1980

Ruth's term ends 12/31/80

MANASQUAN ZONING BOARD OF ADJUSTMENT - REGULAR MEETING JANUARY 9, 1980

MEMBERS PRESENT: Mrs. Ruth Dillon, Messrs. C. Raymond King, Wm. Miller, Ed Piotrowski, Kenny Schneider, James Van Schoick and James V. Smith

ABSENT: Mr. Russell Neiberlein

Work session began at 7:30 P.M. with discussion of Resolutions before Board.

Meeting was called to order at 8:05 with a roll call, Salute to the Flag, announcement that this was an Open Public Meeting held in accordance with the Open Public Meetings Act of 1975. Adquate notice had been given to the Asbury Park Press and the Coast Star.

Minutes were moved by Bill Miller, seconded by Kenny Schneider. Vote yes: Messrs. R. King, W. Miller, E. Piotrowski, K. Schneider and J. VanSchoick. Abstained: Mrs. R. Dillon.

RESOLUTION 7-80 MARTIN KEEFE 191 BEACHFRONT
Resolution 7-80 was read by Peter Ragan, moved by Raymond King, seconded by Kenny Schneider. Vote: Yes: Messrs. R. King, W. Miller, E. Piotrowski K.Schneider, J.VanSchoick. Abstained: Mrs. R. Dillon.

RESOLUTION 8-80 JOHN DINYOVSZKY DEEP CREEK DRIVE (undersized lot)
Resolution 8-80 was read by Peter Ragan, moved by Kenny Schneider, second by Vote: Yes: Messrs. R. King, W. Miller, E. Piotrowski, K.Schneider & J.VanSchoick. Abstained: Mrs. R. Dillon.

DIET CENTER 177 MAIN STREET APPLICATION # 17-79
Announcement that the Diet Center asked for a postponment of their application until the February 6, 1980 meeting. Motion was moved by Bill miller, seconded by Ed Piotrowski. All members voting yes.

APPLICATION 19-79 JOHN DINYOVSZKY 39 DEEP CREEK DRIVE (CELLAR)
Mr. Ragan told Mr. Dinyovszky that the Board required, at the last meeting, for him to give his opinion reguarding whether or not a variance could be granted, at all, in this case, in light of Ordinance 1066, which is Ordinance establishing requirements for construction within a flood hazard zone. Mr. Ragan advised Board that in his opinion a variance could be granted; that the Ordinance specificly provides that variances can be granted from its terms.

Bill Miller moved a Resolution to grant the variance, including this Resolution in Resolution 8-80, incorporating as part of the resolution the findings of fact that Mr. Dinyovszky presented before the Board. Seconded by Raymond King. All members voting yes.

memorializing resolution Dinyovszky

MANASQUAN BOARD OF ADJUSTMENT CONTINUED JAN.9, 1980

APPLICATION 16-79 BOYD DAVIS 122 FIRST AVENUE CON'T
Mr. Van Schoick read letter sent by Mr. Davis. Letter along with the revised sketch was marked exhibit A-9.

Mr. Deppler introduced two letters that his law office had received. Mr. Van Schoick read letters into evidance. Letters ere sent by: Rose Buckley-127 Beachfront, and Joseph J. Maraziti. Both letters were in favor of the application. No objectors in audiance.

Bill Miller moved a motion to draw a resolution in favor of Variance as requested. Seconded by Ruth Dillon. All members voting yes.

LOUIS KESSELL 378 FIRST AVENUE-REOPEN HEARING
Richard Wight representing Mr. and Mrs. Kessell. Resolution 25-79 to reopen hearing was read by Peter Ragan, moved by Kenny Schneider, seconded by Ed Piotrowski. Corrected second line the Resolution number 23-79 and the street address should be 378 First Avenue, block 187 lot 1-377. Motion as corrected and read. All members voting yes.

Mr. Wight proposed that the structure be centered on property and the top part of house be shrunk to 3 feet and a fraction of an inch 1. feet high.

OBJECTORS: Mrs. Shirley Swallow,374 First Ave., Manasquan, N.J.
Mrs. Louise Voegler, 380 Beachfront, Manasquan, N.J.

Raymond King moved a motion to draw a favorable resolution for the Kessells', considering all the facts. Seconded by Kenny Schneider, All members voting yes.

Motion made and seconded to have a 5 minute recess. All members voting yes. Roll call after recess. All members in attendance.

RESOLUTION 1-80 CHAIRMAN Ruth Dillon made a motion to elect C. Raymond King as Chairman. Seconded by Kenny Schneider. All members voting yes.

RESOLUTION 2-80 VICE CHAIRMAN Motion made by Ruth Dillon, seconded by Kenny Schneider to elect James VanSchoick as Vice Chairman. Yes: Mrs. Ruth Dillon, Messrs. C. Raymond King, Bill Miller, Ed Piotrowski, Kenny Schneider and James V. Smith. Abstained: James VanSchoick.

RESOLUTION 3-80 MEETING DATE Read by Peter Ragan, corrected to read, after the word holiday: and except that the regular meeting for the month of February 1980 shall be held on February 6, 1980 etc.

RESOLUTION 4-80 OFFICIAL NEWSPAPER Moved by Kenny Schneider, seconded by Ed Piotrowski. All members voting yes. Resolution to be published.

MANASQUAN ZONING BOARD OF ADJUSTMENT JANUARY 9, 1980 CONTINUED

RESOLUTION 5-80 SECRETARY TO THE BOARD
Moved by Bill Miller seconded by Ruth Dillon. All members voting yes. Resolution to be published.

RESOLUTION 6-80 ATTORNEY TO THE BOARD
Moved by Bill Miller seconded by Kenny Schneider. All members voting yes. Resolution to be published.

AGREEMENT between Board and Peter Ragan. Moved by Ruth Dillon, seconded by Kenny Schneider. All members voting yes.

Motion made by Kenny Schneider seconded by Bill Miller to adjourn meeting. All members voting yes.

Resolution 9-80 (from tabled at prior meeting) Memorialization
" 10-80 Boyd C Davis
11-80 Kessell

MANASQUAN ZONING BOARD OF ADJUSTMENT - REGULAR MEETING FEB. 6, 1980

MEMBERS PRESENT: Mrs. Ruth Dillon, Messrs. Raymond King, Bill Miller, Ed Piotrowski, Kenny Schneider, James VanSchoick, Russell Neiberlein, James V. Smith and Attorney Peter Ragan.

ABSENT: None

Work session began at 7:30 with discussion of Resolutions before Board.

Meeting was called to order with a roll call, Salute to the Flag; Announcement that it was an open public meeting held in accordance with the Open Public Meetings Act of 1975. Adquate notice had been given to the Asbury Park Press and the Coast Star.
Minuets of Jan.meeting, moved by B.Miller, 2nd.J.VanSchoick, all mem. yes.

Mr. VanSchoick made motion to suspend the regular order of business, seconded by Mrs. Dillon. All members voting yes.

1-80 - ROGER TAYLOR 76 CHURCH STREET (Known as 82½ Church Street)
Mr. Taylor was sworn in by Attorney Ragan, gave his name and address as Roger W. Taylor, 106 Sussex Avenue, Spring Lake, New Jersey. The following exhibits were marked into evidance:

A-1 Letter of deniel from Construction Official stating rear yard requirement.
A-2 Notice of appeal and variance application (2 pgs.)
A-3 List of property owners (2 pgs.)
A-4 Notice of Hearing
A-5 Plot plan
A-6 Detailed drawings
A-7 Proff of Service

Mr. Taylor told the Board that the proposed addition will be 1½ stories; that the present structure would not be touched; that they felt that this was the best use of the property; that they were trying to duplicate the same lines and architecture; that the building might be of some historic value.

There was discussion between Mr. Taylor and the Board concerning the addition and property lines.

Mr. VanSchoick moved a motion to draw a favorable resolution, seconded by Mr. Schneider. All members voting yes.

MEMORIALIZATION RESOLUTION 9-80 JOHN DINYOVSZKY DEEP CREEK DRIVE - CELLAR
Resolution was read by Mr. Ragan, oved by Mr. VanSchoick, seconded by Mr. Miller. VOTE: Yes: Mr. King, Mr. Miller, Mr. Piotrowski, Mr. Schneider, Mr. JanSchoick Abstained: Mrs. Dillon and Mr. Neiberlein. This Resolution had been voted on at the January 9, 1980 meeting.

REGULAR MEETING FEBRUARY 6, 1980-CONTINUED

10-80 BOYD C. DAVIS -122 FIRST AVENUE Resolution read by Mr. Ragan, moved by Mr. Miller, seconded by Mr. Piotrowski. VOTE: Yes: Mrs. Dillon, Messrs. King, Miller, Piotrowski, Schneider and VanSchoick. Abstained: Mr. Neiberlein.

11-80 - MR. AND MRS. LOUIS KESSELL - 377 FIRST AVENUE - Resolution framed by Attorney Ragan, moved by Mr. Miller seconded by Mr. Schneider. VOTE: Yes: Mrs. Dillon, Messrs. King, Miller Piotrowski, Schneider, VanSchoick. Abstained: Mr. Neiberlein.

DIET CENTER - 17-79 CONTINUED 177 MAIN STREET Motion to postpone application until next regular meeting March 12, 1980. Moved by Mr. Piotrowski, seconded by Mr. VanSchoick. All members voting yes.

PROPOSED AMENDED RULES AND REGULATIONS ZONING BOARD OF ADJUSTMENT Motion made by Mr. VanSchoick to post proposed amended Rules and Regulations on bulletin boards in Borough Hall along with the proposed amended instruction sheet and the amended forms 1,2,4 and 5 of the Zoning Board of Adjustment. Seconded by Mr. Piotrowski. All members voting yes.

Motion made by Mr. Miller to adjourn meeting, seconded by Mr. Schneider. All members voting yes.

MANASQUAN-BOARD OF AJDUSTMENT - REGULAR MEETING- MARCH 12,1980

MEMBERS PRESENT: Messrs. Russell Neiverlein, Ed Piotrowski, Kenny Schneider, James VanSchoick, James V. Smith, C. Raymond King and Attorney Peter Ragan

ABSENT: Mrs. Ruth Dillon and Mr. Bill Miller

Work session began at 7:30 P.M. with discussion of legality of charging for expert witnesses.

Meeting was called to order at 8:00 P.M. with the Salute to the Flag, announcement that it was an open public meeting held in accordance with the Open Public Meetings Act of 1975, adaquate notice had been given to the Coast Star and the Asbury Park Press; then Sec'y called the Roll.

Minuets of February 6, 1980 meeting were moved by Mr. VanSchoick, seconded by Mr. Schneider. All members voting yes.

11-80 - MEMORIALAZATION RESOLUTION 11-80 MR. AND MRS. LOUIS KESSELL
Resolution was read by Attorney Ragan, moved by Mr. Schneider, seconded by Mr. Piotrowski. VOTE: yes, Messrs. Russell Neiberlein, Ed Piotrowski, Kenny Schneider, James P. VanSchoick, C. Raymond King. ABSTAINED: Mr. James V. Smith.

12-80 ROGER TAYLOR 76 CHURCH STREET (known as 82½ Church Street)
Resolution was read by Attorney Ragan, moved by Mr. VanSchoick, seconded by Mr. Neiberlein. All members voting yes.
Resolution 12-80 was amended to read: Paragraph 4,2) line 2, to read: consisting of a kitchen, bedroom and living room.
Paragraph 5,3) third line, delete (and dining room.)
Mr. VanSchoick moved the amended paragraphs read by Attorney Ragan. Seconded by Kenny Schneider. All members voting yes.

Mr. King mentioned that at the work session he had asked, Mr. Ragan, to research the legality of charging applicants for expert witnesses.

Motion make by Kenny Schneider to adjourn meeting. Seconded by James VanSchoick. All members voting yes.

MANASQUAN BOARD OF ADJUSTMENT-REGULAR MEETING ARRIL 9, 1980

MEMBERS PRESENT: Mrs. Ruth Dillon, Mr. Bill Miller, Mr. Ed Piotrowski, Mr. James P. VanSchoick, Mr. C. Raymond King, and Attorney Peter Ragan

ABSENT: MR. Russell Neiberlein, Mr. Kenny Schneider Mr. Jim Smith and Secretary Jo-Ellen Brown

Meeting was called to order by Chairman King with a roll call. Salute to the Flag and an announcement that this was an open Public meeting held in accordance with the open Public Meetings Act of 1975. Adquate notice had been given to the Asbury Park Press and the Coast Star.

Minuets were moved by Mr. VanSchoick, seconded by Ed Piotrowski, Yes vote: Ed Piotrowski, James VanSchoick, Raymond King Abstained: Ruth Dillon and Bill Miller.

AMENDED RULES AND REGULATIONS
Jim VanSchoick made motion to adopt the amended Rules and Reg= ulations for Zoning Board of Adjustment and to authorize the Secretary to make or obtain the approiate number of copies that will be needed of each. Seconded by Ed Piotrowski. All members voting yes.

DIET CENTER
Motion made to dismiss case for lack of prosecution. Motion made by Bill Miller, seconded by Jim VanSchoick. All members voting yes.

101 Mr. Ragan said that he had been requested by the Board to research whether or not the cost of expert witnesses, that may be called by the Board, could be passed on the the applicant. In his opinion the cost of an expert called by the Board must be paid by the Board and the cost cannot be passed on the applicant.

P.A.F. ASSOCIATES 125 BEACHFRONT MICHEAL ACKAWAY
Richard Wight representing P.A.F.Associates. Mr. Wight said that this Variance Application was primarily concerned with the width of the home; that the lot was only 27' wide. That they would only be using 67% of the lot. That the lot is of unusual and odd shape and it would be a hardship for them to have to comply with the 5' side yard. (LIST OF EXHIBITS ATTACHED)

Mr. Wight introduced Mr. EDWARD ANGSTER-29 Central Ave., Toms River. Mr. Ragan swore in Mr. Angster and he said he was a licensed Architect, Engineer, Surveyor, Planner in the State of N.J. also, a licensed Building Inspector, Building sub-code official and Construction Official.
Referred to condition #4. Chimney on South side of house blocks side yard thru to beach. Said that they were going to modify plan to allow walk under chimney; that it is a wood burning stove and does not require foundation.
Condition 5 requires parking spaces. That they will provide for them.
Lot lies in the V-4/B & C Zones.
Basement floor elevation is 10'/ Finished First floor will be elevation 19 feet. That there will be a partial basement in rear of house. Approximately 22 feet deep with storage and shower and tolet (10 ft. elevation) That there will be crawl space rest of areas. That they will place any beach sand on Beach. Mr. Angster said he doesn't feel that an elevated structure is necessary.

MANASQUAN BOARD OF ADJUSTMENT REGULAR MEETING APRIL 9, 1980
CONTINUED

P.A.F. ASSOICATES CON'T
Mr. Angster further stated that it would be a one family house with six bedrooms. Four on second floor with a large room that they are calling a card room. That there will be two bedrooms on first floor with bath, laundry room and kitchen, with deck on east side.

SIDE A SECOND TAPE
Mr. Angster further stated that the plans were in error, that the basement should be on the west side instead of on east side along with walkway; that they will enter off deck into dining and kitchen area and thru living room; that there will also be another side entry to go to bedroom area upstairs, and another door in rear on side to get in to laundry room in back without passing thru entire house; that the elevation of the highest room was 24; to top of chimney is 26'; that the plans do not show service walk but will be put in on north side; that the bedrooms will only be 9'9" wide; that there are existing houses within a couple of feet of line and it would be impossible to aquire additional land; that the ordinance allows 75% usage with 40 ft. front, only asking a little less using 27 foot front; that the outside lighting will only be service lights; that the heat will be baseboard hot water gas.

Mr. ACKAWAY called and sworn in by Attorney Ragan stated his name and address as Micheal Akaway, 368 Hillpot Road, Toms River, N.J. Mr. Ackaway stated that he didn't think there would be any air conditioning or any special outside lights, that the walkway on north side would propably be concrete; that he was not going to live there all year round but would maintain heat and everything all year; that it will be owner occupied, they have no plans for renting.

Mr. Ackaway further stated that he had no objections to pilings if Board feels that its better.

No other witnesses. Objector Tim McCorkle his grandmother Rose Buckley lives on South Side and was concerned with the chimney in walkway. Mr. Angster said that he anticipates a clearance of 10 ft. That the property would be no closer to property line than his house is to property line.

Motion made by Mr. VanSchoick to have site inspection on Sat. April 12, 1980, at 9:00 A.M. All members voting yes.

Board asked if Mr. Ackaway was aware of Ordinance 1066 and the requirements. They said that they would meet the critera set forth in Ordinance and will bring in revised plans.

Motion to continue hearing until next regular meeting without the need for any additional notice, made by Mr. VanSchoick, seconded by Mrs. Dillon, All members voting yes.

Motion made by Mr. VanSchoick to have a special meeting on April 23, 1980, seconded by Mrs. Dillon. ALL members voting yes. Mr. Miller unable to attend meeting.

Motion made and seconded to adjourn meeting. All members voting yes.

P.A.F.ASSOCIATES EXHIBITS MARKED INTO EVIDENCE

A-1 Deniel from Construction Official
A-2 Notice of Appeal and Variance (2 pgs.)
A-3 List of property owners (3 Pgs.)
A-4 Notice of Hearing to property owners
A-5 Affidavit of Proff of Service
& Affidavit of Publication
A-6 Plot Plan dated 2-4-80
A-7 Letter ofrom Construction Official to
Borough Eng./Flood Zone
A-8 Application for Construction Permit
A-9 Architects rendering of proposed construction
dated 6-11-79 & 7-20-79 (3 pgs.)
A-10 Flood Map (5 pgs.)

SPECIAL MEETING MANASQUAN BOARD OF ADJUSTMENT APRIL 23, 1980

MEMBERS PRESENT: Mrs. Ruth Dillon, Messrs. Russell Neiberlein, Ed Piotrowski, James VanSchoick, C. Raymond King, and Attorney Peter Ragan

ABSENT: Messrs. Bill Miller, Kenny Schneider and James V. Smith

MEETING WAS called to order at 8:10 P.M. with a roll call, Mr. King announced that it was open public meeting held in accordance with the Open Public Meetings Act of 1975 and that adaquate notice had been given to the Coast Star and the Asbury Park Press.

Mr. King announced that this was a special meeting for Micheal Ackaway, 125 Beachfront; that it was a continuation of a Public Hearing.

Mr. Ansgter, Architect, was reminded that he was still under oath and produced 6 copies of revised site plan. The revised site plan was marked exhibit A-11.

Mr. Ansgter said that he had spoken to Mr. Ackaway concerning the concrete walk that Mr. Ackaway had testified to at the last meeting. Mr. Angster had recommended to Mr. Ackaway that they use boardwalk type. Mr. Ansgter also said that they would blacktop the parking area; that they did not expect any water problem on north side but that they proposed 3, three foot dry wells.

Rivised building plan marked exhibit A-12.

Mr. Angster said that the foundation had been redesigned for pile design, walls will brake away and allow water to go thru building; that lolly columns above peers will be completely filled with concrete and reinforced rods, joist straps on every joist and bond beams connecting all peers together. Front section without basement will have a decortive type wood grill work underneath, possible louver type; that the basement location was corrected on the rivised plan.

Mr. Kenny Miller, Fire Inspector testified that he would recommend that the chimney be placed inside the building, because there was only a 9 inch offset from face of chimney to lot line and fire equipment would not be able to get in the alley.

Mr. Angster said that they would put chimney on inside and would put revisions on the plans to be presented to the building inspector for his approval.

Mrs. Dillon moved motion to close public hearing. Seconded by Mr. VanSchoick. All members voting yes.

Mr. VanSchoick moved motion to draw a favorable resolution be granted with 27 foot front and 3.2" side yards. Seconded by Ed Piotrowski All members voting yes.

Motion made by Ruth Dillon to adjourn meeting, seconded by Russ Neiberlein. All members voting yes.

REGULAR MEETING - MANASQUAN BOARD OF ADJUSTMENT - MAY 9, 1979

MEMBERS PRESENT: Mrs. Ruth Dillon, Messrs. Raymond King, Ed Piotrowski, Kenneth Schneider, James P. VanSchoick and Attorney Ragan

MEMBERS ABSENT: Messrs. Harry Huebner and Howard Wright

tape at 75

Meeting was called to order by Mr. VanSchoick announced that the Board had a quorum, had the Salute to the Flag; announced that the meeting was held in accordance with the Open Public Meetings Act of 1975, adaquate notice had been given to the Coast Star and the Asbury Park Press in January.

No minuets.

90 Motion was made by Mr. King, seconded by Mrs. Dillon to appoint Mr. VanSchoick Chairman, for the meeting. All members voting yes.

106 First Application - Pinehurst Development, reguarding free standing sign, was continued from April 18th meeting.

Mr. Brennan called Mr. Horowitz and he was sworn in by Attorney Ragan, stated his name as Gilbert Horowitz, his address as 15 Barnabus Way, Marlboro, N.J. he said his occupation was the manufacture and installation of signs. Mr. Brennan noted that Mr. Horowitz had not heard previous testimony, and that a picture of Century 21 sign was marked into evidance, that the feeling of
120 the Board was to know basically what the specifacations would be and the materials that would be used to construct the sign. Mr. Brennan showed the witness exhibit A-1, in evidance, which is a Century 21 sign, asked if it was basically the sign Mr. Frymire asked to have constructed. Mr. Horowitz answered yes and then gave the specifacations of sign. Baked aluminum, color brown with a painted plexiglass face, 12 inches thick, 6 feet by 4 feet, built to withstand wink factors. He said that the construction of the sign was basically the reason the sign would blow out, he said that his company had installed approxamitly 300 sign in the New Jersey area and they had not lost one face due to a blow out. His company guarentees that the sign will not blow out. On the swing bar they use chain for a double safety factor; there was app. 10 ft. clearance to bottom so there would be no obstruction of traffic vies. He then stated that the proven area of wind velocity is usually about 250 miles an hour. He said that the conduit would be inside the tube with a timer in the office.

270 Mr. King made a motion to close the public hearing, seconded by K. Schneider. All members voting yes.

Mr. Ragan then explained that the application before the board was for a D variance at our last meeting Mrs. Dillon was not present, a D Variance requires at least 5 affirmative votes. Therefore there were only 4 members present at both hearings, who could vote and there would not be enough votes to pass the application. Continue the application until Mrs. Dillon could hear the tape from previous meeting or that Mr. Huebner has an opportunity to hear the tape of tonights meeting and we have 5 members who have heard all the testimony so that at the next meeting we would be able to have a vote.

REGULAR MEETING- MAY 9, 1979 CONTINUED

tape at 310

Dominic Incolla- Application 4-79

Jim Carton representing Mr. Incolla. Mr. Incolla was sworn in by Attorney Ragan and stated his name as Dominic Incolla, 548 Magnolia Ave.,Brielle, N.J. and the following exhibits were marked into evidance:

A-1 Consent to apply for a variance by the owner.
A-2 Letter from Construction Official, March 27, 1979
A-3 Drawing 1
A-4 Photos (2)
A-5 Photos (1)
A-6 Photos (2)
A-7 Photos (2)
A-8 Photos (1)
A-9 Pior Zoning Ordinance
A-10 Deniel fom Construction Official
A-11 Notice of Appeal & Variance Application (2) pages
A-12 List of property owners (2) pages
A-13 Notice of hearing to property owners & affidavit of proff of service
A-14 Plot Plan
A-15 Exhibit Letter from Margaret and Edward Morris
A-16 Survey affidavit -

Roger McLaughlin introduced himself as attorney for objectors.
Mr. Incolla stated that he lived in Brielle with his wife and Children, ages 13 & 9. He said that he was the contract purchaser of property,in question, Lot 29 Block 15 from Sam Mahavich and hopes to build a residence. He had contacted a builder Joe Honauer who was to be the builder of his house. He said that his wife did not have a drivers licence; that because his wife doesn't drive she would be able to walk to and from the shopping center and that it was desirable by reason of its location to Saint Denis School system. Mr. Carton noted that with reguard to the plot plan the building that was proposed to construct is 15' 8" off property line at rear on one end and garage is 13 and 3/4 feet off rear at other end. Front set back would be 25'.

Mr. King asked if Mr. Incolla owned his present home in Brielle. Mr. Incolla said that he did; Mr. King noted that there was no hardship in his present residence with his wife not driving ; that his chrildren get to school alright, where they are at the present time. Mr. Carton stated that the variance was needed for the rear yard. Mr. Ragan asked Mr. Incolla where he worked and he said that he owned a resturant in Brick Town; that he was gone during the day and sometimes at night until 1 O'clock. That the house would be a two story house; that the house would meet the 700 sq. footage on first floor.

tape 2nd. side 017

Roger McLaughlin, attorney for objectors asked Mr. Incolla how large his present house was and he stated that it was 36x40. Mr. McLaughlin stated again that Mr. Incolla stated that there was no diffulty in reaching schools for your chrildren that he lived less than a mile away that there was no problem to get to shopping centers.

Mr. McLaughlin stated his firm as Mangini, Gilroy and Cramer - 2517 Hwy. 35, Manasquan, N.J.

REGULAR MEETING - MANASQUAN BOARD OF ADJUSTMENT - May 9, 1979 CON'T

APP: 4-79 - DOMINIC INCOLLA CON'T. - TAPE 28 SIDE 2

Lynn Miller - 36 Clark St., Manasquan Mr. Incolla will be building in her back rear noted that the house will be sticking out in yard beyond other houses.

Mr. Sam Mahavich was sworn in by Attorney Ragan, stated his name at Sam Mahavich, 40 Clark St., Manasquan, N.J. , he said that he was the owner of property and had contracted to sell it to the Incolla's. Mr. Mahavich presently lives next to subject property and requests that the variance be granted. Using plot plan Mr. Mahavich said his property faced on Clark St.; that the orginal property was 180.53; that the property was sub-divided when he bought property after World War II. Property has for many years been identified as a separate lot and block on tax map. That house sits about 17 feet from Gertrude Place. Marked into evidance was a survey affadavit as A-16.

199 Roger McLaughlin representing 14 owners of properties in area of the applicants property and gave a list of property owners for record. He stated that this was an application for a hardship variance and he submitted that the critera for a hardship variance was not shown tonight by applicant. that to deny a variance to Mr. Incolla would not prohibit him from making a reasonable use of his property.

Mr. Carton noted that for the last 30 years that lot could be built upon without any problem and had the building permit been applied for a month earlier a house could be built without coming before Board. Mr. Carton also noted that if any of the people had been represented by council that it would be a duplication.

340 James V. Smith, appeared on list presented by attorney. In responce to Mr. Cartons' statement that this would not have been required before, that he serves the community as a special adviser to the Planning Board and the Planning Board when making the 20 foot setback was trying to illiminate any types of problem in town where the communities were getting too close together.

It was noted by Chairman VanSchoick that the property owners were represented by council and that they could only make comments and could not testify. Mr. Ragan noted that the Board would hear comments but would not take any additional testimony.

415 Richard Miller - 36 Clark St., asked about several properties that had been referred to by Mr. Carton.

462 Marion Thomas - 19 Iroquios Rd., made a comment about putting garage on her property but was told that it had nothing to do with case.

Mrs. Franklin - 32 Gertrude Place. Lot abuting property. Made comments about hardship.

Motion was made by Mr. King to close public hearing and have a site inspection Seconded by Kenny Schneider. All members voting yes.

Motion made by Kenny Schneider to delay any futher action by Board until after the on site inspection. All members voting yes.

REGULAR MEETING - MAY 9, 1979 CON'T.

TAPE 640

E.R. CORCORAN INC. - APPLICATION 5-79

Motion was made and seconded to have a 5 minute recess. All members voting yes.

Robert Conforti representing E.R.Corcoran Inc. Mr. Corcoran was sworn in by attorney Ragan and stated his name and address as Edward Raymond Corcoran 390 E. Main Street, Manasquan and the following exhibits were marked into evidance,

A-1 Deniel from Construction Official
A-2 Notice of appeal and variance application
A-3 Notification to applicant of hearing date
New Tape- A-4 List of Property owners
A-5 Notice of hearing to property owners
A-6 Affidavit of Proff of Service
A-7 Survey by Ted C. Frank, dated April 19, 1971
A-8 Sketch drawn by Mr. Corcoran
A-9 Color rendering
A-10 5 photos
A-10 Photo of front door

Mr. Conforti stated that the orginal application was filed by Mr. Corcoran for a D variance and it would be their position that the letter of deniel was improperly issued by the municipal official.

Mr. Corcoran stated that he was the owner and operator of the Manasquan Inn, located at 390 E. Main Street; that he had owned the Inn for 11 years; At the time of purchase the Inn was in a hotel zone on the tax map and that it was now located in an R-1 Zone; that there were approximately 75 seats. He then told the board what he would like to do in the front of the building and gave testimony about his background in construction and said that he would act as the general contractor. The new section would be approximately 11 feet in width by 30 feet long, using Anderson windows; that there would 6 tables of 4 to seat 24 people. Mr. Corcoran then explained how his business has changed to a dinner business. He stated that there was a parking lot on the westerly side of the building to hold 52 cars; that he might have to employ 1 extra waitress. He then spoke about new proposed E.P.A. regulations to suply non smoking areas in bars. He stated that during the past year they had not needed to call the police on any calls; that his operating hours were 12 noon to 2 a.m.; that the room would be winterized with electric baseboard heat; that he only anticipates 5 or 6 extra cars; that there will be a fire door on the easterly end of new section; that his entertainment is one guitarist; that he was not going to extend the tape deck system; that lighting would be minimal to accent colums, no added spotlights; that the air conditioner would be hidded on roof with decorative fence.

Mr. Conforti to provide information to Board about E.P.A. regulations.

Mr. VanSchoick called a five minute recess. 10:40

REGULAR MEETING CON'T - MAY 9, 1979

E.R. CORCORAN CON'T.

Continue hearing 10:50 Roll call all members present

Presant air conditioner on driveway side of building on supported platform. That driveway is process of being repaired.

Mr. King asked about disturbances and was told that there were three calls placed, by owner, in past 2 years unrelated to bar and resturant. That the owner didn't feel additional security was needed. That there was parking permitted on both sides of Main Street and Potter Avenue.

Mr. VanSchoick noted that there were two unsigned letters that could not be read into proceedings.

Mr. Ragan read three other letters into record. One from Joseph Fitzpatrick, 425 E. Main St.& from The Egan Family 406 E. Main St. both in favor of variance. One letter from The Mountfords, 23 Potter Ave., The Maglioiones, 165 Fletcher Ave. against the variance.

Ines Maglioione, 165 Fletcher Ave., spoke about parking and was against variance.

Anne Quigley, 20 N. Potter Ave., spoke about parking and was in favor of variance.

Blanch Neil, 376 E. Main St., lives next door to Inn and has no objections.

Ruth Mitchell, 28 Potter Ave., has no objections.

Motion make by Ed. Piotrowski, seconded by Ruth Dillon to close public hearing. All members voting yes.

Motion made by Raymond King to have a site inspection before next meeting, by all members and have Mr. Conforti come in with law relating to non-smoking areas and continue hearing until next regular meeting. All members voting yes. On site inspection to be Saturday at 10 a.m.

At the last special meeting Board decided to go forward with contesting decision of Borough Attorney thru Building Inspector but not to take legal action until meeting, if someone had not come forward to protest allowing of the sign to be erected.and we are not ready to continue discussion.

Attorney Ragan read resolution 11-79, moved by Ed Piotrowski, seconded by Kenny Schneider. All members voting yes.

Motion moved by Ruth Dillon to adjourn to a private discussion seconded by All members voting yes.

J.C.WILLIAMS CON'T

Motion made by Ruth Dillon to close private meeting seconded by James VanSchoick. All members voting yes.

Motion made for a special work session May 16. All members voting yes.

Motion made for Attorney to take whatever action is necessary including legal suit. All members voting yes.

Motion authorizing Jo-Ellen to send notices of hearing. All members voting yes.

Motion to adjourn. All members voting yes.

MANASQUAN BOARD OF ADJUSTMENT REGULAR MEETING MAY 14, 1980

MEMBERS PRESENT: Mrs. Ruth Dillon, Messrs. C. Raymond King, Bill Miller, Ed Piotrowski, Kenny Schneider, Russell Neiberlein, James Van Schoick, James V. Smith and Attorney Peter Ragan

ABSENT: None

Work session began at 7:30, with discussion of applications before Board.

Meeting was called to order with Announcement that this was an Open Public meeting held in accordance with the Open Public Meetings Act of 1975, adaquate notice had been given to the Coast Star and the Asbury Park Press. Chairman called for a Roll Call and the Salute to the Flag.

Minuets of the April 9, 1980 meeting were moved by Mr. VanSchoick, seconded by Mrs. Dillon. Abstained: Messrs. Miller and Schneider Yes: Mrs. Dillon, Messrs. Neiberlein, Piotrowski, VanSchoick, Smith, King Minuets of April 23, 1980 meeting were moved Mr. VanSchoick, seconded by Mr. Neiberlein. Abstained: Messrs. Miller and Schneider. Yes: Mrs. Dillon, Messrs. King, Neiberlein, Piotrowski, VanSchoick, Smith.

RESOLUTION 13-80 MICHEAL ACKAWAY 125 BEACHFRONT Resolution read by Attorney Ragan moved by Mrs. Dillon, Seconded by Mr. VanSchoick. Mr. Smith certified that he had heard tapes of both April 9 and April 23 meetings. Abstained: Messrs. Miller and Schneider. Yes: Mrs. Dillon Messrs. King, Piotrowski, Neiberlein, VanSchoick, Smith.

VERONICA LINDMERE- 60 SECOND AVENUE APPLICATION #3-80
Veronica Lindmere was sworn in by Attorney Ragan, gave her address as 11 Brandywine , Brielle, N.J. The following exhibits were marked into evidance:

A-1 Leter of Deniel from Construction Official
A-2 Notice of Appeal (2 pages) & Variance Application
A-3 List of Property Owners (3 pages)
A-4 Notice to Property Owners
A-5 Affidavit Proff of Service & Coast Star Affidavit of Publication
A-6 Survey of Property
A-7 Hand drawn grafic sketch of property
A-8 Rendering (color)

Mrs. Lindmere said that she proposes to build a laundry room and garage on North side of home; that there was 9.91 feet and she needed 11'.

Mr. and Mrs. Kelly on North side of house objected to variance.
Mr. and Mrs. Parker, 64 Second Ave. objected.

Mrs. Dillon asked for a site inspection so it would be clear in mind exactly where the boundrys are.

Mr. VanSchoick moved to continue Public hearing until June 11 without the need for any further notice and to have a site inspection on Sunday May 18 at 9A.M. Seconded Ed Piotrowski. All members voting yes. tape at 464.

Monday Sunny 7:30

MANASQUAN BOARD OF ADJUSTMENT REGULAR MEETING MAY 14, 1980 CONTINUED

APPLICATION # 4-80 JOHN AND DALE WOOLEY *** 87 UNION AVENUE
Letter of deniel read by Mr. King, from construction official.

Thomas O'Brien, Attorney representing John and Dale Wooley.
Mr. O'Brien said that Mr. and Mrs. Wooley were the owners of Block 68, Lot 69, 87 Union Avenue, that the building was located in the C office Comm. Zone and the following exhibits were marked into evidence.

A-1 Letter of Deniel from Construction Offici 1
A-2 Notice of Appeal and Variance Application
A-3 Proff of Service
List of Property owners
copy of notice published in newspaper
A-4 Application for construction permit (2 pages)
A-5 Plot Plan

Mr. O'Brien stated that they were seeking an A variance; that the building was currently used for a law office and residence; that it has been a law office and residence since 1959; that they would like to expand dwelling to increase the size of structure; that it would still be a one family apartment; that they were enlarging to accomadate wife, self and mother in law; that the use of the professional office will stay the same.

Mr. O'Brien further stated that they were seeking a waiver form site-plan requirements; that the residential use is a permitted accessory use in the C office commercial Zone and they submit they are not a non-conforming use; that if the Board finds that they are a non-conforming use they then want a D variance permitting them to expand the building structurally.

Mr. Wooley was called and sworn in by Mr. Ragan, gave his address as 87 Union Avenue, Manasquan, N.J.; said he was the owner of the property in question with his wife Dale; that the first floor and basement were his office; that he practiced law with Bruce Wetzel; that they had 3 three secretaries; that the apartment was on second story and consisted of kitchen, bedroom dining area, living room and bath; that he had purchased property on June 19, 1959. At that time he was granted a variance to put office on first floor with the apartment on second floor. In 1959 the permitted use was for single family dwellings and he had obtained variance to put office and apartment. Mr. Wooley said that he had recently sold his residence and that he now would like his residence over his office. Mr. Wooley said he had retained Al Rolla Arch. The Arch. renderings were marked A-6-3 pages. The apartment would consist of kitchen, dining area, bedroom and bath with a ground level 2 car garage. The addition would not violate any other regulations for yard requirements; that they would convert existing kitchen into bedroom and bath, mother is 84 and has lived with Wooley's for 20 years. Mr. Wooley further stated that he has practiced law since 1950, that he had been the Borough Attorney for 14 years and he was familiar with the Zoning, that most of it was probably his language; he said that he was familiar with an A variance application; that he felt there was an oversite, that under general language, Accessory Use: Other uses and structures customerly insidential to the Principal Permitted us. In the B-1 zone it is permitted to have a residence over a store and seems to have been an oversite in the C office commercial Zone. In the R-1 Zone it is permitted to have a home professional office. Difinitions and Word Usage 107-3-B Accorsory Building or use. Mr. Wooley said that it is his position that the Residential aspect of his property is an accessory use to the permitted main use of property; that he was asking Board to make that determination; that there was adaquate off street parking for staff and lawyers; that they were not enlarging the office they were only enlarging residence; that it would extend out 4.7"; that it was presently a walkway ; that the garage would provide 2 additional parking spaces; that there would only be one kitchen and

BOARD OF ADJUSMTMENT MEETING MAY 14, 1980 CONTINUED

JOHN WOOLEY CONTINUED

ALFRED ROLA-sworn in by Peter Ragan, said there was a total of 8 parking spaces including 1 handicap parking space plus 2 owner spaces, making a total of 10.

Mr. Wooley stated that there would be no additional outside lighting; no outside air conditioning.

JAMES B. MACAFEE - 111 UNION AVE., MANASQUAN, N.J.
sworn in by Attorney Ragan, called by Attorney O'Brien to be an expert witness. Board accepted Mr. MacAfee as an expert witness. Mr. MacAfee had been retained by Mr. Wooley to examine site of surrounding neighborhood. Has been in real estate since 1927.(53 years) Has observed area for 53 years. Made a record of types of properties that exist from Main street to the Brielle Line. The following exhibits were marked into evidance:

A-7 Drawing of types of properties
A-8 Written discription of A-7

There are professional and residential buildings on both sides of street. That in his expert opinion no detrement to the public good; that the property has its highest and best use.

485 ALBERT ROLO 139 UNION AVENUE, MANASQUAN, N.J.
Alfred ~~Al.~~ Rolo has already been sworn. He is a licensed Architect with the State of New Jersey, grad. from the Cooper Union School of Architecture in New York 1948. Mr. Rolo was offered as an expert witness. He was retained by Mr. Wooley as Architect to draw plans for addition. Addition does not violate any yard of other Zoning requirements as shown on Schedule I, Zoning 107-27. Familiar with the Zoning Ord. and the application for an A Variance. He further stated that he had heard Mr. Wooleys argument and Mr. O'Briens presentation that the residential use is an accessory use in the C Zone and that in his opinion as a professional planner that office and residential is a permitted use, that there would be no detrement to the Public good. In conformance with the Master Plan, Under Comm. uses from Master Plan up date July 1978 show a conscious decision on part of planners that residential and Business uses should be permitted to co-exist.

Master Plan marked exhibit A-9

Mr. O'Brien told board that there were three differant sections to wave site-plan approval- 107-73, 107-82-4,107-53-C Referred to 107-55, Planning Board may wave ect.

No objectors.

Bill miller made motion to draw resolution under Section A, permitted accessory use and that a site plan is not required and also that the public hearing be closed. Seconded by Mr. VanSchoick. All members voting yes.

Kenny Schneider made motion to adjourn meeting. Seconded by All members voting yes.

Tape to 87-second tape.

SPECIAL MEETING MANASQUAN BOARD OF ADJUSTMENT MAY 16, 1979

MEMBERS PRESENT: Mrs. Ruth Dillon, Messrs. Raymond King, Ed Piotrowski, Kenny Schneider, James VanSchoick and Attorney Ragan

MEMBERS ABSENT: Messrs. Harry Huebner and Howard Wright

Meeting was called to order by Vice Chairman VanSchoick with the Salute to the Flag, announced it was an Open Public Meeting held in accordance with the Open Public Meetings Act of 1975. Adquate notice had been given to the Asbury Park Press and the Coast Star.

Before Board was correspondence of J.C. Williams Billboard Sign from Dan Miller Construction Official.

Adjourned to private meeting. All members voting yes.

Adjourned private meeting. All members voting yes.

Minuets from April 18 and April 25 were moved and passed. All members voting yes.

Meeting was called for on June 8, 1979 work session at 7:30 - Request Dan Miller Jerry Iannelli, J.C. Williams Co. and John McMullen to be present at meeting.

Dominie Incolla Application 4-79 asking for a rear yard variance. Mr. VanSchoick and Mr. King didn't feel Mr. Carton proved hardship. Mr. King made a motion to draw a negative resolution to be voted on at the regular meeting June 13.

E.R. Corcoran Application 5-79 - Board is in favor of granting a resolution with conditions. Mr. King opposed. Board will vote on resolution at the June 13, meeting.

Mr. King moved a motion that Mr. VanSchoick be appointed vice chairman of the Board in re of Harry Huebners resignation, seconded by Ruth Dillon. All members voting yes.

Motion was made and seconded to adjourn meeting. All members voting yes.

All Board members stated that they had not pre-judged or pre-determined case.

All members voted th deny motion by Attorney Pardes.

John Mc Mullen was sworn in by Attorney Ragan stated his name as John D. McMullern his address 82 N. Farragut Avenue. He stated that he felt the billboard was unsitely, it had no financial benifit to the Borough, and that he understood there was an Ordinance prohibiting billboards.

Mr. Pardes asked how far he lived from the billboard and he said that he lived app. a ¼ of a mile away. that he had not tried to buy or to sell property. Attorney Pardes made motion based on N.J.S.A. 40:55D-72 and 40:55D-4 that Mr. McMullen was not an interested party and that the Board did not have juristriction. Attorney Pardes was joined by Attorney Ward in motion.

Board reserved dicision on motion at this time.

Mr. King asked Mr. McMullen questions about years he has lived in Manasquan to qualify him as an interested party.

Discussion of Attorneys with John McMullen pertaining to his knowledge of issuance of building permit.

Mr. Miller was sworn in by attorney Ragan stated his name as Daniel P. Miller and he resides at 23 Vroom Avenue, Spring Lake, N.J. is the Construction Official for the Borough of Manasquan. Mr. Miller said that he had first issued permit to demolish billboard pending new location. He then gave a short history with reguard to the issuance of permit and answered questions from the Board requarding issuance of permit and billboard.

Mrs. Dillon asked about exhibit A-2 dated 2/20/79. There was dicussion about TDI. Mr. Schneider asked if they had to get new permit for the billboard. Mr. VanSchoick asked if they had considered any other location for billboard. There was a discussion with reguard to exhibit 13- presant site and proposed re-location. Mr. Miller said that there was a Ordinance Prohibiting billboards but that the J.C. Williams sign predated the Ordinance.

Jerry Iannelli swore to tell the truth ect. gave his name as Jerry Iannelli his address as 40 Main Street, Manasquan, N.J. Mr. Iannelli spoke about the right of J.C. Williams to put up billboard. Said he was the Code Enforcement Officer in the Borough of Manasquan. Mr. Iannelli stated for the record that Mr. Miller and himself were representing the Borough of Manasquan and not J.C.Williams Co. Mr. Iannelli futher stated that J.C, Williams Co. had the right to put the billboard back up according to legal advice from the Borough Attorney.

Mr. King and Mr. Iannelli engaged in questions about TDI. Mr. Pardes objected to line of questioning as irrelevent.

Mr. Miller explained that he was the Zoning Officer for new construction and Mr. Iannelli was the Zoning officer for old construction.

The was a great deal of discussion about the definition of the term De Minimis.

BOARD OF ADJUSTMENT - SPECIAL MEETING JUNE 8, 1979

MEMBERS PRESENT: Mrs. Ruth Dillon, Messrs. Raymond King, Ed Piotrowski, Kenny Schneider, James VanSchoick and Attorney Ragan

MEMBERS ABSENT: Messrs. Howard Wright and Harry Huebner

Meeting was opened with Vice Chairman VanSchoick calling for a roll call, 5 members were present representing a quorm. Held the salute to the flag, announced it was an Open Public Meeting held in accardance with the Open Public Meetings Act of 1975. Adaquate notice had been given to the Coast Star and the Asbury Park Press.

Mr. VanSchoick announced that the meeting was a public hearing of an appeal of the construction officials issuance of a building permit to J.C. Williams Co. and the following exhibits were marked into evidance from Mr. Miller's file.

1. Copy of building permit and application (3 pgs.) 3/17/79
2. Letter addressed to Charles Starkey from Andres dated 2/20/79
3. Letter to DOT from Charles Starkey dated Jan. 5, 1979 attached letter from Dorothy Andres dated 7/5/79 to Mr. Logan. Attached letter Ralph G. Logan from Mildred B. Ludwig dated 12/7/78. Attached letter TDI from VanHorn and Dolan dated 12/27/78. Attached letter to Ralph G. Logan from Dorothy I. Andres dated 12/18/78.
4. Letter Borough of Manasquan dated 3/23/79 from Kenneth Fitzsimmons.
5. Kenneth Fitzsimmons from Dan Miller dated 3/21/79 with Map attached.
6. Borough of Manasquan Att: Dan Miller from Kenneth Fiztsimmons dated 3/18/79.
7. Hand written letter.
8. Deniel letter from building inspector, Dan Miller, with hand wirtten notes, 5/2/78
9. Charles Starkey from Dorothy Andres dated 1/12/79.
10. Mayor and Council from Charles Starkey dated 11/10/78.
11. Hand written notes - J.C. Williams sign. (yellow sheet)
12. J.C. Williams Co. from Joseph Sorento dated 7/13/78.
13. Daniel Miller from J.C. Williams Co., Ralph Logan, with map.
14. J.C. Williams from William Baker dated Jan. 25, 1978. D.O.T.
15. Blue Print with hand written notations - side view.
16. State of New Jersey D.O.T. Outdoor Advertising permit # 14778-1978. front and back.
17. May 15, 1979 to Bd. of Adj. from Dan Miller
18. 5/11/79 to J.C. Williams .transmitted by certified mail 5/14
19. Notice of appeal - 5/8/79 - 2 pgs. John McMullen
20. List of property owners
21. Notice of public hearing and green cards/ receipts of certif.
22. Affidavit of proff of service -#6-79 May 22, 1979
23. Affidavit of publication
24. 6/4/79 Advertising D.O.T. / application for outdoor advertising permit
25. Resolution 10-79 dated April 25, 1979
26. Relolution 11-79 Dated May 9, 1979.

Stephen A. Pardes from office of Ken Fitzsimmons made motion for all members of the Board to disquality themselves on basis of Resolutions 10-79 and 11-79. Joined in motion by Robert P. Ward representing J.C. Williams Co.

BOARD OF ADJUSTMENT - SPECIAL MEETING JUNE 8, 1979 CON'T.

John Winterstella introduced himself as president of Borough Council. He said that on two occasions Mayor and Council met with Borough Attorney Ken Fitzsimmons and J.C. Williams' attorney. That the Mayor and Council made a unanimous decision to stand behind decision of Building Inspector. That both meetings were prompted by statements from Harry Huebner acting Chairman and Attorney for Board Pete Ragan. He then spoke as a citizen and taxpayer of Manasquan. He said that he was concerned as to how the appeal had come about, because of the dates of appeal, also because of the monies that it cost the taxpayer.

Mr. King asked if there had been any communication between the Board and Mayor and Council. Mr. Winterstella said that there was no communication and he felt that there was no need. There was a long discussion and a clarifation about the above noted facts. Mr. Winterstella said that if there was a brakedown in communications it was within the Board.

Motion made by Ruth Dillon to close public hearing seconded by Ed Piotrowski. All members voting yes.

Mr. King asked Attorney Pete Ragan for the difinition of an interested party.

Motion made by Mr. King that John McMullen is an interested party and Mr. Pardes earier motion be denied. All members voting yes.

Mr. King made motion to reserve decision on Appeal until next meeting. Seconded by Ed Piotrowski. Yes vote: Messrs. Raymond King, Ed Piotrowski, Kenny Schneider and James VanSchoick. No: Ruth Dillon.

Raymond King made motion to adjourn meeting seconded by Ed Piotrowski. All members voting yes.

SPECIAL MEETING JUNE 8, 1979 BOARD OF AJDUSTMENT CONTINUED

J.C.WILLIAMS HEARING CONTINUED

Members of the Borad to disqualify themselves on basis of Resolutions 10-79 and 11-79. Joined in motion by Robert P. Ward representing J.C. Williams Co.

All Board members stated that they had not pre-judged or pre-determined case.

All members voted to deny motion by Attorney Pardes.

John McMullen was sworn in by Attorney Ragan, stated his name as John D. McMullen , his address 42 N. Farragut Avenue. He stated that he felt the billboard was unsitely, it had no financial benifit to the Borough, and that he understood there was an Ordinance prohibiting billboards.

Mr. Pardes asked how far he lived from the billboard and he said that he lived approxametly ¼ of a mile away; that he had not tried to buy or to sell property. Attorney Pardes made motion based on N.J.S.A. 40:55D 4 and 40:55D-72 that Mr. McMullen was not an in-ested party and that the Board did not have juristriction.

REGULAR MEETING MANASQUAN BOARD OF ADJUSTMENT JUNE 11, 1980

MEMBERS PRESENT: Mrs. Ruth Dillon, Messrs. C.Raymond King, Wm. Miller, Russell Neiberlein, Ed Piotrowski, Ken Schneider and James VanSchoick and Attorney Ragan

ABSENT: Mr. Jim Smith

Meeting was called to order by Chairman King with a roll call; Announced there was a quorm, saluted the flag.

Dispenced with minutes.

RESOLUTION 14-80 JOHN D. WOOLEY
Resolution was read by Mr. Ragan moved by Mr. Miller, seconded by Mr. VanSchoick. All members voting Yes.

LINDMERE 60 SECOND AVENUE APPLICATION 3-80 CON'T
Endre Nadas, M.D. sworn in by Attorney Ragan, gave his address as 404 Central Avenue, Bradley Beach. Dr. Nadas said he owned property at 22 Ocean Avenue, Manasquan.

It was noted that all members had made a site inspection. Mrs. Dillon said that there didn't seem to be a hardship; that there is sufficient area for garage to be placed in rear of house.

Dr. Nadas made comments concerning application.

Mrs. Dillon said that there are rules which must be followed and our rules clearly state that the hardship must relate to the nature of the land and the neighborhood and not the circumstances of the owner.

Motion made by Mr. Piotrowski, seconded by Mr. Miller to close public hearing. All members voting yes.

Motion make by Ed Piotrowski to deny application. Seconded by Kenny Schneider. Yes: Mrs. Dillon, Messrs. Miller, Neiberlein, Piotrowski, Schneider, King. No: Mr. VanSchoick.

Motion to adjourn made by Kenny Schneider, Seconded by Ed Piotrowski. All members voting yes.

MANASQUAN BOARD OF ADJUSTMENT REGULAR MEETING JULY 9, 1980

MEMBERS PRESENT: Mrs. Ruth Dillon, Messrs. Bill Miller, Russell Neiberlein, Ed Piotrowski, Kenny Schneider, James VanSchoick, Jim Smith, Raymond King and Attorney Peter Ragan.

ABSENT: NONE

MEETING WAS CALLED to order by Chairman King at 8:00 p.m. with a roll call and Salute to the Flag. Announced that meeting was an open public meeting held in accordance with the Open Public Meetings Act of 1975. Adaquate notice had been given to the Coast Star and the Asbury Park Press.

MINUTES MAY 14, 1980 Minuets were moved by Mr. Miller, seconded by Mr. Piotrowski. All members - Yes.

MINUTES JUNE 11, 1980 Minutes were moved by Mr. Piotrowski, seconded by Mr. Neiberlein. All members - yes.

Minutes of May 14 and June 11, 1980 meetings were posted on bulletin boards.

RESOLUTION 15-80 - LINDEMERE 60 SECOND AVENUE
Resoluion to deny application was read by Attorney Ragan, moved by Mrs. Dillon, seconded by Mr. Schneider, VOTE: Yes, Mrs. Dillon, Messrs. Miller, Neiberlein, Piotrowski, Schneider, and King. No: Mr. VanSchoick.

OLD BUSINESS:

Mr. Ragan said that he had spoken to the Attorney representing the Board of Adjustment in Eatontown, reguarding whether or not experts could be retained by the Board and paid for by the applicant. Mr. Ragan said that the Eatontown lawyer agreed with him that it could not be done. But, their policy was, where the Board feels that the applicants case is inadaquatly presented, without an expert, rather than the Board simply going and obtaining their own witness, they tell the applicant that they are going to need expert testimony and if they don't have expert testimony it doesn't appear as though there's enough information to decide the application favorable. With the idea that you will go and get and expert. If there is oppostion, they would tell the same to both sides and suggest that maybe they could save some money if the Board appointed the person and they paid for it together. Thats the way they handle it. It has to be handled, delicately because it would be improper to firmatively advise that you have to get an expert and you have to pay for it. That it could be presented in a proper manner.

Mr. Ragan said that he had also reviewed the notes from the J.C. Williams application. Dan Miller testified, when someone questioned him about the electric hookup, that it wasn't condidered because the applciation did not include the electrification of the sign.

No more business Mr. Schneider moved a motion to adjourn meeting, seconded by Mr. Piotrowski. All members - yes.

Jo-Ellen Brown, Sec'y

BOARD OF ADJUSTMENT - REGULAR MEETING - JULY 11, 1979

MEMBERS PRESENT: MRS. RUTH DILLON, MESSRS. RAYMOND KING, ED PIOTROWSKI, KENNY SCHNEIDER, JAMES VANSCHOICK AND ATTORNEY PETER RAGAN

MEMBERS ABSENT: MESSRS. HARRY HUEBNER AND HOWARD WRIGHT

WORK SESSION began at 7:30. There was a discussion of the Site Plan before Board.

Meeting was called to order at 8:12 by Vice Chairman VanSchoick with a roll call, announced the Board presently had seven members five of which were in attendance therefore there was a quorum. Held the Salute to the Flag. Announced it was an Open Public Meeting held in accordance with the Open Public Meetings Act of 1975. Adquate notice had been given to the Asbury Park Press and the Coast Star.

17 Resolution 15-79 moved by Raymond King seconded by Kenny Schneider read by Attorney Ragan pertaining to John Mc Mullen's Appeal of the issuance of build ing permit. VOTE: Yes: Mrs. Ruth Dillon, Raymond King, Kenny Schneider. NO: Messrs. Ed Piotrowski and James VanSchoick.

70 E.R. CORCORAN INC. APPLICATION 5-79 CON"T. Robert Confortti, Attorney for Mr. Corcoran spoke to Board saying that they were here because of request of Board reguarding condition of outside of building.

Mr. Corcoran said that they had enclosed Dempsey Dumpster, painted all the trim in front of building, had put landscaped ties around driveway, had gotten rid of a truckload of debris and brush from around building.

Mr. Conforti said that at one of the earier meetings the Board had been asked to treat the Variance application under Section A of the Statute, in that we felt the Building Inspector did make an error in his interpatation of the Ordinance on porches. He said that there had only been one objector in the audiance. And that in respect to the bar operation there were no calls to the police.

Ruth Dillon moved a motion to draw a resolution in favor of Corcoran's request.

Mr. King said that he didn't feel the Bldg. Inspector make an error in his interpretation of the Zoning. Mr. King is not in favor of drawing a favorable resolution.

Mrs. Dillon asked for a motion in favor of application under 10-72-82-A under paragraph A. Seconded by Ed Piotrowski. VOTE: Yes. Mrs. Ruth Dillon, Messrs. Ed Piotrowski, Kenny Schneider. NO: Messrs. Raymond King and James VanSchoick. Carried 3 to 2. Resolution to be voted on at the next meeting of the Board of Adjustment August 8, 1979.

232 SOUTH SHORE HAVEN REST HOME APPLICATION 7-79 Attorney D. Parsons Jr., representing South Shore Haven Rest Home with respect to variance application and site plan application, Submitted to Sec'y an Affidavit of Publication and Affidavit of Service, supplied to us by the Borough of Manasquan. The following exhibits were marked into evidance.

A-1 Application- Construction Officials letter of Deniel- Notice of Appeal and Variance Application form. Two pages.

A-2 Affidavit of Publication.

A-3 Notice to Property Owners and Affidavit of Mailing - Proof of Service.

A-4 Site Plan, drawn by Dinkledge Sebring Architects, June 15, 1979. 3 pages - Site plan-elevation-floor plan.

SOUTH SHORE HAVEN REST HOME CON'T.

A-5 Additional elevation

A-6 Rendering

A-7 Certificate of Necessity, dated 12/14/78, from New Jersey Dept. of Health. Two pages.

A-8 3 letters.

Brief introductory statement from Attorney Parson's to the Board. He said that this was an application for a use variance because the existing shelter was in an Residential Zone. Mr. Matera had come before the Board some years before to increase existing facility from 18 beds to 45 beds and that he had state approval for that. That Mr. Matera now wants to put an additional 10 beds, making a total of 28 beds, that the proposed expansion, other than being an expansion of a pre-existing non-conforming use does not violate any other requirements as far as set backs and so forth in a residential zone. That there are a couple of pre-existing set backs such as Elizabeth Ave. and a small portion of Main street which are in violation. These set backs are not being increased..

482 Attorney Parson's called Ron Sebring to testify. Mr. Sebring was sworn in by Attorney Ragan and stated his name as Ronald Sebring, his address as 200 atlantic Avenue. Mr. Sebring said that he was a licensed Architect and Planner in the State of New Jersey. That he had prepared the site plan and supportive drawings and plans that had been filed with the Board. Mr. Sebring then described to the Board the proposed addition, saying that the N.E. portion would be a two story addition, ground floor area approximately 870 sq. feet. Existing front porch will be enclosed. The Northerly side of porch will be maintained. He said that the building as it exists measures 3022.25. The proposed new addition, including the enclosure of the northwest porch will measure 1173 square feet, making the entire building measure 3206.25 square feet. He spoke about the prevailing set backs in the area of the rest home. **He said that in the redesign they would add a ramp walk in front of building;** Reffering to **A-4 page 3 he said** that they would enlarge the dining room and living area; change location of main stair; install a mechanical lift; retain bathroom in new location and install two additional lavitory facilities. Move two bedrooms to rear of building, propose construction of a fireproff stair which will eliminate the need for having a fire escape. On the second floor there would be an addition of new bedrooms and lavoritory. The outside of building will have new wood siding, cord and batton on the upstairs floor, Shutters and a general upgrading of building. Mr. Sebring further stated that he had contacted Jerry Evans, in referance to the water and sewer and was told that they were adquate.

Side B Mr. King asked if there were additional provisions for parking, air conditioning or lighting and was told that there were none. Mr. Schneider asked about the heating and was told that the existing heating was oil fired steam and it had been recently re-habed and was large enough to take care of the proposed addition.

Mr. Matera was sworn in by Attorney Ragan, stated his name as Joseph Matera his address as 308 Hance Road, Fairhaven, N.J. That he was the president and wi h his wife the sole stockholder in South Shore Haven Rest Home, that Shouth Shore was a Corporation of the State of New Jersey and is the owner of the existing shelter care facility on North Main Street. Attorney Parsons showed Mr. Matera A-7, in evidance, he said it was a certificate of need issued the latter part of last year for a 48 bed facility in area. Specificly made out for Wall. That he had applied to the Board for a variance to expand to a 40 bed facility and was denied. Presently the facility has 18 beds and ha been operated by Mr. Matera for eight years. Mr. Matera said that South Shore was a private home and that they averaged 4 Or 5 calls a week looking for beds. He said that he was genuraly aware of what what was going on State wide in Shelter care facilities. He said that the State sometimes closes homes and then tries to place patients in other homes. When asked about percentage of patients that come from a 10 mile radius he answered 80%. Mr. Matera is

In referance to parking he said that there were no residents with cars and no set hours for visiting. There are only 5 people who work at the facility. One full time worker and four part time workers. Mr. Matera said that there were no delivery trucks. He said that the facility was self contained. Garbage was in rear of garage.

Attorney Ragan asked if any State approvals were needed to expand. Mr. Matera said that he had no Certificate of Need at the present time. If variance was granted he would apply to State.

Paul Johnson sworn in by Attorney Ragan. Gave his name as Paul Johnson, business address as Route 35 and Allaire Road in Wall Township, from the Danskin Agency. Professional real estate appraiser and licensed real estate broker, associated' with the Danskin Agency in Wall Township.

Mr. Parsons asked if he had reviewed the Zoning Ordinance and plans on file and fully studied the site. Mr. Johnson answered yes. He then discribed the existing neighborhood saying that the house lies on the N.E. cornor of Elizabeth Avenue and N. Main Street. There are mostly one family residences although there are some two family dwellings in area. It seems to be a stable area. Proposed addition is in the buildable area of lot. If variance expands a non-conforming use in his opinion he can see no detramental effect or loss of value for adjoining properties.

Mr. King asked about the additional ratable. Recalled Mr. Matera, he said that it would be around $200,000. This was agreed to by Mr. Sebring. Mr. Matera also said that he paid around $550.00 in taxes per quarter.

Mr. Cramer from 20 Elizabeth Ave., said that he was afraid of the sewers in the area. That putting an addition on the home would cause problems. Another objector said that there was parking on the north side of Main Street only.

Mr. Parsons summerized the evidance before Board.
Three letters were read into the proceedings. 1st. letter from Francis Mara, M.D. 2nd. Theresa Bannigan, 425 Euclid Avenue and a 3rd. from James P. Cashman, M.D.

Dorothy Jones, 70 N. Main Street , objector.

Mr. King moved for a site inspection and a letter from Mr. Evans pertaining to sewer problem or water problem.

Mr. Sebring will get letter from Jerry Evans pertaining to water and sewer.

Mr. Schneider made motion to continue hearing until next regular meeting, including the provision that there was no need for additional public notice. Seconded by Ed Piotrowski. All members voting yes.

Motion for site inspection at 9 A.M. on July 14.

Motion made and seconded to have a five minuet recess. All members voting yes.

Roll Call. All members present

BETTY M. SHREEHAN - 76 STOCKTON LAKE BLVD. Mrs. Shreehan was sworn in by attorney Ragan and the following exihibits were marked into evidence.

A-1 letter of deniel from construction official
A-2 List of property owners
A-3 variance appeal 2 pages
A-4 notice of Hearing & proof of service copy of list of property that were hand delervied and certified. copy of receipts of certified mail 4 pgs.
A-5 Site plan and drawings of proposed addition.

BETTY SHREEHAN - 76 STOCKTON LAKE BLVD. CON'T

Mrs. Shreehan said that she owned the property with her sister Doris Marcavage and that her husband with the help of the builder drew the drawings.

Peter L. Shreehan was sworn in by Attorney Ragan along with Doris Marcavage. They both gave their address as 76 Stockton Lake Blvd. The Shreehans and Ms. Marcavage said they had owned the property for over 9 years, that they wanted to build a rear porch and that sometime in the future they might want to enclose porch, that they didn't have the 20 foot rear yard required by Zoning Ordinance.

After a discussion of the lots abutting Shreehan's property and examining tax map, Ruth Dillon moved a resolution in favor of the application seconded by Kenny Schneider. All members voting yes.

Resolution 17-79 - Considering everything, the fact that their were no objectors, that Mrs. Shreehan is the co-owner and has owned the property for approxamitly 10 years and that the proposed porch will be build approcimately 8 to 10 feet above Mean High Water Line for those reasons and the fact that it will enhance the appearance of the dwelling and find that it has no detremental effect upon Zoning Plan or Zoning Ordinance of the Borough of Manaaquan and as a matter of fact will be of a benifit and will enhance that dwelling and entire neighborhood. For those reasons werwill grant the variance.

Chairman VanSchoick called for another vote. All members voting yes.

Lee Carlson, Licenced Real Estate Broker, 177 Main Street, Manasquan. spoke to Board informally concerning building 20 Old Squan Plaza.

Meeting adjourned. All members voting yes.

BOARD OF ADJUSTMENT - SPECIAL MEETING - JULY 25, 1979

MEMBERS PRESENT: Mrs. Ruth Dillon, Messrs. Raymond King, Ed Piotrowski, Kenny Schneider, James VanSchoick and Attorney Peter Ragan

MEMBERS ABSENT: Messrs. Harry Huebner and Howard Wright - both ill.

WORK SESSION began at 7:30. There was a discussion of Shore Havens' application. Secretary was told to have Kenny Miller, the Fire Inspector, at the August 8, 1979 meeting if possible. There was also some discussion pertaining to the Resolution before Board for evening.

Meeting was called to order at 8:00 P.M. by Vice Chairman VanSchoick . He announced that Notices had been sent to the Asbury Park Press and the Coast Star. Asked for a roll call. Announced there were five members present, constituting a quorum. Held the Salute to the Flag.

It was noted that the Public Hearing had been closed.

E.R.CORCORAN, INC.- announced that this was a special meeting for the continuation of E.R. Corcoran Inc.

Mr. Conforti, attorney for Mr. Corcoran, thanked the Board for responding to their request for a special meeting. That they had nothing further to add.

Mrs. Dillon moved Resolution 17-79, read by Attorney Peter Ragan, seconded by Ed Piotrowski.

Mr. Ragan asked Mr. Conforti: If in the event that the Resolution is adopted. That Mr. Conforti on behalf of E.R.Corcoran Inc. represent to the Board on record, that the Variance Application be withdrawn. Mr. Conforti, after confering with Mr. Corcoran, said that they would.

Resolution 17-79 VOTE: YES: Mrs. Ruth Dillon, Messrs. Ed Piotrowski, Kenny Schneider. NO: Messrs. Raymond King and James VanSchoick. Resolution was carried 3 to 2.

Motion made by Kenny Schneider to adjourn meeting at 8:30. Seconded by Ed Piotrowski. All Members voting yes.

Tape at 164.

REGULAR MEETING OF THE ZONING BOARD OF ADJUSTMENT AUGUST 8, 1979

MEMBERS PRESENT: Mrs. Ruth Dillon, Messrs. Raymond King, Ed Piotrowski, Kenny Schneider, James VanSchoick and Attorney Peter Ragan.

Meeting was called to order by Chairman VanSchoick announced there was a quorum of five members, held the Salute to the Flag, announced it was an open public meeting held in accordance with the Open Public Meetings Act.

Ruth Dillon moved the minuets of the special meeting of July 25, seconded by Kenny Schneider. All members voting yes. Minuets posted on board.

South Shore Haven Rest Home Con't Brooks Von Arx appearing before Board in place of Therodore Parsons. Mr. Parsons on vacation for month of August.

Mr. VanSchoick read letters from William P. Farrell, Borough Eng. and Gerald Evans, Borough Super. of Water and Sewer. He then referred to exhibit A-4, the Site Plan, said that it shows the existing garage as smaller than it actually is. Mr. Sebring to furnish the Board with a corrected copy to supplement A-4.

Mr. Ragan marked the two letters read into record as B-1 and B-2.

Mr. Sebring was reminded he was still under oath and asked to explain the use of the enclosed stairwell. Mr. VanSchoick said that some questions had arisen concerning enclosed stairwell. Mr. Sebring said that part of the Uniform Construction Code of the State of New Jersey is the B.O.C.A., Basic Building Code of 1978. That Code makes statement concerning instutitional use. It says that "it shall have two means of egress, one of which must be an enclosed interior stair. What is ment by an enclosed interior stair. This is a stair protected in a fire tower, in other words enclosed space with fire doors and smoke doors. Doors must remain in closed position. If remaining open they must have a protective closing device which will close in case of a fire. The stair tower must provide direct access to the exterior from any point within the building. By entering the stair tower your in a point of refuge. This stair tower has its own mechanical systems, i.e. ventlating and heating systems, which is seperate from that of the remaining portion of the building. If there is a fire in the building someone would be able to enter into this fire enclosure and egress to the outside and could be in a relatively safe position. Further, the existing stair, inside the building, which we are using as a second means of ergess. The code requires us to have two means of egress from every level above the main level. This will be reworked to comply with Articles of the Code, but this can remain a open stairway. Now concerning the fire escape. I want to read you something from Section 621 of the B.O.C.A. Basic Building Code. Its title is fire excapes. Where permitted, thats the title where permitted fire escapes shall not be permitted as an eliment of required means of egress except on existing buildings or structures when constructed in accordance with approved rules and regulations, when more adquate exist way facilities cannot be provided. The interpatation of this section of the code is that we are remodling this building. We are bringing this building up to currant code standrads. We must provide two means of egress both being a stair. One of which must be an enclosed interior stair. A staircase specificlly not permitted to be used as a means of egress. So the State Building Code is telling us we cannot use and we cannot install that fire escape, that is not use that fire escape. We must handle the egress in the building in a differant way."

Mr. VonArx asked about his experiance in professional design. If in Mr. Sebrings opinion the access to the outside which would be provided by the interior stairwell, which you just discribed, is supuior to that which would be provided by the existing exterior fire escape. Mr. Sebring answered yes and then explained why he felt that way.

SOUTH SHORE HAVEN REST HOME CON'T

There was further discussion concenning smoke in stairway.

Peter Ragan swore in Kenneth W. Miller, 90 Stockton Lake Blvd., Manasquan Borough Fire Inspector. Mr. Miller was asked to give his thoughts concerning interior stairwell. Mr. Miller said that he felt the interior stairway was out of the question. That using ventalation in the stairway would cause draft and crate a hazard as far as the elderly people were concerned. He recommended the fire escape be left on building.

Mr. VonArx asked if in his opinion the interior stairs were put into the building if under those circumstances the existing fire escape should remain so in essance there would be two fire excapes. Mr. Miller said he certainly would. He also said that there was occupancy on the 3rd. floor and he was worried about getting these people out if there were a dence smokey fire.

Mr. Ragan asked about Mr. Millers background in Fire Inspection.for the record. Mr. Miller said that he had spent 19 years with the South Wall Fire Co. That 12 of those 19 years he had attended the Monmouth County Fire Collage. Also had worked with the fire inspector State Codes in Wall Township 1959-1960-1961.

Mr. Sebring told how the stairwell was going to be presureized and how it would work. He agin stated that he was bound by the B.O.C.A. Code.

570 Mr. VonArx sugessted that if the Board was of a mind to approve the Application for the variance. The Board might resolve to approve it leaving the question of the mechanics of the stairwell to the administrative people who must review the matter in terms of approving the final plans.

Motion to approve the variance made by Ruth Dillon subject to the administrative assistance. Seconded by Raymond King. All members voting yes.

Motion made by James VanSchoick to close the public meeting. All members voting yes.

Recell 5 minutes. Roll Call All members presant.

FEN LI CHEN APPLICATION 9-79 73 Manito Road, Manasquan, N.J. Representing Mr. Chen, Thomas C. O'Brien, 25 Old Squan Road, Manasquan. Mr. Chen wishe to construct a 2 car garage with bath on second floor and a half bath on garage floor.

Ammendment to application: location of garage on plot plan is 5.5' to be ammended to be 6'10" from rear of property.

The following exhibits were marked into evidance.

A-1 Letter of deniel from Dan Miller'
A-2 Notice of appeal and variance application 2 pgs.
A-3 List of property owners - 2 pgs.
A-4 Notice of hearing to property owners
A-5 Affiçavit 7/26/79
A-6 Certifacation of Fen Li Chen reguarding his contract.
A-7 Application for const. permit 2 pgs.
A-8 5 page construction plans
A-9 plot plan with affadavit dated 7/19/79
A-10 Proff of Service attached proff of notice to adjacent municipality
A-11 Notice of hearing to county planning Board
A-12 Affidavit of Publication newspaper
A-13 Plot plan - showing set backs as amended

FEN LI CHEN CON'T TAPE 2ND. SIDE

Mr. O'Brien said that we were all hear to hear a hardship variance under N.J.S.A. 40:55-70C of the N.J. Statutes. He said that the problem was with the rear yard. Ordinance requires 20 feet and Mr. Chen only had 6'10".

John from the firm of Deppeler and Leahey 34 Taylor Avenue, Manasquan. Mr. Deppeler is representing Joseph and Betty Feeney, who are in opposition to the application. Mr. Deppeler said that he would like the opportunity to cross examine the witnesses on behalf of the Mr. and Mrs. Feeney.

Mr. O'Brien said that the Chens do not speak English and that their son could translate if the Board saw fit for him to do so.

Attorney Ragan swore in Kenneth Chen, he gave his address as 73 Manito Road, Manasquan, his age as 15. Fen Li Chen, gave his name as Fen Li Chen, his address as 73 Manito Road. Mr. Chen said that he owned property at 73 Manito Road, he had lived in N.J. 8 or 9 years. Bought property June 28, 1979. There are 6 people in family, Father, Mother, Grandmother, and 3 boys. There are 6 rooms in house, 3 bedrooms, 1 study, 1 kitchen, 1 dining room, 1 living room. They said they had no intention of renting any portion of property. Father employed by John McGreevey as a garage mechanic. That he has no intention of repairing cars in garage. They said that the property backs up to the Manasquan Public Works. There was no property to buy to make lot larger. Mr. Chen is a citizen of the United States.

Mr. Deppeler asked if the lot was of proper size and was told the lot was 50 x 100. That the house was built in 1979. That the other houses on street were on 50 x 100 foot lots. Mr. Deppeler asked the proposed garage would be attached to house. Answer by a porch.

