

THE HISTORIC PRESERVATION COMMISSION  
FOR THE TOWNSHIP OF NEPTUNE  
MONMOUTH COUNTY

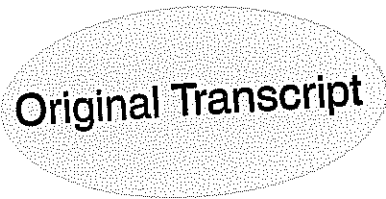
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| IN THE MATTER OF THE     | TRANSCRIPT OF |
| APPLICATION #HPC2020-226 | PROCEEDINGS   |
| 9 BROADWAY AVENUE,       |               |
| Block 247, Lot 13        |               |
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January 12, 2021  
Held via ZOOM  
7:00 p.m.

COMMISSION

DEBORAH OSEPCHUK, Chairperson  
LUCINDA HEINLEIN, 1st Vice Chairperson  
JEFFREY RUDELL, 2nd Vice Chairperson  
DOUGLAS, McKEON  
JENNY SHAFFER  
KURT CAVANO  
JOSEPH WIERZBINSKY



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A P P E A R A N C E S

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Ocean Grove, NJ 07756  
Attorney for the Applicant.

1 \* \* \*

2 CHAIR OSEPCHUK: All right, next is 9  
3 Broadway. Steve, would you swear in whoever is  
4 going to be testifying.

5 MR. TOMBALAKIAN: Yes, but I believe  
6 Mr. Hundley is the attorney for the applicant. So  
7 I think he's going to disclose who his witnesses  
8 are.

9 MR. HUNDLEY: Right. I will be  
10 presenting the class on behalf of the applicant.

11 CHAIR OSEPCHUK: Okay. Mr. Hundley,  
12 thank you.

13 MR. HUNDLEY: Very good. Board  
14 before we start with the application itself, I  
15 think it appropriate that I give you just a little  
16 background of how this application came to be.

17 In the later part of the summer of 2018 the  
18 applicant or the owner rather removed two  
19 existing walkways that lead -- the first walkway  
20 lead from the public sidewalk that went along  
21 Broadway to the front entrance. The second  
22 poured concrete sidewalk went from the public  
23 sidewalk all the way to the side entrance that's  
24 located on the western rear of the property.

25 After they removed the existing poured

1 concrete sidewalks, the two of them, they  
2 installed concrete pavers. And the concrete  
3 pavers were installed along an existing pathway,  
4 if you will, for the former sidewalks.

5 They also installed a third concrete paver  
6 walkway, which ran along the front facade of the  
7 home and connected the front walk to the side  
8 entrance walkway.

9 In November of 2018 the Zoning Officer  
10 issued the homeowners a Notice of Violation and in  
11 March of '19, 2019 issued three Municipal Court  
12 Summonses for violating. Two of them were for  
13 installing, one structures in the flared area in  
14 the front of the dwelling. The second was for  
15 installing a structure I believe that the  
16 structure was referred to simply to the walkways.  
17 And the third was for failure to obtain HPC's  
18 Certificate of Approval prior to commencing the  
19 work.

20 As I said these complaints were filed in  
21 March 2019. During the course of 2019 there were  
22 various procedural motions filed in the Municipal  
23 Court Action. This resulted in December of 2019  
24 of the two complaints charging the owner, only one  
25 owner was charged, that would be Mr. Taylor,

1 charging him with failure to obtain Zoning Permit.  
2 They were both dismissed.

3 We were supposed to commence hearings in  
4 2020 and that was, the hearing were not scheduled  
5 primarily due to COVID. We did go back in  
6 September of 2020 and at that time it was decided  
7 as a way of settling the matter we would apply for  
8 a Zoning Permit. The Zoning Permit was merely to  
9 get the matter before the HPC. And we then  
10 applied to the HPC for approval of the walkways.

11 The application had eleven exhibits and I  
12 think the primary exhibit, if you will, for a  
13 starting point would be Exhibit 11, which was  
14 prior concrete walkways leading to the front and  
15 side entrances. And you can see, although  
16 possibly under the ground cover, we can probably  
17 put in a three-way highway but I will submit that  
18 the walkway connecting the two entrance walkways  
19 was not in existence that was.

