

The Manasquan Planning Board held a Second meeting on July 16, 2013 at 4PM in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey. Mr. Cramer attorney to the Planning Board read the Open Public Meeting Statement. Chairman John Burke asked everyone present to please stand and salute the Flag.

ROLL CALL:

Board Members Present:

John Muly, Joan Harriman, Councilman McCarthy, Neil Hamilton, John Burke, Leonard Sullivan, Mark Apostolou, Jay Price, Peter Ragan, Robert Young

Board Members Absent:

Mayor George Dempsey, Paul Rabenda, Greg Love

Greg Love arrived at 4:11PM

Professionals Present:

Geoffrey S. Cramer – Planning Board Attorney

Thomas Neff – T & M Engineering – Engineer/Planner

APPLICATION #34-2013 – Kelly, Karen and Daniel – 407 River Place – Block: 133 – Lot: 34, 35 – Zone: R-2 – Geoff Cramer swore in Daniel J. Kelly – owner/applicant, Jane Slavin – Architect, Thomas Neff – T & M Engineering, PB Engineer/Planner. Jane Slavin gave her certification and was accepted by the Board. Ms. Slavin explained the application and the Variances requested. She gave the background of the property and the proposed plan stating the house needed to be raised quite substantially. The lot has 5000-square feet which is required lot area in the R-2 Zone. The applicant stipulated the air-conditioning unit will be moved to the rear of the dwelling. They had photographs of the house marked Exhibit A-1 and A-2 and Exhibit A-3 and A-4. Photographs of the property and the Street scape. The shed in the rear yard has been there and they are proposing to keep it so a Variance is requested for 1.5-foot setback for that. The staircase will be hidden within the front porch. The construction of the front porch requires variance relief from the front yard setback. Tom Neff went over his letter. Mark Apostolou made a motion to open the meeting to the public, the motion was seconded by Joan Harriman, all in favor none opposed.

Audience Members Coming Forward:

John Mulligan – 401 E Virginia Avenue, he said the front of his house is on E Virginia the back of his house opens up to the applicant's application. He doesn't see any reason why he should be denied the relief that he is asking for, they are good neighbors, and they maintain their property all the time and would love to see this variance granted.

Bob Brinder – 416 Perrine Boulevard – this property abuts his backyard and he will attest to the fact that they are great neighbors, anything that they have done in the past to improve their property or their building has been an asset to the neighborhood. The plans were shared with him and he looked them over and he thinks they look great and he thinks they will not only be an asset to the neighborhood but to Manasquan.

Mark Apostolou made a motion to close the public portion of the meeting, the motion was seconded by Joan Harriman, all in favor none opposed.

John Muly made a motion to approve the application with the stipulations, the motion was seconded by Joan Harriman.

Board Members Voting Yes:

John Muly, Joan Harriman, Councilman McCarthy, Neil Hamilton, John Burke, Leonard Sullivan, Mark Apostolou, Jay Price, Peter Ragan, and Robert Young.

There were no negative votes.

APPLICATION APPROVED

Let the record show that Greg Love arrived at 4:23PM.

APPLICATION #35-2013 – Mountford, Kent – 425 First Avenue – Block: 187 – Lot: 23 – Zone: R-4 – Keith Henderson is the attorney representing the applicant. Mr. Cramer found the file to be in good order and accepted jurisdiction. He swore in the applicant, Kent Montford, Richard Graham, architect for the applicant and Tom Neff, T & M Engineering, Planning Board Engineer/Planner. The first witness called was Kent Mountford who stated his family has lived in that house for 90-years. The house was built in 1902 and there is nothing remaining after Super Storm Sandy. Keith had plans submitted as evidence, Exhibit A-1 is a plan of proposed building separation, and first floor grade level on First Avenue, prepared by Richard B. Graham. Mr. Graham was second to testify, his credential were accepted by the Board. The existing lot is 33-feet wide, 30-feet is required. He addressed the Variances required by the applicant. Based upon the TRC report Mr. Graham redesigned the building separation by attaching the stairs to the building and eliminate the space between the stairways. The application is to demolish all existing structures on the property which were damaged during the Super Storm and construct a new two-story single-family dwelling fronting on the Beachfront and a new two-story garage apartment fronting on First Avenue. The side yard variance requested is for 3-feet, 2-inches where 5-feet is required. The minimum front yard setback proposed to the covered front porch is 9-feet, 8-inches to the covered porch and 15-feet, 1-inch to the dwelling. They also request a Variance with respect to Option “A” and “B” height envelope requirements. Tom Neff said Keith did a pretty good job going over his report, he had a few comments. He asked Mr. Graham what he was proposing between the houses as far as stabilizing that area. Mr. Henderson said maybe some landscaping; if they did anything they would use pervious pavers. As far as the Storm Water Ordinance, Tom said they are correct that it doesn’t apply to recharge systems but we do still like to see some type of grading plan usually just to show that your grading isn’t directed out toward your neighbors and there isn’t going to be any runoff to the neighbor’s property. Keith said they would submit a grading plan to the Construction Department. There will be a driveway lip along the Street so the stones don’t get out onto the Street. There is a pole right there and they will try to run the utilities underground if at all possible. The neighbor from the south asked something to be marked into evidence. Geoff said this is Exhibit A-2. Peter Ragan 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:

Phil Winarcy – He said he and his wife MaryBeth are co-owners of the property to the South, 427 Beachfront and his sister-in-law Janet O’Neil is the other owner. He is representing the family today. Based on the revised drawings his family whole heartedly requests the Board to approve the Variances.

John Loetscher – 423 Beachfront, 422 First Avenue – he and his family totally approve the request of the applicant.

Sean Shumway – he is here to represent his mother-in-law Joan Smith of 419 Beachfront, she wished him to stand up and ask the Board to grant this applicant the Variances requested.

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

Keith Henderson gave his closing statement.

Councilman Owen McCarthy made a motion to approve the application subject to the stipulations as represented by Mr. Henderson; the motion was seconded by Robert Young.

Board Members Voting Yes:

John Muly, Joan Harriman, Councilman McCarthy, Neil Hamilton, John Burke, Greg Love, Leonard Sullivan, Mark Apostolou, Jay Price, Peter Ragan and Robert Young.

APPLICATION APPROVED

Robert Young made a motion to take a 5-minute recess; the motion was seconded by Joan Harriman, all in favor none opposed.

Roll Call Following Recess:

Present:

John Muly, Paul Rabenda, Joan Harriman, Neil Hamilton, John Burke, Greg Love, Leonard Sullivan, Mark Apostolou, Jay Price, Peter Ragan, and Robert Young.

Board Members Stepping Down:

Councilman McCarthy and Robert Young

Geoff Cramer swore in Paul Rabenda who is new to the Board. He is the Construction Official in Wall Township and was appointed by Mayor Dempsey to the Manasquan Planning Board.

APPLICATION #21-2013 – VFW – 30 Ridge Avenue – Block: 43 – Lot: 4.01 – Zone: R-2 – This application is carried from July 2, 2013 – Mr. Roger McLaughlin opened stating he is representing the objectors to the application Mr. and Mrs. Thomas Coyle, he said they left off at the last meeting with the applicant proposing his case. He said he has two witnesses who Geoff Cramer swore in – Thomas Coyle, owner/applicant of neighboring property, Joseph Cross, Engineer representing the applicant. Mr. McLaughlin had two Exhibits marked as O-1 and O-2, and a large aerial photograph as O-3. Mark Apostolou wanted it placed on the record that he did listen to the tape as he was not present at the last meeting. He asked Mr. McLaughlin if the VFW were to move the proposed structure as close to the main structure as possible would that remove the objection by your client. Mr. McLaughlin said it would, there are really two locations on the property that we believe would be appropriate for the storage building and that would be either immediately adjacent on the left side while looking at it from Ridge Avenue or immediately behind it either as an addition or if there is a problem with adding onto the building as a separate

structure but closely put next to the existing building which would reduce its visual impact probably entirely and eliminate the concerns we have with respect to the drainage conditions which Mr. Cross is about to testify to. Mr. Rice and the applicant and Joseph Lane attorney asked for a few minutes to discuss this proposal. Mark Apostolou made a motion for a 3-minute recess, seconded by Joan Harriman, all in favor none opposed.

