MAY 3, 2016 – PLANNING BOARD MINUTES
TUESDAY, 7PM REGULAR MEETING

The Manasquan Planning Board held a regular meeting at 7PM on May 3, 2016 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, NJ.

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

ROLL CALL:
Board Members Present:
Mayor Ed Donovan, Neil Hamilton, John Muly, Robert Young, Barbara Ilaria, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin, Leonard Sullivan and John Burke.
Councilman Owen McCarthy arrived at 7:09PM
Board Members Absent:
Peter Ragan and Kevin Thompson
Professionals Present:
Al Yodakis – BORO Engineering – Board Engineer/Planner
Geoffrey S. Cramer – Planning Board Attorney

Geoffrey S. Cramer, Planning Board Attorney read the Open Public Sunshine Law Statement.

Approval of April 5, 2016 Minutes
Mark Apostolou made a motion, seconded by Robert Young, Mayor Donovan abstained, the rest of the Board Members were in favor.

Approval of Vouchers
John Muly made a motion to approve, seconded by John Burke.
Board Members voting to approve the vouchers:
Mayor Donovan, John Muly, Robert Young, John Burke, Barbara Ilaria, Greg Love, Mark Apostolou, Mark Larkin, Leonard Sullivan, and Neil Hamilton.

RESOLUTION #31-2014 – Monteverdi Estate – 10 Riddle Way – This is a re-stated Resolution – Mark Apostolou said he thought there was a stipulation that the second floor would only be used for storage. John Burke said he remembered that also. It wasn't in Geoff's notes or the minutes. Geoff said he would have to review the tape of the meeting. Neil said this would have to be held up until the next meeting. Geoff will reach out to the

Architect. Neil said as long as the Board agrees they will give them temporary approval and memorialize this at the next meeting. The Board agreed.

<u>RESOLUTION #14-2016</u> – Dering, Robert – 123 Union Avenue – Mark Apostolou made a motion to approve, seconded by John Muly, all in favor none opposed.

<u>RESOLUTION #16-2016</u> – Hendrickson, Robert – 84 S Jackson Avenue – Mark Apostolou made a motion to approve, seconded by John Burke, all in favor none opposed.

<u>RESOLUTION #18-2016</u> – Fitzpatrick, Brian – 98 Atlantic Avenue – Mark Apostolou made a motion to approve, seconded by John Burke, all in favor none opposed.

<u>APPLICATION #12-2016</u> – Campbell, John – 96, 96 ½ Fletcher Avenue – this applicant has requested to be carried to the June 8, 2016 Regular meeting. They sent a letter. There was no one in the audience opposing. John Burke made a motion to carry the application, seconded by Mark Apostolou, all in favor none opposed. No re-noticing or re-publication.

<u>APPLICATION #15-2016</u> – Provost, Mark – 369 E Main Street – Block: 115 – Lot: 14 – Zone: R-1 – Mark Provost was sworn in by Geoff Cramer along with the Board Engineer, he is representing himself. He explained what he is planning to do and why. The TRC report was addressed. Lenny asked him if he could make the back deck smaller, you are over on lot coverage. The rear deck is proposed to be 14 X 16-feet. Owen asked him if he could make the rear deck 10 X 14-feet. Owen said the covered front porch is consistent with other porches on Main Street and doesn't have a problem with that. Al said that would be reducing the deck by 24-square feet. The lot is 50 X 125-feet. Owen said this is a big lot and doesn't overwhelm the neighbors. Lenny would like to see the deck reduced also stated it should be stipulated the front and/or rear porch not be enclosed. The board members agreed the rear deck at 10 X 14-feet would be acceptable. Mark Apostolou made a motion to open the meeting to the public, seconded by John Muly, all in favor none opposed. There was no public participation. Mark Apostolou made a motion to close the public portion, seconded by Robert Young, all in favor none opposed. Mark Apostolou made a motion to approve the application with the stipulations, seconded by John Burke.
<u>Board members voting yes</u>:
Mayor Donovan, Councilman McCarthy, John Muly, Robert Young, John Burke, Barbara Ilaria, Greg Love, Mark Apostolou, Mark Larkin, Leonard Sullivan, Neil Hamilton.

