

The Manasquan Planning Board held a regular meeting at 7PM on Tuesday, July 19, 2016 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, NJ.

The Chairman, Neil B. Hamilton asked everyone 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, Peter Ragan, Mark Larkin, and Kevin Thompson.

Board Members Absent:

Mayor Edward Donovan

Leonard Sullivan

Professionals Present:

Albert D. Yodakis, BORO Engineer

Geoffrey S. Cramer – Planning Board Attorney

Neil Hamilton gave the opening statement.

Geoff Cramer read the Sunshine Law Statement.

Minutes of June 8, 2016 – John Burke made a motion to approve the minutes, seconded by Mark Apostolou, all in favor none opposed.

Vouchers – Robert Young made a motion to approve the vouchers, seconded by Kevin Thompson.

Board Members Voting Yes:

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

RESOLUTION #23-2016 – Rogers, James and Linda – 331 E Main Street – Block: 116 – Lot: 10.02 – Zone: R-1 – Geoff said there is one change in paragraph 4 on page 5 that should read East Main Street. He will get the corrected page to Mary. Mark Apostolou made a motion to memorialize as amended, seconded by John Burke, all in favor none opposed.

15-MINUTE PRESENTATION – Langell, Ron – 56 Union Avenue, LLC – 56 Union Avenue – Block: 81 – Lot: 57.01 – Zone: B-1 – Mr. Langell appeared along with his Architect, Darren R. Vickery. Mr. Vickery gave the presentation which is for a complete demolition of the three (3) existing buildings on site. There will be some parking

underneath as a single dedicated parking place for each unit. There will be additional parking spaces on-site and no variances will be sought for parking. This is a mixed use building. Mr. Vickery explained the floor plans and the number of units as well as the exterior aesthetics of the building design. There will be an elevator for access to the upper floors. He continued to explain the materials that would be used. Mr. Hamilton interrupted him stating the Board didn't need to hear this in the 15-minute presentation. You are here to find out if we're going to entertain the concept. You haven't made application yet to the Zoning Officer yet to get a formal denial. So, we don't know if you meet all the criteria as far as the zoning aspect. We have livability standards in these multi-unit complexes, storage for bicycles, things of that sort. You also need a recreational area for the tenants of your residential units and I don't see that. My own opinion is certainly you offer a nice complex here for that corner; it's a very attractive building. But, if you were to come back with something that you are going to tear down and you have a large piece of property, my thinking is you need to meet all the requirements for Zoning, all the livability standards requirements under our Zoning Laws and require no variances. You will address the drainage issue to meet the satisfaction of the Engineer. So, when you come back as far as I'm concerned to get my positive vote I don't want to see any Variances. I just want to see a site plan that meets all the Zoning criteria. You need to deal with Dick Furey, the Zoning Officer. The Board members gave their comments as to their acceptance of the design. There were some comments and questions, such as stores, deliveries, parking of delivery vehicles, traffic flow, and safety in backing out onto Curtis Avenue. When Mark Apostolou asked if these were going to be apartments and not Condos Ron Langell said right now they are apartments. The consensus of the Board members is that the building is very nice but there is a lot going on there. Greg Love said you have four units now and are going to ten that is a huge increase of occupancy. Owen McCarthy brought up the COAH issue which Mr. Langell may want to be aware of. Neil told the applicant to make a full Zoning application and move on.

15-MINUTE PRESENTATION – 177 Main Street, LLC – Block: 65.02 – Lot: 21.01 – Zone: BR-1 – Keith Henderson is the applicant representing the applicant for a site plan adjustment. He explained that there was a problem with the Survey. After the building was essentially done when it was time to do the site improvements and the parking lot, the builder realized there was a problem. The problem in a nut shell was that the survey of the property did not address a great deal of what was on the plan. Certain features were not recognized. The walkway that goes between the Algonquin and this building was 5-feet into that property. We are still trying to understand how that happened; the previous owners of the theater have explanations. In trying to sort through this, it has reduced our parking count and also required that we have a handicap ramp. What we are here for tonight is that we think we can work something out with the Algonquin, their Board of Directors meets this Thursday night and he has every indication informally that they would approve our using the ramp belonging to the Theater, even if there is an easement. Tying our handicap ramp into theirs. If the Town is ok with that we have to have the concrete ramp re-certified to show that the grade conforms to the Engineer requirements. I am showing you tonight the worst scenario; we think we would lose one parking space. Our clients concern is that they cannot receive TCO's for the Commercial Units. They will give us TCO's for the rental units once this Board signs off on that first case scenario. That's

