

**The Manasquan Planning Board held a Special meeting at 7PM on Tuesday, October 18, 2016 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey.**

**Chairman Neil Hamilton opened the meeting and asked everyone present to please stand and salute the Flag.**

**ROLL CALL:**

**Board Members Present:**

**Neil B. Hamilton, John Muly, Robert Young, John Burke, Greg Love, Mark Apostolou, Peter Ragan, and Mark Larkin,.**

**Board Members Absent:**

**Mayor Ed Donovan, Councilman McCarthy, Barbara Ilaria, Leonard Sullivan, and Kevin Thompson (Mayor's Alternate).**

**Professionals Present:**

**Geoffrey S. Cramer – Planning Board Attorney**

**Albert D. Yodakis – BORO Engineering – Planning Board Engineer/Planner**

**Geoff Cramer read the Open Public Meetings Statement. Neil Hamilton made an announcement stating that should these applications not be completed tonight, there is a Special Meeting on November 15, 2016 at 7PM. We have one case to be heard that night; we have five Board members who have stated that will attend. Mr. Starkey said he is an optimist and believes this will be finished tonight. Neil said he hopes so. He said Mr. Cramer indicates he feels we should combine these two applications, if you don't have an objection to that instead of voting on one we will block everything together, take the testimony. Before we start Judge Apostolou had a concern. Mark said he has a procedural issue, he raised it at the last meeting. It has to do with paragraph 8 of page 3 of the #39-2005 Resolution. It talks about Storm Water issues and he doesn't know if that has ever been resolved. Ray Carpenter wasn't the Engineer of record at the time. Geoff may have the file in his storage facility, he will check. Mr. Starkey said they did receive a C/O for the Mausoleum and therefore everything must have been in order. Geoff swore in Larry Nicola – applicant for the cemetery, Ray Carpenter – Engineer for the applicants – Al Yodakis for the Board. Geoff said the only unresolved he recalls relates to the trailer and it's removal from the site. An order came down from the Construction Office and the judge determined not to rule on that. Mr. Starkey said his understanding is the Municipal Court Judge said he would leave that issue up to this Board. Geoff said the Board can and should probably wrestle with in the context of this application, the timing for the removal of the trailer, because that is 15 years ago. Mr. Starkey said these are two separate applications, we have no objection to sort of consider them together. The reason they are filed separately is because there will be different obligations if approved for the cemetery and for the subdivision. Geoff said it might be more expeditious if we take them together. Mr. Starkey said separate Resolutions would be more helpful for the Board and for his clients. Mr.**

Starkey said the first application is for the cemetery, this addresses in part an issue for which we were here last time, we have had four hearings on the subdivision application. And on the cemetery application one of the issues as Mr. Cramer stated is the trailer on site at the cemetery. That application is for a Site Plan for the removal of the trailer, construction of an office building. He wanted to state up front Mr. Cramer said there are two Use Variances, one was on the plans it states the office building is going to be used as grounds keepers quarters, we are not going to be seeking that tonight. We are going to withdraw that. The cemetery is thinking about 30-40 years down the road, when the cemetery is full and typically a grounds keeper occupies that building. We are seeking a variance for the cemetery to sell the land to OCLAR, 5 lots. The reason for the Use Variance is the cemetery supposedly is a non conforming use, not permitted in the zone, although it is grandfathered in. So, selling a portion of it will intensify the non-conforming use. Although he has testimony that states otherwise, they are reducing the number of graves and a possibility of a mausoleum being put on that part of the cemetery. The witnesses he has for that application are Larry Nicola who is the principal of the cemetery and Ray Carpenter as the Engineer to testify. The second application is for a major subdivision by OCLAR who is the contract purchaser. They seek to subdivide the property into 5 single-family lots that conform to all the requirements of the zone except for the Use Variances, for that he presents Ray Carpenter, and also Neil Ducharme who is the principal of OCLAR. Geoff swore in all those who will testify – Ray Carpenter, Engineer/Planner for the applicants, Neil Ducharme, contract purchaser for cemetery land, Larry Nikola, proprietor of the cemetery. Mark Apostolou said just to have a stipulation on record, it's stipulated by Council that you will comply with any Storm water drainage if that record is found. And, you are hereby removing any request for any type of residence at that office building. Mr. Starkey said we are removing it now but reserving the right if at a future date we want to come back for an application to seek that. But, it is removed from this application. Timothy B. Middleton stood at the microphone stating he is representing Mr. Deacon of 44 Forest Avenue. His objection regards drainage concerns, topography, he believes the plan is lacking. His major concern is the scarcity of information on the plans; he doesn't know how anybody can make a decision based on what was submitted. The post development runoff has to be substantially less than the pre development runoff. You have woods, leaves, grass here which typically does not have a lot of runoff. There will be five (5) houses so we are talking about at least 12,000 square-feet of impervious surface. You also have the office building and the existing Mausoleum. This is a dead end Street, there is a cul-de-sac issue that has to be resolved, storm water issues, landscaping, and the plan is devoid of any kind of topography. He said this is the barest of bare plans he has ever seen on a Major Subdivision. He stated the site is steep as he has walked the site. Mr. Starkey addressed Mr. Middleton's comments, they sound more like objections. We submitted plans and your Board Engineer has commented on them. We rely on the Board to say our plans are sufficient to proceed tonight. He called Mr. Nikola to come to the microphone. Neil Hamilton commented on Mr. Middleton's comments we need to at least get this underway. We as a Board rely on our Engineer to review the plans submitted and if they are not sufficient he will inform the Board. Mr. Starkey said he will have Mr. Carpenter address these issues. Neil said if these documents need to be finalized and in our packets as evidence, that's why we are probably going to carry this application, so they can be reviewed by our Engineer as well as by objectors. Mr. Starkey said maybe

his hope is the documents you have are sufficient. Neil told him to proceed on and see where we go. Mr. Nikola was the first to testify. He gave his background with this and other cemeteries in the State of New Jersey and other States. With the money from the sale of the land they plan to repave all the roads in the cemetery, they will have a garage to store their maintenance equipment, and landscaping to make it beautiful. This is an opportunity for Atlantic View Cemetery, again it's a not for profit, which is required by cemeteries in NJ by State Law. It's a way for us to get what we need, 15% of the sale will go to our perpetual care account. He plans to make this a very beautiful cemetery. His total focus is to get to 6 million dollars. It doesn't happen overnight. When he took over Holmdel cemetery in 1985 they had no money in their trust fund, with the improvements right now they have approximately 6 million dollars in our Trust Fund. This cemetery is approximately 104 years old; he acquired it in 1999 or 2000. He had come before this Board for approval of the Mausoleum previously. They had Geoff mark an enlarged copy of the Site Plan of the cemetery Exhibit A-1. Geoff said these exhibits will have to stay with Mary after tonight's meeting. The office trailer shown on the site plan is for storage of records and to meet families who come out. He proceeded to describe what they are proposing. He said the only way they can afford to remove the existing trailer is to get the money to build the office building. He said the purpose of the proposed office building is for record keeping, someone would be there to meet families. There is a small single car garage that will also be removed and part of the office will have a garage so we can store all our equipment. Pursuant to the agreement to sell land to OCLAR he went to the State cemetery Board to obtain their approval for the sale of the property. There will be a 10-foot conservation easement to run along the length of the residential buildings and the cemetery. He will plant Leyland cypress somewhere inside that easement and to maintain that vegetation in perpetuity. That will be a condition of the Resolution. If this property is not sold to this developer, cemetery law allows them to place the graves on the property and also a Mausoleum. Mark Apostolou asked that assuming the Board grants the application that copies of the pre-conditions established by the State, that should be part of the Resolution that that money is to be attributed solely to those purposes. Mr. Starkey in response to Mark said he is not sure if that is cemetery Board conditions. Mark said Mr. Nikola's testimony was that those were conditions. Mr. Nikola said maybe he mistakenly said something, with the money that the cemetery receives has to be put back into the cemetery and what we are going to do is pave the roads, re-do all the entrances, build an office building, buy equipment, have a garage obviously. Mark said so there wasn't a pre-condition of the State. Larry Nikola said we told them what we were going to do. Al Yodakis asked if someone was going to be on site 40 hours a week in this office, the answer was yes. As far as meetings would go, you said you would have people in the office. Tim Middleton said the 2005 Resolution required that the trailer be removed. It's still there, is there a reason it has not been removed. Mr. Nikola said his understanding is when we got that approval for the mausoleum, the trailer was allowed to stay until we came back for a meeting like this, the main reason is I can't do those improvements until I get the money for the sale of the land. The trailer will go then. Tim said so your testimony is until the office building is constructed and a C/O is issued then the trailer will remain. Mr. Nikola said the trailer is either so close to where the office will be built maybe we will have to move it. Tim said and where would that be. Mr. Nikola said it would be moved out of the cemetery, out of the Town of Manasquan. Tim said, so you are saying if the Board

