

The Manasquan Planning Board held a Regular Meeting on September 10, 2013 at 7PM in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey. Attorney, Geoff Cramer 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, Councilman Owen McCarthy, Neil Hamilton, John Burke, Greg Love, Leonard Sullivan, Mark Apostolou, and Peter Ragan.

Board Members Absent:

Joan Harriman, Jay Price and Robert Young (Mayor's Alternate)

Professionals Present:

Geoffrey S. Cramer – Planning Board Attorney

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

OEM – Dave Kircher and Chris Tucker – Office of Emergency Management are in the process of updating the Hazard Mitigation Plan, they can be reached for information and comments at oem@manasquan-nj.com.

APPLICATION #40-2013 – Loetscher, John and Mary – 423 Beachfront, Block: 187 – Lot: 22 – Zone: R-4 – Mr. Henderson is the attorney representing the applicants. Mr. Cramer found the file to be in good order and accepted jurisdiction. Witnesses sworn in were: Mary Loetscher – applicant/owner, Christopher Rice – Architect and Al Yodakis – T & M Engineering, Planning Board Engineer/Planner. Mary Loetscher gave a background of the property. She said the property has been in her family since she was 5; they purchased the land from the American Timber Company in 1990. The house was built around 1902. About the same time as the property next door which is the Mountford property who made application to the Board recently after sustaining severe damage from Super Storm Sandy. Mrs. Loetscher said her damage wasn't quite as bad as the Mountford's which has been demolished. Next, Mr. Rice was called to testify. His credentials were accepted by the Board. The Loetscher property is both on the Beachfront and First Avenue. This application is for the Beachfront property; the structure on First Avenue will not be altered or is there any Variance relief requested with respect to that structure. The Beachfront structure has been demolished. They seek to construct a new two-story single-family dwelling. The ocean side setback was 2.8-feet from that property line, so they want to now pull back a little more so they are at 3.17-feet. They are asking for the same lot coverage they had previously. They did reduce the lot coverage by quite a bit. They were at almost 70% impervious and they are going to rip all that concrete out between the two homes and

just leave sand. The building coverage will be the same. It's a two-story house, no half story, 3 bedrooms, one full bath, and two half-baths. It's not a large home. They are at elevation 14 so they need to build the finished floor at 17 which will be 3-feet higher. Our house to the ridge is 28-feet 4 1/2-inches. There are Variances associated with the First Avenue house but that house is remaining, fortunately that is being left as is. This application meets the criteria for both a C-1 and a C-2 Variance. The stipulations the applicant made were that the house would only have three bedrooms, there will be an enclosed storage area of 80-square feet, the mechanicals will be in the rear of the house and a grading plan showing porous pavers will be submitted to the building department. In addition the beachfront porch will be pulled back to 4.17-feet from the property line, opposed to the 3.17 they requested originally. The curb cut of 24-feet is existing and proposed. Chris addressed Al Yodakis' letter. George said the First Avenue structure is a substantial building for the Zone. Board members with questions and/or comments: Greg Love, George Dempsey,

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

Audience Members:

Shawn Shumway – he is Joan Smith's son-in-law, she asked him to stand up on behalf of her and ask the Board to grant everything they are hoping for to get the house back to somewhat near what they had. In addition to that if he doesn't speak for John Kelly, he will take him to task for it. He asked him to stand up and say the same thing for John and Mary.

Mayor Dempsey made a motion to close the public portion of the meeting; the motion was seconded by Greg Love, all in favor none opposed.

Keith Henderson gave his closing statement.

Councilman McCarthy made a motion to approve the application as it was submitted, Mayor Dempsey seconded the motion.

Board Members Voting Yes:

Mayor Dempsey, John Muly, Paul Rabenda, Councilman McCarthy, Neil Hamilton, John Burke, Greg Love, Leonard Sullivan, Mark Apostolou and Peter Ragan.

