

EDWARD G. DONOVAN
Mayor

CONSTRUCTION DEPARTMENT

FRANK DiROMA
Supervisor of Code Enforcement

THOMAS F. FLARITY
Municipal Administrator

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

ALBERT "SANDY" RATZ
Construction Official

The Manasquan Planning Board held a Regular meeting on November 8, 2017 at 7PM in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey. Councilman Neil Hamilton asked all who were present to please stand and salute the Flag. Neil stated that Al Yodakis was not able to attend tonight so he sent his associate Gordon Milnes who gave his background and credentials to the Board.

ROLL CALL:

Board Members Present: Mayor Edward Donovan, Councilman James Walsh, Robert Young, Greg Love, Mark Apostolou, Mark Larkin, John Burke, and Neil Hamilton
Board Members Absent: John Muly, Peter Ragan, Leonard Sullivan, Kevin Thompson and Barbara Ilaria (Mayor's Alternate)

Professionals Present:

Geoffrey S. Cramer – Planning Board Attorney
Gordon Milnes – Planner/Engineer standing in for Al Yodakis

Mr. Cramer read the Sunshine Law announcement.

Robert Young made a motion to approve the vouchers, seconded by Mark Apostolou.

Roll Call to approve vouchers:

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

Approval of Minutes of 7/25/2017, 8/1/2017, 8/15/2017, 9/6/2017, 9/26/2017 – motion to approve made by Mark Apostolou, seconded by Robert Young, all in favor none opposed.

RESOLUTION #18-2017 – Dreyer, Walter – 160 First Avenue – Block: 170 – Lot: 16.01 – Zone: R-4 – Mark Apostolou made a motion to memorialize, seconded by John Burke, all in favor none opposed.

RESOLUTION #23-2017 – Kaplan – Atlantic Modular – 145 First Avenue – Block: 171 – Lot: 41 – Zone: R-5 – Mark Apostolou made a motion to memorialize, seconded by John Burke, all in favor none opposed.

APPLICATION #20-2017 – Munoz, Lilia and Muniz, Roberto – 167 First Avenue – Block: 171 – Lot: 21 – Zone: R-5 – Carried from 10/03/2017 – Geoff swore in Roberto Muniz, owner/applicant. Neil said if the Board remembers this application was carried because we had a prior approval from this Board that was not executed and then they fell into the window of the Sandy application for the raising of the property. The TECH committee at the last meeting requested we do a site visit so we could see the backyard and what the needs of the family are. Bob Young addressed what the TECH committee felt the side setbacks are very narrow today as a result they felt it would be important if you do not encroach the rear yard setback. What we are looking to have you do is to shrink that deck

and/or the proposed family room so that you're at least 20-feet from the rear property line. Mr. Muniz said currently the proposed deck is 15-feet are you saying we are to reduce it by 4-feet we would still have about 20-feet of backyard right? Bob Young said we are looking for you to remove the need for a variance for the rear yard setback. Mrs. Munoz said after Sandy when we did the reconstruction we created a backyard, which we didn't have. There were two rentals, by doing the one-family we not only created that space in the back but we also came in on the side setbacks more than what we had. Before Sandy that house was at the property line. This is supposed to be our permanent home. It is a narrow property, with the help of Tom Peterson we did a beautiful job with the footage that we had and what we could do after Sandy. Bob Young said with all due respect he believes the proposed family room is a little over 300 square-feet which is sizable. The deck is rather large as well so from TECH's perspective we felt that coming back those four feet, whether you take 2-feet out of both, we didn't think that would create a hardship. As long as they are not encroaching on the rear setback we don't care how they do it. Gordon Milnes said he spoke to Al Yodakis and he has his report dated September 22 regarding the application and he reviewed the report with him and also driven by the site to familiarize himself with the property. He went over Al's report what exists and what is proposed. He asked the applicant to indicate that the first floor will be elevated above the new Sandy flood level. The agreed it would be. He asked if the mechanical equipment would be located under the deck, and that should be above flood elevation. Again, the building department will be reviewing that. The 80-square feet for storage have been satisfied. He asked if there will any proposed grading, any fill that would impact neighboring property owners. The answer was no they will maintain the existing grade. There is no curb or sidewalk proposed. John Burke asked if the deck was part of the lot coverage right now. Gordon said it probably should not be, he hasn't done that calculation to be honest. It's a pervious structure. John Burke said so reducing the deck will not help the lot coverage. Neil said when the two houses were demolished after Sandy and forgetting the prior approval and Resolution from this Board that the Zoning Department felt that the fact you were getting rid of two uses and making one new home, that the prior building coverage was over 60%, so you eliminated those two old structures, you built new, you go back on the same footprint that the front house was with an extension and the building coverage got reduced from over 60% to what is currently the 51.9%. I think what Bob said in looking at it you have a lot going on in that property, I understand your needs. Maybe the property doesn't fit your needs but I don't think that's an unreasonable request from the TECH to submit to this Board that you should go along with our thinking is to reduce that rear yard setback of that deck by those few feet and be in compliance and eliminate that variance. Mrs. Munoz said in 2011 we were approved for all the variances that we are not even asking for now. We wanted more outdoor space. There was a lot of discussion between what was approved in 2011 and what is proposed now. Neil said also the original house was moved back and there was a parking stall in the front that you don't have now. He doesn't think this is an unreasonable request. Board members making statements were Mark Apostolou, he thought the architect Tom Peterson would be here to discuss the project. Bob Young said he is talking about the coverage numbers Neil read off, it sounded to him that what was approved in 2011 was slightly smaller than what you currently have. Mr. Muniz said no, just the opposite. Again there was discussion between what was approved and what is there now. Board members asking questions were Mark Apostolou, Ed Donovan, Bob

