

  
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 November 12, 2002 meeting. Please consider the following Agenda for the January 7, 2003, Regular Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J..

AGENDA  
MANASQUAN PLANNING BOARD  
JANUARY 7, 2003 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - WORK SESSION

1. For Discussion: Special Meeting Request
2. Informal Hearings:
3. Private Session:

7:30 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Consent Agenda
3. REORGANIZATION

RESOLUTION - 1-2003 - Appointment of Chairman  
- Appointment of Vice Chairman  
RESOLUTION - 2-2003 - Appointment of Attorney  
RESOLUTION - 3-2003 - Public Meetings  
RESOLUTION - 4-2003 - Official Newspapers  
RESOLUTION - 5-2003 - Appointment of Secretary  
RESOLUTION - 6-2003 - Appointment of Planning Board Engineer  
RESOLUTION - 7-2003 - Appointment of Planning Board Planner

APPLICATION - 46-2002 - Salvatore Librizzi - 276 E. Virginia

APPLICATION - 41-2002 - Joseph Daugila - 49 Ocean Avenue

APPLICATION - 9-2003 - Edward Tidaback - 35 Willow Way

APPLICATION - 8-2003 - Margaret Murnane - 84 N. McClellan Ave.

APPLICATION - 10-2003 - Henry Trost - 73,75,75 1/2 Ocean Ave.

RESOLUTION - 45-2002 - Ibrahim Perea - 111 Beachfront.

RESOLUTION - 50-2002 - Brian Shaughnessy - 299 E. Main St.

RESOLUTION - 51-2002 - Lawrence Ross - 291 E. Main St.

RESOLUTION - 49-2002 - Wm. Cosgrove - 58 Osborn Avenue

RESOLUTION - 47-2002 - Susan Smulders - 43 Ocean Avenue

RESOLUTION - 48-2002 - Tri State, Inc. - 221-227 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

- RESOLUTION - 45-2002 - Ibrahim Perea - 111 Beachfront.  
RESOLUTION - 50-2002 - Brian Shaughnessy - 299 E. Main St.  
RESOLUTION - 51-2002 - Lawrence Ross - 291 E. Main St.  
RESOLUTION - 49-2002 - Wm. Cosgrove - 58 Osborn Avenue  
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4. MOTION ON MINUTES
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JANUARY 7, 2003 - REGULAR MEETING MINUTES

PLANNING BOARD

Manasquan Planning Board held their regular meeting on January 7, 2003 in Manasquan Borough Hall, 201 E. Main Street, Manasquan, N. J. .

Chairman John Burke opened the work session at 7:00 P.M.

Mr. Burke welcomed Eden O'Hare and Brian Stepowany as new members to the Board.

Elise Cummins from Birdsall Engineering will be sitting in for Alan Hilla, Jr. who was unable to attend tonight..

Mr. Burke read a letter from Michael Landis, Esq, requesting a special meeting on January 21, 2003 for his client South Street Enterprise, Inc. 73-79 Main Street, for an outside stairway from the second floor, for Wee People Nursery School. This will be voted on at the regular session.

The Board went over the instructions for submitting applications to the Board and made changes. They will be given out with all applications

On the outline of hearing procedure, change was made to # 11. "Motion to Close the Public Portion of the Hearing-Second. No more questions to be directed to the applicant".

Mr. Burke would like all the Board members to read it, and get comments back to us to be discussed at the January 21, 2003 meeting

Carmen wanted to know if we couldn't start the regular meeting at 7:00 p.m. and have the work session after that, also make notice that we close the meetings at 10:30 p.m. and finalize by 11:00 p.m.. The Board thought it was a good idea.

Neil stated if the Board members do not have the time to visit the site, he suggests they disqualify themselves from the application or not be able to ask any questions and not vote. We're not doing justice to the board or the applicant by not taking the time to visit the site. In this particular town and all the small properties the particular issues we have to deal with, we cannot do it by looking at a site survey.

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 rise and join in the salute to the Flag.

First on the Agenda was Re-Organization and the meeting was turned over to the Board's Attorney, Geoffrey S. Cramer.

RESOLUTION # 1-2003 - Appointment of Chairman & Vice Chairman. John Burke was appointed Chairman and Thomas Carroll Vice Chairman, motion by C.Triggiano, seconded by P.Dunne, followed by the following vote: "YES" J.Muly, P.Dunne, C.Triggiano, N.Hamilton, J.Tischio, J.Coakley G.Twadell.

RESOLUTION # 2-2003 - Appointment of Attorney. Geoffrey S.Cramer was appointed Attorney, motion by P.Dunne, seconded by C.Triggiano, followed by the following vote: "YES" J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, J.Coakley, G.Twadell.

RESOLUTION # 3-2003 - Public Meetings. Motion to approve was made by C.Triggiano, 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, G.Twadell.

RESOLUTION # 4-2003 - Official Newspapers. Motion to approve was made by T.Carroll, 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, G.Twadell.

RESOLUTION # 5-2003 - Appointment of Secretary, Marie Applegate. Motion to approve was made by T.Carroll, 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, G.Twadell.

RESOLUTION # 6-2003 - Planning Board Engineer, Birdsall Eng. Inc. Motion to approve was made by T.Carroll seconded by P.Dunne, followed by the following vote: "YES" J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, J.Burke, J.Tischio, J.Coakley, G.Twadell.

RESOLUTION #7-2003 - Planning Board Planner, Birdsall Eng. Inc.. Motion to approve was made by J.Coakley, 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, G.Twadell.

The following took the Oath of Office given by Mr. Cramer. J.Burke as Chairman, T.Carroll as Vice Chairman, Marie Applegate as Secretary, J.Muly as regular member, J.Tischio as regular member, Brian Stepowany as Mayors Designee, Eden O'Hare as Alt.  
# 4.

APPLICATION -46-2002 - Salvatore Librizzi - 276 E. Virginia Ave. This application is a continuation from last month. Eva Marie Librizzi and Tom Peterson the Architect came forward, both were sworn in at the last meeting. Mrs. Librizzi testified she is speaking tonight as her husband is sick. She testified, at the first meeting, they were a little taken back as we had no problems with our neighbors, as we talked to them about the addition. The only person that objected at the last meeting, her house is on the market to be sold, so we were a little confused about it.

The Board Engineer came and checked our property and found that the water was not from our property. She testified they have made some changes on the plans and hope it will be alright now. Mr. Liston the objectors Attorney, wanted to know when these changes were made and was it 10 days prior to this meeting. If it is the applicants plans to present them to the board for the first time tonight, he will object to that and if they want to have it carried to the next meeting that's fine. He would like the opportunity to view those changes with his client.

Tom Peterson testified it was his understanding that if we reduced what we were asking for or eliminated some of the variances that we were permitted to do that when we came back without renoticing on that.

Mr. Liston stated the issue is not re-noticing, the issue is due process and if the Board will recall at the conclusion of the last meeting, he invited their Architect to submit any changes to us. He was not contacted and he feels somewhat ambushed this evening.

Tom Peterson stated they heard the concerns of the Board regarding impervious coverage and we went back and took a good look at what we could do to probably satisfy the concerns of the objector. We left the building coverage as we had presented it the last time, it still requires a variance approval at 35.3%, however, we reduced the impervious coverage at what is existing there now 46.3% we would reduce to 45%. We would be removing the first 57 ft. x 10ft. wide of the asphalt driveway and put in brick pavers. This brings that impervious number down to the 45% and at the same time it still maintains a little bit of the asphalt driveway, which the Librizzi's use as a play area, it's the part of the driveway that's in the back. By bringing the impervious down, we thought that would address the concerns and the problems that the objector had. We feel that we would advance the purposes of the Land Use Law with this application and we feel that drainage and run-off being such a big concern would actually improve the condition on the property, that we would be helping with the intent of the land use law. The design of the house stays

the same, there are a lot of code deficiencies that we would be improving with the house, this is still not an oversized home for the neighborhood. The house next door is over 36% building coverage.

Mr. Peterson testified if he did something wrong, it was his understanding that if we could come back and meet the concerns of the objector and try and meet some of the concerns of the board, that we would be doing good.

Mr. Liston stated although he's not an engineer, he has gone over this with his client and without trying to characterize it before he cross examines the applicants expert witness, it strikes him as an extension without a difference.

Mr. Peterson testified approximately 50% of the asphalt driveway or 570 sq. ft. is being replaced with pavers.  
Mr. Burke stated it is the Boards position right now that pavers are purveous surface.

Mrs. Dunne stated she is glad to see that they are going through that expense to do pavers and to bring down the lot coverage.

Mr. Peterson stated they still need a variance on the front yard setback, 25 required they have 10.7ft.. Building coverage 30% is allowed they have 27 existing and proposing 35.3%. Lot coverage no longer exists as a variance. Accessory buildings side yard setback 5 required 2.6 existing, rear setback 5 required 1.6 existig on the building and no changes are being made to that building.

Mr. Liston stated he has been practicing Land Use Law for 30 years and probably one of the most difficult aspects of the law to practice. He made reference to the oath that the Board took to be fair and be impartial and support the Costitution of the United States and this State, the laws of this State and to act as judges not as a tribal council, that's the oath you took and that's the oath your bound to follow. In taking that oath, you swore to uphold the Municipal Land Use Law of the State of N. J. and that law sets forth some very strict criteria with regards to the granting of variances.

He stated he received the letter from Birdsall Eng. in regards to the runoff. Your Engineer did what his clients did and what the applicants did, which was to highball the situation. There were no borings taken, there were no topographical survey done. He indicated there are problems with drainage in this area generally, he didn't believe the drainage problems on his clients property were necessarily caused by drainage from the applicants property, but then he didn't perform any scientific tests to determine that issue one way or the other. He feels this is

the owners convenience here, the owner wants to expand a non-conforming building, on a lot which bearly contains it within your ordinance. He asked that this application be denied.

Mr. Liston stated Mr. Peterson is not an attorney, if his client wants to speak that is fine, but Mr. Peterson doesn't have the right to speak as other than an expert witness, but he object's to Mr. Peterson giving a summation to the record.

Mr. Cramer wanted to know if Mr. Liston was abandoning your due process objection? He stated no he is abandoning the second plan as it is a destinction without a difference.

Motion to open the meeting to the public was made by N.Hamilton seconded by C.Triggiano and unanimously carried.

Motion to close the the public session was made by T.Carroll, seconded by N.Hamilton and unanimously carried.

P. Dunne stated there are some variances here, no doubt about it, but she doesn't think they are major variances, only small ones. She thinks the applicant has made some effort to reduce our main concen, although Mr. Liston has suggested if they moved the garage up, it would have been better, because then they would only have side yard variance and that person would not object. The question is would Mr. Liston however still object from his neighbor because that is still another variance. She thinks the applicant has made a good attempt here, a positive for the neighborhood by doing this and upgrading the house.

P. Dunne made a motion to approve this application, seconded by J.Coakley, followed by the following vote: "YES" J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, J.Coakley. "NO" - G.Twadell

Mr. Liston stated he will give his card to the Secretary and ask that the transcriber contact his office, as there will be an appeal.

APPLICATION - 41-2002 - Joseph Daugila - 49 Ocean Avenue. Andre Spedaliere the Builder and Mrs. Dorothy Daugila came forward and were sworn in by Mr. Cramer. Mr. Spedaliere testified they are proposing to tear down the existing structure and replace with a single family 2 1/2 story building. We started this process a year ago, looking at the house to see if we could rebuild, but it was impossible to do it that way. The Daugila's just sold their house in South River and are going to make this their permanent residence. The lot is 25x150 and the existing house is approx. 21 feet. We are making the house narrower so we can have windows on the sides. Mrs. Daugila testified there is no property on either side that

they can acquire.

Mr. Spedalieri testified they will need a fire wall on the west side as the set back will be 2.7 ft. and the east will be 3.3 ft.. The building height will be 30 Feet, the building coverage proposed is 32.4' an increase of 2.4 ft.. There will be no parking. Between the Daugila property on the west, there is a driveway, which belongs to the property on the west. It should have shown on the survey but it doesn't. Part of the driveway is on the Daugila property, but is used by the neighbor only. The east side set back is 3.3 ft. and then the next house, which is probably the same set back. The shed in the rear is on concrete blocks.

Mr. Cramer stated they will have to get some clarification as to what the property rights are in the side yard set back. That right of way is strataling the property line, you can't tell from the survey. Both survey's show the right of way, but who has the right of way?

Mr. Cramer stated it would be more appropriate for the Board to continue the hearing until we have additional documentation or copy of a title search that identifies whose easement it is, and whose property it burdens and what the respective property rights are. He doesn't think the Board can proceed without this information before us.

Mr. Burke stated if this is a utility right of way, than we need something in writing from the utility, or from an Attorney a title search or deed search to let us know what this is.

Mr. Burke stated there is no problem with you doing the project as you have it layed out. We need a definition as to what the right of way is and you need permission to build to the right of way or on the right of way from them before we can proceed.

Mr. Cramer stated it will require a waiver from Mrs. Daugila that the Board doesn't have to make a decision in that period of time. He told Mrs. Daugila that she has to consent to the Board's continuance of this, also you want an extension to give the Board's approval. Mrs. Daugila testified she will consent to the waiver.

A motion to continue this case to March was made by T. Carroll, seconded by J. Coakley followed by the following vote: "YES" J. Muly, P. Dunne, T. Carroll, C. Triggiano, N. Hamilton, J. Tischio, J. Burke J. Coakley, G. Twadell.

A motion for a recess was made at 8:50 p.m., seconded and unanimously carried.

Board returned from recess at 9:00 p.m. with the following vote:

J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, B.Stepowany, J.Tischio, J.Burke, J.Coakley, G.Twadell, E.O'Hare.

APPLICATION - 9.2003 - Edward Tidaback - 35 Willow Way  
Diana and Edward Tidaback were sworn in by Mr. Cramer.  
They are proposing to construct a 4'x8' entrance way roof to cover existing stairs.

Mrs.Tidaback testified they have existing stairs and they want to construct a roof 4'x8' over it. Photos submitted were marked into evidencre as A-1,2,3,4. Mr.Tidaback testified they are the pictures of the house and they just want a roof over the stairs for protection. The reason we are here is because we are 11 inches over the line.

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

There being no comments from tne public, motion to close the open meeting 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, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, J.Coakley, G.Twadell.

APPLICATION - 8-2003 - Margaret Murnane - 84 N.McClellan Ave.  
The property in question is located on the northeast corner of Lake Ave. and McClellan Ave.. The parcel is a 50 ft. x 150 ft. lot that currently contains two principal structures, two one story dwellings and a detached garage. The applicant proposes to construct a second story addition and interior renovations to the dwelling at 84 McClellan Ave. (rear principal structure). Esisting and prpoosed uses and structures are non-conforming for the zone.

Margaret Murnane and her mother Patricia Murnane were sworn in by Mr. Cramer.

Margaret testified the house is non-conforming. The house she lives in is 1 bedroom, 600 sq. feet, which is lacking living, and storage space and there is no bedrooms for family members who live out of town. The home was build by her great grandmother in the 40's. The tenants in the other house are year round and have been there since 1994. The house was built in 1976. There will be no change in footprint. She renovated the house in 1998 and 1999 and she doesn't believe the contractor got a building permit. Photos submitted were marked into evidence as A-1, A2, A3, A4, A5. She testified if she removes the driveway and 2 more sections of sidewalk, she would be in lot coverage requirements. She does not want to sub-divide, she wants to keep it the way it is. She lives in one and rents the other.

She testified she purchased the house in 1998 and the photos show from the time she bought it what it looked like to now since the renovations have been done on the interior and the siding on the outside. She testified she will remove the driveway and put in pavers or purveous surface and also remove part of the sidewalks and do the same.

Mr. Burke stated if we approve this application it will be in the resolution that you have to bring the lot coverage down to the 35% lot coverage. There is no problem with parking.

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

There being no comments from the public, motion was made to close the public portion by T.Carroll, seconded and unanimously carried.

Motion to grant the use variance to allow expansion of the non-conforming lot providing that the lot coverage is reduced to 35%, was made by T.Carroll, seconded by G.Twadell, followed by the following vote: "YES" - J.Muly, P.Dunne, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke.

APPLICATION - 10-2003 - Henry Trost - 73,75-751/2 Ocean Avenue  
The property is located on the south side of Ocean Avenue between Watson's Creek and North Potter Avenue. It is a 6,250 sq. ft. lot currently containing three single-family dwellings. The applicant proposes to demolish the existing rear dwelling and subdivide the lot into two individual 25'x125' building lots, each comprising 3,125 square feet. The proposed subdivision is not considered a subdivision by right, in that the applicant is creating two (2) non-conforming lots.

Katherine and Henry Trost were sworn in by Mr. Cramer. Neil Hamilton recused himself from this application for personal reasons.

Henry Trost testified they own the property on Ocean Avenue that currently has a 50x125 ft. lot that has 2 houses in the front and a cottage in the rear. We would like to split the lot in half making 2 undersized lots 25x125'. In order to do that they would tear down the cottage in the rear which is a rental. They would like to put a garage behind 73 Ocean Avenue. He testified right now it can't be anything but rentals, and they would like to sell the house off as soon as possible. He has a buyer right now for one of them, and right now it has to go as a package. If it stays as a package it will always be rentals.

Mr. Burke stated basically you want to subdivide the property into 2 undersized lots, and there will be one principal structure

on each lot rather than now a lot that has 3 structures on it. The driveway down between the two, you will not have enough room on 73 Ocean to have access to the back without an easement on 75. Mr. Trost stated that was right. Mr. Cramer said there will be a deed easement on that.

Catherine Trost testified, in 1973 they came before the Board to do this and never went through with it. They would like to put a garage behind 73 as well. Mr. Trost testified there are separate water and sewer to all 3 units now. The driveway will be gravel. The distance from the deck to the garage is approx. 37 feet. and if moved forward will be about 34 ft. The driveway as testified by Mr. Trost will be a common driveway.

Mr. Burke said he would rather see them give us the 5 ft. on both sides of that garage and have it conform and then you would have an easier turn to get into the building from the north end. Mr. Trost testified he will do that and it will bring in the side yard set backs on the accessory building. The height will be 15 ft.. They decided to turn the garage, so there will be 5 ft. off the back and 2 1/2 on the sides, which will give them more room to get in and out of the garage. It will be deeded and goes with the property.

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

There being no comments, motion by T.Carroll to close the public portion was made, seconded and unanimously carried.

Motion to approve this application was made by T.Carroll with the following stipulations, to approve the subdivision, the garage be turned so that the 20 ft. across the front and the doors on the north side leaving 2 1/2 feet on the sides and 5 ft. off the back and the easement will end at the beginning of the garage and the subdivision and easement will be filed as deeds, seconded by G.Twadell, followed by the following vote: "YES" J.Muly, P.Dunne, T.Carroll, C.Triggiano, J.Tischio, J.Burke, J.Coakley, G.Twadell, E.O'Hare.

N. Hamilton returned to the Board at 10:00 p.m..

RESOLUTION - 48-2002 - Tri State, Inc. -221-227 First Avenue  
Motion to memorialize was made by N.Hamilton, seconded by T. Carroll, followed by the following vote: "YES" J. Muly, P. Dunne, T.Carroll, C.Triggiano, N.Hamilton J. Burke.

RESOLUTION - 50-2002 -Brian Shaughnessy - 299 E. Main St.

RESOLUTION - 51-2002 - Lawrence Ross - 291 E. Main St.  
Motion to memorialize the both resolutions, was made by

N.Hamilton, seconded by C.Triggiano, followed by the following vote: "YES" J.Muly, P.Dunne, C.Triggiano, N. Hamilton, J.Tischio, J.Burke, G.Twadell, J.Coakley.

RESOLUTION - 49-2002 - William Cosgrove - 58 Osborn Avenue.  
Motion to memorialize was made by T.Carroll, seconded by J.Muly, followed by the following vote: "YES" J.Muly, T.Carroll, C.Triggiano, N.Hamilton, J.Burke.

RESOLUTION - 47-2002 - Susan Smulders - 43 Ocean Avenue.  
Motion to memorialize was made by T.Carroll, seconded by N.Hamilton, followed by the following vote: "YES" J.Muly, T. Carroll, C.Triggiano, H.Hamilton J.Burke, J.Coakley.

RESOLUTION - 45-2002 -Ibrahim Perea - 111 Beachfront.  
Reference is made to a presentation which was made by Mr. Twadell from the tapes of the meeting.

Mr. Twadell stated we have here a testimony that is truthfull or not truthfull, pure and simple. Indication from the testimony and the evidence given at that hearing is strong that the testimony was not truthfull and if that is the case, the Land Use Law permits a review of that application due to either misrepresentation or mistake in general. He thinks we have either a truthfull situation where this can be approved or we have possibly a speculator who was using the Board in his efforts to sell the property. The evidence shows that he made the for sale situation that used a proposal from the board that would enhance the sale. He thinks Mr. Perea should be brought back for a review of his statements or the Board should reconsider the approval of this.

Mr. Cramer stated if it was willfull swearing before the Board than the appropriate recoarse is to refer the matter to the Monmouth County Prosecutors Office for taking such steps as appropriate for Criminal Statues in N. J.. He feels it is a dead end road to go down.

Mr. Carroll feels we aren't going to get very far if we fight this.

Mr. Cramer stated the Board should vote on the resolution as it stands and then pass it on to the County Prosecutor.  
Mr. Twadell doesn't think this is the road to go. Section 28.49 of the N. J. zoning and Land Use Administration says if there has been fraud perjury or misrepresentation or mistake, the Board has wider latitude to correct it. We have the latitude to correct it and suggests that we use it and not talk about going to a prosecutor.

After discussion among the Board members it was decided to vote on the resolution and then vote on sending it to the Prosecutor.

RESOLUTION - 45-2002 - Ibrahim Perea - 111 Beachfront.

Motion to memorialize was made by T.Carroll, seconded by C.Triggiano, followed by the following vote: "YES" P.Dunne, T.Carroll, C.Triggiano. NO - J.Muly, J.Burke. ABSTAIN - N.Hamilton.

Motion to pass application for Ibrahim Perea on to the Prosecutor was made by J.Tischio, seconded and unanimously carried.

Motion to approve the minutes of November 12, 2002 was made by T.Carroll, seconded by G.Twadell with a correction on page 1 referenced to Leggets Awning Flaps, strike out the whole paragraph and it was then unanimously carried.

Motion to grant South St. Enterprise, Inc. a special meeting on November 21, 2002, at 7:00 P.M. seconded by G.Twadell and unanimously carried.

Motion to approve the bills was made C.Triggiano, seconded and unanimously carried.

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

Councilman George Dempsey came forward stating if you listen to that lawyer (Liston) that got up and rambled on for about 5 minutes before he got to the point, he told you what a 1C is and a 2C is. It has nothing to do with what your going to own it, rent it, sell it. This Board has to listen to what he said what the 2 criterias are, the hardships, the 1 C and 2 C., forget about whether their going to sell, rent, or live in it. Judge the case on it's merit and on it's merit only. Going to the prosecutor is a waste of time, because until the guy sells it or doesn't move into it your pissin in the wind.

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

Motion to adjourn was made at 11:00 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 December 3, 2003 meeting. Please consider the following Agenda for the February 4, 2003, Regular Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J..

**AMENDED AGENDA**  
**MANASQUAN PLANNING BOARD**  
**FEBRUARY 4, 2003 - REGULAR MEETING**

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Consent Agenda

- APPLICATION - 14-2003 - Lillian Lombard - Meadow Avenue  
APPLICATION - 15-2003 - Robert Fitzpatrick - 64 Second Ave.  
APPLICATION - 20-2003 - MGM Homes, LLC - 357 Pine Avenue  
APPLICATION - 12-2003 - Geri Tamburello - 21 Central Ave.  
APPLICATION - 13-2003 - Lucrezia DeSantis - 18 Meadow Ave.  
APPLICATION - 11-2003 - Squan Inlet Enterprise, LLC  
431 Beachfront / 432 First Avenue

- RESOLUTION - 46-2002 - Salvatore Librizzi - 276 E. Virginia  
RESOLUTION - 9 -2003 - Edward Tidaback - 35 Willow Way  
RESOLUTION - 8 -2003 - Margaret Murnane - 84 N. McClellan Ave.  
RESOLUTION - 10-2003 - Henry Trost -73,75,75 1/2 Ocean Ave.  
RESOLUTION - 16-2003 - South St. Enterprise, Inc. 73-79 Main

WORK SESSION

1. FOR DISCUSSION
2. INFORMAL HEARINGS
3. PRIVATE SESSION
4. MOTION ON MINUTES
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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

Dear Manasquan Board Members:

**PLANNING BOARD**

Enclosed please find a copy of the minutes from the December 3, 2003 meeting. Please consider the following Agenda for the February 7, 2003, Regular Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J..

**AGENDA**

**MANASQUAN PLANNING BOARD**  
**FEBRUARY 7, 2003 - REGULAR MEETING**

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - REGULAR PUBLIC MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION - 14-2003 - Lillian Lombard - Meadow Avenue

APPLICATION - 15-2003 - Robert Fitzpatrick - 64 Second Ave.

APPLICATION - 20-2003 - MGM Homes, LLC - 357 Pine Avenue

APPLICATION - 12-2003 - Geri Tamburello - 21 Central Ave.

APPLICATION - 13-2003 - Lucrezia DeSantis - 18 Meadow Ave.

APPLICATION - 11-2003 - Squan Inlet Enterprise, LLC  
431 Beachfront / 432 First Avenue

RESOLUTION - 46-2002 - Salvatore Librizzi - 276 E. Virginia

RESOLUTION - 9 -2003 - Edward Tidaback - 35 Willow Way

RESOLUTION - 8 -2003 - Margaret Murnane - 84 N. McClellan Ave.

RESOLUTION - 10-2003 - Henry Trost -73,75,75 1/2 Ocean Ave.

RESOLUTION - 16-2003 - South St. Enterprise, Inc. 73-79 Main

WORK SESSION

1. FOR DISCUSSION
2. INFORMAL HEARINGS
3. PRIVATE SESSION
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

FEBRUARY 4, 2003 - REGULAR MEETING MINUTES

**PLANNING BOARD**

Manasquan Planning Board held their regular meeting on February 4, 2003 in Manasquan Borough Hall, 201 E. Main Street, Manasquan, N. J..

Chairman John Burke opened the regular 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.

REGULAR SESSION

ROLL CALL - PRESENT - J.Muly, P.Dunne, N.Hamilton, Brian Stepowany, J.Tischio, J.Coakley, J.Burke G.Twadell, Councilman Schmeling.

ABSENT - T.Carroll, C.Triggiano, K.Thompson, Mayor Winterstella, E.O'Hare.

A letter received from Ocean Bay Properties, to move the curb cut for the driveway to the north side of 161 Curtis Place which was requested by Jersey Central Power & Light Co. for safety reasons. Neil Hamilton stated it was the subdivision and they anticipated to put the driveway for the center house on the left hand side and Jersey Central doesn't want to relocate the pole to service the properties without having illegal encroachments. Their now going to move the driveway to the right side.

Jeff Woszczak - one of the owners of Ocean Bay Properties, stated it is basically remaining the same, they are just going to offset the driveay to the opposite side of that particular lot. It is a safety issue. Houses are all staying the same.

APPLICATION - 14-2003 - Lillian Lombard - Meadow Avenue

Mr. Tischio excused himself as he is part of this application. The property in question is located on the west-side of Meadow Avenue between E. Main St. and Rogers Ave. The applicant proposes to subdivide by selling 16.5' from the Block 153, Lot 9 to thier adjacent property owner John & Nancy Tischio, creating two new conforming lots each of 49.5' by 100'. No variances would be required to perfect this subdivision. Debbra Lombard and Lillian Lombard were both sworn in by Mr. Cramer.

Debbra Lombard testified, it is a minor subdivision of a lot, which my Mother-in-law is selling 16.5 ft. to Mr. Tischio. It is a boundary adjustment.

A motion to waive the requirements that a plat contains the list of property owners, elevations and topography, made by Councilman Schmeling, seconded, carried by the following vote:

"YES"- J.Muly, P.Dunne, N.Hamilton, Councilman Schmeling, J.Burke, J.Coakley, G.Twadell.

Debra Lombard testified the subdivision will be perfected by Deed, which she will give to the Secretary.

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

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

Motion to approve this application was made by Councilman Schmeling, seconded by N. Hamilton, followed by the following vote: "YES"- J.Muly, P.Dunne, N.Hamilton, Councilman Schmeling, J.Burke, J.Coakley, G.Twadell, B.Stepowany.

Mr. Tischio returned to the Board.

APPLICATION - 15-2003 - Robert Fitzpatrick - 64 Second Avenue  
Board Member Gordon Twadell excused himself from this application.

Robert Fitzpatrick was sworn in by Mr. Cramer.

Robert Fitzpatrick, the owner testified he and his wife reside at 64 Second Avenue and has owned the property for a year, but has lived in Manasquan since 1977. He testified his family has continued to grow, and the house gets tight in the summer, so they would like to put on a second floor and deck. The back yard conforms and they have no intention of going back any further except for the second floor deck. He testified he is also looking to add a one story garage, an inside measurement of 11 feet, which is causing a 3 ft, side yard setback.

N.Hamilton stated there are two issues that didn't show up in the reports of Mr. Furey or Mr. Hilla. The survey isn't very clear, and he would like a new survey. He stated there are two curb cuts and 2 driveways on the property all asphalt, that didn't show up on that survey. Those issues weren't addressed to be either removed to be only one curb cut and one driveway and that the asphalt would be removed and also addressing the fact that there is now a lot coverage violation.

Mr. Fitzpatrick testified he will put in pavers and would like to keep the 2nd curb cut.

Mr. Cramer stated he has a problem with the notice, as he noticed for a variance to construct a second floor addition and garage. There is no reference at all to curb cuts.

Councilman Schmeling said he is governed by the denial he gets, he didn't think he is required to notice for something that he's not told to notice for.

Mr. Fitzpatrick testified he will take out the second curb cut, the one on the north side of the property. The garage will be on the south side of the property. He testified he will put in pavers in the front and to the garage.

Mr. Burke stated we are taking a conforming property as it sits and turning it into a non-conforming property by putting in that garage. Your neighbor on the south is close and now your going to be even closer. He has a problem with that garage.

Mr. Fitzpatrick stated there are 4 bedrooms now and with the addition there will be 6 bedrooms. He testified he is willing to try and bring the garage in to get the 5 ft. setback.

N.Hamilton stated, should this application be approved, the side walks and curbing in front are in need of repair, and he suggests that they be replaced in entirety.

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

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

Mr. Burke stated we are looking at the elimination of one curb cut to the north, elimination of the impervious surface, bringing the lot coverage down under the 45 %, using pavers in the front and on the driveway, moving the garage or what ever so that he maintains the minimum of 5 ft. setback on the south side of the property.

Motion to approve the application as stated by the Chairman, seconded by P.Dunne, followed by the following vote: "YES"  
J. Muly, P.Dunne, N.Hamilton, Councilman Schmeling, B.Stepowany, J.Tischio, J.Burke, J.Coakley.

APPLICATION - 20-2003 - MGM Homes, LLC - 357 Pine Avenue  
Attorney Keith Henderson put himself on record as Attorney representing the applicant.  
He stated the applicant and owner is MGM Homes, LLC. There is no requirement for noticing as it is a minor subdivision without any variances. The only issues are the ones raised in Mr. Hilla's report and he addressed them. The subdivision will be perfected by deed. It is a totaly conforming 50x100 lots. There will be a refined grading plan when the houses are built, as requested by Alan Hilla.

Motion to open to the public by J.Tischio, seconded by P.Dune was unanimously carried.

Motion by N.Hamilton to close the public portion, seconded by G.Twadell was unanimously carried.

Motion to approve this application was made by G.Twadell, seconded by P.Dunne, followed by the following vote: "YES" J.Muly, P.Dunne, N.Hamilton, Councilman Schmeling, B.Stepowany, J.Tischio, J.Burke, J.Coakley, G.Twadell.

APPLICATION -12-2003 - Geri Tamburello - 21 Central Ave. Attorney Keith Henderson put himself on record as Attorney representing the applicant. Geri Tamburello is the applicant and the owner of the property is Pat Hagedorn the mother of Geri.

Witnesses sworn in by Mr. Carmer, were Geri Tamburello and Paul Lawrence, the Architect. Geri Tamburello testified her mother owns the property and if this is approved, she intends to take the one lot and build a house on it and live in it. Her mother acquired the house they live in about 20 years ago.

Mr. Henderson stated the lots are over sized. He stated the applicant will stipulate that she is applying for no variances with the new house and they did what ever is necessary to conform with Mr. Furey's acuirements.

Mr. Lawrence the Architect testified he drew the plans for the applicant. They are proposing a 25.1 ft. set back to the front porch, the left side where the new driveway is going between the 2 houses, the setback is 12.73 ft. on the right side there will be a bay in the kitchen and the set back will be 5.1 ft. All setbacks will conform with set back requirements and will conform with the building envelope requirements in terms of lot and building coverage. There are no variances with the new house. The only variances are with the old house the preexisting front set back and the side yard variance created by the subdivision. The separation which will exist will be in excess of the 10 ft. rquired by the zoning officer. The new house will not be near the 50 ft. of the wet lands. Marked into evidence as A-1 was the report by Brinkerhoff Environmental Services.

Mr. Hamilton asked about the 2 large trees close to the property line, who they belong to he doesn't know. One of these could be impacted if not the two.. He wanted to know if there was going to be any impactation on those trees from the construction. The owner testified it is a walnut tree and they want to trim it back so it's not unbalanced. The neighbor owns the tree. She would like to keep the tree, so they will trim it back.

Mr. Lawrence testified there will be a half basement under the dining room and the pantry on the first floor, above the water level. The concrete pad in the rear of the new house will be taken out

P. Dunne has a problem with building on that lot at all. She has the wet lands map in front of her and the whole land is in the wet lands. She feels that this person should have the DEP come and give a letter of interpretation of how far those wet lands are. She feels it is a drainage basin right into the creek in back, in fact the wavy line bumping into the concrete pad is Judas Creek.

Mr. Henderson stated they hired Brinkerhoff to give them an idea whether they needed to get a report from DEP. They felt it was so far removed from this particular lot that we are building on, we didn't need to go to that step, but if this Board requires it we will have to do it.

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

Lorie Centrella, 5 N. Main St. came forward stating her property borders the property in question to the left, also known as Schafers Grove which is approx. 4 acres of land undeveloped for the most part. She stated she is here to oppose this application on numerous reasons, one which this is absolutely wet lands. She presented a map which shows the wet lands in great detail, she also had a surveyor plot those wet lands on this map, and she had her engineer Chick Gilligan look at this and he said it is absolutely wet lands.

Mr. Burke stated they have already stipulated that if we grant this approval tonight, they are going to have to go the whole route and if it is determined by the State that it is wet lands, then they can't build.

Photos submitted by Mrs. Centrella were marked into evidence as A-1. She stated the photos were taken yesterday and they show the pitch of the land and the vegetation. There is a pond back there that is 2 1/2 ft. deep. She stated the house is sitting in wet lands, they have water in the basement as there is a sump pump out the side window going into the stream.

Mr. Henderson objected to this testimony, because the applicant stipulated that it is not going to do anything, so we are beating a dead horse here.

She stated it is very difficult to come here and oppose a neighbor, but it is already crowded with parking on the street, it is very difficult adding extra cars, this lot doesn't conform.

Walter Ritchie, 13 Central Avenue, had a question about the 1.4 inch side yard set back and the dimensions of the chimney on the side of the house. He also had a concern about the Black Walnut tree, which is 109 years old.

Mr. Henderson stated there will be 2 off street parking spaces for each lot and the existing structure will have a new driveway on the left side of the property, the new driveway for the new dwelling will be between the houses.

Alice Hemphill, 162 Fletcher Avenue was concerned that there was no topographical studies done by the applicant and she is deeply concerned about the continual flooding in that area. Building anything on it that is going to cause more storm run off is just another concern of the Environmental Commission and the Water Shed Assoc.. We should always be thinking about those problems, not only our town but our whole Water Shed.

Annette Illmensee, 43 Central Avenue, had a concern about the set back on the property.

Pat Hagedorn, 21 Central Avenue, about the house under discussion. She stated the chimney is coming down. As far as the flooding condition, it does flood on the south side corner of the property when there are storm conditions. She stated she had a sump pump installed about a month ago by Harry Gray in her cellar, and he hasn't completed it yet, that is why she has a pipe that is coming out of the window which is taking the water from the sump pump out. She has a designer, Susan Ayres that is going to be doing her driveway, which will be put in as soon as the applicant is ready to build her house.

Nancy Chamberlin, 79 Central Avenue, wanted to know why the Board isn't getting all the reports before they approve this application. There is really a bad flooding problem there.

Michelle Ritchie, 13 Central Avenue, who lives next to the applicant and would like to let all know that she is a good neighbor, but originally she thought it would only impact her, as they are on one side of her. After looking at the proposal and maps she found out it was not the case, it really impacts all of Manasquan. Judas Creek which runs all along the back, the size of the house, the walnut tree, and the driveway.

George Dempsey, 551 Pike Avenue, stated he talked to Mr. Henderson and he explained the 10 ft. easement. About 20 years ago he had the same problem on Morris Avenue, so he picked up the house and moved it over so it would conform, and that was a 50 or 60 year old house and it was moved.

Richard Deacon, 34 Forest Avenue, came forward, who lives west of the proposed property, probably 300 yds. upstream. He stated when we get a heavy rain, it floods severely back there. He is concerned about any construction down stream will impact the dynamics of the flow of Judas Creek, will more water pool off up stream on his property. Mr. Burke stated that is for the

State to answer, when they review the area.

William Ryan, 14 Gardners Lane came forward stating as long as it conforms it is fine, but there is some type of electrical or telephone box and he wanted to know if that has been taken into consideration.

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

Mr. Henderson stated all the concerns seem to relate to wet lands, water related issues.

Motion to approve this application was made by Councilman Schmeling, subject to all the conditions setforth previously, regarding the removal of the property, removal of chimney, removal of the doors, removal of the concrete, drywells will be looked at regarding the new property and any other stipulations made, seconded by B.Stepowany followed by the following vote: "YES" J.Muly, N.Hamilton, Councilman Schweling, B.Stepowany, J.Tischio, J.Burke, J.Coakley. "NO"- P.Dunne and G.Twadell.

Motion was made for a 5 minute recess att 9:15 p.m, seconded and unanimously carried.

Board returned from recess with the following roll call - J.Muly, P.Dunne, N.Hamilton, Councilman Schmeling, B.Stepowany, J.Tischio, J.Burke, J.Coakley, G.Twadell.

APPLICATION - 13-2003 - Lucrezia DeSantis - 18 Meadow Avenue. The property in question is located om the east side of Meadow Ave. This location is within the Boro's Residential Zone 3. The 33' by 100' lot contains a one-story dwelling. The applicant proposes to demolish the existing dwelling on the lot and construct a new 2 1/2 story single-family dwelling. The proposed structure and the proposed use are conforming for the zone; however, the existing lot is non-conforming for the zone.

Application was denied for the following reasons - Lot Frontage- 40 Ft.required, 33ft. existing. Lot Area - 3,400 sq. ft. required, 3,300 sq.ft existing. Lot Width - 40 ft. required, 33 ft. existing. Curb Cut-only one 12 ft wide curb permitted,two 20ft. wide curb cuts proposed. Driveway- Only one 20 ft. wide driveway permitted, Two 20 ft. wide driveways proposed.

Keith Henderson, put himself on record as Attorney for the applicant.

J.Tischio recused himself as he lives within 200 ft. of the applicant.

Loretta DeSantis the applicant and Christopher Rice the Architect were sworn in by Mr. Cramer.

Loretta DeSantis testified she has been coming to Manasquan for 46 years and has owned the house for 46 years. The house has been a summer house up to now. She and her husband are preparing to retire here and want to build a permanent home. She testified their plans are to demolish and build a 2 1/2 story single family house. She testified they are 2.3 ft. off the north easterly side of the property and 3.5 ft. off the other side. She testified they plan to conform to those setbacks.

Christopher Rice, Architect testified he was retained by the applicant. Most lots are 33 ft. and there is no property on either side to acquire. Property is non-conforming as to lot area, non-conforming as to frontage and lot width. He testified it is a bungalow now and they are going to live here year round, so they need a larger house. He felt that the idea of a second story was not a good one, two side yard setback violations didn't seem feasible, the condition of the structure wouldn't hold it. Demolishing and building a new house was the best option. He testified they are going to build a completely con-forming house within all the set backs, all the coverages, everything. The present structure doesnot meet the current Fema requirements. The new one will. In order to get up above the requirements, we will be up another 3 feet. He testified the house fronts on Meadow, so their desire is to have a curb cut on Meadow, which will take them onto a driveway so they can park infront of the house. The other one is on Pearce. He testified the house will meet all building codes, it will be up and above the base flood. He testified the height of the building from the crown of the road will be 32'6", which is 2 1/2 feet below the 35' allowed. No negative impact of the public good.

J.Burke's concern is the 2 20ft. curb cuts. Mr. Henderson said he would rather see a wider parking area on Pearce, it is aesthetically more desirable and we could achieve the same result.

C.Rice testified on the right side elevation, there are 2 shed dormers, one is at the stair well and the other one has 2 windows in the attic room. Mr. Schmeling didn't think it was necessary to have a bathroom up there. Mr. Rice testified, they would eliminate the left side elevation dormer for the bath.

G.Twadell thought it is too much building for that area and height. He doesn't think that 1/2 story is necessary, you have plenty of room without it, and he agrees with eliminating the front parking, grass would be much more attractive than having cars parked there. The building size is not conforming with the rest of the houses on that block.

P.Dunne agrees with eliminating that one driveway in the front. She would rather see greenery, other wise it is fine.

J.Burke agrees with Dunne on the front driveway and Schmeling on the 1/2 floor dormer and bath, he see's no need for it. Mr. Rice testified they will submit a new survey.

Motion by J.Muly to open the meeting to the public, seconded by N.Hamilton and unanimously carried.