20 Now we also submitted a series of  
21 photographs -- well, first of all there was a  
22 drawing which showed that all of the walkways were  
23 under the six-foot width limitation contained in  
24 the Ordinance 423. And it was also our contention  
25 that concrete pavers are permitted under your

1 guidelines.

2           So we submitted the application and I can  
3 tell you in the Municipal Court matter it was  
4 agreed that the construction or the installation,  
5 if you will, of those walkways did not require a  
6 construction permit; and did not require either a  
7 variance or site plan approval from the Planning  
8 Board or variance from the Board of Adjustment.

9           So we are here right now to request a  
10 Certificate of Appropriateness for the walkways  
11 that were installed in 2018. The Municipal Court  
12 matter has been held in abeyance pending the  
13 outcome of this application. So here we are.

14           The applicant's position is the following,  
15 and I am going now to the review letter that was  
16 sent to the applicant, which I covered up with  
17 something. Give me a moment. The review letter  
18 -- I'm really going to ask you for a moment here.  
19 I really covered up everything here and I  
20 apologize.

21           The review letter, number two, which lists  
22 noncompliant items that only one six-foot pathway  
23 is allowed in the flare. The applicant's  
24 response to that noncompliant is the following:  
25 Number one, 423 which was incorporated into your

1 guidelines, I believe it's Guideline R. It states  
2 that the -- except for walkway and sidewalk under  
3 six feet in diameter and shrubbery, flowers under  
4 30 inches, except for those items the remaining  
5 items in the flared open area were not permitted.

6 It is somewhat a, in our opinion, a stretch  
7 of the literal reading of that ordinance to say  
8 that limits walkways to one walkway. I think you  
9 really have to stretch the definition. It was not  
10 a limitation on the number of walkways. It was in  
11 fact set out various exemptions to the remaining  
12 of provisions of that section of the ordinance.

13 But even if that were the case, it is clear  
14 that the dwelling had at least two preexisting  
15 concrete walkways. And those concrete walkways  
16 were obviously grandfathered in, if you will,  
17 because they were old and they were, I think the  
18 photograph that we submitted was taken back in  
19 2011.

20 MR. RUDELL: Mr. Hundley, this is  
21 Jeffrey Rudell. May I interrupt you there for a  
22 moment there, just to ask a quick question of  
23 clarification. You're saying that the property  
24 did have two walkways as illustrated in your  
25 Exhibit 11.

1 MR. HUNDLEY: That's correct.

2 MR. RUDELL: I see that. But you're  
3 also telling me that the homeowner took out both  
4 of those walkways and replaced it with three  
5 walkways; is that correct?

6 MR. HUNDLEY: That's correct.

7 MR. RUDELL: Thank you very much.

8 MR. HUNDLEY: Two -- yes -- And we  
9 did tell you that the one that connects runs east  
10 to west along the front facade of the building  
11 connecting the two entrance walkways was not  
12 there. And I'm not going to argue. It's hidden  
13 over the overgrown lawn. I won't do that to you.

14 So our position would be number one, the  
15 ordinance as far as the number of walkways I do  
16 not believe a fair reading of the ordinance would  
17 read any -- give you any conclusion that it was  
18 limiting the number of walkways to one. But even  
19 if I was wrong, which seldom happens but in those  
20 rare occasions I was wrong, we would take the  
21 position then that the existing two entrance  
22 walkways were grandfathered in.

23 CHAIR OSEPCHUK: Mr. Hundley, can I  
24 ask a question.

25 MR. HUNDLEY: Certainly.



1 CHAIR OSEPCHUK: When you talk about  
2 something being grandfathered, doesn't  
3 grandfathering only apply to something as long as  
4 it remains. Once that something that you're  
5 referring to has been removed, the grandfathering  
6 is no longer applicable.

