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**APRIL 5, 2016 – PLANNING BOARD MINUTES  
TUESDAY, 7PM REGULAR MEETING**

The Manasquan Planning Board held a regular meeting at 7PM on April 5, 2016 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, NJ.

The Chairman, Neil B. Hamilton asked everyone present to please stand and salute the Flag.

**ROLL CALL:**

**Board Members Present:**

Councilman Owen McCarthy, Neil Hamilton, John Muly, Robert Young, John Burke, Barbara Ilaria, Greg Love, Mark Apostolou, Mark Larkin, Kevin Thompson

**Board Members Absent:**

Mayor Edward Donovan, Peter Ragan and Leonard Sullivan

**Professionals Present:**

Albert D. Yodakis – BORO Engineering – Planning Board Engineer/Planner

Geoffrey S. Cramer – Planning Board Attorney

Geoff Cramer read the Sunshine Law Statement.

Robert Young made a motion to approve the minutes of March 1, 2016, seconded by Greg Love, all in favor none opposed.

John Muly made a motion to approve the vouchers, seconded by John Burke.

**Board Members voting yes to approve vouchers:**

Councilman Owen McCarthy, John Muly, Robert Young, John Burke, Barbara Ilaria, Greg Love, Mark Apostolou, Mark Larkin, Kevin Thompson, and Neil Hamilton

**RESOLUTION #11-2016** – Tackett, Frank – 75 Beachfront, 74 First Avenue – Mark Apostolou made a motion to memorialize, seconded by Robert Young, all in favor none opposed.

**RESOLUTION #13-2016** – Gough, Eugene – 421 Beachfront, 420 First Avenue – Mark Apostolou had a question on page 5 of the Resolution. There were a few changes Geoff Cramer would make to the Resolution regarding the setback on the West side and also the balcony on the garage apartment. With the changes Mark Apostolou made a motion to memorialize, seconded by Greg Love, all in favor none opposed.

**MODIFICATION OF RESOLUTION #31-2014 – Monteverde Estate – 10 Riddle Way –**

This structure is underway. Bob Young stepped down as he lives within 200-feet of the applicant. Present to testify were Richard Gascoyne, Architect, Mr. Caruso, builder. Neil said he has no idea how they built what they built, he asked if they have had any inspections. The builder said they never called for a framing inspection and stopped construction. They were asked if they saw the Resolution and the Architect said yes he did. The Zoning Officer said this has to be review by the TRC. John Muly said they wanted them to come back to explain how they got to where they are. Neil said the TRC felt that they did not expand what the Resolution approval was for, actually it was a less intense structure. Probably more fitting to the area and it was their recommendation that they come back to the Board to see if they have any issues with this application. Geoff said there were a number of conditions and stipulations contained in the Resolution, the builder said he has not seen the Resolution, the Architect has. Geoff swore in Richard Gascoyne. He redesigned the roofline, eliminated the roof over the garage and lowered the roof over the breezeway. He said he has seen the Resolution that was adopted by this Board on November 5, 2014 with respect to this project. He testified that the conditions and stipulations required by that Resolution will be satisfied. Geoff said there were no objectors at the presentation of the application. Neil said this design is probably more in favor with the neighborhood. Mark Apostolou asked that the amended Resolution be very specific to say that the garage area shall not be improved that they should be bound by this new submission. It's kind of a blank proposal, I don't know if we should request more formal plans of the interior that they would be bound by. Owen also asked how it got this far, he agreed with Mark that the Resolution be very specific. John Burke made a motion to approve the revised plans, seconded by Mark Larkin.

**Board Members voting yes to approve the revised plans:**

Owen McCarthy, John Muly, John Burke, Barbara Ilaria, Greg Love, Mark Apostolou, Mark Larkin and Neil Hamilton

Kevin Thompson – abstained

Neil asked what is their intent of trying to move on with this. Geoff will send a letter to the Zoning Officer/Construction Official indicating the Board has approved your request subject to the memorialization of a Resolution and properly identify the high points of what was discussed tonight so the applicant can move on.

