

The Manasquan Planning Board held a Regular meeting on Tuesday, February 7, 2012 at 7PM in the Borough Hall, 201 East Main Street, Manasquan, New Jersey.

Acting Chairman Neil B. Hamilton called the meeting to order stating that this meeting is published according to law and a copy of the agenda is posted on the bulletin board outside. He then asked everyone present to please stand and salute the Flag.

### **ROLL CALL – BOARD MEMBERS PRESENT**

Mayor George Dempsey, Patrick Callahan, Joan Harriman, Neil B. Hamilton, Leonard Sullivan, Jay Price, and Mark Apostolou

### **PROFESSIONALS PRESENT**

Geoffrey S. Cramer – Planning Board Attorney

Albert D. Yodakis – Planning Board Engineer – T & M Associates

Owen McCarthy arrived at 7:10PM

### **BOARD MEMBERS ABSENT**

John Muly, John Burke, Michael Sinneck, Peter Ragan and Bill Buble

Neil as acting Chairman stated that at the last meeting ran way too long and after discussion of the Board Mr. Cramer prepared a statement that will be read at the beginning of every meeting which states that every applicant will be allowed (50) minutes to present testimony, witnesses and other proofs in support of its case (including comments of objectors and the public). The meetings will adjourn at 10:00pm unless the time is extended at the discretion of the Board. He said that will be our standard policy from now on.

### **OLD BUSINESS – BOARD MEMBERS TO TAKE OATH OF OFFICE**

Joan Harriman and Jay Price

### **PRESENTATION**

Joseph DeIorio – Borough Administrator gave a short presentation to the Board members regarding minutes. He had copies of minutes of the Borough governing body for their review. Mr. DeIorio said what he has provided to the members is a description of what minutes are that

he and the Borough Clerk printed out. It gives a brief description of what minutes are. In essence what the minutes are for any given body by "Roberts Rules" is just the tally of those individuals in attendance, in addition any votes that are taken at a given meeting and for the most part a summary of what's being discussed at any given point in time. He explained they are trying to not only provide efficiency but also protect the Borough from any given claims that may be presented to the Borough. At the end of the day when you make a decision the Resolution is what holds. He would like the Board to consider giving Mary an opportunity to use the format that is used by the Borough Clerk. Mark Apostolou made a motion that in accordance with the Borough Administrator we adopt the synopsis form as suggested with the retention electronically until such time as the Board makes a further determination, seconded by Patrick Callahan, all in favor none opposed. Joe said for the record the Municipal Clerk, Barbara Iliaria has spoken to Mary about training her on how to format her minutes in compliance with the Borough's Minutes.

7:20PM for the record – Let the record show that Councilman McCarthy is present

**APPLICATION #03-2012** – Algonquin Arts – 60, 62, 54 Abe Voorhees Drive, Block: 65.02, Lot: 19.03 – Zone: BR-1 - Mr. Keith Henderson is the attorney representing the applicants. Mr. Cramer found the file to be in good order and accepted jurisdiction. Mr. Henderson gave a brief explanation of the application which is to enclose the roofed over area at the Theater entryway to make it more user friendly for people accessing the Theater for protection from the weather. It is an amendment to the original Site Plan approval which this Board also gave. This section of the building goes 6-inches into an easement. Mr. Cramer swore in Mr. William Whitefield, he is the Executive Director of the Theater. Mr. Hamilton said for the record the Mayor has stepped down. Mr. Whitefield said the Algonquin Theater is a not for profit. He addressed the Engineer's report and they will comply with all issues of the report. Leonard Sullivan made a motion to open the meeting to the public; motion was seconded by Councilman McCarthy, all in favor none opposed. There was no public participation. Motion to close the public portion of the meeting was made by Mark Apostolou; the motion was seconded by Patrick Callahan, all in favor none opposed. Keith Henderson gave his closing statement. Councilman McCarthy made a motion to approve the application; the motion was seconded by Patrick Callahan.

