

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08738

**MANASQUAN PLANNING BOARD**

**JANUARY 6, 1998 - RE-ORGANIZATION AND REGULAR MEETING MINUTES**

The Manasquan Planning Board held their work session and regular meeting on January 6, 1998, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman Christopher Rice opened the meeting at 7:00 P.M. with the following roll call:

PRESENT - Mayor Winterstella, C. Rice, R.Zanes, C.Triggiano, D. Place, N.Hamilton, J.Miller, R.Ratajack, J.Burke, J.Mastrian.

ABSENT - Councilman W.Schmeling, P.Dunne.

For the record, Councilman Schmeling arrived at 7:15 P.M..

Nominations were open for Chairman.

C.Triggiano nominated Christopher Rice for Chairman, seconded by Mayor Winterstella. There being no other nominations, nominations were closed, followed by the following vote for Christopher Rice as Chairman. "YES" - Mayor Winterstella, Councilman Schmeling, R.Zanes, C.Triggiano, D.Place, N.Hamilton, J.Miller, R.Ratajack, J.Burke.

Nominations were open for Vice Chairman.

Councilman Schmeling nominated David Place for Vice Chairman, seconded by C.Rice. Mr. Place respectfully declined, as he doesn't have the time to put into that office.

Mayor Winterstella nominated Robert Zanes, seconded by J.Miller. There being no other nominations, nominations were closed, followed by the following vote for Robert Zanes as Vice Chairman. "YES" - Mayor Winterstella, W.Schmeling, C.Rice, C.Triggiano, D.Place, N.Hamilton, J.Miller, R.Ratajack, J.Burke.

A motion by J.Burke, seconded by J.Miller to go into closed session to discuss personal matters, concerning the Attorney, Planner and Engineer with the following vote: "YES"- Mayor Winterstella, Councilman W.Schmeling, C.Rice, R.Zanes, C.Triggiano, D.Place, N. Hamilton, J.Miller, R.Ratajack, J.Burke.

The Board returned from closed session at 7:40 P.M. with the following roll call: Mayor Winterstella, Councilman Schmeling, C.Rice, R.Zanes, C.Triggiano, D.Place, N.Hamilton, J.Miller, R.Ratajack, J.Burke.

Mr. Rice opened the regular session stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law. He asked all present to join in the Salute to the Flag.

ROLL CALL - PRESENT -Mayor Winterstella, Councilman W.Schmeling, C.Rice, R.Zanes, C.Triggiano, D.Place, N. Hamilton, J.Miller, R.Ratajack, J.Burke.

A motion to approve the minutes of December 2, 1997, was made by C.Triggiano, seconded by R.Zanes, followed by the following vote: "YES" - Councilman W.Schmeling, C.Rice, R.Zanes, C.Triggiano, D.Place, N. Hamilton, J.Miller, R.Ratajack. ABSTAIN - Mayor Winterstella, J.Burke.

Mayor Winterstella stated "he met with the County Planning Board last summer and as he mentioned at a previous meeting that they reviewed the Manasquan Master Plan and one of the things he mentioned to the Board at that time, which was agreed too and later on Borough Council agreed too was getting a designation as a center for Manasquan. A center is basically a developed place that has all the various infrastructure, recreational facilities, businesses, street, transportation. He stated we meet all the criteria. The benefit for being a center is the fact that a lot of the planning is centered and built around you #1; and # 2 more importantly it puts you in a little better position to get various grants. There is no real downside to have Manasquan designated as a center, it's all win win". He has been requested to send a letter to the County requesting that they support our designation as a center, which he is going to do.

Mr. Rice went ahead with the re-organization resolutions.

#1-1998 - MEETING DATES - A motion to approve with the correction of First and Third Tuesday was made by Councilman Schmeling, seconded by D.Place, followed by the following vote: "YES"- Mayor Winterstella, Councilman Schmeling, C.Rice, R.Zanes, C.Triggiano, D.Place. N.Hamilton, J.Miller, R.Ratajack, J.Burke.

# 2-1998 - CHAIRMAN & VICE CHAIRMAN - A motion to approve the resolution for C.Rice as Chairman and R.Zanes as Vice Chairman was made by C.Triggiano, seconded by N.Hamilton, followed by the following vote: "YES"- Mayor Winterstella, Councilman Schmeling, C.Rice. R.Zanes, C.Triggiano, D.Place, N.Hamilton, J.Miller, R.Ratajack, J.Burke.

# 3-1998 - BOARD SECRETARY - A motion to approve Marie Applegate as Board Secretary, was made by C.Triggiano, seconded by R.Zanes, followed by the following vote: "YES" - Mayor Winterstella, Councilman Schmeling, C. Rice, R.Zanes, C.Triggiano, D.Place, N.Hamilton, J.Miller, R.Ratajack, J.Burke.

RESOLUTION # 4-5-6 - Board Attorney, Board Planner and Board Engineer, will be held over to the January 20th meeting.

A motion by C.Triggiano, seconded by Mayor Winterstella, to hold over to January 20th, was made, followed by the following vote: "YES" - Mayor Winterstella, Councilman Schmeling, C.Rice, R.Zanes, C.Triggiano, D.Place. N.Hamilton, J.Miller, R.Ratajack, J.Burke.

# 7-1998 - OFFICIAL NEWSPAPERS - A motion by C.Triggiano, seconded by R.Zanes to approve the resolution was followed by the following vote: "YES" - Mayor Winterstella, Councilman Schmeling, C.Rice, R.Zanes, C.Triggiano, D.Place, N.Hamilton, J.Miller, R.Ratajack, J.Burke.

APPLICATION - 16-97 -T. J. Coan & Frank Morris - 20 Pershing  
Mr. Miller recused himself from this case, as he and Mr. Coan had discussion on this case before. Mr. Hamilton also recused himself from the case as he did the last time as a conflict of interest, also a complaint was filed by a private citizen in reference to contamination, he did inform the County Board of Health, he was a witness to this site, and he needs to be a witness as to this. Mr. Burke also recused himself as he can't sit in on this case.

Thomas J.Coan, 81 Curtis Avenue, and Frank Morris, 2168 Allenwood Road, Wall, N. J. were sworn in by Mr. Cramer.

Mr. Cramer marked the Plat as A-1, Flood elevation certificate of 12/31/97 was marked A-2, Contamination report from the Monmouth County Board of Health Dept. stating that the case was closed, was marked at A-3, letter from Vallerie Bills to Mr. Cramer dated 10/16/97 was marked A-4, letter from Mr. Cramer to Sandy Ratz daterd 10/22/97 marked A-5, letter from Wm.Cox to Mr. Coan dated 11/11/97 marked A-6, two items the transfer and change of ownerships for Block 153 Lot 7 marked A-7 and Block 153 Lot 14 marked A-8 dated 6/27/46 and 4/5/46, Survey dated 12/31/97 lot 14 marked A-9 and lot 7 marked A-10. A meeting with Mr. Ratz today, he stated we would be using the set backs stated in the first sentence of each letter and not the set backs stated in the second one. Lot 14 would be 14.9 ft. and lot 7 would be 17.8 feet for front yard averaging set back.

Maps (2 plats, 4 sides) non conforming lots marked A-11, deficient frontage marked A-12, deficient in square footage A-13, amerged and unmerged vacant lots marked A-14. Two pages from Mr. Cox's book, zoning and land use administration Chapter 12-2.2 marked A-15 and a handout submitted for the R-3 zone, a break down of the lots and their deficiencies marked A-16.

Mr. Coan stated at a previous meeting he did request waivers, and the Board chose not to grant those waivers, based upon objective from the audience, but he would like to point out that section 107-73 in the ordinances of the Borough of Manasquan has a provision for waiver information, "The Planning Board may waive submission of any required exhibits in appropriate cases and for specific site plans".

Mr. Coan stated the reason he did request that is that he still insists that these are two lots and they are mapped as two lots. The intention of the original development of this property was that the plats be 33x100. When Mr. & Mrs. Kay purchased the property in 1946, they purchased the lots at different times,

and always with the intention of developing the property. One was purchased on 4/5/46 and lot 7 was purchased on 6/27/46. Those lots existed in the tax records of the Borough as separate lots from 1946 until 1985 and upon change of ownership from 4/5/46, there is a hand written note that says combined with lot 7 in 1985 for the 1986 tax year. If they were formally merged they would have shown as 1 lot and that never took place. He stated he is here in good faith to request subdivision with variances from the Board.

Mr. Coan did calculations on the R-3 Zone which is a 7 block area. There are 66 lots out of 107 lots that are deficient in frontage, which is 62% of the lots in the whole zone that are deficient in frontage. The frontage required in the zone is 40 Ft.. If we go to the next step in terms of square footage of the lots in the zone there are 30 lots deficient out of 107 lots which would be 28% of the lots in this R-3 Zone that are deficient in square footage. Lots that are non-conforming in either frontage or square footage, 68% of the lots in the zone do not conform. The area really was developed as 36x100 and 33x100 lots. If this area was rezoned, it would be 33x100, more than 95% of the lots which conform, we would end up with much fewer applications to the Board, which was really the intent of the Zone. Some of the lots were merged and some were not.

Mr. Coan stated they don't have any plans for the lot at this time and in terms of Mr. Cox's book on page 232 of the 1996 edition, " If however a lot is sufficiently large even though undersized, to meet all set-backs in side yard requirements of the ordinance, submission of the building plans is not necessary, assuming the applicant plans to construct the building in full compliance with all BOCA requirements other than those appearing to area and lot dimension". Mr. Coan testified they propose to meet the side, front and rear setbacks, so at this time we would not be submitting any plans. I would at this time like to request a variance for a 20 ft. curb cut on Meadow Avenue as at this time we are not sure we are going to have an attached 2 car garage or not and parking is also one of the issues Mr. Szymanski brought up. Mr. Coan testified they will be building a 2 story house but not a 2½ story house.

Mr. Place would like to see the plans for the variance for the curb cut. The Board would rather see a 12 ft. curb cut, so Mr. Coan withdrew the request for a 20 ft. curb cut and will abide by the ordinance.

Mr. Szymanski went over his memo of 1/1/98 on this application. Mr. Zanes requested that the Board give the applicant a variance for one parking space for lot 14 and lot 7. The Board members agreed with that. Mr. Triggiano stated most families have 2 cars and that is a tough restriction to put on the applicant.

Mr. Coan stated in closing the testimony shows this doesn't impair the intent and purpose of the Borough Zoning in any way shape or form as there are a large number of 33 x 100 lots in block 153. Currently we propose to build only a 2 story house and it will be 3 bedrooms. We will meet all the front side and rear setbacks that the ordinance requires.

A motion to open the session to the public was made seconded and unanimously carried.

John Tischio - 17 Meadow Avenue came forward and wanted to know if the new building would have the same setbacks as the other houses on the street. Mr. Coan said yes it would.

Carol Broderick - Parker Avenue had concerns about the garage on Pershing Avenue.

A motion to close the public portion of the meeting was made, seconded and unanimously carried.

Mr. Zanes made a motion to approve this application with a stipulation that he comply with the parking on lot 7 and 14 which was discussed, seconded by Mr. Schmeling, followed by the following vote: "YES" -Councilman Schmeling, C.Rice, R.Zanes, C.Triggiano, D.Place, R.Ratajack, J.Mastrian.

#### OLD / NEW BUSINESS

Mr. Triggiano stated at the last meeting he brought up about the property owner being notified about a zone change to his property, and he thinks the Board Secretary should send him a letter stating that there is going to be a proposed change to his property, so this way he could be aware of it.

Mr. Schmeling said it would be difficult to do that in one respect, that a lot of the discussions just take place. You could be sending notices out and nothing could be taking place and basically you would create a lot of questions and expectations on what is going to happen. When we have a planning process it is open to the public and if people want to know what is happening there, then they should be there and take part in it. Before any zoning takes place there is a specific notice that this zone is going to be changed. Mr. Schmeling said the intention is good but it is not going to work.

Mr. Szymanski said if it is recommended as part of a reexamination report, then the Council doesn't have to send notices, but if it's done outside of the planning process, then they would.

Mr. Triggiano stated he called Mr. Mueller on the change of

his property from a B-1 Zone to an R-4 zone, and he indicated he was not happy about it, and he didn't want to see his property rezoned. Mr. Triggiano doesn't think it is right that you turn around and rezone a guy like you did last time from here and send it down stairs. He thinks the Board should let him know and he should come here and be able to tell us that he opposes it.

Mr. Schmeling said, "remember we have not rezoned this property yet. Before it can be rezoned, you have to have ordinances introduced and then there is a second public hearing, it isn't going to happen that one night, Council is going to say we are going to change Sea Watch from B1 to R4, it isn't going to happen that fast. He is going to have an opportunity to be heard".

Mr. Rice, Mr. Ratajack and Mr. Miller will be redoing the instructions and applications for the Board.

Mr. Syzmanski stated the definitions are finished and they have to be typed up. He wanted to know if there are some means to cover the cost to type them up as it is a big job. Mr. Rice suggested he get them to the Secretary.

The Board will hear informals at the Jan. 20th meeting and cases will start at the February 3rd. meeting.

Mr. Burke stated Mr. Fitzsimmons has asked Mr. Byrnes to continue on representing this Board on the cases that are already in Freehold that he has already started on. Mr. Burke felt we should make provisions for him to come before us to report what is going on as now those cases are our jurisdiction.

Mr. Schmeling personally doesn't see that. If it does come back to the Board for what ever reason, since we are a seperate Board from what took place on the initial application, if you are asked to hear it again as a new Board, you may be receiving information that you shouldn't and secondly as a legal matter the lawyer can handle it.

A motion to approve the bills was made, seconded and unanimously carried.

Mr. Rice thanked the Board for appointing him as chairman. There being no more business a motion to adjourn was made, seconded and unanimously carried at 9:30 P.M..

Respectfully submitted.

*Marie Applegate*

Marie Applegate, Secretary  
Manasquan Planning Board

# Paul F. Szymanski, AICP, PP

PLANNING • ZONING • COMMUNITY DEVELOPMENT CONSULTANT

49 WOODLAND DRIVE • EAST WINDSOR • N.J. 08520

TELEPHONE 609•448•8497

## MEMORANDUM

TO: MANASQUAN PLANNING BOARD

RE: MINOR SUBDIVISION  
BLOCK 153, LOTS 7 and 14  
APPLICANTS: THOMAS T. COAN and FRANK A. MORRIS

DT: JANUARY 1, 1998

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Pursuant to request, a review of subject submission has been undertaken. The following comments/recommendations are provided for Planning Board information and consideration.

1. Property Location: Between Pershing and Meadow Avenues, approximately 106 feet south of Rogers Avenue.
2. Property Description: Property is a 33 foot wide, 200 foot long property which has frontage on both Pershing and Meadow Avenues. The northern portion, Lot 14, is developed with a 1½ story frame residence and parking space fronting onto Pershing Avenue and a rear yard shed which extends slightly onto the Lot 7 portion of the property. The Lot 7 portion is generally vacant although fencing encloses the property.
3. Subdivision Proposed: To subdivide the property in half into two 33 feet wide, 100 foot long lots reflecting the property's original platting as "back to back" lots. Lot 14 will contain the above mentioned residence structure (to be upgraded by the applicant) and the shed which will be moved to be 5 feet from property lines. Lot 7 is to become a new building lot.
4. Zoning District: R-3 whose basic requirements is for a 40 foot wide lot with an area of 3,400 square feet.
5. Required Variances:
  - A. From lot area for both Lots 7 & 14 - 3,400 square feet required, 3,300 square feet proposed.
  - B. From lot width for both lots as 40 feet is required and 33 feet proposed.
  - C. For front yard setback for the existing house on Lot 14, which is an existing non-conformity - 25 feet required, 13.41 feet exists.

- D. For side yard setback for the existing house as the side yards are only 2.77 feet, 2.79 feet, and 3.63 feet from property lines and 5 feet is required; these are pre-existing conditions.
- E. For both building and lot coverage for proposed Lot 14 as 40.15% is proposed for building coverage exceeding the 35% permitted and 55.24% is proposed for total coverage exceeding the 50% permitted.
- F. Parking for Lot 14 as 2 off-street spaces are required and only one exists.
6. Justification for Variance Relief: Testimony is required to support all requested relief including either c(1) and/or c(2) factors supporting any bulk variances as well as testimony which addresses detriment to the public good or impact on the zone plan and zone ordinance if the variances are granted.

Some of the planning considerations associated with this application include:

- adjoining lots are developed eliminating any possibility of acquiring land to increase lot width or area
  - the "back to back" subdivision proposed is reflective of the basic original subdivision and development scheme for the area and is the way the neighborhood has generally developed
  - it was not the intent of the original platting to an exceptionally long lot extending from street to street
  - this is not an "isolated" vacant lot situation requiring offering for sale of the vacant lot to adjoining property owners
7. Other Considerations:
1. Subdivision Plat - Submitted and complete. A change should be made indicating the rear yard of proposed Lot 14 as 26 feet, not 20 feet.
  2. Surveys - Submitted
  3. Street Trees - One per lot required by ordinance which should be placed at least 5 foot from the sidewalk and not within the narrow grass strip between the curb and sidewalk. Tree recommendations will be offered at the January 6, 1998 public hearing.
  4. Possible Soil Contamination or Buried Debris - Based on informal information previously provided to the Board there is a representation made about fuel contamination and/or burial of lawnmower parts on the property. This matter should be clarified and, if necessary, investigated and appropriate action taken or required as a condition of any Board determinations.
  5. Utilities and Curbcuts: To be installed per Borough regulations and Borough Engineer specifications. All electric, telephone and cable service lines should be installed underground.
  6. Lot 14 Home Improvements: Applicant should indicate what planned.

7. Lot 7 Construction: Applicant should describe, if known, the type of structure proposed for this lot and its size and relationship to adjoining properties and structures. It is noted that construction could take advantage of front yard setback averaging as permitted per Ordinance 1711-96, but this depends upon how on-site parking is to be provided.
8. Parking for the new house should comply with Residential Site Improvement Standards which is based on bedroom counts. Vehicle parking within a driveway must remain on-site and not extend into the public right-of-way.
9. Well: Is there an irrigation well on the property? If so locate on plat. If not in use should be capped per law.

ERROR ON THIS

ELEVATION CERTIFICATE  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
NATIONAL FLOOD INSURANCE PROGRAM

O.M.B. No. 3067-0077  
Expires July 31, 1999

ATTENTION: Use of this certificate does not provide a waiver of the flood insurance purchase requirement. This form is used only to provide elevation information necessary to ensure compliance with applicable community floodplain management ordinances, to determine the proper insurance premium rate, and/or to support a request for a Letter of Map Amendment or Revision (LOMA or LOMR). You are not required to respond to this collection of information unless a valid OMB control number is displayed in the upper right corner of this form.

Instructions for completing this form can be found on the following pages.

SECTION A PROPERTY INFORMATION		FOR INSURANCE COMPANY USE
BUILDING OWNER'S NAME Thomas J. Coan and Frank A. Morris		POLICY NUMBER
STREET ADDRESS (including Apt., Unit, Suite and/or Bldg. Number) OR P.O. ROUTE AND BOX NUMBER 20 Pershing Avenue		COMPANY NAIC NUMBER
OTHER DESCRIPTION (Lot and Block Numbers, etc.) Lot 14, Block 153		
CITY Manasquan	STATE NJ	ZIP CODE 08736

SECTION B FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

Provide the following from the proper FIRM (See Instructions):

1. COMMUNITY NUMBER	2. PANEL NUMBER	3. SUFFIX	4. DATE OF FIRM INDEX	5. FIRM ZONE	6. BASE FLOOD ELEVATION (in AO Zones, use depth)
345303	0001	C	12/15/83	A 5	9

7. Indicate the elevation datum system used on the FIRM for Base Flood Elevations (BFE):  NGVD '29  Other (describe on back)
- B. For Zones A or V, where no BFE is provided on the FIRM, and the community has established a BFE for this building site, indicate the community's BFE:  feet NGVD (or other FIRM datum—see Section B, Item 7).

SECTION C BUILDING ELEVATION INFORMATION

1. Using the Elevation Certificate Instructions, indicate the diagram number from the diagrams found on Pages 5 and 6 that best describes the subject building's reference level: 2.
- 2(a). FIRM Zones A1-A30, AE, AH, and A (with BFE). The top of the reference level floor from the selected diagram is at an elevation of  feet NGVD (or other FIRM datum—see Section B, Item 7).
- (b). FIRM Zones V1-V30, VE, and V (with BFE). The bottom of the lowest horizontal structural member of the reference level from the selected diagram, is at an elevation of  feet NGVD (or other FIRM datum—see Section B, Item 7).
- (c). FIRM Zone A (without BFE). The floor used as the reference level from the selected diagram is  feet above  or below  (check one) the highest grade adjacent to the building.
- (d). FIRM Zone AO. The floor used as the reference level from the selected diagram is  feet above  or below  (check one) the highest grade adjacent to the building. If no flood depth number is available, is the building's lowest floor (reference level) elevated in accordance with the community's floodplain management ordinance?  Yes  No  Unknown
3. Indicate the elevation datum system used in determining the above reference level elevations:  NGVD '29  Other (describe under Comments on Page 2). (NOTE: If the elevation datum used in measuring the elevations is different than that used on the FIRM (see Section B, Item 7), then convert the elevations to the datum system used on the FIRM and show the conversion equation under Comments on Page 2.)
4. Elevation reference mark used appears on FIRM:  Yes  No (See Instructions on Page 4)
5. The reference level elevation is based on:  actual construction  construction drawings  
(NOTE: Use of construction drawings is only valid if the building does not yet have the reference level floor in place, in which case this certificate will only be valid for the building during the course of construction. A post-construction Elevation Certificate will be required once construction is complete.)
6. The elevation of the lowest grade immediately adjacent to the building is:  feet NGVD (or other FIRM datum—see Section B, Item 7).

SECTION D COMMUNITY INFORMATION

1. If the community official responsible for verifying building elevations specifies that the reference level indicated in Section C, Item 1 is not the "lowest floor" as defined in the community's floodplain management ordinance, the elevation of the building's "lowest floor" as defined by the ordinance is:  feet NGVD (or other FIRM datum—see Section B, Item 7).
2. Date of the start of construction or substantial improvement: \_\_\_\_\_

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

732-223-0544  
Fax 732-223-0587

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736



Dear Manasquan Planning Board Members:

Enclosed please find a copy of the minutes of the January 6, 1998 meeting. Please consider the following agenda for the January 20, 1998 meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

AGENDA - JANUARY 20, 1998 - REGULAR MEETING

7:00 P.M. - WORK SESSION

1. INFORMAL - William & Richard Wight - 48-48½ Ocean Avenue - Minor Subdivision

7:30 P.M. - REGULAR SESSION

1. Request by Manasquan Health Associates for extension of time to perfect minor subdivision.
2. RESOLUTION - 16-1997 - T.J.Coan & Frank Morris  
20 Pershing Avenue
3. REORGANIZATION  
RESOLUTION # 4 - Board Attorney  
RESOLUTION # 5 - Board Planner  
RESOLUTION # 6 - Board Engineer

OLD / NEW BUSINESS

Yours truly,

Marie Applegate, Secretary  
Manasquan Planning Board

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MANASQUAN PLANNING BOARD  
JANUARY 20, 1998 - REGULAR MEETING MINUTES

The Manasquan Planning Board held their work session and regular meeting on January 20, 1998, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman Christopher Rice opened the work session at 7:00 p.m. stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law.

ROLL CALL - PRESENT - Christopher Rice, Robert Zanes, Carmen Triggiano, Patricia Dunne, David Place, Neil Hamilton, Robert Ratajack, John Burke, and James Mastrian.  
ABSENT - Mayor John Winterstella, Councilman William Schmeling and James Miller.

INFORMAL - William & Richard Wight - 48-48 $\frac{1}{2}$  Ocean Avenue. Richard and William Wight came forward stating they are here to get the Boards feeling on how they feel about this application, as the front property along Ocean Avenue which is 46 is already sub-divided and is not a part of this informal application. That sub-division was done in 1889. The property behind it has 2 structures on it. They are situate in a way that you could create 2 lots out of that 1 lot, and the lots would be fully conforming in all respects, other than the fact that they don't front on a public street. It is a legal tax lot in the town. It is a pre-existing situation, so there is no additional variance required. Lot 12.02 doesn't now front on a public street, what you would really be doing is creating one existing lot behind the middle that doesn't front on a public street. There is an easement that was filed before we bought the property. The structure all the way in the back is a 2 family, (up and down) and the only way to get into the upper apartment is an outside stair well, which is part of the structure. If approved it would be conditioned upon making that a one family and moving the stairs inside. Mr. Wight stated they would be willing to give up the use of the 2 family in the back, if they can get this subdivision. You would then have 3 structures and 3 lots, right now there are 3 structures and 4 uses. He stated he didn't think there are any bulk variances required, other than the fact which already exists, the fact that it is not on a public street.

Mr. Burke said the Board of Adjustment handled 2 similiar cases up on the beach front. One case, the middle house was taken down and on the second one there were 3 houses and they were looking for a subdivision and even before the case got started it was withdrawn, never completed.

Mr. Szymanski said the front house is non-conforming in terms of the area, and in order to get full conforming lots, that the existing rear lot line could be moved further towards the

Lake and the existing lot on the street would then become conforming. He said they should consider incorporating all the lots into the subdivision and have a re-subdivision and move lines. The Wights thought they might run into a front yard set back on the middle one.

Mr. Wight stated they abandoned the back lot easement, as they felt it would impose on the privacy of the back house and their view was that the board would grant that easement out to the lake, so that maybe people could go through and put their canoe in the water, we just thought it would burden that property out there. It's a valuable piece of property sitting out there on Stockton Lake.

Bill Wight said it was just a judgement they made and not even sure their right. There is bulkheading but no docks.

Mr. Hamilton stated he would hope Mr. Ratz would grant permission and offer permit to put heat in that individual structure to bring it into a year round structure.

The Board would like to see the 3 lots conforming in size.

#### REGULAR SESSION

Mr. Rice stated this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law. He asked all present to join in the Salute to the Flag.

ROLL CALL - PRESENT - C. Rice, R. Zanes, C. Triggiano, P. Dunne,  
D. Place, N. Hamilton, R. Ratajack,  
J. Burke, J. Mastrian.

ABSENT - Mayor Winterstella, Councilman W.  
Schmeling, J. Miller.

A motion to approve the minutes of January 3, 1998, was made by C. Triggiano seconded by R. Zanes, followed by the following vote: "YES" - C. Rice, R. Zanes, C. Triggiano, P. Dunne, D. Place, N. Hamilton, R. Ratajack, J. Burke, J. Mastrian.

MANASQUAN HEALTH ASSOCIATES - MR. Cramer stated the last time the Board considered the request for extension of time, they gave them 90 days.

Mr. Cramer requested that the Board make a site inspection to make sure that the conditions in question at the time, have been corrected.

Mr. Zanes made a motion that the file should be reviewed for deficiencies, brought back in front of the Board for review and at that point a decision to be made as to giving them the extension, seconded by C. Triggiano, followed by the following vote: "YES" - C. Rice, R. Zanes, C. Triggiano, P. Dunne, D. Place, N. Hamilton, R. Ratajack, J. Burke, J. Mastrian.

RESOLUTION - 16-1997 - T.J.Coan & Frank Morris - 20 Pershing  
The resolution was read into the record by Mr. Cramer.  
Mr. Cramer stated the Chairman suggested to change the last sentence of Paragraph # 1 to read "additionally said plat should indicate on its face that any structure erected upon new Lot 7 must comply with all zoning requirements of the R-3 Zone before any construction permits will issue". Pershing Blvd. was corrected to read Pershing Avenue, and on the variances required for parking Lot 7 was included.  
A motion to approve the Resolution with above corrections was made by Mr. Zanes, seconded by Mr. Triggiano, followed by the following vote: "YES" - C.Rice, R.Zanes, C.Triggiano, D.Place, R.Ratajack, J.Mastrian. ABSTAIN - P.Dunne, N.Hamilton, J.Burke.

Mr. Rice opened the meeting to the public with a motion from R.Zanes, seconded by R.Ratajack and unanimously carried. There being no comments from the audience, a motion to close the public portion was made, seconded and unanimously carried.

Mr. Zanes reflected upon the Master Plan, the re-zoning and the funding. Mr. Hamilton thought Mr. Zanes was on the right track and we should really take a serious look at these things. He made reference to the American Timber sub-division. He feels that if we are going to do something in the future, we should really take a serious and hard look at a different type of a planning approach right now.

A motion to open the meeting to the public was made by R.Zanes, seconded by J.Mastrian and unanimously carried.

Michael Long - Taylor Avenue was encouraged by Mr. Zanes concept as I have in the past when you and Neil sat before the Council with some development ideas. He stated one thing that would be helpful in developing something like this, if the Board would get the Council involved in the early stage and I would certainly encourage that kind of a meeting and getting the two involved.

T.J.Coan, 81 Curtis Avenue stated he agrees with Mr. Zanes comments. He stated he thinks the power is by the Planning Board to look at each zone and make recommendations now to the Master Plan, and I think it's possible to list some of those changes. He stated he has been supportive of the building envelope in other zones, and he thinks that is something that definitely has to be looked at.

A motion to close the public portion of the meeting was made seconded and unanimously carried.

For the record Councilman Schmeling arrived at 8:30 P.M..

A committee was set up that will meet with Council and Council representatives to actually go out and do some fact finding and get this ball rolling.

The committee consists of R.Zanes, N.Hamilton, J.Mastrian and J.Burke.

A motion to approve the bills was made by D.Place, seconded by P. Dunne, followed by the following vote: "YES" - W.Schmeling, C.Rice, R.Zanes, C.Triggiano, P.Dunne, D.Place, N. Hamilton, R.Ratajack, J.Burke, J.Mastrian.

Mr. Rice, Mr. Ratajack and Mr. Miller have been working on getting a new application together. They are going to come up with 2 new applications, and will hold off until the end of February.

Mr. Hamilton stated he took the current sign ordinance using what they have in the booklet, as somewhat of a draft and restructured it and will submit it to Councilman Coan. Along with that he added in the bottom of it for the consideration of the Council for the adjustment in the ordinance as additions, items dealing with the gorillas, ballons that we have had in the past, whether or not the Council should leave in place temporarily, the advertisement banners that come up as to lotto, grand opening banner, if they should stay and how long etc. These things are in the work and will have them presented to the Board and Council shortly.

Mr. Hamilton spoke on the subject of sheds around town. Mr. Coan stated it is going to be brought up at Council on February 2nd and there will be a memo for the Board's meeting on the 3rd.

A motion to close the public portion of the meeting was made by D.Place, seconded by R.Zanes, and unanimously carried.

The Board went into executive session at 8:55 P.M. with a motion from J. Mastrian, seconded by R.Ratajack, followed by the following vote: "YES" - W.Schmeling, C.Rice, R.Zanes, C.Triggiano, P.Dunne, D.Place, N.Hamilton, R.Ratajack, J.Burke, J.Mastrian.

The Board returned from executive session with the following Roll Call: W.Schmeling, C.Rice, R.Zanes, C. Triggiano, P.Dunne, D.Place, N. Hamilton, R.Ratajack, J.Burke, J. Mastrian.

#### REORGANIZATION

Resolution # 4

Nominations were open for Board Attorney.

C.Triggiano nominated Geoffrey Cramer for Board Attorney,

seconded by R.Ratajack, followed by the following vote: "YES"-  
W.Schmeling, C.Rice, R.Zanes, C.Triggiano, P.Dunne, D.Place,  
N.Hamilton, R.Ratajack, J.Burke, J.Mastrian.

Resolution # 5-6 Board Planner & Engineer.  
Noniminations were open for Board Planner & Engineer.  
C.Triggiano nominated Birdsall Engineering for Planner and  
Engineer, seconded by N. Hamilton, followed by the following  
vote: "YES" - C.Rice, R.Zanes, C.Triggiano, P.Dunne, D.Place,  
N.Hamilton, R.Ratajack, J.Burke, J.Mastrian.  
ABSTAIN - Councilman W.Schmeling.

There being no more business a motion by J.Mastrian to adjourn  
the meeting, seconded by R.Ratajack, followed by the following  
vote: "YES" - W.Schmeling, C.Rice, R.Zanes, C.Triggiano, P.Dunne,  
D.Place, N. Hamilton, R.Ratajack, J.Burke, J.Mastrian.

Respectfully submitted,

*Marie Applegate*

Marie Applegate, Secretary  
Manasquan Planning Board

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

732-223-0544  
Fax 732-223-0587

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

COLLEEN SCIMECA  
Municipal Clerk



Dear Manasquan Board Members:

Enclosed please find a copy of the minutes of the January 20, 1998 meeting. Please consider the following agenda for the February 3, 1998 meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

AGENDA - FEBRUARY 3, 1998 - REGULAR MEETING

7:00 P.M. - WORK SESSION

1. INFORMAL - Michael Zimmerman - Castaways
2. INFORMAL - Michael Long - 52 Taylor Avenue

7:30 P.M. - REGULAR SESSION

1. APPLICATION - 8-1998 - David Pettit - 58 Pearce Ave.
2. APPLICATION - 11-1998 - Mark Hannah - 63 Church St.

OLD / NEW BUSINESS

Yours truly,

Marie Applegate, Secretary  
Manasquan Planning Board

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

**MANASQUAN PLANNING BOARD**  
**FEBRUARY 3, 1998 - REGULAR MEETING MINUTES**

The Manasquan Planning Board held their work session and regular meeting on February 3, 1998, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman Christopher Rice opened the work session at 7:00 P.M. stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law.

ROLL CALL - PRESENT - Christopher Rice, Robert Zanes, Patricia Dunne, David Place, Neil Hamilton, James Miller, Robert Ratajack, John Burke.

ABSENT - Mayor John Winterstella, Councilman William Schmeling, Carmen Triggiano, James Mastrian.

INFORMAL - Michael Zimmerman - Castaways - Brielle Road

Mr. Zimmerman came forward stating he has owned the Castaways since 1993 on a lease purchase option. Since he has been running it, he found it hasn't been a feasible solution in this area. It is now required to be a State licensed rooming house which he has just found out recently. Mr. Zimmerman is trying to get some guidance from the Board on what else to put on that piece of land which will be better for the town and surrounding neighbors. He is proposing to build 5 town houses a pool and marina for 14 boats.

Mr. Cramer stated the only thing the Board can entertain this evening is an informal discussion with you concerning your request for a rezoning of your particular tract. It would be inappropriate and improper for the Board to go into a use variance discussion.

Mr. Zimmerman stated when he got the property it was a B-2, at some point during the last 4 years it was converted to an R-1. He stated he was never aware of that as he did not hold title to the property. I am requesting a multi-family dwelling from the town in order to put this site plan into works, instead of leaving it as a rooming house in an R-1 zone, which doesn't seem to work either. He said his goal here is to find out, can we go down the path of getting a rezoning of this property, if not multi-family, maybe if possible an R-3 which is what the rest of the road is, and allow 2 individual homes rather than 5 condos. Mr. Zimmerman stated he could go 3 conds or 2 individual homes, but would rather the 5 condos. The Board members would like to see 2 individual homes keeping within the zone requirements.

INFORMAL - Michael & Karen Long - 52 Taylor Avenue

Mr. Long stated he and his wife are looking for some guidance from the Board regarding his property at 52 Taylor Avenue. He stated they would like to make a flag lot with easement on

that property. Roughly he has 12,600 sq. feet of property with 50 ft. frontage to Taylor Avenue.. He believes he could create a flag lot in the rear meeting the necessary coverages, but have to seek a variance on his rear yard set back on the rear house which requires 20 ft. and he proposes 5 foot. His rear yard neighbor is New Jersey Transit and that is about a 65 ft. rightaway to the next house which is on Colby Avenue. He believes with the fencing and landscaping, it would be an enhancement to what is there now. He stated he would build a victorian style house in the rear that would look and coincide with the houses on Taylor Avenue that exist now. We would put all underground utilities in. He stated the garage would be torn down. Mr. Long stated he and his wife would move into the new structure and either sell or use the front house for a rental.

~~A survey of the Board members, most were in favor of what he would like to do.~~ *me*

#### REGULAR SESSION

Mr. Rice opened the regular session at 7:35 P.M. stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law. He asked all present to join in the Salute to the Flag.

ROLL CALL - PRESENT - C.Rice, R.Zanes, P.Dunne, D.Place,  
N.Hamilton, J.Miller, R.Ratajack, J.Burke.  
ABSENT - Mayor Winterstella, W.Schmeling, C.Triggiano  
J.Mastrian.

A motion to approve the minutes of January 20, 1998 was made by R.Zanes, seconded by N.Hamilton, followed by the following vote: "YES" - C.Rice, R.Zanes, P.Dunne, D.Place, N.Hamilton, R.Ratajack. ABSTAIN - J.Miller.

APPLICATION - 8-1998 - David Pettit - 58 Pearce Avenue  
David Pettit - 58 Pearce Avenue and Patricia Pettit - 58 Pearce Avenue were sworn in by Board Attorney G.Cramer.  
The Boards file was marked as A-1 to A-8 by Mr. Cramer.

Mr. Pettit testified he proposes to enlarge the second floor of the house by constructing dormers on both sides, which will be for 2 bedrooms and a bath area to give additional space for our growing family. The foot print of the structure will not change. He testified they will construct a driveway for 2 cars on the south east side. The dormer will be set back 2 feet from the vertical wall on the first floor. He testified he will submit a front elevation showing the construction set back. He will also put in curbing. He testified the front of the porch to the house is approx.16 feet. A photo submitted was marked A-8.

A motion to open the meeting to the public on this application was made by J.Burke seconded by N.Hamilton followed by the following vote: "YES" - C.Rice, R.Zanes P.Dunne, D.Place, N.Hamilton, J.Miller, R.Ratajack, J.Burke.

There being no comments from the audience, a motion to close the public portion was made by D.Place, seconded by N.Hamilton, followed by the following vote: "YES" - C.Rice, R.Zanes, P.Dunne, D.Place, N. Hamilton J.Miller, R.Ratajack, J.Burke.

Mr. Burke and Mr. Miller didn't think the applicant at this point has made a case for a hardship variance. Mr. Pettit testified it does not impact the light and air of his neighbors, or the parking in the area.

Mr. Pettit stated with regard to the hardship, in order to stay in the house with 2 children and 2 more on the way, we need to either enlarge it or move and we prefer to enlarge it and use the house to its fullest.

A motion by Mr. Miller for a favorable approval of this application, with the stipulation that a driveway of two runners be installed to accommodate two cars and the adequate curbing also be put in, seconded by D.Place followed by the following vote: "YES" - C.Rice, R.Zanes, P.Dunne, D.Place, N.Hamilton, J.Miller, R.Ratajack. "No" - J.Burke.

A motion was made by D.Place, seconded by P.Dunne for a 10 minute recess, followed by the following vote: "YES" - C.Rice, R.Zanes, P.Dunne, D.Place, N.Hamilton, J.Miller, R.Ratajack, J.Burke.

The Board returned from recess at 8:10 p.m. with the following roll call: C.Rice, R.Zanes, P.Dunne, D.Place, N.Hamilton, J.Miller, R.Ratajack, J. Burke.

APPLICATION - 11-1998 - Mark Hannah - 63 Church Street  
Mark Hannah, 63 Church Street and Paul Lawrence, Architect with Richard P. Grasso & Assoc., 171 Main St. were sworn in by Mr. Cramer. The file was marked as A-1 to A-8 by Mr. Cramer.  
Mr. Hannah testified he has 3 children and they propose to put an addition on the existing structure, which is a period home built in the 40's and keeping within the style of the home. There are 2 trees which they are preserving which should add to the aesthetics of the outside of the house. The back area they are adding on to is basically existing is the kitchen and den in the rear of the house with a mud room and breakfast room doted in that area. Mr. Lawrence stated they are proposing pushing the den back 5 feet further than the side yard property line. Where they got into problems in terms of the interior use of the space, they cut the room in half. We are trying to make the most of this family gathering space and we weren't afforded it, given the 15 foot setback. Other than the side

yard setback, the parking is the only other variance issue. Mr. Lawrence stated if the Board refers to the new survey A-8, it clearly demonstrates that there was an oversight on the original survey in terms of parking area. The photo A-7, shows clearly that 2 parking spaces are not a problem. The only reason we are here is for the side yard setback of 3.25 feet. Mr. Lawrence stated this is not a detriment to the community, it is a substantial improvement to the neighborhood and enhances the appearance of the existing building. It does not block air or light to the neighbors.

Mr. Hilla, board Planner stated the applicant has established the hardship issue, but he isn't sure they have achieved the negative criteria, with regard to intent purposes of zoning and master plan, that and the shade tree issue.

Mr. Hannah stated they have a ginkgo tree that his wife is very fond of that will be preserved as well as the dogwood. No tree will be removed only the dead stump in the rear.

A motion to open the meeting to the public was made by J. Miller, seconded by R. Ratajack, followed by the following vote: "YES"- C. Rice, R. Zanes, P. Dunne, D. Place, N. Hamilton, J. Miller, R. Ratajack, J. Burke.

There being no comments from the audience, a motion to close the public session was made by N. Hamilton, seconded by R. Ratajack, followed by the following vote: "YES"- C. Rice, R. Zanes, P. Dunne, D. Place, N. Hamilton, J. Miller, R. Ratajack, J. Burke.

Mr. Hannah testified he has owned the property since September of 1989. They are going to try and find steel siding, if not the whole house will be resided.

A motion to approve the application was made by J. Burke, seconded by J. Miller, followed by the following vote: "YES" - C. Rice, R. Zanes, P. Dunne, D. Place, N. Hamilton, J. Miller, R. Ratajack, J. Burke.

Mr. Zanes, stated the zoning committee did meet and submitted an application for a local coastal planning grant, which from what indication he has, looks as though it has preliminary approval. The Mayor needs to sign off on it.

Mr. Rice stated on Ordinance 1741-98 recommended by us and passed by Council, however there was a typo. The typo has been changed, it originally said lot - had to be changed to building regarding coverage. We need to make a recommendation tonight on the typo part and send it back to Council.

Mr. Rice made a motion to recommend favorably to Council to

adopt Ordinance 1741-98 with that typo changed, seconded by N. Hamilton, followed by the following vote: "YES"- C.Rice, R.Zanes, P.Dunne, D.Place, N.Hamilton, J.Miller, R.Ratajack, J.Burke.

James Julian-14 Main St. has sent a request to Council asking for an easement across the parking lot for sewer and water on Osborn Avenue. It apparently is 50 ft. long as opposed to taking it down the his driveway which is 300 ft.. Council has asked if we have any problem with granting him this request. After discussion the Board decided not to allow him to do this. A motion by Mr. Miller, seconded by R.Ratajack recommending to Council that the Board is not in favor of an easement through the Municipal Parking Lot, - the Board prefers it to be on his own property, followed by the following vote: "YES"- C.Rice, R.Zanes, P.Dunne, D.Place, N.Hamilton, J.Miller, R.Ratajack, J.Burke.

Reference was made to Councilman T.J.Coan's Revision to 107-8B Accessory structures. Mr.Hamilton stated they went through town looking at all the sheds. They haven't made a determination as to the age or what year we will begin to enforce the shed ordinance as far as set backs or if in fact they need a permit. He suggested they start the year 1998, requiring a permit to be applied for. On any sheds that looked new we sent letters requesting if they had a permit when the shed was installed or constructed on the property and show the location per survey, and we will make a determination at that time as to where we are going to go with these. It is our intention that the Borough Council will pass the ordinance of a 3 Foot setback, so rather than conform to the 5 ft.and rather than have them move them they can go to the 3 ft. setback.

On Garages, Mr. Miller thought that on F. similar materials should be dropped and leave it as "all garages shall conform architecturally".

A motion to make a favorable recommendation to council on the above on garages and remove animal shelters on Sheds, was made by R.Zanes, seconded by J.Burke followed by the following vote: "YES"- C.Rice, R.Zanes, P.Dunne, D.Place, N.Hamilton, R.Ratajack and J.Burke.

A motion to open the meeting to the public was made by R.Zanes, seconded by J.Miller, followed by the following vote: "YES"- C.Rice, R.Zanes, P.Dunne, D.Place, N.Hamilton, J.Miller, R.Ratajack, J.Burke.

Richard Mueller - owner of Sea Watch on Ocean & Fist Ave. came forward and said he understands the Board is considering rezoning his property to residential.

Mr. Cramer stated the Board is not going to rezone his property

at all. The function of the change of the zoning ordinance is strictly the prerogative of the Mayor and Council. He stated you may choose to go to Mayor and Council if as and when an ordinance amendment is prepared to address the issue you are speaking about. Right now all this Board has done is to conduct a periodic report of re-examination of it's Master Plan. He was advised to speak to Mayor and Council, when the Master Plan is brought up.

A motion to close the public portion of the meeting was made by J. Miller, seconded by N. Hamilton, followed by the following vote: "YES" - C. Rice, R. Zanes, P. Dunne, D. Place, N. Hamilton, J. Miller, R. Ratajack, J. Burke.

A motion to pay all bills was made by R. Zanes, seconded and unanimously carried.

There being no more business, a motion to adjourn at 9:35 p.m. was made seconded and unanimously carried.

Respectfully submitted,

*Marie Applegate*

Marie Applegate, Secretary  
Manasquan Planning Board

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

732-223-0544  
Fax 732-223-0587

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

Dear Manasquan Planning Board Members:

Enclosed please find a copy of the Minutes of the February 3, 1998 meeting. Please consider the following Agenda for the February 17, 1998 meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

**MANASQUAN PLANNING BOARD AGENDA  
FEBRUARY 17, 1998 - REGULAR MEETING**

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion:
2. Informal Hearings: Steve Consentino - Pearce Ave.
3. Private Session:
  - (a) Personnel Matters
  - (b) Litigation

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Motion on Minutes
3. Consent Agenda
  - A. Resolution NO. 8-1998 - David Pettit  
58 Pearce Avenue
  - B. Resolution No. 11-1998 - Mark Hannah  
63 Church Street

END OF CONSENT AGENDA

APPLICATION - 9-1998 - Gloria Lane - 50 $\frac{1}{2}$  South Street

APPLICATION - 10-1998 - Susan Ayers - 63 N. Jackson Ave.

4. - APPROVAL OF VOUCHERS
5. - COMMENTS FROM INDIVIDUAL BOARD MEMBERS.
6. - REPORTS OF SUBCOMMITTEES OF BOARD
7. - AUDIENCE PARTICIPATION

Marie Applegate, Secretary  
Manasquan Planning Board

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MANASQUAN PLANNING BOARD  
FEBRUARY 17, 1998 REGULAR MEETING MINUTES

The Manasquan Planning Board held their work session and regular meeting on February 17, 1998, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman Christopher Rice opened the work session at 7:00 P.M., stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law.

ROLL CALL - PRESENT - Christopher Rice, Patricia Dunne, Robert Ratajack, John Burke, James Mastrian.  
ABSENT - Mayor John Winterstella, Councilman William Schmeling, Robert Zanes, Carmen Triggiano, David Place, Neil Hamilton, James Miller.

For the record, Mr. Place arrived at 7:10 P.M..

APPLICATION 10-1998 - Susan Ayers - 63 N. Jackson Avenue  
Mr. Rice stated, instead of hearing this case in a formal agenda, tonight, we will give Ms. Ayers about 20 minutes to discuss this application.

Mr. Cramer stated he has had several conversations with Ms. Ayers concerning her application, that she was hoping to have heard this evening. However after these discussions, it became apparent that Ms. Ayers will be asking the Board and moving to modify her application, perhaps to include some additional relief, and she would like the Board to consider entertaining a request to have a hearing date in March for that application. She came before the Board this evening to get permission and to seek a variance from the rear yard setback requirements of the Borough Zoning Ordinance, so as to be able to locate a shed, about 108 sq. feet in the rear yard. After a review of the application by the Zoning Officer, the Professional Engineer and Planner, there has been considerable discussion as to whether or not the shed is going to be in a side yard as opposed to a rear yard. The problem is, it is a corner lot and a corner lot can have two different frontages. Mr. Cramer stated she is before the Board tonight to bring up the speed with respect to what she would like to accomplish by the application that she'll be modifying and presenting to the Board for consideration at a date in March.

Ms. Ayers distributed additional site plan information which relates to her survey and the building envelope which relates to the 3 adjoining properties around her property. She stated this is her principal residence, and she has done considerable landscaping improvements to the property with keeping in mind that she would like to put a shed in, as her garage is too small, and the area where she would like to put the shed is the area on the north side of the house, surrounded by gravel and on 3 sides has evergreen trees, varying from 8 ft. high to 20 ft.

Since there has been so much confusion, she would like to ask the Board to determine where the front yard is. Mr. Hilla, Jr. read from the zoning ordinance "Fronting ON A STREET - A building shall be deemed to "front upon a street" when the main entrance of the building faces the street". He said in the zoning it states exactly what they meant by frontage.

Mr. Burke stated "he is on a corner lot, and he has 50 ft. on Second Avenue and 100 Ft. on Stockton Ave.. My official address is Second Avenue, the short side of the lot. I face Stockton Avenue, my house runs length wise along the street, his official map address is 26 Second Avenue, my mailing address is 4 Stockton Ave., because my house faces Stockton. The town always recognizes me as being on Second Avenue. My two car garage which faces Second Avenue is my front yard".

She will come back before the Board in April.

Steven Cosentino - 18 Pearca Ave. would like to come in for an informal and after checking, it looks like it might be a use variance, which will not be allowed. Mr. Hilla is checking into this further and Mr. Cosentino will be advised as to whether or not he can have an informal hearing.

#### REGULAR SESSION

Mr. Rice opened the regular session at 7:35 P.M. stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law. He asked all present to join in the Salute to the Flag.

ROLL CALL - PRESENT - C.Rice, P.Dunne, D.Place, R.Ratajack  
J.Burke, J.Mastrian.  
ABSENT - Mayor Winterstella, Councilman W.Schmeling,  
R.Zanes, C.Triggiano, N.Hamilton, J.Miller.

A motion to strike the last sentence of the first paragraph on page 2 of the minutes, as Mr. Burke did not believe a survey was taken on Mr. Long's application was made by Mr. Place, seconded by Mr. Burke, followed by the following vote: "YES" C.Rice, P.Dunne, D.Place, R.Ratajack, J.Burke, J.Mastrian.

A motion to approve the minutes of February 3, 1998 with the correction as made by J.Burke, seconded by R.Ratajack, followed by the following vote: "YES" - C.Rice, P. Dune, D.Place. R.Ratajack, J.Burke, J.Mastrian.

RESOLUTION - 8-1998 - David Pettit, 58 Pearce Avenue.  
The resolution was read by Mr.Cramer.

A motion to approve the resolution with a correction of the

typos was made by R. Ratajack, seconded by D. Place, followed by the following vote: "YES"- C.Rice, P.Dunne, D.Place, R.Ratajack. ABSTAIN - J.Mastrian

RESOLUTION - 11-1998 - Mark Hannah - 63 Church Street

Mr. Cramer read the resolution.

A motion to approve the resolution with the submission of a revised survey showing the parking on site and the preservation of the trees, to be approved by the Engineer, was made by P.Dunne, seconded by J.Burke, followed by the following vote: "YES" C.Rice, P.Dunne, D.Place, R.Ratajack, J.Burke. ABSTAIN - J. Mastrian.

A motion for a 5 minute recess at 8:00 P.M. was made by J.Burke, seconded by R.Ratajack, and unanimously carried.

The Board returned from recess at 8:05 P.M. with the following roll call - C.Rice, P.Dunne, D.Place, R.Ratajack, J.Burke and J.Mastrian.

APPLICATION - 9-1998 - Gloria Lane - 50 $\frac{1}{2}$  South Street.