William Holzapeel, 44 Ridge Avenue, Manasquan, was sworn in by Attorney Ragan stated his name and address as William Holzapeel, 44 Ridge Ave. Manasquan, his occupation as general contractor. Mr. H szapeel will be retained by Mr. Chen to build the addition to the house if the variance is granted. Mr. Holzapeel was told by Mr. Miller, Construction Official, that the rear yard was not enough, 20 feet was needed. Mr. Miller also told him that bedrooms were not allowed above a detached garage. Mr. Holzapeel said that he was familiar with the Zoning Ordinance of the Borough of Manasquan, that a detached garage could be built on premises without a variance. That Other ways were considered but it would mean loosing kitchen and bedroom windows. That the garage could be reduced but they would be unable to put 2 bedrooms, loose the turnaround and would loose ventalation. The proposed addition would cost $26,000 dollars. Builder was not sure if adjoining properties were uniform. Garage ridge would be 18 Or 19 feet high. Presant home is about 20 feet. Presant dwelling is a 1½ story cape cod. They didn't anticipate puting any additional air conditioning.

Objectors:	Elaine Morton -	65 Manito Road
	Henry Lozar	107 Manito Road
	Joseph Feeney	71 Manito Road
	Gary Kirk	83 Manito Road
	Betty Feeney	71 Manito Road
	Tom North	65 Manito Road
	Jack Hyde	77 Manito Road

Recess

Roll call all members present.

195 Mr. Deppelar said that he felt the application was for a use variance and not a hardship variance under N.J.S.A. 40:55B-70C. Proposed use

FEN LI CHEN CON'T

Attorney O'Brien said that he had no doubt about the variance being a use variance. He said that he could't imagine how a second family could move into the garage and bedrooms without the building inspector or code enforcement officer knowing about it. He could not see how the property could be used as two residential units. He felt that there was no question that it is a hardship variance pursuant to N.J.S.A.-40:55D-70C. He felt that they had satisfied criteria, that the lot was 50 x 100. That they had complyed in every respect excect the rear yard. He felt that it would be a hardship to Mr. Chen by not allowing the variance.

Motion made by Ed Piotrowski to close public hearing. Seconded by Kenny Schneider. All members voting yes.

Motion made by Ed Piotrowski to have an on site inspection at the Boards convience. Seconded by Kenny Schneider. All members voting yes.

Motion made by Mr. Schneider seconded by Mr. Piotrowski to continue application until September 12, 1979. All members voting yes.

tape 468. Meeting adjourned.

MANASQUAN BOARD OF ADJUSTMENT REGULAR MEETING AUGUST 13, 1980

MEMBERS PRESENT: Mrs. Ruth Dillon, Messrs. Bill Miller, Russell Neiberlein, Kenny Schneider, James P. VanSchoick Jim Smith, Raymond King and Attorney Peter Ragan

ABSENT: Mr. Ed Piotrowski

Meeting was called to order at 8:00 p.m. with a roll call; Salute to the Flag; announcement that this was an open public meeting held in accordance with the Open Public Meetings Act of 1975. Adaquate notice had been given to the Coast Star and the Asbury Park Press.

Minutes of July 9, 1980 meeting were moved by Mr. Neiberlein, seconded by Mrs. Dillon. Carried by unanimous vote.

There being no one present in the audience a motion was made and seconded to have a 10 minute recess. Carried unanimously.

Roll call after recess. All members present.

JOHNSON AND JOHNSON REALTY 5-80 - 260 PARKER AVENUE

Richard Wight, representing Johnson and Johnson, said that the Johnsons leased the property in question and would produce the lease if needed. That the application was for the expansion of a non-conforming use; that there was existing a free standing sign and his client wanted to enlarge sign; that the property in question was in the I Zone (light industrial) that there were other free standing signs in area; that he had pictures of these signs.

Mr. Ragan asked if the Johnsons would be available to testify tonight and Mr. Wight said that they would not. Mr. Ragan asked if Mr. Wight was going to supplement the application with additional submissions along with comment and exhibits and Mr. Wight said that this was his intention, that the Board would accept as comment rather than testimony.

Mr. King asked the members present if they had visited site. All had visited site.

The following exhibits were marked into evidence:

A-1 Construction officials letter of deniel
A-2 Notice of appeal and variance application
A-3 List of property owners (2 pages)
A-4 Notice of hearing to property owners
A-5 Affidavit of proff of service and publication notice (2 pgs)
A-6 Form of notice that was published in paper
A-7 Application for construction permit (3 pages)
A-8 Pictures - collectively
A-9 Scmatic of sign
A-10 copy of lease

Discussion between Board and Mr. Wight reguarding various aspects of sign i.e. straitening post for sign, if sign is on Borough Property, if sign will be aluminated, ect.

Motion made by Mr. VanSchoick, seconded by Mr. Miller to continue Public hearing until the September 10, 1980 meeting without the need for any additional notice.

No objectors in audiance.

Motion made to adjourn meeting made by Kenny Schneider seconded by Russell Neiberlein. Carried by a unanimous vote.

REGULAR MEETING MANASQUAN BOARD OF ADJUSTMENT SEPTEMBER 10, 1980

MEMBERS PRESENT: Mrs. Ruth Dillon, Messrs. Raymond King, Russell Neiberlein, Ed Piotrowski, Kenny Schneider, Jim VanSchoidk and Attorney Peter Ragan

ABSENT: Messrs. Bill Miller and Jim Smith

Work session began at 7:30 with discussion of variance application before board and of changing prices for variance applications under (c) (d).

Meeting was called to order at 8:10 with a roll call, quorum presant. The Salute to the Flag was held and Chairman King, announced that this was an open public meeting held in accordance with the Open Public Meetings Act of 1975. Adaquate notice had been given to the Asbury Park Press and the Coast Star.

MINUTES AUGUST 13, 1980 moved by Ruth Dillon Seconded by Mr. Van Schoick. Vote: Yes- Mrs. Dillon, Mr. Neiberlein, Mr. Piotrowski, Mr. Schneider, Mr. VanSchoick. Abstained: Mr. King.

5-80 JOHNSON AND JOHNSON REALTY -260 PARKER AVENUE CONTINUED

Richard Wight representing Johnson and Johnson. Mr. Wight asked to have the following exhitibs marked into evidence:

A-11 State of New Jersey (DOT) from John Nettleton 9-9-80
A-12 From Board of Chosen Freeholders 9-4-80
A-13 From Chief Paul LaVance, Manasquan Police Dept. 8-21-80
A-14 From Sharpe Sign Co. 9-7-80

Robin Gregory Johnson, 2613 River Road, Wall Township, with Manasquan Post Office. was sworn in by Attorney Ragan, he said that he would like to clear up 2 points that had been brought up by Board at last meeting. i.e. that the sign was plumb, that the existing lights would not be used, that there would be no illumination of sign.

Steve Steinmacher, 338 Laurel Avenue, Lakewood, N.J. was sworn in by Attorney Ragan. He said he was from the Sharpe Sign Company. He answered questions concerning sign i.e.the blow out velocity, the size, 5'x6'x4", the weight not to exceed 50 or 60 lbs, the framing would be made of 040 Aluminum, that it would be free swinging and have new hangers and chain supports, that there would be upper and lower panels, that the sign would be 7'10" off ground.

No Objectors

Motion made by Mr. VanSchoick to close public hearing. Seconded by Kenny Schneider. Carried by unanimous vote.

Motion made by Kenny Schneider to draw a favorable resolution incorperating all the facts. Seconded by Mr. VanSchoick. Carried by Unamimous vote.

Motion made by Mr. VanSchoick to adjourn meeting, seconded by Mr. Schneider. Carried unanimously.

Jo-Ellen Brown, Secretary

BOARD OF ADJUSTMENT - REGULAR MEETING SEPTEMBER 12, 1979

MEMBERS PRESENT: MRS. Ruth Dillon, MESSRS. Raymond King, Bill Miller, Ed Piotrowski, Kenny Schneider, James VanSchoick and Attorney Peter Ragan.

ABSENT: Mr. Harry Huebner

Work session began at 7:30. The Board discussed electing a new Chairman and Vice Chairman. James VanSchoick was nominated and seconded as Chairman. Yes vote: Mrs. Ruth Dillon, Messrs. Raymond King, Bill Miller, Ed Piotrowski and Kenny Schneider. No: none. Abstained: Mr. James VanSchoick. Mr. Raymond King was nominated and seconded as Vice Chairman. Yes vote: Mrs. Ruth Dillon, Messrs. Bill Miller, Ed Piotrowski Kenny Schneider and James VanSchoick. No: none. Abstained: Mr. Raymond King.

Meeting was called to order by Chairman VanSchoick at 8:05 with the Salute to the Flag. Announced it was an open public meeting held in accordance with the Open Public Meetings Act of 1975.

July 11 and August 8th minutes were moved by Ruth Dillon seconded by Kenny Schneider All members voting yes.

RESOLUTION 18-79 SOUTH SHORE HAVEN REST HOME Resolution was read by Peter Ragan moved by Ruth Dillon seconded by Ed Piotrowski. All members voting yes.

CONTINUATION OF APPLICATION 9-79 FEN LI CHEN Tom O'Brien representing Mr. Chen said that he understood that the Board had made their on site inspection Saturday Sept. 8. He wondered if the Board had any questions. Mr. King asked if there were any plans to build a retaining wall on the east wall. Mr. Ragan noted that the public hearing was closed on August 8, but that there could be remarks from lawyers. Mrs. Dillon said that she didn't think they showed hardship. Mr. Schneider moved to draw a Resolution against the application, seconded by Ed Piotrowski. All members voting yes.

APPLICATION 10-79 GEORGE AND JEAN YEOMANS Ray Dinklage, Architect, for applicant, said that the Yeomans were unable to attend because of illness in family. He asked to have the application continued until next month. Kenny Schneider made motion to pospone hearing until next regular meeting with no need for any further public notice. Seconded by Ruth Dillon. All members voting yes.

APPLICATION 11-79 - MANASQUAN SAVINGS BANK Representing bank, Owen B. Pearce, 25 Old Squan Plaza, Manasquan, N.J. the following exhibits were marked into evidance:

A-1 Affidavit of Service
A-2 Affidavit of Publication - Coast Star
A-3 Notice of appeal
A-4 Attached drawing (Indian Head)
A-5 Scaled drawing
A-6 Application for construction permit.
A-7 Plot plan showing area of sign

Tom Blake was sworn in by Attorney Ragan, gave his name as Thoman F. Blake, his address as 221 Easton Rd., Point Plesant, N.J. President of Manasquan Savings Bank. Showing Mr. Blake A-7 Mr. Pearce asked him to identify where the sign would be located. Mr. Blake said that the sign would be located in planter on Old Squan Plaza, circled in red on Plot Plan. Mr. Blake said that the sign would be discriptive, it would show logo, which is an Indian Head, and mark entrance into drive-in facility. The sign will be two faced plastic with allum frame of bronze color. The sign will installed according to specs and plans.

488 Frank Barbara, 10 Warren Drive, Maroboro, N.J., represenative of HUB sign Corp. was sworn in by Attorney Ragan. He said that he was contracted to build sign. It will be a pedestal base 4 feet from ground, 9 ft. at top. No messages on sign.

No objectors.

Bill Miller moved a resolution granting Manasquan Savings Bank permission to erect a free standing sign. Seconded by Kenny Schneider. All members voting yes.

BOARD OF ADJUSTMENT - REGULAR MEETING SEPTEMBER 12, 1979 CON'T

APPLICATION 12-79 MARTIN KEEFE 191 BEACHFRONT Attorney Ragan swore in Martin Keefe 25 Cambridge Avenue, Yonkers, N.Y. 10707. Mr. Keefe said that he was the present owner of the Sea Breeze. It currently had 6 apartments and 17 rooms. That he would like to convert 13 of the rooms into 4 apartments having a total of 10 apartments and 4 rooms. That he rented the apts. seasonally. That he would have to add one bathroom.

Mr. VanSchoick suggested that the Board have an on site inspection Sunday morning at 9:30.

Mr. Ragan told Mr. Keefe that in order for the Board to make a decision they would need a complete facual picture. What exists now and exactly what is going to be done.

Mr. King suggested that we check to see if it is a mulitble dwelling. To get any records from the Police Department and the Fire Inspector.

Charles Tassini, 294 Euclid Avenue, asked about the parking facilities. Mr. Keefe said that there were presently 9 parking spaces.

Motion made by Kenny Schneider to continue hearing until the October 10 meeting. Seconded by Ed Piotrowski. All members voting yes.

Motion made to adjourn meeting by Bill Miller, seconded by Kenny Schneider. All members voting yes.

Respectfully submitted

Jo-Ellen Brown

Jo-Ellen Brown, Sec'y

MANASQUAN BOARD OF ADJUSTMENT-REGULAR MEETING OCTOBER 8, 1980

MEMBERS PRESENT: Mrs. Ruth Dillon, Messrs. C. Raymond King, William Miller, Russell Neiberlein, James VanSchoick and Attorney Peter Ragan

MEMBERS ABSENT: Messrs. Ed Piotrowski, Kenny Schneider and James V. Smith

Meeting was called to order by Chairman King with a roll call, Salute to the Flag, announcement that meeting was an open public meeting held in accordance with the Open Public Meetings Act of 1975. Adquate notice had been given to the Coast Star and the Asbury Park Press.

Mrs. Dillon moved the minuets of the September meeting be approved as presented. Seconded by Mr. Neiberlein. Carried by unanimous vote.

RESOLUTION 16-80 JOHNSON AND JOHNSON REALTY
Resolution 16-80 was read by Attorney Ragan, moved by Mr. Van Schoick, seconded by Mr. Neiberlein and carried by the following vote: Yes-Mrs. Dillon, Messrs. King, Neiberlein, VanSchoick Abstained: Mr. Miller.

AMENDED RULES AND REGULATIONS
Under 3)40:55D-70-57d.Use-delete all others per acre.
Add: Whenever an application for developmant shall inclu e more than one request for action, the total accumulated fees for each separate action shall be applied.
Moved by Mrs. Dillon, seconded by Mr. Miller carried by unanimous vote.

102 APPLICATION 6-80 - BARRY AND PEGGY IVINS 129 BEACHFRONT
Mr. and Mrs. Ivins were sworn in by Attorney Ragan and the following exhibits were marked into evidence.

A-1 Construction Officials letter of deniel
A-2 2 page Variance Application and Notice of Appeal
A-3 List of Property owners and white receipts
A-4 Notice of Hearing to property owners
A-5 Affidavit of Proff of Service
A-6 Page from Carl Yards map of American Timber Land
A-7 Org. notice of hearing published in Coast Star, Sept. 80
A-8 Arch. rendering for Mr. and Mrs. Henry Selzer,dated Feb.28,1962

Mr. Ivins stated that they would like to construct a garage apartment with side yards of 3'2", instead of the 5', required bv the Zoning Ordinance. There would be 20' feet between rear yards of both buildings, proposed building would be in line with other buildings on street. Building would be 19'8" wide and 40' long. Ivins lease land from American Timber Co. Mr. Ivins further stated that the lot was very narrow and that they would like to utilize the land and get more parking spaces. Garage would be open type to drive in for, four (4) cars. Apartment would consist of Kitchen-Dining Area, living room, 3 bedrooms and bath. Attic would be a pull down stairway with small windows for ventilation. No air conditioning, no outside flood lights. The only lights outside would be for illumination of rear stairs and garage apron. Mr. Ivins stated that there was no additional land for them to buy.

No objectors in audience.

Two letters in favor of application:
1. Boyd C. Davis, 122 First Avenue/123 Beachfront
2. Joseph J. Mariziti, 131 Beachfront

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MANASQUAN BOARD OF ADJUSTMENT MEETING CONTINUED OCTOBER 8, 1980

APPLICATION 7-80 A.JOHN AND VIOLA SALERNO (HAVEN'S CLEANERS)
Bruce Wetzel representing the Salernos.
The following exhibits were marked into evidence:

A-1 Letter of Deniel
A-2 2 page Notice of Appeal and Variance Application
A-3 List of Property owners to be served
A-4 Proff of Service and Publication of Public Notice
Copy of Affidavit
Listing of persons notified by returned receipts and copies of retruned receipts.
A-5 Survey of property dated Jan. 29, 1980
Revised October 24, 1973
A-6 2 page Application for Construction permit
A-7 No objection letter from Neauhaus-81 Main Street

123 Mrs. Salerno called by Mr. Wetzel was sworn in by Attorney Ragan gave her name as Viola Salerno, 31 Wardell Circle, Oceanport, N.J. Mrs. Salerno said she and her husband were the owners of property known as 81/83 Main Street, and run business know as Haven's Quality Cleaners. Purchased property in 1968 and at that time there was a business on first floor, with apartment on 2nd. and 3rd. floor. The 3rd. floor apartment had personal belongings in it and they had knowledge of people living in building. Orginally bought building with a partner, always intended to renovate 3rd. floor apartment but could not afford to do so at the time of pur hase. Seven years ago they bought out partner and could not afford at this time to renovate 3rd. floor. Continued to pay water and sewer until 1977 . Mrs. Salerno said that when she discontinued charge she was not told she would give up any rights to apartment. The 3rd. floor was never used for anything other than Orginal apartment. Would like to modenrize apartment, stairway, heating and also store on 1st. floor. At request of lawyer Mrs. Salerno did a survey of properties in Manasquan and found several other 3 story buildings with apartments on 3rd. floor. Mrs. Salerno stated that they would like the income from the other apartment, that the building was large and always in need of repairs, that they always intended to use 3rd. floor for apartment. That they will comply with all State and Local regulations. Fire escape will be made of steel. That they do cleaning on premises but the material used is not flamable. Driveway is an easement from the Borough of Manasquan. Mrs. Salerno said there would be a Living room, dining area, bedroom, kitchen, small bedroom and bath. Separate gas heating unit and air conditioning. Revamp electric and put in new plumbing fixtures. New windows update interior of business.

Mr. Salerno sworn in be Mr. Ragan gave his name as John Salerno, 31 Wardell Circle, Oceanport, N.J. Mr. Salerno said he had heard his wife's testomony and that the rent from the 3rd. floor apt. would help with the upkeep of building. That the solvent that they use for cleaning is not flamible.

New tape

No objectors in audi nce.

Mrs. Dillon made motion to draw a favorable resolution with stipulation that the fire inspector be notified and any recomendations he makes be part of Boards decision. Seconded by Mr. Miller. Carried by un nimous vote.

035 APPLICATION 8-80 CARMEN G. TRIGGIANO
Carmen G. Triggiano was sworn in by Attorney Ragan, gave his name [illegible] Carmen G. Triggiano 50 Central Avenue Manasquan.

MANASQUAN BOARD OF ADJUSTMENT OCTOBER 8, 1980 MEETING CONTINUED

CARMEN G. TRIGGIANO CONTINUED APPLICATION 8-80

A-1 Letter of Deniel
A-2 2pg. notice of Appeal and application form
A-3 List of Property owners 2 pgs.
A-4 Novice of Hearing to Property Owners
A-5 Affidavit of Proff of Service 1 pg. hand del vered
071 and copies of white receipts
A-6 Affidavit of Publication
A-7 3 pg. sketch of proposed construction
A-8 Survey of Property
A-9 Picture of House

81 Mr. Triggiano told Board that he wanted to enclose an 8' x 12' section of an existing front porch. The house was a two family with apartments on the first and second floors. Mr. Triggiano said that he was requesting a Waiver from the Site Plan Review (107-53) because of 107-55 (B) page 10769 , Code of the Borough of Manasquan. "Does not affect existing circulation, drainage, building arrangements, landscaping, buffering, lighting and other considerations of site plan review." Also 107-36 Sch. II, Miminum Off-Street Parking Areas, Notes (2) "Off street parking is not required in the B-1 Business Zone District for individual uses, provided that they are within a three-hundred-foot radius of a public off-street parking facility or a private off-street parking facility open for use by the general public." Mr. Triggiano further stated that Lot 1E in Block 32, joined the Municipal Parking lot and the building was approxametely 60 feet from the proposed Barber shop. He felt that site plan review would serve no useful purpose in this instance.

Mr. Triggiano told Board that there were two entrances to apartments. One on side of building and one in rear, Porch is existing, with floor and roof, that he would have to comply with all State Barber Codes, that he has been a resident of Manasquan since 1966 & hopes to move his business from Point Plesant where he has been for 22 yrs. Mr. Triggiano said that he intended to re-side house and would like to get all work done at same time. He does not intend to occupy apartment at the presant time.

Discussion between Board and Mr. Triggiano concerning outside lighting, Barber Pole-sign, ect.

Mr. Miller moved motion to waive Site Plan Review. Seconded by Mr. VanSchoick. Carried by Unanimous vote.

320 Motion made by Mr. Miller to prepare favorable resolution based on the facts presented. Seconded by Mr. VanSchoick. Carried by Unanimous vote.

Mr. King noted that there were no objectors in audience

Motion made by Mr. Miller to adjourn meeting. Seconded by Mr. Van
345 Schoick. Carried by Unanimous vote.

Jo-Ellen Brown, Secretary

BOARD OF ADJUSTMENT - REGULAR MEETING OCTOBER 10, 1979

MEMBERS PRESENT: Mrs. Ruth Dillon, Messrs. Raymond King, William Miller, Ed Piortowski, Kenny Schneider and Attorney Peter Ragan.

ABSENT: Mr. James VanSchoick

Work session began at 7:30 P.M. with discussion of applications before Board.

Meeting was called to order at 8:00 P.M. by Vice Chairman King. He announced it was an open public meeting held in accorance with the Open Public Meetings Act of 1975 and that adaquate notice had been given to the newspaper. Secretary called roll and Board and Public saluted Flag.

Minutes of September 12th meeting were moved by Ruth Dillon seconded by Kenny Schneider. All members voting yes.

Ruth Dillon read letter to Peter Ragan, Esq. from Brooks VonArx, Esq., reguarding South Shore Haven Rest Home Resolution typing error, page 2, paragraph 7. (Change the word an for the word four.) Ruth Dillon moved motion, seconded by Kenny Schneider. All members voting yes.

RESOLUTION 19-79 - FEN LI CHEN - Resolution 19-79, to deny application of Fen Li Chen was read by attorney Ragan, moved by Kenny Schneider, seconded by Ed Piotrowski. All members voting yes.

RESOLUTION 20-79 MANASQUAN SAVINGS BANK Resolution read and moved by Bill Miller, seconded by Kenny Schneider. All members voting yes.

APPLICATION 12-79 - MARTIN KEEFE 191BEACHFRONT CON'T Mr. Keefe was reminded he was still under oath. The following additional exhibits were marked into evidance.

A-8 Additional Survey of lot 4 Block 170
A-9 4 page exhibit.'

Mr. King explained to Mr. Keefe that a D variance requires 5 votes. He said that since there were only 5 members present, Mr. Keefe might like to pospone his hearing until the following meeting when there might be more members present. Mr. Keefe said that he would rather continue now.

There was discussion between Board and Mr. Keefe concerning fire door, plumbing, size of hallways ect.

Mr. King asked to have the Fire I spector come to the next meeting to give suggestion concerning fire door and other related matters.

side 2 Bill Miller moved a motion to continue hearing until next meeting. Seconded by Kenny Schneider. All members voting yes.

APPLICATION 10-79 - GEORGE AND JEAN YEOMANS CON'T - Mr. Ronald Sebring, Arch. for Mrs. Yeomans. Mr. Sebring presented drawing entitled Preliminary proposed exterior stair, Lots 7 & 8, Block 21. Revised to read Block 124. The following exhibits were marked into evidance.

A-1 Deniel from Construction Official
A-2 Notice of Appeal and Variance Application
A-3 List of Property Owners (2 pages)
A-4 Notice of Hearing to Property Owners
A-5 Affidavit of Proff of Service
A-6 Survey of Property, dated 9/11/78
A-7 Preliminary sketch dated 7/20/79

Mrs. Yeomans was sworn in by Attorney Ragan, gave her name and address as Jean Yeomans, 81 Monroe Street, Cedar Grove, New Jersey. Mrs. Yeomans said that she had engaged Mr. Sebring with reguard to application. Mr. Regan sworn in Mr. Sebring, who gave his name and address as Ronald A. Sebring, 200 Atlantic Avenue, Manasquan, N.J. Mr. Sebring said that he was a registered Architech and

GEORGE AND JEAN YEOMANS CON'T

Mrs. Dillon asked if there was furniture in the extra bedrooms. Mrs. Yeomans said that there were rugs and one dresser, also a bathroom.

Ed Piotrowski asked if some kind of a shed could be installed. Mrs. Yeomans said that her main reason for wanting the stair was for a fire excape.

OBJECTORS

Grace T. Perrone - 289 Pine Avenue, Manasquan, N.J.
Richard McGinnes - 279 Pine Avenue, Manasquan, N.J.

Ruth Dillon moved a motion to have an on site inspection, seconded by Bill Miller. All members voting yes.

Ed Piotrowski moved a motion to continue hearing until next month, seconded by Ruth Dillon. All members voting yes.

Ed Piotrowski moved motion to have 5 minute recess, seconded by Kenny Schneider. All members voting yes.

Roll call after recess. All members present.

APPLICATION 13-79 MR. AND MRS. LOUIS KESSELL Represented by Richard Wight, Esq., Brielle, N.J. The following exhibits were marked into evidance.

A-1 Deniel from Construction Official
A-2 Notice of Appeal and Variance Application
A-3 List of property owners - 3 pages
A-4 Notice of hearing to property owners
A-5 Affidavit of Proff of service with white papers
A-6 Architects sketch / one large page
A-7
A-8 Plans/titled : a single family residence for Mr. and Mrs. Louis Kessell 368 First Avenue, Manasquan, N.J. dated Oct. 30, 1978. Sheets 1 thru 5...

Mr. Wight said that he would like to initially address himself to the nature of the application, which is a use variance under D as opposed to C. He said that he had had a conversation with Dan Miller concerning new Ordinance as opposed to old Ordinance. New ordiance does not specifically exclude the use of the unit on Beachfront and First Ave. Mr. Wight wanted to confirm deniel from Construction Official.
Robert Houseal was sworn in by Attorney Ragan, said his office was in SeaGirt, N.J. that he was a registered Architeck and that he was engaged to draw plans for Kessell in August of 1978. That the plans were completed On October 30, 1978. That other dwellings in area are simular to ones being presented before Board; that the basement habitable floor is above 10 foot elevation required by Ord. 1066. Houseal said that the reason he did not put according to B.O.C.A. was because he forgot to put same on plans. Mr. Houseal then went thru plans , sheets 1 thru 4, with Board explaining as he went. Lot was unusually narrow only 30 feet.

Mr. Kessell sworn in by attorney Ragan. Said that he and Mrs. Kessell were going to retire to proposed house in 3 years.

Mr. Houseal said that if variance was not granted for 3 foot side yard he would have to redesign entire building. That it would reduce square footage down to 1000 sq. feet. It would be equivalant to loosing a bedroom. It would also mean having a one car garage.

There were 6 letters read into evidence.

Kenny Schneider moved a motion tho have a site inspection on Saturday October 13, seconded by Bill Miller. All Members voting yes.

Motion made by Bill Miller to continue hearing until next month, seconded by

BOARD OF ADJUSTMENT - REGULAR MEETING OCTOBER 10, 1979 CON'T

JOHN KINNEY -480 BRIELLE ROAD - APPLICATION 14-79 Mr. Kinney was sworn in by Attorney Ragan, gave his name and address as John Kinney, 480 Brielle Road, Manasquan, N.J. The following exhibits were marked into evidence.

A-1 Letter of Deniel from Construction Official
A-2 Notice of Application and Variance application
A-3 List of Property Owners
A-4 Notice to Property Owners
A-5 Proff of Service
A-6 2 pages sketch

Mr. Kinney said that he wanted to build a bedroom and bath above existing structure. Addition of structure would be a violation of 107-27, side yards and rear yard. Mr. Kenney said the building was on bulkhead, dock 10 ft. in width. No rear yard. Zone was R-3. Winterize 2nd. floor.

Motion made to have site inspection by Kenny Schneider seconded by Ed Piotrowski. All members voting yes.

Motion made by Ed Piotrowski, seconded by Kenny Schneider to continue hearing until next meeting. All members voting yes.

744 MARTIN AND KATHLEEN KEEFE - 183 BEACHFRONT - APPLICATION 15-79 Martin Keefe was sworn in by Attorney Ragan stated and his name and address as Martin Keefe, 25 Cambridge Ave. , Yonkers, N.Y. The following exhibits were marked into evidence:

A-1 Letter of Deniel from Construction Official
A-2 Notice of Appeal and Variance Application form (2 Pages)
A-3 List of Property Owners (2 pages)
A-4 Notice of Hearing to Property Owners
A-5 Affidavit of Proff of Service
A-6
A-7 Plans, title/Proposed Single family Residence for Martin and Kathleen Pages 1 thru 8/ dated 17th, Nov. 78

Robert Houseal, Registered Architect was called to testify, sworn in by Attorney Ragan, office in Sea Girt, N.J. Mr. Houseal went thru plans, exhibit A-7, with Board explaining pages 1 thru 8.

Motion was made by Bill Miller to draw a favorable resolution, seconded by Ruth Dillon. All members voting yes.

Motion was made by Ruth Dillon to close public hearing seconded by Kenny Schneider All members voting yes.

Motion was made and seconded to closed Public Meeting. Meeting was adjourned at 11:10 P.M. All members voting yes.

MANASQUAN BOARD OF ADJUSTMENT - SPECIAL MEETING - OCTOBER 17, 1979

MEMBERS PRESENT: Mrs. Ruth Dillon, Messrs. Raymond King, Bill Miller Ed Piotrowski, Kenny Schneider, James VanSchoick and Attorney Ragan

ABSENT: NONE

Side B 000 Work session 7:30, discussion of Resolutions and Applications before Board.

Meeting was called to order at 8:00 P.M. with roll call and the Salute to the Flag.

RESOLUTION 21-79 - MARTIN AND KATHLEEN KEEFE 183 BEACHFRONT - Favorable Resolution was read by Peter Ragan, moved by B ill Miller seocnded by Kenny Schneider. All members voting yes.

MARTIN KEEFE APPLICATION 15-79 - 191 BEACHFRONT CONTINUED PUBLIC HEARING - Mr. VanSchoick announced that he had listened to the tape of the October 10,1979 meeting. Mr. VanSchoick told Mr. Keefe that the Board wanted more detailed drawings, an Architects' drawings.

Mr. Ragan reminded everyone that this was a continuation of the Public Hearing and that Mr. Keefe was still under oath. And if he would wave the Statutory Time Period. Mr. Keefe said that he would.

Mr. King moved a motion to continue hearing until November 14 meeting. Seconded by Ed Piotrowski . All members voting yes.

GEORGE AND JEAN YEOMANS - APPLICATION 10-79 CONTINUED PUBLIC HEARING Mr. and Mrs. Yeomans or any representatives were not presant at hearing.

Motion was made by Bill Miller to close Public Hearing, seconded by Kenny Schneider. All members voting yes.

Resolution was moved by Kenny Schneider to deny application for an outside stairway. Seconded by Ed Piotrowski. All members voting yes. Mr. Ragan to submit Resolution for review. Board felt there were no special needs or reasons for granting variance.

MR. AND MRS. LOUIS KESSELL 13-79 - 378 FIRST AVENUE - CONTINUED PUBLIC HEARING Richard Wight representing Kessells'. Mr. Wight said that the Kessells' would be acceptable to 5 foot side yards but would be grateful to any consideration the Board could give. The lot is very narrow only 30 feet; that it is a prevailing use on the east side of First Avenue; that most of the lots have houses fronting on First Avenue; that it would not be detrimental to the Public good.

Mr. King suggested that the Board consider giving 4 feet on northerly side and 2 feet on the south sided. Mr. VanSchoick suggested 5 feet on north side and 3 feet on South side.

Board moved a compromise resolution recited on record, to be embodied at a latter date in writing. Moved by Raymond King, seconded by Kenny Schneider. All members voting yes.

JOHN KINNEY 480 BRIELLE ROAD-APPLICATION # 14-79 CONTINUED PUBLIC HEARING Findings of fact: That there had been an addition to the front of 480 Brielle Road 3 or 4 years ago; that Mr. Kinney lives at Brielle Rd. all year round; that there are other houses in area that are two stories; that the neighbors house on the easterly side is completely in front of Kinney house and would not block anyones' view; that the physical placing of present structure leaves no other way to expand except up.

Motion made by Raymond King, Seconded by Ruth Dillon to grant the variance. All members voting yes.

MANASQUAN BOARD OF ADJUSTMENT REGULAR MEETING NOVEMBER 12, 1980

MEMBERS PRESENT: Mrs. Ruth Dillon, Messrs. C.Raymond King, Bill Miller, Russell Neiberlein, Kenny Schneider, Ed Piotrowski, James V.Smith and Attorney Peter Ragan

ABSENT: Mr. James VanSchoick

Secretary called roll; Board Saluted the Flag; Mr. King announced that meeting was an open public meeting held in accordance with the Open Public Meetings Act of 1975. Adaquate notice had been given to the Asbury Park Press and the Coast Star.

Minuets were dispenced.

Mr. Ragan asked Mr. Schneider if he had listened to tape of October 8, 1980 meeting. Mr. Schneider said he had listened to tapes of meeting and will sign written certification provided by Secretary.

53 RESOLUTION 17-80 CARMEN G. TRIGGIANO- 26 N. MAIN STREET
Mr. Ragan read Resolution 17-80. Mr. Miller moved resoultion seconded by Mr. Neiberlein. Carried by the following vote: Yes. Mrs. Dillon, Messrs. King,Miller, Neiberlein,Schneider Abstained: Messrs. Piotrowski and Smith.

108 RESOLUTION 18-80 A.JOHN AND VIOLA SALERNO-83 MAIN STREET
Read by Mr. Ragan, moved by Mrs. Dillon, seconded by Mr. Schneider and carried by the following vote: Yes. Mrs. Dillon, Messrs. King, Miller, Neiberlein, Schneider. Abstained: Messrs. Piotrowski and Smith.

128 APPLICATION 6-80 BARRY AND PEGGY IVINS CONTINUED
Board members had visited site. Motion made by Mr. Miller to close public hearing, seconded by Mr. Neiberlein. Carried by Unanimous vote.

Motion made by Mr. Schneider to draw a favorable resolution, seconded by Mr. Neiberlein. Carried by unanimous vote.

RESOLUTION 9-80 WILLIAM J. AND HARRIET LYTLE-107½ WYCKOFF AVENUE
Mr.Lytle was sworn in by Attorney Ragan gave his name and address as: William J. Lytle-107½ Wyckoff Avenue, Manasquan, N.J. The following exhibits were marked into evidence:

A-1 Letter of Deniel from Construction Official
A-2 Notice of Appeal and Variance Application(2 pgs.)
A-3 List of Property Owners
A-4 Notice of Hearing to Property Owners
A-5 Affidavit of Proff of Service
A-6 Affidavit of Publication & Notice
A-7 Survey of Property dated 3-17-78
A-8 Photographs
A-9 Two hand drawn S

265 Mr. Lytle stated that they would like to use the downstairs as a den 24'x30'; that they were just looking to use space as living quarters rather than a garage; that it would be expensive to fix doors; there would be no cooking facilities downstairs, there would be no structural changes; update electric; have total improvements on property; that John Dinyouvsky would be builder.

No objectors in audiance.

Mr. Piotrowski moved motion to continue hearing until the December meeting with an interium site inspection. Seconded by Mr. Miller.

MANASQUAN BOARD OF ADJUSTMENT REGULAR MEETING NOVEMBER 12, 1980 CON"T

APPLICATION 10-80 BERNARD AND JEAN PREBLICK 424 BRIELLE ROAD
Joseph Hillman, Attorney from Belmar representing Preblicks.
The following exhibits were marked into evidence:

A-1 Letter of Deniel from Daniel Miller construction official Deniel of Code Enforcement Application for Cert. of Inspection
A-2 Notice of Appeal and Variance Application
A-3 List of Property Owners
A-4 Notice of Hearing
A-5 Affidavit of Proff of Service and Affidavit of Publication Orginal and affidavit from paper
A-6 Affidavit from Mr. Hillman dated 10-29-80
A-7 Agreement of Sale dated 9-19-80
A-8 Photo copy of tax map

Mr. Ragan swore in Mr. Prebrick, he gave his name and address as Bernard Preblick-959 Old York Road, East Windsor, N.J.
Mr. Hillman referred to Exhibit A-7-Agreement of Sale and asked Mr. Preblick if it was the contract to purchase property known as Block 175 Lot 27, Mr. Preblick said that he was the contract prucheser and intended to use house as a two family if variance was granted. Mr. Preblick stated that property had existing side and rear entrances to second floor. That the first floor was rented to a yearly resident. That he intended to put heat on second floor and that it would take a minimum amount of work to funtion as a two family dwelling. That there would be no exterior changes. That he was buying for a profit motive; that there were three bedrooms and there would stay three bedrooms.

Mr. and Mrs. Rizzo from 428 Brielle Road objected to variance. Mrs. Rizzo stated that there was a kitchen already in apartment and that the downstairs apartment had only a space heater for heat.

Mr. Miller said that he would like to see a more detailed lay out of rooms. That he felt that there should be some kind of a living room.

Mrs. Dillon moved to continue public hearing until December meeting, and to have a site inspection on Saturday November 15, 1980 at 9:30 A.M. seconded by Mr. Miller. Carried by unanimous vote.

Motion to adjourn made by Mr. Piotrowski seconded by Mr. Schneider carried by unanimous vote.

Jo-Ellen Brown, Secretary

APPLICATION 11-80 DONALD EISENMAN-105 CURTIS PLACE
Mr. Eisenman was sworn in by Mr. Ragan gave his name and address as Donald Eisenman, 105 Curtis Place, Manasquan, N.J. The following exhibits were marked into evidence.

A-1 Letter of Deniel from Construction Official
A-2 Variance application form 2 pages
A-3 List of Property woners 3 pages
A-4 Affidavit of Proff of Service with receipts of Certified Mail
A-5 Survey of Lot 3 Block 49
A-6 2 page sketch of proposed construction
A-7 Notice of Hearing to Property Owners
A-8 Affidavit of Publication

Mr. Ragan read deniel from construction official reguarding Mr. Eisenmans application. Mr. Eisenmans house does not meet the rear yard requirement of Sch. I of the Zoning Ordinance.
Mr. Smith stated that he had inspected premises before meeting, and that Mr. Eisenman presently had an attic which he would like to enlarg to a bedroom with bath and also to raise roof 3 feet to comply with B.O.C.A. Minimum ceiling of 7'6".

2nd. side Mr. VanSchoick made motion to close public hearing seconded by Mr. Neiberlein and carried by unanimous vote.

Mr. VanSchoick moved a resolution to grant the variance seconded by Mr. Piotrowski, incorperating all facts testified to by Mr. Eisenman, Carried by unanimous vote.

APPLICATION 9-80 REOPENED William and Harriet Lytle
Motion made to reopen public hearing on Application 9-80 for variance and revoke former motion and move a favorable resolution, seconded by Mr. Schneider and carried by unanimous vote.

Motion to adjourn at 9:30 by Mr. VanSchoick seconded by Mr. Piotrowski and carried by unanimous vote.

Jo-Ellen Brown, Secretary

BOARD OF ADJUSTMENT - REGULAR MEETING DECEMBER 12, 1979

MEMBERS PRESENT: MRSSRS. RAYMOND KING, BILL MILLER, RUSSELL NEIBERLEIN, ED PIOTROWSKI, KENNY SCHNEIDER, JAMES P. VANSCHOICK AND ATTORNEY PETER RAGAN

ABSENT: MRS. RUTH DILLON

Work session began at 7:30, Board discussed applications and other matters before the Board. Attorney Richard Wight spoke to the Board concerning re-opening of the Kessell Application.

Regular meeting was called to order by Chairman VanSchoick with a roll call and Salute to the Flag. Chairman VanSchoick announced it was an Open Public Meeting held in accordance with the Open Public Meetings Act of 1975, Adquate notice had been given to the Coast Star and the Asbury Park Press.

Minuets of the November 14, 1979 meeting were moved by Bill Miller, seconded by Ed Piotrowski. Yes vote: Messrs. Raymond King, Bill Miller, Russell Neiberlein, Ed Piotrowski, Kenny Schneider. Abstained James VanSchoick.

Attorney Richard Wight asked to have the Kessell application reopened. Kessell Variance had been granted October 25, 1979. The Kessells were unable to put up building according to Resolution because of the B.O.C.A. Code.

Mr. King made a motion to reopen hearing subject to the applicant sending out notices to all interested parties. Seconded by Kenny Schneider. All members voting yes.

Motion made by Bill Miller seconded by Kenny Schneider for Attorney to reveiw and make recommendations on the forms and applications that the Board of Adjustment uses in view of recent changes in law. All members voting yes.

JOHN DINYOUSZKY 39 DEEP CREEK DRIVE APPLICATION # 18-79 CONTINUED

Chairman VanSchoick turned the meeting over to Vice Chairman King and said that he had listened to the tape of the November 14, 1979 meeting. Mr. King noted that the Board had made a site inspection. Mr. Dinyouszky said that he had no further information. Mr. King asked if there was any way that property could be taken from present lot and added to this lot. Mr. Dinyouszky said no. Mr. Dinyouszky said that the lot had been large enough before the Borough took some of the property for the turn around. No other questions. No objectors in audiance.

Motion made by Bill Miller to draw a favorable resolution and close public hearing. Seconded by Raymond King. Yes Vote: Raymond King, Bill Miller, Ed Piotrowski, and James VanSchoick. Abstained: Russell Neiberlein and Kenny Schneider.

10-79 MARTIN KEEFE 191 BEACHFRONT CONTINUED

Motion made by Raymond King seconded by Bill Miller to draw a favorable Resolution and close Public Hearing. Additional drawing marked into evidence exihibit marked with date 12-12-79. Yes Vote: Raymond King, Bill Miller, Ed Piotrowski, Kenny Schneider, and James VanSchoick. Abstained: Russell Neiberlein.

16-79 BOYD T. DAVIS 122 FIRST AVENUE CONTINUED

John Deppler from offices of Deppler & Leahey, Manasquan, N.J. Attorney for Mr. Davis. Mr. Davis was sworn in by Attorney Ragan stated his name and address as Boyd T. Davis, Westchester Pa. Mr. Deppler said that the Construction Official had denied permit for several reasons. That the property was zoned R-4 which required a 40' lot, Mr. Davis' lot was only25'. That the proposed structure would be 3 and 2 feet from side yard where 5 ft. is required. Rear yard requirement is 20 feet and the property has none.

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REGULAR MEETING ZONING BOARD OF ADJUSTMENT NOVEMBER 14, 1979

MEMBERS PRESENT: Mrs. Ruth Dillon, Messrs. Raymond King, Wm. Miller, Ed Piotrowski and Attorney Peter Ragan

ABSENT: Messrs. Kenny Schneider and James VanSchoick

Meeting was called to order at 8:00 P.M. by Vice Chairman King, announced it was an Open Public Meeting held in accordance with the Open Public Meetings Act of 1975. Adquate notice had been given to the Asbury Park Press and the Coast Star. Held the Pledge of Allegiance and a roll call. Four members present representing a quorum.

Minuets of October 10, 1979 meeting were moved by Bill Miller, seconded by Ruth Dillon. All members voting yes.

Minuets of October 17, 1979 meeting were moved by Ruth Dillon, seconded by Bill Miller. All members voting yes.

CONTINUATION OF MARTIN KEEFE 191 BEACHFRONT -12-79 - Motion was made by Bill Miller to continue hearing until next regular meeting without the need for any additional notice. Seconded by Ed Piotrowski. All members voting yes.

16-79 - BOYD DAVIS - 122 FIRST AVENUE - Mrs. Dillon moved a motion to continue hearing until next regular meeting without the need for any additional notice. Seconded by Ed Piotrowski. All members voting yes.

17-79 - DIET CENTER - 177 MAIN STREET - Motion made by Bill Miller, seconded by Ruth Dillon to continue hearing until next regular meeting without the need for any further notice. All members voting yes.

100 18-79 - JOHN DINYOUSZKY - 39 DEEP CREEK DRIVE - Mr. King informed Mr. Dinyouszky that he would need 3 of the 4 votes of the members present. He asked if he would like to have the application continued until the next meeting when there would be more members present. Mr. Dinyouszky said that he would take a chance and have the application heard tonight.

Mr. Ragan swore in Mr. Dinyouszky, he gave his name and address as John Dinyouszky, 39 Deep Creek Drive, Manasquan, N.J. The following exihibs were marked into evidance:

A-1 Letter of Deniel from Construction Official
A-2 Notice of Appeal
A-3 List of Property Owners- with white and green sheets
A-4 Notice of Hearing to Property owners
A-5 Affidavit of Proff of Service
A-6 Survey, dated 11-9-79
A-7 Application for construction permit
A-8 Map of property, dated January 3, 1966.

Mr. Dinyouszky said that his property was 4785 square feet, that the property was short 215 square feet. There was a discussion between the Board and Mr. Dinyouszky concerning matters pertaining to the property in question.

Mrs. Dillon moved a motion to have a site inspection, Saturday at 9 A.M. Seconded by Ed Piotrowski. All members voting yes.

Bill Miller moved a motion to continue hearing until next regular meeting seconded by Ed Piotrowski. All members voting yes.

Mr. King asked if there were any objectors, on the Dinyouszky application. There were none.

There were some people in audiance who were concerned with the Kessell

16-79 BOYD T. DAVIS 122 FIRST AVENUE CON'T

Mr. Davis said that he had owned property for 38 years; that there was a two car garage on property when he purchased property in 1940; that he would like to tear down this structure and build a new garage with an apartment above; that he wanted the apartment for his chrildren and grandchrildren.
The following exhibits were marked into evidance:

A-1 Leter of Deniel from Construction Official
A-2 Notice of Appeal and Variance Application form
A-3 List of Property Owners (3 pages)
A-4 Notice of Hearing to Property Owners
A-5 Drawing-Site Plan dated 9-21-79
A-6 Affidavit of Proff of Service and White Sheets
A-7 Photo copy of List of Property Wwners
A-8 Photos of present garage marked A-8-1 thru 8

1. Presant garage
2. Empty lot - house torn down in October on South Side (1979)
3. Directly in rear, west side 1st. Ave.
4. Next to Ross Inn
5. South side-Marzitti House
6. rear
7. Ross House
8. 123 Beachfront

Mr. Davis said that the photos were to show how close the people in the area live and how close the houses are. The average width of American Timber Co. properties is 25 feet. The proposed dwelling would have three bedrooms, living room, dining room and closets; that there are other properties in area that have the same type garage apartments. Mr. Davis' Architect told him that he would need width to allow for safety. If area was too small there wouldn't be access for fire and they would not be able to comply with state fire laws. Also if Board allowed variance Mr. Davis could use standard lumber and applicanes.
Dicussion between Board Members and Mr. Davis pertaining to side yards, overhang and other relating matters.

Mr. Deppler called Mrs. Agnes F. Lynch, 48 McLean Avenue, Manasquan, N.J. to testify. Mrs. Lynch was sworn in by Attorney Ragan. Mrs. Lynch said that she had been a Real Estate Broker for 1½ years and Real Estate salesperson for 18 years; that she had made a study of the 2 block area at the North end of Manasquan where Mr. Davis lived; that the average width on tax map was 25 feet, of properties between Riddle Way and Ocean Ave. and Ocean Ave. and Stockton Avenue; that many of these properties have the same type structures on them that Mr. Davis proposed.

Bill Miller moved a motion seconded by Kenny Schneider to continue hearing until January 9, 1980 meeting. All members voting yes.

DIET CENTER 177 MAIN STREET-APPLICATION #1 -79

Mr. Ragan swore in Mr. James J. Lynn-6 Irving Avenue, Westfield, N.J. Mr. Lynn said he wanted to appeal the deniel of the building inspector. Diet Center's office was located in rear of building at 177 Main; that they had received many calls from people who saw adds but could not find office. That they would like to place a sign hanging from building, so it could be read from both sides.

Mr. Ragan asked if Diet Center was a corporation in the state of New Jersey and Mr. Lynn said that it was. Mr. Ragan advised Mr. Lynn that as a corporation they would have to be represented by an Attorney.

Mr. Miller made a motion to continue hearing until January 9 meeting

MANASQUAN BOARD OF ADJUSTMENT REGULAR MEETING DECEMBER 12, 1979

CON'T

19-79 JOHN DINYOUSZKY DEEP CREEK DRIVE - CELLAR

850 Mr. Dinyouszky said that he would like to put a cellar in proposed building if he gets variance to build house on undersized lot. Marked into evidence:

A-1 variance application forms and list of property owners(3 pages)

Sec'y to obtain letter of deniel form building inspector.

Discussion between Mr. Dinyouszky and Board Members pertaining to a water tight cellar. Cellar windows to be 8'above M.S.L. Finished grade will be approx mately 8 feet; street elevation 7.74 & 7.48. Water and sewer lines are put in while pouring walls; gas pipes will be above grade; overhead electric service with outside meter, height 7'6".

new Topic

Mr. Schneider moved a motion to continue hearing until January 9,1980 seconded by Mr. King. All members voting yes.

No objectors in audiance.

Motion made by Bill Miller to draw the appropriate Resolutions to initiate the New Year. Seconded by Kenny Schneider. All members voting yes.

423 Motion made by Ed Piotrowski, seconded by Kenny Schneider to adjourn meeting. All members voting yes.

19877

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

(201) 223-1480
If No Answer
(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk

CONSTRUCTION OFFICIAL AND CODE ENFORCEMENT DEPARTMENT

January 5, 1987

Special meeting of the Manasquan Board of Adjustment will be held January 7, 1987 at 8:00 pm in Council Chambers, 15 Taylor Avenue, Manasquan, N. J.

AGENDA:

Application 22-86 - Barbara Langella - 534 E. Main St. - cont'd

Application 23-86 - Noel Hood, Second Avenue - cont'd

Margaret Kazenmayer

Margaret Kazenmayer
Secretary, Zoning
Board of Adjustment

Minutes of Special meeting of the Manasquan Board of Adjustment 1/7/87

MEMBERS PRESENT: L. Sullivan, S. Yatter, R. Griffith, J. VanSchoick, E. Wagner C. R. King, J. Mastrian, P. Walsh.

ABSENT: K. Schneider

Reorganization Meeting:

Peter Ragan introduced resolutions A thru E.
Under resolution "A" Raymond King was elected chairman by unanimous vote.
Under resolution "B" Leonard Sullivan, Jr. was elected Vice Chairman by unanimous vote.
Under resolution "C" Open meetings" the meeting dates were approved unanimous vote.
Under resolution "D" The Coast Star and the Asbury Park Press were voted designated newspapers for the Board.
Under resolution "E" Peter Ragan was appointed Board Attorney by unanimous vote.
Board also voted to raise the attorney's fees to $75.00 per hour.

Regular Meeting:

MEMBERS PRESENT: L. Sullivan, S. Yatter, R. Griffith, J. VanSchoick, E. Wagner C. R. King, J. Mastrian, P. Walsh.

ABSENT: K. Schneider

The meeting was called to order at 8:00 pm by the chairman Mr. King. Having a quorum present, the salute to the flag was recited and Mr. King made an announcement that the meeting was held in accordance with the open Public Meetings Act of 1975. Adequate notice was give the the Coast Star.

Time limit of 11:00 pm was voted.

Resolutions A thru E were introduced by Mr. Ragan, moved by L. Sullivan, and seconded by E. Wagner and carried by the following vote: yes L. Sullivan, S. Yatter, R. Griffith J. VanSchoick, E. Wagner, C. R. King, J. Mastrian, P . Walsh.

Application 22-86 - Barbara Langella - Main St., Third Avenue & Pickel Alley property - cont.

Exhibits marked A-1 thru A-8
Mr. Carton, attorney for the Langella's asked Mr. Ragan to swear in his client, Mr. Langella. He testified he had owned the property with the restaurant for 5 years and it was a seasonal operation. The restaurant was in poor condition and the area could not sustain a year round business. The restaurant was demolished in November 1986, the property is vacant. Area around the property is zoned R-3 and calls for 3400 sq. ft. per lot. Mr. Langella's four lots have 4,000 sq. ft. and one lot, on the northeast corner has 3400 sq. ft. All drainage on the property will be to the South and East. No discharge will be on Pickel Alley. No egrees of ingress on Pickel Alley. All lots will be 25' back from front, side yards will conform. Rear yard will conform on four lots, 1 lot on the northeast corner will have a rear violation . Need a variance on this lot for 10' rear yard. Also a variance to construct single family homes in a business zone. Five single family homes will be constructed by Mr. Langella and sold, he will be the contractor. Houses will be similar in nature to surrounding area and will have garages. Perhaps they will be 1½ stories. Mr. Langella will replace rear fence with new fence or shrubs. All house plans will be submitted to the Construction official and will conform to building codes. Water and sewer adequate.

Mary Birckhead - 309 E. Main St. asked if homes to rear of property are summer and winter rentals? Mr. Langella assumes they are. She also asked how many bedrooms will be in the new homes. Mr. Langella said 2 to 3 in all five houses.

Mr. King closed the public meeting.

Mr. Mastrian would like to see plans for buildings - Mr. Ragan SAID if variance granted Mr. Langella has right to build according to R-3 zone with variance. Mr. Mastrian objects to 35' houses, w ants a condition in the resolution of 30' only. Wants plans to show finished houses. Mr. Langella feels restrictions unreasonable and the Board would be asking more of hime than others in town. Mr. VanSchoick made motion to draw favorable resolution, seconded by Mr. Yatter. Mr. Sullivan asked for discussion of motion. Mr. Sullivan feels Mr. Langella shoudl be allowed to build according to R-3 zone and code, he believes the Board should pass resolution, but make conditions for small lot, as follows: "Favorable motion to approve application for use variance for signle family dwellings using R-3 criteria, also grant 5 lot sub-division and 10' rear setback on lot 50.04 and include drainage to Main St. and Third Avenue only." The above motion was carried by the following vote: yes; L. Sullivan, S. Yatter, R. Griffith, J. VanSchoick, E. Wagner, C. R. King. No; J. Mastrian. Abstain: P. Walsh.

Rmll call:

Members present: S. Yatter, R. Griffith, J. VanSchoick, E. Wagner, C. R. King
J. Mastrian, P. Walsh.

Application 23-86 - Noel Hood - Second Avenue vacant lot - cont'd

Exhibits A-1 thru A-6 marked into evidence.
Mrs. Patricia Walsh was noticed on this application - cannot vote.

Mr. Hood wishes to build a two family house in a B-2 zone. W ill conform to all setbacks except front. Lot is located between Leggetts and the Osprey parking lots. Mr. Hood feels use for business in area is not good. Property is in rear of weight room. Plans to rent summer/winter. Mr. Hood asked for a 14' front setback and in the future might want to build a 7' porch. Garage would be 20' x 20'. Mr. Yatter asked for a site inspection. Mr. Hood asked to be heardat the special meeting scheduled for 1/17/87 with the Wm. Wight application. Board agreed to hearing and site inspection will be made at 8:30 am before 1/17/87 hearing. Mr. Hood will make arrangements with Mr. wight to split the special meeting costs.
Adjourn 10:15

Margaret Kazenmayer
Margaret Kazenmayer
Secretary to the Zoning
Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

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If No Answer
(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk

CONSTRUCTION OFFICIAL AND CODE ENFORCEMENT DEPARTMENT

January 13, 1987

A Special Meeting of the Manasquan Board of Adjustment will be held on January 17, 1987 at 9:00 am in Council Chambers, 15 Taylor Avenue, Manasquan, N. J.

Formal action will be taken on the following:

Application 23-86 - Noel Hood - Second Avenue - cont'd

Application 9-87 - Wm. Wight - 97-99 Main St.

Margaret Kazenmayer
Secretary to the Zoning
Board of Adjustment

A SITE INSPECTION WILL BE HELD AT 8:30 am on 1/17/87 at Second Avenue, property between Leggets and Osprey parking lot.

BOROUGH HALL, 15 TAYLOR AVENUE
Incorporated December 30, 1887
(201) 223-1480
If No Answer
(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk

CONSTRUCTION OFFICIAL AND CODE ENFORCEMENT DEPARTMENT

January 17, 1987

The Manasquan Board of Adjustment will hold their regular meeting on January 21, 1987, at 7:30 pm in Council Chambers, Manasquan Boro Hall, 15 Taylor Avenue, Manasquan, N. J.

Formal action will be taken on the following:

Application 10-87 - Richard Wight - 97 Main St. - cont'd

Resolution 23-86 - Noel Hood - Second Avenue

Resolution 19-86 - Eugene Chmielewski - 113 Wyckoff Avenue

Resolution 17-86 - Four "S" Associates - 58 Broad St.

Resolution 22-86 - Barbara Langella - E. Main & Third Avenue

Application 20-86 - George Borab, 131 Union Avenue - cont'd

Application 21-86 - Charles Gerow - 512 Brielle Rd. - cont'd

Application 24-86 - Gina Pharo, 306 E. Virginia Ave. - cont'd

Application 1-87 - Stan Kaminski - 123 Atlantic Avenue

Application 2-87 - Joseph McGady - 52 Marcellus Avenue

Resolution 16-85 - Avon Hotel Corp. - Sea Girt Avenue - discussion

Margaret Kazenmayer

Margaret Kazenmayer

Dated at Manasquan
Jan. 17, 1987

MINUTES OF THE REGULAR MEETING OF THE MANASQUAN BOARD OF ADJUSTMENT 1/21/87

MEMBERS PRESENT: S. Yatter, K. Schneider, R. Griffith, J. VanSchoick, E. Wagner, C. R. King, J. Mastrian, P. Walsh.

7:30 pm: Continue special meeting of 1/17/87 for Wm. & Richard Wight 97-99 Main St.

The chairman read a letter from the Borough Fire Official marked A-13, stating he will have lots 23A & 23B marked as a fire zone. Mr. Thomas, attorney for Wight submitted a revised sketch of apts. marked A-14. Mr. Thomas feels application will enhance the area and be for the public good. Mr. Mastrian suggested apartments on the second floor as well as the third fl. Mr. Yatter agrees with this, but objects to four cars being parked in rear of bldg. Mr. Wight is not sure he wishes to do this right now because of cost of conversion. He asks to reserve right to return to Board at future date and ask for second fl. apts. At present he wants commercial use on second floor. Board voted to close public meeting. The Board agreed to Mr. Wight's originalapplication request: business use on first floor; commercial use on second floor and 2 apts. on third fl. Mr. Mastrian moved a favorable resolution be adopted, seconded by E. Wagner and carried by the following vote: yes; K. Schneider, R. Griffith, J. VanSchoik, E. Wagner, R. King, J. Mastrian P. Walsh. Resolution will be memorialized.

Mr. King opened the regular meeting of the Board at 8:15 pm

MEMBERS PRESENT: S. Yatter, K. Schneider, R. Griffith, J. VanSchoick, E. Wagner C. R. King, J. Mastrian, P. Walsh, L. Sullivan.

Mr. King, chairman having a quorum present gave the salute to the flag and made an announcement that the meeting wad held in accordance with the open Public meetings Act of 1975. Adequate notice was given to the Asbury Park Press and the Coast Star.

Time limit of 11:00 pm was voted.

Application 20-86 - Geroge Borab - 131 Union Avenue

Mr. Kevin Thomas, attorney for Mr. Borab withdrew the application for a use variance. He will apply to the Planning Board for site plan review.

Resolution 17-86 - Four "S" Associates was read by Peter Ragan, moved by J. VanSchoick, seconded by S. Yatter and carried by the following vote: yes; L. Sullivan, S. Yatter, K. Schneider, J. VanSchoick, C. R. King. No; R. Griffith, E. Wagner.

Resolution 19-86 - E. Chielewski, was read by Peter Ragan, moved by S. Yatter, seconded by P. Walsh and carried by the following vote: yes S. Yatter, K. Schneider, J. VanSchoick, E. Wagner, C. R. King, P. Walsh. No; R. Griffith.

Resolution 22-86 - Barbara Langella, was read by Peter Ragan, moved by J. VanSchoick, seconded by S. Yatter and carried by the following vote: yes; L. Sullivan, S. Yatter, R. Griffith, J. VanSchoick, E. Wagner, C. R. King. No; J. Mastrian

Resolution 23-86 - Noel Hood, was read by Peter Ragan, moved by E. Wagner, seconded by S. Yatter and carried by the following vote: yes; S. Yatter, R. Griffith, J. VanSchoick E. Wagner, C. R. King, J. Mastrian. The secretary was instructed to add the following as condition #3 at the end of the resolution: "The proposed two-family will be limited to six persons per unit occupancy, notwithstanding any contrary provisions of the Zoning code or zoning ordinances of the Borough of Manasquan."

Application 21-86 - Charles Gerow - 512 Brielle Rd. - cont'd

Mr. Gerow testified he will build 2' above grade for foundation plus 15' building ht. Grade at front of existing doors will be used to measure height. Public meeting closed. L. Sullivan moved a favorable resolution be drawn, seconded by E. Wagner and carried by the following vote: yes; L. Sullivan, S. Yatter, K. Schneider, R. Griffith, J. VanSchoick, E. Wagner, C. R. King,J. Mastrian, P. Walsh.

Application 24-86 - Gina Pharo, 306 E. Virginia - cont'd

Mrs. Pharo wishes to build a inground pool. Needs variance for 6' setbacks from one side and rear. Area will be fenced. Site inspectionvoted for Sat. Jan 24th.

Application 1-87 - Stan Kaminski - 123 Atlantic Ave.

Exhibits marked into evidence. Mr. Kaminski wishes to finish third floor bedrooms and add to and make part of apartments below. He will also add bath, foyer and porch. It will add occupancy to each apartment. Annual rentals. Sketch submitted A-10 shows existing porch and addition of 5' (porch will be enclosed for bath and entrance.) Site inspection voted for Sat. Jan 24th.

pplication 2-87 - Joseph McGady - 52 Marcellus Ave.

Wants inground pool in yard - Construction Official sent to Board for variance, because 2 family house. Board voted variance not necessary, not considered a public pool. refund application fee 150.00.

New business:

Mr. Sullivan read a letter to the Board from Avon Hotel Corp. They wish relief from requirements of resolution that they construct poured concrete walls on the northerly and easterly side and portions of the westerly side of development on Sea Girt Avenue. Board instructed attorney to write letter stating if Avon Hotel is seeking an amendment to resolution they must submit a formal application to the Board of Adj. Mr. King objected to substitution on wall. He also stated that a final plat had never been submitted to Engineer. Mr. Ragan will ask for final plat and bond requirements.

Margaret Kazenmayer
Secretary to the Zoning
Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

BOARD OF ADJUSTMENT

The Manasquan Board of Adjustment will hold their regular meeting on February 18, 1987, at 7:30 pm in Council Chambers, Manasquan Boro Hall, 15 Taylor Avenue, Manasquan, N. J.

Formal action will be taken on the following:

Resolution - 10-87 - Richard Wight - 97 Main St.

Resolution - 21-86 - Charles Gerow - 512 Brielle Rd. Postponed

Application 24-86 - Gina Pharo - 306 E. Virginia Venue - cont'd

Application 1-87 - Stan Kaminski - 123 Atlantic Avenue - CONT'D

Application 3-87 - Richard Basso - 170 First Avenue, unit B

Application 4-87 - Donald Prior - 54 Ocean Avenue

Sam Yatter requested discussion of Special meeting for John Boyle.

Margaret Kazenmayer
Secretary to the Zoning Board
Of Adjustment

Dated at Manasquan
February 17, 1987

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MONTHLY MEETING
FEBRUARY 18, 1987
TOWN HALL, MANASQUAN, N. J.

The Chairman determined that a quorum was present and called the meeting to order at 8:05 P.M. In addition, Mr. King requested a roll call and advised that the meeting was being held in accordance with the Sunshine Act 1975 and had been properly advertised in the Asbury Park Press. Members present were Leonard Sullivan, Samuel Yatter, Kenneth Schneider, Robert Griffith, James Van Schoick, Evelyn Wagner, C. Raymond King, and James Mastrian. Mr. F. Blankenhorn, Esq., Marge Kazenmeyer and Karen Benson, Secy. were also in attendance.

The Chairman gave the Salute to the Flag and Mr. Blankenhorn administered the Oath of Office to Karen Benson, newly appointed Secretary to the Zoning Board of Adjustment.

The Chairman advised that the copies of the Minutes from the Special Meeting held on January 17, 1987 had been distributed to the membership and were properly posted. A motion was presented by James Mastrian to accept the Minutes, seconded by Mrs. Evelyn Wagner. The following vote was taken: Samuel Yatter, Kenneth Schneider, Robert Griffith, James Van Schoick, Evelyn Wagner, Ramond King, James Mastrian, in the affirmative, one (1) abstension, Leonard Sullivan.

Mr. King further advised that copies of Minutes dated January 21 had been distributed to the members and properly posted. A motion to accept the Minutes from the Regular Scheduled meeting dated January 21, 1987 was presented by Mr. Robert Griffith, seconded Mr. James Van Schoick. The motion was passed. Vote: Leonard Sullivan, Samuel Yatter, Kenneth Schneider, Robert Griffith, James Van Schoick, Evelyn Wagner and Raymond King, Yes.

Mr. King announced that Resolution 21-86, Charles Gerow - 512 Brielle Road will be held for the next meeting.

Resolution 10-87 - William and Richard Wight - Resolution Memorialization of the Board of Adjustment, Borough of Manasquan was read by the Attorney for the Board subject to conditions as stated in the certified copy. Mr. Blackenhorn stated he had made the necessary corrections which were read into the record. A motion to approve the corrected resolution was presented by Evelyn Wagner seconded by Mr. Mastrian. The motion was passed. Vote: Kenneth Schneider, Robert Griffith, James Van Schoick, Evelyn Wagner, Raymond King, James Mastrian, Yes. Two (2) abstensions, Mr. Leonard Sullivan, and Mr. Samuel Yatter.

Application 24-86 (Cont.) Gina Pharo - 306 E. Virginia Avenue. A site-inspection was held on January 24. The membership discussed the proposed pool construction noting that it would take up most of the back yard. The Chairman suggested that the applicant come back with a revision after speaking with the pool company etc. The applicant agreed to waive the time limit. A motion was presented to continue the public hearing on 24-86 by Mr. Schneider seconded by Mr. Van Schoick. Vote: Leonard Sullivan, Samuel Yatter, Kenneth Schneider, Robert Griffith, James Van Schoick, Raymond King, James Mastrian, Yes. The motion was passed. One (1) abstension, Evelyn Wagner.

Application 1-87 (Cont.) Stan Kaminski - 123 Atlantic Avenue. The membership discussed occupancy limits, the importance of the first floor bedroom and present storage space. It was determined that the legal occupancy is 7 at the present time, without the third floor addition. Motion was presented to close the public hearing by Evelyn Wagner, seconded by Mr. Schneider. Vote: Leonard Sullivan, Samuel Yatter, Kenneth Schneider, Robert Griffith, James Van Schoick, Evelyn Wagner, Raymond King, James Mastrian, Yes. The motion was carried.

A motion was offered by Mr. Van Schoick to grant variance for alteration and addition on the first floor only. Seconded, by Samuel Yatter. Vote: Leonard Sullivan, Samuel Yatter, Kenneth Schneider, Robert Griffith, James Van Schoick, Evelyn Wagner, Raymond King, Yes. One (1) abstension, James Mastrian.

A motion to approve conversion of the 3rd floor was presented by Mr. Schneider, seconded, by Mr. Van Schoick with an occupancy of six (6). The applicant was asked if he would accept a 6 person limit and responded he would go along with the board's decision. A motion was made by Mr. Schneider, seconded by Mr. Van Schoick to amend the occupancy from six (6) to seven (7). Vote: Leonard Sullivan, Samuel Yatter, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Raymond King, Yes. The motion was carried. One (1) No, R. Griffith. One (1) abstension, James Mastrian.

Application 12-87 - John and Susan Boyle, 355 First Avenue. Mr. Boyle explained to the membership that he is seeking a variance for an upward addition to his permanent residence and has requested a special meeting date to expedite the possible construction due to family needs. A motion was presented by Mr. King to hold a special meeting to hear hardship variance 12-87 on March 7 at 9:00 A.M. Mr. James Van Schoick would preside as chairman for the meeting. Mr. Mastrian requested a site inspection before the meeting. Vote: Leonard Sullivan, Samuel Yatter, Kenneth Schneider, Robert Griffith, James Van Schoick, Evelyn Wagner and James Mastrian, Yes. One (1) abstension, Raymond King.

Application 3-87 - Richard and Frances Basso, 170 First Avenue, Unit B Exhibits presented by Mr. Peter Kearns, attorney for the applicant were marked into evidence by Mr. Blackenhorn. Applicant is requesting permission to do certain interior structural changes, the purpose of which is to convert

Application 3-87 (Cont.),
from a seasonal to a year round residence for use by the applicant. No changes to the exterior are planned with the exception of new replacement windows. A site inspection was scheduled. A motion to continue the public hearing was presented by James Van Schoick, seconded by Samuel Yatter. All were in favor, the motion was passed. Vote: Leonard Sullivan, Samuel Yatter, Kenneth Schneider, Robert Griffith, James Van Schoick, Evelyn Wagner Raymond King and James Mastrian, Yes. The applicant agreed to waive the time requirement.

Application 4-87 - Donald Prior - 54 Ocean Avenue. Mr. Blackenhorn marked the exhibits presented into evidence and administered the oath to Mrs. Prior. The applicant is requesting a variance to expand a kitchen into the area of an existing side porch. The appliant shared with the board her future intentions for conversion to year round use. A site inspection was scheduled for Saturday, March 21st.

A motion to continue the public hearing was presented by Mr. Van Schoick, duly seconded. The motion was passed. Vote: Leonard Sullivan, Samuel Yatter, Kenneth Schneider, Robert Griffith, James Van Schoick, Evelyn Wagner, C. Raymond King and James Mastrian, Yes. The applicant agreed to waive the time limitation.

Mr. Mastrian advised he had been assigned to inspect construction/development of Chicant Corp. and reported that it didn't appear that the floor beams were going entirely across the newly enclosed foundation. He called the ~~code~~ Constru. enforcement officer and after a review of the resolution and site, a stop order had been issued.

A discussion was held concerning the scheduling of special meetings. It was suggested that the first Wednesday of the month be reserved as a possible "special meeting" date, if needed. Other suggestions included the need to keep the agenda to two (2) new applications per month and a 10:00 P.M. time limit on meetings.

There being no further business, the meeting was adjourned at 9:50 P.M.

Karen A. Benson

Karen A. Benson, Secy. to the Zoning Board of Adjustment

KB

BOROUGH HALL, 15 TAYLOR AVENUE
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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

BOARD OF ADJUSTMENT

The Manasquan Board of Adjustment will hold a Special Meeting on Saturday, March 7, 1987 at 9:00 A.M. in Council Chambers, 15 Taylor Avenue, Manasquan, N. J.

Formal action will be taken on the following:

Resolution 21-86 - Charles Gerow - 512 Brielle Road

Application 3-87 - Richard Basso - 170 First Avenue, Unit B

Application 12-87 - John Boyle - 355 First Avenue

Dated: March 1, 1987

Karen A. Benson

Karen A. Benson, Secretary to the Zoning Board of Adjustment

KB

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JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
March 7, 1987 Meeting
Special Meeting
Council Chambers
15 Taylor Ave.
Manasquan, N. J.

A Special Meeting was called to order by Mr. James Van Schoick, Vice-Chairman in the absence of C. Raymond King, Chairman. The special meeting of the Board of Adjustment was called to order at 9:05 A.M. The following members were in attendance: Samuel Yatter, Kenneth Schneider, Robert Griffith, James Van Schoick, Evelyn Wagner, and James Mastrian. Mr. F. Blankenhorn, Esq. was also in attendance. Members not present were: Leonard Sullivan, Patricia Walsh and C. Raymond King.

It was noted there being a quorum present, the Vice-Chairperson gave the Salute to the Flag and announced that the meeting was held in accordance with the open public meetings act of 1975 and was advertised in the Coast Star.

Resolution 21-86 - Charles Gerow, Jr., 512 Brielle Road.
The motion to approve the resolution was moved by Evelyn Wagner, questioned by Mr. Mastrian. Page 1, paragraph 2, item #3: Applicant said two feet above the bottom of the front door. To be inserted as follows: 2 feet above grade level at front of garage. Paragraph 2, page 3 as follows: The construction should be exactly as presented to the Board, 2 ft. above the grade level at the front of the garage. A motion presented by Evelyn Wagner to approve the resolution as corrected. Seconded, Kenneth Schenider. All were in favor. The motion was carried. Voting in the affirmative: Samuel Yatter, Kenneth Schneider, Robert Griffith, James Van Schoick, Evelyn Wagner, James Mastrian.

The Chairperson reminded the applicant that the decision could be contested up to forty-five (45) days.

Application 3-87 - Richard Basso (Cont.) 170 1st Avenue, Unit B
In attendance was Francis Basso and representing Attorney. It was explained that members of the Zoning Board of Adjustment had participated in an on-site inspection of the property and a motion was made by Evelyn Wagner to close public hearing on same. Duly seconded and passed. All were in favor. Six (6) Affirmative.

A motion was presented by James Mastrian, seconded by Evelyn Wagner to draw a favorable resolution. The motion was passed. All were in favor. Six (6) Affirmative.

Resolution 3-87 - Richard Basso - The Resolution was read by Mr. Blankenhorn. First page - para. 1 - non-conforming use - change single to multi-. Page 2, continuation of paragraph 3 - lessen parking of cars for possible tenants.

March 7, 1987 Special Meeting
MINUTES

A motion to approve the resolution was presented by Evelyn Wagner, duly seconded and passed. All were in favor. (Six) Affirmative.

Application 12-87 - John Boyle, (Cont.) 355 First Ave.
Mr. Blackenhorn administered the oath to the applicants, John and Susan Boyle. Mr. Blackenhorn advised the applicant that the hearing would proceed subject to receipt of the following: (1) Affidavit of Publication and (2) Notice sent to property owners. The applicant advised he had been told by the newspaper that the Affidavit of Publication would be forwarded and Mr. Blackenhorn reiterated that the hearing would proceed subject to receipt of the affadavit of publication and review of the notice to property owners which had not been received at the time of the hearing.

