

RESOLUTION - 39-2001 - Linda S. Tobey-Campagna-293 First Ave.

RESOLUTION - 37-2001 - Andrew Waring - 535 Jackson Ave.

4. MOTION ON MINUTES
5. APPROVAL OF VOUCHERS
6. COMMENTS FROM INDIVIDUAL BOARD MEMBERS
7. REPORTS OF SUBCOMMITTEES OF BOARD
8. AUDIENCE PARTICIPATION

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

PLANNING BOARD

JANUARY 8, 2002 - REGULAR MEETING MINUTES

Manasquan Planning Board held their regular meeting on January 8, 2002 in Manasquan Borough Hall, 201 E. Main Street, Manasquan, N.J..

Chairman David Place opened the work session at 7:00 P.M. There was a discussion on Alan Hilla's letter regarding the Master Plan. The Mayor said he couldn't actually say, but he is almost sure the money will be within the Budget by the time the budget is finalized. Mr. Cramer told Mr Hilla that it would have to be put in contract form signed by Mr. Hilla and will have to be signed by the Planning Board Chairman and Secretary. Alan stated the hourly fee for the Engineer, will probably be \$100.00 or \$105.00, the same as last year..

C.Triggiano stated he presented to the Secretary a list of all the things pertaining to the Master Plan with his suggestions. We just received a list from P.Dunne and J. Tischio. Looking them over he doesn't think the Master Plan review is going to take us a lot of time, because if everyone puts their comments down before the Master Plan review, it will make it a lot easier to get to know how everyone feels and to get to the point we disagree on. He thinks it is moving in the right direction.

N.Hamilton stated he thinks the Board wants to change the expiration on the way the Use variance is being handled in the Beach area. He stated we gave the 45 days cushion in there, that 45 day appeal period adding on to the advertised resolution, that would add to the 9 months plus the 18 months which would give them the 18 months plus 45 days. We did have one applicatom that was withdrawn to put it on to the spring or summer agenda, because they couldn't meet that time frame. His thought was rather than possibly eliminate the 18 month perid was, to for demolition case, not start his clock until he picks up his building permit. He made reference to the Wojzcak case on Main St and Second Ave.. The window for 9 month completion which starts the day he comes in and picks up his cons truction permit. This may be well for the applicant that comes to the Board for an addition, they get approval and the clock starts. In between there could be a family crisis and it slows down the start.

D. Place agrees with Neil, but would like to see a time limit put on from the time they receive our approval to the time they start. Demo would have to be completed say within 60 days and then pick up permit for buiding within 12 months and 45 days of the published decision. All approved building pemits must be totally completed and ready for final CO within 9 months of permit issuance date. One extension of 9 months may be granted by the Board at a fee of \$200.00

A motion was made for N.Hamilton to submit to Council the Construction and permitting items just discussed, seconded by P.Dunne and unanimously carried.

REGULAR SESSION

Chairman D. Place asked all to stand and salute the Flag. He stated this is an open public meeting, held in accordance with the Open Public Meetings Act and held according to law.

ROLL CALL- PRESENT - P.Dunne, D.Place, C.Triggiano, N.Hamilton,
Mayor Winterstella, T.Carroll, J. Tischio,
J.Burke, G.Twadell.
ABSENT - J.Coakley, K.Monaco, K.Thompson, J.Muly.

RESOLUTION -1-2002 - Chairman, David Place, Vice Chairman, J. Burke

Motion to approve was made by N.Hamilton, seconded by C.Triggiano, followed by the following vote: "YES" P.Dunne, C.Triggiano, N.Hamilton, Mayor Winterstella, T.Carroll, J.Tischio, J.Burke, G. Twadell.

RESOLUTION - 2-2002 - Appointment of Attorney -Geoffrey S.Cramer.
Motion to approve was made by J.Burke, seconded by C.Triggiano, followed by the following vote: "YES"- P.Dunne, D.Place, C.Triggiano, N.Hamilton, Mayor Winterstella, T.Carroll, J.Tischio, J.Burke, G.Twadell.

RESOLUTION - 3-2002 - Meeting Dates

Motion to approve was made by Mayor Winterstella, seconded by N.Hamilton, followed by the following vote: "YES" P.Dunne, D.Place, C.Triggiano, N.Hamilton, Mayor Winterstella, T.Carroll, J.Tischio, J.Burke, G.Twadell.

RESOLUTION - 4-2002 - Official Newspapers, Coast Star & Asbury Park Press.

Motion to approve was made by Mayor Winterstella, seconded by C.Triggiano, followed by the following vote: "YES"- P.Dunne, D.Place, C.Triggiano, N.Hamilton, Mayor Winterstella, T.Carroll, J.Tischio, J.Burke, G.Twadell.

RESOLUTION - 5-2002 - Appointment of Secretary - Marie Applegate.
Motion to approve was made by C.Triggiano, seconded by J.Burke, followed by the following vote:"YES"- P.Dunne, D.Place, C.Triggiano N.Hamilton, Mayor Winterstella, J.Tischio, J.Burke, G.Twadell.

RESOLUTION - 6-2002 - Appointment of Board Engineer - Birdsall Engineering Inc.

Motion to approve was made by C.Triggiano, seconded by J. Tischio, followed by the following vote: "YES" P,Dunne, D.Place,

C.Triggiano, N. Hamilton, Mayor Winterstella, J.Tischio J.Burke, G.Twadell.

RESOLUTION-7-2002- Appointment of Board Planner - Alan Hilla, Jr..

Motion to approve was made by C.Triggiano, seconded by J.Burke, followed by the following vote: "YES"- P.Dunne, D.Place, C.Triggiano, N. Hamilton, Mayor Winterstella, J.Tischio, J.Burke, G.Twadell.

Oaths of Office were given for Mr. Hilla, T.Carroll, P.Dunne, N.Hamilton, D.Place and M. Applegate.

RESOLUTION - 37-2001 - Andrew Waring, 253 S.Jackson Avenue
Motion to memorialize was made and seconded, followed by the following vote: "YES" - D.Place, C.Triggiano, J.Tischio, J.Burke.

RESOLUTION - 39-2001 -Linda S.Tobey-Compagna - 293 First Avenue
Motion to memorialize was made, seconded, followed by the following vote: "YES" - D.Place, C.Triggiano, Mayor Winterstella, J.Tischio, J.Burke.

APPLICATION - 10-2002 - Leg-It, LLC - 211-213 $\frac{1}{2}$ First Avenue
Keith Henderson put himself on record as Attorney for the applicant stating that they received Alan Hilla's report really too late to respond to it. Mr. Hilla suggested that the application of this case incorporate the previous applications for Leggetts. Our application and site plan as submitted were confined to the area where the two bungalows would be demolished and the improvements created. Having considered his report, they felt that they would ask for a continuance so that they can address it in a manner that would make it easier for the Board to consider the application. We are asking the Board to grant a continuance without further notice.

Mr. Burke made a motion that this application be continued at the March 5th meeting, seconded by P.Dunne, followed by the following vote: "YES"-P.Dunne, D.Place, C.Triggiano, N.Hamilton J.Tischio, J.Burke, G.Twadell.

APPLICATION - 29A-2001 -Marylou Finan - 16 Broad St.-Modification of Site Plan.

Marylou Finan came forward and was sworn in by Mr. Cramer. She testified she was approved at the November meeting, and she is here now to put in an office library on the third floor, rather than just an open storage. The change will be a stairway up there from the living room. It is my living residence has nothing to do with the retail.

N. Hamilton stated her intent is to expand it from a pull down staircase for storage, it's now going to be a walk up stairs

from her living room for an office space. The second floor is an apartment and office. The egress windows and the ceiling height is up there, we don't have a problem with it. Ms. Finan testified there will be no living up there. It is an open stairway from the living room. She testified there will be no cooking facilities no food preparation facilities and no bathroom on the third floor. The water heater and furnace will be up there instead of in the basement.

Mr. Place said he would like the resolution to state that it is part of the living area on the second floor and not considered an office unit.

When questioned by Mr. Twadell about the previous surface in the rear, she stated one suggestion was to leave the trees in the rear and much to her liking she agreed to that, so we are leaving a whole cluster of beautiful weeping willow trees along the back.

Alan Hilla stated we were able to reduce the impervious surface by maintaining the front spots of pavement for maintenance and to use for every day general public, and the rear spots for tenants and drainage.

Motion to open this session to the public was made by J.Burke, seconded by C.Triggiano, and unanimously carried.

There being no comments, it was closed to the public by motion from J.Burke, seconded by N.Hamilton and unanimously carried.

Motion to approve this application was made by J.Burke, seconded by J.Tischio, followed by the following vote: "YES"- P.Dunne, D.Place, C.Triggiano, N. Hamilton, T.Carroll, J.Tischio, J.Burke, G.Twadell.

APPLICATION - 8-2002 - Beth Harrison/Ray Lehberger -
312 E. Virginia Avenue

Beth Harrison and Ray Lehberger were sworn in by Mr. Cramer. Beth Harrison testified they want to knock her existing garage down and construct a new 2 car garage with a storage in the back and we are going to use it as storage. The 2 vehicles going in the garage are antique cars in the front and in the back will be storage. The way the plans are it will look like a third garage, but it is all one structure.

Alan Hilla stated the applicant proposes to demolish the existing detached garage and rebuild a larger garage in its place. Of the permitted accessories listed, garages with a maximum building coverage of 600 sq. ft. and a maximum height of 15 ft. are allowed. The applicant proposes a 936 sq. ft. garage with a maximum height of nearly 20 ft. as measured from the adjoining grade. There is no reference to the actual height as referenced

to the crown of the road opposite the applicant's property. A review of the survey identified the following inconsistencies; Front yard-25' required, 22.9' existing. Side yard (corner)-15' required, 10.9'. The building plans call for a 19' high structure with a 9' ceiling height in the garage portion. This would allow for a peak height on the second floor of the garage structure of nearly 9'. He believes a 15' height would be sufficient.

Ms. Harrison testified if your looking at it from the street there will be 2 garages, but if your looking at it from the deck there will be a double door, to get into that back area with bikes, lawn mowers etc.. She testified she has no intentions of putting in a pool. She testified she is trying to keep as much space as possible between the garage and house. She has 2 bedrooms now and in the future would like to add on anther bedroom.

Mr. Burke stated the height is giving you more than storage space up there. Is there any way you can bring this height down from 19 to 15 ft.. She testified she could bring it down to 15 feet. The side door will be a double shed door. She was going to put in a black top drive, but it would be considered as lot coverage, so she will put stone or pavers without the plastic.

C.Triggiano stated in looking over the size of the garage they want to put up, 26'x36' they can almost have a one car garage and park both cars behind one another. Your allowed 600ft., they have 350' now they are adding 600 sq. ft. to this garage. He thought the garage could be made a little smaller.

Mr Lehberger stated he has a 61 and 62 Chevy and they are probabl y close to 18 ft. long and he would like to have a little work bench in front to work on them. There will be a wall dividing the garage part from the back part where they will have the storage.

J.Tischio feels it is a very large structure, and why being your going to demolish, why you need set back variance, why not keep it within the set backs allowed. If you do get approval for this your just creating another hardship for an addition to your house. He stated he has a problem approving this.

P.Dunne would like to approve a garaage which would be nice and she could approve if they bring in the required side setbacks to 5 ft. and reduce the height of the garage to 15'or 16'no higher than that. She would like the size reduced also.

T.Carroll agrees with P.Dunne, his main concern is the height issue and the size of the garage. If they could meet the set

backs he would like it

J. Burke has a problem with the height and also go to 5 ft. all around on the sides. He has no problem with the size. G. Twadell is concerned with the height and side set backs. He feels they are blocking themselves in, if someday down the road they are going to add on.

D. Place agrees that the setbacks should be 5' on each side, and the height should be 15 ft.. The character of this garage doesn't fit with the house. He feels by bringing the rear yard set back into 5 ft. and shaving that square footage off the garage completely, rather than moving the entire structure.

Mayor Winterstella stated "living in this area, you can't have a cellar where we live due to the high water table. The rationale of the Board almost sounds like if this young lady had a larger house she would be allowed to have a larger garage. She needs the space, they have 2 antique cars they would like to put in the garage, knowing just what I fit in my garage which is 35 ft. deep, and I'm not able to get 2 cars in as I have a lot of storage in there". He doesn't think this is an unreasonable request, he is almost hearing the Board say if you had a larger house we could give you a larger garage. He thinks this garage is functional, the applicants have agreed to lower the possible ceiling height of the garage and also maybe observe the setbacks, but as far as making it smaller because you have a smaller house almost seems to be reverse rationale and he's not sure he understands that equation.

D. Place stated, in his opinion Mr. Mayor, my personal opinion having 2 antique cars isn't justification for coming in and getting approval for a 900 sq. ft. garage.

Mayor Winterstella said the reason she wants a 2 car garage is for 2 antique cars, it's a large piece of property, there is certainly no problem with ground coverage at this point, if she doesn't pave the driveway, and if she wants a 2 car garage with a storage area behind it, he's not sure he understands why she can't have it.

Mr. Place stated he hears you loud and clear on that, but it's in reality a four car garage in square foot. We need to be careful about precedent, we do need to take each case on it's own merit. It's a much larger garage than a 2 car garage, 36 feet long. The Mayor said the only thing he can say David, is that that can be filled up pretty quickly if you put 2 cars in there, bikes and lawn mowers etc..

J. Burke suggested that if you bring it in by 4 ft. width, you will remove almost 100 sq. feet, which will bring you down to

almost 800 sq. feet. By reducing by 4 ft. now you can put it in the same location and still have your side yard set back, plus by reducing the height by 6 feet, when you come down to 15 feet, your going to have a better pitch on the roof, not so flat.

Doing this you will reduce the size of the garage considerably Ms. Harrison said she could do that. She testified she is willing to satisfy the side setbacks and the height.

Motion by P.Dunne to open to the public was made, seconded by J.Burke and was unanimously carried.

There being no comments, motion to close the public session was made by J.Burke, seconded by N.Hamilton and was unanimously carried.

A motion to approve this application was made by T.Carroll, with the changes requested by J.Burke, to bring in the sides, and the back set back and the height to 15 ft., seconded by J.Burke, followed by the following vote: "YES" - P.Dunne, D.Place, C.Triggiano, N.Hamilton, T.Carroll, J.Tischio, J.Burke, G.Twadell.

APPLICATION - 9-2002 - Theodore Damen - 581 Brielle Road Theodore Damen the applicant and his son Stephen Damen came forward and were sworn in by Mr. Cramer.

Mr. T.Damen testified that his son likes to live in Manasquan, and being his wife is pregnant, they propose to demolish the existing two-story dwelling and construct a new two and one-half story single-family dwelling in it's place. The applicant wishes to maintain the existing deck and improvements to the rear of the property through this application as well.

Mr.S.Damen testified the plans handed out by his father have a few changes, being the original plans has a deck on the half floor that was 21x7'8".The new proposed deck will be on the side of the house reduced to 7'8"x9'8".

Alan Hilla, Jr. stated the variances needed are; Lot Area-2700' required 2350 'existing. Frontage - 40' required, 25' existing, Front Yard - 25; required, 6.5' proposed, Side Yard-5'required, 3.23' and 0.1' proposed, east & west side. Rear Yard-20; required, approximately 1.5'existing (to deck) Bulding coverage 35% max. allowable, 45.4% proposed. Lot Coverage-50% max. allowable, 52.3% proposed. Also the applicant proposes a building height not to exceed 35'. While this height is ordinarily permissible in this zone, this lot is nonconforming for this zone, enabling the Board to reduce the permissible height of the proposed structure.

Mr. T.Damen testified the first floor of the existing house

is 9.97' was not under water the storm of 1992. The ceiling heights on the first and second floor are 8'. S.Damen testified they plan to propose to utilize the same structure, except to go up, and are cutting down 1 ft on the sides of the house. The stairs will be on the side instead of the front.

Dave Place stated having zero setbacks that's asking for a lot. Mr. Damen testified that is what is there now and they have an easement on the side. He stated if they do the plans this way they don't need the easement on the other side where they have the 21 ft. because they now have 3.2 ft on this side to go to the back yard. We are limited by a 25 ft. width. The easement is on the neighbors property and they use it to get to the back of their property. They are making the house a ft. narrower to give them $3\frac{1}{2}$ ft on the east side so they can walk down that side and not use the easement. They intend to keep all of the wooden decking in the rear. The front of the house at 6.5 feet will stay the same.

J.Burke stated he doesn't have that much of a problem with the side set-back but he does with the height. 35feet is granted and it is granted on a conforming 40 ft. wide lot. You have 25 ft. and your still asking for the 35 ft. height. This is going to be a very tall and narrow house that is going to overpower every other house around.

Mr.T.Damen stated the house will be improved and the whole neighborhood will be improved and other neighbors might start to remodel. In answer to Mr.Tischio's question on the distance in the rear to the next property, Mr Damen testified it is 39 ft..

Mr. Twadell said the house is just too high, and in case of a fire he didn't think they could even get a ladder in there. If you need that kind of room, he didn't think they have the right lot to do that. He did a survey on First Avenue and there are about 203 houses that are in nonconforming 25-27' wide lots. The vast majority 80 to 90 % are either two story, no garages or there's a garage and an apartment over them. There are 11 houses there, 2 story with a garage and they stick out like sore thumbs. He thinks this is an issue that the Board has to really concentrate on, as your going to have a house with a sky light as you said, until the house next store goes up, until the house next door is a set of dominos that we're trying to enforce into Manasquan. Manasquan has a density problem and density relates to house size and he could not go along with this house. Mr. T.Damen stated, but this is only a one family house.

P.Dunne commended them for attempting to build a house on Brielle Rd. to upgrade the whole area and a couple people on

down the road have done it and it's a positive for Manasquan, but there are problems with a lot this size and I have a big problem with that one side, you are right on the line, and it's wonderful that your going to encourage other people to build, but if we allow you to do it, your next door neighbor is going to come and say, well he's 1' off the line, why can't I be. In that one alley way, she was able to touch both houses, then we'll be down to 4 or 5', that's unacceptable. She would hope that maybe you would consider reducing the size of the house the height and the width, some way that you could continue to build there. She really has a problem with the size and width.

You have to push back the house off the sidewalk, you have to look at your side yard set-backs, because that is the direction we want that area to go in. She saw your beautiful deck and assuming you build your house as lovely as that is, it will be very nice. Would you consider reducing that deck and then you could bring your house back into that area?

Mr. Place stated the beach area is very critical to this Board and we need to see the exact specifications of the easement that you hold.

Mr. Cramer said the applicant should provide the actual deed for the easement.

H. Hamilton stated "Mr. Twadell brought up a good point, and when Mr. Damen came in, I believe there were 3 or 4 revisions of plans, and when Sandy, Dick and I sat down with this, we tried to figure out what are these people going to do, how to direct these people to what the Board would like to see, how far they can go as far as the expansion or the side set backs are going to be or the parking and all these elements that really this particular size of property brings into play. Do you tell these people, the property is too small you can't build it. If this Board can come up with some sort of consensus, if that's at all possible, it would help people in the beach area that have these properties that they have some expectations that they can come to the Board and we can give some direction".

Mayor Winterstella stated part of the American Timber sub-division was more or less a gentlemen's agreement that we would recognize and encourage development on those properties, realizing to be larger homes replacing the smaller ones. He thinks it's very unfair to just arbitrarily say, well we only want 1½ story houses on Brielle Rd. in this section. The ordinance allows 35 feet. Granted the ordinance was designed for a buildable lot, but this is in fact a buildable lot as there is a structure on it. He agrees with Neil, he thinks this Board is going to have to go on record and say what they do want, not what they don't want, because it's unfair to have

applicants go through this kind of a process. He dared to say in the realm of things 20 years from now, all of Brielle Rd will look like this. He's not sure how you increase density, when you knock 20 people out of a group rental and put a single family in place. He does understand the reality of having a certain width lot, he does understand the reality when American Timber Sub-division went through we've known and we've accepted from American Timber Co. one third of a million dollars, because we knew these kind of improvements were going to be made on Brielle Rd. and First Ave.. He doesn't think the Boro should have accepted that kind of money if we were not going to allow these kind of improvements, maybe the Boro should give it back. People were told during that Sub-division that once they bought that property, we were going to allow them to improve them. He agrees with G.Twadell, that maybe this house is too large for that lot, but he doesn't think it's reasonable just to say that, he thinks that if we have to say that, if you make it 2½ stories, if you put a little design on, move it back a little bit, we'll go along with you on it, otherwise we're going to keep the existing conditions there. If you only want 1½ story houses there, we should have said that when the sub-division was granted, but we didn't do it then.

G.Twadell agrees, that the Planning Board has to do something, make definitions that we can agree upon and live with. When that sub-division was made, it did not outline 2½ story buildings on a 25 ft. lot. Mayor Winterstella disagrees with him saying there is public record saying this is exactly what is happening on those lots, 2½ stories.

D.Place stated this Board like it or not, it's all individuals and we can't vote as a block, we can certainly try to give people an idea of what we want but the fact remains we all have ideas which we are entitled to. We would all like to give people a clearer idea of where we think they should be going, as they deserve that, the fact is that a lot of people on this Board really disagree with each other on it and he doesn't think we can change that.

Certain people feel differently about issues on the beachfront area than others and whose to say whose right and whose wrong.

Mr. Place told the Damen's we're trying to work with you to tell you what we'd like to see. He thinks the Board would like to see you take another crack at a design on this structure. There is a lot of unease with the 35 ft. tall structure on this property. There is a lot of concern about the length, there is an opportunity to pull the house back, which you will have to consider hard for doing such, but he thinks what the Board is saying is we like you to take into consideration regarding height, regarding set backs both on the sides and frontage and coming back with another design.

Mr. Carroll stated he is one of these people on this Board that is very vociferously for the development of the beachfront in Manasquan. I don't believe in punishing someone because you're the first one on the block. However, there are difficult situations and yours is one of them. We're trying to say, we're here trying to work with you to a certain degree and give you some thoughts to look at it again and come back.

Mr. S. Damen stated it's just going to extend my time to start building.

Mr. Place said it doesn't sound like you would have anywhere near the votes you need for approval.

Mr. T. Damen testified in his case the width of the house is really as narrow as possible, we can set back to 10 feet to require for the R-5 zoning and maybe we can put the furnace and air conditioning on the 1/2 floor. The half floor will be much smaller if we cut down the roof. He testified he can even cut the roof down even more by using a barn style roof, but he's not sure but it may be 30' possibly. We may have to make the house a little longer - 49' and put the furnace and other stuff on the first floor and maybe take 6 feet from the deck.

The Board would like the applicant when they return, to show the height, show the easements and exact measurements on the plot plan.

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

Marilyn Jacobson - 59 McLean Ave. stated "she has heard a lot of positive things come out of the Board tonight and I agree with a lot of things you've said. She is happy to see the applicant is trying to improve Brielle Road, it needs to be done. A lot of the issues that you talked about tonight have to do with quality of life and safety and your setting a precedent for future building at the beachfront. It's important the decision that you make on this application, side setbacks, front setbacks, rear setbacks, front setbacks, are all there for a reason. I just hope that you don't make them too small, just because there's a house there and it's been there for 50 years.

Carmen and Neil are right, it has to be done and maybe this is the test case. I'm glad to hear the comments and good suggestions made and being a good builder, you can make it work and make it nice".

A motion to close the public portion of the meeting was made by C. Triggiano, seconded by P. Dunne, and unanimously carried,

A motion to carry this application to February 5, 2002 by J. Burke, seconded by P. Dunne followed by the following vote: 'YES'

P.Dunne, D. Place, C.Triggiano, N.Hamilton, T.Carroll, J.Tischio, J.Burke, G.Twadell.

N.Hamilton stated on the curb cuts, one was on Morrissey, he was allowed to have 2 as they are 50 ft. apart, also D.Budzek on Euclid Ave. is allowed 2. He is bringing this to the Boards attention, that as long as you have 50 feet between curb cuts, whether it be front or back lots, they can have them, There aren't a lot, but if you want to change the ordinance and send it to Council. Morrissey sent a letter to Dick and the project will be done and completed by April 1.

P.Dunne excused herself at 10 P.M..

N. Hamilton stated the other one we need to address is the ability for people to advertise for sale of vehicles on private property. The Acme can do that and their not cooperative, they let anyone put their cars there.

There was a discussion on Storage of Vehicles. Neil has been working on this. We may wish to limit the number of vehicles stored, possibly a time limit be imposed, and a fence of 6 ft. be required with gates.

Abandoned Vehicles - Storage restricted unless contained within a garage or other fully enclosed structure.

Neil also stated the Board may want to give some thought to the parking issue in the beach area. It will be coming up on the application of Leg It, LLC, which we didn't hear tonight. Neil wanted to mention that the parking wasn't mentioned in the denial, but Alan did bring it up in his report. There is another area down there, that an applicant is looking at to bring a certain kind of business in, that will not accommodate the parking, which will bring a great upgrade to our beach area. He stated we need to take a look at these applications, as the one tonight we can't accommodate 2 parking spaces, taking in his neighbors and around on First Ave & Brielle Rd. have no on site parking. What are we going to do down there? He also stated we have to keep in mind the Osprey. Sooner or later, and he thinks sooner, the Osprey may have to change the way it does business. The rooms in the Osprey are very nice, so should the Osprey run an upscale hotel and possibly go into the restaurant business, they don't meet the parking criteria in the beach either. He thinks it is something to keep in mind when the Leg It's application comes back regarding the parking.

Mayor Winterstells stated he came here tonight basically to ask the members if they should go back to dividing the Planning Board and the Board of Adjustment, 2 seperate boards. He thinks it's very difficult for you all to do your planning

responsibility and your zoning responsibility with the same chair. What he has seen here tonight, he is going to support the seperation of the 2 boards.

The Mayor stated the Board is here to do the Planning of this Boro and do the long term direction of the Boro, and second it is to act as a board of relief or a board to give variances. The Planning Board and the Council doesn't have the word to pass a law to fit every lot and evey house in this town, that's when we have a Board of Adjustment function here, and if you go into a Board of Adjustment here and say well I'm not going to allow any relief to any thing, he doesn't think that's performing the job of a Board of Planning.

A motion to adjourn was made by J.Burke, seconded by N.Hamilton and unanimously carried at 9:45 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
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COLLEEN SCIMECA
Municipal Clerk

Dear Manasquan Board Members:

Enclosed please find copies of minutes for November 13, 2001, December 4, 2001 and January 8, 2002 meetings. Please consider the following Agenda for the February 5, 2002 Regular meeting at 7:00 P.M. in Manasquan Borough Hall, 201 E. Main Street, Manasquan, N. J..

**MANASQUAN PLANNING BOARD AGENDA
FEBRUARY 5, 2002 - REGULAR MEETING**

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion - 2½ Story and Neil's Memo
2. Informal Hearings:
3. Private Session:

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION - 9-2002 - Cont. - Theodore Damen - 581 Brielle Road

APPLICATION - 11-2002 - C. Peters, D. Ludwig, N. Condon - 239 Broad

APPLICATION - 38-2001 - Dr Richard & Sharon Borgatti
54 First Ave. / 57 Beachfront

RESOLUTION - 50B-2000 - Ronald Dana - 292 First/293 Beachfront.

RESOLUTION - 29A-2001 - Marylou Finan - Modification Site Plan

RESOLUTION - 8-2002 - Beth Harrison/Ray Lehberger
312 E. Virginia Avenue

4. MOTION ON MINUTES
5. APPROVAL OF VOUCHERS
6. COMMENTS FROM INDIVIDUAL BOARD MEMBERS
7. REPORTS OF SUBCOMMITTEES OF BOARD
8. AUDIENCE PARTICIPATION

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:

Enclosed please find copies of minutes for February 5, 2002, regular meeting. Please consider the following Agenda for the March 5, 2002 Regular meeting at 7:00 P.M in Manasquan Borough Hall, 201 E.Main Street, Manasquan, N. J..

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APPLICATION -38-2001-Cont.-Dr.Richard & Sharon Borgatti
54 First Ave. / 57 Beachfront

APPLICATION-12-2002- John & Greta Lintott - 74 Curtis Ave.

APPLICATION 13-2002- Anne Engle, 64 N. Farragut Avenue

APPLICATION-10-2002- Leg-It,LLC -211-213½ First Avenue

RESOLUTION - 9-2002 - Theodore Damen - 581 Brielle Rd.

RESOLUTION -11-2001 - Peters, Ludwig, Condon - 239 Broad St.

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FEBRUARY 5, 2002 - REGULAR MEETING MINUTES

Manasquan Planning Board held their regular meeting on February 5, 2002 in Manasquan Borough Hall, 201 E. Main St., Manasquan, N. J..

Vice Chairman John Burke opened the work session at 7:00 P.M.. Neil went over his memo of January. He stated he took the boards comments back to the committee consisting of Bob Briant, George Dempsey and myself and in a few cases they thought that would be fine and in others they thought we were a little restrictive, so they asked for an extention of time to be granted.

To go back to "should a structure be demolished in a delapidated condition". Our thought was 60 days would be sufficient, their thought was 90 days would be more reasonable. After some discussion, the time frame to be noted on the Resolution will be 90 days, amd must be published within the next available publish date.

Building permits must be obtained within 12 months and 45 days of the published decision, they had no problem with that. If CAFRA permits have to be obtained, we can't really start the clock, as that might be a 2 or 3 month delay. Neil stated they will go back and look at this one again.

The committee decided a 12 month date of expiration should be put in the resolution.

One extension will be granted, absent of a penalty if applied for prior to the Resolution expiration date. A fee of \$200 will be charged per structure after the expiration date.

Neil stated all dates will be in the resolutions. He stated on businesses that store or service vehicles, there must be a 6 ft high solid type of fence. Curb cut ordinance will be tabled at this time, not an issue. Vehicles for public sale, re the Acme, public commercial businesses cannot sell used vehicles from their property. Residential will be able to have 1 vehiclle for sale on their own land.

Neil stated on the 1/2 story ordinance, there has been a lot of confusion on how this ordiance is interpreted, by people who look at it from the street, comments are made that structures have a third floor. We're going to have the meeting tomorrow with Councilman Briant, Dempsey, Schmeling, Chris Rice who was one of the developers of that ordinance when it was done back in 1999, we need to clear that up, it's very difficult to understand and we're getting a lot of interpretations from it.

REGULAR SESSION

Vice Chairman John Burke opened the meeting at 7:30 P.M. stating this is an open public meeting, held in accordance with the Open Public Meetings Act and held according to law. He asked all to stand and salute the flag.

ROLL CALL - PRESENT - J. Muly, P.Dunne, N.Hamilton, Councilman
W. Schmeling, J.Tischio, J.Burke,
G.Twadell, J.Coakley, K.Thompson

ABSENT - D.Place, C.Triggiano, Mayor Winterstella
T.Carroll, K.Monaco.

Glenn Lines, Birdsall Engineering, Inc. sat in for Alan Hilla, Jr..

A motion to approve the minutes of November 13, 2001 was made by J.Coakley seconded by P. Dunne and unanimously carried.

A motion to approve the minutes of December 4, 2001 was made by P.Dunne, seconded by G.Twadell and unanimously carried.

A motion to approve the minutes of January 8, 2002 was made by G.Twadell, seconded by P.Dunne and unanimously carried.

APPLICATION - 9-2002 - Cont. Theodore Damen - 581 Brielle Road
Steve Damen came forward stating he has his Architect Richard Grasso with him tonight who will speak on their behalf.
Mr. Cramer swore in Mr. Richard Grasso.

Mr. Schmeling excused himself as he did not get an opportunity to hear the testimony of the last meeting.

Mr. Cramer told Mr. Damen that there are 5 members here tonight that can vote on his application and he will need a majority of those five.

Mr. Grasso testified, they have tried to reduce the whole width of the house and the height and will add a little depth. We have a lot that is deeper and less wide, so we tried to accommodate a house that works well with the shape of the property.

He testified on the first floor there is a foyer, closet, bathroom, moving on back, there is a kitchen, a great room a staircase up to the second floor, where there is a master bedroom, a shared bath, rear bedroom and up to the loft level there are 2 more loft spaces. A rendering of what the building will look like was marked into evidence as A-1.

He testified they have taken the house from a 0 side setback on one side to a foot and 3.2 feet on the left side. They have submitted documentation on the easement. The easement is 4 feet and they have moved it in 1 foot. We have provided $6\frac{1}{2}'$ in the front, the rear yard is $5\frac{1}{2}'$ existing to the deck. The overall depth of the proposed house is 57 feet, the lot is 97' which gives you 30.5' to the rear of the proposed house. The decks existing are on grade so they don't count. Over all height will be 32 feet. The property has been in the family since 1985.

Steve Damen testified they came down on the height from 35' to 32' which the Board was looking for, and they came in 1' on the side of the easement which gives us 5 feet, and the other side we are keeping it at the same distance 3.2 feet. The Board talked about moving the front back 10 feet, but we thought the $6\frac{1}{2}'$ feet was better and we are in line with the rest of the houses. We did put the railing all the way across the front, which was your suggestion.

P. Dunne would like to see them move the house back 3 or 4 ft. into that hugh back yard, so that your not right out on the street. She knows that you said it's the averaging, but you may be one of the first houses on that part of the street and we would hope that as the houses come in that we would require them to move back and then you'll be the one sticking out. She feels there is a lot of land back there, and as soon as that house next door goes up you will loose that ocean view that you think you have. She feels it is just a little too close to the street.

Mr. Grasso feels that they are making a pretty good effort to please every one here. They did what the Board suggested they do, so it doesn' stick out like a sore thumb.

Mr. Twadell thinks it is going to stick out like a sore thumb. He stated there are 16 houses between third and first ave. in that stretch where you are and there are only 5 houses that are two stories, yours being one of them, and they are all the same height, practically. Your talking about extending your height out considerably more than those other 4. The rest are one story. Where is the break point on the height for these small lots.

Mr. Grasso stated from the curb to the front of the house is $11\frac{1}{2}$ ft. and from the property line to the house is 6 feet.

Mr. Tischio has a hard time with them not going back $2\frac{1}{2}$ feet more in the front.

Neil really has a problem with the proceedings this evening. First on the front set back, we can anticipate that development

will occur on Brielle Rd. and if we can get the opportunity to push the house back, certainly that would be all well and good, but you being the pioneer of development on the street, he would suggest that you push your house back, but in looking at the properties along the street, he thinks it would be more of an eye sore to push you back. It was his understanding that this would be a relatively simple application this evening, as this Board spent a lot of time on this application at the last meeting, giving Mr. Damen a lot of direction, and he thinks for the most part he fulfilled most of the requirements of the Board. He came back with an application that he thought we could review, yes in fact he did comply with our requests. Here we are taking this application apart again. He fails to understand what is going on here. Mr. Burke agrees with Neil.

Mrs. Dunne at the last meeting felt that they have this huge amount of open space in the back, although there is an on ground deck, the house could be moved back, and since we are dealing with an initial house, she thinks we should be extra careful, really set the tone for the rest of the street. We have a chance to do it tonight, she doesn't think it's a hardship to ask that the house go back, she would even settle for 2 feet.

Mr. Grasso wanted to know if they go back 8 ft. how would the Board feel. He doesn't know what the right answer is and he's been doing this for years. It's going to look like a sore thumb way back there and everyone else is up front.

Mr. Steve Damen testified he would be willing to go 8 feet back. G. Twadell has a problem with the 2½ stories. Neil has no comments now, but will address this Board later noting this application.

Motion to open to the public was made by G. Twadell, seconded by J. Tischio and unanimously carried.

Motion to close the public hearing was made by N. Hamilton, seconded by P. Dunne and unanimously carried.

A motion by Neil Hamilton to approve this application with the front set back being pushed back to 8 feet and all variances listed on the Birdsall report, lot area, frontage, side set back on east and west side of property, rear set back requirement, building coverage and lot coverage and building height at 31 feet not to exceed 32 feet, seconded by J. Burke, followed by the following vote: "YES" - P. Dunne, N. Hamilton, J. Tischio, J. Burke. "NO" - G. Twadell.

APPLICATION - 11-2002 - C. Peters, D. Ludwig, N. Condon - 239 Broad
The property in question is located on the southwest corner of Broad St. and Sea Girt Ave. This location is within the

Boro's Residential Zone R2. The parcel is a trapezoidal shaped lot containing 23,457 sq. ft.. The lot currently contains a two and one-half frame dwelling and a frame barn with a circular stone driveway. The applicant proposes to demolish the existing structures and divide the property into four (4) oversized lots (varying in size from 5,050 sq. ft. to 7,680). The existing and proposed uses and structures are conforming for the zone.

Keith Henderson of C.Keith Henderson Associates, put himself on record as Attorney representing the applicant. He stated this is a major 4 lot subdivision conforming. There are no variances or waivers required, however an unusual request, that is, there is an existing house on the property which covers 2 of the 4 lots. The applicant would like to proceed with the 4 lot subdivision, however, the applicant would like to continue to market the house that's on the property which would then be on 2 of the lots and the applicant would stipulate to a reasonable period of time to make up his mind to either demolish that house and continue with the 4 lot subdivision or provide the Board with a deed of consolidation, consolidating those 2 lots, so it would be a 3 lot subdivision. He pointed out that the existing house has a non-conformity as to front set back, and if the house stayed, we would need a variance on that issue. If possible they would like to save that existing house and eliminate one of the lots.

Charles Peters, McLean Aveue was sworn in by Mr. Cramer. Mr. Peters testified he is the contract purchaser of this matter. He has submitted to the Board a letter of permission from the owner to make this application. He testified, they are trying to market this house on the 2 lots, to save this old house, 8 bedroom home. They haven't had to much luck, as they can't get in to show it when they want, but they feel it will sell. If not able to sell they will consolidate the 2 lots and turn them into one. Mr. Henderson assumes they are paying one water and sewer, but he's not sure about the tax bill.

Michael C. Cannon, Benchmark Surveying & Engineering, was sworn in by Mr. Cramer. He testified he is a licensed Engineer in the State of N. J., also a licensed Planner and has testified before this Board before. He testified he was engaged by the applicant for the purpose of subdividing the subject property. He testified they conform and meet all the set back requirements. He testified keeping the house would be a benefit. He did receive the Birdsall review letter.

Mr. Henderson stated there are no easements shown and he has a Title Abstract Binder, showing that, and it was marked into evidence as A-1. Mr. Cramer stated he examined the Title Binder and it shows no easements. There is only one monument on the

south east corner of the property, so all the other monumentation will be put in. They will also stipulate that the plans for the proposed connections for water & sewer be approved by the Water & Sewer Dept.. They will get County Approval.

Mr. Cannon testified the tree in the center of the Circle is the high point of the property. When they submit plat plans for each individual lot they will ensure that the grading does have the properly drain from the rear to the street and it will not affect any adjoining properties.

N.Hamilton asked about the 4 trees between the sidewalk and the curb, they have lifted all the sidewalks there and we are making a request to the County for maintenance or removal of the trees so the sidewalks can be repaired. The County has been called but they have not responded as yet. He would like to make that request to the applicant, that possibly those trees could be removed and after development, those sidewalks and curbs could be replaced. Mr. Cannon said they will work with the County but the Applicant will do what he has to do.

Mr. Cannon testified if they keep the house they will have a driveway on Sea Girt Avenue and eliminate the one on Broad St. If they go to 3 lots, there will be 3 curb cuts rather than 4 and one on Sea Girt Avenue.

Mr. Henderson respectfully requested that the Board grant approval for preliminary and final sub-division subject to the stipulations the applicant has made.

Mr. Cramer stated this will have to be treated as a Major Sub-division with the proviso that the applicant is going to be given some leeway to market the existing house on 2 consolidated lots. It is now a minor sub-division, but he thinks the Board has to approach it broadly as a major sub-division, with a preliminary and final approval which is being sought this evening.

Mr. Henderson stated for marketing, they would like a period at least to take them to the spring, when the market picks up to see if they can sell the house, if not he doesn't mind giving a deed of consolidation in escrow, but he doesn't see any reason to come back to divide 2 lots.

Mr. Cramer has no problem with him doing that.

A motion to open the meeting to the public was made by G.Twadell, seconded by N.Hamilton, and unanimously carried.

Paul Grabowski, 900 Sea Girt Ave, Wall, Licesed Architect in N.J.. stating he is reviewing this plan tonight for the first time. He stated he sees driveways going in, are they going

to garages? Mr. Henderson said we are not asking for any variances, we don't have to submit architectural. If there are garages, they will conform to the ordinance. Mr. Grabowski sees driveways going in and he stated it would be impossible to pull a car into that corner of the house. The reason he asked that question is that both streets are very busy and to back out on those streets is very difficult.

Alice Hemphill, 162 Fletcher Avnue, her concern is dividing the property into 3 or 4 lots. What happens if they sell that house to someone and they come back and ask to re-divide the property into 2 lots again. John Burke stated, if they market the house and some one decides to demolish and make the 2 lots that were originally proposed, they will have to come back to the Board.

Glen Bodnar, 246 Broad St. concerned with such a sub-division in an area that has much larger lots. That entire neighborhood is lined with 100 year old houses on deep lots, wooded, it just doesn't have any of the architectural integ rity that the rest of the neighborhood does. A major factor, that corner is a dangerous corner, to add 4 driveways to that corner, he just can't believe that it's even up for discussion. There should be some traffic studies done.

Mr. Henderson stated even if those lots may be oversized, this application conforms to all the requirements of Manasquan Zoning Ordinances.

Chase Withrow, 6 Squan Court, stated the concerns raised by the previous speaker relating to traffic and safety, he understands Mr. Henderson's point and the Board's point, but he wants to be on record as saying danger of traffic at that corner is severe. We also have already, signs at one end of the property on Sea Girt Ave. around the corner on Board Street where there is no stopping or standing, that's how dangerous it is, maybe the County did it or the Town did it, but that's what exists. He wants to be on record for saying, when applications are made he thinks they should be forced to have total off street parking, so that they won't be able to park in front of their own property, they either have to park in front of my property or some neighbors property.

Mr. Henderson said it is Boro Ordinance that they have 2 off street parking in front of the house.

Stan McKelvey, 231 Broad Street, stated he is to the left of this whole property. He stated somthing was mentioned about grading, they are going to grade towards the front out to the main road. Right now every thing is perfectly level, if your going to grade your going to have to add somthing. If they are

going to add, are they going to put some kind of barrier around the border of the property? He stated he has lived there 11 years and the traffic is brutal.

Mr. Dayton, 234 Broad Street, who owns the property across the street, wanted to know how many off street parkings. Mr. Henderson stated 2 per dwelling. He stated he has backed out on that street for 9 years, and it is horrible. He said this summer there were 4 or 5 cars that flipped over. There are grammar school and high school kids walking to Barlows for classes and being we don't bus in this town, kids are walking there all the time, it is a major traffic issue. To put 3 or 4 more houses there it is basically absurd.

Elinor Ryan, 105 Sea Girt Avenue, stating she has lived in Manasquan over 20 years and she watched the traffic gather in front of her house, winter & summer it's bumper to bumper. It's almost impossible to get out of my driveway, and to think of having 2 more driveways on Sea Girt Ave. and 2 on Broad St. is very rough. She hates to think of 4 more houses going up.

Motion to close the public hearing was made by J.Tischio, seconded by J.Muly was unanimously carried.

Mr. Henderson stated it will go to the County Planning Board because of the location, and the approval if granted, would be conditioned on the County approval. If the County comes back with some concerns, we will have to deal with it. He's not quite sure what those will be and it is in the process now.

Mr. Henderson stated he has no problem with their Engineer talking with Lt. Garrity on the traffic situation.

A motion to approve the application was made by Councilman Schmeling, as it was presented with all the stipulations that were made by the applicants Attorney and also granting the variance for the existing home in the event that it is sold within the 6 months from the date of the application, seconded by G.Twadell, followed by the following vote: "YES" - J.Muly, P.Dunne, N.Hamilton, Councilman Schmeling, J.Tischio, J.Burke, G.Twadell, J.Coakley, K.Thompson

Councilman Schmeling recused himself from the next application as he will not be able to vote.

A motion for a 5 minute recess was made at 9:15 P.M. with a unanimous vote.

Board returned from recess at 9:20 P.M. with the following roll call: J.Muly, P.Dunne, N.Hamilton, J.Tischio, J.Burke, G.Twadell, J.Coakley, K.Thompson.

G. Twadell was excused from the following application as he resides within 200 feet of the applicant.

APPLICATION-38-2001-Cont. Dr. Richard Borgatti, 54 First Ave. Keith Henderson of C.Keith Henderson Assoc. put himself on record as Attorney representing the applicant. Mr. Henderson has 3 witnesses - Dr. Ricahrd Borgatti the owner, Richard Graham the Architect and Daniel Mc Sweeney the Planner. They were all sworn in by Mr. Cramer.

Dr. Richard Joseph Borgatti, Jr, lives at 661 Valley Rd., Brielle, and owns 54 First Avenue and 57 Beachfront. He testified he purchased the property in May of 1999. There are 2 buildings on the lot, 3 living units. He testified he is going to surrender one of the living units, which is in the duplex. If the application is denied, he is not going to get rid of it. The building on First Ave. is in horrendous condition, the building is built on pilings and framing has slid off the pilings, and the pilings are coming up through the first floor and while it is possible to jack it up, it probably wouldn't be a safe building, based on the consultants he spoke to. The house on the beachfront is in better condition, it was redone in 1989. He testified he proposes to demolish the First Ave. building and replace that. He would be eliminating one apartment and create 3 off street parking where there is none at this time. The parking would be in the first floor of the garage in the new building.

Dr. Borgatti testified their plans are to move down to the beach and have that for their primary residence, He and his wife will most likely occupy the beachfront house and use the back house for his sons who are just getting ready to go off to college, and he has a disabled sister who lives with his parents now, but will end up coming to live with him. He testified his reasons for not wanting to sub-divide is because he wants to keep it as a family tract.

Mr, Richard Graham,Jr. resides at 35 Deep Creek Drive, a licensed Architect and Planner in N. J., has testified before this Board. He testified he was engaged by the applicant in this matter. There are structural problems with this building. The best thing to do is to demolish and reconstruct. Mr. Graham testified they made some revisions to the roof line by electing to go with Option A. He made reference to page 3 of the plans, which shows the roof and the egress windows that project into the pitched roof system slightly. It will be more aesthetic. The height to the top of the roof will be 30'10" fron crown of road.

Mr. Graham testified, the north side yard is 1'6" on the old survey, the new survey is 2.8', and the south side was adjusted to 1.4'.We are increasing the north setback by 4" and the south

side increasing to 1½'. Impervious is being reduced. They are taking out the concrete walkways and replacing them with pervious pavers, and taking out concrete parking areas on the side of the First Ave. house and replacing with pavers. Building coverage is being increased from 51.6% to 60.5%. Will be a variance for lot frontage.

Mr. Burke stated you are asking us to allow you to only comply with section A on one side not 3 and the other 2 sides go all the way up. Mr. Graham stated the other 2 sides meet the plate, the westerly side from grade to eve is approximately 21', as we move further inward on the property from grade to eve it is approximately 18', so even though we haven't classified this as Option B, where the roof starts to break back, it's still occurring at a height very similar to option B. Mr. Burke said it seems like your trying to take the best part of each one.

The height of the balcony over the ground on the east side is approx. 7 feet. The dormer is 10 feet. Mr. Lines stated it looks like their going for Option A with variances on the north and south sides and their going for Option B with a variance for the dormer for the bathroom and stairs.

Daniel C. McSweeney, 200 Hwy. # 9, Manalapan, a Licensed Planner # 1883, N. J. since 1976, Vice Pres. Shaw & DePalma. He testified he was engaged by the applicant, to examine the land use approvals required. He has reviewed the Denial and application, as well as Birdsall review. He also reviewed the Urban Case where the Court pointed out the importance of Board's adhering to some uniformity in granting approvals. He also reviewed resolutions of approval relative to variance applications within the general neighborhood of the subject property. Variances for the Beachfront on existing non-conforming conditions which will not be made non-conforming. Variance for the construction of the new dwelling where the existing 2 story dwelling will be raised, are variances required by the ordinance, however in each instance the dwelling being constructed on this lot will make the variance conditions better. The existing front yard setback from First Ave. is approx. 6 feet. the new dwelling will have a front yard setback of 8 feet. Existing side yard non-conforming set back is 2 feet, the new dwelling will have a side yard set back of 3.1' with respect to both of the side yard set backs. The property as constructed does not provide for any on site parking spaces. The new construction will have 3 on site parking spaces in the garage, so parking will be improved as a result of this. We are reducing the lot coverage from 68.9% to 53% where ordinance permits 50%. If a Use variance is granted as requested, sections 4055B-2 one or more purposes of the act must be satisfied, He submits that sections A,B,C,E.I of 4055B-2 would be satisfied,

99% of the lots on Beach front are through lots and all have 2 structures. There is light and open space being provided. They are going from 3 dwellings to 2 dwellings.