Young, John Burke and Greg Love. Neil said he does have Dick's denial from 2011 and also the Resolution from then. Gordon Milnes said he had the opportunity to review the Ordinance with regard to the definition of building coverage and as the applicants plans indicate the building coverage does not include the deck and the definition would not include the deck. It's based on the perimeter of a foundation and since the deck is pervious he doesn't believe it calculates into building coverage. Bob Young argued the fact that this house is smaller than what was approved in 2011. You are closer to the property line, north and south, you have moved closer to First Avenue and now bumping into the rear yard setback where we weren't in 2011. Neil said where we are at right now is the Board is asking you to consider eliminating that rear yard setback variance. If you choose not to do that, we can either vote and deny the application or we can send this thing back to the engineer and the zoning officer to pull all the back plans, make a comparison of exactly where we are at, so we know exactly what's going on here in reference to the original application, which will delay the application. Greg Love asked what the dimensions of the deck are. Mr. Munoz said right now it's supposed to be 15 long X 17 wide. Bob Young said the proposed family room is 320 square-feet, 20 X 16 by his calculations, you can't find a foot or two there to shrink and also do the same with the deck. Bob said he is only one person but he would like to see the rear yard setback variance eliminated. Mrs. Munoz said she feels like she is being punished. Mark Apostolou said if you listened to the Board in the past two years he wants her to know that the sentiment of the Board, we've been very strict over the past few years. We are trying to be consistent. We want you to enjoy that space, he can only defer to his TECH Committee. Neil said what we do here sets precedent, you are an attorney so you know, sharp attorneys pick up on Resolutions and come in here and lay it in front of us and you have tight properties, look at the one to the south of you, look at how tight that is. Neil asked if they wanted to carry this. Mr. Muniz said he doesn't want to carry this, it's wasting our time, wasting your time, so we will try to figure out how to take the 3.2-feet out and eliminate the rear yard variance. Mark Apostolou made a motion to open to the public, seconded by Ed Donovan, all in favor none opposed. There was no public participation. Mark Apostolou made a motion to close the public portion, seconded by Ed Donovan, all in favor none opposed. Mark Apostolou made a motion to approve the application granting all variances with the exception of the rear yard since they have graciously complied with that, seconded by John Burke.

Board Members Voting Yes:

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

APPLICATION APPROVED

15-MINUTE PRESENTATION – Brown, Gerald and Patricia – 15 Dewey Avenue – Block: 87 – Lot: 8 – Zone: R-1 – Councilman Walsh told the Board members in the interest of full transparency this is his sister and brother in law. As this is a presentation Geoff did not need to swear anyone in. Gerald Brown addressed the Board stating instead of hiring an attorney he wanted to explain to the Board what their intentions are. They would like to subdivide their property. Right now their house sits on two conforming lots at 15 Dewey Avenue. They would like to subdivide the land but that would mean they would have two non-conforming lots. It's a corner property and the new lots would be 55 X 100 and in order to accomplish that he would remove a side porch which is 12-feet and also an

