

The Manasquan Planning Board held a Regular meeting at 7PM on Tuesday, December 6, 2016 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey.

Chairman Neil Hamilton opened the meeting and asked everyone present to please stand and salute the Flag.

**ROLL CALL:**

**Board Members Present:**

Mayor Ed Donovan, Neil B. Hamilton, John Muly, Robert Young, John Burke, Barbara Ilaria, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin, Leonard Sullivan, and Kevin Thompson

**Board Members Absent:**

Peter Ragan

**Professionals Present:**

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

Geoff Cramer read the Open Public Meetings Statement.

Mark Apostolou made a motion to approve the minutes with a correction on page 9, second sentence residence should read residents. The motion was seconded by Mark Larkin, all in favor none opposed, with the exception of Mayor Donovan and Leonard Sullivan who abstained.

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

**Board Members Voting Yes:**

Mayor Ed Donovan, John Muly, Robert Young, John Burke, Barbara Ilaria, Greg Love, Mark Apostolou, Mark Larkin, Leonard Sullivan and Neil Hamilton

Neil Hamilton made a statement that before we move forward the Mayor would like to make a statement. Ed Donovan said Barbara Ilaria is unable to fulfill all the obligations of being a Borough member of the Planning Board and Kevin Thompson recently came back to Manasquan's employ, so Kevin will become the Borough Employee representative to the Planning Board and Barbara Ilaria will become the Mayor's Alternate. The Board thanked Barbara and she in turn thanked the Board for allowing her to be of service to the Planning Board.

**RESOLUTION #33-2016** – DiFabritus, Vincent – 148 McLean Avenue – Block: 159 – Lot: 2.02 – Zone: R-1 – Mark Apostolou made a motion to memorialize the Resolution, seconded by John Burke, all in favor none opposed. Mayor Ed Donovan abstained.

**RESOLUTION #-17-2016** – Morris, Frank – 256 First Avenue – Block: 181 – Lot: 3 – Zone: R-4 – **ROLL CALL**: Neil Hamilton, John Muly, John Burke, Greg Love, Robert Young and Mark Larkin.

Neil said before we get into the regular meeting Application **#34-2016, Richard LaPatta**, we have a letter requesting to carry this application without prejudice as he could not attend this evening for medical reasons. The earliest date we can carry this is the February 7, 2017 regular meeting at 7PM. Kevin Thompson made a motion to carry, seconded by Robert Young all in favor, none opposed.

**APPLICATION #17-2015** – Federico, Susan – 295 Beachfront – Block: 181 – Lot: 3 - Zone: R-4 – This is a 15-minute presentation requesting an amendment to her Resolution. Neil said according to the plans submitted to the Zoning Officer show a bump out on either side of the structure that creates a lot coverage issue situation. You can do the minor adjustments to the decks but you will have to remove those bump outs for the roof. If you continue with that you have a lot, building coverage issue. Susan Federico questioned the statement. Her builder asked if her options were going for a full variance or go back to the original roof line. Neil said you are welcome to do what you want but you have to realize you would have to re-file with the Zoning Officer for that modification and then return to this Board with re-noticing and re-publishing. Because this would be an increase in lot coverage. Neil told them they probably wouldn't get back to the Board until February or March. Her builder said the second floor deck is ok at being the width of the house. Neil said you are ok with the decks and the stairs being altered and relocated but now you put on that roof extension you muddled the water so now you have an option, either remove that or come back after you re-notice. Susan said she is fine with that, her builder said we will take the modification to the decks and not the roof. Her builder explained to Mark Apostolou that the deck is wider and Mark questioned if this was acceptable. John Burke said he is just putting one deck over the one below. Neil explained to Mark Apostolou that Dick Furey said they had to come to the Board to explain the modification they are requesting. Susan Federico said she will remove the roof overhangs. Susan explained that Mr. Furey requested four (4) copies and that's what she gave him. Only the TRC members had copies, Mary did not have one in her file. John Burke made a motion to amend the Resolution to expand the decks but not the roof line, seconded by Bob Young.

