

The Manasquan Planning Board held a Regular meeting at 7PM on March 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.

Geoff Cramer read the Open Public Statement.

Neil Hamilton addressed the audience and Board in stating there are six (6) cases to be heard tonight so he asked that everyone be brief and try to move the meeting along.

Approval of Minutes January 4, 2017 – Mark Apostolou made a motion to approve, seconded by Greg Love, all in favor none opposed.

Approval of Vouchers, motion to approve made by Bob Young, seconded by Mark Apostolou.

Board Members Voting to Approve the Vouchers:

Robert Young, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin, Kevin Thompson, Neil Hamilton, John Burke

RESOLUTION #40-2016 – Glenn, Guy – 273 First Avenue – Mark Apostolou made a motion to memorialize, seconded by Robert Young, all in favor none opposed.

RESOLUTION #02-2017 – Federico, Susan – 295 Beachfront – Mark Apostolou made a motion to memorialize with a slight correction on the second page paragraph 7 4th line down, seconded by Kevin Thompson, all in favor none opposed.

RESOLUTION #41-2016 – Kelly, Melissa – 235 Second Avenue – Mark Apostolou made a motion to memorialize, seconded by Robert Young, all in favor none opposed.

RESOLUTION #42-2016 – Turbitt, Elizabeth – 11 Beams Terrace – Kevin Thompson made a motion to memorialize, seconded by Mark Apostolou, all in favor none opposed.

RESOLUTION #06-2017 – Heron, William – 257 Beachfront – This Resolution will be carried to the April meeting. The Board needs to discuss this.

Next, Geoff said the Board Secretary has sent at least three (3) letters including one this week to the applicant's attorney requesting the balance of money to replenish the escrow for the Cemetery and RALCO Application, as well as the Special Meeting Fee. We don't have a date identified yet for that. Mary is still waiting for the additional money and as far as the Drainage Report, Mr. Carpenter has promised Al Yodakis, Board Engineer/Planner that the report is in the mail. Neil said they will go through the noticing procedure including Wall Township and all and re-publishing. Al has not received anything as of this morning. It is Geoff's legal opinion that the delay is not on the Board, the applicant's have

not provided the element required for the application. Mary will get the letter from her office and this will be discussed at the end of the meeting.

APPLICATION #34-2016 – LaPatta, Rich – 459 E Main Street – Continued from February 7, 2017 – Block: 146 – Lot: 5 – Zone: R-2 – John Burke cannot participate nor can Peter Ragan as they were not at the last hearing and did not listen to the tape. Neil said we can proceed on as there are six (6) board members who can vote. The builder gave his testimony. Neil said he had mentioned at the last meeting that the rear deck access would be more comfortable for you and you said the configuration of the house didn't accommodate that. David Gibbs, builder said it would not work to have the porch and lift in the rear of the house and feels this plan is aesthetically pleasing. Neil asked the board members for input, the front setback where 10-feet is required they propose to go down to 3.5-feet. It's going to be pretty close to the sidewalk. They would be about 6-feet behind the sidewalk on East Main Street. Kevin Thompson made a motion to open the meeting to the public, seconded by Mark Apostolou, all in favor none opposed. There was no audience participation. Kevin Thompson made a motion to close the public portion, seconded by Mark Apostolou, all in favor none opposed. Kevin Thompson made a motion to approve the application as illustrated and as discussed at the last meeting and tonight, the motion was seconded by Mark Larkin.

Board Members Voting Yes:

Robert Young, Greg Love, Mark Apostolou, Mark Larkin, Kevin Thompson, Neil Hamilton. Mark Apostolou said he has one clarification, he said we are basing this on the fact that this lift is going to be there, it is a necessity. I'm basing my approval on the fact that the lift is there, I don't want it for the future, and it has to be on there when the porch is built. I'm basing my vote on the fact that this is needed now, not a potential need. Geoff Cramer said it will be shown on your as-built plans and Neil said it will also be included in the Resolution, that C/O will be issued by the Construction Official until this is completed.

