

The Manasquan Planning Board held a Regular meeting on Tuesday, October 1, 2013 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey. Attorney, Geoffrey S. 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:

John Muly, Paul Rabenda, Joan Harriman, Councilman Owen McCarthy, Neil B. Hamilton, John Burke, Greg Love, Mark Apostolou, Peter Ragan and Robert Young

Board Members Absent:

Mayor George Dempsey, Leonard Sullivan, Jay Price

Professionals Present:

Geoffrey S. Cramer – Planning Board Attorney

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

APPLICATION #44-2013 – Silidker, Mark and Mary – 474 Euclid Avenue – Block: 146 – Lot: 17.02 – Zone: R-2 – Mr. Silidker and Daryl Ross, Contractor were sworn in by Geoff Cramer as well as the Board Engineer, Al Yodakis. Mr. Silidker opened his testimony explaining what relief he is seeking from the Board according to his denial from the Zoning Officer. Mr. Ross gave his credentials, his address is 1331 Birch Road, Upper Bl. Eddy, PA., and was accepted by the Board, he had Exhibits to be entered as evidence, Exhibit A-1 which consisted of four (4) photos of the house as it exists. Mr. Ross said there were some serious issues with the tread depth, the bottom step is only 5 ½-inches, as you go up the treads are in a state of disrepair. They are proposing an 8-foot deck to eliminate their encroachment onto the Street by approximately 4-feet and then bring the stairs off to the side. They are trying to make the front of the house look a little better, less like a caboose. They said they would like to run the whole length of the house, and are here to try to find a solution to make it look a little bit better. Board members asking questions were Joan, John, Robert, and Mark. Al Yodakis said this is pretty straight forward from an Engineering standpoint. They have eliminated their encroachment onto the front sidewalk, and are more than happy to shrink it down on the side but feel they need enough room to walk around and put a chair or two up there. The present depth of the deck is about 3 ½-feet. The proposed depth is 8-feet. Exhibit A-2 consists of 13 pages of plans. The contractor said he submitted 2 sets of plans to the Zoning Officer. Mary gave the Board members what was submitted to her, what the Zoning Officer had was not put into the Board's file. Tonight is the first time the Board is seeing the full set of plans. John Burke said so you are requesting from us a deck that will project out from the house at 8-feet and you will encroach into the 10-foot front setback by 5.15-feet, the height you are requesting is 5-feet where only 3 is permitted because you are in the front setback. The side yard setback of 5-feet, you are asking for 4.66-feet which is where the house is. The contractor

said they would shrink the deck to 6-feet they would be happy to do that. They would also pull the deck in a little bit so that we eliminate the side yard setback Variance. Al said he doesn't know what would be gained by 4-inches. John Burke said so leave that in there. Geoff Cramer said unless you want to start over again and re-advertise you are stuck with something you can't see but you asked for. The neighbor's were noticed wrong. They could proceed with a 5-foot deck because that's what the notice says. He asked for a continuance to the next meeting which is October 15, 2013; he will need a new denial from the Zoning Officer. He will also need to submit plans for the entire Board to have prior to the meeting. Mary interjected that it is assumed that what goes to Zoning is given to the Board but that is not the way the process works. Zoning is separate from Planning Board. He will have to re-advertise and re-publish. John suggested he continue to November 6th so he has time to notice and publish. Mark Apostolou made a motion to carry this application to the November 6, 2013 meeting, the motion was seconded by Joan Harriman, all in favor none opposed.

APPLICATION CARRIED

APPLICATION #48-2013 – Cunliffe, Thomas and June – 360 Euclid Avenue – Block: 115 – Lot: 5 – Zone: R-1 – June Cunliffe was representing herself and was sworn in by Geoff Cramer along with the Board Engineer. Mrs. Cunliffe passed out Surveys of her property to each Board member, the copy for the file was marked Exhibit A-1. There was another Exhibit marked A-2 which are a series of photographs of the applicant's house and her neighbors. Mrs. Cunliffe explained her request of a front porch and the reasons why she believes it would be a good application. The TRC report stated the porch would enhance the appearance of the house. They requested the stairway be relocated to the east side of the house toward the driveway to lessen the impact of the proposed front setback. For health reasons she may need to install a ramp and having a porch would make access to the home easier. Accessing the porch from the side would prove to be a problem in the event they needed to install a ramp which then moved the steps back to the front of the house. Mark Apostolou made a motion to open the meeting to the public, the motion was seconded by Joan Harriman, all in favor none opposed. There was no public participation. The applicant stipulated that the porch would remain open and never be enclosed. Mark Apostolou made a motion to close the public portion, the motion was seconded by Councilman Owen McCarthy, all in favor none opposed. John Muly made a motion to approve the application as presented; the motion was seconded by Greg Love.

Board Members Voting Yes:

John Muly, Paul Rabenda, Joan Harriman, Councilman McCarthy, Neil Hamilton, John Burke, Greg Love, Mark Apostolou, Peter Ragan and Robert Young.

APPLICATION APPROVED

RESOLUTION #41-2013 – Horan, Joseph – 396 River Place – Joan Harriman made a motion to memorialize the Resolution, the motion was seconded by Paul Rabenda.

