BOROUGH HALL, 201 EAST MAIN STREET
Incorporated December 30, 1887
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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 Tuesday, October 4, 2011 at 7PM 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:

John Muly	**Patrick Callahan**	**Joan Harriman**
Neil Hamilton	**John Burke**	**Leonard Sullivan**
Peter Ragan	**Mark Apostolou**	

Professionals Present:
Geoffrey S. Cramer – Planning Board Attorney
Albert D. Yodakis – Planning Board Planner/Engineer T & M Associates
Board Members Absent:
Mayor George Dempsey, Councilman Owen McCarthy, Michael Sinneck, Bill Buble

John Burke said the first item of business tonight is something that he is really going to enjoy doing and that is to introduce everybody to Mark Apostolou, he is going to be the Mayor's Alternate and since this is his first meeting Mr. Cramer is going to swear him in. Geoff Cramer proceeded to swear Mark Apostolou in as Mayor's Dempsey's Alternate. Mark received a round of applause.

APPLICATION #15-2011 – Munoz, Roberto – 167 First Avenue – Block: 171 – Lot: 21 – Zone: R-5 – For the record it's Roberto Muniz and Lilia Munoz, she said she never changed her last name it was one letter. Mr. Cramer proceeded to swear in Roberto Munoz, Lilia Muniz, Tom Peterson, Architect for the applicants. John Burke said the first thing we have to go over is we have a report on this application from T & M Associates, this report was done by Al Yodakis and we have found out that T & M associates has done work for Mr. Munoz's company, and what we do in a case like this is we ask the applicant is there any problem with you accepting T & M's report and accepting Mr. Yodakis testimony tonight on this matter? Mr. Munoz said there is no problem. Lilia Munoz gave her testimony regarding what she and her husband propose to do. They purchased the property in May of 2000; they have used it as a summer beach house, its two one-family very small units. When they purchased the property it was with the idea that somewhere along the road this would come down and they would build a one-family that they could enjoy in the latter years of their lives. With a Fairfield University recent graduate and a Sophomore at University of Delaware, they are finally seeing that light at the end of the tunnel and they are hoping to be able to re-locate in a couple of years to this one-family which will then be their home permanently. John Burke said let the record show that Owen McCarthy has joined us and Geoff said he didn't really miss anything so he could sit on the application. Ms. Munoz said their hope is to knock down the two one-family

structures and build a one-family home that they will re-locate to ultimately and make Manasquan their year round home. She said people think they are crazy because they have had a great rental history, never had a problem with tenants and had great rentals since they purchased. They made an offer in April of 2000, closed within 30-days it had not been rented yet, Ward Wight rented it for them and have rented it for them hereafter, thankfully they have never had any summonses issued to tenants, because they live in the front house their tenants were screened very well, because at the time they had a 12 and a 9 year old. They have had good income that has helped them pay off this property and now they are ready to give up that rental income and start enjoying a more comfortable home. Next, Tom Peterson said he wanted to go over some of the details of the project. The Board accepted his credentials. He said this project is very similar to a couple of projects that they have done just a few houses away also on First Avenue, 175 and 177. He had photographs to show the Board also. He said the proposal in a nutshell is to remove the two homes and build a one single-family home, so to go from a non-conforming use to a conforming use. It's 23 X 100-foot property, so the size of the property just in and of itself is non-conforming where 2700 square-feet is required they only have 2300 square-feet and where a 40-foot frontage is required, we only have 23-feet. There is no vacant property on either side that could be adjoined to this, of course there isn't, all the properties surrounding this property are developed. He had a few pictures to be entered as exhibits, Geoff Cramer marked one Exhibit A-1 a photo of the existing structure that's there now, this is the existing front house and there is a house to the rear. Exhibit A-2 is an aerial view which shows the development along First Avenue, this aerial was taken before the recent house that was done two houses down, which was the latest application for Mr. Langell, which was also a tear down what was existing and build new. Tom Peterson said you know from previous applications and I'm also going to show you some photographs from further down on First Avenue, these narrow lots are always a struggle. Tom said they are asking for side yard setback relief both to the north and south. Building height which is, this is an under width lot, so the height is not allowed to be 35-feet, what we are requesting is 32-feet. Once again that is the same as the last application that was approved at 175 First Avenue and the photograph there gives you a pretty good idea of what the mass of the new structure is proposed to look like. We also have some porch areas in the front so it's not just a massive structure but there are some open areas and then the deck area up on the top floor. Building coverage which is required to be 35%, we are going to be at 50.9%, however that's a reduction from the existing which is 59.7% and the impervious coverage which is required to be 50% maximum we are going to be at 53.3%. Once again though that's a reduction from the existing impervious which is 63.3%. He wanted to point out that on the side yard setbacks, although they are asking for relief on that, the existing structures are closer to the side yards than what we are proposing. To the north we are actually existing .69-feet and then to the south we are 1.2-feet. We will be pulling in from those, we'll be pulling in from the front and we'll be reducing both the building coverage and the impervious coverage. Geoff Cramer said you are also getting rid of a non-conforming use. Tom Peterson that is the big thing in all of this is getting rid of the non-conforming use, going from non-conforming to conforming by virtue of the elimination of the two families and going to one. One of the other features here is as we did on the houses just to the south, which I passed the photograph around is to create some parking area and some open area in the front with the 20-foot front yard setback. Where we have no

