

**CITY OF SOUTH AMBOY**  
**PLANNING BOARD**  
**REGULAR MEETING/MINUTES**  
**May 25, 2022**

Members present: Mary Szaro, Scott Kominkiewicz, Council President Michael Gross, George Baranowski, Janet Kern, Jorge Gonzalez-Gomez, Gary Forshner, Andrew Horezga, Robert Paulukiewicz, Francis Mulvey

Members absent: Mayor Fred A. Henry, Thomas Kelly, William DeMasi

Also present: Jason C. Valetutto, P.E., P.P., James E. Stahl, Esq.

Chairwoman Mary Szaro called this meeting to order.

Adequate notice of this meeting has been provided under “The Open Public Meeting Act of New Jersey” by advertisement published in the Home News Tribune, on the City of South Amboy Planning/Zoning Board website, and by posting on the information board at City Hall. Electronic notice has been provided via the agenda on the City Website and the agenda posted on the bulletin board at City Hall.

Salute the Flag.

Roll call was taken at this time.

Motion by Jorge Gonzalez-Gomez, seconded by Janet Kern to accept the Minutes of April 27, 2022, Motion carried: 8-0, 2 abstentions.

Chairwoman Mary Szaro then reviewed the evening’s agenda.

**ANNOUNCEMENT of APPLICATION CARRIED**

**Application PB# 416-21 - HBD South Amboy, LLC**

139 Rosewell Street / Block 161.02, Lot 21 & 22

Mr. Thomas E. Downs, IV, Esq. and applicant Mark Grama requested to have this application withdrawn. New submissions will be submitted when all new plans are prepared.

**Application PB# 389-18A – 200 South Broadway, LLC.**

200 South Broadway / Block 42, Lots 19.01 & 20.01

Mr. Kenneth Pape, Esq. requested that the above-referenced application be carried to June 22, 2022

**Application: 427-22 – William O’Leary**

357 Ferris Street / Block 16, Lot 16 & 18

Mr. George J. Otlowksi, Jr. Esq. requested that his client's application be carried to June 22, 2022, with no re-notice

## **RESOLUTIONS**

### **Resolution: PB 10-22**

Application: 398-18A – Ravi Gupta  
101-103 South Pine Avenue / Block 161.01, Lot 26.03

Motion by Jorge Gonzalez-Gomez, seconded by Janet Kern to accept the Resolution granting Amended Preliminary Site Plan and Bulk Variance Approval for Maximum Lot Coverage in order to permit the initially approved construction of a three-apartment unit building with modifications. Motion carried: 8-0, 2 abstentions.

### **Resolution: PB 12-22**

Application: 430-22 Carmen Galarza  
427 Prospect Street / Block: 2, Lot: 2.01

Motion by Jorge Gonzalez-Gomez, seconded by Janet Kern to accept the Resolution for Bulk Variance Approval. Motion carried 7-0, 3 abstentions.

### **Resolution: PB 13-22**

Application: 423-21 Samboy Partners Urban Renewal, LLC. (Formerly Manhattan Beach Club)  
Radford Ferry Road / Block: 161.02, Lot 6.06

Motion by Scott Kominkiewicz, seconded by Janet Kern to accept the Resolution granting Amended Preliminary and Final Major Site Plan Approval as to Phase II. Motion carried: 9-0, 0 abstentions.

## **COMPLETENESS**

**Application: 432-22 – Ruzhdi Jusufi**  
117 -119 S. Pine Avenue / Block 76, Lot 7

Completeness Committee Chairwoman Janet Kern stated that she is in receipt of a letter from AJV Engineering, Inc. dated May 13, 2022, regarding Application 432-22, Ruzhdi Jusufi recommending **Complete**.

Motion by Jorge Gonzalez-Gomez seconded Janet Kern to accept the recommendation of Complete for Application 432-22, Ruzhdi Jusufi  
Motion carried: 2-0, 0 abstention

## **PUBLIC HEARING**

**Application: 424-21 – Robert Lubelli**  
716 Conlogue Avuene / Block 93, Lot 11  
Please refer to the transcript

Chairwoman Szaro asked for a motion to open this portion of the meeting to the public. Motion by Jorge Gonzalez-Gomez, seconded by Janet Kern. With no public to speak on this matter Chairwoman Szaro asked for a motion to close this portion of the meeting. Motion by Gary Forshner, second Janet Kern.

