jersey. I'm the principal of Fletcher Engineering, Inc., which was established in 1992. I've been recognized at numerous planning and zoning boards. I believe I've been in front of East Brunswick, but many years ago. I'm very active providing expert testimony in Woodbridge, Edison, Perth Amboy, Piscataway, to name a few.

THE CHAIRWOMAN: Okay. Would anyone like to make a motion to recognize Mr. Fletcher as an expert planner and engineer? Is that --

MR. FLETCHER: That's correct.

THE CHAIRWOMAN: -- correct?

MR. PHILIPS: I'll move Mr. Fletcher.

THE CHAIRWOMAN: Thank you, Mr. Philips. Okay. Mr. Gurevich.

MR. GUREVICH: I just wanted to say as a fellow Torontonian, who's well aware of the University of Toronto, happy to see you here, and I'll motion, too.

THE CHAIRWOMAN: Okay, so you're seconding to recognize him as an expert then?

MR. GUREVICH: Yes.

THE CHAIRWOMAN: Okay. Thanks. Okay, so all in favor of recognizing Mr. Fletcher as an expert planner and engineer for the purposes of this application, say aye. Okay. Any nays? No. Okay. Thank you.

Mr. Fletcher, did we get audio from -- I'm sorry to (inaudible) for a second. Did we actually get audio from the applicant, because it looks like they logged in.

MR. BLESSING: Another member has joined in. They've been -- they appear to have audio access. In fact, there was actually a little feedback so I did have to mute them, but we do

appear now to have the applicant with us.

MR. WEINER: Well, I guess maybe before Mr. Fletcher begins, do we -- maybe we should ask the applicant if they would like to say anything first, or do they want Mr. Fletcher to continue because --

MR. BONK: Yes, we are here. We are here. We've been here. My name is Joseph Bonk. I'm attorney for Gulberg Builders, LLC, the applicant. We are here tonight, and I am going to call two witnesses, Mr. Ali, the owner/member of Gulberg Builders, LLC, and, of course, you've already met Mr. Fletcher. So could I have Mr. Ali please sworn in.

THE CHAIRWOMAN: Okay. Yes. Thank you. Mr. Ali, can you just state and spell your name for us, please.

MR. ALI: Yes.

THE CHAIRWOMAN: Go ahead and state and spell your name for us first.

MR. ALI: It's Khawaja, K-h-a-w-a-j-a; last name is Ali, A-l-i.

THE CHAIRWOMAN: Okay. All right, and you already have your right hand raised. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth in reference to this application this evening?

MR. ALI: Yes.

THE CHAIRWOMAN: Okay. Thank you.

MR. BONK: Okay. All right. Mr. Ali, are you the principal of Gulberg Builders, LLC?

MR. ALI: Yes.

MR. BONK: And is Gulberg Builders, LLC, the owner of 23 Pine Street, East Brunswick?

MR. ALI: Yes.

MR. BONK: And what does that property consist of presently?

MR. ALI: Presently it's a vacant lot, and, you know, we're planning to build a single-family home on it.

MR. BONK: And could you describe the dwelling that you'll be building.

MR. ALI: It's going to be one single-family home, and it will have a garage and a driveway and I think five bedrooms and kitchen, just a regular single-family home. It's a 2,800 -- it's a small home. It's a 26, 2,700-square-foot home.

MR. BONK: And in designing the layout of this dwelling, did you discover the necessity for obtaining some variance?

MR. ALI: At that point when we were designing it, we had no idea that we were going to be running into a variance, but I guess we had to so that's why we are here.

MR. BONK: And what is the variance you are seeking?

MR. ALI: The variance we are seeking is for setback. We are making a retaining wall, which is supposed to be 5 feet away from the property line, but we have no choice because the way the driveway situation is that we have to have it 2 feet from the property line.

MR. BONK: Okay. We will get more into that when we call Mr. Fletcher, but I do want to ask Mr. Ali to respond to Mr. Kipp's letter and confirm that there will be adequate space for two off-street parking stalls on the property.

MR. ALI: Yes, there will be. We will make sure that there is one car can be easily parked into the garage and that we one on the driveway.

MR. BONK: And secondly, you will be aware that your impervious coverage is close to the maximum and that any proposed future improvements you're going to have to seek impervious coverage permits.

MR. ALI: Yes, I do.

MR. BONK: Okay. Okay. I would also now like to call Mr. Fletcher as our next witness. You already qualified him. If he can be sworn in, that would be great.

THE CHAIRWOMAN: Okay.

MR. WEINER: We actually, while it was in silent, we already sworn in -- swore in Mr. Fletcher and qualified him. He has --

MR. BONK: Thank you.

MR. WEINER: -- qualified as both an engineer and planning expert, Mr. Bonk.

MR. BONK: Okay. Mr. Fletcher, are you familiar with this property?

MR. FLETCHER: Yes, I am.

MR. BONK: And could you describe, please, the shape and topography.

MR. FLETCHER: Certainly. Property is known as 23 Pine Street. It is lot 10.04 in block 140. It's located on the southeast side of Pine Street, which is a cul-de-sac. It is 50 feet wide, 125 feet deep, total area of 6,500. The lot, itself, is fully conforming to the HR zone. The applicant proposes a single-family, two-story dwelling to be constructed on this vacant lot.

The property is unique in several ways. First of all, although it's 50 feet wide, it only has 14.56 feet of frontage on Pine Street. Secondly, the topography is such that it drops to a drastically from the road. It's about within 20 feet, it's about 6 feet lower than the road. That necessitated the construction of a retaining wall to be able to have a driveway that could access the garage. The East Brunswick ordinance requires a minimum of 12-foot-wide driveway, and having only 14.56 of frontage means that the retaining wall if it's necessary must be less than the 5 feet from the property line. I believe that this is a -- clearly a C-1 variance would be -- it's a hardship. The land itself, is a hardship to the land to development because of the minimum frontage and the topography.

We did try to design a driveway that would go down and not require a retaining wall, but that was not possible to do it to create a safe driveway would be too steep. So as I mentioned, it's I believe a clear C-1 variance, a hardship. I believe that the board can grant these variances without substantial detriment to the zone plan or the master plan and certainly not to the neighborhood. This will take a vacant piece of land and put it into efficient use.

MR. BONK: So, Mr. Fletcher, you are saying -- presenting to the board your opinion, your professional opinion, that this is a very, very real hardship based on the topography of the property and the shape of the lot, and the alternative -- there's really no alternative to get those two parking spaces off the street and use this driveway with the retaining wall, which we're requesting be permitted to be 2 feet from the side line rather than the required 5 feet.

MR. FLETCHER: That is correct, yes.

MR. BONK: And it will not have a negative impact on the surrounding property values?

MR. FLETCHER: No.

MR. BONK: Nor will it undermine the intent and purpose of the zoning ordinance.

MR. FLETCHER: That is correct. That is my --

MR. BONK: I'm sorry. I have no further questions of this witness. Oh, excuse me, one other thing. In Mr. Kipp's letter, there is something in the bulk chart that we have to correct, has to do with the rear yard measurements, but other than this

retaining wall variance, this application meets all the other bulk requirements of the HR zone?

MR. FLETCHER: Absolutely, yes, and it's -- actually, we will be correcting the zone chart for the front yard and the rear yard setback dimensions, but they're both compliant.

MR. BONK: Now I have no further questions.

MR. PHILIPS: Christine, I have a couple questions.

THE CHAIRWOMAN: Do you mind if -- I think Ms. McGurk wanted to comment. I saw her -- she had that hand icon up in her corner.

MS. MCGURK: Well, just real quick. As stated in my letter, I just wanted to make sure that there's two variances, one for the front yard setback and the side, so if the board were to grant the variances, it would be for both. Thank you.

THE CHAIRWOMAN: Okay.

MR. BONK: Madam, if we could -- we withdrew that front yard variance.

MS. MCGURK: The retaining wall isn't going to be going up to the street property line?

MR. BONK: Yes, you're absolutely right, yes, it's going to go all the way up to the street line, yes. I'm sorry.

MS. MCGURK: Okay.

MR. BONK: There was another variance that was withdrawn.

MS. MCGURK: All right. Thank you.

THE CHAIRWOMAN: Okay, so just to clarify, Ms. McGurk, they're looking for -- they need bulk variances, correct?

MS. MCGURK: The bulk variance for front and side yard setback for the impervious coverage and the accessory structure.

THE CHAIRWOMAN: Okay.

MS. MCGURK: Yes.

THE CHAIRWOMAN: Thank you. Okay, Mr. Philips.

MR. PHILIPS: Yes, I had a couple of questions. I went to the site I guess it was right during that -- right after that snow storm, and it appears that the people in the cul-de-sac that you're in love that spot for all the snow that they drop, because you had to have a 10-foot mound between the street and where you would like to get access. Do you know whether or not that is a township road? Do you know whether or not there's a homeowners association there with regard to that

cul-de-sac or that circle?

MR. BONK: There is a homeowners association. It's the Heritage Village Estate, and when this home is constructed, we will put in the contract for sale that the buyer/homeowner must join the Heritage Village Estates homeowners association.

MR. PHILIPS: Okay, and that would mean that somebody would be looking out to make sure they don't pile all the snow in the driveway.

MR. BONK: I hope so.

MR. PHILIPS: The other question I had was more of a logistics, Mr. Fletcher. There's a significant drop between the ground level at the street and what appears to be ground level of the house. Are you -- is it your intention to build up a large 8-foot at least, 10-foot mound to get access into this garage as opposed to trying to do the herculean task of getting up that driveway in that short a period of time.

MR. FLETCHER: Well, that's the purpose of the retaining wall, so that we can raise the grade from the street to where the garage will be.

MR. PHILIPS: Do you know how high that retaining wall is going to be?

MR. FLETCHER: Six feet.

MR. PHILIPS: Six feet, and then the spot where it goes into what is described with the base of a house, that's where the garage is going to go?

MR. FLETCHER: Yes, on the right side of the house.

MR. PHILIPS: And what's the length of the area that will be considered the driveway?

MR. FLETCHER: It's about 25 feet.

MR. PHILIPS: Okay. That's enough for a car.