Mr. McSweeney testified his client is proprossing to do exactly what the Master Plan wanted to do with respect to the older units that were constructed on the through lots, between First Ave. & Beachfront. Mr. McSweeney did go over 9 resolutions all involving property along First Ave. & Beachfront, all are in the R-4 zone, and in all of those that were granted by the Board were less than 3' on the side yard setbacks. There were 7 variances granted by the Board in the last couple of years for lot coverages and all involved lots on First Ave & Beachfront. Variances were granted for lot coverage of 68.98%, 72%, 55%, 58%, 92%, 70%, 62.8% and 60.3% and our lot coverage in this instance will be 53%, being reduced from 68%. Mr. Burke noted that the Board does have a time limit of 11PM.

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

Kevin Callahan, Esq. put himself on record as representing about a dozen of the property owners in the neighborhood, copy was marked as O-1, secondly he has a chart showing the green as objectors and the applicant is the yellow lot. Mr. Callahan asked Dr. Borgatti how long the First Ave. house has been occupied. Dr. Borgatti stated the last was with the previous owner in 1998. No occupants in the summer. Dr. Borgatti testified the Ocean front house has 3 bedrooms. He testified the left side of the garage would be where he and his wife will park their cars and allow them to have access to the beach front house, and the other garage bay will be for the folks in the First Ave. house.

Mr. Callahan stated he noticed a change in the plans dated 1/28, indicated towards the ocean from the 2 car garage the store room, you've added 2 doors on both east and west side of it, one of his clients wondered if some of your family might have motor cycles, or motor bikes, and trying to access from the ocean side, as you might have cars in the garage.

Dr. Borgatti stated the reason for that is that if we need to do any cosmetic restoration to the Ocean front house we would have access to that garage bay. At present we have no plans to do anything. He testified the property will only be used for his family.

Mr. Callahan to Mr. Graham, when he looked at the calculations for building coverage and lot coverage, the building coverage figure, is that included in the impurvious service calculation? Mr. Graham answered yes.

Mr. Callahan to Graham, your building coverage shows existing 2,063 sq.ft. 51.6%, does that include the both dwellings? Mr Graham answered yes. Mr. Callahan asked on the proposed building structures you show going up to 2422 sq. ft. - 60.5% building coverage, is that correct? Graham answered, it is correct. Mr. Graham testified the size of the proposed building did not change. Callahan stated the Planner said you were going down to 53%, where did he get that from? Graham testified the building coverage included the deck that is off the east side of the proposed building, in fact it comes off the second floor. It is not included in the previous coverage as there are open slats. Graham testified the distance between the two buildings is not an issue. He testified it will be a better building than what is there now.

Callahan to McSweeney - do you know how many people are allowed in the house for a C.O. He is aware that the house has not been rented for a few years, and does not know what it is CO'd for. We are increasing the side yard for the new construction, certainly there would be more room for firemen and apparatus to get to the beach front unit. He did testify that this would provide adequate air and light. We are meeting all the requirements of the ordinance.

Mr. Callahan would reserve the right to come back to ask additional questions that came to mind. Would like the opportunity to make a concluding statement.

Frank John Kelly, 59 Beachfront, stated he moved to Manasquan January 2, 2001 and is on the south side of Borgatti. He thought they were staying to the same footprint with this house. Mr. Henderson objected to Mr. Kelly asking any questions, as he is listed as being represented by Mr. Callahan. He can make statements but Mr. Callahan should have asked any questions for his clients.

Mr. Kelly stated he loves Manasquan and found this house and he loves it, he also knows the laws of Manasquan and thought he was protected by the laws. When he sees the scope and size of this house next to him, that's going back another 10 or 12 ft. and a 6 ft. balcony on top of that, you know your robbing me of air, light, sun. He is very upset. He spoke to the Architect who said to him quote (what are you worried about, it's the guy north to you that's screwed). The bigger the home, the more people. He stated he knew that he was going to have his neighbors on top of me, he understood that, but he didn't think it was going to be 16 or 18 ft. deeper, and he doesn't think it's fair.

Carl Kaiser, 36 Londondary Way, Summit, who owns the house to the north the one quote "that is screwed. Has rented in Manasquan for about 17 years. Three years ago he bought 52 First Ave.. This proposed structure will literally turn my house into a dungeon. I will have no light my back yard I will be looking

Up to a 3 story building. It totally devaluates his home which I brough to enjoy. We spend a lot of time there during the winter and there all summer. This structure is not in line with the area. He looks forward to this eyesore being torn down and rebuilt. His objection is the height and the back.

Donna Kaiser, 36 Londondary Way, Summit, also owns 52 First Ave.. She is not against renovation at all, but she does object to the back of the house and the negative impact it will have on their quality of life for her family.

Gertrude Rosetti, 50 First Avenue, 2 doors away from the applicant. She doesn't think it's right to put a tall building that high, extend it in the back yard, which will shut out the airand the sun, it's not fair to the neighbors. It's going to spoil everyone's way of life and she doesn't think it should be permitted.

John Terins, 59 $\frac{1}{2}$ Beachfront, objects on evey reason he has heard tonight. It will affect him personally, because the way the building comes into the eastern end, it will block light and sun. He is against the height and it is coming back too far. He thinks they can build a nice house within the existing footprint and at 22 feet.

George Jans, 421 Linwood Ave, Ridgewood, stated he lives at 52 Beachfront. If this proposal goes through, it won't be as cosy as it is now. I would like him to reconsider and cut back on the sides of their property.

Alice Cavanagh, Attorney for Marion Hoenstein, of 63 Beachfront, and 60 First Ave.. She does object to this application, the house is too big. It's too tall, it's too deep. The attorney for the neighbors and the neighbors who have spoken made their point and she just wants to make sure that you understand, that there is another neighbor who objects to the application. They are glad the Borgatti's want to upgrade the property, but she just want's to point out that she has spent 25 years summering at that house, the north end is it's own little unique area down there. Her mother-in-law would like it to say the way it is, fix it up, but is against the height and the depth.

Doris Kymer, East Hanover, who owns 61 Beachfront. Has had property since 1938, loves Manasquan and loves where she is on the beachfront. She wants to say they do welcome the Borgatti's as neighbors, and knowing that this house is going to come down is a plus for the neighbors, but it would be nice if it could be completed in the same way it is now, that's all we're asking and she knows it would have a negative impact on a lot of people. She hopes the Board will listen to what they have to say.

Ms. D'Andrea who doesn't live on the Beachfront, but she just wants to ask the Board, if you consider granting them these variances, are you prepared to grant more people coming forward for bigger, wider, higher and all the other things going forward?

Mr. Burke suggested to Mr. Henderson, that the Board does not close the public hearing, and continue this, as he does not see the Board finishing this tonight. He asks that your client get together with the neighbors, to see if there is some way they can come up with something, come back before us in 30 days and address some of the objections of the neighbors. Mr. Henderson has no objection of meeting with the neighbors, or the architect meeting with them, but he doesn't think your looking at the situation where peoples views are even remotely close.

Mr. Callahan stated they would be glad to sit down with them to exchange ideas, but having to save expenses of those people, if their willing to except side set backs, that is not their greatest concern, their concern is the back, They don't want to see the house enlarged going easterly into the back yard. They want to see the house topped off at 22 to 25 feet and no higher, so that it fits in with all the other homes.

Mr. Burke suggested to the Board that we continue this application to the next meeting. First on the Agenda. A motion to continue this application to March 5, 2002, was made by J.Tischio, seconded by P.Dunne and unanimously carried.

RESOLUTION - 50B-2000 - Ronald Dana -292 First Ave./293 Beach
A motion to memorialize this resolution was made by N.Hamilton, seconded by J.Coakley, followed by the following vote: "YES"
J.Muly, P.Dunne, N. Hamilton, J.Tischio, J.Burke, G.Twadell, J.Coakley, K.Thompson.

RESOLUTION - 8-2002 - Beth Harrison/Ray Lehberger-312 E.Virginia
A motion to memorialize this resolution was made by N.Hamilton, seconded by P.Dunne, followed by the following vote: "YES"
P.Dunne, N.Hamilton, J.Tischio, J.Burke, G.Twadell.

RESOLUTION - 29A-2001 -Marylou Finan - Modification Site Plan.
A motion to memorialize this application was made by P.Dunne, seconded by G.Twadell, followed by the following vote: "YES"
P.Dunne, N.Hamilton, J.Tischio, J.Burke, G.Twadell.

Motion to pay all invoices was made by N.Hamilton, seconded and unanimously carried.

There being no more business, motion to adjourn was made, seconded and unanimously carried at 11:45 P.M.

Respectfully submitted,

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

MARCH 5, 2002 -REGULAR MEETING MINUTES

Manasquan Planning Board held their regular meeting on March 5, 2002 in Manasquan Borough Hall, 201 E. Main St., Manasquan, N. J..

Chairman David Place 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.

Councilman Schmeling stated he is concerned about the Board's ability to do planning issues, and he feels it is affecting the Board's ability when making decisions on some of the cases. Basically the planning really sets the ground work on decisions when sitting in the Board of Adjustment. We are called Planning Board, but most of what we are doing are Board of Adjustment action. We have a lot of new members over the last couple of years and it's important to have kind of an understanding where our Master Plans develop, why it has some of the things it has, whether those things are being implemented, and maybe some of those things need to be changed.

He stated the only way to possibly do it is to have a second meeting for several months, without professionals, except for Mr. Cramer, and either Alan Hilla or Glen Lines. What we tried to do last year with Paul Szymanski, we were tied down too much with the issues going on, even though Paul does have a good understanding of it. He feels the Board has to have discussions amongst themselves as to some of the concerns that we have about some of the things going on. He stated he has been on for over 12 years, but for some of the Board members who really came on when the Board was combined and without knowing some of the history behind it he thinks we are getting away from our planning purposes and he thinks that is reflected in what is happening to the Board of Adjustment because decisions that come down can really change our Master Plan.

He feels the Board has to be more in tune with the conduct of our meetings. We spent over half of our budget last year on litigation. A lot of that is, not that we made the wrong decisions, but we leave an opening for people, and they feel that there are opportunities to go to court. We should make sure the applicant presents a full case. It is not always necessary that a decision be made that night, if it can be, it should, but if information is still needed, then the application should be carried to the next meeting.

Carmen thought the Board discussed most of the items in the Master Plan, and we were to write down, the one's we thought we needed to go over.

Councilman Schmeling said we have to really deal with it, we have to have meetings that we only deal with the Master Plan not with specific applications.

Mr. Place responding to point one, he agrees with Mr. Schmeling, but in the case of Marlin Tuna, he believes the Board went above and beyond what some professionals and Board members felt had to be done on that case, and frankly if some one wants to bring litigation, your not going to stop them. We didn't loose it. He doesn't think we could have prevented one case that the Board has had in the past year.

Mayor Winterstella agrees with Place on that particular case, but he gets the feeling that there is a lot on the table and a lot is happening. He thinks we should take a little more time on these cases, if the Board doesn't think they have enough time, carry it over. He'd rather see a good application in 2 meetings, than one that was rushed through and eveything wasn't taken care of in one meeting.

The Mayor would like to see some special meetings, just devoted to the Planning process. He has been on the Planning Board since 1976 and a lot of things have changed. The Planning process is just not getting the attention. We have to act by majority and come up with a Master Plan that the majority supports, and then any diviation from that is basically Board of Adjustment matter. If the majority of this Board feels the height of a building should be 17 feet in this town, then put it in the Master Plan, and if anyone wants to go higher than 17' should come in here for a variance of some sort. That feeling shouldn't be expressed during a Board of Adjustment hearing when some one is coming in for a deviation from the existing code, and that is what he sees happening some times. It is important that this board function as a majority, as the council does and once you establish the guide lines, that is basically what the people have to come in and offer change. He doesn't think the Planning Board has really served in that function in awhile. He doesn't think we are talking about a lot of meetings, but he felt when we combined the Boards this was going to happen, we are missing the planning process along the way.

The Mayor would like to see maybe 3 or 4 meetings just devoted to getting the majority in position - a majority view point of the Planning Board, what the height should be, what ever questions any body has, come to a decision on that, get it in the zoning code.

Mr. Burke agrees whole heartedly, as he has said in the past, he thinks it is very difficult to sit on this Board and wear 2 hats, take off one and put on the other one right in the middle of the meeting. He strongly believes that we should have seperate meetings for the Planning Board until we get everything that we have discussed over the past couple of months straightened out. He believes there are 5 or 6 questions that

we were not sure about and wanted to discuss more. If we took 2 of the questions at a meeting and at the 4th or 5th meeting put it all together and then make our recommendations, he thought it would be a lot better, than trying to do it at our regular meetings. We are constantly being told that the beachfront is closed to these people and they have to build before a certain time, and we are going to have to decide whether or not we are going to listen to that. If they don't get their applications in in enough time for us to hear it for them to start building, then we shouldn't have to sit here and try and rush an application through, because they have a window of opportunity that their going to miss on the beachfront.

G.Twadell agrees with Mr.Burke, he doesn't think the new members have a sense of ownership regarding the Master Plan, so we have been a Board of Adjustment for most.

Mr. Place stated we all need to be on the same page with what the Council wants to move forward as well.

P.Dunne doesn't think we should limit our meetings to just those few questions that we were going over before, she think's its a broader thing, sections of town, 25 ft. lots, things like that, that really keep coming up at us. We need better guide lines from a lot of things in town, which will make our job easier, make the applicant more comfortable when they come in here, knowing what to expect.

Neil stated in the packet you'll see some sections that are going to be revised and sent over for discussion. There was a meeting of the law and code committee this past week, and he had a discussion with Alan Hilla prior to that meeting and they talked about his roll as the planner and his need to be at all these meetings, he does not appear at the towns he represents at meetings. He provides reports when requested, basically on the planning issue, where a site plan is involved. He does not always in other towns receive reports for minor variance applications, so therefore those dollars are saved. In our case it is a \$250.00 dollars charge, as he stays all evening. If so desired by the Board, he would come in at 7:00 to 7:30, and if you have any questions on his report on any of the cases in your packet, that would be the time to ask any questions and he would go on his business for the evening, therefore it would be a reduction to the Board. Due to the narrow lots at the beach, it is very difficult to figure the zones by the architects. They are providing plans to the zoning officer as well as the construction officer that they are not trained to comprehend and a very bright architect has means to design a project that would be signed off by either a zoning officer or construction official, that could very well be in violation of our zoning restrictions. The zoning officer or construction

official are not trained architects. This has happened and it will probably happen again. We're dealing with small lots, houses that are going to 35 feet, 2-1/2 stories, burried dormers that are in there are very hard for the comprehension of these individuals. The thought of the code committee was to provide a retainer as an as needed basis in architect. We thought it would be very usefull, may eliminate a lot of problems and that can bring a light to many issues, that even Alan Hilla suggested that his firm is not qualified to do, their not an architectural firm, so some issues may be picked up on these 2 1/2 story problems, design issues, dormers, the light and air etc.. This is yet to be further discussed, come up with some numbers, some possible applicants that could be very usefull to the Code Committee, as well as the Planning Board.

REGULAR SESSION

ROLL CALL - PRESENT -J.Muly, P.Dunne, D.Place, C.Triggiano,
N.Hamilton, Councilman Schmeling,
T.Carroll, J.Burke, G.Twadell, J.Coakley
K.Monaco.

ABSENT -Mayor Winterstella, J.Tischio,K.Thompson.

Chairman D. Place asked all to stand and salute the Flag.
Motion to move the consent agenda to the end of the meeting was made by J.Burke seconded by G.Twadell and unanimously carried.

APPLICATION - 38-2001-Cont. Dr. Richard & Sharon Borgatti
54 First Ave./57 Beachfront

Being a Use Variance, Councilman Schmeling and T.Carroll excused themselves from this application, also C. Triggiano, as he was absent from the last meeting and did not hear this case.

C. Keith Henderson, Attorney for the applicant, stated he received a call from Board Secretary, that there would only be 5 people eligible to vote this evening. He made a recommendation to his client that he not proceed without a full board of 7, and he received word after 5p.m. today that his client accepted his advise, and accordingly he is asking to be continued.

Mr. Cramer stated there is a use variance involved in this application and the Board would have to come down to a 7 member Board to consider that application fully, and any approval if given would require a two thirds approval, therefore it would need 5 affirmative votes.

Kevin Callahan, Attorney representing about 12 of the neighboring property owners, stated he has come a great distance to get here tonight as well as a lot of the neighbors and they cannot

just keep coming back. People came from Pa..

Mr. Henderson objected to anything if this hearing is going to be continued, Mr. Callahan should not be putting anything on the record other than something that is addressing the continuance.

A motion by J.Burke to continue the application to the meeting of April 2, 2002, 7:30 p.m. in this room, seconded by P.Dunne followed by the following vote; YES - J.Muly, P.Dunne, D.Place, C.Triggiano, N.Hamilton, J.Burke, J.Coakley. ABSTAIN - G.Twadell, K.Monaco.

APPLICATION 12-2002 -John & Greta Lintott - 74 Curtis Avenue
Property in question is located on the north side of Curtis Ave. between Hwy. 71 and South St. This location is within the Boroughs Residential R-2 zone. The lot is a 50 / 175 ft. lot currently containing a two and one-half story two family home. The survey also identifies some sort of structure in the rear of the property. The applicant proposes to construct an inground pool, deck, outside shower, and fence around the perimeter of the pool.

John & Greta Lintott were sworn in by Mr. Cramer.
Greta Lintott testified they own a house with an apartment connected and would like to install a small 12 by 25 foot pool in the back yard, maybe an instillation of a deck eventually an outside shower, but right now a pool.

Mr. Lintott testified his parents bought the house in 1975 and when his father passed away, he purchased it from his mother, it was originally a side by side upstairs, downstairs apartment. There were 2 seperate rental units, we moved into the one side and after we had our third child, we found we didn't have enough room, so we opened the upstairs and converted the downstairs into just a one bedroom apartment. Looking at the house downstairs, the right side is just a rental unit. It is currently unoccupied because his mother is considering selling her home in Sea Girt and renting from us. The apartment has been vacant for approximately a year and a half. They are not going to give up the second unit. The apartment has a living room, hall way leading to a bedroom, kitchen and bathroom.

G.Twadell stated, knowing that property, it floods occasionally, is that going to be a problem for you. Mr. Lintott stated their property is a 2 tier effect, the top level is probable 30 feet from the back door of the property, then there is a retaining wall, and it is actually like 3 steps to go down to the back of the property. That is the reason we have opted for a small built in pool on the upper portion, because the lower portion gets so much water when it rains.

Mr. Burke questioned the date on the survey, and Mr Lintott testified that he was told as long as the application was started before the 5 year deadline, he was o.k.. They have parking for 2 cars in their driveway and ample parking out front. The garage that is shown on the survey has been taken down.

A motion by J.Burke to open to the public, seconded by J.Muly was unanimously carried.

Motion to close the public portion of the hearing by J.Burke, seconded N.Hamilton, and unanimously carried.

Motion to approve the use variance on this application was made by J.Burke, seconded by N. Hamilton, was followed by the following vote; YES - J.Muly, P.Dunne, D. Place, C. Triggiano, N.Hamilton, J.Burke G.Twadell.

Mr. Lintott testified the deck will be coming out on the left side of the house level with the kitchen which is 3 steps up off the ground, L shaped deck which will have steps that you can get out to the pool, but not up against it. We haven't drawn any plans, as we want to see how the pool goes in as far as the configuration of the deck.

Mr Burke stated the only thing we could do as long as you have no plans for it, he can not make a motion on the deck only the pool and fence and then you will have to make the deck conforming to the town regulations or come back before us again.
Mrs. Lintott stated, maybe they wouldn't be putting in a deck.

Mr. Burke made a motion to approve this application for the pool and the fencing proposed by the applicant, seconded by J.Coakley followed by the following vote: YES - J.Muly, P.Dunne, D.Place, C. Triggiano, N. Hamilton, J.Burke, G.Twadell, J. Coakley.

APPLICATION - 13-2002 - Anne Engel, 64 N. Farragut Avenue.
The property in question is located on the northeast corner of North Farragut Avenue at Cowart Ave. This location is within the Boro's Residential zone (R1). The property is a 50' x 140' (irr) currently containing a split-level frame dwelling. The applicant proposes to remove the existing deck and construct a new, single story addition and new deck, near to Stockton Lake Blvd. and N. Farragut Ave. The existing and proposed uses are conforming for the zone; however, the existing and proposed structures are nonconforming for the zone,

Anne and Martin Engel were sworn in by Mr. Cramer.
Anne Engel testified she wants to extend an existing room out another 15 feet and make it a larger family room and extend the deck out towards Stockton Lake. Lot is 50'x 146'. She considers the front of the house as North Farragut Avenue. The

narrow side of the lot is the front of the house which would be Stockton Lake, not N.Farragut Ave.. She testified all measurements were made from Stockton Lake Blvd.. The new deck from the expanded house will be 20' from the house on Stockton Lake Blvd. and 31' wide across the Stockton Lake Blvd. side. The new addition will be added on to the original house and will still have the 4 1/2' side setback, no steps from the deck on the side. The deck will be open boards, a step down from the room, built around the tree and will stop before the slope. The height of the addition is lower than the original house., the roof line will be extended out. She testified she would be willing to pull in the deck to 13' on the N.Farragut side.

Motion to open the meeting to the public was made by C. Triggiano, seconded by J.Burke and unanimously carried.

Doris Callahan, 67 N. Farragut Ave., objecting to the size of the room as it is obstructing her water view. They use their porch all day and the view is the most important part of the house. She said she knew they were putting on a room but she didn't think it would be that large.

Steve Flood, 131 Stockton Lake Blvd, right next to the Engel's, concerned about the privacy they are loosing. When they put their house for sale, the concerns were the privacy. We have 5 children and are concerned about the entertaining as well. This new addition will go out further than our house on Stockton Lake Blvd.. He testified he purchased his house in 1992. He is staying there as he can't get the value out of it. When they put the rear deck on they didn't come and oppose it and maybe they should have. The Engel's entertainment could be from a couple to 30 people and our bedrooms are on that side.

Nick Tabor, 79 Cowart Ave., diagonal across from the applicant. His concern is the enlargement is going to afford larger gatherings. As the gatherings are now, very rarely do I see 3 or 4, most of the gatherings are larger amounts of people. In the summer his hours change and he comes in late at night, and has to go out early in the morning, and in the summer to get the sea breeze he has the windows open. I had to call the police to put an end to a party at approximately 3:30 in the morning, that was when I had had enough. If you enlarge than you will have more people. He's sure it's not their purpose, but when people leave they are noisy.

Thomas Green, 65 Cowart Ave., across from the applicant. He submitted photos showing how it is going to block his view of the lake.

Robin Flood, wife of Steve Flood came forward stating that the

deck on Cowart, they feel like their in a fish bowl, and she wishes that they would have come to them telling them what they were going to do, instead of sending them a letter. She was crying so bad her testimony could not be heard at one point. She did say when she walks out her front door, she will be in a cage without a key. She has 2 year old twins, and can hear every noise when they have parties.

A motion to close the public portion of the hearing was made by J.Burke seconded by N.Hamilton and unanimously carried.

Mrs. Engel testified the new deck will be coming out 21 feet from the proposed addition to the edge of the deck on Stockton Lake Blvd., and 10 feet on N. Farragut Ave.. She testified she would reduce the deck to 11 feet on Stockton Lake Blvd..

The meeting was reopened to the public by motion from G. Twadell seconded by J.Burke and unanimously carried.

Doris Callahan came forward stating with this view cut off from their water view, it will effect our re-sale value. The room is too large and it is blocking our view.

Motion to close the public portion was made by T.Carroll, seconded by J.Burke and unanimously carried.

D. Place made a motion that the Board accept this application, taking into consideration the testimony, that the N. Farragut Ave. set back on the deck will be moved to 15 feet, the Stockton Lake Blvd. will be moved all the way back in the conformity of at least 25 feet, the side yard set back will conform with 4 1/2 feet, seconded by J.Burke, followed by the following vote:
YES - J.Muly, P.Dunne, D.Place, C.Triggiano, N. Hamilton, T. Carroll, J.Burke, J.Coakley. No - Councilman Schmeling, G. Twadell.

APPLICATION- 10-2002 - Leg-It, LLC.-211-213 1/2 First Avenue
Application was not completed in time, so it will be moved to another date. They will need new noticing as they are coming in with an amended application.

A request from Nicholas San Filippo for a special meeting on March 26, 2002 was granted by the Board with a motion by N. Hamilton, seconded by G.Twadell and unanimously carried.

A request from Downtown Manasquan, LLC, for a special meeting on April 16, 2002, was granted by the Board with a motion by J.Burke, seconded by N. Hamilton, and unanimously carried.

A motion to approve the minutes of February 5, 2002 was made by J.Burke, seconded by P.Dunne, and carried by J.Muly, P.Dunne, N.Hamilton, Councilman Schmeling, J.Burke, G.Twadell, J.Coakley.

ABSTAIN - D.Place, C.Triggiano, T.Carroll, K.Monaco.

RESOLUTION- 9-2002 - Theodore Damen - 581 Brielle Road
A motion to memorialize was made by N.Hamilton, seconded by J.Burke, followed by the following vot: YES - P.Dunne, N.Hamilton, J.Burke.

RESOLUTION - 11-2001 - Peters, Ludwig, Condon - 239 Broad St.
A motion to memorialize was made by J.Burke, seconded by Councilman Schmeling, followed by the following vote: YES - J.Muly, P.Dunne, N.Hamilton, Councilman Schmeling, J.Burke, T.Carroll, G.Twadell, J.Coakley.

RESOLUTION - 30A-2001 - Bruce Sandberg -167 Beachfront/168 First
Motion to memorialize was made by Councilman Schmeling, seconded by J.Burke, followed by the following vote: YES - J.Muly, P.Dunne, D.Place, C.Triggiano, N.Hamilton, Councilman Schmeling, T.Carroll, J.Burke, G.Twadell, J.Coakley, K.Monaco.,

A motion to pay all vouchers was made by Councilman Schmeling, seconded by N.Hamilton, and was unanimously carried.

A motion for a special meeting for the Master Plan on March 19, 2002 at 7:00 p.m. was made by G.Twadell, seconded by J.Coakley and unanimously carried.

A motion for a special meeting for the Masster Plan on May 21, 2002 and June 25, 2002 at 7:00 p.m. was made by J.Burke, seconded by T.Carroll and unanimously carried.

There being no more business the meeting was adjourned at 9:45 P.M.

Respectfully submitted,

Marie Applegate
Marie Applegate, Secretary
Manasquan Planning Board

official are not trained architects. This has happened and it will probably happen again. We're dealing with small lots, houses that are going to 35 feet, 2-1/2 stories, buried dormers that are in there are very hard for the comprehension of these individuals. The thought of the code committee was to provide a retainer as an as needed basis in architect. We thought it would be very usefull, may eliminate a lot of problems and that can bring a light to many issues, that even Alan Hilla suggested that his firm is not qualified to do, their not an architectural firm, so some issues may be picked up on these 2 1/2 story problems, design issues, dormers, the light and air etc.. This is yet to be further discussed, come up with some numbers, some possible applicants that could be very usefull to the Code Committee, as well as the Planning Board.

REGULAR SESSION

ROLL CALL - PRESENT -J.Muly, P.Dunne, D.Place, C.Triggiano,
N.Hamilton, Councilman Schmeling,
T.Carroll, J.Burke, G.Twadell, J.Coakley
K.Monaco.

ABSENT -Mayor Winterstella, J.Tischio,K.Thompson.

Chairman D. Place asked all to stand and salute the Flag.
Motion to move the consent agenda to the end of the meeting was made by J.Burke seconded by G.Twadell and unanimously carried.

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54 First Ave./57 Beachfront

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BOROUGH HALL
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Incorporated December 30, 1887

732-223-1480
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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 the March 19, 2002 Special Meeting, Borough Hall, 201 E. Main Street Manasquan, N. J..

MANASQUAN PLANNING BOARD AGENDA
MARCH 19, 2002 - SPECIAL MEETING

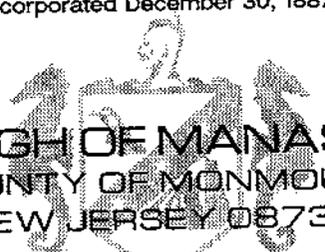
Sunshine Law Announcement - Chairman

ROLL Call

1. Salute to Flag
2. Tom Rostron - 27 Colby Ave., Extension of Time

7:00 P.M. - SPECIAL MEETING

1. Discuss Background of Master Plan and Subsequent Re-examinations.
2. Review December 1997 Re-examination Report (prepared by P.Szymanski).
3. Discuss work by Szymanski in 2001 and set framework for review.
4. Review individual 1997 Re-examination recommendations, discuss rationale, and seek consensus as to recommendations from Board to Council for implementation by ordinance:
 - A.- Deletion of PUD Zone
 - B.- Deletion of Industrial Zone
 - C.- Redesignation of Main Street east of Third Ave.
 - D.- Rework Zone lines along Deep Creek Drive
 - E.- Identification of Conservation Easement at Glimmer Glass Circle
 - F.- Redesignation of B-3 zone(s) along railroad.
 - G.- Extension of building envelope concept to other zones.
 - H.- Increase of landscape buffers.
 - I.- Revisit sign ordinance for compatibility with uses.
 - J.- Develop comprehensive lighting ordinance.
 - K.- Rework zone designations in split lot cases.
- 5.- Recommend Board Attorney to draft Letter of Recommendation to Council on behalf of Board for implementation.
- 6.- Outline Agenda items for April 16 meeting.



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

MARCH 19, 2002 - SPECIAL MEETING MINUTES
PLANNING BOARD

Manasquan Planning Board held a special meeting on March 19, 2002 in Manasquan Borough Hall, 201 E. Main St., Manasquan, N.J..

Vice Chairman John Burke opened the special Master Plan 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.

Mayor Winterstella wanted to let the Board know that David Place submitted his resignation about 2 weeks ago, as he is just too busy with work. The Mayor feels David does a very good job, and in order to keep him on, he has appointed Tom Carroll to fill in the vacancy and moved David to the Mayor's Designee and he will try to attend Planning Board functions.

Request for extension of time for Tom Rostron for 1 year. Mr. Cramer stated if the Board is in favor of adopting, it can authorize a resolution for the next meeting and adopted at the April business meeting.

Motion by Councilman Schmeling, seconded by P. Dunne to prepare a resolution and memorialize it at our next business meeting followed by the following vote: "YES" P. Dunne, C. Triggiano, N. Hamilton, Councilman Schmeling, Mayor Winterstella, T. Carroll, J. Tischio, J. Burke, G. Twadell, K. Thompson.

ROLL CALL-PRESENT - P. Dunne, C. Triggiano, N. Hamilton, Councilman Schmeling, Mayor Winterstella, T. Carroll, J. Tischio, J. Burke, G. Twadell, K. Thompson.

ABSENT - D. Place, J. Coakley, K. Monaco.

For the record, J. Muly arrived at 7:45 p.m.

This first meeting for the Master Planning was turned over to Alan Hilla to start the Board out on all of this.

Alan Hilla stated it is kind of unique that he can be involved in the planning end of the decision making process in the town he actually lives in.

He stated he chose not to prepare something for the Board to follow tonight, he has one copy of his notes to go over tonight, as he does not want the Board to look ahead.

The last true Master Plan performed in town was in 1992 with the re-examination report prepared by Mr. Szymanski in late 1997. The re-examination report is really the focus of the work we are going to do here tonight. That report had many recommendations some of which have actually been instituted through ordinance by Council, some of which have been discussed

on the Planning Board level but not implemented and some items have not been discussed at all. They are the items being discussed tonight. We are going to focus on the Master Plan and it's various elements, the zoning and the sub-division ordinances and other considerations.

Historic Preservation Element, if you would choose to do it that is not a half hour item to discuss, Mr. Hilla feels that this should be left to the Master Planning process, which coincidentally would be next year. Every 6 years it's mandated that the Master Plan be re-examined. Mr. Hilla's recommendation is not to do another re-examination report but to issue a full Master Plan that would not only take into account those items from the previous Master Plan examination and the work you will do here tonight and other nights, but for visions for the future as well.

4-A -Deletion of PUD Zone. Currently that property is only the ownership of the Monmouth County Parks System, he understands it was acquired with grants and that property is encumbered for open space. Given the frame work of our zoning ordinance, he feels that the most suitable designation for the Cove Area would be the conservation zone. The conservation zone is really to preserve areas of wet lands which much of the Cove is but not all of it is. This may force a revisiting of the conservation zone. Given the fact that there are some up-land portions that might be developable, he understands that the County has envisioned some sort of passive recreation facilities at the cove.

The Mayor stated they envision a building out there along with camp and hiking trails etc.. His most immediate concerns are how is this going to affect the Boro's parking lot that is going to be constructed there, we're in the process of getting permitting and every thing else. Mr. Hilla stated he was taking the Cove as a whole, the PUD zone is certainly not a suitable designation any longer. We need a zoning designation that is going to replace the PUD Zone. Whether you do it through a conservation zone and maybe modify the conservation zone to permit recreational areas or before we go to any recommendation is essentially get a preliminary idea on what the County and Boro have done, so that rezone the Cove properly to reflect what is anticipated and then have the balance of it conservation zone. They are going to be subject to environmental constraints.

The Mayor stated how about we do the wet lands and the coastal zone as conservation and the park as recreation. Alan stated that could very well be a designation as well. He stated he will do the mapping to show the wet lands and a buffer would be appropriate as well and will place the park

zone consideration in those merger issues that we can tackle at another time.

The Board agreed unanimously that the PUD zone should be deleted from the map.

4-B Deletion of Industrial Zone. The vote Mr. Szymanski took was 7 to 1. 7 for opposing it and 1 for more information. The Industrial zones are located along route 71 and along Broad St. The zone along 71 is the area about south of the Old Town Car Wash to Stockton Lake Blvd., between Rt. 71 and the Railroad. The zone on Broad St. encompasses the entire Sherman's Mill property. Mr. Szymanski suggested deleting this zone and redesignating those areas as B-3 and modifying the permitted uses in the B-3 Zone.

Mr. Burke stated, the reason it was voted for discussion was because there was a question about whether every one in those zones should be notified in writing that we are thinking about changing that zone to give them the opportunity to come before us at a meeting and if they have an opinion on the item, to give us their opinion on it. He thinks that was the only reason, and he thinks Carmen raised the problem,. Carmen also said that most of those properties don't meet the 20 thousand square feet. If it was designated as a B-3 zone, they would all have to come in front of this Board for anything they want to do every time.

Mr. Twadell stated Don Sherman came before us and was against us changing their piece of property. Mr. Schmeling said assuming most of those properties wouldn't meet the bulk requirement for that zone and would always have to come in for a variance for what ever they were going to do.

Mr. Triggiano wanted to know why it couldn't be just the B-1 zone, so this way all the properties would be conforming with the 50x100.

Mrs. Dunne said we should be carefull of expanding that B-3 as it is really adjacent to residential areas,(Sherman's), she can see going to 3 but not expanding.

Mr. Burke stated if we decide to do something on this it is up to Alan to come back to us with a proposal and when he does that, we have to invite Sherman in at that meeting.

Alan stated if you were to make a Lumber yard a permitted use in a B-3 zone, and that's not too tough a change to make. Alan suggested going to B-3 on all the industrial zones along Rt. 71. The Board agreed with that. C.Triggiano opposed it because of the sizes.

Alan stated we are going to pare down potentially the permitted uses there, modifying what is permitted in the B-3, expand the B-3 down south to Stockton Lake Blvd., modifying the permitted uses even conditional uses in the B-3 to include those uses that are permitted in the industrial zone. We can discuss at a later meeting.

In answer to Tischio's question on Hardship in the B-3 zone. Alan stated for all purposes, the building and lot coverage are the same and those are big things when your considering half acre sites and more. Maximum height is 35 1/2 is the same, rear yard is the same, front yard is a little more stringent side yard is the same, corner is 25 B-3 and 15 Industrial, frontage is greater in the B-3 by 25 ft. and it is double in the lot area. The only one that is going to cause a problem is the lot area.

Mr. Burke stated we are looking at taking out the industrial in the areas that they talked about and changing over the B3 along Rt. 71 and also adjusting the uses in the B-3 to more fit that particular area.

Mr. Schmeling stated, Alan, what we didn't think about was in the industrial we also have some of the fibre optic people that are located on the other side of the Army camp. Alan stated for the people along there, we should frame out what we propose for these properties and then present it to them, not only on 71 but for Sherman's as well. Subject to further work and discussion.

C - Redesignation of Main St. east of Third Avenue. Alan stated the bulk of the frontages along East Main St. are currently zoned B-1. Mr. Szymanski's recommendations were that it reflect the R-3 or the R-5 zones that are found on either side of Main St. for that. The combination of the existing uses coupled with the recent actions of the Board, the subdivision across the church on Second Ave. has done a third of that for use variances for this Board. Alan said it would serve the town better to keep this as B-1 zone. Entertain applications, as has been done already for use variances, where subdivisions can be done and if the change should happen over the next 5 years through Use variances and that becomes residential then that's what the markets dictating.

The Board would like the B-1 zone to stay as is and what has transposed from B-1 to R-3 rezone that as R-3

D - Rework Zone lines along Deep Creek Drive. Alan stated he is asking if we can hold, as more research is required here. He did some research on this and found that one of the lots which was a residential lot was owned by one who

owned along the ramp. The lots were vacant in 1993. He would like to hold this and go through some property owners issues, existing conditions, including what happens along that water front. The Board will hold this over for more research.

E - Identification of Conservation Easement at Glimmer Glass Circle.

Alan stated it was 50 ft. and reduced to 30 ft. The easements are filed with the County and limitations on those properties, it is also in their deeds. Alan stated if he draws that line on the map, individual properties would have two zone designations, and if they were to come before this Board, we would have to recognize that. We're trying to get away from split lot zone designations. The entire lot wants to be one zone. We can put it in the Master Plan, but not put it on the map.

F- Redesignation B-3 zone (s) along the railroad. Re: Ward Wight building and whats behind it. The recommendation was to rezone these areas from B-3 to Office zones, to Curtis Avenue.

Alan said it seems that these uses found here are not unlike what would be expected in the B-3 zone. The permitted uses in the office zone are way too restrictive, especially for the areas that are kind of off the beaten path. The office zone permits the opportunity for single family homes, which again given todays market you might be forcing them, being that they can't market these things as offices, the only other thing they can do is make residential lots. Instead of changing, the Board decided to leave it as is.

G - Extension of building envelope concept to other zones. Alan feels the R-4 zone building envelope ordinance has merit. The intent is the right thing, and it would serve the Boro well to consider some of those features in other zones. The beachfront is somewhat different than the R-3 or the R-5.

Mr. Burke wanted to know what kind of a problem we would create if we designated this building envelope every single zone east of the creek? There wassome discussion and then the Board decided to table until the next meeting.

H - Increase of landscape buffers.

Alan stated he has looked at the ordinance and this has already been done. It is now 15 feet and applies to Code section 35-13.3A.

I - Revisit sign ordinance for compatibility with uses.

Alan stated the only thing that he noticed was when you look at the codification of that ordinance it still reflects a zoning of probably 10 years ago. He believes the Boro is well served with the signsd ordinance it has.

J.- Develope comprehensive lighting ordinance.

Alan stated for our purposes tonight we should focus our

discussion on the need for an ordinance, whether we need one or not, and then maybe discuss some of the general issues that would be of concern, such as types of light, intensity, maximum and minimums, standard heights, property shields and directional lenses, use of ground level devises vs. overhead lighting.

John Burke said we reduced the pole heights, we took the no spot lights on the building and we reduced the pole and more directional in towards the property.

K - Rework zone designations in split lot cases.

Alan made reference to two properties, the Lane property which fronts on South St., but that change has been made on the zoning map, likewise the change recommended to Council for the Bartel property which backed up to Muellers florist. He can't think of another place where there has been a problem that hasn't been rectified and he feels that it could be costly and fruitless to try and do all kinds of research to search out these oddities on the zoning map. He think's the Board has handled these items quite well in the past and he thinks the board should continue to operate as they have in the past, handle case to case as they come up. The Board had no objections, so they will eliminate this one.

He recommended the Board Attorney to draft a letter of recommendation to Coucil on behalf of the Board for those items that they did agree upon implementation.

Mr. Carroll wanted to know if we wanted to do that meeting by meeting or by net when we are all finished.

Mr. Cramer stated what we are going to have to do is have a public hearing on the recommendations of the re-examination report. It will be done here at the Planning Board first, and then recommendations to Council.

Carmen asked Alan, the next time you do the a,b,c's would you reference to R-1 or R-2 along side so it's easy to look at the re-examination of 97. Alan said we are out of them now, as some of the things were Master Plan items, and we're not even going to address. My work from here on out is going to be based on your recommendations. The next time we meet will be a map identifying the wet land areas and what is now the PUD zone around the cove, for your review.

Mr. Schmeling thinks the RPM zone is more important, we need to look at that, it's more important than the wet lands.,

Mr. Burke stated most of the items have been taken care of, except the items that you deemed should be a Master Plan item or an item that we have to go into more depth at a future meeting.

Alan stated the mergen issues are buiding height vs. lot width in beach front area, modifications of the R-4 building envelope, the paver issue, purvious or impurvious, discussion of the park zone, and the RPM Zone. We should go over these before the Master Plan. Next Master Plan meeting will be on May 21, 2002 and June 25, 2002.

At the next meeting Alan will re-work the Deletion of the industrial zone, including those uses, (Sherman's Mill). A small modification of the zoning map in the East Main St. area, to reflect current uses, where we've done use variances for residential. Come up with some sample ordinances for lighting.

The Mayor stated there is another issue that is going to come up, but probably come up in between. Manasquan has an Affordable Housing Plan which involves mostly rehab and existing housing, we've done about 10 homes now, where we've put in new heating, roofs and siding, depending upon their income etc.. We have also created a developer fee, which contributes money towards that cause. We can't use that money until we get our new COAH Plan accepted. In order to get that plan accepted we have to create two overlay zones, and this is a long negotiation with COAH. An overlay zone is basically an area that if it is redeveloped can have higher density if the developer chooses to put affordable housing there. They wanted to do it in the downtown areas, and we resisted as we would like to keep the downtown areas basically the characters they are. They have come back to us amd said in order for us to use that developer money, right now we are using tax money, we have to get our housing plan approved which is part of the COAH plans. In order to do that we have to create an overlay zone on the Morton property and also over here around the railroad track where there is one big building where there are Condos. The Mayor sees it as an advantageous situation. If it were developed, it would be developed at 12 density units per acre, which is exactly the same as across the street in back of Rogers bldg..

The Morton property has been up in limbo, they have to come back for a sub-division and it wouldn't be all bad if we had 12 density units per acre. The Mayor stated we have to move on this, we basically were designated a town center because COAH told the State we were rejuvenating our plans and we have to get this approved, as it's been laying for about a year now. We are planning on the second meeting in April the town is going to introduce an ordinacce designating those two areas as overlay zones. Probably in May it will before the Board for review and recommendation. Obviously you have a right to return a negative comment back to Council, but if you do it is going to delay quite a bit to try and get affordable housing plan approved, so we can get these dollars. We do need afforable housing in

town as seniors are selling and have no place to move in town,
There being no more business, 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

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 SCIMEGA
Municipal Clerk

Dear Manasquan Board Members:

Please consider the following Agenda for the March 26, 2002 Special Meeting, 7:30 p.m. Borough Hall, 201 E. Main Street Manasquan, N. J..

MANASQUAN PLANNING BOARD AGENDA
MARCH 26, 2002 - SPECIAL MEETING

Sunshine Law Announcement - Chairman

ROLL Call

1. Salute to Flag
2. Consent Agenda

7:30 P.M. - SPECIAL MEETING

APPLICATION - 22-2002 -Nicholas & Geraldine San Filippo,
422 Long Avenue

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:

Enclosed please find a copy of the minutes from the March 5, 2002 meeting. Please consider the following Agenda for the April 2, 2002, Regular Meeting at 7:00 P.M. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J..

MANASQUAN PLANNING BOARD AGENDA
April 2, 2002 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion -
2. Informal Hearings:
3. Private Session:

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION - 38-2001 - Cont. Dr. Richard & Sharon Borgatti
54 First Ave/57 Beachfront

APPLICATION - 15-2002 - David Bender - 145 Beachfront

APPLICATION - 16-2002 - Jack DeCastro (Ocean Bay Properties)
North Potter Avenue - empty lot

APPLICATION - 14-2002 - Chase Dane Realty, LLC - 64 First Ave/
67 Beachfront

RESOLUTION - 12-2002 - John & Greta Lintott - 74 Curtis Ave.

RESOLUTION - 13-2002 - Anne Engel - 64 N. Farragut Avenue

RESOLUTION - 8A-2000 - Thomas & Karen Rostron - 27 Colby Ave.

4. MOTION ON MINUTES
5. APPROVAL OF VOUCHERS
6. COMMENTS FROM INDIVIDUAL BOARD MEMBERS
7. REPORTS OF SUBCOMMITTEES OF BOARD
8. AUDIENCE PARTICIPATION

T.Carroll think's that eliminating the garage is not solving anything or creating anything more attractive, but some of the concerns of the audience is the size of the house, and they were concerned about lot coverage, and the lot coverage has been taken care of. He doesn't think there is anything outlandish here, 30 ft. high and he doesn't have a problem as it is.

N.Hamilton and G.Twadell thought the house could be a little bit smaller.

A motion for a 5 minute recess was taken at 9:45 p.m. seconded and unanimously carried.

Board returned from recess at 9:55 with the following vote:

P.Dunne, C.Triggiano, N.Hamilton, Councilman Schmeling, Mayor Winterstella, T.Carroll, J.Tischio, J.Burke, G.Twadell, J.Coakley, K. Monaco.

Mr. Brennan after talking to his clients, stating they are proposing to design the floor plans of the house and the garage to meet the 25%, they would like to continue their request for variances for size of lot, garage with the 2 ft. variance and the rear set-backs.

Mr. Burke stated you are obviously saying that you are still looking for the variance on lot area, looking for the rear yard setback of 30 1/2 feet instead of 35 ft., looking for the side yard accessory building for the garage of 2 feet, building coverage will meet the 25% in the zone, lot coverage has been decided that it is under 35% with the pavers.

Mr. Burke stated, if approved tonight, before we vote on the resolution at the next meeting, they provide a revised set of plans showing what the house is going to look like at 25% lot coverage.

Mr. Schmeling made a motion to approve the application with the conditions that were proposed by the applicants attorney, and that the height not exceed that which were proposed in the plans also, but no revised plans only for the Building inspector and zoning inspector.

Before voting on the motion, as this is a major change, the meeting was opened to the public with a motion, seconded and it was unanimously carried.

Mrs. Hemphill came forward expressing her appreciation for your working with them and she knows the board is here to consider all these things, but it was very nice of you to make that concession.

Motion to close the public session was made seconded and unanimously carried.

Motion on the floor to approve was made by Councilman Schmeling, seconded by P. Dunne followed by the following vote: YES- P. Dunne, C.Triggiano, N.Hamilton, Councilman Schmeling, Mayor Winterstella, T.Carroll, J.Tischio, J.Burke, G.Twadell.

RESOLUTION - 12-2002 - John & Greta Lintott - 74 Curtis Avenue
Motion to approve the resolution was made by N. Hamilton, seconded by J.Tischio followed by the following vote: YES- P.Dunne, C.Triggiano, N.Hamilton, J.Burke, G.Twadell.

RESOLUTION - 13-2002 - Anne Engel - 64 N. Farragut Avenue.
Motion to memorialize was made by T.Carroll, seconded by P.Dunne, followed by the following vote: YES - P.Dunne, C.Triggiano, N.Hamilton, T.Carroll, J.Burke, J.Coakley.