A site inspection had been made by some Board Members since the February 18th Meeting. Mr. Boyle advised the members present that he was seeking relief from the two foot offset so that the entire north wall could be built on an even plane. He further advised that due to a high water table problem, he is unable to build downward and also unable to purchase additional property. Mr. Boyle explained he would be occupying the residence year round and a motion to close the public hearing was presented by Samuel Yatter and seconded by Evelyn Wagner. Five (5) approved, one abstension, James Mastrian.

A motion to draw a favorable resolution was offered by Evelyn Wagner, seconded by Samuel Yatter. Five (5) approved, one abstention, James Mastrian. It was requested that the resolution be memorialized.

There being no further business, a motion was presented and duly seconded to adjourn the meeting at 9:45 A.M.

Karen Benson

Karen Benson, Secretary
to the Zoning Board of
Adjustment

KB

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

(201) 223-1480
If No Answer
(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk

CONSTRUCTION OFFICIAL AND CODE ENFORCEMENT DEPARTMENT

BOARD OF ADJUSTMENT

On Wednesday, March 18, 1987 the Zoning Board of Adjustment of the Borough of Manasquan, N. J. will hold their regular meeting at 8:00 P.M. in Manasquan Boro Hall, 15 Taylor Avenue, Manasquan, N. J.

Formal action will be taken on the following:

Resolution 1-87 Stan Kaminski - 123 Atlantic Avenue
Resolution 12-87 John Boyle - 355 First Avenue
Application 24-86 (Cont.) - Gina Pharo - 306 E. Virginia Avenue
Application 4-87 (Cont.) - Donald and Rachel Prior - 54 Ocean Avenue
Application 6-87 John Borton - 474 Long Avenue
Application 5-87 Paul Dawicki - 484 Brielle Road (Postponed at applicant's request to April's Meeting)

Karen Benson,
Secretary

Dated at Manasquan
March 13, 1987

BOROUGH HALL, 15 TAYLOR AVENUE
Incorporated December 30, 1887
(201) 223-1480
If No Answer
(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk

CONSTRUCTION OFFICIAL AND CODE ENFORCEMENT DEPARTMENT

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MONTHLY MEETING
MARCH 18, 1987
TOWN HALL, MANASQUAN, N. J.

In the absence of the Chairperson, the regular scheduled meeting of the Zoning Board of Adjustment was called to order by Mr. Leonard Sullivan, Vice-Chairperson at 8:00 P.M.

The following members were in attendance: Robert Griffith, Leonard Sullivan, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. Mr. Peter Ragan, Esq., Attorney for the Board, and Karen Benson, Board Secretary were also in attendance. Members not in attendance, Raymond King and Kenneth Schneider.

The Acting Chairperson determined that a quorum was present and gave the salute to the flag. In addition, it was noted that the meeting was held in accordance with the Open Public Meetings Act of 1975 and was advertised in the Coast Star.

A motion was offered by James Mastrian, seconded by Evelyn Wagner to approve the Minutes of the February 18th Meeting. The motion was carried. In addition a motion was presented to approve the minutes of the special meeting of March 7th. It was noted that Mr. James Van Schoick was not the Vice-Chairman but Chairman, pro tem. A motion was offered to amend the minutes by Evelyn Wagner and seconded by James Mastrian. All were in favor, the motion was carried. It was noted by the membership that the minutes were very fine.

Resolution 1-87 - Stan Kaminski - 123 Atlantic Avenue
Mr. Peter Ragan, Esq., read Resolution 1-87. A brief discussion of item #4 page 2 was held and a motion was offered to approve the Resolution by Robert Griffith, seconded, Evelyn Wagner. Vote: Yes, Leonard Sullivan, James Van Schoick, Evelyn Wagner, Samuel Yatter, Patricia Walsh. No, (2) Robert Griffith, James Mastrian. The motion was carried.

Resolution 12-87 John Boyle - 355 First Avenue
The Resolution was read by Mr. Ragan, Esq., and a motion was offered to approve the resolution by Mr. James Van Schoick, seconded Evelyn Wagner. Vote: Yes, Robert Griffith, James Van Schoick, Evelyn Wagner, Samuel Yatter, Patricia Walsh. Abstained (2), Leonard Sullivan and James Mastrian. The motion was carried.

Application 24-86 (Cont.) - Gina Pharo - 306 E. Virginia Avenue
It was noted that the applicant was not in attendance and Mr. Ragan recommended that the secretary forward a note advising applicant that failure to appear at the next meeting will result in dismissal of the application. A motion to adjourn application 24-86 was offered by James Mastrian, seconded by Patricia Walsh. Vote: All were in favor, the motion was carried.

Application 4-87 (Cont.) - Donald and Rachel Prior - 54 Ocean Avenue
The applicant, Mr. Donald Prior, was sworn in by Mr. Peter Ragan, Esq., Board Attorney. It was reported that a site inspection had been made of the property. The Board agreed the applicants request was reasonable and should be granted. A motion was presented to close the public hearing by Evelyn Wagner, seconded, James Van Schoick. All were in favor, the motion was carried.

A motion was offered by Evelyn Wagner, seconded by Robert Griffith to draw a favorable resolution for Application 4-87. All were in favor, the motion was carried.

Application 6-87 - John Borton - 474 Long Avenue
Mr. Ragan, Esq., marked the exhibits presented into evidence and administered the oath to Mr. Borton. Mr. Borton advised the Board that his present residence in Freehold has been sold and he will be permanently residing at 474 Long Avenue beginning in June. The applicant proposes an addition to the residence.

Mr. John Gassner, of Gassner and Lohnes, Inc. was sworn in by Mr. Ragan, and explained he has been contracted to complete an 18' x 14' sun room to the northeast rear wall. Other renovations to the structure which will be integrated into the new addition were also outlined. Mr. Gassner reported that the existing residence was built approximately 30-35 years ago approximately 2.7 feet from the east side yard line. The contractor advised they would like to construct the proposed addition directly in line with the existing east exterior foundation line which is in violation of the borough side yard setback ordinance. The latter requires 5 feet. The proposed addition would then appear as part of the existing home.

Mr. Gassner responded to a question and explained that the staircase (which is secondary) will be a minimum 4' in diameter, but advised he was not certain if it must meet a fire code. A site visit was scheduld for March 21st.

Application 5-87 - Paul Dawicki - 484 Brielle Road
Mr. Sullivan advised that a request to postpone the hearing to April 15 had been received from the applicant's Attorney. A motion to open the public hearing on Application 5-87 and adjourn it without further notification was presented by Evelyn Wagner and seconded James Van Schoick. All were in favor, the motion was carried.

There being no further business, the meeting was adjourned at 8:37 P.M.

KB

Karen Benson

Karen Benson, Secy. to the Zoning Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

(201) 223-1480
If No Answer
(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk

MANASQUAN, N.J.

CONSTRUCTION OFFICIAL AND CODE ENFORCEMENT DEPARTMENT

BOARD OF ADJUSTMENT

On Wednesday, April 15, 1987 the Zoning Board of Adjustment of the Borough of Manasquan, N. J. will hold their regular meeting at 8:00 P.M. in Manasquan Boro Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Formal action will be taken on the following:

Resolution 4-87 - Donald Prior - 54 Ocean Avenue

Resolution for Margaret Kazenmayer

Application 24-86 (Cont.) Gina Pharo - 306 E. Virginia Avenue

Application 6-87 (Cont.) Joan A. Borton - 474 Long Avenue

Application 5-87 - Paul Dawicki - 484 Brielle Avenue

Application 7-87 - Guzik/Ferrante - 80 Ocean Avenue

Application 8-87 - Daniel and Susan Nalepa - 413 E. Main Street

Application 11-87 - William and Christine Pringle - 30 Deep Creek

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

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If No Answer
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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk

CONSTRUCTION OFFICIAL AND CODE ENFORCEMENT DEPARTMENT

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MONTHLY MEETING
April 15, 1987
TOWN HALL, MANASQUAN, N. J.

The Chairman called the meeting to order at 8:00 P.M. and following the salute to the flag it was determined that a quorum was present. The following members were in attendance: C. Raymond King, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh, James Van Schoick, Kenneth Schneider and Robert Griffith. Len Sullivan, absent.

Mr. King noted the meeting was held in accordance with the Open Public Meeting Act of 1975 and was advertised in the Coast Star. The Chairperson requested approval of the March 18th Minutes and a correction was noted on the motion to approve resolution 1-87, correction to read "motion was offered to approve the resolution by Samuel Yatter."

A motion to approve the March 18th Minutes as amended above was presented by Evelyn Wagner and seconded by Patricia Walsh. Vote: Yes, Robert Griffith, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian and Patricia Walsh. Abstensions; C. Raymond King and Kenneth Schneider. (2)

Resolution 4-87 - Donald Prior - 54 Ocean Avenue
Mr. Peter Ragan, Esq., Board Attorney, read the resolution and a motion was offered to approve the resolution by Robert Griffith, seconded by Evelyn Wagner. Vote: Yes, Robert Griffith, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian and Patricia Walsh. The motion was passed. Abstensions; (2) C. Raymond King and Kenneth Schneider.

Resolution For Margaret Kazenmayer - 112 Wyckoff Avenue
On behalf of the Board, Mr. Ragan, Esq., read the resolution for Mrs. Margaret Kazenmayer of 112 Wyckoff Avenue recognizing her years of outstanding service to the Board. The motion to approve the resolution was made by James Van Schoick, seconded by Mr. Mastrian. All were in favor, the motion was carried.

A motion to adjourn the meeting at 11:00 P.M. was offered by Mr. Yatter and was seconded by Mr. Schneider. All were in favor. The motion was carried.

Application 24-86 (Cont.) - Gina Pharo - 306 E. Virginia Avenue
The Chairman advised that the case had been withdrawn at the applicant's request. A motion was presented by Kenneth Schneider, seconded by Patricia Walsh to refund one-third of the application fee. The motion was carried.

MINUTES (Cont.)
Application 24-86 (Cont.) Gina Pharo - 306 E. Virginia Avenue
Vote: Yes, Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, James Mastrian, and Patricia Walsh. Samuel Yatter abstained.

Application 6-87 (Cont.) John A. Borton - 474 Long Avenue
A site inspection was made on March 21st of the subject's property and no objections were found to the application. A motion was offered to close the public hearing by Mr. Yatter, seconded by Patricia Walsh. The motion was carried. Vote: yes, Robert Griffith, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian and Patricia Walsh. Abstentions (2), C. Raymond King and Kenneth Schneider.

A motion was presented to draw a favorable resolution by Mr. Mastrian, seconded by Robert Griffith. The Chairman shared that the applicant had expressed a need to move in by the first week of June and requested a memorialization of the resolution. The motion was amended to include memorialization offered by Mr. Mastrian, seconded by Mr. Yatter. The motion was carried. Vote: yes, (6) Robert Griffith, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian, and Patricia Walsh. Abstentions (2), C. Raymond King and Kenneth Schneider.

Application 5-87 - Paul Dawicki - 484 Brielle Avenue
Mr. Ragan, Esq., administered the oath to Mr. Paul T. Dawicki residing at #2 Tanbark Trail, Saddle River, N. J. 07458 and Mr. Frank E. Pannone residing at 92 Knickerbocker Road, Crestview, N. J. 07626. Also in attendance was Mr. Scott Thompson, Esq., representing the applicant from the firm Wilbert and Montenegro, Brick Town, N. J. Mr. Ragan, Esq., marked the exhibits presented into evidence.

Mr. Thompson, Esq. advised that the building which is a pre-existing two family structure, suffered a fire approximately a year ago in the second story, which resulted in severe damage to the interior. Mr. Thompson stated that although the fire damage to the second story was severe it did not alter the structural integrity of the building.

The applicant in rebuilding the structure, wishes to bring the structure into more conformity with existing codes (e.g., raise ceilings, increase the floor space, raise the roof in upper level, create more living space to two bedrooms and one bath.)

A Board Member inquired as to the present square footage. Mr. Pannone responded that the current square footage is 819.29 on the first and second floors. Mr. Pannone further clarified the reported square footage of the second floor to be 819.29 on the revised plan being submitted. The previous original square footage being 675 feet on the second floor.

Mr. Thompson, Esq., explained the applicant's position is that he is entitled to repair the structure in its present form as a non-conforming use but he hopes that by enlarging the second level to be in greater conformity with

Application 5-87 - Paul Dawicki - 484 Brielle Ave. (Cont.)
present codes, he will be able to eliminate seasonal tenants and attract yearly renters. A Board member questioned the overall height of the proposed building and Mr. Pannone responded that it was less than the maximum allowable 35ft. and is approximately 31 ft. as shown on the application.

At the suggestion of the applicant's attorney, Mr. Pannone shared professional qualification indicating that he is a licensed professional engineer in the State of New Jerse since 1962. In addition, Mr. Pannone is a professional planner, licensed since 1985.

Upon questioning by the applicant's attorney, Mr. Pannone described the proposed renovations. Mr. Pannone was questioned if he was familiar with parking accomodations at the subject site, off street. The engineer responded that there is ample facility in front to park a car on either side and there is a side area to permit access to the rear which can accommodate 3 to 4 more vehicles if necessary.

Mr. Pannone was queried as to the percentage of fire damage to the structure and he estimated the overall damage to the structure as minimal, in the neighborhood to 10 to 15%; most of which was water damage to the lower level, minimal structural damage to the upper level with overall damage to the structure of 25% to 30%. The planned improvement would not change the present footprint.

A Board Member asked if a fire official had given the percentage of value remaining after the fire and requested that it be obtained and submitted to the Board.

The Chairman questioned Mr. Pannone if he was knowledgeable of the Code definition of a half story. A discussion was held concerning the definition and its application to subject property. Mr. Pannone expressed his willingness to review and if necessary re-analyze the plans in compliance with the Code and resubmit as necessary.

The Board asked for a revised plan showing the first floor detail and the ingress and egress in relation to the second floor area.

The Board asked the audience if anyone had questions or comments for Mr. Pannone. Neighborhood residents questioned the parking in front of the building as to its adequacy within the property line. Mr. Pannone explained he felt the requirements could be met as stated in the proposed plan.

Mr. Paul Dawicki explained he had purchased the property approximately 3 years ago and felt the home was approximately 18 to 20 years old. The applicant explained that he has requested the variance to increase the floor space in order to provide more closets on the second floor and attract year-round residents. He provided the Board with a brief history of the home since he assumed ownership.

Application 5-87 - Paul Dawicki - 484 Brielle Avenue (Cont.)
Concerns were mentioned by the Board Members regarding an increase in occupancy and a need for additional parking spaces.

A motion to continue the public hearing was offered by Mr. Griffith, seconded by Mr. Schneider. All were in favor, the motion was carried. A site inspection of the property was scheduled for Saturday, April 25.

The Chairman requested that the following items be submitted for review: a) Bill/invoice for water and sewer charges, b) Parking layout, c) Certification from the fire inspector and d) Revised plans (including first floor).

Application 7-87 - Guzik/Ferrante - 80 Ocean Avenue
Mr. Ragan, Esq., administered the oath to Mr. Robert Ferrante, residing at 81 Oakwood Drive, Wayne, N. J. and Mr. J. Guzik of 80 Ocean Avenue, co-owners of the subject property. In addition, Mr. Ragan, Esq., marked the exhibits presented into evidence.

Mr. Ferrante advised the membership that he desires to change the roof line which will not increase the height of the building and construct an outside deck approximately 12 x 14 to the rear of the front premises. A site inspection of the subject property was scheduled for April 25. A motion to continue the public hearing was offered by Mr. Schneider, seconded by Patricia Walsh. All were in favor, the motion was carried.

Application 8-87 - Daniel and Susan Nalepa - 413 E. Main Street
Mr. Ragan, Esq., marked the exhibits into evidence and administered the oath to the applicants. Mr. Nalepa advised the membership that he has owned the premises for approximately three (3) years and is requesting to leave the recently constructed 5' fence in its present location. The applicant explained that due to a misinterpretation the privacy fence was constructed approximately 25 feet from the street line and approximately 15 feet from the property line. The requirement is 25 feet from the property line, the applicant explained and the present fence location is in non-compliance. A nearby resident shared she has seen the fence and does not offer any objection.

A motion to continue the public hearing was offered by Mr. Schneider and seconded by Mr. Van Schoick. A site inspection was scheduled for April 25.

Application 11-87 - William and Christine Pringle - 30 Deep Creek
Mr. William Pringle was sworn in by the Board Attorney and exhibits were properly marked in evidence. The applicant advised that the property presently has less than 1,000 square feet of living space and desires to construct an addition extending the two back rooms.

A motion to continue the public hearing was offered by Mr. Schneider, seconded by Evelyn Wagner. All were in favor, the motion was carried. A site inspection was scheduled for April 25.

The Chairman noted the following correspondence had been received and distributed to the Board: Memorandum regarding the Langella subdivision dated March 27 and March 30 received from the Borough Engineer, communication

received on April 9th from the Borough Engineer regarding the Avon Hotel Corp.

The membership discussed the correspondence received from The Draw Bridge dated April 10th, reguesting an extension to complete landscaping and it was agreed that the business should comply with the previous recommendations by June 30.

The Board requested that the Secretary send a memo to the Construction Code Official and Code Enforcement Officer asking for a meeting with them on April 25.

The Chairman noted that correspondence had been received from the residents of Deep Creek Drive regarding Dyna Marine and also receipt of correspondence from the Code Enforcement Officer to Kenneth Indahl. An invitation was extended to the membership from the Chairman to attend a meeting on April 16, 3:30 to discuss the Board Secretary's duties and possibly streamlining the procedures presently being followed. Assignments were made to various Board Members for follow-up and inspection.

There being no further business, a motion was offered to adjourn the meeting at 10:30 P.M.

Karen Benson

Karen Benson, Secretary

KB

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

(201) 223-1480
If No Answer
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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk

CONSTRUCTION OFFICIAL AND CODE ENFORCEMENT DEPARTMENT

BOARD OF ADJUSTMENT

On Wednesday, May 20, 1987, the Zoning Board of Adjustment of the Borough of Manasquan, N. J. will hold their regular meeting at 8:00 P.M. in Manasquan Boro Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Formal action will be taken on the following:

Resolution 6-87 - John A. Borton - 474 Long Avenue

Application 5-87 (Cont.) - Paul Dawicki - 484 Brielle Avenue

Application 7-87 (Cont.) - Guzik/Ferrante - 80 Ocean Avenue

Application 8-87 (Cont.) - Daniel and Susan Nalepa - 413 E. Main Street

Application 11-87 (Cont.) - William and Christine Pringle - 30 Deep Creek

Application 13-87 - Carol Kenny - 352 East Virginia Avenue

Application 14-87 - Alonzo Nielsen - 324 E. Main Street

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MONTHLY MEETING
May 20, 1987
BOROUGH HALL, MANASQUAN, N.J.

The meeting was called to order by Chairman, C. Raymond King at 8:00 p.m. Following the salute to the Flag, it was determined that a quorum was present. The following members were in attendance: C. Raymond King, Robert Griffith, James Van Schoick, Evelyn Wagner, Samuel Yatter, and James Mastrian. Attorney Ragan was present. Members absent were: Kenneth Schneider, Leonard Sullivan, and Patricia Walsh. The Board Secretary was absent.

Mr. King noted the meeting was held in accordance with the Open Public Meetings Act of 1975 and was advertised in the Coast Star. The Chairman requested approval of the April 15, 1987 Minutes that were amended to include: Absent: Leonard Sullivan.

A motion was made by Evelyn Wagner to approve the minutes of the April 15, 1987 meeting as amended above. The motion was seconded by Samuel Yatter and carried by the following vote: "Yes" Board Members King, Griffith, Van Schoick, Wagner, Yatter and Mastrian. "No" none.

Resolution 6-87 - John A. Borton - 474 Long Avenue

Mr. W. Peter Ragan, Esq., Board Attorney, read the Resolution Memorialization of the Board of Adjustment, Borough of Manasquan subject to conditions as stated in the certified copy. James Mastrian made a motion to approve the Resolution Memorialization and the motion was seconded by Samuel Yatter. The motion was carried by the following vote: "Yes" Board Members Griffith, Van Schoick, Wagner, Yatter, Mastrian. "No" none. C. Raymond King abstained.

Application 5-87 (Cont.) - Paul Dawicki - 484 Brielle Road

Attorney Scott Thompson and Engineer Frank Pannone appeared for the applicant. A site inspection had been held on April 25, 1987 at 9:00 a.m. Attorney Scott Thompson requested that information from the previous hearing be reviewed. The Board presented the facts from the previous hearing; This dwelling was on the tax rolls for water and sewer for one unit only. The Fire Inspector had reported that there had been 90% fire damage to the interior of the dwelling and 10% structural damage. Revised plans were to be submitted.
The Board discussed the water and sewer problem, extent of fire damage, parking, and expansion -non-conforming use of the third floor.
A motion was made by Samuel Yatter to close the public hearing seconded by Evelyn Wagner. Motion was carried by the following vote: "Yes" Board Members King, Griffith, Van Schoick, Wagner, Yatter, and Mastrian. "No" none.
On request of the applicant, Paul Dawicki, a motion was made to reopen the

public hearing by Samuel Yatter and seconded by Evelyn Wagner. Motion was carried by the following vote: "Yes" Board Members King, Griffith, Van Schoick, Wagner, Yatter, and Mastrian. "No" none.

Application 7-87 (Cont.) - Guzik/Ferrante - 80 Ocean Avenue
A site inspection had been held on April 25, 1987 at 9:30 a.m. The Board Members discussed the problem of construction without a building permit.
A motion was made to close the public hearing by James Mastrian and seconded by Robert Griffith. Motion was carried by the following vote: "Yes" Board Members King, Griffith, Van Schoick, Wagner, Yatter and Mastrian. "No" none.
A motion was made to draw up a favorable Resolution Memorialization with recommendation to the Construction Code Official to fine not more than $500.00 by Evelyn Wagner and seconded by Samuel Yatter. Motion was carried by the following vote: "Yes" Board Members King, Griffith, Van Schoick, Wagner, Yatter and Mastrian. "No" none.

Application 8-87 (Cont.) - Daniel and Susan Nalepa - 413 E. Main Street
A site inspection had been held at 10:00 a.m. April 25, 1987. After discussion of the application, a motion was made to close the public hearing and draw up a favorable Resolution by James Van Schoick and seconded by Evelyn Wagner. Motion was carried by the following vote: "Yes" Board Members King, Griffith, Van Schoick, Wagner, Yatter, and Mastrian. "No" none.

Application 11-87 (Cont.) - William & Christine Pringle - 30 Deep Creek Drive
A site inspection had been done on April 25, 1987 at 10:30 a.m. The Board Members discussed the application and noted that the adjacent property was wetlands and PUD.
A motion was made to close the public hearing and draw up a favorable Resolution by James Van Schoick and seconded by Samuel Yatter. Motion was carried by the following vote: "Yes" Board Members King, Griffith, Van Schoick, Wagner, Yatter and Mastrian. "No" none.

NEW APPLICATIONS:

Application 13-87 - Carol Kenny - 352 East Virginia Avenue
The Board Members discussed the application regarding a proposed deck and the problem of rear yard set-back.
A motion was made to continue the public hearing with individual site inspections by Evelyn Wagner and seconded by Robert Griffith. Motion was carried by the following vote: "Yes" Board Members King, Griffith, Van Schoick, Wagner, Yatter and Mastrian. "No" none.

Application 14-87 - Alonzo Nielsen - 324 E. Main Street
Members of the Board discussed the application for construction of a deck and entrance - a non-conforming use. A motion was made to close the public hearing and draw up a favorable Resolution by James Van Schoick and seconded by Robert Griffith. Motion was carried by the following vote: "Yes" Board Members King, Griffith, Van Schoick, Wagner, Yatter and Mastrian. "No" none.

OLD BUSINESS:

Chicant Application - Attorney Ragan will see the Construction Code Official and inform him that the Board Members are adamant in respect to any enlargement or expansion of the Resolution. A motion was made to approve this decision by James Mastrian and seconded by Evelyn Wagner. Motion was carried by the following vote: "Yes" Board Members King, Griffith, Van Schoick, Wagner, Yatter and Mastrian. "No" none.

Assignment:
Robert Griffith - Application 6-87 - John A. Borton - 474 Long Avenue

A copy of a letter dated May 4, 1987, from Jean Lee, Secretary of the Chamber of Commerce re: Existing parking requirements and developmental board applications, will be sent to the Mayor and Council.

A letter was received from Karen Benson resigning as Board of Adjustment Secretary.

There being no further business, at 10:00 p.m. a motion was made to adjourn the meeting by James Van Schoick, seconded by Evelyn Wagner. Motion was carried by the following vote: "Yes" Board Members King, Griffith, Van Schoick, Wagner, Yatter and Mastrian. "No" none.

Respectfully submitted,

Margo Monsell

Margo Monsell
Secretary to the Zoning Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk

BOARD OF ADJUSTMENT

On Wednesday, June 17th, 1987, the Zoning Board of Adjustment of the Borough of Manasquan, N.J. will hold their regular meeting at 8:00 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Formal action will be taken on the following:

Resolution 7-87 - Guzik & Ferrante - 80 Ocean Avenue

Resolution 8-87 - Daniel & Susan Nalepa - 413 E. Main Street

Resolution 11-87 - William & Christine Pringle - 30 Deep Creek Drive

Resolution 14-87 - Alonzo Nielsen - 324 E. Main Street

Application 5-87 (Cont.) - Paul Dawicki - 484 Brielle Road

Application 13-87 (Cont.) - Carol Kenny - 352 E. Virginia Avenue

Application 15-87 - James & Mary Ann Monaghan - 9 Lockwood Avenue

Application 16-87 - Elbert M. Hoppenstedt - 39 Beachfront

BOROUGH HALL, 15 TAYLOR AVENUE
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Incorporated December 30, 1887

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BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MONTHLY MEETING
JUNE 17, 1987
BOROUGH HALL, MANASQUAN, N.J.

The meeting was called to order by Chairman, C. Raymond King at 8:00 p.m. Following the salute to the Flag, it was determined that a quarum was present. The following members were in attendance: C. Raymond King, Leonard Sullivan, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian Alt. #1 and Patricia Walsh Alt. #2. Members absent: Robert Griffith and Kenneth Schneider. Attorney W. Peter Ragan was present. Board Secretary Margo Monsell present.

Margo Monsell was sworn in as Secretary to the Board of Adjustment by Attorney Peter Ragan.

Mr. King noted that the meeting was held in accordance with the Open Public Meetings Act of 1975 and was advertised in the Coast Star. The Chairman requested approval the May 20, 1987 Minutes submitted by the Board Secretary.

A motion was made by Samuel Yatter to approve the Minutes of the May 20, 1987 meeting, seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members King, Sullivan, Van Schoick, Wagner, Yatter, and Mastrian. "No" none.

Resolution 7-87 - Robert K. Ferrante/Joseph C. Guzik - 80 Ocean Avenue
Attorney Peter Ragan read the Resolution Memorialization of the Board of Adjustment, Borough of Manasquan subject to conditions as stated in the certified copy. Evelyn Wagner made a motion to approve the Resolution Memorialization and the motion was seconded by James Van Schoick. The motion was carried by the following vote: "Yes" Board Members King, Van Schoick, Wagner, Yatter, and Mastrian. "No" none.

Resolution 8-87 - Daniel & Susan Nalepa - 413 E. Main Street
Board Member Leonard Sullivan read the Resolution and Findings and Conclusions of the Board of Adjustment, Borough of Manasquan. James Van Schoick offered a motion to approve the Resolution seconded by Samuel Yatter. The motion was carried by the following vote: "Yes" Board Members King, Van Schoick, Wagner, Yatter, and Mastrian. "No" none.

Resolution 11-87 - William Pringle - 30 Deep Creek Drive
Attorney Peter Ragan read the Resolution and Findings and Conclusions of the Board of Adjustment of the Borough of Manasquan. A motion was made by James Van Schoick to approve the Resolution seconded by Evelyn Wagner.

The motion was carried by the following vote: "Yes" Board Members King, Van Schoick, Wagner, Yatter, Mastrian. "No" none.

Resolution 14-87 - Alonzo Nielsen - 324 E. Main Street
Patricia Walsh read the Resolution and Findings and Conclusions of the Board of Adjustment of the Borough of Manasquan. A motion to approve the Resolution was offered by James Van Schoick seconded by Samuel Yatter. The motion was carried by the following vote: "Yes" Board Members King, Van Schoick, Wagner, Yatter, Mastrian. "No" none.

Application 5-87 - (Cont.) Paul Dawicki - 484 Brielle Road
Mr. Paul Dawicki, Engineer, Frank Pannone and Mr. Montenegro Esq. were present for the hearing. Mr. Montenegro Esq. explained that they were presenting the Board with three pages of revised plans with the following changes; there would be a "gallery" on the third floor where two heating systems would be placed, a hot water heater and an area for a laundry room with washer and dryer. There would also be a storage area that would only be 6ft. high unfinished. The collars supporting the roof will be 6 ft. high. The roof will be two feet less in height than the prior proposal. There will be limited parking, none on the left side but perhaps one space on the right due to the fact that an access way to the back of the building will be on the right side.

Mr. Montenegro, Esq. and Frank Pannone, the Engineer explained the plans and the changes to the Board Members. Essentially they were trying to keep the first and second floor apartments similar and correct the areas that the Board had problems with at the previous hearing.

The Board Members discussed the specific changes with Mr. Dawicki, Mr. Pannone and Attorney Montenegro. There was particular discussion regarding the third floor "gallery", some members feeling that the storage area could be used as another bedroom. The applicant agreed to sheetrock the ceiling, keeping the height to 6 ft. to prevent this use. The applicant also assured the Board that there would be a buffer planting on the left of the property to prevent parking of cars in front of the building.

A motion was made to close the public hearing by James Van Schoick, seconded by Evelyn Wagner. The motion was carried by the following vote: "Yes" Board Members King, Sullivan, Van Schoick, Wagner, Yatter, Mastrian and Walsh. "No" none.

A motion was made to draw up a favorable Resolution subject to the following conditions: 1. That the storage area ceiling will be sheetrocked; 2. That the entry to the bath will be changed from the master bedroom to the common hallway; 3. That there will be no parking in front, evidenced by some decorative blocking of the front by way of shrubs, fence or the like, subject to the approval of the construction official; by Evelyn Wagner seconded by James Van Schoick. The motion was carried by the following vote: "Yes" Board members King, Sullivan, Van Schoick, Wagner, Yatter, Mastrian and Patricia Walsh. "No" none.

Application 13-87 - Carol Kenny - 352 E. Virginia Avenue (Cont.)
The applicant Carol Kenny was present. A site inspection had been made by the Board Members and they found no problem with the application. There were no comments from the audience. A motion was made to close the public hearing by Evelyn Wagner, seconded by James Van Schoick. The motion was carried by the following vote: "Yes" Board Members King, Van Schoick, Wagner, Yatter, and Mastrian. "No" none.

A motion was made to draw up a favorable Resolution by Evelyn Wagner, seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members King, Van Schoick, Wagner, Yatter and Mastrian. "No" none.

Application 15-87 - James & Mary Ann Monaghan - 9 Lockwood Avenue
Attorney Peter Ragan administered the oath to James and Mary Ann Monaghan residing at #9 Lockwood Avenue, Manasquan, N.J. 08736. Mr. Monaghan read a statement regarding their reason for the application. Due to an increase in the size of their family, they would like to provide additional bedroom and living space for them. Mr. Monaghan presented the plans for the addition and explained the specifics of the plans. The plans as presented will provide modernization of the home, plus three large bedrooms, two full baths, a larger living room, a family room and a study. They also plan to upgrade the heating system, put on a new roof, update the electric service, re-side the home and generally improve the appearance of the house.

The Board Members questioned Mr. Monaghan regarding the plans and the enlargement of the second floor area. Mr. Monaghan also explained that he was sub-contracting most of the work and that he himself was going to do the siding. Mr. Monaghan advised the Board that this work would not be done until after the birth of their expected baby, sometime around October, during which time the family would be staying with relatives in the area.

A motion was made to do a site inspection on Saturday, June 20, 1987 at 9:00 a.m. and continue the hearing at the next meeting, July 15, 1987 by James Van Schoick seconded by Evelyn Wagner. Motion was carried by the following vote: "Yes" Board Members King, Sullivan, Van Schoick, Wagner, Yatter, Mastrian and Walsh. "No" none.

Application 16-87 - Elbert M. Hoppenstedt - 39 Beachfront
Attorney Peter Ragan administered the oath to Elbert Hoppenstedt residing at 39 Beachfront and Richard Hoppenstedt, son of Mr. Elbert Hoppenstedt, residing at 30 Farm Lane, Eatontown, New Jersey. Mr. Richard Hoppenstedt presented the plans submitted with the application and explained the problems and the reason for the expansion. They will remove the deck and extend the two bedrooms on the upper level with a smaller deck thus enclosing an area of the roof (the floor of the deck) that had been leaking and they cannot fix. They are winterizing the house. Mr. Hoppenstedt lives in the house nine months of the year and has a winter rental during the time he is away in Florida. There will be no change in the number of rooms, only in the size of the two existing bedrooms. There will no change in the footprint of the building. A motion was made by James Van Schoick to do a site inspection on Saturday, June 20, 1987 at 9:30 a.m. and continue the hearing at the next meeting, July 15, 1987. The motion was seconded by Leonard Sullivan and carried by the following vote: "Yes" Board Members King, Sullivan, Van Schoick, Wagner, Yatter, Mastrian and Walsh. "No" none.

Chicant Application - Attorney Ragan reported that he had talked to Sandy Ratz, Building Inspector and Kevin Thomas who represents the Chicant Corporation and there's no question in his mind that the C O is not and will not be issued. Whatever they choose to do, they will have to reapply and issue notices again and this will be in the future.

Avon Hotel Corporation - Attorney Ragan advised the Board that he had talked to Sandy Ratz about this and aside from complaints outside the Board by Mr. King, Mr. Ratz thinks that in his consultation with the Engineer that the progress is satisfactory and if it's satisfactory to the Engineer, it's satisfactory with him. Attorney Ragan noted that he had been advised that there seemed to

be some deficiencies in this particular construction file as to what is on file and what is supposed to be on file and how it is progressing, but as far as our Borough Construction Official is concerned it's okay with him. Board Member James Van Schoick objected to the fact that the plans called for a certain progression of work and that this had been violated. The sequence of construction had not been followed. C. Raymond King turned the gavel over to Leonard Sullivan and spoke to the Board as a private citizen and noted that the building permit had been issued before the performance guarantee was presented and the final site plan had never been submitted to the Board of Adjustment for approval to his knowledge. As a resident and taxpayer, he felt that the retaining wall construction was very poor.

Attorney Ragan suggested that the Board write a letter to Sandy Ratz with copies to the Mayor and Council with the specific problems listed and stating that if these problems are not resolved by the next meeting of this Board of Adjustment the Board will consider legal action. A motion was made by Samuel Yatter to send this letter, seconded by James Mastrian. The motion was carried by the following vote: "Yes" Board Members Sullivan, Van Schoick, Wagner, Yatter, Mastrian and Walsh. "No" none. C. Raymond King Abstained.

Letter from Dr. Alan Steiner - 35 W. Main St., Denville, N.J. re: 27 Beachfront
The Secretary to the Board reported that although she had sent an application to Dr. Steiner through the mail, it had not been returned to date. Therefore, the Board was unable to take any action on this letter until the application is filed. The Secretary was asked to notify Dr. Steiner that until the application is filed, the Board can not entertain his request.

C. Raymond King, the Chairman of the Board, informed the Board that the Board Attorney, W. Peter Ragan Esq. will be resigning. Attorney Ragan explained his reasons for resigning and although the Board Members asked him to reconsider his decision, he felt it would be for the good of the Board and also a change would be good for him. He will not resign until January in order to give the Board time to replace him. He assured the Board that he had enjoyed his term with them and would send a formal letter to them.

Board Member, James Mastrian brought up the fact of the height of the buildings on the Langella property. He felt that the language in the Resolution was not clear, in that, in one part it said the buildings should be "like kind" to conform to the buildings in the area but in another section of the Resolution it refers to conforming to the height specifications in the zoning code. Since the time limitations have long passed, no action could be taken on this. Mr. Mastrian felt that more attention should be given to conditions and specifications in the Resolutions that are drawn up in the future.

There being no further business, a motion was made to adjourn the meeting at 10:00 p.m. by Leonard Sullivan, seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members King, Sullivan, Van Schoick, Wagner, Yatter, Mastrian and Walsh. "No" none.

Respectfully submitted,

Margo Monsell

Margo Monsell
Secretary to the Zoning
Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

BOARD OF ADJUSTMENT

On Wednesday, July 15, 1987, the Zoning Board of Adjustment of the Borough of Manasquan, N.J. will hold their regular meeting at 8:00 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution - 5-87 - Paul Dawicki - 484 Brielle Road

Resolution - 13-87 - Carol Kenny - 352 E. Virginia Avenue

Application 15-87 (Cont.) - James & Mary Ann Monaghan - 9 Lockwood Avenue

Application 16-87 (Cont.) - Elbert M. Hoppenstedt - 39 Beachfront

Application 17-87 - John Stemmerman - 310 Cedar Avenue

Application 18-87 - Thomas Haring - 285 Beachfront

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MONTHLY MEETING
JULY 15, 1987
BOROUGH HALL, MANASQUAN, N.J.

The meeting was called to order by Chairman, C. Raymond King at 8:00 p.m. Following the salute to the Flag, it was determined that a quorum was present. The following members were in attendance: C. Raymond King, Robert Griffith, Kenneth Schneider, Leonard Sullivan, James Van Schoick, Evelyn Wagner, Samuel Yatter and James Mastrian. Absent: Patricia Walsh.

Mr. King noted that the meeting was held in accordance with the Open Public Meetings Act of 1975 and was advertised in the Coast Star. The Chairman requested approval of the Minutes of the June 17, 1987 meeting submitted by the Board Secretary.

A motion was made by Leonard Sullivan to approve the Minutes of the June 17, 1987 meeting, seconded by Samuel Yatter. Motion was carried by the following vote: "Yes" Board Members King, sullivan, Yatter, Van Schoick, Wagner, and Mastrian. "No" none. Abstain: Schneider and Griffith.

Resolution 5-87- Paul Dawicki - 484 Brielle Road
Attorney Peter Ragan read the Resolution of the Board of Adjustment James Mastrian called the Board's attention to some problems with the Resolution. On page 2 line 4 stated three bedrooms rather than 2 bedrooms, the storage loft should be painted and it should state that there was to be no parking on either side of the front entrance.

A motion was made by Samuel Yatter and seconded by Evelyn Wagner to approve the Resolution subject to the changes just discussed. Motion was carried by the following vote: "Yes" Board Members King, Schneider, Sullivan, Van Schoick, Wagner, Yatter. "No" Griffith.

Resolution 13-87 - Carol Kenny - Attorney Peter Ragan read the Resolution. Motion was made by Evelyn Wagner to approve the Resolution, seconded by Robert Schneider. Motion was carried by the following vote: Board Members King, Griffith, Schneider, Sullivan, Van Schoick, Wagner, Yatter, and Mastrian. "No" none.

Application 15 - 87 - Cont. - James & Mary Monaghan - 9 Lockwood Ave.
Applicants were not present, therefore, hearing delayed until next meeting. James Mastrian made a motion to continue the hearing at the next meeting, seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members King, Griffith, Schneider

Sullivan, Van Schoick, Wagner, Yatter and Mastrian. "No" none.

Application 16-87 Cont. - Elbert M. Hoppenstedt - 39 Beachfront
Board Member King advised the Board that a site inspection had been done on Saturday, June 20, 1987 at 9:30 a.m. Mr. Hoppenstedt's son requested that they be granted a memorialization of the Resolution so that they could get their building permit as soon as possible. Since there were no problems with the application, Board Member James Van Schoick made a motion to close the hearing, seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board Members King, Griffith, Schneider, Sullivan, Van Schoick, Wagner, Yatter, and Mastrian. "No" none.

Kenneth Schneider made a motion to move the Resolution and memorialize the Resolution seconded by Leonard Sullivan. Motion was carried by the following vote: "Yes" Board Members Griffith, King, Schneider, Sullivan, Van Schoick, Wagner, Yatter, and Mastrian. "No" none.

New Application - 17 - 87 - John Stemmerman - 310 Cedar Avenue
The Board Attorney swore in Mr. & Mrs. John Stemmerman - Helen Stemmerman, 310 Cedar Avenue, John Stemmerman, 310 Cedar Avenue, Manasquan, N.J.
The Stemmermans were requesting to incorporate a porch into a living room. The wall dividing the living room and the bedroom from the porch will be taken down extending these rooms three feet further out onto the porch area and new windows will be installed. The reason for doing this is that the house is very dark and dismal. Mr. Stemmerman explained the construction of the new wall. Mr. Tony Auth, the builder for the Stemmermans asked to be recognized and was allowed to testify after being sworn in: Tony Auth, Custom Builders, P.O. Box 1430, Pt. Pleasant, N.J. He explained that they proposed to delete the wall separating the porch from the living room and bedroom and extend each room approximately three feet. The existing windows will be replaced. Board Members questioned Mr. Auth regarding the plans submitted. He assured the Board that there will be no exterior work, just window replacement, and all the work will be done on the interior of the building. There will be no change in the structure and this change is for their personal use.

Mrs. Stemmerman explained that the porch cannot be used during the winter and it is very gloomy during those months. The Board Members generally felt that there were no problems with the plan, but that a site inspection should be done. Robert Griffith made a motion that the hearing be continued at the August 19th, 1987 meeting and a site inspection be done on Saturday, July 18, 1987 at 9:00 a.m. The motion was seconded by James Van Schoick and Carried by the following vote: "Yes" Board Members Griffith, King, Schneider, Sullivan, Van Schoick, Wagner, Yatter and Mastrian. "No" none.

New Application - 18 - 87 - Thomas Haring - 285 Beachfront
Attorney Ragan swore in Mr. Thomas Haring and Rita Haring of 285 Beachfront. The Board Attorney marked the file. The Harings were requesting permission to build a new building including three garages with two apartments above the garages to the rear of their beachfront home that the building inspector had denied for the following reasons:

> Not a permitted use: no residence or structure on the rear of a lot with another dwelling.

Mr. Haring presented his plan to build a three car garage with two one bedroom apartments on the second floor, in place of a two car garage presently

occupying that space. The apartments would be occupied by the Haring's respective parents, as retirement homes. The three car garage would provide parking for six cars. The structure would be 36 feet by 40 ft. in an R4 zone, 40 feet long. The Board of Adjustment members discussed the plan with Mr. Haring. The apartments would contain a kitchen, living room,a bathroom and a bedroom. There would be room for storage and a utility room in the garage. The building will be done by a professional local builder. Mr. Haring mentioned that he was the only one that did not have a rear dwelling on the lot in the neighborhood. All the houses to the left and right of him have a second building on their lots with two or three or four apartments in them.

Attorney Ragan asked if anyone in the audience had any comments.

Mr. Robert Ernst, 285 First Avenue, expressed concern that this would block out the view and ventilation. Also, he felt that this area ia over populated now and adding more apartments would present a problem with parking. Mr. Ernst was very much opposed to this application.

Audrey Dean, 283 First Avenue, advised the Board that there are a lot of homes on the beachfront that have only one home on the lot. Not all of them have two homes, specifically at least 13 homes. She felt that this could set a precedent and in the future anyone that wanted to could put up another home and make the parking problems worse than they are already.

Mrs. Gelks, 281 First Avenue, asked the Board what the hardship was being claimed by Mr. Haring. Attorney Ragan explained that hardship could be defined in two different ways: 1. It can be the primary reason for a bulk variance, that is, that front yard set back etc. for a use variance, a hardship can be one of the reasons that the applicant gives. Generally a hardship should relate to the geographics of the land, the size or the topographics or something special about the land. We can only define what a hardship is, the applicant has to give the reason.

Julie Sills, 281 First Avenue, advised the Board that she and her parents owned the land at 281 First Avenue and they have seen drastic changes to the Manasquan area. She felt that this building would add additional tenants to the neighborhood, even though Mr. Haring has stated that he doesn't plan to rent it, but that this could change, no one has control over the future. Six cars,rather than four, she reiterated what some of the other neighbors had stated, would add too much additional traffic to the neighborhood and be a problem. Therefore, she was against this application.

Doug McGilvray, 282 First Avenue, questioned the drawings and the dimensions as designed. He felt that they left something to be desired and something to be questioned.

Evelyn Lorello, 416 and 417 Beachfront, speaking for her grandparents, expressed the concerns that her family had for parking in that area and having observed the area where the applicant wants to build, she can sympathize with the concerns of the neighbors in that area. She supported the people that were against the application.

Mr. Robert Ernst stated that for the record Mr. Haring owned the property for less than one year and has another house close to this area. Therefore, he questioned the need for two apartments and was the Board going to continue to allow the practice of violating the zoning ordinances.

Julie Sills, asked that since she was a lay person, how seriously were their objections taken. Will the Board consider these objections before granting the application.

Mr. King assured Ms. Sills that they had listened to the objections and they will go down and do a site inspection, come back to the next meeting with more questions and then discuss it among the board before making a decision. There are seven members that will vote on the application and at this point they do not know how they will vote.

James Mastrian asked Mr. Haring what he is citing as his hardship? Mr. Haring felt that he connot be considered a non-conforming use when the entire neighborhood has the exact same thing that he would like to do. That's his hardship, not being able to have what everyone else has. Mr. Haring was informed that these houses were preexisting the ordinance.

Samuel Yatter advised Mr. Haring that he has always had a problem with people that say they want to use these structures for themselves, and then after a period of time they sell it and it becomes a rental property and does contribute to the population and parking problems.

James Van Schoick made a motion to continue the hearing at the August 19, 1987 meeting and do a site inspection Saturday, July 18, 1987. Kenneth Schneider seconded the motion and the motion was carried by the following vote: "Yes" Board Members Griffith, King, Schneider, Sullivan, Van Schoick, Wagner, Yatter and Mastrian. "No" none.

A letter from Dr. Alan Steiner requesting an early hearing was discussed by the Board and since the Secretary to the Board informed them that the Agendas were light for the next few months, a motion was made to put the hearing on the August Agenda for hearing by Kenneth Schneider, seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, King, Schneider, Van Schoick, Sullivan, Wagner, Yatter, and Mastrian. "No" none.

Bianca Franchi a member of the audience, co-owner of the property discussed above asked some questions regarding the needs of the applicants for presentation at the hearing.

The Chairman, C. Raymond King, read a letter of resignation from Attorney Ragan to the Board Members. Robert Griffith made a motion to accept with regret the resignation, seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, King, Schneider, Sullivan, Van Schoick, Wagner, Yatter, and Mastrian. "No" none.

James Mastrian made a motion that they advertise the position of Attorney to the Board of Adjustment, seconded by Samuel Yatter. Motion was carried by the following vote: "Yes" Board Members Griffith, King, Schneider, Sullivan, Van Schoick, Wagner, Yatter, and Mastrian. "No" none.

The applicants will appear before the Board to be interviewed for the position.

Attorney Ragan gave a report on the status of the performance of the Avon Hotel Corp. Some of the items of issue had be taken care of, but there were some unresolved issues. However, since some of the items of issue were resolved, he had not written the letter as instructed by the Board. The Board Members discussed the problems that are remaining with this project and James Mastrian made a motion that the Board Attorney be instructed to write a letter to the Construction Code Official stating

the Board's position on these problems and expressing their concerns regarding this project not being done as presented at the Board Hearings. Motion was seconded by Mrs. Wagner, and carried by the following vote: "Yes" Board Members Griffith, King, Schneider, Van Schoick, Sullivan, Wagner, Yatter, and Mastrian. "No" none.

The Chairman inquired about the status of the Chicant application. The Secretary advised the Chairman and the Board that no new application had been submitted at this time.

The Chairman made assignment on the following applications:

Paul Dawicki 5 - 87	Evelyn Wagner
Guzik/Ferrante 7 - 87	Robert Griffith
Pringle 11 - 87	James Van Schoick
Carol Kenny 13 - 87	Samuel Yatter

James Van Schoick made a motion to adjourn, seconded by James Mastrian. Motion was carried by the following vote: "Yes" Board Members Griffith, King, Schneider, Sullivan, Van Schoick, Wagner, Yatter and Mastrian. "No" none.

Respectfully submitted,

Margaret M. Monsell

Margaret Monsell
Secretary

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

BOARD OF ADJUSTMENT

On Wednesday, August 19, 1987, the Zoning Board of Adjustment of the Borough of Manasquan, N.J. will hold their regular meeting at 8:00 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution - Elbert M. Hoppenstedt - 39 Beachfront #16-87

Application 15 - 87 (Cont.) - James & Mary Ann Monaghan - 9 Lockwood Avenue

Application 17 - 87 (Cont.) - John Stemmerman - 310 Cedar Avenue

Application 18 - 87 (Cont.) - Thomas Haring - 285 Beachfront

New Application - 19 - 87 - Gloria & Ray Mosher - 289 Beachfront

New Application - 20 - 87 - T.S. & Marguerite Griffiths - 52 First Avenue

New Application - 24 - 87 - Allen & Elaine Steiner & Bianca Franchi - 27 Beachfront

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MONTHLY MEETING
AUGUST 19, 1987
BOROUGH HALL, MANASQUAN, N.J.

The Chairman called the meeting to order at 8:00 p.m. and following the salute to the flag it was determined that a quorum was in attendance. Board Members present: Griffith, King, Sullivan, Van Schoick, Wagner, Yatter, Alt. Walsh. Absent: Alt. Mastrian, Schneider. Peter Ragan, Board Attorney present.

Mr. King noted that the meeting was held in accordance with the Open Public Meetings Act of 1975 and was advertised in the Asbury Park Press and the Coast Star. The Chairman requested approval of the minutes, but noted that in the minutes of the Meeting on July 15, 1987 there should be a correction in the vote on the Avon Hotel Corp. motion on the last page. Mr. King had abstained from voting. The minutes being duly corrected, a motion was offered for approval by Leonard Sullivan seconded by Samuel Yatter. Motion was carried by the following vote: "Yes" Board Members Griffith, King, Sullivan, Van Schoick, Wagner, Yatter, Walsh. "No" none.

Resolution 16-87 - Elbert Hoppenstedt - 39 Beachfront

Mr. Peter Ragan, Board Attorney read the resolution and memorialization and a motion was offered to approve the resolution by James Van Schoick. The motion was seconded by Leonard Sullivan and carried by the following vote: "Yes" Board Members Griffith, King, Sullivan, Van Schoick, Wagner, Yatter, Walsh. "No" none.

Application 15-87 (Cont.) - James & Mary Ann Monaghan - 9 Lockwood Avenue

A site inspection had been made on June 20, 1987 of the subject's property and no objections were found to the application. A motion was made to close the hearing by Evelyn Wagner seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, King, Sullivan, Van Schoick, Wagner, Yatter,Walsh. "No" none.

A motion was offered to draw a favorable resolution by Evelyn Wagner, seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Griffith, King, Sullivan, VanSchoick, Wagner, Yatter, Walsh. "No" none.

Mr. Monaghan asked that the Resolution be memorialized. However, Mr. Monaghan was advised that he would have the Resolution within the time frame that he would be ready to start work and there was no need to memorialize the resolution.

Application 17-87 (Cont.) - John Stemmerman - 310 Cedar Avenue

A site inspection had been made of the applicant's property on July 18, 1987 at 9:00 a.m., and no objections were found to the application. A motion was made to close the public hearing by Evelyn Wagner, seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board members Griffith, King, Sullivan, Van Schoick, Wagner, Yatter, Walsh. "No" none.

Evelyn Wagner made a motion to draw a favorable resolution seconded by Samuel Yatter. Motion was carried by the following vote: "Yes" Board Members Griffith, King, Sullivan, Van Schoick, Wagner, Yatter, Walsh. "No" none.

The builder, Tony Auth, asked if the Resolution could be memorialized. Mrs. Wagner amended the motion for memorialization, seconded by Samuel Yatter. Motion was carried by the following vote: "Yes" Board Members Griffith, King, Sullivan, Van Schoick, Wagner, Yatter, Walsh. "No" none.

Application 18-87 (Cont.) - Thomas Haring - 285 Beachfront

A site inspection had been done on July 18, 1987 at 9:30 a.m. Samuel Yatter commented that although the height of the building would be in line with the other buildings in the neighborhood, he would not be in favor of the application because of the density in that area. He also felt that the plans that were submitted were not very complete.

The Board Attorney asked the applicant to state for the record what were the reasons he felt the Board should grant the variance. Mr. Haring stated that his reasons were that he was providing a home for their family that was similar to the homes in the area. In essence, he felt that he should be allowed to construct this building since he is surrounded by similar structures. Mr. Haring felt that this would also beautify the neighborhood by changing a garage into a home.

A member of the audience asked if the applicant was asking for a use variance or a hardship variance. Mr. Haring is applying for a use variance.

Members of the audience from Mr. Haring's neighborhood again expressed their objections to the application with the exception of Mr. Mosher who was in favor of the application. Mr. Haring replied to the objections stating his reasons for the addition.

There being no further comments from the sudience, a motion was offered to close the hearing by James Van Schoick seconded by Robert Griffith. Motion was carried by the following vote: "Yes" Board Members Griffith, King, Sullivan, Van Schoick, Wagner, Yatter, Walsh. "No" none.

The Board Members discussed the application and Evelyn Wagner made a motion to deny the application seconded by Robert Griffith. Motion was carried by the following vote: "Yes" Board Members Griffith, King, Sullivan, Van Schoick, Wagner, Yatter, Walsh. "No" none.

Application 19-87 - Gloria & Raymond Mosher - 289 Beachfront

The Board Attorney administered the Oath to Gloria and Raymond Mosher residing at 289 Beachfront. The Board Attorney marked the file. Mr. Mosher presented his plans to extend a bedroom out over the existing deck and then add on an eight foot deck, since the bedroom that he would like to enlarge is only 8 feet by 8 feet. In the front of the house he would like to enclose the

front porch and enlarge the living room by taking out the existing wall and making this all one room. Beyond this they would like to construct a 6 foot deck. However, this would all be within the confines of the existing house,the only extension will be the 6 foot deck in the front and the 8 foot deck in the back. These decks will not go beyond any of the other houses surrounding them. The house is only one level and they are not adding anything, just enlarging the two rooms to make them more livable. The land is leased land. The house is winterized and they live there year round.

Mr. Griffith requested that Mr. Mosher give them the survey to look at. Mrs. Walsh requested that Mr. Mosher stake out the property and he agreed to do this. The Board requested that Mr. Mosher bring the survey to the next meeting.

A motion was made to do a site inspection on Saturday, August 22, 1987, 9:00 a.m. and continue the hearing at the next meeting, September 16, 1987 by Evelyn Wagner, seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Griffith, King, Sullivan, Van Schoick, Wagner, Yatter, Walsh. "No" none.

Application 20-87 - T.S. & Marguerite Griffiths - 52 First Avenue

The Board Attorney administered the oath to Marguerite Griffith, 52 No. First Avenue, and Thomas S. Griffiths, 52 No. First Avenue, Manasquan. The oath was also administered to John Gassner, of Gassner and Lohnes Inc. Remodeling Company in town. The Board Attorney marked the file.

Mr. Griffiths explained that he would like to rebuild a rear porch and enclose 2/3 of it to give them more room in their kitchen. They are completely remodeling the home, which was built in 1908, keeping the home exactly as it is, but this addition to the kitchen is very important and the porch is severely rotted and needs to be rebuilt. They are planning to live in the house in the future. This is owned land.

The Board Members questioned Mr. Griffiths and Mr. Gassner regarding the plans, after which, the audience was asked to comment.

Robert Zanes, 104 Ocean Avenue, commented that this was an example of the type renovation that people would like to see at the beach. They live in the house, they are renovating it totally, but yet not expanding the living area. He felt that this was a credit to Manasquan and an asset to the neighborhood.

Jack Sullivan, 22 Second Avenue, seconded Mr. Zanes opinion regarding this project.

A motion was offered by James Van Schoick to continue the application at the next regular meeting and do a site inspection at 9:30 a.m. Saturday, August 22, 1987. The motion was seconded by Patricia Walsh and carried by the following vote: "Yes" Board Members Griffith, King, Sullivan, Van Schoick, Wagner, Yatter, Walsh. "No" none.

Application 24-87 - Allan & Elaine Steiner and Bianca Franchi - 27 Beachfront

The Board Attorney administered the oath to Allan Steiner, 2 Wooded Acres Lane, Morristown, N.J., and Bianchà Franchi, 16 Fords Road, Randolph, N.J. The Board Attorney marked the file.

Dr. Steiner explained the plans regarding creating a second floor above the first floor by raising the roof on the already existing second story sleeping area, allowing full head clearance to convert this into a full size bedroom. They also wanted to expand the existing dining area out four feet by nine feet, ten inches over the existing eight foot by 18 foot street side deck to allow for a normal size dining area. Dr. Steiner presented pictures of the house before and during renovation and answered the questions the Board Members had regarding the plans. Dr. Steiner and Ms. Franchi assured the Board that they would be living in this house and it would not be a rental property.

There was discussion on the confusion regarding the work that had been done prior to this application. There was no expansion of the basic structure. Dr. Steiner explained that he had to change builders because of problems with the one that started the project.

The Chairman asked for comments from the audience.
Neighbors to the right and left of the property in question registered complaints regarding the construction practices of throwing debris on their property, working until late hours, delivery trucks causing damage, broken windows in their properties etc. In general the neighbors felt that this had been a very "stressful" time they had been through. Dr. Steiner advised them that this was the reason that he had had to change builders. Other residents in the area registered their apprehension over the height of the building and the fact that it would block the sun from the other houses. They were also apprehensive of this property becoming a rental property if it should be sold. Dr. Steiner admitted that what these people were saying about the builders was indeed true, but he had done his best to stop the practices and told everyone that whatever damage was done he would pay to have repaired. He apologized for the inconvience and assured the neighbors that he intended to live there.

Robert Zanes urged the Board to thoroughly consider the height factor. He felt that it will be substantially higher than the other houses in the immediate area. He complimented the Board in "hanging tough" in one of the former applications this evening.

There was discussion about the wrap-around deck that had been built on the house.

Board Member Patricia Walsh questioned whether the house was on pilings. Dr. Steiner replied that it was not.

A motion was made to continue the hearing at the next regular meeting and to do a site inspection on August 22, 1987 at 10:00 a.m. The motion was seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, King, Sullivan, Van Schoick, Wagner, Yatter, Walsh. "No" none.

The Chairman read a letter from Robert L. Albertson and Kathryn Prior in reference to the Steiner/Franchi application. They wished to go on record as being not in favor of the application for the reasons stated in the letter.

Continuation of the Special Meeting of August 15, 1987 in regard to Avon Hotel Corporation. The Chairman, C. Raymond King, turned the meeting over to James Van Schoick

The Board Members discussed their findings at the Site Inspection of the Avon Hotel Corp. Project and the course of action that should be pursued. The Board Attorney advised them that if they planned to pursue any legal action they had better review the plans of the project carefully and be sure the complaints they had were factual and carefully documented. The Board Attorney also explained to the Board their place in this situation. The Board adopted a Resolution some time ago and after adoption of the Resolution, the administration of putting that Resolution into effect becomes the responsibility of certain of the Borough Officials. It's not the Board's place to put it into effect, nor does the Board have the power to enforce the Resolution. However, if the Board sees, and chooses, as any private citizen can do, the variance is not being followed by the Borough Officials, they then can pursue the option of contacting the Borough Officials, to find out why they are not doing their job. As a last resort, if the Board does not feel that these Officials are doing what the Board feels is their job, then they have legal remedies to make them do their job. The Board Attorney made the point that the Board's relationship with the Avon Hotel Corp. ended when the Resolution was adopted Their course of action would have to be directed to the Borough Officials not directly to the Avon Hotel Corp. The relationship with the applicant ended when the Resolution was passed.

In discussing the problems with the project, the Board Attorney urged the Board to have a meeting with the Building Inspector and the Borough Engineer to explain the differences as they saw them, this being the only way to resolve the questions.

C. Raymond King, 26 Spruce Avenue, advised the Board Attorney that he felt another month would go by before this was resolved and in the meantime the project continued uninterrupted. He felt that this delay was unreasonable.

Mr. Kenneth Schneider, Board Member, joined the meeting at 10:20 p.m.

Maureen Walsh, 4 Cherry Place, Old Squan Village, asked the Board some questions regarding this project.

Evelyn Wagner explained that the course of action was to be decided at the meeting this evening after consulting with the Board Attorney. This had been agreed upon at the Special Meeting on Saturday.

Kenneth Schneider made a motion that the Board Attorney write a letter to Sandy Ratz asking him to meet with the Board within two weeks at a time convenient to him and if he does not respond within five days, inform him that he would receive a subpoena. The motion was seconded by Samuel Yatter. Motion was carried by the following vote: "Yes" Board Members Griffith, Schneider, Sullivan, Van Schoick, Wagner, Yatter, Walsh. Abstain: King. "No" none.

The Borough Engineer will also be sent a letter by the Board Attorney requesting him to meet with the Board to resolve this problem.

The Board Attorney advised the Board Members to check the plans that are in their file and the plans that are in the file in the Construction Code Office to be sure of their facts when they meet with the Engineer and the Building Inspector to discuss the problems as they see them.

Ms. Walsh and Robert Zanes questioned the Board as to the penalty that would be imposed, if, when they question the Building Inspector and the Engineer, the Avon Hotel Corp. had indeed made serious deviations in the plans.

Mrs. Walsh and Mr. Zanes also made statements urging the Board to take on leadership responsibility in trying to get the building officials to enforce the laws as they are written.

Mr. Zanes suggested hiring an impartial professional to evaluate the plans and give an objective opinion as to any deviations. Mr. King supported this suggestion.

The Board discussed the content of a Resolution and how much should be defined in this document.

Evelyn Wagner suggested that a committee be appointed to go look at the plans that are in the file in the Construction Office and compare them with the plans that are in the Board of Adjustment file to prepare the questions that should be asked of the Building Inspector and the Engineer when they appear before the Board. James Van Schoick, Robert Gfiffith and Samuel Yatter were appointed as the committee to review the two sets of plans.

A motion was made to adjourn the meeting by Samuel Yatter, seconded by Evelyn Wagner. Motion was carried by the following vote: "Yes" Board Members Griffith, King, Sullivan, Van Schoick, Wagner, Yatter, Walsh, Schneider. "No" none.

Respectfully submitted,

Margaret D. Monsell

Margaret Monsell
Secretary

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

BOARD OF ADJUSTMENT

On Wednesday, September 16, 1987, the Zoning Board of Adjustment of the Borough of Manasquan, N.J. will hold their regular meeting at 8:00 p.m. in Mnaasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution - 15-87 - James & Mary Ann Monaghan - 9 Lockwood Avenue

Resolution & Memorialization - 17-87 - John Stemmerman - 310 Cedar Avenue

Resolution - 18-87 - Thomas Haring - 285 Beachfront

Application - 19-87(Cont.) - Gloria & Raymond Mosher - 289 Beachfront

Application - 20-87(Cont.) - Thomas & Marguerite Griffiths - 52 First Ave.

Application - 24-87(Cont.) - Allan & Elaine Steiner/Bianca Franchi - 27 Beachfront

New Application 21-37 - Jean Certosimo - 400 Euclid Avenue

Application 25-87 - Chicant Corp. - 165 Beachfront

BOROUGH HALL, 15 TAYLOR AVENUE
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Incorporated December 30, 1887

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
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JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MONTHLY MEETING
SEPTEMBER 16, 1987
BOROUGH HALL, MANASQUAN, N.J.

The Chairman, C. Raymond King, called the meeting to order at 8:00 p.m. and following the salute to the flag it was determined that a quorum was in attendance. Board Members present were Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. Absent: Leonard Sullivan. Attorney Edward A. Genz served as the Board Attorney in the absence of Peter Ragan Esq.

Mr. King stated that the meeting was held in accordance with the Open Public Meetings Act of 1975 and was advertised in the Asbury Park Press and the Coast Star. The Chairman requested approval of the minutes of the previous meeting, August 19, 1987. Motion was offered for approval of the minutes by Evelyn Wagner seconded by Patricia Walsh. The motion was carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. Abstain: Kenneth Schneider. "No" none.

Resolution - 15-87 - James and Mary Ann Monaghan - 9 Lockwood Avenue
Attorney Genz read the resolution. James Van Schoick offered a motion to approve the Resolution. The motion was seconded by Samuel Yatter and carried by the following vote: "Yes" Robert Griffith, C. Raymond King, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none.

Resolution and Memorialization - 17-87 - John Stemmerman - 310 Cedar Avenue
The Resolution and Memorialization was read by Attorney Genz. Robert Griffith made a motion to approve the Resolution and Memorialization and the motion was seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, James Van Schoick, Evelyn Wagner, Samuel Yatter, Patricia Walsh. "No" none.

Resolution - 18-87 - Thomas Haring - 285 Beachfront
Attorney Genz read the Resolution. James Mastrian made a motion to approve the Resolution. The motion was seconded by Evelyn Wagner and carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none.

Application 19-87 (Cont.) - Gloria & Raymond Mosher - 289 Beachfront

A site inspection had been done on August 22, 1987 at 9:00 a.m. Mr. Mosher presented the Board with the survey of the property as he had been requested to do at the last meeting. It was marked A7 in the file. Mr. Mosher assured the Board that this expansion was for his personal use. Board Member James Mastrian advised the Board that he had no objections to the expansion, however, he would like to have included in the Resolution the restriction that the basement of this home could never be converted into a separate dwelling unit. James Van Schoick made a motion to close the Public Hearing seconded by Samuel Yatter. The motion was carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian and Patricia Walsh. "No" none.

James Mastrian made a motion to draw up a favorable Resolution with the restriction that the basement of the home could not be converted into a separate dwelling unit at any time in the future be included in the Resolution. James Van Schoick seconded the motion and the motion was carried by the following vote: "Yes" C. Raymond King, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. "No" Robert Griffith.

Application 20-87 (Cont.) - Thomas & Marguerite Griffiths - 52 First Avenue

A site inspection had been done on August 22, 1987 at 9:30 a.m. Evelyn Wagner commented that the house had been restored beautifully and since there were no comments from the audience, made a motion to close the Public Hearing. The motion was seconded by James Mastrian and carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none. Abstain: Kenneth Schneider

The Chairman advised the Board that there had been a request that this Resolution be Memorialized. Evelyn Wagner made a motion that a favorable Resolution and Memorialization be drawn up seconded by Samuel Yatter. The motion was carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none. Abstain: Kenneth Schneider.

Application 24-87 (Cont.) - Allan & Elaine Steiner/Bianca Franchi - 27 Beachfront

A site inspection had been done on August 22, 1987 at 10:00 a.m. Dr. Steiner presented the Board with an additional drawing as they had requested showing elevation. The Attorney marked the drawing A9 in the file. James Mastrian commented on the amount of work done on the house and perhaps the need to put this house on pilings. The Chairman was concerned with the fact that there is no plan on file in the Construction Code office. Mr. Mastrian was concerned with the fact that this was a major renovation and before he could vote on this application, he wanted to be sure that there was no need to put the house on pilings. Mr. Yatter expressed his disapproval of the plans. The Board generally felt that they would like to check out the percentage of restoration and asked Dr. Steiner to waive the time limit involved with this application. Dr. Steiner waived the time limit although he expressed his objections to the interpretation by the Board. Since he had been given a building permit and no structural changes were done and that they had been put through a great deal of inconvenience because of a mistake in the building permit he felt this delay was really unreasonable. Ms. Franchi felt that if they had known

this when they had started the renovation, their plans would have been different and they had already gone through a great deal of expense to satisfy the requirements of the Building Inspector. What they had done had been based on the advice of the Inspector and now they will perhaps face another huge expense they were not expecting. The Chairman advised them however, that the Board could not grant a variance on something that might be illegal. Evelyn Wagner made a motion to continue the hearing at the next meeting. The motion was seconded by James Van Schoick and carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none.

Application 21-37 - Jean Certosimo - 400 Euclid Avenue

The Acting Board Attorney administered the oath to Jean Certosimo residing at 400 Euclid Avenue. The Attorney marked the Board file. Mrs. Certosimo explained to the Board her plans to enlarge her porch and the Board reviewed the plans with Mrs. Certosimo. James Van Schoick made a motion to do a site inspection on September 19, 1987 at 9:00 a.m. and continue the hearing at the next meeting, October 21, 1987. Kenneth Schneider seconded the motion and the motion was carried by the following vote: "Yes" Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrain, Patricia Walsh. "No" none.

Application 25-87 - Chicant Corporation - 165 Beachfront

Attorney Kevin Thomas represented Chicant Corporation. Attorney Genz marked the Board File A1 - A5. Attorney Thomas presented the Board with copies of the prior Resolution of March 19, 1986 which was marked A6. He also provided copies of the plot plan for the Board and this was marked A7 for the file. Attorney Thomas made an opening statement regarding the purpose of the application before the Board and asked the Board to make a decision whether or not the house in question had to be put on pilings. Attorney Thomas contended that the house is really not in a V Zone and even if it was in a V Zone the Ordinance calls for a house to be put on pilings if it is new construction or if the improvement itself exceeds or equals 50% of the market value of the structure either before the improvement or after the repair. Included in the file was a contract for the renovation of the property for $84,000.00 which Attorney Thomas contended was much less than 50% of the market value of this property in question. Attorney Thomas presented Ray Carpenter a licensed professional engineer and a licensed planner in the State of New Jersey, as a witness. Mr. Carpenter was sworn in by the Board Attorney. Mr. Carpenter testified regarding the state of the building before the renovations, explained the renovations that were done and testified that the building was structurally sound. He also testified that the foundation was structurally sound and had certified that in a letter to the building inspector dated 12/15/86. This letter was marked A8 for the file. Mr. Carpenter testified that this particular property was in an A5 flood zone, not in a V zone, and in this zone pilings are not required. Mr. Carpenter testified that his determination had been based on a Flood Insurance Rate Map produced by the Federal Emergency Management Agency dated December 15, 1983 to his knowledge the most recent map available.

Mr. Carpenter testified that this property filled the requirements for an A5 zone. The Flood Map was marked A9 for the file. Mr. Carpenter also testified as to the extent of the renovations that were done on the building and that he had supervised the renovations. John Leonard was the contractor. He also testified that the renovations were done according to the plans that were submitted to the building inspector. Mr. Carpenter stated that he felt that the building such as it is now, does not compromise the Zoning Ordinance of Manasquan, and the variance could be granted by the Zoning Board without detriment to the public good, or to the Zoning plan of Manasquan.

The Board Members questioned Mr. Carpenter and Attorney Thomas regarding their testimony. Attorney Thomas explained that the issue before the Board was that the Building Inspector had decided that 50% renovation had been exceeded and therefore the building had to be put on pilings. Members of the Board felt that Mr. Ratz should be given an opportunity to explain his decision. The Board and Attorney Thomas agreed that they would like to have the Borough Engineer and the Building Inspector attend the next meeting to discuss this problem and the reasons for the Building Inspector's decision.

The Chairman asked for any comments from the audience.

Noel Hood, 161 Beachfront, had some questions regarding the project.

Craig Grant, Sunrise Drive, Gillette, asked to have the V6 Flood Zone defined. He was advised to look at the Flood Map that had been made a part of the file to see the zones as drawn on the map. He also asked for a definition of the requirements for having to put a house on pilings.

Noel Hood, an objector to the application,was sworn in to give testimony. He presented pictures of the house before and after the renovations were done. The pictures were marked for the file O1. He stated his concerns with the supports under the building and also with the extent of the renovations.

Patricia Terry, 57 Osborn Avenue, questioned the credibility of Mr. Hood's testimony, since he was quoting what Mr. Ratz, the Building Inspector, said or thought which could be termed hearsay.

The Chairman advised Ms. Terry that Mr. Hood had the right to object to the application.

Oscar Olsen, 222 E. Main Street, asked for a definition of a breakaway wall. Mr. Carpenter explained that the wall was designed to be washed away or collapse upon impact of waves or water. It's not a structural wall, in most cases it's merely cosmetic or aesthetic.

August Possehl, 165 First Avenue, asked the purpose of the wall. Mr. Carpenter explained there were various reasons for the wall. One was security, another to insulate the under side of the building, and the third aesthetics.

Judy Delaney, 33 Fisk Street, expressed her discontent with the fact that the Building Inspector was not present at the meeting to resolve the problem and a great deal of money had been wasted in preparing for the hearing by the applicant. As a citizen, she felt that most people could not afford to hire an attorney and an engineer to appear at a hearing and then have it postponed

because the Building Inspector was not present at the meeting to interpret his decision. She felt this was an unfair practice and costly to the citizens of Manasquan.

Mr. Mastrian explained that Mr. Chicant had been notified of this problem a long time ago and nothing had been done until this meeting.

Attorney Thomas suggested that the hearing be continued at the October Meeting of the Board with a request that Mr. Ratz be present to define his action.

The Members agreed to do a site inspection, Saturday, September 19, 1987, and continue the hearing at the October meeting. A motion was made to this effect by Evelyn Wagner, seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian, Particia Walsh. "No" none.

The Members agreed that they would request that Mr. Ratz and Mr. Farrell appear at the next meeting.

C. Raymond King, the Chairman, turned the meeting over to James Van Schoick to discuss the Avon Hotel Corporation project.

Mr. Van Schoick reported that he and Mr. Griffith had met to discuss the plans of the Avon Hotel Corporation project and they felt they had not come up with enough evidence in the plans filed with the Building Inspector to form a case. The plans in the Bd. of Adjustment files were different from the ones in the Building Department. The tapes of the previous hearings of this case were also reviewed.