MR. FLETCHER: Yes, it is.

MR. PHILIPS: Okay. I don't have any further questions, Miss Rampolla, at this time.

MR. WEINER: Madam Chairwoman, if I may quickly interject.

Mr. Bonk, you had indicated about this homeowners association and that a part of any contract to sell this home once it's constructed that they would be required to join the association. What has the association said about that? Are they interested in adding this new homeowner, and have you gotten any type of written consent, permission, agreement, or anything from them, because it's obviously one issue to say we're going to compel our

party to join, but we have to know whether or not it's been agreed that the other side would accept that.

MR. ALI: We had a Zoom meeting with the association and with their board members, and we presented to them, and they sent us their bylaws and everything also. They told us what the fee is for joining in and stuff, and that's what we will be abiding. I think it's like a \$500 initial application fee and then \$500 per year and that we will write in our contract that that's what our buyer would be paying for that.

MR. WEINER: So, Mr. Bonk, would it be agreeable as a condition to any approval should the board move favorably on this application that the applicant and all successor homeowners -- property owners shall be members of the homeowners -- the adjacent homeowners association?

MR. ALI: Absolutely, yes.

MR. WEINER: And that would run with the land.

MR. ALI: Yes, sir.

MR. WEINER: So, Mr. Bonk, we would ask that that -- I think that would be need to be a deed condition.

MR. BONK: It would be in the deed, yes.

MR. KIPP: Mr. Weiner, this is Keith Kipp. I'm not sure if they would have to file an addendum to the master deed for the condo association, as well, to include that block and lot.

MR. WEINER: Well, I mean, that's something that they're going to have -- the applicant's going to have to work out with the association in order to make that work; however -- and I think that that should be resolved. It shouldn't just be to a successor owner. It should be the applicant joining, as well, because I'd like to see -- I think it would make sense for that to be a condition of approval prior to the building permits that the applicant has joined the association.

MR. ALI: We can certainly do that.

MR. KIPP: Yeah, I agree. I'd just like to make one point on that topic, that Mr. Philips had asked about the snow plowing. That is a public road; however, it's too narrow to accommodate on-street parking, so there are parking restrictions all the way around that portion of Pine Street. In additionally, there's an interior lot that does have on-street parking that is owned and maintained by

the HOA, so if they were to have any additional parking, they would have to park in those HOA spots, and by becoming a member, then the HOA would be fully aware of that and would have to agree to whatever the conditions would be.

MR. WEINER: Just another reason why I would want -- think it would make sense to have that membership completed and resolved prior to the issuance of any building permits.

MR. ALI: Okay.

MR. BONK: That -- we will comply with that.

THE CHAIRWOMAN: Okay. Are there questions from any other board members for the two witnesses?

MR. KIPP: I just have one additional comment, Keith Kipp. Mr. Fletcher, you've done an excellent job in making this work. I commend you. It's a very tight lot, and you did a great job. One concern I do have is that the water service will have to be impacting the HOA lot that's in front on the right-of-way, and I just want to make sure the HOA is aware of that and they're approving that.

Mr. Ali, can you confirm that they're aware of that and they will approve that.

MR. ALI: We had explain it to them, but we will have to get a letter from them, and we will ask them for their approval, and, Mr. Fletcher, as far as I'm concerned, can you ask the question to Mr. Fletcher, also. Can you answer to that question, also, Paul, because you were saying that you have done something to the thing that we may not have to go into the lot.

MR. FLETCHER: We're going into an easement area.

MR. WEINER: If I may also just jump back in, I want to add one more thing regarding the deed. Mr. Bonk, in order to make this work, your client will need to record an amended deed including the restriction language as a condition of this approval because that's how it will run with the land going forward.

MR. BONK: We'll make a deed from Gulberg Builders, LLC, to Gulberg Builders serving the HOA.

MR. WEINER: An amended deed adding the HOA restrictive language that we just discussed, and that would need to be approved by the board attorney prior to being recorded.

MR. BONK: Okay.

THE CHAIRWOMAN: And then --

MR. PHILIPS: Mr. Fletcher, I have one other question.

THE CHAIRWOMAN: One second. Is that an additional condition, though, Mr. Weiner, the concern that Mr. Kipp brought up, that they'll get a letter from the association about --

MR. WEINER: I mean, if Mr. Kipp wants to jump right in; however, my thought is is that if they're going to -- it's a condition that they become a member of the HOA, then they're going to be subject to the rules of the HOA, so that's going to be something the applicant is going to have to be able to work out regarding those parking issues with the HOA; otherwise, they're going to be in violation of the HOA rules and it would be an enforcement issue upon them.

Mr. Kipp, would that -- is that satisfactory, my logic here?

MR. KIPP: It is, and as to Mr. Fletcher's comment that the utility is actually installed over an easement, although it is on HOA property, but I feel that if they became a member of the HOA, then that would obviously be something that the HOA would be aware of and would have a say in, so that's good.

MR. WEINER: And then there were two in the staff report. There were two recommendations, which I'd like to just elaborate on and make sure that these should the board move favorably would be conditions, as well. The first is that the applicant should obtain written permission from the adjacent property owner to tie into the water connection located on their property.

MR. KIPP: That is the HOA we were just discussing.

MR. WEINER: Okay, that's the same. Okay, I wanted to make sure.

MS. MCGURK: I think they're all taken care of with them joining the HOA.

MR. WEINER: And the sanitary sewer lateral installation is the other one. Okay.

MS. MCGURK: Yeah, and they have to replace the sidewalk with like for like --

MR. WEINER: Sidewalk, exactly.

MS. MCGURK: -- joining the HOA pretty much takes care of all of these.

MR. WEINER: HOA takes care -- all bundles together. That's fine.

MR. PHILIPS: Madam Chairperson, I do

have a question of the architect.

THE CHAIRWOMAN: Go ahead.

MR. PHILIPS: Mr. Fletcher, you obviously are aware that this is the historic district, and while this is a brand new home, do you have any indication that you're going to be adhering to what the historic district requires or needs as far as appearance of a home?

MR. FLETCHER: Well, I'm not the architect, but I'm sure Mr. Ali will ensure that --

MR. PHILIPS: Sorry.

MR. FLETCHER: -- accomplished.

MR. PHILIPS: Do we have understanding of that, Mr. Ali?

MR. ALI: Yes, we will follow the -- from the zoning board, you know, whatever the zoning -- per the zoning board, the zoning officer, whatever he says, we will follow and abide by that. Like the front facade of the home, they want us to make any changes, we will make the changes.

MR. WEINER: Mr. Philips -- I'm sorry. I was just going to suggest since you raised the issue and I'll address it to you as well as to the chair, obviously, and our staff. Is there some language that would make the board comfortable as to perhaps the architectural plans aesthetically shall be to the satisfaction of the township staff?

MR. KIPP: I think that works for us.

MS. MCGURK: Yeah.

MR. KIPP: I mean, as far as any -- they would have to comply with any historical zoning codes, which I believe Mr. Ali already stated that he would.

MR. PHILIPS: Thank you.

THE CHAIRWOMAN: Are the -- this might be a question maybe for their planner, but the other homes that are part of that HOA, are they all in that same historic zone?

MR. KIPP: I believe they are. I believe they are because they did have to comply with the sidewalk that is a requirement of that zone. They all have the stamped concrete or asphalt colored stamped sidewalk. So I believe they are part of the historic section.

THE CHAIRWOMAN: Okay. Thank you. I just was wondering if this home sort of matching the aesthetics of the other homes in the -- that are part of the HOA, if that would -- I wanted to make sure they were in the same zone so that the requirements of the zone didn't conflict with it

also matching those other homes in that circle.

MR. KIPP: Yeah, that's a great point, and I think Colleen will see that they do.

THE CHAIRWOMAN: Okay.

MS. MCGURK: Yes. Madam Chair.

THE CHAIRWOMAN: Yes.

MS. MCGURK: I just had one remaining issue with the dwelling and the side yard setback with the proposed stairs. I just wanted to know if they could possibly be reduced in width so that they would not impact the adjacent neighbor and reduce the side yard setback.

MR. ALI: Yes, we will do that. We will do that in the revised architectural drawings.

MS. MCGURK: So what would the proposed width be then?

MR. ALI: Whatever it is, you know, you tell us what it has to be, and we will make it.

MS. MCGURK: I would say -- well --

MR. FLETCHER: We can make the setback to the stairs 5 feet.

MS. MCGURK: Okay.

MR. WEINER: Any particular language you'd like me to add?

MS. MCGURK: Let's see. Okay. Currently, it's 3 feet, so they're willing to increase it another additional 2 feet for a total of 5 feet side yard setback to the proposed stairs and landing.

MR. WEINER: Side yard setback --

MR. PHILIPS: Feet.

MS. MCGURK: Five feet.

MR. WEINER: To be increased -- to be increased to 5 feet at the back yard stairs?

MS. MCGURK: To the stairs and landing.

MR. WEINER: Okay, five feet to the stairs and landing, okay.

MS. MCGURK: Thank you.

MR. WEINER: Got it.

THE CHAIRWOMAN: Okay. Mr. Gurevich.

MR. GUREVICH: I just have two questions maybe before, Colleen, if you could, just in terms of where the proposed unit is over here, and I take a look at -- trying to describe it on the plan -- on the left-hand side where you can see the distance to the fence with that air conditioning unit. I think it's showing 9.4 feet to the home, obviously, a little bit closer based on the air conditioning unit. I'm wondering if that meets our requirements in terms of distance from the property line for both

the home placement and the air conditioning unit over there.

MS. MCGURK: Where is the air conditioning unit? Sorry.

MR. GUREVICH: The AC unit, and there's a marking that says AC unit on the plan, on the boundary survey. It seems like there's a box just to the left of that marking that says AC unit. There's two boxes, one electrical, one marked with an E, the other one, which I'm assuming is an air conditioning unit, and given that the distance right now is showing less than 10 feet to the -- what's it called -- what looks to me like proposed exterior wall of the home.

MS. MCGURK: They need 10 feet to the dwelling, and the AC should be 5 feet.