APPLICATION #32-2016 – McLaughlin, Joan and John – 18 Ocean Avenue – Block: 162 – Lot: 5 – Zone: R-2 – Minor Subdivision with Variances – Mr. Henderson in speaking to the Chairman stated there is a conflict of interest regarding his representing the applicant's on this application. Arriving in this room this evening he found that a member of the public who is an objector who is also a client of his, has raised a conflict of interest charge and requested that he recused himself from the application. Under the circumstances he has no choice but to do that. He requested that it be carried to the next available date. Neil said it would be May 2, 2017. There will not be re-notice or re-publishing on this application. He will advise his clients to retain Council who will have no conflict. Joseph Lane, attorney addressed the Board stating he is representing an objector to this case. Tom Stiles spoke up stating he is the objector who approached Mr. Henderson.

APPLICATION #43-2016 – Hegel, Terrence – 72 Atlantic Avenue, LLC – Block: 39 – Lot: 12 – Zone: R-2 – Minor Subdivision with variances - Kevin Thompson recused himself as he lives within 200-feet of the proposed subdivision. Keith Henderson is the attorney representing the applicant. Mr. Cramer found the file to be in good order and the Board accepted jurisdiction. Geoff Cramer swore in Terrence Hegel, owner/applicant, Joe Kociuba of KBA Engineering, Engineer and Professional Planner, and Al Yodakis. Mr.

Hegel was the first to testify, he stated the lot is 13,000 square-feet, it previously had two structures on it, one burned down, and he purchased the lot in December 2016. He was contacted by the County Planning Board; they have asked him to do a couple of things regarding the property. The lot will need to be reconfigured as the County is widening the road. Next to testify was Mr. Kociuba made application to the County and received a review letter back stating they are requesting a widening of the right-of-way, a dedication which would reduce the lot areas we previously proposed. Therefore they amended the plan and adjusted the lot lines by approximately 3-feet. There is an existing structure on the western most portion of the property that structure has a front yard setback of 23.6-feet, where 25-feet is required. Also a side-yard setback of 3.3-feet, where 5-feet is required. Those are existing non-conformities not being exacerbated by this application. Mark Apostolou said but the right-of-way will impact that property also. Mr. Kociuba said the 23.6-feet now becomes 18.6 now due to the County taking that additional 5-feet. It's an arbitrary line; for all intents and purposes the view of the structure as it stands on the property today will not change. The County has requested 5-feet right-of-way for maintenance of utilities. Mr. Henderson asked if he knew the age of the structure on the property and he did not. Mr. Hegel said it was approximately built in 1949. Al Yodakis asked if the County talked about any road widening. The answer was no, just a dedication and there is a site triangle they asked for as well. The lot sizes changed due to the County request. They are still both oversized. The original lot was 5,080-square feet; it is now 5,030 square-feet. Most of the area came off lot 12.02 that was previously 7,943 square-feet, that is now reduced to 7,236 square-feet. Mark Apostolou asked if it would have made sense to remove the other structure down and put something up there as well, clean it up. Keith said it's not required to do that, it's a hardship because it's there. Terrence said he could have knocked the house down and came to the Board for a straight up subdivision, but he would say right now he is 50/50 with taking that house down and building something brand new. But, regardless of what he does it's going to be a good looking house, it's going to have two small non-conformities which is what we are here for. He wants it to be his decision, there is a lack of relatively affordable housing in Manasquan, so if he can fix this house up and sell it at a reasonable price that works for him and allows a younger family to get in Town, that was actually one of his bigger plans. Al Yodakis said there is no justification to require him to do that, since this is an existing condition that pre-dated zoning in the Town. Mark Apostolou asked for the citation, Keith read it to him from Cox book, Zoning and Land Use. Terrence said if he doesn't knock the house down it's not habitable as it is right now, so with the exception of the setbacks, from a construction perspective it will be conforming to the latest codes. John Burke asked about driveway access on the corner lot 12.02. The County required a site triangle easement on the corner and they also restricted access to Osborn Avenue, we are not allowed to access onto Atlantic Avenue. Mark Apostolou made a motion to open the meeting to the public, seconded by John Burke, all in favor none opposed.

