

**The Manasquan Planning Board held a Regular meeting at 7PM on February 7, 2017 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey. Chairman Hamilton asked all present to please stand and salute the Flag.**

**Barbara Ilaria, acting Secretary called the Roll:**

**Board Members Present:**

**Jim Walsh, John Muly, Robert Young, Greg Love, Mark Apostolou, Mark Larkin, Kevin Thompson, Neil Hamilton, and Barbara Ilaria (Mayor's Designee)**

**Board Members Absent:**

**Mayor Edward Donovan, Peter Ragan, Leonard Sullivan, John Burke**

**Professionals Present:**

**Albert D. Yodakis – Engineer/Planner**

**Geoffrey S. Cramer – Attorney**

**Neil said we have a big agenda tonight so let's keep this moving; Geoff Cramer gave the Open Public Meetings Statement.**

**Approval of minutes held until the next meeting.**

**Vouchers – Bob Young made a motion to approve, seconded by Mark Apostolou.**

**Board Members Voting Yes:**

**Councilman Walsh, Robert Young, John Muly, Greg Love, Mark Apostolou, Mark Larkin, Kevin Thompson, Neil Hamilton.**

**Greg Love stated the recommendation of the Nomination Committee was for Robert Young to be the Vice-Chairman who will then also be the chairman of the TECH Committee, all in favor none opposed.**

**Neil said John Muly sat beside him for quite a number of years and held both positions and did a fine job. Thank you all around to John.**

**RESOLUTION #C-2017 – Appointment of Chairman – Neil B. Hamilton and Vice-Chairman – Robert Young for the term 2017 – Greg Love made a motion to approve, seconded by Kevin Thompson, all in favor none opposed.**

**RESOLUTION #E-2017 – Appointment of Board Engineer – Albert D. Yodakis of BORO Engineering, Mark Apostolou made a motion to approve, seconded by Robert Young, all in favor none opposed.**

**RESOLUTION #F-2017 – Appointment of Professional Planner – Albert D. Yodakis of BORO Engineering – Mark Apostolou made a motion to approve, seconded by John Muly, all in favor none opposed.**

**RESOLUTION #G-2017 – Award of Contract for Legal Services, Geoffrey S. Cramer – Neil said Mr. Cramer has been an outstanding leader. Mark Apostolou made a motion to approve, seconded by John Muly, all in favor none opposed.**

**RESOLUTION #H-2017** – Adopting of Rules and Regulations of the Planning Board for the Year 2017 – Motion to approve with amendments made last year made by Mark Apostolou, seconded by John Muly.

**OATHS OF OFFICE**

Class I Member – Mayor’s Designee – Barbara Ilaria

Class II Member – Kevin Thompson

Class III Member – Council Liaison – James Walsh

Class IV Member – Environmental Liaison – Greg Love

Class IV Members – Neil B. Hamilton – Chairman – John Muly, Bob Young, Mark Apostolou

Alternate #1 – Peter Ragan

Alternate #2 – Mark Larkin

Albert D. Yodakis – Board Engineer/Planner

Geoffrey S. Cramer – Board Attorney

Each of these Board members took the Oath of Office and was duly sworn in by Geoff Cramer.

**RESOLUTION #03-2014** – Hollander, Daniel and Claire – 349 Beachfront – Block: 185 – Lot: 19.01 – Zone: R-2 – Michael Henderson is representing the new property owner who requires an extension of time. Neil asked him to explain to the Board what the delay was. It is his position that the time period never expired. Before this application was ever approved, Mr. Hollander and his wife had separated and as part of the divorce decree the property was unsalable. That divorce was approved by the Court on August 8, 2016 and if you would accept the argument, he would still have two (2) months left in which to develop this property or to commence construction. That being the case we are still asking for a nine (9) month extension. Neil asked if this property will be developed or sold. Michael said it is going to be sold and presently there is a contract purchaser currently and he has agreed in the contract to develop it pursuant to the Resolution. Robert Young made a motion to memorialize, seconded by Greg Love for a 9-month Resolution from the date of the Resolution.

**Board Members Voting Yes:**

Jim Walsh, John Muly, Robert Young, Greg Love, Mark Apostolou, Mark Larkin, Kevin Thompson and Neil Hamilton.

Barbara Ilaria – Abstained

**RESOLUTION #33-2015** – Kaplan, Brett and Carri Anne – 34 Beams Terrace – Block: 34 – Lot: 35 – Zone: R-2 – Mark Apostolou made a motion to memorialize the Resolution seconded by Kevin Thompson, all in favor none opposed.

