

The Manasquan Planning Board held a Regular meeting on Tuesday, June 12, 2012 at 7PM in the Borough Hall, 201 East Main Street, Manasquan, New Jersey. Geoffrey Cramer read the Sunshine Law Statement then Chairman John Burke called the meeting to order and asked everyone present to please stand and Salute the Flag. He then asked the Secretary to please call the roll.

### **ROLL CALL**

#### **Board Members Present:**

John Muly, Patrick Callahan, Joan Harriman, Councilman Owen McCarthy, Neil Hamilton, John Burke, Michael Sinneck, Leonard Sullivan, Peter Ragan, Mark Apostolou

#### **Board Members Absent:**

Mayor George Dempsey, Jay Price

#### **Professionals Present:**

Geoffrey S. Cramer – Planning Board Attorney

Albert D. Yodakis – T & M Engineering – Engineer/Planner

**APPLICATION #03-2012** – America-China Company – 435 Long Avenue – Block: 175 – Lot: 30.01 – Zone: R-3 – (continuation from prior meeting) Chairman Burke said this application will not be heard tonight at the request of the applicant, we will address this request at the next meeting. We will just continue the application until then.

**APPLICATION #17-2011** – 30 North Main Street, LLC – Block: 32 – Lot: 1.01 – Zone: B-1 Final Site Plan carried from prior meeting date. Greg Villa, attorney for the applicant addressed the Board stating they already have their Use Variance and this is just final on the Site Plan. The Board told them to return because they wanted to see full architectural on the building and lot. They did notice the adjoining property owners and Mr. Cramer accepted jurisdiction on the matter. They had colored architectural on the easel, board members had black and white in their packets of the same. Mr. Cramer swore in the witnesses as well as the Board Engineer. Patrick Mastrorilli, owner/applicant, and Albert Yodakis. Mr. Vella explained the site plan to the board members explaining that they tried to give the board what they requested at the prior meeting. Part of the process on the original application was they didn't have decks on the second floor for the two tenants. It was a very big issue for the Board that they have an outside area which is now on the plan. They are in the rear of the building where the parking lot is located. There are only two real issues they really need to discuss with the Board that came through the Engineer's letter. One is the Ordinance requires 80-square feet of storage space, they wanted a shed outside. We said no problem. We propose an 8 X 6-foot shed in the corner of the property for the two tenants, but we had a lot of issues with Monmouth County. They were going to

take the whole property as they didn't want anything built on this property. We worked out a negotiation which was discussed at the last meeting and what the County did was they moved our building 15-inches back, so we had to move everything back. With respect to the shed there is a 3-foot setback to lot 104 where the Barber Shop is. They are proposing an 8 X 6-foot shed with a setback of probably 1-foot, that's about 21-feet per resident, they are also proposing the basement two (2) – 60-square foot areas fenced in for the storage space for the tenants. Mr. Yodakis indicated that they violate the side yard setback by one foot. We could do one of two things, we could a) put a 6 X 5-foot shed in there which would mean we don't have a setback because we go from 6-foot deep to 5-foot deep. We could increase the bottom storage by another 10, 15 square feet. Or, we keep the 6 X 8 and have a 1-foot deviation in the back, it doesn't matter to us. We ask the Board what you would prefer. Neil said he doesn't see an objection from the neighbors so hopefully they have seen the revised site plan and they must be ok with it because they are not here. Mr. Vella said the plans have been filed for more than 10 days, they provided notice. Al suggested putting the door to the shed on the side so as not to impact the parking area. John Burke said it seems the Board is not concerned with the one foot setback so we will alter the application to include that Variance. Mr. Vella said the only other issue that is in T & M's letter that we can't comply with is the Board granted us a 3.7 setback to the Municipal property, we are now at 2.5, that's 15-inches and the reason why we can't pull that is when we went back to the County our front setback is now 11.5. It was previously 10.2, the County said no move it back 15 more inches because they have their easement there. They even wanted more property. Joan Harriman asked if it could be a condition that if the fence gets broken they have to replace it. Mr. Vella said that is reasonable and they have no problem with that. Mr. Vella said the rest of the comments in the T & M report have either been provided already or we can comply with them. Al said the applicant did provide a revised drainage report to him which he reviewed and that addressed some of the issues that we brought up in previous application. The parking lot is now all pavers and they have also included a section that was pervious pavers, he has reviewed those calculations and they are all acceptable. He has nothing else. Mark Apostolou asked Mr. Vella if he agreed to comply with all the other contingencies as contained in the Engineer's report. Mr. Vella said absolutely, they have already provided some of the stuff like the details. Including the light spillage, they will provide the shielding. If you look at our lighting plan it's just a small part on the driveway and they can reduce that with more shielding. Al said he doesn't see that as a problem as it's doesn't about a residential property. Mark asked about a sprinkling system. Mr. Vella said they are going to let the Building Department direct them as what they have to do. Owen asked about light spillage onto the Barber Shop property. Al said he doesn't recall that any of the spillage was significant. Al said it would be at ground level and there is also a 6-foot fence there. Mr. Vella said they have submitted a landscaping plan as part of their final site plan and it will be a beautiful site. Al said for a site this size they have substantial landscaping. Mr. Vella gave his closing statement. Patrick Callahan made a motion to open the meeting to the public, the motion was seconded by Councilman McCarthy, all in favor none opposed. There was no public participation. Michael Sinneck made a motion to close the public portion, the motion was seconded by Mark Apostolou, all in favor none opposed. Councilman Owen McCarthy made a motion to approve the application with all stipulations agreed to by the applicant. The motion was seconded by Mark Apostolou.

