

Draft of Minutes of the January 8, 1985 Reorganization Meeting of the Manasquan Planning Board held in Borough Hall. In attendance were Messrs. Newman, Ruff, Iannelli, Donovan, Winterstella, Tassini and Mrs. Danish. Board's attorney J. Pandolfe and Secretary Sue Frauenheim also present. Absent was Mr. E. Stanley.

Mayor Winterstella announced the reappointment of Messrs. Newman, Huff and Iannelli and that William Donovan was the representative of the Governing Body, replacing Mary Margaret Murray. Mayor Winterstella will appoint a replacement for Mr. Donovan's seat.

Meeting opened at 8:00 PM and members approved minutes of the December 4, 1984 meeting.

Mr. Pandolfe read the following Resolutions and motions were made, seconded and carried:

RESOLUTION 1-1985 Appointment of Richard Newman as Chairman and William Donovan as Vice-Chairman.

RESOLUTION 2-1985 Appointment of John T. Pandolfe, Jr. as Planning Board Attorney and Paul Szymanski as Professional Planner.

RESOLUTION 3-1985 Public Meetings for the Planning Board to be held the first Tuesday of each month. except when the first Tuesday falls on a Holiday, than the regular monthly meeting shall be designated as the Tuesday following the first Tuesday.

RESOLUTION 4-1985 Official Newspaper designated as the Coast Star and the secondary newspaper the Asbury Park Press.

RESOLUTION 5-1985 Appointment of Sue Frauenheim as Secretary to the Planning Board

The appointment of an Engineer for the Planning Board was postponed, and will be taken up at the February Meeting.

RESOLUTION 6-1985 - Minor Sub-division application John & Florence Fox, Lakewood Road for Lots 33.01 and 32.01 Block 64 Main Street to change lot line from Broad St. East to between Stone bldg and frame bldg. Board reviewed application and applicant requires variance for non-conforming side yard of 3'. Board approved sub-division and variance and Attorney directed to prepare Resolution 6-1985 with condition that a permanent easement be created by deed in rear of both lots approximately 18' wide down center of drive and parking area. New lots #

RESOLUTION 7-1985 - Minor Sub-division application John & Sandra Roland, 38 Elizabeth Ave. Lot 6 Block 38 into two lots. Attorney advised Mr. Roland to have plat plans revised to show correct spelling of ROLAND, show new lot numbers as 6.01 and 6.02, eliminate line showing lot 1A, show side yard distance between house on lot 6.01 and property line lot 6.02, change date of plat to show revision. Approval given and attorney directed to prepare Resolution 7-85.

Outstanding Bills: Approval given to pay Paul Szymanski 11/7/84 invoice \$462.00 and 12/4/84 \$65.00 services rendered to review Final Subdivision Plat to Schride Associates Glimmer Glass Island Development. Monies in escrow for this.

Approval given to pay Boro Engineer \$40.64 inspection services \$40.64 Veeder Major Subdivion Tarpon Ave. Copy of bill to be sent to Mr. Veeder for reimbursement to Borough.

Continuation of Draft of Minutes of Reorganization Meeting of Manasquan Planning Board:

Further discussion on Earth Terminal Antenna and the need for a Boro ordinance governing the use of same in the Boro of Manasquan - Secretary directed to obtain a copy of the Ordinance adopted by the Boro of New Providence and distribute copies to members.

Chairman read copy of letter Boro Attorney Fitzsimmons wrote to Coded Systems Corporation who prepare pages for the Boro Code Book advising them of a typographical error in Section 107-86.2, third line "of" should be "or". Members advised to correct same.

Chairman read letter from Councilman Donovan, Chairman of Law & Finance Committee concerning submittance of 1985 Planning Board Budget. Secretary directed to obtain figures from last year and submit to Council. Mr. Pandolfe advised his fee would be the same for 1985, namely \$4500. Mr. Iannelli advised Board they should consider a retainer fee for Paul Szymanski to cover costs of calls received from attorney, code enforcer, secretary of planning board. Secretary directed to call Mr. Szymanski to have him submit figures.

No other business, motion made, seconded and approved to adjourn at 9:10 PM.

Sue Frauenheim, Secretary
Manasquan Planning Board

Next Meeting 2/5/85

Draft of Minutes of the Manasquan Planning Board Meeting held on Tuesday, February 5, 1985. All members in attendance along with Planning Board Attorney and Secretary, with exception of Chairman W. Newman.

7:30 PM Worksession, Mayor Winterstella introduced members to Mrs. P. Place, newly appointed member of the Planning Board.

Mr. Pandolfe acquainted members with Resolution 6-85 granting approval to Mr. & Mrs. Fox on minor subdivision of Lots 32.01 and 33.01 Main Street and Resolution 7-85 granting approval to Mr. & Mrs. J. Roland on minor subdivision of Lot 6 Block 68 Elizabeth Ave.

During worksession, Lyn Stuart, Stuart Marketing approached Vice Chairman William Donovan to request amendment to Resolution 8-84 granting approval to major subdivision of nine lots on Morris Avenue. Ms Stuart advised Board they would like to put sewers on Morris Avenue as originally requested by Boro Engineer, tying into South Monmouth Regional Sewer. Ms. Stuart was advised to make application for an amendment to the Resolution and to submit to the board assurance that they have approval from S.M.R.S. to tie into the sewer system. Secretary submitted application form to Ms. Stuart who will return with appropriate plats, etc. for March meeting.

Mr. Pandolfe advised Board that Surf Landscaping, Sea Girt had applied to Manasquan Construction Official for an occupancy permit to rent space in the Beach Tree Associate Building on Highway 71 and because it was a change of use in the B-1 zone applicant would have to come before the Manasquan Planning Board. Mr. Pandolfe advised that Mr. O'Brien, applicant's attorney, would like the Board to hear this application and Mr. Pandolfe requested the Vice-Chairman hear same before scheduled agenda. All members in agreement.

Meeting called to order at 8:00 PM. After roll call vote, motion made, seconded and approved to accept minutes from the January 8, 1985 meeting.

Attorney Tom O'Brien introduced his client, Richard Mertens of Surf Landscaping, 503 Philadelphia Blvd., Sea Girt, N. J. Mr. Mertens advised the board that he was interested in renting approximately 1,000 square feet in the Beach Tree Associates Building located on Highway 71 to be used for storage of lawn equipment, two trailers, maintenance equipment and supplies such as fertilizer, seed and lime. One trailer size 4x8 and the other 6x8 which were used to transport lawn equipment to the property to be worked on would be stored in the building along with 2 x36" mowers, a 48" mower, 5 x21" mowers, 2 edgers, spreaders, assorted tools used for maintenance of equipment and 2 snow blowers. The only gasoline stored would be the gas remaining in the mowers after use for the day. Maximum quantity of gas would be 1 gal in certain mowers and 1/4 gal in others. There would be no storage of any other gasoline. There would also be a 2 hp compressor stored which is used for maintenance of equipment. Mr. Merten advised board they use no herbicides or orange agents in their fertilizers. They use same fertilizers as sold in retail stores. Mr. Merten advised their hours of work are 8AM to 5PM daily and Saturdays 9AM to 4PM. On rainy days their hours may be extended to 6PM or 7PM. They employ two full time employees and two part time employees. Mr. Merten advised Board there would be no storage of any type of materials outside the building. Mr. Merten advised board they store their supply of gasoline in a tank kept on their pick-up truck which would not be stored in the building. At this time a motion was made, seconded and approved to go into Executive Session. Members in agreement that a Use Permit was not necessary, however, they would like to insure that Mr. Merten would not deviate from the above. Mr. Pandolfe advised the Board that the minutes would be the guideline for his occupancy permit. Motion made, seconded and approved to go into Regular meeting, Mr. Merten advised

by Mr. Pandolfe that the Board did approve of his occupancy, however, the guidelines provided in these minutes would have to be adhered. Any deviation would be cause to return to the Planning Board for a Use Permit. Mr. Winterstell advised Mr. Merten that resident had complained of noise and vulgar language from former tenants and that Mr. Merten should inform his employees to control excess noise and loud, vulgar language because of the close proximity to a residential area. Mr. O'Brien advised Board his client would conform to the Boards decision Secretary will send Mr. O'Brien copy of minutes.

