

EDWARD G. DONOVAN  
Mayor

CONSTRUCTION DEPARTMENT

FRANK DiROMA  
Supervisor of Code Enforcement

THOMAS F. FLARITY  
Municipal Administrator

BOROUGH OF MANASQUAN

ALBERT "SANDY" RATZ  
Construction Official

The Manasquan Planning Board held their regular meeting on May 2, 2017 at 7PM in the Council chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey. Chairman Neil Hamilton asked everyone present to please stand and salute the Flag.

**ROLL CALL:**

**Board Members Present:**

Mayor Edward Donovan, Councilman James Walsh, John Muly, Robert Young, Greg Love, Mark Apostolou, Mark Larkin, Neil B. Hamilton, John Burke

**Board Members Absent:**

Peter Ragan, Leonard Sullivan, Kevin Thompson, Barbara Ilaria (Mayor's Alternate)

**Professionals Present:**

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

Geoff Cramer read the Open Public Statement.

**Minutes – March 7, 2017** – Mark Apostolou made a motion to approve, seconded by John Burke, all in favor none opposed.

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

**Vouchers** – Robert Young made a motion to approve, seconded by John Muly.

**Board Members voting yes to approval of Vouchers:**

Mayor Donovan, Jim Walsh, John Muly, Robert Young, Greg Love, Mark Apostolou, Mark Larkin, Neil Hamilton and John Burke

Neil said there are two cases that are going to be carried that were to be heard this evening. The first one is 282 First Avenue – Farrell – their attorney has requested to be carried to June 7, 2017 a Wednesday at 7PM. No re-noticing or re-publishing will be required. Mark Apostolou made a motion to carry, seconded by John Burke, all in favor none opposed. The second application 18 Ocean Avenue – McLaughlin – Subdivision – there will be a change of attorneys on this, this application will be heard on July 11, 2017 at 7PM.

**RESOLUTION #06-2017** – Heron, William – 257 Beachfront – Mayor Ed Donovan made a motion to memorialize, seconded by Mark Apostolou, all in favor none opposed.

**RESOLUTION #04-2017** – Hall Family Trust - 155 First Avenue – Mark Apostolou made a motion to memorialize the amended Resolution, seconded by John Burke, all in favor none opposed.

**RESOLUTION #05-2017** – Kehoe, Aaron & Macksoud, Cara – 273 Beachfront, 272 First Avenue – Mark Apostolou made a motion to memorialize, seconded by Greg Love, all in favor none opposed.

Mayor Donovan asked the Chairman if we need to look at the Code to set up something so these mistakes don't continue to happen. Neil said he asked the second contractor if he didn't check the survey and he indicated in public that he knew that the pilings were put in the wrong spot. He continued on. Mark Apostolou said the Engineer knew it also. That was the second question he asked the Engineer. Mayor Donovan said we have the other one with the height. Is there an Ordinance we can adopt that would require applicants to

come in with a certified survey before it's too late? Al said what he has seen work well in other Towns is to do a foundation location and what we refer to as top of block. After your foundation or pilings are set, the surveyor comes back out, checks the corners and submits a plan indicating the height of those pilings or block for all structures. So that way before any framing goes on you know it doesn't help you on the ridge if the roof structure changes. Neil said Sandy gets a foundation location. He said Construction does check the foundation, pilings, etc. There was additional commendation on this and the subject will be further discussed. Mark Apostolou made a motion that the Planning Board offer what they suggested to the Mayor and Council that they adopt such an amendment to the Town Ordinance so as to preclude this error from occurring in the future, seconded by John Burke.

**Board Members Voting Yes:**

Mayor Ed Donovan, Councilman James Walsh, John Muly, Robert Young, Mark Apostolou, Mark Larkin, Neil Hamilton and John Burke. Neil said we may want to include that when there is a pool or something substantial put on the ground that we get a setback certification from the surveyor, before they proceed on.

**RESOLUTION #10-2017** – Modifying the schedule of meeting dates and times during 2017 specifically with respect to the Special Meeting scheduled for Tuesday, May 16, 2017 which will be held at 7PM. Mark Apostolou made a motion to memorialize the meeting time, seconded by Robert Young, all in favor none opposed.

The Master Plan meeting will be on June 20, 2017 at 4PM.

**RESOLUTION #16-2014-A** – Coastal Restaurant Group, Reef & Barrel – 153 Sea Girt Avenue – Mark Apostolou made a motion to memorialize, seconded by Mayor Donovan, all in favor none opposed.