RESOLUTION - 8A-2000 - Thomas & Karen Rostron - 27 Colby Avenue
Motion to memorialize was made by Councilman Schmeling, seconded by P.Dunne, followed by the following vote: YES - P. Dunne, C.Triggiano, N.Hamilton, Councilman Schmeling, T.Carroll, J.Tischio, J.Burke, G.Twadell, J.Coakley.

Motion to approve the minutes of March 5, 2002 was made by Councilman Schmeling, seconded by P.Dunne and unanimously carried.

Motion to approve the vouchers was made by C.Triggiano, seconded by N.Hamilton, and was unanimously carried.

C.Triggiano in charge of the nominating committee for Vice Chairman stated P.Dunne was nominated. Mrs. Dunne thanked him for the honor, but she had to recuse herself as she has been moved out of Class Four into Class Two and she is not allowed to hold an office. She recommended Kevin Thompson who was not present. Mr. Cramer stated we have to draw from the Class Four membership. Mr. Triggiano nominated T.Carroll.

A motion to elect T. Carroll for Vice Chairman was made, seconded by N.Hamilton, followed by the following vote: YES - P. Dunne, C.Triggiano, N.Hamilton, Councilman Schmeling, J.Tischio, Mayor Winterstella, J.Burke, G.Twadell, J.Coakley, K.Monaco.

Motion to adjourn was made at 10:00 P.M. by Councilman Schmeling seconded by J.Burke and unanimously carried.

Respectfully submitted,



Marie Applegate, Secretary
Manasquan Planning Board



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMEGA, Municipal Clerk

APRIL 2, 2002 PLANNING BOARD
REGULAR MEETING MINUTES

Manasquan Planning Board held their regular meeting on April 2, 2002 in Manasquan Borough Hall, 201 E. Main St., Manasquan, N. J..

Vice Chairman John Burke opened the work session at 7:00 P.M. and turned the meeting over to Neil Hamilton who will go over his memo on definitions.

Neil stated he put together definitions of porches, habitable space and dwelling units. Any thing outside that's not livable is not included in the calculations.

He stated the other memo was in reference to changing the R-4 zone. " In the R-4 Zone Beachfront/First Avenue ONLY, permit two single-family homes on a lot. What this accomplishes is the elimination of a Use Variance, permitting more board members the opportunity of involvement and the ability to vote. The Board in the past has approved sub-divisions with parking easements in the First Avenue garage so that the Use Variance is eliminated. The Board may better serve the R-4 area by addressing the bulk issues of the entire parcel and promote continued single ownership of the Beachfront and First Avenue units".

He thinks in fairness to the Board, in a Use variance we need to get 7 members and you need 5 voting affirmative, he is trying to do with this is the process presented, he is against sub-divisions and breaking properties out to eliminate the use and this is the way the attorney's and applicant's go when they know they can't get a full Board and they can't come up with the 5 or 6 votes they need. This would eliminate a lot of the problem of trying to jockey back and forth who is going to be present and who is not. This may eliminate that and allow the process to proceed on. We're just pushing these use variance cases off and off and off to another meeting. We're not getting rid of our agenda.

Most of what we're going to deal with now and in years to come is to deal with these use variances on the beachfront where you've got a first Ave parking garage and a rental as well as the beachfront, therefore your going to have the 2 on one property. If we can at least allow this Board to hear these cases, without trying to jockey around with all the time frame to try and get an agenda of people that can attend a meeting, we're having a problem doing that. He would rather see the Board deal with the bulk issues and get over the fact that it's a use variance. The Attorney's are coming in for a flag lot sub-division or where the easements are involved, so once the Board grants that, we get by that, we have the history of doing

that, then we get on with the issue of the bulk. If there is a 2 unit on First Avenue and a single family on beachfront, by no circumstance would we entertain that application unless the applicant is prepared to forfeit that use of the double family on either side. If there are 3 units, we probably wouldn't be able to entertain that. They would have to come before the Board for a Use.

The Mayor stated he thinks Neil's memo is a good idea. The main reasons we were encouraging sub-divisions up there were because we wanted to see some investment in the area. We knew chances of getting a mortgage to improve 2 properties would be easier after a sub-division, sell the one off and improve the other. He thinks it's an opportunity to get through the grey areas and get down to the actual issues by recommending something like this to Boro Council.

G.Twadell thought that by having 4 alternates might be promoting absenteeism which is a problem. In the 1997 review of the master plan it was made clear, that the crowding at the beach was a problem and had to be addressed, along with parking in town etc.. One of the things mentioned was the fact that having one structure on a property at the beach was desirable because it would remove the capability of, if a house was lost or what ever, and the term used in the report as withering away, so that the open space would be enhanced. He thinks granting a use variance automatically on the beachfront properties is something we have to be very careful about.

Neil stated Gordon has a good point there, but he thinks there are loop holes that have to be covered, but he's just trying to get rid of the immediate impact of the burden that this Board is facing monthly, that we can move on and move these cases, however we deal with it.

P.Dunne stated just make sure we're not allowing 3 on a property and if they want to sub-divide they can.

Neil suggested the members digest their thoughts on this and get something in writing back to Marie to go in the packets for the next meeting, so the Board in general can take a look at and get some guidelines to start with this, that may give some direction to Mr. Cramer and Fitzsimmons, so they can put this together and figure out how this can be structured.

Alan stated he will get something together for the next meeting.

Mayor Winterstella made a motion to authorize Alan Hilla prepare and recommend a change for the R-4 zone, seconded by P. Dunne and unanimously carried.

REGULAR SESSION

Vice Chairman J.Burke 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 to stand and salute the Flag.

Mr. Burke asked for a moment of silence for Tom McCabe, a former Councilman and Planning Board member, who passed away this past week.

ROLL CALL - PRESENT - P.Dunne, C.Triggiano, N.Hamilton,
Councilman Schmeling, Mayor Winterstella,
T.Carroll, J.Tischio, J.Burke, G.Twadell,
J.Coakley, K.Monaco.
ABSENT - J.Muly, D.Place, K.Thompson.

APPLICATION - 38-2001-Cont. Dr. Richard & Sharon Borgatti,
54 First Ave./ 57Beachfront.

Keith Henderson, Attorney for the applicant came forward stating he had written a letter on this, as he was advised by the secretary that there would not be enough members to vote on this tonight. His letter indicated that the applicant would be revising the application to do a sub-division because we now have had 3 meetings where we have been unable to get a full panel of voting members. Even though we have no intension of selling off the lot or doing anything with it, it seems it's the only way we'll be able to get a vote. We will be filing an amended application for a sub-division. It will require re-noticing. Mr. Henderson stated they are going to contact an engineer and surveyer and get a sub-division plat drawn up, and he will let us know when they are ready. He is asking the Board to carry them over.

Mr. Callahan the attorney representing the neighbors, complained that he did not get his Fax from Mr. Henderson until this afternoon, and it was too late to tell all these neighbors that it was being called off. Mr. Henderson stated it was Thursday that he was notified and the letter was typed, but it did not get faxed out due to the holiday and I faxed it out myself. It doesn't make him happy that this is happening, but he is not going to proceed with a panel of 6.

Mr. Callahan stated he came in early tonight and heard the Board discussing some proposed changes to your zoning in the R-4 zone. Would any changes in your ordinances impact or apply to this applications amended to a sub-division as Mr. Henderson stated.

To answer Mr. Callahan's question, Mayor Winterstella stated there are 4 meetings between now and the June meeting, so it could be done, it only requires 2 week period. He's not saying

it's going to be done that way, but it could be done that way. If an ordinance is introduced then 2 weeks later a public hearing and it is voted on. This ordinance has to be structured and wouldn't be in time he doesn't believe until the April meeting so it would have to be done at the 2 meetings in May.

The Mayor also stated he doesn't want to see the public get all up in arms, with a misinterpretation, generally when the Planning Board discusses a proposal such as this, there is not a public discussion on that item at that time they are discussing it, there could be discussion during the public audience participation. The public participation is really done when the ordinance is introduced and there is a public hearing at the Council meeting. The real public hearing on a zoning ordinance is done at the Council meeting, not a Planning Board meeting.

A motion to continue this application to the June 11, 2002 meeting with the understanding that Mr. Henderson is going to come with a revised plan for us, was made by C.Triggiano, seconded by P.Dunne followed by the following vote: YES - P.Dunne, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, G.Twadell, J.Coakley, K.Monaco. ABSTAIN - Councilman Schmeling, Mayor Wingerstella.

APPLICATION - 14-2002 - Chase Dane Realty, LLC -64 First Ave./
67 Beachfront.

Mr. Henderson Attorney for the applicant stated it is a slightly different problem, but I am asking the Board to carry this as well, as there are only 6 votes. Because of the difficulty in getting the vote, he may have to do a sub-division also. This will be carried to the June meeting also.

A motion to carry this application to the June meeting was made by T.Carroll, seconded by C.Triggiano followed by the following vote: YES -P.Dunne, C.Triggiano, N.Hamilton, T.Carroll, J.Tischio, J.Burke, G.Twadell, J.Coakley, K.Monaco.

APPLICATION - 15-2002 - David Bender - 145 Beachfront

Mr. Henderson, Attorney for the applicant stated Mr. Bender travels a great deal t he is here tonight. In reviewing the application this evening in preparation for the meeting, Mr. Bender has some issues with the architectural plans by Mr. Grasso. He thought the architect was making certain changes, and they are not reflected in the plans. They are asking the application be carried. The plans that went to the Board are not the plans Mr. Bender intended to submit.

Mr. Hamilton stated we have to watch the July and August meetings, they are the months that we all need a little break, we have pools and boats, we want to go to the beach, 3 meetings a month is a bit much, and he thinks in the case of Mr. Bender, all due respect, until your application is improved, you wouldn't

be able to demolition or rebuild until after Labor Day anyway, so it could be carried to July or August.

T.Carroll made a motion to carry Bender application to July 9, 2002, seconded by K.Monaco followed by the following vote: P.Dunne, C.Triggiano, N.Hamilton, Councilman Schmeling, Mayor Winterstella, T.Carroll, J.Tischio, J.Burke, G.Twadell J.Coakley, K.Monaco.

APPLICATION - 16-2002 - Jack DeCastro (Ocean Bay Properties)
15 N. Potter Ave. empty lot

Mr. Jack DeCastro was sworn in by Mr. Cramer. Thomas Brennan placed himself on record as Attorney representing the applicant.

Mr. Brennan stated there is a familiarity of this lot in town, and he has a deed from Joseph Guira to Clarence Jones, which describes the property dated April 9, 1974, it makes reference to a sub-division which was granted for the creation of this lot. Deed marked as exhibit A-1. In 1979 the property was zoned in an R-2 zone and the requirements of the R-2 zone schedule which was marked as exhibit A-2. Since the approval of the sub-division which created a 50 foot lot, the zone was changed.

Mr DeCastro is intending to have the benefit of the prior zoning which was in effect when this lot was created, thereby allowing him to build on a 5,000 sq. ft. lot. The lot as it stands now is 50 x 130 sq. ft.. The 2 lots to the north were created when this sub-division was granted for the 3 lots.

Mr. DeCastro testified he closed on the lot in December 2001, and had been in contract two or three months before that. The application is in the name of Ocean Bay Properties and he is the President. He proposes to construct a single family home, 2 1/2 story with detached garage. He testified he had built 2 houses adjacent to this lot that were totally conforming to the R-2 zone and it appeared to him that those lots were subdivided in 1974 with the intent to build 5,000 sq. ft. configuration which would be in the R-3 zone, so planning he is requesting to build in the R-2 zone an affordable single family home with all the necessary comforts. If the Board grants his application tonight, the development of this lot would not be out of conformity to the other 3 lot sub-division. He is requesting a variance on the 2 ft. lot line for the garage. The reason was to put a detached garage to that side of the lot is that it would provide a back yard for the house that he is proposing and it would provide access directly to the street, so there would only be 1 curb cut and allow the owners to drive up the driveway and directly into the garage and not have any difficulty in pulling out, it would also provide parking for them, at least 3 cars on site. The property to the left is a bar and would have no impact on that bar, having the garage

located in that location. If we put the garage across the back yard, it would be a difficult right hand turn into the garage it would also not be a nice view to the property on the right.

Mr. Brennan stated the hardship here is legal, being that this lot was created as an undersized lot by a sub-division by this municipality, it's undersized and isolated and to prohibit this development it would be an alienation of the property.

Mr. Burke stated for the record the 2 houses you built on N.Potter and Main St. are in the R-3 zone.

Mr. Brennan stated he was not listed on the application, that is why he did not receive a copy of Mr. Hilla's report.

Alan went over his report. He thought it would be a bit of stress to propose that this lot at one time was part of the R-2 zone, according to the map it is in the R-1 zone. This is fairly nestled in the R-1 zone and in fact if the sub-division had not been granted, the two lots that were made 3 through the subdivision would be keeping more with the R-1 than the R-2 zone.

He thinks this property has always been in the R-1 Zone. The other item as a matter of discussion is probably the most important variances of this application and that is the building and lot coverage. Due to the size of the lot he doesn't understand a hardship even though it is 25' on a 2 story home, building coverage, lot coverage. For the record, the lot number is 9.03.

Mr. DeCastro testified, he would put in new sidewalks and curbs if it is a condition of approval.

Meeting was opened to the public by motion of T.Carroll, seconded by J.Coakley and unanimously carried.

Alice Hemphill, 162 Fletcher Avenue, came forward, asking if a smaller house could be built on that lot, one that fits it. Mr. DeCastro stated most families today like to have living room, kitchen, dining room, like to have that kind of living, that type of home is the most desirable type of home in the area. She stated your providing the maximum, if they really want a big house they can buy another lot. She feels all the neighbors in the neighborhood are affected by the over coverage of this lot. She feels no hardship in building a house that is over coverage. She knows the board works very hard but it just seems like every body comes in and wants to punch your buttons. We have a master plan and the people want to break the master plan.

Marilyn Jacobson, 59 McLean Avenue came forward stating it becomes a series of choices that the developer has made. First he chose to purchase the lot and close on it prior to having

the requirements of the town. She doesn't have a problem with the developers houses, they are nice, but the lot coverage is a real issue. The lot can be developed and it can be developed very nicely. The big point is the lot was bought knowing what it was and now that he has it, he is kind of stuck with it, and now he is going to do what he wants and hopes the Board will go along with it. There is a need for small houses and a call for it. I hope this excess lot coverage is denied.

Maggie Guinco, 91 Manito Rd. which is not close to where he wants to build but her lot coverage is already maxed out, according to what ever the zoning code was when our house was built and I would love to have a garage, but I'll never see that. I agree with Mrs. Jacobson, that they knew what they bought, it was in an R3 zone and changed almost 30 years ago to the R 1 zone. If they conform to what ever the zone is they won't have any prolem selling any house now.

C. Triggiano made a motion to close the public portion of the meeting, seconded by N.Hamilton and was unanimously carried.

Councilman Schmeling stated one of the problems the board has, especially when he listens to the public, if we adopt their stand all of us could go home, we wouldn't need to be here. One of the reasons we are here is that there are certain circumstances where changes do have to be made to the zoning ordinances, or there wouldn't be any need for us to be here. He does have concerns about the lot coveragemore than the building coverage, he doesn't think the house is out of size in relation to the rest of the lot. He stated to remove the garage from the property would bring it into less than 25% coverage.

G.Twadell stated the 25-65 would be the acceptable building coverage for a 25% on that lot size, that makes for a sufficient size home.

K.Monaco commented the applicants for mentioning the safety as far as the garage placement. The other home they built on Potter Ave. on the corner doesn't even allow enough space for one car and now the occupant blocks that side walk on a daily basis. Other than that, everything is fine.

The Mayor stated the Master Plan is not a law, it is a guidance. It's intended to be followed, it's not intended to be a dead oissue, where you can't deviate from it. Part of function of this Board is to deviate from the Zoning Plan and from the Master Plan when proof is given. He doesn't have a problem with this application with the garage, By taking the garage away is going to create a bigger parking problem on the street. He thinks it's an asset to the plan and will vote for the plan as presented.

Incorporated December 30, 1887

732-223-1480
FAX 732-223-1300

BOROUGH HALL
15 TAYLOR AVENUE
POST OFFICE BOX 199

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 the April 9, 2002
Special Meeting at Borough Hall, 201 E. Main Street, Manasquan,
N. J. at 7:30 P.M.

MANASQUAN PLANNING BOARD AGENDA
APRIL 9, 2002 - SPECIAL MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:30 P. M. - SPECIAL PUBLIC MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION - 24-2001 -Shawn & Kimberly Coffey - 18 First Ave.

APPLICATION - 10-2002 -Leg-It,LLC - 211-213 1/2 First Avenue



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

PLANNING BOARD

APRIL 9, 2002 - SPECIAL MEETING MINUTES

Acting Chairman John Burke opened the special meeting at 7:00 P.M. stating he will turn this half hour of the meeting over to Tom Bauer of Melillo & Bauer, who will explain to the Board some of the things his firm can offer the Board as far as our looking over applications.

Mr. Bauer came forward stating he was asked to explain the firms services to the Board for any particular applications that the board feels may be necessary. He explained his firm is Melillo & Bauer Associates, located in Point Pleasant Beach. We are a 25 person Landscape Architecture firm, we practice Landscape Architecture purely in the State of N. J., N. Y., Pa., Connecticut and are now doing work in Alberta, Canada. 95% of our work is in the land planning field, we do recreational planning, residential and commercial planning. The emphasis is on good design. It starts at the large scale, with the land plan with the master plan and works it's way all the way down to the actual 4x8 brick, shrub or tree that is being planted and everything in between. He stressed highly that design is critical and it is mostly overlooked by Planning Boards in their plan review.

J. Burke wanted to know if we really need someone in your field for the basic small developments that we have in this town. Mr Bauer said for a typical small single family home application probably not, but there may be an issue specific to a property, maybe a screening issue or a view or access issue, perhaps a design solution would benefit that single family home.

Mr. Bauer stated their rate would be hourly and it is all paid from the applicants escrow. It all depends on the size of the application and the amount of the input that they contribute. He stated the applicant would have their review before the meeting. He believes the hourly rate is \$110.00 an hour for municipal work right now.

After the meeting the Board members will discuss what they want to do on this.

SPECIAL SESSION

John Burke opened the special 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 to rise and salute the Flag.

ROLL CALL - Present - J.Muly, P.Dunne, C.Triggiano, N.Hamilton,
Councilman Schmeling, J.Tischio, J.Burke,
G.Twadell, K.Thompson, T.Carroll,
Mayor Winterstella, J.Coakley, K.Monaco.
Absent - D.Place.

APPLICATION - 24-2001 - Shawn & Kimerly Coffey - 18 First Avenue. Keith Henderson put himself on record as Attorney representing the applicant. The applicant did renote and republish for tonight. Mr. Henderson stated the reason they are back is that the Coffey application was approved and the variances were approved but at the time, the architect for the job indicated to the Board that this would be a rehab essentially rather than a demolition. It turned out to be an erroneous judgement, because Sandy Ratz made a determination that there was more than 50% improvement to the site and therefore they had to go with pilings and put in a new foundation which would satisfy the B-zone criteria. In fairness to the architect the neighbor had some concerns about blocking views because we would be protruding beyond that building. We had to pull the house back 2 feet to be even with that house. Amended plans were issued, building permit was issued, the pilings were driven, the foundation poured and then Mr. Furey issued a stop work order because he found the work in progress being inconsistent with the approval which referred to essentially an addition rather than a demolition and new structure. The footprint is the same as agreed upon at that meeting, the variances are the same as were testified to and requested, the building footprint was changed in accordance with what the board asked, in that we move it back even with the other building and that's the explanation.

We're just asking that the board make a determination whether it was really your intent that it had to be an addition or whether it was your intent to give us the variances either way. We're asking that you grant us the same variances that were testified at that meeting.

Mr. Coffey was sworn in by Mr. Cramer as witness.

Mr. Coffey testified he and his wife are the owners of this property. In respect to the neighbor to the south, they are satisfied with the pull back and we've done more than that, as they have a window on the side, so we pulled the house back 2 ft. across the back of the house, but also on the corner we've made it a bay, so actually we've pulled the house back almost 4 feet so they would have a view out their side window. The Board asked us for a 2 ft. pull back, but we have made it 4 feet, which gives them a diagonal view out the side. He testified the foundation is where it was, only that it was pulled back 2 feet, everything else is the same. He testified that if they had done what they were supposed to do they would have been

under the 50%, as they were going to leave the back wall and just put another floor on top of it and go over the top of the garage. We were leaving the bathroom and kitchen where they were.

Mr. Burke wanted to know how this got to the point where a stop work order was put on. Mr. Henderson stated he thinks sometimes in the building department there isn't total communication between Sandy and Dick Furey. Dick Furey is the one that put the stop on, he doesn't think any one complained, as they were never advised of it.

Mr. Coffey testified Sandy is the one that said by tearing the front of the house down, we were going over the 50%. Once you go over 50% he wants piles and wants the house to meet the B zone. This is well over the budget, as we weren't planning on tearing it down, driving piles and doing a new foundation. We put in our demo permit along with the building permit, it was issued and apparently when it was reviewed they didn't review the whole package, they only reviewed what was in their department and it was a go.

T. Carroll said it is a better improvement and he has no problem with it.

Mr. Henderson said they are asking for an interpretation that the original approval applied for and not so inclined that the variances be reaffirmed.

Mr. Cramer stated the Board can legally consider the first modification of the previous resolution, taking into account that the structure has been demolished, but insistant with Mr. Coffey's stipulations what's going to be reconstructed on the site is basically somthing that actually fits the benefits of all the variances that were approved at the last meeting.

Mr. Coffey testified that he has both sets of blueprints here and the only difference is showing the piles, the Board is welcome to go through them. We pulled the house back 2 ft. across the back, 3'8'' on the sides where the neighbor wanted it for the view. Lay-out is exactly the same, except that the living room is a little shorter and instead of having a flat we're going to have a Bay window across the back.

J. Muly made a motion to open to the public, seconded by P. Dunne and was unanimously carried.

Alice Hemphill, 162 Fletcher Avenue came forward asking if any consideration has been given to the people who live on the west side of First Ave. where there view and air is being blocked by this building. There were no objectors at the last meeting

and they had been renoticed about tonight and there doesn't seem to be anyone here objecting.

Motion to close the public hearing was made by J.Muly seconded by N.Hamilton and unanimously carried.

Motion by T. Carroll that the Board amend the resolution to the facts that were stated here tonight, seconded by J. Muly, followed by the following vote: YES - J.Muly, P.Dunne, C.Triggiano, N.Hamilton, Mayor Winterstella, T.Carroll J.Tischio, J.Burke. NO - Councilman Schmeling.

APPLICATION - 10-2002 - Leg-It, LLC - 211-213 1/2 First Avenue. Keith Henderson put himself on record as Attorney representing the applicant. Councilman Schmeling and Mayor Winterstella both recused themselves as this application is a Use variance.

A disclosure of the owners of LLC consistent with the Corporate disclosure requirement, therefore Mr. Henderson has taken an affidavit which was marked as Exhibit A-1.

Mr. Gilligan, Mr. Bauer and Gerry Thompson were sworn in by Mr. Cramer.

Mr. Henderson would like a little discussion before calling his witness as this is something of an unusual application. We have to discuss whether a use variance is required for a restaurant in this zone. If you refer to section 35.5-85, that discusses the criteria for that zone. If the Board will look at that he thinks the confusion might become manifest. The permitted use is in the RPM Zone Single family detached dwellings, and Planned, Multifamily Residential Development, including accessory commercial uses as permitted in subsection 35.5.8 b-5 "restaurants are permitted accessory use to multi-family". On this site are existing 5 residential units and he thinks we need an interpretation from Mr. Cramer whether that is a permitted use or that requires a use variance.

Mr. Cramer wanted to know what the primary use was, is it Multifamily, Residential or the restaurant facility. Perhaps when we get some testimony on that point we can make a determination.

Mr. Henderson stated perhaps you would require a use variance, as that 2 family dwelling to the rear of the restaurant would be heated, which would be an expansion of that non-conforming use, and the other thing to be addressed, Section 35.11.2 Principal Buildings-"Only one principal building shall be permitted on each lot, except in conjunction with townhouse and planned multifamily residential development"

Tom Bauer, Melillo & Bauer, Point Pleasant Beach, came forward engaged by the applicant to create an outdoor dining garden adjacent to Leggetts in the space now occupied by 2 bungalows. He did do a site plan of that area. He explained the 2 photos he had on display for the Board. One was taken from the Condos across the street looking back on the site, the 2 bungalows being taken down and the construction behind is the newly renovated structure 2 dwellings. First Photo Exhibit A-2 from the easterly site and A-3 the 2nd photo of the 2 bungalows to be demolished.

First Board is Sheet L-1 a sheet from the submitted concept plans, a plan view. The garden will consist of basically an outdoor area that is again replacing an eyesore. There will be red concrete pavers in front of Leggetts and in front of this point, expanded and widening the area of the side walk in front of the garden in anticipation of people sitting and congregating out side of the restaurant and entering the garden. There are entry gates to the garden, a hostess waiting area as you enter, 2 steps into the garden, 2 different levels of dining, a lower level and on the north side in the back are 2 steps up for interest and a design area for the outside as well. Center in the rear area is for grilling. There will be an over head canopy that will be for inclement weather and for total shade, there is an open gazebo and trellis located on the north east corner of the garden to provide light and shade in the upper dining area, and some trees in the lower area for shade in that area.

First Board was marked as A-4 and the second L-2 was marked as A-5. There will be sidewalk access between Leg-Its and the Bayou Cafe going to the rear. Photo A-6 is a perspective rendering that you might see if you were flying up over above looking down at the garden. There will be no spillage of lighting off site. They are proposing Globe lighting on top and wall mounted lights along the complete architectural design of facade under the canopy. There will be lights strung on cable across the garden from the building to poles, to create a kind of moon lit affect in the overall garden area. There will be neon lighting on the small wall and planter in the front. The light spillage will be next to nothing adjacent to the street.

Mr. Burke announced that the Board is setting an 11:00 P.M. time limit on the meeting.

Mr. Bauer made reference to sheet L-5 which indicates 2 details. There will be a 4'x2' sign on the wall, just as you turn off First Avenue, two other signs 1'x1' that will be mounted on 2 columns. The walkway between the buildings will be 4' wide. There will be ADA access to the lower terrace by means of this new access from the restaurant. There will be no enclosure for the whole garden, only that one section, no cover over the cooking area.

Gerry Thompson, came forward, testifying he is executive chef, kitchen manager. The menu will consist of sushi, raw bar, and all bar foods. Hours of operation right now, the kitchen is open until 12, the last seating is at 11 P.M., patrons out by 12.

Food will go out the back, refuse will go in the same location as it is now enclosed in the rear.

Mr. Henderson thought about entertainment, music, but when they go before Mayor and Council for their liquor license, that issue such as entertainment, hours of operation and things of that nature are going to be determined by the Council as conditions on the extension of the license. There will be 22 tables in the garden.

C. Gilligan came forward testifying he has been hired by the applicant, as licensed planner and engineer. He also was the engineer on the previous approval which took place before the Board of Adjustment. A color rendering submitted by Mr. Gilligan was marked as Exhibit A-7 depicts where the 2 bungalows are that are being demolished and replaced. He testified the use of Leg-its does blend in with the condos across the street. He believes the Master Plan is looking for this kind of mix. The total square footage is 36,830. The frontage on Second Ave. is 250 ft. and 118.3 ft. on First Avenue, so variances are required. Other bulk variances are Lot area, frontage, front yard setback, side yard setback, rear yard. Brick or concrete pavers are intended to be used in the garden area. 69 parking spaces are required in the zone, they are providing 49 spaces. There is public parking on Third and Fourth Avenues. It will not jeopardize the negative impact.

Mr. Twadell had concerns about the two story building in the rear, stating by removing the buildings on First Ave. you also removing vehicle access to the 2 story building in the rear, thinking about fire, first aid, especially in the summer. Mr. Gilligan stated they haven't discussed it with the Fire Co, but there are 3 points of access, there's the private entrance to the north, the walk way through the garden and additionally in the rear there is a walk through and then get down to enter that structure. There is one handicap parking on site now.

P. Dunne is still concerned about fire and first aid access in the rear. She stated she walked that back property twice, and to get into that parking when it is filled, you would have to have that marked very clearly. Mr. Gilligan said they will have it marked and will run it by the Fire Dept. also. Mr. Gilligan stated he believes the 5 units are occupied by employees.

A motion for a 5 minute recess was made seconded and unanimously

carried at 9:00 P.M.

The Board returned from recess at 9:10 P.M. with the following roll call: J.Muly, P.Dunne, C.Triggiano, N.Hamilton, T.Carroll, J.Tischio, J.Burke, G.Twadell, J.Coakley, K.Thompson.

J.Tischio's concerns are for the noise, and the access from the front off First Ave. to the rear. Kevin Thompson said it was a beautiful project, getting rid of 2 bungalows, and he thinks it is just what the Master Plan envisioned.

Mr. Cramer stated at the beginning of the hearing there was a question as to the interpretation with respect to the RPM Planned Family Residential Zone, and he thinks the testimony was helpful, but he thinks the Board should ask its professional planner to offer some comments with respect to the issue whether or not the garden usage for a restaurant would be an accessory use in the RPM Zone.

Mr. Hilla, stated between the testimony and the Master Plan his personal opinion is that at best what is at the site is unplanned multi family residential development. He believes technically due to the enactment of the ordinance for the RPM Zone a Use Variance is required and should be granted in this instance.

Mr. Cramer has a problem with that analysis, in fact he thinks he is right referring back to the Master Plan, as the Master Plan says very exclusively in the beachfront zone that some limited retail or seasonal resort commercial uses should also be considered to be allowed in this district including the retention of existing uses. He thinks it's very critical to the Board's evaluation of the building application that's been presented this evening.

Mr. Henderson stated there are 3 issues, one is the heating, the second is the interpretation which Mr. Cramer & Mr. Hilla will have to make on whether the two buildings on one site ordinance applies to this zone and it has already been decided that we need a use variance for the restaurant, which will be 3 separate use variances.

Mr. Cramer stated when it is put to a vote, the first issue will be the approval of the Use Variance relief, and the second will be the approval of the bulk variances and the third on the set back. In respect to the site plan, the applicant seeks both preliminary and final site plan approval.

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

Alice Hemphill, 162 Fletcher Ave., is concerned about the lot

coverage, the papers she has say it's 100%. She is looking at a very ugly looking parking lot and wondering with all the discussions about making it more attractive, if they could add something more in the way of greenery or something to make the parking lot not so ugly. She is also concerned, the Planning Board is indeed here to hear every one's plea, and to do the best they can, but she feels some times the Planning Board is really supposed to be the devils advocate, and she feels some people seem to be just so eager to pass it that their just slipping by the questions, their almost arguing for the applicant rather than listening and considering the problems. She hopes they won't be offended by her remarks.

Mr. Henderson stated the parking lot lay-out is not being changed in this applicant, that was part of what was approved by the Board of Adjustment before. If you put buffers in there, your going to loose parking spaces.

Robert Ricchardi came forward stating the application is great, this is what the Master Plan is looking for and can work with residential that is around it. He is concerned with noise, light spillage and hours of operation. His concern is lighting that shines right into the Surf Side Estates and wishes the Board would have them put shields on so they don't shine out to the beach. Overall he think's this application is a plus for Manasquan, taking those 2 bungalows down and puting the garden in will be an enhancement, and he is personally all for it.

Mr. Paglia said if he came to him he would have done it immediately, he wouldn't have to go to a meeting to do this. Mr. Henderson said they would shield the light so it doesn't go over to them.

John Paglia was sworn in by Mr. Cramer. He testified on the Second Avenue side of the parking lot there are arborvitae and trees in front of 216 Second Avenue and 220, it is landscaped along the whole parking lot on Second Avenue. He thought he did a pretty good job of landscaping.

MAYOR Winterstella said he would just like to stand up as a 15 year member of the First Aid Squad who happened to be one member on a call they had between the bungalows - they pulled the rig in there and couldn't get out the doors, they had to back out, but that area in there would be more than enough to get people in and out of the back structure, the stretcher hasn't gotten any wider.

Motion to close the public hearing was made by N.Hamilton, seconded by C.Triggiano, amd unanimously carried.

K.Thompson had no problem on the use variances, J.Coakley said

the parking issues are not solvable, but he thinks it's a great project.

G.Twadell agrees it's a vast improvement to the beach area, he likes the project. As far as the use variances are concerned, their solvable, if he has a concern it's still with that back 2 story building, access to it, he can still see people buggy lugging furniture to and from it. He would like to see as much of an improvement getting too and from that building as possible. P.Dunne has no problem with the use variance, she thinks it's a great project, She has a concern with the marking of the parking area. Mr. Henderson said it will be marked, but can't promise it will be exactly as you like, but it will be marked, so it is clearer.

J.Tishchio agrees with most of the issues, and thinks it's a terrific plan.

T.Carroll agrees and if it'st down to one variance that will be great. He wanted to congratulate Mr. Paglia, it's a wonderful improvement to the beachfront. He thought it was great when he added that restaurant, and he thinks this is an added improvemnt to the beachfront which it needs and he seems to run every thing he owns the right way, and he has confidence that this will be done in the same manner, so it is a big improvement.

J.Muly agrees with the use variance, and agrees it is a great looking project.

C.Triggiano has no problem with the use variance, fire trucks wouldn't be going in that close to the building anyway, they would use lines if they had to. It's a beautiful project, he thinks it will upgrade the area, and every time John does a job he does it really nice.

N.Hamilton agrees with Carmen, he said it all.

J.Burke agrees with everyone, he thinks it will be excellent up in that area.

A motion for a Use variance covering all areas of relief as requested by the applicant on use was made by C.Triggiano, seconded by J.Muly followed by the following vote: YES - J.Muly, P.Dunne, C.Triggiano, N.Hamilton, T.Carroll, J.Tischio, J.Burke.

A motion to approve the bulk variances was made by C.Triggiano, seconded by N.Hamilton followed by the following vote: YES - J.Muly, P.Dunne, C.Triggiano, N.Hamilton, T.Carroll, J.Tischio, J.Burke, G.Twadell, J.Coakley. ABSTAIN - Mayor Winterstella

Motion to approve a preliminary and final site plan approval was made by C.Triggiano, seconded by N.Hamilton, followed by the following vote: YES - J.Muly, P.Dunne, C. Triggiano, N.Hamilton, T.Carroll, J.Tischio, J.Burke, G.Twadell, J.Coakley.

Mr. Burke asked the Board if they would like to have Mr. Bauer

go over the application for Manasquan Downtown, LLC which will be before the Board on April 16, 2002 and get us an opinion before Tuesday, if not attend the meeting on Tuesday to give his opinion on record at that time.

Mr. Hamilton would rather we just get a written report and maybe outline some of the items that we would like him to respond to. Mr. Bauer said he will get it to us as quickly as possible, if we can do it prior to Tuesday he will do it. N. Hamilton stated we have asked for reports from Sandy Ratz the Police and Fire, by Wednesday so they can go out in the packets.

Alan Hilla stated it will be building lay-out, the aesthetics of the architecture and how that works with the adjoining area, various site improvements, materials, patios and walkways. Alan's report will take care of parking, drainage, traffic flow through the parking lot, etc. All billing will come from Birdsall.

Mr. Burke stated on any applications like this, we should get reviews from all.

Mr. Carroll said chances are he will not be able to be at the special meeting next tuesday, April 16, 2002.

Councilman Dempsey will look into where our meeting will be able to be held on the 16th, as it is School Board Election and they will be using the council chambers.

A motion to go into Executive session at 10:00 P.M. was made seconded and unanimously carried. (Comments by Kevin Thompson).

Board came out of executive session at 10:05 P.M. with a motion and second to adjourn the meeting.

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 the April 16, 2002
Special Meeting at 7:00 p.m., Manasquan First Aid Building,
65 Broad Street, Manasquan, N. J..

MANASQUAN PLANNING BOARD AGENDA

APRIL 16, 2002 - SPECIAL MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P. M. - SPECIAL PUBLIC MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION- 22-2002 -Cont.-Nicholas & Geraldine San Filippo,
422 Long Avenue

APPLICATION - 27-2002 -Downtown Manasquan,LLC -15 Taylor Avenue.

RESOLUTION - 10-2002 - Leg-It,LLC - 211-213 1/2 First Avenue.

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

PLANNING BOARD

APRIL 16, 2002 - SPECIAL MEETING MINUTES

Acting Chairman John Burke opened the special 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. This meeting is being held at the Manasquan First Aid Building, Broad Street.

ROLL CALL -PRESENT-J.Muly, P.Dunne, C.Triggiano, Councilman
W.Schmeling, J.Tischio, J.Burke,
G.Twadell, K.Thompson, N.Hamilton.
ABSENT - T.Carroll, Mayor Winterstella, D.Place,
J.Coakley, K.Monaco.

Tom Bauer, Melillo & Bauer was present for the Board.

APPLICATION - 22-2002 - (Cont) Nicholas & Geraldine San Filippo
422 Long Avenue.

Councilman Schmeling recused himself from this application because of a conflict and will not be participating in the next application because of a Use Variance. P.Dunne also recused herself.

John Cromie put himself on record as Attorney representing the applicant. Jack Purvis, the Architect and Mark Molina, Maser Consulting firm, Mr. Celina the planner for the application, who has taken over for Mr. Leotta who was here at the first hearing. Mark Celina, Principal in the firm of Maser Consulting. was sworn in by Mr. Cramer. He testified he has had the opportunity to discuss the application prior to this meeting with Mr Leotta. He testified he has visited the site in question. He is a professional planner in the State of N.J..

Mr. Cromie stated this application is a unique piece of property, at the end of a dead end street, also bounded in the back by Watson's creek. Two variances - one is for a variance to grant permission for deviation from lot coverage requirement and the other is for front set-back. After taking all comments into consideration they went back and Mr Purvis took a hard look at the plan and they are here tonight with an amended plan that has eliminated the front yard set-back, so that variance has been with-drawn. The proposed front yard that is before you is conforming. The other concern was about the relief from the lot coverage requirement. The rear corner that extended out past the end line or back of the adjacent property by several feet that was an obstruction of the view or negative aesthetic of the proposed construction. The lot coverage allowed is 35%, we are asking for a deviation of 5%, which is the only variance. He also noted that it is his client's intention to apply to the DEP for a fiber glass bulk-head in connection with his CAFRA permit.

It is our understanding that that would allow us to add to the dry lot area by approximately 230 feet. A sub-division is 4,055 sq. ft. and the requested relief we're submitting tonight and asking for would be for deviation and lot coverage based on what Mr. Jack Purvis testified at the last meeting they were discussing how they could lower the foot-print of the house. The easiest area they could accommodate this at, was the area that came to the triangle of the point at the rear of the house. Exhibit A-1A is a rendering of preliminary site plan approval of the SanFilippo residence, block 174 Lot 121.04, revision date of 4/10/02. The effects this had on the interior of the house, allowed us to keep some livable space. He testified he spent considerable time trying to get the foot print of the house to fit the 35%. To get to this point they slid the family room off and the second floor the master bedroom lost considerable amount of space, re-configure the bathroom and taking the canapool room and pushing that up to the third floor. The proposed set back is 24.5/8 which is allowed on the street.

Mr San Filippo testified his contract calls for back filling the 2 feet in back of the 2 bulk heads so it is adding to the land that is there. Mr. Purvis stated the height of the building is 30'6" from the finished floor. The 9' is the finished floor and the curb is 5' above sea level.

Mr. Rothstein Attorney for Gary & Sally Simpson, stated he doesn't have any questions, as this has been covered before.

Mr. Celina came forward stating he visited the site several times and commented on Exhibits A-1 and A-2, stating the only modification to these exhibits from the previous meeting is the up-dating with the current data on the foot print on the house. These exhibits were to show in the general overview the extent of how the properties along Long Avenue are being developed or have been developed previously. He stated the hardship is trying to design a dwelling in keeping with the character of the neighborhood, that is also functional and appropriate for use. With a triangle lot it is much harder to create a design for living.

Mr. SanFilippo came forward testifying that from June verbally with his architect, they were told they could build a house that was 1661 sq. feet, based on that he made plans for a house that was 1661 sq. ft.. For 7 months we were told we could do that. We started building and were stopped saying that was wrong, so we're trying to come down from what we were told we could do for a total of 7 months. We were well within the 35% based on the fact that we were told we could build, no variances were required. He testified they pulled the house in the back even with the neighbor's to conform with their wishes and now we're even in the front which conforms to their wishes. We're staying

within our building lot. One of the reasons we're adding this new bulkhead which is going to give us more square footage on our lot which will help and that's something I can definitely do. He has signed a contract to do that and has applied to CAFRA to do that. The only contingency is CAFRA's approval.

Mr. Rothstein stated his clients appreciate very much the changes the San Filippo's made regarding the rear and front set backs, however there are still a lot of coverage issues that still remain and his clients are concerned about it.

J.Muly thinks the design is very unique and they have done as much as they could to make this work. He would vote in favor of this.

C.Triggiano agrees with Muly, and has no objections with this. N.Hamilton, stated this is quite a unique application because of the lot itself. It was well presented by the San Filippos, and he respects the comments made by the Attorney for the objector and the neighbors themselves. He would support this application, with the 3% he thinks it will be the end result.

K.Thompson has no problem with the application, he thinks they worked hard on trying to do what we told them at the last meeting.

G.Twadell, his heart says yes go with it, but his brain says absolutely not. The Town has two major problems, and that is taxes and density. Larger houses being density, so he has a problem with that oversize even by a small percentage. What you Mr. SanFilippo went through was inexcusable. He would say no to this application.

J.Tischio, stated we are being asked to make up for mistakes, and that is not our job. He respects the fact that some mistakes have been made, but as it stands now the application is more than 4000 sq. feet of living space. He feels the effort that has been made is not really a lot from the last time to this time. He has a hard time with the 40% coverage. He would not be in favor of this.

Mr. Cromie stated, for the record, the applicant would take exception to the methodology utilized in terms of taxation.

Mr. Burke stated at the last meeting we made some requests of Mr. SanFilippo and his experts, and he believes they came back very close to what we had asked for. This house will fit in this neighborhood, will not over power anything and is in favor of this application.

J. Muly made a motion to approve this application and if the bulkhead is approved by CAFRA, it can be built. Mr. Cromie said they would have a problem with that, we preserve our right to come back in and let you know what our problem is. Mr. Cramer stated you always have that right. The motion was seconded by

N.Hamilton, followed by the following vote: YES - J.Muly, C. Triggiano, N.Hamilton, J.Burke, K.Thompson, "NO"- J.Tischio, G.Twadell.

A motion for a 5 minute recess was made, seconded and unanimously carried at 8:30 p.m..

The Board returned from recess at 8:35 p.m. with the following Roll Call - J. Muly, P.Dunne, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, G.Twadell, K.Thompson.

APPLICATION - 27-2002 - Downtown Manasquan, LLC - 15 Taylor Attorney's Jay Herman and Todd Herman put themselves on record as representing the application.

Todd Herman came forward testifying he is a member of Downtown Manasquan LLC, his Father Jay Herman is also present tonight, who is a member of Downtown Manasquan LLC. He testified they are both Attorney's and will be representing themselves tonight.

Bob DeSantis, Architect from their design team, Chick Gilligan, Engineer, and Jim Higgins, Planner, were all sworn in by Mr. Cramer. Mr. Burke stated there is an 11:00 p.m. time limit.

Todd Herman testified their parent company Downtown Investors LLC which is run and controlled by themselves as well, has been in business and another name for the last 12 years. Most developments are centered around the commercial districts in downtown areas. We have done that in Red Bank, Holmdel, Upper Montclair, Sea Girt and now here in Manasquan. They fashion themselves as specialists at downtown investment and development, different than highway development. Their efforts in Manasquan started a little over a year ago when they started to build the new Boro Hall. Our next task was to come up with a proposal that would suit Manasquan for the old Boro Hall site, which includes the old boro hall and the old Manasquan Diner.

He testified they have been given a tremendous opportunity here through the redevelopment of this site. They have been given the ability to take a portion of the town to give it a face lift and attempt to cure some of the things the property suffered from. We attempted to bring a style together that is consistent with sort of a Nantucket look meets the Jersey Shore features.

They came up with a two building scenario lot, which is a T shape lot. The first proposed building on Main Street is a proposed Inn, it will be a 12 room Inn with a restaurant on the first floor. That along with the residential building are probably the two finest architectural buildings that they have ever conceived of in their portfolio of buildings. A 6 townhouse building is proposed towards the back of the lot. They have

developed a park like setting between the two buildings that completely separate one parking lot from the other, which no longer allows for the cutting through to Parker Avenue. They are putting residential style patios, grass and greenery to blend into this residential neighborhood to allow them to transition their site from the residential to the commercial main street element without losing that on the site.

Todd Herman stated they have met with all the adjoining property owners, the two closest residential neighbors, which take us back to Parker Avenue, well behind the school house building, and they were very supportive of our project. They met with the owner of the Wee People building which is Bernie Farber who is very supportive of the project. They met with the Angersbachs and Dr. Adamczak who is the owner of the School House building and all are very supportive of the project.

Exhibit A-1 is a colorized site plan page 2 of 5 of the plans, A-2 is an aerial view of downtown Manasquan. A-3 is also sheet A1 of the front elevation of the Inn. A-4 is a colored rendering of the residential building, an artists 3 dimensional rendering shot.

Robert DeSantis, of DeSantis Architects, has been an architect since 1974, licensed in N.J., Conn. and Illinois.

He testified the Inn Building is on the First floor and they attempted to design the style and character of an old inn.

Off the street you come into an area that has a lounge, a fire place, to the side is a dining area, also a kitchen in the back that supports the dining area, elevator and stairway. Page 10 of 20 of the package will show the first floor set up. The rooms up stairs are comfortable size, 9 have balconies, 6 have fireplaces, all have their own bathrooms. The concept on the townhouses, was to wrap around the common entry, and these are 3 story homes, each with 3 bedrooms, the entrance levels all come off a common court, 4 clustered in the center section. First floor. kitchen, living room, dining room, 2nd floor 2 bedrooms and on the top is the master suite. Cedar siding, big bold trim.

Todd Herman stated none of the 6 residential units are the same, they all have their own unique features, several (3) of them have their outdoor patios, one has that terraced octagonal shape up front which faces out to that park like setting and gazabo and the Inn to the other side of it. The units range in size from about 1850 to 2300 sq. feet., very up scale units. All Master Bedrooms have 2 walk in closets, master bath with 2 sinks.

Chick Gilligan, Gilligan Engineering came forward and testified they have 37 parking spaces to accommodate the Inn, Restaurant and also the residential. They are draining to a low point within the site to the rear of the Inn. There will be catch basins

and additional storm drains that will pick up some drainage from parking. Utilities to the existing diner which fronts on Main St. which will be utilized in addition to that the existing Boro Hall will be taken down and those utilities that presently serve the Boro Hall will serve the residential structure. A series of trees surround the parking lot and the easterly side of the project. On page 20 of 20 is a picture of the garbage enclosure. It will be cedar shingles, same detail same style, same material. There will be arborvitae in front of the garbage enclosure. A decorative brick wall about 2 ft. high with a wrought iron top along Rt. 71 and wrap a little bit along the north side of the parking area. A similiar wall will be along the Angersback property. As you go down the common property line they are proposing a 6 ft. stockade fence with plantings (Board on Board painted). Carriage type lighting, not the same as on Main St.. A one way entry coming off of Main St. as you get back into the general parking area, which has two way flow and you cannot exit on Main St.. As you go in a northly direction there is a 20 ft. easement with the school house mall structure to the north and we have the right to enter and exit off that strip.

Todd Herman testified he has each of the easements that are on this property, one of which is a perpetual easement between the school house and our property to share a 20 ft. common driveway. The other is between ourselves and the Angersbach's which is the former property next to the Inn, we have entered into an agreement with the Angersbach's prior to this meeting, which basically says that we are each going to forget about that easement and are going to create our own easement and that easement will become void, and this easement splits that giving them an easement right for the eastern portion of that property to do what ever they desire to do on that portion of the property, whereas we will be using the western 3 and 3/4ft. on this side to incorporate into our site plan, giving us the ability to make this flow a little better and also give our neighbors the ability to utilize that path as either a brick pathway or what ever they decide. He testified they will submit key maps as requested by Mr Hilla. Easements will be supplied too. There will not be a 6 ft fence down the westerly side of the site. They are asking for a variance for a low brick wall with an additional height of wrought iron 4 1/2 ft. above grade. There will be brick decorative pillars (6) along route 71. Variances required are for front yard setback off Main St., building height for the Inn 39.9' measured from the adjacent curb, 40' required. Residential structure slight variance required 35' required, proposed 42.2 1/2", adjacent grade is only 39' 2 1/2", reference point is out on Rt. 71 and there is a significant drop in grade as you go out to Rt 71.. Lot coverage 60% allowed, proposing 68%, will be an amendment in that because they now have to include the 20'x212' strip immediately to the

north which is part of the property and increase the lot coverage to 71.6%. They will take the corner brick off on the exit to 71 to make the exiting site better and maybe putting a small bronze sign there.

