**The Manasquan Planning Board held a Regular Meeting on August 1, 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 Donovan, John Muly, Robert Young, Mark Apostolou, Peter Ragan, Mark Larkin, Leonard Sullivan, Kevin Thompson and Neil Hamilton**

**Board Members Absent:**

**Councilman James Walsh, Greg Love, John Burke and Barbara Ilaria (Mayor’s Alternate)**

**Professionals Present:**

**Al Yodakis – BORO Engineering – Board Engineer/Planner**

**Geoffrey S. Cramer – Board Attorney**

**Mr. Cramer read the rules of the meeting and the Sunshine Law Statement.**

**Lenny Sullivan made a motion to approve the vouchers, seconded by Kevin Thompson.**

**Board members voting yes to approve the vouchers:**

**Mayor Ed Donovan, John Muly, Robert Young, Mark Apostolou, Peter Ragan, Mark Larkin, Leonard Sullivan, Kevin Thompson and Neil Hamilton.**

**Approval of Minutes – June 7, 2017 – Mark Apostolou made a motion to approve, John Muly said on the attendance he was not present, seconded by Kevin Thompson, all in favor none opposed.**

**RESOLUTIONS #22-2014-B – Drum, Erna – 29-31 Atlantic Avenue – extension of time, Mark Apostolou requested the language be added to the Resolution that this shall be the last extension granted. Mark Apostolou made a motion to memorialize, seconded by Robert Young, all in favor none opposed.**

**RESOLUTION #14-2017 – Manasquan Savings Bank – 185 Main Street – Kevin Thompson made a motion to memorialize, seconded by Mark Apostolou, all in favor none opposed.**

**RESOLUTION #15-2017 – Hegel, Terrence, Atlantic Modular – 333 Euclid Avenue, LLC – 333 Euclid Avenue – Kevin Thompson made a motion to memorialize, seconded by Mark Apostolou, all in favor none opposed.**

**APPLICATION #13-2017 – Politto, Betty Jean – 514 E Main Street – Block: 169.06 – Lot: 53 – Zone: R-3 – Michael J. Pifko is the attorney representing the applicant. Mr. Cramer swore in Betty Politto - applicant/owner, Brian Berzinskis, R.A. – Architect, and Al Yodakis, Board Engineer. Mr. Pifko had an Exhibit A-1 marked by Geoff Cramer, this is a photograph that shows water coming up into the driveway the photograph was taken on July 23, 2017. They have had and still have flooding issues on the lot, any time there is a full moon, or a new moon, high tides, storm surges, her property is covered with water between the Creek and the Street. She typically gets between 12 to 18 inches of water on her property. Neil interrupted stating the Board is well aware of the area stating they know what floods, when it floods. We understand that so you can proceed on. Next, Mr. Pifko called Brian Berzinskis, architect, owner of the Grasso Design Group who was hired by the applicant, he gave his background and the Board accepted his credentials. He gave a presentation of the design of the house and the reasons why they need the elevation requested. They want to provide parking underneath the house and they had to raise the garage slab up to a certain elevation which is approximately about 2-feet above the crown of the road. They made the first floor height 8-foot 6-inches as opposed to a typical 9-feet. Neil asked the height of the garage ceiling and the first and second floor. Mr. Berzinskis said the garage ceiling is 8-feet, the first floor is 8-feet, 6-inches, and the second floor is 8-feet. The half-story is built into the attic. Mark Apostolou asked if they were aware that the height restriction there is 33-feet. Mr. Berzinskis said yes. Al Yodakis said this is a non-conforming structure on a conforming lot which still brings it to 33-feet. Mr. Pifko said they based their application on the Zoning Denial letter that stated building height permitted was 38-feet which would have put them over 1.72-feet. They received the Engineer’s letter a week ago and saw the maximum building height was 33-feet for a non-conforming dwelling on a conforming lot; they discussed it on the phone. Al said it is the deck variance in the back that brings them down to 33-feet allowed. Mark Apostolou said if you took the deck off you could go to 38-feet. Mr. Pifko said everybody else there has a deck, it makes it look more consistent, more uniform. Mark Apostolou asked the architect how high the other properties in the area are. Mr. Berzinskis said he hasn’t measured the other homes in the area for height. Neil said the Zoning Officer sent the letter not Code Enforcement. He has spoken to Mr. Yodakis and the Zoning Officer, Dick Furey and they have to tweak our interpretation of dealing with this number, this one could very well slip through the cracks that the 38 could be the number for a totally conforming property as opposed to the 33-feet. When Tech meets again next month we are going to work that out with Flag Lots and get this straightened out so we are all on the same page with that language. Super Storm Sandy upset the apple cart somewhat with some of our thinking.**

