BOROUGH HALL, 201 EAST MAIN STREET
Incorporated December 30, 1887
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GEORGE R. DEMPSEY, JR.
Mayor

BARBARA ILARIA
Municipal Clerk

JOSEPH R. DeIORIO
Municipal Administrator/
Chief Financial Officer

# BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

**The Manasquan Planning Board held a Regular meeting on May 3, 2011 in the Borough Hall, 201 East Main Street, Manasquan, New Jersey.**

**Chairman John Burke called the meeting to order stating that this is an Open Public Meeting published and posted according to law. He then asked everyone present to please stand and salute the Flag.**

**ROLL CALL:**
**Board Members Present:**

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| **Mayor George Dempsey** | **John Muly** | **Patrick Callahan** |
| **Joan Harriman** | **John Burke** | **Councilman McCarthy** |
| **Michael Sinneck** | **Leonard Sullivan** | **Jay Price** |

**Board Members Absent:**
**James Coakley, and David Armstrong**
**Professionals Present:**
**Geoffrey S. Cramer – Planning Board Attorney**
**Albert D. Yodakis – T & M Engineering – Planning Board Engineer/Planner**

**APPLICATION #06-2011 – Amoroso, Renee and Michael – 431 Beachfront – Block: 187 – Lot: 25.02 – Zone: R-4 – Raised deck and paver patio**
**Geoffrey Cramer swore in Michael Amoroso, applicant/owner of the property. Mike said they are proposing to build a deck in the front yard on the Beachfront and the members have a plan in front of them, however the plan needs to be changed after conferring with some of his neighbors he would like to change the request. John Burke asked Dr. Amoroso if he received a copy of the letter from the Tax Office. Mike said yes he did receive that. John Burke said so you received this letter, and on the last page of this they colored in areas that are encroaching on Borough property and on American Timber property right. Michael Amoroso said he saw the letter but he didn't memorize it but he does know what John is speaking about, yes. He has it in front of him right now, yes he understands. John Burke said the Mayor just informed me that it is all Borough property. George Dempsey said it's just the Deed Restriction is on American Timber. John Burke said this has to be addressed first, this is the problem that we have here. There are a couple of things; we have two ways to proceed here tonight. The first way is to continue this application to next month or until you can straighten this out with the Borough and with American Timber? You are on the Borough's property and you are not paying rent to the Borough that's the first problem. Mike said I am not on the Borough's property, what you are looking at there is retaining wall to retain the sand, that's what you are looking at. John Burke said there are also pavers behind it. Mike said right because the sand was excavated due to the wind constantly, every year, it was a constant problem to maintain it. He took it upon himself to maintain it for the Town because obviously it's right near my property. That**