**Board Members Voting Yes:**

**John Muly, Patrick Callahan, Joan Harriman, Councilman Owen McCarthy, Neil Hamilton, John Burke, Michael Sinneck, Leonard Sullivan, Peter Ragan, and Mark Apostolou**

**No negative votes**

***APPLICATION APPROVED***

**Michael Sinneck is stepping down and leaving the meeting.**

**APPLICATION #10-2012 – Greenlight Surf Supply – 187 Parker Avenue – Block: 47 – Lot 23.05 – Zone: B-2 – Craig Knaup is the attorney representing the applicant. He stated Brian Gagliana has his application before the Board tonight to propose to create a surf board fabrication area on the first floor of his store. The second floor is a retail outlet. There will be a two room workshop with a maximum capacity of seven boards a week. Mr. Cramer swore in Brian Gagliana, Craig Knaup of the Law Firm W. Craig Knaup, PC and Al Yodakis. Mr. Gagliana said this is a former auto repair shop and that is one of the permitted uses there. Per the Engineer's report there are no Variances needed. All construction is to take place inside the existing building with no shape work outside the building necessary. The inside might even be a pre-fab unit; there might not even be any construction. It just might be a move in unit, Brian has spoken with people who make pre-fab units for the reason they are self contained construction and glassing of the boards. Per the Engineer's report there will also be minimal disturbance in the surrounding community. The Technical Report's letter addressed the filtering of the air. Brian will speak to that. The only issue that was raised in the Technical or Engineer's reports was the parking spaces. My client rents about 2540-square feet, he would have 6.35 spaces in accordance with his lease he has 7 spaces. He has two employees; he meets the requirements for parking. Mr. Cramer addressed Mr. Knaup that in his application he noticed there was some reference to some retail space on the second floor and could he describe what is on the second floor. Mr. Knaup said the retail is on the second floor which consists of surf boards, clothing, tee shirts, surf wax. John Burke said so it's like a miniature gift shop upstairs and Mr. Knaup said precisely. Mr. Gagliana addressed the air quality control measures that he is taking at the facility. The two issues are dust and odor when you are fabricating surf boards, the resins that we use are very low odor, low VFC, suppressed resins, so they are minimal. To address any extra olfactory sensation we use carbon filters which absorb any odor, Honeywell makes them for home use but we currently have an existing stack going out the roof that we can put a vent fan in it of high CFM to pull the air out, and through the carbon filter which is replaced every three months. The other issue is dust and we have a dust collector and one micron filtration which would catch everything, it won't go out into the atmosphere. Another thing we are going to do is use site specific cowlings around the sanders to suck the dust right off of the surf board as we make the dust right into a container which grabs 90% of the dust. Mr. Knaup said the surf board process starts with just a blank of foam and basically what you do is shape it down by removing pieces of foam to the shape you desire and then the second half of it is glassing. The resin is the part that creates the odors but they are using an environmentally friendly resin, hence the name Greenlight. Lenny asked the applicant to describe the control booth. Brian said that is his proposed booth that the sanding, dust**

work will be done in that has air flow through it so you are basically doing it in the wind, the inside of a contained unit and there is filtration on the wall so all the dust particles be

