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BOROUGH OF MANASQUAN
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The Manasquan Planning Board held a Special Meeting on April 30, 2019 at 4pm in the Council Chambers. Both applications are Use Variances which exclude the Mayor and Councilman. The Chairman asked everyone present to please stand and salute the Flag.

ROLL CALL:

Board Members Present:

John Muly, Robert Young, Greg Love, Mark Apostolou, Kevin Thompson, Neil Hamilton, John Burke

Board Members Absent:

Mayor Ed Donovan, Councilman Mike Mangan, Leonard Sullivan, Mark Larkin, Barbara Ilaria

Professionals Present:

Albert Yodakis – Board Engineer/Planner

George McGill – Board Attorney

George McGill told Mr. Starkey, attorney for the applicants that on the second application Board member Kevin Thompson has to step down, that's going to leave you with six (6) members, so that leaves you with the discussion as to whether or not you want to proceed with six (6) members on that application. Mr. Starkey asked about alternate members. Neil said we have two (2) one is absent, one is present. Mr. Starkey said he is content to proceed with six (6). George said on that second application you need five (5) affirmative votes out of six (6). Mr. Starkey said and on the first? George said five (5) out of seven (7). Mr. Starkey discussed the situation with his client. He said that's fine.

George McGill read the Open Public Meetings Statement.

Next, Chairman Neil Hamilton said for the benefit of the audience the Board is going to flip the two cases, Mr. Thompson has a conflict as he cannot hear the North Main Street application. We will start with 139 Union Avenue first.

APPLICATION #20-2019 – 139 Union Avenue – Block: 71 – Lot: 102.1 – Zone: Office – Kevin Starkey is the attorney representing the applicants. He said this was before the Board about a year ago for a three (3) lot subdivision. Two of those lots face Morris Avenue and one faces Union Avenue/Route #71, for this single lot we are seeking a Use Variance. George McGill swore in the witnesses, Ray Carpenter – Engineer/Planner, Neil DuCharme – Principal of RALCO Builders, Brian Berzinskis – Architect, and the Board Engineer, Al Yodakis. Mr. Starkey said this would be a two-story mixed use building, with an office on the ground floor and two dwelling units above that. This is in the Office Zone. Mr. Carpenter is the first to testify. The Board accepted his credentials as both an Engineer and Planner and Mr. Berzinskis as an Architect. Mr. Carpenter proceeded to explain the C-Variances and then the Use Variance. In referencing Al Yodakis' report on page 2, starting with letter a, they will turn the parking lot into a paver area and bring the

impervious coverage down to the required 60%. Letter b, 10 parking spaces required, they are providing 6 spaces in the lot and one in the garage, they will provide 2 spaces in the garage, so now they have a total of 8 parking spaces on the site. It is his professional opinion that they comply and actually exceed the parking requirements for this site. Al said his concern is in a business use like this, it may start out as a garage but it tends to meander into other uses. In speaking with Mr. Carpenter we talked about Deed restricting the property to limit that to only garage use, then we could quite possibly consider that. George McGill said so you will have two parking spaces in the garage and six outside and the other part of this conversation is Mr. Carpenter is saying that we shouldn't be using the parking spaces on the interior to add additional parking so it should only be eight. Al said if it is Deed restricted, then we have an enforcement that the office can't continue and meander into the garage space ten years from now. Then he is fine with it. Al asked who do you anticipate parking behind the other? Mr. Carpenter said company vehicles in the garage at night and employees behind each other during the day. George said seven is required and eight is provided. Al said that's correct. Ray Carpenter said the next item is letter c, maximum height of 35-feet is permitted, whereas a height of 38.18 feet is proposed. Mark Apostolou asked if the Board Engineer agrees with that. Al asked Ray what he is basing that on? Ray said it's in an AE Zone, elevation 9, based on the FEMA map dated 2015. Mark asked how does that give you an automatic exemption? Ray said he thought in the flood zone you were allowed to go to 38-feet. Ray was told no, Al said we'll come back to that one. Letter d, a maximum building height of 2 ½ stories is permitted, whereas a height of 3 stories is proposed. Next, letter e, off street parking permitted in the rear yard only, where parking is provided in the front yard. Ray said if you do the math, this lot is 50-feet wide, 5-feet off the property line with the building, 5-feet off the property line with the parking, essentially the lot is only 40-feet long. I can't put a legal driveway from the front of the lot to the back of the lot to put parking behind the building. It's an anomaly of the site. The neighbors to the south have exactly that situation where the parking is from front to back. Greg Love asked if the anomaly wasn't created by the request for the subdivision? George said you are referring to letter e, you are providing the Board reasoning why you are not going to comply, you are not saying there is no variance required. Ray said it's a hardship on the applicant to try and put all the parking in the back yet there is no way to get to it. Mr. Starkey said now we are getting into the C Variances and the justification for them. That was the first one, we are seeking a variance for that. Letter f states it does not appear that the required storage space is being provided for the proposed residential units. He said he will leave that up to the architect to address storage on the site. Next number 4. Utilities, the DOT told them they would prefer another place for the sewer and water to connect and not go onto Union Avenue, since they own the other two lots there will be a fully conforming easement between those two houses. Mark Apostolou asked if the maintenance for that run with the land. Mr. Starkey said when his clients sell the lots that will be part of the agreement. Number 5, deals with RSIS as far as drainage is concerned, we will comply with that. Number 6 Ray will work with Mr. Yodakis on that, we have a high water table no matter what kind of storm management system we put on the site the high water table is going to be an issue, we have come up with