approved the office application and construction commences at that point the trailer will be removed from the site. Mr. Nikola said if it needs to be removed, we will have to move it. Tim Middleton said isn't that sort of what you said back in 2005. Mr. Nikola said no, it's not. Tim read from the Resolution, paragraph #14, "the applicant stipulated that a site plan will be generated with respect to that garage area enlargement and the construction trailer removal following the completion of the mausoleum addition." Mr. Starkey said that's why we are here, we're here to remove it. Neil said when we made that approval we were under the impression that they were going to come back within a reasonable short period of time to build the garage and of course now 10 years have passed. The other thing was when they got approval, there is a building permit for temporary storage of that trailer on site, it was issued back in 1996 and it's noted in there, they have approximately one (1) year to have the trailer on site. Technically they are in violation, Code Enforcement is well aware of it. Tim asked if the Board then does approve the application in that event you will remove the trailer at the commencement of construction of that office is that what you said. Mr. Nikola said I think what I said is, if it can stay there while the office is being built I would rather have it stay there so I can do the work I need to do while it's there, but if it's in the way of the construction, which I do think it will be then it will be removed. Tim said removed off site. Mr. Nikola said out of the cemetery of Manasquan. Mr. Starkey said the details of the day he removes the trailer will definitely be when this is completed. Geoff said the Board may require a Performance Guarantee with respect to that trailer removal if a Resolution approval is adopted. Mr. Starkey said his clients didn't acquire this property until 1999-2000; it was only when we came in for an application last year that there was an objection to that trailer to being there. It was an unclear situation to them, it's not like they were sitting back and not doing anything. Neil asked if anyone in the audience has something that has not been addressed yet to come forward.

**Audience members coming forward:**

**Lori Centrella – 5 N Main Street** – Her property is adjacent to the cemetery. She remembers when the Mausoleum application came before the Board she recalls there was a stipulation that there was going to be vegetation maintained around the Mausoleum. Recently, it's been clear cut. If you go along the bike path there have been maybe a dozen trees, and all the vegetation taken down and you can now see the Mausoleum from the rear of her property as well as the bike path. Can you explain that?

Mr. Nikola said the cemetery didn't take anything down, she would have to show him, he would be more than happy to meet her there. Lori asked if wetlands delineation was done since the last meeting and Mr. Carpenter said yes it was done.

**Steve Edwards – 4 Forest Avenue** – He said he is a Licensed Surveyor and lives right across the Street from the cemetery. His question is about the major subdivision. Neil said we will come back to that we are now dealing with the cemetery owner.

Mr. Starkey then called Mr. Carpenter to testify. Neil asked if there is anything new that we haven't heard before regarding the subdivision. The Board accepted his credentials. He said right up front, the trailer does interfere with the construction of the office building so it would have to go. They propose to construct the office building relatively in the same location as the trailer and the existing garage purposely because it functions well and doesn't interfere with the functionality of the site, you have to remember, behind where the office is being constructed, there are graves, to the north of the office there are graves. There is not a lot of area to construct this building because there are graves. We have