**Board Members Voting Yes:**

Mayor Donovan, John Muly, Robert Young, John Burke, Greg Love, Mark Apostolou, Mark Larkin, Kevin Thompson and Neil Hamilton  
Leonard Sullivan – Abstained

**APPLICATION #38-2016** – Ridley, John – 165 Stockton Lake Boulevard – Block: 120 – Lot: 1.01 – Zone: Conservation – Minor Subdivision – Keith Henderson is the attorney representing the owner/applicants John and Althea Ridley. Mr. Henderson said the property between Stockton Lake and the Lake itself at some point in time was owned by the Ridley's. He believes at one time the Tax Office incorrectly merged two lots, the lot on the corner of McClellan and Stockton and the Ridley property, was merged the two lots that were on the north side of Stockton and created one lot. In the C Zone there are no bulk standards whatsoever. There are no structures allowed in this zone, it's identified as wetlands in the zoning ordinance and there are no bulk requirements for lot size.

Unfortunately, it isn't as easy to take things apart as it is to put them together and the purpose of this application is to put those ancillary lots back to the mother lots across the Street. Most of you know when Stockton Lake Boulevard was constructed it actually created the divisions between those properties. Before that, they were all one. In fact all these properties fronted on Lake, Stockton didn't exist. The applicant needs a minor subdivision and we plan to perfect that by Deed and we will provide a copy of the proposed Deed to the attorney and the engineer to review. The subdivision map was submitted with the application, it identifies the proposed lot line. Because there are no bulk standards in the zone, the subdivision is of right and there are no variances required. He requests the Board respectfully approves this application. Mr. Ridley is here, he is an attorney, he can answer any questions you have about the history of the property. Keith said we are going to separate the single lot that is on the Lake now into two lots, one belonging to each of the same owners as on the property across the Street. Pretend we were back before Stockton Lake Boulevard was built and this is exactly what you would have had. Mark Apostolou said you really can't do anything with it because it's a Conservation Zone. Keith said you can access for crabbing, you can keep a canoe or kayak there or something very small. John Muly asked about the Survey, he asked about the frontage on Stockton Lake Boulevard, the part that John will retain, it says it's only 29-feet, 52-inches. He thinks that's the wrong figure. Keith said he concurs, if you notice they also spelt McClellan wrong and poor John's wife's name wrong. Al said we need a description on the proposed dash line. Keith said that's fine. Keith was asked when Stockton Lake Boulevard was created. He said somewhere in the early '40's he believes. He has the '41 Atlas in his office and that shows it as being in place at that point in time. This is just an attempt to put things back where they were. Mark Apostolou made a motion to open the meeting to the public, seconded by Kevin Thompson, all in favor none opposed. There was no audience participation. Mark Apostolou made a motion to close the public portion, seconded by Kevin Thompson, all in favor none opposed. Mark Apostolou made a motion to approve the application with the amendments, seconded by Ed Donovan.

**Board Members Voting Yes:**

Mayor Ed Donovan, John Muly, Robert Young, John Burke, Greg Love, Mark Apostolou, Mark Larkin, Leonard Sullivan, Kevin Thompson and Neil Hamilton.

**APPLICATION APPROVED**

**APPLICATION #36-2016** – Dean, John – 283 First Avenue – Block: 182.01 – Lot: 7 – Zone: R-5 – Geoff Cramer swore in John Dean, owner/applicant, Concetta Alvarez, owner of G.C. Contracting and Albert Ondar, project Architect located in Marlboro, NJ, and Al Yodakis, Board Engineer. Mr. Dean testified, stating he received a grant under the REM program and he has to raise his house 6-feet to bring it up to standard. He is reconstructing three (3) rooms on the first floor, which requires raising the second floor. He is not changing square footage of the living space. He will continue to have what he had before Sandy. Den/Office, family room and a bathroom behind the garage and a laundry room. Neil Hamilton said according to the Engineer's report and the Zoning Officer's report is the only reason you are here is the front yard setback, which is generated almost by an aesthetic addition to the front of the house by the roof overhang over the garage. Mr. Dean said yes, it is totally aesthetic. Neil said and that's what you are asking for. 10-feet is required, you have 7.5-feet and you are asking to go to 5-feet, so you are asking for an