Ms. Lucinda Lane Attorney for Gloria Lane, came before the Board requesting an appeal from the Building Officials denial of an application for a permit to reinstall the kitchen at the rear premises of 50 South Street. Ms. Lane stated in light of the low turnout, and this is a Use Variance, she would ask for a continuance of the matter until there are more members present.

A motion to approve the applicants request for a continuance to the Board's April 7, 1998 meeting was made by J.Burke, seconded by R. Ratajack, followed by the following vote: "YES"- C.Rice, P.Dunne, D.Place, R.Ratajack, J.Burke, J.Mastrian.

A motion to approve all vouchers was made by J.Burke, seconded by R.Ratajack, followed by the following vote: "YES" - C.Rice, P.Dunne, D.Place, R.Ratajack, J.Burke, J.Mastrian.

Mr. Mastrian wanted to know just what his duties are, because if he is not here to listen to variances, he has no purpose of being here. Mr. Cramer said it is strictly the use variance context that that question of prohibition comes up. It is not in the context of a sub-division, site plan review or the run of the mill bulk variance. All those things, Class 1 and a Class 3 member of the Planning Board can participate fully as any other member of the Planning Board. When it comes to a Use Variance, because there is a possibility of an appeal of the Board's decision to the Mayor and Council, therefore at that level the same people that voted at the Planning Board would be asked again to reprise their performance. The idea of the legislators was to take that possibility out so when they allowed the merger of the Boards, written into the statue,

was a specific requirement that Class 1 and Class 3 members were not to participate in the Use Variance discussion or decision. Whether or not the Mayor's designee is of itself an issue to escape that prohibition, Mr. Cramer will have to take a closer look at it.

A motion by J. Burke to open the meeting to the public, seconded by P. Dunne, and unanimously carried.

Councilman Thomas J. Coan, 81 Curtis Avenue came forward. Mr. Burke on the ordinance to amend section 10<sup>7</sup>-8B (accessory uses) made reference to item # 9. He wanted to know about the rear yard setback. Based upon this he stated it could be 5 ft. off the side yard and it could be up against the property line in the rear. He would think that the 5 foot rear that you have on accessory buildings should apply here also. Mr. Coan said he would have no problem with making that comment to Mr. Fitzsimmons.

Mr. Coan said another revision that they would like to make is on item # 4 "Private residential tool sheds, storage buildings or pool cabanas which meet all of the following requirements" they would like to add green houses.

Mr. Rice stated on Item # 4 (a) he would like to see maximum building coverage - 100 square feet changed to maximum building area instead of coverage.

Mr. Coan stated on animal shelters - they would like to add not more than 1 and maximum building area to 30 square feet, make the height restriction to 5 ft.

Mr. Coan stated there was an issue that the fee for the shed would be \$25.00, we have to change that through the fee schedule for the construction official, so that may be a little tricky. Currently it is \$40.00.

A motion to change # 4 will include green houses, 4 (a) to building area, #5 (a) will be 30 sq. ft. #5 (c) will be a height of 5 ft. and a look at the Boat situation was made seconded and unanimously carried.

There being no more business, a motion to close the meeting at 9:15 P.M. was made, seconded and unanimously carried.

Respectfully submitted,

*Marie Applegate*  
Marie Applegate, Secretary  
Manasquan Planning Board

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

Dear Manasquan Planning Board Members:

Enclosed please find a copy of the Minutes of the February 17, 1998 meeting. Please consider the following Agenda for the March 3, 1998 meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

MANASQUAN PLANNING BOARD AGENDA  
MARCH 3, 1998 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion:
2. Informal Hearings: None
3. Private Session:
  - (a) Personnel Matters
  - (b) Litigation

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Motion on Minutes
3. Consent Agenda
  - A. Resolution NO. None

END OF CONSENT AGENDA

APPLICATION - 12-1998 - Arthur Harriman - 574 Perch Avenue  
APPLICATION - 13-1998 - Margaret & Robert Stein - 321 Cedar  
APPLICATION - 14-1998 - Richard & William Wight - 48-48½  
Ocean Ave.

4. - APPROVAL OF VOUCHERS
5. - COMMENTS FROM INDIVIDUAL BOARD MEMBERS.
6. - REPORTS OF SUBCOMMITTEES OF BOARD
7. - AUDIENCE PARTICIPATION

Marie Applegate, Secretary  
Manasquan Planning Board

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MANASQUAN PLANNING BOARD  
MARCH 3, 1998 REGULAR MEETING MINUTES

The Manasquan Planning Board held their work session and regular meeting on February 17, 1998, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N.J..

Chairman Christopher Rice opened the work session at 7:00 P.M., stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law.

ROLL CALL - PRESENT - John Burke, Robert Ratajack, James Miller  
Patricia Dunne, Carmen Triggiano, Neil  
Hamilton, Mayor John Winterstella, Robert  
Zanes, Christopher Rice.

ABSENT - Councilman William Schmeling, David  
Place, James Mastrian

For the record, Councilman Schmeling arrived at 7:20 P.M.

Mr. Zanes commenting on Mr. Miller's letter, stated he though Mr. Miller put together a pretty reasonable letter, where he talks about policy points, such as Flag Lot, Refund, Applications and Definitions. Mr. Zanes would like all the board members to go over the definitions and if they have any thing they would like to add or change to get to him and he will have them ready to be presented at the next meeting.

Mr. Hamilton stated " a second to that, at a couple of meetings back we spoke about the zoning changes in certain areas as to how to reduce some of the restrictions that are outside and what is in the zoning right now, that brings the applicants to the Board for relief for which prior boards have granted. The draft which was introduced by Borough Council at the last meeting in reference to redoing portions of the zoning ordinance of chapter 107. In that, mainly - Councilman Coan is addressing the shed ordinance and the set back change. There were additional other revisions that were included in that initial ordinance which is for it's possible final adoption at the next council meeting. In speaking to Councilman Coan, I was asked to take a look at different zones and how we might possibly reduce the requirements to bring them into conformity. Mr. Hamilton said a lot of that work has been done in the building department and a draft of that was sent to you Mr. Chairman for review, and we have not had the opportunity to do that". Mr. Hamilton tonight would like the Board to recommend to Borough Council to hold off the further passage of the zoning change ordinance for the next meeting, until we incorporate an entire zoning change that may make it simpler and less expensive for the tax payer, to get this all incorporated at one point and time. There is a lot of work a lot of questions and changes that should be done to section 107.

Mayor Winterstella stated "the only problem with that is that there have been a couple of people who are basically waiting for that to be passed and they would like to start work. They

have been told that Council would probably be acting on that". Mr. Hamilton stated "the ordinance for the Conforming addition to Non-conforming structure has been passed, so that they can move on. The basic change in the one that was introduced, was for the most part sheds, but along with that the other items are miscellaneous items, fences etc.. If we can incorporate the possible zoning changes in a lot of other areas who want to deal with service stations, fence heights, junk cars, there are a whole list of items we have put together in our department upstairs, that if we can get this on a one shot deal, it would be less expensive". Mr. Hamilton said as far as he has gone on the zoning change per areas, it is completed, it needs to be reviewed by this Board and recommendation sent to the Council. Mr. Hamilton went through the items that have been done.

Mr. Rice suggested the Board members get a copy, go over it and get back to Neil with their comments for the next meeting.

Mr. Cramer distributed copies of Rules & Regulations for Planning Board. He asked all the Board members to look through it and give suggestions as to having this revised.

The Board decided on refunds to charge applicants 50% of their application fee if cancelled before the meeting date and not work has been done by the professionals.

#### REGULAR SESSION

Mr. Rice opened the regular session at 7:35 P.M. stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law. He asked all present to join in the Salute to the Flag.

ROLL CALL - PRESENT - J.Burke, R.Ratajack, J.Miller, P.Dunne,  
C.Triggiano, N.Hamilton, W.Schmeling,  
Mayor Winterstella, R.Zanes, C.Rice.  
ABSENT - D.Place, J.Mastrian.

A motion to approve the minutes of February 17, 1998 was made by J.Burke, seconded by R.Ratajack, followed by the following vote: "YES" - C.Rice, P.Dunne, R.Ratajack, J.Burke. ABSTAIN J.Miller, C.Triggiano, N.Hamilton, W.Schmeling Mayor Winterstella, R.Zanes.

APPLICATION - 12-1998 -Arthur Harriman - 574 Perch Avenue Patricia Burke, Attorney from Point Pleasant who is representing Mr. Harriman came forward. Mr. Cramer swore in Joan Harriman, Arthur Harriman and Paul Lawrence the Architect from Richard P. Grasso & Associates.

The owner wishes to raise the roof over the front porch, add a deck and make other alterations to existing dwelling.

Ms. Burke stated the applicant is looking for a bulk variance.

She stated the lot presently consisting is non-conforming with respect to all of the issues of bulk. It is clear that the principal use, the home itself, the minor changes that we are requesting by way of additional bulk extending the deficiencies in a very minor manner will not have any substantial detriment on the public good and certainly will not impair the intents and purposes of the zoning plan. In respect to the positive criteria, once again it is really a unique lot because of the way zoning has changed over the years.

Ms. Burke stated Mrs. Harriman's mother does live with them and many interior changes have to be made to accommodate her wheel chair and walker. Aesthetically it will present a very nice picture in the neighborhood. Photos submitted were marked into evidence as A 1 to A5, which are photos of the second story on a garage which has been in existence since before the Harrimans purchased it. Ms. Burke said the garage is only used as storage and that is all it will ever be used for.

All the setbacks were previously non conforming on the front, side, maximum lot coverage, and the only changes being proposed are very minimal and particular with respect to the maximum lot where existing is presently 65.17% and the proposal which incorporates basically a re-doing of the front stoop, to make it easier to get in and out the front door, that encroaches somewhat more on the front setback and lot coverage. Overall there is really no substantial detriment to the public or no impairment of the basic intent and purposes of the zoning code. The plot plan by Mr. O'Mally was marked into evidence as A-6.

Mr. Lawrence testified, the concrete at the rear of the dwelling on the north side, currently a concrete patio will be removed. In the front there will be new steps. Photos of the front submitted were marked as A7 and A8. Mr. Harriman testified he purchased the house in September 8, 1997. Mr. Harriman testified there is no plumbing, heat or water in the garage and never will be. There were questions as to the stairs on the side of the garage. Mr. Rice wanted to know if they could be put in the garage, or a pull down stairs in the garage. Mr. Zanes felt the stairs on the outside really have to go at this point. Mr. Lawrence wanted to know if the Board would be open for suggestions, if they rebuild the existing stairs on the property line, which would be 3 ft. per code and that would give a clearance of approximately 6 to 8 inches from the property line. The Board would go along with that. It was decided not to have the applicant put side walks and curbing in. Mr. Harriman testified plumbing will never be put in the garage.

A motion to open the meeting to the public on this application was made and seconded, followed by the following vote: "YES" J.Burke, R.Ratajack J.Miller, P.Dunne, C.Triggiano, N.Hamilton, W.Schmeling, Mayor Winterstella, R.Zanes, C.Rice.

There being no comments from the audience a motion to close the public portion was made, seconded and unanimously carried.

A motion by N.Hamilton that the concrete pad under the enclosed deck be removed, the stairs on the rear of the property will be reduced to conform to fit inside the side lines of the property within 6", also the garage will be non-inhabitable and the front porch will remain open, seconded by W.Schmeling, followed by the following vote: "YES" - J.Burke, R.Ratajack, J.Miller, C.Triggiano, N.Hamilton W.Schmeling, Mayor Winterstella, C.Rice. "NO" - P.Dunne, R.Zanes.

APPLICATION -13-1998- Margaret & Robert Stein - 321 Cedar Avenue. Mr. Cramer swore in the following - Margaret Stein, Gerard Logan, the builder and Arthur Krozser the son-in-law. Mr. Krozser testified it is a family project, the drawings were put together by Mrs. Steins cousin who was an engineer in Carolina and now retired. They propose to extend the first floor on the rear of the property to stay within the outside of the other two walls, and to put on a second floor which will be bedrooms and bath. The property was purchased on April 28, 1997. Page 4 of the plans shows the existing downstairs and where the framing will be, there will be no change in the foot print of the building. Mrs. Stein testified she would be willing to get rid of the asphalt in the rear.

The meeting was opened to the public with a motion by J. Burke, seconded by Mayor Winterstella and unanimously carried.

There being no comment from the audience, a motion by R.Ratajack to close this portion of the meeting, seconded by C. Triggiano, and unanimously carried.

A motion by Mayor Winterstella to approve this application with the submission of an elevation of the house and the removal of the asphalt patio, seconded by N.Hamilton, followed by the following vote: "YES" - J.Burke, R.Ratajack, J.Miller, P.Dunne, C.Triggiano, N.Hamilton, W.Schmeling, Mayor Winterstella, R.Zanes. "NO" - C.Rice.

A motion for a 5 minute recess was made by R.Zanes, seconded by N.Hamilton, and unanimously carried.

The Board returned from recess at 8:35 P.M. with the following Roll Call: J.Burke, R.Ratajack, J.Miller, C.Triggiano, N.Hamilton, W.Schmeling, Mayor Winterstella, C.Rice.

For the record P.Dunne and R.Zanes recused themselves at 8:35P.M.

APPLICATION 14-1998 - Richard & William Wight-48-48 $\frac{1}{2}$  Ocean Avenue

Keith Henderson, Lautman Henderson & Wight put himself on record as Attorney representing the applicants. Mr. Wight, for the record, commented over the last several years, on various occasions, he has represented Birdsall Engineering, nothing current. It is at the management level, nothing at the individual level, or any thing to do with the Land Use in Manasquan.

The following witnesses were sworn in by Mr. Cramer. William Wight, Richard Wight and John Maczuga, from Bay Pointe Engineering Associates, Inc., Point Pleasant Beach.

Owners wish to subdivide the above listed property with three houses and four residential units into three lots. R-2Zone

Mr. Henderson said the only variances required is the variance from the Municipal Land Use Act which requires frontage on a public street and the zoning ordinance which requires 50 ft. frontage.

William Wight came forward and testified, at present on 3 lots there is 2 single family dwellings and a two family dwelling all the way in the rear, for a total of 4.

A letter from Vito Marinaccio, Zoning Officer of October 10., 1997 was marked into evidence as A-1. The existing lot was already divided when purchased and is lot 12.01, fronts on Ocean Avenue.

Mr. Wight testified if the Board so desires, they are prepared to move the rear lot line on that lot. It will be moved to the north, to create a 50'x100' lot which will conform with the zoning ordinance. A staircase on lot 12.03 is on the west side of the existing structure and it is used to access the apartment on the second floor. Mr. Wight testified they are willing to remove the stairs and provide access to the second floor through the interior to eliminate that non-conformity.

An easement of 10 ft. width was prepared for access to lots 12.02 and 12.03 from Ocean Avenue. He testified the structures shown on the survey are all there at the present time, and are not creating any new structures. In connection with the property 12.03 at the present time it houses 2 residential units and Mr. Wight testified they are prepared to eliminate one of those. He testified they have no difficulty in consenting to have the curb and sidewalks repaired and landscaping put in between the property line on 12.01 and 12.02 and on the property line between 12.02 and 12.03 there would be screening and landscaping installed to give the property some privacy.

Utility wires will be raised so emergency trucks can get in or if possible under ground wires will be put in. There is one water line and sewer with a branch off for each house with a meter and shut off on each house.

Mr. Maczuga came forward stating he is a principal in the firm of Bay Point Engineering Assoc. he is a professional planner. He testified he has reviewed the site in question. The property right now consists of 2 tax lots, one 50x90 which is the front lot 12.01 and another lot presently 12.02 which is 50x230 ft. and bears 2 existing structures, the most southerly structure being a detached single family dwelling and the northerly structure is a 2 family dwelling. The property adjoining the immediate property are similarity developed, He testified this property is in an R-2 zone, with respect to conforming, they will conform in lot width, lot area and lot depth, in all terms of bulk. He testified there is enough room in the easement for emergency vehicles to get back into the property, and if the utility wires are raised to approximately 14 ft. it will allow the emergency vehicles to get back in there. Based upon his knowledge to the Beers Case, and comparison to the application on hand it is a C2 Variance which is a balancing test. Based upon that test his opinion to the balancing test the benefit outweighs any potential detriment to granting the relief sought. He testified that in granting the public good the positive aspects are the eliminating of the 2 family dwelling unit to a 1 family unit, is cutting down the intensity of the site.

Mr. Hamilton in going back to the water & sewer, he believes all the units are on a common line, from the ocean Avenue house. The Ordinance that we are trying to accomplish in subdivisions which is in place now, is that each individual property has it's own service.

The Mayor said something else that is important in this is that there should be a maintenance agreement on what will happen if there is a blockage in that main line, who is responsible for it also on the water line, if there is a breakage, who is responsible for it.

Mr. Henderson stated they will stipulate to that in the easement.

Mr. Burke would like to see a deed note or some sort of restriction that the house nearest the water would only be a one family house, and that there is only to be one food preparation area in that house.

A motion to open the meeting up to the public was made by J. Burke, seconded by Mayor Winterstella and unanimously carried.

A motion to close the meeting to the public was made by J. Miller, seconded by J. Burke and unanimously carried.

Mr. Henderson stated the Board will be voting on a double subdivision, on a variance from the provision of the Municipal Land Use Act which requires that a property front on a public street, voting for variances from the old ordinance which

requires 50 feet on a front street to new lots 12.02 and 12.03, also the stipulations of landscaping, fixing the overhead wires, elimination of the stairs on lot 12.03, on the front building to the westerly side, the elimination of the non-conforming apartment use on the front - 12.03 and the agreement to have a deed restriction so restricting that as indicated by the Board to a single family house with a single kitchen area, and that the easement will go to the water and be in accordance with the specifications described by Mr. Maczuga which would satisfy the State's Statutory requirements, also meter and shutoffs on each unit and repair curbs and sidewalks.

Mr. Burke made a motion to grant a favorable resolution stipulating all of the changes and agreements as stated by Mr. Henderson, seconded by J. Miller followed by the following vote: "YES"- J. Burke, R.Ratajack, J.Miller, C.Triggiano, N.Hamilton, Mayor Winterstella, C.Rice. "NO" - Councilman W. Schmeling. For the record Mayor Winterstella left at 9:35 P.M..

On Subcommittees - Mr. Zanes will have the definitions done for the next meeting. On Neil's changes, he will present them at the next meeting and if it needs more research, a sub-committee will be formed. Applications will be revised by the first meeting of April. Mr. Cramer will have the by-laws by the next meeting in March.

Mr. Schmeling stated once the application is deemed complete and sent to the professionals, and they cancel, there should be no refund of fees. If the application comes in, work is done on it, but not sent to the professionals, and they cancel, 50% will be withheld from their fee. It will not take affect until the new applications are drawn up.

Mr. Cramer will draft a letter to council on multi-family in the Marine Business zone

A motion to open the meeting to the public was made by J.Miller, seconded by C.Triggiano and unanimously carried

There being no comments from the audience, motion to close the public meeting was made by N.Hamilton, seconded by J.Miller and unanimously carried.

A motion to adjourn the meeting at 9:50 p.m. was made by J.Miller, seconded by R.Ratajack and unanimously carried.

Respectfully submitted,

*Marie Applegate*  
Marie Applegate, Secretary  
Manasquan Planning Board

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

732-223-0544  
Fax 732-223-0587

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

COLLEEN SCIMECA  
Municipal Clerk

Dear Manasquan Board Members:

Enclosed please find a copy of the Minutes of the March 3, 1998 meeting. Please consider the following Agenda for the March 17, 1998 meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

**MANASQUAN PLANNING BOARD AGENDA**  
**MARCH 17, 1998 - REGULAR MEETING**

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion:
2. Informal Hearings: NONE
3. Private Session:
  - (a) Personnel Matters
  - (b) Litigation

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Motion on Minutes
3. Consent Agenda
  - A. RESOLUTION - 12-1998 - Arthur Harriman - 574 Perch
  - B. RESOLUTION - 13-1998 - Margaret & Robert Stein -  
321 Cedar Avenue
  - C. RESOLUTION - 14-1998 - Richard & William Wight -  
48-48½ Ocean Avenue

**END OF CONSENT AGENDA**

APPLICATION - 15-1998 - James & Theresa Ford-553-555 Perch Ave.

APPLICATION - 16-1998 - George & Jean Cain - 42 Willow Way

APPLICATION - 17-1998 - Michael & Karen Long - 52 Taylor Ave.

4. - APPROVAL OF VOUCHERS
5. - COMMENTS FROM INDIVIDUAL BOARD MEMBERS.
6. - REPORTS OF SUBCOMMITTEES OF BOARD
7. - AUDIENCE PARTICIPATION

Marie Applegate, Secretary  
Manasquan Planning Board

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MANASQUAN PLANNING BOARD  
MARCH 17, 1998 - REGULAR MEETING MINUTES

The Manasquan Planning Board held their work session and regular meeting on March 17, 1998, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman Christopher Rice opened the work session at 7:00 P.M., stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law.

ROLL CALL - PRESENT - Robert Ratajack, James Miller, David Place, Carmen Triggiano, Neil Hamilton, Councilman William Schmeling, Robert Zanes, Christopher Rice.

ABSENT - John Burke, Mayor John Winterstella, James Mastrian. *PATRICIA DUNNE.*

Neil Hamilton discussed the Zoning changes and Building Height requirements in the R-3 and R-5 zones. After going over these with Councilman Coan, taking all these streets in account, they will come up with a preliminary to be presented to the Board. They are going to draft all these streets on a larger tax map to try and show exactly what they are trying to accomplish. The requirement in the R-5 Zone right now is 40 ft. frontage and 2700 sq. ft. lot. None of the applicants who have a structure on it will comply with the current zoning ordinance without coming before the Board for relief. He stated their suggestion is going to come before this Board and Council that it be reduced to a 30 foot frontage and a 3000 sq. ft. lot that will bring most of these properties into conformity. It would eliminate a lot of areas down on First Ave., Main St., Second Ave., Ocean Ave., Third Ave., Riddle Way all the way over to the Ocean and West sides of that particular zone. He stated, in going into the R-3 zone which is over Rogers, Pierce Court, Potter and the intersecting streets, by serving the requirements there it is 40 ft. frontage on a 3400 ft. lot. The Fish Streets, Captains Court and most of Brielle Road, Third Avenue, Second Ave. most of them are all conforming to the zones.

Mr. Hamilton stated "they went into the Historical Zone and that took in the houses that we want preserved, Curtis, Virginia, Marcellus, Morris, Union, Taylor, Pierce Ave, Broad St., we took Main St. up to Schafer Oil Co.. From Schafer to Atlantic Avenue, will remain the same as it is. We thought we might create a zone in there which would be R-6, because the properties there, a large part, are 50 x 130 to 150, which would bring them into a different conformity and reduce them coming in for flag lots, sub-divisions. It would preserve all that area and the lots would remain the same as they are by percentage without adding additional structures to them. He said they are working on this right now and will have something to present at the next meeting".

Other suggestions for zoning changes were Front yard should be defined for corner properties. Mr. Triggiano said you should also be taking into consideration the building that is behind it. Vehicle storage permitted at service stations behind a 4 Ft. fence, should be 6 Ft. fence and a non see through type. On 107.43 may want to eliminate fast food -drive in restaurant. 107-16- C4 - Eliminate Fast Food/Drive In Restaurant. 107.41 - Motels/Hotels not permitted per new ordinance They feel the entire section should be eliminated. 107-43- Drive-in Restaurants - should eliminate. Define Fast Service - Rewrite entire section. Boat Storage - One per vacant lot. Perrine Blvd. - One boat per lot - perpendicular to the Bulkhead.

Mr. Hamilton stated they are still waiting word from the Borough Attorney, as to how we are going to handle flag-lots, sub-divisions, if there are to be 2 structures on a property, no structures or how it is going to be handled.

There was a discussion on the 2 houses that are going up on Fletcher Ave..

#### REGULAR SESSION

Christopher Rice opened the regular session at 7:30 P.M. stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law. He asked all present to join in the Salute to the Flag.

ROLL CALL - PRESENT- R.Ratajack, J.Miller, D.Place, C.Triggiano, N. Hamilton, W.Schmeling, R.Zanes, C.Rice.  
ABSENT - J.Burke, Mayor Winterstella, J.Mastrian.<sup>P.Dunn</sup>

A motion to approve the minutes of March 3, 1998 was made by C.Triggiano, seconded by R.Ratajack, followed by the following vote: "YES" R.Ratajack, J.Miller, C.Triggiano N. Hamilton, W.Schmeling R.Zanes, C.Rice. ABSTAIN - D. Place.

RESOLUTION - 12-1998 - Arthur Harriman -574 Perch Avenue  
A copy of revised plans showing the stairs going up into the top of the garage were cut to a width of 3'.  
A motion by N. Hamilton to memorialize the resolution was made seconded by C.Triggiano, followed by the following vote: "YES"- R.Ratajack, J. Miller, C.Triggiano, N. Hamilton, W. Schmeling, C.Rice. NO - R.Zanes. ABSTAIN - D.Place.

RESOLUTION - 13-1998 - Robert & Margaret Stein - 321 Cedar Ave.  
A letter in regards to removing the asphalt 10'x14' was received. A motion to memorialize the resolution was made by J.Miller, seconded by R.Ratajack, followed by the following vote: "YES"- R.Ratajack, J. Miller C.Triggiano, N. Hamilton, W.Schmeling, R.Zanes. "NO" - C.Rice. ABSTAIN - D.Place.

RESOLUTION - 14-1998 - Richard & William Wight - 48 Ocean Ave. Revised plat received showing the stipulations requested by the Board. Mr. Richard Wight stated 12.01 has separate water and sewer lines, they are going to leave 12.03 in place and new lines for 12.02. A motion to memorialize the resolution was made by N. Hamilton, seconded by C. Triggiano, followed by the following vote: "YES"- R. Ratajack, J. Miller, C. Triggiano, N. Hamilton, C. Rice. "NO"- W. Schmeling. ABSTAIN - D. Place, R. Zanes.

APPLICATION - 15-1998 - James & Theresa Ford - 553-555 Perch Keith Henderson, of Lautman, Henderson & Wight, came forward as Attorney representing the applicant. He stated he did not ask his clients to be here, as there is no need for testimony, as it is really a matter of public record. They are seeking to vacate an easement which was created during the American Timber Co. sub-division. The easement appears in two places. One is in a recorded deed and the other in a sub-division plat. He stated they want the easement eliminated because it appeared at the end of Timber, where it dead ends and there is no culdesac. It provides direct access to Perch and all the traffic that would get stuck in the summer time would drive right through these yards. Our request is simply to permit us to do what they have already done, which is to vacate the easement among themselves informally and to permit us to memorialize that and to get your consent to that vacation. As indicated in Mr. Henderson's letter it doesn't affect parking, it doesn't affect off street parking, it is simply a health safety issue, that his clients felt had to be addressed. They never anticipated that it would become a true traffic situation.

A motion to open the meeting to the public was made by N. Hamilton, seconded by J. Miller and unanimously carried. There being no comments from the audience, a motion to close the public portion of the meeting was made by J. Miller, seconded by R. Ratajack and unanimously carried.

A motion to approve this application for a favorable resolution was made by R. Zanes, seconded by C. Triggiano, followed by the following vote: "YES"- R. Ratajack, J. Miller, D. Place, C. Triggiano, N. Hamilton, W. Schmeling, R. Zanes, C. Rice.

APPLICATION - 16-1998 - George & Jean Cain - 42 Willow Way Jean S. Cain and George B. Cain were sworn in by Mr. Cramer. Mr. Rice stepped down from this application due to a professional conflict. Robert Zanes, Vice Chairman, took over the meeting. Mr. Cain testified "they are proposing to add 4 feet across the rear. The house is a little small for our family. We would like to live on one floor without any stairs. There will be no impact on our neighbors, we are following all zoning criteria. We are however, going to exceed building coverage by 7%.

With the addition, the house would be a bigger asset to the neighborhood. There would be no negative impact on the zoning. We have designed the addition with the neighbors and neighborhood in mind and have talked to our neighbors about it. It will not impact on light and air. There will be no detriment to the town".

There being no questions from the Board, the meeting was opened to the public with a motion made by C.Triggiano, seconded by W.Schmeling, followed by the following vote: "YES"- R.Ratajack, J.Miller, D.Place, C.Triggiano, N.Hamilton, W.Schmeling, R.Zanes.

There being no comments from the audience, the hearing was closed with a motion from C.Triggiano, seconded by W. Schmeling, and unanimously carried.

A motion for a favorable resolution was made by N.Hamilton, seconded by J.Miller, followed by the following vote: "YES"- R.Ratajack, J.Miller, D.Place, C.Triggiano, N.Hamilton, W.Schmeling, R.Zanes.

A motion for a 5 minute recess at 7:55 p.m. was made by J.Miller, seconded by D.Place and unanimously carried.

The Board returned from recess at 8:05 p.m. with the following Roll Call: R.Ratajack, J. Miller, D.Place, C.Triggiano, N.Hamilton, W.Schmeling, R.Zanes, C. Rice.]  
Mr. Hamilton was excused at 8:10 P.M.

APPLICATION - 17-1998 - Michael & Karen Long - 52 Taylor Avenue  
Keith Henderson, Lautman, Henderson & Wight, put himself on record as Attorney for the applicant. Michael Long, Lynn Robinson of Christie-Werner Associates and Paul Lawrence of Richard P. Grasso & Associates were sworn in by Mr. Cramer.

MR. Cramer marked the Board's file as A-1 to A-16.

Mr. Long testified he purchased the house in December 1989 lot # 7 and purchased lot # 16 in December 1992.

Mr. Henderson made reference to Valerie Bills letter to Mr. Long."She states lot 7.01 was formerly known as lot 7 and lot 16. Lot 7 was purchased on November 27, 1989 and was 50'x 150'. Lot 16 was purchased on December 14, 1992, and was a landlocked triangle 59.47' x 173.13' x 183.06' bordered to the rear (East) by the New York & Long Branch Railroad (NJTrnsit). The Boro's Tax Map was updated in 1994 to combine both lots into one. The Boro's computer records were updated for the 1996 year to combine both lots into one. The lots were combined according to Municipal Land Use Law, 40:55-D7, which allowed your undersized, adjacent lot to be merged into your lot.

Mr. Long testified he intends to abandon that proposed use completely from the previous resolution.

He testified he proposes to form a lot in the rear of the building and construct a 4 bedroom house, for he, his wife,

child and they are expecting another child. On the front house, they will either rent it or sell it. Exhibit A-6 was a neighborhood comparison that Mr. Long made. He stated he is familiar with most of the houses, but he walked up and down Taylor Avenue and ascertained the use of the properties.

Mr. Long is in Office zone, and his house is in the zone change, to the north is office and to the south is B-1. He testified that the southerly lot line is the boundary between the zones.

From the Acme north to Rocco's property are on the east side and on the west side would be from the School House Mall to the Ritz Bakery. All the properties on the comparison list are between Main St. & Stockton Blvd.. The properties consist of Office, Multi-family, two family and residential.

Mr. Long testified on the front house, the side yard setback variance they are asking for is an existing condition and will not be changed. On the rear set back for the new house, they have asked for a 5' setback as opposed to a 20' requirement.

To the rear of the proposed house is a 66' right of way for N. J. Transit, there is a 6' fence and the house easterly behind us is on Colby Avenue which appears to have about 4 or 5' set back. The easement to the back property is 17.01' wide.

He testified the other site improvements proposed will be a 6' board on board fence out of spruce or cedar that will border the property all around on the north side and on the south side a 4' fence. They plan to plant trees on the southerly side and arborvitae. Existing hemlocks approximately 7 to 8' will be located to the east side of the new property line.

The photos submitted were marked A-7 A-8 and A-9 by Mr. Cramer.

Mr. Long described the photos to the Board.

Mr. Long testified he hasn't gotten all the particulars on the plumbing subcode, but he proposes to put the majority of the utilities under the grass area on the southern side under the vegetation, and then to the north of the easement on the north line, he could cut out a section of the driveway and put the sewer line in. He testified all utilities will be under ground. The garage and shed would be demolished.

Mr. Lawrence came forward stating he is an architect with Richard Grasso Associates for 5 years. The Board accepts him as a professional witness. Mr. Lawrence testified he prepared the plans for the proposed home at this site. He testified the front elevation will have a colonial look, while at the same time paying homage to the condition of the railroad track and the effect it will have on a house placed in this location. There will be 4 bedrooms, 1 kitchen and garage built in the house. The egress to the basement will be through the house, no outside entrance. Color rendering of the proposed structure was marked as A-12.

Mr. Lynn Robinson- a Principal in the firm of Christie-Werner Associates, Inc.. He has had 35 years in the engineering survey

planning business. He has been a licensed professional surveyor for 25 years and a licensed professional planner for the last 19 years. Board accepted him as a professional witness.

Mr. Robinson testified he prepared the sub-division plat for Mr. Long, which was marked A-13. He testified it shows the proposed rear line. Copy of the tax map was marked A-14. He testified the railroad as far as they know has been there since 1883, and could have been built earlier than that. Mr. Robinson testified they have provided for additional parking spaces, and they comply with the towns parking requirements. They also provided for the creation of buffers. The width of the easement will be 17 feet. He stated they are seeking a variance for the lot frontage, Lot 7.03 as there is no frontage on Taylor Avenue. He testified the property complies with the area requirements of the ordinance, with the building coverage requirements and the lot coverage requirements. Mr. Robinson testified there will be no detriment to the public good. It will not impair the intention or purpose of the zoning ordinance. Plans of 1995 were marked A-15 and plans from 1991 were marked A-16 by Mr. Cramer.

Mr. Long testified he would have no problem with putting trees in the front on Taylor Avenue.

A motion to open the meeting to the public, was made by D. Place seconded by J. Miller and unanimously carried.

There being no comments, a motion to close the public portion of the meeting was made by C. Triggiano, seconded by R. Ratajack and unanimously carried.

Mr. Henderson stated on this application the applicant has satisfied both the negative and positive criteria and in addition to that the proposed use has provided an intelligent buffer between the zone on the south and the zone that this property lies in. He thinks this is a good transition use and the Board should approve it.

Mr. Place stated "in looking at the obligation of the zoning controls, zones, frontage, building heights, that we reviewed on a formal session today, (I know this isn't a flag lot), flag lots should only be considered if there are two dwelling units on a property, not be permitted to the large size lot. This is directly to this case, I think we should be consistent now in going forward, putting aside what was approved in the past before certain ordinances. We're creating a rental unit on a piece of property. I don't feel creating a house in the back is creating a buffer zone, going from a business to the office zone. I don't see how this works, I don't see the logic".

Mr. Zanes made a motion that we approve the application with the proviso that the arborvitae on the southerly side continue

the length of the fence as close to the street as safely allowed, with the 3 trees remaining on the southerly side and one tree on the northerly grass section, to be determined by the shade tree commission, seconded by C.Triggiano, followed by the following vote: "YES"- R.Ratajack, J.Miller, C.Triggiano R.Zanes. "NO" - D.Place, W.Schmeling, C.Rice.

A motion to approve the vouchers, was made by J.Miller, seconded by R.Ratajack and unanimously carried.

A motion to open the meeting to the public was made by J.Miller, seconded by R.Ratajack and unanimously carried.

Mr. Zanes asked how the property on Fletcher Avenue with the 2 modular houses going up was sub-divided. T.J.Coan "stated they are two 50x150 lots, the house overlapping. The tax bill which was one tax bill read lot 7 and 8. The tax map still showed lot 7 & 8 never erasing the line in between. They are two conforming lots shown on a plat as approved by the town, There was no subdivision necessary, because the line was already drawn. They didn't need the Board to draw the line for them. Really the tax map should have been altered at some point and time when it was established that the house overlapped the two lots. It should have been shown as one 100 x 150 ft. lot opposed as 2 50x150' lots".

There being no more business, a motion was made to adjourn, seconded and unanimously carried.

Respectfully submitted,



Marie Applegate, Secretary  
Manasquan Planning Board

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

732-223-0544  
Fax 732-223-0587

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08738

COLLEEN SCIMECA  
Municipal Clerk

Dear Manasquan Board Members:

Enclosed please find a copy of the Minutes of the March 17, 1998 meeting. Please consider the following Agenda for the April 7, 1998, meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

**MANASQUAN PLANNING BOARD AGENDA  
APRIL 7, 1998 - REGULAR MEETING**

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion:
2. Informal Hearings: NONE
3. Private Session:
  - (a) Personnel Matters
  - (b) Litigation

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Motion on Minutes
3. Consent Agenda

- A. RESOLUTION - 15-1998 - James & Theresa Ford  
553-555 Perch Avenue
- B. RESOLUTION - 16-1998 - George & Jean Cain -  
42 Willow Way
- C. RESOLUTION - 17-1998 - Michael & Karen Long -  
52 Taylor Avenue

**END OF CONSENT AGENDA**

APPLICATION - 9-1998 - Gloria Lane - 50½ South Street

APPLICATION - 18-1998 - Sandra Stiles - 12-16 Ocean Avenue

APPLICATION - 19-1998 - Long Branch Cellular Telephone Co.  
600 Sea Girt Avenue

4. - APPROVAL OF VOUCHERS
5. - COMMENTS FROM INDIVIDUAL BOARD MEMBERS.
6. - REPORTS OF SUBCOMMITTEES OF BOARD.
7. - AUDIENCE PARTICIPATION.

Marie Applegate, Secretary  
Manasquan Planning Board

BOROUGH HALL, 15 TAYLOR AVENUE  
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Incorporated December 30, 1887

732-223-0544  
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JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

Dear Manasquan Board Members:

Enclosed please find a copy of the Minutes of the April 7, 1998 meeting. Please consider the following Agenda for the May 5, 1998 meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

MANASQUAN PLANNING BOARD AGENDA  
MAY 5, 1998 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion: T.J.Coan - Zoning review.  
Geoffrey Cramer - Subdivision Ext.  
on Medical Center.
2. Informal Hearings: Fred Murnane - 79 Lake Avenue
3. Private Session:
  - (a) Personnel Matters
  - (b) Litigation -

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Motion on Minutes
3. Consent Agenda

A. RESOLUTION - 9-1998 - Gloria Lane -50 $\frac{1}{2}$  South St.

END OF CONSENT AGENDA

APPLICATION - 18-1998 - Continuation - Sandra Stiles-12-16 Ocean

APPLICATION - 20-1998 - Michael & Karen Cresitello - 552 Pompano

APPLICATION - 21-1998 - Michael & Maureen Grille - 7 Captains  
Court

4. - APPROVAL OF VOUCHERS
5. - COMMENTS FROM INDIVIDUAL BOARD MEMBERS.
6. - REPORTS OF SUBCOMMITTEES OF BOARD.
7. - AUDIENCE PARTICIPATION.

Marie Applegate, Secretary  
Manasquan Planning Board

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MANASQUAN PLANNING BOARD  
APRIL 7, 1998 - REGULAR MEETING MINUTES

The Manasquan Planning Board held their work session and regular meeting on April 7, 1998, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman Christopher Rice opened the work session at 7:00 P.M., stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law.

ROLL CALL - PRESENT - John Burke, Robert Ratajack, Patricia Dunne, David Place, Carmen Triggiano, Neil Hamilton, Councilman William Schmeling, Robert Zanes, Christopher Rice, James Mastrian.  
ABSENT - James Miller, Mayor John Winterstella.

Mr. Triggiano stated he has some definitions from several different towns, Belmar, Pt. Pleasant, Dover and Sea Girt. Mr. Rice stated in regard to the new applications, J. Miller, R. Ratajack and himself are still working on that and will have them for the next meeting.

Mr. Rice stated there are two personnel matters to be discussed and will have to go into executive session.

A motion to go into executive session was made by J. Burke, seconded by R. Ratajack, followed by the following vote: "YES"- J. Burke, R. Ratajack, P. Dunne, D. Place, C. Triggiano, N. Hamilton W. Schmeling R. Zanes, C. Rice and J. Mastrian.

Mr. Cramer said the reason we are going into executive session is basically there are some matters to be discussed in a legal nature that require consultation by the Planning Board with it's Counsel- at least 2 matters of pending litigation that need to be discussed by the Board.

A motion was made to come out of executive session at 7:25 p.m. by D. Place, seconded by C. Triggiano followed by the following vote: "YES"- J. Burke, R. Ratajack, P. Dunne, D. Place. C. Triggiano, N. Hamilton, W. Schmeling R. Zanes, C. Rice, J. Mastrian.

Mr. Hamilton with reference to some of the items he presented to the Board at the last meeting, on the zoning changes. He and Councilman Coan will have them finalized and submitted to the Board at the next meeting. In reference to the one submitted with the area in town which is open for Senior Citizen development under housing projects, they feel it should be put in any zone, business or office zone and taken entirely out of the residential zone and then with that making the changes in the height and 1/2 acre and 16 units, reduced from the 18 units which is currently in zoning at this point.

REGULAR SESSION

Christopher Rice opened the regular session at 7:35 P.M. stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law. He asked all present to join in the Salute to the Flag.

ROLL CALL - PRESENT - J.Burke, R.Ratajack, P.Dunne, Carmen Triggiano, N. Hamilton, W.Schmeling, R.Zanes, C.Rice, J.Mastrian.  
ABSENT - J.Miller, Mayor J.Winterstella.

A motion to approve the minutes of March 17, 1998, with a correction was made by C.Triggiano, seconded by R.Ratajack, followed by the following vote: "YES" - J.Burke, R.Ratajack, P.Dunne, D.Place, C.Triggiano, N.Hamilton, W.Schmeling, R.Zanes, C.Rice, J.Mastrian.

RESOLUTION - 15-1998 - James & Theresa Ford -553 Perch Ave.  
A motion to approve the resolution was made by W.Schmeling, seconded by C.Triggiano, followed by the following vote: "YES"- R.Ratajack, D.Place, C.Triggiano, N.Hamilton, W.Schmeling, R.Zanes, C.Rice., ABSTAIN - J.Burke, P.Dunne, J.Mastrian.

RESOLUTION - 16-1998 - George & Jean Cain - 42 Willow Way.  
A motion to approve the resolution was made by C.Triggiano, seconded by R.Ratajack, followed by the following vote: "YES" - R.Ratajack, D.Place, C.Triggiano, N. Hamilton, W.Schmeling, R.Zanes. ABSTAIN - J.Burke, P.Dunne, C.Rice, J. Mastrian.

RESOLUTION - 17-1998 - Michael & Karen Long- 52 Taylor Ave.  
A motion to approve the resolution with corrections was made by C. Triggiano, seconded by R. Ratajack, followed by the following vote: "YES" - R. Ratajack, C.Triggiano, R.Zanes. "NO" - D.Place, C.Rice. ABSTAIN - J.Burke, P.Dunne, W.Schmeling, N.Hamilton, J. Mastrian.

RESOLUTION - 18A-1998 - Authorizing Geoffrey S. Cramer, Esq. to file an Answer and Pleading in Opposition to Litigation Commenced by Peter Kenny.  
The resolution was read by Mr. Cramer. A motion to approve the resolution was made by N.Hamilton, seconded by W.Schmeling, followed by the following vote: "YES" - J.Burke, R.Ratajack, P.Dunne, D.Place, C.Triggiano. N.Hamilton, W.Schmeling, R.Zanes, C.Rice, J. Mastrian.

APPLICATION 9-1998- Gloria Lane - 50 $\frac{1}{2}$  South Street  
Lucinda Lane put herself on record as Attorney for the applicant. Mr. Cramer swore witnesses Gloria R. Lane and James Donahue the planner for the applicant. The following were marked into

evidence. A-1 consists of a 1968 Survey, Wilson & Hopkins, A-2 Copy of the deed dated 12/5/68, A-3 consists of 3 photos(A3,A4,A5) A-6 consists of a copy of 1998 preliminary tax bill, A-7 consists of 2 pages identified as tax appraisal, A-8 consists of 4 pages business lease 4/29/92, A-9 Business Lease 3 pages 3/1/87, A-10 consists of a Building permit dated 8/92, A-11 consists of a copy of the minutes of the planning board portion relevant to application 12/2/97, A-12 consists of a report from the zoning officer 1/31/98, A-13 consists of the planning boards professional Planner Engineer dated 2/13/98 A-14 consists of a copy of zoning map of the Boro, A-15 consists of a notice of appeal of the zoning officers determination and also a copy of the application 5 pages.

Mr. Burke stated he only had 4 copies of the 15 just marked. All copies of the 15 exhibits were given out in the Boards packets when she came before the Board in January, and was postponed until tonight.

Ms. Lane stated this is an application by her Mother Gloria Lane, a resident of Manasquan for 30 years, for seeking alternative relief. She is seeking successful appeal from the construction officials denial of a permit allowing her to reinstall a kitchen in a rear 2 story detached apartment. He denied it on the basis of a question whether there was an abandonment of use or not, determining on whether or not the Board finds there wasn't an abandonment or not a use variance may or may not be necessary. If there was no abandonment, then there would be no necessity for a use variance. In the alternative if the Board were to find that an abandonment did occur, then the owner is seeking a variance to allow a reestablishment of the residential use in this garage apartment. She stated this is a split lot zoning case where the front residence is in the R-2 Zone and the garage apartment is in the B-1 Zone. Ms. Lane is attempting to demonstrate to the Board that this non-conforming residential use commenced 25 years ago or more and has continued uninterrupted from a legal standpoint until the present.

Mrs. Gloria Lane testified she has owned the home at 50 South St. & 50 $\frac{1}{2}$  since 1968, and it was purchased from Ruth Pearce. When purchased, Ruth Pearce was living in the Carriage House at 50 $\frac{1}{2}$  South St. She remained there several years after it was purchased. She testified they purchased an easement running from the Carriage House through the adjoining Law Firm lot at the same time. After Ruth Pearce left, Mrs. Lane used the garage for her own use. She testified she has always been billed as one tax bill for the rear and front. In March 1992 she was involved in a real estate tax appeal regarding her property. According to the tax Appraisers appraisal the Carriage house was regarded as a second residence in 1992, also the Borough

recognized the 2 lots as one tax lot. She has always been billed as one sewer & water. The tenants removed the kitchen area, the cabinets, sink and appliances. The Attorneys upgraded the electric, central air and converted the heat from oil to gas. She testified the attorney's had problems parking, as they would park in front of the garage and the driveway area. She testified the attorney's took the kitchen out without her knowing it. She did not know they had applied for an electrical permit to upgrade. She became aware of the removal of the kitchen after it happened. It was stated in the lease to the Attorneys, that they were to restore the building to the original use, when they left. She was not aware that when she rented it to the Attorney's for storage, that she might forfeit her right to be able to rent it as a residence. Since 1968 the structure of the building has never been changed. It was rented as a residential for at least 25 years. She has been a widow since 1986 and depends on the income from the rental. The building has been empty since the denial by the Boro for a construction permit, which was done in Spetember and she has lost rent since that time, which has been a financial hardship on her.

Ms. Lane made a brief legal argument-"N.J. Statued as well as the Boro ordinance protect a pre-existing non conforming structure and use and allow them to be continued if they pre-date the zoning ordinance", so the owner does have the right to continue the non conforming use as long as it hasn't been abandoned as defined in the case law, not necessarily in the ordinance but the case law.

A motion to open the meeting to the public was made, seconded and unanimously carried.

Nick Paslawsky, 18 Curtis Avenue came forward and asked if Mrs. Lane put it up for rent when the Attorney's moved out in September? Ms. Lane stated they did put it up for rent through a real estate, but did not have a listing agreement with them. She stated they were trying to rent it for any type of incoming source. He stated he lives in back of the building in question and there were a lot of renovations done, all and about the building, every one in the neighborhood knows its an office use. The owner knew it was an office use also and he really does believe she did an abandonment to an office use. Her parking lot is in back of his house. He testified he would rather have this an office in his back yard.

A motion to close the public portion of the meeting was made seconded and unanimously carried.

A motion by Mr. Place, that abandonment has ocured, seconded by C.Triggiano, followed by the following vote: "YES"- P.Dunne, D.Place, N.Hamilton,R.Zanes, C.Rice. "NO" - J.Burke, R.Ratajack,

C.Triggiano, J.Mastrian. 5 Yes - 4 No.

Ms. Lane said they would now proceed on their alternate, which is a use variance and the bulk variance. Mr. James Donohue testified the property in question is a split lot zone, a large 2½ single family dwelling in the front facing South St. in R-2 Zone and the rear 2 story garage apt. is in the B-1 Zone. There are 2 coverages involved - Building 20.8% and lot coverage 29.8%, which includes both buildings in the entire lot. The structure is a detached one car oversized garage, 4 bedrooms, 1½ bathrooms, kitchen, dining room, living room, basement and attic. The garage is accessable from both the front and back. On the east side is a driveway easement through the adjoining law firm parking lot out into Squan Plaza. The subject building is set far back from Squan Plaza up on top of a hill. Set-back is approximately 150 feet. No changes in the foot plan as shown on the 1930 survey. Three of the 4 sides of the surrounding site are R-2 residential uses, one side which is in the eastern direction is B-1 which is the law firm through which our driveway easement runs. Mrs. Lane is not proposing any structural changes to the building or it's footprint. She simply wants to reinstall kitchen appliances, sink and cabinets as they were previously located for 25 years. She wants to continue renting it as a residential rental unit.

A motion to open the meeting to the public was made, seconded and unanimously carried.

Nick Paslozsky, 18 Curtis Avenue, stated this property was residential when he moved there 15 years ago and there were a lot of problems. They pull into the back of my house and the lights go right into my house. He feels they should use her driveway instead of the easement drive way.

Marie Keil, 14 Curtis Avenue, stated she wants to agree with Mr. Paslozsky, that the commercial use was a lot less noisy, then when they had the tenants.

A motion to close the public portion was made, seconded and unanimously carried.

N. Hamilton made a motion for this to go back into residential use, with the condition that the easement stay intact, parking is permitted in front of that garage or in that garage by two vehicles only, not against the rear of the property facing Curtis Avenue, and the south side of the property coming off the porch putting a 6' fence to give privacy to Curtis Avenue, stripe the parking in the rear, that all permits be obtained to put the kitchen back, an application for rental, and 2 separate water & sewers, seconded by D.Place, followed by the following vote: "YES" - R.Ratajack, P.Dunne, D.Place,

C.Triggiano, N.Hamilton, R.Zanes. "NO" - J.Burke, C.Rice.

A motion was made for a 5 minute recess at 9:30 p.m. by J.Burke, seconded by R.Ratajack and unanimously carried.

The Board returned by recess at 9:40 p.m. with the following vote: J.Burke, R.Ratajack, P.Dunne, D.Place, C.Triggiano, N.Hamilton, W.Schmeling, R.Zanes, C.Rice, J.Mastrian.

APPLICATION - 18-1998 - Sandra Stiles - 12-16 Ocean Avenue. Sandra Stiles, John Maczuga were sworn in as witnesses. Mr. Richard Maguire Attorney representing the applicant. Mr. Magurie stated this is an application involving 12-16 Ocean Avenue and the adjoining property, 14 & 16 $\frac{1}{2}$  Ocean Avenue. The application is for a subdivision to divide those lots across the both lot lines, creating a 3rd lot in the back without access to the road. Keep the 2 remaining structures in the front and destroying the 2 dwellings in the rear and replacing with one dwelling. There are 2 lots one is 33ft. the other 27 ft. frontage. There are 2 dwellings on each lot presently. Ms. Stiles testified she is the owner of the premises and has lived at 16 since the 1950's and her aunt bought 12 and 14 Ocean Avenue in 1966 the lot with 27 ft. frontage. The property has been conveyed to her by her father and the other property was conveyed to her by her Aunt. She testified her father occupied 16 $\frac{1}{2}$  Ocean and she occupied 16 Ocean Ave. until the time her mother died, approximately 10 years ago. Her father remarried and she and her husband moved into 16 $\frac{1}{2}$  Ocean Ave. Her Aunt had a stroke and was moved into 16 Ocean Ave. with a full time care. 12 and 14 Ocean Avenue were rented for part of the time by her God Child and mother, and 14 her best friend stayed there until recently she bought her own house. For the record Mr. Maguire stated Ms. Stiles father conveyed 16 & 16 $\frac{1}{2}$  as a life estate to the property. I have a consent signed by him as an owner of interest in the property. If the sub-division is granted, Ms. Stiles and her husband will live in the rear house. An easement grant between 12 & 14 Ocean Ave. was marked into evidence as A-1.

John Maczuga, a licensed professional Planner in the State of N. J. since 1976, came forward. He stated the property consists of 3 tax lots and an easement. 3.02 lot is 10' x 200+' extending from Ocean Avenue all the way out to Stockton Lake, it is also comprised of lot 4.01 which is 17' wide. Those two lots constitute effectively one lot in as much as the two existing structures straddle the property. That particular lot at present is 5882 sq. ft.. The second lot known as lot 4.02 is 30' wide extending again from Ocean Ave. to Stockton Lake, at present it is 17,016 sq. ft.. Both lots contain two existing structures. The access to the properties other than from Ocean Avenue is provided by the 7' easement that has been testified, which runs all the way to the water. There is also a dock structure

into the water on Stockton Lake. Minor subdivision and plot plan were marked A-2 and an aerial map was marked A-3 into evidence.

Mr. Maczuga stated if the variances and subdivision are granted, there will be one structure on a tax lot and all of those previous set back violations will be eliminated. Other benefits that accrue to the granting of the relief, it is a reduction of the number of units, you are going down from 4 to 3 and again each structure will be on an individual tax lot. The upgrading of the area is a positive thing. All we are doing is drawing imaginary lines on a piece of paper and improving the site aesthetically. The height of the proposed new house will be 33' high and the two houses in the front are single structures. He described photos #4-view from the 7' access drive between the 2 existing structures. # 5- same view except a step back, showing the rear structure on the property to the west. # 6- view from Ocean Ave. looking northward thru the access between the structures on the property. # 7 - taken from the water looking to Ocean Avenue.

Mr. Mastrian wanted to know if the applicant would consider having just 2 lots, one in front and one in back, that way they would be eliminating all the variances they are asking for.

MR. Rice stated the two lots in front are grossly undersized and taking the two lots in front and making them one would be fine. I have no problem with the height.

Mr. Zanes suggested putting a deed restriction on that the two buildings could remain on this one lot, but in the event the lot is sold by said owner, the structure would have to be torn down.

Ms. Stiles testified she and her husband will reside in the back house, her father who lives part time in Florida will occupy the front house and her God child will continue to stay in 14. It will be all family.

A motion to open the meeting to the public was made seconded and unanimously carried.

Attorney ~~Se~~ven Cucci, representing John & Joan McLaughlin who own property adjacent to this site, which is to the east of 18 Ocean Avenue. According to Mr. Maczuga's testimony, you are going to remove the 2 houses in the rear, so at that point we can move this lot line anywhere you choose to move it. Mr. Maczuga said yes it can be moved. Mr. Cucci stated if this lot line were moved closer to the water, it would increase the square footage of those two lots. This new lot to the rear lot 4.05 has 7800 sq ft., so as we move this lot line to the north, we are increasing the square footage of the 2 lots in the front, reducing the variance because they are less than 5000 sq. ft. and at some point we are reaching a point where this lot will

be 5000 sq. ft. in the rear. Mr. Maczuga said that is correct. If we do that, the 2 lots in the front will increase their square footage, (2800 sq. ft. between them), you also have a rear yard setback on new lot 4.04 as a result of the subdivision that you propose. That variance would be eliminated by removing the plot line. Mr. Maczuga stated that is right.

Mr. Maczyga read a letter from Fire Inspector Keith DeLello, stating he wouldn't characterize that as suggesting there was a problem.

Ms. Stiles testified she acquired the property at two different times from two different people. The two on the west were acquired from her Aunt and the two on the east from her father. In 1983 she acquired the 12 and 14 houses from her Aunt and in 1989 from her father.

Mr. Maczuga stated the reason for the replacement of the subdivision line, this will require an individual CAFRA permit. It will regulate how close they can go to the water, we may have to pull this structure back even from it's present position. CAFRA has not been submitted yet. If CAFRA requires them to go back they will respect all aspects of the building.

T.J.Coan, 81 Curtis Avenue came forward stating your testimony to the intent of the R-2 zone was for single family homes. Isn't the intent of the R-2 zone 5000 sq. ft. for a single family home. Mr. Maczuga answered it is more important to have one house on one lot. Mr. Coan questioned if the easement is wide enough for an ambulance.

A motion to close this portion of the meeting was made, seconded and unanimously carried.

Mr. Hilla stated there are two con-forming lots in the zone and that is a pretty drastic step and it's not like they are even close, they are essentially half the size of what is required in the area. Second thing is that even with the elimination of one of the structures, these lots in aggregate exceed the density set forth in the zone at 5000 sq. ft., 3 structures would be 15,000 sq. ft., the land area here is around 12,000 sq. ft., so even though it is reducing the number of units by 1 it still exceeds the requirement of the intent of the zone. That emergency access along the north westerly side is tight. The pictures really don't do that alley way justice, because the two front structures are really the linears for the access to the rear property. The overhang on house # 12 is pretty low. If CAFRA report requires them to draw this house back, one of the requirements will be parking for that rear property.

MR. Burke doesn't like voting on something without knowing what

CAFRA is going to require of them. We really doesn't know where that house is going to go. He would like a site inspection before he votes on it, with the State showing where that house is going to go in relation to the two houses that are there now.

Mr. Schmeling stated we really can't tell them where to put it as long as it fits in the requirements of CAFRA.

Ms. Stiles testified she has too many obligations to too many people, she can not take down one of those houses.

Mrs. Dunne stated one of the front houses has to go to create a proper easement to the back house.

Mr. Place agrees with Mr. Zanes that the easement should probably flip over to the property itself on the sale of the property. The two houses can remain until the property is sold and then one of them would have to come down.

Motion was made to continue this application until May 5th by J.Burke, seconded by R.Ratajack, followed by the following vote: "YES"- J.Burke, R.Ratjack,, P.Dunne, D.Place. C.Triggiano, N.Hamilton, W.Schmeling, R.Zanes, C.Rice. J.Mastrian.

APPLICATION - 19-1998 - Long Branch Cellular Telephone Co.  
600 Sea Girt Avenue

Attorney Warren Stilwell put himself on record as attorney representing the applicant. He stated the application is to place a cellular telephone facility consisting of a 95 foot monopole antennas that stick up another couple of feet above that, and equipment in a renovated garage and permises located at 600 Sea Girt Avenue. The application is in a B-3 Zone requireing a use variance, and a variance for more than one principal use on a lot. WE are only going to expand the garage, we are not proposing an additional building. The property in question is bordered by the railroad track, on the border of Sea Girt, and the jurisdictional requirements have been satisfied and notices were filed in the newspaper and to the property owners.

Witnesses will be Mr. Pete Murphy, a radio frequency engineer and an employee of the company, Mr. Jeff Kirby, who is with Techtonic Engineering, and who prepared the site plans, Alice Fahy-Elwood, who is our health expert, and will relay the fact that the proposed facility meets the government standards for the propagation of radio frequency energy, and Tim Michel who is professional planner.

Mr. Stilwell stated the application is licensed by the Federal Communications Commission. Comcast was one of the first licenses to provide service in the area along with Bell Atlantic Mobile Systems. They are governed by law, Telecommunications

Act in 1996, and that Act preempted local governments from considering or making determinations in these types of matters based upon any kind of health-related concerns of the radio frequency energy. It's incumbent at this time to show that we satisfy, and that we meet particular standards, and really no accord beyond that is essentially appropriate by the Board. He made reference to the Court in Fair Lawn, when you prove special reasons, you have to show that you have special reasons which is known as a "positive criteria". The fact that an FCC license is required, that indicates a certain general public, a general good and consequently we satisfy the special reasons.

Mr. Cramer swore in Peter Murphy. He testified he is employed by Comcast Metrophone, located in King of Prussia, Pa., for 2½ years. His title is radio frequency engineer. He has a bachelor of science in electrical engineering from Drexel University in 1995. His job is to design and assist them and to locate sites within that system. He testified, Comcast provides cellular service to the Pa. region, mostly New Jersey all of Delaware and counting Maryland. The Philadelphia MTA licensed area includes Monmouth County, the entire Manasquan/Sea Girt area as well. Comcast is licensed by the FCC, which mandates certain standards for the provisions of service in any particular area. Cellular systems work by transmission and reception of radio energy. Comcast has been licensed by the FCC to broadcast and receive radio frequencies in the 800 megahertz band. He testified he divides the frequencies up and uses portions of the ones licensed to use at each site within the system. The frequencies that he proposes for Manasquan, he can reuse at other sites. It's a very low power transmission.

Comcast has gone from an FM type of two-way radio communication to providing a type of digital communication, which is a new way to increase the capacity of the system, also to provide more features on cellular phones. In the Manasquan area there's a need for capacity coverage and coverage. For the most part it's capacity, especially in the summer months. Exhibit A was a seven minute map and an overlay. The map shows a geopolitical boundaries as well as the features like the ocean and the rivers.

Mr. Murphy testified the green area represents where there is quality phone service, quantity cellular phone service in this area, both Monmouth and Ocean Counties. All sites labeled in white are existing cell sites. The three closest is South Belmar and Wall. South Belmar site is on the WADB Tower. The Wall Township site is on the Proctor Construction Co.. The Brielle site is on the Brielle Water Tank.

The system is monitored from a remote from the central office in Pennsylvania, which will make us aware of how the system is functioning, if calls are being blocked or dropped, In the summer months, basically 2,000 phone calls are dropped

per month, and in August about 3,000 blocked where the customer can't obtain assistance. There's a lack of quality coverage. The difference between quality and nonquality is that it might start fine and halfway through it starts to get mumbled up and it'll go back to clear. There is no way to improve that quality without adding a monopole. Each of the sites uses a sectorized array which is composed of up to 12 antennas with four antennas facing in each of 3 different directions. Each antenna covers a 120 degree arc. This system operates at about 100 watts per channel, which doesn't allow signals to travel real far. They don't travel as far as radio stations, and designed in low power so they can be reused over and over again.

The poles in the other towns are 120 feet. Mr. Rice wanted to know if the pole could be half that height, as it's such a small area to efficiently cover.

Mr. Murphy stated this site cannot provide any more capacity, as it has to overlap coverage and the more overlapping coverage it has and the more capacity, the more downing effect it would provide. The minimum height of a pole to be effective is about 80 to 100 feet, the reason being it begins to clear trees and buildings. The Brick pole is located off the Parkway. Capacity is governed by usage.

Mr. Zanes wanted to know what happens if usage doubles in the next five years, does that mean we'll have more of these poles? Mr. Murphy said hopefully we'll develop or improve technology so that problem doesn't occur. Mr. Murphy testified they don't have any sites planned for the next couple years in this area at least 2 to 5 years nothing in this area. The height of this structure is really what Mr. Rice and Mr. Zanes are concerned about here. None of the other sites are poles.

Mr. Stilwell said there is one on the Parkway in Middletown, right in the median, just over the Holmdel border. Mr. Rice stated, that's what bothers us, you can't miss it. The sites they were looking out were in Sea Girt the water tank, but they were turned down, and Manasquan's water tank, they were turned down there. On Spring Lake Water Tank, that was determined the structure integrity was poor, and it wouldn't support the antennas. The State Police radio tower, has a high sensitivity and security to that tower, so they weren't willing to provide that to us.

Mr. Burke suggested they look into the Coast Guard tower, which is 196 ft. tower and not being used. It would give you all the height you would ever need. Mr. Murphy said the site hasn't been considered as far as he knows.

Mr. Hilla suggested the structures in Sea Girt Army Camp, there are 2 towers, two poles down at the water, where they fly the

flags for the firing range, it's pretty and wide open. One of the reasons that you want the system to function properly is besides communication, business communications, it's used for various types of emergency services.

The advantage of cellular telephone technology is during any kind of emergency in the area, loss of electrical power, or the cell phone towers go down, they have backup batteries. Emergency services in the area would be able to use cell phones when other forms of communication go down. During the disasters in Florida, San Francisco and Canada it's been the cellular phone systems that continue to function.

Mr. Murphy explained there's a maximum of 12 antennas on the top which stand approx. 4' high and there are four in each direction of a sector, and there's 3 in every sector, so there's 4 pointed in each direction. They're basically pointed one to the northeast, one to the southeast, and one directly due west. The equipment shelter will have all the electronics that operate the tower, which includes the radios, the power supply, and any of the telephone inner connective equipment which connects to the local land line telephone company.

Mr. Stilwell stated barbed wire is used because they have an interest in the security of the facility, but they can use small aperture chain link if the Board objects to the wire, and they can also talk about the height of the fence. Mr. Murphy testified Star CG, is a quick number to the Coast Guard for boating emergencies in the ocean, the coast guard answers instantly.

Being it was 12:10 and Mr. Stilwell still had an hour and a half more testimony, the Board decided to have a special meeting. Mr. Stilwell waived the time limit and was told he did not have to renounce

A motion to carry this application to a special meeting on April 28, 1998 was made seconded by J. Burke followed by the following vote: "YES"- J. Burke, R. Ratajack, P. Dunne, D. Place, C. Triggiano, N. Hamilton, R. Zanes, C. Rice.

Motion to pay all bills was made seconded and unanimously carried.

There being no more business, a motion to adjourn the meeting at 12:20 A.M. was made, seconded and unanimously carried.

Respectfully submitted,  
*Marie Applegate*  
Marie Applegate, Secretary  
Manasquan Planning Board

1 B O A R D M E M B E R S:

2

3 CHRISTOPHER RICE, Chairman

4 ROBERT ZANES, Vice Chairman

5 GEOFFREY S. CRAMER, Attorney

6 WILLIAM SCHMELING

7 CARMEN G. TRIGGIANO

8 NEIL HAMILTON

9 JOHN BURKE

10 PATRICIA DUNNE

11 DAVID PLACE

12 ROBERT RATAJACK

13 ALAN P. HILLA, JR., Engineer/Planner

14 MARIE APPEGATE, Secretary

15

16 A P P E A R A N C E S:

17

18 WARREN STILWELL, ESQ.

19 3rd Floor

20 9615 Ventnor Avenue,

21 Margate, New Jersey 08402

22 Attorneys for Long Branch Cellular

23 Telephone Company.

24

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I N D E X

WITNESS

PAGE

PETER MURPHY

Examination by Mr. Stilwell	9, 19, 25,
	27, 32, 36,
	46, 48
Examination by the Board	18, 23, 26,
	28, 34, 45,
	48

1 MR. STILWELL: Good evening  
2 Mr. Chairman, members of the Board, my name is  
3 Warran Stilwell. I'm an attorney licensed in  
4 New Jersey, law offices in Margate. I  
5 represent the applicant Long Branch Cellular  
6 Telephone Company doing business as Comcast  
7 Cellular One.

8 The application is to place a  
9 cellular telephone facility consisting of a  
10 98-foot high structure, which is essentially a  
11 95-foot monopole antennas that stick up another  
12 couple of feet above that, and equipment in a  
13 renovated garage and premises located at 600  
14 Sea Girt Avenue, Lot 54 Block 1.

15 The application is in a ~~D~~<sup>B</sup>-3 zone  
16 and requires us to receive a use variance  
17 because the use is not specifically permitted  
18 in a ~~D~~<sup>B</sup>-3 zone, and it has been indicated that  
19 we would also need the variance for more than  
20 one principle use on a lot. Although I note  
21 that your ordinance actually talks about or  
22 prohibits more than one principle building on a  
23 lot, and I don't believe that other than  
24 expanding the size of the garage we're not  
25 going to actually propose an additional

1 principle building in terms that are defined  
2 the ordinance.

3 There are a number of -- the  
4 property in question, as you may know, is off  
5 of Sea Girt Avenue and Military Drive with a  
6 one side of the property being bordered by the  
7 railroad tracks. The property itself is on the  
8 border of Sea Girt, and that actually leads me  
9 to suggest right now that I forgot to say this,  
10 that the jurisdictional requirements have been  
11 satisfied, and appropriate notices were filed  
12 in the newspaper and to the property owners.

13 MR. CRAMER: You'll have those  
14 affidavits provided to us?

15 MR. STILWELL: Yes.

16 MR. CRAMER: Okay.

17 MR. STILWELL: With me to testify  
18 on behalf of this application is Pete Murphy,  
19 who is a radio frequency engineer and employee  
20 of the company. Mr. Jeff Kirby, who is with  
21 the firm of Tectonic Engineering, who prepared  
22 our site plans. Alice Fahy-Elwood, who is our  
23 health expert, and will relay to you the fact  
24 that the proposed facility meets the government  
25 standards for the propagation of radio

1 frequency energy. And finally, Tim Michel who  
2 is our professional planner.

3 The application before you  
4 concerns an entity licensed by the Federal  
5 Communications Commission. And Comcast has  
6 a long history of providing cellular  
7 communications. They were one of the first  
8 licensees to provide service in the area along  
9 with Bell Atlantic Mobile Systems.

10 As a result of being licensed,  
11 they're governed by law, which includes the  
12 Telecommunications Act in 1996, and that Act,  
13 in essence, preempted local governments from  
14 making, considering or making determinations in  
15 these types of matters based upon any kind of  
16 health-related concerns of the radio frequency  
17 energy.

18 It's only incumbent upon us at this  
19 point in time to show that we satisfy, and that  
20 we meet particular standards, and really no  
21 accord beyond that is essentially appropriate  
22 by the Board.

23 I bring that up because there was a  
24 very recent Supreme Court case that was just  
25 decided in January of this year, and that is

1 the case of Smart SMR of New York, also known  
 2 as Nextel, versus the Borough of Fair Lawn, and  
 3 that is the a -- since it's a Supreme Court  
 4 case, it deals specifically with this  
 5 particular industry, and that's really the case  
 6 that sets forth the standards and the  
 7 parameters that these types of applications  
 8 should be judged by.

9 In this case, contrary to what had  
 10 been the prevailing opinion pursuant to the  
 11 appellate courts that these types of  
 12 applications present aren't inherently  
 13 beneficial. This court -- the Supreme Court  
 14 declined upon that these cases are inherently  
 15 beneficial, and consequently we have a burden  
 16 of showing or proving special reasons.

17 The court in Fair Lawn said, when  
 18 you prove special reasons, you have to show  
 19 that you have special reasons in a particular  
 20 case, that's known as a "positive criteria."  
 21 With respect to the special reasons, the court  
 22 said by virtue of the fact that an FCC license  
 23 is required that that alone indicates a certain  
 24 general public, a general good, and  
 25 consequently we satisfy the special reasons.

1           With respect to this particular  
2 case, there will be evidence presented this  
3 evening that the particular lot that we're  
4 proposing to place this facility is in fact  
5 particularly suitable.

6           In the Borough of Fair Lawn, of  
7 course, it is said that in order to prove that  
8 a use is particularly suited, they noted that  
9 the particular zoning in Fair Lawn was for an  
10 industrial use. That it was centrally located  
11 within the system, and that it did not burden  
12 either the public systems, such as police and  
13 ambulance, nor was it deleterious to the  
14 environment. They found that those facts  
15 constituted particular suitability.

16           Finally, the court applied for the  
17 negative standard, what they call the Sica  
18 Test. And at the end of our testimony, we'll  
19 go into exactly what the Sica Test means.

20           I say that all as a preamble, and I  
21 realize it's kind of long, simply so that the  
22 Board understands what our burden is with  
23 respect to the evidence that we are  
24 presenting.

25           I'm going to start off with Pete

1 Murphy, who as our radio frequency engineer, is  
2 going to explain to you who we are, and why we  
3 need to be located in Manasquan.

4 Mr. Murphy, you need to be sworn.

5 MR. CRAMER: Please raise your  
6 right hand.

7 CHAIRMAN RICE: Excuse me.

8 Geoffrey, can you swear them all  
9 in, please?

10 MR. CRAMER: Everybody that's  
11 giving testimony, please raise your right  
12 hand.

13 Do you swear the testimony you're  
14 about to give will be the truth, the whole  
15 truth and nothing but the truth so help you  
16 God?

17 THE WITNESSES: I do.

18 MR. CRAMER: You're Mr. --

19 THE WITNESS: Peter Murphy.

20 EXAMINATION BY MR. STILWELL OF PETER MURPHY:

21 Q. Peter, would you tell the Board  
22 where your office is, professional offices are  
23 and by whom you're employed?

24 A. I'm employed by Comcast Metrophone  
25 in the office located in King of Prussia,

1 Pennsylvania.

2 Q. And how long have you been employed  
3 by Comcast?

4 A. I've been employed by Comcast two  
5 and-a-half years.

6 Q. And can you tell the panel of the  
7 Board what the capacity of your job is, and  
8 what your educational background is?

9 A. Yes. My title is radio frequency  
10 engineer. And my background, bachelor's of  
11 science in electrical engineering from Drexel  
12 University in New Jersey, 1995.

13 Q. You say you've been involved in  
14 this business for two and-a-half years, and  
15 primarily in the -- your job is to design and  
16 assist them and to locate sites within that  
17 system?

18 A. Correct.

19 Q. Would you please describe the  
20 business of Comcast Metrophone; what does it  
21 do; how does it do it?

22 A. Comcast provides cellular service  
23 to the Philadelphia region, the -- mostly  
24 New Jersey, all of Delaware, and counting  
25 Maryland.

1 Q. And that is known as your licensed  
2 area?

3 A. Yes.

4 Q. And the Philadelphia MTA or  
5 licensed area includes Monmouth County; is that  
6 correct?

7 A. That's correct.

8 Q. And it includes the entire  
9 Manasquan/Sea Girt area as well?

10 A. Correct.

11 Q. Is Comcast licensed by the FCC?

12 A. Yes.

13 Q. And does the FCC mandate certain  
14 standards for the provisions of service in any  
15 particular area?

16 A. Correct.

17 Q. Can you tell the Board what those  
18 standards of service are?

19 A. To provide quality and acceptable  
20 service in the area which it has a license for.

21 Q. Just so that the Board knows, the  
22 way cellular systems work, is they work by  
23 transmission and reception of radio energy; is  
24 that correct?

25 A. That's correct.

MURPHY - BY MR. STILWELL

1 Q. And Comcast has been licensed by  
2 the FCC to broadcast and receive radio  
3 frequencies in the 800 megahertz band?

4 A. Correct.

5 Q. And in that 800 megahertz band,  
6 they have a certain number of actual  
7 frequencies that they use?

8 A. Correct.

9 Q. And you use those -- you divide  
10 those frequencies up and use portions of the  
11 entire spectrum that you're licensed to use at  
12 each site within the system?

13 A. Correct.

14 Q. And then you reuse the same  
15 frequencies that you're using or going to  
16 propose for Manasquan you reuse those  
17 frequencies at other sites?

18 A. Correct.

19 Q. And that's how you're able to take  
20 your limited amount of frequency and cover such  
21 a large area?

22 A. Correct.

23 Q. It's really a very low-power  
24 transmission?

25 A. Correct.

1 Q. Comcast has gone from providing  
2 strictly what they call analog wireless  
3 service, which is essentially an FM type of  
4 two-way radio communication to now providing a  
5 type of digital communication; is that correct?

6 A. Yeah. That's correct.

7 Q. Can you describe that to the  
8 Board?

9 A. Well the --

10 Q. You're talking about the new --

11 A. Yes. Digital. The digital  
12 communication is just a new way to increase the  
13 capacity of the system, also to provide  
14 additional features on cellular phones, which  
15 were previously provided with the analog  
16 service.

17 Q. Thank you.

18 And can you describe whether  
19 there's a need for capacity or coverage in the  
20 area of Manasquan?

21 A. In this area there's a need for  
22 coverage, but also there's a need for capacity  
23 in this area.

24 Q. Coverage and capacity?

25 A. Yes.

## MURPHY - BY MR. STILWELL

1 Q. And essentially, for the most part,  
2 it's capacity, isn't it?

3 A. Yes.

4 Q. And that's -- and even more so in  
5 the summer months when the traffic in this area  
6 is particularly heavy?

7 A. Correct.

8 Q. Do you have an exhibit that  
9 describes, that geographically describes to the  
10 Board, and we can call this A-1, what we're  
11 talking about in terms of coverage?

12 A. Yes.

13 Q. Okay. Referring to what's been  
14 marked as A-1, if you could take the overlays  
15 off, and underneath that overlay as well is a  
16 seven-minute map?

17 A. Yes. Seven and-a-half minute map.

18 Q. Seven and-a-half minute map.

19 And that's just a map of the area  
20 that shows a geopolitical boundaries, as well  
21 as the features like the oceans and the rivers  
22 and whatnot?

23 A. Correct.

24 Q. And can you point to the Manasquan  
25 area?

MURPHY - BY MR. STILWELL

1           A.       Yeah. This right here is the  
2 Manasquan area (indicating).

3           Q.       Okay. And superimposed over that  
4 with your first overlay, would you please  
5 describe what that is, and what the colors  
6 represent, et cetera?

7           A.       This a -- the green represents  
8 where there is presently quality phone service,  
9 quantity cellular phone service in this area  
10 both Monmouth and Ocean Counties.

11          Q.       And I note that on this particular  
12 map you have labeled certain sites. Could you  
13 describe those to the Board and advise us as to  
14 whether they're existing or proposed?

15          A.       Yeah. All these sites labeled in  
16 white are existing cell sites. And the three  
17 closest around the cell site which we're  
18 proposing is South Belmar and Wall --

19          Q.       And the South Belmar site is on the  
20 WADB Tower?

21          A.       Yes. That's correct.

22          Q.       The Wall Township site is --

23          A.       The Wall Township is on the Proctor  
24 Construction Company.

25          Q.       Okay. And the Brielle site?

1           A.        Brielle site is on the Brielle  
2 Water Tank.

3           Q.        Okay. And the green, as you've  
4 indicated, indicates that there's coverage,  
5 quality coverage -- good quality coverage?

6           A.        Correct.

7           Q.        And what does that whole in the  
8 middle of the green represent?

9           A.        This whole represents an area where  
10 there is a lack in coverage.

11          Q.        Okay. Now, the system itself, the  
12 way it operates, do you monitor the system from  
13 a remote, from your central office, switching  
14 office in Pennsylvania?

15          A.        Yes.

16          Q.        And as a result of monitoring the  
17 system, are you aware of how the system is  
18 functioning, whether there are calls being  
19 blocked or dropped?

20          A.        That's correct.

21          Q.        And as a result of monitoring the  
22 system, are you aware of any problems that  
23 exist in this particular area other than the  
24 fact that there's a hole in the area?

25          A.        Yes.

## MURPHY - BY MR. STILWELL

1 Q. And can you describe those problems  
2 to the Board?

3 A. From monitoring the surrounding  
4 sites, we can determine that there is an  
5 unusually high amount of dropped phone calls,  
6 which means calls ending without the user  
7 purposely ending the phone call. Also, by  
8 monitoring the sites around there, there's a  
9 high amount of what we call "blocking," and  
10 that's a situation in which the customer can't  
11 get through, or they can't make a phone call  
12 because all the channels or frequencies in that  
13 area, in the surrounding cell sites, are being  
14 used by other customers; therefore, there's no  
15 more frequencies for that customer to use to  
16 make a phone call.

17 Q. What do your statistics indicate  
18 are the rate of calls which are being blocked  
19 or dropped?

20 A. Our statistics indicate that during  
21 the peak months, which are mainly the summer  
22 months, there's about 2,000 phone call  
23 surrounding sites, basically in this area about  
24 2,000 phone calls are dropped, and a --

25 Q. 2,000 per month?

## MURPHY - BY THE BOARD

1           A.           2,000 per month are dropped. And  
2 in the summer of -- I mean the month of August  
3 in the summer, there's over about 3,000 phone  
4 calls are blocked where the customer can't  
5 obtain assistance.

6                   CHAIRMAN RICE: Excuse me. Can I  
7 ask a question at this point?

8                   MR. STILWELL: Sure. Go ahead.

9                   CHAIRMAN RICE: So you're saying  
10 that there's not a lack of coverage in that  
11 area, but a lack of quality coverage in that  
12 area?

13                   THE WITNESS: Yes. A lack of  
14 quality coverage.

15                   CHAIRMAN RICE: Not a lack of  
16 coverage. Seeing that it's completely covered  
17 by green, it's not that there's a lack of  
18 coverage, just quality?

19                   THE WITNESS: Right. It's -- and  
20 the difference between quality and nonquality  
21 is that you can make a phone call and it might  
22 start fine, and then halfway through it, it  
23 starts to get mumbled up, and then it'll go  
24 back to clear again.

25                   CHAIRMAN RICE: Is there any way to

MURPHY - BY MR. STILWELL

1 improve that quality without adding a  
2 monopole? Anything that can be done to the  
3 existing monopoles?

4 THE WITNESS: No.

5 FURTHER EXAMINATION BY MR. STILWELL OF MR.  
6 PETER MURPHY:

7 Q. Again, and maybe we should describe  
8 why that is. Each of these particular sites  
9 uses an antenna array that's composed of up to  
10 twelve antennas with four antennas facing in  
11 each of three different directions?

12 A. Correct.

13 Q. In other words, we call that a  
14 sectorized array?

15 A. Right.

16 Q. So that each face of the triangle  
17 points in a certain direction and covers a 120  
18 degree arc?

19 A. Correct.

20 Q. And the sectors of the sites that  
21 are adjacent to this area pointing into this  
22 area and serving this area are the sectors  
23 where you're able to monitor that these  
24 problems are occurring?

25 A. That's correct.

1 Q. It's not that it happens at any one  
2 particular site, it's just that it's happening  
3 to the system in general in this area because  
4 of the number of people that are using the  
5 system?

6 A. That's correct.

7 Q. The system itself, since it  
8 operates on a set number of channels, per face,  
9 you can't increase the number of channels?

10 A. Per sector.

11 Q. Per sector?

12 A. That's correct.

13 Q. And you can't turn up the power per  
14 sector?

15 A. That's correct.

16 Q. Really, the only way that you can  
17 fix a problem like this is by adding a site?

18 A. That's correct.

19 Q. Or more than one site, if  
20 necessary?

21 A. That's correct.

22 Q. Okay. And then your next overlay  
23 would be what?

24 MR. BURKE: Can I ask a question  
25 here?

MURPHY - BY MR. STILWELL

1 MR. STILWELL: Sure.

2 MR. BURKE: Why is that particular  
3 area unique in there that they're not  
4 getting coverage when you have three sites  
5 almost surrounding them on the land side  
6 north -- north, west and south?

7 THE WITNESS: Basically the reason  
8 why this isn't being covered, it's just a  
9 function of the loss, the propagation loss in  
10 the radio waves. It's just like when you're  
11 driving from Philadelphia to New York vice  
12 versa, the one radio station begins to fade out  
13 and then you start picking up a New York radio  
14 station. It's just, your driving a distance  
15 where your just losing the signal.

16 BY MR. STILWELL:

17 Q. By the way, the way this system  
18 operates is very low powered?

19 A. Right.

20 Q. It's only about a hundred watts  
21 per --

22 A. A hundred watts per ERP.

23 Q. Effective Radio Power, ERP, per  
24 channel?

25 A. Correct.

## MURPHY - BY MR. STILWELL

1 Q. And so at a hundred watts effective  
2 radiated power, these signals don't travel real  
3 far?

4 A. No, they don't. They don't --

5 Q. And they're designed not to travel  
6 very far; is that correct?

7 A. Yeah. They don't travel as far as  
8 radio stations. And they're designed in low  
9 power, so that we can reuse them over and over  
10 again.

11 MR. BURKE: All right. Then my  
12 next question is, your proposing here in this  
13 location a site that is very close to the site  
14 in Brielle, to cover that area, wouldn't it be  
15 more advantageous to have a site more toward  
16 Shark River, more toward that area that you're  
17 trying -- in other words, you're proposing a  
18 second site down here, wouldn't you be better  
19 off having your second site up in this area  
20 here? I'm sorry, here. Right here  
21 (indicating). But still, wouldn't you be  
22 better off with your second site up more toward  
23 Shark River up there, right in the middle of  
24 that area?

25 THE WITNESS: Well, we explored

## MURPHY - BY THE BOARD

1 that area first, and we didn't find any land.

2 BY MR. STILWELL:

3 Q. Before we get into that, and we  
4 will get into that next. When you identify  
5 that there's a problem in an area --

6 A. Right.

7 Q. -- then a search process begins?

8 A. That's correct.

9 Q. You identify what's known as a  
10 search area, which is an area within which the  
11 cell needs to be located in order to solve the  
12 problem that you've identified?

13 A. That's correct.

14 CHAIRMAN RICE: Excuse me, before  
15 we go into this search process, would you tell  
16 us the heights of the poles in each of those  
17 four towns?

18 THE WITNESS: Yes. These are all  
19 approximately a hundred and twenty feet.

20 CHAIRMAN RICE: A hundred and  
21 twenty feet.

22 THE WITNESS: Approximately, give  
23 or take a few feet.

24 BY MR. STILWELL:

25 Q. And the --

1 CHAIRMAN RICE: Just one  
2 follow-up.

3 MR. STILWELL: Sure.

4 CHAIRMAN RICE: Does the height of  
5 that pole have to be a hundred and twenty feet,  
6 or being that that is such a small area to be  
7 efficiently covered, is there any chance that  
8 the pole can be half that height and so forth?  
9 It might sound like a stupid question, and what  
10 I'm getting at is, if a pole that's a hundred  
11 and twenty feet covers a certain area --

12 THE WITNESS: Right.

13 CHAIRMAN RICE: And it's such a  
14 small area to efficiently cover, does it have  
15 to be a hundred and twenty feet?

16 THE WITNESS: Well, the other  
17 objective of the site is also to provide  
18 capacity. And this sector of this site down  
19 here cannot provide any more capacity, so this  
20 site here has to overlap coverage to this. And  
21 the more overlapping coverage it has, and the  
22 more capacity, the more downing effect it would  
23 provide. If the site only covered this, it  
24 would solve the coverage problem for this here,  
25 but it probably wouldn't improve or provide any

MURPHY - BY MR. STILWELL

1 additional capacity down here (indicating).

2 CHAIRMAN RICE: What's the minimum  
3 height that a pole can be to be effective?

4 THE WITNESS: From my personal  
5 experience, it's about eighty to a hundred  
6 feet. And the reason for that is, at about 80,  
7 90 feet, that's when it begins to clear, begins  
8 to clear trees and buildings and allows it to  
9 get over -- to get between buildings.

10 FURTHER EXAMINATION BY MR. STILWELL OF PETER  
11 MURPHY:

12 Q. This radio wave communication is a  
13 line-of-site communication?

14 A. It's most effective when it's line  
15 of site.

16 Q. Its signals can be attenuated or  
17 blocked by foliage or buildings?

18 A. That's correct.

19 CHAIRMAN RICE: In an area such as  
20 the one that you're suggesting this pole, being  
21 that there aren't any buildings, high rise or  
22 even trees or foliage --

23 THE WITNESS: Right.

24 CHAIRMAN RICE: -- would 95 feet be  
25 excessive? Could you move it down maybe

## MURPHY - BY THE BOARD

1 towards the lower scale down to 80 feet then?  
2 Have you researched that area, or would it be  
3 difficult?

4 BY MR. STILWELL:

5 Q. Well, why don't -- the next  
6 overlay is going to show the coverage that we  
7 could -- the increase in coverage that we could  
8 expect by the addition of this site; is that  
9 correct, Mr. Murphy?

10 CHAIRMAN RICE: Again, before you  
11 go on, we're going to interject with some  
12 questions.

13 Bob.

14 MR. RATAJACK: Would you identify  
15 the location of the lower most like label there  
16 off to the left?

17 MR. STILWELL: Brick Township?

18 MR. MURPHY: Brick Township.

19 MR. RATAJACK: Is that Brick?

20 THE WITNESS: Yes.

21 MR. RATAJACK: And it's located  
22 where in Brick, approximately?

23 THE WITNESS: It's located off the  
24 Garden State Parkway.

25 MR. RATAJACK: Oh, okay.

1 THE WITNESS: This is the Garden  
2 State Parkway, over here (indicating).

3 CHAIRMAN RICE: Okay. Thank you.  
4 Bob Zanes.

5 MR. ZANES: Yeah. I wanted to ask  
6 about the coverage.

7 THE WITNESS: Yes.

8 MR. ZANES: Coverage depends upon  
9 usage, I would presume, I would make more  
10 usage -- I'm sorry, capacity. Capacity is  
11 really governed by usage; is that correct?

12 THE WITNESS: That's correct.

13 MR. ZANES: So what happens if your  
14 usage doubles in the next five years? Does  
15 that mean we'll have more of these poles?

16 THE WITNESS: Hopefully we'll  
17 develop or improve the technology so that  
18 problem doesn't occur.

19 FURTHER EXAMINATION BY MR. STILWELL OF PETER  
20 MURPHY:

21 Q. Just so that you know, with analog  
22 you were able to accommodate approximately 50  
23 some simultaneous phone calls at a cell site?

24 A. Yes.

25 Q. With TDMA that number is how many?

## MURPHY - BY THE BOARD

1           A.       It would triple. But that is  
2 totally dependent on the number of users who  
3 have the digital phone.

4           Q.       So not everybody has digital  
5 phones?

6           A.       Right. We can only --

7           Q.       And Comcast is similar to the Bell  
8 System, in that it doesn't obsolete technology  
9 which is why some people's dial phones still  
10 work?

11          A.       Right.

12          Q.       So you're not going to tell all  
13 your analog customers too bad, you have to go  
14 to get a TDMA phone?

15          A.       That's correct.

16          Q.       So our system has to accommodate  
17 both, is what I'm trying to say.

18                   MR. ZANES: I guess what prompts  
19 the question for me is that, you know, are  
20 we -- is this just one of many new facilities  
21 that we're going to have to look forward to in  
22 the next 15 or 20 years, or indeed, as you  
23 suggested, the technology would catch up with  
24 it whereby the technology would take care of  
25 the capacity problem, and again maybe, these

1 questions are --

2 THE WITNESS: What I can say from  
3 our research of the performance of our system  
4 here and objectives for the future, we don't  
5 have any sites planned for the next couple  
6 years in this area, at least two to five years  
7 we have nothing planned in this area.

8 MR. ZANES: What prompts the  
9 question from me, and I think, as I presume  
10 from the chairman, is really the height of this  
11 structure, this is really what we're concerned  
12 about here.

13 THE WITNESS: Right.

14 MR. ZANES: And we've got a  
15 structure which is 95-feet high to solve  
16 essentially what's going to be a capacity  
17 problem, and we may be looking at this again at  
18 another site at another place, and I'm just  
19 wondering whether if the technology is going to  
20 change, maybe if we're going to air, rather  
21 than airing on the side of a 95-foot pole,  
22 let's air on the side of a 60-foot pole?

23 THE WITNESS: Well, one of the  
24 reasons for the height, getting back to the  
25 capacity and covering the areas where we needed

## MURPHY - BY THE BOARD

1 to relieve that capacity, the first steps in  
2 determining where this capacity is, is to look  
3 where there's car traffic, because that's where  
4 most phones are used. And you can see right  
5 here along -- there's a major highway here and  
6 a major highway here, and this site here was  
7 designed so that it reached as far as this  
8 route here. So that toward this cell site  
9 here, and this site here will both cover and  
10 share that road, so when this here had no more  
11 channels available, this would pick up that  
12 capacity, and that's where the height came  
13 from. We increased the height in our models so  
14 we could reach this road here.

15 CHAIRMAN RICE: Of the four sites  
16 existing, excluding the Manasquan site --

17 THE WITNESS: Right.

18 CHAIRMAN RICE: -- are they all on  
19 top of something else; are any of them poles?  
20 One was on a water tower, one was on a radio  
21 station.

22 THE WITNESS: Right, a water tank.

23 CHAIRMAN RICE: And one was on a  
24 contractor's building. Are any of them poles?

25 THE WITNESS: This here is a

1 lattice tower, and this here is a lattice  
2 tower, and that's a water tank.

3 CHAIRMAN RICE: So no. None of  
4 those sites are poles?

5 THE WITNESS: As Monopoles?

6 CHAIRMAN RICE: Yes.

7 THE WITNESS: No.

8 CHAIRMAN RICE: No.

9 MR. STILWELL: Well, the Belmar  
10 site is a radio station pole -- a tower.

11 CHAIRMAN RICE: That was there.

12 MR. STILWELL: That was there. We  
13 used an existing structure.

14 CHAIRMAN RICE: But none of those  
15 four sites, you didn't go into any of those  
16 four sites and erect a monopole?

17 MR. STILWELL: I think we did in  
18 Wall Township erect a structure, the contract  
19 we just set up.

20 THE WITNESS: Yeah. I don't  
21 recollect that. I don't know if we built a  
22 site there or not.

23 CHAIRMAN RICE: It would appear  
24 that there probably weren't any monopoles  
25 erected, this would be the first monopole in

MURPHY - BY MR. STILWELL

1 this area?

2 THE WITNESS: Of Comcast.

3 MR. STILWELL: You're probably all  
4 familiar with the one that's on the Parkway in  
5 Middle Township, right in the median, just over  
6 the Holmdel border.

7 CHAIRMAN RICE: That's what bothers  
8 us, that we're all familiar with that. You  
9 can't miss it. We don't want people saying,  
10 are you familiar with the one in Manasquan.

11 MR. STILWELL: Okay. I only picked  
12 that one, because it's in the middle of the  
13 Parkway.

14 CHAIRMAN RICE: Yeah. Okay.

15 Bob.

16 MR. RATAJACK: In the case of the  
17 contractor's location, that one's on top of his  
18 radio tower, isn't it?

19 MR. MURPHY: It could be.

20 MR. BURKE: It is.

21 MR. STILWELL: Okay.

22 MR. BURKE: It is.

23 MR. RATAJACK: Okay.

24 FURTHER EXAMINATION BY MR. STILWELL OF PETER

25 MURPHY:

1 Q. The fact is, and we may as well  
2 discuss this at some length right now, when a  
3 search is conducted in an area, to the best of  
4 your knowledge, what's the first kind of place  
5 they look for?

6 A. An existing structures.

7 Q. In fact, we looked for existing  
8 structures in this area, didn't we?

9 A. That's correct.

10 Q. There is, in fact, an existing  
11 structure in Sea Girt?

12 A. That's correct.

13 Q. That's only about 300 yards from  
14 here?

15 A. That's correct.

16 Q. It's a water tank that would have  
17 been tall enough to accommodate us.

18 A. That's correct.

19 Q. Would they lease it to us?

20 A. No, they wouldn't.

21 Q. The Borough of Sea Girt turned us  
22 down.

23 We also explored a water tank in  
24 Manasquan, didn't we?

25 A. That's correct.

## MURPHY - BY THE BOARD

1 Q. And they wouldn't lease it to us  
2 because there were site constraints in the  
3 amount of space that they had at the base of  
4 the tank - at least that's what they advised  
5 us - and we have a letter to that effect.

6 A. That's correct.

7 CHAIRMAN RICE: What are those  
8 sites you have researched?

9 THE WITNESS: What are the sites in  
10 Sea Girt and Manasquan?

11 CHAIRMAN RICE: Yes.

12 THE WITNESS: The Spring Lake Water  
13 Tank, and that was determined the structure  
14 integrity was poor, and it wouldn't support the  
15 antennas.

16 MR. ZANES: Let me ask you about  
17 that. Wasn't Spring Lake willing to have an  
18 antenna on their water tower?

19 THE WITNESS: Yeah. I think they  
20 were willing, but the water tank itself  
21 wouldn't structurally support it. They would  
22 have to rebuild the entire water tank.

23 MR. ZANES: But you could put this  
24 pole, you could construct this pole adjacent to  
25 that water tank?

1 THE WITNESS: I didn't research  
2 that that was a possibility.

3 MR. ZANES: What I'm getting at  
4 here is there's a -- obviously, a large cost of  
5 doing this, and whether you're beefing up an  
6 existing water tank, or building it adjacent to  
7 a water tank, when you have a municipality that  
8 seems to be interested in having it.

9 MR. BURKE: Did you, when you were  
10 researching sites, did you research the  
11 existing tower that's only about three or four  
12 hundred yards from this site --

13 THE WITNESS: Yes.

14 MR. BURKE: -- or the existing  
15 tower --

16 MR. STILWELL: You're talking  
17 about --

18 MR. BURKE: -- in Manasquan?

19 MR. STILWELL: You're talking about  
20 the police tower on the --

21 MR. BURKE: Correct.

22 MR. STILWELL: -- federal  
23 property?

24 THE WITNESS: Yeah. That  
25 a -- there's --

MURPHY - BY MR. STILWELL

1 FURTHER EXAMINATION BY MR. STILWELL OF PETER  
2 MURPHY:

3 Q. By the way, the information that  
4 you're testifying to is not something that you  
5 individually did, but as a member of the  
6 company you've been advised to what steps were  
7 taken by the real estate acquisition people?

8 A. Correct. This is a combination of  
9 research.

10 Q. Okay. So you're essentially  
11 testifying from business records that have been  
12 handed to you as opposed to your own personal  
13 knowledge?

14 I just want to make that clear to  
15 the Board, in case you have some real specific  
16 questions and he can't answer one, I don't want  
17 you to think that he's been making this up.

18 MR. BURKE: So the tower on  
19 the -- the state police radio tower.

20 THE WITNESS: And there's a high  
21 sensitivity and security to that tower, so they  
22 weren't willing to provide that to us.

23 Q. Just stepping back a minute --

24 MR. BURKE: Coast Guard tower at  
25 the Coast Guard station in Manasquan, a 196

1 foot tower, it would give you all the height  
2 you would ever need. And since the Coast Guard  
3 is not using the site, they still require the  
4 tower, they're not using the site.

5 MR. RATAJACK: They even got the  
6 red light on top.

7 MR. BURKE: No, it doesn't.

8 MRS. DUNNE: But they are --

9 MR. BURKE: There's no lights on  
10 the tower.

11 MRS. DUNNE: But they are using the  
12 tower. They're still using the tower.

13 MR. BURKE: No lights on that  
14 tower.

15 MR. RATAJACK: No?

16 MR. BURKE: No, sir.

17 MR. RATAJACK: How come? Didn't  
18 the FAA order it?

19 MR. BURKE: You want me to get into  
20 that? I'll give you a long scenario on that.

21 CHAIRMAN RICE: Please remember to  
22 speak one at a time since we're being taped.

23 John, why don't you go on. Bob,  
24 why don't --

25 MR. RATAJACK: No. I'll withdraw

MURPHY - BY MR. STILWELL

1 the question. It was raised by John.

2 MR. BURKE: You know, in my mind,  
3 that tower gives you -- gives you such height  
4 that you'd be able to cover the areas you're  
5 looking at easily, and you're going on to an  
6 existing tower that is there.

7 MR. STILWELL: Let me just suggest,  
8 Mr. Murphy, if you don't know if that site's  
9 been considered --

10 THE WITNESS: I mean, I could say  
11 that site hasn't been considered, so --

12 BY MR. STILWELL:

13 Q. At least as far as you know it  
14 wasn't submitted to radio frequency --

15 A. That's correct.

16 Q. -- for analysis?

17 A. Correct.

18 Q. So you haven't seen it before?

19 A. Correct.

20 Q. So you don't, off the top of your  
21 head, do you know if it's even in the search  
22 area?

23 A. Well, it's not in the search area  
24 which would be a -- the search area is up here,  
25 and that water -- I mean, the radio tower which

1 you mentioned is down here, which would  
2 probably cause us to build at a height which  
3 would overpropagate, causing interference to  
4 sites over here (indicating). But like I said,  
5 I have to --

6 Q. It's also a problem with towers  
7 located directly on the water for you in the  
8 sense that it eliminates utility of one of the  
9 sectors?

10 A. Two of the sectors would be facing  
11 into the water, therefore only one sector could  
12 be used.

13 MR. BURKE: Which is fine, because  
14 all of the offshore fishermen would love you.

15 MR. STILWELL: We're going to get  
16 to star CG in a minute.

17 They love us already.

18 I didn't know if there was another  
19 question pending right now.

20 CHAIRMAN RICE: Al, do you have a  
21 question?

22 MR. HILLA: Yes. There's also some  
23 structure in Sea Girt Army Camp. They have two  
24 towers -- there are two poles down at the water  
25 where they fly the flags for the firing range.

1 It's pretty high, and they're wide open down  
2 there.

3 MR. STILWELL: Fly the flags for  
4 the firing range?

5 MR. BURKE: Yeah.

6 MR. STILWELL: Okay. Let me --

7 MR. HILLA: I'm talking --

8 MR. STILWELL: Let me just --

9 MR. HILLA: I'm talking about  
10 exhausting --

11 MR. STILWELL: No. I understand.

12 BY MR. STILWELL:

13 Q. But, Mr. Murphy, let me just go run  
14 through the parameters quickly, if I could, for  
15 what constitutes acceptability of a site.

16 A. Okay.

17 Q. Number one, is we need a willing  
18 landlord?

19 A. That's correct.

20 Q. And assume, and the definition of a  
21 willing landlord is a landlord that's willing  
22 to lease on reasonable economical terms as  
23 well?

24 A. That's correct.

25 Q. Number two, we need the

1 availability of access, 24 hours a day, seven  
2 days a week?

3 A. That's correct.

4 Q. You can't be restricted because we  
5 have to be able to access the equipment to  
6 maintain it?

7 A. That's correct.

8 Q. And also, it depends if something  
9 went wrong with it.

10 Third, we need the availability of  
11 tele co. and power?

12 A. That's correct.

13 Q. In other words, utilities?

14 A. That's correct.

15 Q. Okay. And fourth, it needs to be  
16 where it needs to be in order to function  
17 within the system?

18 A. That's correct.

19 Q. And that's why we send out, send  
20 acquisition people to search the search areas  
21 to find those kinds of acceptable sites?

22 A. That's right.

23 Q. The more mature site is the more  
24 existing sites there are in an area, the less  
25 latitude you have to move sites?

1 A. That's correct.

2 Q. That's back and forth, up and down,  
3 and all around because you start not achieving  
4 the objectives that sites are designed to  
5 achieve?

6 A. That's correct.

7 Q. When I say "objectives," I'm  
8 talking about the objectives that you've been  
9 talking about, the coverage and capacity so  
10 that the system functions properly?

11 A. That's correct.

12 Q. One of the reasons that you want  
13 the system to function properly is besides  
14 communication, business communications, it's  
15 used for various types of emergency services?

16 A. That's correct.

17 Q. By that I mean, in the United  
18 States alone last year there were over 600,000  
19 911 calls made?

20 A. That's correct.

21 Q. And can you tell the Board, by the  
22 way, what's being worked on with respect to  
23 enhance 911?

24 A. Yes. They're going to use what's  
25 called triangulation to determine where a 911

MURPHY - BY MR. STILWELL

1 call is being placed to assist ambulances and  
2 emergency services to find a person who made a  
3 911 call, but in the middle of that call was  
4 unable to finish that call or to tell the  
5 address or location of the emergency.

6 Q. Right now the way 911 works is, if  
7 you call it, you get routed to a central or a  
8 state police dispatch unit, who then routes the  
9 call to the appropriate local police, if they  
10 can identify where you are?

11 A. That's correct.

12 Q. With the enhanced 911 system, it  
13 will identify where you are, and automatically  
14 notify the appropriate local police?

15 A. That's correct.

16 Q. In addition to the number of 911  
17 calls that we're talking about, motorists use  
18 cellular phones probably every -- or a number  
19 of people in the room have used them to call in  
20 accidents, fires, crimes in progress, all kinds  
21 of things, and there's all kinds of anecdotal  
22 newspaper accounts on those kinds of things  
23 happening?

24 A. That's correct.

25 Q. The toddler who saved the mother

MURPHY - BY MR. STILWELL

1 who was locked in the car by the carjacker,  
2 those kinds of things?

3 A. That's correct.

4 Q. If a call is made in this  
5 particular area -- your statistics indicate  
6 2,000 block calls?

7 A. 2,000 drop calls.

8 Q. 2,000 drop calls, and 3,000 block  
9 calls a month during peak months in this  
10 particular area. The system doesn't know  
11 whether the call being made is from an  
12 ambulance service or an emergency or whatever?

13 A. No.

14 Q. It can't discriminate between a 911  
15 call or a regular call, it doesn't prioritize  
16 calls, it just allows access to the system  
17 essentially on a first come first serve basis?

18 A. That's correct.

19 Q. So there's, you know, one of the  
20 reasons that we're proposing enhancing the  
21 telecommunication service in this area is also  
22 a public safety feature, as well as the overall  
23 communications of the system?

24 A. That's correct.

25 MR. PLACE: Excuse me, could you

MURPHY - BY THE BOARD

1 express the drop calls percentage terms?

2 THE WITNESS: The percentage is  
3 around -- I don't know what the percentage is  
4 off the top of my head, but --

5 MR. PLACE: Do you know how many  
6 calls there are in a month, in a peak month?

7 THE WITNESS: No. I don't have it  
8 off the top of my head, but it's around -- it's  
9 around 5 percent.

10 MR. PLACE: Five percent?

11 THE WITNESS: Yes.

12 CHAIRMAN RICE: John Burke.

13 MR. BURKE: If one of the  
14 advantages of cellular telephone technology is  
15 during any kind of any emergency in the area,  
16 area-wide emergency, if this area loses  
17 electrical power, will that cell phone tower  
18 and those cell phone towers go down; do you  
19 have standby generators for them?

20 THE WITNESS: Yes. We have backup  
21 batteries.

22 MR. BURKE: Okay. So then  
23 emergency services in the area would be able to  
24 use cell phones when other forms of  
25 communication might be down?

MURPHY - BY MR. STILWELL

1 THE WITNESS: Yes.

2 FURTHER EXAMINATION BY MR. STILWELL OF PETER  
3 MURPHY:

4 Q. And which is exactly what they've  
5 done during hurricane situations  
6 in Florida, earthquake situations in  
7 San Francisco, all kinds of natural disasters  
8 all over the country, it's been the cellular  
9 phone systems that continue to function.

10 A. That's correct.

11 Q. In fact, during the ice storms that  
12 we recently had -- they had up in the Canada  
13 and New York area, it was the cell phones that  
14 functioned even though a couple of the towers  
15 came down in the ice storms.

16 A. Right.

17 Just getting back to the 5 percent,  
18 that's an average over the entire day, but that  
19 fluctuates throughout the day, and during peak  
20 hours, that drop call rate increases immensely  
21 up to 40 or 50 percent. That's an average over  
22 the day, though. And most of the times these  
23 drops -- most of the time these problems are  
24 concentrated into one or two hours of the day,  
25 and not spread evenly over an entire period.

1 Q. With respect to the facility  
2 itself, can you just -- the monopole as we  
3 described it is 98-feet tall, and our engineer  
4 will describe it's physical dimensions -- but  
5 the antennas at the top, can you describe the  
6 number and type?

7 A. Yeah. There's a maximum of 12  
8 antennas on the top which stand approximately  
9 four-foot high, and there are four in each  
10 direction of a sector, and there's three in  
11 every sector, so there's four pointed in each  
12 direction. And they're basically pointed one  
13 to the northeast, one to the southeast, and one  
14 directly due west.

15 Q. The equipment shelter itself,  
16 what's going to be contained in the equipment  
17 shelter?

18 A. All of the electronics that operate  
19 the tower, which includes the radios, the power  
20 supply, and any of the telephone inner  
21 connective equipment which connects to the  
22 local land line telephone company.

23 Q. We alluded to, and you show  
24 actually pretty significant coverage out in the  
25 ocean --

MURPHY - BY THE BOARD

1 MR. BURKE: Can I just ask one  
2 question?

3 MR. STILWELL: Sure.

4 MR. BURKE: Because you just  
5 brought something up that I wanted to ask  
6 about.

7 I understand that you need security  
8 at the site for all of this electronics and so  
9 on, but can that be achieved without putting  
10 barbed wire on that fence?

11 MR. STILWELL: Yes.

12 MR. BURKE: Thank you.

13 That was too easy.

14 MR. STILWELL: Barbed wires never  
15 stopped us yet. We propose it because we have  
16 an interest in the security of the facility,  
17 but if the Board's object, we can use small  
18 aperture chain link as opposed to barbed wire.  
19 We can also talk about the height of the  
20 proposed fence as well.

21 FURTHER EXAMINATION BY MR. STILWELL OF PETER

22 MURPHY:

23 Q. Star CG, can you describe what that  
24 is?

25 A. Yes. Star CG is a quick number to

1 the Coast Guard, which instantly accesses the  
2 Coast Guard for boating emergencies in the  
3 ocean or the local wateries.

4 Q. So you dial star CG and --

5 A. -- instantly the Coast Guard  
6 answers.

7 Q. All right. In fact, I saw you do  
8 it just the other day in Atlantic County?

9 A. That's correct.

10 Q. Just to see if it worked, and it  
11 did.

12 I don't know how long the Board's  
13 going to go this evening, I'll keep going --

14 CHAIRMAN RICE: How much more do  
15 you think you have in total?

16 MR. STILWELL: I have three  
17 witnesses. I'd say these three witnesses  
18 together are probably an hour, an hour  
19 and-a-half. I also have a short version, it  
20 just all depends on how many questions there  
21 are. I mean, I've done it in as little as 45  
22 minutes total from start to finish, but I'm not  
23 sure how many of these types of applications  
24 this Board has heard.

25 MR. BURKE: You're the first.

1 MR. STILWELL: I'm the first. I  
2 had that feeling, so, you know, when --

3 CHAIRMAN RICE: I'm sorry. What  
4 was the question?

5 MR. BURKE: He said how many  
6 applications has this Board heard, and I  
7 believe --

8 MR. STILWELL: Cellular  
9 applications.

10 MR. BURKE: Cellular applications,  
11 I believe he's the first.

12 CHAIRMAN RICE: Yeah. I think we  
13 did one.

14 MRS. DUNNE: We did.

15 CHAIRMAN RICE: A couple of years  
16 ago we did. Sprint was it? Yeah.

17 MR. BURKE: Yeah, but that was not  
18 a pole.

19 MRS. DUNNE: Not a pole, no.

20 MR. BURKE: That was just to put in  
21 a new building.

22 MR. STILWELL: So, I mean, there's  
23 a certain amount of ground that we should  
24 probably cover just for the record and to make  
25 me comfortable.

1                   CHAIRMAN RICE: So you're in for 45  
2 minutes to an hour and-a-half of testimony  
3 left, not to mention from the public or from  
4 us.

5                   MR. STILWELL: By the way,  
6 everybody's with me except the reporter  
7 in the back.

8                   THE REPORTER: They know who I am.

9                   MR. STILWELL: Everybody else is  
10 with me.

11                  MR. BURKE: Which bothers me,  
12 because, yes, this is on Manasquan's property,  
13 but this greatly effects Sea Girt, and the Army  
14 Camp too, and I'm surprised there's no one  
15 here.

16                  CHAIRMAN RICE: Well, they have a  
17 right to be here.

18                  MR. STILWELL: They were noticed.  
19 People in Sea Girt were noticed, there were a  
20 number of people in Sea Girt that were noticed,  
21 anybody within 200 feet of the property. Plus  
22 it was published in the newspaper.

23                  CHAIRMAN RICE: How does the Board  
24 members feel about carrying this over, the  
25 balance of his testimony, to the next meeting?

1 MR. ZANES: I think it's quarter  
2 after 12 now, and --

3 MR. BURKE: Well, at a certain  
4 point, everybody's attention goes downhill.

5 CHAIRMAN RICE: Well, mine went  
6 downhill about a half an hour ago.

7 MR. BURKE: Yeah.

8 CHAIRMAN RICE: And I'm just  
9 wondering how the rest of you feel? I mean,  
10 it's in your best interest, obviously, if we --

11 MR. BURKE: The only thing I will  
12 inform the Chairman, as I told you a couple  
13 weeks ago, I will not be at the next meeting.

14 MRS. DUNNE: When is the next  
15 meeting?

16 MR. TRIGGIANO: If it's not too  
17 long after that --

18 MR. STILWELL: I noticed that your  
19 agenda's getting kind of crowded, is there any  
20 possibility of holding a special meeting  
21 between now and the next?

22 CHAIRMAN RICE: It's tough with the  
23 holidays. I mean, our next meeting is a --

24 MRS. APPLGATE: May 5th.

25 CHAIRMAN RICE: May 5th.

1 MR. ZANES: May 5th.

2 CHAIRMAN RICE: Yeah. Which is  
3 a -- between now and then, I don't think  
4 there's really any chance. I'm not going to  
5 say there's no chance for a special meeting,  
6 but with the holiday --

7 MR. ZANES: How many members --

8 CHAIRMAN RICE: Plus, if you wait,  
9 you need -- they need -- well, you want as many  
10 people as possible for a use variance so, being  
11 that we're already absent --

12 MR. BURKE: I would love to see a  
13 special meeting, personally.

14 MR. TRIGGIANO: How many in the  
15 group have to travel a long distance?

16 MR. STILWELL: Everybody.

17 MR. BURKE: Everybody.

18 MR. STILWELL: Including me, but  
19 none of us care. It's okay. You know, we all  
20 get --

21 MR. BURKE: Their getting paid.

22 MR. STILWELL: That's irrelevant,  
23 honestly.

24 CHAIRMAN RICE: I don't want to  
25 rush you through it, and you could try and

1 finish it up tonight. If you really feel  
2 there's an hour you only have left, I want to  
3 hear from the Board members about moving on  
4 tonight and trying to resolve it, or taking the  
5 time to carry it over, whether it be a special  
6 meeting, or the next regular meeting, do as I  
7 expect you and so forth.

8 Okay, Neil?

9 MR. HAMILTON: I think we should do  
10 a special.

11 CHAIRMAN RICE: Do a special  
12 meeting.

13 Bob?

14 MR. ZANES: Yeah. I think we  
15 should do a special meeting, if we can get  
16 together.

17 MR. STILWELL: We'll pay for it, by  
18 the way.

19 CHAIRMAN RICE: Yeah. I think you  
20 need to.

21 MR. STILWELL: Yeah. It's generous  
22 of me, wasn't it?

23 MR. BURKE: Yeah. Very generous of  
24 you.

25 CHAIRMAN RICE: Actually, the fee

1 has tripled.

2 MR. STILWELL: All right. Not a  
3 problem.

4 MR. HILLA: Now it's up to a  
5 hundred bucks.

6 CHAIRMAN RICE: Is anybody opposed  
7 to a special meeting, anyone that's here?

8 JoAnne is shaking her head.

9 MR. BURKE: JoAnne doesn't count.  
10 Sorry JoAnne.

11 MR. PLACE: I mean, I don't know  
12 what dates we're talking about.

13 CHAIRMAN RICE: Yes. We'll have  
14 to talk about dates.

15 MR. PLACE: The idea sounds good.  
16 I'm not opposed to that.

17 CHAIRMAN RICE: Why don't we do  
18 that, and discuss it.

19 MR. STILWELL: That would be fine.

20 CHAIRMAN RICE: Because it's not  
21 that we may --

22 MR. ZANES: Yeah. I mean, I think  
23 we need to pay attention to this.

24 CHAIRMAN RICE: Yeah.

25 MR. BURKE: I would like to see the

1 last Tuesday in April, if that's possible.

2 CHAIRMAN RICE: What's the date of  
3 that?

4 MRS. DUNNE: The 28th.

5 MR. BURKE: The 28th. That's a  
6 week and-a-half past the holidays. I would  
7 like to see the 28th.

8 CHAIRMAN RICE: How about even  
9 sooner, the 21st?

10 MR. ZANES: What's on the 21st?  
11 The 28th we're closer to May.

12 MR. BURKE: Fine. The 21st would  
13 be fine, too. That's a week past the holiday.

14 CHAIRMAN RICE: I'll be away, but  
15 I get back on Monday.

16 MRS. APPLGATE: The 14th's open.

17 MR. BURKE: No. The 14th's right  
18 in the middle of the holidays, Marie. No  
19 good.

20 MRS. APPLGATE: The only thing  
21 that's open is the 24th the 27th, and the  
22 30th.

23 MR. ZANES: What about the 21st?

24 CHAIRMAN RICE: What about the  
25 21st?

1 MRS. APPEGATE: Pardon?

2 CHAIRMAN RICE: The 21st?

3 MRS. APPEGATE: No. It's a school  
4 election.

5 MR. BURKE: 28th?

6 MR. ZANES: How about the 22nd?

7 MRS. APPEGATE: 21st -- 28th is  
8 democratic vote.

9 MR. ZANES: What about the 22nd?

10 MR. BURKE: That can be moved  
11 inside, Marie.

12 MRS. APPEGATE: I don't know. I  
13 have to ask.

14 MR. BURKE: I'm the president.

15 MRS. APPEGATE: Oh.

16 MR. BURKE: That can be moved  
17 inside, Marie.

18 MRS. APPEGATE: All right. The  
19 28th, then.

20 MR. ZANES: John, what about the  
21 22nd?

22 MRS. DUNNE: 22nd is a Wednesday.

23 MRS. APPEGATE: That's court.

24 MR. ZANES: Pardon me?

25 MRS. APPEGATE: Two o'clock. We

1 can't have it when they have afternoon court.

2 MRS. DUNNE: Court.

3 MR. ZANES: How about the 23rd?

4 MRS. APPELEGATE: 23rd is relators  
5 meeting at 10 a.m., I guess it's open at night.

6 MR. HILLA: I can't make that one.

7 MR. TRIGGIANO: Mr. Chairman?

8 CHAIRMAN RICE: Yes.

9 MR. TRIGGIANO: Mr. Burke said he'd  
10 move the democratic party meeting, I think we  
11 should have it on the 28th.

12 MR. ZANES: That's because you're a  
13 republican, you want to see the democrats  
14 outside.

15 MR. TRIGGIANO: Anybody's who's  
16 going to be at the meeting is going to be  
17 here.

18 MR. BURKE: I'm going to be here,  
19 right. One of you will probably have to change  
20 that meeting.

21 CHAIRMAN RICE: Excuse me, the 28th  
22 then is open.

23 MRS. APPELEGATE: The 28th.

24 CHAIRMAN RICE: Tuesday the 28th is  
25 open.

1 MRS. APPLGATE: The democratic  
2 club, are you going to move inside?

3 MR. BURKE: I'll move it.

4 CHAIRMAN RICE: How does that sound  
5 to you?

6 MR. STILWELL: That's fine.

7 Yes?

8 Yes?

9 Yes?

10 Yeses all around.

11 CHAIRMAN RICE: Yeah. What time?  
12 Is 7 o'clock --

13 MR. STILWELL: That's fine.

14 CHAIRMAN RICE: -- okay?

15 MR. PLACE: 7:30 is much better for  
16 me.

17 MR. STILWELL: 7:30 is fine.

18 We'll also, by the way, have a  
19 transcript prepared for the testimony that's  
20 been given this evening, and provide it to the  
21 Board before the meeting. I'm sure she's  
22 delighted to hear that.

23 CHAIRMAN RICE: I think she needs  
24 the break.

25 MR. STILWELL: Exactly.

1 CHAIRMAN RICE: Okay, so --

2 MRS. APPLGATE: Special meeting on  
3 the 28th.

4 CHAIRMAN RICE: Special meeting on  
5 the 28th, 7:30, here in this room.

6 So, at this point we need a motion  
7 to carry this over to the special meeting?

8 MR. BURKE: So moved.

9 CHAIRMAN RICE: And you will have  
10 to relinquish us of our time limit, I guess.

11 MR. STILWELL: Yes. I don't  
12 believe that you are in any danger of that, but  
13 I'll grant an extension, if necessary anyway.

14 And I don't have to notice; is that  
15 correct?

16 MR. CRAMER: That's correct.

17 MR. STILWELL: Thank you.

18 CHAIRMAN RICE: The motion has been  
19 made, seconded by John Burke.

20 Marie, the roll call, please.

21 MRS. APPLGATE: Mr. Burke?

22 MR. BURKE: Yes.

23 MRS. APPLGATE: Mr. Ratajack?

24 MR. RATAJACK: Yes.

25 MRS. APPLGATE: Mrs. Dunne?

1 MRS. DUNNE: Yes.

2 MRS. APPELEGATE: Mr. Place?

3 MR. PLACE: Yes.

4 MRS. APPELEGATE: Mr. Triggiano?

5 MR. TRIGGIANO: Yes.

6 MRS. APPELEGATE: Mr. Hamilton?

7 MR. HAMILTON: Yes.

8 MRS. APPELEGATE: Mr. Zanes?

9 MR. ZANES: Yes.

10 MRS. APPELEGATE: Mr. Rice?

11 CHAIRMAN RICE: Yes.

12 MR. BURKE: One thing, sir, when  
13 you come to that meeting on the 28th, would you  
14 have an answer as to why they didn't look at  
15 the Coast Guard Station?

16 THE WITNESS: I hope to.

17 MR. BURKE: Thank you.

18 MR. STILWELL: We were going to  
19 talk about that as soon as we got outside.

20 (TIME NOTED: 12:40 a.m.)

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C E R T I F I C A T E

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I, TAMMY LYNN MALAGRINO, a Shorthand Reporter and Notary Public of the State of New Jersey, do hereby certify the foregoing to be a true and accurate transcript of my original stenographic notes taken at the time and place hereinbefore set forth.

*Tammy Lynn Malagrino*

TAMMY LYNN MALAGRINO

Dated: April 23, 1998.

BOROUGH HALL, 15 TAYLOR AVENUE  
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JOHN L. WINTERSTELLA  
Mayor

BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

COLLEEN SCIMECA  
Municipal Clerk



MANASQUAN PLANNING BOARD AGENDA  
APRIL 28, 1998 - SPECIAL MEETING

APPLICATION - 19-1998 - Continuation - Long Branch Cellular  
Telephone Co.

Very truly yours,

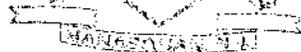
A handwritten signature in cursive script, reading "Marie Applegate".

Marie Applegate, Secretary  
Manasquan Planning Board

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736



**MANASQUAN PLANNING BOARD**  
MAY 5, 1998 - REGULAR MEETING MINUTES

The Manasquan Planning Board held its work session and regular meeting on May 5, 1998, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman Christopher Rice opened the work session at 7:00 P.M., stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law.

**WORK SESSION**

ROLL CALL - PRESENT - Robert Ratajack, James Miller, Patricia Dunne, Carmen Triggiano, Neil Hamilton, Robert Zanes, James Mastrian and Christopher Rice.

ABSENT - John Burke, David Place, Councilman William Schmeling and Mayor John Winterstella

DISCUSSION - Zoning Review - postponed.

INFORMAL HEARING - Fred Murnane - 79 Lake Avenue - Ralph Shield appeared on behalf of the applicant to discuss the possibility of subdividing the subject property. Mr. Shield briefly outlined the proposal, which was addressed by memo to the Board and set forth that it would bring the property into conformance as there are two houses on the lot. The need for several other variances, however, was noted, with Board Member Miller noting the Board would be creating two undersized lots by granting the relief.

**REGULAR SESSION**

Chairman Rice opened the regular session at 7:35 p.m., stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL - PRESENT - Robert Ratajack, James Miller, Patricia Dunne, Carmen Triggiano, Neil Hamilton, Robert Zanes, James Mastrian and Christopher Rice.

ABSENT - John Burke, David Place, Councilman William Schmeling and Mayor John Winterstella.

(Record shows William Schmeling arrived at 7:55 p.m.)

A motion was made, seconded and unanimously carried to accept the minutes of the April 7, 1998 meeting.

RESOLUTION 9 - 1998 - Gloria Lane - 50 $\frac{1}{2}$  South Street - The Board read the resolution and discussed corrections as set forth by Mr. Cramer. The applicant was also on hand to discuss the parking/driveway situation on the property. Ms. Lane and the Board discussed the location of the driveway on the property; it was agreed if the location were to prove unsatisfactory she had the option of coming back to the Board.

A motion was made and seconded to memorialize the resolution as corrected. Motion carried by the following vote: "Yes" Board Members Ratajack, Dunne, Triggiano, Hamilton, Zanes and Rice. "No" none. "Abstain" Board Members Miller and Mastrian.

TIME EXTENSION REQUEST - Manasquan Health Associates - Parker Avenue - A request was made by the applicant's attorney Thomas N. Panepinto for an extension of time in which to perfect their previously granted subdivision. A motion was made, seconded and unanimously carried to grant the extension request with the conditions as discussed regarding compliance with the Borough Engineer's comments.

APPLICATION 18 - 1998 - Sandra Stiles - 12-16 Ocean Avenue - Keith Henderson, attorney for applicant, requested an adjournment on the case, stating his client would like to come back with a new application, possibly involving the demolition of one structure. He agreed to waive the time requirements. Motion was made and seconded to adjourn the application. Motion carried by following vote: "Yes" Board Members Ratajack, Dunne, Triggiano, Hamilton, Zanes, Rice and Mastrian. "No" none. "Abstain" Board Member Miller.

APPLICATION 20-1998 - Michael and Karen Cresitello - 552 Pompano Avenue - The Board Attorney and Chairman marked the file and recognized the applicants, who sought relief so they might construct a 12 x 14 shed in their rear yard. The building permit had been denied by Construction Official Albert P. Ratz, Jr. under Section 107-27 of the Code of the Borough of Manasquan, citing maximum building coverage (35 percent allowed, 39.9 percent proposed), rear setback (5 feet required, 3 feet proposed) and side setback (5 feet required, 3 feet proposed) issues. A hardship variance was requested and as the property is in an A-5 flood zone, the structure must comply with flood requirements. The property is zoned R-3.

Michael Cresitello was sworn in to offer testimony on the application. He questioned several of the issues set forth on the denial and cited he wished to build the shed for storage purposes. He stated his family moved from a larger house in northern Jersey and felt their were also financial hardships as he was laid off from his job and had to sell that home. He also noted he does workworking as a hobby and would have some work space in the shed. It was noted the shed would be 15 feet high, five feet higher than the current zoning ordinance allows.

The Board questioned Mr. Cresitello about the shed. Mr. Hamilton and Mr. Miller noted that the height restrictions in the code were fairly new and questioned the logic of already granting such variances. Questions were also raised about the actual hardship incurred. The applicant noted that the property, sizewise, would not accomodate a garage. It was also noted that an existing shed would be removed. Mr. Crestello offered testimony regarding grading in the neighborhood and stated the shed would be complementary to the new house on the property, which is Victorian in style.

After discussion of size issues, Mr. Cresitello amended his application to request a 10 x 12 x 10 ft. shed.

The meeting was then open to the public; there were no public comments, so the public hearing was closed. The Board continued to debate the size issue. A motion was made by Mr. Mastrian, seconded by Mr. Miller, for a favorable resolution based on the 10 x 12 x 10 ft. amended size with three foot side and rear yard setbacks. Motion carried by the following vote: "Yes" Board Members Ratajack, Miller, Triggiano, Hamilton, Schmeling, Zanes, Mastrian and Rice. "No" Board Member Dunne.

A motion was made, seconded and unanimously carried for a five minute recess at 8:30 p.m.

APPLICATION 21-1998 - Michael and Maureen Grille - 7 Captains Court - The Board Chairman and Attorney recognized Keith Henderson, attorney for the applicants, who were requesting relief so they might be allowed to retain their 149 sq. ft. pool cabana which had been built without a permit. Construction Official Ratz denied the building permit under Section 107-8.B (4)(a) - Maximum area permitted 100 square feet, existing area 149 square feet; and not more than one shed or cabana is permitted on a building lot - the property has one shed and one cabana. The property is in an R-3 zone and A-5 flood

zone, with which the structure complies. A use variance was requested.

Mr. Henderson asked for a clarification/interpretation of the variance required, setting forth in the application case law (Engleside at West Condominium Association v. Beach Haven, 301 NJ Super 628 - Law Div. 1997) he felt was relevant to his position that a use variance was not needed but rather just a bulk variance. He brought forward Mrs. and Mrs. Grille and planner Paul Szymanski to offer testimony; the three were sworn in. It was also noted Members Zanes and Dunne had excused themselves because they are property owners within the affected area. Evidence was marked by the Board Attorney and Chairman.

Mr. Grille testified that he and his wife had bought the subject property in 1988. He discussed construction of the pool and cabana, submitting the contract for the work as evidence. He noted the permit for this work was taken out on January 24, 1995; subsequently the pool and cabana were constructed. Approximately a year later, the pool began to sink and the Grilles sued the contractor as it was found that the pool had not been properly supported. The original pool was removed and replaced, being reconstructed in January 1998. The original cabana remained and the applicants built an addition (approximately 41 square feet) to this cabana February 1998 without a permit. It was stated this addition would allow for the storage of pool equipment, including filter and heater; the original size did not allow for this. Mr. Grille also noted the Kempton shed which exists on the property and stated a permit had been obtained for this construction on October 28, 1997. He also stated he would be willing to annex the cabana to the house, thus taking away the second accessory use set forth in Construction Official Ratz's denial.

The Board Chairman opened the floor to questions of Mr. Grille. Ruth Hennings, 19 Captains Court, questioned how far did the structure need to be setback from the bulkhead. She was under the impression it needed to be 20 feet back.

Mrs. Grille gave further testimony about the construction of the original pool, its sinking and reconstruction, including details on the cement support system installed. She also discussed the cabana, stating they had no indication there was a problem with it until Mr. Ratz issued a stop work order on March 25, 1998 regarding the enlargement of the structure.

Mr. Szymanski then offered testimony on the project. He stated

that he reviewed the documents and inspected the site. He testified regarding the character of the area and the aesthetics and landscaping of the Grille property, which, he noted, is the largest property (17,866 square feet) in the Captains Court subdivision. Setbacks of the various structures on the property were discussed, including that of the Kempton shed (half a foot off the sideyard in the frontyard). The frontage requirements were also noted, with Mr. Szymanski commenting flag shaped lots (such as the irregular, finger shaped lot subject of this application) did not require any variances at the time this lot was created. Variances issues were further discussed, with Mr. Szymanski taking the position that the addition to the cabana fits hardship variance criteria and that, in his opinion, poses no detriment to zoning or the public. He also noted the extra space would allow the storage needed for the pool items, which might otherwise need to be stored in a more obvious and less safe way. Photographs of the site were also submitted.

The floor was opened for questions from the public of Mrs. Grille and Mr. Szymanski. June Cunningham, Cedar Avenue, asked questions about the project. Ralph Hennings, 19 Captains Court, asked questions about how the cabana would be used. He specifically wanted to know if liquor would be served from it as a bar; Mr. Grille stated it would be for storage.

Richard Dunne, 458 Long Avenue, had questions regarding the dimensions of the cabana, the original section versus the addition.

Robert Zanes, 430 Long Avenue, had questions regarding the permit to build/reconstruct the swimming pool and questions/concerns over the bulkhead and history of bulkhead blowout. Mr. Grille stated the problems with the original pool were due to improper installation/no supports.

Ruth Hennings, 19 Captains Court, asked further questions about setbacks from the bulkhead. Mr. Szymanski stated the deck area was seven feet back from the bulkhead. Mrs. Hennings and Mr. Dunne questioned the construction and location of the deck area.

Alan Hilla, Jr., borough engineer, noted variance issues and addressed his memo on the project.

Ann Meier, 7 Captains Court, discussed her own situation in which she could not have a roof attached to the main structure over her deck.

Richard Dunne offered comments on the application. He stated the cabana had already been built, thus it was not what he would consider a "normal" variance process. He disussed zoning, planning and variance issues and called this project " a step backwards" in "the process." The character of the property, including its activities and setbacks, was discussed.

Robert Zanes commented on the application, citing zoning, planning and variance issues.

Anne Young, 480 Long Avenue, said she was told she could not go up to the lagoon and had to go back 20 feet.

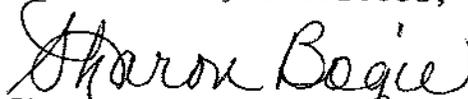
Mrs. Grille noted she had been advised if the cabana was connected to the house it would be considered a permanent structure and a 20 foot setback would be needed. Placed as it is, the cabana is considered an accessory building.

Erica Grogan, 4 Captains Court, spoke in favor of the application as did Russell D'Anton, 15 Captains Court, who stated his property was physically adjacent to the Grilles. There being no further questions or comments from the public, a motion was made, seconded and unanimously carried to close the public hearing. A motion was made by Councilman Schmeling to grant a favorable resolution with the condition that proper permits for the addition to the cabana be obtained. Motion seconded by Mr. Triggiano and carried by the following vote: "Yes" Board Members Ratajack, Miller, Triggiano, Hamilton, Schmeling, Rice and Mastrian.

OLD/NEW BUSINESS - Mr. Mastrian asked about the status of the Planning Board subcommittee on redevelopment in the beach area. Mr. Zanes noted a grant had been applied for to study flood areas/standards. Mr. Mastrian stated he felt the Board should investigate redevelopment issues in light of the liquidation of Kirsch Holding Company properties and expressed concerns that if nothing was done, the same situation would continue, just under different ownership. He asked why the Borough could not condemn such properties.

Payment of bills was unanimously approved. There being no further business, a motion was made, seconded and unanimously carried to adjourn at 10:50 p.m.

Respectfully submitted,

  
Sharon Bogie, Acting Secretary  
Manasquan Planning Board

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MANASQUAN PLANNING BOARD  
MAY 12, 1998 - SPECIAL MEETING MINUTES

The Manasquan Planning Board held a special meeting on May 12, 1998, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan.

Chairman Christopher Rice opened the meeting at 7:00 P.M., stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law.

ROLL CALL - PRESENT - J.Burke, R.Ratajack, C.Triggiano,  
R.Zanes, C.Rice.

ABSENT - J.Miller, D.Place, N.Hamilton,  
W.Schmeling, Mayor J.Winterstella,  
J. Mastrian.

For the record, P.Dunne arrived at 7:15PM.

CASE 19-1998 - CONT. - Long Branch Cellular Phone - USE VARIANCE - Mr. Rice recognized Michael Learn, who placed himself on record as counsel for the applicant in the absence of Warren O. Stillwell. Mr. Learn, referring to correspondence from Mr. Stillwell, stated the applicant wished to proceed in a workshop type manner, discussing alternate proposals for the site, and then continue the hearing at another special meeting to be scheduled.

Mr. Learn presented a copy of the transcript of the previous meeting to be marked as evidence. He also set forth what he felt were the main issues from that meeting: 1. onsite situation and elimination of non-conformities; 2. visual aspects of the tower.

Mr. Learn introduced his experts for the evening: Jeff Kirby, Jay Hettler (in place of Peter Murphy), radio frequency witness. Mr. Kirby had been sworn in at the previous meeting and Board Attorney Cramer swore in Mr. Hettler.

The Board, applicant's counsel and Mr. Cramer discussed the scheduling of the special meeting alluded to by Mr. Learn and Mr. Stillwell. After discussion, it was agreed to meeting Tuesday, June 23, 1998 at 7 p.m.

Mr. Rice recognized Joseph Carr, chairman of the Sea Girt Planning Board. Mr. Carr offered a statement to the Board, noting he was there at the request of Sea Girt Mayor Edward Ahern and expressing concern over the application. He read a letter from Mayor Ahern in which Mr. Ahern tells of how Comcast Cell One came before the Sea Girt Planning Board in 1997 for relief to build a telecommunications facility on the Sea Girt water tower. Concerns were stated at the time regarding health, environmental impact and military aviation safety. A copy of a 1995 letter from Mark E. Clemmenson, assistant commissioner of the Department of Military and Veteran's Affairs, was attached to Mr. Ahern's document. The application was denied by the Sea Girt Planning Board. Mr. Ahern asked the Board to continue the hearing at such time representatives from Clemmenson's office and the Borough of Sea Girt could offer information and testimony on the project.

Mr. Learn stated Mayor Ahern was probably unfamiliar with the New Jersey Supreme Court case involving telecommunications facilities and the Borough

of Fairlawn, which he explained "addressed the health aspects of the issue" and was handed down in January 1998. Mr. Learn said his clients would be willing to meet with representatives of Sea Girt to discuss their concerns.

After some discussion it was stated that representatives of Sea Girt would be welcome to air concerns at the next special meeting. This would also give everyone time to review records of prior testimony and the Fairlawn litigation.

After further discussion regarding the special meeting, Gloria Buddalitch, Sea Girt, expressed health concerns about the tower. She stated she was concerned as to whether the telephone company itself did the studies; "It's kind of like letting Philip Morris do a cancer study." She explained that she had information on the issue from several agencies.

Mr. Learn reiterated that Lucent Technology, which is totally independent of Bell Atlantic and Comcast, did the study.

Mr. Burke noted that the situation Manasquan is encountering is different from the one Sea Girt faced in light of the Supreme Court case. He also He also questioned the legality of considering correspondence without having someone there to cross examine on the issues set forth.

Chairman Rice closed the public portion of the meeting for the evening and the Board and applicant went into a workshop presentation on the projected work. Jeff Kirby presented information on a projected parking plan set forth for discussion. It was stated this was a preliminary plan and a formal layout would be forthcoming. Parking variance issues were discussed, including requirements for number of on-site spaces. Mr. Kirby stated with the plan submitted for consideration there was room for at least 17 spaces on the property. He stated other options were explored but logistic problems occurred, such as location of utility poles and air conditioning apparatus.

Mr. Hettler was brought forth to discuss options regarding lessening of the visual impact of the pole. He stated a consideration could be to install a thinner pole than one usually used by Comcast. He explained the details of such a pole, including how panel antennas would be mounted to the top, and stated that this was a "new type of technology that combines all that electronic apparatus that was in the top of the tower before into a nice small package." A series of photographs depicting computer simulations of such a tower from different vantage points in the area were set forth and explained by Ann Walsh. Ms. Walsh also offered photographs of the Sea Girt water tower, to show the visual impact of that structure, and of the present parking situation on the property.

Mr. Burke and Mr. Zanes questioned the present practice of the owner parking out front. Both expressed a need to have the owner create landscaping or other make other indication that he will not allow parking out front. Chairman Rice suggested Engineer Hilla be given a chance to review the materials submitted and give input.

The Board and applicant's professionals continued to discuss the photographs.

Questions were also raised by Mr. Ratajack and the other Board Members about the slimline pole system, including construction of the foundation; Mr. Kirby offered information on its construction and dimensions. Possibilities to camouflage the structure were also discussed. Options to decrease visual impact were discussed.

The issue of other companies sharing the site with Comcast was also discussed, in view of the FCC's position that such facilities be "co-located" with existing facilities, such as water towers and other poles. The Board expressed concern they may not retain jurisdiction should another company come in and wish to construct a pole with the Comcast tower. It was stated the slimline pole discussed is really suitable for a single carrier.

Height of the structure was also discussed. Mr. Hettler offered testimony on poles and how they pick up signals from their customers. He explained Comcast wishes to erect this pole in response to a 15 percent dropped call problem it has during the peak summer times. By putting the pole in this area it was relieve the blocking problem and increase capacity in the Spring Lake-Sea Girt- Manasquan- Brielle area. He gave some history regarding the cellular phone industry.

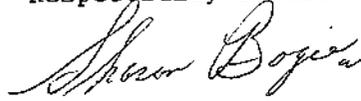
In explanataion as to why the height of this pole was necessary, Mr. Hettler stated because a cellular phone "scans" the area and focuses on the strongest signal, the pole must be around the same height as surrounding poles; locations in Belmar, Wall and Brielle have poles which are approximately 120 feet tall. Below 100 feet brings obstructions in the signals/radio waves. Mr. Burke questioned a hypothetical number of 65 feet, which Mr. Hettler said would absolutely not meet any of their needs. Mr. Learn summed up by stating, the "long and short of it is" that the lowest they can go is 95 feet.

Mr. Zanes had questions regarding the map showing coverage areas, noting that it appeared to have changed since the last meeting. He also had questions about how high any co-users would need to go in order to be viable. Mr. Hettler offered information on both issues. Mr. Hettler explained thge new map was just created by brand new technology rather than by an older apparatus which was used for the first map. Mr. Zanes continued to express concerns over what he termed "inconsistencies" between the coverage area initially set forth, which showed the "hole" in coverage over Belmar, and the map shown at this meeting, which brings the "hole" closer to Manasquan. Mr. Burke also had questions regarding coverage and where the dropped calls were actually coming from and when they were being dropped. Mr. Hettler gave the Board information about the peak times of cellular phone use in the area. He also gave drop off information in response to Mr. Burke's inquiries. It was stated that the 15 percent drop off was the difficulty. Comcast indicates two percent is the blocking percent when defining "optimal cellular service." It was also explained towers being built were not being erected to siphon off competitors' calls but to give relief to those towers getting too many calls. Mr. Hettler also explained the difference between dropped calls (static, etc., due to strength of signal) and blocked calls

(busy signals). Mr. Burke also asked questions about the future of the industry, noting some companies were going digital. Mr. Triggiano also questioned whether satellites would be used at some time.

The Board, its professionals and applicant's professionals continued discussion of the parking situation, including access and jurisdiction. After the discussion, a motion was made to open the floor to the public. There were no comments from the public, so the public portion was closed. A motion was made, second and unaimously carried to adjourn at 8:40 p.m.

Respectfully submitted,



Sharon Bogie, acting secretary  
Manasquan Planning Board

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

732-223-0544  
Fax 732-223-0587

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736



Dear Manasquan Board Members:

Please consider the following agenda for the May 12, 1998 special meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

MANASQUAN PLANNING BOARD AGENDA  
MAY 12, 1998 - SPECIAL MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

SALUTE TO FLAG

7:00 P.M. - CONTINUATION - Long Branch Cellular Telephone  
Company - 600 Sea Girt Avenue - Block 54, Lot  
1

  
Marie Applegate, Secretary  
Manasquan Planning Board

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

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JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

COLLEEN SCIMECA  
Municipal Clerk

COMMUNITY BLOCK GRANT HEARING

June 9, 1998, 6:30 p.m.  
Manasquan Borough Hall, 15 Taylor Avenue  
Manasquan, NJ

MINUTES

On June 9, 1998, a Community Block Grant hearing was held in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, NJ. Mayor John Winterstella called the hearing to order at 6:30 p.m., announcing that, as in years past, this hearing was being held in conjunction with the regularly scheduled Manasquan Planning Board meeting. He stated it was an open public meeting which had been advertised according to law.

Mayor Winterstella stated a \$175,000 grant has been requested for the purpose of completing the N. Main Street project, which includes repaving and repair. He stated curbs, roads and sidewalks in this area were "in rough shape."

The Mayor opened the public forum, but there were no comments. He recognized Planning Board Chairmam Christopher Rice, who had no comments. It was announced the hearing would remain open until 7 p.m. to give other members of the public and Planning Board members an opportunity to be heard.

There being no further business and no comments, the hearing was adjourned at 7 p.m.

Respectfully submitted,

*Sharon Bogie*  
Sharon Bogie, Acting Secretary  
Manasquan Planning Board

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

732-223-0544  
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JOHN L. WINTERSTELLA  
Mayor

BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

COLLEEN SCIMECA  
Municipal Clerk

Dear Manasquan Board Members:

Please consider the following agenda for the July 23, 1998  
special meeting at 7:30 P.M. in Manasquan Borough Hall, 15 Taylor  
Avenue, Manasquan, New Jersey.

MANASQUAN PLANNING BOARD AGENDA  
JULY 23, 1998 SPECIAL MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

SALUTE TO FLAG

7:30 P.M. - CONTINUATION - APPLICATION - 25-1998  
Frank & Sue Nolfi - River Place

Master Plan Re-examination Review

Marie Applegate, Secretary  
Manasquan Planning Board

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

Dear Manasquan Board Members:

Enclosed please find a copy of the Minutes of the Special Meeting of May 12, 1998. Please consider the following Agenda for the July 7, 1998 meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

MANASQUAN PLANNING BOARD AGENDA  
JULY 7, 1998 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion:
2. Informal Hearings:
  - (a) Councilman T.J.Coan - Ordinance & Zoning Schedule
3. Private Session:
  - (a) Personnel Matters
  - (b) Litigation

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Motion on Minutes
3. Consent Agenda

A. RESOLUTION - 23-1998 - Nancy Newman - 11 Gardners Lane

END OF CONSENT AGENDA

APPLICATION - 24-1998 - Paul Pearsall - 395 River Place

APPLICATION - 25-1998 - Frank & Sue Nolfi - River Place (lot)

APPLICATION - 22-1998 - Harold Smith - 27 Beachfront

- 4.- APPROVAL OF VOUCHERS
5. - COMMENTS FROM INDIVIDUAL BOARD MEMBERS.
6. - REPORTS OF SUBCOMMITTEES OF BOARD.
7. - AUDIENCE PARTICIPATION.

Marie Applegate, Secretary  
Manasquan Planning Board

BOROUGH HALL, 15 TAYLOR AVENUE  
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732-223-0544  
Fax 732-223-0587

JOHN L. WINTERSTELLA  
Mayor

BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

COLLEEN SCIMECA  
Municipal Clerk



TO: Planning Board Members  
FROM: Marie Applegate  
DATE: July 9, 1998  
RE: Continuance - Frank & Sue Nolfi  
Application - 25-1998 - River Place

NOTICE - The special meeting which was set for Tuesday July 21, at our meeting of July 7th, had to be changed to Thursday July 23, 1998 at 7:30 P.M.

*Marie*

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

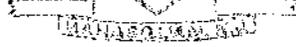
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JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736



Dear Manasquan Board Members:

Please consider the following agenda for the June 23, 1998 special meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

MANASQUAN PLANNING BOARD AGENDA  
JUNE 23, 1998 SPECIAL MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

SALUTE TO FLAG

7:00 P.M. - CONTINUATION - Long Branch Cellular Telephone Company - 600 Sea Girt Avenue, Block 54, Lot 1

Marie Applegate, Secretary  
Manasquan Planning Board

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MANASQUAN PLANNING BOARD  
JUNE 23, 1998 - SPECIAL MEETING MINUTES

The Manasquan Planning Board held a special meeting on June 23, 1998, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J.

Chairman Christopher Rice opened the meeting at 7:00 P.M., stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law.

ROLL CALL : Present - Board Members Robert Ratajack, Patricia Dunne, Carmen J. Triggiano, Robert Zanes, Christopher Rice.

Absent - Board Members John Burke, James Miller, David Place, Neil Hamilton, Councilman William Schmeling, Mayor John Winterstella and James Mastrian

Also in attendance were Board Attorney Geoffrey Cramer, Board Engineer Alan Hilla Jr. and Acting Secretary Sharon Bogie.

Chairman Rice asked all in attendance to join in the Salute to the Flag.

APPLICATION 19-1998 - Long Branch Cellular Telephone Company - 600 Sea Girt Avenue (Camp Drive) - Chairman Rice recognized Warren Stilwell, attorney for the applicant. It was stated that this hearing was a continuance of the April 28 and May 12, 1998 special meetings. He then introduced his experts for the evening: Jeff Kirby, engineer; Pete Murphy, radio frequency engineer; Ann Welsh, property management specialist; and Tim Michel, planner. It was noted all had been sworn in at previous meetings.

Mr. Stilwell also addressed the issue of voting members of the Board, seeing that there were only five members in attendance. He stated he had no intention of asking for a vote during the course of the evening, wishing to wait until there was a "full complement" of members.

Mr. Kirby was called upon to discuss work he had done regarding the parking situation on the site. Addressing Exhibit A-8, he testified that the diagram PS1 depicted a parking plan in compliance with borough ordinance requirements regarding number of spaces (16 and one handicapped space for a total of 17). Areas of new pavement were indicated as was a concrete apron. Attached to PS1 was PS2, which also showed the same number of parking spaces and direct ingress/egress from Sea Girt Avenue off the railroad track rather than Military Drive. He stated in his opinion both plans meet the requirements of the borough ordinance.

Mr. Kirby offered testimony as to the effects of each plan on the landscaping in the area. He noted PS1 had the "least amount of disturbance to the property" and would probably call for the removal of approximately 13 existing evergreen trees. PS2 would require the removal of 17 assorted trees from the area. He testified that in his opinion access to the site had been off Military Drive for "a long time."

After Mr. Stilwell's questioning of Mr. Kirby, Mr. Cramer recognized Scott Thompson, attorney representing the Planning Board of the Borough of Sea Girt, and Joseph Carr, chairman of the Sea Girt Planning Board. Mr. Cramer asked if Mr. Thompson had any questions for Mr. Kirby. Mr. Thompson asked for clarification as to whether Military Drive was a public street or state street; Mr. Kirby stated it was under state jurisdiction and was not a public street. He also asked for clarification regarding the amount of landscaping which would need to be removed so that access would be directly off Sea Girt Avenue. It was stated much of the landscaping would be lost. It was stated, in response to Mr. Thompson's questioning, that it would be a "trade-off" between the parking and the landscaping.

Mr. Cramer also recognized Lieutenant Colonel Mark Clemmensen of the Department of Military Veteran's Affairs for the State of New Jersey. He stated he had no questions of Mr. Kirby.

Mr. Stilwell called upon Dr. Marvin Ziskin, professor of Radiology and Medical Physics at Temple University, Philadelphia, PA. Mr. Stilwell asked Dr. Ziskin be sworn in as an expert on the health effects of such poles as being proposed by the applicant. Dr. Ziskin offered his credentials and was accepted as an expert by the Board.

In response to Mr. Stilwell's questioning, Dr. Ziskin discussed regulations regarding allowable amounts of exposure to radio frequency energy (between 800-900 megahertz). It was stated this facility would be "a hundred times slower" than this standard. Dr. Ziskin went on to discuss his function in determining how much exposure anyone could have and determine safe levels/limits. He explained the process in coming up with those estimates.

Mr. Triggiano asked who would enforce such limits; Dr. Ziskin said it is primarily up to the company but that the FCC also participates in the monitoring process.

It was noted that one tower would not be able to cause exposure over the limitations set; Mrs. Dunne asked, however, what would happen if multiple facilities were existing. Dr. Ziskin said the frequency exposure would be more but still not over the limit; he stated "a hundred antennas could be put up with the same frequency before you actually reach the level that is considered safe."

Mr. Rice asked if these estimates would change over the years; Dr. Ziskin said the numbers have remained "remarkably stable." He also testified regarding the FCC controls and their history of involvement with monitoring.

Mr. Cramer asked Mr. Thompson if he had any questions of Dr. Ziskin. Mr. Thompson questioned Dr. Ziskin about his knowledge of the communications

equipment belonging to the National Guard. He also asked Dr. Ziskin to describe what would happen in the event of overexposure. He stated most of the time very little would happen, but effects could include burning sensations on exposed portions of the body and possibly "crackling" of dental fillings. He noted, however, one could also cause such damage with certain levels of exposure to energy from a microwave oven. He also said there is no long-term, cumulative effect, unlike x-rays which are cumulative over the life of the person.

Lt. Col. Clemmensen stated he had no questions per say but noted if there was satisfaction with the safety of the tower his department might consider allowing the tower to be built on their property; this offer, Mr. Stilwell stated, would be investigated.

Further questioning of Dr. Ziskin by Mr. Stilwell involved the FCC's role in being notified of stations, etc., being established. Board Member Triggiano asked Dr. Ziskin whether they affected pace makers; Dr. Ziskin stated if you held the cellular phone itself, which produces energy 500 greater than that whic a person would receive from a tower, close to your heart, then a problem could occur.

There being no further questions, Mr. Stilwell introduced Ann Welsh to offer testimony. Ms. Welsh offered photographs and a map insert, collectively marked as exhibit A-9, depicting the "slim line" pole option via computer simulation. The photographs, she offered, were taken by an architect at Betswood Engineering with a digital camera. She described the vantage point from which each photograph was taken and compared them in terms of visual impact with corresponding pictures which had been submitted at previous meeting. A series of photographs marked A-10 showed the projected pole as would be seen from areas of Sea Girt. It was stated that through use of a crane and other resources, the photographs were created to show the exact height of the structure.

Ms. Welsh also noted that the loss of landscape discussed earlier in the evening because of the parking plan "could be mitigated" by green space in front of the site.

Ms. Welsh stated the professional who does the Comcast filings with the FCC received a letter back stating there would be no problem with the height or location of the pole. The height submitted, it was noted, was 98 ft. above ground level/118 above main sea level.

Further photographs of the regular pole and the slim line were submitted (exhibits A-11 through A-13) and discussed. Questions were asked about the slim line by Mr. Rice and Mr. Zanes, with Mr. Zanes asking about antennas off the slimline. Ms. Welsh stated the antennas project approximately two

to three inches from the top of the pole. Thus, it was noted, the antennas would not be visible from a distance. Discussion was also conducted on the diameters of the pole as originally proposed (13 feet per phase of a triangle) and the slimline pole (1820 inches in diameter). The number of carriers to use the facility was also discussed. It was stated it was being proposed to be built for one carrier.

Discussion was conducted on Comcast's proposal to put the pole on the Sea Girt water tower; Mr. Kirby was brought forward to give technical testimony on this type of installation. Mr. Thompson had no questions of Mr. Kirby while Lt. Col. Clemmensen asked that any FAA comments be forwarded to his department for review.

Mr. Michel was then called upon to offer testimony. He stated the slim line pole has far less visual impact than the original proposal and it addressed the concerns voiced by the Board on the visual impact of the project. He also testified that based on the area being zoned B-3 and based on the character of the area (railroad tracks, location behind other buildings, etc.) this proposal seemed appropriate for the site.

Mr. Rice asked about impact other than height, in terms of landscaping, loss of buffering, etc. Mr. Michel stated he believed the "footprint impact" would be about 400 square feet. The nonconformities inherent on the site and with the proposed project were discussed, including the redesigning of the site to accommodate parking required under zoning.

Under questioning from Mr. Thompson, Mr. Michel stated the property was already 70 percent impervious lot coverage. It was noted the Borough zoning ordinance sets the percentage at 60. He also testified that this was a low impact use being added to what Mr. Thompson termed a "mixed use lot."

Under further questioning from Mr. Stilwell, Mr. Michel felt the optimum situation would have been if Sea Girt had allowed installation of the pole at the water tower. He stated that the host community of such a pole would be impacted the most. Mr. Zanes questioned Mr. Michel on the reasons why this site was the third choice of the applicant for locating the pole. He also questioned what Mr. Michel meant when he termed the use "low impact."

Mr. Stilwell clarified the process by which Comcast looked at sites for the pole in this area. Among the factors investigated were existing structures to which the pole could be attached, such as the water tower, a "willing landlord", structural capacity and access to the site.

The Board Chairman called for a five minutes recess at 8:35 p.m. At 8:40 p.m. the Board resumed its meeting.

Discussion was conducted on the number of voting members. Mr. Cramer suggested any vote be deferred to a regular meeting agenda and that absent board members read the transcripts so they could vote as well.

After discussion it was agreed the case would be continued at the August 4, 1998 regular Planning Board meeting. Mr. Stiwell indicated he would like to finish up the public portion during thsi evening's meeting and stated he would have no further witnesses or testimony for August 4. He would just sum up at the meeting, he said. Mr. Thompson indicated he would also like to speak and summarize at that time.