APPLICATION APPROVED

APPLICATION #39-2013 – Henderson, Edward – 323 Beachfront – Block: 185 – Lot: 8 – Zone: R-4 – Keith Henderson is the attorney representing the applicant/owner. Mr. Cramer found the file in good order and accepted jurisdiction. The witnesses sworn in were: Ray Carpenter/Planner, Edward Henderson/owner/applicant, Paul Grabowski, Architect and Al Yodakis, Planning Board Engineer/Planner. Mr. Henderson was the first to testify. He stated that the house was demolished after Super Storm Sandy. He gave a brief background of the property. He purchased the house in 1979 and the land in 1992. Instead of building two houses on the property they have opted for just one. Next to testify was Paul Grabowski, he is the owner of Virtuoso Architecture, 900 Sea Girt Avenue, Sea Girt. He has never appeared before this Board. His credentials were accepted by the Board. He described the lot as being 33-feet wide by 140-feet deep lot that fronts the Beachfront as well as First Avenue. He explained the Variances requested by the applicant, side yard setbacks on both the north and south sides as well as exceeding the maximum building coverage. He stated the 260-square foot front porch pushes the

building coverage up to 41.06%. They propose a building height of 35-feet, 6-inches. The 80-square feet of storage would be located beneath the building as well as parking. The air conditioning units will be located on a platform above the deck at the rear of the proposed dwelling. Next to testify was Ray Carpenter, project engineer for the applicant. He stipulated that there would be at least five parking spaces on site. He again stipulated that the building height would not exceed 35-feet, 6-inches. The walkway on the southerly side of the property would be relocated to the north side of the building. He stated one of the benefits of this application is that where two buildings exist on the property today, there will only be a single building on the lot. Also, the parking spaces will be improved they will have no fewer than four spaces provided on the lot. Two will be under the proposed house and the other two will be in the yard. This house will be a positive aesthetic addition to the neighborhood. He asked the Board for permission to re-locate the walkway to the southerly side from the northerly side. Right now following the Storm there is no walkway existing. If you go back to the American Timber Subdivision Map it exists. The easement is filed in Freehold. Keith said in Al's report he requested a grading plan with the front parking area, there is no issue there. He said he doesn't understand the requirement for a drywell. Al said he could delete it. John Burke said this is a big house. The total length counting the decks is 89-feet. Keith said it's only one house as opposed to the two they could have on the property. Right now this house has a curb cut the full width of the property, they asked for a curb cut of at least 20-feet. They would rather not have the curbs there at all. Councilman McCarthy 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 Greg Love, all in favor none opposed.

Mr. Henderson gave his closing statement.

Councilman McCarthy made a motion to approve the application; the motion was seconded by Paul Rabenda.

Board Members Voting Yes:

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

APPLICATION APPROVED

APPLICATION #41-2013 – Horan, Joseph – 396 River Place – Block: 132 – Lot: 14 – Zone: R-2 – Keith Henderson is the attorney representing the owner/applicant. Geoff Cramer found the file to be in order and accepted jurisdiction. Keith had three witnesses to be sworn in, Diane Horan, owner/applicant, Donald Rheaume, the Architect for the applicant and Charles Witczak, Professional Engineer/Planner representing the applicant as well as the Board Engineer/Planner, Al Yodakis of T & M Engineering. Mr. Henderson had Diane Horan as his first witness to testify. Mr. Henderson said the applicant is prepared to prove tonight that the seller's disclosure did not show a Deed restriction. The first we found out about it was in the letter of denial from Dick Furey. Mr. Henderson had a disclosure statement to be marked into evidence as Exhibit A-1. There is a question there on Deed Restrictions and it was answered by the seller, no. He had another Exhibit marked A-2, ALTA Residential Title Insurance Policy, issued by Fidelity National Insurance and refers specifically to Schedule B, which lists exceptions to the property. You

will see there is no exception for a Deed Restriction. Exhibit A-3 is a letter from the Insurance Company, Continental Claims Corporation which states that the house qualifies for Increased Cost of Compliance through their flood policy under Coverage D. Mark Apostolou asked that it be put on record that the house was not destroyed, that it is capable of being restored. Next, Keith asked Mrs. Horan to describe the property following the Storm. They had flooding from Storm Irene also and are now asking the Board to allow them to raise the house to 36.16-feet, and construct a second floor addition over the existing footprint and construct a raised deck in both the front and rear side yards as well as making other interior alterations and renovations. Board members asking questions were Neil Hamilton, Mark Apostolou, and Councilman McCarthy. Exhibit A-4 was entered and that is a copy of a letter from the Manasquan Construction Official stating that this house received damages exceeding 50% of the pre-damage structure value as the result of flooding that occurred on October 29, 2012. Next to testify was Ronald Rheaume the Architect for the applicant. His credentials were accepted by the Board. He designed the changes to the house, specifically to get the house out of the flood zone. The Board members did not have plans in their packets for the structure. Mr. Henderson said he sent them over to the Board Office but the Secretary said what she had received was put in the packets. The concern of the Board is that Al Yodakis didn't receive a copy of the plans either. It was discovered the Zoning Officer had the plans which the Technical Review Committee had reviewed. The Board took a 5-minute recess called for by Mayor Dempsey.