two solutions for that problem but he has to get Mr. Yodakis to work with them on this. Number 7 again deals with the drainage system, his concern is when the tanks fill up with water they won't fill up fully before overflowing into the driveway onto #71, we can address that when we re-design the drainage system. Number 8 regards the slopes and inverts for the proposed roof drains and Ray said he will comply. Number 9, there is sufficient fill on this site to explain why the site must be raised we only have 5-feet from the property line to the parking, the simplest way to deal with the differential in grade is to put a retaining wall. Because we are in a Flood Zone our floor has to be at a certain elevation that's the reason we had to bring in this fill to get the floor elevation up to the height. Neil asked if the retaining wall will hold all the water on your site and Mr. Carpenter said yes that is correct. Al asked how high the wall is. Ray said 2-feet on one end and 3 ½-feet on the other end, it's not that high. Next to be addressed is number 10, Al asked for a plan on the other lots so he could see how everything ties in. Ray addressed #11, #12, will be in compliance. #13, trash area will be rather small they could put a can in the garage, there will not be any dumpsters on site. #14, utilities will be brought in underground. #15, they have a letter from the DOT stating they will give them access onto Route #71 but will not give a permit at this time until they saw this plan and see where the driveway was going to be located. We have to make a formal application. Al said they will need to meet all the DOT requirements, the first step when they did the subdivision the DOT said yes, you can have an access there, this permit then they have to go back with all the specifics, curb tie-ins, sidewalk, etc. #17 the guy wire can be re-located. #18, wheel stops they will provide detail for that. #19, all will be provided as well as #20, #21 standard. #23 there are no existing trees on the property. Al asked about #22, Ray said they will comply. Al said the fixtures will be recessed, Ray said they will shield the lights. Al said so the light doesn't impact the neighbors. Ray said they will comply. #24 any curbs and sidewalks will be replaced as necessary. Al said to get back to the building height, he found that Ordinance section and the way it is written it only applies to residential buildings. Kevin Starkey said they agree with Al, so they will be seeking a height variance. Mr. Starkey asked Ray Carpenter to start with the Office Zone in explaining the Bulk Variances, he gave his testimony in defense of why this should be granted. Their main concern was this lot would be rather hard to develop as a single-family home based on the access onto Union Avenue. He argued this is a transition zone, from residential to office use. He said this is not a high traffic situation, this is the least intensive, least intrusive use of the property. Mr. Starkey said this is like what you have downtown. Ray said this is a fully conforming lot, we are not putting a use in here that wasn't anticipated. John Burke asked where the mechanicals will be, Ray said you'd have to ask the architect. Bob Young said you said that a house wouldn't work on this property. Ray said I didn't say that I said if you put a house on this property there is no way you would be able to turn a vehicle around so that you could pull out onto Union Avenue, you'd have to back out which would be very treacherous access to the property. Bob said true, but isn't that the case with all the houses across the Street. Ray said they are bigger lots. Al said you are doing it with this parking lot, you could put in a small T-space or something there. I've actually seen Monmouth County require a K-turn around driveway on County Roads so people don't back out. Ray said it would be

tight. Mark Apostolou made a motion to open to the public, seconded by Greg Love, all in favor, none opposed.

Audience Members Coming Forward: All audience members were sworn in by Mr. McGill.