7 MR. HUNDLEY: The surface of the  
8 walkways was changed. Not the walkways  
9 themselves.

10 CHAIR OSEPCHUK: The concrete was  
11 removed; is that correct?

12 MR. HUNDLEY: The concrete which is  
13 the surfacing material of the two walkways --

14 CHAIR OSEPCHUK: Was removed,  
15 correct?

16 MR. HUNDLEY: It was removed, yes,  
17 removed.

18 CHAIR OSEPCHUK: Okay. That's all I  
19 wanted to ask.

20 MR. HUNDLEY: Right. But the two  
21 walkways are -- were preexisting.

22 CHAIR OSEPCHUK: As they were. Had  
23 they been repaired or had they been kept then the  
24 grandfathering would apply. Once they are  
25 removed, how can it be grandfathered if they're no

1 longer there? What's there is dirt.

2 MR. HUNDLEY: I think we are talking  
3 about whether if you're talking about if you had  
4 one walkway leading to the front entrance and you  
5 constructed a second walkway leading to the side  
6 entrance, you would have to get approval for that  
7 second walkway. It was not grandfathered.

8 MR. RUDELL: That's not correct. No.  
9 The way it works is if it's there, as is, where is  
10 in the flare, it was there. It had been there  
11 before this HPC Commission was in -- had convened  
12 even before the rules applied. But the homeowner  
13 took it upon themselves to remove existing  
14 sidewalks and the material is the sidewalk. There  
15 is no structure beyond the material. So that's a  
16 somewhat specious argument.

17 But they did take it upon themselves  
18 without a letter of appropriateness from the HPC,  
19 which is required for anything in the flare. And  
20 they replaced it with not only new sidewalks plus  
21 the addition of a third but they used materials,  
22 concrete pavers, which are not in the form or  
23 shape or color that is also approved by this  
24 Commission. They didn't come to us for approval  
25 at all; is that correct?

1 MR. HUNDLEY: That's correct, yes.

2 MR. RUDELL: If they did not come to  
3 us and they put in something which this Board has  
4 routinely called out as noncompliant with  
5 homeowners all over Ocean Grove, what makes this  
6 particular case special and deserving of special  
7 consideration?

8 MR. HUNDLEY: Well first of all it's  
9 not asking for special consideration. It is what  
10 our position is that a fair reading of the  
11 ordinance is not the concrete surfacing. In fact  
12 I think your guideline refers to surfacing not the  
13 walks themselves.

14 It would be our position that you have two  
15 walkways, one to each entrance and they were  
16 grandfathered, the walkways. Now we go to the  
17 issue of covering.

18 MR. RUDELL: If that's the case may I  
19 ask would your client be willing remove the pavers  
20 and just have a dirt path, which is in fact the  
21 walkway by your definition?

22 MR. HUNDLEY: And do you think that  
23 would pass the Construction Code?

24 (Inaudible.)

25 MR. HUNDLEY: No that's a specious

1 argument to say --

2 MR. RUDELL: If that's the case then  
3 I would have to say that our position has been  
4 consistently that materials come before this Board  
5 for a Letter of Appropriateness and that sidewalks  
6 in the flare especially but sidewalks in all areas  
7 come before this Board for a Letter of  
8 Appropriateness. And they are limited in the  
9 flare to one. That is our position and has  
10 consistently been that. Homeowners across Ocean  
11 Grove who happen to have properties in the flare.  
12 So that would be our position. You're welcome to  
13 your position. I appreciate that --

14 MR. HUNDLEY: I understand.

15 MR. RUDELL: -- but I don't think it  
16 has any bearing here. Your position of --

17 MR. HUNDLEY: I understand your  
18 position. The question is really a legal one. I  
19 understand your position. It was laid out clearly  
20 in the exception. If you will the applicant is  
21 taking exception to the exception, if you will.  
22 Because we believe that the issue of grandfathered  
23 goes to the walkways not to the surface material  
24 of those walkways.

25 MS. SHAFFER: You know in the past

1 I would like to remind some of you on the Board  
2 will remember one of the tragic fires on the  
3 north end of town. One of the houses that was  
4 rebuilt, they left a time -- they left a charred  
5 staircase in the flare because they knew that the  
6 township would not allow them to rebuild in the  
7 flare. They would not grandfather it in. The  
8 Township and we do not grandfather things in the  
9 flare.