Chairwoman Szaro asked for a motion to approve the Bulk Variance portion of this application subject to all the testimony, and all the conditions outlined in the letter for AJV Engineering, Inc. Dated May 10, 2022, and all conditions outlined in by Mr. James E. Stahl, Esq.

Motion by Gary Forshner, seconded by Janet Kern.

Motion carried 9-0, 0 abstention

### **INFORMAL HEARING**

Edyta Karpowicz

250 Main Street / Block 116, Lots 15.01 & 15.02

Please refer to the transcript

Ms. Edyta Karpowicz is seeking advice from the Planning Board to Subdivide the property located in the RA – Single Family Residential Zone. The property was previously subdivided into two lots: 15.01 (10,125 sf) and Lot 15.02 (7,875 sf). Both lots are currently owned by the applicant. The proposal is to take the smaller of the two existing lots and subdivide it further while placing a duplex on the newly created common lot line. Since the previous subdivision did not take into account the existing driveway for the benefit of Lot 15.01 that encumbers Lot 15.02, this application would be considered for a three-lot subdivision in order for the corrective measures that need to be taken to provide access and parking on Lot 15.01. A duplex is considered a single-family attached home for each unit which requires a Use Variance since detached single-family homes are permitted whereas attached single-family homes are not permitted in the RA Zone. Each unit of the duplex is privately owned, along with the lost said unit occupies. This tends to be, although not 100% of the time, owner-occupied as opposed to rented. Owner-occupied properties are typically maintained and unkept since the owner has a direct piece of the equity of the property, compared to a rental unit which is reliant on a landlord for upkeep and a tenant for possible deterioration of a unit in which they have no equity. There are inaccuracies in the proposed bulk standards table, the following bulk variances would be required on each proposed lot of the duplex:

- Minimum Lot Area (5,000 sf required vs. 3,927.50 sf proposed)
- Minimum Lot Width (50 ft required vs. 26.25 ft proposed)
- Maximum Dwelling Units Per Building (1 du required vs. 2 du proposed)
- Maximum Dwelling Units Per Acre (8.71 du/ac required vs. 9.68 du/ac proposed, assuming there is only one unit in each dwelling on Lot 15.01, otherwise the variance will be greater)
- Minimum Distance Between Buildings (10 ft required vs. 0 ft proposed)

An additional bulk variance may be required on Lot 15.01 for impervious coverage. More information must be shown on the property in order to confirm if it conforms to the maximum 60% impervious coverage permitted once the additional driveway pavement is added. The full building, concrete walks, etc. that contribute to impervious coverage must be shown. The bedroom count of each unit, including the existing dwelling of Lot 15.01 must be known in order to determine the parking requirements and if a bulk variance would be required. There are numerous typographical errors, incorrect data, and data that has been omitted from the plans that would need to be added/corrected for a full application. Those deficiencies will be reported during a full application to the Board.

Chairwoman Szaro asked for a motion to open the meeting to the public. Motion by Gary Forshner, seconded by Janet Kern. With no one from the public wishing to speak, Chairwoman Szaro asked

for a motion to close the public portion of this meeting. Motion by Janet Kern, seconded by Gary Forshner.

**DISCUSSION - NONE**

**CORRESPONDENCE – NONE**

Chairwoman Szaro asked for a motion to open the meeting to the public. Motion by Gary Forshner, seconded by Janet Kern With no one from the public wishing to speak, Chairwomen Szaro asked for a motion to close the meeting to the public. Motion by Janet Kern, seconded by Gary Forshner. All in Favor

Chairwoman Szaro announced that the next scheduled meeting would be held in person on Wednesday, June 22, 2022, at 7:00 pm.

Chairwoman Szaro called this meeting to adjourn. All in favor.