overhang from his garage that's about 2 ½-feet, they would eliminate the access to the garage which would be storage and on the Dewey Avenue side they would create where the pool area is a walk in to the backyard that way along with a single car pull in for a driveway. He knows the Board doesn't do things according to what was done in the past. But the reason for the pictures attached is the R-1 zoning that runs south of Main Street, from the Park up to Jackson, that one block that's the only R-1 Zone. Everything else on the south side of Main Street is Zoned R-2. Across the Street from him is all Zone R-2. What he is proposing isn't based upon what was done in the past, what he is asking to do would be more conforming in his area, he is looking for the Board's opinion, questions. Mark Apostolou said parking is an issue, you are supposed to have two onsite parking spaces. When you subdivide somebody is supposed to come up with a plan for that subdivided property, saying ok we can put a house on that and that house isn't going to need any variances. So depending on where your side yard setback comes in, to him this isn't definitive, he would have a problem with that but he is just speaking for himself. Neil said the crux is not what you are going to with what's there but you are asking this Board to create two non-conforming properties in a conforming zone even though across the Street is an R-2 Zone and you happen to be in the R-1 Zone. To his recollection he doesn't recall this Board subdividing or trying to create any non-conformity, whether it be a lot or a two or three-family, it's not something we do, it's against the Master Plan, we try to eliminate non conformities. Mr. Brown said but it has been done, South Jackson and Euclid Avenue. Neil said however they got zoned that way years ago, that was before all of us, but for us to try to break out lots now, you are in a zone that has specific square-footage. To start to shrink them, I don't know that's a good move for this Board. This zone requires 7000 square feet and you would shrink it down to 5000 square feet. Mark Apostolou said we just passed a Master Plan that says we shouldn't do that. If anything you get rid of non conformities not create them. If you were to knock down everything on your lot I'm not sure you could create two lots. Neil said he could but Mr. Brown said if I knocked everything down I would come to you with three lots. On Jackson Avenue and Euclid there were three non conforming lots created, one is less than 50 X 100 granted it was done awhile ago, but not that long ago. Mr. Brown said currently there are four streets out of seven that have non conforming lots. All I am asking is to be like the other four. Neil said you have a beautiful piece of property, if the house was a knock down, got destroyed by Sandy, like the Judge said knock them both down, you've got two conforming lots, you build two conforming houses. In your case, you're not going to do that. I just can't see us starting to do that, even if we did create that corner lot, with the frontage on Dewey, you have a corner lot that has to meet all the criteria of the corner lot setbacks, you would end up with a shed on that lot. It's just not going to work, it's not a positive for Manasquan, and I don't think it's a positive for your neighbors. Mr. Brown said all his neighbors have asked him why he hasn't subdivided the lot. For 18 years it's been tossed around, we probably could have done it years ago, like you said, but we use the lot. That's why I came here I don't want to get a lawyer and spend a lot of money.

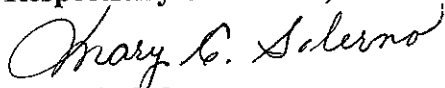
OLD BUSINESS CONTINUED:

Cancel the Special meeting of November 21, 2017 – Mark Apostolou made a motion to cancel, seconded by John Burke, all in favor none opposed.
There was no correspondence.

Greg Love, President of the Nomination Committee addressed the Board, he said there would be advertising for the position of the professionals which will be handled by the Municipal Clerk. John Burke said there is nowhere that states the positions have to be posted. Greg said if there is a contract that exceeds \$2500. Per year it should be advertised. Neil said they require it now so we have to go by the protocol; there are also certain requirements that have to be met. The Administrator is on board with it. The Board interviews but the Board makes the decision based upon what you see. Greg Love said Bob Young and Judge Apostolou have volunteered to participate on the nomination committee and they will do the interviews when we get the responses to the contracts and then we will bring it to the Board and then we will give you our recommendations. Geoff Cramer said which is consistent with the Rules and Regulations of the Board. John Burke asked if we have to change the By-Laws and he was told no. Mark Apostolou said if we are being told this is a State or Municipal guideline that supersedes us. Neil said he thinks we can get this processed by January for appointment. Bob Young said if anyone wants to be nominated for Chairman or Vice-Chairman to send an e-mail to either he or Greg. Mark Apostolou made a motion to close the meeting, seconded by Bob Young, all in favor none opposed.

MEETING ADJOURNED AT 8:03PM

Respectfully Submitted,



Mary C. Salerno

Planning Board Secretary