Board Members Voting Yes:

Patrick Callahan, Joan Harriman, Councilman McCarthy, Neil Hamilton, Leonard Sullivan, Jay Price, and Mark Apostolou

***APPLICATION APPROVED***

**APPLICATION #01-2012** – Pergola, Charles – 101 Wyckoff Avenue – Block: 94 – Lot: 15 – Zone: R-2 – Neil Hamilton had to step down as he lives within 200-feet of the applicant; Geoffrey Cramer took over for him. Geoff swore in Charles and Rose Pergola. Mr. Pergola explained the application to the Board. The patio at the back of their house faces due west and they are requesting to put in a permanent roof tied to the house to cover the patio, the reason being the sun is very strong and they have a temporary awning there which has been lifted by extreme wind and is not as large as the proposed roof. They want to be able to enjoy the outdoors even in rainy weather. Mr. Cramer asked them if they have any intentions of enclosing this area and they answered no. The patio area is made of pavers. They are not expanding the size of the patio. The columns are presently there and the roof will tie into those columns. There were questions from Board members which the Pergola's answered to their satisfaction. Owen

McCarthy made a motion to open the meeting to the public; the motion was seconded by Leonard Sullivan, all in favor none opposed. There was no audience participation. Mayor Dempsey made a motion to close the public portion; the motion was seconded by Joan Harriman, all in favor none opposed. Mark Apostolou made a motion with a condition that the patio not be enclosed put in the Resolution that it not ever be enclosed without further approval of the Board. Councilman McCarthy seconded the motion.

**Board Members Voting Yes:**

Patrick Callahan, Joan Harriman, Councilman McCarthy, Leonard Sullivan, Jay Price, Mark Apostolou

No negative votes.

*APPLICATION APPROVED*

**APPLICATION #02-2012** – Kiaschko, Dean – In Gear Transmission, LLC – (owner of the property Diane Litwin) 202 East Main Street – Block: 95 – Lot: 7.01 – Zone: B-3 – Kenneth Fortier is the attorney representing the applicant. Mr. Cramer swore in witnesses, Diane Litwin, Dean Kiaschko and Philip Janda. Neil Hamilton told Mr. Fortier before he gets started there is an issue about a possible Conditional Use here. In order for the Mayor and Councilman to be able to vote on the issue that issue needs to be cleared up. Mr. Fortier gave his argument as to why this is not a Conditional Use. He believes this is a strict C-Variance and this application is a permitted use. Neil told him he was correct so far, he quoted from Section 35-14.3 which means any service facility within 500-feet of a playground, which you are if you are going to maintain your service more than 5 automobiles at one time that is what creates the Conditional Use Variance. If that's not the case with this particular operation and you can state so and it will go in the Resolution as well, then the Use Variance of Conditional Use will go away. Mr. Fortier said he submitted a letter to Mr. Cramer and he indicated they will stipulate that his client does not intend to accommodate more than five vehicles on this site at 202 E Main Street. Neil Hamilton asked Mr. Cramer if he is convinced with that letter that this is not a Conditional Use but a Site Plan only. Board members had questions for Mr. Fortier and those questions were answered to their satisfaction and therefore the application was accepted as a Site Plan application. Next, the applicant testified exactly what his business entails. The parking issues were addressed. Neil suggested they ask for a Variance for a waiver from having an ADA parking spot. There was a lot of discussion regarding the easement shared with another property owner. Geoff Cramer said Mr. Fortier could provide him with a document which is called a Deed Notice, it involves an Estate of David Litwin and also references Diana Litwin for the respect to the property which is identified as Lot: 7.01, Block: 95. That's the Deed that Mr. Fortier provided to the Town. It also references several tracts, tract 1 which is Lot: 7.01 Block: 95 and also Lot: 12 which is the lot that is shared with the neighbor. Geoff said Mr. Fortier could reach out the attorney for the gentleman who owns the other interest in the property, perhaps they can work out some type of shared parking agreement. Neil said it's probably just as well we get this documented, because it's been an issue ongoing for years and years. The letter from T & M was addressed to the Board's satisfaction. The applicant cannot pave the driveway as he doesn't have a legal right or the finances available. Mrs. Litwin stipulated that she will address the egress roadway that leads out to Wyckoff Avenue with grading and stone. Other issues addressed were how the vehicles would be dropped off, the types of vehicles making deliveries, days and hours of operation, lighting of the site. It was recommended that they have low lighting on a motion sensor. His hours of operation will be 8AM to 5PM, Monday to Friday, possibly running a little

later in the day and also once in awhile on a Saturday. The noise level will be minimal. They will comply with all EPA requirements by way of storage and disposal. Mayor Dempsey made a motion to open the meeting to the public; the motion was seconded by Mark Apostolou, all in favor none opposed.