Bruce Hollows – 91 Morris Avenue – He lives on a residential lot behind this. Ray said that's true but your house actually sits up right at the rear where the residential dwellings are. Mr. Hollows said it's not a vacant lot, it's not a lot that can't be developed, or won't be developed, that's not a fair statement. Ray said it's vacant at this time. He asked about the Resolution that was granted for the subdivision and include any provisions for the grading of this lot. Ray said when you go for a subdivision you are not proposing any grading changes. You can't assume that, because when you go for a subdivision there is no grading required. Next, Mr. Hollows asked about Storm water management and negative impact on his property. Mr. Carpenter said there is an underground re-charge system. Mr. Hollows said if you raise the property level and it flows onto my property. Mr. Hollows asked if they planned to return these properties to their original grade. Mr. Carpenter said no, the grading we propose provides for drainage from the site to adhere to the Storm water management Ordinance. Mr. Hollows asked how much grade they are proposing to put on that lot, Mr. Carpenter said about 3-feet of fill. Mr. Hollows asked what am I supposed to do on my side. What am I supposed to do with a 3-foot wall of dirt? Ray said we are only building it up high enough to the front of the building and it will be graded toward the back of the lot. Mr. Hollows said the water will run toward my property. Mr. Carpenter said and it always has, there is a low spot back there. It will go where it went before. Mr. Hollows said I've been there for two years and it has never drained onto my property. He then asked when the parking lot is full how do you propose somebody backing out, what would happen if somebody pulls into that parking lot and it was full how do you propose they get back out? Mr. Carpenter said there is a space, well since we have an extra parking space I can designate a parking space for a turn around. Al said he needs to chew on that, he doesn't want to be re-engineering things on the fly here. Mr. Hollows asked if the height is from the new grade or the existing grade? Ray said top of curb. Mr. Hollows asked if it isn't true that you could put a turn around on a residential property. Mr. Carpenter said it would be tight. Mr. Hollows said but it could work.

Sara Henry – 85 Morris Avenue – She said her certified letter came to her maiden name, Constantino. She asked if Ray Carpenter was involved in the subdivision application for this property. He answered yes. She asked if he was aware that after subdividing the parcel they are building two houses directly adjacent to this parcel? Ray answered yes. She asked what zone this property is located in. Ray said the O Zone. She asked what the permitted uses were for the Zone. There were many questions regarding the size, shape, grading of the property and the amount of use and bulk variances are being requested. Next, she asked about setbacks, landscaping, height of plants, impervious coverage, and trash. She asked if they obtained a Wetlands LOI which shows that there are not wetlands within the immediate vicinity of their project. Ray said they have not. She asked if they would agree to a condition to obtain one as part of the condition of this approval. Ray said he would explore that. Ray said the structure to the southwest did not obtain one. She asked about Title 39, stipulate to allow the police to enforce traffic conditions on the

property. Mark Apostolou said the police may not want to do that. She asked about parking of commercial vehicles. Storm water, drainage, flooding, evacuation. Lighting and the effect on the neighboring properties. She asked if they obtained NJDOT approval, Ray said not yet.

Dan Walenjus – 147 Union Avenue – His property is adjacent to this project and he did receive an LOI for his project.

Lee Comerford – She asked what the occupancy would be of the two residential units if permitted. Ray said there are two bedrooms each. She is confused about the parking, and how is this safer than just having a single residence home.

Marilyn Perro – She asked how the paver parking lot will be designated for parking. She said how a three unit mixed use building be easier and not as intrusive as a single-family residence. You are amplifying the possibility of something happening. Can you clarify that? Ray said if you build a single-family house on this property and meet all the setback requirements you probably wouldn't have a garage on the house. She said you may need a slight variance, but you are looking at a mixed use proposal. It's not zoned for mixed use, it's zoned for office or residential. No retail is allowed in this zone. She asked for clarification of the water/sewer easement that will be hooked up to Morris Avenue, where will it be? Ray showed her on the plan. She asked about water runoff affecting the east side of the property.

Mark Apostolou made a motion to close this question portion, seconded by Greg Love all in favor none opposed.