Roll Call Following Recess:

John Muly, Paul Rabenda, Joan Harriman, Neil Hamilton, John Burke, Greg Love, Leonard Sullivan, Mark Apostolou, Jay Price, and Peter Ragan.

Mark Apostolou disclosed that he represented Mr. Rice on the closing of his house 30-years ago, as his lawyer. Also, the applicant he swore in as the Chief of the Fire Department in Asbury during his tenure as the Judge of Asbury Park. If you wish him to recuse himself on that basis he will. Mr. McLaughlin said he would agree for Mark to stay on the dais. Mr. McLaughlin continued cross examining Mr. Coyle who also disclosed that Chris Rice was his Architect. Mr. Coyle has attended many functions at the VFW and helped them raise money for charitable organizations and also let them use his electric when needed. He said he had to re-build his lot to help with drainage issues but there is a significant amount of water that comes onto his property when it rains and when he saw the building so close to his property he was concerned. More importantly, his house is the market for sale and his broker told him he would lose 10% of the value of his house. Mr. McLaughlin had the 6 photographs marked as Exhibit A-2 which showed the drainage problem. He said he planted the arborvitae at the property line on his property, the tallest being 9-feet high. When the VFW first came to him with this proposal his only concerns were the height of the building and the drainage. To his knowledge there weren't public events there just neighbors and members. He is concerned if the public were to be present they might throw things over his fence. Mr. McLaughlin asked Mr. Coyle if the VFW were to move the building would he have an objection. Mr. Coyle said as long as it wasn't as high and not close to his property he wouldn't have a problem. Mr. Hamilton said of all the years he has been in this neighborhood has he always experienced this drainage issue and Mr. Coyle said he has had it all along. He even brought in dirt and graded the back of his property. And, in the front he built a gravel filled ditch to take that water down from the front of his property and into the pond. His concern is if they build close to his property it will get worse. Neil said he can't comprehend that if they put the garage back in that corner that this situation would go away. Mr. Hamilton stated that this property could be subdivided because of its size into three conforming lots and there could very well be three single-family homes with pools and three 600-square foot detached garages which could be at the rear of the property without Variances. They could also put in basketball hoops and you could have families there making noise on a daily basis. I would think if I were to buy your property and looked into the history and saw how long the VFW was there and the hours of operation and site conditions and you looked at the possible scenario of what could take place on that property, I would much rather have them as a neighbor for the amount of time that property is occupied and the fact that there is very minimal noise. If they should become a poor neighbor, there is a secondary ace in the hole there by the Borough Council in issuing them a club license and putting restraints on them. If they were to have this garage approved there and they started to be a disturbance to the neighborhood, I'm sure the neighbors would go to the Borough Council. I only raise these points for food for thought for the Board and I would rather see this worked out. If they put this building at

