

EDWARD G. DONOVAN  
Mayor

CONSTRUCTION DEPARTMENT

FRANK F. DiROMA  
Supervisor of Code Enforcement

THOMAS F. FLARITY  
Municipal Administrator

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ALBERT "SANDY" RATZ  
Construction Official

The Manasquan Planning Board held a Regular meeting on Tuesday, October 1, 2019 at 7pm in the Council Chambers, 201 E Main Street, Manasquan, NJ. Chairman Neil B. Hamilton opened the meeting and asked everyone present to please stand and salute the Flag.

**ROLL CALL:**

**Board Members Present:**

Mayor Edward Donovan, John Muly, Robert Young, Mark Apostolou, Kevin Thompson, Leonard Sullivan, Neil Hamilton, Mark Larkin, John Burke

**Board Members Absent:**

Councilman Mike Mangan, Greg Love, Barbara Ilaria

**Professionals Present:**

Al Yodakis – Board Engineer/Planner

George D. McGill – Board Attorney

Attorney George McGill read the Sunshine Law announcement in its entirety.

Mark Apostolou made a motion to approve the minutes of August 20, 2019, seconded by Kevin Thompson, all in favor none opposed.

Leonard Sullivan made a motion to approve the vouchers, seconded by Mark Apostolou.

**Board Members Voting Yes:**

Mayor Donovan, John Muly, Robert Young, Mark Apostolou, Kevin Thompson, Leonard Sullivan, Neil Hamilton, Mark Larkin, John Burke

**RESOLUTION #20-2019 – RALCO/OCLAR – 139 Union Avenue – Block: 71 – Lot: 102.1 – Zone: O –** George McGill explained that the no votes could not vote on this Resolution.

Kevin Thompson voted to memorialize, seconded by Mayor Donovan.

**Board Members Voting Yes:**

Mayor Donovan, John Muly, Kevin Thompson, Mark Apostolou, Mark Larkin, John Burke

Neil announced that there was a withdrawal this evening of the Zoning Officer's decision regarding the fence at 85 Morris Avenue. George McGill said he did receive a letter today from Mr. Turtletaub, counsel for the Henry's and he said that he is going to withdraw the appeal of that matter. We have to take action and George recommend that the Board

dismiss that matter, he said with prejudice, we heard the matter and the time frame for which an appeal can be made has expired.

Mark Apostolou made a motion to accept the withdrawal, seconded by Kevin Thompson.

**Board Members Voting Yes:**

Mayor Ed Donovan, John Muly, Robert Young, Mark Apostolou, Kevin Thompson, Leonard Sullivan, Neil Hamilton, Mark Larkin, John Burke