Mr. Pandolfe read Resolution 6-1985 granting minor subdivision approval to Mr. & Mrs Fox, Lakewood Road, for lots 32.01 and 33.01 Block 64, Main Street with condition that an 18' easement be incorporated into the deed across lot 32.01 to allow ingress and egress to lot 33.01. Corrected plat dated January 29, 1985 presented by Mrs. Fox along with two copies of deed which Mr. Pandolfe will review. Members voted approval of Resolution.

Mr. Pandolfe read Resolution 7-1985 granting minor subdivision approval to Mr. & Mrs John Roland for lots 1A and 6A Block 38. Newly created Lot Nos. 6.01 and 6.02. Members voted approval of Resolution.

Mr. Donovan advised Board Mr. Szymanski, Board Consultant had submitted a retainer agreement for the year 1985. Secretary will make copies for all members for action at March meeting.

Mr. Donovan advised Board Boro Engineer had submitted Performance Guarantee for Schride Associates' Glimmer Glass Island Major Subdivision and secretary will make copies for all members.

A motion was made, seconded and approved to appoint William Farrell, Jr. Engineer for the Manasquan Planning Board. Mr. Pandolfe will prepare resolution covering this appointment.

Next was discussion of possible ordinance covering erection of Satellite Antennas. Most members in agreement that because the Boro has cable TV, not too many residents would be interested in Satellite Antennas and that for the present they saw no need for an ordinance.

No other business, motion made, seconded and approved for adjournment.

Sue Frauenheim, Secretary
Manasquan Planning Board

Next Meeting 7:30 PM March 5, 1985.

Draft of Minutes of the Manasquan Planning Board Meeting held Tuesday March 5, 1985
Members in attendance were Messrs. Newman, Donovan, Tassini, Stanley, Iannelli, Ruff
Mrs. Place & Mrs. Danish. Absent was Mr. Winterstella and Board attorney, J. Pandolfe.

Work session at 7:30 to discuss agenda

Meeting called to order at 8:00 PM and minutes of February 5, 1985 meeting approved.

Board discussed Retainer Agreement for Planning Services from Paul Szymanski, Consultant for the year 1985. Motion made, seconded and approved to accept retainer agreement. Agreement to be signed by Chairman and Secretary and copy returned to Mr. Szymanski.

Performance Guarantee for Glimmer Glass Island Subdivision (Schride Associates) accepted by the Board subject to approval by the Board attorney.

Board discussed Engineer Bill Farrell's letter of February 20, 1985 approving revised preliminary plat for Stuart Marketing Major Subdivision Morris Avenue. Ms. Stuart was in the audience and requested Board to accept her application for an amendment to Resolution 8-84 granting approval for major subdivision. Ms. Stuart has revised her preliminary plat to show that sewer lines will be put in on Morris Avenue and tied into S.M.O. Regional Sewer System. Application for amendment accepted and Ms. Stuart advised to submit additional copies for distribution and documents showing she has received approval by the S.M. Regional to tie into sewer Hearing to be held at April 2, 1985 meeting.

Chairman read letter from Boro Engineer Wm. Farrell advising that the Veeder Major Subdivision on Tarpon Avenue has been found to be constructed in accordance with municipal ordinances and regulations and that Mr. Veeder's performance guarantee may be released.

Mr. Newman read letter from the Freehold Soil Conservation District in Freehold addressed to Kevin Thompson (Site Plan Approval Resolution 10-84) concerning his failure to obtain approval for the moving of more than 5,000 sq. feet soil from the local district. They advised Mr. Thompson to submit an application or a Stop-Construction order would be issued. Secretary had advised Board that Mr. Thompson was in to see her after he had received this letter and he was not aware that he had to apply for a permit. Mr. Donovan suggested that perhaps the Construction Official could advise applicants for a building permit that if more than 5,000 sq. feet of soil is to be moved they have to submit an application to Freehold Soil Conservation District. Mr. Iannelli will advise Building Dept. Suggestion also made to make this part of Site Plan Condition.

Discussion on earth terminals and need for an ordinance governing same was discussed. Mr. Iannelli advised Board that the BOCCA Code would cover this and it would not be necessary to have a new ordinance adopted.

Dr. Tassini brought up subject of people parking in Fire Zone of Ritz Bakery on Route 71. Secretary to advise Ken Miller, Fire Inspector.

No other business, motion made, seconded and approved to adjourn.

Sue Frauenheim, Secretary
Manasquan Planning Board

Next Meeting 4/2/85 7:30 Work Session

Draft of minutes of the Manasquan Planning Board Meeting held on Tuesday April 2, 1985
All members in attendance and also Board attorney J. Pandolfe and secretary S. Frauenheim

7:30 Worksession to review evenings agenda.

Minutes of March meeting approved.

Attorney read Resolution 9-85 Stuart Marketing, amending Resolution 8-84 (major subdivision approval for nine lots on Morris Avenue) to show the sewer line will be taken down Morris Avenue to be tied into Southern Monmouth Regional System. All condition of Resolution 8-84 to remain in effect as well as condition that written approval from the South Monmouth Regional System be submitted. All members voted approval except Mayor Winterstella who was absent during March meeting.

Mr. Pandolfe asked Board to hear two informal applicants next. Mr. Norbert Whitrock, owner 541 E. Main Lot 60 Block 176 advised Board the building was to be rented out for novelty clothes resale and the back of the building rented for the Summer. He wanted to know if the attached garage could be used to sell ice-cream cones. He was advised he had to go before the Board of Adjustment as the Planning Board had no jurisdiction.

Mr. Don Sherman of Sherman Mills owner of Lot 22, Block 64 Broad Street advised Board he wanted to use present two family house for one rental upstairs, office downstairs and if possible, use garage in rear of property for storage or glass repair business. Mr. Sherman advised he would have to go before the Board of Adjustment.

Mr. Venino, attorney for Mr. Angerbach inquired of the board re use of Weir Drug Store Building for travel agent on second floor, and possibly in the future the third floor for meeting rooms. They intend to renovate and update building and were concerned about parking regulations. Mr. Pandolfe advised Mr. Venino that they were exempt from parking requirements because they are within 300' of public parking lot. Because there would be a change of use they would have to submit site plans to the Planning Board but they could request a waiver of certain requirements.