They are asking for a waiver from variances for parking stall sizes, Mr. Hilla asks for 8' width and they are asking for 9x16'. Photos submitted by Todd Herman were marked into evidence. Deliveries to the restaurant will be off hours, early in the a.m., but none on Main St.. Garbage pickup will be daily. There will be 12 parking spaces for the town houses.

Todd Herman testified they will utilize the easement between the School House as it has been used through-out the years, he doesn't think it will have any affect on either of the properties parking scenarios, it will be used as ingress and egress, they will improve the look of it, they will improve it with the remainder of the site and will keep it with the character with the remaining of their parking areas, new paving, belgian block curb.

James W. Higgins, Licensed Planner in N. J. about 23 years, practicing planning for 25 years and has testified before this Board on several occasions. He testified the property is a T shaped site, with accesses to Main St. and Rt. 71. It is a little over 33,000 sq. ft. in area, surrounded by a mixture of commercial and residential uses. Variance for 2 principal buildings on one site, for a front yard set back, maximum height, 40' permitted, proposed rear building 42'2.5" which is a C variance, maximum lot coverage 71% proposed, exists now is 97% and the ordinance permits 60%.

Jay Herman testified he and his son Todd will not be the Inn operator, but the Inn Operator and Leasee have looked around the area. The Herman's goal is to create something that is finer than any facility of it's kind in Sea Girt, Spring Lake. He said the Inn will be filled in the summer but the winter it may not be filled all the time. Each Inn room will have a bedroom, bathroom and a private balcony and fire place. It will not be a long stay, mostly nightly. It is very small only 12 rooms. He stated the townhouses will be sold, but the Inn we will lease the first floor and sell the rooms in the Inn to the Inn keeper. We will be active managers however on the entire site. We have a family business and we are very hands on in terms of our own management and we will dictate that the grounds are kept in a certain manor and that everything is done in a first class way and we will be maintaining a significant ownership interest in the project and that will allow us to dictate how that happens. The company is owned by Todd, myself and his sister. The question about running a jitney to the beach was a great idea, and they will think about that.

Kevin Thompson wanted to know if they were going to have restrictions for 55 and older. Mr. Herman said no, all the calls he has had from people to be first on the list seem to be in the 55 years and older group who are down sizing from larger homes and for the convenience of the business and train station. Mr. Herman stated the rateable here exceeds 5 million dollars. Mr. Thompson would like to see restrictions.

Mr. Herman testified they are anticipating a half million dollars for each town house. He also stated their not built yet and you don't know what market you'll be in when you get there.

Mr. Twadell isn't convinced that office will be better than the Inn. Mr. Triggiano questioned the 3 bed rooms.

Todd Herman stated all the comments made by Tom Bauer with respect to planting choices, types of trees etc. they are happy to comply with all those requests. We would like to sit and talk to Tom about those items. Our goal is to create a site as nice as possible. With regard to the lighting on Main St. we would be happy to do any of the things he recommends, or the Board would like. We would just like to maintain the character of the site.

Mr. Herman made reference to part B of Tom Bauer's review, stating that it deals with completely changing the location of these buildings. It seems like a portion of it was to push both of these buildings up front to the streets to maintain the commercial nature of those streets. We have over the evening hopefully explained to you in detail the positioning of the residential building to attempt to maximize both the feel of the residential neighborhood, the transition into the residential neighborhood and maximizing the views from that building, to allow that neighborhood to share some of the residential character, like those patios in the back and looking out to the Inn across the garden. A major problem he sees in the proposal in section B is we are basically moving that town huse building up and surrounding parking where the neighbors on Parker Ave. live, they will be completely surrounded by parking as opposed to completely surrounded by residential patios, and the park. We've spent over a year looking at this property and figuring out what would look best for this site. He believes Tom Bauer's suggestions are excellent, his landscape plan is factastic, and there are things we can learn from and use from his proposal, but he does not agree with this set up and we feel this set up would jeopardize the property to such a way that we wouldn't feel comfortable building this particular development. Our entire design team feels it is not the right movement of the buildings.

Mr. Bauer agrees with a lot of what Todd Herman said tonight,

but he happens to disagree with some of the things. The report he did was two part. A - was geared toward responding to the application that they presented tonight, assuming that if it were approved, there were a couple of pages of things they would like to see addressed. They were presented nicely and Todd agreed to most of them. B- was in response to what he feels very strongly. Because this is going to happen once and it is going to stand there a long time, he thinks the Board should consider a couple modifications to the plan that he really feels very strongly are a great improvement. He thinks it is very important for the Board and the residents to see what the site looks like from Rt. 71 all the way to Parker Avenue. He made reference to the Dwyer residence on Parker Ave. and the Wee People on Main St. and the back of the School House Mall, He commented them on the design and he thinks it is terrific for this town, but the position of the buildings are not in the best location.

The Hermans stated they located the building to maximize the views. We are looking at the back of this retail area, which is a loading dock and there is nothing nice about this area. He doesn't see the draw of view that they are talking about here. He thinks the buiding is poorly located there and should be out at the street. On the Inn building he agrees with the Hermans, that this is an exceptionally strong architectural building, with one exception, it is a restaurant and on this facade of the restaurant, the back half of this building has a service door to the kitchen, it has two dumpsters for trash, kitchen exhaust, air conditioning units, it is very much unattractive in this area, yet the entry drive is supposed to go right in that location. He suggested flipping the foot print.

Mr. Burke stated testimony on this is going to have to go to another meeting, but the Hermans will have the plans to look at. If the Hermans have immediate comments to make on this, he will give them the chance to do that tonight, but testimony on this and so on will have to go to the next meeting.

Jay Herman stated he needs to respond. As Todd said, Tom Bauer's credentials on land-scape architecture are terrific and we respect them. We would not build those town houses on Rt.71, they would not have the attraction, they would not have the value. That building on 71 would be destroyed, it has lost it's back yard, it's lost it's french doors to the private patios. Tom said it's lost it's view looking at Dwyers back yard, Jay said he has taken personal offense for that, as he think's her back yard is the best thing to view from the site.

Twadell doesn't think a residential building belongs there, it's just trying to shoe-horn somthing in that just doesn't fit. He agrees with both that the buildings are gorgeous but the use he doesn't agree with.

Mr. Burke stated we have to go to a second meeting. Mr. Herman said they paid a fee to get the entire night tonight, but didn't get the entire night. They are anxious to get this underway. They would like another special meeting. He stated there are a lot of people in the audience tonight, and if anyone has a question, they would like them to meet after the meeting and they will be happy to meet with them.

A motion to adjourn this meeting until April 30, 2002 at 7:00 P.M. at Manasquan Borough Hall was made by J. Muly, seconded by P.Dunne, followed by the following vote: Yes - P.Dunne, J.Muly, C.Triggiano, H.Hamilton, J.Tischio, J.Burke, G.Twadell.

RESOLUTION - 10-2002 Leg-get LLC - 211-213 First Avenue
Resolution was read by Mr. Cramer. A motion to memorialize was made by C.Triggiano, seconded by N. Hamilton and was unanimously carried.

RESOLUTION - 9-2002- Theodore Damen - 581 Brielle Road
A motion to approve this resolution as restated. was made by N.Hamilton, seconded by C.Triggiano and unanimously carried.
No. G.Twadell.

Motion to adjourn the meeting was made seconded and unanimously carried at 12:05 A.M.

Respectfully submitted,



Marie Applegate, Secretary
Manasquan Planning Board

BOROUGH HALL
201 East Main Street

Incorporated December 30, 1887

732-223-0544
Fax 732-223-1300



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

PLANNING BOARD

Dear Manasquan Board Members:

Please consider the following Agenda for the April 30, 2002
Special Meeting at 7:00 p.m., Manasquan Borough Hall, 201
East Main Street, Manasquan, N. J..

MANASQUAN PLANNING BOARD AGENDA
APRIL 30, 2002 - SPECIAL MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P. M. - SPECIAL PUBLIC MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION - 27-2002 - Cont.-Downtown Manasquan, LLC.
15 Taylor Avenue.

BOROUGH HALL
201 East Main Street

Incorporated December 30, 1887

732-223-0544
Fax 732-223-1300



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMEGA, Municipal Clerk

PLANNING BOARD

May 1, 2002

Asbury Park Press
3601 Hwy. 66
Neptune, N. J. 07754

ATT: LEGALS

Dear Sir:

Please publish the following legal in your edition of May 4, 2002.

NOTICE
MANASQUAN PLANNING BOARD
SPECIAL MEETING

A special Planning Board meeting will be held Tuesday May 14, 2002, at 7:00 P.M. in Manasquan Borough Hall, 201 E. Main Street for the purpose of continuation of the Public Hearing on the Development Application for Downtown Manasquan, LLC, 15 Taylor Avenue, Manasquan.

Marie Applegate, Secretary
Manasquan Planning Board



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

PLANNING BOARD

Dear Manasquan Board Members:

Enclosed please find a copy of the minutes from the April 2, 2002 Regular Meeting, and April 9, 2002 Special Meeting. Please consider the following Agenda for the May 7, 2002, Regular Meeting at 7:00 P.M. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J..

MANASQUAN PLANNING BOARD AGENDA
MAY 7, 2002 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion: Rebate -Willard Pakutka
2. Informal Hearings:
3. Private Session:

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION - 19-2002 - Bruce Seidner - 440 Euclid Avenue

APPLICATION - 20-2002 - Edward J. & Gail M. Buzak-107 Ocean Ave.

APPLICATION - 28-2002 - Maureen Ochse - 2 Muriel Place

RESOLUTION -16-2002 - Ocean Bay Properties (Jack DeCastro)
North Potter Ave. (Lot)

RESOLUTION -22-2002 - Nicholas & Geraldine San Filippo
422 Long Avenue

4. MOTION ON MINUTES
5. APPROVAL OF VOUCHERS
6. COMMENTS FROM INDIVIDUAL BOARD MEMBERS
7. REPORTS OF SUBCOMMITTEES OF BOARD
8. AUDIENCE PARTICIPATION



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

MAY 7, 2002 - ~~PLANNING BOARD~~ REGULAR MEETING MINUTES

Manasquan Planning Board held their regular meeting on May 7, 2002 in Manasquan Borough Hall, 201 E. Main St., Manasquan, N. J..

Vice Chairman John Burke opened the work session at 7:00 P.M.. Sitting in for Alan Hilla Jr. our Planner & Engineer will be Elissa C. Commins, Project Engineer. The Board will not be able to ask her any planning questions, as she is an Engineer.

Surfside Estates - At the last meeting Board members were asked to go look at the wall that is being put up. J.Coakley looked at it and thought it looked good. There were a few imperfections, but didn't think it offensive. C.Triggiano looked at it also and along Brielle Rd. it really looked good and if they do the rest like that it will be good.

Robert Ricchardi, said they would agree to any imperfections there are, as he saw some when he went there. He is having the Mason fill them in and re-do it. Hopefully we will do it to the level that you see it on the Brielle side. There will be pavers in front of the wall, it will not be plantings.

The Board agreed to return the Application and Escrow fee for M.McHugh and W. Pakatka as they withdrew their applications.

C.Triggiano complained about all the meetings we have had in April and May. The Board agreed to cancel the Master Plan meeting for May 21, 2002, but keep the one on June 25, 2002. No special meetings in July and August.

REGULAR SESSION

Mr. Burke opened the regular session at 7:30 p.m. stating this is an open public meeting, held in accordance with the Open Public Meetings Act and held according to law. He asked all to stand and salute the flag.

ROLL CALL - PRESENT - J.Muly, P.Dunne, T.Carroll, C.Triggiano,
Councilman Schmeling, Mayor Winterstella,
J.Tischio, J.Burke, G.Twadell, J.Coakley,
K.Monaco, K.Thompson.
ABSENT - N.Hamilton, D. Place.

SURFSIDE ESTATES - A motion to accept the wall, as long as it is in the same condition as it is along First Avenue corner and Brielle Road, was made by C.Triggiano, seconded by P.Dunne followed by the following vote: YES- J.Muly, P.Dunne, T.Carroll C.Triggiano, Councilman Schmeling, Mayor Winterstella, J.Tischio, J.Burke, G.Twadell, J.Coakley, K.Thompson. ABSTAIN -K.Monaco.

APPLICATION -20-2002- Edward J. & Gail M. Buzak -107 Ocean Ave.-
The property in question is located on the south side of Ocean Ave. between Second Ave. and the Ocean Ave. Bridge. The lot is a 40.5'x125' lot currently containing a one-story framed dwelling and a frame and masonry garage. The applicant proposes to construct a roof over a portion of the existing deck to the rear of the principal structure.

Edward and Gail Buzak came forward and were sworn in by Mr. Cramer Board Attorney.

Mr. Buzak testified they are the owners of 107 Ocean Ave. and are here to seek a variance to construct a permanent roof over a portion of an existing deck. The deck is on grade, 8" off ground and on top of a previous macadam driveway. They purchased the house in 1984. He testified they rented the house out for about 4 years and in 1988 they renovated the house and a deck was installed as part of that renovation. The footprint of the house and the garage were all there in 1984. In 1990 we put an awning up with galvanized piping to cover the area where we are now seeking to put a permanent roof. The awning is getting old and the galvanized piping is starting to rust, that is why we are putting a roof on. All variances listed on the Denial are all existing now, so by putting the roof on, we are not increasing any of the variances there now. We are increasing the building coverage only. He testified the hardship is that they can't sit on the deck in the sun and the fact that the structure is so, they can't do it any other way.

A motion to open to the public was made by T.Carroll, seconded by J.Muly and unanimously carried.

A motion to close the public portion was made by T.Carroll, seconded by P. Dunne and unanimously carried.

A motion to approve this application was made by Mayor Winterstella based on the fact the applicant has shown the reasonable hardship, seconded by T.Carroll, followed by the following vote: YES - J.Muly, T.Carroll, C.Triggiano, Councilman Schmling, Mayor Wintertella, J.Burke, G.Twadell, J.Coakley.
NO - P.Dunne. ABSTAIN - J.Tischio.

APPLICATION - 28-2002 - Maureen Ochse - 2 Muriel Placer
Maureen Ochse, 2 Muriel Place and Kenneth Hayes, 153 Ocean Ave. Island Heights, who will be speaking on Mr. Ochse's behalf were sworn in by Mr. Cramer.

Maureen testified she wants to put on a room for her mother who is handicapped, she can't go up stairs any more so I need a bedroom and bath down stairs for her.
Mr. Hays stated she was denied for a rear setback, and the 2 storage buildings in the rear. One will be removed, the other

will be relocated to the other side of the property. We are keeping the 9.1' rear setback, and we will have the 10' on the side. We meet impervious coverage and lot coverage. The main entrance to the house is on Muriel, the garage entrance is on N.Main St. The addition will be on the side of the house.

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

No comments from the audience, motion to close the public session was made by T.Carroll, seconded by C.Triggiano, and unanimously carried.

A motion by T.Carroll to approve this application as presented with the stipulation that one shed will be removed and the other shed will be relocated no closer to N. Main St. than 25 ft, and 3' off the property line, seconded by Councilman Schmeling followed by the following vote: YES - J. Muly, P.Dunne, T.Carroll, C.Triggiano, Councilman Schmeling, Mayor Winterstella, J.Tischio, J.Burke, G.Twadell.

APPLICATION - 19-2002 - Bruce Seidner - 440 Euclid Avenue
The property in question is located on the north side of Euclid Ave. between South Potter Ave. and Watson Place. This location is within the Borough's Residential Zone 2. The parcel is a 50'x112' lot currently containing two, one story dwellings and associated accessories. The applicant proposes to construct a 20 'x23' rear wooden deck.

Deborah Seidner and Bruce Seidner were sworn in by Mr Cramer. This being a use variance, Mayor Wintersteller and Councilman Schmling are stepping down.

Deborah Seidner testified they reside at 440 Euclid Avnue in the summer and when they purchased the property in 2001, they thought it would be nice to have a deck off the back of the main home to cover an existing deteriorating patio. The Zoning officer told her she could build a deck if it were ground level without going through the Board. They want the deck to be a walk out from the home because of the children and because of flooding.

When questioned about the survey date of 1994, she was told by zoning officer that this survey would be sufficient stating that there have been no changes to the existing survey. The survey affidavit was dated June 15, 2001. Mr. Cramer stated there is no sealed survey in the Board's file, but the affidavit will serve until a sealed one is submitted.

There are two single family dwellings on the property and it was purchased last year. The second dwelling is a garage with

a tiny 1 room apartment attached. They are not planning to expand the apartment. She feels that it is grandfathered and they are all right with that. They are not changing anything to the front or side yards. We are adding only 3 feet along the length of the existing patio. She testified they are not going to take the apartment out. It is rented now but when this tenant leaves, it will not be rented again.

Mr. Cramer in response to Mrs. Dunne's question are you prepared to at this point and time to abandon the rental use of that garage structure, the residential use. They are thinking of abandoning, but they have a tenant in there until next year. She testified they can't make that decision right now. Mr. Cramer stated in a use variance you have to deal with special reasons in support of an application such as this.

Mr. Seidner testified the special reasons are that she thought she could contain her children, because she could contain them on the deck, safer for the dog, as she doesn't want to fence in the front of her property and also being in a flood area, that is the reason why she thought of a raised deck. She feels it would approve the aesthetic issue of the house.

Mr. Cramer stated there are only 7 members on this Board to vote on a use variance and you need 5 affirmative votes. If they feel you haven't demonstrated special reasons, they are obligated by law to turn your application down.

Mr. Burke stated there is a use associated with the property, that is not a use for that area, and that is the two dwellings on the property, and you bought that problem when you purchased the property.

Mr. Carroll stated that is why Mr., Cramer asked you if you would be willing to abandon renting that apartment at the expiration of that lease, which would eliminate the use.

Mrs. Seidner testified the only way she was able to get a home in Manasquan was to purchase a home that would assist her in paying taxes and keeping the beach house. She did that for a year and now things are different and we really don't need the tenant anymore, but she doesn't know, but it's a great place to put her Mother-in-law when she visits. She can't give the Board another reason. They testified they can not give up the rental of the garage property at this time. He believes that if they do that the property value drops tremendously from what we purchased it and we would lose all the extra money we spent on that two family. Once we give that up, there is no way to get it back.

The Board spoke about removing the kitchen area and one water and sewer.

K.Thompson felt they would have to give up the house in the back to get it. J.Coakly feels the same way, and he appreciates the fact that we have people come in here and misrepresent things to us and you are being honest with us saying your not going to rent. J.Tischio and G.Twadell agrees also, but feels some of that concrete could be broken up. C.Triggiano agrees with all three. J.Muly also agrees with them. P.Dunne agrees it is very close back there, it's almost like a shared patio.

K. Monaco stated he agrees with removing the concrete, but they have made the case for the walk out deck, he doesn't see the need for them to be forced to relinquish that property just to have a deck, but I don't have a vote.

Mr.Burke agrees with Kevin Monaco, he said if they were to remove that concrete underneath and add purvious surface to the lot, he would consider that a plus for the town, and then he would have no problem with just over 12'', giving you the level deck.

T. Carroll would reconsider and go along with Mr. Burke. J.Tischio would go along with that, also C.Triggiano, J.Coakley and K.Thompson.

The Seidner's testified they will put soil (purvious material) under the deck.

Elissa Commins, covering for Alan Birdsall, said everything on Alan's report has been covered.

A motion by T.Carroll to open the meeting to the public, seconded by J.Coakley was unanimously carried. There being no comments from the audience, motion to close the public meeting was made by T.Carroll, seconded by J. Coakley and unanimously carried.

Mr. Burke stated we are looking at a 30'' deck, level with the door, removal of all concrete underneath the deck to increase the purvious surface on the property, retaining the apartment above the garage in the rear, retaining the use of the property as it stands.

A motion to approve a use variance for two single family dwellings on the property was made by T.Carroll, seconded by J.Muly followed by the following vote: YES - J.Muly, P.Dunne, T.Carroll, C.Triggiano, J.Tischio, J.Burke, G.Twadell. was made by T.Carroll

A motion to approve the second Use variance for two principal structures on the lot, was made by P.Dunne, seconded by J.Muly, followed by the following vote: YES - J.Muly, P.Dunne, T.Carroll, C.Triggiano, J.Tischio, J.Burke, G.Twadell.

A motion to approve the 30" deck, level with the door at the rear of the property, with the removal of all of the concrete underneath the deck to increase the purviou service onthe property was made by T.Carroll, seconded by G.Twadell, followed by the following vote: YES - J.Muly, P.Dunne, T.Carroll, C.Triggiano, J.Tischio, J.Burke, G.Twadell, J.Coakley, K.Monaco.

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

C.Triggiano made a motion to cancel the May 21, 2002 Planning meeting, because of extensive meetings we have had the last couple of months, seconded by J.Muly, followed by the following vote: YES - J.Muly, P.Dunne, T.Carroll, C.Triggiano, J.Tischio, J.Burke, G.Twadell, J.Coakley, K.Monaco, K.Thompson.

G.Twadell stated the reason we are busy week in and week out, is the fact that we're not having planning board meetings on planning. A lot of these applications we're getting is the result of our lack of coming up with ordinances and proper plans that direct people. He does understand the meetings being a problem.

RESOLUTION - 16-2002 - Ocean Bay Properties - Vacant Lot

A motion to memorialize was made by C.Triggiano, seconded by P.Dunne followed by the following vote: YES -P.Dunne, T.Carroll, C.Triggiano, Mayor Winterstella, J.Tischio, J.Burke, G.Twadell.

RESOLUTION - 22-2002 -Nicholas San Filippo -422 Long Avenue

Mr. Cramer stated he spent some time on the phone this evening with the Attorney for the applicant and the Attorney for the Simpsons in an effort to finalize the content of this resolution and they were very cooperative in terms of the detailed conditions that are enclosed, all the way down to the placement of the air conditioning apparatus on the alcove site

A motion to memorialize was made by J.Muly, seconded by P.Dunne, followed by the following vote: YES - J.Muly, C.Triggiano, J.Burke, K.Thompson.

Motion to approve the minutes of April 2, 2002 was made by C.Triggiano, seconded by T.Carroll and unanimously carried

Motion to approve the minutes of April 9, 2002 Spcial Meeting, was made by P.Dunne, seconded by C.Triggiano and unanimously carried.

The meeting was opened to the public by motion, seconded and unanimously carried.

Alice Hemphill, 162 Fletcher Avenue, came forward and stated

she had a question - When you pass a resolution on something that was not passed when she was here before on the Ocean Bay Property. She didn't hear anything about how he had complied with the objections the board had to over-coverage. You mentioned something about curbs and sidewalks but nothing about the building. She thought tonight she would of had opportunity to know more about that and how you would be passing the resolution.

Mr. Burke stated when we give the approval that night all we're voting on tonight is just to memorialize that approval. She said she understands that, but when were the adjustments made, she was here when he first applied, and she wasn't aware when he was to come back.

P. Dunne said the Board granted him a variance to do that. George Dempsey stated the application had too much building coverage on the lot, and you approved it with him downsizing the building. She wants to know if the Board has seen that it was down sized.

Mr Cramer said he has to go back and reconfigure his dwelling and garage to come within the ordinance limitations. It is required that he submits plans before he gets his building permit upstairs, they will have a copy of this resolution and realize from reading it that the only relief the Board gave was on the lot area, rear yard and side yard setback requirements. That was the only relief given by the Board, he has to comply with the maximum lot coverage and maximum building coverage requirements, which will be watched by Sandy Ratz, Building Officer and Dick Furey, Zoning Officer. Mrs Hemphill thanked them for answering her questions.

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

Elissa Commins had a question about the cell tower over on the National Guard Property, it seems no one was noticed during the construction. Mayor Winterstella stated it is on State Property and that portion of the property is Wall Township. Sea Girt will tell you it's theirs, but it was deeded to Wall Township. As far as he knows, we have no jurisdiction on that particular tract, but he is going to check just to make sure where the property line goes.

Motion to close the meeting at 9:30 P.M. was made, seconded and unanimously carried.

Respectfully submittd,

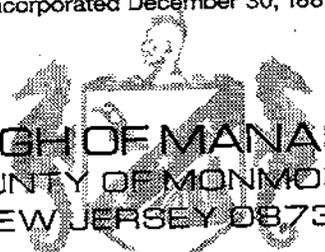
Marie Applegate

Marie Applegate, Secretary
Manasquan Planning Board

BOROUGH HALL
201 East Main Street

Incorporated December 30, 1887

732-223-0544
Fax 732-223-1300



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMEGA, Municipal Clerk

PLANNING BOARD

Dear Manasquan Board Members:

Please consider the following Agenda for the May 14, 2002 Special Meeting at 7:00 p.m., Manasquan Borough Hall, 201 E. Main St, Manasquan, N.J..

MANASQUAN PLANNING BOARD AGENDA
MAY 14, 2002 - SPECIAL MEETING

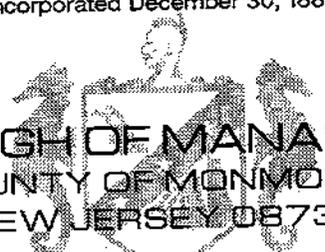
Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - SPECIAL PUBLIC MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION - 27-2002 - Cont. - Downtown Manasquan, LLC
15 Taylor Avenue.


BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

SPECIAL MEETING MINUTES - MANASQUAN PLANNING BOARD

MAY 14, 2002

Vice Chairman John Burke opened the meeting at 7:00 p.m. stating this is an open public meeting held in accordance with the Open Public Meetings Act and held according to law. He asked all to rise and join in the salute to the Flag.

ROLL CALL - PRESENT - J.Muly, P.Dune, C.Triggiano, N. Hmilton
Mayor Winterstella, J.Burke, G.Twadell,
J.Coakley, K.Monaco.

ABSENT - Councilman Schmeling, D.Place, J.Tischio,
T.Carroll, K.Monaco, K.Thompson

APPLICATION - 27-2002 -Cont. Downtown Manasquan, LLC., 15 Taylor
Mr. Burke stated at the last meeting the Board voted on the Use Variances and they approved the 3 use variances that were involved in the property. This part of the meeting is going to take up the Bulk variances and a site plan on the application.

At the request of Mr. Herman, the resolution from the last meeting was read by the Board.
For the record, Councilman Schmeling arrived at 7:15 p.m. Mr. Burke stated throughout this whole resolution we list a 60 seat restaurant, 6 town houses and a 12 room inn.

Mr. Burke stated he did not state the number of units in the town houses at the last meeting. He said he stated it as one use variance is an Inn over a restaurant. The other use variance is 2 primary structures on the lot and the third is town houses in a B-1 zone. We did not state any number of units, we did not state restaurant capacity we didn't state incapacity.

The Board felt that they did not vote on the number of town house units. Mr. Cramer proposed for the Board's consideration a modification of the third paragraph from the end to read as follows: "Now therefore be it resolved by the Manasquan Planning Board, that applicants request to consider to construct 2 principal structures on the same lot an Inn with Restaurant as well as a separate townhouse structure to permit a two fold use of the subject property as an Inn and Restaurant and a town house development, a Use Variance to permit a Town House development in a B-1 zone, upon the premises being the same as hereby approved condition however upon applicants consolidation of all lots comprising of subject site into a single lot by appropriate fee in form and content satisfactory to the Board's Attorney, Professional Engineer and Planner and provide further that all utilities on site will be placed underground, a minimum of 37 parking spaces be provided on site, and that both structures be fully sprinkled and subject further to applicant obtaining site plan review and approval and bulk variance relief as needed from this Board".

Mr. Hamilton made a motion that Resolution 27-2002 be approved as read by the Attorney

A minimum of 37 parking spaces be provided on site will be taken out as requested by Mr. Twadell and Mr. Burke as it is part of the site plan and was not voted on at the last meeting.

Mr. Hamilton made a motion that Resolution 27-2002 be approved as read by the Attorney, seconded by P.Dunne, followed by the following vote: "YES"- J.Muly, P.Dunne, C.Triggiano, N.Hamilton, J.Burke, G.Twadell.

Attorney Jay Herman stated there were a couple of things to talk about now that we are shifting our focus to the site plan portion of the application. After our first meeting we had an opportunity to meet with Mr. Bauer & Mr. Hilla to go over some of the ideas that were set forth in Mr. Bauer's letter and we have agreed to several of Mr. Bauer's recommendations.

With regard to the landscaping we were in agreement on all of Mr. Bauer's recommendations. He recommended that we use Ivy ground cover fronting on Union Ave., that we change the trees to red maple by the gazabo and Mike Adamzyak's property. We agreed to change the portion of the fence to decorative instead of Board on Board, and a 4 ft. high brick wall with iron decorative on top around the garbage house. On mulch beds, ivy cover was requested and we agreed to that. Large pots on the patio will be used. We agreed that we would come up with a design acceptable to Mr. Bauer in the gazabo area with shrubs

In regard to Mr. Bauer's proposal to have a portion of the Patio area at Main Street, Mr. Herman stated while they were not in agreement in terms of moving the location of the Inn and switching the perspective of the Inn on Main St., while we're not in agreement of moving the building we do have an opportunity to create some of that feel to the extent that the Board wanted to do that. We could take away some of the plantings in the front of the Inn and put in tables and chairs. On the height variance, we had the ability to cut some of that roof away, he doesn't think it looks as good, but one thing that they are able to do is the roof (Exhibit A-10) comes to a peak in the center of the building, and what we are able to do, by cutting off the top 3 feet of that roof, from any view you will never know that that is not a peak roof any more, but we essentially eliminated 3 ft. off the top of the roof, there by eliminating the requirement for a bulk variance. We are submitting a new design which was marked as Exhibit A-8. We will also be eliminating about 2'4" or so from the terrace which is on the left side and 3 ft. from the remainder of the entire roof, and therefore we will comply with the zoning ordinance on the height, which will bring them down below 40 ft. on the height. Pictures submitted are not exactly what the building will look like,

but are representations of what the buildings will look like, giving an idea of how the buildings will sit on the sit and what it will look like from different perspectives. The terret was reduced as well and complies, it goes down about 2'4", so it is uder the required height, but it is not as low as the remainder of the roof, the remainder of the roof is about 6" below.

Ned Gaunt, registered licensed Architect in N. J. since 1970, was sworn in by Mr. Cramer.

Mr. Gaunt testified due to the questions at the last meeting on the height, we have prepared some pictures of the rendered elevations in relation to the intended buildings. The 3 photos were marked into evidence as A-11, A-12 and A-13.

He testified A-11 is a rendered colored rendition of the Inn which will be on Main St., it's located in relation to the buildings on either side, we do show the boro hall in the back which will be demolished. This building height is a 2 dimensional depictional of the building, and in reality, if you are standing on the street, facing that building the slopping roofs will reced and appear to be lower.

A-12 is a view standing in the Acme parking lot looking towards the town houses across Rt. 71. As you can see, the building on the left which is the Masonic Temple is taller in reality but is considerably taller in persepction than the Condos building. This elevation does show the corrected lower roof, introduced earlier tonight.

A-13 is a picture of the house, which backs up to the rear side of the townhouse building, the east side of Parker Ave. Picture was taken directly in front of Mrs. Brodericks house across from Mrs. Dwyers house. Everything else was presented between our first meeting and this one.

Mr. Bauer testified they did have a meeting as Mr. Herman said and he was very accurate in his description on what we agreed to and we summerized it by saying, if the Board should approve it, they would make a condition upon the final approval of their re-submitted plan to us, that would address those items. Just a little clarification on the wall along the street scape, the low brick wall with the iron fence on it along Taylor Ave., we suggest because of site distance leaving Amgersback parking lot, would come back about 10 or 15 feet, the fence would come up to about 4'6" fence, continue in that direction and then turn back towards the building, as a solid brick wall. It has no affect on parking. On Parker Ave. a curb was put in, a fence and plantings in that area between the

on his side we will be happy to allow that. Mr. Herman testified they have eliminated the flow through to Parker Ave. from the Angersback property.

Mr. Burke wanted to know what was going to be done about the contaminated soil that might be there and the tanks that might still be in the ground? Mr. Herman testified there are no tanks remaining, tanks have been removed and the Boro is currently getting a no further action letter from the State, on the contaminated soil, and there is non-going testing on the site and it's our understanding through the Boro Administrator who was speaking to Mr. Hilla that a no further action letter could be expected through GES from the State before this project is fully built. GES is a consultant that was previously hired by the Boro, and they are wrapping that process up.

Mr. Hilla stated the soil has been handled by the Boro through various contacts and that there may be a restriction on sprinkler systems, and that would be a condition on the site, but from the construction of this development, they shouldn't be running into ground water for the construction of this, so there shouldn't be any problem. There will be no basements in either buildings as testified in the first meeting. Mayor Winterstella stated they put GES on notice and they are expecting that letter in short time frame.

Mr. Herman testified garbage will be picked up every day, but they do not know the time frame at present. He testified there is one handicap space available in the south west corner of the site which will be used for the public parking. The other 12 will be dedicated to the townhouse units.

Mr. Herman testified they could move the Inn back another foot and a half, they wouldn't loose any parking spaces, and if we eliminate the shrubs that we were going to plant in front of it, and again this is your choice, we could put tables along the front wall of the building during the season that you would eat outside, to incorporate some outside dining right on Main St. to the extent the Board wanted to do that, we would be happy to do that. If not we would be happy to keep the shrubs. Doors going into the Inn are at street level. Mr. Herman didn't think there would be enough room to put up a railing to divide the dining area from the walkway..

Alan Hilla stated when talking about seating outside it will add to the parking burden, as it goes to how many seats you have.

G. Twadell is not in favor of the townhouses, but would like to hear more about the parking in general. Manasquan has a difficult time with the parking in the down town area now. Mr. Herman testified, 12 of the parking spaces will be designated

for the townhouse and they will be for the use of each townhouse, 2 per townhouse, no handicap. There is one handicap on the site and 25 spaces for the Inn and restaurant. It is important to note, that the people staying at the Inn are going to utilize this restaurant, and when somebody is staying at the Inn and sitting in the restaurant they are being charged 2 parking spaces by the ordinance while they are only occupying one. In addition to that, we are providing more private parking on our site than almost any other private land owner in the down town area and clearly the most use when residents are home and when the Inn and restaurant are being utilized is on weekends and night time when there is also availability of parking on Main St. which is to be used for down town business.

J.Muly wanted to know how far it would have to be moved back to put a porch or awning on the front to block some of the sun from those big windows of the Inn.

Mr. Bauer testified the Hermans are proposing a one way entry drive between the Inn and Broadway Grill, which will access the parking area and allow one to go in and through this parking lot and exit out on to Taylor Avenue. There is an entrance and egress from Taylor Avenue to this parking area, but only an entrance from Main St.. The townhouse building is 17 ft. off the property line of Mrs. Dwyers and there is a green area between the Inn and townhouses, and the balance is parking.

Mr. Bauer has a concern with the location of both buildings, and their recommendation is that the Board consider seriously the relocation of both structures for several reasons.

Reference to the Inn, it is their feeling that the access drive to the site is in the wrong location. Instead of it being adjacent to the Broadway Grill, that it be further away from the intersection of Main St. & Taylor Ave., that it be moved to the other side, next to the Wee People bldg.. By flipping the buildings, it gets everything away from the visibility of the person driving in or walking in from the street.

Mr. Bauer's feeling on the townhouses, being they are such a large building next to residential, it should be moved out to Taylor Avenue, again flipping it, putting the entry court as an open space on the street, so it serves as a nice entry court for Taylor Ave., put the parking area behind the building and it would be more compatible with the parking next to Mr. Adamczyk's parking and behind the InLet Out Let and Wee People, it would be all parking. In Urban planning it's not uncommon for the street wall to become architecture. This proposal they have is much more of a suburban concept. He made reference to an Empress tree which was planted in memory of a Mayor's wife and the way they are proposing the buildings it will be lost. By moving these two buildings and reorganizing circulation, we still provide the same number of parking spaces, that the

applicant is suggesting, so to change this plan in no way shape or form effects the bottom line in terms of units, square footage of building or parking, it's all the same elements, their all in there just reorganized.

Alan Hilla's comments were in relation to the egress from Main St., he doesn't think it is good even though it does exist, and would like the Board to think about it. He thinks Mr. Bauer's designs on the driveway plans for entering and exiting are much safer for the Townhouses and the Inn.

The Fire Co. has not issued any correspondence on this project. Mr. Herman testified the structures will be sprinkled.

Motion was made for a 5 minute recess by C.Triggiano seconded by J. Muly and unanimously carried at 9:10 p.m. Councilman Schmeling left at 9:10 P.M.

Board returned from recess at 9:20 p.m. with the following roll call:

PRESENT - J.Muly, P.Dunne, C.Triggiano, N.Hamilton, Mayor Winterstella, J.Burke, G.Twadell, J.Coakley.

Mr. Herman testified, they would like the bulk of the response done by their Architect and Engineer. He stated he hoped this application is judged based on it's own merits and not based upon public plans. He hopes the Board judges our's based upon the merits of our application. He stated the driveway easement agreement to the north of our property that 20' is an existing easement agreement. That easement exists and we are not looking to the Board to formalize that agreement, because that agreement is there, regardless of how this property is developed, those 20 feet have been dedicated for that use. We're not looking to expand that use or to make it more or less on our neighbor, we're simply looking to utilize the easement that was granted to us.

Lastly he testified they applied for this application in March, we received Mr. Hilla's engineering letter in April detailing his concerns about the site. At our first meeting, Mr. Gilligan presented testimony as to traffic flow, parking and those other things, at which time Mr. Hilla had the opportunity and did ask questions and answers of our Engineer and today this is the first that we have ever heard any of those concerns from Mr. Hilla, but we will try and answer them.

Mr. Gaunt testified we've been working on this project for approx. maybe for a year, have gone through many considerations many designs and alternatives and through all of the considerations that we did, we felt that this was the best use of the site. In any architectural design project there are

a multitude of considerations. In some cases there are compromises because you can't do every thing perfectly, so we try to concentrate on what are the most important aspects of the program and we try to emphasise and focus on those. While Mr. Bauer's comments about why it should be designed in the way he proposes, some are interesting comments, we feel that they are not as important as the considerations we have made and that's the reason we came up with our design.

He testified they felt it was very important to put the townhouse building at this location, set back from the street, so that it would not be part of the street traffic. As you can see we have green area around the north and west side and connects up with the park like on the south side. If the townhouse building were put over on the east side of the property, essentially it would be surrounded by black top, and we don't feel this is as appropriate in the living environment that you would like to have if you owned one of the townhouses. Because we are holding the Inn close to the building to the west, it gives us a wider space between the building on the corner and our building which even though the driveway would be the same width, it gives a more open space getting into that driveway making it an easier and safer condition.

Mr. Burke stated we did get a letter from the Fire Dept. at the first meeting, and it was entered into evidence at that meeting, which was read by him. The only thing Chief Coder said was that the restaurant and Inn be sprinkled which you said you were going to do and he requested a fire hydrant be placed in the vicinity of the Inn patio.]

Mr. Gilligan in addressing Mr. Hilla's comments regarding the entrance exit on this north west portion of parking lot, he testified they have 16 spaces at the Inn, They have 37 parking spaces for the project. Mr. Gilligan testified this is a better layout than what Mr. Bauer proposes.

Mr. Twadell goes along with Mr. Bauer's proposal. He thinks the transition between the Wee People the Inn and the restaurant that some space in there is necessary, because you have a 15 ft. high building right next to a 40 ft. building and unfortunately your pictures didn't show the buildings to the west.

C. Triggiano's question on how many townhouse, was answered by Mr. Herman, who said 6, 3 bedrooms. Carmen would rather see 2 and a den. Mr. Herman said they could adjust the rooms so one would be the size of a den instead of a bedroom. It would be hard to give him a size for the den. There will be 12 single rooms in the Inn, and no cooking facilities.

P. Dunne said if you flip the building, (the Inn) it wouldn't work with the Townhouses, she didn't understand that statement, would you explain? Mr. Herman stated you'd lose a large amount of parking and you might lose the park as well. Carmen would like to see windows on the west side for light and sun. Mr. Herman stated the way it is figured now, they can not. The building code says that if you're within 3 feet of the property line, you can not have any openings. Mr. Herman stated on the west side they may be able to put in some simulated windows that look like windows, but they don't function as windows. Carmen said that would be fine.

Mr. Herman testified the driveway area between the Angersback and the Inn is just not a driveway area, but it has space in between the Inn and the driveway and then it has a 7 1/2 ft. easement agreement which we are splitting up, and then a couple of feet to the Angersback building, whereas the other driveway is just a driveway between those 2 buildings.

Mr. Herman spoke with the Boro Administrator about the driveway in next to the Inn building and he said that in his years as Police Chief and Administrator, to the best of his knowledge since that has been moved to a one way entrance in 1991 there have been no accidents at that entrance point.

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

Dr. Michael Adamczyk, 253 Beachfront and his family owns the old school house, 23 Taylor Ave. commented about the easement that was created between the Boro of Manasquan and my family. He had comments on the entrances and exits on the new buildings. He also commented on the Wee People situation on how the children are going to be left off in the rear of that building. He stated this project is going to create a lot of hardships. He can't see that density going into this. He stated this town has a problem with parking, from the beach to the town. He is all for the restaurant, the use variance changes, but the density and the situation with my easement, now that the Hermans have purchased the property, it is a problem. He is going to look further into it. He doesn't know how fire trucks are going to get into that building.

Mr. Burke stated the Fire Chief did an inspection and his only request was that the buildings had to have a sprinkler system and a fire hydrant on the property.

The Mayor stated he would like to correct that, for the record the Boro of Manasquan has owned the entire property including the diner property for over 60 years. The diner building was acquired through the lack of payment of taxes. The property was always owned by the Boro.

Mr. Herman stated the easement agreement was between the Manasquan Board of Ed and the Boro when it was done. The property is actually owned by us with an easement to Mr. Adamczyk, which we will honor that.

Mr. Adamczyk stated there are 20 parking spaces on that property right now and they are proposing 37, and they are short with 37; where are all these cars going to go?

Fran Drew, 23 Virginia Avenue, stated she feels very strongly that the Masonic building is the strongest and finest building in town in view of the architecture. A picture she submitted was marked as Exhibit. She suggested the specimen tree in front of the Old Boro Hall be moved and placed instead of the gazebo. She spoke about all the parking in the rear of the school house building which could be attractively and efficiently used if it were lined properly. She stated it might be possible along the north edge of the easement, to put a walk way to Taylor Ave..

Mr. Herman said he likes Mrs. Drew's comments about the specimen tree and if it can be moved within the budget of the gazabo they will do that instead of the gazabo. In terms of the brick walk to Rt. 71, he thinks they can accomplish that both to 71 and Main St. on the side of their drive.

Julia Platt, 60 Parker Avenue stated there is a parking problem in our town and she doesn't think we should make it worse by putting that many residential townhouses there, that is going to have an impact on our parking. She believes the project should be scaled down.

Chris Angersbach, 170 Main St. stating she and her husband own the Angersbach building. At the last meeting she let it be known that they are very much in favor of what the Herman's are doing and the beautification and revitalization of Manasquan. We are aware that our building needs repair and we are addressing improvements to the exterior. There has been a lot of talk tonight about the dumpsters, the oil canisters, all of that has been discussed with the Herman's to move all of that away, we are planning to pave a walkway there, we've gained some footage by splitting the easement, so that whole side of the building will be renovated and redone. By moving the Inn next to our building will leave an alley and block the architectural interest of the building. The agreement they made with the Herman's that split the easement was based on the original site plan, if that site plan does not get approval we would like to recind that agreement, we would not be interested to split that easement or continue that agreement if the Inn were moved closer to our building. Everyone has talked about the entrance and exits to the parking lot, being an issue but we also have

been quite boxed in and moving the building against us would make that situation even worse and for us unacceptable.

Debra Thomas, 56 Parker Avenue, stated she has heard tenants are here today and gone tomorrow, the Inn might be here today and gone tomorrow, maybe not, but we have to plan carefully in town, and decide what we want and what the future looks like for Manasquan. She understands the Angersbach's are very interested in having the Inn as long as it's not sitting on their property as some of the people in town and Parker Avenue would not mind having the Town Houses if they were parked over here, when it's on our property line that it impacts us. She was concerned about the soil contamination. Mr. Cramer said the testimony tonight was that it was cleaned up and they are waiting for the final determination from the NJDEP. She is concerned about the parking also. She had questions on the voting. She had concerns about comments made by Neil Hamilton, Pat Dunne and Mayor Winterstella at the last meeting.

Mayor Winterstella stated we are mandated by law to review the Master Plan and possibly change it every 6 years, it is truly a paper document, it's a guidance instrument, not law and it's very important the zoning code is law, the master plan is a guidance system. We have to follow the zoning code, not the Master Plan.

Mr. Herman testified they are seeking an 8 space variance. The employees are already included in that. The zoning ordinance calls for so many spaces on seats in the restaurant, but that is in contemplation that some of those spaces are employees and some are for guests. Our peak usage is when Main St. is not at peak. We will peak in the evening when Main St. is not at peak.

Fred Petersen, 20 So. Farragut Ave., stated the Hermans are here selling an idea, they have shown a nice rendering, but they are selling you people, your the Board. They have an answer for almost anything, their trying to accomodate. His concern is, what we do is for the betterment of the town. In regards to the Inn he is for it, it's an interesting idea, but he is not for the seating in the front of the building. The balconys on the front, overhang on the property. He stated on the Townhouse itself, the size of the piece of property is roughly 75 ft. square building, that building is over four times the size of this room on the footprint alone. The other thing is they have 17 ft. from property line to the wall, which is very close to the neighbor. People don't realize space. Parking is definitely a problem. If townhouses have to be put in there, go for less, we don't need 6 or something else for the property. I think you should look at this project for the purpose of the town".

Natalie Rooney, 66 Parker Avenue, everyone has been focusing on the Inn and the Townhouses, it's a great idea, but she was a little upset at the last meeting, that some of the planning board are not sure of what is going on in our school system here. The current registration for the kindergarden is 96 students, that's a lot and we don't have enough room for those 96 students. You could solve your parking issue if you don't put the townhouses up, you'll have plenty of parking spaces for the Inn and the restaurant. We don't need the townhouses.

Councilman George Dempsey, Pike Avenue, he thinks the Board should not make a decision on this project tonight until they walk over there and see the footprint that they put down, like the gentleman said 17feet isn't very wide, and when you look at that footprint and the size of that building, those people on the first two house aren't going to get sun light. He agrees with Neil on the density, and feels they should bring that down. Your not doing the town a favor by cutting down on the parking, your not doing the developer a favor by cutting down on the parking. To be successful, you need parking".

Rick Thomas, 56 Parker Avenue, commented on some uses in the Land Use Law. His whole concern is parking. We don't need 6 condos over there, we don't have the parking and that big building sitting next to Martha over there is really big. Whether you vote tonight or not don's compromise on that parking. Use your guide guys its important.

Jack Drew, Virginia Avenue, has spent a long time studying downtown development in various towns where he's lived and many towns have gone very far down hill over the years since the shopping malls came in, and it's been discovered that towns who have successfully renovated their downtown areas, is that they need to create a social environment in the down town that persists into the evening. There needs to be things going on. That's why you need residential, as well as busiess and stores. We have found in our building that there's a waiting list for the residential apartments. He likes the idea of the mixed use, it's good. He made reference to Chatham, stating they lost a lot of good development because they stuck to the parking requirements, and they were shot down. You loose a lot of good development. We do have a lot of parking in the down town area now. We should be talking about what this requires, versus what could happen there and he thinks what could happen is what we don't want".

