

The Manasquan Planning Board held a Special Public meeting on Tuesday, May 15, 2012 in the Borough Hall, 201 East Main Street, Manasquan, New Jersey. Attorney Geoffrey S. Cramer read the Open Record Statement to those present. Chairman John Burke called the meeting to order and asked everyone to please stand and Salute the Flag. He then asked the Board Secretary to please call the Roll.

ROLL CALL:

Board Members Present:

Mayor George Dempsey, John Muly, Patrick Callahan, Joan Harriman, John Burke, Michael Sinneck, Leonard Sullivan, Jay Price, and Mark Apostolou

Board Members Absent:

Councilman Owen McCarthy – arrived at 8:08PM

Neil Hamilton, Peter Ragan

Professionals Present:

Geoffrey S. Cramer – Planning Board Attorney

Albert D. Yodakis – T & M Engineering – Planning Board Engineer/Planner

John Burke said due to a scheduling problem in the past few months, this meeting was just supposed to be a planning meeting but the Board has added an application and also two amendments to Resolutions. We will do the planning part of the meeting at the end.

APPLICATION #09-2012 – Sheklian, Mark – 54 Broad Street – Block: 64 – Lot: 23 – Zone: O – Keith Henderson is the attorney representing the applicant; he explained that Dr. Sheklien is a contract purchaser of the subject property. The owner Helen J. Cooper has consented to the application. Geoff Cramer found the file to be in good order and accepted jurisdiction of the application. There were two witnesses to be sworn in and also the Board Engineer. Mark Sheklian, Ray Carpenter and Al Yodakis. Dr. Sheklian was the first witness to speak. Presently his practice is in Wall Township and if this application is approved he plans to move his office to this location. He is a single practitioner with four full time employees including himself and a part-time employee one day a week. John Burke said let the record show that our Councilman has arrived. Next, Keith said there is comment in the Engineer's report concerning the garage and how we intend to use that because that was in the parking calculations. It is the intention of Dr. Sheklian that he and his employees will use the garage spaces. Mark Apostolou asked if the office upstairs and storage area would be used by the Doctor exclusively. Dr. Sheklian said yes. Al Yodakis asked how many patients they have at any one time. Dr. Sheklian said on the average they could have four cases, two in the dental chairs and two waiting, that's average, one with his hygienist one with himself and two people waiting for each of those chairs. Al was trying to get a feel for the parking. Joan Harriman asked if he was going to rent space out to another business or is it strictly for him, and the answer was totally just for his use. He had a rendition of what the property will look like in its finished state. Geoff marked that

Exhibit A-1. Keith called Ray Carpenter next, the Board accepted his credentials. He was retained by the applicant to do the Engineering and the Planning for the project. He prepared the Site Plan that was submitted to the Board. He took the Board through the Bulk Variances required for the project. They will put signs at both end of the driveway, in the parking lot there will be a sign telling you that the incoming traffic has the right-of-way and there will be a sign out by the front of the driveway indicating that it is a one-way driveway, so people understand that it is a narrow driveway and to be cognizant of the oncoming traffic. Additionally, Ray did Spa La Rue on Highway 71 and this is the same arrangement this Board approved there and there have not been any difficulties there to the best of his knowledge. There will be additional landscaping provided on the property. Next, Ray went through the rest of the T & M report and explained how they will comply with the issues requested. They are not proposing any curbs because they don't want to concentrate any runoff that's coming from the paver area to one location; they want the existing drainage pattern to remain the same. It's a very sandy soil and from an overall perspective it's better not to curb it, they are putting landscaping around the parking stalls so people will know where the parking lot ends and where it begins. So, that's not an issue. Mr. Carpenter said because of the minimal amount of development that they are proposing on the site, we don't qualify as a major development as far as the State Storm water Management Act and therefore it's not required that we do any drainage, from what I understand there is no existing drainage problems out there now. We are not increasing the impervious coverage; we feel that it is not necessary to put in any sort of recharge system on the site. Mayor Dempsey said he has to check the Ordinance book but he believes under our Storm Water Management it is still required. Ray said for residential I know it is but I didn't see anything specifically that dictated on Commercial development. Next he discussed the lighting issue. They will keep the lights 8 to 10-feet off the ground, they will go with back shielded lights, not overpowering, and they would like to put a motion sensor on the lights so they are not on all the time. Next they discussed the fence. They will discuss more on the fencing when the neighbor who is present at the meeting speaks to the Board. Next, Mr. Carpenter said he would revise the planning schedule so it matches the items on a landscape plan. He proposes the air conditioning to be in the back corner ten plus feet from the side yard adjoining property, where five is required. Al Yodakis has a concern with the motion sensor lights, he feels the lights should be put on timers. He also stated that off the front of the driveway we have a sidewalk coming in from the side. Is that a proposed drop off area, do we need that, he is concerned about people coming in and trying to drop off for people walking in the front if someone is trying to pull out. Ray Carpenter said he will eliminate that. John Burke asked Mr. Carpenter to go over the signage again. Mr. Carpenter said when you pull in off the Street the sign will say one-way traffic ahead. On the other end he will put a sign that says entering traffic has the right-of-way, so that way when you are pulling out of the driveway and someone is pulling in you realize entering traffic has the right-of-way. Although an 18-foot wide driveway in theory is more than adequate for two cars to pass. John Burke said the sign should say oncoming traffic ahead. Al said he would recommend the signage like was done at Spa LaRue. George Dempsey said on the parking plan could you move the parking spots going north, you have about a 15 or 20-foot width between the property line and them, could you move them 3-feet more that way and that would make backing out a little easier to turn around. Ray said do a landscape strip along the property line, ok we can do that. Joan

