

The Manasquan Planning Board held a Regular meeting on Tuesday, March 5, 2013 at 7PM in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey. Mr. Cramer, the Planning Board Attorney read the Open Public Meeting statement. Chairman John Burke asked everyone present to please stand and Salute the Flag.

**ROLL CALL:**

**Board Members Present:**

John Muly, Patrick Callahan, Neil Hamilton, John Burke, Greg Love, Jay Price and Peter Ragan

**Board Members Absent:**

Mayor Dempsey, Joan Harriman, Councilman McCarthy, Leonard Sullivan, Mark Apostolou and Robert Young

**Professionals Present:**

Geoffrey S. Cramer – Attorney to the Planning Board

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

**APPLICATION #27-2012** – Sepe, Brad (William) – 40 Broad Street – Block: 64 – Lot: 25.02 – Zone: Office – John Burke said the Board Secretary got a letter from the applicant this afternoon, the applicant said that because we will not have seven members of the Board present he requests the Planning Board extends his application to the next meeting, if not he will withdraw the application. Geoff Cramer said this application has been carried a number of times and he suggests if the Board decides to grant his request for the continuance that it be with the provision that he has to re-publish and re-notice the property owners within 200-feet. Neil Hamilton said the applicant has been here twice, the neighbors have been here to either voice their approval or decline of the application and in fact some of the neighbors are here again this evening. He thinks the Board needs to take the action suggested by the attorney. Neil Hamilton made a motion to continue it to the next meeting which is April 2, 2013 and if the applicant doesn't show up the application will be withdrawn with prejudice. The motion was seconded by Patrick Callahan, all in favor none opposed.

***APPLICATION CARRIED TO APRIL 2, 2013***

**APPLICATION #08-2013** – Broderick, Deborah – 569, 571 Main Street – Block: 178 – Lot: 26 – Zone: RPM – Mr. Keith Henderson is the attorney representing the applicant. The application is for a Bulk and Use Variance relief. Mr. Cramer found the file to be in good order and accepted jurisdiction. He had three witnesses to be sworn in as well as the Engineer. Deborah Broderick, owner/applicant, Robert Wojewodski of Southwest Homes, builder, and Robert Burdick, professional Engineer and Planner. Ms. Broderick was the first to give testimony, she stated there are two structures on the property each containing one-family unit, each has three bedrooms. They are single-story buildings. They were severely damaged during Super Storm Sandy, the water was above the window sills, and everything was gutted and is now sticks. Neil asked if this house has been rented for summer rentals and would it continue to be rented and do any of the structures have heat.

The applicant answered no. The proposed building is going to be a pre-manufactured house which will be a duplex. The home will have two separate dwelling units. Geoff marked Exhibit A-1 which is a printout of page 10 from the Construction Code Communicator and the builder relied upon for purposes of identifying the first floor level for the proposed new duplex. Next to testify was Mr. Robert Burdick who gave his credentials and they were accepted by the Board. The applicant stipulated that the structure will not exceed a height of 35.1-feet. The 80-square foot storage area will be located in the lowest level of the structure and the washer/dryer will also be located in that area. There will be four on-site parking spaces, two of which will be located in the first floor area. The lot is irregular in shape being triangular in shape with no real defined rear yard area and a number of Bulk Variances. There are two stories of living space proposed above the garage. The lowest finished floor will be at 14.5-feet and the ceiling heights on the first and second floors will be 8-feet. The ABFE is 11-feet. This lot is on a corner, there is one house between it and the Osprey Bar and Hotel, also a liquor store and across the Street is the Condominiums with Commercial Use downstairs. In the rear of the lot is the parking lot for Leggett's Sand Bar. They addressed the Engineer report. Al Yodakis asked if the interior walls will provide sound proofing in between the two dwelling units as required, and the answer was yes. He asked if the Engineer knew what the percentage of total lot coverage will be with making the driveways and the sidewalks pavers. The applicant's engineer said it's probably about 41 or 42%. Al said then it would be significantly under the 50% required. Al said and the front sidewalk is eliminated. He asked about the gutters and would they be having splash blocks and the answer was yes. Next he said the finished floor is at 14.5-feet, so that's putting us 2 1/2-feet above the ABFE plus 1 which is required, but you need that height to get your height in the garage. They stipulated that they would remove all concrete sidewalks and paved driveway areas and replace those areas with pavers to reduce the impervious coverage. The front yard will no longer have stairs down to Main Street. The front yard setback will be the same. The building coverage will be significantly reduced from 61 1/2% to 39.1%. The actual living space structures will be increased by the addition to the second story, however the building coverage will go down. Impervious coverage at the site will be significantly reduced as well. Mr. Henderson feels that the peculiar shape of the property justifies the Board granting a C-1 Variance. He also believes this application qualifies for a C-2 Variance all of which benefits to the MLU Act he addressed. The height is consistent with the commercial structures across the Street and is necessary to provide parking and to protect the structure from storm damage. The Commercial Condominiums along Main Street were permitted to a height of about 40-feet, the Osprey and additional residential structures across Main Street are at 35-feet. They requested a waiver for more than one driveway access to the structure. One would come in to the West of the building and one would come to the South. All utilities will be underground and they will provide a landscaping plan. All curbs and sidewalks will be replaced as per approval of the Board Engineer. There was discussion regarding the proposed height between Neil Hamilton and Keith Henderson. Al said the renderings that were submitted did not seem to be what the final plan would be as there aren't egress windows shown in any of the bedrooms. It was stated that was a mistake by the draftsman. There will be windows added on the plan submitted to the building department. The Board members gave their input as to the Use

