The Manasquan Planning Board held a Regular meeting on July 7, 2015 at 7PM in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, NJ.
Chairman Neil Hamilton asked everyone present to please stand and salute the Flag.
Geoff Cramer read the Sunshine Law Meeting Act Statement.
ROLL CALL:
Board Members Present:
Mayor George Dempsey, Neil B. Hamilton, John Muly, Paul Rabenda,
John Burke, Leonard Sullivan, Peter Ragan, Mark Apostolou, Robert Young
Board Members Absent:
Joan Harriman, Councilman McCarthy, Greg Love, Kevin Thompson
Professionals Present:
Geoffrey S. Cramer – Planning Board Attorney
Albert D. Yodakis – BORO Engineering – Planning Board Engineer/Planner

May 5, 2015 – Regular meeting minutes – Mark Apostolou made a motion to approve, Robert Young said there is a correction, he listened to the CD of the RALCO Subdivision which was held on May 5, 2015 – this will be noted in the minutes, he seconded the motion, all in favor none opposed.

May 19, 2015 – Second meeting minutes – John Burke made a motion to approve, Mark Apostolou seconded the motion, all in favor none opposed.

Vouchers – Leonard Sullivan made a motion to approve the vouchers, seconded by John Muly.
Board Members Voting Yes:
Mayor Dempsey, Neil Hamilton, John Muly, Paul Rabenda, John Burke,
Leonard Sullivan, Peter Ragan, Mark Apostolou, Robert Young

Neil said there was a first reading on an Ordinance last night by the Borough Council – Ordinance #2184-15 – George Dempsey commented on this Ordinance, it was sent to the League of Municipalities, there were some errors, and they withdrew that Ordinance and started this Ordinance which conforms to the State and the FTC as well as the Master Plan. John Burke made a motion to have the Council move forward, seconded by Robert Young, all in favor none opposed.

RESOLUTION #24-2015 – Fattell, Victoria – 573 Main Street – Block: 178 – Lot: 27 – Zone: RPM –
Board Members Voting Yes:
Neil Hamilton, Paul Rabenda, Leonard Sullivan, Mark Apostolou and Robert Young.
RESOLUTION MEMORIALIZED

<u>15-MINUTE PRESENTATION</u> – MANASQUAN BOE – HIGH SCHOOL Addition and Renovations – Dan Roberts, Attorney for the Manasquan BOE, Frank Kasyan, Superintendent, Robert Garrison, Architect and Engineer, William Edwards.
The Superintendent was the first to speak and introduced the Engineer and Architect. The Engineer was the first to address the Board; he had a Board drawing on an easel showing the proposed improvements to the Elementary and High School buildings and grounds. The doors on both schools will be updated with security functions. They will also bring the campus up to ADA compliance. The addition on the High School will to improve the Science Program and classrooms. There will be an additional three (3) classrooms added over the existing Science Rooms. Also, on the second floor will be a whole new IT Center. As it exists today the IT Center is located in the basement which when it floods creates many problems. In the basement there is a classroom which is not handicapped accessible, they will create a new ramp from the outside, and the music room and classroom will be handicapped accessible, there will also be an elevator installed. Next, William Edwards of Edwards engineering spoke to address the Fields and the outdoor improvements proposed at both Schools. They started with the Elementary School; this project involves the re-paving of the existing parking lot, there will be new Storm water Management System installed below the parking lot and put a conventional pavement system back down on top of it. Years ago they attempted a green solution, environmentally friendly porous pavement, he doesn't design porous pavement as an Engineer in a cold climate. They will also install age-appropriate playground equipment, they are also going to dress the fields, improve and re-grade things, improve fencing, backstops and players benches. There will also be barrier free entrance improvements at the front of the building. No lighting changes are proposed in the parking lot; new lights will be installed in the front of the building where there are no lights presently. The next project they said is pretty exciting, this is a proposal for an artificial turf field, multi-sport behind the High School, new grandstands, a new artificial turf baseball field with running track and a partial practice track around, an all weather surface with lane markings. At the lower field in the back, they are proposing softball fields and a multi-purpose field that can be lacrosse or field hockey. In addition to that there will be some player's benches for Varsity Softball. The tennis courts obviously will be hard surface. Right now the School has three (3) tennis courts up front; by adding two (2) they will be able to have tournament play at the High School. They will make an improvement to a drainage culvert that's under the field right now, we have run a TV camera inspection down there and found the pipe is old, it's a corrugated metal pipe arch, and there is some rust to it. We will be getting DEP permits for that. There will be no other work that will encroach upon the flood plane or the wetlands on the site. We have had soil testing completed on the site both for permeability for soil characteristics and also for contamination, the good news is that we don't have soil contamination, being we have sandy soils we have really good permeability rates here. The soil has a nice sandy consistency that will be adequate for building without any special measure. We are looking at doing a retention storm water management system where we attempt to infiltrate the water into the ground, rather than discharging to neighboring properties. There will be lighting towers that will be illuminating the multi-purpose field and also the baseball field and lastly the lower fields. We are looking at a state of the art controllable lighting system that will have both 30 and 50-foot candles, so you will be able to have low lighting for practice and higher levels for high speed sports like football and