Respectfully submitted,

Amy Russo  
Planning Board Secretary  
Minutes Approved on June 22, 2022

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LAND USE BOARD  
CITY OF SOUTH AMBOY  
COUNTY OF MIDDLESEX  
STATE OF NEW JERSEY

In the Matter of )  
The Application of: ) Transcript of  
ROBERT LUBELLI ) proceedings  
#424-21 )  
716 Conlogue Avenue )  
Block 93, Lot 11 )  
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Wednesday, May 25, 2022  
City Hall  
140 No. Broadway  
South Amboy, New Jersey

LAND USE BOARD

MARY SZARO, Chairwoman  
SCOTT KOMINKIEWICZ  
JORGE GONZALEZ-GOMEZ  
FRANCIS MULVEY  
JANET KERN  
GARY FORSHNER  
MICHAEL GROSS  
GEORGE BARANOWSKI  
ANDREW HOREZGA  
ROBERT PAULUKIEWICZ

AMY RUSSO, Secretary  
JASON VALETUTTO, Planner/Engineer

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DEBORAH A. MASTERTON  
Certified Court Reporter  
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East Brunswick, New Jersey 08816  
732-690-2411  
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1           A p p e a r a n c e s :

2                           BORRUS, GOLDIN, FOLEY, VIGNUOLO,  
3                           HYMAN & STAHL, P.C.,

4                           Attorneys for the APPLICANT

5                           By: JAMES STAHL, ESQUIRE

6                           THOMAS E. DOWNS, ESQUIRE,  
7                           Attorney for the APPLICANT

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I N D E X

<u>WITNESS</u>	<u>PAGE</u>
ROBERT LUBELLI DIRECT EXAMINATION BY MR. DOWNS	10

I N D E X T O E X H I B I T S

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
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1 THE CHAIRWOMAN: We have one application  
2 for this evening, 424-21. Mr. Lubelli, welcome  
3 back.

4 MR. LUBELLI: Thank you.

5 THE CHAIRWOMAN: And, Mr. Downs, I  
6 believe you're representing.

7 MR. DOWNS: Yes, I am, Thomas Downs, 101  
8 North Feltus Street, on behalf of Mr. Lubelli. He's  
9 present here in the room. Good evening.

10 I think we're back here now based upon  
11 Mr. Valetutto's review letter of -- the second  
12 review letter, and we submitted a series of plans,  
13 which is the -- Mr. Leo Kalieta's survey, Jason,  
14 which the original survey I'm looking at, and you  
15 have a comment in your letter that the scale is  
16 1 inch equals -- 1 inch equals 10 feet. That's  
17 what's on the Kalieta's sealed survey that I have.

18 MR. VALETUTTO: But not on -- you  
19 sketched upon Mr. Kalieta's survey, and above his  
20 title block, it says 1 inch equals 1 foot. If you  
21 look at the sketch that has the pool shown on the  
22 property, that's what that comment is in reference  
23 to.

24 MR. DOWNS: Yeah, but I'm looking at it  
25 here, and it says --

1                   MR. VALETUTTO:  You're looking at the  
2                   actual survey.

3                   MR. DOWNS:  No, this is the one with the  
4                   pool was put in by the --

5                   MR. VALETUTTO:  Look right above the  
6                   title block.  There's a box that says sketch of  
7                   proposed above-ground pool, scale is 1 inch equals  
8                   1 foot.

9                   MR. DOWNS:  Oh, I'm looking at -- okay,  
10                  I'm looking at the one in the lower left-hand  
11                  corner.  Okay.  Okay.  I get it.  Okay.  It's  
12                  microscope.  That's too big -- that's bigger than --  
13                  I need my glasses to see.  Okay.

14                  Any event, I reviewed Mr. Valetutto's  
15                  letter with my client, and I can indicate the  
16                  following.  He has -- he can agree -- he would like  
17                  to keep the pool where it's on the sketch because in  
18                  case the pool ruptures, he doesn't want the water  
19                  going into his basement, and that extra half foot  
20                  gives him some room to have the water go away from  
21                  the house towards the street.  Your -- on your  
22                  letter B, Mr. Valetutto, we don't have a problem  
23                  with that, nor with C.  If I can go to your letter,  
24                  though, that would be more helpful.  And this is --

25                  MR. VALETUTTO:  So, Mr. Downs, just so

1 the board is clear, you're willing -- your client is  
2 willing to move the pool pump?

3 MR. DOWNS: The pool pump he will move  
4 to --

5 MR. VALETUTTO: -- is currently shown as  
6 1 and a half feet, and you'll move it to a minimum  
7 of 3 feet from the side property line?

8 MR. DOWNS: Yes, that's correct.

9 MR. VALETUTTO: And the shed is  
10 currently shown as 1.3 feet from the side property  
11 line. You're willing to move that 3 feet away from  
12 the side property line?

