The Manasquan Planning Board held a Regular Meeting at 7PM on April 7, 2015 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, NJ.

Chairman Hamilton opened the meeting by asking everyone present to please stand and salute the Flag.

ROLL CALL:
Board Members Present:
Mayor George Dempsey, Chairman Neil Hamilton, John Muly, Paul Rabenda, Greg Love, Kevin Thompson, Robert Young
Board Members Absent:
Joan Harriman, Councilman McCarthy, John Burke, Leonard Sullivan, Peter Ragan, Mark Apostolou
Professionals Present:
Geoffrey S. Cramer – Planning Board Attorney
Al Yodakis – Planning Board Engineer/Planner

Geoff Cramer read the Rules of the meeting.

Chairman Hamilton made a statement that at the Council meeting last night there were some changes to the Planning Board members status. Robert Young standing in for Joan Harriman who is with her husband on medical leave. Robert Young is also a member of the Technical Review Committee. Kevin Thompson will now be the Mayor's Alternate a position that was previously held by Robert Young.

He addressed the audience stating that if anyone was here to hear the RALCO Subdivision application that had previously been carried to this meeting, they will not be heard tonight, their attorney sent a letter requesting to be carried to the next meeting on May 5, 2015. They will not have to re-notice or re-publish. The motion to carry this application was made by Kevin Thompson, seconded by Greg Love, all in favor none opposed.

Minutes, March 3, 2015 – Regular Meeting – Kevin Thompson made a motion to approve, seconded by Paul Rabenda, all in favor none opposed.
MINUTES APPROVED

Motion to approve the Vouchers made by John Muly, seconded by Robert Young, all in favor none opposed.
Roll Call:
Mayor George Dempsey, Neil Hamilton, John Muly, Paul Rabenda, Greg Love, Robert Young, Kevin Thompson
VOUCHERS APPROVED

<u>RESOLUTION #16-2015</u> – Ocean Star Gas Station –Chatt, LLC – 65 Virginia Avenue – Block: 67 – Lot: 56.03 – Kevin Thompson made a motion to memorialize the Resolution, seconded by Greg Love, all in favor none opposed.

<u>APPLICATION #17-2015</u> – Federico, Susan – 295 Beachfront – Block: 1 – Lot: 3 – Zone: R-4 – Geoff Cramer swore in Robert Bruno of Navesink Prestige, contractor for the project, Susan Federico, Owner/applicant, and Anthony Marcasi, General Manager. Mr. Bruno spoke. Mr. Hamilton asked if Mr. Bruno had ever presented a case before and he answered no. Mr. Hamilton proceeded to explain that he needs to present the case of what they want to do, they have the denial from Mr. Furey, you also have a letter from the TRC and a report from the Board Engineer. You are requesting Variances for the applicant. You have to let us know what you want to do, prove your hardships and then the Board will have an opportunity to ask you questions, they may ask for concessions and then we will go from there. We are well aware of the project. Mr. Bruno said actually what we are really looking for is to make a concession on the size of the house, make it a little narrower but we reviewed this with Mr. Furey and he was expecting him to be here. Mr. Cramer asked if there were any changes being made to the First Avenue dwelling and they said it was staying exactly as it is, no changes. All the changes will be on the new Beachfront dwelling. Mr. Hamilton asked Ms. Federico to tell the Board what took place there. He knows what took place, she took an existing house, moved it off, put it on the Beach, then put it back on pilings and he doesn't know what happened there. Susan Federico said the existing house would be demolished and a new house will be built on the existing pilings. Al Yodakis addressed his report. There are four (4) Variances, lot area 4,200 required, 3,900 existing and proposed. Lot frontage 30-feet required, 29.2 exists and proposed. Building coverage of 35% is permitted, 43.4% proposed. Lot coverage 50% permitted 60.8% proposed. Al stated the First Avenue dwelling has a front yard setback of 0-feet where 10-feet is required. Side yard setback 5-feet required, 2.5-feet is proposed on the north side and 4.6-feet on the south side, no changes everything is staying exactly as it exists. Beachfront dwelling minimum front yard setback of 15-feet is required, 7-feet is proposed to the front deck. Side yard setback of 5-feet is required, 2.58-feet is proposed and the TRC has an issue with that, they recommended you go to 3.1-feet. Mr. Bruno said they have 3.02 feet on the south side. Neil asked if they were aware of the fire codes for windows. They said they are. Neil said if we were to approve that this would be out of our jurisdiction, you could get approval from us and the Construction Official could turn this application down and say you can't have any windows unless you get to 3.1-plus. Neil then said should that be the case, this Board and you should need to alter that structure because you failed in Construction, you would need to return to this Board. That would delay your building. Mr. Bruno asked would it be easier to approach this as an alteration and build on the existing structure. Mr. Hamilton said we can't tell you what to do. Al said the last Variance is Option A or B. The lot itself and the First Avenue dwelling are things we typically see. Mr. Bruno said if we were to go to 3.1-feet on the north side, we would have windows and we would be within your guidelines. Al said UCC guidelines. Mr. Bruno said so where would we make that application. Al said if that is something you could agree to tonight the Board would certainly consider that. Mr. Bruno said we agree to it. Al said on both sides. Mr. Bruno said we agree. Al said there is 49-feet between the two dwellings, 23-feet between the two decks. The do meet the new BFE, its 14 here and they will be at