asked about the back buffer and she is hoping there will be a tree of some kind back there. Keith said there are shrubs back there now. They prefer to put Arborvitaes in there, John Muly suggested Skip Laurel, he said it makes a good buffer it fills in nicely and you can control the height of it. Mark Apostolou asked if there was any proposed lighting on the plans and Ray said no but he is familiar with what Manasquan wants. Al Yodakis will have to approve the lighting plan. John Muly asked about the signage out front and what their plan is for out there. Keith said the sign that was approved for Dr. Walenjus on Highway #71 right on the Brielle/Manasquan border is one they would like to duplicate. It will conform to the Sign Ordinance and be aesthetically pleasing. John Burke asked Ray and Al, he said we require some sort of water runoff management on residential, this property is has residential all around it, would it be a major problem to put some sort of water control rather than just having the water running off. You are talking about having it run to the back of the property onto that grass and so on and if you over power the grass it's going to flow onto the neighbor's property behind. Ray Carpenter said he will look into putting some sort of stone trench, drywell system that will collect maybe the runoff from the parking lot. He will work with Al on the drainage also. Lenny asked if the doctor has night hours and he said he does, two nights a week until 8PM, once in awhile it changes.

Patrick Callahan made a motion to open the meeting to the public, the motion was seconded by John Muly, all in favor none opposed.

Audience Members coming forward:

Chris Robinson – 50 Broad Street – He spoke with the Doctor and the 4-foot fence that is being proposed to be put on his property line, he doesn't see any need for it. It would leave a 2-foot alley way between his property and his property with no way to get a lawn mower in there. He has a 6-foot fence on his property line today, if you want to give me a new fence. He said he is ok with the arborvitaes. Mayor Dempsey said he wanted the fence to end before the end of Mr. Robinson's house. Mr. Henderson said the problem with back to back fences is junk collects in between them. Mr. Henderson had two pictures which were marked as Exhibit A-2 the rear fence, and Exhibit A-3 shows the side yard fence. Joan Harriman said she feels the fence and/or buffer should be maintained. Owen feels the same, he feels there should be something in there that there should be a fence requirement because if we don't deal with this now and fifteen, twenty years from now whether the doctor owns the property or somebody else does, and there is nothing in the Resolution about a fence, he thinks that could be a problem at a later date. So, providing the fence is there now he doesn't see any reason to require the applicant to put another fence in but he thinks there should be something in the Resolution. John Burke said so we are saying if that fence ever comes down the doctor is required to put a fence up. Mr. Robinson said he has two other comments. He likes the timer idea of the lights, better than the sensor; there are lots of cats and dogs in the neighborhood. He doesn't understand the sign in the driveway, maybe that's something in Code but he feels its common sense. Keith said the signage at the other site works well.

Michael Sinneck moved to close the public comment portion of the meeting, the motion was seconded by Mayor Dempsey, all in favor none opposed.

Mr. Henderson gave his closing statement.

Councilman Owen McCarthy made a motion to approve the application with stipulations that were requested by the Board, the motion was seconded by Michael Sinneck.