provided drainage based on the standards of Manasquan for the office building. They have tried to keep the impact of this building to a minimum. Noting Al Yodakis' report the applicant put in an outside entrance to a bathroom because obviously people come on weekends and after hours. The building will no longer be a residence; its use has been addressed before. The second story more than likely will be used for storage. John Burke asked about parking for the office building. Ray said in front of the Mausoleum there is a fire lane where the driveway widens out and there is enough room for a car to park and another car to go past it. He doesn't think parking will be an issue. John asked Al about the parking. Al asked about ADA, Ray said the entrance to the building we will make ADA accessible. Al said we need a parking stall and Ray said we put one in very easily. John Burke asked that if they get an approval tonight the handicapped stalls and parking stalls are put on the Site Plan and approved by Mr. Yodakis. It was agreed to by Ray Carpenter. Bob Young said he noticed there was a dumpster adjacent to the existing garage, do you know where that will be placed. Mr. Carpenter said it will be taken off site. It will be moved to Wall Township. Mark Apostolou asked Mr. Carpenter if the garage will be for storage of equipment, Ray said yes it will. Presently they are stored outside. Mark asked for them to stipulate that all equipment if the approval is granted will be stored inside and they agreed. Mr. Carpenter said that's why it's an oversized garage. Neil said he is pleased that you took away the residential apartment. He thinks the building is too big, for what your operation is, to have three offices, a kitchen, two full baths, a sitting room that's 16 X 19-feet with a fireplace, you have another conference room that's 16 X 11-feet, a storage garage 34 X 37-feet, that may be an amenable size that you need. He said he took a ride over to St. Catherine's and Brielle today. St. Catherine's has a small office, they have a garage on either side, they have a two-car garage that sits down about 600-feet which appears they don't even use. It's in the woods, you can't even see it. Brielle has a small office, maybe 12 X 20-feet; they have what looks like a shed of some sort maybe 15 X 15-feet. He didn't see at either facility equipment stored outside. He just doesn't get the size of this structure with a full second floor, why you need all of this. You say maybe one or two cars would come in to do their business, three offices doesn't quantify the size of the structure. Ray Carpenter said Mr. Nikola can address that. He said by Brielle, you mean Greenwood Cemetery, Neil said yes. Mr. Nikola said they are very tight for space, he imagines a lot of their work is probably sub-contracted out. We sub-contract our mowing out right now but when we have our own equipment it's a way for us to save money and have our own people cut the grass and stuff. We have the land and we want to construct the building which we believe is very lovely. He asked his architect how many square feet the building is. Neil said you are right, you don't need any Bulk Variances, but going back to the size of this, it's huge. Mr. Nikola said an office would be for the manager, one for myself and a place to meet families. Mr. Carpenter said the square footage is around 2,000-square feet, not including the second floor. Al said the first floor is 2358-square feet. So, including the garage and second floor somewhere around 3,000 square-feet. Mr. Starkey proceeded on addressing Al Yodakis' report. Al said the Use Variance stands. Ray Carpenter said we are asking for a Variance to allow two principal structures, one is the office and one is the Mausoleum. Geoff said you are implementing the intention of that 2005 Resolution with this application. Ray Carpenter said that's correct. 2-C is the Use Variance for the subdivision of the residential lots, we will get to that. #3 is correct; we are not seeking any Bulk Variances. #4 we have addressed. #5 we will revise the plan to show

steps in the access to the proposed rear doors. #6 Storm water improvements we addressed that by stipulation and agreement. Geoff said there is a Storm water Ordinance you must comply with, Ray Carpenter said yes, and that addresses #7 two dry wells proposed. #8 slotted covers for the drains have been discussed by Mr. Carpenter with Mr. Yodakis and is acceptable. #9 Ray Carpenter said that is correct, specifically for the new office building. They will use the existing services that are there for sewer and water to the trailer and will be connected to the office building. #10 plans for driveway material, Ray said it would be asphalt to match the existing driveway. #11 lighting on the office building, Ray said they will use residential lighting, such as lantern lights at the front door and the entrance to the garage, there is no need for after hours use of this building, for security purposes they may put motion sensors on the lights. Neil said there will be no spillage to the residential homes. Ray said no. #12, trash disposal – someone asked about that, Ray said there is just a dumpster onsite and it's there for the purpose of when people put flowers at the grave sites after a couple of weeks or so they are picked up and disposed of and we are going to move that dumpster over to the other end of the site which is actually Wall Township. #13, the final point, proposed landscaping should be shown. Mr. Carpenter will work with Mr. Yodakis and will come up with a landscaping plan. Al asked if that would also include the Mausoleum. Will you satisfy whatever the original Resolution stated, Mr. Carpenter said absolutely. Greg Love said paragraph #9 of the Resolution given to us it says, the landscape plan will include principally evergreens but alternating budding plants and that's around the Mausoleum. Ray Carpenter said that's fine with us. Mr. Starkey said that's all the testimony he has on the site plan. There are two (2) other issues, one is the Use Variance for the intensification of the cemetery property, and he has a couple of other questions for Mr. Carpenter and then the subdivision application. Neil Hamilton said if you want to stay with this portion. Mr. Starkey asked Mr. Carpenter the reason or theory behind the Use Variance is the cemetery is intensifying a non-conforming use by selling off a portion of that land. Can you comment on whether or not the cemetery is intensifying or is reducing the cemetery use on the property by selling off this land? Mr. Carpenter said his first comment on that is, the land that we are selling off is land that could be used as gravesites. If we sell it off as residential lots, it's no longer going to be used as grave sites. It's almost a wash, right now that land is being calculated into the density of graves per acre. By taking away this portion of the site he doesn't think it would dramatically change the density of the acre. The proximity of grave sites to one another, you can put a substantial number of grave sites in that little portion of land. This area where we are proposing to put five houses, the only restriction he understands from Mr. Nikola is that he has to keep the grave sites 10-feet from the parking lot, other than that, he can line up the grave sites one right next to the other, and fill that parcel with grave sites. So, yes are we decreasing the land area of the cemetery, yes. Are we intensifying the use, he thinks if anything marginally but the amount of graves that you could fit in that area that we are proposing to use for residential can be pretty substantial. Overall we are decreasing the number of land area for the cemetery so I guess that basically constitutes an intensification of the use. Mr. Starkey said Mr. Middleton has made a point that there is a buffer but at some point in the future, if this subdivision did not occur, then that area could be cleared and graves could be placed up to 10-feet from the lot line. Mr. Carpenter said that whole entire area behind the Mausoleum could be cleared and graves could be placed on that site. Mr. Nikola testified that he is agreeing to a 10-foot conservation easement with landscaping

