

1991 - CONT.

A G R E E M E N T

THIS AGREEMENT made on the 16th day of January, 1991

Between THE ZONING BOARD OF ADJUSTMENT 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 *twenty five* 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., is 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:

Edward A. Jones

CHARIMAN

(\$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 ~~thirty and 25/100~~ *Seventy five* 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., is 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:

Edward J. Jones

CHARIMAN

A G R E E M E N T

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OF MANASQUAN, hereinafter designated as "BOARD"
And WILLIAM BYRNES, an attorney at law of the State
of New Jersey

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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

BOROUGH OF MANASQUAN
ZONING BOARD OF ADJUSTMENT

RESOLUTION "A"

RE: CHAIRMAN

WHEREAS, Article II, 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 Manasquan that Edward Lyons be and is hereby elected and designated as Chairman of the Zoning Board of Adjustment of the Borough of Manasquan, effective as of January 16, 1991, and whose term as Chairman shall terminate at the close of the first regular meeting of the Board held in the month of January, 1992.

ROLL CALL VOTE:

YES: Board Members Margaret Kazenmayer, James F. Bogan, Jr., Alma Roberts, Christopher Trafford, James VanSchoick and John Burke.
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 16, 1991.

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-CHARIMAN

WHEREAS, Article II, 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 James F.

Bogan, Jr. be and hereby is elected and designated as Vice-Chairman of the Zoning Board of Adjustment of the Borough of Manasquan, effective as of Wednesday, January 16, 1991, 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 1992.

ROLL CALL VOTE:

Board Members Margaret Kazenmayer, Edward Lyons,
YES: Alma Roberts, Christopher Trafford, James VanSchoick
and John Burke.

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 16, 1991.

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 the 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: Board Members James F. Bogan, Jr., Margaret Kazenmayer, Edward Lyons, Alma Roberts, Christopher Trafford,
NO: James VanSchoick and John Burke.
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 16, 1991.

Sharon Bogie
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

Board Member Margaret Kazenmayer offered the following Resolution and moved its adoption, seconded by Board Member Christopher Trafford

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 16, 1991, and the same shall terminate at the close of the first

regular meeting of this Board held in the month of January, 1992.

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. The 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 James F. Bogan, Jr., Margaret Kazenmayer, Edward Lyons, Alma Roberts, Christopher Trafford, James VanSchoick and John Burke.

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 16, 1991.

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

Board Member Margaret Kazenmayer offered the following Resolution and moved its adoption, seconded by Board Member Alra Roberts

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 16, 1991, and the same shall terminate at the close of the first regular meeting of this Board held in the month of January, 1992.
2. That the salary of said Secretary shall 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 James F. Bogan, Jr., Margaret Kazemayer, Edward Lyons, Alma Roberts, Christopher Trafford, James VanSchoick and John Burke.

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 16, 1991.

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 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 within seven days of the date hereof.

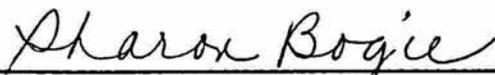
ROLL CALL VOTE:

Board Members James F. Bogan, Jr., Margaret Kazenmayer,
YES: Edward Lyons, Alma Roberts, Christopher Trafford, James
VanSchoick and John Burke.
NO: None.

MEETING DATES:

February 20, 1991
March 20, 1991
April 17, 1991
May 15, 1991
June 19, 1991
July 17, 1991
August 21, 1991
September 18, 1991
October 16, 1991
November 13, 1991
December 18, 1991
January 15, 1992

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 16, 1991.


SHARON BOGIE, Secretary to the
the Zoning Board of Adjustment
of the Borough of Manasquan

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk



MANASQUAN BOARD OF ADJUSTMENT
AGENDA FOR JANUARY 16, 1991 MEETING

On January 16, 1991, 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

REORGANIZATION SESSION:

Swearing in of members, reading of reorganization resolutions.

APPLICATION 12-90 - Michael and Judith Kornas - 359 Beachfront

APPLICATION 1-91 - John and Frances Drew - 23 Virginia Avenue

RESOLUTION 8-90- Chicant Co. - 166 & 168 First Ave. / 165 & 167 Beachfront

RESOLUTION 10-90 - Steven M. Cosentino - 134 First Ave./135 Beachfront

RESOLUTION 11-90 - Elena Telle - 348 First Ave.

OLD BUSINESS

NEW BUSINESS

Yours truly,

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 1/11/91

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING
JANUARY 16, 1991

The regular Manasquan Zoning Board of Adjustment meeting of January 16, 1991 was called to order by Board Chairman Edward Lyons at 7:30 p.m.; the meeting was held in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, NJ.

Mr. Lyons noted that the meeting was being held in accordance with the Open Public Meetings Act and stated that it had been published according to law. He 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 December 19, 1990 meeting of the Board of Adjustment. Mr. Burke asked that a correction be made in that he, too, had voted "no" on the motion to draw up a favorable resolution regarding the application of Elena Telle (Case 11-90). The Board Secretary stated she would make such a correction. A motion was then made, seconded and carried unanimously to approve the minutes as submitted by the Board Secretary.

Mr. Lyons then handed the meeting over to Board Attorney William Byrnes to conduct the reorganization activities.

Mr. Byrnes read resolution "A" designating a Board Chairman. Mr. Trafford nominated Mr. Lyons; the nomination was seconded by Mr. Burke and nominations were closed. Mr. Byrnes read Resolution "A" naming Mr. Lyons as chairman; a motion was made and seconded to approve the resolution. The motion was carried by the following vote: "Yes" Board Members Bogan, Kazenmayer, Trafford, Roberts, VanSchoick, Burke and Brittle. "No" none. "Abstain" Mr. Lyons.

Resolution "B" (designation of vice chairman) was introduced by Mr. Byrnes. The nomination of Mr. Bogan as vice chairman was made and seconded; Mr. Byrnes then read the resolution naming Mr. Bogan as vice chairman. The motion to approve the resolution was made and seconded; motion carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Roberts, Trafford, VanSchoick, Burke, Brittle. "No" none. "Abstain" Board Member Bogan.

Resolution "C" regarding Open Public Meeting dates was read by Mr. Byrnes. The resolution designated the third Wednesday of the month, 7:30 p.m. as meeting date and time except in November, when the meeting will be held the second Wednesday of the month. A motion was made, seconded and carried unanimously to approve the resolution.

Resolution "D" was read designating The Coast Star as the official newspaper of the Board and the The Asbury Park Press as secondary official newspaper. A motion was made, seconded and unanimously carried to approve the resolution.

Mr. Byrnes then read Resolution "E" naming Mr. William Byrnes as Board Attorney. A motion was made by Mrs. Kazenmayer and seconded by Mr. Trafford to approve the resolution; the motion was carried unanimously.

Resolution "F" naming Sharon Bogie as Board Secretary was read by Mr. Byrnes. A motion was made by Mrs. Kazenmayer and seconded by Mrs. Roberts to approve the resolution; the motion was carried by unanimous vote.

The Board heard a motion requesting that the resolutions on the agenda be read first in the evening's business; the motion was carried by the Board unanimously.

Resolution 8-90 - Chicant Corporation - 166-168 First Ave./165-167 Beachfront - Mr. Byrnes read a resolution denying the application of Chicant Corporation. A motion was made and seconded to memorialize the resolution; the motion was carried by the following vote: "Yes" Board Members Bogan, Kazenmayer, Lyons, Roberts, Trafford, VanSchoick and Burke. "No" none.

Resolution 10-90 - Steven Cosentino - 135 Beachfront/134 First Avenue - Mr. Byrnes read a favorable resolution granting the installation of heat and a deck at 135 Beachfront (the

Board, as part of its motion at the December meeting, asked that the attorney deny the request for heat at 134 First Avenue when preparing the resolution). A motion was made by Mr. Burke to memorialize the resolution (approving heat and deck at 135 Beachfront and denying heat at 134 First); the motion was seconded by Mrs. Kazenmayer and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Roberts, Trafford, VanSchoick and Burke. "No" Board Member Bogan.

Resolution 11-90 - Elena Telle - 348 First Avenue - The Board Attorney read the form of favorable resolution. Mr. Burke noted a correction was needed under condition 2, page 2 of the resolution; he stated that the resolution should read "easterly side" instead of "westerly side." Mr. Byrnes stated that the correction could be made.

Mr. Byrnes also stated that, pursuant to questions from the December meeting, research had been conducted and it was determined that the application was for a use variance rather than a hardship variance.

A motion was made by Mr. Bogan to memorialize the resolution with the amendments as noted; the motion was seconded and carried by the following vote: "Yes" Board Members Bogan, Kazenmayer, Lyons, Roberts, Trafford, VanSchoick. "No" Board Member Burke.

Application 12-90 - Michael and Judith Kornas - 359 Beachfront - Mr. Byrnes marked the file and recognized Thomas O'Brien, attorney for the applicants. Mr. O'Brien introduced Mr. Michael Kornas, 21 Steele Avenue, Somerville, owner of the subject property; and Richard Graham, architect for the project. The Board attorney administered the oath to Mr. Kornas and Mr. Graham.

The Board, Board Attorney, applicant's attorney, applicant and applicant's architect discussed the application, which requested relief so that they could conduct the demolition of an existing non-conforming beachfront building and construct a new single family structure on pilings. This projected structure would be located in approximately the same area on the site as the existing structure.

The building permit was denied by Mr. Albert P. Ratz, Jr., Construction Official, under sections 107-11 (two houses

on one lot) and 107-27 (sideyard setback - five feet required, 3' 5" requested) of the Code of the Borough of Manasquan. A use variance is required.

In addition, it was noted, the property is located in a V-6 flood zone, which requires the house to be on pilings.

The property is located in an R-4 zone.

Mr. O'Brien gave a history of the property, stating that it had been American Timber Company property and had been recently purchased by Mr. and Mrs. Kornas. The Kornases, stated Mr. O'Brien, occupy the 359 Beachfront home during the summer and sporatically during the winter. They now wish to demolish the present home, which Mr. O'Brien stated was approximately 80 years old, and rebuild. The First Avenue structure, which has two rental units, will remain unchanged.

Referring to exhibit A-7, Mr. O'Brien stated that the proposed structure was bigger in area but more conforming (in regards to setbacks) because it would be moved back one foot off Borough property.

It was also noted that there was a deviation between the survey drawn by Birdsall Engineering for American Timber Company and the survey done by Mr. George Edwards. It was determined, affirmed Mr. O'Brien, that the Edwards survey was accurate. Amended plans showing the proper dimensions were submitted by Mr. Graham and marked for the file as Exhibit A-8 (plans with revision date January 15, 1991). Mr. O'Brien stated that the deviations would concern westerly and southerly property lines but not the concept of the application.

Mr. Graham was called forward to testify. He stated that the deviations would cause the applicant to lose a bit of his property and then detailed the new dimensions. Mr. Graham stated that to his knowledge, Mr. Edwards and Birdsall Engineering were in agreement about the dimensions. Mr. Byrnes stated that he would like to see in writing that the Edwards survey is correct and that Birdsall Engineering agrees with the findings.

The setbacks of the existing building and the proposed structure were discussed. The Board asked Mr. Graham about specific distances from the proposed structure to the lot lines and about the overhang.

Photographs were also submitted for the Board's consideration. The photographs showed the present structures on the property.

Mr. O'Brien asked Mr. Graham to describe the neighborhood. Mr. Graham stated it was a "congested, high density" area with single family homes on small lots. The structures, he noted, were close together. Mr. Graham stated he had inspected the structure with Mr. Ray Carpenter of CE Engineering and came to the conclusion that it would be a "better effort" to rebuild rather than renovate the building. Mr. Graham stated that he has been to the site on several occasions since being contacted by the Kornases last year. He expressed his opinion that the proposed structure would upgrade the area and that it would be compatible with what is in the neighborhood.

Mr. Graham also stated that per Mr. Ratz's comments on the denial, the proposed structure would be constructed on pilings. Based on questioning from Mr. O'Brien, Mr. Graham stated that it was more in compliance with the ordinances, it would be less of a fire hazard and the building would be compatible in size and scale to what is there. He also stated that it would be more habitable for the applicants' family. Discussing the unique aspects of the application, Mr. Graham also felt that the configuration of property makes construction/placement of a structure "awkward". He stated the configuration (a cigar type shape) makes it difficult to build a conforming structure.

The Board asked that the record reflect a 9 p.m. recess was called by unanimous vote so that those present could hear President George Bush's speech on the Persian Gulf situation.

Coming back into session after the recess, Mr. O'Brien and Mr. Graham addressed the issue of the overhang which had been noted by the Board. Mr. O'Brien stated he had asked Mr. Graham whether the overhang could be eliminated; Mr. Graham stated that it could.

Mr. Burke asked what is going to happen to the deck that is existing there. Mr. Graham stated that they would like to keep it there. Mr. Burke also asked about the steps (it was noted that steps were not shown in the front of the house) and elevation of the project.

The Board also heard testimony from Mr. Kornas. He advised the Board about his plans for the property and its future

use. He also stated that he felt the present structure was not safe.

The Board, applicant, applicant's architect and attorneys continued to discuss the case. After discussion, the Board asked for any comments and questions from the public.

Mr. Edward Roeth, 369 First Avenue, spoke in favor of the application.

A motion was made, seconded and carried unanimously to conduct a site inspection on January 19, 1991 at 9 a.m.

Application 1-91 - John and Frances Drew - 23 Virginia Avenue
- The Board Attorney recognized Ms. Roseanne Maraziti, attorney for the applicants, and began to mark the file.

Mr. Byrnes brought to the attention of the Board that there were three issues which needed to be settled before the Board could begin hearing the case. First, he stated, there was the matter of the submission of the application being within 20 days of the denial from the zoning officer or building inspector. He then stated that the noticing requirements set forth that a notice must be placed in the newspaper at least ten days prior to the meeting; it had been published six days prior to the meeting, it had been noted. There was also the matter of the affidavit of service, which had been submitted the day of the hearing rather than two days prior as set forth in the instructions. After discussions with the applicants' attorney and hearing her comments on the matters (Ms. Maraziti stated that the applicants were requesting an interpretation regarding a two-family use, not a variance), Mr. Byrnes asked for a recess to make determinations.

The Board voted unanimously to allow a five minute recess for counsel to make its determinations.

The Board resumed its session with Mr. Byrnes addressing the issues. He stated that in regards to the submission of the application, he found in favor of the applicants. In regards to the noticing and submission of affidavit, however, he stated that the noticing requirements still applied and that the Board could not hear the case at the present time. The applicants and their attorney were advised to re-publish and re-notice for the February 20, 1991 meeting

and forward the proper paperwork to the Board Secretary within the time allotments for that meeting.

There being no further applications on the agenda, the Board entered into its old and new business / work session.

A letter from Mr. Kevin Thomas, Esq., was brought to the Board's attention. The letter was a request on behalf of his clients Joseph and Virginia Tischio, 83 Second Avenue, to have the Board schedule a special meeting so their case might be heard. It was determined that the application would be requesting variances for a house to be built on land which had been subdivided by the Manasquan Planning Board last year. Mr. Byrnes stated that the Board could consider the option of sending the case back to the Planning Board, which could hear a request for variances in conjunction with a minor subdivision under its ancillary powers. The Board voted unanimously to have the Planning Board handle the request.

The Board Chairman signed vouchers and the Board tabled discussion of the by-laws until the February meeting.

There being no further matters on the agenda, a motion was made, seconded and carried for adjournment at 10:50 p.m.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment
February 15, 1991

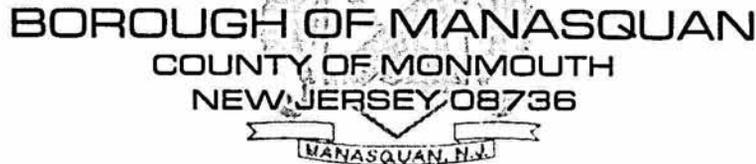
BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk



MANASQUAN ZONING BOARD OF ADJUSTMENT

On Wednesday, February 20, 1991, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

Application 12-90 (cont.) - Michael and Judith Kornas - 359
Beachfront

Application 1-91 - John and Frances Drew - 23 Virginia Avenue

Old Business

New Business

(Work session to be held following regular agenda)

Yours truly,


Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 2/15/91

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN BOARD OF ADJUSTMENT
FEBRUARY 20, 1991 REGULAR MEETING

The Zoning Board of Adjustment of the Borough of Manasquan held their regular meeting on February 20, 1991 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 had been published according to law. Mr. Lyons then asked all in attendance to join in the Salute to the Flag.

ROLL CALL: Present - Board Members John Burke, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, James VanSchoick, Robert Brittle.

Absent - Board Members James Bogan Jr., Alma Roberts. (Record reflects that Mr. Bogan arrived late)

A motion was made by Mr. Trafford to approve the minutes as submitted by the Board Secretary. The motion was seconded by Mr. Burke and carried unanimously.

APPLICATION 12-90 - (cont.) - Michael and Judith Kornas - 359 Beachfront - The Board continued its hearing into the application of Michael and Judith Kornas, which had been introduced at the January 16, 1991 meeting.

Board Attorney William Byrnes recognized Thomas O'Brien, attorney for the applicants. Mr. O'Brien noted a site inspection had been conducted. He then introduced Paul Lawrence of Richard Graham Architects to offer testimony on the project; Mr. Lawrence was sworn in by Mr. Byrnes. Mr. Kornas was also in attendance.

The first concern addressed was the proposed overhang of the roof of the structure coming off the second floor and going over the alleyway. Mr. O'Brien submitted a rendering of the east elevation, which was marked as A-12 for the file.

Mr Lawrence stated the the new rendering showed the same elevation without the overhang.

The discussion then moved to the east elevation steps, which were now depicted as recessed.

A complete set of revised plans (February 14, 1991 as last revision date) was marked A-8A by Mr. Byrnes for the file.

A partial site plan diagram also dated February 14, 1991 and prepared by Mr. Graham was also submitted and marked for the file (A-13).

Mr. Burke expressed concerns about the concrete slab in front of the structure being entirely on borough property. He stated that even with the recessed steps, there would be a gap of a foot to a foot and a half between where the slab ends and the house begins. There was also the issue, Mr. Burke felt, as to whether filling in that area in would be considered building on borough property. Mr. Lawrence asked if you could fill it in with a non-permanent structure such as a boardwalk.

After further discussion, the Board unanimously voted to close the public hearing. The Board then discussed options for the gap on the property, including the possibility that it be used as a planting area. The possibility of a short wooden platform between the stairs and the concrete slab was also discussed.

A motion was made by Mr. Trafford to approve the application (with the stipulation of a wooden platform between the stairs and the walkway) and have the Board Attorney prepare a favorable resolution. The motion was seconded by Mr. VanSchoick and carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Lyons, Trafford, VanSchoick and Brittle.

APPLICATION 1-91 - John and Frances Drew - 23 Virginia Avenue - Mr. Byrnes recognized Ms. Roseanne Maraziti, counsel for the applicants and proceeded to mark the file. It was noted for the record that the Drews had intended to start their presentation at the January 16, 1991 meeting but were unable to do so as noticing and publication requirements were not met. Ms. Maraziti outlined how the case would be presented and called upon John and Frances Drew, 32 Inwood Road, Chatham, NJ, owners of the property, to offer testimony. The Board Attorney swore in Mr. and Mrs. Drew.

The applicants, the applicants' attorney, Board and Board Attorney discussed the application, which asked for an interpretation of the house's use as a two-family under Section 40:55D-70a. Attached to the application was a letter from the applicants to Borough Attorney Kenneth Fitzsimmons which detailed their request to continue the two-family use. The letter noted that the house featured many separate elements, including

entrances, kitchens and utility services. A denial of the Drews' opinion was issued by Jerry Iannelli, Code Enforcement Officer.

It was noted by the applicants and their attorney that in June of 1990, prior to closing on the house, the Drews had asked Mr. Albert P. Ratz Jr., Construction Official, and Mr. Iannelli to come down and look at the house. The Drews, who testified that they bought the home in July 1990, stated they explained to Mr. Iannelli and Mr. Ratz that it was their intent to continue the structure's two-family use. It was stated that the house had been built as a two-family over 100 years ago and that there still are two separate entrances, services, utilities, etc.

Mr. Drew gave a video tape presentation on the home and the recent renovations which had been conducted. The video showed the home before and after the complete renovations, the applicants testified. Photographs were also submitted for the Board's consideration and marked as evidence.

An affidavit from Mr. Donald Killmon, prior owner of the property, was submitted as evidence and discussed. In the affidavit, Mr. Killmon related that the property had belonged to his mother, Catherine Killmon, and himself; Mrs. Killmon passed away in 1990 upon which the Drews bought the property. In the affidavit, Mr. Killmon related the history of the property and how his mother used the downstairs apartment for rental and lived upstairs. The affidavit stated that there was never an intention to abandon the two-family use.

Ms. Maraziti then offered her legal position on the application, stating that one must show intent to abandon and the act of abandonment.

It was noted for the record that there were no members of the public in attendance to comment on the application. A motion was made, seconded and carried unanimously to close the public hearing.

Mr. Byrnes read the affidavit from Mr. Killmon as well as a letter from Mr. Stuart Hancock, 34 Virginia Avenue, who wrote that he was opposed to the application.

The Board continued to discuss the application, with Mr. Trafford stating that he felt it was "obvious" that this had been a two family home.

Mr. Byrnes gave the Board possible options in determining the

application, including the denial of the applicant's position, which would then put the Board into the position of making determinations as to whether variances could be granted, or affirming the position, which would require a letter from Mr. Byrnes to the Construction Official stating the Board's findings and interpretations. A motion was made by Mr. Trafford to have Mr. Byrnes draw up a letter to Construction Official Ratz stating that the Board, upon hearing the application, interprets the home as a two-family dwelling. The motion was seconded by Mr. Burke and carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Lyons, Trafford, VanSchoick and Brittle.

There being no further cases on the agenda, the Board entered into discussion of old and new business / work session.

Mr. Burke stated to the Board he had attended the February 5, 1991 meeting of the Manasquan Planning Board, during which the case of Joseph and Virginia Tischio, Second Avenue, had been heard. Mr. Burke stated that interpretations of zoning were discussed during the hearing and any non-conformity would need a variance for construction. He also stated that the Master Plan had been discussed, including beachfront residential zone development standards; the Board requested that Master Plan information also be provided to the Board of Adjustment as well as the Planning Board.

Mr. Lyons read for the record the letter of resignation from Board Member Robert Griffith. A resolution honoring Mr. Griffith was read by Chairman Lyons. The Board members, attorney and secretary expressed their admiration for Mr. Griffith and his work on the Board. A motion was made, seconded and carried unanimously to approve the resolution honoring Mr. Griffith.

There being no further matters on the agenda, a motion was made, seconded and carried to adjourn at 9:14 p.m.

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

JOHN L. WINTERSTELLA
Mayor


BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN BOARD OF ADJUSTMENT
MARCH 20, 1991 REGULAR MEETING

On Wednesday, March 20, 1991, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Application 2-91 - James and Katherine Geiger - 404 Perrine Boulevard

Application 3-91 - Edward Roeth - 369 First Avenue

Resolution 12-90 - Michael and Judith Kornas -359 Beachfront

Application 1-90 - (Letter of interpretation) John and Frances Drew -23 Virginia Avenue

Old business

New Business

(Work session follows regular agenda)

Yours truly,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated in Manasquan 3/14/91

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN BOARD OF ADJUSTMENT

MARCH 20, 1991 REGULAR MEETING MINUTES

The Manasquan Zoning Board of Adjustment held their regular meeting on March 20, 1991 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, NJ. The meeting was called to order at 7:30 p.m. by Board Chairman Edward Lyons. Mr. Lyons stated that this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in a salute to the flag.

ROLL CALL : Present - Board Members James F. Bogan Jr., Margaret Kazenmayer, Edward Lyons, Alma Roberts, Christopher Trafford, James VanSchoick and Robert Brittle.

Absent - Board Member John Burke.

Mr. Lyons stated for the record that Board Attorney William Byrnes would be running late and that the Board would attempt to conduct what matters they could without his presence.

A motion was made by Mr. Trafford to approve the minutes of the February 20, 1991 meeting as submitted by the Board Secretary. The motion was seconded by Mr. Bogan and carried by the following vote: "Yes" Board Members Bogan, Kazenmayer, Lyons, Trafford, VanSchoick and Brittle. "No" none. "Abstain" Board Member Roberts.

The Board then elected to discuss some old and new business until Mr. Byrnes arrived.

The Board expressed its sorrow at the passing of former Board Member and Vice Chairman Robert Griffith and discussed a manner in which to honor his memory. It was agreed that a donation should be made in Mr. Griffith's memory to the MCOSS Hospice Foundation.

The Board then briefly discussed the new ethics law passed by the state which calls for certain disclosures by municipal officials, such as development board members.

RESOLUTION 12-90 - Michael and Judith Kornas - 359 Beachfront - Mr. Lyons read the favorable resolution for the record. Typographical errors were noted for the record. A motion was then made and seconded to memorialize the favorable resolution; motion carried by the following vote: "Yes" Board Members Bogan, Kazenmayer, Lyons, Trafford, VanSchoick and Brittle. "No" none. "Abstain" Board Member Roberts.

It was noted for the record that Mr. Byrnes had arrived and the Board continued with its agenda.

APPLICATION 2-91 - James and Katherine Geiger - 404 Perrine Boulevard - The Board Attorney marked the files and swore in Mr. James Geiger, 9 Deer Drive, Bound Brook, NJ, owner of the subject property. (Mrs. Katherine Geiger, also 9 Deer Drive, Bound Brook, NJ, was also sworn in later in the hearing)

The applicants, Board and Board Attorney discussed the application, which asked for relief so that a second floor might be added to rear of existing one story portion of house.

The permit was denied by Construction Official Albert P. Ratz under Section 107-27 (Schedule of Limitations - side yard setbacks 2.08' and 2.85' proposed, five feet required) of the Code of the Borough of Manasquan. A hardship variance is requested. The property is in a R-2 zone and an A-5 flood zone (not applicable -less than 25 percent addition).

Mr. Geiger stated there is a one story portion in the back and a Cape Cod-type style in the front of the building. He stated that the problem was in the width of the lot. The applicant also related some of characteristics of the neighborhood.

Mr. Geiger, who stated he bought the property in 1980, discussed the plans for the addition and offered photographs for the Board's consideration, which were marked for the file.

Mr. Trafford questioned the front, screened porch shown on the plans. The applicants stated there were no plans to enclose that porch.

After discussion, a motion was made, seconded and carried unanimously to conduct a site inspection on February 23, 1991 at 9 a.m. The applicants agreed to waive any time limits under Land Use.

APPLICATION 3-91 - Edward Roeth. - 369 First Avenue - The Board Attorney marked the file and swore in Mr. Edward Roeth, 369 First Avenue, owner of the subject property.

The applicant, Board and Board Attorney discussed the application, which asked for relief so that a roof could be constructed over an existing second floor deck. It was noted that the subject deck had been approved by the Board of Adjustment in December 1983 (Resolution 22-83).

Mr. Ratz denied the permit under the Code of the Borough of Manasquan, stating Section 107-12 refers to 107-8A (1). Also

Article XIX. Non-conforming use section 107-82 (4). It was noted a use variance was being requested. The property is in a R-5 zone and a A-5 flood zone, with the flood zone not applicable.

After further discussion between the applicant and board, in which Mr. Roeth noted the reasons for the request, layout of the property and subject structure, plans for the roof (it was noted that the deck, which is located on the south side, would not be enclosed) and background (house bought 1973 and land purchased from American Timber in December 1990), the floor was opened to the public for their questions and comments.

Mr. Frank Diana, 401 First Avenue, spoke in favor of the application.

A motion was made, seconded and carried unanimously to close the public hearing. After further discussion, a motion was made by Mr. Trafford for a favorable resolution. The motion was seconded by Mrs. Kazenmayer and carried by the following vote: "Yes" Board Members Bogan, Kazenmayer, Lyons, Roberts, Trafford, VanSchoick and Brittle.

There being no further cases, the Board went on to discuss old, new and work session business.

The Board reviewed some matters opened up earlier in the evening, including the projected ethics law, with the Board Attorney.

The Board agreed to put a discussion of the by-laws on the April 17, 1991 meeting agenda. A discussion of board application fees and policy was also conducted. Signing of vouchers was also conducted.

There being no further matters on the agenda, a motion was made, seconded and carried to adjourn at 9:08 p.m.

Yours truly,

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk



MANASQUAN ZONING BOARD OF ADJUSTMENT

On Wednesday, April 17, 1991, 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:

APPLICATION 2-91 - (cont) - James and Katherine Geiger - 404 Perrine Blvd.

APPLICATION 4-91 - Ronald Dana - 365 Beachfront

APPLICATION 5-91 - Richard and Laurie Brandon - 414 Beachfront

RESOLUTION 3-91 - Edward Roeth - 369 First Ave.

OLD BUSINESS

NEW BUSINESS

1. Board by-laws

Yours truly,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736



MANASQUAN ZONING BOARD OF ADJUSTMENT
APRIL 17, 1991

The Manasquan Zoning Board of Adjustment held their regular meeting on April 19, 1991 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman Edward Lyons called the meeting to order at 7:30 p.m. Mr. Lyons announced that this was an Open Public Meeting held in accordance with the Open Public Meetings Act and had been published according to law. He then asked all in attendance to join him in the salute to the flag.

ROLL CALL : Present - Board Members James F. Bogan Jr., Margaret Kazenmayer, Edward Lyons, Alma Roberts, James VanSchoick and Robert Brittle.

Absent - Board Members John Burke and Christopher Trafford. (Record reflects that Mr. Burke arrived at 7:40 p.m.)

A motion was made and seconded to approve the minutes of the March 17, 1991 meeting as submitted by the Board Secretary. The motion was carried by the following vote: "Yes" Board Members Bogan, Kazenmayer, Lyons, Roberts, VanSchoick and Brittle. "No" none.

Board Attorney William Byrnes announced that the hearings on applications 4-91 (Ronald Dana - 365 Beachfront) and 5-91 (Richard and Laurie Brandon - 414 Beachfront) had been adjourned until the May 15, 1991 because of noticing requirements.

APPLICATION 5-91 - (cont.) - James and Katherine Geiger - 404 Perrine Boulevard - It was noted for the record that a site inspection had been conducted by the board members. After brief discussion, a motion was made by Mrs. Kazenmayer to have the Board Attorney draw up a form of favorable resolution for the May 15, 1991 meeting; the motion was seconded by Mr. VanSchoick and carried by the following vote: "Yes" Board Members Bogan, Kazenmayer, Lyons, Roberts, VanSchoick and Brittle. "No" none.

RESOLUTION 3-91 - Edward Roeth - 369 First Avenue - The Board Attorney read the favorable resolution. A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Bogan, Kazenmayer, Lyons, Roberts, VanSchoick and Brittle. "No" none. "Abstain" Board Member Burke.

pg. 2

There being no further matters on the agenda, the Board Secretary announced upcoming seminars and meetings as well as noting correspondance and vouchers. There being no further old or new business, a motion was made, seconded and unanimously carried to adjourn the meeting at 7:50 p.m.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

MANASQUAN ZONING BOARD OF ADJUSTMENT

On Wednesday May 15, 1991 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:

APPLICATION 4-91 - Ronald Dana - 365 Beachfront

APPLICATION 5-91 - Richard and Laurie Brandon - 414 Beachfront

APPLICATION 6-91 - Estelle Stoedter - 72 Church Street

APPLICATION 7-91 - Richard Peters - 573 Pike Avenue

RESOLUTION 2-91 - James and Katherine Geiger - 404 Perrine Blvd.

OLD BUSINESS

1. Correspondance
 - a. Letter re: Julian case

NEW BUSINESS

1. Discussion of by-laws.

(Work session follows regular agenda)

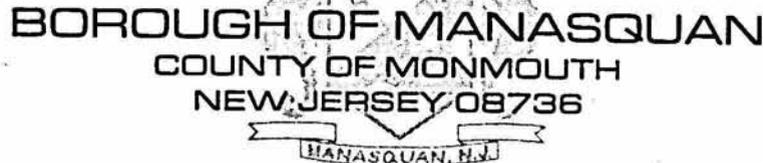
Yours truly,

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 5/9/91

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk



**MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MAY 15, 1991**

The Manasquan Zoning Board of Adjustment held its regular meeting on May 15 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, NJ., 7:30 p.m.

Board Chairman Edward Lyons called the meeting to order and asked those in attendance to join in the salute to the flag. He then noted that it was an open public meeting held in accordance with the Open Public Meetings Act and published according to law.

ROLL CALL: Present - Board Members John Burke, Margaret Kazenmayer, Edward Lyons, Alma Roberts, James VanSchoick.

Absent - Board Members James F. Bogan, Jr., Christopher Trafford, Robert Brittle.

Mr. Lyons asked for a motion regarding the minutes of the April 17, 1991 meeting. A motion was made by Board Member Burke and seconded by Board Member VanSchoick to approve the minutes as submitted by the Board Secretary. Motion carried by the following vote: "Yes" Board Members Burke, Kazenmayer, Lyons, Roberts, VanSchoick. "No" none.

APPLICATION 4-91 - Ronald Dana - 365 Beachfront - Board Attorney William Byrnes recognized Kevin Thomas, attorney for the applicant. Mr. Thomas introduced Mr. Dana, Kinney Road, Freehold, owner of the subject property at 365 Beachfront/364 First Avenue, and Jay Saunders, 79 Union Place, Summit, architect on the project. The Board Attorney marked the file and Mr. Dana and Mr. Saunders were sworn in to offer testimony.

The applicant, applicant's attorney, architect, Board and Board Attorney commenced discussion of the application, which requested relief so a second floor could be built on existing one family dwelling at 365 Beachfront. The applicant also requests relief from Ordinance 67-19, which requires construction of the structure on pilings with breakaway walls.

The building permit was denied by Construction Official Albert P. Ratz, Jr. under sections 107-11 (not a permitted use) and

107-27 (sideyard setback of 1.1 on the north and 3.5 on south while five feet is required; and front yard setback - existing house encroaches on borough property by 0.8'). Mr. Ratz noted in the denial that two houses exist on the lot, with two dwelling units located in the First Avenue house and one in the Beachfront structure. He also noted that the Beachfront house is in the V-6 flood zone and commented "addition and alteration exceeds 50 percent of the assessed value of the existing dwelling and therefore house must be set on pilings with breakaway walls and elevated to 11' above sea level unless variance is granted." (Chapter 67-19 of the code of the Borough of Manasquan). It was noted that a use variance would be required. The property is in a R-4 zone.

Mr. Thomas, noting the request for relief from the flood hazard ordinance, stated that the only reason this had been requested is that if, after the Board has conducted its inspections and hearings, the Board feels a variance is warranted; the applicant, he stated, is willing to build the home on pilings if the Board so determines.

Mr. Thomas brought Mr. Dana forward to offer testimony. Mr. Dana stated he is owner of the two homes and is purchasing the property from American Timber Company. It was stated that Mr. Dana had been before the Board previously regarding reconstruction at 364 First Avenue. Mr. Dana then described the property (two houses with a single family on the beachfront and a structure with two dwelling units on First Avenue), the neighborhood (houses located close together) and Beachfront house (four bedroom home in which Mr. Dana and his family reside during the summer) for the Board.

Under questioning from Mr. Thomas, Mr. Dana testified that he proposed to add a second story and remodel the first floor at 365 Beachfront, similiar to a home located down the street from the Dana property. Mr. Dana stated that, condition-wise, the structure needs "a lot of work". He stated he did the front house (364 First Avenue) first because it had not been occupied and it had been really "run down." He added the beachfront home had been fixed up just enough for he and his family to occupy it. Under the new plans, the house would still have four bedrooms but would go from a single story to two stories, Mr. Dana stated. He commented that the home was heated.

Mr. Thomas asked Mr. Dana to explain the parking situation on the property. Mr. Dana stated there is "ample" parking behind the two family structure, commenting that there are six spaces there. There is a two car garage on the property, it was noted.

Mr. Thomas then called upon Mr. Saunders to discuss the plans which he (Mr. Saunders) had prepared and which were marked A-7 for the file.

Mr. Burke asked questions about the elevation of the house and wanted to know what the elevation level was from the ground to the peak of the house (from east and west). Mr. Thomas stated that the plans will be revised and information will be provided to the Board for the next meeting.

Mr. Burke also questioned the height of the house. He stated that the east elevation shows a widow's walk with a doorway and questioned whether this would be considered a third story. Mr. Burke stated that he felt this was not a two-story home but rather a three story structure because of the access. Mr. Saunders explained this area was an open deck and stated that he felt the area had to be designed as a third floor if any activity goes on at all.

There was also discussion about the patio on the house and its encroachment on borough property. Mr. Burke asked how close the east patio (concrete patio with steps) on the house was from borough property; Mr. Thomas noted it encroached .8 feet into borough property. The Board was advised that the patio would remain. Mr. Thomas stated he would do some research on the matter.

Questions were also raised about bathrooms in the house. It was stated that the first floor bathroom/shower would have access from the outside and would need a wood deck at the entry area.

Mr. Dana, upon questioning from Mr. Lyons, stated the home has not been used as a rental. Mr. Lyons also asked further questions of Mr. Dana about parking on the property; the six parking spaces included the two in the two-car garage, Mr. Dana clarified. Upon further questioning by Mr. Lyons, Mrs. Kazenmayer and Mr. Burke, determinations were made about the location of the parking spaces. Three full spaces were on the property, it was noted by the Board and Mr. Dana. It was noted that cars could only legally park parallel to the curb, not straight into the curb, in that area; thus, one of the parking spaces could not be recognized by the Board.

Mr. Dana, in response to Mr. VanSchoick, stated the footprint of the house would not be changed.

Mr. Saunders was asked about the north side overhang and stated

that the overhang could be cut to "an absolute minimum" of four inches plus a gutter

Mr. VanSchoick also asked whether the walls on the first floor will be reinforced; Mr. Thomas stated that the intention of Mr. Dana is to take a structure not meeting the BOCA code and building it so that it meets the BOCA code. Mr. Saunders stated that they hoped to save whatever bearing walls are salvagable.

The Board voted to conduct a site inspection on May 18, 1991 at 8 a.m. The applicant waived time limits under land use.

Edward Roeth, First Avenue, spoke in favor of the application and cited the applicant's prior improvements on the property.

APPLICATION 5-91 - Richard and Laurie Brandon - 413 Beachfront- The Board Attorney recognized Kevin Thomas, attorney for the applicant. Mr. Thomas introduced Richard Brandon and Laurie Brandon, applicants and residents of the property; and Dr. Thomas L. Tallon, 413 Beachfront, owner of the subject property and father of Mrs. Brandon. The Board Attorney marked the file and Mr. Brandon and Dr. Tallon were sworn in to offer testimony.

John Deppeler, attorney for the opposition, placed his presence on the record and questioned the timeliness of the application. Mr. Deppeler's opinions were considered by the Board Attorney, who felt the hearing was in a timely fashion. Mr. Byrnes stated, upon request from Mr. Deppeler, that Mr. Deppeler could cross examine the applicant and his witnesses on their testimony.

The Board, Board Attorney, applicant and applicants' attorney began to discuss the application, which requested relief so that a single family home could be constructed on a lot with an existing single family home, which would remain. Mr. Ratz denied the permit under section 107-11 (not a permitted use) and section 107-27 (Schedule of Limitations - sideyard setback of 5' each side required, 3' proposed; and front yard setback 10' required -0' proposed - no variance needed - see Section 10731A). A use variance would be required; the proposed house would sit in a R-4 zone and an A-5 flood zone (will comply to flood zone requirements).

Mr. Thomas first questioned Dr. Tallon, who testified that he has owned the subject property for over 20 years. He stated he presently lives there with the Brandons and their son. In the summer they are joined by other family members. Mr. Thomas asked if Dr. Tallon had considered building an addition to the

existing structure; he stated that he had but felt construction of a new house was in the "best interests of keeping my family close." Dr. Tallon then stated that he consented to construction of the home on his property.

Under cross examination by Mr. Deppeler, Dr. Tallon stated that he had recently purchased the land from American Timber Company and there was no contract to sell the property to his daughter and son-in-law.

Dr. Tallon was also questioned by Mr. Deppeler and the Board about parking on the property.

Mrs. Kazenmayer asked how many cars were able to be parked on the property now; Dr. Tallon stated there is adequate parking for six cars. Once again, it was noted that the Board could not recognize those spaces which would have cars illegally parked.

It was noted for the record by Mr. Thomas that the architect which prepared the plans for the Brandons, Cathy D. Zuckerman, was unable to attend this meeting but she would be available at the next meeting to answer any questions.

Mr. Brandon was then called upon to offer testimony. He described the neighborhood, stating that it is densely built up with single and multi-family dwellings. Typically there is a home on the beachfront and one on First Avenue, Mr. Brandon added.

Photographs were submitted by Mr. Thomas and the applicants for the Board's consideration.

Laurie T. Brandon was then sworn in to offer testimony. Mrs. Brandon commented on photos of the subject property and neighboring properties which she had taken.

The Brandons then described the proposed home, which would consist of a garage and foyer at street level and two levels (stories) of living space over the garage level.

The Board questioned the distance between the existing house and where the proposed home would be constructed. The members also questioned the deck proposed to span both houses.

Mr. Burke raised the issue of parking and whether there would be adequate parking. He also questioned whether this would be considered a three story home and noted setback violations.

The Brandons testified that there would be no exterior decks or stairs from top to the lower stories.

Constance Dreyer, 413 First Avenue, stated that she had no objections to the application.

Mr. Deppeler, representing the Swifts, questioned the Brandon's Linden, NJ address on the board application. Dr. Tallon stated that the Linden address was his business address. Mr. Deppeler also questioned the percentage of lot coverage and what variances were being requested.

In response to questions from the Board. it was noted that the existing home has a full basement, first floor, second floor and crawl space.

William Amundsen, 417 First Avenue, and Patricia Horvath, 414-415 First Avenue, stated they had no objections to the application. Mr. Amundsen stated that he was in favor of the application because it would make the property conform with others in the area.

After further discussion, the Board voted to have a site inspection on May 18, 1991 at 8:30 a.m. The applicants waived the time limitations under land use.

A motion was made, seconded and carried for a five minute recess. After recess roll call: "Present" - Board Members Burke, Kazenmayer, Lyons, Roberts and VanSchoick. "Absent" - Board Members Bogan, Trafford and Brittle.