lacrosse. That will also be controllable by either smart phone or programmable by a computer. There will be a big emphasis on being friendly to the neighbors with the lighting schedule. They are proposing a new parent drop-off lane and a dedicated parking area in the front of the building, that will allow parents to come in and park, go in and sign-out a student and with the new barrier free accessible entrance and with the canopy over the top of that it will be a focal point for entering the school, that will be occurring on the front lawn. Mayor Dempsey had some comments and concerns. The Engineer said the lighting they will be using can be searched in Google by looking up Musko Lighting. Mark Apostolou asked questions about the lighting, neighbors, handicapped bathrooms. There were questions about the location of the filming area. The concession stand and the bathrooms will all be houses in the same building. At present there was no plan to re-build the filming tower that is presently used. Additional members asking questions were John Burke, John Muly, and Neil Hamilton. John Burke told them that it is stipulated that Coaches from both teams have a place to observe the game and radio/relay to field coaches during the game equally. The Architect said they could build a press box but hearing what they have just heard they will address the unsafe tower. Neil said they should talk to the Coaches and see what they need. Mark said they need to speak to the Police and the Fire Marshall. George said you have heard all our concerns, you should address them and come back with a better plan so that we can all look at it because this is not acceptable in his opinion. The Board of Education is not conceding that they will be returning for another presentation. The BOE has held public forums regarding this proposal and there will be another one in August. Neil said if there are any further questions the members of the Board would have to attend the public forum. He thanked the BOE for their presentation. Frank Kasyan gave his closing statement.

<u>APPLICATION #21-2015</u> – Plaine, Mary – 368 First Avenue – 369 Beachfront – Block: 185 – Lot: 28 – Zone: R-4 – Chairman Hamilton opened by stating this is a re-hearing for a technicality for the issue of rejection by a tie vote at the last meeting which meant the application failed and that was in reference to the height. According to the By-Laws Mr. Henderson had to re-notice for the applicant, fill out a new application and Mr. Cramer said yes he has complied with the requirements of the Statute. Mr. Henderson gave his testimony. They amended the application to lower the house to 34-feet and they noticed for that height also. He asked for a vote on all the non-height issues and then a vote on the height. Neil said he doesn't have a problem doing that; he will be keeping the By-Laws close at hand from now on. If you are going to have a re-hearing on a technicality or decision of the Board, the procedure would be to come back and ask the Board if they want to entertain a re-hearing and then we would give you a date and you would then come back and properly notice. Understanding the TECH Committee looked at the scenario and we understand the time frame on this and the height issue was the one that caused the failure on the tie. In fairness to the Board, because he listened to the tape after the meeting to make sure we had our ducks in a row, there was substantial discussion from the Board members in reference to the height asking that the height be reduced, Councilman McCarthy asked if the ridge could be reduced in any fashion. When we asked you through the applicant is there any reason they couldn't come down and meet the criteria, the answer from the applicant was no. Keith said we said we would go to 35-feet and that was not enough. I know you don't like to go through the polling, but if you did the polling, we

probably wouldn't be here today. Mark Apostolou said he looked at the minutes that we approved tonight, you specifically afforded the applicant the opportunity to have a poll at that time and Mr. Henderson's response was I already know what your statement was having it informally coming in front of us on a situation. Mark said to him it was the height issue, I was one of the voices that said I could live with 34-feet. I had no problem with the other Variances that were requested, my sole issue was the height. To me this is a motion for reconsideration based upon the Board's comment. He doesn't think it's a re-hearing, but reconsideration. He moves that we accept and approve the application, granting all the Variances, specifically at the height of 34-feet requested by the Applicant. Peter Ragan listened to the CD so he can vote tonight. Mark and Keith had a difference of opinion on who is allowed to vote. Geoff Cramer said what defeated the application was a split vote, the vote wasn't for or against, it was a technical denial. The applicant has consistent with the rules asked for a reconsideration, there hasn't been additional testimony, we still have the same record below and that is the same record that Peter listened to on the tape. He signed a certification at the meeting tonight. Geoff said he is allowed to vote. Mark Apostolou made a motion to approve the application, granting all the other variances and stipulation of 34-feet, the motion was seconded by Lenny Sullivan; Al Yodakis added all of the representation made in testimony and also the conditions in his report which were stipulated to.
<u>Board Members Voting Yes</u>:
Paul Rabenda, Leonard Sullivan, Mark Apostolou, Peter Ragan, Robert Young and Neil Hamilton.
APPLICATION APPROVED

