

The Manasquan Planning Board held a Regular Meeting on Wednesday, November 6, 2019 at 7pm in the Council Chambers, 201 E Main Street, Manasquan, NJ. Chairman Neil Hamilton opened the meeting and asked everyone present to please stand and salute the Flag.

ROLL CALL:

Board Members Present:

Mayor Ed Donovan, Robert Young, Greg Love, Mark Apostolou, Kevin Thompson, Neil Hamilton, Mark Larkin

Board Members Absent:

Councilman Mike Mangan, John Muly, Leonard Sullivan, John Burke, Barbara Ilaria

Professionals Present:

**Al Yodakis, BORO Engineering – Planning Board Engineer/Planner
George D. McGill – Planning Board Attorney**

Mr. McGill read the Sunshine Law in its entirety.

Mark Apostolou made a motion to approve the Regular Meeting minutes of September 4, 2019, seconded by Kevin Thompson, all in favor none opposed.

Mark Apostolou made a motion to approve the Regular Meeting minutes of October 1, 2019, seconded by Kevin Thompson, all in favor none opposed.

Robert Young made a motion to approve the vouchers, seconded by Mark Apostolou.

Board Members Voting Yes:

Mayor Ed Donovan, Robert Young, Greg Love, Mark Apostolou, Kevin Thompson, Neil Hamilton, Mark Larkin

RESOLUTION #27-2019 – Quinn, Matthew & Shanna – 111 Stockton Lake Boulevard – Block: 105 – Lot: 11 – Zone: R-1 – Mark Apostolou made a motion to memorialize, seconded by Robert Young, all in favor none opposed.

15-MINUTE PRESENTATION – 25 Broad Street – Garage – Keith Henderson is the attorney presenting. Keith explained this is an informal application which involves the property next to the Squan Tavern, there is an existing garage which the applicant, Joe Bossone would like to extend. He had a design board to show to the Board members, he said there is an easement that was recently created, it goes from Broad Street in between the opening with the Coast Star, wraps around through that parking lot and then comes

out onto Main Street. Next to the Squan Tavern there is a residential property and there is a garage at the rear of that property. The applicant would like to get 3-foot setbacks for that garage as opposed to 5-feet. Presently, one side is virtually on the line and the other one is about maybe a foot away. So, we would be improving the situation. The reason for the request is we can't do that if we want to build a conforming garage and this is residential so we don't need Site Plan approval. The existing garage is in very bad shape and would be removed. The primary purpose of it is under the terms of the easement Mr. Bossone who is here and is responsible for maintaining the easement, so he plows the snow, etc. He wants a facility to keep the snow plow in and keep his car which is a Camaro in also. The garage would conform with the area, it would conform with the height, it would conform with all aspects of the garage Ordinance, however, we would like to have it set back 3-feet as opposed to 5-feet which in fact would be an improvement over the current conditions. This garage is against the public parking lot, it's not going to interfere with anything and it's on a residential property, we would like to keep that away from the Commercial property. Greg Love asked for clarification. Neil explained that the Board cannot give them any direction. Keith said the process is very expensive that's why they chose to ask for a presentation. George said it is a D-2, but Keith doesn't see it that way. Mark Apostolou said the fact that you are not reducing the parking lot by one space is a positive impact in his opinion.

APPLICATION #30-2019 – Elsinger, Kenneth & Colleen – 355 First Avenue – Block: 184.01 – Lot: 20 – Zone: R-5 – Michael Henderson is the attorney representing the Elsinger's. He gave his opening statement. George McGill swore in Kenneth Elsinger, owner/applicant, Marc Nemergut, Architect and Al Yodakis, Board Engineer. Michael Henderson continued to explain the project. The property consists of 3,104 square-feet. He said the application is a request for Bulk Variances and also an interpretation of Municipal Ordinances set forth in sections 35-9.4 and 35-11.8f and m. He will return to that later on in his testimony. The Board accepted jurisdiction on the matter. He called Mr. Elsinger first to testify. He said he acquired the property in March 2013. This is their primary residence. He and his wife own Carlson's Corner since 2012. He explained the construction project stating they are proposing an open floor plan on the first floor, they will do some interior alterations there. They are looking to add a second story in the front of the house that will be above the existing first floor. They want to fix the front landing, front porch adding a deck in the front for safety. They want to raise the A/C unit above the BFE on the side and make the house aesthetically more attractive. With regard to the safety of the front landing, it is very small, the front steps go directly to the front door, it's about a 3 X 3 landing, you can't even open the door without stepping off the platform. They were concerned with the Town's concerns regarding building height. Next, Marc Nemergut came forward to testify. He provided his credentials, he and his wife own N2 Architecture in Avon-by-the-Sea, he appeared before this Board a few years ago and since then probably a dozen or more Boards in Monmouth County, he is a licensed architect in the State of New Jersey. The Board accepted his credentials. He had Exhibits to enter; A-1 is a proposed floor plan. A-2 which shows the existing condition plan and Site Plan, he has