Jeff Allen, 11 Meadow Avenue came forward with concerns he and his wife have about the structure. Height is going to cast a hugh shadow and hinder the air and light over on our side of the street. It sits extremly close to it's northern neighbor. As a former fire fighter and sub code officical it is dangerous to have houses this close. The 20 ft. driveway, how many people are going to be occupying this house? The structure is out of character with the neighborhood, he would like the board to vote it down.

John Tischio, 17 Meadow Avenue, stated plans are beautiful, he does not prefer the driveway on Meadow Ave.. He thinks it's a safety problem pulling out on Meadow. His house and another house are 2 floors, neither have third floor occupancy, he is concerned about the third floor, what is the 1/2 story going to be looking like. He prefers not to have a bathroom up on the 1/2 floor, other than that - it's beautiful.

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

Mr.Henderson stated they will eliminate the request for a driveway cut on Meadow, eliminate the one dormer and the 1/2 story bathroom.

Motion to approve this application was made by Councilman Schmeling, with the stipulations that were made, seconded by J. Muly, followed by the following vote:"YES"- J.Muly, P.Dunne, N.Hamilton, Councilman Schmeling,B.Stepowany,J.Burke, J.Coakley.

APPLICATION - 11-2003 -Squan Inlet Enterprise, LLC  
431 Beachfront / 432 First Avenue.

The property in questin is located on the corner of First Ave. and Riverside Dr. along the Manasquan Inlet. This location spans the Residential Zone R-4 and Business Zone B-1. The referenced property fronts on the beachfront and totals 7,323 sq. ft. currently containing a 1-1/2 story commercial building and a two family dwelling. The applicant proposes to subdivide the property, demolish the existing two-family dwelling along the beachfront, and construct a new single-family house.

Denied for the following reasons:

Front Setback (431 Beachfront)- 15' required, 10' proposed along beachwalk.

432 First Avenue -Lot Frontage- 30' required, 23.68' Existing Lot Area- 5,000' required, 2538.5' proposed. Lot Width -30' required, 23.68' existing. Front setback- 10' required, 9.5' existing. Side Setback (south) - 7' required, 1" existing. Off street parking 1 for every 2 seats, 1 for every two employees, 1 for every 3 take-out-service patrons at peak hour periods. 2 off street parking spaces proposed.

Keith Henderson put himself on record as Attorney representing the applicant. He stated that we all know this location as Carlson's Corner. It is in a split zoning. The only change to this property is to separate the residential from the commercial, and Carlson's Corner will stay exactly as it is. The residential, the existing duplex which is in not too good condition, we propose to take down and replace with a new dwelling. We have CAFRA approval for that and has been recorded. Keith Henderson, put himself on record as Attorney representing the applicant.

Mr. Chris Rice Architect and Jack Howley Managing member of Squan Inlet Enterprise, were sworn in by Mr. Cramer.

Mr. Rice testified he was retained by the applicant. He stated there is no structure to talk about, they are sub-dividing the business from the residential, they did get CAFRA approval, we are proposing footprint smaller with bigger setbacks than they have allowed us to do. It is a two family, which violates all of the zoning all of the set-backs, it's over the property line and that structure has to come down. We are proposing a new buildable footprint that will conform to all set-backs. North side where 5 is required, we are proposing 7 ft., on the south side we are proposing 6 ft.. The front setback will line up with the other houses. CAFRA informed us that we could be 7 ft. back from the property line, 4.4 ft. from the north side and 6 ft. on the south side. Our proposal for the house will be smaller than what CAFRA is allowing, also smaller than what is allowed by Zoning. He stated they are drawing the line so that Carlson's can have an area where at least 2 cars can fit and still have a buffer to the residents. The buffer is 2 1/2 ft. from the restaurant where they propose to build subdivision on and then this buildable envelope is another 35 1/2 ft. back from that, almost 60 ft. from structure to structure. The buffer is a 4 ft. buffer on the Carlson's side landscaped and the residents will probably build their own buffer.

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

Pete O'Neill, 427 Beachfront, came to speak for John Kelly. He stated there is a dumpster in the parking lot that they use

daily. As far as the food it is all done in the residential house behind it. He doesn't know how they are going to operate in such a small area, so if you want that for your long term, he doesn't know if that is reality if you cut up a lot of the space, that is going to be a problem.

Alice Hemphill, 162 Fletcher Avenue is concerned with Mr. Rice's comments that we want to make this all residential. What we're talking about is taking something from one owner to make another big killing over a nice home, cutting out and endangering Carlson's Corner which we all consider a land mark, which serves for hundred's of people, just for a granular house. She find's that very disturbing. Let's keep Carlson's there.

Mike Parziale, 425 First Avenue, owner of Riverside Cafe. He stated he couldn't believe some of the comments by the Board as to wanting to expand the business zone. He thought the main object was to keep the existing footprint as it is as far as business and residential. We've been there 37 years now and it's always been west of that retaining wall, Carlson's been operating consistently. About 16 years ago they started putting storage upstairs. The cars for tenants have always parked on the east side of that retaining wall, it's always been residential zone and has always been utilized as residential. Deliveries have been across the street or in front of my residence or in front of Carlson's. Nothing is changing as far as the business operation. They are going to be operating fine there. If you extend that business zone, your going to to turning this into a major problem. If you do that, he will be in to knock down 421 First Ave. next to his business and expand his business. You have a parking problem down there now, so why increase that problem.

Althea Ridley, 421 Beachfront wanted CAFRA explained to her. Keith Henderson showed her the CAFRA drawing and what they have approved and signed off on and the actual CAFRA permit. They approved up to 4.4 ft. on the side to the north as a setback and on the south side it is also marked. Their building envelope is much more aggressive than what we are seeking.

Motion to close the public hearing by N.Hamilton, seconded by G.Twadell was unanimously carried.

Keith Henderson said they will stipulate the line that is approved will be resolved.

Mr. Burke stated right now we are looking for the change of the line to the wall, will still retain the buffer on the Carlson side, assuming the owners will put a buffer on their side, changing the zone in that section.

A motion by Councilman Schmeling to approve this application

subject to the stipulations made, seconded by G.Twadell, followed by the following vote: "YES"- P.Dunne, Councilman Schmeling, B.Stepawany, J.Tischio, J.Burke, J.Coakley, G. Twadell. "NO" - J.Muly, N.Hamilton.

RESOLUTION -46-2002 - Salvatore Librizzi - 276 E. Virginia Ave. Motion to memorialize was made by N.Hamilton, seconded by P.Dunne, followed by the following vote: J.Muly, P.Dunne, N.Hamilton, J.Tischio, J.Burke, J.Coakley.

RESOLUTION - 9-2003 - Edward Tidaback - 35 Willow Way. Motion to approve this resolution was made by N.Hamilton, seconded by J.Muly, followed by the following vote: "YES"- J.Muly, P.Dunne, N.Hamilton, J.Tischio, J.Burke, J.Coakley.

RESOLUTION - 8-2003 - Margaret Murnane-84 N.McClellan Ave. Motion to memorialize was made by J.Muly, seconded by P.Dunne, followed by the following vote: "YES"-J.Muly, P.Dunne, N.Hamilton, J.Tischio, J.Burke.

RESOLUTION - 10-2003-Henry Trost - 73,75,75 1/2 Ocean Avenue Motion to memorialize was made by P.Dunne, seconded by J.Coakley, followed by the following vote: "YES" J.Muly, P.Dunne, J.Tischio, J.Coakley.

RESOLUTION - 16-2003 - South St. Enterprise, Inc.-73-79 Main Motion to approve this resolution was made by N.Hamilton, seconded by J.Tischio, followed by the following vote: "YES" N.,Hailton, B.Stepawany, J.Tischio, J.Burke, G.Twadell.

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

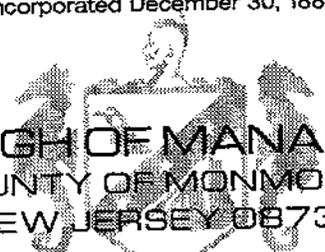
Motion to approve the minutes of December 3, 2002 was made by J.Coakley, seconded by P.Dunne and unanimously carried.

Motion to adjourn the meeting at 11:20 P.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

PLANNING BOARD

Dear Manasquan Board Members:

Enclosed please find a copy of the minutes from the January 7, 2003 meeting (Sent in the 2/18/03 packets).

Please consider the following Agenda for the March 4, 2003, Regular Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J.

MANASQUAN PLANNING BOARD  
MARCH 4, 2003 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - REGULAR MEETING

1. Salute to Flag
2. Consent Agenda

DISCUSSION - C Keith Henderson - clarification re: 580 E. Main Street LLC

APPLICATION - 8-2000 - Tom Rostron - Extension of time.

RESOLUTION 9-2000 - M. Adamczyk - extension of time - 353 Beachfront/ 354 First Avenue

APPLICATION - 41-2002 - Cont. Joseph Daugila - 49 Ocean Avenue

APPLICATION - 10A-2003 - Henry & Catherine Trost -73 Ocean Ave.

APPLICATION - 17-2003 - Gerald Yeager - 345 Beachfront/344 First

APPLICATION- 19-2003 - Michael Tsontakis -108-108 1/2 Second

RESOLUTION - 9-2000 - Michael Adamczyk - 353 Beachfront(possible)

RESOLUTION - 14-2003 - Lillian Lombard - Meadow Avenue

RESOLUTION - 15-2003 - Robert Fitzpatrick - 64 Second Ave.

RESOLUTION - 20-2003 - MGM Homes, LLC -357 Pine Avenue

RESOLUTION - 12-2003 - Geri Tamburello - 21 Central Ave.

RESOLUTION - 13-2003 - Lucrezia DeSantis - 18 Meadow Ave.

RESOLUTION - 11-2003 - Squan Inlet Enterprise, LLC - 431 Beachfront

WORK SESSION

1. FOR DISCUSSION
2. INFORMAL HEARINGS
  - Mahogany Grill - 140 Main Street- possible expansion
3. PRIVATE SESSION
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

Dear Manasquan Board Members:

PLANNING BOARD

Enclosed please find a copy of the minutes from the January 7, 2003 meeting. (Sent in the packets for 2/18/03 meeting). Please consider the following Agenda for the March 4, 2003, Regular Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J..

MANASQUAN PLANNING BOARD  
MARCH 4, 2003 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - REGULAR MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION - 8-2000 - Tom Rostron - Extension of time.

APPLICATION - 41-2002 - Cont. Joseph Daugila - 49 Ocean Avenue

APPLICATION - 10A-2003 - Henry & Catherine Trost - 73 Ocean Ave.

APPLICATION - 17-2003 - Gerald Yeager - 345 Beachfront/344 First

APPLICATION - 19-2003 - Michael Tsontakis - 108-1081/2 Second

RESOLUTION - 9-2000 - Michael Adamczyk - 353 Beachfront

RESOLUTION - 14-2003 - Lillian Lombard - Meadow Avenue

RESOLUTION - 15-2003 - Robert Fitzpatrick - 64 Second Ave.

RESOLUTION - 20-2003 - MGM Homes, LLC - 357 Pine Avenue

RESOLUTION - 12-2003 - Geri Tamburello - 21 Central Ave.

RESOLUTION - 13-2003 - Lucrezia DeSantis - 18 Meadow Ave.

RESOLUTION - 11-2003 - Squan Inlet Enterprise, LLC - 431 Beach

WORK SESSION

1. FOR DISCUSSION
2. INFORMAL HEARINGS
3. PRIVATE SESSION
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

**MANASQUAN PLANNING BOARD**

**MARCH 4, 2003 REGULAR MEETING MINUTES**

The Manasquan Planning Board held their regular meeting on March 4, 2003 in Manasquan Borough Hall, 201 E. Main Street, Manasquan, NJ.

Chairman John Burke called the meeting to order at 7 p.m. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He then asked all to join in the Salute to the Flag.

*Present* : Board Members John Muly, Patricia Dunne, Carmen Triggiano, Neil Hamilton, Councilman William Schmeling, John Tischio, John Burke, James Coakley, Kevin Thompson, Gordon Twadell and Eden O'Hare.

*[Record shows Mr. Schmeling leaving at 7:35 p.m.]*

*Absent* : Board Members Thomas Carroll, Mayor John Winterstella and Brian Stepowany.

Also in attendance were Geoffrey S. Cramer, board attorney; Chas Holloway, acting board engineer/planner; and Sharon Bogie, acting secretary.

**DISCUSSION** – 580 E. MAIN STREET LLC – 580 E. MAIN STREET – C. Keith Henderson, attorney for 580 E. Main Street, LLC, requested to address the Board regarding a modification of the site plan which the Board had previously granted. The site plan proposed a restaurant and apartment building use for the property.

Mr. Henderson explained that the transferral of the survey, onto the site plan, created a problem, which he “presumed” was caused by two separate surveys for the project and resulted in a “very, very minor error” in calculations. He stated correcting the error will change the side setbacks by a “couple of feet.” He stated he had consulted with Mr.

Cramer and had been advised to address the Board on the matter. Mr. Cramer agreed with Mr. Henderson's assessment, stating it was a "very minor item" and that it consisted of 1.5 feet missing while transferring the survey onto the site plan plot. Mr. Henderson added the correction would not affect variance issues since the setbacks would fall from approximately seven feet to five feet in a zone where three feet is permitted.

It was agreed that Mr. Henderson would submit the modified site plan for review.

Mrs. Dunne moved that the site plan be modified as stated by Mr. Henderson and pending the submission of the modified site plan; Mr. Muly seconded the motion, which was carried by the following vote: "Yes": Board Members Muly, Dunne, Triggiano, Hamilton, Schmeling, Tischio, Burke, Coakley, Thompson, Twadell and O'Hare. "No" none.

**DISCUSSION** – *Mahogany Grill* – 140 MAIN STREET – C. Keith Henderson, attorney for Mahogany Grill, requested to address the Board regarding possible expansion of the restaurant. The project has been subject of a prior Planning Board resolution.

Mr. Henderson stated Mahogany Grill had picked up the lease for the abutting site that had formerly been occupied by the Cookie Lady as an ice cream/sweet shop for the purpose of expansion. Mr. Henderson opined there is no change in use as it is going from restaurant to restaurant.

Mr. Cramer stated the Board must be advised as to what exactly the owner is intending to do with that extra space. He added that if it is to be used as a bar, it will change "everything," including occupancy and intensity of that particular unit. Mr. Henderson stated there would be no bar installed in the new area, which would be used strictly for dining. He reiterated his position that zoning was not an issue because there would be no bar in the new area. He also stated the owner would need to get expansion of liquor license approval from Mayor and Council.

Mr. Coakley raised parking issues, noting that bicycles had been a large part of the parking pattern in the past.

Mr. Henderson noted that the present restaurant seats 51, not including the bar. He stressed that a restaurant is a permitted B-1 use.

Mr. Cramer asked Mr. Henderson whether the owner would have any objections to coming back to the Board if a bar is placed in the area. Mr. Henderson stated there were no objections to that request.

In response to continued questioning, Mr. Henderson stated that the Cookie Lady area seated 30 and that is what is being proposed to the area as part of Mahogany Grill; if they wish to seat more people, the owner will come before the Board to address occupancy issues. He was unsure if the owners wished to keep the kitchen in the new area but they

would keep the handicapped bathroom. He estimated a count of 90 seats when the expansion is completed.

Upon advise from the Board Attorney to the Board regarding options, Mrs. Dunne moved for a resolution modifying the previously granted site plan with the stipulation should the bar be expanded, the owner would need to come back to the Planning Board. Mr. Hamilton seconded the motion, which carried by the following vote: "Yes": Board Members Muly, Dunne, Triggiano, Hamilton, Schmeling, Tischio, Burke, Coakley, Thompson, Twadell and O'Hare. "No" none.

**APPLICATION - 8-2000** - *Tom Rostron* - 27 Colby Avenue - extension of time for resolution - The Board recognized Mr. Rostron, who offered testimony on his request for an extension of time on Resolution 8-2000.

The original resolution, it was noted, granted preliminary and final site plan approval so the applicant might construct a second floor onto the multi-use building located on the site, was memorialized by the Board March 7, 2000. It was further noted this extension would grant the applicant a third year to obtain permits and commence work; the Board had granted a previous nine-month extension in the form of Resolution 8A-2000 on April 2, 2002.

Mr. Rostron gave a brief background on the request, stating that he went to the Building Department and Zoning Office to apply for the permits to start the project only to be informed the resolution had expired. He noted the challenges, due to the size of the property, in landscaping and construction. He stated the existing sidewalk would be taken out and pavers would be installed on the site. He also gave a brief summary as to what landscaping he knows he will be able to provide, i.e. planters. Mr. Cramer had previously noted a landscape plan has not been submitted per Resolution 8-2000.

After further discussion, Mr. Muly made a motion to extend the resolution for one year contingent upon Mr. Rostron's submission of a \$500 escrow fee to guarantee that the landscaping will be done, a condition agreeable to the applicant. Mr. Schmeling seconded the motion, which was carried by the following vote: "Yes": Board Members Muly, Dunne, Triggiano, Hamilton, Schmeling, Tischio, Burke, Coakley, Thompson, Twadell and O'Hare. "No" none.

**APPLICATION - 9-2000** - *Dr. Michael Adamczyk* - 353 Beachfront/354 First Avenue - extension of time to perfect subdivision - Attorney Joseph Lane appeared before the Board to represent Dr. Adamczyk. Mr. Lane stated the request was for an extension of time by which the deed and easement for the minor subdivision, memorialized by the Planning Board January 4, 2000, may be filed. Mr. Cramer asked Mr. Lane approximately how much longer he would need to accomplish the filing; Mr. Lane stated "a couple of months." Mr. Cramer also noted that the applicant must submit a copy of the proposed parking space/ car port easement to Borough professionals for their review; Mr. Lane stated that the structure was a garage rather than a car port. Mr. Cramer added that final surveys were also need for both properties.

Mr. Coakley offered a motion to grant a six-month extension with the stipulations as set forth by Mr. Cramer; Mr. Schmeling seconded the motion, which was carried by the following vote: "Yes": Board Members Muly, Dunne, Triggiano, Hamilton, Schmeling, Tischio, Burke, Coakley, Thompson, Twadell and O'Hare. "No" none.

**APPLICATION - 41-2002** (cont.) - *Joseph Daugila* - 49 Ocean Avenue - It was noted that the applicant was not present at that time nor had they contacted the Board Secretary that they would not be there. The Board agreed to continue hearing the remainder of the agenda and place the case at the end of the consent agenda should the applicant arrive.

**APPLICATION - 10A-2003** - *Henry and Catherine Trost* - 73 Ocean Avenue - The Board recognized Mr. and Mrs. Trost, who were sworn in to offer testimony on the case. Mr. Hamilton and Mr. Schmeling each excused themselves from the case.

The Trosts offered background on the application, which requested relief to construct a garage as per a minor subdivision plot prepared by Charles O'Malley dated September 4, 2002 and a site plan prepared by the applicant. Richard Furey, zoning officer, denied zoning approval under Section 35-0.4 of the Code of the Borough of Manasquan, citing left side setback (five feet required, 2.5 feet proposed), right sideyard setback (5 ft. required, 2.5 ft. proposed), building height (15 ft. permitted, 18 ft. proposed), building coverage (30 percent permitted, 25.7 percent existing, 37.3 percent proposed), lot frontage (50 ft. required, 25 ft. existing), lot area (5000 square feet required, 3125 sq. ft. existing), front setback (25 ft. required, 6.3 ft. existing) and right sideyard setback (5 ft. required, 1.4 ft. existing) issues.

The scope of the original application was discussed. It was noted that the property, which included 73, 75 and 75 ½ Ocean Avenue, had been subject of a minor subdivision application; which the Board had memorialized February 4, 2003. At that time the plans for the garage were discussed. Upon review, however, it was revealed that variance relief needed to allow the removal of the rear cottage and construct the garage had not been placed in the applicants' original Notice of Hearing to Property Owners and newspaper notice. The applicants were advised to re-notice and return to the Board for this relief. Mrs. Dunne noted a change in the size of the proposed garage; she stated the documents had shown a two-car garage but this appeared to be a one-car structure. It was stated that Mr. Trost had "slimmed it down." The proposed garage is 18' x 20' (360 square feet) and would be placed on Block 157, Lot 19, which contains the structure to be demolished. It was also noted the garage entrance originally planned for the side had been changed towards the front; a door facing the house would also be installed. An existing easement on the property was discussed; the applicants noted the easement stops "a few feet" before the garage, thus there would be no encroachment.

Questions were also raised regarding entrance/exit from the garage and lighting. The applicants agreed to install lighting in a manner so that light spillage will not affect neighboring properties and is consistent with Borough regulations.

There being no further questions from the Board, a motion was made seconded and unanimously carried to open the meeting to public comment. There being no questions from the public, a motion was made, seconded and unanimously carried to close the meeting to public comment.

A motion was offered by Mrs. Dunne to approve the application with the garage as presented. Motion seconded by Mr. Coakley and carried by the following vote: "Yes": Board Members Muly, Dunne, Triggiano, Tischio, Burke, Coakley, Thompson, Twadell and O'Hare. "No" none.

**APPLICATION - 17-2003 - Gerald Yeager** - 345 Beachfront/ 344 First Avenue - The Board recognized Gerald Yeager, owner of the subject property, and Jeff Yeager, his son. Both men were sworn in to offer testimony on the application, which requested relief so the applicant may construct an 8' x 20' raised deck in the front yard of the property, per a survey by Charles O'Malley dated December 21, 1995 and plans/sketch prepared by the applicant. Mr. Furey denied zoning approval under Sections 35-5.5 (R-4 Zone - permitted use - single family detached dwelling only permitted use, property contains three dwelling units) and Section 35-9.4 (Principal building - only one principal building permitted per lot, property contains two principal buildings) of the Borough of Manasquan. Mr. Furey cited bulk variance issues regarding the front building under Section 35-9.4 of the code, including front setback (15 ft. required, 6.7 ft. existing and proposed deck will encroach 2 ft. on borough property), north side setback (5 ft. required, 1.5 ft. existing and proposed), south side yard setback (5 ft. required, 2.8 ft. existing and proposed). There were further variance issues listed concerning the accessory building, including front setback (10 ft. required, 1 ft. existing), north side setback (5 ft. required, 2.5 ft. existing) and south side yard setback (5 ft. required, 2.0 ft. existing). Variances needed for the site, as set forth by Mr. Furey, included building coverage (35 % permitted, 45.5% existing), lot coverage (50 % permitted, 59.8% existing), lot frontage (30 ft. required, 25 ft. existing) and lot width (30 ft. required, 25 ft. existing). It was also noted that a variance would be needed for parking under Section 35-13.4 of the code; four parking spaces are required but no spaces exist.

The applicants testified that Mr. Yeager has owned the property since 1966. It was noted the property suffered some damage during the storm of 1992; dunes had been installed to protect the property, the applicant testified, but also adversely affected the view. A raised deck at the beachfront front of 345 Beachfront would provide ocean views, it was stated. It was also noted the property had been developed before present zoning so now if anything is to be done on the property it is in violation of zoning.

Jeff Yeager offered testimony on the project, stating that an existing concrete porch would be removed and replaced with the proposed deck. He also offered testimony on the dimensions, construction criteria (including placement of railings) and building materials (Trex materials) The deck would be approximately 3.0 feet above the beach surface; in this area underneath the deck, he explained, would be space for storage of bicycles and lawn chairs, thus the visible areas would not be cluttered. The steps, he stated, would go onto the existing sidewalk between the Beachfront and First Avenue houses and be built into the deck so they would not jut out.

Concerns were raised regarding the encroachment and side yard setback issues. Mr. Yeager testified that the deck will be smaller than the present patio due to the encroachment issue, which had the applicant bring it down to 6.5 feet. The plans had been for a 8' x 20' deck.

Mr. Cramer advised the applicant that a new survey would be necessary showing the measurements of the deck upon completion of the project, if so approved. Questions were raised as to the height of the deck. It was testified the deck would be 38 inches to the top of the deck floor and the railing would be 36 inches above that. It was also noted the width of the house was 20 feet.

Setback issues were discussed. The Board discussed the location of the steps; if they were placed in the front there would be the encroachment onto borough property, which the Board stated they were against. On the other hand, steps located at the side would cause setback violations. It was noted the deck would need to be further reduced in order to meet the setback requirements. Gerald Yeager said that such a reduction would mean a significant loss of space. The Board and applicants continued to discuss the options, with the applicant agreeing to bring down the width of the deck from 20 feet to approximately 14.5 feet, with approximately 2.7 feet and 3.5 feet coming off each side of the deck.

Mr. Holloway questioned whether environment issues were relevant to the property. The Board noted that any approvals given were contingent upon the applicant securing any other necessary permits, such as CAFRA.

There being no further questions from the Board, a motion was made seconded and unanimously carried to open the meeting to public comment. There being no questions from the public, a motion was made, seconded and unanimously carried to close the meeting to public comment.

It was noted that two separate issues were to be addressed, first regarding the use variance request and the second regarding the bulk variance relief. Mr. Hamilton offered a motion, seconded by Mr. Triggiano, to grant the use variance with the conditions that the deck will comply with the five foot side yard setbacks as discussed. The motion was carried by the following vote: "Yes": Board Members Muly, Dunne, Triggiano, Hamilton, Tischio, Burke and Coakley. "No" none.

Mr. Hamilton then moved, seconded by Mr. Triggiano, for preparation of a favorable resolution to grant the bulk variances as discussed. The motion was carried by the following vote: "Yes": Board Members Muly, Dunne, Triggiano, Hamilton, Tischio, Burke, Coakley, Thompson and Twaddell. "No" none.

A motion was made, seconded and unanimously carried for a brief recess.

POST RECESS ROLL CALL: *Present:* Board Members Muly, Dunne, Triggiano, Hamilton, Schmeling, Tischio, Burke, Coakley, Thompson, Twadell and O'Hare.

**APPLICATION – 19-2003** – *Michael Tsonstakis* – 108-108 ½ Second Avenue – The Board recognized Michael Tsonstakis, applicant. Mr. Tsonstakis, his wife Tracey Tsonstakis, contractor John Fiore and architect/planner Richard Davidson were all sworn in to offer testimony on the application, which requested relief so that heating and air conditioning can be installed and a second floor deck may be constructed, in addition to other interior alterations and renovations. There are two dwellings on the property, which is a non-permitted use in the R-5 Zone.

The variances issues were discussed by the Board. Mr. Cramer stated the use variance issues should be handled first; he noted that use variances require special needs to support them. Then, second, the Board should consider the bulk variances cited.

Encroachment and easement issues were then discussed. It was noted that a shower and hot water heater encroached on the neighboring property. Mr. Triggiano asked whether Mr. Tsonstakis was planning to take that down and Mr. Tsonstakis replied he had not planned to. Mr. Tsonstakis also had no documentation regarding a pre-existing easement that may have permitted the encroachment. It was noted that the property was part of the American Timber subdivision and as such the easement may be reflected in the inventory made at the time of the subdivision.

Upon further discussion it was agreed that the applicant should return to the April 1, 2003 meeting with proper documentation regarding the easement issue. A motion was made by Mr. Twadell, seconded by Mr. Coakley, to continue the hearing at the April 1 meeting; motion carried by the following vote: "Yes": Board Members Muly, Dunne, Triggiano, Hamilton, Tischio, Burke, Coakley, Thompson, Twaddell and O'Hare. "No" none.

**APPLICATION – 41-2002** (cont.) – *Joseph Daugila* – 49 Ocean Avenue - The Board recognized applicant Dorothy Daugila. Andre Spedalieri, builder, placed himself on record. Both had been sworn in previously on the application, which requested relief so the Daugilas could demolish the present structure and construct a new single family home.

Mr. Spedalieri stated the present house is in "bad shape" and had suggested demolition and rebuilding as an option to the Daugilas. He stated they were "receptive" to that idea.

In continuation from the previous hearing, papers had been submitted to the Board regarding the "alley way" easement between the Daugila property and a neighboring lot. The easement was found to be a common easement for use by both properties evenly.

Window sizes and placements were also discussed. Because the structure will be 3.1 ft. away from the property line the applicant will be able to use unprotected windows. It was also noted a picture window would be installed on the top floor in front of the house.

A discussion on parking issues was continued. It was stated that no on site parking would be provided. The applicant, it was stated, had been advised against a parking spot in front of the stairs. There would be no curbs installed as part of the project.

Height issues were discussed. The Board directed the applicant to give an exact height for the project, including the height of the attic area. After discussion it was testified the house would be no taller than 27 feet.

After further discussion, a motion was made, seconded and unanimously carried to open the hearing to public comment. There being no questions from the public, a motion was made, seconded and unanimously carried to close the hearing to public comment.

Mr. Hamilton moved for preparation of a favorable resolution based on 3.1 ft. setbacks, height of no more than 27 ft., no on site parking and the existence of the easement as provided. The motion was seconded by Mrs. Dunne and carried by the following vote: "Yes" Board Members Muly, Dunne, Triggiano, Hamilton, Tischio, Burke, Coakley, Thompson and Twaddell. "No" none.

**RESOLUTION** – **14-2003** – *Lillian Lombard* – Meadow Avenue – A motion was made and seconded to memorialize the favorable resolution. Motion carried by the following vote: "Yes" Board Members Muly, Dunne, Hamilton, Burke, Coakley and Twaddell. "No" none.

**RESOLUTION** – **15-2003** – *Robert Fitzpatrick* – 64 Second Avenue - A motion was made and seconded to memorialize the favorable resolution. Motion carried by the following vote: "Yes" Board Members Muly, Dunne, Hamilton, Tischio, Burke and Coakley. "No" none.

**RESOLUTION** – **20-2003** – *MGM Homes, LLC* – 357 Pine Avenue- A motion was made and seconded to memorialize the favorable resolution. Motion carried by the following vote: "Yes" Board Members Muly, Dunne, Hamilton, Tischio, Burke, Coakley, and Twaddell. "No" none.

**RESOLUTION** – **12-2003** – *Geri Tamburello* – 21 Central Avenue- - A motion was made and seconded to memorialize the favorable resolution. Motion carried by the following vote: "Yes" Board Members Muly, Hamilton, Tischio, Burke and Coakley. "No" none.

**RESOLUTION** – **13-2003** – *Lucrezia DeSantis* – 18 Meadow Avenue- A motion was made and seconded to memorialize the favorable resolution. Motion carried by the following vote: "Yes" Board Members Muly, Dunne, Burke and Coakley. "No" none.

**RESOLUTION** – **11-2003** – *Squan Inlet Enterprises, LLC* – 431 Beachfront – A motion was made and seconded to memorialize the favorable resolution. Motion carried by the following vote: "Yes" Board Members Dunne, Tischio, Burke, Coakley and Twaddell. "No" none.

The consent agenda being complete, a motion was made, second and unanimously carried to pay the bills as submitted by the Board Secretary for consideration.

At the request of Mr. Burke, a motion was made, seconded and unanimously carried to enter into closed session at 9:45 p.m. The Board reentered open session at 9:48 p.m., upon which a motion was made, seconded and unanimously carried to adjourn.

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 March 18, 2003 special meeting at 7:00 P.M. in Manasquan Borough Hall, 201 E. Main Street, Manasquan, New Jersey.

MANASQUAN PLANNING BOARD AGENDA  
MARCH 18, 2003 SPECIAL MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

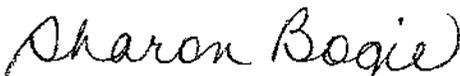
7:00 P.M. - SPECIAL PUBLIC MEETING

- Appointment - Richard Cramer, Planner, re: Planning Board procedures

Master Plan Review

- Discussion of Master Plan re-examination report, per 3/12/03 memo from Alan Hilla, Jr.
- Building Heights - R-4 Zone - re: subcommittees
- Comments from individual board members
- Reports of subcommittees of board
- Audience participation

Yours truly,



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

**MANASQUAN PLANNING BOARD**  
**MARCH 18, 2003 SPECIAL MEETING MINUTES**

The Manasquan Planning Board held their special planning meeting on March 18 2003 in Manasquan Borough Hall, 201 E. Main Street, Manasquan, NJ.

Chairman John Burke called the meeting to order at 7 p.m. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He then asked all to join in the Salute to the Flag.

*Present* : Board Members John Muly, Patricia Dunne, Thomas Carroll, Mayor John Winterstella, Brian Stepowany, John Tischio, John Burke, Gordon Twadell and Eden O'Hare.

*Absent*: Board Members Carmen Triggiano, Neil Hamilton, Councilman William Schmeling, James Coakley, Kevin Thompson,

[*Record shows Mr. Schmeling arriving at 7:35 p.m and Mr. Coakley arriving at 8:45 p.m.*]

Also in attendance were Geoffrey S. Cramer, board attorney; Alan Hilla, Jr., board engineer/planner; and Sharon Bogie, acting secretary.

**PRESENTATION** – *Richard Cramer and Joseph Baris, T & M Associates* – Mr. Cramer and Mr. Baris offered multi-media presentation on Planning Board procedures. Addressing their report entitled "Borough of Manasquan Planning Board: Reviewing Variances" and accompanying video presentation, Mr. Cramer started with an explanation of just how the Planning Board gets its authority through the Municipal Land Use Law. The Planning Board, he explained, is normally the body that adopts the Master Plan as well as hears subdivision and site plan cases, provided no variances are requested.

In towns with smaller populations, however, such as Manasquan, the governing body may choose to have only a Planning Board rather than a Planning Board and a Board of Adjustment; thus the Planning Board must take on the Board of Adjustment's quasi-judicial responsibilities. Such is the case in Manasquan; the Planning Board also hears requests for relief usually under the jurisdiction of a Board of Adjustment.

Mr. Cramer centered the remainder of the presentation on the variance granting responsibilities of the Planning Board as the town's single development board. He emphasized that the Board must consider each application in terms of positive and negative criteria as dictated by Municipal Land Use Law. He stated that the law defers to the Master Plan and Zoning Ordinance.

The process by which to appeal board decisions was discussed. Mr. Cramer stated the court, as reviewing authority, was permitted to review the case and make determinations as to whether a board's actions were "arbitrary, capricious" or "unreasonable" in granting or not granting variance relief. If, on the basis of the record, the board is found to have acted in such a manner, the court reacts by reversing or voiding the board's resolution.

Mr. Cramer then discussed the differences between Bulk ("C") and Use ("D") variances. Bulk variances grant relief from setback, lot/building coverage and lot size requirements as set forth in the town's zoning ordinance while Use variances grant relief from such items as use restrictions under the zoning ordinance. Regardless of the type, each the board must review each application in context of what Mr. Cramer referred to as "positive" and "negative" criteria, as defined by Municipal Land Use Law. Positive criteria, he explained, are used to determine if there are valid reasons for granting relief and must show some burden of proof on the applicant that the property can not, within reason, be changed to conform with zoning. Negative criteria, he noted, are used to determine whether relief will adversely affect the neighborhood or be detrimental to zoning.

Focusing in on positive criteria for "C" variances, Mr. Cramer noted two examples: hardship and promotion of a public purpose. Under the hardship criteria, the board, based on evidence presented, may determine a property, because of physical characteristics of the property (i.e., topography, dimensions) or existing structures, application of zoning criteria may pose an undue hardship on the applicant. Regarding "promotion of a public purpose," Mr. Cramer explained that the board could find that the relief requested by the applicant may actually create an improvement in the zoning and planning for the community, thus advancing the purposes of the Municipal Land Use Law.

Mr. Cramer then set forth examples of what might be considered positive criteria in considering "D" variance relief. Among items the Board may question: Are there any

undue hardships inherent in applying use criteria? Is the use being requested is of a beneficial nature (such as hospital, non-profit or community related services)? Is an existing non-conformity is being lessened or mitigated by the relief requested? Will the relief granted further advance a specific goal of the Municipal Land Use Law?

The purposes of the Municipal Land Use Law were then discussed, including promotion of public health, safety (i.e., fire, flood), adequate light, air and open space, consistency and complementary zoning in neighboring towns/municipalities, "appropriate population densities," and proper use of public funds regarding land use and public development. Municipal Land Use Law also seeks to encourage a property balance between sufficient space for a variety of uses ranging from industrial to agricultural, residential to commercial and recreation and open space. It also seeks to promote efficient transportation routes while decreasing traffic congestion and blight. Historical conservation, senior citizen housing, renewable energy sources and environmental protection (i.e., recycling) measures are all goals promoted by the Municipal Land Use Law.

The Board must also consider negative criteria, determining whether effects of the variance relief, despite any positive criteria present, would be more detrimental than good for the character of the neighborhood or the integrity of zoning. Mr. Cramer then discussed how the concept of negative criteria is used in considering use ("D") variances.

Mr. Cramer then offered a "test case" to show how one board handled a case requesting both "C" and "D" relief, how the board made its findings and resulting appeal process.

After Mr. Cramer's presentation, Mayor Winterstella said that a "realistic" approach to variance relief must be taken: "you need variances given to redevelop the beachfront." He further commented that the Board sometimes asks for what is beyond necessary in the way of conditions from the applicants. Mr. Burke and Mr. Carroll each cited the "unique character of Manasquan." Mr. Burke then questioned how the criteria would be used if, for example, an applicant came before the Board seeking relief to enlarge a bungalow for full-time residency. Mr. Cramer stated conditions must be reasonable and related to zoning conditions.

Mr. Twadell offered questions regarding issues rising when variances are granted related to subdivisions.

A motion was made, seconded and unanimously carried to open the meeting so the public could question Mr. Cramer. Richard Dunne, Long Avenue, questioned Mr. Cramer on variance relief issues. There being no further questions, a motion was made, seconded and unanimously carried to close the public comment.

**PRESENTATION** - *Alan Hilla, Jr., Birdsall Engineering* - Mr. Hilla addressed his memo to the Board dated March 12, 2003. In the memo, Mr. Hilla noted the minimum requirements for this required re-examination. These requirements include discussion of challenges/goals of land development in the borough; direction taken toward meeting or not meeting those challenges/goals; changes in those challenges/goals; possible need for a new plan to address those challenges/goals; and recommendations regarding the implementation of a re-development plan into the Master Plan. He also noted the importance of the re-examination process in terms of the overall validity of the municipality's zoning ordinance.

Mr. Burke noted the number of initial items that Paul Szymanski noted needed to be addressed and how the number came down to the four to five points noted by Mr. Hilla. Mr. Burke asked Mayor Winterstella what Manasquan could do as a town to address these issues. Mayor Winterstella noted the importance of the Master Plan re-examination. He stated he and Council welcome input from the Planning Board regarding changes in the Master Plan and discussion of planning concerns. The function of planning in regards to re-development, he stressed, must be remembered. Mr. Tischio asked whether the nature of the Master Plan re-examination was more that the Board recognize changes in the borough rather than enact them.

Mr. Burke advised Mr. Hilla to, as suggested in the memo, return with a detailed/revised proposal, including costs.

**DISCUSSION** - Mr. Burke then addressed Mr. Hilla on the topic of heights in the R-4 Zone, commenting that he did not want to put off the issue until the end of the year. Mr. Hilla stated that one to two meetings should be dedicated to R-4 Zone issues. He stated he would get a proposal together to anticipate work during the April and May planning meetings and perhaps work toward a public hearing on zoning modifications in September.

Mr. Burke then opened the floor to the subcommittee entrusted with gathering information on R-4 height issues. Mr. Schmeling opened with general comments and recommendations while Mr. Twadell and Mr. Muly presented the subcommittee report. The report offered background on the zone and the changes that have occurred since the inception of zoning. The zone, it was noted, has changed from strictly summer residences to year-round dwellings. The uniqueness of the area's topography in terms of elevation was also cited.

The subcommittee offered its suggestions on zoning changes for the area. It was offered that the side yard setback requirement should be decreased from five feet to four feet, the height maximum be set at 30 feet, 2 ½ stories (presently 35 feet, 2 ½ stories), maximum lot coverage be changed to 45 percent (from 35) and maximum lot coverage from 50

percent to 55 percent. These figures would be for conforming lots and would allow the permitted footprint of a home to be larger, thus giving the homeowner more useable living space. The report also stated that the four-foot sideyard setback was a more realistic indicator of the existing conditions in the zone.

The report also addressed non-conforming lots within the zone, which accounts for roughly 60 percent of the properties within the zone. The subcommittee offered two ways of dealing with height issues in these cases, the first by a set formula and the second that the width of the lot would equal the allowable height.

Mr. Burke agreed with the need for the height issue to be addressed but he would like to see a 31-32 foot height maximum. He also stated the subcommittee was correct in exploring ways of measuring the maximum.

Mr. Hilla noted the challenges creating a layout for a half-story within a 30 feet height restriction, discussing architectural design and aesthetics.

Mr. Burke stated that, based on the opportunity to take advantage of the added lot coverage figures, the footprint of a two-story home would allow for more living space than a two and a half story home with more stringent lot coverage requirements. Relaxed building coverage, he stated, equals more livable house.

The possibility of a two-story structure with an attic for storage use only was discussed, which led into a discussion regarding roof pitch issues.

Mr. Hilla advised the subcommittee to look at the building envelope and analyze the confines based on the suggested numbers. He felt the issues must be viewed architecturally.

Mr. Burke stated he felt the subcommittee should meet one or two more times regarding board input, with further work at the April meeting enroute to public comments and hearing. He also wished to consider whether such analysis should extend to the other zones in the borough. Mr. Hilla expressed concerns over the time frame for this review.

A motion was made, seconded and unanimously carried to open the floor to the public. Patricia Greeley, Captains Court, asked for clarification regarding height issues. Mr. Burke explained that a majority of the homes in the R-4 zone are 31-32 feet high, with only a few going to 35 feet, measured from the macadam. He also stressed that variances would still be needed in cases of non-conforming lots.

Mr. Burke also expressed agreement with Mr. Hilla's previously noted concerns regarding off-street parking.

Subdivisions in the beachfront area were also addressed, with Ms. Greeley asking whether those subdivisions granted had achieved objectives expressed, i.e. year-round occupancy. She also noted parking issues. Mayor Winterstella stated he did not envision how the parking situation would worsen if going from a situation where there are two homes each with a group rental to two homes each lived in by their individual owner.