Paul Brunner, 29 Parker Avenue, stating someone brought up the point about closing off the parking lot behind Broadway Grill, that it's going to be a problem for deliveries and things, and it is. It's going to create a safety problem, garbage trucks pulling in are not going to be able to turn around, they will have to back out on Rt.71.. He has a problem with the density

and the parking is the greatest problem".

Kathleen Ostermann, 112 Atlantic Avenue, stated bigger is not always better, and it's a factor to consider. This is a family community and we have pride of our residences but the business community enhances people to come live in the community. She favors the project, but go around the corner with the pavers, the benches, with the lights, because it says welcome to Manasquan. If parking becomes a problem it will frustrate people when they come to enjoy the specialty shops, the lovely restaurants and the addition of possibly another restaurant. As a former Inn keeper, if I would tell my clients that there may not be parking when they come back, they would seek another Inn where there would be parking when they get back. She appreciates the quality especially the Chair where he uses humor and he keeps things on a steady pace and you are to be commended for that. Mr. Burke thanked her.

A motion by C. Triggiano to close the public hearing, seconded by Neil Hamilton was unanimously carried.

A few of the Board members stated they would like to go over and see the layout.

Mr. Herman stated he would like to speak to how the mark out was done as to the type of equipment was used, as he went to look at the markout today and there are many material mistakes to the mark out.

Mr. Burk stated if we decide we want to look at it you obviously have the chance to go make any alterations or changes you think are necessary to it, because in actual truth, any mark out should have been done by your engineer. Mr. Herman said they were never told there was a markout, they would have loved to have participated.

Alan Hilla said it kind of snow-balled, he and Tom Bauer were meeting there to walk through and talk about things and one thing led to another and some one showed up with a can of paint, and now everyone wants to go look at it. We never intended to do that, it was only intended for us to just get a sense of where some of these things were before the hearing tonight.

Mr. Herman testified, that the 20 sheets of detailed drawing to scale papers in front of you are precise and those paint marks are not. He has a real problem of the Board relying on what's not precise to supercede what is.

Mayor Winterstella stated he was a little leary of having the applicant spend a lot of money to go over there and check the lines that might not be accurate, he would rather look at the prints.

The Board would like to go over and see the markings, and was advised by Neil to take the site plan with them, so they can see where the exits and entrances are going to be.

Mr. Herman stated if the Board would like to do that, he would like to meet with the Board to show them just what is right. He stated if any one goes over there tomorrow, the lines showing the back set back on the residential building is off by more than 10% closer to the residential building.

Mr. Cramer stated he is not trying to discourage the Board members from inspecting the site, but he has a real problem preserving record of any testimony, any type of exchange that takes place on the site by members of the Board with one another, with the applicant, with the Board's Engineer/Planner, with the Board's Licensed Architect. We are treading on such new ground, a different type of approach to a Land Use decision, that he doesn't think thereoppressive for Land Use Law. How do you preserve a record with a full body of 9 members going over to a site, looking at lines on the ground, and asking questions of Mr. Herman, and the professionals, how do you preserve that without having a stenographic record of the exchange that takes place - you can't do it. You can't do it legally.

Mayor Winterstella stated he didn't know why we have to come back to another meeting. He is prepared to vote tonight. He keeps hearing this alternative, it seems to be based on the testimony, there is no real alternative at this point and time. It's either this plan or no plan at this point and time. The immediate neighbors have testified in favor of it, the neighbors further down the street have testified against it. He thinks you have to weigh that testimony and take an action. He doesn't see why there has to be another meeting.

J. Muly stated we've heard from both sides and we have a difficult situation here and it's not a perfect and we're not going to make it perfect. He thinks what is proposed is a nice improvement in that area of town, it's a need for the Inn, it's a real plus. Parking is limited and how are we going to create more parking when it isn't there. School problem was brought up in relation

to the town houses, he's not sure if this is the problem for the school, the problem of the school is the people aren't out to support it. The town houses are a nice looking plan, maybe it could be scaled down a little, but he has no problem with the way it exists.

C.Triggiano agrees with J.Muly an every thing he has said. All towns have parking problems. He would like to see the town house moved up towards Rt. 71 and the parking behind it. It should be more visable. He would like to see the townhouses down sized.

Mayor Winterstella agrees with the statements made before, but the townhouse should be allowed to stay where it is. We need these kind of uses in this town. He'd rather see this than 6 stores and apartments. He thinks this is a better use and he would hope the distant neighbors would realize it. He likes the plans the way they were presented and he is concerned about the parking, and if it becomes a problem, he would hope they have their employees park in the Plaza. Instead of the gazbo have the tree moved over.

Neil Hamilton thinks it'a good concept, but would like to see the townhouses reduced to 4, he likes the wider driveway and with reference to the easement and that tree moved instead of the gazbo.

P. Dunne agrees with Neil. Parking is stressed and if it could be reduced to 4 townhouses, she would feel much better about it. She believes we do have more parking than other surrounding towns.

J.Coakley believes it is a quality project and brings something to our community on a whole lot of levels. He can't think of any thing short of a park that would have less traffic usage than residences of an Inn. Of all the things that could go there he thinks this is a terrific use. He is sensitive to the school issue.

G.Twadell stated he wishes a subject like this could be held on public referendum. He believes the Board would be surprised how the public in Manasquan feel about this particular project. He thinks the architecture is supper. He is impressed with some of the arguments in moving those 2 buildings and also not moving them. It's a concern about Mr. Adamczyk's use of the driveway. He said you guys got this for a song and he doesn't think to make money on this project is going to depend on the townhouses construction. He thinks they should help resolve the parking problem. He goes along with what Neil said about reducing the number of townhouses and then he will go along with it.

Mr. Burke does not go along with moving the buildings. After all he's heard tonight, leaving the buildings where they are is the better way to go. Going down from 90% down to 60% on lot coverage has helped him decide. He would rather see 4 townhouses, he could live with six. He would like to see you continue the Main St. pavers around the corner and to the end of your property, definitely like to see the walk way along the northern edge of the property and a designated walkway along the driveway from Main St. into the property. With all those changes, he could vote for the application.

Mr. Herman testified by all means they accept to preserve the tree at a reasonable price they will replace the gazbo with the tree. In regard to the walkways and what not, we have no problem with that. He made reference to page 5, the 2 units closer to Rt. 71, they can make that unit smaller, make it one unit, which will bring us down to 5 units total and that will enable us to set back the units slightly from where the parking area is and picking up 2 parking spaces.

Mr. Burke stated, you are proposeing to go down to 5 units, do the walkway designation on the north and the walkway coming out of the driveway, move the tree if possible instead of the gazbo, and to try and get employees to park off site, attractive fake windows on the west side. Mr. Herman testified they will manage their parking so it works out. Mr. Herman testified they will cut that back building and made it one unit, reducing to 16%.

Mr. Burke said if you get a favorable vote tonight, you will give us a revised sheet, showing where the walkways are etc..

Mayor Winterstella stated it's a reasonable compromise and he thinks we should have a resolution.

J. Mully made a motion to approve this application for bulk variances as well as preliminary and final site-plan with the stipulations of cutting it down to 5, do waldways etc. seconded by P.Dunne, followed by the following vote: "YES"- J.Muly, P.Dunne, C.Triggiano, N. Hamilton, Mayor Winterstella, J.Burke, J.Coakley. NO: G.Twadell.

Mr. Burke thanked the audience for coming out, for giving us your opinions and being patient with us also.

A letter from C.Rice regarding a change in the wall that we approved on Leggetts, for security purposes.

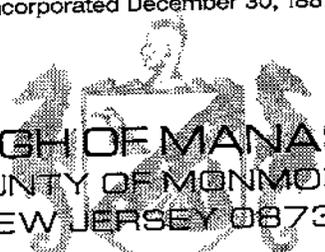
A motion to approve was made by Mayor Winterstella, seconded by P.Dunne, followed by the following vote: YES - J.Muly, P.Dunne, C.Triggiano, N. Hamilton, Mayor Winterstella, J.Burke, J.Coakley, G.Twadell.

A letter from W.Sepe was approved by motion from W.Coakley, seconded by G.Twadell, followed by the following vote: YES- J.Muly, P.Dunne, C.Triggiano, N.Hamilton, Mayor Winterstella, J.Burke, J.Coakley, G.Twadell.

A motion by G.Twadell to adjourn, seconded by N.Hamilton, was unanimously carried.

Respectfully submitted,

M.Applegate, Secretary
Manasquan Planning Board


BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08738

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

Dear Manasquan Board Members: **PLANNING BOARD**

Enclosed please find a copy of the minutes from the April 16, 2002 Special Meeting and the May 7, 2002 Regular Meeting. Please consider the following Agenda for the June 11, 2002, Regular Meeting at 7:00 P.M. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J..

AGENDA
MANASQUAN PLANNING BOARD
JUNE 11, 2002 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion: Ordinance 1884-02
Amendments to Chapter 35 (Zoning)
Damen - Roof Modification
2. Informal Hearings:
3. Private Session:

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION - 26-2002 - Jane Chamberlin -117 First Avenue

APPLICATION - 21-2002 - Kathleen Binns Dalton -12 Wyckoff Ave.

APPLICATION - 34-2002 - 580 Main Street East, LLC

RESOLUTION -20-2002 - Edward J. & Gail Buzak - 107 Ocean Ave.

RESOLUTION -28-2002 - Maureen Ochse - 2 Muriel Place

RESOLUTION -19-2002 - Bruce Seidner - 440 Eculid Avenue

4. MOTION ON MINUTES
5. APPROVAL OF VOUCHERS
6. COMMENTS FROM INDIVIDUAL BOARD MEMBERS
7. REPORTS OF SUBCOMMITTEES OF BOARD
8. AUDIENCE PARTICIPATION

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

JUNE 11, 2002 - REGULAR MEETING MINUTES
PLANNING BOARD

Manasquan Planning Board held their regular meeting on June 11, 2002 in Manasquan Borough Hall, 201 E. Main St., Manasquan, N. J..

Chairman John Burke opened the work session at 7:00 p.m.. First item - Theodore Damen. Mr. Hamilton stated Mr. Damen wants to put a shed roof out over the two outside second decks. The zoning officer and myself looked at it and didn't think there would be any problem. It is not an expansion of what was approved by the Board. He stated we may want to incorporate that in a resolution that he can't enclose that with screens or windows, down the road, if the Board approves the roof. The second item, is that he wants to elevate the house so he has a 2 foot crawl space under the house, right now there will only be 1 foot and that doesn't give a mechanic room to work under there, which should have been addressed by the architect. Mr. Burke stated this will have to come back to the Board.

Mr. Hamilton stated this case has become a nightmare, you don't know how many times Mr. Damen has been in the office and we're going to live with this a long time. Assuming the Board decides tonight to give him the option to come back to the Board for the shed roofs, and we deny that tonight, is the Board in favor of giving him the 1 foot elevation, if not than we're going to review the entire case again. If denied we need to give him direction as to the entire application is denied, or build it as it was approved.

Mr. Damen came forward and Mr. Burke stated it looks like your trying to take a balcony and make an enclosed porch out of the balcony. Mr. Damen stated that is not correct. We had it before in the previous application, it was like that, but because of the ruling of the 60% occupation of the 1/2 floor, we thought it would be easier to straighten that roof off and it doesn't look that good to me. The Board approved it and Dick Furey stated the Architect made a mistake in the calculation of the definition of the 1/2 story, which has to be 60% verses 40% has to be below 5 feet. Every thing stays the same, no encroachment in zoning.

Mr. Burke stated Mr. Damen is correct, the plans that we approved are exactly the same as the drawing that he has drawn and that are in front of you. The Board approved it and Mr. Furey told him he would have to do it differently. Now you are asking to go back to what was approved originally. Mr. Damen stated that is right.

A motion by T.Carroll to approve the roof change with the stipulation that it can never be enclosed, seconded by P.Dunne followed by the following vote: "YES"- J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, J.Coakley, K.Thompson. ABSTAIN - Councilman Schmeling.

Mr. Burke stated in the original application you had a 2 ft. crawl space because you were measuring from the street, and Sandy Ratz at the time of getting permits, told him that it was not to be measured from the street, but from ground level and that brought him to a 1 ft. crawl space. He is looking for the Board to change the resolution to put the building 1 ft. higher, so that he can have a 2 ft. crawl space. The Architect should have known the BOCA code and he made the mistake. The Board's discussion was that he can lower his ceilings to 8 ft. on the first floor and he will get the extra foot for crawl space.

Mr. Damen does not want to do that, he stated you are taking so much value away from his proposals, I am only asking for 1 foot.

Mr. Carroll finds it hard to believe that a 9' ceiling verses an 8' ceiling is going to vastly depreciate your house, he find's that very difficult to believe.

A motion to deny the request for a modification of the resolution was made by G.Twadell, seconded by J.Tischio, followed by the following vote: "YES" - J. Muly, P.Dunne, T.Carroll, G.Triggiano, N. Hamilton, J.Tischio, J. Burke, G.Twadell, J.Coakley, K. Thompson. Abstain - Councilman Schmeling

Mr. Burke stated the rest of the Consent Agenda will be done at the end of the meeting.

REGULAR SESSION

Chairman John Burke 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 to stand and salute the Flag.

ROLL CALL - PRESENT - J. Muly, P.Dunne, T.Carroll, C.Triggiano
N.Hamilton, Councilman Schmeling, J.
Tischio, J.Burke. G.Twadell, J.Coakley,
K.Thompson.

ABSENT - Mayor Winterstella, D.Place, K.Monaco.

APPLICATION - 26-2002 - Jane Chamberlin - 117 First Avenue
The property in question is located on the west side of First Ave., approx. 200 ft. south of Ocean Ave.. This location is within the Boro's Residential Zone R-5. The parcel is a 25 x 100 foot lot currently containing two (2) one and one-half story frame dwellings. The applicant proposes to install heat in the rear building.

For the record Councilman Schmeling has stepped down, as this is a Use Variance.

Jane Chamberlin - 972 Klockner Rd., Trenton, N. J. was sworn in by Mr. Cramer.

The property in question is located on the west side of First Ave. approx. 200 feet south of Ocean Avenue. This location is within the Boro's Residential Zone R-5. The parcel is a 25 ft. by 100 ft. lot currently containing two (2) one and one-half story frame dwellings. The applicant proposes to install heat in the rear building presumably for year round occupancy of that unit.

Mr. Triggiano questioned the date of 1990 on the survey. Ms. Chamberlin stated she was told by Mr. Henderson that nothing has been changed, so he didn't think she would need an up dated one. She said she can get one if she has to.

Ms. Chamberlin testified she would like to put in central air-conditioning in the rear house and while they are putting the vents in she would like to have heat put in and that way she could use the house herself. Right now she lives in the front house, but could use the front for her relatives when they come down. She stated she just went through a year of Chemo and radiation and she has a lot of relatives that come down, which would give them a place to stay and an extra bathroom.

Mr. Hamilton stated by approving this, we are opening a can of worms, but after listening to your testimony, there are two ways the Board can address this. A stipulation that in the winter your rear unit cannot be rented in the winter for any more than 100 days, or it would have to be shut down. If this is for your personal use and your relatives to come down, and you have no intention of selling, it could be the option of this Board to grant the heat for your family not providing a winter rental and also the possibility should you decide to sell that property, that the heat be removed or shut down that it can not be a winter occupied home without that purchaser coming back to the Board.

A motion to open the meeting to the public was made by N.Hamilton seconded by J. Muly, followed by the following vote: "YES" J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, Councilman Schmeling, J.Tischio, J.Burke, G.Twadell, J.Coakley, K.Thompson.

Mary Ryan, 113 Beachfront, who lives across the street from Jane, her mother and father. She stated Jane and her family are wonderful neighbor's to have. They are very committed to the whole concept that Manasquan is trying to develop for itself. They have been exceptional landlords, fresh flowers, always painting to keep the property up. She knows this has been a difficult year for them, but they do have a lot of family and friends that come down to visit. The home is very small inside if they want the family to stay over. She hopes they will expand it so they can include friends not only for relatives.

There being no more comments, a motion to close the public session was made by T.Carroll, seconded by J.Coakley and unanimously carried.

A motion to approve this application with the stipulations that have been voiced by Neil Hamilton was made by G.Twadell, seconded by T.Carroll followed by the following vote: "YES" J. Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke.

For the record, Councilman Schmeling has returned to the Board. Alan Hilla recused himself from this application, as Ms. Dalton is employed by his firm.

APPLIATION - 21-2002 - Kathleen Binns Dalton - 12 Wyckoff Ave. The property is located in the R-1 Residential Zone and the applicant is proposing to add a second story to a 1 and a half story dwelling. Addition will be to the side.

Kathleen Binns Dalton, 12 Wyckoff Ave. and her husband David Dalton, 12 Wyckoff Ave. were sworn in by Mr. Cramer. Mrs. Dalton testified they own the property and have for 4 years. She testified she proposes to put a 2 1/2 story side addition and a second story on top of the existing house. She purchased the house when she was single and now she is married and has a child and would like more children and the house is too small. She testified she drew the plans. There was a question about the shed. The shed is now in the rear by the drive way, but in the plans it is on the other side of the yard. The shed will be taken down, she only drew it there to see how it would look. If they put a shed there it has to be under 100 sq. ft. and not on a foundation.

She testified they would like to go out the side and go up. An artist rendering of the proposed house was marked as exhibit A-1. They are going out the side but keeping within the 5 ft. setback on the side, they are not violating any of the setbacks. The deck is slotted and bear ground under it. The house is approx. 90 years old. They would like to go 35 ft. high, they would like to keep the house the same style as it is now. Right now the drive way is stone, but if they do change it, it will be pavers or stone. Variances required are for lot area, front setback, rear setback, bldg. height and bldg. coverage.

David testified they haven't planned any thing for the 1/2 story. Mr. Schmeling asked the size of the dormer, and if your trying to keep it victorian he can't see a shed type roof. David testified there will be no living in the attic at this time and there will be a set of stairs going up.

Neil felt that they are investing a lot of money on such a small lot, and that your taking a one story house with storage, if this Board is granting a small extended addition, we could grant the 2nd floor and he suggests the Board not permit a ridge height on that attic to exceed 6 feet, which will give you a height elevation from the crown of the road of 27 feet. He could live with that and a couple of bump outs to give you the aesthetic look that your trying to get and it would give you te living space that your looking to achieve. It would eliminate the major expansion of that third floor into living quarters. He thinks it will keep the house in perspective of your neighbors.

Mrs. Dunne agrees with Neil, the lot is just a few feet short of being conforming, the height of 35 Feet is out of order. The Board would go along with 27 1/2 feet to the top of the ridge.

A motiom by T. Carroll to open the meeting to the public, seconded by C.Triggiano was unanimously carried.

Phyllis Olsen, 222 E. Main St. came forward, who is the next door neighbor. She wanted to know the distance between her garage and the new addition. She was told 5 feet. She also questioned the bushes and trees, and the tree that is hanging over her garage, which should be taken down. Ms. Dalton told her the shed will be taken down, the tree will be removed from her garage. Ms. Dalton will still be able to plant shrubs along her property line.

A motion to close the public portion of the meeting was made by C.Triggiano, seconded by N, Hamilton and unanimously carried.

N. Hamilton made a motion to grant the variances listed on the denial and the condition that the height be measured from the crown of the road, not to exceed 28 1/2 feet, seconded by P. Dunne, followed by the following vote: "YES" - J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, Councilman Schmeling, J.Tischio, J.Burke, G.Twadell, J.Coakley.

The Board went into a 5 minute recess at 8:35 P.M.

The Board returned from recess at 8:45 p.m. with the following Roll Call: J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, Councilman Schmeling, J.Tischio, J.Burke, G.Twadell, J.Coakley, K.Thompson.

APPLICATION - 34-2002 - 580 Main Street East, LLC
Keith Henderson, put himself on record as Attorney representing the applicant.

There are two owners on this project, one owner owns lots 1,3 and 9, First & Main Realty, LLC and the other owner is Jeffrey Wozjeck, that is lot 4.01, which was part of the sub-division that he appeared before this Board. The applicant is 580 Main St. East, LLC, property is known as Block 171, Lots 1,2,9 and 4.01, B-1 Zone.

A statement pursuant to the Corp. statute, the ownership of disclosure of the LLC interest was submitted.

He stated this application represents a very serious effort to install a business entity back in the beach area on a property which has been an eyesore for many years and not open for many years. The applicant proposes to take a property which was given a use variance to take that residential lot and convert it back to the business use for which the zoning here applies.

Witnesses sworn in by Mr. Cramer, were Christopher Rice, Architect, Charles Gilligan, Professional Engineer and William Orcelino who is a principal on the application.

Christopher Rice came forward testified he was retained by the applicant. He testified they are going to put a restaurant in the buiding and in addition to that there is an entire site improvement that is going to happen here. The restaurant will be going into the existing building and a small addition to the back and addition to 5 apartments that will be above it. They are going to leave the building for the restaurant, and taper the top of the building away from the ocean, it comes up, tapers back, up and tapers back. The bulk of the building is in the middle of the property. 2 apartments will be over the restaurant and the other 3 will be out over the parking. The restaurant will be Italian with sushi bar, 2 different dining rooms. The front entrance will remain on the corner.

The second floor plan, sheet A-3, are the apartments. They are in the shape of a court yard. It lets in a lot of light and air into the building. Two are facing the ocean and the others are over the parking beneath it. Each apartment has 2 bedrooms, 2 baths. The restaurant will be hostess and waiter seating only. Building height will be 40 Feet or less which is allowed. It will be a shingled style of architecture. The apartments range in size from 1600 sq. ft. to 2100 sq. ft.,. Cupolas will average 4 feet, but still be under the 10% so a Use Variance will not be required.

Mr. Henderson asked Mr. Rice what their intention was if when they get started, the building might have to come down.

The intention is that there is an existing structure there, we are using the exact foot print of it, and obviously have not dug up the side walls to check the foundation, walls, footing and sides and all that, we intend to save that, gut it remove and go above it, There is a lot to do and intend to save as much as possible, but there is a good chance that some of the building will have to come down, but it is going back up the same way it is now. There may have to be a total demolition. The flood elevation is 9 ft., they are at 8.3 ft. but they will comply. There will be a sprinkler system in the building. The size of the kitchen will be in the 10x14 range, dining areas 15x15, bedrooms approx. 14x14, 12x14.

Charles Gilligan, Licensed Engineer and Planner in N. J. came forward. He testified he was retained by the applicant in this matter to do the site engineering. He did prepare the site plan. It is a 2 story building, also showing the parking which will flow off Main St.. There are 25 parking spaces on the site, they are on the westerly portion of the side and a good portion are under the second floor of the building. We are required to have 30, based on 2 for each unit and 60 seats in the restaurant, which requires another 20 for a total of 30.

He testified they come up with a gross floor area associated with the restaurant of 3,947 sq. ft.. Bulk variances are front set back, lot coverage -60% permitted, they are at 84%, parking for 30, they have 25, building height if cupolas are added, building coverage required is 40%, they are at 60%. The parking lot buffer required 15 ft., whereas 5 ft. is proposed. Mr. Gilligan testified on the northern and western side they are going to put a 6 ft. stockade board on board fence with an evergreen shrub along that property line. Loading and refuse will be off of First Ave. where they can pull in and they will limit small trucks, as there is a 10' clearance under the second floor. It will be done early in the morning before 10 a.m., the refuse area is under the second floor on a concrete pad

with 2 parking spaces in front of it that would be designated for employees only, so that will be a controlled parking area.

Mr. Gilligan testified there will be assigned parking for the apartments, 2 each. He stated it promotes a visual improvement to the area. Photos were marked as Exhibit A-1. This is a performing use in the zone, to have the business down on the first floor level and the second floor apartments, as long as they are over 800 sq. ft. is permitted in the zone, so there is no negative. The set back violations are pre-existing on the front both First and Main. The parking on the site is greater than the average commercial site up there, 30 are required we have 25 spaces. Sheet 4 and 5 on the plans are the lighting. There will be lighting to the south of the building and additional lighting. All will have reflectors to keep that light from spilling on to adjacent properties. The sign will be comparable to the Mahogany Grille.

The water and sewer will have to have a new water and sewer connection based on 6 inches. The option is to repave First Avenue and to repave the First Avenue sidewalk. The drainage will go to the catch basin on First and Main.

Mr. Henderson stated they will stipulate that they will meet FEMA standards and what ever proof you require, they will provide. For the parking lot, if the Board would like pavers, they are prepared to do that per Mr. Henderson.

Mr. Schmeling wanted to know if they gave it any thought, to coming down Main St. to make a left into the property and on going out on First Ave. make a right or left, it would give a little more space for lot coverage and it wouldn't really inconvenience any one. Mr. Gilligan said they wouldn't really gain anything, as you need a 24/25 ft. just to back out and get out. It may turn into something that everyone will go in that way.

Mr. Marceleno came forward and testified he lives at 825 South Dr, Brick, N.J. and he is the operating partner. Presently he is the Chief Operating Officer for a Company named Interior Systems Inc., we're a Federal Contractor that manages construction projects for the Federal Government mostly in Washington, D.C.. He has built 7 restaurants and operated all of them. He testified they are proposing the hours of 11A.M. to 11 P.M. (which will be the last seating) to have a lunch crowd as well, especially during the summer season. In the winter they will vary the hours, as it gets a little slower. The recyclables will be bagged every evening, put it in a staging area and the next morning load it up to be taken away. It will not be dumped in a dumping area. Deliveries will be made by 10 A.M. in the morning and smaller vans will be used for

delivery.

This will be a BYO restaurant and there were concerns that there will be drinking outside and Boro Council does not have control as there is no Liquor License, so they thought there should be some restrictions, the same as the one's for Leg-Its. Mr. Henderson stated the hours for Leg-Its were to be left for Council, as there was no Liquor License. He said they would be receptive to hear what the Planning Board has in mind.

Mr. Burke stated what the Board is looking for is when they stop serving food, at the last seating, they are concerned that there will be people sitting there with a cooler full of beer or what ever, and spend the night sitting there drinking. There has to be some way of restricting the occupancy of that court yard area after you have shut your kitchen down. That's probably what we are looking for.

Mr. Marcelino testified that wouldn't be unreasonable, because it basically will be an upscale bistro, and when they are finished they will want to go home, they don't want any one sitting out there. Mr. Henderson stated in the applicants own terms at midnight he will be willing to throw every one out. There will be no music there and they would like long term leases, (3 years) for the apartments.

Mr. Henderson stated there is one owner from the Parkside LLC that is involved in this application. This is an entity comprised of 3 individuals, 2 of whom had nothing to do with the Parkside LLC, they don't intend to use the Parkside name.

N.Hamilton stated in his discussion with the Administrator who was Chief of Police when the Parkside was approved, his recommendation to the Board and Boro Council, was that there would be no alcohol permitted in the Sushi Gardens. Mr.Henderson stated they would do what ever the Board desired.

Neil thinks this is a better use than single homes and he welcomes it, but he has 2 problems, the apartments have more square footage than most of us have in our homes, 1800 to 2100 sq. ft.. He feels 5 apartments are too dense, would like to see 3 apartments and eliminate that third floor loft, which would take that structure down somewhat, and make more parking.

Mr. Henderson stated it will not be built then.

Mr. Schmeling disagrees with Mr. Hamilton, he stated some time we get to concerned about the height. He stated when they lower it, is all their going to do is square it up and we're really not gaining anything, it's going to look like a big box. The drainage does bother him. Would it be possible to put some of the drainage in a pipe and direct it to Main Street, rather than to First Avenue.

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

Alice Hemphill, 162 Fletcher Ave. came forward stating what is washed down around the dumpster goes into the gutter goes into our sewers and water system and that is a concern of the Environmental Commission, which she is representing tonight. They are concerned about the restaurants in town that don't use caution when they are washing down. She would like to see filters put in catch basins and addressed where ever they are being put in. She said the Environmental Commission is recommending that the town put these filters in all the catch basins in town. She would like to see all parking areas done.

Dean Guida, 21 Devor Drive, commented that he liked the idea of having the one way entrance from Main St. and going out on First Ave. and he was wondering about the lighting, is it going to be on until dusk? Mr. Burke stated the parking lot lighting has to be on until Dusk for safety reasons, but it is shielded away from the residential zone.

Noel Hood, Beachfornt, came forward and wanted to let the Board know on the parking situation. On First Ave there are two homes next to this with 2 apartments, the next property going north has 2 homes no parking, etc. Gee Gee's no parking.

Motion to close the public portion was made by T.Carroll, seconded by N.Hamilton and unanimously carried.

Motion to approve this application was made by Councilman Schmeling and the variances granted that were requested, with the variance for 7 spots you have to count the sushi area and that the drainage be coordinated with the engineer for representation made by the applicant and the applicants engineer, and that cartage will be provided by the applicant for the restaurant also that the applicant will abide by the hours of the sushi out door dining which will be determined by Council for other licensed establishments in town, and preliminary and final site plan approval and that the area that is outside of the building will be pavers instead of asphalt, seconded by T.Carroll, followed by the following vote: "YES"- J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, Councilman Schmeling J.Tischio, J.Burke, G.Twadell.

Chris Rice will be at our June 25th meeting to go over Ordinance No.1884-02.

Letter from Beth Harrison with regards to her driveway was discussed. Mr. Burke stated he went over her file this afternoon and on her survey she had penciled in the garage where it was going to be and the old garage taken out, and you drew an angled driveway down to 20 feet. That is what we approved. She stated

there was a tree there and they had permission to take it out from Harrison Pearce, and Sharon Bogie told them they could take the tree down and square off the driveway.

Mr. Burke stated the Board has to go by way of what was presented to us, but the Ordinance states a 20' driveway. Mr. Cramer stated the driveway was not a subject of the application. The Board did pass a resolution and the Board did not give you any relief from the town ordinance that requires only 20 feet, so the only thing you can do now is come back before this Board with a formal application looking for relief from the 20 ft. curb cut and pad. Beth Harrison and Ray Lehberger testified they will cut it back to what was approved.

A motion to approve the minutes of May 7, 2002, was made by C.Triggiano, seconded by P.Dunne and unanimously carried.
A motion to approve the minutes of the Special Meeting of April 16, 2002 was made by N.Hamilton, seconded by C.Triggiano and unanimously carried. ABSTAINED - T.Carroll.

Request from Keith Henderson in regards to Richard Borgatti file in which he is asking to withdraw the application.
A motion to approve the withdrawal was made by N.Hamilton, seconded by P. Dunne and unanimously carried.

A motion to withdraw the application of Chas. Dane, LLC by Mr. Henderson was made by N.Hamilton, seconded by C.Triggiano and unanimously carried.

Ordinance 1883-02 - Establishing An Open Space Committee.
P.Dunne stated the Environmental Commission is opposed to that ordinance the way it is written. First of all the Environmental Commission itself, it's main charge is Open Space. Open space is what they have always worked on, Fisherman's Cove etc.. We could be that Open Space Committee. they think it's redundant to have another Open Space committee, however if their doing it and feel they have to, we think there should be at least 2 members of the Environmental Commission on that Board, so she would vote no on it.

Mrs. Hemphill stated the Environmental Commission was not notified of this, which is totally wrong, we are State Commission and it should have been brought before us. We would like the Board to vote against it. Mr. Burke said it has been passed, it's a done deal. She wants an objection. Mr. Burke stated the only reason it is before us, is because we have to appoint one of the members to it. If you have objections to this then you have to go to one of the council meetings and voice your objections. We can't vote against this, it has already been passed.

RESOLUTION - 20-2002 - Edward & Gail Buzak - 107 Ocean Avenue
Resolution was read by Mr. Cramer. Motion to memorialize was made by C. Triggiano, seconded by J.Muly followed by the following vote: 'YES'- J. Muly, T.Carroll, C.Triggiano J.Burke, G.Twadell, J.Coakley.

RESOLUTION - 28-2002 - Maureen Ochse - 2 Muriel Place.
Motion to memorialize was made by C.Triggiano, seconded by J.Muly followed by the following vote:'YES'- J.Muly, T.Carroll, P.Dunne, C.Triggiano, J.Tischio, J.Burke, G.Twadell.

RESOLUTION - 19-2002 - Bruce Seidner - 440 Euclid Avenue
Motion to memorialize this resolution was made by J.Muly, seconded by T.Carroll followed by the following vote:'YES'- J.Muly, P.Dunne, T.Carroll, C.Triggiano, J.Tischio, J.Burke, G.Twadell, J.Coakley.

There was a question on Bauer & Melillo Bill, the secretary charge. Mr. Triggiano had a question on the hourly charge on the Flander's invoice. The Board did not authorize to sign it.

A motion to pay all other invoices was made seconded and unanimously carried.

A motion to approve Alan Hills's contract with the deletion on page six of the 1 1/2% late charge, was made by P.Dunne, seconded by N,.Hamilton, and unanimously carried.

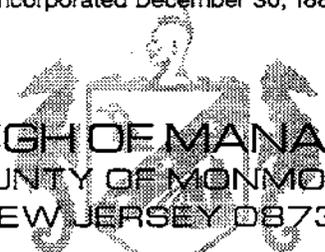
A motion to go into closed session by C.Tiggiano, seconded by N.Hamilton was unanimously carried.

The Board returned from closed session with a motion to adjourn at 11:50 P.M.

Respectfully submitted,



Marie Applegate, Secretary
Manasquan Planning Board



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

Dear Manasquan Board Members:

PLANNING BOARD

Please consider the following Agenda for the June 25, 2002 Special Meeting, 7:00 P.M. Borough Hall, 201 E. Main Street, Manasquan, N.J..

MANASQUAN PLANNING BOARD AGENDA
JUNE 25, 2002 - SPECIAL MEETING

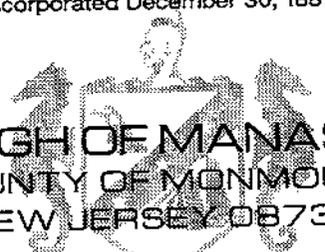
7:00 P.M. Sunshine Law Announcement - Chairman

ROLL CALL

1. Salute to Flag
2. ORDINANCES - NO. 1884-02 and 1883-02

SPECIAL MEETING

1. Review results of discussion items from March 19, 2002 Special Meeting.
 - . Deletion of PUD Zone.
 - . Deletion of Industrial Zone.
 - . Redesignation of area NE of Potter Avenue and Main Street.
 - . Redesignation of Main Street east of Third Avenue.
 - . Redesignation of Sea Watch property.
 - . Rework zone lines along Deep Creek Drive.
 - . Redesignation of Sherman Lumber property.
 - . Identification of Conservation Easement at Glimmer Glass Circle.
 - . Redesignation of B-3 zone(s) along railroad.
 - . Redesignation of Union Avenue south of Marcellus Avenue.
 - . Extension of building envelope concept to other zones
 - . Increase of landscape buffers.
 - . Revisit sign ordinance for compatibility with uses.
 - . Development of comprehensive lighting ordinance.
 - . Reworking zone designations in split lot cases.
2. Discuss remaining/additional planning items:
 - . Deletion of Industrial Zone.
 - . Redesignation of Main Street east of Third Avenue.
 - . Reworking Zone Lines along Deep Creek Drive.
 - . Extension of Building envelope concept to other zones.
 - . Development of Two Principal Structures/Two Dwelling Unit Requirements in R-4 Zone.
 - . Development of Permitted Building Height vs. Lot Width Relationship.
 - . Development of Paver/Impervious Coverage Relationship.
 - . Development of a Parks/Recreation Zone.
 - . Modification of RPM Zone limits.
3. Open Discussion regarding Emergent Planning Issues.


BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

Dear Manasquan Board Members PLANNING BOARD

Enclosed please find a copy of the minutes from the June 11, 2002 meeting. Please consider the following Agenda for the July 9, 2002, Regular Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J..

AGENDA
MANASQUAN PLANNING BOARD
JULY 9, 2002 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion - Sandra Stiles-16 1/2 Ocean Ave.
Kathleen Dalton - 22 Wyckoff Ave.
2. Informal Hearings:
3. Private Session:

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION - 15-2002 - David Bender - 145 Beachfront.

APPLICATION - 27-2002 - Frank McGrath - 409 First Avenue

APPLICATION - 25-2002 - Rudy & Michele Graf - 285 Beachfront
& First Ave.

RESOLUTION - 26-2002 - Jane Chamberlin - 117 First Avenue

RESOLUTION - 21-2002 - Kathleen Binns Dalton - 12 Wyckoff Ave.

RESOLUTION - 34-2002 - 580 Main Street East, LLC

RESOLUTION - 27A-2002 - Downtown Manasquan LLC - 15 Taylor Ave.

4. MOTION ON MINUTES
5. APPROVAL OF VOUCHERS
6. COMMENTS FROM INDIVIDUAL BOARD MEMBERS
7. REPORTS OF SUBCOMMITTEES OF BOARD
8. AUDIENCE PARTICIPATION



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08738

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

JULY 9, 2002 - REGULAR MEETING MINUTES
PLANNING BOARD

Manasquan Planning Board held their regular meeting on July 9, 2002 in Manasquan Borough Hall, 201 E. Main St., Manasquan, N. J.

Thomas Carroll, Vice Chairman opened the meeting at 7:00 p.m. in the absence of Chairman John Burke.

Sandra Stiles, 16 1/2 Ocean Avenue.

Keith Henderson, put himself on record as Attorney representing the applicant. They are before the Board for an interpretation as to what constitutes repairs versus renovations. The applicant has some construction problems with the house and when he went to get a building permit, Mr. Furey ruled that he had a non-conforming use and he essentially can't do anything. Mr Furey suggested they go to the Board for a brief determination.

Tom Stiles stated they had an application before the Board many years ago when they wanted to add a second story. He stated there is a main beam under the house that is undersized that is split, the ceiling joists are undersized and we want to put in new ceiling joists. We have sliding glass windows very old, the framing isn't any good, so we want to replace the windows. There is flooring in the bathroom that has to be replaced. That is essentially what we want to do.

Paul Lawrence the Architect stated there are 2 residences on site and Mr. Furey's interpretation of the Code is - once you have two residences everything is non-conforming, basically anything beyond a repair requires that we visit the board. Mr. Furey's definition for alteration includes repairs, changes, so we are here tonight to see if we have to come in for a full blown application because of that. We are not expanding the useable part of the house. The vast majority of repairs are structural. The roof line is the same. The glass along the back wall is changing, there are 3 sliding doors on the back and now there will be 2 french doors. It is strictly replacing windows. The height will remain the same.

Keith Henderson read the denial letter from Mr. Furey. Mr. Hamilton felt there should be a committee set up to make administrative decisions so they don't have to come before the Board in situations like this.

Mr. Hamilton stated there is no problem and he made a motion to grant approval of this application, seconded by P.Dunne.

Mr. Triggiano feels all the Board should look at the bills, not only a few of the Board.

Kathleen & David Dalton - 12 Wyckoff Avenue.

David Dalton came forward stating because of the joist which was not considered, they will need a height of 30.8' and the Board approved the height of 28.6', which would give him a 5.2' in the attic.

Mr. Cramer stated one of the conditions that was expressly imposed by the Board was that the building was to be constructed showing 28 1/2 ft. as measured from the crown of Wyckoff Avenue in front of the subject lot to the peak of the structure to be built.

Mr. Dalton stated that was based on his original elevation drawing, it was added up at the last meeting and there was a map error.

Mr. Cramer stated in order to address this situation without renotification and reservice of the property owners within 200 feet, it would be as if it were a condition of approval given by the Board.

Mr. Dalton stated they have a 9' attic now that they use for storage and it is full now, we never used it for living space and we never intend to. He stated the first floor is 104 inches floor to ceiling (8'8") existing, second floor is going to be 8 ft. for the living space.

Mr. Cramer stated there was an objector at the last meeting and for the Board to re-open this matter without notice without publication he doesn't think that's an appropriate decision to follow.

Mr. Dalton stated the reason he is going from 6" joist to 12" joist, is that storage is more weight than living space, and he was going to span from exterior wall to exterior wall. We are looking for 2ft. 2 inches.

Mr. Cramer stated the hearing was closed, vote was taken, the resolution was prepared for adoption tonight, and now you are asking the Board to do something different from what was approved.

Mr. Schmeling stated it would be difficult for us to change what we approved, regardless how we approved it. He would suggest that you do have to re-notice, but the only question to be discussed will be the height, it is not going to be a full blown application. We should do what ever to accomodate them for the next hearing.

The next hearing date will be August 13, 2002. Mr. Cramer said they will have to put a notice in the paper and set forth the subject matter that the hearing will be limited to the building

height of the addition your proposing to construct, also -
re-serve.

REGULAR SESSION

Vice Chairman Thomas Carroll opened the meeting at 7:30 p.m., stating this is an open public meeting held in accordance with the Open Public Meetings Act and held according to law. He asked all to stand and salute the Flag.

ROLL CALL - PRESENT - J.Muly, P.Dunne, T.Carroll, C.Triggiano,
N.Hamilton, Councilman W.Schmeling,
J.Tischio, J.Burke, G.Twadell, J.Coakley,
K.Monaco, K.Thompson.

ABSENT - Mayor Winterstella, D.Place.

APPLICATION -15-2002 - David Bender - 145 Beachfront.
Keith Henderson, C.Keith Henderson Assoc. put himself on record as Attorney representing the Applicant in this matter, who is also the owner of the property.
Two witnesses were sworn in by Mr. Cramer, David Bender and Richard Grasso the Architect.

Mr. Bender, 20 Keats Way, Morristown, N.J., came forward and testified he has leased the property approx. 25 years and purchased it this year. There is only one building on this property and it is single story, built about 70 years ago and condition is basically good. He testified he would like to demolish the house and build a 2 story residence, for his personal use only.

Richard Grasso, Architect came forward stating there is lot coverage variance, side yard set-back, building Coverage, on site parking. There will be a slight reduction in building and lot coverage by 1%. He testified the beach front set back will remain the same on the new building, the side yard set back adjacent to the neighbor will conform. The house is going up one story only. They propose to raise the bottom floor and add another floor. The height of the new building will be 29.6 feet. It will be out of the flood area. It will not impact public good or the zoning ordinance. It will improve the aesthetics of the property. Dormer will be on the North elevation, which is there now. They are attempting to preserve the picture of the existing house, but raising it up a floor.

Mr. Twadell had a problem with the north side set back. Mr. Grasso testified the only problem it would be another front yard setback along Riddle Way and you'd take the house down to such a narrow dimension, you'd have no house left. It's a small house to begin with. There are 945 sq. ft. per floor. Mr. Twadell said there is a lot of house on a non-conforming lot. The condensers will be in the rear of the house. A revised

survey will be provided to show the location of utilities and water per Mr. Henderson.

Councilman Schmeling agrees with Mr. Twadell, if your tearing it down he would like to see you get closer to where you are. He would like to see maybe make the bedrooms to 10 ft. take a foot off the deck. P.Dunne is concerned with the density, that middle house is just so crowded in there, it would be nice to give them a little more light and air. The square footing of the existing building is 28x44 ft.

Mr. Henderson stated they would be willing to pull the north set back in a foot and that would take about 90 ft off the square footage, and if that would help we would be willing to do that. We will figure out a way to make it work, we will have to amend the plans.

A motion to open the meeting to the public was made by J.Coakley seconded by P.Dunne and unanimously carried.

Frank Diana, 401 First Avenue came forward stating he is in the back and he can't hear half of what you are saying, I have to come up and talk in a mike, it looks like you have an elaborate system here and no one in the audience can hear what you are saying.

There being no more comments, motion to close the public hearing was made by N.Hamilton, seconded by C.Triggiano and unanimously carried.

Motion to approve this application was made by N.Hamilton, with the variances required, seconded by J.Coakley, followed by the following vote: "YES"- J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, J.Coakley. "NO" - Councilman Schmeling, J.Tischio and G.Twadell.

Motion made for a 5 minute recess, seconded and was unanimously carried at 8:30 p.m. Chairman J.Burke returned and will take over the meeting when the Board returns from recess.

Board returned from recess at 8:40 p.m. with the following vote: J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, Councilman Schmeling, J.Tischio, J.Burke, G.Twadell, J.Coakley, K.Monaco, K.Thompson.

Mr. Burke thanked Mr. Carroll for taking over for him.

APPLICATION - 38-2002 - Frank McGrath - 409 First Avenue Thomas J. Hirsch, put himself on record as representing the applicant.

Frank McGrath the applicant and Chris Rice the Architect were sworn in by Mr. Cramer as witnesses.

Mr. Hirsch stated Mr. McGrath purchased the property and has already torn down the house that was there. There are 3 variances, lot frontage, one side yard setback and building coverage. The height will be 34 ft..

Frank McGrath testified he is the owner of the property since October 1, 2001. Has lived in Southern Monmouth County for the past 25 years. He testified the house was torn down with approvals sometime in late November of 2001. He testified the condition was a very small summer cottage with a gable roof, it had a side shower which touched the property line on the north side. It was really in a state of disrepair, there were asbestos shingels on the house. He testified he had a couple of options- he could paint the house and fix up the inside, get a C.O. and rent it out, he also looked at the option of putting a second floor on and changing the roof line of it, but when he analyzed those options, he felt economically it would be in his best interest to take it down and start from scratch and put up a home that would benefit his neighbors. He did discuss his plans with the neighbors that were interested. He worked with Mr Rice on the plans and is very happy with what Mr. Rice did.

Chris Rice, Architect came forward testified he is the one who designed the plans. He testified it is a narrow lot, 40 ft required, it is 33x100 ft.. It does have the square footage, it just lacks width. The design before the Board is a main house and a garage. They decided to attach the garage to the house and start out as a breeze way. It is a 2 1/2 story house, kitchen, living room, dining room, breeze way and garage, on the second floor they are building over that. Setback variance is on the northly side, 5 ft. required, proposing 4 ft.. The old house was 3.8' so we pulled that in a bit. South will have a 5ft. set back. The other variance is the building coverage 35% allowed, we are at 37%. A portion of that is the garage which we are attaching and the area in the back which the second story cantilevers, so we do have to include that in our coverage, but there is a space back there that is open on the first floor. The height is 34 feet in the main part, and in the middle it drops down to 28 feet and the rear portion goes back to 31 feet.

Mr. Rice stated, compared to the old house this is a thousand times better. There could have been other designs, but this is a narrow lot and it does have some length, so we chose to make it long and thin. The lot coverage on the old house was 52%, 50% required and we brought it down to 46.8%. The condensers will be in the rear yard or in that nook which is behind the main house. Deck will be about 2 1/2 ft. above grade. Mr. McGrath testified the curbing and sidewalk in front of the house will all be redone.

A motion to open the meeting to the public was made by T.Carroll, seconded by J.Tischio and unanimously carried.

Ed Romanko, 407 First Avenue came forward stating he has seen the plans and thinks the Board should give him the variance.

Frank Diana, 401 First Ave. came forward stating Mr. McGrath was being kind when he said the house was in bad shape, the house was in deplorable shape, and this will be a great improvement to the neighborhood.

A motion to close the meeting to the public was made by N.Hamilton seconded by J.Tischio and unanimously carried.

A motion to approve this application was made by T.Carroll as presented with the variance that was requested along with the stipulation that the sidewalk and curb will be replaced and that the section between the curb & sidewalk do whatever the ordinance says, seconded by C.Triggiano, followed by the following vote: "YES"- J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, Councilman Schmeling, J.Tischio, J.Burke, G.Twadell.

APPLICATION - 25-2002 - Rudy & Michele Graf - 285 Beachfront
Councilman Schmeling recused himself, as this is a Use Variance.
T.Carroll also recused himself.

Keith Henderson put himself on record as Attorney representing the applicant. There are two witnesses that were sworn in by Mr. Cramer, Rudy Graf, 267 Beachfront the applicant, and Paul Moore, the Architect, Planner..

Mr. Henderson stated this lot is oversized, a 40 ft where 30 ft is required. The number of variances are because the applicant has elected not to sub-divide this property. The applicant has no plans to sell off either one of these properties, it's intended to be a family compound. The applicant is building the rear property for his father to live in and the front property as a retirement home for his family.

Rudy Graff, 267 Beachfront, testified he lives at this property and owns it also. The property in question was acquired in Dec. of 2000 and his intention is to put a beachfront home in and a garage apartment in the back for his Dad, which is what we have at 267. The reason we were interested in buying it is that it is 40 feet, which would allow us to put a driveway in to have access to the house in the front and to be able to put an elevator in, so that family and friends who are disabled can have access to the house. His Dad has a heart condition and a number of family members have diabetes. He testified he is retired and this will be his retirement home. He testified he has 3 daughters, one in Boston, one here and one in New York.

He testified they will move into this property and sell the property at 267.

Paul S. Moore, 4702 Spring St., Wall, Architect and Planner and he works out of his home. He testified he did review this application. The Bulk variances required for First Ave. & Beachfront are for curb cut and building coverage. Mr. Moore testified the building coverage on the lot would be 42.63% if approved. With respect to 285 Beachfront, they are proposing a 15 ft. to the bulk of the house and 7 ft. to the front porch. The existing building on the site right now is 6.6 ft. from the front property line and we're bringing it back to 7 ft. and the house existing is 13.4 ft. and we are bringing the bulk of the house back to 15 ft to comply. They are proposing a dormer on the south elevation 10 feet wide. They would like a fireplace and sitting area in that bedroom. They are using option B. On the no name address on First Ave. they are proposing 2 ft. on the front set back. Dormer variance is required. Both buildings will comply with the flood regulations and fire and building codes. On the beachfront house they are proposing a 6 ft. side yard setback on both sides. First Avenue will be 5 Ft. on one side and 12 ft. on the other, which will allow for a driveway to provide for additional parking at the beachfront house. There will be 2 parking spaces for each structure off site. There will be 2 parking spaces in the garage and 2 car parking area in the beachfront house. The driveway will be pavers. The use variances could have been avoided if this property was sub-divided. It would have been a sub-division of right.

Copy of the old American Timber sub-division was marked as A-1, Water, Sewer and gas lines will be served by separate services and separate meters. Electric will be put underground. A retaining wall will be set to match the existing grades along the property line. Any drainage will be coming all to our property and then running off. The air condensers will be as close to the house as possible off the driveway in the rear. Mr Moore testified when they come from the beach down along the house, when you get to that wall, you'll step on that wall which will be virtually level with the sand, then you'll go down 3 1/2 feet. They will put steps there so you can get down without jumping.

Mr. Twadell wanted to know their objections to doing a sub-division. Mr. Henderson stated as a general proposition he doesn't like it in most applications, because he thinks you create a lot of legal fictions which are totally unworkable. You have easements and garages, which is impossible to find who is going to maintain, if the garage burns down, how do you portion the cost, you have easements for pedestrian access from the Beachfront to First Ave., easements for utilities. If you

want us to do a sub-division, we can do one, but Mr. Graf doesn't want one.

Mrs. Dunne stated this property has never had two structures on it and she stated she can not go along with that, it would be a terrible precedent to start on large lots, she doesn't think that is the way to go.

N. Hamilton stated he has the option and far exceeds the square footage for that zone and this Board tonight can deny him that right and he will come back with a sub-division and it has to be granted. Mr. Burke agrees with Neil.

Mr. Graf testified he will be back next month with the sub-division. We don't want to do it, we are trying to show the Board our intention, and our intention is to keep it a family property. This gives my father the independence of living in a house of his own and not living with his kids. We have never been a landlord and don't want to be a landlord. These two houses are going to be built one way or the other.

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

Doug McGilvray, 285-283 Beachfront and 282 First Ave., which is next door and I have owned the property since 1985. He has reviewed the drawings and it is quite an ambitious undertaking, quite a nice house. His concern is the future separation between the two buildings to the North, which now has 16 1/2 ft. between the buildings, which will be reduced to 8 ft.. The garage setback will be reduced to 6 ft.. On the retaining wall, back in 1992, water surged between the two houses and ended up on First Avenue. This retaining wall will essentially direct that storm surge directly at my foundations. This is a 3 1/2 ft high retaining wall, this particular area between the houses is open, young children play in this area, so that 3 1/2 ft. drop off is substantial. What is going to happen if people step off this wall, right now it is just sand.

Mr. Henderson stated Mr. McGilvray, you understand that the requirement in the zoning ordinance for the set back for these properties is 5 feet, he answered correct absolutely. Mr. Henderson stated when you talk about this separation, isn't that caused in large measure by the fact that your two buildings are completely non-conforming as to set backs. Mr. McGilvray answered yes. In respect to the retaining wall, did you hear in the testimony that the retaining wall on the east side would be flushed with the sand and there would be steps going down from that on the west side. Mr. McGilvray answered yes.

Bob Ernst, 285 First Ave. directly across the street, is

concerned about the First Ave. property. He stated Mr Herring owned the property in question and on 2 occasions when he went to the Board he was knocked down by a 10 to 2 vote on the First Ave. one. First he wanted a 3 car garage with 2 apartments, then a 2 car garage with 1 apartment, all because there were 2 homes on the property.

Brian Lough, 29 Virginia Avenue, stated he has known Mr. Graf and his family for over 25 years. He built a nice house on Cedar Ave. moved to Boston, came back built a nice house on Broad St. which was an asset to that neighborhood, built a nice house on the beach and I know what he is building now is an asset to any neighborhood. Any thing he has done is beautiful. He thinks the Board should give him approval.

John Gassner, Builder, stated he has built a lot of buildings for the Graf's and their daughter. What ever he builds for them is first class, materials they use, Michele researches things, drives him crazy as far as details. Everything they do makes sense. It's a pleasure working for them and what ever goes up there will be the best interest for the neighbors and town.

Mark Neuwirth, 66 Church St., stated you don't need a sworn testimony from Rudy Graf, what ever he says is what he does. His history and consistency speaks for itself.

Michael McKeon, 265 First Avenue, neighbor of Rudy Graf for the last 6 years, and when his apartment caught fire next door to them, they let him stay for about 3 months in their apartment, They are nice people and hopes the Board gives them what they want.

Motion to close the public portion of the meeting was made by C.Triggiano, seconded by N. Hamilton and unanimously carried.

Alan Hilla made a suggestion to the Board on what they have heard tonight. On the retaining wall on the north side, the jog and the potential hazard on the 3 1/2 ft. drop. He suggested straightening that wall out and running it between the two building lines, so that it would be continuous sand from the beachfront to First Ave., you would remove the emergency access issue that you would not have the 3 1/2 ft. impediment even if there are stairs. At 3 1/2 ft. you have to talk about railings.

Mr. Burke stated, by doing what you suggested, they loose about 5 feet and they go down to about 20 ft. space and that is really tight on trying to jog a car around.

Mr. Graf testified there is no way they would cause hazard,

they would stipulate, they will work with the Fire Dept. to make sure they are satisfied with the way that wall is placed, so they have total access between those houses.

A motion from N.Hamilton on granting the Use Variance to place 2 principal structures on this lot, seconded by J.Muly followed by the following vote: 'YES'-J.Muly, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, G.Twadell. "NO" - P. Dunne.

A motion from C.Triggiano granting the Use Variance for 2 habital principal dwellings on the same lot, seconded by J.Muly, followed by the following vote: "YES"- J.Muly, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, G.Twadell. "NO" P.Dunne.

A motion to approve the Bulk variances, front yard setback for the beachfront house 7ft. proposed, building coverage 42.6% proposed, 2 curb cuts, front 20 ft. for the garages and a 12ft. curb cut for the beachfront house, Dormer on the south elevation of beachfront house 2 ft. proposed and a dormer that goes over the 8% permitted on the roof of the First Ave. house, was made by N.Hamilton, seconded by C.Triggiano, followed by the following vote: "YES"- J.Muly, C.Triggiano, H.Hamilton, J.Burke, J.Coakley, K.Monaco. "NO"- J.Tischio, G.Twadell. ABSTAIN - P.Dunne.

T. Carroll returned to the Board at 10:30 P.M.

RESOLUTION - 26-2002 - Jane Chamberlin - 117 First Avenue.

A motion to memorialize this resolution was made by N.Hamilton, seconded by P.Dunne, followed by the following vote: "YES"- J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke.

RESOLUTION - 21-2002 - Kathleen Binns Dalton - 12 Wyckoff Avenue
Kathleen Binns Dalton was present and testified she would like to have the resolution adopted tonight, even though it doesn't contain the elevated height provision that she is looking for. Motion to memorialize was made by N.Hamilton, seconded by J.Muly followed by the following vote: "YES"- J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, G.Twadell.

RESOLUTION - 34-2002 - 580 Main Street East LLC

A motion to memorialize with an amendment that if there should be a problem with the out door dining and recorded by the police committee, who ever owns and operates this particular establishment would be required under their direction to come back to the Planning Board for an adjustment and control for their outside dining hours, was made by G. Twadell, seconded by J.Tischio, followed by the following vote: "YES"- J. Muly, P.Dune, T.carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, G.Twadell.

RESOLUTION - 27A-2002 - Downtown Manasquan LLC - 15 Taylor Avenue
Motion by N. Hamilton to memorialize was made seconded by J.Muly
followed by the following vote: "YES"- J.Muly, P.Dunne,
J.Coakley, C.Triggiano, N.Hamilton, J.Burke. ABSTAIN - J.Tischio,
G.Twadell.

A motion by C. Triggiano, seconded by J. Muly to approve Sandra
Stiles- 16 1/2 Ocean Avenue renovations, was made and unanimously
carried.

Regarding the plans for the Board of Education - Mr. Monaco
stated if the board wants to hear a presentation, it can be
arranged if that's desired. Alan Hilla's suggestion was to move
the cafetorium and kitchen away from the residential zone, as
there is a dumpster and exhaust fans, deliveries which is right
next to the houses, right now it is in the center of the
building. He suggests that the Board of Education requests the
designers try to see if this Cafeteria or Cafetorium with the
kitchen can be relocated to a less focal location.

Mr. Monaco said he will take the concerns raised by Mr Hilla
back to the School Board Adminimstration tomorrow and respond
to Marie or the Chairman tomorrow or the next day.

The Board decided they need some dialogue between the Board
and the Board of Education.
If the Board can have an impact on this proposal Mr. Monaco
will get back to us and then we will have it on the agenda for
August 13, 2002 at 6:30 P.M., otherwise we will set up a meeting
with the Board of Education at a later date.

A motion by T.Carroll that a letter sent to us from Sandra Stiles
for the work they propose to do has been determined by the Board
to be an alteration and repairs, seconded by C. Triggiano and
unanimously carried.

C. Triggiano has a complaint on Melillo & Bauer bill for Surfside
Estates, he believes they should charge the same on all invoices.
The Board agreed to pay the bill for Melillo & Bauer with a
unanimous vote except for C.Triggiano who voted no

A motion to pay all vouchers was made by C.Triggiano, seconded
and unanimously carried.

There being no more business, motion to close the meeting at
12:05 A.M. was made seconded and unanimously carried.

Respectfully submitted,

Marie Applegate
Marie Applegate, Secretary
Manasquan Planning Board



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

Dear Manasquan Board Members: **PLANNING BOARD**

Enclosed please find a copy of the minutes from the June 11, 2002 meeting, and the July 9, 2002 meeting. Please consider the following Agenda for the August 13, 2002, Regular Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J..

AGENDA
MANASQUAN PLANNING BOARD
AUGUST 13, 2002 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion - Extension of Time - M. Budzek .
- Interpretation - Ocean Bay Prop.
2. Informal Hearings:
3. Private Session:

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION - 33-2002 - 208 Properties LLC-96 So. Jackson Ave

APPLICATION - 30-2002 - Ocean Bay Properties-115 Sea Girt Ave.

APPLICATION - 29-2002 - Alfred Litwak- 498 Long Avenue

APPLICATION - 31-2002 - Mark Liggitt - 27 Newark Avenue

APPLICATION - 21A-2002 - Kathleen Binns Dalton-12 Wyckoff Ave.

RESOLUTION - 15-2002 - David Bender - 145 Beachfront

RESOLUTION - 38-2002 - Frank McGrath - 409 First Avenue

RESOLUTION- 25-2002 - Rudy & Michele Graf - 285 Beachfront

4. MOTION ON MINUTES
5. APPROVAL OF VOUCHERS
6. COMMENTS FROM INDIVIDUAL BOARD MEMBERS
7. REPORTS OF SUBCOMMITTEES OF BOARD
8. AUDIENCE PARTICIPATION



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

PLANNING BOARD

AUGUST 13, 2002 - REGULAR MEETING MINUTES

Manasquan Planning Board held their regular meeting on August 13, 2002 in Manasquan Borough Hall, 201 E. Main Street, Manasquan, N. J.

Vice Chairman Thomas Carroll opened the work session at 7:00 p.m. in the absence of Chairman John Burke.

Extension of time for Michael & Dorothy Budzek- 518 Perrine Blvd.. N.Hamilton made a motion to allow the extension. It will be formally approved at the regular session.

Chairman J.Burke arrived at 7:10 p.m. and replaced T.Carroll.

Ocean Bay Properties - N. Potter Avenue. Attorney T.Brennan for the applicant, stated the resolution that was drafted was comprehensive and compassing. When Mr. DeCastro went to Mr. Furey to make application for his building permit, Mr. Furey reviewed the resolution and presumed a few things from the resolution that could or might be incorrect. He suggested to go back to the Board for an interpretation. Mr. Furey's letter was marked into evidence. The Board was reluctant to grant Mr. DeCastro a variance to allow him to exceed the 25 ft. bldg. coverage which included a structure of house and garage. On the plans the both structures were going to be about 30 feet. At the time Mr. DeCastro offered to review his plans with his architect with the idea that he would comply with the 25 % and that it might be necessary to eliminate the garage to do that. Mr. Brennan submitted a plot plan which was marked as Exhibit-A.. Basically what they are looking for tonight is an interpretation from the Board, so that Mr. DeCastro can proceed with the construction of the house at 24.6% without the garage. A vote will be taken at the regular session of the meeting tonight.

Mr. Cramer said he would be sending a copy of the letter he received from the Attorney representing Dr. Adamczyk with respect to Downtown Investors application. He has raised some issues with respect to easement that exists in favor of Boro owned property, in which he feels because of the nature of the use proposed and approved by the Boro will have some impact on his mall.

C. Triggiano stated he has done some research on the B-3 zone on Rt. 71, Sea Girt Ave. and beyond the Ritz Bakery and is passing out some information that he would like the Board to look over for the Master Plan review.

Chris Rice came forward to make the Board aware on a situation that has been coming up quite often. He stated he has a lot that is 44 feet wide by 350 feet deep in a zone that requires 5000 sq. feet, (50x100), so we're in a range of 15000 where 5000 is required, 50 ft. frontage required but we have 44 ft.. There is an existing house, we can by ordinance renovate, enlarge alter and renovate that house without Planning Board approval, as long as we meet building coverage and some other provisions. That will be very easy to do. When you do a project like that, sometimes it's better to tear the house down and start from scratch. We have chosen to do that. In doing that, now we need Planning Board approval, so that this Board can look at a house that is completely conforming in all aspects, except that it only has 44 foot frontage. If that is true, what would the Boards input be, if the only variance is a pre-existing lot condition. If that is the type of application that maybe shouldn't be brought to the Board, maybe there is an administrative way to do it, if not - you allow for renovation, it would be very easy for us to leave a wall up. That ordinance, the way it states in there "existing house", if the word existing were taken out then you could do a completely conforming house on a lot that meets lot area, depth, set backs all that, just not frontage. In my office, we have a few of these applications now.

Mr. Rice stated maybe an ordinance change would be appropriate for certain applications. The intent is if you have a house and you want to demolish instead of renovating it, he thinks you should be given the same leeway as renovation. He stated he can do this renovation and he won't be here, but he think's you should give some consideration to those people that are doing these large renovations that they will tear down the building.

Mr. Burke said there is a possible solution to this. The Board has been talking about forming a committee, executive committee to look into particular questions like this as to whether this case should come before us or not, or whether you should just be allowed to build. If a committee like this comes about, then something like this, it would be up to that committee to say - yes you have to make a formal application or you don't. If we do it, it will save us a lot of unnecessary cases. The height has to be looked at also.

REGULAR SESSION

Chairman John Burke 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 to stand and salute the Flag.

ROLL CALL - PRESENT -J.Muly, T.Carroll, C.Triggiano, D.Place,
J.Tischio, J.Burke, G.Twadell, K.Monaco,
K.Thompson, N.Hamilton.

ABSENT - P.Dunne, Councilman Schmeling, Mayor
J.Winterstella, J.Coakley.

Mr. Triggiano requested that a letter be sent to the Asbury Park Press, to straighten out the meeting dates and remind them again that there is no more Board of Adjustment.

A motion was made to give a 9 month extension to Michael & Dorothy Budzek, Perrine Blvd. by J. Muly, seconded by G.Twadell, followed by the following vote: J.Muly, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, G.Twadell, K.Monaco, K.Thompson.

A motion to approve Ocean Bay Properties, to build a slightly larger house, eliminate the garage, and still conform with the 25% building coverage, with a stipulation that no future owner of the property can come in looking to put a garage on the property, also notify Mr. Furey of the same, was made by N.Hamilton, seconded by C.Triggiano, followed by the following vote: "YES"- J.Muly, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, G.Twadell, K.Monaco, K.Thompson.

APPLICATION - 33-2002 -208 Properties LLC-96 So. Jackson Avenue
Keith Henderson put himself on record as Attorney representing the applicant, stating this is a minor sub-division application for 2 fully conforming lots, Block 133, Lot 42,01. It is a sub-division of right. Mr. Hilla requested technical changes on the plat, which were delivered today, and they don't have any problems in doing what he is asking for. Both lots over the minimum size and not seeking any bulk variances.

Mr. Hilla stated on the revised plans, the sub-division is going to be filed by deed and individual plot plans will be submitted when they come for building permits with the grading plans for those lots.

Motion to open to the public was made, seconded and unanimously carried.

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

Motion to approve this sub-division as submitted was made by N.Hamilton, seconded by T. Carroll, followed by the following vote: "YES"-J.Muly, T.Carroll, C.Triggiano, N.Hamilton, D.Place, J.Tischio, J.Burke, G.Twadell, K.Monaco.

APPLICATION - 30-2002 - Ocean Bay Properties -115 Sea Girt Ave.
Thomas Brennan put himself on record as Attorney representing the applicant. He stated this is a two lot sub-division, which

Mr. Hilla designated it an application by right and all the issues raised, have been taken care of as testified by Mr. DeCastro. They intend to get all County requirements. They propose a curb cut along Sea Girt Avenue for access to the corner lot. They are proposing detached garages. There are no bulk variances required. They hope to use the curb cut on Curtis Ave. that is there.

Mr. Hamilton told the Board this applicant came for a sub-division to divide his property, he didn't come for any structurals or where he is going to build his house or asking for any variances. When we grant the sub-division he can walk out of here, he needs to comply with all the building codes and ordinances for every thing else down the road. There isn't any reason to waste time tonight as to where the driveways, curb cuts or parking are going to be, it will all be addressed in zoning when he applies for his building permits.

Motion to open the meeting to the public was made by C.Triggiano seconded by N.Hamilton and unanimously carried.

Emma Stafford, 117 Sea Girt Avenue came forward asking which way the houses were going to face and what the size of the lots are. Mr. Burke said the size of the lots are conforming and can't answer any questions on the houses or the building, as long as he applies to build houses that are conforming, then that's between him and the Code dept.. She had some questions on the parking on Curtis Avenue.

Jeff Woszczyak had questions on the grading plan.

Motion to close the public meeting was made by T.Carroll, seconded by G.Twadell, and unanimously carried.

Motion to approve this application as submitted was made by T.Carroll, seconded by N. Hamilton, followed by the following vote: "YES"- J.Muly, T.Carroll, C.Triggiano, N.,Hamilton, D.Place, J.Tischio, J.Burke, G.Twadell, K.Monaco.

APPLICATION - 29-2002 - Alfred Litwak - 498 Long Avenue.

Mariadonna and Alfred Litwak were sworn in by Mr. Cramer.

Mr. Litwak testified they are building a house on Long Ave. and part of that house has a front porch and we want to put a roof on that front porch. If we put that roof on, according to Zoning Code, that becomes a living space and having 5 children we don't want to give up that space. It's a tall house and without that front porch on there it looks like a very tall house. We're doing it for aesthetic reasons, The front of the porch will actually be a foot back from the house on either side. The Building coverage is 35% permitted and we are proposing an additional 4.4%. There are no other variances being requested. The shed mentioned in Alan Hills's report was removed 4 months ago.

Motion to open the public hearing was made, seconded and unanimously carried.

Rick Thomas, 56 Parker Avenue, stated he has never seen the Board spend so much time on such a small project. It seems these people are just trying to set their house up the way they would like to have it. They have met all the set backs, all the requirements and their going to change the over all of the house by just 4%. It seems to me your spending a long time on this, just let it go, give this guy a break.

Motion to close the public portion was made seconded and unanimously carried.

Motion to approve this application was made by J.Muly, seconded by C.Triggiano followed by the following vote: "YES"- J.Muly, T.Carroll, C.Triggiano, N.Hamilton, D.Place, J.Burke, K.Monaco. NO: J.Tischio, G.Twadell.

Mr. Litwak testified he has 2 separated garages, and only one curb cut, which is set off a foot to line it off with the fire plug.

For the record, Councilman Schmeling arrived at 8:20 P.M..

The Board voted unanimously for a 5 minute break at 8:25 p.m. The Board returned from their break at 8:30 p.m. with the following roll call: J.Muly, T.Carroll, C.Triggiano, N.Hamilton Councilman Schmeling, D.Place, J.Tischio, J.Burke, G.Twadell, K.Monaco, K.Thompson.

APPLICATION- 31-2002 - Mark Liggett - 27 Newark Avenue
Mark Liggett and Susan Liggett, were sworn in by Mr. Cramer. Mark Liggett testified, they want to put a front porch on to the house they are now rebuilding. They are putting on a second floor right now and they want a front porch that would exceed the 25 ft. on the front set back, which will be 19.1 ft.. In front of the house is a landscape that exceeds that right now.

Susan Liggett testified the look of the house right now is kind of boxey with the second floor, and the front porch would add some depth to it and make it more aesthetic looking. We thought 6 ft would be a nice size - not too big. The initial building plans did not have the porch on and now we would like it on. It is only going to be a wood covered porch.

Architect Mark Kinn-Gurzo was sworn in by Mr. Cramer. He is not a licensed architect, he is still going to school, he is just testifying as a friend. He testified they are just building up, a second floor.

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

There were no comments, motion to close the public portion was

made seconded and unanimously carried.

Motion to approve this application as submitted was made by T.Carroll, seconded by G. Twadell, followed by the following vote: "YES"- J. Muly, T.Carroll, C.Triggiano, N.Hamilton Councilman Schmeling, D.Place, J.Tischio, J.Burke, G. Twadell.

APPLICATION 21A-2002 -Kathleen Binns Dalton-12 Wyckoff Avenue Edwin O'Malley, put himself on record as Attorney representing the applicant. Kathleen Binns Dalton was sworn in by Mr. Cramer. Mr. O'Malley stated they are here tonight seeking an amendment of the height variance from 28.6 ft. to 32 feet. Exhibit A-1A drawing of roof pitch. Kathleen Dalton testified the red markings shows the existing roof peak at 22ft. 6", the blue shows what was approved as per resolution the 28.6 ft. and what we would like to do is 32 ft. which is allowed without the variance.

Mr. Burke stated there were a number of variances required when this case came before the Board before.

Mr. Schmeling stated when they talked to us before, they were fairly correct in stating that when we were putting our calculation together, what ever the height was, that it was rough figures, and he personally doesn't have any problem with going to 32 ft.. He thinks we have to be carefull, we get so concerned about the height, we forget about the aesthetics and we end up with a big flat house. It is a small lot and they are also trying to keep their coverage down. He has no problem with it.

Mr. Dalton was sworn in by Mr. Cramer. He testified they are removing the shed which will cut the building coverage down to just under the 35%.

T. Carroll agrees with W.Schmeling, but at the last meeting Mr. Dalton requested 30.8 ft., we talked about that and then we decided that we would have to do that at a regular meeting, as there was an objector at the original meeting, so they came back tonight and now we went from 30.8 ft. to 32 ft., how did that happen and why?

Mr. O'Malley stated that was reality, if they went strictly by arithmetic they were short in the 28'6 by 2'2" to build what they were talking about. The applicant is now saying that they revisited, they have calculated, they have drawn it and the application is right now, so please consider endorsing the 32 ft. for the reasons he has mentioned.

N. Hamilton's only concern was the size of the lot, and to create a house of some magnitude that's going to generate a lot of living space, he still has that concern but he can see your

point of trying to get an attic that has substantial storage. On the other hand if you get that 2 1/2 story look, you might want to add some dormers or bump outs. On the other hand should we put a restriction on this, if we should approve this, that a living space cannot be provided in that attic area, hard thing to enforce that down the road.

G.Twadell agrees with Neils comment about the house size, the lot size, and agrees with Neil, on whether these people or future owners might feel like bumping that attic out and he thinks that should be a restriction.

Mr. Dalton testified on the original plans they did have the dormers going out for windows and we're just going to continue out the width of the addition. There will be a roof going over the addition, a dormer that same size and originally a shed dormer drawn on that side. We just want 2 gables to get windows in, which will total 2 dormers.

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

There being no comments, motion to close the public hearing was made, seconded and unanimously carried.

Mr. Dalton testified there will be 3 bedrooms on the second floor. The first floor will be the kitchen, bathroom, living room and bathroom, total of both floors, 1200 or 1300 sq. ft..

A motion to approve this application was made by N.Hamilton, seconded by J.Muly, followed by the following vote: "YES" - J.Muly, T.Carroll, C.Triggiano, N. Hamilton, Coucilman Schmeling, J.Tischio, J.Burke. NO - G.Twadell, ABSTAIN - D.Place.

Motion to approve the minutes of June 11, 2002 was made, seconded and unanimously carried.

Motion to approve the minutes of July 9, 2002, was made, seconded and unanimously carried.

Mr. Burke on the parking in the Plaza. He would like to form a panel, it's not a committee of the Board, a volunteer panel to go over that area, to come up with plans or ideas for it. This panel would consist of 2 members of this Board, 1 or 2 of the Town Council, Mr. Rice, Tom Bauer, Keith Henderson who owns property on it and he has agreed, the Post Master, Fire Dept., Algonquin Theatre and our own expert Alan Hilla.

Mr. Place stated, Mr. Rice is a friend of his but he feels we should stop appointing him to Board's and liaison posts or panels for this Board. He brings applications to the Board on regular basis, and having him as a regular member which he used to be,

I think it is just a conflict of interest, also Mr. Henderson shouldn't be on the panel either.

Mr. Schmeling stated it may make sense for the Planning Board to suggest this to the Mayor and Council and they decide if we should have this committee. He agrees with Mr. Place, he had talked with Mr. Rice when he was on the Board, that maybe he should resign. It put's us in a bad situation, but for the people in the audience it make's it even worse.

Mr. Burke thought it was a good idea to go that way. He will make a proposal to Mayor and Council that this is a committee that we think should be formed to look at the parking and use of that Plaza area. It will be a volunteer committee.

Mr. Burke stated we have talked about a committee to look at questionable applications to see whether the applicant should make a full application to the Board, or to see whether the committee can intervene with Mr. Furey to come up with a conclusion without having to come to the Board.

Councilman Schmeling felt if a committee were set up that were to review the applications, basically to review all the applications that come before the Board. The committee would make a report in 5 minutes, if it needs a variance or all conditions are pre-existing. A lot of our applications are quite simple. He thinks the committee should review applications and make a report, it would streamline our process, we spend too much time on some applications. It would almost be like a minnie board.

Mr. Place doesn't think there should be any discussion behind closed doors about any application that's not in public forum, and that's exactly what your doing. Your saying we discussed it behind closed doors and accept what I say. Members of the Board should not be behind closed doors discussing an application, unless he's wrong. It should only be discussed in public forum.

Mr. Place understands the need to speed up the process because this Board has gotten more and more bogged down, but why are you trying to put things behind closed doors, your only heading for trouble down the road. The lines have been drawn and we have to live by them.

There was discussion on some previous applications, as to whether this committee could do it.

Neil stated the only reason he and Dick asked for this was one case that really bought it to light. We've had more than a dozen cases, that, did this really have to go before the Board. We don't want to stick our neck out because there are people out there ready to crash on us, so in order to cover your back

no questions asked, you send them here. Reference was made to the Stile's application of last month.

G. Twadell suggested a sub-committee of 4, that would look at the Master Plan and the ordinances and zoning and knock the heck out of them, like Carmen did on the B-3 zone, and then present those findings to the Board.

Mr. Hamilton said we have to move this Master Plan process along to try and get a resolve to it, but it seems like we're not getting any where, we just keep going and going, he doesn't see the light at the end of the tunnel on the Master Plan review. There are many things coming about that he thinks need review, not so much on Master Plan concept, but Zoning changes itself.

Mr. Cramer stated he thinks Alan has enough input from the membership of the Board, that he is almost at a point now where he can come up with a re-examination report and he thinks the Board should encourage Alan to come forth with a report that you can sink your teeth into. That can pull the whole thing together for you.

The Board agreed there should be a committee. Named to the committee were - J.Burke, in his absence T.Carroll, G.Twadell, J.Muly and Councilman Schmeling. Alternate - J. Tischio.

RESOLUTION - Appointing Chairman and Vice Chairman for the Board.
John Burke - Chairman and Vice Chairman - Thomas Carroll.
Motion to approve the resolution was made by J.Muly, seconded by G.Twadell, followed by the following vote: "YES" - J.Muly, C.Triggiano, N. Hamilton, Councilman Schmeling, D.Place, J.Tischio, G.Twadell, K.Monaco.

Motion was made to recommend to Council that the Board agrees with the change on Ordinance No. 1884-02, by J.Tischio, seconded by C.Triggiano and unanimously carried.

Motion to approve the vouchers was made, seconded and unanimously carried.

RESOLUTION - 15-2002 - David Bender - 145 Beachfront
Motion to memorialize was made by N.Hamilton, seconded by C.Triggiano followed by the following vote: "YES"-J.Muly, T.Carroll, C.Triggiano, N.Hamilton.

RESOLUTION - 38-2000 - Frank McGrath - 409 First Avenue
Motion to approve this resolution was made by T.Carroll, seconded by N.Hamilton, followed by the following vote: "YES"-J.Muly, T.Carroll, C.Triggiano, N.Hamilton, Councilman Schmeling, J.Tischio, J.Burke, G.Twadell.

RESOLUTION 25-2002 - Rudy & Michele Graf-285 Beachfront
Motion to memorialize the Use Variance was made by J.Muly,
seconded by C. Triggiano, followed by the following vote:
"YES"- J.Muly, C.Triggiano, N.Hamilton J.Tischio, J.Burke,
G.Twadell.

RESOLUTION - 25-2002 - Rudy & Michele Graf-
Motion to memorialize the Bulk Variances was made by N.Hamilton,
seconded by J.Muly, followed by the following vote: "YES"
J.Muly, C.Triggiano, N.Hamilton, J.Burke, K.Monaco.

Special Meeting dates for The Master Plan Review will be October 15th and November 26th, 2002 at 7:00 P.M.

Motion to open to the public was made, seconded and unanimously carried.

Rick Thomas, 56 Parker Ave. stated the meeting was very productive the last 45 minutes, and your panel is going to be very usefull.

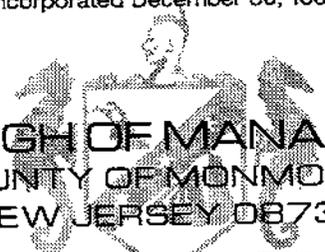
Had a comment on the last application and felt the new committee will take care of that. Wanted to know if every thing has been worked out between Downtown Manasquan and the entrance and exit between the neighbor Dr. Adamzack. Mr. Hilla will give the final o.k. on that project.

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

Motion to adjourn the meeting was made at 10:30 P.M., seconded and unanimously carried.

Respectfully submitted,

Marie Applegate
Marie Applegate, Secretary
Manasquan Planning Board



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

Dear Manasquan Board Members:
PLANNING BOARD

Enclosed please find a copy of the minutes from the August 13, 2002 meeting. Please consider the following Agenda for the September 10, 2002, Regular Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J..

AGENDA
MANASQUAN PLANNING BOARD
SEPTEMBER 10, 2002 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion: Schafer Property
2. Informal Hearings:
3. Private Session:

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION -36-2002 -John & Audrey Vickers -62 Marcellus

APPLICATION -37-2002 -Michael J.Behar - 310 First Avenue

APPLICATION -35-2002 -Garret Homes - 237 First Avenue

APPLICATION -43-2002 - Hugh & Kathleen Flannery-38 Ocean Ave

RESOLUTION - 33-2002 - 208 Properties LLC-96 S. Jackson

RESOLUTION - 30-2002 - Ocean Bay Properties-115 Sea Girt Ave.

RESOLUTION - 29-2002 - Alfred Litwak - 498 Long Avenue

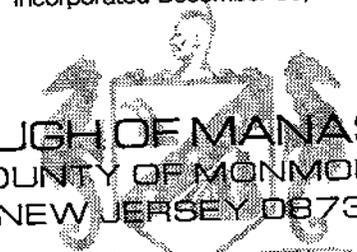
RESOLUTION - 31-2002 - Mark Liggett - 27 Newark Avenue

RESOLUTION - 21A-2002- Kathleen Binns Dalton-12 Wyckoff Ave.

RESOLUTION - 16A-2002- Ocean Bay Properties-N.Potter Avenue

RESOLUTION - 18A-1998 -Sandra Stiles - 16 1/2 Ocean Avenue

4. MOTION ON MINUTES
5. APPROVAL OF VOUCHERS
6. COMMENTS FROM INDIVIDUAL BOARD MEMBERS
7. REPORTS OF SUBCOMMITTEES OF BOARD
8. AUDIENCE PARTICIPATION



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08738

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

PLANNING BOARD

MANASQUAN PLANNING BOARD

**SEPTEMBER 10, 2002 WORK SESSION AND REGULAR MEETING
MINUTES**

The Manasquan Planning Board held their work session and regular meeting on September 10, 2002 in Manasquan Borough Hall, 201 E. Main Street, Manasquan, NJ.

WORK SESSION

Chairman John Burke called the work session to order at 7 p.m.

Present : Board Members John Muly, Patricia Dunne, Thomas Carroll, Carmen Triggiano, Neil Hamilton, Councilman William Schmeling, John Tischio, John Burke and Gordon Twadell.

Absent: Board Members Mayor John Winterstella, David Place, James Coakley, Kevin Monaco and Kevin Thompson

Also in attendance were Geoffrey S. Cramer, board attorney; Alan Hilla Jr., board engineer/planner; and Sharon Bogie, acting secretary.

Mr. Burke introduced topics which had been discussed at the previous evening's council meeting. First amongst these was the possible Borough purchase of the Schafer property, located at North Main Street.

Mr. Schmeling set forth the council's position on the purchase. He states the Borough is in negotiations with property owner Lori Schafer-Centrella to purchase the approximately two acre tract through Green Acres. He stated the borough's intention in such matters is to purchase the property through Green Acres so no borough funds are used. He stated the borough needs to go through an application process to secure such funding and Mayor and Council are seeking a letter from the Planning Board supporting the purchase through Green Acres funding. He noted there have been two appraisals on the land, one pending and one stating a developer could conceivably make nine lots out of the property, based on recent land actions in the area. The Borough, he stated, is looking to purchase because of the chance of this type of development and noted that an

Open Space plan had been adopted last year. The future of this property, he stated, has been discussed for "a long time."

Mr. Triggiano questioned contamination on the property. He asked if a prior oil spill had been cleaned up, to which Mr. Schmeling said the clean up was presently in progress. Mr. Schmeling added that Mrs. Schafer-Centrella had been in touch with the Department of Environmental Protection on the matter. The Borough, he affirmed, will not purchase the property if it is not completely cleaned up.

Mr. Schmeling once again stressed that Mayor and Council are still at the application stage, noting that the Borough must submit its application as soon as possible to take advantage of favorable funding terms. The application is, he stated "step one" in the process. Mr. Triggiano asked why the Borough should go through the effort of filing the application if the property is not cleaned up. Mr. Schmeling repeated the need for expediency because a developer who is "not in a rush to clean up" could buy the property.

Questions were also raised as to the environmental study conducted on the property, including Mrs. Dunne and Mr. Triggiano wanting to know why the Borough paid for the inspection rather than the property owner. Mr. Schmeling stated the inspection was necessary and that in this type of situation it is more prudent that the Borough have their own inspection conducted. Mr. Schmeling stated he did not have information on the cost of the inspection. Mr. Triggiano stated the DEP should inspect but Mr. Schmeling said they do not conduct inspections but rather only accept inspections conducted by others. In any case, Mr. Schmeling added, the Borough wanted control over the report and have it done by their own private firm so they were comfortable over the outcome.

Mr. Triggiano also expressed concerns over policing the property, to which Patricia Dunne said she did not feel there would be a need for constant policing. It was noted the front house would still be private property.

It was noted that this would be a contingency based application and that the Borough would not be obligated to follow through with the application should the contingencies not be met.

Mr. Triggiano questioned what the loss of ratable would be on the property. Mr. Schmeling said it would not be high because it was vacant property; it was once again noted the property owner would retain the front house and property.

Mr. Muly mentioned the possibility of creating senior citizen housing on the site, opining that it is close to town and a secure area. Discussion determined this kind of project may be cost prohibitive to developers.

Questions were also raised regarding flood issues on the property. Council had initially believed the property was wetlands, stated Mr. Schmeling, but research indicated it was

not. Mrs. Dunne stated there was no stream encroachment but believed they should have one. Right of way issues were also briefly discussed.

Mr. Burke advised the board the town is looking to buy the property so a developer does not purchase the property and "put in an extreme number of houses."

After discussion, the Board determined to have Mr. Cramer prepare a letter to Mayor and Council stating its supports their initial application to possibly purchase the tract. Mr. Hamilton added that the letter should reflect that the purchase should come "at a minimal cost to the tax payers" and that the Board could reconsider its support at a later time should circumstances change. Mr. Burke also stated its should reflect the contingency that the site will be completely cleaned of contamination. Mr. Schmeling noted the only way the entire council was agreeable to the purchase were based on those contingencies. He stated Mayor and Council were only looking for the Planning Board's support in taking the initial. It was agreed that a roll call vote for this action would be called during the evening's regular session.

The Board then discussed issues related to the Flanders condominium project on Beachfront/First Avenue. The first item regarded Council's agreement to the Planning Board's suggestion regarding the project's street lighting plans. The five decorative lamps proposed, which were similar to the ones on Main Street, proved not to be effective at night in terms of other light pollution in the area; "the effect is lost," stated Mr. Burke. It was suggested that the developer place the cost of the lights (\$10-20,000.00) in an escrow account for future projects in the area at the end of Main Street.

It was noted that Thomas Bauer of Melillo and Bauer's beachfront redevelopment plan of three years ago called for establishment of a turnabout for drop off, such as the one located at the Elks Beach. Reinstatement of this item, it was stated, needed to be investigated and other Borough entities consulted.

The next Flanders-related item dealt with handicap/Americans With Disabilities Act issues. Mr. Hamilton, noting previous correspondence between the Borough and the unit owner on this topic, explained that an elevator had been proposed for building seven to accommodate one of the owners. The elevator, however, has proven to be too costly. The owner, however, is able to get up the stairs with the installation of latticework. After discussion, the Board determined it would, during its regular session, consider a motion to approve the lattice work provided that should the present owner no longer need it or no longer owns the unit it be removed.

The final Flanders issue examined possible winter rental restrictions. Resolution 23-2000, condition 3, sets forth that Flanders must submit a "complete set of the proposed Master Deed, By-Laws and Rules and Regulations which shall prohibit any lease for a residential rental unit for a term of over 100 days." The restriction, it was noted, was meant in part to ease the burden of placing children living in the development on the school system. The issue, however, arose as to just what was meant by 100 days. First, it was noted, the summer season from Memorial Day to Labor Day is just over that

threshold, which would mean tenants would not have a complete summer in the unit. Second, would the 100 days be in a calendar year, which would allow for a tenant to rent for the last 100 days of a year and then back that up with the first hundred days of the next year? Keith Henderson, attorney for the developer, addressed the Board on these issues. It was stated that the Master Deed and by-laws would need to be studied and the condominium association consulted. It was agreed that Mr. Cramer would make recommendations at the October 2, 2002 regular meeting.

REGULAR SESSION

Chairman Burke 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 to stand and join in the Salute to the Flag.

ROLL CALL: *Present:* Board Members John Muly, Patricia Dunne, Thomas Carroll, Carmen Triggiano, Neil Hamilton, Councilman William Schmeling, John Tischio, John Burke and Gordon Twadell.

Absent: Board Members Mayor John Winterstella, David Place, James Coakley, Kevin Monaco and Kevin Thompson

APPLICATION 35-2002 - GARRETT HOMES - 237 FIRST AVENUE -

Mr. Burke stated the order of the applications would be slightly changed so the Board could hear a brief statement from attorney Keith Henderson. Mr. Henderson requested that the hearing on this case be adjourned until the October 2, 2002 regular meeting so that issues regarding legal representation, noticing and submitted materials could be resolved. He stated that this could replace the Patricia Greeley case which had been on the schedule but was being moved to the November agenda at the request of the applicant. The Board agreed to the request and adjourned the hearing to October 2. It was stated all parties within 200 feet and utilities would be renoticed and corrected notice would be published in the newspaper.

APPLICATION 37-2002 - JOHN AND AUDREY VICKERS - 62

MARCELLUS AVENUE - John Vickers, homeowner, was sworn in by Mr. Cramer to offer testimony on the application, which requested relief so that a 8' x 33.5' covered porch could be constructed at the front of his home. The permit was denied by Zoning Officer Richard Furey under Section 35-9.4 - Front Setback - 25 feet existing, 13.5 feet existing and proposed. A Hardship Variance was requested for the property, located at Block 69, Lot 25. The property is zoned R-2.

Mr. Vickers gave brief background on the property, including prior work which had been done, and referred to pictures and a survey of the property while offering his testimony. It was stated the situation was a pre-existing non-conformity. The Board and applicant also discussed the removal of a non-conforming (oversized) shed, as set forth in Mr. Hilla's report.

Mr. Twadell noted that houses to the east of Mr. Vickers were build in a similar manner but had wrap around porches rather than enclosed ones such as proposed. Mr. Vickers stated there were a variety of porches in the neighborhood and offered that the house next door built approximately 20 years ago does not have a wrap around porch.

Mr. Twadell stated that part of the proposed project "ascerbates the distance of the street" and asked it that could be "cut off" and the porch be made to go all the way across the front of the house. He asked if Mr. Vickers could make the existing enclosed porch stop at the house line instead of bringing it all the way out. Mr. Vickers felt this would be "an odd looking porch." Mr Twadell stated in his opinion, because it would be the whole width of the house , this would not be the case. "Extend the open porch across the front of the house much like the neighbors and enclose only from the edge of the house back."

The Board and applicant also discussed the issue of prevailing setbacks in the neighborhood. It was noted that two houses on the easterly side of the subject property had approximately the same front yard setbacks. These homes have wrap around porches.

Mr Hamilton questioned Mr. Vickers on egress/ingress to the enclosed area, namely regarding the need to go inside the house to get into the enclosed porch. Possible solutions, including the installation of a door to go from the wrap around to the enclosed porch, were discussed.

Tom Carroll moved to open public comment; motion unanimously carried. Evelyn Grasdorf, 69 Marcellus Avenue, stated she had no objections to the project. There being no further public comment, a motion was unanimously carried to close the public comments.

Mr. Burke asked Mr. Vickers whether he would consider Mr. Twadell's suggestions. Mr. Vickers stated he would rather stay with the plans as he submitted. Mr. Triggiano asked if Mr. Vickers was planning to enclose the open porch; Mr. Vickers answered no.

The Board members each commented upon the application, with Mr. Muly, Mr, Triggiano, Mr. Hamilton, Mr. Carroll and Mrs. Dunne all indicating that they did not have a problem with either the originall submission or Mr. Twadell's suggestions. Mr. Twadell and Mr. Tischio stated their concerns regarding front yard and neighborhood character issues. Mr. Schmeling addressed Mr. Vickers and said that he would need to choose a direction and Mr. Vickers stated he wished to remain with the submitted plans. Mr. Burke advised Mr. Vickers of his options and the fact he needed a simple majority vote for the hardship variance. He stated if the Board denied the request there are res judicate issues to be considered. Once again Mr. Vickers affirmed he wished to go forward with his application and have the Board vote on it as submitted.

A motion was made by Mr. Carroll, seconded by Mr. Hamilton, for a favorable resolution to be prepared. Motion carried by the following vote: "YES" Board Members Muly, Dunne, Carroll, Triggiano, Hamilton and Burke. "NO" Board Members Schmeling, Tischio and Twadell.

APPLICATION 37-2002 - MICHAEL J. BEHAR - 310 FIRST AVENUE -
Mark Troncone placed himself on record as attorney for the applicant. Mr. Behar was then sworn in by Mr. Cramer to offer testimony on the application, which requested relief so that an air conditioner condenser unit could remain where it was installed on the property. Mr. Furey denied zoning approval under Section 35-11.8 of the Code of the Borough of Manasquan, which prohibits the installation of any mechanical device in the required setbacks. A hardship variance was requested for the project, located at Block 185, Lot 3.01 in a R-5 Zone.

Mr. Troncone and Mr. Behar, who purchased the subject property in 2001, offered background on the project. Among the issues discussed was the permitting process. Upon questioning from Mr. Tischio, Mr. Behar said a permit had been applied for but that simultaneously to the installation he received a violation for the project. Mr. Behar testified that he had pushed the contractor, Brown's Heating and Cooling, to get the project done and said the contractor had indicated an awareness of all pertinent setback requirements. The contractor, Mr. Behar offered, said the location of the condenser unit would not pose a problem. It was the contractor's responsibility to get the permits from the town, stated Mr. Behar, and the contractor had assured Mr. Behar that the process had been completed.

The Board, applicant and applicant's attorney discussed buffering and possible landscaping around the condenser. Recent remodeling and landscaping efforts on the property by the applicant were noted. Neighborhood character issues, including size of properties and density, were also recorded. Mr. Hilla noted problems with the scale of the survey provided and cited the criteria that needed to be met because of the structure's location in a flood zone. The Board then unanimously opened the floor to the public.

William Reynolds, 315 Beachfront, expressed concerns about the location of the unit. First he noted the issue of the lack of a permit on the project. He then commented on gas meter issues. Noting history of flooding and wave action in the area during the December 1992 northeaster storm, Mr. Reynolds opined that the air conditioner, if dislodged, would "take out" the gas meter because of its placement on cinder blocks and location right behind the unit. As for noise issues, Mr. Reynolds stated he could not hear noise from the unit.

There being no further comments from the audience, the Board unanimously moved to close the public commentary.

Mr. Tischio expressed concern that the Board, should it grant relief, would set a precedent. "It would open the door to install air conditioners in setbacks," he stated. He added that since there was plenty of room it should not be necessary to install the unit in

the setback. Air conditioners, he offered, "are moveable" and should be in the proper place.

Questions once again rose over the location of the air conditioner in relation to the electric and gas meters. It was noted that it was indeed the gas meters located to the rear of the unit. The Board, applicant and applicant's attorney also discussed Mr. Reynolds's suggestion that the unit be hung from the house.

Mr. Twadell stated he agreed with Mr. Tischio and Mr. Reynolds regarding storm impact. Mr. Twadell proclaimed that "safety will rule as opposed to convenience on First Avenue and the beachfront."

Mrs. Dunne offered that the setback regulations were created in response to neighborhood noise nuisance issues rather than safety issues.

Mr. Carroll cautioned that the Board must consider each application on its own merits. He stated in this case there is open space on the south side of the house. Mr. Hamilton agreed, stating there is plenty of space between the unit and the next house. Mr. Hamilton also noted how the applicant's remodeling efforts included compliance with flood mitigation requirements. Mr. Hamilton added that installation of protective lolly columns should be considered, with Mr. Hilla suggesting a combination of protective measures, including lolly columns. Mr. Hamilton also questioned why the builder installed air conditioning in a beachfront unit but did not install it in this house as well.

Mr. Triggiano stated the permit process would have revealed the difficulties in location. He stated he would "go along" with the application provided buffering and protective measures were taken.

Mr. Muly expressed concern over the setbacks while Mr. Burke stressed measures to protect the condenser unit.

There being no further questions or comments, a motion was made by Mr. Carroll for preparation of a favorable resolution reflecting Mr. Hilla's comments regarding installation of protective devices (lolly columns, post arrangement). Motion seconded by Mr. Schmeling and carried by the following vote: "YES" Board Members Muly, Dunne, Carroll, Triggiano, Schmeling, Hamilton and Burke. "NO" Board Members Tischio and Twadell.

