

The Manasquan Planning Board held a special meeting on Tuesday, September 18, 2012 at 4PM in the Borough Hall, 201 East Main Street, Manasquan, New Jersey. Geoff Cramer – Board Attorney read the Open Public Meeting statement. John Burke called the meeting to order and asked everyone present to please stand and salute the flag.

**ROLL CALL:**

**Board Members Present:**

Mayor George Dempsey, John Muly, Patrick Callahan, Joan Harriman, Neil Hamilton, John Burke, Michael Sinneck, Mark Apostolou

**Board Members Absent:**

Councilman Owen McCarthy, Leonard Sullivan, Jay Price, Peter Ragan

**Professionals Present:**

Geoffrey S. Cramer – Planning Board Attorney

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

**APPLICATION #19-2012** – Seem, Eric – 297 Beachfront – 298 First Avenue – Block: 181 – Lot: 2 – Zone: R-4 – Keith Henderson is the attorney representing the owner/applicant. Mr. Cramer found the file to be in good order and accepted jurisdiction. Geoff Cramer swore in Eric Seem – owner/applicant, Christopher Rice – architect for the applicant and Al Yodakis – Board Engineer. Mark Apostolou wanted it placed on the record a disclosure, he believes about 25 years ago he represented Mr. Rice when he purchased a home with his wife, his wife was also employed at a business that he owned in Point Pleasant Beach maybe 30-years ago. Mr. Henderson waived that conflict. Mr. Seem was the first to testify, he described the property. He has two units presently; the garage unit on First Avenue has no parking at present. There is no parking on the site at all. He parks cars in front of the building on First Avenue. He is planning on building a garage apartment on First Avenue and building a single-family unit on the Beachfront, eliminating the present rental unit. He retained Chris Rice to prepare plans for him. Chris Rice was the next to speak, the Board accepted his credentials. He addressed the Bulk Variances on the property. It is an undersized lot. They plan to center the house on the property to have the same side yard setbacks on each side. First Avenue will be a new structure with a garage on the first floor, and a small apartment above it. The Beachfront will meet the height; they will be at 35-feet, 28-feet on First Avenue. Right now there is 70% building coverage they are bringing that down to 50%, they will use pavers where they can, they are tearing up any erroneous concrete. Building coverage existing is 48% with those two structures; we made a strong effort and got that down to 45%. It's still a Variance where 35% is required. Mayor Dempsey questioned the front setback on First Avenue. He said on the Board's plans it shows 1.25-feet and Chris said it was going to be 3-feet. Chris said that is the overhead to the balcony. He had renderings being passed around to the Board members. Mr. Cramer marked the poster boards as Exhibit A-1 is the existing dwelling, A-2 existing Beachfront house, A-3 proposed Beachfront single-family structure, A-4 proposed First Avenue garage and apartment above. Chris told George that the Juliet

balcony which is only for show is where the 1.25-feet comes in. George said for our purposes it really is 1.25-feet and Chris said yes. Mr. Rice also did the structure to the south of the proposed structure and that one is 35-feet on First Avenue prior to the height restriction being lowered. As far as the parking they could easily get four cars on site. Next, he addressed the dormers. The design of the house is a Dutch Colonial. George said it is 50% bigger than we permit. Chris said the trick is and always has been to try to make the dormers go away in the roof line. They have no walls on the third floor, everything is under the roof. Mark asked if they met the Ordinance would they still be able to provide for the stairwell and Chris said no. Regarding the parking they are going from zero to four spaces. They addressed the report from the Tax Office, there is an existing walkway on the north side of the house it goes from First Avenue up to the beach and it kind of meanders the property line, so it's a 4-foot easement at its widest and narrows down to like 3-feet. We are going to leave that intact so both homeowners can have access to the beach. Certainly during construction it's going to be damaged Mr. Seem has agreed to put it not only back where it was but in better condition, he'll probably do new pavers and we'll work it out with the neighbor and do something that is mutually acceptable. Mr. Rice then addressed the T & M letter. Paragraph 2 they are providing the required storage area in the two-car garage and the Beachfront house where they will have a tall crawl space, not a basement but we have three times the requirement they ask for in that basement. Paragraph 2.2 the applicant will demonstrate compliance with the Borough's Storm water Ordinance. Keith asked Neil if something was being done with that on the Beachfront and Neil said we can't fix it down there it is what it is. That gets relieved through Zoning. 2.3 they asked for us to identify what the materials are, other than what's noted as an open slat deck and some pavers for the walkways in between the houses for now will be sand. If we do any patios they will be grade level. 2.5 Chris said the changes were made. 2.6 they don't believe they will need any retaining walls, but right now the property is different than the neighbor's, we want to get it back to being cohesive with the adjacent neighbors. Al said there were a few up there in that area. 2.7 is acceptable, separate water and sewer lines. 2.4 regards where the mechanical equipment will be located and Chris said they will be put under the rear deck of the Beachfront property. He said even in the crawl space they will be above BFE. Keith had six separate poster boards which reflect revisions in response to Al's review letter. They were marked Exhibit A-5, A-6, A-7, A-8, A-9 and A-10. (these boards were traded the following day for reduced paper exhibits to be put in the file and marked accordingly). Geoff asked if they received a copy of the report from the Tax Office. They said they did and the issues will be addressed. Al said the applicant's has agreed to all his technical comments, this is pretty similar to many of the other Beachfront properties they have seen. It comes down to what Variances they are requesting. Neil Hamilton said in the conversation we are talking about the parking here and he didn't see it either on Al's or Dick's report, being that you are only putting two vehicles inside the garage, the two vehicles that are going to go outside will overhang into the right-of-way, and we don't sanction those so you need to add a Variance for parking. Mark Apostolou asked about a flood analysis. He asked if the at ground deck was going to be attached to the building and Chris said yes. He asked about the easements. Keith said this particular one simply refers to a walkway that exists between the dwellings and then there are map records. What they did in those days was they do slash marks over where that walkway was this is from the American Timber subdivisions. Mark said it states this is for