to be maintained in perpetuity behind the proposed residential subdivision. That would give a similar buffer to the setback requirement. Mr. Carpenter said, when I said he could put grave sites within 10-feet of the property line there would be no buffer, the property line would be just 10-feet away with grass, and there is no requirement that he put a buffer between the graves and the property line. Mr. Starkey said this cemetery is located in a residential zone which permits single-family residential homes, is that right? Mr. Carpenter said that is correct. By selling this portion of the cemetery to allow constructing the construction of residential homes the cemetery is thereby making this more in conformance with the requirements of the zone. Geoff asked if the conservation easement is only along the rear of the proposed five lots and Mr. Starkey said yes. Mr. Cramer and Greg Love asked if they would provide a conservation easement alongside the end house. Mark Apostolou asked what the present so called buffer zone? Have you measured it out as to what exists now in the wooded area? Mr. Carpenter said all the trees in that area are deciduous trees so in the winter time they have no leaves and some trees in that area are substantial in size so you can see underneath the lower branches. Mark said he is asking about the wooded area between the Mausoleum and Forest Avenue. He was told there were approximately 150-feet of deciduous trees and overgrown shrubs and whatever. Mr. Carpenter said correct, obviously it's not well maintained at this point. They have let it go wild.

Mr. Middleton said his client is less concerned with the office building than he is with the residential topography. His understanding was that the proposed office is not providing any additional parking. Mr. Carpenter said we haven't shown any specific parking. There is parking in front of the Mausoleum, it's not delineated, but there is area for parking of possibly four or five cars. Tim said his understanding is that when the Mausoleum was approved in 2005, that area you pointed to is a circular driveway going around the Mausoleum, his understanding is that area was created for the Mausoleum it wasn't created for a potential office building. We have an office building which is he believes 2000-square feet with an un-finished second floor, three offices, a meeting room for bereaved families, it requires a handicapped parking space, with the interpretation of the Manasquan Ordinance we are looking at probably two, three or four additional parking spaces. But, that's just his point on parking. His second point is to Mr. Carpenter if he performed any pre-development or post-development analysis of runoff for the office building. Mr. Carpenter said we took the worst case scenario; we took the entire roof area, the driveway area, and addressed it according to the Ordinance. He did post development calculations for the office building figuring 100% capture of storm as per the Town Ordinance. Tim said as you are obviously aware under the Storm Water regulations, not only do you have to count this building in your 10,890-square foot calculation, you have to include the residential 5-lots and you actually have to include the 6000-square foot Mausoleum, but we'll get to that later. The other issue that was raised that is incumbent upon the applicant is there is a reference to the prior approval and whether or not there is any evidence that the prior approval in building the Mausoleum complied with the drainage in accordance with the plan. It is his client's position that the applicant has to investigate, research on site where the water is going. Was an underground system constructed, was it inspected, if it is it now being dumped into Judas Creek? It's a very open end question. Especially in light of the fact that we don't have any drainage plans here. His final question, in terms of the lights, is there a specific time that they will be off

on the office building. Mr. Carpenter said he would leave that up to the owner. Tim asked Mr. Nikola if the lights were timed. Mr. Middleton would that to be a stipulation. Mr. Nikola said there would be no spillage of light onto neighbors and if necessary they will shield the lights. Neil asked if anyone in the public had comments in reference to this case.

