NOVEMBER 19, 2013

The Manasquan Planning Board held a second meeting at 4:05 p.m. on Wednesday, November 19, 2013 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey.

Board Attorney Geoffrey Cramer's statement re: Open Public Meetings Act of 1975 and that notice was given to the Coast Star and the Asbury Park Press on December 13, 2012. He also read the rules and time frame for the meeting.

Salute to the Flag.

Roll Call:

Present: Mayor Dempsey, Members Muly, Rabenda, Harriman, Hamilton, and Apostolou.

Absent: Council Member McCarthy, Members Burke, Love, Sullivan, Price, Ragan, and Young.

Professionals Present: Board Attorney – Geoffrey S. Cramer and Board Engineer Charles Rooney.

APPLICATION #50-2013 – American Timber Company – 579 Brielle Road – Block: 182.01 – Lot: 22 – Zone: R-5 – Demo and Re-Build, Bulk Variances

Keith Henderson, Attorney for applicant went over the above specifics and stated that it is flood zone AE with a BFE of 9 feet. He went over the letter of denial from the zoning officer dated September 17, 2013 and that all appropriate documentation has been submitted. He requested that the board accept jurisdiction of the application.

Mr. Cramer stated that all appropriate documentation is in the applicant's file.

Geoffrey Cramer swore in Henry Yard, Chris Rice, and Charles Rooney.

Mr. Henderson asked questions of Mr. Yard.

Mr. Yard stated that he is a shareholder in American Timber Company and the company owns the property. He stated that both properties were washed off the foundations and one of the homes was leaning on the adjacent building and as a result of this damage the buildings were demolished. He also stated that there were two separate living units on the property which were rental properties. He reported that the plan for the property is a single family two story dwelling.

Mr. Henderson asked questions of Mr. Rice.

Mr. Rice stated his occupation and that he is the architect for the applicant. He went over the variances of the property as submitted to the Board. He stated that the lot area is undersized because they have 2,453 where 2700 is required and lot frontage required is 40 and there is only 25. He stated that the lot is excessively narrow lot for the area. He went over the yard requirements that were existing and he also went over the building coverage that was existing

and the current requested coverage. He stated that the building and lot coverage will be the same as the previous buildings. He went over the site plan that was submitted to the planning board members and the requirements required and what they are asking to have. He stated that the finished floor will be at 11 with the grade at about 5, so there will be about 5 feet under the house with no ability to park under the house. He stated that if the structure is pushed back to 20 feet there will be room for 2 cars to park off street. He also stated that they are looking for set back of a little more than 10 feet to the deck with the house sitting back 16 feet. He stated that the variances are lot area and frontage exists, side yard setbacks are being made better, the front and rear setbacks will be made better and 45% building and lot coverage which is less than the previous buildings lot coverage. He stated there is no land available on either side of this property nor is there any land available in front or rear of the property and the property can not be increased at all. He stated that there will be off street parking for 2 cars with the new home and the height of the structure is going to be at 33 feet.

There were questions back and forth between Mr. Henderson and Mr. Rice regarding the change in the property and the conformity of the building.

Mr. Henderson stated that in a report from the tax collector it was suggested that an easement agreement be made with the neighbor for encroaching on this property with the wall or make them move it. He also stated that American Timber Company wrote the gentleman and they have had no response.

Marked into evidence as Exhibit A-1 is a letter from American Timber Company which requests that an easement or encroachment agreement be granted which was sent out on November 13, 2013 with no response as of this date.

There was discussion on the property and a walkway.

Mr. Henderson stated that he reviewed T&M Associates' report and stated that paragraph two sets forth what the issues are with this property. He stated that they will do the grading plan at the time they do their building permits.

Mr. Rice stated that the mechanical equipment will go in the back and need to be out of the flood zone. He stated that the front is going to be a driveway material in reference to the landscaping plan that should be provided for the front yard. He stated that he will do whatever the board requires.

Mr. Henderson stated that they do not have any problems with the curb and sidewalk or the utilities being located underground if possible.

Member Muly inquired about access to the crawl space.

Mr. Rice stated that there will be access in the front, one on each side, and they might skip the rear.

There was discussion on a stockade fence in the back of the property and which property owner's is it. It was found on the survey that the fence is not on their property.

Mr. Henderson stated that he does not know what the Technical Review report meant by a parking variance.

Mr. Hamilton stated that what was discussed for narrow lots and the front setbacks was instead of clutter the property it was the feeling of the board that a one car variance could be issued to make it more esthetically looking rather than have two cars jammed up in the front to just have the one car and have the front look more pleasing to the street.

Mr. Rice stated that if this was a rental he would do that but for what is being built and sold this is not an expensive home to build and he believes more the two parking spots are more important. He stated that he would like to provide for two parking spots.

There was a question on curb cuts and Mr. Rice stated that he will only take what is needed to get the cars in.

Member Apostolou asked if Mr. Rice will acknowledge that the curb cut will only be directly in front of the parking area.

Mr. Rice stated that this is correct.

Member Hamilton stated that if there is to be a straight drive in that would need to be included in the resolution as 16 feet will probably be needed.

Mr. Rooney stated that the plan shows 12 feet scaled.

Mr. Rice stated that he thinks the curb cut should be wide enough to accommodate the two cars to the two car driveway.

It was recommended not to exceed 16 feet.

Mr. Rooney inquired about the encroachment and how far the wall encroaches.

Mr. Henderson stated that the wall encroaches by the 3 inches.

Mr. Rooney asked if the wall has any bearing on lot coverage or access to the rear for fire fighting purposes.

Mr. Henderson stated that there is no issue. He also stated that the wall is 2 ½ inches not 3 inches.