<u>APPLICATION #17-2016</u> – Frank Morris Construction, LLC – 256 First Avenue – Block: 181 – Lot: 22 – Zone: R-4 – George McGill is the attorney representing the applicant. Geoff swore in Frank Morris, owner/applicant, Mary Hearn, Architect, and Al Yodakis, Board Engineer. Mr. McGill had five (5) exhibits to be marked. A-1 is a survey on a poster board, A-2 – photo board containing photographs front and back, A-3 – colorized Site Plan, A-4 – building envelope, A-5 – colorized rendering of elevations. Mr. McGill gave testimony representing the proposal of the applicant on the vacant lot at 256 First Avenue. They are proposing a single-family, two-story dwelling on a non-conforming lot. The lot is not only small but is an odd dimension. Mr. Morris was the first to testify. Neil asked Mr. McGill if

he did have a report from the TRC and he said yes. Mr. Morris said he has owned this property for approximately 16 years. There were two separate buildings on the lot; a front building and a garage with a second story, so there were two separate buildings on the property that were rented out for summer rentals. One building he removed to clean up the area, the other was destroyed during Storm Sandy and they took that down also. His intent was to build a beach house for the family and now they want to build and sell. He has been building houses in Manasquan for 29 years. Between the two previous dwellings there were at least 10 bedrooms. Next, Mr. McGill called Mary Hearn, the Board accepted her credentials. She went through the exhibits and explained the design and why they propose the building envelope they did. She met the northerly setback requirement but encroach slightly in corners, but her goal was to keep it as far to the west as possible. In doing that they are outside the westerly setback requirement. The porch would require a setback variance. They also do not honor the rear setback requirement, significantly. That is in the hopes of putting in a garage. If they put in a garage they would have 3.01-feet to the back. There is a set of steps now that people can walk from First Avenue through the backyard to the houses that are east up on the Beach. They want to honor that walkway. The house footprint exceeds the setbacks but the building envelope has been a challenge, that's where we started. Mark Apostolou said you stated as built according to Code would be 790 square feet, what are you proposing. Mary answered 1318 as a footprint. She said the average livable square foot house today is in the 3000 to 3500-square feet, this house is 2300 square-feet. The East side of the lot is 4-feet higher than the West, and they can't change the grade. They meet the height standard that is not an issue. They propose parking under the house on the First Avenue side. Al Yodakis said you are saying 2300 livable space, that is not including the first floor? Mary said that's right. On the cover sheet the first floor is listed as zero, lower level. Mary proceeded to go over the entire layout of the house. The existing lot area is 2171 square-feet where 4200 square-feet is required in the R-4 Zone. This is a pre-existing non-conformity. Proposed building coverage is 60.71 where 35% is allowed. Pervious coverage is 77.8% where 50% is allowed. Front setback to the house on First Avenue is 0-feet proposed, where 7-foot average is existing and required. Front setback for the house on Brielle Road, we meet the house setback at 10.25 where 10 is required, but the porch would require a Variance. It's at .66 right here at one point where there is just a landing to go down the stairs, 10-feet is required. They are proposing 3.18-feet side setback to the east where 5-feet is required. The rear setback to the south they are proposing 3.1-feet where 20-feet is required. The mechanical equipment is proposed at 4-feet off the property line but we can move it and provide the 5-feet that is required. On the First Avenue side the required setback is 7-feet which is based on an average and they are proposing 0. Using Exhibit A-2 on the front are photos of the subject site and the immediate houses around it. On the upper left hand corner there is a photograph of the site looking south that shows the easterly setbacks of those structures. They all vary, a lot of them are very close, and a lot of them are right at zero. It looks like one encroaches into the front yard. Mary said she knows it is big but it does fit well with that corner, it's across the Street from the Condo's. She had close up shots of the lot and some aerials. They are significantly setback from the corner, there is a 20-feet right-of-way on the West side and about 23-feet on the North side, and they are very open at that corner. To the East of the lot and to the South there are a significant number of three story homes or 2 ½-stories for sure. There is an established sidewalk at both