<u>APPLICATION #40-2014</u> – Hochschild/Immesberger, Gary and Nancy – 479 Euclid Avenue – Block: 143 – Lot: 10.03 – Zone: R-2 – Geoff Cramer swore in Nancy Hochschild owner/applicant. She stated they are looking to put a balcony on the front of a bedroom that is over the garage. There is 19-feet there now, the setback is 15 and in order for the doors to be able to open and to get around them, they are looking for a little over 12-feet for the variance so they can make the balcony 7-feet wide, which would include not only the platform of the balcony but the 12-18-inches you need to build the exterior of it. Neil asked what the overall dimensions of the balcony are. Mrs. Hochschild said the front of the garage is 30-feet 1-1/2 inches; they were going to do it from one side of the garage to the other. It would be 7-feet wide. Neil said if he understands, they propose 3 support 45-degree angle support beams that will come up the balcony into the front of the house, they are not going to the ground. Board members asking questions were: John Burke, Neil Hamilton, Paul Rabenda, Lenny Sullivan, and George Dempsey. Questions came up about the site and its condition and projects that are unfinished. They are in the process of raising the house. They are trying to get this work done before the winter. Paul brought up #5 in the Engineer's letter where it states that if the deck is solid verses open decking, we would need some calculations for the proposed building and lot coverage. He said looking at the construction detail it looks like you are going to have a fiberglass fabricator come in and fiberglass that so that will be impervious. Mrs. Hochschild said she has looked and was going to take 100 pictures, but she didn't. Every house on her block, across the Street, next door, has a fiberglass deck, the only difference is they put plastic railings up and go around them. None of them have any storm water gutters or anything. Paul said that's not

what he is asking for, he is asking for the calculations for your impervious coverage. Mrs. Hochschild said her impervious coverage is based on the footprint of her building and she is not changing that. Right now the water that's falling where that deck is going to be is hitting her seashell driveway. The water will come off and go in the driveway; she is not creating any more impervious surface on the ground level. Al Yodakis said he did receive a revised survey, that is all accurate and was in his report, he has been out there. Potentially, there is another variance associated with this with the increase in impervious coverage; because we have a fiberglass deck, there has also been masonry stairs installed. In '09 there was a variance approval for lot coverage and building coverage and those have changed or are going to change with this application. Mrs. Hochschild said if it bothers you my husband will drill holes in the thing. Paul said if you are using Douglas Fir that has to be protected from the elements, that's another construction detail that's in there, you can't just drill holes in it. Mrs. Hochschild said they are not going back with sidewalks, so there is give and take, they are going with grass. Al said the problem is we don't know the numbers either, you had a variance and since that time conditions have changed out here. Neil said we can't do those calculations tonight. She said she did not think that since the deck was off the ground the impervious surface was based on your footprint. She asked if she put a collection system and piped it down. Neil said she should do an open slated deck but we still don't know what your other increases are. Dick doesn't really calculate stairs, we discussed that at TECH, whether they are solid or open. Neil said he doesn't know what the Board wants to do, we need to see that site completed as far as the patio, whatever else is outstanding there. Everything needs to be in order, prior to the permit being issued for you to go ahead and put that deck. So, now we are down to just one unfinished item. Neil asked the Board members what their thinking is on the size of the deck. George said lot and building coverage is way over now and he can't support this until the site is completed, he didn't have a problem with the size of the deck. Lenny said it's a very big deck. Mrs. Hochschild said she will clean up the area, Neil said she needs rails on the stairs, the patio and landscaping completed. He has a problem with the size of the balcony. Mrs. Hochschild said she will make it shorter if that's what the Board wants. Paul said he would like to see a construction detail; there is a major difference between a deck and a balcony. How a balcony is supported from a building without any exterior supports, this detail is showing steel beams and he is not sure how it's going to be constructed where the water goes through it. Her next question is they thought they would be asking more of the Board if they wanted to put posts. If posts are ok with you then that makes it much easier to do the slotted deck. We have to re-figure out how we are going to construct this with a slotted floor. Paul said steel beams have to be treated if they are exposed to the weather. She said her husband does steel work for sewerage treatments plants and whatever he coats that with is what they would use. Mark said it's too large and unspecified for him to make a decision at this time. Neil said the rendering you gave us, are there all doors. Mrs. Hochschild said he didn't give her the updated picture, there are only two sets of doors the other doors are windows now. There are two sets of doors in the center so if you would just consider giving us the deck for in front of the doors. She would go with a 15-foot deck. Bob Young asked if she knows the distance in front of the doors. George said you said its 30-feet across, the answer was yes. She said no you are right, there is a TV set then a door and there are about 4-feet between the doors so the doors are each 6-feet, that's 12, there is a window and then a door. Neil said if it's just going to be a small balcony for you to sit out