additional 2 ½-feet setback, aesthetically for that overhang. Neil said this is a de minimus request. Mr. Dean's architect gave his testimony. The reason they are raising is to re-establish the living space which is currently at grade and within the flood zones. As far as aesthetics Mr. Dean requested something very simple across the front face of the house a gable roof to create a visual barrier which is less than 2-feet. Bob Young asked about the location of the air conditioning unit. Mr. Ondar said it will be maintained at the rear of the Structure, we have enough clearance to raise it above the flood plane on a cantilevered platform underneath what would be the rear deck. Al questioned the height of the building, the plan says plus or minus 32-feet, 8-inches. Al said will he be then asking for 33-feet. Mr. Ondar said it will come in under 33-feet. Neil Hamilton told him if he has to exceed that height he will have to come back to this Board. As far as landscaping goes, there really is no place to provide landscaping. Al told Mr. Ondar a landscaping plan is required. Concetta Alvarez said she submitted a letter in regards to the landscaping. The deck in the rear on Timber Lane will be replaced. Kevin Thompson said they have to satisfy all the Borough Ordinances. Mark asked about the easement. Al said the sidewalk isn't changing; the sidewalk on the left side may meander to the neighbor's property. Mr. Dean said the greater portion of that sidewalk is his, it's on his property. We have shared expenses and have no issues with each other. We have shared that walkway since before that owner. Al said it's not an access easement. Mark Apostolou made a motion to open to the public, seconded by Mayor Donovan, all in favor none opposed. There was no public participation. Mayor Donovan made a motion to close the public portion, seconded by Mark Apostolou, all in favor none opposed. Mr. Dean said it's been a long 4 years. Mayor Donovan made a motion to approve the application as requested, seconded by John Muly.

**Board Members Voting Yes:**

Mayor Ed Donovan, Neil Hamilton, John Muly, Robert Young, John Burke, Greg Love, Mark Apostolou, Mark Larkin, Leonard Sullivan and Kevin Thompson.

**APPLICATION APPROVED**

**APPLICATION #37-2016** – Verizon Wireless, New York SMSA Limited Partnership d/b/a Verizon Wireless – 580 E Main Street – Block: 171 – Lot: 1.01 – Zone: B-1 – Bob Young recused himself as he is a Verizon Communications Retiree. Michael Beck is the attorney representing the applicant. His firm is Hering, Dupignac, Stanzione, Dunn & Beck, P.C. The applicant is requesting preliminary and final minor site plan approval along with a Use and height variance approval to add three (3) antennas at top and inside of the existing chimney at the property. This is a mixed use condominium, residential and commercial. The applicant is planning to screen those antennas basically extending the existing chimney in the same decorative manner that currently exists. The antennas will not be visible and the applicant's equipment is proposed to be located inside the existing enclosed equipment room that is adjacent to the grade level garage. That equipment will be located above the flood elevation on brackets. We are in the B-1 Zone where telecom is not a permitted use so thus we have the use variance. That's a general over view of the application. Monmouth County Planning Board approved this on November 15<sup>th</sup> of this year. Neil told him to proceed and to keep in mind you have 50-minutes to present this application in full with our hearing and going to the public. So, you probably have about 30-minutes to make your presentation so you may want to fast forward, the bulk of this application is probably going to be the conditional use, get that out of the way. And then the environmental issues

