

The Manasquan Planning Board held a regular meeting at 7PM on Tuesday, September 20, 2016 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey.

Chairman Neil Hamilton called the meeting to order and gave the opening statement and then asked everyone present to please stand and salute the Flag.

**ROLL CALL:**

**Board Members Present:**

Mayor Ed Donovan, Councilman Owen McCarthy, Neil B. Hamilton, John Muly, Robert Young, Barbara Ilaria, Greg Love, Mark Apostolou, Mark Larkin, Leonard Sullivan

**Board Members Absent:**

John Burke, Peter Ragan, Kevin Thompson

**Professionals Present:**

Albert D. Yodakis – BORO Engineering, Board Engineer/Planner  
Geoffrey S. Cramer – Attorney to the Board

Geoff Cramer read the Sunshine Law announcement.

Robert Young made a motion to approve the minutes of 8/2/16, seconded by Greg Love, all in favor none opposed.

Leonard Sullivan made a motion to approve the vouchers, seconded by Robert Young.

**Board Members Voting Yes:**

Mayor Ed Donovan, Councilman Owen McCarthy, Neil B. Hamilton, John Muly, Robert Young, Barbara Ilaria, Greg Love, Mark Apostolou, Mark Larkin, Leonard Sullivan.

**APPLICATION #26-2016** – Neuwirth, Mark and Susan – 66 Church Street – Block: 22 – Lot: 32.03 – Zone: R-2 – Tim Middleton is the attorney representing the applicants. He said this is a minor subdivision; they were not required to notice. Geoff swore in Mark Neuwirth, owner/applicant. He stated there is currently a residence on the lot. That lot will be subdivided into two conforming lots. The house and the pool will be removed. Al asked him if they would be filing by Deed or Map. Tim said Deed, monuments will be set. The Deed, prepared by a Licensed Surveyor will be submitted to the Board Engineer for his review and approval and also to Mr. Cramer. Neil Hamilton asked him if there were any trees on the property would they comply with the Shade Tree Escrow Fund and they agreed. Robert Young made a motion to open to the public, seconded by Owen McCarthy, all in favor none opposed. There was no public participation. Mark Apostolou made a motion to close the public portion, seconded by Owen McCarthy, all in favor none opposed.

Owen McCarthy made a motion to approve subject to the stipulations by Mr. Yodakis and agreed to by Mr. Middleton, seconded by Mark Apostolou.

**Board Members Voting Yes:**

Mayor Ed Donovan, Councilman Owen McCarthy, John Muly, Robert Young, Barbara Ilaria, Greg Love, Mark Apostolou, Mark Larkin, Leonard Sullivan and Neil Hamilton. No negative votes.

**APPLICATION #28-2016** – Connors, Judi – 159 First Avenue – Block: 171 – Lot: 29 – Zone: R-5 – Geoff swore in Judi Connors – owner/applicant and her brother Dan Connors who is her contractor and will be speaking on her behalf. Dan explained that Judi's house was damaged in Sandy and received some Grant money to lift the house. It's an older house that belonged to her father; she has been there for about 20-years. It is approximately 20 X 50-feet. With the lift she is putting a garage underneath because of the parking issues in the summer. With the staircase they are very close to the front setback and the way the staircase is going to be she would end up with a very small landing at the top of the stairs by the front door. For safety and comfort, they would like to make that front landing, it's like a small deck really, when you get to the top her door is dead center of her house. The door has to stay where it is; the staircase is going to be basically to the left side of the house. They would like to extend to the right side for safety and comfort. Right now if you put that landing right in front of the door, to support it one of the posts underneath is going to have to be favoring the center, so the support beam for the deck is going to be cantilevered. The same thing on the back. The back deck is narrower. Neil asked Al to comment on his report. Dan said he is increasing the storm water drainage pit which will now be the width of the house. Al also suggested they put slotted covers on the drainage system. Also, cleanouts should also be provided at the ends of the system. Al said if the Board was to approve this any curb or sidewalk that is damaged must be replaced along First Avenue as necessary. The air conditioning will be at the rear of the house and the utilities inside at the back of the house. Dan said they are replacing the water line. Neil said as far as putting the utilities underground on First Avenue that is not something he would ask the applicant to stipulate to as it's almost impossible. Next Lenny Sullivan addressed the TRC report, he said the rear deck is not an issue; the front deck needs to be smaller than they are asking for. We would like to give you what you need for safety. Dan said we used the staircase post to support that end of the beam, if we shorten up the width of that deck it's going to be in front of the steps. Neil said was there any thought when this plan was put together that you were going to have a front yard encroachment issue, you couldn't kick that house back. You could have moved that house back two or three feet. Lose the rear yard and reduce the request for the front yard setback. Lenny said this basically comes right out to the Street. They had pictures of other pictures but the Board chose not to view them. Neil said when we look down First Avenue on either side of you that's how we try to put this together and picture how it's going to be. Judi said she has pictures of houses on First Avenue also. Neil said we understand that, but where you are you are kind of solo on your own, when Tech looked at it, our thinking was you just find a minimum means to get you out of the house and down, keep those stairs back as far off that sidewalk as possible. The Board suggested he make the rear deck larger but stay within the required setbacks. Neil polled the Board members and they feel the front deck should be reduced back and not extend the full length of the house. Judi said when she spoke to