Next on agenda was Mr. Joseph Tombro, Longstreet Agency re major subdivision of 15 lots on Fourth Ave Lots 1 Block 174 to be known as the Quay. Presented into evidence were 1) Plans originally dated March 1, 1985 but updated 3/31/85 to conform to the Boro's Engineer's requirements; 2) Permission from W. Longstreet and 2A from Evelyn Ewing; 3) Public Notice printed in newspaper; 4) #4 all taxes were paid; #5 copy of letter that Monmouth County Planning Board had received plats; #5-A) list of owners of homes within 200' notified by certified mail; #6) Application for Soil Erosion and Sediment Control Plan Certification; #7) Letter from Boro Engineer concerning revisions 3/25/85; #11) Letter from Boro Engineer dated 3/15/85 concerning review of plats; #12 letter dated 3/27/85 from Boro Engineer concerning revisions; #13) Letter from Boro Engineer dated April 1, 1985 approving final plan; #14) letter from Manasquan Fire Inspector requesting 2nd fire hydrant halfway the distance between 4th and the end of Cul-de-sac; #15 comments from Manasquan Construction Official concerning conforming to uniform construction codes; #16 letter from Chief LaVance suggesting that parking be restricted to one side of the street, preferably the north and prohibit parking on cul-de-sac. #17 photographs showing flooding due to normal rain on 4th street which should be eliminated by installation of storm drains. Note: Exhibit #8 DEP Coastal Permit Application; #9 Permit Dept. Army Corps for bulkheading and #10 Authorization form Army Corps of Engineers to dredge Watson's Creek..

Mr. Tombro advised Board he will have control for three years over type of houses built, resale, etc. and that houses would be in \$200,000-300,000 range. He will put storm drains on fourth ave at north and southerly ends., property will be bulkheaded and that the Boro Engineer has approved his plans with minor exceptions which he will correct. He will install all underground utilities. After questioning by board members, Board opened questions to audience. Several residents were concerned with the extra burden on the sewer system, and added flooding. Mr. Tombro assured audience that the normal flooding due

on Fourth Avenue due to rains would be alleviated with the installation of storm drains, however he could not prevent flooding due to high seas, moon and storm conditions. He advised Boro Engineer felt sewer system could handle extra sewerage but that the system itself is infiltrated by salt water causing buildup and sewer water backup. Board Member Wm. Donovan advised audience that Mayor & Council are currently seeking funds to upgrade the entire sewer system in the beach area. Board moved into executive session to review application, exhibits, comments etc. Back in Regular meeting a motion was made for the Board attorney to draw up a resolution granting approval of the major subdivision with conditions that sidewalks, curbs be installed on 4th Avenue and street lighting conform to requirements of J.C.P & L.

Jerry Ianello advised board that Mr. K. Miller, Fire Inspector was in touch with those violators of marked fire zones which should be corrected shortly.

Meeting adjourned at 10:00 PM.

Sue Frauenheim

Next Meeting May 7, 1985 7:30 Worksession

Draft of minutes of the May 7, 1985 Meeting of the Manasquan Planning Board held in Borough Hall. All members except Mrs. Place in attendance. Board attorney, J. Pandolfe and Secretary, S. Frauenheim in attendance.

Worksession at 7:30. Mr. Pandolfe read Resolution 10-85 granting preliminary and final approval for a major subdivision of Lots 1, 81, 82, 83 Block 174 and Lot 12 Block 172B Fourth Avenue Joseph A. Tombro, applicant. One of the conditions of the resolution read that no Certificate of Occupancy could be issued until all improvements were in. Members felt this would cause a hardship to the developer since the final topcoating on a street is never done until all heavy equipment has left the job site. Members voted to modify the resolution to change this condition to read that no Certificate of Occupancy shall issue until improvements are installed and working in accord with the requirements of the Manasquan Construction Code Official. Mrs. Strutz, Manasquan Shade Tree Commission member presented a letter dated May 6, 1985 with recommendations for the planting of trees, and advised the Board that the Commission had been in contact with the Board's planner, Paul Szymanski and are in accord with his recommendations. Members voted to modify resolution to include their recommendations. Other conditions of the approval were: 1) plans to be modified to show that a landscaped island shall be placed with curbing within the 100 foot cul-de-sac; 2) effective landscape screen along the property line with the Boro Parking Lot; 3) topsoil coverage requirement, stone or gravel ground cover 4) construction of 4 ft. concrete sidewalk within the ten foot easement on Lot 1 for boat slip access from Lot 81 and Lots 82 & 83. 5) Deed easements describing boat slip access which shall be approved by Planning Board attorney, 6) parking restrictions & sidewalks and curbs installed on 4th Ave, lighting conforming to J.C.P. & L. Co.; 7) applicant responsible for installation costs of all off-tract improvements, 8) Applicant to receive permit for removal of soil from Freehold Soil Conservation, 9) all electric and telephone services installed underground; 10) no construction commence until bonding has been provided; 11) all taxes paid, 11) approval of County Planning Board if required.

Meeting opened at 8:00 PM. Minutes of the April 2, 1985 Meeting approved. Mr. Pandolfe presented modified Resolution 10-85. Motion made, seconded and carried to grant approval for the Major Subdivision of Mr. Joseph A. Tombro.

Jerry Iannelli advised Board he had attended May 6, 1985 Council meeting at which time a major discussion was the acquisition of Fisherman's Cove by the County for use as a park. It was suggested the Secretary write to Mayor & Council to advise them that the Planning Board would still like to see this property zoned PUD.

Discussion on the blacktopping of the parking lot behind Bath Shop on Main Street owned by Dennis Campbell. Mr. Pandolfe advised Board that Mr. Campbell should have come into the Planning Board for site plan approval. Motion made, seconded and carried that Mr. Pandolfe write to Mr. Campbell and advise him that he is in violation of Boro Code and to submit an application to the Planning Board for site plan approval.

Mr. Iannelli also advised the Board that the Manasquan Board of Education was planning to build tennis courts on the S.W. corner of Broad and Atlantic and Mr. Pandolfe advised that they would require a variance and site plan review.

No other business meeting adjourned at 9:10 PM.

Sue Frauenheim, Secretary
Manasquan Planning Board

Next meeting June 4, 1985 7:30 PM Worksession

From Tape Side 1

Minutes of the Manasquan Planning Board Meeting held on Tuesday June 4, 1985 in Boro Hall. Memmbers in attendance were, V.Chairman W. Donovan, Mayor John Winterstella, Edward Stanley, Dr. Charles Tassini, Mrs. Ruth Danish, Mrs. P. Place, Mr. J. Iannelli, Mr. W. Ruf. Chairman R. Newman was absent. Planning Board Attoreny Jay Pandolfe was absent and Peter Ragan, Attorney substituted for him. Planning Board Secretary Sue Frauenheim present.