should be addressed. Mr. Beck called his witnesses, Margaret Lyons, V-COMM, LLC, Ron Igneri, PE, Stantec, Civil site engineer, Lamar Freeman, Network building and consulting, David Karlebach, PP, PC, Professional Planner. Mr. Beck started with Ms. Lyons who is a licensed professional engineer in the State of NJ. She gave her background and the Board accepted her credentials. She testified to the safety of the emissions of the antenna study. She testified to FCC standards and that this meets all the safety standards of the FCC 100%. Board members asking questions of Ms. Lyons were Mark Apostolou, Neil Hamilton. Ms. Lyons had an exhibit which is on page 11 of the RF Analysis and Report. Using her exhibit she explained to the Board why this site is required by Verizon Wireless. Coverage isn't an issue in Manasquan, it's a capacity issue. This shows near-by sites in the area that each sector is dominant. She named other sites nearby, Point Pleasant, Brielle, Sea Girt, and Long Point which is in Point Pleasant on Route 35, and Wall and another one presently in Manasquan. This map shows the sites where these other antennas are located. She explained the problem and the solution. She addressed capacity and speed and the fact that other sites have reached their capacity in 2014. This affects voice calls as well as sound, downloading on your computers. Mr. Beck asked her why the height of the antenna is relevant. She said it needs to see over the roof of the building. FCC license requires that the licensee provides substantial service and they define that above the level of mediocre service. John Burke asked if this is allowed to be built, does the FCC have the right to let anyone else that wants to put antenna's on that tower put them on without coming back before this Board for approval, is that correct. Mr. Beck said not exactly. First there is the NJMLU law that exempts certain co-location stature on existing towers that does not apply at all to this case because you are not allowed to create a variance condition. In this case we have a Use Variance and any additional antenna would be an expansion of a non-conforming use. The Federal Law was amended about two (2) years ago to permit co-location in certain instances; there are a number of requirements that a co-locator would require to fulfill in order to avoid coming back before this Board. One of those requirements is that the proposed co-locator could not violate the conditions of the approval. If this Board were to limit the approval to the three (3) antennas that are proposed another carrier would thereby be violating this Board's condition of approval and he doesn't think they would be allowed to skip this process. Another item that the FCC requirements indicate is that another carrier would not be able to defeat the concealment efforts. The proposed antennas here are hidden, inside the existing chimney if another carrier were to attempt to come here your Zoning Officer could deny that application if they are defeating the concealment efforts. Next, Mr. Beck called Mr. Freeman to testify. He gave his position with Verizon Wireless as being a Site Acquisition Consultant for three years, has been in the industry for approximately 10 years. He searches areas to find potential candidates to house Verizon equipment. He investigated many other sites in Manasquan to no avail. Next, Mr. Beck called Mr. Igneri, Verizon Site Engineer, he gave his credentials and they were accepted by the Board. He prepared the plan presented this evening. He described the improvements. He revised the plans on 9/22/16 – revised concealment chimney detail. He described the site, addressing the existing non-conformities, none of which this application affects. Whatever is there is still there, everything they are proposing is either within the footprint of the building or on the building. There are no external ground improvements. There is one exception, the height of the existing chimney. Inside the existing storage room there is some abandoned

equipment that used to be for the restaurant which is no longer there, they will remove that and install an elevated platform under the ceiling there is enough room for somebody to get up on the platform, this is a small node cell only requiring a 60-amp service, from there we will run the cables inside the building over to what was that chimney, which was a functional exhaust over the grill back in the day and it's presently not being utilized. We will run our cables from the equipment cabinet up through that chimney which will have the picket looking fencing removed and a new enclosure built around the chimney. He had enlarged photographs the same as what was in each Board members packet. He had a sample of what the chimney extension will be made of which he passed around. It is a radio frequency transparent material that matches the outside. It's a masonry finish, but it's actually a Styrofoam and it's a structural element and the framing will not be out of wood or steel, it will be out of FRP, fiber glass reinforced plastic, which is an actual structural member, but the intent is see through. It's a small chimney and we have three (3) antennas inside that one chimney so there would be no room for anybody else. Nor is there any room in our equipment room for any additional equipment for anybody else. Nor is the landlord willing to give up any other space other than where we are right here. For all intent and purposes this is going to be a single, unique cell site just for Verizon. Mr. Beck said on sheet 02A, his notes indicate that it's going to be 47.8-feet to the top of that existing decorative portion of the chimney and that 49.8-feet is proposed to the top of the extension. So, they are looking for a 2-foot extension in height. As far as site maintenance, a technician will show up every 4-6 weeks in a small SUV or a pick-up, no trash generated, whatever he brings with him he takes back. He has to get into that equipment area, park somewhere in a visitor spot, go inside do what he has to do with the equipment and leave. As far as noise or vibration, the equipment is in this room, there really isn't much in the way of anything going on other than some small fans inside the cabinets themselves. There is ambient noise outside from air conditioning units and you would never notice any of the noise inside. The work light is also interior as well, no one will see it, and it will be on a twist timer instead of an on/off switch. If the applicant were to damage any curb or sidewalk along Main Street, they agreed to the Engineer's condition to replace that. All the cabinets are equipped with alarms and remotely monitored 24/7, 365. If the Board were to approve this application the applicant will submit a full structural report to the Construction Code Official prior to obtaining building permits. Next, Mr. Beck called his last witness, Mr. Karlebach, Licensed Professional Planner. He gave his credentials and they were accepted by the Board. He prepared the photo simulations that are before the Board this evening; he brought boards with him which are the exact photos that were submitted for the Board members packets and the file. He referenced the Borough Ordinance regarding towers; there are only a few sections in the Ordinance that referred to antennas separate from the towers themselves. Section 35-39.4e3 and they comply with that. The same section item #9 regarding signage, there will be no visible signage here. Section 35-39.4 there is a subsection m, #1 through #3, they comply. The equipment building and storage cabinets will comply with all applicable building permits that can be a condition of approval, they will comply. The rest of the Ordinance regards to towers specifically. Mr. Karlebach said at the very end of the Ordinance any tower or antenna that is not operated for a continuous period of 12 months shall be considered abandoned. There may already be a condition or lease that is pretty much standard with Verizon Wireless that the use is discontinued that the landlord is protected in that fashion and if the