parking spaces now, we are proposing two parking spaces and that's of course a great advantage to the applicant as parking there becomes a premium. We are also proposing a small half story area because the size of the house is not large we don't get a whole lot up there. We are allowed 60% we are going to be right around 59%, once again very similar to the size and mass of the house at 175 First Avenue. We have some of the technical stuff that I will go over on Al's letter. The basic scope of the project is a year round residence for Lil and Roberto. There is a bedroom area down on the first floor which is for Lilly's mom, there are three bedrooms on the second floor for them and their two children and then just an open sitting area up on the top floor, plus the normal kitchen family area, small laundry area and bathrooms. We also have the exterior livability standards that we comply with, the open area in the back, exterior storage, a patio area. One of the other things that we've done if you take a look at the front elevation is to have some open deck areas up on the top floor we have an open deck uncovered, on the second floor off of the Master Bedroom we have a covered deck area and then down on the first floor a covered porch area or covered stoop leading in. The materials are very similar to what we've done on most of the other homes in Town, the traditional seashore Colonial style of materials, vinyl siding that has the cedar shake dimensional roof shingles, double hung windows, the typical 6-inch type fascia with the vinyl soffits. Pretty much in keeping with other homes that we have done along the beach there. The only other thing to mention is that we had talked with the neighbor to the north, Mr. Barry Cook and he had a slight concern that most of the homes along the block here the neighbors sort of have a neighborly understanding that if you need to get to the backyard you don't have to make sure all your steps are on your own property, you know people walk to the backyards. It's kind of a friendly little community along there. He was concerned that with the property being a foot and a half from his side and two-feet from the other side where we have enough room to slide it over to where the neighbor's property is to the south, if we could slide it so that it's a foot and a half to the south and two-feet to the north which we would have no problem with, that would make life easier for him. It still gives us the clearance on the south side for the neighbor there to be able to get back to their separate dwelling in the back. We would as a part of the application amend to comply with what the neighbor had requested. John Burke said so you are talking about one and a half foot left and two feet right. Tom said correct. John Burke said while we're on this just one question, on Mr. Furey's report he says off street parking two spaces required only one proposed, you are testifying that you are going to supply two. Tom said yes and the reason for Dick's calculation for that is where the steps come out instead of 20-feet on the property there is really only 17-feet to where the steps are and a parking space a bonefide parking space is considered 18-feet. By the technical definition that wouldn't be considered a parking space. For purposes of what we are saying here I guess we should say it's just a single parking space, but in all honesty there will be two cars that we can park there. That's also similar to what we had with the properties to the south. Joan Harriman asked what the width of those other two houses, Tom said 175 is 18.5-feet and he doesn't have 177 in front of him. Joan said before you said you were going to slide, she was going to say can you go six more inches on the north side, having two/two because those houses are so close down there and once you build the new house there is never any way to make it wider. The other thing, the driveway cut, you are saying it's 20-feet then the sidewalk then the apron. Tom said yes its 20-feet to the property line. Joan said one thing she would like to mention is my