**Audience Members Coming Forward:**

**Lori Shaffer** – she had a question about the setbacks for the buildings. Because the road is less than 40-feet wide in front of the proposed subdivision, does that affect the setbacks? Neil said we are just talking about the Mausoleum. She then asked about the office building in the cemetery, the bathrooms in the building will those be hooked up the Manasquan or Wall sewer. Mr. Carpenter said presently it is hooked up to Manasquan and the line actually runs just south of the proposed subdivision; there is a water/sewer line there at 49 Forest Avenue.

Tim Middleton had one more question for Mr. Carpenter, he asked how many graves could be located in the area where they are proposing the subdivision. Mr. Carpenter did not know the amount, he said some grave sites are different sizes. Tim said lot 1.07, furthest to the south, Mr. Nikola can now place grave sites within a couple of feet of that property. Mr. Carpenter said that is correct, but we are going to have a 10-foot buffer. Tim said that's in the back. Tim asked if Mr. Carpenter had any personal knowledge or understanding as to exactly how far a grave site must be from a property line. Mr. Carpenter said he knows he had read it but can't identify the source. Tim said also the lot to the north, 1.03, he is assuming Mr. Nikola can place grave sites in that location. One thing Mr. Middleton didn't hear during this testimony was any negative criteria. John Burke asked about a conservation easement to the south, he knows to the north there will be a discussion. Neil said make a note and we will talk about that also. Mr. Starkey said Mr. Middleton pointed out there has not been clear testimony regarding negative criteria for the variance. Mr. Carpenter as you are aware, a variance won't be granted unless it's not a substantial detriment to the public good and not substantially impair the intent and purpose of the zone plan and zoning ordinance. Can you explain to the Board this to the Board? Mr. Carpenter said there are two existing buildings on the site, a garage and a trailer. The garage is not exceptionally pleasing and the trailer itself is subject to a permit that has lapsed and we are trying to remove that violation by incorporating that into the structure. The cemetery does need an office to run its business and a garage area to store its equipment and materials. By consolidating these two buildings we provide the cemetery with the means to maintain the facility and by the same token dressing up the site and removing an existing violation on site. Mr. Starkey said with respect to the D Variance can you comment on how the variance can be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of the zone plan and zoning ordinance. Mr. Carpenter said one of the purposes of the zone plan and zoning ordinances is to construct buildings that are permitted in the zone. We are allowed at this point to put graves on this site which are not a permitted use, but it's grandfathered. We are going to abandon that use and put a permitted use in its place. So, that is advancing the intentions of the zone plan and the zoning ordinances. Mr. Starkey said that's all he has on the site plan application and the D-Variance for the sale of the land. The next part is the subdivision. Mr. Middleton if you were to locate graves in the area where you are proposing the subdivision isn't it true you have to create a new roadway in that vicinity. Mr. Carpenter said not necessarily. Mr. Middleton said in terms of your negative criteria