Mr. Burke clarified that the Board is not in a position to publicly change anything, nor are they obligated to change any zoning situations; they are only obligated, he stated, to re-examine.

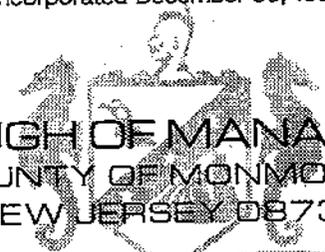
Mr. Burke, in response to further public questions, noted that zoning was created to reflect the character of that particular area of town. He stated in the beachfront area, the character of the neighborhood was different when American Timber Company owned the land underneath many of the houses while the individual homeowner owned the structure. He stated when American Timber Company subdivided their property, the subdivision lines were created "as best as possible but still created numerous non-conformities.

There being no further matters, a motion was made, seconded and carried to close the public hearing. A motion was then made, seconded and unanimously carried to adjourn at 10:20 p.m.

Respectfully submitted,



Sharon Bogie, Acting Secretary  
Manasquan Planning Board



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 March 18, 2003 special meeting at 7:00 P.M. in Manasquan Borough Hall, 201 E. Main Street, Manasquan, New Jersey.

MANASQUAN PLANNING BOARD AGENDA  
MARCH 18, 2003 SPECIAL MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - SPECIAL PUBLIC MEETING

- Appointment - Richard Cramer, Planner, re: Planning Board procedures

Master Plan Review

- Discussion of Master Plan re-examination report, per 3/12/03 memo from Alan Hilla, Jr.
- Building Heights - R-4 Zone - re: subcommittees
- Comments from individual board members
- Reports of subcommittees of board
- Audience participation

Yours truly,

Sharon Bogie, Acting Secretary  
Manasquan Planning Board

**BE****BIRDSALL ENGINEERING, INC.**  
CONSULTING ENGINEERSA  
BIRDSALL SERVICES GROUP  
COMPANY

Job No. 2-06853-010003

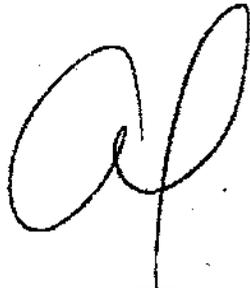
**MEMORANDUM**

**TO: MANASQUAN PLANNING BOARD**

**FROM: ALAN P. HILLA, JR., P.E., P.P., C.M.E.**  
**BOARD ENGINEER AND PLANNER**

**DATE: MARCH 12, 2003**

**RE: 2003 MASTER PLAN/RE-EXAMINATION REPORT**



It has come to my attention that the Borough Council does not have the funds available to authorize me to move forward with the Master Plan Re-issuance as outlined in our proposal of November 22, 2002. As you may remember, this proposal outlined a substantial re-issuance of the Master Plan, complete with statutory and other Master Plan elements. Notwithstanding, State Statute requires that the Borough provide for a general re-examination of its Master Plan and Development Regulations by the Planning Board at least every six years. Their last re-examination report was that prepared by Paul Szymanski, AICP, dated December 1997.

My review of the requirements for a re-examination report indicates a reduced level of effort in order for the Borough to stay in conformance with the Municipal Land Use Law. The requirements for the re-examination report include the following:

- Discussion of major problems and objectives related to Land Development in the Municipality since the last re-examination report.
- The extent to which such problems and objectives have been reduced or increased subsequent to that date.
- The extent to which there have been significant changes and assumptions, policies, or objectives for the basis of the Master Plan or Development Regulations as last revised and changes in the State, County, and Municipal Policies and objectives.
- Specific changes recommended for the Master Plan or Development Regulations, including underlying objectives, policies, or standards whether a new plan or regulation should be prepared.
- Recommendations of the Planning Board concerning the incorporation of a re-development plans, adopted pursuant to the Local Re-development and Housing Law, into the land use and plan element of the Municipal Master Plan and recommended changes if any to effectuate those plans

www.birdsall.com

<input type="checkbox"/> 611 Industrial Way West	Eatontown, NJ 07724-2213	P 732.380.1700	F 732.380.1701
<input type="checkbox"/> 529 Route 9	Barnegat, NJ 08005-2120	P 609.698.1144	F 609.698.6814

Manasquan Planning Board  
Page 2 of 2

March 12, 2003  
Job No. 2-06853-010003

I must stress to the Board that the preparation and adoption of a re-examination report in the year 2003 is of the utmost importance to the Borough. In fact, Municipal Land Use Law states that an absence of the adoption by the Planning Board of a re-examination report shall constitute a rebuttable presumption that the Municipal Development Regulations are no longer reasonable. In essence, the validity of the entire Zoning Ordinance within the Borough could be challenged by a particular developer without the reexamination of the Board being in place.

I plan to discuss these items with the Board at the Planning Meeting of March 18, 2003. Should the Board wish to move forward with this option, I can and will prepare a proposal to the Borough Council outlining the fees necessary to complete this task at the direction of the Planning Board.

I trust this memo is suitable for your purposes. If you have questions with regard to the above, please contact me.

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<input type="checkbox"/> 611 Industrial Way West	Eatontown, NJ 07724-2213	P 732.380.1700	F 732.380.1701
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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 March 4, 2003 and March 18, 2003 meetings. Please consider the following Agenda for the April 1, 2003, Regular Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J.

MANASQUAN PLANNING BOARD  
APRIL 1, 2003 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - REGULAR MEETING

1. Salute to Flag
2. Consent Agenda

DISCUSSION - San Filippo, 422 Long Ave.- 9 Month Extension.  
Churk & Mary Beth Drawbaugh - Special Meeting.

APPLICATION - 19-2003 -Cont. Michael Tsontakis-108 Second Ave.

APPLICATION - 21-2003 -Robert & Judith Ort - 345 First Ave.

APPLICATION - 22-2003 -Constantinou Brothers - 97 Atlantic Ave.

APPLICATION - 18-2003 -Charles Pergola - 101 Wyckoff Avenue

APPLICATION - 24-2003 -Gary Fittin - 54 Narrumson Road

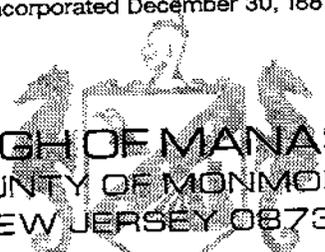
RESOLUTION -10A-2003- Henry & Catherine Trost - 73 Ocean Ave.

RESOLUTION - 17-2003- Gerald Yeager -345 Beachfront

RESOLUTION - 41-2002- Joseph Daugila -49 Ocean Avenue

WORK SESSION

1. FOR DISCUSSION
2. INFORMAL HEARINGS
3. PRIVATE SESSION
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

REGULAR MEETING MINUTES  
PLANNING BOARD  
APRIL 1, 2003

The Manasquan Planning Board held their regular meeting on April 1, 2003 in Manasquan Borough Hall, 201 E. Main St., Manasquan, N. J..

Chairman John Burke called the meeting to order at 7 P.M.. He stated this is an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He then asked all to join in the Salute to the Flag.

PRESENT - J.Muly, P.Dunne, C.Triggiano, Councilman Schmeling,  
B.Stepowany, J.Tischio, J.Burke, J.Coakley,  
K.Thompson, E.O'Hare.

ABSENT - Mayor Winterstella, G.Twadell.

Also in attendance is Ms. Ashley Wilson, Monmouth University who is doing a paper and she is here to observe us and asked if she could record the meeting. There were no objections from the Board.

Letter from Nicholas San Filippo, 422 Long Ave. requesting a 9 month extension was read.

Motion to approve the 9 month extension was made, seconded and followed by the following vote: "YES"- J.Muly, P.Dunne, C. Triggiano, Councilman Schmeling, B.Stepowany, J. Tischio, J. Burke, J.Coakley, K.Thompson, E.O'Hare.

Letter from Chuck & Mary Beth Drawbaugh for a special meeting. Motion was made not to allow for a special meeting, seconded and followed by the following vote: J.Muly, P.Dunne, C.Triggiano, Councilman Schmeling, B.Stepowany, J.Tischio, J.Burke, J.Coakley, K.Thmpson, E.O'Hare

The Board did not grant a special meeting, but will put them on for the May 6th meeting.

Mr. Cramer stated he received a letter from Mr. Mangan in respect to the Daugila application raising an issue in respect to the lack of notice to the March 4th meeting

Councilman Schmeling assumed the applicant sent out notices certified and that would seem to be yes or no. He may not have gotten the letter, but it's not the responsibility of the applicant to see that he received the letter, just that it was sent on time.

Mr. Mangan stated he and his wife own the home at 47 Ocean Ave right next door and his in-laws own a home at 45 Ocean Ave.

His concern was in Oct. when the case was first heard, we were not notified of that meeting, but his in-laws did receive one and told them about it, so they did attend the meeting. We like the Daugila's very much, they are great neighbors, we also are concerned about the future of the lot next to us which belongs to the Daugila's,, and we do plan to rebuild ourselves some day. The Oct. meeting was very quickly dismissed, which we attended and invested about 2 hours that evening. It was dismissed as the Daugila's did not have proper family representation that night.

Mr. Cramer stated the builder appeared with respect to the application and did not have an interest in the property, there was no member of the family present, and the builder sought to go forward with the application and the issue was raised that he was not a licensed lawyer and could not present the application, so the application wasn't heard.

Mr. Mangan stated they did attend the second meeting we didn't get notification, but we did attend as his in-laws were notified. Once again it was a fairly brief meeting, due to the fact that there was an easement on the east side and not enough verification, so that meeting was dismissed. Now we find out that on March 4th the case came before the Board and we were not notified again. He is here tonight to express his concerns that he had, also he has concerns with the resolution that Mr. Cramer sent him.

Mr. Cramer stated there is no record in the file that he was noticed for the first meeting, but there is a notice for the January 7th meeting in the file, which was sent on December 27th.. Mr. Mangan testified he did not receive it.

Mr. Burke stated at that meeting we did say that it would be held over to the March meeting and the applicant is not required to notice again.

Councilman Schmeling stated that a return receipt is not required. Under the law the applicant only has to certify and that is all he has to do to satisfy the application.

Mr. Burke said we will get in touch with the Daugila's to see if they have a return receipt and someone from this board will listen to the tape and inform you.

Mr. Mangan stated there are discrepancies in the resolution and they have questions about it.

Mr. Burke stated they will not vote on the resolution tonight until they find out what happened.

APPLICATION - 19-2003 - Cont. Michael Tsontakis-108 Second Ave

Councilman Schmeling recused himself from this application. Mr. Tsontakis, his wife and his Planner Mr. Richard Davidson, were all sworn in at the last meeting. Mr. Burke stated at the last meeting there was a discussion on the easement and in our packages we have been given a letter, with copies of the easement and a site plan with a raised seal from Richard Davidson.

Mr. Davidson stated there were two questions, one was the driveway easement and the other was an easement for the shed and shower on the side of the house with a water heater in it on the rear house.

P. Dunne questioned the shed, is that an apartment? Mr. Tsontakis testified, the shed is attached to the rear building which is a one story dwelling, 2 bedrooms, living room and kitchen.

Mr. Tsontakis testified he and his wife bought the property in October of last year in hopes of renovating it for the family, also renting it part of the year. Their hope was to put heat in the front home (108 Second Ave.) so they might use it during the colder months, also during the summer. The other part of the application was that on the back of the rear house, they would like to put a balcony over the covered open deck. It would stay well in the footprint of the roof line. He stated it would not exceed 12 x 16'. To access this deck, they can put a spiral stair from the outside on the existing deck, or coming from the inside in the loft area, which has a pull down ladder from the house. The deck existing now is approx. 2 ft. off the ground. It being 18" off the ground is now considered part of the house and the stairs coming down the side of the house are considered part of the side yard setback per Mr. Burke.

Mr. Davidson testified that the side yard steps will not encroach on the 5' side yard setback.

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

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

J. Burke said he can see the hardship for the heat, but for the deck they have not proved a hardship, it's an expansion of the use on both. K. Thompson feels the same way, as do most of the Board.

Mr. Tsontakis will pursue tonight only the application as it stands for the heat and air conditioning in the house.

Motion by J. Tischio to deny this application for a use variance

seconded by K.Thompson, followed by the following vote:

"YES"- J.Muly, P.Dunne, J.Tischio, K.Thompson.

"NO" - C.Triggiano, J.Burke, J. Coakley.

Motion was made for a 5 minute recess at 8:40 p.m. by C.Triggiano, seconded and unanimously carried.

Board returned from recess at 8:50 p.m.with the following roll call: J.Muly P.Dunne, C.Triggiano, B.Stepowany, J.Tischio, J.Burke, J.Coakley, K.Thompson, E.O'Hare.

APPLICATION - 21-2003 - Robert & Judith Ort - 345 First Ave.

Keith Henderson put himself on record as Attorney representing the applicant. Property owners are Robert & Judith Ort.

The property in question is located on the west side of First Ave. between Whiting Ave. and Pompano Ave.. The rear of the property fronts on Timber Lane. The 50'x97' lot contains a 1 1/2 story frame structure with a detached frame garage. The applicant proposes to construct a second story addition and other interior renovations to the single-family dwelling.

Denied for the following: Side setback (right) 5' required, 2.15' existing, 4' proposed. Building coverage- 35% permitted, 49% existing. Lot coverage - 50% permitted, 50.5% existing. Accessory Bldg.- Side Setback (left) 5' required, 1.31' existing. Curb Cut - One 12' wide permitted per building lot, Two 12' curb cuts existing.

Two witnesses were sworn in - Dr. Robert Ort and Paul Moore.

Dr. Ort testified he lives at 345 First Ave., has been coming to Squan since he was a child and will be 65 in June. His parents bought the property in 1961. At that time the property was owned by a family named Beck and leased from American Timber. Dr. Ort has acquired the land from American Timber Co.. They live at the property year round.

Reasons to expand the house, now that this is a permanent residence, we need more room. The house is still more or less a bungalow. We need to expand so we have room for our 4 grown children and 2 grand children as testified by Dr. Ort.

Mr. Paul Moore, Architect and Planner in New Jersey for 20 years. He testified the property is 50 x 97 located amongst smaller properties. This could have been designed without coming before the Board. We are looking for a variance as we are over the building coverage, which is existing. We are asking for an additional variance for the second floor. The second floor complies with all of the set backs, except for the right side, we have an existing set back of 2.1 ft. and we are proposing 4 feet, where 5 ft. is required. The extra foot allows a little extra floor plan. We can keep it all at 2 stories, we do not

have to go up that extra 1/2 story. Lot covering issue is an existing.

The excessory building is a one story one car garage. We are not touching that at all. The house will be 31 ft. high. It will be an aesthetic improvement.

Mr. Burke wanted to know why the building is 31 ft. high, when on a 2 story building we see 27 or 28 ft.? Mr. Moore stated the first floor is 2 ft. up and there is a steep hip roof.

Most of the entire percentage that we are over is in porches and the excessory garage. There is 617 ft. in porches and 677 sq. ft. over in building coverage. They are removing the large box window off the kitchen and shipping it back to the rear entrance area. Mr. Moore stated they are eliminating the rear curb cut and the one in the front will stay as is.

Mr. Moore has agreed to eliminate the lot coverage variance by removing concrete in the front of the property and replacing with pavers.

A motion to open the meeting to the public was made by C.Triggiano, seconded by E.O'Hare and unanimously carried.

There being no comments from the public, motion to close the meeting was made by C.Triggiano, seconded by J. Tischio and unanimously carried.

A motion to approve this application with stipulations made by the applicant, was made by K.Thompson, seconded by J.Muly, followed by the following vote:

Yes - J.Muly, P.Dunne, C.Triggiano, B.Stepowany, J.Tischio, J.Burke, J.Coakley, K.Thompson, E.O'Hare.

APPLICATION -22-2003 - Constantinou Brothers - 97 Atlantic Ave. K.Thompson and C.Triggiano excused themselves from this application.

Ted Costa, Attorney put himself on record as representing the applicant.

Michael and James Constantinou were sworn in as witnesses.

Mr. Costa stated this is his 5th time here on this application. This application has been deemed as a fast food restaurant by prior resolutions of this board a few years back.

They are here today seeking benches out in front of the store. James Constantinou testified they are looking for a couple of tables and chairs inside the Dairy Queen and 2 benches outside. He testified they have been there 6 years now and when people come in to get their ice cream they go out and sit on the curb in front of the store, which is a safety hazard, as cars pull up and customers are sitting there. Presently there are 3 stores

in this strip center. One is a convenience store, a dry cleaner and the Dairy Queen. He testified they would like to see one bench in front of each store, and the Dairy Queen he would like to see 2 tables inside. Each store is 30 ft. wide and the convenience store is 60 ft. wide. They would like to divide the convenience store as the other stores are - 30 ft. each., which would make 4 - 30 ft. wide stores. It would help the current tenant as the store is too large for him and he is having a rough time.

Mr. Constantinou testified over the years there have been several people parking in the lot unannounced and they are continuing to park there. We have to do something about it. After we close at night the parking lot is completely full. We would like to have a sign installed.

Mr. Cramer stated the only authority the Board would have is in respect to the signage and the number of signs. The Board would like to hear what type of signs, where they are going to be located and how they are going to be sized etc..

Mr. Costa said they would like no parking signs and they would like to have the cars towed. Photos submitted were marked as Exhibits A-1,A-2,A-3,A-4,A-6, which were of the different stores in town showing benches and tables inside and outside.

Mr. Cramer stated with respect to your application you are requesting permission to put a bench in the front of each of the 4 stores, and inside the Dairy Queen two tables with 4 chairs each and 2 benches on the interior wall.

Mr. Constantinou testified they have 19 parking spaces and 2 handicap. He testified they keep the place very clean, his mother is out there cleaning up all the time. There are garbage cans in front of all the stores.

MR. Burke stated when they came before the Board the last time it was going to be a fast food store, they will be in and out. Now you are asking for benches and tables, which is not a fast food.

Mr. Costa stated he isn't embarrassed to come before the Board now asking for benches and tables for basic seating and for handicap as he thinks what's fair and uniform in the zone and should be allowed for them also.

Mr. Constantinou testified he is talking about a couple of benches, and if the Board is concerned they can put a plastic bench out there that they can bring in at night. His concern is the safety of the people sitting on the curb out in front.

Motion to open the meeting to the public was made by J.Coakley

seconded by P.Dunne and unanimously carried.

Alex Dal Garno, 104 Atlantic Ave. came forward stating this has been going since 1992 before the Board and the original letter from Mr. Cramer points out that when they lifted the cease order on the building there would be no tables or chairs on the premises. Numerous times on that point he has called Mr. Hamilton, as there are benches and chairs inside of the Dairy Queen right now and they have been for a couple of years. Originally there were to be low impact businesses, now there are 2 high impact businesses and 1 low impact. The parking there is awfull at night for the Dairy Queen and if he wants to put benches out there, where are the cars going to park. Employees are parking there every day and they were to park in the municipal lot. That has never been taken care of. He said he would rather have the eye sore back it didn't give him any headaches. He stated he doesn't like the tables and chairs inside either, as that makes people stay longer.

David Walker, North Main & Atlantic, the north west corner, came forward stating his biggest concern is the quality of life in the residential neighborhood with a strip mall. Mr. Costa asked when did he move into the area, and Mr. Walker stated in 1988.

Charles Plungis, 36 N. Main St. stating a point was brought up regarding the sidewalk and benches where they would like to put them. He believes there wouldn't be any room to walk if a bench was put out in front of the stores, as there would only be 3 ft. in front of those benches. He believes the benches would move it from a fast food store to someone spending more time there.

Cary Schwinn, 102 Atlantic Ave. came forward stating he is in agreement with his neighbors and if these stores haven't been making it in the 6 years they have been there, maybe they should change it into something else.

Pete Kenny, 38 N. Main St. stated his issues are - saying one thing and doing another. This Board placed certain restrictions on the establishment, like parking, it's on there and not enforced. Give us the benches and we'll do it. He said no, he takes the action to be completely against what this Board's wishes were and he thinks they should be held for that.

Regie Gibson, owner of the Home Town Market & convenience store came forward stating he is there 14 hours a day and he sees the kids ages 5,4,3, they don't just sit on the curb, they sit on the car stop, and that scares him more than anything. When cars pull in your not expecting to see a little child sitting on a car stop. Maybe having 4 benches is excessive, but having

one in front of the dairy queen would help parents with small children. He stated he has seen cars in the parking lot that are not patrons, occasionally.

A motion to close the public hearing was made by J.Tischio, seconded by E.O'Hare and unanimously carried.

Mr. Burke stated everything could have been done under a site plan for dividing one store.

P.Dunne felt it could have all been done under a site plan. She feels they should be able to put up a sign for parking.

B.Stepowany stated a sign would be fine, a bench or two inside or a table or two inside but he questions the ones outside.

J.Tischio agrees with Brian, parking for patrons only

J.Burke agrees with every one else, he has no problems with the inside as long as it's kept safe as far as conjection and traffic inside. He doesn't like any benches outside but might be receptive to one bench outside. Parking signs restricted to patrons only.

Mr. Costa stated in regards to the sitting arrangements, he has heard some neighbors who reasonably concerned about the addition of seating, would increase the stay of patrons, and maybe make the volume so heigh, it would be difficult for them to put up with. He stated such fears are speculative realy, and would argue that the limited parking in this area which is only 19 less the 2 handicap not only limits the number of people who could come to this facility. Addition of the benches would only serve to the comfort and convenience of the patrons. In this case it is a B-1 zone, it's been there for years and the neighbors knew it was there before they moved in. This is a clean shopping center and the owners have consented to keep it that way. He suggests to comprise as possible, if we could put some kind of limited benches out side, he doesn't think it would be a disservice to anyone. Finally in a B-1 zone similiar businesses have to be treated equally.

Mr.Costa stated he is just asking for a reasonable consideration for an upstanding business in town, who wants nothing better than to keep the property in a nice manor and to attract business that wish to stay and make money and to serve their patrons. He doesn't see what they are asking for today is more intrusive to the neighbors as has been in the past 6 years.

A motion was made to allow the applicant to put the signs up in accordance with the Boro sign laws, by E.O'Hare, seconded by J.Tischio, followed by the following vote:

YES - J.Muly, P.Dunne, J.Tischio, J.Burke, J.Coakley, E.O'Hare.

ABSTAIN - C.Triggiano, K.Thompson.

Motion was made to allow the applicant to put tables and chairs inside by J.Tischio seconded by B.Stepowany followed by the following vote:

YES - J.Muly, P.Dunne, B.Stepowany, J.Tischio, J. Burke, J.Coakley, E.O'Hare.

The applicant is asking for 2 benches outside. P.Dunne would approve 1 in front of the Dairy Queen, but more would have to go for the site plan. Mr. Constantinou is asking for 1 bench in front of the Dairy Queen.

Motion for one bench in front of the Dairy Queen was made by P.Dunne, seconded by J.Muly, followed by the following vote:  
YES - J.Muly, P.Dunne, J.Tischio, J.Burke.  
NO - B.Stepowany, J.Coakley, E.O'Hare.

APPLICATION - 18-2003 - Charles Pergola - 101 Wyckoff Avenue  
Property is located on the west side of Wyckoff Ave. between Stockton Lake Blvd. & Fletcher Ave. The parcel is a 50 ft. by 170 ft. lot that currently contains an existing principal structure, existing frame garage to be removed and a frame garage under construction to the rear of the property. The applicant received a stop work order from the Boro Code Official on 10/23/02 due to violations of building requirements for the zone. The applicant proposes to finish construction of the frame garage.

Bldg. Coverage - 600 ft. max. allowable, 605 ft. existing.  
Height - 15' max. allowable, 18' existing. Side Yard - 5' required, 1.53' existing. Rear Yard - 5' required, 4.8' existing. Front Yard - 25' required, 11' existing.

Mr. Charles Pergola, 101 Wyckoff Avenue was sworn in by Mr. Cramer. He testified he resides at the Wyckoff address. He testified he bought the house in 2000 had it demolished and rebuilt, with a deck on. The garage there now is the existing garage and has a foundation of a dirt floor. Originally when he applied for the application, he was going to use the existing foundation for the new garage. He testified he travels a lot and at this particular time he did go back and requested to move the garage towards the back. He was away working in Washington D.C. for 4 or 5 months and when the garage foundation was put in and moved to the back, the mason maintained the same site line as the existing garage that is going to be removed. The footing and concrete was poured and inspected. After about 2 months he had to go to Nasa Space Center, he left the building prints with the frammer and did not realize when they put the foundation in they used an extra block because the property next to him runs up a little higher, so not to have a washin he put an extra one or two blocks on. He testified he was away, the framing took place, the roof was put on, and it now runs about 2.7' higher than the 15 feet.

Mr. Pergola testified he has no one to blame but himself, as he wasn't here when it was being done, and now he has invested

about \$7,000. into the building and the only thing remaining to be done is to have the siding put on and the floor supports. My purpose being here tonight is to have the Board allow me to keep the garage. The old garage will be removed. The existing driveway has stone on it so it looks presentable. He is looking at stone or pavers for the driveway.

Mr. Cramer asked Mr. Pergola what his availability was for the May 6th meeting. Mr. Burke stated if you can make the May meeting we will obtain testimony from Mr. Ratz at that meeting, if you can not make it up for the following meeting on June 10 th., we can hear the testimony and discuss it at that meeting.

Mr. Cramer made a suggestion to the Board that the Board consider continuing the public hearing to the May meeting, with the understanding if the applicant can't be present, that it will provide to the Board a letter submission requesting a further continuance to the June meeting.

Mr. Pergola consented to the Board's continuing this meeting and hearing his application at a subsequent meeting whether it's May or June. Mr. Pergola testified he consented to that and will make every effort to be present at that meeting in May.

APPLICATION - 24-2003 - Gary Fittin -

Mr. Fittin presented a new survey dated 1/17/03 and it cost him \$200.00 to have it done. Mr. Fittin was sworn in by Mr. Cramer.

Mr. Fittin testified he has a pool for 7 years, 3x12 ft. round pool and now my kids are grown and we have upgraded for a larger pool to accommodate them. His hardship is that he has an irregular lot and it restricts where he can put this pool. To locate this pool up against the deck will improve the landscape of his property. It is above ground and he hasn't had any problem with any of his neighbors. He has the 6 ft. fence and the self closing locking gates. The old pool was closer to the shed and building and 10 ft. from the side yard. He submitted photos showing the branches of the trees, the second is a photo of his proposed pool and the last one shows from his neighbors yard. Photos marked as Exhibit A-1 He will conform and move the fence over 4 ft. from the neighbors line.

Alan Hilla stated there are 2 issues of hardship regarding the pool. One is it is an odd shaped lot and hardship 2 is the difficulties in achieving the qualities.

C.Triggiano made a motion to open to the public, seconded and unanimously carried.

There being no comments from the public, motion to close was

made by C.Triggiano, seconded and unanimously carried.

C. Triggiano moved to approve this application with the stipulation of moving the fence towards the shed, seconded by B.Stepowany, followed by the following vote: YES - J.Muly, P.Dunne, C.Triggiano, B.Stepowany, J.Burke, J.Coakley, E.O'Hare. NO - J.Tischio.

RESOLUTION - 10A-2003 - Henry & Catherine Trost -73 Ocean Ave  
Motion to memorialize resolution was made by C.Triggiano, seconded by J.Coakley, followed by the following vote: YES- J. Muly, P.Dunne, C.Triggiano, J.Tischio, J.Burke, J.Coakley, E.O'Hare.

RESOLUTION - 17-2003 - Gerald Yeager - 345 Beachfront  
Motion to memorialize this resolution was made by C.Triggiano, seconded by J.Muly followed by the following vote: YES - J.Muly, P. Dunne, C.Tiggiano, J.Tischio, J. Burke, J.Coakley.

RESOLUTION - 41-2002 - Joseph Daugila - 49 Ocean Avenue  
This resolution will be held over until the May 6, 2003 meeting.

Motion was made and seconded to pay all bill, and unanimously carried.

Motion to approve the minutes of March 4, 2003 was made by E. O'Hare, seconded by J.Muly, followed by the following vote: J.Muly P.Dunne, c.Triggiano, B.Stepowany, J.Tischio, J.Burke, J.Coakley, E.O'Hare.

Motion to adjorun was made at 12:05 A.M. 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:

Enclosed please find a copy of the PLANNING BOARD minutes from the February 4, 2003 and March 18, 2003 meetings.

Please consider the following Agenda for the May 6, 2003, Regular Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J.

MANASQUAN PLANNING BOARD  
May 6, 2003 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - REGULAR MEETING

1. Salute to Flag
2. Consent Agenda

DISCUSSION - Rudy Graf -285 Beachfront - 9 Month Extension.

APPLICATION - Cont. - Charles Pergola-101 Wyckoff Avenue

APPLICATION - 34-2003 - Lynn Grieb - 466 Long Avenue -

APPLICATION - 35-2003 - Chase Dane Realty, LLC-64 First/67Beachf

APPLICATION - 28-2003 - G.Charles Drawbaugh-264 Cedar Avenue

APPLICATION - 25-2003 - Judith Fletcher-155 Second Avenue

RESOLUTION - 19-2003 -Michael Tsontakis -108 Second Avenue  
RESOLUTION - 21-2003 -Robert & Judith Ort-345 First Avenue  
RESOLUTION - 22-2003 -Constantinou Brothers-97 Atlantic Ave.  
RESOLUTION - 24-2003 - Gary Fittin - 54 Narrumson Road

WORK SESSION

1. FOR DISCUSSION
2. INFORMAL HEARINGS
3. PRIVATE SESSION
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**

RICHARD DUNNE, Mayor  
COLLEEN SCIMEGA, Municipal Clerk

PLANNING BOARD

**MANASQUAN PLANNING BOARD MEETING**  
**MAY 6, 2003**

7:00PM – REGULAR PUBLIC MEETING

- 1) Sunshine Law Announcement – Chairman
- 2) Roll Call
- 3) Salute to Flag
- 4) Consent Agenda

The meeting was called to order by Chairman Mr. John Burke at 7:00PM. He announced the meeting was an Open Public Meeting held in accordance with the Sunshine Law and published according to law. He asked all in attendance to stand and join in the Salute to the Flag.

ROLL CALL: Present: Mr. Muly, Triggiano, Hamilton, Tischio, Burke, Coakley, Twadell, Stepawany, Absent: Mr. Thomas, Carroll, Schmelling, Thompson, O'Hare, Mayor Winterstella

Elyssa Cummins is representing Birdsall Engineering. Also, the new sound system has been installed and everyone in the room should be able to hear.

There is a major problem on scheduling, we are scheduled through September, Marie has a stack of applications on her desk and in the next month we will be scheduled through December. The board has showed an interest in the past in putting a time limit on cases and after speaking to Mr. Hamilton and Mr. Cramer, we have decided starting tonight putting 45 time limit on cases. If the first two cases are taken care of quickly we can give one hour to the rest of the applicants. Any case that goes over our time agenda will be put on our May 20<sup>th</sup> meeting. Any comments from the Board before we vote on it? There were comments from Mr. Triggiano, and Mrs. Dunne. The other thing is that if we open the meeting to Public, we have to be able to hear everyone who wants to speak. Motion to vote 1<sup>st</sup> and 2<sup>nd</sup> Vote: Yes: Mr. Muly, Mrs. Dunne, Mr. Triggiano, Hamilton, Stepawany, Tischio, Burke, Coakley, Twadell. Unanimous yes votes.

Second possible change in policy for the Board in speaking with Mr. Cramer and Mr. Hamilton, we have a problem of cases that are being put on the agenda without being complete. This is not Marie's fault it is a lot of people's fault. What we would like to do is come up with a checklist and everything on that checklist must be done before an application is deemed complete. No application will be put on the schedule at all until it is complete. Motion from Mrs. Dunne and 2<sup>nd</sup> from Mr. Triggiano. Roll: Yes. Mr. Muly, Mrs. Dunne, Mr. Triggiano, Hamilton, Stepawany, Tischio, Burke, Coakley, Twadell. Unanimous vote to approve the change in policy for application to the Board.

Letter from Rudy Graf - 285 Beachfront requesting a nine- (9) month extension. Comments from Board Members. Mr. Hamilton moved to approve the extension, 2<sup>nd</sup> Mrs. Dunne. Vote: Yes: Mr. Muly, Mrs.

Dunne, Mr. Triggiano, Hamilton, Schmelling, Stepawany, Burke, Coakley, Twadell. Mr. Tischio, abstained. Motion passes extension.

APPLICATION 18-2003 – Pergola, Charles – 101 Wyckoff Avenue  
Block 94 – Lot 15 – Zone R2 – Bulk Variances

Continuance of application. Mr. Hamilton had to step down as he lives within 200 feet of the applicant. Mr. Schmelling was not here for the first part of this application. Mr. Cramer told Mr. Pergola that he was previously sworn in at the last meeting and could continue. He would propose two alternatives to the situation. One would be to install a new fence around the back of the property and line the property with arborvites, which would provide a natural setting with regards to the landscape. Exhibit A-1, picture of proposal. Second change would be to make a major change to the roofline to not exceed 15 feet. I would also still put the arborvites along the side to provide a natural setting to blend in with the property. Exhibit A-2. There would also be a combination of both or just the fence. Comments from the Board, Mrs. Dunne, Mr. Coakley, Tischio. The Chairman asked Mr. Hamilton for comments. He explained how the procedure is carried out by the construction official. Also, that the official might not know what had been determined at a previous Board Meeting with an applicant. The same site line was followed because the former building was grandfathered. Mr. Tischio feels that the builder should have known better. Mrs. Dunne said she feels that this was an unfortunate happening being Mr. Pergola was away at the time construction was taking place. He did stop work when told to do so. He did come up with two plans to try to rectify the wrongdoing, and the board is here to help people with problems and grant variances, she feels that if he does reduce the roof height, put up the fence and the arborvites she can grant the approval. Motion to open the meeting to the public, 1<sup>st</sup> and 2<sup>nd</sup> all in favor none opposed. Mr. Hamilton spoke from the audience, his property is behind this property. He feels Mr. Pergola is very credible, and has lived in the neighborhood for many years. Speaking for himself and not the woman right behind Mr. Pergola he does not have a problem with the structure. Mr. Mike Crystal, 100 Wyckoff Avenue, he concurs with Mr. Hamilton. Move to close the public portion be closed. 1<sup>st</sup> Mr. Coakley, 2<sup>nd</sup> Mr. Triggiano, all in favor. None opposed. Additional comments from the board, none. Motion to vote using Mr. Pergola's plan #2 - 1<sup>st</sup> Mr. Triggiano, Mr. Stepawany Vote: Yes: Mr. Muly, Mrs. Dunne, Mr. Triggiano, Mr. Stepawany, Mr. Tischio, Mr. Burke, Coakley, Mr. Twadell abstained. Mr. Burke informed the applicant that the resolution would be read at the June meeting and he cannot start work on his garage until after that time.

Mr. Hamilton and Mr. Schmeling have returned to the Dais.

APPLICATION – 34-2003 – Grieb, Lynn – 466 Long Avenue

Block 174 – Lot 108.01 – Zone R-3 – Bulk variances and other relief for the property. Mr. Henderson represents the applicant. The applicant is a remainder person on the trust for the property in question. She has standing to bring this application to the Board the creators of the trust are present in the room if the Board wishes to verify this. Everything is deemed in order by Mr. Cramer. The only missing item is an updated survey of the property. Mr. Henderson said the survey submitted was current within five (5) years and he had a copy with him. The survey was marked exhibit A-1, and the Board will keep it in the file. Mr. Henderson has two (2) witnesses. Lynn Grieb and Paul Moore, Architect. Mr. Cramer swore in both witnesses. Mrs. Grieb was first to be interviewed. She proposes to expand the house, and live there full time with her family. Mr. Moore was next to give testimony. The Board accepted his credentials. This is an existing home with three (3) bedrooms, on a lagoon piece of property. The proposed plan is for increasing the footprint slightly, there will be five (5) bedrooms. The first floor will be opened to make more living space. There is a side set back variance on both sides. Right side is existing. There was a previous resolution on this property; an addition was put on the rear of the building. Building coverage will be exceeded. Mr. Moore testified that other alternatives were explored but that the arrangement set forth in the architectural plans is a ore suitable arrangement given the logistics of the existing structure and only 197 additional square feet are proposed with respect to building coverage. Also, the Municipal Land Use Law will be advanced by the grant of the variance relief requested. Also the approval of the construction

will result in a more desirable environment. The applicant is willing to repair the tripping hazards on the sidewalk in front of the house. Mr. Henderson said that concludes the applicant's case. Chairman Burke asked if there were any other questions from the board before opening the meeting to the public. There were no other questions motion to open meeting to the Public 1<sup>st</sup> Mr. Triggiano, 2<sup>nd</sup>, Mr. Muly. All in favor none opposed. Richard Dunne, 458 Long Avenue, two doors down from this property. He believes this project will be an asset to the neighborhood. Mr. Brown and this is his house they are talking about. He is looking forward to getting his daughter down here. He is a lifelong resident of Manasquan. Move to close the Public Portion of the Meeting 1<sup>st</sup> Mr. Triggiano, 2<sup>nd</sup> Mr. Tischio, all in favor none opposed. Public hearing is closed. Mr. Henderson had no final comments. Motion to approve application 1<sup>st</sup> Mr. Hamilton, 2<sup>nd</sup> Mr. Tischio. Roll: Yes: Mr. Muly, Triggiano, Hamilton, Schmeling, Stepawany, Tischio, Burke, Coakley, Twadell. No no votes.

Let the record show that Mrs. Dunne is back.

APPLICATION - 35-2003 - Chase Dane Realty, LLC - 64 First Avenue and 67 Beachfront Block 165 - Lot 26 - Zone R-4

Mr. Twadell excused himself. Mr. Burke addressed Mr. Henderson representing the applicant. Mr. Cramer certified that the applicant has met all criteria. Mr. Henderson has three (3) witnesses who he asked Mr. Cramer to swear in. Kevin Callahan, an attorney with Marriot, Casagrande, Callahan, Blair and Associates of Spring Lake Heights. They have been asked to represent approximately 23 of the neighbors who are in opposition to this application he has a list of those neighbors and he would like to present them to the Board. Mr. Henderson was very upset by this and objected and said the last time he produced a list like that he found out that one of his clients was on the list and he subsequently contacted him and said that he was not authorized to act on that persons behalf and he very much objects to this. Mr. Cramer then asked Mr. Henderson if he wanted to take a look at the list of property owners. He said he would take a look at it. Mr. Callahan has letters from those who are not present at the meeting. Put on the record right now the property owners you do represent: Frank John Kelly - 59 Beachfront, Doris Kymer - 61 Beachfront, Kaiser, Carl III and Donna - 52 First Avenue, James, Elaine Lavallo - 53 Beachfront, Carey, Moira and Daniel - 52 Second Avenue, Griffiths, Marguerite - 55 Beachfront, - Hems, 59 1/2 Beachfront, Lindemer, Veronica - 60 Second Avenue, Braviak, Joseph and Frances - 69 First Avenue, Rosetti, Gertrude Twadell, Dolores - 50 First Avenue, Kopper, William and Anna - 53 First Avenue, Pisacane, Joanne - 70 First Avenue, Olmstead, Donald and Olga - 61 First Avenue, Twadell, Gordon and Dolores - 69 Beachfront, Orleans, Catherine - 75 First Avenue.

One more request from Mr. Callahan, if anyone on the Board lives on Ocean front property he would respectfully request that they step down and not vote. Mr. Stepawany does own property at the other end of the Beach, it is about a mile away. Mr. Cramer said he could certainly sit on the Board. He sees no conflict. Mr. Callahan feels there is a potential conflict, Mr. Cramer did not agree. Mr. Henderson was asked if he had a problem with Mr. Stepawany, he said he did not. Mr. Cramer swore in Mr. Henderson's three witnesses, Charles Gilligan, John Ruffreck, Raymond Dinklidge. (I did not have a copy of the file so am not sure of the spelling as I am transcribing this from listening to CD). Mr. Henderson started with Mr Ruffreck; the owner of this property is Chase Dane Realty LLC, who are the members? My wife Bonnie and myself. Property was acquired a little over two years ago. There are two buildings on the property. Two living units. Plans for the property are to construct a new house on 67 Beachfront. It will be a vacation house, just about full-time in the summer and then coming down on weekends throughout the year. Mainly for summer use. Mr. Cramer asked Mr. Henderson that the concept was also for a sub-division? Correct was the answer. Each dwelling would be on their own lot. Mr. Schmeling asked is there a reason why you decided to sub-divide the property? Absolutely, said Mr. Henderson after his experience with this application he asked his client to go for the sub-division. No other questions for Mr. Rubreck. Next witness is Raymond Dinklidge, Architect for the applicant. The Board excepted his qualifications. He had plans on an easel to show the Board. First he discussed the dormer. The dormer accommodates a stairwell. It is on the North side of the house. Mr. Henderson also stated to Mr. Chairman that they were asking for several variances that were addressed in Mr. Furey's letter, yet they were not required yet they were asking for them. Mr. Burke asked about the parking. Assume there will be parking at the First Avenue building for the beachfront people as well. Mr. Tischio asked about the last page of the drawings,

why doesn't he see the bump out on the North Side? The architect opted to leave it off but it is on the West Elevation. Mr. Calahan do you have any questions of this witness? Will there be a new basement? Answer, everything is old and dilapidated and therefore everything will be new. Will the basement be considered a story? Answer, no I don't believe so. When you calculated the height of the building, did you use a benchmark out at the beachfront? Correct. Why did you choose that location to measure your height? Complying with the owner and the engineer and so on and so on it was decided that that met the criteria. So this is a 3-½ story residence? Mr. Cramer asked Mr. Dinklidge then was he correct in hearing that the basement was considered a story, Mr. Dinklidge said it would be used for storage. But, there is also a finished hall with a bathroom on the side. As to the building height, are you familiar with how you determine the height of the building? That is not what this application is for. But if this application is approved then it will be an issue. If the attic were only accessible only by a pull-down stairway would that dormer on the top of the building be necessary? No. The bump out on the front porch calls for a set back variance without which you wouldn't meet that variance? Correct. Why did you make that bump out? Aesthetics space. Any other questions from the Board. Mr. Tischio asked about the number of windows on the North side. Mr. Burke asked if those windows were going to be fire protected, answer yes. Because of proximity to sidelines percentage of windows on the North and South elevations will be fire sprinklers. Brian asked about the ceiling height on the first floor, answer 10' foot 9" second. Correct. What is the height of the ½ story? Approximately 8 feet. Basement height? About 7 ½ to 8 feet. Elyssa asked about the basement. Do you know the FEMA flood elevation? No he doesn't know the answer Mr. Gilligan should know that. Mr. Henderson said it would clearly have to be FEMA compliant. Next Mr. Gilligan will speak. The Board accepts his credentials. The applicant hired him. Mr. Henderson is going to go through the letter of denial with Mr. Gilligan. Mr. Gilligan had an overhead photo of the area showing surrounding houses and it was entered as evidence and marked exhibit A-2. It is an aerial photo of the Beachfront to show peaks of the roofs around the proposed building. Board Members Mr. Hamilton, Mrs. Dunne, and Mr. Tischio asked questions of Mr. Gilligan. The basement will not be lower than flood elevation. The foundation will have to be built on pilings. Conform to FEMA regulations. They are in accordance with the Master Plan. Page R7 of Manasquan Master Plan, quotes from that page and say they are creating with this minor sub-division. They will meet all requirements of up to date BOCA Code. He then showed the utility and pedestrian easements. There will not be a need for an easement for parking. Actually there will be six (6) spaces for vehicles available. Mr. Schmeling said without reading all the Resolutions could Mr. Henderson tell us which files were brand new construction entirely where the building was a tear down and the new building exceeded the lot coverage. Mr. Henderson said he started to make up a chart for the Board and by the way that is not all the applications granted by the Board those are just the ones I handled. There are probably others I don't know about. Since we are probably going to be carried to the next meeting I could probably give you what you are looking for. Mr. Burke said that they have to go to the next application so they will continue it at this point with Mr. Callahan's cross-examination of Mr. Gilligan. Next meeting will be May 20<sup>th</sup>, 2003 at 7PM. Mr. Callahan said his clients could not make that meeting. Mr. Burke said it would not be possible to change the meeting. Mr. Burke to the audience and applicants, this application has exceeded the one-hour time limit that has been placed on it by the Board this application will be continued at the meeting on May 20<sup>th</sup>, 2003 it will be the first application heard. Motion from the Board to hear this application on May 20<sup>th</sup> 1<sup>st</sup> Carmen 2<sup>nd</sup> Mrs. Dunne, all in favor none opposed. Motion for a five-minute recess all in favor none opposed.