A motion was made, seconded and carried unanimously for a recess at 8:30 p.m. Mr. Burke called the meeting back to order at 8:47 p.m.

Post-Recess ROLL CALL: *Present* : Board Members Muly, Dunne, Carroll, Triggiano, Hamilton, Schmeling, Tischio, Burke and Twadell. *Absent*: Board Members Winterstella, Place, Coakley, Monaco and Thompson

(Record shows Mr. Schmeling left at 9:15 p.m.)

APPLICATION 43-2002 - HUGH AND KATHLEEN FLANNERY - 38 OCEAN AVENUE - Keith Henderson placed himself on record as attorney for the applicant. Hugh Flannery, property owner, and Christopher Rice, architect, were sworn in to offer testimony on the application.

Mr. Flannery offered background on the application, which requested Hardship variance relief to construct a new 2 ½ story, single-family home. Mr. Furey denied zoning approval based on Section 35-9.4 of the Code of the Borough of Manasquan regarding Lot Frontage (50 feet required, 44 feet existing and proposed), Lot Width (50 feet required, 44 feet existing and proposed) and Building Height (33 feet proposed, under subsection e, Planning Board review is required). Mr. Furey also noted that under Section 14-1.4 a survey of less than five years old is required. The property, also known as Block 162, Lot 10.02, is located in an R-2 zone. Mr. Rice addressed the plans and artist's renderings of the project.

Hardship variance issues were discussed. It was stated this was an undersized lot with no chance of adding land. Mr. Burke noted the condition of two trees on the property, one dead and one in bad shape. These will be replaced with either holly or blue spruce. Mr. Hamilton, in response to inquiries regarding room sizes under BOCA Code, stated a room should measure 100 square feet to permit two occupants for sleeping purposes.

Mr. Hilla addressed the pierhead/bulkhead line issue. He stated the application called for "full use" of the lot from Ocean Avenue to this line on Stockton Lake. He questioned whether the applicant included under water / riparian lands in these figures. He felt the complexion of the application could change if these lands were included.

A motion was made, seconded and unanimously carried to open the floor to the public. George Ogden, 34 Ocean Avenue, questioned the first floor elevation of the projected house. He stated there will be an eight inch difference in elevation from the current structure. Mr. Rice and Mr. Henderson affirmed there will be no increased elevation of grade for the project. The house will be elevated, it was noted, but not the grade.

Mr. Ogden then asked whether the integrity of the floodwall on the property, which serves five to six properties and is approximately 100 feet from the street, will be maintained. The applicant's professionals stated that yes, at this point the integrity would be maintained.

Mr. Ogden then voiced the issue of the projected front elevation as compared to neighboring homes. Mr. Rice stated the height of the projected structure (33 feet) was measured from the top of the curb.

Mr. Ogden also questioned CAFRA requirements for the project.

There being no more questions, a motion was made, seconded and unanimously carried to close the public commentary.

Mr. Tischio stated he did not realize there was a flood wall. He stated that it had to be maintained. Mr. Hilla stated it was probably installed to maintain higher ground. The Board discussed the location, size and scope of the wall. Mr. Rice stated the integrity of the wall would not be affected at all.

Mr. Carroll stated he thought the project would be a nice addition to the neighborhood. Mrs. Dunne expressed concerns about the height of the project. Mr. Tischio stated he did not think the height would make a difference because of the setback from the street. Mr. Schmeling wished to clarify that the driveway entrance/apron should be 12 feet wide. Mr. Triggiano noted that with the exception of lot size the project met all other Code requirements. Mr. Muly stated the project was attractive and noted how Ocean Avenue as a whole had improved over the past few years.

There being no further comments or questions, a motion was made by Mr. Muly, seconded by Mr. Carroll, to prepare a favorable resolution. Motion carried by the following vote: *YES* Board Members Muly, Dunne, Carroll, Triggiano, Schmeling, Hamilton, Tischio, Burke and Twadell. *NO* None.

OLD / NEW BUSINESS - Mr. Burke stated that Mayor and Council has approved the formation of a committee regarding Manasquan Plaza issues at its September 9, 2002 meeting. Mr. Burke discussed the make up of the committee, noting that it was anticipated it would include representatives from businesses (including Keith Henderson), the Manasquan Chamber of Commerce, the Borough of Manasquan (including Birdsell Engineering) and Algonquin Arts (Fran and Jack Drew). Mr. Burke stated he would like two Planning Board members on the committee and added he would like one of the spots himself. He then suggested Mr. Coakley, since he is a Planning Board member as well as manager of a business affected by the Plaza (Neary-Quinn Funeral Home). The Board agreed to Mr. Burke's suggestions and it was also agreed that if Mr. Coakley was unable to fill the second slot Mr. Carroll would be named to the committee.

A motion was made, seconded and unanimously carried to approve the minutes of the August 13, 2002 regular meeting. After questions were raised regarding vouchers submitted by Mr. Hilla a motion was made, seconded and unanimously carried to approve the vouchers as soon as they were revised.

Several upcoming events were noted. Mrs. Dunne reminded the Board of its Master Plan meeting scheduled for October 15, 2002. Mr. Burke noted the subcommittee which had been appointed at the previous meeting would meet September 24, 2002 in the Council Caucus Room, Manasquan Borough Hall. He also noted the Plaza Committee will meet the first Monday in October on which there was not a Council meeting.

At 9:35 p.m., Mr. Burke opened the meeting to questions and comments from the public. Roy Weiss, 235 First Avenue, questioned the status of the Garrett Homes application. He was advised that it had been adjourned earlier in the evening until the October regular meeting and that the application would be required to renote.

Ed O'Brien, 44 Ocean Avenue, commented on a parking problem at his property. The property, he noted, had been part of a previously granted subdivision. His house is located in the rear of the back-front subdivision and there is a 15' easement for this property. The problem, he explained, was summer tenants from 38 Ocean Avenue, having no parking on that property, used this area and blocked his use of it. While the person in the front house is not concerned about it, Mr. O'Brien stated, he is. Mr. O'Brien was advised to research the matter, including review of the subdivision plot and the wording regarding the easement, i.e. is it referred to as an access easement or a parking easement? If, it was noted by Mrs. Dunne, it was referred to as a "egress/ingress" easement, then even Mr. O'Brien parking there would be contrary to its intent.

There being no further comments, the public session was unanimously closed.

The Board discussed the situation at the Sea Girt Armory Camp. It was noted a second cell tower had been erected the previous Thursday and it was difficult to get information on the project, stated Mr. Burke. Questions were raised as to whether the site was actually in Wall or Sea Girt and whether the government would continue to lease the land. It was also noted that the character of the site could change upon the State Police leaving that area. The Board also expressed concerns regarding the height of the tower. ~~(After discussion Mr. Burke directed Mr. Cramer to write a letter to Sea Girt Zoning Officer Richard Furey setting forth the Board's issues and concerns.)~~

RESOLUTION 33-2002 - 208 PROPERTIES LLC - 96 S. JACKSON AVENUE - The Board discussed the favorable resolution. A motion was made and seconded to memorialize; motion carried by the following vote: "Yes" Board Members Muly, Dunne, Triggiano, Carroll, Hamilton, Tischio, Burke and Twadell.

RESOLUTION 30-2002 - OCEAN BAY PROPERTIES - 115 SEA GIRT AVENUE - The Board discussed the favorable resolution. A motion was made and seconded to memorialize; motion carried by the following vote: "Yes" Board Members Muly, Dunne, Triggiano, Carroll, Hamilton, Tischio, Burke and Twadell.

RESOLUTION 29-2002 - ALFRED LITWAK - 498 LONG AVENUE - The Board discussed the favorable resolution. A motion was made and seconded to memorialize; motion carried by the following vote: "Yes" Board Members Muly, Dunne, Triggiano, Carroll, Hamilton, Tischio and Burke.

RESOLUTION 31-2002 - MARK LIGGETT - 27 NEWARK AVENUE - The Board discussed the favorable resolution. A motion was made and seconded to memorialize, with changes as noted; motion carried by the following vote: "Yes" Board Members Muly, Dunne, Triggiano, Carroll, Hamilton, Tischio, Burke and Twadell.

RESOLUTION 21A-2002 - KATHLEEN BINNS DALTON - 12 WYCKOFF AVENUE - The Board discussed the favorable resolution. A motion was made and seconded to memorialize; motion carried by the following vote: "Yes" Board Members Muly, Dunne, Triggiano, Carroll, Hamilton, Tischio and Burke.

RESOLUTION 16A-2002 - OCEAN BAY PROPERTIES - N. POTTER AVENUE - The Board discussed the favorable resolution. A motion was made and seconded to memorialize; motion carried by the following vote: "Yes" Board Members Muly, Dunne, Triggiano, Carroll, Hamilton, Tischio and Burke.

RESOLUTION 18A-1998 - SANDRA STILES - 16 1 / 2 OCEAN AVENUE - The Board discussed the favorable resolution. A motion was made and seconded to memorialize; motion carried by the following vote: "Yes" Board Members Muly, Dunne, Triggiano, Carroll, Hamilton, Tischio, Burke and Twadell.

The Board then entertained motions regarding matters discussed during its work session:

- SURFSIDE ESTATES RE: LATTICE WORK - A motion was made and seconded to grant the request that lattice work should be installed with the stipulation it be removed when no longer needed by the owner or when the owner sells the unit. Motion carried by the following vote: "Yes" Board Members Muly, Dunne, Triggiano, Carroll, Hamilton, Tischio, Burke and Twadell.
- LETTER TO MAYOR AND COUNCIL RE: SCHAFER PROPERTY - A motion was made by Mr. Carroll, seconded by Mr. Twadell, that Mr. Cramer direct a letter to Mayor and Council indicating that the Board supports acquisition of the Schafer property. This support is contingent upon the purchase not costing the taxpayer money, the complete clean up of the property and the Planning Board being allowed to review status prior to final purchase negotiations. Motion carried by the following vote: "Yes" Board Members Dunne, Carroll, Hamilton, Tischio, Burke and Twadell. "No" Board Members Triggiano and Muly.

Status reports on the Dairy Queen property, the four lot Broad Street-Sea Girt Avenue subdivision and the Adamczyk easement matter on Taylor Avenue were briefly discussed. There being no further matters, a motion was made, seconded and unanimously carried to adjourn at 10:12 p.m.

Respectfully submitted

Sharon Bogie
 Sharon Bogie, Acting Secretary
 Manasquan Planning Board



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

PLANNING BOARD

Dear Manasquan Board Members:

Please consider the following Agenda for the October 1, 2002 Regular Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J..

AGENDA
MANASQUAN PLANNING BOARD
OCTOBER 1, 2002 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion:
2. Informal Hearings:
3. Private Session:

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION -39-2002 - George Dempsey - 11 Parker Avenue

APPLICATION -41-2002 - Joseph Daugila - 49 Ocean Avenue

APPLICATION -35-2002 - Charles & Carol Manto-237 First Ave.

RESOLUTION - 36-2002 - John & Audrey Vickers -62 Marcellus

RESOLUTION - 37-2002 - Michael J.Behar - 310 First Avenue

RESOLUTION - 32A-2001- Michael & Dorothy Budzak-518 Perrine

4. MOTION ON MINUTES
5. APPROVAL OF VOUCHERS
6. COMMENTS FROM INDIVIDUAL BOARD MEMBERS
7. REPORTS OF SUBCOMMITTEES OF BOARD
8. AUDIENCE PARTICIPATION



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

OCTOBER 1, 2002 - REGULAR MEETING MINUTES
PLANNING BOARD

Manasquan Planning Board held their regular meeting on October 1, 2002 in Manasquan Borough Hall, 201 E. Main Street, Manasquan, N. J..

Chairman John Burke opened the work session at 7:00 p.m.. Request from Ronald Dana for an extension of time as he is having a problem getting approval from CAFRA for 293 Beachfront. It will be approved at the regular meeting tonight.

Letter from Surfside Estates for the lattice on the stairway and now it is not being put up, but they are going for an elevator instead, at a later date.

A nominating committee consisting of Chairman C. Triggiano, J. Muly and P. Dunne were picked and will be formally approved at the regular session. We will need a letter from Mr. Hilla and Mr. Cramer on their fees for the coming year.

Mr. Hamilton stated the ordinance doesn't permit the square footage for a three car garage, because the square footage would be in excess of what the ordinance does provide. We have a unique situation, and we have granted one and did for the Kelly application. He stated the garage itself is attached to the main structure and the top of this structure which is over the garage is going to be a rec room. This piece of property is on Perrine Blvd., but River Road comes in the back and the garage is there. He wanted to know from the Board, does this individual need a variance or does he come back for an interpretation or is this a unique situation that would be acceptable without a variance?

Mr. Cramer stated the language of the ordinance talks about the garage as being an accessory structure. This individual has integrated the garage concept into his house so well that he has the rec room upstairs along with a doorway to the second level. The building coverage is only 23%. The driveway is off River Rd. into the back garage, and the front of the house is on Perrine. Neil stated he is asking for a 20 ft. opening, but it actually would be 24 feet. The Board didn't see any problem with this, but anything other he would have to come back to this Board.

Allan Hill stated he spoke to Mr. Cramer, about the minor subdivision that Mr DeCastro received on Sea Girt Avenue. He stated he received a revised plot plan for that sub-division that was supposed to be a combination of the Board resolution and the conditional approval from the County. The key issue in the resolution compliance was the reference of the Monmouth County Planning Board condition of approval.

The County is requiring a dedication (do not know whether it is a right of way or an easement for road widening) on Sea Girt Avenue frontage, a little over 5 feet. The importance of that is, that if it's a deed of right of way essentially the lot size, now becomes non-conforming, the lot size gets reduced because of the deed of right of way and also the front corner set back of 15 ft. gets impacted by that as well. If it's an easement that's a different story, but it's confusing in the County Planning Board's conditions whether it's right of way or whether it's an easement. This might alter that application. Mr. Cramer and I will have to go over this to see what to do and will get back to the Board at the next meeting. The applicant will not be able to do anything right now.

Mrs. Dunne stated we were talking about getting Fishermans Cove put into the Master Plan as Open space, she happened to come across Resolution No. 16-1993 where that was already done.

REGULAR MEETING

Chairman John Burke 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 to stand and salute the Flag.

ROLL CALL - PRESENT - J. Muly, P. Dunne, T. Carroll, C. Triggiano,
N. Hamilton, J. Tischio, J. Burke, K. Monaco.
ABSENT - G. Twadell, J. Coakley, K. Thompson.

For the record, G. Twadell arrived at 7:35 p.m..

A nominating committee for officers for next year consisted of Chairman C. Triggiano, J. Muly, and P. Dunne was approved by motion from G. Twadell, seconded by N. Hamilton and unanimously carried.

A motion to approve the Extension of time for Ronald Dana, 293 Beachfront was made by G. Twadell, seconded by C. Triggiano and unanimously carried.

Mrs. Dunne commented that we should make sure that these people are notifying CAFRA before they start building their home. Mr. Burke stated he knows they did notify them before.

APPLICATION - 39-2002 - George Dempsey - 11 Parker Avenue.

Neil Hamilton removed himself from this application because of a conflict.

Keith Henderson, placed himself on record as Attorney representing this applicant. The owners are George and Cynthia Dempsey, Block 63, Lot 51.01. The property in question is located on Parker Avenue, about 100 feet north of Main St. The parcel comprises a single lot totaling 7,000 square feet. The applicant proposes to demolish an existing single story

masonry building and construct a new two story mixed use building encompassing office use on first floor and a single dwelling unit on the second floor. The single story metal building at the rear of the property is to remain unchanged.

Three witnesses were sworn in by Mr. Cramer - Christopher Rice, Architect, Chick Gilligan, Engineer and George Dempsey Owner and applicant.

George Dempsey testified he and his wife are owners of the property and their plans are to demolish what is there and construct a new structure. The last use of the front building was a beauty shop, vacant since July 2002. The building has severe water damage and the blocks are disintergrating. There is a second building in the rear. That building was built for the Beauty Parlor tenant for storage of building supplies distribution, only for a short time and her business didn't work out. He did go to the Planning Board for that building.

Mr. Dempsey testified the original building was to have 5 ft. on each side and when they put the building up they apparently mis-measured, because it's 5 ft. + on the residential side and on the business side it is only 4 ft and change. If this application is approved Mr. Dempsey testified he proposes 80% will be used for the business outfront, there is no plumbing in the rear building, only electric.

Mr. Dempsey testified in the rear building, right now he has an antique car in there. He also has a locksmith business. The phone for that business does not ring in there it is forwarded to his cell phone. He operates his business out of his truck not out of the rear building.

Christopher Rice came forward and testified he was retained as an architect for this project by the applicant. He designed a colored version board which he displayed. He testified the buiding is not salvagable and would not be able to put a second story above it as it is, it is going to come down. The driveway section will be on the residential side of the property. Parking will be on the commercial side and the drive in also.

Mr. Rice testified the first floor will be professional space. The only variance will be lot coverage. We have reduced what is existing, but all the setbacks have been met. It's a 2 story building there is no 1/2 story or third story, it is simply attic storage. The new building will be built to meet all building and fire codes. It will be an aesthetic improvement over what is there. It will have cedar shingles and is in keeping with what is goin on around town. The entrance to the second floor apartment will be in the rear, which will have 2 bedrooms.

The height of the building will be 38 feet. The office space will be 950 sq. ft. and the apartment is 1400 sq. ft.

Mr. Gilligan came forward and testified he was retained by the applicant to provide planning testimony and review the site-plan. Lot coverage required is 60% and we are proposing 69.5% presently it is at 77.5 % right now, so we have a reduction in lot coverage. They are taking up concrete and putting in pavers in the front and front driveway to wrap around the west of the building, pavers on the walkway to the building. There are 2 parking variances, one to do with the size and the other due to the setback. They are proposing 1/2 to 1/3 back to the northsome buffer, either cyprus or arborvitae and a 6 ft. high fence. Flip flopping the building would not be a better alternative. The drainage flow at present, some goes to the southerly direction and some goes out to Parker Avenue. All signs will be of a conforming nature. No outdoor lighting is presently shown, but they could provide a shoebox type lamp coming off the rear structure which would essentially light the westerly portion of the site similarly to the lighting on the westery side of the proposed building in that area. The applicant is willing to do what ever the Board pleases.

Mr. Gilligan pointed out that 3 of the variances pointed out in Mr. Furey's letter, one was we had a 9x18 parking space, where 9x19 was required, the set back on parking from the residential zone will be 4 ft. where we had 3 ft. and the parking shall be set back 15 ft. from the residential district where we had 4 ft.. We can add a foot to the buffer, or we can have conforming parking spaces, that's the bottom line. Mr. Gilligan testified they are proposing to keep the plan as submitted, we would actually get rid of the variance as we would have a 9ft x 24ft isle. Access to the attic will be through the apartment.

Mrs. Dunne questioned the Main St. access to the rear, and was told there are no plans to close that off. She stated we've done office buildings before and we've never had them with a storage space. The back building has never been used for anything other than storage.

Mr. Twadell wanted to to know if it jut outin front of the adjacent properties. Mr. Gilligan from looking at the photos, thought it might be slightly more out front. The garbage will have to be brought to the front of the property, as a truck will not be able to go through. Revised plans will be issued to show the changes.

Mr. Carroll thought the suggestion by Chris Rise to go back and take advantage of asking for a variance on one parking space. It gets it in line with the residential section of the street

and we already discussed the roof line. He has no problem with the design, he thinks it is fine, it sure is an improvement of what is there. Twadell would really like to see the buffering between the residential area.

Mr. Burke stated if you move that building back 6 or 7 feet, we will see a stockade fence and some sort of buffer running from the whole length of the property. Mr. Henderson had a photo of the property marked as evidence A-1 showing the border of the property. Mr. Gilligan stated the photo shows the driveway going up to the neighbors fence at the present time. We are proposing to cut that back by roughly 4 feet and 4 ft. of that asphalt will be removed, and in that we will create a buffer, which will consist of matching the adjacent buffer. We will begin our fence matching that front set back and run a 6 ft high stockade fence to the rear with arborvitia or some type of evergreen on our side of that 6 ft. fence. The adjacent property has a 4 ft. fence which comes out to Parker Ave. and that will remain and will be visible from the applicants side of the property.

Motion to open the meeting to the public was made by T.Carroll, seconded and unanimously carried.

Mike Benjamin, 17 Parker Ave., neighbor to the north came forward stating he was glad to hear they are pushing the building back. He would request you use the 5 ft. setback on the north side, residence zone and also suggested that the building be turned 90 degrees which would allow the whole entire second floor to be facing towards the back and overhanging the parking area. He is asking to move the building as far away from the property line as possible. The current building is 3 to 4 ft. in front of my house. He stated that parking lot gets used quite a bit during a day, and unless this path is going to get blocked, he doesn't see why that would change. He would hate to see the Board require the applicant put so much light back there that it becomes a problem to me and my property. He would hope that there would be no continuous lighting, that any kind of lighting would be switched on by the residence in the apartment or some sort of motion detector and that the lighting would be subdued and in keeping with the residential neighborhood. He would like to see the storage building in the rear taken down.

Carol Broderick, 21 Parker Avenue, who lives next door to Mike Benjamin, & 2 houses away from this project. She wanted to know if everyone on this board has been behind this property and the store front that is there currently.

Mr. Cramer told Carol for purposes of the hearing tonight, the questions are to be directed to Mr. Henderson. She had a question

on the Design and what is allowed in this zone. Mr. Gilligan read a list of what was allowed in this zone. He answered that a mixed use is allowed in answer to her question. She stated she measured the frontage and it is 4 1/2 ft. in front of the houses next door, so she would encourage the Board to ask that this building blend in more with the residence and pushed back. She also questioned the parking spaces. She stated they are over burden with parking problems since the restaurant is there and large trucks delivering all day long with motors running at 6 A.M.. She stated as far as the building it looks very nice, it does blend in with what is happening in Manasquan, but it does not blend in with what is currently on Parker Avenue, which are more victorian historic homes. She asked that the roof be brought down, as there are a lot of hip roofs on their homes. She would like to see the building reversed so that all of the traffic going in and out is next to a commercial building not next to a residence. She also would like to ask that the buffer from the front of the property line all the way back to the end of the property line along the north side, 4ft. in front to the building and 6 ft. to the back, also greenery all along that fence. She feels everything would go very easily if that building in the back were taken down, plenty of room for parking and there would be no problem with moving the front building back, she see's no reason for that high building to be there as an accessory building to a 2 bedroom apartment. She requests that the second floor be a business instead of an apartment, so that after 8:00 at night it's quiet, it's dark, no problem with noisy neighbors. It's an improvement, but if it's not done right it might not be the best thing".

Mr. Henderson asked her if she were a Real Estate agent, she answered yes. He said your aware that it's a B-1 zone, she answered yes. Your also aware the apartments are a permitted use on the second story of these buildings, she answered yes. He stated when your bought your home you knew that there was a B-1 zone at the end of Parker Avenue didn't you? She actually didn't know. That was all the questions he had for her.

Debbie Thomas, 56 Parker Avenue came forward, who lives down the street from this building for 18 years. Her concerns are with this building, being the size it is on Parker Ave.. The neighborhood is changing whether we like it or not. She questioned the hardship on this application. She is concerned about all the parking on the street.

Rick Thomas, 56 Parker Avenue came forward, questioned the back shed, stating this is to be a storage facility for the office portion or retail, what ever is going in. It seems that that buiding has come up a couple of times and if that building was taken down, it would make for more parking space to protect Parker Avenue.

For the record, Mr. Henderson objected to Carol Broderick coming back, she has had her turn. She stated she had something very important. Her last comments are - she would ask the Board to please consider the residents, as it is impacting the neighborhood not the commercial zone.

Motion to close the public portion of the meeting was made by T. Carroll, seconded by P. Dunne and unanimously carried,

Keith Henderson stated "the applicant has a burden of proof in this particular case to satisfy the positive and negative criteria for a bulk variance on either a C-1 or C-2 variance. The applicant provided testimony on each variance that the criteria had impacted that. The applicant has agreed as a matter of good will towards the neighbors to adjust the plan, give up the parking spot, move the building backwards and the applicant has also agreed to erect a buffer between the residential zone and the commercial zone, and he believes what is before you now is a good plan, is an improvement to the neighborhood, the design is consistent with residential type design and it will generate a table for the town and he respectfully requests that the application be granted as modified by tonight's discussions".

G. Twadell commented Chris on his design and it is an improvement over what is there, but he would like to see a change around, so that the property on the North is given more of a buffer. We discussed a turn around but we didn't give detail, and he would be in favor of moving it.

J. Muly, design is an improvement of what is there, moving it back in line with the houses is another good move. He thinks the willingness of Mr. Dempsey to work with the neighbor on the buffering and the fencing is good. He thinks we are concerned about the people in town, but we have to go by the rules and regulations we have. He would support this application.

K. Monaco, supports the concept of the mixed use, this is based on a 3 bedroom apartment testimony, and he really has a hard time voting for variances that may increase the housing density and increase the potential impact on our educational infrastructure in the community. The design is excellent and an improvement but concerned about impact on parking.

C. Triggiano, likes the application, it is very nice and agrees with J. Muly but we do not have control over 2 or 3 bedroom apts. and how many children there are, that is not our business.

P. Dunne, likes the mixed use and she feels they have testified that the down stairs is an office, they have been very cooperative with the neighbors. She was hoping they could bring

that top in and there would only be 2 bedrooms. The lighting the motion sensor would be in order here. Most of her concerns have been met. They have come a long way in the application, and if they do the lighting right she has no problem with the application.

T.Carroll stated the applicants willingness to push that back and work with the neighbor to the north adds to the application. He likes the design and it's an improvement to what is there.

J.Burke stated the applicant is trying to fit the design and use into the property, and as long as he is moving that building back and as long as he can get together with the neighbor to the north to agree on the buffer between the two properties, he has no problem with the application.

A motion to approve this application with the change of moving the building back, one less parking place and an additional buffer on the north was made by T.Carroll, seconded by C.Triggiano, followed by the following vote: "YES"-J.Muly, P.Dunne, T.Carroll, C.Triggiano, J.Tischio, J. Burke, G.Twadell. "NO" - K.Monaco.

A motion for a 5 minute recess at 9:40 p.m. was made by T.Carroll seconded and unanimously carried.

The Board returned from recess at 9:50 with the following roll Call: J.Muly, P.Dunne, T.Carroll C.Triggiano, N.Hamilton, J.Tischio, J. Burke, G. Twadell.

For the record, Kevin Monaco recused himself at 9:40 p.m..

APPLICATION - 41-2002 - Joseph Daugila - 49 Ocean Avenue
The builder Andre came forward stating he is representing the Daugila's as Mr. Daugila had a stroke 3 weeks ago, his wife is 79 yrs. old and they were unable to be here tonight.

Mr. Cramer stated the only problem, if their not going to be here themselves physicaly to present their application, then the only person that would be able to appear on their behalf would be an Attorney. Unless your an Attorney we are not able to hear the case. Mr. Cramer stated under the circumstances he doesn't think the Board has any other alternative except to dismiss the application for lack of prosecution without predjudice, which means they can resubmit at another date. If you go on another date, you will have to renoteice the neighbors and republish in the paper.

APPLICATION - 35-2002 - Charles & Carol Manto -237 First Ave.
Keith Henderson put himself on record as representing the applicant. The property in question is located on the west side of First Ave. between Brielle Rd. & Main St.. The parcel is

a 37.5'x100' lot currently containing a one and one-half story dwelling. The applicant wishes to demolish the existing structure and construct a three-story single family dwelling. The existing lot and potentially the proposed structure are non-conforming for the zone.

Mr. Henderson testified when Mr. Manto retained him, he didn't have an attorney and the architect wasn't familiar with the zoning laws of Manasquan. At that point and time there were a number of variances and the one that would bother the Board the most was a third story instead of a 1/2 story. He met with Mr. Manto and persuaded him to change that to a 1/2 story, in fact that has been done and revised plans and survey have been submitted to the Board. The one variance which we can't make go away is the lot width, there is 40ft. required in that zone and we have 37.5 ft. He stated they tried to address that in a unique way, which this Board will probably never see again. Side yard set-backs which exceed side yard setbacks required by ordinance. With the exception of the front walk-way which we also modified, by having a turn, they really have eliminated most of the variances. The main part of the structure is going to be set back 23.50 feet and the covered porch is going to stick out 8 ft from there, so there will be a 15 ft. set-back. The 1/2 story does meet the definition that is contained in the ordinance. He stated Mr. Manto is a builder, it is a spec house and he hopes to make money on it, and it is getting rid of some of the junk up there.

Mr. Charles Manto, was sworn in by Mr. Cramer. He testified he is the owner of this property with his wife. he is asking the Board to grant him a variance from lot width also asking to grant him a building coverage variance of 2.4%. He has replaced all concrete with pavers, so the impervious surface is going to be at 37.4% as opposed to 50%. Lot coverage is the same as building coverage. Mr. Manto testified the stairs in the front will come down and turn. The height will be 30.9 ft.. The curb cut is 20 ft. and the driveway and garage door are 16 ft.. Mr. Manto testified he will cut the curb cut down to 16 ft. wide and he is going to drop the siding down over the concrete foundation, and will use brick around the garage doors.

A motion by T.Carroll to open the meeting to the public was made, seconded by G.Twadell and unanimously carried.

Ward Weiss, 235 First Ave. immediately to the north of this application stated they have copies of deeds dated back to the 60's to show that is a common driveway which we do use all the time. If they build into that, it will restrict use of our property. Mr. Henderson testified they are not building into that driveway. Mr. Weiss said, then there will be no problem.

Mr. Henderson said this will not change the application except to say that if we can work something out with him, we would probable switch around so that the garage would be in the rear of the property. That would take everything off First Ave., eliminate those stairs and that is what we really wanted to do. Pavers and curbing will be put in the front.

Motion to close the public session was made by C.Triggiano, seconded by T.Carroll and unanimously carried.

Mr. Carroll stated the initial plans blew us out of the water, but the revised plans are just wonderful and he hopes it sets a precedent for that block. As Neil said there are going to be changes and he is all for it. On a 37 ft. wide lot, he doesn't have a problem with the height at all. He thinks it is a nice step in the right direction.

Mr. Manto testified the space on the second floor will be 690 ft., the first floor is 1188 and the ground floor which is the basement and garage.

T. Carroll made a motion that the application be approved as submitted in regards to the variances that they ask for and also with the stipulation that it be approved that the garage be moved around to the back, the siding come all the way down and the pavers be matched to what is there, seconded by N.Hamilton, followed by the following vote: "YES" - J. Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke. "NO" - G.Twadell.

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

RESOLUTION - 36-2002 - John & Audrey Vickers-62 Marcellus Ave.
A motion to memorialize was made by T.Carroll, seconded by J.Muly followed by the following vote: "YES" J.Muly, P. Dune, C.Triggiano, N.Hamilton, C.Carroll, J.Burke.

RESOLUTION - 37-2002 - Michael J. Behar- 310 First Avenue
Motion to memorialize was made by C.Triggiano, seconded by N. Hamilton, followed by the following vote: "YES" - J.Muly, P.Dunne, C.Triggiano, H.Hamilton, T.Carroll, J.Burke.

RESOLUTION - 32A-2001 - Michael & Dorothy Budzek-518 Perrine
Motion to memorialize was made by C.Triggiano, seconded by J.Muly, followed by the following vote: "YES" - J.Muly, P.Dunne, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, G. Twadell.

A motion for an extension of time for Ron Dana was made by C.Triggiano, seconded and followed by the following vote: "YES" - J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke.

Board went into closed session at 11:25 p.m.

Board returned from closed session at 11:50 p.m.

There being no more business motion to adjourn was made, seconded and unanimously carried at 11:58 P.M.

Respectfully submitted

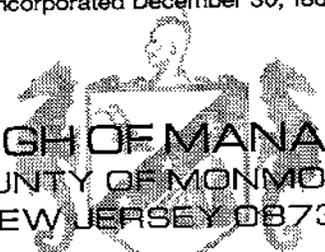
Marie Applegate

Marie Applegate, Secretary
Manasquan Planning Board

BOROUGH HALL
201 East Main Street

Incorporated December 30, 1887

732-223-0544
Fax 732-223-1300



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08738

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

PLANNING BOARD

Dear Manasquan Board Members:

Please consider the following Agenda for the October 15, 2002 Special Meeting, 7:00 P.M. Borough Hall, 201 E. Main Street, Manasquan, N. J..

AGENDA
MANASQUAN PLANNING BOARD

OCTOBER 15, 2002 - SPECIAL MEETING

7:00 P.M. Sunshine Law Announcement - Chairman

ROLL CALL

1. Salute to Flag

SPECIAL MEETING

1. Review results of discussion from June 25, 2002 Special Meeting.
2. Dead-line for providing re-examination report to Board.
3. Oath of effort for Master Plan for 2003 - By Jan Knill

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

Dear Manasquan Board Members:

PLANNING BOARD

Enclosed please find a copy of the minutes from the September 10, 2002 and the October 1, 2002 meeting. Please consider the following Agenda for the November 12, 2002 Regular Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J..

AMENDED AGENDA

MANASQUAN PLANNING BOARD
NOVEMBER 12, 2002 - REGULAR MEETING

Sunshine Law Announcement - Chairman
ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion: Bruce Sandberg - Extension of time.
2. Informal Hearings:
3. Private Session:

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION -32-2002 - Richard Wade - 549 Brielle Road

APPLICATION -44-2002 - Greer/Dingler - 9 Sims Avenue

APPLICATION -45-2002 - Ibrahim Perea - 111 Beachfront

RESOLUTION - 43-2002 - Hugh Flannery - 38 Ocean Avenue

RESOLUTION - 50C-2000- Ronald Dana - 293 Beachfront

RESOLUTION - 39-2002 - George Dempsey - 11 Parker Avenue

RESOLUTION - 35-2002 - Charles & Carol Manto - 237 First Ave.

4. MOTION ON MINUTES
5. APPROVAL OF VOUCHERS
6. COMMENTS FROM INDIVIDUAL BOARD MEMBERS
7. REPORTS OF SUBCOMMITTEES OF BOARD
8. AUDIENCE PARTICIPATION

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

NOVEMBER 12, 2002 - REGULAR MEETING MINUTES
PLANNING BOARD

Manasquan Planning Board held their regular meeting on November 12, 2002 in Manasquan Borough Hall, 201 E. Main Street, Manasquan, N. J..

Chairman John Burke opened the work session at 7:00 p.m..

Keith Henderson put himself on record as representing Bruce Sandberg for an extension of time. He stated they didn't have an Engineer on this job, we had an Architect and Surveyor. Mr. Hilla wanted certain things depicted on the sub-division plat, which either the Architect or Surveyor wanted to do. Chris Rice put in some things, which he said he was uncomfortable with, as he is an architect. Between that and getting the other items of resolution compliance, we were unable to perfect the sub-division on time. It will be approved at the regular meeting.

N. Hamilton stated the Bender application will be resolved at the regular portion of the meeting. It will be an amendment to the resolution. Resolution was 29 1/2 ft. and the application was for 32 feet listed in the application itself. Mr. Grasso scaled it wrong at the meeting. It will be approved at the regular session.

Delete per city 1/7/03 *(Question on letter from Leggetts with reference to awning flaps. Mr. Cramer stated he would like to take a look at this and their file before responding.)*

The Mayor wanted to know if this was for clear plastic. If you issue a variance on that, what do you do, revoke the variance every time they take them down? This is a temporary structure, and he doesn't think we want to get into this. Mr. Cramer stated it's part of his initial reaction it is part of the same awning that was approved, but he will take a look at it.

Any one going down to convention, planning board meetings are held on Tuesday and Thursday. The Mayor stated if anyone wants to go down and has to pay, they will be reimbursed when they come back.

REGULAR SESSION

Chairman John Burke opened the regular session at 7:30 p.m. stating this is an open public meeting, held in accordance with the Open Public Meetings Act and held according to law. He asked all to stand and salute the Flag.

ROLL CALL - PRESENT - J. Muly, P.Dunne, T.Carroll, C.Triggiano,
N.Hmailton, Councilman Schmeling, Mayor
Winterstella, J.Tischio, J.Burke,
G.Twadell, J.Coakley, K.Thompson.

ABSENT- D. Place, K.Monaco.

Mr. Burke welcomed Elissa Cummins, who will be representing Birdsall Engineering, Inc., in the absence of Alan Hilla Jr..

APPLICATION - 32-2002 - Richard Wade -549 Brielle Road.

Mr. Wade put himself on record as being the owner of 549 Brielle Rd. He was sworn in by Mr. Cramer.

Mr. Wade was denied for the following reasons:

35-5.6-R-5Zone- Permitted Use -One single family detached dwelling -Site contains two dwelling units. 35-11.2 -Principal Building - Only one principal building is permitted. Site contains two principal buildings. 35-9.4 -Side Setback (West) 7ft. Required, 0 ft. Existing and Proposed (Existing deck is encroaching on borough property). Use Variance.

The property is located on Third Avenue spanning from Brielle Road to Tarpon Avenue. The property is a 24' by 142' lot (irr) currently containing two 1-story dwellings. The applicant proposes to remove and reconstruct deck on each structure impacting the Third Ave. frontage. The property is an existing non-forming lot.

Councilman Schmeling excused himself from this application.

Mr. Wade stated he wants to apologize to the Board as he didn't know he had to have a permit to replace his deck that fell apart on the side of the front house. I am applying to the Board to get an approval to keep the deck. He stated when he bought the house the deck was 39 ft. long and he has shortened the deck down to 19 ft. but is still over on boro property by 1 ft. as he followed the line. He has not changed the deck on Tarpon Ave., but will and will also remove from Boro property. Mr. Wade said he would be glad to put in sidewalks if the Board would want it.

Neil Hamilton asked the Mayor if it wasn't the consensus of the Council on encroachments on Boro property, that we would not permit them to occur in new development, that they would have to recind that development back into the property line. The Mayor said that was right, but we have been offering in fairness, agreements where if it's existing and rather than making them remove it, they can pay an annual lease fee.

Mr. Hamilton said in this application, being it is new construction, that this deck would have to be brought back inside the property line. He doesn't know where the Board wants to go, but we have to eliminate these encroachments.

Mr. Wade said the deck was there and it fell down last summer, so he had to rebuild it. He said he will look into it to take it down or cut it back. The deck is approximately 6 1/2 ft. wide.

P.Dunne recommended Mr. Wade take the deck off the side, as he has one on the front,

J. Muly would like to see the side deck on the Brielle Rd. house removed.

C.Triggiano, agrees with John, the deck should be on their own property.

K.Thompson would like it off the building completely.

N.Hamilton and T.Carroll would like the deck taken off the house.

Motion to open the meeting to the public was made by T.Carroll, seconded by P.Dunne and unanimously carried.

Motion to close the public hearing by T.Carroll, seconded by J.Muly was unanimously carried.

This is a two fold application - first Mr. Wade removed a fallen down 36 ft. deck and replaced it with a 19 ft. deck on 549 Brielle Rd.. That deck still encroaches on Public property and Mr. Wade did not get permits to replace that deck. On 549 1/2, the second part of the application, there is a deck that extends north along side of the house and across the back, southern end of the house. Mr. Wade testified he is willing to move that deck in so it is not on Boro property. There will still be a variance on the side yard set backs.

Mr. Carroll made a motion on 549 Brielle Rd. for a permit for improvements made on a side deck which was denied, remove the side deck from the side of the house, seconded by P.Dunne followed by the following vote: YES - J. Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke

T.Carroll made a motion to approve the Use variance on 549 1/2 Brielle Rd. to keep the deck, shorten it so it is 2 feet off Boro property, seconded by J.Muly, followed by the following vote: YES - J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke.

The Mayor and Councilman Schmeling are back on the Board
Mrs. Dunne recused herself on the following application, as she was noticed.

APPLICATION - 44-2002 - Greer/Dingler - 9 Sims Avenue

Keith Henderson put himself on record as Attorney representing this applicant.

Mr. Edward Dingler the applicant was sworn in by Mr. Cramer, also the Architect Richard Grasso was sworn in.

Mr. Dingler testified he is one of the owners. They closed on the property in March of 1999. He testified their plans are to live there full time.

Mr. Grasso came forward and was accepted by the Board. He testified he was retained by the applicant and prepared a set of architectural plans. There are a number of bulk variances and no land available on either side of this property. Existing setback on the north side is 2.7 ft. and that is what they are proposing. The building height will be 34 ft.. He testified they have to raise the house due to flood level, so there will be 5 or 6 steps going up to the house. They are not sure the house will have to be demolished, they are going to save as much as possible. We don't know what we will find when we start. This house will have to be raised to 9 ft. coming up 1.2 ft.. There will be pull down steps to the attic, and there will only be storage up there.

Mr. Hamilton questioned Mr. Grasso about the front porch. Grasso testified the porch is 10x14ft., the great room is 16x24ft.. Mr. Hamilton wanted to know if they could shift the house to the south to pick up that 2.3 ft. needed to bring the full sides into conformity of 5ft. setbacks. That will reduce the width of the house by 2.3ft.. Mr. Grasso said that would reduce the upstairs bedrooms, and reduce the driveway, which is only 8 ft. wide now. The first floor will be 5.2ft. off grade. Mr. Hamilton stated looking at a 34 ft. house, when most of the houses are a story and a story and a half, this is going to be the first odd ball in that zone. Do we want to go that round? Mr. Hamilton wanted to know what the bottom line is to get this house down to a height that is aesthetically pleasing and a livable situation for the applicant. Grasso stated he can bring the front of the house down to 30 feet, and the back by the kitchen to 32 feet high and 28 ft. wide, the rest of the house is 24 ft. wide.

Mr. Twadell stated he looked at the foundation and it is full of holes and shifted on one side, so you will need a new foundation and he can't see why you can't move that house so the side yard set back would be more conforming. He would be in favor of doing that, he also is in favor of reducing the height, keeping in mind your calculation of 32 feet high is 10 feet higher than the house on the corner. This house will stand out like a sore thumb. He stated he is more in favor of function and how it fits in with the neighborhood. He doesn't see why we have to have this kind of a house sitting in the middle of a block like that - 2 stories, the house on the corner is 2 stories and only 22 ft. high. He stated if you move it over and back you'll still have a driveway, there isn't going to be a garage.

Mr. Henderson stated your suggesting, if we abandon any plans of saving the building and demolishing, slide it over and take our access building lot coverage and bring that down to 35% and trim that off of the north setback and that will narrow the driveway to 8.24 feet. Bring the height down to 30 ft. or as much as they can. Mr Henderson wanted to know if the Board would consider leaving the driveway at 9 ft. and they'll take the 2 % access building coverage off of the north side of the house and wereever that leaves us that's what we'll do. The chimney will be flush to the house. The air condition and shower will be in the rear of the house. They will put in sidewalk and curbing. Mr. Henderson said Mr. Grasso testified he will lower the first gable on the east 1 foot, the second gable by a little over a foot and the third gable way in the back a foot. Mr. Grasso testified the first 35 feet of the house that you'll see from Sims Avenue is going to be at 30.5. The second 12 ft. of the house will be at 32.8 feet high and the last 5 feet of the house will go way down under 30 feet.

Motion by C.Triggiano to open the meeting to the public, seconded by N.Hamilton was unanimously carried.

Motion to close the public session was made by C.Triggiano, seconded by J.Tischio and unanimously carried.

Motion to approve Greer/Dingler was made by Mayor Winterstella, seconded by J.Muly, followed by the following vote:"YES"- J.Muly, T.Carroll, C.Triggiano, N.Hamilton Councilman Schmeling, Mayor Winterstella, J.Tischio, J.Burke, G.Twadell.

Motion was made for a 5 minute recess at 8:45 p.m. seconded and unanimously carried.

Board returned from recess at 9:00 p.m. with the following vote: J.Muly, P.Dumne, T.Carroll, C.Triggiano, N.Hamilton, Councilman Schmeling Mayor Winterstella, J.Tischio, J.Burke, G.Twadell, J.Coakley, K.Thompson.

APPLICATION - 45-2002 - Ibrahim Perea - 111 Beachfront.

C.Keith Henderson put himself on record as Attorney representing the applicant.

Mr. Perea, the owner, Mr. Rice the Architect and Charles Gilligan the Engineer were all sworn in by Mr. Cramer Board Attorney.

Mr. Perea testified he resides at 111 Beachfront, and has owned the property for approximately 2 years. He testified it is his principal dwelling and his intention is to reside here. His intention is to build two new houses, the first will be on First Avenue and will move in until the Beachfront house is finished then he will move into the Beachfront property.

Chris Rice came forward and testified he is a professional

Architect. He testified there are two structures on the property and Mr. Perea asked him to prepare plans to sub-divide the property, conforming lot, and build two structures, one on the beachfront and one on First Avenue. The beachfront will be 2 1/2 story and the First Ave. will be a garage and apartment on top. Mr. Rice stated it will be option B, which your allowed to go up 21 feet and then follow that imaginary line up to 35 feet. The east elevation and the west elevation do fall within that 21 feet and that 30 degree angle. Although we're allowed to go 35 feet we are showing a building height of 34 feet. The south elevation we are angeling the east side back to give us a gable. The first Ave. house because of the slope of the property, the east side is going to be small, 22 feet high, basically a 1 1/2 story house. The left elevation will be the garage down low and the small structure above it. The lot is pie shape, it goes from 30 ft. on First Ave. and angels out to 33 on the beachfront. The only variances Mr. Rice is concerned with are the side yard setbacks. They are 4ft. 3" and 4'4". He stated they meet all the set backs on front and rear between the houses. He testified they have almost 40 feet between houses.

Mr. Rice testified the First Ave. house has 4 parking spots in the garage, and 2 parking spaces behind not even sticking out into the curb. Right now the side yard setbacks are about 3.8 ft. and we want to increase that setback to a minimum of 4 ft.. On the First Avenue we're asking for a total of 3 dormers one at the stair, one at the bathroom and one additional room where there is a bedroom. The First Ave. house is just a 3 bedroom house. There will be 2 dormers on the south and 1 on the north. The beachfront house will have a dormer to the north side of the stair and just 2 small dormers on the south side. There is no bedroom or bath up on the 1/2 story.

Mr. Twadell wanted to know from Mr. Rice if Mr. Perea asked him to design conforming houses for these conforming lots? Mr. Rice testified what Mr. Perea asked was what most people ask, we have a house on the beachfront; we would like to add on or like to go up, not realizing that they have to go on pilings. He actually asked me to increase the size of the beachfront house. I told him we couldn't do that because of pilings and the setbacks are a little more aggressive than we were proposing, so by tearing the house down and doing the pilings that does let us pinch the house a little bit.

Charles Gilligan a licensed Engineer and Planner came forward and testified he was retained by the applicant. He testified this is creating 2 conforming lots, the mother lot is 4,762 sq. ft., the beachfront lot is going to be 2592 sq. ft. and the first Ave. lot 2170. The required lot area is 2100 sq. ft. some where in acces of lot area for each of the proposed lots. The lots are conforming as to all bulk requirements within the zone. We have some small variances for side yard and bldg. coverages.

Mr. Gilligan testified the new construction will provide safety from fire and flood. It is definitely aesthetic improvement. We have exceeded the parking requirements. Eliminating front yard setback on First Ave., it will set back 10 ft. and conform with that front setback. He doesn't believe there is any negative impact, we have less density. Houses to the north and south have 5 to 7 rental units and we are proposing 2.

Mr. Henderson testified there will be separate water and sewer for each of the two homes. He also testified he will submit for Mr. Cramer's and Mr. Hill's review appropriate easements for ingrees and egress up to the beach and back to First Ave., also for the utilities and the parking garage. They will all be deeded easements.

Mr. Twadell wanted to know how come 4 bedrooms, do you have a large family? Mr. Perea testified he does have a large family.

Mr. Tischio wanted to know if they did the averaging, could they maybe meet the 5 ft. setback's? Mr. Rice stated yes they could but by doing the averaging it causes other problems.

Mr. Perea testified the First Avenue house would not be a rental and would not be sold.