There was discussion about the legality of copying tapes of previous meetings and also meeting as a group in a Board Member's home. Attorney Genz advised the members of the Board that most public records are available for copying. However, if a quorum of members meet, this is considered a public meeting and should be published according to the Sunshine Law.

The Board Members discussed the controversy over the Avon Hotel Corporation project and it was generally felt that the Resolution that had been drawn up for the project had not been adequate though not specifically the fault of the applicant, the Board Members or the Building Inspector. In the future they would have to be more definitive in the Resolution and have the plans that were presented at the hearing attached and part of the Resolution.

James Mastrian stated that since there was very little the Board could do to correct this situation except to learn to be more specific in the future, he would offer a motion that the Board should divest themselves of any more discussion of the Avon Hotel Corporation project. The motion was seconded by Evelyn Wagner. The motion was defeated by the follwoing vote: "Yes" Board Members Evelyn Wagner, James Mastrian, Samuel Yatter. "No" Robert Griffith, Kenneth Schneider, James Van Schoick, Patricia Walsh. Abstain: C. Raymond King.

James Mastrian made a motion that the meeting be adjourned, seconded by Evelyn Wagner. Motion was carried by the following vote: "Yes" Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, James Mastrian, Samuel Yatter, Patricia Walsh.

Respectfully submitted

Margaret Monsell

Margaret Monsell, Secretary

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MONTHLY MEETING
OCTOBER 21, 1987
BOROUGH HALL, MANASQUAN, N.J.

The Chairman of the Board, C. Raymond King called the meeting to order at 8:00 p.m. and following the salute to the flag, it was determined that a quorum was in attendance. Board Members present were Robert Griffith, C. Raymond King, Kenneth Schneider, Leonard Sullivan, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. Absent: James Van Schoick.

Mr. King stated that the meeting was held in accordance with the Open Public Meetings Act of 1975 and was advertised in the Asbury park Press and the Coast Star. The Chairman requested approval of the minutes of the previous meeting September 16, 1987. Robert Griffith requested that a correction be made on page four of the minutes in regard to the Avon Hotel Corporation discussion. The correction was noted by the Secretary. Evelyn Wagner made a motion that the minutes be approved as corrected, seconded by James Mastrian. Motion was carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. Abstain: Leonard Sullivan. "No" none.

Resolution 19-87 - Gloria and Raymond Mosher - 289 Beachfront
Attorney Ragan read the resolution. There being no discussion on the Resolution, Samuel Yatter made a motion to approve the Resolution, seconded by Evelyn Wagner. Motion was carried by the following vote: "Yes" Board Members C. Raymond King, Kenneth Schneider, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. "No" Robert Griffith.

Resolution and Memorialization 20-87 - Thomas & Marguerite Griffiths - 52 First Ave.
Attorney Ragan read the Resolution and Memorialization. There being no discussion regarding the resolution, Evelyn Wagner made a motion to approve the Resolution seconded by Patrica Walsh. Motion was carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. Abstain: Kenneth Schneider. "No" none.

Application 24-87(Cont.) Dr. Allan Steiner/Bianca Franchi - 27 Beachfront
Chairman C. Raymond King read a letter from Attorney H. Alton Neff, representing Dr. Steiner and Ms. Franchi asking for a portponement of their hearing until the November 18th, 1987 meeting. Dr. Steiner and Ms. Franchi agreed to waive any time limitations on the matter. Evelyn Wagner made a motion to continue this application at the November meeting seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board members Robert Griffith, C. Raymond King, Kenneth Schneider, Leonard Sullivan, Evelyn Wagner, Samuel Yatter, James mastrian, and Patricia Walsh. "No" none.

Application 21-37 (Cont.) - Jean Certosimo - 400 Euclid Avenue

A site inspection had been done on October 24, 1987 at 9:00 a.m. Since there were no objections to the application by the Board or the audience, a motion was made by Evelyn Wagner to close the hearing. The motion was seconded by Kenneth Schneider and approved by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none.

A motion was offered to draw up a favorable Resolution to approve the plans as submitted by James Mastrian seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none.

Application 25-87 (Cont.) - Chicant Corporation - 165 Beachfront

The Board Members reviewed the letters and new evidence that had been received prior to the meeting Attorney Kevin Thomas represented Chicant Corporation and the project Engineer, Ray Carpenter was present. Attorney Peter Ragan marked the evidence and letters for the file.

Attorney Thomas objected to the letter from the Construction Code Official, Sandy Ratz since the intention of the Board and the applicants at the last meeting was to postpone the hearing until Mr. Ratz could be present to answer questions and comment on the obvious dispute regarding the flood zone the dwelling is located in. Since this is the thrust of the problem, without Mr. Ratz present, there could be no decision on this matter.

After a discussion of the problem of the absence of Mr. Ratz, a motion was made to recess the meeting in order to contact Mr. Ratz to set up a special time to meet with him and the applicant to continue the hearing by Evelyn Wagner. The motion was seconded by Samuel Yatter and carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, Leonard Sullivan, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none.

After the Chairman, Mr. King, reached Mr.Ratz by phone, the meeting was reconvened. Roll Call: Present: Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, Leonard Sullivan, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. Absent: None.

Chairman, C. Raymond King informed the Board Members and the applicants that Mr. Ratz would be available for the meeting of November 18th at 9:00 or 9:15 p.m. Attorney Thomas agreed to continue the hearing at that time and that he agreed to accept the information in the letter from the Borough Engineer, William Farrell without his being present. He would address the matter with the proper authorities before the next meeting.

Mr. Noel Hood presented evidence to be put into the record for the next hearing since he would be out of the country during this time.

A motion was made to continue the public hearing at the November 18th meeting by Evelyn Wagner seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board members Robert Griffith, C. Raymond King, Kenneth Schneider, Leonard Sullivan, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh.

Application 22-87 - Donald & Ann Jaspan - 91 Main Street

Attorney Robert Levy and Donald Jaspan were sworn in by Attorney Ragan. The file

was marked for the record. Samuel Yatter abstained from participating in the hearing since his property is in close proximity to the Jaspan store.

Attorney Levy asked Mr. Jaspan to explain the location of his property, the zone, and to give a description of his property and his plans for improvement. Four photographs were presented for evidence. Mr. Jaspan was asking the Board to approve six apartments on the second and third floor of his building apart from his business operation. At the present time there is a one family apartment above the store itself. A rough draft of the plans was submitted to the Board. Mr. Jaspan gave a description of his plans for the apartments on the second and the third floor. Mr. Jaspan stated that he could not use this space for his business and he does not presently use it nor does he have any need for it. Mr. Jaspan also requests a wiaver from the Ordinance that requires off street parking. Mr. Jaspan described the parking that is available to his building. He also explained his expectations regarding the potential tenants that would occupy these apartments. The applicant explained that he had also established by research the need for apartments in Manasquan. Attorney Levy established that Mr. Jaspan is required to pay taxes on the whole building and his expenses for insurance etc. cover the whole building even though much of the space is not being used and other buildings in town have similar units in them.

Samuel Yatter asked to make a statement and was sworn in by Attorney Ragan. Chairman King asked Mr. Yatter to wait until the end of the application to make his statement and Mr. Yatter agreed.

William White, owner of the building next to Jaspan Hardware, asked if there were any plans to renovate the exterior of the building. Mr. Jaspan answered there were none at this time.

Beatrice Kissner, 1217 Ocean Avenue, Bradley Beach was sworn in to give testimony. Mrs. Kissner was a real estate broker and sales representative. Mrs. Kissner gave testimony regarding the need for apartments such as the ones the applicant was proposing and also the area parking availability. Mrs. Kissner also testified regarding the type of people who might be interested in renting the apartments.

The Chairman, Mr. King, requested that Mr. Jaspan submit plans that were more explicit regarding the apartments. The plans presently submitted to the Board do not adequately show the layout of the apartments.

Attorney Levy made a statement regarding the reason for this application. Mr. Levy explained that approximately 4000 square feet of the building cannot be utilized in any way as a consequence of the present zoning ordinance. He submitted to the Board that there is a hardship,in that,all of the expenditures and the responsibility are the owner's without being able to use any of it. He stated that the zoning Ordinance, within its thrust and intent, provides for residential units in this zone. The Ordinance provides for one unit, but there is no explanation why two or three or more could not be used so long as every other aspect of the law and the building code can be met. Mr. Levy explained that this building is existent and at one time was used as a muti-family building therefore the Ordinance which was designed to control new construction or converted construction should not apply to this building. This presents a financial and responsibility hardship for Mr. Jaspan.

Board Member Mastrian questioned the type of application submitted and whether financial hardship was acceptable. Attorney Levy explained that this was a hardship application with financial hardship a part of the problem and they were asking for a waiver from the parking restrictions.

Board Member Kenneth Schneider made a motion to continue the hearing at the November 18th, 1987 meeting and to do a site inspection on October 24, 1987 at 9:00 a.m. Motion was seconded by Robert Griffith and carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, Leonard Sullivan, Evelyn Wagner, James Mastrian, Patricia Walsh. "No" none. Abstain: Samuel Yatter.

Application 23-87 - Gary Smith - 42½ North Main Street

Attorney Ragan marked the exhibits for the file and administered the oath to Gary Smith and Susan Smith residing at 42 North Main Street, Manasquan. Mr. Smith explained his plans submitted with the application. He wanted to convert a 3½ car garage that already has heat and a bathroom in it to an efficiency apartment. The garage has an apartment above it now. It was used as some sort of machine shop ages ago. Mr. & Mrs. Smith purchased the property about three years ago. He also would like to use part of it for an office.

The Board reviewed the plans with Mr. Smith and there being no questions from the audience, a motion was made by Evelyn Wagner to do a site inspection at 9:30 a.m. Saturday, October 24, 1987 and continue the hearing at the November 18, 1987 meeting. Motion was seconded by Leonard Sullivan and carried by the following vote: Board Members Robert Griffith,C. Raymond King, Kenneth Schneider, Leonard Sullivan, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none.

Chairman King reviewed the letter sent to the board by the Building Inspector requesting a clarification of the variance approved by the Board for S. Kaminiski, 123 Atlantic Avenue. The Board agreed that the applicant was expected to build the structure in accordance with the drawings that were submitted at the hearing. The Secretary of the Board was instructed to send a letter to the Building Inspector stating the expectations of the Board.

Evelyn Wagner made a motion to approve the conclusions of the Board and the letter to be sent to the Building Inspector seconded by Robert Griffith. Motion was carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, Leonard Sullivan, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh.

The Chairman read letters from William J. Lawless and Harry A. MacEnroe regarding being given an earlier agenda date than they have been assigned. The Board advised the secretary to notify these applicants that the agenda is full, however if they desire a special meeting this would be possible if they are willing to absorb the cost of the meeting.

Mr. King advised the Board that they had three applications in for the position of Attorney to the Board of Adjustment. He asked if they wanted to start the interviews. It was decided that interviews would be held before the next meeting at 7:00 p.m. This meeting would be advertised. The meeting will be opened and then they will close the meeting to retire to executive session to discuss personnel. Evelyn Wagner made a motion to approve the above procedure seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board

Members Robert Griffith, C. Raymond King, Kenneth Schneider, Leonard Sullivan, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none.

Mr. King made assignment for applications that have been approved.

15-87	James & Mary Ann Monaghan	---	Mr. Mastrian
16-87	Mr. Hoppenstedt	---	Mr. Schneider
17-87	John Stemmerman	---	Mrs. Wagner
19-87	Raymond & Gloria Mosher	---	Mrs. Walsh
20-87	Thomas & Marguerite Griffiths	--	Mr. Sullivan

A motion was made to adjourn the meeting by Evelyn Wagner seconded by Patricia Walsh. Motion was carried by the following vote: Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, Leonard Sullivan, Evelyn Wagner, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none.

Respectfully submitted,

Margaret Monsell

Margaret Monsell
Secretary

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

BOARD OF ADJUSTMENT

AGENDA

On Wednesday, November 18, 1987, the Zoning Board of Adjustment of the Borough of Manasquan, N.J. will hold their regular meeting at 7:00 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:00 p.m. Interviews for the Position of Attorney to the Board of Adjustment

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING at 8:00 p.m.

Resolution - 21-87 Jean Certosimo - 400 Euclid Avenue

Application 25-87 (Cont.) - Chicant Corporation - 165 Beachfront

Application 22-87 (Cont.) - Donald & Ann Jaspan - 91 Main Street

Application 23-87 (Cont.) - Gary Smith - 42½ North Mian Street

Application 26-87 - Walter Carlson - 199 Third Avenue

Application 27-87 - Richard Mueller - 79,81,83 Beachfront

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MONTHLY MEETING
NOVEMBER 18, 1987
BOROUGH HALL, MANASQUAN, N.J.

The Chairman of the Board, C. Raymond King, called the Special Meeting to order at 7:00 p.m. for an executive session for the purpose of interviewing candidates for the position of Attorney to the Board of Adjustment. Following a salute to the flag, it was determined that a quorum was present. Board Members present were C. Raymond King, Leonard Sullivan, Samuel Yatter, James Mastrian. Absent: Kenneth Schneider, Robert Griffith, James Van Schoick, Patricia Walsh, Evelyn Wagner.

Leonard Sullivan made a motion to close the Special Meeting to meet in an Executive Session seconded by James Mastrian. Motion was carried by the following vote: "Yes" Board Members C. Raymond King, Leonard Sullivan, Samuel Yatter, James Mastrian. "No" none.

The Board met in Executive Session in the Clerk's office and at that time Board Members Kenneth Schneider and Patricia Walsh joined the meeting. The Board interviewed Attorney William Byrne for the position of Attorney to the Board of Adjustment. Mr. Byrne was advised that the Board would make a decision at the December Meeting. Since the other two candidates were unable to come to the interviews, the Executive Session was closed and the Board returned to Council Chambers. At that time Leonard Sullivan made a motion to close the Special Meeting seconded by James Mastrian. Motion was carried by the following vote: "Yes" Board Members C. Raymond King, Kenneth Schneider, Leonard Sullivan, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none.

At 8:00 p.m. Chairman, C. Raymond King called the Regular Meeting to order. Roll Call: Board Members present, C. Raymond King, Kenneth Schneider, Leonard Sullivan, Samuel Yatter, James Mastrian, Patricia Walsh. Absent: Robert Griffith, Evelyn Wagner, James Van Schoick.

The Chairman noted that a quorum was present and asked for a salute to the flag. Mr. King announced that this was an open public meeting held in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Leonard Sullivan made a motion that the minutes of the previous meeting be approved as submitted seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members C. Raymond King, Kenneth Schneider, Leonard Sullivan, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none.

Resolution 21-87 - Jean Certosimo - 400 Euclid Avenue

Attorney Ragan read the Resolution. Kenneth Schneider made a motion to approve the Resolution, seconded by James Mastrian. Motion was carried by the following vote: "Yes" C. Raymond King, Kenneth Schneider, Leonard Sullivan, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none.

The Chairman read a letter from H. Alton Neff, representing Alan Steiner and Bianca Franchi, asking to have the continued hearing on their application postponed to the December 16, 1987 meeting.

Leonard Sullivan made the motion to postpone the hearing seconded by Kenneth Schneider. Motion carried by the following vote: "Yes" Board Members C. Raymond King, Kenneth Schneider, Leonard Sullivan, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none.

Application 22-87 (Cont.) - Donald & Ann Jaspan - 91 Main Street

Mr. Robert Levy represented Mr. Jaspan. The Board Attorney marked the plans submitted by Mr. Jaspan for the file. The Chairman asked Mr. Levy if he had any objections to continuing the hearing since there were only four regular members of the Board Present. The other members would have the tapes available to them however. Mr. Levy had no objection to this. The Chairman asked for comments regarding the application by the Board Members after having done the site inspection. The Board Members reviewed the new plans submitted by Mr. Jaspan with Mr. Levy and Mr. Jaspan.

Mr. Mastrian advised the Board that he had trouble with hearing this application as a hardship case. He felt that this should be a use variance, in that, they were increasing the number of dwelling units where zoning called for one unit only.

The Attorneys and the Board Members discussed this issue and it was finally agreed upon that this was a use variance with hardship being the thrust of the application because of the size of the building and the lack of ability to use it otherwise.

Mr. Mastrian advised the Board that he was concerned with the amount of people that could live in these apartments according to the occupancy code. He felt that the environment in this neighborhood was dangerous for children and there was no play area or storage area for bicycles etc. provided for them. He advised that the apartments as presented could house 28 people legally and he had a problem with that. He asked Mr. Jaspan if he would be willing to change the apartments to one bedroom apartments to cut down on the density. He also asked Mr. Jaspan if he would be willing to improve the exterior of the building.

Mr. Oscar Olsen, 222 Main Street questioned whether any provisions had been made for a sprinkler system to be installed. The State Fire Code would require this to be done if they build these apartments.

Samuel Yatter, 111 Main Street, testified as to previous uses of this building during the past 60 years.

Leonard Sullivan asked that the new Ordinance regarding parking be reviewed as it relates to this application. The Board Secretary provided the Board with a copy of the Ordinance.

Mrs. Walsh advised that she had a problem with the fact that 15 spaces were needed for this plan when there are no provisions at all for parking on the property.

Robert Gardell, 40 Fletcher Avenue, commented that he agreed with Mr. Mastrian that this building needed some aesthetic changes to the exterior to be more of an asset to Manasquan. Since these apartments would generate a lot of income for Mr. Jaspan, Mr. Gardell felt that he should be willing to improve the look of the building if he were granted the variance. This would be a means of "giving something back to the town". Mr. Gardell asked if the variance were approved would the assessment of taxes be greater and would they have separate water and sewer bills for these apartments? The Board advised Mr. Gardell that the building would be reassessed for taxes and there would be separate water and sewer bills for each apartment.

The Chairman of the Board asked Mr. Levy if he wanted to wait until the next meeting for the Board to vote on the application since there were only four members present. The tapes of the meeting would be available to the other members of the Board in preparation for the next meeting. Mr. Levy and Mr. Jaspan opted to wait until the next meeting for the vote on the application when seven members will vote. Mr. Levy asked that the evidence that had been presented regarding parking in the area of the building at the previous meeting be re-entered into evidence, in that, they had been made aware of the Ordinance changing the parking waiver. Mr. Ragan agreed to this procedure. Mr. Mastrian asked if Mr. Jaspan would be willing to change the apartments to one bedroom apartments Mr. Levy advised that they would let them know at the next meeting. Mr. Ragan asked Mr. Levy if they would waive the statutory time limits on the application. Mr. Levy agreed to do this.

A motion was made by Leonard Sullivan to continue the hearing at the December 16th, 1987 meeting, seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board Members C. Raymond King, Kenneth Schneider, Leonard Sullivan, Samuel Yatter, Patricia Walsh. "No" James Mastrian.

Application 23-87 (Cont.) - Gary Smith - 42½ North Main Street

Mr. & Mrs. Smith were present and still under oath. A site inspection had been held October 24, 1987 at 9:30 a.m. The Board discussed the application and the audience was asked for comments. A motion was made to close the public hearing by Kenneth Schneider and seconded by Leonard Sullivan. Motion was carried by the following vote: "Yes" Board Members C. Raymond King, Kenneth Schneider, Leonard Sullivan, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none.

Kenneth Schneider offered a motion to draw up a favorable resolution seconded by Samuel Yatter. Motion was carried by teh following vote: "Yes" Board Members C. Raymond King, Kenneth Schneider, Leonard Sullivan, Samuel Yatter, Patricia Walsh. "No" James Mastrian.

Application 26-87 - Walter Carlson - 199 Third Avenue

Mrs. Walsh abstained from hearing this application because she been served notice of the hearing.Attorney John Wooley represented the applicant. Mr. Ragan marked the exhibits for the file. The applicant, Mr. Walter Carlson was called to testify and was sworn in by Mr. Ragan. Mr. Carlson explained the problem with the elevation of his home that he contracted to build in November of 1986. Mr. Carlson had not been involved with the project himself. When the house was completed, he applied for a C O and then found that it was 5 inches lower than the required elevation, In actuality, the difference was only 3 inches.

Mr. Albert Ratz was asked to testify and was sworn in by Mr. Ragan. Mr. Ratz testified that he issued the building permit and there were no problems with zoning. When he did the inspection to issue the C O it came to light that the building elevation was .3 of a foot too low. Mr. Ratz testified that the other dwellings in the area are all lower than Mr. Carlson's dwelling. Mr. Carlson and the Board discussed the problems in having this error corrected. The House would have to be lifted up and have four inch cap locks inserted. However, Mr. Carlson advised the Board that this would probably crack all the walls and he would have a great deal of damage result in the interior structure. This would also be a g reat expense to Mr. Carlson and in all likelihood he would be the one to pay for this rather than the builder. Mr. Ratz advised that there would really be no real hazard here, but that he had been doing his job of inspection and discovered the error.

Kenneth Schneider made a motion to close the public hearing seconded by Leonard Sullivan. Motion was carried by the following vote: "Yes" Board Members C. Raymond King, Kenneth Schneider, Leonard Sullivan, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none.

A motion was made to draw up a favorable resolution by Kenneth Schneider, seconded by Samuel Yatter. Motion was carried by the following vote: "Yes" Board Members C. Raymond King, Kenneth Schneider, Leonard Sullivan, Samuel Yatter. "No" James Mastrian. Abstain: Patricia Walsh.

Application 27-87 - Richard Mueller - 79, 81, 83 Beachfront

Attorney Ragan marked the exhibits for the file and administered the oath to the applicant, Mr. Richard Mueller, Jr., 1312 West Chicago Blvd., Sea Girt. Mr. Mueller was asked to explain his plans to build sun decks on the three bungalows that are on the north side of his property. They will be 16 feet square and the would be at the level of the first floor of the houses.

A motion was made to do a site inspection on November 21st, 1987 and continue the hearing at the December 16, 1987 meeting by Kenneth Schneider and seconded by James Mastrian. Motion was carried by the following vote: "Yes" C. Raymond King, Kenneth Schneider, Leonard Sullivan, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none.

The Chairman read a letter from Kenneth J. Fortier, requesting a Special Meeting to hear the application of Joseph Sullivan, 25 Captain's Court. The Board discussed the request but since there was no specific reason for the meeting stated in the letter, they decided there would be no purpose in holding the meeting unless the applicant could present some unusual circumstances or unusual hardship as a reason for a Special Meeting.

The Chairman reported to the Board that the Mayor and Council had settled with Karen Benson, the former Board Secretary, on the salary to paid to her for her services.

The Board discussed the matter of hiring an attorney to the Board. It was decided that another add would be placed in the newspaper and Mr. Stein, who was unable to attend the interview this evening would be interviewwed at the next meeting.

A motion was made by Patricia Walsh, and seconded by Mr. Sullivan to hold a Special Meeting December 16, 1987 at 7:00 p.m. to interview any new candidates for the position. Motion was carried by the following vote: "Yes" Board Members C. Raymond King, Kenneth Schneider, Leonard Sullivan, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none.

Mr. King asked the Board Members to give some thought to having the Planning Board take over the duties of the Board of Adjustment. He asked that they give serious thought to combining the Boards since many cases overlap.

A motion was made to adjourn the meeting by James Mastrian seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" C. Raymond King, Kenneth Schneider, Leonard Sullivan, Samuel Yatter, James Mastrian, Patricia Walsh. "No" none.

Respectfully submitted,

Margaret M. Monsell

Margaret Monsell
Secretary

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
SPECIAL MEETING
DECEMBER 16, 1987
BOROUGH HALL, MANASQUAN, N.J.

Mr. C. Raymond King, Chairman, called the meeting to order at 7:00 p.m. It was determined that a quorum was present and Mr. King asked for the salute to the flag.

Roll was called and Board Members present were as follows: Present : Robert Griffith, C. Raymond King, Kenneth Schneider, Evelyn Wagner, Samuel Yatter, James Mastrian, James Van Schoick. Absent: Leonard Sullivan, Patricia Walsh.

Mr. King stated that the meeting was being held in accordance with the Open Public Meetings Act of 1975 and had been published in the Coast Star and the Asbury Park Press.

A motion was made by James Mastrian to close the Special Meeting to go into Executive Session for interviews of applicants for the position of Attorney to the Board of Adjustment. The motion was seconded by Robert Griffith and carried by the following vote: "Yes" Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian. "No" none.

Three applicants were interviewed and after the interviews were completed, the Board reviewed the applicants and their qualifications. The Members decided they favored two of the applicants and would like to see them one more time before making their decision. This would enable the members that had been absent during the two interview sessions to meet the two candidates and then make a decision by the next meeting, January 20, 1988.

The Board Secretary was asked to contact the two candidates and arrange to have them meet the Board at 7:30 p.m. on January 20th at a Special Meeting. The Secretary was also instructed to advertise a Special Meeting.

There being no further discussion, a motion was made to reopen the Special Meeting by James Mastrian and seconded by Kenneth Schneider. Motion was carried by teh following vote: "Yes" Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian. "No" none.

A motion was made to close the Special Meeting by Evelyn Wagner, seconded by Kenneth Schneider. Motion was carried by the follwoing vote: "Yes" Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian. "No" none.

Respectfully submitted

Margaret Monsell
Secretary

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

BOARD OF ADJUSTMENT

On Wednesday, December 16, 1987 the Zoning Board of Adjustment of the Borough of Manasquan, N.J. will hold their regular meeting at 8:00 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

SPECIAL MEETING - Executive Session - 7:00 p.m.

Interviews for Board of Adjustment Attorney

REGULAR MEETING - 8:00 p.m.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution 23-87 - Gary Smith - 42½ North Main Street

Resolution 26-87 - Walter Carlson - 199 Third Avenue

Application 24-87 (Cont.) - Alan Steiner/Bianca Franchi - 27 Beachfront

Application 25-87 (Cont.) - Chicant Corp. - 165 Beachfront

Application 22-87 (Cont.) - Donald & Ann Jaspan - 91 Main Street

Application 27-87 (Cont.) - Richard Mueller - 79,81,83 Beachfront

Application 28-87 - Walter & Susan Dreyer - 15 Riddle Way

Application 29-87 - Thomas Trezza - Third Avenue

BOROUGH HALL, 15 TAYLOR AVENUE
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Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING
DECEMBER 16, 1987
BOROUGH HALL, MANASQUAN, N.J.

The Regular Monthly Meeting of the Board of Adjustment was called to order at 8:00 p.m. Chairman, C. Raymond King presided.

Roll Call: Board Members present were: Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian. Absent: Leonard Sullivan, Patricia Walsh.

The Chairman noted that a quorum was present and asked for the salute to the flag. Mr. King announced that this was an open Public Meeting held in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Mr. King asked for approval of the minutes of the last meeting and James Mastrian called attention to the fact that the testimony on the Chicant Application was not included in the minutes. The Secretary was instructed to amend the minutes and a motion was made to approve the minutes as amended by James Mastrian, seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board Members C. Raymond King, Kenneth Schneider, Samuel Yatter and James Mastrian. "No" none. Abstain: Robert Griffith, James Van Schoick, Evelyn Wagner.

Resolution 23-87 - Gary Smith - 42½ North Main Street
Attorney Peter Ragan read the Resolution. Keneth Schneider made a motion to approve the Resolution, seconded by Samuel Yatter. Motion was carried by the following vote: "Yes" C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter. "No" Robert Griffith, James Mastrian.

Resolution 26-87 - Walter Carlson - 199 Third Avenue
Mr. Ragan read the resolution. A motion was made to approve the Resolution by Kenneth Schneider and seconded by Samuel Yatter. Motion was carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter. "No" James Mastrian.

Application 24-87(Cont.) - Alan Steiner/Bianca Franchi - 27 Beachfront
H. Alton Neff, Esq. represented the applicants. Mr. Neff called Mr. Daniel McSweeney, a Professional Planner to testify. Mr. McSweeney of 1466 Route 88 West, Brick, N.J. was administered the oath by the Board Attorney. Mr. McSweeney reviewed the renovations of the building with the Board and answered any questions that the board had regarding the plans.

Mr. Neff also referred the Board's attention to the letter from Albert Ratz re: the percentage of renovation to the building in relation to whether or not pilings would be needed. Mr. Ratz did not feel that pilings were indicated.

The Board Members discussed the application and there being no further comments from the Board or the audience a motion was made to close the hearing by Kenneth Schneider, seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian. "No" none.

A motion was made to draw up a favorable Resolution by Evelyn Wagner seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board Members C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian. "No" Robert Griffith.

Application 25-87(Cont.) - Chicant Corporation - 165 Beachfront

Mr. Kevin Thomas, Esq. representing Chicant Corp. requested that the hearing be postponed until the January 20, 1988 meeting at which time he hoped to have an answer from FEMA regarding the flood zone that the building is in. He advised the Board that he did have a contact in FEMA and should have the information by the next meeting. A motion was made by Kenneth Schneider to continue the hearing at the January 20, 1988 meeting, seconded by Evelyn Wagner. Motion was carried by the following vote: Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian. "No" none.

Application 22-87(Cont.) - Donald & Ann Jaspan - 91 Main Street

The Board Attorney, Mr. Ragan, advised the Board that Mr. Jaspan had requested that his application be withdrawn at this time and that he would reapply at a later date. James Van Schoick made a motion that the application be withdrawn seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian. "No" none.

Application 27-87(Cont.) - Richard Mueller - 79,81,83 Beachfront

Mr. King noted that a site inspection had been done on November 21, 1987 and asked the Board for their comments. The Board Members found no problem with the plans and since there were no objections from the audience, a motion was made to close the hearing by James Mastrian and seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian. "No" none.

A motion was made to draw up a favorable resolution by James Mastrian and seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian. "No" none.

Application 28-87 - Walter & Susan Dreyer - 15 Riddle Way

Mr. Ragan marked the file and administered the oath to the applicants, Walter and Susan Dreyer of 240 Deep Path, Gillette, New Jersey. Mr. & Mrs. Dreyer explained the plans they had submitted to add a second floor to their home which is presently a one story duplex. The one side of the duplex is rented. Their plans

included winterizing the building, improving the exterior, and renovating the the interior. By adding a second story to the building they would gain bedroom and living space that was needed for their own family. The Board Members reviewed the plans with Mr. & Mrs. Dreyer and agreed to do a site inspection Saturday, December 19, 1987 at 9:00 a.m. A motion was made to continue the hearing at the January 20, 1988 meeting by James Van Schoick and seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter and James Mastrian. "No" none.

Application 29-87 - Thomas Trezza - Third Avenue

Mr. Ragan marked the file. Ms. Amy Warner, Esq. represented the applicant. Mr. Ragan administered the oath to the applicant, Thomas Trezza, 35 B Weston Road, Somerset, N.J. Ms. Warner advised the Board that Mr. Trezza had received a variance on September 18, 1985, but before he started to build the house the variance had run out the time limit. Mr. Trezza was applying for the same variance except that the plans would be slightly different. The Board discussed the fact that there would be zero setback on one side of the building and did not want to approve the variance without seeing the new plans.

Mr. Noel Hood, 161 Beachfront, voiced strong objections to the zero sideyard setback. He felt that this would become an encroachment on the property next door and would set a dangerous precedent.

Mr. Hood was advised by the Board that unfortunately, this precedent had already been set in some cases in Manasquan.

Mr. Gary Walsh, 111 Stockton Lake Blvd., also voiced objections to the zero sideyard setback since he owned the property next door. He did not object to a house being built on the undersized lot but objected to the encroachment on his property. Mr. Walsh did not own his house at the time the variance was approved in 1985. The Board Members asked Mr. Trezza if perhaps he could change the dimensions of his house to gain at least two feet next to the home but still retain a driveway on the other side.

Mrs. Ida Hood, 161 Beachfront, invited Mr. Trezza to come look at her home with the garage under the house to see an alternative to the plans he was submitting for approval. She felt that although the lot was very narrow, there were answers to the problem rather than having a zero sideyard setback.

The Board Members asked Mr. Trezza to consider the alternatives and then come back to the next meeting with the new plans. A motion was made to continue the hearing at the January 20, 1988 meeting by Evelyn Wagner, seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian. "No" none.

A member of the audience asked if there could be copies of the minutes of the previous meeting available to the audience to follow the hearings more easily.

The Board Members discussed the Avon Hotel Corp. project. Mr. King turned the gavel over to James Van Schoick for this discussion. William Farrell, Borough Engineer, advised the Board not to sign the final plat plan until certain things

that he listed in his letter had been completed. The Board will review the final plat plan with the plans that are on file in the Construction Code Office.

There being no further business, a motion was made to adjourn the meeting by James Mastrian, seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Robert Griffith, C. Raymond King, Kenneth Schneider, James Van Schoick, Evelyn Wagner, Samuel Yatter, James Mastrian. "No" none.

Respectfully submitted,

Margaret Monsell

Margaret Monsell

AMENDMENT TO NOVEMBER 18, 1987 MINUTES

Application 25-87 (Cont.) - Chicant Corporation - 165 Beachfront

Mr Kevin Thomas, Attorney, represented the applicant. Mr. Thomas requested that Mr. Albert Ratz be asked to testify in regard to his interpretation of the flood zone that the building was located in. Mr. Ratz explained his method of calculation of the flood zone and also the percent of renovations that had been done on the building based on the plans that had been submitted to him. He explained that he based his determination of the percentage of renovation on the Uniform Construction Code system of evaluating the fair market value on square footage.

The Board Members questioned Mr. Ratz regarding his decision if the line was positioned through the property. He answered that if the line ran through the building, it would be considered to be in the high hazard zone.

Mr. Ratz suggested that they carry out the Borough Engineer's recommendation that the question of the flood zone location in regard to the building in question be referred to FEMA for a final determination.

Mr. Thomas called Mr. Ray Carpenter, Engineer, to testify. He again testified on his experience and explained his determination that the building was in an A Zone, according to his understanding of the FEMA maps.

After hearing the testimony of Mr. Ratz and Mr. Carpenter with conflicting opinions, the Board felt they were in the difficult position of having to decide whether Mr. Ratz or Mr. Carpenter were correct in their calculations and determinations.

Mr. Thomas called Mrs. Judy Delaney-Shirley, 33 Fisk Street, Manasquan, a licensed real estate broker and salesperson, to testify as to the market value of the building in question. Mrs. Shirley gave comparables on leased land in the surrounding area that had been recently sold. She valued the property involved in this application at about $185,000 to $190,000.

Mr. Thomas summed up his case for the application.

The Board discussed the dilemma of deciding the case with two different opinions by the professionals. However, since the burden of proof is on the applicant, it would be their responsibility to contact FEMA and get a determination from them

Mr. Thomas offered to waive the time limit on the variance and to assume the responsibility of contacting FEMA to get a determination from them.

Mr. Leonard Sullivan made a motion to continue the hearing at the next meeting seconded by Mrs. Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members C. Raymond King, Kenneth Schneider, Leonard Sullivan, Samuel Yatter Patricia Walsh. "No" James Mastrian.

1988

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

SPECIAL MEETING

BOARD OF ADJUSTMENT

On Wednesday, January 20, 1988, the Zoning Board of Adjustment of the Borough of Manasquan, N.J., will hold a Special Reorganization Meeting at 7:00 p.m. and also an Executive Session for final interviews of applicants for the position of Attorney to the Board of Adjustment.

7:00 p.m.	Interviews
7:15 p.m.	Reorganization and final decision on appointment of Board Attorney.
7:45 p.m.	Coffee & Dessert for outgoing members of the Board of Adjustment.

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
SPECIAL MEETING
JANUARY 25, 1988
BOROUGH HALL, MANASQUAN, N.J.

Mr. James Van Schoick, Senior Member, Chairman Pro tem, called the meeting to order at 7:00 p.m.

Members present: Robert Griffith, James Mastrian, James Van Schoick, Samuel Yatter, Claudia Pincus, Margaret Kazenmayer. Absent: Kenneth Schneider, Leonard Sullivan, Patricia Walsh.

The Board Members interviewed Mr. William Byrnes, Esq. a candidate for the position of Attorney to the Board of Adjustment.

After the interview Mr. Byrnes was advised that he would be notified of the Board's decision later in the evening.

The Members of the Board discussed the two candidates that were favored after previous interviews, Mr. Byrnes and Mr. Joseph Brennan. A motion was made to approve the appointment of Mr. Byrnes by James Mastrian seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Mastrian, Van Schoick, Yatter, Kazenmayer. "No" Pincus.

The Board Members discussed reorganization of the Board. James Mastrian was chosen as Chairman and Robert Griffith as Vice Chairman.

There being no further business a motion was made to adjourn the meeting by Samuel Yatter and seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members, Griffith, Mastrian, Van Schoick, Yatter, Pincus, Kazenmayer. "No" None.

Respectfully submitted,

Margaret M. Monsell

Margaret Monsell
Secretary

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

BOARD OF ADJUSTMENT

On Wednesday, January 20, 1988, the Zoning Board of Adjustment of the Borough of manasquan, N.J. will hold their regular meeting at 8:00 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution 24-87 - Alan Steiner/Bianca Franchi - 27 Beachfront

Resolution 27-87 - Richard Mueller - 79,81,83 Beachfront

Application 25-87(Cont.) - Chicant Corp. - 165 Beachfront

Application 28-87(Cont.) - Walter & Susan Dreyer - 15 Riddle Way

Application 29-87(Cont.) - Thomas Trezza - Third Avenue

Application 1-88 - William Lawless - 568 Pike Avenue

Application 2-88 - Harry A. McEnroe & Margaret McEnroe - 52 Second Ave.

Application 4-88 - William & Adrienne J. Rogers - 30 Rogers Ave.

Application 22-87 - Donald & Ann Jaspan - 91 Main Street - Request to rescind dismissal and reinstate the application for a continued hearing.

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING
JANUARY 20, 1988
BOROUGH HALL, MANASQUAN, N.J.

The regular Monthly Meeting of the Board of Adjustment was called to order at 8:00 p.m. by James Van Schoick, Senior Member, Chairman Pro tem.

Roll Call: Board Members present: Robert Griffith, James Mastrian, James Van Schoick, Samuel Yatter, Margaret Kazenmayer, Claudia Pincus. Absent: Kenneth Schneider, Patricia Walsh, Leonard Sullivan.

Attorney Peter Ragan administered the Oath of Office to Margaret Kazenmayer, and Claudia Pincus as alternates to the Board and James Mastrian as a regular member of the Board of Adjustment.

The Chairman noted that a quorum was present and asked those attending the meeting to join in the salute to the flag. Mr. Van Schoick announced that this was an Open Public Meeting held in accordance with the Open Public Meeting Act of 1975 and had been published according to law.

The Chairman asked for a motion to approve the nomination of James Mastrian as Chairman of the Board. A motion was made by Margaret Kazenmayer to approve the nomination and seconded by James Van Schoick. Motion carried by the following vote: "Yes" Board Members Griffith, Van Schoick, Yatter, Kazenmayer, Pincus. Abstain: James Mastrian. "No" none.
Attorney Ragan read the Resolution for the appointment of James Mastrian as Chairman of the Board of Adjustment. A motion was made by Margaret Kazenmayer seconded by James Van Schoick to approve the Resolution. Motion carried by the following vote: "Yes" Board Members Griffith, Van Schoick, Yatter, Kazenmayer, Pincus. Abstain: James Mastrian. "No" none.

James Van Schoick made a motion to approve the nomination of Robert Griffith as Vice Chairman of the Board of Adjustment seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Mastrian, Van Schoick, Yatter, Kazenmayer, Pincus. Abstain: Robert Griffith. "No" none.
Attorney Ragan read the Resolution designating Robert Griffith as Vice Chairman of the Board of Adjustment. A motion to approve the resolution was offered by Margaret Kazenmayer seconded by James Van Schoick. Motion carried by the following vote: "Yes" Mastrian, Van Schoick, Yatter, Kazenmayer, Pincus. Abstain: Robert Griffith. "No" none.

Chairman Pro tem, James Van Schoick, turned the gavel over to James Mastrian the newly appointed Chairman of the Board of Adjustment.

Attorney Ragan read Resolutions "C" with the 1988 Meeting Dates and "D" designating the official newspapers for the Board of Adjustment. A motion was made to approve these resolutions by Margaret Kazenmayer seconded by Robert Griffith. Motion carried by the following vote: "Yes" Board Members Griffith, Mastrain, Van Schoick, Yatter, Kazenmayer, Pincus. "No" none.

Attorney Ragan read Resolution "E" appointing William Byrnes Esq. as Attorney to the Board of Adjustment and Resolution "D" appointing Margaret Monsell as Secretary to the Board of Adjustment. A motion was offered by Samuel Yatter to approve the Resolution and seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Mastrian, Van Schoick, Yatter, Kazenmayer, Pincus. "No" none.

The Chairman of the Board, James Mastrian, introduced Mr. William Byrnes and Mrs. Monsell to the audience and also introduced the new members of the Board, Margaret Kazenmayer and Claudia Pincus.

Mr. Mastrian asked for a motion to approve the minutes as submitted by the Secretary to the Board. James Van Schoick offered the motion seconded by Robert Griffith. Motion was carried by the following vote: "Yes" Board Members Griffith, Mastrian, Van Schoick, Yatter. "No" none.

Resolution 24-87 - Alan Steiner/Bianca Franchi - 27 Beachfront

Attorney Ragan read the resolution. The applicant's attorney, Alton H. Neff was present and was given the choice of postponing the vote on the Resolution until the next meeting since the use variance needed five votes and there were only four members of the Board present that had heard the previous testimony at the hearings. Mr. Neff opted to postpone the vote on the Resolution until the February 17, 1988 meeting and waived the time limit on the application. Samuel Yatter made a motion to postpone the vote on the Resolution until the February 17, 1988 meeting seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Mastrian, Van Schoick, Yatter. "No" none.

Resolution 27-87 - Richard Mueller - 79,81,83 Beachfront

Attorney Ragan read the resolution. Since there were only four members present that could vote for the Resolution and five votes were needed, Samuel Yatter made a motion that the vote be postponed until the next meeting, February 17, 1988, seconded by James Van Schoick. Motion carried by the following vote: "Yes" Board Members Griffith, Mastrian, Van Schoick, Yatter. "No" none.

Application 25-87 - Chicant Corporation - 165 Beachfront

Kevin Thomas, Attorney for the Chicant Corporation was present. Mr. Thomas presented the Board with a letter from FEMA with a determination of the flood zone in regard to the building in question. Mr. Thomas summed up his case for the applicant and restated evidence that had been presented , that the renovations were less than 50% of the fair market value of the structure and therefore pilings would not be required. Secondly, he felt that the variance could be granted on the basis that their Engineer had testified that the structure was safe and had been supported by the same foundation since 1930. He cited that a variance had been granted Walter Carlson for relief from virtually the same problem, the hardship being the cost of moving the building. He felt that this was a similar request since it would be an economic hardship to move the building and put it on pilings.

The Board replied that Mr. Carlson's home was on pilings and not in a V6 flood zone. A variance could not be granted for financial hardship.

Attorney Ragan advised that the Board had not had the letter from FEMA to review before the meeting and until the letter could be reviewed, a vote would be difficult. Mr. Thomas agreed to postpone the decision until next meeting. Robert Griffith made a motion to continue the hearing at the February 17. 1988 meeting.

Mr. Noel Hood 161 Beachfront, asked to be heard since he would be unable to attend the next meeting. The motion was withdrawn and Mr. Hood given permission to address the Board. Mr. Hood advised the Board that in February 1987, the applicant had been advised of the problem However, they had proceeded with the renovations. Mr. Hood stated that the house was 760 square feet and according to the BOCA Code should cost $60 a square foot to build a new house. This would bring the cost of a new house this size at $45,780, therefore the contract for $84,000 did indeed exceed 50% of renovations even though renovating would cost more than a new building. He also argued the point that the support system was adequate. He advised that if a variance was granted, the town could be risking the loss of Federal Flood Insurance.

Mrs. Ida Hood, 161 Beachfront, questioned the testimony given regarding the fair market value of the house. She advised that only a certified appraiser's evidence would be accepted in a court of law.

A motion to continue the hearing at the next meeting, February 17, 1988, was offered by James Van Schoick, seconded by Robert Griffith. Motion was carried by the following vote: "Yes" Griffith, Mastrian, Van Schoick, Yatter. "No" none.

Mr. Thomas advised that he had already waived the time limit and that he would send someone in his place since he would be away at that time.

Application 28-87 (Cont.) - Walter & Susan Dreyer - 15 Riddle Way

A site inspection had been done individually by members of the board. The Board Members questioned Mr. Dreyer about the use of the extra space, their concern being the density at the beach. They were also concerned about the fact that once the variance had been granted, if the house were sold the variance would go with the house to the next owner. There being no further comments by the audience, Samuel Yatter made a motion to close the hearing, seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Mastrian, Van Schoick, Yatter. "No" none.

Robert Griffith made a motion to draw up a favorable Resolution seconded by Samuel Yatter. Motion was carried by the following vote: "Yes" Board Members Griffith, Van Schoick, Yatter. "No" Mastrian.

Application 29-87 (Cont.) - Thomas Trezza - Third Avenue

Mr. Thomas Trezza and his attorney Ms. Amy Warner were present. A letter from Ms. Warner had been received the afternoon of the meeting and distributed to the Board Members at the meeting. The Chairman of the Board asked Ms. Warner if Mr. Trezza had been able to get together with the owners of the property to the north and south of his property and work out an equitable solution to his problem. Ms. Warner advised that they had not been able to contact the property owners and that the plans submitted this evening were the plans that had been drawn up to carry out the recommendations of the Resolution approved at the hearing in 1985. They were attempting to revive the previous Resolution since there had been no change in the Zoning laws and no change in the circum-

stances that existed when the first variance was granted.

The Chairman advised Ms. Warner that the members of the Board had changed and they could not be expected to approve the opinions of other board members and be expected to vote the same way. Also, there were now objections to the application before the Board.

Ms. Warner explained that they were presenting the case as they were because they had done what they had been instructed to in the previous Resolution and but for the fact that the time limit ran out on the variance, the house would have been constructed by now as approved. She felt that Mr. Trezza should not be penalized for the fact that he did not know there was a time limit on the variance and due to financial constraints had not been able to construct the building.

The Board suggested that either the house be made perhaps two feet narrower or be centered on the lot. Attorney Ragan instructed the Board on their options in regard to hearing the case.

Ms. Warner advised the Board that her client had no objections to moving the house back on the lot to make room in the front for a driveway approaching the front of the house.

Ms. Warner was advised by the Attorney to the Board and the Board Members that she should present a new application with plans that would be acceptable to the Board.

A motion was made by Samuel Yatter to continue the hearing at the February 17th, 1988 meeting seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Mastrian, Van Schoick, Yatter. "No" none.

Application 1-88 - William Lawless - 568 Pike Avenue

Attorney Ragan marked the file and administered the oath to William Lawless, 49 Berman Way, Middletown, N.J. Mr. Lawless was asked by the Chairman to explain his plans to construct the deck.Mr. Lawless explained that he was adding six feet on to an existing eight foot deck. The members of the Board decided to do a site inspection.

Robert Griffith made a motion to do a site inspection and continue the hearing at the February 17, 1988 meeting seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Mastrian, Van Schoick, Yatter, Kazenmayer, Pincus. "No" none.

Mr. Ralph M. Travisano, 351 Franklin Ave., Nutley, with a home diagonally across from Mr. Lawless questioned the size of the deck and asked if the deck was to be added to what was already there. He was advised that the deck that had been started was the deck in question. Mr. Lawless stated that he had started without a building permit and had been stopped by the building inspector. Mr. Travisano lamented the fact that people are building such large houses and decks in spite of the small size of the lots and felt that people should be made to obey the zoning codes.

Kathy Christian, 565 Trout Avenue, questioned whether the variance that Mr. Lawless was applying for was for the deck that existed now. She was assured that this existing deck as drawn in the application would be all that was approved in the variance.

A motion was made by Robert Griffith for a five minute recess seconded by James VanSchoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Mastrian, Van Schoick, Yatter, Pincus, Kazenmayer. "No" none.

The meeting was reconvened by the Chairman after the five minute recess and the Board Members present were: Griffith, Mastrian, Van Schoick, Yatter, Pincus and Kazenmayer.

Application 2-88 - Harry A. & Margaret McEnroe - 52 Second Avenue
Attorney Ragan marked the file and administered the oath to Harry A. McEnroe, 19 Harrison Court, South Orange, N.J. Mr. McEnroe advised the Board that the the plans had been changed and that he only wanted to replace two existing porches with upgraded decks extending the rear deck 3½ feet. The Board Members questioned Mr. McEnroe regarding his plans. The Board Members agreed to do a site inspection at 9:30 Saturday morning, January 23, 1988. James Mastrian made a motion that a site inspection be done and the hearing be continued at the February 17, 1988 meeting seconded by Samuel Yatter. Motion was carried by the following vote: "Yes" Board Members Griffith, Mastrian, Van Schoick, Yatter, Pincus, Kazenmayer. "No" none.

Application 4-88 - William & Adrienne J. Rogers - 133 Lake Avenue
Attorney Ragan marked the file and administered the oath to William Rogers, 133 Lake Avenue, Manasquan. Mr. Rogers explained his plans to the Board to build a 9 x 12 ft. deck on the building at 30 Rogers Ave. Mr. Rogers in-laws live in this house. The Board agreed to do a site inspection at 10:00 a.m. Saturday morning, January 23, 1988. Margaret Kazenmayer made a motion to continue the hearing at the next meeting February 17, 1988 and do a site inspection Saturday, January 23, 1988 at 10:00 a.m. seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Griffith, Mastrian, Van Schoick, Yatter, Pincus, Kazenmayer. "No" none.

Application 22-87 - Donald & Ann Jaspan - 91 Main Street
Mr. Lewis Robertson, Attorney for the applicant and Mr. Jaspan were present. The Board Attorney, Peter Ragan explained the "misunderstanding" between the applicant's attorney, Mr. Levy and himself regarding a phone conversation preceeding the last meeting. Mr. Levy contended that he had asked for a postponement and Mr. Ragan understood that Mr. Levy had asked for a dismissal of the application and would then submit a new application. Prior to this meeting Mr. Ragan suggested that Mr. Jaspan notice the public that he would appear before the Board and ask to have the dismissal rescinded and to amend the application to propose whatever new plans they were adding to the prior plans. Mr. Robertson informed Mr. Ragan that they had done as he had instructed. Mr. Robertson explained the background of the problem that existed and that they had attempted to change the plans to eight single bedroom apartments to comply with the request of the Board Members.He confirmed the request submitted in a letter to the Board, dated January 5, 1988 to consider a motion by the applicant to reinstate his application and restore it to the Board's calendar.
Mr. Ragan advised the Board Members that this procedure would be proper since there was a misunderstanding between the two attorneys.

The Board Members discussed the course of action in regard to hearing this application and also the fee that would be needed for the application. Eight apartments would require a fee of $800 and only $300.00 had been paid for the original application. After discussing all the options Mr. Robertson and Mr. Jaspan agreed to have a new hearing at a Special Meeting on February 24, 1988 and to update the fee for the application by paying $500 plus the cost of a Special meeting $275.00.

In the event any other applications are heard on that date, they would share the cost of the Special Meeting.

James Mastrian made a motion to hold a Special Meeting to hear Mr. Jaspan's new application on February 24, 1988 updating the fee for the application by paying $500 plus the cost of the Special Meeting, $275. Motion was seconded by Margaret Kazenmayer and carried by the following vote: "Yes" Board Members Griffith, Mastrian, Van Schoick, Pincus, Kazenmayer. Abstain: Yatter. "No" none.

Mr. Robertson requested that the present application be given a new number, rather than having his client submit all new papers since the application was the same. The Board agreed to just give the present application a new number.

James Van Schoick made a motion to authorize William Byrnes to meet with Mr. Ragan to review former applications and have the records turned over to Mr. Byrnes the new Board Attorney. Motion was seconded by Margaret Kazenmayer and carried by the following vote: "Yes" Board Members Griffith, Mastrian, Van Schoick, Yatter, Pincus, Kazenmayer. "No" none.
Mr. Mastrian asked the members that have been assigned structures to be inspected to meet at 7:30 before the next meeting on February 17, 1988 to discuss the assignments.

Robert Griffith made a motion to adjourn the meeting seconded by James Van Schoick. Motion carried by the following vote: "Yes" Board Members Griffith, Mastrian, Van Schoick, Yatter, Pincus, Kazenmayer. "No" none.

Respectfully submitted,

Margaret H. Monsell

Margaret Monsell

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

BOARD OF ADJUSTMENT

On Wednesday, February 17, 1988, the Zoning Board of Adjustment of the Borough of Manasquan, N.J. will hold their regular meeting at 8:00 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution for Evelyn Wagner

Resolution for C. Raymond King

Resolution 24-87 - Alan Steiner/Bianca Franchi - 27 Beachfront

Resolution 27-87 - Richard Mueller - 79,81,83 Beachfront

Resolution 28-87 - Walter & Susan Dreyer - 15 Riddle Way

Application 25-87 (Cont.) - Chicant Corp. - 165 Beachfront

Resignations of Samuel Yatter
Leonard Sullivan

Swearing in of new member Edward Lyons

Application 29-87 (Cont.) - Thomas Trezza - Third Avenue

Application 1-88 (Cont.) - William Lawless - 568 Pike Avenue

Application 2-88 (Cont.) - Harry A. & Margaret McEnroe - 52 Second Avenue

Application 4-88 (Cont.) - William & Adrienne Rogers - 52 Second Avenue

Application 3-88 - Alphons & Kathleen Kainer - 111 Beachfront

Application 4A-88 - Joseph Sullivan - 25 Captain's Court

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BOROUGH OF MANASQUAN
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JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING
February 17, 1988
Borough Hall, Manasquan, N.J.

The Regular Monthly Meeting of the Board of Adjustment was called to order at 8:00 p.m. by James Mastrian, Chairman of the Board.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, James Mastrian, Claudia Pincus, Kenneth Schneider, James Van Schoick, Patricia Walsh.

Absent: Samuel Yatter

The Chairman noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. Mastrian announced that this was an Open Public Meeting held in accordance with the Open Public Meeting Act of 1975 and had been published according to law.

Margaret Kazenmayer made a motion to accept the minutes of the Special Meeting held on January 20, 1988 as submitted by the secretary of the Board. The motion was seconded by Robert Griffith and carried by the following vote: "Yes" Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick. "No" None. Abstain: Schneider, Walsh.

Margaret Kazenmayer made a motion to approve the minutes of the Regular Meeting, January 20, 1988, seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick. "No" none. Abstain: Schneider, Walsh.

Attorney William Byrnes read a resolution recognizing Evelyn Wagner, former Board Member, for her contribution of service on the Board of Adjustment. James Van Schoick made a motion to approve the resolution seconded by Robert Griffith. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick, Walsh. "No" none.

Attorney William Byrnes read a resolution recognizing C. Raymond King, former Chairman of the Board for his contribution of service to the Board of Adjustment. James Van Schoick made a motion approve the Resolution seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick, Walsh. "No" none.

The Chairman explained that the agenda for this meeting was unusual, in that, cases had been carried from the last meeting due to the fact that there were not enough members present at the last meeting to vote on these cases. Four members of the Board had resigned, however, Samuel Yatter, had graciously agreed to attend this meeting to vote on these cases before his resignation became effective. The Secretary was asked to phone Mr. Yatter to check to see if he would be at the meeting, which she did and reported that he would be there shortly.

The Board decided to go on with the meeting until Mr. Yatter arrived and Mrs. Walsh advised the Board for the record that she had listened to the tapes of the meetings she had missed. Mr. Mastrian decided to proceed with the hearing on Application 29-87, Thomas Trezza - Third Avenue.

Mr. Trezza was present and his Attorney Amy Warner. There was discussion of the legal process for this application with the opinions of the Board Attorney and the Applicant's Attorney presented for the record. Attorney Warner advised the Board that she was prepared to proceed with a new application, however, they would be using the original set of plans that had been presented with the first application. Ms. Warner called Mr. Trezza to testify regarding the background of the case and his plans for the building. He advised the Board that a variance had been granted for the building in September of 1985 with a zero side yard setback. He did not proceed with building the house because he was not aware there was a time limit on the variance and he was saving more money to build the house. Mr. Trezza explained his present plans for building his home. Mr. Trezza explained that he planned to center the house on the lot and have a driveway in the front of the house with room for two cars to the right of the house, the rest of the area in front of the house would be landscaped with shrubs and stone. Board Member, Mrs. Walsh advised the Board she would be abstaining from the vote on this application. The Chairman asked her to read a letter submitted by Mr. Walsh and herself, who own the property next to the lot in question for the record, expressing their opposition to the zero side yard setback but having no objection to limited parking in front of the property. The Board agreed that there was no need for another site inspection. Mr. Wood a real estate broker was called by Ms. Warner to testify regarding the effect that the building in question would have on the neighborhood and how this building would relate to the rest of the homes in the neighborhood. Mr. Wood testified that there are a mix of types of homes in this area and that a home that had recently been built had a parking area for six cars in the front of the building. He felt that this building that Mr. Trezza planned to build would not be a detriment to the area. Mr. Trezza was asked to describe his plans for the landscaping of the property by the Chairman. Mr. John Kobus, 229 Third Avenue, stated that he perceived no problem with centering the house on the lot with parking in the front rather than having the house built with zero side yard set back. Mr. Kobus owned the property adjacent to Mr. Trezza's.

Kenneth Schneider made a motion to close the public hearing seconded by by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick. "No" none. Abstain: Walsh

The Board members discussed the testimony given and plans as submitted, and the concensus of opinion was that Mr. Trezza could not be denied his right to build on the lot and if the present plans were acceptable to the adjacent property owners this would be acceptable to the Board.

Kenneth Schneider made a motion to draw up a favorable resolution with the landscaping in the front of the property defined in the resolution, seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick.

"No" none. Abstain: Walsh.

Ms. Warner requested that since there would be a Special Meeting of the Board on the 24th of February, could it be possible to have the resolution read at that meeting. Mr. Trezza was willing to pay part of the cost of the meeting and this would allow him to get started on building the house as soon as possible. The Board Attorney agreed to do the Resolution for that meeting.

Mr. Yatter had joined the meeting and Mr. Mastrian thanked Mr. Yatter for attending this meeting to make it possible to vote on the cases that had been heard previously.

Roll Call: Present: Board Members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick, Walsh and Yatter.

Absent: None.

Resolution 24-87 - Alan Steiner/Bianca Franchi - 27 Beachfront
The Board Attorney read the Resolution. Mr. Alton Neff, attorney representing Dr. Steiner & Bianca Franchi was present. There being no further discussion regarding the Resolution, Kenneth Schneider made a motion to approve the Resolution seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Mastrian, Schneider, Van Schoick, Walsh, Yatter. "No" Robert Griffith.

Resolution 27-87 - Richard Mueller - 79, 81, 83 Beachfront
The Board Attorney read the Reolution. There being no further discussion, James Van Schoick made a motion to approve the Resolution seconded by Robert Griffith. Motion was carried by the following vote: "Yes" Board Members Griffith, Mastrian, Schneider, Van Schoick, Walsh, Yatter. "No" none.

Resolution 28-87 - Walter & Susan Dreyer - 15 Riddle Way
Attorney Byrnes read the Resolution. Mr. Mastrian asked for a correction in the last paragraph of the first page and Mr. Dreyer asked that his address be corrected. There being no further discussion, Robert Griffith made a motion to approve the Resolution seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board Members Pincus, Schneider, Van Schoick, Walsh, Yatter, Griffith. "No" Kazenmayer, Mastrian.

Application 25-87 - Chicant Corporation - 165 Beachfront
Attorney Amy Warner represented Chicant Corp. Ms. Warner requested that if the variance should be denied and they were unable to get the work done before the rental season, would it be possible to get a temporary C O to allow them to rent the house for the summer season and do the work in the fall. Ms. Warner was advised that the Board could not give them permission to do this. The Building Inspector would have to determine if the building was safe and then would decide whether a temporary C O could be issued. There being no further discussion, Samuel Yatter made a motion to draw up a resolution to deny the variance, seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board Members Griffith, Mastrian, Schneider, Van Schoick, Walsh, Yatter. "No" none.

This concluded the portion of the meeting that Mr. Yatter and Mrs. Walsh were needed to vote on the pending applications. The Chairman expressed his thanks to Sam Yatter and Mrs. Walsh and accepted Mr. Yatter's resignation with regret. Mr. Yatter and Mrs. Walsh left the meeting.

Application 1-88 - William Lawless - 568 Pike Avenue

Mr. Lawless was present for the hearing. A site inspection had been done on the Saturday following the January 20, 1988 meeting. The Board Members discussed the deck with Mr. Lawless and suggested that the deck be redone extending it across the back of the house and making it narrower to meet the code regarding rear setback. There was also discussion regarding the penalty for having constructed the deck without a permit. Mrs. Kazenmayer informed the Board that the fine would be imposed after the hearing. The Board could recommend a fine and the building inspector would impose the fine. Mr. Ralph Travisano and Miss Kathy Christian of 565 Trout Avenue, members of the audience and neighbors of Mr. Lawless voiced their objections to the width of the deck. They felt this was setting a precedent for the other residents in that neighborhood and also was projecting the idea that if you put up the deck without a permit and were willing to pay the penalty, this would be the way to go to evade the regulations in the zoning code. Mr. Lawless stated that he felt that the improvements to his home enhanced the look of his home and thus the neighborhood. Mr Travisano voiced apprehension that the deck would eventually become a room.
There being no further discussion, Margaret Kazenmayer made a motion to close the public hearing, seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick. "No" none.

The Board Members discussed their feelings regarding the course of action they should recommend in a resolution. Mr. Mastrian asked Mr. Lawless if he wished to waive the time limit and postpone the vote on a resolution until the next meeting, giving him the opportunity of having more members voting or if he chose to change his application to meet the suggestions of the members regarding the width of the deck. Mr. Lawless agreed to do this.
A motion was made to continue the hearing at the next meeting, March 16, 1988 by Kenneth Schneider seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick. "No" none.

Application 2-88 - Harry A. & Margaret McEnroe - 52 Second Avenue

Mr. McEnroe was present for the hearing. A site inspection had been done on Saturday January 20, 1988. Mr. McEnroe explained his plans for building front and back decks to replace porches that had deteriorated. He also planned to make other exterior renovations with new siding and windows.
The Board Members discussed the plans. Mr. Mastrian asked for questions from the audience. There being no questions, Mr. Mastrian asked for comments from the Audience. Mrs. Kelly, a neighbor of Mr. McEnroe's, asked the Board to vote favorably on the variance.

There being no further discussion, Kenneth Schneider made a motion to close the public hearing seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick. "No" none.

A motion to draw up a favorable resolution was offered by James Van Schoick seconded by Robert Griffith. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick. "No" none. Abstain: Schneider.

Application 4-88 - William & Adrienne Rogers - 30 Rogers Avenue
Mrs. Rogers was present. A site inspection was done on Saturday, January 20, 1988. The Board Members discussed the application and there being no comments from the audience a motion was made to close the hearing by James Van Schoick seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick. "No" none.

Margaret Kazenmayer made a motion to draw up a favorable resolution seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick. "No" none. Abstain: Schneider.

Mrs. Rogers requested that the Resolution be memorialized. A motion was made by James Van Schoick seconded by Claudia Pincus to have the Resolution memorialized. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick. "No" none.

Application 3-88 - Alphons & Kathleen Kainer - 111 Beachfront
Mr. Kainer was present and the oath was administered by the Board Attorney. Mr. Byrnes marked the file. Mr. Kainer explained his plans to the Members of the Board. The plans called for removing an existing garage and building a new four car garage with one apartment above it. He has not rented his house in the past and plans to use the apartment for his own family with no intention of using this space for a rental unit. Mr. Kainer reported on research he had done regarding the amount of structures on lots in the vicinity of his house and also parking provisions in his neighborhood, in an attempt to prove there would be no adverse impact on the area if he was allowed to build this structure. The Board Members agreed that a site inspection should be done before they could comment on the application. Kenneth Schneider made a motion that a site inspection be done on Saturday, February 20, 1988 at 9:00 a.m. and continue the hearing at the March 16th, 1988 meeting. Motion was seconded by Robert Griffith and carried by the following vote: "Yes" Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick. "No" none.

Application 4A-88 - Joseph Sullivan - 25 Captain's Court
Mr. Sullivan and his attorney, Kenneth Fortier were present for the hearing. The Board Attorney administered the oath to Mr. Sullivan and marked the file. Mr. Fortier explained the problem that existed that had made it necessary to apply for a variance particularly with a boat slip that is on Mr. Sullivan's lot that he did not want, but had been forbidden to change by the DEP. Mr. Sullivan gave testimony regarding his appeal to the DEP and the result of his request and presented the letter he had received from the DEP in evidence. Mr. Sullivan described the structure he intended to build and how he planned to locate it on the property to the best advantage. The problem of having to start the setback in the rear at the boat slip caused the structure to be placed in a poor location and therefore Mr. Sullivan was applying for the variance requesting permission to violate rear and sideyard setbacks. Mr. Van Schoick requested that Mr. Sullivan stake out the house to make it possible for the Board Members to visualize how the house would be located on the lot when they do a site inspection.

James Van Schoick made a motion that a site inspection be done on Saturday, February 20, 1988 at 9:30 a.m. and continue the hearing at the March 16th, 1988 meeting seconded by Robert Griffith. Motion was carried by the following vote: "Yes" Board members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick. "No" none.

Mr. Mastrian expressed concern regarding the delay in hearing applications in excess of 120 days. The agenda is booked through May 1988 and he felt that perhaps something should be done to speed up the hearings. Mr. mastrian asked the Board Attorney to research this matter for the next meeting.

Mr. Mastrian also brought up the problem of Board Member attendance. He felt that if a member missed two consecutive meetings he should become an alternate and the alternate be moved up to a regular member of the Board. If a member missed three consecutive meetings perhaps stronger action should be taken. He asked the members to consider this before the next meeting in March. Mr. Mastrian felt that this also slows down the agendas since there are times the voting is postponed for lack of members eligible to vote. He asked that the Board Members think about this and discuss it at the next meeting.

A motion was made to adjourn the meeting by Kenneth Schneider seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick. "No" none.

Respectfully submitted,

Margaret Monsell

Margaret Monsell
Secretary.

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
SPECIAL MEETING
FEBRUARY 24, 1988
BOROUGH HALL, MANASQUAN, N.J.

A Special Meeting of the Board of Adjustment was called to order at 8:00 p.m. by James Mastrian, Chairman of the Board.

Board Members present: Robert Griffith, Margaret Kazenmayer, James Mastrian, Claudia Pincus, Kenneth Schneider, James Van Schoick, Edward Lyons.

Absent: Patricia Walsh

The Chairman noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. Mastrian announced that this was an Open Public Meeting held in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Attorney William Byrnes administered the oath of office to a new member of the Board, Edward Lyons.

Resolution 29-87 - Thomas Trezza - Third Avenue was read by the Board Attorney. There being no objections on the part of the Board Members, a motion was made to approve the Resolution by Kenneth Schneider and seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick. "No" none.

Application 4B-88 - Donald & Ann Jaspan - 91 Main Street

Mr. Donald Jaspan was present and Mr. Jaspan's Attorney Mr. Robert Levy was present. The Board Attorney marked new evidence that would be added to the file. Mr. Jaspan was submitting a new application for eight apartments on the second and third floor of his building. The Board Attorney administered the oath to Mr. Jaspan. Mr. Mastrian asked Mr. Jaspan to explain his plans to the members of the Board. Mr. Jaspan explained his plans for the apartments, the fire safety precautions that would be taken to satisfy the code, plans for the exterior of the building and presented a survey of parking available in the area of his building. The Board Members questioned Mr. Jaspan regarding the above testimony and discussed these issues with both Mr. Jaspan and Attorney Levy.

After a lengthy discussion regarding parking facilities the Board Attorney suggested a five minute recess. Kenneth Schneider made a motion for a five minute recess seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick, Lyons. "No" none.

The meeting reconvened in five minutes and the Chairman asked for a roll call.

Present: Board Members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick, Lyons. Absent: Patricia Walsh.

James Van Schoick made a motion that a time limit for this meeting be set and that the meeting be closed at 11:00 p.m. The motion was seconded by Claudia Pincus and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick, Lyons. "No" none.

Mr. Jaspan presented three different proposals for work on the exterior of the building that were marked for the file, and Mr. Jaspan explained his plans to refurbish and restore the building.

The Chairman of the Board asked the audience if there were any questions for Mr. Jaspan or Mr. Levy on the testimony that had been given thus far and there were none.

Ms. Beatrice Kissner, a licensed real estate agent and broker from the Weichert Real Estate Office in Ocean Township was sworn in by the Board Attorney to testify for Mr. Jaspan. Ms. Kissner testified regarding the need for apartments to rent in Manasquan and also regarding the availability of parking spaces. No one from the audience questioned Ms. Kissner regarding her testimony.

Mr. Mastrian asked the audience for any statements relative to this application.

Joseph Carelich, of Elizabeth, New Jersey stated that he always rented during the summer months in Manasquan, and these apartments would provide him with a place for him to rent with his father all year, the rents being reasonable and within their means. He felt this was a positive plan for people looking for year round dwellings to rent.

Attorney Levy gave a summation of the application and respectfully asked the Board to look with favor on the application.

James Van Schoick made a motion to close the public hearing seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick, Lyons. "No" none.

Members of the Board discussed their feelings regarding the application and expressed their concerns about the density, parking problems particulary in the summertime, fire safety and the impact on the business people in town.

The Chairman of the Board advised Mr. Jaspan and Mr. Levy that although the concept of the plan was acceptable, the parking was a concern of the Board. He asked if perhaps they could use some creativity in coming up with an answer to this problem.

Mr. Levy & Mr. Jaspan took a five minute recess to discuss Mr. Mastrian's suggestion.

The meeting was convened after five minutes and Mr. Mastrian asked for roll call.

Present: Board Members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick, Lyons. Absent: Walsh.

Mr. Levy asked the Board to continue the hearing at the next regularly scheduled meeting on March 16, 1988 to give them the opportunity to present another proposal and they would waive the time limit on the application.

Kenneth Schneider made a motion to continue the hearing at the next regular meeting March 16, 1988 seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick, Lyons. "No" none.

Mr. Mastrian asked the Board Members to do site inspections on the three new applications that will be heard at the March 16, 1988 meeting to expedite the applications within the time limit for hearing these applications.

James Van Schoick asked the members of the Board if anyone had any objections to his signing the plot plan for the Avon Hotel Corporation project. All members agreeing that there was not much they could do about any objections to the project, it was decided that Mr. Van Schoick should sign the plot plan, since the Borough Engineer had also approved and signed it.

Kenneth Schneider made a motion to adjourn the meeting seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Schneider, Van Schoick, Lyons. "No" none.

Respectfully submitted,

Margaret Monsell

Margaret Monsell
Secretary

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

BOARD OF ADJUSTMENT

On Wednesday, March 16, 1988, the Zoning Board of Adjustment of the Borough of Manasquan, N.J. will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution for Samuel Yatter

Resolution for Leonard Sullivan

Resolution - 25-87 - Chicant Corporation - 165 Beachfront

Resolution - 2-88 - Harry A. & Margaret McEnroe - 52 Second Avenue

Resolution - 4-88 - William & Adrienne Rogers - 30 Rogers Avenue

Application 28-87 - Walter & Susan Dreyer - 15 Riddle Way

Application 1-88(Cont.) - William Lawless - 568 Pike Avenue

Application 3-88(Cont.) - Alphons & Kathleen Kainer - 111 Beachfront

Application 4A-88(Cont.) - Joseph Sullivan - 25 Captain's Court

Application 5-88 - Thomas Haring - 285 Beachfront

Application 6-88 - Eugene & Lucy Leahy - 475 Long Avenue

Application 7-88 - Laurence Lodato - 409 Beachfront

Application 4B-88(Cont.) - Donald & Ann Jaspan - 91 Main Street

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BOROUGH OF MANASQUAN
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NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING
MARCH 16, 1988
BOROUGH HALL, MANASQUAN, N.J.

The Regular Monthly Meeting of the Board of Adjustment was called to order at 7:45 p.m. by James Mastrian, Chairman of the Board.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, James Mastrian, Kenneth Schneider, Claudia Pincus, James Van Schoick, Edward Lyons.
Absent: Patricia Walsh.

The Chairman noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. Mastrian announced that this was an Open Public Meeting held in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Kenneth Schneider made a motion to accept the minutes of the Special Meeting, February 24, 1988 and the Regular Monthly Meeting, March 16, 1988. The motion was seconded by James Van Schoick and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Schneider, Mastrian, Pincus, Lyons, Van Schoick. "No" none.

William Byrnes, the Board Attorney read a Resolution in honor of Samuel Yatter for his years of service to the Board of Adjustment.

The Board Attorney read Resolution 25-87 - Chicant Corporation - 165 Beachfront. There being no further comment on the Resolution, James Van Schoick made a motion to approve the Resolution seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Schneider, Mastrian, Pincus, Lyons, Van Schoick. "No" none.

Resolution 2-88 was read by the Board Attorney, application by Harry A. & Margaret McEnroe, 52 Second Avenue to construct a deck. It was noted that in the Resolution an 8 ft. by 8 ft. furnace room was included and this had been deleted from the plans. The Board Attorney was asked to amend the Resolution deleting the plans for the furnace room. Robert Griffith made a motion to approve the amended Resolution seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Schneider, Mastrian, Pincus, Lyons, Van Schoick. "No" none.

Attorney William Byrnes read Resolution 4-88 - William & Adrienne Rogers - 30 Rogers Avenue. It was noted by the Board that the deck would be on the easterly side of the structure rather than on the southerly side and the Resolution should be amended to correct this as stated. Margaret Kazenmayer made a motion to approve the amended Resolution seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Schneider, Mastrian, Pincus, Lyons, Van Schoick. "No" none.