7:30 PM Worksession called to order by Vice Chairman Donovan. Mr. Iannelli informed the Board that Mr. Denis Campbell, owner of property located at 161 Main St., Lots 17, 17A, Block 65 was in the audience, regarding the repaving of subject lots. Mr. Pandolfe, Board Attorney was to notify Mr. Campbell that he was in violation of the Boro Ordinance requiring Site Plan Approval (B.O.107-52), however Mr. Iannelli and Mr. Miller, Construction Official did not feel a Site Plan Application was necessary. Mr. Campbell advised the Board that he hired a contractor to do alterations in the existing building, demolish an existing taxicab stand and to repave the entire parking lot. His contractor came into the Building Department, was given a permit to demolish the baxi building, alter the existing building to accomodate the Bath Shoppe and given verbal permission to repave the parking lot. Mr. Campbell assumed everything was in order and then he heard rumors from various people that he would have to put in sidewalks on Abe Vorhees Drive. Mr. Campbell had received no letter from Mr. Pandolfe and came before the Board this evening to clarify the problem. Mr. Donovan apologized and advised Mr. Campbell that at the May 7, 1985 meeting, Mr. Pandolfe informed the Board that in his opinion, Mr. Campbell was in violation of the Site Plan Ordinance.. Mr. Iannelli explained to the Board that both he and Mr. Miller differ in their opinion. Mr. Pandolfe claimed it was development and Mr. Iannelli calimed there is no change of use and no more than 20% was developed. Mr. Campbell questioned why he was issued a Permit to tear down the taxi stand and verbal permission to repave the entire lot. It would definitely be a hardship to him now to rip out the pavement, which cost him \$8,000. Mr. Ragan advised the Board that all the facts and figures should be gathered and Mr. Pandolfe should be present since the Board is guided by their attorney and suggested Mr. Campbell return for the July meeting. Board also requested secretary to advise Mr. Pandolfe to write a letter to Mr. Campbell concerning the Site Plan Ordinance. and request he attend the July meeting.

8:00 PM V. Chairman Donovan opened the Official meeting, advising audience that Mr. Ragan was substituting for Mr. Pandolfe. Roll Call vote - all members in attendance with the exception of the Chairman Mr. Newman. Dr. Tassini made a motion to accept the minutes from the May 7, 1985 meeting, seconded by Mrs. Danish and all members in agreement.

Mr. Donovan advised the Board that the first item on the agenda was a Minor Subdivision application of Mr. & Mrs. D. Hanna for Lot 4, Block 157 Ocean Ave. and turned the meeting over to Mr. Ragan who introduced Mr. Tom O'Brien, attorney for the applicant. Mr. O'Brien presented his client's application, copies of the plat plan, and copy of letter from the Monmouth County Planning Board advising that his subdivision is exempt from their review. Mr. O'Brien advised board that the application is unique wherein property contains three seperate dwelling; 13 & 15 Ocean Ave. are single family dwellings and 15½ is a garage apartment in the rear. Buildings were constructed in the late thirties or forties before the Boro adopted a zoning ordinance which states that only 1 dwelling can be on a lot. Mr. O'Brien's client is seeking a minor subdision and will create three undersized lots that do not meet the Ordinance requirements, and the application is based on decisions made on the Beers vs Wayne, N.J. in April 17, 1962 and McLean vs Brick Township May 22, 1967. In both these cases the dwellings were constructed prior to a zoning ordinance and applied for subdivisions so the individual units on the lot would have their own parcel of land. The decisions were in the applicants' favor. It was not a popular decision and no matter what we think about it, the decisions were made and on this basis my client would like to create three lots; two 26.5x105 and one 53x45. Presently, a gravel

driveway exists, permitting access from Ocean Avenue to the rear garage/apt. We would create a driveway easement area, pave it and add parking spaces behind each single dwelling and create an easement area. All three property owners would have right to gain access through the easement. This easement would make easy access to emergency vehicles. Mr. Donovan asked Mr. Ragan if this would supercede the local zoning code that a lot should front on a street. Mr. Ragan said this was one of the questions in the McLean case; one of the functions of this board is to decide whether or not what the applicant proposes is reasonable. Mr. O'Brien stated that Brick Township denied McLeans application and the Court said they had to look at it in view of the facts and circumstances that exist.. Mr. Winterstella questioned Mr. O'Brien re the McLean case involved another party other than the property owner. Mr. O'Brien said the property owner to the South had a 10' portion of his property to be used in the easement. Mr. Donovan asked Mr. O'Brien if the ownership of the back lot changed, would the new owner have the right to use the easement driveway, and would this be incorporated into the deed. Mr. O'Brien said yes.

Dr. Tassini asked Mr. O'Brien if the lots involved in the cases cited had sufficient footage. Mr. O'Brien said they were all undersized; in the Beers case there were five bungalows that were leased. The owner wanted to divide them into five separate lots and each was undersized. Dr. Tassini stated that what value is zoning if you can come in and create undersized lots. Mr. O'Brien said that when the zoning ordinances were introduced in the fortys, it permitted those existing non-conforming to still exist. The Beers case is an extension of that non-conforming use. We are trying to circumvent it, the point exists. Mr. O'Brien stated if you have a ten room motel and you want to convert to condominiums, its the same thing. Dr. Tassini questioned why the Essex Hotel was turned down. Mr. O'Brien stated that there was a use change if they converted to condominiums since the Essex Hotel was seasonal and they wanted to go year round.

Mr. Winterstella asked Mr. O'Brien if Brick Township paved the road and put utilities in before the application of Beers. Mr. O'Brien said utilities were in the street, road paved and dedicated. Mr. Winterstella did not see the word "dedicated" in the case file and there was in fact street frontage; that is different than a private road. Mr. O'Brien said in the McLean case there was no road

Note: At this point, Secretary of Planning Board turned tape to second side and it was blank. Secretary had used a new recording device for the first time and most probably forgot to hit the correct switch.

Sue Frauenheim, Secretary
Manasquan Planning Board

Draft of Minutes from the Manasquan Planning Board's Meeting held on Tuesday, June 4, 1985 at 8:00 PM. All members except the Chairman, Richard Newman, in attendance. Mr. Peter Ragan, Attorney for the Board of Adjustment, substituted from Mr. Pandolfe who was absent. Board Secretary, Sue Fraunheim also in attendance.

Worksession at 7:30 PM to discuss the evening agenda. Mr. Donovan, Vice-Chairman chaired the meeting. Mr. D. Campbell, owner of property located at 161 Main St., Lots 16-17a Block 65 was in the audience and advised the Board that he had heard that he was in violation of Boro Code on site plan application for having the parking lot on his property repaved. He was asked if he had received any notification from Mr. Pandolfe, Board Attorney, advising him of the Boro Ordinance on Site Plan Approval. Mr. Campbell said no - he had only heard from people around town. Mr. Iannelli advised the Board that Mr. Campbell's contractor had been in to see the Construction Code Official D. Miller and himself and they both felt that Mr. Campbell did not need a Site Plan Approval. Mr. Campbell advised the Board that he had employed a contractor to repave the parking lot and that the Contractor had come before the Construction Official to obtain a permit to remove an existing building. He was not advised that a Site Plan Approval was needed and therefore the work was completed. Mr. Donovan apologized for the Board and advised Mr. Campbell that at the May 7, 1985 Planning Board Meeting Mr. Pandolfe had advised the board that he believed a site plan application was required. Mr. Iannelli advised the board that he disagrees with Mr. Pandolfe since there is no change of use and no more than 20% was developed (old taxi stand taken down and repaved). Mr. Campbell advised the board it would definitely be a hardship to him now to rip out the pavement which cost him \$8,000. Mr. Ragan advised the Board that all facts and figures should be gathered and suggested Mr. Campbell return for the July meeting. Board also requested secretary to advise Mr. Pandolfe to write a letter to Mr. Campbell concerning the Site Plan Ordinance and request that he attend the July Meeting.