driveway is not long enough for a car and the day she moved in she got a ticket because the bumper of the car was on the sidewalk, so if you plan on parking a car on this 17-foot you might be better somehow sliding in the steps. Another thing about water staying on the property, there is a lot of paved area there, how are you going to maintain, the law says you have to keep the water that lands on your property on your property, so that's also a concern. Tom Peterson said we are going to propose an underground seepage pit by your Ordinance we have to do that anyway, so all of the roof runoff will be taken care of with the underground seepage pit. We'll be much further ahead in terms of runoff than where we are right now, because if you take a look at it almost all of the pervious area is the building, so all of that will be taken care of. Your Ordinance says that brick pavers are not counted as pervious. Joan asked are there any gardens on the side that will absorb it or shrubberies. Tom said we have shrubbery in the front, we have a shrubbery to the side in the front and then around where we are not paved in the back that will also be just sand or stone there. Those are the only areas we need to take care of because everything else is taken care of with the underground seepage. Joan asked about the shed. Tom said that's also going to be stone or just left as sand. Tom said to the north on the north side that's stone and will stay stone, that's up against the neighbor's driveway, to the south side that is a little walkway now but we are going to have that removed and that will just be sand or stone there. Owen said I may be jumping into Al's report a little bit but you mentioned the seepage pit, where is that going to be? Tom said we will have the Engineer go through that and I know that's a concern of Al's. Mark Apostolou asked Tom if there is a Code restriction about parking a car up to the doorway. Your proposal is to have two spots, the one spot to go directly up to the steps. Tom said the Code doesn't say you have to be 3-feet clear of steps. From a common sense standpoint they are going to try to stay back from that, but the reality is that there's the technical and then there is the real. Technically if you look at Langell's properties they often get three cars parked in there even though it's considered one legal spot, just because of the size of cars and all that. In reality, I know that with the cars that the Munoz's have, they could park in front of that and still have a couple of feet left and still be beyond the property line and also if they had to they could shift down. So, no there isn't a requirement they will be able to get up and over and in but the Code doesn't restrict us from being able to park right up there. Mark Apostolou asked if their first floor entrance is that set back, the entrance way so if one were to park up to the steps, is there an adequate area for access to the house. John Burke asked if there was any possibility if they had enough room of coming down off of that landing at the front door to the side rather than straight out the front. Tom Peterson said no, the problem with that is that as soon as you step off the last step you are stepping onto the neighbor's property and here is the juggling act that we have along there is that we are in a flood zone so I can't even say alright let me lower the house and reduce the number of steps, I have to be at a certain height because of that. Lilia Muniz said she doesn't have a problem with that as long as she doesn't have to step up or down into my land in my porch or onto my house because I have my mother who lives with us. Tom Peterson said in thinking about it what they are going to amend is to say that one of those steps is now step into that covered porch area, so that will reduce the number of risers outside, that gives us now the full 18-feet which is the legal for a parking space. John Burke said so now you are going to be at two full parking spaces. Tom said on a property like this every inch counts. Neil Hamilton asked what the outcome of the Langell's property parking situation was on those

properties, did he get a Variance for one vehicle. Tom said we got the approval to do just what we've done. Neil said in reference to what the Judge brought up earlier that there are a couple of Codes here, we have to have a defined driveway as to meet a certain dimension of 18-feet and it has to be a definition there of either curbing blocks or plantings or whatever to define that driveway slot. The other was we have a Code that covers the emergency access way in front of a building for gurneys, First Aid there has to be a 4-foot wide access way to do that. I don't know that we can accommodate that here you are trying to re-design your house so you can get two vehicles up there; you said the Langell property may have three vehicles in front of their property at any given time on a busy weekend. That may be, but for this Board to go ahead and grant the approval to put two vehicles up there, I don't think we are doing a justice to the current Ordinances. I would rather see a Variance granted for the absence of one vehicle and only parking of one, that down the road should the Ordinances want to be strictly enforced because of the lack of parking I know it's an issue that we haven't put ourselves in a position to grant that approval. I think you should proceed on with your application and ask for the Variance for one car parking and proceed on. You put two up there on the weekend and become ticketed well that's the chance you take. Joan said if he recedes the step then he has the 18-foot. Neil said he needs also, he's got two issues, he's got covering the front width, there is a section in the Zoning they can only cover the front width of the property by a certain amount of percentage, there is a violation of that as well as the fact that he's not providing a 4-foot constant width for emergency access to the First Aid. Geoff Cramer said he heard some testimony earlier that the applicant was prepared to provide a shrub area on the front and side, could that be integrated. Neil said they have to define that driveway so, he's got two issues, he's got the front yard width coverage, he's got the emergency access way to deal with which is four-feet and dealing with the narrow width of that property there are issues there and I don't know if he can comply with that. Tom Peterson said Neil first let me answer first of all by saying we did get two parking spaces for both of those, but every application stands on its own. We could, we've got 23-feet in width, we could say move the parking spaces to the south that still leaves us 5-feet on the north which is where the stairs are and that gives us that 5-foot access or egress or emergency maneuvering space. We could certainly do that if that helps. John Burke said along the same lines though he thinks what you would have to do is shift the driveway too and in that five foot section in front of where the door is there would have to be a curb so that a car cannot pull up. Tom said we could do that. There are no easements there at all. Neil said parking is a problem so on a busy weekend, Memorial Day, Fourth of July, people park any way they can, they pull on the stones on Brielle Road, we have tried to address that in years past, we are a shore Town so you have to give people some slack here. Tom Peterson said this addresses both of those Neil, it gives us the two spots and it also leaves us the five-foot clear access and we have no problem putting a curb or something there to delineate that there is no parking on this section so that gives whatever emergency access that hopefully you never need, but if you ever did it would give you that access. Al Yodakis said he doesn't have any comments and he does think shifting it down is the right way to go. Mark Apostolou asked if we by granting this eliminating any on street parking that presently exist. Tom Peterson said yes, just like the other ones you lose one to gain two. Mark said so there is presently for the public one spot in front of the existing house and you are eliminating that allowing them for the homeowner. Tom Peterson went through Al Yodakis' engineering letter. He said