Application 28-87 - Walter and Susan Dreyer - 15 Riddle Way - Mr. & Mrs. Dreyer had been denied a building permit based on the Resolution approved by the Board due to the fact that this structure was in a flood zone and the amount of renovation and addition would exceed 50% of the existing structure. The Board and Mr. & Mrs. Dreyer discussed the fact that the amended denial issued in November had never reached the Dreyers, therefore it had not been presented to the Board with their application. There was discussion of the options that were available to the Dreyers to pursue and also the basis of the 50% renovation rule and the need for pilings in a flood zone. It was decided by the Board that Mr. Ratz, the Building Inspector, would be asked to define the 50% rule and the hearing on this case would be reopened and continued at the April 20, 1988 meeting giving the Dreyers the opportunity to present evidence for their case. Edward Lyons made a motion to reopen and continue the hearing at the April 20, 1988 meeting seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Schneider, Mastrian, Pincus, Lyons, Van Schoick. "No" none.

Application 1-88 - William Lawless - 568 Pike Avenue - Mr. Lawless advised the Board that it would not be feasible for him to construct the deck across the width of the house because of wiring and plumbing, however he was willing to cut back the deck, therefore, only adding 2 feet to the previously existing deck which extended 8 feet. The Board Members discussed the other alternatives with Mr. Lawless and also discussed the fine that would be imposed. There being no further discussion from the Board Members or members of the audience a motion was made to close the hearing by Margaret Kazenmayer seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Schneider, Mastrian, Pincus, Lyons, Van Schoick. "No" none. Margaret Kazenmayer offered a motion to draw up a Resolution approving the deck adding only 2 feet to the previously existing deck and a recommendation of a fine. The motion was seconded by Edward Lyons and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Schneider, Mastrian, Pincus, Lyons, Van Schoick. "No" none.

Application 3-88 - Alphons & Kathleen Kainer - 111 Beachfront cont. - The Board had done a site inspection on February 20, 1988 and noted at the time that the planned structure would be higher than the other buildings in the area. Mr. Kainer advised the board that he had reviewed the plans and had changed them to lower the height approximately five feet and presented new plans showing the changes. The Board Members discussed the plans with Mr. Kainer and expressed their concerns with density and parking problems. They also questioned the need for pilings under this structure. There being no questions or comments from members of the audience, Kenneth Schneider made a motion to close the hearing seconded by Robert Griffith. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Schneider, Mastrian, Pincus, Lyons, Van Schoick. "No" none. The Board Members discussed their feelings regarding the application. A Motion was made to draw up a Resolution to deny the variance by Margaret Kazenmayer seconded by Robert Griffith. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Schneider, Mastrian, Pincus, Lyons, Van Schoick. "No" none.

Application 4A-88 Cont. - Joseph Sullivan - 25 Captain's Court - Mr. Sullivan was present for the hearing. Mr. Mastrian noted that a site inspection had been done on February 20, 1988. Mr. Sullivan presented new drawings to the Board which were supposed to show that the structure would be moved back from the boat slip 4 feet. However, in reviewing the plans it was noted that the architect had not moved the location of the building as instructed. Mr. Sullivan explained that this was an error on the part of the architect and that he fully intended to have the house built as the Board Members had requested. Mr. Sullivan's Attorney, Mr. Kenneth Fortier joined him at this point in the hearing. The members of the Board discussed the application and there being no questions or comments from the audience, a motion was made to close the hearing by Kenneth Schneider, seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Schneider, Mastrian, Pincus, Lyons, Van Schoick. "No" none. A motion to draw up a favorable Resolution contingent upon the plot plan showing a 12 foot setback from the bulkhead was offered by Kenneth Schneider. The motion was seconded by James Van Schoick and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Schneider, Mastrian, Pincus, Lyons, Van Schoick. "No" none.

Kenneth Schneider made a motion for a five minute recess seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Schneider, Mastrian, Pincus, Lyons, James Van Schoick. "No" none.

Meeting was called to order after a five minute recess. Roll Call: Present: Board Members Griffith, Kazenmayer, Schneider, Mastrian, Pincus, Lyons, Van Schoick. Absent: Walsh.

Application 5-88 - Thomas Haring - 285 Beachfront - Mr. & Mrs. Haring were administered the oath by the Board Attorney and Mr. Haring's attorney, Joseph P. LaSala was present. Mr. Haring explained that he had applied to the Board last year requesting a variance to build a three car garage with two apartments up over the garage, was denied, and now was reapplying to the Board with revised plans in an effort to evercome the objections of the Board on the original application. The Board Attorney marked the file. Mr. Haring explained in detail the plans he was submitting and the Board Members questioned Mr. Haring about details of the plans. Mr. Mastrian suggested that Mr. Haring check his Land Lease for any restrictions on building that may be stated in the lease. Mr. Griffith questioned Mr. Haring regarding the need for pilings for this construction. Mr. Haring assured the Board that the building would meet the code requirements as well as the flood zone requirements. The Board Members decided they would like to do a site inspection to review the plans at the site. Margaret Kazenmayer made a motion to continue the hearing at the April 20, 1988 meeting and do a site inspection Saturday, March 19,1988. The motion was seconded by Kenneth Schneider. Members of the audience asked to make comments since they would be unable to attend the next meeting. The Chairman allowed the following people to comment on the application. Mrs. Gloria Mosher of 289 Beachfront and Joe Goode, 291 Beachfront made favorable comments and John Dean of 283 First Avenue made comments objecting to the application.

Margaret Kazenmayer restated the motion to continue the hearing at the April 20, 1988 meeting and do a site inspection on Saturday, March 19, 1988. The motion was seconded by Kenneth Schneider and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Schneider, Mastrian, Pincus, Lyons, Van Schoick. "No" none.

Application 6-88 - Eugene & Lucy Leahy - 475 Long Avenue - The Board Attorney marked the exhibits for the file. Dr. & Mrs. Leahy were administered the oath by Mr. Byrnes and Attorney Kevin Thomas was present representing the applicants. Mr. Thomas questioned Dr. Leahy regarding the area that this house was in and his plans for the new home. Dr. Leahy explained that the house, as it is now is a summer home, but that next year they plan to make it their permanent residence. The Board Members discussed the plans with Dr. Leahy and particularly questioned him regarding the two foot sideyard setback on one side. The members of the Board discussed the application and the Chairman asked the audience for questions or comments regarding the application. There being no further comments James Van Schoick made a motion to close the hearing seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Schneider, Mastrian, Pincus, Lyons, Van Schoick. "No" none.

Margaret Kazenmayer made a motion to draw up a Resolution denying the request for a variance. Motion was seconded by James Van Schoick and carried by the following vote: "Yes" Board Members Kazenmayer, Schneider, Mastrian, Pincus, Lyons, Van Schoick. "No" Griffith.

Application 7-88 - Laurence Lodato - 409 Beachfront - The Board Attorney marked the the exhibits for the file. Mr. Byrnes administered the oath to Mr. Lodato and Attorney John Deppeler was present to represent Mr. Deppeler. Attorney Deppeler questioned Mr. Lodato about the deck he had added to the building and the reason the permit had been denied by the Building Inspector. Mr. Lodato explained that he had hired two men to build the deck and that he assumed they had obtained a permit to do the work. They also advised him that since he was replacing a deck that had been there previously, he did not need a permit. The Board Members reviewed the drawings of the deck with Mr. Lodato.

Mr. Mastrian asked the audience for questions or comments. Mr. J. Swift of 403 Beachfront commented that he had no objection to the deck, he thought it "looked fine". There being no further comments, James Van Schoick made a motion to close the hearing seconded by Kenneth Schneider. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Schneider, Mastrian, Pincus, Lyons, Van Schoick. "No" none.

Kenneth Schneider made a motion to draw up a Resolution to approve the variance seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Schneider, Mastrian, Pincus, Lyons, Van Schoick. "No" Kazenmayer. The Board Members also recommended that Mr. Lodato should be fined by the Building Inspector for failing to obtain a building permit.

Application 4B-88 (Cont.) - Donald & Ann Jaspan - 91 Main Street - Mr. Jaspan was present for the hearing and his attorney Lewis H. Robertson was present. Mr. Mastrian reviewed the fact that Mr. Jaspan had been given the opportunity of coming back to the Board with some form of a plan for parking facilities for the apartments in his application before the Board made a decision on the application. Mr. Mastrian also made comments regarding the historic value of the building and felt that more attention should be given to the restoration and preservation of the building. Attorney Robertson offered some additional exhibits to be marked for the file. Mr. Jaspan reported on his efforts to locate off-street parking for the apartments. He had been unsuccessful in obtaining off-street parking within walking distance of the building. Mr. Jaspan cited other buildings in the immediate area that have apartments but no off-street parking.

Mr. Jaspan also referred to his survey of the available parking spaces in the in the immediate area of his building and their availability and use during the week and during weekends. Mr. Robertson informed the Board that two surveys were done, one in the summer and one in the winter charting the availability of parking spaces seven days a week. Mr. Mastrian asked Mr. Jaspan if he had contacted Chief LaVance regarding parking permits for overnight parking. He advised the Board that he had discussed it with the Police and that it was possible for a tenant residing in Manasquan to secure a permit.

The Board Members discussed some of their concerns with fire safety with Mr. Jaspan and he explained some of his limitations regarding the exterior of the building but that the interior would meet the fire safety code requirements. The Board also expressed concern that the exterior renovations were really not a restoration preserving the historic value of the building, but really just token renovations.

Attorney Robertson made comments on the problem of parking and the new parking Ordinances that had been adopted during the past year. He also made comments about affordable housing in Manasquan and summed up his case.

The Board Members discussed the case with Mr. Jaspan and expressed their concerns with parking and density and safety in the building, and restoration.

Kenneth Schneider made a motion to close the public hearing seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Schneider, Mastrian, Pincus, Lyons, Van Schoick.

After discussing the application a motion was made to have a Resolution drawn up to deny the application by Robert Griffith. The Motion was seconded by Margaret Kazenmayer, and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Schneider, Pincus. "No" Mastrian, Lyons, VanSchoick.

There being no further business, the meeting was adjourned at 12:30 a.m.

Respectfully submitted,

Margaret Monsell
Secretary

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

WORK SESSION

Manasquan Board of Adjustment
April 20, 1988

A Work Session Meeting of the Manasquan Board of Adjustment was held in the Council Chambers, Borough Hall at 7:30 p.m. with the Chairman, James Mastrian presiding. Board members present were: Robert Griffith, Margaret Kazenmayer, James Mastrian, Claudia Pincus, James Van Schoick, Edward Lyons. Absent: Patricia Walsh.

The Board Members discussed a letter received from Attorney Lewis Robinson representing Donald & Anne Jaspan. Mr. Jaspan was requesting that before the final vote on the Resolution denying his application before the Board, he be allowed to reopen the hearing and amend his application. He wanted to amend the application by deleting three apartments on the third floor from the plans that had been submitted with eight apartments, thus reducing the need for six parking spaces. The Board Members discussed Mr. Jaspan's request and the Board Attorney explained the options open to the Board in dealing with this request. All of the members agreed that if Mr. Jaspan wanted to amend his application he should submit a new application and be placed on the regular agenda. The members felt that Mr. Jaspan had been given ample opportunity to present his case and that the Resolution should be voted on at the Regular Meeting as scheduled.

The Board also discussed a request for an early hearing from the BPOE Lodge 2534.

There being no further business to discuss, the meeting was adjourned.

Respectfully submitted,

Margaret M. Monsell

Margaret M. Monsell
Secretary

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Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

BOARD OF ADJUSTMENT

On Wednesday, April 20, 1988, the Zoning Board of Adjustment of the Borough of Manasquan, N.J. will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

FORMAL ACTION WILL TAKEN ON THE FOLLOWING:

Resolution 1-88 - William Lawless - 568 Pike Avenue

Resolution 3-88 - Alphons & Kathleen Kainer - 111 Beachfront

Resolution 4A-88 - Joseph Sullivan - 25 Captain's Court

Resolution 6-88 - Eugene & Lucy Leahy - 475 Long Avenue

Resolution 7-88 - Laurence Lodato - 409 Beachfront

Resolution - 4B-88 - Donald & Ann Jaspan - 91 Main Street

Application 5-88 (Cont.) - Thomas Haring - 285 Beachfront

Application 7A-88 - Walter & Susan Dreyer - 15 Riddle Way

Application 8-88 - Kenneth Hartranft & Geraldine Finan

BOROUGH HALL, 15 TAYLOR AVENUE
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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING
APRIL 20, 1988
BOROUGH HALL, MANASQUAN, N.J.

The Regular Monthly Meeting of the Board of Adjustment was called to order at 8:00 p.m. by James Mastrian, Chairman of the Board.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, James Mastrian, Claudia Pincus, James Van Schoick, Edward Lyons, Christopher Trafford.
Absent: Patricia Walsh

The Chairman noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. Mastrian announced that this was an Open Public Meeting held in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Robert Griffith made a motion to close the meeting no later than 11:00 p.m. seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board members Griffith, Kazenmayer, Mastrian, Pincus, Lyons, Van Schoick. "No" none.

Christopher Trafford was sworn in as an alternate member of the Board of Adjustment by the Board Attorney, William Byrnes.

The Board Attorney read a Resolution honoring Leonard D. Sullivan, Jr. for his years of service on the Board of Adjustment.

James Van Schoick made a motion to approve the minutes of the previous meeting as submitted by the Secretary, seconded by Claudia Pincus. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Lyons, Van Schoick. "No" none.

Attorney Byrnes read Resolution 1-88 - William Lawless - 568 Pike Avenue - approving the application. There being no questions or comments on the Resolution, a motion was offered by Margaret Kazenmayer to approve the Resolution seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Lyons, Van Schoick. "No" none.

The Board Attorney read Resolution 3-88 - Alphons & Kathleen Kainer - 111 Beachfront - denying the application. There being no questions or comments on the Resolution, Robert Griffith made a motion to approve the Resolution seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Mastrian, Kazenmayer, Pincus, Lyons, Van Schoick. "No" none.

Attorney Byrnes read Resolution 4A-88 - Joseph Sullivan - 25 Captain's Court - approving the application. Mr. Sullivan presented a new plan for placement of the house on the property at the request of the Board Members, however, on reviewing the plan it was discovered that it was still not quite correct. Kenneth Fortier the Attorney representing Mr. Sullivan corrected the plan and had Mr. Sullivan initial it for the record. Mr. Griffith also requested that the Resolution state that the loft on the third floor would be used as a loft and storage space only, not as living quarters. This was agreed to by the applicant and the Board Members and the Resolution was amended by the Board Attorney. James Van Schoick made a motion to approve the amended Resolution subject to the plans submitted and corrected this evening. Motion was seconded by Robert Griffith and carried by the following vote: "Yes" Board Members Griffith, Mastrian, Kazenmayer, Pincus, Lyons, Van Schoick. "No" none.

Resolution 6-88 - Eugene & Lucy Leahy - 475 Long Avenue was read by Attorney Byrnes denying the application. There being no questions or comments regarding the Resolution a motion was offered by James Van Schoick to approve the Resolution seconded by Edward Lyons. Motion was carried by the following vote: "Yes" Board Members Griffith, Mastrian, Kazenmayer, Pincus, Lyons, Van Schoick. "No" none.

Resolution 7-88 - Lawrence Lodato - 409 Beachfront was read by Attorney Byrnes approving the application. There being no questions or comments regarding this Resolution a motion was made to approve the Resolution by James Van Schoick and seconded by Claudia Pincus. Motion was carried by the following vote: "Yes" Board Members Griffith, Mastrian, Pincus, Lyons, Van Schoick. "No" Kazenmayer.

4B-88 - Donald & Ann Jaspan - 91 Main Street. The Chairman recognized Mr. Jaspan and his attorney Mr. Lewis Robertson and acknowledged the fact that Mr. Robertson had sent a letter requesting that the Board reopen the hearing on this application before the final vote on the Resolution. Mr. Mastrian advised Mr. Jaspan and Mr. Robertson that the request had been discussed at the Work Session prior to the Regular Meeting and the Board agreed unanimously that Mr. Jaspan had been given sufficient opportunity during the hearings to modify his application, and, if Mr. Jaspan wished to change the application, he would have to make a new application and placed on the agenda in the future. Attorney Byrnes then read the application denying the application. There were no further questions or comments and Robert Griffith made a motion to approve the Resolution seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Lyons, Van Schoick. "No" none.

Application 5-88(Cont) - Thomas Haring - 285 Beachfront - Mr. & Mrs. Haring were present for the hearing and also their attorney Joseph P. LaSala. Mr. Mastrian noted that a site inspection had been done by the Board Members and asked for comments from the Board. There were no comments and Attorney LaSala summed up the case for the applicant.

Mr. Mastrian asked for comments from the audience. Mr. Robert Ernst, 285 First Avenue, Mr. Douglas McGilvry, 282 First Avenue and John Dean of 283 First Avenue voiced objections to the applciation. Mr. Haring responded to the objections expressed by these people owning neighboring property especially denying allegations that he had a basement apartment in his beachfront home.

Mary Birkhead, 309 E. Main Street, expressed the hope that the Board Members would judge each application on its own merits and Mr. Mastrian assured her that the Board was making every effort to do so.

The Board Attorney asked if Mr. Haring had acquired a letter from American Timber Company regarding any restrictions that might be in his land lease regarding this project. Mr. Haring replied that he had been in touch with them but had not yet received the letter. There being no further discussion, Mrs. Kazenmayer made a motion to close the hearing seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Lyons, Van Schoick. "No" none.

The Board reviewed the application and a motion was made by Margaret Kazenmayer to deny the application seconded by Edward Lyons. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Lyons, Van Schoick. "No" none.

Application 7A-88 - Walter & Susan Dreyer - 15 Riddle Way - Mr. & Mrs. Dreyer were present and Mr. John Carton, the Attorney representing the Dreyers, was present. The Chairman, Mr. Mastrian, explained the reason for rehearing the application and noted that a site inspection had been done. The Board questioned Mr. & Mrs. Dreyer regarding their plans. Mr. Carton summed up the reasons for reopening the hearing on the application and presented his request for relief from the requirement of having to put the house on pilings if the alterations exceeded 50 % of the square footage of the existing building. The Board again reviewed the plans with the applicants.

John Miskinis, 80 Mohegan Road, Builder, was sworn in and testified regarding the alterations he planned to do on the building.

Mr. Mastrian asked for questions or comments from the audience. Sandra Way, 149 First Avenue offered favorable comments on the application.

There being no further comments or discussion on the application, Mrs. Kazenmayer made a motion to close the hearing seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Lyons, Van Schoick, Trafford. "No" none. The Board discussed the request for relief from the flood zone restrictions in the application.
Robert Griffith made a motion to draw up a Resolution approving the application seconded by James Van Schoick. Motion carried by the followed vote: "Yes" Board Members Griffith, Lyons, Van Schoick, Trafford. "No" Kazenmayer, Mastrain, Pincus.

Board Member Margaret Kazenmayer questioned whether the vote was for a use variance or a hardship variance. If they were voting on a use variance, the Resolution would need five affirmative votes. Mr. Carton and Mr. & Mrs. Dreyer were asked to wait until this issue could be straightened out. The Board Attorney was asked for his opinion on the issue. Mr. Carton stated that the Board was on this occasion only addressing the flood zone problem which would be a hardship variance. Mr. Byrnes asked Attorney Carton to submit to him his reference for his opinion and then he would research this and advise the Board accordingly.

Application 8-88 - Geraldine Finan/Kenneth Hartranft - 426 First Avenue - Attorney Byrnes marked the file and noted that John H. Deppeler represented the applicants. Ms. Finan and Mr. Hartranft were administered the oath by the Board Attorney. Mr. Deppeler questioned the applicants regarding their application and their plans for location and operation of the "Deli-Sub Shop". They explained the parking facilities on the property and in the area. The plan was to have a walk in and pick up business only and no tables for service.

There will be no major changes in the exterior of the building only the interior will be renovated according to code. Access would be only from 1st Avenue.

Chairman, James Mastrian asked for questions that anyone in the audience might like to ask of the applicants.

Dorothy M. Sage, 425 Beachfront, asked about parking facilities.

Attorney Kevin Thomas, representing Lawrence Ross and Michael Parziole asked if this would be considered a fast food establishment.

Owen Brown, 93 Cowart Avenue, Manasquan, was sworn in by the Board Attorney and testified as the prospective tenant explaining his plan for operating the "Deli-Sub Shop". He anticipates having only one other employee besides himself operating the shop. Mr. Owen presented letters from the Monmouth County Board of Health giving approval for his plan of operation of the "Deli-Sub Shop" plus Hot Dog Cart as submitted to them. These letters were marked for the file and read into the record by the Board Attorney. Hours of operation would be approximately 9:00 a.m. to 7:00 p.m.. There would be no lavatory facilities in the building. He had made no provisions for public garbage cans.

Attorney Kevin Thomas questioned whether the application should have been presented to the planning Board for what he termed a "conditional use".

Attorney Depeler explained his interpretation of the Code relating to this application.

Mr. Arlington Bensel III, 401 Laurel Avenue, Brielle, a previous owner of the property in question, gave testimony regarding the history and prior use of the building, and water and sewer hook-ups on the property.

Mr. Mastrian asked for any questions from the audience regarding testimony that had been given. Attorney John Wooley, representing Mory Berlin, 422 First Avenue, questioned Mr. Brown regarding the equipment he planned to use and the types of containers he planned to use in dispensing drinks and food.

Dr. Sage of 425 Beachfront questioned how Mr. Brown was going to handle garbage generated by this "Deli-Sub Shop"

Attorney Kevin Thomas questioned Mr. Bensel regarding his plans for the building in 1973 and whether he had applied for a variance. Mr. Bensel replied that he had started the application but because of his father's ill health, never followed it through.

Robert Griffith made a motion to have a site inspection on Saturday, April 23rd 1988 at 9:00 a.m. seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Lyons, Van Schoick, Trafford. "No" none.

James Van Schoick made a motion to continue the hearing on May 18th, 1988 and the motion was seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Lyons, Van Schoick, Trafford. "No" none. The applicants and Mr. Deppeler to waive the time limits on the case.

Mr. Kevin Thomas asked for a clarification regarding whether or not the application should be presented to the Board of Adjustment or the Planning Board.

Attorney Byrnes agreed to research this and settle the problem prior to the next meeting.

The Board Members discussed Mr. & Mrs. Dreyer's application and whether or not it was a use or hardship variance. The Board also agreed that the applications presented to the Board should state more clearly whether or not they were use or hardship variances giving the Board Members the information they need to decide the cases.

Margaret Kazenmayer, at the request of the Building Inspector, asked the Board for permission to schedule a hearing on a case that has a problem with a basement in the flood zone. Mr. Fitzsimmons, Borough Attorney, advised that the case be heard as soon as possible. Mr. Noel Hood advised the Board regarding Flood Insurance Regulations.

James Van Schoick made a motion to adjourn the meeting seconded by Robert Griffith. Motion was carried by the following vote "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Lyons, Van Schoick, Trafford. "No" none.

Respectfully submitted,

Margaret Monsell

Margaret Monsell
Secretary

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING
MAY 18, 1988
BOROUGH HALL, MANASQUAN, N.J.

The Regular Monthly Meeting of the Board of Adjustment was called to order at 8:00 p.m. by James Mastrian, Chairman of the Board.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, James Mastrian, Claudia Pincus, James Van Schoick, Patricia Walsh, Christopher Trafford
Absent: Edward Lyons

The Chairman noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. Mastrian announced that this was an Open Public Meeting held in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Attorney William Byrnes read Resolution 5-88 - Thomas Haring - 285 Beachfront. There being no further comments on the Resolution, a motion was offered to approve the Resolution by Margaret Kazenmayer seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer Mastrian, Pincus, Van Schoick, Walsh, Trafford. "No" none.

Resolution 7A-88 - Walter & Susan Dreyer - 15 Riddle Way was read by Attorney William Byrnes. There being no further comments on the Resolution, Robert Griffith made a motion to approve the Resolution seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Van Schoick, Christopher Trafford. "No" Kazenmayer, Mastrian, Pincus. Mr. Mastrian questioned the Board Attorney regarding a tie vote and he advised that the tie vote was in favor of the applicant, therefore, the Resolution was approved.

Mr. Carton, Attorney for Mr. & Mrs. Dreyer asked if the Board Attorney had advised the Board of the research that he had done and he was informed that the Board had been given a letter from Mr. Byrnes regarding the research and his recommendations. Mr. Carton asked if the Dreyers could now receive a building permit for construction of the addition and he was informed that this Resolution would be sent to the Building Inspector and he would then issue the building permit.

The Chairman of the Board asked for a motion to accept the minutes of the last meeting. Robert Griffith made a motion to accept the minutes as submitted by the Secretary to the Board seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick, Trafford. "No" none.

Board Attorney William Byrnes read a resolution in honor of the service of Kenneth Schneider on the Board of Adjustment. Claudia Pincus made a motion to approve the Resolution seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick, Walsh, Trafford. "No" none.

James Van Schoick made a motion to close the meeting at 11:00 p.m. seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick, Walsh, Trafford. "No" none.

Application 8-88 (Cont.) - Kenneth Hartranft/Geraldine Finan - 426 First Avenue. Mr. Hartranft, Ms. Finan and Attorney John Deppeler representing the applicants were present. Mr. Deppeler explained that Attorney Kevin Thomas had not contacted him with the background material for his question of whether the application should be presented to the Board of Adjustment or the Planning Board and therefore he had not been able to prepare a response to this matter as suggested at the last meeting. Therefore, he was prepared to answer any questions that the Board might have concerning the jurisdiction of the application and why he had brought it before the Board of Adjustment. Since the objection that was raised as to the jurisdiction had not been addressed and Mr. Thomas was not present to state his arguments, The Board attorney advised the Board to continue the hearing on the application. Mr. Mastrian advised that a site inspection had been done and asked the Board Members for comments on the inspection. Members of the Board expressed apprehension about congestion in the area, no sanitary facilities, no sidewalks, parking problems. They also felt that there was one business on the property already, which was what was allowed in that area and that this business would not be a benefit to the surrounding area, but perhaps, rather a detriment to the surrounding residents.

Mr. Deppeler having no further testimony to offer made a summation on the application.

Mr. Mastrian called for comments from the audience:

Attorney John D. Wooley representing Mary Berlin, 423 Beachfront, stated that he had lived in this area almost all of his life, and he knew that the Zoning Ordinance had designated the businesses in this area pre-existing and carved out this small area as a business zone. However, he felt that cramming another business in this small area would be detrimental to the whole scheme of the Zoning Ordinance placing a hardship on the neighboring residents.

Mr. H.W. Amundsen, 417 First Avenue, commented on the "fragile" traffic situation in that area and felt that adding another business to the area would create a greater hazard for the pedestrians.

Michael Parziale, owner of Mike's at the Inlet, corner of First Avenue, admitted that of course he was concerned about the competition, however he expressed concern for the traffic congestion and the parking conditions in that particular area. He presented pictures of parking in that area to be placed in evidence. The pictures were taken at various times during the day and during the week. Attorney Deppeler requested that if Mr. Parziale were going to testify and present evidence he be sworn in. The Board Attorney administered the oath. Michael Parziale, 305 Beachfront Manasquan. The pictures were marked for the file. Mr. Parziale explained that his main concern was double parking, parking by yellow lines and the cars swinging around the corner. He felt that the volume of business would contribute to what is already a hazardous situation for the pedestrians.

Attorney Deppeler asked Mr. Parziale if it would be fair to say that Mr. Parziale's objections were not solely altruistic and that there was some self interest involved. Mr. Parziale reiterated his statement that he was concerned about the competition.

Carmela Parziale, 305 Beachfront, commented that the part of the garage that would be used for the Sub Shop had never been used for a business, it had only been used as a garage.

Larry Ross, owner of Carlson's Corner, residence Perrine Boulevard, Manasquan, testified that many people do come to the inlet in cars to eat as well as the people on the beach and there is a parking problem in the area and he felt those two factors and not competition should be considered in the decision on this application. Attorney Deppeler questioned him regarding Mr. Ross's concern for the competition but Mr. Ross felt that he would not be selling the same foods that would be sold in the Sub Shop.

There being no further comments from the audience, Claudia Pincus made a motion to close the hearing seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick, Walsh, Trafford. "No" none.

The Board Members discussed the application. Mrs. Kazenmayer made a motion to deny the application seconded by Robert Griffith. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Trafford. Abstain: Walsh, Van Schoick. "No" none.

Application 9-88 - James and Janice Julian - 14½ Main Street - Mr. & Mrs. Julian were administered the oath by the Board Attorney. The Board Attorney marked the file. Mrs. Julian explained the project and the fact that they had increased the size of the replacement deck not understanding that they would need a building permit if they increased the size of the deck or changed the location of the steps. The Board Members questioned Mr. Julian about the project.

James Van Schoick commented about a flexible oil line that was showing on the ground. Mrs. Julian explained that this was a temporary measure because the oil line had frozen during the winter.

There being no comments from the audience or from the Board Members a motion to close the public hearing was made by James Van Schoick seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick, Walsh, Trafford. "No" none.

Margaret Kazenmayer made a motion to approve the application providing the applicants go to the Construction Official and have him check out the construction of the deck. Patricia Walsh seconded the motion and the motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick, Walsh, Trafford, "No" none.

The next application on the Agenda 10-88 - Michael Collins was deferred to later in the meeting since Mr. Collins' Attorney, Kevin Thomas was not yet present.

Application 10A-88 - Dr. Byron Marriner - 312 E. Main Street - Dr. & Mrs. Marriner were present and were administered the oath by Attorney Byrnes. The Board Attorney marked the file. The Chairman informed Dr. Marriner that a site inspection had been done by the Board Members prior to this meeting.

Dr. Marriner explained the problem and the reason for the application, construction of a basement below flood elevation. The builder had received a C O, Dr. Marriner had purchased the house but had been unable to get insurance for the house unless he could have a letter from the town or a copy of the variance stating that the house was allowed to have a basement in that flood zone. The building inspector had allowed the house to be built with the basement and Dr. Marriner, the purchaser, had been unable to get flood insurance and if he could not get flood insurance, this would become a problem with getting a mortgage.

The Board Members discussed the problem with Dr. Marriner and reviewed the plans of the house. Mrs. Kazenmayer advised the Board Members that two neighbors of Dr. Marriner's had called the Construction Office and advised her that they also had basements under their houses and had never had any water for many years.

The Chairman asked for comments from the audience.

Noel Hood, 161 Beachfront made some comments regarding flood insurance coverage. He felt the Board would be remiss if they grant a variance.

Mr. Hood presented a newspaper clipping regarding flood insurance coverage however, the Board Attorney advised the Board that this could not be used as evidence since there was no time, date or paper identified or substantiated and could not be used as a basis for a decision. It could be used as information only. There being no further discussion James Van Schoick made a motion to close the hearing seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick, Walsh, Trafford. "No" none.

There being no further discussion on the case, a motion was made by James Van Schoick to draw up a favorable Resolution seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick, Walsh, Trafford. "No" none.

Claudia Pincus made a motion for a seven minute recess seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick, Trafford. "No" Walsh.

The meeting was reconvened at 9:30 p.m.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, James Mastrian, Claudia Pincus, James Van Schoick, Patricia Walsh, Christopher Trafford. Absent: Edward Lyons.

Application 10-88 - Michael E. & Claire S. Collins - 69 Beachfront - Michael Collins Jr. was present and Attorney Kevin Thomas was present to represent Mr. & Mrs. Collins. The Board Attorney marked the file and administered the oath to Michael Collins Jr., 614 Brooklyn Boulevard, Sea Girt. Attorney Kevin Thomas questioned Mr. Collins regarding the plans for the addition that would be built on the beachfront house. Mr. Collins' parents owned the property. Mr. Collins explained that a prior application had been made to the Board of Adjustment to have the present structure put on pilings in anticipation of this project of expansion, for a retirement home for his parents. Mr. Collins explained the layout of the present structure and the plans for the proposed structure which would be two and a half stories high. There would be four bedrooms in the house and four bathrooms plus a mezzanine. Board Members questioned the height of the houses surrounding this structure in relation to the height

of the proposed structure and reviewed the plans with Mr. Collins. They also expressed concern with the height of the structure and felt they would like to do another site inspection now that they had the plans to review. In doing a site inspection prior to this time they were not aware of the plans for the addition. Mr. Thomas explained that there had been a problem with the architect that had drawn the plans but that the problem had been straightened out and there was no reason that the house could not be built according to the plans submitted to the Board.

John Donowski, 43 Deep Creek Drive, Builder, was administered the oath by the Board Attorney to give testimony about the construction of the new addition. Mr. Donowski explained the specifics of the plans to the Board. Mr. Donowski explained that the only change that might be made in the plans was from a flat roof to a peaked roof to coincide with the design of the other houses in the area.

The Board Members asked that a set of exact plans be submitted to the Board for their approval. They were very uncomfortable with the fact that there would be changes in the plans that were submitted. The Board Attorney suggested that the testimony of the applicants and an overlay of the plans drawing the changes be submitted at the next meeting and be made a part of the Resolution if approved. Mr. Griffith expressed a desire to have the outside stairs, as drawn, eliminated. He felt that these stairs made it a possible rental unit in the future.

There being no questions from the audience on the application thus far, a motion was made by Margaret Kazenmayer to continue the application until the next meeting June 15, 1988, and do a site inspection on Saturday, May 21st. The motion was seconded by James Van Schoick and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick, Walsh, Trafford. "No" none.

Attorney Thomas agreed to waive the time limit on the application. Also, Attorney Thomas asked Mr. Collins to state for the record that this structure was on owned land.

The Chairman reviewed the applications scheduled for the hearing June 15, 1988. The Board decided that they would do site inspections on these applications before the next meeting.

Claudia Pincus made a motion to adjourn the meeting and the motion was seconded by Robert Griffith. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick, Walsh, Trafford. "No" none.

Respectfully submitted,

Margaret Monsell

Margaret Monsell
Secretary

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

BOARD OF ADJUSTMENT

On Wednesday, June 15, 1988, the Zoning Board of Adjustment of the Borough of Manasquan, N.J. will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N.J.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution 8-88 - Kenneth Hartranft/Geraldine Finan - 426 First Avenue

Resolution 9-88 - James & Janice Julian - 14½ Main Street

Resolution 10A-88 - Dr. Byron Marriner - 312 E. Main Street

Application 10-88 (Cont.) - Michael & Claire Collins - 69 Beachfront

Application 11-88 - John S. Tawgin - 129 Sea Girt Avenue

Application 12-88 - Erna L. Drum - 29 Atlantic Avenue

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING
JUNE 15, 1988
BOROUGH HALL, MANASQUAN, N.J.

The Regular Monthly Meeting of the Board of Adjustment was called to order at 8:00 p.m. by Robert Griffith, Vice Chairman of the Board.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer Edward Lyons, Claudia Pincus, Patricia Walsh, Christopher Trafford.
Absent: James Mastrian, James Van Schoick

The Vice Chairman noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. Griffith announced that this was an Open Public Meeting held in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

The Vice Chairman, Robert Griffith read the letter of resignation from James Mastrian the Chairman of the Board. Patricia Walsh made a motion to accept the resignation with regret, seconded by Claudia Pincus. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none. Election of a new Board Chairman was postponed until the next meeting.

Patricia Walsh made a motion to accept the minutes of the previous meeting as submitted by the Secretary of the Board seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none.

Resolution 8 - 88 - Kenneth Hartranft/Geraldine Finan - 426 First Avenue was read by the Board Attorney, William Byrnes. There being no further comments on the Resolution, a motion was offered to approve the Resolution by Patricia Walsh, seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none.

Attorney Byrnes read Resolution 9-88 - James & Janice Julian - 14½ Main Street. There being no further comments a motion was made by Margaret Kazenmayer to approve the Resolution seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none.

Resolution 10A-88 - Dr. Byron Marriner - 312 E. Main Street was read by the Board Attorney. There being no further comments on the resolution, Christopher Trafford offered a motion to accept the Resolution as read seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none.

Application 10-88 (Cont.) - Michael & Claire Collins - 69 Beachfront

Michael Collins Sr. and Attorney Kevin Thomas representing Mr. Collins, were present. The Board Attorney marked a new set of plans for the file. Mr. Collins Sr. was administered the oath by the Board Attorney. Mr. Collins explained changes in the plans that had been made since the last meeting. Instead of a flat roof there would be a peaked roof and there would be two bathrooms deleted from the plans. Mr. Collins was planning to use this home for his retirement and the builder would be John Donowsky. He noted that the plans had been redrawn with the approval of the Building Inspector, Sandy Ratz and did not violate the zoning code.

The Board Members reviewed the plans with Mr. Collins, particularly the changes in the plans. Mrs. Kazenmayer questioned Mr. Collins about the size of the proposed house in relation to the houses surrounding it. Mr. Donowsky testified regarding the measurements of the new plans. Mr. Collins explained that he had already invested $63,000 in the present structure and planned to invest another $100,000 in these new renovations. He felt that the house had been badly in need of repair when he purchased it and upgrading the house would make it an asset to the area. Several of the Board Members were apprehensive about the overall size of the house as planned, their feelings being that the lot size was too small for such a large house. Mrs. Kazenmayer advised Mr. Collins that she did not object to the upgrading of the house, her only objection being the size of the house. She felt it wasn't fair to the surrounding neighbors with smaller homes. Mrs. Walsh felt that this was no higher than some of the other houses on the beachfront and did not object to the size of the house.

Mr. Griffith asked for any questions from the audience.

Mrs. Evelyn Hyer, 76 Second Avenue, asked if the house was going to be any larger than any other house on the beachfront in height or width. Mr. Collins answered that it was not. Mr. Donowsky answered that the area of the house stays the same.

There being no further comments from the audience, Patricia Walsh made a motion to close the hearing seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none.

The Board Members discussed the plans for the structure. Several members were apprehensive about the height of the proposed structure and some were in favor of the application. Patricia Walsh made a motion that a favorable resolution be drawn up seconded by Christopher Trafford. Motion was denied by the following vote: "Yes" Board Members Walsh, Trafford. "No" Board Members Griffith, Kazenmayer, Lyons, Pincus. The Application was denied.

Application 12-88 - Erna L. Drum - 29 Atlantic Avenue. Mrs. Drum was present. The Board Attorney marked the file and administered the oath to Mrs. Drum. The Board attorney questioned the size of the addition and Mrs. Drum advised the Board that the correct size was 12x20 feet. Mrs. Drum explained her plans for the addition of a sun room. The Board Members reviewed the plans and questioned Mrs. Drum regarding the drawings and measurements of her property.

The members finding no problems with the application and there being no one in the audience to comment, a motion was made to close the public hearing by Edward Lyons seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none.

Christopher Trafford offered a motion to draw up a favorable resolution seconded

by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none.

Patricia Walsh made a motion that a resolution be drawn up in honor of James Mastrian for his service to the Board seconded by Claudia Pincus. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none.

Patricia Walsh made a motion to adjourn the meeting seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none.

Respectfully submitted,

Margaret M. Monsell

Margaret Monsell, Secretary
Zoning Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

BOARD OF ADJUSTMENT

On Wednesday, July 20, 1998, the Zoning Board of Adjustment of the Borough of Manasquan, New Jersey will hold their Regular Meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N.J.

7:30 p.m. Orientation of new members and election of a new chairman of the board.

8:00 p.m.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution 10-88 - Michael & Claire Collins - 69 Beachfront

Resolution 12-88 - Erna L. Drum - 29 Atlantic Avenue

Application 11-88 - John S. Tawgin - 129 Sea Girt Avenue

Application 13-88 - Dr. Louis Lustrino - 87 Broad Street

Application 14-88 - James H. & Jane Swift - 412 First Avenue

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING
JULY 20, 1988
BOROUGH HALL, MANASQUAN, N.J.

The Regular Monthly Meeting of the Board of Adjustment was called to order at 8:00 p.m. by Robert Griffith, Vice Chairman of the Board.

Roll Call - Present: Robert Griffith, Claudia Pincus, Christopher Trafford, James Van Schoick, Patricia Walsh, Alma Roberts, James Bogan.

Absent: Margaret Kazenmayer, Edward Lyons

The Vice Chairman noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. Griffith announced that this was an Open Public Meeting held in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Mr. Griffith announced that the minutes of the previous meeting were posted on the bulletin board in the lobby of Borough Hall and asked for a motion to approve the minutes as submitted by the Secretary. Motion was made by James Van Schoick seconded by Claudia Pincus. Motion carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford, Van Schoick, Walsh, "No" none. Abstain: Roberts.

The Board Attorney welcomed Mrs. Alma Roberts as a Board Member and administered the oath.

Resolution 10 - 88 - Michael & Claire Collins - 69 Beachfront was read by the Board Attorney, William Byrnes. There being no further comments, a motion was made by Christopher Trafford seconded by Claudia Pincus. Motion was carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford. "No" Walsh. Abstain: Van Schoick.

Resolution 12 - 88 - Erna L. Drum - 29 Atlantic Avenue was read by the Board Attorney. There being no further comments on the Resolution a motion was made to approve the Resolution by Claudia Pincus, seconded by Patricia Walsh. Motion carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford, Van Schoick, Walsh. "No" none.

The Board Attorney, William Byrnes read a resolution recognizing James Mastrian for his service on the Board and as Board Chairman. James Van Schoick made a motion to approve the Resolution seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford, Van Schoick, Walsh, Roberts. "No" none.

Application 11-88 - John W. Tawgin - 129 Sea Girt Avenue - The Board Attorney marked the file. Ron R. Ernish Jr., Architect, represented Mr. Tawgin and was sworn in by the Board Attorney. Mr. Ernish resides at 45 South St. in Brielle.

Mr. Ernish presented two drawings of the proposed alterations and parking facilities and described the plans for an addition of a second story on the warehouse and the parking spaces planned. He stated that they were willing to conform to any restrictions that the Fire Department would require for fire safety. Mr. Ernish explained that the owner would not be increasing the business activity but needed more storage space and was seeking to improve the parking facilities. There are approximately eight full-time employees working in the building. The house in the rear of the property is used for employees or guests from out of town. He also stated that they had tried to design the building to blend in with the surrounding residential community and would try to enhance the looks of the property with landscaping as well as improvements to the exterior of the building. The Board members questioned Mr. Ernish about certain aspects of the drawing.

There being no further questions from the Board Members, Kenneth Miller, Fire Protection Official was sworn in by the Board Attorney to give comments on the plans as submitted. The drawing Mr. Miller had submitted for the hearing was marked B1 for the file. Mr. Miller testified that he had done a routine fire inspection on the building and set aside a fire zone alongside the building and marked off the possible parking spaces on the property since this hearing would be taking place. He explained his reasons for his drawing the plan as submitted.

There being no further questions for Mr. Miller, the Chair recognized Carl Bartell, 158 Curtis Place a neighbor of Mr. Tawgin's. Mr. Bartell asked to view the plans for the building since they had not been presented before this meeting. Mr. Ernish endeavored to explain questions by Mr. Bartell and resolve his apprehension regarding the parking problem.

Diana Nobel, 125 Sea Girt Avenue, the next door neighbor of Mr. Tawgin expressed the same concerns with the parking problems in this area and the limitations of parking on Mr. Tawgin's property. She also expressed concern with garbage disposal i.e. where will garbage cans be placed if this area is used for parking and where will cardboard etc. be placed. She asked the Board to consider all of the problems with the parking in that area when they consider approving the application for the variance.

Mr. Ernish explained to the Board that the Sea Girt School of Dance is allowed to use available spaces on Mr. Tawgin's property when they are not being used as a courtesy to the dance school.

There was concern on the part of the Board Members regarding no sidewalks in this area making it dangerous for cars backing out of the spaces in the front of the building.

There being no further questions on the application by the Board, a motion was made to close the hearing by Claudia Pincus seconded by Christopher Trafford. Motion was carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford, Van Schoick, Walsh, Roberts. "No" none.

A motion was made to continue the hearing at the August 17, 1988 meeting and do a site inspection on Saturday, July 23, 1988 at 9:00 a.m. by James Van Schoick seconded by Patricia Walsh. Motion carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford, Van Schoick, Walsh, Roberts. "No" none. Mr. Griffith requested a set of floor plans for the building and a full set of plans for all the members of the Board at the next meeting.

The Vice-Chairman advised the members of the Board that the next two applications on the agenda had been postponed.

Christopher Trafford made a motion to adjourn the meeting seconded by Patricia Walsh. Motion carried by the following vote: "Yes" Board Members Griffith, Pincus, Van Schoick, Trafford, Walsh, Roberts.

A motion was made to reopen the meeting by James Van Schoick seconded by Claudia Pincus. Motions was carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford, Van Schoick, Walsh, Roberts. "No" none.

Mr. James Bogan was welcomed as an alternate member of the Board of Adjustment by Attorney, William Byrnes,who administered the oath of office.

The Vice-Chairman of the Board asked for nominations for the position of Chairman of the Board. Mr. Griffith accepted the nomination until the first of the year. James Van Schoick made a motion to this effect seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Pincus, Trafford, Van Schoick, Walsh, Robert, Bogan. "No" none. Abstain: Griffith.

A motion was made to nominate James Van Schoick as Vice Chairman by Patricia Walsh seconded by Christopher Trafford. Motion carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford, Walsh, Roberts Bogan. "No" none. Abstain: James Van Schoick.

A motion was made to readjourn the meeting by Patricia Walsh seconded by Claudia Pincus. Motion carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford, Van Schoick, Walsh, Roberts, Bogan. "No" none.

Respectfully submitted,

Margaret Monsell
Secretary

BOROUGH HALL, 15 TAYLOR AVENUE
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Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

BOARD OF ADJUSTMENT

On Wednesday, August 17, 1988, the Zoning Board of Adjustment of the Borough of Manasquan, New Jersey will hold their Regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N.J.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Application 11-88 (Cont.) - John S. Tawgin - 129 Sea Girt Avenue

Application 15-88-Dominic J. Bossone - 21 Broad St.

Application 15A-88 - Florence E. Moor - 33-35 Atlantic Avenue

Application 16-88 - H.T. Hall - 125 Parker Avenue

Application 16A-88 - Elks Lodge #2534 - 17 Stockton Lake Blvd.

Application 13-88 - Dr. Louis Lustrino - 87 Broad Street

BOROUGH HALL, 15 TAYLOR AVENUE
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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING
AUGUST 17, 1988
BOROUGH HALL, MANASQUAN, N.J.

The Regular Monthly Meeting of the Board of Adjustment was called to order at 8:00 p.m. by Robert Griffith, Chairman of the Board.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, James Van Schoick, Patricia Walsh, Alma Roberts.

Absent: James Bogan

The Chairman noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. Griffith announced that this was an Open Public Meeting held in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Mr. Griffith noted that the minutes of the previous meeting were posted on the bulletin board in the lobby of Borough Hall and asked for a motion to approve the minutes as submitted by the Secretary. Motion was made by Patricia Walsh seconded by James Van Schoick. Motion carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Van Schoick, Walsh, Roberts. "No" none.

Application 11-88 (Cont.) - John S. Tawgin - 129 Sea Girt Avenue - Mr. Tawgin and Architect Ernish were present for the hearing. Mr. Tawgin was administered the oath by the Board Attorney. Mr. Ernish presented the Board with some new plans of the project. Mr. Tawgin presented copies of correspondence with Mr. Iannelli, the Construction Code Official regarding the type of business he was conducting in the building. Mr. Ernish explained the changes in the new plans he had presented. The Board Members questioned Mr. Tawgin and Mr. Ernish regarding the plans and discussed the changes.

Mrs. Diane Noble, 125 Sea Girt Avenue, presented evidence of the parking problems in the area and questioned the type of business being conducted in the building. Mrs. Noble reviewed the plans and urged the Board to carefully consider the application before granting the variance.

Mr. Tawgin also presented pictures of cars parked around the building to prove that the parking spaces were adequate. The photographs that Mrs. Noble presented and the ones that Mr. Tawgin presented were marked for the file.

Again, the Board Members discussed the plans with Mr. Tawgin and Mr. Ernish. There being no further discussion by the Board Members and no questions from the audience, Christopher Trafford made a motion to close the hearing seconded by Patricia Walsh. Motion carried by the following vote: "Yes" Board Members Griffith Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh, Roberts. "No" None.

Patricia Walsh made a motion to draw up a favorable resolution with the understanding that the plans for parking be approved by Mr. Miller, Fire Protection Official. The Motion was seconded by Christopher Trafford and carried by the following vote: "Yes" Board Members Trafford, Van Schoick, Walsh, Roberts. "No" Griffith, Kazenmayer, Pincus.

Application 15-88 - Dominic Bossone - 21 Broad Street - The Board Attorney marked the file and administered the oath to Mr. Bossone, 713 Howell Drive, Brielle. Mr. Bossone distributed some material he had brought with him to the Board Members. A question was raised regarding whether a corporation had to be represented by an attorney. The Board Attorney advised that since Mr. Bossone had not been made aware of this fact, they could waive the requirement nad hear the case. Mr. Bossone explained the problem he had encountered with installing a dish antennae on the roof of his business property. He was not aware of the Ordinance that prohibited dish antennaes being installed on the roof of buildings and he had depended on his installer to obtain the permit necessary for installation. He also explained his reasons for having to install the antennae on the roof for safety and reception. The Board Members discussed the case with Mr. Bossone and some Members expressed concern about the fact that this application was submitted after the fact. The installer did not have a permit to place the antennae on the roof and the Board was being asked to make a decision about something that had already been done. Some of the Board Members felt that this was a way of accomplishing something that might not be approved, and the applicants were willing to pay the fine for this reason. Mr. Bossone assured the Board Members that he had asked his installer if they had gotten the permit and he was told they would take care of it. The Chairman asked if there were any comments from the audience.

Margaret Kazenmayer made a motion to close the public hearing seconded by James Van Schoick. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh. "No" none.

After the Board Members discussed the application, James Van Schoick made a motion to draw up a favorable Resolution with a recommendation to the Building Inspector that the Installer be fined $300.00. Motion was seconded by Edward Lyons and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh. "No" none.

A motion was made to adjourn the meeting at 11:00 p.m. by James Van Schoick seconded by Patricia Walsh. Motion carried by the following vote: "Yes" Board Members Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, James Van Schoick, Patricia Walsh, Alma Roberts.

Application 15A-88 - Florence E. Moor - 33-35 Atlantic Avenue - The Board Attorney marked the file and administered the oath to Karen Olsen, 2650 Mercer Street, Philadelphia, Pa., Marilyn Olsen 33-35 Atlantic Avenue, Manasquan Mrs. Moor's daughter and grandaughter. Mrs. Marilyn Olsen explained the need to build a deck for her mother who is handicapped and had previously included in the application a ramp descending from the deck, however, her mother, would not allow them to build the ramp and with special permission from the building inspector for emergency reasons, a deck had been built on the rear of the property. They were now seeking a use variance for the deck. The Board Members discussed the plans that were submitted the applicants.

There being no further discussion by the members of Board and no comments from the audience, Board Member Van Schoick made a motion to close the hearing seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members

Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh.

Board Members discussed the application and Christopher Trafford made a motion to draw up a favorable resolution seconded by Margaret Kazenmayer. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh. "No" none.

Application 16-88 - H.T. Hall - 125 Parker Avenue was postponed until the September meeting.

Application 16A-88 - Elks Lodge #2534 - 17 Stockton Lake Boulevard - The Board Attorney marked the file and administered the oath to Gilbert Thompson, 147 No. Main Street, Manasquan representing the Elks Lodge. It was noted that this was also a corporation that should be represented by an attorney. However, again, since they had not been notified of this requirement, it would be waived.

William Byrnes, the Board Attorney, noted for the record that he was a member of the Elks Lodge and if there were any objections to his serving as the Board Attorney for this case he would disqualify himself. Mr. Byrnes also noted that there were some other members of the Board that were members of the Elks Lodge. Mr. Van Schoick noted that there had been a previous application before the Board and there had been no problem with this fact. The members of the Board conducted themselves impartially.

Mr. Thompson, a member of the Board of Trustees explained that the main thing they wanted to do was enclose the back of the lodge, where things are stored. There had been a lot of vandalism recently and they wanted to be able to store things safely. They have two walk-in refrigerators that are outside the building storing produce and some beer and although they were under cover of a roof and locked, they had never had trouble with them before. On the drawing of the plans for this enclosure they had also included a drawing of a proposed sign and planting they are planning for the future and were hoping the Board would approve this also, so they do not have to come before the Board again.

The Board Members discussed the plans with Mr. Thompson and some of the Members of the Board expressed concern that the plans were really not adequate to make it possible to visualize the project. Mr. Griffith suggested a site inspection and the Board Members agreed. They advised Mr. Thompson that they would not vote on the sign unless they saw complete drawings of the plans. Claudia Pincus made a motion to hold a site inspection on Saturday, August 20th, at 9:00 a.m. seconded by Margaret Kazenmayer. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh. "No" none. The application will be continued at the September 21, 1988 meeting.

Claudia Pincus made a motion to have a five minute recess seconded by Christopher Trafford. Motion was carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford, Van Schoick, Walsh. "No" Kazenmayer, Lyons, Roberts.

Roll Call after recess: Present: Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh, Roberts. Absent: Bogan.

Application 13 - 88 - Dr. Louis Lustrino - 87 Broad Street - The Board Attorney marked the file. Patrick J. Greene, Jr. represented Dr. Lustrino and explained

the plans for enlarging the dental office and adding two or three parking spaces to accomodate the additional space. John Wasmer, 209 Stockton Blvd., Sea Girt, architect for the addition explained the plan as drawn. He also explained that seven parking places would be added rather than the minimum of two or three. There were two deeds to the property since the first one issued was incorrect and omitted 44 feet to the rear of the property. Dr. Lustrino explained the need for rearranging the space in his office and the need for another examining room. At the present time he has no personal office and a very small lab. The Board Members discussed the plans with Mr. Wasmer and Dr. Lustrino.

There being no further discussion by the Board Members and no comments from the audience, James Van Schoick made a motion to close the hearing seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh. "No" none.

Margaret Kazenmayer made a motion to draw up a favorable resolution seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh. "No" none.

The Board Members discussed a letter that had been received from Robert W. Gardell regarding a request for a Special Meeting. The Board decided that the meeting would really not save Mr. Gardell that much time and was not convenient for the members of the Board, therefore, Patricia Walsh made a motion to deny the request seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh, Roberts. "No" none.

Patricia Walsh made a motion that in the instructions that are given out with the application for a hearing, it should state that if a corporation is making out an application they must be represented by an attorney at the hearing. The motion was seconded by James Van Schoick and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh, Roberts. "No" none.

There being no further business, Margaret Kazenmayer made a motion to close the meeting seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh, Roberts. "No" None.

Respectfully submitted,

Margaret Monsell
Secretary

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

BOARD OF ADJUSTMENT

On Wednesday, September 21, 1988, the Zoning Board of Adjustment of the Borough of Manasquan, New Jersey, will hold their Regular Meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N.J.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution 11-88 - John S. Tawgin - 129 Sea Girt Avenue

Resolution 15-88 - Dominic J. Bossone - 21 Broad Street

Resolution 15A-88 - Florence E. Moor - 33-35 Atlantic Avenue

Resolution 13-88 - Dr. Louis Lustrino - 87 Broad Street

Application 16A-88 (Cont.) Elks Lodge 2534 - 17 Stockton Lake Boulevard

Application 14-88 - Janes H. & Jane Swift - 412 First Avenue

Application 17-88 - Anthony & Phyllis Ianone - 564 Trout Avenue

Application 18-88 - Jean Cassidy - 207 Stockton Lake Boulevard

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING
SEPTEMBER 21, 1988
BOROUGH HALL, MANASQUAN N.J.

The Regular Monthly Meeting of the Board of Adjustment was called to order at 8 p.m. by Robert Griffith, Chairman of the Board.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James Bogan Jr.

Absent: James VanSchoick, Patricia Walsh

The Chairman noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. Griffith announced that this was an Open Public Meeting held in accordance with the Public Meetings Act of 1975 and had been published according to law.

Mr. Griffith noted that the minutes of the previous meeting were posted on the bulletin board in the lobby of Borough Hall and asked for a motion to approve the minutes as submitted by the Secretary. Motion was made by Edward Lyons seconded by Claudia Pincus. Motion made by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts. "No" none. "Abstain" Board Member Bogan.

Resolution 15-88- Dominic Bossone - 21 Broad Street was read by the Board Attorney, William Byrnes. There being no further comments, a motion was made to vote on the favorable resolution by Board Member Kazenmayer seconded by Board Member Trafford. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts. "No" none. "Abstain" Board member Bogan.

Resolution 15A-88-Florence E. Moor-33-35 Atlantic Avenue was read by the Board Attorney. There being no further comments, a motion was made to vote on the favorable resolution by Board Member Lyons seconded by Board Member Trafford. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts. "No" none. "Abstain" Board member Bogan.

Resolution 13-88 - Dr. Louis Lustrino-87 Broad Street was read by the Borough Attorney. There being no further comments a motion was made to vote on the favorable resolution by Board Member Kazenmayer seconded by Board Member Trafford. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts. "No" none. "Abstain" Board Member Bogan.

Application 16A-88 (cont) Elks Lodge 2534-17 Stockton Lake Boulevard- Mr. Schmeling, attorney for the applicant, discussed the three variances requested, the first regarding the enclosure of the lodge refridgerator units, the second regarding a storage area by the garage and the third location of a sign on the property. Mr. Schmeling submitted plans for the area, which were marked for the file by the Board Attorney. Mr. Schmeling stated that the sign would be placed in an area currently designated as a parking spot and would affect traffic.

Mr. Walter Litzbauer, 500 Lenape, chairman of the board of trustees, was administered the oath by the Board Attorney. He testified that the sign would allow out-of-town visitors to find the lodge.

After further discussion with Mr. Schmeling and Mr. Litzbauer, the Board requested that more detailed information regarding the dimensions of the sign and area be provided. The applicant agreed to go to the site, secure the measurements and return. The Board agreed to hear their information upon their return if time permitted.

Application 14-88 - James H. and Jane Swift-412 First Avenue-The Board Attorney stated that Board Secretary Margaret Monsell had advised him that the mailing list and other necessary materials had not been submitted regarding the application.

John Deppeler, attorney for the applicants, presented the items. The Board Attorney stated that under local ordinances such materials were required to be submitted before the meeting and that he left it up to the Board as to whether they would hear the application. The Board agreed to hear the case and the Board Attorney marked the file.

The Board Attorney administered the oath to James H. Swift, 403 First Avenue. Questioned by Mr. Deppeler, Mr. Swift testified that he and his wife own the land on the application. He testified that a permit was issued by the Manasquan Building Department in 1986 to replace the deck area exactly. Construction was done that year.

Mr. Swift testified that he was called and told to come down for a second permit to replace the shower in the deck area. The permit, he testified, was dated March 2, 1988. On March 15, A.P. Ratz, C.O., dated a letter to Mr. Swift advising him that the original permit called only for the exact replacement of the deck area and that Mr. Ratz felt the deck had been enlarged. A letter from Mr. Ratz dated March 22 advised Mr. Swift that a variance was needed before May 31 to keep the deck.

Mr. Deppeler submitted the original permit, dated September 18 1986 and numbered 7967, the two letters from Mr. Ratz, permit 8936 for the shower and a letter from Dooco Siding and Home Improvement which stated that the replacement was exact. The letter was dated September 15, 1988 and was signed by Robert Doolittle, owner. The material was marked for the file by the Board Attorney.

Frank Diana, 401 First Avenue, called the new deck a substantial improvement.

There being no further discussion by the members of the Board and no further comments by the public, Board Member Kazenmayer made a motion to close the hearing seconded by Board Member Pincus. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none.

Board Member Pincus made a motion to grant the variance seconded by Board Member Kazenmayer. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none.

The Board Attorney discussed options regarding the application. He stated that he could either draw up a variance allowing the Swifts to keep the deck or he could compose a letter stating that based on the evidence put before the Board, there is no need for a variance and that it is the decision of the Board that the deck was replaced in conformity with the permit. He also stated that the Board would determine whether to keep the fee, refund it or partially refund it.

A motion was made by Board Member Lyons that a 50 percent refund be granted to the applicant seconded by Board Member Roberts. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none.

Application 17-88 - Anthony and Phyllis Ianione - 564 Trout Avenue - The Board Attorney administered the oath to Anthony Ianione, 930 Leland Avenue, Plainfield. Ianione offered testimony regarding the application, which involved an addition to the rear of a house on the property.

A site inspection was requested but the Board did not feel it necessary.

There being no further discussion by the members of the Board and no further comments by the public, Board Member Kazenmayer made the motion to close the hearing seconded by Board Member Pincus. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none.

Resolution 18-88 - Jean Cassidy - 207 Stockton Lake Boulevard- The Board Attorney marked the file and administered the oath to Jean Cassidy, 605 Grove Street, Clifton. Ms. Cassidy discussed the application, which involves the set backs for the property and the replacement of the porch on the property.

There being no further comment by members of the Board and no further comments by the public, Board Member Trafford made the motion to close the hearing seconded by Board Member Lyons. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazemayer, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none.

A motion was made by Board Member Kazenmayer to approve a resolution seconded by Board Member Roberts. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none.

Application 16 A - 88 (cont) Elks Lodge 2534 - 17 Stockton Lake Boulevard - continued from earlier in the meeting - Mr. Schmeling and Mr. Litzbauer returned with the measurements regarding a projected sign. The applicant discussed the measurements with the Board.

There being no further discussion by members of the Board and no further comments from the public, Board Member Trafford made the motion to close the hearing seconded by Board Member Pincus. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none.

A motion was made by Board Member Trafford to approve the resolution based on the plans at the September 21 meeting seconded by Board Member Lyons. The motion carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Pincus, Trafford, Bogan. "No" Board Members Griffith, Roberts.

Resolution 11-88 - John S. Tawgin - 129 Sea Girt Avenue - The Board Attorney discussed questions regarding the nature of Mr. Tawgin's business and recommended that the resolution be held in obeyance until such time as Mr. Tawgin may testify before the Board. The Board Attorney agreed to send a letter to Mr. Tawgin requesting that he appear at the next meeting; if he chooses not to appear, the application and resolution may be dismissed by default.

A motion was made by Board Member Trafford to hold the resolution in obeyance seconded by Board Member Kazenmayer. The motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none.

A motion was made for adjournment and unanimously carried.

Respectfully submitted,

Sharon Bogie

Sharon Bogie
Secretary

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

ADDITION - MINUTES
BOARD OF ADJUSTMENT

September 21, 1988 meeting

Application 17-88 - Anthony and Phyllis Ianione - 564 Trout Drive- A motion was made by Board Member Christopher Trafford for a favorable resolution seconded by Board Member Lyons. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Zoning Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk

On Wednesday, October 19, 1988, the Zoning Board of Adjustment of the Borough of Manasquan, New Jersey, will hold their Regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N.J.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution 14-88 - James H. Swift - 412 First Avenue

Resolution 16A - 88 - 2534 Holding Co.-Elks Lodge

Resolution 17-88 - Anthony and Phyllis Ianione-564 Trout

Resolution 18-88 - Jean Cassidy - 207 Stockton Lake Blvd.

Application 19 88- Iris and Helen Maziekien - 464 Euclid

Application 20-88- R.W. Gardell Jr.-171 Beachfront-cancelled at request of applicant

Application 16-88- H.T. Hall-North end Parker

Application 25-88- Walter and Susan Dreyer-15 Riddle Way

Resolution 11-88 (cont.) John S. Tawgin - 129 Sea Girt Ave.

Sharon Bogie

Sharon Bogie
Secretary

Dated at Manasquan
October 14, 1988

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING
OCTOBER 19, 1988
BOROUGH HALL, MANASQUAN, N.J.

The Regular Monthly Meeting of the Board of Adjustment was called to order at 8 p.m. by Robert Griffith, Chairman of the Board.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, Claudia Pincus, Christopher Trafford, James VanSchoick, Alma Roberts, James Bogan

Absent: Edward Lyons, Patricia Walsh

The Chairman noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. Griffith announced that this was an Open Public Meeting in accordance with the Public Meetings Act of 1975 and had been published according to law.

Mr. Griffith asked for a motion to be made for the meeting to end at 11 p.m. The motion was made by Board Member Kazenmayer and seconded by Board Member VanSchoick. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Roberts, Bogan. "No" none.

Mr. Griffith noted that the minutes of the previous meeting were posted on the bulletin board in the lobby of Borough Hall and noted that there was an addition to the minutes. He asked for a motion to approve the minutes and addition as submitted by the Secretary. The motion was made by Board Member Pincus seconded by Board Member Trafford. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, Roberts, Bogan. "No" none. "Abstain" Board Member VanSchoick.

Mr. VanSchoick noted for the record that his abstention came as a result of not being able to listen to the tapes of the meeting.

Resolution 14-88 - James H. Swift - 412 First Avenue - Board Attorney William Byrnes stated that in lieu of a resolution he was directed to prepare a letter discussing the Board's findings. The letter, read by the Board Attorney, stated the background of the case and that based on testimony and evidence placed before it during the hearing, it was the decision of the Board that the application would be amended so that it will be heard under N.J.S.A. 40:55D-70 (a), i.e., an appeal from the Construction Officials' decision for a determination as to whether or not a variance is needed. The letter further stated that it is the decision of the Board that a variance will not be required as the

replacement deck was constructed in compliance with building permit 7967. The Board also agreed that a fifty percent refund be granted in regards to the two hundred dollar application fee.

Chairman Griffith asked the Board Attorney if a vote was necessary on the letter; Mr. Byrnes responded that a vote was not needed.

Resolution 16A-88 - 2534 Holding Co. - Elks Lodge - 17 Stockton Lake Boulevard- was read by the Board Attorney. There being no further discussion or comments, a motion was made to vote on the favorable resolution by Board Member Trafford seconded by Board Member Kazenmayer. The motion was carried by the following vote: "Yes" Board Members Kazenmayer, Pincus, Trafford, Bogan. "No" Board Members Griffith, Roberts. "Abstain" Board Member VanSchoick.

Resolution 17-88 - Anthony and Phyllis Ianione - 564 Trout - was read by the Board Attorney. There being no further discussion or comment, a motion was made to vote on the favorable resolution was made by Board Member Kazenmayer seconded by Board Member Trafford. The motion passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, Roberts, Bogan. "No" none. "Abstain" Board Member VanSchoick.

Resolution 18-88 - Jean Cassedy - 207 Stockton Lake Boulevard- was read by the Board Attorney. There being no further discussion or comments, a motion was made to vote on the favorable resolution by Board Member Kazenmayer seconded by Board Member Roberts. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, Roberts, Bogan. "No" None. "Abstain" Board Member VanSchoick.

Application 19-88 Helen and Iris Maziekien - 464 Euclid - The Board Attorney marked the file and administered the oath to Iris Maziekien, 9 Watson Place. Questioned by attorney Kevin Thomas, Maziekien testified that she owns the property and that there are two dwelling on the plot, with the smaller one identified as 7 Watson Place and the larger 9 Watson Place. Ms. Maziekien lives with her mother, former owner of the property, in the 9 Watson Place dwelling.

Ms. Maziekien discussed the application, which requested that porches be incorporated into the main house and the rear house be reactivated and a bathroom added. She testified that if the expansion was granted into the porch area, kitchen renovation, closet placements and enlargement of the living room could be realized. She testified that the present porch is enclosed in that it has screens and windows, but it has no heat.

Under further questioning from Mr. Thomas, Ms. Maziekien also discussed possible plans for siding, new windows, raising of the ceiling /new roof and a staircase to the attic area.

Prevailing setbacks in the area were discussed by the Board, Mr. Thomas and Ms. Maziekien.

Ms. Maziekien then discussed her plans for the smaller house, including installation of a shower. There was also discussion about the raising of the house for safety purposes in case of a storm.

Mr. Thomas asked Ms. Maziekien if she would have any objections to a condition, if deemed necessary by the Board, that would prohibit any present or future owners of the property from seeking a subdivision. She stated she had no objection.

The Board Attorney administered the oath to David Kinsel, a representative of TRC Contracting, Wall, builder of the project. Kinsel testified that he has been a residential builder and home renovator for seven years.

When Mr. Thomas asked Mr. Kinzel about the plans for the project, Mr. Kinsel stated he would like to take out the living room wall, take the porch down, place a new foundation in the area the porch presently exists and place a new floor and walls on top. Mr. Kinsel said the porch is basically build on fence posts. Mr. Thomas asked if this was safe and Mr. Kinsel responded that in his opinion it was not because it could wash out.

In regards to the smaller house, Kinsel stated there were plans for a shower to be installed, roof work and raising of the house to the level of the main house. The raising, Mr. Kinsel noted, was for flood protection.

Stella Vojton, 465 Euclid Avenue, stated that Ms. Maziekien's plans were in consideration for her mother's health and she had no objections. Anne E. Jackson, 6 Watson Place, stated the the improvements would make the area look nicer.

A motion was made by Board Member Trafford to continue the hearing, seconded by Board Member Kazenmayer. The motion passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Roberts, Bogan. "No" none.

A motion was made to conduct a site inspection on October 22. The motion was passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Roberts, Bogan. "No" none.

Resolution 11-88 (cont.) - John S. Tawgin - 129 Sea Girt Avenue - Kevin Thomas, Mr. Tawgin's attorney, announced his client's intention to withdraw his previous application. Mr. Thomas stated that Mr. Tawgin will file a new application at a later date.

The Board Attorney stated that the resolution had been voted on but not yet memorialized; thus the matter will be treated as if it was never in existence and an entirely new application would be submitted.

Application 16-88 - H.T. Hall - Parker Avenue - The Board Attorney marked the file and administered the oath to Harold T. Hall Jr, 6 Stockton Lake Boulevard. Under questioning from Attorney John Wooley, Mr. Hall testified he is president, operating officer of H.T. Hall.

Mr. Hall discussed the application, which involves the expansion of an existing metal building on the property. He explained that he had always believed the area to be light industrial zoned, but when he went for the permit to add to the metal structure he found it was residentially zoned and the uses were non-conforming.

The Board discussed surrounding properties with the applicant.

There being no further questions or commments from the public and no further discussion by the Board, a motion was made to close the hearing by Board Member VanSchoick seconded by Board Member Pincus. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Roberts, Bogan. "No" none.

Board Member Kazenmayer made the motion that a favorable resolution be granted seconded by Board Member Roberts. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Trafford, VanSchoick, Roberts, Bogan. "No" none. "Abstain" Board Member Pincus.

A motion was made and carried for a five minute recess. Roll call after the recess: "Present" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Roberts, Bogan. "Absent" Board Members Walsh, Lyons.

Application 25-88 - Walter and Susan Dreyer - 15 Riddle Way - Board Attorney William Byrnes gave a brief discertation on the case and explained to the members of the Board that they were only determining whether the applicant stayed within the scope and spirit of Resolutions 28-87 and 7A-88. He stated that the scope would be determined by the previous resolutions and spirit referred to "substantial compliance."

The applicants and their attorney John C. Carton discussed with the Board the problems regarding the project and cinderblock which needed to be taken down. Builder John Mishinkis also testified about the project.

Board Member Kazenmayer asked the Board Attorney if the reasons for a variance disappear, as in the walls in this case, does it invalidate the resolution. Mr. Byrnes said not necessarily.

Mr. Dreyer testified that A.P. Ratz, CO, had said he would stop by and see the work at the time. Board Member Kazenmayer said she had asked Mr. Ratz about the situation and was told that he had been over there prior to the removal of the cinderblock and that it (the cinderblock) looked fine.

The applicant submitted photographs showing the damaged cinderblock. The photographs were marked as evidence.

Mr. Mishinkis was asked whether he should have gone to Mr. Ratz regarding the problems with the cinderblock and tell him that wooden walls were to be constructed instead. He responded that that is why he took the pictures. He said he had seen Mr. Dreyer and told him a decision had to be made regarding the walls.

Testimony provided also stated that the only difference between the prior plans and what was being done now was the wooden instead of cinderblock walls.

The Board Attorney asked if there would be consideration regarding raising the structure six inches, which would meet the flood zone requirements. That, he

explained, would make the 7A-88 resolution moot. The 28-87 resolution could then be amended to allow for the raising of the structure and provide for the wood frame.

Board Member Kazenmayer stated that in her opinion the resolutions were violated and that while the problems were not intentional, the CO should have been informed when they occurred.

The Board Attorney once again explained that the Board would be dealing with whether or not the stop work order issued by Mr. Ratz would be continued or lifted. This would be determined by the decision of the Board as to whether or not the applicant followed the scope and spirit of the resolutions.

The Board Attorney also noted that months of delay could prove fatal to the project, commenting on testimony by Mr. Dreyer that he would let the house stand as is and winter weather. He stated that if the Board determined the change from cinderblock to wood framing was enough of a change, the Dreyers would be required to resubmit; if not, the stop work order would be lifted and work could continue.

Noel Hood, 161 Beachfront, spoke in opposition to the application.

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

Board Member Trafford made a motion that a variance was not necessary to repair the damage. The motion was lost when there was no second.

Board Member Kazenmayer made the motion to rescind the stop work order providing the elevation was raised seconded by Board Member Bogan. The motion was defeated by the following vote: "Yes" Board Members Griffith, Kazenmayer. "No" Board Members Trafford, VanSchoick, Roberts, Bogan. "Abstain" Board Member Pincus.

Board Member James VanSchoick made a motion to rescind the stop work order seconded by Board Member Trafford. The motion was carried by the following vote: "Yes" Board Members Pincus, Trafford, VanSchoick, Roberts, Bogan. "No" Board Members Griffith, Kazenmayer.

A motion was made to adjourn and unanimously carried.

Respectfully Submitted,

Sharon Bogie

Sharon Bogie, Secretary

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

On Wednesday, November 16, 1988, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution 16-88 - H.T. Hall - 125 Parker Avenue

Application 19-88 (cont) - Iris and Helen Maziekien - 464 Euclid

Application 21-88 - Mr. and Mrs. E. Borghoff - 344 Euclid - Cancelled at request of owners

Application 22-88 - Florence Fox - 62 Lakewood Road

Application 23-88 - Kathryn L. Miller - 157 Second Avenue

Sharon Bogie

Sharon Bogie, Secretary

Dated at Manasquan
November 9, 1988

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING
NOVEMBER 16, 1988
BOROUGH HALL, MANASQUAN, N.J.

