MARCH 1, 2016 – MINUTES
TUESDAY, 7PM REGULAR MEETING

The Manasquan Planning Board held a regular meeting at 7PM on March 1, 2016 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey.

Chairman, Neil B. Hamilton asked everyone present to please stand and salute the Flag.

ROLL CALL:
Board Members Present:
Mayor Edward Donovan, Councilman Owen McCarthy (arrived at 7:02), Neil B. Hamilton,
Robert Young, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin
Board Members Absent:
John Muly, John Burke, Barbara Ilaria, Leonard Sullivan and Kevin Thompson
Professionals Present:
Albert D. Yodakis, BORO Engineering – Board Engineer/Planner
Geoffrey S. Cramer, Planning Board Attorney

Geoff Cramer read the Sunshine Law Statement.

Mark Apostolou stated there was a change to be made in the minutes of February 2, 2016; he made a motion to approve the minutes seconded by Robert Young, all in favor none opposed.

Robert Young made a motion to approve the vouchers, seconded by Mark Apostolou.
Roll Call:
Ed Donovan, Owen McCarthy, Robert Young, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin and Neil Hamilton

APPLICATION #11-2016 – Tackett, Frank – 75 Beachfront, 74 First Avenue – Block: 165 – Lot: 30 – Zone: R-4 – This is a continuation of this application; the applicant is represented by Keith Henderson, Attorney. He asked the file to be deemed complete and the Board accepted jurisdiction. Mr. Cramer swore in witnesses: Francis Tackett, owner/applicant, Chris Rice, Architect and Al Yodakis, Board Engineer. Mr. Tackett was the first to testify, he stated he acquired the property in June 2015. The property had been damaged in Storm Sandy. He proposes to demolish the existing structure and build two new homes. One dwelling being a garage with an apartment above. Next, Timothy B. Middleton is an objecting Attorney hired by Joanne Pisacane who lives at 70 First Avenue. Next, Christopher Rice testified, his credentials were accepted by the Board. He was retained by the applicant to design the structures for this property. He identified the

variances requested for the site. They have the lot area they just don't meet the lot width. One variance they are requesting is for height, 33-feet is permitted, they are proposing 34-feet. Chris had Geoff mark exhibits into the record, A-1, A-2 – colorized renderings of the house in 3-D. The dormer on the north elevation is for the stairs. On the south elevation there is another dormer. There are also two open air dormers which are setback very far. Keith said there is a dormer violation on the location of the dormers. Chris said they are on the north and south side. Also, the dormer length required is 10-feet and they are asking for 13.5-feet on the one side. The garage will be 21 X 21-feet. Next, they addressed Al Yodakis report. The air conditioning units will be on a deck out of the flood zone. Neil said TRC wants the garage structure located to match the Street setback location of the property to the South. The cars on First Avenue need to be out of the Street. Greg Love asked Chris to address the bump out of the fireplace chimney. Chris said to pull it completely into the house if it could bump out at least 6-inches it would be more aesthetically pleasing. Bob Young said he would be ok with that. Mr. Middleton stood and asked the length of the home. Chris said 66-feet East to West. The length of the garage is 21 X 21-feet. He asked Chris if when he planned this project his plan was to request the Variance for building coverage or did the applicant ask him to go over and did he try to design a house that would conform on this significantly oversized lot. Chris said in this area of the Beachfront the lots are much longer than the other end. Tim said in looking at the plan he is drawn to the lack of white area, the lack of sand. This means you either have a house, a garage, a pool, a sidewalk, front or back decks. Tim said his client as you look at this house is directly to the north, she fronts on First Avenue. At present she is in Florida as she was when she objected to the other house built next to this proposed house. They discussed the dormers and the second and first floor decks. He said there is not much difference between the building coverage and the lot coverage. Chris testified that the upper deck would be an open slated deck. Keith said the Board could open to the public and he would sum up afterwards.

Mark Apostolou made a motion to open the meeting to the public, seconded by Owen McCarthy, all in favor none opposed.

<u>Audience Members Coming Forward</u>:

<u>Brian Budizak</u> – 77 Beachfront, 76 First Avenue – He lives directly next door to the proposed structures and he is in favor of this application.

<u>Melissa Weckesser</u> – 1210 Minnesink – She and her family frequents Sea Watch beach and feels that this will be a nice addition to the Beachfront.

