

**JANUARY 5, 2016
REGULAR AND RE-ORGANIZATION MEETING**

The Manasquan Planning Board held their regular and re-organizational meeting at 7PM on January 5, 2016 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey.

The Chairman, Neil B. Hamilton asked all present to please stand and salute the Flag.

ROLL CALL:

Board Members Present:

Mayor Ed Donovan, Councilman Owen McCarthy arrived at 7:03, Neil Hamilton, John Muly, Robert Young, Barbara Ilaria, Greg Love, Mark Apostolou, Peter Ragan, and Mark Larkin.

Professionals Present:

Al Yodakis – Planning Board Engineer/Planner

Geoffrey Cramer – Planning Board Attorney

Board Members Absent:

John Burke, Leonard Sullivan, Kevin Thompson

Geoffrey S. Cramer, Planning Board Attorney read the Open Public Sunshine Law Statement.

UNFINISHED BUSINESS OF 2015

RESOLUTION #40-2014 – Hochschild/Immersberger – 479 Euclid Avenue – those present and allowed to vote are: Neil Hamilton, John Muly, Greg Love, Mark Apostolou, and Robert Young. Robert Young made a motion to memorialize the Resolution, seconded by John Muly, all in favor none opposed.

RESOLUTION #32-2015 – Kearns, Kevin- 77 ½ Ocean Avenue – those present and allowed to vote are: Neil Hamilton, John Muly, Barbara Ilaria, John Muly, Owen McCarthy, Greg Love, Mark Apostolou and Robert Young. Owen McCarthy made a motion to memorialize the Resolution, seconded by Greg Love, all in favor none opposed.

RESOLUTION #33-2015 – Kaplan, Bert – 34 Beams Terrace – those present and allowed to vote are: Neil Hamilton, John Muly, Barbara Ilaria, Owen McCarthy, Greg Love, Mark Apostolou and Robert Young. Mark Apostolou made a motion to memorialize the Resolution, seconded by Owen McCarthy, all in favor none opposed.

OLD BUSINESS:

Vouchers – John Muly made a motion to pay the vouchers, seconded by Robert Young

Roll Call to Pay the Vouchers:

Councilman McCarthy, Neil Hamilton, John Muly, Robert Young, Barbara Ilaria, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin

Mayor Donovan abstained

Minutes of December 1, 2015 – Robert Young made a motion to approve, seconded by Councilman McCarthy, all in favor none opposed.

RESOLUTION #B-2016 – Official Newspapers – The Star News Group and the Asbury Park Press – Mark Apostolou made a motion to approve, seconded by Robert Young, all in favor none opposed.

RESOLUTION #C-2016 – Appointment of Chairman, Neil B. Hamilton, and Vice-Chairman, John Muly – Greg Love made a motion to approve, seconded by Robert Young, all in favor none opposed.

RESOLUTION #D-2016 – Appointment of Secretary to the Board – Mary C. Salerno identified - Robert Young made a motion to approve, seconded by Greg Love, all in favor none opposed.

RESOLUTION #E-2016 – Resolution authorizing the award of the Contract Engineering Services to the Board for 2016 – BORO Engineering, Albert D. Yodakis – Greg Love made a motion to approve, seconded by Mark Apostolou, all in favor none opposed.

RESOLUTION #F-2016 – Resolution providing the appointment of the Professional Planner for 2016 – Al Yodakis, BORO Engineering – Greg Love made a motion to approve, seconded by Owen McCarthy, all in favor none opposed.

RESOLUTION #G-2016 – Resolution awarding a contract for Legal Services to the Board for 2016 – Geoffrey S. Cramer, appointed – Ed Donovan made a motion to approve, seconded by Greg Love, all in favor none opposed.

RESOLUTION #H-2016 – Rules and Regulations for the year 2016 – Greg Love made a motion to approve, seconded by Edward Donovan, all in favor none opposed.

Neil Hamilton said the Board will talk about this later because the Board will be discussing Resolution A-2016, meeting dates and times and also the Master Plan and Ordinances.

Geoff Cramer swore in: Mayor Edward Donovan, Mark Larkin, Mary Salerno, Al Yodakis, Robert Young, Greg Love, Owen McCarthy, Barbara Ilaria.
Kevin Thompson needs to be sworn in at the next meeting he attends.