The Regular Meeting of the Manasquan Board of Adjustment was called to order at 8 p.m. by Robert Griffith, Chairman of the Board.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, Patricia Walsh, Alma Roberts, James Bogan Jr.

Absent: Claudia Pincus, James VanSchoick

The Chairman of the Board noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. Griffith announced that this was an open public meeting in accordance with the Public Meetings Act of 1975 and had been published according to law.

Mr. Griffith noted that the minutes of the previous meeting were posted on the bulletin board in the lobby of Borough Hall. He then asked for a motion to approve the minutes as submitted by the Secretary. The motion was made and passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Trafford, Roberts, Bogan. "No" none. "Abstain" Board Members Walsh, Lyons.

Resolution 16-88 - H.T. Hall - Parker Avenue- was read by Board Attorney William Byrnes. There being no further discussion or comments, a motion was made to vote on the favorable resolution by Board Member Trafford and seconded by Board Member Kazenmayer. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Trafford, Roberts, Bogan. "No" none. "Abstain" Board Members Lyons, Walsh.

Application 19-88 - (cont.) - Helen and Iris Maziekien - 464 Euclid Avenue - The Board continued to hear testimony in the case from Iris Maziekien, property owner, and David Kinzel, builder. Also discussing the case with the Board was Kevin Thomas, attorney for the applicant.

The Board noted that a site inspection had been done, as requested at the October 19 meeting. The site has two houses, the larger known as 9 Watson Place and the smaller 7 Watson Place.

Mr. Thomas noted that the applicant has agreed that no future subdivisions would be sought for the property, if the Board deemed this a condition for the case.

Mr. Ginzel provided the Board with measurements for the projected windows at 9 Watson Place. One will be 3'6'' accross front porch. There will be two windows 4'9" wide in one section accross the front of the house, he testified.

Chairman Griffith asked if Mr. Ginzel felt the improvements are 25 percent of the house's value. Mr. Ginzel said yes, 25 - 30 percent.

Board Member Roberts also questioned the estimate.

Chairman Griffith also asked what 7 Watson Place would be used for. Plans before the Board project installation of a shower and elevation of the house.

Ms. Maziekien testified that 7 Watson Place would be used for visitors and possibly summer rental.

Board Member Bogan asked if it is any trouble to raise a house such as 7 Watson Place, since testimony has been offered that the house lies close to the ground.

Board Member Walsh stated that since the home is being raised, why not raise it to bring it up to code. Board Member Trafford agreed.

Mr. Thomas said Ms. Maziekien is willing, but she is concerned over the appearance of the home in regards to other structures in the area.

Mr. Thomas suggested that the case be carried over to the next regular meeting when more information could be offered to the Board.

Special Meeting Request - William and Jane Marriott, John Shawn Tawgin - Mr. Thomas, representing the Marriotts in regards to the case with their property at Lockwood Avenue, and Mr. Tawgin in regards to his property at 129 Sea Girt Avenue, requested that a special meeting be held for both matters.

Board Member Walsh made the motion to grant the special meetings, seconded by Board Member Roberts. The motion was passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Walsh, Roberts, Bogan. "No" none.

Board Member Walsh made a motion that the meeting be held January 11, 1989, 8 p.m., seconded by Board Member Kazenmayer. Motion was passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Walsh, Roberts, Bogan. "No" none.

Application 22-88 - Florence P. Fox - 62 Lakewood Road - The Board Attorney marked the file and administered the oath to Florence P. Fox, 62 Lakewood Road.

Mrs. Fox testified that her son built the deck structure in question on the property in response to the noise problems on Lakewood Road, which Mrs. Fox stated do not allow reading or conversation on her front lawn. It was after the construction that she was advised a permit was needed.

The deck was constructed on top of existing concrete patio between the house and garage. A letter of denial was issued by A.P. Ratz, CO, because setback requirements were not met.

There being no further questions from the Board or questions and comments from the audience, Board Member Walsh made the motion to close the hearing, seconded by Board Member Trafford. The motion was passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Walsh, Roberts, Bogan. "No" none.

Board Member Walsh made the motion to vote on favorable resolution, seconded by Board Member Kazenmayer. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Walsh, Roberts, Bogan. "No" none.

Application 23-88 - Kathryn Miller - 157 Second Avenue - The Board Attorney marked the file and administered the oath to Kathryn L. Miller, 170 Stewart Avenue, Kearny, owner of the property. Ms. Miller was represented by attorney John C. Carton.

Ms. Miller, Mr. Carton and the Board discussed the application, which involves the enclosing of an existing rear porch and addition of a sunroom approximately 11' x 12' (12' includes width of existing porch).

Mr. Carton clarified the survey information for the Board.

There being no further questions from the Board or any comments or questions from the audience, Board Member Walsh made a motion to close the hearing, seconded by Board Member Lyons. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Walsh, Roberts, Bogan. "No" none.

Board Member Trafford motioned to vote on a favorable resolution, seconded by Board Member Walsh. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Walsh, Roberts, Bogan. "No" none.

There being no further cases on the agenda, the Board discussed such business as membership in the New Jersey Federation of Planning Officials, and a planning seminar offered by Rutgers University.

A motion to adjourn was made by Board Member Walsh and unanimously carried.

Respectfully Submitted,
Sharon Bogie
Sharon Bogie, Secretary

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

On Wednesday, December 21, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution 22-88 - Florence P. Fox - 62 Lakewood Road

Resolution 23-88 - Kathryn F. Miller - 157 Second Avenue

Application 19-88 (cont.) - Iris and Helen Maziekien - 464 Euclid Avenue

Application 24-88 - Dawn Borloglou - 35½ Broad Street

Application 26-88 - Marshall and Harriet Brown - 466 Long Avenue

Sharon Bogie

Sharon Bogie, Secretary
Zoning Board of Adjustment

Dated at Manasquan
December 13, 1988

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING
DECEMBER 21, 1988
BOROUGH HALL, MANASQUAN N.J.

The Regular Meeting of the Manasquan Board of Adjustment was called to order at 8 p.m. by James VanSchoick, acting chairman in the absence of Robert Griffith, Chairman of the Board.

Roll Call: Present: Edward Lyons, Claudia Pincus, Christopher Trafford, James Van Schoick, Patricia Walsh, Alma Roberts and James Bogan.

Absent: Robert Griffith, Margaret Kazenmayer.

Mr. VanSchoick noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. VanSchoick announced that this was an open public meeting in accordance with the Public Meetings Act of 1975 and had been published according to law.

Mr. Van Schoick noted that the minutes of the November 16, 1988 meeting were posted on the bulletin board in the lobby of Borough Hall. He then asked for a motion to approve the minutes as submitted by the Secretary. The motion was made by Board Member Walsh, seconded by Board Member Trafford and passed by the following vote: "Yes" Board Members Lyons, Trafford, VanSchoick, Walsh, Roberts and Bogan. "No" none. "Abstain" Board Member Pincus.

Mr. Van Schoick wished to state for the record that he had listened to the tapes of the November 16, 1988 meeting and would be able to vote on the cases.

Resolution 22-88 - Florence P. Fox - 62 Lakewood Road - was read by Board Attorney William Byrnes. There being no further discussion or comments, a motion was made to vote on the favorable resolution by Board Member Christopher Trafford, seconded by Board Member Bogan. The motion was carried by the following vote: "Yes" Board Members Lyons, Trafford, VanSchoick, Walsh, Roberts, Bogan. "No" none. "Abstain" Board Member Pincus.

Resolution 23-88 - Kathryn L. Miller - 157 Second Avenue - was read by the

Board Attorney. There being no further discussion or comments, a motion was made to vote on the favorable resolution by Board Member Bogan, seconded by Board Member Trafford. The motion was carried by the following vote: "Yes" Board Members Lyons, Trafford, VanSchoick, Walsh, Roberts, Bogan. "No" none. "Abstain" Board Member Pincus.

Application 19-88 - Iris and Helen Maziekien - 464 Euclid Avenue - (cont) - Testimony was offered by attorney Kevin Thomas and builder David Kinzel regarding the project.

In response to questions from the Board at the November 12, 1988 meeting, Mr. Thomas offered information on the elevation of the 7 Watson Place structure while Mr. Kinzel offered testimony on the projected foundation.

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

Board Member Trafford moved to have the Board Attorney draw up a favorable resolution, with the motion seconded by Board Member Walsh. The motion was passed by the following vote: "Yes" Board Members Lyons, Pincus, Trafford, VanSchoick, Walsh, Roberts, Bogan. "No" none.

Application 26-88 - J. Marshall and Harriet Brown - 466 Long Avenue - The Board Attorney administered the oath to J. Marshall Brown, 401 Dogwood Terrace, Easton, PA, owner of 466 Long Avenue; and John Dinyovsky, 43 DeepCreek Drive, Manasquan, carpenter. The Board Attorney marked the file.

The application, which involves the addition of a recreation room / den to the back of the existing structure, was denied because of sideyard setback requirements; 5' is required and 3.7' were shown on the plans. The application was discussed by the Board with Mr. Brown and Mr. Dinyovsky. The Board noted that the only problem with the project seemed to be the side yard setback requirement.

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

Board Member Walsh made a motion that a favorable resolution be drafted by the Board Attorney, seconded by Board Member Pincus. The motion was carried by the following vote: "Yes" Board Members Lyons, Pincus, Trafford, VanSchoick, Walsh, Roberts, Bogan. "No" none.

Moor Letter - The Board discussed a letter received from Florence Moor, 35 Atlantic Avenue, Manasquan.

The letter, dated December 12, 1988, was in response to correspondance from A.P. Ratz, C.O., which stated that she was liable for a $500 fine if she

did not have a ramp. Mrs. Moor stated in her letter that she did not want a ramp because of prior accidents on such structures.

Mrs. Moor had been granted a resolution (Resolution 15A-88) on September 21, 1988 . The resolution, prepared in compliance with a temporary permit by Mr. Ratz due to the extraordinary circumstances (need for egress and access to the home), called for a ramp. The builder, however, installed a step type structure at the request of Mrs. Moor.

After discussion amongst the Board members, the Board unanimously voted to have the Board Attorney write a letter to Mrs. Moor that the step may remain and no fine should be levied. Copies of the letter would be forwarded to Mr. Ratz and Mayor John Winterstella.

The Board voted to join the New Jersey Federation of Planners on a plan with the Planning Board by the following vote: "Yes" Board Members Lyons, Pincus, Trafford, VanSchoick, Walsh, Roberts. "No" Board Member Bogan.

A motion was unanimously carried to adjourn the meeting.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk

CERTIFICATION

The undersigned is a member of the Zoning Board of Adjustment of the Borough of Manasquan.

I was unable to attend the meeting held by the Board on

Nov. 16, 1988

I certify that I have listened to the tape recording of the aforesaid meeting in full.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: 12/12/88

James P. Van Schoick Jr.

19889

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

On Wednesday, January 11, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold a special meeting in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

The agenda will include the following:

7:45 p.m. - REORGANIZATION MEETING

8 p.m. - SPECIAL MEETING

FORMAL ACTION MAY BE TAKEN ON THE FOLLOWING:

Application 8S - 89 - William and Jane Marriott - Lockwood Avenue (Blk. 151, Lot 7)

Application 9S - 89 - John Shawn Tawgin - 129 Sea Girt Avenue

Sharon Bogie

Sharon Bogie, Secretary
Zoning Board of Adjustment

Dated at Manasquan January 3, 1989

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

On Wednesday, January 18, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

AGENDA

7:45 p.m.- REORGANIZATION MEETING

8 p.m. - REGULAR MEETING

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution 19-88 - Iris and Helen Maziekien - 464 Euclid Avenue

Resolution 26-88 - Marshall and Harriet Brown - 466 Long Avenue

Application 1-89 - E & H Holding Corp. - Edgar's III - 153 Sea Girt Avenue

Application 2-89 - Craig and Marie Verran - 172 First Avenue

Application 24-88 - Dawn Borloglou - 35 Broad Street

OLD BUSINESS

NEW BUSINESS

Sharon Bogie

Sharon Bogie, Secretary

Dated at Manasquan January 13, 1989

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING

January 18, 1989

The Regular Meeting of the Manasquan Board of Adjustment was called to order at 8 p.m. by Chairwoman Claudia Pincus.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, Claudia Pincus, Christopher Trafford, James VanSchoick, Patricia Walsh, Alma Roberts and James Bogan.

Absent: Edward Lyons

Mrs. Pincus noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mrs. Pincus announced that this was an open public meeting in accordance with the Public Meetings Act of 1975 and had been published according to law.

Mrs. Pincus noted that the minutes of the December 21, 1988 meeting were posted on the bulletin in the lobby of Borough Hall. She then asked for a motion to approve the minutes as submitted by the Secretary. The motion was made by Board Member VanSchoick , seconded by Board Member Walsh and passed by the following vote: "Yes" Board Members Pincus, Trafford, VanSchoick, Walsh, Roberts and Bogan. "No" none. "Abstain" Board Members Griffith, Kazenmayer.

Resolution 19-88 - Iris and Helen Maziekien - 464 Euclid Avenue - was read by the Board Attorney. There being no further discussion or comments, Board Member VanSchoick made the motion to memorialize the favorable resolution, seconded by Board Member Walsh. The motion was passed by the following vote: "Yes" Board Members Pincus, Trafford, VanSchoick, Walsh, Roberts, Bogan. "No" none. "Abstain" Board Members Griffith and Kazenmayer.

Resolution 26-88 - J. Marshall and Harriet Brown - 466 Long Avenue - was read by the Board Attorney. There being no further discussion or comments, Board Member Christopher Trafford moved that the favorable resolution be memorialized, seconded by Board Member Board Member Walsh. The motion was carried by the following vote: "Yes " Board Members Pincus, Trafford, VanShoick, Walsh, Roberts, Bogan. "No" none. "Abstain" Board Members Griffith, Kazenmayer.

Application 1-89 - E & H Holding Co. T/A - Edgar's III - 153 Sea Girt Avenue - The file was marked by the Board Attorney and the oath was administered to Ed Canepi, who was represented by attorney John Powers.

The application involves a satellite dish on the roof of Edgar's III. A hardship variance is requested by the applicant.

Mr. Canepi, identified by Mr. Powers as the principal stockholder / owner of the establishment, testified that he bought the establishment in 1981 and offered a brief history of the business, which he turned into a "family restaurant," he stated. Mr. Canepi stated that he checked with the police department, Jersey Central Power and Light and then-Manasquan Fire Inspector Kenneth Miller about the project. He then had the dish installed, he testified.

Mr. Canepi explained how he was able to get numerous channels with the dish which allowed for the viewing of sporting events.

Under questioning from Mr. Powers, Mr. Canepi noted that the televised events were the establishment's only form of entertainment.

Mr. Canepi explained that if the dish had been put on the ground, reception would have been affected because of a tree on the property. He stated that the dish needed a clear area and noted a fire lane in the rear of the building. He stated that its present location is the only clear spot on the property.

According to further testimony, it was revealed that the dish was erected by Northeast Satellite Co.; documentation of this was marked for the file.

Board member Kazenmayer asked Mr. Canepi whether the satellite dish could be moved back. Mr. Canepi said that the present location is the only site he can pick up the signal because of the tree. Board Member Trafford asked how that was determined; was the dish moved around? Mr. Trafford also asked if Northeast Satellite Co., Middletown, gave him any indication that he would need to obtain a building permit; Mr. Canepi said no. Mr. Canepi testified that, after installation, he was informed he needed a building permit. An application was immediately filed at that time.

Kevin Thomas, attorney, stated that he represented Thomas Sharkey, owner of the property at corner of Sea Girt Avenue and Route 71. He said Mr. Sharkey was opposed to the application and was concerned about the effects it would have on his property. Mr. Thomas noted an ordinance which requires screening around such a structure for appearance purposes. Mr. Thomas said he did not think the benefits outweigh the detriments in regards to the case.

Board Member Walsh asked if Mr. Canepi had spoken with the company which sold him the dish since he found out he must appear before the Board; Mr. Canepi said he had. Mr. Canepi said he had asked the company whether there was anywhere else on the property he could place the dish and was told there was no other place he could pick up the channels.

The Board requested further information regarding the placement of the dish and experts to testify on the project. Mr. Powers agreed to supply experts at the next meeting if the Board was willing to continue the case at the next meeting.

Board Member Griffith also asked for information regarding the labor costs of

installation; the applicant stated they would be provided. A request was also made by the Board for information regarding resolution percentages at various points on the property.

Mr. Canepi also testified that the dish was 10½ foot wide.

A motion was made, seconded and carried unanimously to continue the hearing at the next meeting.

Application 2-89 - Craig and Marie Verran - 172 First Avenue - The file was marked by the Board Attorney and Mr. and Mrs. Verran were administered the oath. The Verrans were represented at the hearing by Mr. Flowers, attorney.

The Verrans sought to install a heating system in their structure, a condominium. The project was denied by Albert P. Ratz Jr., CO, for expansion of a non-conforming use.

The Verrans, residents of 58 Sunrise Drive, Gillette, testified as to the circumstances behind the application. Testimony provided that when the Verrans bought the property in May 1985 there was no heating in the unit. Mr. Verran testified that the four other condominium units presently have permanent heating systems. Photographs were provided of the heating system in the Verran condo and the neighboring condo belonging to Mr. and Mrs. R. Basso; the photos were marked.

Mr. Verran testified that he and local contractor Ron Lamo entered into an agreement to install a heating unit in the Verran condo. Mr. Lamo, as part of the agreement, would get all the necessary permits. Mr. Flowers asked that a copy of the building permit (number 9260) be entered as evidence. The Verrans then received a letter from Mr. Ratz telling them that they needed a variance to continue work; until that point, the Verrans were unaware of the need for a variance, testified Mr. Verran.

John Longshore, a neighbor of the Verrans, talked about the heating system in his condominium.

The Verrans stated they did not plan to rent the condominium. They also testified it would be forced hot air heating system.

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

The Board and Board Attorney discussed the necessity of a variance in the case.

There being no further discussion, questions or comments, Mr. Griffith made the motion to have the Board Attorney draw up a favorable resolution, seconded by Mr. Van Schoick. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Roberts, Bogan.

Application 24-88 - Dawn Borloglou - 35½ Broad Street - The Board Attorney marked the file and noted for the record that Board Member Christopher Trafford had disqualified himself from the case as he was notified in the affected area. Mr. Byrnes noted that Mr. Trafford could, as a member of the public, ask questions regarding the case.

The Board Attorney administered the oath to Dawn Borloglou, presently of 108 Main Street, and Eugene Borloglou.

The Borloglous discussed plans for the property.. The testimony provided that heat was desired so that the back cottage at the address could be used as a year round residence by Ms. Borloglou. The front structure, it was stated, was to be used as a retail (antique) store; that front structure is heated, it was noted.

Ms. Borloglou related the history of the buildings, which are situated in an R-2 zone. The previous owner's use of the property was discussed by the applicant and the Board. The nature of the neighborhood was also noted.

After discussion of the plans, it was recommended that applicant see Jerry Iannelli, code officer, for information on whether the plans were according to code.for an R-2 zone.

The Board made, seconded and carried a motion for a site inspection to be conducted on January 21, 1989 at 9 a.m. by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, VanSchoick, Walsh, Roberts, Bogan. "No" none. "Abstain" Board Member Trafford.

In other business, a request was made by Kevin Thomas, attorney, on behalf of his clients, John Shawn Tawgin and William and Jane Marriott, for a special meeting. Mr. Thomas had previously asked for a special meeting in regards to the two cases, but the meeting had been cancelled.

Mrs. Walsh made a motion, seconded by Mr. VanSchoick, to deny the request. The motion was carried by the following vote : "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Walsh, Roberts and Bogan.

Board Chairman Pincus read the agreement between Board Attorney William Byrnes and the Board for his services. The motion to accept the agreement was made by Board Member Griffith, seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Trafford, VanSchoick, Walsh, Roberts, Bogan.

A motion was made, seconded and unanimously carried for adjournment.

Respectfully Submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
REORGANIZATION MEETING
JANUARY 18, 1989
BOROUGH HALL, MANASQUAN N.J.

The Reorganization meeting of the Manasquan Board of Adjustment was called to order at 7:45 p.m. by Chairman Robert Griffith.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, Claudia Pincus, Christopher Trafford, James VanSchoick, Patricia Walsh, Alma Roberts and James Bogan Jr.

Absent: Edward Lyons

A motion was made, seconded and passed unanimously passed to name William Byrnes Board Attorney. A motion was also made, seconded and passed to name Sharon Bogie as Board Secretary.

Board member VanSchoick nominated Mr. Griffith to continue as Board Chairman. Mr. Griffith declined the nomination and, in turn, nominated Mrs. Pincus. Mrs. Pincus' nomination was seconded by Mr. Trafford and carried by the Board. Mr. Byrnes then read Resolution "A" for the naming of the Board Chairman, with Mrs. Pincus as the chairman. The resolution was moved, seconded and passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Walsh, Roberts, Bogan. "No" none.

Mrs. Pincus nominated Mr. Griffith to serve as vice-chairman. The nomination was seconded and carried by Board. The Board Attorney read Resolution "B" designating Mr. Griffith as vice-chairman. The Resolution was moved, seconded and passed by the following vote: Board members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Walsh, Roberts, Bogan. "No" none.

Resolution "C", designating the meeting dates for the year as the third Wednesday of the month, was moved by Board Member Kazenmayer, seconded by Board Member Roberts and passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Walsh, Roberts, Bogan. "No" none.

Resolution "D", which named the Coast Star, Broad Street, Manasquan, as the official newspaper and The Asbury Park Press, Neptune, as secondary newspaper, was moved by James VanSchoick, seconded by Christopher Trafford and passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Walsh, Roberts, Bogan. "No" none.

The following Board Members were reappointed by council to the Board of Adjustment and were sworn in for their new terms: Mrs. Pincus, regular member; Mr. VanSchoick, regular member; and Mr. Bogan, alternate member number two. Also sworn in were the Board Attorney and Secretary.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Zoning Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

On Wednesday, February 15, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 8:00 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey,

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

Resolution 2-89 - Craig and Marie Verran - 172 First Avenue

Application 1-89 (cont.) - E & H Holding Co.-Edgar's III - 153 Sea Girt Ave. - postponed at request of attorney

Application 24-88 (cont.) - Dawn Borloglou - 35 Broad Street

Application 3-89 - John and Frances Drew - Third Avenue (adjacent to 107 Third Ave.)

Application 4-89 - Michael and Clare Collins - 69 Beachfront

OLD BUSINESS

NEW BUSINESS

Sharon Bogie

Sharon Bogie, Secretary

Dated at Manasquan February 6, 1989

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING

February 15, 1989

The Regular Meeting of the Manasquan Board of Adjustment was called to order at 8 p.m. February 15, 1989 in the Manasquan Borough Hall by Vice Chairman Robert Griffith in the absence of Chairwoman Claudia Pincus.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, James VanSchoick, James Bogan Jr.

Absent: Claudia Pincus, Patricia Walsh, Alma Roberts.

Mr. Griffith noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. Griffith stated that this was an open public meeting in accordance with the Public Meetings Act of 1975 and has been published according to law.

Mr. Griffith noted that the minutes of the January 19, 1989 meeting were posted on the bulletin board in the lobby of Borough Hall. He then asked for a motion to approve the minutes as submitted by the Board Secretary. The motion was made by Board Member Trafford, seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Trafford, VanSchoick, Bogan. "No" none. "Abstain" Board Member Lyons.

Resolution 2-89 - Craig and Marie Verran - 172 First Avenue - was read by Board Attorney William Byrnes. There being no further questions or comments, Board Member Kazenmayer made the motion to memorialize the favorable resolution, seconded by Board Member Christopher Trafford. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Trafford, VanSchoick, Bogan. "No" none. "Abstain" Board Member Lyons.

Application 1-89 - E & H Holding Co. - Edgar's III - 153 Sea Girt Avenue - Mr. Griffith announced that the hearing was postponed at the request of the applicant's attorney so expert testimony on the satellite dish could be secured for the Board.

Application 24-88 (cont.) - Dawn Borloglou - 35 Broad Street - Letters from Code Official Jerry Iannelli, one dated June 20, 1988 and the other February 7, 1989, were marked for the file and discussed.

Richard Ansell of the law firm Ansell, Zaro & Fox stated he is representing the applicant. He asked that the discussion be centered around the back cottage.

Mr. Byrnes once again noted that Board Member Trafford would withdraw himself from the case because he was notified. Mr. Griffith noted that there were only five voting members and pointed out that all the members would have to vote in the affirmative for the resolution to be favorable. Mr. Griffith commented that the applicant had the option to continue the hearing at the next meeting.

Mr. Griffith also stated that the applicant could amend the application in regards to the expansion of the antique sales area. Mr. Griffith requested a copy of the deed for the property to review any restrictions on the deed; at the last meeting, testimony had been provided that the front structure must be owner occupied.

Mr. Ansell asked for a brief break so he might confer with Ms. Borloglou. After the conference, Mr. Ansell asked that the hearing be continued at the next meeting and waived the time limit.

Application 3-89 - John and Frances Drew - Second Avenue - Block 169, Lot 6a- The Board Attorney marked the file and administered the oath to John and Frances Drew, 32 Inwood Road, Chatham.

Mrs. Drew, Mr. Drew, the Board Attorney and Board discussed the application, which asks for a hardship variance to grant relief from setback requirements in a R-5 zone and allow for construction of a new house on the lot.

Mrs. Drew offered testimony on the history of the property in regards to prior subdivisions, building. She discussed plans for the proposed structure and submitted pictures (marked A 9 & 10 and A 11 & 12) to give an indication of the style of the house. The same architect who designed the other homes on the land use map provided by the applicant would also design this house, Mrs. Drew noted. Mrs. Drew stated that the style of the home would echo the Coast Guard Station. A conceptual drawing of the home was also provided for the Board.

Mrs. Drew stated that when she came in for a subdivision of the land from two to four lots, one house, located at the corner of Second and Third Avenues, existed. After the subdivision was granted, houses were built and completed at 107 Third Avenue (1976) and the house on the creek (1978). The Block 169, Lot 6a property was left as a buildable lot under requirements at that time. Now the applicants feel it is the right time to build, but the requirements (under zoning / code) have changed, stated Mrs. Drew.

The Board and applicants discussed the setbacks, in particular the sideyard setbacks.

Mr. Griffith made a motion to conduct a site inspection on February 18, 1989 at 9 a.m. The motion was seconded and passed unanimously.

The applicant agreed to stake out the property for the Board's convenience; the Board also asked that the area where the projected house is planned also be staked.

The Board Attorney also suggested that the Board request a new land use plan with the structures depcited as they actually were built.

The applicants agreed to waive the time limit on the matter.

Application 4-89 - Michael and Clare Collins - 69 Beachfront - Block 165, Lot 27,28- The Board Attorney marked the file and administered the oath to Michael and Clare Collins, 81 Joysan Terrace, Freehold, and John Dinyovszky, Deep Creek Drive, Manasquan, builder.

The Board, Board Attorney, applicants and builder discussed the application, which asks for a use variance to permit the building of a second floor over the existing first floor. The application was denied by A.P. Ratz Jr., CO, because of sideyard setbacks and two residences on one lot. The property is zoned R-4.

The applicants stated that the plans were redrawn from their 1988 application before the Board of Adjustment.

After further questions and comments , Board Member VanSchoick made a motion to hold a site inspection February 18, 1989. The motion was seconded and unanimously carried.

The applicants agreed to waive the time limit on the matter.

In other business, Mr. Griffith signed vouchers presented by the Board Secretary.

The Board discussed setting up a policy in regards to applicants who wish to change their hearing date.

The Board denied a request made by attorney Kevin Thomas to hold a site inspection for his client, Robert Gardell. Mr Gardell's case is scheduled for the March meeting. The Board stated it was not their policy to hold a site inspection before the hearing.

The Board went into closed session to discuss litigation. After the discussion, the Board returned to the open session. A motion was made, seconded and carried to adjourn.

Respectfully Submitted,
Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

On Wednesday, March 15, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 8 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

Application 1-89	(cont.)	-	E & H Holding Company - Edgar's III - 153 Sea Girt Ave.
Application 24-88	(cont.)	-	Dawn Borloglou - 35 Broad Street
Application 3-89	(cont.)	-	John and Frances Drew - Third Ave. (adjacent to 107 Third)
Application 4-89	(cont.)	-	Michael and Clare Collins - 69 Beachfront
Application 5-89		-	Edith Castellitti - 149 Lake Avenue - cancelled at attorney's request
Application 6-89		-	Patricia Terry - 57 Osborne Avenue
Application 7-89		-	Robert Gardell - 171 Beachfront

NEW BUSINESS

OLD BUSINESS

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 3-7-89

BOROUGH HALL, 15 TAYLOR AVENUE
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Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING
March 15, 1989

The Regular meeting of the Manasquan Board of Adjustment was called to order at 8 p.m. March 15, 1989 by Chairwoman Claudia Pincus.

Roll Call Present: Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, James VanSchoick, Alma Roberts, James F. Bogan Jr.

Absent: Christopher Trafford, Patricia Walsh

Mrs. Pincus noted that she had listened to the February 15 meeting tapes.

Mrs. Pincus noted that a quorum was present and asked those attending the meeting to join in the salute to the flag. Mrs. Pincus announced that this was an open public meeting in accordance with the Public Meetings Act of 1975 and had been published according to law.

Mrs. Pincus noted that the minutes of the February 15, 1989 meeting were posted on the bulletin board in the lobby of Borough Hall. She then asked for a motion to approve the minutes as submitted by the Board Secretary. The motion was made, seconded and carried.

Application 1-89 - (cont.) - E & H Holding Company - Edgar's III - 153 Sea Girt Avenue. John Powers, attorney for the applicant, introduced Kenneth Miller, former fire official in Manasquan, and Kevin Bock, vice president of Northeast Satellite Company. Mr. Miller and Mr. Bock were administered the oath by Board Attorney William Byrnes.

Mr. Miller testified that he had spoken with Mr. Miller regarding the installation of the dish. Mr. Miller stated that he advised Mr. Ed Canepi, applicant, to get in touch with Borough officials. Mr. Powers asked Mr. Miller whether the dish, located on top of Edgar's III, posed a safety hazard. Mr. Miller stated that as far as the fire company was concerned, it posed no concerns; in fact, it was preferred as a satellite dish on the ground would affect parking and possible movement of fire equipment on the property.

Mr. Bock, vice-president of sales for the dish company, testified regarding the satellite dish and its location.

Mr. Bock stated that he installs and sells such systems for the family owned company. He has worked eight years in the field and was trained by the manufacturer about the system, testimony revealed. Such satellite dishes have been installed along the eastern seaboard from Virginia to Massachusetts, including one residential dish in Manasquan, he testified.

Mr. Bock stated he first spoke to Mr. Canepi last April when Mr. Canepi contacted the company. The proposal for the project was entered as evidence. The cost of installation was $4000 and the dish was installed over a two day period in June or July 1988, testified Mr. Bock. Mr. Bock stated that it was left to Mr. Canepi to secure any needed permits.

Mr. Bock testified that, based on the way the satellite system works, the roof is the only place the dish could be placed because of a tree located on the property adjacent to the restaurant. He stated that satellite signals could not be received through the tree.

Board Member Roberts suggested a facade around the dish for aesthetic purposes. Mr. Bock said that it was possible providing such a facade would not block any of the signals.

Mr. Bock once again reliterated that he was not aware that the dish was in violation of zoning and that the obtaining of permits is left to the owners.

Bob Watkins, 17 First Avenue, asked Mr. Bock whether a satellite dish signal could affect regular television signals. Mr. Bock stated that it was not possible.

Mr. Canepi submitted photographs of a satellite dish located at Squan Tavern. He stated that the Squan Tavern dish was about the same size as his dish and that the Squan Tavern structure had no obstructions around it, thus it could be placed on the ground.

Mr. Canepi also testified that he had called Manasquan Police Department regarding installation of the dish and that Chief of Police Rowan had stated that, to his knowledge, there were no rules, etc., prohibiting installation of a dish on the roof.

There being no further questions, comments or testimony from the applicant, Board or public, Board Member Griffith made the motion to close the hearing seconded by James VanSchoick. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts, Bogan.

Board Member Griffith made the motion that the applicant be allowed to keep the dish, but that a fine would be levied against the installer "just to remind them" to get the permits necessary before installation is done. He also noted that the dish is located in a light industrial zone. The motion was seconded by Board Member VanSchoick but was not carried by the following vote: "Yes" Board Members Griffith, VanSchoick. "No" Board Members Kazenmayer, Pincus, Roberts, Bogan. "Abstain" Board Member Lyons.

Mr. Canepi and Mr. Powers discussed the option of appealing the vote.

Application 24-88 (cont.) - Dawn Borloglou - 35 Broad Street- Richard Ansell, attorney for the applicant, introduced Iva Messick, Kenneth Miller and Ray Carpenter as witnesses in the case. The Board Attorney administered the oath.

It was noted for the record that a copy of the deed had been submitted to the Board per the Board's request at the February 15, 1989 meeting. No restrictions were found in the document, it was noted.

Ms. Messick, 57 Curtis Avenue, testified that she has been acquainted with the property and the uses for the two structures located there for 60 years. She stated that antiques had been sold from the front house and that the entire front structure had been used in this manner.

Mr. Miller, 90 Stockton Lake Boulevard, testified that in his role as a fire official in Manasquan (now retired), he had occasion to be in the front house. He stated that antiques were sold on both floors of the home.

Mr. Ansell noted a letter from Jerry Iannelli, code officer, which stated that the porch and front room were used for the selling of antiques.

It was also noted in testimony from Ms. Messick and in Mr. Iannelli's letter that Dorothy Stifler, the former owner of the property, had used the front house as a residence as well.

Ms. Borloglou stated that she wished to use the back cottage as her residence and use the entire front building for antiques. She stated she had no plans to use the front house for a residence.

Mr. Carpenter, Sea Girt Avenue, Sea Girt, testified that he is an engineer and planner who conducted an investigation of the area at Mr. Ansell's request. Mr. Carpenter discussed the zoning in the area. He noted that a commercial zone was right accross from Ms. Borloglou's property, located in an R-2 zone. He stated that antiques, in his opinion, were not a high volume retail and that granting the variance should not cause any detriment to the area.

Ms. Borloglou also stated that she would be the only employee of the antique establishment.

There being no further testimony, questions or comments from the Board or public, Board Member Kazenmayer moved to close the hearing, seconded by Board Member Roberts. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts, Bogan.

Board Member Roberts made the motion to grant the variance for heating, seconded by Board Member Griffith. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, VanSchoick, Roberts, Bogan. "No" none. "Abstain" Board Member Lyons.

In regards to the variance to permit the sale of antiques on the property, Mr. Griffith moved that the front house be used only for the selling of antiques, not for dwelling purposes. The motion was seconded by Board Member VanSchoick and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, VanSchoick, Roberts, Bogan.

Application 3-89- (cont) - John and Frances Drew - Third Avenue (adjacent to 107 Third Avenue)- The Drews gave further testimony in the case, which asks for relief from setbacks so they may construct a single family residence. Such topics as landscaping and upgrading the property were discussed by the applicants, Board and Board Attorney.

Per the Board's request, a signed and sealed survey was submitted to the Board and marked by the Board Attorney for the file. It was also noted that the Board conducted a site inspection of the subject property in March.

Roseann Maraziti, owner of 107 Third Avenue, stated she had no objections to the project.

There being no further questions or comments from the Board or public, Board Member Kazenmayer moved to close the public hearing, seconded by Board Member Bogan. The motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts, Bogan. "No" none.

Board Member Bogan moved that the Board have a favorable resolution drawn up providing that the house be placed back two feet toward the rear. Motion seconded by James VanSchoick and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts, Bogan. "No" none.

A motion was made, seconded and carried to set an 11 p.m. time limit on the meeting.

Application 4-89 - (cont) Mr. and Mrs. Michael Collins - 69 Beachfront- The applicants continued to discuss the case with the Board and Board Attorney. It was noted that a site inspection was conducted in March.

Mr. Collins testified that he owns the property and home at the subject property.

There being no further questions or comments from the Board or public, Board Member VanSchoick moved to close the public hearing, seconded by Board Member Bogan. The motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts, Bogan. "No" none.

Board Member Kazenmayer moved to have the Board Attorney draw up a favorable resolution, seconded by Board Member VanSchoick. The motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts, Bogan.

Application 6-89 - Patricia Terry - 57 Osborn Avenue - The Board Attorney marked the file and administered the oath to Patricia Terry, 57 Osborn Avenue,

and Margaret Monsell, 2264 Newark Avenue, Manasquan (Wall Township). Ms. Terry was represented by Kevin Thomas, attorney, Lautman, Henderson, Mills and Wight.

Under questioning from Mr. Thomas, Ms. Terry offered testimony on the application, which seeks permission to convert a single family dwelling into a mother-daughter home with an addition. Albert Ratz, CO, denied the building permit as a mother - daughter (two family) is not a permitted use. A use variance is being sought; the home is in an R-2 zone.

While marking the file, the Board Attorney noted correspondance from Axel and Mary Carlson, owners of 62 North Main Street, which objected to the two-family project.

The applicant's sttorney submitted to the Board a color coded map indicating the use of each lot in the area; i.e. one family, two family, etc. Testimony revealed that the project would meet bulk requirements. Revised plans were also submitted to the Board and marked for the file.

Ms. Terry testified that the addition would be used for Mrs. Monsell, Ms. Terry's mother, and Ms. Terry's handicapped sister. The plans would allow Mrs. Monsell and Ms. Terry's sister to live on the premises while also giving privacy to Ms. Terry and her family, Ms. Terry testified. Ms. Terry noted that her mother was recently widowed and would be selling her home.

A letter was marked from Ms. Terry to Mr. Ratz which stated that a kitchen would not be installed in the new addition until approval of the use variance was granted by the Board.

Photographs of the subject property were also submitted for the Board's consideration. Sketches were also submitted and marked for the file.

Kim Rydholm, 61 Osborn, stated she had no objections to the project.

Claudia Pincus moved to conduct a site inspection on March 18 at 9 a.m.; motion was seconded and carried unanimously.

A motion was made,seconded and carried to extend the 11 p.m. limit by 15 minutes.

Application 7-89 - Robert and Carol Gardell - 171 Beachfront - The Board Attorney marked the file and administered the oath to Robert and Carol Gardell, 40 Fletcher Avenue, Manasquan. Kevin Thomas identified himself as attorney for the applicants.

The Board Attorney, Board, applicants and applicants' attorney discussed the application, which proposes to tear down the existing house and replace it with a new two story home. Albert Ratz, CO, denied the project under Section 107-82 A (4) - non-conforming uses- and 107-27-Schedule I- side and front setbacks. The applicant seeks a use variance. The property is zoned R-5 and national flood applies (pilings needed).

The proposed building, according to the application, is 32' x 47'; two stories/ 32 feet in height. The home will be used as a primary, single family residence, it was stated.

Richard Basso, 170 First Avenue, a year round resident of Mr. Gardell's condominium association, spoke in favor of the project.

Bob Watkins, 17 First Avenue, stated he felt the new house would be an asset to the beach area.

John Longshore, 171 South Street, started to speak in opposition to the project, but the Board, in deference to time, agreed to have Mr. Longshore continue his comments at the next hearing.

Board Member VanSchoick moved to hold a site inspection March 18, 1989 at 9:30 a.m., seconded by Board Member Griffith and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts, Bogan. "no" none.

There being no further cases on the agenda, the Board discussed new and old business.

Among the new business items was a request by Fran Millas on behalf of her parents Mr. and Mrs. Gus Vallas for a special meeting. The Board discussed the matter and Mrs. Roberts made the motion to have the special meeting at the end of the regular May agenda, seconded by Margaret Kazenmayer. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Edward Lyons, Pincus, VanSchoick, Roberts,Bogan. "No" none.

There being no further business, a motion was made, seconded and carried unanimously.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

On Wednesday, April 19, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 8 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Work Session

8 p.m. - Regular Meeting

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

Application 1-89 (finalization) - E & H Holding Co. - Edgar's III - 153 Sea Girt Ave.

Resolution 24-88 - Dawn Borloglou - 35 Broad Street

Resolution 3-89 - John and Frances Drew - Third Avenue (adjacent to 107 Third)

Resolution 4-89 - Michael and Clare Collins - 69 Beachfront

Application 6-89 (cont.) - Patricia Terry - 57 Osborn Avenue

Application 7-89 (cont.) - Robert Gardell - 171 Beachfront - postponed at request of attorney

Application 8-89 - Jane and William Marriott - Lockwood Ave. (Block 151, Lot 7)

Application 9 -89 - John Shawn Tawgin - 129 Sea Girt Avenue

Application 10 - 89 - Noel and Ida Hood - Curtis Avenue - Block 82, Lot 26

Old Business

New Business

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan
April 12, 1989

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING
April 19, 1989

The Regular Meeting of the Manasquan Board of Adjustment was called to order at 8 p.m. April 19, 1989 by Chairwoman Claudia Pincus.

Roll Call: Present - Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, James VanSchoick, Alma Roberts, James Bogan Jr.

Absent - Patricia Walsh

Mrs. Pincus noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mrs. Pincus announced that this was an open public meeting in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Mrs. Pincus noted that the minutes of the March 15, 1989 meeting were posted on the bulletin board in the lobby of Borough Hall. She then asked for a motion to approve the minutes as submitted by the Board Secretary. Motion made by Board Member Kazenmayer, seconded by Board Member Bogan and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts, Bogan. "No" none. "Abstain" Board Member Trafford.

Application 1-89 (finalization) - E & H Holding Co.-Edgar's III - 153 Sea Girt Avenue - John Wooley, attorney for the applicant; and Ed Canepi, applicant, asked to submit further information to the Board. Mrs. Pincus welcomed a motion to reopen the case; motion was made, seconded and carried.

After the applicant's presentation, Chairwoman Pincus asked if the audience had any questions or comments. There being no further comments or questions from the audience or the Board, a motion was made, seconded and passed to close hearing. Board Member Kazenmayer made the motion to have the Board Attorney write up a favorable resolution but that the installer, Northeast Satellite Systems, Inc., should be fined $400. The motion was seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Bogan. "No" Board Member Roberts. "Abstain" Board Member Trafford.

Resolution 24-88 - Dawn Borloglou - 35 Broad Street - The favorable resolution was read by the Board Attorney. Board Member VanSchoick made the motion to approve the resolution seconded by Board Member Griffith. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts, Bogan. "Abstain" Board Member Trafford. "No" none.

Resolution 3-89 - John and Frances Drew - Third Avenue (adjacent to 107 Third) - The Board Attorney read the favorable resolution. Board Member VanSchoick requested that the resolution be amended to reflect the change in position of the projected house by two feet. A motion was made, seconded and carried to approve the resolution with the change; motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts, Bogan. "No" none. "Abstain" Board Member Trafford.

Application 6-89 - Patricia Terry - 57 Osborn Avenue- (cont.) Patricia Terry, applicant, and her mother Margo Monsell appeared before the Board for the continuation of their hearing regarding application for a two-family (mother-daughter) addition.

The Board noted that a site inspection had been conducted.

There being no further comments or questions from the Board or public, a motion was made, seconded and carried to close the public hearing. Board Member Pincus made a motion to have the attorney draw up a favorable resolution, seconded by Board Member Lyons and carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, VanSchoick, Roberts, Bogan. "No" none. "Abstain" Board Members Kazenmayer, Trafford.

Application 7-89 - Robert Gardell - 171 Beachfront - postponed at request of applicant.

Application 8-89 - William and Jane Marriott - Lockwood Avenue (Block 151, Lot 7) - The Board Attorney recognized Kevin Thomas as the applicants' attorney and administered the oath to Jane Marriott, 218 The Terrace, Sea Girt.

The Board, Board Attorney, applicant and applicant's attorney discussed the application, which requests a hardship variance so that a single family residence may be constructed on an undersized lot. The Marriotts are contracted to sell the subject property to Mr. and Mrs. Phillip Donaghan . The lot measures 36 x 100 and is in an R-3 zone. The Marriotts own the adjoining property (Lot 6).

Evidence was marked for the file by the Board Attorney. A request was made for a new affadavit from Mr. and Mrs. Demme, among the notified residents.

The Board requested that more information be given in the way of what plans the contract purchaser has for the lot (regarding the house to be built); Mr. Thomas said that further testimony will be provided.

Board Member Bogan requested a clearer survey.

The Board discussed the case and a motion was made by Board Member Griffith to hold a site inspection; the motion was seconded and passed unanimously. The Board established a date of May 13, 1989 at 9 a.m. for the inspection.

There being no further Board comments, Chairwoman Pincus asked if the public had any questions or comments.

John Plisky, 416 East Main Street, spoke in opposition to the application and questioned plans for the driveway on the property. Mr. Thomas stated that the driveway issue would be discussed at the next hearing.

Grace Laird, 8 Lockwood Avenue, spoke in opposition to the project.

Jay Monaghan, 9 Lockwood Avenue, expressed concerns about the parking and crowding and how they would affect the safety of his two children.

The hearing is scheduled to continue at the May 17, 1989 meeting; the time limit has been waived.

Application 10-89 - Noel and Ida Hood - Curtis Avenue- Block 82, Lot 26 - by agreement with the attorneys involved with the other cases on the agenda, the application of Noël and Ida Hood regarding their lot on Curtis Avenue was accepted by the Board and the evidence marked by the Board Attorney. Testimony will be given at the May 17, 1989 meeting.

A motion was made, seconded and carried for a five minute recess. Roll Call after recess : "Present" - Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, VanSchoick, Roberts, Bogan. "Absent": Board Member Walsh.

Application 9-89 - John Shawn Tawgin - 129 Sea Girt Avenue - The Board Attorney marked the file and recognized Kevin Thomas as attorney for the applicant. Mr. Thomas introduced the applicant, John Shawn Tawgin, president and owner of John Shawn Photographers; John Fischetti, vice president; and Ronald Ernish, architect . The application seeks a reversal of the CO's determinations regarding use of the property and the necessity of site plan approval. The letter of denial from A.P. Ratz, CO, states that if the Board determines the building to be a warehouse, a use variance is required. He also notes that there are 26 parking spaces on the plan submitted; 28 are required. Three of those spaces are under the required size, he further commented. Mr. Ratz says site plan approval would be needed for the parking lot and because of the projected addition exceeding 20 percent of the lot coverage of the building. According to the application filed by Mr. Thomas on behalf of the applicant, the applicant "shall seek a decision that the use at the property constitutes a valid business office use" and that site plan approval is not required under section 107-53C because the projected alteration of the existing building does not exceed 20 percent of the lot coverage of that building. Mr. Thomas maintains that the proposed addition will not increase the lot coverage of the subject property at all.

In addition, the application seeks variances from Section 107-36A, Schedule II (insufficient parking) and Section 107 - 3 (to allow 18'x8.5' parking spaces).

Mr. Thomas called upon Mr. Tawgin, Mr. Fischetti and Mr.Ernish to to be sworn in so they could offer testimony; the gentlemen were administered the oath by the Board Attorney.

Mr. Thomas first brought Mr. Fischetti before the Board. Mr. Fischetti, an employee of seven years with the firm, testified as to the operations of the business, which, among other things, deals with custom t-shirts and novelties that feature photographs on them. These products are sold at various amusement parks and facilities accross the nation, he related.

Mr. Fischetti stated that communications with the various on site managers is conducted from the 121 Sea Girt Avenue address. Inventory order, contract negoiations, meetings and brainstorming sessions are also conducted from the property. He stated there are 13 fulltime employees, including himself and Mr. Fischetti, working out of the office, which he stated was basically a communications/office headquarters for the business. He stated that orders of supplies were sent out directly to the locations.

Board Member Griffith asked Mr. Fischetti just what percentage of the building was used as office space; Mr. Fischetti stated that approximately 90 percent was used as an office and 10 percent for storage.

There being no further questions of Mr. Fischetti by Mr. Thomas, Mr. Scott Thompson, attorney for Diane Noble, 125 Sea Girt Avenue, was recognized by the Board Attorney. Mrs. Noble opposes the application and Mr. Thompson wished the opportunity to question Mr. Fischetti at the next meeting in deference to the 11 p.m. time limit voted upon by the Board earlier in the meeting. The hearing will continue May 17, 1989.

There being no further cases on the agenda, the Board entertained old and new business.

A motion was made by Board Member Roberts to have the Board start hearing cases at 7:30 p.m. rather than 8 p.m. and place the work session at the end of the meeting. Motion was seconded by Board Member Kazenmayer and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, VanSchoick, Roberts and Bogan. "No" none. The Board Secretary stated a legal stating the changes would be prepared and published.
Board Member Trafford made a motion to accept and approve the changes made in the instruction list provided to the Board of Adjustment applicants; motion seconded and carried unanimously.

It was stated that the next regular meeting of the Manasquan Board of Adjustment will be held May 17, 1989 at 8 p.m. with a 7:30 p.m. work session meeting; the time change in the work session and case hearings will become effective with the June 21, 1989 meeting.

There being no further business, a motion was made, seconded and carried for adjournment.

Respectfully Submitted,

Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

On May 17, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 8 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - work session

8 p.m. - Regular meeting

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution 1-89 - E & H Holding Co. - Edgar's III - 153 Sea Girt Avenue

Resolution 3-89 - John and Frances Drew -Third Ave. - amending prior resolution

Resolution 6-89 - Patricia Terry - 57 Osborn Avenue

Application 8-89 (cont.) - Jane and William Marriott - Lockwood Ave. - Block 151, Lot 7

Application 10-89 (cont.) - Noel and Ida Hood - Curtis Ave. - Block 82, Lot 26

Application 9 -89 (cont.) - John Shawn Tawgin - 129 Sea Girt Avenue

Application 11-89 - James Kymer - 61 Beachfront

Application 12-89 - Kirsch Holding Co. - 550 Brielle Rd. (Akron House)

Old Business

New Business

Special Meeting : Application 13-89 - Gus and Helen Vallas - 471 Main Street

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan May 12, 1989

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING
May 17, 1989

The Regular Meeting of the Manasquan Zoning Board of Adjustment was called to order at 8 p.m. by Chairwoman Claudia Pincus.

Roll Call: Present - Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James VanSchoick.

Absent - James F. Bogan Jr.

It was noted that Board Member Patricia Walsh had resigned her position on the Board.

Mrs. Pincus noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mrs. Pincus announced that this was an open public meeting in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Mrs. Pincus noted that the minutes of the April 19 1989 regular meeting were posted on the bulletin board in the lobby of Borough Hall. She then asked for a motion to approve the minutes as submitted by the Board Secretary. The motion was made, seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" none.

Resolution 1-89 - Edgar's III - E & H Holding Co. - 153 Sea Girt Avenue - The favorable resolution was read by Board Attorney William Byrnes. The motion was made and seconded to carry the resolution; motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, VanSchoick. "No" Board Member Roberts.

Resolution 3-89 - John and Frances Drew (revision) - Third Avenue - The Board Attorney read the revised favorable resolution. A motion was made and seconded to pass the resolution; motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No " none.

Resolution 6-89 - Patricia Terry - 57 Osborn Avenue - The Board Attorney read the favorable resolution. Motion was made and seconded to pass the resolution; motion carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" none. "Abstain" Board Member Kazenmayer.

Application 8-89 - Jane and William Marriott (cont.) - Lockwood Avenue - Block 151, Lot 7 - Kevin Thomas, attorney for the Marriotts, submitted surveys of Lots 6 and 7 for the Board's consideration; the Board Attorney marked the exhibits for the file.

Betty Govel, 270 Cedar Avenue, Manasquan, was administered the oath by the Board Attorney. Mrs. Govel identified herself as a realtor from Ward Wight Agency. She stated that Jerry Iannelli, Code Officer, told her that the lots were two separate building lots; thus, she explained, she listed them for sale separately and ultimately sold them to the Marriotts as a package.

Phillip Donovan, contract purchaser of the subject property, testified regarding his plans. According to Mr. Donovan, he wished to construct a four bedroom single family home of approximately 1700 square feet. He stated that it would initially be used as just a summer home and that he did not plan to rent the house.

Mr. Donovan also stated that the home would be built in accordance with the plans submitted and marked A-8 in the Board file.

The Board asked Mr. Donovan about the elevations and driveway on the property.

There being no further questions from the Board of Mr. Donovan, Mrs. Pincus asked the public if they had any questions of the witness.

John Plisky, 416 East Main Street, questioned Mr. Donovan regarding an easement for parking in back of the property, the height of the prospective building and about perspective builders.

J. Mohagan, 9 Lockwood Avenue, asked about the large Sycamore trees on the property.

Also questioning Mr. Donovan were B.J. and Valerie Hudson, 18 Lockwood Avenue; and Bob Laird, 8 Lockwood Avenue.

In response to some of the questions from the audience, the Board explained why the case was before the Board of Adjustment. Board Member Griffith explained that lot 7 is a building lot but that only a house of a certain size could be constructed there.

The Board Attorney read 107-28 of the Borough Zoning Ordinance which states: "Any separate tract, the title of which was of record at the time of the adoption of this chapter, that does not meet the requirements of this chapter for yards, courts or other area of open space may be utilized for single residence purposes, provided that the requirements for such yard or court (or lot) area, width, depth or open space is within 75 percent of that required by the terms of this chapter, and provided that the owner thereof owns no adjoining property. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided."

Photos were submitted by Jane Marriott, applicant and owner, and marked for the Board file. The photos depicted surrounding homes in the neighborhood.

Board Member VanSchoick asked about the water level in the street at high tide.

Board Member Kazenmayer moved that the hearing be continued so that information on the elevation could be submitted. The Board also requested copies of the blueprints of Mr. Donovan's prospective home. The motion was seconded and carried unanimously.

A motion was made, seconded and carried for an 11 p.m. adjournment of the regular session. This motion being carried, the Board Attorney advised Mrs. Pincus that, in light of the large agenda before the board, she should excuse those cases which the Board could not hear and ask that they be heard at the June 21, 1989 meeting. Mrs. Pincus spoke to Mr. James Kymer and William Nowels, attorney for Kirsch Holding Company, about the situation and asked these two applicants to come back to the next meeting for their hearing. Both agreed and waived their time limits.

Application 10-89 - Noel & Ida Ann Hood - Curtis Avenue - Block 82, Lot 26 - The Board Attorney noted that the file had been marked at the previous meeting and administered the oath to Noel and Ida Ann Hood, 161 Beachfront, Manasquan.

The Hoods, the Board and the Board Attorney discussed the application, which seeks a use variance so the applicant may construct a two-family dwelling on the now vacant lot. The property is in a R-2 zone. Albert P. Ratz, CO, issued a letter of denial because a two-family is not a permitted use in a R-2 zone (single family residential). Mr. Ratz referred to Sections 107-8 and 107-9 in his denial.

Mr. Hood discussed the character of the zoning in the particular area and stated that the structure will meet rear and side yard setback requirements. It was also noted that the Department of Environmental Protection had been contacted.

The applicants stated that the projected home will have the same layout as the two-family structure they constructed at 216 Second Avenue, Manasquan.

The Board requested that the applicant provide internal plans (blueprints) for the prospective structure.

There being no further comments or questions from the Board or the public, a motion was made, seconded and carried unanimously to close the public hearing. A motion was then made, seconded and carried to conduct a site inspection May 20, 1989.

Application 9-89 (cont.) - John Shawn Tawgin - 129 Sea Girt Avenue - Mr. Scott Thompson, attorney for Diane Noble, 125 Sea Girt Avenue, opposer of the application, began his cross examination of John Fischetti, vice president of John Shawn Photographers. Mr. Fischetti testified regarding the operations and activities of the business.

Kevin Thomas, attorney for Mr. Tawgin, stated that in light of the amount of testimony which still needed to be offered to the Board, his client requested that a special meeting be granted for the balance of the case. The applicant agreed to make a deposit on the meeting if the Board granted the request. The Board agreed to discuss the request and motions were made, seconded and carried for a site inspection May 20, 1989 and continuation of the hearing.

Special Meeting - Application 13-89 - Gus and Helen Vallas - 471 Main Street- The application was made by Fran Millas, River Place, on behalf of her parents, Gus and Helen Vallas. Mrs. Millas and her sister were sworn in to give testimony on the application, which sought a use variance. The applicant wished to change the seasonal use of a rooming house into three year round apartments, one of which would be occupied by Mr. and Mrs. Vallas. The applicant also wished to construct a deck on top of the existing back porch serving as a secondary exit. The subject property (Block 146, Lot 14) is located in a R-2 zone.

Albert P. Ratz Jr., CO, issued a letter of denial on the project for the following reasons: 1.) Section 107-9 (not a permitted use in R-2 zone); 2.) Section 107-27 (rear setback for deck on second floor); and 3.) Section 107-36 (parking - six spaces required off street).

It was noted that two of the apartments would be rented. The downstairs apartments would have one bedroom each while the upstairs apartment would have three bedrooms. The rented apartments would be annual apartments.

After the Board discussed the application, including such aspects as parking plans and the deck construction, and it was noted that there were no members of the public in attendance, Board Member Trafford moved to deny the application, seconded by Board Member Roberts and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, VanSchoick, Roberts. "No" none.

The record also showed that Board Chairwoman Pincus excused herself from the case because of a potential conflict of interest.

Under new business, the Board denied a request by Mario Genova for a special meeting regarding his application. The vote was as follows: "Yes" Board Member Pincus. "No" Board Members Roberts, Kazenmayer, Trafford, Griffith, VanSchoick, Lyons.

The Board granted the request for a special meeting regarding the Tawgin case by the following vote: "Yes" Board Members Trafford, Roberts, Griffith, Pincus, VanSchoick, Kazenmayer, Lyons. "No" none.

There being no further business, the motion was made, seconded and carried to adjourn.

Respectfully Submitted,

Sharon Bogie

Sharon Bogie, Secretary

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

CERTIFICATION

The undersigned is a member of the Zoning Board of Adjustment of the Borough of Manasquan.

I was unable to attend the meeting held by the Board on

May 19 89

I certify that I have listened to the tape recording of the aforesaid meeting in full.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated:

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

On June 21, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 8 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Regular Meeting

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Application 7-89 (cont.) - Robert Gardell - 171 Beachfront

Application 8-89 (cont.) - William & Jane Marriott - Lockwood Avenue

Application 10-89 (cont.) - Noel & Ida Ann Hood - Curtis Avenue

Application 11-89 - James Kymer - 61 Beachfront

Application 12-89 - Kirsch Holding Co. - Akron House - 550 Brielle Road

Application 14-89 - Matthew Egan - Euclid Avenue - Block 146, Lot 3

Application 15-89 - Steve & Louann Zimmermann - 33 Curtis Avenue

Resolution 13-89 - Gus & Helen Vallas - 471 E. Main Street

Resolution Honoring Patricia T. Walsh

Old Business

New Business

Special Meeting - Application 22-89 - Gus & Helen Vallas - 471 E. Main Street

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 6/16/89

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

MANASQUAN BOARD OF ADJUSTMENT
Regular Meeting
June 21, 1989

The regular meeting of the Manasquan Board of Adjustment was called to order at 7:30 p.m. by Board Chairwoman Claudia Pincus.

Roll Call: Present - Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts James VanSchoick, James F. Bogan Jr.

Absent - None

Mrs. Pincus noted that a quorum was present and asked those attending to join in a salute to the flag. Mrs. Pincus announced that this was an open public meeting in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Mrs. Pincus asked for a motion to approve the minutes of the May 17, 1989 regular Board of Adjustment meeting and the minutes of the special meeting held on June 14, 1989. She noted that the minutes had been posted on the bulletin boards of Manasquan Borough Hall. Motion made, seconded and carried to approve the minutes as submitted by the Board Secretary.

Application 7-89 - Robert and Carol Gardell - (cont.) - 171 Beachfront - The Board continued the hearing of the Gardells' application, with the Gardells being represented by Kevin Thomas, attorney. Also attending were Robert and Carol Gardell, applicants.

William Byrnes, Board Attorney, noted that the case had been stopped at the point when comments were being made by the public. It was noted that a site inspection had been conducted by the Board.

Mrs. Pincus asked Mr. Thomas whether condominium association approval had been secured for the project. Mr. Thomas submitted condominium association meeting minutes on the matter.

Larry Tynday, 173 Beachfront, voiced approval of the project and stated it will improve the value of the surrounding properties.

John Longshore, 171 South Street, continued his comments on the project.

He stated that he is not opposed to having a new structure on the property, but that he has doubts about the one proposed by the Gardells. He explained that he was speaking as condominium director and neighbor.

Mr. Longshore stated that all members of the condominium association share in the costs of the common element and he feels that the association should not be responsible for the costs involved with the project. He also expressed concerns about pile driving. He stated that he would like to be assured that the association members would not have to bear expenses for limited or common element repair. He said he would like to see the stipulation that all stipulations of the Master Deed be upheld and dealt with as well as the by-laws enforced. He also noted the potential of financial loss and the size of the projected building (over 30 feet in height).

Marie Verran, 58 Sunrise Drive, Gillette, and owner of 172 First Avenue, stated that the property is owned by all four persons in the condominium association in its entirety.

Ida Ann Hood, 161 Beachfront, stated when pilings were driven on their project, the people in the area were advised that vibrations may occur and valuables should be secured.

Noel Hood, 161 Beachfront, said that many new homes were higher, including his own 28-30 foot high structure.

Craig Verran, 58 Sunrise Drive, Gillette, and 172 First Avenue, Manasquan, stated that as a condominium president versed in condominium law, he felt that the condominium concept was being severely underestimated and that people buy the look, etc. of the unit.

After further discussion, a motion was made by Board Member Griffith and seconded by Board Member Pincus to close the public hearing; the motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan.

A motion was made by Board Member Kazenmayer to have the favorable resolution prepared with the following conditions: 1. Condominium Association approval must be secured and; 2. The projected fireplace should have its chimney inside so that it would not infringe on the setbacks. Motion was seconded by Board Member Trafford and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" none.

Application 14-89 - Matthew Egan - Euclid Avenue - Block 146, Lot 3 -
The Board Attorney recognized Thomas O'Brien, attorney for the applicant. Mr. O'Brien stated that he sought an interpretation that no variance is required for the case. The application requested relief so that a house may be built on the lot, which is undersized.

Mr. O'Brien noted that the applicant owned no adjoining property and that advances were made to neighbors of the property regarding the possibility of them purchasing part or all of the property. He also cited Section 107-28 of the Zoning Ordinance which notes that a subject lot may be within 75 percent of the frontage required if the owner of the subject property owns no

adjoining property.

Mr. O'Brien also submitted letters and the property deed as evidence for the case.

Robert Wood, owner of one of the adjoining properties, testified regarding Mr. O'Brien's position on the case.

After further discussion, a motion was made, seconded and carried to close the public hearing. A motion was then made and seconded that a variance was not required and that a total refund would be forthcoming; the motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" none.

Application 8-89 (cont.) - William & Jane Marriott - Lockwood Avenue - The Board continued its hearing on the case, with Kevin Thomas, attorney and Jane Marriott, applicant, appearing before the Board.

A letter regarding the elevation of the property (six feet) was submitted by Mr. Thomas and marked for the file by the Board Attorney. It was noted by Mr. Thomas that the elevation brought the project into flood zone requirements.

The Board, applicant and attorneys discussed the possibility of removing the garage/structure in the rear of the property. Board Member Griffith questioned whether it would be enforceable to place a condition on a non-subject property.

Mr. Byrnes noted that the application was a C-Hardship variance; he then cited several case law precedents regarding such variances.

John Plisky, 416 East Main Street, an opposer to the project, testified before the Board regarding the characteristics of the neighborhood. He offered the Board pictures and a tax map as evidence.

Board Member Trafford stated that while the neighborhood is tightand while the house projected may be large, a landowner should have some rights. He also felt that the two-family home located next to the subject property may have led to the feeling of congestion.

A motion was made and seconded to close the public hearing; motion carried by a unanimous vote.

A motion was made by Board Member VanSchoick to have the Board Attorney prepare the favorable resolution with the following conditions: 1. the frame shed and garage at the rear of the dwelling on lot 6 is to be taken down and removed by the applicant; 2. parking for four vehicles is to be created at the rear of the present dwelling on lot 6 and parking for two cars is to be created at the rear of lot 7. ; 3. Easements must be granted for the common driveway; 4. the root of the tree in front of lot 6 must be taken care of by an expert in regards to removal of the root and pruning of the tree; and 5. a suvery with the proper revisions must be submitted. Motion seconded and carried by the following vote: "Yes" Board Members Kazenmayer, Pincus, Trafford, VanSchoick. "No" Board Members Griffith,

Lyons, Roberts.

A motion was made, seconded and carried for a recess. Roll Call after the recess: Present- Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan.

Application 10-89 (cont.) - Noel and Ida Ann Hood - Curtis Avenue - The Board continued the hearing on the application, which seeks relief to build a two-family home on the property.

It was noted that a site inspection had been conducted by the Board members; Board Member Kazenmayer remarked that she was impressed with the lot size. It was also noted that the public hearing had been closed at the last meeting.

The Board discussed sidewalk and curbing possibilities for the project.

There being no further questions, Mrs. Pincus stated she would like to see approval of the stream and drainage area from the Borough Engineer. A motion was made by Board Member Trafford to have the Board Attorney prepare a favorable resolution with a stipulation that the Borough Engineer comment on the plans; motion seconded by Board Member Griffith and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick.

The applicants asked if the Board would memorialize the resolution that evening; a motion was made and seconded to memorialize the resolution. Motion carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" Board Member Kazenmayer.

Application 11-89 - James Kymer - 61 Beachfront - The file was marked by the Board Attorney ; James Kymer, 36 Fairview Drive, East Hanover, applicant, and Terry Bryant, 1122 Narrumson Road, Manasquan, were sworn in.

Mr. Kymer, Mr. Bryant, the Board Attorney and the Board discussed the application, which seeks relief to build a new deck on the beachfront (14'). Albert P. Ratz Jr, CO, denied the building permit application on the grounds that the new deck would violate side yarddsetbacks (3.33' one side, 2.62' the other side). The applicant sought an hardship variance. The property is zoned R-4.

The Board Attorney noted that the variance needed was in actuality a use variance. It was also noted that a site inspection had been conducted.

There being no further questions and no comments/questions from the public, Board Member VanSchoick moved to close the public hearing, seconded by Board Member Kazenmayer and carried by a unanimous vote.

Board Member Roberts moved that the Board Attorney prepare a favorable resolution; motion seconded by Board Member VanSchoick and carried by the following vote: "yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick.

Application 12-89 - Kirsch Holding Company - Akron House - 550 Brielle Road - The Board Attorney recognized William Nowels, attorney for the applicant Irving Kirsch and Kirsch Holding Company.

Sworn in to give testimony were Irving Kirsch, Kirsch Holding Company, 204 First Avenue, Manasquan; and Richard Graham Jr., architect, Graham Station, 600 Sea Girt Avenue, Sea Girt, New Jersey.

The Board, applicant, architect and attorneys discussed the application, which seeks relief so that the 20-room Akron rooming house may be converted into six apartments. Albert P. Ratz Jr., CO, denied the building permit for the following reasons : 1. Section 107-10 - not a permitted use in R-3 zone; 2. setback violations and three story structure when 2½ is permitted; 3. not enough parking spaces (22 required); and 4. site plan approval required for change of use. Mr. Ratz also noted that the property, zoned R-3, is in an A-5 flood zone. The applicant seeks a use variance with site plan approval.

After further discussing the application, including parking in the area, a motion was made by Board Member Griffith to conduct a site inspection; motion was seconded and unanimously carried. The Board agreed unanimously to continue the hearing at the July 19, 1989 meeting and time limits were waived by the applicant's attorney.

Application 15-89 - Steve and Louann Zimmerman - 33 Curtis Avenue - The Board Attorney marked the file and administered the oath to Steven Zimmerman, 33 Curtis Avenue, applicant and owner of subject property. Mr. Zimmerman was represented by Stephan Leone, attorney.

Chairwoman Pincus informed the Board that she was in the affected area and had been notified; as such, she excused herself and Vice Chairman Robert Griffith took the gavel.

The applicant, identified as a licensed land surveyor, the Board and the attorneys discussed the application, which asks for relief so that a home office might be constructed on the second story of the two car garage planned for the property. The office would employ no more than two employees, it was stated. The garage is detached from the house; it was noted by Mr. Leone that if the two structures were attached, no variance would be necessary.

Albert P. Ratz, Jr., CO, denied the building permit based on sections 107-9 (use of accessory building) and 107-3B (definitions) of the zoning ordinance. He also noted that Borough Attorney Kenneth Fitzsimmons agrees that this is not a permitted use in a residential zone.

The property is zoned R-2 and a use variance is sought.

The parking situation in the area was discussed as was the historical significance of the property. The applicant's attorney had submitted portions of the Manasquan Centennial publication relating to the home and property, which was the first parsonage of the First Baptist Church of Manasquan (built in 1892).It was noted that the Zimmermans had restored the home. The applicant stated that the reason he did not want to attach the garage to the house is so the original character of the structure could be preserved.

Stuart Hancock, 34 Virginia Avenue, spoke in opposition to the application. Mr. Hancock was represented by attorney John Wooley; Mr. Wooley cross examined Mr. Zimmerman.

Mr. Hancock stated he felt that the application would allow for the breaking down of the code.

Claudia Pincus, 53 Curtis Avenue, spoke in favor of the application. William Martin, 30 Virginia Avenue, voiced objections to the project.

The Board Attorney advised the Board and public that Mrs. Pincus, although a member of the Board, could give testimony as she was noticed and had excused herself from the case.

After further discussion, the motion was made by Board Member VanSchoick to close the public hearing; seconded by Board Member Trafford and carried by unanimous vote. Board Member VanSchoick moved that a site inspection be conducted; motion seconded by Board Member Trafford and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, VanSchoick, Bogan.

Resolution Honoring Patricia T. Walsh - A resolution was read by Chairwoman Claudia Pincus honoring former Board Member Patricia T. Walsh for her years of service to the Board. The Board carried the resolution by a unanimous vote and the Board Secretary was directed to forward the resolution to Mrs. Walsh.

Resolution 13-89 - Gus and Helen Vallas - 471 E. Main Street - The resolution denying the application of Gus and Helen Vallas was read by the Board Attorney. Board Member VanSchoick made the motion to memorialize the unfavorable resolution, seconded by Board Member Kazenmayer and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, VanSchoick, Bogan. "No" none. "Abstain" Board Member Pincus.

There being no further business on the regular agenda, the Board closed the regular portion of the meeting and voted to open up the special meeting.

Special Meeting - Gus and Helen Vallas - Application 22-89 - 471 E. Main Street - A special meeting was conducted on the matter of Gus and Helen Vallas' application for the G V Rooming House, 471 E. Main Street.

The application was presented by their daughters Fran Millas, 413 River Place; and Magda Biloxnides, Pennsylvania.

The applicants, Board and Board Attorney discussed the new application, which requested relief so that the rooming house could be converted into a two-family structure. A variance was also requested for the installation of heat so the two dwellings could be year-round. The one dwelling would be owner occupied, according to testimony.

Albert P. Ratz, Jr., CO, denied the building permit under Section 107-9 (single family permitted use) and Section 107-3 (to allow a 9 x 18' parking space where 10' x 20' is required) of the zoning ordinance. A use variance was sought and the property is located in a R-2 zone.

The Board discussed possible curbing, sidewalks and parking for the project.

Jerry Iannelli, 4 Morris Avenue, stated during the public hearing that he hoped the Board would consider the two-family plan.

There being no further questions or comments, a motion was made, seconded and carried to close the hearing. A motion was then made, seconded and carried to waive the regular meeting fee and charge the applicant just for the special meeting costs. A motion was then made by Board Member Roberts to have the Board Attorney prepare a favorable resolution with the stipulation that curbing and sidewalks be created; the motion was seconded by Board Member Kazenmayer and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, Bogan. "NO" none; "Abstain" Board Member Pincus.

There being no further business, a motion was made, seconded and carried to adjourn the meeting.

Respectfully Submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

June 5, 1989

Dear Board Member,

This letter confirms that the Manasquan Board of Adjustment, by a phone poll, voted to hear the new application of Gus and Helen Vallas, 471 E. Main Street, during a special meeting following the regular agenda of June 21, 1989.

Yours Truly,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

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On June 14, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold a special meeting at 7 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Application 9-89 - (cont.) - John S. Tawgin - 129 Sea Girt Avenue

Old Business

New Business

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan June 5, 1989

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Borough Clerk

MANASQUAN BOARD OF ADJUSTMENT

Dear Board Member,

Please accept the following revised agenda for the June 14, 1989 special Manasquan Board of Adjustment meeting:

7 p.m. - Regular agenda

1. Application 9-89 - John Shawn Tawgin (cont.) - 129 Sea Girt Avenue - continuation of hearing - interpretation of use.
2. Resolution 13-89 - Gus & Helen Vallas - 471 E. Main Street
3. Resolution honoring Patricia T. Walsh
4. Old Business
5. New Business

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 6/13/89

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

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COUNTY OF MONMOUTH
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ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
Special Meeting
June 14, 1989

The special meeting of the Manasquan Board of Adjustment was called to order at 7 p.m. by Board Chairwoman Claudia Pincus.

Roll Call: Present: Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James VanSchoick, James F. Bogan Jr.

Absent: Robert Griffith

It was noted that Board Member Bogan had listened to the tapes of the May 17, 1989 regular meeting and was thus eligible to vote.

Mrs. Pincus noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mrs. Pincus announced that this was an open public meeting in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Mrs. Pincus stated that this was a special meeting to continue the hearing on Application 9-89 - John Shawn Tawgin - 129 Sea Girt Avenue. The applicant requested an interpretation of the use on his property as tp whether he conducted warehousing or office activities. After the interpretation, the applicant would request certain variances to place an addition on the main building located on subject property and make determinations regarding parking.

The applicant was represented by attorney Kevin Thomas. Also in attendance was Scott Thompson, attorney for Diane Noble, 125 Sea Girt Avenue. Mrs. Noble is an objector to the application.