**APPLICATION #03-2017** – Freeman, Joan – 225 First Avenue – Block: 178 – Lot: 43.06 – Zone: RPM – Mr. Cramer swore in Joan Freeman, owner/applicant, and Brian Murphy, contractor and Al Yodakis, Board Engineer. Mr. Murphy was the first to speak, he said there are four (4) variances, three (3) are pre-existing, the height currently is at 37.8-feet and they are proposing to go to 40.4-feet. Neil said we don't have those numbers, we go by height from top of the curb or crown of the road, that's what our Ordinance reads. That's where the Zoning Officer got these numbers from. His numbers are 33-feet is permitted for the zone and you are proposing 34.4-feet to the ridge. Al Yodakis said yes, that's accurate. Mr. Murphy changed his statement mimicking Neil's numbers. Existing condition is lot width, 40-feet is required, they have 28.57-feet existing, side yard 5-feet is required, and they have 3.8-feet existing. They are raising the house to get out of flood hazards; he said it's a life, safety issue. The lot frontage and side yards they can't remedy those. He said raising the house is a life/safety issue. Neil said the other houses between you and Leggett's have not made any attempt to raise and then he looks at the new house that was just built to the south of you is almost at your current elevation. You are trying obviously for insurance purposes to pick up that additional foot and one-half. Mr. Murphy said correct and he is sure when the maps get adopted those other people will be in here as well. Neil asked if their contractor would have enough room to work with the proximity to the other neighbors. Mr. Murphy said no, the work on even smaller lots. There are

existing non-conformities. As far as the steps into the house they will have to add more steps to get into the house but they will not interfere with parking. Al had a couple of items to address, he asked if there were grading changes to the property, answer was no. He asked about the existing storm water re-charge system, they will need to be reconnected, they agreed to that. The air conditioning will be raised above the flood elevation and they will be at the rear of the house. Any curb and sidewalk damaged during construction will need to be replaced. Mark Apostolou asked if they are not covered by the Statute of exemption for variances if the only thing you are doing is to get out of the flood zone. A straight lift, I don't think you need a variance. Al agreed if the only thing you are doing is lifting, and not changing the footprint you don't need variances for any existing non-conformities or for height. It has not been repealed. Al had no other comments. Mark Apostolou made a motion to open the meeting to the public, seconded by Greg Love, all in favor none opposed. There was no audience participation. Mark Apostolou made a motion to close, seconded by John Burke, all in favor none opposed. Mark Apostolou made a motion to approve the application for the grounds so stated earlier but he thinks that it's covered under the exemption Statute, John Burke seconded the motion.

**Board Members Voting Yes:**

Mayor Ed Donovan, Councilman James Walsh, John Muly, Robert Young, Greg Love, Mark Apostolou, Mark Larkin, Neil Hamilton and John Burke.

**APPLICATION #09-2017** – Sweeney, James – 574 Salmon Avenue – Block: 184.02 – Lot: 9 – Zone: R-3 – Geoff Cramer swore in James Sweeney, owner/applicant, Dennis Roberts of ROCON, contractor and Al Yodakis, Board Engineer. Mr. Sweeney was the first to testify. He gave his opening statement. Dennis Roberts said they are currently under construction, they have elevated the home. They are here seeking relief for a few things, what they want to do is put a second floor deck that will be fiberglass covering the first floor deck footprint and then just tie in the existing side deck and the stoop from the rear door, so just tying those together, so they can be accessed to the deck on the side of the home. The front yard setback requires 25-feet, we have 15-feet existing and proposed, the rear requires 20-feet, and we have existing 19.35-feet and proposing 15.18-feet to the rear deck. We have to have a landing outside of the rear door and the existing deck is primarily on the side of the house already, we would just like to tie those two together. The building coverage is the final piece, 35% permitted, 28.1% existing, 37.2% proposed. Mr. Furey addresses two curb cuts in his denial letter also. He only has one curb cut but he has two garage doors. Right now there is a depressed curb cut. There was a lot of discussion regarding the curb cut and proposed parking. He has two open bay garages that will each hold one car. Neil told the builder that an Ordinance was recently passed that allows for only one curb cut, one driveway per dwelling. He thinks they should ask for a variance for that and then should it fail your garage to the north is too far away from the open area in the back, so you could only legally park one car on-site. Bob Young asked about the writing on the picture of the decks on the house that states 2<sup>nd</sup> floor deck to be fiberglass – lot coverage 59%. Mr. Roberts said he believes someone in the office wrote on that paper and in discussion with Dick Furey it wasn't applicable. Al Yodakis said looking at the plan from the engineer, they have the lot coverage at 46.5%. He doesn't know where that number came from. Mark Apostolou asked Al his opinion as a professional planner, does he prefer one curb cut