MR. GUREVICH: So that's my question. Right now it's 9.4 feet to the dwelling, and it seems like the air conditioning unit -- it's hard to tell what the distance, the proposed distance might be -- if that is the proposed placement of that air conditioning unit.

MR. KIPP: I don't see the 9.4 feet. It's 10 foot to the house. There is no -- I'm not sure what you're looking at. That could be an elevation 94.6, but there is no -- the tie has to be 10 feet. The building has to be 10 feet off.

MS. MCGURK: Maybe that's a grade that you're looking at.

MR. GUREVICH: Is that grade? I see --

MS. MCGURK: Grade on the south side of the home, that's a grade marking. It's in a box.

MR. GUREVICH: No, it's not in the box. I'm going to -- I don't know if there's an easy way to show it. It's that marking right here where my finger is. Is that helpful?

MR. KIPP: I can't see that.

MS. MCGURK: I guess that's a survey. I'm looking at the plot plan.

MR. GUREVICH: Well, I mean, this is the only document that I have that I'm going off of.

MR. KIPP: I think that's the next application. We haven't seen that application.

MR. PHILIPS: I think that's this application.

MR. KIPP: That's a different application.

MR. GUREVICH: I apologize, guys.

MS. MCGURK: Leon, it's a moot point.

MS. PAPI: It's not pertaining to this

one.

MR. PHILIPS: Not looking at those people's air conditioning, Leon.

MR. KIPP: I hope that's not getting them in trouble.

MR. GUREVICH: Oh, my goodness. Looking at this thing for quite a while trying to figure out -- okay. I apologize, guys.

MS. MCGURK: That's okay.

THE CHAIRWOMAN: Is there a second question, Leon?

MR. GUREVICH: Not anymore, no.

THE CHAIRWOMAN: Okay. You had said two. Okay, so we're -- all right. Any other board members? Okay. Any other from our professionals?

MS. MCGURK: No, nothing.

MR. KIPP: No. Thank you.

THE CHAIRWOMAN: Okay. All right. Then we can open it up to the public for questions for the two -- our planner/engineer who testified and the owner who testified or comments on this application.

Aaron, are you seeing anyone trying to give comment to the board?

MR. BLESSING: I will promote one to panelist, one Megan Farrell. Give me one moment, please.

THE CHAIRWOMAN: Okay. Okay.

MR. BLESSING: Okay.

THE CHAIRWOMAN: Hello. Okay. All right. Why don't you tell us your name and spell your name for us.

MS. FARRELL: It's Megan Farrell, M-e-g-a-n F-a-r-r-e-l-l.

THE CHAIRWOMAN: Okay, and I can just swear you in so that you can give testimony to the board. If you can raise your right hand and swear to tell the truth, the whole truth, and nothing but the truth regarding this application this evening.

MS. FARRELL: Yes.

THE CHAIRWOMAN: Okay. Thank you. Can you first give us your address.

MS. FARRELL: Yes, my address is 36 Kossman Street, East Brunswick.

THE CHAIRWOMAN: Okay. Do you mind just telling us where that is in relation to this property.

MS. FARRELL: So my property is -- our back yards would be connected.

THE CHAIRWOMAN: Okay. All right. You

can go ahead.

MS. FARRELL: So I'm not sure how long any of you have been on the zoning board, but I purchased -- my husband and I purchased our house in 2013. The person who had flipped our house actually -- the lot that this petitioner is planning to build a home on and my lot were initially one piece that for some reason the board allowed to be split into two poses, so it was initially one lot, and I am here to fight the building of a home on this property. Just the -- you know, there's no property back there now, right. It's just land, and my back yard is already -- with this rain, my kids cannot go out and play with it. It's totally spongy, and so the fact that they want to build a home on there and take away any of the drainage for the neighborhood would be an issue, and then when you bring in the topography of our neighborhood where it's down a very large hill, if you notice -- so the HOA that they're talking about on the cul-de-sac -- I actually have a map. I don't know -- do I have the ability to share my screen or no? It's okay if not. I can just describe it.

THE CHAIRWOMAN: No, you can, but if you're going to present a picture to us, I think we just need to mark it as an exhibit. Is that the case, Mr. Weiner?

MR. WEINER: Yes, we can do that. We can mark that.

THE CHAIRWOMAN: Okay.

MR. WEINER: And we can mark that as P-1 as a member of the public. If you can identify it again.

MS. FARRELL: So it's just a -- I'm trying to get it to load. It was showing the terrain, just like a basic terrain lift. It's from Google Maps. It's pretty basic, but for some reason --

MR. WEINER: Google Maps terrain photo?

MS. FARRELL: Yeah. I'm just trying to get it to reload correctly because before you could see -- oh, yeah, that's better. Okay.

MR. WEINER: I just want to identify it so in the record we know what you're talking about.

MS. FARRELL: Yeah. It's just a simple terrain map.

THE CHAIRWOMAN: And this is taken off of their -- this is a live terrain map, or this is -- you've taken this off their update.

MS. FARRELL: This is a live terrain map just on Google Maps right now.

THE CHAIRWOMAN: Okay. Thanks.

MR. KIPP: All right, Miss Farrell, when you're done sharing, you have to announce that you're done sharing your screen so that we don't broadcast to EBTv, okay?

MS. FARRELL: Okay. All right.

MR. KIPP: Thank you.

MS. FARRELL: I'm used to Google Meets so I don't -- I don't -- okay.

MS. MCGURK: Madam Chair.

THE CHAIRWOMAN: Yes.

MS. MCGURK: If I could just clarify something for this application, this application is before the board for a few bulk variances, not for the actual single-family dwelling. That is a permitted use on this lot. So just keep that in mind.

MS. FARRELL: Okay, so then, I mean, the variances -- so having something that close to the property line, there's concerns with it causing additional flooding for an area that already floods. I'll just ignore my map then if this proceeds and then I'll just bring it to the next board meeting. I'm not sure who the other person is that signed in to come here, but we do have several elderly members in our community who don't know how to work the technology to come into the meetings, but the property owner that would be at the side yard -- I guess it would be the variance for the front, they already experience some flooding issues with their basement. There's a concern from them that this would cause additional issues. Her son-in-law was interested in getting -- potentially checking where the water table was, getting soil absorption samples before any variances were changed if you were going to build something that close to the property line. Yeah, so there's just a big concern that having this so close to the property line would really impact adequate drainage, somebody that was already discussed in this meeting with gravel, let alone with an entire property. So just a concern that it's going to cause major flooding issues in an area that already has issues during the rain time that's very close -- this property is very close to a flood zone, and that it could cause some severe problems for the people who live downhill from this property.

MR. WEINER: Miss Farrell, if I may just step in for a second, I want to make sure that you and any other members of the public who may be listening or watching understand that the

application is on for this evening, and you mentioned that you had thought that perhaps other folks might be gathering some information or so forth, as you just said. It needs to be understood that the application is on tonight, and if any member of the public wanted to offer that or whatever, this is the opportunity. There's no guarantee that this meeting is going to continue beyond tonight. If the applicant has closed their application, once the public portion is over, the next step would be for this board to consider a vote, whether it's a vote for or a vote against, but nonetheless a vote for the application. So if there's something that you had and you wanted to introduce it -- you mentioned the exhibit -- and by no means -- we labeled it already, but you've never submitted it. If you want to show it to the board, you certainly can. No one is telling you not to. But what Ms. McGurk is explaining is that the only items that the board is really considering are the items for the particular variances, which are for accessory structures basically, the retaining wall and the porch and stairs and how they relate. If those items weren't included in this plan, the applicant wouldn't be before this board for the building of the house, itself, because the house is a conforming house for this zone based on the size and its location and the lot. All they would have to do is go to the building department and get their building permits. The board would have no say on it. So the board's only interest in this application is for the variances that are at question; however, if there's information that you want to present to the board, this is the opportunity to do so.

MS. FARRELL: So what I was asking is has there been, like, a soil test in order to make sure that there won't be a negative impact. Has there been an assessment of where the water table is. I mean, I know that we have -- I'm sorry I forget your name -- Mr. Fletcher here, who is the engineer, who says, you know, it's not going to cause any issues, but I personally don't -- I guess I'm not an engineer. I don't know if I --

MR. WEINER: Those are questions that are geared to the applicant, and it might be a good idea if Mr. Bonk would want one of his witnesses to respond to those questions.

MR. BONK: Mr. Fletcher, can you please respond to that.

MR. FLETCHER: Yes. By installing the retaining wall, we're able to direct that portion from the house forward to flow towards the -- to Pine Street and to the storm sewer system that's right in front of the next door property. We will as much as possible try to direct the roof leaders also in that same direction. So it's really just the -- it's the grassed area around in the rear of the house that will continue to flow towards the rear. If we're able to get all the roof leaders to the storm system, which we will attempt to do, I think that that would actually increase or improve the situation on the property to the rear.

MS. FARRELL: So I guess I'm confused as to how if the retaining wall is going to be built in order to level out the land, how that's going to direct water into a drainage system that's at level, right. If it's meant to make the property accessible, how is that going to drive the water level and not --

MR. FLETCHER: Well, you would agree that right now basically from the sidewalk on Pine Street, the water flows to the rear because of the topography. By putting a retaining wall and raising that area, we're actually producing a slope away from the house of 2 percent towards the front.

MS. FARRELL: There's a drain there now, I believe, like a sewer drain. Is that going to be replaced and --

MR. FLETCHER: We're not replacing any of the storm sewer infrastructure in the streets, but we will take advantage of it.

MS. FARRELL: So if something has to be removed, it's not going to be replaced.

MR. FLETCHER: We don't have to remove it.

MR. BONK: And, Mr. Fletcher, may I ask you this question. Would the construction of the driveway with the 2 percent slope toward the street, would that actually remove some of the surface water from the property?

MR. FLETCHER: Yes.

MS. FARRELL: I don't see how it will remove any surface water from the property because it's remove -- if the plan is to build a structure there eventually -- I know you're talking about the retaining wall -- if it's a retaining wall, itself, it's not doing --

MR. FLETCHER: Well, you have to understand, the retaining wall -- the purpose of the

retaining wall is so that we can raise the grade, so we will then reverse the direction of flow. Instead of flowing to your property, it will flow towards Pine Street.