**15-MINUTE PRESENTATION – Greenberg, Linda – 67 N Farragut Avenue – Block: 105**

– Lot: 14 – Zone: R-1 – Pool in the front yard. Linda Greenberg appeared with her architect. Scott, her Engineer from Sylvan pools also was sworn in. Neil explained to the applicant that she had 15-minutes to explain what she is seeking; the Board would give input which is not a guarantee. The Engineer said back in December Sylvan Pools submitted a Zoning Application which was denied. Mrs. Greenburg's property is a corner lot, the building was built in 1953, and there really isn't a rear yard on this property. The house is approximately 12-feet to the rear property line. Mrs. Greenburg said this is a Zen kind of place and not really a pool. It's a meditation pool for her and her sanity. She was visibly upset. The Engineer said it's a 10 X 20 pool. It would be situated 2.8-feet off the right-of-way line; it's a 50-foot right-of-way. Although it appears as though the pool would be right on the pavement it actually is about 12.8-feet back from there for a curb line. It looks deceiving on the plan, never the less it requires a Variance because we are in the front

yard. We are here tonight for two things, should we proceed with the application, knowing full well that there is no guarantee that there would be an approval. Is there a recommendation to the current plan that might make an application such as this approvable? The depth of the pool would be approximately 4 ½-feet. Board members giving input were Greg, Neil, Al, John Muly. She has spoken to her neighbors. John Muly speaking for the TRC said they suggest getting it back more from the Street. The architect said they could put the pool back slightly, maybe decrease the size. Neil said he could get down to an 8 X 12 possibly. We don't want to set a precedent and I understand where you are coming from but that's today. You still need to get a perk test. You have heard the Board, they are not totally negative, so you may want to make your application and proceed on.

**APPLICATION #14-2016** – Dering, Robert and Cynthia – 123 Union Avenue – Block: 70 – Lot: 46.03 – Zone: O – Councilman McCarthy stepped down as he was noticed for living within 200-feet of the applicant. Geoff swore in Robert Dering who represented himself. His file was found to be in good order and the Board accepted jurisdiction. The proposed porch will just be screened. Mr. Dering said the steps will be removed which will make the coverage even less. John Muly said the TRC report stated this was a deminimus application, they recommend that if approved it not be used for living space and only be a screened in porch. Mr. Dering agreed that's what the plan is. Mark Apostolou made a motion to open the meeting to the public, seconded by John Burke, all in favor none opposed. There was no public participation. Mark Apostolou made a motion to close the public portion, seconded by Greg Love, all in favor none opposed. Kevin Thompson made a motion to approve the application as presented, seconded by Mark Apostolou, with the stipulation that it not be enclosed other than screen.

**Board Members Voting Yes:**

John Muly, Robert Young, John Burke, Barbara Ilaria, Greg Love, Mark Apostolou, Mark Larkin, Kevin Thompson and Neil Hamilton.

**APPLICATION #16-2016** – Hendrickson, Robert – 84 S Jackson Avenue – Block: 132 – Lot: 3, 4 – Zone: R-2 – Keith Henderson is the attorney representing the applicant. The file was found to be in good order and the Board accepted jurisdiction of the application. Geoff swore in two witnesses, Michael Hendrickson, owner/applicant and Michael Savarese, architect of Little Silver. Michael Hendrickson was the first to testify. Mr. Henderson submitted a page of photographs marked Exhibit A-1 which included five (5) photographs, front porch column, front elevation, front door, dining room and kitchen. These photographs depict how high the flooding was during Super Storm Sandy, they had approximately 3-feet inside the house. They purchased the house in 2010 and had a house built in 2011. Keith said the purpose of this application is to elevate the house to get it out of the flood zone. When they originally got their elevation certificate done by a Surveyor who is no longer in business it was erroneous. The house was built too low. The house was set too low when it was built. Next, the architect Michael Savarese testified, he stated he checked the elevation when he was hired and the first floor was set at 6.83-feet, it should have been 10-feet. The height of the house is 34.6-feet. Mark Apostolou said so you actually got an overbuilt house erroneously, with no fault of the purchaser. Mr. Henderson said that's exactly what happened. Mr. Savarese picked up two existing variances, the