There was discussion on the wall and the encroachment and the possibility of a new encroachment.

It was recommended that the applicant speak with the code department regarding the removal of the encroachment and that the whole property with the encroachment be looked into for lot coverage.

Mr. Henderson stated that he reviewed Mary's minutes and lot area is 23.52 and the building area is 51% and the variance as stated was 45.4. He read from the minutes "Mr. Damian said there was a discrepancy. Eleven years ago he received a variance as they came in with plans where the house was always 21 x 57 feet long and he has the original plans in his office." Mr. Henderson stated that Mr. Damian stated that he does not know how the 45.4 building coverage came about. He stated that the variance number is 05-211.

There was discussion on the neighboring house and the lot coverage and variances.

Board Member Apostolou recommended a letter be received from Mr. Henderson to the Code Department to protect his client.

Board Secretary stated that the number should be 05-2013 and she believes that the 05-211 is a typo in the minutes.

Board Member Apostolou made a motion to open the hearing to the public, seconded by Board Member Hamilton. Motion carried unanimously.

There being no comment Board Member Apostolou made a motion to close the hearing to the public, seconded by Board Member Hamilton. Motion carried unanimously.

Mr. Henderson made is closing statement and asked that the Board approve this application.

Mr. Cramer stated that this is in addition to a curb cut.

Mr. Henderson stated it will include the curb cut as stated early of 16 feet.

Mr. Rooney asked if a follow up letter will be sent to the neighbor on the encroachment.

Mr. Henderson stated that they are not receiving a response and he believes that the next letter might be to just remove the encroachment since he is not cooperating.

Mr. Cramer stated that a cc should be sent to the Building Department.

Mr. Henderson stated that he will and that their surveyor will check on the latest possible encroachment.

There was discussion on the wall and a possible second encroachment and how the applicant will be handling it.

Mr. Henderson stated that he prepared a license agreement for the encroachment which is not an easement which would terminate upon the sale of the property. He stated that was what was sent to the neighbor and there has been no response.

Mayor George Dempsey made a motion to approve the application as presented with the not to exceed 16 feet curb cut, seconded by Board Member Harriman. Motion carried by the following vote: "yes" Mayor Dempsey, Board Members Muly, Rabenda, Harriman, Hamilton, and Apostolou. "No" none.

Mayor Dempsey informed Mr. Henderson and Mr. Rice that the council is looking into an ordinance that would provide for covering of pilings and cement pilings for aesthetic purposes.

There was discussion on the type of covering that should be used.

RESOLUTION #25-2013 – Restated Resolution – Cresitello, Donald and Irene – 361 Beachfront – Block: 185 – Lot: 25 – Zone: R-4

Board Member Hamilton made a motion to approve resolution 46-2013, seconded by Board Member Harriman. Motion carried with the following members voting: "yes" Board Members Rabenda, Harriman, and Hamilton. "No" none. Mayor Dempsey and Board Members Muly and Apostolou abstained.

RESOLUTION #52-2013 – Rice, Chris–24 Fletcher Ave. – Block: 97 – Lot: 8, 9 – Zone: R-1

Board Member Harriman made a motion to approve resolution 47-2013, seconded by Board Member Rabenda. Motion carried with the following members voting: "yes" Board Members Rabenda, Harriman, and Hamilton. "No" none.

RESOLUTION #49-2013 – Tigner, John–105 Beachfront – Block: 167 – Lot: 3 – Zone: R-4

Board Member Hamilton made a motion to approve resolution 47-2013, seconded by Board Member Harriman. Motion carried with the following members voting: "yes" Board Members Rabenda, Harriman, and Hamilton. "No" none.

OLD/NEW BUSINES:

Board Member Muly stated that he thought that it was important that the board receive a copy of a letter that was posted on the BOE website from an attorney which was in response to the Board.

Board Secretary stated that the board needs to have a nomination committee assigned. She stated that the only person that responded was John Burke who would like to be Chairman.

It was advised that the nominations are to be at the next regular meeting in December.

Board Secretary stated that she does not have anything on the agenda for the first meeting in December and she stated that nothing has been submitted.

Member Apostolou asked if nominations can be submitted at the December 17 meeting if there is not a December 3.

Mayor Dempsey asked if there will be enough time to move the applicants from December 17 to December 3.

Board Secretary stated that they would not have enough time to have the proper notices filed.

Board Member Apostolou made a motion that if there is no applicant for December 3 that the meeting be cancelled with nomination on December 17, 2014, seconded by Board Member Hamilton. Motion carried unanimously.

Board Member Apostolou stated that he does not believe a response is warranted to the letter from Mr. Gross that was posted on the BOE website.

Board Member Harriman went over an article about the restrictions on digital signs and how a town can control them.

There was a brief discussion on the article and the sign committee which was discussed prior to Super Storm Sandy.

There was discussion on charging for a special meeting as of right now there is no fee because of Super Storm Sandy and if the Board should go back to charging that special meeting fee in 2014.

Mayor Demspey stated that he has no problem with waiving the fee for another year or start charging in January 2014.

Board Member Apostolou stated that he thinks that it should be waived for the first 6 months and after that time the Board should re-visit and assess the fees at that time.

Board Member Apostolou made a motion to extend the fee waiver for another 6 months and effective July 1, 2014 to re-assess the $1,000 fee, seconded by Board Member Harriman. Motion carried unanimously.

Board Member Hamilton made a motion to adjourn the meeting at 5:01 p.m., seconded by Board Member Apostolou. Motion carried unanimously.

Respectfully submitted,

B. Ilaria

Barbara Ilaria, RMC
Acting Planning Board Secretary

DATE APPROVED 5-6-14