MS. FARRELL: Is there a way to get any kind of assurances that if we do endure property damage or anything like that, if our back yard begins to flood or anything like that, that we have protections, that you will -- that your property owner will install drainage that will mitigate any issues that are caused by this construction of a retaining wall, or any of the surrounding property owners?

MR. WEINER: If I may, I might, I just have a thought, and I want to run this by -- obviously I want Ms. Farrell to hear it based on her concerns as well as Mr. Fletcher and the applicant and counsel. Is it possible that a condition could be inserted, should the board decide to move favorably on this application, that all water flow -- addressing the water flow from the house to the satisfaction of the township's professional staff?

MR. FLETCHER: That would be acceptable.

MR. WEINER: And, Mr. -- Miss Farrell, so basically what that's saying is that the township's planning and engineering staff, the professional staff of the township, would have to be satisfied as to the water flow, where it's flowing in the direction and so forth, to come in and look at that as opposed to leaving it to just the applicant. So if the applicant does something and the township staff is not happy with it because they think it may be pouring onto a neighboring property or something, they could say, no, we're not letting you build until this is taken care of.

MS. FARRELL: Is there a way that the other property owners and myself could be notified of that so that we can attend and witness and also --

MR. WEINER: There's no meeting for that. That's all done in the -- that's done in the process of the permitting process, and the building and other inspectors of the township go out and view the property at different stages. And I'll let Ms. McGurk jump in because that's more of her field of expertise on how that works practically, the stages and so forth, but there's no public meeting for that.

Colleen, do you just want to add anything on that to clarify.

MS. MCGURK: It would be an internal review. If this application were to be approved as it is with these conditions, they would then submit to the building department their construction plans, and prior to any approval by the construction department, they would be reviewed by planning and engineering, and we make certain that all these conditions are met, and we would look at the water flow and make certain that it's not going to have any negative impacts on the surrounding dwellings and properties. We also always recommend -- while I'm sure the applicant has, you know, the slope of the driveway going to the sewer system, we also do like to encourage green infrastructure, things like rain barrels or any kind of rain gardens or bioswales, so keep that in mind when you're doing your design. Thank you.

MR. KIPP: And, Mr. Weiner, if I may add, I agree with Mr. Fletcher, and, Miss Farrell, I know it's really hard to envision right now because of the way the property does slope to the back, but if as a condition they agree to put all roof leaders into that storm sewer system in the front, then technically all the impervious would be going out to Pine Street or into the storm drainage system, and technically, the conditions of that lot would improve. The drainage would be better because there would be less surface area to run to the back, and I think that's the important point, Mr. Weiner, that that condition should be put in, that the roof leaders must tie into the storm sewer system. I think that would be --

MR. WEINER: Putting that down right now.

MR. PHILIPS: I think that's what we were discussing earlier, make sure we can get all that water off the property to the front.

MS. FARRELL: Will there be -- this report that's done by the township staff, the engineers, will that be available to the public? Will that be presented? Or is there a way that, you know, that can be evaluated by the other members of the --

MR. WEINER: The answer to that is there's no public hearing or single date or time; however, those type of documents are public record, and any member of the public can -- COVID related there may be certain steps to go to visit or to view things, but ultimately, those are public records that members of the public have an opportunity --

while following the proper rules as how to do it can go view those documents and see them or get copies of them.

MS. FARRELL: Okay. So I know that there's not, you know, you explained that there's not a specific, like, date or time or something where we can attend. Is there -- when this inspection does happen, if it happens, if this moves forward, are the people in the community that were notified by this meeting notified when that was done so that they can look? Is there, like, a timeline that I should expect where I can go access these public records --

MR. WEINER: Unfortunately not, because there's no meeting or anything like that where you're going to get a notice. That would be to be the onus ultimately on any interested party would need to reach out to the township and keep track yourself as to when these things are going on. It might be a good idea, again, if this were approved -- no one is approving this yet. It hasn't been brought to a vote and no motion has even been made, but following that hypothetical, should it be approved, once it's done, then that would be, you know, using you by example, if you wanted to find out, the best thing to do would be to reach out to the township, probably through either the construction department or the engineering department, and ask for the status what's going on, and if you find out that things are submitted or not, you can then make an appointment to go down and look into it if you chose to do so, but there's no announcement for that.

MS. FARRELL: Okay. Thank you.

THE CHAIRWOMAN: All of your questions answered, Miss Farrell?

MS. FARRELL: You know, the other comments that I had were more closely connected with issues regarding construction, and some of those were actually already mentioned by, like, the narrowness of the road and other things by members of the -- sorry -- members of the zoning committee, zoning board, so, yeah, I think that those are questions that I already have prepared for if this is approved.

THE CHAIRWOMAN: Okay. Thank you for coming and sharing information with us. We appreciate it.

MS. FARRELL: Thank you.

THE CHAIRWOMAN: Okay. Aaron, did you

say that there was a second member of the public that wished to speak to the board?

MR. BLESSING: In fact, we have more, but I will promote the next attendee to a panelist. That would be one Glen Bowman.

THE CHAIRWOMAN: Okay, Mr. Bowman, you are muted. If you're able to unmute yourself. If you have video, if you're able to join us by video, that would be great, or let us know that you're not able to do that.

MR. BOWMAN: I should be able to do that.

THE CHAIRWOMAN: Okay. There you are. Okay. Can you state and spell your name for us first.

MR. BOWMAN: Name is Glen Bowman, B-o-w-m-a-n. Represent my family as the 7 Walnut Street.

THE CHAIRWOMAN: Okay. I'm sorry to interrupt you, but I need to swear you in first before we can hear your testimony. So if you wouldn't mind raising your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth regarding this application this evening?

MR. BOWMAN: Yes, I do.

THE CHAIRWOMAN: Thank you. Okay. If you can go ahead and tell us your address now and start with that.

MR. BOWMAN: Okay. We reside at 7 Walnut Street.

THE CHAIRWOMAN: Okay.

MR. BOWMAN: I'm also here with my neighbor. She's 8 Walnut Street. Our properties are to the east of -- the east border where this retaining wall is being built.

When they -- as Mr. Fletcher said, when they built the Heritage Village project, they raised Pine Street 6 feet, built a retaining wall, and it altered the water, you know. We had, you know, water in our basements and everything because they had raised Pine Street above what the natural grade of the land was. So when they also -- when they put that wall in, they landlocked this piece of property that they're building on now, and from what you see, they engineered a way to build a peninsula out to extend that retaining wall now adjacent to our property and adjacent to the Chestnut Street property and the 36 Kossman Street. So what I think is happening is the water level is going to be extended out further now and cause us more problems

with drainage and problems in our basement, and it's just -- I wish Mr. Philips, when he came to visit the property, he would have come down to the Walnut Street side and down on the Kossman Street side because it is a drop, and this is not a building lot. There is no utility access. The only way they can build there is to raise it 6 feet.

So I would ask Mr. Fletcher, too, with the ground floor, what's the elevation of the ground floor that they're building this 2,600-square-foot house literally higher than our house. It's just a shoe horn construction project that just doesn't fit the area and doesn't -- like I said, it's not a building lot. It's -- it should have never been subdivided from the Kossman Street property.

MS. MCGURK: Madam Chair.

THE CHAIRWOMAN: Yes.

MS. MCGURK: I just want to clarify again, since this was legitimately subdivided and it is a buildable lot, the house does meet all of the setbacks, the building lot coverage, the impervious coverage. What the board hears -- is hearing tonight is bulk variances regarding the retaining wall and the landing and stairs. Other than that, it's a permitted use and the dwelling could be built without any need for being at the board. They would simply have gone for a building permit.

MS. PAPI: Madam Chair.

THE CHAIRWOMAN: Yes, Miss Papi.

MS. PAPI: I wasn't even going to ask the question, but listening to all this water issues, are the homes required to have sump pumps? Or that wasn't a requirement?

MR. BOWMAN: We never needed a sump pump until they built the 6-foot retaining wall behind our house.

MS. PAPI: Okay, so the sump pumps are not of any use or, you know, helpful?

MR. BOWMAN: No, they're of use now. We had to install one.

MS. PAPI: I just wanted to know that things were being -- because as I'm familiar with associations, and I know those are things that they would have to address being that you're members, and they have liability issues, et cetera, so I'm just concerned.

MR. BOWMAN: We're the original -- this house has been here for 60 years. My neighbors, all the houses below Pine Street, were here for more than 60 years. The Pine Street -- the homeowners

association, the Pine Street project was built from -- there used to be a brick factory there, and the land was sloping down behind our house.

MS. PAPI: Thank you.

MR. BOWMAN: We never had an issue until they raised the elevation behind us, and I think this is just going to make it worse, and this is 2 feet from our boundary, and we'll be bounded now by a 6-foot retaining wall both to the north and now to the west of our property, and we'll probably just have this house's basement sticking out as a wall, too, to make the grade, the 6-foot grade. It's -- like I said, it's never considered a building lot once they put up the retaining wall and got rid of Pine Street.

THE CHAIRWOMAN: Okay. Thank you, Mr. Bowman. We hear the comments that you're sharing with us.

MR. BOWMAN: Is there any way that we could invite the engineer down here to see our view of the project because if Heritage Village -- what I look to the north, those houses are probably 20 feet higher roof levels than we have here. We're at their basement level because --

THE CHAIRWOMAN: Yeah, our township professionals go out and then make recommendations back to us as board members based on their assessment of the -- what Ms. McGurk was explaining was that what we're looking at is not whether this house can be built here. We're looking specifically at the variances that they're asking for in this case, that retaining wall so that they can have a driveway there, and I think some of the testimony that we've heard was that this will divert the water in a different direction from where you've explained your home is located.

Thank you. Was there anything additional you wanted to add?

MR. BOWMAN: No.

THE CHAIRWOMAN: Other than the concerns about the grading that you brought up.

MR. BOWMAN: Well, this is our first opportunity to try to stop this from happening. If -- when this went to the board or whoever went to make that a building lot to see if it's a viable building lot, we weren't notified at all. So we're trying to use the zoning board as -- you let us know that this was happening. We'd like to voice our opinion, and I'm sure the neighbors in Walnut Street, Kossman Street, and Chestnut Street, are all

against it. Even people from Heritage have said that they don't want to see a house built there.