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

Art Ryan 113 Beachfront, south of Mr. Perea. He wants to complement the Board on the zoning, you are doing a great job. He also said he has a major statement. As a homeowner up there he thinks sub-divisions are a wrong thing to do up there, increasing the density, putting extra infrastructural pressure on the infrastructure of the Boro, of the schools every thing else, so the density while it's true as far as the density of the other houses around it, are long existing, and to add another living structure with 3 bedrooms in that area can do nothing but increase the density. He think's that is the wrong way to go, and he knows it can't be handled tonight, and he recognizes that and it's not going to change anything on this sub-division, but he thinks it should be on record as a homeowner in this town making that statement that the Planning Board change the lot size, subdivisiom rules or what ever, because regardless of the Master Plan now, he think's it's the wrong way to go. He thinks the design of the beach house will do a lot to improve the neighborhood. He has more problem with the back house, he doesn't know why they can't meet more of the requirements. Not so much the east and west elevations, but the north and south. The height of those dormers does cut down the light and air. He stated this property has been for sale for the last year and a half, agents have been there as recently as a week ago. He wanted to know if this property

does sell before construction do these variances go with the property? If they do are they required to build to that construction exactly. What ever is approved they can't change it. The variances go with the property.

Mr. Henderson would like to address one issue that was raised as Mr. Perea has represented to him all along, that he has no intentions of selling this house, he wants to live there. He has entered into an arrangement with a friend to have the property listed, as it was an accomodation to that friend, as it helped that fellow work. That office then submitted it to the Multiple Listing Service to his complete horror, that is why Mr. Ryan saw the brokers going around there. That listing has been terminated, it is no longer listed at all. It is really a misunderstanding between him and a friend.

Mary Ryan, 113 Beachfront, a neighbor of Mr. Perea. She would like to second her husbands comments, about the attractiveness of the houses that are proposed. All due respect, we were very surprised that that property was sold to begin with and we found out that the property was sold on March of 2001. That July we received a letter from Edmonds Realty telling us that the property was for sale. She stated she was stunned, as Mr. Perea told her he was going to live there. When she asked him about the letter, he told her that, well if he could get that price, you never know what will happern. This magazine Homes and Land comes out, and that property has been listed in different issues of this magazine, and in the one just picked up this week. It is actually advertised as "a minor sub division now under way, property is possible 2 lots for \$1,299,000.00. Mr. Perea would be a wonderful neighbor, she has no problem with that, but she knows Mr. Perea owned a house at 185 Beachfront and 135 Beachfront for just a year and a half before he bought this house and he sold the house. He has everyright to do that and every right to sell this, that is not my issue, but my issue is, if we're coming here asking for variances, not to just sub-divide the lot but to ask for non conforming buildings on those lots. How do we deal with that? That is what concerns her, they have no idea what is going to happen next to them. Although Mr. Perea says that he does have a large family, she has seen large groups there, but it is not very often, and she doesn't know herself, but she doesn't know if the family is planning to come for a lomg period of time, she can't say they wont, but she has some concerns about that. There isn't any house in the rear, and since they are going to demolish the front, they have 33 ft. Chris designed a house for us that was 20 ft. wide that is quite lovely, so it is not hard to do that. She asks that they conform. She was told the fence will come down.

Mr. Schmeling stated if it isn't listed today, it could be listed tomorrow after he get's his approval, so he thinks we should

be carefull not taking what some one says they are or aren't doing with the property, our decision should be made based on what is in effect due on the property.

Mr. Carroll moved that the public portion be closed, seconded by G.Twadell and unanimously carried.

The Mayor appreciates what's being said, but he has no problem if the Planning Board wants to revisit the sub-division issue, but this was originally put forward after the American Timber decided to sell all these properties and it was felt at the time that properties such as this and others may not be developed in a way we prefer to have them developed, if the owners couldn't get financing on them. It was felt that a better possibility of getting better development through sub-dividing these lots. That was the motivation behind it and he will say that in a majority of places it has really worked, we have lost a lot of garage kind of apartments and got some fairly architectural pleasing buildings in their place. In this particular case he agrees that we are creating 2 living places instead of one and that is just one of the benefits the applicant can find in sub-dividing the property. In defense of letting sub-divisions take place, it was to encourage better building up there.

Tischio and Twadell agrees with what the Ryans said as they agree with it. Mr. Twadell stated there isn't much we can do about the sub-division unfortunately but as far as this committee looking at virgin lots and then not demanding compliance to the existing zoning laws being followed, it is sending one hellofa message to the town and he would be very sorry if this proposal is passed as o.k'd by this group. 6 cars being parked probably isn't going to be enough for what is going to be in those 2 houses. He objects to this application.

P.Dunne feels there are designs up there including the Ryans house and others that were built and much smaller and she would hope that they could come up with a design that weould do that, and she is disappointed that they did not do that. She would rather give up those parking garages and get the house into more compliance. J.Coakley agrees with the others.

T. Carroll stated Chris you stated it might cost you a half of foot or so, on the beachfront if you brought that in to comply.

The back house there is two things, the width you have in the back house is adequate for the side by side parking, 2 and 2. If you were to narrow that down to get it in side setbacks to conform that you might or might not be able to get the 2 and 2 , however you would still be able to have 4 parking spaces which is what is really required, you could get 2 in back and 2 on the aprons, so you would still have 4. He thinks in this instance he is inclined to agree that it is so minimal to make

it non conforming it almost seems a crine.

B.Schmeling agrees with what T.Carroll says. J.Muly ,K.Thompson, C.Triggiano and N.Hamilton also agree with Tom. J.Burke agrees with everyone on the beachfront house and disagrees with most of the Board on the First Ave. house. He would rather see the 6 parking spaces. He'd rather give a foot or so on either side.

Mr. Henderson stated having heard the comments discussed with the Architect and the applicant, Mr. Rice would like to address some of the Boards concerns.

Mr. Rice stated after reviewing the concerns, because of the slight irregular shape to it, if we were to take the proposed footprints and do as Mr. Tischio suggested, we're at 4.4 and 5 on the other, we will meet 5 ft. as an average setback, if we do 5ft. because it's pie shape. We can make First Avenue and the Beachfront meet the 5 ft. side yard set backs on both sides as an average, so it might be 5.2 on one side and 4.+ on the other as long as it's 5 in the middle of the structure. I would hope that would answer your concerns. In doing that the building coverage would go down a little bit. 4% is open porch of that 38.2. Our building coverafge is either on or very close. We may not be able to keep the 6 parking spaces, it depends on the car. Mr.Rice testified there will be pilings under the whole structure, even under the porch. The porch will not be enclosed.

Motion by T.Carroll to open the meeting to the public was made seconded and unanimously carried.

Art Ryan came forward and said the side issue is great, he would not recommend changing the lot coverage, as it would change the look of the house. He had a question on the dormers.

Mr. Rice responded by saying there are 2 options A and B A allows more dormers. This is an allowable A, but in A you can only go up 17 1/2 feet then slope. Not many people do it. In option B your allowed double dormers but not both north and south. What the Board didn't want was for someone to do basically shed dormers 10 feet on both sides. Mr. Rice said they are proposing on this structure one for the stair one for the bathroom quite small to add light and air and they will use another one for cross ventilation which will need a variance for the one on the north side.

Mary Ryan came forward and wanted to know if they could use sky lights. Mr.Rice said Mr. Perea did not want them as they ususally leak. She has a problem with the dormers on the First Avenue house. If there allowed in the Code, she can't do anything about it but if not she has some questions. She does

not like the one on the North side. She also had a concern about the parking.

T.Carroll made a motion to close the public hearing seconded by C.Triggiano and unanimously carried.

Mayor Winterstella stated he still sits with the minority of one here and say that to gain 9 inches of space on one side of the house and lessen the other side and loose the 2 parking spaces, he's not sure he understands the gain just for the sake of the other 9 conformances about this property. To gain that 5 feet on each side your going to have to issue a parking variance. In weighing the 2 a gain of 9 inches on one side of the house against a parking variance to put 2 more cars out on the street in the Beach area, he's not sure he understands the trade-off. I won't vote against this, but he doesn't know what is being gained here.

J.Tischio wanted to know on the First Ave. house, the dormer that is at the roof line on the north. He wanted to know if it would help to put a slight hip on that dormer? C.Rice stated that is a good suggestion and they could do that - the dormer on the north side, the fascia stops above the top of the window that could be a hip roof and they will do it.

A motion to approve the sub-division of this application was made by P.Dunne, seconded by Mayor Winterstella followed by the followig vote: "YES" - J. Muly, P.Dunne, T.Carroll, C.Triggiano, Councilman Schmeling, Mayor Winterstella, J.Tischio, J.Burke. ABSTAIN - N.Hamilton.

Motion by Councilman Schmeling to approve the bulk variances with the following stipulations, Hip roof on the north side dormer, averaging of the setbacks and also granting of a parking varianace should be required, seconded by N. Hamilton followed by the following vote: "YES"- J. Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, Councilman Schmeling, Mayor Winterstella, J.Tischio, J.Burke.

Motion to approve the minutes of October 1, 2002 was made by J.Muly, seconded by P.Dunne and unanimously carried.

There was discussion on the renting of the Surfside. It will be discussed at the next meeting.

For the record K.Thompson, Mayor Winterstella & Councilman Schmeling left at 10:30 p.m..

Motion to approve the minutes of September 10, 2002 was made by T.Carroll, seconded by C.Triggiano, with a correction to be made on Page 10 regarding the tower at Sea Girt Camp. The second paragraph last sentence to be taken out, followed by the following vote: "YES" J.Muly, P.Dune, T.Carroll, C.Triggiano,

N.Hamilton, J.Tischio, J.Burke, G.Twadell, J.Coakley.

A motion to approve the extension of time on the easement for Bruce Sandberg was made by C.Triggiano, seconded by T.Carroll, followed by the following vote: "YES" - J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, G.Twadell, J.Coakley.

A motion to approve the discrepancy between the height of the building, which was proposed at 32 feet and Mr. Grasso the Architect who made the mistake saying it was 29 1/2 ft.. Mr. Henderson wants to go to the 32 feet which was approved, Motion made by C.Triggiano, seconded by N.Hamilton, followed by the following vote: "YES" - J.Muly, P.,Dunne, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, G.Twadell, J.Coakley.

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

RESOLUTION - 43-2002 - Hugh Flannery - 38 Ocean Avenue
Motion to approve was made by N.Hamilton, seconded by J.Muly, followed by the following vote: "YES" J.Muly, P. Dunne, C.Triggiano, T.Carroll, N.Hamilton, J.Tischio, J.Burke, G.Twadell.

RESOLUTION - 50C-2000 - Ronald Dana - 293 Beachfront
Motion to approve was made by C.Triggiano, seconded by T.Carroll, followed by the following vote: "YES" - J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke.

RESOLUTION - 39-2002 - George Dempsey, Jr. - 11 Parker Avenue.
Motion to approve was made by C.Triggiano, seconded by J.Muly followed by the following vote: "YES"- J. Muly, P.Dunne, C.Triggiano, T. Carroll, J.Burke, J.Tischio, G.Twadell.

RESOLUTION - 35-2002 - Charles Manto - 237 First Avenue.
Motion to memorialize was made by N.Hamilton, seconded by P.Dunne, followed by the following vote: "YES" - N.Hamilton, P.Dunne, C.Triggiano, N.Hamilton, T.Carroll, J.Tischio, J.Burke.

G.Twadell reported on the meeting the committee had on the R-4 zone. He said they discussed a couple of the items that were to be decided upon, like building height, where the measurement would be coming from, but basically the legality on whether or not we will run into a problem by having an option as to conforming lot sizes.

Chairman of the Nominating Committee presented the following slate: John Burke, Chairman - Thomas Carroll, Vice Chairman Geoffrey Cramer, Attorney at the same rate as before. Alan Hilla, Jr., Planner at \$250 per meeting, Birdsall Engineering, Inc. as Engineers - Marie Applegate, Secretary. Nominations will be open at the next meeting.

Motion to pay the yearly dues for New Jersey Planner was made seconded and unanimously carried.

There being no more business, motion to close was made at 11:15 p.m. seconded and unanimously carried.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Planning Board



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

Dear Manasquan Board Members:

PLANNING BOARD

Enclosed please find a copy of the minutes from the September 10, 2002 and the October 1, 2002 meeting.

Please consider the following Agenda for the November 12, 2002 Regular Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J..

AMENDED AGENDA

MANASQUAN PLANNING BOARD
NOVEMBER 12, 2002 - REGULAR MEETING

Sunshine Law Announcement - Chairman
ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion: Bruce Sandberg - Extension of time.
2. Informal Hearings:
3. Private Session:

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION -32-2002 - Richard Wade - 549 Brielle Road

APPLICATION -44-2002 - Greer/Dingler - 9 Sims Avenue

APPLICATION -45-2002 - Ibrahim Perea - 111 Beachfront

RESOLUTION - 43-2002 - Hugh Flannery - 38 Ocean Avenue

RESOLUTION - 50C-2000- Ronald Dana - 293 Beachfront

RESOLUTION - 39-2002 - George Dempsey - 11 Parker Avenue

RESOLUTION - 35-2002 - Charles & Carol Manto - 237 First Ave.

4. MOTION ON MINUTES
5. APPROVAL OF VOUCHERS
6. COMMENTS FROM INDIVIDUAL BOARD MEMBERS
7. REPORTS OF SUBCOMMITTEES OF BOARD
8. AUDIENCE PARTICIPATION



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

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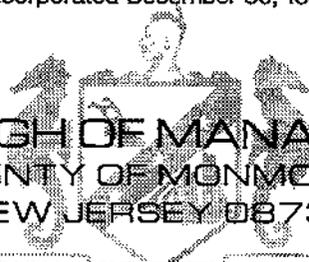
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BOROUGH HALL
201 East Main Street

Incorporated December 30, 1887

732-223-0544
Fax 732-223-1300



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

PLANNING BOARD

MEETING DATES - 2003

JANUARY	7, 2003
FEBRUARY	4, 2003
MARCH	4, 2003
APRIL	1, 2003
MAY	6, 2003
JUNE	10, 2003
JULY	2, 2003
AUGUST	12, 2003
SEPTEMBER	9, 2003
OCTOBER	7, 2003
NOVEMBER	18, 2003
DECEMBER	9 , 2003
JANUARY	6, 2004



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

PLANNING BOARD

Dear Manasquan Board Members:

Please consider the following Agenda for the November 26, 2002
Special Meeting, 7:00 P.M. Borough Hall, 201 E.Main Street,
Manasquan, N. J..

AGENDA
MANASQUAN PLANNING BOARD

NOVEMBER 26, 2002 - SPECIAL MEETING

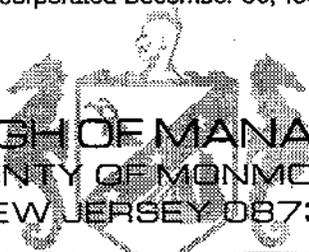
7:00 P.M. Sunshine Law Announcement - Chairman

ROLL CALL

1. Salute to Flag

SPECIAL MEETING

1. Deletion of Industrial Zone
2. R-4 Zone Change.
3. Building Height on Non-Conforming Lots.
4. Address length of meetings. (Carmen Triggiano)



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

Dear Manasquan Board Members:

PLANNING BOARD

Please consider the following Agenda for the December 3, 2002, Regular Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J..

AGENDA

MANASQUAN PLANNING BOARD
DECEMBER 3, 2002 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion:
2. Informal Hearings:
3. Private Session:

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION -50-2002 - Brian Shaughnessy - 299 E.Main St.
APPLICATION -51-2002 - Lawrence Ross - 291 E. Main St.

APPLICATION -46-2002 - Salvatore Librizzi - 276 E.Virginia

APPLICATION -49-2002 - Wm.Cosgrove - 58 Osborn Avenue

APPLICATION -47-2002 - Susan Smulders - 43 Ocean Avenue

APPLICATION -48-2002 - Tri State, Inc. - 221-227 First Ave.

RESOLUTION - 32-2002 - Richard Wade - 549 Brielle Road

RESOLUTION - 44-2002 - Greer/Dingler - 9 Sims Avenue

RESOLUTION - 45-2002 - Ibrahim Perea - 111 Beachfront.

RESOLUTION - 30A-2001 - Bruce Sandberg -167 Beachfront/168Frist

4. MOTION ON MINUTES
5. APPROVAL OF VOUCHERS
6. COMMENTS FROM INDIVIDUAL BOARD MEMBERS
7. REPORTS OF SUBCOMMITTEES OF BOARD
8. AUDIENCE PARTICIPATION

111 Beachfront: the Perea application

Re: The testimony of the Applicant, Ibrahim Perea, on November 12, 2002

Comment: It appears to me that in the discussion regarding Mr. Perea's testimony that there is a confusion, or difference of opinion among board members as to the relevance of what he said regarding our deliberation and decision making process on the subject application. It is my opinion that the truth of what Mr. Perea said, while under oath, is the sole matter involved here. The following are the pertinent statements while made under oath.

Tape 2 #388 through #415 The questioning of Mr. Perea by Atty. B. Henderson

Q: "Where do you reside at the present time?"

Perea: "11 Beachfront, Manasquan."

Q: "When did you acquire the property?"

Perea: "Close to two years 18 months Little longer than that."

Q: "And is that your principal dwelling?"

Perea: "Yes"

Q: "And is it your intention to continue to reside in that property?"

Perea: "Yes"

Q: "Now you have development plans for that property .. you are intending to build two new houses there. Is that correct?"

Perea: "That's correct."

Q: "And in which house are you planning on building first?"

Perea: "The house located on First Ave."

Q: "And then are you planning on moving into that house while the beach front house is being redone?"

Perea: "That's correct."

Q: "And then ultimately, is it your plan to move back into the beachfront property?"

Perea: "That would be my permanent residence."

Q: "I have no further questions for this witness."

#1576

Q: (Mrs Dunne) "I didn't hear what the plans are for the 1st Ave. house. Would that be a rental? .. are you planning to sell the property?"

Perea: It will not be a rental. It will not be sold.

Then in background ... ("at least it will not be sold right now.")

Public portion: On record

#1749

Mr. Art Ryan "regarding the statement that the property is not for sale. The property has been for sale for the last year and a half. We've had agents walking up ... , in some cases, - one as recent as a week and a half ago ... a woman was showing this property for sale, she was showing it to a special client, he was standing alongside ... taking video."

#1798

Mr. B. Henderson ... " Mr. Ryan, let me one address issue that was raised because, .. I had done a telephone call myself which may be construed that Mr. Perea has represented to me all along that he has not has any intention that he wants to sell, that he wants to live there." But Mr. Perea has entered an arrangement with a friend to have this property listed and it was an accommodation to that friend because he hoped that (it) helped that fellow (at) work. That office then submitted to the multiple listing to his (Mr. Perea's) horror. That's why he (Mr. Ryan) saw the brokers going around there. That listing has been terminated, it is no longer listed at all. It is really a misunderstanding between him and his friend."

#1900

Mrs. Art Ryan ... That property (111 Beachfront) was sold in March 2001. That July, we received a letter from Edmonds Realty telling us that the property was for sale I was stunned, because Mr. Perea had said that he was going to live there ... and when I asked him about the letter, he told me that, "Well, if he could get "that", because it was an exhorbitant price" ... You never know what will happen."

"Subsequent to that, this magazine that comes out .. Homes and Land in Monmouth County South ... that property (111 Beachfront) has been listed in this magazine, from July ... this most recent. It's actually advertised as "Minor Subdivision now underway"!!!! "Property is possibly two lots for one:!!! ... \$1,299,000."

"I know Mr. Perea owned a house at 135 Beachfront for just a year and a half before h he bought this house and he sold that house."

#2037 (Mrs. Ryan)

"This was the Real Estate, Multiple Listing paper, I checked because this one ways the most recent listing 9/07/2002 ... It had been listed from July of 2001 to December 2001 ... was removed ... then it came back on March ... to August 2002. ..."I called this telephone number just today just to see if this house has been sold and in fact the lady told me that the house was still available and was for sale....."

Summary:

Mr. Perea's sworn statement that 111 Beachfront " ... will be my permanent residence" flies in the face of the evidence presented.. ie. the number of times that the property was listed and advertised for sale over a period of many months; and that at least one listing included as an inducement " .. minor subdivision now underway".

The evidence here can be interpreted such that Mr. Perea, who has previously bought and sold a beachfront property at a substantial profit, is an opportunist who intends to do the same with 111 Beachfront and who has used an anticipated approval by the board to enhance this sale.

Mr. Perea was within his rights to request a subdivision and then to construct two homes that conformed to the zoning laws on two conforming lots, by simply applying for building permits. However, he chose to go for extra consideration, and to do so, represented himself as something he is not.

I believe that the Board should rescind this approval as it was based on the premise that Mr. Perea was forthright in his testimony and so received the benefit by the board as being an owner, and full time resident.

New Jersey Zoning & Land Use Administration

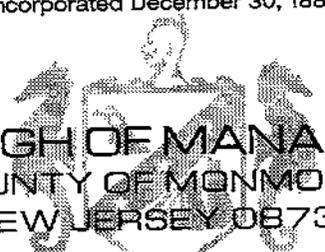
Section 28-3.3 Misrepresentation, fraud, perjury, mistake, in general

"As previously indicated, testimony given before the board should be given under oath and the board may rightfully presume that all material statements of fact are true. Where such testimony is as to facts which are essential in the granting of the relief sought by the applicant, and upon which the board relies in taking such action, then, upon discovery of such misrepresentation, fraud or mistake, the question is presented as to facts which are essential in the granting of the relief sought by the applicant, and upon which the board relies in taking such action, then upon discovery of such misrepresentation, fraud of mistake, the question is presented as to what action should be taken by the board.

New Jersey Zoning & Land Use Administration

Section 28-4-9 Procedure in Modification/elimination (excission) cases

.... "if there has been fraud, perjury, misrepresentation or mistake in the consideration of the application, the board has wider latitude to correct it."



BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

DECEMBER 3, 2002 - REGULAR MEETING MINUTES
PLANNING BOARD

Manasquan Planning Board held their regular meeting on December 3, 2002 in Manasquan Borough Hall, 201 E. Main Street, Manasquan N. J..

Chairman John Burke, opened the work session at 7:00 p.m.. Board Attorney Geoffrey Cramer stated in reference to Leggets request about the plastic drops, he is going to check the site plan and resolution and will then send a letter to Colleen. In regards to O'Neill's he will have to come before the Board in order to do anything.

There was a discussion on the meeting dates for the new year. Carmen requested that the board eliminate June, July and August on the special meeting dates. A motion to eliminate June, July and August from the special meetings was made seconded and unanimously carried. The special meeting for November 25, 2003 has been eliminated also.

Mr. Burke stated the intention is to keep the special meetings for planning only, unless we have a request for a special from an applicant, we can turn that meeting date into a special for the applicant, at the discretion of the board.

REGULAR SESSION

Chairman John Burke 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 to stand and salute the Flag.

ROLL CALL - PRESENT - J.Muly, P.Dunne, T.Carroll, C.Triggiano
N.Hamilton, Councilman Schmeling,
J.Tischio, J.Burke, G.Twadell, J.Coakley,
K.Monaco, K.Thompson.

ABSENT - Mayor Winterstella, D.Place.

APPLICATION - 50-2002 -Brian Shaughnessy, 299 E.Main St.
51.2002 -Lawrence Ross - 291 E. Main St.

For the record, T.Carroll is stepping down for personal reasons. Christopher Rice put himself on record as representing the two applicants. Mr. Rice was sworn in by Mr. Cramer. Brian Shaughnessy and Lawrence Ross were sworn in by Mr. Cramer. Mr. Rice stated these are two large properties, fronting Main St., 2 large homes and garages, and a shared driveway. Problems have arisen from sharing the driveway, and each homeowner would like to have their own driveway.

The size is there the garages are both detached in the rear of the property, and any issues of removing utility poles, trees have already been applied for, dealt with and scheduled. We are here tonight to give them each a full driveway, but will be exceeding the lot coverage. Building coverage is well under and set backs are all fine. 35% is allowed, one applicant is at about 40 the other at 45%. He stated he looked to see if he could reduce, but there is no way. The drive ways have to get all the way to the back to get to the garages. They are stuck with having to have a driveway that is the common 12 ft. wide down the length of the property which is about 145 feet to their garages. Presently it is asphalt. The neighbor hood is all concrete and asphalt driveways. We are looking to bring both properties into conformance with the neighbors. It makes good planning, as they will each have their own driveways separated by a fence, no problems with whose it is. The only variance is the increase in lot coverage. Right now the drive is 12 feet, so they will add 6 ft. on each side to keep it 12 ft. for each.

Alan Hilla had a question about drainage. Mr. Rice said that is up to the contractor. There will be 2 12ft. curb cuts, one on each property.

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

Tony Cavalaro, 20 Dewey Avenue came forward stating his house is the only house on Dewey Ave. on the east side of the street and there are 2 other houses between his house and the Shaughnessy's and he endorses their application. He would like you to approve it. He is very proud to live in the same town as the Shaughnessy's.

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

Mr. Rice asked if Mr. Cramer could draw up a resolution tonight. Mr. Cramer said it is not the practice of the Board, but would have it ready for the January meeting.

Motion to approve the Shaughnessy application was made by N.Hamilton, for the sub-division, the enlargement of the driveway and the variance be granted for building coverage, also updated survey, seconded by G.Twadell followed by the following vote: "YES" - J.Muly, P.Dunne, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, G.Twadell, J.Coakley, K.Monaco, K.Thompson. ABSTAIN - Councilman Schmeling.

Motion to approve the Ross application was made by G.Twadell, seconded by C.Triggiano must supply updated survey, followed

by the following vote: "YES" - J.Muly, P.Dunne, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, G.Twadell, J.Coakley, K.Monaco, K.Thompson. ABSTAIN - Councilman Schmeling.

For the record Mr. Carroll has returned to the Board.

APPLICATION-46-2002-Salvatore Librizzi - 276 E.Virginia Ave.
Salvatore Librizzi, Eva Librizzi and Thomas Peterson, Architect were sworn in by Mr. Cramer.

Mr. Peterson testified he is a registered Architect in N. J. since 1981, and has appeared before this Board dozens of times.

Mr.Librizzi testified he and his wife have been residents for approx. 20 years, residing at the present location. He is a local business man in town and owns the property where his business is located. He testified they want to add on to their home as they want to remain in Manasquan, and in order to do that they need a bigger house.

Thomas Peterson the Architect, testified, the existing home is a 2 story home on the smaller side. The addition will create a family room, a larger kitchen and larger bedroom area on the second floor. Getting into the project, they realized they are already very close to the lot coverage, building coverage and the impervious coverage. He testified they are here for 5 variances, 3 are pre-existing conditions and we are not doing anything to increase those, they do exist. One is front yard setback, and an attached garage at the rear of the property which does not have the required rear and side yard setback and we are not doing anything that will change them. From the main portion of the house, we are coming out about 25 feet, from the rear portion we are coming out about 11 1/2 ft., being it is a two story addition, we will be adding that to the second floor. We will be renovating most of the balance of the second floor to provide the size of the bedrooms and the master bedroom suite which the house doesn't have right now. The second floor will extend over an exterior deck which will now become a covered deck, that's not living space but that does count as building coverage. In the course of all of this addition we struggled hard to try and get the spaces that the Librizzi's were trying to achieve, but also to balance out against the building coverage which also affects the lot coverage. We end up with, where Bldg. coverage is allowed at 30 % we were already at 27% and what we are asking for tonight is 35.3% or roughly 300 sq. ft. above. The allowable for lot coverage is 45.4%, we were already at 46.3% and this will bring us up to 54.6%. We're not adding to the impervious anything more than the building coverage. It's a narrow piece of property. The adverage front set-back of the neighborhood is mixed. We're not adding to the front set back and not adding above the front part of the house. To remove

the driveway and put in pavers would be in excess of \$10,000.00. We talked about making part of the driveway stone, but he doesn't think anybody benefits by that, it's an existing driveway.

Mr. Peterson testified, the hardship is just that the size of the lot and the existing construction on the lot forces us into anything that we would do, we would have to ask for a variance. He testified he is familiar with the C-2 Variance, and there are some code deficiencies that they will be able to correct by putting on the addition. The look and style of the house will become more permanent and the look and size of the house will fit in more with a lot of the development taking place in the neighborhood. There is an aesthetic improvement. The first floor is a family room, laundry room. The house will gain in height about 1 1/2 ft. of what is there now. The 28'8" height is towards the rear of the property. The height in the front is just about the same 24'.

Motion to open to the public was made by T.Carroll, seconded by C.Triggiano and unanimously carried.

Edward Liston, Attorney in Toms River, N. J., representing Nicholas and Kathleen Acqualino, who live directly behind this property and are here as objectors. He asked Mr. Peterson if he was a licensed planner in N. J.. Mr. Peterson answered yes.

Kathleen Acqualino, 275 Pine Ave. was sworn in by Mr. Cramer. She testified her property abuts to the rear of the applicant. Photo presented by Mr. Liston was marked O-1 into evidence. She testified she has owned her property since May 1984 and has experienced ponding of water and drainage problems since. She testified it seems to her the western part of her lot is lower than the Librizzi's. Photo A-1 shows a portion of her rear yard, which was taken Friday Nov. 22, 2002. It actually depicts the condition that day. The left hand side of the picture is in line with the applicant. She feels that if the applicant is allowed to increase the size of the dwelling and the impervious surface it will increase the runoff on her property. That is the reason she is here to object. The fence and arborvitae are on her property.

Mr. Hamilton asked her if the ponding water comes from the Librizzi's or throughout the neighborhood? She testified she doesn't know whether it definitely comes from the Librizzi's but when it rains it doesn't go anywhere. Mr. Hamilton stated if the Board were to require the Librizzi's putting some sort of concrete retaining wall to contain the runoff within their property, would that help you on your property or make it worse? She replied she didn't know.

Mr. Liston stated what brings us here is the drainage problem,

but if you take a look at the law that your bound to follow, there just is not a case for variance here, other than one for personal preference which the NOUL does not recognize as reasons for variance.

Richard Lupinski graduated in 1965 from the Rutgers Undergraduate Planning Program. From 1965 to 1986 was employed by the Dept. of Planning Development of Woodbridge, including 14 years as Director of that Dept.. He is a licensed Professional Planner for 30 years, a member of Certified Planners since 1985. He was accepted as a professional planner by the Board. He testified he has made a site inspection of the application and has reviewed the plans. Variances being sought are C Variances and there are 2 types. He testified the C-1 is the classic hardship variance, where a typical property makes it difficult to conform with the requirements of the zoning ordinance. It was noted for this hearing that a hardship was being requested, and he would suggest to the Board, that no hardship has been demonstrated. The lot conforms to the lot width and area requirements of the ordinance. The yard requirements for the house setbacks are met by the existing house and the proposed development. The building coverage as the house exists today is very close to the limit and the impervious coverage is 568 ft. over what is permitted by the ordinance. Hardship has to be related to the dimentions of the property and their not related to the property.

The second classification of the C-Variances are called special reason variances. C-2 variance is going to advance one or more of the purposes of the municipal land use law and he respectfully suggests that that hasn't been shown in this case either. This lot is conforming and there is nothing unique about the size or shape of this lot in this neighborhood. Economic issues do not count in either C-1 or C-2 in terms of proving a case. The negative criteria has not been met. He feels the applicant has failed both the positive and negative tests required for these variances.

Mr. Librizzi said he believes the ponding of water is not behind his property but behind the Ross's. He said the arborvitae you planted has built up a berm which is containing the water in your yard. That water doesn't flow from my yard into your yard, the water in my yard if it ever ponds, runs out the driveway to the street. Florence does have a problem in the back and she is aware of that. She has done many things to try and solve that problem and when it rains very hard, the water table is so high, it ponds but doesn't stay there forever.

Mr. Liston objected, as neither the applicant or his client are engineers. His client merely indicated a condition which exists on her property. If the applicant wants to do a

topographical study and demonstrate that he doesn't drain on our property, that is his prerogative.

Mr. Burke suggested, if the Board agrees, he would like to have our engineer look at this property and look at the problems that have been brought up tonight and extend this application to our January meeting and have our engineer report on what he finds on the property.

Mr. Liston stated even if the situation didn't exist, we are here objecting to this variance because there has been no proof to justify the grant of the variances sought under the municipal Land Use Law. The point that our Planner made is important for this Board to consider, particularly if as the applicant indicated there is generally a water problem in this area, because of the proximity to the Glimmer Glass, and that is, that if you create this precedent and every body decides to build out to the rear, to the side or where ever, an increase in pervious coverage and add on, your only going to increase a problem that both the applicant and objector agree exists in the neighborhood. That is the larger picture you have to look at here.

Mr. Cramer stated Mr. Liston's objection was on 2 foundations, 1 the drainage problem that exists, and the 2nd is that he feels the applicant at this stage has not carried the burden to demonstrate that he is entitled to the hardship or C-2 Variance.

Mr. Liston stated the Board's Engineer has their permission to come on to the property and examine it to shoot topos if he feels that is necessary to establish where the grades are and how the water flows from one property to the other.

Mr. Liston stated the Librizzi's have the right to amend their application if they choose to do that before the next meeting, as long as it's filed and available to me at least 10 days prior to the meeting.

Mr. Cramer stated this application will be carried to the January 7, 2003 meeting.

Florence Ross, 272 E. Virginia Ave. a neighbor of Mr. Librizzi. She is here to support Mr. Librizzi's request for variance, with the fact that he is an excellent neighbor and she would hate to see him leave the area. His need is to allow more living space for his family, which is 3 lovely children. He has been an asset to the neighborhood.

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

A motion by C. Triggiano to continue this application to January 7, 2003 and to ask the Board's Engineer to take a look at the property, to answer questions about the drainage of this property and the property behind it and probably the Ross's property, seconded by G.Twadell, followed by the following vote: "YES"- J.Muly, P.Dune, T.Carroll, C. Triggiano, N.Hamilton Councilman Schmeling, J.Tischio, J.Burke, G.Twadell, J.Coakley, K.Monaco, K.Thompson.

APPLICATION - 49-2002 - Wm. Cosgrove - 58 Osborn Avenue
For the record, Kevin Thompson excused himself from this application as he is a neighbor.
William Cosgrove, 58 Osborn Ave. and William Newbury, 39 Curtis Avenue the builder was sworn in by Mr. Cramer.
Mr. Cosgrove testified he has a small house right now and would like to put on a second story addition of 768 sq. ft.. The problem is that the house is too close to the property line right now. It should be 5 ft. but we are 3 ft. off one and 2 1/2 ft. off the other. We would like to go straight up to conform with the other houses on the block, instead of going back to eat up our back yard. He testified they are not expanding the foundation or building coverage or lot coverage. The only variances are side yard setback on the main house and side yard setback on the accessory building. He testified the chimney is just being extended. Front yard setback is 28.9 sq. ft..

Motion by T.Carroll to open to the public, seconded by N.Hamilton was unanimously carried.

Kevin Thompson, 62 Atlantic Ave. came forward asking if the survey is accurate? Mr. Cosgrove stated yes. He wanted to know if they had intentions of taking the fence down which is on his property. Mr. Cosgrove testified he put the fence up a few years back but didn't know it was on his property. Mr. Cosgrove testified he will remove the fence from Mr. Thompson's property. Mr. Thompson also asked him to remove the plants that he had given him permission to plant on his property. Mr. Thompson stated the Cosgrove's never spoke to him, the notice was the first he knew of it.

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

P.Dunne would like to see him step back the house a couple of feet so it's not just 1 ft. off the property line.

T. Carroll has no problem with the application.

A motion to approve this application was made by T.Carroll, as submitted, removing the fence and plants from Mr. Thompsons property, and a statement saying this has been done, seconded

by J.Coakley, followed by the following vote:"YES" J.Muly, T.Carroll,C.Triggiano,N.Hamilton,CouncilmanSchmeling.
NO - P.Dunne, J.Tischio, G.Twadell.

A motion for a 5 minute recess was made, seconded and unanimously carried at 9:20 p.m.

Board returned from recess at 9:30 p.m. with the following roll call:J.Muly,P.Dunne,T.Carroll, C.Triggiano,N.Hamilton, Councilman Schmeling, J.Tischio, J.Burke, G.Twadell, J.Coakley, K.Monaco, K.Thompson.

APPLICATION - 47-2002 - Susan Smulders - 43 Ocean Avenue

Keith Henderson put himself on record as Attorney representing the applicant Susan Smulders, one of the co-owners of the property.

Mr. Henderson stated this is a simple application, it is a lot that is undersized as to width and also as to frontage. There is no property available on either side, the lot is 39 ft. where 50 is required. Because the lot is an existing non-conforming lot, the Board has approval over height. The property complies with the setbacks, on one side it is in access of the 5 ft. requirement, on the other side it is 5 ft.. The survey shows on the existing north west side of the property, you will see there is a setback of 3.9 and 3.7 ft., that is going to be 5 ft. on the other side of the property, it is going to be over 6 feet because there is a common driveway which separates the two properties. The only question becomes a question of building height. The applicant proposes to build at 34 feet. The property is in a flood plain and we need a minimum of 3.7 ft. for the foundation. This is a factory built house, so it will sit on top of that foundation. The house itself will be 30.3, and if you add that you get up to 33'10", he is sayig 34'to to safe.

Susan Smulders was sworn in by Mr. Cramer. She testified she has owned this property for 50 years and has been in Manasquan all that time. She co-owns the property with her brother, but basically is used by her. She testified it is only a bungalow, it has no heat, she wants to retire here and therefore had to do somthing with the home. She was told she would have to take the house down and start over, that they couldn't just work on the house. It is not possible to acquire any land on either side. She testified the house was designed by APex Homes of Red Bank.

Mr. Henderson stated the plans were stamped preliminary and the applicant submitted this application on her own, he was retained after the application was submitted. He spoke to the company on the issue of height and how they calculated it. They are showing the elevation at the curb and the crown of the road.

The application is for 34 feet. On the front yard setback we used the averaging which is shown on the plot plan which is 16.6 ft. and our front setback will be 18.7 ft., so we comply with building coverage and lot coverage. We are eliminating some of the impervious surface because the garage at the rear of the property is being removed. It will be an improvement to what is on the site now.

Ms. Smulders testified there will be 4 bedrooms and 2 baths, she stated she has 4 bedrooms in the bungalow now, and she wants to put the bedrooms upstairs to give her more living space down stairs. She testified she is retiring and moving here to live.

Mr. Twadell stated 2 stories would be sufficient for that size lot. Mr. Henderson stated the top story is attic space not finished off. The material and style of house 2 pages was marked as exhibit A-2. Mr. Twadell stated, in his view a 27 ft. wide house and 35 ft. high is excessive.

P. Dunne thought a house at 30 ft. would be acceptable and she could get everything they needed in there. Mr. Henderson said he can do it at 32 or 34 ft. Right now it is a 9-12 roof pitch.

Motion to open to the public was made by T.Carroll, seconded and unanimously carried.

T.Carroll moved the public session be closed, seconded and unanimously carried.

A motion to approve this application was made by T.Carroll provided that the height is lowered from 33 to 31 ft., changing the pitch of the roof 9-12 to 7-12 not to exceed a height of 32 feet, seconded by N.Hamilton, followed by the following vote: "YES" J.Muly, T.Carroll, C.Triggiano, N.Hamilton, J.Burke, J.Coakley. "NO" - P.Dunne, J.Tischio, G.Twadell.

APPLICATION - 48-2002 - Tri State, Inc. - 221-227 First Avenue
Keith Henderson put himself on record as Attorney for the applicant. He stated it is 4 bungalows on 2 separate lots, south of Leggetts. He has 3 witnesses to be sworn in. Mr. Lud Bruschi, Christopher Rice and Charles Gilligan were sworn in by Mr.Cramer.

Chris came forward testifying he was retained by the applicant. He was requested to look at the property and design 3 new homes on the sub-division. He testified they originally started to look at the original 2 story house, they decided to do a two story house, the height would be 31 in the middle and 32 on the outside ones. In doing that we need a 20 ft. house and 4 ft. side yard set backs. The front yard set back required is

10 ft. they are asking for 20 ft., as they want to park on site on these homes. They would like to get 2 cars on site, front load garage. The first floor will be about 1,000 sq. ft., maybe a little less on the second. The first floor will have combination kitchen, living, dining, powder room and stair. Second floor will be 3 bedrooms and 2 baths, and pull down stair for the attic, storage only, no basements. Plans were marked as exhibit A-1. There will be a 20 ft. wide curb cut.

Charles Gilligan came forward testifying he was retained by the applicant as a Planner and Engineer. The subdivision plat was done by Paul Lynch who was the land surveyor. The parcel is 100ft. deep by 85.70 ft. wide. Right now it exists as 2 separate tax lots, with 4 structures, 2 on each lot. The lots will be deficient with respect to lot width. Lot width requirement is 40 feet, we're proposing 28.567 feet, there is plenty of depth to make up to the lot area requirements, which is 2700 sq. ft. and each lot is at 2,856 ft.. The density requirements are 16 units per acre, we are at 15.24 units per acre. We are asking for variances for 4 ft. side yard setbacks. Between the new homes we will have a total of 8 ft. clear. All units will have the proper flood requirements and all units will have proper fire window access etc..

He testified he reviewed the report from Alan Hilla. The applicant will replace the curb and sidewalk and the plat will be filed.

Councilman Schmeling questioned the driveway and the layout of the driveway. Given the total width of the property, three 20 ft. driveways will be over 60 some feet, he wanted to know if it was possible to make it a smaller width and still get 2 cars off. He thinks it's a lot of driveway in that short space. Mr. Gilligan said they could go with 18 ft. spaces.

G.Twadell has a problem with this application, taking 2 conforming lots and cutting them up into 3 non-conforming lots and then constructing on them. He doesn't like that, he doesn't want to see that as a precedent. He would love to have this area improved.

J.Muly agrees with Twadell, he would like to see 2 houses go up on this property and then each have a drive way with parking in the rear of the house, or garage in the back.

Mr. Henderson stated the applicant talked about that, but they would not be able to come out of it economically, so then they will leave it the way it is.

Motion to open to the public was made, seconded and unanimously carried.

George Dempsey came forward stating that he recalls that you cannot possibly egress from the front. You will have to put the driveway in such a way that the police and fire will have access to the front door.

Noel Hood, Beachfront, came forward stating they have done a nice job on the houses, but they are going to have problems with people parking too close to the curb cut, as he is having that problem now. He stated in the last election a lot of people complained that this Board is giving away the town. Your going to have the town on your back if you approve this, it isn't right.

C.Triggiano moved to close the public portion, seconded and unanimously carried,.

A motion by N. Hamilton for the 3 lot subdivision, the parking conditions as stated by Mr. Rice, also that pavers would be installed on the walk way and sidewalk area and side yard setback of 4 feet, seconded by T.Carroll, followed by the following vote: "YES" J.Muly, P.Dunne, T.Carroll, C.Triggiano N.Hamilton, Councilman Schmeling, J.Burke. "NO" - J.Tischio, G. Twadell.

Motion was made by C.Triggiano to approve all bills, seconded by P.Dunne and unanimously carried.

RESOLUTION - 32-2002 - Richard Wade - 549 Brielle Road.
Motion to memorialize this resolution was made by C. Triggiano, seconded by N.Hamilton, followed by the following vote: "YES" J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke. ABSTAIN G.Twadell.

RESOLUTION - 44-2002 - Greer/Dingler - 9 Sims Avenue
Motion to memorialize this resolution was made by C.Triggiano, seconded by N.Hamilton, followed by the following vote: "YES" J. Muly, P. Dunne, T.Carroll, C.Triggiano, N.Hamilton, Councilman Schmeling, J.Burke. ABSTAIN - J.Tischio, G.Twadell.

RESOLUTION -30A-2001 - Bruce Sandberg - 167 Beachfront/168 First
Motion to memorialize was made by Councilman Schmeling, seconded by N.Hamilton, followed by the following vote: "YES"-J.Muly, P.Dunne, T.Carroll, C.Triggiano,N.Hamilton, Councilman Schmeling, J.Tischio, J.Burke, G.Twadell.

RESOLUTION - 45-2002 - Ibrahim Perea - 111 Beachfront.
G.Twadell stated he sure would like to see the rules followed here regarding an applicants truthfulness and reason to believe that this applicant did not tell the truth, he falsely swore and he thinks he should be brought before the Board and questioned further as to his comments and statements under oath, before this resolution is passed.

Mr. Burke agrees with Gordon on this. There are 2 ways to handle this - one is to vote on this to approve what we approved at that time after listening to false testimony and then send a letter to the Prosecutors office in Freehold. He would rather find a way of not voting on this and of bringing the applicant back in and questioning him on some of the testimony and some of the facts that this house was listed in the newspaper and listed that it was going to have Board approval etc..

J. Tischio would like to have him back to ask him the questions he asked before as he felt he was under oath and did give questionable testimony, as he can't trust the answers he got. I acted hastily and gave approval, he would like to see it again.

G. Twadell stated if he did not tell the truth under oath, and that is determined, that's the only reason we can void an approved application.

Mr. Cramer stated we had this discussion before, with the Morrissey case, and he believes the Board loses jurisdiction over the ability to change it's opinion and the applicant can make the request to the court to have the application approved. He also stated Mr. Henderson during the course of the hearing as he recalls, disputed that type of conclusion, saying that there was miscommunication between his client and the brookage in question and he explained what happened there.

Mr. Burke stated one thing that convinced him to vote yes was the fact that the applicant stated that he had a very large family and that he needed the property and the two houses to bring his family down etc. We have found out that he is not married and he does not have a large family, so it's not just a real estate issue, this is why he would like to question the applicant again.

J. Coakley stated if someone comes to this Board and lies, then we have to protect the integrity of the Board, but is it our place to make a determination about what the use of that property is going to be, whether the person is intending to sell it or to live there. He doesn't know the answer to that, but it seems to him it is two separate issues. The other thing is it's their property and if today they say their going to live here the rest of my life and tomorrow they say I changed my mind, I'm going to sell it, maybe their defrauding us, but we would have a hard case proving that.

Twadell thinks Jim got off on the wrong track, that's not an issue. We're not talking about his intentions, we're talking about what he said under oath.

Triggiano said if we send it to the Prosecutors office we're

going to waste his time and our time and he doesn't think it's worth it.

Schmeling had a long discussion with Twadell and John and whether he lied or not that's the one question but whether it's going to have an effect on the application, we disagree there, but he suggested we hold the resolution to the next meeting. Have Geoff send a letter to Keith Henderson stating we are concerned about some of the statements, and before we pass the resolution we would like the applicant to appear before the next meeting, just to straighten out the statements that were made. He doesn't think we can ever be able to uphold the decision not to grant his variance, because whether he made those statements, true or not, they are not foundation on which you could or could not grant this application.

T. Carroll wanted to know if anyone has listened to the testimony? He asked that because the applicant through Keith Henderson readily admitted he had the house for sale, it was supposedly a mistake between a friend of his. He gave a friend of his the listing, but it was supposed to come out. Mary Ryan had a copy of that listing with her, so we approved the application knowing all that, we knew it was listed for sale, Schmeling made the comment what's the difference whether it's for sale or not they can put it on the market tomorrow. Based on that he doesn't think we have a leg to stand on. Before we do anything, I think we better listen to the minutes and find out exactly what was said.

Mr. Cramer stated, encourage the members of the Board to listen to the tapes and continue at the next meeting. He doesn't think there is enough basis to call him back. Mr. Cramer told Twadell he is giving him an honest opinion. We have separate agenda's on this Board, we seem to have a divided house here, not saying that's a good thing or bad thing. Every application that comes before this Board, we have the same individuals voting against those applications despite what you hear. Mr. Twadell said he thinks you are extending this beyond the fact here.

Mr. Burke suggests all the members listen to the tapes and take up the discussion at the next meeting.

Motion was made by T.Carroll seconded by G.Twadell to hold Resolution 45-2002 to the next meeting, followed by the following vote: "YES" J.Muly, P.'Dunne, T.Carroll, C.Triggiano, N.Hamilton, Councilman Schmeling, J.Tischio, J.Burke, G.Twadell, J.Coakley.

C.Triggiano read the nominations;

J.Burke, Chairman. No other nominations, T.Carroll moved nominations be closed.

T.Carroll, Vice Chairman. No other nominations, N.Hamilton moved nominations be closed.

Geoffrey S.Cramer, Attorney. No other nominations, N.Hamilton moved nominations be closed.

Planner/Engineer - Birdsall Engineering Inc. No other nominations, P.Dunne moved nominations be closed.

Secretary, Marie Applegate. No other nominations, T.Carroll moved nominations be closed.

There being no more business, motion was made, seconded and unanimously carried at 11:20 P.M.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Planning Board