APPLICATION 6-91 - Estelle Stoedter - 72 Church Street - The Board recognized Mrs. Stoedter, owner of the subject property. The Board Attorney marked the file and swore in Mrs. Stoedter and Frederick J. Voytko, Spring Lake Heights, architect on the project.

The Board, Board Attorney, applicant and applicant's architect discussed the application, which requests relief so that a one and a half story addition could be added to the existing single family dwelling. Mr. Ratz denied the building permit under Section 107-27 (schedule of limitations - side yard setback requirements - five feet required, 4.76 shown) of the Code of the Borough of Manasquan. A hardship variance is requested. The structure is in the R-2 zone.

Testimony was given regarding the addition, which would include a master bedroom and two car garage.

Questions were asked regarding the back property line and overlap indicated on the plans. It was noted that the rear yard could be approximately ten feet or approximately five feet. The applicant was asked to submit her title insurance, survey from when the home was purchased and deed for consideration.

After further discussion on the lot line matter, Alan Stoedter, the applicant's son; Virginia and Robert Andrews, 45 Allen Avenue; and Cathleen Skirtun, 66 Central Avenue, were all sworn in. The Andrews and Ms. Skirtun, whose properties abut the Stoedter property to the rear, showed their lot line documentation. It was noted stated that there is an existing fence five feet from the Stoedter house and it had been assumed that the fence was on the property line.

After further discussion about the lot line discrepancies, the Board Attorney recommended that the application be held in abeyance until the lot line issue was settled. He also suggested that all parties involved consult their respective attorneys regarding the matter.

Edna Migdol, 83 Church Street, asked whether there would be renoticing when the hearing would continue. Because there was no way of determining when the case could proceed, Mr. Byrnes stated that renoticing would be necessary.

The Board also agreed to conduct a site inspection May 18 at 9 a.m. The applicant waived land use time limits.

APPLICATION 7-91 - Richard Peters - 573 Pike Avenue - It was noted that noticing requirements were not completed for this case. The Board agreed to commence its hearing at the June 19, 1991 meeting.

RESOLUTION 2-91 - James and Katherine Geiger - 404 Perrine Boulevard - The Board Attorney read a form of favorable resolution. A motion was made by Mrs. Kazenmayer and seconded by Mr. Lyons to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Roberts, VanSchoick. "No" none. "Abstain" Board Member Burke.

OLD AND NEW BUSINESS - It was noted that in the minutes for the April 17, 1991 meeting, the application/ resolution (case) number should read "2-91".

The Board and Board Attorney discussed Board policy for granting extensions on variances. The Board does not have an ordinance

in place regulating length or number of such extensions. A motion was made by Mr. Burke, seconded by Mrs. Kazenmayer and unanimously carried, to have the Board Attorney write a letter to mayor and council from the board regarding a possible ordinance dealing with such extensions.

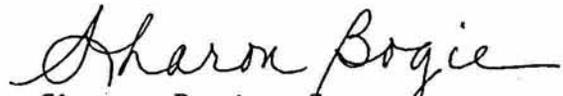
The Board discussed a letter received from James Julian asking for an extension on the variance the Board had granted him on his property at 14½ Main Street. The variance was dated August 15, 1990 and was good for nine months. In the letter, Mr. Julian explained that financial circumstances did not enable him to proceed with the addition.

After further discussion, Mr. Burke moved to grant Mr. Julian the extension. The motion was seconded by Mrs. Kazenmayer and unanimously carried. The Board Secretary was to advise Mr. Julian and Construction Official Albert P. Ratz, Jr. in writing of the decision.

Vouchers and correspondance were addressed.

There being no further matters for the agenda, a motion was made, seconded and carried unanimously to adjourn at 11:15 p.m.

Respectfully submitted,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

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

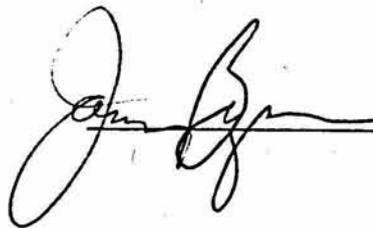
May 15 1991

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:

5/20/91



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

May 15, 1991

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: 6/18/91

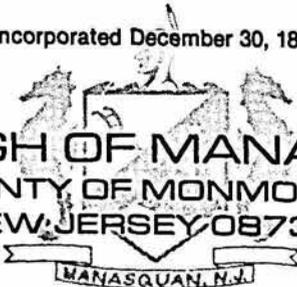
R. Buttle

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

JOHN L. WINTERSTELLA
Mayor


BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

On Wednesday June 19, 1991 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:

APPLICATION 4-91 (cont.) - Ronald Dana - 365 Beachfront

APPLICATION 5-91 - (cont.) Richard and Laurie Brandon - 413 Beachfront

APPLICATION 6-91 - (cont.) Estelle Stoedter - 72 Church Street

APPLICATION 7-91 - Richard Peters - 573 Pike Avenue

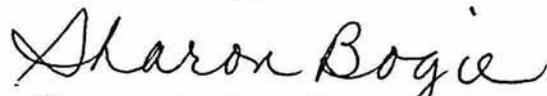
OLD BUSINESS

NEW BUSINESS

1. Discussion of by-laws.

(Work session follows regular agenda)

Yours truly,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk



MANASQUAN BOARD OF ADJUSTMENT
MEETING MINUTES - JUNE 19, 1991

The Manasquan Zoning Board of Adjustment held their regular meeting on June 19, 1991, 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 this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join him in the salute to the flag.

Roll Call: Present - Board Members James F. Bogan Jr., John Burke, Edward Lyons, Alma Roberts, Christopher Trafford, James VanSchoick and Robert Brittle.

Absent - Board Member Margaret Kazenmayer.

The Board Chairman asked for a motion regarding the minutes of the May 15, 1991 Board of Adjustment meeting. A motion was made by Mr. Burke and seconded by Mr. VanSchoick to accept the minutes as submitted by the Board Secretary; the motion was unanimously carried.

Mr. Lyons then asked for a brief recess while the Board awaited the arrival of Board Attorney William Byrnes. The motion for a recess was made, seconded and unanimously carried. The Board reopened the meeting when Mr. Byrnes arrived.

APPLICATION 4-91 (cont.) - Ronald Dana - 365 Beachfront - The presence of applicant Ronald Dana and his attorney Kevin Thomas were noted for the record. Revised plans prepared by architect Jay Saunders were submitted for the Board's consideration and marked A-7A for the file.

Mr. Thomas discussed the revised plans. He noted that these plans show the peak elevation (upon request by the Board at the last meeting).

Mr. Thomas addressed the issue of the projected addition making the home a three story structure. He asked the Board to consider that in that particular zone, a two and a half story home is conforming. After citing definitions of story from the Code of the Borough of Manasquan and commenting on the projected roof, Mr. Thomas submitted that what appears to be a third floor

is actually a half-story. He further noted that the structure would be within height requirements and that Mr. Saunders had indicated that the pitch of the roof could be brought down to stay within height requirements.

Mr. Thomas also noted that the overhangs which were not previously depicted have now been detailed on the plans. The overhang, he noted, is four inches.

The entrance deck to the rear of the property, Mr. Thomas commented, was now depicted on the revised plans.

Mr. Thomas also addressed the .8 foot encroachment on borough property; the applicant proposed to eliminate this as part of his plans, he stated.

It was also noted that a site inspection had been conducted.

The issue of pilings was discussed. It had been stated by Mr. Thomas that the foundation of the house had been lifted and the underportions replaced with solid cement block foundation approximately five years ago. He further commented that he felt waiving the piling requirements would not be setting precedent nor would it jeopardize Manasquan's federal flood insurance standings because, he stated, there are not that many houses on the beachfront with that type of foundation.

Mr. Burke questioned the open deck projected and asked for clarification on access to the deck. The Board, applicant and applicant's attorney discussed plans for the open deck.

Mr. Burke also brought up the issue of the concrete patio on the front of the house. He noted that four feet of steps from the patio would be on borough property. Mr. Thomas stated that Mr. Dana will move the steps back off borough property so that all improvements will be off borough property.

The parking situation was also reviewed.

A motion was made, seconded and carried unanimously to close the public hearing. James Mastrian, 353 Beachfront, asked the Board consideration to reopen the hearing for public comment. A motion was made by Mrs. Roberts, seconded by Mr. Burke, and unanimously carried, to allow Mr. Mastrian to make his comments. Mr. Mastrian discussed the size of the structure and exhibited for the Board's consideration an aerial photograph of the property and the neighboring properties (the photograph was

marked M-1 and returned to Mr. Mastrian following the hearing). He also expressed concerns over the deck and pilings of the structure and the aesthetics of the neighborhood.

After Mr. Mastrian offered his comments, the Board once again voted unanimously to close the public hearing.

The Board discussed the variances being requested by the applicant. Mr. Burke asked whether each variance could be voted on separately; Mr. Byrnes replied that the Board could use its discretion to grant or deny any or all variances requested. Mr. Burke asked whether all the variances were hardship or use; Mr. Thomas stated that both hardship and use were being sought and that because there were two houses on the property, as use variance would always be required. Mr. Burke noted the varied voting requirements between the two types of variance; Mr. Byrnes advised that the vote would have to correspond to that variance with the greater voting requirement, which in this case would be the use variance (five affirmative votes).

After further discussion about aspects of the application, including the overhangs, variances required and encroachments, a recess was requested by Mr. Thomas so he could consult with his client. The Board voted unanimously to grant the recess at 8:54 p.m. Meeting was reconvened at 9:07 p.m.

After the meeting reconvened, Mr. Thomas stated that Mr. Dana proposed to move the north side back two feet so that there would be a 3.5 feet side yard setback (approximately seven feet from the neighboring house). This would give the north side approximately the same setback as the south side of the house. Mr. Thomas added that Mr. Dana also proposed to change the overhangs from one and a third feet to four inches.

A motion was made by Mr. Burke to approve the application subject to new drawings and based on the following stipulations: 1. all encroachment (except patio) on borough property will be removed - no building/improvements on borough property except a platform to connect the house to the patio; 2. the north side of the house will be moved back two feet; 3. the area on the half story (top) not be used as a living space; 4. height of the building must be lowered to conform to code; and 5. the piling requirement would be waived if the house was constructed on the existing foundation, with new foundation walls on the north side and, if necessary, east side of the structure. The board also required that revised plans be submitted showing the changes stipulated and discussed. The motion was seconded

by Mrs. Roberts and carried by the following vote: "Yes" Board Members Bogan, Burke, Lyons, Roberts, VanSchoick and Brittle; "no" none; "abstain" Board Member Trafford.

APPLICATION 5-91 (cont.) - Richard and Laurie Brandon/Dr. Thomas Tallon - 413 Beachfront - Mr. Byrnes recognized Kevin Thomas, attorney for the applicants, and John Deppeler, attorney for Mr. and Mrs. James Swift, opposers to the application.

Mr. Thomas introduced Cathy Zuckerman, architect on the project; Mrs. Zuckerman was sworn in to offer testimony.

Mr. Thomas also submitted revised plans (A-10) and photographs (A-11, a through d) for the Board's consideration.

Mr. Thomas addressed several issues which were raised by the Board at the previous hearing on the application. Mr. Thomas stated there would be a distance of nine feet, six inches between the existing home on the property and the proposed home. He added 48 percent lot coverage with the construction of the new building and that the overhangs depicted will encroach on the southerly and northerly sides by eight inches.

Upon questioning by the Board, Mrs. Zuckerman clarified that the new building would bring the lot coverage up to 48 percent. She also affirmed that the projected house would be 35 feet in height.

Mr. Burke questioned Mrs. Zuckerman about the width of the garage and the height of the projected house. Mrs. Roberts had further questions about the lot coverage and the sizes of the projected and existing houses.

Mr. VanSchoick inquired about the elevation; Mrs. Zuckerman stated that it had been taken from the grade of the First Avenue side of the property. It was also affirmed that a use variance was being requested.

It was also noted that the projected home would be a three story structure. The Board also requested from Mr. Byrnes definitions of "grade", "story", "basement" and "cellar".

Mr. Thomas, reflecting on testimony by the Brandons and Mrs. Zuckerman as well as the plans for the house, stated that the proposed structure was "as about as small as it gets." He then stated some options and the problems in each case.

Jane Swift, 550 Riverside Drive and owner of property at 411

Beachfront/ 412 First Avenue, spoke in opposition to the application, expressing concerns for open space, air and light circulation in the area.

Lawrence Lodato, 409 Beachfront, and Mark Horvath, 414 First Avenue/415 Beachfront, each stated that they had no objections to the application.

Mr. John Deppeler, attorney for Mrs. Swift, cross examined Mrs. Zuckerman, asking her questions on lot coverage. She stated that the calculation did not include the existing wooden deck on the property. Also under questioning from Mr. Deppeler, Mrs. Zuckerman noted the home would feature a cathedral ceiling.

There being no further questions, attorneys Deppeler and Thomas offered their summations.

Once again questions were raised by Mr. Deppeler as to what names should be on the application. He also raised questions over the variances requested, stating, among other issues, that it could not be a hardship variance in that the property could still be used. He stated that the property is effectively being used now with the Beachfront home and parking in the front. He further commented that a variance had to relate to the land, not the situation of the applicants.

Mr. Thomas noted that the projected structure, while being three story, was below required height for the zone. He commented on the support of neighbors and also noted the character of the neighborhood.

After representations of Mr. Thomas and comments from Mr. Deppeler and the Board Attorney, Mr. Thomas requested that the application be amended so that Dr. Tallon would be a co-applicant with his daughter and son -in-law. A motion was made by Mr. VanSchoick to allow the amendment, seconded by Mr. Brittle and carried by the following vote: "Yes" Board Members Bogan, Burke, Lyons, Roberts, VanSchoick, Brittle; "No" none; "Abstain" Board Member Trafford. Mr. Deppeler put his opposition on record and questioned the timeliness of amending the application.

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

A motion was made by Mr. VanSchoick to approve the application. The motion was seconded by Mr. Bogan, but was defeated by the

following vote: "Yes" Board Members Bogan, VanSchoick and Brittle; "No" Board Members Burke, Lyons and Roberts; "Abstain" Board Member Trafford.

APPLICATION 6-91 (cont.) - Estelle Stoedter - 72 Church Street - Mrs. Stoedter was recognized by the Board Attorney. Mr. Byrnes noted that a copy of Mrs. Stoedter's deed and revised plans had been submitted; these were marked for the file. The deed, it was noted by Mr. Byrnes, corrects the lot line which had been questioned at the prior hearing on the application. It was determined that the five feet which had been questioned at the last meeting was not part of the Stoedter property. It was also noted that all persons within 200 feet were renotified as requested at the first hearing.

Virginia and Robert Andrews, 45 Allen Avenue, inquired about the deed. Mr. Byrnes suggested that the Andrews obtain a copy of the filed deed from the Stoedters for future reference.

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

A motion was made by Mr. Burke to have the Board Attorney prepare a form of favorable resolution conditional upon the filing of the deed with Monmouth County and proof of such filing being submitted by the applicant; the motion was seconded by Mr. Lyons but defeated by the following vote: "Yes" Board Members Burke and Lyons; "No" Board Members Bogan, Roberts, VanSchoick, Brittle; "Abstain" Board Member Trafford.

A motion was then made by Mrs. Roberts to approve the application (no form of resolution) conditional upon submission of proof of filed deed. The motion was seconded by Mr. Bogan and carried by the following vote: "Yes" Board Members Bogan, Lyons, Roberts, VanSchoick, Brittle; "No" Board Member Burke. "Abstain" Board Member Trafford.

APPLICATION 7-91 - Richard and Lorraine Peters - 573 Pike Avenue - The Board Attorney marked the file and administered the oath to Richard Peters, applicant.

The Board, Board Attorney and Mr. Peters began to discuss the application, which requests relief so that a 14' x 18' raised (level with the first floor of the house - approximately 36 inches above ground, according to testimony from Mr. Peters) deck might be constructed. The permit was denied by Albert P. Ratz, Jr., Construction Official, under Section 107-27 (rear

yard setback - 10' requested, 20' required- and sideyard setback - 3' requested, 5' required) of the Code of the Borough of Manasquan. The property is zoned R-3 and a hardship variance is requested.

Mr. Peters, upon questioning from Mr. Byrnes, stated that he is listed as owner on the deed with his mother Lorraine. Mr. Byrnes asked Mr. Peters to submit a copy of the deed for the Board's consideration by the next meeting.

The Board then heard testimony from Mr. Peters about the deck, its layout and dimensions.

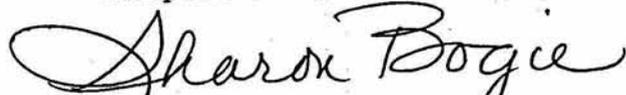
A motion was made, seconded and unanimously carried to conduct a site inspection on June 22, 1991 at 9 a.m.

Edward Roeth, 369 First Avenue, stated he had no objections to the application.

OLD BUSINESS AND NEW BUSINESS - Correspondance and vouchers were addressed. The Board tabled its discussion of its by-laws until the next meeting.

There being no further matters for discussion , a motion was made, seconded and unanimously carried to adjourn the meeting at 11:33 p.m.

Respectfully submitted,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

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

6/19/91

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:

Margaret J. Genova

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk



MANASQUAN ZONING BOARD OF ADJUSTMENT

On Wednesday, July 17, 1991, 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:

APPLICATION 7-91 (cont.) - Richard and Lorraine Peters - 573 Pike Avenue

APPLICATION 8-91 - Marilyn and Joseph Esposito - 64 First Avenue

APPLICATION 9-91 - John and Elizabeth Burke - 49 Fletcher Avenue

APPLICATION 10-91 - 2534 Holding Corporation (Elks Lodge)-17 Stockton Lake Boulevard

RESOLUTION 4-91 - Ronald Dana - 365 Beachfront

RESOLUTION 5-91 - Richard and Laurie Brandon - 414 Beachfront

RESOLUTION 6-91 - Estelle Stoedter - 72 Church Street

OLD BUSINESS

NEW BUSINESS

(Work session held following regular agenda matters)

Yours truly,

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 7/10/91

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk



MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JULY 17, 1991

The regular meeting of the Manasquan Zoning Board of Adjustment was conducted on July 17, 1991 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan NJ. The meeting was called to order at 7:30 p.m. by Board Vice Chairman James F. Bogan, Jr, who chaired the meeting in the absence of Edward Lyons, board chairman.

Mr. Bogan asked all in attendance to join in the Salute to the Flag. He then stated that the meeting was held in accordance with the Open Public Meetings Act and had been published according to law.

ROLL CALL : Present - Board Members James F. Bogan Jr., John Burke, Margaret Kazenmayer, Christopher Trafford, James VanSchoick and Robert Brittle.

Absent - Board Members Edward Lyons and Alma Roberts.

It was noted for the record that Mrs. Kazenmayer had listened to the tapes of the June 19, 1991 meeting.

A motion was requested by Mr. Bogan in regards to the meeting minutes of the June 19, 1991 meeting. A motion was made by Mr. Trafford to approve the minutes as submitted by the Board Secretary. The motion was seconded by Mr. Bogan and carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Trafford, VanSchoick and Brittle.

APPLICATION 7-91 (cont.) - Richard and Lorraine Peters - 573 Pike Avenue - Board Attorney William Byrnes recognized Mr. Peters, applicant. It was noted for the record that a site inspection had been conducted.

Mrs. Kazenmayer asked for clarification on the size of the projected patio. It was stated that it would be 18'x 30', the same as the concrete patio.

A motion was made by Mrs. Kazenmayer to close the public hearing; the motion was seconded and unanimously carried. A motion was then made by Mr. Trafford for a favorable resolution; the motion was seconded by Mrs. Kazenmayer and carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Trafford, VanSchoick and Brittle. "No" none.

Mr. Byrnes also reviewed documents requested at the prior hearing regarding ownership of the property. It was noted that the land had been purchased by American Timber Company and was in the names of Mr. Peters and his mother Lorraine.

APPLICATION 8-91 - Marilyn and Joseph Esposito - 64 First Avenue - Mr. Byrnes recognized Marilyn and Joseph Esposito, Lord Jeffrey Drive, Amherst, New Hampshire, owners of the subject property and applicants. Mr. Byrnes marked the file and swore in Mr. and Mrs. Esposito.

The Board, Board Attorney and applicants discussed the application, which requested relief so that a deck could be constructed. It was also noted that the request had been amended to include relief to extend front stairway landing $7\frac{1}{2}$ feet along the side of the house in order to relocate the front door.

The permit was denied by Albert P. Ratz Jr., construction official, under 107-11 (non-conforming use - two houses on one lot) and 107-82.A (4) - no non-conforming use may be expanded without a variance) of the Code of the Borough of Manasquan. A use variance was requested and flood zone is not applicable. The property is in a R-4 zone.

After noting that the deck would be an open deck, the applicants discussed the history of the structure and the stairs.

Mr. Burke asked about the moving of the door; Mr. Esposito stated they wished to move it because it made for a better interior layout.

A motion was made by Mr. Trafford to close the public hearing. A motion was then made by Mrs. Kazenmayer to grant a favorable resolution for the deck and the side stairway. The motion was seconded by Mr. VanSchoick and carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Trafford, VanSchoick and Brittle. "No" none.

APPLICATION 9-91 - John and Elizabeth Burke - 49 Fletcher Avenue - Mr. Byrnes recognized John L. and Elizabeth D. Burke, applicants and owners of the subject property. Mr. Byrnes marked the file and swore in Mr. and Mrs. Burke. Mr. Byrnes also asked Mr. Burke to state for the record that he was no relation to John Burke, board member; both Mr. Burke and Board Member Burke stated that they were not related to one another, nor had they met one another until that time.

The Board, Board Attorney and applicants discussed the

application, which asked for relief so that structural alterations could be made to the accessory building on the property during conversion from dwelling to garage; this accessory building is too close to the lot line, it was noted.

The permit was denied by Construction Official Ratz under 107-27 (schedule of limitations - 5' required, 2.9' shown as existing) and 107-82.A (4) (requires variance) of the Code of the Borough of Manasquan. The property is in a R-1 zone and a hardship variance was requested.

Mr. and Mrs. Burke testified that the variance request came as part of the process during which they secured permits to build a new, single family structure on the property. The property had contained a house and garage. They demolished the garage which had been on the property. They stated that construction permits were granted for the new house after documentation was submitted stating that they would convert the older house into a garage. Mr. Byrnes requested that a copy of this documentation be forwarded to him.

A motion was made, seconded and unanimously carried to close the public hearing. A motion was then made by Mr. Trafford for a favorable resolution. The motion was seconded by Mr. VanSchoick and carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Trafford, VanSchoick and Brittle.

APPLICATION 10-91 - 2534 Holding Corporation (BPOE Elks Lodge 2534) - 17 Stockton Lake Boulevard - The Board Attorney recognized Mr. John Deppeler, attorney for the Elks. Mr. Deppeler introduced Mr. Louis A. Hoyt, South Boulevard, Spring Lake, trustee for the Elks. The file was marked by Mr. Byrnes, who swore in Mr. Hoyt to offer testimony.

Mr. Byrnes also stated for the record that he is a member of the Elks.

The Board, Board Attorney, Mr. Deppeler and Mr. Hoyt discussed the application, which asked for relief so that the sign in front of the Elks Lodge could be illuminated from sunset to sunrise.

The permit had been denied by Mr. Ratz, Construction Official, in that Condition 9 of Board of Adjustment Resolution 16A-88, which allowed for the construction of the sign. A hardship variance was requested. The property is zoned R-2.

After Mr. Hoyt and Mr. Deppeler presented their testimony and the Board asked questions about the sign and its effects on the residential area, a motion was made by Mr. Trafford, seconded by Mr. VanSchoick, to close the public hearing; motion unanimously carried. A motion was made by Mrs. Kazenmayer to grant a favorable resolution with the following stipulations: 1. Notification of the New Jersey Department of Transportation; and 2. The sign shall not interfere or pollute the adjoining residential areas (only the sign is to be illuminated). The motion was seconded and carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Trafford, VanSchoick and Brittle. "No" none.

RESOLUTION 4-91 - Ronald Dana - 365 Beachfront - The Board Attorney read the favorable resolution. A motion was made by Mr. Burke to memorialize the favorable resolution; the motion was seconded by Mr. Brittle and carried by the following vote: "Yes" Board Members Bogan, Burke and Brittle. "No" Board Member VanSchoick. "Abstain" Board Members Kazenmayer and Trafford.

RESOLUTION 5-91 - Richard and Laurie Brandon - 414 Beachfront - The Board Attorney read the resolution denying the relief sought in the application. A motion was made by Mr. Burke to memorialize the denial; Mr. Byrnes stated that in order to vote on this motion, a Board Member needed to have voted for the resolution of denial at the June meeting. After a brief recess at the request of counsel, a roll call check showed that the only Board Member present at the July meeting who had voted for the denial at the previous meeting was Mr. Burke. Thus, Mr. Byrnes stated, the motion would need to be tabled until the next meeting as Mr. Burke could not second his own motion.

RESOLUTION 6-91 - Estelle Stoedter - 72 Church Street - The Board Attorney read the favorable resolution. A motion was made by Mr. VanSchoick to memorialize the favorable resolution; motion seconded by Mr. Bogan and carried by the following vote: "Yes" Board Members Bogan, VanSchoick and Brittle. "No" none. "Abstain" Board Members Burke, Kazenmayer and Trafford.

Virginia and Robert Andrews, 45 Allen Avenue, requested a copy of the resolution which had been memorialized.

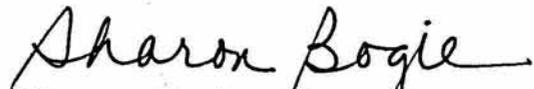
OLD AND NEW BUSINESS - The Board Members discussed the possibility of having a member of the Manasquan Planning Board attend a Board of Adjustment meeting for explanation of the Master Plan, and, in particular, Master Plan projections for the beachfront area.

Dr. Thomas Tallon , applicant, requested to be able to address the Board about his application. He was told that the resolution, which denied the application, was being tabled until the next meeting. He then asked about the process for re-applying to the Board at a future date.

The Board also addressed correspondance and the payment of vouchers.

There being no further matters on the agenda, a motion was made, seconded and unanimously carried to adjourn at 9:42 p.m.

Respectfully submitted,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk



MANASQUAN ZONING BOARD OF ADJUSTMENT
AGENDA

On Wednesday, August 21, 1991, 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:

APPLICATION 11-91 - Robert Scerrato - 373 Beachfront

APPLICATION 12-91 - W. Mark Horvath - 415 Beachfront

RESOLUTION 5-91 - Richard and Laurie Brandon/Dr. Thomas Tallon
- 414 Beachfront

RESOLUTION 7-91 - Richard and Lorraine Peters - 573 Pike Avenue

RESOLUTION 8-91 - Marilyn and Joseph Esposito - 64 First Avenue

RESOLUTION 9-91 - John and Elizabeth Burke - 49 Fletcher Avenue

RESOLUTION 10-91 - 2534 Holding Corporation (Elks Lodge) - 17
Stockton Lake Boulevard

OLD BUSINESS

NEW BUSINESS

(Work session held following regular agenda matters)

Yours truly,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 8/2/91

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk



MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
AUGUST 21, 1991

The regular meeting of the Manasquan Zoning Board of Adjustment was conducted August 21, 1991 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey. The meeting was called to order at 7:30 p.m. by Board Chairman Edward Lyons.

Mr. Lyons asked all in attendance to join him in the Salute to the Flag. He then stated that the meeting was an Open Public Meeting held in accordance with the Open Public Meetings Act and had been published according to law.

ROLL CALL : Present - Board Members James F. Bogan Jr., John Burke, Edward Lyons, Alma Roberts, James VanSchoick and Robert Brittle.

Absent - Board Members Margaret Kazenmayer, Christopher Trafford.

A motion was made, seconded and carried unanimously to approve the minutes of the July 17, 1991 Manasquan Board of Adjustment meeting.

APPLICATION 11-91 - Robert Scerrato - 373 Beachfront - William Byrnes, Board Attorney, marked the file and swore in Mr. Robert Scerrato, owner of the subject property.

The Board, Board Attorney and applicant began to discuss the application, which requested relief so that the existing second floor deck in front the of dwelling could be extended by 27".

The building permit had been denied by Mr. Albert P. Ratz Jr., Construction Official, under the following section of the Code of the Borough of Manasquan: 107-27 (front yard setback - 15 feet required, 10 feet proposed; and sideyard setback - 5 feet required, 1.4 feet proposed and existing north and 1.68 proposed and existing south). A hardship variance would be required.

The property is located in a R-4 zone and flood zone requirements are not applicable.

Mr. Scerrato stated the reasons why he wished to extend the deck. He stated that when the second floor deck was built, it was "pitched down real steep", which contributed to runoff

and flooding problems. He stated that the 27 inches would help that problem as well as provide extra shade for the first floor deck area.

It was noted that the deck did not encroach on borough property.

Mr. Scerrato stated that he bought the house in 1983. The land, however, he stated, was affected by riparian rights.

Mr. Scerrato gave a brief history of the house and construction that had been done to it. He stated that the center section of the house was moved from the downtown area in 1919; the front and two back sections were later added.

The sideyards were discussed. Mr. Burke also asked whether there was access from the upper deck to the ground floor; Mr. Scerrato stated there was no access and there would not be.

Mr. Scerrato stated he already had a permit to replace the existing ground deck. The Board expressed questions about the ground deck and whether that permit should have been issued. Mr. Byrnes asked the applicant whether he wished to amend the application to include a variance for the lower deck; Mr. Scerrato stated he would like to amend the application.

Mrs. Mary Lou Scerrato was sworn in to offer testimony regarding the ground level deck, which was built in 1983.

A motion was made by Mr. VanSchoick and seconded by Mr. Burke to conduct a site inspection on August 24, 1991, 9 a.m. The motion was carried by the following vote: "YES" Board Members Bogan, Burke, Lyons, Roberts, VanSchoick and Brittle. "NO" none.

The public hearing was not closed and the applicant waived time limitations under Land Use laws.

APPLICATION 12-91 - W. Mark Horvath - 415 Beachfront - Mr. Byrnes marked the file and swore in W(illiam) Mark Horvath, Gordons Corner Road, Manalapan, owner of the subject property; and Dean J. Daley, Robbinsville, architect on the project.

The Board, Board Attorney, applicant and applicant's architect discussed the application, which requested relief so that the upper level of the house could be renovated and the house could be expanded in the front and the rear as to convert the structure from a two bedroom to a three bedroom house. The second floor is presently a partial second floor. The subject property has

two houses, 415 Beachfront and 414 First Avenue; the work would be done at the 415 Beachfront address.

The permit was denied by Mr. Albert P. Ratz, Jr., Construction Official, under the following sections of the Code of the Borough of Manasquan: 107-11 (one single family dwelling permitted per lot. This lot has two dwellings), 107-27 (sideyard setbacks 5' required - 2.7 and 4.0 existing - this will not be increased), and 107-82.A.(4) (no non-conforming building to be enlarged without a variance). A use variance would be required.

The property is located in a R-4 zone and a V-6 flood zone; it is noted that the flood zone is not applicable (less than 50 percent addition).

Mr. Horvath described the home, which is a two bedroom structure located by the inlet. He stated that the present layout (Dutch gable type roof) did not allow for use of wall-to-wall space.

Mr. Horvath submitted photographs for the Board's determination. These were also marked for evidence. He discussed the photographs, noting that the proposed new roofline is similiar to neighboring houses.

The Board also discussed setbacks for the house and neighboring properties.

It was stated that 60 square feet would be added on the ground floor and 160 square feet would be added on the upper floor.

Mr. Daley offered testimony on the project. He stated that the second floor would have an eight foot ceiling and that skylights would be installed. The attic area, it was stated, would only be used as storage.

It was noted that Mr. Horvath purchased the home in 1988; the land is still owned by American Timber Company. Mr. Horvath stated that he had spoke to American Timber Company about the project and that they would supply a letter indicating their approval of Mr. Horvath's plans.

The Board Chairman opened up comments from the public.

Mr. Noel Hood, Beachfront, asked Mr. Daley about the renovations. He also asked Mr. Daley how he established the square footage figure. Mr. Daley stated, upon reviewing his figures, another 90 square feet should be added to the total.

The existing house is 1140 square feet, it was noted.

Dr. Thomas Tallon, 414 Beachfront, stated he had no objections to the application.

A motion was made by Mr. VanSchoick to conduct a site inspection on August 24, 1991. The motion was seconded and carried by the following vote: "YES" Board Members Bogan, Burke, Lyons, Roberts, VanSchoick and Brittle. "NO" none.

The public hearing was not closed on the application.

RESOLUTION 5-91 - Richard and Laurie Brandon / Dr. Thomas Tallon - 414 Beachfront - A resolution denying the application of Mrs. and Mrs. Brandon and Dr. Talon was read by the Board Attorney. It was then stated that only Board Members Burke, Lyons and Roberts were eligible to vote to memorialize the denial, having voted for the resolution to deny at the June 19, 1991 meeting. Of the three eligible voting members, only Mr. Burke was present at the July 17, 1991 meeting; thus, his motion to memorialize the resolution of denial was tabled. The motion to memorialize the resolution was once again made by Mr. Burke; the motion was seconded by Mrs. Roberts and carried by the following vote: "YES" Board Members Burke, Lyons and Roberts. "NO" none.

RESOLUTION 7-91 - Richard and Lorraine Peters - 573 Pike Avenue - The Board Attorney read the favorable resolution for the record. A motion was made and seconded to memorialize the resolution; the motion was carried by the following vote: "YES" Board Members Bogan, Burke, VanSchoick and Brittle. "NO" none. "ABSTAIN" Board Members Lyons and Roberts.

RESOLUTION 8-91 - Marilyn and Joseph Esposito - 64 First Avenue - The Board Attorney read the favorable resolution for the record. A motion was made and seconded to memorialize the resolution; the motion was carried by the following vote: "YES" Board Members Bogan, Burke, VanSchoick and Brittle. "NO" none. "ABSTAIN" Board Members Lyons and Roberts.

RESOLUTION 9-91 - John and Elizabeth Burke - 49 Fletcher Avenue - The Board Attorney read the favorable resolution for the record. A motion was made and seconded to memorialize the resolution. The motion was carried by the following vote: "YES" Board Members Bogan, Burke, Roberts, VanSchoick and Brittle; "NO" None. "ABSTAIN" Board Member Lyons.

RESOLUTION 10-91 - 2534 Holding Corporation (Elks Lodge) - 17

Stockton Lake Boulevard - The Board Attorney read the favorable resolution for the record. A motion was made by Mr. VanSchoick, seconded by Mr. Bogan, to memorialize the resolution; motion carried by the following vote: "YES" Board Members Bogan, Burke, Roberts, VanSchoick and Brittle. "NO" none. "ABSTAIN" Board Member Lyons.

A motion was made for a recess at 9 p.m. The meeting was reconvened at 9:10 p.m. and roll call was taken: "PRESENT" - Board Members Bogan, Burke, Lyons, Roberts, VanSchoick and Brittle. "ABSENT" - Board Members Kazenmayer and Trafford.

OLD BUSINESS / NEW BUSINESS - There being no further cases on the agenda, the Board entered into its old and new business/work session.

The Board Secretary brought correspondance and vouchers to the Board's attention.

It was stated that a discussion of the by-laws would be conducted at the September 18, 1991 meeting. Copies of the by-laws were to be distributed prior to that meeting.

A motion was made by Mr. Burke to exchange meeting minutes with the Manasquan Planning Board in the spirit of establishing a flow of information between the two development boards. The motion was seconded by Mr. Lyons and carried by unanimous vote.

The Board Chairman recognized Mr. Hood. Mr. Hood asked questions regarding an application heard earlier in the evening. Mr. Byrnes stated it was not proper for the Board to discuss the application since the hearing was over and the applicants had left.

There being no further business, a motion was made, seconded and unanimously carried to adjourn the meeting at 9:20 p.m.

Respectfully submitted,

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

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

8/21/91

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:

Christopher T. Raffe

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk



MANASQUAN ZONING BOARD OF ADJUSTMENT

On Wednesday, September 18, 1991, 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:

APPLICATION 11-91 (cont.) - Robert Scerrato - 373 Beachfront

APPLICATION 12-91 (cont.) - W. Mark Horvath - 415 Beachfront

APPLICATION 14-91 - Jerry Clancy - 67-67½ Sea Girt Avenue

APPLICATION 15-91 - Richard and Laurie Brandon / Dr. Thomas Tallon - 414 Beachfront

OLD BUSINESS

NEW BUSINESS

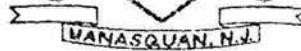
Yours truly,

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk



MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
SEPTEMBER 18, 1991

The Manasquan Zoning Board of Adjustment held its regular meeting on September 18, 1991 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan NJ.

Board Chairman Edward Lyons called the meeting to order at 7:30 p.m. and asked those in attendance to join in the salute to the flag. He then noted that it was an open public meeting held in accordance with the Open Public Meetings Act and published according to law.

ROLL CALL : Present - Board Members James F. Bogan Jr., John Burke, Margaret Kazenmayer, Edward Lyons, Alma Roberts, Christopher Trafford, James VanSchoick and Robert Brittle.

Absent - None.

A motion was made by Mr. Trafford to approve the minutes of the August 21, 1991 meeting minutes as submitted by the Board Secretary. Motion seconded by Mr. Bogan and carried unanimously.

APPLICATION 11-91 (cont.) - Robert Scerrato - 373 Beachfront - Board Attorney William Byrnes recognized Mr. Robert Scerrato, applicant. It was noted that Board Members Trafford and Kazenmayer had listened to the tapes of the August 21, 1991 meeting and were thus eligible to vote. It was also noted that a site inspection had been conducted on the property.

There being no further questions from the Board or public, a motion was made, seconded and unanimously carried to close the public hearing on the case.

A motion was made by Mr. Bogan to approve the application. Motion seconded by Mr. Trafford and carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Lyons, Roberts, Trafford, Van Schoick. "No" none.

APPLICATION 12-91 (cont.) - W. Mark Horvath - 415 Beachfront - The Board recognized Mr. Horvath, applicant, and Mr. Dean J. Daly, architect.

It was noted that a site inspection had been conducted.

Mr. Burke questioned the square footage increase of the project.

It was stated that it was a 26 to 27 percent increase.

Mr. Horvath submitted a letter from American Timber Company stating that they "saw no problem" with Mr. Horvath's project (it had been noted at the August meeting that Mr. Horvath owned the house but American Timber Company still owned the land). The letter was marked A-11 for the file.

The Chairman opened the floor to questions and comments from the public. Mr. Noel Hood, 161 Beachfront, had questions regarding the foundation and its ability to support the structure. Mr. Hood also asked what the estimated cost of the added structure plus the remodeling of the new structure. It was stated that it would be between \$ 50-60,000. Mr. Hood asked if Mr. Horvath was aware that improvements costing over 50 percent of the assessed value of the structure would have to be put on pilings. Mr. Horvath stated that the cost he projected would include contractors; since he was doing most of the work himself, it would be less, approximately \$30-40,000. Mr. Hood stated that the house is assessed at \$38,500 and noted it had been appealed. Mr. Horvath stated there had not been an appeal on the house this year and that last year's appeal had been turned down. It was also noted that the denial issued by Mr. Albert P. Ratz Jr., Construction Official, stated that the flood zone was not applicable.

Mr. Hood read Ordinance 10-66, dated April 24, 1978, which stated that the ruling is based on market ("true") value of the house.

Mr. Byrnes stated that he was acquainted with the issue and that correspondence had been exchanged between himself and Borough Attorney Kenneth Fitzsimmons on the very topic.

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

The Board, after discussion, determined that they needed more information regarding the "50 percent rule" and the foundation. Mr. Byrnes also suggested that some sort of estimates in writing be submitted for the Board's consideration. A motion was made by Mr. Burke to carry the application until the October 16, 1991 meeting. The motion was seconded by Mr. Trafford and carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Lyons, Roberts, Trafford, VanSchoick and Brittle. "No" none.

APPLICATION 14-91 - Jerry Clancy - 67-67 $\frac{1}{2}$ Sea Girt Avenue - The Board Attorney recognized Mr. Mark Troncone, attorney for Mr. Clancy, 1872 Crimson Lane, Santa Rosa, CA. and owner of the subject property. Mr. Troncone stated that Mr. Clancy was

unable to attend because he now lives in California. Mr. Troncone introduced Mr. James Kuhn, surveyor on the project. Mr. Byrnes marked the file and swore in Mr. Kuhn.

The Board, Board Attorney, Mr. Troncone and Mr. Kuhn discussed the application, which requested relief so that the private swimming pool on the property, which has two houses, could remain. Construction of a pool in a two-family situation is prohibited under the Code of the Borough of Manasquan. It was stated that the pool had been allowed under Manasquan Board of Adjustment Resolution 4-84. Under Condition 2 of the resolution, however, it is stated "the pool must be dismantled and removed in the event that anyone other than the applicants resides on the subject premises." The property is zoned R-2.

Mr. Troncone gave a brief background of the property and circumstances. He stated that the property belongs to Jerry Clancy and his mother Frances Clancy and that the Clancys wished to sell the property. It was when they went to sell the property that they remembered the pool removal condition. Mr. Troncone explained that the potential purchaser wished to retain the pool. The pool would remain in the same place and not be enlarged.

Mr. Troncone stated that the neighborhood has not changed "substantially" since the first resolution was granted except for the construction of condominiums on Old Squan Road, along side the Clancy property.

Mr. Burke stated that paragraph three of Resolution 4-84 noted that the Board granted the original resolution because of the mother-son situation (one family living in two houses). He commented that once the house is sold, that situation no longer exists. Mr. Burke also asked whether the Board could grant such relief when it is against the borough code. Mr. Burke also expressed reservations about the Board granting relief when there was no indication of what the situation would be once the property is sold; ie, would there be a rental on the property?

It was noted that the setback requirements had been met. It was also stated that no permits had been applied for regarding the pool so there was no denial from the Construction Official.

Options were discussed, such as separating the pool from the rear house by a fence. It was also noted that a fence surrounded the entire property.

Mr. Burke once again stated that the selling of the property would change the spirit of Resolution 4-84 and, in his opinion,

a new variance would be required and testimony from the prospective purchasers would be pertinent.