Audience Members Coming Forward:

Sue Thompson – 62 Atlantic Avenue – if the Board approves this application tonight she would like to see the current home that is on that property removed and the property split in equal lot sizes.

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

Mr. Henderson gave his closing statement. John Burke made a motion to approve the application, seconded by Peter Ragan. Geoff Cramer asked Mr. Hegel for a landscaping plan for the remaining house on the property.

Board Members Voting Yes:

Robert Young, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin, Neil Hamilton, John Burke

APPLICATION #03-2017 – Freeman, Joan – 225 First Avenue – Block: 178 – Lot: 43.06 – Zone: RPM – House elevation, height variance. Brian Murphy, FWH Associates, agent for the applicant. Geoff Cramer asked Mr. Murphy if his clients were here tonight and he said apparently not. He is not an attorney. Mr. Murphy said he was hoping they would be here; he only has one number for them and hasn't been able to reach them. Geoff explained that the applicant's are supposed to appear pro se or alternatively by representation by an attorney practicing in New Jersey. That not being the case, my suggestion to the Board is to identify a continuance date so we can proceed on that date with your principals present or alternatively an attorney here. Neil asked if anyone present in the audience was here for this application for or against be advised this will be carried to the May 2, 2017 Regular Planning Board meeting at 7PM no further notice or re-publication required.

APPLICATION #01-2017 – Bernstein, Francine – 556 Salmon Avenue – Block: 184.02 – Lot: 14 – Zone: R-3 – Bulk Variances front covered porch. Francine Bernstein, owner/applicant and her husband Steve, and Dennis of ROCON Construction, contractor, and Al Yodakis were sworn in by Geoff Cramer. Francine testified first, she explained the reason for the request of a covered front porch and also had pictures of her existing deck and the damage done by the birds to that deck. The photo board was marked as exhibit A-1 and consists of the applicant's property and other neighboring properties. Exhibit A-2 consists of a photographic enhancement showing the applicant's building with the proposed covered front porch. She explained that there is a tree next door with berries on it and it's a losing battle, the birds have destroyed not only the deck but her awning above. The contractor explained that they are not increasing the footprint of the existing deck; the dimension will be 10-feet, 1-inch X 24-feet. The porch will be covered but not enclosed. The entry steps to the porch will be towards Salmon Avenue and pavers will be provided for the area between the end of the steps and the sidewalk. They have owned the property since 2007 and there was no variance obtained for the existing deck. The contractor said they will do a facelift on the existing home as well as the new porch. Al said what we are looking at here is a front yard setback variance of 14.8-feet and also building coverage now will be at 35.9% where 35% is permitted. Al assumes that at some point there was a variance for that deck but he could not find any record of it. Francine said the people that owned the house prior to them was Bob and Patricia Whalen. Greg Love asked the reason for changing the stairs. Francine said she really likes how it looks. 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. Mark Apostolou made a motion to close the public portion, seconded by Robert Young, all in favor none opposed. Mark Apostolou made a motion to approve the application subject to the stipulation that the porch will never be enclosed, seconded by Robert Young.

Board Members Voting Yes:

Robert Young, Mark Apostolou, Peter Ragan, Mark Larkin, Neil Hamilton, and John Burke

Board Members Voting No:

Greg Love

APPLICATION #39-2016 – Reynolds, Kevin and Lynn – 25 South Potter Avenue – Block: 141 – Lot: 17, 18 – Zone: R-2 – Roger McLaughlin is the attorney representing the applicant. Geoff Cramer found the file in order and accepted jurisdiction. Geoff Cramer swore in Kevin Reynolds, owner/applicant and Joseph Kociuba, Engineer and Al Yodakis, Board Engineer/Planner. Mr. McLaughlin explained the reason they are here tonight. During construction there was a minor change, the side porch on the original plans was open and a determination was made to enclose it, unknowingly causing a slight increase from 29.99% to 31.2% on principal building coverage. Mr. Kociuba will address that issue. Another issue came up during review of the application and that concerns the width of the curb cut, which is actually 16-feet wide and that's how it's shown on the original plot plan that was submitted to the Building Department and in fact how it was constructed. But, there is an Ordinance that says that a curb cut can only be 12-feet. Mr. McLaughlin said it wasn't picked up, Al Yodakis said he believes what that stems from is the previous driveway was wider than the allowable 12-feet, he went back and traced some aerial photos on Google Maps and some other aerial sites. It looks like it was wider and was approved and that's why he left it out of his report. There is a condition in our driveway Ordinance that allows you to re-build or replace something that was there. Mr. McLaughlin said in the event a Variance is required he asks the Board to consider that as well. The Board accepted Mr. Kuciuba's credentials. He explained the issue, he showed an area that previously was going to be an open porch, during the process of construction a decision was made to extend the living room approximately 6-feet. The porch was always going to be roofed; we didn't expand the footprint of the actual structure or the impervious area of the roof. By virtue of expanding that there was an increase in building coverage by definition as Mr. McLaughlin indicated to 31.2%. The driveway that was noted on the plans is the driveway that was noted when we submitted our plot plan and got approval from the Town to start construction. He submitted a photo of a house across the Street on the corner of Euclid and Potter Avenues showing their driveway/curb cut as being the same width and also having a curb cut both on Potter and Euclid. Al Yodakis addressed his report. They said they would comply with all stipulations. It was the enclosure of the side porch that generated this application to the Board. Neil Hamilton said the house sits within the character of the neighborhood and if the Construction Official hadn't picked up the enclosed porch no one would have ever known. Mark Apostolou made a motion to open to the public, seconded by Robert Young, 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. Neil said this is holding up your getting your C/O. Mr. McLaughlin said the appliances are being delivered Thursday and they are just waiting for the Board's decision. John Burke said he is surprised that all these things crop up after we get a denial letter. This letter only gives building coverage, now we are looking at driveway, now we are looking at. Neil said it was on the original plan and it was approved and the down side is they are not doing site visits anymore. John Burke made a

motion to approve the application as presented, Mark Apostolou said inclusive of the curb cut and construction of the driveway, seconded by Peter Ragan.

Board Members Voting Yes:

Robert Young, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin, Neil Hamilton, and John Burke.

Greg Love made a motion to open the meeting to the public, seconded by John Burke, all in favor none opposed. There was no public participation. Robert Young made a motion to close the public portion, seconded by Greg Love, all in favor none opposed.

Neil said before we go back to Geoff, the Borough Council hired an independent Planner to do the update on the Master Plan, she has met with the Council, they have some input and when we see that draft come down we may have a briefing here at our Planning Board meeting, there will be a few minor changes. Plus there are some changes we have been eight or nine Ordinance revisions that we have been trying to get put in place for the past 18 months.

Geoff read the letter written by Mary Salerno to Kevin Starkey dated March 3, 2017 with reference to the Cemetery/RALCO applications. There was discussion by Mark Apostolou and Peter Ragan and Geoff Cramer how to move forward. Mark Apostolou made a motion to authorize Mary to draft a letter subject to legal review, that unless they comply the application will be dismissed, seconded by Peter Ragan, all in favor none opposed.

Board Members Voting Yes:

Robert Young, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin, Neil Hamilton and John Burke

Geoff said the Board will need to adopt a Resolution changing the time of the second meeting that they will be heard at 7PM so any member of the public can be available should they wish to attend.

Respectfully yours,

**Mary C. Salerno
Planning Board Secretary**