10 Remember that house, Deb. I don't think --

11 CHAIR OSEPCHUK: I do.

12 MS. SHAFFER: Cindy, you remember.

13 CHAIR OSEPCHUK: I also remember a  
14 case where someone a long time ago had put a fence  
15 up in the flare. When that fence was removed --

16 MS. SHAFFER: It's over.

17 CHAIR OSEPCHUK: -- it was not  
18 allowed to be put back because the grandfathering  
19 left with the fence.

20 MS. SHAFFER: Yes, so that -- and  
21 we're consistently doing that. That is the way  
22 it's read. That what it says on page 12 of our  
23 Guidelines. So I understand, Mr. Hundley, you're  
24 saying that you don't agree with that. But be  
25 aware that this is a consistent thing. And if

1 your client had applied when they wanted to do  
2 this, then is what they would have been told. And  
3 so again, I don't think that the argument makes  
4 sense. But it also is one that we have  
5 consistently done especially with the flare.

6 CHAIR OSEPCHUK: Mr. Hundley, if  
7 you're talking about surface, the surface material  
8 that was used is not a surface material that we  
9 approve.

10 MR. HUNDLEY: Well let me --

11 CHAIR OSEPCHUK: We approve concrete  
12 pavers when they are the size and shape of brick.  
13 Our Guidelines state that very clearly. Had those  
14 gray pavers been the size and shape of a brick,  
15 then that could be a consideration. But they are  
16 not. They are a variety of sizes. Some square.  
17 Some rectangles. And then walkway that connects  
18 the two that was built in the flare illegally is  
19 certainly not something that we would ever  
20 approve. Hardscape in the flare is discouraged at  
21 all costs.

22 MR. HUNDLEY: Well let me just  
23 address that. I did -- I had printed out some  
24 time ago your Guidelines together with the  
25 ordinance. And today or actually several days ago

1 preparing for the hearing and reviewing the  
2 Guidelines I went and printed out a copy again and  
3 I have to tell you I do not see anything in your  
4 Guidelines, and if I'm missing them please feel  
5 free to point me to the section.

6 CHAIR OSEPCHUK: Can someone please  
7 tell Mr. Hundley the page in our Guidelines that  
8 states that the materials used for walkways needs  
9 to be the size and shape of brick, even if they  
10 are pavers.

11 MR. HUNDLEY: I'm looking at your  
12 Guidelines --

13 MR. RUDELL: While Members look  
14 for that my point which I would like to draw the  
15 Commission's attention to is this Commission is  
16 charged with selecting materials that are  
17 historically appropriate. The pavers that are in  
18 place regardless of their material or color can  
19 not be shown to have any historical antecedent.  
20 They are not appropriate. There's no visible  
21 record or historical photograph that suggests that  
22 suggests that sort of paving was ever used.

23 And while I understand this seems like a  
24 perhaps academic problem for Mr. Hundley and his  
25 client, the problem is not of our making. It is

1 of the homeowner's making by taking it upon  
2 themselves to do something without HPC approval,  
3 which is their responsibility.

4 So it's not a problem we created. It's a  
5 problem we advised Mr. Hundley's client on how to  
6 correct. And they have not yet corrected it or  
7 offered a solution, which is historically  
8 appropriate.

9 So I think we should consider what the  
10 application actually says before us.

11 MS. SHAFFER: Yeah and it is. It is  
12 a modern configuration. I know that sort of  
13 irregular pattern and odd shaped -- it's not a 19  
14 -- and that is a 19th Century building, if I  
15 recall.

16 MR. HUNDLEY: You see one of my  
17 problems in dealing with the Guidelines, the  
18 Guidelines are incorporated into the ordinance and  
19 the Guidelines are what can be enforced. And what  
20 you're telling me now is that although the  
21 Guideline approves pavers your interpretation of  
22 those Guidelines or your implementation of those  
23 Guidelines limits those pavers to a certain size.

24 CHAIR OSEPCHUK: That is correct, Mr.  
25 Hundley. That is correct.



1 MR. HUNDLEY: Right. Yet I think we  
2 would all agree that appears nowhere in your  
3 Guidelines and therefore is not part of the  
4 ordinance.