13 MR. DOWNS: Three feet on both sides,  
14 and --

15 MR. VALETUTTO: And the rear scale is  
16 currently at 2 feet, but you're willing to move that  
17 back the extra foot so it eliminates those three  
18 variances.

19 MR. DOWNS: That's correct. The lot  
20 coverage as you -- the fence height -- because this  
21 is Bordentown Avenue, the 6-foot fence is very  
22 advantageous to him to keep for privacy purposes,  
23 especially with the Jay Patel's store across the  
24 street with all the foot traffic that comes in and  
25 out of there, and that's akin -- that 6-foot fence

1 is akin to what Chief LaVigne has up the street at  
2 the corner of Dayton and Bordentown, also.

3 MR. VALETUTTO: Well, as you know,  
4 Mr. Downs, the board can only examine the property  
5 that is before them for this application, not  
6 Mr. LaVigne's property.

7 MR. DOWNS: And I understand, but I'm  
8 just pointing it out that there are other fences in  
9 the area.

10 MR. VALETUTTO: Understood, understood  
11 there's other fences in the area; however, the board  
12 can only act upon this application, and the  
13 suggestion was either to ask the board for a  
14 variance for the fence as is shown at 6 feet within  
15 the front yard, or as the alternative, which I had  
16 laid out in my report, they can move the fence back  
17 to in line with the corner of the building, and they  
18 can maintain it as 6 feet, which would still give  
19 them the privacy. They would just be losing part of  
20 their concrete patio. That would eliminate the  
21 variance completely. That's all.

22 MR. DOWNS: I understand, but he would  
23 -- he wants the luxury of having the patio and the  
24 fence, so he would like the variance.

25 MR. VALETUTTO: Okay. The board needs

1 to hear testimony from you as to why the fence  
2 cannot be moved to be compliant and why it has to be  
3 a variance.

4 MR. DOWNS: And then I'll have him do  
5 this. I'm not going to do the testimony, as you  
6 well know.

7 Number E, you're correct, there's no way  
8 we can change what we have at that area.

9 And as far as F, we can -- if we move  
10 the shed off the blocks, we will cut the area, and  
11 he would propose putting stone as opposed -- putting  
12 a stone berm there as opposed to the grass that  
13 you're suggesting.

14 MR. VALETUTTO: According to the city  
15 code, stone is considered an impervious coverage --  
16 impervious surface, not a pervious surface, which is  
17 why landscape is required there.

18 MR. DOWNS: Okay.

19 MR. VALETUTTO: So if they're -- is he's  
20 not willing to cut and put landscape there, then  
21 he's going to have to seek the waiver, and that  
22 comment also was in addition to not only the  
23 concrete pad below the shed but also the blocks that  
24 are shown on the survey that goes about the midpoint  
25 of the home.

1                   MR. DOWNS: In that event, he'll put the  
2                   2 feet of grass by the shed. He indicated that he  
3                   will do that.

4                   MR. VALETUTTO: And the blocks in the  
5                   midpoint of the home. There's two locations where  
6                   it goes right to the property line.

7                   Andrew, can you just show Mr. Downs this  
8                   is the part -- yeah, show him on your plan. That's  
9                   what we're talking about.

10                  MR. DOWNS: Yours is bigger than mine.  
11                  We can remove that.

12                  MR. VALETUTTO: Okay, so the board is  
13                  aware they have agreed to move the pool equipment,  
14                  which is the pump. They have agreed to move the  
15                  shed so it is compliant with the proper setbacks,  
16                  and they've also agreed to remove the concrete and  
17                  the blocks 2 feet off the property and returning it  
18                  to grass, which is what's required for the zone.

19                  The variances that they're asking for  
20                  tonight would be the side yard to the pool, the  
21                  clearance from the pool to the structure, and the  
22                  height of the fence within the front yard as well as  
23                  the maximum lot coverage, which maximum lot coverage  
24                  would never change regardless of what he did  
25                  tonight.

1 MR. DOWNS: Prepared to take testimony  
2 of Mr. Lubelli?

3 Mr. Lubelli, come up.

4 Mr. Stahl, you're up.

5 MR. STAHL: Mr. Lubelli, would you raise  
6 your right hand.

7 MR. VALETUTTO: Is he still under oath?  
8 Do we have to go through all this?

9 MR. STAHL: He's going to take a second.  
10 I'm sure he's still as honest as he was the day he  
11 was here before us.

12

13 R O B E R T L U B E L L I, sworn.

14 DIRECT EXAMINATION BY MR. DOWNS:

15 MR. STAHL: Please keep your voice up.  
16 State your name -- put your arm down -- and spell  
17 your last name, please.

18 THE WITNESS: Robert Lubelli,  
19 L-u-b-e-l-l-i.

20 MR. STAHL: All right, Mr. Downs.

21 MR. DOWNS: Do I have to address the  
22 pool, itself, Jason, or you can go with the  
23 testimony he's previously given on that?

24 MR. VALETUTTO: No, I think the  
25 testimony -- everyone here I think was here prior,

1 so I think the main thing that they need to hear on  
2 is the fence and just to confirm that all the  
3 concrete that was out there was prior to Mr. Lubelli  
4 occupying the home.

5 Q. Okay. All right, Mr. Lubelli, you are  
6 -- you live in the house; is that correct?

7 A. Correct.

8 Q. And your cousin is the owner of the  
9 house, and --

10 A. That is correct.

11 Q. -- he purchased it from another  
12 individual, who -- when the property was  
13 purchased --

14 MR. STAHL: Mr. Downs, why don't you  
15 pull that mic up a little bit. It is working --  
16 until you broke it.

17 MR. DOWNS: It's pretty tight.

18 Q. So the concrete block that we're talking  
19 about at the rear of the property, that was on the  
20 property before your cousin purchased the home; is  
21 that correct?

22 A. That is correct.

23 Q. And you have no problem removing that so  
24 it's 3 feet off of the property line in the back.

25 A. Not a problem.

1 Q. Okay. And second, you also indicated  
2 that --

3 MR. VALETUTTO: Tom, just to interrupt,  
4 it only has to be 2 feet, but if you're willing to  
5 move it 3 feet, we're happy with 3 feet.

6 MR. DOWNS: It will be 2.

7 A. You're talking about the shed?

8 Q. We're talking about the concrete block  
9 that's --

10 A. Okay, I understand.

11 Q. -- that we showed on the map before,  
12 that you showed over here on the map you're looking  
13 at.

14 A. Move that 2 feet.

15 Q. Two feet off the property.

16 A. Off the property line.

17 Q. And the shed you're going to move back  
18 so that it's 3 feet off the property line on either  
19 side, and you're going to cut the concrete in the  
20 back of that, and you're going to put grass -- you  
21 agree that you're going to put grass or -- shrubbery  
22 would be allowable, also, Mr. Valetutto? So you'll  
23 landscape --

24 MR. VALETUTTO: Yes.

25 Q. Either way you want, either with shrubs

1 or with grass. Your choice to call, okay?

2 A. Okay.

3 Q. Now, with respect to the fence, why do  
4 you want the fence?

5 A. Why do I want the fence?

6 Q. Yes.

7 A. I live on Bordentown Avenue. I can't  
8 tell you that the noise and the control of the  
9 traffic is just to the point where it's annoying,  
10 and it does help by having something that you can be  
11 barricaded by that. My neighbor was in agreeance  
12 with the same situation, and he felt very strongly  
13 to agree to the 6-foot fence. I said to him, I said  
14 we both can enjoy a little privacy that way. As  
15 well, dropping down to 4 feet, everybody looking at  
16 you driving by and walking by. I can't tell you the  
17 collection of garbage that I pick up from the store  
18 across the street. I fill up a whole pail every  
19 day, and, you know, it's just that's where it's  
20 giving me a little bit of privacy.

21 Q. So you're basically indicating that your  
22 lawn on Bordentown Avenue is basically a garbage  
23 receptacle.

24 A. In some sense it is. It's -- listen, I  
25 want my home to be manicured, and I make sure the

1 grass is cut, and I want to make sure there's no  
2 garbage on my lawn, but, you know, I've spoken to  
3 the gentleman that owns the store. I told him, I  
4 said some of the people come out and they discard  
5 their garbage from your store. I said I'm not  
6 blaming you. I said it's, you know, it's these  
7 people that do that, but it's my responsibility to  
8 pick it up. It's on my property. I mean, I find  
9 beer bottles underneath my trees all the time.  
10 It's, you know, just happens. So with the fence  
11 being pushed out a little bit, it appears it's been  
12 a little bit less. I kind of think that they're not  
13 thinking it's someplace you can just throw it. I  
14 put cameras in for that reason, as well. I want to  
15 be able to show the gentleman across the street who  
16 these people are.