MR. WEINER: Mr. Bowman, if I may, it's just -- as I indicated to Miss Farrell earlier, the opportunity to be heard, which is why the parties all within 200 feet of the property are sent notices and why there's a notice published in the newspaper of record, is for this hearing, and this is the opportunity for the members of the public and those who are concerned and who are notified or otherwise have an interest to be heard. This is the opportunity, unfortunately. When -- if you had things or want -- or people, other people wanted to be heard, this is the opportunity to attend and so forth. There's not -- there's not a successive -- a successor date to come down. This is the opportunity. Just as you're here, everyone else who had an interest, this was and is their opportunity this evening.

MR. BOWMAN: So this is within 2 feet of my line, so I'm voicing my opinion that, no, I don't approve of that to have that retaining wall 2 feet from my property.

MR. WEINER: Thank you.

THE CHAIRWOMAN: All right. Thank you for your testimony, Mr. Bowman.

Aaron, did we have -- can you tell me about how many people you're seeing that want to speak.

MR. BLESSING: Well, we have two additional attendees, and I should mention that the previous attendee has also raised their hand again.

THE CHAIRWOMAN: Okay. They've already used their time to speak.

MR. BLESSING: Yes. Very well.

THE CHAIRWOMAN: But I would say we did let these two members of the public go on for a bit more than we normally would, so I would ask the next two members of the public that are coming up to speak if they're just reiterating points that the other two members spoke of to just -- maybe they can just let us know that they're supporting what they -- the issue that they mentioned and then, you know, bring any new testimony to us.

Okay, so who do you have next?

MR. BLESSING: Next we have Hugh McCulloch. Never mind. He has lowered his hand. We have Melissa, no last name.

THE CHAIRWOMAN: Okay. Okay, Melissa, if you can unmute and if you're able to share a

video.

MR. HUNTER: Yes. Hello. How are you?

THE CHAIRWOMAN: Hello. If you can state and spell your name for us to start.

MR. HUNTER: Yes, my name is William Hunter, W-i-l-l-i-a-m H-u-n-t-e-r.

THE CHAIRWOMAN: Thank you, and if you can raise your right hand, I'm going to ask if you can swear to tell the truth, the whole truth, and nothing but the truth regarding this application tonight.

MR. HUNTER: Yes, I swear.

THE CHAIRWOMAN: Thank you. Okay. If you'd tell us your address and where your property is in relation to this property that's being discussed.

MR. HUNTER: Okay, yes. My address is 24 Chestnut Street, and our property lines meet on the right-hand side of this proposed house, and we're going to be having most of that retaining wall along our property line. We're going to have -- if you're facing his new house, we're on the right-hand side, so if you're facing the driveway, we're on the right-hand side.

THE CHAIRWOMAN: You're facing the drive -- okay. Does your property wrap around the back of this property?

MR. HUNTER: Goes along the entire side of it, the entire right -- their entire right-hand side is shared by our entire left-hand side.

THE CHAIRWOMAN: Okay. Okay.

MR. HUNTER: And our concern is the same thing, is water, because already the water flows down pretty good and all pools in our driveway, you know, and we think that if this retaining wall is that big, it's going to just make all the -- because if you came to our area over here, you see that the entire piece of this neighborhood is on a slant, and it's actually all going right towards my house and Miss Farrell's house. We're kind of like our house is where it flattens out so water runs right down and stops at our house, but it gets in her house and it gets in our driveway bad, sometimes a foot deep of water. It's been like that for a long time. So we're just worried if they put this retaining wall here, it's going to make almost like a dam. It's going to go right around right into my driveway, right down Miss Bowman's yard or into her yard or the other guy on the other side -- I don't know his

name -- but if you, you know, if you look at the way this is proposed, it is going to make a block, and the water is going to go just around the block to our driveway, our property lines. And also is 2 feet is supposed to be 5 feet. That's why he needs a variance. The retaining wall is supposed to be 5 feet. That's why he's getting a variance for the 2. Also worried about how, you know, it's going to be a rock cliff there and how he's going to be able to get leaves out of that little 2-foot spot, and vegetation is overgrown. It's going to be kind of a hazard to keep that clean in there when it's only 2 feet, you know.

So I'm just concerned about mainly the water because we already get a pretty good puddle in the driveway already without that being there, you know what I mean. So that's really concern. We, you know, if there's any other way to do it, I'd be all for that. The way you have it proposed now I'm not sure I agree with because I think it's going to cause a flooding issue. That's all really what I had to say.

THE CHAIRWOMAN: Thank you, Mr. Hunter.

Miss McGurk, to your -- in your opinion, what they're -- what the applicant's proposing to bring the water flow the direction that they're bringing, would it also divert the water away from Mr. Hunter's property?

MS. MCGURK: I would definitely refer that question to the engineer. Sorry.

THE CHAIRWOMAN: Okay.

MS. MCGURK: But, I mean, it is something that if this application wasn't before the board and this came just for a building permit, our in-house engineers would look at this and make certain that there is no negative impact to the adjacent property owners, but if the applicant wants to present engineering testimony, that would be a good idea.

THE CHAIRWOMAN: Okay.

MR. GUREVICH: Madam Chairperson, would it be possible to -- do we have any exhibit to show the layout and the positioning of the various speakers to this property to just understand what we're talking about in terms of --

MR. WEINER: Mr. Gurevich, we have to be careful because the application is that of the applicant, not of the board. So we would ask if the applicant has an exhibit -- yeah, or if a member of the public has their own exhibit, but the board

can't --

MR. GUREVICH: That's exactly my question. It's very hard to --

MR. WEINER: You know what I'm saying, can't go in that direction necessarily. So I know that Ms. McGurk had indicated that perhaps the applicant wants to address it by way of their engineering expert, who is present tonight, and we haven't seen any indication from the applicant's counsel or the engineer about whether they want to address anything or not.

MR. BONK: Let me get into this right now then. Mr. Fletcher, could you describe for the board and the member of the public what impact having all the roof leaders entering into -- toward the street storm sewer as well as having the driveway -- and the -- yes, and the retaining wall being installed, will that decrease the amount of water that -- surface water that accumulates on that property.

MR. FLETCHER: Yes, as I had mentioned and I believe as one of the conditions if this application is approved is that we will be not only directing the impervious driveway towards the Pine Street storm system, but we will be connecting the roof leaders. The house is approximately 25 percent of the lot area. Let's say there's another 10 or 15 percent, so probably 40 percent of the surface area of the lot that currently drains to the rear will be eliminated, and that area will be drained to the existing storm system. So if anything, the construction of this house I believe will reduce any flooding that is occurring. It certainly won't exacerbate it.

MR. GUREVICH: I guess it's very hard for me to understand what that looks like just envisioning it based on -- and listening to the testimony of the people. Again, from my perspective, it would be nice to have a visual to explain what it is that we're trying to envision here in our minds. That's just my personal view on this. I understand and respect the testimony and, you know, certainly respect comment that's being made. It's just hard to envision relative to the other comments from the public who are here.

THE CHAIRWOMAN: Okay. Well, I think we've heard Mr. Fletcher's response to the question or the concerns that Mr. Hunter brought up and your questions, Mr. Gurevich.

Okay. Aaron, do we have another member

of the public wishing to speak? Yes.

MR. BLESSING: Yes, one had raised their hand again. Hugh McCulloch.

THE CHAIRWOMAN: Okay, Mr. McCulloch. Okay, you're muted, Mr. McCulloch. If you could unmute yourself and hopefully turn your video on or let us know if you're you be able to do that, unable to turn on --

MR. McCULLOCH: Can you hear me?

THE CHAIRWOMAN: We can. Are you able to use video also or just --

MR. McCULLOCH: Yeah, I've got a laptop set up here and my cell phone. I'm going back and forth.

THE CHAIRWOMAN: Okay.

MR. McCULLOCH: Forgive me. As long as you can hear me, that's good.

THE CHAIRWOMAN: Okay. Well, I need you to just state and spell your name for the record.

MR. McCULLOCH: Okay. Hugh McCulloch, H-u-g-h; McCulloch, M-c-c-u-l-l-o-c-h.

THE CHAIRWOMAN: Okay. Thank you. Because I can't see you, I just need you to tell me that you're raising your right hand.

MR. McCULLOCH: I'm raising my right hand.

THE CHAIRWOMAN: Okay, and do you solemnly swear to tell the truth, the whole truth, and nothing but the truth in regards to that application tonight?

MR. McCULLOCH: Yes, I do.

THE CHAIRWOMAN: Okay. Thank you. Can you start with telling me your address -- telling the board your address.

MR. McCULLOCH: Yeah, I live --

THE CHAIRWOMAN: Go ahead.

MR. McCULLOCH: I live 72 Central Avenue, and my relationship to that area down there is my mother-in-law, who lives at 7 Walnut Street, which is adjacent to the left side of the applicant's home.

THE CHAIRWOMAN: Okay.

MR. McCULLOCH: Thank you, everybody. So everybody's concern tonight obviously is what's the impact to the impervious coverage. I think that, you know, you start to begin to think about, you know, what if you put a patio in the back. What if you put a pool in the back. You know, Mr. Fletcher, does that then start to tip the scales in some way relative to the total footprint of the

impervious nature of the project, right. But having said that, I think that the -- the discussion that you brought forward, Mr. Fletcher, about this being a -- and I apologize if it's not accurate -- but a C-1 hardship application; do I have that correct?

MR. FLETCHER: Yes, that's correct.

MR. McCULLOCH: Okay, so it seems to me -- I'm just a little confused because it seems to me that the applicant failed to secure a buyer for his entire property and voluntarily -- and voluntarily subdivided it at the end of the day, and now it's being consumed as a hardship. So I'm a little confused on how the applicant comes forward and files as a hardship. So that's just something I wanted to point out.

The other thing --

MR. BONK: Excuse me, sir, excuse me. Do I have to -- Madam Chair, do I have to correct that?