site is decommissioned the lease requires it to be removed. Mr. Beck said he stipulates that is in the Verizon Wireless lease, as well as this particular lease. Mr. Karlebach said there are nine (9) different purposes in the Ordinance and this application advances all of those purposes in his opinion, the ones that relate most closely to this application are paragraph #1, protect residential areas and land uses from potential adverse impacts of towers and antennas, that's accomplished. #3 minimize the total number of towers throughout the Borough, that's accomplished. #5, encourage uses of towers and antennas to locate them in areas where the adverse impacts on the community is minimal, and finally #6, encourage uses of towers and antennas to configure them in a way that minimizes the adverse visual impact with careful design, sighting and innovative camouflaging techniques. He thinks those are four very important purposes of the Ordinance that are advanced. Mr. Beck said the variances required are a D-6, height variance and a D-1, Use Variance. Al Yodakis said they have already gone through his report. One thing on the height Variance is that the Ordinance allows for chimneys and antennas, it's just the unusual case where we have a chimney and an antenna and our Ordinance says a receiving antenna only. It's already kind of been thought of in our Ordinance, it's just a combination of all of these. Mark Apostolou made a motion to open to the public, seconded by Kevin Thompson. No audience members came forward. Mark Apostolou made a motion to close, seconded by Kevin Thompson. Mr. Beck gave his final statement. Neil said to be no more than three (3) antennas that will be in the Resolution as well. Mark Apostolou said the 12 month abandonment that mimics our Ordinance in the event it is not used. Al Yodakis said as long as they agree to all the conditions in his report. Kevin Thompson made a motion to approve the application, seconded by John Burke.

**Board Members Voting Yes:**

John Muly, John Burke, Greg Love, Mark Apostolou, Mark Larkin, Leonard Sullivan, Kevin Thompson, and Neil Hamilton.

**APPLICATION APPROVED**

Mark Apostolou said with regard to the cemetery application and the T turnaround he would like to reconsider the resolution that he offered. He had misunderstood that Tim Middleton was representing all the neighbors, where he is only representing one. Secondly, as pointed out by the Chairman the long term maintenance cost of that macadam to the Borough is disproportionately evil to the Borough; also it would in fact cause lack of percolation on the property. He thinks the money could be better spent towards a reduction in drainage problems and also if we were to calculate the square footage of that turn around and add that into the other buffer around that, so for that reason he would like to recall the resolution. He wanted the Engineer Al Yodakis to be aware of this. He will bring it up again when the applicants are here.

Correspondence – Mr. Kaplan – 34 Beams Terrace is asking for an extension of time. After much discussion the board members said they want Mr. Kaplan to come to the next meeting and explain his request for the extension of time. There was a lot of discussion about extension of time and the Ordinance will be re-visited. It was suggested Mr. Kaplan come to the next Planning Board meeting and explain his reason for the request of the extension of time.

**Bob Young asked about Monteverdi. Geoff Cramer said the architect doesn't respond to him. Neil said should we ask Frank to go look at the house. Neil asked Mary to pull the file and he will go into the office and review it.**

**Ed Donovan made a motion to table the nominations and elections until after January, seconded by Kevin Thompson, all in favor none opposed. Ed said there will be some changes, four different positions are up, certainly the Council position is different.**

**Kevin Thompson made a motion to close the meeting, seconded by Mayor Donovan, all in favor none opposed.  
MEETING ADJOURNED AT 9:02PM**

**Respectfully Submitted,**

**Mary C. Salerno  
Planning Board Secretary**