

The Manasquan Planning Board held a Regular Meeting on August 6, 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:**

Mayor George Dempsey, John Muly, Paul Rabenda, John Burke, Greg Love, Mark Apostolou, and Peter Ragan.

**Professionals Present:**

Geoffrey S. Cramer – Planning Board Attorney

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

**Board Members Absent:**

Joan Harriman, Leonard Sullivan, Neil Hamilton, Jay Price, Robert Young – Let the record show that Councilman Owen McCarthy arrived at 7:04PM

**APPLICATION #33-2013** – Keil, Janet – 205, 211, 217 Third Avenue – Block: 176 – Lots: 74.01, 74.02, 74.03 – Zone: R-3 – Major three lot subdivision. Keith Henderson is the attorney representing the owner/applicant. The applicants are Jean and Susan Keil. They noticed and published even though they did not have to. The Board accepted jurisdiction on the matter. Jean Keil was sworn in by Geoff Cramer as well as the Board Engineer, Al Yodakis. Jean was the first to testify, she said she is one of the owners of the property which is currently in the estate of her mother who passed away on Thanksgiving of last year. She described the property which has a house on it presently and the other two properties are rentals, 205 is 35-feet wide, and the other two are 42 ½ each. They will remove the structures which were group rentals up until the Storm. The 205 house will remain as her sister's home when the estate settles and will be elevated. She plans to move into a house on one of the lots herself. Keith stated there are no new variances involved here. They are not requesting any variance relief; they are simply asking the Board create a conforming subdivision. Mark Apostolou made a motion to open the meeting to the public, the motion was seconded by Mayor Dempsey, all in favor none opposed. There was no public participation. Mark Apostolou made a motion to close the public portion, the motion was seconded by Owen McCarthy, all in favor none opposed. Mayor Dempsey made a motion to grant this subdivision as presented by Mr. Henderson; the motion was seconded by Councilman McCarthy.

**Board Members Voting Yes:**

Mayor George Dempsey, John Muly, Paul Rabenda, Councilman McCarthy, John Burke, Greg Love, Mark Apostolou, and Peter Ragan.

***APPLICATION APPROVED***

**APPLICATION #32-2013** – McGovern, Peter – 279 First Avenue – Block: 182.01 – Lot: 9 – Zone: R-5 – Terrence Hegel of Atlantic Modular's introduced Mr. McGovern stating he was here to present his application with him. Geoff Cramer swore in Peter McGovern,

owner/applicant, Terrence Hegel, owner of Atlantic Modular, and Al Yodakis – Board Engineer. Mr. McGovern gave the background of the house. The house was damaged with a burst pipe about 5-years ago; they did renovations and then had all the Storm damage after Sandy and decided to build a new home. They are going from a three to a four bedroom house with a handicapped bathroom on the first floor as his father has Multiple Sclerosis. Next, Terrence Hegel addressed the TRC report and the T & M letter. The two Variances they are seeking are frontage, 40 is required and they have 30. The other is building coverage, they are asking for 40% where 35% is allowed. Mr. Hegel addressed the T & M letter, they will keep a curb cut of 12-feet and they will be able to get two cars in the garage, stacked. There will also be space on the paver driveway for two cars. The height of 33-feet is being measured from the top of the curb. The 80-square foot of storage will be met below the first floor. A landscaping will be provided on the revised plot plan when they submit for compliance. The mechanical equipment will be in the rear yard. Roof drain overflows will be provided at the bottom of the downspouts. The power lines on First Avenue are across the Street, the power lines on Timber Lane are on the other side of the Street and there is no pole on Mr. McGovern's property line. If at all possible they would put the power lines underground. There is an easement with the next door neighbor for parking purposes. The neighbor's lot is narrower than the applicant's. The applicant maintains the easement. They will install a handicapped lift for wheelchair access. They will not exceed a height of 33-feet. Mayor Dempsey made a motion to open the meeting to the public; the motion was seconded by John Muly, all in favor none opposed. There was no public participation. Mark Apostolou made a motion to close the public portion of the meeting, the motion was seconded by John Muly, all in favor none opposed. Councilman Owen McCarthy made a motion to approve the application with the stipulations noted; the motion was seconded by John Muly. Al suggested the curb cut be leaved exactly where it is.

**Board Members Voting Yes:**

Mayor George Dempsey, John Muly, Paul Rabenda, Councilman Owen McCarthy, John Burke, Greg Love, Mark Apostolou, and Peter Ragan.

***APPLICATION APPROVED***

Presentation from 93 Atlantic Avenue – as this is an informal presentation the owner/applicant's did not have to be sworn in. Presenters Mike Stehle – 18 Marcellus Avenue in Manasquan, Michael Mulroy – 7 Beacon Boulevard, Sea Girt. They said they have an existing business at two locations, they have been established since 1999 their business is personal training/small group. 90% of their clients are from the Manasquan area. They are proposing to move to the end store which is currently vacant. There was quite a bit of discussion regarding parking, number of people using the facility and times of use. Their price points are higher so they don't need a big membership. It's not like a WOW. It's a much higher price point and a different clientele. He submitted a Business Transfer Document to the Zoning Officer and he asked for more information and we are here to answer any questions you may have. Board members with questions and/or comments were George Dempsey, Mark Apostolou, John Muly, Greg Love and Owen McCarthy, the main issue is regarding the parking situation. Al said it is a permitted use in the Zone. They are also starting a youth program which will be after school. They are more of a club than a gym, they are really like a family, and they e-mail their clients who

all support each other. There was a lot of discussion if this would have to come back to the Board for a Site Plan approval. John Burke said we will have to look at the Resolution when we gave the approval on the stores and if there is nothing in there then they will not have to come back to the Board. Al Yodakis said as he recalls, the Board wanted a permitted use and a low impact use. Typically, the gym is not a low impact use however it sounds like Dick Furey sent them to us tonight to show that this is not a typical gym and to prove that their gym is a low impact use in this case. If the Board feels that they have demonstrated that to us tonight, they have done their due diligence and he thinks that is what Mr. Furey was looking for, a consensus from the Board of yes this is a low impact use and it fits with what the Board's conditions were on that previous Resolution. They stipulated that there would not be massages, no shower facilities however they do have a yoga class. Technical looked at this and then it was passed to the Board for their input. The only concern the TRC had was the parking issue. They do not have to return to the Board. The Board will indicate to Dick Furey the Zoning Officer that the Board doesn't have a problem with this Business Use.

Next, Mayor Dempsey addressed the Board regarding problems with different corner lots, one example would be Leonard Sullivan's, according to the Borough the narrow side of the lot is the front of the house. Lenny's house faces Fletcher Avenue and it's got a Fletcher Avenue mailing address. The narrow side of the lot is his driveway and garage on the side Street. The same as John's daughters and the same as George's house. With these corner lots the front door is on the long part of the lot so when the air conditioning was put in it was put behind the house, which is actually in the side yard. We need to come up with something and address this, mainly not so much for the air conditioning because they are there already and they can replace an old unit with a new unit. Now generators have become vogue we have to decide what we want to do with them. Since it's a pre-existing thing do we allow them to put the generator next to the air conditioner, or do we make them put it down the other end. A generator cannot be within five-feet of a window or air-exchange. George suggested that the Planning Board take this work on it and if they want to do that, to add this exception to the Ordinance. Then, send it back to Council and Council will look at it and if they agree as is, they will do the first reading, if they don't agree with the wording as is they will change the wording send it back to the Planning Board for their approval then the Planning Board will send it back to Council for the first reading. Owen asked if it would make more sense to have the Borough Attorney do it and I'm not disrespecting anybody who is on the Tech Committee but there is going to be a lot of nuances, a lot of language and are we just making double the work. If you want to just give it to Mark Kitrick and have him draft something that we can give to the Tech Committee and let them review it and make sure it's comfortable with them, then come to the Board and then go to Council. Mark Apostolou made a motion to have Mark Kitrick draft a proposed Ordinance, the motion was seconded by John Burke, all in favor none opposed.

Mayor Dempsey made a motion to approve the Vouchers; the motion was seconded by John Muly, all in favor none opposed.

***VOUCHERS APPROVED***

**RESOLUTION #21-2013** – VFW POST #1838 – 30 Ridge Avenue – Block: 170 – Lot: 1.04 – Zone: R-2 – Mark Apostolou said he know they discussed the number of events the VFW has but he didn't know we were restricting them because they have a Club License and that allows them to have X number of events. That allows them to have 12, one a month. Peter Ragan said he doesn't believe there was any number stipulated to. Mark said he remembers asking Mr. McLaughlin if he was withdrawing all objections whatsoever and he said yes. So, that will be changed. Also, same page the underground re-charge system has to be reviewed by Al Yodakis, they have to work with our Engineer on that. Mark Apostolou made a motion to approve the Resolution as amended in final form in accordance with our discussions this evening, the motion was seconded by Peter Ragan.