9:20PM Returned from recess: Roll Call: Present: Mr. Muly, Mrs. Dunne, Mr. Triggiano, Hamilton, Schmeling, Stepawany, Tischio, Burke, Coakley, Thompson, Twadell.

APPLICATION – 28-2003 – Drawbaugh, Chuck and Mary – 264 Cedar Avenue  
Block 86 – Lots 9 and 10 – Zone R-2 – Bulk Variance

Mr. Cramer swore in George Charles and Mary Beth Drawbaugh. Mr. Burke asked Mr. Drawbaugh if he received a copy of the Birdsall Engineering Report. He said when he got home from work today. Mr. Coakley asked if this is happening to applicants? Mr. Burke said that this would be taken up with Mr. Hilla. Mr. Burke asked Mr. Drawbaugh to explain what he wants to do and why? They propose to do a two story addition that affects the rear part of the house as well as the West Side of the house and the

purpose of this is we are currently a family of four and are looking to add to that family. They only have one bathroom and he is the only male in the house and doesn't know what will happen when the girls become teenagers. Proposed addition, as he understands it involves the East Side setback. The denial letter shows the front yard setback but he is not looking to change anything along the front of the house. We are looking to go straight back off the back of the house, which involves an extension of about five feet on the existing structure. He shows on his site survey where he drew in the proposed addition. They have looked to possibly purchase another home in town where they could have more space but financially that is not a possibility for them. They also looked into buying some land to the West of them but that again wasn't feasible. They love Manasquan and do not want to leave. They would like to add onto their home to make it livable for them. They are not looking to go any higher only to add to the rear and side of the house. From previous cases he understands that there is a concern about access for emergency vehicles he believes on the West Side there would be accessibility. In regards to the other side, he went around the neighborhood and took pictures and looked without trespassing on other people's property. There are some homes that are much closer than what he has. The main thing that architecturally he wants to keep his home within the character of the community. His goal is not only for himself but also for the neighborhood to not look like there is an addition on the house. Questions from the Board, Mr. Twadell, Mr. Tischio, Mrs. Dunne, Mr. Hamilton, Mr. Triggiano, Mr. Thompson. Elyssa said there was a problem with the driveway and repairs need to be made. Motion to open the meeting to the public. 1<sup>st</sup> Mr. Muly, 2<sup>nd</sup> Mr. Triggiano, all in favor. Mr. Burke then asked the audience if anyone had comments to please come to the microphone. Mr. Brown - 260 Cedar Avenue, he thinks the application is acceptable. Betty Govel - 270 Cedar Avenue has no objections to the application. Motion to close the meeting to the public 1<sup>st</sup> Mr. Triggiano, 2<sup>nd</sup> Mr. Muly, all in favor none opposed. Any final comments from the Board? None. Motion from the Board. 1<sup>st</sup> Muly, with repairs to the sidewalk, 2<sup>nd</sup> Mr. Triggiano, Roll: Yes: Mr. Muly, Mrs. Dunne, Mr. Triggiano, Hamilton, Schmeling, Stepawany, Tischio, Burke, Coakley, Thompson, Twadell. Application approved. Mr. Burke explained the procedures to him, regarding the Resolution, publishing, 45-day appeal period.

APPLICATION - 25-2003 - Fletcher, Judith - 155 Second Avenue  
Block 169.02 - Lot 15 - Zone R-3

Mr. Schmeling asked for a list of property owners within 200 feet of applicant's property. Mr. Cramer gave it to him to review. He then left the Dais as he lives within 200 feet of the applicant. Mr. Brennan representing the applicant has two witnesses to swear in Mr. Rice, architect and Judith Fletcher, applicant. Ms. Fletcher explained to the Board that her intention is to demolish the existing non-conforming structure and construct a single-family residential dwelling. At present the existing house does not have heat and is not for year round purpose and she wishes to make it so. Mr. Rice explained his design for the proposed dwelling, first floor living space, family room, kitchen, dining and small open den, and bathroom. Upstairs three bedrooms, and two bathrooms. Lot is undersized, variances being requested are pre-existing, and two of them are at least. Front yard setback and building coverage. The proposed dwelling will be an aesthetic visual improvement over the bungalow that currently exists on the Applicant's property. The attic area will contain no living space. There is an existing garage, which will be resided with the same material and color as the new house. The dormer in the attic provides some ventilation up there, and also for aesthetics. Mr. Burke said the house looks too high. Can't they pitch the roof lower? Mr. Twadell had a problem with the height of the roof also. Mr. Rice feels that it doesn't affect the neighbor's light and air. Mr. Tischio asked for heights of the ceilings on each floor. Answer, 9 first 8 feet second. Crawl space only. This house is very long and narrow. Mrs. Dunne asked about the garage can you get a car into the garage around the turn and the answer by the applicant was yes. Any other questions from the Board? Mr. Stepawany said he feels the pitch is needed for the roof. Mr. Burke asked when they got the Engineer's report? The lawyer never got it; Ms. Fletcher just got it. The existing structure does not meet flood hazard criteria and building codes the new structure would be an improvement to the neighborhood and the town. The benefits would outweigh negatives. Mr. Twadell again said he believes this house does not fit into the neighborhood and would much rather see a lower roofline. Mr. Rice does not agree with this at all. He feels that the storage in the attic is needed. There is no basement, and certain items cannot be stored in the garage. Mrs. Dunne, Mr. Tischio, made other questions and comments by Board members. Motion to open the meeting to the Public 1<sup>st</sup> Mrs. Dunne 2<sup>nd</sup> Mr. Triggiano, all in favor none opposed.

Mary Ryan, 113 Beachfront and also own property at 159 Second Avenue, two door away from Ms. Fletcher, it was her husbands grandmother's house. She feels that Judy and her husband were there for as long as she can remember, and she is in favor of the application. She feels it is hard to work with these narrow lots, and she is in favor of approval of the application. Martha Milton also is in favor of the application. She is on the South Side of the applicant. No other comments. Motion to close the audience participation 1<sup>st</sup> Mr. Hamilton, 2<sup>nd</sup> Mr. Triggiano. All in favor, none opposed. Public portion is closed. Any other questions or comments. Mr. Twadell again stressed the height is not acceptable to him. Mr. Thompson asked if the applicants proved Hardship, Mr. Cramer said they did not apply for Hardship but a C-2 Variance. Elyssa said they are reducing the front yard setback. Mr. Burke asked if there were any other Board members who would rather see the building height lower to satisfy Mr. Twadell and Mr., Tischio? Mr. Burke explained that the Board is looking to adopt some new rules that homes with property that is only 30 feet wide you would only be allowed 30 feet height. Elyssa was concerned about the driveway, but the applicant said she has had no problem with it. Mr. Burke then asked for a motion from the Board 1<sup>st</sup> Brian Stepawany 2<sup>nd</sup> Mr. Muly to approve the application. Roll: Yes: Mr. Muly, Mrs. Dunne, Triggiano, Hamilton, Stepawany, Burke, Coakley. Vote No: Mr. Tischio, Mr. Twadell and Mr. Thompson. The application was approved.

There was no one in the audience so no audience participation.

Mr. Burke said there is still business to attend to. The vouchers were approved for payment.

There are five Resolutions to be memorialized.

RESOLUTION – 19-2003 – Tsontakis, Michael and Tracy – 108 – 108 ½ Second Avenue  
Block 168 – Lot 27

Property owners sought to install heat and air-conditioning in the first of two dwellings at 108 Second Avenue, and to construct a second floor balcony deck. The Board denied this application. Motion to adopt the resolution 1<sup>st</sup> and 2<sup>nd</sup> Roll: Yes: Mr. Muly, Mrs. Dunne, Mr. Tischio, Mr. Thompson

RESOLUTION – 41-2002 - Dauglia, Joseph – 49 Ocean Avenue  
Block 157 – Lot 13.01 – Zone R-2

Application to demolish an existing dwelling on Ocean Avenue and construct a new two (2) story single family residence and for variances from the requirements of the zoning ordinance. This has been held over from the last meeting due to several issues by the neighboring property owner Mr. Mangan. Motion to approve the resolution 1<sup>st</sup> Mr. Hamilton, 2<sup>nd</sup> Mr. Triggiano. Roll: Yes: Mr. Muly, Mrs. Dunne, Mr. Triggiano, Mr. Hamilton, Mr. Tischio, Burke, Coakley, Thompson, Twadell.

RESOLUTION 21-2003 – Ort, Robert and Judith – 345 First Avenue  
Block 184.01 – Lot 17 – Zone R-5

Application to construct a second floor addition to their home. There were a number of conditions, including landscaping retention, placement of pavers at the front of the applicant's property, positioning of air-conditioning condensers and equipment outside the side-yard setback. Motion to approve 1<sup>st</sup> Mr. Muly, 2<sup>nd</sup> Mr. Triggiano, Roll: Yes: Mr. Muly, Mrs. Dunne, Mr. Triggiano, Stepawany, Tischio, Burke, Coakley, Thompson.

RESOLUTION – 22-2003 – Constantinou, James and Michael – 97 Atlantic Avenue  
Block 31 – Lot 2.01 – Zone R

Application for allowing tables and chairs and placement of benches and installation of signage and parking of vehicles. Also to split the Hometown Deli into two (2) stores. Tables and chairs limited to two (2) inside Dairy Queen and one bench outside the Dairy Queen. Exterior signage and restricting the parking to patrons only. Bench: 1<sup>st</sup> Mrs. Dunne 2<sup>nd</sup> Mr. Tischio. Vote: Yes: Mr. Muly, Mrs. Dunne, Mr. Tischio, Mr. Burke. Tables and Chairs – Motion 1<sup>st</sup> Mr. Muly, 2<sup>nd</sup> Mr. Stepawany – Vote: Yes: Mr. Muly, Mrs.

Dunne, Mr. Stepawany, Mr. Tischio, Mr. Burke, Mr. Coakley The question was asked by Mr. Coakley about what food they were allowed to sell there. Mr. Burke said it came to the Board of Adjustments and

Page 7

Then the Planning Board and the Deli could have a grill but Dairy Queen could only do ice cream and hot dogs no grill.

RESOLUTION 24-2003 – Fittin, George and Agusta – 54 Narrumson Road  
Block 10 – Lot 51.01 – Zone R-2

Construction of an above ground pool. Board approved construction providing the pool was moved away from the easterly property line and further provided that the applicant had to remove a fence encroachment that existed with respect to a neighbors property. Move to approve the application 1<sup>st</sup> Mr. Triggiano, 2<sup>nd</sup> Mr. Muly - Vote: Yes: Mr. Muly, Mrs. Dunne, Mr. Triggiano, Mr. Stepawany, Mr. Burke.

Minutes of Planning Board Meeting February 4, 2003 – Any questions or changes? Motion to approve minutes 1<sup>st</sup> Mr. Thompson, 2<sup>nd</sup> Mr. Twadell – All in favor none opposed. Mr. Triggiano abstained, as he was not here for the meeting.

Minutes of Planning Board Meeting March 18, 2002 Special Meeting – any questions or comments.  
Motion from Mr. Thompson 2<sup>nd</sup> Mr. Stepawan, all in favor none opposed. Passed.

Mr. Hamilton wants clarification of similar situation that came before this Board last month, expansion of the Mahogany Grill; the Trattoria by the CVS is taking over the Creamery store and expanding there. Mr. Fury is on Vacation and they are trying to move in. Dick came back and needs to sign off the zoning application and his concern is should they come to the Board because they have previous site plan variances. They are not increasing the seating capacity. They would like to have an enclosure section where the pavers are for seating outside. Mr. Fury's question is whether they should come before the Board – (waiting for the machine to come back on before the discussion continues) – there are two issues here according to Mr. Cramer, you are going from retail to inside dining and also outside dining. They should come back for an interpretation. Mr. Burke said all we have to decide is whether they should have to come before us for an interpretation. Mr. Hamilton said it is a permitted use, they are not gutting the place. They are not increasing the capacity at all. They are putting in walk-in boxes, which they don't have now. If we had an executive committee that would take care of some of these frivolous things without coming back to the Board. Mr. Burke said that if there isn't anything changing we would take a poll on it. Mr. Cramer said there has to be the same number of tables. Motion from the Board to allow them to expand into that space as long as seating capacities stay the same. They already have a parking variance. Motion from Mr. Triggiano 2<sup>nd</sup> Mrs. Dunne all in favor none opposed. Passes they do not have to come before the Board but we will see them for site plan review for outside dining.

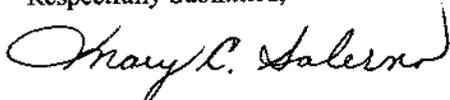
Mr. Thompson wants to know if we can put on the agenda for next meeting discussion on ordinance on sheds, section 35-4. We need to expand on that, you are allowed one structure per property it doesn't say how large the lot has to be. I bought a property with duplex and want two sheds and I can only have one according to Neil. The Board said they would discuss it next meeting.

Mr. Burke said Neil, Geoff and I had a discussion and Mr. Hamilton will bring you up to date on it. Birdsall Engineering Reports are not going out early enough. Also, we are front loading an agenda by penciling people in the book and the paperwork is not done. To make this work we think we found a way to make it work. A case will come in and it will go to Dick Fury and he will give a denial. In reading the denial they will correct some of the deficiencies to cut down the variances required, they will come back to zoning with an amendment. Then they can get the packet from Marie with the application, give Marie the checks at that point that file can then go to Alan Hilla then the burden is on him not to wait until the end to get reports in. He is holding up the applicant. When the report comes back from Birdsall they will be sent to the Applicant then we can set up a file and Marie can make a phone call and give them a date. If we can keep the meeting to four cases a night we can put maybe two easy cases and two more difficult cases and the meetings can go smoother. Maybe we can get out of here at a decent time at night. Mr. Burke said we

Have to hear a case within 100 days of the case being deemed complete. Once everything is in, money is paid; everything is in order Neil will deem the case complete. I have told Mr. Henderson that we are not holding spaces for applicants that are not complete. We have two cases for June that are not complete and two for September that are complete but are not being heard within the 100 days. Mr. Twadell said he sent John Burke an e-mail about this. If we have a backlog of a certain number of cases then automatically a second meeting should be scheduled for that month. Mr. Burke said we should try to keep our cases to only four. We are scheduling for September now and Keith Henderson said he has five for September. We could end up with 10 - 12 cases and we could be backed up until January. We need to finish a Master Plan by the end of December also. John Tischio, Open Space meeting next Thursday all invited please come and contribute to the Open Space program. Mr. Burke has one more item to discuss. He was up in the office a few days ago and had something pointed out to him by Colleen Scimeca and before the end of this year this Board is going to have to look at it's fee structure. He doesn't believe Planning Board expenses should burden any taxpayers in the town, the applicant should be paying 100%. We took in last year \$17,000 in fees and our expenses were \$37,900. A lot of those expenses are going to Freehold on the Mahogany Grill. Myself, Neil, Schmeling and possibly Tom Carroll are going to look at what we are getting in according to what our expenses are and if we deem it necessary to recommend fee changes we will do it before the end of the year so that we can start the new fees as of January. I don't know how everybody feels about this but I don't think a taxpayer should be paying for people coming before the Board asking for favors and to build a big house and so on. Carmen is against raising the fees, because on top of application fees they get hit with other fees from professionals. We are not charging for Mr. Cramer at all and we should be. The fee schedule hasn't been changed in about four or five years and our expenses for everybody have gone up but not the fee schedule.

Motion to adjourn the meeting. First and Second all in favor none opposed. Meeting adjourned.

Respectfully Submitted,



Mary C. Salerno  
Planning Board Secretary



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 May 20, 2003 special meeting at 7:00 P.M. in Manasquan Borough Hall, 201 E. Main Street, Manasquan, New Jersey.

MANASQUAN PLANNING BOARD AGENDA  
May 20, 2003 SPECIAL MEETING

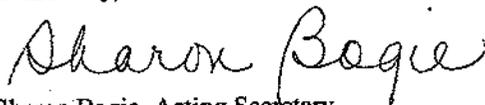
Sunshine Law Announcement - Chairman

ROLL CALL

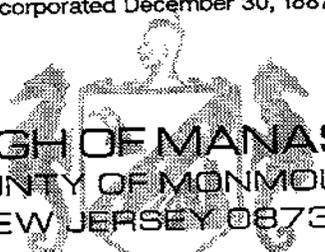
7:00 P.M. - SPECIAL PUBLIC MEETING

- DISCUSSION - Downtown LLC - 15 Taylor Avenue - discussion with Jay Hermann re: tree issues.
- CONT. - Application 35-2003 - Chase Dane Realty - 64 First Avenue/ 67 Beachfront
- POSSIBLE SITE PLAN AMENDMENT - Flanders, LLC - Beachfront - possible site plan amendment re: elevator, per C. Keith Henderson
- Old Business and Planning issues continued (possible)
- Comments from individual board members
- Reports of subcommittees of board
- Audience participation

Yours truly,



Sharon Bogie, Acting Secretary  
Manasquan Planning Board



BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08738

JOHN L. WINTERSTELLA, Mayor  
COLLEEN SCIMECA, Municipal Clerk

PLANNING BOARD

MANASQUAN PLANNING BOARD  
SPECIAL MEETING MINUTES - MAY 20, 2003

The Manasquan Planning Board held a special meeting on May 20, 2003 in Manasquan Borough Hall, 201 E. Main Street, Manasquan, NJ.

Board Chairman John Burke called the meeting to order at 7 p.m. He announced the meeting was an Open Public Meeting held in accordance with the Sunshine Law and published according to law. He asked all in attendance to join in the Salute to the Flag.

**ROLL CALL:** Present - Board Members John Muly, Thomas Carroll, Carmen Triggiano, Neil Hamilton, Councilman William Schmeling, Brian Stepowary, John Tischio, John Burke and Gordon Twadell.

Absent - Board Members Patricia Dunne, Mayor John Winterstella, James Coakley, Kevin Thompson and Eden B. "Skeets" O'Hare.

Also in attendance were Board Attorney Geoffrey Cramer, Elissa C. Commins, PE, of Birdsall Engineering, board engineering/planning firm; and Sharon Bogie, acting board secretary.

**DISCUSSION** - Downtown Manasquan LLC - Taylor Avenue and Main Street - The Board recognized Jay Hermann, project developer. Mr. Hermann wished to address the board regarding his previously granted relief for

The first issue discussed regarded the resolution conditions for the project. As part of the approval, the board requested that the applicant remove the large tree in front of what was formerly the borough hall building (facing Taylor Avenue). This removal was not to exceed the cost of erecting the proposed gazebo on the property; this gazebo was to be part of a mini park between the condominiums and inn, which faces Main Street. Citing paragraph 15, page 11 of the resolution, Mr. Hermann contacted Prestige Trees and was informed it could cost \$12-16,000.00 to remove the tree. The gazebo, he testified, would only cost \$3000-4,000.00. He was told that removing the tree was "highly risky" because of "caliber" and was advised that the tree "would probably not survive." Mr. Hermann

noted the original resolution allowed for the construction of the gazebo; they are, he said, prepared to do that and stated it would look "beautiful." "We regret we can not remove the tree, but it is infeasible," he testified. He submitted a letter from Prestige Trees and an estimate for the cost of the gazebo to support his testimony. He went on to add that the removal of the tree would cost three to four times more than the construction of the gazebo, if the tree would even survive.

Questions were raised regarding the value of the tree. Mr. Hermann said he could not provide such an estimate of value. The issue of moving the tree was originally raised because of its location, which would be in the middle of the proposed parking lot. Mr. Hamilton also raised questions regarding replacement of the tree should it die. Mr. Hermann noted that a row of Blue Spruce trees was being planted as a buffer between the site and the abutting commercial buildings. Mr. Hamilton said the board might wish to consider having the applicant move the subject tree in lieu of the gazebo. Mr. Hermann stated that the innkeeper wants the gazebo as it would be a site for possible events, including weddings. Mr. Hamilton stated the Planning Board had the moving of the tree in mind because it is "rare." Mr. Hermann, however, once again stated he wants the tree out. It was noted by the board that the tree can be promulgated, as it has been done twice before from this particular tree. Mr. Hermann once again noted the advise of Prestige Trees and stated if the trunk is more than 29 inches in diameter, the tree would probably die. Mr. Hermann also stated that if anyone wanted the tree, they were welcome to come and remove it themselves.

Mr. Hamilton wanted to know who would maintain the gazebo; Mr. Hermann stated the maintenance would "rest" with the condo association.

A motion was made by Mr. Carroll, seconded by Mr. Hamilton, to allow Mr. Hermann to proceed work in accordance with the original resolution drafted by the board. Motion carried by the following vote: "Yes": Muly, Carroll, Triggiano, Hamilton, Tischio, Burke and Twadell. "No" none. "Abstain": Schmeling and Stepowany.

Mr. Hermann thanked the board for its considerations. In response to board inquiries, Mr. Hermann offered a status report on the project. He stated the entire project should be finished by the end of the year. The walls of both buildings were scheduled to be up by mid-June. The underground work, footings and foundations on both buildings were complete. Presently work was being done on the underground utilities.

APPLICATION 35-2003 (cont.) - Chase Dane Realty - 64 First Avenue / 67 Beachfront - Board Members Twadell and Carroll excused themselves from hearing the application, which continued from the May 6, 2003 meeting a request for a minor subdivision. Mr. Burke noted that due to time constraints at the last meeting, the board agreed to continue this case at this special meeting, which had been originally intended to discuss planning matters.

The board recognized C. Keith Henderson, attorney for the applicants; and Charles Gilligan, engineer for the applicants. It was noted that Mr. Gilligan had been previously sworn in to offer testimony.

Questions were again raised over the height of the building. Mr. Gilligan offered two averages for the building; the first was 32' above average grade; and 34.2' based on measurement from the end of the boardwalk. Both measurements, he stated, were below the height allowed under zoning.

Ceiling heights for the second floor were addressed, per issues raised by the board at the prior hearing. Mr. Gilligan stated the heights of the first and second floor have been reduced from the original plans; the original ceiling height of the first floor was 10 feet and has been reduced to nine while the second floor ceiling height, originally nine feet, was reduced to eight feet.

Mr. Gilligan then offered testimony regarding the proposed basement. In response to questions from the board, Mr. Gilligan testified that the basement meets BOCA Code requirements as well as Manasquan zoning requirements for a basement. He stated the basement will have less than seven feet of clear head room. It is defined as a non-habitable space under BOCA Code. He added that BOCA allows for a bathroom to be put in this area but otherwise it cannot be finished off and may only be used for storage. Questions were raised over whether the basement would be considered under the borough zoning ordinance definitions as an "accessory" use. Mr. Gilligan stated in his opinion that it would as it would be an "inhabitable" space, much as a shed. He also offered, in response to questions, that many houses have multiple stories above a basement.

Exhibit A-4 was submitted depicting Manasquan Tax Map locations, referencing the subject property. Mr. Gilligan explained he highlighted 200 feet surrounding the subject property in blue and showing the subject property in red. In yellow he highlighted six other lots that do not meet Zoning Ordinance requirements, stating they were undersized lots. Mr. Gilligan noted the applicants were requesting 1831 square feet; lots in this area, he stated, range from 1500-1800 square feet. The immediate adjacent lots to the subject property are 1631 square feet, he stated. He then went on to note other lot sizes to the north of the subject property, which range 1675-2002 square feet. Previous subdivision of property at 131 Beachfront / 130 First Avenue of an undersized lot was noted.

Exhibit A-5 was submitted depicting aerial scale of properties within 200 feet. The subject property was highlighted and Mr. Gilligan added the dimensions of the proposed improvements and property lines. Mr. Gilligan discussed the possibility of other subdivisions and building lines in the area.

Exhibit A-6 was submitted showing a chart of previous Planning Board approvals for relief of a similar nature in this area. Mr. Gilligan clarified that new information had been placed on this chart in response to questions from Mr. Schmeling at the previous hearing regarding whether the relief involved new construction or renovations to existing structures.

Mr. Gilligan offered further testimony regarding height measurements, including information regarding elevation markers. He noted in the past that when measuring houses north of the Sea Watch, the elevation was measured from the end of the boardwalk.

Kevin Callahan placed himself on record as attorney representing 23 adjacent property owners who object to the application. Mr. Callahan submitted a drawing of the affected area showing the locations of the homes of the objecting neighbors in red. He noted the names of the objectors had been entered into the record at the prior meeting. Mr. Cramer stated that the board was not declining to accept the exhibit but rather he wished it to be part of Mr. Callahan's presentation and calling of witnesses.

Mr. Callahan stated he was confused over height calculations. He stated the issue of height is dealt with in separate sections of the Zoning Ordinance. In one section, height is defined as the vertical distance between a reference data and the highest point of construction. Yet, he noted, in another section (page 3509) it defines height in terms of measurement from curbs, crown of the road or the monumental borough beach walk, depending on circumstances. In a further section, it defines height in reference to lots with "opposite frontages." Mr. Callahan questioned Mr. Gilligan on these issues, specifically the mid-point between Beachfront and First Avenue, which would be needed to make height determinations in the case of "opposite frontages." Mr. Gilligan stated this was not a case of opposite frontages but rather one of two lots. Mr. Callahan continued his line of questioning, asking what the mid-point would be if there is not a subdivision; Mr. Gilligan did not have this information. Reference points in the area were also discussed, as were lot and building coverage calculations. Mr. Gilligan, in response to Mr. Callahan's inquiries on lot coverage, stated the building and lot coverage on the beachfront property would be identical (48 percent) because the walkways would be made of pavers or boardwalk type sidewalk.

Mr. Callahan asked Ms. Commins if her office agreed with the calculations set forth by Mr. Gilligan. She indicated a discrepancy was found on the chart. Mr. Callahan stated, in looking at the report prepared by Alan Hilla Jr. of Birdsall Engineering, that the lot coverage for the First Avenue lot would be 59.2 percent, which is different from the figures submitted on the application. It was stated that Mr. Hilla may have included the wooden deck at easterly side of the property; this deck has wooden slots which would allow water to infiltrate into the sand. Mr. Gilligan stated this could create the difference between the figures, a position with which Ms. Commins agreed. It was also noted the existing driveway would be taken up and replaced by pavers. Mr. Callahan stated he felt Mr. Hilla's office should explain the differential. Mr. Gilligan addressed the difference as well by noting that the Letter of Denial prepared by Borough Zoning Officer Richard Furey is required to set forth figure for the board's consideration, "not that we agree with them but we are appealing" the figures set forth in this particular denial.

Mr. Callahan questioned Mr. Gilligan about prior testimony regarding pilings and breakaway foundations for the project. Mr. Gilligan stated everything on the project

complies with BOCA Code requirements. Mr. Callahan also asked Mr. Gilligan whether he felt creating an undersized lot with the potential it could become a precedent for creating other undersized lots was "good planning." Mr. Gilligan stated the structures to the north and south of the subject property are of similar scope to the proposal. Prior case examples, dealing with neighborhood character issues and variance relief, were discussed. Mr. Callahan asked if Mr. Gilligan thought that the granting of variances allowing for two family situations in the Manasquan beachfront area was destroying the "integrity" of zoning in that area.

Mr. Callahan asked which of the cases listed on Exhibit A-6 involved subdivision relief. Mr. Henderson stated he was not asked to supply that information to the board. He was asked, he said, to list new construction, additions and renovations.

There being no further questions from Mr. Callahan of Mr. Gilligan at the present, Mr. Henderson stated he wished the right to recall witnesses as needed.

A motion was made, seconded and unanimously carried to open the floor to questions only of the professionals as to already offered testimony. Several members of the public questioned Mr. Gilligan regarding parking, lot alignment, lot dimensions, zoning criteria, Master Plan compliance and overall conformity with the neighborhood.

Questions and comments were made regarding the applicant's future plans for the property. Mr. Henderson explained that it was at his suggestion that his client applied for a subdivision. Mr. Rupprecht stated he would be doing repairs and cosmetic work on the First Avenue house, which is a rental unit. The proposed Beachfront home would be for his own use.

Mr. Callahan re-introduced Richard Lupinski, professional planner. Mr. Lupinski commented on floor area, grade and height issues. He stated a basement counts as a story therefore, in his opinion, a 3 ½ story is being proposed, based on ordinance definitions and went on to discuss Mr. Gilligan's elevation calculations.

Questioning Mr. Lupinski, Mr. Callahan recalled Mr. Gilligan's statement during the prior hearing that the proposal was in keeping with the goals of the master plan and asked Mr. Lupinski if he had a chance to look at the wording in the master plan and reexamination of that master plan. He stated he had "particularly" looked at the 1998 reexamination report. The report, Mr. Lupinski testified, talks about problems that occur in the community and mentions subdivided properties where there are 2 houses. The very next problem noted is over intensive development on beachfront properties. "So you can't quote one ordinance, one part of the master plan section that happens to be in your favor, and ignore the next one that is diametrically opposed to what the applicant is proposing here," stated Lupinski.

Upon questioning from Mr. Callahan, Mr. Lupinski addressed issues regarding the proposed subdivision itself, specifically dimensions and size. Mr. Callahan asked Mr. Lupinski if there was a more appropriate way to subdivide the property if the subdivision

is appropriate in the first place; Mr. Lupinski stated it depends on the nature of the houses and their location on the property. He opined this application is an attempt to subdivide an existing house and put it on its own parcel of land, which, he stated, is not a planning issue; the issue, he felt, was with the beachfront house, the size of the proposed and, more importantly, the proposed building coverage. He also wished to revisit height concerns "presuming there is a final determination to what elevation we are suppose to be working from I am still unclear."

Mr. Callahan then asks Mr. Lupinski to address Exhibit A6 that has been offered this evening; the exhibit is a compilation of other approvals in the distant or recent past in this area. Mr. Lupinski stated upon analysis he found the most significant item to be building coverage, with 18 such cases being cited. He then noted of the 18 such cases only seven are 50 percent or greater, "so there is certainly no established history of building coverage of 50 percent and higher being permitted by variance by this community," he concluded.

Properties and criteria in the American Timber subdivision area and First Avenue/Beachfront were discussed. Height issues were also discussed, with Mr. Lupinski stating in his opinion this application does violate the town's zoning ordinance because of the building height. In regards to the ambiguities of the height issue and from where height is measured, Mr. Lapinski stated "we went thru that with respect to the elevation of the boardwalk versus the elevation of the front of the house. And I have heard no determination as to which applies frankly. But I know what the ordinance says - it says the monumented beachwalk."

Mr. Burke stated "The only comment I am going to make on this is that being on this Planning Board and, before that on the Board of Adjustment, since 1987, we historically have always measured the house fronting the ocean from the beachwalk and the house on First Ave from First Avenue. We have always done that in every single application that has come before us. We have always designated two separate measurements, one on the beachfront house and one on the First Avenue house. I understand what you are saying, what's in there, but we historically have always done it that way... We might have to change the zoning ordinance there - that is discussion for the second half of this meeting if we ever get to it."

Mr. Burke stated the Board will honor Callahan's witnesses but if witnesses are commenting on the same thing as a prior witness they should just state they agree with such and such rather than restating the entire comment.

Frank John Kelly, 59 Beachfront, wished to clarify statements made regarding his property, stating he did not increase the height or depth of his home but just did renovations. He then commented on the tax ratables inherent in such development.

Lee Comerford, Morris Avenue, expressed concern over the congestion of the town, stating that she moved to Manasquan 16 years ago "because it was a quaint little town." "We are now one of the most congested towns in Monmouth County and we keep

building – everybody keeps building bigger...I think our master plan should be also positive for the community," she stated "I really would like the Planning board to seriously consider the general trend of how Manasquan is exploding in the sizes of the homes." She also expressed concerns about the rental on the property. Mr. Burke stated that while Mrs. Comerford's comments weigh into this case" he " would request you come back to a planning meeting and make the same comments –

Alice Kavanaugh, an attorney who represents Marion Hohenstein, 63 Beachfront, commented on Mr. Burke's comments regarding height measurements. She stated there has been very little major construction up on the north end and stated Mrs. Hohenstein, her mother-in-law, has owned her beachfront properties for over 40 years and strongly objects to any attempt to subdivide or any attempt to build a larger house on that piece of property. She also noted parking issues and aesthetics of the area. "It's a quiet end – sort of a private enclave in that end – it's small – it's neighborly and so far for all these years there have not been a lot of problems in terms of parking, congestion, density, noise, parties, group rentals etc. and that is mostly because of the high quality of life and a lot of respect for the neighbors." She stated the Board's decision "could have a major impact on the future of the north end" and "we contend that this application should respectively be denied by the board because it is going to have a negative impact on people who have lived in the area for an awful long time and have a lot of time and money and enjoyment invested in a piece of property." Ms. Kavanaugh was then asked to clarify some of her comments by Mr. Henderson, who noted several cases of construction and cited Master Plan criteria; Ms. Kavanaugh once again stressed there has been very little construction in terms of increasing size of property and adding on since 1987 and during the 25 years she has been coming to the beach she can "personally attest" to the fact " there has been very, very few changes made down that end."

Ron Ellsweig, 73 Beachfront, questioned the heights of other two story homes in the area and, upon learning the others are in the same height range (44.42 ft. – 50.3 ft. when the elevation of this proposed structure is 49.3 feet), stated "I do not understand the questioning here – I do not understand where there is so much concern about this building that is going up if it's going to be in line with the other two- story buildings. Then, referring to prior remarks regarding the north end as an "enclave," Mr. Ellsweig stated "What gives these people the privilege to sit and say we've got the north end and we are not going to change the north end – change all of Manasquan but don't change us?" He continued by stating that the aesthetics, in his opinion could be an improvement over what is there presently. He also stated the homeowner will be paying " a lot more in property taxes because of the proposed structure. Citing the aesthetic goals of the Master Plan, he felt the proposed project "contributes to that. If you want to continue what you have right now then forget about the master plan – we might as well have our little enclave on the north end – you other people, you can do whatever you want – the north end – we will have our own little beach there- we will all be very neighborly... That's not the truth – the truth is the neighbors stink on the north end." Mr. Burke cautioned "I would rather not start a war..." to which Mr. Ellsweig replied: "Oh the war is already started." Mr. Burke then added " I would rather not have it in this room." Mr. Ellsweig commented " I am sorry – I not mean to imply that someone made the statement we are



BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor  
COLLEEN SCIMEGA, Municipal Clerk

PLANNING BOARD

MANASQUAN PLANNING BOARD

JULY 1, 2003 REGULAR MEETING MINUTES

The Manasquan Planning Board held their regular meeting on July 1, 2003 in Manasquan Borough Hall, 201 E. Main Street, Manasquan, NJ.

Chairman John Burke called the meeting to order at 7 p.m. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He then asked all to join in the Salute to the Flag.

*Present:* Board Members John Muly, Patricia Dunne, Thomas Carroll, Carmen Triggiano, Neil Hamilton, Councilman William Schmeling, John Burke, John Tischio and Gordon Twadell, and Eden O'Hare.

*Absent:* Board Members Mayor John Winterstella, James Coakley and Kevin Thompson.

Also in attendance were Geoffrey S. Cramer, board attorney; Alan Hilla, Jr., board engineer/planner; and Sharon Bogie, acting secretary.

Prior to the consent agenda, the Board entertained a request from C. Keith Henderson, attorney for Joseph and Mary Rufolo to briefly discuss a change in the relief granted at the June 10, 2003 meeting. Mr. Henderson explained that, on the advice of the architect, the applicants had agreed to bring down the height of the proposed structure to 31 feet measured from the top of the crown of the street. This advice, in turn, was based upon review of an elevation certificate prepared by an engineer. Mr. Henderson stated that the figure of eight feet for the base flood elevation was incorrect and that the correct base elevation is nine feet. He then stated this one foot discrepancy requires the applicant have an elevation one foot higher than presented and as such, he requested the Board allow the applicants an extra one foot in height.

The Board, Mr. Hilla and Mr. Henderson discussed the request. Mr. Burke stated in his

opinion the Board was taking nine feet as the base flood elevation into account during the entire process. It was also noted that the Rufolos' architect testified to a nine-foot base flood elevation as well.

A motion was made and seconded to deny Mr. Henderson's request on behalf of the Rufolos. Motion carried by the following vote: "Yes" Board members Muly, Dunne, Carroll, Triggiano, Hamilton, Schmeling, Tischio, Burke and Twaddell.

APPLICATION 30-2003 (CONT.)— Brad Sepe – 301 Beachfront/300 First Avenue – Mr. Henderson once again presented himself as attorney of record. Continuing to offer testimony were owner Brad Sepe and architect Christopher Rice.

The applicant, his attorney and architect continued discussing variance and subdivision issues with the Board. Mr. Burke cautioned he did not want to "re-hash" issues already discussed at the prior meeting. There was discussion as to whether the subdivision causes the variances. Mr. Rice once again stressed design criteria and what the applicants could have sought under the Zoning Code.

Mr. Hamilton addressed the First Avenue portion of the project. He suggested some "downsizing" in light of the variances being requested.

Areas of discussion included the chimney on the proposed Beachfront house. After discussion over its location, it was agreed that they would bring the structure closer to the house by approximately 9 inches. The applicants also agreed to decrease the size of the dormer proposed for that structure. Lot coverage was also discussed.

The Board voted unanimously to open the hearing to public questions and comments.

Benedetta O'Grady and John O'Grady, both 265 Beachfront, noted their concerns over comments by Mr. Rice at the prior meeting regarding aesthetics of the neighborhood, including their property; at that time Mr. Rice had expressed concern over the wall-like appearance of the houses along the Beachfront in that area. Mr. O'Grady also questioned fire safety code compliance for the proposed Beachfront structure. It was noted that the project would meet all fore codes and regulations.

There being no further public comments a motion was made, seconded and unanimously carried to close the public hearing.

Mr. Henderson offered closing arguments on the application. He cited case law and noted the large number of non-conformities in the area where variances have been granted.

In offering their opinions at the request of Mr. Burke, most of the Board Members agreed

they liked Mr. Rice's design for the Beachfront house but expressed concerns over height issues as well as lot coverage. Mr. Twaddell expressed concerns over the size of both buildings as well as the subdivision requested. He noted density issues inherent in having two houses on a property that now has one. Reduction of the height of the First Avenue structure was discussed, per Mrs. Dunne's and Mr. Twaddell's concerns.

It was noted the application was two-fold: minor subdivision and bulk variances. A motion was made to deny the subdivision; motion died lacking a second. A motion was then made and seconded to have Mr. Cramer prepare a favorable resolution granting the subdivision; motion seconded and carried by the following vote: "Yes" Board Members Muly, Dunne, Carroll, Triggiano, Schmeling, Tischio. "No" Board Members Hamilton and Twaddell.

A motion was then made by Mr. Carroll to have Mr. Cramer prepare a resolution granting the variances requested as amended by the testimony; motion seconded and carried by the following vote: "Yes" Board Members Muly, Dunne, Carroll, Triggiano and Schmeling "No" Board Members Hamilton, Tischio. and Twaddell.

A motion was made, seconded and unanimously carried for a brief recess. Post-recess roll call: "Present": Board Members Muly, Dunne, Carroll, Triggiano, Schmeling, Hamilton, Burke, Tischio. and Twaddell.

APPLICATION 37-2003 – 525 Brielle Road, LLC.- 525 Brielle Road – The Board recognized Frank Romano, applicant. It was noted the applicant was a limited liability company, thus requiring an attorney for representation before the Board. Mr. Romano stated he did not have an attorney with him. The Board agreed to adjourn the hearing until the August 12, 2003 meeting.