Dick Furey he said if they did it this way they would not have a problem. Neil said so now we are going to reduce that front width of that deck to 5-feet wide, 4-feet coming off the structure, 7 ½ feet in total coming off the front structure down to the bottom of the stairs. As long as you are in compliance with setbacks you can build the rear deck as big as it meets zoning. Mark Apostolou made a motion to open the meeting to the audience, seconded by Councilman McCarthy, all in favor none opposed. No public participation. Mark Apostolou made a motion to close the public portion, seconded by Greg Love, all in favor none opposed. Mark Apostolou made a motion to approve the application with the new dimensions and the recommendations in the Engineer's written report, seconded by Leonard Sullivan.

**Board Members Voting Yes:**

Mayor Donovan, Councilman McCarthy, John Muly, Robert Young, Barbara Ilaria, Greg Love, Mark Apostolou, Mark Larkin, Leonard Sullivan and Neil Hamilton.  
No negative votes.

**APPLICATION #25-2016** – Baldwin/Bennett – 131 Beachfront, 130 First Avenue – Block: 167 – Lot: 14 – Zone: R-4 – Minor Subdivision – Robert Young stepped down as he lives within 200-feet of the applicants. Keith Henderson is the attorney representing the applicants. Keith said he noticed and advertised properly and asked the Board to accept jurisdiction. He then asked the Board if they wished to discuss the noticing issue. Geoff Cramer said he is ok with the fact that the applicant has submitted an affidavit proof of service, etc. based upon the list of property owners that they received from the Tax Office which appears to have been short properties. Keith didn't have any idea how many property owners were left off the list. He said he has no objection to the Board carrying the application if they are concerned about this but he asked is that if you do that he respectfully request that you make an announcement to the people who are here and that you do not make us re-notice in the newspaper, or re-notice people who already have notice. Because, they should be here if they had anything to say. We'll notice the missing people; I just learned this at 8am this morning. Neil said Mr. Cramer has no objection to proceed on and you as well, I don't either. He explained to the Board that not all people who should have been noticed were not, they were omitted from the list mistakenly by the Tax Office. Judge Apostolou said he would feel more comfortable in carrying this application. Lenny and Owen agreed with Mark. The next meeting is October 4, 2016 at 7PM and they will be carried and be first on the agenda. Mark Apostolou made a motion to carry as stated. Owen said he and the Mayor and the Municipal Clerk who are all seated on the dais will make sure the appropriate list is provided. Keith said in order for this to be valid you have to announce tonight the date of the meeting so the people who are here know when it is. Neil said they will be heard first at the October 4, 2016 meeting. Owen said someone would reach out to Mr. Henderson's office tomorrow. Owen seconded the motion made by Mark Apostolou, all in favor none opposed.

**APPLICATION #27-2016** – Leonard, John and Pam – 120 Lake Avenue – Block: 103 – Lot: 4.04 – Zone: R-1 – BFE Zone: 9-feet - John Muly stepped down as he lives within 200-feet of the applicant. Keith Henderson is the attorney representing the applicant. The Board accepted jurisdiction. Mr. Henderson had two witnesses to be sworn in, John Leonard, owner/applicant, Andrea Fitzpatrick, architect, and Al Yodakis, Board Engineer.