5 CHAIR OSEPCHUK: We think what's  
6 -- inaudible -- here is color but size and shape  
7 of brick does appear. And I can --

8 MR. RUDELL: And furthermore this  
9 Commission is not set up here simply to read  
10 Guidelines to homeowners. Part of our job is to  
11 look at each project and to rule on its  
12 appropriateness per that project. Whether the  
13 house is original, whether the property is in the  
14 flare, whether the materials are sensitive, it's  
15 not all written down because it can't all be  
16 written down as you well know.

17 Part of what the beginning half of the  
18 Guidelines say is these are historically  
19 appropriate ideas. This is how 1890 houses were  
20 built and this is the type of landscaping they  
21 might have. As you move into the '50s and '60s  
22 that landscaping and those materials change. And  
23 part of our job is to look at what's before us and  
24 decide whether or not it's preservable.

25 And in this particular case the flare and

1 the sidewalks were preservable. Your homeowner  
2 could have repaired what he had or she had and  
3 chose not to.

4 Again that's not a choice we made. It is a  
5 choice your homeowner or client made. And we're  
6 not in control of that. We simply can say it  
7 wasn't in keeping or in compliance with these  
8 Guidelines or in the way these Guidelines have  
9 been executed and enforced for the last ten years.

10 MR. HUNDLEY: You see one of the  
11 other issues that I have is that under the  
12 ordinance and, of course, under the Municipal Land  
13 Use Act the HPC gives direction, advice, et  
14 cetera. Primarily if you look at it, primarily is  
15 a resource for homeowners.

16 CHAIR OSEPCHUK: That's true, Mr.  
17 Hundley, but we can only be a resource when a  
18 person comes to us with an application. Not after  
19 the fact.

20 MR. HUNDLEY: And I understand. But  
21 we also find ourselves now and when I got involved  
22 in this, I stopped putting down pavers myself a  
23 number of years ago, so I got involved when the  
24 Municipal Court summonses and complaints were  
25 issued. So now I'm in an enforcement proceeding.

1 The enforcement proceeding is a stricter  
2 interpretation. So that's where we are in the  
3 enforcement proceeding.

4 We did as a -- hopefully to resolve that  
5 matter, which is now into its third calendar  
6 year, my goodness. We would be looking at  
7 getting the existing two walkways approved, and  
8 would as a way of compromise remove the  
9 connecting walkway, east/west walkway that  
10 connects the two. I am authorized to offer that  
11 as a solution in this matter, a compromise.

12 Now if you are correct then in your  
13 interpretation by breaking up the old concrete, we  
14 gave up either an entrance to the front walk or --  
15 I mean a walkway to the front entrance, excuse me,  
16 or a walkway to the side entrance. I don't  
17 believe you can possibly read the ordinance as  
18 requiring that result.

19 So either you have to keep poured concrete  
20 --

21 MR. RUDELL: It sounds like an  
22 argument that you have not with us but with the  
23 Zoning or the enforcement board but our Guidelines  
24 are very clear as to how far we can or cannot go  
25 on this.

1 MR. HUNDLEY: That's correct.

2 MR. RUDELL: So we are somewhat -- I  
3 mean I'm not unsensitive or insensitive to the  
4 needs of homeowners and, you know, people do make  
5 mistakes, and maybe this was a good-faith mistake.  
6 But that doesn't automatically make it compliant,  
7 I'm sorry to say.

8 And while I appreciate that you've been  
9 authorized to suggest removal of the cross  
10 pathway, the east/west piece, I believe the letter  
11 you got from the HPC Tech was that you were only  
12 one single, six-foot-wide sidewalk. And we're  
13 abiding by that rule as much as your homeowner has  
14 to. That's what we have as Guidelines.

15 MR. HUNDLEY: Well I think --

16 CHAIR OSEPCHUK: Mr. Hundley, it's  
17 also true that the HPC interprets the Guidelines  
18 for historic appropriateness. I think what you're  
19 hearing from the members of the board is that the  
20 walkways that were installed in all of their  
21 visual elements are not historically appropriate  
22 to this house.