**15-MINUTE PRESENTATION** - Mr. DeAlmeida, Jr. 201 Second Avenue – Block: 177 – Lot: 40 – Zone: R-3, is the Engineer seeking the Board’s guidance. There was a construction issue, the plans submitted were for a house to be built at 33 ½ -feet, when the as-built survey was submitted the ridge height was 34-feet. Neil asked how this went astray, every Town is different how did this get overlooked. Mr. DeAlmeida said he looked at the Bulk requirements and saw 35-feet and that’s what they thought it was, they didn’t

realize there was a separate one for a non-conforming lot. He had his client Jason present; he said a height of 35-feet was on the plans. Neil said and that slipped through the Construction Office is what you are saying. They answered yes; it was an oversight on both our parts. Neil said the Board will have to look into how this project got off track and you will have to come back and seek a Variance for the height. We have had three in the past that we have denied for the reason

That they exceeded the height and we find no excuse for that, we made them cut the ridge. You have a unique situation in that you have dormers, you have a big problem. You will be taking that entire floor off. He asked the Board members to drive by this house today to understand what you would be asking for. Al asked if it was just a finished floor issue, did something else happen. Mark Apostolou feels all the paperwork, including building applications, plans approved by the Construction Official and Zoning should be marked into evidence. Neil asked if they are on hold to get final C/O's. They answered yes they are done and this issue has to be settled in order to get a final C/O. Neil said we will have to internally look into this, we will note that you have been here. I will have the Board Secretary contact you. Mark Apostolou asked that the Engineer put together a packet so the Board can understand the time line and how this mistake was made. Neil told them to get their paperwork together, get it to the Board Secretary and then the Board will figure out how they are going to proceed on this.

**APPLICATION #40-2016** – Guy, Glen and Jill – Carried from the last meeting – 273 First Avenue – Block: 182.01 – Lot: 11 – Zone: R-5 – Neil said the onus was on the applicant to prove to the Board why they should grant this front porch/deck. He appreciates the effort the Guy's put into proving their request. We need you to provide the positive and the negative. The Guy's have been sworn in previously, Geoff marked a drawing they had as Exhibit A-1. Mrs. Guy said they think the porch will make a better neighbor situation, it looks nice aesthetically, also all the neighbors are aware and no one has objected. They can't think of any negatives. Mr. Guy said some of their neighbors have received Variances and they didn't impact them. Neil said your issue here is the front setback. Robert Young said he has visited their property twice in the past week and unfortunately he is still a no on this, he thinks they are coming out too far. Neil said we try to be cautious and it's not an easy job what we do, we also have to watch the liability for the Borough of Manasquan. Mr. Guy said we went up and down First Avenue and there are at least two dozen houses there that are closer to the curb than we are proposing. Neil said he thinks aesthetically it would help the look of your house to have something out there. Personally he can't go with the 6 ½-feet; he thinks it should be something for you to come out in the morning for a cup of coffee. Mrs. Guy asked if the Board had any suggestions for a measurement. Neil said personally if you just want to come out there you could probably deal with 4 ½-feet – 5-feet max, that's my thinking, if you get anything you have to cut that back. Mrs. Guy asked if the Board would agree to 5-feet. Bob Young would do 4-feet. Mr. Guy said you can't even put a chair there. Greg Love asked about the setback. John Muly 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. John Muly made a motion to approve the porch at 5-feet and the Guy's will put a door in where there is a window now, seconded by Robert Young.

**Board Members Voting Yes:**

John Muly, Robert Young, Greg Love, Mark Apostolou, Mark Larkin, Kevin Thompson, Neil Hamilton.

**Board Members Abstaining:**

Councilman Jim Walsh, Barbara Ilaria

**APPLICATION #02-2017** – Federico, Susan – 295 Beachfront – Block: 181 – Lot: 3 – Zone: R-4 – Bulk Variances – Tim Middleton was the attorney representing Susan Federico, owner/applicant. Geoff swore in Michael Savarese, Architect. The Board accepted his credentials. They are here tonight to request permission to modify the previous Board approval by adding roof overhangs to the front and rear of the beachfront dwelling. Mr. Savarese described the request. The permitted building coverage on properties located in the R-4 Zone is 35% of the lot. The existing building coverage is 42.8% and roof overhangs will add an additional 5%. This will increase the building coverage to 47.9%. Al Yodakis went over his report, all previous conditions still apply. Kevin Thompson made a motion to open to the public, seconded by Mark Apostolou, all in favor none opposed. There was no public participation. Kevin made a motion to close seconded by Mark Apostolou all in favor none opposed. Kevin Thompson made a motion to approve the amended application, seconded by Robert Young.

**Board Members Voting Yes:**

Jim Walsh, John Muly, Robert Young, Mark Apostolou, Mark Larkin, Kevin Thompson and Neil Hamilton.