and keeping a parking spot on the Street for the general public or do you think its better planning to put two curb cuts and allow the homeowner to park the cars there. What's the better suggestion for us as a Board? Al said it's an interesting question, first he asked the applicant, right now functionality if you were to just build this as you propose, you would in essence have two garages as well as a space in back which is what you utilize right now. At some point if the Borough was to go in there and re-pave the road and put new curbs in, if we were to approve the two garages you would probably lose that parking spot in the back because now it would be a 6-inch curb and you wouldn't be able to get in there. What you show on the plan right now is you have a driveway to the one garage but not to the other; ideally you would have a driveway to each garage. Al said we don't have the second driveway shown on here and he is trying to see how many parking spaces we would lose, if any by having that second driveway. We would probably have a parking spot up front before the first driveway; Al said he thinks you could definitely squeeze one car in between the neighbor's garage and the first driveway and potentially one up front. We'd be looking at possibly the loss of the upfront spot. In his professional opinion they are providing their two on-site parking spaces that is what the Ordinance states is needed per residence. He suggests the two curb cuts. Al told them they would have to put in two driveway aprons, which instead of 4-inch concrete for a sidewalk is going to have to be 6-inch thick with wire mesh. You will have to do that for both of the driveway cuts. Al said just the sidewalk, the curb can stay there, you would tie it in, it's just the 4-foot section that's now sidewalk, if you keep driving over that, you are going to break it, no doubt and you are going to end up replacing it. So just the width of the driveway from the curb to the garage door. They are proposing a paver driveway. Al said so that 4-foot over the sidewalk, you have to rip out those flags, make it 6-inches thick with wire mesh then you put your paver driveway from the back of the sidewalk up to the garage. Ed said for one thing that would delineate those as driveways, so you would have some recourse if someone does park in front of them. Al said one more thing, we are proposing an 8-foot wide paver driveway for the one, now are you going to mirror that for the second driveway? So, we would have two 8-foot wide paver driveways. The reason he is asking is if they don't go pavers then they are looking at lot coverage issues. Bob Young said so there will be two 10-foot concrete aprons. Al said the apron section is going to be 10, the driveways will be 8-feet, so when the Borough does that road the curbs will be raised on either side of those driveways up to 6-inches, they will be depressed across the driveway. Al went over his report, he asked about the shed in the back that appears to be over his neighbor's property line, there is also a drainage easement that runs across the back of your property where you park now. He didn't research it. It's more for your information, it's not a Board issue, but if there is ever an issue you may have to move the shed. Mr. Sweeney said his wife would like to see the shed gone. Mark Apostolou said he may want to speak to their closing attorney about the drainage easement because that runs with the land. Neil said it goes all the way to Third Avenue, he thinks those Fish Streets they swailed behind those properties. They have their own little community down there. Mark Apostolou made a motion to open the meeting to the public, seconded by Mayor Donovan, all in favor none opposed. There was no public participation; Mark Apostolou made a motion to close the public portion of the meeting, seconded by John Burke, all in favor none opposed. Mark Apostolou said subject to all the parameters that we listed and the gracious concessions by the applicant to remove parking from the back, that will now be dedicated to the Borough of Manasquan's needs to be

painted any color necessary and subject to the two curb cuts with the language that Geoff will put in there for those eventualities he moves to approve the application, seconded by John Burke.

**Board Members Voting Yes:**

Mayor Ed Donovan, Councilman Jim Walsh, John Muly, Robert Young, Greg Love, Mark Apostolou, Mark Larkin, Neil Hamilton and John Burke.

Mark Apostolou told Geoff Cramer he would like the language in the Resolution about the reinforced curb sidewalk. Al said he will review that with Mr. Cramer on the Resolution.

Neil said there is no correspondence. Mary said there is correspondence from Mark Aikins and Mr. Liston. She also said there is a box behind her desk in the office from Ray Carpenter which is the drainage report for the cemetery project. She said if the members want to pick it up before the meeting to study it, it is available. Neil said we just need Al's report. Neil said he wants Al's report and the Board will accept that. Al said he will be reviewing the Drainage Report this weekend.

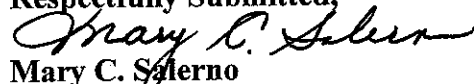
Neil said just one other item, an application we approved a few months ago at 235 Second Avenue, Kelly, they elevated the house and put a story and one-half on the house. It's under construction now. She had side setback of 2-feet if you recall. That job is on hold right now, because whoever the Surveyor was did not indicate to Dick Furey that there is a lease agreement/easement on a portion of that property where they intend on building that front deck. The neighbor at 233 who complained was at the meeting but chose not to speak and has now hired an attorney, Keith Henderson to represent him and Mrs. Kelly will have to return to the Board for an alteration of plans that will clear that up. Also, they are building without permits. The builder said he thought Mrs. Kelly got the permits. Keith said a lease easement is good for 99 years, the problem is the whole front of that structure is open and subject to catching the wind and possible collapse. Frank in Code told them they are subject to their own peril and they may want to tear it down. That's an eyesore and a health issue said Mark Apostolou. The permit is supposed to be posted in the window, that's part of our Ordinance. Al said before you sheath a house, have your surveyor go out at the time of framing of any permanent structure and give us a shot on the peak and we see where we are at, if you need to make changes at least then we still have the ability to modify the framing and take it down, without completely killing the owner. Neil said the downside is we've approved these mistakes, rather than getting the word out, it's not happening, save your money don't do it, we're not going to approve it.

There was a discussion regarding drones. Mark Apostolou just wanted the Mayor and Council to be aware of the danger of them.

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

Meeting closed at 8:24PM

Respectfully Submitted,



Mary C. Salerno

Planning Board Secretary

Approved June 7, 2017