Mr. Troncone stated he was seeking relief from condition number two of Resolution 4-84 and that he was asking the Board to change those conditions to allow for the sale of the property and the use of the pool by the new owners. Mr. Byrnes asked if Mr. Troncone, on behalf of his client, would like to amend the application to request relief so that pool could remain regardless of whether or not the property remained as a mother-son situation. Mr. Troncone asked for such an amendment.

Mr. Troncone stated that he will have the potential purchasers and their attorney available at the next meeting to answer questions from the Board.

A motion was made by Mr. Burke to conduct a site inspection on Saturday, September 21, 1991 at 9 a.m. The motion was seconded by Mr. VanSchoick and carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Lyons, Roberts, Trafford, VanSchoick and Brittle. "No" none.

A motion was made by Mr. Burke to carry the application until the October 16, 1991 meeting. Motion seconded by Mr. VanSchoick and carried unanimously. Time limits under Land Use were waived. Mr. Byrnes also stated he felt a use variance was being sought.

A motion was made, seconded and unanimously carried to hold a short recess at 9 p.m. After recess roll call: "Present- Board Members Bogan, Burke, Kazenmayer, Lyons, Roberts, Trafford, VanSchoick and Brittle. "Absent" none.

APPLICATION 15-91 - Richard and Laurie Brandon/Dr. Thomas Tallon - 414 Beachfront - Mr. Kevin Thomas, attorney for the applicant, was recognized by Mr. Byrnes. Mr. Byrnes marked the file.

The Board Secretary summarized the application, which requested relief from Sections 107-11 (not a permitted use) and 107 - 27 (Schedule of Limitations - sideyard setback 5' required, 3' proposed; front yard setback 10' required, 0' proposed - no variance required - see section 107- 31A) of the Code of the Borough of Manasquan. Relief was requested so that a second house could be built on a lot with an existing house, which would remain. The lot is zoned R-4.

It was noted that the Board had denied an application by Dr. Tallon and the Brandons regarding the subject property under Resolution 5-91 at the August 21, 1991 meeting.

Mr. Byrnes then addressed three of the Board Members individually

about contact which they had with Dr. Tallon and the Brandons over the course of the original application and prior to this hearing. Mr. Byrnes asked Mr. Lyons about the circumstances behind an encounter he had with Dr. Tallon. Mr. Lyons stated that Dr. Tallon initiated a conversation with him at the Elks meeting. Mr. Lyons stated that Dr. Tallon asked him why the application was denied and what could be done, both questions in reference to the first application. Mr. Lyons replied that he could not tell him what had to be done and that he would have to see his lawyer. Mr. Byrnes asked Mr. Lyons if he felt he could still fairly and impartially judge the new application and that his judgement is no way prejudiced; Mr. Lyons stated he could judge the case. Mr. Byrnes asked Mr. Lyons if the fact that Dr. Tallon had approached other members of the Board would affect his ability to judge the case. Mr. Lyons stated it would not. Responding to Mr. Byrnes, Mr. Lyons stated that Dr. Tallon did not discuss the new application.

Mr. Byrnes then addressed Mrs. Roberts, who, upon questioning from Mr. Byrnes stated that Dr. Tallon had approached Mrs. Roberts' parents on two different occasions while Mrs. Roberts was not home. Under questioning by Mr. Byrnes, Mrs. Roberts stated she felt she could judge the case without prejudice with regards to the encounters and the approaching of other members.

Mr. Byrnes then questioned Mr. Burke about his encounters with Dr. Tallon and the Brandons. Mr. Burke stated there had been four encounters: one between Dr. Tallon and Mr. Burke, one between Mr. Burke's mother and Dr. Tallon, two between Mr. Brandon and Mr. Burke and one between Mr. Burke and the Brandons. The first encounter was with Dr. Tallon at Mr. Burke's house, where, Mr. Burke stated, Dr. Tallon made comments about the parking situation and lot coverage; there was no attempt to discuss the Tallon - Brandon application, however, according to Mr. Burke. Mr. Burke then discussed the encounter between Mrs. Burke and Dr. Tallon. Mr. Burke stated his mother told him that Dr. Tallon pulled his car up to the Burke house and talked to Mrs. Burke from the car, once again bringing up parking and lot coverage on the Burke property. No other member of the Burke family had been contacted to his knowledge, Mr. Burke stated. Mr. Burke then stated that after a Board site inspection at a neighboring house, Mr. Brandon approached Mr. Burke. Mr. Burke stated he told Mr. Brandon about the contact he and his mother had with Dr. Tallon. About 30 minutes later, Mr. Burke stated, the Brandon arrived at the Burke house, first speaking to Mr. Burke's wife and then to Mr. Burke. Mr. Burke stated they had apologized but that during the course of the conversation the new application had been brought up by Mr. Brandon, asking what they could do about the new application, whether it would be passed and what needed to be changed to

have it pass. Mr. Burke told the Brandons he could not talk about the application and the conversation ended. Upon questioning from Mr. Byrnes, Mr. Burke stated that his ability to judge the case fairly, impartially and without prejudice was not affected by the encounters he and his family had with Dr. Tallon or the Brandons, nor the encounters the other Board Members reported.

Mr. Byrnes asked each of the remaining Board Members whether their ability to fairly or impartially judge the application has in any way been prejudiced because of the applicants' attempts to contact other Board Members. Mrs. Kazenmayer, Mr. VanSchoick, Mr. Bogan, Mr. Trafford and Mr. Brittle each stated that their ability to hear the case was not affected.

Mr. Byrnes addressed his memo to the Board dated September 11, 1991, which detailed the differences between applications 5-91 and 15-91. In the memo it was stated that the following items remained the same from the first application: footprint of the building, first floor plan (labeled basement plan), second floor plan (labeled first floor plan), first floor (basement square footage, second floor (first floor) square footage, height of building, lot coverage, garage area sideyard setback violations (both sides) and frontyard setback violations. The third floor plan (labeled as second floor), however, had been changed; the size of the master bedroom had been decreased and the other two bedrooms on that floor had been combined. This brought down the top floor's square footage from 720 to 702 square feet (total living area from 1827 to 1809 square feet). It was noted that the applicant was now calling this floor a half story because of a change in the roof line. Mr. Byrnes stated in his opinion a substantial change had not been made from the prior application. Because of the roofline change, which brings the floor into a half story definition, Mr. Byrnes stated, the Board should hear the application and make its determinations.

Mr. Byrnes also addressed the memo submitted by John H. Deppeler III, attorney for James and Jane Swift, 412 First Avenue, objectors to the application; this memo had been marked OS-1 for the file. Mr. Byrnes stated that the memo brought forth the issue of res judicata. He then explained the principle of res judicata, stating "a matter once decided is finally decided. Final judgement on the merits is conclusive. As to the rights of the parties it constitutes an absolute bar to a subsequent action involving the same plan, demand or course of action."

Mr. Byrnes also noted that Mr. Deppeler had cited three cases in his memo and that Mr. Deppeler should be allowed to present

his legal arguments. After Mr. Deppeler's presentation, Mr. Thomas would be allowed to present his case and then Mr. Byrnes would make his determinations for the Board.

Mr. Deppeler commented on the similarities between the two applications and noted in his memo that "in the instant application there is no time lag and therefore no change in the surrounding circumstances, and there are no substantial differences between the pending application and the one denied less than a month ago." He stated that the matter had been before the Board and the Board had made its determination.

Mr. Thomas made his comments, stating that there are points of analysis in determining res judicata, one being time and the other being substance. He stated there is a substantial change in the application. Mr. Thomas stated that this application depicts a two and a half story, two bedroom house rather than a three story, three bedroom house.

Mr. Byrnes then summarized case law regarding res judicata and stated that the Board must be guided by these findings of the New Jersey Supreme and Appellate Courts.

Mr. Byrnes first cited Peretti vs. Bloomfield, 35 NJ 382 (1961). He stated that the applicant had been denied 1944; they reapplied 14 years later to erect a larger industrial building in a residential zone on the same property which had been subject of the 1944 application. The Supreme Court maintained that res judicata applied in situations like this when it was the "same owner and same property are involved in the second application, and the second application is substantially similar to the first both as to the application itself and the circumstances of the property involved."

Mr. Byrnes then read the reasons for denial of Resolution 5-91, including the building of a second dwelling on one lot, the number of stories, the pre-existence of setback violations, the projected setback violations for the new house, detriment to surrounding area, the borough in general and its zoning plan and adverse affects on light and air.

Next Mr. Byrnes discussed Mazza v. Board of Adjustment of Linden, 83 NJ Super 494 (App Div. 1964), app. dismissed 47 NJ 161 (1966). In that decision, the Appellate Division held that the issue of whether an application is to be rejected on the grounds of res judicata is for the Board itself to determine, Mr. Byrnes explained. Even if the application is closely similar to the previous application or identical, he continued, but it is alleged that the surrounding circumstances have changed, it is within the Board's discretion to reject the application on

the grounds of res judicata and the exercise of that discretion may not be overturned on appeal in the absence of the showing of reasonableness. If the Board finds that there are substantial differences between the two applications, Mr. Byrnes stated, it would be improper to reject the application on the grounds of res judicata.

The third case cited by Mr. Byrnes was Russell v. Board of Adjustment of the Borough of Tenafly, 53 NJ Super 539 (AppDiv. 1959) reversed 31 NJ 58 (1959). The applicant in that case applied for a variance from front yard and square foot requirements and was denied. Four years later he reapplied for same relief, moving the structure five feet but still violating the setbacks. The ground floor was also made somewhat smaller. The court found that the distinctions between the two applications so insubstantial as to make the second, in effect, a resubmission of initial application.

Mr. Byrnes stated that the Board, in order to determine the differences between the cases, should hear testimony from the applicants and their witnesses. If, after the applicants' testimony, the Board decides that 15-91 is "identical or substantially similiar" to Application 5-91, a motion should be made to deny the application under res judicata. If that motion is carried and passed, the application is over, Mr. Byrnes stated; if that motion fails, the application would continue with the Board making its findings after testimony from opposition and public.

The Mazza and Russell cases both involved residential buildings, Mr. Byrnes stated.

Mr. Deppeler requested that the file for Case 5-91 be marked as evidence. Mr. Byrnes marked the file as J (Joint Exhibit)-1. Mr. Byrnes noted the contents of the previous file for the record. The photographs submitted in the first application were remarked (previously A-11, A through D, now A-8, A through D) for the new application.

Mr. Thomas stated that Cathy Zuckerman, architect, was unable to be at the meeting. Since her testimony would be pertinent to determining substantiality, Mr. Thomas asked if the hearing could be carried to the October 16, 1991 meeting so she could attend. Mr. Deppeler stated he had no objection. The Board did not believe another site inspection was necessary. Time limits under Land Use were also waived.

A motion was made by Mr. Burke, seconded by Mr. VanSchoick, to carry the application until the October 16, 1991 meeting. Motion carried by unanimous vote.

Mr. Byrnes asked that the Board Secretary try to get down as best as she could the instructions given to the Board and the arguments and legal positions of the attorneys. He also asked Mr. Thomas to instruct his clients not to make contact with the Board Members.

OLD BUSINESS / NEW BUSINESS - The Board entertained a request by attorney Kevin Thomas on behalf of his client John Shawn Tawgin, John Shawn Photographers, Sea Girt Avenue, to come before the Board to change a previously granted resolution (9-89). Mr. Thomas explained that he was unable to get an application pending as he had indicated in his letter because of difficulties with plans. Mr. Thomas stated it was "substantially different" than the original application. Mr. Thomas asked for another extension through December 1, 1991 so he can get on the Board agenda. Mr. Thomas explained that these plans will remove 1200 square feet from the prior plans. The Board agreed to schedule a new hearing on the application as soon as the proper materials were submitted.

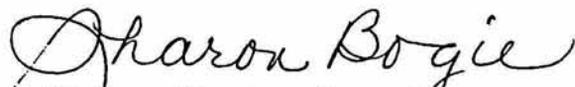
The Board then discussed changes in their by-laws. After specific changes were noted, the Board asked the Board Secretary to prepare a memorandum listing those changes.

The Board also discussed asking Mr. Albert P. Ratz, Jr., Construction Official, to attend a Board meeting to answer questions about flood zone determinations.

The Board Secretary brought correspondance and vouchers to the Board's attention.

There being no further matters on the agenda, a motion was made, seconded and unanimously carried to adjourn at approximately 11 p.m.

Respectfully submitted,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk



October 11, 1991

MEMORANDUM

TO: Manasquan Board of Adjustment members and counsel
RE: Changes in the By-laws for the Board

Dear Board Members and Counsel:

The following are prospective changes in the by-laws which the Board discussed at the September 19, 1991 meeting:

ARTICLE III, Section 1 (pg.II)

"Regular meetings shall be held on the third Wednesday of each month at 7:30 p.m. in the Borough Hall, unless such day shall be a recognized holiday. In that event...."

ARTICLE IV, Section 1 (pg. III)

"All meetings of the Board shall proceed as follows:

- a. Statement of the presiding officer concerning notice, as required by the "Open Public Meetings Act".
- b. Salute to the Flag
- c. Roll Call and declaration of quorum
- d. Reading and approval of minutes of previous meeting
- e. Hearing of continuing applications
- f. Hearing of new applications
- g. Approval of pending resolutions
- h. Completion of unfinished business
- i. New business
- j. Reports of committees
- k. Adjournment

ARTICLE 5, Section 5 (pg. V)

"If the applicant is seeking subdivision, site plan or conditional use...."

ARTICLE 5, Section 6 (pg. VI)

"....Applications for appeals may be filed with the accompanying applications for variances, subdivision, site plan and conditional use approvals."

ARTICLE VII, Section 6 (pg. XI)

".... Any person may obtain a transcript of a verbatim record, if one is made, by paying a fee set by the transcriber . A deposit of no less than \$300.00 shall be paid upon ordering the transcript, which amount...."

In addition, Mr. Byrnes will be writing up a paragraph regarding Board policy on extension of resolutions and he will be checking case citations in ARTICLE VII, Section 3 (re: quorums).

Yours truly,

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

MEMORANDUM

TO: Chairman and Members Manasquan Zoning Board of Adjustments
FROM: William Byrnes, Esq.
DATE: October 11, 1991
RE: Amendments to By-Laws

Dear Mr. Chairman and Board Members:

Pursuant to the discussions which were held during the work session of the meeting of the Board on September 18, 1991 the following amendments and changes to the by-laws for the Zoning Board of Adjustment for the Borough of Manasquan are hereby proposed for review and approval by the Board at the meeting of October 16, 1991:

Proposal #1

Article IV, section 1 is hereby amended to include the following:

Extensions may be granted at the discretion of the Board subsequent to the approval and memorialization of a Resolution approving an application and prior to nine (9) months after such memorialization. The extension may be granted by the Board in any case for good cause shown after the Applicant has given proper legal notice to all property owners within 200 feet of the subject and given testimony before the Board as to the reasons for the extension. The Board may hear testimony only as to the request for the extension and may not review the merits of the original application.

I was also instructed to conduct legal research as to the applicability and updating, if necessary, of the statutes cited in Article VII, section 3. All of the statutes cited are still in use and on the books and therefore no amendments or changes are necessary.

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(908) 223-0544

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk



MANASQUAN BOARD OF ADJUSTMENT
OCTOBER 16, 1991 REGULAR MEETING

On Wednesday, October 16, 1991, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Application 12-91 (cont.) - W. Mark Horvath - 415 Beachfront

Application 14-91 (cont.) - Jerry Clancy - 67-67½ Sea Girt Ave.

Application 15-91 (cont.) - Dr. Thomas Tallon/Richard and Laurie Brandon - 414 Beachfront

Application 16-91 - Donald M. Prior - 54½ Ocean Avenue

Resolution 11-91 - Robert Scerrato - 373 Beachfront

Old Business

1. Discussion of By-laws

New Business

(Work Session follows regular agenda)

Yours truly,

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated in Manasquan 10/11/91

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736



MANASQUAN ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES

OCTOBER 16, 1991 - MANASQUAN BOROUGH HALL, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held its regular meeting on Wednesday, October 16, 1991 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 this was an open public meeting held in accordance with the Open Public Meetings Act and had been published according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL - present: James F. Bogan Jr., John Burke, Margaret Kazenmayer, Edward Lyons, Alma Roberts, Christopher Trafford, James VanSchoick, Robert Brittle and Jack Langella.

absent : None.

The Board welcomed new member Jack Langella, who will be second alternate to the Board. Board Attorney William Byrnes administered the oath to Mr. Langella.

A motion was made by Mrs. Kazenmayer to approve the minutes of the September 18, 1991 meeting as submitted by the Board Secretary. The motion was seconded and unanimously carried.

APPLICATION 12-91 (cont.) - W. Mark Horvath - 415 Beachfront - Mr. Kevin Thomas stepped forward to state he was now acting as counsel for Mr. Horvath.

A brief review of matters from prior hearing on the application was noted. Mr. Thomas stated that the board wanted Mr. Horvath to submit an opinion of a licensed engineer concerning the foundation and its ability to hold the projected renovations. A letter to this effect from Ravel Engineering Company was offered as evidence and marked as A-12. A letter dated October 15, 1991 from Albert R. Ratz, Jr., Construction Official, was marked A-13. The letter stated that Mr. Ratz had reviewed the plans presently before the Board as related to the 50 percent rule and found the plans submitted for denial were "substantially different" than those before the Board. Mr. Ratz stated that additional information had been submitted, but he needed more time to review and possibly contact FEMA. He asked for more time to tend to these matters.

Mr. Thomas, referring to Exhibit A-12, stated that Mr. Ravel concludes the existing superstructure and foundation would be

able to sustain the loads projected by the renovations "with a few modifications."

Responding to Mr. Ratz's letter, Mr. Thomas stated that Mr. Horvath was not looking for a variance from the pilings. He also stated that the Board could consider the application subject to Mr. Ratz's determination on the 50 percent rule.

Mr. Thomas, Mr. Horvath and the Board discussed the options and the two sets of plans which had been submitted. Time constraints were also discussed in view of the possibility that Mr. Horvath would need to come back with new plans.

Mr. Thomas agreed that the case should be held until the November 20, 1991 meeting and waive the time limitations.

Mr. Byrnes noted that a memo had been provided to the Board regarding flood regulations.

APPLICATION 14-91 (cont.) - Jerry Clancy - 67-67 $\frac{1}{2}$ Sea Girt Avenue - John Jackson from the law firm Kittrick, Jackson and Troncone introduced himself as counsel for Jerry Jr. and Frances Clancy, owners of the subject property. A review was conducted regarding the reasons for the appearance before the Board (continuance of a variance which allowed for a pool on property with two dwellings. A condition of the variance called for the dismantling of the pool in the event that the property was sold).

Mr. Jackson noted that the prospective purchasers were also a family situation, with the one sister and her family living in the house and the other sister dwelling in the second house.

Mr. Jackson brought forward the prospective purchasers, Bernadette and Kerry Slattery, 151 Fairview Avenue, Jersey City, and Patricia McKeon, 169 Fairview Avenue, Jersey City, Mrs. Slattery's sister. They were sworn in by Mr. Byrnes.

Mr. Burke stated that the prior resolution stated the pool shall be located at least five feet away from the fence which enclosed it; Mr. Burke stated that this was not the case. Mr. Trafford noted the deck and asked to know whether the deck was considered as part of the pool.

The Board then discussed the prior resolution and the wording of this resolution.

It was also noted that no one was occupying the house yet there was water in the pool and the gate was open.

The prospective purchasers stated they were buying the property jointly and liability on the pool will be covered by insurance.

Mr. Burke stated that the new resolution should have the same conditions as the prior one.

The Board discussed the gate and fence, as well as the requirement of a self-closing, self-latching lock.

Mr. Burke also emphasised that the pool could remain only if a family situation existed.

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

Mr. Trafford noted the problems with the fence and gate . He stated he did not know whether the present owner must upgrade the fence but that he did not feel he could extend the variance unless it is fixed. Mr. Jackson stated he did not feel it was necessary to put that (the upgrading of the gate, fence to code) as a condition. He suggested that the prospective owners would be the ones to fix the violations. Mr. Byrnes suggested that Mr. Jackson would find it in his client's best interest to contact Mr. Clancy about the violations so they would be fixed; Mr. Jackson stated that he would be in contact with Mr. Clancy in the morning to inform him of the situation.

Mr. Burke stated he felt it (the location and accessibility to the pool) was a dangerous situation and an enticement to children. The Board discussed its options and made notes of the property dimensions and location of the pool on the property (along with the pool's proximity to the fence and sideyards).

A motion was then made by Mr. Trafford to approve the application (continuation of the 1984 variance in regards to family status) as long as it meets all code requirements.

Mrs. Roberts then asked whether either house could be rented; Mr. Burke stated that the pool would have to be taken down.

Mr. Bogan seconded Mr. Trafford's motion; Mr. Lyons asked for the motion to be repeated. Mr. Trafford moved to continue the 1984 variance as long as all existing code requirements are brought up to date; Mr. Trafford stated that means the family use is continued, the pool can be continued to be used and the property could not be rented. The fence would need to be moved to meet the prior resolution requirements and current code. Mr. Byrnes clarified the motion, noting that if the property

is transferred at a future date, the prospective purchasers at that time would need to seek a continuance of the variance if they wished to keep the pool. The motion was seconded by Mr. Bogan and carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Lyons, Roberts, Trafford and VanSchoick. "No" none.

A motion was made by Mr. Burke for a five minute recess; motion seconded by Mr. Lyons and carried unanimously. After recess roll call: "Present" - Board Members Bogan, Burke, Kazenmayer, Lyons, Roberts, Trafford, VanSchoick, Brittle and Langella.

APPLICATION 15-91 (cont.) - Dr. Thomas Tallon/Richard and Laurie Brandon - 414 Beachfront - Mr. Byrnes recognized Kevin Thomas, counsel for the applicants. He then addressed a letter from Mr. Thomas regarding his legal stand on res judicata and the pertinent case law. It was noted that the burden of proving res judicata falls on the opposition and that in in a close case, the Board should "rule that the doctrine of res judicata does not bar the pending application per Russell v. Board of Adjustment of the Borough of Tenafly, 53 NJ Super 539 (AppDiv. 1959) reversed 31 NJ 58 (1959).

Mr. Byrnes addressed his memo to Mr. Thomas regarding a meeting Mrs. Brandon had with Construction Official Albert P. Ratz, Jr. Mr. Byrnes asked that the Board Members be polled to ask whether they felt they could still judge the case based on this incident. Each stated they could judge the case.

Cathy Zuckerman, Oakhurst, architect on the project, was sworn in by Mr. Byrnes. Mrs. Zuckerman testified about the differences between the plans submitted under Application 5-91 and those submitted under Application 15-91. She stated that the plans under the previous application called for a three story structure with three bedrooms; now, she explained, the plans showed a two and a half story, two bedroom structure. The square footage of usable space was also decreased from the previous plans by approximately 70 - 100 square feet. It was noted that the roof's pitch was brought down to allow for the half story designation.

It was noted that all other requests for relief remained the saem between the two applications.

John Deppeler, attorney for Jane and James Swift, 550 Riverside Drive, opposers to the application, cross examined Mrs. Zuckerman. Under the cross examination, she stated that the height of the building, the garage and first floor application areas and the lot coverage were the same in the second application as

in the first application. He referred to the various reasons for denial of the first application and asked Mrs. Zuckerman if they were still applicable; Mrs. Zuckerman stated that the requests for relief, with the exception of the third story, would remain the same.

The Board Members questioned Mrs. Zuckerman about such aspects as square footage and designation of stories vs. levels on the new plans. Under questioning from Mr. Burke, Mrs. Zuckerman stated that the dormers would be set in six inches.

Mr. Thomas redirected questions to Mrs. Zuckerman. He asked whether any type of house could be constructed on the property without these types of variances; Mrs. Zuckerman stated no. Mrs. Zuckerman said that the intention of the half-story was to scale the house down.

Under further questioning from the Board and Board Attorney, it was also noted that the deck was not incorporated into the lot coverage calculations. Elevations were also noted.

There were no questions of Mrs. Zuckerman from the public.

The Board and Board Attorney then discussed procedure which would be taken regarding res judicata.

Mr. Thomas offered his legal position regarding res judicata. He stated that the Board had rejected during the first application was a three-story house. He stated that he felt that had been the main concern and that the other reasons cited for denial (such as setbacks) would be in effect no matter what kind of house would be built there.

"It violated a provision of the code (prohibition of homes about two and a half stories) which the Board felt was significant," Mr. Thomas stated.

Mr. Thomas stated that Mrs. Zuckerman did not think she would be able to bring the house down to two and a half stories, but ultimately was able to.

"The consequence of having gone back and having found she could is not merely form over substance.... they lost a bedroom, they lost functional living space," stated Mr. Thomas, who stated that Application 15-91 was not substantially the same or identical to the prior application because it addressed the main concern of the Board.

Mr. Deppeler stated that, in his opinion, the application is

substantially the same. He cited the square footage figures being similiar between the two applications and stated that the pricniple of res judcata was to protect the Board from having to hear the same application "over and over again." He stated that Resolution 5-91 gave reasons other than the house being three-stories for denial. He also noted the height of the building was still the same.

Mr. Byrnes then offered instructions to the Board regarding case law and the principles of res judicata.

The cases of Perretti v. Bloomfield, 35 NJ 382 (1961) and Mazza vs. Board of Adjustment of Linden, 83 NJ Super 494 (App Div. 1964), app. dismiss'd 47 NJ 161 (1966), as well as the Russell case, were once again cited as pertinent case law by Mr. Byrnes.

The reasons for denial of Resolution 5-91 were also read. It was also noted that a simple majority of the board members would establish whether it was a case of res judicata.

A motion was made by Mrs. Roberts that res judicata does not apply. The motion was seconded and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Roberts, Trafford, VanSchoick; "No" Board Members Bogan and Burke.

Testimony then commenced on the merits of Application 15-91. Dr. Thomas Tallon, 413 Beachfront, owner of the subject property, was sworn in. He stated that he, his daughter Laurie, Laurie's husband Richard Brandon and their son live in the house with him; during the summer, he noted, other family members are also in residence. He indicated that he had consented to the plans to build a second house on the property, which would be for the Brandons. Mr. Deppeler then cross examined Dr. Tallon.

Richard and Laurie Brandon, also 413 Beachfront, were sworn in. The photographs which had been part of Application 5-91 (it had been noted that the prior file had been marked J-1 for reference in the Application 15-91) were resubmitted and discussed. Mr. Brandon testified regarding the character of the neighborhood and stated that there were approximately three properties in the area with only one house on the parcel. Mrs. Brandon, referring to the photographs which she had taken in May 1991, testified about prevailing sideyards and setbacks in the neighborhood.

The Brandons discussed their proposal, stating that the projected home would have two and a half stories; a two car garage would be on the first level, kitchen and living room on the second

level and two bedrooms on the third level (half story). Sideyards and setbacks from First Avenue were also noted.

Mr. Deppeler cross-examined the Brandons, asking whether the property would be put in their name. Mrs. Brandon stated that the property belonged to her father and could not be subdivided, but that their name would be placed on the deed if required. Mr. Deppeler also asked about the proposed deck; the Brandons stated it would be approximately 20 percent larger than the present deck and would touch both houses (there is nine feet, six inches between the two houses, it was noted).

A motion was made, seconded and carried for a recess; post recess roll call: "Present" Board Members Bogan, Burke, Kazenmayer, Lyons, Roberts, Trafford, VanSchoick, Brittle and Langella. "Absent" none.

After the recess a motion was made by Mr. Bogan and seconded by Mr. Trafford to set a time limit of 11 p.m. on the meeting. The motion was defeated by the following vote: "Yes" Board Members Bogan and Trafford; "No" Board Members Burke, Kazenmayer, Lyons, Roberts, VanSchoick, Brittle and Langella.

Mr. Deppeler called his client, Mrs. Jane Swift, 550 Riverside Drive, to testify. Reading a statement, Mrs. Swift expressed concerns that the proposed house would affect light and air on her property at 411 Beachfront/412 First Avenue. She also stated that views from that property would be obstructed and overcrowding would become a problem.

Mrs. Swift was cross-examined by Mr. Thomas. Under Mr. Thomas' questioning, Mrs. Swift stated that she rents out the 411 Beachfront and 412 First Avenue houses.

The Board Chairman opened the floor to public comments. Patricia Horvath, owner of 414-415 Beachfront, stated she had no objection to the application and that as a real estate broker she could understand the wish to enhance the property.

Patricia Federici, 407 Beachfront - 406 First Avenue - stated she had no objections to the application.

Patricia Tallon Walsh, daughter of Dr. Tallon and sister of Laurie Brandon, asked the Board to grant the relief requested to her family.

A motion was made by Mrs. Kazenmayer to close the public hearing; motion seconded and unanimously carried.

Mr. Deppeler and Mr. Thomas then offered summations.

After discussion, a motion was made by Mr. Lyons to approve the application; motion seconded by Mr. VanSchoick and carried by the following vote: "Yes" Board Members Bogan, Kazenmayer, Lyons, Roberts, Trafford, VanSchoick. "No" Board Member Burke.

APPLICATION 16-91 - Donald M. Prior - 54½ Ocean Avenue - Mr. Byrnes marked the file and swore in Donald Prior, owner of the subject property.

The Board, Board Attorney and Mr. Prior discussed the application, which requested relief so that a 16' x 14' rear deck and outside shower privacy stall could be constructed.

Albert P. Ratz, Jr., Construction Official, denied the permit based on Sections 107-9 (not a permitted use - only one single family dwelling permitted on one lot- this lot has two houses), 107-30 (no residential structure permitted on rear of lot), and 107-27 (Schedule of Limitations. Dwelling unit has existing sideyard setback violation - 3.45 feet where 5 feet is needed).

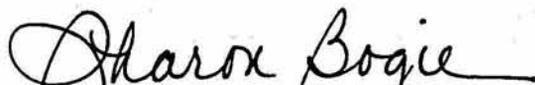
The property is located in a R-2 zone and a use variance was requested. The A-5 flood zone is not applicable.

A motion was made, seconded and unanimously carried to conduct a site inspection on October 19, 1991 at 9 a.m. Time limitations under the Land Use Law were waived.

RESOLUTION 11-91 - Robert Scerrato - 373 Beachfront - Mr. Byrnes read the favorable resolution. A motion was made by Mr. Burke, seconded by Mr. Trafford, to memorialize the resolution. Motion carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Lyons, Roberts, Trafford and VanSchoick. "No" none.

OLD BUSINESS / NEW BUSINESS - The Board Secretary submitted vouchers and correspondance. Discussion of by-laws was tabled until the November 20, 1991 meeting. There being no further matters for discussion, the motion was made, seconded and carried to adjourn at 11:56 p.m.

Respectfully submitted,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 11/14/91

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk



MANASQUAN ZONING BOARD OF ADJUSTMENT
NOVEMBER 20, 1991 REGULAR MEETING

On Wednesday, November 20, 1991, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING :

Application 12-91 (cont.) - W. Mark Horvath - 415 Beachfront

Application 16-91 (cont.) - Donald Prior - 54½ Ocean Avenue

Application 17-91 - Frank Dwyer - 196 Third Avenue

Application 18-91 - J.S. Tawgin Photographers - Sea Girt Avenue

Resolution 14-91 - Jerry Clancy, Jr. - 67-67½ Sea Girt Avenue

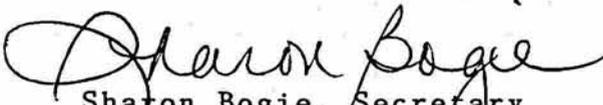
Resolution 15-91 - Dr. Thomas Tallon/Laurie and Richard Brandon-
414 Beachfront

Old Business

New Business

(Work Session follows regular agenda)

Yours truly,


Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated in Manasquan 11/14/91

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk



MANASQUAN ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES

NOVEMBER 20, 1991 - MANASQUAN BOROUGH HALL, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held its regular meeting on Wednesday, November 20, 1991 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 this was an open public meeting held in accordance with the Open Public Meetings Act and had been published according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL - present: James F. Bogan Jr., John Burke, Margaret Kazenmayer, Edward Lyons, Alma Roberts, Christopher Trafford, James VanSchoick, Robert Brittle and Jack Langella.
(Record shows Mr. Bogan left at 8:45 p.m.)

absent : None.

A motion was made by Mrs. Kazenmayer to approve the minutes of the October 16, 1991 meeting as submitted by the Board Secretary. The motion was seconded and unanimously carried.

APPLICATION 12-91 (cont.) - W. Mark Horvath - 415 Beachfront - A letter was addressed from Kevin Thomas, attorney for the applicant, asking for a postponement to the December 18, 1991. It was also noted that a letter from Construction Official Albert P. Ratz Jr. had been received stating that pilings were needed. The Board agreed to the postponement.

APPLICATION 16-91 (cont.) - Donald M. Prior - 54½ Ocean Avenue - Mr. Byrnes recognized the applicant. It was noted that a site inspection had been conducted.

The Board, Board Attorney and Mr. Prior continued to discuss the application, which requested relief so that a 16' x 14' rear deck and outside shower privacy stall could be constructed.

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

Mr. Trafford moved that a favorable resolution be adopted; the motion was seconded and carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Lyons, Roberts, Trafford and VanSchoick. "No" none.

APPLICATION 17-91 - Frank Dwyer - 196 Third Avenue - Frank J. Dwyer, 812 Donna Drive, Hurst, Texas, owner of the subject property, was sworn in to offer testimony. Mr. Byrnes marked the file.

The Board, Board Attorney and applicant commenced discussion on the application, which requested relief so that an existing 10' x 15' utility room, platform and steps could be removed and a 12' x 21' structure containing a 12' x 15' family room and 12' x 6' utility room. The floor height would be flush with the existing house.

The building permit was denied by Construction Official Albert P. Ratz Jr. under Chapter 67 of the Manasquan Code. The existing house elevation is 8.3 feet and requirement is nine feet. The property is in an A-5 flood zone.

Mr. Dwyer gave testimony on the background of the property.

The applicant submitted blueprints by Chris J. Perrino, architect, Red Bank; these plans, consisting of two pages, were marked A-10 and it was noted that the Board had not previously received these plans. It was requested that sets of plans be submitted for each Board Member, counsel and file.

Mrs. Mary Ann Dwyer, also 812 Donna Drive, Hurst, Texas, was sworn in to offer testimony. It was noted that there was a mistake in the plans prepared by Mr. Perrino.

After further discussion, Mr. Byrnes suggested that the hearing be continued until 11 copies of the corrected blueprints could be filed and a professional opinion (such as one of a real estate broker or other licensed professional) could be secured regarding the value of the house and its improvements; this was so determinations could be made regarding flood zones and the "50 percent rule." The Board agreed to continue the hearing at the December 18, 1991 meeting. A site inspection was agreed upon and scheduled. The applicants waived their time limits under the Land Use Law.

APPLICATION 18-91 - John Shawn Tawgin Photographers - 129-139 Sea Girt Avenue - The Board Attorney marked the file and recognized Kevin Thomas, attorney for the applicant. Mr. Thomas introduced Roger Falkinburg, Vice-President of John Shawn Photographers, and Ronald Ernish, Jr., architect on the project.

The Board, applicant's attorney, applicant's representative and the Board commenced discussion on the case, which requested relief so that renovations and alterations could be done to

the commercial structure on the property as well as renovations to the residential structures.

Albert P. Ratz Jr., Construction Official, denied the building permit for the following reasons: Section 107-25A, 107-82 - prohibits enlargement of structure on land where the use on such land is prohibited. There exists on the subject property a single family residence and business office, which are not permitted in combination; Section 107-27 - minimum rear yard setback is five feet in a B-1 zone. Existing bungalow is three feet from rear lot line; and Section 107-36 - Parking for business offices requires one space for every 300 square feet of space. Total square footage proposed is 4684. Required parking based upon requirement is 16 spaces. Thirteen spaces are proposed.

Also, Section 107-36B (3) - two parking spaces are proposed to the rear of the existing commercial building which spaces will be closer than 50 feet from the boundary of a residential zone; Section 107-3 (definitions) - size of parking space required 10' x 20' while size of proposed parking spaces are 8.5' x 18'; Section 107-36, Schedule II - not enough parking spaces (calculations based on residential units and business square footage); Section 107-36, Schedule III - loading zone required, with one space required while none shown; and Section 107-36 B (1) - parking shall not be closer than 15 feet to any street line.

The property is in a B-1 zone and was subject of Resolution 9-89. Under that resolution, relief was granted for renovations and alterations to the buildings on the property. The resolution was dated November 1, 1989.

Applicant's counsel and representatives discussed the plans and the differences between the prior case and the new plans. It was stated that these plans showed a scaled down project which requested less in the way of square footage. Addressing the parking plan, it was stated that all the trees on the property would be saved. They also stated that there would be a total of 15 spaces on the property, which Mr. Falkenburg commented were satisfactory for use by the employees.

Based on questioning from Mr. Burke, Mr. Thomas stated that the applicant was still seeking the same relief as under Resolution 9-89 but on a smaller, scaled down building.

Mr. Lyons then opened the floor to public comment. Harold Bartels, 158 Curtis Place, was sworn in to offer testimony. He expressed concerns about the parking, noting its proximity to his property. He also noted there were no sidewalks or curbs in that area.

Christine Bossone, 117 Sea Girt Avenue, expressed concerns about children in the area and off-site parking. She asked whether the planned parking will accomodate all employees; Mr. Falkinburg stated all employees park on-site.

Diane Noble, 125 Sea Girt Avenue, also asked questions about and expressed concerns over parking.

Mr. Burke expressed questions regarding the ordinance requiring curbs and sidewalks in Manasquan. He stated he would like to see concrete sidewalks installed.

Mr. Byrnes had questions regarding the trash disposal area proposed; he stated he would like Dominick Marino, fire official, to look over the plans and determine whether it is acceptable to have trash receptacles near the building.

The Board also discussed the two parking spaces toward the rear of the property and stated that, if Mr. Marino approved, they would like to see "head-on" parking instead of parking to the rear of the building.

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

After further discussion, Mr. Trafford moved for a favorable resolution with stipulations regarding sidewalks/curbs, the rear parking spots becoming head-on parking and no storage in the back, conditional on comments from the Fire Official. Motion seconded and carried by the following vote: "Yes" Board Members Burke, Kazenmayer, Lyons, Roberts, Trafford, VanSchoick and Brittle. "No" none.

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

A motion was made by Mr. Trafford for a favorable resolution with stipulations (regarding sidewalk installation and placment of two parking spots in the rear) and conditional on the comments of the fire inspector. The motion was seconded and carried by the following vote: "Yes" Board Members Burke, Kazenmayer, Lyons, Roberts, Trafford, VanSchoick, Brittle. "No" none.

A motion to hold a brief recess was called. After recess roll call: "Present" - Board Members Burke, Kazenmayer, Lyons, Roberts, Trafford, VanSchoick, Brittle and Langella. "Absent" Board Member Bogan.

RESOLUTION 14-91 - Jerry Clancy, Jr. - 67-67 $\frac{1}{2}$ Sea Girt Avenue
- John Jackson from the law firm Kittrick, Jackson and Troncione

introduced himself as counsel for Jerry Jr. and Frances Clancy, owners of the subject property. The favorable resolution was read by Mr. Byrnes. Citing condition five of the resolution, Mr. Jackson asked Board's intent regarding the placement of the fence in relation to the pool. Mr. Burke stated that the fence should be five feet away from the pool and the other Board members agreed with this determination.

A motion was made by Mr. VanSchoick, seconded by Mr. Trafford, to memorialize the resolution. Motion carried by the following vote: "Yes" Board Members Burke, Kazenmayer, Lyons, Roberts, Trafford and VanSchoick. "No" none.

RESOLUTION 15-91 - Dr. Thomas Tallon/Richard and Laurie Brandon - 414 Beachfront - Mr. Byrnes read the favorable resolution. A motion was made by Mr. Trafford to memorialize the resolution; motion seconded and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Roberts, Trafford and VanSchoick. "No" none.

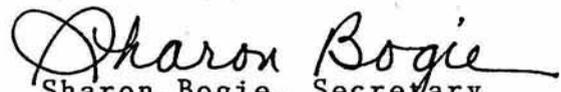
OLD BUSINESS / NEW BUSINESS - The Board Secretary submitted vouchers and correspondance for the Board's consideration.

Discussion of by-laws was conducted, with the Board agreeing to the changes as discussed at previous meetings. It was stated that the changes would need to be published.

A motion was made by Mr. VanSchoick, seconded by Mr. Burke, to accept the changes in the by-laws as discussed previously and as set forth by the board secretary and attorney in their memos. Motion unanimously carried.

There being no further matters for discussion, the motion was made, seconded and carried to adjourn at 10:15 p.m.

Respectfully submitted,

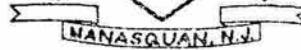

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 12/6/91

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk



MANASQUAN ZONING BOARD OF ADJUSTMENT
DECEMBER 18, 1991

On Wednesday, December 18, 1991, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING :

Application 12-91 (cont.) - W. Mark Horvath - 415 Beachfront

Application 17-91 (cont.) - Frank Dwyer - 196 Third Avenue

Application 19-91 - John and Mona Kirk - 67 Lakewood Road

Resolution 16-91 - Donald Prior - 54½ Ocean Avenue

Resolution 18-91 - J.S. Tawgin Photographers - 129 Sea Girt Avenue

Old Business

New Business

1. Discussion of new requirements for noticing utilities, et al.

2. Budget

(Work session follows regular agenda)

Yours truly,


Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated in Manasquan 12/9/91

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk



MANASQUAN ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
DECEMBER 18, 1991

The Manasquan Zoning Board of Adjustment held its regular meeting on Wednesday, December 18, 1991 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 this was an open public meeting held in accordance with the Open Public Meetings Act and had been published according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: Present - Board Members James F. Bogan Jr., John Burke, Margaret Kazenmayer, Edward Lyons, Alma Roberts, Christopher Trafford, James VanSchoick, Robert Brittle and Jack Langella

Absent - None.

Also in attendance were William Byrnes, board attorney, and the Board Secretary.

A motion was made by Mr. Trafford, seconded by Mr. Burke, to accept the November 20, 1991 minutes as submitted by the Board Secretary. Motion carried by unanimous vote.

APPLICATION 12-91 (cont.) - W. Mark Horvath - 415 Beachfront - Mr. Byrnes recognized Kevin Thomas, attorney for Mr. Horvath. It was noted that revised plans had been submitted; these were marked A-14 for the file.