It was noted by Mr. Thomas that a site inspection, internal and external, had been conducted.

William Byrnes, Board Attorney, asked Mr. Thomas what the status was regarding Mr. Tawgin's acquisition of the Sea Girt School of Dance property adjoining Mr. Tawgin's property; on plans submitted to the Board, Mr. Tawgin sought to place parking on the site. Mr. Thomas stated that it was still in the process of closing.

Diane Noble, 125 Sea Girt Avenue, was sworn in by the Board Attorney. Mrs. Noble was questioned by Mr. Thompson and testified regarding traffic and delivery patterns she observed at the business. She also submitted a list as evidence detailing activity on the property, including lights and vehicles on the property at night.

Mrs. Noble also noted that 18 wheelers are sometimes seen on the site and there are frequent deliveries to the business.

Photos were submitted by Mrs. Noble and her attorney and were marked for the Board file.

After Mr. Thompson was finished questioning, Mr. Thomas cross examined Mrs. Noble. The Board members also asked Mrs. Noble questions about such matters as the deliveries she observed and the noise pollution in the area.

Harold Bartels, 158 Curtis Place, was sworn in and testified that Mrs. Noble's testimony was accurate and that he also saw the activities of which she spoke. He also testified about the traffic flow going on and off the subject property.

Thomas Hinz, 115 Sea Girt Avenue, was administered the oath and read a statement opposing the project. He also submitted photographs of the subject property.

John Shawn Tawgin, president of John Shawn Photography, testified regarding the application. Addressing the concerns of Mrs. Noble, Mr. Bartels and Mr. Hinz, he stated that there is "nothing that can explode" on the property (referring to testimony that chemicals were stored on the premises) and that there were no dangerous chemicals there. He noted that some air brush paint is on the property.

Mr. Tawgin stated that retired Fire Inspector Kenneth Miller and present Fire Inspector Domminick Marino have each visited the establishment for inspections.

Mr. Tawgin also testified that storage of materials is done at the business' storage facilities on Parker Avenue and storage and warehousing also occur at the amusement parks where the services are sold.

Under questioning from Mr. Thomas, Mr. Tawgin stated that a chemical may find its way to the 129 Sea Girt Avenue establishment but it is generally shipped the same day.

The applicant, attorneys and Board also discussed parking in the area. It was stated that parking would be dedicated by deed from the dance studio to John Shawn Photographers.

Kelly Fischetti, 392 Belmar Boulevard, Farmingdale, an employee of John Shawn Photographers, stated that there were no chemicals on the premises, just air brush paint used by the business' artist while he was in the area.

There being no further comments, questions or testimony from the public, a motion was made, seconded and passed to close the public comment on step one (interpretation of use) of the application.

The attorneys for the applicant and Mrs. Noble offered their summations for the Board's consideration. The Board continued to discuss the case. A motion was made that the activity was business proper under the B-1 zone; the motion was seconded and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan.

"No" none.

A motion was made, seconded and carried for a recess of five minutes. Roll Call after recess: "Present" Board Members Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan. "Absent" Board Member Griffith.

After the recess the Board began to entertain testimony on step two of the application, which seeks various variances regarding parking (107-36A and 107-3).and reversal of the Construction Official's determination that site plan approval is needed. It is the applicant's position that the alterations to the building proposed do not exceed 20 percent. If the Board disagrees with the applicant's position, the applicant also seeks site plan approval pursuant to Section 107-52 and a variance from the provisions of Section 107-25.

Mr. Thompson stated that he felt, based on testimony provided and plans submitted, that additional variances were required and re-noticing the residents should be necessary. He stated that he felt that under Section 107-30, the proposed project expands the intensity of use on the site. He also noted the residential use of the cottage on the property.

Mr. Byrnes asked if the applicant would be taking property away from the cottage to grant an easement for the parking required.

The Board also requested that new plans be submitted that show all the dimensions for the project.

Mr. Thomas agreed that the residents should be re-noticed and hearing re-advertised. He stated he will make the necessary arrangements so that the Board may consider scheduling another special meeting to continue the case.

There being no further testimony, questions or comments, the Board agreed to continue the case. Time limits had already been waived.

There being no further matters on the special meeting agenda, the motion was made, seconded and acrried to adjourn.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

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ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

On July 19, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Regular Meeting

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

Application 12-89 (cont.) - Kirsch Holding Co. - Akron House - 550 Brielle Rd.

Application 15-89 (cont.) - Steve and Louann Zimmerman - 33 Curtis Avenue

Application 16-89 - LeRoy Rupertus - 2 Deep Creek Drive

Application 18-89 - August Giampaglia - 205 Fourth Avenue

Resolution 7-89 - Robert Gardell - 171 Beachfront

Resolution 8-89 - William and Jane Marriott - Lockwood Avenue

Resolution 10-89 - Noel and Ida Ann Hood - Curtis Avenue

Resolution 11 - 89 - James Kymer - 61 Beachfront

Resolution 22-89 - Gus and Helen Vallas - 471 E. Main Street

Old Business

New Business

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 7/14/89

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Borough Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN BOARD OF ADJUSTMENT
MINUTES
Regular Meeting
July 19, 1989

The Regular Meeting of the Manasquan Zoning Board of Adjustment was called to order at 7:30 p.m. by Board Chairman Claudia Pincus.

Roll Call: Present - Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James VanSchoick, John Burke.

Absent - James Bogan Jr.

Mrs. Pincus noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. She also announced that this was an open public meeting in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Mrs. Pincus noted that the minutes for the June 21, 1989 regular meeting were posted on the bulletin board and asked if there were any changes to be made. Board Member VanSchoick stated that the record should show that he voted "no" on the resolution for Robert and Carol Gardell. Mrs. Pincus stated that the record should state that she voted "no" on the immediate memorialization of the resolution for Noel and Ida Ann Hood. The Board Secretary noted these changes would become part of the permanent record. The motion was made, seconded and carried to approve the minutes with the proper changes.

Mrs. Pincus then introduced John Burke, 4 Stockton Avenue, as the newly appointed alternate member of the Manasquan Board of Adjustment. William Byrnes, Board Attorney, administered the oath to Mr. Burke and then welcomed him to the Board.

Application 12-89 (cont) - Kirsch Holding Co. - Akron House - 550 Brielle Road - William Nowels, attorney for applicant Irving Kirsch, asked the Board to hold the case until his client arrived. The Board agreed to Mr. Nowels' request and continued with its agenda.

Application 15-89 (cont.) - Steve and Louann Zimmerman - 33 Curtis Avenue - The Board Attorney noted that Mrs. Pincus had once again excused herself from hearing the case as she was in the affected area. Vice Chairman Robert Griffith took the gavel and called upon the Board to continue its hearing.

Mr. Griffith noted that the public hearing had been closed at the prior meeting and called upon the Board to make any further comments or ask questions of the applicant or applicant's attorney, Stephan Leone.

Board Member VanSchoick commented that a site inspection had been conducted by Board members.

There being no further questions and/or comments, Mr. Leone was asked to give his summation. Mr. Leone stated that his client had established a creditable basis for the granting of a use variance in regards to a home office/ accessory building. Mr. Leone stated that home offices and two-story accessory buildings were allowed in the zone; in fact, Mr. Leone stated, two and a half story accessory structures are allowed based on the zoning ordinance having no height restrictions on accessory buildings. Mr. Leone read parts of the definitions portion of the zoning ordinance and stated that his client's plans show his intent to have a garage with the office above it. Board Member Kazenmayer stated she disagreed with Mr. Leone's interpretations.

Mr. Griffith asked for a motion; Board Member Kazenmayer moved to deny the application, seconded by Board Member Roberts. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, VanSchoick. "No" none. "Abstain" Board Member Pincus.

Mr. Leone asked for the reasons for the denial to be put on the record. Board Member Griffith asked the Board Attorney if this was necessary; the Board Attorney stated it was not. Board Member Kazenmayer, however, stated that she felt the introduction of a commercial type of operation was not beneficial to the residential area.

Mr. Leone stated his intention of appealing the decision and asked the Board to reconsider as there is a requirement that the Board be "reasonable in the denial of variances" and that denials may not be discretionary acts. Mr. Griffith stated that he felt the Board had been reasonable.

Application 12-89 (cont.) - Kirsch Holding Co. - Akron House - 550 Brielle Road - Irving Kirsch, applicant, arrived and stepped forward with counsel Mr. Nowels. Mr. Kirsch was reminded that he was still under oath.

The problem of parking spots in the area was discussed as well as the reasons why Mr. Kirsch sought to convert the rooming house to year round apartments.

Mr. Kirsch stated that he felt the project would be an asset to the town. He would upgrade the building, which he stated would not be structurally changed as it is strong. He stated he would like to rent out the apartments to families on an annual basis. The Board asked, however, if there was a chance that the apartments would ever be rented out to groups; Mr. Kirsch replied that he could not say, but that the tenants would be carefully screened. He said that since he was planning on putting much money in the project he would like it to be annual rentals.

Mr. Kirsch was asked about the neighboring properties and was asked by the Board if he would consider constructing four apartments and not using the third floor. He was also asked, in view of the parking problems and congestion in the area, whether he would consider taking down one of the neighboring structures for parking space.

The Board Attorney also offered a scenario by which Mr. Kirsch could place the six apartments over 550 and 552 Brielle Road, not rent out the third floor of the Akron (550) and demolish or decrease the size of the structure at 554 Brielle Road for parking purposes.

The applicant agreed to take down one building for parking but stated he did not want to amend the application in regards to the third floor.

Board Member Trafford stated that be would like to see better planning for parking in the area and a statement from the fire inspector regarding the concentration of structures and people in the area.

The Board gave the applicant a five minute recess to discuss the case with his attorney and make any final amendments to the application. Roll Call after recess: "Present" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick, Burke. "Absent" Board Member Bogan.

Mr. Nowels made a statement on behalf of his client. He said that to make the project financially viable, the third floor apartments are necessary. He stated that Mr. Kirsch would amend the application to remove one structure for parking purposes.

It was also stated that the applicant would attempt to convert 552 and 554 Brielle Road into year round rentals. He felt that this would stabilize his investment and there would be a nice complex all the way around the Akron House corner. Mr. Griffith, however, noted that earlier in testimony Mr. Kirsch stated he could not guarantee that group rentals would not find their way into the project. Mr. Kirsch stated he had good intentions of keeping it annual rentals and bringing families into the residences.

Board Member Kazenmayer asked if 554½ Brielle Road was the property which was damaged the weekend prior to the meeting; Mr. Kirsch said that it was.

Board Chairman Pincus asked for a motion from the Board Members. Board Member Griffith made the motion to deny the application, seconded by Board Member VanSchoick and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Roberts, VanSchoick. "No" Board Members Pincus, Trafford.

Application 16-89 - LeRoy Rupertus - 2 Deep Creek Drive - The Board Attorney marked the file and administered the oath to LeRoy Rupertus, applicant, 2 Deep Creek Drive.

The Board, Board Attorney and applicant then discussed the application, which requested relief so a deck might be constructed. The deck would be 21' x 15' and be for personal use. The building permit was denied by Albert P. Ratz, Jr., C.O., because the deck violated rear yard setbacks (20' required, 5' shown). The property is located in a R-2 zone (A-5 flood zone) and a hardship variance was requested.

The Board discussed the area of the property, including bordering with Deep Creek. After discussion, Board Chairman Pincus noted that noone from the public was on hand for commentary or questions. A motion was made, seconded and carried to close the public hearing.

A motion was made by Board Member Trafford to have the Board Attorney draw up a favorable resolution; motion seconded by Board Member VanSchoick

and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick, Burke. "No" none. "Abstain" Board Member Griffith.

Application 17-89 - August Giampaglia - 205 Fourth Avenue - The Board Attorney marked the file and administered the oath to August Giampaglia, 28 Third Street, Norwood, owner of the subject property.

The Board, Board Attorney and applicant proceeded to discuss the application, which requested relief so the lower level of a single family structure could be converted into an apartment with the addition of a kitchen, bedroom and bathroom. Albert P. Ratz, Jr., C.O., denied the building permit based on two-family being a non-permitted use under Section 107-10 of the Zoning Ordinance. The applicant seeks a use variance. The property is zoned R-3 and is in an A-5 flood zone.

Mr. Giampaglia stated that he wished to renovated the lower level to create a living space for his parents, who have difficulty going up and down stairs. When he applied for the building permit, Mr. Ratz denied the application, stating that the second kitchen (one already exists on the upper level) constituted a two-family structure. Mr. Giampaglia was advised that he had to go for a use variance for a two-family before the Board. He did, however, secure the building permit to do the other work (except the kitchen). Work is finished on the upper level but not on the lower level.

According to Mr. Giampaglia's testimony, the structure consists of a lower level with a modular home placed on top of the lower level. The structure is two and a half stories in height, testified Mr. Giampaglia.

Mr. Giampaglia also stated that while he was securing signatures on the certified list of homeowners (as per Board requirements) he found that other homes have two kitchens.

Board Member Roberts moved for a site inspection, with the motion seconded and unanimously carried. Board Chairman Pincus stated she would take up the matter with Mr. Ratz as to the reasons for denial. The applicant agreed to waive the time limit on the application.

The motion was made, seconded and carried to close the public hearing on the application.

Resolution 7-89 - Robert & Carol Gardell - 171 Beachfront - The Board Attorney read the favorable resolution. Motion made by Board Member Roberts to memorialize the resolution, seconded by Board Member Trafford. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts. "No" Board Member VanSchoick.

Resolution 8 -89 - William & Jane Marriott - Lockwood Avenue- The Board Attorney read the favorable resolution. Motion made by Board Member VanSchoick and seconded by Board Member Trafford to memorialize the resolution. Motion carried by the following vote: "Yes" Board Members Kazenmayer, Pincus, Trafford, VanSchoick. "No" Board Members Griffith, Lyons, Roberts.

Resolution 10 - 89 - Noel & Ida Ann Hood - Curtis Avenue - The Board Attorney

read the favorable resolution. Motion made by Board Member VanSchoick to memorialize the resolution, seconded by Board Member Griffith. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" none.

Noel Hood, applicant, expressed concern that the Borough Engineer had not responded to requests that he (the engineer) look into the project. The Board Secretary stated she would continue to try and communicate with Mr. Farrell regarding the review. The Borough Attorney also stated that Mr. Hood may try to contact William Farrell Jr. himself.

Resolution 11-89 - James Kymer - The Board Attorney read the favorable resolution. Motion made by Board Member Trafford to memorialize the resolution; motion seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" none.

Resolution 22-89 - Gus and Helen Vallas - 471 E. Main Street - The Board Attorney read the favorable resolution. Motion made by Board Member Roberts, seconded by Board Member Kazenmayer, to memorialize the resolution; motion carried by following vote: Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, VanSchoick. "No" none. "Abstain" Board Members Pincus, Burke.

Under old and new business, the Board acted upon a request from Kevin Thomas, attorney for applicant John Shawn Tawgin Photographers, to set a special meeting date to continue the hearing into the case. After reading correspondance from Mr. Thomas stating that the week of September 11, 1989 would be the next opportunity for all persons involved to meet. The motion was made, seconded and carried to continue the hearing at a special meeting September 13, 1989 at 7 p.m. in the Manasquan Borough Hall council chambers.

There being no further business, the motion was made, seconded and carried to adjourn the meeting.

Respectfully submitted

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

CERTIFICATION

The undersigned is a member of the Zoning Board of Adjustment of the Borough of Manasquan.

I was unable to attend the meeting held by the Board on

July 19 1989

I certify that I have listened to the tape recording of the aforesaid meeting in full.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: 7/20/89

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

On August 16, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Regular Agenda

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING MATTERS:

Application 17-89 (cont.) - August Giampaglia - 205 First Avenue

Application 19-89 - Mario Genova - 375 Cedar Avenue

Application 20-89 - Dorothy Waltsak - 576 Riverside Drive

Resolution 12-89 - Kirsch Holding Co. - Akron House - 550 Brielle Rd.

Resolution 15-89 - Steve and Louann Zimmerman - 33 Curtis Avenue

Resolution 16-89 - LeRoy Rupertus - 2 Deep Creek Drive

New Business

1. Board of Adjustment imput into the Master Plan

Old Business

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 8/11/89

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

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COUNTY OF MONMOUTH
NEW JERSEY 08736

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ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

MANASQUAN BOARD OF ADJUSTMENT
Regular Meeting Minutes
August 16, 1989

The August 16, 1989 regular meeting of the Manasquan Zoning Board of Adjustment was called to order at 7:30 p.m. in Manasquan Borough Hall by Board Chairman Claudia Pincus.

Roll Call - Present: Board Members Robert Griffith, Margaret Kazenmayer, Claudia Pincus, Alma Roberts, James VanSchoick, James Bogan Jr., John Burke.

Absent: Board Members Christopher Trafford, Edward Lyons.

Mrs. Pincus stated that the meeting was held in accordance with the Open Public Meetings Act and asked those attending to join in a salute to the flag.

Chairman Pincus asked for a motion to approve the minutes for the July 19, 1989 Board of Adjustment meeting as submitted by the Board Secretary; motion made, seconded and passed by uanimous vote.

Application 17-89 -(cont.) - August Giampaglia - 205 Fourth Avenue - Mr. Giampaglia was not in attendance; the Board agreed to adjourn the case until he arrived.

Application 19-89 - Mario Genova - 375 Cedar Avenue - Block 121, Lots 23 and 24- The Board Attorney marked the file and administered the oath to Mario Genova, 375 Cedar Avenue, owner of the subject property.

Board Member Roberts stated for the record she had been noticed as being within 200 feet of the subject property; accordingly she excused herself from the hearing.

The Board, Board Attorney and applicant discussed the application, in which relief was requested so a family might be constructed. The planned improvement would be added to the rear porch of the structure; this would allow for conversion into a 16' x 20' family room with a peaked ceiling.

The building permit was denied by Albert P. Ratz, C.O. , under Section 107-27 of the Zoning Ordinance - violation of rear yard setback - 20' required, 17' requested.

The property is in a R-2 zone; the applicant requests a hardship variance.

Mr. Genova explained to the Board that a move from Maplewood to the smaller house in Manasquan upon their retirement caused the Genovas to have a shortage of space for their possessions; the family room would give them the needed space, he stated.

Board Member Kazenmayer asked the applicant about the existing porch while Board Member Burke asked about the fence bordering his property.

There being no further questions or testimony, Board Member VanSchoick moved to close the public hearing, seconded by Board Member Burke. Motion passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, VanSchoick, Bogan, Burke. "No" none. "Abstain" Board Member Roberts.

The Board Attorney stated that Mr. Ratz stated that a hardship variance was required; Mr. Byrnes stated that he felt it was a use variance which was needed.

Board Member VanSchoick moved to have the Board Attorney write up a favorable resolution. The motion was seconded by Board Member Kazenmayer and passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, VanSchoick, Bogan, Burke. "No" none. "Abstain" Board Member Roberts.

The Board Attorney explained to Mr. Genova that the resolution would be memorialized at the September 20, 1989 meeting.

Application 17-89 (cont.) - August Giampaglia - 205 Fourth Avenue - The Board Chairman recognized Mr. Giampaglia; it was noted he was administered the oath at the last meeting.

Mrs. Pincus stated for the record that she had spoken to Albert P. Ratz Jr, CO, about the application. She stated that there is no actual determination regarding a two family vs. mother-daughter house except the visual in regards to the dwelling being easy to seperate and rent out. The Board can interpret the structure as a two family or a mother-daughter; the mother-daughter, however, could only be family occupied and never rented.

Mrs. Pincus and Mrs. Kazenmayer stated that the Board must make the interpretation if the variance was needed.

Mr. Giampaglia asked the Board why they preferred to see the structure as a mother-daughter home ; Board Member Bogan stated that the neighborhood was high density and there was the parking situation to continue. The Board also stated they would not like to see a precedent set in which the larger houses in that particular area would attempt to become two family dwellings.

Mr. Giampaglia, who stated at the last meeting that the improvements were so his parents could move down here, stated that he intends to deed the home to his parents. Mrs. Kazenmayer stated that some of the Board Members gave the impression they did not want the structure to be two family and Mr. Giampaglia said that was fine, all he wanted was a kitchen for his parents.

Mrs. Pincus asked for a motion regarding the interpretation; Mr. Griffith, however, stated this would be directing the applicant. Mrs. Pincus stated, in response to a request, what Mr. Giampaglia's options are. She stated he could leave application as is for the two-family designation or to amend the application and make it a mother-daughter structure.

Mr. Giampaglia stated if separate boilers, etc., were needed for a two-family, he did not wish it to be a two-family.

Mrs. Pincus moved that an interpretation be given as a mother-daughter structure; motion seconded by Mr. VanSchoick.

Mr. VanSchoick stated that he seconded the motion so that in the future if someone wanted to rent out a portion of the house they would need to come back to the Board of Adjustment for a variance.

After discussion, Mrs. Pincus remade her motion to interpret the structure as a single family home with two kitchens; this motion was also seconded. Board Attorney Byrnes asked if the applicant would be willing to have a deed restriction with the designation in it.

After further discussion, Mr. Byrnes cited case law on mother-daughters regarding the addition of an extra kitchen for parents.

Mr. Griffith noted the structures separate entrances.

Mr. Giampaglia stated if it caused a problem, he would go for the two family. He stated that he did not know what the future held; he was having a hard time convincing his parents to come down. He wanted to know what would happen if his parents came down here and did not like it. He stated with the two-family designation he could rent it out if his parents chose not to stay. He stated he would be using the upper portion of the house.

After further discussion, Mr. Giampaglia elected to go for the two-family designation. Mr. Giampaglia stated that he wished to cover himself rather than, if it was necessary, come back for a variance at a later date. He stated he had no intentions of ever wanting to rent out the upper portion.

He stated that regardless of whether the parents were coming down, the property would be deeded to them.

The motion was made by Board Member Kazenmayer to deny the two-family after Mrs. Pincus withdrew her motion; Mrs. Kazenmayer's motion was seconded by Mrs. Roberts and passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Roberts, VanSchoick, Bogan, Burke. "No" none.

The applicant was advised to speak with Mr. Ratz regarding the situation. Mrs. Kazenmayer once again clarified that the applicant expressed the desire for the two-family designation, hence her motion.

A motion was made, seconded and carried for a five minute recess. Roll Call after recess: "Present" Board Members Griffith, Kazenmayer, Pincus, Roberts, VanSchoick, Bogan, Burke.

Mrs. Pincus noted for the record that there were no audience (public) questions for Mr. Giampaglia.

Application 20-89 - Dorothy Waltsak - 576 Riverside Drive - The Board Attorney recognized Kevin Thomas, attorney for the applicant. The oath was administered to Mrs. Waltsak, 35 Richard Terrace, Red Bank, owner of the subject property. The Board Attorney marked the file.

The Board, attorneys and applicant discussed the application, which asks for relief so a second floor and second floor deck might be constructed and rear entrance stairway may be relocated.

Albert P. Ratz, CO, denied the building permit under Section 107-27 of the Zoning Ordinance - house violates sideyard setback. He also stated that the front deck will violate the front yard setback.

The property is located in a R-3 zone and A-5 flood zone; a hardship variance was requested.

Mr. Thomas questioned his client about the property; the property is owned by American Timber and the house is owned by Mrs. Waltsak, who leases the land from American Timber. She offered testimony on the nature of the neighborhood, which she said was basically single family residential. She said the prevailing setback of the front yards in the area was 15 feet.

The structure, she stated, is a one and a half story house on a very irregular lot. The first floor includes the kitchen, living room and two bedrooms while the second floor has two bedrooms and a bath. Mrs. Waltsak stated that she would like to make it her permanant home and add the deck to take advantage of the view of the inlet.

Mrs. Waltsak stated that parking was located in the rear of the property off Timber Lane (western portion of the property).

Photos were submitted as evidence by Mrs. Waltsack and Mr. Thomas; there were marked by the Board Attorney and placed in the file.

She also stated that she would like to raise the roof to put large windows on the second floor. She would also put siding on the house. Currently there are two dormers on the second floor, stated Mr. Thomas. The improvements would not increase the numbersof rooms on the second floor; the only change might be establishment of a study in the room over the living room, testified Mrs. Waltsack.

Mr. Thomas and Mrs. Waltsak testified regarding the closeness of her house's back steps and her neighbor's property. She wished to move the stairs over to the eastern portion of that deck.

Mr. Burke questioned the stairs and their placement so close to the neighboring property.

The Board Attorney asked Mr. Thomas for his opinion on why the application was requesting a hardship variance.

H.W. Amundsen Jr., 117 Meadowbrook Drive, North Plainfield, owner of property at 417 First Avenue, Manasquan, stated that if Mrs. Waltsak built her addition, it would make it difficult for him to get onto his

property.

After further discussion, a motion was made by Board Member Griffith to hold a site inspection; the motion was seconded by Board Member Kazenmayer and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Roberts, VanSchoick, Bogan, Burke. "No" none.

Resolution 12-89 - Irving Kirsch - Kirsch Holding Co. - Akron House - The Board Attorney read the resolution denying the application. Motion made by Board Member Griffith to memorialize the resolution, seconded by Board Member Kazenmayer and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Roberts, VanSchoick, Bogan. "No" Board Member Pincus. "Abstain" Board Member Burke.

Resolution 15-89 - Steve Zimmerman - 33 Curtis Avenue - The Board Attorney read the resolution denying the application. Motion made by Board Member VanSchoick to memorialize the resolution, seconded by Board Member Kazenmayer and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Roberts, VanSchoick, Bogan. "No" none. "Abstain" Board Members Pincus, Burke.

Resolution 16-89 - LeRoy Rupertus - 2 Deep Creek Drive - The Board Attorney read the favorable resolution. Motion to memorialize made by Board Member Kazenmayer and seconded by Board Member Burke; motion passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Roberts, VanSchoick, Bogan, Burke. "No" none.

There being no further applications or resolutions on the agenda, the Board discussed old and new business. The Board directed the Board Secretary to write a letter to Jerry Iannelli, Planning Board Chairman, asking that a meeting with both Boards be held regarding the Master Plan. Several Board members expressed interest in attending a special Master Plan information session which had been announced for August 24, 1989.

There being no further business, a motion was made, seconded and carried for adjournment.

Respectfully Submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
AGENDA
September 20, 1989

On September 20, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - regular meeting

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Application 20-89 - (cont.) - Dorothy Waltsack - 576 Riverside Drive

Application 18-89 - Joseph Gummienny - 107 Beachfront

Application 21-89 - George R. Dempsey III - 15 Marcellus Avenue

Old Business

New Business

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 9/15/89

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

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Borough Administrator
Borough Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT MINUTES
September 20, 1989 meeting

The regular meeting of the Manasquan Board of Adjustment was called to order at 7:30 p.m. September 20, 1989 by Claudia Pincus, Board Chairman.

Roll Call: Present - Board Members Robert Griffith, Claudia Pincus, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, Alma Roberts, James VanSchoick, James F. Bogan Jr., John Burke.

Absent - None.

Mrs. Pincus noted that the meeting was held in accordance with the Open Public Meetings Act. She stated that the minutes from the August 16, 1989 meeting were posted on the bulletin board in Manasquan Borough Hall and asked for a motion to accept the minutes. Board Member Kazenmayer moved that the minutes be accepted as submitted by the Board Secretary; motion seconded by Board Member Burke and passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Roberts, VanSchoick, Bogan, Burke. "No" none. "Abstain" Board Members Trafford, Lyons.

Application 20-89 -(cont.) - Dorothy Waltsak - 576 Riverside Drive - The Board continued hearing the application for Mrs. Waltsak, who was represented by Kevin Thomas, attorney.

The Board stated that a site inspection had been conducted on August 17, 1989. Testimony provided that the structure was in an A-5 (not high risk) flood zone.

Board Member Burke once again expressed concern over the stairs, stating that the stairs should be constructed so there would be no encroachment onto the neighbor's property. It was agreed that the steps at the rear of the house will be removed and new steps will be placed on the western side of the existing porch. Also expressing concern over the steps was Board Member Griffith, who also stated he felt the structure could be made into a two-family.

There being no further questions or comments by the Board or audience, Board Member Pincus moved to close the public hearing; motion seconded by Board Member Kazenmayer and unanimously carried.

A motion was made by Board Member Burke to have the Board Attorney write up a favorable resolution with stipulations (conditions) regarding the rear stairs and front parking (the applicant would be required to install a curb cut next to the easterly side of the property and provide a parking space for one vehicle next to the house). The motion was seconded by Board Member Roberts and carried by the following vote: "Yes" Board Members Kazenmayer, Pincus, Roberts, VanSchoick, Bogan, Burke. "No" Board Member Griffith. "Abstain" Board Members Lyons, Trafford.

Chairman Pincus excused herself after the vote and turned the gavel over to Vice Chairman Robert Griffith for the remaining items on the evening's agenda.

Application 18-89 - Joseph Gumienny - 107 Beachfront (Block 167, Lot 1b) - Board Attorney William Byrnes marked the file and administered the oath to Joseph Gumienny, 107 Beachfront, Manasquan, owner of the subject property and contractor for the project.

The Board, Board Attorney and applicant discussed the application, which asks for relief so that the roof may be re-structured and a third floor bedroom expanded.

The permit was denied by Albert P. Ratz, Jr., CO, for the following reasons: Section 107-11 - more than one principal dwelling - not a permitted use; Section 107-27 - side yard setback - front yard setback - three stories where 2½ stories is permitted; and Section 107-11 - House is two-family - not a permitted use.

The applicant seeks a use variance for the project. The property is in a R-4 zone and V-6 flood zone (not applicable less than 50 percent).

Mr. Gumienny stated he would be living on the second and third floors of the structure and rent out the first floor. He will lose one bedroom to the stairs he wishes to construct and the area will become a two-bedroom area.

Further testimony stated that there were several rental dwellings / apartments on the subject property (Block 167, Lot 1B - 107 Beachfront and 106 First Avenue). Mr. Gumienny stated there were seven rentals on the property.

The motion was made by Board Member Lyons to conduct a site inspection on September 23, 1989 at 9 a.m. The motion was seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, VanSchoick, Bogan, Burke.

A motion was made, seconded and carried for a five minute recess. Roll Call after recess: "Present" - Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, VanSchoick, Bogan, Burke. "Absent" Board Member Pincus.

Application 21-89 - George R. Dempsey III - 15 Marcellus Avenue- Block 70, Lot 2b, 4, 145b - The Board Attorney marked the file and administered the oath to George R. Dempsey III, 15 Marcellus Avenue, owner of the subject property.

The Board, Board Attorney and applicant discussed the application, which seeks relief so the applicant might construct an eight foot stockade fence around the property.

The permit was denied by Albert P. Ratz Jr., CO, under Section 107 - 23.1 of the Code of the Borough of Manasquan - six foot fence minimum.

The applicant seeks a hardship variance; the property is in a R-2 zone.

The applicant testified that the fence would prevent the children of the neighborhood from going near the in-ground pool located in Mr. Dempsey's backyard. He also stated the fence would act as a noise buffer.

"The fence is to ensure the safety of the children," stated Mr. Dempsey.

After further discussion, a motion was made by Board Member VanSchoick to conduct a site inspection on September 23, 1989 at 9:30 a.m. The motion was seconded by Board Member Lyons and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, VanSchoick, Bogan, Burke.

Resolution 17 - 89 - August Giampaglia - 205 Fourth Avenue - The Board Attorney read the resolution denying the application of August Giampaglia for his subject property at 205 Fourth Avenue. The motion to memorialize the resolution was made by Mr. VanSchoick and seconded by Mr. Burke; motion passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Roberts, VanSchoick, Bogan, Burke. "No" none. "Abstain" Board Members Lyons, Trafford.

Resolution 19-89 - Mario Genova - 375 Cedar Avenue - The Board Attorney read the favorable resolution. Motion to memorialize the resolution was made by Board Member VanSchoick; seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Roberts, VanSchoick, Bogan, Burke. "No" none. "Abstain" Board Members Lyons, Trafford.

The Board then went on to discuss old and new business, including the possibility of a joint meeting with the Manasquan Planning Board to discuss the Master Plan process. There being no further matters on the agenda, a motion was made, seconded and carried for adjournment.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk

CERTIFICATION

The undersigned is a member of the Zoning Board of Adjustment of the Borough of Manasquan.

I was unable to attend the meeting held by the Board on

9/20/89 Gumniney + Dempsey cases

I certify that I have listened to the tape recording of the aforesaid meeting in full.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: 10/13/89

Claudia S. Pincus

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

On Wednesday, October 18, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - regular meeting

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING :

Application 18-89 (cont.) - Joseph Gumienny - 107 Beachfront

Application 21-89 (cont.) - George R. Dempsey III - 15 Marcellus Avenue

Application 23-89 - Constance Dreyer - 413 First Avenue

Application 24-89 - George and Marie Kleinknecht - 8 Wyckoff Avenue

Old Business

New Business

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 10/12/89

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

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Borough Administrator
Borough Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
Regular Meeting Minutes
October 18, 1989

The Manasquan Zoning Board of Adjustment held its regular meeting October 18, 1989 in Manasquan Borough Hall. The meeting was called to order at 7:30 p.m. by Board Chairman Claudia Pincus.

Mrs. Pincus stated that the meeting was being held in accordance with the Open Public Meetings Act and was published according to law. She asked all persons present to join in a salute to the flag.

Roll Call: Present - Robert Griffith, Edward Lyons, Claudia Pincus, Alma Roberts, James VanSchoick, James F. Bogan Jr., John Burke.

Absent - Margaret Kazenmayer, Christopher Trafford.

The Board Chairman asked for a motion regarding the minutes as submitted by the Board Secretary for the September 20, 1989 meeting. A motion was made and seconded to approve the minutes as submitted; motion carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Roberts, VanSchoick, Bogan, Burke.

The Board Chairman noted for the record that Board Member Christopher Trafford had arrived. Mr. Trafford's attendance was noted by the Board Secretary.

Application 18-89 - Joseph Gumienny - 107 Beachfront (cont.) - The Board continued its hearing into the application of Joseph Gumienny, 107 Beachfront, which asked for relief so the roof may be restructured and a third floor bedroom expanded. Prior testimony offered that there were seven rentals on the property.

The Board noted that a site inspection had been conducted. After further review and discussion, a motion was made, seconded and carried to close the public hearing.

Board Member Trafford moved to deny the application; motion seconded by Board Member Griffith and carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan, Burke.

Application 21-89 (cont.) - George R. Dempsey III - 15 Marcellus Avenue -

The Board continued its hearing on the application of George R. Dempsey III, 15 Marcellus Avenue, which asked for relief so that an eight foot stockade fence could be constructed.

The Board noted that a site inspection had been conducted.

After further discussion, a motion was made, seconded and carried to close the public hearing. A motion was made by Board Member VanSchoick to approve the application; the motion was seconded by Board Member Trafford. The motion was defeated by the following vote: "Yes" Board Members Trafford, VanSchoick. "No" Board Members Griffith, Lyons, Pincus, Roberts, Bogan.

A motion was made by Board Member Griffith to deny the application; the motion was seconded by Board Member Bogan and carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Roberts, Bogan. "No" Board Members Trafford, VanSchoick.

Application 23-89 - Constance Dreyer - 413 First Avenue - The Board Attorney marked the file and administered the oath to Constance Dreyer, Box 95, Freehold Road, Manalapan; and Peter Bellish, general contractor for the project. Mrs. Dreyer, owner of 413 First Avenue, was respresented by Christopher Hanlon, attorney.

Mr. Hanlon submitted a survey drawn by Robert L. Farry, Birdsall Engineering, for the Board's consideration.

The Board, applicant, applicant's contractor and the attorneys discussed the application, which seeks relief so that the second floor enclosed porch may be enlarged.

The building permit was denied by Albert P. Ratz, Jr., C.O. under Section 107-27 - side yard setback - five feet required, three feet shown. The applicant sought an hardship variance for the project. The house is located in a R-5 zone.

Testimony was given regarding the roofline and it was stated that the overhang will remain. Testimony was also given regarding entering and exiting the home (it was stated that there was only one entrance into the house).

Mrs. Dreyer also stated that 413 First Avenue would become her primary residence. It was noted that the home is not a rental property.

After further discussion, a motion was made, seconded and carried to close the public hearing. The Board determined that a site inspection was unnecessary and Board Member Trafford moved to have the Board Attorney write a favorable resolution. The motion was seconded by Board Member Roberts and carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan.

Application 24-89 - George and Marie Kleinknecht - 8 Wyckoff Avenue - The Board Attorney marked the file and administered the oath to George Kleinknecht, 83 Wyckoff Avenue, owner of the subject property for 26 years; and John Flood, real estate broker. Joseph Coranato, attorney, Toms River, represented the Kleinknechts.

The applicant, Board and attorneys discussed the application, which sought relief so that a single family home may be converted to a two family dwelling.

Albert P. Ratz, Jr., C.O., denied the building permit under Section 107-9- two-family use not a permitted use. The subject property is in the R-2 zone and a use variance was requested.

Mr. Kleinknecht stated that the structure was originally a two-family dwelling; it was after he purchased the home that it was converted to a single family structure. This decision was made because of the size of the Kleinknecht family and the need for more bedrooms. Mr. Kleinknecht stated he wished to convert it back to a two-family structure so his mother could move in.

To convert the structure, Mr. Kleinknecht testified, a kitchen sink and stove will be installed using the pipes that existed when the home was a two family structure. The second story will consist of a kitchen, bedroom and living room converted from three bedrooms. There will be no structural changes, either internal or external. There will also be no external access to the second floor and the second floor will not be separated from the downstairs living quarters, Kleinknecht testified.

Discussion was also conducted as to why the variance was requested. Mr. Kleinknecht testified that he needed to have the two family designation for insurance purposes because two families would be in the residence. He also stated it was never his intention to abandon the two family use.

Testimony was also provided regarding the character of the neighborhood and that there were several two family situations (main house and bungalow) in the area. Parking was also discussed.

After further discussion, Board Member VanSchoick moved to close the public hearing. The motion was seconded and carried unanimously.

Board Member Bogan made the motion to have the Board Attorney write a favorable resolution. The motion was seconded by Board Member Trafford and carried by the following vote: "Yes: Board Members Lyons, Trafford, Roberts, VanSchoick, Bogan. "No" Board Members Griffith, Pincus.

Resolution 20-89 - Dorothy Waltsak - 576 Riverside Drive - The Board Attorney read the favorable resolution.

Board Member Burke questioned the position on the steps at the rear of the house. After discussion, however, a motion was made and seconded to memorialize the resolution as written by the Board Attorney. Motion carried by the following vote: "Yes" Board Members Pincus, Roberts, VanSchoick, Bogan, Burke. "No" Board Member Griffith. "Abstain" Board Members Lyons, Trafford.

There being no further cases on the agenda, the Board discussed old and new business, including a reminder from the Board Secretary regarding the special meeting on the application of John Shawn Tawgin (November 1, 1989). There being no further business, a motion was made, seconded and carried unanimously to adjourn.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
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Borough Administrator
Borough Clerk

MANASQUAN BOARD OF ADJUSTMENT
Special Meeting Minutes
November 1, 1989

The Manasquan Zoning Board of Adjustment held a special meeting on November 1, 1989 to continue its hearing on the application of John Shawn Tawgin and John Shawn Photographers, 129 Sea Girt Avenue. The meeting was held in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan.

Manasquan Board of Adjustment Chairman Claudia Pincus called the meeting to order at 7:30 p.m. She noted that the meeting was published according to law and held under the Open Public Meetings Act. She asked those in attendance to rise and salute the flag.

Roll Call: Present - Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James VanSchoick.

The Board Attorney, William Byrnes, recognized Kevin Thomas, attorney for the applicant.

Mr. Thomas reviewed the findings of the Board during its prior hearing on the application. He stated that the Board, after a site inspection, interpreted the use of the building as a business use. Mr. Thomas also noted that Diane Noble, opposer to the application, was also in the audience and asked if she wished to have the hearing wait until her counsel could arrive; she stated that he would not be there and she would be speaking on her own behalf.

Mr. Thomas stated that the matters which he would be dealing with at this meeting would be involved with variances, etc. needed for the renovations at 129 Sea Girt Avenue, including the matters of parking.

Mr. Thomas called Alex Estelle, 96 Red Hill Lane, Lakehurst, to testify. Mr. Estelle stated that his business was located at northwest corner of Route 71 and Sea Girt Avenue in Sea Girt. Mr. Thomas asked Mr. Estelle for his opinion on the project, and Mr. Estelle stated he felt the proposal was beneficial. He stated that he had met with Mr. Tawgin and discussed the project.

"I like it very much," Mr. Estelle stated. "It seems to be a very well thought out plan."

Mrs. Noble asked if Mr. Estelle presently lives in the area, to which he responded he does not. Mrs. Noble asked him if he was looking at the project from merely a business point of view.

Mr. Thomas asked Mr. Tawgin to come forward and offer testimony. Mr. Tawgin, property owner and owner/president of John Shawn Photography, offered testimony regarding the nature of the property and his business.

On the property at 129 Sea Girt Avenue is the building which acts as the office for John Shawn Photography, it was stated. There is also a cottage on the property that is rented to one of his employees on a year round (annual) basis. It was also stated that this property was used as a warehouse for tires, etc., by prior owner George Rose.

Mr. Tawgin's purchase of the adjoining property at 133 Sea Girt Avenue was also discussed. He purchased the property earlier this year, he stated, so there could be additional parking and less congestion for the building at 129 Sea Girt Avenue. He stated that 133 Sea Girt Avenue, formerly The Sea Girt School of the Dance, has a vacant bottom floor and a rental on the top floor; Mr. Tawgin stated he does not intend to break the residential rental lease. The bottom floor would be used as office space for the business during the renovation process. Beyond that there were no plans for 133 Sea Girt Avenue, he stated.

Mr Tawgin stated that exterior renovations would include siding, new windows and the realignment of the windows. These were to make the building more aesthetically attractive.

"It looks like a cinderblock warehouse," Mr. Tawgin stated. "It looks really chopped up. You've got to put something that looks residential in the front."

The interior renovations are proposed so that more office/work space may be created for John Shawn Photographers employees.He stated, for example, that three to four people sometimes share the same workroom.

The parking situation was also discussed. Mr. Tawgin stated that when the opportunity to purchase the dance studio presented itself, he saw it as a way to secure more parking area, perhaps as many as six to seven spaces.

Easements and dedication of parking spaces for the use of 129 Sea Girt Avenue were also noted.

Mr. Tawgin stated that the proposed parking was more than adequate to his needs.

The Board asked Mr. Tawgin about the placement of the windows and whether they would affect the privacy of her backyard. He stated that the windows

were for light and not for looking out of. He stated he would place blinds in the window if necessary.

Discussion was conducted about the cottage on the property. The applicant stated that he would wish to keep the cottage after Board Member Pincus questioned about its removal for extra parking area.

Also questioned were the number and size of the proposed parking spaces as well as inspections by the fire official.

Mrs. Noble questioned whether Mr. Tawgin would consider consolidating the properties into one big property. Mr. Thomas stated that for tax purposes, some of the smaller properties were under one tax bill. He also noted that non-conforming lots merge if person buys non-conforming lot next to other property he owns. The dance studio lot would not be consolidated because it conforms, stated Mr. Thomas. If easements are recorded on record and made irreparable, there would be no way the dance studio property could expand because it would violate easement, explained Mr. Thomas in response to Mrs. Noble's concerns that a subdivision could be requested in the future.

Discussion also took place on the cottage located on the property. The applicant had expressed his wish to keep the cottage. It was also noted that the cottage pre-dated zoning, with Mr. Estelle testifying it existed in 1947. Board Member Kazenmayer had questions about the history of the property; Board Attorney Byrnes suggested some sort of title search would provide information on the conveyence of the property.

Mrs. Noble had questions about the specific layout of the interior; Mr. Tawgin stated that the exact layout had not yet be determined.

The specific needs for the application, including site plan review, were discussed by the applicant's attorney, Board Attorney and the Board. Certain variances were required for insufficient and undersized parking, it was noted.

Once again, the parking situation was discussed, in particular the smaller spaces. Mr. Trafford questioned whether the parking requirements would change if the cottage was rented for a different use rather than its present residential use; for example, would there be a requirement if the cottage was rented out as a shop that more than two spaces would be needed? Or if professional offices were placed on the top floor of the former dance studio? Mr. Thomas stated that deed restrictions could be made.

It was stated that if all the properties, etc., were considered, 25 parking spaces were required; according to the plans, 22-24 spaces were proposed.

Henry S. Schwier, realtor, Sea Girt, was called upon to testify regarding the impact that the project would have on property values in the neighborhood. Mr. Schwier testified regarding the character of the neighborhood, which consists of B-1, semi-professional and residential. He stated that the improvements projected by the applicant would have a positive impact on the

property values in the neighborhood. Mr. Schwier was asked by the Board about the cottage, with Mr. Lyons asking about the possibility of taking it down. Mr. Tawgin stated that he would make the exterior match the front building in an aesthetic manner. Board Member Kazenmayer noted that removal of the cottage would give more parking space. By eliminating the cottage, there could be a difference of $35-40,000 less in value. Mrs. Noble asked Mr. Schwier whether the loss of privacy in her backyard would have any affect on her property value; Mr. Schwier stated that it would not.

A request was made for a five minute recess; motion made, seconded and carried. Roll Call after recess: "Present" - Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick.

Mr. Thomas called upon Ronald Ernish, architect, to testify. Mr. Ernish discussed plans for the property and dimensions, including setbacks.

Mr. Ernish stated that the offices were presently laid out in a "haphazard" manner in the business building; this, he noted, was inefficient for the use of the business. It needed "cohesiveness", he commented.

Mr. Ernish also discussed the parking plan, stating that he tried to plan it as efficiently as possible. He justified the undersized parking spaces by stating that cars are smaller now. He also noted that John Shawn Photographers employees seem to have compact cars and smaller cars on the average. He also stated he measured parking spaces in the community, including the municipal building spaces, for input. Mr. Ernish stated that he felt the parking projected was sufficient and noted that several spaces would be lost if they had to conform to the 10' x 20' requirement. He felt the detriments were outweighed by the advantages.

Light and air circulation in the area were discussed by Mr. Ernish and the Board, including sunlight exposure on Mrs. Noble's property.

Mr. Ernish also noted that as much open space as possible was preserved on the property. It was also stated that the cottage would be fixed up to match the front building, giving it a village like appearance. Mr. Schwier was asked by the Board whether the property would be of more value as it is now or if the cottage removed and renovations done; Mr. Schwier stated that it would be of more value as it presently exists.

Mrs. Noble exhibited a letter signed by area residents and made a statement as spokesperson of the Curtis Place Homeowners Association in opposition to the project.

Board Attorney Byrnes made a citation on the pertinent zoning requirements/variances needed and Mr. Thomas made his summation before a motion was made to close the public hearing. The motion was seconded and carried unanimously.

Mr. VanSchoick made a motion . . . that a site plan approval was not needed; the motion was seconded and passed by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" Board Member Kazenmayer.

Mr. Trafford moved that the Board Attorney draft a favorable resolution, with certain stipulations, including that the cottage shall be fixed up to conform to the main building; parking space dedication and delineation; easement of parking spaces for use by 129 Sea Girt Avenue from the dance studio; and final approval of a site plan for parking spaces. The motion was seconded and carried by the following vote: "Yes" Board Members Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" Board Members Griffith, Kazenmayer.

The Board then discussed a partial refund for applicant Lillian Hoy, who withdrew her application. A motion was made to refund all but $50 of her application fee; the motion was seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, VanSchoick. "No" Board Members Pincus, Trafford, Roberts.

There being no further business, the motion was made, seconded and carried to adjourn the meeting.

Respectfully submitted,

Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

MANASQUAN BOARD OF ADJUSTMENT
Special Meeting Minutes
November 1, 1989

The Manasquan Zoning Board of Adjustment held a special meeting on November 1, 1989 in Manasquan Borough Hall, 15 Taylor Avenue, to continue its hearing on the application of John Shawn Tawgin.

Board Chairman Claudia Pincus called the meeting to order at 7:30 p.m. She stated that the meeting was held in accordance with the Open Public Meetings Act and was published according to law. She asked all present to join in the salute to the flag.

Roll Call: Present - Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James VanSchoick.

Absent - Board Members James F. Bogan Jr., John Burke.

Application 9-89 - John Shawn Tawgin Photographers - 129 Sea Girt Avenue- Kevin Thomas, attorney for the applicant, was recognized. Mr. Thomas noted that Diane Noble, 125 Sea Girt Avenue, objector to the application, was present and stated it felt there should be a wait until her attorney could arrive. Mrs. Noble stated she would be going on without an attorney.

Mr. Thomas reviewed the case to date, stating that at the May 14, 1989 special meeting an interpretation was handed down by the Board stating they felt the building was being used as an office use. Mr. Thomas also discussed the relief being sought in the application, including the requirement of site plan approval and variances regarding Section 107-36A, Schedule 2 (insufficient parking); Section 107 - 3 (undersized parking spaces); Section 107-36B(I) and (3) (regarding location of parking spaces to street line and residential zone); and Sections 107-25C and 107-84A (4) (alteration of conforming building). The applicant also seeks site plan approval pursuant to Section 107-52.

Mr. Thomas called upon Alex Estelle, owner of Alex Estelle's at the corner (northwest) of Route 71 and Sea Girt Avenue. Mr. Estelle testified that Mr. Tawgin had discussed plans for the photography studio and property with him and that he found the plans desirable.

"It is a well thought out plan," stated Mr. Estelle, 96 Red Hill Road,

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

On Wednesday, November 15, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - regular meeting

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

Application 25-89 - Edward B. Dollive Jr. - 121½ Curtis Avenue

Application 26-89 - Lillian Hoy - 28 Wyckoff Ave. - withdrawn at request of applicant

Resolution 18-89 - Joseph S. Gumienny - 107 Beachfront

Resolution 21-89 - Goerge Dempsey III - 15 Marcellus Avenue

Resolution 23-89 - Constance Dreyer - 413 First Avenue

Resolution 24-89 - George and Marie Kleinknecht - 83 Wyckoff Avenue

Old Business

New Business

Yours Truly,

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 11/10/89

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

On Wednesday, November 15, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - regular meeting

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

Application 25-89 - Edward B. Dollive Jr. - 121½ Curtis Avenue

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Old Business

New Business

Yours Truly,

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 11/10/89

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
November 15, 1989
Regular Meeting
Minutes

The Manasquan Zoning Board of Adjustment held its regular meeting on November 15, 1989, in Manasquan Borough Hall.

Manasquan Board of Adjustment Chairman Claudia Pincus called the meeting to order at 7:30 p.m. She noted that the meeting was held in accordance with the Open Public Meetings Act and published according to law. She asked those in attendance to rise in the salute to the flag.

Roll Call - Present: Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James Bogan Jr., and John Burke.

Absent: James VanSchoick.

Mrs. Pincus asked for a motion regarding the minutes of the October 18, 1989 regular meeting. Motion made by Mr. Trafford to accept the minutes as submitted by the Board Secretary, seconded by Board Member Lyons and carried unanimously.

Application 25-89 - Edward B. Dollive Jr. - 121½ Curtis PLACE - The Board Attorney marked the file and administered the oath to Edward B. Dollive Sr, New Bedford Road, Wall; Mr. Dollive stated he would represent his children, Edward Jr., and Ava C. Dollive at the meeting.

Mr. Dollive, Board Attorney William Byrnes and the Board discussed the application, which seeks relief so that a small roof could be installed over the door at 121½ Curtis PLACE for weather protection. A request was also made for relief from the zoning ordinance so that a deck type front porch and an outside cellar entrance (Blico metal door) could be constructed on the subject house.

Albert P. Ratz Jr., C.O., denied the building permit under Section 107-9 (not a permitted use) and Section 107-82.A (4) (not permitted to enlarge a non-conforming use).

The property (Block 49, Lot 6) is in an R-2 zone. There are two houses on the property; the front house, 121 Curtis PLACE, is the residence of Ava C. Dollive

while her brother, Edward Jr., lives in the back house, explained Edward Sr. The two younger Dollives own the property together.

Mr. Dollive explained that his son wished to have access to the finished portion of the basement; hence, the cellar door. He also noted that the deck will be slightly above grade.

Ruth Mueller, 137 Curtis Place, expressed concern about the enclosure on the front house; Mr. Dollive stated that it was built before his son and daughter bought the property. She stated that such enclosures block her view. She asked Mr. Dollive how much of a front yard setback the property has; Mr. Dollive stated 25½ feet, upon which Mrs. Mueller showed her deed, which shows a 35' restriction in the area.

Board Member James F. Bogan Jr. asked Mr. Dollive how he planned to dispose of the oil tank on the property; Mr. Dollive stated that it would be handled in the proper manner.

There being no more comment, a motion was made, seconded and unanimously carried to close the public hearing. A motion was then made and seconded to have the Board Attorney draw up a favorable resolution; motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, Bogan.

Application 26-89 - Lillian Hoy - 28 Wyckoff Avenue - The Board Chairman announced that the application had been withdrawn at the request of the applicant.

Resolution 18-89 - Joseph S. Gumienny - 107 Beachfront - The Board Attorney read a resolution denying the application. The motion was made to carry the resolution; motion seconded and carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts, Bogan, Burke. "Abstain" Board Member Kazenmayer. "No" none.

Resolution 21-89 - George Dempsey III - 15 Marcellus Avenue - The Board Attorney read the resolution denying the application. Motion made by Board Member Lyons to approve the unfavorable resolution, seconded by Board Member Roberts and carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none. "Abstain" Board Member Kazenmayer. "Yes" Board Member Burke.

Resolution 23-89 - Constance Dreyer - 413 First Avenue - The favorable resolution was read by the Board Attorney. Board Member Trafford moved to approve the resolution, seconded by Board Member Griffith and carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts,Bogan, Burke. "No" none. "Abstain" Board Member Kazenmayer.

Application 24-89 - George and Marie Kleinknecht - 83 Wyckoff Avenue - The Board Attorney read the favorable resolution. There was discussion over portions of the testimony regarding the number of two-family structures in the area. A motion was made to approve the resolution; motion seconded and voted upon in the following manner: "Yes" Board Members Lyons, Roberts, Bogan,

Burke. "No" Board Members Griffith, Pincus, Trafford. "Abstain" Mrs. Kazenmayer.

The Board asked the Board Attorney whether this was enough to pass a use variance. Mr. Byrnes stated that in his opinion, the only persons who could vote on a resolution were the members which voted for its draft; thus, Board Members Trafford, Lyons, Roberts, Burke and Bogan could vote. Mr. Trafford changed his vote, making it 4-1. This would be enough to pass the resolution.

A motion was made to have research done into some of the testimony while the Board Attorney would draft a memo on the pertinent statutes.

There being no further matters on the agenda, a motion was made, seconded and passed to adjourn.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

On Wednesday, December 20, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold its regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Regular meeting.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

Application 27-89 - Dawn Borloglou - 33 Broad Street

Application 28-89 - Exxon Corporation - 199 Main Street - adjourned until February at request of applicant's attorney.

Resolution 25-89 - Edward B. Dollive Jr. - 121½ Curtis Place

Reoslution 9-89 - John Shawn Tawgin - 129 Sea Girt Avenue

Old Business

New Business

Yours Truly,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

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(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN BOARD OF ADJUSTMENT
December 20, 1989
Regular Meeting Minutes

The Manasquan Zoning Board of Adjustment held its regular meeting on December 20, 1989 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan.

Manasquan Board of Adjustment Chairman Claudia Pincus called the meeting to order at 7:30 p.m. She noted that a quorum was present and that the meeting was being held in accordance with the Open Public Meetings Act and published according to law. She asked those in attendance to rise in the Salute to the Flag.

Roll Call - Present: Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, James VanSchoick, James F. Bogan Jr., John Burke.

Absent : Board Member Alma Roberts.

Mrs. Pincus asked for a motion regarding the minutes of the November 15, 1989 regular meeting. A motion was made, seconded and carried unanimously to approve the minutes as submitted by the Board Secretary.

Application 27-89 - Dawn Borloglou - 35 Broad Street - The Board Attorney marked the file and recognized Richard Ansell, attorney for the applicant.

Mr. Ansell introduced Dawn Borloglou, applicant, 35 Broad Street; and Eugene Borloglou, the applicant's father. Both were sworn in by Board Attorney William Byrnes to give testimony regarding the case.

The Board, Board Attorney, applicant and applicant's counsel discussed the application, which asked for relief so there could be rebuilding of a rotted area in the property's back cottage. The affected area is located on the southerly side of the cottage. The application also notes that the cottage exists as a non-conforming use and had been the subject of Resolution 24-88, heard by the Manasquan Board of Adjustment early in 1989.

According to the application, "By Resolution adopted on March 15, 1989, the Board of Adjustment granted variances to continue to allow the cottage to be used as a year-round residence. During renovations a rotted area on the southerly side of the building was to be rebuilt. The construction official has opinioned that this work is somehow not permitted."

Albert P. Ratz, Jr., CO, denied the permit under Section 107-9 (not a permitted use) and Section 107-82.A (4) (Not permitted to structurally alter a non-conforming use).

The property is located in a R-2 zone with a front house and rear cottage on the property. The applicant, it was noted, is intending to use the cottage as a single family residence.

Mr. Borloglou testified that the rotted area was discovered when workers went to install a heating system permitted by Board of Adjustment Resolution 24-88. Mr. Borloglou stated that the paneling was removed and that underneath the paneling were damaged (rotted) wall studs and the plate rotted. Replacement work was deemed necessary, he stated.

Mr. Borloglou also testified that there would be not change in the footprint of the cottage.

Mr. Ansell then called upon applicant Dawn Borloglou to offer testimony. Miss Borloglou reaffirmed her intention to make the cottage her year round residence, but that the heating unit would need to be installed before she could move in.

The Board inquired about a benefit doll show that was being conducted from the back cottage to benefit charity. Miss Borloglou stated that the show was to benefit a cancer foundation charity; the admission fee went to the foundation, she noted. There was no selling of the dolls and dollhouses on display, the applicant and applicant's attorney stated.

Mr. Byrnes read for the record a letter from Mr. Ansell dated September 22, 1989 in which Mr. Ansell stated his position that the Construction Official's determinations were "erroneous". Mr. Byrnes also offered the Board an analogy between a prior case and the Borloglou case regarding the Board's precedent action if an applicant and/or applicant's builder finds that upon construction, further alterations and work are necessary to proceed with the project safely.

After further discussion, Board Member Kazenmayer moved to close the public hearing on the case. The motion was seconded and unanimously carried. Board Member VanSchoick moved that an additional variance was not needed for the applicant to continue work on the rear cottage; motion seconded by Board Member Kazenmayer and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Bogan.

The Board agreed that this would be written up as an addendum letter to favorable resolution 24-88. The Board Attorney stated he would prepare such letter and make it part of the record at the January 17, 1990 meeting.

Application 28-89 - Exxon Co. - 199 Main Street - The Board Secretary announced that the attorney for the applicant had asked for an adjournment until the February 21, 1990 meeting. Adjournment was granted and the Secretary was directed to seek a waiver of the time limitations under the Land Use Law.

Resolution 25 - 89 - Edward B. Dollive, Jr. - 121½ Curtis Place - The Board Attorney read the favorable resolution. Board Member Trafford moved to memorialize the resolution, seconded by Board Member Kazenmayer. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, VanSchoick, Bogan.

Resolution 9-89 - John Shawn Tawgin Photographers - The Board Attorney read the favorable resolution. Board Member Trafford moved to memorialize the resolution, seconded by Board Member Lyons. Motion carried by the following vote: "Yes" Board Members Lyons, Pincus, Trafford, VanSchoick. "No" Board Members Griffith, Kazenmayer. "Abstain" Bogan, Burke.

There being no further cases on the agenda, the Board discussed old and new business.

The Board discussed with the Board Attorney its options in situations where evidence presented by an applicant or applicant's witness / professional later proves to be erroneous.

The Board Secretary asked for the Board's pleasure in regards to continuing its membership in the New Jersey Federation of Planners. Motion was made, seconded and carried to continue the membership. The Board Secretary also noted that since the Planning Board had also agreed to join the group, there would be a membership fee discount.

There being no further matters on the agenda, the motion was made, seconded and carried to adjourn.

Respectfully Submitted,

Sharon Bogie, Secretary
Manasquan Board of Adjustment

1990

A G R E E M E N T

THIS AGREEMENT made on the 17th day of January, 1990

Between THE ZONING BOARD OF AJUSTMENT OF THE BOROUGH OF MANASQUAN, hereinafter designated as "BOARD"

And

WILLIAM BYRNES, an attorney at law of the State of New Jersey

WHEREAS, the Board recognizes that it is empowered and permitted by the Municipal Land Use Law, Chapter 291, Laws of New Jersey, 1975, and the Land Use Procedures Ordinance of the Borough of Manasquan, to appoint and affix the rate of compensation of the attorney for the Board:

AND, WHEREAS, William Byrnes, an attorney at law of the State of New Jersey has been duly appointed by Resolution of the Board as attorney for the Board:

AND, WHEREAS, the most recent draft of the revised Local Public Contract Guidelines and Local Public Contract Regulations dated August 13, 1976 drawn and prepared by the Local Finance Board of the Division of Local Government Services, urges and recommends that contracts be entered into with professionals retained by the public agency:

AND, WHEREAS, the members of the Board further recognize that it is to the best interests of the Board and the inhabitants of the Borough of Manasquan that a Contract be entered into between it and its attorney:

W I T N E S S E T H:

FOR AND IN CONSIDERATION of the sum of One Dollar

($1.00) and other good and valuable considerations, to each in hand paid one to the other, the parties AGREE as follows:

1. That William Byrnes, Esq., be and he is hereby specifically retained to perform all legal services required by the Board.

2. That William Byrnes, Esq., shall be paid for services rendered at the rate of dollars per hour

3. That in addition to the hourly rate, any and all costs incurred will be reimbursed by the Board on a dollar for dollar basis.

4. That the within Agreement shall terminate at such time as William Byrnes, Esq., in no longer the duly appointed attorney for the Board.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by its proper officers the day and year first above written.

ZONING BOARD OF ADJUSTMENT OF
THE BOROUGH OF MANASQUAN

By: Claudia S Pincus
CHAIRMAN

Robert H Griffith

90 Re-org

BOROUGH OF MANASQUAN
ZONING BOARD OF ADJUSTMENT

RESOLUTION "A"

RE: CHAIRMAN

WHEREAS, Article 11, Section 2, of the Land Use Procedures Ordinance of the Borough of Manasquan, Ordinance No. 1006 provides that the Zoning Board of Adjustment of the Borough of Manasquan shall elect a Chairman from its members:

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manaquan that Claudia Pincus be and is hereby elected and designated as Chairman of the Zoning Board of Adjustment of the Borough of Manasquan, effective as of January 17, 1990, and whose term as Chairman shall terminate at the close of the first regular meeting of the Board held in the month of January, 1991.

ROLL CALL VOTE:

YES: Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Alma Roberts, Christopher Trafford, James VanSchoick, James F. Bogan Jr.

NO: None

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 17, 1990.

Sharon Bogie

SHARON BOGIE, Secretary to
the Zoning Board of Adjustment
of the Borough of Manasquan

BOROUGH OF MANASQUAN
ZONING BOARD OF ADJUSTMENT

RESOLUTION "D"

RE: OFFICIAL NEWSPAPERS

WHEREAS, the "Open Public Meeting Law", Public Laws of 1975, Chapter 23, provides that various notices be transmitted and/or published in two newspapers most likely to inform the people within the jurisdictional area of the Zoning Board of Adjustment of the Borough of Manasquan and that one of said newspapers be designated as the "official newspaper":

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan that its official newspaper be and the same is hereby designated to be The Coast Star, 13 Broad Street, Manasquan, New Jersey, and that the secondary newspaper shall be The Asbury Park Press, Press Plaza, Asbury Park, New Jersey.

ROLL CALL VOTE:

YES:

NO:

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its orgainzation meeting conducted on January 11, 1989.

SHARON BOGIE, Secretary to
the Zoning Board of Adjustment
of the Borough of Manasquan

BOROUGH OF MANASQUAN
ZONING BOARD OF ADJUSTMENT

RESOLUTION "E"

RE: APPOINTMENT OF BOARD OF ADJUSTMENT ATTORNEY

James VanSchoick offered the following Resolution and moved its adoption, seconded by Edward Lyons

WHEREAS, Article 11, Section 3 of Ordinance No. 1006 of the Borough of Manasquan entitled "THE LAND USE PROCEDURES ORDINANCE OF THE BOROUGH OF MANASQUAN", adopted by the Borough of Council of the Borough of Manasquan, January 24, 1977, provides for the appointment of an attorney by the Board of Adjustment of the Borough of Manasquan: and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the Resolution authorizing the appointment of an attorney to the Board of Adjustment for "professional services" without competitive bidding must be publicly advertised:

AND WHEREAS, each member of this Board has reviewed the form of Agreement with regard to legal services to be entered into as between it and William Byrnes, Esq.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Borough of Manasquan as follows:

1. That William Byrnes, Esq., be and he is hereby appointed as Attorney for the Board of Adjustment of the Borough of Manasquan for a term of one year. The effective date of this appointment shall be as of January 17, 1990, and the same shall terminate at the close of the first regular

meeting of this Board held in the month of January, 1991.

2. The aforesaid appointment is made without competitive bidding as "professional services" under the provisions of the Local Public Contracts Law because the services to be performed are to be performed by a recognized professional, licensed and regulated by law.

3. That the Chairman of this Board be and he is hereby authorized to enter the aforementioned Agreement on behalf of this Board with William Byrnes, Esq., with regard to legal services to be rendered and that a copy of said Agreement shall be kept on file with the Secretary of the Board.

4. That a copy of this Resolution be published according to law within ten days of adoption.

ROLL CALL VOTE:

YES: Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Alma Roberts, Christopher Trafford, James VanSchoick.

NO: None.

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 17, 1990.

Sharon Bogie

SHARON BOGIE, Secretary to
the Board of Adjustment of the
Borough of Manasquan

BOROUGH OF MANASQUAN
ZONING BOARD OF ADJUSTMENT

RESOLUTION "F"

RE: APPOINTMENT OF SECRETARY TO
ZONING BOARD OF ADJUSTMENT

James VanSchoick offered the following Resolution and moved its adoption, seconded by Edward Lyons.

WHEREAS, Article 11, Section 2 of Ordinance No. 1006 of the Borough of Manasquan entitled "THE LAND USE PROCEDURES ORDINANCE OF THE BOROUGH OF MANASQUAN", adopted by the Borough of Council of the Borough of Manasquan, January 24, 1977, provides for the appointment of Secretary to said Board:

AND WHEREAS, funds are available for this purpose:

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan as follows:

1. That Sharon Bogie be and is hereby appointed as Secretary to the Zoning Board of Adjustment of the Borough of Manasquan for a term of one year. The effective date of this appointment shall be as of January 17, 1990, and the same shall terminate at the close of the first regular meeting of this Board held in the month of January, 1991.

2. That the salary of said Secretary shall be in the amount and payable in the manner as shall be fixed by the Borough Council of the Borough of Manasquan.

3. That a copy of this Resolution be published according to law within ten days of adoption.

ROLL CALL VOTE:

YES: Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Alma Roberts, Christopher Trafford, James VanSchoick.

NO: None.

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 17, 1990.

Sharon Bogie

SHARON BOGIE, Secretary to
the Zoning Board of Adjustment
of the Borough of Manasquan

BOROUGH OF MANASQUAN
ZONING BOARD OF ADJUSTMENT

RESOLUTION "D"

RE: OFFICIAL NEWSPAPERS

WHEREAS, the "Open Public Meeting Law", Public Laws of 1975, Chapter 23, provides that various notices be transmitted and/or published in two newspapers most likely to inform the people within the jurisdictional area of the Zoning Board of Adjustment of the Borough of Manasquan and that one of said newspapers be designated as the "official newspaper":

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan that its official newspaper be and the same is hereby designated to be The Coast Star, 13 Braod Street, Manasquan, New Jersey, and that the secondary newspaper shall be The Asbury Park Press, Press Plaza, Asbury Park, New Jersey.

ROLL CALL VOTE:

YES: Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Alma Roberts, Christopher Trafford, James VanSchoick.

NO: None.

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organization meeting conducted on January 17, 1990.

Sharon Bogie

SHARON BOGIE, Secretary to
the Zoning Board of Adjustment
of the Borough of Manasquan

BOROUGH OF MANASQUAN
ZONING BOARD OF ADJUSTMENT

RESOLUTION "C"

RE: MEETING DATE

WHEREAS, the "Open Public Meeting Law", Public Laws of 1975, Chapter 231, requires that annual notice of the public meeting of the public body such as the Zoning Board of Adjustment of the Borough of Manasquan be disseminated within seven days following the annual organization or reorganization of such a public body:

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan as follows:

1. That the third Wednesday of each month shall be designated as the regular monthly meeting of the Zoning Board of Adjustment of the Borough of Manasquan, except that when the third Wednesday of any month falls on a holiday celebrated by the Borough of Manasquan, then and in that case only the regular monthly meeting of the Zoning Board of Adjustment of the Borough of Manasquan shall be designated by the Board at the regular monthly meeting immediately prior to that which shall fall on a holiday and public notification of the same shall be made in accordance with the provisions of the Open Public Meeting Law;

AND, BE IT FURTHER RESOLVED that each regular meeting of the Zoning Board of Adjustment of the Borough of Manasquan shall convene at 7:30 p.m., and be followed by a work session

at the end of the regular meeting, and that the location of the same shall be at the Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey:

AND, BE IT FURTHER RESOLVED, that a copy of this Resolution be disseminated and published according to law wihin seven days of the date hereof.

ROLL CALL VOTE:

YES: Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Alma Roberts, Christopher Trafford, James VanSchoick,

NO: None.

MEETING DATES,

February 21, 1990

March 21, 1990

April 18, 1990

May 16, 1990

June 20, 1990

July 18, 1990

August 15, 1990

September 19, 1990

October 17, 1990

November 21, 1990

December 19, 1990

Janaury 16, 1991

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 17, 1990.

Sharon Bogie

SHARON BOGIE, Secretary to
the Zoning Board of Adjustment
of the Borough of Manasquan

BOROUGH OF MANASQUAN
ZONING BOARD OF ADJUSTMENT

RESOLUTION "B"

RE: VICE-CHAIRMAN

WHEREAS, Article 11, Section 2, of the Land Use Procedures Ordinance of the Borough of Manasquan, Ordinance No. 1006, provides that the Zoning Board of Adjustment of the Borough of Manasquan shall elect a Vice-Chairman from its members:

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan that Robert Griffith be and is hereby elected and designated as Vice-Chairman of the Zoning Board of Adjustment of the Borough of Manasquan, effective as of Wednesday, January 17, 1990, and whose term as Vice-Chairman shall terminate at the close of the first regular meeting of the Board held in the month of January 1991.

ROLL CALL VOTE:

YES: Board Members Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Alma Roberts, Christopher Trafford, James VanSchoick, James F. Bogan, Jr.

NO: None.

The foregoing is a true copy of a Resolution adopted by the Zoning Board of adjustment of the Borough of Manasquan at its organizational meeting conducted on January 17, 1990.

Sharon Bogie

SHARON BOGIE, Secretary to
the Zoning Board of Adjustment
of the Borough of Manasquan

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

On January 17, 1990, the Manasquan Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Regular meeting

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING ITEMS:

1. Reorganization session

   a. Administration of oath to reappointed members.

   b. Resolution "A" - Chairman named.

   c. Resolution "B" - Vice-Chairman named.

   d. Resolution "C" - Meeting Dates .

   e. Resolution "D" - Official newspapers.

   f. Resolution "E" - Naming of Board Attorney.

   g. Resolution "F" - Naming of Board Secretary.

   h. Agreement between attorney and Board.

2. Application 28-89 - Exxon Co. - 199 Main St. - ADJOURNED UNTIL 2/21/90.

3. Application 1 - 90 - George Spadaro - 34 Deep Creek Dr.

4. Old Business
   New Business

   Adjournment

Yours Truly,
Sharon Bogie
Sharon Bogie, Secretary

Dated at Manasquan 1/11/90

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
Regular Meeting Minutes
January 17, 1990

The Manasquan Zoning Board of Adjustment held its reorganization session and regular meeting on January 17, 1990 at Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, NJ.

Board Chairwoman Claudia Pincus called the meeting to order at 7:30 p.m. She noted that the meeting was held in accordance with the Open Public Meetings Act and had been published according to law. She then asked those in attendance to join in the Salute to the Flag.

Roll Call: Present - Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James VanSchoick, James F. Bogan, Jr., John Burke.

Absent - None.

The Board Chairwoman asked for a motion regarding the December 21, 1989 minutes. A motion was made and seconded to approve the minutes as submitted by the Board Secretary; motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, PIncus, Trafford, VanSchoick, Bogan. "No" none. "Abstain" Board Member Roberts.

The Board recognized that this meeting would mark the Board's Reorganization session and proceeded to conduct the pertinent activities.

The Board Attorney administered the Oaths of Office to the reappointed Board members: Christopher Trafford, Edward Lyons, Margaret Kazenmayer and alternate John Burke.

A motion was made by Board Member VanSchoick to nominate Claudia Pincus to continue in the position of Board Chairman. Motion seconded and carried unanimously. The Board Attorney read Resolution "A" naming Claudia Pincus as Board Chairman; motion made by Board Member VanSchoick to carry the resolution. Motion seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, VanSchoick, Bogan. "No" none. "Abstain" Pincus.

Mrs. Pincus nominated Robert Griffith to continue as Board Vice Chairman; the nomination was accepted unanimously. The Board Attorney read Resolution "B" naming Robert Griffith as Vice Chairman; resolution moved by Board

VanSchoick and seconded by Board Member Lyons. Resolution was carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan. "No" none. "Abstain" Board Member Griffith.

The Board Attorney read Resolution "C" which designated the meeting dates as being the third Wednesday of the month. Motion made by Board Member VanSchoick to pass the resolution, with Board Member Lyons seconding the motion. Resolution carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" none.