this is the R-5 Zone, we are eliminating the non-conforming use and going to a conforming use it becomes a Bulk Variance a C-Variance. Al goes through and summarizes some of the things I've already talked about. Tom said Al has that the 80-square foot shed is considered impervious, they have never included that if it's a portable shed. Al said and that's actually his comment, if it's not on a concrete pad that would affect the coverage. Tom said the next section talks about the curb cut and the parking areas in front and although it's a parking area it's also considered a driveway so it's wider than would normally be considered an approved or allowable driveway. Al mentions under 1.2.4 that we do have an 8 X 3-foot stoop in back which tries to center itself on the sliding glass door that's back there, we could cut that down to 6-foot and try to keep it right on the door, we wanted a little bit more than that, but Al is correct, the maximum width that's allowed is 5-feet in a rear yard and that is considered the rear yard. John Burke said so you can take the 8 and drop it down to 6 and still accommodate the sliding door. Tom said correct and that will by some infinitesimally amount reduce the impervious coverage. Item 1.3 the amount of a covered porch area is by if you take the percentage of the first floor should be larger than what we have, that would seriously eat into the amount of space which you can see is at a premium. Al does mention that and it's true, we do have second and third floor decks which also help to open up the front of the house, so the mass of it being the apparent size of the house appears less. 1.4 is the shed, we talked about that. I did have 20-feet for the front yard setback and in R-5 only 10-feet is required but that wouldn't give us the parking areas in the front. Under miscellaneous under 2.1 for the seepage pit and the grading plan, if we get the approval of course we will have an engineer prepare all of that. The seepage pit to comply with the Ordinance as well as have those submitted to Al. Al asked Tom what is the plan with the seepage pit, typically with the high water table up here we've seen perforated pipes along the sides of the house but I don't know if you would have room to do that here. Tom said we do have room, but we were also trying to put something in the rear yard area, put a little pit back there. That's seems to have worked out, you know it's sandy soil, almost anything you put into the ground is just going to perk it right down anyway but that's what our thought was. Item 2.3 is that curb and sidewalk be replaced along the front where necessary and we would do that, of course we would wait until after construction to make sure nothing was damaged, but whatever needs to be replaced or what should be replaced we would do that. Sandy requires an as-built survey as part of the construction process. We also have to have an as-built height certificate to make sure we don't say 32 and build 32 and one-half or something like that. All of those things are part of the construction process whether we would want to or not and we would want to. Geoff asked if all the utilities would be underground and Tom Peterson said yes. The mechanicals are in the back and keeping those off of the side yard setback. Tom said neither one of these structures are attractive and here is a chance for us to get rid of another property with a non-conforming use, none of these structures are attractive, there is only so much we can do with the setbacks. If you look at what's existing, what's proposed, we really feel that this is a much better use of the property and a much better fit for the neighborhood. Neil Hamilton made a motion to open the meeting to the public, motion seconded by Councilman McCarthy, all in favor none opposed.
There was no public participation.
Motion to close the public portion of the meeting was made by Councilman McCarthy, motion seconded by Patrick Callahan, all in favor none opposed.

Mrs. Muniz gave a closing statement.
Motion to approve the application was made by Joan Harriman with all the stipulations that were made during the hearing, motion was seconded by Owen McCarthy, he agrees with what was stated by Joan, he thinks we have to work within the parameters of the piece of property, he thinks we are getting a benefit for the Borough by eliminating the non-conforming use. He thinks Neil's comments concerning the parking and shifting the parking and adding a curb area to somewhat inhibit trying to shoehorn three cars into that area is a benefit. For those reasons and incorporating all the changes and stipulations mentioned by Joan he would second the motion.

<u>Board Members Voting Yes</u>:

John Muly	**Patrick Callahan**	**Joan Harriman**
Councilman McCarthy	**Neil Hamilton**	**John Burke**
Leonard Sullivan	**Peter Ragan**	**Mark Apostolou**

<u>Board Members Voting No:</u>
None
APPLICATION APPROVED

Geoff Cramer gave the Oath of Office to Bill Buble – Alternate #3

<u>APPLICATION #14-2011</u> – Prendergast, Laura – 28 – 28 ½ Wyckoff Avenue – Block: 15 – Lot: 31 – Zone: R-2 – As this application is a Use Variance Mark Apoltolou and Owen McCarthy stepped down. Geoff Cramer swore in Erin Kinney of the pool company, Jim Jones husband of Laura Prendergast, Richard Trehorn of Evans Enterprise, and Laura Prendergast, applicant. Also, Al Yodakis Planning Board Engineer/Planner was sworn in at this time. Laura Prendergast said the house that they currently have at 28 Wyckoff Avenue they would like to be able to take the front house and knock it down and re-build that house and then add a built in pool behind that house. Currently the house has a front house and a house in the back and that's how they purchased it and she would like to be able to install a pool. John Burke said can you tell us why? Laura Prendergast said the property located at the front house is very old and when they purchased the house they had to do a lot of work to be able to move into it and make it our home. In order to build on that house they cannot build up because the foundation is so poor and they would not be able to build a second story. John Burke said before we proceed he asked John Muly if he had any comments regarding the Technical Review report. John Muly said just to reiterate the plan is to demolish the dwelling on Wyckoff Avenue and construct a new dwelling, the use of the second dwelling on the lot needs to be addressed. Are you going to keep the house at the rear? Laura Prendergast said yes. John Muly said the Board is concerned with a possible Deed Restriction stating that dwelling will not be used as a rental property. John said the other recommendation was that the proposed pool possibly be reduced in size to make it conform to what the Code states, so you wouldn't need any Variance. We also felt an Engineer report was needed too. John Burke said ok and we have that. Next, John Burke asked Mr. Trehorn to explain the project. He said they want to build a two and one-half story with a full basement and exterior stairs from the basement and then an in ground pool like she said. If you wanted to reduce the pool how much would you have to reduce it by? John Muly said he thinks it calls for a 10-foot side yard setback. Joan said actually 15, John said is it ten on one side and fifteen on the other. On Fletcher Avenue it

should be 15-feet. John Burke asked Al Yodakis to step in here. Al said it should be 15-feet on Fletcher Avenue, where now it's 11-feet. Mr. Trehorn said because it's on a Street that doesn't really affect anyone else a neighbor or anything like that, they really want to keep that 11-foot sideline as it is. Erin Kenny from the pool company said she could clarify, Fletcher Avenue is supposed to be 15-feet, we're at 11-feet, so that's four feet there, on the other side we're at 5-foot where 10-foot is required, so that's an additional 5-foot. That's a 9-foot difference to comply, that would drop the pool from a 34 to a 25 length and that is kind of small. To keep it for diving it needs to be 32 minimum, 8-feet deep. But State Law is in order to have a diving pool it has to be a minimum of 16 X 32-feet. On Fletcher if we were able to keep it at 11 foot instead of the 15 foot required, and lose it on the other side and we try to make that 10-foot you are still short. Al asked if you can turn the pool. Joan Harriman said if you took the back building down you could easily turn the pool lengthwise. Mr. Cramer said the Engineer made a comment with respect to what the permissible depth of this pool can be, it's not 8-feet, are you aware of that? Mr. Cramer asked Al Yodakis if he wanted to explain to Ms. Kenny why it has to be a certain depth. Al said because of groundwater. It needs to be one foot above the seasonal high ground water. Al said so right now you are limited to 5 ¼-feet based on what the seasonal high ground water was by Mr. Carpenter. The pool lady asked if even though when they de-water the pool for an 8-foot depth. Al said the problem that we've had is that we've had several pools put in that have changed groundwater patterns and have flooded adjacent neighbors, which is why the Board has been pretty strict about that. We have allowed somebody to go right down to the seasonal high ground water, but I don't recall that we've allowed somebody to go into that at least not during my tenure on the Board. The applicant asked if they would be allowed to go to the seasonal high and not below it. The lady from the pool company said she wasn't aware of the Ordinance regarding pools. The applicant asked if they would be allowed to keep the size of the pool and just not make it as deep and have the diving board. John Burke said we have two issues here, first of all we have the size of the pool, because you are on a corner lot that causes a major problem. The other issue is the ground water, the pool depth. Personally I don't like the pool going into the setbacks and that's going to cause you a problem with the depth. Can the pool be turned and kept shallow? The answer was no. John said Joan made a comment that sort of slipped by everybody but it's a true comment, if you didn't have the second house you could put the pool anywhere you want. The applicant said but we do have the second house. Mrs. Prendergast said we bought the property with it, we didn't build that, it was there when we bought it. Joan said but once you take down a house you're on a whole new rule for the whole property, once you take down the full house. In other words you are only allowed one structure per property and the garage you can have 15-foot high, you are not allowed to have two structures on the one property. John Burke said because you bought it that way it is grandfathered in but as soon as you start changing that front house now it becomes a Use Variance because there are two structures on that property, so now it becomes part of this application. The pool lady said they were going to drop the pool to 16 X 30 and comply with all side setbacks and make it 40-inches shallow to 5-foot deep which will comply. John Burke said let's go to T & M's letter. Section 1 basically just lists all of the Variances required. John Burke said we are being asked to accept the front yard average which is 11.2-feet. Al said he would run through his report, the next thing is the minimum front yard along Fletcher, 9 ½-feet is proposed to the basement stairs, and 13 ½-

feet to the edge of the dwelling. For the rear of the property minimum of 15-feet is required where 5.8-feet exists, again that's to the rear existing dwelling. Minimum side yard setback of 5-feet is required where 4.05-feet exist again to the rear dwelling. The next section 1.3.2 the width of the driveway shall not exceed 20-feet where 26.9-feet is proposed, that is back behind the rear dwelling. They are proposing a large brick paver driveway at the rear of the property. Also, 1.3.3 requirement off street parking shall be provided in the rear yard area, in this case obviously we are looking at a corner lot so that is somewhat of a technicality that they need to provide that off of one of the frontages there. We already addressed the swimming pool. 1.4 the mechanical equipment right now is located in the front yard along Fletcher Avenue, I'm sure that the Chairman would want that to be relocated. The applicant said by moving those to the side would affect the neighbors more than if we could leave them where they are. Joan asked what about under the stairs. The applicant said they can be moved to the opposite side not under the stairs because there is no room under the stairs, but it can be moved behind the building. Then it would be next to the next door neighbor. John Burke said the reason for not allowing them in side yard setbacks is because of emergency access to the houses, we don't have that here. 1.5 is just a typo on the plans which he is sure they will agree to correct. 2 Miscellaneous – 2.1 was an error, it appears that Mr. Carpenter did on the plans that the re-charge system needs to be lengthened slightly, and it looks like you do have the space to do that. 2.2 bottom elevation of the pool we discussed. 2.3 was the parking in the rear of the property that appears to be the only parking. Do you foresee any issues of parking back there for the front house, people having to walk up to the front home. The applicant said we have both parking along the side and we also have parking in the front of the house. Al said you will be eliminating that parking on the side there and putting all the parking in the back. Al said so you are anticipating you will get six parking spaces back there off the street. 2.4 Al said he doesn't know if the Board wants to discuss a deed restriction or anything on the property, the use of it, both houses. Lenny Sullivan asked the applicant's if they were going to live in the garage apartment while they are building the house in the front and the applicants answered yes. Lenny said but that property is not going to be rented. The applicant said they don't have any intention of renting it at this particular time; they are kind of using it for their family. Lenny said we would want to put a deed restriction on that piece that says you cannot rent it. Mrs. Prendergast said why would that be, why would we have to be restricted in the event we needed to rent it? It's there; right now our plan is that we don't want to rent it, but what if in five years. We got permits to bring that up to Code, like I said we don't plan on renting it today but if in ten years from now I want to rent it I want to be able to do that. Lenny said but now the back house becomes part of this application, you are only allowed one house on the property so we are trying to find a way to help you keep that, but we don't want it to be rental property. The applicant said the taxes are on it as a rental property. Patrick Callahan said but with this application you are changing the Use because you are going to be knocking this house down which means that you would have to conform and you have a second dwelling on the property, so now this has to meet the Ordinance. So, it can't be rented if you want to keep it. The applicant asked if the Board would rather have it be left as it is and have two rentals verses it being a nice house. Patrick said by knocking this house down you have to go by the current Ordinance with one single-family dwelling per property. The existing apartment above the garage cannot be rented which would make that non-conforming, it's non-conforming now