<u>Timothy Middleton</u> – The attorney for the objector. He feels this is a nice house, well designed. His main issue is for his client is the building coverage, the size of the structure, the height of the structure. This is an oversized lot and you have an applicant who wants to build a house which is 17 percent larger in terms of building coverage on an oversized lot. That is just too much. There is no reason on the record which would justify this signification deviation from the Ordinance for this particular case. This house could be reduced in size. He doesn't think the applicant has met his burden with regard to the positive criteria. This project is going to dwarf his client's house. He respectfully requests the Board to follow the guidelines of the MLU Act which requires specific proofs to prove the case, to prove the Variance which has not been done here, and to consider his client's predicament, she will be over shadowed by this structure.

Mark Apostolou asked if possibly the two attorneys could meet and have a brief discussion of what the objector could live with. Mr. Henderson said if the Board wants to take a 5-minute break they would try to do that. Neil said in the last application there was a compromise in the length of the structure. Before you go on the pool, what is the plan for encompassing that separation area of decking, fencing because just to let you know we had approved a pool which encompassed the entire area of the separation between First Avenue and the Beachfront. In fairness to the public they need to know what we are going to see. Chris Rice said we haven't done a plan yet for the pool, they haven't gotten that far if indeed there will be a pool. Neil said in fairness to the objector she needs to know what she will be looking out from her backyard. Keith said Tim should really have his client here because we should have a right to cross examine her. He has kind of made her bullet proof by not having her here. She has significant existing violations on her property. Geoff said her property is not the subject of this application. Neil said you have about 10-minutes to solve this situation or carry it. The Board took a short recess to stretch their legs.
<u>Roll Call Following Recess</u>:
Mayor Ed Donovan, Councilman Owen McCarthy, Neil B. Hamilton, Robert Young, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin.
The applicant Tackett and their attorney and the objecting attorney returned to the room. Mr. Henderson said the parties discussed the matter and he believes they have come to a resolution but part of it involves the cooperation of the Board. You want us to move the garage back; Mr. Middleton doesn't want us to move the garage back because that impacts his client. He said his client has a back deck and moving the garage back would significantly impair her. The resolution is to move the garage back only one-foot so they will be one-foot in front of the garage to the south. They also agreed to take 3-feet off the back of the main house and also to make landscaping enhancements on the north side of the pool if they ever put one in. They will submit the landscaping plan to the TRC and also to Al and Tim Middleton. Chris said the reduction on the main house would bring them down to approximately 39.5% building coverage. Owen said also the chimney will be pulled back to 6-inches. Councilman McCarthy made a motion to approve the application with all the stipulations agreed to, motion seconded by Robert Young.
<u>Board Members Voting Yes</u>:
Mayor Donovan, Councilman McCarthy, Robert Young, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin and Neil Hamilton.

<u>APPLICATION #13-2016</u> – Gough, Eugene – 421 Beachfront, 420 First Avenue – Block: 187 – Lot: 21 – Zone: R-4 – Flood Zone: VE for the Beachfront property and BFE of 14-feet. The First Avenue property is in the AE Zone and that has a BFE of 9-feet. Keith Henderson is the attorney representing the applicant. Mr. Cramer found the file to be in good order and accepted jurisdiction. Mr. Cramer swore in three witnesses, Eugene Gough, owner/applicant, Stephen J. Carlidge, Architect for the applicant and Al Yodakis, Board Engineer. They looked at the TRC report and caused them to look at the neighbor and had the property surveyed. The Loetscher property next door was approved at 3.17-feet, we are applying for 2-feet because that is what's there. For purposes of this application, we really want to line up with the neighbors we don't want to be in front of them. Neil said are you talking about the Beachfront house and Keith said yes. Neil said assuming there are no objectors here, we just thought for light and air and visibility, you

