

The Manasquan Planning Board held a Second Meeting on August 20, 2013 at 4PM in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey. Planning Board Attorney Geoffrey S. Cramer read the Open Public Meeting Statement. Vice-Chairman John Muly asked everyone present to please stand and salute the Flag.

**ROLL CALL:**

**Board Members Present:**

John Muly, Paul Rabenda, Joan Harriman, Neil Hamilton, Leonard Sullivan, Mark Apostolou, and Robert Young (the Mayor's Alternate).

**Board Members Absent:**

Mayor Dempsey, Councilman McCarthy, John Burke (arrived at 4:12PM), Greg Love, Jay Price, and Peter Ragan.

**Professionals Present:**

Geoffrey S. Cramer – Planning Board Attorney

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

**APPLICATION #38-2013** – Ross, Steven – Perrine Boulevard – Block: 130, 131 – Lot: 12.01, 34 – Zone: R-2 – Keith Henderson is the attorney representing the applicant. He said this applicant Larry Ross owned two contiguous properties on Perrine Boulevard. The purpose of this application is to increase the area of Lot 34 and decrease the areas of Lots 32 and 32.01 in order to assure water access to Lot 34. There are no Variances, there were no notices, and it touches no land. Mark Apostolou asked that there be wording in the Resolution stipulating that all parties agree to hold Manasquan harmless for this grant. The request was duly noted. Mark Apostolou made a motion to open the meeting to the public, the motion was seconded by Neil Hamilton, all in favor none opposed. There was no public participation. Neil Hamilton made a motion to close the public portion of the meeting, the motion was seconded by Leonard Sullivan, all in favor none opposed.

**Board Members Voting Yes:**

John Muly, Paul Rabenda, Joan Harriman, Neil Hamilton, Leonard Sullivan, Mark Apostolou, and Robert Young.

***APPLICATION APPROVED***

**APPLICATION #36-2013** – Bakunas, Richard – 9 Sims Avenue – Block: 151 – Lot: 17 – Zone: R-3 – Mr. Bakunas explained what he is requesting from the Board. Geoff swore in Richard Bakunas – owner/applicant, Robert Burdick – Professional Engineer/Planner and Al Yodakis – Board Engineer/Planner. Mr. Burdick explained the request to the Board, they are proposing is for the construction of a 15 X 15-foot 4-foot deep in ground swimming pool for an existing single-family residence. He stated the proposed pool will meet all zoning requirements. As part of the application an existing shed that is in a non-conforming position will be relocated to a conforming position or removed or reduced and relocated to a conforming position and we will accept that as a condition of approval. Next,

he addressed the T & M letter, he points out that the home is in the R-3 single-family residential district and the use is appropriate. Mr. Yodakis stated in his letter that the minimum lowest base point of the proposed pool is required to be 1-foot above the seasonal high water table. The applicant can't comply with since the existing ground water is 1-foot, 10-inches below ground that's the actual seasonal high water table. This would cause the pool to be only 10-inches deep. Mr. Yodakis stated the engineer for the applicant should be prepared to discuss the potential groundwater impacts to the surrounding properties. Mr. Burdick stated the Board should be aware that the construction of the pool will require temporary dewatering of the area where the proposed pool will be built. The applicant plans to construct a home in August or September and possibly October if necessary which is a time of year when ground water is the deepest. The affects to the neighboring properties will be minimal and temporary. Once the pool is constructed it will be filled with water and ground water will be allowed to rise around it, thus equalizing the pressure and stabilizing the pool. The construction will have minimal impact on groundwater in the area since that is basically triggered by tidal influences rather than any type of local water table. Mr. Yodakis points out there are several Bulk Variances which exist on the property which will continue. They include lot frontage, front yard setback, side yard setback and building coverage. The pool will not affect them as they are existing conditions. John Burke asked how much of the patio will be removed. The engineer said the pool will be inside the patio and the patio will stay the same. Lenny asked Al to explain where the water will go, he is very concerned with that. Al said the Ordinance was put in place not necessarily for the dewatering but for the after affects once the pool is there. We have several issues where pools have been put in and they have changed the subsurface groundwater flow and that has affected adjacent properties and basements. We approved one about a year ago which was actually above the seasonal high water, it was not into the water table at all. The applicant's engineer said the plans show a proposed recharge structure at the rear of the pool which will recharge storm water. He said the groundwater conditions in this area are basically tidal in this area, whether this pool is constructed or not the pool will have very minimal effect, it's almost like putting a pool in the ocean. It's not going to affect the level of the ocean. There are no basements in the area that are affected by this. They are approximately 15 to 20-feet away from any structure so therefore the actual effects on groundwater of this pool will be temporary, deminimus and we have all looked around the area and we have seen pools, it's not uncommon to have pools in areas with high ground water. That's what the applicant is requesting. Al said it's what's happening under the ground if this is put in. He said he looked on Google Earth today and didn't see any other pools on this block, he doesn't know if there are any basements on this block. Paul Rabenda asked about pervious verses impervious pavers. Many Board members had concerns and statements regarding the impact this pool could have on the neighbors. John took a poll of the Board members. It was the unanimous consensus that if voted on this application would receive only negative votes. Mr. Burdick said the applicant would withdraw without prejudice. Mark Apostolou made a motion to approve the withdrawal, the motion was seconded by Joan Harriman, all in favor none opposed.