exterior elevations of the project which is marked as A-3. Another sheet of elevations marked A-4 and he also brought 4 photos marked as A-5, consists of 4 photos of the site. Marc described the property and ran through the variances that were applied for as part of the application. Building coverage, lot frontage, front yard setback, side yard north side setback, south side setback is compliant. The curb cut, 32-feet is existing and proposed. The A/C is existing on the south side of the property currently on the ground, that is in the setback, they want to elevate it above BFE where it is. He referred to Exhibit A-5 which is an existing condition of the house, you can see two garage doors, in the center there is an access stair which he believes is very dangerous, the door actually swings over the landing it makes it difficult to get in and out. As viewed from Timber Lane the structure is two-stories, the First Avenue view shows a one-story building. This is where we are planning the addition, on the south side of the building. The second story addition is completely compliant with the Ordinance. On the elevation you can see where we just popped up a ridge to give a little bit of character to the property. We are not using the whole first floor. In doing that we are moving the front door over to facilitate a lot of things on the first floor, open floor plan. This is an older home it's not set up the way we set up houses now. By moving that door over it allowed us to create actual living space. We had to make some adjustments to the landing you can see on the plans. He directed the Board to look at the plan to see how they propose to rebuild the stairs and the relocated front door. They put a small gable that is effectively attached to the building. Michael Henderson asked Marc to address Al Yodakis's engineering letter. Referring to item #7 of that report, Marc commented on the feasibility of a drainage recharge system. He said in this area the seasonal water table is relatively close to the surface. This is not feasible in this area. There are no trees to be removed, there are a few hedges in the back as viewed from Timber Lane. There will not be any new utilities to be added. Everything in the remainder of the Engineering report is accurate and acceptable. He said this is a narrow lot and that is why we are here, 34-feet verses 40-feet, they are unable to acquire any surrounding land. Next, Marc addressed the variance for the Air Conditioner, he said as the plans show, in looking at A1-0, it is a standard condenser it is located about 2/3 of the way down the side of the house on grade, it serves the entire house. It is in the setback. They are proposing to elevate it out of the BFE. Having it on the side of the house is actually a better location for noise for the neighbors. Board members asking questions of the architect were Mark Apostolou, Greg Love, Mark Larkin and George McGill. Next, Michael Henderson addressed the curb cut variance as well as the other requested variances. Michael Henderson asked Marc to address the negative and positive criteria. Al asked about the column on the new front deck which is just in the edge of the driveway that will be right up against the existing retaining wall. Marc said if it's structurally sound we are putting it there and tying it in to the wall. George McGill went over the variance requests. Al said the only two new variances are the front yard setback and the air conditioner, the others are all existing and proposed non-conformities. Michael Henderson noted Code 35-11.8 states raised decks may be located in the required front yard setback and Section 35-11.8e states that entry steps and stairs may be located in the required front and rear yard setbacks and that's all we are proposing. Based on that we wouldn't even need a variance

to put the stairs and deck there, but we justify the variance for the C-1 and C-2 criteria. Al said they have put all their proofs on record for a variance if the Board is comfortable with that. George said he didn't deny your request for an interpretation he thinks Al may have vetoed it. Mark Apostolou made a motion to open the meeting to the public, seconded by Robert Young, all in favor none opposed. There was no public participation. Mark Apostolou made a motion to close the public portion, seconded by Greg Love, all in favor none opposed. Michael Henderson summarized. Mark Apostolou made a motion to approve the application as amended, seconded by Greg Love.