caught in the wall as well as the dust collection right off the sander. Mark Apostolou asked if this was a purchased unit and Brian said he is working with an Engineer to design a custom one that will exceed his needs. Al Yodakis said this is going to be a pre-fab unit that you are going to have made, you are going to bring it in and it will have all the filtration and everything actually built into this unit. Al said it's very similar to auto painting spray booths. Al said but this would have to meet all the EPA requirements and you would have to give that to the Building Department for their review. Lenny asked how that would be monitored. Patrick Callahan said they would have a yearly fire inspection by the Fire Marshall, that would catch any violations as far as cleaning the filters, we had an incident with a wood shop in town on Mount Lane where the Fire Marshall had to go in because someone complained about odor and the filters weren't being cleaned. So, it would be caught by the Fire Marshall's office on a yearly basis. The workers would wear safety approved masks while working with the boards. The shaping and all the work would be done inside the building, nothing outside. The retail part of the business would consist of possibly 35 surf boards, Greenlight t-shirts, wax, a very small niche market. The storage of the chemicals is in his write up, no more than 60-gallons can be contained in but they will keep it to 30 or 35, if they ever got up to the drum capacity there would be cradles which would contain any spillage which is a one in a million chance. Mark Apostolou also asked about fire suppression as there are a lot of tenants in that building. Lenny asked about signage. Mr. Gagliano said currently he doesn't have any signage. He removed the surfboard outside as soon as he received the Technical Review report. He has a slot for a face sign but right now he doesn't need a sign. He will conform to any regulations for signage. Mark asked Al Yodakis how they would know if he needs a fire suppression system. Al said that doesn't fall under his jurisdiction. Patrick said that would fall under the Fire Sub Code and the Fire Marshall to determine that when you submit your building plans, if need be they would inform him. We can make it part of the Resolution that you consult with the Fire Marshall and the Fire Sub Code. Patrick Callahan made a motion to open the meeting to the public, the motion was seconded by John Muly, all in favor none opposed. There was no public participation. Neil Hamilton moved to close the hearing, the motion was seconded by John Muly, all in favor none opposed. Mark Apostolou made a motion to approve the application subject to the following: the Signage Ordinance being complied with, specifically an application before the Fire Marshall with a specific request as to whether or not any suppression system is required. Joan Harriman seconded the motion. Geoff Cramer said also subject to any recommendations made by the Board's Engineer.

**Board Members Voting Yes:**

John Muly, Patrick Callahan, Joan Harriman, Councilman Owen McCarthy, Neil Hamilton, John Burke, Leonard Sullivan, Peter Ragan, and Mark Apostolou

No negative votes

***APPLICATION APPROVED***

John Muly requested a five-minute recess, all in favor none opposed.

**ROLL CALL FOLLOWING RECESS:**

**Board Members Present:**

John Muly, Patrick Callahan, Joan Harriman, Councilman McCarthy, Neil Hamilton, John Burke, Leonard Sullivan, Peter Ragan, and Mark Apostolou

**APPLICATION #11-2012 – ARJHAN, LLC** – Kaz Bagheri – 530 Brielle Road – Block: 176 – Lot: 8 – Zone: R-3 – Attorney Robert P. Clark of Clark and DeStefano Law Office in Sea Girt is the attorney for the applicant. Geoff swore in Michael Napolitan, Certified Planner and Licensed Architect - Kaz Bagheri - applicant and Al Yodakis. Mr. Clark had six (6) Exhibits to be marked into evidence. There were three (3) sheets submitted to the Board members, one being the Site Plan that is labeled as sheet #L-1. There are two (2) floor plans, A-1. A-2 is the building elevations. They also had three (3) photographs which were marked as Evidence, Exhibits A-3, A-4 and A-5. Owen McCarthy stepped down as this is a Use Variance. There was another Exhibit A-6 which is titled Site Plan a specific sketch done by Mr. Napolitan for the project. There was one last Exhibit marked A-7 which was a construction permit issued by the Borough of Manasquan dated April 13, 2012. Mr. Clark said they received a copy of the Board's Committee report indicating that perhaps you wanted to start with the issue of the Use Variance that would be part of this, described as a D-2 Use Variance, this being a pre-existing non-conforming Use. We are seeking the need for the Variance pointed out in the Engineer's report is that this application seeks to have a two residential one building construction whereas one residential unit is permitted in that Zone. Mr. Cramer found the file to be in good order and accepted jurisdiction on the application. Mr. Napolitan gave lengthy testimony on the project after the Board accepted his credentials. He stated that by complying with all the required setbacks they would wind up with a building of 403-square feet. The dimensions of the property are 25 X 100-feet. Right now there are four family residential units in two separate buildings. There is presently no existing off street parking on the site. If the Board approves this application they would be providing two on-site parking spaces and a building which is 70 X 18-feet. The two structures that are there now would be removed and one structure would replace them. They would be going from four residential uses to two, a reduction of 50%. Mr. Napolitan has created plans for a different kind of use for this property for which a building permit has been issued. Originally they intended to convert the rear building into two units and he has a building permit issued by the Borough of Manasquan for that purpose. The two buildings would remain and the four residential units would go to three units under that proposal and that has been approved and a building permit was issued and that was Exhibit A-7 that was submitted tonight. The aesthetics of this proposed construction compared to what is there now. Mr. Clark argued the Use Variance stating this application before the Board is much more aesthetically pleasing than the present use and that there were additional reasons including the provision for off-street parking which does not exist there now. Geoff Cramer asked the client to describe what exists in that surrounding area. Mr. Napolitan said across Fourth Avenue there is a three-story structure, further down on Fourth Avenue there are all one-story structures and on Brielle Avenue there is a two-story and what appears to be a one and one-half story structure. Mr. Cramer said Mr. Napolitan these structures you are referring to describe in your testimony, are these all single-family structures? Mr. Napolitan said he believes they

are, yes. Although, the one across Fourth Avenue is three stories and it could be a two family, Patrick Callahan said he believes that is a single-family dwelling. Mr. Clark had three additional photos to be marked into evidence. Mr. Cramer marked them Exhibits A-8, A-9 and A-10. These are pictures of structures Mr. Napolitan referred to these as having more than one structure on them. He thinks they are along both Brielle Road and Fourth Avenue. There are some structures with buildings in the back which appear to be two-family. They are in the immediate block of the property in question. Neil Hamilton suggested the Board proceeds on with the fact is this going to be a Use Variance or not. If this Board is not going to approve two units on this property and then deal with the Bulks, then the applicant then has the decision to make whether he wants to proceed on with this application as a single-family unit, if the Board denies the Use. Neil said in the Technical Review Report you saw that we looked at this and our recommendation is that this property be a single-family use. I must applaud the applicant for buying the property in anticipation that it's going to be re-habilitated in some fashion. We look forward to that. We have hoped that at some point in time this property would be re-habed sooner than later. It's a difficult piece of property not only because of its location and the square footage and the narrowness of the property but it has the detriment being a corner property which makes it even a little more difficult to re-hab. And, being on the corner of Brielle Road and Fourth Avenue which is a rather busy location. You make reference to the decrease in intensity, I'm not sure whether that is factual or not. The two units of the three in the back which we refer to as the barracks and for those on the Board who are not familiar with the interior of these properties they are basically a one-room unit divided by a wall, it has a bathroom that's very, very tiny you could only just about get one person in there, it has a little galley kitchen and for the most part just a tiny little sitting area for maybe a chair or a couch or maybe a table. So, if you were to take the pictures that you show and you were to move that three unit building against the house on Brielle Road which again is a one-story facility and then what you propose is to put a brand new structure up there now being two-stories, I'm not sure without getting all the exact numbers together whether or not you are reducing the intensity of the project. You maybe not so much be doubling the intensity by living square footage of the property but you certainly getting close to it. You offer that bringing parking into the area, that's great and we welcome that but getting a curb cut on Brielle Road is probably not the best for safety, for vehicles and/or the amount of pedestrian traffic that occurs there in Summer months. So, the parking for that property should probably only be on Fourth Avenue. This is why we are looking for development in the Beach area trying to rid ourselves of these non-conforming Uses and the Board has just gone through this recently in this past month in the revision of Ordinances and referring to the Master Plan. As you refer to the other properties in the area that have the front and back houses, upper and lower, they will go. We know that and this Board has to make a decision to the fact that they either want to continue with these non-conforming uses or we're just going to wait them out that they will be in conformity with the Master Plan and the Zoning Ordinance of the Borough of Manasquan that we can get down to single-family properties. This is why when Tech looked at this our thinking is that you could have a nice single-family home there, move the building forward on Brielle Road that would conform with the averaging of setbacks of properties looking to the East, probably accommodate two parking spaces to the rear of the building off of Fourth Avenue which would not be a detriment to parking and curb cuts,