Al Yodakis said Mr. Carpenter said a few times we are down to two variances, Al said there are two height variances, not to exceed 38-feet and also 2 ½ or 3-stories, parking permitted in the front yard and did we say you are going to be able to meet the storage space for the residential units? Mr. Starkey said the Architect will address that. Al said so three and maybe four variances, but definitely three. Mr. Carpenter only testified about A-1, that consist of engineering plans that were submitted with the application package. Next, Brian Berzinskis testified, the Board accepted his credentials. He had exhibits marked A-2, a rendering of the proposed structure and A-3 (floor plans), both were submitted to the Board for the packets. Mr. Starkey asked him to address the C-Variances, the building height and the number of stories. He said since Sandy the allowable height is 38-feet from top of curb. He said the units are designed as two bedroom units, occupancy load is one person per 200-square feet. His calculation for the units is four per unit. Regarding the mechanicals, they will be located in the rear yard. Next regarding the storage space that is required, we would be happy to accommodate a couple of access doors whether it be on the rear or the side of the building in order to give that space for tenant storage. John Burke asked the square footage of that third area of the garage. Mr. Berzinskis said one third of that space is just under 100-square feet. Bob Young said but you mentioned that's where you were going to keep the trash container for the office. Al Yodakis said and you need to fit two cars in there. Mr. Starkey said we would be seeking a variance from the 160 square feet required storage for the apartments. George McGill asked what is the square footage of the entire building. Mr. Berzinskis said 4,500 square feet. Bob Young asked do you know where you would put those doors to the

garage, would you have to put pavers or something so the tenants could get to those doors. Brian said they would put pavers. Bob said the mechanicals will also be there. Lighting was addressed, and the style of the building aesthetics was also addressed. Mark Apostolou moved to open to the public for questions for the architect, seconded by Greg Love.

Audience Members with questions for the Architect: Those not previously sworn in were sworn in by Mr. McGill.

Bruce Hollows – He asked what the design of the rear of the building would look like. Mr. Berzinskis said a more vertical façade, there is a series of windows designed for egress in the back, but the same material that is proposed for the front will be utilized in the rear. Mr. Hollows asked for sound baffles around the A/C units, it was agreed that would not be a problem. He asked about landscaping and the amount of people per unit.

Lee Comerford – She asked about a fire escape and was told it's not required.

Sara Henry – She asked if sprinklers are proposed. She was told no. She asked if Mr. Berzinskis is concerned about the proximity to other buildings and fire. The answer was no.

Mark Apostolou moved to close, seconded by Greg Love.

Neil asked if there were any questions of the builder from the Board, seeing none.

Mark Apostolou made a motion to open the meeting to the public, seconded by Bob Young, all in favor none opposed. George McGill swore in anyone who was not previously sworn in.

Theresa Brown – She asked if the Board would have granted a major three lot subdivision with variances knowing that a mixed use was proposed. At the May 1st meeting of 2018, Mr. Carpenter stated that he didn't need to worry about any kind of variance because he was going to put three residential subdivisions. No question, there wasn't going to be offices. But that has changed. Next, there are no shoulders on Route #71 where this is located, she lives across the Street and there has been major accidents, two telephone poles down, cars driving over lawns, people trying to make left turns into businesses, trying to get out. It's very difficult to get out onto Route #71. You can easily put a residential home on that lot with no problem with a turn around. She thinks there clearly is a problem with the traffic. She thinks this will be a hazard.

Alison Scott-Walenjus – She is the co-owner of 147 Union Avenue and the issue is the burden of the traffic and the parking issues that we have. If it's a matter of doing the right thing for the community she thinks the proposal of this building being a mixed use with the burden is extraordinarily excessive. There is a legal thing to do and then there is the right thing to do for the Community.

Jennifer Mills – She was here for the subdivision application, she lived on Morris Avenue for the last 20 years and agrees with Ms. Brown and the proposal was for building three buildings. It is her opinion that approving a mixed use will change the neighborhood. Her request is that you not approve it. There was reference to buildings on Main Street being allowed to have mixed use but we don't live on Main Street. There was discussion about transitional properties and this being a transitional type of property and last year when the subdivision was approved again they were talking about three buildings/residential/office and here we are trying to change that to a mixed use.

Bruce Hollows – He seconds and third the questions about the office/residential verses the mixed use, it was very clear at the meeting where the subdivision was approved that they wanted to keep their options open. What they are proposing is a building that creates problems, he doesn't see any problems with a residential building. His first and main concern is drainage. He questions whether or not you should be allowed to change the elevation and grading of the property that may have an impact on neighboring properties.

Dan Walenjus – His comment is that when this was previously divided into three homes, we were perfectly fine with that idea. Changing it to a mixed use has already been an issue for him. He owns property next door and we do have a very large, nice parking lot, it's already being used by the contractors without our permission. There have been assurances from the builder that this won't happen but it still happens anyway. They have already taken away parking on Morris Avenue by putting driveways there, so we've lost four or five spots on Morris Avenue already. We all know the parking calculations are interesting math. His concern is it's going to have to fall on him to have to tow people out of his parking every single day because that's what's going to happen.

