

In compliance with the Open Public Meetings Act of the State of New Jersey adequate notice of this meeting has been mailed to The Daily Record and posted at the municipal building.

**ROLL CALL:**

**Members Present:** John Cavanaugh, Joe Fleischner, John Mania, Nelson Russell, Jim Staszak, Steve Bedell, Howie Weiss

**Members Excused:** Rene Gadelha, Mayor David Scapicchio, Scott Van Ness, Dan Nelsen

**Professionals Attending:** Eugene Buczynski, P.E., Tiena Cofoni, Esq., John Miller, Esq., Catherine Natafalusy, Planning Administrator

**Professionals Excused:** Chuck McGroarty, Planning Consultant, Edward Buzak, Esq.

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**RESOLUTION FOR APPROVAL**

**RESOLUTION #PB 11-11 – PETSMART**

MR. WEISS: Before we introduce the first resolution do you have a copy of it down at your end?

MRS. NATAFALUSY: From the mail, did you bring the original?

MS. COFONI: No I don't have the original Catherine I'll send that to you.

MR. WEISS: Okay the first resolution up this evening is PB 11-11 which was Petsmart I'll entertain a motion.

MR. STASZAK: I make a motion we approve PB 11-11.

MR. FLEISCHNER: I'll second it.

MR. WEISS: Thank you Mr. Fleischner is there any conversation? Discussion, seeing none I'll close it and we'll have a roll call.

MRS. NATAFALUSY: John Cavanaugh - yes  
Joe Fleischner - yes  
Nelson Russell - yes  
Jim Staszak -yes  
Howie Weiss - yes

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**COMMITTEE REPORTS**

MR. WEISS: Committee reports obviously the Mayor is not here; Mr. Mania do you have anything from the Council?

MR. MANIA: Not at this time.

MR. WEISS: Nelson Environmental Commission?

MR. RUSSELL: Yeah we met last night we discussed planting trees along Route 46 by the lake of 120 Bradford Pears. They were originally planted 19 of them are gone, missing or dead and we also want to plant along the beach. We're also getting \$125,000 for an energy upgrade Federal Funds \$50,000 for the municipal building alone.

MR. WEISS: The trees will come out of the tree bank? Is that where you're planning on getting the trees from?

MR. RUSSELL: The trees are from the tree bank yes.

MR. WEISS: Do we have to pass a resolution to take that out?

MRS. NATAFALUSY: The tree bank? I think it's a recommendation by the Planning Board to the governing body when the time comes.

MR. WEISS: Okay we'll make sure Nelson you'll stay on top of that so we can make sure that happens.

MR. RUSSELL: Will do.

MR. WEISS: Ordinance committee?

MR. STASZAK: Nothing at this time.

MR. WEISS: Thanks Jim; nothing from the Street Naming Committee; Open Space Committee Rene is not here.

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**DISCUSSION MATTER**

**ORDINANCE #23-2011 – AMENDMENT TO LAND USE ORDINANCE – SECTION 400-10**

MR. WEISS: We'll get into our one discussion matter which is an ordinance that's come in front of us Ordinance 23-2011 which was an amendment to the Land Use Ordinance Section 400-10 and that deals with a fee adjustment. Obviously it's an amendment to the Land Use portion of the Law so the Planning Board has to make a recommendation. I take it we've all had a look at that, anybody have any comments, criticisms? Catherine is there anything else that they needed us to do?

MRS. NATAFALUSY: You just have to make a recommendation to the governing body to approve or deny.

MR. WEISS: By seeing no objection to what we read so maybe we'll just move right into a motion.

MR. MANIA: I'll make the motion Mr. Chairman.

MR. WEISS: And that motion is that we accept the recommendation?

MR. MANIA: Right.

MR. RUSSELL: I'll second it.

MR. WEISS: Thank you Nelson. Any comments or discussion? Catherine roll call.

MRS. NATAFALUSY: John Cavanaugh - yes  
Joe Fleischner - yes  
John Mania - yes  
Nelson Russell - yes  
Jim Staszak - yes  
Steve Bedell - yes  
Howie Weiss - yes

MR. WEISS: Catherine so the notice will go back to Lisa's office?

MRS. NATAFALUSY: I'll send a memo to Lisa tomorrow.

MR. WEISS: Okay.

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**APPLICATION #PB 11-17 – DAN HAVICAN**

MR. WEISS: Okay we have on the agenda this evening there's four development matters. Just quick order of business PB 11-17 for Mr. Dan Havican is not on this evening it will be carried until August 18<sup>th</sup>.