but once you take this house down then you have to abide by the current Ordinance. The applicant said they were hoping that would be grandfathered. The applicant said when they came to the building department to do the work on the garage apartment they offered to give up their right to rent and do the work themselves and they were told no they had to hire licensed contractors since it was a rental property. Patrick Callahan said the building department did could not make that decision, we just told you to get licensed contractors to do the work. Mrs. Prendergast asked if they were not knocking the house down and just building onto it would there still be the same problem. John Burke said same problem. Mrs. Prendergast said so any renovations to the house no matter what. John Burke said just about, any changes to the house, if you were just putting siding or a new roof, no that wouldn't change the use. John Burke asked Al if it was more than 50% renovations to the house or more than 50% of the value of the house. Al said that's correct, or he believes if there was any change to the house that was non-conforming, so in essence if they were back in front of this Board for putting on an addition that went into the front yard setback, we would then explore the usage, so either way, if it was greater than 50% we would need to look at it or if it was a non-conforming addition or improvement to the house. John Burke asked the applicants if they would like to discuss this among themselves, we could take a 5-minute break and let them go over this and let them decide what they want to do. Neil Hamilton made a motion for a 5-minute recess; the motion was seconded by John Muly, all in favor none opposed.

<u>Roll Call Following Recess</u>:

<u>Board Members Present</u>:

John Muly, Patrick Callahan, Joan Harriman, Neil Hamilton, John Burke, Leonard Sullivan, Peter Ragan and Bill Buble

The applicant's returned and their representative asked if the application could be continued to next month so they can really give this some thought. Mrs. Prendergast said they want to decide if what they are proposing is what they want to do or if there is some other alternative. Geoff Cramer said it would be without notice, without publication if it's going to be on November 1, 2011. If it's going to be beyond that then they would have to advertise and re-notice. Joan Harriman reminded them about the third story calculations and also asked them how they felt about putting four cars in the driveway and then putting in a shrubbery buffer to give the neighbors some privacy since they are re-evaluating their plans. Also, she reminded them about the storm water management Ordinance, Al Yodakis said Mr. Ray Carpenter did their plan and he is very well aware of the Ordinance. Mr. Cramer addressed the applicant and told them they might want to want to speak to an attorney and/or a Planner, because they are seeking a Use Variance and that requires showing special reasons and he sat through this entire hearing this evening and he hadn't heard any special reasons. When you get down to a vote by this Board you have to get five affirmative votes with seven members voting to get a Use Variance on this property. So, it's extremely difficult thing to accomplish, you may want to talk to some professionals. Mrs. Prendergast said ok, thank you.

Neil Hamilton made a motion to carry the application to the November 1, 2011 meeting, the motion was seconded by Patrick Callahan.

<u>Board Members Voting Yes to Continue to the next meeting:</u>

John Muly, Patrick Callahan, Joan Harriman, Neil Hamilton, John Burke, Leonard Sullivan, Peter Ragan and Bill Buble

APPLICATION CARRIED TO NOVEMBER 1, 2011 REGULAR MEETING

John Burke said let the record show that Mr. McCarthy and Mr. Apostolou have returned to the dais.

<u>RESOLUTION #12-2011</u> – Miller, Lynn and Richard – 36 Clark Street – Block: 15 – Lot: 31 – Zone: R-2 – Mr. Cramer read through the Resolution memorializing the approval given to Mrs. Miller on an application to retain one of two storage sheds in the back of her property and sets forth a procedure to be followed in connection with that identification of the shed to be retained and what has to be done to accomplish the removal of the one unit and provides a time schedule for that.
Owen McCarthy made a motion to memorialize the Resolution, the motion was seconded by John Muly.
<u>Board Members Voting Yes</u>:
John Muly, Patrick Callahan, Owen McCarthy, Neil Hamilton, John Burke, Leonard Sullivan, and Peter Ragan
RESOLUTION MEMORIALIZED

<u>RESOLUTION #13-2011</u> – Dana, Ron – 378 First Avenue – 377 Beachfront – Block: 187 – Lot: 3 – Zone: R-4 – Geoff Cramer said this is a Resolution that memorializes the approval granted to Mr. Dana to convert a portion of the basement area of the property known as 378 First Avenue into a temporary living space for a home health aide and for Variance relief associated with that conversion of space. Leonard Sullivan asked how this would be monitored. Patrick said we could put a note in the Tax Record and a red note would come up. Geoff said a copy of the Resolution does go to the Tax Office. Geoff said to also send a copy of the Resolution to the Fire Marshall. John Burke said he is sure there has to be some way to monitor this situation. John Burke said maybe between Valerie, Pat and the Fire Marshall they can come up with a good way to monitor this situation. Motion to memorialize the Resolution made by John Muly, motion seconded by Patrick Callahan.
<u>Board Members Voting Yes</u>:
John Muly, Patrick Callahan, Neil Hamilton, John Burke, Leonard Sullivan, Peter Ragan
RESOLUTION MEMORIALIZED