19.4. The Town has a requirement for 80-square feet of storage, and they will put that below the house. The 3-foot walkway to the Beachfront for the First Avenue dwelling will now be available on both sides; they will need to submit a grading and landscaping plan when they come in for building permits. Parking spaces are two in the garage and two outside. It is not feasible to put underground wiring. Any curb and sidewalks destroyed will need to be replaced. That is his report. Neil said the concession on the north side will be moved back. On our elevation that will be the right side, right now there are no windows on that side, now there will be windows there. The left side will also be moved and they will basically stay in the same footprint. Robert Young said there is a difference between Dick Furey's report and what the Board is seeing, Mr. Bruno said they did submit different plans than what was submitted to Zoning at first. John Muly moved to open the meeting to the public, seconded by Kevin Thompson, all in favor none opposed. There was no public participation. Kevin Thompson moved to close the public portion, seconded by Greg Love, all in favor none opposed.
Susan Federico said one comment is this is only a two story house.
Kevin Thompson made a motion to approve the application as stated with the changes and amendments, the motion was seconded by John Muly.
<u>Board Members Voting Yes</u>:
John Muly, Paul Rabenda, Greg Love, Kevin Thompson, Robert Young, Neil Hamilton
APPLICATION APPROVED

Kevin Thompson recused himself as this presentation is his property.
<u>15-MINUTE PRESENTATION BY KEITH HENDERSON</u>:
Keith Henderson stated he is representing the owner/applicant in this matter. The building is owned by the Thompson Family, the applicant is Matt Jennings. The property is 27 Osborn Avenue, Block: 32 – Lot: 1.03 and it's in the B-1 Zone. He gave the background of this file, this Board in 2004 approved Resolution #09-2004 for the Little Gym. The Municipality took over after the Little Gym left and they used it for a variety of purposes including some classes for seniors in there. The Zoning Officer had reservations because of a particular clause in the Resolution which indicated that the Board was retaining jurisdiction of the matter to ensure that it was used as a gym for children. He doesn't believe that was ever the intent. He believes parking was always the issue. Keith argued that age discrimination is highly unconstitutional. We are proposing someone who has the same type of operation. You have to enroll in classes, you will hear testimony that the maximum class size is 25 persons and there will never be more than two persons on site who supervise those classes. These classes which run between 45-minutes and one-hour start at 5:30am and they are dead in the middle of the day and then pick up again after the High School is closed. He believes there won't be a problem with parking. This is very similar in size. The original Resolution spoke to 24 spaces, there are garage doors which are sealed shut and there are now 28 parking spaces. Neil asked for hours of operation, the amount of vehicles that may be parked, once the Board knows that we can proceed. Mr. Henderson said he would address those issues, he said the Board previously approved 24 parking spaces, this applicant has indicated that the maximum class size will be 25 and probably less than that with two employees on site. The number of classes per day is between 3 and 6, it's closed on Sunday. Classes start at 5:30am and go between 45-minutes to an hour. Most likely they won't conflict with the High School. There is a basketball

court on the west side of the existing structure with a shed in front. He suggests to the Board that you could say to the applicant remove that shed, develop that space and close that basketball court down if you wish to do so as a safety valve. That could be triggered by either the applicant or the Borough. If you feel there is inadequate parking we could get additional spaces in there. Mayor Dempsey said he feels they far exceed their parking requirements. He thinks its fine and is ready to go. Neil said if parking was an issue, you could remove the shed and have the employees stack their cars there. Paul Rabenda said the other gym down the Street did not have parking and uses the Municipal Lot, and their hasn't been a problem there. Mayor Dempsey made a motion to open to the public, seconded by Paul Rabenda all in favor none opposed. There was no public participation; Mayor Dempsey made a motion to close the public portion, seconded by Greg Love, all in favor none opposed. Geoff Cramer said he will prepare a Resolution similar to what he did with respect to the Ocean Star Gas Station. It's a permitted Use that is permitted by Law and not terribly different except in terms of the age of the enrollees in these classes. George Dempsey said he would like to see #6 taken out of the Resolution and he made a motion to approve the presentation, seconded by Greg Love.
<u>Board Members Voting Yes</u>:
Mayor George Dempsey, John Muly, Paul Rabenda, Greg Love, Robert Young and Neil Hamilton
PRESENTATION APPROVED