**property being on the corner, it just takes a tremendous amount of wind both on that corner and in between my property and my neighbor's property. If you look down the beachfront there are no other properties that have as severe an issue as we have. So that was the motivation for that. It's not using the Town's property; I didn't do it for that purpose. So, these issues need to be separated in my opinion. John Burke said ok, there is also a copy of the Deed and in the Deed it states in paragraph three it says that you can put up a retaining wall to prevent sand erosion onto the public right-of-way and the public steps up to the boardwalk provided that such a retaining wall shall not be of such of a height or a character that will substantially obstruct the view or otherwise hinder the placement and/or maintenance of the memorial marker which has never been built. Upon construction of any retaining wall grantee shall be responsible for maintenance, repair, replacements of the same added at its sole cost and expense. Now, Pat you said to me that you were talking about more than just the retaining wall, correct? Patrick said he thinks it's the walkway also. John Burke said what the concern is about is the pavers and the walkway behind the retaining wall, they are still on Borough property. Michael Amoroso said you mean the pavers by my front entrance way? John Burke said correct, well this is what we're looking at, we are looking at this area here and we are looking at the pavers across the front here. Michael said what you are pointing to, there are pavers in the front, but what's also colored in is you go up those steps is a walkway, it's not paver, for the record it's a composite walkway. John asked about the pavers in the corner. Michael said they are pavers, there's two walls they were built at the same time this other wall was built by the Town, by my same mason. The Town paid my mason to do the wall along the entrance way to the beach, and I did those walls there because the sand was just falling down and constantly going into the entrance way, the access to the beach, the public access. So, they were done truly for that purpose. I paid for those walls, and the Town paid for the other wall that goes up to the public entrance way to the beach. But, they were done by the same mason. Mayor Dempsey said the question he had was pavers down the bottom where the utility boxes are, you are on our property, and there would be an easement charge for that. Michael Amoroso said he is not paying an easement charge, so if you want me to take the pavers out I will, because that's ridiculous. Mayor Dempsey said and then the composite walkway that's on our property. Michael said I'm not allowed a walkway to my back entranceway. George said not on our property. Michael said ok. George said you can have it but you have to pay for it. Michael said ok. George said and the way I read the Deed Restriction you and we have to get permission from American Timber to do that. Michael said I can get permission from American Timber if that's all you require. Geoff Cramer said he thinks in that respect the Deed he thinks in paragraph one talks about it being conveyed for the purpose of keeping the space open with certain exceptions, exception being the retaining walls to hold the slope in place, that's the only exception. The thing that causes concern to the members of the board is the fact that the failure to remove any encroachment could create a right of reverter back to the American Timber Company. That's a concern because this lot 26 was a donated gift as I recall going back to 1990. So, basically if you have some kind of relationship with American Timber Company where you feel that you might be able to speak with them in terms of getting them to release the right of reverter, then the only question is if they were to release that right of reverter there is no longer the possibility that it would revert back to the grantor, to the American Timber Company. The only issue becomes what to do about the encroachment at that point. Right**

**now there is a third party in this entire discussion, they are not here tonight; it's the American Timber Company. I suspect maybe you put them on notice. Michael Amoroso said he did not officially, no. Geoff said they are not here tonight, but they are potentially part of this, I think we have to be aware of that, so if you feel you want to talk with the legal representative or a representative of the American Timber Company to see if that right of reverter can be released, I think that would solve part of the issue. Michael Amoroso said he thinks he could do that. Owen McCarthy said he thinks also to get something in writing that we could attach to this that the Planning Board Secretary could have in writing, it could be through an attorney or a representative of American Timber, confirming that they are not looking to invoke any right of reverter in taking property back from the Borough as they are entitled to and attach that to the record and have it as an exhibit and nix potential procedural headaches that may exist. Mr. Burke said he would feel a lot better if you got together with the Town Council over the stairs and over the composite walkway and so on, and worked out a solution with the Town on that also. Michael Amoroso said the Town Council. Geoff said Mr. Chairman you are speaking to the Governing body or to the attorney for the Borough. John Burke said the attorney for the Borough. George Dempsey said he thinks maybe he would need Council approval, it's fine to talk to the attorney but he still thinks the Town Council would have to approve another easement coming on their property, rather than the Planning Board. Geoff Cramer said its Borough owned property and any improvements on the Borough owned property would be something that's addressed to the Borough governing body. John Burke said see even if we sat here and heard this case tonight and gave you any approval, that approval would be contingent on having all this done. You wouldn't be able to do anything until all this was done anyway. And, I would feel a lot better and I don't know about the rest of the Board members but I would feel a lot better if it was all taken care of and then we had a clean case ahead of us and then we could hear your testimony and work on the case. Michael Amoroso said I appreciate that, however I would suggest that we look at these as two separate issues because they both will be dealt with but by making finishing the deck or access stairs to the back of or my front yard contingent upon this pushes us way into season and basically I have no stairs there now, there is only sand and a 42-inch drop from my back deck, there is no railing, there is nothing, just temporary planks up there, because this whole issue started. And, we initiated it by not getting approval in the first place. But, I respectfully request that we address my porch or my deck that is solely on my property and treat this as a separate issue. John Burke said members of the Board we have actually a decision that I will leave up to the Board, whether we hear this case tonight and whether we go over the deck, I don't know if we can separate it in two separate issues, that will be up to the members or whether we will request that the applicant take care of the existing problems that we just stated first before we hear anything. Joan Harriman said she just wants to know resolving these issues, what kind of time are we talking about. They have to talk to American Timber, and he's got to talk to Council, will take the time. George said the next Council meeting is May 16 and then the first Monday in June. Geoff said obviously Dr. Amoroso has indicated a willingness to approach American Timber Company with respect to that issue of the right of converter, he thinks that should be encouraged. There is also the issue with respect to are these encroachments going to be allowed to continue even assuming American Timber Company indicates it's going to release it's right of reverter that's something that has to come before the Council because**