At 8:00 PM Vice Chairman Donovan opened the Official meeting advising audience that Mr. Ragan was substituting for Mr. Pandolfe. Dr. Tassini made a motion to accept the minutes of the May 7, 1985 meeting, seconded by Mrs. Danish and all members in agreement.

First on the agenda, Minor Subdivision application of Mr. & Mrs. D. Hanna for Lot 4, Block 157 Ocean Ave. presented by their attorney Tom O'Brien. Property has three separate dwellings, two single family houses facing Ocean Ave, divided by a driveway, and a garage/apartment building in the rear. Proposed subdivision calls for three undersized lots in an R-2 zone. Mr. O'Brien advised the Board these buildings were erected before the area was zoned for one house on a lot and applicant proposes to subdivide without variance pursuant to the law as established in the McLean and Beers Cases, copies of which Mr. O'Brien submitted with the application. Applicant proposes to create two front lots 26.5x105 and a rear lot 53x45. Access to rear lot is a 7.6' concrete driveway which will be paved and an easement created.

Mr. O'Brien introduced his client, Mr. Douglas Hanna, 2395 Riverside Terrace, Wall who advised the Board that he plans to sell two lots and keep one for himself and felt that by selling these homes as year-round residences they would add to the surrounding properties. Mr. O'Brien then introduced Mr. Robert Wood, 54 N. Main St., Manasquan, Real Estate Broker who advised Board that he was a licensed real estate salesman for eight years and a licensed broker for twenty-two years. He advised the Board he sold the property to Mr. Hanna 6-1/2 months ago and to the best of his knowledge these units were constructed in the late thirties early forties. Motion made and approved to go into Executive Session. Board discussed facts presented and Mr. Winterstella said he would like to see some factual findings that these buildings were constructed prior to the Boro's 1948 Zoning Ordinance and all members concurred. Motion made, seconded and carried to go into regular session.

Mr. O'Brien requested the Board to carry the application into the next meeting to allow him to bring in other witnesses. Board members felt he should have presented all his witnesses and evidence at this meeting. Mr. O'Brien advised Board he placed them and the Board of Adjustment on Judicial Notice and they were bound to decide on the facts. He advised that the Beers and McLean cases were laws of the land and they had an obligation to follow the law whether or not they agreed with it. Dr. Tassini made a motion the application be denied because it would create three undersized lots, violate side yard requirements, one lot would not be fronting

Draft of minutes of June 4, 1985 Planning Board Meeting - continued

On a street and applicant failed to present creditable testimony to substantiate the buildings were indeed constructed prior to the date of the Manasquan Zoning Ordinance. Motion seconded by Mr. Iannelli. Roll Call vote 4 yes, 3 no, 1 abstain.

Secretary advised Board that the Wall Township Committee made arrangements with the Bureau of Government Research of Rutgers University for the conduct of courses for members of Planning and Adjustment to be held on three consecutive Saturdays—Sept 14, Sept. 21, and Sept. 28th from 9:00 AM to 12:30 PM in Wall Township. The cost could be between \$44 and \$33 depending on the number of persons enrolling. Dr. Tassini and Mr. Stanley showed interest in attending and Board members approved a motion to send them to the classes. Secretary directed to make reservations and when fee is established, arrange for payment.

Board approved payment of \$86.80 to W. Farrell, Boro Engineer for inspection of Glimmer Glass Island - Schride Major Subdivision. Secretary to advise Schride of amount of bill..

No other business meeting adjourned at 9:30 PM.

Next Meeting 7/2/85 7:30 Worksession.

Sue Frauenheim, Sec.
Manasquan Planning Board

Draft of minutes of the July 2, 1985 Planning Board Meeting held in Borough Hall.. All members in attendance as well as secretary, Sue Frauenheim. Mr. Peter Ragan substituted for John Pandolfe.

7:30 PM worksession to discuss agenda.

8:00 Pm Meeting called to order by Chairman Richard Newman. Motion made, seconded and approved for Secretary to correct minutes of the June 4, 1985 meeting re Hanna Subdivision. Secretary had typed that Mr. Wood had sold the property in question twelve months ago when indeed it was only six and one-half months ago. Secretary to correct minutes. Other than this error, minutes were approved.

Chairman read a letter written by Mr. Pandolfe to Mr. Campbell, owner of Lot 16-17a Block 65 advising Mr. Campbell that it would not be necessary for him to submit a site plan application for the repaving of his lot. Mr. Iannelli advised the Board that he had researched the property and found that the taxi stand was located on the lot facing Main Street, not Abe Vorhees drive and that Mr. Campbell did indeed only resurface an existing paved parking lot and did not add any more parking spaces. Mr. Iannelli made a motion that was seconded and passed that a site plan application was not needed and the matter be closed. Secretary to so advise Mr. Campbell.

Next on the agenda was the reading of Resolution 11-85 denying approval of minor subdivision application of Mr. & Mrs. D. Hanna for Lot 4, Block 157 located on Ocean Avenue. Mr. O'Brien, attorney for the applicant addressed the Chairman advised the Board that he would like the Board to rehear Mr. Hanna's application since there was a problem with the second side of the tape from the June 4, 1985 hearing. The tape was blank and Mr. O'Brien needed this tape verbatim to present an appeal as the Board denied the approval of the subdivision. Mr. O'Brien explained that he had been prepared to present a new application which he would like the Board to hear so he could then get a transcript of the tape and present it with his appeal to the Courts. Mr. O'Brien advised the Board he could not accept the minutes taken by the Board Secretary as they are not verbatim. Mr. Winterstella advised Mr. O'Brien that the denial was based on the way the properties were to be subdivided which was in violation of the Boro Code and that the Board was here to hear the Resolution as prepared by Mr. Ragan. Mr. Ragan advised the Board that Mr. O'Brien could appeal the denial but if the Court finds that not enough information is submitted they will send Mr. O'Brien back to this Board for another hearing. However, this does not mean the Board can not vote on the Resolution they requested prepared. Motion was made, seconded and approved that Resolution 11-1985 be read. Mr. O'Brien advised that a Court Stenographer, Miss Joanne Iavarone, was taking minutes of this portion of the meeting. Mr. Ragan read Resolution 11-1985. Motion made, seconded and passed. All members except Mr. R. Newman, who was absent for the June 4, 1985 hearing, voted approval. Mr. O'Brien asked Mr. Ragan if he would object to being served summonses or complaints, Mr. Ragan said no.

Next on agenda was informal discussion with Mr. & Mrs. J. Quirk regarding the subdividing Of Lot 4, Block 107 into two lots, one lot One lot would encroach on the 2nd lot by five feet, thereby creating an undersized lot in an R-1 zone. The Board advised the Quirks to get legal advise as a variance would be required which could be denied.

Next on agenda was the appointing of Mr. Ragan as a substitute for Board Attorney J. Pandolfe who presently had an application before the Board of Adjustment. Motion made, seconded and approved to appoint Mr. Ragan temporary Board Attorney until Mr. Pandolfe could return.

Continuation of Draft of Minutes of the July 2, 1985 Planning Board Meeting

Mr. Stanley, Manasquan Environmental Commission Chairman reported to the Board that he attended a meeting on the Coastal Storm Hazard Mitigation on open space preservation. A discussion was held on the preservation of Fishermans Cove which would be in conflict with our Master Plan which has the area zoned Planned Unit Development and Mr. Stanley recommended that the Master Plan be changed to show this a Conservation Area. Mr. Winterstella advised Mr. Stanley that you can not zone a man's land as unbuildable and that is why the Master Plan was zoned as PUD. PUD is effective in keeping the property in its natural state as a developer would have to obtain the property from all owners as one package. The Master Plan prohibits one owner from selling his property to one person and the other owners to different people.