Marilyn Perro – She has lived in her house for 30 years now and there is definitely more traffic every year. It's not just in the summertime, she has witnessed the day where a landscaper didn't see that someone was stopped on the other side and he literally ran across her son's yard into the next yard all the way and luckily there was a tree there which is the reason why he stopped. If there had been children playing out front it could have been a totally different scenario. She also feels that Mr. Carpenter and everyone here didn't really prove any type of uniqueness regarding this lot, no hardship, it's a standard lot where a nice house can be built. It can be the same size as the other two, it doesn't really matter that it's facing Union Avenue, we all face Union Avenue, we can get in and out, no problem. But if you're putting three different units in there, it's just way too excessive, it too big. That's a major road. She feels they are creating this hardship, just because they are asking you for these variances, they don't really have to be doing this it's just mere greed.

Mark Apostolou made a motion to close the public portion, seconded by Bob Young, all in favor none opposed.

Kevin Starkey gave his closing statement. He said the C-Variations are clear, he wanted to address the Use Variations they are seeking. He wasn't at the hearing a year ago, his client wasn't there but the subdivision was for three conforming lots. On those three conforming lots can be put either an office use or a residential use, at least on that lot here. The reason my client is seeking a D Variance is because this property is unique from those other two lots. The property adjoining on one side is an office building. There are a variety of different uses in this area. There is already a mixed use in this neighborhood. We believe we have proven these special reasons, for that reason we seek approval of the D-Variance and the four C-Variations, building height – 38-feet where 35-feet is permitted, the number of stories – 3 stories where 2 ½ is permitted, the off-street parking in the front, and the storage from 116 required to 100 square feet proposed.

Mark Apostolou said he appreciates the application, he respects the experts, he doesn't feel personally that special reasons have been shown to grant a D-Variance and he believes we

are on a dangerous precipice if we grant a mixed use in this particular situation. It's not in conformity with the Master Plan. This is not downtown; this is a distance away. He thinks we are opening up a door that is very dangerous if we grant this and he just doesn't think it meets the requirements of adopted case law for special reasons, he would not be in favor. Neil said he agrees with the Judge, he appreciates the subdivision is all conforming, we have two homes going there, he understands possibly marketable a residential home on that lot may not be a good idea. Office use may better suit that site and you would get an operator or a tenant that would understand where he is at in relation to #71 and the difficulties there, the site would have to accommodate his business. He doesn't want to start making changes in our Zone right now. It provides for a residential home or an office, not a mixed use so he is against the application. Mark Apostolou made a motion to deny the application in that it does not comply with the D-Variance. John Burke asked if this should be done in two sections. George said if we stick with the Use Variance first the rest is denied. They are always welcome to come back with a revised application that is substantially different. Kevin Thompson seconded Judge Apostolou's motion.

Board Members Voting to Deny the Use Variance:

John Muly, Robert Young, Greg Love, Mark Apostolou, Kevin Thompson,
Neil Hamilton, John Burke

The Board took a 5-minute recess, Kevin Thompson left the meeting at 5:55pm.

Roll Call Following Recess:

Present:

John Muly, Robert Young, Greg Love, Mark Apostolou, Neil Hamilton, John Burke

APPLICATION #19-2019 – Fun Girl Properties – 22 N Main Street – Block: 32 – Lot: 1.05 – Zone: B-1 – Kevin Starkey is the attorney representing the owner/applicant, Lori Triggiano. George McGill explained to Mr. Starkey that this is a Use Variance and there are only six voting members present. Mr. Starkey said he spoke to his client and they wish to proceed. He said they are proposing a 3-story mixed use building with a dwelling unit and retail space on the first floor and two dwelling units on the second and third floor. The only part of this application that requires a Use Variance is the dwelling unit on the first floor, the remainder of the structure is permitted in the Zone. We are also seeking several Bulk Variances. Mr. McGill swore in Ray Carpenter, Planner/Engineer, Brian Berzinskis, Architect. The Board accepted the credentials of both Mr. Carpenter and Mr. Berzinskis. Mr. Carpenter was the first to testify. He addressed the C-Variances first. In response to Al Yodakis' report, lot coverage of 60% permitted, 91% proposed, they will make the entire rear parking lot pervious so that variance is no longer required, it will be 60% or less. 10 parking spaces are required, 4 spaces are provided, there is a minor technicality here according to RSIS, this particular application 9 spaces are required not 10. Al said we have a disagreement on that, for the residential portion of it, the area that's a partial in question is the downstairs commercial space, so the RSIS don't necessarily apply. Neil said so it's still 10. Ray said the Town doesn't address that, the standards have already been established by RSIS. George said he thinks Al is correct, in that it wouldn't apply to commercial so when you have four and one-half standard procedures to go higher. Al said