Board Members Voting Yes:

Mayor Donovan, Robert Young, Greg Love, Mark Apostolou, Kevin Thompson, Neil Hamilton, Mark Larkin

APPLICATION #28-2019 – Stetcher, John and Lindsey – 133 Beachfront, 132 First Avenue – Block: 167 – Lot: 15 – Zone: R-4 – Keith Henderson is the attorney representing the applicants. The Board accepted jurisdiction. Keith had two witnesses to be sworn in by George McGill, Matthew Hockenbury, P.E., MCH Engineering, Inc., John Stecher, owner/applicant and Al Yodakis, Board Engineer. Keith had Exhibits to be marked, A-1, a Google Map of the Beach area showing the site of the proposed dwelling, and Exhibit A-2, an aerial photograph and 4 site photographs, 2 per page, 3 pages in all. The first witness to testify is John Stetcher who owns the property with his wife, they purchased it in February/March 2016. They have two children and presently live in Jersey City, NJ. They propose to live in Manasquan after looking around other areas of the Shore. Presently, there are two bedrooms and without tearing down the house they looked into raising the house and put another floor underneath it. Keith called the Engineer, Mark Hockenbury next to testify. He gave his credentials and the Board accepted him as an expert witness. He was retained by the applicant and reviewed the area and the existing site conditions. He elaborated on what Mr. Stetcher just testified to, he stated this property is located between Ocean Avenue and Riddle Way, it fronts on First Avenue to the West, Lot: 14 is to the North and that has two dwellings, Lot: 16 is to the South which also has two dwellings. The site is located in the R-4 Zone. There are two dwellings located on the property, the Westerly dwelling is an elevated 900 square-foot single-story dwelling. There is a garage below it with parking for two cars. There is a rear deck located in between the two dwellings. The finished floor is at 15.4 which does not comply with FEMA's regulations. There is an existing A/C unit on that deck. The second building unit is 133 Beachfront, that consists of approximately 850 square-feet, currently it's one-story, it sits on a foundation of a stand up crawl space. It has a deck on the East and West side. The finished floor of that dwelling is 19.4-feet and the A/C unit for that dwelling is located on the back side. It's within the building envelope but underneath the existing deck. The grade on the property changes dramatically from West to East, it starts at ground 7 at First Avenue and goes up to almost 17 near the Beachfront, so we have a 10-foot property change in grade from West to East, there is a walkway on the South side of the dwellings which provides access to the Beachfront walk. Keith Henderson asked Mark to advise the Board what variances are new and not existing. Mark said they are proposing to elevate

the First Avenue house, this is non-compliant by finished floor height, they are looking to elevate it and construct a V-Zone compliant foundation. The current garage is 20-feet deep so you can fit two cars in it. We will be extending that so we can potentially fit four cars below the dwelling. Essentially they will have six parking spaces, which is an improvement by two. The stair on the north side is non-compliant right now, that will be reconstructed and compliant. In speaking to Mr. Furey the Zoning Officer he suggested they submit the First Avenue house simultaneously and get that approved to elevate as it doesn't make sense to submit separately. That house would be compliant based on the fact that it is not being made larger it's going straight up where it is. The reason we are here is the Boardwalk house, the Beachfront house, the applicant is proposing to elevate that 9-feet in the air and basically construct a first floor below it. The height of that building will be 32.6-feet, so it will be less than 33-feet required. We are not asking for a height variance and we are not asking for a half-story. The westerly deck will be elevated, the front deck will be replaced, right now it's a little bit over the setback to the Beachfront right of way, so that will be compliant and the applicant is proposing a second story eight-foot wide deck on top of that, it's a two story deck. The applicant is proposing to extend the new first floor by 2.8%. The existing chimney on the north side will be reconstructed, you can't have a chimney foundation going to the ground in the V-Zone, so we are proposing to reconstruct that chimney, same size on that first floor. It will fit within the 18-inch projection; it will actually be 16-inches like it is now. George McGill said it allows it into the setback. Matthew Hockenbury said the variance for relief there would be 1.2-feet is the distance between the chimney currently. Mr. McGill said so the First Avenue property is being raised so all your side elevations and your front elevations, those non-conformities are going to be exacerbated because you are going up. So you are going to need variances for all of those. Mr. Henderson said the Zoning Officer is of the opinion that the First Avenue house can be raised under the Sandy Statute without having to get variances. Al said that's what he meant when he said you could get permits for that house right now. George McGill said good, I'm glad we cleared that up, I'm with that. The A/C units will remain, but brought up onto the deck on the west side of the Beachfront. All concrete areas that are currently there will be replaced with pavers. That brings our impervious coverage from non-compliant to compliant. Keith went over the variances written up by the Zoning Officer. They do need a variance for building coverage, the curb cut is exactly at Code right now, it's at 20-feet. Building separation, we are exacerbating that condition so we need a variance for that. The dedicated walkway is not changing. The side yard setback on the Beachfront house that has not changed and won't be changed. George McGill said you have left and right encroachments so you will need variances for both of those. First Avenue under the Sandy Statute we don't need any of those. There are so many pre-existing conditions. Al asked to go over the variance requirements – we are looking at building coverage, building separation, and the side setbacks for the Beachfront. Keith said in terms of Al Yodakis's letter he asked Matthew Hockenbury if he reviewed that and he said he did, he agreed to comply with everything Al requested. Keith said there were concerns voiced by a neighbor with the pilings, he asked Matthew to describe the kind of pilings that will be used. He said in a V-Zone makes for an odd condition, they need the