APPLICATION 41-2003 – Lawrence Lemig – 40 Minerva Avenue- Mr. Lemig and Bruce Sutter Jr, architect, were sworn in to offer testimony on the application. The application requested relief so that a 6' x 32' covered front porch and second floor addition as well as other interior work. Mr. Furey denied the zoning permit under Section 35-9.4 of the Code of the Borough of Manasquan: building coverage (25 percent permitted, 27.9 percent existing, 30.7 percent proposed), rear setback (35 feet required, 11.5 feet existing) and side setback – left (5 feet required, 3.7 feet existing). The property, also known as Block 111, Lots 21.01 and 22.01, is zoned R-1.

Mr. Leming testified as to the background and aesthetics of the project. He stated the addition will maintain the footprint of the first floor with the dormers extending out. The covered porch will match the garage roofline, he stated. Mr. Sutter offered testimony regarding design criteria and aesthetics. Also, it was noted, the second floor addition would not be constructed over the garage.

Pictures of the existing structure were offered as evidence.

A motion was made, seconded and unanimously carried to open the meeting to comments and questions from the public. There being no members of the public who wished to speak, a motion was made, seconded and unanimously carried to close the public hearing.

A motion was made to have Mr. Cramer prepare a favorable resolution; motion seconded and carried by the following vote: "Yes" Board Members Muly, Dunne, Carroll, Triggiano, Hamilton, Schmeling, Burke, Tischio. and Twaddell. "No" none.

RESOLUTION 29-2003 – Peter Leviatan - 81 Curtis Avenue – Mr. Cramer offered into the record a favorable resolution. A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Muly, Dunne, Carroll, Triggiano, Hamilton and Tischio. "No" none.

RESOLUTION 45-2003 – Nathan Loveland – 35 Stockton Lake Blvd. - Mr. Cramer offered into the record a resolution denying the relief sought in the application. A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Triggiano and Tischio. "No" none.

RESOLUTION 44-2003 – Trattoria– 233 E. Main Street - Mr. Cramer offered into the record a favorable resolution.

Mr. Hilla reiterated the need for compliance regarding keeping the outdoor dining area enclosed. The Board unanimously agreed this compliance must be stressed.

A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Muly, Dunne, Carroll, Triggiano, Hamilton, Schmeling and Tischio. "No" none.

RESOLUTION 27-2003 - Lisa Maddalone – 85 S. Farragut Avenue Mr. Cramer offered into the record a favorable resolution. A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Muly, Dunne, Carroll, Triggiano, Hamilton, Schmeling and Tischio. "No" none.

The Board briefly discussed the scope of the project, questioning whether the proposed work was valued at over 50 percent of assessed value of the property. It was determined Construction Official Albert P. Ratz, Jr. would need to make these calculations and advise the applicant and Board accordingly. If the calculations showed to be above 50 percent, the applicant would need to return to the Board.

RESOLUTION 26-2003 – Joseph and Mary Rufolo – 2 Riddle Way Mr. Cramer offered

into the record a favorable resolution. A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Muly, Dunne, Carroll, Triggiano, Hamilton, Tischio and Twaddell. "No" none.

RESOLUTION 35-2003 – Chase Dane Realty (J. Rupprecht) – 64 First Avenue / 67 Beachfront Mr. Cramer offered into the record a favorable resolution. A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Muly, Triggiano and Burke. "No" none.

#### **OLD/NEW BUSINESS**

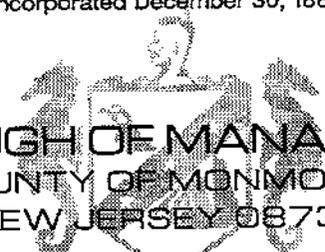
- 1) Approval of vouchers - A motion was made, seconded and unanimously carried to pay the vouchers as submitted by the acting Board Secretary.
- 2) Reports of Subcommittees of Board – Mr. Burke discussed the status of the work being done by the R-4 Zone subcommittee. He stated the subcommittee would be looking to make a presentation at the September 23, 2003 planning session.
- 3) Recommendations regarding changes in this zone will be made in anticipation of submitting recommendations to Mayor and Council.

There being no further items, a motion was made, seconded and unanimously carried to adjourn at 10 p.m.

Respectfully submitted,



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 August 12, 2003 meeting at 7:00 P.M. in Manasquan Borough Hall, 201 E. Main Street, Manasquan, New Jersey.

MANASQUAN PLANNING BOARD AGENDA  
August 12, 2003 - REGULAR MEETING

7:00 P.M. - REGULAR PUBLIC MEETING

- 1) Sunshine Law Announcement - Chairman
- 2) Roll Call
- 3) Salute to Flag
- 4) Consent Agenda

CONSENT AGENDA

APPLICATION 37-2003 (CONT.)- 525 Brielle Road, LLC.- 525 Brielle Road

APPLICATION 31-2003 - Lee Karosen - 333 First Avenue

APPLICATION 33-2003 - Leroy Rupertus, Jr. - 18 Deep Creek Drive

APPLICATION 38-2003 - Plaza Group, LLC - 169 Main Street

APPLICATION 46-2003 - Michael Sniffen - 45 Beachfront

RESOLUTION 30-2003 - Brad Sepe - 301 Beachfront/300 First Avenue

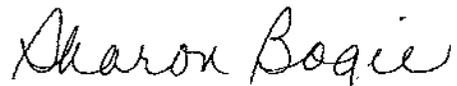
RESOLUTION 41-2003 - Lawrence Lemig - 40 Minerva Avenue

RESOLUTION (amendment) - Lucibello - 209 Beachfront, Unit No. 7 (Surfside Estates) - elevator

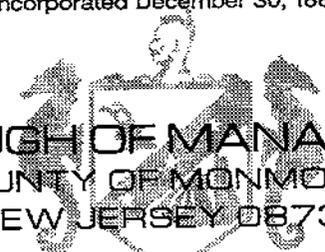
**OLD/NEW BUSINESS**

- 1) Approval of vouchers
- 2) Motion on Minutes
- 3) Comments from individual board members
- 4) Reports of Subcommittees of Board
- 5) Audience participation

Respectfully submitted,



Sharon Bogie, acting secretary  
Manasquan Planning Board]



BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08738

JOHN L. WINTERSTELLA, Mayor  
COLLEEN SCIMECA, Municipal Clerk

PLANNING BOARD

MANASQUAN PLANNING BOARD  
AUGUST 12, 2003 - REGULAR MEETING MINUTES

The Manasquan Planning Board held its regular meeting on Tuesday, August 12, 2003 in Manasquan Borough Hall, 201 E. Main Street, Manasquan, NJ.

Board Chairman John Burke called the meeting to order at 7 p.m. and announced this was an open public meeting held in accordance with the Open Public Meetings Act. He then asked all in attendance to join in the Salute to Flag.

ROLL CALL: Present – Board Members Patricia Dunne, Thomas Carroll, Carmen Triggiano, Councilman William Schmeling, John Burke, James Coakley, and Gordon Twadell

Absent – Board Members John Muly, Neil Hamilton, Mayor John Winterstella, Brian Stepowany, John Tischio, Kevin Thompson and Eden B. "Skeets" O'Hare.

Also in attendance were Board Attorney Geoffrey S. Cramer, Planner/Engineer Alan Hilla, Jr. of Birdsall Engineering and clerical staff Janice Curtiss and Sharon Bogie.

CONSENT AGENDA

APPLICATION 38-2003 – Plaza Group, LLC – 169 Main Street – C. Keith Henderson addressed the Board informally on this request for a subdivision, stating that the applicant would not be proceeding with their hearing tonight. Questions were raised as to whether the applicant was a profit or non-profit group as well as the applicant's future intentions regarding the property, including the theater. Mr. Henderson offered comments indicating his client prefers to apply for the subdivision as recommended by Mr. Hilla. Board Members Triggiano and Dunne stated they were concerned with such an informal procedure on the matter. Mr. Henderson stated he would re-notice upon establishment of another hearing date.

APPLICATION 37-2003 (CONT.)— 525 Brielle Road, LLC.- 525 Brielle Road – The Board recognized applicant/partner in the project Frank Romano, attorney Timothy Middleton and planner Charles Gilligan. It was noted this application was scheduled to be heard at the July 1, 2003 meeting but was continued because the applicant, a corporate entity, did not appear with legal council as required under state statute.

The application requested relief for the demolition of an existing single family dwelling and the construction of a new 2 ½ story single family dwelling. Richard Furey, Zoning Officer, denied zoning approval under Section 35-9.4 of the Code of the Borough of Manasquan, citing the following violations: lot frontage (40 ft. required, 30 ft. existing), side setback – left (5.0 ft. required, 3.57 ft. proposed), building height (35 ft. permitted for conforming lots only, 32 ft. proposed from grade), building coverage (35 percent permitted, 39.9 percent proposed) and dormer setback (24 inches required, 0 proposed). The property, known as Block 191, Lot 6 on the Borough tax map, is located in an R-5 Zone.

Variance issues were noted by Mr. Middleton, Mr. Romano and Mr. Gilligan. It was stated that the lot frontage is consistent with several other lots in that area; the situation is an existing hardship.

The issue of a survey was raised. A current survey had not been submitted for distribution to the Board in its packet and Mr. Hilla noted in his review that the Board should require a revised, updated document. Mr. Middleton submitted one for the Board's consideration, upon which Mrs. Dunne noted Mr. Middleton should have submitted the document prior to the meeting.

Mr. Romano testified that the current structure on the property is a rental unit. It was stated it is a single family home. Photographs of the property were submitted and marked as evidence.

The location of the structure on the property was discussed. It was noted the home was being set back as far as possible to allow for off-street parking. With this plan a car would be parked in the garage and one in the proposed paver driveway.

The first floor layout was discussed, including aesthetics and materials. In response to questions from Mr. Burke, Mr. Middleton stated that the existing concrete will be removed and a lawn will be planted.

Mr. Burke noted issues regarding the elevations provided. He questioned the issues regarding variance relief requested for the west side of the property and dormer on roof. It was stated this was for stairs. It was noted the plans prepared by Richard Grasso show two different elevations and setbacks from the roof line; it was clarified that two will be at 24", the other for stairs.

Mrs. Dunne questioned the applicant and professionals on curb cut and driveway access.

Mr. Twaddell stated the property is close to the flood area and asked if any accommodations were being made for flooding. Issues regarding CAFRA permits and requirement for elevation certificates and grading plans were discussed. Mr. Burke also noted that any Board approvals would be contingent on any necessary approvals from CAFRA.

Mr. Hilla addressed the survey submitted. He expressed concerns with encroachments on overhead wires. He also stated "there was a big difference" to be studied with the southeast corner; the monument, he stated, appears to be offset 3.02 feet and questioned whether this was correct.

Mr. Gilligan proceeded to offer testimony on the proposal, including information on building height and flood zone elevation (nine feet). He stated the measurement from the first floor to the peak of the roof is 28.0 feet and the total elevation of the project is 37.75 feet. Because of the narrowness of the lot, the sideyard setbacks are also an issue. The garage height and setbacks were also discussed. Regarding the overhead wires, it was stated a post attached to the structure would be provided.

Mr. Burke raised the issue of underground wires. Mr. Hilla stated he was not sure about the situation but added that Jersey Central Power and Light might be interested because of full moon water height.

Issues were discussed regarding the curb and shared driveway; it was noted by Mr. Gilligan that the proposal was seeking to reduce the shared driveway.

Mr. Burke questioned the parking situation and asked whether the proposal would cut back on neighbors' parking; it was stated the applicant will not allow access to parking by neighbors.

Mr. Schmeling questioned the square footage of the second floor. It was stated a loft can be no more than 60 percent the size (square footage) of the story below it; the walls, it was noted, were being brought in to reduce the living space on the second level.

The dimension and layout of the garage were discussed. It was noted that because of the proposed steps only a small car would be able to fit in the garage. There is a 14' high clearance proposed.

Mr. Hilla stated concerns with flood issues as five percent of the foundation will be exposed.

Mr. Burke stated he had several concerns. He stated in his opinion the garage was not useful and that the house could be designed without it. He noted the setback variances requested were because of the garage. He stated he would prefer five-foot setbacks with the elimination of the garage, a new floorplan and parking variances being discussed.

Mr. Hilla stated the documents show no parking easement next door or east. He sees the need for a mutual easement in the future that would allow parking in the back of the property. Another idea or goal, he stated, should be to maintain the driveway apron for both properties.

After discussion, the Board unanimously agreed to adjourn the hearing until the October 7, 2003 meeting so the applicant can resolve issues with the neighbors regarding parking access, revise plans to create five-foot sideyard setbacks and settle dormer concerns. The Board would also be looking for a plan regarding JCP&L wiring.

APPLICATION 31-2003 – Lee Karosen – 333 First Avenue - C. Keith Henderson placed himself on record as attorney for the applicant. Sworn in to offer testimony were Mr. Karosen and Christopher Rice, architect on the project.

Mr. Karosen testified on the application, which requested relief for the construction of a second floor addition and other interior alterations and renovations. Mr. Furey denied zoning approval under Section 35-9.4 of the Code of the Borough of Manasquan, referring to issues with lot frontage (40 feet required, 30 feet existing), front setback (10 feet required, 8.3 feet existing), rear setback (20 feet required, 19.75 feet existing), left side yard setback (five feet required, three feet existing), right side yard setback (five feet required, one foot existing), building height (Planning Board review required), building coverage (35 percent permitted, 36.4 percent proposed), lot coverage (50 percent permitted, 70 percent existing) and accessory building – shed – side setback (three feet required, 1.25 feet existing). He also cited section 35-11.8c, stating the shower on the property is encroaching into the required side yard setback. The property, also known as block 184.01, lot 12 on the borough tax map, is in an R-5 Zone.

Mr. Karosen stated the structure is a single family house and the proposed second level would be located on the rear 2/3 of the house.

Mr. Rice offered testimony on the plans and aesthetics. He stated there would be no addition to the front of the home, thus the existing setback violation would not be increased. Siding, however, would be installed on this section as part of the renovations. Variance issues were noted and it was stated that the hardship existing regarding space.

Mr. Burke raised the issue of the paved driveway on the property and asked if this was a common driveway with the neighboring property; referring to it as a "shared walkway," the applicant and his professionals stated that yes, this was a shared walkway with his neighbor.

Mr. Hilla then addressed the aesthetics and issues regarding the proposed dormer. The first floor elevation was also discussed, including construction in a flood zone. Mr. Hilla noted the Planning Board is the board of relief for construction in a flood zone and emphasized the role of Construction Official Albert P. Ratz, Jr. regarding construction in a flood zone. The Construction Official calculates the value of the project to determine if it meets the criteria of being 50 percent or less of the assessed value of the existing structure.

Sidewalks and curbs were discussed. Mr. Hilla's memo noted the curb and sidewalk on First Avenue was in "fair to poor condition;" it was agreed this would be rectified. The rear of the property would be used for construction access. The air conditioning unit would be placed in the back yard above flood elevation.

After further discussion, a motion was made, seconded and unanimously carried to open the public hearing. There being no member of the public wishing to address the application, a motion was made, seconded and unanimously carried to close the public hearing. A motion was then made by Mr. Carroll, seconded by Mrs. Dunne, to have Mr. Cramer prepare a favorable resolution based on testimony provided; motion carried by the following vote: "Yes" Board Members Dunne, Carroll, Triggiano, Schmeling, Burke, Coakley and Twaddell. "No" none.

A motion was made, seconded and unanimously carried for a brief recess at 8:30 p.m. The Board reopened the meeting at 8:40 p.m. with the following members present: Dunne, Carroll, Triggiano, Schmeling, Burke, Coakley and Twaddell.

APPLICATION 33-2003 – Leroy Rupertus, Jr. – 18 Deep Creek Drive - Mr. Cramer swore in applicant Leroy Rupertus, Jr., to offer testimony on the application, which requested relief to remove an existing fire damaged roof and construct a second floor addition and deck along with other interior alterations and renovations. Mr. Furey denied the zoning approval under Section 35-9.4 of the Code of the Borough of Manasquan, focusing on rear setback (20 feet required, six feet existing and proposed) and building coverage (30 percent permitted, 40.8 percent existing).

Mr. Rupertus submitted pictures showing the cracking and peeling conditions of the present structure. Upon questioning from Mr. Burke he addressed plans he prepared. The plans, he stated, pertain to the rear and north side of the structure. The roof, he stated, would be removed and the addition would sit 1/3 of the way back from the front of the house. The front, however, would remain the same. Mr. Burke sought clarification on some of those issues and asked Mr. Rupertus if he was concerned with a portion of the addition being placed over the

first floor. Mr. Rupertus stated he did not have a problem with the layout, that it was structurally sound.

It was noted that some of the variance issues were based on already existing conditions and not being expanded.

Mr. Hilla, addressing his report dated July 30, 2003, raised issues regarding the concrete curb and shed on the property. Concerns were raised over encroachments on neighboring county property and Mr. Hilla stated all such encroachments should be removed, including a portion of the concrete at the rear of the property.

After further discussion a motion was made, seconded and unanimously carried to open the public session.

Thomas Smith, 26 Deep Creek Drive, spoke in favor of the application

There being no further comments, a motion was made, seconded and unanimously carried to close the public session.

A motion was made by Mrs. Dunne to have Mr. Cramer prepare a favorable resolution with the conditions discussed during the hearing; motion seconded by Mr. Coakley and carried by the following vote: "Yes" Board Members Dunne, Carroll, Triggiano, Schmeling, Burke, Coakley and Twaddell. "No" none.

APPLICATION 46-2003 – Michael and Anne Marie Sniffen – 45 Beachfront – Mr. Henderson placed himself on record as attorney for the applicant. The applicant requested relief for the construction of a second floor addition over the existing footprint using option B as set forth in the Manasquan Zoning Code. Mr. Furey denied zoning approval under Section 35-9.4 of the Code of the Borough of Manasquan, citing the following violations: lot frontage (30 feet required, 28.34 feet existing), rear setback (15 feet required, 7.5 feet existing and proposed), left side set back (five feet required, 2.10 feet existing and proposed), right side yard setback (five feet required, .5 feet existing and proposed), building height (35 feet permitted for conforming lots only), building coverage (35 percent permitted, 40.9 percent existing), dormer location (east and west elevations only, north and south elevations proposed), dormer length (10 feet permitted, 11 feet proposed for dormer on north elevation), dormer setback (two feet required, proposed dormer on north elevation is flush with exterior wall) and dormer lineal footage (eight percent of the roof perimeter; roof perimeter = 166 feet, total length 23 feet = 13.8 percent). The proposal also lacks off-street parking as set forth under Section 35-13.4; two parking spaces are required but none are proposed. The property, known as block 165, lot 15.04 on the municipal tax map, is located in an R-4 zone.

Mr. Henderson noted jurisdictional issues, stating that the property was subject of two prior applications, one for construction of a deck and the other a subdivision (record shows there was also an application for relief to build an addition prior to the Sniffens owning the property).

Mr. Sniffen and Christopher Rice, architect, were sworn in to offer testimony. Mr. Sniffen offered background, stating that the present structure has two stories and an attic.

Mr. Twaddell questioned previous administrative action, stating to his recollection there have been three resolutions granted for relief on the property. After discussion, Mr. Burke asked that research be conducted in the Board archives; results of the search will be discussed amongst board and applicants' professionals and any pertinent information will be introduced at the September 9, 2003 meeting.

Mr. Rice offered testimony on the plans and aesthetics. It was noted the structure presently has a cathedral ceiling; it would be this area in which the proposed master bedroom would be constructed. The first floor would remain as it exists. The second floor beachside and west side balcony will be closed to allow half for bedroom as shown on plans while the west side bedroom would be expanded. In summary, Mr. Rice and Mr. Henderson noted the variances arose from the size and shape of the lot as well as half story, there would be no change on the first floor and little change on the second floor. They noted 2 ½ stories/35 feet is permitted; the proposal measures 31 ½ feet from grade at beachfront side.

A change in dormer size was discussed; the dormer was reduced to 7'10" for stairs on the north side of the structure. Two additional dormer / window seat structures were also discussed.

It was noted there would be no change in the footprint. Further variance issues related to the dormers and building envelope as well as the air conditioner in the rear yard were also discussed.

A motion was made, seconded and unanimously carried to open the meeting to public comment. Three neighbors spoke in support of the application. There being no other public comments, a motion was made, seconded and unanimously carried to close the public comment portion of the hearing.

The Board discussed options as to how to proceed. It was agreed the matter would be held until the September meeting by which time research on the prior relief granted would be secured and the Board would be in a position to react upon the application. Res judicata issues were also noted.

**RESOLUTION 30-2003** – Brad Sepe – 301 Beachfront/300 First Avenue – Mr. Cramer placed the favorable resolution on the record. A motion was made by

Mr. Carroll, seconded by Mr. Triggiano, to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Dunne, Carroll, Triggiano and Burke. "No" none.

RESOLUTION 41-2003 – Lawrence Lemig – 40 Minerva Avenue - Avenue – Mr. Cramer placed the favorable resolution on the record. A motion was made by Mrs. Dunne, seconded by Mr. Triggiano, to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Dunne, Carroll, Triggiano and Burke. "No" none.

RESOLUTION (amendment) – Lucibello – 209 Beachfront, Unit No. 7 (Surfside Estates) – elevator – Mr. Cramer placed the favorable resolution on the record. A motion was made by Mr. Triggiano, seconded by Mr. Carroll, to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Dunne, Carroll, Triggiano, Burke, Coakley and Twaddell. "No" none.

### **OLD/NEW BUSINESS**

- 1) Approval of vouchers - a motion was made, seconded and unanimously carried to pay the vouchers as submitted to the Board.
- 2) Motion on Minutes – a motion was made, seconded and unanimously carried to approve the minutes of the June 10, 2003 and July 1, 2003 regular meetings as submitted to the Board.
- 3) Comments from individual board members – a motion was made, seconded and carried to enter into executive session.
- 4) Reports of Subcommittees of Board – planning issues were discussed as were upcoming planning meetings and Master Plan reexamination status.
- 5) Audience participation – there were no general comments from the audience at this time.

There being no further matters on the agenda, a motion was made, seconded and unanimously carried to adjourn at approximately 10:45 p.m.

Respectfully submitted,

Sharon Bogie, acting secretary  
Manasquan Planning Board

June 10, 2003

The Manasquan Planning Board held the Citizen Participation Group Meeting and the Regular Meeting on Tuesday, June 10, 2003 at 7:00 p.m. at Borough Hall, 201 E. Main Street, Manasquan.

Vice Chairman Thomas Carroll related that this meeting is being held in accordance with the Open Public Meetings Act of 1975 and notice was given to the Coast Star and the Asbury Park Press, the Citizen Participation Group Meeting was advertised in the Coast Star on May 22, 2003.

Vice Chairman Carroll welcomed the audience and invited them to a salute to the Flag.

Vice Chairman Carroll introduced Municipal Administrator and Community Development Block Grant Program Representative John Trengrove to make a presentation regarding the Manasquan Citizen Participation Group.

Municipal Administrator and CDBG Program Representative Trengrove explained that the CDBG Program in order to obtain funding requires that a meeting be held to explain the anticipated project to the Planning Board members and have citizen participation. He related that a presentation will be made at a Borough Council meeting to explain a project that the Borough is interested in pursuing as well as to get citizen participation and input.

He related that the CDBG Program has two criteria for funding. He stated that one requirement is based on the 1990 census which states the Borough residents average income to establish areas that are eligible for funding. He presented a Borough map showing the areas that were eligible for funding. He related in the past the projects that were completed were curbs, overlays, water/sewer projects and bulkhead projects.

He stated that the new 2000 census shows that the Borough residents average income is too high for the Borough to be eligible to apply for street projects but the Borough can apply for assistance to comply with the Americans With Disabilities Act of 1990.

Municipal Administrator Trengrove stated that there is a committee that worked initially with Council Member Dempsey and now with Council Member Jacobson to review the Coast Guard Station property. He presented a floor plan and stated the difficulties that a handicapped person encounters upon entering the building. He explained that there are different floor levels, bathrooms are not ADA accessible, the doorways are too narrow, the thresholds are hard to maneuver through and there is no handicap ramp on the building exterior.

He stated that the Borough would like to apply for a grant for funding to make these ADA renovations at the Coast Guard Station property. He stated that the appearance of the building exterior would not change. He related that these renovations would improve the flow inside of the building to comply with ADA regulations.

He stated that he discussed the Coast Guard Station renovation project with Council and that they are interested in pursuing the grant for this project but he is not sure of the Planning Board thoughts and citizens comments regarding this project.

Planning Board Member Gordon Twadell related that one of the problems that should be eliminated is the step down at the Coast Guard Station Building.

Municipal Administrator Trengrove explained that the step down would be eliminated. He related that he is working with Architect Chris Rice and that Mr. Rice has provided figures for the renovation costs. He related that the Borough is applying for approximately \$35,000 CDBG grant.

He said that if there are any suggestions from the Planning Board or citizens that they would be considered for this year. He stated that the CDBG Program application must be submitted by June 30<sup>th</sup>. He explained that under the CDBG Program, the Borough is eligible every two

June 10, 2003

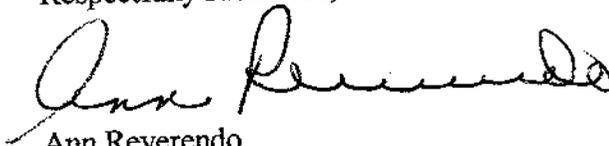
years for the CDBG grant. He stated that it takes approximately two years to get the project completed.

Mr. Trengrove related that street projects are not presently allowed but handicapped corners can be constructed.

Planning Board Member Eden B. O'Hare related that he is satisfied with the ideas presented tonight.

Vice Chairman Carroll asked if anyone from the audience had any further comments or questions. He adjourned the Manasquan Citizen Participation Group portion of the meeting at 7:13 p.m.

Respectfully submitted,



Ann Reverendo  
Deputy Municipal Clerk

very neighborly down there – very friendly to each other that is not quite true and I applaud the application...I would like to see you honor this.”

Upon questioning, Mr. Ellsweig stated his property was part of a subdivision prior to his buying it in 1998.

Doris Kymer, 61 Beachfront, disagreeing with some of Mr. Ellsweig's comment, stated that, based on the plans “I think the house is aesthetically very beautiful” but expressed concerns with the height / extra half story proposed.

Joan Harriman, 574 Perch Avenue, stated that due to the number of retirees moving year round into the south end of Manasquan and thus taking group seasonal rentals off the roster, “you are really decreasing the amount of people” in that area. Also, she noted, if someone tries to renovate a small bungalow structure in the area, a builder will immediately tell you tear it down and rebuild because such renovation is cost prohibitive. Finally, she added, builders of the original bungalows were building structures for that time and not considering what a person might be looking for in a home decades later. “People want a utility room for their furnace, people want a workout room, people need an office, a computer. It is a different world that use to be...”.

Larrisa Radke, —47 Beachfront, spoke in favor of the application. She noted that her property was subdivided in 1998 and she built a home on First Avenue. Referring to the Master Plan and arguments made by some of those opposing the application, Ms. Radke stated she could not understand why a subdivision in this case would lead to overcrowding because there are two houses on the lot at the moment each of which to be occupied. Upon questioning from Mr. Callahan, issues regarding height and Ms. Radke's properties and development were discussed. Ms. Radke added”...Those of us who live on the north end and who would like to have families and would like to continue to live there we need to state that we are not asking for anything that's unreasonable – my plans for my beach front house – I have 3 bedrooms – I don't have an office – I don't have a space for my furnace – so now that the applicants are asking to build a house that they can live in – that their family can live in – they are not asking to build a weapons factory on their property.”

Mary Ryan, 113 Beachfront, stated the whole issue of lot subdivision must be analyzed. She stated that redevelopment of the beachfront area will not be possible unless there is construction on non-conforming lots. She stated that standards must be set for subdivisions.

Ralph Condo, 65 Beachfront, stated he has owned the property immediately north of Mr. Rupprecht since 1957. He offered the Board insight as to his property (two lots which were subdivided prior to his ownership) and home, which he called “a small bungalow that was one of the original fishing shacks here in Manasquan.” In terms of the proposal, Mr. Condo stated he still had questions as to the correct elevation, 17.3 or 15.1 feet. He also stated he is concerned about the subdivision of the lot as well as the effects of the proposed structure would have on his house in terms of its height and size. He stated he

has addressed those concerns with the Rupprechts. He then addressed the issues of easements and parking. He then asked the Board, if they should grant relief, that they have the Rupprechts center the proposed Beachfront home.

Speaking in favor of the application, Richard Borgatti, 57 Beach Front and 54 First Avenue, stated he bought his property five years ago. He stated he was the "first victim of the north end welcome wagon so I think you are going to see what happens when you don't approve plans like this. I had a plan to renovate the house on First Avenue so that we could live there but I have done nothing with regards to that because of the opposition. I don't enjoy being a landlord but that is what I am." He added "I don't see where objecting of these kinds of plans does anything to improve it particularly with regards to property value. Because I am so fed up I put the house on the market...we have had 2 very attractive offers on the house; however when they find out that as soon as they want to do any renovations their neighbors will hire a lawyer and will go after them to try and block it they run. So this kind of behavior is depressing property values. It is increasing tenement housing, increasing density and doesn't really serve Manasquan or the north end in the least."

Peter Halas, 74 and 76 First Avenue, supported the application, noting such upgrading attracts families and retirees to the area and fewer group rentals. He also noted the difficulties in renovating bungalows and opined that "applicant does not seem to be doing anything excessive being within the height of code and within the existing footprint."

Gordon Twaddell, 69 Beachfront and one of the opposition represented by Mr. Callahan, stated as a member of the Planning Board he had been dealing with beachfront development issues. He commented on the problems regarding construction on preexisting footprints, stating that it was not a particular problem with this case but rather concerns with general trends. He stated "I think the initial problem is whether or not the applicant is going to be able to build on his existing footprint as the zone is all encompassed by housing; the individuals are going to be able to build on the existing footprint. We have really taken the ordinances as they stand and thrown them out the window as there will be no version laws - no original building - no requirements regarding side setbacks, etc. I think that if this application goes through that way then we have virtually eliminated our ability to follow the present ordinances as it concerns to side setbacks, building coverage, building lots, lot coverage etc."

Mr. Henderson asked Mr. Twaddell about his Planning Board voting history on beachfront development. Mr. Twaddell stated he has sat on "numerous" such application and did not excuse himself from such applications because he lived on the Beachfront (record notes that Mr. Twaddell lives within 200 feet of the subject property of this application and such a noticed Board Member must excuse themselves from a hearing). Mr. Twaddell was also asked about prior conversations with Mr. Rupprecht. Upon further questioning and cross examination from Mr. Henderson and Mr. Rupprecht, Mr. Twaddell recalled Mr. Rupprecht consulting with him "at least twice" with planned revisions from his architect addressing specific items they had discussed. Then Mr Henderson asked, "At the end of that, when he came to see you, isn't it a fact that you

told him to forget about the whole thing because you rejected anything he did because you objected to construction in the neighborhood?" Mr. Twaddell replied "no, in fact I would encourage him to build his two-story house – the house I encouraged him to build I encouraged him to build on that property. I think that is a terrible thing to say." He then asked Mr Henderson "Why would you say that?" to which Mr. Rupprecht replied, "Because that is exactly what you said: the building is an inconvenience and I do not even want anyone to build a house next to me – I have already put up with it on one side and I don't want it on the other. Those were your words Gordon." Mr. Twaddell stated "Hear me John. What you're asking of me or anyone else in my position to face is driving piles six to eight feet away, shaking my house to hell and then going through a demolition and then construction for six to eight months. That is not something I would look forward to – I would have to put up with it – but to say I object to your building a house per say is incorrect."

Robert Marchiano, 44 First Avenue, and Michael Wright, 47 Beachfront, both spoke in favor of the application.

Dee Twaddell, 59 Beachfront, addressed aesthetics by stating "beauty is in the eyes of the beholders we have all heard a thousand times – just because something is a replacement for something else doesn't mean it is aesthetically pleasing." She commented that the opinions of the people within the 200 foot area should be heard. Stating she was "a little disappointed to hear people use the terms bungalows quote unquote in a demigrating way," she stated that some people actually prefer such smaller houses and are buying and renovating them. She stated the home belonging to her mother, bought in 1942 during WW II, was "completely renovated inside and out and it's really like a little jewel." In her opinion most of the neighbors who object to the height of this home would say they really have no objection to a 2 story home. She also recalled conversations with the Rupprechts on the proposal and stated "I think I was very up front with them in telling them that I was sure that they would object to the expansiveness of the house." Mrs. Twaddell stated she asked if they could bring the height down and "they told us absolutely not - this is what they wanted and this is what they were going to go for." She stated that "it wasn't a case we shut them right down at any point in time and we hoped that we could work with them cause that is the neighborly way." She also stated they realized "that anybody who bought those houses would probably would want to replace particularly the beachfront house. On the outside it has been in very poor repair not something we've enjoyed particularly looking at." She noted that prior construction on the other side of their property affected light and air to the point they needed to install air conditioning.

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

Mr. Henderson redirected questioning to Mr. Ruprecht regarding his conversations with Mr. Twaddell. He stated he first consulted Mr. Twaddell upon beginning the design of his home and, knowing Mr. Twaddell would have concerns, wished to address these matters. He stated as a result from input from Mr. Twaddell, revisions were made to the eastern most walls ("I cut the corners of the walls – you can see on design there's

diagonals on the eastern side of the house so that air - I understood that would cause air to pass through there better") and location of the home on the property ("I dropped the house back another foot and a half from where it stands now -I'm going from the east to the west - I dropped the eastern wall back a foot and a half to the west so I moved it back so he would get more air and let's say light if that may cause an issue cause that was one of his big concerns.")

Mr. Rupprecht stated he spoke with Mr. Twaddell again after these revisions were made. At that time the half-story issue was brought up and Mr. Rupprecht had his architect bring the height down from "somewhere around 34 ½ feet" to 32 feet. "So I did try to get it down as low as I could without giving up my space." Mr. Rupprecht reiterated that at the end of that meeting Mr. Twaddell's comments about construction being an "inconvenience." Mr. Rupprecht stated he came away with the opinion that with whatever I was going to do he was going to object to." After that point he stated he did not meet with Mr. Twaddell again.

Mr. Callahan stated that Mr. Twaddell has addressed these comments, stating Mr. Twaddell would not stand in the way of the Rupprechts building a two-story home "which complemented the zone."

There being no members of the public wishing to address this line of testimony, Mr. Burke asked Mr. Henderson to make any final comments, after which Mr. Callahan would be allowed to make comments. He did ask for a brief break at 10:05 p.m.

The meeting reconvened at 10:15 p.m. At that time Mr. Schmeling addressed the Master Plan's encouragement of subdivisions on the beachfront. "I think it was a good idea when we did it and it certainly was intended to improve the beach front homes. However looking at this application I am not sure that is really what is happening. By creating a lot on First Avenue that is undersized basically you are limiting whatever type of improvements already been placed there." Mr. Henderson stated "this subdivision is simply to carry out the zoning ordinance and the purpose of the Master Plan." The subdivision, however, stated Mr. Henderson, was not the original intent of the applicant but rather dictated by variance concerns. "The bottom line of it is that this board seems to have swung away from the desire" of granting a subdivision to "preferring use variances." Use variances, however, noted Mr. Henderson, "require different standards of proof that require different numbers of persons to sit and we would have been here again tonight unable to hear the case..." The choice to apply for a subdivision in this case "was based upon legal advice of how you might get the case heard and decided. The use variance is impossible; if I were the zoning Tzar of Manasquan, which I am clearly not, I would change the ordinance to permit two structures with two living units on the beach of Manasquan. It would eliminate all this nonsense. Then you would be dealing with the bulk requirements instead of playing around with subdivisions, easements and garages and everything else, but that is not what we have today."

Questions were raised about variance issues should the subdivision create two 80-ft. wide lots. Mr. Gilligan gave calculations on the matter. Mr. Henderson also stated his

applicant would have no objection to centering the house on the property but "we would make the other one not happy because the house would be coming a lot closer to him. The other neighbor would be Mr. Twidell - but we have no objection."

Mr. Henderson offered interpretations on height criteria and measurements, in particular the Board's discretion over height but not necessarily number of stories. After addressing these issues, Mr. Henderson restated Mr. Gilligan's testimony that the proposed height is consistent with other houses at the north end. He also stated he felt "Mr. Gilligan's testimony satisfied both the positive and the negative criteria for the respective bulk variances which we are seeking."

Referring to the subdivision, Mr. Henderson stated if the Board wants "the line moved and recognizes those other additional bulk variances created, we have no problem in moving the line - it's a non issue for us." Mr. Henderson then noted previously granted beachfront variance relief "which I believe are essentially consistent with what the applicant is seeking in this case." He then cited case law, including Ring vs. Mayor and Council of the Boro of Rutherford and Urban vs. Planning Board of Manasquan. Later, Mr. Henderson noted, Manasquan town amended the Master Plan and Zoning Ordinance to permit the subdivision of beach front lots into two parcels, one on First Avenue and one on the Beachfront; "maybe it is the wrong direction but it is the direction that this town and this planning board has established and personally I would rather see the ordinance change, but that is what you have and that is what you have encouraged and that is what this applicant is here before tonight - this application is very consistent with the master plan and the zoning ordinance in that respect." He then concluded that there are some people who are concerned about any type of change but that Manasquan is still changing; he cites the rising purchase prices of property and the increasing number of tear-downs/rebuilds in Manasquan. "If you want to discourage that you deny applications like this because getting what you got up there already, given the size lots that you have that the town inherited from American Timber Company's situation - given all that - you are not going to encourage developers given the prices of that property if you discourage people from building houses that are really useable, that have sufficient space."

After brief discussion between Mr. Henderson and Mr. Rupprecht along with some further comments on roof issues and elevation, Mr. Callahan was permitted to address the Board. He stated the subdivision request is the main point of opposition and that the applicant did not provide a justification for the request. He also noted the proposal does not decrease the non-conforming nature of the property.

At the conclusion of Mr. Callahan's comments, Mr. Burke called upon board members and Ms. Commins to offer opinions and input. Among the issues discussed were height measurements, building coverage calculations, parking issues, easements and placement of the subdivision line. It was noted the Board would be voting on two issues, first the subdivision and then the granting of the bulk variances.

A motion was made to have Mr. Cramer prepare a favorable resolution granting the subdivision with proposed lot 26.01 measuring 2100 square feet and proposed lot 26.02

measuring 2300 square feet. Motion seconded and carried by the following vote: "Yes" Board Members Muly, Carroll, Triggiano, Stepowany, Tischio and Burke. "No" Board Members Hamilton and Schmeling

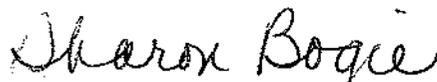
The Board then discussed bulk variance issues. A motion was made and seconded to have Mr. Cramer prepare a favorable resolution granting the relief with the condition that any construction on lot 26.02 would need to maintain 3.8 yard sideyard setbacks. Revised plans would need to be submitted reflecting that the height of the beachfront structure would not exceed 32 feet, 4 inches as measured from end of beachwalk, 32 feet as measured from the average grade of the subject lot and peak of the roof not to exceed 49 ½ feet above sea level. Calculations were also discussed regarding building and lot coverage (building not to exceed 54 percent for lot 26.02 and not to exceed that of the R-4 zone for lot 26.01). Motion carried by the following vote: "Yes" Board Members Muly, Carroll, Hamilton, Triggiano, Stepowany, and Burke. "No" Board Members Tischio and Schmeling.

APPLICATION 14A-2001 – LUCIBELLO – 233 BEACHFRONT ( Surfside Estates - unit 7)– C. Keith Henderson addressed the Board on the request for an amendment to the original resolution granting the townhouses regarding installation of an elevator in the Lucibello's unit. Mr. Henderson stated the elevator would allow easier access to the unit for the applicant's daughter. Lot coverage was discussed as was the position of the condo association. The entire amount of ground space to be taken by the elevator would be 68.6 square feet. The elevator tower is proposed for the north side of the building.

A motion was made and seconded to have Mr. Cramer prepare a favorable resolution; motion carried by the following vote: Motion "Yes" Board Members Muly, Carroll, Hamilton, Triggiano, Stepowany, Burke, Tischio Schmeling and Twaddell.

A motion was then made to enter into executive session at 11:40 p.m. At 11:50 p.m., the Board reentered their regular session. There being no further business, a motion was made, seconded and unanimously carried to adjourn.

Respectfully submitted,



Sharon Bogie, acting secretary  
Manasquan Planning Board

**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 June 10, 2003 meeting at 7:00 P.M. in Manasquan Borough Hall, 201 E. Main Street, Manasquan, New Jersey.

**MANASQUAN PLANNING BOARD AGENDA**  
**JUNE 10, 2003 - REGULAR MEETING**

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - Public meeting - Manasquan Citizen Participation Group re: ideas for projects for Monmouth County Community Development Program funding.

- WORK SESSION - will commence upon completion of public hearing

7:30 P.M. - REGULAR PUBLIC MEETING

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

CONSENT AGENDA

APPLICATION - 29-2003 - Peter Leviatan - 81 Curtis Avenue

APPLICATION - 45-2003 - Nathan Loveland - <sup>33</sup>35 Stockton Lake Blvd. *SLB*

APPLICATION - 44-2003 - Trattoria - 233 E. Main Street

APPLICATION - 27-2003 - Lisa Maddalone - 85 S. Farragut Avenue

APPLICATION - 26-2003 - Joseph and Mary Rufolo - 2 Riddle Way

APPLICATION - 30-2003 - Brad Sepe - 301 Beachfront/300 First Avenue

RESOLUTION 18-2003 – Charles Pergola – 101 Wyckoff Avenue

RESOLUTION 25-2003 – Judith Fletcher – 155 Second Avenue

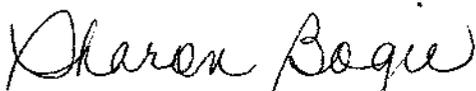
RESOLUTION 28-2003 – G. Charles and Mary Beth Drawbaugh – 264 Curtis Avenue

RESOLUTION 35-2003 – Chase Dane Realty (J. Rupprecht) – 64 First Avenue / 67 Beachfront

**OLD/NEW BUSINESS**

- 1) Discussion – special meetings for July and August
- 2) Agenda matters (Leming request)
- 3) Approval of vouchers
- 4) Comments from individual board members
- 5) Reports of Subcommittees of Board
- 6) Audience participation

Respectfully submitted,

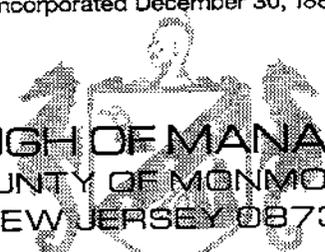


Sharon Bogie, acting secretary  
Manasquan Planning Board

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

ADDENDUM TO PLANNING BOARD AGENDA  
JUNE 10, 2003 REGULAR MEETING

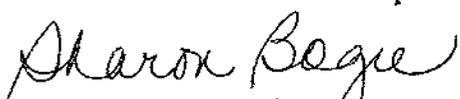
Dear Manasquan Board Members:

Please consider the following the following addendum to the Agenda for the June 10, 2003 meeting at 7:00 P.M. in Manasquan Borough Hall, 201 E. Main Street, Manasquan, New Jersey.