**Board Members Voting Yes:**

John Muly, John Burke, Greg Love, Mark Apostolou and Peter Ragan.

***RESOLUTION MEMORIALIZED***

**RESOLUTION #17-2013** - GEE, LLC – 201, 203 Beachfront – Block: 170 – Lot: 1.04 – Zone: RPM – Mark Apostolou said he didn't believe they needed a Variance for the height. It was agreed and Geoff will make a correction. Councilman McCarthy made a motion to memorialize the Resolution; the motion was seconded by John Muly.

**Board Members Voting Yes:**

Mayor Dempsey, John Muly, Councilman McCarthy, John Burke, Greg Love, and Leonard Sullivan.

***RESOLUTION MEMORIALIZED***

**RESOLUTION #34-2013** – Kelly, Karen and Daniel – 407 River Place – Block: 133 – Lot: 34, 35 – Zone: R-2 – John Muly made a motion to memorialize the Resolution; the motion was seconded by Councilman McCarthy.

**Board Members Voting Yes:**

John Muly, Councilman McCarthy, John Burke, Mark Apostolou, and Peter Ragan.

***RESOLUTION MEMORIALIZED***

**RESOLUTION #35-2013** – Monteford, Kent – 425 First Avenue – Block: 186.01 – Lot: 1, Zone: R-4 – Mark Apostolou made a motion to memorialize the Resolution, the motion was seconded by Councilman Owen McCarthy.

**Board Members Voting Yes:**

John Muly, Councilman McCarthy, John Burke, Greg Love, Mark Apostolou and Peter Ragan.

***RESOLUTION MEMORIALIZED***

Minutes of April 2, 2013 – Regular Meeting – Mark Apostolou made a motion to accept the minutes; the motion was seconded by Peter Ragan, all in favor none opposed.

***MINUTES OF APRIL 2, 2013 APPROVED***

Minutes of April 16, 2013 – Second Meeting – Mark Apostolou made a motion to accept the minutes, the motion was seconded by Peter Ragan, all in favor none opposed.

***MINUTES OF APRIL 16, 2013 APPROVED*** - Owen McCarthy abstained as he was not present at that meeting.

**John Burke said in your packet you have a copy of NJ Planner, in there starting on page two there is an article – called “the pitfalls of using e-mail and social media by officials engaged in Land Use Planning”. It is important for everybody to read this. What it says is do not make comments on any e-mail or electronic media at all, because not only can you break the Open Meeting Act but also it states in here is if you talk to each other or make comments back and forth on e-mail about a possible change in the Master Plan or anything like that, that can be used as discovery. Mark Apostolou said yes, the party who is aggrieved would have the right to all communications relating to Board, you have seen this now with even the Governor’s office. Geoff said be cautious.**

**There was also an attachment from the Borough Administrator who asks that everyone read it. He wants everyone to know why money is put in Escrow and how the money will be released from the escrow accounts. George said people think if they put a certain amount of money in escrow and they get their permits, they think that’s the only thing they have to pay for and they want their money back. We cannot give anything back until the final C/O is done and the people are ready to move in. At the last minute, something may come up and we would have to chase them to get additional money.**

**Mark Apostolou said about a month ago the issue came up about A and B Options and we discussed perhaps amending the Master Plan and contacting Chris Rice, because he was one of the authors of the A and B Option. That’s not being complied with in any event. John Burke apologized to the Board as he said at that meeting that he would contact Chris Rice to see if he could get together with the Tech Committee and just go over that and he will now do that.**

**John Muly made a motion to open the meeting to the public, the motion was seconded by Greg Love, all in favor none opposed. There was no public participation. Mark Apostolou made a motion to close the public portion of the meeting, seconded by Greg Love, all in favor none opposed.**

**Mark Apostolou made a motion to adjourn the meeting, the motion was seconded by Greg Love, all in favor none opposed.**

***MEETING ADJOURNED AT 8:35PM***

**Respectfully Submitted,**

**Mary C. Salerno  
Planning Board Secretary**