<u>APPLICATION #18-2015</u> – Carr, Liam – 155 Third Avenue – Block: 169.01 – Lot: 50.04 – Zone: R-3 – Elevation of a rear deck. Geoff Cramer swore in Liam Carr, owner/applicant, Alan Robinson, Architect (not the one who did the drawing), and Al Yodakis, Planning Board Engineer/Planner. Liam had updated drawings which he passed out to the Board members. They are now proposing an outdoor shower which will be elevated. He currently has a ground level deck. The new deck will be totally new but elevated to walk straight out of the house to the deck, on the top left hand corner it will have a step down. John Muly in speaking for the Technical Review Committee said they spoke about showing a hardship for raising the deck. But, you are bringing it up to the elevation of the house. He has a baby and they are worried about her tumbling out of the back door. Also, he said in the back his neighbors who live on Main Street, have an elevated deck. He assumes they got a Variance and when they have guests over you feel like they are on top of you. They became friends with our neighbors to the right and when they walked back and forth they would walk over his deck. He said it's not a big issue, but if his deck is above ground they wouldn't be able to do that. He had a fence but it was demolished during Super Storm Sandy, he will be putting up another fence. Kevin Thompson made a motion to open the meeting to the public, seconded by John Muly, all in favor none opposed. There was no public participation. Kevin Thompson made a motion to close the public portion of the meeting, seconded by Greg Love, all in favor none opposed. The shower will be above the BFE and will drain into the sanitary sewer. Paul Rabenda said he would like to see an elevation certificate submitted with the shower application and he would like to see it into the sanitary sewer. Kevin Thompson made a motion to approve the application as proposed, seconded by John Muly.

<u>Board Members Voting Yes</u>:
John Muly, Paul Rabenda, Greg Love, Kevin Thompson, Robert Young, Neil Hamilton
APPLICATION APPROVED

Neil said at last night's Council they did a second reading on the Driveway Ordinance, there is a copy in each Board member's packet. One other item is when T & M was replaced with Al Yodakis, we lost our Planner/COAH representative, that would be Geoff's brother Richard Cramer. Neil said he believes Al can fill in to do the Master Plan review if need be if we get into COAH possibly we could reach out to either Geoff's brother or someone Al could recommend to be a COAH expert if we need to. We will have COAH on the Cemetery subdivision but that will be calculated downstairs in the Tax Office. Al said he is a Licensed Planner he could tell the Board that, he has done this kind of work before. If we were going to get into a heavy duty COAH Lawsuit or something like that he would absolutely recommend bringing in outside Council and another Planner who specializes in that type of thing. For the issues we are looking at he could certainly advise the Board. Neil will go back to the Council to let them know Al will fill that spot.
Paul Rabenda said with regards to the Ordinance sent by the Council, in Section 1, second paragraph one word should be changed from a to or. Neil said now we allow two curb cuts on corner lots and this Ordinance states only one. The Board was in agreement with the one curb cut. Mary will let Mark Kitrick know the Board statements.
The Board unanimously agreed to cancel the April 21, 2015 second meeting.
Greg Love said he drafted a letter from the Environmental Commission regarding the RALCO Subdivision. Al said so the Board is aware he did meet with RALCO's Engineer, the builder and their Attorney along with Tom Nicastro two weeks ago and they talked about what direction to go in. He just received two draft plans with two different water main location maps yesterday afternoon. He has only given them a quick once over, he hasn't gotten to really review them. Neil asked where the Borough Council fits into this regarding the water main or will this be at the expense of the applicant. Al said the Council should make their recommendations known to this Board. Al said right now there is some question as to the size of the main on Church Street and how we can tie in there and if that will be sufficient to do a wet tap and bring it up. We are looking at two different options, the builder is going to be digging test pits to verify the size of the existing mains and we will have a better idea once those get done and we know the size. Al hopes before the May meeting he will have a revised report to the Board and we will have a definitive plan of what they are proposing. Robert Young made a motion to adjourn the meeting, seconded by Paul Rabenda, all in favor none opposed.
MEETING ADJOURNED AT 8:04PM

Respectfully Submitted,

Mary C. Salerno
Planning Board Secretary