***APPLICATION WITHDRAWN WITHOUT PREJUDICE***

**APPLICATION #37-2013** – Campagna, Mark – 293 First Avenue – Block: 182.01 – Lot: 3 – Zone: R-5 – Keith Henderson is the attorney representing the applicant. Mr. Cramer found the file to be in good order and accepted jurisdiction. Mr. Henderson first gave a background of the property which has appeared before the Board on at least two previous occasions. Back in the late 1980's and early 2000 this was part of the American Timber approval. This is a non-conforming lot because the houses pre-dated the subdivision. The subdivision was built around the lots. Tonight they are requesting to put a porch on the front of the house and to raise the house. His argument is that if this house was raised to the elevation approved for the Zone this house would have been under water during Super Storm Sandy. He noted the NY Times of this morning where an article deals with the study of climate and climate change and oceanic rise before the end of the century. And, people planning for construction should take this into account. Also, the September edition of National Geographic dealt with the impact of Global warming on sea level, which suggests that by the end of the Century the sea level rise could be over 6-feet. So, for all those reasons they are asking for a Variance for building height. It's not that we want to go higher; the house is an existing dwelling. The witnesses sworn in were: Mark Compagna – owner/applicant, Timothy Fitzpatrick a Professional Engineer and Arthur F. Margiotta who is a Professional Planner and also a Professional Architect as well as the Board Engineer/Planner Al Yodakis. First to testify was Mark Compagna who is one of the property owners of this property his wife Linda is co-owner. He gave a background of the property since he has owned it. The existing dwelling was built in 2002. At that time it complied with all the FEMA requirements. During the Storm they experienced severe flooding structural as well as two-feet of water in the first floor. They have completed the repairs to the home but not the lifting. This is their full-time dwelling. Board members asking questions were Joan Harriman, Mark Apostolou, Robert Young, John Burke, Neil Hamilton, and Paul Rabenda. Next, the Engineer Timothy Fitzpatrick testified after being accepted as an expert by the Board. He had Exhibits to be marked into evidence, A-1, A-2, A-3, and A-4 all prepared by Argent Associates. A-1 is an elevation schematic, A-2 is a profile schematic, A-3 is Plot Plan, and A-4 is a Partial Tax Map with schematic setback overlay information regarding the property in question. He addressed Al's report and Technical Review's report as well as the Tax Office's report. They testified there was very little damage to the foundation. Next, the architect Arthur Margiotta testified with regards to the Variance for the porch extension and the stairways. The applicant is trying to get some furniture on the porch where before it was very narrow. His Exhibit A-4 addressed which the partial Tax Map was showing the lots on First Avenue that back to Timber Lane. He suggests the majority of the homes shown are all basically setback 1-foot back from where the applicant is proposing the outer part of the porch. The proposed porch is 1-foot closer to the east than those existing main portions of the house. The Exhibit was passed around to the members of the board. Mr. Henderson spoke to the applicant and they are willing to push the porch back. The stairs will now be rearranged so as not to encroach into the setback of 5-feet, 8-inches. They will be scissor stairs. They stipulated the porch will not be enclosed. Keith gave his closing testimony on the MLUA. He said this is a C-2 Variance and a C-1. John Muly made a motion to open the meeting to the public, the motion was seconded by Mark Apostolou, all in favor none opposed.

**Audience Members Coming Forward:**

Susan Handrow – 350 First Avenue – she said she agrees with the house raising, she witnessed the damage caused by the Storm, she has no negative feelings about the application.

With no other audience members coming forward, Mark Apostolou made a motion to close the public portion of the meeting; the motion was seconded by Neil Hamilton, all in favor none opposed.

Mr. Henderson gave his closing argument. He argued for the height request of 35-feet, 6-inches. Mr. Hamilton made a motion to approve the application with the height of 35-feet, 6-inches with the adjustment on the porch stairs, the motion was seconded by Joan Harriman.

**Board Members Voting Yes:**

John Muly, Paul Rabenda, Joan Harriman, Neil Hamilton, John Burke, Leonard Sullivan, Mark Apostolou and Robert Young.

***APPLICATION APPROVED***

**RESOLUTION #38-2013** – McGovern, Peter – 279 First Avenue – Mark Apostolou made a motion to memorialize the Resolution, the motion was seconded by John Muly.

**Board Members Voting Yes:**

John Muly, Paul Rabenda, John Burke, and Mark Apostolou.

***RESOLUTION MEMORIALIZED***

**RESOLUTION #33-2013** – Keil, Janet – 205, 211, 217 Third Avenue – Mark Apostolou made a motion to memorialize the Resolution, the motion was seconded by John Muly.

**Board Members Voting Yes:**

John Muly, John Burke, Paul Rabenda and Mark Apostolou.

***RESOLUTION MEMORIALIZED***

Mark Apostolou left the meeting at 6:02PM

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

***VOUCHER PAYMENT APPROVED***

John asked the Board members to stop talking while there is testimony being made.

Neil Hamilton made a motion to adjourn the meeting, the meeting was seconded by John Muly, all in favor none opposed.

***MEETING ADJOURNED AT 6:07PM***

Respectfully Submitted,

Mary C. Salerno  
Planning Board Secretary