there in the morning then 10 to 12-feet wide by 6-feet, it would be more than enough. She said it would be at least 16 to 17-feet because the width of the doors and the space in between doors. John Muly and Paul Rabenda had additional questions. Mark Apostolou said I need to see a very specific diagram in his opinion for him to make an intelligent decision. Neil said you have heard comments from the Board, you may want to go back and get a new architectural rendering and get specifics on there of what you really want. What we approve is what you are going to have to do as a final as-built and we will continue this case. Lenny Sullivan said he agrees with the Mayor and the Judge, before he would consider this he would like to see it cleaned up and completed or we wouldn't give permits until all the work is done on the property. Neil said have someone do the updated calculations on your Survey for your lot coverage, impervious building and lot. She said she thinks you guys would be happy if you see some progress on the rest of the house so we'll make it September 1, 2015, 7PM meeting. No further notice or re-publication. John Burke made a motion to continue the hearing motion seconded by Mark Apostolou, all in favor none opposed.
APPLICATION CARRIED TO SEPTEMBER 1, 2015

The Board took a 5-minute break.
<u>ROLL CALL FOLLOWING RECESS</u>:
<u>Board Members Present</u>:
Mayor George Dempsey, Neil Hamilton, John Muly, Paul Rabenda, John Burke, Leonard Sullivan, Peter Ragan, Mark Apostolou, Robert Young.

> **Keith Henderson requested a new hearing for 50 Ocean Avenue, Frank Morris, requesting a re-hearing under Board rule 4:1-5. For two reasons, one is there were some comments during the hearing about the proposed access easement to the property. We have talked to our Engineer and if the Board is interested there was some concern about the re-development of the adjoining property, we would be willing to combine that to make a single roadway. Mr. Cramer suggested you might want a public road there. George said you would wind up with a 20-24-foot wide easement. Keith said the second thing we discovered is we were told by the seller that there were three units on this property and in fact the seller told us she had 3 C/O's and told her attorney she had 3 C/O's, the reality of it is she had 3 C/O's but she had 4 living units, she wasn't counting the unit she lived in. So, converting 4 units to 3 units obviously under the MLUA, that changes the criteria for both the negative and the C-2 criteria. Even though your rules don't describe the purposes or the reasons for granting a re-hearing, based upon the model Planning Board rules that are found in COX and in their rules, the equivalent rule is 3:2-1, one of the three criteria they have is a mistake and it doesn't matter who made the mistake, whether it was the buyer or the applicant or the Board, or somebody testifying in the audience. If there was a mistake it might have played in the decision of the Board that is a ground for a re-hearing. On that basis, we are asking for a re-hearing. Neil said so you are pretty much going to come back with the same application, just submitting some additional information. Keith said, additional testimony, additional proofs for the record, and offering up to make that easement accommodation, so the plan would show that as a possible combination. Geoff said**

since you have a similar property to the East if you were going to do a public right-of-way or a road, participation by both property owners would accommodate more of a wider width type of passage way without parking opportunities on it for the public. George said he can see the wider easement but not a public responsibility. George said the absent members can listen to the discs. Neil read the Board members who were present and those who were absent who need to listen to the CD. Mary read the yes and no votes from that hearing. Keith will have to re-notice and re-publish. John Burke made a motion to re-hear the application on August 4, 2015.
<u>Board Members Voting Yes to a Re-Hearing</u>:
Mayor Dempsey, John Muly, Paul Rabenda, John Burke, Leonard Sullivan, Peter Ragan, Mark Apostolou, Robert Young, and Neil Hamilton.
Application #20-2015 will be Re-Considered on August 4, 2015 at 7PM.

Mark Apostolou during Board comment time made a motion that the Board revise the By-Laws. Geoff said he is working on this.

Mark Apostolou made a motion to adjourn the meeting, motion seconded by John Burke, all in favor none opposed.
MEETING ADJOURNED AT 8:50PM

Respectfully Submitted,

Mary C. Salerno
Planning Board Secretary