Board Members Voting Yes:

Mayor George Dempsey, John Muly, Patrick Callahan, Joan Harriman, Councilman McCarthy, John Burke, Michael Sinneck, Leonard Sullivan, Jay Price and Mark Apostolou.

No negative votes.

APPLICATION APPROVED

RESOLUTION #20-2011 – AMENDMENT – Maher, Tim – 40 Pearce Court – Block: 156 – Lot: 6, 6.01 – Zone: R-3 – Geoff Cramer said the TRC reviewed changes in the design and he feels a member from the Committee could offer their report. Patrick Callahan said the TRC offered to approve the amendment as stated, additional dormers on the third floor and the cupola on the roof. The Committee felt it was in keeping with the design and the modification should be approved. John Muly said aesthetically he thinks it's going to look nicer than the original plan. Mayor Dempsey made a motion to approve the amendment; the motion was seconded by John Muly.

Board Members Voting Yes:

Mayor George Dempsey, John Muly, Patrick Callahan, Joan Harriman, Councilman Owen McCarthy, John Burke, Michael Sinneck, Leonard Sullivan, Jay Price and Mark Apostolou.

RESOLUTION AMENDMENT MEMORIALIZED

RESOLUTION #35-2000 – AMENDMENT – Gorman, James and Patrice – 66 Mohegan Road – Block: 12 – Lot: 9 – Mr. Cramer said he has Mrs. Gorman present this evening, she was sworn in and then explained to the Board why they are looking at this. She said they moved into 66 Mohegan last year. They have an existing deck; it's really more of a platform about 6-inches off the ground. The existing deck needs to be replaced and they wish to raise it. Mr. Cramer explained that this deck was previously approved with respect to her predecessor under the Board's Resolution #35-2000. They are trying to put the deck in that was previously approved by the Board. She is looking for an extension of time. She will be bound with the same conditions as was in the prior Resolution.

Patrick Callahan made a motion to open this matter to the public, the motion was seconded by Mayor Dempsey, all in favor none opposed.

There was no audience participation.

John Muly made a motion to close the public portion of the meeting, the motion was seconded by Leonard Sullivan, all in favor none opposed.

John Muly made a motion to approve the extension, the motion was seconded by Owen McCarthy.

Board Members Voting Yes:

Mayor Dempsey, John Muly, Patrick Callahan, Joan Harriman, Councilman Owen McCarthy, John Burke, Michael Sinneck, Leonard Sullivan, Jay Price and Mark Apostolou.

RESOLUTION AMENDMENT MEMORIALIZED

John Burke said we will be moving into our planning phase. He asked Councilman McCarthy is going to start this. Owen said over the past few months he, Patrick, Neil, John Muly and Dick Furey have had several meetings along with the Borough Administrator

and the Borough Attorney where the concerns that the individual board members made about various planning issues were submitted to the group for discussion. Patrick was kind enough to compile a list of what appears to be seven items for discussion.

- 1) The first one will probably be the quickest to deal with, the Flag Lots. This has been discussed both by the sub-committee as well as the Mayor and Council and there was agreement to ban Flag Lots and specifically put something into the preamble for a Land Use Ordinance. He believes Wall and Neptune have some of the language that Flag Lots are inherently inconsistent with our Master Plan. The next issue he thinks Pat may be able to help him. Mayor Dempsey asked if there would be a minimum, for instance if they have 30-feet going back would that be considered a Flag Lot? Owen said he thinks so and everyone still has the right to come for relief to the Planning Board. All we are saying is they are banned, they are inconsistent with our Master Plan and Land Use Ordinance and he thinks anyone still has the right to come to the Board.
- John Burke said as we go over these seven items if the Board is in agreement on them we will have Geoff write up a letter of recommendation to the Council. Owen said direct views to the Council/Administrator and Mark Kitrick.
- 2) Patrick Callahan directed the next issue, two dwellings on a single lot. He said as far as interior structural alterations, currently that would have to come before the Board for approval. We discussed having the Zoning Officer review these administratively approving only interior alterations in a non-conforming structure. Al Yodakis said the definition we reference in our Ordinance is structural alteration, you are allowed to do anything that is not a structural alteration, which in essence is if you don't make it bigger or you don't take a non-heated space and make it a heated space you are not materially changing the use of the building. Siding and roofing is allowed. Windows of the same size, direct replacement, as far as egress for bedrooms. Mayor Dempsey brought up discussion regarding the property at the corner of Fletcher and Wyckoff and he was concerned how they received permits for the work that was done inside the bottom of the garage apartment and he told Patrick he wants the Code Department to make sure the bottom is not being used. He wants it sealed off so the renters cannot get to the living space underneath. Patrick said the door is only accessible from the outside and is kept locked. Geoff Cramer read how structural alterations are defined "it's defined as any change in the supporting members of a structure, such as bearing walls, columns, beams or girders or the utility systems or mechanical equipment of a structure which change materially alters the usability, capacity or function of a structure. Al feels practically if we make somebody who wants to improve their property come into us for a Use Variance that is going to encourage people not to get permits. Owen feels the wording on this is going to be tricky and he will ask Al Yodakis for assistance and Mark Kitrick and Charlie Rooney for help with this. Geoff said what will happen is Mark Kitrick will do a draft of the Ordinance and it will come back to the Board for further recommendation, so you will get a second shot at it. George said it's very important we get the wording right because right now we have too many inconsistencies. We are not consistent in our decision making. It has to be worded correctly. Lenny Sullivan is saying that we are not talking about a Resolution, we are not talking about anything written down. What