kick it back and not block views. Keith said and that's exactly what we did. Keith said for the First Avenue house we could pull it back which would line it up with the neighbor's houses. Mr. Gough was the first to testify. He purchased the property in December 2015. When he purchased the property there weren't any structure on it as a result of Sandy. He is starting with essentially a clean slate. He is asking for permission to construct a 2 ½ story house on the Beachfront and a garage with an apartment above on First Avenue. Next to testify was the Architect, Mr. Stephen Carlidge who had appeared years ago before the Manasquan Planning Board, they accepted his credentials. He had an exhibit to be marked which was missing from the architectural, it is an information table, and Mr. Cramer marked this as Exhibit A-1. This is an undersized lot. It is 3369 square feet where 4200 square feet is required. We have a hardship in terms of the lot size. The lot is also narrower than is typical, for the record it is 24.67-feet wide on the Beachfront, and 25.5-feet wide on First Avenue. It is 140-feet deep, but it is undersized in the fact that it is narrower than is required. There are a number of variances required. We are proposing building coverage of 43.4% where 35% is permitted. That is because we have a lot that is 20% undersized that what is required for lot size. We are proposing side yard setbacks, 5-feet is required on the north side we are proposing a 3.1-feet. Also, the prior house that was destroyed by Sandy the setback was only 1.83-feet. On the south side yard setback where 5-feet is required, we are proposing 3.1-feet where the prior house was only 1.06-feet. We are looking for relief based on the fact that we have a very narrow lot. We are also asking for north and south dormers. One dormer on the south side is for the stair and the one on the north is for a residential elevator. We do not have a height issue. He next addressed the front setbacks on both the Beachfront and First Avenue. Neil said he and the TRC wanted the garage moved back to line up with the Kelly and Montford's houses which are the two homes north of Carlson's Corner. They want to keep their garage apartment closer to the Street to have a view of the Inlet. He said this meets the C-2 criteria. Next, they addressed the Engineer's report. The Architect said the reason there is only one parking space is because the garage apartment is only 17.4-feet wide, so they can only put one garage door in. If they moved the garage back they would be essentially 5.8-feet behind the other structure which would ruin their view of the Inlet. That's why they are asking to maintain an equal alignment so that there is some view. They are trying to preserve the view from the garage apartment. Bob Young said Technical Review suggested moving the garage apartment toward the Ocean so a second car could be put on site. Neil said you are asking for a variance so you can get a view out of a little garage apartment. The view is coming out of the Beachfront house not the garage. The Architect said if you are the tenant in the garage apartment you would like a view. Bob Young asked, what if you pulled the garage apartment back and Tech suggested, and you put let's say a 4-foot balcony to the west on the garage apartment. That way tenants would have a view. A car could be parked underneath. Keith said that's a great idea. The architect said we can do that. Al asked if there were any other issues with his report. Keith said they have 80-feet of storage in the garage. Neil asked what the Board can anticipate in the architectural. Steve said he will submit a new site plan that will show the garage apartment moved east 4-feet and on the second floor they will have a balcony that cantilevers out 4-feet such that the front edge of the balcony aligns with the neighboring structure to the south. They will be 17.71-feet back from the curb, so you will have room to get a car in there. He will submit the revisions to Al Yodakis, and the Technical Review Committee. Mark Apostolou

made a motion to open the meeting to the public, seconded by Robert Young, all in favor none opposed. There was no audience participation. Mark Apostolou made a motion to close the public portion, seconded by Councilman McCarthy, all in favor none opposed. Mr. Henderson gave his closing statement. Councilman McCarthy made a motion to approve the application with the stipulations, Greg Love seconded the motion.
<u>Board Members Voting Yes</u>:
Mayor Ed Donovan, Councilman McCarthy, Robert Young, Mark Apostolou, Peter Ragan, Mark Larkin, and Neil Hamilton.