Mr. Thomas reviewed the case to date, including the determinations regarding the "50 percent rule" in flood zones.

A letter dated November 19, 1991 from Albert P. Ratz, Jr., construction official, was marked B-1 for the file.

Figures used in determining whether the improvements are valued 50 percent or more of the assessed value of the house were discussed as were the revised plans; it was represented that the revised plans brought the project down to below 50 percent. Mr. Thomas stated he had spoke with Mr. Ratz on December 16, 1991 and questions were raised regarding additional costs, but that Mr. Horvath was confident that he could satisfy Mr. Ratz regarding the 50 percent determinations.

Notes faxed from Mr. Ratz's office to Mr. Horvath on December 17, 1991 were marked B-2 for the file.

Dean J. Daley, architect on the project, and Mr. Horvath offered testimony on the revised plans.

Mr. Horvath stated that the only change will be in the rear of the house; the sides, he stated, would not change.

The options were also noted: either the applicants could have scaled down the project or place the home on pilings.

The Board reviewed the changes and asked for clarification on certain items. In response to questioning it was noted that the bedroom would have an eight foot high ceiling.

Mr. Noel Hood, Beachfront, addressed the Board regarding the application.

Mr. Byrnes directed the Board to be guided by the figures submitted by the Construction Official and BOCA Code.

The Board, Board Attorney, applicant and applicant's attorney discussed the variances requested. It was noted that a use variance was requested because there are two structures on the property.

A motion was made by Mr. Burke to close the public hearing; motion seconded and carried by unanimous vote.

There was further discussion on the figures submitted regarding the 50 percent rule. It was stated that Mr. Ratz averaged the appraisal provided by Mr. Horvath and the figures provided by the tax accessor.

A motion was made by Mr. Trafford to grant a favorable resolution. The motion was seconded by Mr. Burke and carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Lyons, Roberts and Trafford; "No" Board Member VanSchoick.

APPLICATION 17-91 (cont.) - Frank Dwyer - 196 Third Avenue - The Board recognized that a memo had been forwarded from Mr. Dwyer regarding flood zone/50 percent rule calculations. Based on Mr. Dwyer indicating in the memo that further information was being gathered and considering that neither Mr. Dwyer or a representative were on hand to answer any questions about the calculations, the Board agreed to continue the case at the

January 15, 1992 meeting.

The Board Secretary was directed to contact Mr. Dwyer and advise him of the continuance and that he or his representative should be in attendance to answer any questions from the Board.

APPLICATION 19-91 - John and Mona Kirk - 67 Lakewood Road (block 10, lots 29-32) - The Board Attorney marked the file and swore in John A. Kirk, 67 Lakewood Road, owner of the subject property.

The Board, Board Attorney and applicant began discussing the application, which requested relief so that a deck could be constructed. The building permit had been denied by Mr. Ratz under Section 107-27 (Schedule of Limitations - 20 feet required) of the Code of the Borough of Manasquan. The property is in an R-2 zone.

Mr. Kirk offered testimony on the property, including information on the structures located on the property (house, sauna, pool, et al) and the characteristics of the property. Photographs were submitted and marked as evidence (A-8, a through i).

Mona Kirk, 67 Lakewood Road, was also sworn in by Mr. Byrnes.

Vivian Rallo, 59 Lakewood Road, expressed concerns regarding the project and in particular how it would affect the flow of light and privacy on her property, which is located next door to the Kirks.

Walter Schwartz, 71 Lakewood Road, stated he never had any problem with the addition of the spa and felt the Kirks maintain their property well. He stated that he felt the addition of a deck would not hurt anyone.

A motion was made, seconded and unanimously carried to conduct a site inspection on December 21, 1991 at 9 a.m. The applicants agreed to waive any time limitations under the Land Use law.

APPLICATION 16-91 - Donald Prior - 54½ Ocean Avenue - The favorable resolution was read by Mr. Byrnes. A motion was made by Mr. Trafford to memorialize the favorable resolution; motion seconded by Mrs. Kazenmayer and carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Lyons, Roberts, Trafford and VanSchoick. "No" none.

RESOLUTION 18-91 - J.S. Tawgin Photographers - 129 Sea Girt Avenue - Mr. Byrnes indicated that plans required by the Board had not been forwarded and thus recommended that the resolution

be tabled until the January 15, 1991 meeting. The Board agreed to table the resolution.

OLD BUSINESS / NEW BUSINESS - There being no further items on the agenda, the Board entered into its old/new business work session.

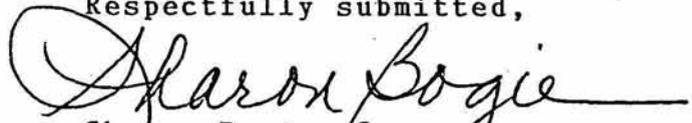
The Board discussed its 1992 budget and unanimously agreed to request the same amount in 1992 as it had in 1991.

The Board Secretary brought vouchers and correspondence to the Board's attention. She stated that the Board's membership in the New Jersey Federation of Planning Officials was coming up for renewal. After discussion, Mr. Bogan moved not to renew the membership; motion seconded by Mr. Trafford and carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Trafford and Brittle; "No" Board Members Lyons, Roberts and VanSchoick; "Abstain" Board Member Langella.

It was noted that Mr. Lyons, Mrs. Kazenmayer, Mrs. Roberts and Mr. VanSchoick had attended a FEMA flood management seminar in Long Branch. The seminar was discussed and the Board agreed to request copies of free publications issued by FEMA.

There being no further business, a motion was made, seconded and unanimously carried to adjourn the meeting at 9:55 p.m.

Respectfully submitted,


Sharon Bogie, Secretary
Manasquan Board of Adjustment

1992

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

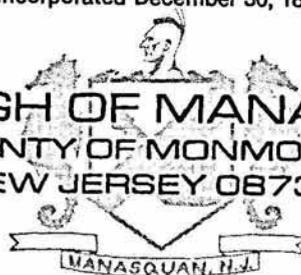
Incorporated December 30, 1887

(908) 223-0544

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk



MANASQUAN BOARD OF ADJUSTMENT - 1992

James F. Bogan Jr.
145 Atlantic Ave.
Manasquan NJ 08736

John Burke
4 Stockton Ave.
Manasquan, NJ 08736

Margaret Kazenmayer
112 Wyckoff Ave.
Manasquan, NJ 08736

Edward Lyons
40 McGreevey Dr.
Manasquan, NJ 08736

Claudia Pincus
104 Church Street
Manasquan, NJ 08736

Christopher Trafford
50 Broad St.
Manasquan, NJ 08736

James VanSchoick
92 McLean Ave.
Manasquan, NJ 08736

Robert Brittle
386 Euclid Ave.
Manasquan, NJ 08736

Jack Langella
405 Pine Avenue
Manasquan, NJ 08736

Sharon Bogie
(Board Secretary)
15 Taylor Avenue
Manasquan, NJ 08736

William Byrnes
(Board Attorney)
1312 Atlantic Ave.
Manasquan, NJ 08736

BOROUGH OF MANASQUAN
ZONING BOARD OF ADJUSTMENT

RESOLUTION "A"

RE: CHAIRMAN

WHEREAS, Article II, 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 Manasquan that John Burke be and is hereby elected and designated as Chairman of the Zoning Board of Adjustment of the Borough of Manasquan, effective as of January 15, 1992, and whose term as Chairman shall terminate at the close of the first regular meeting of the Board held in the month of January, 1993.

ROLL CALL VOTE:

James F. Bogan Jr., John Burke, Margaret Kazenmayer, Edward
YES: Lyons, Christopher Trafford, James VanSchoick, Robert Brittle
and Jack Langella.
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 15, 1992.

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 II, 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 James F. Bogan, Jr. be and hereby is elected and designated as Vice-Chairman of the Zoning Board of Adjustment of the Borough of Manasquan, effective as of Wednesday, January 15, 1992, 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 1993.

ROLL CALL VOTE:

Board Members James F. Bogan Jr., John Burke, Margaret Kazenmayer,
YES: Edward Lyons, Christopher Trafford, James VanSchoick, Robert Brittle and Jack Langella.
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 15, 1992.

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 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 within seven days of the date hereof.

ROLL CALL VOTE:

Board Members James F. Bogan Jr., John Burke, Margaret Kazenmayer,
YES: Edward Lyons, Christopher Trafford, James VanSchoick, Robert Brittle and Jack Langella.

NO: None.

MEETING DATES:

February 19, 1992

March 18, 1992

April 15, 1992

May 20, 1992

June 17, 1992

July 15, 1992

August 19, 1992

September 16, 1992

October 21, 1992

November 18, 1992

December 16, 1992

January 20, 1993

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 15, 1992.

Sharon Bogie

SHARON BOGIE, Secretary to the
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 the 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:

Board Members James F. Bogan Jr., John Burke, Margaret Kazenmayer,
YES: Edward Lyons, Christopher Trafford, James VanSchoick, Robert
Brittle and Jack Langella.

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 15, 1992.

Sharon Bogie

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 Christopher Trafford

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 15, 1992, and the same shall terminate at the close of the first

regular meeting of this Board held in the month of January, 1993.

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. The 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:

Board Members James F. Bogan Jr., John Burke, Margaret Kazenmayer,
YES: Edward Lyons, Christopher Trafford, James VanSchoick, Robert
Brittle and Jack Langella.
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 15, 1992.

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

Christopher Trafford offered the following Resolution and moved its adoption, seconded by James VanSchoick

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 15, 1992, and the same shall terminate at the close of the first regular meeting of this Board held in the month of January, 1993.

2. That the salary of said Secretary shall 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:

Board Members James F. Bogan Jr. John Burke, Margaret Kazenmayer,
YES: Edward Lyons, Christopher Trafford, James VanSchoick, Robert
Brittle and Jack Langella .

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
15, 1992.

Sharon Bogie

SHARON BOGIE, Secretary to
the Zoning Board of Adjustment
of the Borough of Manasquan

A G R E E M E N T

THIS AGREEMENT made on the 15th day of January, 1992

Between THE ZONING BOARD OF ADJUSTMENT 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 85.00 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., is 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:

John J. Baurle
CHAIRMAN

William Byrnes

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
JANUARY 15, 1992

On Wednesday, January 15, 1992, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING :

REORGANIZATION FOR 1992

1. Swearing in of members
2. Reading of resolutions
 - a. Naming of chairman and vice chairman
 - b. Naming of attorney and secretary
 - c. Dates for 1992 meetings
 - d. Naming of official newspapers

Application 17-91 (cont.) - Frank Dwyer - 196 Third Avenue

Application 19-91 (cont.) - John and Mona Kirk - 67 Lakewood Road

Application 1-92 - Paul Pawchuk - 43 Lakewood Road

Resolution 12-91 - W. Mark Horvath - 415 Beachfront

Resolution 18-91 - J.S. Tawgin Photographers-129 Sea Girt Ave.

Old Business

1. Annual report for 1991.

New Business

(Work session follows regular agenda)

Yours truly,


Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated in Manasquan 1/9/92

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - JANUARY 15, 1992
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held their regular meeting on January 15, 1992 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

William Byrnes, board attorney, explained that this was also the Board's reorganization session and called the meeting to order at 7:30 p.m.

Mr. Byrnes administered the oath of office to Board Members Robert Brittle and Jack Langella.

Mr. Byrnes asked for a motion regarding the minutes of the December 18, 1991 meeting. A motion was made, second and carried to approve the minutes.

ROLL CALL : Present - Board Members James F. Bogan Jr., John Burke, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, James VanSchoick, Robert Brittle and Jack Langella.

Absent - Board Member Alma Roberts.

REORGANIZATION SESSION - The Board entered into its 1992 reorganization session. Nominations were discussed for the post of chairman; Mr. Trafford nominated Mr. Lyons to continue as chairman but Mr. Lyons declined and in turn nominated Mr. Burke. Mrs. Kazenmayer seconded the nomination of Mr. Burke and the Board unanimously elected Mr. Burke chairman. Mr. Byrnes read resolution "A" naming Mr. Burke as chairman of the board.

Mr. Burke nominated Mr. Bogan to continue as vice chairman. Mr. Trafford and Mr. Lyons each seconded the nomination. The Board then unanimously elected Mr. Bogan as vice chairman. Mr. Byrnes then read "Resolution B" naming James F. Bogan Jr. as vice chairman.

Mr. Byrnes read "Resolution C", which established the Board's 1992 meeting dates as the third Wednesday of every month; it was also noted that January 20, 1993 would be the first meeting/reorganization in 1993. A motion was made, seconded and unanimously carried to approve the resolution.

Mr. Byrnes then read "Resolution D", which designated the Coast Star as official newspaper of the Board and the Asbury Park Press as secondary newspaper for the purposes of legal notices.

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

Resolution "E" naming William Byrnes as Board Attorney was read for the Board's consideration. A motion was made by Mr. VanSchoick, seconded by Mr. Trafford, to approve the resolution. Motion carried by unanimous vote.

Resolution "F" naming Sharon Bogie as Board Secretary was read for the Board's consideration. A motion was made by Mr. Trafford, seconded by Mr. VanSchoick, to approve the resolution. Motion carried by unanimous vote.

There being no further reorganization matters on the agenda, Mr. Byrnes handed the floor over to Board Chairman Burke for the remainder of the agenda.

APPLICATION 17-91 (cont.) - Frank Dwyer - 196 Third Avenue - It was noted that the hearing on the application had been started at the November 1991 meeting with a continuance to the December 1991 meeting; at the time the applicant had not been able to be present, so the Board agreed to continue the case at the January 15, 1992 meeting. The Board Attorney noted that Mr. and Mrs. Dwyer were still under oath.

The Board addressed the memo from Chris Perrino, architect on the project, and discussed the assessment from the Manasquan tax office; both were submitted by Mr. Dwyer to provide information regarding the "50 percent rule".

Mr. Burke addressed the letter submitted to the Board from Walter Partington, surveyor, regarding elevations on the property. Mr. Dwyer stated he did not know how Mr. Partington calculated the elevations. Questions were raised by the Board as to whether the measurements were taken from the finished floor; it was stated that such measurements must be made from the bottom of the structural beam.

Mr. Burke stated that he wanted to make sure that the Board Members would understand what they were voting on. He noted there could be as much as a two feet difference in the calculations depending on where the measurements were taken. Mr. Burke and Mr. Lyons also noted that the applicant's flood insurance could increase.

Mr. Burke stated he wanted all to realize that the house is

considerably lower in the flood plain than indicated by Mr. Partington's letter.

The applicants and Board discussed the revised plans dated November 1991. Mrs. Dwyer noted the reasons for the removal of the step, citing difficulties for members of their family in going up steps.

There being no comments or questions from the public, a motion was made, seconded and unanimously carried to close the public hearing on the application.

Mr. Trafford moved that the Board pass a favorable resolution; motion seconded by Mr. Bogan. Before a vote was taken, however, Mr. Byrnes noted that there were certain criteria regarding flood zone regulations under code; this included addressing the issue of pilings in substantial cases.

Mr. Burke asked whether the home would be put on pilings or columns; Mr. Dwyer stated it would be on concrete.

Mr. Byrnes noted various definitions, including "substantial, and other points to assist the Board in their determinations.

Mr. Trafford once again made the motion for a favorable resolution; the motion was seconded by Mr. Bogan and carried by the following vote: "Yes" Board Members Bogan, Burke, Lyons, Trafford and Brittle. "No" Board Members Kazenmayer and VanSchoick.

APPLICATION 19-91 (cont.) - John and Mona Kirk - 67 Lakewood Road - The Board Attorney reminded the applicants that they were still under oath and it was noted that a site inspection had been conducted.

A letter from Mr. Albert Brelsford, owner of 55 Narrumson Road, was read and marked O-1. It stated that Mr. Brelsford was opposed to the construction of the proposed deck. It was noted that Mr. Bresford was not present to offer testimony or cross examination opportunities.

Vivian Rallo, 59 Lakewood Road, asked about the height of the deck. The Kirks stated that it would be 42'; it would match the existing deck with a privacy screen.

Additional photos were submitted by the applicants and marked A-10, a-f for the files.

Mrs. Rallo stated that she could see the screen and fence; she added that she has lost the view from her home on one side and did not want to lose it on the back as well. She also stated that her living room faces the Kirk property and she was concerned that someone on the deck may be able to see into her home.

Mr. Burke noted that the variance requested was for the back of the deck, not for the portion by her house.

Mr. Byrnes asked if the Board wished to include a variance for the fence since it would be 7 feet, 2 inches above the ground with the screen on top; the Code of the Borough of Manasquan allows for only a six foot high fence/structure.

A motion was made, seconded and carried to close the public hearing. After further discussion, a motion was made and seconded for a favorable resolution with the stipulations regarding the screen (height of the fence and screen); motion carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Lyons, Trafford, VanSchoick and Brittle. "No" none.

APPLICATION 1-92 -Paul and Ann Pawchuk, Jr. - 43 Lakewood Road
- Mr. Byrnes marked the file and swore in Mr. Pawchuk.

The Board commenced the hearing on the application, which sought relief so that a dormer could be constructed in the rear of the house; the dormer would have a 10' x 7' bathroom.

The building permit was denied by Albert P. Ratz Jr., construction official, under Section 107-27 (front yard requires 25', existing 22.09'; sideyard requires 5', existing 3.50') and Section 107-82.A (4) (a non-conforming building shall not be enlarged without a variance from the Board of Adjustment). The property is in an R-2 zone and a hardship variance was requested.

Mr. Pawchuk introduced Mr. Rizzie of D. Rizzie Builders, Middletown, builders on the prospective project. Mr. Rizzie was also administered the oath.

Mr. Burke addressed the photos and drawings submitted by Mr. Pawchuk. Mr. Pawchuk then gave his overview of the request, noting the setback violations. He stated there would be no change in the footprint of the home and that he wanted to raise the front and back walls for the dormer and bathroom. Addressing the submitted photos, Mr. Pawchuk noted prevailing setbacks

in the neighborhood. He also commented that he had drawn the submitted plans and added that the garage will not be touched.

After discussing the requested variances and the setbacks noted, Mr. Burke stated he felt a mistake had been made on the survey in that the overhang on the house was not calculated. He stated that would make a two foot difference between what the survey depicts and what actually exists.

Mr. Rizzie discussed the dimensions of the addition, noting that he wanted to make the bedroom as large as possible. The prospective dimensions of the dormers were given as 24' x 40'. Mr. Byrnes requested more exact measurements so they could be cited in the resolution; figures of 19' x 24' in the back and 7' x 10' in front were offered. Neither, it was noted, would raise the existing roof.

Mr. Bogan expressed concerns about the aesthetics, commenting that the dormers as depicted on the drawing looked like they were putting a "house on another house." Mr. Pawchuk stated that they would conform to the house.

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

The Board Members discussed whether a site inspection was needed. Mr. Trafford stated there was a need for aesthetics and asked for a front view drawing of the project. The Board agreed to this and requested that a more detailed front view drawing of the building be submitted before the next meeting. A motion was made by Mr. VanSchoick, seconded by Mr. Trafford, to grant a favorable resolution with the stipulation that a front view depiction of the project be submitted prior to the February 19, 1992 meeting. The motion was carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Lyons, Trafford, VanSchoick and Brittle. "No" none.

RESOLUTION 12-91 - W. Mark Horvath - 415 Beachfront - Mr. Byrnes read the favorable resolution for the record. Mr. Burke asked whether there was strong enough wording that Mr. Ratz could stop construction if it was felt that the construction came close to the 50 percent designation; Mr. Byrnes said that it was strong enough. It was noted that Mr. VanSchoick would not be able to vote on the resolution since he had voted "no" to have it prepared. A motion was made and seconded to carry the

resolution; motion carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Lyons and Trafford. "No" none.

RESOLUTION 18-91 - John Shawn Tawgin Photographers - 139 Sea Girt Avenue - Mr. Byrnes read the favorable resolution for the record. Mr. Burke asked whether the resolution covered the parking changes requested; Mr. Byrnes said they were covered. The review undertaken by Nick Marino, fire official, was also noted. A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Lyons, Trafford and VanSchoick "No" none.

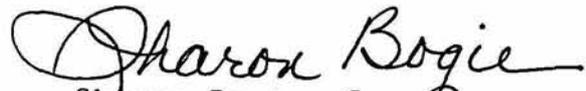
The Board then addressed the revised site plan submitted on the Tawgin property. It was marked A-13 and designated the changes in the disposal areas as indicated by the Board. A motion was made and seconded to accept the revised site plan; motion carried by the following vote: "Yes" Board Members Bogan, Burke, Kazenmayer, Lyons, Trafford, VanShoick and Brittle. "No" none.

OLD AND NEW BUSINESS - The Board Secretary brought correspondance and vouchers to the Board's attention.

The Board discussed the agreement between the Board and Mr. Byrnes regarding legal services. Mr. Byrnes commented that he had not received a raise since 1990. A raise was discussed and granted by unanimous vote.

There being no further matters on the agenda, a motion was made, seconded and carried to adjourn at 10:04 p.m.

Respectfully submitted,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

dated at Manasquan 2/6/92

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

January 10, 1992

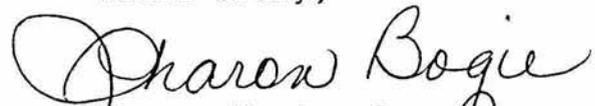
MEMORANDUM TO: Members of the Manasquan Board of Adjustment
RE: 1991 year-end report

Dear Board Members:

Attached please find a copy of the 1991 year-end report from the Manasquan Zoning Board of Adjustment for your consideration.

The Board heard/began to hear 18 applications for variances in 1991, with 12 favorable resolutions memorialized, one denial, one interpretation and three determinations pending. Application fees on these cases totaled almost \$4900.

Yours truly,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

MANASQUAN ZONING BOARD OF ADJUSTMENT - 1991

<u>CASE</u>	<u>NAME OF APPLICANT</u>	<u>ADDRESS</u>	<u>TYPE/REASON FOR VARIANCE</u>	<u>FEE</u>	<u>DISPOSTITION</u>
1-91	Drew, John & Frances	23 Virginia Ave.	interpretation (2-family)	\$150	2-family interpretation
2-91	Geiger, J. & K.	404 Perrine	2nd floor (setbacks)	\$200	Fav. res.
3-91	Roeth, Edward	369 First	roof over 2nd fl. (use)	\$300	Fav. res.
4-91	Dana, Ronald	365 Beachfront	2nd floor addition (use)	\$300	Fav. res.
5-91	Brandon/Tallon	414 Beachfront	new home (use - 2 on lot)	\$300	DENIED
6-91	Stoedter, Estelle	72 Church St.	1½ story addition (Hardship)	\$200	Fav. res.
7-91	Peters, Richard	573 Pike Ave.	raise deck (hardship)	\$200	Fav. res.
8-91	Esposito, M. & J.	64 First Ave.	deck (use)	\$300	Fav. res.
9-91	Burke, J. & E.	49 Fletcher	convert dwelling to garage	\$300	Fav. res.
10-91	Elks Lodge	Stockton Lake Blvd.	illuminate sign	waived	Fav. res.
11-91	Scerrato, R.	373 Beachfront	extend 2nd floor deck (hardship)	\$200	Fav. res.
12-91	Horvath, W.M.	415 Beachfront	addition (use)	\$300	Pending
13-91	(no case)				
14-91	Clancy, Jerry	67-67½ Sea Girt Ave.	cont. prior resolution (pool)	\$300	Fav.Res.
15-91	Brandon/Tallon	414 Beachfront	new house (use)	\$300	Fav. res.
16-91	Prior, Donald	54½ Ocean Rd.	deck (use)	\$300	Fav. res.
17-91	Dwyer, F.	196 Third Ave.	utility/family room (flood zone)	\$200	Pending
18-91	J.S. Tawgin Photos.	Sea Girt Ave.	renovations-resident/comm	\$550	Pending
19-91	Kirk, John	67 Lakewood	deck (setback)	\$200	Pending

TOTAL FEES: \$4,900.00

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

1991 - 92 MANASQUAN BOARD OF ADJUSTMENT
ADDENDUM TO BEACHFRONT/FIRST AVENUE CASE LIST

<u>CASE #</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>PROJECT</u>	<u>DATE CO OR FINAL</u>
2-91	Geiger, J.	404 Perrine	build 2nd floor onto existing house (setbacks)	3/4/92 CO
6-91	Stoedter, E.	72 Church	1½ story addition to house (setbacks)	4/28/92 CO
17-91	Dwyer, F.	196 Third	add family and utility room (set- backs)	9/11/92 CO
4-92	Spadaro, G.	34 Deep Creek	add kitchen, solar- ium and deck (set- backs)	11/3/92 CO
17-92	Schmidt, R.	74 Fletcher	addition (hardship)	3/18/93 CO
22-92	Girone, A.	123-125 Atlantic	dormer (three stories, two-family house)	n/a

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MAJOR BEACHFRONT / FIRST AVENUE PROJECTS
AS HANDLED BY MANASQUAN ZONING BOARD OF ADJUSTMENT 1991-92

1991

<u>CASE #</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>PROJECT</u>	<u>DATE CO OR FINAL</u>
12-90	Kornas, M.	359 Beachfront	New house	6/16/92 CO
4 -91	Dana, R.	365 Beachfront	addition of 2nd floor	n/a
5-91	Brandon, R.	414 Beachfront	new house (on lot w/ existing house). DENIED	n/a
12-91	Horvath, W.M.	415 Beachfront	addition to upper level (lot w/ 2 houses)	7/6/92 CO
15-91	Brandon, R.	414 Beachfront	New house on lot with existing house (see 5-91) APPROVED	7/22/92 CO

1992

2-92	Gumienny, J.	107 Beachfront	Expansion of living space deck for one of seven dwelling units on property. DENIED but some work was permitted.	12/9/92 CO
5-92	Bruenig, F.	263 Beachfront/ 262 First	front-back minor subdivision - Razberry's case	n/a
6-92	Lund, G.	271 First	Demolish old, rebuild new house	n/a
7-92	Dana, R.	381 Beachfront	" " "	n/a
18-92	Malcolm, W.	133 First	relocate/construct stairs to 2nd floor; construct dormer; replace front windows.	5/20/93 final

19-92	Tanis, J.	29 First	one-story addition (setbacks)	n/a
21-92	O'Leary, T.	101 $\frac{1}{2}$ First	addition to house on lot with residence and business.	n/a
23-92	Swift, J.	411 Beachfront	deck and raising of roof (lot w/ 2 houses)	5/11/93 final
24-92	Federici, F.	406 First	addition (lot w/ 2 houses)	6/22/93 CO

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
FEBRUARY 19, 1992

On Wednesday, February 19, 1992, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Application 2-92 - Joseph Gumienny - 107 Beachfront

Resolution 17-91 - Frank Dwyer - 196 Third Avenue

Resolution 19-91 - John and Mona Kirk - 67 Lakewood Road

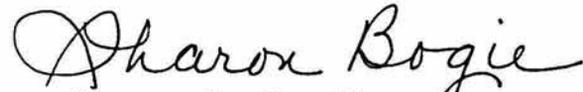
Resolution 1-92 - Paul Pawchuk Jr. - 43 Lakewood Road

Old Business

New Business

(Work Session follows regular agenda)

Yours truly,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated in Manasquan 2/7/92

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - FEBRUARY 19, 1992
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held their regular meeting on February 19, 1992 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke 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.

ROLL CALL - Present: Board Members James F. Bogan Jr. Robert Brittle, Margaret Kazenmayer, Edward Lyons, James VanSchoick, John Burke and Jack Langella.

Absent: Board Member Christopher Trafford

A motion was made, seconded and unanimously carried to approve the minutes for the January 15, 1992 meeting as submitted by the Board Secretary.

It was noted that Board Member Alma Roberts had tendered her resignation because she is moving from Manasquan; thus, Mr. Brittle would move up to full member and Mr. Langella to first alternate.

APPLICATION 2-92 - Joseph Gumienny - 107 Beachfront - Board Attorney William Byrnes marked the present file and the Board file from the previous resolution on the subject property (the property was subject of Resolution 18-89, which requested a full third floor and was denied). He then recognized Thomas O'Brien, attorney for the applicant. Mr. O'Brien then in turn had Joseph Guminney, applicant, and John Walsh, Bay Point Engineering, sworn in to offer testimony.

The applicant requested relief from Sections 107-11 (not a permitted use - the property has seven dwelling units where only one is permitted), Section 107-27 (Schedule of Limitations - sideyard and frontyard setbacks of existing dwelling) and Section 107-36 (parking - Schedule II requires 14 offstreet parking spaces) so that a third floor structure could remain atop the beachfront home on the subject property. The owner had enlarged the upper floor of the dwelling, stated Mr. Ratz

in the denial, going beyond the scope of the building permit which was issued. It was noted by Construction Official Albert P. Ratz Jr. in his Letter of Denial dated October 17, 1991 that the property was in an R-4 zone and that a use variance was required. The home is in a V-6 flood zone, but it would be less than 50 percent.

Mr. O'Brien, commenting he felt it was a "simple case" despite the appearances of relief requested in the denial and noticing, stated that the setback deficiencies were pre-existing. He stated that he felt the variance requested was a C-2 ("flexible" C) variance to allow the relief requested. He stated the structure was modified with building permits and that the work was to be done on the second floor and half story (third floor) of the structure; the third floor before the expansions was approximately 9' x 9'. Mr. O'Brien stated that Mr. Gumienny would offer testimony stating that the condition of the second floor structure was so bad that he had to completely rebuild. After the third floor construction, the third (half) story ended up 10' x 21'. Mr. O'Brien stated that a D variance could also be needed. He stated that it is the position of the applicant that he is not expanding a non-conforming use; the third floor is attached to the second floor and no separation exists between the two floors nor is there any intention to use the third floor as a separate unit. It was noted Mr. Gumienny lived in the second/ third floor area of the structure.

Mr. O'Brien also submitted a copy of the "Stop Work Order" issued by Mr. Ratz on October 17, 1991 (marked A-8 for the file), which stated that Mr. Gumienny had enlarged the upper story beyond what was approved and he should return the upper story to its original size or seek a variance from the Board. Mr. Ratz stated that this order applied only to that third floor area; work was permitted to continue on the second floor.

Mr. O'Brien added that parking was not applicable because there was no plans to intensify.

Mr. Gumienny then offered testimony, stating that he bought the property, which had seven dwelling units in three structures (one four family structure, one two family structure and one one family structure), in October 1981. Mr. Guminney lives in the second floor of the two family structure and rents four to five units on a year-round basis and one to two on a seasonal basis.

Mr. Gumienny commented on the prior case regarding the property and stated that he has been living on the property three to

four years. He stated that he had remodeled the first floor and part of the second floor of the same structure in 1986.

Mr. Gumienny stated that the structure was built in the early 1900s and that the quality of construction was not good; rafters were made of driftwood type materials and other assorted lumber, including 2 x 4s. The sidewalls were also made of 2 x 4s. The upper structure on the second floor, he stated, had been caving in .

In 1989, Mr. Gumienny applied to the Board to make the third story (half story/ cupola) into a full third floor. The application was denied. In the summer of 1991, Mr. Gumienny decided to remodel the second floor; he obtained permits to remodel the second floor and also remodel the third floor (changing of windows, etc. to bring it up to BOCA code), beginning work in the second week of September 1991. (Photographs were submitted showing the structure in its "before" condition). He began to remodel the second floor by tearing down sheetrock. He stated that after starting the work it became apparent that the entire structure was dangerous and entire upper structure needed to be rebuilt. (Photographs were submitted showing the second floor after the sheetrock was torn down; the photo was marked A-10a)

Mr. Gumienny stated that on September 11, 1991, he called Mr. Ratz to have him come down and conduct an inspection on the project and discuss the situation. Mr. Gumienny stated that Mr. Ratz asked him to provide a cross section plan of how he was intending to restructure the building and apply for an additional permit. (A photocopy of the original permit was marked A-11 for the file. A copy of the drawing submitted to Mr. Ratz by Mr. Gumienny was marked A-12)

Mr. Gumienny then discussed access to the third floor area, stating that while there was a staircase, one still needed to crawl through a hole to get into the cupola (third floor) area. He stated that prior to the work on the third floor, Mr. Gumienny's second floor apartment consisted of a living room, two bedrooms, a bathroom and a kitchen; after the renovations he had a living room, bedroom, bathroom and kitchen on the second floor and a bedroom/ closet space in the third floor area. He stated he basically rebuilt the entire upper structure (photographs were submitted showing the outside of the structure as it presently exists; all were marked for the file).

Mr. Gumienny retained Mr. Walsh's firm to draw plans showing

dimensions of the third story before and after renovations; these plans were discussed. The sitting room area was basically the same size as it was before. The third floor area was expanded to accommodate a spiral stairway, landing area, a walkway through and closet space. (A photo of the staircase was marked A-10e. A photograph was also shown depicting the inside of the second floor area; it was marked A-10f).

The deck on top of the second floor was also discussed. It was stated that prior to the renovations there was a flat roof on top of the second floor which access via a hole in the wall at one time.

Mr. Gumienny stated he felt that he had eliminated the safety hazards which had existed. He also stated that when he received the stop work order he was allowed to finish the work on the second floor and water proof the third story. Mr. Gumienny commented that there was substantial water damage to the second floor apartment during recent storms. He stated he felt safer in the rehabilitated structure; he stated that on a windy day "the whole structure shook."

The height of the structure was approximately the same (31-32 feet) before and after the renovations.

Mr. Burke stated for the record that he was the person who brought the enlargement to Mr. Ratz's attention. He stated that he did not have any difficulty hearing the case.

Mrs. Kazenmayer asked Mr. Gumienny if anyone had told him he could not change the structure. Mr. Gumienny stated that it was his understanding he could bring the building up to BOCA code. His original intention not to tear down, but when he saw the problems he felt he needed to.

Mr. Burke asked if Mr. Gumienny had called Mr. Ratz when he saw how much work needed to be done. Mr. Gumienny stated that Mr. Ratz had come down and requested the extra permit and cross section depiction. Mr. Burke asked if Mr. Gumienny had told Mr. Ratz about the changes in stairway and roofline; Mr. Gumienny stated he had explained to Mr. Ratz that a stairway would be put in. Mr. Gumienny stated he felt he needed to bring the building up to code and what he did was "within reason." He stated he had been in contact with Mr. Ratz the one time, just after taking the sheetrock down.

Mr. Langella asked if there was an external stairway to the upper (half) story); Mr. Gumienny stated there was not.

Mr. VanSchoick and Mr. Burke each asked Mr. Gumienny why he enlarged the project when he had been denied.

Mr. Langella noted possible alternatives to enlargement in regards to meeting code.

Mrs. Kazenmayer asked about the rising of the eaves to create the third floor room.

Mr. Burke asked about the non-usable deck in front of the cupola (on top of the second floor); Mr. Gumienny stated that it had not been there during the prior application. The deck runs almost to the front edge of the building. Mr. Gumienny stated the deck gives him fire ingress/egress.

Mr. Byrnes asked Mr. Gumienny once again to clarify the floor plans. Mr. Gumienny stated that was presently a bedroom, bathroom, kitchen and living room on the second floor and a bedroom and closet area on the third floor.

Mr. Byrnes then asked when Mr. Gumienny had informed Mr. Ratz about the deck and indicated that it was not mentioned on the original permit. Mr. Gumienny stated that the deck was on the plan he had submitted to Mr. Ratz, commenting that it was a deck at one time and although it was not used as such by Mr. Guminney, he was replacing what was there.

Under questioning, Mr. Gumienny once again stated that the deck had been up there and he was only replacing it. Mr. VanSchoick pointed out that before there was no railing there.

The floor was open to any members of the public who had questions of Mr. Gumienny or his professionals.

Thomas S. Birckhead Jr., 121 Beachfront, questioned how many notices were mailed out to persons within 200 feet and if there were any letters from members of the public either approving of or opposing Mr. Gumienny's project. He also asked if there would be a site inspection. The Board Attorney and Secretary stated that all homeowners (30) and utilities (4) on the certified list had been notified and that no letters/statements had on the project had been forwarded to the Board. Mr. Burke noted that a site inspection had been conducted in 1989.

Robert Magnabousco, 143 Beachfront, had questions regarding the square footage of the third floor area.

Mr. O'Brien asked for a determination regarding whether this

was a C or D variance. Mr. Byrnes defined C and D Variances for the Board. Mr. O'Brien stated that he felt they were looking for a C-2 variance, stating that they were "minor deviations" from zoning and that the benefits outweigh the detriments. Mr. Byrnes then explained the different aspects of a C variance to the Board. Case law was discussed by Board and applicant's counsel, including Kaufman vs. the Planning Board of Warren Township Supreme Court case, which stated that the focus of a C-2 variance should be on the "characteristics of the land that present an opportunity for improved zoning and planning that would benefit the community." Mr. O'Brien stated recent Supreme Court case law determined aesthetics constitute a special reason for use variance relief. Mr. O'Brien also commented on the elimination of a fire hazard situation.

Mr. Burke stated that he could see the expansion of the cupola as a C Variance but that he felt the deck was an expansion of use and was a D-variance in his opinion.

Mrs. Kazenmayer asked if the Board was considering "the whole picture" of seven units on the property; Mr. O'Brien stated no because there is no addition if units or intensity.

The Board, Board Attorney and Mr. O'Brien continued to discuss types of non-conformities, variances requested and the uses existing on the property. The size of the third floor area was noted.

Mr. Burke stated that before he made a determination on what type of variance was needed he wished to hear more comments from the persons in the audience as well as Mr. Ratz. Mr. O'Brien stated he wished to get a ruling on what type of variance because Mr. Walsh would have extended testimony depending on the Board's determination.

Albert P. Ratz Jr., Construction Official, was sworn in to offer testimony.

Mr. Burke asked Mr. Ratz recognized Exhibit A-12 as being the drawing submitted by Mr. Guminney after he realized he had structural damage in the building. Mr. Ratz confirmed that the first building permit had been issued in August 1991 and that he had inspected the site at Mr. Guminney's request. The drawing was in response to Mr. Ratz's request for a cross section drawing at that time. Mr. Ratz understood that the drawing was not done to scale.

Mr. Ratz stated he did not feel the construction which had been

stopped was the same as depicted in the drawing. He stated that he understood the drawings to be what the property was prior to the renovations. He stated that he assumed the cupola to still be the same size because the drawing was not done to scale. (The original drawing was marked B-2)

Mr. Ratz stated he had noticed the 36 inch post depicted on exhibit B-2, which was not labeled, and he believed that the deck beams were ceiling joists. He added that a second permit, #91-290+A, dated October 18, 1991, was issued soon after the first; this was marked B-3 for the file. The permit allowed Mr. Gumienny to replace floor beams and rafters, replace walls per cross section; Mr. Ratz qualified the approval by adding that there be no increase in size, area or height and that the beams and rafters in poor condition.

Mr. Ratz stated at the time of his inspection he had questions about the stability of the second floor area and that wind could shake it; he stated that they needed to stabilize it. Mr. Ratz stated he advised Mr. Gumienny that he could replace what was in poor condition (under correspondance from Borough Attorney Kenneth Fitzsimmons) but that he could not make the third floor area any larger. Mr. Ratz also testified that Mr. Gumienny did not discuss a deck and that, in view of conversations he had with Mr. Gumienny to that point, did not believe the drawing submitted had constituted a deck.

Mr. Langella asked Mr. Ratz about the stairs; Mr. Ratz stated he believed they were to be as they had been prior to the renovation and that they would not be outside of the building.

After the enlargement was brought to Mr. Ratz's attention, Mr. Ratz went down to verify the complaint and told the applicant to stopwork on the third floor, as that was the violation, and that he was allowed to continue on the second floor.

Mr. Byrnes asked if Mr. Gumienny had provided drawings, plans or sketches in reference to original Permit 91-290, which had been issued in August 1991 (marked B-4); Mr. Ratz stated that there were no plans submitted because it was all non-structural, cosmetic work. Mr. Ratz stated that the first time he had been down to Mr. Gumienny's house in connection with the work in question was September 10, 1991. At that time, Mr. Ratz stated, he saw the poor condition of the structure, in particular the second floor ceiling/floor of third floor (which had "tremendous sags" in it, according to Mr. Ratz). The placement of the studs on the second floor exterior walls was also not to code standards. Mr. Ratz stated that Mr. Gumienny wished to fill in the studs and replace the ceiling structure with

beams; both were approved by Mr. Ratz to make the building safe and habitable.

Mr. Ratz stated that because of the percentage of alteration, Mr. Gumienny did not have to bring it up to code. Mr. Ratz noted in what circumstances it would need to be done and commented on requirements. Mr. Ratz then explained the procedure for filing for a permit.

Mr. Ratz stated that Mr. Gumienny was permitted to put siding up to completely finish the third floor exterior; tar paper had not worked against the storms in late October, so permission was granted by Mr. Fitzsimmons to allow the siding. The interior of the third floor is not complete, stated Mr. Ratz.

A motion was made, seconded and carried to a five minute recess. After the Board came back into session at 9:47 p.m. and post-recess roll was called, Mr. O'Brien began his cross examination of Mr. Ratz.

Mr. O'Brien asked Mr. Ratz about area and square footage. He also asked if Mr. Ratz had seen the interior staircase prior to the renovations; Mr. Ratz stated that it was possible that the situation regarding the staircase was as Mr. Gumienny had described it. Mr. Ratz stated that if the situation was as Mr. Gumienny had described, he (Mr. Ratz), speaking as a state certified fire inspector and as a volunteer fireman, would believe that to be unsafe. The current structure, Mr. Ratz stated, is safer. Responding to questioning on the deck, Mr. Ratz stated the 36 inch post indicated on the plans (A-12) could mean several things, including a chimney or a handrail; he added that since it was not noted he could not tell specifically what it was. Under further questioning, Mr. Ratz stated he had been dealing with Mr. Gumienny since 1986 and that he had never had problems with him in securing permits and complying with construction requests.

Once again Mr. O'Brien stated that it was his client's position that Mr. Gumienny believed the area under the eaves on the third floor prior to the renovations was considered as floor/living area. Mr. Byrnes read the definition of living area.

Mr. Walsh, professional engineer and planner, offered testimony on the project.

Mr. Walsh gave testimony as to how he became involved with the Gumienny case and identified plans A-4 as being prepared by his office. He stated those plans were planned to show the the third floor prior to the renovations; the depiction was

based on plans, materials and descriptions by the applicant because Mr. Walsh was brought in to work on the project subsequent to the construction.