THE CHAIRWOMAN: Yes, you -- well, I mean, you can --

MR. BONK: That is incorrect. We did not subdivide this property. This property has been purchased by my client subdivided. He has met all impervious coverage requirements. In fact, less. We were not near the impervious ceiling, if you will. We've met all the bulk requirements, and this is the fourth time we're hearing about drainage after we're willing to put all of the roof leaders to the street and also have the driveway pick up water to send to the -- send to the street, also, and you've heard Mr. Fletcher.

MR. McCULLOCH: Well, then you didn't listen very closely because if you listened about the remediation efforts that took place with the previous development on Pine Street that was constructed years ago, they said the very same things that you're saying now, giving us the reassurance that there were going to be no impacts to flooding. Now my 89-year-old mother-in-law, who at the end of the day, I don't want her to have additional health conditions related to, you know, mold in a damp basement. You're asking me to invest in the same kind of, you know, agreements that they forced on us or forced on my mother-in-law's property years ago and she now has water. So these are valid concerns.

MR. BONK: I have no knowledge about those --

MR. McCULLOCH: Well, maybe someone

should look back at that remediation effort when that development up there was put in. Just pointing that out, and I'm looking for clarification on what this quote/unquote hardship is.

Finally, the last thing I'll say is -- and, Mr. Fletcher, you brought this forward, and that is you said -- you made a statement and you said the property values will not decline. Can you tell me where you get that expertise to ensure us that the property values won't go down in lieu of the variances that are required to put the structure in there.

MR. FLETCHER: Well, I believe the variances are minor in nature, and generally, when a new home goes into a neighborhood, it does not harm the value of the properties.

I'd like to address something else you mentioned. You were concerned about going forward, what about patios, pools. In the township report, the planning and engineering report, they pointed out that we're at 37 percent of the maximum permitted coverage by impervious. There's only 221 square feet of coverage allowed before we would exceed or any future homeowner would exceed the maximum. If that were to happen, if they were to want to put a pool or a large patio, they would be back at the board and you would be notified, so you will have the opportunity at that time if somebody wanted to put more impervious than is allowed.

MR. McCULLOCH: I appreciate that response. That clears things up for me in that regard, but I'll go back to something else that you said earlier and then I'll close it out. You indicated that you wanted to move the flow of water in a direction that would alleviate any concerns about water tables moving or -- and I'm using my own words now, right, drainage patterns, et cetera, et cetera. Are you a hundred percent confident that the methods that you're going to use to redirect the water with the downspouts, et cetera, is going to be a hundred percent in terms of it not changing any water patterns or flow patterns that might come onto the adjacent property where we're already experiencing a dampness in the basement?

MR. FLETCHER: I'm a hundred percent sure that we will not exacerbate the situation. If you have drainage problems, we're not going to cure them, but we're certainly not going to make them worse, and we will be taking some of the water that flows off of this property now and directly --

putting it directly into the storm sewer system.

MR. McCULLOCH: Right. So I'll just close with this then. I appreciate everybody's comments. The last thing, as a suggestion or a recommendation if at all possible to be considered, and I don't know whether it meets any legal requirements or not, but is there anyway the applicant could put monies in escrow for a period of time in the event that runoff should impact the water table to the degree where we do get increased flooding over a given period?

MR. WEINER: The answer to that is that's not something the board can mandate or seek.

MR. McCULLOCH: Okay. All right. Then I thank you for your time.

THE CHAIRWOMAN: Okay. Thank you, Mr. McCulloch.

Okay, Aaron, is there anyone else from the public wishing to speak?

MR. BLESSING: There is none.

THE CHAIRWOMAN: Okay. Thank you. All right. We do really value the input that we get from members of the public. I appreciate everyone that came to speak.

Mr. Weiner, so I think can you -- I think we're at the point maybe where we need to hear from you the conditions that we previously heard --

MR. WEINER: Madam Chairwoman, if I may, I also just want to, you know, remind you. There was some questions, not just from the public but from members of the board, seeking information during the process, and that all just -- that all comes into play in your evaluation of the burdens that the applicant has on this application when you make your consideration, just like any application, on whether you feel that you have been satisfied that the applicant has made their burden.

That being said, the applicant has during the course of this hearing indicated that should the board ultimately move -- consider voting in favor of approving this application that they would agree to be subject to subject -- certain conditions, which I am going to go over with.

The first condition, the applicant and any successor property owners shall become members of the neighboring homeowners association prior to building permits being issued, and it shall be a requirement -- and the requirement shall be a deed restriction running with the property, and that shall include the applicant must file an amended

deed to be recorded, which will be subject to the approval of the board attorney prior to its recordation in the county land records. Is that agreeable, Mr. Bonk?

MR. BONK: Yes, it is.

MR. WEINER: Second condition was the architectural plan aesthetics are to be to the satisfaction of the township staff. Is that agreeable?

MR. BONK: Yes, it is.

MR. WEINER: Okay. The next condition, the side yard setback to be increased to 5 feet to the stairs and landing. Is that acceptable?

MR. BONK: That is acceptable.

MR. WEINER: Okay. The next condition, the water flow shall have no negative impact to surrounding properties and water flow plan to be approved by township staff.

MR. BONK: Yes.

MR. WEINER: Is that acceptable.

MR. BONK: Yes.

MR. WEINER: Okay. Next condition, all roof leaders must tie into the stormwater system. Is that acceptable?

MR. BONK: Yes.

MR. WEINER: Those were the additional conditions on this matter, and let me just double check, make sure I've covered them all and there was nothing else in Ms. McGurk and Mr. Kipp's memorandum. I think we addressed everything.

Colleen, is there anything else from your memorandum that I'm not addressing?

MS. MCGURK: No. Joining the HOA took care of most of the issues, and then the increase in the side yard setback satisfied everything for me.

MR. WEINER: There were a couple of -- there was a memoranda from the code enforcement officer. I just want to make sure that that is being addressed to the board's satisfaction and to the township's satisfaction. If --

MR. BONK: Sir, I believe that was -- I believe that submission was on Mr. Hunter's property, adjoining property.

MR. WEINER: That wasn't on your property.

MR. BONK: No, sir.

MR. WEINER: Okay.

MR. PHILIPS: That was a revision, Jay.

MS. MCGURK: Code enforcement had no comment.

MR. WEINER: Okay.

MR. PHILIPS: That was changed.

MR. WEINER: Okay. Thank you. Miss Rampolla, that -- Madam Chairwoman, that is the conditions that I have.

THE CHAIRWOMAN: Thank you.

MR. PHILIPS: Madam Chairwoman, if I can just ask a question of staff.

THE CHAIRWOMAN: Okay.

MR. PHILIPS: Do we know where the catch basin is on Pine? Can either one of us identify where that is.

MR. KIPP: Yes, the catch basin as you drive into the -- approach the driveway from Pine Street, it's directly to the right of the property, and additionally, that catch basin leads to an easement in front of the property with a manhole, and it ultimately heads out into the South River. So that gives them many opportunities to tie the roof leader system in.

MR. PHILIPS: Okay, so it's not that -- it's a very short run from the proposed driveway to the catch basin for -- that's sitting on Pine Street.

MR. KIPP: Yes, indeed.

MR. PHILIPS: Okay. Thank you.

MR. KIPP: You're welcome, Steve.

THE CHAIRWOMAN: Yes, Miss Papi. You're muted.

MS. PAPI: Yeah, prior to voting, if we are going to vote this evening, I would just like to comment that I am so concerned about everyone questioning water damage and the water issue, but I also would like to insert that when you are part of an association and a homeowners, you have to obtain homeowners insurance, including association insurance, and if you have water issues, you would not even be able to carry a homeowners policy. So although they're talking about all this water that's been there years and before, et cetera, et cetera, obviously, they carry insurance that most likely isn't causing, if you will, water damage, all right.

And the other thing is that I believe from listening to everyone is that this home and all the things that you're addressing, I think it's going to be a help to the water issue for all of them because it's taking some of the issues they're discussing and removing it. So I just wanted to say that before if we're going to vote for this application.

THE CHAIRWOMAN: Okay. With that, would any of the board members like to make a motion on this application? Can we hear a motion either in favor or moving it or not moving it. Miss Papi.

MS. PAPI: Well, having said what I said, okay, and hearing what everybody said this evening, my feelings are that understanding that the water issues are being addressed, okay, to please the neighbors, because they came forward, and, of course, we want to make everyone happy. I wouldn't want to vote on something that would not please and make, you know, the neighbors and the residents of East Brunswick happy, but I really, truly believe that it's not about not being able to build the home on the property because the property is -- was there to be sold and to have a home built. The question is their feeling is that this wall is going to create additional water issues, and I think that all the questions I feel as a board member are being answered, okay, and I know that the applicant will abide by all the recommendations that have been discussed and put forth. I am voting yes.

MR. WEINER: Before we can vote, Miss Papi, we need a motion.

MR. PHILIPS: We have to move it.

MS. PAPI: That's my motion.

MR. WEINER: So to clarify, are you moving to approve the application?

MS. PAPI: Yes.

MR. WEINER: With conditions.

MS. PAPI: Yes.

MR. WEINER: Okay. Is there a second?

MR. BRANDT: I'll second that.

THE CHAIRWOMAN: Thank you, Mr. Brandt. Mr. Blessing, Mr. Brandt is --

MR. WEINER: Mr. Brandt eligible on this application, Mr. Blessing?

MR. BLESSING: Pardon. Why would he not be? We had not heard the application before.

THE CHAIRWOMAN: No, no, I'm just confirming he's not as an alternate --

MR. WEINER: Status as an alternate.

MR. BLESSING: He is.

MR. PHILIPS: Yes.

THE CHAIRWOMAN: Okay. Thank you. I just wanted to confirm.

MR. WEINER: Want to make sure because if he's an extra alternate that isn't participating to vote, then he couldn't second the motion, but he is.

MR. PHILIPS: That would be Miss Decker this evening.

MR. WEINER: So we have a motion to approve with a second.

MR. BLESSING: Yes.

THE CHAIRWOMAN: Okay. Thank you. So we have a motion and a second to approve the application with all the conditions that Mr. Weiner just reviewed with us.