Mr. Carpenter is it fair to say that clear cutting an area will have a negative impact on the residence of Forest Avenue. Mr. Carpenter said they can clear that area tomorrow, they don't need a permit to do it and they can do it in preparation to placing graves in that area. Tim said that wasn't the question. Is clear cutting this area of trees, some large in connection with this application will that have a negative impact on those neighbors on Forest Avenue. Geoff Cramer told Ray Carpenter he may want to take a look at Section 35-18.3 of the Site Plan Ordinance in Manasquan which specifically says that "no development shall take place within the Borough or shall any land be cleared or altered without first getting a Site Plan review and approval". Ray Carpenter said that's what we are here for, on the second application a subdivision application. Mr. Starkey said Cemetery State Law allows the cemetery owner to remove trees without approval. Geoff said you had the same argument before the Court with respect to the Use Variance. Mr. Starkey said no sir, we did not. Geoff said you did. You raised the Cemetery Act. Mr. Starkey said if a Municipality can govern the removal of trees on every lot and the excavating on every lot, then every single grave dug would have to come for a Site Plan application, that's why there is a Cemetery Act, to prevent a Municipality from impairing the ongoing operations of a cemetery. That was not what we argued in Court. Geoff said you are taking these trees down not in the context of creating grave sites, you are eliminating these trees to create buildable lots. Mr. Starkey said correct. Mr. Middleton asked Mr. Carpenter if it was his position that the addition of five (5) new homes at the terminus of a dead end Street with no cul-de-sac proposed and no turn around proposed, is it your position that will not have a substantial negative impact on those people who live on Forest Avenue. Mr. Carpenter said we will talk about that when we do the subdivision application. Tim said is it your testimony as a Planner that the clear cutting of those trees and creation of substantially more runoff from the property will not have a negative impact on to those people on Forest and the citizens' of Manasquan. Mr. Carpenter said there will not be substantial additional runoff of the site because we have to comply with the Town's Ordinance on drainage. Neil Hamilton said he thinks we are done with the cemetery Site Plan so let's move to the subdivision, we are running out of time. Neil said he predicted this would not be finished tonight, he asked them to cite the parameters to this, he said Al can take his notes as well as Mr. Carpenter, as to what issues are going to be raised. He believes the whole crux of the application is Street widening, turn around, and certainly drainage and intensity of five (5) lots and you are going to have to provide these reports in detail to Al and this Board and make them available for the objectors. Mr. Starkey asked which reports. Neil said you need to provide reports of drainage that we have these in hand that you are going to satisfy the Planning Board Engineer and they will be available to the public to view, so when you come back to the next meeting these issues on the table and get through them. If you want to set up a preliminary goal as to where you are going to go with this and then we are going to have to reschedule for that next meeting. John Burke asked about a turn around and Neil said that will all be addressed at the next meeting. Mr. Starkey said what we said at the time is we will defer to the Board because we don't want any access at that 20-foot point. Some other members said we want access for a turn around and there was a debate. Our position was tell us what you want and I think the consensus was and Mr. Nikola's son was here said we want curbing going right to the end of that Street and we agreed to that. Then Mr. Cramer called me a month or so later and said why aren't you giving a turn around on that site? The Board said they

didn't want any cars going into that area. Mark Apostolou said he thought it was the Board's position that they didn't want any commercial traffic, Greg Love agreed with that statement. Neil said we didn't want vehicles running in and out, delivery trucks, plows and such going into that portion of land. Mark said he thinks that is one of the objections of the property owners and maybe you could speak to the objectors Council in the interim. Neil said you have a complicated application here, between the three of you Al, yourself and the objector, sit down and have coffee, why waste our time sitting here. Decide what the issues are and try to get them resolved. Mark Apostolou said if he could be so bold it is his position that a 10-foot buffer is not sufficient. The fact that he could technically place graves up to that line that is not a sufficient buffer. Mark Apostolou said perhaps not just the rear but encompassing the sides too. Neil said he would like to open the meeting to the audience and have them choose to speak, just to make your comments, we are not going to reply to them, use whatever their concerns are and take notes.

**Audience Members Coming Forward:**

**Steve Edwards – 4 Forest Avenue** – He said the right-of-way existing is 41 ½-feet, when you develop it the Borough requires it to go to 50-feet. You would have to dedicate 10-feet.

**Laurie Centrella - 5 North Main Street** - She used to own 34 Forest Avenue, Mr. Deacon's property, so she is very familiar with both of them. A lot of the neighbors are very concerned with the runoff. She said the Borough owns the property known as Cemetery Avenue, behind her property; it dead ends at Forest and goes all the way to the bike path. If you put a cul-de-sac there her concern is that the Borough is giving up the use of that property. A big concern is the last time you had a talk about this there was going to be a path with access point next to Mr. Deacon's house and there was some talk of even possibly disposing of ashes at that site. That's not something we would want to happen at our properties. She remembers talk about it potentially being a path for heavy equipment and also disposing of ashes, maybe she heard it wrong but if that's the case it is something the neighbors are very concerned about. She has Cemetery Road on her survey behind her property. It goes from the end of Forest right to the bike path. Neil asked her to provide a copy of that so the Board could look at it, please give it to Mary and she will make sure the Board sees it. Al Yodakis said if this is so, putting in a cul-de-sac at the end of that does not in any way vacate the Borough's rights of ownership there.

John Burke made a motion to close the public portion, seconded by Greg Love all in favor none opposed.

Neil said this would be carried to the November 15, 2016 Tuesday meeting at 7PM. We will hear the other application first and then hear this one.

Mark Apostolou made a motion to adjourn the meeting, seconded by Robert Young, all in favor, none opposed.

Meeting adjourned at 8:58PM

Respectfully Submitted,

Mary C. Salerno  
Planning Board Secretary