The third floor area had a sitting room indicated; this room had been noted by Mr. Gumienny as a bedroom. Mr. Walsh indicated that this area consisted of a set of walls with no fixtures at this point. Mr. Walsh gave the measurements of the third floor area as 11'3" x 20'6". He stated he had conducted site inspections and took some of the photographs provided to the Board. Mr. Walsh also prepared a front elevation depiction in regards to the third level; it was marked as A-13 for the file. The height of the building was 31' prior to the renovation and is now 30'8", stated Mr. Walsh.

Mr. Walsh stated in his opinion there would be no substantial impairment to the light and air flow in the area. He also discussed previous access to the third floor level. He commented on egress from the area in an emergency situation and stated that should a fire occur in the actual roof structure the area would be inaccessible for egress purposes. He stated under present regulations it would not be allowed to be constructed (as it had existed). Mr. Walsh stated that he was a volunteer fireman and from a fire standpoint, Mr. Walsh felt that if there was a fire on the second story of the building the deck would probably be the primary means of exit.

Mr. Burke stated that he would like to hear from the audience regarding whether they felt the flow of light and air would be impeded. He asked the Board if they needed more information to make their determinations on the C or D variance issue. The Board indicated they needed no further information.

Mr. Burke opened the floor to comments from the public.

Dr. John McCue, 103 Beachfront, was sworn in. He stated he lives 25' north of the subject property and his mother lives at the property 50' south. He stated he has no objections to the project.

Patricia McCue, 103 Beachfront, was sworn in. In her opinion, she stated, there would be no effects on the air flow.

Mr. Magnabousco, 133 Beachfront, stated he felt the project benefits the neighborhood.

Virginia Birckhead, 121 Beachfront, was sworn in and stated that she had no objections to the project.

Mr. Birckhead, 121 Beachfront, noted the good conduct of Mr. Gumienny's tenants and asked if any water, gas or sewer lines were planned; Mr. Gumienny stated there are no new lines planned.

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

Board members asked for clarification of the differences between C and D variances. Mr. Byrnes stated he felt Mr. O'Brien should offer his opinions, after which Mr. Byrnes would offer the definitions requested.

Mr. O'Brien once again he presented his arguments on the C or D variance issue. Definitions were discussed, including that of "non-conforming lot" and types of C variances.

After further discussion, the Board determined that a "C-2" variance was needed by the following poll of the members: "C-2" variance: Mr. Lyons, Mr. Langella, Mr. VanSchoick, Mr. Bogan and Mr. Brittle; "D-variance": Mrs. Kazenmayer.

Mr. Walsh the offered further testimony on the project. He stated the renovation increases the habitability of the dwelling and enhances safety factors. He stated that if Mr. Gumienny was required to return the third floor area to its original state it would not be very habitable or safe. He stated there would be no detriments to the neighborhood and that the benefits to the borough and Mr. Gumienny outweigh detriments. Mr. Burke stated that it was the applicant's choice to use the third floor as a bedroom and that in his opinion he was expanding the area to make better use of it as a bedroom. Mr. Walsh asked the Board to consider the factors presented and take it strictly from a planning perspective.

Mr. Bogan stated that the Board was deciding whether the structure should remain as is or be put back to its original state. Mr. Burke also stated the Board needed to consider the affects on the zoning.

Mr. Byrnes offered pertinent case law, stating that a C-2 variance should not be granted if only the purposes of the owner are advanced and it must "present a better zoning alternative to the property."

Once again calling upon Mr. Ratz, Mr. Burke asked Mr. Ratz, based on prior experience, what these small structures/cupolas originally designed as. Mr. Ratz stated he thought they were designed for people to just go up and look at the ocean, not

as bedrooms or living rooms. Mr. Burke then asked Mr. Gumienny what the area had been used as when he purchased the house; Mr. Gumienny stated it had been used as a bedroom.

Mr. Van Schoick asked Mr. Walsh whether enlargement of the cupola was needed for safe access.

Case law and definitions were clarified for the Board. Mr. Burke then called upon Board members to offer their opinion.

Mr. Lyons expressed the wish that the applicant had come to the Board before construction had commenced.

Mr. Langella stated he was trying to look at it as if the work had not already been done and that if anyone would have approved it prior to the construction they should approve it now.

Mr. VanSchoick commented on the testimony. Mr. Bogan stated he felt it needed to be reduced and that the handrail on the deck should be removed; he felt that while the deck should be allowed to remain, the use of the area as a recreational deck should not be encouraged and that the doors going onto the deck should be changed to windows.

Mrs. Kazenmayer stated it was three stories and she was not sure it represented better zoning.

Mr. Brittle stated that he agreed it was a three story but it had been that way ever since it was built.

Mr. Burke asked Mr. O'Brien if he would like five minutes to confer with Mr. Gumienny. Mr. O'Brien agreed.

While Mr. O'Brien conferred with Mr. Gumienny, the Board came out of the hearing to discuss old and new business.

The Board Secretary submitted a resolution honoring Mrs. Roberts for her service to the Board. The resolution was passed by unanimous vote.

Correspondance and vouchers were discussed.

The Board then entered back into its regular session and hearing on the Gumienny application.

Mr. O'Brien addressed the Board regarding the possibility of decreasing the size of the structure. He stated the only possibility would be to "lop" 6'8" off the back of structure

and change the location of the landing; this would allow the staircase to remain but eliminate some closet space. It would bring the structure down to 13' 10" long x 11' wide (156 square feet, up from the original size of 81 square feet and down from renovated size of 230 square feet).

The Board discussed the option. Mr. Langella stated that the proposal did not address the issue of it being a third floor.

Mrs. Kazenmayer stated that she still felt it was a third story and an expansion of use.

Mr. Bogan stated he would like them to take the six feet off and making the door into a window. He wanted there to be "absolutely no question" that the second floor roof should not be used as a deck.

Mr. Byrnes explained to the Board what options they had in regards to the application. He stated the Board could approve the application as it presently exists, approve the application with stipulations/conditions or deny the application. He said it should be kept in mind that denial did not mean that the third floor would be eliminated because 9x9 had been there.

Mr. Langella stated he assumed the applicant could keep his deck and sliding doors.

Mr. Byrnes noted that the deck had been covered over by a roof and that Board relief would be required to build a different deck. He added an argument could be made that the previous owner abandoned the use by putting a roof over it.

Mr. Bogan stated all railing should be removed from the second floor roof area because railing implied usage as a deck.

After discussion, Mr. O'Brien and Mr. Gumienny stated they could not give up the deck.

Mr. Bogan moved to deny the application; the motion was seconded by Mr. VanSchoick and carried by the following vote: "Yes" Board Members Bogan, Kazenmayer, Lyons, VanSchoick and Burke. "No" Board Members Brittle and Langella.

Mr. Magnabousco asked if the public would have the opportunity to comment; it was stated that the case was closed.

RESOLUTION 17-91 - Frank Dwyer - 196 Third Avenue - The Board Attorney read the favorable resolution for the Board's

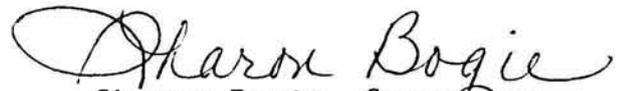
consideration. It was noted that Mrs. Kazenmayer, Mr. VanSchoick and Mr. Langella were not eligible to vote on the resolution. A motion was made by Mr. Brittle to memorialize the resolution; motion seconded by Mr. Bogan and carried by the following vote: "Yes" Board Members Bogan, Brittle, Lyons and Burke. "No" none.

RESOLUTION 19-91 - John and Mona Kirk - 67 Lakewood Road - The Board Attorney read the favorable resolution for the Board's consideration. A motion to memorialize was made by Mr. VanSchoick, seconded by Mr. Brittle and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Lyons, VanSchoick and Burke. "No" none.

RESOLUTION 1-92 - Paul Pawchuk Jr. - 43 Lakewood Road - The Board Attorney read the favorable resolution for the Board's consideration. A motion to memorialize was made, seconded and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Lyons, VanSchoick and Burke. "No" none.

There being no further matters for consideration, motion was made, seconded and unanimously carried to adjourn at 12:06 a.m.

Respectfully submitted,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated in Manasquan 3/6/92

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
APRIL 15, 1992
REGULAR MEETING AGENDA
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN

On Wednesday, April 15, 1992, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 4-92 (cont.) -George M. Spadaro- 34 Deep Creek Dr.

APPLICATION 6-92 - George and Barbara Lund - 271 First Avenue

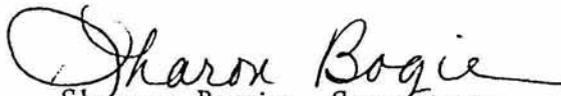
APPLICATION 7-92 - Ronald Dana - 381 Beachfront

RESOLUTION 3-92 - Rev. and Mrs. F. Mold - 564 Pompano Ave.

RESOLUTION 5-92 - Florence M. and Marie E. Breunig - 263
Beachfront/262 First Avenue

OLD BUSINESS/NEW BUSINESS

Yours truly,


Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 4/8/92

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

APRIL 15, 1992 MEETING MINUTES
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held their regular meeting and work session on April 15, 1992 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke 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.

ROLL CALL : Present - Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, James VanSchoick and John Burke.

Absent - Board Member Jack Langella.

It was noted for the record that Mrs. Kazenmayer had listened to the March meeting tapes and was therefore eligible to vote.

A motion was made, seconded and unanimously carried to approve the March 18, 1992 minutes as submitted by the Board Secretary.

APPLICATION 4-92 (cont.) - George M. Spadaro - 34 Deep Creek Drive - The Board continued its hearing on the matter, with Mr. Spadaro, applicant/owner of subject property, testifying.

Mr. Spadaro submitted a letter from Albert P. Ratz Jr., Construction Official. The letter, marked A-11 for the file, stated that based on review of an elevation certificate provided by Mr. Spadaro, Mr. Ratz found that the existing structure has a finished first floor of 10.4 feet. The minimum first floor elevation in an A-5 zone, where the property is located, is nine feet above sea level. The letter went on to say that the dwelling complies with flood zone regulations as will the addition, and therefore should not be an issue for the Board to consider.

Mr. Spadaro also submitted a letter from Elbert Morris, president of Morris and Glasgow, Inc., engineering and surveying firm, Point Pleasant. The letter states that the lowest structural timber is at elevation 9.1' NGVD. The letter was marked A-12.

Pursuant to the Board's request, a drawing of the roofline was shown. It was noted this was the only copy and one would submit one for the Board file. It was marked A-13.

After further discussion and no comments from the public, a motion was made, seconded and unanimously carried to close the public portion of the meeting. A motion was then made by Mr. Bogan for a favorable resolution with the new roofline being incorporated; motion seconded and carried by following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Lyons, Trafford, VanSchoick and Burke. "No" none.

A motion was then made by Mr. Bogan to immediately memorialize the resolution, pursuant to the applicant's request. Motion seconded by Mr. VanSchoick and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Lyons, Trafford, VanSchoick and Burke; "No" none.

APPLICATION 6-92 - George and Barbara Lund - 271 First Avenue - The Board recognized George Lund, 709 Union Lane, Brielle, applicant and owner of the subject property. Mr. Lund and Tom Peterson, Point Pleasant, architect on the project, were sworn in to offer testimony.

The Board, Board Attorney and applicant commenced discussion on the application, which sought relief so that the existing single family house on the property could be demolished and a new single family home could be constructed.

Construction Official Albert P. Ratz Jr. denied the application for a building permit under Section 107-27 (Schedule of Limitations - front yard setback of 10' required, 7'9" requested) of the Code of the Borough of Manasquan. A hardship variance is required and the A-5 flood zone will apply; the property is located in a R-5 zone.

Mr. Lund gave a description of the property and background, stating he had bought the house in 1964 and the land from American Timber Company in 1991. The plans which had been submitted were discussed as well as easements and parking. It was noted that only the front yard setback was deficient.

Mr. Peterson also commented on the project.

On questioning from the Board, Mr. Lund stated there were no intentions to turn the old garage into living space. He also noted the existence of some two-family structures/situations in the neighborhood.

After further discussion amongst the Board Members and applicant, and there being no comments or questions from the public, a motion was made, seconded and unanimously carried to close the public hearing.

Mr. Byrnes stated the Board would need revised figures from Mr. Peterson on the project.

A motion was made by Mr. Trafford to conduct a site inspection on April 18, 1992 at 9 a.m. Motion seconded and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Lyons, Trafford, VanSchoick and Burke. The applicant agreed to waive time limitations under the Land Use Law.

APPLICATION 7-92 - Ronald Dana - 381 Beachfront - The Board recognized Kevin Thomas, attorney for the applicant, and Ronald Dana, 1 Kinney Road, Freehold, owner of the subject property.

The Board, Board Attorney, applicant and applicant's attorney commenced discussion of the application, which sought relief so that the existing house at 381 Beachfront could be demolished and a new one constructed. The home is situated on a lot with another house, 380 First Avenue. This, Mr. Ratz put forth in his denial, is not a permitted use.

Mr. Ratz also denied the permit under Sections 107-27 (Schedule I - sideyard setbacks, 5' required, 3.5' shown, and front yard setback, 15' required and 7.5' requested) and 107-36 (schedule II parking - four parking spaces required, none shown) of the Code of the Borough of Manasquan.

The V-6 flood zone is not applicable, the house must comply with code requirements, Mr. Ratz added. A use variance is needed and the property is in a R-4 zone.

Mr. Dana, under questioning from Mr. Thomas, described the neighborhood. He stated his house is surrounded by two-story homes: Plans prepared by J.R. Saunders, New Jersey and Florida, were discussed.

Parking was discussed and clarifications were made regarding the western floor plans. The applicant stated that revisions would be made regarding the side porch.

The Board made comments on the application. Mr. Burke stated he felt it was a three-story and noted it came to just under the 35 foot maximum height cited in the Code. Mr. Thomas felt it was two and a half stories and added if the Board desired

a condition could be placed in the resolution that there would be no living space on the third story.

"Legally and practically speaking it is not a third floor," Mr. Thomas maintained.

The floor was open to public questions/comments. Speaking in favor of the project were Edward Roeth, 369 First Avenue, Noel Hood, 161 Beachfront, and Warren Randolph, 563 Salmon Avenue.

A motion was made, seconded and unanimously carried to hold a site inspection on April 18, 1992 at 9:30 a.m. The applicant waived the time limitations under the Land Use Law.

RESOLUTION 3-92 - Rev. and Mrs. Frederick Mold - 564 Pompano Avenue - Mr. Byrnes read the favorable resolution. A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Lyons, Trafford, VanSchoick and Burke, "No" none, and "Abstain" Board Member Kazenmayer.

RESOLUTION 5-92 - Florence M. and Marie E. Breunig - 263 Beachfront/262 First Avenue - Mr. Byrnes read the favorable resolution. A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Lyons, Trafford, VanSchoick and Burke, "No" none and "Abstain" Board Member Kazenmayer.

OLD BUSINESS / NEW BUSINESS - The Board Secretary brought correspondence and vouchers to the Board's attention.

There being no further matters for discussion, a motion was made, seconded and unanimously carried to adjourn at 9:20 p.m.

Respectfully submitted,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 4/29/92

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

MAY 20, 1992

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, May 20, 1992, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 6-92 - (cont.) George and Barbara Lund - 271 First Avenue.

APPLICATION 7-92 - (cont.) Ronald Dana - 381 Beachfront

APPLICATION 8-92 - George Rostron - 564 Whiting Avenue

APPLICATION 9-92 - Manasquan First Aid, Inc. - 65 Broad Street

RESOLUTION 4-92 - George M. Spadaro - 34 Deep Creek Drive

OLD BUSINESS / NEW BUSINESS

Yours truly,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 5/13/92

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MAY 20, 1992 MEETING MINUTES
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, May 20, 1992, the Manasquan Zoning Board of Adjustment held their regular meeting and work session in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, NJ.

Vice Chairman James F. Bogan Jr. called the meeting to order at 7:30 p.m. in the absence of Chairman John Burke. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law.

ROLL CALL: Present - Board Members James F. Bogan Jr., Margaret Kazenmayer, Edward Lyons, Robert Brittle and Jack Langella.

Absent - Board Members John Burke, Christopher Trafford and James VanSchoick.

A motion was made by Mr. Brittle to approve the minutes of the April 15, 1992 meeting as submitted by the Board Secretary. Motion second and carried by the following vote: "Yes" Board Members Bogan, Kazenmayer, Lyons and Brittle. "No" none. "Abstain" Board Member Langella.

APPLICATION 6-92 - (cont.) - George and Barbara Lund - 271 First Avenue - The Board recognized George Lund, applicant and owner of subject property. After further discussion, and there being no further comment/questions from the public, a motion was made, seconded and unanimously carried to close the public hearing.

It was explained to Mr. Lund that only four members present were eligible to vote and therefore all four members would need to vote "yes" to approve the application. After brief discussion and comments from the Board, Mr. Lund elected to go forward with the motion and vote on the application.

A motion was made and seconded to approve the application; motion carried by the following vote: "Yes" Board Members Bogan, Kazenmayer, Lyons and Brittle.

APPLICATION 7-92 - (cont.) - Ronald Dana - 381 Beachfront - Kevin Thomas, attorney for the applicant, was advised that there were only four eligible voting members at the meeting. He requested that the hearing be continued at the June 17, 1992 meeting. The Board agreed to continue the case. Mr. Thomas also asked that the revised plans which had been submitted since the April 15, 1992 meeting be marked as evidence; Board Attorney William Byrnes marked the plans A-5A.

APPLICATION 8-92 - George Rostron - 564 Whiting Avenue - Mr. Byrnes marked the file and recognized George Rostron, 187 Grove Street, Somerville, applicant and owner of subject property. Mr. Rostron was sworn in to offer testimony.

The Board and applicant began their discussion of the application, which requested relief so the applicant could construct a concrete pad adjacent to the present gravel driveway; the present concrete curb would then be cut to 18 feet overall.

Albert P. Ratz, Jr., Construction Official, denied the permit under Section 107-23.3 (no curb cut shall exceed 12' in width at the curb line) of the Code of the Borough of Manasquan.

Mr. Rostron explained the project, stating he wished for the larger curb cut for parking purposes. He said he bought the house in 1978 and purchased the land from American Timber Company last year.

A motion was made for a site inspection on May 30, 1992 at 9 a.m. Motion seconded and carried unanimously. The applicant agreed to waive time limitations under Land Use Law.

APPLICATION 9-92 - Manasquan First Aid, Inc. - 65 Broad Street - Mr. Byrnes marked the Board file and Kevin Callahan, attorney with the firm of Monte and Marriott, placed himself on the record as representing the applicant, which is a corporation. Mr. Callahan introduced Michael Long, 52 Taylor Avenue, Manasquan, Captain and Trustee of the squad; and Richard Graham, 600 Sea Girt Avenue, Sea Girt, architect on the project. Mr. Long and Mr. Graham were sworn in to offer testimony.

The Board, Board Attorney and representatives/professionals on behalf of the applicant commenced the hearing on the application, which requested relief so that the First Aid Squad could construct numerous additions (including upgrading the bathroom facilities to accomodate handicapped persons) and change the present flat roof to a pitched roof.

Mr. Ratz denied the building permit under Section 107-9 (not a permitted use) and 107-82.A (4) (non-conforming use may not be expanded without a variance). A use variance was needed.

Mr. Callahan discussed the legalities of the case, stating that the property is in an R-2 zone and a first aid building is not a permitted use in this zone.

Mr. Long described the proposed renovations, noting the addition of bathrooms to meet handicapped regulations, storage space

and change in the roofline as well as giving specifics on each part of the project. He stated there would not be any changes to the parking facilities and the number of people going into the building would not increase.

Mr. Graham offered testimony regarding the submitted plans. He stated the project would not increase traffic and felt that approval of the application would not be detrimental to the public good or the zoning ordinance.

Virginia Birckhead, East Main Street, asked if any parking spaces had been eliminated; it was stated all spaces would remain.

The Board asked whether the Monmouth County Planning Board had been notified since Broad Street is a county road. Mr. Byrnes requested that the applicant's attorney secure a letter of "no interest" on the application from the county.

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

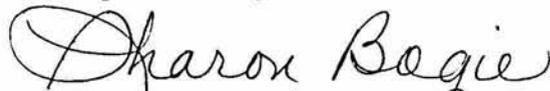
A motion was made by Mr. Langella to approve the application with the stipulation that the applicants would provide a letter of "no interest" from Monmouth County. Motion seconded and carried by the following vote: "Yes" Board Members Bogan, Kazenmayer, Lyons, Brittle and Langella. "No" none.

RESOLUTION 4-92 - George M Spadaro - 34 Deep Creek Drive - Mr. Byrnes read the favorable resolution for the record. Since the Board had voted at the last meeting to memorialize the application immediately, there was no need for further vote.

OLD BUSINESS / NEW BUSINESS - The Board Secretary submitted vouchers and correspondence for the Board's consideration.

The Board then entered into closed session to discuss pending litigation. Upon coming back into regular session, and there being no further matters on the agenda, a motion was made, seconded and unanimously carried to adjourn at 9:27 p.m.

Respectfully submitted,



Sharon Bogie, Secretary
Manasquan Board of Adjustment
(Dated at Manasquan 6/8/92)

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

JUNE 17, 1992

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, June 17, 1992, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 10-92 - Andrew and April Ely- 525 Perrine Boulevard

APPLICATION 7-92 (cont.) - Ronald Dana - 381 Beachfront

APPLICATION 8-92 (cont.) - George Rostron - 564 Whiting Avenue

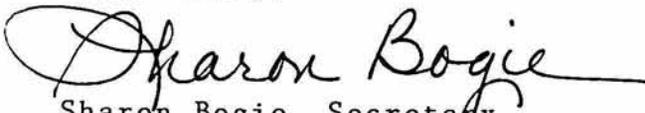
APPLICATION 11-92 - Robert Balot - 71 Second Avenue

APPLICATION 12-92 - David and Ann Marie Tessin - 167 South Street

RESOLUTION 9-92 - Manasquan First Aid, Inc. - 65 Broad Street

OLD BUSINESS / NEW BUSINESS

Yours truly,


Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 6/11/92

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
JUNE 17, 1992

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, NJ

The Manasquan Zoning Board of Adjustment held their regular meeting and work session on June 17, 1992 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke 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 Brittle, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, John Burke, Jack Langella and Claudia Pincus.

Absent - Board Members James F. Bogan Jr. and James VanSchoick.

(Record reflects that Mrs. Pincus left at 7:35 p.m. and Mr. Lyons at 8:45 p.m. It was also stated that Mr. Burke and Mr. Trafford each listened to the tapes of the May 20, 1992 meeting and were thus eligible to vote.)

Claudia Pincus was sworn in as an alternate member of the Board. She fills the vacancy left by the resignation of Alma Roberts.

A motion was made, seconded and unanimously carried to approve the minutes of the May 20, 1992 meeting as submitted by the Board Secretary.

APPLICATION 10-92 - Andrew and April Ely - 525 Perrine Boulevard - Board Attorney William Byrnes stated he would not be able to hear this case due to a conflict of interest. He introduced Ernest Bongiovanni, attorney, who would be hearing the case. Mr. Bongiovanni marked the file and swore in Andrew Ely, owner of the subject property.

The Board, Mr. Bongiovanni and the applicant commenced discussion on the application, which requested relief so that a shower enclosure might be constructed within five feet of the side lot line. Albert P. Ratz Jr., Construction Official, denied the permit under Section 107-27 - Schedule of Limitations - sideyard setback - five feet required, one foot requested. A hardship variance was requested. The property is in a R-2 zone.

Mr. Ely explained the plans for the shower stall, which was

to sit on a foundation and be nailed to the house. Other options in regards to placement were also discussed, with Mr. Ely noting the problems with each option.

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

Mr. Trafford said he was concerned that the stall would be a permanent structure on the property.

Concerns about drainage of soap and water were discussed.

Mr. Ely summed up by stating the prospective location was the "most logical, economic and convenient spot" to place the shower.

After further discussion, a motion was made, seconded and unanimously carried to conduct a site inspection on June 20, 1992 at 9 a.m. Time limitations under Muncipal Land Use Law (MLUL) were waived.

After the hearing Mr. Byrnes took his place as Board Attorney.

APPLICATION 7-92 (cont.) - Ronald Dana - 381 Beachfront - The Board recognized Kevin Thomas, attorney for the applicant. It was noted that a site inspection had been conducted.

The Board continued discussion on the application, indicating concerns about living space on third floor area and questioning the open staircase opening onto the deck.

After further discussion, the floor was open to the public. There being no comments from the audience, a motion was made, seconded and carried to close the public hearing.

A motion was made by Mr. Trafford to approve the application with the stipulation that there would be no living space on the third floor area. Motion seconded and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, Trafford and Burke. "No" none. "Abstain" Board Member Langella.

APPLICATION 8-92 (cont.) - George and Jean Rostron - 564 Whiting Avenue - The Board recognized Mr. Rostron and continued the hearing on his application. It was noted a site inspection had been conducted. Jean Rostron was sworn in to offer testimony.

Mr. Burke brought the council's ordinance regarding curb cut size to the attention of the Board. The parking situation in

the area was discussed as were options.

Mr. Trafford stated he felt such a curb cut would be out of character with the neighborhood.

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

A motion was made and seconded to deny the relief requested in the application. Motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, Trafford, Burke and Langella. "No" none.

A motion was made, seconded and unanimously carried for a brief recess. Post-recess roll call: "Present" - Board Members Brittle, Kazenmayer, Trafford, Burke and Langella. "Absent" - Board Members Bogan, Lyons, VanSchoick and Pincus.

APPLICATION 11-92 - Robert Balot - 71 Second Avenue - The Board discussed a request from Stephen Schueler, attorney for the applicant, requesting a continuance until the July 15, 1992 meeting. The Board indicated they wished to see a complete set of architectural plans and survey by a licensed surveyor. The Board Attorney stated, in his opinion, that this was an incomplete application and as such all persons within 200 feet would need to be renoticed and the legal notice would need to be placed again in the newspaper. The Board Secretary was directed to inform Mr. Schueler of the requests.

APPLICATION 12-92 - David and Ann Marie Tessin - 167 South Street - Mr. Byrnes marked the file and swore in David Tessin, applicant and owner of subject property. The Board and Mr. Tessin proceeded to discuss the application, in which relief was requested so that a garage might be built on the property. The permit was denied by Construction Official Ratz under Section 107-27 - Schedule I - five feet required for side and rear setbacks, 0 feet requested. A hardship "C" variance was requested. The property is in a R-2 zone.

Mr. Tessin offered specifics on the garage, stating it would be 24' x 20' and hold two cars. He stated the reasons why he wished to place it in the location indicated, including the driveway (which, he stated, would not allow him to come forward with the garage) and aesthetics. The neighborhood and its character were also discussed, including the property which was subject of the Condon-Peters minor subdivision and the Water Department property adjacent to the subject site. It

was also stated that an 8' x 12' shed is presently located in basically the same spot as the garage is projected.

A motion was made by Mrs. Kazenmayer to conduct a site inspection on Saturday, June 27, 1992 at 9 a.m. Motion seconded by Mr. Trafford and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Trafford, Burke and Langella. "No" none.

RESOLUTION 9-92 - Manasquan First Aid, Inc.- Broad Street - It was noted that the applicant, per request of the Board, had secured documentation of approval from the county. Mr. Byrnes read the favorable resolution. Mr. Langella moved to memorialize the resolution; motion seconded by Mrs. Kazenmayer and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer and Langella. "No" none.

RESOLUTION 6-92 - George Lund - 271 First Avenue - It was noted that only two Board Members present (Mrs. Kazenmayer and Mr. Brittle) were eligible to vote on memorialization. The resolution was read for the record and the Board Secretary was directed to inform Mr. Lund that the vote on memorialization would take place at the July 15, 1992 meeting.

OLD AND NEW BUSINESS - The Board Secretary brought correspondance and vouchers to the Board's attention.

The Board unanimously agreed to join the Federation of Planners. It was noted that there would be a discount price since the Planning Board was also joining.

The Board also voted unanimously to refund the entire application fee for June Cunningham; the application was scheduled to be heard in July but had been withdrawn.

There being no further matters on the regular agenda, the Board entered into closed session to discuss pending litigation. The Board then re-entered regular session. A motion was then made, seconded and unanimously carried to adjourn at 10:22 p.m.

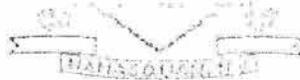
Respectfully submitted,

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736



MANASQUAN ZONING BOARD OF ADJUSTMENT
JULY 15, 1992

On Wednesday, July 15, 1992, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

- Application 10-92 (cont.)-Andrew & April Ely -525 Perrine Blvd.
Application 12-92 (cont.)- David Tessin - 167 South Street
Application 11-92 -Robert Balot -71 Second-POSTPONED INDEFINITELY
Application 13-92 - J. Cunningham - 448 Cedar - WITHDRAWN
Application 14-92 - Pat Scarano - 11½ Sims Avenue
Application 15-92 - Patricia Terry - 57½ Osborn Avenue
Resolution 6-92 - George and Barbara Lund - 271 First Avenue
Resolution 7-92 - Ronald Dana - 381 Beachfront
Resolution 8-92 - George Rostron - 564 Whiting Avenue
Old Business / New Business
(Work session follows regular agenda)

Yours truly,

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 7/10/92

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

MEETING MINUTES - JULY 15, 1992 REGULAR MEETING
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held its regular meeting on July 15, 1992 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He then asked all in attendance to join in the Salute to the Flag.

ROLL CALL - Present: Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer, Edward Lyons, James VanSchoick, John Burke and Claudia Pincus. (Board Member Christopher Trafford arrived at 7:50 p.m.)

Absent: Board Member Jack Langella.

A motion was made, seconded and carried to approve the minutes of the June 17, 1992 meeting as submitted by the Board Secretary.

APPLICATION 10-92 - (cont.) - Andrew and April Ely - 525 Perrine Boulevard - The Board discussed a letter from the applicant requesting a continuance. The Board agreed to continue the case by unanimous vote and requested that the Board Secretary contact the applicant with its decision.

APPLICATION 12-92 - (cont.) - David and Ann Marie Tessin - 167 South Street - The Board recognized Mr. Tessin and Board Attorney William Byrnes swore in Ann Marie Tessin to offer testimony.

It was noted that a site inspection had been conducted.

Mr. Tessin submitted letters from Frederick and Claudia Zimmerman, owners 169 South Street, adjacent to the subject property, stating that he had no objections to the Tessins' plans (marked A-7 and A-8 respectively). A revised sketch, marked A-9, and a letter from Professional Asphalt Maintenance Company, marked A-10, were also submitted.

Options for the location of the garage were discussed by the Board and applicants. Mr. Tessin stated he was willing to bring it in one foot.

The Board also discussed the fact that a hardship variance was being requested and the criteria of a hardship variance.

After further discussion, Mr. Tessin requested a brief break to discuss the matter in private with Mrs. Tessin. Upon returning to the hearing, Mr. Tessin agreed to move the garage over one and a half feet.

There being no comments from the public, a motion was made by Mr. Trafford to close the public hearing; motion carried by unanimous vote.

Mr. Trafford moved to approve the application with the stipulation that the garage maintain rear and sideyard setbacks of 1½ feet. Mr. Tessin also noted that he maintains a portion of the borough property in the rear of his property and would like the opportunity to purchase it at some time. After discussion, however, the motion was amended to state 1½ foot sideyard and 6 foot rear yard. Motion seconded and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer and Trafford; "No" Board Member Burke. "Abstain" Board Member Lyons, VanSchoick and Pincus.

Mr. Byrnes requested that a revised set of plans be submitted; these plans should show new placement of the doors on the garage.

APPLICATION 11-92 - Robert Balot - 71 Second Avenue - The Board Secretary reported that the applicant had not submitted plans and survey, as requested by the Board, in a timely manner. After discussion and consideration of the Board agenda, the Board agreed to continue the case at the October 21, 1992 meeting and requested that the Board Secretary inform the applicant's attorney of the date.

APPLICATION 13-92 - J. Cunningham - 448 Cedar Avenue - It was noted for the record that the application had been withdrawn at the request of the applicant.

APPLICATION 14-92 - Pat Scarano - 11½ Sims Avenue - Mr. Byrnes marked the file and swore in Pat Scarano, 143 Primrose lane, Brick, owner of the subject property.

Mr. Byrnes stated there was a jurisdictional problem with the case insofar that the required utilities were not noticed. Thus, he stated, the Board could not hear the case. It was stated that Mr. Scarano would need to notice the utilities but would not need to notice the residents which had already done.

Mr. Bogan suggested the Board request new plans and set a site inspection for expediency. The Board requested a new detailed drawing be done to scale and submitted. The members agreed unanimously to conduct a site inspection on July 18, 1992.

APPLICATION 15-92 - Patricia Terry - 57½ Osborn Avenue - Mr. Byrnes marked the file and swore in Patricia Terry, owner of the subject property, and Margaret Monsell, Ms. Terry's mother and resident of 57½ Osborn Avenue.

The Board and applicants commenced discussion of the case, which sought relief so that a screened porch could be constructed over 2/3 of an existing rear deck. This would be expansion of a non-conforming use since the structure is a two-family house as approved in Board of Adjustment Resolution 6-89.

Albert P. Ratz Jr., Construction Official, denied the permit under Sections 107-9 (not a permitted use) and 107-82.A (4) (non-conforming uses may not be expanded without approval of the Board of Adjustment) of the Code of the Borough of Manasquan.

Ms. Terry stated they wished to enclose the portion of the deck so they could get more use out of it. She also gave testimony about the property and its two-family use.

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

A motion was made by Mr. VanSchoick to approve the application. Motion seconded and carried by the following vote: "Yes" Board Members Bogan, Brittle, Lyons, Trafford, VanSchoick, John Burke and Claudia Pincus. "No" none. "Abstain" Board Member Kazenmayer.

RESOLUTION 6-92 - George and Barbara Lund - 271 First Avenue - It was noted that Board Members Bogan, Brittle, Kazenmayer and Lyons were eligible to vote on the memorialization. Mr. Byrnes read the resolution for the record. A motion was made by Mrs. Kazenmayer to memorialize the favorable resolution; motion seconded and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer and Lyons. "No" none.

RESOLUTION 7-92 - Ronald Dana - 381 Beachfront - It was noted that Mr. Bogan, Mr. VanSchoick and Mrs. Pincus were not eligible to vote on the memorialization. Mr. Byrnes read the favorable resolution. A motion was made by Mr. Trafford to memorialize the resolution; motion seconded and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, Trafford, and Burke. "No" none.

RESOLUTION 8-92 - George Rostron - 564 Whiting Avenue - It was noted that Board Members Bogan, VanSchoick and Pincus were not eligible to vote on the resolution, which denied the relief requested in the application. A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, Trafford and Burke.

OLD BUSINESS / NEW BUSINESS - The Board Secretary submitted correspondence and vouchers for the Board's consideration.

Discussion was continued regarding the possibility of designating Board Members to follow up on applications heard by the Board. It was agreed that the Board would give the idea a trial period until the end of the year.

A motion was made by Mrs. Kazenmayer, seconded by Mr. VanSchoick, to go into closed session to discuss pending litigation; motion unanimously carried. After coming out of closed session, and there being no further matters or business on the agenda, a motion was made, seconded and unanimously carried to adjourn at 10:10 p.m.

Respectfully submitted,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 8/10/92

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
AUGUST 19, 1992

REGULAR MEETING AGENDA
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, August 19, 1992, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 10-92 (cont.)-Andrew & April Ely-525 Perrine Blvd.

APPLICATION 14-92 (cont.)- Pat Scarano - 11½ Sims Avenue

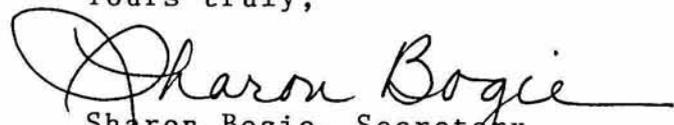
APPLICATION 16-92 - Exxon, Inc. - Union Avenue

RESOLUTION 12-92 - David Tessin - 167 South Street

RESOLUTION 15-92 - Patricia Terry - 57½ Osborn Avenue

OLD BUSINESS / NEW BUSINESS

Yours truly,


Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 8/12/92

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

MEETING MINUTES - AUGUST 19, 1992

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held their regular meeting and work session on August 19, 1992 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m. He noted it was an open public meeting held in accord with the Open Public Meetings Act and published according to law.

ROLL CALL: Present - Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, James VanSchoick, John Burke, Jack Langella and Claudia Pincus.

Absent - None.

(Record shows Mr. Langella and Mrs. Pincus left at 10:50 p.m.)

A motion was made, seconded and carried to approve the minutes of the July 15, 1992 meeting as submitted by the Board Secretary.

APPLICATION 10-92 (cont.) - Andrew and April Ely - 525 Perrine Boulevard - William Byrnes, Board Attorney, again placed on the record that he would be unable to offer counsel on this case because of a conflict of interest; he introduced Ernest Bongiovanni, who continued to hear the case.

Mr. Ely came forward to offer further testimony. It was noted that a site inspection had been conducted.

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

Mr. Burke once again went over options and ideas discussed at the July meeting and noted that the Board had expressed concern over the shower being a "solid" structure which could affect emergency access to the property.

Mr. Ely submitted a copy of the Perrine Boulevard subdivision plot, which was marked A-8 by Mr. Bongiovanni. Mr. Ely then explained why the prospective location was chosen for the shower, noting the piping situation on the property.

After further discussion, Mr. Ely requested that he be allowed

to continue the case at the September 16, 1992 meeting so he could discuss the situation/options with his wife and decide whether to continue with the application or withdraw. A motion was made, seconded and carried to grant Mr. Ely a continuance until the September 16, 1992 meeting.

APPLICATION 14-92 (cont.) - Pat Scarano - 11½ Sims Avenue - It was noted that Mr. Byrnes had marked the file at the last meeting but that the Board could not start its hearing because the utilities had not been properly notified. (Mr. Scarano submitted the proper noticing prior to this meeting)

The Board and Mr. Scarano then began to discuss the application, which requested relief so that an 8' x 15' addition could be constructed to the rear house on the subject property. It was noted that there are two houses on the property.

Albert P. Ratz Jr., Construction Official, denied the building permit under Sections 107-10 (not a permitted use), 107-27 (sideyard and rear yard setbacks - 5' required sideyard, 2.5' existing, 20' required rear yard, 2.85' proposed), 107-30 (residential structure on rear of lot) and 107-82.A (4) (nonconforming uses may not be expanded without variance). A use variance was requested.

The property is located in an R-3 zone and construction would comply with all flood regulations, it was noted.

Mr. Scarano, referring to plans prepared by Creative Construction, Manasquan, noted he needed to amend the application to make it an 8' x 19' addition; this was to account for the addition of a four foot roof to cover the front entrance for safety purposes. He stated the addition would include a bathtub, larger hot water heater, laundry room and closet space so that the unit could be rented out on a year-round basis rather than seasonal. He noted that this would conform with other properties in the neighborhood.

It had been noted that the Board had conducted a site inspection of the property,

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

Mr. Byrnes pointed out setback issues while the Board expressed concerns over the density on the property.

A motion was made by Mrs. Kazenmayer to deny the application.

Motion seconded and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Trafford, VanSchoick and Burke. "No" Board Members Bogan and Brittle.

A recess was taken at 8:30 p.m. The Board reconvened at 8:40 p.m.; Post-recess roll call: Present - Board Members Bogan, Brittle, Kazenmayer, Lyons, Trafford, VanSchoick, Burke, Langella and Pincus. Absent - none.

APPLICATION 16-92 - Exxon, Inc. - Union Avenue (route 71) and Main Street - Mr. Byrnes marked the file and recognized James Carton III, attorney for the applicants.

Board Member Langella excused himself from the hearing because he owns property within 200 feet of the subject property and had been noticed as such.

The Board began hearing the case, with relief being requested by the applicant so that the service station on the property could be demolished and reconstructed with a convenience store.

Mr. Ratz had denied the building permit under Section 107-39.A (9) - the service station is within 500 feet of the Municipal Building. Site plan approval is required. The property is in a B-1 zone.

Mr. Carton introduced Richard Brown, Storch Engineering, who prepared the plans of the project; Henry Ney, traffic engineer; and Carl Johnson, real estate expert, to offer testimony. Each professional was sworn in and accepted as an expert by the Board.

Referring to the plans marked A-9 (rendering of the project), Mr. Brown offered testimony on landscaping and traffic ingress/egress issues. It was stated that there would only be one ingress/egress onto Main Street where there are presently two. This would be brought down further away from the intersection of Main and Union (Route 71). There would still be two ingress/egress openings on Union Avenue and one onto Abe Voorhees Drive.

Mr. Lyons asked about sidewalks on the site while Mr. Burke wished to know about traffic flow (Mr. Brown stated that each of the ingress/egress openings would have traffic coming on and off the site). Mr. Brittle asked about the parking situation; plans provided for five parking spaces to the right of the projected building and five more, including one handicapped space, to the left. It was also stated that it would be a 1200 square foot building.

Thomas Birckhead, Beachfront, asked what distance the building would be from Manasquan Savings and Loan. He also asked who at borough hall received notice of the hearing.

Mr. Ney then offered testimony on the project, stating that it would not be like a Seven-11 (in variety/stock carried) and that it would be a typical Exxon modernization project. He said that approximately 20 percent of persons coming onto the site would need to use a parking space; most patrons, he maintained, would use the store in conjunction with the purchase of gas.

Mr. Burke expressed concerns over parking and pedestrian traffic, such as school children cutting across the property on their way to or from school. Mr. Ney said he felt the proposed site would be safer and noted that it would be handicapped accessible.

Questions were asked by the Board and Board Attorney about the traffic survey, including when it was taken and whether other seashore communities with similiar stations were compared. Mr. Ney explained the methods and formulas he used to make his determinations, including that a pedestrian count was not taken because in his opinion it was "light."

Judith and Robert Curley, 18 Wyckoff Avenue, and Mr. Langella, 405 Pine Avenue, each asked questions of Mr. Ney regarding the traffic survey and findings.

In response to questions, Mr. Ney once again affirmed there would be no oil changes or tire sales on the site. The convenience shop, he testified, would be open 24 hours a day with a minimum of two employees on duty.

Carl Johnson, commercial real estate appraiser, testified about the property, stating that it could be subdivided into several lots and uses could include such concerns as retail stores and emergency medical care facilities. "There are a number of commercial development opportunities," he stated.