Secretary advised Board that she had register Dr. Tassini and Mr. Stanley to attend classes in Wall being conducted by personnel from Rutgers University regarding the Municipal Land Use Act.

Board approved payment to William Farrell, Boro Engineer, for review of Tombro Major Subdivision in the amount of \$801.03. Secretary to send Mr. Tombro copy of invoice for his payment.

No other business meeting adjourned at 9:30 PM.

Sue Frauenheim, Sec.
Manasquan Planning Board

Next Meeting Aug. 6, 1987
Worksession at 7:30 PM

Draft of Minutes of the August 6, 1985 Meeting Manasquan Planning Board held in Boro Hall. All members in attendance except Mayor Winterstella, Board Secretary Sue Frauenheim and substitute attorney, Peter Ragan also were present.

Worksession at 7:30 PM to discuss agenda for the evening.

Meeting called to order at 8:00 PM by Chairman R. Newman.

Minutes of the July 2, 1985 meeting were accepted.

John & Frances Drew Resolution #12-85 Lot 1A, 1B, Block 155 Pearce Court
Minor Subdivision Application presented by Mr. Drew along with new plats showing new lot numbers assigned by Tax Assessor. Mr. Drew presented slides showing the undeveloped existing property and that he proposed to subdivide into two buildable lots and bulkhead the property. Board approved the minor subdivision with conditions that the applicant receive the necessary approval of DEP, Army Corp of Engineering and Freehold Soil Conservation. Attorney directed to prepare Resolution 12-85.

Manasquan Elks 2534 Minor Subdivision Lots 1/17 Bl. 93 Stockton Lake Blvd Resolution #13-85
Mr. William Burns, attorney for the applicant, presented application for minor subdivision. Applicant wishes to move present line so as to create new lot, which will be returned to the tax roll. Applicant also requested variances for side lines. Mr. Iannelli made a motion which was seconded and passed to waive any fees. Subdivision was approved and attorney directed to prepare Resolution 13-85.

Site Plan Application Gerhard Angersbach, Lot 7-B Block 62, 170 Main Street Resolution 14-85
Mr. Angersbach advised the Board he had purchased the building located on this lot, known as Weir's Drug and as per informal discussion with the Planning Board on April 2, 1985 was applying for site plan approval. Mr. Angersbach is planning to renovate the entire building and is making no structural changes. Mr. Angersbach presented a sketch of the proposed changes to the 2nd floor, dropped ceilings and partitions to create office space. Board advised Mr. Angersbach they would like to see a survey by a certified engineer showing the structural soundness of the building. Mr. Iannelli made a motion which was seconded and passed to waive site plan requirements, i.e. planting, parking, topography, etc. Mr. Angersbach discussed the possibility of closing off the driveway on Main St. and advised Board there is an easement. Mr. Ragan advised Mr. Angersbach to check the easement as this might be prohibited. Mr. Iannelli advised Mr. Angersbach of the Boro code on signs and the applicant would have to adhere to the ordinance. Motion made, seconded and approved to develop the second floor subject to submittal of a certified engineers survey certifying the building is architecturally sound and also the condition that if the third floor is to be developed applicant must come for site plan approval.

Mr. Sean Coffey, Union Avenue advised Board he had received letter from Stuart Marketing advising that his intended wall and sidewalk construction would obstruct the drainage system approved by the Manasquan Planning Board for the Stuart Marketing project at Morris Avenue. The Board advised Mr. Coffey to send certified letter to Mayor & Council requesting monuments be put in for curbs.

Mr. Ragan advised board we had received a typed transcript from Ms Iavarone on the minutes taken at the July 2nd, 1985 hearing regarding Resolution 11-85 denying approval of the minor subdivision of Hanna Lot 4, Block 157 Ocean Avenue. No notice of appeal of the case has been received as of this meeting date.

Next on the agenda discussion to temporarily appoint W. Peter Ragan Planning Board Attorney, Motion made by J. Iannelli, seconded by William Donovan. All members in agreement. Motion made, seconded and approved to pay Mr. Ragan the same rate as to Mr. Pandolfe be charged against the Planning Board's budget for attorney Secretary to get figures

No other business, meeting adjourned.

Sue Frauenheim, Sec.

Next meeting 7:30 PM Tuesday Sept. 3, 1985

Draft of Minutes from the Manasquan Planning Board Meeting held Tuesday September 3, 1985. All members present along with Peter Ragan and Sue Frauenheim.

7:30 Worksession held to discuss the evening agenda.

8:00 PM Meeting called to order by Chairman Richard Newman.

Dr. Tassini wanted a correction of the minutes from the August 6, 1985 meeting. First paragraph concerning John & Frances Drew Minor Subdivision. Correct address is Pearce Court not Ocean Avenue. Secretary to correct the minutes. Also, in the last paragraph concerning rate of pay for the substitute attorney Peter Ragan. Secretary had stated \$65 per hour was agreed upon, however it should read the same rate of pay as given to Attorney John Pandolfe. Secretary will correct minutes.

Resolution 12-85 John & Frances Drew Minor subdivision of Lot 1A, 1B, Block 155, Pearce Court
Attorney read the resolution granting approval of the minor subdivision. Members voted eight yes, one abstain for approval of the resolution.

Resolution 13-85 2434 Holding Corporation (Manasquan Elks) Minor Subdivision Lots 1 and 17, Block 93 on Colby Avenue. Attorney read the resolution granting approval of the minor subdivision. Members voted eight yes and one abstain to approve resolution.

Resolution 14-85 Gerhard Angersbach Site Plan Approval Lot 7B Block 62, 170 Main Street
Attorney read resolution granting approval of the Site Plan. Mr. Tannelli advised Board Mr. Angersbach had the building inspected by a certified engineer and did submit the Engineer's certified statement that the building is architecturally sound for the improvements he proposes. Motion made, seconded to approve resolution. Members voted 7 yes, 1 no and 1 abstain.

Next on the agenda, Mr. Raymond Fort for an informal discussion on the possibility of subdividing Lots 28A and 29 Block 18, 105 Church Street which property is 50' wide, 393.84' long. There presently exists one dwelling and one barn. He would like to tear down barn and have a buildable lot. He was advised that he would require a Use Variance and he would have to go before the Board of Adjustment.

Next on the agenda Site Plan Application for Atlantic Marine Lots 56, 57 Block 82, 35 Euclid Avenue for proposed addition of 8,579.77 square feet to existing building. Mr. Carton, attorney, introduced Mr. John Curtis, owner of Atlantic Marine. Mr. Curtis advised Board that his business is strictly wholesale, no retailing is done on the premises. They handle over 11,000 different items sold for use on a boat or to repair boats and he services companies all over the state. 98% Orders are received over the phone. They are tight for space and want to expand. Receiving of merchandise from manufacturers will be indoors instead of outdoors. Trucks will pull right up to open bay and unload indoors. Their business hours are 7:30 AM til 5:00 PM. They do handle some combustibles such as thinners and these are presently kept in mason building. They would require rear and side yard variances. Mr. Winterstella wanted to see floor plans, but applicant did not present any. Board would like to see more detailed plot plans showing lighting, sewers, parking, floor plan etc. Several residents of the area were in the audience and complained about wooden pallets in rear of building facing their properties, existing mason building unslightly, noise, fumes, and fear for children in area. Because application was not complete insofar as plat plans were concerned, Board requested applicant to resubmit application and they would hear them at the next planning board meeting on October 1, 1985.