that's generally how we've done it in the past. What you are asking us to consider is that we use the RSIS to consider for the residential portion of the application. Ray said correct but we are also speculating that we have to use the RSIS to design the drains. Al said reference that, that is also a requirement, I will strike that from my report. Next, Ray said there is a Municipal lot directly adjacent to the property, he has done two other applications in Manasquan where the Town said where you abut or relatively close to Municipal parking you can basically use that as a credit, both applications on Main Street did not have any rear onsite parking and the Board said you had Abe Voorhees lot right behind you and there is ample parking back there. George McGill said that's a rational for granting a variance though that's not a rational for saying it's like a credit like oh we don't need the parking. Next, a minimum parking aisle width of 24-feet is required, whereas a width of 23-feet is proposed. Ray said the chances of having conflicting traffic is minimal. There is more than adequate space for one-way traffic and the chances of conflicting traffic going in and out at the same time are rather small. Minimum parking setback of 4-feet required, 0-feet is existing, it's a small lot. If you want me to eliminate parking I can do that, but he thinks the parking is more important. The HVAC is going to be on the north side of the building primarily because there is already HVAC on the adjacent building, side by side. Neil said he's aware of a situation in another Town where A/C were put into that small confinement and the neighbors got into a dispute and you put up a solid vinyl fence you choke those A/C's out, they couldn't function. Ray said f, g, and h the architect will address. The easement was next; this is only 8-feet wide which is substandard for a normal driveway. Mark Apostolou said it was just drafted about a year ago. Neil said it was in '14. That was drafted by Keith Henderson's son. That's a question Mark had about the easement with the stipulations that a barrier fence can't be installed, you would never be able to navigate that with a vehicle. Neil said you need to add that. Kevin Starkey said we will do that. Ray said #5, approval from the Mayor and Council for the elimination of an existing parking spot in the adjacent parking lot to provide access to the proposed parking area. This will be a condition of the approval. #6 he spoke with Mr. Yodakis and the drainage system will comply with the Ordinance. #7 we will provide additional grading so as not to cause ponding in the municipal parking lot. #8 the owner will address that. #9 there is no proposed bathroom facility for the first floor retail space, that will be added. #10 detectable warning surfaces, they will comply with. #11, proposed dumpster area does not appear to have sufficient depth, also a trash collection vehicle will not be able to navigate the proposed parking lot to empty a dumpster. They will use garbage cans and they will be brought out to N. Main Street. Mark Apostolou said you can pay for rear yard pick-up also. #12 any new utilities services must be underground if possible, Ray Carpenter said they will. #13 and #14 the existing pavement will be removed and pavers placed, also #15 details for the connections to the proposed trench drains will be provided. #16 the drainage system will be re-designed to comply with the RSIS requirements, this will provide for #17 also. #18 lighting levels will be shown on the plans. They will meet all Borough requirements. #19 stop sign and stop bar, will comply. Al said he spoke to Ray yesterday and traffic arrows showing in and out, will be provided. Ray said they will put some kind of signage there. #20 and #21 they will go to the Shade Tree Commission to find

out what kind of tree they prefer. #22 any curb and sidewalk damaged during construction will be replaced as necessary. Regarding the Use Variance, we have a special situation regarding this. Mr. Starkey said what he would like to do is have Mr. Carpenter provide his professional opinion based on that testimony from his client about the needs of the family which is not yet on record. Neil said we will open to the public on the C-Variations, Mark Apostolou made a motion to open, seconded by Robert Young, all in favor none opposed.

Audience members coming forward:

David Helmer – 43 Main Street – He is the principal of 26 N. Main Street, the adjacent property. His question is about the parking lot changed to pavers, Mr. Carpenter said yes that is the proposal.

Mark Apostolou made a motion to close, seconded by Bob Young, all in favor none opposed.

Next, Brian Berzinskis was called to testify. Mr. McGill said both he and Mr. Carpenter have already been qualified in the previous application that was heard tonight. Mr. Starkey asked Brian if there is another place to put the mechanicals besides the side yard, Brian said we have almost the entire backside of that roof, if we were to install the HVAC up on a platform up on the roof we could shield it with some sort of lattice work. He referred to Al's report, letters f, g, and h. The outdoor living space and storage area, Brian said since we are fronting on Main Street designing any kind of outdoor living space on a grade level would be problematic so we are proposing the second floor level to have two balconies that go out to the rear of the property that gives some type of outdoor living space. The deck area is 12 X 7 for each unit. Mark Apostolou asked if he could increase it any more. Brian said he could, Bob Young said make it 12 X 8 if you could. Letter h of the report, regards storage space and they attempted to provide storage they provided for a ground floor storage, they had an exhibit marked as A-2, floor plans and A-3 a rendering by the architect of the front of the property. Going back down to the first floor there is a storage component that has access from the rear of the building that is going to be utilized by the tenants that's the space that they can bring in any type of beach chairs, bicycle or any kind of storage. The restriction with how much square-footage has to do with the appropriateness of the retail use and how much to give up. We are trying to find a balance. The retail space is going to have a handicap accessible bathroom in it, so that was going to be part of the design. Bob Young said so the storage will be shared? Brian said it might be separated inside, there will be one door going in and then it could be caged off or something for multiple tenants. John Burke said looking at the plans you have a first, second and third floor, doesn't that third floor qualify as a third story. Brian said it does as per the Manasquan Ordinance for what they constitute being considered a half-story but then on the side of the International Building Code, we have a different set of requirements that we have to fill in order to make it a three verses a two and one-half story and that exceeds and makes it a three story. John asked how much does it exceed by? Brian said for fire safety we are constructing this like a three story building but for the intent of the Manasquan Ordinance it should qualify as a two and a half story. Al Yodakis said from our Zoning standards this is a two and a half story building. Bob Young asked what the is

the size of the storage unit? Brian said 7 ½ X 11. There is a basement but it is going to be very low. Mark Apostolou asked if there was any way to squeeze any storage down there. Brian said he didn't know if the Ordinance dictates what the height requirement for storage is going to be, it will be a pretty low basement. Al said there is no specific height requirement, we have the square footage and also cubic footage requirements. Brian said yes they could dedicate some of that for storage. Mark said so you don't need the variance on storage. Greg Love asked why not move the building back and put parking in the front. Ray Carpenter said there is a bend in the road, a traffic light on the corner and a bike path across the Street, that would be tough. Al said you would still need to maintain the 8-foot easement across the back. Neil said open to the public, you are still under oath.

David Helman – He asked the distance between the two buildings? The proposed building and 26 N Main Street. It seems like this building is perched right on every edge of the piece of property. The answer is 3.6 and they are allowed to go 3-feet.

Mark Apostolou made a motion to close, seconded by Greg Love, all in favor none opposed. Next Mr. Starkey called the owner/applicant, Lori Triggiano to testify. She was sworn in. Mr. Starkey asked her if she is the principal of Fun Girl, LLC and Lori answered yes. She is aware of the access easement and the fact that she may need to modify the easement. The type of retail in the office part of the proposed structure will be operated by her, she said it will be a barber shop, it was her father's shop started in 1980, he started in Point Pleasant and moved to Manasquan and moved the shop to the site where it is now. When he passed away she took over the shop. She doesn't own that building any longer and would like to put the shop into her own building and keep his name and legacy. Mr. Starkey said there are three dwelling units proposed, two on top of the office space and one alongside. The two on top will be rented out for a while until her brother and/or she will have a place to leave, she promised her parents she would take care of them. That's what the downstairs apartment is for, her sister Helen is handicapped, she can't go up and down stairs, she can barely walk, she orders her food online. Helen, Lori's sister was present at the meeting, she is being treated by Allaire Foot and Ankle. She has been diagnosed with impairments, she had half of her foot taken off, she has no toes on one foot, no balance, it's a struggle for her to get around. That's why Lori wants an apartment on the first floor so her sister can walk in, no steps, everything there for her. It's handicapped accessible. If the Board requests a permanent Deed Restriction that this apartment will be limited to handicap access. Lori said absolutely, she is hoping her sister stays around for a long time. Mr. Starkey said he would like this to be available to any other family member that has difficulty that it not be limited to just Helen. Mr. McGill said the applicant can stipulate that the property would revert back to Commercial or permitted use upon the property being vacated by the tenant who is suffering from the handicap, that would be a stipulation of approval but made so the Board is comfortable in lessening the impact of granting a variance of that nature. Mr. Starkey said we are agreeable to that. Greg Love asked if this would open the Board for precedent. Mr. McGill said it could, but as we all are aware each application is dealt with its unique set of facts, if it's something the Board would consider here it would be considered the next time, we don't know what those facts would be. Mark Apostolou stated that under our Master Plan we are to accommodate the handicapped.

Mr. McGill said there is also ADA considerations in that, and that would be something that the Board would rely upon in granting a variance. Neil asked about the building where the barber shop is now. Lori said her mother sold that before she passed away. George said he would want to see the first floor revert back to a permitted use if no longer used by the family for handicapped accessibility. Mark Apostolou made a motion to open to the public, seconded by Bob Young.

Mr. Starkey said he just wants to finish up with Mr. Carpenter on the D Variances first. He asked him to explain why he believes the D-Variance should be granted, which he did. Neil asked to go back to the Use, you will be moving the barber shop over, that will be under a retail operation but the zone provides for retail/office so in the Resolution, should you retire Lori and you want to rent that out to office use, we don't want to get locked into that use of retail. Mr. Starkey said whatever is permitted in the zone. John Muly said this whole application is conditioned on obtaining a parking space from the Borough if that doesn't happen then this is moot. Neil said then you would have to come back here. Mr. Starkey agreed.

David Helmer – He wanted to address the easement, they purchased the property 3 ½ years ago and there is a first floor apartment and they have a small parking area to accommodate two or three vehicles. We requested at the time of purchase an 8-foot easement to access the parking area in the back of 26 N. Main Street. An 8-foot easement is pretty narrow to get a car through that and our neighbors put up a fence that allows only 8-feet to access our rear parking area. Granted we only asked for 8-feet and that's all we got, but we have now sealed off three parking spots and my tenants have to back out, they don't have anywhere to turn around they have to back out into the Municipal Lot. Now, you are talking about putting one-way access to that parking area. Neil said not one-way. Mr. Helmer said his people could be backing out and others could be pulling in. Neil said he would think there won't be that much activity and it will be open, it's going to be 27-feet wide in total. Mr. Helmer said that was a concern for him, the other concern was he is thrilled to be new to the area but you learn pretty quick that Manasquan has two significant problems, drainage and parking. If you look around that block of the strip mall with the Bagel Shop and the Dairy Queen, next to that you have an empty building with parking in front of that, you have that whole Municipal Lot, to the North you have a professional building with apartments which takes up almost the entire lot. Then you have the Manasquan Annex, behind that you have the Lift Gym, across that you have the automotive place and that corner floods all the way down to the bike path entrance and in the winter it's even worse. Neil said they will address the drainage as best they can. John Muly said some of that is the County too, Atlantic Avenue is a County Road. Mr. Helmer said you are putting a burden on the parking by putting a retail space there, you are going to put three apartments, eventually six more vehicles, you are putting more pressure on the parking.

Mark Apostolou made a motion to close the public portion of the meeting, seconded by Robert Young, all in favor none opposed.

Mr. Starkey gave his closing statement. Mark Apostolou asked Mr. Starkey if he and George McGill would speak about that easement how legally it should be reworded if at all

and with the fencing. Mr. Starkey said we are seeking a single D-Variance, parking, parking aisle width, lot coverage, parking lot setback, mechanical equipment and the storage space we won't need that variance if you accept the additional storage space beneath the building. They are expanding the outdoor spaces. The condition of handicap issue in the Resolution that will be done by Deed. Everything hinges upon Council's approval for that parking stall.

Mark Apostolou made a motion to approve the application subject to all the restrictions just discussed specifically the Deed Restriction, seconded by John Muly.

Board Members Voting Yes:

John Muly, Robert Young, Greg Love, Mark Apostolou, Neil Hamilton, John Burke

Neil said we have two Ordinances to discuss, George McGill said the Mayor and Council asked the Board to find that those Ordinances be consistent with the Master Plan and George states they are – Ordinance 2286-19, Ordinance 2287-19. This is something the Board is given the obligation to review but it's part and parcel of a larger settlement and is being put into effect so that the Borough will be protected in the Fair Share Housing Plan. Mark Apostolou asked the Board Engineer if these meet with his approval with conformity of the Master Plan and Al said yes they are in conformance with the Master Plan.

Mark Apostolou said on that basis he moves to accept the Resolutions, seconded by Robert Young. George McGill read the Resolution in its entirety. Mark Apostolou made a motion to memorialize, seconded by Robert Young, all in favor none opposed.

Mark Apostolou made a motion to close the meeting, seconded by John Burke, all in favor none opposed.

Meeting adjourned at 7:03pm

Respectfully Submitted



Mary C. Salerno

Planning Board Secretary