Streets, there is green in between the sidewalk and the property and also some landscaping. Exhibit A-5 shows the landscaping. She believes looking at the aerial other houses exceed the lot and building coverage requirements. Next, Al went over his report. He said Mary has already addressed most of the Variances. One that was missed is Option A or B. It's a little unusual the way this house is situated but it's still in the R-4 Zone. They would agree to provide a grading and landscaping plan. They are providing parking and there is additional space between the proposed dwelling and First Avenue for possibly another car or two. The utilities will be underground. The sidewalk and curbs will be replaced along First Avenue. Al said the Variances are the biggest issue at this point. John Muly addressed the TRC report, he said they commented that this is a non-conforming lot requiring quite a few Variances and also the irregular shape of the lot. They felt the size of the building should be scaled down a little bit. Mr. McGill said they read that and want to know how the Board would like them to scale the building down. The height isn't an issue. They are looking for livable space and they need to have a garage and that's why they designed it like they did. We are not asking you to design the project but we are looking for input. Owen said most lots are small at the Beachfront, the Architect as well as Mr. Morris have dealt with this for years. A lot of this is no fault of the Board; going back to American Timber we have some unusual lots up there. This is a very big house on a small piece of property. You have two Master Bedrooms, the height is not a problem, but there is a lot of house on a very small lot. Mary asked what do we tackle, its 2300 square feet. Is it coverage, the size of the house, the livable area or both? Board members with comments were Mark Apostolou, Greg Love, John Burke, and Lenny Sullivan. The consensus of the board members is it's a big house on a small lot. 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>Steve Bianchi – 257 First Avenue</u> – He is rebuilding a 790 square foot house directly across the Street from this property. The line of sight is an issue for him. Parking is an issue and he designed his house with parking underneath and he met all the Ordinances with no Variances. There has to be some compromise. He would like to see the size of the house scaled back. He put a roof top deck on his house so he could have a view of the Ocean, never expecting a house would take the full size of that lot. He feels the lot is an eyesore and something should be built there.

<u>Carlo Manetto – 261 First Avenue</u> – He came before the Board three years ago, he built a beautiful home. He has a narrow lot as well, 20 X 100-feet; he built within the building envelope. He built a 1600 square-foot home, raising a family of five there, he has 3 bedrooms, 3 full bathrooms and they have plenty of room. He said he heard a 2200 square-foot house may be the norm, and that may be when you are sitting on a quarter-acre lot or a half-acre. He came to the Board with a height Variance for his house and Mr. Sullivan with the extra foot that he needed made a comment that it was a lot of house on a 28 X 100 square foot lot and he was within his building envelope. He is concerned about the size. He would have loved to be at 77%, but there is a reason why we have those Ordinances. He is concerned with the setback on the West side; the site triangle will be compromised. The prior applicant was nickel and dimed on 24-square feet to get down 1% on coverage. I'm all for the improvement, but this is a monstrosity on 2100 square-feet. I trust you guys to do the right thing.

Mark Apostolou made a motion to close the public portion of the meeting, seconded by Owen McCarthy, all in favor none opposed.
Mr. McGill said he would like to carry and re-design the building. He asked to be carried to the August 2, 2016 regular meeting without further notice or re-publication. They will submit plans to Richard Furey and he will prepare a new denial letter. John Burke made a motion to continue the application to August 2, 2016, seconded by Mark Apostolou, all in favor none opposed.
There was a request for a 5-minute recess, all in favor.
<u>Roll Call Following Recess Present</u>:
Mayor Ed Donovan, Councilman Owen McCarthy, Neil Hamilton, John Muly, Robert Young, John Burke, Barbara Ilaria, Greg Love, Mark Apostolou, Mark Larkin, Leonard Sullivan.
Peter Ragan and Kevin Thompson are absent.

<u>APPLICATION #20-2016</u> – Forman, Robert & Nancy – 599 Brielle Road – Block: 181 – Lot: 18 – Zone: R-4 – Geoff Cramer said this is a minor subdivision, there is no indication that there is any variance relief at all required with respect to it. The Board Engineer was not required to do a report. It's a very odd shaped piece of property. Geoff swore in Robert and Nancy Forman along with the Board Engineer, Al Yodakis. Neil asked the Forman's if they had previously come before this Board for variances, they answered no. Mr. Forman said on the Beachfront he owns 29-feet he is planning to buy 1 lineal foot of property from his neighbor to the left on the Beachfront which would then give him 30-feet which would make his property conforming. Mr. DeFalco who owns the lot next door is willing to sell him the one foot, he has 63-feet of frontage because of the crazy skew the way the properties are subdivided by American Timber. Neil has concerns with the application and the situation of the proposed house. Al Yodakis asked if Mr. DeFalco has a conforming lot. If his lot is non-conforming then this requires a variance and we can't approve it because it wasn't noticed. Geoff said our Engineer needs to take a close look at this. Keith Henderson who was in the audience said he represented the DeFalco's on several applications and he can look at his file and he suggested they carry this. Neil said we can carry this until next month. Mark Apostolou made a motion to carry this application to Wednesday, June 8, 2016, regular meeting at 7PM, seconded by John Burke, all in favor none opposed. Neil said we will put you on first.