and Bulk Variance requests. 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:**

Laura Seem – 41 Pearce Court – she respectfully asked the Board to grant as few height Variances as possible.

Keith Henderson asked her if she would rather see a flat roof instead of the one proposed and she answered yes.

John Muly moved to close the public portion, the motion was seconded by Patrick Callahan, all in favor none opposed.

Mr. Henderson polled the Board on the Use Variance:

Peter Ragan – yes, Greg Love – yes, Jay Price – yes, Neil Hamilton – yes, Patrick Callahan – yes, John Muly – yes. Peter Ragan made a motion to approve the Use Variance, motion seconded by Greg Love.

**Board Members Voting Yes:**

John Muly, Patrick Callahan, Neil Hamilton, John Burke, Greg Love, Jay Price, Peter Ragan

Next the Board members were polled for their feelings on the Bulk Variances.

Rear and side yard setbacks, building height proposed at 35-feet and ½-inch, building coverage. Except for the height every one of the existing variances is either the same or an improvement. Al said if the Board was to hold to 33-feet we would lose the garage on the first floor and there would then be a parking variance, because we would then be down to two spaces outside of the building. Neil said he would rather see the roof be dropped down and stay within the height variance right now for that lot until we get clarification from our leaders at least they can get possibly one car underneath or at least one car outside and put the others on the Street. I'm not crazy about the two-family use but we are going with that and you can't have it all. Keith said they can't get it down to the 33-feet by reducing the roof design. Keith said the Condo's across the Street are at 40-feet and cited other homes which are above the 35-feet and he feels the Board are violating their responsibilities, that's what you are supposed. You might as well just disband if you are not going to grant Variances. Mr. Cramer said that is a well voiced philosophical approach but you have to leave it open to the Board to exercise their discretion. Mr. Henderson said but when you flat out state you don't give variances from a new Ordinance that is illegal. Mr. Cramer said he doesn't think he quite said it that way.

Next the Board members were polled for their thoughts on the Bulk Variances.

Jay Price said approve it, Neil said move this out of here, get it over with he is done with this case tonight until we get some direction from the Mayor and Council. John Muly said he feels the same way, move it along. Patrick Callahan said to get what you need to get you need to be at that height, he is leaning toward let's move on with this. Greg Love said if it was an existing house then we would have to have serious consideration, its new construction he thinks it should be held to 33-feet maximum. Peter Ragan said he has trouble with the height but he would be in favor of it.

Neil Hamilton said there appear you would get five (5) affirmative votes so you can approve the case, he moves reluctantly that we approve the application as presented, Patrick Callahan seconded the motion.