Mr. Johnson stated he believed the present gas station/service bay setting was established back in the 1960s. A change from the present setting to the prospective plan, with the elimination of the on-site vehicle parking for servicing and the bays themselves along with the addition of landscaping, would be beneficial, he commented.

Mrs. Kazenmayer brought up sign issues; it had been noted that Exxon had previously been granted a variance for signs by the

Board. Mr. Carton stated the applicant could come back to the Board if a sign variance is needed.

Mr. Curley also asked questions of Mr. Johnson regarding his testimony .

Greg Devivo, project engineer with Exxon, was sworn in. He stated that the project would be isolated with little public access while the project was in progress. Soil testing will also be done prior to tank removals and the filling of the tanks would take approximately 20 minutes every two to three days, he stated. Exxon would be under obligation to maintain the property for one year and then responsibility would be turned over to the store manager. A fire and smoke alarm system will be installed.

Anthony Luciano, sales manager, was sworn in. He confirmed that there were certain risks with eliminating the vehicle servicing (bays) and converting into a convenience store. He commented that with cars becoming so sophisticated and high tech the public is "gravitating" toward larger establishments and dealers.

Mr. Curley asked Mr. Luciano about the number of customers and services that the repair shop had serviced. Mr. Luciano explained the company's leasing policies.

There being no further testimony, Mr. Burke opened the floor to comments on the application.

Mr. Curley pointed out that the station is within 500' of borough hall and he felt that traffic would be more than anticipated by Exxon.

Mr. Langella spoke in favor of the application, noting that the planned facility would be cleaner and "smells" and stored cars would be eliminated. He also noted other work being done on Old Squan Plaza, including the Algonquin Arts project.

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

Mr. Byrnes noted that the Algonquin Theater (Arts) building was within 500' of the site and Mr. Carton agreed to amend his application to note that such an establishment was there under the Code of the Borough of Manasquan.

A motion was made and seconded to approve the application with

parking as indicated; motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Burke, Kazenmayer, Lyons, Trafford and VanSchoick. "No" none.

RESOLUTION 12-92 - David Tessin - 167 South Street - It was noted that the applicant had submitted revised plans showing the new location of the doors on the garage. This was marked A-5A for the file.

Mr. Byrnes read the resolution for the record. It was noted that Board Members Bogan, Brittle, Kazenmayer and Trafford were eligible to vote on the resolution.

A motion was made by Mr. Trafford, seconded by Mrs. Kazenmayer, to memorialize the favorable resolution. Motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer and Trafford; "No" none.

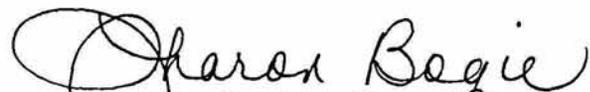
RESOLUTION 15-92- Patricia Terry- 57 Osborn Avenue - Mr. Byrnes read the favorable resolution. Motion made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Lyons, Trafford, VanSchoick and Burke."No" none."Abstain" Board Member Kazenmayer.

OLD BUSINESS / NEW BUSINESS - The Board Secretary brought vouchers and correspondance to the Board's attention.

The Board discussed a request from Kevin Thomas, attorney, on behalf of his client John S. Tawgin regarding the site plan portion of his previous development application. The Board agreed to hear Mr. Thomas' presentation during the October 21, 1992 meeting and extend previously granted approvals on the project until that time.

The Board then voted unanimously to enter into closed session to discuss litigation. Upon reentering their regular session, and there being no further matters on the agenda, a motion was made, seconded and unanimously carried to adjourn at 11:43 p.m.

Respectfully submitted,



Sharon Bogie, Secretary
Manasquan Board of Adjustment
Dated at Manasquan 9/10/92

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

SEPTEMBER 16, 1992

REGULAR MEETING AGENDA

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, September 16, 1992, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 10-92 (cont.) - Andrew and April Ely - 525 Perrine
Boulevard - WITHDRAWN AT REQUEST OF APPLICANT

APPLICATION 17-92 - R. Schmidt - 74 Fletcher Avenue

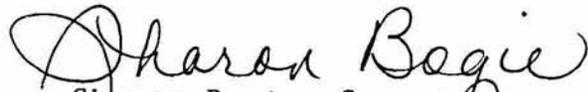
APPLICATION 18-92 - William and Penelope Malcolm - 133 First
Avenue

RESOLUTION 16-92 - Exxon, Inc. - Union Avenue

RESOLUTION 14-92 - Pat Scarano - 11½ Sims Avenue

OLD/NEW BUSINESS

Yours truly,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated in Manasquan 9/11/92

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES - SEPTEMBER 16, 1992
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, September 16, 1992, the Zoning Board of Adjustment of the Borough of Manasquan held their regular meeting and work session at Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

John Burke, Board Chairman, 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 all in attendance to join in the salute to the flag.

ROLL CALL : Present - Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, James VanSchoick, John Burke and Jack Langella.

Absent - Board Member Claudia Pincus.

A motion was made, seconded and carried to approve the minutes of the August 19, 1992 meeting as submitted by the Board Secretary.

APPLICATION 10-92 (cont.) - Andrew and April Ely - 525 Perrine Boulevard - The Board Secretary submitted a letter to the Board from the Elys stating they wished to withdraw the application. The letter was read and accepted for the record.

APPLICATION 17-92 - Mr. and Mrs. Richard Schmidt - 74 Fletcher Avenue - William Byrnes, Board Attorney, marked the file. Richard and Shirley Anne Schmidt, owners of the subject property, and John Gassner Jr., contractor on the project, were sworn in to offer testimony.

The Board, applicants and Mr. Gassner commenced discussion on the application, which requested relief so that a 22' x 18' Master bedroom addition could be constructed. The addition would be built onto a house which is 2.7 feet from the side lot line; the addition, however, will be five feet from the side lot line.

Albert P. Ratz Jr., Construction Official, denied the building permit under Section 107-27 (Schedule of limitations - five foot sideyard setback required) and Section 107-82.A.(4) (a non-conforming building may not be expanded without Board of

Adjustment approval) of the Code of the Borough of Manasquan.

The property is in a R-1 zone and A-5 flood zone; project will comply with flood regulations.

Mr. Schmidt offered testimony on the background of the application and the reasons for the relief requested. Mr. Gassner testified regarding the actual project; he stated that the addition would be conforming. Mr. Gassner added that the applicant would have liked a full basement but is going for a crawl space due to the flood zone regulations.

Mr. Byrnes asked about the setbacks for the shed on the property. Mr. Gassner said he would advise the Board of the measurements.

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

A motion was made and seconded to approve the application; motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Lyons, Trafford, VanSchoick and Burke. "No" none.

APPLICATION 18-92 - William and Penelope Malcolm - 133 First Avenue - Mr. Byrnes marked the file and swore in Mr. and Mrs. Malcolm, owners of the subject property.

The applicants and Board began their discussion of the application, which requested relief so that a front stairway and front door could be constructed. In addition, the applicants wished to build a small dormer over the projected front door. The structure is a two family dwelling.

Mr. Ratz denied the building permit under Sections 107-12 (not a permitted use) and 107-82.A (4) (non-conforming uses require Board of Adjustment approval in order to be expanded or structurally altered).

The property is in a R-5 zone and a use variance is requested; flood zone not applicable (less than 50 percent alteration).

It was stated by Mr. Malcolm that the lower area of the structure was a garage but the previous owner had made it into a living space. Mr. Malcolm noted that he had bought the property from American Timber Company in late 1991-early 1992.

Photographs were submitted for the Board's consideration.

A motion was made, seconded and unanimously carried to conduct a site inspection on Saturday, September 19, 1992, 9 a.m. The applicant agreed to waive time limitations under the Municipal Land Use Law. It was agreed to continue the hearing at the October 21, 1992 meeting.

The Board then discussed going into closed session to discuss litigation but Mr. Langella suggested reading of the resolutions prior to leaving the public meeting.

RESOLUTION 16-92 - Exxon, Inc. - Union Avenue - Mr. Byrnes read the favorable resolution for the Board's consideration. It was noted that Mr. Langella was ineligible to vote on the matter because he owned property within 200 feet of the subject site. A motion was made and seconded to memorialize the resolution including siteplan per plans marked A- 8A . Motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Lyons, Trafford and Burke. "No" none. "Abstain" Mr. VanSchoick.

RESOLUTION 14-92 - Pat Scarano - 11½ Sims Avenue - Mr. Byrnes read the resolution denying the application. It was noted that Board Members Bogan, Brittle and Langella were ineligible to vote. A motion was made by Mr. Trafford to memorialize the application; motion seconded and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Trafford, VanSchoick and Burke; "No" none.

The Board entered closed session to discuss litigation at 8:43 p.m. and reentered the public meeting at 8:50 p.m.

Upon reentering the public meeting, Mr. Byrnes recognized Joseph Gummienny. Mr. Byrnes noted that Mr. Gummienny's counsel Thomas O'Brien had been confirmed as a judge in Ocean County and as such could no longer appear before judicial boards. Mr. Byrnes then recognized Nancy Wright, also of the firm Bathgate, Wegener, Wouters and Neumann, who was appearing on Mr. Gummienny's behalf. It was stated that the litigation was able to be settled amicably and that there were no changes proposed to the consent order as submitted by the plaintiff's attorney. It was stated that the consent order would be signed and forwarded to Judge Strudleki for her signature.

Ms. Wright confirmed that she had reviewed the consent order with her client.

The consent order was read for the record. Mr. Byrnes noted that Mr. Gummienny would have 45 days after Judge Strudleki

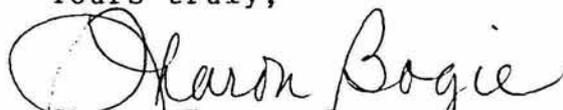
signed the document to apply for a building permit.

It was stated that the hearing had been closed and no public comments would be taken. Thomas Birckhead, East Main Street, showed a letter from Mr. O'Brien stating there would be a chance for the public to comment. Mr. Burke reiterated that this was not the case and that the public hearing on the matter had been closed.

OLD / NEW BUSINESS - The Board Secretary brought correspondence and vouchers to the Board's attention. She also noted that Rutgers University was conducting a course on zoning and planning in Asbury Park; Mr. Burke said that if two members would like to attend they should contact the Board Secretary.

There being no further matters on the agenda, a motion was made, seconded and unanimously carried to adjourn at 9:12 p.m.

Yours truly,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 9/28/92

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

OCTOBER 21, 1992

REGULAR MEETING AGENDA

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, October 21, 1992, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 18-92 - (cont.) - William and Penelope Malcolm -
133 First Avenue

APPLICATION 11-92 - Robert Balot - 71 Second Avenue

APPLICATION 19-92 - John F. and Theresa Tanis - 29 First Avenue

APPLICATION 20-92 - Robert and Marguerite Scott -13-15
Iroquois Rd.

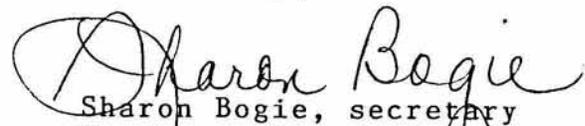
APPLICATION 18-91 - J.S. Tawgin - Sea Girt Ave. (site plan
submission per original application)

APPLICATION 16-92 - Exxon, Inc. - Union Avenue (revised site
plan submission per original application)

RESOLUTION 17-92 - Richard Schmidt - 74 Fletcher Avenue

OLD BUSINESS/NEW BUSINESS

Yours truly,


Sharon Bogie, secretary
Manasquan Board of Adjustment

Dated at Manasquan 10/16/92

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

OCTOBER 21, 1992 MEETING MINUTES

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, NJ

The Manasquan Zoning Board of Adjustment held its regular meeting on October 21, 1992 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

John Burke, Board Chairman, called the meeting to order at 7:30 p.m. He announced that it was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in a salute to the flag.

ROLL CALL: Present - Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer, Christopher Trafford, James VanSchoick, John Burke and Claudia Pincus.

Absent - Board Members Edward Lyons and Jack Langella.

A motion was made, seconded and unanimously carried to approve the minutes as submitted by the Board Secretary.

APPLICATION 18-92 - (cont.) - William and Penelope Malcolm - 133 First Avenue - The Board recognized the applicants and continued the hearing on the case.

It was noted that a site inspection had been conducted.

Mrs. Kazenmayer asked why the applicant had proposed the stairway coming down two sides. Mr. Malcolm stated he did it only for symmetry purposes and would be satisfied with just coming down the one side. Placement of the window was also discussed. Mr. Malcolm said he could modify his plans to take half the stair structure off, but this would block the window.

Mr. VanSchoick said he felt the stairs were out too far and would interfere with the sidewalk; he said no other house in that area came out so far. Mr. Burke said if you move the stairway back against the building it would block the window, which would be against fire code. Mr. Brittle suggested bringing it to five feet from the property line. Concerns were expressed over the size of the stairway proposed. Mrs. Pincus, Mr. Burke and Mr. Trafford noted the aesthetics of the project. The landing size was also discussed.

There being no public comment, Mr. Bogan moved to close the

public hearing; motion seconded and carried unanimously.

Mr. Trafford moved to approve the application; motion seconded by Mr. Bogan. It was noted Mrs. Pincus was not eligible to vote because she was not at the September meeting. The following vote was taken: "Yes" Board Members Bogan, Brittle, Trafford and Burke; "No" Board Members Kazenmayer and VanSchoick. Because it was a use variance application, which requires five affirmative votes, the application was denied. Mr. Malcolm asked about the procedure and route of appeal. Mr. Byrnes explained options to Mr. Malcolm.

APPLICATION 11-92 - Robert Balot - 71 Second Avenue - William Byrnes, Board Attorney, marked the file and recognized Stephen Schueler, attorney for the applicant. Robert Balot, applicant, and Richard Grasso, architect, were sworn in to offer testimony.

The Board, Board Attorney, applicant and applicant's professionals began to discuss the case, which requested relief so that the applicant could demolish the existing house and construct a new single family house.

The building permit was denied by Construction Official Albert P. Ratz Jr. under Section 107-27 (lot width - 40' required, 25' existing; sideyard setback - 5' required, 2.5" requested; front yard setback - 25' required, 10' requested; and rear yard setback - 20' required, 10' requested) of the Code of the Borough of Manasquan. The property is in a R-5 zone and a hardship variance was requested. Construction would be required to comply with flood zone requirements as the property is in an A-5 zone.

It was noted Mr. Balot was contract purchaser of the subject property under agreement with owner Theodore Griffiths.

The applicant, under examination by his counsel, testified there is presently a "very small" one-story dwelling on the property. The applicant also offered testimony about the location and character of the area. Mr. Balot said he had spoken with his neighbors and based on input had revised his plans and submitted these revised plans for the Board's consideration.

Mr. Grasso testified regarding the project, describing the existing house (garage-like one-story home approximately 60 - 70 years old) and its setbacks. He stated the house is very close to neighboring property lines and is "very run down." He stated the projected house would be 20 feet wide and compared the projected setbacks/house to others in the neighborhood. Mr. Grasso stated he felt it would be an asset to the

neighborhood in terms of fire safety, new construction and property values.

Mr. Grasso also detailed the floor plan of the existing house, which he said would be two and a half stories high. He also detailed the location of the house on the property, addressing the issue of the bulkhead at the rear of the property.

Mr. Schueler, calling upon Mr. Balot again, asked him whether there was any other land which Mr. Balot could purchase to increase the size of the lot and eliminate the size non-conformities. Mr. Balot said there was none he knew of.

The Board questioned Mr. Schueler and Mr. Grasso about the height of the building, noting that it was cited as three stories in the application. It was stated the proposed building is approximately 30 feet, two and half stories, high. Definitions of story and half story were discussed.

Mrs. Kazenmayer questioned setbacks from bulkhead to the deck at the rear of the house; Mr. Grasso replied it was 10 feet.

Discussion continued on the definitions of half and full story and whether the house as proposed constituted a two and a half or three story house.

The public was then allowed to cross-examine Mr. Grasso.

Frank Orleans, 75 First Avenue, asked Mr. Grasso about the reductions in size of the proposed structure from what was depicted on the original plans. The plan revisions were discussed. Mr. Grasso said as presently proposed the house will be 64 feet long (front of garage to the back of the dining room). Mr. Grasso added the present projected house had been brought back 10 feet beyond the 15 feet in the original plans. Views of neighboring homes were also questioned.

Mr. Grasso said Mr. Balot expressed intention to modify the plans (take nine feet off the house, thus shortening the structure, and possibly eliminate the garage) so that his neighbor's view would not be obstructed.

Responding to counsel's recommendations, Mr. Burke stated he felt it would serve all parties involved to adjourn the hearing on the case until the new plans were before the Board. Mr. Schueler asked if there were any other areas in which the Board has input; Mr. Trafford said they should consult borough ordinances and added it was not up to the Board to recommend

changes in plans. Mr. Burke reiterated some of the issues involved with the case.

Mr. Burke allowed Mr. Orleans to continue his questioning, which included such issues as flood zone requirements and elevations.

A motion was made seconded and unanimously carried to hold a site inspection on October 24, 1992 at 9 a.m. A motion was then made, seconded and unanimously carried to continue the hearing at the November 18, 1992 meeting.

The Board requested that the new plans include exact elevations and be submitted to the Board by November 7, 1992. The applicant waived time regulations under Municipal Land Use Law.

A motion was made, seconded and unanimously carried to conduct a brief recess. Reconvened at 9:24 p.m. After recess roll call: "Present" - Board Members Bogan, Brittle, Kazenmayer, Trafford, VanSchoick, Burke and Pincus. "Absent" - Board Members Lyons and Langella.

APPLICATION 19-92 - John F. and Theresa Tanis - 29 First Avenue - Mr. Burke excused himself from hearing the case as he lives within 200 feet of the subject property and was among those noticed. Mr. Bogan, vice chairman, presided over the case.

Mr. Byrnes marked the file and recognized the applicants, who were sworn in to offer testimony.

The Board, Board Attorney and applicants commenced discussion on the application, which requested relief so that an addition could be constructed to the rear of the existing house.

It was testified the dimensions of the addition would actually be 24' x 23' rather than the 22' x 26' cited in the denial.

Mr. Ratz denied the building permit under Section 107-27 (Schedule of Limitations - sideyard setback - 5' required, 2.77' requested and existing) of the Code of the Borough of Manasquan.

The property is in a R-2 zone and A-5 flood zone; the applicant submitted a copy of his flood elevation showing that the existing dwelling complies with the minimum flood elevation of nine feet. A hardship variance was requested.

Mr. Tanis gave background on the application, including that they had bought the property in 1970. Mr. Tanis explained that Mr. Ratz had advised him that, because of the setbacks, windows

would not be able to be installed in the addition. Mr. Tanis said that he wished to have windows so he revised the plans to bring the addition in another three feet. This brought the addition (new construction) into conformity with the code, but the original bungalow was still non-conforming (expansion of a pre-existing non-conformity).

The plans submitted were discussed, with Mrs. Pincus asking about the layout of the present home as compared to the layout of the proposed addition.

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

A motion was made by Mrs. Pincus, seconded by Mr. VanSchoick, to draw up a favorable resolution; motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Trafford, VanSchoick and Pincus; "No" none.

APPLICATION 20-92 - Robert and Marguerite Scott - 13-15 Iroquois Road - Mrs. Pincus excused herself from hearing the case as an acquaintance of the applicants.

Mr. Byrnes marked the file and swore in Mr. and Mrs. Scott to offer testimony.

The applicants requested that the Board interpret whether their structure at 13-15 Iroquois Road is a two-family house. The house is in a R-2 zone.

A history of the property was offered; it was stated the Scotts bought the house as a two-family structure in 1974. Mrs. Scott testified that the two dwelling units are completely separate and identical. She said the situation (of needing to come to the Board for an interpretation) recently came to light when they rented out the 15 Wigwam unit and no evidence of a variance for a two-family use had been discovered. It was stated they had always been billed for two water charges and tax assessed for two dwellings as far back as 1967; prior to that, Mrs. Scott stated, there were no records. Copies of assessor records and tax/water charges were submitted as evidence.

Mr. Byrnes asked whether the Scotts had the deed from when they purchased the property. Mr. Byrnes then asked who the Scotts had bought the house from; Mrs. Scott replied they had bought it from Swenson. It was stated that the Scotts only had the deed drawn up in 1980, when Mrs. Scott's mother, who had been a partner in purchasing the house in 1974, had deeded it over

to Mr. and Mrs. Scott. Mrs. Scott stated that the Swensons had used it as a two family, with Mrs. Swenson's brother living in the other unit. When the Scotts bought the property, the Scotts lived on one side and Mrs. Scott's parents on the other. After Mrs. Scott's mother died in 1987, the Scotts rented out the unit. No changes have been made to combine the two dwelling units and at no time was it used as anything other than a two-family house, the Scotts testified.

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

Mr. Byrnes instructed the Boards on points of law regarding two-family uses.

A motion was made by Mr. Trafford to interpret the structure as a two-family house. Motion seconded and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Trafford, VanSchoick and Burke.

APPLICATION 18-91 - J.S. Tawgin - Sea Girt Avenue - The Board recognized Kevin Thomas, attorney for the applicant, and Charles Gilligan, engineer. It was stated that the revised site plan plot prepared by Mr. Gilligan and presented to the Board was to satisfy the resolution condition requiring such action.

Mr. Gilligan and Mr. Thomas gave a brief explanation of the revised plans.

A motion was made by Mr. Burke, seconded by Mr. VanSchoick, to approve the revised site plan. Motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Trafford, VanSchoick, Burke and Pincus. "No" none.

APPLICATION 16-92 - Exxon, Inc. - Union Avenue - The Board discussed a set of revised plans submitted to satisfy conditions of the resolution in the Exxon, Inc. application. After discussing the plans, a motion was made, seconded and unanimously carried to approve the revised plans.

RESOLUTION 17-92 - Richard Schmidt - 74 Fletcher Avenue - Mr. Byrnes read the favorable resolution. A motion was made by Mr. Trafford to memorialize the resolution, seconded by Mr. Bogan. It was noted Mrs. Pincus had not been at the September 16, 1992 meeting and was ineligible to vote. Motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Trafford and Burke. "Abstain" Mr. VanSchoick.

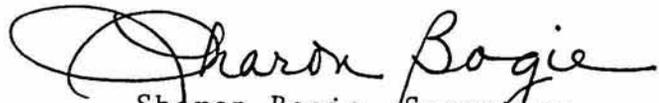
OLD / NEW BUSINESS - Vouchers and correspondance were submitted to the Board by the Board Secretary.

Mr. Trafford brought up the topic of persons coming before the Board for interpretation as to whether their house is a two-family structure in cases wwhere the use may have pre-dated zoning or no records of a variance are evident. He said he felt people were being put to too much expense. Options were discussed and Mr. Burke stated he would take the suggestions, including the possibility of a mailing requesting people to seek such an interpretation during a "grace period", to Mayor John Winterstella.

The issue of certified lists and how long they may be relied on was also discussed. After discussion it was decided to offer a recommendation to Mayor and Council asking for an ordinance to be passed allowing such a list to be acceptable for 120 days; after that point the applicant would need to contact the tax assessor for an update or new list. Mr. Burke said he would take the suggestion to the Mayor and Mr. Byrnes was also directed to prepare the proper correspondance.

A motion was made, seconded and unanimously carried to enter closed session to discuss litigation matters. The Board then returned to their regular session. There being no further matters on the agenda, a motion was made, seconded and carried to adjourn at 11:35 p.m.

Respectfully submitted,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

dated in Manasquan 11/5/92

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

NOVEMBER 18, 1992

REGULAR MEETING AGENDA

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, NJ

On Wednesday, November 18, 1992, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 11-92 - (cont.) - Robert Balot - 71 Second Avenue

APPLICATION 21-92 - Thomas J. O'Leary - 101½ First Avenue

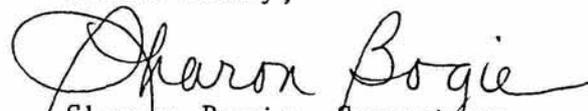
APPLICATION 22-92 - Anne Girone - 123-125 Atlantic Avenue

RESOLUTION 18-92 - William & Penelope Malcolm - 133 First Ave.

RESOLUTION 19-92 - John F. & Theresa Tanis - 29 First Avenue

OLD BUSINESS / NEW BUSINESS

Yours truly,


Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 11/11/92

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT

NOVEMBER 18, 1992 REGULAR MEETING MINUTES

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, NEW JERSEY

The Zoning Board of Adjustment of the Borough of Manasquan held their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m. He announced that it was an open public meeting held in accordance with the Open Public Meetings Act and published according to law.

ROLL CALL - Present: Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer, Edward Lyons, John Burke, Jack Langella and Claudia Pincus

Absent: Board Members Christopher Trafford and James VanSchoick.

A motion was made, seconded and carried by unanimous vote to approve the minutes of the October 21, 1992 meeting as submitted by the Board Secretary.

(Record reflects Mr. Bogan left at 8:25 p.m. and the Board conducted a brief recess at approximately 9:15 p.m.)

APPLICATION 11-92 (cont.) - Robert Balot - 71 Second Avenue - The Board recognized Stephen Schueler, attorney for the applicant. He brought forward Richard Grasso, architect, and Mrs. Balot (Mr. Balot was unable to attend the meeting).

Revised plans which had been submitted to the Board were discussed, with Mr. Schueler noting reductions in variance requests and detailing requirements in the R-5 zone against what was being requested. The unobstructed sightline designated on the plan was also noted.

Mr. Grasso then continued testimony on the project and revisions. He stated he made the house smaller, explaining he "compressed" it but tried not to change the character in the scaling down process. Roofline and roofline pitch were also discussed.

Mr. Grasso also noted the design of the Tischio house which he worked on five doors away.

The floor was opened to questions of Mr. Grasso from the public.

Robert Zanes, 431 Long Avenue, asked about the portion of the property which is underwater and how it was calculated into the square footage. Mr. Schueler said it had been calculated.

Noel Hood, 161 Beachfront, asked about various measurements, including curb to garage. He asked about sidewalk and parking issues, inquiring whether variances were needed (requirement of two on-site parking spots).

Frank Orleans, 75 First Avenue, asked about floor sizes and the deck in the rear in regards to the riparian area. He also asked whether there would be improvements (i.e., sidewalks, curbing) because it appeared that none were indicated on the plans. Sidewalk issues were also addressed; Mr. Grasso said he was unsure whether a sidewalk would be installed.

Mr. Orleans also addressed parking issues, asking whether the applicant would have a legal offstreet space. Board Attorney William Byrnes noted that a car could not block a sidewalk under state regulations.

Options were discussed, as were issues regarding the underwater portion of the property and the rear lot line. Mr. Byrnes offered the legal opinion that the deck is part of the house.

After Board questioning, the floor was opened to comments from the public.

Joseph Tischio, 83 Second Avenue, was sworn in. He spoke in favor of the project, commenting on the condition of the present building. He said the new building would make a contribution to the neighborhood.

Mr. Orleans asked Mr Tischio about the height of his house.

Mr. Zanes was sworn in. He stated he would like to see the property improved but felt the house was too tall and that it was not necessary to go that high. He felt it overbuilt a small lot.

Upon further discussion, Mr. Byrnes once again stated his legal position that the deck was part of the house.

Mr. Hood was sworn in. Mr. Hood also stated there was a need to improve but the building was too large (high).

Mr. Grasso said he would lower the pitch of the roof to bring it down to 30 feet in height.

Richard Dunne, Long Avenue, was sworn in. He commented on the size of the project and said it was important to arrive at a compromise.

Mr. Orleans was sworn in. He submitted to the Board a picture display of the area and other materials, which were marked 0-1 through 0-4 for the file. He offered testimony on the character of the neighborhood, the flow of light and air and parking issues, among other items. He detailed each of his exhibitions for the Board's consideration.

Visibility from Mr. and Mrs. McGrath's property at 73 Second Avenue was discussed and options noted.

Mr. Orleans stated the project was a "gross overuse of an undersized lot". He said he recognized that the applicant had the right to use his land but not this "excessive." He suggested conditions which the Board could consider in its deliberations, including a 22 feet height restriction, granting of a variance for parking so that there would be no need to force two cars on the lot, building of the deck at grade with five feet sideyards on each side and installation of sidewalks. Also, he added, the applicant should be allowed to bring the structure closer to the park side of the property.

Mr. Tischio questioned Mr. Orleans while Mr. Burke cautioned that there could be no encroachment onto the park.

Patterns of light (rising and setting sun) were also discussed.

There being no further public comments, Mr. Burke noted several items which required further comments and discussion. He noted there were only four members present who were eligible to vote. He also commented on the deck issue (should the board, he asked, take measurements from the bulkhead or riparian area) and parking issue. It was determined that Mr. Grasso would need to revised the plans once more and then come back.

At the request of Mr. Schueler, the Board unanimously agreed to recess the case so that Mr. Schueler, Mr. Grasso and Mrs. Balot could confer. The Board agreed to deal with other matters on the agenda until they were ready to address the Board.

RESOLUTION 18-92 - William and Penelope Malcolm - 133 First Avenue - Mr. Byrnes read the resolution for the record. It was noted Mrs. Kazenmayer was the only board member present eligible to vote on the resolution denying the application; as such, the matter was held until the Decemember 16, 1992 meeting.

RESOLUTION 19-92 - John F. and Theresa Tanis - 29 First Avenue - Mr. Byrnes read the resolution for the record. It was noted that Board Members Brittle, Kazenmayer and Pincus were the only members present who were eligible to vote on the resolution. A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer and Pincus. "No" none.

APPLICATION 21-92 - Thomas J. O'Leary - 101 $\frac{1}{2}$ First Avenue - Mr. Byrnes marked the file and the Board recognized Richard Maguire, attorney for the applicant. Mr. O'Leary, applicant, and Robert Houseal, architect, were sworn in to offer testimony.

Mr. Maguire and Mr. Byrnes addressed the issue of noticing utilities, as it had been noted that the utilities had not been served at least 10 days prior to the meeting. Mr. Maguire said he discovered the requirement after he mailed out all the other notices and it was his opinion that utilities were not applicable in this application. The number of eligible voting members was also discussed; there were only six members present and because a use variance was being requested, the applicant would need to receive five affirmative votes.

It was agreed to adjourn the case until the January 20, 1993 meeting. The Board Members voted to conduct a site inspection on December 5, 1992 at 9 a.m.; the Board Secretary was requested to notify the members of the inspection.

APPLICATION - Balot (continued after recess) - Mr. Schueler, Mrs. Balot and Mr. Grasso re-entered the meeting. Mr. Schueler summed up the prospective revisions. Mr. Burke requested comments from each of the Board members; concerns raised included height and deck issues.

Mrs. Kazenmayer wished to see a softening of the overall effect.

Mr. Burke said since a 30' high house was now being proposed, he wanted to see plans for a 30' house and would request an adjournment of the case until those revised plans were submitted.

The Board agreed to continue the case until the December 16, 1992 meeting so Mr. Schueler could have an opportunity to discuss the matter with the Balots and, if necessary, submit revised plans if they wished to continue the case or make arrangements to withdraw the application. It was stated that persons with 200 feet would need to be re-noticed as to all changes and revised plans must be submitted to the Board by December 4.

APPLICATION 22-92 - Anne Girone - 123-125 Atlantic Avenue -
It was stated that the Board could not begin hearing the case
because of noticing issues. The Board voted to adjourn the case
until the December 16, 1992 and noted as such for the record.

OLD BUSINESS/NEW BUSINESS - Vouchers and correspondance were
submitted for the Board's consideration.

The Board discussed letters which the Board Attorney had prepared
regarding the Scott interpretation, the Exxon and Tawgin site
plans and the request to Mayor and Council regarding a time
limit on how long certified lists may be relied upon. The Board
Secretary stated copies of each letter will be forwarded to
individual board members in their next packet.

Mr. Burke also discussed a project being undertaken by students
at Manasquan High School which would involve videotaping the
entire borough. He emphasised the importance of such a project
to the development boards and other commissions/agencies in
the borough.

There being no further items on the agenda, a motion was made,
seconded and unanimously carried to adjourn at 11:35 p.m.

Respectfully submitted,

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 12/8/92

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

DECEMBER 16, 1992

REGULAR MEETING AGENDA

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, ^{December 16} ~~November 18~~, 1992, 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.

SMB 12/16/92

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 11-92 -(cont.) - Robert Balot - 72 Second Avenue

APPLICATION 22-92 - Anne Girone - 123/125 Atlantic Avenue

APPLICATION 23-92 - James Swift - 411 Beachfront

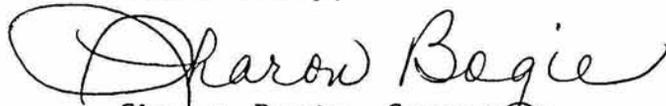
APPLICATION 24-92 - Frank Federici - 406 First Avenue

RESOLUTION 18-92 - William & Penelope Malcolm - 133 First Avenue

OLD/NEW BUSINESS

Please be advised that Application 21-92 - Thomas J. O'Leary - 101½ First Avenue - was adjourned until the January 20, 1993 agenda.

Yours truly,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 12/9/92

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
DECEMBER 16, 1992 MEETING MINUTES
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held their regular meeting and work session on December 16, 1992 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke 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.

ROLL CALL: Present - Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer, Edward Lyons, John Burke, Jack Langella and Claudia Pincus

Absent - Board Members Christopher Trafford and James VanSchoick.

(Record shows Mrs. Pincus left at 7:40 p.m.)

A motion was made by Mrs. Kazenmayer to approve the minutes of the November 18, 1992 meeting as submitted by the Board Secretary. Motion seconded and carried unanimously.

APPLICATION 11-92 - (cont.) - Robert Balot - 72 Second Avenue - The Board continued its hearing on the application. A letter from Stephen Schueler, applicant's attorney, indicated that his client was not willing to revise the plans previously submitted and asked the Board to react accordingly. He stated the Balots had a contact to purchase the property contingent on a favorable resolution.

A motion was made, seconded and unanimously carried to close the public hearing. A motion was then made by Mrs. Kazenmayer to deny the application; motion seconded by Mrs. Pincus and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Burke and Pincus. "No" none. (It was noted Mr. Lyons and Mr. Langella were not eligible to vote on the application)

APPLICATION 22-92 - Anne Girone - 123-125 Atlantic Avenue - Board Attorney William Byrnes marked the file. Mrs. Girone, owner of the subject property, was sworn in to offer testimony.

The Board and Mrs. Girone began discussing the application, which requested relief so that a dormer could be added to the

third floor of the structure, which is a two family dwelling.

Albert P. Ratz Jr., Construction Official, denied the permit under Section 107-9 (not a permitted use) and Section 107-27 (Schedule of Limitations - maximum of 2½ stories is maximum permitted. This is an existing three story building and owners will be enlarging the third floor) of the Code of the Borough of Manasquan.

The property is in a R-2 zone and flood regulations are not applicable. A use variance is requested.

Mrs. Girone commented on the size of each apartment in the structure and said she lives in one part of the house and her son and his family in the other.

A motion was made, seconded and unanimously carried to conduct a site inspection on Saturday, January 9, 1993 at 9 a.m.; the Board Secretary was instructed to memo the members of the appointment. The applicant waived time restrictions under the Municipal Land Use Law.

APPLICATION 23-92 - James Swift - 411 Beachfront - The Board Secretary indicated that John Deppeler III, attorney for the Swifts, had been in contact to explain that because of problems meeting the requirements to be heard by the Board he would not be able to proceed at this meeting. It was requested the matter be adjourned until the January 20, 1993 meeting. It was agreed to commence the hearing on January 20.

APPLICATION 24-92 - Frank Federici - 406 First Avenue - Mr. Byrnes marked the file and swore in Frank and Patricia Federici, applicants, and James Wishbow, contractor, to offer testimony.

The Board, applicants and professionals began their discussion of the application, which requested relief so that an addition could be put onto the rear cottage on the property.

The building permit had been denied by Mr. Ratz under Sections 107-11 (not a permitted use; two houses on one lot) and 107-27 (Schedule of Limitations: sideyard setback 1.9 feet existing and proposed) of the Code of the Borough of Manasquan.

The property is in an R-4 zone and A-5 flood zone; project must comply to flood regulations. A use variance is requested.

Plans prepared by Lawrence F. Slawson, architect, were submitted and discussed. The plans depict that the applicant will be

closing in the back end of the garage apartment and renovating so that the finished dwelling will include three bedrooms and a living / eating area located almost entirely in the portion that presently exists and a bath and kitchen basically in the added areas.

Mr. Wishbow stated the project will not change to setback of the house.

Photos were submitted for the Board's consideration. The applicants said the property was presently a rental property but they wanted to put their family there.

Mr. Byrnes suggested the applicants amend the application to include a variance for parking because four off street spaces were needed.

Thomas Tallon, 413 Beachfront, spoke in favor of the application. Lawrence Lodato, 409 Beachfront/410 First Avenue, also spoke in favor of the application.

Mr. Federici noted that there was "not one drop of water" in the house during the recent storm.

A motion was made by Mr. Bogan, seconded by Mr. Langella and carried unanimously to close the public hearing. A motion was made by Mr. Langella to approve the application conditioned upon the applicant submitting the materials (survey and elevation certification) requested by Mr. Byrnes. Motion seconded and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Lyon, Burke, and Langella. "No" none.

RESOLUTION 18-92 - William and Penelope Malcolm - 133 First Avenue - Matter held; not enough voting members to deny.

Mr. Byrnes recommended entering closed session to discuss possible litigation. The Board voted unanimously to enter the closed session; the Board reentered the regular meeting at 8:50 p.m.

OLD / NEW BUSINESS - The Board Secretary submitted correspondance and vouchers for the Board's consideration.

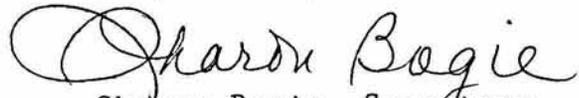
The Board discussed the 1993 budget and agreed to continue discussions when all 1992 figures were complete. Mr. Burke said he wished to request approximately \$1000 more to offset the costs of two possible litigation matters in 1993.

page 4

The Board also discussed a draft of an ordinance before Mayor and Council putting a time limit of 120 days on certified lists of homeowners. The Board directed the Board Secretary to forward a letter of support to Mayor and Council.

There being no further matters on the agenda, a motion was made, seconded and unanimously carried to adjourn at 9:10 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sharon Bogie". The signature is written in dark ink and is positioned above the typed name.

Sharon Bogie, Secretary
Manasquan Board of Adjustment

1993

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

ZONING BOARD OF ADJUSTMENT - 1993 ANNUAL REPORT

<u>CASE#</u>	<u>APPLICANT</u>	<u>ADDRESS</u>	<u>TYPE OF VARIANCE</u>	<u>STATUS</u>	<u>FEE PD.</u>
1-93	E. Leahy	475 Long	hardship-curb cut	Denied but later revised, approved Res. pending.	\$ 25.00
2-93	A. Dickson	305 E. Main	hardship	Memorialized	\$ 200.00
3-93	M. Taufic	483 Long	hardship-curb cut	Memorialized	\$ 25.00
4-93	B. Crook	130 McLean	heat-use variance	Memorialized	\$ 300.00
5-93	J. Trengrove	88 Parker	porch-hardship	Memorialized	\$ 200.00
6-93	K. Callaghan	275 Beachfront	use - demolish and rebuild storm damaged home-2 houses on lot	Memorialized	\$ 300.00
7-93	Kirsch, etal (Leggetts)	215 First	site plan/variances	Memorialized	\$1125.00
8-93	K. Thompson	62 Atlantic	hardship variance	Memorialized	\$ 200.00
9-93	L. Morton	493 Long	hardship-curb cut	Memorialized	\$ 25.00
10-93	I.B Kirsch	237 Beachfront	PENDING		\$ 300.00
11-93	" "	239 Beachfront	PENDING		\$ 300.00
12-93	Acme Mkt.	176 Main	Satellite dish	Memorialized	\$ 350.00
13-93	C. Travers	368 Pine	addition-hardship	Memorialized	\$ 200.00
14-93	B. Reilly	66 Fletcher	addition-hardship	Memorialized	\$ 200.00
15-93	J. Rupprecht	113 Beachfront	use -extend roof	Memorialized	
16-93	B. Wagner	56 Potter	Hardship	Memorialized	\$ 200.00
17-93	R. Hare	74 Second	Hardship-deck	Memorialized	\$ 200.00
18-93	L. McClennan	566 Whiting	Hardship-deck	Memorialized	\$ 200.00
19-93	P. Williamson	41 Beachfront	use (two houses) -enclose porch, addition	PENDING	\$ 300.00
20-93	J. McKearney	First Av(vacant lot)	new house	WITHDREW	\$ 200.00

21-93	J. Tanis	29 First	Hardship-roof	Memorialized	\$ 200.00
22-93	R. Shim	60 Central	Hardship-addition	Memorialized	\$ 200.00
23-93	K. Boden	81 N. Main	Hardship-addition	Memorialized	\$ 200.00
24-93	I. Lloyd	155 Beachfront	Hardship-deck	Memorialized	\$ 200.00
25-93	R. Schroeder	54 Pearce Av.	addition-hardship	Memorialized	\$ 200.00
26-93	T. Collinson	339 Pine	Addition-hardship	Memorialized	\$ 200.00
27-93	P. Yuro	84 Marcellus	Use -2 dwelling units-addition to garage.	PENDING	\$ 300.00
28-93	N. Hood	165-165 $\frac{1}{2}$ First	Use variance	(set for 1/19/94)	\$ 450.00
29-93	C. Galdieri	117 Beachfront	Use variance	(set for 1/19/94)	\$ 300.00

RESOLUTIONS GRANTED: 21

Hardship variances - 16
Use variances - 5
Site plans - 1

TOTAL FEES: \$ 7400.00

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(908) 223-0544

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

January 8, 1993

MEMO TO: Members, Manasquan Zoning Board of Adjustment
Mayor and Council, Borough of Manasquan

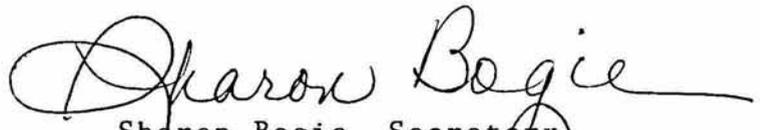
RE: Manasquan Zoning Board of Adjustment
1992 Year-End Report

Dear Members and Mayor and Council:

The Manasquan Zoning Board of Adjustment opened hearings on 23 cases in the calendar year 1992, memorializing 13 favorable resolutions and generating \$7050.00 in revenue.