MRS. NATAFALUSY: No further notice.

MR. WEISS: And no further notice thank you.

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**APPLICATION #PB 11-15 – MICHAEL CALLAREMI**

MR. WEISS: Application PB 11-15 for Michael Callaremi also postponed until September 8 and no further notice?

MRS. NATAFALUSY: They are probably going to amend the application so . . .

MR. SELVAGGI: Yeah that's . . . I represent Mr. Callaremi we will be renoticing because there's going to be some rather significant changes to the plans and also to the relief we're seeking there's going to be subdivision involved and some other stuff. So we will renotece.

MR. WEISS: Okay well for the record that application is pulled off of tonight's agenda leaving us with two.

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**APPLICATION #PB 11-18 – DAVID & MARIGRACE KOPTYRA**

MR. WEISS: And so let's introduce the first one which is PB 11-18 David & Marigrace Koptyra its Block 2201, Lot 12 located at 25 Ridge Road seeking a variance for the front yard setback, the building and lot coverage. Obviously the applicant is represented by Mr. Selvaggi welcome Mike.

MR. SELVAGGI: Good evening Mr. Weiss thank you very much Board members I'm Michael Selvaggi from Courter, Kobert and Cohan and we are here for the Koptyra's. We're going to be seeking a C-1 variance to allow for the replacement and enhancement of a front porch on the property. Mr. Koptyra is seated to my left and you don't need to hear a big introduction from me we might as well if he can be sworn and we'll start right in.

MS. COFONI: Sure.

(DAVID CHRISTOPHER KOPTYRA SWORN IN FOR THE RECORD)

MS. COFONI: If you could just state your name spelling your last name and giving your address for the record please.

MR. KOPTYRA: David Christopher Koptyra (K-O-P-T-Y-R-A) 25 Ridge Road, Budd Lake, New Jersey.

MS. COFONI: Thank you.

MR. SELVAGGI: Mr. Koptyra you are the owner of the property at Ridge Road?

MR. KOPTYRA: Yes.

MR. SELVAGGI: How long have you and your wife owned the property?

MR. KOPTYRA: Since August of 2003.

MR. SELVAGGI: Okay and you're the original owners?

MR. KOPTYRA: Yes.

MR. SELVAGGI: You bought from the builder?

MR. KOPTYRA: Yes we did.

MR. SELVAGGI: Okay. After buying the property did you make any improvements to the lot?

MR. KOPTYRA: In 2004 we applied for a zoning permit for a fence and at that time we also put in some patio pavers and flower beds.

MR. SELVAGGI: Okay and did you go to the municipality and seek a permit for any of the work?

MR. KOPTYRA: I went to the building office and they told me that I needed a zoning permit for a fence but for the pavers that nothing was required.

MR. SELVAGGI: Okay and did you subsequently install the fence and the patio?

MR. KOPTYRA: Yes we did.

MR. SELVAGGI: Okay did you . . . for the outside work let's put it that way, any other permits applied for?

MR. KOPTYRA: In either 2006 or 2007 I applied for a zoning permit for a hot tub in the back yard.

MR. SELVAGGI: Okay. Inspections were done on both?

MR. KOPTYRA: Yes.

MR. SELVAGGI: Now the lot itself, how does it compare lot size to other lots in your neighborhood?

MR. KOPTYRA: On my street there's about four the same size as my lot and then as you go down a little further onto Ridge they kind of expand around the bend and they get a little bit bigger.

MR. SELVAGGI: Are you familiar with what the minimum lots size, the required lot size is for the zone?

MR. KOPTRA: No I don't know.

MR. SELVAGGI: Now the relief you're looking for now what do you . . . just tell the Board generally what you're looking to do in the front now.

MR. WEISS: Mike before we do that though I just want to conform that the figures that Mr. Koptyra has a lot that's a little bit less than a quarter acre and the minimum lot is half an acre.

MR. SELVAGGI: Yes. Yeah he's about 9,300 square feet and the minimum . . .

MR. WEISS: And that was already approved through a previous variance.

MR. SELVAGGI: Yes, yeah the builder apparently got when he received subdivision approval was permitted to create these smaller lots. Now the porch in the front is that still the original builder's porch?

MR. KOPTYRA: Yes.

MR. SELVAGGI: Okay and what are you hoping to do here now?

MR. KOPTYRA: Just . . . we were putting on, we wanted to put on an overhang just for a little more curb appeal and also in the inclement weather. When people are coming over and we're just going to change up the patio and the steps a little bit to hold the weight of the columns.

MR. SELVAGGI: Okay. When you went . . . well who is your architect for this?

MR. KOPTYRA: I forgot his name.

MR. SELVAGGI: Rawding.

MR. KOPTYRA: Rawding.

MR. SELVAGGI: Okay. And what were you told after he had done the plans about the porch by enlarging it?

MR. KOPTYRA: He told me that I should bring it down to the zoning office and run all the numbers by them.

MR. SELVAGGI: And what did you find out there?

MR. KOPTYRA: I found out that the original . . . what they told me was that the steps that were on the house originally basically the front of the first step where I come out the house is where the setback kind of is and they told me no matter what I did I would have to apply for a variance. Whether it was to replace them or not.

MR. SELVAGGI: So what's the current size or the dimensions of the patio?

MR. KOPTYRA: I believe it's like 8 by 3.

MR. SELVAGGI: Okay and what do you proposing here approximately?

MR. KOPTYRA: It's going to be like 12 by 6 ish depending on the columns and everything.

MR. SELVAGGI: Okay. Now you've had an opportunity to review the report that was prepared by the Planning Department?

MR. KOPTYRA: Yes.

MR. SELVAGGI: Do you take any exception to any of the observations made in the report.

MR. KOPTYRA: No.

MR. SELVAGGI: The front porch if you can just elaborate what do . . . your having the columns surface is going to be concrete or pavers?

MR. KOPTYRA: It's going to be pavers. What we were looking to do was just extend the foundation out a little bit to allow for the columns to sit on the I believe they call it a Sonotube coming up to support the overhang that we're planning on putting in and it was going to be the matching paver to the step that we decided.

MR. SELVAGGI: Okay I have nothing further for Dave on this at least at this time.

MR. WEISS: Does anybody have any questions for Mr. Koptyra at this point? I'm just looking over Catherine's report in review of this, I think it's pretty clear and obvious that the fact that the front step is at your front setback you don't really have . . . you have a true hardship I would (inaudible) that anything be built will put you over the setback. Catherine are there any issues that you were concerned about?

MRS. NATAFALUSY: Just the variance was granted for them to even build the house in the first place so anything they do now requires a variance because the house sits within the front yard setback.

MR. WEISS: Yeah and apparently it's . . . if I'm hearing it right Mike it's the steps that are going to go over the setback.

MR. SELVAGGI: Yeah.

MR. WEISS: It's probably an extravagant addition to somebody's home. The front porch doesn't appear to have any kind of problem it's the stairs that support the porch.

MR. SELVAGGI: Yeah and Catherine also noted that you know on the coverage because our . . . the architect when he prepared the zone table I gather what he didn't calculate was the increase size of the porch which will . . .

MRS. NATAFALUSY: And the patio.

MR. SELVAGGI: And the patio we'll need a variance for that as well because . . . and we don't take any exceptions Catherine is indicating we're about 2 percent over on the coverage when you factor in the larger front porch and the patio in the back. And again we're dealing with a lot that's you know considerably smaller than what's permitted in the zone and as Dave had testified to I mean he's not a guy that's I mean any time he's come in here, and I didn't even go through with him about the stuff that he does inside his house because he calls, he always asks and it's not a situation where he was trying to sneak something under the wire. I mean he did what he thought he had to do so considering the size of

the lot, the orientation of the house already, the fact that variances were there I think this clearly would constitute or justification for a C-1 variance. It's certainly not a hardship if he's created himself necessarily.

MR. WEISS: Are there . . . I don't really have a good picture of what the patio is going to look like off of the back.

MR. SELVAGGI: The patio is already there. The patio is existing.

MRS. NATAFALUSY: The patio is not shown on the plans that were submitted I found out the Tax Assessor's office shows the patio on the rear of the house. This is what I got, I asked for photographs but I didn't get any that's what I got from the Tax Assessor's office.

MR. WEISS: So do I hear that there's going to be an addition to the patio?

MR. SELVAGGI: No.

MR. BUCZYNSKI: It's a 16 by 28 patio.

MR. SELVAGGI: Yeah it's a paver patio off the back.

MS. COFONI: Mr. Selvaggi the patio isn't part of the application is that correct?

MR. SELVAGGI: Well it wasn't originally then our notice is broad enough to include it that was subsequent to the submission of the plan when Catherine did her analysis she picked it up and we . . .

MS. COFONI: Oh I see so the patio also puts you over on lot coverage as well?

MR. SELVAGGI: Yeah I think the . . . well you know I think . . . yeah it puts us over I think the patio along with the larger front porch creates that variance condition.