<u>RESOLUTION #07-2011</u> – Constantino, Michael – Manasquan Plaza Inc. 95, 97, 99 Atlantic Avenue (Dairy Queen Strip Mall) – Geoff said this is a Resolution that has confirmed the Board's determination with respect to the applicant's request for a modification to his prior Site Plan so as to create two existing stores where there is one now. Also they were approved for the installation of two tables and eight chairs. The picnic table requested was denied. They will also have to go to the County to find out the height of plantings that will screen the residential properties from intrusive lights from vehicles and the Board gave them 30 days to apply to the County. Al said he saw in the newspaper that they did apply to the DEP, so they are in the process of applying. Joan Harriman listened to the CD of the last meeting and so she can vote on the Resolution. Joan Harriman made a motion to memorialize the Resolution, motion was seconded by Leonard Sullivan.

<u>Board Members Voting Yes</u>:
John Muly, Patrick Callahan, Councilman McCarthy, Neil Hamilton, John Burke, Leonard Sullivan, Peter Ragan, and Joan Harriman
RESOLUTION MEMORIALIZED

Motion to cancel the second meeting of October made by Mark Apostolou, seconded by John Muly, all in favor none opposed.
OCTOBER SPECIAL MEETING CANCELLED

Motion to approve the vouchers made by Joan Harriman, seconded by Neil Hamilton, all in favor none opposed.
VOUCHERS APPROVED

John Muly, Chairman of the Sign Committee gave his report on the Sign Committee, he stated Joan, Pat and he met several times and went over our existing Sign Ordinance and also looked at the hand out that John Burke gave them from NJPO. There was a lot of discussion regarding digital and illuminated signs and also times for scrolling, size and placement of these types of signs. Mark Apostolou said he would like to sit on the Sign Committee and it was unanimous that indeed he should be part of the Committee. Al Yodakis and Owen McCarthy had some very good input regarding the wording that should be put in the Ordinance. John said some of the restrictions they were considering were that these kinds of signs would only be allowed in the Business Zone, Office and Industrial. They thought the maximum size permitted be 12 square-feet, enough room to get a message on there. The screen image will not change in less than 30-seconds, so the thing isn't flashing but the message could change but not less than 30-seconds. We don't want people stopping in the middle of the highway. We would not like to have messages that are scrolling either, because that just encourages people to stop or slow down. There should be an automatic dimming device on there that regulates the brightness or intensity or glare so as not to create a public nuisance. We felt there should be some restrictions on the hours of operation this can be for the Board to decide but there is no need for these things to be going all night long. They should be set up so they can be shut off. John Burke said if at all possible he would like to see the signs used for the Amber Alert System if the sign is remotely controlled. John Muly said they also have Silver Alerts. He said the other thing was signs that are attached to vehicles on the Streets and so on, we wanted to include these wraps that are on these mini vans especially if they are parked in somebody's driveway or on a public Street, we can't stop them from running around with them but we don't want them parked in somebody's driveway or out on the Street 24/7. We said residential property. Owen said he is in favor with everything the guys have suggested but now it's just coming up with the details and he thanked them for all their work. There was a discussion of what time the signs can be on. John Muly said neon signs inside a building are allowed.

Motion to approve the August minutes were made by Joan Harriman, motion was seconded by Leonard Sullivan, all in favor none opposed.
AUGUST MINUTES APPROVED

Owen McCarthy said the issue of flag lots in the Borough are a concern for some of the Planning Board members, the Mayor feels strongly about it. One of the reasons Peter Ragan got interested in Planning Board was because of the issue of flag lots. He would like the Board to look into changing the Ordinance to preclude flag lots. He would like the Board to take a look at it and possibly move forward on this issue.

The Nomination Committee was headed by Neil Hamilton; he said the secretary has letters in the office from the professionals, Geoff Cramer and Al Yodakis stating their intent to be re-appointed to the Board.

Patrick Callahan made a motion to adjourn the meeting, motion was seconded by Joan Harriman, all in favor none opposed.
MEETING ADJOURNED AT 10:13PM

Respectfully Submitted,

Mary C. Salerno
Planning Board Secretary