Mr. Leonard was the first to testify. He purchased the property in July 2009. He owned it during the time of Storm Sandy and the property sustained damage to the garage, basement and the first floor of the house. The garage filled up, the basement where the utilities were was flooded and the first floor had about 4-5 inches. He is asking the Board to go to 12-feet. He is proposing to demolish the existing dwelling and re-do the garage to match the finish of the exterior of the new house. He is also asking the Board for dormers for that garage. In reviewing the TRC report he explained why they are requesting storage above the garage. They are losing storage as they will no longer have a basement. The second story in the garage will only be for storage. They also have storage on the third floor of the house. Next, Andrea Fitzpatrick came forward to testify, she has had her license for the State of NJ since 2011, she gave her background and the Board accepted her credentials. Andrea had pictures to enter as an exhibit, Mr. Cramer marked it Exhibit A-1 which consisted of three (3) sheets. The first page is a photograph of the existing house, the bottom of the page is a photograph of the existing garage. The second story of the garage has a 5-foot ceiling that goes down to zero (0). It will be used for storage. The main house has attic storage also. They will be accommodating the two off street parking spaces. She next addressed the variances associated with the principal dwelling. 33-feet is permitted for height, they are proposing 33.7-feet because they are a non-conforming use on a conforming lot. This property has an unusual shape in that it is wider across the front and a shorter depth. They have 84-feet depth, 102-feet across the front. Keith explained that when Lake Avenue was originally designed Stockton Lake Boulevard did not exist. These lots on Lake Avenue went down to Stockton Lake. When that was developed it changed the configuration of the lots, which is why you have these lots with not a lot of depth. Rear setback, 35-feet required, 25-feet proposed. The accessory building, front setback 25-feet required, 5.8-feet existing and proposed. Side setback, 5-feet required, 3.6-feet existing and proposed. Building height for the garage, 15-feet permitted, 17.67-feet existing and proposed. Permitted location of garage is side or rear permitted, front is existing and proposed. The dormer plate height is 5-feet which is not providing habitable space in the garage attic; it does provide additional storage area. The style of the house is a Seaside vernacular shingle style house featuring a cross gambel roof. They moved the gambel off center but they are trying to balance the house with the massing of the chimney at one side and the lighter one-story portion at the other side. They have also proposed a front porch which covers most of the width of the house, about 75% of it. The porch varies in depth from 6-feet to 4-feet. They have also provided a small balcony on the west side of the property, again to balance the chimney on the east. Mark Apostolou asked Andrea if she could reduce this structure by 7-inches and comply and still be well out of the flood zone could she not? She said yes, but it was important for the homeowner to be one-foot above the design flood elevation required by Manasquan. Neil asked her what the ceiling heights are. She stated 9-feet on the first floor, 8-feet on the second floor, and in the attic the ceiling height is all contained within the roof. Mark said but if you went down 7-inches you would still comply. Al Yodakis said the stand that this Board has taken we have heard it. Owen said you could come down 7-inches that would get you in compliance. Andrea said it would be about 8-inches. She said she could take a look at modifying the pitch of the roof. Owen said we have taken a strong approach on trying to uphold what the height restrictions are and we have tried to work with applicants as much as possible. Keith said other Towns are encouraging their applicants to go higher they are worrying about what