17 Q. Okay. So basically, this is -- this is  
18 for your privacy and also for security for your  
19 home; is that correct?

20 A. I'm sorry?

21 Q. It's for security for your home having  
22 the fence?

23 A. Exactly.

24 Q. And the pool, itself, you like to keep  
25 it where it is only --

1           A.       The fence.

2           Q.       I'm talking about the pool now.  You  
3 want to keep the pool where it is so in case there  
4 is a leak it's not going to wind up in your  
5 basement; is that correct?

6           A.       Correct.

7           MR. DOWNS:  That's all I have.

8           THE CHAIRWOMAN:  So if I understand  
9 correctly, the two variances that are now being  
10 requested are for the pool and the fence?

11          MR. VALETUTTO:  There's four variances.

12          THE CHAIRWOMAN:  The only thing that  
13 you're going to speak to is the pool and the fence.  
14 Okay.  Does the board have any questions for Mr.  
15 Lubelli?  Yes, Gary.

16          MR. FORSHNER:  So I don't have any  
17 problem with the proposal as presented, but I did  
18 want to ask a question with regard to the pool pump.  
19 I heard that you were willing to move it to 3 feet  
20 so a variance wasn't required.  My only question is  
21 if the other variances are granted here, are you  
22 able to move it further away?  I'm just concerned  
23 about noise to the neighbors.

24          MR. DOWNS:  Mr. Forshner, he's hard of  
25 hearing so you have to raise your voice.

1 MR. FORSHNER: Okay, I'll try to speak  
2 louder.

3 Q. Basically what he's saying, would you  
4 move the pump farther than 3 feet away from the area  
5 and so that the noise wouldn't affect the neighbor,  
6 but is there any -- so when you have the neighbors,  
7 is there any landscaping between the neighbor's  
8 house and your house where your back yard is?

9 A. In the back yard?

10 Q. Yeah.

11 A. Fence, and then there's shrubbery  
12 between us.

13 Q. On his side?

14 A. It's on his property.

15 Q. How big are the shrubs on his side?

16 A. They're approximately 8 feet tall.

17 Q. So it's 2 feet higher than the fence; is  
18 that correct?

19 A. Correct.

20 Q. Okay.

21 MR. VALETUTTO: Gary, I'll just remind  
22 you, last time -- and I don't see him tonight -- the  
23 next door neighbor was here and testified in favor  
24 of the pool as is.

25 MR. FORSHNER: Yeah, I have no issue

1 with the pool.

2 MR. VALETUTTO: Just putting on the  
3 record that the neighbor was here.

4 THE WITNESS: He wasn't able to come  
5 again.

6 MR. DOWNS: He's on the tugs. That's  
7 his job.

8 MR. FORSHNER: I personally was very  
9 happy with your neighbor's assistance with regard  
10 to -- my only question is from a noise perspective  
11 with regard to that pump, not a visual perspective,  
12 and whether it would be onerous to move it so it has  
13 a little bit more distance. If it is, I understand,  
14 but that's what the question that I'm posing.

15 MR. GROSS: Madam Chair.

16 THE CHAIRWOMAN: Yes.

17 MR. GROSS: Mr. Downs.

18 MR. DOWNS: Yes, Mr. Gross.

19 MR. GROSS: This gentleman is absolutely  
20 100 percent right. If it is possible -- now, I get  
21 it, the neighbor was here and he testified, the  
22 whole bit. That doesn't necessarily mean you're  
23 going to have the same neighbor 2 years from now.  
24 So my point is, being a good neighbor, is it  
25 possible that that pump could -- and trust me, my

1 office handles tons of these every year, okay. If  
2 it is feasible to move that pump further from the  
3 property line, I think it's in everyone's best  
4 interest.

5 THE WITNESS: The pump?

6 MR. GROSS: Is that possible? I don't  
7 know the answer. I'm asking. But I think, you  
8 know --

9 THE WITNESS: Asking about the pump?

10 MR. GROSS: Yes, sir.

11 MR. DOWNS: Just looking at the design,  
12 Mr. Gross --

13 MR. GROSS: I'm just asking.

14 MR. DOWNS: Just looking at the design  
15 to do that, the only way to do that would be to put  
16 the pump over on the side next to my -- next to the  
17 client's house, which is going to be less than --  
18 looking at the size of that, would probably be about  
19 2 feet off of the house on the inside. I don't  
20 think it's feasible.