the rear they would lose two upper windows for ventilation and the basement windows. Take into account what I said if they abandon ship and it goes to residential development what could happen. He thinks together they should address this drainage issue and stop this water flow. Mr. McLaughlin said I appreciate your comments, but he respectfully disagrees. We are talking about a property that is a non-conforming use smack in the middle of a residential neighborhood; it's not supposed to be there. The Borough Zoning Ordinance says that you recognize that this type of Lodge may be a conditional use under certain conditions and certain Zones but not the R-2 Zone. If the property were to be developed for single-family homes that is exactly what your Zone Plan calls for and exactly what anybody would prefer. This is a non-conforming use and a structure not permitted in the Zone. There were additional comments and recommendations by Board members which was very lengthy and also by the opposing attorney. Mr. Coyle's main objection here is the height of the building, the drainage, proximity to his property, and concern about what seems to be a desire to greatly expand the use. The amount of functions held there each year were addressed. Mr. Murphy said currently they have four outdoor events and they are thinking of having another one. They are allowed to have twelve (12). Mr. McLaughlin said it was previously testified that there were three (3) and if there are four (4) that's an expansion and that requires a Use Variance that hasn't been applied for and hasn't been noted. That's a point he would raise on appeal and he tells that now to be fair to the Board and the applicant. Geoff said the applicant is here for an expansion of a Use for location of this building. Mr. Lane said we are not here to ask for more events we are here for a garage/storage building. Mr. McLaughlin said the size of the structure is a Use Variance and that issue will be raised as well. Tom Neff said the drainage issues should be pretty straight forward, they are taking away a good amount of asphalt, perhaps they can put in a recharge system, but it can be addressed. The other thing is can you shift the building out a little bit, maybe 5 or more feet to the South. Mark Apostolou called for a fifteen-minute recess; the motion was seconded by Joan Harriman, all in favor none opposed.

Roll Call Following Recess:

John Muly, Paul Rabenda, Joan Harriman, Neil Hamilton, John Burke, Greg Love, Leonard Sullivan, Mark Apostolou, Jay Price, Peter Ragan.

Mr. McLaughlin said again we appreciate the Board's interest and we have come up with a solution that we believe works for everyone. Mr. Lane put on the record what has been marked as A-1, the Site Plan, the proposed garage which is presently located 5-feet off the property line will be turned 90-degrees and moved up to 30-feet from the rear property line and will meet the side yard setback. It will be 600-square feet like we agreed to at the last meeting. There will be an underground re-charge system along the rear property line that meets the Engineer's approval. Mr. McLaughlin said the Coyle's have reviewed this and it is acceptable to them, they remove their objections to the application. The height was stipulated to be 16-feet from the crown of the road.

Mark Apostolou made a motion to open the meeting to the public, the motion was seconded by Greg Love, all in favor none opposed.

There was no public participation.

Mark Apostolou made a motion to close the public portion of the meeting, the motion was seconded by Greg Love, all in favor none opposed.

Neil Hamilton made a motion to approve the application as it was submitted, the motion was seconded by Greg Love.

Board Members Voting Yes:

John Muly, Joan Harriman, Neil Hamilton, John Burke, Greg Love, Leonard Sullivan, Mark Apostolou, Jay Price and Peter Ragan.

APPLICATION APPROVED (applause)

RESOLUTION #30-2013 – Gavan, Henry – 126 Fletcher Avenue – Block: 109 – Lot: 7 – Zone: R-1 - Neil Hamilton made a motion to memorialize the motion was seconded by John Muly.

Board Members Voting Yes:

John Muly, Neil Hamilton, John Burke, Greg Love, Leonard Sullivan and Jay Price.

RESOLUTION MEMORIALIZED

John Burke asked should we be requesting as built surveys on modular homes. Mary explained that the Construction Official requests the as built survey or you won't get a CO. A surveyor prepares the as built survey. Paul Rabenda stated that a grading plan is required also and Mary agreed with that also.

John said A and B has to be looked at and changed or eliminated. We would have to look at it and make a recommendation to Council. Neil said Chris Rice was responsible for that Ordinance and he would suggest that Chris Rice, and Tom Peterson who the Board has a lot of respect for both of those gentlemen, that maybe a member of the Board should sit down with those men and maybe draft a revision. John Burke said he would contact Chris Rice and come up with something.

Mark Apostolou made a motion to adjourn the meeting, the motion was seconded Greg Love, all in favor none opposed.

MEETING ADJOURNED AT 6:24PM

Respectfully Submitted,

Mary C. Salerno
Planning Board Secretary