**that's something that the property owner whose encroachments are on the Borough property has to resolve with the Borough directly. That's not something that involves the Planning Board. There is an issue and I think we have to look at this thing in a holistic way, I feel that in all fairness to Dr. Amoroso he has brought this application to the Board and he may want to start the application tonight for purpose of putting in his proofs as to why he needs this front yard deck or porch and I can't see the Board taking action on this tonight absent Dr. Amoroso making some type of approach to American Timber Company and the Borough Governing body. John Burke said so we can hear the case but we cannot act on the case tonight. Geoff said you can start the case. Dr. Amoroso has indicated a willingness to approach the American Timber Company, I think we should allow him to do that, we also should encourage his dialogue with the Governing body with respect to the encroachments. Again, that's something that the Board does not control, but they very well may become conditions with any approval the Board would give. Michael Sinneck said he agrees with Geoff. Owen McCarthy he agrees if he wants to start presenting testimony, but again there is not going to be any formal action taken by the Planning Board so, it's his decision if he wants to start it tonight or deal with everything in its entirety because no formal action taken by the Planning Board. Renee Amoroso spoke up from her seat in the audience, Geoff Cramer swore her in and she said the deck is a complete different issue than the encroachment, so why she just went through the whole application process, sending the letters, waiting to be heard, first of all my architect took too long and we missed the April meeting, now here we are in May trying to avoid construction during season so we are already delayed in the process, we're here tonight, we've worked things out with the issues that our neighbor's had I don't understand why we can't move forward with something that is on our property that has nothing to do with the Town property. Whether we choose to pay an encroachment fee or we move whatever is on the Town property is a totally separate issue than what we are doing on our property. So, I'm not understanding why there can't be a decision made and why we have to go through this entire process again in June it's not right. I have a problem with it. Geoff Cramer said Mrs. Amoroso the Board is prepared to go forward with hearing your application this evening and as to not understanding as to what the approval is that you want to have, what your justification of getting Variance relief is and generally if you hear what issues of resolving your neighbors concerning those things that may of interest to your neighbors especially if they are here tonight. Renee said they are here tonight and it's a very simple issue. What we are proposing is very cut and dry, we only have eight-feet of property, we're not talking a big production here or project, it's really very simple, and we are trying to avoid construction during the season. I am trying to run a business next door, I have my whole crew set up to get this deck resolved before Memorial Day so I can run my business and now I have to repeat this entire process in June. Geoff said not so, he thinks it's complicated by the fact that there is a prior history associated with what's been done with the property and what's extending over to the Borough's property. Renee Amoroso said it's interesting because when we were working with the Town, improving that whole corner when we were paying to run electricity underground and we took the expense to run it to the Rest Station there and we paid for the lamp post and we paid for the walls and we retained the Dunes, everybody was fine with that. Now all of a sudden we get a letter from a Title Company, ok I understand that, but you know it's just an issue that needs to be resolved and it's totally unrelated to what's happening in our front yard. We are here**

**right now, we are prepared to, we did everything that was asked of us, and come on its ridiculous. Geoff Cramer said you are mentioning a lot of things that I don't think members of this Board are aware of, during the course of your testimony you are going to make them aware of it. Renee said that's fine, I'll give them the whole history of the last six years, I can bring in all the receipts, it's thousands of dollars that we paid to beautify that corner. Geoff Cramer said I think your testimony would be sufficient to show what you have done, what agreement you had or didn't have with the Borough. Renee said ok so let's move on with it then, let's get the show on the road, right? Mayor Dempsey said if I recall wasn't that your choice to put that light there, rather than a telephone pole with an armed light? Michael Amoroso said for the privilege of paying to have the telephone poles, taken out, for the privilege we had to supply those street lights and put all the underground conduit in which we paid for and he paid JCP&L to take the telephone poles out. George said otherwise the telephone pole would have been there with a regular light on it. Renee said it was obstructing where we were building. Geoff said again I have no problem with the Board commencing with the hearing of the application tonight, Dr. Amoroso has already indicated what he is willing to do with respect to having a dialogue with American Timber Company and also with the Council. I think that could happen contemporaneously with the Board's disposition of this application. Mayor Dempsey asked if this is all deck here pointing to the plan. John Burke said we are already hearing testimony so why don't we let Dr. Amoroso start the case and we'll see how far we get and we'll see what the Board members think when we hear all of his testimony, is that ok with the Board. The Board was in agreement. Michael Amoroso said thank you I appreciate that, so what the original proposal was a deck that would extend at the same level of our porch out 8-feet on our property and there would be a railing surrounding it. But, after discussion with our neighbors it would block view of our neighbors who are also on the beachfront, so what we are now proposing is to lower the deck to whatever the requirement is that you don't need a railing so whatever that platform would be and I'm actually not sure of what that height is. Renee said she believes its 30-inches. Michael said and then really in this 8-feet piece we would have steps coming down to just now a 5 ½-foot platform basically, but that's what we want to propose because we want everybody to be happy, but we also want our deck because we have nothing there right now, it's just the sand. Renee said and it's dangerous, you could fly right off the back porch. Michael Amoroso said and that's it, there will be steps that just go down to a walkway and the Town allows from what I understand a 4-foot wide walkway to the Boardwalk. That's what we're proposing. John Burke said I'm looking at this survey and I assume that that's showing the proposed deck. John pointed to the Survey and Michael Amoroso looked at what he was looking at. John asked what about the proposed patio here. Mike said that would be pavers. John said and that's going to be pavers on ground. The answer was correct. Mike said there would be no railing, no pillars just drop to a platform and then steps going down from the front. John asked if everyone on the Board saw that. Michael Sinneck asked for an explanation and Michael explained it to him. Lenny Sullivan asked what would the size of it be then with the new proposal. Renee said it would be the same length, Mike said the same width as what that is except instead of going out, its dropping. Renee said 8-feet off the house and the same length whatever the plan said 21.4-feet. John Burke said then the steps on both sides are not going to be needed or you'll only need one step instead of the four or five that are on here. Mike said right because you don't have to come down 42-inches. Michael Sinneck**

**said he is still concerned about the zero setback, if you stand on the corner it changes the site because you would almost be right on the boardwalk. George said there would be 15-feet from the edge of the property line to the beginning of the boardwalk. George showed Mike Sinneck the plan and explained it to him. Renee said the plan is showing the walkway to the boardwalk to the one side now and now that the deck is lowered and we probably will have steps going off the back, the walkway may stay where it is right now. Mike Amoroso said in other words where it is right now is right in the center of this deck, we may just leave it where it is. John Burke said it's shown on the plans as being in the center. Mike Amoroso said we were going to move it because it would have looked better with the railing, but now there is no railing. Michael Sinneck made a motion to open the meeting to the public, motion was seconded by Joan Harriman, all in favor none opposed.**