REGULAR MEETING:

15-MINUTE PRESENTATION SPIRIT OF '76 LIQUORS HWY #71 – Keith Henderson is the attorney representing the applicants. He said they asked for this hearing because the store has a problem in that they cannot store sufficient inventory. They have looked at the site to see where they could expand without losing any parking. They came up with two proposals. Looking at the site plan they gave to the Board, there is a dead area between the fence and the building to the South. The other area is a dead zone, the building goes from a 4.65 setback to about 15-20-feet, in there is an air conditioning condenser which could be elevated and put on the roof if necessary. That probably would be the best choice because

you can't see it from anywhere except the air. Also, it would have nothing to do with the parking lot. Before we started spending a lot of money on Engineering and getting that all figured out, we wanted a little guidance from the Board. He also wanted to say that they didn't have the benefit when we were looking at this of having the original Site Plan. The architect on this job was Rich Grasso, who has passed away. The Borough file is missing. Geoff Cramer found his file in one of his storage units and he has the Resolution which he has copied for the Board members. Mr. Henderson said he asks if the Board would have a problem expanding the building, knowing what their problem is, it will not create additional staff, it will provide room for additional inventory. Neil Hamilton said the fact that you bring to light that there is another location, out of sight out of mind, it doesn't impact anyone. Owen McCarthy said he agrees with what the Chairman had to say that is dead space. You may have a problem with garbage pick-up. He wouldn't have a problem seeing a plan. Keith said they would need a setback Variance. You have to physically walk back in there to see the space. When you look at the Resolution, you will see there was supposed to be a basement built under the addition, that wasn't done. That would have accommodated a lot of inventory. Mark Apostolou asked if this would affect ingress and egress. Owen said what about deliveries. Keith said that would all be unaffected. Greg Love asked if there would be a noise impact by elevating the condenser unit. Keith said he doesn't believe so, there are decibel levels between residential zones and commercial zones, but this is commercial to commercial. Neil said this would be an expansion of the license and he asked Barbara to comment. She said you would have to file a place to place transfer to add on the new storage unit. Keith said they are aware of that; Andy has a little bit of background in the liquor business. Neil said nothing is assured when you come back. Keith said they understand but they have some direction.

APPLICATION #34-2015 – Farrell, Colleen and Michael – 283 Beachfront –Block: 181 – Lot: 8 – Zone: R-4 – Mark Aikins is the attorney representing the applicants. He said the lot is 5,185 square feet, located in the R-4 Zone. It measures approximately 37-feet by 140-feet. The applicant's team this evening consists of Architect, Christopher Rice, and Jason Fitschter who is a licensed professional planner in the State of New Jersey as well as a licensed professional Engineer. He doesn't believe there are any Engineering issues but obviously there are some planning issues they need to nail down. Chris Rice was accepted by the Board. Mr. Cramer swore in Chris Rice, Jason Fitschter, and the Board Engineer. Mr. Aikins asked to have a colorized 3-D rendering of the proposed single-family residence marked as Exhibit A-1, which reflects a S/E elevation. Mr. Cramer confirmed for Mr. Aikins that the Board has jurisdiction to hear this case. Mr. Rice gave his presentation first explaining the site and why the Farrell family is proposing this project. Chris stated this is a conforming lot. He showed the Board pictures of what is existing presently on the property, the First Avenue garage and apartment will not be affected by this application. It is in good shape as it exists. However, the building coverage became a small issue for them because the garage apartment takes up approximately 14% of the lot. Usually the house is three times the size of the garage apartment. In this case, they are not even proposing a home that is twice as big. We have 24% for the proposed house. We are going to conform to the side yard setbacks which are a first in at least 20-years. They have a very large house to their south and also to their north. The Farrell's property is set back dramatically. We can't change that. The DEP is going to tell us that we can't build any