**Al said he did discuss this with the Zoning Officer and the applicant did proceed in good faith thinking that it was 38-feet allowed. Mark Larkin asked the architect if the garage floor was 2-feet above the BFE, he answered its 2-feet above the crown of the road. Al said you are 4 ½-feet above the base flood to get that height in the garage, so the BFE is at 10 and you are at 14 ½-feet to the finished floor. Mr. Berzinskis said the first floor is above the BFE, the garage slab is below the BFE. Lenny asked if you can get the tip of the house lower. Mr. Berzinskis said if the ridge height were to change that half-story will disappear. Bob Young said you could take 6-inches off the first floor. Lenny said you could take some off the garage. He said we have been pretty consistently tough on height and I think this Board has stuck to that. You are the architect, this home is beautiful by the way, you did a nice job but you can always make it look nice. You could figure it out somehow. Mr. Berzinskis said when we are talking about building a house today with the standards that we have for it these heights of these floors are in line with the current standards and even the first floor is reduced. John Muly asked if the garage could be 7-feet as opposed to 8-feet. Mr. Berzinskis said yes we could. Neil said think about that, do you have another witness to bring up. Mr. Pifko asked Joseph Kuciuba to be sworn in, he gave his credentials, KBA Engineering Services, he has 15 years experience in the field, he has appeared previously before this Board. The Board accepted his credentials. He testified to the uniqueness of this lot, having a fronting essentially adjacent to the bridge on Main Street. The dwelling was raised after Super Storm Sandy; the surrounding uses consist of residential dwellings. The proposed structure is approximately 44-feet deep, 32.25-feet wide. The existing grades within the property are approximately at elevation 4; the front corner of the property near the road is lower down around 3.5-feet. Typically there is flooding on the lot. We are proposing to raise the slab up to elevation 5.5, our neighbors to the north’s slab elevation is approximately 6 or higher. This is also the lowest side of Pickell Alley, the grading raises as you go further north. This lot for all intents and purposes is in a hole. It is the lowest point from Main Street which is why the flooding conditions exist there. By elevating this dwelling approximately a foot and one-half pushes our top cut up a foot and a half that’s really the measurement that’s creating that height variance that is being requested. Although he does agree that a non-conforming structure does require a height of 33-feet verses 38-feet. It is a unique lot; it’s also a lot that doesn’t have a curb along the frontage. We are measuring the height from an elevation of 3.75 it’s very low. Our frontage along Main Street at the center point is at 6.14-feet, there is a 2.4-foot difference there. It should be brought to the Boards attention that there is a drastic difference between our two frontages making it a very unique property. We request that height variance as well as a rear yard setback variance, 11.29 where 20-feet is required. That’s 12-feet from the Bulkhead, the Bulkhead is just slightly off the property. Geoff marked photographs into evidence A-2 a photograph of the house directly to their north and the two houses to the north. They received variances for the rear yard setback. He believes this request is for a D-Variance, in that the rear deck which has no impact on height or space in this case has a bearing on what a height definition is, the intent is to limit undersized lots height to reduce air, light and open space, in this particular case all of the house in close proximity to us appear to be at that 38-foot height or thereabouts. It’s his opinion it should probably be looked at under the Hardship criteria either a C-1 or C-2 Variance verses a D-Variance. The C-1 being Hardship, an extraordinary condition you need for a particular property, in this case the property is unique by the existence of the bridge and the flooding condition on the property. It is the lowest lot on the Street. Limiting the rear usable area to a patio only also represents a hardship as elevated dwellings present difficulties for access and enjoying of a rear yard. We have photos here Exhibit A-3 – 7 photographs taken today, showing rear decks typical to the area, other houses in the neighborhood and their heights and rear yards. Al Yodakis went through his report, he asked if they had done any test pits, he assumes they have a pretty high water table. Mr. Kociuba said they will certainly do so. Al asked them to provide slotted covers on the roof drain overflows to prevent debris from entering the system. Al asked about stabilization at the front of the house, what are you proposing stone, lawn. Mr. Pifko said there would be grass graded out to the curb. There is drainage directly in front of the site. There will be a paver driveway. They agreed to utilities underground and to provide a landscaping plan. Mark Apostolou asked Mr. Kociuba if in his opinion the home to the north is 38-feet in height, and he answered approximately. He also noted the curb cut is also at least a foot if not higher than ours. Mark Larkin asked about the front door and stairs going up to it. Mayor Donovan asked how high the cupola is. The answer was 48-inches from the peak of the house. The mechanicals will be in the half-story or attic. Mark Apostolou made a motion to open the meeting to the public, seconded by Ed Donovan, all in favor none opposed. There were no audience members coming forward. Mark Apostolou made a motion to close the public portion, seconded by Ed Donovan, all in favor none opposed. Neil asked the thinking of the Board. Bob Young said he would like to see the house at 38-feet, Lenny, Mark Apostolou agreed. Neil said we granted both properties to the north, the newer homes that you referred to we granted both of them variance relief for decks of 11 ½-feet from the rear property line and neither one requested or was granted a height variance in excess of 38-feet. We have those Resolutions. Mr. Pifko said this lot is lower than the other lots. Neil said you have to take into account our perspective we set these parameters for certain reasons, we understand the difficulties of different pieces of property. There was a one-story house there before if he recalls with a brick home of some sort. We are looking now at a large home with an elevator, sometimes you have to say you know what; the property just doesn’t warrant what I want. It can only warrant what the Ordinance can provide for, I don’t know that you show a Hardship by taking a piece of property that is in need of variances because it’s low, you have to work around that. The numbers that you put out, I almost think the architect could put this structure up and be in compliance with the 38-feet. Mr. Pifko said the applicant is willing to construct the house to a height of 38-feet and no cupola. Mark Apostolou said based on that he offers a motion to approve the application giving the variance for the rear deck, cap the house at 38-feet without the cupola, seconded by Mayor Ed Donovan.**