21 THE WITNESS: I could place the pump to  
22 the top of the head of the pool and put it out of  
23 the way.

24 MR. GROSS: Will that help?

25 THE WITNESS: It will be safely away 4

1 or 5 feet.

2 MR. VALETUTTO: Mr. Lubelli, you're  
3 saying the top of the pool on the side where the  
4 concrete patio is, because you have the deck at the  
5 other end of the top of the pool, or are you saying  
6 outside of the deck?

7 THE WITNESS: I could put it -- I could --

8 MR. VALETUTTO: Between the deck and the  
9 shed.

10 THE WITNESS: Right.

11 MR. VALETUTTO: So he's saying between  
12 the deck and the shed here.

13 MR. GROSS: Just looking to be a good  
14 neighbor.

15 THE WITNESS: How about if I place it  
16 under the deck?

17 MR. GROSS: Okay.

18 MR. DOWNS: You have access to it in  
19 order to back wash and all that other stuff.

20 THE WITNESS: I could put it to the back  
21 of the deck. That's not a problem.

22 THE CHAIRWOMAN: Maybe we can agree on  
23 it will be moved, and you can --

24 MR. DOWNS: Let the architect who helped  
25 design this put it.

1 THE CHAIRWOMAN: Certainly sounds like  
2 you're amicable to move it, and you certainly are --

3 THE WITNESS: It's not an issue.

4 MR. GROSS: Thank you, sir.

5 THE WITNESS: That would be easily --

6 MR. DOWNS: We're good.

7 THE CHAIRWOMAN: Any other questions  
8 from the board? Okay. Thank you.

9 MR. DOWNS: Thank you. That's all we  
10 have.

11 THE CHAIRWOMAN: Okay.

12 (Off-the-record discussion)

13 MR. DOWNS: Let's see what they do first  
14 and we'll ask that question.

15 THE CHAIRWOMAN: Open up.

16 MR. DOWNS: We're putting the cart  
17 before the horse.

18 THE CHAIRWOMAN: I'm going to open it up  
19 to the public, and then we'll take a vote, okay?

20 THE WITNESS: I appreciate it.

21 THE CHAIRWOMAN: At this time, I'd like  
22 to -- do I have a motion to open up the application  
23 just for this application to the public? Anybody  
24 from the public like to be heard on this  
25 application?

1 MR. KOMINKIEWICZ: So moved.

2 MS. KERN: Second.

3 THE CHAIRWOMAN: Okay, with no one  
4 heard, do I have a motion to close?

5 MR. FORSHNER: So moved.

6 MS. KERN: Second.

7 THE CHAIRWOMAN: Thank you. Any closing  
8 remarks?

9 MR. DOWNS: No. I think we beat this  
10 horse pretty much.

11 THE CHAIRWOMAN: Okay. At this time, do  
12 I have a motion to accept application 424-21, and,  
13 Mr. Stahl, will you read the conditions.

14 MR. STAHL: Well, the conditions will be  
15 our normal conditions with regard to any outside  
16 agencies, any permits required with respect to the  
17 shed, and there were -- Jason, if you would just  
18 read the list of the remaining variances, please.

19 MR. VALETUTTO: Sure. The variances the  
20 board will be voting upon tonight include minimum  
21 side yard setback to pool; 5 feet is required and  
22 they're proposing 4.5 feet. Minimum pool clearance  
23 from all structures; 6 feet is the requirement, and  
24 they're proposing 3.83 feet. Maximum fence height  
25 within a front yard; requirement is 4 feet, and

1 they're proposing 6 feet. And maximum lot coverage  
2 is 25 percent, and they are proposing 35.90 percent.

3 THE CHAIRWOMAN: Thank you. Do I have a  
4 motion to approve.

5 MR. FORSHNER: I'd like to make the  
6 motion to approve it. I think that with regard to  
7 the pool pump, why don't we just say to a location  
8 further from the property line acceptable to the  
9 board's engineer. Would that be amenable?