Mr. Blessing, can you call the roll on that vote.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yeah, I wanted to say that, you know, just for the record, I am disappointed that documentation was not provided to make it easier for us to visualize and review the application. That being said, given the conditions that were added to the application, the commentary in regards to the code enforcement, and the township satisfaction, and obviously the professional testimony of Paul Fletcher -- what's called -- in regards to this application, based on all of those being satisfactory, I am voting yes to the application, but --

MR. BLESSING: Okay. Mr. Wynter. Mr. Wynter.

THE CHAIRWOMAN: He's shaking his head yes.

MR. BLESSING: Okay. Mr. Zuckerman.

MR. ZUCKERMAN: As Mr. Gurevich said, yes, with those caveats, as well.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes, with the conditions set forth by staff.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Mr. Philips.

MR. PHILIPS: I want to go on the record. This applicant has sort of got a situation where they're having to suffer the slings and arrows of 20 years worth of problems that the people in this area seem to have that this applicant in no way can ameliorate. It's a situation where whatever might have been a problem when they built these homes is not the responsibility of this applicant to fix. The willingness on the part of the board and the applicant to change a significant amount of the way that the water is going to operate should temper some of the issues. It's a tough lot. There is a difficulty getting on and off. We've addressed

those questions, and with that understanding, I will vote yes.

MR. BLESSING: Thank you. Chairwoman Rampolla.

THE CHAIRWOMAN: I'm also going to vote yes. I greatly appreciate all of the comments that the other board members shared, and I echo all of their sentiments. I think that the conditions will hopefully, as Mr. Philips point out, will help with some of the water issues. Though I know it won't fix all of the concerns that the residents in that area have, some of the conditions that the applicant agreed to I think should help maybe a piece of it. So I'm going to vote yes.

MR. KIPP: Excuse me Madam Chair.

THE CHAIRWOMAN: Yes, Mr. Kipp.

MR. KIPP: If you can make an announcement. It looks like many of the same people that already testified are continuing to raise their hands. I don't want them to feel that they were ignored. We just have to explain that they've had their chance to testify and they can't do it again.

THE CHAIRWOMAN: Yeah, in fact, we actually have a time limit on the amount of time that each speaker gets to share, and I think we were very interested in what they had to say and let each of the members of the public who spoke tonight go way over that time limit because we did really want to hear them take -- took very seriously what they shared, but the public comment section of that portion of the meeting is closed, and this application's already been -- we've already taken base on it and it is closed.

MR. KIPP: Thank you.

THE CHAIRWOMAN: Okay. We -- where is -- I can't see the applicant on the screen, but I see Mr. --

MR. PHILIPS: It's --

THE CHAIRWOMAN: Okay. Well, we'll go on to -- I'm going to see if we can try to get something accomplished on this last application under new business.

MR. FLETCHER: Thank you very much.

THE CHAIRWOMAN: Okay. Thank you, Mr. Fletcher.

MR. FLETCHER: Good night.

THE CHAIRWOMAN: Good night. Okay, we have application -- my papers are all -- application Z-21-08, Bebars, a proposed 6-foot-tall fence in front yard setback of existing single-family

residence located at 27 Lincoln Avenue, block 162, lots 53, 55, and 56 in the R-4 zone. Okay, I see someone raising their hand.

MR. BEBARS: Yes, I'm here.

MR. WEINER: Madam Chairwoman, I would just like to indicate that the notices are satisfactory and the board has jurisdiction to hear this application.

THE CHAIRWOMAN: Okay. Thank you so much. All right. Can you state and spell your name for us for the record.

MR. BEBARS: Sure, my name is Ahmed Bebars, A-h-m-e-d, last name is Bebars, B-e-b-a-r-s.

THE CHAIRWOMAN: Okay, and if you would raise your right hand for us and solemnly swear to tell the truth, the whole truth, and nothing but the truth on this application tonight.

MR. BEBARS: Yes.

THE CHAIRWOMAN: Okay. Thank you. And you are the property owner?

MR. BEBARS: Correct.

THE CHAIRWOMAN: Okay. At 27 Lincoln Avenue, and you --

MR. BEBARS: Yes.

THE CHAIRWOMAN: Do you want to tell us about what you're asking -- what your project is and why you're asking for this variance.

MR. BEBARS: Yes. So I'm asking to install a new fence, extending the setback because I don't have the good area in my back yard already that allow me to, like, build enough space for my family and my daughter especially to have room to play, so -- and, like, get use of this area, and it's already, like, I'm in a corner lot so this is like two yards. I'm just asking for one of the yards, which is on the side of my property.

THE CHAIRWOMAN: Okay, and so would you describe this property as -- would you say that there's anything about the lot that it's a -- that there's a hardship that you think justifies asking for that variance to have the fence closer to the property line?

MR. BEBAR: Yes, because it's not going to be enough area to have, like, it's not going to be enough area just because, like, the back yard, it's already, like, small because the house. It's in the back of the lot, which the back yard is small, and, like, all of these two yards are not a safe area for my family to have use and especially because I have a young daughter which is 2 years

old. I'm going to be afraid to let her play in the area, which she cannot because of all the cars and all of that.

THE CHAIRWOMAN: Okay, so lot size is a limiting factor here for you to present a hardship and --

MR. BEBARS: Yes.

THE CHAIRWOMAN: -- that's why you're asking for that variance. Okay, and you're -- based on the --

MS. MCGURK: Madam Chair.

THE CHAIRWOMAN: -- application, you're looking for the fence to be located how far from the property line on McKinley Avenue?

MR. BEBARS: It was proposed to be located 28 feet from the -- 28 feet from the building, from the house. It's almost on the property line less maybe like 4 feet or something.

THE CHAIRWOMAN: Okay. Miss McGurk, are you trying to comment?

MS. MCGURK: Yeah, sorry. I was just going to state that there is a hardship because it is a corner lot, and corner lots are required to be 10 percent larger than whatever is required in the zone, so while the lot is 10,000 square feet and meets the zone requirements, it is slightly undersized because it does not have the extra 10 percent lot size for corner lots.

THE CHAIRWOMAN: Okay. Thank you. Okay, and, Miss McGurk, can you just comment on the sight line from the corner with the way it's -- the way the fence is currently proposed by the applicant.

MS. MCGURK: Yes. The sight triangle, which is a requirement for traffic safety, for cars turning at the intersection, the 6-foot fence would have an impact because it is slightly within the sight triangle, so I would recommend that it be moved back 2 feet for safety reasons.

THE CHAIRWOMAN: And that's moved back 2 feet from Lincoln Avenue or what's perpendicular to Lincoln Avenue, is that --

MR. PHILIPS: McKinley.

MS. MCGURK: McKinley, yeah, it would need to be -- it comes right to where the house line ends, which is the norm, but because of the sight triangle, it should be shifted further back from the house and the corner on McKinley Avenue.

THE CHAIRWOMAN: McKinley, okay.

MS. MCGURK: I would actually also

recommend that the fence be set back slightly to allow for landscaping along the street for better appearance.

THE CHAIRWOMAN: Okay, and by -- in your opinion, how far back would accommodate those plantings, how many feet back?

MS. MCGURK: For plantings to survive and thrive, 4 feet.

THE CHAIRWOMAN: Four feet, okay. Okay. So, Mr. Bebars, do you agree to changing your plan for this fence based on Ms. McGurk's recommendations, moving it back 2 feet for the sight line at the corner and then also bringing it in 4 feet from the property line and then adding plantings to the outside of that fence?

MR. BEBARS: Actually, I have one question to accept this. Like, when we say I ask for 28, like when we say all of this, how far back I have to go? Is it 24? Is it what we are asking for or -- or like 4 feet from the -- from my property line anyway. So my property line is about 28.4, it's going to be 24.4; is that the request? Just trying to understand.

MS. MCGURK: The fence is shown on the -- the fence is shown directly on the property line parallel to McKinley Avenue, so I am suggesting that the fence be shifted 4 feet from the property line, so 4 feet back towards the house away from the property line, which would actually also get rid of the area within the sight triangle.

MR. BEBARS: Yes, so, yeah, I don't want to make a big deal, but, yeah, that's okay. I'm just wondering, like, because I have neighbors around where, like, they are almost in similar, like, when I took measurement and tried to coordinate, they are not, like, in the location that my house but different areas where they are almost on their -- I think it's 10 feet from the curb where, like, say located their fences, it's, like, couple neighbors around, but I don't have their addresses, I just have the houses. So I was proposing -- it doesn't seem to be working for you, so I'm saying make it look like this, so shape it like this to make sure that I'm out of the side because it's, like, almost on the triangle. I don't want to make a big deal, so if this proposal is not accepted for you, let's make it 24.

THE CHAIRWOMAN: Yeah, I think it would need to be squared off and not on an angle to keep it aesthetically pleasing.

MR. WEINER: Ms. McGurk, if I may, do we want to shift this back 2 feet or 4 feet? I think I lost something in translation.

MS. MCGURK: Well, the 2 feet was just -- the 2 feet is the part that connects from McKinley to the house.

MR. WEINER: Okay.

MS. MCGURK: That section was going to be need to be shifted back 2 feet towards the rear of the -- well, the other side of the property line, but if he shift -- if the board and the applicant were to want this, if you shift it to the -- there's the north arrow, so there it is. But I'm talking about the entire fence along McKinley that's proposed to be on the front property line --

MR. WEINER: Okay.

MS. MCGURK: -- if that's shifted 4 feet away from the front yard property line back towards the house, that also gives a better aesthetic look, plus it removes the whole thing from the sight triangle anyway.

MR. WEINER: Gotcha.

MS. MCGURK: Takes care of both problems.

A BOARD MEMBER: Sorry, I have one -- sorry. Go ahead.

MR. WEINER: And that's agreeable, Mr. Bebars, correct?

MR. BEBARS: The other thing that I just want to mention, I was trying to put on the property line to align with my fence neighbor, but -- my neighbor's fence, which it's going to be aligned on the same -- he has like 4 feet I believe fence, and it's not privacy, so I'm not sure if this is something else, but I was trying to make them align together to not have different look on both properties. That's why I proposed property line when I measured.