pedestrians. Geoff read from the report that was provided from the Tax Office. Keith said that's the language that was used by the public and he doesn't consider this being a public easement, that's how all those were drawn back then, they would all be exactly the same. If that were so CAFRA would have 100 easements up there. Keith said it doesn't say public pedestrian, it doesn't say members of the public, it means not vehicular. Mark also asked about a concrete walk on First Avenue which Chris said has been converted to pavers. Mark asked about the curb cut being reduced to 20-feet. Chris said they would actually like to just replace with new what's there, whatever it is. Mark asked if the house to the north were to come to the Board, would Chris state that they would also be able to go up without interference and that would not impact in a negative sense the dormer that you constructed. Would they have also a clear shot at their light and air? Chris said yes, if they follow the same rules we've followed. Even if they were to do a slightly larger dormer on their south side. Mark said so in your expert opinion if someone were to come in on the north bound side and do a similar home as constructed by yourself here, it would not be negative criteria. Chris said he doesn't believe that dormer would be a detriment to that neighbor, because he believes some of the alternatives could be worse. Joan Harriman asked if from the garage door to the white line, if you are parking a car in front of the garage, what is the distance there, how long could the vehicle be? She said the reason she is asking is there have been accidents there with cars parked with something protruding out of the back, a bike or something. You did move it back. Keith said the applicant said he can park his land cruiser now with where the house is located and you are going to gain 3-feet. Chris Rice said so it's probably close to 18-feet. Al said a typical parking space is 19-feet. Joan said hers is only a safety concern. Mr. Seem said if he opens the back of his land cruiser now he is still not in the Street. When he unloads his vehicle now he is not standing in the Street, passed the white line. Mark asked if it's stipulated that he is not renting that property. Keith said legally you can't control that. John Burke asked if any of the three residences on the property now rented out. Mr. Seem said yes and parking is very much a problem. John asked if it was his testimony that this is now going to be taken off the rental books. He said correct. George said there was a group on First Avenue. Mike Sinneck asked about the height of the chimney. Chris Rice said chimneys by Code have to be two-feet taller than any roof line around it. Al said his note raised the issue and he doesn't know if there is any release specifically for chimneys. Chris said aesthetically we can make it lower if we take the cap off the chimney. Joan Harriman said no, she had a chimney without a cap and birds sit on the chimney and die into your furnace and then the carbon monoxide comes into your house. Keith gave his closing argument. Mayor Dempsey made a motion to open the meeting to the public; the motion was seconded by Mark Apostolou, all in favor none opposed.

There was no public participation.

Mark Apostolou made a motion to close the meeting to the public, the motion was seconded by Michael Sinneck, all in favor none opposed.

Mark Apostolou made a motion to approve the application subject to the revisions as produced by Mr. Yodakis and as consented to by the applicant, however he asks that the garage be restricted, he proposed a curb cut specifically delineated to 20-feet. The motion was seconded by Michael Sinneck.