**Board Members Voting No:**

Greg Love

**APPLICATION #42-2016** – Turbitt, Elizabeth – 11 Beams Terrace – Block: 35 – Lot: 37 – Zone: R-2 – Mr. Cramer swore in Elizabeth Turbitt, owner/applicant, and Brendan McHugh, Architect, Ray Carpenter, Planner and Al Yodakis, Board Engineer. Ms. Turbitt gave her testimony explaining what she is proposing to do. Her father lives with her and she needs additional room and a safe way for him to enter the home. The application is for a covered front porch and a single story rear addition, landing and stairs in the side yard setback. Brendan McHugh gave his testimony regarding the design of the addition. He explained that they would be increasing the living space. The shed in the rear yard will be removed. Next, Mr. Carpenter gave his testimony. The storage will be in the garage. Al addressed his report. The applicant will comply. Mark Apostolou made a motion to open the meeting to the public, seconded by Robert Young, all in favor none opposed. There was no public participation. Kevin Thompson made a motion to close the public portion, seconded by Robert Young. Neil said there are two variances, building coverage and side yard setback variance. Robert Young made a motion to approve the application, seconded by Mark Larkin.

**Board Members Voting Yes:**

Councilman Jim Walsh, John Muly, Robert Young, Greg Love, Mark Apostolou, Mark Larkin, Kevin Thompson, and Neil Hamilton.  
Barbara Ilaria (Mayor's Alternate) Abstained

**APPLICATION #34-2016 – LaPatta, Rich – 459 E Main Street – Block: 146 – Lot: 5 – Zone: R-3** – Neil explained this application has to do with a front deck, after the property is elevated, we are looking at front setback, deck height and side right setback. Mr. Cramer swore in Richard LaPatta, owner/applicant, and David Gibbs, contractor for the applicant. Mr. Gibbs was the first to testify. He said this would make the front of the house much more appealing and blends more with the surrounding homes. The front door is actually located on the side where the driveway is. Raising the home you couldn't put a legal set of stairs there because it's in the driveway. Most importantly, my client is disabled. It's very hard for him to manipulate stairs. We are proposing that the stairs land 4-foot from the actual sidewalk. The sidewalk is another 4-foot, so it's 8-feet from the curb. Secondly, he's already been approved to get a chair lift, either in the front of the house or the rear. We are literally changing the whole dynamic of his home. We can't leave the front door on the side of his house so we have to literally move the front door to the front which is creating a whole situation for us to make a deck with stairs going down to grade. In terms of the height, we are willing to lower it to 6-feet. Neil said you have a large piece of property there and he said you could drive in the driveway and have a deck and a set of stairs in the back, your general living routine would be to drive in the back and come in the back. Mr. Gibbs said if you saw the home it's literally a foyer in the back, it's a small vestibule, you can't even manipulate a garbage can through there. That whole area would have to change and the lesser of two evils is to change the front completely. Neil said the Board doesn't have any recollection of decks of that size that pushed them out into violation of the front setback. Three and one-half feet off the Borough sidewalk. Mr. Gibbs said pictures he took of surrounding homes are closer, the stairs and landings are closer than what they are proposing. It's not just the stairs; their decks were constructed after Storm Sandy. He had photographs on his phone but the Board didn't want to view his phone. Mr. LaPatta said he is 74 years old and he has chronic arthritis and bad knees. He knows at one time he will need a lift to get up the stairs and possibly in the future a wheel chair. He has a handicap license in New Jersey. Again, Neil asked about the back door. The builder said the work involved would be astronomical to do that. Al addressed his report. He said right now the house is angled on the lot and he asked if they knew how much closer they would be going. Maximum building coverage of 25% is permitted whereas a coverage of 28.43% exists and is proposed. The base flood elevation of the property is at elevation 9, whereas the dwelling is proposed to be raised to finish floor elevation of 11.0-feet. Neil said this is a large deck, if you can convince this Board that you have a medical hardship, you need to give us some drawings that show down the road if you are going to need some sort of handicap access, ramps or lifts, or whatever. The builder said how could we possibly know for sure that he's going to need that. Neil said I hope he doesn't. The builder said but I wouldn't even know where to start. Mark Apostolou said the premise is that he is handicapped presently. Part of the hardship you are saying is we are doing this because in five years or so he will need it. The builder said well, that's one of the reasons we are doing this, the most important but not the entire reason. I can have the engineer draw something up along with some sketches I can come up with. You have to be specific so I can give you exactly what you want. Mark Apostolou said it's your representation as the witness, you stated in your testimony that you have to plan for this eventuality. What we are saying is show it to us so if we approve something. Mr. LaPatta said there is not going to be a lift, he already has a grant for a chair like you see on TV, they do make them for outside to get me up to the