our purpose in being here. Mr. Carpenter gave his statement of the situation. Mr. Henderson will do everything he can to get this resolved. The Town has already said they are ok with it as long as the Planning Board is ok with it. Mark Apostolou made a motion to approve the amendment to Resolution #13-2014, seconded by John Burke, all in favor none opposed.

Mark Apostolou said Mr. Henderson sent a letter requesting a 60-day extension of time to work out the easement between the Spirit of '76 and the neighbor. Mark made a motion to extend to the additional 60-days, seconded by Robert Young, all in favor none opposed.

APPLICATION #24-2016 – Ocean Avenue Real Estate, LLC – 16, 16 ½ Ocean Avenue – Block: 162 – Lot: 4.02 – Zone: R-2 – Keith Henderson is the attorney representing the applicant. Mr. Cramer accepted jurisdiction. There were two witnesses to be sworn in, Betsy (Elizabeth) Orner, owner/applicant and Paul Lawrence, Architect. Betsy was the first to testify. She is the sole member of Ocean Avenue Real Estate, LLC; she acquired this property in February of this year from Sandra Stiles. She and Sandra are best friends almost like sisters. She has lived by Sandra for many, many years. Sandy still owns the property to the west of this property. When she owned both properties she ignored all boundary lines. Until Mr. Henderson discussed with Betsy the parking issue on this site she was not aware that there was a parking problem. She does park cars on site and encroaches onto Sandy's property in doing so. They can get at least 4 to 5 cars on site. The reason why she has been unable to get an easement for this parking is because Sandra Stiles is in the hospital; she is very ill and has a prolonged illness. Part of closing on this property Betsy owes Sandy an easement for the eaves that are overhanging onto her property. They have a mutual situation. It is her belief when Sandy is well she will give her the easement with no problem. She will diligently pursue to do that to legalize this parking situation. This property has two houses, a front house and a back house, Betsy said the back house will be used by her daughter, Leslie and her two children. They want to add an additional bedroom to accommodate them that is why they are seeking Board approval. The front house will continue to be a rental property; they rent to families not groups. Both houses were affected by Super Storm Sandy and need to be raised above the BFE. Betsy herself lives at 26 Ocean Avenue, three doors down from this property. The front porch on the front building has been renovated; she has permits for all work that has been done. It was an enclosed porch with windows; they removed all the windows and made it into a regular porch. A section of that building in the rear is demolished. She is asking the Board to allow her to lift these houses to the FEMA requirements. Also, to make some additional renovations. Neil asked her if to the left the property is owned by Stiles and he was under the impression that she owned that and also own these two properties that are before us this evening. Betsy said she lives at 26 Ocean Avenue three doors east of these properties. The Stiles own the rest of the properties. Neil asked Keith to explain what they are doing with the parking because this is an issue. Keith said we can't physically address it right now but Betsy is very confident that Sandy will agree to it. When they agreed to do this sale, Sandy took maybe six months re-doing the landscaping on that property to move it over and that's why when you look at this the driveway is between the two buildings and you have to encroach to get into that property. Betsy's father owned the properties prior to her. Mark Apostolou said this seems premature since