MR. WEISS: So that's where the 2 percent is coming from was the larger front porch.

MR. SELVAGGI: And the patio is, what's the approximate size of the patio?

MR. BUCZYNSKI: 16 by 28.

MR. WEISS: You know Mike don't even worry about it. I can tell you just by looking at that picture it seems like there's plenty of proposed covered walkway it certainly would match those dormers it's a very nice addition to the home. I have just a quick question for you. Other homes on your road, maybe just for the record, are there other homes that have such a nice covered walkway?

MR. KOPTYRA: If you go more towards, are you familiar with Ridge Road?

MR. WEISS: I am.

MR. KOPTYRA: If you go past my house and you go more . . . I don't really know if you go past Oakland and you go further down they have the overhangs that cover the walkways.

MR. WEISS: Like Indian Springs Road maybe?

MR. KOPTYRA: I believe its Indian Springs, more towards Sand Shore those are more the old style cottages still.

MR. WEISS: I just want to make sure that by putting on such a front porch that you're not going to be a detriment to the other homes or any kind of detriment to the . . . maybe some negative criteria Mike probably would be . . .

MR. SELVAGGI: Yeah well that was . . . the homes in the area . . .

MR. KOPTYRA: Yeah there's two newer ones that just went up (inaudible).

MR. WEISS: Okay so it's not going to negatively affect the neighborhood.

MR. KOPTYRA: No I don't think so.

MR. SELVAGGI: And we sent out notice has anyone contacted you?

MR. KOPTYRA: No.

MR. WEISS: All right and I would also note for the record that there's nobody here from the audience that has any objection. Anybody else have any other questions for Mr. Koptyra? Gene I know you didn't have a report; Catherine was there any other issues?

MRS. NATAFALUSY: No I just . . . a patio is just . . . was included because of coverage it doesn't need the setbacks for the patio so it's more just the coverage issue.

MR. SELVAGGI: And it's a modest size too I mean it was you know it would be different if he blew out the whole backyard and you might have a reason but it's modest.

MR. WEISS: Do you feel there's been enough proof for us on the . . .

MS. COFONI: Yes I have.

MR. WEISS: Okay we've got the blessing from our attorney. I will then at this point entertain a motion.

MR. MANIA: Mr. Chairman I'll make that motion to approve PB 11-18 Block 2001, Lot 12.

MR. FLEISCHNER: I'll second it.

MR. WEISS: Thank you Joe. Is there any conversation? I guess just technically I should open it to the public and there is nobody from the public so I'll close it to the public. We've had a motion it's been seconded, no conversation I'll close it to the Planning Board and let's have a roll call please.

MRS. NATAFALUSY:	John Cavanaugh	- yes
	Joe Fleischner	- yes
	John Mania	- yes
	Nelson Russell	- yes
	Jim Staszak	-yes
	Steve Bedell	- yes
	Howie Weiss	- yes

MR. SELVAGGI: Thank you very much.

MR. WEISS: My pleasure.

**APPLICATION #PB 10-30 – EDWARD & CHRISTINE KING**

MR. WEISS: Okay next application is our final application of the evening PB 10-30 Edward & Christine King located at Block 7702, Lot 32.01 which is 3 Jared Place. I suppose we have . . .

MRS. KING: This isn't my husband this is just a friend.

MRS. NATAFALUSY: Excuse me Mr. Chairman can I have my paperwork back from whoever?

MR. WEISS: So you're Christine King.

MRS. KING: Yes I am.

MR. WALL: Mr. King was unable to make it this evening I just wanted to make sure she was able to answer any questions you might have.

MR. WEISS: And we've seen you before you're the contractor right?

MR. WALL: Yes.

MR. WEISS: Okay you can have a seat and we'll swear you in in a second. I don't want you to be nervous it's kind of unusual for a simple variance request to be represented by an attorney so don't feel like you're . . . .

MRS. KING: Not at all.

MR. WEISS: Okay now that you got comfortable I think what we'll do is you'll stand up and we'll swear you in.

(CHRISTINE KING SWORN IN FOR THE RECORD)

MS. COFONI: If you could state your full name spelling your last name and giving your business address for the record.

MRS. KING: Christine K. King (K-I-N-G) 3 Jarad Place, Budd Lake, New Jersey 07828.

MS. COFONI: Thank you.

MRS. KING: You're welcome.

MS. COFONI: Sir are you also going to be testifying we can go ahead and swear you in just in case?

MR. WALL: Sure absolutely.

(KELLY JAMES WALL SWORN IN FOR THE RECORD)

MS. COFONI: If you could state your full name spelling your last name and giving your address for the record.

MR. WALL: My name is Kelly James Wall (W-A-L-L) and it's 23 Mitchell Avenue, Landing, New Jersey.

MS. COFONI: Thank you.

MR. WEISS: Okay so Mrs. King maybe what you'll do is we're just going to create a record so perhaps you'll just tell us, I assume you're the homeowner and how long have you lived in the home?

MRS. KING: 3-1/2 years.

MR. WEISS: Okay so why don't you just real briefly tell us why you're here and what the situation is, what you want to build and what the problem is.

MRS. KING: We want to put an in-ground pool in our backyard.

MR. WEISS: Okay.

MRS. KING: And the reason why is because I have a young daughter, I have an older daughter we all like to swim we were told when we bought the home that we were going to be allowed to put an in-ground pool in our backyard. This is one of the reasons why we also bought the home. Then I found out that I was not allowed to put a pool in my backyard and I had to go through all of these motions and all of these steps and everything to be allowed to put one in. It's been a very trying time to get this pool in my backyard to be honest with you. So it's been about 2-1/2 years I'd say I've been trying to get a pool.

MR. WEISS: Catherine perhaps maybe you could walk us through the application. I don't think it's as simple as she's not allowed to build it in the backyard.

MRS. NATAFALUSY: Right it's coverage, its front yard setback, and it's setback from the principal structure that's the variances that she's seeking. The property is 3 Jared Place, otherwise known as Lot 32.01 in Tax Block 7702 it's a corner property within the Rachael Manor Estates Subdivision and the applicant is seeking permission to install an in-ground swimming pool as well as a patio with a surrounding walkway. The ordinance limits the location of pools to 15 feet from the rear and the side property line and no pool is allowed within the front yard setback. As you know it's a corner property as

I said so therefore it has two front yards and two side yards for the purposes of calculating setbacks. As proposed the pool will be situated 61 feet from the front lot line on Wildwood Avenue, there are no issues with setbacks from the side property lines. There's also I calculate it's going to be about 10 feet from the house. You're removing that deck right?

MRS. KING: Yes we are.

MR. WALL: And the deck is 16 feet.

MRS. NATAFALUSY: Excuse me?

MR. WALL: The deck is 16 feet.

MRS. KING: It's coming off.

MRS. NATAFALUSY: Right so that's coming off.

MRS. KING: Yes.

MRS. NATAFALUSY: Here's some photographs of the property. And then the other issue variance is lot coverage 25 percent is the maximum permitted and my calculations are about 31 percent coverage.

MR. WEISS: Does that include even with the deck?

MRS. NATAFALUSY: No the deck is down the deck is building coverage it's not even in that it's just lot coverage. So it's the pool, the patio, the driveway, the walk and the house 31 percent.

MR. BEDELL: Catherine can you clarify the pool is, the pool would be you say 10 feet from the house? Or is it 16 feet from the house?

MRS. NATAFALUSY: I scaled it as 10 feet.

MR. BEDELL: That's incorrect?

MR. WALL: Our intention was to start the pool at where the deck had ended at the 15 foot mark the deck is 16 foot so we were going to get a little bit closer to the house.

MRS. NATAFALUSY: Okay so you're going to bring it 15 feet from the house.

MRS. KING: Yes.

MR. WALL: We would be the 15 foot required.

MR. BEDELL: From the house.

MR. WALL: Yes.

MR. BEDELL: Okay, all right thank you.

MRS. KING: You're welcome.

MR. WEISS: So I guess one of the questions we could ask and discuss and just maybe give us your answer, and I'm not sure if you understand the percentages of coverage and you're over by 6 percent. So we wouldn't be doing our job if we didn't ask this, is there any way to design this . . . was there any way to design this by making it slightly smaller?

MR. WALL: We will do everything we can to . . . I mean we've already cut the patio size down you know . . .

MR. WEISS: Well no that's not my intention because obviously you've made a proposal and that's what's in front of us and so . . .

MR. WALL: The swimming pool that the pool guy put on the plan is like the smallest pool that he has.

MR. WEISS: So would you say that the patio that you're suggesting be built is appropriate for the size of the pool?

MR. WALL: Absolutely it's barely giving a walkway around the pool and it's not giving a walkway along the buffer.

MR. WEISS: So you're suggesting that a smaller patio would not be appropriate for the size of the pool.

MR. WALL: I mean it's almost like . . . I'm not going to say it's not possible but we are not putting a walkway around the whole back half of the pool because we're trying to cut down on the square footage.

MR. WEISS: Sounds like a no to me.

MR. WALL: Pretty much I mean I'm not saying it's not possible; we might be able to put planter boxes in and take up some square footage.

MR. WEISS: Mrs. King do you agree with that that a smaller patio would be kind of inappropriate for the pool that you're building?

MRS. KING: Yeah at this point I really don't care I just want to put a pool in to be honest with you.

MR. WEISS: I'm working with you here. So you would agree with me then.

MRS. KING: I'll agree with anything you want me to, yes.

MR. WEISS: Does anybody have any other questions?

MRS. NATAFALUSY: I just have a question.

MR. WEISS: Yes.

MRS. NATAFALUSY: Is there a reason you know you've got 29 feet about from the end of the pool to the lot line, the other side lot line is there any reason why the pool could not be pushed more towards that and then you wouldn't need the variance for the front yard setback?

MR. WALL: Moving it away from the paper road of Wildwood?

MRS. NATAFALUSY: Yes moving it back.

MR. WALL: Towards the . . . we can . . . .

MRS. NATAFALUSY: And then you wouldn't need that variance.

MR. WALL: How much distance are you talking?

MRS. NATAFALUSY: Only another 4 feet.

MR. WALL: Oh we could certainly do that.

MRS. NATAFALUSY: I don't know if that would do anything to the grading or . . . .

MR. WALL: No actually I believe I spoke to you about the grading.

MR. BUCZYNSKI: Yes.

MR. WALL: The driveway elevation is pretty much continuous across where the deck will be removed and where the pool and the patio will end up. So moving it 4 feet that way is not a problem for us.

MR. WEISS: Catherine where is Wildwood on this?

MR. WALL: It's the paper road on the left side.

MRS. NATAFALUSY: Right here.

MR. CAVANAUGH: And you're saying move the pool to the east?

MR. WEISS: Move the pool to the left.

MR. WALL: Move the pool to the right.

MRS. NATAFALUSY: Towards the southern side lot.

MR. WALL: Toward the driveway.

MS. COFONI: No move the pool this way.

MR. MANIA: To the right.

MRS. NATAFALUSY: So it's only 4 feet and then you don't need that variance it's . . .

MS. COFONI: So then they're just down to permitted lot coverage.

MRS. NATAFALUSY: Yes exceeding lot coverage.

MRS. KING: And you do know that Wildwood Road is no longer in use it's actually a wooded trail now.

MRS. NATAFALUSY: It's a paper street though.

MR. WEISS: No it doesn't change the configuration. We usually run into these when you have corners when you have two fronts and two sides rather than back.

MR. WALL: It's difficult especially in this circumstance because of the utility easement like we had made an application to see if they would vacate it and because there's a utility running through there they wouldn't.

MR. WEISS: Does that qualify for an unusual situation Tiena?

MS. COFONI: Sure. Where is the existing utility easement just generally?

MR. WALL: There is a sewer line and a water line as well as a power easement coming down Wildwood. It's just off of the property line there's actually a telephone pole right there that JCP&L will be moving.

MR. BUCZYNSKI: It doesn't show on the drawing.

MS. COFONI: It's not on the property though?

MR. WALL: It's not on our property no. No it's on the Wildwood paper road.

MRS. NATAFALUSY: They requested the town vacate the road and the township has said no.

MS. COFONI: Okay gottcha.

MRS. NATAFALUSY: The township would not vacate the road.

MS. COFONI: Okay but you are going to then move the pool away from Wildwood the 4 feet so we're going to eliminate that variance.

MR. WALL: If that makes it easier for everybody absolutely not a problem.

MS. COFONI: Okay.

MRS. NATAFALUSY: We'll need revised plans to show it 65 feet back, 15 from the house and then the grading so it doesn't change for Mr. Buczynski.

MR. CAVANAUGH: I just have an operational question. I mean the way you have the pool there you have it right against the it looks like garden or something?

MR. WALL: There is a conservation . . . .

MR. CAVANAUGH: Couldn't you move the pool closer to the house?

MR. WALL: Then we would be inside the 15 foot setback off of the house.

MR. CAVANAUGH: Because the only thing is from an operational standpoint to keep the pool clean you kind of have to walk around all of the edges.

MR. WALL: Well you're absolutely right and we were more concerned about getting that square footage down to a point where we stood a chance here and I agree with you I think 3 feet closer to the house would be better plus you know it would give us a little bit of room to get that walkway around the back side of the pool.

MR. CAVANAUGH: So I mean for the Board I would just say . . . .

MRS. NATAFALUSY: Then you're here for the variance so if you want to move it closer . . . it's up to the Board.

MR. CAVANAUGH: Yeah. I mean you're going to have to operate the pool you know?

MR. WALL: I actually thought that the 15 foot buffer was more . . . your biggest concern because you know I can understand people . . .

MR. FLEISCHNER: You don't ask you don't get.

MR. WALL: Yeah we would certainly like to do that.

MS. COFONI: How do you see any kind of garden? I have nothing that shows any kind of garden.

MR. WALL: In the photos.

MR. CAVANAUGH: It says landscaping.

MR. WEISS: It says landscaping in handwriting.

MS. COFONI: Okay gottcha.

MR. WALL: And you can see the property is maintained very well they've done quite a bit of work there in the last three years.

MRS. NATAFALUSY: So we're moving the pool back . . .

MR. WALL: Closer to the house.

MS. COFONI: So we're going to be 12 feet from the house?

MR. WALL: That would be great.

MR. WEISS: Well why don't you tell us what . . . .

MR. WALL: 10 feet would be the best that would give us . . . .

MRS. NATAFALUSY: We're back to what I said originally.

MS. COFONI: Okay.

MR. WALL: Yeah. If we go to the 10 foot that gives us a 3 foot buffer it actually will take some of the square footage off which may or may not help us here and it will give us that apron to get around the back side of the pool.

MRS. NATAFALUSY: I don't think it's going to help you much because you're at 31 percent.

MS. COFONI: Okay so 10 feet from the house and we are going to need that variance but you're still going to move it 4 feet to the right.

MR. WALL: Yes.

MR. BUCZYNSKI: To the south.

MS. COFONI: To the south right.

MR. BEDELL: Is 10 feet too close?

MRS. NATAFALUSY: It's an in-ground swimming pool it's not an above ground swimming pool.

MR. BEDELL: Okay.

MRS. NATAFALUSY: And that's the issue with you know getting out of the house you know they don't want like especially with an above ground swimming pool too close to the door and you can't get out. But an in-ground it's not . . . .

MR. BEDELL: Okay.

MR. WEISS: This was the only part of our variance that we need to discuss is the impact on the community. Are there other homes, do your neighbors also have a pool?

MR. WALL: There are and I actually ironically I was the realtor that sold them the home so I had the entire development listed at one time. Whether you folks know about it or not some of these houses were listed for over a million dollars at one point. They have all sold between 570 and 760 so it's you know it's definitely a high end community.

MRS. KING: I'm sure all of my neighbors would love for me to get a pool.

MR. WEISS: Okay well we want to just make sure that your swimming pool doesn't stand out and negatively impact the neighborhood. So your testimony Mrs. King is that the other homes have swimming pools? In-ground swimming pools?

MRS. KING: Behind me there are neighbors that do have swimming pools yes.

MR. WEISS: About at the same time, same size I mean? Similar size?

MRS. KING: They're above ground.

MR. WEISS: They're above ground.

MRS. NATAFALUSY: Can I ask a question?

MR. WEISS: Sure.

MRS. NATAFALUSY: You're going to have to put a fence in around the pool.

MR. WALL: Yes. Yes we are we're going to go right around the patio with a 4 foot fence and gates and . . .

MRS. NATAFALUSY: Self latching gate and all that?

MR. WALL: Yes of course to Code.

MR. WEISS: That's not a request of the Planning Board that's Building Code.

MRS. NATAFALUSY: No that's Construction Code but I wanted to make sure and ask what kind of fence it was going to be.

MR. WALL: Because there's a perimeter that we're not allowed to fence because of the conservation easement so our fence would have to be right at the edge of our patio and it would be 4 foot high and it would not be . . . like a barricade fence.

MRS. NATAFALUSY: Okay.

MR. CAVANAUGH: Are you going to put a heater in?

MRS. KING: I would like to yes.

MR. WALL: I'm sure with the Natural Gas and everything being there sure.

MS. COFONI: Okay.

MR. WEISS: All right it looks like we have addressed the issues that are open. Obviously the lot coverage there's not a lot they can do short of making a patio that's inadequate for the swimming pool that's proposed. We've addressed the 10 feet . . . it's going to be 10 feet setback from the house, and you are going to eliminate the encroachment on the side yard setback by moving the pool 4 feet to the right.

MR. MANIA: To the south.

MR. WALL: Okay.

MR. WEISS: So it looks like we've handled all of the issues. Catherine did you have anything else that you were concerned about?

MRS. NATAFALUSY: No just again if I could have the revised plans prior to the resolution being adopted next month.

MR. WALL: I'll get to you immediately. Oh we would have to wait a month?

MRS. NATAFALUSY: The resolution is memorialized at the next meeting in August 18<sup>th</sup> or the 11<sup>th</sup>?

MS. COFONI: The 11<sup>th</sup> is fine.

MRS. KING: What does that mean?

MR. WALL: You've got to wait another month.

MRS. KING: Wait for what?

MR. WALL: We have to come back.

MR. BUCZYNSKI: Mr. Chair just . . .

MS. COFONI: You don't have to come back for that.

MR. WALL: Okay.

MS. COFONI: That's actually a written document that sets forth everything that we said here and kind of memorializes so to speak the Board's approval. So it's just a written document that you can then take to the Construction Official to prove okay yeah I got this approval.

MR. WALL: Okay so we can't apply for permits until after that.

MS. COFONI: I think that they typically require that the resolution be adopted first.

MRS. NATAFALUSY: They do, you can talk to Mr. Lindsey if he doesn't have an issue with it and I'll talk to him if he doesn't have an issue with waiting it's up to him.

MR. WEISS: I think that's very nice to offer to make . . . especially we're talking about a swimming pool and . . .

MR. WALL: Yeah we just . . . it's just been such a long process.

MR. WEISS: I understand I think the best thing to do is if you explain to Mr. Lindsey that you were here and see how the outcome of the Board vote.

MR. WALL: Okay.

MR. WEISS: I know Mr. Lindsey has worked with homeowners before.

MR. WALL: We're just trying to get it in before winter so that it will settle for the spring so we can finish the patio then.

MS. COFONI: So you don't have to appear when the resolution is adopted. Catherine will send it to Mrs. King afterwards.

MR. WALL: Okay. I'm just more concerned about getting the application . . .

MR. WEISS: It will be signed in her office for the 12<sup>th</sup> is that correct?

MRS. NATAFALUSY: Right.

MR. WEISS: You can pick it up on the 12<sup>th</sup>.

MR. WALL: Okay.

MS. COFONI: Do you mail them out?

MRS. NATAFALUSY: I usually mail them.

MR. WEISS: Okay but certainly speak to Mr. Lindsey.

MR. WALL: I will.

MR. WEISS: Gene?

MR. BUCZYNSKI: Just for the record we did get a mark up drawing with some grades from the landscaper and I did speak to him about the grades because I had some concerns but it will be fine pretty much it will be at existing grade so there's no drainage problems. Just for the record.

MR. WEISS: Well it all sounds very good. Let me open it to the public seeing nobody here from the public I'll close it. Anybody from the Planning Board have any questions for Mrs. King? Seeing none Tiena are you satisfied?

MS. COFONI: Yes.

MR. WEISS: I'll entertain . . .

MR. MANIA: Mr. Chairman I move for PB 10-30 Edward & Christine King Block 7702, Lot 32.01.

MR. STASZAK: Second.

MR. WEISS: Thank you Mr. Mania, thank you Mr. Staszak. Any conversation? Seeing none . . .

MRS. NATAFALUSY: With the changes that were discussed.

MR. WEISS: As we discussed this evening.

MRS. NATAFALUSY: Right. Correct Mr. Staszak you'll second that motion?

MR. STASZAK: Right.

MR. WEISS: With the changes you have them?

MS. COFONI: I do.

MR. WEISS: They were kind of simple I don't know if you want to read them.

MS. COFONI: Well the pool will remain 10 feet from the house which requires the variance and the pool will be moved to the south 4 feet so as to comply with the 65 foot setback from the front yard.

MR. WEISS: And those are the conditions.

MS. COFONI: And also you're going to submit revised plans to Catherine but that won't be in the resolution because you're going to be getting those before the resolution.

MR. WALL: Yeah absolutely.

MR. WEISS: Okay roll call.

MRS. NATAFALUSY: John Cavanaugh - yes  
Joe Fleischner - yes  
John Mania - yes  
Nelson Russell - yes  
Jim Staszak - yes  
Steve Bedell - yes  
Howie Weiss - yes

MR. WEISS: Good luck with your swimming pool.

MRS. KING: Thank you.

MR. WALL: Thank you very much we appreciate it.

MR. WEISS: Unfortunately Planning Board we have no other business to attend to this evening. Motion to adjourn?

MR. MANIA: So moved.

MR. STASZAK: Second.

MR. WEISS: All in favor?

EVERYONE: Aye.

(MEETING ADJOURNED AT 8:10 P.M.)

Transcribed by:  
Lauren Perkins, Secretary  
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