<u>APPLICATION #22-2016</u> – Spirit of '76 – JBS Holdings – 119 Taylor Avenue – Block: 61 – Lot: 9.03 – Zone: B-3 – Keith Henderson is the attorney representing the applicant in this matter. The file was found in good order and the Board accepted jurisdiction. Two witnesses called to testify are Anthony Sisti, who is a principal in this company and Paul Lawrence who is the project architect. Geoff Cramer swore them along with Al Yodakis in. Anthony Sisti was the first to testify, he has owned the property for a year and one-half. They had a prior informal presentation before this Board and they have made efforts to accommodate the concerns which the Board made at that meeting. He stated his storage facility is inadequate especially during the summer months. Everything has to be stored on site according to the ABC regulations. The previous owner went before this Board and at that time a full basement was approved but never built. It is not economically feasible to build that today. During weekends in the summer they have run out of certain products.

They propose to move the storage area from the parking area to the side of the building where there is a recess in there. There is also an easement on the side of the property approximately 4-foot on their property and 4-foot on the neighbor's property. That goes up to the bump out that is sort of even with the neighbor's garage. They propose to modify and vacate that easement and if that's unsuccessful they would be encroaching on that easement. They would pull back the addition to get out of the easement. Mr. Henderson said the easement has no practical use. Next, Paul Lawrence came forward to testify, the Board accepted his credentials. He identified the variances involved in this application. There were two previous and a new side yard setback where the addition is going, currently they have 4.5-feet and that will be reduced down to 3-feet. The existing parking meets the requirements. The A/C units will be on the roof. There is a small low area that the Board Engineer said will need the drainage issue addressed. Mark Apostolou made a motion to open the meeting to the public, seconded by John Burke, all in favor none opposed. There was no audience participation. Mark Apostolou made a motion to close the public portion of the meeting, seconded by John Burke, all in favor none opposed. Mark Apostolou made a motion to approve the application with a 30-day window to contact neighbor to determine whether the vacation of the easement can be accomplished, seconded by Councilman Owen McCarthy.
<u>Board Members Voting Yes</u>:
Mayor Ed Donovan, Councilman Owen McCarthy, Neil Hamilton, John Muly, Robert Young, John Burke, Barbara Ilaria, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin, and Leonard Sullivan.

<u>APPLICATION #19-2016</u> – Mintz, Alan – 37 Beachfront – Block: 165 – Lot: 10.06 – Zone: R-4 – John Burke wanted it on record that his daughter lives at 4 Stockton Avenue and he no longer has any financial interest in that property so he can hear this case. Keith Henderson is the attorney representing the applicant. He said he noticed the Municipal Clerk of Sea Girt as they were listed, but the Army Camp was not listed on the 200-foot property owner list but he noticed them. Mr. Cramer found the file to be in good order and accepted jurisdiction. Mr. Henderson had two witnesses to be sworn in Alan Mintz, owner/applicant and Chris Rice, architect, both sworn in by Mr. Cramer along with the Board Engineer, Al Yodakis. Mr. Mintz was the first to testify, he purchased the property in 2013 to construct a two and one-half story single-family residence. Next, Chris Rice came forward, the Board accepted his credentials. Mr. Henderson had Resolution #11-2010 which he could provide copies for the Board members. This Resolution regards the Minor Subdivision of Sandra Siegel and Eric and Lori Reid, Geoff marked this Exhibit A-1. Exhibit A-2 is Resolution #11-2010. Chris Rice in his testimony said they are requesting a building coverage Variance and building height. For the building coverage they are seeking 39.7-percent. This is an undersized lot and warrants a little bit of relief; in this case it didn't require a lot of relief. This seems to be very modest. With regard to the building height variance Chris said they are asking for 35-feet where 33-feet is permitted. He said building height is relative to lot width and side yard setbacks. The width of this lot is oversized. The side yard setbacks we are proposing are oversized which you never see. We are giving you 5.1 and 5.9-feet. With that in mind this house should be 38-feet tall, because building height is relative to lot width and setbacks, we exceed both tremendously. However, because we are under in lot area that would trigger going down to 33-feet. So, we