if we can get this easement and it alleviates the variance. Keith said we understand that but they would like to get going. Mark said in his mind the problem is if they flip the property in six months you don't have parking. Keith said but right now that's what you have, that's what she bought. We are asking for a variance for parking because there is no place to physically put it. Mark said but there is if in fact the person heeds and grants the easement. You are asking for a lot of variances for us, I'm just reluctant to do that, I'm just voicing my concern. Keith said the point being, you would have to deal with this but for the relationship between these two people, that house doesn't have an adequate driveway. It just doesn't, she's your best hope to get that easement, and someone else may not get it. Mark said he doesn't disagree, but she is also coming before the Board asking for variances. Keith said not a whole lot and we could lift these two houses under State Law without coming here. All the setback variances are there already and the only variance we are asking for is 2% building coverage. The parking variance would be there if the man in the moon were making this application. Neil said he gets it, he knows where the Judge is coming from, but for whatever reason we thought the parking issue would go away. Keith said unfortunately Sandy's in the hospital. People should be able to move on with their lives. Neil asked what the occupancy of those two units is for sleeping purposes. Betsy said the back house has two bedrooms, they are proposing one more. The front house has three small bedrooms. She just got a C/O today for 6 in the front. Geoff asked if Keith represents both property owners and he said there is a conflict in the closing so we couldn't. He has represented the Stiles family for many, many years and also Mrs. Orner. The problem is we just haven't been able to physically been able to talk to Mrs. Stiles. The two of them are like sisters; it's a very, very close relationship. Neil asked what the planned agreement is to make sure in those 2 1/2-feet that there is no fence or plantings put in there. Keith said what we are trying to do is permit a driveway easement which would be solely for her use, not a shared driveway, solely for the use of this property. It's quid pro quo. Paul Lawrence said Mrs. Stiles removed the front house on the property to the west, clearly with the intent of improving that area. Neil said he gets it and hopefully it will all work out, but suppose it doesn't. Keith said let's suppose it doesn't, how are you any worse off than you are right now. You have two houses on a lot that has no parking. Mark Apostolou said his obligation as a Board member is not to dump more problems, if we have zero parking on that lot and we can solve it in a few months. Keith said Mark we will just go lift the houses, we don't need your permission. Neil said the addition is the only thing you are asking for because you can lift those houses. John Burke said he doesn't see a problem with it. Mark Apostolou made a motion to open the meeting to the public, seconded by Robert Young, all in favor none opposed.

Audience Members Coming Forward:

Patricia Keenan – 11 Ocean Avenue - She lives directly across the Street from Betsy's new house, it's beautiful, she has done a great job and we have no objections at all with what she is doing. She has done a beautiful job on the house she is in right now. She is here to support her.

Mary Forshay – 36 Ocean Avenue – She wants to describe the relationship first of all between Sandy and Betsy is like sisterhood. When she moved into the neighborhood it was hard to get in between the two of them but she did. She said Mrs. Orner is one of the best property owners on Ocean Avenue, her properties are pristine and she said she is sure you saw this for yourselves when visiting the subject property. She is active in the First

Presbyterian Church and the Manasquan Garden Club. As stated she has expanded 16 ½ to keep her family close because Manasquan has been her home for many, many years and would like her only child and her two grandchildren to experience the same quality of life that she has experienced here and as her neighbor so would I.

Donna Gablemann – 22 Ocean Avenue – She just wants a clarification, she read the letter and was confused about one thing. She also went to the Borough Hall to look at the plans, the back house where you are going to put a little addition on, is that going to be where the deck is? The house that is on the water, there is a deck in the back. Paul Lawrence said the addition is going in the middle of the two houses. Thank you, that's all I needed to know.

Mark Apostolou made a motion to close the public portion of the meeting, seconded by John Burke, all in favor none opposed.

Mark Apostolou asked Mr. Henderson if he would be willing to take an affirmative stance as you did in the previous application that subject to the conflict of interest you will attempt to negotiate the parking easement. Keith said absolutely. Mark said so we can put that in the Resolution. Keith said I can't promise you, but I will make my best effort.

Next, in response to the Engineer's report, Paul Lawrence said they will comply with Al's report. John Muly said he saw two meters on the front porch and asked if that went underground to the back house and the answer was yes. Neil said to recap this, we are going to condition this somehow in the Resolution that you are going to make every attempt to try to get some sort of driveway easement here, and hopefully be successful. Keith said depending on Sandy's health he will try to have that drawn before the next meeting. Mrs. Orner said there is no doubt in her mind that there will be an issue with this.

John Burke made a motion to approve the application with the stipulation that there is an entry in the Resolution that Mr. Henderson will make every effort possible to get that easement on the driveway, seconded by John Muly.