closer to the Ocean than what is there already. The one Variance we are creating is for building coverage where 35% is required we are at 38.3%. A minimum building separation of 35-feet is required between the First Avenue house and the Beachfront dwelling where the applicant is proposing 29-feet, 22-feet to the new deck. Mr. Aikins said the pool will also be a connector of that space. Height is not an issue; total lot coverage is also not an issue. Chris used the 3-D rendering to explain the design of the building. There are a lot of open porches and decks, a gambrel roof. Next, Chris touched on Option B. He said that Ordinance was introduced approximately 15-years ago and he drafted it personally. He regrets it by the way, but it's still in place. The intent of that Option A, B was for 30-foot lots or less that are getting 3-foot side yard setbacks or less. In his opinion it doesn't apply to this project, we have a conforming lot and conforming side yard setbacks. However, Option B is the one that most people choose because it allows you to go 21-feet to the eave and then you have to provide a certain amount of dormers on the side. Technically we would choose Option B, post Sandy the higher the houses go the harder it is to meet that 21-foot; ultimately your Board will look closely at that in the near future. 15-years ago the intent was to push people to create as much light and air east to west as possible, because they only had 5, 6, or 7-feet between them. We are providing 5-feet and both our neighbors have the requirement so we are fortunate. The footprint of the house is relatively small it's just around 3,000-square feet, its 4 bedrooms, normal living space. The half-story will conform. We wanted to utilize the gambrel roof, which shows more of a roof line than a dormer. Mr. Aikins asked Chris to trace Option B outline on the plan presented on the easel to show this is really a de minimus situation. The roof lines on the sides of the house are bigger than a dormer but having 5-foot side yard setbacks negates it altogether. Chris went over with the materials being used, there will be a nice shingled look, heavy on the white trim, curves which add aesthetics. The new footprint is in the exact same footprint as the one that is there, except they are squaring it up. John Muly said Chris addressed the TRC report. Al Yodakis addressed his report and stated the applicant submitted a revised set of plans which addressed some of the technical comments that are in his report. He said he was pleasantly surprised to see 5-foot setbacks. He asked about the parking on First Avenue. Chris had a picture of cars parked in front of the garage on First Avenue that was marked as Exhibit A-2. Neil said you only need two parking spaces. They have room for about 5 cars there, they have a storage room. Al asked about plans for the pool. Chris said they have engineering to do before they nail that down. Al said they don't have issues on the Beachfront that they do in other parts of Town. Chris said this pool will be flush with the decking, let's call it a 7 foot deep pool, it might be 2 1/2 out 4 down, we are going to respect whatever Ordinance you have in place. Owen asked that Chris and Al get together to make sure the as built condition conforms to the Ordinance. Al said they are fine with the grading and landscaping plan they are fine with. Utilities will be underground if at all possible. The existing Variances are outlined in Al's report. Neil said going back to the site and the pool, there is a property a few houses to the south which the Board approved about a year or so ago, what happened was to our surprise, they attached pavers, open decks, they pretty much have no sand base visible between the Garage apartment and the Beachfront. What is your plan is it similar. Chris said they haven't gotten that far yet. Chris said the Farrell's would like to have some landscaping in the yard. Next, Mr. Aikins called Jason Fitcher to testify. The Board accepted his credentials. He went through the application, the Variances requested and the

planning issues. He said making this home smaller would make it disproportionate on the lot and in the Zone in general. They are requesting an additional 3.3% which in his opinion is de minimus to make this residence more in character with the development pattern of the neighborhood. He believes this could be considered a Hardship, but he can also support that Variance under the C-2 flexible criteria. The second Variance is for the building separation, we have 29-feet, and 35-feet is required. He addressed the existing Variances. Owen asked if the houses on either side sit further east. Chris said just the one house on the south, the one to the north is about where they propose to be. Because of the CAFRA restrictions they cannot slide the house any closer to the water. Mr. Fitcher said he has a number of clients who are re-building since Sandy and in most instances they are lucky to hold the existing footprint. Most will be moved further west if you will. Geoff marked the picture of the three homes on the Beachfront as Exhibit A-3, which was referred to by Owen McCarthy. John Muly made a motion to open the meeting to the public, seconded by Mark Apostolou, all in favor none opposed. There was no audience participation. Mark Apostolou made a motion to close the public portion, seconded by Councilman McCarthy, all in favor, none opposed. Councilman McCarthy made a motion to approve the application stating his reasons for the approval, motion seconded by Peter Ragan.

Board Members Voting Yes:

Mayor Ed Donovan, Councilman Owen McCarthy, John Muly, Robert Young, Barbara Ilaria, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin, and Neil Hamilton

APPLICATION #10-2016 – McClave, Catherine – 178 Second Avenue – Block: 171 – Lot: 6.02 – Zone: R-5 – Keith Henderson is the attorney representing the applicant. The Board accepted jurisdiction. Geoff Cramer swore in two witnesses, Catherine McClave, owner/applicant and Architect, Paul Lawrence as well as the Board Engineer, Al Yodakis. Catherine McClave was the first to testify. She purchased the property in April 2004. The existing house was damaged in Storm Sandy; her first floor had 18-inches of water. She is requesting permission to elevate the house and to construct a 19.4 X 3-foot extension to the existing front porch. The front porch will not be enclosed. Neil said just to clarify the reason for the extension of the porch is due to the elevation she needs to extend that porch, she will have to come out to the side, so that would be the reason for the addition. Next, Paul Lawrence testified, he is a professional architect and his credentials were accepted by the Board. His job was how to raise the house and at the same time improve that deck area. He explained the reason for the deck. He said they need more steps to get into the house, the existing front porch is very shallow, the owner did not want a landing in the front because she feels it is not visually desirable and to improve the deck so the front porch is more usable. This increases the building coverage very slightly. There is a discrepancy between his drawing and Mr. Furey's letter. Mr. Lawrence said his earlier calculations mistakenly included all the proposed steps which aren't part of their building coverage. Mr. Furey's letter is correct. The building coverage they are seeking is 36.7-feet. Keith said he doesn't understand the TRC report. John Muly said there is an area parallel to the Street where they are parking in front of the house and the Ordinance in Town doesn't allow that. Keith asked what Ordinance. Mr. Lawrence said the existing parking space would remain untouched. Neil said that jog has been there for a long time. Keith said this lot was part of a subdivision which was a B-3 Zone and we said we would get rid