**Board Members Voting Yes:**

John Muly, Patrick Callahan, Neil Hamilton, John Burke, Jay Price, and Peter Ragan

**Board Members Voting No:**

**Greg Love**

***APPLICATION APPROVED***

**RESOLUTION #07-2013** – Seem, Gary – 4 Pearce Court – Block: 157 – Lot: 24 –  
**Zone: R-2 –**

**Board Members Voting to Memorialize:**

**Patrick Callahan, Neil Hamilton, and John Burke**

***RESOLUTION MEMORIALIZED***

Next, John Burke said there is a letter from Elaine Noone, requesting an extension regarding Resolution #08-2012 that was adopted June 12, 2012 by the Planning Board, she is close to 9-months and is looking for a 9-month extension and is storm related.

Greg Love made a motion to grant the extension, the motion was seconded by Patrick Callahan, all in favor none opposed.

***ELAINE NOONE'S EXTENTION GRANTED***

Next, we have a letter from Donna Masella and she is wishing to withdraw her application from the Planning Board without prejudice, Geoff said it doesn't require a vote and it will be granted and she can return to the Board in the future.

Neil Hamilton said the vouchers appear to be in order, Patrick Callahan made a motion to approve the vouchers, the motion was seconded by John Muly, all in favor none opposed.

***PAYMENT OF VOUCHERS APPROVED***

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

**Audience Member coming forward to address the Board:**

**Gary Seem – 41 Pearce Court** – he said he was before the Board two weeks ago, this Board told him they would be sticking to the new Ordinance. They lowered their roof to a lower pitch to abide to the 33-feet height, the people tonight could have easily done the same thing, yet the Board caved in tonight and gave them a higher house height. He wants to know how he can change his plan to 34-feet which was rejected by the Board. When we brought up aesthetics your comment was a good architect can lower the roof line. He asked how come these guys were treated differently than he was two weeks ago. John Burke said we have to take each case individually, we looked at this one differently than yours obviously. Can you appeal our decision? Geoff said certainly, you can take the case to Court, that's certainly within your rights as a property owner, you have a period of time in which to do that. I have to say to you the case you heard tonight was a rather unique case; they had a severely non-conforming structure on a lot that although it conforms to the Ordinance has a lot of deficiencies in that it was triangular in shape. The Board had to weigh the alternatives in the context of the relief sought. They needed a Use Variance, you did not need a Use Variance, and they needed two Use Variances. Mr. Seem said that

didn't affect the height. Mr. Cramer said it didn't affect the height situation, but the height situation when you weigh in with the entire appearance of the property the aesthetics of the property, the capability by reason of having a single structure on the property and getting four on-site parking spaces in that section of Town is very meaningful. The Board does give some credence to the professional's presentation. The Board members asked all the questions, obviously you heard certain Board Members that were felt very keenly about either the Use Variance side of it or the height side and they were very troubled by having to grant Variance relief that exceeds the so called guidelines or standards set out in that Ordinance. As Mr. Henderson kept repeating this Board has to hear all applications, listen to all the facts and all these properties are different from one another and the Board has to take those differences into consideration in whether or not to grant relief. Sometimes they do and sometimes they don't. Mr. Seem feels like all they had to do was change the pitch of the roof. He asked if there were any opportunities for a Manasquan resident to challenge their ruling before it's completed. Mr. Burke said any ruling by this Board can be challenged in Freehold within 45-days of the Resolution being noticed in the paper. Mr. Cramer said no John Mr. Seem got an approval. He would have to return to the Board with an application to go to a higher elevation. Mr. Seem said he is very disappointed with the Board's decision how they handled tonight's decision.

Laura Seem – she also is upset with the decision of the Board.

Motion to close the public portion of the meeting was made by Patrick Callahan, seconded by Greg Love, all in favor none opposed.

Patrick Callahan made a motion to adjourn the meeting at 8:51PM, the motion was seconded by Neil Hamilton, all in favor none opposed.

*MEETING ADJOURNED AT 8:51PM*

Respectfully Submitted,

Mary C. Salerno  
Planning Board Secretary