MANASQUAN PLANNING BOARD AGENDA  
JUNE 10, 2003 - REGULAR MEETING

- RESOLUTION 34-2003 – Lynn Grieb – 466 Long Avenue

Respectfully submitted,

  
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

MANASQUAN PLANNING BOARD

JUNE 10, 2003 REGULAR MEETING MINUTES

The Manasquan Planning Board held their regular meeting on June 10, 2003 in Manasquan Borough Hall, 201 E. Main Street, Manasquan, NJ.

Vice Chairman Thomas Carroll called the meeting to order at 7 p.m. in the absence of Chairman John Burke. Mr Carroll immediately recognized Borough Administrator John Trengrove, who was in attendance regarding the Manasquan Citizen Participation Group gathering ideas for projects which would be eligible for Monmouth County Community Development Program funding. See attached official minutes for this public hearing as submitted by Deputy Borough Clerk Ann Reverendo.

Upon completion of Mr. Trengrove's presentation, and there being no work session items, the Board entered into its regular meeting. Mr. Carroll stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He then asked all to join in the Salute to the Flag.

*Present:* Board Members John Muly, Patricia Dunne, Thomas Carroll, Carmen Triggiano, Neil Hamilton, Councilman William Schmeling, Brian Stepowany, John Tischio, James Coakley, Kevin Thompson, Gordon Twadell and Eden O'Hare.

*Absent:* Board Members Mayor John Winterstella and John Burke

Also in attendance were Geoffrey S. Cramer, board attorney; Alan Hilla, Jr., board engineer/planner; and Sharon Bogie, acting secretary.

APPLICATION - 29-2003 - Peter Leviatan - 81 Curtis Avenue - Peter Leviathan, homeowner, was sworn in to offer testimony on the application, which sought relief from the Manasquan Zoning Code for construction of a 16' x 37' inground swimming pool. Richard Furey, Zoning Officer, denied the zoning approval under the following sections

of the Zoning Code: 35-5.2 – Permitted uses – single family detached dwelling only permitted use, two single family dwellings exist on property; Section 35-11.2 – principal building – only one principal building permitted per lot, two principal buildings exist; section 35-11.6 – swimming pools – side setback – 10 feet required, five feet proposed; section 35-11.6 – swimming pools – rear yard setback – 10 feet required, five feet proposed; section 35-9.4 – front yard setback – 25 feet required, 17 feet existing; section 35-9.4 – side setback (left) – five feet required, one foot existing; section 35-9.4 – accessory building – side setback – five feet required, one foot existing. The property, also known as block 67, lot 53.01, is in an R-2 Zone.

Mr. Hilla addressed his report dated June 4, 2003 regarding the proposal. He stated the existing structures are a pre-existing non-conformity.

Specifics regarding the actual location of the pool were discussed. Mr. Leviathan noted the scope of the project, offering information regarding the entire property. It was noted the pool would affect rear and side yard setbacks and be located approximately 50 feet from the house. A deck was proposed at the one end of the pool and the portion of the property between the dwelling and the pool would be an area for his children to play.

The Board discussed the location of the pool and potential proximity to the rental unit on the property. Fencing issues were also discussed. Mr. Carroll noted that 10 foot setbacks were required under Borough zoning; after discussion the applicant agreed to move the proposed pool so that it met those criteria.

Mr. Hamilton raised issues regarding the filling in of the driveway while Mr. Hilla raised drainage issues.

In regards to the two structures on the property, it was noted the tenants in the garage apartment would not have access to the pool.

A motion was made, seconded and unanimously carried to open the meeting to the public. There being no questions a motion was made, seconded and unanimously carried to close the public hearing. A motion was then made by Mr. Hamilton to approve the application as amended (change in setbacks); motion seconded and carried by the following vote:

“Yes”-Board Members Muly, Dunne, Carroll, Triggiano, Hamilton, Tischio and Coakley.

“No” – none

**APPLICATION** – 45-2003 – Nathan Loveland – 35 Stockton Lake Blvd. – Mr. Hamilton excused himself from the hearing as he lives within the affected area.

Mr. Loveland was sworn in to offer testimony on the application, which requested relief for installation of an air conditioning condensor unit. Mr. Furey denied the zoning permit under Section 35-11.8c – prohibits the installation of any mechanical equipment in the required side yard. The proposal placed the unit 3.2 feet from the right side yard setback rather than the five feet required under code. The property, also known as Block 93, Lot 6, is located in an R-2 zone.

Mr. Loveland offered background on the relief requested and discussed the character of the neighborhood. He stated the proposed location for the air conditioner condensor unit would be in the front right side area of the property in the north sideyard setback. This location was chosen, he stated, because placing it in the rear yard would put it close to the bedroom window. He stated other units were located in side setbacks in the neighborhood and added there would be buffering in the way of shrubbery. He also testified he had spoken to the neighbors affected by the placement and they did not object to the location.

Mrs. Dunne, noting the property dimensions on the survey submitted, questioned whether a hardship existed when the unit could be placed in the rear yard. She noted that the Board has been concerned over placement of air conditioning units during past hearings.

A motion was made and unanimously carried to open the floor for public comments; there being no comments, a motion was made, seconded and unanimously carried to close the public session.

The Board discussed location proposed and, after debate, Mr. Carroll advised the applicant that Board opinion favored placing the unit in the backyard. The applicant elected to go through with the process. A motion was made by Councilman Schmeling to approve the application with the unit in the sideyard as requested; motion seconded by Muly, but denied by the following vote:

“Yes” Board Members Muly, Carroll, Schmeling, Stepowany.

“No” Board Members Dunne, Triggiano, Tischio, Coakley and Thompson.

**APPLICATION – 44-2003** – Trattoria– 233 E. Main Street – Monica J. Ceres placed herself on record as attorney for the applicant, recorded as Lyndsay’s LLC, t/a East Main Street Trattoria. Owner Joshua Buechler was sworn in to offer testimony on the application, which sought site plan approval for installation of an outdoor dining area.

Mr. Furey denied zoning approval under Section 35-18.3 of the Manasquan Zoning Code.

Ms. Ceres offered background and a synopsis of the case. It was noted the entire Main

Street Station Mall, of which the Trattoria is unit six, was subject of Board approvals 11 years ago. It was also noted the previous tenant in unit seven, the Creamery ice cream shop, was allowed outdoor seating. Mr. Buechler noted the restaurant was trying to expand into that unit. Mr. Buechler offered information about his operations, including liquor consumption/permit issues. He stated there were no plans to play music in the outdoor area.

A photo collage and artist rendering were submitted for the Board's consideration.

Mr. Hilla's report dated June 5, 2003 was addressed. The report notes parking concerns on the site that had been raised during the original site plan and minor subdivision application. Mr. Hilla stated in his opinion that a variance from parking requirements was required to allow for the proposed dining area.

The applicant offered testimony regarding the hours of operation and proposed use of the outdoor area. Mr. Hamilton questioned how many patrons would be seated in this area. Mr. Buechler stated approximately 20 people. Buffering and enclosures were also addressed. There would, it was affirmed, be limited access to the area; patrons would access the area through the restaurant itself. The applicant also noted he was providing for a handicapped ramp, per Mr. Hilla's report.

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

Holly Peterson, 22 Warren Avenue, noting her general support of the application, expressed concern over the parking situation. She stated that parking overflow from the site ends up parking in front of her house.

Mr. Carroll advised Ms. Peterson that the Planning Board would retain jurisdiction over the site based on the fact it granted the first resolution. Any changes on the site, such as this one, would need to come back to the Board for approval.

There being no further comments, a motion was made, seconded and unanimously carried to close the public hearing.

Mr. Triggiano asked about time restrictions for activity on the site; it was noted restrictions had been previously set forth in the 1992 application.

A motion for a favorable resolution was made based on testimony presented (5 tabs, 20 people restriction, no seating of new customers after 8:30 p.m. and all customers are to be gone by 10 p.m. weekdays and 11 p.m. weekends), seconded and carried by the following vote:

"Yes" Board Members Muly, Dunne, Carroll, Triggiano, Hamilton, Schmeling, Stepowany, Tischio and Coakley.

"No" None.

**APPLICATION - 27-2003 - Lisa Maddalone - 85 S. Farragut Avenue - E. Thomas Brennan, Jr. placed himself on record as attorney for the applicant. Ms. Maddalone and Michael Gorbeck were sworn in to offer testimony on the project, which requested hardship variance relief for construction of a second story addition, a covered front porch, a single story rear addition, a rear deck and other interior alterations and renovations. On February 27, 2003, Mr. Furey denied zoning approval for the following criteria under Section 35-9.4 of the Zoning Code: Front setback (25 feet required, 12.1 feet existing and proposed), left side setback (5 ft. required, 1.9 ft. existing and proposed), right sideyard setback (15 ft. required, 7.1 ft. existing and proposed), Building coverage (30 percent permitted, 33 percent existing, 41 percent proposed) and Lot Coverage (45 percent permitted, 45.7 percent existing and proposed). The property, a corner lot also known as Block 129, Lot 15-16, is located in a R-2 Zone.**

Mr. Hilla, discussing issues set forth in his memo dated June 4, 2003, addressed elevation issues, Federal Emergency Management Association criteria and flood insurance requirements as well as methods of measuring elevations for a flood elevation certification. Mr. Brennan stated the applicant was aware of these matters and the project would meet any and all flood criteria.

Mr. Hilla also addressed overall variance issues, stating that some of the pre-existing non-conformities would be intensified, including the east corner side yard, building coverage and lot coverage.

Ms. Maddalone offered background on the application. Mr. Gorbeck discussed the plans for and aesthetics of the project. Pictures of the present structure were offered for the Board's consideration. He stated the house was being planned as not impact neighboring homes. The new rear addition, it was noted, would be 403 square feet. The second floor addition, as shown on the plans, called for approximately 1170 square feet. It was also noted that the concrete walks along the east side of the subject property would be removed and the removal of the concrete driveway/ replacement with pavers was also discussed. Safety issues (ingress/egress on west side) was also discussed. Questions were also raised regarding the foundation and the applicant and her professionals were advised that any work beyond the scope of the resolution (i.e., complete demolition and rebuild) would necessitate a new application before the board. Hardship issues, including size of the property, were also discussed.

A motion was made, seconded and unanimously carried to open the floor to public comment. There being no member of the public wishing to speak, a motion was made, seconded and unanimously carried to close the public hearing.

A motion was made for Mr. Cramer to prepare a favorable resolution with the conditions as set forth (removal of concrete driveway, replacement with pavers and that the project will use existing foundation walls); motion seconded and carried by the following vote:

"Yes" Board Members Muly, Dunne, Carroll, Triggiano, Hamilton, Schmeling, Stepowany, Tischio and Coakley.

"No" none.

A motion was then made, seconded and unanimously passed for a short recess at 9 p.m. The meeting reopened at 9:05.

ROLL CALL: Present: Board Members Muly, Dunne, Carroll, Triggiano, Hamilton, Schmeling, Tischio and Coakley. (Record shows Mr. Stepowany left at 9 p.m.)

At the request of C. Keith Henderson, attorney for both applicants, the Board agreed to begin its hearing on Application 30-2003 before Application 26-2003.

APPLICATION - 30-2003 - Brad Sepe - 301 Beachfront/300 First Avenue - Mr. Henderson placed himself on record as attorney in the case. He then introduced applicant Brad Sepe, architect Christopher Rice and planner Dan McSweeney, who were sworn in to offer testimony. The application requested two-fold relief. The first was a subdivision of the property, zoned R-4 and known as Block 181, Lot 1, into two conforming lots, with the Beachfront lot being referred to as lot 1b and the First Avenue lot being labeled 1a. The applicants then sought variance relief to demolish the existing single family dwelling on the beachfront and build a new single family home on that site. Furthermore, the application requested relief for construction of a half story addition to the garage apartment facing First Avenue, which, pending the subdivision, would then be on its own lot.

Mr. Furey denied zoning approval for the entire request based on Section 35-18.4 of the Code: Site Plan review required by the Planning Board. In reference to proposed lot 1b (beachfront lot), Mr. Furey noted the following variance issues under Section 35-9.4: Front Setback (15 ft. required, 6 ft. proposed to second floor deck), Rear Setback (15 ft. required, 6 ft. proposed), Side Setback-left (7 ft. required, 1.8 ft. proposed), Side Setback - right (5 ft. required, 1.8 ft. proposed), Building Coverage (35 percent permitted, 62.7 percent proposed), Lot Coverage (50 percent permitted, 62.7 percent proposed), Building Height (Option A or B must be selected) and roof overhang (18 inches permitted; 2 ft. proposed). Also, regarding lot 1b, Mr. Furey noted there were issues inherent in Section 35-11.8c (steps, stairs or entry porches are not permitted in the required side yard setback) and Section 35-13.4 (Off-Street Parking - two spaces required per dwelling unit, no spaces proposed).

Mr. Furey set forth the following Section 35-9.4 issues regarding Lot 1a (First Avenue): Front Setback (15 ft. required, 1.75 ft. existing), Rear Setback (15 ft. required, 11.9 ft. existing), Side Setback – left (7 ft. required, 3.38 ft. existing), Side Setback – right (5 ft. required, 3.08 ft. existing), Building Coverage ( 35 percent permitted, 62.3 percent existing), Lot Coverage (50 percent permitted, 75.8 percent existing), Building Height (option A or B must be selected) and roof overhang (18 inches permitted, 2 ft. proposed). Mr Furey also cited section 35-5.2b4(c) – Storage shed – 3 ft. required, 1 ft. existing.

Mr. Rice addressed the blueprints and artist's rendering of the project, both of which were marked as evidence by Mr. Cramer. He offered testimony on the design criteria and explained to the board options he considered while creating the design. He stated in his opinion the proposed new home on Beachfront was consistent in style with the surrounding homes and kept height issues in consideration. He stated the challenges came from having to create a feasible home on a 30-foot wide lot and stated he was attempting, in his design, to minimize the situation.

Mr. Twaddell questioned Mr. Rice about the non-conforming design for the Beachfront home and that it should meet codes. Mr. Rice noted that the code would have permitted a two and a larger half story but that this was more in lines with what is aesthetically pleasing. Mr. Rice also noted the look of the house in context with the rest of the homes on Beachfront. Mr. Twaddell continued to question Mr. Rice on the size of the proposed Beachfront structure. In response to Mr. Twaddell's concerns that the home would be too large for the lot, Mr. Rice noted setback measurement criteria and that the home previously on the parcel was actually larger in terms of building coverage than the one proposed by Mr. Sepe.

Mr. McSweeney offered a photographic exhibit for the Board's consideration and addressed zoning and planning criteria. Mr. McSweeney also noted Master Plan objectives that note a characteristic of this area is that there are two homes on single lots. In his opinion, it is in the "public interest to have these lots subdivided." Mr. McSweeney felt the proposal was "similar" to much of what has been going on in that neighborhood in terms of construction and renovation. He also noted that in his survey of 16 properties in the area which have non-conformities that the proposed Beachfront home was among the least in lot coverage calculations.

Issues raised in Mr. Hilla's report were addressed, including parking requirements; it was noted the site does not have two on-site parking spaces.

Mrs. Dunne expressed concern that the testimony has placed an emphasis on the proposed Beachfront house when there was other relief also being requested. Other Board members discussed the length of the hearing thus far, resulting in a motion, seconded and unanimously carried, to continue the hearing at the August 12, 2003 meeting.

**APPLICATION – 26-2003** – Joseph and Mary Rufolo – 2 Riddle Way – Mr. Henderson placed himself on record as attorney for the applicants. Sworn in to offer testimony on the project were Mr. Rufolo and Charles Gilligan, professional planner. The applicants requested relief so they could demolish the existing single family structure and construct a new 2 ½ story single family home on the subject property. Mr. Furey issued a Letter of Denial based on Section 35-9.4 of the Code regarding rear setback (20 feet required, 5 feet proposed) and Building Coverage (35 percent permitted, 48.5 percent proposed). The subject property, known as Block 169.05, Lot 58.01, is located in the R-3 Zone.

Mr. Henderson clarified the variance relief being requested and noted the property had been subject of a previous subdivision application before the Board in 1991. He noted some of the issues raised at that time, including curb cut criteria. Mr. Rufolo added testimony regarding the background of the property, including on-site parking. Reasons were noted as to why options were lacking as to design of the new home; one example were easement restrictions created with the subdivision, which were noted based on questioning from Mr. Schmeling. Issues regarding options for the first subdivision were also revisited.

Mr. Gilligan offered testimony regarding zoning and planning issues as well as the character of the neighborhood. He clarified the plans will maintain the 10 foot easement and that the bulkhead acts as the property's side lot line. He also noted front yard setback measurements (8.35 feet), height issues, general trends of improvement in the area, open space on the property and flood mitigation/piling issues, stating the the project would conform to regulations regarding construction in a flood zone. The property is in a A-5 flood zone, with a base flood elevation of nine feet.

Mr. Hilla, addressing his report, stated he did not necessarily agree with the lot area calculations set forth by Mr. Gilligan and addressed the issue of the stairs.

Mr. Hamilton raised encroachment issues.

The Board unanimously voted to open the hearing to questions and comments from the public. Among the several residents expressing concerns about the size and scope of the project were:

John Tatulli, 135 Third Avenue, stated his property abutted the subject property and that he was opposed to the application. In his opinion, he related, the scope of the relief requested shifts the burden of hardship from the applicant to neighbor. He expressed concern over the proposed exterior steps from the upper level of the house, stating they came very close to his property line.

Dick Weaver, 131 Third Avenue, also expressed concerns over the increase of the footprint and its effects on the character of the neighborhood, noting the subject property

is surrounded by smaller homes. He also was concerned about the exterior steps to the second floor, stating he had heard that possibly the applicants were planning to install a second kitchen.

John Abate, 20 Pearce Court, stated the present structure is an "eye-sore" and felt the new home would be more aesthetically pleasing, yet he was also concerned about the height of the proposed house.

There being no further public comment, the Board voted unanimously to close the public hearing. Mr. Henderson briefly conferred with his clients. After the conference, Mr. Henderson stated to make the project "palatable" to the neighbors, the Rufolos would amend their application to remove the exterior steps to the second floor and remove the half story. The applicant agreed to limit the height to 31 feet measured from the crown of the road.

After discussion, a motion was made and seconded for Mr. Cramer to prepare a favorable resolution based on the testimony (removal of stairs, elimination of half-story and measurements as discussed in terms of height) offered. Motion carried by the following vote:

"Yes": Board Members Muly, Dunne, Carroll, Triggiano, Hamilton, Schmeling, Tischio, Thompson and Twaddell.

"No": None.

**RESOLUTION 18-2003** – Charles Pergola – 101 Wyckoff Avenue – Mr. Cramer placed the favorable resolution on the record. Mr. Cramer placed the favorable resolution on the record. A motion was made and seconded to memorialized the favorable resolution; motion carried by the following vote: "Yes" Board members Muly, Dunne, Triggiano, Tischio and Twaddell. "No" none.

**RESOLUTION 25-2003** – Judith Fletcher – 155 Second Avenue – Mr. Cramer placed the favorable resolution on the record. A motion was made and seconded to memorialized the favorable resolution; motion carried by the following vote: "Yes" Board members Muly, Dunne, Triggiano and Hamilton. "No" none.

**RESOLUTION 28-2003** – G. Charles and Mary Beth Drawbaugh – 264 Curtis Avenue – Mr. Cramer placed the favorable resolution on the record. A motion was made and seconded to memorialize the favorable resolution; motion carried by the following vote: "Yes" Board members Muly, Dunne, Triggiano, Hamilton, Schmeling and Tischio. "No" none.

**RESOLUTION 35-2003** – Chase Dane Realty (J. Rupprecht) – 64 First Avenue / 67 Beachfront – Mr. Cramer submitted a draft resolution for the Board's consideration. A vote on the matter was postponed until the July 1, 2003 meeting.

**OLD/NEW BUSINESS**

- 1) Discussion – special meetings for July and August – After discussion, the Board elected to stay with the policy already implemented that special planning sessions would resume in September.
- 2) Agenda matters – the Board discussed its upcoming agendas, including case withdrawals.
- 3) Approval of vouchers – A motion was made, seconded and unanimously carried to pay the vouchers as submitted by the acting Board Secretary.

There being no further items on the consent agenda, the Board unanimously voted to enter into closed session at 11:55 p.m. At midnight the Board voted to move out of closed session. A motion was then made, seconded and unanimously carried to adjourn at midnight.

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 SCIMEGA, Municipal Clerk

PLANNING BOARD

Dear Manasquan Board Members:

Enclosed please find a copy of the minutes from the May 20, 2003 and August 12, 2003 meetings.  
Please consider the following Agenda for the September 9, 2003 Regular Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J.

AGENDA  
MANASQUAN PLANNING BOARD  
SEPTEMBER 9, 2003 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - REGULAR MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION - 46-2003 -Cont.- Michael Sniffen -45 Beachfront

APPLICATION - 57-2003 - Anthony Maimone - 45 Allen Avenue

APPLICATION - 39-2003 - Stephen Zorochin - 475 Euclid Avenue

APPLICATION - 47-2003 - Scott Bogstahl - 25 N. Jackson Avenue

APPLICATION - 43-2003 - Ron Langell -177-177 1/2-First Avenue

RESOLUTION - 31-2003 - Lee Karosen - 333 First Avenue

RESOLUTION -33-2003 - Leroy Rupertus - 18 Deep Creek Drive

WORK SESSION

1. FOR DISCUSSION
2. INFORMAL HEARINGS
3. PRIVATE SESSION
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  
201 East Main Street

Incorporated December 30, 1887

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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 September 23, 2003 special meeting at 7:00 P.M. in Manasquan Borough Hall, 201 E. Main Street, Manasquan, N. J.

MANASQUAN PLANNING BOARD AGENDA  
SEPTEMBER 23, 2003 - SPECIAL MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - SPECIAL PUBLIC MEETING

DEFINITIONS TO REVIEW

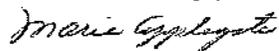
Old Business and Planning issues

Comments from individual board members

Reports of subcommittees of board

Audience participation

Yours truly,



Marie Applegate, Secretary  
Manasquan Planning Board



BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

RICHARD DUNNE, Mayor  
COLLEEN SCIMEGA, Municipal Clerk

PLANNING BOARD

**MANASQUAN PLANNING BOARD  
SPECIAL MASTER PLAN MEETING  
SEPTEMBER 23, 2003**

**7PM – SPECIAL PUBLIC MEETING**

- 1) Sunshine Law Announcement – Chairman
- 2) Roll Call
- 3) Salute to the Flag
- 4) Consent Agenda

Roll: Present: Mr. Muly, Mrs. Dunne, Mr. Triggiano, Carroll, Councilman Schmeling, Mr. Burke, Coakley, Thompson, Twadell, Mr. Hilla – Engineer, Mr. Cramer – Attorney.  
Absent: Mr. Hamilton, Mayor Winterstella, Mr. Stepawany.  
Mr. O'Hare arrived late.  
Mr. Tischio arrived late.

Mr. Burke opened stating the Agenda basically will be the Planning Board Notes in packets for the past two or three months.

First item is a review of definitions:

- A) Basement as a habitable space or a floor area. If you have a basement with nothing downstairs just storage that would follow the definition of a basement. But when you start putting in a bathroom, fold out couches, recreation area now we have to

determine whether you have a basement. Also, there are houses on the Beachfront which have what is called a basement but they are really a drive-in garage, and the rear portion of it has a little apartment and is still a basement or is this now a third story in this house. We have to fine-tune what a basement is and what we are going to accept in a basement. Mr. Burke asked Mr. Hilla to give his idea of what he believes a basement and a cellar should be defined as. The basement in our Ordinance right now on page 3508, a space having one half or more of it's floor to ceiling height above the average level of the adjoining ground not less than 6 ½ feet. When Mr. Hilla looks at that he thinks of two parts of town, the Beachfront which we can handle separately. And, properties located west of Route 71. East of the Railroad tracks there are not too many houses with basements because of the ground water elevation. Mr. Hilla is trying to pinpoint how many houses have 3 ½ feet of block out of the ground, which would make their basement floor just slightly below ground. Mr. Burke asked, if it's less than 6 ½ feet would that that considered a cellar? Mr. Hilla answered, yes. If a basement is 50% or more above ground, which happens at the beachfront a lot, they are used as a garage, storage, and illegal living quarters. The Board can determine that certain things cannot be allowed in a basement. When homes are being built it can be stated that no food preparation, no bathrooms, no living space will be allowed the Board can limit what they have down there. Can we stop them from putting a bed down there? No we can't. But we can make it as hard as possible for them to do it. Mr. Hilla said in the Beachfront you have a flood issue and chances are the finished floor in a basement will be in a flood zone. We can't stop them from having a floor in the basement but we can say the habitable space has to be above the flood elevation. Also, as stated by Pat Dunne BOCA code requires habitable space to have certain size windows. Mr. Schmeling said the BOCA code defines habitable space. Mr. Hilla said the beach walk is about a foot above the flood elevation. Unless the finish floor is above the beach walk then anything that is below the beach walk would be an area that habitable space would not be allowed. Any area that is under the control of CAFRA has to have a flood elevation certificate, so that would take care of the beach area. For the beach houses we are talking about 12 feet and First Avenue 9 feet. Before the next meeting we need to get a copy of the BOCA regulation. Mr. Schmeling said the basic issue is what is the definition of a story. That is the question not whether the basement is habitable.

- B) Corner properties – Sandy Ratz is going by the BOCA definition of corner properties and he is stating that the narrow end of the property is the front of the property. Even if it doesn't have a doorway. We need to get Neil Hamilton's input on this.
- C) R-4 Zone – what we are looking at here are possibly two changes or additions in the R-4 Zone. The first is to permit two structures on a single lot. This will eliminate all the subdivisions that we get and all the easements and access in that area. Mr. Cramer said clarify this would be two single-family structures. We are trying to eliminate a problem here. We have been granting numerous sub-divisions and the problem that we run into is that almost every single one of them have easements on walkways, how many people are parking how many cars in what garage. Other issues that could come back to bite the Board in the future. We want to eliminate

that and one of the ways is to allow two single-family dwellings on one lot and there go all the minor subdivisions right out the window. There won't be any reason for anyone to ask for one unless they want to sell. Mr. Hilla stated that without the criteria it opens the floodgates for the already substandard lots to become even more substandard. Next meeting Mr. Twadell will bring in statistics on the lot frontages and the Board is in agreement.

- D) Something that the R-4 Committee came up with, basically we are offering an option to any tear down and new construction on Beachfront/First Avenue combination. Basically it is Beachfront. We will give you instead of 5 foot side yard setbacks we will give 4 instead of 35% building coverage we up it to 45%. The height was limited to two stories plus 4 foot side yard setbacks and 42% building coverage came out with a higher allowable space inside a house than the existing ordinance. With this option on a two-story house you can have an attic but it is not a habitable space, there are no fixed steps up to it only pull down stairs. You get more livable floor area because the house is wider and longer when you eliminate the stairs to the attic you get a lot more floor area on the second floor. The height limitation is two-stories is 30 feet if you take this option. Mr. Cramer stated that this would include a property that goes from First Avenue to the Beachfront. R-4 Zone only. Mrs. Dunne said she likes the option but they should be allowed to have regular stairs to the attic. She believes the pull-down stairs are dangerous. Motion from the Board to open the whole rest of this meeting to the audience 1<sup>st</sup> Mrs. Dunne, 2<sup>nd</sup> Mr. Muly, all in favor none opposed. Mr. Hilla asked if this is going to be more an enabler ordinance where you can put a conforming addition on a non-conforming lot/house providing the addition is fully conforming? Mr. Schmeling answered, yes. Retain the building envelope limitations on both of them you still have to meet that part of the ordinance. This will be in the re-examination report.
- E) Sheds - we permit 1 - 100 square foot shed per property. The question here is if you have a property that has two houses on it or two legal living units should you be allowed 2 storage sheds? If you have a property that has 26 legal living units on it do we allow 26 storage sheds? Mr. Schmeling said why is this even being asked? It should be one shed per lot. Mr. Burke said there has been a request upstairs asking, if I have two people living on my property why can't I have two sheds? Mr. Schmeling said the Zoning Ordinance doesn't allow more than one shed per property and he feels this should be enforced. Board members stating concerns on this issue were Mr. Schmeling, Mr. Thompson, Mr. Triggiano, Mrs. Dunne, Mr. Twadell, and Mayor Dunne. If you have more than one living unit on your property you can have more than one shed. Anything over one shed adds to your lot coverage. But, the shed cannot have a foundation. All the stipulations of the shed ordinance still stand. Mr. Burke asked for a motion from the Board to make a recommendation to the Borough Council to change the accessory structure ordinance to allow more than one accessory structure if the property has more than one living unit on it. All of the size restrictions will remain per shed/accessory structure. If you choose to put up a second shed that counts toward your lot and building coverage. Motion 1<sup>st</sup> Mr. O'Hare, 2<sup>nd</sup> Mr. Twadell. Roll: Yes: Mr. Muly, Mrs. Dunne, Mr. Carroll, Triggiano, Tischio, Burke, Coakley, Thompson, Twadell,

O'Hare. Mr. Schmeling passed on voting. Mr. Cramer will write a memo to the Council on this matter.

- F) Mr. Burke addressed the Board that they all had a copy of Borough Ordinance from Councilman Schmeling - 1914.03 - Community Residence - State statute allows those kinds of uses basically giving priority status and the Council received a letter from the State organization saying we didn't have this and we did make a few modifications to theirs and they accepted our language and basically what happens if you don't have it they sue you. The Board does have to approve it. Mr. Thompson made the motion and Mrs. Dunne 2<sup>nd</sup>. Roll: Yes: Mr. Muly, Mrs. Dunne, Mr. Carroll, Triggiano, Schmeling Tischio, Burke, Coakley, Thompson, Twadell, O'Hare.

The only other thing the Board has in their folder is from Birdsall Engineering. There is a proposal from Alan Hilla, so the Board can achieve their statutory requirements for Master Plan re-examination. Originally Mr. Hilla proposed a Master Plan re-issuance but that was not acceptable. This is the bare minimum that needs to be done in order for the ordinances to be valid come the beginning of next year. Mr. Symanski did the last re-examination report that was in December of 1997 and it is a six-year cycle and 2003 is our renewal year. This is something that should be done, or it could be a legal matter. Mr. Burke asked for a motion from the Board to request that the Council make the monies available to the Board for them to complete their Master Plan re-examination. Mr. Cramer said if we don't do the re-examination report, then you have a presumption of unreasonableness attached to our current zoning ordinances and regulations. This is what we have to do to be in compliance. Motion 1<sup>st</sup> Mr. O'Hare, 2<sup>nd</sup> Mr. Carroll. Roll: Yes: Mr. Muly, Mrs. Dunne, Mr. Carroll, Triggiano, Schmeling, Tischio, Burke, Coakley, Twadell, O'Hare.

Mr. Thompson didn't state yes or no.

Mr. Tischio had a comment about the Open Space Committee who will be making a presentation to the Board. The Committee is planning a Public Meeting, a Council Meeting and then the presentation to the Planning Board. Mr. Burke stated that there is no meeting in November or December. Mr. Hilla will need to address it in the re-examination so they would have to get it to the Planning Board by October 21<sup>st</sup>.

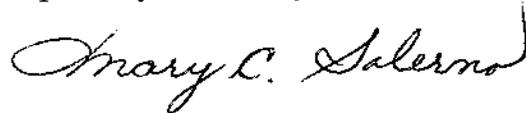
Mr. Schmeling said that something was brought up at Council, they were working at the Ordinance to redefine the half-story. The new Ordinance was going to apply only in the R-3 and R-5 Zones. Council only wants the Board to intervene if they felt there was a need to change the definition of half-story. They want to get it off the table.

Mr. Burke stated that we need a committee for nominations for officers for next year. They would start meeting October and November they would have to make the recommendations to the Board at the November meeting and the Board would vote at the December meeting. To review Officers and Professionals. Mr. Burke asked Mr. Triggiano to chair this committee. Mr. Triggiano agreed and Mr. Schmeling volunteered, Mrs. Dunne also agreed to be on the Committee.

Mr. Muly asked everyone to get his or her e-mail addresses to Marie Applegate. Some are not correct and need to be rectified.

Meeting adjourned at 9:05PM.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Mary C. Salerno". The signature is written in dark ink and is positioned above the typed name.

Mary C. Salerno  
Planning Board Secretary



BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor  
COLLEEN SCIMEGA, Municipal Clerk

Dear Manasquan Board Members:  
**PLANNING BOARD**

Please consider the following Agenda for the October 7, 2003 Regular Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J.

AMENDED AGENDA  
MANASQUAN PLANNING BOARD  
OCTOBER 7, 2003 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - REGULAR MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION - 38-2003 Cont.- Plaza Group Manasquan, LLC  
169 Main Street

APPLICATION - 53-2003 - James & Elizabeth Lusk - 331 Beachfront

APPLICATION - 54 2003 - Kurt & Kathleen Wise - 279 Beachfront  
280 First Avenue

RESOLUTION -39-2003 - Stephen Zorochin - 475 Euclid Avenue

RESOLUTION -43-2003 - Ron Langeil -177/177 1/2 First Avenue

RESOLUTION -47-2003 - Scott Bogstahl - 25 N. Jackson Avenue

RESOLUTION -57-2003 - Anthony Maimone - 45 Allen Avenue

WORK SESSION

1. FOR DISCUSSION - Ronald Dana - Extension of time.  
293 Beachfront.
2. INFORMAL HEARINGS
3. PRIVATE SESSION
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

Dear Manasquan Board Members: PLANNING BOARD

Please consider the following Agenda for the October 7, 2003 Regular Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J.

AGENDA  
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169 Main Street

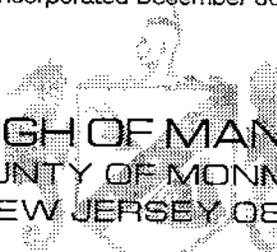
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BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

RICHARD DUNNE, Mayor  
COLLEEN SCIMECA, Municipal Clerk

PLANNING BOARD

**MANASQUAN PLANNING BOARD  
REGULAR MEETING MINUTES - OCTOBER 7, 2003**

7PM – REGULAR PUBLIC MEETING

- 1) Sunshine Law Announcement – Chairman
- 2) Roll Call
- 3) Salute to the Flag
- 4) Consent Agenda

The Meeting was called to order by Chairman Mr. John Burke at 7:00PM in the Manasquan Borough Hall, 201 East Main Street, Manasquan, NJ 08736.  
Roll Call: Present: Mr. Muly, Mrs. Dunne, Mr. Carroll, Triggiano, Hamilton, Tischio, Burke, Coakley, Twadell, Mr. Geoffrey Cramer, Board Attorney, Mr. Alan Hilla, Jr. Engineer for the Planning Board  
Absent: Councilman Schmeling, Mayor Winterstella, Mr. Stepawany, Thompson, O'Hare

Mr. Cramer said we have a quorum, full nine members of the Board.

APPLICATION 38-29003 – Continuation of the Plaza Group Manasquan, LLC – 169 Main Street – Block 65 – Lot 19.01- B-1 Zone

Mr. Henderson, representing the applicants Algonquin Theater Complex. We are here on an informal basis or an interpretation depending on how Mr. Cramer chooses to characterize it. The purpose of it is to explain what the applicant has in mind, why they are approaching the project from this point of view, what the benefits they see will accrue to Manasquan if the relief is

granted. Also, to explain to the Board that there are other avenues to achieve the same result as the applicant proceeds in the best interest of Manasquan, and of the neighboring communities. The proposal was to separate the Algonquin Theater and the Performing Arts Center, which are the cultural aspects of this property from the commercial rental units in the front. The previous application by the Drew's was for this project and that has been a tremendous asset for Manasquan and something almost everybody who lives here and many people outside the town have had the good fortune to attend. Mr. Henderson proceeded to explain where the Drew's are with the project and why they want to do what they want to do. Unfortunately, the Drew's like all of us have limited lifetimes and limited working careers and they have put their heart, soul and money in this project for a number of years and are now looking at a retirement plan. They are also looking at the future of the Algonquin Theater. If this project were to remain their property and pass through their respective estates it would fall into the hands of their children who would most likely sell it and move on in life. The plan is to create the Theater and Performing Arts Center into a self-sustaining entity which would own the real property portion of the property in its own name which would continue as it is as a separate not for profit corporation, except that it would own that portion of the real estate and which would be run and managed as it is now with a permanent Board of Directors or trustees which would manage the affairs, hire professionals to run the facility. In order to do that the Drew's want to separate those two properties and maintain the balance of the properties for themselves. That in a nutshell is what is planned and that's why the line goes through the building and I have read Mr. Hilla's report and am reasonably confident that I can create cross easements and other documents which will satisfy both Mr. Cramer and Mr. Hilla if we get to that point. If the Board is of a mind that this is not an appropriate way of pursuing it I can Condo this project and make two units. One for the Theater and one for the remainder. I can enter into long term leases, which can be financed, and I can do it that way. Our preference is to do it the sub-division route but if the Board has any concerns about that as I say we can approach it another way. Mrs. Drew was present for explanation if the Board so desires. Mr. Cramer said this is not a formal application tonight, you are more or less here tonight to more or less ascertain the Board's sentiment with respect to whether or not you would go forward on a sub-division basis or some other basis. Mr. Henderson said they had requested a waiver of fees. Those fees were not waived, therefore the Board didn't have jurisdiction to hear it last time, therefore the Board has never taken jurisdiction in that sense this case is completely different than

the case Judge Lawson decided, we are here on an informal to try to get some direction from the Board as to how they would like us to proceed. Mr. Burke, addressed Mrs. Drew and asked her to explain what her plan is and how she is achieving it, monetarily and so on. We just want to hear what you want to do from now on. Fran Drew, 23 Virginia Avenue, Executive Director of the Algonquin Arts non-profit in addition to be co-owner of the property. Mrs. Drew wanted to make a few statements in response to an article published in the Local Newspaper, which misrepresented her husband and herself to becoming rich from this project. Thirty percent of the people in town attend the Theater on a regular basis and that is very gratifying. In 1992 when they came to the Board the building was in total disrepair and they purchased the property they had absolutely no Site plan at all. They set up fir non-profit at that time and their goal was for the non-profit to raise the funds to run the Theater from the beginning. Because there was no program, a very small board and a staff of maybe three people, the results were not favorable for a non-profit at that time to run the facility. She and her husband took on the financial burden of the restoration and allowed the non-profit to exist for the last 10 years without having to worry about the overhead. The non-profit just existed to raise the funds to bring programs into the Theater. By allowing the non-profit to do that it has grown into a very healthy, financially stable operation. They built 2000 square foot of space alongside of the Theater which is basically the Algonquin Arts Performing Arts Center, in that space there is dance, music and art on a daily basis. Below the 2000 square foot space is where the dressing rooms are, so that allowed us to put in the dressing rooms to support live Theater. So you have the Theater and Performing Arts, these are the two entities, which we wish to transfer to the non-profit. We want to continue in the tradition of what has been started. The programming has grown phenomenally. The staff has grown, non-profit, we have nine paid employees, three are part-time, and six are full-time. Jack and I have worked with the non-profit for the last 12 years at no salary. We now have 19 members on our Board; quite a few are from Manasquan others are from Ocean County and other Towns. We have a small board of Trustees that governs what happens in a non-profit. We have a staff that runs the operation. We have a program and the non-profit has a budget of \$700,000. Because of the business expertise that Jack and I have brought to the non-profit we have been able to run in the black all the time. The income for the non-profit comes from 60% ticket sales, and 40% donor base, foundations, and corporations. We are very well respected and have received grants from the NJ State Council of the Arts,

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The Dodge Foundation, The Sunfield Foundation, Ocean First, other Corporations. By building a strong financial base the non-profit is now in a position to take over the fiscal plan. What we wanted to do 10 years ago, we are now in a position to do. Back in 1991 this was our plan, we came before the Board then and they had the foresight and vision to basically grant us within a 17-day period of time preliminary and final site plan approval. We dotted every I and crossed every T, what happened and some of you were on that Board people saw the value and had history with us and you looked at it as a potential economic engine for the Town because it would remove an eyesore and create an atmosphere with a viable business downtown and you saw the kinds of things that we saw with regards to the Cultural life. Now 10 years later, things are in place and the non-profit can receive a turn key operation that is financially sound, trusteeship ahead of it, a staff that can run it and myself as the Executive Director on a non-profit and Jack as Business Manager. We're not going to disappear and we are not going to die immediately. We put our blood, sweat and tears and money into this if we didn't love the Town, didn't love the Arts and didn't love the people. We will stay around. We also know that it is very dangerous to move this very valuable entity from our estate and give it to the public. That is what we are doing when we give it to the non-profit. The ownership will be transferred to the non-profit through a mechanism that we have discussed with our Board approval. There will be a campaign that will raise the funds so that the non-profit can own the Theater and the Performing Arts Center free and clear there will be no debt. This will be here long after we are gone. Mr. Burke then said let the Board ask questions of Mrs. Drew, then he will poll the Board on everyone's opinion and that will give Mr. Henderson an idea of how everyone feels. Mr. Twadell, asked about the front building. Mrs. Drew answered the front building has always been for profit. The Theater is currently leased to the non-profit so they can have their programs there. Mr. Twadell asked could you foresee losing control over the storefronts that are out in front there? Mr. Drew answered that he and his wife have put over one-half million dollars of their own money into these buildings. There is a mortgage of about 1.2 million. We will have the Theater and Art Center appraised by an authorized appraiser. The Board of the non-profit will decide what they think their price will be for the Theater and Arts Center and that price will be paid to us, so that we can reduce or eliminate the mortgage. Then, the non-profit will own and operate the Theater. We will

then only own the front building. Mr. Twadell said that answered my question. Mr. Burke said so basically, what you are doing is you are going to maintain the storefront and the offices. The income from that is going to be your income from now on. The non-profit is going to get the Theater and continue to run the Theater as it is. As a non-profit we (The Drew's) have been audited every year and met all the requirements of the IRS. If the non-profit owned that physical plant in addition to the ticket income and donor base, corporate base and funders. That opens a whole new door of possibilities to really keep the Algonquin Arts Non-Profit and the facility on very sound financial basis. It will continue to do what it has been doing. Mr. Carroll asked Mrs. Drew was there mention of this being your dream when you came before the Board in 1991? Mrs. Drew said when they first came in their real goal was to save the property from being torn down or being made into offices. The vision that we had at that time was to return the Algonquin Arts Theater to an entertainment center. We didn't know all the details at that moment. We just knew we wanted to save the property, and we also knew we wanted it to be something more than movies. The first thing we did was fix up the front building right away then we hired a firm to help us study how best to use the Theater. It took about a year of study and it evolved from that study. We knew we wanted to retain that facility as an asset in the Town. Mr. Carroll said you have met that goal very well. Mr. Burke agreed. Mr. Muly asked Mr. Henderson to explain what the condo would be. Mr. Henderson answered one condo unit for the front part and one for the back. The Condo's are exempt from the Municipal Land Use Act. Mr. Cramer responded, under most circumstances. They would prefer the subdivision as opposed to the Condo. Mr. Burke asked if you are confident you can work out all the easements and everything else so there is no future problem with them? Mr. Henderson said he really doesn't think there is an issue here. Mr. Triggiano asked if the building would be tax exempt? Answer, the front part would be taxable the Non-Profit would not be taxed. Now it is all-taxable. Mr. Burke asked the Board if they think if they should proceed with the application. Mr. Triggiano said it seems to make sense. Mr. Muly would like to see it proceed but would like to know more of the details. Mr. Hamilton doesn't have a problem with the concept and the professionals can work out all the details with the easements and cross access for parking, etc. Mr. Cramer said he thinks with the Ahern Center and the Medical Building, which was sub-divided, the traffic and parking worked out very well, but the landscaping was an issue, and that is something that needs to be worked out. Mr. Cramer said the Board might

want to look at some of the issues being the easements and networking between these two properties to encourage more involvement by both property owners to configure this as a center as opposed to two separate properties. Mr. Henderson said they could put in deed restrictions including landscaping. Mr. Twadell asked about the tax question, how much does the town lose? Mr. Henderson in answer to Mr. Twadell's question said this is going to happen it is just a matter of how it's going to happen. The trade off of losing taxes on the Theater is a trade off because the town makes out with the influx of people going to the Theater and going out to dinner and on the Main Street shops. Mr. Tischio has no problem with the sub-division. Mr. Twadell has no problem. Mr. Coakley, asked about the parking issue. Mr. Henderson answered there would be a cross easement for parking. Mrs. Dunne doesn't have a problem as long as our Engineer doesn't have a problem. Mr. Hilla said that being this will be heard formally most of his input is technical. He will save his comments for that hearing. Mr. Carroll thinks the Drew's did a very smart thing coming here tonight. He believes if the Board's technical and professional people can work out the situations that may arise he is for the proposal. Mr. Burke's comments are basically the same as everyone else. He thinks this is an ideal situation and he would personally like to thank the Drew's for the past 12 years of having the Theater there. He thinks this Board should do everything possible to keep the Theater there, to keep it in Town because he thinks it is a very important part of our Downtown. Mr. Hamilton asked Mr. Henderson if they were coming back with a formal application? He asks if Mr. Henderson, Mr. Hilla, the Drews sitting down prior to that meeting and ironing out any details so the Board doesn't have to sit for an hour listening to all the problems which could be hashed out before the meeting. We don't need to do all that here in a public forum. Mr. Henderson asked if he means the easements and landscaping? Answer, yes. Mr. Cramer said he doesn't have a problem with that providing the application is made and he doesn't want to preclude anyone being there may be objectors out there. Mr. Henderson said rather than a meeting he would give Mr. Hilla and Mr. Cramer copies of deed restrictions, easements, etc. as part of the application. Mr. Henderson agreed with Mr. Cramer that he doesn't want to raise any due process issues. The Board thanked the Drew's for coming and explaining their plans with them.