**Board Members Voting Yes:**

**Mayor Ed Donovan, John Muly, Robert Young, Mark Apostolou, Peter Ragan,**

**Mark Larkin, Leonard Sullivan, Kevin Thompson and Neil Hamilton.**

**Approved with stipulations**

**APPLICATION #07-2017 – Sheeran, Dee – 408 Main Street – Block: 150 – Lot: 5 – Zone: R-3 – Geoff swore in Dee Sheeran, owner/applicant, and Kathleen Cassidy, Ms. Sheeran’s daughter. Ms. Sheeran explained her application and had an Exhibit marked A-1 submitted which depicts the proposed Site Plan, proposed front elevation and a right side elevation. They are requesting a 9-foot wide covered front porch. The front yard setback is 25-feet required and they are asking for 20.4-feet. Neil told Ms. Sheeran that she needs to convince this Board why they should grant her that front yard setback. Board members expressed their observation that a 7-foot wide porch would be more aesthetic under the circumstances. Board members expressing their concern were Lenny, Bob, Mark Apostolou and Kevin Thompson. The Board did note that the applicant’s property is significantly larger than the minimum required lot area for properties in the R-3 Zone. Ms. Sheeran asked if the Board would consider 8-feet and they held fast to the 7-feet. Al Yodakis said dropping it down to 7-feet they have a building coverage Variance. Kevin Thompson made a motion to open the meeting to the public, seconded by Mark Apostolou, all in favor none opposed.**

**Audience Members Coming Forward:**

**Brian Furbush, 404 Main Street – he supports the application and feels it would be aesthetically pleasing to the neighborhood.**

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

**Kevin Thompson made a motion to approve the application at 7-foot as we discussed, seconded by Mark Apostolou.**

**Board Members Voting Yes:**

**Ed Donovan, John Muly, Robert Young, Mark Apostolou, Peter Ragan, Mark Larkin,**

**Leonard Sullivan, Kevin Thompson and Neil Hamilton.**

**Application approved.**

**APPLICATION #16-2017 – Rose, Michael – 360 River Place – Block: 127 – Lot: 3, 4 – Zone: R-2 – Neil said this is a small addition to a front porch. Geoff Cramer swore in Michael Rose, owner/applicant as well as the Board Engineer, Al Yodakis. Mr. Rose said he is proposing to extend his front porch. The Variance requests are for a front yard setback, 20-feet required, 26.6-feet existing and 23.6-feet proposed. Maximum building coverage 30% is permitted, 30.4% exists and 31.1% is proposed. The applicant described the small addition proposed to the existing front porch. He wants to extend the front porch an additional three feet into the front yard which will total a porch of 6-feet. Al Yodakis went over his report. Al asked if they were changing the elevation of the porch and Michael Rose said he is not. Mark Apostolou made a motion to open the meeting to the public, seconded by Kevin Thompson, all in favor none opposed. There was no public participation. Mark Apostolou made a motion to close the public portion, seconded by Kevin Thompson, all in favor none opposed. John Muly made a motion to approve the application as proposed, seconded by Kevin Thompson.**