we are saying is that the thinking of this Board in the future should be at any time that we possibly can we should say “if you want all that tearing down and build that big front house, that back house has to go”. George said you have to have something in black and white and it’s got to be spelled out so that the Zoning and Code and the Building Departments know what the rules are. They can’t do one one way and another another way and a third another way. It’s got to be in black and white. Al said that’s what our Ordinance says right now, if you have two dwellings on one lot and you would like to put an addition on the front or the back house, you are going to be sitting in those chairs right there. George said what this Board is deciding today, two years from now you are going to have different people sitting up here and it’s going to be a whole different philosophy maybe. That’s why it should be in black and white. Geoff said it’s important for the Borough Attorney and the Planning Board Engineer to fine tune whatever language is going to come back to this Board, you may not like what you see when it comes back to you. Other Board members with comments were Mark Apostolou, Joan Harriman, and Lenny Sullivan.

- 3) Owen said the Sign Ordinance Sub Committee will be meeting to review all of the Sign Ordinance restrictions which would include what is allowed in store front windows and the entire overview of all of our Sign Ordinances. He doesn’t believe one has occurred in several years, that’s going to take more time than where we are right now. The Sign Ordinance Committee consists of Joan Harriman, John Muly, Mark Apostolou and Patrick Callahan.
- 4) Owen said there is a comment that was just general non-conforming uses, we have discussed this for awhile and no one really understood what the content was we kind of went off topic on it a little bit. Just as to the issue of general non-conforming uses he thinks they have to be addressed on a case by case basis. We could have Al, Mark, and whoever look at something and try to figure out what we’re looking to do and what authority we have requiring or putting something in black and white to eliminate two houses on one lot or situations such as that.
- 5) The Taylor Avenue corridor, he thinks although there is a lot of discussion about what would be good there, again the unfortunate reality is that because of the economy, the property owners really have to move in a collective fashion to work on improving what’s there, and we have limited authority we have as to what we can do. It has been a goal whenever anyone’s appeared here to try to improve it but to put together a general concept for it, I don’t know how feasible that is. Board members talking about issues along the corridor were Mayor Dempsey, Lenny Sullivan. John Burke asked Patrick to check the Resolution on the Body Shop because they were before us a few years ago and see if there was anything in the Resolution to restrict the number of cars. It’s Monmouth Auto Body. Lenny said it would also be great if we could get that big white monster a coat of paint. Patrick said that’s 87 Parker Avenue. Owen said a lot of those issues he just made are probably more of a Code issue than Planning Board. Lenny was talking about the other Zone north of Stockton Lake, he is still not happy about the way it looks. Owen was addressing this side of Stockton Lake. John Burke asked Al if we have anything in the Master Plan with any idea of what that area should look like. Al said if that is something we would like to explore we don’t need to wait for the re-

examination we can look at any specific part of the Master Plan at any time if we think there is a need. Owen said unfortunately the property owners really have to be behind it, and because of the economy we really won't be going anywhere, so John decided to just wait on this.