**<u>Audience Members Participating</u>:**

**John Kelly – 427 Beachfront – he lives next door to the Amoroso's home on the Beachfront. He had communicated with Mr. Furey on this matter and Dick in his usual wisdom suggested an attempt at a compromise and I had spoken to Renee, Mrs. Amoroso. The suggestion was that they put in a two foot deck and that would not require from what Dick Furey was saying so I'm not sure it's two feet or 30-inches, he had said two-feet which would not require a railing. That would be very acceptable to myself, the neighbor's to the north of me had expressed similar concerns, they couldn't be here this evening and they had the same concern about blocking the view to the Inlet with effectively a 7-foot high structure with the railing, so if that is accomplished the way it's being presented I think the neighbors would accept that and I have no problem with it. The one question he has to say is if they put a platform right on the ground alongside their property would that require a Variance. George Dempsey said he believes you can go right on the ground and you still have to maintain the side yard setback. You would have to get a Variance to get the deck to the property line instead of so many feet in. John Burke said not speaking for Mr. Amoroso but he thinks anything on the ground would be susceptible to all the sand blowing around. Mr. Kelly said I was just trying to be neighborly. His one other concern presented by some other neighbors was if you put the two foot and the Amoroso's have assured him that's not going to be the case, that there is not going to be any raised railing, flower boxes, permanent seats on the edge of that deck and they agreed that that would not be, because that would be raising it another foot or so they have assured us and I would suggest you keep that as part of the record that it will only be decking with no raised structure at the end. Thank you very much.**

**A motion to close the public portion of the meeting was made by Michael Sinneck; the motion was seconded by Mayor George Dempsey, all in favor none opposed.**

**Michael Amoroso said am I to understand that you will not be taking action on this this evening. Geoff Cramer said please keep in mind that the Planning Board does have a meeting scheduled in June; Geoff thought the meeting was June 7th. He said the Board could put the Amoroso's at the top of the Agenda. John Burke said if we do vote on this tonight and if they get an approval on it, we are not going to have a Resolution on it until that June meeting anyway. Can the approval be given stating that within the next 30 days the two items that we have discussed must be addressed or we will not memorialize the Resolution at the June meeting or until those two things are done. Can we do it that way? Geoff said you are putting yourself into a box in terms of time constraints and I don't think that's a good idea. John said because if we wait until June then we have to wait until July**

**until you memorialize it unless you have a Resolution done for that night. Geoff said there is actually another meeting in May we will talk about cancelling tonight; the second meeting in May is scheduled for the 17th. John Burke said they can't get it done by then because it has to go before the Council and they can't get it done in two weeks. The earliest it could get done is going to be the night before our next meeting. Geoff said that's not to say that there can't be a dialogue that Dr. Amoroso has with the representatives for the Borough Council, the Borough Attorney or the Borough Administrator in the interim concerning the encroachments. Mayor Dempsey said and the Councilman in charge of public properties. Geoff said who is? Owen McCarthy said myself but he thinks a decision like that realistically you are going to need the other input of the Council members and I think you are really boxing the applicant and the Planning Board into a corner. He agrees with Geoff's comment on that because as the Chairperson of Parks and Public Property I don't have the authority to bind the Council, I need four affirmative votes by Council members or three and the Mayor by the Borough and especially dealing with the issue of the potential reverter, I think until we get some type of confirmation from either an attorney or a representative of American Timber there is going to be a lot of reluctance from the Borough to make any concession on that issue. He said we need something in writing that we can hang our hat on and then deal with the substance of some of the other issues. Michael Amoroso said is there a legal reason why you cannot approve this this evening, so we can get on with it or is it just to have some sort of a I guess a little bit of a leverage, because in effect they absolutely don't have anything to do with each other, this is a separate issue. If I never came to you for a deck and I said you know I'm just going to put some wooden stairs down, we'd still have this issue with American Timber and with Council as far as the encroachment. It's still going to be there, I still have to resolve it but it has nothing to do with what I'm asking here, this is something that just makes sense, clean it up, get it done, it's a hazard the way it is right now. Tying the two together he thinks complicates it more than it needs to be. This will be addressed, I have to address it. I just request that we just separate the two, if you could, if you could think of it that way and move forward with this so I can just finish this up, clean it up so it's not a mess and then I will address this in a timely fashion because I have to, not just because I'm a nice guy. I have to. That's just the way I feel. Geoff said it doesn't want to put anybody in a tight time constraint. Obviously Dr. Amoroso tomorrow you could pick up a telephone contact, you say you know the American Timber Company people. Michael Amoroso said my Attorney knows them. Geoff said if it is just a matter of a couple of telephone calls between your council and their attorney and you resolve the issue with respect to the Deed situation. Michael Amoroso said could be, but it may take longer than that. Geoff said it may, it may but all I can say to you is there's two more dates for the Planning Board to meet, that's all we can talk about here is the Planning Board schedule, I can tell you its May the 17th and June the 7th. John Burke said let me just ask something, the major thing here that I see is the American Timber letter ok, Geoff said you keep saying letter it's a Deed. John said is straightening out that problem, that seems to be the major problem, correct? Am I right Owen? Owen said absolutely that's our major concern. John Burke said so as far as the Council and the Borough on the encroachment, that's there and he's right that has to be addressed and that will be addressed. It is not as far as I can see it's not imperative that that be taken care of before we do anything on this, but the thing with American Timber, yes. That has to be taken care of before we can do anything here, so**