**Board Members Voting Yes:**

Mayor George Dempsey, John Muly, Patrick Callahan, Joan Harriman, Neil Hamilton,

**John Burke, Michael Sinneck, Mark Apostolou**  
**No negative votes**  
***APPLICATION APPROVED***

**APPLICATION #20-2012 – White, Thomas – 37 North Jackson Avenue – Block: 109 – Lot: 8.03 – Zone: R-1 – Minor Subdivision**

**John Burke had to step down from this application as Mr. White is a customer of his. After much discussion about who could and who could not hear this application, it was decided that George Dempsey and John Burke would step down. The rest of the sitting Board members would be able to hear the application. John Muly asked Mr. White to explain why he is here. Tom said the lot is 100 X 153-foot lot which he wants to subdivide into two lots each being 50 X 153-feet. Right now there is a house pretty much in the middle and a garage. There is also a pool and everything will be demolished. There would be two conforming lots. Joan Harriman asked about trees on the lot, Patrick said when he is ready to demo the Code Department would notify the Shade Tree Commission. Mr. Cramer asked him if he reviewed the Board’s Engineer report and he said yes. Mr. Cramer asked if he was ready to comply with all the recommendations in the letter and Mr. White said yes. Mr. Cramer asked if he also saw the Tax Collector’s written report and he said yes and he has no problem with what Valerie suggested in her report. Al Yodakis asked what Mr. White’s intent is with demolishing the house and filing the subdivision, his concern is if the Board approves it you could then file the subdivision and potentially have two lots with a house in the middle. Is your intent to immediately or in the near future demolish the house and file the subdivision? Mr. White said he would love for somebody to buy both lots and put a house in the middle. Mr. Muly said it is a dated house it goes back to 1822, he understands a ship captain built that. Mr. Cramer asked if it could be moved from one lot to the other. Mr. White said it’s too big and it’s listing, it would cost a lot of money to try to move it. John Muly said you have to understand if this subdivision is approved by the Board if you are going to build on those other lots, if they are going to be non-conforming you have to come to the Board for Variances. Mr. White said he understands that. Patrick Callahan made a motion to open the meeting to the public, the motion was seconded by Joan Harriman, all in favor none opposed.**

**There was no public participation.**

**Neil Hamilton made a motion to close the public portion of the meeting, the motion was seconded by Mark Apostolou, all in favor none opposed.**

**Patrick Callahan made a motion to approve the application, the motion was seconded by Neil Hamilton.**

**Board Members Voting Yes:**

**John Muly, Patrick Callahan, Neil Hamilton**

**Board Members Abstaining:**

**Joan Harriman, Michael Sinneck, Mark Apostolou**

***APPLICATION APPROVED***

**John Burke said let the record show that the Chairman is back and the Mayor has left the building at 5:15PM.**

John Burke said the Board talked last meeting about having a Special Meeting on 10/23, he went over that with Dick Furey the other day and he suggested that we probably do not need that meeting, he is going to come up with a report on the raising of the houses and the decks and so on. He will present that report in writing to the Technical Review Committee next week and then they will make a recommendation to this Board at the November meeting. He thinks we can take care of it that way without having a Special Meeting on the 23<sup>rd</sup>. The only thing he asks of the Board is he would like the Board's input if anybody has any ideas on it. I pointed out that front steps usually are a 3 or 4-foot square landing outside the front and then 2 or 3 steps down. If you raise this house 4 or 5-feet now you could have as many as 10 steps down and the length of the steps could go out to where they could actually encroach on the sidewalk or the encroach on Borough property. Can anyone come up with a way that we can without changing Ordinances, that we can recommend to these people, either coming down the sides, both sides or just one side. There is a problem with one of the potential cases we are going to have before us where a door is on the side of the house, not the front and I believe the applicant has already mentioned that they are going to move the door to the front so that they can have the steps come down to the side. Dick said if anybody has any ideas to call him in the Borough office, if you have any ideas or questions talk to him about it and then we will discuss it at the November meeting. John Muly said we talked about it at the Tech Committee meeting that when they are jacking a house up, if the lot is big enough to try to get them to move the house back a few feet so they don't run into this problem, I know we can't require it. John Burke said let's discuss this at the November meeting, Dick will be here and he will present it to us. Mark asked if AI could give us a recommendation at that next meeting. AI said he would be happy to talk to Dick and Pat without charging the Board. He just thinks the biggest thing is going to be if the steps are going down, they have to stay out of the right-of-way. That would be our big saving grace there.

John Muly made a motion to open the meeting to the public, the motion was seconded by Neil Hamilton, all in favor none opposed.

**Audience members coming forward:**

Charles Raffetto – 539 E. Main Street – He said he is here as a messenger to convey a message from the American Heart Association. He had paperwork to pass out to the Board members. The paperwork addressed air pollution and how it affects heart disease. He said when the Board allows more living units which in turn creates more vehicles on the road that cause air pollution which in turn can cause heart disease. He underlined certain parts that he wanted the Board to pay the most attention to. He asked for them to consider air pollution when they approve housing applications.

Motion to close the public portion of the meeting was made by Michael Sinneck moved to close the public portion, the motion was seconded by Mark Apostolou, all in favor none opposed.

Mark Apostolou made a motion to adjourn the meeting, the motion was seconded by Patrick Callahan, all in favor none opposed.

***MEETING ADJOURNED AT 5:30PM***

Respectfully Submitted,

Mary C. Salerno  
Planning Board Secretary