deck level. Mark Apostolou said he is very confused. Neil said I understand you are looking to the future, what I'm trying to say is we need to see some sort of drawing to show you need this size deck so down the road we can take these mechanicals that the applicant may need and incorporate them into this deck. This is a large deck, so if you need something to get outside, motivate with a wheel chair, getting the automated stairs in there, we need to see what the minimums are that will fit here so that we can help you out. The builder asked for a second to speak to his client. He then said so the first 4-feet of the deck are the natural stairs landings, the deck from the stair end are beginning to the front door is 8-feet. The largest part of that deck is 19-feet from the side of the house which has no issue with setback or anything to make it aesthetically correct. You would have to make it square or parallel to the property line, so that's why you are saying it's a large deck because in order to make this look right and be functional you have to do that. Why are you considering this a large deck? Neil said you are asking for a variance for the deck, because of setbacks, so anything coming off the structure that doesn't conform to your property line setbacks, you need a variance, whether it's one inch or 6-feet. The builder asked what the Board would consider not a large deck. Neil said we don't know what your needs are going to be that's why we are asking, what are your future anticipated needs. Mr. Gibbs the builder said I'm not able to answer that, I'm not a doctor. Mark Apostolou said but your witness has presented his arthritic condition and saying in all probabilities he is going to need a wheel chair, we are saying to you if we are going to consider that for a variance, we need to see what your plans are because we don't want to see you back here in two years. The builder said obviously I'm not prepared to show you that. Mark said that's what the Chairman just said, have your Engineer redesign the deck and bring it back to us. Mr. Gibbs said ADA says 42-inches needed to make a turn. You have to double that if he is coming up a ramp. So you want us to revise these plans or draw new ones. Neil said you need drawings that will incorporate whatever the mechanicals are you may need into this deck. You certainly have the option to put stairs out front. Mr. Gibbs said that's not an option. Al Yodakis said you need to justify this 8-foot distance, this is a large area to get into a front door. You need to show us how that 8-feet is justified, why couldn't you pull that back. Neil asked if they could get this done by the next meeting. Mr. Gibbs if you would accept the drawing from me and not the Engineer possibly. Neil asked when they are raising the house. Mr. Gibbs said the only thing they are waiting for is a disconnect letter from the gas company. Neil said we can do March 7<sup>th</sup>. Mr. Gibbs asked what exactly would you accept, will you accept a drawing from me along with the information from the ADA. Neil said as long as you have it into the office at least 10-days prior to the meeting. This application is carried without prejudice to the March 7, 2017 meeting at 7PM.

**APPLICATION #41-2016** – Kelly, Melissa – 235 Second Avenue – Block: 177 – Lot: 9 – Zone: R-3 – Geoff Cramer swore in Brian Collis, architect for the applicant. He stated the house is two-stories; the first floor had previously been a garage and had been finished at some point. That's the living area on grade. The second floor is bedrooms. Since it's on a slab it can't easily be lifted. He thought if they abandoned the first floor and then had two new floors above that, it would still be a two-story house. In addition to going up they propose to add a two-story front addition to the dwelling. The architect stated that in response to the TECH report there will not be any windows on the 3.1-foot side setback side. He rearranged the second floor. The house is angled on the lot and the lot is a

trapezoidal shape. Board members asking questions were John Muly, Robert Young. Al did not do a report on this application. The existing first floor will be a garage and will comply with the storage requirement. Neil feels it's a huge house for the site. He is pleased you are going to make use of the garage, I don't know if cars will ever go in there. It's a summer house; you may want to have a bigger deck if anything. Neil asked the architect to run the heights by him so he could jot them down. The roof as it is designed is 36.8-feet from sea level, so base flood is 9-feet, so the ridge is 36.8-feet. The house now is 25.5-feet. The height from grade is 33-feet. Bob Young made a motion to open the meeting to the public, seconded by John Muly. There was no public participation. Bob Young made a motion to close the public portion, seconded by Mark Apostolou. Mark Apostolou made a motion to approve the application with amendments, seconded by Greg Love. The height will go down to 32-feet.

**Board Members Voting Yes:**

Councilman James Walsh, John Muly, Robert Young, Mark Apostolou, Mark Larkin, Kevin Thompson, and Neil Hamilton.

Barbara Ilaria – Abstained

**Correspondence:** Neil said there is one piece of correspondence; Mr. Henderson sent an agreement between the neighbors for the Spirit of '76 – JBS Holdings – Modified easement agreement. Bob Young said TECH was ok with it. Neil said carry this to the next meeting.

Mark Apostolou made a motion to open the meeting to the public, seconded by Greg Love, all in favor none opposed. There was public participation. No comments from Board members. Mark Apostolou made a motion to close the meeting, seconded by Greg Love, all in favor none opposed.

Meeting adjourned at 8:55PM.

Respectfully Submitted,

Mary C. Salerno  
Planning Board Secretary