happened. The Ocean is rising there is no question about that. The only other thing he thinks is important is for the Board to realize is that this is an oversized lot. The only reason we can't go to 38-feet is because we have that squashed backyard, that's what the variance is and really that's really the only variance. Neil said we try our best to hold it, we set these numbers in place and we ask the architects to build within those parameters, you are taking down a smaller home on this lot, you are putting up a substantial sized structure and it's going to be a new environment there. Keith summed up the variances. He addressed Al's report, he said if they could comply with underground utilities they will and they would certainly like to comply. He said the Street is being re-paved and they will be able to get their water and sewer in but NJ Natural Gas won't work with them so they will have to then put a thermal patch in the road when they connect to gas. Al said there is the issue of #6 in Al's letter. It states there is a 5-foot wide water/sewer easement located on the west side of the applicant's property. The existing garage structure currently encroaches in this easement but the encroachment does not appear to be increased with this application. Mr. Henderson said he suspects that goes to a house on Stockton Lake Boulevard. Al said he has concern with the proposed fill to raise the grade around the proposed dwelling. The applicant's engineer should indicate that there will be no adverse impacts to the surrounding properties by the increase in elevation on portions of the lot. Al said he would like to take another look at that with the applicant's engineer. Keith said they would have the engineer send Al his plan. Al said he just doesn't want to have any problems with runoff to the neighbors. Keith said that's the last thing they want. Neil said we didn't get a Shade Tree mark out, are most of those trees going to be removed? They may be outside the scope of the Ordinance. You may want to give us a mark out of the trees on the property and their calipers that after all is said and done if there are any issues with the Shade Tree Ordinance that you would be in compliance. Lenny said the home is gorgeous but he said they should find the 7-inches and get the house down. The expansion of the garage was our biggest issue, I understand it's there. TRC had a problem with that. Neil said unfortunately it sits right on the Street and with the dormers on it makes that more of an expansion for the neighbors, but if the neighbors don't have an issue with it when we go to the public, we can digest that part. Andrea said the height of the garage is not high enough to ever be livable space, its 5-feet at its highest point, it's for storage. Mark Apostolou made a motion to open the meeting to the public, seconded by Councilman Owen McCarthy, all in favor none opposed.

**Audience Members Coming Forward:**

Steve Govel – 171 Stockton Lake Boulevard – He said the easement by the way is his, when he built his house he was living in their house, the water and sewer was not on Stockton Lake so Mark Wozciak did put it on the side of the house and came down that one side, so that's why that's there. He is the neighbor right behind the applicant he is concerned with the rear setback. He said they could look right down to his pool from their house, that's his only concern.

Mark Apostolou made a motion to close the public portion, seconded by Owen McCarthy, all in favor none opposed.

Neil said we have a couple of issues, the height, the dormers on the garage, and then the comment regarding the rear setback as stated by the neighbor.

Keith Henderson gave his closing comments. He said they will find the 7-inches, we don't know how but we will find it. Owen said as the architect and Mr. Henderson stated there

will not be any living space above the garage. He said this satisfies the criteria for a C-1 and C-2 variance. Councilman Owen McCarthy made a motion to approve subject to the stipulation concerning the garage dormers as well as the comments by the engineer concerning the engineer speaking about whatever Al mentioned with the drainage and the fill. Also, coming down to 33-feet in height. Mark Apostolou asked if this is one that is going to be recorded, about the habitability of the garage. Mr. Henderson said there is a huge discussion on Zoning on that issue, the difference here is because it would be a violation of the Zoning Ordinance. Al said this wouldn't even be habitable space for building code. Mark Apostolou seconded Owens's motion.

**Board Members Voting Yes:**

Mayor Ed Donovan, Councilman Owen McCarthy, Robert Young, Barbara Ilaria, Greg Love, Mark Apostolou, Mark Larkin, Leonard Sullivan, and Neil Hamilton

Neil said there is one item from Geoff regarding the application by RALCO and the Cemetery. The Board wants to hold a special meeting on October 18, 2016 which is the scheduled date but the time needs to be changed to 7PM so as to be fair to those who wish to come out to hear the applications but may not be able to get here at 4PM. In addition this is a Use Variance so the Mayor and Councilman will not be able to hear it. Mark Apostolou made a motion to change the time to 7PM, seconded by Barbara Ilaria, all in favor none opposed. Lenny Sullivan will not be available for the meeting. We need to make sure there will be a quorum.

Robert Young asked about Monteverdi, Geoff said he is waiting to hear back from the architect, he will contact him.

Mark Apostolou made a motion to open the meeting to the public, seconded by Owen McCarthy, 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.

Motion to adjourn the meeting made by Barbara Ilaria, seconded by Owen McCarthy, all in favor none opposed.

***MEETING ADJOURNED AT 8:23PM***

Respectfully Submitted,

Mary C. Salerno  
Planning Board Secretary