Board Members Voting Yes:

John Muly, Paul Rabenda, Joan Harriman, Neil Hamilton, John Burke, Greg Love, Peter Ragan and Robert Young

RESOLUTION MEMORIALIZED

RESOLUTION #42-2013 – DeFalco, Robert – 257 Beachfront – Neil Hamilton made a motion to memorialize the Resolution; the motion was seconded by Peter Ragan.

Board Members Voting Yes:

John Muly, Paul Rabenda, Joan Harriman, Neil Hamilton, John Burke, Greg Love, Peter Ragan and Robert Young

RESOLUTION MEMORIALIZED

RESOLUTION #43-2013 – Franzetti, Carl and Catherine – 74 ½ Ocean Avenue – John Muly made a motion to memorialize the Resolution, the motion was seconded by Joan Harriman.

Board Members Voting Yes:

John Muly, Paul Rabenda, Joan Harriman, Neil Hamilton, John Burke

RESOLUTION MEMORIALIZED

Neil Hamilton made a motion to approve the vouchers, the motion was seconded by John Muly, all in favor none opposed.

VOUCHERS APPROVED FOR PAYMENT

Mark Apostolou made a motion to accept the minutes of June 11, 2013 Regular meeting, Joan Harriman seconded the motion, all in favor none opposed.

MINUTES OF JUNE 11, 2013 REGULAR MEETING APPROVED

Councilman Owen McCarthy made a motion to accept the minutes of June 18, 2013; the motion was seconded by Paul Rabenda, all in favor none opposed.

MINUTES OF JUNE 18, 2013 SECOND MEETING APPROVED

Neil Hamilton made a motion to accept the minutes of July 2, 2013; the motion was seconded by Paul Rabenda, all in favor none opposed.

MINUTES OF JULY 2, 2013 REGULAR MEETING APPROVED

Greg Love brought up the issue of when a buffer is planted who is responsible to make sure it is maintained. There is an article in the NJ Planner and John Burke suggested everyone read it and the Board could discuss it at another meeting.

Joan Harriman said she doesn't know who notifies an owner that if they are going to cut down any trees on their property of a certain size they have to make a donation to the Shade Tree Commission. Owen McCarthy said Frank DiRoma the new Code Official is working on this with the Borough Administrator and the Shade Tree Commission.

John Muly made a motion to open the meeting to the public, the motion was seconded by Joan Harriman.

AUDIENCE MEMBERS COMING FORWARD:

Paul Rabenda said he has a conflict of interest with the Manasquan BOE and recused himself.

David Eareckson – representing the Manasquan BOE Warrior Complex, he said he understands there is an issue with the meeting scheduled for the 8th so he is here to answer any questions the Board may have. He has materials with him to do his 15-minute

presentation to the Board and answer any questions they may have. Mr. Cramer said the Board is in receipt of correspondence from an Attorney representing the BOE. Michael Gross came to the microphone he is the BOE attorney. The Board was not prepared to listen to a presentation tonight. Mr. Gross said no one from the BOE would be attending the October 8th meeting. The Planning Board will have a meeting on October 8th regardless of whether or not the BOE has representation as they feel the public should be able to be heard. Mark Apostolou also asked about the Professional fees due to the Planning Board. Geoff Cramer said historically the Board has asked for Escrow fees to pay their professionals. Mark Apostolou wanted it on the record that after reading the letter from the BOE Attorney, Michael Gross he did not approve of some of the language of the letter and also if Mr. Gross fails to participate in a hearing, with all due respect. He doesn't like the fact that Mr. Gross is leaving it open ended, that's the purpose of that hearing. If you willingly do not appear with your Client and whomever, he doesn't see how the Planning Board can make an intelligent decision or recommendation to the Commissioner of Education. That would be a willing failure on your behalf to participate. This is his personal opinion. John Muly asked Mr. Gross if they would be coming to the meeting on the 8th, and why are you having a Special Meeting. Mr. Gross said as long as the conditions that you have set upon that meeting stay in place the Board of Education will not be attending that meeting. Mark Apostolou moved therefore at this point in time that the Board reconsider only the element of the Escrow in advance, he said that the Board move ahead with the meeting on that date as published and that we allow them to submit reimbursement. If the BOE chooses not to reimburse we will seek whatever legal remedies we have but that allows us to therefore proceed on that date without any further adjournment. Greg Love seconded the motion, all in favor none opposed. Owen McCarthy said just so the record is clear we will be here on October 8th at 6PM.

Audience Member Coming Forward:

Tom Pellegrino – 21 Sea Girt Avenue – he has been at the last three meetings and he feels it is inappropriate the way the Planning Board has handled this. Professional courtesy was never extended to Mr. Gross.

George Dempsey said there should have been transparency, there are two different sets of plans. Mr. Pellegrino said seventeen sets of plans is ridiculous, why have a Special meeting, we didn't ask for that. We were told Professional fees would have been waived if it was at a regular meeting. John Muly said the Planning Board fees were waived; the Professional fees were never going to be waived. George Dempsey said a building is a courtesy, a field the Board has input on, there should be transparency. Mark Apostolou asked that this not be an open debate. 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.

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

MEETING ADJOURNED AT 8:54PM

Respectfully Submitted,

**Mary C. Salerno
Planning Board Secretary**