Board Members Voting Yes:

John Muly, Robert Young, John Burke, Barbara Ilaria, Mark Apostolou, Peter Ragan, Mark Larkin and Neil Hamilton.

Board Members Voting No:

Greg Love

Neil asked the audience to clear the room so the meeting can continue.

Geoff Cramer addressed the Hawryluk application, 484 Long Avenue. Paragraph 3 states that a copy of this Resolution will be filed by the applicant's Council in the Monmouth County Clerk's Office and a copy of that Resolution provided to the Planning Board Secretary. He said the objector Teresa Graw has called him regarding this and indicated the Resolution had not been recorded. Mr. Cramer contacted Mr. Rubino, attorney for the applicants and he stated unequivocally that he would not be filing the Resolution with the Monmouth County Clerk's Office. He feels that his client was not going to implement the approval that was given by the Board. Mr. Cramer told Mr. Rubino that he was the one who made the application for this approval, you are the one who received the approval, and there was also a publication of the approval in the newspaper. It was all accomplished, procedurally correctly but the one thing that remains outstanding is the filing of this Resolution in the Monmouth County Clerk's Office. Mark Apostolou asked if the

Resolution is void, should we rescind our approval because that was a condition precedent. Isn't it not true that the Resolution is not final until it is complied with totally? Geoff said he believes that the applicant has requested and obtained a Certificate of Occupancy with respect to the work that was done. All approvals have been granted by the Board with respect to the work that was done. There was extensive discussion as to how this should be handled and if the Resolution should be retracted. It is Geoff's opinion that the approval the applicant received was based upon the testimony provided to this Board as to what they were going to do and they have complied with those conditions. Neil said if the objector who is an attorney is willing to file this, then we are done. Otherwise we are going to spin our wheels; we have no money in escrow. Mark asked how long the tapes are kept. Mary responded 80 days after approval of the typed minutes are approved. The Resolution was adopted in December of last year. Neil said if the objector wants to take this and file it let it be. The objector who is in the audience whispered that she has a copy of the tape. Neil said the case is over, she was represented by Council. If Geoff authorizes this Board and gives Mary direction to certify a copy and you want to file in Freehold, go for it, we're done. Mary asked what a certified copy means from our attorney. Geoff said it's a certification by you that this Resolution is a true copy. Mary said I'm not notarizing the Resolution itself. Barbara Ilaria, Municipal Clerk said all Resolutions include a statement where the Board Secretary signs her name that states she certifies that the foregoing resolution is a true copy adopted at the meeting of the Manasquan Planning Board held on here states the date.

Neil said the Special meeting of Tuesday, August 16, 2016 we are looking to cancel that meeting and also the Special meeting of September 7, 2016 both at 4PM. Mark Apostolou made a motion to cancel the two meetings, motion seconded by John Burke, all in favor none opposed.

Robert Young asked about Monteverdi, he said he sent Mary the minutes and the Resolution was never approved. Geoff was going to go back and speak to the architect, Mr. Gascoyne. Mark Apostolou said Geoff was going to speak to him and he did speak to him and Geoff told Dick Furey that he did speak to him and there is no living space in the attic of the main house.

Mark Apostolou made a motion to open the meeting to the public, seconded by Bob Young, all in favor none opposed.

Audience Members Coming Forward:

Teresa Graw – 480 Long Avenue – She stated she is the objector on the Hawryluk residence 484 Long Avenue. She read the certification that you guys said was ok, she read it to the Monmouth County Clerk's office over the telephone and they said it wasn't adequate which is why I had sent over an acknowledgement and certification. Basically all it is doing is saying that she is authenticating that the Resolution is the authentic Resolution. Mark Apostolou said give it to Mr. Cramer. She said he has it, Mr. Cramer and I agreed upon that he was going to have Mary sign the acknowledgement and the certification, because that was the direction from the Monmouth County Clerk's Office. Neil said we will provide that.

John Burke made a motion to close the public portion of the meeting, seconded by Robert Young, all in favor none opposed.

Barbara Ilaria made a motion to adjourn the meeting, seconded by Robert Young, all in favor none opposed.

MEETING ADJOURNED AT 8:26PM

Respectfully Submitted,

**Mary C. Salerno
Planning Board Secretary**