foundation to be open with breakaway walls and piers. The challenge was trying to figure out how we were going to do that and also create these open spaces and allow for multiple cars to park underneath the first floor of the First Avenue house. We are proposing to do is install lumber east to west before the houses are lifted, then the lifters will come in and elevate the house. We are going to install heliacal piles which is a deep foundation so it meets FEMA's requirements for a V-Zone foundation. A heliacal pile is basically like a giant screw, it's steel, low impact, low overhead clearance, the piles are at least 7-feet long. Also, when wood piles are installed they vibrate the ground, you can feel it three sites away, a heliacal pile basically just gets screwed into the ground and its really low impact and doesn't have the vibratory impact on neighboring properties. They stipulate that is the installation that will be used. We are going to keep the foundations that are there and they become breakaway walls. One of the concerns is not to undermine soil with all these houses just a few feet apart from each other. We put a lot of thought into how to make this work and not impact the neighbors. This application meets the C-1 and C-2 criteria. In addressing the TECH review Committee report the only concern there was the chimney. Matthew addressed that concern referring to the architectural drawing, the setback provides enough space for emergency issues. Neil said the chimney on their house and the one next door is pretty close to this. Matthew said we looked at them both and asked if they could recess it into the house. Matthew said it will be cantilevered and it is tight but it's an existing non-conformity. Greg Love said if the existing is 2.6-feet and you are saying you are going down 1.2-feet this will actually come out further than the existing fireplace. Matthew said he believes the existing fireplace is also at 1.2-feet, so it's a replacement exactly the same as it is. Al Yodakis said it appears to be in the same location and believes that is accurate. Keith said there is not as much going on here as it appears, he thinks this is the first application he has had where the building is lifted and built underneath. People who have been following construction know that they have been doing this in California for years, because you can take a ranch house and turn it into a two-story house without having to reconstruct the roof and all the improvements. It makes total sense, because you would have to replace a lot of what's going underneath to comply with the flood codes and he thinks it's a good approach, but it is the first one he has seen. The applicant has made a very conscience choice to try to keep this conforming to height. It's an undersized lot. Mark Apostolou made a motion to open to the public, seconded by Mayor Donovan, all in favor none opposed.

Audience Members Coming Forward: George McGill swore them in.

Catherine Bennett – 131 Beachfront – She owns the house just north of John and Lindsey's house. She said they are wonderful neighbors and she has no objection to their plan, they are wonderful neighbors. She just has some concerns and questions for the record to bring forward. Her house which has been in her family for 72 years is the front house on the Beach and her sister Mary Ellen Baldwin lives behind her. Our houses are nearly 100 years old and they have concerns, although the Engineer explained very well the kind of pilings that are screwed in, we have concerns about our foundation. We ask John and Lindsey to provide us with a pre-construction stability survey so that some expert can look at our foundation and ensure us that everything is good. Neil interrupted stating these are

things they have to work out with the neighbor, the Board cannot get involved in that request. We were told we should take pictures, but we're not experts. We have no way to verify whether something is structurally sound. Keith Henderson said there are people who do this called vibration surveys, if they were using conventional pilings, by the way these are four times more expensive, they would have only two choices, one to bang them in or to vibrate them in. You would have to provide that. Catherine said she is not doing construction why would she have to pay. Our houses are so close, we can reach out and hold hands, in fact the chimney still confuses her, is it changing at all. She was told no. When she had her roof done the fellow doing it had a hard time because the houses are so close. She said her sister's house is not on a foundation it's on cinder block. That's another concern.