**15-MINUTE PRESENTATION:** Tom White, 6 Pearce Court – Mr. McGill swore Tom White and Al Yodakis in. Tom continued to explain what he is proposing to do with the lot next door to his residence. He said he is purchasing the lot between he and his neighbor, hopefully he will subdivide the lot, Tom would take 17 ½-feet and the neighbor would take the same amount. Tom's gain would be a bigger dock and then a couple of parking spaces. It wouldn't be a driveway but two cars straight in, there is no parking on that Street. He said when he spoke to Frank in Code he said you can't block the door. He has stones in front of his house. At the end of the summer some of his neighbors got warnings to not park on the stones, they have pavers plus stones. That is Tom's concerns. The warnings came from the Code Department. Frank said as long as you don't block the door you can park there. He will either put bushes or a fence so there would only be space for two cars. Neil asked him if he knew what the neighbor's intent was. Tom said he would want the same and also put a small addition on the side of his house. Tom said he spoke to the neighbor and said he doesn't want a parking lot there; he has a lot of people there on the weekends. He told him I'm not doing this if you are making a parking lot. Mark Apostolou said we would need to see a Survey. Tom had a picture of the front of his house. Al said this is just a presentation, we are not giving approval. Tom said there is no curb cut on that Street, just the first two homes when they did the bridge. George McGill said this is an informal and we can't give you any guarantees as to the ability to use the property in any way, because there is a process, you will come in and provide that subdivision plan to Dick Furey and if he finds variances then you will have to deal with that. This process, we listen, we may give you some pointers but we can't go so far as to give you what you might be asking for which is assurances that you can use it in a certain way. You really need to talk to an attorney and you will need an engineer anyway when you do the subdivision, so they would be better able to talk to you, review the Ordinances and tell you what you might be able to do. Lenny said perhaps you can come and apply before you buy it, subject to. George McGill said without giving legal advice, because the Board is his client. From a real estate standpoint, you could have a contract drawn, it's not uncommon with the seller that you would have an opportunity to come in front of the Board to have the subdivision approved, you would be a contract buyer in front of the Board and your contract would be contingent upon the Board approving. Lenny said that way you wouldn't get stuck. Tom said he has been in contract for a year. Mark Apostolou suggested he do an amendment to the contract. Neil said even if he comes back and gets a subdivision, it doesn't grant anything to the neighbor, the neighbor would then have to apply on his own as well. Should we give you approval we are not going to let cars park on the neighbors and they would have to seek approval as well. George said they should make

a joint application. We approve subdivisions, both of you would have to come in and say we are going to buy this and give half here and half this way. Neil said you should get an attorney between the both of you.

**APPLICATION #27-2019** – Quinn, Matthew & Shannon – 111 Stockton Lake Boulevard – Block: 105 – Lot: 11 – Zone: R-1 – George McGill swore in Matthew Quinn and Shannon Quinn, they will be testifying for themselves. Neil said explain to the Board why you are here, what your request is and we will go from there. Matthew said he is seeking a variance for a deck project. They live at 111 Stockton Lake Boulevard, they were married in 2012 and purchased their house in 2013, shortly after hurricane Sandy. They are full time residents. After living there for about 4 years he gave up his corporate role and his wife gave up her long term job with a local attorney and went to work in Town at the Parker Agency on South Street. He said this is the perfect Town with the perfect opportunity and they couldn't be happier with the decision to live and work and be full-time residents of Manasquan. Each year they save money to do projects at the house. They want to make it their forever home. Currently they are looking to improve their outdoor living space. First, a growing family, possibly children. Also, the condition of the present deck, the steps either need to be repaired or replaced. The shape of it is not useful for them. In a sense it's like a narrow triangle. Their house is elevated, it also sits kind of diagonal on the lot, it's quite irregular to say the least. It's a kind of odd piece of property. The proposed plan is to square the deck off to the rear of the house and provides more useful space for them. There is really no other way in his opinion that they could accomplish this, except for sitting here today asking for a variance. He doesn't think it impedes or has adverse consequences on his neighbors, particularly the family directly behind their property. He does have some medical conditions, specifically MS, it can hinder his mobility at some point. Thank goodness it has not and let's hope it never does. He looks at this in a long term view and this should not be a factor of the Board's decision obviously but it's one of the reasons they chose to spend the additional money, take the time, go for a variance for what he considers first floor living space. Thank you for your time. Neil asked Al to comment on his report. Al said it's a pretty straight forward application, they are asking for a rear yard setback, required is 35-feet, it's going to be 17.95-feet to that back corner of the deck. The house is set catty corner on the lot, which somewhat lends to looking for this variance. He had a couple of questions for Mr. Quinn, there seemed to be a discrepancy in the elevations. Mr. Quinn said he read that. There will be a slight step down out the back door because of how the door is. Mark Apostolou suggested not having a step down but Mr. Quinn said thank you and Al said that would not be an additional variance. Al asked if he was going to be adding any additional impervious coverage and Mr. Quinn said no. He is not bringing in any additional fill either or adjusting the grade on the property. George said so we are talking about an extra 3-feet of deck which pretty much runs parallel to what the existing deck is. That would be 17.95 pretty much along that line. Mr. Quinn said that would be to the point of the deck. Kevin

Thompson made a motion to open the meeting to the public, seconded by Robert Young, all in favor none opposed.

**Audience Members:**

**John Martin – 50 Cowart Avenue** – His backyard directly borders the Quinn's yard. Matt has explained to he and his wife fully what they are proposing and he and his wife are totally comfortable with the project and just want to let the Board know they support it. He is to the South of the Quinn's.

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

Neil told Mr. Quinn he needs to provide the Board with the positive and the negative of this application. Mr. Quinn said he doesn't believe there is any negatives, it's a slight increase in structure to the rear. The positives he feels he has outlined a lot of them, it's the usefulness of the deck and the layout of the property makes it virtually impossible for them to build a useful deck with an irregular setting without coming for a variance. They won't be blocking anyone's light, air or views. The hardship is the nonconforming land design.

Kevin Thompson made a motion to approve the application, seconded by Mark Apostolou.

**Board Members Voting Yes:**

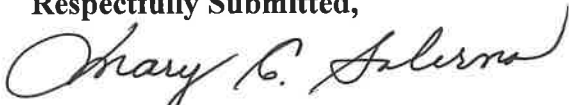
Mayor Ed Donovan, John Muly, Robert Young, Mark Apostolou, Kevin Thompson, Leonard Sullivan, Neil Hamilton, Mark Larkin, John Burke.

Mark Apostolou made a motion to cancel the Special meeting of October 15, seconded by Kevin Thompson, all in favor none opposed.

Neil told the Board members about a meeting they had yesterday to review Ordinances, at that meeting was he, Bob Young, and the Judge and Al Yodakis, George McGill, Zoning Officer, Richard Furey, the Mayor and Frank DiRoma. They went over the outstanding list of Ordinances that Dick Furey had that were done over a year ago, there were some discrepancies that they wanted to clean up and tighten up a couple of the areas. They were all prior approved by this Board. Along with that we had a couple of other items to go over, one being to prohibit Bamboo plants within Manasquan, the other would be prohibiting outdoor showers on the front of a house. George McGill will work with Mark Kitrick, Borough Attorney and try to get these in order to expedite them before the end of the year, otherwise we are starting with a new governing body. Along with that we also discussed having a checklist which was brought up by this Board for FEMA homes, that if you meet the criteria on the State mandated checklist and nothing changes, Dick Furey, Zoning Officer would have the opportunity to expedite that without coming to the Planning Board as long as you stay within all the parameters, that checklist is being developed by Al. The other item is two-fold, fences, retaining walls and fill. Our Ordinance has been challenged, again Al is going to find out from other Towns what Ordinances they have regarding fill. We want some sort of certification that when fill is brought in that we know they are bringing in clean fill; we don't have that right now. They could be put off until next year but we do want to get the first four items mentioned in the works right now. He asked the Mayor if we need a letter for the Board Attorney and the Borough Attorney to

get together and the Mayor said no. The other issue was a Fee Ordinance for Dick Furey's interpretation which we didn't have, so that Fee Ordinance will be put in place, that will match our \$200 and also cover escrow for the professionals should we be faced with this circumstance again. Mayor Donovan said also take the appeal process out to the governing body. Mark Apostolou congratulated the Chair for taking the bull by the horns, Neil said we need to move on this, because the end of the year will be here. Leonard Sullivan asked about our fees, George McGill said some Towns do it by Variance, and are all over the place. Mark Apostolou asked about the discussion they had about the Flood Zones and Al said he started looking at that last night but it still needs quite a bit of work. Kevin Thompson made a motion to adjourn, seconded by Mark Apostolou, all in favor none opposed.  
Meeting adjourned at 7:45pm.

Respectfully Submitted,



Mary C. Salerno  
Planning Board Secretary