of the commercial property that was there, make larger lots. We said we would go to R-3 standards for the size of the lots. This was a huge step-up historically for the Town, for the improvement of that location. He thinks it's a beautiful corner there; all three houses that came out of that subdivision are very nice additions. The only thing that is being changed here is the elevation of the house to comply with the FEMA requirements and the addition of porch. Neil said in Technical's discussion we were concerned the porch would force you to move that jog parking pad closer to the sidewalk and we would have a car out on the sidewalk almost. Mr. Lawrence said the spot won't be affected. Al Yodakis said this is a pretty straight forward application. They are not proposing any grading changes to the property. He asked about rainwater and Ms. McClave said she has the rainwater running onto a pad which runs into the garden. She will maintain her landscaping. Keith read the parking Ordinance and said he still doesn't get why Tech cited it. Neil said there is another Ordinance that provides for the one-car garage you can have a 12-foot wide parking pad but you can exceed that to 20-feet, we provide for that. Owen said there have been issues with blocking the ingress, egress to homes for emergency personnel. Keith said his client went to someone in the Zoning Office who said this was fine. It was stated that there are areas in the Beachfront area that have gravel in their front yard and people were parking every which way. Ed said his intent in the ordinance that was passed last year was to have a clearly defined driveway and this obviously is a clearly defined parking space. Greg Love asked if off-street parking in the configuration can handle three cars and the answer was yes. The driveway material is pavers now and will stay pavers. 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 the public portion, seconded by Greg Love, all in favor none opposed. Councilman McCarthy made a motion to approve the application and he cited his reasons, seconded by Mark Apostolou.

Board Members Voting Yes:

Ed Donovan, Owen McCarthy, John Muly, Robert Young, Barbara Ilaria, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin and Neil Hamilton.

John Muly requested a 10-minute recess, all in favor.

ROLL CALL FOLLOWING RECESS:

Board Members Present:

Mayor Ed Donovan, Councilman Owen McCarthy, Neil Hamilton, John Muly, Robert Young, Barbara Ilaria, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin.

The Board members voted to cancel the January 20, 2016 Second Meeting, Owen made a motion, all in favor none opposed.

RESOLUTION A#2016 – Meeting Dates - The Board next discussed the regular meetings that are scheduled for Wednesdays, there are three (3) meetings and Wednesdays create a conflict for the Board Attorney. It was decided after much discussion to move the regular meetings of June, July, and September. Owen said 4 o'clock meetings are a problem for him. Geoff a conflict with the first Wednesday of the month as he has to be in Wall Township for their Board of Adjustment. Owen suggested moving June 1 to June 8th, a

Wednesday at 7PM. Barbara left to get the scheduling book. Greg suggested flip flopping the Special meeting dates. Next, July 6th a Wednesday at 4PM will be the second meeting and have the regular meeting on July 19th a Tuesday at 7PM. Lastly, September 7th will be the Special meeting at 4PM and September 7 at 7PM a Wednesday will be the regular meeting. Owen said as much as possible he believes it's better to have our regular meetings consistently. Geoff re-capped the times and dates and he will re-do the Resolution. Mark Apostolou made a motion to amend the dates as indicated for promulgation and adoption by Resolution, seconded by Owen McCarthy, all in favor none opposed. Owen made a motion to cancel the January 20, 2016 special meeting, all in favor none opposed.

Neil said if anyone is going to be away this winter please let Mary know so we can make sure we have a quorum for all the meetings.

Mark Apostolou said in the Planner magazine they said not to use Google or any research at home or at meetings, it's inappropriate testimony, that's not subject to cross-examination and could be cause for reversal. Even though you are allowed to go to the property and do a site visit, that's a different format.

Al said he has several surrounding Towns escrow fees and possibly TECH would like to take a look at that. Neil said to add to that, he has a list of maybe 7 or 8 items that we never accomplished this year that we want to have Ordinance discussion and possible change. Then some minor amendments to the Master Plan, he will bring this back up at TECH, fine tune it and bring it back to the Board for discussion and also take the fees into account at the same time.

Owen said the other thing we talked about is procedures for reconsideration. We did have those two applications where the votes ended up in ties and they requested reconsideration. We will have to look at the By-Laws. Neil said if anybody needs a copy of the Rules and Regulations to see Mary.

Owen said she saw Joan Harriman at Christmas time and Art is doing well and they may possibly return home when the weather improves and continue treatment at UPENN and she said to send her best regards to everyone.

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

MEETING ADJOURNED AT 8:46PM

Respectfully Submitted,

Mary C. Salerno
Planning Board Secretary