Mary Ellen Baldwin – 130 First Avenue – She is the neighbor of the 132 First Avenue, her pilings are cinder blocks every once in a while. That's what she is worried about, tipping off them. She wondered who would be responsible if that happens. Keith said typically your insurance company and if they felt it was negligence they would go to the other side. Mark Apostolou made a motion to close the public portion of the meeting, seconded by Kevin Thompson, all in favor none opposed.

Keith Henderson gave his closing argument.

Kevin Thompson made a motion to approve the application as stated, seconded by Mark Larkin.

Board Members Voting Yes:

Mayor Edward Donovan, Greg Love, Mark Apostolou, Kevin Thompson, Neil Hamilton, Mark Larkin

Next, Neil said there are four Ordinances that were introduced by Council on Monday evening, these are housekeeping Ordinances that were done over a year or so ago, there were some amendments that were done to tighten and clean them up somewhat. They come to us to take a look at them and support what is being adopted so they can go for the second and final reading at their next regular meeting. George McGill said this is a consistency review with the Master Plan and all of these are Bulk Variances. All of these would be consistent with the Master Plan, he has read them and he has some questions. He started with 2299-19, it would be helpful if we received the Ordinances that show the changes and highlighted. As a matter of housekeeping on this Ordinance there is an oversight and a typo. Only 35 is under our power. He saw some redundancy and some did not make sense. Other Board members questioning the Ordinances were Mark Apostolou, and Neil Hamilton who said these Ordinances were put together over a year ago and in getting on the Agenda, the Zoning Officer should be involved in this. What disturbs him is they come in on Friday to go on the Agenda for Council to introduce on Monday, the Board members would like to have a chance to review them. We are back to square one, we need to sit down with the Zoning Officer and he would also appreciate George McGill's input. We need to sit down with Mark Kitrick and the Zoning Officer has to enforce them. George went into other Ordinances, he saw typo's and inconsistencies. Mayor Donovan said there seemed to be some need to get this done before the end of the year, that speeds

up the process, we only have two meetings a month and we are in November. We need at least two meetings and also a Planning Board meeting prior to adoption. These are supposed to be the easy ones. Neil said maybe you want to hold the entire mix off until next year. Neil said yes he started it because he was tired of waiting but it has to be done right. The Mayor asked George McGill to put something together to bring to Mark Kitrick. George asked if the Board wanted him to talk about the issues he found with the other two Ordinances, Neil said no just put together a memo and next week we'll get something out in writing to the Mayor, Neil, Dick Furey and Kitrick.

Greg Love then addressed the Nominations, Greg asked George if we present the nominations and then vote on them in December or after the re-organization in January. George McGill said if you make the appointments in December is fine, the most common way of doing it is to do it at the re-org, but he has seen it done earlier, but what he is comfortable with is the re-or. In December you haven't made appointments. You could have a different Board. Mark Apostolou said so the Professionals that we are intending can be addressed now the vote doesn't take place until January. Mark Apostolou made a motion to amend the agenda to include discussion of nominations, seconded by Mayor Donovan, all in favor none opposed. Greg Love continued stating he received documentation from the existing Attorney and Engineer and they would like to continue in their current capacity and also Neil Hamilton has submitted his name for another year as Chairman and Bob Young as Vice-Chairman and if both of them are absent the acting Chair will be Mark Apostolou. We will keep Mary around for another year or two. Mark Apostolou said as there are no other nominations he moves to accept these nominations. Neil Hamilton said he was a little confused with the informal tonight as well as the one we had previously. When you have a Use Variance I don't know why they would even come to us. Mark Apostolou made a motion to cancel the second meeting of November, seconded by Ed Donovan, all in favor none opposed.

Motion to go into closed session was made by Kevin Thompson, seconded by Mark Apostolou, all in favor none opposed.

Respectfully submitted,


Mary C. Salerno
Planning Board Secretary