**Geoff again can we vote on this application tonight and if approved say that the approval is contingent on straightening out the problem with American Timber before your Resolution is read and before any construction permits are issued and then let Dr. Amoroso deal with the Borough because that has to be done no matter what. Owen said listening and looking at the pictures he would lean towards now just hearing the deck application separate and apart from American Timber, I think that you can sever the two I would just say that time is of the essence with American Timber and reading the Deed Restriction it says that within 45-days they have certain rights. I think now that's it's before the Planning Board at a minimum the 45-day window is starting this evening if it hasn't started already, so I think that either yourself or your attorney or representative should reach out to an attorney or representative for American Timber. I think that we can deal with the application for the deck, separate and above and I don't think we need to condition any approval for the deck upon dealing with whatever other persons of the property may exist. We can hear that and if he gets enough affirmative votes congratulations, best of luck and reach out to the Timber Company. Geoff Cramer said the Board has the discretion to consider an approval of the application, it can be conditioned it can be un-conditioned, that's strictly the Board's discretion, in terms of the way they would choose to pose the condition upon getting the release of a right of reverter from the American Timber Company, that could be a condition. It could also be something where the Board says ok, these improvements encroach on Borough owned property and subject the Borough to a risk of liability if American Timber Company says hey listen, we don't like these improvements on this property, it violates the Deed we gave to the Borough and we are going to exercise our right of reverter, here is your 45-day notice to get them off Lot: 26. John Burke said right but that's not the deck and so on we are talking about tonight. Geoff Cramer said with the exception of the testimony that the doctor gave earlier in request to proceeding, we talked about if he were to do something with pavers. Michael Amoroso said I'm sorry I was being trite. Geoff said it's on the record, I view it literally. Michael Sinneck said let's say we stuck with the discussion and stood with the application and let's say the American Timber Company says so sorry we don't like this, whose problem is that? Is that his problem or our problem? Geoff Cramer said a little bit of both. Michael Amoroso said the deck has nothing to do with the American Timber Company. Geoff Cramer said the encroachment is built by Dr. Amoroso with some degree of apparently acquiescence, I'm not going to say participation but acquiescence by the Borough and it's an encroachment. Now, again the Deed talks about what can be done by way of encroachments, it talks about retaining walls and blesses them as something that's ok. Renee said but that's not encroaching. John Burke said but this what we're looking at in the application is not part of any of these encroachments that would be a concern of American Timber, they are a separate section of the property. Geoff Cramer said keep in mind that American Timber doesn't have any notice of tonight's proceedings, they were not notified about what is going on here tonight. Had they been notified, maybe they would have a Council sitting out here in the audience waiting to be heard, I don't know, I'm stuck with it. Renee Amoroso said we spoke to our lawyer and he felt that wasn't necessary, he wanted us to meet with the Board first to get your opinion, he's ready to handle it as soon as we tell him to move ahead, he personally knows the company, he knows people that work there and he feels it's going to be no problem. So, we've already gone to that point and we will call him tomorrow and we will move forward with that and find out what they need to do, but again going back to**