building coverage was over by .7-feet and the front setback is 24-feet where 25-feet is required. Mr. Henderson said we are only asking what FEMA is requiring, we are asking for a height of 40.8-feet. The architect explained how and why they need to raise the house to get the mechanicals and the duct work out of the flood zone. Keith said if you stand on the Street and look at this house it looks lower than the houses around it.

Al did an Engineer report on this application which was addressed. Owen McCarthy made a motion to open the meeting to the public seconded by Mark Apostolou, all in favor none opposed. There was no public participation. Mark Apostolou made a motion to close the public portion, seconded by Robert Young, all in favor none opposed. Kevin Thompson made a motion to approve the application, seconded by John Burke.

**Board Members Voting Yes:**

Owen McCarthy, John Muly, Robert Young, John Burke, Barbara Ilaria, Greg Love, Mark Apostolou, Mark Larkin, Kevin Thompson and Neil Hamilton.

**APPLICATION #18-2016 – Fitzpatrick, Brian and Kathleen – 98 Atlantic Avenue – Block: 40 – Lot: 5 – Zone: R-2 –** Mr. Fitzpatrick represented himself, Geoff Cramer swore him in along with his architect, Paul Lawrence and the Board Engineer, Al Yodakis. Mr. Fitzpatrick said he now has a small porch that can only accommodate about three people. They will be moving down from North Jersey and would like more space on the front porch. He would like it to be the length of the house and 10-feet deep. There are existing variances on the property. Neil asked how this would line up with the house to the west and the east. Paul Lawrence said the house to the west we will be a little further back, the house to the east we would be a little forward of that. The overall streetscape is not going to suffer from the front porch. They enjoy the porch now, but can only use it on a limited basis because of its size. The style of the porch will be a half wall, so they are more comfortable sitting there given that this is a busy intersection. The house about three houses up has a similar setup. It's not untypical for the Town to have that style of porch. Mark Apostolou asked if he is aware of the head lights from the Dairy Queen. Mr. Fitzpatrick said he is aware of that it is what it is and he is aware of the noise. He is one of the Dairy Queen's best customers as his granddaughter loves it. John Muly said TRC discussed this; it came in late to them. Their thought was maybe it could be pulled back a foot or two. Mr. Fitzpatrick has no plans of enclosing the porch. Neil said it seems fitting with the character of the houses to the west. John Muly said the Board is generally porch friendly. Geoff asked if the shed in the rear yard was his shed, the shed is the neighbor's and is encroaching on his property line. He said they are friendly though. He said he assumed the pine trees were the property line until he got a Survey when he purchased the house, it's deceiving. Kevin Thompson made a motion to open to the public, seconded by John Burke, all in favor none opposed. There was no public participation. Kevin Thompson made a motion to close the public portion, seconded by Mark Apostolou stipulating that it not be enclosed.

**Board members voting yes:**

John Muly, Robert Young, Councilman McCarthy, John Burke, Barbara Ilaria, Greg Love, Mark Apostolou, Mark Larkin, Kevin Thompson and Neil Hamilton.

**Kevin Thompson made a motion to cancel the April 19, 2016 Special Meeting, seconded by Owen McCarthy, all in favor none opposed.**

**Every board member received the notice from the Board attorney regarding the decision by the Court's opinion regarding the Major Subdivision on Forrest Lane. The Judge ruled this is a Use Variance in favor of the Board. Al Yodakis said the cemetery will have to be a co-applicant.**

**John Muly made a motion to adjourn the meeting, seconded by Mark Apostolou, all in favor none opposed.**

***MEETING ADJOURNED AT 8:13PM***

**Respectfully Submitted,**

**Mary C. Salerno  
Planning Board Secretary**