**Board Members Voting Yes:**

**Mayor Ed Donovan, John Muly, Robert Young, Greg Love, Mark Apostolou,**

**Peter Ragan, Mark Larkin, Leonard Sullivan, Kevin Thompson and Neil Hamilton.**

**Application approved.**

**Correspondence - Neil said there is a property going up at 349 Beachfront it’s on hold now, they are looking for a second floor deck expansion that would be zero setback on the Beachfront. There are three (3) letters here from neighbors in opposition to it and Neil has heard they are going to withdraw their request and work around the existing and comply with the Resolution. They stopped work on the deck.**

**Mayor Donovan said to comment to the article in the Coast Star it was not quite accurate. The Planning Board reviewed the revision to the Master Plan; the article in the Coast Star said it would go back to Council to be approved by Council. Basically Council’s role will be to adjust any Ordinance changes that we need to comply with the Master Plan not adopt the Master Plan.**

**Neil said we anticipate having a TECH meeting, no date has been set yet, we have a few items to be straightened out, one is the Flag Lot, we all need to be on the same page with Flag Lots. Also, we will go over dealing with conforming, non-conforming structures and lots and height elevations, the language is a little vague. The other one would be the Sandy Rule, we still need to go over that with the Borough Attorney and Geoff and see where we stand on that and see if it’s still in effect or not and that Dick has direction on how he is going to handle that.**

**Mark Apostolou made a motion to open the public portion of the meeting to the public,**

**seconded by Kevin Thompson, all in favor none opposed.**

**Audience Members Coming Forward:**

**John Kelly – 426 First Avenue, 427 Beachfront – He is here for advice, he has a series of dilemmas. He is talking about the parking on his property. When he built the house he had room for six (6) cars and he also said he wanted to put as many cars as he could to stay off the Street. His fiancé was given a ticket for parking on a walkway. He went to the Court the Judge said talk to the Prosecutor the Prosecutor said talk to the Code Enforcement who issued the ticket. The ticket was dismissed. Then he got a letter from Mr. Furey saying he was only allowed six (6) cars. It was explained that he needed 4-feet opening to the gate so the First Aid could have access. The Code required that. There is an entrance from the Beachfront for the property, so that didn’t fly. Then they said you have to go up over one part of the curb to get onto the property and that would be a violation. There is no Code. His neighbor has 9 cars on their driveway on the corner but there are 20 cars on some weekends at the what used to the Akron Hotel empty lot. He is confused what he needs to do. In fairness to all the people here, they have been extremely helpful and forward but he doesn’t know what to do, he has been parking there for 17 years. It’s all on his property line, it’s all paved, and that was one of the requirements of the 2008 meeting. Neil said we have to pull the Resolutions out, we have to look at the minutes, he vaguely recalls that parking spot and I have seen your vehicles up there right next to Carlson’s where you jump the curb. In Neil’s recollection I don’t think we permitted you to park there. We wanted to leave that open for that gate, if you have a First Aid call to that garage apartment then you can take a rig all the way up on Beachfront on a busy Sunday afternoon, I think that was a ludicrous statement. Mr. Kelly said that’s the Code. Neil said the Code does say you can’t park in emergency access when there is supposed to be a 4-foot access way left open. We will look it up, we have to do research. The driveway is 59-feet wide. Mr. Kelly said I have the right to park four or five cars on the Street just blocking my driveway, I have that right. As I was talking to Code Enforcement, somebody came around and hit as they always do the sign where my cars would be if I parked them there. The Planning Board at both times in ’99 and 2008 I went before them had a concern that if we could do anything to help with eliminating the people coming around that turn.**

**John Muly said some people were complaining about losing that spot where the old bait shop used to be.**

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

**Mayor Ed Donovan made a motion to adjourn the meeting, seconded by Kevin Thompson, all in favor none opposed.**

**Meeting adjourned at 8:23PM**

**Respectfully Submitted,**

**Mary C. Salerno**

**Planning Board Secretary**