**AUDIENCE MEMBERS:**

Bruno Piwowarczyk – 27 Wyckoff Avenue - he lives right in back of this building and his property goes from Wyckoff all the way down the driveway and across the entire back, he asked if they are proposing parking right behind his fence. Diane Litwin said yes. Mr. Piwowarczyk said there is zero buffer there. His next issue is the noise issue. Also cars speeding through the driveway and the fact that the potholes are so bad and the dust gets kicked up and he can't even keep his windows clean. His third issue is a safety issue, at the end of the property cars are not stopping coming out of the driveway, there are six pine trees right on the sidewalk that block the vision of anybody coming out of there which makes zero visibility. Mr. Hamilton said we can get those trees cut back; they are encroaching on the sidewalk. He is saying something bad is going to happen there.

Paul Ward – 17 Wyckoff Avenue – he is to the south of the common driveway, he has lived there for fifteen years. He voiced his concern with the parking on the residential street. He did thank Diane Litwin for being a reasonable neighbor. He said large tractor trailers do drive through the driveway. He also addressed noise, hours, security lights, parking, paving the road from Wyckoff Avenue to building.

Acting Chairman Neil Hamilton did reiterate to the audience that this application is an approved project for the Zone.

Mayor George Dempsey made a motion to close the public portion of the hearing; the motion was seconded by Patrick Callahan, all in favor none opposed.

Discussion from the Board -

Mayor Dempsey said back in the '50's and '60's there was an operation there that ran from 7AM until 5PM and the noise and the amount of employees was very intense and this is a much quieter operation as a whole, not only this but everything that has been going on down there has been much quieter in the last 20-years, and he thinks it's a great project.

Leonard Sullivan made a motion to approve the application including all the notes that were discussed in the past hour that Mr. Cramer has in his notes with all the objections and considerations of the rest of the Board, the motion was seconded by Patrick Callahan.

**Board Members Voting Yes:**

Patrick Callahan, Joan Harriman, Councilman McCarthy, Neil Hamilton, Leonard Sullivan, Jay Price, and Mark Apostolou.

No nay votes

***APPLICATION APPROVED***

**RESOLUTION #20-2011** – Maher, Timothy -40 Pearce Court – Block: 156 – Lot: 6, 6.01 – Zone: R-3 – Patrick Callahan made a motion to approve the Resolution; the motion was seconded by Leonard Sullivan, all in favor none opposed.

*RESOLUTION MEMORIALIZED*

**RESOLUTION #17-2011** – 30 North Main Street, LLC – Block: 32 – Lot: 1.01 – Zone: B-1 Patrick Callahan made a motion to approve the Resolution; the motion was seconded by Joan Harriman, all in favor none opposed.

*RESOLUTION MEMORIALIZED*

Motion to approve the Vouchers was made by Leonard Sullivan, all in favor none opposed.

Next, Neil addressed the letter from Al Yodakis regarding the re-hab of houses where there is two on one lot. He thinks we should hold that off until we get into our Planning meeting and both the Chairman and Vice-Chairman are back in attendance. He still suggested that the Board has a Committee meeting with the Council Committee and the Technical Review Committee to go over the three or four items that were submitted to Mary for Planning.

Neil asked if there were any comments from anyone in the audience. He moved that portion be closed. He then said he had an issue to discuss and wasn't sure if it should go into closed session or not. He said Mary is going to be out for about a month and Owen McCarthy made a motion to go to closed session, motion was seconded by Patrick Callahan, all in favor none opposed.

He asked the audience members to please leave the room.

Respectfully Submitted,

Mary C. Salerno  
Planning Board Secretary