23 So this compromise of simply taking the  
24 walkway that connects the two, if in fact you feel  
25 you have the right to two walkways, the materials

1 that are used are still historically  
2 inappropriate.

3 MS. SHAFFER: Can I make a couple of  
4 comments as well. First of all we're not  
5 authorized to make deals. We're authorized to  
6 follow the Guidelines. So -- and again if they  
7 were -- it would be historically inappropriate to  
8 take star-shaped pieces of stone and make a  
9 sidewalk out of it. So again it has to do with  
10 what's historically appropriate.

11 And again I'd also like with this  
12 particular violation, this application to remedy  
13 a violation to ask also, like when earlier this  
14 evening to have somehow in this whatever when we  
15 take our vote, the resolution to discuss the fact  
16 that there's as far as I can tell an outstanding  
17 violation on this building from a number of years  
18 ago. Because I don't -- I recall a vote on  
19 windows and I don't believe that that has ever  
20 been carried out, which again reminds me --

21 MR. HUNDLEY: I can clarify that  
22 there is no outstanding violation.

23 MS. SHAFFER: Deb.

24 CHAIR OSEPCHUK: Was it not part, Mr.  
25 Hundley, of the court agreement that the homeowner

1 was to replace those windows with church-style  
2 (phonetic) windows?

3 MR. HUNDLEY: I am not prepared to  
4 discuss the windows at this point.

5 CHAIR OSEPCHUK: Okay.

6 MR. HUNDLEY: That is still -- there  
7 is no CO issued and there's been no application  
8 for a Certificate of Occupancy. So at this point  
9 --

10 CHAIR OSEPCHUK: I was simply  
11 referring to the agreement in the court, that's  
12 all. I am sorry.

13 MR. HUNDLEY: That application is not  
14 here. I'm not prepared to discuss it at this  
15 time.

16 CHAIR OSEPCHUK: I understand.  
17 You're absolutely right.

18 MS. SHAFFER: We don't have to but  
19 I'm just saying we did earlier today, I believe  
20 that there is -- this is, you know, a sort of  
21 another thing that has not been completed as far  
22 as I know. So should we just vote on this?

23 Mr. Hundley, do you have any other evidence  
24 you would like us to hear?

25 MR. HUNDLEY: I believe I would just

1 move the exhibits, the eleven, I'm sorry, eleven,  
2 twelve exhibits that were submitted with the  
3 application into evidence and thank the Board.

4 MS. SHAFFER: Thank you.

5 CHAIR OSEPCHUK: All right. Thank  
6 you.

7 Now Mr. Hundley, since we have been  
8 directed to simply approve or deny as presented,  
9 I'm going to first of all ask anyone on the Board  
10 who has anything to say about this particular  
11 application.

12 (No audible response.)

13 CHAIR OSEPCHUK: Anyone from the  
14 public?

15 (No audible response.)

16 CHAIR OSEPCHUK: Okay. Then I'm  
17 going to ask the Board Members for a motion to  
18 either approve or deny this application as  
19 presented.

20 MR. RUDELL: I would make a motion to  
21 deny the application both because the sidewalks  
22 are too numerous in number and in configuration  
23 and in materials. And that anything that was  
24 quote "grandfathered in" is no longer relevant  
25 since it has been removed. So I would say we deny

1 this application and ask --

2 MS. HEINLEIN: I will second that.

3 MR. RUDELL: -- ask the homeowner to  
4 come back with an appropriate application to put  
5 in an appropriate sidewalk.

6 CHAIR OSEPCHUK: I'd also like to  
7 mention in that application, Jeff, if you would  
8 that the encroachment into the flare is also  
9 historically inappropriate.

10 MR. RUDELL: I would add that the  
11 encroachment into the flare is also historically  
12 important and appropriate and bears on this  
13 particular application.