Attached please find information on the individual cases before the Board during 1992.

Yours truly,


Sharon Bogie, Secretary
Manasquan Planning Board

MANASQUAN ZONING BOARD OF ADJUSTMENT
1992 YEAR END REPORT

<u>RESOLUTION</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>RELIEF REQUESTED</u>	<u>FEES</u>
1-92	Pawchuk	43 Lakewood	dormers	\$ 200
* 2-92	Gumienny	107 Beachfront	use (deck)	\$1050
3-92	Mold	564 Pompano	hardship (roof)	\$ 200
4-92	Spadaro	34 Deep Creek	hardship (addition)	\$ 200
5-92	Bruenig	263 Beachfront/ 262 First Ave.	minor subdivision w/variance (Razberry)	\$450
6-92	Lund	271 First	hardship (new house)	\$ 200
7-92	Dana	381 Beachfront	use (2 houses on lot)	\$ 300
* 8-92	Rostron	564 Whiting	curb cut	\$ 200
9-92	Squan 1st Aid	65 Broad	use (renovations)	waived
** 10-92	Ely	525 Perrine	shower stall	\$ 200
***11-92	Balot	71 Second	New house	\$ 200
12-92	Tessin	167 South	hardship (garage)	\$ 200
** 13-92	Cunningham	448 Cedar	deck	refunded
* 14-92	Scarano	11½ Sims	use (addition)	\$ 300
15-92	Terry	57½ Osborn	use (enclose deck)	\$ 300
16-92	Exxon, Inc.	Union Ave.	site plan w/variances	\$1200
17-92	Schmidt	74 Fletcher	addition	\$ 300
***18-92	Malcolm	133 First	use (renovations)	\$ 300
19-92	Tanis	29 First	hardship	\$ 200
20-92	Scott	13-15 Wigwam	interpretation	\$ 150
***21-92	Girone	123-125 Atlantic	use (dormer)	\$ 300
***22-92	Swift	411 Beachfront	use (deck, roof)	\$ 300
***23-92	Federici	406 First	use (addition)	\$ 300

* Indicates Board denied the relief requested.

** Withdrawn

*** Final resolution/memorialization pending

TOTAL FEES: \$7050.00

BOROUGH OF MANASQUAN
ZONING BOARD OF ADJUSTMENT

RESOLUTION "A"

RE: CHAIRMAN

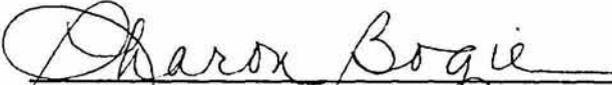
WHEREAS, Article II, Section 2 of the Land Use Procedures ordinance of the Borough of Manasquan, Ordinance No. 1006 provides that the Zoning Board of Adjustment of the Borough of Manasquan shall elect a Chairman from its members:

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan that John Burke be and is hereby elected and designated as Chairman of the Zoning Board of Adjustment of the Borough of Manasquan, effective as of January 20, 1993, and whose term as Chairman shall terminate at the close of the first regular meeting of the Board held in the month of January, 1994.

ROLL CALL VOTE:

YES: Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer,
Edward Lyons, Christopher Trafford, James VanSchoick, Jack
Langella and Claudia Pincus.
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 20, 1993.


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 II, 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 C. Brittle be and is hereby elected and designated as Vice-Chairman of the Zoning Board of Adjustment of the Borough of Manasquan, effective as of January 20, 1993, 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, 1994.

ROLL CALL VOTE:

Board Members James F. Bogan Jr., Margaret Kazenmayer, Edward Lyons,
YES: Christopher Trafford, James VanSchoick, John Burke, Jack Langella
and Claudia Pincus.
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 20, 1993.


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 a regular 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 within seven days of the date hereof.

ROLL CALL VOTE:

Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer,
YES: Edward Lyons, Christopher Trafford, James VanSchoick, John Burke,
Jack Langella and Claudia Pincus.
NO: None.

MEETING DATES:

February 17, 1993

March 17, 1993

April 21, 1993

May 19, 1993

June 16, 1993

July 21, 1993

August 18, 1993

September 15, 1993

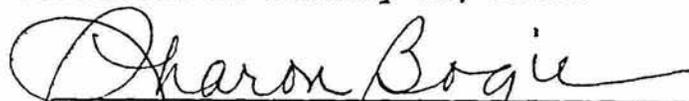
October 20, 1993

November 17, 1993

December 15, 1993

January 19, 1994

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 20, 1993.



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

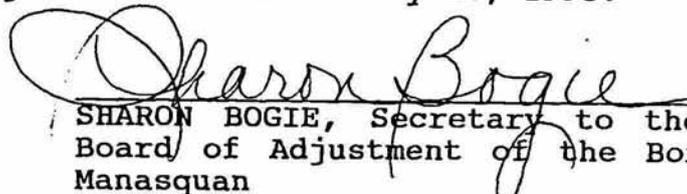
WHEREAS, the "Open Public Meeting Law," public laws of 1975, Chapter 231, provides that various notices be transmitted and/or published in two newspapers most likely to inform the people within the jurisdictional area of the Zoning Board of Adjustment of the Borough of Manasquan and that one of said 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 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:

Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer,
YES: Edward Lyons, Christopher Trafford, James VanSchoick, John Burke,
Jack Langella and Claudia Pincus.
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 20, 1993.


SHARON BOGIE, Secretary to the Zoning
Board of Adjustment of the Borough of
Manasquan

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. 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.

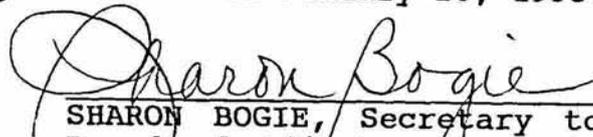
ROLL CALL VOTE:

Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer,

YES: Edward Lyons, Christopher Trafford, James VanSchoick, John Burke, Jack Langella and Claudia Pincus.

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 20, 1993.



SHARON BOGIE, Secretary to the Zoning 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

offered the following Resolution and
moved its adoption, seconded by

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 Council of the Borough of Manasquan, January 24, 1977, provides for the appointment of Secretary to said Board;

AND WHEREAS, the 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 20, 1993, and the same shall terminate at the close of the first regular meeting of this Board held in the month of January, 1994.

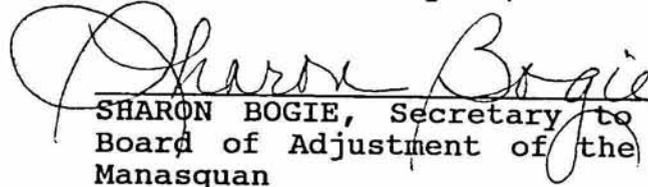
2. That the salary of said Secretary shall be in the amount and payable in the manner as shall be fixed by the Borough Council of the Board of Manasquan.

3. That a copy of this Resolution be published according to law within ten days of adoption.

ROLL CALL VOTE:

Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer,
YES: Edward Lyons, Christopher Trafford, James VanSchoick, John Burke,
Jack Langella and Claudia Pincus.
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 20, 1993.



SHARON BOGIE, Secretary to the Zoning
Board of Adjustment of the Borough of
Manasquan

A G R E E M E N T

THIS AGREEMENT made on the 20th day of January, 1993

BETWEEN THE ZONING BOARD OF ADJUSTMENT 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 of the 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 ^{\$} 35.00 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., is 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: _____

Chairman



JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

January 22, 1993

MEMO TO: Mayor and Council
Margaret Monsell, Municipal Clerk
Colleen Scimeca, Deputy Municipal Clerk
Kathryn Fetten, Municipal Calendar
Manasquan Board of Adjustment Members and professionals
Planning Board Chairman Kevin Thompson

FROM: Sharon Bogie, Secretary
Manasquan Zoning Board of Adjustment

RE: 1993 Reorganization

The ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MANASQUAN will hold their regular meetings for 1993 on the third Wednesday of any month, except when the third Wednesday falls on a holiday celebrated by the Borough of Manasquan; in that case a regular meeting of the Manasquan Zoning Board of Adjustment shall be designated at the regular monthly meeting immediately prior to that holiday and notification shall be made in accordance with the Open Public Meeting Law. Meetings shall be as follows: February 17, March 17, April 21, May 19, June 16, July 21, August 18, September 15, October 20, November 17 and December 15, 1993; and January 19, 1994.

Each regular meeting of the Zoning Board will convene at 7:30 p.m. and the location of the same shall be at Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey. The work shop meeting of the Board will be held immediately after every regular monthly meeting in the same location.

At the Board's January 20, 1993 reorganization session, John Burke was named chairman and Robert Brittle vice chairman. In addition to Mr. Burke and Mr. Brittle, other members of the Board are Margaret Kazenmayer, Jack Langella, Edward Lyons, Christopher Trafford, James VanSchoick and Claudia Pincus. One alternate post remains vacant at the present time. William Byrnes was reappointed counsel and Sharon Bogie was reappointed board secretary.

Yours truly,


Sharon Bogie, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT

MEETING AGENDA - JANUARY 20, 1993

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, NEW JERSEY

On Wednesday, January 20, 1993, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

REORGANIZATION SESSION

1. Resolutions re: Chairman and Vice-Chairman
2. Resolution re: Meeting dates and times
3. Resolution re: Reappointment of Board Attorney
4. Resolution re: Reappointment of Board Secretary
5. Resolution re; Official newspapers
6. Swearing-in of reappointed Board Members
7. 1992 Year-End Report
8. 1993 Budget

RESOLUTION 6-92 - Time extension - George Lund - 271 First Avenue

APPLICATION 18-92 - (cont.) William Malcolm - 133 First Avenue

APPLICATION 21-92 (cont.) - Thomas J. O'Leary - 101½ First Avenue

APPLICATION 22-92 (cont.) - Anne Girone - 123-125 Atlantic Avenue

APPLICATION 23-92 - James Swift - 411 Beachfront

APPLICATION 1-93 - Eugene Leahey- 475 Long Avenue

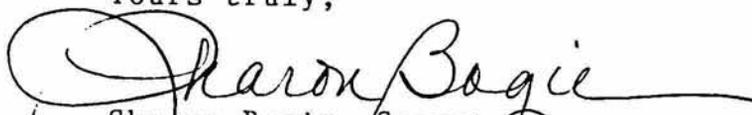
APPLICATION 2-93 - Alan Dickson - 305 E. Main Street

RESOLUTION 24-92 - Frank Federici - 406 First Avenue

OLD/NEW BUSINESS

(Work Session will immediately follow the regular session)

Yours truly,


Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 1/15/93

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - JANUARY 20, 1993
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held their regular meeting on January 20, 1993 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL - Present: Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, James VanSchoick, John Burke, Jack Langella and Claudia Pincus.

Absent: None.

A motion was made, seconded and carried to approve the minutes of the December 16, 1992 meeting as submitted by the Board Secretary.

REORGANIZATION SESSION - The Board entered into its reorganization session for 1993.

Board Attorney William Byrnes administered the oath of office to James VanSchoick and John Burke.

Resolution A, designating a Board Chairman, was read. The nomination of Mr. Burke was made, seconded and unanimously carried. Resolution B, designating a Board Vice-Chairman, was read. The nomination of Robert Brittle was made, seconded and unanimously carried.

Resolution C, designating the meeting date as the third Wednesday of the month, was read. Motion made, seconded and unanimously carried to approve the resolution.

Resolution D, naming The Coast Star and The Asbury Park Press as official newspapers, was read. Motion made, seconded and unanimously carried to approve the resolution.

Resolution E, reappointment of William Byrnes as Board Attorney, was read. Motion made, seconded and unanimously carried to approve the resolution.

Resolution F, reappointment of Sharon Bogie as Board Secretary, was read. Motion made, seconded and unanimously carried to approve the resolution.

The year-end report and budget were discussed. Mr Burke mentioned the Board had already gotten one and were expecting other applications related to storm damage from the December nor'easter. After discussion, the Board agreed to hold a special meeting just for emergency storm damage related cases on March 3, 1993 (date later changed to March 4, 1993 because of scheduling conflicts). Those wishing to have an application heard at that meeting would need to file it by February 11, 1993. Mr. Burke said he and Albert P. Ratz Jr. Construction Official, would then make agenda determinations.

RESOLUTION 6-92 - (extension of time) - George Lund - 271 First Avenue - The Board recognized Mr. Lund and it was noted Mr. Lund had forwarded a letter to the Board requesting a nine month extension on his variance. The letter was addressed and Mr. Lund explained to the Board the reasons for the extension. After discussion, Mr. Trafford moved to close the public hearing; motion seconded and carried by unanimous vote. He then moved to grant the extension; motion seconded and carried unanimously.

APPLICATION 18-92 (cont.) - William Malcolm - 133 First Avenue - The Board Attorney recognized Barbara Birdsall, attorney for the applicant. Mr. Byrnes gave a review of the case to date, including Mr. Malcolm's previous appearances before the Board, damage done to the beachfront area during the nor'easter. He marked the five pages of revised plans as A-12.

Mr. Malcolm gave additional testimony regarding the revisions, which featured changes to the stairway (it would come down one side rather than two). The stairway would not extend to the front property line.

After further discussion, and there being no comments from the public, a motion was made, seconded and unanimously carried to close the public hearing. A motion was made by Mr. Trafford for a favorable resolution; motion seconded and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Trafford, Burke and Langella. "No" Board Member VanSchoick. (Board Members Lyons and Pincus not eligible to vote)

APPLICATION 21-92 (cont.) - Thomas J. O'Leary - 101½ First Avenue - Attorney Richard Maguire placed himself on the record for the applicant. Also recognized were Mr. O'Leary and Robert Houseal, architect. Mr. Byrnes noted the case had been opened

at the November meeting and reviewed the previously marked exhibits.

Mr. Houseal offered testimony on the application, including the dimensions of the structures (the property has a single family home, which is the subject of this application, and a store in separate buildings) on the property. He stated the proposed addition for the residence, which would have a room and bath, would be of traditional architectural style.

Mrs. Pincus asked about firerating. Mr. Byrnes asked about percentage of lot coverage (40.7% existing without raised deck in calculations, 48.45% proposed without patio in calculations and 59.5 % with patio figured in). Elevation and parking issues were also raised; Mr. Maguire agreed to amend the application to request relief on parking requirements.

Mr. O'Leary testified he lives at 101 $\frac{1}{2}$ First Avenue and that he had purchased the land from American Timber Company in 1992. He also testified regarding the property and store operations.

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

The Board discussed the application. A motion was made by Mr. Trafford to grant the favorable resolution with the stipulation that there would be a three foot strip between the store and the proposed addition. Motion seconded and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Lyons, Trafford, VanSchoick and Burke. "No" none.

The Board voted unanimously to hold a brief recess. Post recess roll: "Present" Board Members Bogan, Brittle, Kazenmayer, Lyons, Trafford, VanSchoick, Burke, Langella and Pincus. "Absent" none.

APPLICATION 22-92 (cont.) - Anne Girone - 123-125 Atlantic Avenue - The Board recognized Mrs. Girone, applicant. The Board continued its hearing on the request for relief so that a dormer could be constructed.

It was noted a site inspection had been conducted on January 9, 1993.

Mr. Burke questioned the height of the structure; the Board discussed the issue of the structure being three-stories as opposed to two and a half stories.

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

A motion was made and seconded for a favorable resolution; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, VanSchoick, Burke and Langella. "No" none.

APPLICATION 23-92 - James Swift - 411 Beachfront - John Deppeler placed himself on the record as attorney for Mr. Swift. Mr. Byrnes marked the file.

Mr. Swift was sworn in to offer testimony on the project. Photos were submitted and marked for the file.

The Board, applicant and applicant's attorney began discussion of the application, which requested relief so that the applicant could raise the roof on front of house in order to construct a door to the outside. The present door is 5'5" when legal height is 6'8". The applicant also wished to construct a deck over the new roof with railing.

The permit was denied by Construction Official Ratz under Sections 107-11 (lot with two houses not a permitted use) and 107-82.A.(4) (a non-conforming building may not be structurally changed without Board of Adjustment approval).

The property is in a R-4 zone (the V-6 flood zone is not applicable). A use variance was requested.

Mr. Deppeler amended the application to add the five foot setback as shown on Walter Partington's survey.

Mr. Swift, addressing the photos, testified about the project and neighborhood. the issue of the deck railing was also discussed; Mr. Smith maintained that this area was not to be used as a deck by his tenants per their lease.

Lawrence Lodato, 409 Beachfront, asked whether the roof will be used as a deck and, if not, who would police it.

Mr. Lodato was sworn in to offer testimony. He submitted photos marked OL-1 through 3; he explained each photo and views. He said the deck was in close proximity to his bedroom window and he felt he would hear noise from it. He said he has seen tenants hit their head on the door and he has no problem with Mr. Smith raising the door.

After discussion, Mr. Langella felt he wanted to see more exact

dimensions. A motion was made, seconded and unanimously carried to conduct a site inspection on January 23, 1993 and continue the hearing at the February 17, 1993 meeting. Motion seconded and unanimously carried.

APPLICATION 1-93 - Eugene Leahy - 475 Long Avenue - Mr. Byrnes marked the file and swore in Mr. Leahy, applicant.

The Board and applicant discussed the application, which requested relief so that a 30' wide existing driveway constructed in 1989 could remain. Mr. Ratz denied the permit under ordinance 1532-91 (maximum curb cut of 20' is permitted on a lot with a two car garage). This, said Mr. Ratz in the denial, was in conjunction with the reconstruction of Long Avenue. The property is in a R-3 zone (A-5 flood zone not applicable) and a hardship variance was requested.

Mr. Leahy submitted photos of the property and discussed the installation of the curbs and sidewalks. He said he had spoken to Mayor and Council about the situation and added that he had not been informed before the curb cuts were installed so he had no time to prepare for them.

Options were discussed. Mr. Trafford suggested that the curb cut might be grandfathered; the Board discussed possibly having Mr. Byrnes prepare a letter opinion on the topic. Mr. Leahy said it had been Borough Attorney Kenneth Fitzsimmons' opinion that a variance was required.

After further discussion, Mr. Burke said he felt the matter should be researched. He said he would speak to Councilman James Blumenstock and directed Mr. Byrnes to confer with Mr. Fitzsimmons. A motion was made to adjourn the case until the February 17, 1993 meeting. Motion seconded and carried by unanimous vote. The applicant waived the time limitations under the MLUL.

A motion was made, seconded and unanimously carried to continue the meeting after 11 p.m.

APPLICATION 2-93 - Allan Dickson - 305 E. Main Street - Mr. Byrnes marked the file and swore in Allan Dickson Jr., applicant.

The applicant and board discussed the application, which requested relief so that a one-story addition could be built to the rear of the house; this addition would enlarge the kitchen.

Mr. Ratz denied the building permit under Section 107-27 (sideyard setback - five feet required, 4.16' existing). The property is in a R-1 zone. A hardship variance was requested and the A-5 flood zone is not applicable.

Mr. Dickson offered testimony regarding the addition, which would be adjacent to the kitchen area. He stated the deck depicted had been there for years.

The Board discussed the issue of proper permits being obtained for the deck on the side with violations. Mr. Trafford moved to keep the deck as is, but Mr. Byrnes reiterated the lack of a permit. The applicant agreed to demolish the deck back to a five foot setback and keep the eight foot deck at the rear. Options were discussed.

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

A motion was made for a favorable resolution with the stipulations that the applicant could have an eight foot deck to the rear of the house but would have to demolish the non-conforming deck at the side of the house. A new drawing of the project would also be required. Motion seconded and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Lyons, Pincus, Trafford, VanSchoick and Burke.

RESOLUTION 24-92 - Frank Federici - 406 First Avenue - Mr. Byrnes read the favorable resolution for the record. It was noted Mr. VanSchoick, Mr. Trafford and Mrs. Pincus were not eligible to vote. A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Lyons, Burke and Langella. "No" none.

RESOLUTION 11-92 - Robert Balot - 71 Second Avenue - Mr. Byrnes read the resolution denying the application. It was stated Board Members Lyons, Trafford, VanSchoick and Langella were not eligible to vote on the resolution. A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Burke and Pincus. "No" none.

OLD / NEW BUSINESS - The Board Secretary submitted vouchers and correspondence for the Board's consideration.

A motion was made, seconded and unanimously carried to join

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New Jersey Planning Officials.

There being no further matters on the agenda, a motion was made, seconded and unanimously carried to adjourn at 12 midnight.

Respectfully submitted,

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

FEBRUARY 17, 1993

REGULAR MEETING AGENDA

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, February 19, 1993, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 23-92 (cont.) - James Swift - 411 Beachfront

APPLICATION 1-93 (cont.) Eugene Leahy - 475 Long Avenue

APPLICATION 3-93 - Maurice Taufic - 483 Long Avenue

RESOLUTION 18-92 -William and Penelope Malcolm - 133 First Ave.

RESOLUTION 21-92 - Thomas J. O'Leary - 101½ First Avenue

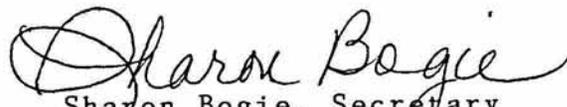
RESOLUTION 22-92 - Anne Girone - 123-125 Atlantic Avenue

RESOLUTION 2-93 - Allan Dickson - 305 E. Main Street

OLD/NEW BUSINESS

(Work session will be conducted immediately after regular meeting)

Yours truly,


Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 2/10/93

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
FEBRUARY 17, 1993 REGULAR MEETING MINUTES
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held its regular meeting on February 17, 1993 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m. and asked all in attendance to join in the salute to the flag. He then stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law.

ROLL CALL: Present - Board Members Robert Brittle, Margaret Kazenmayer, Edward Lyons, James VanSchoick and John Burke.

Absent - Board Members Christopher Trafford, Jack Langella and Claudia Pincus.

(Record shows Mr. Trafford arrived at 8 p.m.)

Also in attendance were William Byrnes, Board Attorney, and the Board Secretary.

A motion was made to accept the minutes of the January 20, 1993 as submitted by the Board Secretary with a notation for the record that "Smith" should read "Swift". Motion seconded and carried by unanimous vote.

APPLICATION 23-92 (cont.) - James Swift - 411 Beachfront - The Board recognized Mr. Swift, applicant. Mr. Swift stated his attorney, John Deppeler, was unable to attend. Mr. Burke explained to Mr. Swift that because he was requesting a use variance he would need five affirmative votes for approval and there were only five board members in attendance.

It was noted that new plans depicting a pitched roof had been submitted as were pictures.

Lawrence Lodato, 409 Beachfront, who had expressed concerns about the roof being used as a deck at the prior hearing, stated he was satisfied with the pitched roof.

Mr. Burke stated in his opinion the pitched roof gave no appearance of being a deck and while tenants may go out on the roof it was not designed to be an invitation

to do so.

Laurie T. Brandon, 412 First Avenue, spoke in favor of the application.

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

A motion was made and seconded to approve the application. Motion carried by the following vote: "Yes"- Board Members Brittle, Kazenmayer, Lyons, VanSchoick and Burke.

APPLICATION 1-93 (cont.) - Eugene Leahy - 475 Long Avenue - The Board recognized Mr. Leahy. Mr. Byrnes said he conferred with Borough Attorney Kenneth Fitzsimmons. He stated Mr. Fitzsimmons took the position that the curb could not be grandfathered because it exists on borough property and that he (Mr. Byrnes) agreed with the legal assessment.

Mr. Burke questioned Mr. Leahy about the survey he had submitted. Mr. Leahy stated the survey was from when the house was originally built. Mr. Burke asked when the driveway had been built and if a permit had been secured. Mr. Leahy stated it was told it was part of the original building permit.

It was also noted Mr. Leahy had been before the Board in 1988. His application to demolish the existing house and build a new house (sideyard, rear yard and front yard setback issues) had been denied.

Tony Cavallaro, 20 Dewey Avenue, was sworn in. He asked if the Board was aware of a parking ordinance being discussed to eliminate parking on lawns.

Eugene Leahy III was sworn in to offer testimony on the parking situation.

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

Mr. Byrnes instructed the Board on points of law in the case, including that the ordinance being discussed regarding no parking on lawns had not been passed yet.

A motion was made and seconded to deny the application.

Motion carried by the following vote: "Yes" - Board Members Brittle, Kazenmayer, Lyons, Trafford and Burke. "No" - VanSchoick.

APPLICATION 3-93 - Maurice and Rosamund Taufic - 483 Long Avenue - The Board recognized Maurice and Rosamund Taufic, applicants; also in attendance was John Lohnes, 617 Highway 71, Brielle, contractor.

Mr. Byrnes noted that the utilities would need to be noticed prior to the next meeting; it was stated the applicants had not received a list. Mr. Byrnes marked the file and sworn in the applicants and Mr. Lohnes.

The Board, applicants and professionals began discussing the application, which requested relief so that a 20 foot wide driveway could be built.

The building permit was denied by Construction Official Albert P. Ratz Jr. under Ordinance 1532-91, which states a maximum curb cut of 12' is permitted on a lot with no garage. It was stated this was in conjunction with the reconstruction of Long Avenue.

It was also noted a 40 foot wide driveway had been constructed when the house was first built in 1992.

Photographs were submitted for the Board's consideration. The parking situation was also discussed. The Taufics said that 24 feet would be needed to get their three cars off the street; Mr. Byrnes advised them they had requested 20 feet and the applicants amended the application to request 24 feet.

After further discussion, the Board discussed conducting a site inspection. The Board requested the applicants stake out the subject area. The applicants agreed to waive time limitations under Municipal Land Use Law.

A motion was made, seconded and unanimously carried to conduct a site inspection on February 20, 1993 at 9 a.m. A motion was then made and seconded to continue the hearing at the March 17, 1993 meeting; motion carried by the following vote: "Yes"- Board Members Brittle, Kazenmayer, Lyons, VanSchoick, Trafford and Burke. "No" none.

RESOLUTION 18-92 - William Malcolm - 133 First Avenue

- Mr. Byrnes read the favorable resolution for the record. It was noted that Mr. VanSchoick had voted no on the approval of the application and was therefore ineligible to vote on the resolution.

A motion was made and seconded to memorialize the resolution. Motion carried by the following vote: "Yes"- Board Members Brittle, Kazenmayer, Lyons, Trafford and Burke.

RESOLUTION 21-92 - Thomas J. O'Leary - 101½ First Avenue - Mr. Byrnes read the favorable resolution for the record. A motion was made and seconded to memorialize the resolution. Motion carried by the following vote: "Yes"- Board Members Brittle, Kazenmayer, Lyons, Trafford, VanSchoick and Burke.

RESOLUTION 22-92 - Anne Girone - 123-125 Atlantic Avenue - Mr. Byrnes read the favorable resolution for the record. A motion was then made and seconded to memorialize the resolution. Motion carried by the following vote: "Yes"- Board Members Brittle, Kazenmayer, Lyons, Trafford, VanSchoick and Burke.

RESOLUTION 2-93 - Allan Dickson Jr. - 305 E. Main Street - Mr. Byrnes read the favorable resolution for the record. A motion was made by Mr. VanSchoick and seconded by Mrs. Kazenmayer to memorialize the resolution. Motion carried by the following vote: "Yes"- Board Members Brittle, Kazenmayer, Lyons, Trafford, VanSchoick and Burke.

OLD AND NEW BUSINESS - The Board Secretary brought correspondance and vouchers to the Board's attention.

A resolution honoring James F. Bogan Jr. for his service to the Board was read. A motion was made, seconded and passed to approve the resolution.

In reports on the status of cases which had come before the Planning Board, Mr. Trafford reported that the Tessin project had been completed. The following resolutions were assigned: Malcolm - Mr. Brittle; O'Leary - Mr. Burke; Girone - Mr. Trafford; and Dickson - Mrs. Kazenmayer.

Board members were also reminded a special meeting regarding storm damage applications was scheduled for March 4, 1993 in Manasquan Borough Hall, 7:30 p.m.

page 5

Mr. Burke gave a status on Manasquan High School's project to film the town. He said it may be starting right away and possibly be finished by summer. He added it would be redone every three years.

A motion was made, seconded and unanimously carried to enter closed session regarding possible litigation.

Upon reentering the regular session, and there being no further matters on the agenda, a motion was made, seconded and unanimously carried to adjourn at 10:25 p.m.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 3/12/93

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

2/17/93

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:

3/3/93

Claudia S. Pincus

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING AGENDA - MARCH 4, 1993
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

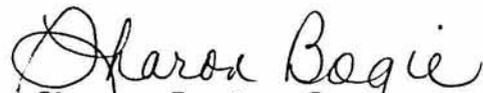
On Thursday, March 4, 1993, the Zoning Board of Adjustment of the Borough of Manasquan will hold a special meeting to hear applications regarding storm damaged structures at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 6-93 - Kay Callaghan - 275 Beachfront

Yours truly,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MARCH 4, 1993 SPECIAL MEETING MINUTES
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held a special meeting on March 4, 1993 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m. and asked all in attendance to join in the salute to the flag. He then stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law.

ROLL CALL: Present - Board Members Robert Brittle, Edward Lyons, Christopher Trafford, John Burke, Jack Langella and Claudia Pincus.

Absent - Board Members Margaret Kazenmayer and James VanSchoick.

Also in attendance were William Byrnes, Board Attorney, and the Board Secretary.

Mr. Burke stated this was a special meeting held in order to hear cases related to storm damage incurred during the December 11, 1992 nor'easter storm.

APPLICATION 6-93 - Kay Callaghan - 275 Beachfront - The Board recognized Mrs. Callaghan, 276 First Avenue, and contractor Richard Nappi, North Potter Avenue. Mr. Byrnes swore Mrs. Callaghan and Mr. Nappi in and marked the file.

The Board, Mrs. Callaghan and the professionals commenced the hearing on the application, which requested relief so that the applicant could demolish the storm damaged home at 275 Beachfront and build a new house.

Albert P. Ratz Jr., Construction Official, denied the building permit under Section 107-11 (two dwellings on one lot not a permitted use) of the Code of the Borough of Manasquan. The property is in a R-4 zone and V-6 flood zone; the projected house would comply with flood zone requirements. A use variance was requested.

Mrs. Callaghan and Mr. Nappi testified the northeaster had damaged the whole foundation of the house and it could not be rebuilt the way it was.

The plans prepared by Mr. Nappi were addressed. It was stated the present house was one and a half stories with all bedrooms on the first floor. The proposed structure would be a narrower building with two stories; all bedrooms would be on the second floor.

Mr. Nappi felt ventilation and beach access in the area would be enhanced with the new structure.

Opening the floor to the public, Bob Evans, 129 Beachfront, spoke in favor of the application.

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

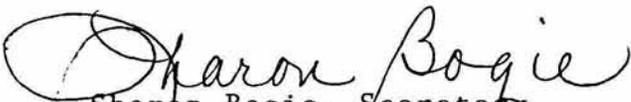
Mr. Nappi further testified the foundations was undermined. He stated they would be putting the new structure on pilings, eliminate setback violations and bring the structure up to code.

A motion was made and seconded to approve the application. Motion carried by the following vote: "Yes" Board Members Brittle, Lyons, Trafford, Burke, Langella and Pincus. "No" none.

The applicant was requested to provided figures for the distances from the side lot lines to the shower and other items indicated on the survey prepared by Steven Zimmermann. It was stated the resolution would be ready for memorialization at the March 17, 1993 meeting if those figures were forwarded in a timely manner.

The Board Secretary briefly updated the Board on coming seminars. There being no further matters on the agenda, a motion was made, seconded and unanimously carried to adjourn at 8:07 p.m.

Respectfully submitted,


Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 3/15/93

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
REVISED MEETING AGENDA - MARCH 17, 1993
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, March 17, 1993, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

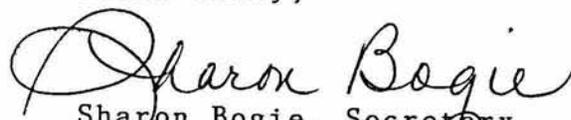
- APPLICATION 4-93 - Barbara Crook - 130 McLean Avenue
APPLICATION 5-93 - John and Donna Trengrove - 88 Parker Avenue
APPLICATION 8-93 - Kevin and Susan Thompson - 62 Atlantic Avenue
RESOLUTION 23-92 - James Swift - 411 Beachfront
RESOLUTION 1-93 - Eugene Leahy - 475 Long Avenue
RESOLUTION 6-93 - Kay Callaghan - 275 Beachfront

(Case 3-93 - Maurice Taufic - 483 Long Avenue - has been adjourned until the April 21, 1993 meeting at the request of the applicants)

OLD/NEW BUSINESS

(Work session will begin immediately following the regular session)

Yours truly,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 3/12/93

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

MEETING MINUTES - MARCH 17, 1993

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held their regular meeting on March 17, 1993 at Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in a salute to the flag.

ROLL CALL: Present - Board Members Robert Brittle, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, James VanSchoick, John Burke, and Claudia Pincus.

Absent - Board Member Jack Langella.

(Record shows Mrs. Pincus left at 8:30 p.m. Also in attendance were Board Attorney William Byrnes and the Board Secretary.)

Motions were made, seconded and carried to approve the minutes of the February 17, 1993 regular meeting and March 4, 1993 special meeting of the Board.

APPLICATION 4-93 - Barbara Crook - 130 McLean Avenue - Mr. Byrnes swore in Mrs. Crook, 131 Lake Avenue, and marked the file.

The Board and applicant began discussing the application, which requested relief so that the applicant could install heat in the rear house (130 McLean Avenue) on a lot with two houses (Mrs. Crook lives in the front house, known as 131 Lake Avenue).

Albert P. Ratz Jr., Construction Official, denied the permit under Section 107-8 (two houses on one lot is not a permitted use) and Section 107-82 (no non-conforming property may be extended by virtue of time without Board of Adjustment approval).

The property is in a R-1 zone and flood regulations are not applicable, except the furnace unit will be required to be above flood elevation. A use variance was requested.

Mrs. Crook, who bought the property in December 1992, gave testimony about the property and the subject structure, which is presently a summer rental and has a detached garage.

The Board asked questions and Mrs. Crook offered testimony about

the parking situation on the property.

Mr. Byrnes commented on off-street parking and setback issues, stating that they need to be incorporated in any resolution.

Alternatives for parking on the property were discussed, including removal of holly trees on the property. Curb cuts and sidewalks were also discussed.

After discussion, Mrs. Crook agreed to amend her application to include relief from having two parking spaces per dwelling unit on the property.

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

A motion was made and seconded to approve the application as amended. Motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, Trafford, VanSchoick, Burke and Pincus.

APPLICATION 5-93 - John and Donna Trengrove - 88 Parker Avenue - Mr. Trengrove was sworn in and Mr. Byrnes marked the file. Mrs. Kazenmayer excused herself from hearing the case.

Mr. Byrnes asked the individual Board Members questions regarding their relationship toward the Borough and Mr. Trengrove as Chief of Police; after speaking with the Board Members, Mr. Byrnes felt none had a potential conflict of interest.

Mr. Trengrove offered testimony on the project and the subject property, which he had bought in 1980. He noted the varying setbacks in the neighborhood and stated it was a transition area between residential and business. He stated a majority of the house on Parker Avenue have porches and less than a 25' frontyard setback.

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

Mr. Trafford moved to approve the application; motion seconded and carried by the following vote: "Yes" Board Members Brittle, Lyons, Trafford, VanSchoick, Burke and Pincus. "No" none.

APPLICATION 8-93 - Kevin and Susan Thompson - 62 Atlantic Avenue - Mr. and Mrs. Thompson were sworn in to offer testimony and Mr. Byrnes marked the file.

The Board and applicants began discussing the application, which requested relief so the owner could construct an addition to the existing house; the addition would enclose a swimming pool and connect to the new garage on the property.

Mr. Ratz denied the permit under Section 107-27 (rear yard setback - 20 feet required, six foot existing) of the Code of the Borough of Manasquan.

The property is in a R-2 zone and the flood zone is not applicable. A hardship variance was requested.

The Thompsons testified they bought the property in 1986 and that it was over 10,000 square feet in area. A survey was submitted showing the dimensions of property and structures on the property.

Mr. Byrnes requested that "more in depth" plans be submitted showing heights and dimensions of the project.

Mr. Thompson noted the height of the garage would be 28 feet.

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

Mrs. Kazenmayer moved for a favorable resolution contingent upon submission of plans showing dimensions and heights; motion seconded and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, Trafford, VanSchoick and Burke. "No" none.

RESOLUTION 23-92 - James Swift - 411 Beachfront - Mr. Byrnes read the favorable resolution for the record. It was noted that Mr. Trafford was ineligible to vote. Motion made by Mrs. Kazenmayer to memorialize the resolution; seconded by Mr. VanSchoick and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, VanSchoick and Burke. "No" none.

RESOLUTION 1-93 - Eugene Leahy - 475 Long Avenue - Mr. Byrnes read the resolution denying the relief sought in the application. (Secretary's note: The recording of the meeting was cut off during reading of the resolution due to a tape machine malfunction; the remainder of the minutes come from the Secretary's notes). It was stated Mr. VanSchoick had voted "no" on the original application and therefore was ineligible to vote on the memorialization. A motion was made and seconded to memorialize the resolution; motion carried by the following

vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, Trafford and Burke. "No" none.

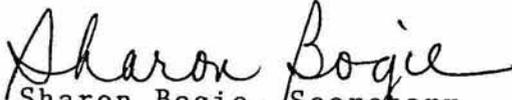
RESOLUTION 6-93 - Kay Callaghan - 275 Beachfront - Mr. Byrnes read the favorable resolution. It was noted that Board Members Kazenmayer and VanSchoick were ineligible to vote. A motion was made and seconded to memorialize; motion carried by the following vote: "Yes" Board Members Brittle, Lyons, Trafford and Burke.

OLD / NEW BUSINESS - The Board discussed a request from attorney Kevin Thomas on behalf of his client Ronald Dana for an extension of time on Mr. Dana's variance at 381 Beachfront. The Board voted unanimously to grant the extension.

The Board Secretary brought correspondance and vouchers to the Board's attention.

There being no further business, a motion was made, seconded and unanimously carried to adjourn at 9:27 p.m.

Respectfully submitted,


Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 4/14/93

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING AGENDA - APRIL 21, 1993
MANASQUAN ZONING BOARD OF ADJUSTMENT
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, April 21, 1993, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 3-93 - (cont.) Maurice and Rosamond Taufic - 483 Long Avenue

APPLICATION 7-93 - Kirsch, Paglia and Flood (Leggett's) - 215 First Avenue

RESOLUTION 4-93 - Barbara Crook - 130 McLean Avenue

RESOLUTION 5-93 - John and Donna Trengrove - 88 Parker Avenue

RESOLUTION 8-93 - Kevin Thompson - 62 Atlantic Avenue

OLD BUSINESS / NEW BUSINESS

(work session will begin immediately following the regular session)

Yours truly,

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 4/15/93

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - APRIL 21, 1993

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held their regular meeting on April 21, 1993 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m. He stated for the record it was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He then asked all in attendance to join in the Pledge of Allegiance.

ROLL CALL: Present - Board Members Robert Brittle, Margaret Kazenmayer, Jack Langella, Edward Lyons, James VanSchoick, John Burke and Patricia Walsh.

Absent - Board Members Christopher Trafford and Claudia Pincus.

The Board welcomed back Patricia Walsh, who was renamed to the Board as an alternate member. Mrs. Walsh was administered the oath of office by Board Attorney William Byrnes.

The Board addressed a request from applicant John Rupprecht regarding a special meeting. Mr. Burke noted the Board agenda was booked up until September and suggested that rather than giving Mr. Rupprecht a special meeting of his own the Board should consider having special meeting in early June to clear out all cases until August and then moving up the remainder to the July regular meeting. After discussion, the Board agreed to Mr. Burke's proposal and voted unanimously to conduct the meeting Wednesday, June 2, 1993 in Borough Hall. The Board Secretary was directed to make the necessary arrangements.

APPLICATION 3-93 - (cont.) Maurice and Rosamond Taufic - 483 Long Avenue - The Board recognized the applicants and Mr. Byrnes said the applicants had noticed the utilities per directions from the Board at the February 16, 1993 meeting. It was noted that this matter had been adjourned from the February meeting until this meeting at the request of the applicants. It was also noted the Board had conducted a site inspection.

Mr. Byrnes reviewed parts of the case and commented that the applicants, during the hearing in February, had amended their application to request a 24 foot curb cut rather than the 20 foot originally requested.

Mr. Burke commented that Albert P. Ratz Jr., Construction Official, said two off-street parking spaces would have been required when the house was built.

After further discussion the Taufics amended the application back to a 20 foot peak wide curb cut, which includes the flair.

There being no public comments, a motion was made, seconded and carried to close the public hearing. A motion was made by Mrs. Kazenmayer to approve the application as amended (20 foot curb cut); motion seconded and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, VanSchoick, and Burke. "No" none.

APPLICATION 7-93 - Kirsch, Paglia and Flood Partnership (Leggett's) - 215 First Avenue - Mr. Byrnes excused himself from hearing the case and introduced attorney Ernest Bongiovanni as Board counsel on the matter. It was noted for the record that Mrs. Walsh owned property within 200 feet of the subject site and would therefore be excusing herself from the hearing.

Mr. Bongiovanni marked te file. Attorney Ralph Shield placed himself on the record as representing the Kirsch, Paglia, Flood Partnership and introduced John Paglia, one of the partners. Mr. Paglia was sworn in along with Charles Gilligan, engineer, and Paul Amelchenko, architect.

The Board, applicant and applicant's professionals began discussing the application, which requested relief so that 217 First Avenue, a one story commercial building known as Leggett's Sand Bar, could be connected with 215 First Avenue, a two-story commercial building with apartments. The owner would be making alterations to the entire building to make the 215 First Avenue area a sit down restaurant area. A residential structure known as 220 Second Avenue is at the rear of the property.

Mr. Ratz denied the permit under Section 107-14 (single family detached dwelling not a permitted use in a B-2 zone) and Section 107-36, Schedule II (parking - 51 spaces provided, 65 required). Mr. Ratz also noted the owner must have lot line eliminated between lot 39 and lot 40 as well as between lots 10 and 12.

The property is in a B-2 zone and flood requirements are not applicable. A use variance was being requested.