**separating. I think it's important that we view these issues separately, they are two separately unrelated things and I would really appreciate it if you would see it that way so that we can move forward and take care of what we need to take care of. Clean up our back, get the nails out of the sand, the boards that have fallen down and just finish it up. We've been waiting, that's all we want. Mayor Dempsey said the other thing is you can get approval probably from American Timber; it would still have to come to Council for Council's approval. Council has not been receptive to more encroachments on their property. Renee said that's fine, Michael said so we will deal with it, if we have to take the pavers out I'll take them out. That's a separate issue, I'll do that. Renee said we will do whatever we need to do to resolve that. Mayor Dempsey said just so you realize it, the Council may say you have to get the encroachments off. We catch them as people do something and then they either have to pay or remove them. Renee said we weren't trying to get away with something. George said oh no, I'm not saying you did, no no that's not the problem at all. Michael Amoroso said he thinks it will look ridiculous but if he needs to sever this out, then that's what I'll do. Renee said then there will be a big hole in the sidewalk but if that's what they want us to do that's what we'll do. Joan Harriman had a question, if we deal with this issue tonight who takes over the issue on the Town's side? In other words if we say go ahead with the deck and we're talking to Dr. Amoroso and he's saying he will go ahead and get the approval from American Timber and deal with the Town. Renee Amoroso said she thinks they have to come back in June. John Burke said the Code Enforcement Officer takes care of any Borough problems like that, we hand it over to the Code Enforcement Officer and he will represent the Borough in making sure that this is done. Joan said ok. John Burke said according to Geoff this is up to the Board, so I'm asking the Board members one by one can we take care of this application tonight and can we take care of it without any question on the pavers and any of the encroachment on the Borough and any of the problems with American Timber or do you want a stipulation in there that the American Timber problem has to be solved before they can go ahead, either way.**

**Jay Price – if he is understands your question correctly that we can separate the two without stipulation I think we can.**

**Lenny Sullivan – he doesn't see the relation between the deck and the other issue, as long as we're not putting the Town in any crap over this then I would have no problems seeing it separate.**

**John Muly – he thinks we could separate them take care of the deck and go on with it and the other issue he thinks deals with the Council more than it does with us. So, that's a separate issue so let's do the deck.**

**Patrick Callahan – he is definitely of the opinion to separate the two issues, dealing with planning with this deck that would be us and the Council would deal with the encroachment issue.**

**Owen McCarthy – he agrees, he thinks they are two separate issues. We'll deal with this first and then they will have to deal with the Governing body as to any other encroachment issue.**

**Michael Sinneck – he reaffirms what the Counselor said just as long as the Code Enforcement Officer takes up the other issues.**

**Joan Harriman – she agrees with the other Board members.**

**John Burke said we have heard Mr. Amoroso's testimony, we've heard from the audience and now according to what was presented to us what would the Board like to do please? Leonard Sullivan said he would approve this with the conditions that that were discussed, John Burke said with Mr. Kelly about no planter boxes and stuff like that, John Muly seconded the motion. Joan said and 30-inches, Owen said whether it is 30 or 24 whatever the restriction is for not having a railing.**
**Board Members Voting Yes:**
**Mayor George Dempsey, John Muly, Patrick Callahan, Joan Harriman, Councilman Owen McCarthy, John Burke, Michael Sinneck, Leonard Sullivan and Jay Price**
**No negative votes**
***APPLICATION APPROVED***

**RESOLUTION #03-2011 – Calabro, Yvonne and Rich – 161 Lake Avenue – Block: 159 – Lot: 6 – Zone: R-1 – This was in reference to construction for a detached garage and an in-ground pool in the front yard .**
**John Muly made a motion to memorialize the Resolution, seconded by Patrick Callahan.**
**Board Members Voting Yes:**
**John Muly, Patrick Callahan, Joan Harriman, Councilman McCarthy, John Burke, Michael Sinneck, Leonard Sullivan and Jay Price**
***RESOLUTION MEMORIALIZED***

**RESOLUTION #02-2011 – Pegg, Donald and Gloria – 461 Euclid Avenue – Block: 143 – Lot: 17 – Zone: R-2 – Construction of a sunroom addition in the rear yard. Michael Sinneck made a motion to memorialize the Resolution, seconded by Joan Harriman.**
**Board Members Voting Yes:**
**John Muly, Patrick Callahan, Joan Harriman, Councilman McCarthy, John Burke, Michael Sinneck, Leonard Sullivan and Jay Price**
***RESOLUTION MEMORIALIZED***

**RESOLUTION #04-2011 – Virginia Crossing, LLC – 86-106 Virginia Avenue – Block: 67 – Lot: 61.01 – Units C0001 thru C00010 – This Resolution memorializes the Board's denial of an application by Virginia Crossing, LLC seeking to do away with a restriction on the senior citizen age restriction in this particular ten unit development in two structures. Geoff said the only people that can vote on the memorialization of this Resolution are the members who voted no. Those who voted no were John Muly, Joan Harriman and Leonard Sullivan. Those three members voted yes to memorialize the Resolution.**
***RESOLUTION MEMORIALIZED***

**Old/New Business**
**Mayor George Dempsey said it was with great pleasure that we promote Leonard Sullivan up to a Regular Member.**

**John Burke said it is tough to do this but it is required. We did lose our Vice Chairman unfortunately a couple of months ago and he would like the Board is any nominations for Vice-Chairman. He deferred to Mr. Mayor. George said he would like to nominate Mr.**

**John Muly for Vice-Chairman, Lenny Sullivan seconded the nomination, all in favor none opposed.**
***JOHN MULY APPOINTED VICE-CHAIRMAN***

**John Burke said at the next meeting they will talk about the nomination for Alternate Vice Chairman. If anyone is interested in the job please contact John Burke.**

**Motion to approve the Vouchers was made by George Dempsey, seconded by Councilman Owen McCarthy, all in favor none opposed.**
***PAYMENT OF VOUCHERS APPROVED***

**Correspondence – Geoff read a CAFRA permit for the Lafferty's – 426 Long Avenue – this was a request for a dock. No action is required by the Board on this letter. Geoff said if any Board members wanted to see the map it was available to view.**

**George Dempsey asked about the Amoroso application and asked what the Board was going to do about their application. Geoff said he stipulated he would go to American Timber Company. George said suppose they get Council approval on the 16th and we are not going to have a meeting on the 17th, the Resolution will be read in June. John Burke said we separated it out, his approval is not contingent on dealing with American Timber or the Borough. George said alright. John Muly said you are talking about his Resolution for the deck. John said the Resolution is still next month and they know that. Patrick said do we want to have Dick Furey notice them about the encroachment or the Borough Attorney, who do you want to contact them? Owen McCarthy said yes he thinks so. Geoff said it should come from Dick and Owen said to copy Mark Kitrick on it so Mark is made aware of what the agreement was. Patrick said he will tell him tomorrow. Geoff said if he has any questions he can call him. George said as far as that light, they wanted that light, we wanted to continue the pole. The way she presented it was we were nice and put that pole up. She is the one who wanted the pole out of there.**

**Motion to cancel the second meeting of May 17, 2011 made by George Dempsey, seconded by John Muly, all in favor none opposed.**
**Michael Sinneck said it was pretty it was kind of curious that construction material showed up at Virginia Crossing the day after the meeting. Patrick said it was actually a couple of days, they were custom made mico lambs delivered, and he was amazed that they got them in a couple of days. Mike said they would have had to have been ordered a couple of weeks in advance. Patrick said at least.**

**Motion to adjourn the meeting was made by Leonard Sullivan, seconded by Joan Harriman, all in favor none opposed.**
***MEETING ADJOURNED AT 8:26PM***

**Respectfully Submitted,**

**Mary C. Salerno**