14 CHAIR OSEPCHUK: Okay.

15 MR. RUDELL: And I think Cindy  
16 offered a second.

17 CHAIR OSEPCHUK: All right. Alison,  
18 would you please call roll.

19 MR. RUDELL: You're on mute, Alison.

20 CHAIR OSEPCHUK: Oh sorry, Alison.  
21 Yeah you've got to unmute.

22 MS. WALBY: Mr. Rudell?

23 MR. RUDELL: I vote to deny, yes.

24 MS. WALBY: Ms. Shaffer?

25 MS. SHAFFER: I vote yes to deny.



1 MS. WALBY: Mr. Wierzbinsky?

2 MR. WIERZBINSKY: Yes.

3 MS. WALBY: Mr. McKeon?

4 CHAIR OSEPCHUK: Mr. McKeon?

5 MS. SHAFFER: I think he's frozen.

6 CHAIR OSEPCHUK: Oh, I think he is.

7 MS. SHAFFER: Or he's sitting

8 extremely still.

9 MR. McKEON: Yes.

10 CHAIR OSEPCHUK: Thank you, Doug.

11 MS. WALBY: Mr. Cavano?

12 MR. CAVANO: I'm going to abstain on

13 this one.

14 MALE VOICE: With all the

15 reference to Mr. McKeon I believe it should have

16 been that but that was -- that's more of a

17 classical response when you're frozen.

18 CHAIR OSEPCHUK: I'm sorry, Kurt,

19 your vote.

20 MR. CAVANO: I'm going to abstain on

21 this.

22 CHAIR OSEPCHUK: Okay. Alison.

23 MS. WALBY: Ms. Heinlein?

24 MRS. HEINLEIN: I am voting yes to

25 deny.

1 MS. WALBY: And Ms. Osepchuk?

2 CHAIR OSEPCHUK: Yes to deny.

3 MR. TOMBALAKIAN: Mr. Hundley, you're  
4 a local attorney so you know the rules. A denial  
5 from this Board is appealable to the Zoning Board  
6 of Adjustment. You can order a copy of the -- the  
7 transcript is the record as well as the exhibits  
8 you're moved into evidence. So if you -- it's  
9 your client's right to appeal this Board's denial  
10 to the Zoning Board of Adjustment.

11 MR. HUNDLEY: Very good.

12 MR. RUDELL: Mr. Hundley, thank you  
13 for being patient and waiting till the very end of  
14 the night. That was a long application before  
15 you.

16 MR. HUNDLEY: I have to tell you I  
17 didn't realize my picture was up the entire  
18 time because all these Zoom meetings I usually  
19 have my assistant working the computer, putting  
20 up the exhibits but this one at night I didn't --  
21 it was like the fourth application where I  
22 realized I didn't have to be smiling the entire  
23 time.

24 MR. HUNDLEY: Sorry about that. I  
25 just felt so bad. That last one took so long.

1 MR. HUNDLEY: You know I'm one of  
2 these people -- last week I was in a four day full  
3 hearing ZOOM --

4 MR. RUDELL: Oh, my God.

5 MR. HUNDLEY: You have somebody  
6 putting up -- we had 70 exhibits, I was putting  
7 them up, you're talking to somebody who has the  
8 last rotary cellphone. But again because of the  
9 Board I -- although I'm afraid the glare of the  
10 overhead lights. I did move my location a bit so  
11 you can see the lithographs of Williamsburg,  
12 Colonial Williamsburg on the wall behind me. So  
13 they're not Victorian but they are Colonials.

14 MR. RUDELL: That's okay. We're not  
15 judgmental.

16 MR. HUNDLEY: Thank you very much for  
17 your time and patient and I appreciate it and I  
18 will discuss options as Counsel said with my  
19 client.

20 MR. TOMBALAKIAN: Thank you.

21 COMMISSIONERS: Thank you. Good  
22 night.

23 MR. HUNDLEY: Good night.

24 CHAIR OSEPCHUK: Good night. All  
25 right. I think we've pretty much -- I'm sorry I

1 take it back. We do have some administrative  
2 approvals that we need to vote on.

3 (Whereupon, the requested  
4 transcription is concluded.)

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I, MICHELE A. MAC PHERSON, Transcriber and  
Notary Public of the State of New Jersey, hereby  
certify the foregoing to be the truest and most  
closely verbatim record able to have been  
rendered by me.



Michele A. MacPherson,  
Transcriber

DATED: April 26, 2021

My Commission expires:

February 7, 2026