Mr. John Schibler, owner of Lot 170 Block 81 asked the Board informally for their views on his plan to construct 2 bedroom condominiums. Board advised him to submit Major Sub-Division application.

Mr. Iannelli advised Board he had received a letter from Splash, International who are interested in renting space in The Beachtree Associates Building on Route 71 and to install an in-ground and above-ground swimming pools. They teach toddlers, children how to swim and

Draft of minutes of the Manasquan Planning Board Meeting September 3, 1985 - continued

would make their facilities available to students in Manasquan Schools. Secretary directed to send a letter to Splash Int'l to advise them to come in for an informal discussion at the October 1, 1985 meeting.

Next on agenda was discussion of pay rate for Mr. Peter Ragan who will substitute for Mr. Pandolfe as Board attorney. Secretary directed to write to Mr. Pandolfe and request invoice for work conducted so far this year in order that they may determine the hourly rate for Mr. Ragan.

Mr. Ragan advised the Board that he had received an Appeal Notice from Superior Court wherein Mr. T. O'Brien, attorney for Mr. & Mrs. Douglas Hanna has filed an appeal against the Board's decision to deny their application for minor subdivision of Lot 4, Block 157. Mr. Winterstella made a motion to authorize Board attorney to acknowledge the appeal and defend ourselves. Motion seconded by Mr. Stanley and carried.

Chairman Mr. Newman read a letter from M. Margaret Murray to the Board concerning the Board's comments on the possible sale of Boro property located on Pearce Avenue, Lot 1C Block 58. He also read a letter from Boro Tax Assessor W. Burkhardt who advises if the Boro sold this property it would mean a ratable of \$281.01 per year. Board members had no objections to the sale. Secretary to so advise Ms. Murray.

Secretary submitted a voucher to cover payment of fees for Messrs. Stanley and Tassini to attend classes at Wall Municipal Building Sept. 14, 21 and 28 given by Rutgers University. Fee at this time is \$30 per person but could be lower depending upon the number of attendees. Motion made, seconded and carried to sign voucher.

Mayor Winterstella brought up the subject of having the Master Plan reprinted. Secretary advised about twenty copies available, and requests have been maybe one a year for a copy. The Master Plan will have to be updated again in 1988 and members felt reprinting could wait until then.

No other business, motion made, seconded to adjourn at 9:30 PM.

Sue Frauenheim, Secretary
Manasquan Planning Board

Next Meeting Tuesday Oct. 1, 1985
Worksession 7:30 PM

Draft of Minutes of Manasquan Planning Board Meeting held October 1, 1985 at 8:00 PM. All members, secretary and Board attorney were present.

7:30 PM Worksession to review agenda. Also, Mr. John Shibles, owner of Lot 170, Block 81 Curtis Ave was present at worksession and asked the Board for their views on his plan to construct 2-bedroom condominiums. Mr. Shibles presented a rough plat plan showing the proposed development of 16 condominiums. The board looked favorably on the project and Mr. Shibles will submit Major Subdivision Application.

Mr. Newman, Chairman called meeting to order at 8:09 PM and minutes of the Sept. 3rd meeting were approved.

Resolution 16-85 Atlantic Marine Site Plan Application Lots 56, 57 Block 82 Euclid Ave.

Mr. Carton, attorney for applicant John Curtis, owner of Atlantic Marine presented revised plat plans and introduced Alan Hila, Brielle, licensed Engineer and Planner who advised board building was decreased in size to allow more property between building and property line; driveway on ^{Curtis} Curtis Avenue eliminated and routed to Mount Lane, parking area on ^{Curtis} Curtis eliminated and moved to Mount Lane, landscaping across front, curbing and sidewalks included and low density lighting added for night time security. buildings would be metal frame, light blue with dark blue trim. Existing building to be refinished also. Plot plans entered as Exhibit A-1 dated 8/24/85; Revised Plot plan dated 9/19/85; Exhibit A-3 Color rendering and Exhibit A-4 Elevation rendering. Mr. Carton next introduced Mr. Curtis who explained the operations of his business. Hours of business would be 7:30 AM to 5:00 PM. Need additional warehouse storage space; own seven trucks, seven car (cars used by salesmen on road and taken home every day) Trucks will be stored inside building. Most of business done over phone and no retail business conducted at all. Few neighbors asked questions re drainage from buildings, combustibles stored in building, outside storage, etc. Board went into Executive Session to discuss site plan and conditions to be imposed. Out of Executive Session, motion made seconded and approved to have attorney draw up Resolution 16-85 approving subdivision with conditions concerning no outside storage establishment of buffer zone of evergreens on Curits Avenue between property line and Parry property line; load/unload between hours of 7:30 AM and 5:00 PM, Garages doors closed when not unloading; green area on Mount Lane between two driveways be made into parking area; drain property toward Mount Lane; install sidewalks, curbs; blacktop road; siding on existing building to conform to new addition, storage of combustibles.

Next on Agenda informal discussion with Richard Cihanowyz re opening AAMCO Transmission shop in the Beachtree Building on Blakely & Route 71. Mr. Cihanowyz, 1421 Brooklyn Ave., Whiting, N.J. presently has an AAMCO shop on Route 88 in Lakewood. He would like to rent 4,629 sq. feet in the Beachtree building. He employs three to four people and the hours of business are 8A to 6PM Monday through Friday and 8AM to 3PM Saturday.. Retail and wholesale, have five electric hydraulic lifts and handle 3-4 cars day. Cars are stored in shop and not outside. Most work done by appointment only. Enter and Exit on Blakely would be prohibited. Have to enter Route 71. They do not do towing. Motion made and carried directing attorney to prepare Resolution 17-85 with certain conditions, such as no outside storage of vehicle, restrict hours of operation, waive site plan, meet requirements of Contrsuction Official for building permit.

Next on agenda, discussion of pay rate for Mr. P. Ragan, substitute attorney for Jay Pandolf. Motion made, seconded and carried to pay Mr. Ragan \$65.00 per hour.

Concerning Board's denial of Hannah subdivision Lot 4, Block 157, Mr. Ragan advised Board that applicant has filed complaint against the Planning Board and that the applicant will immediately file a Motion for Summary Judgement and Mr. Ragan will advise when they do so, along with his opposing comments. Mr. Ragan advised Board that the applicant will probably end up coming before the Board for another hearing since the tapes from the June 4, 1985 were not transcribable.

Draft of Minutes of Manasquan Planning Board Meeting 10/1/85 - continued

Dr. Tassini & Mr. Stanley thanked the board for having them attend the Zoning Classes held in Wall and conducted by Rutgers University Professors. They both felt the classes were very informative and very enlightening regarding the Land Use Act.

Mr. Stanley advised the Board that Chapter 291, Article IV, 40:44D-31, Review of Capital Projects of the Land Use Act, the Planning Board can request to see plans of the proposed improvements contemplated by the Manasquan Board of Education. Motion made, seconded and carried to have the Secretary write to the Board of Education requesting copies of same.

Secretary advised Board next meeting date, November 5, 1985 is Election Day. Motion made, seconded and carried to hold November meeting November 6, 1985.

Splash, Int'l on the agenda but did not attend for informal discussion. Mr. O'Brien the attorney for Splash, advised Board his client still considering the possibility of renting space in the Beachtree Building for construction of swimming pools.

No other business, meeting adjourned.

Sue Frauenheim, Sec.
Manasquan Planning Board

Next Meeting 11/6/85 7:30 PM worksession.

Draft of minutes from the Manasquan Planning Board Meeting held on Wednesday Nov.6,1985. Members present were Dr. Tassini, William Donovan, William Ruff and Ruth Danish, Attorney P.Ragan and Secretary Sue Frauenheim. Absent were Chairman R.Newman, Mayor Winterstella, E. Stanley. J.Iannelli and Patricia Place.

During worksession, Dr.Tassini brought up problem with the Fire Zone parking at the RitzBakery. The Zone is not marked very clear and people continue to park in the Fire Zone which is the first designated space off Route 71. Parking in this space causes a problem with people exiting from the Bakery as they can not get a clear view of the approaching traffic southbound on Rt. 71. The secretary advised the board the Fire Inspector, K.Miller is aware of this problem and has been in contact with the owners of the Bakery. Secretary will advise Mr.Miller again.

Vice-Chairman Mr.Donovan called the regular meeting to order at 8:00 PM, however because there was no quorum (at least five members) the meeting could not take place. Dr.Tassini, however, advised the secretary that an error had been made in the minutes of the Oct.1,1985 meeting in reference to the application of Atlantic Marine. Minutes noted the street as Curtis and it should be Euclid Ave. Secretary will make correction.

Mr.T.O'Brien attorney for Mr. & Mr. D.Hanna, applicants for a minor subdivision Lot 4,Block 157 that had been denied by the Planning Board and the decision appealed in Superior Court, requested a Special Meeting so the Planning Board attorney could draft a Resolution approving the subdivision as per Judge Milberg's judgement. Mr.Ragan advised Board he would get in touch with Board Chairman to arrange a Special Meeting.

Mr. K.Henderson and Mr. Wight in the audience for an informal discussion on their proposed site plan, sub-division of Lot 10A and 9B Block 65 to construct 2-story professional building facing Abe Vorhees Drive. Mr.Donovan apologized to applicant for not having the necessary quorum and Mr. Henderson asked for a few minutes to discuss his project and advised the Board that they would submit a formal application for the Dec.3,1986 meeting.

Sue Frauenheim, Sec.
Manasquan Planning Board

Next Meeting Tues.Dec.3,1985 7:30 Worksession

Draft of minutes of the Manasquan Planning Board Meeting held on Tuesday, December 3, 1985. All members except J. Iannelli were present. Planning Board Attorney and Secretary also present.

Worksession at 7:30 PM to discuss evenings agenda.

Meeting called to order at 8:00 PM by Chairman Richard Newman. Roll Call of members, all present with J. Iannelli being absent.

Board approved minutes from the Oct. 1, 1985 meeting. Members were advised that due to a lack of quorum, there was no official meeting held on Tuesday November 5, 1985 and the notes sent to each member were only for their information and were not official minutes.

Resolution 16-85 was read by the attorney, granting Site Plan and Variance approval to Atlantic Marine Distributors for Block 82, Lots 56 and 57. Motion made, seconded to accept Resolution. All members voted in favor.

Resolution 17-85 read by attorney granting Use Permit and Site Plan approval to Richard Cihanowyz to operate an AAMCO Transmission Center in the Beachtree Associates Building on Route 71 and Blakey Ave. Motion made, seconded to accept Resolution and approved by all members.

Resolution 18-1985 - Mr. Charles Peters, 68 McLean Ave., Manasquan presented application of Charles Peters/Nick Condon for a minor subdivision of Lot 34, Block 9 South Street. Motion made, seconded to approve subdivision and direct attorney to prepare Resolution 18-1985. All members in accord.

Resolution 19-1985 . Mr. Keith Henderson presented application of Henderson, Mills & Wight for Site Plan Approval, Minor Subdivision and variance for Lots 10A and portion of 9B Block 65. Applicant proposes to construct a two-story building for professional use only, and requesting a variance in that the remaining portion of Lot 9B containing an existing retail store on Main St. will be more non-conforming as to lot area than the present Lot 9B. Mr. Henderson also advised the board that there is an existing 9' right of way easement for a 30" storm drain on the easterly side of the property. There would also be an easement on the westerly side of the property to provide access the retail shop on the Main St. property behind their property. Chairman Newman presented a letter from the Chief of Police advising the board he sees no problem with traffic or parking and also a letter from the Fire Inspector of the Boro of Manasquan wherein he would like to see the entire driveway marked for fire zone. Mr. Henderson advised board that he was not required to provide parking spaces since they are within 200' of parking but that they intended to install seven parking stalls to the rear of their proposed building. The Board questioned the position of the seventh stall interfering with the easterly right of way and that they would prefer to see this parking stall eliminated. Motion made, seconded and all members in accord to approve the site plan, the subdivision/variance request subject to the engineers approval, consultant's approval, the elimination of the seventh parking stall, conforming to Fire Inspector's recommendation and landscaping as suggested by the Consultant.

Manasquan Planning Board draft of minutes 12/3/85 hearing continued

The Board attorney directed to prepare Resolution 19-1985.

Next on agenda was discussion of Judge Milberg's Court Order to approve the subdivision denied to Douglas & Deborah Hanna. Mr. Winterstella offered a resolution to exclude the public from the discussion of any action and litigation regarding Hanna vs Planning Board of Boro of Manasquan. Motion to adopt resolution made by John Winterstella and seconded by William Donovan and roll call votes were eight yes. Meeting closed to public at 8:30 PM by Chairman R. Newman. Meeting reopened at 9:10 PM to the public. Mr. Ragan, attorney for the Board read Amended Resolution 11-85 wherein the Board was ordered by Judge Milberg to approve the subdivision as presented with the condition that the applicant supply the board with a copy of the easement allowing access to the rear building. The resolution also that the Board will appeal the decision of Judge Milberg and authorizes the Board's attorney to take whatever further action he may deem necessary to further this appeal to include the filing of a lis pendens covering the subject premises, if appropriate, and apply to the appropriate court, and appeal if required, for a stay of the court order of November 1, 1985. Motion made, seconded and approved to accept Resolution. Mr. O'Brien, the Hanna's attorney, presented into evidence as Exhibit B-1, a copy of the easement. Mr. O'Brien also submitted a milar copy of the Subdivision map and requested the Board Chairman and Secretary to sign same. The chairman and secretary signed the plat and returned same to Mr. O'Brien. Mr. O'Brien then inquired as to why Judge Milberg's decision was being appealed and the stay requested. Mr. Newman advised Mr. O'Brien the board did not wish to divulge their reasons at this time.

Mr. Ragan advised the Board that Mr. Pandolfe would be returning as Board Attorney in January, 1986.

No other business, meeting adjourned t 10:00 PM.

Sue Frauenheim, Sec
Manasquan Planning Board

Next meeting Jan. 7, 1986
7:30 Worksession.
Reorganization meeting.