APPLICATION 53-2003 – Lusk, James and Elizabeth  
331 Beachfront – Block 185 – Lot 11 – Zone R-4

Mr. Henderson represents the applicants. The applicants have met all criteria for the application. They are seeking approval to demolish existing structure and construct a single family dwelling with attached garage at 331 Beachfront and seeking bulk variances and other relief. Mr. Henderson has two witnesses, Mr. Lusk and Mr. Rice, Architect for the applicant to be sworn in by Mr. Cramer. Mr. Lusk was the first to speak and explained his intentions of demolishing existing structures and builds a single family home for his family. Mr. Rice was accepted by the Board and proceeded to explain his proposed plans. He explained the applicants want to demolish two existing homes and construct one single family home. Mr. Rice prepared plans for the applicants. The 2-foot proposed side yard setback is because there is a side porch. The building coverage sited in Mr. Furey's letter of denial stated 35.6% proposed where 35% permitted, they will have 35% permitted. Option B – proposal breaks 30-degree slope, and the dormer deviations are the only variances needed according to Mr. Rice. Mr. Henderson asked Mr. Rice to explain what his design is in respect to the dormers. A variance from sideyard setback 5 feet required, 4.66 feet proposed. A variance from the sideyard setback where 5 feet is required and 4.0 feet proposed to bow the window on the southerly side. Applicant required variances, in the R-4 Zone dormers are permitted only on the east and west elevations, the applicant proposes three dormers on the south elevation of the building. A dormer length of 10 feet is permitted but three dormers average 12 ½ feet in length. Total linear footage of the proposed dormers in relation to the total roof perimeter is 19% and 8% is the maximum allowable. The pertinent ordinance requires that all dormers be set back a minimum of 2 feet from the vertical building wall beneath the dormer but one dormer appears to be in violation of that setback. In Mr. Rice's opinion the only variance the applicant requires are for the dormers. The Applicant proposes to construct two distinct sets of stairs on the south side of the proposed structure. Mr. Henderson stated that the required lot size is 30-foot lot, and this house is on a 33-foot lot. The allowable height is 35 feet; they are at 33 feet 10 inches. The Gambrel roof brings the height down because of the way it spreads out. The stair tower is an architectural element. Board Members asking questions: Mr. Twadell, Mr. Burke, Mrs. Dunne, Mr. Hilla, Mr. Tischio, Mr. Hamilton. In his testimony before the Board, Mr. Rice stated that the granting of the Application as presented would advance the purposes of the Municipal Land Use Law. The proposed dwelling creates a more desirable visual environment and that all construction will be in conformity with the fire and new BOCA Codes as

well as flood management regulations. The property will be constructed on pilings conforming to FEMA regulations. The construction of the new dwelling will eliminate non-conforming 2 foot and 2 ½ foot setbacks of the existing dwelling. All utilities to the proposed dwelling will be placed underground and the mechanical and air-conditioning equipment will be located in the rear yard. The stoop on the southerly side of the property will be eliminated. The fence constructed on the property will be stepped down as it gets closer to the street consistent with the construction official's approval. The half-story requirements of the Borough's Zoning Ordinance will be observed and compliance achieved. The dormer closest to the Oceanside on the southerly elevation of the property will be eliminated. As far as the ½ story Mr. Rice stated they will conform. Mr. Hamilton recommended they recess the side door. Mr. Rice said he would speak to the applicants about that interesting possibility. Motion to open the meeting to the public, 1<sup>st</sup> Mr. Carroll, 2<sup>nd</sup> Mrs. Dunne all in favor, none opposed.

Audience participants: Anthony Sa, 329 Beachfront – lives immediately to the North of the proposed dwelling and he has no problem with the application, he would like to see it go forward. Mr. Lusk and his family would be a great addition to the town. He does have one question on the Beachfront, the set of spiral stairs, from his observation these stairs would go 7 or 8 feet further out towards the Beach than presently existing stairs. Mr. Burke stated that they are within the 15 feet, so they can do anything within that area. Their Attorney and their Architect are well aware of the CAFRA rules because they have gone through many applications between the two of them. They have to get our approval first and then they would go before CAFRA, which is a whole different entity. Clare O'Toole, lives directly south of the proposed structure – 333 Beachfront. They submitted a letter to the Board with their concerns. Questioned the proposed setbacks, dormers, and entry porch in the side yard setback. Mr. Burke explained that the dormer would provide light into that area and unfortunately most of the light and air does come from the South side of the proposed dwelling. Brian O'Toole 333 Beachfront, his concern is the side entrance. Also, the fence and the traffic between the two houses. The O'Toole's family room is on the side where the most foot traffic will be. He said anyone with 7 kids couldn't be bad they the O'Toole's have 5 kids. He also addressed the dormer situation. They feel everything is directed on the South side, which is their side. Mr. Carroll said Mr. Lusk is going to see about recessing the side door. Mr. Lusk told the O'Toole's he would eliminate one dormer. Motion from Mr. Carroll to close the public portion of the meeting 2<sup>nd</sup> Mr. Hamilton, all in favor, none opposed. Mr. Burke asked Mr. Lusk if he had

eliminated the request for the side yard setback on the South side. Mr. Henderson said he didn't think they eliminated it, but Mr. Lusk will speak to his wife and he will do his best to eliminate it. He is still asking for that variance and it may become academic. He doesn't believe Mr. Lusk is comfortable giving it up without addressing it first with his wife. Mr. Henderson in addressing the Board wanted to reiterate that this is a conforming house on a lot which could be subdivided but will not be, there will be only one dwelling on the property. Mr. Carroll made the motion to approve the application with conditions listed at the meeting tonight. 2<sup>nd</sup> Mr. Twadell. Vote: Yes: Mr. Muly, Mrs. Dunne, Mr. Carroll, Triggiano, Hamilton, Tischio, Burke, Coakley, Twadell.

Motion and 2<sup>nd</sup> for five-minute recess.

Roll Call: Mr. Muly, Mrs. Dunne, Mr. Carroll, Triggiano, Hamilton, Tischio, Burke, Coakley, Twadell.

APPLICATION - 54-2003 - Wise, Curt and Kathleen  
Block 181 - Lot 9 - Zone R-4 - 297 Beachfront and 287 First Avenue  
Mr. Henderson is representing the applicants. All criteria has been met by the applicants and request the Board accepts jurisdiction of this application. Mr. Henderson has two witnesses sworn in by Mr. Cramer, Mr. Wise and Mr. Christopher Rice. Mr. Wise was the first questioned by Mr. Henderson. He stated that there are two buildings on the property. Each building houses a single family dwelling at the present time. He proposes to build two brand new two and one half-story dwellings on the property. He has asked the board for a sub-division. His plan is to retain both properties and keep them within his family. No plans to rent either property. Mr. Burke asked if Mr. Henderson would be willing to change his application to a use variance instead of a sub-division as the Board has changed their position in the R-4 Zone, two weeks ago the Board showed their willingness to allow two structures on one lot. Mr. Henderson said if that were the ordinance today they would not be going through the application of applying for a sub-division. Mr. Burke said seeing that and seeing the way the Board feels about that would you be willing to change your application? Mr. Henderson said he didn't know this previously. Mr. Henderson wants to keep this as a sub-division but if the law changes in the R-4 Zone the applicant will consolidate the lots. Mr. Henderson said that Ordinances take a very long time. This applicant has no desire to sell off any portion of this property. Mr. Twadell questioned Mr. Wise about a sign in the window for rent but

that was prior to Mr. Wise purchasing the house. Mr. Rice is the next to speak to the Board. The Board accepts his credentials. He is working with the applicant to build a family compound. This will be two modest size homes. Meeting all setbacks and building coverage. First Avenue house will be at 35% where 35% is allowed. Beachfront 41 or 42% but combined it is 35%. We have designed these structures to meet building coverage if you look at the property as a whole. We will meet the 5-foot on both sides, except at the kitchen where the window sticks out, it doesn't go to the ground. There will be four off street parking spots. Mr. Hilla brought up the liability of the curb cut; it was divided with a solid area in the center. He would rather see it 30 foot wide and they did add that as a variance. There are three dormers, two on the north one on the south side. The one on the south is very low profile. The north has gable and dormer; one dormer is for a bathroom the other is simply a window seat. They are asking for a variance for the dormers. Mechanical equipment will be located in the rear yard. Mr. Hilla, going over items in his letter, most have been covered so far, services will be separate and if the ordinance does not change prior to sub-division Mr. Henderson will submit to Mr. Hilla easements for review and also to Mr. Fury. They will file by deed for the sub-division. Mr. Hilla wants the approval to stipulate that there will be no other structures on the property without approval from the Board. There will be no other permanent structures on the property without approval from the Planning Board. Board Members with questions were Mr. Twadell, Tischio, Muly. Motion to open the meeting to the public 1<sup>st</sup> Mr. Triggiano, 2<sup>nd</sup> Mr. Carroll, all in favor, none opposed. No audience participation. Move to close the public portion 1<sup>st</sup> Mr. Carroll, 2<sup>nd</sup> Mr. Triggiano. Motion on the sub-division with the provision that if the Town changes the rules in the R-4 Zone to allow two structures on one conforming lot that this project would go back to a single lot. 1<sup>st</sup> Mr. Carroll, 2<sup>nd</sup> Pat Dunne, Roll: Yes: Mr. Muly, Mrs. Dunne, Mr. Triggiano, Hamilton, Tischio, Burke, Coakley, Twadell. No no votes. Motion to approve the application be approved with the changes and stipulations be made. The flexibility with the dormer, removal of the one dormer on the North side. Full width driveway, and no permanent structures to be built on the property without approval from the Planning Board 1<sup>st</sup> Mr. Carroll, 2<sup>nd</sup> Mr. Muly. Vote: Yes: Mr. Muly, Mrs. Dunne, Mr. Carroll, Triggiano, Hamilton, Tischio, Burke, Coakley, Twadell. No no votes.

Mr. Hamilton brought up the subject with Mr. Henderson that it is of no concern to the Board what the applicant's intentions are with his property. The Board is to vote on the application in respect to land use. If the

applicant is going to live there or rent the property should be of no concern to the Board.

Mr. Hilla is dismissed from the meeting.

Mr. Henderson said he still has the Dana extension request. He said the CAFRA process used to be about 90 days. All the resolutions from the Board are contingent on CAFRA approval. The CAFRA approval is no longer a simple process. Mr. Dana's CAFRA file, which Mr. Henderson did not handle but has now in his possession, started in the year 2000. Initially an effort was made to get something called a Permit by Rule for the beachfront house and an exception for the First Avenue property and is exempt from CAFRA. That didn't happen. At that time the architect for the project wrote letters to the New Jersey Land Use Regulation Program which is the program of DEP that administers CAFRA and letter after letter goes unanswered. They wrote monthly and received no answers. An application was made in the spring of 2002 after untold unanswered letters Mr. Dana hired an Environmental company that processes CAFRA applications and they filed a completed application in August of 2002. Without any results after all this time. CAFRA determined that the First Avenue property was exempt and the Beachfront property should have been the subject of a permit by rule application. Mr. Dana tore the house down and has had no use of the property in the last two or three years. In the meantime CAFRA has come back with what we all thought in the first place. Mr. Henderson believes that our Ordinance ought to be interpreted in a way that particularly where the Resolution is contingent on another approval that the 9 month period has got to be told until you get that other approval if you are diligently processing your application. The same thing is coming up with Graf. Mr. Twadell said then are you saying we should have a nine-month period to start at the time of approval of the CAFRA. Mr. Henderson said that is what he would like to see. Mr. Burke asked what if it was worded that you had nine months to substantially complete the project starting on the issuing of building permits? We can't issue building permits until you get the CAFRA permit, correct? Mr. Henderson said we have two parts to our ordinance. One part says you have to start construction within 9 months, the other part says you must finish construction within 9 months of starting, but you can't get started until you have your CAFRA permit. Mr. Henderson said I'm not sure you would want to do that because you would have people not getting permits. Mr. Carroll said what if the nine months wouldn't start until the issuance of a building permit only in applications where another permit is

needed prior to obtaining a building permit? Mr. Henderson said he thinks that is the logical solution. Mr. Cramer said the requirement is for a good faith diligent application. Mr. Cramer will add a paragraph to all future applications. Mr. Dana is requesting another 9-month extension from when he got his CAFRA approval because he couldn't do anything. Motion to give a 9-month extension to Mr. Dana 1<sup>st</sup> Mr. Carroll, 2<sup>nd</sup> Mr. Coakley. Vote: Yes: Mr. Muly, Mrs. Dunne, Mr. Carroll, Triggiano, Hamilton, Tischio, Burke, Coakley, Twadell. None opposed.

RESOLUTION - 39-2003 - Zarochia - 475 Euclid Avenue  
Block 143 - Lot 10.04 - Zone R-2

Hardship Variance

Motion to memorialize the resolution 1<sup>st</sup> Mr. Muly, 2<sup>nd</sup> Mr. Triggiano, all in favor none opposed.

RESOLUTION - 57-2003 - Maimone, Anthony - 45 Allen Avenue  
Block 22, Lot 49 - Zone R-2

Mother/Daughter use variance. With conditions.

Motion to memorialize the resolution 1<sup>st</sup> Mr. Triggiano, 2<sup>nd</sup> Mr. Hamilton, all in favor none opposed.

Motion to approve the vouchers. 1<sup>st</sup> Mr. Carroll, 2<sup>nd</sup> Mrs. Dunne all in favor none opposed.

Mr. Triggiano in reference to Mr. Cramer's letter referencing sheds on property if there are two residences that there could be two sheds, Mr. Triggiano feels that that should included businesses also. Mr. Cramer said that was included but he would contact Mr. Fitzsimmons to let him know that that applies to commercial property also. Mr. Carroll said that it was added as long as the lot coverage was not violated.

Mr. Triggiano also addressed the nominating committee. He spoke to Mr. Coakley, and Pat Dunne. Up for nomination is Chairman, John Burke and Vice-Chairman, Thomas Carroll. Attorney, Geoffrey Cramer. Engineer/Planner, Birdsall Engineering, Incorporated. Secretary, Marie Applegate. The above names indicated that they would like to be elected to these positions. Nominations will remain open until the next regular meeting at which time the members may nominate from the floor. If a member is not in favor of any candidate he or she may table that persons

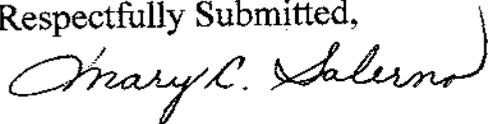
nomination which would have to be seconded and voted on. The majority rules.

Mrs. Dunne will not be able to make the next meeting. Mr. Carroll will be away also.

Mr. Tischio wanted to add the Open Space Committee would like to present to the Board their proposal for an element to be included in the Master Plan. They will be first on the agenda on the October 21<sup>st</sup> meeting.

Motion to adjourn the meeting. 1<sup>st</sup> Mr. Carroll, 2<sup>nd</sup> Mr. Triggiano, all in favor none opposed.

Respectfully Submitted,



Mary C. Salerno  
Planning Board Secretary

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 Planning Board Members:

Please consider the following Agenda for the October 21, 2003 Special Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E Main Street, Manasquan, N. J.

AGENDA  
MANASQUAN PLANNING BOARD

OCTOBER 21, 2003 - SPECIAL MEETING

7:00 P.M. Sunshine Law Announcement - Chairman

ROLL CALL

Salute to Flag

SPECIAL PUBLIC MEETING

OPEN SPACE & RECREATION PLAN - PRESENTATION

MASTER PLAN REVIEW

NOMINATIONS

RESOLUTION - 50-2000 - Ronald Dana - 293 Beachfront - Extension  
of time.

COMMENTS FROM INDIVIDUAL BOARD MEMBERS  
REPORTS OF SUBCOMMITTEES OF BOARD  
AUDIENCE PARTICIPATION



BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor  
COLLEEN SCIMEGA, Municipal Clerk

PLANNING BOARD

NOMINATING COMMITTEE

Carmen Triggiano - Chairman

William Schmeling  
Patricia Dunne  
James Coakley

UP FOR NOMINATION

CHAIRMAN - John Burke

VICE CHAIRMAN - Thomas Carroll

ATTORNEY - Geoffrey S. Cramer

ENGINEER/PLANNER - Birdsall Engineering, Inc.

SECRETARY - Marie Applegate

The above names indicated they would like to be elected to those positions. Nominations will remain open until the next Regular Meeting, at which time members may nominate from the floor.

If a member is not in favor of any candidate he or she may table that persons nomination which would have to be seconded and then voted on. Majority Rules.

RICHARD DUNNE  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

JOHN T. TRENGROVE  
Municipal Administrator

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

**MANASQUAN PLANNING BOARD  
MINUTES – SPECIAL MEETING – TUESDAY, OCTOBER 21, 2003**

The Manasquan Planning Board held a Special Meeting on October 21, 2003 in the Manasquan Borough Hall, 201 East Main Street, Manasquan, New Jersey.

Chairman John Burke called the meeting to order at 7:00PM. He stated this was an open public meeting held in accordance with the Open Public Meeting Act and published according to law. He also stated that the agenda was posted on the bulletin board outside. He then asked all to rise and join in the salute to the Flag.

**ROLL CALL:** Board Members Present: Mr. Muly, Mr. Triggiano, Mayor Winterstella, Mr. Tischio, Mr. Burke, Mr. Schmeling and Mr. Coakley.  
Board Members Absent: Mr. Hamilton, Mr. Stepawany, Mr. Twadell, Mr. Thompson, Mr. O'Hare, and Mr. Twadell.

**PRESENTATION FROM OPEN SPACE AND RECREATION**

Leah Asencheck, Chair of the Open Space Committee introduced herself and stated that everyone should have received a copy of the Open Space Plan. She stated the Open Space Committee was created as a result of the Referendum, which dictated Open Space Tax. One of the targets of the Committee is to create the Open Space and Recreation Plan, which is done in accordance with the DEP guidelines. On the Open Space Committee we have representatives of the Environmental Commission, Recreation, Public Representatives as well as representatives of the Planning Board. Pat Dunne, Brian Stepawany and John Tischio all sit on the Open Space Committee. They have had three public meetings, two of which were properly announced in the newspaper. They produced a large map and copies of the plan have been available for the public in the Library for about three months over the Summer, along with a box to collect any suggestions that the public may have as a result of that. We've had posters up around Town. We have had notices and articles in the newspaper on five different occasions about the Plan, so we have tried to get as much public input as possible. This is the second time you have received this plan, you received a draft in about June and this is somewhat final. We did present the plan to Council yesterday and it was adopted pending some changes and I have a draft of some of those changes, which I will give you. Essentially what the plan does is lays out a description of what our Recreational and Open Space needs are in the Borough,

what our existing Open Space and Recreational assets are and that is what is depicted on this map. It goes into a scoring system for evaluating potential additions to our open space in Manasquan. Initially we did not include an overlay and we were told we needed to identify areas that were priority for acquisition for the Town. If a property were to become available and is in the overlay being properties that are adjacent to existing Open Space or properties that are environment sensitive in nature, that being properties along the water body. That doesn't mean that the Open Space Committee is recommending that the Town go out actively seeking to acquire these properties but just that if those properties become available for Open Space that they would be ranked more highly based on the ranking system which is on page 16, which lays out the different aspects of a piece of property that the Committee would take into account in determining which properties to recommend that Council consider purchasing. That is another part of the mission that was given to the Open Space Committee, to provide a recommendation on at least an annual basis to Council on which properties throughout Town would be desirable for Open Space acquisition. The establishment of this plan puts us in a better position to get State Grant Funds to acquire property for Open Space. It's the same Green Acres funds that we are eligible for now, but it allows us to apply for those Grant Funds through the Planning Incentive process, which is a much more streamlined process and puts Manasquan in with the group of Communities that are applying for funds automatically every year, because we have a plan in place and because we have the Open Space Tax. Right now DEP is recommending that these Open Space and recreation plans are included as an element in the Master Land Use Plan but I am told that is soon to be a requirement that you will no longer be eligible for the Planning Incentive Grant unless you're Open Space and Recreation Plan is included as an element in the Master Land Use Plan. Mr. Burke said since we are re-doing the Master Plan this year and since Mr. Hilla is doing a re-examination report on that this year, should this be included in that re-examination report this year? She said that is certainly her goal is to convince you of the importance of this and all of the work that went into making this a strong document that has the public support. Mr. Burke said basically that is what we are looking at tonight is how this is going to get into that report. Mr. Hilla said you can take introduce new elements to a Master Plan at any time, certainly the re-examination report is as good a time as any because it provides a cohesive snapshot not only of the things we have discussed over the last two years but also the culmination of the work of the Open Space Committee. Leah said last night they mentioned this to Council and it is important to our ability to continue to get the Planning Incentive Grant Funds but this is included in the Master Use Plan and they supported it with some suggestive changes. We also need to make sure that the ROSSI inventory that we provided in here is consistent with the DEP inventory, obviously we thought that it was but there is some concern that it is not consistent, so we are going to fix that. I was also going to add a section that described the public outreach efforts that we engaged in. So, with the understanding that Council would see and have the opportunity to approve the final version, they approved this in concept as well as the concept of adding it to the Master Use Land Use budgetary issues that might entail. I should

also say that the Open Space Committee applied for and received a 50% matched Grant from the DEP, which is how we were able to produce our GIS Map and we have not spent all of that money and so I think any additional costs that you may incur in producing this for inclusion in the Master Land Use Plan we would be able to match with the State Grant 50% of that would defer the cost. Mayor Winterstella said that they did a very good job in preparing this plan and he thinks Council has every intention of having the Planning Board include this in the Master Plan review re-examination. The only question he asked of Leah and one of the things that came up last night is we wanted a little further explanation, this map has been published but the grids that you are looking at were not included and he was afraid a lot of people would say "my land is going to be condemned or taken without my having no place to live or whatever" I think they did a very major step in relieving peoples opinion of this and I assume the newspapers will be advised of this as well. He had another question, the extension of Tassini Park, I thought Tassini Park went a little bit further. Leah said we got this from the Tax Assessor, there are three parcels next to Tassini Park that are privately owned they are wooded and they would be very nice. Mayor Winterstella said the properties go back but I thought it extended at least 100-feet or so to the East. Leah said we tried to get this as accurate as possible having the Tax Assessor review it. Mayor Winterstella said he knows for a fact that there is a discrepancy with those lots next to Tassini Park. Leah said they would check on it. Mr. Burke said looking at the amount of open space that this Borough owns, how do we fit in with other Towns in the area as far as the percentage of open space? Leah answered they didn't do that analysis when they did this report. She said they would contact the DEP and see if they could get an answer to that question. Mayor Winterstella said we are probably quite high because we have the beaches, Fisherman's Cove and Church's also, they are included in public use. Leah said when they first started this process they attempted to do that analysis she knows they had gone through this conversation and kind of got hung up on where do you stop, where do you draw the line. Same thing with drawing the maps, do we put the churches in the FireHouses etc.? We really didn't take that to the next step. Mr. Burke said he thinks the public would be curious to know how we stand percentage wise to the other Borough's in the area. Mr. Hilla recommended a Planning Committee be formed to look at this report before it be made public on December 16 and Mr. Burke said he would be on it, Mr. Carroll was nominated and Mr. Hamilton was nominated as the third member and the fourth spot will be taken by Mr. Coakley. Alan Hilla will let the Committee know when he has something to show them. He said toward the end of November he would like to have something put together. Next, John Burke asked Marie Applegate if she had laid out any dates yet for 2004? Mr. Burke said I want to do that with you when you start doing that. The proposal is that on January 19<sup>th</sup> or the 20<sup>th</sup> we have a joint public meeting with the Planning Board and the Council for the second public meeting of the Master Plan. The Mayor thought that would be a good idea. Mr. Burke told Marie he would contact her about the dates.

**RESOLUTION #50-2000 – Dana, Ronald – Mr. Cramer stated this was the resolution made necessary by the fact that the DEP took such a long time in**

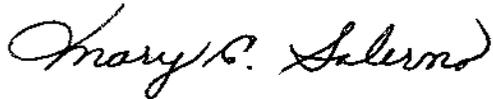
responding to the applicant's repeated request for a determination. Motion to approve 1<sup>st</sup> Mr. Schmeling, 2<sup>nd</sup> Mr. Triggiano. Board Members voting yes: Mr. Schmeling, Mr. Triggiano, Mr. Muly, Mr. Tischio, Mr. Burke, and Mr. Coakley. Resolution memorialized.

There is no need to open the meeting to the public as there is no audience.

Mr. Triggiano said he got replies from Geoff Cramer and Alan Hilla for reappointment to the Planning Board, the elections will be held at the November 18, 2003 meeting. They both have the same fees as last year.

Motion to adjourn the meeting 1<sup>st</sup> Mr. Schmeling, 2<sup>nd</sup> Mr. Muly all in favor none opposed.

Respectfully Submitted,



Mary C. Salerno  
Planning Board Secretary

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

JOHN L. WINTERSTELLA, Mayor  
COLLEEN SCIMECA, Municipal Clerk

**PLANNING BOARD**

LUNCH MEETING - 10/28/03  
Charlie Browns - Brielle - Noon

Not funded by taxpayers as a formal unadvertised gathering -  
or as part of an overloaded Double Billing procedure.

AGENDA

Budget Deficit fort - 2003

(1) Professional Item - Shortfall approx. \$8,000.00 due to  
increased case activities and Planning Meetings.

Will provide Chart of Sister Committies on fees as discussed  
earlier.

Possible solution - charge fee for Resolution Preparation -  
per Geoffrey Cramer, Esq..

- (2) Meetrings for 2004-  
Hold slot for specials - 2nd meeting dates - no planning  
issues anticipated.
- (3) Budget Estimate for 2004 -  
Professional - Regular Meetings and Litigation Geoffrey  
and Alan.
- (4) Main Street - Business District.  
Large Store seperation into two business, or change of  
operation, (ie - Retail to Coffee House)  
Zoning needs direction - not to hold up applicant for  
months - creating vacant stores. Geoffrey
- (5) 580 E. Main St. Alan / Neil  
As-built ordered by Keith Henderson to Paul Lynch - should  
have by Friday.

Gilligan review sight - moving curb- parking stalls and cartway  
will comply; (Chick and Alan need to work out).

Canopy Bump outs (steel) may be over Boro rite of way at  
sidewalks.

General Contractor - noticed today to secure site - All fences  
and trenches, etc.

Upon receiving as Built and if discrepancies exist or change  
of Business Use - eith will inform Geoffrey of owner intensions.

**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 1, 2003 meeting.

Please consider the following Agenda for the November 18, 2003 Regular Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E. Main Street, Manasquan, N.J.

**MANASQUAN PLANNING BOARD**  
**NOVEMBER 18, 2003 - REGULAR MEETING**

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - REGULAR MEETING

1. Salute to Flag
2. Consent Agenda

DISCUSSION - EXTENSION OF Time - Margaret Murnane, N. McClellan  
- Gerald Yeager, 345 Beachfront

INTERPRETATION -580 E. Main St. -and Schedule for a Special Meeting if needed.

INTERPRETATION - R&R Sport Shop, (Pazienza)-78 Main

APPLICATION - 49-2003 -Thomas Driscoll (Alburtus) 76 Second

APPLICATION - 52-2003 - Richard Dunne (Bateman)-33 Rogers Avenue

APPLICATION- 61-2003 -Thomas Coyle - 47 McGreevey Drive.. .

APPLICATION - 42-2003 - John Grady - 479 Long Avenue

RESOLUTION - 53-2003 - James Lusk - 331 Beachfront

RESOLUTION -54-2003 -Kurt Wise - 279 Beachfront/280 First Ave.

WORK SESSION

1. FOR DISCUSSION - Scott Bogstahl - 25 N. Jacson Ave.
2. INFORMAL HEARINGS
3. PRIVATE SESSION
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**

RICHARD DUNNE, Mayor  
COLLEEN SCIMECA, Municipal Clerk

PLANNING BOARD

**MANASQUAN PLANNING BOARD AGENDA**  
**NOVEMBER 18, 2003**

7:00PM – REGULAR PUBLIC MEETING

- 1) Sunshine Law Announcement – Chairman
- 2) Roll Call
- 3) Salute to Flag
- 4) Consent Agenda

The Meeting was called to order by Chairman Mr. John Burke at 7:00PM. He announced the meeting was an Open Public Meeting held in accordance with the Sunshine Law and published according to law. He asked all in attendance to stand and join in the Salute to the Flag.

ROLL CALL: PRESENT: Mr. Muly, Triggiano, Hamilton, Tischio, Burke, Twadell and Mrs. Dunne  
ABSENT: Mr. Thomas, Carroll, Stepowany, Mayor Winterstella

RESOLUTION 8-2003 – EXTENSION

Murnane, Margaret – 84 North McClellan Avenue – Block 103, Lot 1.02  
Use Variance –  
Request for a one-time, nine-month extension.

RESOLUTION 17-2003 – EXTENSION

Yeager, Gerald – 345 Beachfront – Block 185, Lot 17  
Use Variance –  
Request for an extension waiting CAFRA reports.

Neil Hamilton made a motion to grant approval for these extensions 2<sup>nd</sup> Mrs. Dunne, Vote Yes: Mr. Muly, Mrs. Dunne, Mr. Hamilton, Tischio, Burke, Coakley, Twadell, Triggiano. All in favor, no no votes.

INTERPRETATIONS

R & R Sport Shop -

580 East Main Street – will be having a special meeting in January. Mr. Cramer said that there would be a change in use. He spoke to the applicant's attorney and they appreciate that they will have to come before the board at a special meeting in January 20<sup>th</sup> due to these changes. Problems with the number of parking spaces and other site plan approvals. The other issue on the agenda for that special meeting will be BMC

Fitness, a Gym for children younger than 12. This will be located in Kevin Thompson's building on Atlantic Avenue. Mr. Burke addressed the Board regarding the meeting dates for the Planning Board, reserving the CourtRoom for the 3<sup>rd</sup> Tuesday of each month. Mr. Triggiano did not approve with this. Mr. Burke said lets discuss this at the end of the meeting and let's just now discuss the January 20<sup>th</sup> meeting. Approval from the Board 1<sup>st</sup> Mr. Coakley, 2<sup>nd</sup> Mrs. Dunne, all in favor with a yes vote: Mr. Muly, Mrs. Dunne, Mr. Triggiano, Hamilton, Tischio, Burke, Coakley, Twadell.

APPLICATION - 49-2003 - Driscoll (Alburtus) - 76 Second Avenue  
Block 166 - Lot 33 - Bulk Variances

Thomas Brennan for the applicant. Mr. Cramer noted that all applications were made and Mr. Brennan was told to continue. Mr. Brennan made an opening statement. He stated that the applicants were present here tonight and that they filed a plot plan and our municipal engineer reviewed and there is a letter of denial and also a letter from our Engineer. Mr. Burke said there are two major problems with this application and we may not be able to hear it tonight. First problem with Benchmark, appears to be wrong and substantially wrong in some areas on this survey. Mr. Brennan wanted to know in what respect. Mr. Burke stated that in application and denial on side yard south 5 feet required 1 foot proposed, it is not 1 foot probably 2.09 feet on the rear of the building. The next is the encroachment onto the property on the side shown on the survey as 1.3 driveway 5 feet wide from property line to the house it is 4.9 in the front and 4.6 in the rear. On this survey it also shows that the garage is almost on the property line or over. Mr. Burke is taking this information from a Survey done in 1998 on August 25, when the Hyers sold to the Driscolls. Joseph Lazok, P.L.S, did this Survey. Mr. Burke stated that this board would give no approvals, and that they cannot find any easement for this property. Mr. Brennan will now have all his witnesses sworn in by Mr. Cramer, witnesses: Mr. Cannon (licensed surveyor), Mr. Alburtus (builder) Mr. Driscoll (applicant). Mr. Cannon has appeared before the Board before as a licensed surveyor, licensed engineer and licensed planner. Mr. Cannon prepared the plot plan for this application, revised on 10/27/03. The Chairman has several concerns with this plot plan and with a former survey that was brought before the board the Lazok survey. Exhibit B1 is the Lazok Survey. On the Lazok survey 2<sup>nd</sup> Avenue is at the bottom of the page and on Benchmark survey 2<sup>nd</sup> Avenue is on the top of the page yet both North arrows are pointing in the same direction. To Mr. Cannon it looks like the Lazok survey is backwards. Backward and wrong 180 degrees wrong. Actually South arrow. On the applicant's survey the framed garage juts out and encroaches on the line. There is a shed portion that goes from one side of the garage to the other and the garage was not big enough and the extension was built on the neighbor's property line. Mr. Chairman said on his copy of the plot plan he does not see shed he sees fence. The revised plot plan is not in the file. On 10/27 there was a revised survey submitted to the town. No one has it, not the engineer or the board members. Mr. Burke and Mr. Cramer took a copy from Mr. Cannon and marked it exhibit A1. Mr. Brennan said if you look at the insert on the revised survey dated 10/27 you would see the specific relief that is being sought by the applicant. Tonight I would ask the Board to look at the relief we are seeking tonight. Mr. Burke said you are asking for a one-foot extension to the south side of the house. Mr. Brennan asked if that cleared up some concerns about the easement. Mr. Burke said it does but there is a minor one on the driveway sidershow as being 4 and 1/2 foot wide. After the house is removed and reconstructed it will be 5 feet. As to the easement issue when the application is presented if the Board would not grant approval we would go to the neighbors and propose an easement agreement that would be satisfactory to not only our clients but also to them. Mr. Cramer asked if he was here? Mr. Brennan said he was noticed but did not know if he was here. All of these conditions have existed for a long time and there is a defacto easement that exists. Everyone has gotten along and used this driveway for years. Mr. Burke explained why he knows the property so well. Board members stated concerns about the granting of easement approval, Mrs. Dunne, Mr. Twadell, Mr. Hamilton.

Mr. Brennan asked why he and his client would propose this and go through all the work in preparing this for application to the Board and he would think the neighbor would be accepting to the offer. We would like to go ahead tonight and not lose our timing. Mr. Burke said he is still not convinced. He said the easement is a major problem with this application, the neighbor could put up a fence next week and you would have to come back before the board with a new application with new plans for a different house Mr. Hamilton brought up some good points, he said being they are one of the first in the neighborhood to renovate an old bungalow and being the garage is in such bad shape he is not telling them how to build

their house but in his opinion he would think they would want to raze the property and build a house with a garage that would at least accommodate on site parking for another vehicle. If that doesn't meet your needs then maybe we can deal with a parking variance for at least one car. Try to get away from the easement variances and develop your property as you see fit. Mr. Burke then asked the Board members to address this new proposal individually. Mr. Burke told Mr. Brennan that the majority of the Board wants to see an easement before proceeding with this application. Mr. Brennan asked the Board if they would entertain the application if he received the easement? Mr. Cramer said that the Board is not happy with the site plan as it stands. Mr. Burke said even if you get the easement, you might want to entertain what Mr. Hamilton said. Utilize your whole property. We have problems with this set of plans. Mr. Burke appreciated the Boards time, would like to carry the application. Mr. Burke said that December is booked, January is re-organization and February 3<sup>rd</sup> would be where they would put him if they approve that meeting at their re-organization meeting. Motion to carry 1<sup>st</sup> Mr. Hamilton, 2<sup>nd</sup> Mr. Triggiano, all in favor - none opposed.

APPLICATION - 52-2003 - Thomas Bateman - Dunne  
Block 151 - Lots, 22 & 23 - Zone R3 - Minor Subdivision

Mr. Burke stated that Pat Dunne and Neil Hamilton stepped down. There are now five (5) Board Members who can vote. Mr. Cramer asked Mr. Fortier if he had any opening remarks? For the record, Kenneth Fortier is the attorney for the applicant. This is an application to subdivide Block 151, Lots 22 and 23 known as 33 and 33 1/2 Rogers Avenue. Owned by Richard and Pat Dunne. Lot 22 corner lot is a vacant lot on the corner of Sims and Rogers his client would like to build a home on. Lot 23 has a single family home and a garage apartment and they would like to build a home there. Now it is non-conforming use and his client would make it conforming. There will be a single family home on each lot. When the Dunne's bought the property lot 22 was a sub-dividable lot and for tax purposes in 1991 they merged them together. Parking has been addressed with a new plan. Also, the new houses will be 27 1/2 feet high. Mr. Fortier stated that he wanted the Board to be aware that there are almost no lots on Rogers Avenue that are 40 foot wide. They are proposing a 15-foot setback.