MS. MCGURK: Right, the 4-foot fence is permitted there, though.

MR. BEBARS: Okay.

MS. MCGURK: Whereas a 6-foot is not.

MR. BEBARS: Okay. You know better. I agree on that.

THE CHAIRWOMAN: Is that -- I mean, would you consider having a 4-foot fence, or you're looking for a 6-foot-tall privacy fence.

MR. BEBARS: Yeah, 6-foot for -- you said 4 feet back from the property line; is that what are we proposing? Yes.

THE CHAIRWOMAN: Yeah, because with, Miss McGurk, the actual what they would be allowed normally without the variance would be halfway between the property line and the dwelling; is that correct?

MS. MCGURK: Correct, yes.

THE CHAIRWOMAN: So we're at 28 feet. That would only, you know, that would be 14. We're still, you know, you would still if we were to move favorably on it with that condition that you're 4 feet in, the board would still be allowing a fence, should it vote favorably, much further out than what's typically allowed with a fence that high. Okay, so you would be okay with moving -- with changing your application to have the fence line along McKinley Avenue 4 feet in from the property line with plantings on the outside of that fence.

MR. BEBARS: Correct.

THE CHAIRWOMAN: Okay. And, Miss McGurk, those plantings, are there -- is there -- is that up to the discretion of the homeowner, or is there something that we suggest?

MS. MCGURK: We do have recommendations, and I can provide those to the homeowner, but we're open to other alternatives.

THE CHAIRWOMAN: Okay.

MS. MCGURK: Something that would thrive in that 4-foot area that's hardy enough to be along the street.

THE CHAIRWOMAN: Okay.

MR. BEBARS: I'm okay with your recommendation if it's not expensive. That's all.

MS. MCGURK: Okay. I'll let you know.

MR. BEBARS: Thank you.

THE CHAIRWOMAN: Okay, and that was white vinyl fencing, correct?

MR. BEBARS: Correct.

THE CHAIRWOMAN: Okay. All right. Were there questions from any board members or any of our professionals?

MR. GUREVICH: Very quick question. Is that the only issue is the fence line along McKinley Avenue? All the other setbacks are fine, like between lot 52 and 53, for example, and --

THE CHAIRWOMAN: Miss McGurk.

MS. MCGURK: Yes, along the other side of the property, it's permitted there, and what you would consider the back of the property. So it's just where it states lot 56, the fencing in that

area is where the variance is required.

MR. GUREVICH: Okay.

THE CHAIRWOMAN: All right. Are there any other questions from any of the board members? No? Okay. Seeing no questions, I guess we should open -- we should open up to the public.

Mr. Blessing, do you see anyone wishing to comment on this application?

MR. BLESSING: I do. We have one, Marianne, which I will promote to panelist now. They will be able to speak. Sorry, I'm having some technical difficulties.

MR. PHILIPS: Any music to play while you're doing this, Aaron?

THE CHAIRWOMAN: Okay, I see Marianne, who's joined us. If can unmute yourself, and if your video is working, that's also helpful. Marianne.

MS. WAITWORD: Can you hear me?

THE CHAIRWOMAN: Yes. Okay, and we can see you now, too. Can you start with telling us and also spelling your name for us.

MS. WAITWORD: Marianne, M-a-r-i-a-n-n-e; last name is Waitword, W-a-i-t-w-o-r-d.

THE CHAIRWOMAN: Okay, thank you. And if you can raise your right hand for us, and do you swear to -- do you solemnly swear to tell the truth, the whole truth, and nothing but the truth regarding this application tonight?

MS. WAITWORD: I do.

THE CHAIRWOMAN: Okay. Thank you. If you can just start with giving us your address.

MS. WAITWORD: I live in Spotswood. My mother lives catercorner across the street on McKinley Avenue, 28 McKinley.

THE CHAIRWOMAN: Okay.

MS. WAITWORD: I am concerned with such a 6-foot-high fence so close to the property line that it would block the sight as you're coming up Lincoln Avenue from Main Street, because that's how I go to her house all the time, and McKinley Avenue is a heavily traveled road.

THE CHAIRWOMAN: Okay.

MS. WAITWORD: I also want to know, like, is the purpose of this just for people to hang out in? Right now my concern is there's two giant piles of garbage in that space. Is that ever going to get cleaned up?

THE CHAIRWOMAN: Mr. --

MR. BEBARS: I can answer. I can answer to the second part, but I can't answer to the part which has spoke to it, but, like, these are in my yard, and I just bought the house last year and was doing some renovation, so I know that they might be displeasing some eyesights, but, like, I have no other place to put them until I finish my home project, and I do finish my home project by myself. So I'm sorry if this is causing any disturbance, but they will be removed as soon as, like, I just my project, and once the fence is place, they will be inside the fence if they remain there, so the fence will make it more pleasing, and then you wouldn't have issue with this bagster -- that's dumpster in a bag -- in my yard.

THE CHAIRWOMAN: Miss McGurk, are there limits, time limits on how long you can have bagsters like that on a property?

MS. MCGURK: Yeah, that's a code violation, and it can't be there at all.

THE CHAIRWOMAN: Okay.

MS. WAITWORD: They've been there since the summer or early fall.

MS. MCGURK: I did take a drive by, and I noticed that, and I was assuming it was temporary and it was maybe going to be put out for pickup or -- but, yeah, that would need to be removed.

MR. BEBARS: Yeah, they actually scheduled for removal this week.

MS. MCGURK: Okay.

MS. WAITWORD: I'm just concerned now the sight line coming up Lincoln Avenue because McKinley Avenue is heavily traveled. It's that main road that goes right through the entire neighborhood --

THE CHAIRWOMAN: Okay.

MS. WAITWORD: -- coming up from Main Street, and you have to stop at the stop sign on Lincoln Avenue to get a good look down heading -- looking west on McKinley Avenue. How bad is that going to block the sight line?

MS. MCGURK: Well, I can answer that, Madam Chair.

THE CHAIRWOMAN: Thank you.

MS. MCGURK: The sight triangle, if the fence as shown, as proposed, it would block it with about 2 feet, which is why we requested that it either be shifted back 2 feet back from Lincoln or as the applicant has now agreed 4 feet back from McKinley so it would no longer be in the sight

triangle.

MS. WAITWORD: Okay.

MS. MCGURK: By several feet.

MS. WAITWORD: That's my concern.

MS. MCGURK: The board could not grant the fence being within the sight triangle.

THE CHAIRWOMAN: Okay. Do you have any other questions? No. Okay. All right. Thank you for bringing these questions and concerns to us.

Okay. All right. Mr. Blessing, were there any other members of the public wishing to speak?

MR. BLESSING: There are not.

THE CHAIRWOMAN: Okay. Thank you. Then we will close the public portion. Okay.

Mr. Weiner -- let's just -- we already I think closed the portion for -- I mean, did any other board members, professionals want to add anything to this?

MS. MCGURK: I don't have anything.

THE CHAIRWOMAN: Okay. All right. I guess Mr. Weiner, there aren't conditions so much as changes to the application.

MR. WEINER: Yeah, I would classify them as conditions. There's some things that Ms. McGurk addressed earlier with the applicant. Basically, the -- on the front property line on McKinley, the fence is going to be shifted back 4 feet, and that has been agreed to by the applicant; is that correct, Mr. Bebars?

MR. BEBARS: Correct.

MR. WEINER: Okay. And, Ms. McGurk, by doing that, that eliminates the other request as far as the 2 feet back for the sight triangle; is that correct, Colleen?

MS. MCGURK: Correct.

MR. WEINER: Okay, and there's -- outside of the fence, the applicant is agreeing to put plantings down to -- and will work with staff as to what those plantings are; is that correct and agreeable.

MS. MCGURK: Yes.

MR. BEBARS: Correct.

MR. WEINER: Those are the only two conditions that I have on this matter.

THE CHAIRWOMAN: Okay.

MR. BEBARS: One small question. I'm sorry. Is there a timeline for these plants. Just I don't want to -- or just --

MR. WEINER: Timeline for the plants?

MR. BEBARS: Yes. Like after I install the fence, is there a timeline, like, I have to get these plants by the fence, or just, like, I have to get --

MR. WEINER: Well, there should be a timeline. Perhaps Ms. McGurk can give us a window of what she'd see like to see it by because otherwise, if there's no timeline, then there's no way to enforce it if it's never done.

MS. MCGURK: Do you know when you're going to be installing the fence?

MR. BEBARS: No. It's on back order so like 3 months from now at least to get it there.

MS. MCGURK: I guess we can put within 3 months of installing the fence unless it's not seasonal for plantings; then within the next planting season.

MR. BEBARS: Okay. That makes sense to me. Thank you.

THE CHAIRWOMAN: Thank you for the suggestion, Ms. McGurk. Okay. So we added that language in, Mr. Weiner?

MR. WEINER: Got it.

THE CHAIRWOMAN: Okay. Any of the members of the board like to make a motion on this application?

MR. PHILIPS: I'll make a motion on application Z-21-08 to approve.

MR. GUREVICH: I'll second that motion.

THE CHAIRWOMAN: Okay, thank you, Mr. Philips and Mr. Gurevich. Mr. Blessing, can you call the roll.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: I vote yes.

MR. BLESSING: Mr. Wynter.

THE CHAIRWOMAN: He's got his thumb up.

MR. BLESSING: Thumbs up.

Mr. Zuckerman.

MR. ZUCKERMAN: Vote yes.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Mr. Philips.

MR. PHILIPS: Yes.

MR. BLESSING: Chairwoman Rampolla.

THE CHAIRWOMAN: I'm going to vote yes, also. So your application passes, Mr. Bebars, with those changes conditionally. So you can follow up

with the planning and engineering department on that, and --

MR. BEBARS: Thank you.

THE CHAIRWOMAN: You're welcome.

MR. BEBARS: I'm sorry to keep you late.

THE CHAIRWOMAN: It's okay. Sorry that it went on for so long.

Okay. Do I have a motion to adjourn?

MR. GUREVICH: Motion to adjourn.

MR. PHILIPS: Second.

THE CHAIRWOMAN: And Mr. Philips. All in favor, say aye. Okay. Have a good night.