Roll Call Following Recess:

Mayor Dempsey, John Muly, Paul Rabenda, Councilman McCarthy, Neil Hamilton, John Burke, Greg Love, Leonard Sullivan, Mark Apostolou and Peter Ragan.

John Burke said it seemed like Mr. Furey had this and he put it in the packets for the Tech Review, never passed it on to Mary, she never knew it existed, it never got to Al Yodakis, but most important it should have been available to the public in case somebody wanted to see it. Mr. Cramer and Mr. Apostolou will take over from here. Mr. Apostolou deferred to the Board Attorney, Geoff Cramer who said jurisdictionally he thinks we have to give the public a chance to look at these as they are not part of the file. Mark Apostolou made a motion to carry the application to the next meeting, the motion was seconded by Greg Love, all in favor none opposed. It was decided unanimously that this application could not be heard as the Board members and the Board Engineer had a chance to review the plans. It was decided to carry the application to the September 24, 2013 Second meeting which starts at 4PM. No notice or re-publication required. Mr. Henderson asked if the people who came out in support of this application could speak. Mr. Cramer said that would not be fair as they would have to let everyone speak in that case.

RESOLUTION #37-2013 – Campagna, Mark – 293 First Avenue – Leonard Sullivan made a motion to memorialize the Resolution, the motion was seconded by Neil Hamilton.

Board Members Voting Yes:

John Muly, Paul Rabenda, Neil Hamilton, John Burke, Leonard Sullivan, and Mark Apostolou.

RESOLUTION MEMORIALIZED

RESOLUTION #38-2013 – Ross, Steven, Perrine Boulevard – Mark Apostolou made a motion to memorialize the Resolution; the motion was seconded by Paul Rabenda.

Board Members Voting Yes:

John Muly, Paul Rabenda, Neil Hamilton, Leonard Sullivan, and Mark Apostolou.

RESOLUTION MEMORIALIZED

Ordinance 2139-13 – Standby Generators – Mayor Dempsey gave the background of this Ordinance and if the Board accepts it as it is, it will go back to the Council for adoption. Councilman McCarthy gave further information of what was discussed by the Council. He said this is the first of many Ordinances that the Council will be dealing with created by some of the challenges created by the Storm. Mark Apostolou said the definition of a standby Generator should be explained further. Paul Rabenda gave his definition. Mark Apostolou made a motion to give the Council the go-ahead for the second reading of the Ordinance, the motion was seconded by Greg Love, all in favor none opposed. Mary will send a letter to the Municipal Clerk stating the Board's approval to move forward.

Minutes of Tuesday, May 7, 2013 – Regular Meeting – Mark Apostolou made a motion to approve the minutes, the motion was seconded by Leonard Sullivan, all in favor none opposed.

MINUTES OF MAY 7, 2013 APPROVED

Minutes of Tuesday, May 21, 2013 – Second Meeting – Leonard Sullivan made a motion to approve, the motion was seconded by Mark Apostolou, all in favor none opposed.

MINUTES OF MAY 21, 2013 APPROVED

Councilman McCarthy and Greg Love abstained from voting as neither was present at that meeting.

Mayor Dempsey made a motion to approve the vouchers for payment; the motion was seconded by Neil Hamilton, all in favor none opposed.

VOUCHERS APPROVED FOR PAYMENT

Mayor Dempsey told the Board the BOE submitted the plans for the Field Project on September 6th to us. He made an appointment and met with the County Superintendent to see how the Board should handle this. He said the State will not issue a formal approval of the project until Planning Board has had an opportunity to review the project and either make recommendations for changes they believe are necessary. To approve the application as is or do nothing for 55-days. This is unlike a building project where it's just a courtesy presentation. Since this is not a building the Planning Board can have the Engineer as well as the members review the plan and see if there are any deficiencies that have to be corrected. We have 55 days to do that, looking in our scheduling book we should have a special meeting on October 8, 2013, come to a decision and then the Planning Board meets again on the 15th of September and Geoff would have the Resolution done in a week because the 55-days runs until October 22nd. Geoff Cramer said statutorily the MLU Law requires you to make your review and recommendation to the BOE. Owen McCarthy asked Mary if she had a formal application. She answered she has plans for everybody to take home, review and bring back. She also needs to know who is going to advertise and does she request Escrow money. Mary said the Engineer for the BOE said it was just a courtesy, Mayor Dempsey had disagreed and the Board attorney said it's not a courtesy