Mr. Cramer swore in the witnesses, Mr. Tom Bateman, Mrs. Bateman, Mrs. Dunne, Mr. Patrick Burke. Mr. Fortier wanted Mr. Dunne to step up and answer some questions. Mr. Burke asked Mr. Fortier to come up and show him which plans are the revised ones. The blue one not the white and black one. This house has been in the family since the 1940's. They were separate lots and remained such until 1991 until he and his wife combined them. Because of the taxes being so high they combined the lots at that time. There were two units on lot 23, house and garage apartment. Mr. Bateman is buying the entire property. He is here to put the lots back to the original. They will go back to what they were exactly before they were combined. No other questions from the Board for Mr. Dunne. Mr. Bateman next to speak, he explained what his plans are. Construct a new home in a style that conforms to the neighborhood. He hired an architect who designs homes for narrow lots. The home would be only 16 feet wide, simple two story house, 3 BR, 2 baths. Lot coverage will only be including a one-car garage 27.56%. 1276 square foot home. The home will also be my permanent residence. What do you plan to do with lot 23? Demolish the garage apartment. The home from the first floor to the peak of the roof will be less than 28 feet in height. Getting back to lot 22, concerns from the Engineer on adequate parking spaces, Mr. Bateman shows there will be a one-car garage with room for an additional car. Concerns on lot 23, you will remove the garage apartment. Regarding the setbacks, westerly side concern about crawl space access, which will only be about a foot off the property line, that will be removed. On the left there will be a variance required. Mr. Triggiano asked if he will be doing any renovations to the existing house next door and he said no. There is a shower enclosure and will you be removing that? If the Board tells me to take it off I will. Are there any problems with the rear yard set back? No, none. The patio can be removed, no problem. Alyssa stated that the ordinance requires 19-foot parking and it's 35 feet and you need 38 feet for two parking spaces. The board would have to grant a variance for such and the shower would have to be removed. So, Mr. Burke stated that we either grant a variance or remove the shower enclosure. So we agree that the shower enclosure will be moved. Sidewalks and curbs will be replaced as required. As far as the sidewalks, two (2) sections are cracked and they will be replaced. Alyssa had five (5) pictures of the lot in question. Shows the sidewalk and states that two sections are cracked but more might be needed to be replaced. Mr. Burke said that the cracked sidewalks and curbs and slabs according to the Borough considered needed to be repaired or replaced would have to be done. Mr. Fortier said there was nothing else. Alyssa asked how he would file,

he said by deed. How about the trees, the one in the back will be taken down and he will replant others in the back. Any other questions from the Board? The distance from the garage door to the property line scales to 10 ½ feet.

All setbacks will be met. Mr. Patrick Burke, who is the purchases of the house on lot 23, presently single family home with garage apartment. What are you planning to do with the house? He will use it as a vacation home, just some general renovations. He wanted to know if the shed in the back has to be removed? No he was told. It is not on a foundation and not part of his building coverage. There are letters from neighbors but unless the person is here they cannot even be looked at. No other questions. Air conditioning units will be in the back. Mr. John Burke had one more question; the deck needs to be brought down to 3 feet. For fire access and emergency you need more clearance. Motion to open to the public. 1<sup>st</sup> Mr. Muly, 2<sup>nd</sup> Carmen all in favor none opposed. Dennis Demary, Morris Avenue he has been following this as it has been reported in the Coast Star. He said that Mr. Bateman has gone to great lengths to have architect come that deals with narrow lots and he believes it will be an asset to the neighborhood. Mr. Brenner, 64 Rogers Avenue, agrees with the last gentleman. This would be an asset to Rogers Avenue. Motion to close the public portion 1<sup>st</sup> Carmen, 2<sup>nd</sup> John Muly, all in favor. None opposed. Any closing comments? Mr. Fortier wants to ask the Board to grant this application it will be an asset to the neighborhood. Turns non-conforming use into conforming use. Mr. Cramer said all the requirements on this application. Mr. Burke asked Mr. Bateman if he had a flood plan certificate and he said he would and Mr. Burke said that that would be needed before he could apply for any permits to build. The easement will have to be recorded in the deed. Once the sub-division is granted there will be no variance needed because there will be one conforming house on each piece of property. But yes we do need a variance for the side stoop. Also if the buyer of the second lot with the house wishes to add on or re-build he will have to come back to the board for approval of variances. Motion from the Board to approve the minor sub-division, 1<sup>st</sup> Carmen Triggiano, 2<sup>nd</sup> Mr. Muly. Roll: Yes: Mr. Muly, Triggiano, Tishio, Burke, Coakley, Twadell with reservations about the fact that he feels this area is not zones properly and he is usually against subdivisions. Motion on approval on existing variances for Lot 23 and Lot 22 steps on West Side. 1<sup>st</sup> Mr. Triggiano, 2<sup>nd</sup> Mr. Coakley. Roll: Yes: Mr. Muly, Mr. Triggiano, Mr. Tischio, Burke, Coakley, Twadell with statements. Mr. Burke asked Mr. Fortier to explain the 45 period to his client and at the December 9 meeting we will read the resolutions. Then you can apply for your permits.

The Board will now take a five-minute recess 1<sup>st</sup> and 2<sup>nd</sup> all in favor none opposed.

ROLL CALL AFTER BREAK PRESENT: Mr. Muly, Triggiano, Hamilton, Tischio, Burke, Coakley, Twadell and Mrs. Dunne.

APPLICATION – 61-2003 - Coyle, Thomas – 47 McGreevey Drive – Minor Subdivision  
Block 43 – Lot 13.01

Mr. Burke asked Mr. Cramer to swear in Mr. Coyle. Other witnesses Mr. Bossone if necessary. Mr. Geoffrey Cramer swore in both. Mr. Coyle will be first in explaining what he is seeking to do and why. Mr. Coyle has owned this property for about a year and Mr. Bossone approached him with his desire to own a piece of that to have a place for his children to play. They had a line drawn up by our Survey Company who did my Survey when they originally bought the property and it is exactly according to the Survey 4202 square feet of land that is now just overgrown, small bushes and one large tree which is the back end of my property and would be the back of his property as well. Originally the application suggested 5400 square feet but upon further discussion Mr. Bossone asked that the Easterly portion of his lot just be extended along the same line rather than make it a parallel it is now a trapezoid and the size has been reduced to 4200 no frontage and an easement at the northerly end for a screen that is on the side of the property and runs the entire length of the property. Mr. Cramer asked him that if the subdivision is approved is it his intention that this piece of property will be added to Mr. Bossones' lot? Yes. So that is not creating a new lot just changing the size of both lots. Mr. Burke asked Mr. Bossone you would request the town to alter the tax maps to show one lot, which would include your existing, and this new piece? Yes was the answer. Alyssa asked how they intend to file the subdivision? By deed was the answer. Mr. Burke asked Alyssa about the Birdsall report. He asked if there were any new variances. Answer no. Old variances. Number 1 on Engineering report rear Yard (lot13) 20' required, 9.92 existing. But when the

lots are combined this will no longer exist. Also, according to the survey this looks to be a side yard and not rear yard. Motion to open the meeting to the public 1<sup>st</sup> Jim Coakley, 2<sup>nd</sup> Neil Hamilton, all in favor none opposed. Anyone in the audience has any questions or comments on this application please come forward. Oscar Gibbs, Ridge Ave neighbor of both men, has a few questions. It was explained by the Chairman that you couldn't sign subdivision without review from the Planning Board. When the letters are sent out is there a certain degree in circumference of the applicant's house. Yes, was the answer 200' from each corner of his property and Wall Township in this case come into view? Any other questions none move to close audience portion of hearing 1<sup>st</sup> Neil Hamilton, 2<sup>nd</sup> Pat Dunne all in favor, none opposed. Any other comments from the board. Motion to approve the application, 1<sup>st</sup> John Muly, 2<sup>nd</sup> Neil Hamilton Vote: Yes: Mr. Muly, Mrs. Dunne, Mr. Triggiano, Hamilton, Tischio, Burke, Coakley, Twadell. No no votes. Mr. Burke explained the procedure about the resolution to the applicants. Also, you have 180 days to perfect the deed in Freehold so no one in the future can take this away from you.

APPLICATION - 42-2003 - Grady, John - 479 Long Avenue - Hardship Variance  
Block 175 - Lots 59 & 60

Mr. Burke asked Mr. Grady if he had anyone who was going to testify with him. He then asked Mr. Cramer to swear them in. Don Grady and Bill Groves. Mr. Grady explained to the Board that he wanted to finish construction of a shed he started to build about six (6) months ago and he built it slightly oversized. He is looking for a hardship bulk variance. He went three (3) feet over but then after re-surveying found out he went only 1-½ feet off. Shed is 20 square feet oversized. Mr. Burke said that the applicant started building a shed and he went off his neighbor's fence and that is not on the property line. So that made him off. Surveys don't match up; neighbor's survey to neighbor's survey. Mr. Grady would like to leave the shed there. His neighbor Bill Groves doesn't care if it stays there. He has a 4' and 5' overhang on both ends. The town only allows 18 inches. He said he didn't realize that. Carmen said the builder should have known that. Mrs. Dunne wanted to know the purpose of the overhang. He said no storage. He doesn't have enough property for a garage. His house is small. Mr. Burke said he has a problem with this whole thing. Mr. Burke asked Mr. Cramer for guidance. Mr. Cramer stated that he did not see the hardship here. He feels Mr. Grady is not showing the burden of proof here for why the Board should approve any relief what so ever. Mr. Cramer asked Mr. Grady what would prevent him from moving his shed on the property closer to his house. Mr. Grady said a lot, he would have to dig the footings up, re-install new ones, find a way to move the shed. The shed is on a concrete pad. The Board then looked at the Engineer's pictures and report. Mr. Grady said the shed is very well built, actually over built. Mr. Burke said that this is not a hardship. Mrs. Dunne said that he would have to move the shed and take off the overhang. Mr. Burke said he is not sure where the fault lies, with the applicant or his builder. But he does feel that the Board could not possibly approve this application the way it stands. Mr. Cramer said the approval that you got was for a 10 X 10 storage shed. Mr. Grady received to letters from Richard Furey, Zoning Officer. One letter dated January 6, 2003 denying application for a 10 X 16' shed, then on January 14 there was another letter issued by Richard Furey stating that the application for a 10 X 10' shed was approved. So the builder ignored the letter and built a 10 X 20' shed. Alyssa has nothing to add. Mr. Burke stated that Mr. Grady has not proved to the Board why they should approve him. Motion to open to the public 1<sup>st</sup> Jim Coakley, 2<sup>nd</sup> Mr. Hamilton. All in favor, none opposed. Audience questions on this application - Gene Lehey and wife Lucy- 475 Long Avenue. Objects to the size of the shed, he doesn't believe that people should be able to do whatever they want when there are restrictions and codes they should follow. You are not interested in environmental or quality of life issues, am I right? The Sunshine Law states that he has the right as the public to tell the Board anything he wants to. OK well then he wants to say that it creates a problem for himself with noise. Cannot have a quiet dinner or sleep, it is an annex it is more than a shed. He has been in Manasquan for 15 years and has never had a problem like this before. Thank you. Any other comments on this application? None move to close the hearing to the public 1<sup>st</sup> Mr. Hamilton, 2<sup>nd</sup> Mr. Triggiano, all in favor none opposed. Last comments from the Board. Mr. Grady last comments. None. Motion to deny application 1<sup>st</sup> John Tischio, 2<sup>nd</sup> Pat Dunne. Roll: Yes votes to deny: Mr. Muly, Mrs. Dunne, Mr. Triggiano, Mr. Hamilton, Mr. Tischio, Mr. Burke, Mr. Coakley, Mr. Twadell. Mr. Grady you have been denied, you will have to deal with the people next door to find out what you have to do to conform. The time frame will be 45 days from the Resolution.

INTERPRETATION OF APPLICATION – 65-2003

Interpretation for R & R Sport Shop – Stephen Paziienza - 78 Main Street – Green Planet  
I would like to open up a coffeehouse at R & R Sports shop in Manasquan. Mr. Cramer swore in Mr. Paziienza. The coffeehouse will be called the Green Planet. He knows there is a parking problem. Most coffee house business takes place between 7 and 10AM. He will have no kitchen. No live entertainment. He would like to create a nice atmosphere for people to come in and linger and stay or leave, as they so desire. Hours of operation will be 7AM – 10PM or perhaps 6:30 in the summer months. He would like to be open seven (7) days a week. There will be no changes in structure to the building but he would like to get to the brick wall that he knows is there. He believes that his place will not be a destination, people will stop if they see a parking space. Otherwise they will be out walking and stop in. For the Board members parking seems to be a big issue. He is willing to take a chance, he believes that R & R sports shop will be going out of business and something will go there or Manasquan will look like downtown Beirut. Before he does a full-blown site plan he is hoping to get approval from the Board to go ahead and start work. Mr. Burke said he would have to apply for building permits from the building department. Mr. Hamilton said that because of the parking and because of the rents being so high the stores are not making it in downtown Manasquan. He doesn't want to see Manasquan have empty stores. Mr. Hamilton feels it is not the Boards business to make this man go get an attorney and prove your case that way, shame on this Board. Mr. Ratz said if the Board approves him then he would get his permits. This is a change of use. Motion to open the meeting to the public 1<sup>st</sup> Mr. Triggiano, 2<sup>nd</sup> Mrs. Dunne all in favor. None opposed. Mr. Dempsey agrees about the intersection but he feels early in the morning there will be a place for people. Evening hours people will most likely walk down there from other businesses. He is in favor. No other audience members. Motion to close the public portion of the meeting 1<sup>st</sup> Carmen, 2<sup>nd</sup> Mr. Muly. All in favor, none opposed. Motion from the Board to Vote Yes: Roll: Mr. Muly, Mrs. Dunne, Mr. Triggiano, Mr. Hamilton, Mr. Tischio, Mr. Burke, Mr. Coakley, Mr. Twadell. There will be a resolution on the interpretation. Mr. Burke explained the appeal period to Mr. Paziienza.

RESOLUTION 53-2003 – Lusk, James and Elizabeth 331 Beachfront  
Block 185, Lot 11, – Zone R-4

Application from Mr. and Mrs. Lusk seeking approval to build a single family dwelling with attached garage at 331 Beachfront. There was a number of conditions attached to this approval including the preparation of a landscaping plan because the boards concern view of the sketch plot was a lot of pavers. The landscaping plan has to be prepared and reviewed by the Board Engineer and there was some discussion about fencing. Discussion about a doorway has to be stepped back as it comes down to the street. Non locking variety. Vote everyone but Mr. Twadell. Motion to memorialize the resolution 1<sup>st</sup> Carmen Triggiano, 2<sup>nd</sup> Neil Hamilton. Yes Votes: Mr. Muly, Mrs. Dunne, Mr. Triggiano, Hamilton, Tischio, Mr. Burke, Coakley.

RESOLUTION 54-2003 – Wise, Kurt and Kathleen – 279 Beachfront  
Block 181 – Lot 9 Zone R4 – Minor Subdivision - Variance

Application seeking the board's approval for a minor subdivision of property located between First Avenue and the Beachfront. Resulted in the creation of two (2) lots that were conforming for frontage as well as lot area, the variances that were required rear yard and front yard setback and the dormer issues with respect to the properties. The board approved the application with certain modifications including relocation of one of the dormers to the other side of the dwelling, which is the beachfront property. Also, a replacement of one gable dormer with a hip dormer and separate utility lines and service lines to each of the proposed dwellings. Mr. Tischio had a question, Mr. Cramer answered it. Motion to memorialize the resolution 1<sup>st</sup> Mr. Triggiano, 2<sup>nd</sup> Mr. Tischio. Votes: Yes: Mr. Muly, Mrs. Dunne, Mr. Triggiano, Mr. Hamilton, Tischio, Burke, Coakley.

RESOLUTION – 47-2003 – Bogstahl, Scott and Francis – 25 North Jackson  
Block 114, Lot 11 – Zone R1 – Bulk Variances

Motion to approve resolution: 1<sup>st</sup> Mr. Muly, 2<sup>nd</sup> Mr. Triggiano, Votes: Yes: Mr. Muly, Mrs. Dunne, Mr. Triggiano, Hamilton, Tischio, Burke, Coakley.

Other items addressed by Chairman Burke. Letter to Marie Applegate from the Open Space Committee. The Planning Board has to appoint a member to the Open Space Committee for the term of January 1 to December 31<sup>st</sup> 2004, as per Ordinance 188302. Motion to appoint Mr. Tischio. 1<sup>st</sup> Mrs. Dunne 2<sup>nd</sup> Mr. Twadell. All in favor none opposed.

Meetings of April 1<sup>st</sup> meetings to be approved. Mr. Twadell questioned the certified mailings. Mr. Burke explained state statute. Something has to be changed on the minutes so they want to know if they can approve them before the changes. Motion to approve with the changes 1<sup>st</sup> Mr. Triggiano, 2<sup>nd</sup> Mrs. Burke, Vote yes all none opposed.

Meeting dates for 2004 – Regular first Tuesday meeting dates – any problems with anyone for those dates, in June election day is the 8<sup>th</sup> so Planning Board will meet on June 1<sup>st</sup>. And then Night out Against Crime they didn't have it last year and we are not making allowances for that because it may not happen this year again. Motion to approve the dates 1<sup>st</sup> Mr. Triggiano, 2<sup>nd</sup> Mr. Tischio. All in favor none opposed. Reserved meetings – Carmen wanted to know why we are reserving these dates, he doesn't believe the special dates should be reserved for the whole year. Taking out July and August. Motion to approve reserved meeting dates without July and August 1<sup>st</sup> Mr. Twadell 2<sup>nd</sup> Mr. Coakley. Vote: Yes: Mrs. Dunne, Mr. Muly, Mr. Tischio, Mr. Burke, Mr. Coakley, Mr. Twadell – No Votes: Mr. Triggiano, Mr. Hamilton

One more thing from Carmen Triggiano, letters from Mr. Cramer and Mr. Hilla, Chairman John Burke, Vice Chairman Thomas Carroll, Secretary Marie Applegate. Open to the floor any other nominations? Vote in favor of the nominated people all in favor, none opposed.

Mr. Burke has one other thing anyone interested in going to the Atlantic City Convention, anyone interested Marie has one Badge that you can use and Mrs. Madden has a few extras also. It started today. If anyone is going down there is one meeting Mr. Burke would suggest if you are looking to go to one Planning Meeting on Thursday there is a basic Planning Board Meeting. He suggested that one and it is a very informative meeting.

Marie also said dues are due for NJ Planning Officials, \$245. Mrs. Dunne moves to approve that bill 2<sup>nd</sup> Mr. Burke. All in favor, none opposed.

Motion to open the meeting to the Public 1<sup>st</sup> Mr. Coakley, 2<sup>nd</sup> Mr. Hamilton, none opposed.

Greg Voran – 564 East Main Street adjacent to the restaurant/condominium project. Early on you referred to them as Apartments. Are they apartments or condominiums? Mr. Cramer said the Board approved them as apartments. Did you know they were for sale? Mr. Cramer said that the Board approved them as apartments and has no control over usage but if they are condominiums then they would have to follow state regulations. Mr. Burke said this is one of the questions the Board will address when they come back before us. January 20<sup>th</sup> meeting. Mr. Cramer said that there was a visit/inspection made to the site by the Engineer and also the Engineer Mr. Gilligan for the property owner. What Mr. Veran wanted to know from the Board if they could ask the applicant to erect the fence that was approved in the minutes? Mr. Burke said there is a stop work order on the property. The property will have to be sealed up all around. He cannot put up the fence on your side because he has to come back before us to show us how he is going to achieve the buffer on your side of the property. Mr. Cramer wanted to know if that is his concern. Mr. Veran said that they actually damaged his property, they came on his property with a backhoe. He approached the Project Engineer and they said they would repair the damage. Mr. Cramer asked if there was any impediment to repair that now, Mr. Veran said no. Mr. Cramer said this will all be addressed tonight anyway, so this work should be accomplished ASAP. Mr. Veran wanted to know if he could request a solid wood fence. He was told January 20<sup>th</sup> meeting would be the place to do so. Mr. Triggiano and Mr. Tischio looked over the bills and Carmen made a motion to approve the bills. 2<sup>nd</sup> Mr. Twadell all in favor, none opposed. The Board went into closed Session on other items at 10:48PM.

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Respectfully Submitted,

*Mary C. Salerno*

Mary C. Salerno  
Planning Board Secretary

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 Planning Board Members:

Please consider the following Agenda for the December 2, 2003  
Special Meeting at 7:00 P.M in Manasquan Boro Hall, 201 E. Main  
Street, Manasquan, N. J.

AGENDA  
MANASQUAN PLANNING BOARD

DECEMBER 2, 2003 - SPECIAL MEETING

7:00 P.M. Sunshine Law Announcement - Chairman

ROLL CALL

1. Salute to Flag

SPECIAL PUBLIC MEETING

INTRODUCTION OF MASTER PLAN RE-EXAMINATION  
REPORT AND HEARING.

1. COMMENTS FROM INDIVIDUAL BOARD MEMBERS
2. AUDIENCE PARTICIPATION.

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 9, 2003  
Regular Meeting at 7:00 p.m. in Manasquan Boro Hall, 201 E.  
Main Street, Manasquan, N.J.

MANASQUAN PLANNING BOARD  
DECEMBER 9, 2003 - REGULAR MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

7:00 P.M. - REGULAR MEETING

1. Salute to Flag
2. Consent Agenda

APPLICATION -67-2003- Harvey & Ann Clapp -311,315,317 Beachfront  
312,318 First Avenue

APPLICATION - 58-2003 - Wright/Hyde -188 First Avenue

APPLICATION - 66-2003 -Barbara Langella - 404 Pine Avenue

RESOLUTION - 52-2003 - Dunne/Bateman - 33 Rogers Avenue

RESOLUTION - 61-2003 - Thomas Coyle - 47 McGreevey Drive

RESOLUTION - 42-2003 - DENIAL - John Grady -479 Long Ave.

RESOLUTION - 8-2003 - Margaret Murnane - 84 N.McClellan

RESOLUTION - 17-2003 - Gerald Yeager - 345 Beachfront

WORK SESSION

1. FOR DISCUSSION - Nominations  
Zoning Ordinance Amendment
2. INFORMAL HEARINGS
3. PRIVATE SESSION
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  
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 December 16, 2003 special meeting at 7:00 P.M. in Manasquan Borough Hall, 201 E. Main Street, Manasquan, N. J.

MANASQUAN PLANNING BOARD AGENDA  
DECEMBER 16, 2003 - SPECIAL MEETING

Sunshine Law Announcement - Chairman

ROLL CALL

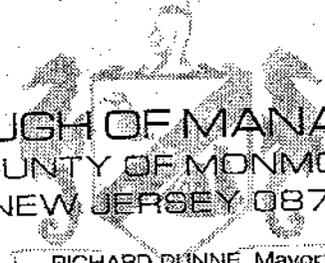
7:00 P.M. - SPECIAL PUBLIC MEETING

MASTER PLAN REVISED REVIEW

Comments from individual board members

Audience participation

Marie Applegate, Secretary  
Manasquan Planning Board

  
BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

RICHARD DUNNE, Mayor  
COLLEEN SCIMEGA, Municipal Clerk

MANASQUAN PLANNING BOARD  
REGULAR MEETING MINUTES - DECEMBER 9, 2003

The Manasquan Planning Board held their regular meeting on December 9, 2003 in Manasquan Borough Hall, 201 E. Main Street, Manasquan, N. J..

Board Chairman John Burke called the meeting to order at 7 p.m.. He announced the meeting was an Open Public Meeting held in accordance with the Sunshine Law and published according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: Present - J. Muly, P. Dunne, T. Carroll, C. Triggiano, N. Hamilton, J. Tischio, J. Burke, K. Thompson, G. Twadell.

Absent - Councilman Schmeling, Mayor J. Winterstella, J. Coakley, Brian Stepowagny, E. O'Hare.

Also in attendance were Board Attorney Geoffrey Cramer, Glen Lines, of Birdsall Engineering, and Marie Applegate, Secretary.

Mr. Burke read 2 letters one dated 10/26/03 to the Planning Board from Brian Stepowagny resigning from the Planning Board, and the other from Eden O'Hare who is also resigning.

APPLICATION - 67-2003 - Harvey & Ann Clapp - 311, 315, 317 Beachfront, 312, 318 First Avenue.

Keith Henderson put himself on record as Attorney representing the applicant. He testified this application consists of 3 lots on the beachfront and contain 5 existing structures. The applicant intends to demolish all five structures and create 3 conforming lots, 2 lots will be at 50 ft. or very close to 50 ft. on the beach with flag pole driveways and then there will be a lot on First Avenue. All lots will be over-sized.

Harvey Clapp and Christopher Rice the Architect were sworn in by Mr. Cramer.

Mr. Clapp testified he resides in Baltimore, Md. and acquired the property in question in stages. His son bought the first lot in the middle, in August a year ago and Mr. Clapp and his wife acquired the adjoining lots about 6 months ago. He testified he will build 3 homes on the lots. He is going to live in the North one on the Beach.

Mr. Rice the Architect, was retained by the applicant. He testified there will be 2 on the beachfront and one on First Avenue. They are fully conforming in area size and frontage. We do have a CAFRA application in.

Each front house is going to have a somewhat below grade garage, which will park at least 2 cars in the structure and the length of the driveway 2 or 3 more. The First Ave. house has a driveway wide enough for 2 in the driveway and 2 in the garage. We're here for a minor sub-division tonight, we're not coming back, we expect to build 3 conforming homes, that envelope can be very restrictive. First Ave. is 60 ft. going east and west and almost 70 ft. across. They have 4900, 4900, and 4800 ft. There will be 2 12ft. curb cuts for the beachfront and a 22 ft. for First Ave..

Mr. Henderson testified all utilities will be under ground. Curbs and sidewalks will be replaced. Subdivision will be perfected by Deed. Mr. Rice testified all concrete will be removed and they will put in pavers or board walk type walks. All air condition units will be in the rear. Mr. Rice testified access to the Beach is being worked out, maybe on the sides, all according to the designs.

Mr. Cramer stated he will provide a copy of the resolution to Mr. Henderson before the meeting to make sure all stipulations are in it.

Motion to open the meeting to the public was made by T.Carroll, seconded by N.Hamilton and unanimously carried.

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

A motion by J.Muly to approve this application seconded by C.Triggiano, followed by the following vote: YES - J.Muly, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke,, G.Twadell.

APPLICATION - 58-2003 - Wright/Hyde - 188 First Avenue  
Timothy B. Middleton put himself on record as Attorney representing the applicant.

Mr. Cramer swore in 2 witnesses - Reginal Hyde, 3400 Sand Piper Way, Allenwood and Henry Wright, 188 First Avenue.  
Mr. Middleton stated this is an application involving a vacant lot on First Avenue. The applicant is proposing to build a home. The variances involved are front yard set back 10 ft. required, 5 ft. is proposed and the curb cut, 20 ft required, 30 ft. is proposed. Back in 2000 the applicatn came in for a sub-division and the Board did grant a variance for the 30 ft. curb cut. He made reference to the resolution.

Mr. Rice's photo was marked into evidence as Exhibit A-1. When the sub-division was done, the measurements of this building,

lot size, shape - everything complies, and that was set forth in that sub-division, however, if we push the house back 10 feet, we will be 10 feet back further than any one else. We do have steps and a deck to get into the house. Mr. Furey would say again - steps can't project into that rear yard. We took the option to pull the house 5 ft. from the front property line, now we meet the rear yard setback, deck included. Now there won't be any question as to whether or not we comply to the rear yard setback. Giving a bigger rear yard is more important than giving another 10 ft. off First Ave.. Everyone else is at zero and we want to be at 5 ft., that is probably the best way to do that. We are asking for a front yard set back variance from 10 to 5 ft.. The entire house complies with the envelope, option A, we're allowed north or south or west. We took North & West. The north dormer complies, the west dormer is subject to a variance, 10 ft. length is required, we took 15 ft.. The house is still at 32 ft. just as the sub-division was approved. The entire house complies with the envelope, the north dormer complies, the south dormer doesn't count because it's under the envelope, it's the west dormer that is subject to a variance.

Alan Hilla stated he considered the west dormer not a dormer, he considered it as a continuous roof line, part of the main house. Item No. 1 in his letter there is a difference between the survey and Mr. Rice's plan, shows the driveway that serves the beachfront house how it relates the coverage, right now it is fully in the easement. Mr. Rice stated when they build the house that driveway will be taken care of. Air conditioner will be in the rear yard. Mr. Middleton stated a survey will be done showing where all utilities are located.

Neil Hamilton stated he would like to see it come forward. When the resolution was developed, there are a couple of issues, that when the subdivision was done, there would be no variance requested on that vacant lot when they came back for a new application, if he understands that correctly. Here we are wasting a lot of time on a piece of property that's roughly a large home going into the R-4 zone, a large parcel, yet the size of the structure is a small parcel. He thinks when it was subdivided, it was one of the largest pieces on the beach. In Mr. Hamilton's opinion, this application shouldn't even be before this Board. It should conform in all aspects, because we granted the initial sub-division. You can't have it both ways all the time. This Board has been subject to many cases like this. He doesn't know where there is a hardship here. They forfeited that hardship when they came before this Board for a sub-division.

Mr. Burke had a question on the fence. Mr. Hyde stated it is on the Wright property.

Mr. Rice stated if we push it back 10 feet than the Board will

have to give them a variance for the stoop and steps.

Alan stated the steps can be in the rear yard, the landing or the deck is the issue. They could have steps to a 3x5, but they have steps to a 6x20. They have taken the entrance portion to the house as it faces the beach, and made it a deck. Averaging does not apply in this zone.

The Board agreed to go back 10 feet. Mr. Hamilton stated when we subdivided the property, we indicated no variances, we shouldn't even entertain the application. He wanted it clear for the record. Mr. Burke agrees with Mr. Hamilton on this.

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

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

Motion by T.Carroll to approve this application with the changes that the Board agreed on, that is setting it back 10 ft. utilities, side walk repair, seconded by G.Twadell followed by the following vote: YES - J.Muly, T.Carroll, C.triggiano, N.Hamilton, J.Tischio, J.Burke,G.Twadell.

Motion for a 5 minute recess at 8:20 p.m. was made by T.Carroll, seconded by C.Triggiano and unanimously carried.

Board returned from recess at 8:30 p.m.with the following roll call: J.Muly, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, G.Twadell.

APPLICATION - 66-2003 - Barbara Langella - 404 Pine Avenue. John Carton Esq. with Carton & Arvanitis put himself on record as Attorney representing Barbara and Jack Langella. Barbara Langella, Jack Langella and Chris Rice were sworn in by Mr. Cramer.

Mr. Langella testified, they have lived across the street from this property for 31 years. Barbara's parents owned this home and passed away. We sold our house and moved into this house, we wanted a retirement house. When we got into it we realized the renovations, new electric, plumbing, windows, it was determined to completely demolish this house and put up a new one. In doing so we wanted to have a bedroom and bath on the first floor. The new house will have 2 floors, the first will be a kitchen, living room, dining area, bedroom and bath. Upstairs will be 2 bedrooms and a bath. The second floor living space will not be as large as the first floor, as it will only cover 1/2 of the first floor. There will not be a garage for the new house.

Mr. Rice testified their requirement for a first floor bedroom and bath is very common. Instead of doing a 2 1/2 story house, this is a 1 1/2 story. The upstairs is only over 1/2 of the house, the other half is attic space, so it really looks like a 2 story home. It is approx. 2,000 sq. ft.. The neighbor to the west recently did a 2 1/2 story house. There is a bay or box window off the dining area, looing over the park. They are not bringing it to the ground, so there will be a variance for that. Exhibit A-1 is a picture of the new house next door and Exhibit A-2 is a photo of the applicants house. Mr. Rice testified there will be a grading plan.

Motion to open the meeting to the public was made by T.Carroll, seconded by G.Twadell and unanimoisly carried.

There being no comments from the public, meeting was closed by motion from T.Carroll, seconded by C.Triggiano and unanimously carried.

T.Carroll made a motion to approve this application as presented to the Board, seconded by J.Muly, followed by the following vote: "YES" - J.Muly, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, G.Twadell.

RESOLUTION -52-2003 - Bateman/Dunne - 33 Rogers Avenue  
Motion to memorialize this application was made by C.Triggiano, seconded by J.Muly followed by the following vote: "YES" J.Muly, C.Triggiano, J.Tischio, J.Burke, G.Twadell.

RESOLUTION - 61-2003 - Thomas Coyle - 47 McGreevey Drive  
Motion to memorialize was made by C.Triggiano, seconded by G.Twadell, followed by the following vote: "YES" -J.Muly, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, G.Twadell.

RESOLUTION - 42-2003 John Grady - 479 Long Avenue  
Motion to deny this application was made by N.Hamilton, seconded by J.Tischio, followed by the following vote: "YES" J.Muly, C.Triggiano, N.Hamilton, J.Tischio J.Burke G.Twadell.

RESLUTION - 8-2003 - Margaret Murnane - 84 N. McClellan Ave.  
Motion to memorialize was made by N.Hamilton, seconded by C.Triggiano, followed by the following vote: "YES" J. Muly, C.Triggiano, N.Hamilton, J. Tischio, J. Burke, G.Twadell.

RESOLUTION - 17-2003 - Gerald Yeager - 345 Beachfront.  
Motion to memorialize 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 -65-2003 - Stephen Paziienza -78 Main Street.  
A motion to approve was made by C.Triggiano sedonded by G.Twadell followed by the following vote: YES - J.Muly, C.Triggiano,

N.Hamilton, J.Tischio, J.Burke, G.Twadell.  
A motion to approve an extension of time for Henry Trost, 73/75 Ocean Avenue was made by T.Carroll seconded by C.Triggiano followed by the following vote: YES - J.Muly, T.Carroll, C.Triggiano, N.Hamilton, J.Tischio, J.Burke, G.Twadell.

Chris Rice came forward on Vinnie Catona, stating that after he did the plans on it then went back to Mr. Fury work was stopped on it. They are looking for an interpretation. Mr. Hamilton stated they were going to rehab a current garage apartment structure, instead they totally demolished that on a Saturday without a permit, no disconnects, no asbestos removal. We put a stop order on Tuesday, on Wednesday the contractor came back removed the stop work order and began work again. Charlie went down and put another stop work order on Thursday. The following Monday there were contractors there and the third time I made the contractors leave the site. Two letters have gone out to Catona, he has fines pending, there is still no permit. They have to come back to this Board with a full application. He is in violation of the resolution originally. The fact that they have knocked that building down, they might not even meet the setbacks.

Mr. Rice stated they will see that they meet all setbacks, as he is the Architect on this project.

Motion was made to pay all invoices by C.Triggiano, seconded by T.Carroll and carried unanimously

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

There being no comments from the public, motion by T.Carroll to close the public portion was made seconded and unanimously carried.

Motion to adjourn the meeting was made, seconded and unanimously carried at 9:15 p.m.

Respectfully submitted,

*Marie Applegate*

Marie Applegate, Secretary  
Manasquan Planning Board

RICHARD DUNNE  
Mayor

COLLEEN SCIMECA  
Municipal Clerk

JOHN T. TRENGROVE  
Municipal Administrator

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

**MANASQUAN PLANNING BOARD**  
**MINUTES – SPECIAL PLANNING BOARD MEETING**  
**DECEMBER 2, 2003 – 7:00PM**

The Manasquan Planning Board held their Special Planning Board meeting on Tuesday, December 2, 2003 in the Manasquan Borough Hall, 201 East Main Street, Manasquan, New Jersey.

Chairman John Burke opened the meeting stating that this meeting is held in accordance with the Open Public Meeting Act and is published according to law. He stated there was a copy of the Agenda posted on the bulletin board outside. He then asked everyone to please stand and salute the Flag.

He then explained that what they were going to do tonight is introduce in the first of two public meetings the Borough of Manasquan Master Plan re-examination report for November 2003. This report has been compiled by this Board and Birdsall Engineering in accordance with the Municipal Land Use laws of the State that require us to review our Master Plan every six years. This is the end of that review. We will have Mr. Alan Hilla go over this report and present it to the Board and to the audience. Then, the members of the Board will be able to make comments on the report and then the public will be able to make comments on the report.

**ROLL CALL:**

**PRESENT:** Mr. Muly, Mrs. Dunne, Mr. Carroll, Mr. Triggiano, Mr. Hamilton, Councilman Schmeling, Mr. Tischio, Mr. Burke, Mr. Coakley, Mr. Thompson and Mr. Twadell.

**ABSENT:** Mayor Winterstella

Mr. Burke introduced Alan Hilla who is the author of the report that we are going to go over tonight. Mr. Hilla went over his report.

- Need for revision of Housing Plan Element to reflect results of 2000 Census, and subsequent revision of the Fair Share Plan to address new COAH calculations.
- Need for expansion of Master Plan to include Historic Preservation, Recreation, Community Facilities, and Conservation Plan Elements.
- Need for deletion of the PUD Zone in its entirety.
- need for deletion of Industrial Zone and rezoning of those parcels affected.
- Need for expansion of RPM Zone provisions in the B-2 Zone.
- Need for development of Bed and Breakfast use regulations.
- Need for increase in buffer size between residential and non-residential uses.
- Need for comprehensive lighting regulations.
- Need for elimination of split lot zoning occurrences.
- Need for modification of development regulations to reduce density and maintain character in the R-4 Zone.
- 
- These problems and objectives, as well as constantly emerging items of concern, have been the subject of regular planning meetings of the full Board over the last few years.
- 
- Items 3 and 5 needed to be addressed. Mr. Hilla stated that re-examination reports can be done at any time, six years is what the State mandates. The issues discussed were the different Zones in Town, the height and setbacks in the R-4 Zone. Accessory structures on Multi-family residential properties. Board members asking questions were John Tischio, Pat Dunne, Carmen Triggiano, Gordon Twadell, and Bill Schmeling.

Mr. Burke said he thinks Mr. Hilla put together a very good report and the Board has worked very hard over the past two years and made a lot of good changes. Tom Carroll said he has been on the Planning Board three years ago and right at that time they were starting to go into this re-examination of the Master Plan, which is something he didn't know Planning Boards did when he first came here. He wondered what he'd gotten himself into. He thinks the whole Board was a little overwhelmed as to how they were going to handle this thing, but it was done. A lot of work, a lot of effort. This Board also had a subcommittee who did a lot of hard work on this as well as us ourselves and that subcommittee was Gordon Twadell, John Tischio, Bill Schmeling, Jim Coakley, John Muly and John Burke and they did a lot of work as well on this. John Tischio asked Mr. Hilla if there were going to be any changes to the document and he said only if there were any issues that mandated it. Mr. Hilla said ultimately the one that the Town receives is bound. Mr. Tom Carroll moved to open the meeting to the public and Pat Dunne seconded it. All in favor, none opposed.

**AUDIENCE PARTICIPATION:**

Joan Harriman - 574 Perch - She had a comment on the 30-foot height, she thinks it's a great idea to set a height limit, but she feels it's too restrictive, she does feel 35-foot is too high, she is asking the Board to consider to make it 32-foot, and the reason

is because she feels attic space is very important. She feels very strongly that 30-feet is too low.

Mr. Burke responded with the fact that this has been discussed a lot by the Board and this is regarding the Beachfront and he said the Board feels 30-feet is adequate, it would still give you normally a 6-foot peak height. We are purposely doing that because we don't want any living up there in the half-story. Mrs. Harriman said she respectfully disagrees, she feels there should be more available space up there. She said if they stick something up there that is none of her business, it's just her political feelings, she has no right to judge what somebody does with their own property that's their business. As far as the comments she heard about them having an advantage because they are on a hill, where she came from she lived on a hill and her basement was over the top of the house next door to her just because of the hill. Now, you could not restrict the height of my house because I'm on a hill I couldn't have a two foot house so her roof would be the same as the one next to her, so she is saying in her thought the hill at the beachfront is topographical and the person on the Beachfront has just as much right to whatever height there is as a person on First Avenue. Mr. Burke said they can get their 35-foot height if they choose the option, it's an option. If they want to go with the 5-foot setback which is all over town, if they want to conform to the normal regulations of that area they can go to 35-feet if they have a conforming lot. Mrs. Harriman said ok but she disagrees. The other thing is what is the definition of a Bed and Breakfast, is there a written definition of a Bed and Breakfast. We have a Use Zone and we're saying ok we're going to make Bed and Breakfast possible, what is your definition. Mr. Burke said it's not our definition, it's a State definition. Bed and Breakfast's are if you designate a property as a Bed and Breakfast, it is controlled by the State regulations. Mr. Burke read the definition out of the MLU book to Mrs. Harriman. She asked if it only could be done in a Business Zone and the answer was correct. The third thing she wants to say is the historic preservation is not in this, I think that might be put on your list. Only because she has seen Towns come where someone comes in and wants to put in an all glass and steel whatever building, which would not be fitting in our Town. Mr. Burke said the way Alan Hilla explained it is if this Board was to look into that it would have to be at the request of the Town Council. They would have to request this Board to look at that as an overall Town projects or however you want to call it. It's not part of a Master Plan review process. Mr. Schmeling said he doesn't believe that is true. Mr. Twadell said the only problem with that is you are going to limit to people what they can and cannot build, and to use Historic preservation as a ruler or as a backstop he doesn't think you can do that. Mrs. Dunne said Paul Symanski was pushing this and saying you do not have to have this strict preservation, you could just say it has to have the feel of the era.

Mr. Richard Dunne – Long Avenue – He would like to agree with your other comments and commend the Board and the Planner and all on putting this piece of work together. As he sat there and listened, he feels they created a number of work items that, we on Council will have to pick up and carry to completion. To the report itself, we use the term Family Compound; does that have a meaning? Mr. Hilla said it is more a descriptive term, it's not designed in our Zoning Ordinance.

Mr. Burke said what usually happens Rich, is that when people come before us they especially Mr. Henderson will testify to the fact that we will live in the house on the Beachfront and our kids are going to live on First Avenue and that's why he coined the phrase Family Compound but it's usually on the record that they're testifying that's how they are going to use the property. That does not preclude them from changing that in any future time but we usually get that kind of testimony during the application process. Mr. Dunne said by using those words connotes some connotation that is misleading that you have a lot of property and for many economic reasons. The Board said we could change the term to Family owned one owner. Mr. Dunne said by not subdividing it's a single ownership by definition. Mr. Dunne said by not subdividing it's a single ownership by definition. Motion to close the public portion of the meeting made by Tom Carroll and seconded by Carmen Triggiano, all in favor none opposed. Mr. Carroll said there will be another meeting on the 16<sup>th</sup>. He moved to close the public portion of the meeting and seconded by Carmen Triggiano all in favor, none opposed. Motion to close the meeting made by Thomas Carroll, seconded by James Coakley, all in favor none opposed.

Respectfully submitted,



Mary C. Salerno  
Planning Board Secretary