- 6) **Sidewalks and Curbs** – Owen said he will let John Muly address this and he will chime in as needed. John said a couple of years ago he surveyed the whole Town to see where the sidewalks and curbs were, surprisingly we have a lot more than we think we do. There are some key Streets that don't have sidewalks that should. There are others that we should consider especially around the school zones and things of that sort. He noticed recently and he asked George to maybe address this with the County on Broad Street right by the High School and Beams Terrace there are no handicapped corners there. Somebody in a wheel chair has to go 50 or 60-feet down the Street to get back up on the sidewalk. What we talked about with the sidewalk and curbs committee is to have the Council or someone come up with what Streets should have sidewalks and curbs on them. Some could just have sidewalks, they don't necessarily have to have curbs because then you get into the drainage and things of that sort and we'd have to deal with the Engineer on that. His concern is safety for kids and particularly Stockton Lake Boulevard where he happens to live, kids have no sidewalks all the way down that Street to walk on, or if they do they have to cross over and walk along the Lake which isn't the greatest place for them to walk either. In the Summertime it's just as bad when you have a lot of people walking to the beach and you have a couple of little curbs there and somebody is going to hit one of these days, I don't know who is going to take responsibility for that but something should be in the works to get this done. One suggestion he has is if there is any major construction or new construction along any of those Streets that sidewalks be put in at that time at the property owner's expense. Al said the Town could have a dedicated sidewalk fund and you could come up with a monetary value of well, if you are not going to put it in you need to give us whatever the equivalent amount of money would be for that sidewalk and then when the Town gets enough we go in and repave the road or something then we have a fund to utilize that to put sidewalks in. Jackson Township does that, he sat on their Zoning Board a number of years ago and they made people put in sidewalks to nowhere. Mark Apostolou asked if the Council consults with the traffic safety police person because they maintain statistics on pedestrian accidents and they may be able to give some good information to the Council as to ingress and egress and where the majority thinks that sidewalks would be necessary. John Muly said primary Streets should have sidewalks, then you have secondary Streets and tertiary ones maybe don't even need them. George said we got a grant and put in sidewalks from Brielle Road to Whiting Avenue on Third Avenue and nobody uses them. They all walk in the road.
- 7) **Distance from garage to Street on First Avenue.** The discussion was to where possible and if the applicant's do come here to force the applicants on the eastern side further east and on the western side further west to allow sufficient parking. George said on the west side what we have done and we don't do it right is if they say we have one parking in the garage and one outside, but the setback is only 17-feet and the car is 20-feet and it blocks the sidewalk. We have to make sure on our

part that it's setback 20-feet. That's our fault. Joan is concerned with the beachfront people when they have their cars hanging over the curb onto that setback which is the Street. George said you have two standards on that east side, from Main Street north they have to park one way, from Main Street south they park head in. We should make it all one way; they should all be parallel parked. Mark Apostolou said someone is going to get killed someone is going to be going around the back end of a car that is jetting out and a child may get killed. George said it narrows the roadway when they park in like that. Joan said so are we saying we want to change the parking there? George said we could recommend it to the Police and Traffic department, they would have to come up with that and our Ordinance would have to be amended. Joan said if they didn't want to do that then I say they would have to move the garages back when they rebuild so that you can put the car before the curb. John Burke said so what we are going to do with this one is recommend that the Council get together with the Police Department and see what the options are.

Mark Apostolou asked about George Forshay's application where he was going to withdraw his application and will raise the existing structure to conform to FEMA. If you remember we were going to try to grant an exemption thinking that maybe he could not build up to a certain level. Patrick Callahan said he checked with FEMA and they are vehemently against that and threaten to take away our insurance. Mark said and that's why he wanted to raise this for future Planning purposes, because we weren't aware of that. Pat contacted them immediately, it's my understanding that Al contacted his compatriot in Point and we find out that we would lose our ratings and funding if we were to ever grant something like that. John Burke said he knows in Middlesex County if there is any application before a local Planning Board that has to do with a County Road, the local Planning Board doesn't hear the application until the County gives approval on the application. We don't do that in Monmouth. John asked Owen what we are doing with this now. One is not a problem, Mark will deal with it. Number two Al will talk with Mark Kitrick.

Leonard Sullivan made a motion to adjourn the meeting, the motion was seconded by Joan Harriman, all in favor none opposed.

Meeting adjourned at 8:49PM

Respectfully Submitted,

Mary C. Salerno
Planning Board Secretary