designed a house to be at 35-feet. 35-feet would have been allowed pre-Storm. Don't forget these homes are measured from a nail in the macadam that Neil says is at elevation 15-feet above sea level. The neighbor got a variance for a height of 37.5-feet. The sand on these properties is already at 17-feet. You are already at a deficit. Keith said we will be the lowest house up there measured from sea level. There is one other variance requested is the building envelope Option A or B. Chris said this doesn't apply because we exceed on setbacks. The mechanicals will be on the roof. John Burke asked them to address the easement on the south side as requested by the TRC. Keith said it could be done but this subdivision was not perfected by Deed but by Map, so now you would have to go back to the original Engineer and have it re-done and re-filed. This is on the south side. Chris said they should discuss this as neighbors. Sandra Siegel was present in the audience. Mr. Cramer had no objection, Neil said it is what it is. The rest of the Engineer's report was addressed and they stipulated to comply with his requests. Mark Apostolou asked Chris why they were going up 20-feet if the finished floor elevation was 16-feet. Chris said typically at 16 then you then have to go a minimum of 3-feet, for the freeboard and the bottom of the structure, so the minimum would be 19-feet, 20-feet gets us a little higher above grade. If you look the house is actually a little lower to the sand on the east side. 20 – 21-feet is really the sweet spot, we are keeping it down to 20. Chris said the ceiling heights 9-feet on the first floor, 8-feet on the second. The square footage of the second floor is 1200-square feet; the first floor is half of that. John Burke made a motion to open the meeting to the public, seconded by Mark Apostolou.

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

<u>Pam Lewis – 40 First Avenue</u> – She has lived here her entire life and had pictures of the last house that stood where this house will stand. She said every Storm the ocean has gone through there. She asked how will you access the beach to build this house. Chris Rice said he doesn't have an answer because he is not the builder but the driveway easement is 11-feet wide and sufficient for access. She said a neighbor to the north has built a dune and Owen said residents are not supposed to be building dunes; the DEP doesn't want people building dunes. She said this is a flag lot and your Ordinance prohibits them. Neil said this was approved prior to that Ordinance being passed. She is also concerned with pounding of pilings affecting her mother's house and damage. Neil said you may want to get all the photographs you may want to get your hands on, speak to the contractor when he comes on site, let him take a look at your house to give him the benefit of the doubt so he sees what you see. Chris said you should be well protected. Next, she asked where the sand will go. Neil said they have to maintain it on their own property.

<u>Jeff Kelner – 49 Beachfront</u> - Just for point of reference he is the first house to the right of the public walkway. He has lived in Town for 12 years, 7 years on the Beachfront. As far as they are concerned they have known the Mintz's for 7 years, they are great people. This is a beautiful house and he is in favor of the application.

Mark Apostolou made a motion to close the public portion of the meeting, seconded by John Burke, all in favor none opposed.

Keith gave his closing statement.

John Burke made a motion to approve the application subject to the requests in Al's report, seconded by Councilman Owen McCarthy.

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

Mayor Ed Donovan, Councilman McCarthy, Neil Hamilton, John Muly, Robert Young, John Burke, Barbara Ilaria, Greg Love, Mark Larkin and Leonard Sullivan.
<u>Board Members Voting No</u>:
Mark Apostolou

Mark Apostolou made a motion to close the 4PM May 17, 2016 Second meeting, seconded by Owen McCarthy, all in favor none opposed.

Mark Apostolou asked about fire pits, Barbara said she would pull out the Ordinance on them as it was passed about two years ago.

Robert Young asked about the height of the additional foot on the Mintz application, Mark Apostolou said that is why he voted no. Chris said BFE plus 4-feet. Al Yodakis said in the V Zone it's the lowest horizontal structural member is the wording above the BFE. It's BFE plus 2. Owen asked if we have tried to figure out a monument, Neil said what they do is they set the tripod on the nail and he knows where that nail is. It's right there by Sea Watch before you step off into that sand. From that point you can get the height of the house, they have two tripods to work that. To set a monument up in that area never happened because of the cost.

Barbara Ilaria made a motion to adjourn the meeting, seconded by Leonard Sullivan, all in favor none opposed.
Meeting adjourned at 9:18PM

Respectfully Submitted,

Mary C. Salerno
Planning Board Secretary

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