10 THE CHAIRWOMAN: Yes.

11 MR. FORSHNER: So moved then.

12 THE CHAIRWOMAN: Thank you. Second?

13 MS. KERN: Second.

14 THE CHAIRWOMAN: Roll call.

15 MS. RUSSO: Chairwoman Mary Szaro.

16 THE CHAIRWOMAN: Yes.

17 MS. RUSSO: Scott Kominkiewicz.

18 MR. KOMINKIEWICZ: Yes.

19 MS. RUSSO: Council President Mickey

20 Gross.

21 MR. GROSS: Yes.

22 MS. RUSSO: Gary -- George Baranowski.

23 MR. BARANOWSKI: Yes.

24 MS. RUSSO: Janet Kern.

25 MS. KERN: Yes.

1 MS. RUSSO: Jorge Gonzalez.

2 DR. GONZALEZ-GOMEZ: Yes.

3 MS. RUSSO: Gary Forshner.

4 MR. FORSHNER: Yes.

5 MS. RUSSO: Andrew Horezga.

6 MR. HOREZGA: Yes.

7 MS. RUSSO: Robert Paulukiewicz.

8 MR. PAULUKIEWICZ: Yes.

9 MS. RUSSO: Francis Mulvey.

10 MR. MULVEY: Yes.

11 MS. RUSSO: Roll call complete.

12 THE CHAIRWOMAN: Okay, the application  
13 is approved. Mr. Lubelli, enjoy your pool.

14 MR. DOWNS: Mr. Lubelli has a question.

15 THE CHAIRWOMAN: Oh, yes.

16 MR. DOWNS: And the questions is can he  
17 proceed to start putting the pool in -- I think --  
18 or does he have to wait for the memorialization of  
19 the resolution, which hopefully will be next month,  
20 because he's coming into the pool season, as you  
21 know.

22 MR. VALETUTTO: Jim, if an applicant  
23 chooses to go ahead, isn't that just at-risk? They  
24 still have the 45 days, but it's at-risk if anyone  
25 appeals, but apparently no one is here to speak

1 against Mr. Lubelli.

2 MR. STAHL: The resolution has been  
3 approved. All that's required is a memorialization,  
4 and knowing the young court reporter we have and the  
5 application, I see no problem and only one  
6 resolution this month. We'll have the resolution  
7 for the meeting, but I would see no impediment for  
8 Mr. Lubelli getting the required permits, whatever  
9 is required for the item, and --

10 MR. DOWNS: My question is going to have  
11 to be some communication between Mr. Valetutto and  
12 Mr. Kelly to issue the permit. That's the issue.

13 MR. STAHL: I see no problem.

14 MR. DOWNS: Because without the  
15 resolution, Mr. Kelly won't issue the permit.

16 MR. VALETUTTO: I can't speak for  
17 Mr. Kelly.

18 MR. DOWNS: So it's like the chicken and  
19 the egg again.

20 THE CHAIRWOMAN: I think that's the best  
21 we can do.

22 MR. STAHL: Mr. Downs, you'll report to  
23 Mr. Lubelli -- I don't see the risk -- that the risk  
24 of building it and then someone comes out of the  
25 woodwork and says I'm going to appeal the approval.

1                   MR. DOWNS: We got Mr. Bartlinski, who's  
2 on a tear right now throughout the town for code  
3 enforcement. That's an issue and he starts and  
4 he'll put a stop on it.

5                   MR. STAHL: He'll have the permits to do  
6 the work so long as Mr. Kelly says yes, so what  
7 violation is -- and I'm not giving advice.

8                   MR. DOWNS: If he starts the work  
9 without the permits, that's the issue. We'll make  
10 the application, go from there. Thank you very  
11 much.

12                   THE CHAIRWOMAN: Thank you. Have a good  
13 evening.

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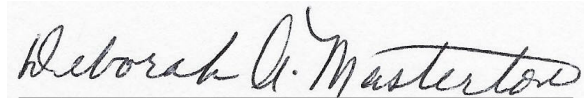
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C E R T I F I C A T E

I, DEBORAH A. MASTERTON, a Certified Court Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the proceedings in the above entitled matter as taken stenographically by me at the time and place aforesaid.

I do further certify that I am neither a relative, nor employee, nor attorney, nor counsel of any of the parties to this action; and that I am neither a relative, nor employee of any such attorney or counsel; and that I am not financially interested in the action.

A handwritten signature in cursive script that reads "Deborah A. Masterton". The signature is written in black ink on a light-colored background.

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