and he read a statement from MLU Law. Greg Love said when they originally came up with the plan for the football field, then it should have come here before anything happened; we are two years down the road. Mark Apostolou asked how the Board can be bound by a 55-day rule if a formal application hasn't been made to us. Geoff explained the Board has to review it or the 45-days elapse after it's referred to the Planning Board. Mark asked what does referred mean, it's not a formal application. Owen McCarthy said it seems like a date has been set, he doesn't have a problem giving this a special hearing date, he doesn't believe this should be shoe horned in with other applications, other issues we have dealt with before may have been minor with the School. The County did something up in the Cove and they came in as a courtesy, it wasn't really a formal application. Paul Rabenda said the BOE have some drainage issues and it also has a retaining wall these are matters that are going to affect neighboring properties. He has seen the plans but didn't examine them closely. Owen said let's have Geoff advise us if there are notice requirements that have to be complied with by the BOE. Mary said she was told it was a courtesy and they would give her a few copies, the Borough Attorney, Mark Kitrick advised her to get copies for every member of the Board and that is what she has here tonight to hand out. Owen said Geoff and Mark should talk, our attorneys can speak to the attorney for the BOE and notify him as to whatever the requirements are. Mark Apostolou made a motion to the Vice-Chairman to incorporate what Owen has stated to be referred to Geoff and the Borough Attorney so that they can issue an edict to us a guidance letter as to how we should proceed. Mary asked if the application fee is waived. Mayor Dempsey said the Professionals will need to be paid and most likely we will waive the application fee. Owen seconded Mark's motion.

Board Members Voting Yes:

Mayor George Dempsey, Councilman Owen McCarthy, John Muly, Paul Rabenda, Neil Hamilton, Greg Love, Leonard Sullivan, Mark Apostolou, and Peter Ragan.

OCTOBER 8, 2013 7PM IS SET FOR THE BOE TO COME TO THE BOARD

John Burke returned to the dais, he asked Al Yodakis if he had some information to present to the Board regarding pavers. Al said the Board he has done hours and hours of research, he has only scratched the surface. There are a number of different systems out there. The question to the Board is we have always typically viewed pavers as pervious, they would in some way allow storm water to flow through them. As Paul had brought up in our last meeting, depending how the sub-base is put in it could be slightly pervious, somewhat pervious or basically the same as pavement. We have discussed this at some of our Master Plan meetings and TECH; he is looking for guidance from the Board as to is this something we want to move forward with, do we want to come up with some type of standard. If we are looking to go down this road perhaps the next thing would be to have TECH have a discussion, he would be happy to attend to start to look at is this something we would like to attack. This is not an easy thing. George suggested see how the surrounding Towns treat pavers. Paul has a definition from Wall Township and Spring Lake does it the same way. The way it is right now here is someone could put pavers in their whole entire yard and then where is the water going. Al said the paver companies have standardized tests for their own products. Al said do we have to inspect the sub-base. Al will look into this and get together with Paul and come up with something present it to TRC prior to bringing it to the Board.

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

Audience Members Coming Forward:

David Eareckson, P.E. Manasquan BOE, Matrix New World – 301 Old Bridge Road - he said he spoke today to Mr. Passament today who is the County Superintendent. He said this is not a formal application but a courtesy review. He said this field has been part of the Master Plan for years. It has been approved by the County and the State and is a courtesy review. Mr. Cramer objected stating he does not believe this is just a courtesy review. The Board is going to have their Engineer review the plans and if there is something he wants brought to light he will recommend so to the Board. Mr. Eareckson said he does not have to publish or notice. Councilman McCarthy said we appreciate your comments and we haven't had a chance to review the plans. Mr. Eareckson asked about the process. Mr. Apostolou said our attorney is of the opinion and we haven't seen the plans or know the process either which we are looking into. We are looking to our attorney for guidance on the process. Based upon the opinions of our legal councils we will follow their recommendations. Mr. Eareckson said the 6th of September is the date he believes the application started. Mayor Dempsey asked a question and Councilman McCarthy said this was not the time to discuss this; the Board would wait for their Council's guidance. There was no other public participation, Mark Apostolou made a motion to close the public portion of the meeting, and the motion was seconded by Greg Love, all in favor none opposed.

Mayor Dempsey made a motion to close the meeting; the motion was seconded by Leonard Sullivan, all in favor none opposed.

MEETING ADJOURNED AT 9:22PM

Respectfully Submitted,

Mary C. Salerno
Planning Board Secretary