Mr. Cramer asked Mr. Thompson if he had any witnesses. He stated Mr. Carr would like to make a statement. Mr. Carr was sworn in and read a statement in opposition to the application, shating it would cast a "shadow" over Sea Girt. He also expressed concerns over visual impact and health factors and stated if the situation was reversed, "we would not place this burden on your doorstep." He noted variance issues and nonconformities involved with the application. He also expressed concern that children would attempt to climb the pole.

Mr. Stilwell cross examined Mr. Carr, asking him if he was aware of case law (the Borough of Fair Lawn case) regarding the installation of cellular poles and asking him what aspects of the application he had objections to. Mr. Carr stated there were several matters that were of concern, including but not limited to visual impact. Mr. Stilwell asked him about the benefits of improved telecommunications, upon which Mr. Thompson stated Mr. Carr indicated he saw no "direct benefits" for Sea Girt or Manasquan.

Lt. Col. Clemmensen was sworn in to offer a statement. He stated his department could object to a parking lot being established next to their ingress/egress to the site. Under questioning from Mr. Zanes, Lt. Col. Clemmensen stated the egress/ingress now is limited and while the situation as it exists is alright, any additional traffic would not be satisfactory to his department.

Heights of poles were discussed and were cases where the pole was installed on a water tower. Mr. Kirby stated attaching a pole to the catwalk of a water tower would "probably" be the "least visible of all the options available."

Mr. Hilla offered some comments. He expressed concern that the pole is going into Manasquan yet, according to maps of coverage offered by the applicant, the hole in coverage where the calls are being dropped was located over Spring Lake. Capacity and quality of service issues were also addressed by all parties.

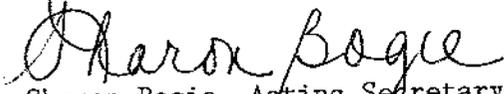
Mr. Zanes expressed concerns that the continual placing of towers was going to be an effort to catch up with the number of cellular phone users. He stated the installation of such a tower is just "solving an immediate problem you have in another community." Mr. Zanes noted that some wiring, etc. is placed underground; it was stated underground installation was not possible for cellular phones at this time.

Mr. Murphy, upon questioning from Mr. Rice, stated the hole had been a concern for approximately one year. Mr. Murphy indicated there was no way of establishing just how long it would solve the problem. Questions were also raised as to the future of the cellular market and technology. Mrs. Dunne also had questions about the Coast Guard Station pole and how some of the coverage from the present poles extends into the ocean. Dropoff percentages were discussed. Mr. Murphy gave information about how the problem was determined by Comcast.

Mr. Zanes continued to express concerns over coverage issues.

There being no further questions, a motion was made, seconded and unanimously carried to adjourn the meeting at 9:30 p.m.

Respectfully submitted,

  
Sharon Bogie, Acting Secretary  
Manasquan Planning Board

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

**MAASQUAN PLANNING BOARD**  
**JULY 7, 1998 - REGULAR MEETING MINUTES**

The Manasquan Planning Board held their work session and regular meeting on July 7, 1998, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman Christopher Rice opened the work session at 7:00 P.M., stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law.

ROLL CALL - PRESENT - John Burke, Robert Ratajack, David Place, Carmen Triggiano, Neil Hamilton, Mayor John Winterstella Christopher Rice.

ABSENT - Patricia Dunne, Councilman William Schmeling, Robert Zanes, James Mastrian.

For the record, James Miller arrived at 7:05 P.M..

INFORMAL - Councilman T. J. Coan did a presentation on Possible Ordinance Changes. On Decks - no deck to be constructed above the highest finished floor of the structure. Widows Walks - he would like to put a limit on the square footage, also an access from the internal part of the structure, with a pull down stairs and a hatch.

Mr. Triggiano stated he didn't see why if a deck was destroyed in a storm it couldn't be rebuilt, when it was approved by the Board of Adjustment. Mr. Coan said it would be grand-fathered unless it was destroyed by a certain percentage. A maximum of 50 sq. ft. is permitted.

Steps/Stairs - no steps/stairs, entry porches, platforms or landing may be constructed into any side setback area. Entry Porches - An open and unscreened entry porch, platform or landing leading to the basement, cellar or first floor not more than 5 feet wide may project not more than 3 feet (not including steps) into the required front or rear yard setback provided the floor of the porch is within 3 feet of the adjoining ground level.

Grading Plan - To be required for all new construction on vacant lots where the addition to an existing structure exceeds 500 sq. ft. of foundation area. This plan must meet the satisfaction of the construction official so that no drainage falls onto neighbors lots and finished grade elevation does not negatively impact neighboring properties.

Surveys - No survey older than 5 years will be accepted for a construction or zoning permit.

Senior Citizen Housing (107-38) - Permitted uses - planned multi-family housing for senior citizens to be permitted in the R-M, R-PM, B1,B2,B3,O,PUD zones only. Change to 1/2 acre from 1 acre. Change to 2 stories from 2½ stories, change height to 30' from 28', change density to 16 units per acre from 18 units.

Transient Guests - Those staying not more than 30 days within any 60 day period.

Mr. Coan also proposed a new revised Zoning Schedule and Zoning

Map, stating this was triggered by Mr. Miller's memo on flag lots.

Mr. Chas. Holloway was introduced by Mr. Rice, who is sitting in for Alan Hilla, Jr. tonight.

REGULAR SESSION

Mr. Rice opened the regular session at 7:30 P.M., stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law. He asked all present to join in the Salute to the Flag.

ROLL CALL - PRESENT - J.Burke, R.Ratajack, J.Miller, D.Place,  
C.Triggiano, N.Hamilton, C. Rice,  
Mayor Winterstella.  
ABSENT - P.Dunne, Councilman W.Schmeling,  
R.Zanes, J. Mastrian.

A motion to approve the minutes of May 12, 1998 was made by J.Burke, seconded by C.Triggiano, followed by the following vote: "YES"- J.Burke, R.Ratajack, C.Triggiano, C.Rice. ABSTAIN - J.Miller, D.Place, N.Hamilton, Mayor Winterstella.

RESOLUTION - 23-1998 - Nancy Newman - 11 Gardners Lane.  
The resolution was read by Mr. Cramer.

A motion to memorialize the resolution with 2 corrections, was made by N.Hamilton, seconded by D.Place, followed by the following vote: "YES" - R.Ratajack, J.Miller, D.Place, C.Triggiano, N. Hamilton, C.Rice. ABSTAIN - J.Burke, Mayor Winterstella.

APPLICATION - 24-1998 - Paul Pearsall - 395 River Place  
Mr.Paul R. Pearsall the applicant and Brian Adams from Classic Conservatories were sworn in by Mr. Cramer.  
Mr. Pearsall proposes to construct 13' x 13'sunroom over existing deck. R-2 Zone. This application was denied for the following reasons: 107-27 Maximum Building Coverage - 30% maximum allowed, 34% proposed. A-5 Flood zone: New construction must comply.  
Mr. Pearsall testified he has resided here with his wife for 13 years. He has owned the property for 13 years. He testified the addition would enhance his property. The shower has been on the property for 13 years, it has no roof, and is only for the children when they come back from the beach. There will be electricity, but no plumbing or heating in that room.  
Mr. Pearsall testified it will never be used as a bedroom.

A motion to open the meeting to the public was made, seconded and unanimously carried.

Carol Broderick came forward stating that a 5 year survey is a good idea.

A motion to close the open portion to the public was made, seconded and unanimously carried.

Mr. Rice stated in all fairness to the public, this has not been put into place on the 5 year survey, and for now we are not going to put it in place tonight.

A motion to open to the public was made, seconded and carried by all but Mr. Miller who was opposed.

Mr. T.J.Coan stated when Mr. Pearsall goes to get his building permit, he will have to get a new survey, as it has been put into place.

A motion to close the open portion was made seconded and unanimously carried.

A motion by Mr. Hamilton for approval, striking the issue of additional trees, seconded by D.Place followed by the following vote: "YES" - J.Burke, R.Ratajack, J.Miller, D.Place, C.Triggiano, N. Hamilton, Mayor Winterstella, C.Rice.

APPLICATION - 25-1998 - Frank & Sue Nolfi - River Place (1st)  
Owner wishes to construct new one family dwelling. R-2 Zone.  
This application was denied for the following reasons:  
107-27 Front Setback - 25 ft. required, 11.71 ft. proposed.  
Rear Setback - 20 ft. required, 5 ft. to deck proposed, 15 ft. to house proposed.

107-23.3- Curb cuts in residential zones. Maximum allowed - 12 feet, proposed - 20 feet. A-5 Flood Zone, construction must comply. Hardship variance.

E. Thomas Brennan, Jr. put himself on record as attorney for the applicant. Witnesses sworn in were Frank V.Nolfi applicant and Michael Cannon, Professional Engineer and Planner from Benchmark Survey Engineering.

Mr. Nolfi testified he is the applicant and the owner of the property at River Place. He purchased the property in December of 1997 with his wife, from his uncles and mother, with the intent of living and raising his family here in Manasquan. He has a 2 yr. old and 7 week old child. He testified he proposes a traditional 2 story structure, 1870 sq. ft.. There will be 3 bedrooms on the second floor. He believes the design will fit into the neighborhood, as the one directly behind him is similar. The plans were marked A-1 by Mr. Cramer.

Mr. Burke stated they will need another variance, as the fireplace projection is 2 feet and extends up the side of the house. Mr. Brennan stated it could be worked into the construction so they wouldn't need a variance.

Mr. Nolfi testified the rear deck will be 10x14' made of wood, which will be built off the kitchen.

Mr. Miller asked if the Board could ask the applicant to amend this application to include the set backs as per Mr. Ratz's denials. Mr. Brennan stated they have set up the application based upon Mr. Ratz's letter of 4/30/98, a front yard setback, a variance, a rear yard set back variance and a curb cut in

residential zone and compliance with the A-5 flood zone.

The meeting was opened to the public, with a motion by Mr. Burke, seconded by C. Triggiano and unanimously carried.

Charles Lach, 390 River Place stated his main objection to the development of that property is the front set back, it will project an image to First Avenue, and that's not what the neighborhood is about. He thought if they could reduce the front porch or eliminate it, it could bring you closer to compliance. Mr. Nolfi said it is only 6 ft. what else could he do.

The public portion of the meeting was closed with a motion from C. Triggiano, seconded by Mayor Winterstella, and unanimously carried.

Michael Cannon, an engineer and planner came forward and testified he set up the plot plan stating the property in question is an odd shaped lot in block 132, on the north side of River Place between S.Jackson and Virginia Ave.. It's triangular shaped that caused the hardship for developing in this case. The lot area is conforming for the zone, 5,083 sq. ft. is proposed for the lot. He testified they are seeking variances for the front and rear yard setbacks. He testified they basically kept the house in line with the houses on that street. He testified the average front set back of the houses on that street are 25 ft.. This house will set back further than the house next to it, but it's the angle of River Place that causes the variance of 16 ft.. The building coverage is at 22%, which will blend in aesthetically with the development. He testified it will not impact negatively with the zoning plan. He cannot see any detriment to the public good, based on the fact that there are other structures along River Place that are closer than this.

He testified he made the driveway curb cut 20 ft. to accommodate the parking of 2 cars off the street. He testified they can make the cut 12 feet wide if the Board so desires.

The meeting was opened to the public by motion from Mayor Winterstella, seconded by N.Hamilton and unanimously carried.

Lucy Ferrara - River Place asked if there are any houses that are less than 25 ft. front on the street. Mr. Cannon stated 390 on the corner of River Place & So Jackson is 15.7ft..

A motion was made to close the public hearing, seconded by J.Miller, and unanimously carried.

Mr. Brennan stated the height is 29 feet. Mr. Rice stated the house can't be more than 30 ft. from the crown of the road. Mr. Rice thought moving the deck over to the other side of the

house would eliminate a variance. Mr. Burke would like a site inspection and stakes showing exactly what the footprint of the house is going to be on the property. The Board agreed with Mr. Burke.

Mr. Nolfi testified he sold his home thinking he could build a modular not knowing he would need variances. He has moved twice, had a winter rental and now a summer rental in Belmar, that's up in August and he has no place to live after that. In comparison to the other homes in the area, our house is going to be small. Mr. Place stated he understands and feels for him, but 11 feet from the curb in a 25 ft. setback.

Mr. Rice stated the Board cannot vote on it tonight, not until after the Board has a site inspection.

Mr. Cramer stated there will be a special meeting on July 21, 1998 at 7:30 P.M. to continue this application as well as a discussion on the Master Plan reexamination and possible zoning ordinance changes.

Mr. Rice stated when you come back, have a survey showing the property set backs, the new deck location, height, elevation, and fire place location.

A motion to open the meeting to the public was made seconded and unanimously carried.

Lucy Ferrara stated she really doesn't think it's a buildable lot, the house is too large, there is no way you can put a house on that lot.

Carol Broderick, Parker Ave. stated it is difficult to picture the house on the property without actually going to see it, but I know you have a lot of problems with odd shaped lots, because of property intersecting, and then that causes a problem. As the applicant stated, his family owns the lot next door which is not buildable, maybe he could do something with using that lot also. Mr. Nolfi said that wasn't possible, he would have to buy that piece of property which would cost over \$80,000.

James Cibrletta has a problem with that back setback, as I am in the house behind it, and a terrible problem with that back deck. We shouldn't be looking at trying to fit a house in.

A motion to close the public session was made seconded and unanimously carried.

A motion for a 5 minute recess was made by J.Burke, seconded by C.Triggiano, and uninamously carried at 9:35P.M..

The Board returned from recess at 9:45 p.m. with the following

vote: YES - J.Burke, R.Ratajack, J.Miller, D.Place, C.Triggiano, N. Hamilton, Mayor Winterstella, C.Rice.

APPLICATION - 22-1998 - Harold Smith - 27 Beachfront.

Applicant wishes to extend existing deck in rear yard and construct a 4.5 ft. x 5 ft. roof over south side door of a two-family dwelling. R-4 Zone.

This application is denied for the following reasons:

107-11-Two family dwellings are not a permitted use. 107-27 Aggregate depth of front and rear yard - 30 ft. required, 19.65 ft. proposed.

No yard less than 10 feet required. Rear yard proposed - 8.15 feet. A minimum setback of 15 ft. is required from monumented beachfront. There is an existing ground level deck 11.5 ft. from beachfront lot line. This deck is permitted by Section 107-33.

Sideyard Setback - north - 5 ft. required, 3.06 ft. proposed. south - 5 ft. required, 4 ft. proposed. 107.36.A - Off street parking - 4 spaces required, 0 spaces shown. B-6 Flood Zone - deck must comply. Use Variance.

Thomas M. Badenhausen, from Lautman, Henderson & Wight, put himself on record as Attorney representing the applicant. Harold Smith the applicant and John Gassner, John J. Gassner Builders, Inc., 56 Union Avenue were sworn in by Mr. Cramer.

Mr. Cramer stated what we have here Mr. Badenhausen, is an application where the applicant seeks certain improvements to existing non-conforming use. The structure is non-conforming, it croaches into certain side yard set backs.

Mr. Smith testified, the second kitchen will be strictly restricted to the occupants of the house, which will be himself his wife and his 3 children. If the Board is more comfortable, he will have a restriction put on the deed, that it will never be used as a 2 family.

Mr. Smith testified he and his wife Barbara are the owners of 27 Beachfront, presently a non-conforming 2 family use. He testified he would be willing to abandon that condition upon granting by the Board of the bulk variances that we are seeking. He testified the existing deck is in need of some repair, and before going to any expense he talked to John Gassner and he decided to make it more functional, to try and expand it out. It is only 4 feet from the back door and the way you have to get around it, my two daughters can't get their paraphernalia with their children in the back door, so we're trying to expand the deck. The A-frame over the side door, is to enable who ever comes out that door in inclement weather can put up an umbrella it's primarily for protection. The deck is a red cedar and we will reconstruct the same. We will be increasing the deck by

7.3 feet. It is an open deck, no lighting, used for sitting and going into the house. The Hare's live directly behind and they sent a letter to the Board stating they fully support the improvements suggested by the Smiths in their application. They purchased the property in 1991.

Mr. Gassner testified, they are taking the wood decking off and the railings on the existing deck, but the joist and the concrete structure supporting that now are in fine shape, 36 inches down on 8x16" concrete block and are more than sufficient to support the existing structure.

Mr. Burke stated the property in question is more than 200 feet from his house.

Mr. Gassner testified he is president of John J. Gassner Builders, Inc., as a remodeling firm, doing work in the Monmouth County area for the past 20 years. The existing height of the deck right now, there is a concrete walkway the deck right now is five ft. high, the sand level is another 8 inches down on the south side. The existing deck and the extension will all be 5 ft. above ground, and the stairs will be moved to the north side, as that happens to be the walkway, where the Smiths have their easement to get down to First Avenue. The roof is 4½ off the house and 4 ft. from the property line. The ground level living area is a kitchen, 2 bedrooms and combination living dining room, very narrow and small, there is a wooden deck on the south side that only has access from the sliding doors on the beachfront side. go up about 10 steps to the loft. There is a spiral staircase inside that has access to the loft.

Mr. Smith testified, they keep it heated as they come up once a month in the winter. The second unit has 2 bedrooms a kitchen living room and bath. We use the house as a family and that is the way I would like to keep it.

A motion by J. Burke to open the meeting to the public was made and seconded by J. Miller and unanimously carried.

Carol Broderick came forward and said she doesn't see how they can change it from two family to one without there being a way of getting to one part of the house to the other without going out of one to get into the other.

Mr. Cramer stated - Carol, the testimony you have heard tonight from the applicant that the only use of the property that he is making is as a use of his extended family, his children and his grand children.

A motion to close the public session was made by D. Place, seconded by J. Miller and unanimously carried.

For the record, Mayor Winterstella left at 10:10 P.M.

C.Triggiano wanted to know if he is still going to have 2 water and sewers.

N. Hamilton said he is going to go to the tax office and reduce the water and sewer charges and indicate to them by certified letter that he now wants this to be a single family, with one water and sewer.

Mr. J.Miller made a motion for a favorable resolution with the stipulation that there be a deed restriction, that this will be a one family dwelling, and also that there will be one sewer and one water meter/bill, all based on the stipulation that the applicant will abandon it's non-conforming 2 family use of the residence, seconded by J.Burke followed by the following vote: "YES" - J.Burke, R.Ratajack, J.Miller, D.Place, C.Triggiano, N.Hamilton, C.Rice.

J.Miller, B.Ratajack and C.Rice have prepared new applications, and tonight C.Rice would like to pass it out, take it home and read it by the next meeting which is a special meeting.

J.Miller stated there are 2 errors, one on page 4 that said the construction office up stairs will be open on holidays, it should read it will not and on page 9 - on special meetings, it should say \$900.00 not 1900.00.

Mr. Miller had 4 new applications which he distributed and would like all to go over them.

A motion to pay all bills was made, seconded and unanimously carried.

A motion to adjourn at 10:55 p.m. was made by J. Miller, seconded by C.Triggiano and unanimously carried.

Respectfully submitted,

*Marie Applegate*

Marie Applegate, Secretary  
Manasquan Planning Board

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08738

Dear Manasquan Board Members:

Enclosed please find copies of the Minutes of July 7, 1998 and the Special Meeting of July 23, 1998. Please consider the following Agenda for the August 4, 1998 meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

MANASQUAN PLANNING BOARD AGENDA  
AUGUST 7, 1998 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion: Definitions
2. Informal Hearings: None
3. Private Session:
  - (a) Personnel Matters
  - (b) Litigation

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Motion on Minutes
3. Consent Agenda
  - A. RESOLUTION - 24-1998 - Paul Pearsall - 395 River Place
  - B. RESOLUTION - 22-1998 - Harold Smith - 27 Beachfront

END OF CONSENT AGENDA

APPLICATION - 9-1998 - Modification - Gloria Lane - 50½ South Street

APPLICATION - 25-1998 - Cont. Frank & Sue Nolfi - River Place

APPLICATION - 19-1998 - Cont. Long Branch Cellular Telephone  
600 Sea Girt Avenue

4. - APPROVAL OF VOUCHERS
5. - COMMENTS FROM INDIVIDUAL BOARD MEMBERS.
6. - REPORTS OF SUBCOMMITTEES OF BOARD
7. - COMMENTS FROM INDIVIDUAL BOARD MEMBERS.

Marie Applegate, Secretary  
Manasquan Planning Board

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MANASQUAN PLANNING BOARD  
JULY 23, 1998 - SPECIAL MEETING MINUTES

The Manasquan Planning Board held a special meeting on July 23, 1998, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman Christopher Rice opened the meeting at 7:30 P.M., stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law.

He asked all present to join in the Salute to the Flag.

ROLL CALL - PRESENT - J.Burke, R.Ratajack, J.Miller, P.Dunne,  
D.Place, C.Triggiano, N.Hamilton,  
Councilman W.Schmeling, R.Zanes,  
C.Rice and J.Mastrian.

ABSENT - Mayor Winterstella.

APPLICATION -25-1998- Cont.-Frank & Sue Nolfi - River Place  
Applicants Attorney E.Thomas Brennan, Jr. came forward, questioned whether or not the site inspection had been done. Mr. Cramer said it had been done. A revised survey had been submitted by Benchmark on 7/8/98 which was marked A-2.

Mr. Brennen stated Mr. Cannon revised the plot plan to show the fire place chimney, the deck was removed from the rear of the property and placed on the easterly side of the proposed dwelling and the proposed driveway access was reduced 12 feet. The curbing proposed was set forth on the plans at the edge of the pavement on River Place.

Mr. Cramer stated the following members absent at the last meeting - Councilman W.Schmeling, P.Dunne, J.Mastrian and R.Zanes, have listened to the tapes, and the certifications are in the file.

Mr. Burke had concern about children on bikes and the site of the driveway, but after walking around the site he doesn't think there will be a problem.

Mr. Brennen stated for the record, the applicant intends to remove the hedges along the street, as there is a lot of poison ivory in there. The stone driveway is presently being used by the people in the back.

Mr. Nolfi testified he didn't know he needed a variance until after he sold his house and moved.

Mr. Place said the problem he has with this is that it is grossly non-conforming on 3 or 4 sides, so there has never been any attempt to fit the house on this lot. Mr. Nolfi stated, if you look at several homes around, they all have directly the same footprint. It is a triangular shaped lot and it is hard to palce a house on this kind of a lot. It is a small house,

it is only 25% coverage, and code allows building coverage of 30%. He stated he did not consult an architect.

Mr. Brennan said if you look the the proposed plans, you have your setback violations on the front of the house which is just triangular, still being somewhere in the facility of 16 ft. to the front yard line. There is noting you can do about the rear yard, with that setback. He would suggest the only thing an architect is going to do in a situation like this is create some short of a multi-sided octangular looking structure.

Mr. Schmeling stated this isn't the same case as the case where you have undersized lots, where the Board has a right to say your not able to pick up additional space to make it a conforming lot. If this was an undersized lot the Board would have the right to basically put some kind of limitation as to the kind of structure that can be put on it. It is difficult to put a regular size house on this triangular lot.

Mr. Cramer said the Board has in the case here made an attempt to encourage the applicant to change location of the deck and eliminate the front porch to try and minimize the magnitude of the requirements. The regularity of the shape, also continues to be a factor as to what size house you can actually fit into this lot.

Ken Thomore from Freehold Builders, East Brunswick was sworn in by Mr. Cramer.

Mr. Thomore testified they did consult an architect, of course Mr. Nolfi wasn't involved in that as he hired us to do the contract. Ken Kusinski and Associates is an Architect out of Millstone Township. The problem is the design of the triangle. In order to get lower roof heights, you'd have to put a ranch on this lot. There is no way possible of a ranch being able to handle a family of 2 children. A ranch would have to be 650 sq. ft.. The plans submitted consist of eat in kitchen, living dining room and 3 bedrooms. If you cut up any section of that home to meet the requirements for the setbacks, aesthetically with the feel of the neighborhood, you'd be creating an eyesore. If you come around that corner although it appears closer to that corner it is actually deeper in the lot. Once we found out about the variances, we tried to work along with it. It will be an asset to the neighborhood.

He testified the porch overhang will be coming from the modular factory. Right now it is shown as a concrete porch, going across the front. If the Board feels more comfortable, we can put footings in instead of concrete.

Mrs. Dunne has a problem with the 11.71 setback on the front. She said cutting that porch in half, moving it to the other

side you'd have a better set back there. Mr. Thomore said aesthetically it wouldn't look right. It's not going to be the first thing you see coming down the road, it's still set back further than the other structures on the road. Coming from east to west there's an empty lot right next door to him, coming from west to east around the corner, the first thing you see is the garage and driveway, so we didn't think it was a detriment to the construction in the neighborhood, that's why we didn't address it.

J. Mastrian stated the porch does add to the house, the problem he has with the porch, if you put 2 cars in front of it, your not going to see it anyway. He wanted to know how the Board would feel about moving the house back to increase the 11.71 in the front. The deck if it were on grade, it wouldn't add to the overall mass and it would look nicer.

C.Triggiano agreed with Mr. Mastrian. Mr. Zanes agreed with Mr. Mastrian, but the driveway bothers him. He would rather see the driveway further down where the hedges are in that area.

A motion to open the meeting to the public was made by J.Burke, seconded by P.Dunne and unanimously carried.

Gene Cihrletta - 393 E. Virginia came forward stating he is in the house right behind. He is concerned with the back setback.

Thom Morrow- 395 E. Virginia Ave. came forward directing his questioning to the builder. You said you drove around the neighborhood, well this isn't a slum neighborhood. Mr. Thomroe said he didn't say it was a slum neighborhood, he said it was 100% beautiful. Mr. Morrow said the reason it is beautiful is because the town structures the zoning. This was a gift from an estate. Mr. Nolfi corrected him by saying he bought the property from his uncle, it was not a gift. He felt the Board should not give in on this property, as there is enough property there to build a nice home.

Debra Pearsal - 395 River Place came forward stating she and her husband are not opposed to a home being on the lot, they just want a home to conform to the restrictions of Manasquan. She feels that maybe a modular home is not the right one to be put there, maybe they have to build something from scratch, start and have an architect make and fit it in properly. I feel for the gentlemen and his family, and if they want to raise a family there, if they don't fit in a house that fits on the lot, then maybe they should sell it and build else where. She feels the builder was not wearing his glasses when he looked at the other houses in the area, as they are not close to one another, we all conform, we are not 11 feet to the other property.

Martin Lach - stated he built a house next to this property

and it conformed to all requirements of the town. We designed a house to fit and I don't see why this gentlemen can't conform, just because he bought the lot, that's his problem, he should conform with the towns requirements.

A motion to close the public portion of the meeting was made by J. Mastrian, seconded by R.Zanes, and unanimously carried.

Mr. Brennan stated, when the Board reviews this application, to picture an envelope on this property that would be permissible to build within. You have to move your 15ft. setbacks to 20 ft. and then you'd have to fit some sort of a structure in that property to comply with the 25 ft. front yard setback. It would seem to me that you would have a very odd looking structure that would be placed in that envelope, that would be permissible. When a lawyer looks at this, you have all the elements of a hardship. This is an odd shaped lot, it is a triangular shaped lot and it's not an undersized lot. The application before the Board is a good application, certainly when we were here the last time, we changed the curb line to reduce it down to 12 feet, we've done every thing we can do to acknowledge the concerns of the Board at the last hearing, and it appears at that time, subject to looking at the property, that the application was favorably received. We're here looking for relief on the statue and I think the statue allows that relief and I would ask the Board to favorably review the application.

Mr. Rice said the height is a concern of his, being your at 34½, I'd rather see the roof pitch go up rather than down, but bringing it down to 32 would be fine.

MR. Burke has no problem with the front set back, he doesn't like the 34 ft. height, he would rather see it down closer to 30 ft., he does not agree on moving the house back. Mr. Mastrian would like to see it moved back a bit maybe 2 ft., bring the roof down, putting the deck at grade level will help and the driveway bothers him, it will take away from it being a nice house.. With some thought it can be developed into something that's very beneficial.

Mrs. Dunne feels its the wrong house for that piece of property. Perhaps a small starter house, a ranch house, would be perfect and not over powering. Even though the footage is there that house just doesn't fit. Maybe they can come up with a better design.

Mr. Miller feels the same as Mr. Burke. He also marked off the setback triangles and you come up with a plus or minus 700 sq. ft. triangle. You can't fit a starter home or ranch in it, no matter what you come up with your going to have variances.

Mr. Ratajack agrees with Mr. Burke and Mr. Miller as well. I think they should go to an architect and say design me a home that will accommodate a family of 4.

Mr. Hamilton said it's a tough one. Just trying to scale out where you move the driveway to another location to the front where that jog is, that dining room area, it doesn't fit there, because of the figuration of the road way, if you move farther on the east side to fit it in that area the lot becomes so shrinkage, that you can't get the double wide area for the vehicles either. The only location is in the proposed area right now. The land is pretty unique, the square footage is there, the house just doesn't seem to fit on the lot. I have a problem with the location, the line and construction.

MR, Place agrees with Mr. Hamilton, and I hate the idea of moving out in the back, He doesn't think that is going to solve much. On the site inspection, he did see a beautiful lawn in the back which belongs to the Modular home, but to take advantage of their lawn, that we can move the house back, that is not right. He doesn't know what can fit there, but he doesn't believe it's this house.

Mr. Zanes said he thinks their in a tough spot, he believes they should go back to the drawing board, he doesn't get the feeling when going around this board, that they wouldn't give you any variances, but they would have to be something very substantial and some real thought and some imagination brought to that property. He doesn't think a modular structure that comes in like this, plunked down on that lot demonstrates that sort of problem solving or imagination.

Mr. Triggiano stated the amount of taxes they are paying on that piece of property, and I think any one that has a piece of property should be able to develop it. The height concerns him, he would like to see that come down, whether it moves back or not it could help the front. I'm not completely opposed to it.

Mr. Schmeling stated most of the comments made by the Board certainly point out what the courts decide in cases like this, when you have a triangular piece of property it is unique and he thinks that you expect someone to come up with a creative solution that is going to put it within. The setbacks he doesn't think is realistic, because otherwise there is no need for us to be hear the Board of Adjustment. He actully thinks the house is too close in the back, he would rather see it moved forward. His thought is to remove the porch or put it to the side that has a lot of property, cutdown the 11 ft. and put a gable over the door. He agrees with everyone on the height to bring it down.

Mr. Rice said the height has to come down, put the deck at or around grade, he wouldn't move the house back an inch, if you put a little effort in it you could increase that front yard setback to 16 ft..

A motion for a 5 minute recess at 8:45 p.m. was made by J.Burke seconded by J.Miller, and unanimously carried.

The Board returned from recess at 8:55 p.m. with the following roll call: J.Burke, R.Ratajack, J.Miller, P.Dunne, D.Place, C.Triggiano, N.Hamilton, Councilman Schmeling, R.Zanes, C.Rice and J.Mastrian.

Mr. Brennan stated he talked to his client and what they would like to do is carry this to the next meeting, however what he would like to propose at that next meeting is that we would come in with a plan which would drop the height of the building down to some where in the vicinity of 31 feet, by lowering the first floor ceiling to 8 ft. and a pitch on the roof to 5 on 12. We would like also to try and amend the plot plan to cut the front porch down to center on the door with 3 ft. either side of the front door, it will gain about  $4\frac{1}{2}$  to 5 ft. off the front set back because of the way the lot runs, so that 11.6 corner, the front part of the porch will now be closer to 16 ft. They will also drop the deck down to grade, which will eliminate the need for any relief for the deck, and leave the driveway where it is.

Mr. Rice would like to see actually where the grade will be, he wants to see how high the first floor will be above the grade your going to be.

Mr. Brennan waived the time limit.

A motion to open the meeting to the public was made seconded and unanimously carried.

James Cibretta came forward saying he believes the set back should go for 20 on the rear set back, but would compromise for 15'.

Tom Morrow stated this is a beautiful lot, it's not an a lot you can't build a home on, some one made a bad decision in purchasing this lot, and why should the town and our neighborhood be subjected to a bad business decision.

Lucy Ferrara - 403 River Place - she can't see where a house 11 ft. from the curb is permitted.

A motion to close the public portion of the meeting was made, seconded and unanimously carried.

A motion to approve the request to move this application to the next meeting was made, seconded and unanimously carried.

Mr. Cramer stated at the next meeting between 7:00 and 7:30 the Board will go over definitions.

There being no more business a motion to adjourn was made, seconded and unanimously carried.

Respectfully submitted,

*Marie Applegate*

Marie Applegate, Secretary  
Manasquan Planning Board

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

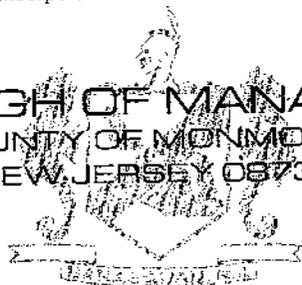
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JOHN L. WINTERSTELLA  
Mayor

BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08738

COLLEEN SCIMECA  
Municipal Clerk

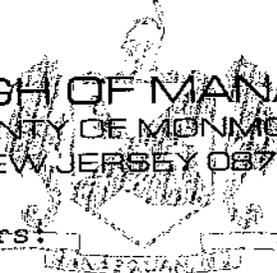


TO: All Council and Planning Board Members.  
FROM: Marie Applegate, Secretary Planning Board  
DATE: August 10, 1998  
RE: Joint Work Shop Meeting - Council and Planning Board.

Please be advised there will be a joint work shop meeting on Tuesday August 25, 1998 at 7:30 P.M. in Council Chambers, to review various Zoning, Planning and Land Use matters affecting the Borough.

*Marie*

JOHN L. WINTERSTELLA  
Mayor

  
BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

COLLEEN SCIMECA  
Municipal Clerk

Dear Manasquan Board Members:

Enclosed please find copies of the Minutes of August 4, 1998 and the May 5, 1998 regular meeting. Please consider the following Agenda for the September 1, 1998 meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

MANASQUAN PLANNING BOARD AGENDA  
September 1, 1998 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion: Definitions
2. Informal Hearings: A - Sprint - Camp Drive  
B - Dr. Ron Vallario - 87 Union Avenue
3. Private Session:  
(a) Personnel Matters  
(b) Litigation

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
  2. Motion on Minutes
  3. Consent Agenda
- A. RESOLUTION - 25-1998 - Frank & Sue Nolfi - River Place
- B. RESOLUTION - 19-1998 - Long Branch Cellular Telephone

END OF CONSENT AGENDA

APPLICATION - 29-1998 - Arthur & Joan Harriman - 574 Perch Ave.

4. - APPROVAL OF VOUCHERS
5. - COMMENTS FROM INDIVIDUAL BOARD MEMBERS.
6. - REPORTS OF SUBCOMMITTEES OF BOARD.
7. - AUDIENCE PARTICIPATION

Marie Applegate, Secretary  
Manasquan Planning Board

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MANASQUAN PLANNING BOARD  
AUGUST 4, 1998 - REGULAR MEETING MINUTES

The Manasquan Planning Board held their work session and regular meeting on August 4, 1998, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N.J..

Vice Chairman Robert Zanes opened the work session at 7:00 P.M. stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law.

ROLL CALL - PRESENT - John Burke, Robert Ratajack, James Miller, Patricia Dunne, Carmen Triggiano, Neil Hamilton, Councilman Schmeling, Robert Zanes, James Mastrian.

ABSENT - Mayor John Winterstella, Christopher Rice  
For the record, David Place arrived at 7:30 P.M..

Mr. Zanes turned the work session over to Mr. Triggiano for discussion on Definitions.

Mr. Triggiano, asked for questions on page 1- there were none. On page 2 under Applicant, insert or "entity" authorized to act for the landowner in submitting an application under this chapter. Mrs. Dunne on Adverse Environmental Impact Element, would like glare changed to glare/lighting.

Mr. Miller questioned Automobile Repair and Automobile Service Station. Mr. Triggiano feels the last paragraph on page 2 under Automobile Service Station, should be eliminated, as any one that wants to put food in has to come before this Board. The Board agreed to scratch the last 2 lines out. Basement will remain the same.

Mr. Miller wanted to know how long a person can stay at a Bed & Breakfast. Mr. Coan said it should say provided for transient guests, and also owner occupied, then you can put a definition in there for Transient Guests, limit of 30 days.

Page 4 - Building Coverage - the whole paragraph is taken out. It was put on page 7 under Coverage Building.

Mr. Triggiano has a problem with Car Wash - he doesn't think they should be allowed in service stations. The Board will talk about the definition later.

Cemetery - Change burial to internment.

Consolidation - Mr. Triggiano said he will vote for this, as he thinks the owners of property should be notified of any intent of combining into one lot. Mr. Triggiano was the only one that had a problem with the way this is written.

Page 6 - Convenience Retail will be re-worded.

Mr. Burke on Coverage, Building, stated a lot of houses overhang the building 4 to 6 inches on each side, and that could mean the difference between conforming to building coverage and not conforming. We're measuring side yard setbacks, front and rear yard, are we measuring from the foundation or from the building?

This is something else we should be looking at.  
Mr. Zanes said this will be re-worked.

On Driveway - Mr. Coan stated you really should say delineated if your going to have unpaved, as you don't know where the grass ends and the driveway starts.

Fast Service Restaurant - Mr. Triggiano stated on the fast food restaurants, it does not exclude ice cream stores, and he thought one of the reasons to come up with definitions was to include it or exclude so this way there wouldn't be any problems in the furture. The Board will look into this definition further.

#### REGULAR SESSION

Mr. Zanes started the regular session at 7:45 P.M. with the salute to the Flag.

A motion to approve the minutes of June 23, 1998 special meeting was made seconded and unanimously approved.

A motion to approve the minutes of July 7, 1998 regular meeting was made, seconded and unanimously approved.

A motion to approve the minutes of July 23, 1998 special meeting was made, seconded and unanimously approved.

RESOLUTION - 22-1998 - Harold Smith - 27 Beachfront.

A motion to memorialize was made by R.Ratajack, seconded by J.Miller followed by the following vote: "YES"- R.Ratajack, J.Miller, D.Place, C.Triggiano, N.Hamilton. "ABSTAIN"- J.Burke, P.Dunne, W.Schmeling, R.Zanes, J.Mastrian.

RESOLUTION - 24-1998 - Paul Pearsall - 395 River Place.

A motion to memorialize was made by R.Ratajack, seconded by J.Miller, followed by the following vote: "YES"- R.Ratajack, J.Miller, D.Place, C.Triggiano, N.Hamilton. "ABSTAIN" - J.Burke, P. Dunne, W.Schmeling, R.Zanes, J.Mastrian.

APPLICATION - 9-1998-Modification - Gloria Lane-50 $\frac{1}{2}$  South St.

Mr. Cramer read a letter from the applicants attorney. "After further consideration of the resolution, we request that our application for modification be withdrawn without prejudice".

A motion to accept her withdrawal without prejudice was made by J.Miller, seconded by R.Ratajack, followed by the following vote: "YES" - J.Burke, R.Ratajack, J.Miller, P. Dunne, D.Place, C.Triggiano, N.Hamilton, W.Schmeling, R.Zanes, J.Mastrian.

The fee paid for the modification, will remain with the Borough per Mr. Cramer.

APPLICATION - 25-1998-Cont. Frank & Sue Nolfi - River Place. Attorney Thomas Brennan who is representing the applicant, took the Board through the plot plan. He stated, at the last meeting a new plot plan had to be submitted by Mr. Cannon, showing the height of the building at 31 ft., the deck on the side, eliminating the 15.66ft. setback, also the front porch was minimized to 14 ft. in width and the set back from the front lot line, 17.03 which is less then the 16.19 ft. which was originally sighted.

The applicant is trying to take into consideration the comments by the Board in the previous discussion.

Mr. Place stated on page 2 the front elevation, it's not showing the interior, it's rather deceiving what the house is going to look like. He feels it would have been better to show what the whole house would look like. Mr. Burke agrees with Mr. Place, we're looking at a front elevation that is missing a third of the house. He doesn't like the fact that their not showing the full elevation on this plan.

J. Mastrian feels the applicant has tried to do all the Board asked them to do, but he would like to see the plans totally complete with all the dimensions and protrusions that are there. Mr. Burke said he would not have any objection if the Board gave approval tonight, but a complete set of plans be made available to the Board with everything showing on them before final approval.

Mr. Miller and Mr. Ratajack had no problems with what was submitted. Mr. Schmeling and Mr. Triggiano had no problems either.

Mr. Zanes has a problem with the set backs, a 14 ft intrusion in both the front & rear setbacks, 31ft. house, which is not all that difference from 35ft., there are houses both on the west and more northerly side which are going to have a severe effect on a house that big, and he doesn't think that kind of house on that lot, just trying to modify the lot to fit a house. N. Hamilton has the same problem, trying to put this structure this size on lot.

A motion was made to open the meeting to the public, seconded and unanimously carried.

James Charletta came forward stating he has the same comments he had at an earlier meeting. I don't think they have gone over and above to appease the Board, and nothing to appease the neighbors. He stated there are many homes around Manasquan, that are nice size homes that are much less intrusive than what their proposing to build here. They are trying to squeeze that house into a lot which just doesn't fit.

A motion to close the public hearing was made seconded and unanimously carried.

Mr. Brennan asked that if an approval is given at the next meeting, could Mr. Cramer have the resolution read at that meeting.

Mr. Burke suggested to pole the Board as to whether they want to, if an approval is given tonight, to give the approval and memorialization in the same night.

Mr. Mastrian repeated his motion to approve the application as submitted with A-3 and A-4 plans, with the one condition that plans on A-4 be changed to show all of the entire structure, mainly the kitchen and fireplace be shown and the final elevation be shown, all the dimensions be submitted before a building permit is issued, seconded by J. Miller, followed by the following vote: "Yes"- R. Ratajack, J. Miller, C. Triggiano, W. Schmeling, J. Mastrian. "NO" - P. Dunne, D. Place, N. Hamilton, R. Zanes.

A motion to memorialize this application tonight was made by J. Miller, seconded and followed by the following vote: "YES"- W. Schmeling, J. Mastrian. "NO" - R. Ratajack, J. Miller, C. Triggiano,

A motion for a recess at 8:20 P.M. was made seconded and unanimously carried.

The Board returned from recess at 8:30 P.M. with the following vote; J. Burke, R. Ratajack P. Dunne, D. Place, C. Triggiano, R. Zanes.

For the record, the following members of the Board left at 8:30 P.M. J. Miller, N. Hamilton, W. Schmeling, J. Mastrian.

For the record, Chairman, Christophen Rice arrived at 8:30 P.M. and took over the meeting.

APPLICATION - 19-1998 - Cont. Long Branch Cellular Telephone  
600 Sea Girt Avenue.

Mr. Miller recused himself from this case as he did not read the transcripts.

Warren Stilwell, Attorney for the application came forward and noted this matter has been continued from June 23, 1998. Prior hearings took place on April 7, April 28, May 12 and June 23rd. There are 5 members here tonight that were present at all hearings and 2 members who have been able to execute the appropriate certifications by reading the transcripts, giving us 7 members to vote.

Miss Welsh, Whaelen & Co., Agents for Comcast, came forward who had been sworn in before. She stated since the last meeting they have been in conversation with Mark Clemmenson, Colonel

from the State, who offered the National Guard property as a possible site. The National Guard gave us a location that would be acceptable to them. It was closer to the Stockton Lake area, further down along Camp Road. Entering into a lease agreement with the National Guard would probably involve a lot of uncertainty as well as probably about a year and a half of additional fee on this. The tower height right now is 98 ft. and given the location that the National Guard suggested the tower height would have to be about 150 ft. in order to achieve the same objectives that the Graham tower wanted to achieve. She stated, the fear of a short term lease with the National Guard and put up the intrum bay station and not being able to achieve a long term agreement, Comcast would be back to square one. The National Guard has been very helpful, but sensitive to the community.

Mr. Peter Murphy - Comcast Engineer came forward, who has already been sworn in. Mr. Murphy stated the height on the National Guard site would have to be 150 ft..

Mr. Burke said he can't understand just moving that pole 1/4 mile there can be that much difference to have to raise that 50 ft. higher. Mr. Burke said basically your saying your moving away from the clear area, you have to go higher to be able to get back to cover it.

Mr. Murphy said the way he determined the 150 ft. basically the model, he took the tower they are proposing on the Graham property, and just moved the tower down to the location where the National Guard suggested to locate it in and in the model I just increased the hole center until there is no coverage hole, which is in A-1 the clear on the plastic, I just basically increase it until it goes on hold.

Mr. Murphy on dropped and block calls, for the month of June there were 2700 dropped calls, and in June of 97 there were 2300. On blocked calls there were 1200 in the month of June. In July of 1998 there were approximately 4100 dropped phone calls and 2300 blocked phone calls.

Mr. Murphy stated the growth in the next 20 to 25 years, will not necessitate another tower.

Mr. Stilwell stated as a condition of any type of approval they would agree to remove the tower if not in use any more.

A motion by Mr. Burke to open the meeting to the public, seconded by R. Ratajack and unanimously carried.

Scott Thompson, attorney for Sea Girt Planning Board came forward stating he would like to make a closing statement, but will wait until later.

Maureen Sedelovich, Sea Girt came forward stating she is opposed to the tower. She feels like it was an underhanded move on their part to find the most remote location they could in Manasquan in all essence, it might as well be in Sea Girt, and then they come to your council, and it's really the Sea Girt residents that are impacted by it, but we have nobody to turn to but you.

Kathy Farrell, 213 Stockton Blvd. Sea Girt, came forward "stating for many years she was a summer resident in Manasquan. She is a women of 1998 and doesn't have a cell phone, but she is not in favor of this tower. As an RN she knows that anything exposed of 2 MG's puts not only me but all Manasquan residents at risk. If you increase the phone's power to only one small area of Manasquan & Sea Girt, how do you propose to safe guard the radiation levels that come with that tower. I would not want to see it in the Graham Station nor the Coast Guard Station. Aesthetically, health wise, but I know we need a tower, but I have not gotten any answers as to why it has to be 98 ft., 35 ft. would help the situation now and they could always come back again andre-apply. I think it is outrageous to put such a big tower on such a busy street".

Mr. Stillwell said there are federal and state standards with respect to the transmission of radio frequency energy, and this tower not only complies with those standards but does so by factors of over 500 times.

Joseph Carr, 503 New York Blvd., Sea Girt, Chairman of Sea Girt Planning Board, came forward stating his objections to this application. "This application requires 11 variances, in order for this Board to approve this, you have to prove 11 individual variances. Eight of these variances involve bulk, and 3 involve 2 buildings on 1 lot, the height, and more importantly the use requirement. He heard testimony regarding the applicants loss of business, loss of phone calls, loss of drop lines, etc. and he is very sympathetic to them, that they don't earn as much revenue now, as they could if they had this pole. As he sees it, the primary rule of the planning board is to make sensible planning decisions for the community. Granted he doesn't live in Manasquan, but this pole is in Sea Girt, it doesn't affect Manasquan, as much as it will Sea Girt. If the shoe was on the other foot, and we were the ones's making this decision, regarding an application such as this, we would not place this burden on your door step".

Thomas Branch, chairman of the Borough of Sea Girt Council, came forward and had complaints about the tower. He felt that moving ahead and approving this application without fully exploring other options that may be available. The tower will be approximately 300 ft. away from the closest house.

Scott Thompson came forward on behalf of the Borough of Sea Girt and the Sea Girt Planning Board. He stated, Sea Girt would like nothing better than for Manasquan to be the good neighbor and to vote this thing out of existence, but we know you have a duty, you've taken an oath and you have to do your duty, and that is to hear the application and apply the facts and evidence that you've heard to the law as you know it and using your common sense to come up with either approval or denial based upon what you think is right, not just because you want to be a good neighbor. However I think in this case you can be a good neighbor and still defeat this resolution for this application. This tower does not belong on that site and I think that's clear from all the evidence that's gone in front of the Board and it's clear from the number of variances that are necessary in order to approve this application and clearly this applicant is trying to shoe-horn something for it's business purposes where it needs it, but where it doesn't belong and doesn't fit. I think the Board could clearly reject this application and should reject this application.

A motion to close the public portion of the meeting was made by J.Burke, seconded by R.Ratajack and unanimously carried.

Mr. Stilwell stated there is a technical problem in this area, we have a coverage problem to the north and a capacity problem to the south. Testimony has been clear that the capacity problem that we have results in block calls and drop calls. We also agreed to remove the barb-wire and we have re-configured the site so that we can supply the parking. There are no health issues involved, so what we are proposing is a very benign public utility facility. If Sea Girt had made that water tank available, this site would not have been considered and none of us would be here.

A motion to deny this application was made by R.Zanes, seconded by J.Burke, followed by the following vote: "YES" - J.Burke, P.Dunne, D.Place, C.Triggiano, R.Zanes, C.Rice. "NO" R.Ratajack.

Motion to pay all bills was made, seconded and unanimously carried.

Mr. Triggiano would appreciate if everyone would read the definitions and have them brought up again soon.

A letter from Joseph Rufolo, 104 McLean Avenue, requesting an extension of his permit for 9 months.

A motion for an approval of a 9 month extension was made by R.Zanes, seconded by J.Burke, followed by the following vote: "YES" - J.Burke, R. Ratajack, P.Dunne, D.Place, C.Triggiano, R.Zanes, C.Rice.

Mr. Zanes stated the Council would like to get together and have a joint meeting with the Planning Board. The two dates given are the 24th or 25th of August. The meeting would be general discussion on plans, reviews on beachfront, fishermans cove parking, Coast Guard Station. It will be open to the public but not for comments. The Board decided on Tuesday August 25, 1998 at 7:30 P.M.

There being no more business, a motion to adjourn at 10:10 P.M. was made by D. Place, seconded by C.Triggiano, and unanimously carried.

Respectfully submitted,

*Marie Applegate*

Marie Applegate, Secretary  
Manasquan Planning Board

BOROUGH HALL  
15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

732-223-1480  
FAX 732-223-1300

JOHN L. WINTERSTELLA  
Mayor

BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736  
PLANNING BOARD

COLLEEN SCIMECA  
Municipal Clerk

MANASQUAN PLANNING BOARD  
NOTICE OF DECISION

The Manasquan Planning Board of the Borough of Manasquan, New Jersey, after a public hearing on August 4, 1998 denied the application of Long Branch Cellular Telephone Co., for a Preliminary and Final Site Plan approval as well as for variances including use variances and other relief, with regard to property located at 600 Sea Girt Avenue, Manasquan, New Jersey, more particularly known as Block 54, Lot 1.

The resolution has been filed in the office of the Secretary of the Board of Adjustment and is available for inspection by the general public at 15 Taylor Avenue, Manasquan, Monday through Friday, 8:30 a.m. - 4 p.m.

Signed by:

*Marie Applegate*

Marie Applegate, Secretary  
Manasquan Planning Board

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

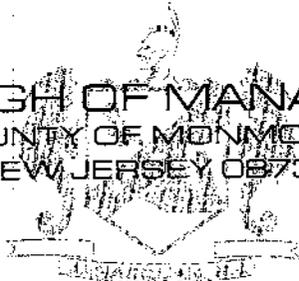
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JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

COLLEEN SCIMECA  
Municipal Clerk



Dear Manasquan Board Members:

Please consider the following agenda for the August 25, 1998 special meeting at 7:30 P.M. in the MANASQUAN FIRST AID SQUAD BUILDING, 65 BROAD STREET.

AGENDA  
AUGUST 25, 1998 JOINT SPECIAL MEETING  
BOROUGH COUNCIL AND MANASQUAN PLANNING BOARD

ROLL CALL

ITEM: Discussion of Borough's Housing Development direction, Master Plan and Council Initiatives.

Marie Applegate, Secretary  
Manasquan Planning Board

## AGENDA

JOINT MEETING OF THE MANASQUAN PLANNING BOARD AND THE  
BOROUGH COUNCIL, AUGUST 25, 1998 AT 7:30 P.M. IN THE MANASQUAN  
FIRST AID SQUAD BUILDING, 65 BROAD STREET.

Mayor Winterstella's statement re: Open Public Meeting Act of 1975. Notice was given  
to the Coast Star, the Asbury Park Press and the Herald on August 13, 1998.

Mayor Winterstella's welcoming statement to the audience.

Moment of Silent Prayer and Salute to the Flag.

AGENDA ITEM: Discussion of Borough's Housing Development direction,  
Master Plan and Council Initiatives.

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FAX 732-223-1300

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

COLLEEN SCIMECA  
Municipal Clerk

**PLANNING BOARD  
SPECIAL MEETING**

MANASQUAN PLANNING BOARD & BOROUGH COUNCIL  
AUGUST 25, 1998

The Manasquan Planning Board and the Manasquan Borough Council, held a joint work shop meeting on Tuesday August 25, 1998 in the Manasquan First Aid Building, 65 Broad Street.

Mayor John Winterstella opened the joint meeting with a few moments of silence and also a request that you include Councilman Long's new born son who is going through some stress, and hope you include his quick and healthy recovery from the problems he is facing, so if you would remember him in your prayers this evening we would all appreciate it.

Mayor Winterstella asked all to stand and salute the Flag. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law and published in the Coast Star, Asbury Park Press on August 13, 1998.

COUNCIL MEMBERS PRESENT - Mayor Winterstella, Willilam Schmeling, James Blumenstock, Thomas J.Coan, Richard Dunne

PLANNING BOARD PRESENT- Robert Ratajack, John Burke, James Miller, David Place, Carmen Triggiano Neil Hamilton, Robert Zanes, Christopher Rice, James Mastrian, Mayor Winterstella W.Schmeling.

He stated the purpose of this meeting is to have a combined meeting of the Borough Council with the Planning Board to discuss certain plans and proposals that the Council members have and to also listen too and have an exchange of dialogue along with the Planning Board members. Councilman William Schmeling is a liaison between the Council and Planning Board and the meeting was turned over to him.

Councilman Schmeling stated one of the reasons that we decided it would be in the interest of both the Council and Planning Board to have this kind of discussion, as there has been a lot of rumors and thoughts going around, " what is the development, where is Manasquan going", a lot of talk about the re-development authority. It was felt that it was a good reason to have this meeting, to discuss those things - whether they were true or not true, also to find out and make sure the Council and Planning Board are on the same process and have the same kind of views.

The Planning Board's purpose is to lead where Manasquan's going, and if the Council is not on the same wave length, then it becomes a problem. We don't have these discussions enough for the both sides to make their view points known. There are a

lot of activities taking place in town, and we will be having a new bridge over Main Street that will be changing the view and everything going up to the beach. There is an opportunity to get the Coast Guard station, there are a lot of things going on around town, to offer opportunities for development to take place. Without saying that we're targeting the beachfront for development, he thinks the people have to be realistic when they look around our town and realize, that on the western side of town there is not a whole lot of development that can take place. If we look up at the beachfront area, given the size and the kind of quality of housing that people would look at they would consider that there is some development opportunities.

He stated the Council has set up a committee that is doing some looking into what the Borough's involvement could be. Mr. Dunne is heading that committee, so Mr. Schmeling will be turning the meeting over to him. Mr. Schmeling stated with the public comment, after Council and Planning Board have had their discussion for about an hour or hour and a half, then they will open it up for a half hour or forty five minutes for the discussion from the public to hear what their thoughts are and some of the ideas that they might have, either commenting on ideas that have been expressed by the members or perhaps they may have some other ideas that the Board or Council have not thought about.

Mr. Dunne passed out an outline on some points that he would like to bring up. He stated an updated Master Plan in 1992 outlined a direction for the beach area. His comments were:

Encourage opportunity for a better quality of new resort oriented and year round residential development.

Up-grading the beach front area by allowing sub-division on front & back lots on Beachfront & First Ave. lot requirement 2,100 sq. ft. and 30 ft. widths, it will also eliminate any existing third structures and multifamily units existing now.

Planned multi-family residential in the beach area, extending from the Boardwalk to Second Avenue and from E.Main St. to Brielle Rd., on lots with minimum of 1/2 acre and densities in the 16 units per acre range, heights to be compatible with Beachfront residential homes and prevent excessive blocking of view. Some retail or seasonal resort commercial uses should also be considered.

In the PUD zone, Kirch Holding Co is looking to sell many of its properties. This can provide Manasquan with the opportunity to implement a significant part of the PUD concept.

Making significant investments in the existing parking infrastructure in the beach area. Build a 400 car parking lot

on the Cove property. Fourth Ave. parking lot in disrepair and in need of rebuilding.

The Coast Guard Station on Second Ave. & Ocean Avenue has been closed and the Government is in the process of determining how to dispose of it.

Direction the Committee would like to take is make potential developers aware of the interest in up-grading between Main St., Brielle Rd, beach-front to Second Avenue.

Look for opportunities to complement the redevelopment without risking taxpayer funds.

Attempt to acquire the Coast Guard Station for use as the Beach dept. headquarters.

Look for opportunities to encourage homeowners to upgrade in areas adjacent to the PUD area.

Ensure enforcement of building and property maintenance codes and borough ordinances.

Changes to Code and enforcement programs to cope with unruly behavior.

ACTIVITIES under investigation by the Committee:

Acquire the Coast Guard Station for the use of the Beach Dept.. Move the beach garage to the Coast Guard Sta. which would free up space at the Fourth Ave. property for potential development.

Acquire under-developed Beach area property for use as parking (100-125 spaces) and pocket parks.

Demolish the garage building on Fourth Ave. parking lot and sell the property for housing development. (Single family 5000 sq. ft. lots 15 to 17). The proceeds to be used for the acquisition of other property for parking and building the Pompano Parking Lot.

Mr. Dunne stated they have to make some investment decisions as part of this direction. The housing market in Manasquan is very strong. We have to make potential developers aware that Manasquan is interested in up-grading the Beach area.

Mr. Triggiano wanted to know what would happen to the docks if 4th Avenue was developed? Mr. Dunne said there would be a number of options they would need to examine. The income from the docks today is approximately \$30,000. a year, gross income, that doesn't consider cost of maintaining and rebuilding as

they deteriorate.

Mr. Coan stated the committee is looking at the on going cost of maintenance of the bulkheading as opposed to the income generated.

Mr. Blumenstock stated the 4th Ave. parking lot at this time is primarily for beach employees, boro employees and the general public and collectively they take up 300 spaces.

There was some concern by Mr. Mastrian, as to moving the fire company or first aid to the Coast Guard Station, which would help in the case of an emergency.

Mr. Burke asked if they had any plans to make other areas available for the recreation dept. if they are planning to move the beach dept. into the Coast Guard Station.

Mr. Dunne said it is not part of the committee's discussion.

Mr. Schmeling stated the council is aware of the needs of the recreation, in terms of setting up a recreation center. The town is developed and there aren't many places to set one up. Any time property becomes available, the council will look at it.

Mayor Winterstella said there should be two things to keep in mind at this time regarding the Coast Guard Station. One is that the antenna is going to stay where it is. No. 2 unless something is changed that he doesn't know about, the Coast Guard is under the Treasury Dept. and unless they change they are going to want the assessed value for that property. We're trying to talk to them to give them something other than the assessed value, but as of right now we haven't heard anything.

Mr. Burke said Manasquan - Brielle Little League would love to have one of the rooms in there for a year round office.

Mr. Rice wanted to know who would determine the zoning for the 4th Ave. parking lot? Paul Szymanski did it originally. Council said the Planning Board will determine the zoning criteria.

Mr. Zanes suggested bringing in professionals to go over the 5 elements we are looking at and getting the amateurs out of it.

Mr. Place stated he likes all the ideas, but up on the beach front something has to be done and it's not going to take it's course up there, the way every one would like and we need to help the process along. One of the biggest reasons the way it is up there are the 2 bars, plus a restaurant, pizza parlor and arcade. Even if the properties are purchased in that little

corridor, you still have what caused that area to turn into it. He doesn't feel anyone is going to put in that kind of money to put in units between Leggett's and the Osprey and the surrounding area, he thinks the problem is still there. You really have to concentrate on what you want to do with that specific area.

Mr. Blumenstock said the 4th Avenue development is more attractive and more valuable for development than possibly those other sections of the community that you talked about, so if we were able to take that money from the sales and acquire the property in the less desirable areas to which you are referring, and make a parking area with some type of park situation, that will accommodate two things, 1. it will sell more attractive parcels of land and develop rates and # 2. it will give us parking in the center of town in the Main St. area and put the parking lot 700 or 800 yards closer to the beach where all the people want to go anyway. That's one of the reasons the 4th Avenue parking lot is the lot of last choice. The proposal is one of the reasons to try and address all those issues in one package to try and solve the problem.

The Mayor felt that if the Planning Board wants 4th Ave. developed and quickly with up-scale housing, he feels if you allow it to go to 20 or 22 bu's he doesn't feel there will be a problem. He thinks that we may realize some quick revenue, lose some long term revenue in the way of boat dockage and parking, but the trade off to the tax payer is a losing deal. We're probably going to lose approximately 100 to 125 thousand dollars in tax revenue, and if you get 2 kids out of each house you're looking at about 350,000. in current school cost, so he's not sure he understands from the tax payers perspective how they are gaining. In the long term he's not sure we should be selling Boro property which is revenue positive at this point and time, and expense zero. The only thing we have done to that bulkhead in the last 30 years, which would be maintenance expense, is we put up a new cable and replaced two poles. It's real nice to get a couple several hundred thousand dollars in cash revenue and be able to go around and buy some smaller lots and make them into parks, but when you look at the long term trade-off in 10 years where is this community going to be. There's going to be one heck of a school bill coming out of there, there's going to be no parking availability on Main Street and we're going to sit back and say maybe we shouldn't have done that.

You can't replace property, and once you sell property it's gone. The Planning Board and the Council should be very cautious in examining all the factors here, having a developer come in and make several hundred thousand dollars, but it's the people sitting out there and the people living on our streets that are going to have to pay for the children to go to school and

they really wouldn't have to do it, that land is not being held for investment purposes or anything else, that is public land that is being used for public parking. He has problems understanding the long term reality of this, and why it's being considered.

Mr. Burke said the Mayor made a very good point and he added that it's not just the cost of the added students in the school system, but the fact that the school system can't physically handle them. Right now the school system is just about maxed out even with the addition of the high school. With just the addition of the kids that are pre-school age in town right now, becoming school age in the next 2 or 3 years, your still going to have a drastic over crowding problem. The outlook that we say to take the beach front area and get more families to buy houses there, there is going to be a trade off on that and there will be a much higher school bill, our school taxes are going to go up everytime we try to up grade that area and bring in more families.

Mr. Miller doesn't know why the 4th Avenue parking lot has to be developed.

Mr. Coan stated 22 units an acre is city zoning in our more densely populated area. The parking lot would only be 8 units per acre, 5000 sq. ft. lots. and in this economic cyle that we're in along Glimmer Bay, Long Ave., you'll find a lot of those are second homes. They come use the homes and not the schools.

I don't feel this town should bond and put any money at risk for re-development. This parking lot is going to have to be fully paved, the bulkhead doesn't have to many years to go, based upon the maintenance, and really we're subsidizing the rest of the tax payers then subsidize those people who dock their boats there, because those numbers just aren't going to jive, for the money we have to put in for the bulk heading and repaving that parking lot, where we can get quality parking and take out properties that are under utilized to the Boro and create a nice rateable that ties into Captains Court, Long Avenue, Glimmer Bay further from the beach. All in all the committee looked at it as a positive way to acquire funds to do things in other areas. What he is worried about is density bonuses given to developers, just so they will come in and develope property here.

Mr. Triggiano and Mr. Miller just can't see why the 4th Avenue parking lot should be sold.

Mr. Schmeling stated the deal tonight was not to say that we're going to sell the 4th Ave. parking lot, develop it or whatever, the deal was to discuss development. There are a lot of people

that came to the meeting tonight, so we will open it to get their ideas.

Mr. Triggiano stated, recently the Sea Watch property was discussed and they wanted to rezone that from B-1 Zone to an R-4 Zone. I'm opposed to rezoning one piece of land to residential unless you do the whole beachfront, right down to Carlsons and the Riverside Cafe.

Mr. Schmeling said it wasn't rezoned, it was just part of the Master Plan, it was not rezoning, no one said that Sea Watch was rezoned. What we discussed is that we would take the residents that were there, that they should become a residential zone, because if I was the owner that would be to my benefit. I don't think we're here to discuss those issues now.

Gordon Hobbs, owner of corner property on First Ave. and Main St.. Your talking about this re-development, I certainly would like my property on the corner considered.

Tony Cavallero, Dewey Avenue, thought it was a very commendable thing that you gentlemen should undertake the difficult task like this, which I think you've been doing for the last 10 years now. He thinks the committee should have a firmer estimate of the population of Manasquan, I think you ought to have a goal for Manasquan population. I think you gentlemen should know the population firmly, what are you aiming for, to serve what kind of population, then and only then, you can back up what the Mayor is saying about the balance of cost to the town. Another thing you ought to say, is Mallard Park up for grabs, are the tennis courts at the north end up for grabs, you ought to have some kind of statement saying these shall or not be ever considered for part of this long range development.

Mr. Dunne said most of our parks are green acres and none of that can be re-developed. Mr. Cavallero, said a statement should be included as to what parts of town are going to remain either parks, or what ever they are, for some reason or other, that is when your appealing to the public with this plan eventually I presume your going to do.

Gene Errickson, Broad St. in regard to the Pompano parking lot, I understand that there is a section of that that the States taking it over now - is that going to be developed into a county park, where is the parking going to be.

Mr. Dunne said if your standing on Third Ave. looking into the property, it will be on the south west corner of the Boro Parking lot, there will be an access road.

Mr. Errickson said going down to Pompano for parking is going into a more remode area to develop a bigger parking lot than what's presently there and I think that's something to be looking at, and he thinks it's an assumption on your part, that your

going to be able to sell the 4th Ave. lot, buy some land in the Main St. area for parking. There is nothing down there now to buy and your making a big assumption to sell, get money for it and you have no idea where your going to get parking.

Bob Grunder, 14 Pearce Ct. stating he commends the Board what he considers a good plan, all the years he has lived here, he has never seen any direction for the beachfront. This kind of direction will cause him to expand his house. He said he has been an advocate of the Main St. Bridge for 5 years. As late as today, he talked to the Coast Guard and if we don't get some push from the town Council and Mayor, we are not going to get the Main street Bridge this year. He talked to a Mr. Gregory, who is now holding up the information he received from CAFRA in June, it was incorrectly submitted without a water quality report. He would like to see the Council talk to these people or the Main St. bridge will be 6 years in coming. I am encouraging you to talk to them. He said there are a lot of pluses to this, but he doesn't see any concerns from any one but himself.

Mary Ryan, 139 Beachfront, said she can't see any one buying on 4th Ave. when the flooding is so bad. She believes it has been worse this year than other years. She had some questions about Stockton Lake being dredged, if that would help the flooding.

Mr. Dunne said that would not help.

Pat Walsh, 11 Stockton Lake Blvd. She commended Mr. Dunne for the research you've done, but I ask that you put on a new pair of glasses and focus perhaps on more family centered activities. You as members of Planning Board and Council should look at the most wonderful resources we have here, that is our River, our Street and our Ocean. She hears nothing in these plans that will make any of these more accessible to the public, nothing that will create more recreational activity for our children and our families. I hear more private development in 50x100 lots. If you are going to develop in that area, I would strongly recommend that the area be developed in much larger parcels. She is also opposed to privatization of docks, she thinks we need to increase access to our natural resorces, so they can be used. She agrees with the Mayor, public land is a very scarce commodity and I ask you to think long and hard about the long term intention. I think we need to hold on to the resources we have, we need to develope them with foresight and we shouldn't be selling off our very valuable resources.

John Tischio, 17 Meadow Ave., we do have a problem with flooding, not the ocean, but the run off, so I do think the dredging of Stockton Lake would be helpfull. He suggested raising the bulkheads and drains.

Mayor Winterstella said Stockton Lake has been prioritized on the County water ways commission, there is a grant in the process of valuating what can be done for it. The problem is, there is very little money left in this Green Lakes fund for dredging lakes. It is probably going to run 2 million dollars to dredge it, that's assuming we could dispose of the dredge spoils under a current plan that we have. If we have to go with a different kind of disposal, it would probably go up to 3 million dollars and that is just a huge amount of money for a town like us to come up with for that kind of project.

Steve Dardanella, 343 Beachfront wanted to know if the Coast Guard Station is available, does the town have the intention and the monies to purchase it at that time.

Mayor Winterstella said if the price is \$1.00 which is a possibility, we would have the money, but if the price is the assessed value, the town would have to sit down and say is it worth what we would be asking to pay. We are trying to convince the Coast Guard that we should get it for \$1.00. Mr. Dardanella would rather see a Fire truck or First Aid down there.

Bernadetta O'Grady, 303 Beachfront, stated she does agree with the Mayor, once you have public property and you get rid of it it's over, your not going to get it back. One reason she moved here was she knew Manasquan was already developed, so why are we taking public property and developing it. She felt we should put money into the 4th Ave. parking lot and develop it for recreation, boat ramps, etc.. She stated she went through 5 years of aggravation and tens of thousands of dollars of legal bills if you had just let me fix my house without going for variances to redevelop the beachfront area. It would be so much easier for people to fix their houses, instead of being afraid of fixing their houses because they have to go for variances and worry about being turned down. Encourage people to fix their houses and every thing will be fine.

Mayor Winterstella announced there will be a special meeting of Borough Council on Monday night 8/31/98 at 7:30 P.M. in Borough Council for the purpose of appointing members for the Board of Appeals.

Mayor Winterstella stated he's not advocating 22 dwelling units per acre any where in this town and I want that explicitly clear. What I said, I was approached by 3 developers and 2 of them have already left the area of interest because they can't get a return on their investments based on the price of the land and the dwelling units per acre required.

Mr. Schmeling thanked the first aid squad for allowing us to use their building tonight.

A motion to adjourn at 9:50 P.M. was made, seconded and unanimously carried.

Respectfully submitted,



Marie Applegate, Secretary  
Manasquan Planning Board

BOROUGH HALL  
15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

732-223-1480  
FAX 732-223-1300

JOHN L. WINTERSTELLA  
Mayor

BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

COLLEEN SCIMECA  
Municipal Clerk

PLANNING BOARD  
MANASQUAN PLANNING BOARD

SEPTEMBER 1, 1998 - REGULAR MEETING MINUTES

The Manasquan Planning Board held their work session and regular meeting on September 1, 1998, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman, Christopher Rice opened the work session at 7:00 P.M. stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law.

ROLL CALL - PRESENT - R.Ratajack, J.Miller, P.Dunne, C.Triggiano, N.Hamilton, Councilman W.Schmeling, Mayor Winterstella, R.Zanes, C.Rice, J.Mastrian.

ABSENT - J.Burke and D.Place.

INFORMAL - Sprint - Camp Drive

Ray Shea, Attorney with Levin, Shea, Pfeffer & Topas, offices in Jackson, N. J. and Ed Hurtz the architect for Sprint came forward. Mr. Hurtz stated they are proposing a building between the Conrail right of way, Camp Drive and Sea Girt Avenue. It is an existing non-conforming lot in the B-3 Zone, 16,000 sq. ft. which was part of the industrial zone, just south of that site which was rezoned B-3. Sprint proposes to construct a Cable station for cable landing which is called Path 14, which is a trans-atlantic tele communications cable, which will serve traffic from Denmark to the U.S.. The building will house the equipment which operates the cable and also distributes the tele communications traffic to other routes. The building will be 2 stories high and will have a cellar which will house the parking associated with the building. The building operates 24 hours a day, 7 days a week, 365 days a year. It will be manned by a group of technicians and management that typically in the larger shift of the day will number 5. There may be as many as 8 or 10 people in the building when shifts change, or as many as 14 when technical changes are being made. We provided parking for 20 cars within the building, which is totally enclosed. Openings from the building to the street are access to the garage or area for delivering materials used for equipment. The building is 20,000 sq. ft. of usable area space on the two floors, with parking below. We asked for this informal meeting to ask your help for this to work on this site, the way it's proposed. We are looking at 1/2 dozen variances that will be required on this lot to make this building work. Some variances are caused by the existing non-conforming lot, the building that currently occupies the site which is known as Graham Station, a two story office building and behind it exists a one story garage. They are propping a 0 lot line on the railroad right of way, a conforming 25 ft. setback in front, a 20 ft. setback in the rear and a 10 ft. setback on the side adjoining Camp Drive. They also researched Sea Girt's zoning. The facility is critical, it has to be designed for vandal proof, as few windows as possible, a steel picket fence 6 ft. high extending around the entire property, on the side facing Sea

Girt Avenue it will be landscaped. The building coverage is about 60% of the building and the total impervious coverage is about 80%, currently it is 78% coverage. The water table in the area is about 16 or 18' down, and the parking area is going down about 8'. It would be impossible for us to bring the building down and would have to exceed the 35' limit for mechanical equipment.

The Mayor thinks this is a very clean ratable, they bring a lot to this community and they don't take a lot in the way of services, they bring employees into this community who will hopefully eat here and buy other commodities, and he thinks this is an excellent location for this building and he would hope the board would consider accepting it as presented.

Mr. Hilla stated Sprint is a long standing client of Birdsall Engineering, Inc., and he will have to stand down on this particular application.

INFORMAL - Dr. Ron Vallario - 87 Union Avenue.

Dr. Ron Vallario a family physician here in Manasquan, came tonight to get some feed back on what he plans to do. He has been a doctor here in Manasquan for 3 years. He would like to convert the garage attached to his offic building into another exam room, another office and a break room for his employees. The main reason is to make the building handicap accessible. It would provide for a handicap parking space, unloading zone with a ramp and seperate entrance for handicap patients. He stated he is not expanding the existing structure, just converting the attached garage. There are variances needed for parking spaces. The parking has not been a problem. We only schedule 4 patients an hour. There is a resident upstairs, who works all day and only has one car, which will not interfere with the parking.

Alan Hilla, Jr. stated the dwelling upstairs may call for a Use Variance. The permitted use is a doctors office.

#### REGULAR SESSION:

Mr. Rice opened the regular session at 7:35 p.m. stating this is an open public meeting, held in accordance with the Open Public Meeing Act and held according to law. He asked all to join in the Salute to the Flag.

The Board decided to have a special meeting on September 29, 1998 Tuesday at 7:00 P.M. for Glimmer Glass L.L.C. and a special meeting on Monday September 28, 1998 for Vincent Cotonio at 7:00 P.M..

ROLL CALL - PRESENT - R.Ratajack, J.Miller, P.Dunne, C.Triggiano,

N.Hamilton, Councilman Schmeling, Mayor Winterstella, R.Zanes, C. Rice, J. Mastrian. ABSENT - J.Burke, D.Place.

For the record, the Mayor left at 7:40 P.M..

A motion to approve the minutes of August 4, 1998 was made by J.Miller, seconded by R.Ratajack and unanimously carried.

A motion to approve the minutes of May 5, 1998 was made by N. Hamilton, seconded by P.Dunne, and unanimously carried.

RESOLUTION - 25-1998 - Frank & Sue Nolfi - River Place.  
Mr. Cramer gave a copy to the applicants attorney, and stated on page 5 of the resolution the 2 exhibits introduced and reviewed A3 and A4, all construction must agree - show full elevation which has been supplied - Height elevation not shown - pitch of roof 7 ft, Deck eliminated, Patio on east side on grade with 2 steps down. Rear elevation incorrect.  
The plans will have to be approved by Birdsall Engineering, Inc. before a building permit will be issued.  
Mr. Miller made a motion as per resolution 25-1998 to approve, seconded by Councilman Schmeling, followed by the following vote: "YES"- R. Ratajack, J.Miller, C.Triggiano, N.Hamilton, Councilman Schmeling, J.Mastrian. "NO" - P.Dunne, R.Zanes.  
ABSTAIN - C.Rice.

RESOLUTION OF DENIAL - 19-1998 - Long Branch Cellular Telephone Co.,  
Mr. Cramer read the resolution of denial and a motion to approve was made by C.Triggiano, seconded by R.Zanes, followed by the following vote: "YES" R.Ratajack, P.Dunne, C.Triggiano, R.Zanes, C.Rice. ABSTAIN - J.Miller, N.Hamilton, Councilman Schmeling, J.Mastrian.

RESOLUTION - 30-1998 - Appointing Charles Gilligan, as Planner & Engineer in the Event of Disqualification of the current Professional Appointee.  
A motion to approve was made by R.Zanes, seconded by R.Ratajack, followed by the following vote: "YES" - R.Ratajack, P.Dunne, C.Triggiano, N.Hamilton, Councilman Schmeling, R.Zanes, C.Rice, J. Mastrian. ABSTAIN - J. Miller.

APPLICATION - 29-1998 - Arthur & Joan Harriman - 574 Perch Ave.

Arthur J. Harriman, Jr., Joan Harriman and Paul Lawrence were sworn in by Mr. Cramer.  
Mr. Harriman stated in March of this year, they came before the Board for a variance request, which was approved. At that time they had to remove the existing concrete patio in order to build the deck and that they modify the stairs leading to the back of the garage, because they infringed on the neighbors

property line, both have been done. The deck and stairs have been build, as they wanted to use the deck in the summer, that is why they did that first. They would like to go with the new plans rather than the plans that were approved. They are raising the roof to 25.12 ft. which is a better plan for them. They are here hoping the board will let them do that. The lot coverage is not going to change and the set backs will not change.

Mr. Zanes does not like the stairs on the outside of the garage and would like to see them taken down and put inside. Mr. Harriman said the Board approved the plan and he went ahead had them built at a good sum of money and would not like to have to take them down. Mrs. Harriman stated the stairs are hidden and she doesn't see how they can be a detriment to the neighborhood.

Mr. Miller said he was in favor of this application and he would like to see the Board approve it.

A motion was made by J. Mastrian, seconded by P. Dunne, to open the meeting to the public and unanimously carried.

Frank Diana, 401 First Ave. came forward stating his back yard fronts on Mr. Harriman's property. He said there are 3 other properties that have exterior stairways right in that area. He stated this application is a great improvement in the neighborhood, the Harrimans are good citizens, permanent residents and that is what we are looking for on the beach.

A motion to close the public hearing was made by J. Miller, seconded by R. Ratajack and unanimously carried

A motion to approve this application was made by Councilman Schmeling seconded by J. Miller, followed by the following vote: "YES"- R. Ratajack, J. Miller, P. Dunne, C. Triggiano, N. Hamilton Councilman Schmeling, J. Mastrian, C. Rice. "NO" - R. Zanes.

Mr. Cramer made reference to a letter from Mr. Mills indicating that if Ms. Lane comes back and requests modification of a previously approved resolution # 9-1998 in connection with the use of the rear carriage house, he wants to be notified and he will object.

Mr. Triggiano stated that property is zoned business or residential and the board should address it if it is one or the other.

A motion to open the meeting to the public was made by J. Miller, seconded and unanimously carried.

A motion to close the public portion was made by J. Miller, seconded and unanimously carried.

A motion to pay all bills was made, seconded and unanimously carried.

A motion to go into executive session at 8:35 p.m. was made seconded and unanimously carried.

The board returned from executive session at 8:40 p.m..

There being no more business, a motion to adjourn was made at 8:45 p.m., seconded and unanimously carried.

Respectfully submitted,

*Marie Applegate*

Marie Applegate, Secretary  
Manasquan Planning Board

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Mayor

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COUNTY OF MONMOUTH  
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COLLEEN SCIMECA  
Municipal Clerk

Dear Manasquan Board Members: ~~PLANNING BOARD~~

Enclosed please find copies of the Minutes of the Special Meeting on August 25, 1998 and minutes of the regular meeting on September 1, 1998. Please consider the following Agenda for the October 6, 1998 meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

MANASQUAN PLANNING BOARD AGENDA  
October 6, 1998 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion:
2. Informal Hearings: Douglas Kymer - First Ave.  
Joseph & Margaret Patterson  
24 Elizabeth Avenue
3. Private Session:
  - (a) Personnel Matters
  - (b) Litigation

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Motion on Minutes - August 25th and Sept. 1st.
3. Consent Agenda
  - A. RESOLUTION - 29-1998 - Arthur & Joan Harriman  
574 Perch Avenue

END OF CONSENT AGENDA

APPLICATION - 28-1998 - Paul & Sheila Livelli - 559 Salmon Ave.

APPLICATION - 27-1998 - Joseph & Barbara Jackson - 117 Marcellus

4. - APPROVAL OF VOUCHERS
5. - COMMENTS FROM INDIVIDUAL BOARD MEMBERS.
6. - REPORTS OF SUBCOMMITTEES OF BOARD.
7. - AUDIENCE PARTICIPATION
8. - ORDINANCE REVIEW - Councilman T.J.Coan

*Marie*  
Marie Applegate, Secretary  
Manasquan Planning Board

JOHN L. WINTERSTELLA  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

Dear Manasquan Board Members:

Enclosed please find copies of the Minutes of August 4, 1998 and the May 5, 1998 regular meeting. Please consider the following Agenda for the September 1, 1998 meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

MANASQUAN PLANNING BOARD AGENDA  
September 1, 1998 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion: Definitions
2. Informal Hearings: A - Sprint - Camp Drive  
B - Dr. Ron Vallario - 87 Union Avenue
3. Private Session:
  - (a) Personnel Matters
  - (b) Litigation

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Motion on Minutes
3. Consent Agenda
- A. RESOLUTION - 25-1998 - Frank & Sue Nolfi- River Place
- B. RESOLUTION - 19-1998 - Long Branch Cellular Telephone

END OF CONSENT AGENDA

APPLICATION - 29-1998 - Arthur & Joan Harriman - 574 Perch Ave.

4. - APPROVAL OF VOUCHERS
5. - COMMENTS FROM INDIVIDUAL BOARD MEMBERS.
6. - REPORTS OF SUBCOMMITTEES OF BOARD.
7. - AUDIENCE PARTICIPATION

Marie Applegate, Secretary  
Manasquan Planning Board

BOROUGH HALL  
15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

732-223-1480  
FAX 732-223-1300

JOHN L. WINTERSTELLA  
Mayor

BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736  
PLANNING BOARD

COLLEEN SCIMECA  
Municipal Clerk

Dear Manasquan Board Members:

Please consider the following agenda for Monday, September 28, 1998 Special Meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

MANASQUAN PLANNING BOARD AGENDA  
SEPTEMBER 28, 1998 - SPECIAL MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

SALUTE TO FLAG

7:00 P.M. - APPLICATION - 31-1998 - Antonia Pati/Vincent Cotona  
175 Beachfront - 176 First

Very truly yours,

*Marie Applegate*

Marie Applegate, Secretary  
Manasquan Planning Board

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NEW JERSEY 08736  
PLANNING BOARD

COLLEEN SCIMECA  
Municipal Clerk

Dear Manasquan Board Members:

Please consider the following agenda for Tuesday, September 29, 1998 Special Meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

MANASQUAN PLANNING BOARD AGENDA

SEPTEMBER 29, 1998 - SPECIAL MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

SALUTE TO FLAG

7:00 P.M. - APPLICATION - 32-1998 - Glimmer Glass L.L.C.  
361-373-373½ Brielle Rd.  
153-155 Glimmer Glass Circle

Very truly yours,

*Marie Applegate*

Marie Applegate, Secretary  
Manasquan Planning Board

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**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH

COLLEEN SCIMECA  
Municipal Clerk

NEW JERSEY 08736  
MANASQUAN PLANNING BOARD  
SEPTEMBER 28, 1998 - SPECIAL MEETING MINUTES  
PLANNING BOARD

The Manasquan Planning Board held a special meeting on September 28, 1998, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman, Christopher Rice opened the meeting at 7:00 P.M. stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law.

ROLL CALL - PRESENT - R.Ratajack, J.Burke, P.Dunne, C.Triggiano,  
R.Zanes, C.Rice.

ABSENT - J.Miller, D.Place, N.Hamilton

For the record, J. Miller arrived at 7:15 P.M..

APPLICATION - 31-1998 - VincentCotona/ Antonio Patti  
175 Beachfront - 176 First Avenue

Owner proposes to demolish existing one-story dwelling and construct new two-story dwelling on a lot with two dwellings. R-4 Zone. This application is denied for the following reasons:  
107-11 - Only one single family detached dwelling is permitted.  
107-27 - 175 Beachfront. Front setback - 15 ft. required to dwelling, 3.6 ft. proposed. Side Setback - north - 5 ft. required, 3.1 ft. proposed. South - 5 ft. required, 3.24 ft. proposed. Maximum height - structure does not comply with note (f).

176 First Avenue - Front Setaback - 10 ft. required, 9.5 ft. existing. Side setback-North - 5 ft. required, 1.7 feet existing, South - 5 ft. required, 3.3 ft. existing. Maximum Building Coverage - 35% maximum allowed, 44% proposed. Maximum Lot Coverage - 50% maximum allowed, 73% proposed.

107-30 - Only one principal building permitted on each lot.

107-36 - Off street Parking - 4 spaces 9x19 required, none shown.  
V-6 Flood Zone. New structure must comply with flood zone requirements.

Kevin Thomas put himself on record as attorney representing the applicant. Witnesses sworn in by Mr. Cramer were Vincent Cotona and John Hereck, M.J. Barone & Associates, a licensed Engineer & Planner, employed there for 5 years.

The following exhibits were marked into evidence. A-1 Notice of hearing published in paper, A-2 the tax map, A-3 the notice of publication in Coast Star, A-4 the certified receipts which are 4 pages, A-5 a 3 page set of plans prepared by M.J.Barone & Assoc. dated 4/29/98, revision date of 7/15/98, A-6 a photo copy of a survey of existing conditions on the structure, A-7A to T photos of property.

Mr. Hilla suggested they supply a signed sealed survey before the next meeting.

Vincent Catona testified he and his sister-in-law are the owners of the property, which was purchased in July of 1997. He testified as far as he knows it was always a rental property. He has done nothing on the property as he was waiting to have

the plans completed, so he could build a new house and move in with his family. Photos which were submitted were taken by Mr. Cotona, yesterday. The pictures show the living conditions on the inside of the house and the conditions on the outside of 175 Beachfront. If this is granted, he testified he will occupy the residence year round with his family. The house in question has 4 bedrooms. The structure on First Ave. consists of 2 bedrooms, kitchen, living, dining room which is over the garage. There are parking for 3 cars in the garage. The garage would be used for family, it would not be rented.

Mr. Hereck testified the property is a beach front frame dwelling single floor and a garage and apt. in the back. Mr. Hereck discribed the photos A-7-A to AT, showing the southerly line is set back 6". The distance between the houses is actually 9". The foundation and footing are all cracking and settled. Along the southerly side is a retaining wall, which is supporting the sand. On the northerly side there is a larger space between the houses. Photos of the interior view, show exposed wires, no ceilings, exposed duct work, it's a mess. Mr. Hereck testified the intention of the proposal is a year round house intended for Mr. Cotona's use. He comes from a large family and that is why there will be 6 bedrooms in the house. It will no longer be a rental property. Mr. Hereck does have a copy of a signed sealed survey dated 1/31/97, but he only has one and will get copies for the Board. The access to the beach, is on the northerly side of the property. The existing structure is approximately not higher than 1380 sq. feet in foot print, the new structure as much as being pulled back from the southerly property line is about 1380 sq. ft.. CAFRA has not seen these plans, and are planning to do so after the input of the Board. There will be a small basement area, the front porch nearest the beachfront will be maintained as a crawl space, as it is today. The first floor will have 3 bedrooms, full bathroom, closet spaces, living room, kitchen, dining room. The second floor is the master suite across the beach side of the house, master bathroom, whirlpool area, walk in closet space, to the rear of the house there will be 2 bedrooms with a bath. The height of the structure now is approximately 18 feet to the ridge line. The height of the proposed structure is 28 ft. at it's maximum. The air condition condensors will be in the rear of the property.

The Board went into a 5 minute recess at 8:10 P.M.  
The Board returned from recess at 8:20 P.M. with the following roll call: R.Ratajack, J.Burke, J.Miller, P.Dunne, C.Triggiano, R.Zanes, C.Rice.

Mr. Thomas stated what is proposed in this application is somthing that will increase safety in the area, both as it relates to fire, and it will be constructed according to the

building regulations, which speaks of the issues of fire rating, of the exterior of the structure. Safety structure comes in to play in removing the structure which is now on a brick foundation and cedar posts. It is going to be replaced with a building which sits on pilings. He also submits that the issue of general health safety and welfare comes into play. The Master Plan in this town and the direction that this Board has taken and a vote by the Board before it was merged, was to encourage people to upgrade property on the beachfront. This is an application which is part of that type of idea, you can either have bungalows exist or remodel and not have it as a rental property.

The applicant has not looked into sub-dividing the property. Mr. Hilla said if they decided to do a subdivision, they could still use the property the way they are now, it's just that this board in addition to health, safety and welfare of the public, needs to look toward eliminating non-conforming uses.

Mr. Burke made a motion to open the meeting to the public, for questions only, not for personal comments seconded by P. Dunne and unanimously carried.

Noel Hood came forward stating he lives about 6 houses north of this property and questioned the set back on the north side. Mr. Thomas said they will comply with what ever BOCA says.

Councilman T.J. Coan came forward questioning Mr. Hereck that he had said they were going to violate the height of the envelope, is there any reason they can't build the house and comply? Mr. Hereck said modifications could be made to fit within that envelope, it is up to the owner. There being no more questions from the audience, a motion to close the public session was made by C. Triggiano, seconded by J. Burke and unanimously carried.

MR. Burke is very concerned about the Use Variance, and as Mr. Coan stated, the ordinances have been written so that they encourage people to go for the east west sub-division. He does not like granting this on a non-conforming property with a non-conforming use, because the town has tried in many ways to give you avenues to take care of these non-conforming properties.

Mrs. Dunne agrees with Mr. Burke, the non-conforming garage and the 2 dwellings on one lot. The question asked, could you build according to fit into our envelope, has to be looked into also. The Use Variance is a problem.

Mr. Miller and Mr. Ratajack concur with Mr. Burke and Mrs. Dunne. Mr. Triggiano agrees with them also, except he would like to see them develop the beachfront and upgrade it, but the height he would like to see them bring it down somewhat.

Mr. Zanes thought Carmen made a good point, it may well be that given the parking problems and others that they have they may want to eliminate the living units above the garage and bring it into conformity.

Mr. Rice agrees with Mr. Zanes. He stated he would have to see a good sub-division plan to see if it should be sub-divided, he would almost prefer to see eliminated one of the principal uses.

Mr. Rice called a 3 minute recess so Mr. Thomas could talk to his client.

MR. Thomas returned after explaining options to his client.

He stated there is another individual involved in this property who is not here tonight, so it is not a decision he can make tonight. Mr. Thomas said there are 2 issues on the table, both relating directly to the issue of the use variance, one is eliminating the apartment a or b eliminate these variances by virtue of a sub-division. In order for him to make a decision with his family, Mr. Thomas needs to know if both of these plans are viable.

Mr. Rice stated, in his eyes the sub-division is only an option, only because it's better than what is there, but he really thinks the best option is to eliminate one of the uses on the property.

Mr. Triggiano would like to see the garage apartment eliminated, as your going to gain 2 bedrooms in the new house.

Mr. Thomas said he would like Mr. Cotona to discuss it with his family and appear at the next scheduled meeting.  
Mr. Thomas waived the time constraints.

Meeting was opened to the public for comments with a motion by J.Miller, seconded by J.Burke, and unanimously carried.

Noel Hood came forward, stating he is in favor of this, but there are things he would like to see changed. One is the side line setback- he would like to see it changed to 4 ft. on either side and if you have to add square footage to the back. The other is to move it back due to the storms. As far as the sub-division goes, he would be in favor of keeping the two but keep in mind and try and separate the water and sewer, so you could sub-divide at some future time.

T.J.Coan came forward stating giving up the secondary use of the apartment, a house could be built on there without ever coming back to this board again. You could meet all the setbacks, you could meet the height and you wouldn't need a use variance and this whole exercise would not even be necessary.

There is a way to do it and still come out with a wonderful home.

A motion to close the public portion of the meeting was made by J. Miller, seconded by R. Ratajack, and unanimously carried.

Mr. Burke stated if the applicant comes back he would like to know the height of the house after it goes up on pilings from the macadam, also better delineation on the building envelope and a signed sealed survey by the next meeting.  
A report from the Fire official was not required.

The Cotona application will be continued at our November 10th meeting.

A motion by Mr. Zanes to adjourn, seconded by J. Miller and unanimously carried at 9:30 P.M.

Respectfully submitted,



Marie Applegate, Secretary  
Manasquan Planning Board

Incorporated December 30, 1887

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NEW JERSEY 08736  
PLANNING BOARD

COLLEEN SCIMECA  
Municipal Clerk

Dear Manasquan Board Members:

Please consider the following agenda for Monday, September 28, 1998 Special Meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

MANASQUAN PLANNING BOARD AGENDA

SEPTEMBER 28, 1998 - SPECIAL MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

SALUTE TO FLAG

7:00 P.M. - APPLICATION - 31-1998 - Antonia Pati/Vincent Cotona  
175 Beachfront - 176 First

Very truly yours,

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PLANNING BOARD  
MANASQUAN PLANNING BOARD

SEPTEMBER 29, 1998 - SPECIAL MEETING MINUTES

The Manasquan Planning Board held a special meeting on September 29, 1998 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Vice Chairman, Robert Zanes opened the meeting at 7:00 P.M., stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law. He asked all to stand and salute the Flag.

ROLL CALL - PRESENT - R.Ratajack, J.Burke, J. Miller, P.Dunne  
D.Place, C.Triggiano, N.Hamilton,  
Mayor Winterstella, R.Zanes.  
ABSENT - C.Rice, J.Mastrian, W.Schmeling

Attorney John Giunco stated the meeting was advertised as starting at 7:30 P.M. not 7:00 P.M.. The Board decided to delay the hearing until 7:30 P. M. The Board went over a request from Sprint on a special meeting, which was decided on a date of October 20, 1998. Mr. Miller made a motion to adjourn the meeting until 7:30 P.M., seconded and unanimously carried.

APPLICATION - 32-1998 -Glimmer Glass, L.L.C.-361-373-373½ Brielle Rd. & 153-155 Glimmer Glass Circle  
Mr. Zanes stated that some notices were at 7:00 and some at 7:30 P.M. so we delayed the formal part of our special meeting to 7:30 P.M.

ROLL CALL: R.Ratajack, J.Burke, P.Dunne, C.Triggiano, N.Hamilton, Mayor Winterstella, R. Zanes. For the record, Councilman Schmeling arrived at 7:45 P.M.

Keith Henderson put himself on record as the Attorney representing Glimmer Glass, L.L.C.. He has submitted the Denial from Mr. Ratz, an application, affidavit of publication, the affidavit of mailing, certification regarding the payment of taxes, we also included in the application a disclosure of members of the L.L.C. who own more than 10% even though that's not in the statute it applies to Corporations and we have made that disclosure. We have also been advised by Mr. Cramer and Mr. Hilla that in Mr. Hilla's judgement, the applications is incomplete because of certain criteria set forth in the ordinance which are not shown on the site plan. Accordingly he thought tonight, since a special meeting had been booked before we knew of the problem, it would be useful to present to the board informally the application without any sworn testimony, because there was a previous informal hearing and the application has been materially altered since that date. The matters in question

consist of plans that do not contain a key map showing buildings and structures within 300 ft., that has now been surveyed and the plan will be revised to reflect that. He indicated the plan does not show the names and addresses of owners within 200 feet, plans will be amended to reflect that even though they have been sent separately to the Borough. He also indicates that the complete survey of the property by a licensed surveyor signed and sealed, it has been obtained. A complete delineation and survey of the parking has been obtained, but they are asking for a waiver on the topography.

Mr. Henderson stated by way of the back ground, the property consists of lots 203, Block 189 and lots 28 and 29 Block 136. The lot 203 is currently occupied by the bait shop and restaurant, the boat livery and the Marlin Tuna Camp which is the restaurant. Lots 28 and 29 were formally part of the Glimmer Glass sub-division and the owners of the Draw Bridge restaurant purchased those lots and applied for and received a use variance for parking there.

Mr. Cramer marked the following exhibits: A-1 is the August 21, 1985 Use Variance for the two lots on the north side of Brielle Road. The applicant appeared formally before the board with a proposal for a combined marina, restaurant facility and 20 town houses, the suggestion of the Board at that time was that the restaurant facility be eliminated. The plan which is being shown tonight, eliminates that and proposes instead 25 town houses and continuation of the marine use.

Mr. Henderson has several witnesses here tonight. Greg Cox, the architect, Charles Gilligan, the engineer. Mr. Cramer marked for evidence A-2 the color rendering of the site plan sheet 2 of 6 called the design grading plan.

Mr. Gilligan testified the drawing is the drawbridge site and adjacent parking area which is across the street. We are proposing 25 single family units, one entrance off Brielle Rd., into a circular type of circulation within the site, 2 parking spaces to each unit, utilities will be served by sewerage which will be extended from Brielle Rd. into the site, water on the site will be associated with the marina which consists of 34 slips. The parking for the slips are allocated across the street in the existing parking which has 25 spots. It is in a B-2 Business Marine Zone and is a permitted use.

Mr. Henderson stated the variances they applied for were based upon the denial of Mr. Ratz, and those appear on the front page of your site plan, they consist of variance for parking, height variance and a lot coverage variance and a rear set back coverage. Mr. Gilligan pointed those out on the exhibit marked A-2. Mr. Gilligan pointed out 118 parking spaces are required, and there will be 50 provided for the units. which are already

provided for. The other requirement is 68 for the 34 Boat slips. Mr. Cramer stated they disagree with Mr. Hilla's point of view on the use variance. He stated it is their position that a use variance was granted for that parking lot, it was for 25 spots, there are 25 spots, it was to service the property across the street, there is no expansion of that use, there is no change of that use, there is no difference what so ever. It is our position that the use is decided

Mr. Cramer asked Mr. Henderson to provide his office with some authority for the proposition that there is no use variance required in the context of the history on this piece of property, before the next meeting. Mr. Henderson will be happy to do so, and he asked that Mr. Cramer give them a ruling in time so that we can give notice, if we need a Use Variance.

Mr. Hilla stated the Boro's ordinance requires 2 parking spaces per unit, yet for the type of units that they are proposing, the number of bedrooms drives the parking requirement to 2½ parking spaces.

Mr. Henderson stated they are looking for some guidance not only from the Board but also from members of the audience, this plan is a response to the last reaction we received regarding a restaurant use and we're really looking to see if this is the direction you want us to go in or is it not. We've changed it from a multi-mixed use to more of a housing project which is what we understood that is what you were looking for.

Mr. Hilla stated another issue the board may have to decide on here is the maximum permissible density on the property on how it is calculated. Mr. Gilligan has calculated based on the aggregate of both parking area and the drawbridge site proper, and Mr. Hilla doesn't agree with that calculation because of the mixed use.

Mr. Henderson said if the restaurant is eliminated, the liquor license would be sold.

Greg Cox, Architect Associates, came forward stating he is the architect on this project. He stated he was the architect on the Sea Breeze Apartments. He stated this is a very important site in town and they want to make it a fabulous project. He stated the applicant wants to use the best materials, their not going to skimp, he wants it to be in compatability with what the town is developing in terms of style and terms of the best use of the land. Both pieces of land are now being used as one project, although it has a street between it and the main site, it's use is between the marina and the restaurant. They decided to put the entire unit on the larger piece rather

than put a small unit across the street where the parking is. They will be real wood siding, brick elements, heavy duty dimensional shingle on the roof, proposing 2½ story unit, each unit will have 1 car garage and parking behind it, the half story and roof line is going to be enhanced with some dormers, using metal on the dormers to give a little style. What you would see from the street, Brielle Rd. the water way is the other side of the building. The other side of the building we carry through those materials and use some more brick base to define the bottom of the building, punched in some balcony's for the main living floor and decorated those balcony's with arches and round wood columns, also some dormers going up along the 1/2 story, so roof line doesn't appear to be a long run of roof. The height variance - the town says you can't build more than 35 ft. above where your grade is, and the federal criteria for flood zone says your lowest living area can't be below 9 ft.. Within that area we want to develop a residential unit that's worthy of the town and neighborhood and be remarkatable to an extent that we want it to be.

MR. Cox stated exhibit A-3 represents a cross section of a typical unit. One of the variances they are asking for is that the town allow them to go an extra foot and a half higher than the 6 ft., so that they can build the town houses at the very peek of the building to be 36 ft. 6 inches. On the lower level will be a garage and bedroom, on the second level will be a kitchen living room area and on the third half story will be master bedroom, closet and bathroom. The height will be on finished grade.

Mr. Miller to Mr. Cox - if you wanted to, you could have a roof height without asking for a variance. Mr. Cox stated if that was the position put to them, he wouldn't reduce the ceiling height, he would flatten out the roof.

Mr. Burke stated he didn't think they were taking into account how much the area floods and how many times a year. He stated at least 3 or 4 times a year there is water up to your waist on Brielle Rd. in that section which shuts down all of Brielle Rd..

Mr. Gilligan stated 95% of the site is almost elevation 9', which is 100 year flood elevation. We're filling to approximately 6.7'. The general elevation is 5'. The elevation to the center of the road is 4.39' adjacent to the parking area which is approximately 6.5.

Mr. Place can see a major problem with the parking on the current plan. Mr. Burke wanted to know if the general public using the marina are parking across the street, what is their access to their boats. Mr. Gilliagn stated there will be a sidewalk and boardwalk that will take them all around the site.

Mrs. Dunne felt parking is a problem and some of the excess parking will impact the neighboring streets, Glimmer Bay Estates, Deep Creek Drive, already impacted by the marina. To solve, perhaps by reducing the number of units on the site and putting more on site parking. Mr. Miller has a problem with parking, height and drainage. Mr. Ratajack has the same problem as Mr. Burke and Mr. Place. Mr. Hamilton wanted to know if they would have to get approval from CAFRA if they so chose to privatize those docks that belong to the condos. Mr. Henderson said that was one of the issues they don't know the answer to. They can take a position that because this is a public use, they want a certain number of those slips maintained for the public. Mr. Henderson said they anticipated an answer before this evening, but have not received it yet. Mr. Triggiano has no problem with the height, but wanted to know what the least amount of units that would have to be constructed in order to make the project feasible. Mr. Henderson stated they can't answer that, the Paglia's who are the larger partners in this project are in California and will not be able to answer until they return. Mayor has no problem with the parking when he was down there the last two weekends.

A motion by C. Triggiano to open the meeting to the public was made seconded and unanimously carried.

Gabriele Bevilacqua, stated if he was given a choice between having a mixed use and having just a residential use, I of course would choose the residential use that complies with the zoning ordinance, which I assume was reasonably evaluated and considered before being adopted. He is greatly concerned about the flooding possibilities, the only access we have to the Glimmer Glass subdivision during those periods of high tides and high water is over the drawbridge, and if this development is in any way going to impact our ability to access that subdivision, because your adding a foot and a half, where is that water going to go?

Patricia Greeley, 101 Glimmer Glass Circle came forward with comments on Land Use Planning Issues. She noted " that the applicant includes a parking space in the driveway directly in front of each garage as an additional parking space to attempt to meet it's parking requirements. According to ordinance Section 107-48(I) (2) which prohibits parking in the front or rear yard of a townhouse unless in a garage. They would also need a variance for those additional 25 spaces, and really only offers 27 true parking spaces for the townhouses proposed. She stated they make no allotment of a parking space for the employees of the marina as required under Sec. 107-36. A variance should be required for the short fall in square footage 1600 sq. ft. He calculates the square footage under 1/2 story A

to be 1576 and 1/2 story B to be 1595 square feet. Section 107-48 (H) (2)(d) requires a staggered front building wall for every two adjacent townhouses. The proposed townhouse rows are a solid straight block without any apparent type of staggering. Variance required. She also stated that Section requires a distance of at least 30 ft. between the townhouse rows and that no row of townhouse dwellings be comprised of more than six dwellings, applicant proposes one row of 8 and one row of 7. Variance required. She notes that the ordinance requires more than 25% open space. This does not include, front, side or rear yards, parking areas, road or driveways. She wanted to know if there was any open space left? She felt a variance is necessary". She stated she likes the idea of townhouses, but this is a vacant piece of property and she doesn't see why they can't conform to what our ordinances say. She feels they are over building, so the applicant can have more units and sell them.

She feels the units are too small and less water front property. Mr. Gilligan in addressing the parking on front and rear yards. He stated we are not proposing parking on front and rear yards. The front fronts on Brielle Road. Mr. Cox stated plan A the square footage is 1576 and plan B is 1595.

John A. Giunco, Esq. came forward on behalf of Robinson's Marina. He feels there are further additional variances than have been discussed and the first is the Use Variance that has been discussed in the report. He stated he is at a loss to how we can interpret the 1985 resolution as any way other than the words that are written in it which restricted parking to the Drawbridge restaurant.

Mr. Cramer in addressing Mr. Giunco, asked if he heard that Mr. Henderson will be presenting the legal authority for his proposition and argument that there is no use variance required in context for this particular matter. Obviously if you would like to present a written valuation into the Board for consideration. Mr. Giunco will present that at the conclusion of his remarks and will ask for an opportunity to rebut Mr. Henderson's report.

MR. Giunco submitted a Letter Brief in opposition to the application of Glimmer Glass, L.L.C.. Set forth are legal arguments as to why the Borough of Manasquan Planning Board must deny the Glimmer Glass, L.L.C. application for Preliminary and Final Approval of Major Site Plan with Bulk Variances.

1. The Planning Board Lacks Jurisdiction to hear the application since the application requires Use Variance approvals pursuant to N.J.S.A. 40:55D-70D.
2. This Application requires a Variance for the increased Density for the number of townhouse units in the B-2

- Zone since the application improperly includes the acreage in the R-1 Zone in the Density Calculations.
3. The Application is deficient and as such is not ripe for consideration by the Zoning Board.
  4. The Application must be denied since the notice fails to adequately state the nature of the matters to be discussed.
  5. The Application must be denied because the development is so expansive and so violative of all ordinances that the request is tantamount to a zone change to which only the Governing Body has power to amend.
  6. The Application must be denied for failure to satisfy the Statutory Requirement of satisfaction of the negative criteria of N.J.S.A. 40:55D-70.

A copy of the Letter Brief was given to all Board members at this meeting and a copy will be attached to the minutes.

Jacklyn Dube, 113 Glimmer Glass Circle came forward stating the Home Owners Assoc. biggest concern is the flooding and the parking. We have brought our parking concerns up here before, we have no parking problems now, but in the summer it is awful. If they are going to fill in where is the water going to go? It has to go somewhere and it's not going back in the river, as that is where it's coming from. We all like the concept of townhouses, but your putting up an awful lot in a very small space.

A motion to close the public session was made, seconded and unanimously carried.

Mr. Henderson stated this is what we wanted to hear. We are pleased that we heard what the views of the people are and with all deference to Mr. Giunco who I have the utmost respect for, I'm a little less concerned with the legal part at this point than I am with the views of the home owners with what they are looking for. We're going to have to go back and take a look at this and see what's economically viable and what isn't, and see if we can come back to the board with something. You can put us on the agenda, and if we're not ready, I will just have to ask to be carried.

Mr. Burke stated he liked the project, he doesn't like the density, it's too much. He's concerned with the catch basins, he doesn't know whether they are going to handle flooding, he's not concerned with the height of the buildings, as he would rather see it as shown rather than see it with a flat roof or a barn style roof. He is concerned with the parking, with the access from the parking lot across the street to the docks. He is in total agreement that the decks are a part of the building, there is a 5 ft. setback not a 15 ft.. He wants to see a traffic report on this from the town, and a fire report

on access to the boats. Mr. Place believes he made himself clear on the parking. He didn't like the 5 ft. on the decks, he is concerned about the density,

Mrs. Dunne's concern is the density and parking, and certainly we can't hear much more, until we hear from CAFRA. Mr. Henderson thought they would heard today from CAFRA.

Mr. Miller was concerned about the density, and there are to many units per square footage, the height is his concern. the parking, the traffic, the set backs, how will a fire engine go around that area, other than that, he likes the project.

Mr. Ratajack has the same concerns as Mr. Burke and Mr. Miller, the density, parking and flooding.

Mr. Hamilton agrees with all that was said, but feels we have to wait for the CAFRA report.

MR. Triggiano agrees with all that has been said, not the height but parking and CAFRA.

The Mayor has no problem with the height, but parking is obviously the problem. He would like to see them go back with the original plan which was a mixed use, the restaurant and townhouses.

MR. Zanes stated we will contact Sgt. Garrity and the Fire Official for reports.

Mr. Henderson will continue this application at our meeting on December 1, 1998. Mr. Henderson waived the time restraints.

A motion to adjourn the meeting was made, seconded and unanimously carried at 9:30 P. M..

Respectfully submitted,

*Marie Applegate*

Marie Applegate, Secretary  
Manasquan Planning Board

# GIORDANO, HALLERAN & CIESLA

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW  
125 HALF MILE ROAD

POST OFFICE BOX 190

MIDDLETOWN, NEW JERSEY 07748

(732) 741-3900

FAX: (732) 224-6599

441 EAST STATE STREET  
TRENTON, NEW JERSEY 08625  
(609) 695-3900

PLEASE REPLY TO: MIDDLETOWN

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JOHN C. GIORDANO, JR.  
JOHN R. HALLERAN  
FRANK R. CIESLA  
BERNARD J. BERRY, JR.  
THOMAS A. FLISEIN  
JOHN A. AIELLO  
MICHAEL J. GROSS  
RICHARD L. FRIEDMAN DA  
GEORGE J. TYLER  
JOHN A. GIUNCO  
NORMAN M. HOBBS DA  
EDWARD S. RADZELY  
SHARLENE A. HUNT  
PHILIP D. FORLENZA

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PAUL V. FERNICOLA  
JAY S. BECKER  
TIMOTHY D. LYONS  
SEAN E. REGAN  
DEBRA J. RUBENSTEIN  
MICHAEL A. PANE  
J. SCOTT ANDERSON  
CRAIG S. VIRGIL

MICHAEL J. CANNING D  
PAUL H. SCHNEIDER  
M. SCOTT TASHJY  
MICHELE A. QUERQUES  
DAVID P. CORRIGAN D  
EDWARD C. BERTUCIO, JR. A  
ANDREW B. ROBINS  
MICHAEL A. BRUNO  
MARGARET B. CARMELI  
KURT E. ANDERSON  
PAUL T. COLELLA  
STEVEN J. BRODMAN  
GERALD P. LALLY

CHARLES A. CERUSI  
PATRICK S. CONVERY  
JACQUELINE DECARLO  
GREGORY A. PETROFF  
STEVEN M. DALTON  
NICOLE DEVANEY  
AMY E. WEEDMAN  
EDWARD C. NORMANDIN

COUNSEL:  
ELIZABETH CHRISTIAN  
JOANNE S. GRAY

OF COUNSEL:  
S. THOMAS GAGLIANO  
JOHN C. GIORDANO  
(1921-1989)

CERTIFIED CIVIL  
TRIAL ATTORNEY  
A CERTIFIED CRIMINAL  
TRIAL ATTORNEY

CLIENT/MATTER NO.

05708/002

DIRECT DIAL NUMBER

(732) 219-5485

DIRECT E-MAIL

September 29, 1998

Mr. Christopher Rice  
Chairman of the Planning Board  
Borough of Manasquan  
15 Taylor Avenue  
P.O. Box 199  
Manasquan, NJ 08736

Re: **Glimmer Glass, L.L.C. Application**  
**Block 136, Lots 28 and 29 and**  
**Block 189, Lots 2.03, 2.06 and 2.07**

Dear Mr. Rice:

Please accept this Letter Brief in lieu of a formal brief in opposition to the application of Glimmer Glass, L.L.C. Set forth below are legal arguments as to why the Borough of Manasquan Planning Board must deny the Glimmer Glass, L.L.C. application for Preliminary and Final Approval of Major Site Plan with Bulk Variances.

### Brief Statement of Facts

The proposed building site, Block 189, Lot 2.03, is located on the south side of Brielle Road, immediately east of the Glimmer Glass Bridge (Drawbridge). The site is a 1.22 acre parcel located within the B-2 Zone and currently contains a vacant restaurant, a boat livery, and bait shop. The parcel is an upland host to the existing boat slips and docking. The applicant wishes to demolish all structures and parking facilities on the building site and construct 25 new townhouse units.

The proposed parking site is located on the north side of Brielle Road, immediately east of a Borough owned parking lot. The proposed parking site is a 0.36 acre parcel located in the

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R-1 Zone that currently contains a curbed, bituminous concrete parking lot. The applicant wishes to provide marina parking in the existing lot across Brielle Road. While the proposed use of the building site is permitted in the zone, the proposed use of the parking facility across the street, however, is not permitted in the zone.

**I. THE PLANNING BOARD LACKS JURISDICTION TO HEAR THE APPLICATION SINCE THE APPLICATION REQUIRES USE VARIANCE APPROVALS PURSUANT TO N.J.S.A. 40:55D-70d.**

The Planning Board lacks jurisdiction to review this application since the applicant, Glimmer Glass L.L.C., is requesting a bulk variance from the Planning Board for a proposed use that actually requires use variance approvals from the Zoning Board. Therefore, the Planning Board does not have the authority to grant the requested relief.

An application for development must adhere to certain jurisdictional prerequisites. N.J.S.A. 40:55D-20 provides that:

Any power expressly authorized by this act to be exercised by (1) planning board or (2) board of adjustment shall not be exercised by another body, except as otherwise provided in this act.

Consequently, when an applicant appears before a board that lacks jurisdiction, any action taken by that board is a nullity. See, generally, Trinity Baptist v. Louis Scott Hold., 219 N.J.Super. 490, 496-498 (App. Div. 1987). Whether an application is properly before the planning board or belongs instead before the zoning board of adjustment depends on whether or not the application is for a variance under subsection c or d of N.J.S.A. 40:55D-70.

**A. Use Variances Fall Within The Exclusive Jurisdiction Of The Zoning Board Of Adjustment.**

As a matter of course, any request for a variance pursuant to N.J.S.A. 40:55D-70, subsection d (a "d" variance) falls under the *exclusive jurisdiction* of the zoning board of adjustment and five affirmative votes are necessary to grant relief. See e.g. Trinity Baptist v. Louis Scott Hold., 219 N.J.Super. 490, 496-498 (App. Div. 1987). N.J.S.A. 40:55D-70d provides, in relevant part, that the zoning board will:

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In particular cases for special reasons, grant a variance to allow departure from regulations pursuant to article 8 of this act to permit: (1) a use or principal structure in a district restricted against such use or principal structure, (2) an expansion of a nonconforming use. . . . A variance under this subsection shall be granted only by affirmative vote of at least five members, in the case of a municipal board, or two-thirds of the full authorized membership, in the case of a regional board, pursuant to article 10 of this act.<sup>1</sup>

Thus, no relief may be granted under N.J.S.A. 40:55D-70c if it is cognizable under N.J.S.A. 40:55D-70d.

Conversely, if the matter does not fall within the purview of N.J.S.A. 40:55D-70d, then the request for a variance is cognizable under subsection c:

. . . . If an application development requests one or more variances but not a variance for a purpose enumerated in subsection d. of this section, the decision on the requested variance or variances shall be rendered under subsection c. of this section.

N.J.S.A. 40:55D-70d.

B. The Parking Facility In The R-1 Zone Is A Non-Permitted Principal Use.

The Planning Board has no jurisdiction or authority to review this application since the operation of a parking facility in the R-1 Zone is a non-permitted principal use. See Manasquan Code, § 107-8, *infra*, [Amended 5-15-95 by Ord. No. 1657-95]. A principal use is one which is "the primary or 'main use' of the property." Sun Co. v. Zoning Board, 286 N.J. Super. 440, 444 (App. Div. 1996) (emphasis added). It has been recognized that "[t]he primary use must be one on the lot or property which is the subject of the application . . . ." Cox, New Jersey Zoning and Land Use Administration, 202 (GANN, 1998).

Pursuant to Zoning Chapter 107, the following principal uses are permitted in the R-1 One-Family Residential Zone:

- (1) Single family detached dwellings.
- (2) Municipal building, parks, playgrounds, public open space and other facilities.

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<sup>1</sup> §40:55D-77 *et seq.*

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- (3) Privately owned conservation/open space areas.
- (4) Community residences for developmentally disabled as defined in N.J.S.A. 40:55D-66.2a, housing up to six (6) persons, exclusive of staff.
- (5) Community shelter for victims of domestic violence as defined in N.J.S.A. 40:55D-66.2b housing up to six (6) persons, exclusive of staff.
- (6) Senior citizens housing in accordance with the standards of Section 107-38.
- (7) Family day care home as defined in N.J.S.A. 40:55D-66.5.

§ 107-8. [Amended 5-15-95 by Ord. No. 1657-95].

Glimmer Glass, L.L.C. proposes to use Block 136, Lots 28 and 29, located in the R-1 Zone, *solely* as a parking facility for the townhouse tenants and their guests. Note, however, that the proposed building site for the townhouses is located in Block 189, Lot 2.03, in the B-2 Zone – *not the R-1 Zone where the parking facility is to be located.*

The Manasquan ordinance lists specific uses which are permitted and contain a general provision that uses are not specifically permitted are deemed prohibited. As such, uses which are not specifically listed as being permitted are prohibited. See *e.g. L.I.M.A. Partners v. Borough of Northvale*, 219 N.J.Super. 512, 519 (App. Div. 1987). Moreover, even where an ordinance lists specified uses as permitted without the express prohibition of all other uses, all other uses, nonetheless, would be deemed prohibited. *Cox, New Jersey Zoning and Land Use Administration*, 84 (GANN, 1998).

Here, § 107-8 of the Manasquan Code fails to list a parking facility as a permitted principal use. Section 107-25A and -25C (Application of regulations) state that:

Except as hereinafter otherwise provided:

No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, for any purpose other than that which is permitted in the district in which the building or land is located.

....

No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.

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(emphasis added).

As such, the absence of any provision for a parking facility in the R-1 Zone is a clear indication that this use is not permitted. See L.I.M.A. Partners v. Borough of Northvale, 219 N.J.Super. at 519 (uses that are not specifically permitted are deemed prohibited). More significant, is the fact that the Manasquan zoning ordinance contains a general provision indicating that use of land shall be restricted to the uses permitted in the district in which the land is located. See § 107-25A and -25C, supra. Thus, this express limitation prohibits applicant's proposed use of the site as a parking facility – a non-permitted use in the R-1 Zone. In order to deviate from the zone's permitted uses, a variance is required. Therefore, the application should be denied since the planning board lacks the jurisdiction and the authority to grant the requisite "d" variance.

C. The Prior Use Of The Site As A Parking Lot Was Conditionally Limited To Use By The Patrons Of The Drawbridge Restaurant.

The use of the site in question as a parking lot for the Drawbridge Restaurant violated the uses permitted in the R-1 Zone. § 107-8. As such, pursuant to the "Resolution and Findings and Conclusions of the Board of Adjustment of the Borough of Manasquan" dated August 21, 1985, a use variance was granted to permit the construction and use of the site as a parking lot.

However, the August 21, 1985 Resolution of the Board of Adjustment expressly limited and conditioned its approval such that, the parking lot shall be used only for patrons of the Drawbridge Restaurant. That resolution provides, in relevant part, that:

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Borough of Manasquan on this 21<sup>st</sup> day of August, 1985, that approval of the application of the above named applicants be granted **subject, however, to the following conditions,**

1. **That the parking lot shall be used only for patrons of the Drawbridge Restaurant . . . .**

(emphasis added).

Here, the applicant proposes the construction of a parking facility on this site in the R-1 Zone to serve the proposed development of 25 townhouses located in the B-2 Zone. Applicant proposes to demolish the Drawbridge Restaurant and all existing structures to facilitate

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construction of these units. Thus, very simply, the parking area will no longer be serving the Drawbridge Restaurant and is therefore, no longer permitted to function as a parking area.

D. The Parking Lot Is Not An Accessory Use Pursuant To Manasquan's Zoning Ordinances.

The Borough of Manasquan defines accessory use as one which is a "subordinate . . . which is located on the same lot on which the main . . . use is situated and which is reasonably necessary and incidental to the conduct of the primary use of [the] main use." Manasquan Code, § 107-3B. The determination of whether a use is "customarily incident" to the principal use involves a two-pronged analysis. See State v. P. T & L. Construction Co., 77 N.J. 20, 26 (1978). First, it must be determined that "the use . . . bear[s] a close resemblance and obvious relation to the main use to which the premises are put." Id. (quoting Honigfeld v. Byrnes, 14 N.J. 600, 606 (1954)). Second, it must further be determined that "a use which is found to be incidental to the permitted use is also a customary use." Id. at 27 (citing Newark v. Daly, 85 N.J. Super. 555 (App. Div. 1964)). The New Jersey Supreme Court recognized that "[g]enerally, a use which is so necessary or commonly to be expected that it cannot be supposed that the ordinance was intended to prevent it will be found to be a customary use." Id. (citing Chatham v. Donaldson, 69 N.J. Super. 277, 282 (App. Div. 1961)).

In the instant application, the parking of vehicles at the site in question fails to fulfill this two-pronged requirement. A parking lot certainly does not "bear[] a close resemblance and obvious relation to the main use to which the premises are put," because the only use to which Block 136, Lots 28 and 29, are put is a parking facility; a use which is not a permitted use in the R-1 Zone.

For this same reason, the "customary" prong is also not satisfied. It is illogical to find a parking lot to be "incident" or "customary" to a permitted use where the only use on which the property is a parking lot. Thus, the question remains how can a parking lot be incidental to a use on the lots in question, when the parking facility is the only use on the property?

The proposed marina parking facility for the Block 136, Lots 28 and 29, in the R-1 Zone must be deemed a non-permitted accessory use. As such, Glimmer Glass, L.L.C.'s, application to construct a parking facility in the R-1 Zone must be denied since the proposed use is in violation of the zoning ordinance.

E. A Use Variance For A Parking Lot In The R-1 Zone Requires Satisfaction Of The Negative Criteria.

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In order to grant the requested variances, the applicant must establish, in each instance, satisfaction of the negative criteria. In particular, the applicant must demonstrate that no substantial detriment to the public good nor substantial impairment of the intent and purpose of the zoning plan and zoning ordinance will occur as a result of granting these variances. See Sica v. Board of Adjustment of Tp. of Wall, 127 N.J. 152, 160 (1992); Burbridge v. Mine Hill Tp., 117 N.J. 376, 386-387 (1990) (discussing N.J.S.A. 40:55D-2).

Note, however, that because use variances tend to impair sound zoning, they should be granted sparingly and with great caution. N.J.S.A. 40:55D-70d. See also Pierce Estates Corp., Inc. v. Bridgewater Tp. Zoning Bd. of Adjustment, 303 N.J. Super. 507 (App. Div. 1997). Furthermore, where the hardship complained of by the applicant has been created by him, that circumstance may be considered by the municipal agency and may be proper basis for denying relief. Commons v. Westwood Zoning Bd. of Adjustment, 81 N.J. 596, 606 (1980); Chirichello v. Zoning Bd. of Adj. Monmouth Park, 78 N.J. 544 (1979).

**II. THIS APPLICATION REQUIRES A VARIANCE FOR THE INCREASED DENSITY FOR THE NUMBER OF TOWNHOUSE UNITS IN THE B-2 ZONE SINCE THE APPLICATION IMPROPERLY INCLUDES THE ACREAGE IN THE R-1 ZONE IN THE DENSITY CALCULATIONS.**

The term "density" is defined in N.J.S.A. 40:55D-4 as "The permitted number of dwelling units per gross area of land to be developed." Density restrictions control intensity of use. Action Group v. Planning Bd., 235 N.J. Super. 597, 602 (App. Div. 1989), reversed on other grounds sub. nom. North Bergen Action Group v. Planning Bd., 122 N.J. 567 (1991). Variances from such controls may be granted only by boards of adjustment pursuant to N.J.S.A. 40:55D-70d and not by planning boards. Commercial Realty v. First Atlantic, 122 N.J. 546, 561 (1991).

In this case, Section 107-14, as amended by Ordinance 1746-98, permits townhouse development on the building site at a maximum density of 16 units per acre with the bulk requirements per the B-2 Zone, set forth in Code Section 107-27. The density is only applicable to the parcels within the B-2 Zone. For instance, Section 107-25C provides that:

No space which, for the purpose of a building or dwelling group, has been counted or calculated as part of a side yard, rear yard, front yard, court or other open space required by this chapter may, by reason of change in ownership or

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otherwise, be counted or calculated to satisfy or comply with a yard, court or other open space requirement of or for any other building.

As such, the calculations for townhouse density would be exclusive of the proposed marina parking area located within the R-1 Zone. Therefore, the maximum permissible density on the building site would be 19 units. The applicant proposes 25 units on this parcel. As such, applicant must seek use variance approval from the Zoning Board. The applicant must establish, in each instance, satisfaction of the special criteria. This includes, but is not limited to, demonstrating that no substantial detriment to the public good nor substantial impairment of the intent and purpose of the zoning plan and zoning ordinance will occur as a result of granting these variances. See Sica, 127 N.J. at 160.

### III. THE APPLICATION IS DEFICIENT AND AS SUCH IS NOT RIPE FOR CONSIDERATION BY THE ZONING BOARD.

The applicant has failed to submit the necessary documentation required Manasquan zoning ordinance § 107-70, and therefore, the application cannot be certified complete pursuant to N.J.S.A. 40:55D-10.3. In order for the application to be deemed complete the applicant must furnish the necessary documentation set forth in Section 107-70.

The application is deficient since applicant has failed to submit the following:

- (1) Plans do not contain a key map showing buildings and structures within 300 feet.
- (2) Plans do not include the name and address of owners of contiguous property within 200 feet.
- (3) Application does not include a complete metes and bound survey of the property signed and sealed by a licensed land surveyor.
- (4) The plan does not include existing or proposed conditions, including topography, on the parking lot to serve the marina. Plans are also, incomplete regarding the delineation of said parking.

Additionally, there are other concerns which were not addressed including:

- (1) The environmental impact on the property;
- (2) The possible flooding due to the property's inclusion in the A-5 and A-6 Flood Zones;

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- (3) The impact that the development would have on the increase in traffic with respect to increased usage by the townhouse tenants and their guests; and
- (4) Access to the development by emergency vehicles, such as fire and ambulance services.

The addition of this parking facility and the ingress and egress through could conceivably increase traffic around the area with the tenants and their guests. However, there has been no traffic study of the site to evaluate these detrimental effects, which makes it difficult for the Board to conclude that there is no detrimental effect. The Borough's ambulance service will also be impacted in emergency situations.

Further, § 107-36 requires nonresidential parking facilities in a residential zone be setback 15 feet from property and zone lines and that setback area be landscaped to provide a year round buffer. However, the plans are incomplete since the proposed marina parking areas is not fully delineated and not proposed to be landscaped. Also, the proposed parking for the proposed canoe rental has not been addressed through this plan.

With the absence of reports detailing effects of increased traffic, flooding and the development's impact with regard to the adjoining properties located in and around the A-5 and A-6 Flood Zones, and environment impact surveys, the Board cannot make an informed analysis under Sica, and thus the application should be denied.

**IV. THE APPLICATION MUST BE DENIED SINCE THE NOTICE FAILS TO ADEQUATELY STATE THE NATURE OF THE MATTERS TO BE DISCUSSED.**

The application must be denied since the notice fails to inform the public of the nature and extent of the proposed development and the variances sought in connection therewith.

Pursuant to N.J.S.A. 40:55D-11, notices of a hearing on an application for development shall contain the following:

Notices pursuant to section 7.1 and 7.2 of this act [40:55D-12; 40:55D-13] shall state the date, time and place of the hearing, the nature of the matters to be considered and, in the case of notices pursuant to subsection 7.1 of this act [40:55D-12], an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the municipal tax assessor's office, and the location

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and times at which any maps and documents for which approval is sought are available pursuant to subsection 6b. [40:55D-10].

(emphasis added).

In Perlmart of Lacey, Inc. v. Lacey Tp. Planning Bd., 295 N.J.Super. 234 (App. Div. 1996), the court held that public notice of a hearing on applications for site plan, variances and a conditional use permit failed to adequately state nature of matters to be considered, as required by the Municipal Land Use Law (MLUL), where notice did not specify that application were for construction of a shopping center; and where notice did not advise the public that conditional use approval was sought, as required by township ordinances and MLUL. See N.J.S.A. 40:55D-11. There, the court stressed that it is essential that the notice inform the public of the nature of the application in a common sense manner such that the ordinary lay person could intelligently determine whether to object or to seek further information. "Without that basic information, we are not assured that the general public understood the nature of the application, particularly in view of the variety of potential . . . uses under the . . . ordinance." Id. at 239.

Here, the applicant's notice of hearing stated the following bulk variances were sought:

1. Percentage of Lot Coverage: 69% proposed, 40 % allowed;
2. Building Height: 2 ½ Story 35 feet allowed, 2 ½ story 38 feet proposed;
3. Rear Yard Setback: 20 feet required, 0 (zero) feet proposed;
4. Parking: 118 spaces require (50 for 25 units @ 2 per unit, plus 68 for 34 boat slips @ 2 per slip); 77 spaces proposed (52 for townhouses units and 25 for boat slips).

However, contrary to the notice requirements of N.J.S.A. 40:55D-11, discussed supra, the applicant's notice of hearing did not specify that the development needed a use variance for the proposed marina parking facility. Rather, the notice incorrectly stated that a bulk variance was need with regard to the number of parking spaces. Second, the notice failed to specify that, due to the fact that the proposed development of 25 townhouses exceeds the maximum density requirements in a B-2 Zone, the proposed density requires a "d" variance.

Furthermore, the notice is deficient in that the applicant is seeking use variances from the Planning Board which does not have jurisdiction or authority grant such relief. Only the Zoning Board has jurisdiction to review applications requesting use variances. Therefore, the notice of hearing does not adequately inform the public of the nature of the relief sought since the hearing is before the Planning Board which does not have jurisdiction to grant use variances.

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**V. THE APPLICATION MUST BE DENIED BECAUSE THE DEVELOPMENT IS SO EXPANSIVE AND SO VIOLATIVE OF ALL ORDINANCES THAT THE REQUEST IS TANTAMOUNT TO A ZONE CHANGE TO WHICH ONLY THE GOVERNING BODY HAS POWER TO AMEND.**

This application must be denied under these circumstances because the development is so expansive and represents a substantive departure from the intent and purpose of the ordinance that it is tantamount to a zone change. See TWC Realty Partnership v. Zoning Bd. of Adjustment of Edison Tp., 1998 WL 614616 (N.J. Super. Law. Div.) (“[W]here the board determines that the characteristics of the project are such in relation to the other properties in the district or the municipality or if the nature, degree and extent of the variation from the district regulations is so significant, that the grant of a variance would result in substantial detriment to the zone plan or zoning ordinance, the board’s responsibility is to deny the application....”). Only the governing body has the power to amend the zoning ordinance. The Borough of Manasquan reexamined the zoning scheme in March of this year which did not change the zoning of the site in question nor did it carve out this project from the existing zoning. At that time, the governing body did not change the zoning of the sites in question thereby eliminating the need for the applicant to obtain use variances and the numerous other variances required by this proposal.

**VI. THE APPLICATION MUST BE DENIED FOR FAILURE TO SATISFY THE STATUTORY REQUIREMENT OF SATISFACTION OF THE NEGATIVE CRITERIA OF N.J.S.A. 40:55D-70.**

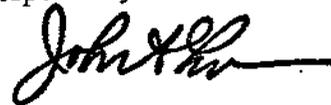
There are many issues which need to be examined in order for the Board or the governing body to make proper determination when allowing for such a departure from the existing zoning. Those issues include the excessive density of the units proposed, the lack of on-site parking for each of those units and the number of parking spaces required for each unit, the excessive height of the project. In addition, it should be taken into account that the property is located within a tidal zone and a flood zone, and a traffic report and environmental impact statement should be required given the nature and the scope of the project. Without this information, it would not be possible for the Board to make a determination that the so-called negative criteria required by statute for the grant of a use variance are met.

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Based on the foregoing analysis, it is respectfully requested that the Board deny the Glimmer Glass, L.L.C. Variance Application.

Respectfully submitted,



John A. Giunco, Esq.

..ODMA\PCDOCS\GHCDOCS\23868\1

BOROUGH HALL  
15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

732-223-1480  
FAX 732-223-1300

JOHN L. WINTERSTELLA  
Mayor

BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

COLLEEN SCIMECA  
Municipal Clerk

PLANNING BOARD  
MANASQUAN PLANNING BOARD

OCTOBER 6, 1998 - REGULAR MEETING MINUTES

The Manasquan Planning Board held their work session and regular meeting on October 6, 1998, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman Christopher Rice opened the work session at 7:00 P.M. stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law.

ROLL CALL - PRESENT - J.Burke, J.Miller, P.Dunne, D.Place,  
C.Triggiano, N.Hamilton, Councilman  
W.Schmeling, R.Zanes, C.Rice, J.  
Mastrian.

ABSENT - R.Ratajack, Mayor Winterstella

INFORMAL - Joseph & Margaret Patterson - 24 Elizabeth Ave.  
Mr.Patterson came forward stating he and his wife have lived in Manasquan 25 years and bought this property on Elizabeth Avenue about 12 years ago. It has 2 lots, the front 50x100 the rear lot is 140x160 on one side and 140x50 on the other side. The 160 butts the high school where the football field is. It is becoming hard for us to maintain that rear lot, and we thought maybe we could possible build a small house back there in order to increase the value of the property. We would like to know what we could do with that lot.

Mr. Cramer said they would need a sub-division, plus variances because of the width requirement, (flag lot). They get one tax bill and one water and sewer bill.

Mr. Rice stated, you presently have one large lot, you have a couple of options - one would be to build a house in the back on the one lot, which would be a use variance, because two principal buildings on a lot doesn't work in that zone.

Mrs. Patterson, said on 52 Taylor Ave. there is a lot for sale in the rear and it is a triangular lot, it only has a 50 ft. front and tapers off to a triangle, it was approved for a 4 bedroom victorian. Mr. Rice said a flag lot subdivision is a possibility, but this board has discouraged them, but until you file a formal application and state your special reasons, as to why you should be allowed to do it, it is hard to say at this point.

Mr. Cramer stated that Long sub-division was very narrowly approved, it was approved by 1 vote.

Mr. Miller asked why not approach the School Board of Education and offer 48x100 ft. to them for their purchase for their field area, being it butts up to the field.

Mr. Triggiano on the definitions - Mr. Cramer said he should have them by the end of the month.

REGULAR SESSION

Mr. Rice opened the regular session at 7:30 P.M. stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law.

ROLL CALL - J.Burke, J.Miller, P.Dunne, D.Place, C.Triggiano, N.Hamilton, Councilman Schmeling, R.Zanes, C.Rice, J.Mastrian.  
ABSENT - R.Ratajack, Mayor J.Winterstella.

Mr. Rice asked all to join in the salute to the flag.

A motion to approve the minutes of September 1, 1998 was made by J.Mastrian, seconded by W. Schmeling, followed by the following vote: "YES" - J. Miller, P.Dunne, C.Triggiano, N. Hamilton W.Schmeling, R.Zanes, C.Rice, J.Mastrian. ABSTAIN - J.Burke, D.Place.

A motion to approve the minutes of the Joint Meeting on August 25, 1998 was made by R.Zanes, seconded by J.Burke, followed by the following vote: "YES" J.Burke, J.Miller, C.Triggiano, N.Hamilton W.Schmeling, R.Zanes, C.Rice, J.Mastrian. ABSTAIN- P.Dunne.

RESOLUTION - 29-1998 - Arthur & Joan Harriman - 574 Perch Ave.  
A motion by P.Dunne for an approval, seconded by W.Schmeling followed by the following vote: "YES" - J. Miller, P.Dunne, C.Triggiano, N.Hamilton, W.Schmeling, C.Rice, J.Mastrian  
ABSTAIN - J.Burke, D. Place.

APPLICATION - 28-1998 - Paul & Sheila Livelli - 559 Salmon Ave.  
Paul Livelli came forward and was sworn in by Mr. Cramer. Mr. Livelli testified he applied for a building permit back in April, he was denied because of a side yard setback, which was 4.68 ft. and 5 ft. was required. He challenged this because he actually measured the distance between his house and the neighbor's house and it is 10 feet. That was based on an 1989 survey, which did indicate less than 5 ft.. I had Mr. O'Malley resurvey it and it indicates it is 5 ft. to the property line, which agrees with his contention that there was never a problem in the beginning. He testified the house was built in 1982, the only changes made were a change to the front deck, where honestly I extended it and I shouldn't have as I violated the the 35% rule. What I want to do is put a second story dormer on the house to create 2 bedrooms. It's a cathedral ceiling on one side and he wants to finish it off, the purpose it he wants to move down here in a couple of years, and the 2 bedrooms on the first floor I will create a dining room and T.V.room. Mr. Rice asked if he could pull the shed over to bring it in to make it non-conforming. Mr. Livelli said it is on cinder blocks. Everything else you are asking for is minimal. He testified, he wants every one to understand, right now there is a cathedral ceiling above the 2 new bedrooms, with a railing

that looks down into the living room. The existing loft area which is an open area, that wall will be created. He testified he is trying to create a hall way to the front and have some airway coming through the back bedroom, and there is some concern where it shows there is a walk in closet, right now he might use that as storage behind the closet that is there now.

The meeting was opened to the public with a motion, seconded and unanimously carried.

There being no comments from the public, a motion to close the public session was made, seconded and unanimously carried.

Mr. Zanes made a motion to approve this application with the proviso that he bring the shed into conforming with the set backs, seconded by P. Dunne, followed by the following vote: YES - J. Burke, J. Miller, P. Dunne, C. Triggiano, D. Place, N. Hamilton, W. Schmeling R. Zanes, C. Rice, J. Mastrian.

A motion was made for a 5 minute recess at 7:45 P.M. seconded and unanimously carried.

The Board returned from recess at 7:55 P.M. with the following roll call: J. Burke, J. Miller, P. Dunne, D. Place, C. Triggiano, N. Hamilton R. Zanes, C. Rice. For the record Councilman Schmeling and J. Mastrian recused themselves at 7:55 P.M..

APPLICATION - 27-1998 - Joseph & Barbara Jackson - 117 Marcellus Keith Henderson, C. Keith Henderson Associates, put himself on record as attorney representing the applicant. He stated this is an application for a Use Variance and various bulk variances and site plan approval for a proposed Bed and Breakfast on Lot 45, Block 70, 117 Marcellus Avenue. Property is owned by Barbara & Joseph Jackson. Mark Fessler, Architect, Joseph Jackson, John Maczuga, Planner were sworn in by Mr. Cramer.

Mr. Henderson stated he would like to present testimony relating to the Use Variance and all the bulk variances first and after he is done he would like to get some guidance from the Board on the site plan itself.

Mr. Jackson testified he lives at 117 Marcellus Ave. which is the subject property. He is the owner of the property with his wife for about 15 years. It was acquired from Jim and Nancy Ford and Jerry Iannelli. Right now the property is broken up into a 3 family house. The apartment which they call the main apartment is occupied by the Jacksons, has 5 bedrooms one is used for storage, one bedroom apt. on the second floor which is 3 rooms, kitchen, living room and bedroom and a studio apt.

on the the first floor rear. He testified they have occupied the main apt. since owning the house. The apt. was leased at different times when they were living in the Virgin Islands. Every one of the tenants that were in there had children. He testified as far back as he researched, the building goes back to 1882 when it was built by W. Longstreet. He showed 2 photos, which were not marked as evidence as they are originals one is a picture of the house in 1890 which was called A-1 for identification purposes. The house has changed over the years, but they are looking to bring back as many of the details of the house at the time. The other picture marked A-2 shows the picket fence, which they hope to bring back. He hasn't seen any picket fences like it in the area. It also shows it was the Spruce House Resturant on one sign and a sign in the front identifies that lunches and dinners were .50¢ and up. It also indicates rooms are available so it was a resturant and a guest house also. He stated during the Centennial Celebrations here in town, it was designated as one of the centennial homes in town. The plaque that was issued is hanging in front of the house. Mr. Jackson testified he is planning to bring back the decorative aspects, bring it back to more of the victorian that it was.

He testified they are going to be adding a lot more gingerbread, bringing it back to what it was, to show a style of the period, the picket fence that he would like to put around the property, new landscaping. The furnishing will be in keeping with the style of the house, it will be done in all antiques. He testified the curbs need work and will replace what needs to be done, the sidewalks some have been done and will repair the rest. He testified the front door the main entrance will lead into a formal parlor, the first floor will have a full living room, the second floor will be 2 rooms for the Jacksons, 2 guest rooms each with their own bathrooms and the 3rd floor will have 3 bedrooms with their own baths.

He testified each of the rooms will be different in style and different in size, our target price range would average about \$120.00 up to \$150.00 or 160.00. It really depends on how much we're able to add amenities to the different guest rooms, which will determine where the price ceiling would be. The average price would be about \$130.00 per night. They are hoping to do between 50 & 70 %. Breakfast will be served from 8:00 to 10:30 A.M.. He understands that if this does not work out, he will never be able to go back to apartments. Mr. Jackson said this is what he really wants and he understands.

Mr. Triggiano questioned the date on the survey. Mr. Henderson stated an updated survey will be furnished and a site plan.

Mr. Mark Fessler graduated from Catholic University with a degree in architecture, licensed in N. J. for the past 24 years, also

appeared in Sea Girt, Spring Lake and towns all over the State. He has a consulting firm called In Code Solutions, which is a consulting firm specializing in Code requirements for the accomodation buildings, and has worked on approximately 40 bed and breakfasts across the state. Locally he has worked on the Sea Crest House, The Victorian House, both Spring Lake, etc. He explained to the Board what is and isn't allowed in a Bed & Breakfast in the Uniformed Construction Code. Under the Fire Code there is an expanded definition of this as basically a Bed & Breakfast Home Stay which is from 1 to 5 guests, Bed & Breakfast Guest House which is 6 to 25 guests and a Bed & Breakfast Inn which is 26 to 50 guests that's for existing buildings and does not fall in the classifications that we are talking about here. We are talking about a Guest House here. Building must include individual sleeping accomodations for 6 to 12 guests for new B/B converting a house into a B/B the new code is limited down to 12 guests. Has at least one dwelling unit occupied by the owner of the facility as his or her place of residence during any time this facility is being used as lodging of guests. Has not less than 300 sq. ft. of common area for the exclusive use of guests including but not limited to use of parlors or dining rooms. Prohibits cooking and smoking in the guest rooms. Provides a meal to the guest in the fore noon of each day, but does not operate as a restaurant open to the general public. Is not a rooming house or boarding house as defined by the N. J. State Statue of 55:13B-3. Rooming and Boarding houses allow people to cook in their rooms, allow people to stay for long periods of time. B/B does not allow more than 15% of the guests to remain more than 30 consecutive days or more than 30 days in any 60 day period.

Mr. Fessler and his wife own the Holly Croft b/b on Lake Como in S. Belmar for the last 14 years. It was not a permitted use when he converted it, they had to go for a use variance and obtained a use variance which was approved. He stated in 1985 there were 2,000 b/b's in the entire country and in 1995 there were 20,000. It is definitely somthing that is a growing thing all over the country. A-3 was marked as photographs, representing existing various faces of the property together with the proposed interior plans.

A letter from Mr. Jackson to the Manasquan Chamber of Commerce was read by Mr. Fessler and marked into evidence as A-4, stating he has had many inquiries as to a B/B.

Mr. John D. Maczuga came forward stating he is Director of State Planning and Engineer Associates, he has a Masters Degree from Rutgers U.. He stated the site is located at the south west corner of Marcellus Ave. and Rt. 71. The property is a 2½ structure, with 3 units, 2- 1 bedroom apts. and an existing 5 bedroom apt.. The site also has a detached 2 car garage located in the extreme south west corner of the property. To the

immediate north of the property across Marcellus Avenue, is the Hawes & MacAfee Real Estate Offices, also to the immediate west are detached single family dwellings, to the south is a single family residence, a law office, a residential structure. He stated there is a mix along RT. 71, over half are of an office nature. The character of the area is strictly victorian. The present zoning of the subject property is O - Office. The principal uses in the O zone are professional offices, business offices, single family residences, banks, real estate offices and insurance, also parks and play grounds.

The office zone permits a lot size of 5000 sq. ft. the subject property is around 8,000 sq. ft., the minimum lot frontage is 50 ft., the front yard set back requirements are 25 ft., side yards are 5 ft., rear yard 20 ft. building coverage restricted to 30 % and lot coverage restricted to 60%. B/B's are not defined in the Borough's ordinances and not permitted in any zone of the Borough. Mr. Maczuga stated he has seen the Master Plan and they are proposing in the draft he saw, dated 12/97 to permit a B/B as a conditional use in the O-Zone and Business Zone. The applicant is applying to convert the existing 3 family structure into a B/B with an owner occupied apartment. The applicant is also seeking relief from certain bulk requirements from the zone, which consist of 5 variances for pre-existing conditions, which are the front setback of 10 ft., the maximum building coverage is 34.6 % where 30% is permitted, the existing garage structure has 2 violations existing, the side yard is .46 ft. where 5 ft. is required, the rear accessory set back is 5 ft., where 1.05 ft. is existing. The lot coverage is 63%, and 60% is the maximum permitted. The additional variance required is the proposed fire escape, it will be located in the rear set back 1 ft. off the rear property line, where the existing structure is 5 ft. off the line, it will be moved closer to the property line. The parking proposed is adequate for the project. He stated the plans are to restore and preserve the existing historic structure.

Mr. Maczuga stated the application will not have a substantial detriment to the public good. Looking at the condition of the existing structure and what is proposed, in terms of restoration of the structure and what will have to be done to make it an attractive B/B, he said it goes without saying in order to be successful it has to be extremely attractive to get people to come and stay. To the immediate public he sees no detriment in terms of compatability of the land use and the up grade of the site, it is a plus to the immediate neighbors. It will not have an impairment of the Borough Master Plan or the development regulations of the town.

Mr. Jackson testified, they are planning to take out the driveway that is there, as there is very poor drainage in the yard, and

regrade the back yard as best they could, to drain a lot better than it does. They will put stone in that area, then they won't need that variance for lot coverage.

A motion to open the meeting to the public was made, seconded and unanimously carried.

Toni McChesney, Union Avenue came forward stating she lives to the rear of the Jackson's. She has lived here all her life and feels a bed and breakfast will be run professionally by the Jackson's as they are wonderful people.

A motion to close the public portion was made by J.Burke seconded by J.Miller and unanimously carried.

Mr. Burke said he feels this is an ideal situation for this town, even with the different variances required. His question is, is this the way the town wants to go. Are we going to change the zoning laws to allow this in this type of an area, in a residential area or only in business or office?

Mr. Miller stated this is making a benchmark. Mrs. Dunne stated she does remember the discussion that we need not zone specifically for b/b but to let them come in as they want to, that way we can exercise more control than having something in print, we can look at each individually.

Mr. Place's concern was about storage - Mr. Jackson stated there is the basement and above the garage and adjacent to the kitchen where the office will be there will be a lot of storage there. There is no problem getting 2 cars in the garage. The fire escape will be wood and touching the ground and painted blending in with the house.

Neil said he hopes the parking spaces will be filled at all times and there doesn't seem to be a problem with parking. He thinks it is an ideal use and they have to be dealt with on case to case basis. Mr. Triggiano and Mr. Zanes agreed with Neil. Mr. Rice is in favor of this project, but has some concerns about the fire escape, keeping it out of the setback.

A motion was made to approve the use variance by R.Zanes, seconded by C.Triggiano, followed by the following vote: "YES" - J.Miller, P.Dunn, D.Place, C.Triggiano, N. Hamilton, R.Zanes, C.Rice.

On the bulk variance, the board would like to see an updated survey, signage, landscaping. Mr. Henderson would like to know if the Board could vote on the pre-existing bulk variances this evening and reserve on the fire escape and on the site plan itself until we submit

the the site plan, as I have all the experts here tonight and I hate to have to call them back for further testimony on those issues.

Mr. Cramer stated you are looking for the approval of the bulk variances with the exception of the rear yard setback, in so far as it affects the fire escape.

Mr. Burke made a motion to grant the discussed bulk variances, excluding the rear set-back and excluding the maximum lot coverage, seconded by C.Triggiano, followed by the following vote: "YES" - J.Miller, P.Dunne, D.Place, C.Triggiano, N. Hamilton, R.Zanes, C.Rice, J.Burke.

They will be back for the January meeting.

A motion to approve the vouchers was made by J.Miller, seconded by J.Burke and unanimously carried.

John Burke had a proposal to the Board on Scheduling. Instead of having one set meeting a month, and then scheduling special meetings, what if we schedule 2 meetings a month, the 1st and 3rd tuesday of every month. The first meeting is for all regular business, hardship variances etc. The second meeting set aside for special cases, things that would require a special meeting, large cases, use variances etc..

Mr. Rice asked who is to determine who are special cases. It is a good idea, but he feels it wouldn't work for us. The Board will think about it and discuss it at another time.

Councilman Coan came forward to discuss definitions. He stated he will be putting one in each of his ordinances. He requested the Board make the charge for a special meeting \$1,000.00. The Board agreed with that.

Mr. Coan stated he has a draft ordinance for senior citizen housing, the reason is that the existing senior citizen housing ordinance is very weakly drawn, which was done in 1995 and have had no applications. It's permitted in residential zones the way it is written. According to the present ordinance, the applicant could tear down 5 or 6 homes and put up an apartment building. The new ordinance will be specific to say in the RM and RPM, B1, B2, B3, Office and PUD zones, which will be all zones not the residential zones. It will be 2 stories and 28 ft. high. They broke it down to 16 units per acre as opposed to the 18. On the parking, it states 1 space per unit, so they put in according to the states approval standards.

There being no more business, a motion to adjourn was made by J.Miller, seconded and unanimously carried at 10:25 P.M..

Respectfully submitted,

*Marie Applegate*  
Marie Applegate, Secretary  
Manasquan Planning Board

BOROUGH HALL  
15 TAYLOR AVENUE  
POST OFFICE BOX 199

JOHN L. WINTERSTELLA  
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736  
PLANNING BOARD

732-223-1480  
FAX 732-223-1300

COLLEEN SCIMECA  
Municipal Clerk

Dear Manasquan Board Members:

Please consider the following agenda for Tuesday October 20, 1998, Special Meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

AGENDA - MANASQUAN PLANNING BOARD

OCTOBER 20, 1998 - SPECIAL MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

SALUTE TO FLAG

7:00 P.M. - APPLICATION - 35-1998 - Sprint Corp. - Camp Drive

Very truly yours,

*Marie Applegate*

Marie Applegate, Secretary  
Manasquan Planning Board

BOROUGH HALL  
15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

732-223-1480  
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JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

COLLEEN SCIMECA  
Municipal Clerk

**PLANNING BOARD**  
MANASQUAN PLANNING BOARD

OCTOBER 20, 1998 - SPECIAL MEETING MINUTES

The Manasquan Planning Board held a special meeting on October 20, 1998, in Manasquan Borough Hall.

Chairman, Christopher Rice opened the meeting at 8:00 P.M., stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law.

ROLL CALL - PRESENT - P.Dunne, C.Triggiano, N.Hamilton,  
Councilman W.Schmeling, Mayor J.  
Winterstella, C. Rice, R.Ratajack,  
J.Burke

ABSENT - J. Miller, D.Place, J.Mastrian.

Mr. Rice asked all to join in the salute to the flag.

APPLICATION - 35-1998 - Sprint - 600 Sea Girt Avenue (Camp Dr.)  
Raymond Shea, Jr., Levin, Shea, Pfeffer & Topas, Jackson, N.

J. put himself on record as attorney for applicant.  
Eugene Ginley, Esq. who will be representing Edgar's Pub a  
neighbor of the applicant, Ben Montenegro, Esq. of Wilbert &  
Montenegro on behalf of the Sea Girt Planning Board, will be  
heard at this meeting.

Mr. William F. Masters, Jr. Professional Planner, referred to  
as Rick, Ed Herbst, Architect, George Lissenden, Professional  
Engineer, Michael Henricks, Sprint Manager International Trans.  
Ops. were all sworn in by Mr. Cramer.

Evidence marked was A-1 which was on the easel represents page  
1 of a site plan prepared by Ernst, Ernst & Lissenden, sheet  
2 represents the lighting plan and landscape plan. Site plan  
consists of 5 pages which was marked as A-2 prepared by the  
same firm. Sheet 1 is the site plan proper, sheet 2 is the  
lighting plan and landscape plan, sheet 3 is the details, sheet  
4 is soil erosion, sheet 5 is the standard soil erosion  
of southern control and details. Mr. Lissenden testified he  
received his P.E. in 1973, has been in the general practice  
of land development since that time, he has a Municipal Engineer  
and Planning Board & Board of Adjustment license for various  
municipalities. He testified he has reviewed the report of  
Gilligan Engineering, the consulting engineer. Marked into  
evidence was the Report of Gilligan Engineering, consisting  
of 4 pages, was marked as A-3. Mr. Shea stated they have no  
disagreement, serious or otherwise with those recommendations  
and with respect to one of the observations, they think they  
can satisfy Mr. Gilligan in the manner different than that  
recommended in the matter of planting on the zero lot line wall.  
With that one exception, everything is certainly acceptable,  
and we would like the opportunity to present testimony on that  
one point later on.  
That one point is # 5 on the signature page of the site plan.

Mr. Ginly would like to ask Mr. Shea to identify what # 5 on the signiture page is? Mr. Shea stated they are referring to page 5 of the October 18th report from Mr. Gilligan. It was read into record by Mr. Lissenden "The most prominent portion of this building is the west elevation abutting the railroad. This side yard variance request is for zero feet, preventing the installatin of attractive landscaping/buffering where it is most critical. The applicant should be prepared to address other site plan alternatives not requiring this variance or mitigation of the variance."

Mr. Herbst came forward and testified he is a registered Architect in N. J. and Pa. since 1968, and has appeared before many Boards in the State. He testified the building is about 10,200. sq. ft. footprint. It's size is determined by Sprint's requirement in terms of equipment which will handle the communications for the proposed trans-atlantic cable. The site was selected because it was adjacent to the current detap site, and adjacent to the Jersey Transit right of way which has easements for Fibre Optic Cables which are used for distribution of the communications which this facility will handle. In order to fit this into a non-conformity, they had to deal with parking requirements, the physical constraints of both height and foot print, side yards, front and rear yard setbacks which were dictated by the Borough zoning ordinance. In looking at the site, they found that by honoring the required 25 ft. front yard setback, honoring a single side yard setback of 10 feet, a rear yard setback of 20 ft. and allowing a 0 lot line on the side of the railroad right of way, we were able to come up with a larger foot print so that a 2 story building would house all of sprint's required equipment, the administrative personnel that over see the operation of the cable and the communications equipment and be able to totally house the parking required by the structure. The parking will be under ground cellar level, for 15 cars, for 5 people and on a shift, overlap there may be 9 or 10 never more than 13 people. There would be a volume of traffic from the European stations of approximately 2,000 simultaneous 2 way conversations held on the calbe at one time. This site is at the access point from the trans atlantic cable and in an area where it can distribute the communications out to the general public.

He tesified the two floors would be 28 ft., the level of the cellar is above grade by about  $2\frac{1}{2}$  ft., and a slight power frame around the roof, that will bring the height of the building to 32 ft. which is below the 35 ft. permitted for the site. No roof top equipment will extend above the 35 ft. height. The architectural plans consist of 2 sheets A-1 and A-2 of October 8, 1998 were marked A-3. An exhibit A-4 is a photo rendering of the proposed structure, which was prepared by creating a

computer generated model of the building and merging it with a photograph of the actual site. It is absolutely to scale and perspective correct. Mr. Herbst testified A-3 illustrates the 3 plan level of the proposed structure, the cellar floor plan, for 15 cars and the electric room and equipment space which is entry for the fibre optic cable, The floor above it the first floor, has a receiving room, a small elevator lobby, equipment space throughout. The second floor consists of a small administrative area, conference room, break room, bath and additional space. Marked A-5 are the elevations, front on Sea Girt Ave. illustrates the upper portion of the building being a tar roof, the middle portion of the building is brick facade, and 2½ ft. high on the lower portion is reinforced concrete. The building will be surrounded by a 6 ft. security fence ( estate type fencing, vertical picket finished in a dark color). Trees will be planted on the camp property Mr. Shea stated it's probably not necessary to plant along the right of way on N.J. Transit and they certainly wouldn't want any approval that might be granted by this Board to be conditioned upon it and we wouldn't want it to hold up our approval, as timing is very critical for the construction of this building. A proposal marked as A-6 consists of maximum building envelope per Sea Girt Zoning requirements. Sea Girt requires a 15 ft. front setback, a 30 ft. rear setback and two 6 ft. side yard setbacks. A-7 was a photo representation of a proposed view from the west. It will have very little impact on the view as you enter the town.

Mr. Herbst testified they do not have any objection to the planting, but they feel it isn't necessary, as the planting they are going to do will mimick the planting around the area. Mr. Burke felt that trees along the side of the building on the railroad right of way would reduce the noise of the trains, but there was no one that could answer Mr. Burke.

Mr. Herbst testified the shape of the building is determined by function, the width of the building is determined by the ability to park inside of it. To go below 68 ft. would make it impossible for us to use the inside for parking. The estimated value of this building is between 5 and 7 million dollars. It is going to be reinforced concrete.

Mr. Ginley came forward and questioned Mr. Herbst about the exhibits shown here tonight that shows trees and planting, if he agrees it is an inaccurate representation, being they do not own the property and they don't even know if they can put those plantings on the east side of the building and the west side.

Mr. Ginley would like it striked from the record any reference

the witness made to the acoustics, as the question came up from Mr. Burke that the acoustical effects of the trains that pass at 60 or 80 miles an hour, and the witness, the first thing he conceded was I'm not an acoustic expert, I don't know anything about acoustics, however I'll give my opinion anyway, and he proceeded to give it. Mr. Shea said he would object, as the Boards entitled to give it what ever way they deserve, given the qualifications he says he doesn't possess. Mr. Ginley wanted to know if Mr. Herbst had done any studies regarding possible sun glare that would be affected in the afternoons that would reflect or bounce off this 140 ft. long by 32 ft. building. Mr. Herbst responded no, but these are not particularly absorptive materials, most of it is brick, and he has not done any studies. Mr. Ginley questioned Mr. Herbst on the right ofway and the south side set backs.

Mr. Montinegro asked Mr. Herbst, in going back to A-7 would you at least acknowledge that with the building in the position that it's shown here, there is a significant amount of landscaping which previously viewed from that angle, that is no longer viewed. Mr. Herbst said yes, there is some, the top of the trees will not be visable from this angle as shown. Mr. Montinegro going back to A-2, the elevation - he wanted to know what would happen if no agreements with N. J. Transit or the other property owners, which trees would not be planted. Mr. Herbst testified along Camp Drive all of those trees and shrubs could be planted, but in the 10 ft. setback. the reason they are located where they are, is because the continual line of trees, established over the time extended under this Board's recommendation and by acceptance of the Camp to continue that, because it's an enhancement to both Camp Drive and Sprint.

Mr. Herbst testified the building coverage is 31.6%, the total lot coverage is 72.5%. We're proposing a coverage of 71.3% for the total coverage, and 60.3% for the maximum building coverage.

Mayor Winterstella asked Mr. Herbst if this Board approves this application, could they move the building 5 ft. to the east, which would create 5 feet on each side. Mr. Alexander said yes they could. The septic system will be removed. There will be a back up generator system, constructed in the building.

A motion for a 5 minute recess was made, seconded and unanimously carried at 9:40 P.M..

The Board returned from recess at 9:45 P. M..

Lt. Col. Mark E. Cleminson, Asst. Commissioner of Dept. of Military Veterans was sworn in by Mr. Cramer. He testified discussions have been taken place between sprint and the camp on the planting of trees. He testified that if this application

is approved, the line of planting around the building will take place. His purpose here tonight was to testify on the record that it is his expectation that permission will be granted to the applicant to put those plantings in place.

Michael Hendricks, Manager International Trans. Ops. came forward and testified this represents the third such building, the first one was for PEATAK, the second actually for Gemeni, and this one is called Tack 14, which is a fibre optic cable similar to PEATAK and Gemeni, except that over the years, there has been some exciting innovations, which allows us to increase the band work. Right now we can carry 17,000 voice conversations simultaneously on PEATAK. Gemeni can carry roughly 3 quarters of a million simultaneous voice calls. With this system it is designed and intent would be to cover some where in the order of 7 and 7½ million simultaneous voice calls. Sprint mandates that we operate on a 7 day 24 hour basis. He testified the loading dock is to provide an access point to bring in the initial equipment that supports the transmission of the fibre optic signal so that there will be more racks of optical equipment, power equipment and the like, as well as air handlers etc., that support the operation. Once the project is completed estimated 6 or 9 month duration. It's a postal drop, UPS drop, Federal Express drop, once a day and occasional trash pickup.

Exhibit A-8 which consists of a 10-14 Cable System topology, which shows the looping of cable from Europe and Tuckerton. This location is better than any other as it is far enough away from the shipping lanes, so that they don't get a lot of distraction. It's close to N. Y. which is a major financial tele-communications hub of the United States, it's a relatively safe, maritime area here, which is favorable. Mr. Hendricks testified their preference is to locate on this site. The project deadline reaches into the end of the year 2000.

Mr. Hendricks testified, if this project goes through, they will receive one end of the cable early next year, March or April and receive equipment about a year later, that will allow us to use and build out the system that will eventually allow us to use that cable.

William F. Masters Jr., Professional Planner in N. J. License # 2363, since 1981. He testified the application before this Board is for a C Variance relief or Bulk variance relief, and the applicant intends to proceed under the C-2 Statutory criteria of the so called flexible C variance criteria, which burden of proof requires 5 specific findings of fact. The nature of the variance relief relates to side yard set back encroachment as well as excessive maximum building coverage and lot coverage. The application is for an existing undersized non-conforming

lot, a lot in the B-3 general business zone which has a minimum requirement of 20,000 sq. feet. The existing lot is 16,892.6 sq. feet. He made reference to the Permitted Use Sections, in the B-3 Zone, Section 107-14.1 page 107-36.1 with reference to all the permitted uses in the B-1 Business Zone which is Section 107-13 of the Manasquan Code, page 107-34, Chapter 107. This property relates to 600 Sea Girt Avenue, Block 54 Lot 1. He testified the renderings and drawings seen here tonight depict a far more aesthetically appealing building than presently exists on the property.

Mr. Ginly and Mr. Montinegro had questions of Mr. Masters, regarding the impact this building would have on Edgar's Pub.

Mr. Shea was pleased with Lt. Col. Cleminson's testimony. He stated they came to the Board on Sept. 1 and they wanted to remain in Manasquan with this facility and that they would be responsive to the comments of this Board and any member of the public who came and offered constructive criticism. He said the public has remained very gentle on their recommendations on how they can improve. He stated they have improved on the building, since coming before the board previous. He thinks exhibit A-7 tells the whole story. He believes that if this building is approved by this Board, it is a well thought out proposal, well examined and certainly well questioned and well documented by exhibits total of (8). He believes the variance criteria was satisfied and also the statutory criteria. Mr. Shea stated this is his second time before this Board, he was proud of what they did in 1995, and he appreciates the cooperation he had from the Board then and he repeats that to the Board now. He asks for your approval, and one other thing, if it's possible, that if the approval be voted on tonight, and that there not be a condition on it if you do vote favorably on the application, for plantings in the N. J. Transit right of way, that some other approach be taken to achieve those plantings if you think that that is an important condition to impose upon any approval you might grant. He thanked the Board for the courtesy extended to him.

Mr. Ginly stated this will have a tremendous impact on property of Edgars Pub, who he represents and who have substantial investments involved. He stated Mr. Shea made reference to Edgar's sign and the kitchen being open until 1:00 A.M. but it complys will all the laws of the community, we don't ask for any diviation, every things been approved. We aren't the ones here asking the Borough to give us something to change the law for us, they are. He feels this building will be unsightly and over-whelming and they will cause reduction of our view to the sky on our east side which is the side most of our dining room windows face and associated loss of morning sunlight.

It also could cause substantially increased sun glare up against our dining room windows in the afternoon, as the sun sets towards the west behind us. It also impacts the train noise on our facility. He respectfully suggests to the Board that the inclusion of additional ratables is not the criteria for the law to allow the granting of a variance. Does this Board want to be the one to allow this unsightly building be placed right square on the entrance to the Borough of Sea Girt?

Mr. Montinegro stated the Planning Board of Sea Girt agrees with the sentiments that were just heard, and would also agree this Board does not have jurisdiction to hear this application, inasmuch as it requires a Use Variance based on the testimony heard here tonight, that this isn't a permitted use in terms of Office Use. It is this Board's duty to deny this application as it stands. This is not an office building it is basically a switch terminal, no windows. What office has no windows.

Mayor Winterstella stated the ordinance doesn't speak of the number of employees or number of windows, the ordinance speaks of permitted uses in telephone, telegraph or other similiar communication office facilities and he wants to know where they see a diviation from that, other then the parking, as the parking will be internal, which may be a diviation.

Mr. Shea stated they are confident this facility is consistant of the Borough's ordinances and that if we were challenged in a court of law, we are prepared to defend that position before a judge and we are fully confident that he will also.

Mr. J.G. Canal a Sea Girt resident felt that Manasquan has been a good neighbor so far and he thinks what the Board has to take into consideration is this is our front yard, your back yard. We're the ones that have to look at this when we drive into town. If it's a lease agreement with the option to buy, what happens in 2 or 3 years, when they move out and it becomes an office building with 100 parking spots. We don't have that kind of facility to be able to do that in our town. One thing the Board should really consider is the impact it will have on us, we are the ones going to have to look at this every day. It is not a plus in our community. I know it will be more tax dollars for Manasquan, but I think you have to look more for the residents. I hope you vote against this.

Mr. Cramer stated it is his opinion that the Board has jurisdiction to proceed with the determination on this application. On the issue Mr. Canal raises, the Board obviously isn't going to consider this application on the basis of what

physical impact it has on the community, it is going to consider the application based on the testimony and any objections received during the course of this public hearing and solely on that.

Mr. Shea said they would go from a 6 ft. fence down to a 4 ft. if it is the decision of this Board.

Mayor Winterstella said he certainly can understand Sea Girt's concern about this, but he's not sure if we were to deny this building, that something else would go there and they might object to that. I think this is a good proposal, applicants came in in September, we voiced our concerns, they went back to the drawing boards and came back with a lot better looking building than what they did before. The only thing I would like them to do, is move the building back to the rear property line and move it south to the rear property line, which would give them approximately 20 ft. more of open area in the front, also more it 5 ft. to the east which would allow them more planting area along the railroad tracks. The applicant has proved his case and I don't think the objectors offered any expert advise to the issues concerned. I stand in favor of this application with the changes I mentioned.

Mr. Schmeling stated it wasn't addressed in the testimony, but if they move it back 20 feet it may be acceptable.  
Mr. Herbst said it would be workable if they moved it back 20 feet, and 5 ft. on the east and west side and 5 ft. at the rear would give maintenance access on all sides.  
Mr. Burke would rather see 10 ft. in the rear.

Mr. Rice stated rather than pushing the building around, being there is such a gross violation of the building coverage, what efforts could you make to reduce the building coverage?  
What about shortening the length of the building to decrease the building coverage, which appears to be the largest and grosses variance that you have.

Mr. Herbst stated it becomes a technical requirement issue that my client has provided me with, square footage, 4 spaces that are necessary for support of this stage landing.

Mr. Rice said he would like to see you take 2 parking spots, take 10 ft. off the building and push it back 10 feet to the rear, the impact of this building would be less, if pushed back 15 ft..

Mr. Shea said if the Board would be willing to accomodate on the parking in the manner you just described, it would be accepted.

Neil is in favor of pushing this building back, but his thought was in eliminating any sort of vehicular traffic off of Washington Blvd. as well as the receiving area of the UPS trucks or what ever they might be in the front of the building, why couldn't it be directed in the rear. Mr. Herbst stated they have no access from Camp Drive, it is private. Carmen can go for 5 on each side and 10 ft. in the back.

Mr. Herbst stated the outside limit would be eliminating 1 parking spot, which would take 10 ft. out of the length of the building on all floors and pushing it back 15 ft. into the rear yard setback, it would pick up approximately 25 feet additionally on the Washington Blvd. side, which would decrease building coverage, and lessen the impact on Edgars Pub or downtown Sea Girt.

A resolution to approve this application was made by Mayor Winterstella, approving the variances talked about and approve the 6 ft. high fence, as it is for security reasons. The 5 ft. side yard, moving it south 25 ft., taking out 10 ft. in length, eliminating 1 parking spot and moving it 5 ft. east to allow planting to be approved by our planner, seconded by C.Triggiano, followed by the following vote: "YES" R.Ratajack, J.Burke, P. Dunne, C.Triggiano, N.Hamilton, W.Schmeling, Mayor Winterstella. "NO" + C.Rice.

There being no more business, a motion to adjourn at 12:02 A.M. was made by J.Burke, seconded by C.Triggiano, and unanimously carried.

Respectfully submitted,

*Marie Applegate*

Marie Applegate, Secretary  
Manasquan Planning Board

BOROUGH HALL  
15 TAYLOR AVENUE  
POST OFFICE BOX 199

JOHN L. WINTERSTELLA  
Mayor

Incorporated December 30, 1887

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

732-223-1480  
FAX 732-223-1300

COLLEEN SCIMECA  
Municipal Clerk

Dear Manasquan Board Member ~~PLANNING BOARD~~

Enclosed please find a copy of the Minutes of the Regular Meeting of October 6, 1998. Please consider the following Agenda for the December 1, 1998, meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

MANASQUAN PLANNING BOARD AGENDA  
DECEMBER 1, 1998

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion: Ordinances
2. Informal Hearings:
  - (a)
  - (b)
3. Private Session:
  - (a) Personnel Matters
  - (b) Litigation - Mayor Winterstella

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Motion on Minutes
3. Consent Agenda
  - A. RESOLUTION - 34-1998 - Dr. Vallario - 87 Union Ave.
  - B. RESOLUTION - 33-1998 - James Bogan - 145 Atlantic Ave.

END OF CONSENT AGENDA

APPLICATION - 36-1998 - Mark Heinze - 381 First Avenue

APPLICATION - 37-1998 - Edward Dreswick - 2 Captains Court

APPLICATION - 38-1998 - James Brown - 19 Euclid Avenue

4. - APPROVAL OF VOUCHERS
5. - COMMENTS FROM INDIVIDUAL BOARD MEMBERS.
6. - REPORTS OF SUBCOMMITTEES OF BOARD.
7. - AUDIENCE PARTICIPATION.
8. - ORDINANCE REVIEW

Marie Applegate, Secretary  
Manasquan Planning Board

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

COLLEEN SCIMECA  
Municipal Clerk

**MANASQUAN PLANNING BOARD**

November 10, 1998 - Regular Meeting Minutes

The Manasquan Planning Board held their work session and regular meeting on November 10, 1998 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan NJ.

Chairman Christopher Rice opened the work session at 7 p.m., stating this is an open public meeting held in accordance with the Open Public Meetings Act and published according to law.

WORK SESSION

ROLL CALL: PRESENT - Robert Ratajack, Patricia Dunne, Carmen Triggiano, Councilman William Schmeling, Robert Zanes, Christopher Rice and John Burke.

ABSENT - James Miller, David Place, Neil Hamilton, James Mastrian and Mayor John Winterstella.

(Record shows Mayor Winterstella arrived at 7:10 p.m. and Mr. Miller arrived at 7:15 p.m. Mr. Miller excused himself from the Parziale hearing at 7:20 p.m.)

INFORMAL HEARING - Michael and Debra Parziale (contract purchasers from American Timber Company) - 394 First Avenue and 395 Beachfront - Mr. Parziale addressed the Board regarding the possibility of subdividing his property at 394 First Avenue/395 Beachfront. The land is owned by American Timber Company and Mr. Parziale indicated he and his wife were contract purchasers of the land. The improvements/structures are owned by the Parziales. He stated he wished to redevelop the Beachfront structure; presently there is a three bedroom ranch style dwelling built circa 1920. He gave a brief history of the adjoining area/neighborhood and offered plans for the Board's feedback. He discussed potential plans, which were to demolish 395 Beachfront (which presently is on a crawl space), put up pilings and rebuild to BOCA code with a two-car garage underneath. He indicated this would allow for parking five cars in total, two in the garage and three in the driveway. He stated 394 First Avenue, which is a two-family house, has a two car garage.

Mr. Parziale stated 395 Beachfront would remain a single-family residence. He noted it would be similar in appearance to his dwelling at 305 Beachfront.

Issues including square footage, the beach wall in front of the property and establishment of an eight foot driveway were also discussed. Parking situations were also noted. Mr. Burke questioned the potential lot configurations and whether Mr. Parziale proposed a flag lot or equal lots with driveway easement. Mr. Parziale indicated he preferred a flag lot configuration because of driveway access but added "it doesn't matter" "because both properties are going to remain in our family." Mr. Burke also expressed reservations about making a non-conforming situation even more non-conforming. Board Members and Mr. Parziale discussed ways to make the situation less non-conforming, including establishments of easements.

The Board requested more information regarding dimensions and information as to the new lot sizes/configurations. Board Members indicated they wished to hear more testimony and discussion on the flag lot vs. equal lot options. Specific numbers were requested as part of any future formal application.

PRIVATE SESSION - The Board unanimously moved to enter into closed session to discuss litigation.

#### REGULAR SESSION

Chairman Rice opened the regular session at 7:35 p.m., stating this is an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL - PRESENT - Robert Ratajack, James Miller, Patricia Dunne, Carmen Triggiano, Councilman William Schmeling, Mayor John Winterstella, Christopher Rice and John Burke.

ABSENT - Robert Zanes, David Place, Neil Hamilton, and James Mastrian.

Also in attendance were Board Attorney Geoffrey Cramer, Engineer/Planner Alan Hilla, Jr. and Acting Secretary Sharon Bogie.

A motion was made, seconded and unanimously carried to accept the minutes of the September 28, 1998 regular meeting and the September 29, 1998 special meeting.

RESOLUTION 28-1998 - Paul and Sheila Livelli - 559 Salmon Avenue - The Board Attorney noted the favorable resolution for the record. He noted the only condition as being the relocation of a shed on the property. There being no further comment, a motion was made by Mr. Miller to memorialize the resolution; motion seconded by Mr. Burke and carried by the following vote: "Yes" Board Members Miller, Dunne, Triggiano, Rice, Ratajack and Burke. "No" none. "Abstain" Mayor Winterstella and Councilman Schmeling.

RESOLUTION 35-1998 - Sprint - 600 Sea Girt Avenue - The Board Attorney noted the favorable resolution for the record. Conditions and changes regarding the resolution were discussed and noted by the Board and Board Attorney. A motion was made by Mrs. Dunne to memorialize the resolution with changes indicated; motion seconded and carried by the following vote: "Yes" Board Members Dunne, Triggiano, Rice, Mayor Winterstella, Councilman Schmeling, Ratajack and Burke. "No" None. "Abstain" Board Member Miller.

APPLICATION 31-1998 - Vincent Cotona - 173 Beachfront (cont.) - Kevin Thomas, attorney for the applicant, placed himself on record. Revised plans (three pages, marked A-5a) and survey (A-6) were submitted for the Board's consideration and marked as evidence. Mr. Thomas also noted the presence of John Herreck, M.J. Barone and Associates, engineer and planner on the project. Mr. Thomas noted that Mr. Herreck had been previously sworn in. Testimony was offered by Mr. Herreck regarding changes on the plans and survey. Discussion also noted issues brought up during previous meeting regarding the original plans (marked A-5).

Referring to first page of plans (A-5a), Mr. Herreck noted the only change was the addition of an inground pool. It was also noted the applicant was abandoning the use of the First Avenue dwelling as a residential unit/ rental and would use it henceforth as a recreation room / playroom. Retaining the bathroom facilities was discussed; Mr. Thomas stated that removing the bathroom shows "good faith" that the area will not go back to being a second dwelling unit on the property.

Mr. Herreck went on to discuss the exterior elevations. The setbacks noted on the original plans, he commented, would be maintained.

Board Members Miller and Burke each indicated they were opposed to what they considered to be "extra variances" for "luxury

items" rather than living space. Mr. Miller and Mr. Burke questioned lot coverage. Mr. Burke also expressed concerns over the noticing of neighbors, stating he felt the changes submitted to the Board were "major."

Mr. Ratajack stated he felt the Board should have more time to consider the new materials. Other issues raised included the leveling of the slope between Beachfront and First Avenue, sideyard setbacks and effects on the drainage system.

The Board opened the public hearing. Noel Hood, First Avenue, spoke in favor of the application. He noted storm related incidences and water/ sand run-off.

T.J. Coan, Curtis Avenue, expressed concerns over sideyard setbacks. He stated he felt there was no reason the building could not conform and noted coverage, fire and flood issues.

After brief discussion, the Board unanimously agreed to continue the hearing at a meeting to be announced.

The Board unanimously agreed to a five minute recess. Upon return it was noted there would be a slight change from the posted agenda and that the Bogan minor subdivision application would be heard while awaiting return of an eligible voting Board member on the Vallario application.

APPLICATION 33-1998 - James Bogan - 145 Atlantic Avenue - Mr. Bogan, sworn in by Board counsel, appeared before the Board to request the granting of a minor subdivision of his property. The parcel presently consists of 35,500 square feet and is improved with a single family house, garage and fish pond. The applicant proposed a two lot subdivision with each projected lot measuring 17,750 square feet each. The applicant indicated that building the second parcel may come at a future date. Existing and prospective uses and construction meet zoning requirements, it was noted.

Addressing Mr. Hilla's memo, the applicant agreed to the removal of the fish pond prior to any property transfer. Parking on site was also discussed.

There being no comments from the public or further comments or questions from the Board, a motion was made by Mr. Burke for a favorable resolution, conditions being the removal of the fish pond and submission of a parking plan showing the

location of the parking on the site; motion seconded and carried by the following vote: "Yes" Board Members Miller, Dunne, Triggiano, Mayor Winterstella, Rice, Ratajack and Burke. "No" None. "Abstain" Councilman Schmeling.

APPLICATION 34-1998 - Dr. Ronald Vallario - 87 Union Avenue Applicant seeking relief so he might convert existing attached garage space into an additional exam room, office/consulting room and employees' break room. The property is located in an O (office) Zone.

Construction Official Albert P. Ratz, Jr. denied the building permit under Section 107-36 (Off-street Parking; 10 spaces required, eight provided) and Section 107-52 (site plan required). He stated the applicant would need to apply for site plan, hardship variance and use variance relief from the Planning Board. It was also noted the property is in an A-5 Flood Zone, thus new construction must comply to flood regulations.

Tom McCoy, attorney for Dr. Vallario, was recognized. The applicant and Robert Yuro, professional engineer, were sworn in to offer testimony on the application. It was also noted that six voting members were in attendance.

Among the issues discussed by the Board, the applicant, counsel and professionals was the mixed use of the property. The first floor of the principal building, it was noted, is presently used as office space by Dr. Vallario, who is a family practitioner, and the second floor is an apartment. Testimony was offered on the operations of Dr. Vallario's office, present and proposed, including hours, number of examining rooms, patient flow, activity on the site and personnel. The Board expressed reservations about the possibility of another physician sharing (subletting) office space with Dr. Vallario in terms of an increase of patients against limited on site parking in light of the mixed uses (residential and office). Parking on the site and how the spaces would be allotted was also discussed. It was noted eight on site spaces were proposed; also to be noted were three on street spaces in the vicinity. The Board welcomed input from Mr. Hilla on the topic and addressed his memo on the site.

The issue of handicapped accessibility was also addressed. A second entrance was noted on the plans for this purpose. Mr. Rice noted the location of a flue at the handicapped accessible entrance on the plans.

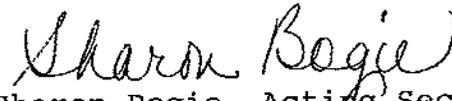
Issues and concerns such as former uses (including that of an attorney's office), landscaping/buffering/screening, restriping of the parking area, the character of the neighborhood (a mixture of residential and offices and located across from St. Denis Church) and size of the lot (14,000 square feet) and buildings (present and proposed, as pursuant to plans submitted by the applicant and marked as evidence) were also noted.

There being no further questions or comments from the public, a motion was made, seconded and unanimously carried to close the public hearing.

A motion was made for a favorable resolution with conditions regarding the restriping of the parking area; motion seconded and carried by the following vote: "Yes" Board Members Miller, Dunne, Triggiano, Schmeling, Rice, Ratajack and Burke. "No" none.

There being no further matters on the agenda, the Board discussed old and new business, unanimously voting for payment of bills as submitted by the Board Secretary and being advised of correspondence. A motion was then made, seconded and unanimously carried to adjourn the meeting at approximately 10:30 p.m.

Respectfully submitted,



Sharon Bogie, Acting Secretary  
Manasquan Planning Board

BOROUGH HALL  
15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

732-223-1480  
FAX 732-223-1300

JOHN L. WINTERSTELLA  
Mayor

BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

COLLEEN SCIMECA  
Municipal Clerk

PLANNING BOARD

MANASQUAN PLANNING BOARD  
DECEMBER 1, 1998 - REGULAR MEETING MINUTES

The Manasquan Planning Board held their regular meeting on December 1, 1998 in Manasquan Borough Hall.

Chairman, Christopher Rice opened the meeting at 7:00 P.M stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law.

ROLL CALL - PRESENT - R. Ratajack, J.Burke, J.Miller, P.Dunne  
D.Place, C.Triggiano, N.Hamilton,  
Mayor J. Winterstella, R. Zanes  
C.Rice, J. Mastrian.

ABSENT - Councilman W. Schmeling.

For the record, Councilman Schmeling arrived at 7:30 P.M..

Board Attorney Mr. Cramer stated the Board will go into an executive session to discuss Litigation, and Personnel. A motion to go into executive session was made by D. Place, seconded by C.Triggiano, followed by the following vote: "YES" - J.Miller, P.Dunne, D.Place, C.Triggiano, N.Hamilton, Mayor Winterstella, R.Zanes, C.Rice, J.Mastrian, R.Ratajack, J.Burke. Councilman Schmeling arrived at 7:35 P.M..

The Board returned from executive session at 7:40 P.M., with Mr. Cramer stating the only matter discussed was the pending litigation instituted by Comcast against the Planning Board of Manasquan and was followed by the following roll call: "YES" -J.Miller, P.Dunne, D.Place, C.Triggiano. N.Hamilton Mayor Winterstella, R.Zanes, C.Rice, J.Mastrian, Mr. Ratajack, Mr. Burke. ABSTAIN - Councilman Schmeling.

REGULAR SESSION

Mr. Rice opened the regular session at 7:40 P.M. stating this is an open public meeting, held in accordance with the Open Public Meeting Act and held according to law. He asked all to rise and salute the flag.

A motion to approve the minutes of October 6, 1998 was made by J. Miller, seconded by R.Ratajack followed by the following vote: "YES" - R.Ratajack, J.Miller, P.Dunne, C.Triggiano, N.Hamilton, W.Schmeling, Mayor Winterstella R.Zanes, C.Rice, J.Mastrian. ABSTAIN - J.Burke, D.Place.

RESOLUTION - 33-1998 - James Bogan - 145 Atlantic Avenue.

A motion to memorialize this resolution was made by R.Ratajack, seconded by J.Burke, followed by the following vote: "YES" - R.Ratajack, J.Burke, J.Miller, P.Dunne, C.Triggiano, W.Schmeling, Mayor Winterstella, C.Rice, J.Mastrian. ABSTAIN - D.Place, N.Hamilton, J.Mastrian.

RESOLUTION - 34-1998 - Dr. Vallario - 87 Union Avenue  
A motion to memorialize the resolution was made by J. Miller, seconded by R. Ratajack, followed by the following vote: "YES"- J. Miller, P. Dunne, C. Triggiano, W. Schmeling, C. Rice, R. Ratajack, J. Burke. ABSTAIN - D. Place, N. Hamilton, Mayor Winterstella, J. Mastrian.

APPLICATION - 36-1998 - Mark & Marlyn Heinze - 381 First Ave. Owner wishes to construct a second floor addition. R-5 Zone. This application was denied for the following reasons:  
107-27 - Lot Area - 2700 sq. feet required, 2425 sq. feet existing. Frontage - 40 ft. required, 25 ft. existing. Front Setback - 10 ft. required, 5.5 ft. to steps existing, 8 ft. to landing existing, 11.3 ft. to house existing and proposed. Side Setback - south - 5 ft. required, 2.0 ft. existing and proposed. North - 5 ft. required, 2.1 ft. existing and proposed. Rear Setback - 20 ft. required, 15.5 ft. to deck existing. Building Coverage - 35% maximum allowed, 46.8 % existing. A-5 Floos Zone - Existing building and new construction must comply. HARSHIP VARIANCE.

Mark Heinze, Marlyn Heinze and Thomas Peterson the Architect were sworn in by Mr. Cramer.

Mr. Heinze testified they moved to Manasquan permanently about 4 or 5 years ago. The house has been in the family since 1951 and he purchased it from his father in 1969. About 15 years ago they added the back portion of the home. The only problem is that their bedroom is only 4 ft. from the other house, the room is small and they would like to expand the house and put a second story on so they can have a bedroom and a decent bathroom. He testified there would be no windows on either side of the house. Is all they want is basically just the back bedroom and the bathroom, the bath would have skylites. The other portion of the house would be for storage, the front portion. There will be 2 double windows in the front and 2 in the back.

Mr. Cramer marked for identification the survey by Mr. O'Malley as A-1, and the set of plans which consists of 2 pages was marked as A-2 and A-3.

Mr. Peterson testified he graduated from Illinois School of Technology in 1979, licensed Architect in N. J. since 1980, licensed professional Engineer in N. J. since 1981 and a Planner in N. J. since 1990. He testified the downstairs (the existing first floor) the exterior walls are the same as they are now. There aren't a lot of changes on the first floor. There is a small existing room in the back which comes out to the stairs that would go up to the new second floor. A clothes closet in the back is extended out which will be washer and dryer area, rather than being split up in the house. That is the changes on the first floor. The second floor will be an entirely new

floor. One third of the new addition will be the master bedroom in the rear, closets, master bath and the balance of the front of that is storage, attic area, which has roughly 2 steps up. The reasons for the windows in front is for ventilation and aesthetic purposes on the street side.

The windows in the rear are for ventilation and light. He testified they tried to keep the roof line as low as possible to minimize on the impact of the surrounding houses and neighborhood. The height of the building will be approximately 25 feet.

Mr. Heinze testified, on Timber Lane he has a grassed area in the back, when he parks his car. He feels the grass looks better than stone or concrete.

A motion to open the meeting to the public was made by J. Miller, seconded by J. Burke and unanimously carried.

Being there were no comments from the public, Mr. Burke made a motion to close the public hearing, seconded by J. Miller, and unanimously carried.

Mr. Place stated, in his mind there is a vast difference between 2-10ft. walls 4 ft. apart than 2-25 ft. walls 4 ft. apart.

Mr. Rice understands what Mr. Place is saying, but he feels if the house were shorter he would have an easier time with it, but the length of this house certainly adds to the mass and volume of it. He thinks that is what is going to hurt the neighbors.

Mrs. Heinze stated they used to live in Clark before they moved here and it was a normal house, this is not a normal house, we now live in a bungalow - "you walk in the back door, trip and fall out the front door". She doesn't think of this as a long house. If we have to come in on the front it would look like a pimple sitting on something. She stated it might look like a lot of attic, but because the living room ceiling goes up there is only about 5 ft. up there and that is not a livable area, it is only for storage to put things in that you would store in a garage or cellar, which we don't have.

Mr. Burke didn't think moving the house back in the front was going to make that much difference, he doesn't see a problem with the application as it stands. J. Mastrian stated the Heinze's are very nice people and an asset to this town, and he would hate to see them say the heck with it we are gone. Mrs. Dunne feels the board can't rely on what the neighbors may or may not think, she feels the Board has to look at the planning issues. She would like to see them have a set back, a couple of feet in the front to alleviate the massive length of the second floor, other than that it is a fine application.

D.Place stated he didn't see any attempt to try to conform at all. J.Miller concurs with J.Masterian and J.Burke and he fully supports this application. W.Schmeling felt the front should be pushed back a little to minimize that long solid wall. Mayor Winterstella agrees with Mr. Burke, he thinks the house is compatible with what is down there and doesn't understand voting it down to see a different design, it's either vote for or against this application for it's own merits, and not for some other idea you may have in your head what you'd like to see there. N. Hamilton, it's pretty much been covered and we're going to run into this problem as we have in the past and it's going to continue with all these applications in the beach area, on these smaller lots and the people trying to upgrade these so called bungalows into homes. I have no problem with the application. C.Triggiano has no problem with the application only he would like to see that they take the deck on the second floor and move it in line with the front line of the bottom floor, that would bring it in a little bit. The deck is in the rear not the front. He has no objection with the application. Mr. Zanes goes along with what N.Hamilton said also with what Mayor Winterstella said, but he does have a problem with the design. He would vote it down as there hasn't been that effort to try and bring some architectural imagination to the structure. Mr. Rice said he said it before and will say it again, he will not try to redesign this, but if it weren't the Heinze's and they weren't good people, good neighbors, if it were a developer that owned this house and rented this house and he asked for a second floor addition, it is his opinion that it wouldn't get approved, as it is an under sized lot, gross violation of side yard setbacks. He is going to be very happy for them, when you are able to expand this house and get the space they need. If the Heinze's move and a developer gets this house and rents it, he thinks the Board will feel differently about the house that's 20 ft. wide by 53 ft. long and no windows on the second floor.

Mr. Zane's asked Mr. Peterson if there are any design modifications that could be made to this house? Mr. Peterson replied, of all the suggestions here tonight, the one that would have the most aesthetic and structural merit, would be pulling the front wall of the second floor in a few feet, to provide some relief along the front, but pulling it in on the sides would not be agreeable. Mr. Cramer told Mr. Heinze that it will take 5 affirmative votes tonight to pass this application.

Mr. Heinze stated he appreciates all the Boards opinions and he truly understands the problem in this town. He said they will just accept the vote as it is now and then decide what they can do.

A motion to approve this application as it stands was made by J. Miller, seconded by Mayor Winterstella, followed by the following vote: "YES" - J. Miller, C. Triggiano, N. Hamilton, Councilman Schmeling, Mayor Winterstella, C. Rice. "NO" - P. Dunne, D. Place R. Zanes.

A motion for a 5 minute recess was made and unanimously carried.

The Board returned from recess at 8:50 P.M. with a motion to go back into regular session, seconded and unanimously carried.

For the record, Councilman Schmeling left at 8:55 P.M.

APPLICATION - 37-1998 - Edward Dreswick - 2 Captains Court. Owner wishes to relocate front steps of house under construction. R-3 Zone. Denied for the following reasons:  
107-27 - Front Setback - 25 feet required, 13'8" proposed.  
A-5 Flood zone - House meets code. Hardship Variance.

Edward F. Dreswick his wife Beth Sterrett were sworn in by Mr. Cramer.

Marked into evidence were plans consisting of 2 sheets by Robert E. Coleman as A-1 and A-2 and a survey by Benchmark Surveying & Engineering, Inc. as A-3.

Mr. Dreswick testified, they want to have their front stairs moved under the construction. The way it is now they are on the side. The house is under construction. Due to the set backs the stairs are on the side and you have to walk all the way around to get to the front. They propose putting the steps in the front so they have primary access to the living area in the front. The plans show about one third of the steps are within the setbacks - they are looking for 4 treads and landing outside of the set back, which is 7'9" outside of the setback. The steps will be wolmonized lumber, and the rails will be aluminum. There is only one curb cut, which Mr. Dreswick said will be sufficient. Mrs. Dreswick passed a photo around of the house they wanted to build, but in order to do so, they had to put the stairs on the side, but she felt it took away from the whole look of the house, she would like to see if she could have the stairs in the front, that is why they are here tonight.

A motion by J. Miller, seconded by J. Burke to open the meeting to the public was made and unanimously carried.

There being no comments, Mr. Burke made a motion to close the public hearing seconded by J. Miller and unanimously carried.

The Board had no problem with the application, J. Miller had reservations.

A motion to approve this application was made by Mayor Winterstella, seconded by R.Zanes, followed by the following vote: "YES" - J. Miller, P. Dunne, D.Place, C.Triggiano, N.Hamilton, Mayor Winterstella, R.Zanes, C.Rice.

APPLICATION - 38-1998 -James Brown - 19 Euclid Avenue Mike Newman the contractor came forward in the absence of Mr. Brown. Mr. Cramer stated, being that a licensed attorney in the absence of Mr. Brown is not here to present the application in his place, is totally unproper and out of order. Mr. Cramer suggested that the Board consider continuing the matter until a motion to a date and time and the applicant can appear, or alternatively dismiss the application and make the gentleman apply again with the variance he has requested this evening.

Mr. Cramer suggested that the board dismiss the application tonight with out prejudice for the lack of prosecution. A motion was made by C.Triggiano, seconded by J.Miller, followed by the following vote: "YES" - J.Miller, P.Dunne, D.Place. C.Triggiano. N.Hamilton, Mayor Winterstella, R.Zanes, C.Rice.

There was discussion on a letter received from Mr. Flood in reagrads to Mr. Rufolo's application on 104 McLean Avenue. Mr. Cramer stated it seems Mr. Flood is asking the Board to impose a condition after the fact. This Board can't do that, there's been a hearing, there's been a determination by the Board of Adjustment, there's been a resolution adopted. Mr. Cramer will check the sources.

Mr. Triggiano wanted to know if the Dairy Queen could put tables and chairs out like the other ice cream stores in town, without permission from the Board? Mr. Cramer said without looking at the resolutions of the Board of Adjustment and the Planning Board, and the conditions that each of the resolutions attached to the occupancy of that store, he cannot answer that tonight.

There was discussion on a letter from Keith Henderson's office asking that the Jackson application be carried until January for a site plan approval, and no requirement for further public notice.

A motion to carry the Jackson application for a variance to January without the requirement for further public noticing, was made by John Burke, seconded by C.Triggiano, followed by the following vote: "YES" - J. Miller, P.Dunne, D.Place, C.Triggiano, N.Hamilton, Mayor Winterstella, R.Zanes, C.Rice.

Mr. Cramer stated there are ordinances that the Board will have to go through tonight, and Mr. Cramer will get the Board's recommendations and review of each ordinance, and he will do a memo to the Mayor and Council expressing what your desires are with respect to these different ordinances. They have all

been introduced on first reading, and need the Planning Board's opinion.

Ordinance # 1766--98 which basically provides for the designation of Bed & Breakfast Guest Houses as conditional uses, in the business zone, office zone, and general business zone. There are a number of conditions set forth in section 4 as well as A, B. and C. which govern these operations. example - it consists of an existing constructed structure solely for residential purposes, there has to be accommodations for 6 to 12 guests, it has to be owner occupied - section 3, it has to have at least 300 sq. ft. of common area for the exclusive use of guests, which can include parlors, dining rooms, librarys and enclosed porches. This ordinance prohibits cooking, smoking in any of the guest rooms, the guests have to be provided with 1 breakfast each day before noon, this facility cannot be open to the public, it cannot be operated as a rooming house or boarding house. Guests stays cannot exceed 30 days during any 90 consecutive days. There has to be a guest register maintained with a complete address of all guests and dates of arrival and departure, tracking of license plate numbers, a requirement of 2 off street parking spaces for each inkeeper or owner, one parkaing space for each guest room. All off street parking must me in a side or rear yard, not allowed in the front yard.

Landscaping, year round screening, signs must conform with sign ordinance, must comply with the N. J. Uniform Construction Code. Fire Safety Requirements, has to be registered with the Bureau of Housing DCA, requirement of site plan review by this Board. The minimum lot size has to be 7500 sq. feet or larger, the minimum lot frontage has to be 75 feet or larger. Mr. Zanes on section #3 would like the word in-keeper taken out, as it should only be owner. In # 4 he is concerned about enclosed porches. He thinks enclosed porches should really be taken out of there because we have no way of knowing whether an enclosed porch is heated or not heated and a common area can be used all the time. The board was in favor of taking out enclosed porches. On the rear and side yard parking requirements, the Mayor suggested saying all parking areas and driveways shall be at least 5 ft. from the side property line and 10 feet from the rear property line. The Board went along with that suggestion. On Ordinance 1766-98 Mr. Cramer said to eliminate section 1 because the Board is going to address the definitions as part of their comprehensions. It will not be adopted at all.

A motion to open the meeting to the public was made by R. Ratajack, seconded by N. Hamilton and unanimously carried.

T. J. Coan, 81 Curtis Avenue came forward stating that it was a typo in the Bed & Breakfast Ordinance, it should be 60 days.

A motion to close the public portion was made by R. Ratajack, seconded by J. Burke, and unanimously carried.

A motion for a favorable response to this ordinance with the changes, was made by J.Burke, seconded by J.Miller, followed by the following vote: "YES" - J.Miller, P.Dunne, D.Place, C.Triggiano, N. Hamilton, Mayor Winterstella, R.Zanes, C.Rice, J.Mastrian, R.Ratajack, J.Burke.

With respect to the definitions, Ordinance 1766-98 the Board recommends that the Council not take any action on this Ordinance because the Board is working on a comprehensive set of definitions that will incorporate each of those definitions to which reference is made in Ordinance 1766-98. The Board is concerned with the changes in certain zoning provisions, such as steps, widow walks, stairs and covered porches.

The meeting was opened to the public by J.Miller, seconded by C. Triggiano and unanimously carried.

T.J.Coan came forward stating a lot of things have to be addressed. On the issue of the non-conforming use, there is a typographical error in the ordinance as it is now, and that is why Ken made that change, under 4 in section 107-82 it says no conforming building, and they are changing it to non-conforming building.

Mayor Winterstella stated the Board should make a motion to Borough Council recommending that they not act on this ordinance as the Planning Board is working on a comprehensive set of definitions that will incorporate each of those definitions with reference to this ordinance.

Lynn Stuart, 126 Morris Avenue came forward stating since your tableing this ordinance, it might not be appropriate for me to ask a question on another section here. She is concerned about # A under Section 2, "No deck shall be constructed above the highest finished floor of any building or structure". She doesn't understand why roof top decks are now inappropriate for this town. She quoted from a piece in the Coast Star by T.J.Coan that unless the house is on the ocean or a bay, he sees no need for these types of decks, it is inappropriate and infringes on neighbors. Mr. Rice stated we are going to allow widow walks and they have been defined in the definitions. Mr. Rice thinks what they are trying to eliminate is a flat roof house and the entire roof is a deck.

Ms. Stuart said she has a flat roof and deck with stairs from the inside and a wall around, and if this will pass then my house will become non-conforming. It seems there are quite a few of this type of deck, and you would be bringing in something that your going to make quite a few homes non-conforming. I would like the Board to possibly reconsider that part of the ordinance.

T. J. Coan stated when he was on the Board of Adjustment we had a case of roof top deck, and with side set backs of 5 ft.

you can see basically in every ones yard within a thousand feet and if you look in the location of where they are now, imagine every one having one - its not aesthetically pleasing. He did say Ms. Stuart's is actually very pleasing. The one on Long Avenue can handle about 25 people and no railing. A motion to close the public portion of this ordinance was made by J. Mastrian, seconded by J. Burke and unanimously carried.

A motion to have the Council not adopt this ordinance was made by Mayor Winterstella, seconded by P. Dunne, followed by the following vote: "YES" - J. Miller, P. Dunne, D. Place, C. Triggiano, N. Hamilton, Mayor Winterstella, R. Zanes, C. Rice, J. Mastrian, R. Ratajack, J. Burke.

Ordinance 1767-98 - An ordinance to repeal Section 107-23.3 (Curb Cuts in Residential Zones) of Chapter 107 (Zoning) and to amend section 94-5 (Residential zone) of Chapter 94 (street and sidewalks) to rivise regulations relating to the Maximum width of curb cuts and driveways in residential zone districts. Mr. Burke had questions where they are measuring the curb cuts from. Mr. Birdsall said you measure from where you achieve the 6 ft. elevation. When it first starts to go down, that is where you measure from. Mr. Burke also wanted to know, if in this ordinance are you making the assumption that there is no property in this town wide enough to have a circular driveway? Mayor Winterstella stated as he understands this you are correct in making that assumption, however there are some, but this would preclude circular driveways without variances in the future.

A motion to open the meeting to the public was made, seconded and unanimously carried.

Ms. Stuart came forward and wanted to know what they have against circular drives. She said they can be very aesthetic.

The Mayor stated you have a good point, but the nature of the town it was felt that it would be better to let people who wanted to have one come in and request a variance for it. The problem is that it would encourage parking in front of houses down on the beach.

T.J. Coan stated we did have an application on the Board of Adjustment for some one on East Main St., who wanted 2 curb cuts, it was a 50 ft. lot and it would have promoted the cars in the front yard. The alternate plan that they used is a very attractive lay out, and it works very much better for the neighborhood.

A motion to close the meeting to the public, was made, seconded and unanimously carried.

A motion was made to have Council act favorably on this ordinance, by J. Miller, seconded by J. Burke, followed by the following vote: "YES"- J. Miller, P. Dunne, D. Place, C. Triggiano,

N.Hamilton, Mayor Winterstella, R.Zanes, C.Rice, J.Mastrian, R.Ratajack, J.Burke.

Ordinance 1768 -98 - To permit Senior Citizen Housing in R-M, R-PM, B-1, B-3, O and Pud Zones and establishing regulations for Senior Citizen Housing in and by the Borough of Manasquan. The Mayor stated this is basically the same as the Ordinance of 1995. It has come to his attention that this does affect one piece of property in this town, and could very easily be interpreted as spot zoning, and he doesn't think it is appropriate to act on this at this time.

Mr. Cramer stated in the current ordinance you have in the R-1 Zone permitted principal use Senior Citizen Housing. It seems we are taking permitted Senior Citizen Housing Use out of the R-1-2 and 3.

C. Triggiano questioned the Minimum Lot Area, 22,000 square feet, and on the B-3 zone which is the largest zone we have in our ordinance, allows 20,000 sq. ft., why do we increase it to 22,000 sq. ft.? Mr. Cramer stated currently the minimum lot size is 1 acre, this proposed ordinance makes a lot area less than 1 acre, it makes it 22,000 sq. ft., you can have it on a smaller lot. Mr. Triggiano thought it should be rounded down to 20,000, but the Board felt it should stay at 22,000.

The meeting was opened to the public with a motion by D.Place, seconded by J.Miller, and unanimously carried.

Ms. Stuart stated it depends on whether it's T.J.Coan or myself since he has an interest in that property, and it's only that he can't buy it that he's requested a zone change. Again from the Coast Star, someone can come in buy and tear down 5 or 6 houses and build an apartment building. Well Mr. Coan knew about my concept over on Morris Avenue, since December of 1986, he never came to this Board during that time period, when there was a chance he might be the future property owner there, to ask for a zone change and take them out of residential areas. My only reason I came before this Board 4 or 5 years ago, was to request a Senior Citizen Complex there because it's a great residential area, there's a conservation area across the street and it would be ideal for seniors. The Board through their ordinances, basically told me they didn't want it. From the stand point of coming in and asking for variances and after spending thousands of dollars on engineering and site plan, I don't know whether I want to play the russian roulette.

Mr. Zanes said he was here at the time and he disagrees with her. He stated that you came in with a very sketchy plan, he felt the Board thought there was some merit to it and invited you to come back and submit an application.

Ms. Stuart said the Board passed an ordinance after that with criteria, which was fine and the reason she didn't come back, was because the Real Estate market fell apart, my

land got taken over by the F.D.I.C. and I ran into big problems. Mr. Zanes said to refer her comments to him or the Board, but he doesn't think Mr. Coan has anything to do with this. Ms. Stuart stated she feels the Board has to know a little bit of the background, how this ordinance even came before the Board, since it was presented by Mr. Coan. Her feeling was that the property would have been perfect for Seniors. I'm getting the feeling that people do not want seniors in residential areas, that's what concerns me.

Mr. Coan stated there are some corporations and individuals with large holdings in Manasquan, particularly in the beach area, where they do own a large number of homes and could put together a piece of property large enough. The other thing is, this ordinance doesn't preclude Ms. Stuart from ever developing her property as a senior citizens complex, but people who live around there think they live in a residential area and many aren't even aware there is an existing senior citizens ordinance, and that there could be a senior citizens apartment building constructed behind their homes. It would be another Dairy Queen situation. This way the developer can submit a plan if they want to do it in a residential zone, and it actually lowers the land requirement, so he doesn't believe it's restricted in any way for Ms. Stuart to develop the property. It does open up other areas, which the Board members have picked up on, which are good locations, close to town, which would be very conducive to senior citizens housing, and that's the intent and purpose, much like the B & B, let the residents come out and comment on the application.

A motion to close the public meeting was made by D. Place, seconded by J. Miller and unanimously carried.

Some of the board feels it needs more time to think about this ordinance.

The Mayor thinks the Board should go back and read the Master Plan, as there are some here that weren't here when it was done, and the Master Plan was quite specific as far as talking about senior housing in residential zones. You should encourage this kind of housing, as you have 19% of your population are senior citizens in this community.

Mrs. Dunne is in favor of the ordinance. D. Place is in favor of the ordinance, your zeroing in on this specific piece of property, and the way he sees it you want to rezone the whole town just to permit that single piece of property and I don't think that is the way to go at it.

Neil Hamilton feels it should be held off until January. He stated we do need some type of senior citizen housing, for people that loose a spouse, they have some affordable housing so they can stay here and not move away.

In closing Mayor Winterstella said any type of building would

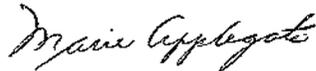
have to comply will all ordinances and your not talking about seeing anything 35 ft. high. Some of these structures are very nice. I'd rather see that behind me than a group rental.

A motion by J.Burke, that the Board cannot make a decision or recommendations on this ordinance until our January meeting, seconded by R. Ratajack, followed by the following vote: "YES" J.Miller, P.Dunne, D.Place, C.Triggiano. N.Hamilton, Mayor Winterstella, R.Zane, C.Rice, J.Mastrian, R.Ratajack, J.Burke.

A motion to approve the vouchers was made by J.Miller, seconded by J.Burke and unanimously carried.

There being no more business a motion to adjourn at 11 P.M. was made, seconded and unanimously carried.

Respectfully submitted,



Marie Applegate, Secretary  
Manasquan Planning Board