The Board Attorney read Resolution "D", which designated the Coast Star, 13 Broad Street, Manasquan, as the official newspaper and the Asbury Park Press as secondary newspaper. Board Member VanSchoick moved to approve the resolution, seconded by Board Member Lyons. Carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" none.

The Board Attorney read Resolution "E" designating William Byrnes as Board Attorney. Board Member VanSchoick moved to approve the resolution, seconded by Board Member Lyons. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick.

Board Chairwoman Pincus administered the Oath of Office to Mr. Byrnes.

A motion was made and seconded nominating Sharon Bogie as Board Secretary; motion unanimously carried. The Board Attorney read Resolution "F" naming Sharon Bogie as Board Secretary; Board Member VanSchoick moved to accept the resolution and Board Member Lyons seconded the motion. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick.

Board Attorney Byrnes administered the Oath of Office to Ms. Bogie.

Thus completing the reorganization activities, the Board went into its regular session.

Application 1-90 - George & Lorraine Spadaro - 34 Deep Creek Dr. - Block 189B, Lot 9 - The Board Attorney marked the file and recognized John J. Mensching of Orlovsky, Grasso & Bolger, Toms River, attorney for the applicants.

The Board, applicant and attorneys proceeded to discuss the application, which requests relief so that an addition (kitchen, breakfast and deck structures) might be constructed onto the single family home located on the subject property.

Based on Construction Official Albert P. Ratz, Jr.'s amended denial of December 5, 1989, the application for a building permit was denied under Section 107-27 - rear yard setback violations - 20 feet required; seven feet to house, deck on lot line shown. Mr. Ratz stated that a C-Variance was required; the A-5 flood zone is not applicable and the property is zoned R-2.

Offering testimony were Alfred Rola, project architect, and George Spadaro, applicant.

Mr. Rola provided information on the submitted plans while Mr. Spadaro discussed background of the property and home. Mr. Spadaro noted that the property was part of the Glimmer Glass subdivision and that a variance was needed to build the home.

There was also discussion amongst the applicant, applicant's professionals, the Board and Board Attorney regarding the plans and how they were in relationship to the property lines.

After further discussion, a motion was made by Board Member Burke to hold a site inspection and continue the hearing at the February 21, 1990 meeting. Motion seconded by Board Member Roberts and carried by the following vote: "Yes" Board Member Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan and Burke. It was decided to hold the site inspection on January 20 at 9 a.m.

The applicant agreed to waive the time limit under the Land Use Law.

Robert Gardell, 171 Beachfront, addressed the Board on the matter of the previously approved resolution for Craig and Marie Verran, 172 First Avenue. The Board Attorney stated that the Board was no longer involved with the case and that it would now be considered a civil matter.

A motion was made for a recess; motion unanimously carried. Roll Call after recess: "Present" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan, Burke. "Absent" none.

The agreement between the attorney and Board in regards to his fees was discussed.The Board and Mr. Byrnes agreed to establish his fees at $75 per hour. The motion for the fee was made, seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick.

The Board also discussed the budget for the Board and the Board's annual report, which the Board Secretary stated would be prepared for their consideration at the February 21, 1990 meeting. The Board wished to be certain that the budget would cover the increase in Mr. Byrnes' fees, which had been $65/hour.

There being no further matters for discussion, the motion was made for adjournment. The motion was seconded and unanimously carried.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

On February 21, 1990, the Manasquan Zoning Board of Adjustment will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Regular Agenda

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING CASES:

Application 1-90 (cont.) - George & Lorraine Spadaro - 34 Deep Creek Dr.

Application 28-89 - Exxon, USA - 199 Main Street

Old Business

New Business

Yours Truly,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 2/16/90

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

MANASQUAN ZONING BOARD OF ADJUSTMENT

Meeting Minutes
February 21,1990

The regular meeting of the Manasquan Zoning Board of Adjustment was called to order at 7:30 p.m. February 21, 1990 by Board Vice Chairman Robert Griffith in the abscence of Board Chairman Claudia Pincus.

Roll Call: Present - Board Members Robert Griffith, Margaret Kazenmayer, Christopher Trafford, James VanSchoick, John Burke.

Absent - Board Members Edward Lyons, Claudia Pincus, Alma Roberts, James F. Bogan, Jr.

Mr. Griffith asked those attending to rise in a salute to the flag. He announced that the meeting was an Open Public Meeting and had been published in the media according to law.

Mr. Griffith asked for a motion regarding the minutes of the January 17, 1990 meeting; Board Member Kazenmayer moved to accept the minutes, seconded by Board Member Burke. Motion carried by unanimous vote.

Application 1-90 (cont.) - George & Lorraine Spadaro - 34 Deep Creek Drive - The Board continued its hearing into the Spadaros' application, with attorney John Mensching and architect Alfred Rola once again representing the applicant.

Mr. Mensching stated he wished to amend the application to include a variance for the existing deck.

It was noted that an extensive search was conducted for records of previous cases involving the property, including any variances granted when the home was originally built and when it was rebuilt after a fire in 1973 to 1974. The Board Secretary agreed to check further in past development board files for any such information. It was also noted that a site inspection had been carried out by the Board.

Mr. Rola also addressed the Board on the topic of side vs. rear yard setbacks in relation to the application. Mr. Rola cited the definitions of side and rear yard setbacks from Section 107-3 and stated that as the definitions applied to the application, no sideyard violations existed.

After further discussion, Board Member Trafford asked for a motion to continue the hearing at the March 21, 1990 meeting in order for further documents and information to be secured. The motion was seconded by Board Member Burke and carried unanimously.

Application 28-89 - Exxon, USA - Main Street- A representative of Exxon appeared before the Board to discuss a letter submitted by the applicant's attorney, James Carton III, requesting an adjournment of the case until the March 21, 1990 meeting. The adjournment was granted and Exxon was advised that the affected area would need to be renoticed and another legal would need to be published.

The Board later discussed which professionals should be brought in to review the application. After discussion, a motion was made by Board Member Burke that a letter should be forwarded by the Board Secretary to William Farrell, Jr., requesting that he review the application and attend the March 21, 1990 meeting to offer testimony. Mr. Burke's motion also stated that the letter should include that the Board had technical questions regarding such matters as the effect that the car wash would have on the sewer system in the area, water use and size of the line going in and out of the area. Mr. Burke's motion was seconded and carried unanimously.

The Board also analyzed the 1989 annual report of cases heard by the Board.

Board Members Trafford and Burke expressed interest in attending a zoning course to be held by Rutgers University at Wall Police Headquarters. The Board Secretary agreed to work on the necessary arrangements.

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

Respectfully Submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk

CERTIFICATION

The undersigned is a member of the Zoning Board of Adjustment of the Borough of Manasquan.

I was unable to attend the meeting held by the Board on

2/21/90

I certify that I have listened to the tape recording of the aforesaid meeting in full.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated:
3/20/90

Claudia S. Pincus

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk

CERTIFICATION

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I was unable to attend the meeting held by the Board on

February 21, 1990

I certify that I have listened to the tape recording of the aforesaid meeting in full.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: March 19, 1990

Edward P. Lyons

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

On March 21, 1990, the Zoning Board of Adjustment of the Borough of Manasquan will hold its regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

AGENDA

Application 1-90 (cont.) - George and Lorraine Spadaro - 34 Deep Creek Drive

Application 28-90 - Exxon, USA - Main Street - Withdrawn at request of applicant

Old Business

New Business

Yours Truly,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 3/16/90

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

MANASQUAN BOARD OF ADJUSTMENT
Regular Meeting
March 21, 1990

The Manasquan Zoning Board of Adjustment held their regular monthly meeting on March 21, 1990 at Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman Claudia Pincus called the meeting to order at 7:30 p.m. and announced that the meeting was held in accordance with the Open Public Meetings Act. The meeting was published according to law and minutes of the February 21 meeting were posted on the borough hall bulletin board.

Roll Call: Present - Board Members Robery Griffith, Edward Lyons, Claudia Pincus, Alma Roberts, James VanSchoick, James F. Bogan, Jr. and John Burke.

Absent - Board Members Margaret Kazenmayer and Christopher Trafford.

It was noted for the record that Board Members Lyons, Pincus, Roberts and Bogan had listened to the tapes of the February 21 regular meeting and could therefore vote on the agenda matters.

Board Chairman Pincus asked for a motion regarding the minutes of the February 21, 1990 meeting. Board Member Burke moved to accept the minutes as submitted by the Board Secretary; motion seconded and carried by the following vote: "Yes" Board Members Griffith, Lyons, VanSchoick, Bogan and Burke. "No" none. "Abstain" Board Members Pincus and Roberts.

Application 1-90 (cont.) - George and Lorraine Spadaro - 34 Deep Creek Drive - Board Attorney William Byrnes recogized the applicant, George Spadaro; the applicant's architect, Alfred Rola; and the applicant's counsel, Michael Halpin.

Mr. Halpin noted that based on discussion during the first two meetings, there were some adjustments and changes to the Spadaros' plans.

The Board and Board Attorney continued to discuss the case with the applicant and his professionals.

One topic of discussion was the outside deck and the stairs which come down from that deck to the ground.

The applicant and his attorney stated that they would remove the full deck and rebuild the smaller balcony structure which was indicated in the plans of the house in 1974 (the home was rebuilt after a fire). The stairs would be removed.

Mrs. Pincus commented on a letter written in 1974 regarding stairs from the upper floor to the ground on the outside of the structure. The letter, which, like the 1974 house plans, were marked as evidence, stated that the stairs would need to be removed before a certificate of occupancy was issued. The applicant testified that the stairs were removed but were rebuilt approximately 10 years later.

Questions were also asked about the size of the deck (5' x 12') and the distance from the edge of the deck to the property line (approximately eight feet, six feet at the closest point). The projected shadow patio underneath the balcony structure was also discussed; the concrete slab would also measure 5' x 12' and have posts to support the second story deck/balcony. It was also noted by Mr. Halpin and Mr. Spadaro that a balcony structure would also alleviate the risk of having a sliding glass door on the second floor and having no place to open it to.

Discussion also centered around the entrance/exit from the breakfast room. It was finally determined that the applicant should have a platform and stair structure by which to go into the back yard from the breakfast room. The stairs would descend from the ramp in a southeasterly manner.

In regards to the interior renovations and addition to the home, which includes the addition of a breakfast room and the enlargement of the kitchen and family room areas, the applicant proposed to stay with the plans originally submitted with this application.

It was noted for the record that there were no members of the public in attendance for the hearing.

The Board then started discussing what direction to take in regards to a motion on the application. Board Member Griffith expressed questions about the plans and setbacks. He stated that the changes on the plans were verbal and that they had become a "hodge podge."

Board Member Burke asked Board Attorney Byrnes about wording the motion. Mr. Byrnes stated that the Board could either word it so that Mr. Byrnes was instructed to prepare a resolution for the Board's review and finalization at the April meeting or the Board could have a formal resolution prepared based on the testimony which would be finalized immediately.

Board member Pincus requested a review of the changes and asked that they be made part of the motion. Thus the motion, made by Board Member VanSchoick, stated that the favorable resolution be prepared by the Board Attorney and note the following conditions: 1.) the existing second story deck be removed and replaced by one corresponding to the 1974 plans (A-18); 2.) a shadow deck will be constructed underneath said deck and supports would be established for the deck; 3.) a small (3' x 8') platform would be constructed outside the sliding glass doors from the projected breakfast area. Stairs would descend from platform to ground in a southeasterly manner; 4.) The addition would be constructed in accordance with plans submitted with the application (A-14); and 5.) The projected garden and two other decks are to be eliminated.Motion seconded and carried by the following vote: "Yes" Board Members Lyons, Roberts, VanSchoick, Bogan and Burke. "No" Board Members Pincus and Griffith.

There was a motion that new plans with the changes indicated should be submitted for the Board's review; motion seconded and carried unanimously.

There being no further applications, the Board heard old and new business.

The Board denied a request by attorney Kevin Thomas on behalf of his client Ron Dana, 364 First Avenue, for a special meeting.

The Board also discussed opportunities to attend seminars and courses offered by Rutgers, the State University. These courses relate to zoning and board functions.

There being no further matters on the agenda, a motion was made, seconded and carried unanimously for adjournment.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk

CERTIFICATION

The undersigned is a member of the Zoning Board of Adjustment of the Borough of Manasquan.

I was unable to attend the meeting held by the Board on

3/21/90

I certify that I have listened to the tape recording of the aforesaid meeting in full.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated:
4/12/90

Christopher T. Kraffod

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk

CERTIFICATION

The undersigned is a member of the Zoning Board of Adjustment of the Borough of Manasquan.

I was unable to attend the meeting held by the Board on

March 21, 1990

I certify that I have listened to the tape recording of the aforesaid meeting in full.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated:

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

On April 18, 1990, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Regular agenda

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Application 2-90 - Mobil Oil - 218 Parker Avenue

Application 3-90 - Ronald Dana - 364 First Avenue

Resolution 1-90 - George and Lorraine Spadaro - 34 Deep Creek Dr.

New Business

Old Business

Yours Truly,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 4/11/90

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
April 18, 1990 regular meeting
MINUTES

The Manasquan Zoning Board of Adjustment met April 18, 1990 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

In the absence of Board Chairman Claudia Pincus, Vice Chairman Robert Griffith called the meeting to order at 7:30 p.m.

Roll Call: Present - Board Members Robert Griffith, Margaret Kazenmayer, Christopher Trafford, James VanSchoick, James F. Bogan, Jr., and John Burke.

Absent - Board Members Edward Lyons, Claudia Pincus and Alma Roberts.

A motion was made by Board Member Trafford to approve the minutes of the March 21, 1990 meeting as submitted by the Board Secretary. The motion was second and carried unanimously.

Application 2-90 - Mobil Oil Corporation - 218 Parker Avenue - Board Attorney William Byrnes marked the file and recognized Robert Santangelo, attorney for the applicant.

Mr. Santangelo, after making representations about the station not being owned by the company but rather existing in a leasee-franchiser relationship and stating that signs which had been determined to be in violation of previous Board of Adjustment resolution 2-86 would be removed, introduced James F. Stanton of O'Donnell, Stanton and Associates, engineers for the project, and Guy Banks, representative of Mobil Corporation.

The Board, Board Attorney, applicant's attorney and professionals discussed the application, which requested relief so that the existing gasoline service area could be renovated; included would be the installation of three new pump dispenser islands and the placement of a canopy slightly smaller that the present canopy.

The building permit was denied by Albert P. Ratz Jr, Construction Official, under section 107-16 (not a permitted use) and Section 107-52 (site plan approval) required) of the code of the Borough of Manasquan.

The property is zoned industrial and a use variance is sought.

Discussions centered around such topics as the surrounding areas, landscaping, lighting and the proposed changes at the site.

It was stated that the gasoline pumps, which would have a multiple dispenser and an approved vapor recovery system, would be placed in the area on the site in a manner which would assist efficient traffic flow on and off the site, stated the professionals.

The Board and applicants' representatives also discussed the proposed canopy. The canopy, as stated in the application and in testimony, would be smaller than the existing canopy. Glare from the lights of the present canopy would also be lessened since the projected canopy would have recessed lighting.

The Board asked whether the applicant had received any communication from the Department of Transportation or other local and state organizations. Mr. Santangelo presented the Board with a letter from the DOT which stated that because the work does not affect state right-of-ways, there would be no need for any permits from their office.

After further discussion, a motion was made, seconded and carried unanimously to close the public hearing. The Board discussed their options and possible stipulations in the resolution.

A motion was made for the Board Attorney to prepare a favorable resolution for the Board's consideration at the May 16, 1990 meeting with such requirements as any unapproved signs would be removed, proof of communication with the pertinent state and county agencies (such as the Monmouth County Planning Board, the Department of Environmental Protection and the New Jersey State Police), inspection of the existing tanks by the DEP and approval of the new pumps along with their inspection by that organization. The motion was seconded and carried unanimously.

Application 3-90 - Ronald Dana - 364 First Avenue - The Board Attorney marked the file and recognized Richard Mills of the law firm Lautman, Henderson, Mills & Wight, attorneys for the applicant. Mr. Mills explained that there was some difficulties in obtaining the certified list of homeowners and, thus, his firm created their own list based on the tax list for the area; it was noted that Sharon Hartman, tax accessor, had gone over the list with the Board Secretary and found all were notified based on the work she did on the list. It was agreed to proceed with the hearing after the applicant stated he had no objections to any possible ramifications should a homeowner not be noticed.

Ronald Dana, 210 Essex Avenue, Avenel, New Jersey, was sworn in to offer testimony.

Under old and new business, it was noted that Board Member Burke had attended a zoning overview seminar at Rutgers University.

There being no further agenda items or business, a motion was made, seconded and carried for adjournment.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
MILDRED W. COLLARD, Clerk
MANASQUAN, N.J.

CERTIFICATION

The undersigned is a member of the Zoning Board of Adjustment of the Borough of Manasquan.

I was unable to attend the meeting held by the Board on

April 18, 1990

I certify that I have listened to the tape recording of the aforesaid meeting in full.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: May 15, 1990

Edward F. Goss

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
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JOHN L. WINTERSTELLA, Mayor
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I was unable to attend the meeting held by the Board on

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I certify that I have listened to the tape recording of the aforesaid meeting in full.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated:
May 7, 1990

Claudia S. Pincus

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

On May 16, 1990, the Manasquan Zoning Board of Adjustment will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - regular agenda

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING CASES:

Application 3-90 (cont.) - Ronald Dana- 364 First Ave.

Application 4-90 - James Julian - 14½ Main Street

Resolution 1-90 - George & Lorraine Spadaro - 34 Deep Creek Drive

Resolution 2-90 - Mobil Oil - 218 Parker Ave.

Old Business

New Business

Yours Truly,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 5/11/90

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
Meeting Minutes
May 16, 1990

The regular meeting of the Manasquan Zoning Board of Adjustment called to order at 7:30 p.m. May 16, 1990 by Board Chairman Claudia Pincus.

Roll Call: Present - Board Members Robert Griffith, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James VanSchoick, James F. Bogan,Jr. and John Burke.

Absent - Board Member Margaret Kazenmayer.

Mrs. Pincus requested that all present join in the salute to the flag and asked for a motion regarding the minutes of the April 18, 1990 regular meeting. A motion was made and seconded to approve the minutes as submitted by the Board Secretary; motion carried by unanimous vote.

Application 3-90 (cont.) - Ronald Dana - 364 First Avenue - The Board continued the hearing into Mr. Dana's application and Board Attorney William Byrnes recognized Mr. Dana and his attorney Kevin Thomas. Board Members Pincus, Lyons and Roberts indiciated that they had listened to the tapes from the previous meeting.

As requested by the Board at the April 18 meeting, the applicant and his attorney submitted a detailed survey of the property and plans indicating present and proposed placement of doors and windows on the house. These were marked as evidence by the Board Attorney.

The Board had also discussed the site inspection which had been conducted, including the public walkway and a mounted condensing unit on the premises. It was offered that Mr. Dana had gone back to Mr. Ratz and got permission to move the unit to the other side where there is more of a side yard. Permits had been secured for the installation of the unit.

There being no comments from the public at this meeting and no further questions from the Board, a motion was made, seconded and unanimously carried to close the public hearing. Board Member Pincus them moved to approve the application; motion seconded by Mr. Trafford and carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan and Burke. "No" none.

Mr. Thomas asked the Board if they could memorialize the

resolution immediately so that his client could start work on the property as soon as possible. Board Chairwoman Pincus stated that the Board did not normally do this and the Board Attorney asked Mr. Thomas under what special circumstances was he requesting the consideration; Mr. Thomas stated that his client did not wish to contribute to the summer traffic situation/safety problem in the area with construction trucks and apparatus. Board Member James VanSchoick moved to memorialize the resolution; the motion was seconded by Claudia Pincus and carried by the following vote: "Yes" Board Members Pincus, Trafford, Roberts, VanSchoick, Bogan. "No" Board Members Griffith, Lyons.

Application 4-90 - James Julian - 14½ North Main Street - The Board Attorney marked the file and recognized the applicant, James Julian, resident and owner of the property, which has structures identified as 14 and 14½ North Main Street. Mr. Julian was administered the oath so he could offer testimony.

The Board, Board Attorney and Mr. Julian discussed the application, which requests relief so that an addition may be constructed to the second house on a lot with two houses. This would consist of the construction of a deck and new stairs to replace existing deck and stairs, which the applicant stated were rotting. The apartment, stated Mr. Julian, would be used by his son and daughter-in-law.

Albert P. Ratz, Construction Official, denied the permit based on Section 107-9, not a permitted use; and Section 107-27, side yard setback (five feet required, 3.76 feet shown) of the Code of the Borough of Manasquan. A use variance is being sought and the property is in an R-2 zone.

Mr. Julian clarified the plans submitted, stating that he wished to take down existing deck and remove living room. He would then build a 24' x 24' addition and place the deck elsewhere. Thew deck, Julian replied, was built last year and a variance had been obtained. The Board asked that detailed plans be submitted showing these aspects of the application.

The Board also discussed the property and structures on the property. They also discussed parking situation on the property and the garage structure.

After further discussion the Board asked that the applicant submit corrected, more professionally prepared (sealed) plans and expressed concerns about the expansion of the structure. A motion was also made to hold a site inspection on May 19 by Board Member VanSchoick; motion seconded and carried by unanimous vote. It was also requested by the Board Attorney that the applicant publish their legal notice in the Coast Star again because of a question about the publishing of the first legal.

Resolution 1-90 - George and Lorraine Spadaro- 34 Deep Creek Drive - The Board Attorney stated that he had read the form

of favorable resolution at the April meeting; the Board voted on it with a 3-3 tie. He stated that this was a form of resolution, or, if the Board wished to consider it in an analogy, a rough draft of the resolution; this was not a final resolution but rather a resolution created at the request of the Board for their consideration. The Board also asked for clarifications about resolutions and memorializations.

Board Member Bogan moved to approve the favorable resolution; the motion was seconded by Board Member Roberts but voted down by the following vote: "Yes" Board Members Roberts, VanSchoick, Bogan. "No" Board Members Griffith, Lyons, Pincus, Trafford. The Board Attorney stated he would prepare a resolution of denial for the Board's consideration at the June 20, 1990 meeting.

Resolution 2-90 - Mobil Oil-Parker Avenue - The Board Attorney stated that their had been communication regarding a possible amendment to the resolution regarding signs; the Board Secretary announced that the signs would be the subject of a separate application. The Board Attorney then read the favorable resolution. A motion was made by Board Member VanSchoick, seconded by Board Member Bogan, to memorialize the resolution. Motion carried by the following vote: "yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts, VanSchoick and Bogan.

There being no further business on the agenda, the Board discussed old and new business, including the signing of vouchers and the announcement of coming workshops, conferences and seminars. The Board Attorney also asked whether he should follow up on a letter from the attorney for the Castaways, for which an application is not pending before the Board, in which the attorney seeks legal interpretations. Mr. Byrnes felt that without a case pending, the matter would be out of his and the Board's jurisdiction. The Board stated that since the case is not yet pending, it would not wish Mr. Byrnes to offer any interpretations.

There being no further business, there was a motion made, seconded and unanimously carried for adjournment.

Respectfully Submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

MANASQUAN BOARD OF ADJUSTMENT

AGENDA
JUNE 20, 1990

On June 20, 1990, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

REGULAR AGENDA
Formal action will be taken on the following :

APPLICATION 4-90 (cont.) - James Julian - 14½ Main Street

APPLICATION 5-90 - Mobil Oil - 218 Parker Avenue

RESOLUTION 1-90 (denial) - George and Lorraine Spadaro - 34 Deep Creek

RESOLUTION 3-90 - Ronald Dana - 364 First Avenue

OLD BUSINESS
NEW BUSINESS

Yours Truly,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment
Dated at Manasquan 6/14/90

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

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ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
JUNE 20, 1990

The Manasquan Zoning Board of Adjustment held its regular meeting on June 20, 1990 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan.

The meeting was called to order at 7:30 p.m. by Board Chairman Claudia Pincus. Mrs. Pincus stated that the meeting was being held in accordance with the Open Public Meetings Act and had been published in the official newspaper according to law. She then asked all in attendance to join in a salute to the flag.

Roll Call: Present - Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James VanSchoick, James F. Bogan, Jr. and John Burke.

Absent - None

Mrs. Pincus asked for a motion regarding the minutes of the May 16, 1990 meeting. It was noted by Board Member Burke that a line had been left off the bottom of the first page. Based on the context, the Board agreed that the line should read that Mr. Thomas asked that his client's (Ronald Dana's) application be memorialized immediately. The Board Secretary noted this for the record. A motion was them made, seconded and carried to approve the minutes as submitted by the Board Secretary.

APPLICATION 4-90 (cont.) - James Julian - 14½ Main Street - Board Attorney William Byrnes recognized the applicant, James Julian, who in turn introduced his son, James Russell Julian. It was noted that Mr. Julian (senior) was sworn in to offer testimony on the application at the last meeting. The oath was then administered to James Russell Julian.

Resolution 9-88, memorialized in 1988 and pertinent to the

subject property, was noted.

The Board noted that a request had been made for more detailed plans for the project.

The Julians submitted a computer-prepared map, marked by the Board Attorney as A-10, and then stated there were some alterations they would like to note on it.

Mrs. Pincus noted that the plans for part of the first floor area stated it would be reserved for "future use" and asked just what those future uses might be. Mr. Julian (senior) stated that plans for the area were not definite, but there may be construction of other rooms at a future time.

"We just want to leave it there for storage," stated Mr. Julian (senior).

Mrs. Pincus also asked whether the garage door was brought up to fire code.

Mr. Julian (senior) noted that basically they would just be using the foundation as is and rebuilding from there. He also stated that the other garage already existing would remain.

The Board also asked questions regarding the chimney and its proximity to the neighbor's property line.

The Julians also noted that they wanted to keep the one building line so that the entire structure looked more uniformed rather that "patched" together. It was noted that the entire structure would be done with siding.

The applicant then submitted another set of plans, marked A-11 for the file.

The Board also asked about the additional stairway which was depicted on the new plans. Mr. Julian (junior) clarified the plans and stated there was an oversight in the deck area (an overhang would be established). Questions were expressed from the Board about the size and the Julians stated that the original plans depict the area as it is and there would be no change.

The Board Attorney stated that in light of the changes and information being taken from prior maps, he was concerned over conformity in the resolution.

The Board stated they would like a new survey, done by a licensed surveyor, prepared with current buildings and setbacks reflected on the document as well as plans with the proper measurements.

The Board agreed to continue the case so that the proper documentation could be submitted. The applicant agreed to waive the time limit under the Land Use Law.

APPLICATION 5-90 - Mobil Oil - 218 Parker Avenue (Block 52, Lot 33-36 and 37A) - The Board Attorney recognized Robert Santangelo of Pogarsky, Louis and Santangelo, attorney for the applicant. Mr. Santangelo then introduced James Stanton of O'Donnell, Stanton and Associates, engineers on the project.

The Board Attorney marked the file and administered the oath to Mr. Stanton.

The Board, Board Attorney, applicant's attorney and engineer discussed the application, which requested an amendment to the site plan to show the relocation of the existing light with a product sign on it. It also requests the addition of a price sign in the same location of relocated sign. The applicant also seeks an interpretation as to whether the "Mobil" lettering on the new canopy is a free standing sign or a facade sign.

Albert P. Ratz, Jr., Construction Official, notes in his letter of denial that if the Board considered it a free standing sign, a variance would be required under section 107-80.B (2) (b) - size and height. He also commented that the sign being changed was the subject of Resolution 2-86.

The property is in a light industrial zone.

Mr. Stanton cited ths specific changes involved with the application. He stated that at the present time there is a lightpole at the south side of the southerly drive off Route 71 into the site ; they propose to move the lightpost, which has a sign advertising their cigarette prices, to the northerly side. The location where the lightpost is at the present time will then have a "price center" listing gasoline prices. The canopy with Mobil's log and name on it was previously dealt with in the applicant's prior case before the Board last month; it did not point out that fact there is sign on side of canopy. It was noted that the Board needed to interpret whether it is a freestanding or facade sign. The canopy's major function was dealt with at previous hearing, with Mr. Stanton stating it provides shelter against the elements for employees and the

public. The sign was really afterthought, stated Mr. Stanton, who felt it is not a freestanding sign.

The Board, Board Attorney, applicant's attorney and engineer then discussed the plans and details submitted by Mobil Oil. The signs on the property were discussed. The sign that is on the lightpole now (cigarettes) can be seen from the highway, which is why they wish to have the gas prices listed there, it was noted. At the north end there is an existing sign which will not change, it was stated by Mr. Stanton.

The Board discussed Detail C, the price sign, with Mr. Stanton. He stated it was a standard price sign.

Mr. Stanton stated that with the unusual angle of the property, sign visability from the highway is difficult.

It was also noted that the state requires gasoline stations to list their prices in a manner/display visable from the highway.

The Board then discussed possible interpretations of the canopy and as to whether it is considered a facade sign or freestanding.

It was noted that there was no public commentary on the application.

The Board elected to vote on each change separately.

The Board Attorney also noted their were limitations on the surface area for signs on a site.

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

Mrs. Pincus asked for a motion on detail a (lightpost and cigarette sign from southerly to northerly area) ; motion was made and seconded to approve the detail. Motion carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Roberts, Trafford and VanSchoick; "No" Board Member Kazenmayer.

A motion was then made and seconded to approve detail c (price sign); motion carried by the following vote: "yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Roberts, Trafford and VanSchoick.

A motion to interpret the canopy as a facade sign made by James VanSchoick; motion seconded by Edward Lyons and passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts and VanSchoick.

RESOLUTION 1-90 - George and Lorraine Spadaro - 34 Deep Creek Drive - The Board Attorney noted that Mr. Michael Halpin of the law firm Orlovsky, Grasso and Bolger wished to address the Board on behalf of the Spadaros. Mr. Byrnes stated that it was not improper to hear him since a final vote had not been taken.

Mr. Halpin addressed the Board regarding his recollection of the case and its presentation. He stated that the applicant and he were confused at to what could have happened (the Board had asked that the attorney draw up a form of favorable resolution. This resolution had a 3-3 tie vote at the April meeting and was voted down at the May meeting) regarding the resolution.

The Board Attorney, in response from a question from Mrs. Pincus, stated that an applicant may amend or withdraw his application right up to the final vote. Mr. Byrnes also noted that there were different Board Members voting at the different meetings, which may have shifted the vote. He stated that the method of having a form of resolution (rough draft) prepared is not uncommon and that it gives the board additional time to consider the merits and testimony pertinent to the application.

It was also noted that Mr. Halpin's office had requested transcripts from the March and May meetings, which were in the process of being prepared.

After further discussion and an agreement that the applicant would waive any time restrictions, Board Member Christopher Trafford moved to postpone the vote on the resolution until the July 18, 1990 meeting. The motion was seconded by Mrs. Roberts and carried by the following vote: :"Yes" Board Members Lyons, Pincus, Trafford, Roberts and VanSchoick. "No" Board Members Kazenmayer and Griffith.

RESOLUTION 3-90 - Ronald Dana - The resolution, memorialized at the May 16, 1990 meeting, was read for the record.

Under old business, the Board Secretary stated that a memo/ review had been received regarding the John Shawn Tawgin Photographers site plan/variance, which had been before the

Board of Adjustment.

There being no other old or new business, a motion was made and unanimously carried for adjournment.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
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MANASQUAN, N.J.

(201) 223-0544

ROBERT A. D'AURIA
Borough Administrator
Borough Clerk

MANASQUAN BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA
JULY 18, 1990

On July 18, 1990, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

REGULAR AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 4-90 (cont.) - James Julian - 14½ Main Street

RESOLUTION 1-90 - (denial) - George and Lorraine Spadaro - 34 Deep Creek Drive

RESOLUTION 5-90 - Mobil Oil - 218 Parker Avenue

OLD BUSINESS
NEW BUSINESS

Yours Truly,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment
dated at Manasquan 7/11/90

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

(201) 223-0544

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
JULY 18, 1990
REGULAR MEETING

The Manasquan Board of Adjustment held their regular monthly meeting on July 18, 1990 in Manasquan Borough Hall.

Board Chairman Claudia Pincus called the meeting to order at 7:30 p.m. She stated that it was an open public meeting held in accordance with the Open Public Meetings Act and published accordint to law. She asked all in attendance to join in the Salute to the Flag.

Roll Call: Present - Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James VanSchoick and John Burke.

Absent - Board Member James F. Bogan, Jr.

A motion was requested in regards to the minutes of the June Board of Adjustment meeting. A motion was made, seconded and unanimously carried to approve the minutes as submitted by the Board Secretary.

Application 4-90 - (cont.) - James Julian - 14 ½ Main Street- The applicant requested a continuance and agreed to waive any time restrictions. The Board agreed to continue the case at the August 15, 1990 meeting.

Resolution 1-90 - George and Lorraine Spadaro - Mr. Michael Halprin appeared with his client Mr. Spadaro and stated that the applicant wished to withdraw his application. It was also noted by the attorney that the applicant agreed to remove the existing deck, which had been built without a permit, within 30 days. The Board Secretary was instructed to advise the Construction Official of the deck's removal so he could inspect the premises.

Resolution 5-90 - Mobil Oil - 218 Parker Avenue. The Board Attorney read the favorable resolution. Board Member Trafford moved to memorialize the resolution, seconded by Board Member Lyons. The motion was carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts,

VanSchoick. "No" Board Member Kazenmayer.

There being no further cases, the Board discussed old and nerw business.

Board Chairwoman Pincus announced her resignation from the Board, stating that she and her family were moving to Florida. The Board discussed the matter and agreed to make a choice regarding a new chairman at the next meeting. The Board also expressed their appreciation to Mrs. Pincus for her dedication to the Board.

The Board also agreed to sign vouchers submitted by the Board Attorney.

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

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
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MANASQUAN, N.J.

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MARGARET M. MONSELL
Municipal Clerk

MANASQUAN BOARD OF ADJUSTMENT
AGENDA

AUGUST 15, 1990

On August 15, 1990, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

REGULAR AGENDA

Formal action will be taken on the following:

APPLICATION 4-90 (cont.) - James Julian - 14½ Main Street

APPLICATION 6-90 - Gary and Patricia Walsh - 111 Stockton Lake Boulevard

OLD BUSINESS
NEW BUSINESS

Yours Truly,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment
Dated at Manasquan 6/14/90

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
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Incorporated December 30, 1887

(201) 223-0544

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
AUGUST 15, 1990
REGULAR MEETING MINUTES

The Manasquan Board of Adjustment held their regular meeting and work session on August 15, 1990 at Manasquan Borough Hall, 15 Taylor Avenue, Manasquan.

In the absence of the Chairman and Vice Chairman, Board Attorney William Byrnes called the meeting to order. He announced that it was an Open Public Meeting held in accordance with the Open Public Meetings Act and published according to law. He noted that the minutes for the previous meeting were posted on the bulletin board and asked all in attendance to rise in the Salute to the Flag.

Roll Call: Present - Board Members Margaret Kazenmayer, Edward Lyons, Christopher Trafford, James VanSchoick, James F. Bogan, Jr. and John Burke.

It was noted that a new Chairman would need to be chosen in response to the resignation of Board Chairman Claudia Pincus. Board Member Edward Lyons was nominated to fill the position by Board Member Kazenmayer; as there were no further nominations, a motion was made by Board Member Kazenmayer to name Mr. Lyons Chairman. The motion was seconded by Board Member VanSchoick and carried by the following vote: "Yes" Board Members Kazenmayer, Trafford, VanSchoick, Bogan and Burke. "No" none. "Abstain" Board Member Lyons.

The Board Attorney directed the Board Secretary to notify Mayor John Winterstella of the vacant spot on the Board. He then administered the oath to Mr. Lyons.

Board Chairman Lyons then asked for a motion regarding the minutes of the July 18, 1990 regular Board of Adjustment meeting. A motion was made by Board Member Trafford to approve the minutes as submitted by the Board Secretary; the motion was seconded by Mr. VanSchoick and carried unanimously.

APPLICATION 4-90 (cont.) - James Julian - 14½ Main Street - The Board continued its hearing into the application

of James Julian, 14-14½ Main Street. Mr. Julian appeared before the Board to provide testimony along with his son. At the Board's request, a new set of plans and a professional survey with signature and seal were submitted for the Board's consideration.

Board Member Burke asked the applicant about the stairs on the plans.

After the applicants completed their testimony, a motion was made and unanimously carried to close the public hearing. Questions were addressed regarding the garage door. Mr. Julian asked about the time frame in which he would have to use the variance if granted. The Board Attorney stated that the variance would be good for nine months and two extensions could be requested, each for a year. The Board Attorney also advised them that there were only five members present which were eligible to vote and because it was a use variance, all five would have to vote "yes" for a favorable resolution. Mr. Byrnes asked Mr. Julian whether he wished to have a vote or wait until the next meeting to see if more of the members eligible to vote would be in attendance. Mr. Julian indicated he wished to have a vote at this meeting.

A motion was made by Board Member Lyons to have the Board Attorney draw up a favorable resolution with a stipulation regarding that the front (east) garage door be removed and replaced by a wall. Board Member VanSchoick seconded the motion, which was carried by the following vote: "Yes" Board Members Lyons, Trafford, VanSchoick, Bogan and Burke.

APPLICATION 6-90 - Gary and Patricia Walsh - 111 Stockton Lake Boulevard - The Board Attorney marked the file and administered the oath to Gary and Patricia Walsh, owners and occupants of the subject property.

The Board Attorney, Board Members and applicants discussed the application, which requested relief so that they may construct a one story addition (consisting of a study on the first floor and family room on ground floor with an interior staircase) onto the structure. Albert P. Ratz, Jr., Construction Official, denied the building permit under Section 67-18A of the Code of the Borough

of Manasquan because the structure, which has a full basement, is located in an A-5 flood zone (base flood level of 9 feet above sea level). Section 67-18A also designates the Board of Adjustment as the board of appeals of the Flood Hazard Ordinance, noted Mr. Ratz in his denial. The property is located in an R-1 zone. It was also noted that the addition will not exceed 50 percent of the fair market value of the existing structure and the structure with addition will still be within the required setbacks. .

The applicants offered testimony that about two feet of fill was used in the area of the proposed addition back when the structure was built in 1982. They added that approximately two feet of soil would be removed for the construction of the addition. Basically, Mrs. Walsh noted, they wanted to bring the grade back down to its original level.

Mr. and Mrs. Walsh also offered testimony that their present basement area is "bone dry" and discussed how the flood hazard line cuts accross the northeastern/front corner of the property, where the house is not situated. Definitions of "basement" under the various codes were discussed. The topics base flood elevation levels and effects on flood insurance were also noted.

Mrs. Walsh asked if the Board would consider, if they voted favorably on the application, an immediate memorialization so the contractors could complete the project by the Holiday season.

With Board Chairman Lyons noting for the record that there were no members of the public in attendance, a motion was made, seconded and carried unanimously to close the public hearing.

The Board Attorney explained to the Board that they would need to determine certain findings of fact regarding flood regulations and whether the required conditions existed. He cited pertinent statutes/ordinances stating what the Board needed to find to determine that such conditions existed.

Mr. Walsh added that there were no sewer or water lines

in that area of Stockton Lake Boulevard.

A motion was made by Board Member Burke to have the Board Attorney draw up a favorable resolution. Before a vote could be taken, the Board Attorney once again counseled the Board about the findings of fact which they would need to determine and which would appear in the resolution. It was suggested that the Board look at each of the requirements separately.

Mrs. Walsh stated if they were unable to add to the structure they would have to consider selling the home relocating because the home only has one common area. The applicants testified that the structure is a solar home; to place the addition in a different location adjacent to the structure could affect the solar heating system or be in violation of setbacks. They stated that other options were considered.

Chairman Lyons asked if they Board wished to have a site inspection; the Board determined that one was needed.

The Board Attorney asked the Board to restate its findings of fact regarding the application.

It was noted by the applicants that the house was situated and built on the property to meet state criteria for solar housing. It was noted that there was a solid concrete wall on the southerly side of the house which retains the heat.

The motion was once again made by Board Member Burke to have the Board Attorney draw up a favorable resolution, seconded by Board Member Kazenmayer. The motion was carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Trafford, VanSchoick, Bogan and Burke.

Questions were raised over the certification regarding the flood level in the area. The certification was discussed and marked as evidence in the Board file.

A motion was then made by Board Member Burke to memorialize the resolution at this meeting. The motion was seconded and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Trafford, VanSchoick, Bogan and Burke.

The Board Attorney stated that he would prepare the resolution as soon as possible and forward it to the Board Secretary for distribution and action.

There being no further matters on the regular agenda, the Board discussed old and new business.

The Board discussed the 1991 Board budget and was advised by the Board Attorney that a letter had been received from Mr. Kevin Thomas asking for an extension on the variance obtained by his client, Mr. John Shawn Tawgin of John Shawn Photographers. A motion was made by Board Member Trafford to grant the year extension, seconded by Board Member Burke and carried unanimously.

There being no further matters for discussion under old, new or work session business, a motion was made, seconded and carried to adjourn.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

(201) 223-0544

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA
SEPTEMBER 19, 1990

On September 19, 1990, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

REGULAR AGENDA

Formal action will be taken on the following:

APPLICATION 7-90 - Calvin Liguori - 148 First Avenue

APPLICATION 8-90 - Chicant Co. - 166-168 First Avenue/ 165-167 Beachfront

APPLICATION 9-90 - Alex Barcheski - 20 Morris Avenue

RESOLUTION 4-90 - James Julian - 14½ Main Street

RESOLUTION 6-90- Gary and Patricia Walsh - 111 Stockton Lake Boulevard.

OLD BUSINESS
NEW BUSINESS
WORK SESSION

Yours Truly,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan
9/14/90

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

(201) 223-0544

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES - SEPTEMBER 19, 1990

The Manasquan Zoning Board of Adjustment held their regular meeting and work session on September 19, 1990, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman Edward Lyons called the meeting to order at 7:30 p.m. He stated that the meeting was an Open Public Meeting held in accordance with the Open Public Meetings Act and that it had been published according to law. He asked all in attendance to join him in the Salute to the Flag.

Roll Call: Present - Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, James VanSchoick, James F. Bogan Jr. and John Burke. (Board Member Christopher Trafford arrived after roll taken)

Absent - Board Member Alma Roberts.

Before requesting a motion regarding the minutes of the previous meeting, Board Chairman Lyons stated that, in regards to the application of Patricia and Gary Walsh, the minutes should read the Board felt a site inspection was "not needed" rather than "needed" as stated in the minutes submitted by the Board Secretary. A motion was made to accept the minutes for the August 15, 1990 meeting as amended; the motion was seconded and carried unanimously.

Application 7-90 - Liguori and Hoimark - 148 First Avenue - It was noted that the attorney and applicant had not arrived at the time; it was noted that the parties had been advised that the meeting started at 8 p.m. The Board agreed to recognize the parties upon their arrival.

Application 8-90 - Chicant Corporation - 166/168 First Ave. - 165/167 Beachfront - The Board Secretary stated that she had been contacted by the office of Kevin Thomas, attorney for the applicants, and that noticing had not been completed in the case; thus a continuation was requested. A motion was made and seconded to place the application on the agenda upon notification from Mr. Thomas' office that they were ready to go forward with the hearing; the motion was unanimously carried.

Application 9-90 - Alex and Colleen Barcheski - 20 Morris Avenue - It was noted by Board Attorney William Byrnes that he had spoken to Mr. Richard Maguire, attorney for the

applicants. He stated that Mr. Maguire advised him that because of the proper legal notice not appearing in the newspaper, Mr. Maguire wished to continue the case at the October 17, 1990 meeting. Mr. Byrnes stated that Mr. Maguire would be appearing before the Board in person to explain the situation.

Resolution 4-90 - James Julian - 14½ Main Street - The Board Attorney read the favorable resolution and Board Member VanSchoick moved that the resolution should be memorialized. The motion was seconded and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Trafford, VanSchoick, Bogan and Burke. "No" none. "Abstain" Board Member Griffith.

Resolution 6-90 - Gary and Patricia Walsh - 111 Stockton Lake Boulevard - The Board Attorney read the resolution for the record. He noted the Board had voted favorably upon the application at the August meeting and had voted to have the resolution memorialized at that time.

Mr. Byrnes then recognized Mr. Richard Maguire, who came forward and addressed the Board regarding the Barcheski case. He stated that the legal had not been published and that he was there before the Board to request a spot on the October agenda. The Board agreed to continue the case at the October meeting and there would be no need for re-noticing affected homeowners.

It was also noted that the parties involved with the Liguori-Hoimark case had arrived and were prepared for their hearing.

Application 7-90 - Liguori and Hoimark - 148 First Avenue - Mr. Byrnes recognized Mr. Arthur Leyden, attorney of record for the applicants, and marked the file. Mr. Leyden introduced Mr. Calvin Liguori, one of the owners of the subject property (it was noted that the subject property was under joint ownership with Mr. and Mrs. Liguori and Mr. and Mrs. J. Hoimark); the Board Attorney administered the oath to Mr. Liguori.

The Board, Board Attorney, applicant and applicant's attorney discussed the application, which requested relief so that they could convert a single family house into a two family dwelling; the subject lot has three structures on it. Albert P. Ratz, Jr., CO, denied the permit under Section 107-12 - not a permitted use. The property is in a R-5 zone and a use variance was requested.

Mr. Liguori offered testimony about each structure on the property, its uses and rental history. He also offered

information on the types and ages of appliances which are in the subject premises, which is located in the lower portion of 148 First Avenue. He explained that improvements were done in 1966 and 1983 (heating) on the premises; permits were acquired and no variances were needed, Mr. Liguori stated. He stated that his son has lived in the subject dwelling unit since 1983.

Mr. Liguori also submitted a list of properties in the area that have two or more dwelling units in a structure. He noted the density and character of the neighborhood.

After further discussion, Board Member Burke stated that he would like a site inspection or a better survey; Chairman Lyons stated that both could be necessary. Board Member Trafford noted the age of the survey.

Mr. Liguori stated that a code enforcement official came by to do inspections on the units for summer certificates of occupancy. It was at that time Mr. Liguori was advised that the structure was not a two-family unit.

After more discussion, a motion was made to close the public hearing; the motion was seconded and carried unanimously.

The Board discussed the need for site inspection and clarification from Jerry Iannelli, zoning officer, as to whether the structure was a two family unit. Research on the matter would need to be done, including checks with the tax office and construction department regarding records and permits acquired. Board Member Burke moved to have the research undertaken and findings forwarded to the Board Attorney; the motion was seconded and carried unanimously.

The Board also agreed to continue the hearing at the October 17, 1990 meeting; the applicant agreed to waive all time requirements.

Entering into the work session and discussion of old and new business, the Board Secretary stated that revised Municipal Land Use Law booklets were available. Board Member Burke moved to order one copy for each Board member; the motion was seconded and carried unanimously.

Board Member Kazenmayer moved that the Board draft a resolution honoring recently resigned Board Chairwoman Claudia Pincus for her achievements as a member of the Board. The motion was seconded and unanimously carried.

Board Member Kazenmayer noted that the regular November meeting fell on the night before Thanksgiving; she moved that the Board move the date to November 14, 1990 at 7:30 p.m. The motion was seconded an unanimously carried. The Board Secretary stated that each Board member would be notified by memo and the proper legal would be published reflecting the change in dates.

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

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

(201) 223-0544

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN BOARD OF ADJUSTMENT

On Wednesday, October 17, 1990, the Zoning Board of Adjustment of the Board of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Regular meeting
Work session follows the regular meeting

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 7-90 (cont.) - Liguori and Hoimark - 148 First Ave.

APPLICATION 8-90 - Chicant Co. - 1668 and 168 First Ave./165 and 167 Beachfront

APPLICATION 9-90 - Alex Barcheski - 20 Morris Avenue

WORK SESSION

Old Business
New Business

Yours Truly,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 10/11/90

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

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MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
OCTOBER 17, 1990
MEETING MINUTES

The Manasquan Zoning Board of Adjustment held its regular meeting and work session on October 17, 1990 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Manasquan Board of Adjustment Chairman Edward Lyons called the meeting to order at 7:30 p.m. He stated that it was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked everyone present to join in the Salute to the Flag.

ROLL CALL: Present - Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, Alma Roberts, James VanSchoick, James F. Bogan, Jr., John Burke and Robert Brittle.

Board Chairman Lyons asked for a motion regarding the minutes of the September meeting. A motion was made by Board Member Trafford to approve the minutes as submitted by the Board Secretary; motion seconded by Board Member Burke and passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, VanSchoick, Bogan and Burke.

The Board welcomed new member Robert Brittle and Board Attorney William Byrnes administered the oath of office.

A resolution was read by Mr. Lyons honoring Claudia Pincus for her service as Board Member and Board Chairman. A motion was made, seconded and unanimously carried to approve the resolution.

APPLICATION 7-90 (cont) - Liguori and Hoimark - 148 First Avenue - The Board continued its hearing into the application. The Board Attorney recognized Mr. Arthur Leyden, attorney for the applicants, and marked new evidence in the case.

The Board, Board Attorney, applicant Calvin Liguori and the applicants' attorney discussed the new evidence, which included permit application, an inspection request memo, tax bill and tax accessor records.

The applicant also reliterated portions of his testimony from the prior hearing, including that he had secured a permit and did work on the premises from 1966-67 and that his son presently

lives in the lower dwelling unit (there is also another apartment in the structure, it had been noted in testimony).

Mr. Lyons stated he would still like a site inspection while Board Member Bogan moved to allow the apartment with the following stipulations: 1. a survey would be required; and 2. if an encroachment is found, it would need to be removed.

Mr. Leyden came forward to amend the application to request that the Board render an interpretation rather than a variance after the Board, debating testimony and evidence, determined that a variance was not needed. A motion was made by Mr. Trafford to have Mr. Byrnes prepare a letter for Construction Official Albert P. Ratz, Jr. explaining the Board's position and findings. The motion was seconded by Board Member Kazenmayer and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, VanSchoick, Bogan, Burke. "No" none. "Abstain" Board Member Roberts.

APPLICATION 8-90 - Chicant Corporation - 166-168 First Avenue and 165-167 Beachfront - The Board Attorney marked the files and recognized Kevin Thomas, attorney for the applicant. Mr. Thomas brought forward William Wight, Sea Girt, agent for Chicant Corporation. Mr. Wight was sworn in and testified that he manages the affairs of the corporation and was authorized to act upon their behalf at the meeting.

The Board, Board Attorney, Mr. Wight and Mr. Thomas discussed the application, which requests relief so that a subdivision of non-conforming use may be permitted. Mr. Albert P. Ratz, Construction Official, denied the permit, citing the need to go before the Board of Adjustment for the minor subdivision and hardship variance because of side yard and front yard requirements.

The property, known as Block 170, Lot 13, is located in an R-5 zone.

Mr. Wight provided testimony as to the character of the area. He stated that the parcel was located between Beachfront and First Avenue between Riddle Way and East Main Street. Parcels in the neighborhood, he noted, were 23' to 35' in width, with the exception of the Chicant property. In some cases, he added, there are more than one dwelling unit on the property.

Presently, Mr. Wight explained, there are four structures on the Chicant property. There are two dwelling units at 168 First

Avenue as well as a two car garage; there are also two dwelling units at 166 First Avenue. There is a two family house at 165 Beachfront and a single family dwelling at 167 Beachfront, Mr. Wight stated. It was also noted that water/sewer lines enter through First Avenue and go to the Beachfront structures, but that the electric was separate in most of the structures.

The Board, Board Attorney, Mr. Thomas and Mr. Wight discussed the parking situation in the area. Mr. Wight also stated that the configuration suggested by the proposed subdivision (lot line dividing the property in half lengthwise with a Beachfront and First Avenue structure on each new lot. Proposed new lot 13.01 would have 3370 square feet and proposed lot 13.02 would have 4894 square feet, according to the application) was one consistent with other properties on the beach. He noted a lack of marketability for a such a property (based on size - 8268 square feet - and number of dwelling units) . Mr. Wight indicated that in his opinion, the property would be easier to market as two lots.

Mr. Noel Hood, Beachfront, addressed the Board on the application during rhe public commentary portion of the hearing, stating that Chicant had been before the Board regarding 165 Beachfront and that the work "exceeded the proposed plans."

A motion was made, seconded and carried unanimously to close the public hearing. A motion was then made by Mr. Burke for a site inspection on October 20, 1990 at 9 a.m. The motion was seconded by Mrs. Kazenmayer and carried unanimously. The applicant's attorney agreed to waive time requirements.

APPLICATION 9-90 - Alex Barcheski - 20 Morris Avenue - The Board Attorney marked the file and recognized Mr. Richard Maguire, attorney for the applicant. Mr. Maguire introduced Alex Barcheski, applicant, and Mr. Byrnes administered the oath to Mr. Barcheski.

Mr. Barcheski, Mr. Maguire, the Board and Board Attorney discussed the application, which requested relief so that the applicant could install a range, sink, kitchen cabinets and countertop area on the second floor of his home at 20 Morris Avenue. This would be in addition to an already existing first floor kitchen.

Albert P. Ratz, CO, denied the permit under Section 107-9 of the Code of the Borough of Manasquan - two family not a permitted use. Mr. Ratz noted that an interpretation would be needed

from the Board as to whether a mother/daughter arrangement constitutes a two-family use.

Mr. Barcheski offered testimony regarding his family's situation and stated that he was not seeking a two-family, but the installation of a kitchen and other facilities for the use of his in-laws, who are moving in to assist with Mr. Barcheski's children. It was noted that one of the children needed supervision because of diabilities.

Mr. Maguire also introduced Walter Donovan, who testified before the Board as a real estate expert. Mr. Donovan noted he has worked in the field for 20 years in the Southern Monmouth Northern Ocean County area.

There being no questions for the public, a motion was made, seconded and carried to close the public hearing. A motion was then made, seconded and carried to conduct a site inspection on October 20 at 9:30 a.m.

There being no further matters on the regular agenda, the Board entered into its work session to discuss old and new business. There being no further business, a motion was made, seconded and unanimously carried to adjourn at 9:35 p.m.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

(201) 223-0544

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT

On Wednesday, November 14, 1990, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Regular meeting
(work session will commence after regular agenda)

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

APPLICATION 8-90 (cont) - Chicant Corporation - 166 and 168 First Avenue/ 165 and 167 Beachfront

APPLICATION 9-90 (cont) - Alex Barcheski - 20 Morris Avenue

APPLICATION 10-90 - Steven Cosentino - 148 First Avenue

APPLICATION 11-90 - Elena Telle - 348 First Avenue

WORK SESSION

Old Business

New Business

Yours Truly,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 11/8/90

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

(201) 223-0544

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
NOVEMBER 14, 1990 MEETING MINUTES

The Manasquan Board of Adjustment held their regular meeting and work session on November 14, 1990 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Manasquan Board of Adjustment Chairman Edward Lyons called the meeting to order at 7:30 p.m. He stated that this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He also noted that this meeting was being held on the second Wednesday of the month rather than the regular third Wednesday of the month per the vote of the Board at their September meeting. He then asked all in attendance to join in the Salute to the Flag.

Roll Call: Present - Board Members Robert Griffith, Edward Lyons, Alma Roberts, Christopher Trafford, John Burke, Robert Brittle.

Absent - Board Members Margaret Kazenmayer, James VanSchoick, James F. Bogan Jr. (Record shows Mr. Bogan arrived at 7:38 p.m.)

The Board Chairman asked for a motion regarding the minutes of the October 17, 1990 meeting. A motion was made by Mr. Trafford and seconded by Mr. Burke to accept the minutes as submitted by the Board Secretary; motion carried unanimously.

APPLICATION 8-90 (cont.) - Chicant Co. - 166-168 First Avenue and 165-167 Beachfront - No representatives were present for the hearing; the Board agreed to return to the matter if anyone arrived.

APPLICATION 9-90 (cont.) - Alex Barcheski - 20 Morris Avenue - The Board continued its hearing into the application of Alex Barcheski, 20 Morris Avenue.

It was noted by Mr. Barcheski and his attorney, Mr. Richard Maguire, that the Board had conducted a site inspection.

Mr. Barcheski was asked by Mrs. Roberts what the purpose of the door from apartment served. He stated it was a common hallway which connects the kitchen to guest bedroom and second floor. It is not a separate entrance, it was noted.

Mr. Barcheski submitted a set of plans which were marked A-13 by Board Attorney William Byrnes.

Mr. Griffith stated that if the applicant agreed to remove the second story entrance and place a deed restriction to the effect that this cannot be used as a two-family house, he would move the petition. Mr. Barcheski stated that would be acceptable and that if the property were to be sold or transferred, the deed restriction would be placed. Mr. Trafford stated he would second that motion.

Mr. Burke asked for clarification of the motion and Mr. Barcheski noted that by eliminating the entrance, his in-laws would only have access through the Barcheskis' living area. Mr. Griffith stated that he did not want to see the house become a two-family structure in the future.

Mr. Barcheski also reliterated some of the prior work that had been done on the structure.

After further discussion, a motion was made by Mr. Trafford to have a form of favorable resolution prepared by the Board Attorney for the Board's consideration at the December 19, 1990 meeting; the resolution, it was noted, should note deed restrictions/conditions to the effect that if the property moves out of the possession of the Barcheski family it will not be used as a two-family. Mr. Byrnes also stated that in the resolution he could state that the applicant testified that should the need for such an arrangement cease, he would be willing to return the structure to its present form. Mr. Trafford's motion was seconded by Mrs. Roberts and carried by the following vote: "Yes" Board Members Lyons, Roberts, Trafford, Bogan, Burke, Brittle. "No" Board Member Griffith.

<u>APPLICATION 10-90</u> - Steven Cosentino - 148 First Avenue - The Board Attorney marked the file and administered the oath to Steven Michael Cosentino, 1308 William Street, Point Pleasant, New Jersey, owner of the subject property.

The Board, Board Attorney and applicant discussed the

application, which requested relief so that heating could be installed in each of the two units (houses) on the property and so that a deck could be constructed on the front and rear of houses on the lot.

The heating request was denied by Albert P. Ratz, Jr., Construction Official, under Section 107-11 of the Code of the Borough of Manasquan (Non-conforming use. Expansion of use).

The construction of the decks was denied by Mr. Ratz under Section 107-11 (non-conforming use) as well as Section 107-27. Mr. Ratz cited that in regards to the front deck, a sideyard setback of 5' is required but 1.6' is shown for the left side and 4.03' is shown for the right side. A front yard setback of 15' is required but, stated Mr. Ratz in his denial, about 8' is shown on the plans. For the rear deck, a sideyard setback of 5' is required but approximately 2' is shown on each side.

The property is located in an R-2 zone and a use variance was being sought.

Mr. Cosentino offered testimony about the neighborhood and the project.

Regarding the heating portion of the application, Mr. Cosentino stated he would be putting heat into 135 Beachfront first, then 134 First Avenue at a later time.

Mr. Cosentino, discussing his plans for the deck, testified that he would be using wolmanized wood and that there was an existing concrete slab. He also discussed options about the step off the house. The height of the step off, he explained, would determine whether railing was needed. The applicant and Board discussed the possibilities.

The Board Chairman asked for any comments or questions from the members of the audience.

Mr. Robert Magnabousco, 133 Beachfront, was sworn in to speak about the application. He stated that his property is next door to Mr. Cosentino's property and that if the prospective deck had railing, his view would be obstructed. Mr. Magnabousco also noted lot coverage, stating that he felt it was closer to 55-60 percent rather than the 38 percent calculated in the application.

Mr. Magnabousco also asked Mr. Cosentino whether he had written permission from American Timber Company to do the work, as the land was leased land (and part of the American Timber Company major subdivision). Mr. Cosentino agreed to supply the written permission in time for the December 19, 1990 meeting.

The Board Attorney also asked Mr. Cosentino to provide the Board with a certified copy of the publication (legal notice) which appeared in the Asbury Park Press.

Mr. Noel Hood, 161 Beachfront, was also sworn in to give testimony. He brought up the topic of parking and stated that he felt adding heat to the structure would bring added people into the area.

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

Mr. Cosentino stated he was surprised that he needed a variance to install a deck on the property and went on to state that other houses in the area had concrete and wooden patios/decks. He also continued to discuss the railing for the deck and the addition of heat as a change of use. He stated that there would be no increase in the number of people cited as the limit on the Certificate of Occupancy, but that rather than just having tenants in the house over the summer he would have them all year long. Mr. Cosentino stated that in his opinion, year-round homes are more marketable. He also noted that both structures on the property are single family homes.

The Board then heard a motion from Mr. Burke to conduct a site inspection at 9 a.m. on November 24, 1990. The motion was seconded by Mr. Trafford and passed unanimously.

The applicant was asked if he waived any time limits under the Land Use Law. He asked what kind of time frame he could expect for the Board to reach its decision. The Board and Board Attorney explained the process.

<u>APPLICATION 11-90</u> - Elena Telle - 348 First Avenue - The Board Attorney marked the file and administered the oath to Elena Telle, owner of the subject property. The oath was also administered to Mrs. Telle's son, Celso, and Mr Celestino Fernandes, 441 Walnut Street, Newark

(residence) and 1122 Salem Avenue, Hillside, NJ (Atuia Construction) , contractor on the project.

The Board, Board Attorney, the applicant and applicant's witnesses discussed the application, which requested relief so that a 66 x 12.10 ' wooden deck may be constructed at the rear of the second floor of 348 First Avenue. The lot has two houses on it.

Mr. Ratz denied the permit under Section 107-11 (not a permitted use) and 107-27 (schedule of limitations). It was also noted by Mr. Ratz in his denial that there are existing sideyard setback violations of 3.5' on one side and 4.1' on the other side where 5' is required. These violations will not be increased, he noted. The property is located in an R-4 zone.

Mr. Fernandes discussed the dimensions and work involved with the project, including the installation stairs coming down to an existing concrete platform.

After some discussion, the Board determined that better maps would be needed. These maps, the Board stated, should detail what is to be done and should include placement of the stairs.

A motion was made by Mr. Burke to conduct a site inspection at 9:30 a.m. on November 24, 1990. The motion was seconded by Mr. Trafford and carried unanimously.

It was noted that a representative for Chicant Co. had not appeared. The Board Secretary was asked to contact Mr. Kevin Thomas, attorney for the applicants, to find out the circumstances and his intentions regarding the case. It was asked that the Board Secretary request Mr. Thomas to notify the Board in writing about the application's status.

There being no further cases on the agenda, the Board entered into their work session/ old and new business discussion.

The Board discussed having the Board Secretary prepare a list with all the Board Members' names, addresses and phone numbers to be distributed among the Board Members. A motion was made, seconded and carried to have the Board Secretary prepare and distribute such a list.

The Board Secretary brought to the Board's attention a request from attorney Thomas O'Brien on behalf of his clients, Judith and Michael Kornas, 359 Beachfront. Mr. O'Brien asked if the case could be moved to the January 16, 1991 meeting. A motion was made, seconded and carried to allow the case to be moved.

The Board Attorney read for the record a letter regarding the Board's interpretations in the case of Hoimark and Liguori, 148 First Avenue (Case 7-90). The Board Secretary also noted that a letter had been received from Richard Doyle, attorney for the case, asking that the Board consider some refund of the application fee. The Board noted that work had been done in preparing for the case; upon discussion, Mr. Trafford made a motion to grant a 50 percent ($300) refund. The motion was seconded by Mr. Griffith and carried by unanimous vote.

At the suggestion of the Board Attorney, the Board agreed unanimously to have the Board Secretary summarize new cases for the record at meetings.

There being no further matters on the agenda, a motion was made, seconded and carried unanimously to adjourn at 9:36 p.m.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
• POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

(201) 223-0544

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

MANASQUAN BOARD OF ADJUSTMENT
AGENDA FOR DECEMBER 19, 1990

On December 19, 1990, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting and work session at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

APPLICATION 10-90 (cont.) - Steven M. Cosentino - 148 First Avenue

APPLICATION 11-90 (cont.) - Elena Telle - 348 First Avenue

APPLICATION 8-90 (cont.) - Chicant Co. - 166-168 First Avenue and 165-167 Beachfront

RESOLUTION 9-90 - Alexander Barcheski - 20 Morris Avenue

WORK SESSION IMMEDIATELY AFTER REGULAR AGENDA

OLD BUSINESS

NEW BUSINESS

1. Budget information
2. Discussion of year end report
3. Discussion of by-laws
4. Correspondance

Yours truly,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated in Manasquan 12/13/90

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN BOARD OF ADJUSTMENT
DECEMBER 19, 1990 MEETING MINUTES

The Manasquan Board of Adjustment held their regular meeting and work session on December 19, 1990 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Manasquan Board of Adjustment Chairman Edward Lyons called the meeting to order at 7:30 p.m. He stated that this was an Open Public Meetings Act and had been published according to law. He then asked all in attendance to join in the Salute to the Flag.

Roll Call : Present - Board Members James F. Bogan, Jr., Margaret Kazenmayer, Edward Lyons, Alma Roberts, Christopher Trafford, James VanSchoick, John Burke and Robert Brittle.

Absent - Board Member Robert Griffith.

The Board Chairman asked for a motion regarding the minutes of the November 14, 1990 regular meeting. Mr. Burke noted that a correction needed to be made in reference to the address of the subject property in Case 10-90 - Steven Cosentino. Mr. Burke noted that in the minutes, as well as the year-end report submitted by the Board Secretary, the address was referred to as "148 First Avenue" when the correct address is 134 First Avenue. The Board Secretary stated that the record would be corrected. A motion was made, seconded and carried unanimously to approve the minutes with the corrections stated.

It was also noted for the record that Board Members VanSchoick and Kazenmayer had listened to the tapes and could be eligible to vote.

APPLICATION 10-90 (cont.) - Steven M. Cosentino - 134 First Ave./ 135 Beachfront - The Board Attorney recognized Steven M. Cosentino, applicant, and reminded him that he was still under oath.

It was noted that a site inspection had been made of the subject property.

Board Attorney William Byrnes noted that Mr. Cosentino had provided the Board with a letter from American Timber Company which stated that ATC has given permission for Mr. Cosentino to seek the requested relief (the subject structures are on

land leased from American Timber Company) as well as a certified copy of the legal notice published in the Asbury Park Press regarding the hearing. Both were marked as evidence.

Mr. VanSchoick asked the applicant about the foundation at 134 Beachfront; the applicant stated there was a concrete foundation under the entire building. There was further discussion on the condition and construction of the structures.

Mr. Noel Hood, Beachfront, asked if he could address the Board on the application; it was noted that the public hearing had been closed at the November meeting. Mr. Burke made a motion to reopen the hearing; the motion was seconded and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Roberts, Trafford, VanSchoick, Burke and Brittle; "No" Board Member Bogan.

Mr. Hood discussed the application and provided photographs for the Board's consideration. He stated that the subject property was one of 18 lots on the east side. Mr. Hood commented there were parking problems in the area and that the property does not meet its sideyard setbacks. The property is zoned for one house on the lot, he continued, and he stated that it should be made more conforming rather than less conforming. Mr Hood stated that in his opinion, parking problems could compund in the area if the heating portion of the application was granted. He stated that only 10 lots in the area (from Riddle to Ocean) have parking. He also expressed concern that if the heat was granted, the Board would have to grant such requests to all the structures in the area; he added that, based on research conducted by neighbor Robert Magnabousco and himself, 16 homes on the east side and 12 on the west do not have heat.

"This is going to create so much more of a headache down there with the parking," stated Mr. Hood.

Mr. Hood stated that the parking issue was not just a summer issue and that parking was difficult to find all year long.

Mr. Richard Dunne, 458 Long Avenue, was sworn in to provide testimony. Mr. Dunne noted recent Manasquan Planning Board policy regarding subdivision in the beach area, commenting that they were considering some subdivision so that improvements could happen in the area.

There being no further public comment, a motion was made,

seconded and unanimously carried to reclose the public hearing.

The applicant stated that there were two driveways on the property and also noted that many lots in the area were non-conforming. He stated it was his intent to improve his property in Manasquan and he felt that rather than moving away from being conforming, he felt he was making his property more conforming "within the mood and complexion of Manasquan."

The Board and applicant continued to discuss the parking situation in the area as well as location of the prospective deck on the property.

Mr. Burke asked if the variance could be broken down so that the Board could vote on separate parts; Mr. Byrnes stated that yes, the Board could do this and stated that, for example, the Board could vote separately on the requests for heat in each house.

Mr. Burke noted that most front houses in the area have decks similiar to the one being requested. He then discussed the heating aspects of the application, stating that he had reservations about granting heat in the First Avenue house because of the lack of parking. Mrs. Kazenmayer, also expressing concerns about the condition of the First Avenue structure, asked if perhaps the applicant might want to separate the requests. Mr. Cosentino stated that his original intent was just to heat the Beachfront house, but that because of logistics, he decided to apply for heating in both at the same time. He said he did not mind separating the 134 First structure request from the application.

Mr. Cosentino stated he would like to purchase the property from American Timber Company.

Mrs. Roberts moved to have the Board Attorney prepare a resolution granting the deck and heating at 135 Beachfront but denying the heating request at 134 First Avenue. The motion was seconded by Mr. Bogan and carried by the following vote: "Yes" - Board Members Kazenmayer, Lyons, Trafford, Roberts, VanShoick, Bogan. "No" Board Member Burke.

<u>RESOLUTION</u> <u>9-90</u> - Alexander Barcheski - 20 Morris Avenue - Mr. Richard Maguire, counsel for Mr. Barcheski, asked the Board's consideration in allowing the form of favorable resolution to be read and voted on at this point in the meeting. After

the Board agreed and consent was granted by the next applicant, Mr. Byrnes read the form of favorable resolution as presented to the Board. A motion was made by Mr. Trafford to memorialize the resolution; the motion was seconded by Mr. Burke and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Trafford, Roberts, VanSchoick, Bogan, Burke.

APPLICATION 11-90 (cont.) - Elena Telle - 348 First Avenue - The Board recognized Mrs. Telle, her contractor Filistino Fernandes of Aguia Construction, Hillside; and her son. Mr. Byrnes reminded them that they were still under oath.

A new set of plans per the Board's request was submitted and marked A-9 for the file. The plans consisted of seven pages.

The Board, Board Attorney, applicant and contractor discussed the new plans and the prospective deck. Included in the discussion were pilings and the location of the stairway.

Mr. Burke asked about access to the deck from the house; it was stated that there would be no direct access from the house. The applicant stated there would be no tendancy to enter/exit through the small windows there. In response to the Board's question as to why onme of the windows could not be made into a door, Mrs. Telle stated that the one window was blocked by a bed and the other was the window to the bathroom.

After further discussion and there being no comments from the public, a motion was made, seconded and carried unanimously to close the public hearing.

Mr. Trafford expressed reservations about the deck having no access from the second floor.

Mrs. Kazenmayer moved to have the Board Attorney prepare a form of favorable resolution. The motion was seconded by Mr. Bogan and the following roll call vote was taken: "Yes" Board Members Kazenmayer, Lyons, Roberts, Bogan. "No" Board Members Trafford, VanSchoick.

The Board then entered into a discussion as to whether the application was a hardship or use variance and as to whether or not there were enough "yes" votes for a favorable resolution. Mr. Byrnes stated he would research the matter and report to the Board at the January 16, 1991 meeting.

APPLICATION 8-90 (cont.) - Chicant Co. - 166-168 First Avenue/ 165-167 Beachfront - The Board recognized Kevin Thomas, attorney for the applicant, and Willian Wight, representative of the applicant.

It was noted that a site inspection had been conducted.

The Board, Board Attorney, Mr. Thomas and Mr. Wight continued to discuss the application. Mr. VanSchoick and Mrs. Roberts asked if there was any way to make the projected subdivision lot lines straight; it was stated that this could not be done unless a "kink" is put in it. Mr. Wight explained this was due to the positions and dimensions of the structures and the only thing that could be done is to make the "jag" in the line a little more "gentle." Mr. Wight, in response to questions from Mr. VanSchoick, offered testimony on the water/sewer lines for the property.

Mr. Thomas stated that he had no further witnesses or evidence to present to the Board.

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

Testimony was also offered by Mr. Noel Hood, 161 Beachfront, who lives one house away from the subject property; and Mr. Dunne, 458 Long Avenue. Both were sworn in.

Mr. Hood offered testimony on the background and history of the property, noting that it had been the subject of a prior Board case. He discussed the situation regarding the dwelling units on the property.

Mr. Hood stated that he felt a Board would lean toward making a property more conforming. He stated that the property does not meet the code now, but it would meet it even less if the subdivision was granted. He stated that he would be more in favor of the subdivision if lines were adjusted down the center of the houses and a sideyard was established on the property with the large house on it.

Mr. Dunne once again noted recent Planning Board discussion regarding subdivision.

A motion was then made, seconded and unanimously carried to reclose the public hearing on the application.

Oferreing his summations, Mr. Thomas stated that in his opinion the application promoted single family ownership for the houses on the property and create new parking.

A motion was made by Mr. Trafford to deny the application; the motion was seconded by Mr. Bogan and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Roberts, Trafford, VanSchoick, Bogan and Burke.

There being no further applications on the agenda, the Board discussed old and new business.

It was noted for the record that members of the Board of Adjustment had been invited to take part in a Manasquan PTO event which would feature booths and information from groups which service Manasquan.

The Board Secretary brought to the Board's attention that it was time to renew membership in the New Jersey Federation of Planning Officials. She commented that if both development boards joined, there was a lower price rate. A motion was made by Mr. Burke that the Board would rejoin contigent on the Planning Board also agreeing to join. The motion was second and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Trafford, Roberts, VanSchoick, Burke and Brittle; "No" Board Member Bogan.

The Board then discussed the budget for 1991. After analyzing the figures, Mr. Burke moved to request the same amount as the 1990 budget and to note that the request was because of the probable American Timber Company related cases which may come before the Board and anticipated postage rate increases. The motion was seconded by Mr. Trafford and carried unanimously. The Board also discussed the year-end report as submitted by the Board Secretary and elected to discuss the Board by-laws at the January 16, 1991 meeting.

There being no further matters on the agenda, a motion was made, second and carried to adjourn at 10:30 p.m.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment