

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

The Manasquan Planning Board held a Special meeting on June 18, 2019 at 4pm in the Council Chambers, 201 E Main Street. In the absence of Chairman Neil B. Hamilton, the meeting was chaired by Vice-Chairman Bob Young. He 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, Leonard Sullivan, Mark Larkin

Board Members Absent:

Mayor Ed Donovan, Councilman Mike Mangan, Neil Hamilton, John Burke, Barbara Ilaria

Professionals Present:

Albert D. Yodakis – Board Engineer/Planner

George D. McGill – Board Attorney

George McGill read the Sunshine Law in its entirety.

Mark Apostolou made a motion to approve the minutes of April 30, 2019 – as amended, seconded by Kevin Thompson, all in favor none opposed.

RESOLUTION #03-2018 – Shiloh Baptist Church – 44 Union Avenue – Mark Apostolou made a motion to approve, seconded by John Muly.

Board Members Voting Yes:

John Muly, Greg Love, Mark Apostolou, Mark Apostolou, Kevin Thompson, Leonard Sullivan, Mark Larkin

APPLICATION #23-2019 – Hintz, Michael and Mary Ellen – 444 Long Avenue – Block: 174 – Lot: 120.01 – Zone: R-3 – AEBFE Flood Zone - Keith Henderson is the attorney representing the applicants. The file was found to be in good order and accepted jurisdiction. He had three witnesses to be sworn in. Mr. McGill swore in Mary Ellen Tyndale Hintz, owner/applicant, Joseph Kociuba, Engineer, Richard Groves, Architect and Board Engineer, Al Yodakis. The first witness called was Mary Ellen Hintz, she is one of the property owners and they acquired the property in 2000. This is now their full-time residence, they formerly resided in Lincroft, NJ. They are proposing to demolish what is on the property and build a new home. Mr. Henderson had a south and north elevation marked as Exhibit A-1 (front elevation) and A-2 (rear elevation). Mr. Groves has not testified before this Board before but has testified before other Boards in the State of NJ, the Board accepted his credentials. He said there are no variances associated with the house at all, it is fully conforming. Let the record reflect that Mayor Ed Donovan has

joined the Board – it is 4:15pm. Mark Apostolou made a motion to open to the audience, seconded by Kevin Thompson, all in favor none opposed. There were no audience members asking questions. Mark Apostolou made a motion to close the public portion, seconded by Kevin Thompson, all in favor none opposed. Next, Mr. Kociuba came forward to testify. The Board accepted his credentials as he has appeared before this Board. He was retained as both a professional engineer and planner by the applicant. He addressed the zone and the land use requirements for the zone. The swimming pool requires a rear yard setback variance; 10-feet is required they are at 6.48-feet. That's measured to the rear property line. They also need relief for the lowest point of the pool. He had an exhibit he passed out marked A-3 to show detail about what they are proposing. This is a cross-section that shows the seasonal high water table. We are 6-inches above where 1-foot is required and will not have any impact on the adjacent neighbors. The setback doesn't affect the neighbors on either side, the pool is centered in the property, it's to the rear only. We have the separation of the lagoon, he passed out some photos looking across the rear of the property marked A-4, taken by the applicant. The lagoon is 6-feet across and you can see in the photos detail of the neighbors pool across the lagoon. The intent is to put in a lined pool with a gunnite bottom which will prevent any buoyancy issues with regard to problems with the pool itself. From an engineering standpoint Mr. Kociuba we can certainly install this pool in the location without impacting adjacent neighbors or to the pool itself. There is also an issue regarding the depth. The proposal is to provide a raised deck 8-inches off grade for the width to the rear property, the deck itself does not require any relief. There is however a requirement that it be setback 5-feet from the side property line and we are requesting a 0-foot setback. He said there is one item that is not noted on his plan, he apologized for that. There is an existing planter on the west side of the property, it is shown on Exhibit A-5. The applicant's intent is to maintain that planter, it extends through the existing retaining wall that the neighbor had built at some point. There is a history to that, the neighbor's property is raised up substantially above ours at the highest point it is probably about 3-feet higher than our property which extends all the way down. The applicant with the neighbor's consent put a planter against that to soften the view because it was a cinder block retaining wall. The planter extends about 2 ½-feet into the property. We are amending the request on that side of the property. George McGill asked Joe what exactly he is requesting. He said we are requesting 0-setback on the east and west, the deck will be 2 ½-feet off the property line. Looking at the surrounding properties they are higher than us. The roadway from approximately two homes east of us drains to the end of Long Avenue at the bulkhead and the property to our west has elevated substantially so we are kind of in the middle of that and in a rain storm runoff comes from both sides and inundates our property in the rear yard especially. The intent is to put a deck on grade to allow us to elevate above that, we have a substantial drainage system proposed consisting of a stone trench with piping which will collect all that runoff from underneath that deck, discharge it to some overflow grates in the front yard when necessary. Also discharge in the back to dissipate that runoff that collects on the property and get us up above. In a larger storm when the lagoon rises and it comes in this is the first property to get the flooding and the debris. I have had many

conversations with the applicant, that is one of their primary concerns. Because they are the lowest whenever there is a large storm they get the brunt of all the stuff that floats around and they are the ones cleaning off their stones, the property, so if they have a decking surface so they can bring the hose out and clean it off easier. Next he went through the engineering letter prepared by Al Yodakis. He said the only requirement from CAFRA is we are subject to a permit by rule for the pool, the only requirement is that the applicant obtain an engineering certificate, which we have issued, identifying that they can replace the bulkhead in kind in its location. The bulkhead can be replaced without issue. They also retained an environmental firm to deal with the permit by rule issue. Mr. Kociuba said Envirotactics was retained. The report by Envirotactics was submitted as Exhibit A-6. George said it's not a DEP approval as such. Joe said you used to have to send them something now we don't even have to apply, it's permit by rule that indicates the Municipality can grant the approval administratively. You used to have to send them something but we don't even have to notify them. Al said that is absolutely correct. George said we wouldn't have to address that as a condition. Al said that is correct. Bob Young asked if there was a change in the proposed pool depth from the bottom to the seasonal high water table and Joe said yes we took the coping from the wrong elevation, so that was a clarification. Al said he is fine with the curb cut. Bob Young asked what is the correct curb cut. Keith said he never heard of the Law and Ordinance Committee, they addressed issues like this and it was specifically delegated to them in the Ordinance, so Dick Furey wrote a letter which he said Al has a copy of it and it could be marked into evidence. This is marked Exhibit A-7 a letter dated June 25, 2008 where the Law and Ordinance Committee has granted your request to expand your curb cut to 16-feet, provided that the tree or root system located along the Street line is not damaged. Al said he wasn't sure where the measurement was measured from, it may be the depressed curb. Mark said why don't we rely that it's 16-feet wide. Next, in Al's letter all the items were addressed and they stipulated to #8, #9 and #10. Joe said this application meets the C-1 and C-2 criteria. He stated the benefits outweigh the detriments. This will be an aesthetic improvement to the property. The new home will be fully conforming. Al said he has no concerns or questions. Mark Apostolou asked if Mr. Kociuba did an analysis on the load with regards to the bulkhead as to the placement of the swimming pool, will that do anything structurally to the bulkhead? Mr. Kociuba said he has factored that in and there is no impact on the bulkhead whatsoever the pool will be on piles. Mark asked about flooding for the pool. Joe said there really is no venting than can be done for the pool, typically the skimmer will capture rainfall. In the event you have an over topping situation there really isn't a fix for that other than back wash and clean the pool filter. Mark said and the water will flow into the lagoon. John Muly had a question about the alcove on the side of the house, is that for the generator? John said generators are required to be put in the rear yard. Bob Young said he had mentioned that to Al earlier. Al Yodakis said they need to be outside of the rear yard setback. Generators have to be in the rear yard. In this case they are because the lot is wide enough that they could have that all behind that. They don't need a variance for that. Air conditioners need to be located outside of the side yard setback. If you have a wide enough lot they can be on the side. John Muly said this

generator is not going to be in the rear yard. Al said per Mr. Kociuba's plan it is. Mr. Kociuba said the generator is in the back left corner inside the footprint and to the rear, so it's in a compliant location. The A/C is in this area which is permitted to be on the side. Bob asked what is the distance between the planter and the house at the southernmost point? Joe said he estimates it as between 6 and 8-feet, plenty of room to maneuver. Mark Apostolou made a motion to open the meeting to the public, seconded by Kevin Thompson, all in favor none opposed.

Audience members coming forward and sworn in by Mr. McGill:

Berta Konegen – 443 Long Avenue – She lives directly across the Street from the Hintz's, they have been neighbors for 15 years, they know them very well and they are upstanding citizens, they have a beautiful home. She has seen the plans for the new house and supports them with the application. Mr. Hintz helped her husband re-build their house several years ago. She said the house is definitely in a lower area, as is her own house. She supports giving them the variance they are asking for. Their end of the Street floods and there is no way to fix it. We get quite a bit of water, we watch it come up our steps and we get caught in it, we can't leave our houses because of the depth of the water. And, yes it does create a mess, a lot of seaweed, fishing line, soda bottles, sometimes dead fish.

Donna Ruggiero – 439 Long Avenue – She agrees with everything Mrs. Konegen said, she supports the granting of the application. It will be aesthetically pleasing. The deck will be beneficial and she also supports the pool whether or not she is invited to swim in it. She wishes them well.

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

Keith Henderson gave his closing argument.

George asked to go over the variances, the depth of the pool is described as a design waiver and Al agrees with that. George said the side yard setback on both the right and left. As far as the planter it's not a structure that would require a variance, it's pre-existing. There is a portion that is zero but the majority of it is about 2 ½-feet. Al said the applicant did provide him the front yard averaging from their surveyor so a variance is not required for that, they did provide Al that proof. George marked that as Exhibit A-8. Kevin Thompson made a motion to approve, seconded by Mark Apostolou.

Board Members Voting Yes:

Robert Young, Greg Love, John Muly, Mark Apostolou, Kevin Thompson, Leonard Sullivan, Mark Larkin

Board Members Abstaining:

Mayor Ed Donovan – as he arrived late to the hearing

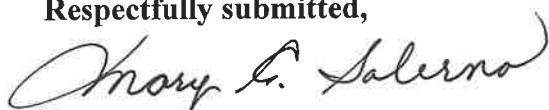
Bob Young said the Board wanted to discuss Resolution numbers. Mark wanted to touch on that. It has come to his attention that Resolution numbers follow the time that they were first applied to not when they are heard. Mark said it's his position for ease of reviewing it that we alter that procedure and whenever we adopt it that should be the numerical value that we assign it for the year. Greg Love asked if there was a different number for the application than for the Resolution. George said no that's the problem and

it's a simple matter of numbering the resolution sequentially and then underneath it putting the calendar number so it can be tracked. Mark moved that we amend our procedures to incorporate that. It came up in our discussion when I was the acting Chair. George is in favor of that. George said we can't start now we will start in January doing it. George said presently we do the re-org resolutions as a, b, and c we will do them one through 8 or 9 or 10. So, the first resolution will then be 11. Based on this Mark Apostolou moved to amend Resolution 03-2018 to 03-2018-B, seconded by Leonard Sullivan, all in favor none opposed.

Bob Young asked Al if he saw the revised plans for the Mueller property and if he is ok with them, Al is doing the review now. They will be heard in July. Al hasn't seen anything for the Murphy application so it looks like they won't be heard in July. Next, the Gableman letter which was sent to all members of the Planning Board. George McGill said this is not really a Planning Board issue.

Leonard Sullivan made a motion to close the meeting, seconded by Kevin Thompson, all in favor none opposed.

Respectfully submitted,

A handwritten signature in cursive script that reads "Mary C. Salerno".

Mary C. Salerno
Planning Board Secretary