<u>APPLICATION #12-2016</u> – Campbell, John & Kellie – 96, 96 ½ Fletcher Avenue – Block: 110 – Lot: 7 – Zone: R-1 – Use Variance – Mayor Donovan and Councilman McCarthy stepped down as this is a Use Variance. Neil Hamilton asked the Campbell's if they had an attorney. They said no. Mr. Cramer swore in John and Kellie Campbell, owners/applicants, James Monteforte, Architect for the applicants and Al Yodakis, Board Engineer. Kellie Campbell opened stating they wanted to update the property that they bought; they submitted all the papers to the Planning Board. Geoff said the file is in order. Geoff said you need a lot of variance relief. Mr. Monteforte said he would do the best he could and give his presentation and if they do need an attorney. Mark Apostolou said he doesn't know if they really want to go with that. He is not speaking for the Board but you can't go half-way and then say well now we want to step back. Geoff said the Board can hear it. Neil Hamilton told the applicant's a Use Variance is difficult, you understand that. You need five (5) affirmative votes out of this board. You have a difficult piece of property. You may want to start, se we are all on the same page of what you are trying to accomplish. If you feel as though you are going to get in a jam, you may want to ask for a continuance and seek Council. Mrs. Campbell said we do want to understand what maybe there is that needs to be resolved. Mr. Cramer said the big issue you have here is the Use Variance. You've got a property in a Zone which permits only one principal structure on the property, and also in the same Zone only one dwelling unit per lot in that Zone. Your predecessor has two structures on the property and four existing dwelling units on the property which you want to reduce to three. So, it's still a Use Variance because you want the Board to approve your improvements that you want to make, you want to retain the nonconformity but the Law wants you to eventually lose the nonconformity. So your property will be more consistent with the Zoning Ordinance which allows one principal structure, which can be a dwelling on that property and perhaps an accessory garage, accessory shed. But, that's it. You want this Board to give you the relief that you need to do the improvements that Mr. Monteforte has prepared for you to do. As Mr. Hamilton said we have six people here who can vote on this application and you need five of them to agree with you, otherwise if they deny you can't do anything with the property, you have to keep it the way it exactly is right now. Mark Apostolou asked if there are any potential objectors in the audience. Some raised their hands but Neil told them they can't speak. Mrs. Campbell asked if they objected to her fixing up the house. Neil said there would not be any discussion. Neil asked Mrs. Campbell if prior to her purchase if she went to the Building Department and speak to the Zoning Officer or anyone up there and ask what her options were with that property. Did you ever ask for any guidance? She said no, she didn't do that. Neil then asked her if she has spoken to any of the neighbors who have been noticed and let them know what your plans were. Mrs. Campbell said we did send out the

notices to the neighbors. Neil asked if she went to any of them to find out what their thoughts were. Mrs. Campbell said it has been a multi dwelling for a long time. Mark Apostolou said he not trying to pre-judge them in any way but you are here and what you are asking the Board as our Attorney has said is for a lot of relief that the Master Plan prohibits and you already have objectors in the audience who are going to voice their objections so without an attorney here on your behalf I don't know how you are going to be guided, but I think you are at a distinct disadvantage knowing that you have objectors here. Mrs. Campbell said we will talk and decide what we want to do but our thought was we just want to improve the front house. That was our intent, to buy the house, we like the charm of the house we just wanted to keep it but improve it, but if it's a lot more complicated than that then we need to take another look at this. Neil said you may want to ask this Board for a continuance, you have already noticed, seek Council and come back. If you go through the motions and you ask for a vote tonight, he didn't think that was a good idea. Mr. Monteforte said he could address the planning part of the application. Geoff said his suggestion is to seek out a lawyer and my thought is he may probably recommend to you in addition to the Architect you may need a professional planner. Geoff said is June or July ok. Mary said May 3rd is the earliest. The Architect said he wanted a chance to get his ducks in a row. Neil said you are done as far as the information you are going to get from us. Mark Apostolou made a motion to carry this application to May 3, 2016 at 7PM without further notice or re-publication. Geoff said the objectors may want to keep in touch with Mrs. Salerno to make sure there is no change in the date once they speak to an attorney. Neil advised the Campbell's to have their attorney contact Mary.

Neil told the board members that in their packets they had the revisions from Geoff on the Rules and Regulations, one was housekeeping, we changed the agenda around. The other was he did eliminate that one on the appeal process. He added an amendment, Mark Apostolou said he worries someone may petition the Board to re-open, stating that there was newly discovered evidence and therefore the Board should re-open. Geoff said it's the Board initiative solely, that's how he views it. Geoff said to do that we would need a whole new application, new fees. Geoff will take 41-5 out totally. Geoff will re-do it and have it ready for the next meeting. Greg Love's e-mail will be changed to ec@manasquan-nj.com. Neil said there is a possibility of a Special meeting on March 15, 2016 at 4PM. There will not be enough members present so they will have to come to the April 5, 2016 Regular meeting at 7PM.

Mark Apostolou made a motion to adjourn the meeting, seconded by Robert Young, all in favor none opposed.
MEETING ADJOURNED AT 8:47PM

Respectfully Submitted,

Mary C. Salerno
Planning Board Secretary