have a 30-foot elevation to get you out of the flood waters which would be required by FEMA and construction permits to get that house elevated. We have approved other structures to 30-feet and provide you with a nice, livable year-round home. Which right now does not exist there. I would be in favor of approving the Variances you need for your side and rear setbacks and bulks and all to proceed on with that type of structure. But, not a two-family structure. That's my opinion, if the Chairman needs to poll the Board and I would move that the application only be approved for a single-family home and then we could bring our Councilman member back up here to listen to the Bulks and it would no longer be a Use Variance. There was discussion with Mr. Clark and his applicant. John Burke said he felt the Board members should give their opinion on this. Mark Apostolou asked a question in accordance with Mr. Hamilton's statement, he asked Mr. Napolitan what the present square footage of livable area in the present units combined is what right now? Mr. Napolitan said approximately 1800 square-feet. Mark asked what the proposed square footage proposed for the two residences was. Mr. Napolitan said approximately 2500-square feet. Joan Harriman said she agrees with Neil. Mr. Napolitan said he has a building permit to renovate the rear building and they would not need any approval from this Board to renovate the front building either, and John Burke agreed with Neil. Patrick Callahan said Tech discussed this and they were acceptable a little bit of a new single-family dwelling. I know that you have modified this to make it a two-family attached as opposed to two separate structures. I admire that you came up with that plan but we are still looking more to the single-family dwelling. John Muly favors a single-family unit on this property, he would look forward to cleaning up what's there, it certainly needs some improvements. Aesthetically as well as probably structurally, they have both been around for quite a while so probably need some major work. He wouldn't favor a single-family house on that property. Lenny Sullivan agrees with Neil and didn't want to repeat what everyone else already said. Mark Apostolou agrees with the Board he thinks the proposed square footage greatly increases the density. He doesn't find it to be in compliance with the intent of the Master Plan. Peter Ragan agrees with Neil and other members of the Board, he also agrees with the Judge that the additional square footage is something he hadn't even thought of. John Burke told Mr. Clark you have heard the opinion of the Board. You have the option of proceeding with the application or the option of withdrawing it to the next meeting and coming back with a different plan to us; he asked if he wanted a few minutes to talk to his people. Mr. Clark stated that they would like to continue this to the next meeting. In the interim they will have an opportunity to discuss the comments made here tonight and decide what to do. The next meeting is July 10, 2012, Patrick Callahan made a motion to carry this application to the next meeting, the motion was seconded by John Muly, all in favor none opposed. They are not required to re-notice or re-publish.

***APPLICATION CARRIED TO JULY 10, 2012***

John Burke said let the record show that Councilman McCarthy has just returned to the Board.

Mark Apostolou made a motion to approve the minutes of the March 6, 2012 Regular Meeting, the motion was seconded by Patrick Callahan, all in favor none opposed.

***MINUTES OF MARCH 6, 2012 APPROVED***

Mark Apostolou made a motion to approve the minutes of the April 3, 2012 Regular Meeting, the motion was seconded by Leonard Sullivan, all in favor none opposed.  
*MINUTES OF APRIL 3, 2012 APPROVED*

**RESOLUTION #09-2012** – Sheklian, Mark – 54 Broad Street – Block: 64 – Lot: 23 – Zone: O – Councilman Owen McCarthy made a motion to memorialize the Resolution; the motion was seconded by Patrick Callahan.

**Board Members Voting Yes:**

John Muly, Patrick Callahan, Joan Harriman, Councilman McCarthy, John Burke, Leonard Sullivan, and Mark Apostolou.

***RESOLUTION MEMORIALIZED***

**RESOLUTION #08-2012** – Noone, Elaine – 544 Brielle Road – Block: 176 – Lot: 1 – Mark Apostolou made a motion to memorialize the Resolution, the motion was seconded by Councilman Owen McCarthy.

**Board Members Voting Yes:**

John Muly, Patrick Callahan, Joan Harriman, Councilman McCarthy, Neil Hamilton, John Burke, Leonard Sullivan and Mark Apostolou.

***RESOLUTION MEMORIALIZED***

Al Yodakis introduced Tom Neff who was sitting in the audience to the Board members, he said Tom has been working for T & M for six years, he got his license a couple of years ago. His initials are TPN on the reports in case anyone was wondering. Al wanted to introduce him to the Board in case he should be absent Tom would be attending in his place. Mark Apostolou welcomed Tom as did other Board members.

Councilman McCarthy made a motion to open the meeting to the public; the motion was seconded by Mark Apostolou, all members in favor none opposed.

There was no public participation, John Muly made a motion to close the public portion, and the motion was seconded by Patrick Callahan, all members in favor none opposed. Patrick reminded the members to save their Bagheri application. John Burke said a couple of Board members especially Mr. Ragan recently and the comment is the tape picks up everything. Even if you back up to say something it gets picked up. Lenny asked if the meetings could be burned and Mary will work on that. We will speak to Barbara Iliara about directing Mary how to do that. John Burke said be very careful about your comments, clicking pens, etc. it all goes on the tape.

Motion to adjourn the meeting made by Leonard Sullivan, seconded by Joan Harriman, all in favor none opposed.

***MEETING ADJOURNED AT 8:46PM***

Respectfully Submitted,

Mary C. Salerno  
Planning Board Secretary