Mr. Shield gave a brief background of the case, including the fact that it was originally scheduled to go before the Planning Board (it was determined that because of the residential use

on the property, the request became a use variance and placed under the jurisdiction of the Board of Adjustment). Liquor license issues were also noted.

Mr. Shield, referring to a memo prepared by Paul Szymanski, planner, on behalf of the Borough, said the applicants would be willing to combine the lots.

Mr. Amelchenko offered testimony on the project, including the display and explanation of his rendering of the facade. He explained some prior uses in the two-story building, including arcade and skateboard shop. He said it needed repair and cosmetic work. He testified that the two existing apartments would be eliminated.

The projected plans, Mr. Amelchenko testified, call for a first floor food service area. The second floor would have a cathedral ceiling area and administrative offices. The facade would be of terra cotta stucco. The new facility would seat approximately 52 people at a combination of booths and open table settings. There would be no walk up counter service or additional bar area in the new section; there would only be waitress service.

Signage on the front of the building was discussed.

Mr. Amelchenko felt the plans would aesthetically "fit in" with the Beachfront area.

It was testified that the building would be 17 feet high at its low point and 33 feet high at its highest point.

A proposed overhang at the rear of the building was also discussed. It was stated it would be over a walkway and no loss of parking space would result.

Under questioning from Mr. Langella, testimony was offered regarding the size of the office area (floor space would be 758 square feet) and percentage of increase in the size of the business in regards to the first floor area (41 percent).

Mr. Paglia stated the existing Leggett's kitchen would continue to serve its regular menu while the new section would be more of an open area specializing in Italian food. The existing Leggett's will keep its two bathrooms and two more bathrooms will be added in the new area.

Warren Randolph questioned the applicant about access and emergency exits between and in the two areas. It was stated

the rear entrance would be retained.

Noel Hood, Beachfront, questioned Mr. Amelchenko about the plans and in particular the office space.

Dolly Hood, Beachfront, questioned the establishment of storage areas for restaurant supplies.

Mr. Gilligan was then brought forward to testify. He addressed the parking situation, stating the plans proposed 51 when 65 were required under the Borough's zoning ordinance.

Mr. Langella questioned the residential structure on the property. The Board and applicant's professionals also addressed Mr. Szymanski's memo, including sidewalk and recycling issues.

Mr. Burke questioned the existing lighting in the parking lot. Mr. Gilligan and Mr. Amelchenko offered information on lighting scheme for the entire site.

Richard Dunne, Long Avenue, had questions regarding the lighting on the basketball court located on the subject site.

Mr. Paglia offered further testimony regarding the operations.

Mr. Burke asked about access between the two areas. He asked Mr. Paglia if he felt the the access projected between the two would be sufficient for customer and waitress traffic. Mr. Paglia felt it would be sufficient. Mr. Paglia also added there would be no access by stairs in the rear of the building.

Mr. Langella questioned Mr. Paglia about occupancy numbers in the building. Mr. Paglia said existing Leggett's can hold 310 people and he expects the addition will bring it up to approximately 370-380 people. Both sections would have the same hours of operation. Mr. Paglia added there would be no entertainment on weekends.

Mr. Langella asked if a "no bar" in the new portion stipulation could be placed in any resulting resolutions passed by the Board. Mr. Bongiovanni felt this could be done.

Mr. Paglia said there would be no problem with consolidating the subject lots because they were all owned by the partnership.

Mr. Amelchenko displayed a color rendering of the project, which was marked as evidence.

The floor was open to comments from the public.

Mr. Hoodwas sworn in and testified about the expansion of Leggett's over the years. He also discussed parking issues, stating the parking ordinance was "liberal" and addressed seated patrons and did not account for standing patrons in the establishment.

Robert Gardell, 171 Beachfront, was sworn in. He felt improvement should be encouraged and cited the tax ratable.

Mrs. Hood was sworn in. She expressed concerns over storage on the property, truck traffic and noise. She felt the two establishments should be separate.

Mr. Dunne was sworn in. He was concerned that a bar could end up in the new section.

Mr. Langella said parking would always be a problem on the site and that his main concern was what could happen over time. He felt the resolution should indicate that food would have to served and people seated in the new section.

Mrs. Kazenmayer said she would like to see Mr. Szymanski's comments incorporated into the resolution, except for the removal of the house and the fire hydrant.

The Board further examined Mr. Szymanski's memo. They agreeded to incorporate comments 4,6,8,9,11,12,13,14,and 15 while deleting 1,2,3,5,7,and 10. (see attached copy of memo, marked B-1 for the file)

It was stated the Board would require and updated/revised site plan depicting the changes discussed.

Mr. Burke stated he would like to see two handicapped accessible parking spots, which Mr. Gilligan said could be done. Mr. Burke also commented he would like it stated the new section is not an annex of the bar area.

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

A motion was made by Mr. Lyons for a favorable resolution. Motion seconded and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Langella, Lyons, VanSchoick and Burke. "no" none.

A motion was made, seconded and unanimously carried to conduct a brief recess at 10:29 p.m. The Board reentered at 10:35 p.m. - Roll Call: present - Board Members Brittle, Kazenmayer, Langella, Lyons, VanSchoick and Burke.

RESOLUTION 4-93 - Barbara Crook - 130 McLean Avenue - Mr. Byrnes read the favorable resolution. It was stated Mr. Langella was ineligible to vote. Motion made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, VanSchoick and Burke. "No" none.

RESOLUTION 5-93 - John and Donna Trengrove - 88 Parker Avenue - Mr. Byrnes read the favorable resolution. He noted there was a typo in which the correct information should read "August 11, 19 as the date of the previous resolution. It was stated Mrs. Kazenmayer and Mr. Langella were ineligible to vote. Motion made by Mr. VanSchoick to memorialize the resolution; motion seconded and carried by the following vote: "Yes" Board Members Brittle, Lyons, VanSchoick and Burke. "No" none.

RESOLUTION 8-93 - Kevin Thompson - 62 Atlantic Avenue - Mr. Byrnes read the favorable resolution. It was stated Mr. Langella was ineligible to vote. Motion made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, VanSchoick and Burke. "No" none.

OLD BUSINESS / NEW BUSINESS - The Board Secretary submitted vouchers and correspondence to the Board's attention.

At 11 p.m. the Board voted unanimously to enter closed session to discuss matters regarding possible litigation. The Board reentered the public session at 11:14 p.m. and, there being no further matters on the agenda, voted unanimously to adjourn at 11:16 p.m.

Respectfully submitted,

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

dated at Manasquan 5/13/93

Paul F. Szymanski, AICP, PP

PLANNING • ZONING • COMMUNITY DEVELOPMENT CONSULTANT

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

TELEPHONE 609•448•8497

MEMORANDUM

TO: Manasquan Planning Board
Manasquan Zoning Board of Adjustment

RE: Proposed Land Development Application
Applicant: Kirsh, Paglia & Flood, Partnership
Leggits' Sandbar Expansion
Tax Block 178, Lots 12, 16, 39 & 40

DT: 12-10-92

Pursuant to request, a review of the applicant's submitted documents pertaining to the above matter has been undertaken and the following comments are provided for consideration as appropriate.

- A. Applicant: Kirsch, Paglia & Flood Partnership.
- B. Site Location: Tax Block 178, Lots 12, 16, 39 & 40 which encompasses the contiguous land of the above partnership and which includes buildings at 215 & 217 First Avenue and 220 Second Avenue. (See M. below)
- C. Submitted Documents: Plan of Survey, prepared by Charles O'Malley, P.L.S., 10/19/92 and Architectural Floor Plans and First Avenue Facade Elevations, Amelchenko Design - Architects, 10/8/92 and Planning Board Application.
- D. Review Undertaken: Review of submitted plans, site inspection and photography, discussion with applicant and applicant's architect, review of Manasquan Zoning and Site Plan Ordinance.
- E. Description of Property: Site is an "L" shaped property containing an area of 25, 935.7 square feet and which extends from First Avenue to Second Avenue. The site has 61' of frontage on First Avenue and 200' on Second Avenue. Existing development consists of two (2) separate buildings fronting on First Avenue - the 1-story Leggett's Sandbar business building (217 First Avenue) and an adjoining 2-story commercial/residential

B-1
4/21/93

building (215 First Avenue); a 1-story residence building on Second Avenue (220 Second Avenue); certain accessory buildings associated with Leggett's Sandbar; and asphalt paved parking area and other improvements situated on the Second Avenue portion of the site.

- F. Zoning District: The site is currently zoned B-2, Resort Business which permits B-1 Zone uses including retail and services uses, offices and an apartment over a store.
- G. Development Proposal: The joining of the two (2) First Avenue buildings to form a single structure and business operation and the conversion of the 215 First Avenue building into a completely commercial use building containing an Italian Style restaurant on the first floor (California Pizza Oven), offices for the Leggett/restaurant operation on the second floor, and new bathrooms, coatroom, and building entrance for the restaurant section.
- H. Incomplete Application/Site Plan Required: Under Sections 107-52 & 53 of the Borough Code, the proposal requires Site Plan submission as the development proposal involves a change of use/additional use of the premises. No site plan has been submitted and the applicant is advised to complete the submission by preparing a site plan in accord with Section 170-70 of the Manasquan Code.
- I. Use Variance Issue/Board of Jurisdiction: Although the proposed construction/redevelopment is itself consistent with B-2 Resort Commercial Zone permitted uses, the project does involve a free-standing single-family structure on Second Avenue which is a principal structure and use not permitted in the B-2 Zone and, therefore, in my opinion, the application as submitted requires a use variance and falls under the jurisdiction of the Zoning Board of Adjustment.

In the event the application is revised to delete said not permitted structure, the application can proceed as a Planning Board matter.

The above comments are offered subject to further legal review and opinions, as appropriate.

- J. Other Variances?: Site Plan submission shall provide zoning data which may identify the need to consider other variances either as pre-existing situations or as expansions. This submission must include information on required and existing/proposed parking.
- K. Site Plan Considerations/Recommendations: The following comments are provided as recommendations/considerations

to be reflected in the completed application.

1. Elimination of the non-conforming 1-story structure (220 Second Avenue) to provide for the expansion of parking and the more efficient design of the parking area. This will also affect which Board has review jurisdiction.
2. Redesign of the parking area to provide for a single coordinated layout of aisles and parking spaces, including parking for the handicapped. While most of the above can be accomplished by restriping, the Plan of Survey shows "dead-end" parking bays which is unacceptable and, based on discussion with the applicant, contrary to the manner parking is accomplished, anyway.
3. Elimination of the basketball court layout and painting from the site including the high intensity lights and posts. This is a use and structures which I am advised do not have prior approval.
4. Landscaping. Although some flower boxes appear to be proposed on First Avenue, it is very important to consider landscape/aesthetic improvements for the overall site such as landscape additions to the parking area and along the site's perimeter including the Second Avenue frontage. Landscaping, which could include supplementary fencing, should provide for screening, separation of properties, aesthetic improvements and reduction in impervious surface. Landscape proposals should be provided on a separate Landscape Plan.
5. Reduction in site impervious surface by removing unnecessary blacktop which provides for landscape opportunities.
6. Identification of any fire zones which may be required.
7. Possible sidewalk or curb improvements including leveling the First Avenue walk, and repairs or reconstruction along the Second Avenue frontage.
8. Elimination of the pipe-rail fencing along Second Avenue and, if needed, replacement with landscaping or more attractive/decorative fencing.
9. Elimination of obstructions from the Second Avenue right-of-way.
10. Coordination with the Borough to possibly relocate a fire hydrant which was installed in what should be a sidewalk area.
11. Exhaust vent installation away from adjoining structures.

12. Satisfaction of Borough re-cycling requirements.
 13. Architectural treatment of accessory structures to integrate same into the overall structures.
 14. Information about lights and signs.
 15. Detailing of the property survey to show all existing site improvements, encroachments, ant easements, etc.
- L. ABC Board Approval: As the proposad plan provides for non-separation of the Leggett's Sand Bar operation from the proposed restaurant area, Alcohol Beverage Control Board approval is required. It is my understanding that it is the applicant's discretion as to when such approval is sought and that the Zoning Board or Planning Board may review the application when resubmitted with any action conditioned on ABC Board approval.
- M. Property Consolidation/Ownership: The development site is shown on Manasquan Tax Records as four (4) separate lots with Lots 12, 16 and 40 listing Kirsh, Paglia & Flood as the owner and Lot 39 showing Kirsh Holding Company as the owner. It is recommended that the lots be consolidated into a single lot with single ownership and the subdivision matter be included for approval with the site plan application.

This memorandum should be considered as an initial review of this matter. The application will be subject to further review upon submission of the required site plan.

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING AGENDA - MAY 19, 1993
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, May 19, 1993, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING :

APPLICATION 9-93 - Linda Morton - 493 Long Avenue

APPLICATION 12-93 - Acme Markets - 176 Main Street

APPLICATION 14-93- Brian and Patricia Reilly - 66 Fletcher Av.

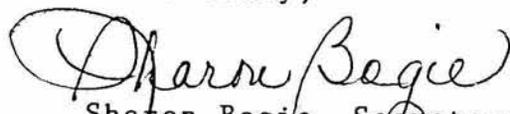
RESOLUTION 3-93 - Maurice and Rosamond Taufic - 483 Long Ave.

RESOLUTION 7-93 - Kirsch, Paglia & Flood - Leggett's - 215 First Avenue

OLD / NEW BUSINESS

(Work session will begin immediately following the regular session)

Yours truly,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 5/13/93

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MAY 19, 1993 REGULAR MEETING MINUTES
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held its regular meeting and work session on May 19, 1993 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m. He stated it was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in the Salute to the Flag.

Roll Call: Present - Board Members Robert Brittle, Margaret Kazenmayer, Jack Langella, Edward Lyons, James VanSchoick, John Burke and Claudia Pincus.

Absent - Christopher Trafford and Patricia Walsh.

A motion was made, seconded and unanimously carried to approve the minutes of the April 21, 1993 meeting as submitted by the Board Secretary.

APPLICATION 9-93 - Linda Morton - 493 Long Avenue - William Byrnes, Board Attorney, marked the file and Ms. Morton, applicant, was sworn in to offer testimony on the application.

The Board and applicant commenced the hearing on the application, which requested relief so the applicant could have a 20 foot curb cut. It was stated the request was in conjunction with the reconstruction of Long Avenue.

Albert P. Ratz Jr., Construction Official, denied the permit under Ordinance 1532-91, which states a maximum curb cut of 12 feet is permitted on a lot with no garage.

The property is in a R-3 zone and there are no flood requirements. A hardship variance was requested.

Ms. Morton offered testimony regarding the parking situation on her property. She commented the whole front yard was gravel. She purchased the land in 1979 and built the house in 1988.

Ms. Morton noted the lack of room for a garage on the property. The issue of two offstreet parking spaces being required for new homes was also addressed.

There being no comments from the public, a motion was made,

seconded and unanimously carried to close the public hearing.

Mr. Byrnes suggested that the Board could look at the original plans submitted for the construction of the house in 1988.

Ms. Morton also said she was flexible in terms of how the curb would be placed (layout) on the property.

A motion was made, seconded and unanimously carried for the Board to carry the case until the net meeting, by which time the Board would have an opportunity to look at the original building plans. The applicant waived time restrictions under Land Use.

APPLICATION 12-93 - Acme Markets - 176 Main Street - Mr. Byrnes marked the file and attorney Marc Woliansky placed his presence on the record as representing the applicant. Mr. Woliansky introduced Bruce Goldstein, All-Systems satellite dish installation, Pennsylvania, and David Hanna, store supervisor, Manasquan Acme Market. Both men were sworn in to offer testimony.

The Board, attorneys and professionals commenced the hearing on the application, which requested relief so a satellite dish could be installed on the roof of the building.

Mr. Ratz denied the permit under Section 107-93.B (dish antenna permitted only in rear yard) and Section 107-93.D (dish antenna only permitted as a ground level free standing structure).

The property is zoned B-1. A hardship variance was requested.

Mr. Goldstein described the satellite dish and explained how determinations were made regarding location of the dish. He said based on findings he felt the the southeast corner of the property near the air conditioning unit would be the best place for the apparatus. He said there was no place on ther ground where it could be placed because if it was blocked by traffic it would not work.

Mr. Hanna then gave testimony on the operations of the store. He stated the satellite dish would be used to transmit data concerning inventory and pricing, among other information.

Mr. Goldstein added the system will not effect neighboring computers, televisions or other systems/transmissions.

Vivian Rallo, Lakewood Road, asked if there would be any

environmental impact. Mr. Goldstein said no.

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

Mr. VanSchoick moved to approve the application. The motion was seconded by Mr. Brittle and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Langella, Lyons, VanSchoick, Burke and Pincus.

APPLICATION 14-93 - Brian and Patricia Reilly - 66 Fletcher Avenue - Mr. Byrnes marked the file and swore in the applicants.

The Board and applicants began discussing the application, which sought relief so the applicants could construct and addition to their house.

Mr. Ratz denied the permit under section 107-27 (sideyard setback - five feet required, 3.3 feet existing and proposed). It is a pre-existing, non-conforming structure.

The property is zoned R-1 and the A-5 flood zone is not applicable. A hardship variance was requested.

Mr. and Mrs. Reilly detailed the addition, stating it would continue the existing structure an additional 12 feet along the side. This would add to the kitchen and allow the installation of a first floor bathroom.

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

A motion was made and seconded for a favorable resolution; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Langella, Lyons, VanSchoick, Burke and Pincus.

RESOLUTION 3-93 - Maurice and Rosamond Taufic - 483 Long Avenue - Mr. Byrnes read the favorable resolution for the record. It was noted Board Members Langella and Pincus were not eligible to vote on the resolution.

A motion was made by Mrs. Kazenmayer, seconded by Mr. Brittle, to memorialize the resolution. Motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, VanSchoick and Burke. "No" none.

RESOLUTION 7-93 - Kirsch, Paglia and Flood - Leggett's - 215 First Avenue - Mr. Byrnes read the favorable resolution as prepared by Ernest Bongiovanni, attorney, for the record.

The Board requested that the wording in page two, paragraph four, be changed to read "the eating area downstairs...."

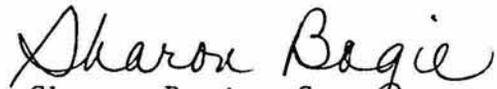
It was noted that Mrs. Pincus was not eligible to vote.

A motion was made and seconded to memorialize the resolution. Motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Langella, Lyons, VanSchoick and Burke. "No" none.

OLD / NEW BUSINESS - The Board Secretary submitted vouchers and correspondence for the Board's consideration.

At 9:40 p.m. a motion was made, seconded and unanimously carried to enter closed session to discuss litigation matters. The Board reentered its regular session at 9:50 p.m. A motion was then made, seconded and unanimously carried to adjourn at 9:50 p.m.

Respectfully submitted,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

dated at Manasquan 6/8/93

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING AGENDA - JUNE 2, 1993
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, June 2, 1993, the Zoning Board of Adjustment of the Borough of Manasquan will hold a special meeting to hear cases on its regular agenda 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 13-93 - Richard and Christine Travers - 368 Pine Avenue

APPLICATION 15-93 - John Rupprecht - 113 Beachfront

APPLICATION 16-93 - Boyd and Dorothy Wagner - 56 Potter Avenue

OLD BUSINESS / NEW BUSINESS

Minutes for the May 19, 1993 meeting will be acted upon at the June 16, 1993 regular meeting.

The work session will immediately follow the regular agenda.

Yours truly,

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 5/27/93

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES - JUNE 2, 1993
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held a special meeting to hear matters on its regular agenda June 2, 1993 in Manasquan Borouh Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:45 p.m. upon arrival of a quorum. He stated it was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL - Present: Board Members Robert Brittle, James VanSchoick, John Burke, Claudia Pincus and Patricia Walsh.

- Absent : Margaret Kazenmayer, Jack Langella, Edward Lyons and Christopher Trafford.

APPLICATION 13-93 - Richard and Christine Travers - 368 Pine Avenue - William Byrnes, Board attorney, marked the file and swore in the applicants.

The Board and applicants began discussing the application, which requested relief so the applicants could construct an addition to the east side of the house with a front porch. Applicants also wish to construct a deck adjacent to the addition on the east side. The proposed addition would be 2'x8'4" and will make the line of the house equal all the way towards the back. The projected deck would be 18' x 12' at the side of the house.

Albert P. Ratz, Jr., Construction Official, denied the permit under section 107-27 (rear yard setback: eisting house is 4.9 feet from rear lot line and new addition will be 4.9 feet from rear lot line where 20 feet is required) of the Code of the Borough of Manasquan.

The property is in a r-2 zone and te flood zone is not applicable. A hardship variance was requested.

Layout options were discussed and Mr. Byrnes questioned the location of the steps.

Regarding the front deck, it was noted by Mrs. Travers that the house is setback far in comparison with other homes on the street.

Mr. Burke noted the addition is just basically a squaring off

of the house.

The deck, Mr. Travers testified, will be left supported by itself but located up against the house; it was stated a doorway from the addition would provide access to the deck. Construction of the deck, including materials, was discussed.

The Travers indicated they were hoping to raise their house; if they did, the deck would be up to the level of the floor. If the house remained as is, the deck would be approximately 10-12 inches above ground. Mrs. Travers said the issue of raising the house had been discussed with Mr. Ratz but said they were still unsure as to whether they would raise the house. Several scenarios were noted as to whether the Travers would need a variance in the event of raising the house.

After discussion, Mr. Byrnes stated the Board would need to set some sort of limitation on the raising. The Board, upon further discussion and testimony from Mr. and Mrs. Travers, felt a limit of 34 inches above ground level would allow for two or three courses of block and the deck should be constructed at the same elevation as the first floor of the existing structure.

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

The Board felt a site inspection was not necessary as they were all acquainted with their property.

A motion was made to approve the application with the revisions to the deck as noted during the hearing. Motion seconded and carried by the following vote: "Yes" Board Members Brittle, VanSchoick, Burke, Pincus and Walsh. "No" none.

Mr. and Mrs. Travers were directed to submit copies of the plans showing the revisions as soon as possible so they could be distributed to the Board prior to the June 16, 1993 meeting.

APPLICATION 15-93 - John Rupprecht - 113 Beachfront - Mr. Byrnes marked the file and swore in the applicant.

The Board and Mr. Rupprecht, 122 Youngs Road, Bernardville, NJ, owner of the subject property, discussed the application, which requested relief so the second floor roof overhang on the subject house could be extended.

Mr. Ratz denied the permit under Section 107-11 (two house on

lot is not a permitted use) and Section 107-27 (sideyard setback - five feet required, 4.92 and 4.49 existing) of the Code of the BBorough of Manasquan.

The property is in a R-4 zone and the V-6 flood zone is not applicable. A use variance was requested.

Mr. Rupprecht stated there would be no expansion of living space. He also testified that he wished for the extension so he could decrease water damage to his house in the event of a storm. He questioned why he needed to come before the Board as the projected extension would not exceed the setback; Mr. Burke explained the house itself was non-conforming and under state statute any expansion of a non-conformity must come before the Board.

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

A motion was made by Mr. VanSchoick to approve the application; motion seconded and carried by the following vote: "Yes" Board Members Brittle, VanSchoick, Burke, Pincus and Walsh; "No" none.

APPLICATION 16-93 - Boyd and Dorothy Wagner - 56 Potter Avenue - Mr. Byrnes marked the file and swore in the applicants.

The applicants and Board discussed the application, which requested relief so a deck could be constructed off side of house. The elevated deck would measure 12' x 30' on the southerly side of the house.

Mr. Ratz denied the permit under Section 107-27 (existing dwelling violates rear yard setback - 20 feet required, 4.8 feet existing - proposed deck will be 13' from side lot line) and Section 107-82.A (4) (non-conforming structures may not be enlarged without a variance from the Board of Adjustment) of the Code of the Borough of Manasquan.

The property is in a R-2 zone and the applicants will comply with regulations in the A-5 flood zone. A hardship variance is requested.

It was noted the projected deck would be built over an existing slate patio/deck (which would be removed along with the stairs leading to a driveway south of the existing house on the next property). The deck would be self-standing and constructed of treated woods and galvanized bolts.

The applicants testified regarding access to the deck (they proposed two sets of stairs leading to the present slate walkway on the property and an aluminum door from the house onto the deck). It was noted these access points would need to be added to the plans and submitted to the Board.

It was also noted the deck was going on the conforming side of the property and it was determined the house faced Potter Avenue with its rear yard facing Ocean Avenue. Flooding in the area was also discussed.

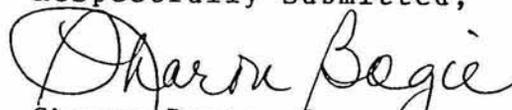
There being no comments from the public, a motion was made, seconded and unanimously carried to close the public hearing.

A motion was made to approve the application with the revisions (addition of access points to plans) as noted during the hearing. Motion seconded and carried by the following vote: "Yes" Board Members Brittle, VanSchoick, Burke, Pincus and Walsh. "No" none.

Mr. and Mrs. Wagner were directed to submit copies of the plans showing the revisions as soon as possible so they could be distributed to the Board prior to the June 16, 1993 meeting.

OLD / NEW BUSINESS - The Board Secretary submitted correspondence and vouchers. A motion was made, seconded and unanimously carried to enter closed session to discuss litigation. The Board reentered its regular session at 9:30 p.m. and, there being no further matters on the agenda, made, seconded and unanimously carried a motion to adjourn at 9:30 p.m.

Respectfully submitted,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated 6/14/93 in Manasquan

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING AGENDA - JUNE 16, 1993
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

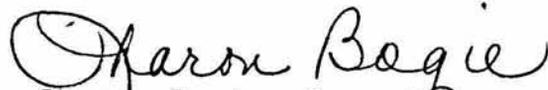
On Wednesday, June 16, 1993, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

- APPLICATION 10-93 - I.B. Kirsch - 237 Beachfront - ADJOURNED
DUE TO INCOMPLETE APPLICATION.
- APPLICATION 11-93 - I.B. Kirsch - 237 Beachfront - ADJOURNED
DUE TO INCOMPLETE APPLICATION.
- RESOLUTION 13-93 - Richard and Christine Travers - 368 Pine
Avenue
- RESOLUTION 14-93 - Brian and Patricia Reilly - 66 Fletcher
Avenue
- RESOLUTION 15-93 - John Rupprecht - 113 Beachfront
- RESOLUTION 16-93 - Boyd and Dorothy Wagner - 56 Potter Avenue

Yours truly,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 6/11/93

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(908) 223-0544

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

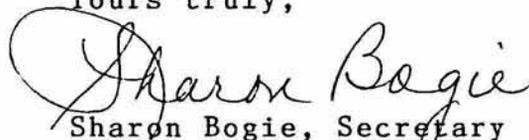
MANASQUAN ZONING BOARD OF ADJUSTMENT
JUNE 16, 1993 MEETING AGENDA - ADDENDUM
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

ADDENDUM

APPLICATION 9-93 (cont.) - Linda Morton - 493 Long Avenue

RESOLUTION 12-93 - Acme Markets - 176 Main Street

Yours truly,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

dated at Manasquan 6/16/93

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - JUNE 16, 1993
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held their regular meeting on June 16, 1993 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey. Board Chairman John Burke called the meeting to order at 7:30 p.m.

ROLL CALL : Present - Board Members Robert Brittle, Edward Lyons, James VanSchoick, John Burke, Claudia Pincus and Patricia Walsh.

Absent - Board Members Margaret Kazenmayer, Jack Langella and Christopher Trafford.

(Record shows Mrs. Walsh was excused at 8:30 p.m.)

The minutes of the May 19, 1993 regular meeting were discussed. Mrs. Pincus stated she had voted "no" on Application 14-93, Brian and Patricia Reilly. The Board Secretary noted the correction for the record. A motion was made, seconded and unanimously carried to approve the minutes with the correction.

A motion was then made, seconded and unanimously carried to approve the minutes of the June 2, 1993 special meeting as submitted by the Board Secretary.

APPLICATION 9-93 (cont.) - Linda Morton - 493 Long Avenue - The Board continued its hearing on the application, which dealt with curb cut issues in relation to the improvements on Long Avenue.

A plot plan with notes by Albert P. Ratz, Construction Official, was marked B (Borough)-1 by William Byrnes, Board Attorney. It was noted for the record that Mr. Ratz had written on the plans that two off-street parking spaces were required.

The Board and applicant discussed curb cuts, in particular the history of their size restriction.

A motion was made and seconded to approve the application. Motion carried by the following vote: "Yes" Board Members Brittle, Lyons, VanSchoick, Burke, Pincus and Walsh. "No" none.

APPLICATION 10-93 - I.B. Kirsch - 237 Beachfront - The Board Secretary stated that noticing requirements had not been met. The Board voted to tentatively place the matter on its September 15, 1993 pending correspondence from the applicant.

APPLICATION 11-93 - I.B. Kirsch - 239 Beachfront - The Board Secretary stated that noticing requirements had not been met. The Board voted to tentatively place the matter on its September 15, 1993 pending correspondence from the applicant.

RESOLUTION 13-93 - Richard and Christine Travers - 368 Pine Avenue - Mr. Byrnes read the favorable resolution. It was noted Mr. Lyons was not eligible to vote.

Board members expressed concerns about the resolution and compliance with the possible raising of the house. Mr. Byrnes suggested acting on memorialization and having Mr. Burke discuss the matter with Mr. Ratz.

A motion was made by Mrs. Pincus to memorialize the resolution. Motion seconded and carried by the following vote: "Yes" Board Members Brittle, VanSchoick, Burke, Pincus and Walsh. "No" none.

RESOLUTION 14-93 - Brian and Patricia Reilly - 66 Fletcher Avenue - Mr. Byrnes read the favorable resolution. It was noted Mrs. Pincus and Mrs. Walsh were not eligible to vote.

A motion was made by Mr. VanSchoick to memorialize the resolution. Motion seconded and carried by the following vote: "Yes" Board Members Brittle, VanSchoick, Burke, Pincus and Walsh. "No" none.

RESOLUTION 15-93 - John Rupprecht - 113 Beachfront - Mr. Byrnes read the favorable resolution. It was noted Mr. Lyons was not eligible to vote.

A motion was made to memorialize the resolution. Motion seconded and carried by the following vote: "Yes" Board Members Brittle, VanSchoick, Burke, Pincus and Walsh. "No" none.

RESOLUTION 16-93 - Boyd and Dorothy Wagner - 56 Potter Avenue - Mr. Byrnes read the favorable resolution. It was noted Mr. Lyons was not eligible to vote.

A motion was made to memorialize the resolution. Motion seconded and carried by the following vote: "Yes" Board Members Brittle, VanSchoick, Burke, Pincus and Walsh. "No" none.

RESOLUTION 12-93 - Acme Markets - 176 Main Street - Mr. Byrnes read the favorable resolution.

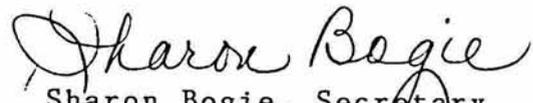
A motion was made to memorialize the resolution. Motion seconded and carried by the following vote: "Yes" Board Members Brittle,

page 3

Lyons, VanSchoick, Burke and Pincus.

OLD / NEW BUSINESS - The Board Secretary submitted vouchers and correspondance for the Board's consideration. The Board then entered closed session to discuss litigation. At 8:45 p.m. they reentered regular session, upon which a motion was made, seconded and unanimously carried to adjourn.

Respectfully submitted,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 7/14/93

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

MEETING AGENDA - JULY 21, 1993

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, NEW JERSEY

On Wednesday, July 21, 1993, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING :

APPLICATION 17-93 - Florence and Richard Hare - 74 Second Avenue
- UNABLE TO BE HEARD - NOTICING NOT COMPLETED.

APPLICATION 18-93 - Lucy C. McClennan - 566 Whiting Avenue

RESOLUTION 9-93 - Linda Morton - 493 Long Avenue

OLD BUSINESS / NEW BUSINESS

Yours truly,

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 7/13/93

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - JULY 21, 1993
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held their regular meeting on July 21, 1993 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan. John Burke, board chairman, called the meeting to order at 7:30 p.m. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in the Salute to the Flag.

Roll Call : Present - Board Members Robert Brittle, Margaret Kazenmayer, Jack Langella, Edward Lyons, James VanSchoick, John Burke and Patricia Walsh.

Absent - Board Members Christopher Trafford and Claudia Pincus.

A motion was made, seconded and unanimously carried to approve the minutes of the June 16, 1993 meeting.

APPLICATION 17-93 - Florence and Richard Hare - 74 Second Avenue - It was stated that the application would not be heard because of noticing requirements not being met. Acting upon a written request on behalf of the applicants and after discussion among the Board members and attorney, the Board voted unanimously to hear the case during the August 18, 1993 meeting.

APPLICATION 18-93 - Lucy C. McClennan - 566 Whiting Avenue - Board Attorney William Byrnes marked the file and swore in Lucy and Richard McClellan, owners of the subject house (American Timber Company still owns the property).

The Board and applicants began to discuss the application, which requested relief so the McClennans could construct a 12' x 14' deck in their rear yard.

The building permit was denied by Construction Official Albert P. Ratz Jr. under Section 107-27 (rear yard setback; 20 feet required, eight feet proposed) of the Code of the Borough of Manasquan. The property was in a R-3 zone (will comply with A-5 flood zone) and a hardship variance was requested.

The McClennans and the Board discussed the survey they had submitted with the projected deck depicted (marked A-7 for the file). The applicants also submitted photographs and addressed them for the Board's consideration.

Questions were raised by the Board regarding the dimensions set forth on the plans submitted by the McClennans. The Board felt more information was needed regarding the dimensions of the existing house.

A motion was made, seconded and unanimously carried to conduct a site inspection on July 24, 1993 at 9 a.m. The McClennans were instructed to mark where the deck would be located. The applicants agreed to waive the time restrictions under the Land Use Law.

RESOLUTION 9-93 - Linda Morton - 493 Long Avenue - Mr. Byrnes read the favorable resolution for the record. It was noted Board Members Kazenmayer and Langella were ineligible to vote.

A motion was made by Mr. Brittle to memorialize the resolution. Motion seconded and carried by the following vote: "Yes" Board Members Brittle, Lyons, VanSchoick, Burke and Walsh. "No" none.

OLD BUSINESS / NEW BUSINESS - The Board Secretary submitted vouchers and correspondence for the Board's consideration.

The Board entered into closed session to discuss litigation at approximately 8:30 p.m. They reentered the regular session at 8:45 p.m. A motion was made, seconded and unanimously carried to adjourn at 8:46 p.m.

Respectfully submitted,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 8/12/93

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
AUGUST 18, 1993 AGENDA

On Wednesday, August 18, 1993, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING :

APPLICATION 18-93 (cont.) - Lucy McClennan - 566 Whiting Ave.

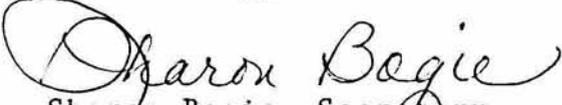
APPLICATION 17-93 - Florence and Richard Hare - 74 Second Ave.

APPLICATION 19-93 - Patricia Williamson - 41 Beachfront

APPLICATION 20-93 - James McKearney, Jr.-First Ave.(vacant lot)

OLD BUSINESS / NEW BUSINESS
(Work session follows regular agenda)

Yours truly,


Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated in Manasquan 8/11/93

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

AUGUST 18, 1993 MEETING MINUTES

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held their regular meeting and work session on August 18, 1993 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, NJ.

Board Chairman John Burke called the meeting to order at 7:30 p.m. He stated this was an Open Public Meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: Present - Board Members Robert Brittle, Jack Langella, James VanSchoick, John Burke and Patricia Walsh.

Absent - Board Members Margaret Kazenmayer, Edward Lyons, Christopher Trafford and Claudia Pincus.

(Record shows Mr. Lyons arrived at 8:50 p.m.)

A motion was made, seconded and unanimously carried to approve the minutes of the July 21, 1993 meeting as submitted by the Board Secretary.

Mr. Burke announced that application 19-93, Patricia Williamson, could not be heard because of discrepancies in the plans and noticing. The Board elected to wait until the evening's agenda was finished to reschedule the hearing.

Mr. Burke also noted that there was a problem regarding voting members in attendance for application 20-93, James McKearney. He stated he would need to excuse himself because he lives within 200 feet of the subject property. Once he excused himself, there would no longer be a quorum. The Board voted to hold a brief recess while William Byrnes, Board Attorney, researched the issue.

Post recess roll call: Present - Board Members Brittle, Langella, VanSchoick, Burke and Walsh; Absent - Board Members Kazenmayer, Lyons, Trafford and Pincus.

It was stated that a fifth Board Member would be needed for the McKearney case and the Secretary and Chairman were in touch with Mr. Lyons, who would attempt to come to the meeting.

APPLICATION 18-93 (cont.) - Lucy McClennan - 566 Whiting Avenue
- The Board recognized Richard and Lucy McClellan, applicants.

The applicants submitted a schematic of the deck and offered further testimony.

After further discussion, a motion was made by Mr. Langella, seconded by Mrs. Walsh, to close the public hearing; motion carried unanimously. Mr. Langella then made a motion for a favorable resolution with the following condition: the deck will not be constructed any closer than 12'6" from the rear lot line; motion seconded by Mr. Brittle and carried by the following vote: "Yes" Board Members Brittle, Langella, VanSchoick, Burke and Walsh. "No" none.

It was requested by Mr. Byrnes that a letter from American Timber Company be submitted indicating they have no objection to the project; it had been noted American Timber owns the land and the McClellans own the house.

At the request of the applicants, a motion was made, seconded and unanimously carried to memorialize the resolution immediately.

APPLICATION 17-93 - Florence and Richard Hare - 74 Second Avenue - John Deppeler III placed himself on the record as attorney for the applicants, who were unable to come down from their home in Buffalo, NY, because of illness. Mr. Byrnes marked the file.

The Board and Mr. Deppeler began to discuss the case, which requested relief so the applicant could construct a deck and an outside shower.

Construction Official Albert P. Ratz Jr. denied the permit under Section 107-27 (sideyard setback - five feet required, 2.5 feet existing and proposed) of the Code of the Borough of Manasquan.

The property is in a R-2 zone; the A-5 flood zone is not applicable. A hardship variance was requested.

Questions were raised about the size of the deck. Mr. Deppeler indicated it would be 14'x 13' tapered and there would be a 2.5 foot setback, not 1.6 feet as indicated. He noted the applicants' intentions of taking down the existing porch and discussed the possibility of the Hares being able to attend the September meeting.

Frank Orleans, 75 First Avenue, stated the letter sent to persons within 200 feet cited a 14' x 16' deck; Mr. Deppeler stated his clients were proposing a 14' x 13' deck.

After further comments, a motion was made and seconded to conduct a site inspection on Saturday, August 28 at 9 a.m. Motion carried by the following vote: "Yes" Board Members Brittle, Langella, Lyons, VanSchoick, Burke and Walsh. "No" none.

Mr. Deppeler indicated he would discuss questions raised with the Hares and provide answers in time for the next meeting.

APPLICATION 20-93 - James McKearney Jr. - First Avenue (vacant lot) - Mr. Burke excused himself as he lives in the affected area. Vice-Chairman Brittle presided over the hearing.

The Board recognized Mr. McKearney and his architect Mark Fitzsimmons. Mr. McKearney and Mr. Fitzsimmons were sworn in and Mr. Byrnes marked the file.

The Board, Board Attorney and Mr. Fitzsimmons began to discuss the application, which requested an interpretation of section 107-3.B and / or variance from section 107-27 permitting the maximum height of $2\frac{1}{2}$ stories. In particular, Construction Official Ratz raised the question of whether the uppermost story meets the definition of "story, half" as noted in the Code of the Borough of Manasquan. The owner is seeking this interpretation in reference to construction of a new house.

The subject property is in a R-2 zone and a hardship variance was requested.

Testimony was offered regarding variance issues, including the 33 percent issue (in order to call a story a half story, it can not be more than 33 percent of the floor below). The Board also wished input from Mr. Ratz regarding the plans marked A-3 as it was believed he had not reviewed these particular plans.

Robert Watkins, 17 First Avenue, offered a presentation in opposition to the application. He offered and referred to exhibits OW 1,2 and 3 and stated he felt the projected house was incompatible with the neighborhood.

"It is unfair to us," stated Mr. Watkins. "We expected a conforming house."

Mr. Watkins stated he felt approval would set a bad precedent for Manasquan and it would increase density and decrease property

value. He also cited reductions in light, air flow and privacy. He expressed concerns about height of the structure, noting his house, at 24', was one of the highest in the neighborhood; the proposed structure would be 35 feet high.

After discussion, it was noted that the rear stairs as presented violated rear yard setbacks; the applicant amended the application to request this variance.

Delores Widdell, 50 First Avenue, questioned Mr. Watkins about light and air quality. Offering testimony, she explained that a larger house was built accross from hers and it affected the air flow and light.

Mr. Orleans questioned Mr. Watkins regarding lot width. Mr. Orleans was told there was a 50 foot minimum lot width in an R-2 zone.

Bruce Renna, 23 First Avenue, asked about Mr. Watkins' measurements. He also said he reserved the right to comment at a future meeting on the application and asked the Board to do "what is best" for the applicant and neighborhood.

Resident of 25 Beachfront questioned the location of a telephone pole; it was stated the applicant and his architect were consulting the utilities.

Mr. Orleans asked about the elevation of the structure. Mr. Fitzsimmons stated it would comply with the flood plain.

Resident 36 First Avenue asked whether they would be noticed regarding future hearings. Mr. Byrnes indicated they would not since requirements had already been met.

A motion was made by Mr. Langella to carry the matter to the September 15, 1993 meeting; motion seconded by Mr. VanSchoick and carried by the following vote: "Yes" Board Members Brittle, Langella, Lyons, VanSchoick and Walsh. "No" none.

A motion was then made by Mrs. Walsh to hold a site inspection on August 28; motion seconded by Mr. Langella and carried by the following vote: "Yes" Board Members Brittle, Langella, Lyons, VanSchoick, Burke and Walsh. "No" none.

The applicant waived the time limitations under Municipal Land Use Law.

OLD / NEW BUSINESS - Mr. Burke rejoined the meeting.

The Board Secretary brought correspondance and vouchers to the Board's attention.

The Board discussed its agenda. Mr. Burke explained that the Board was "booked up" into January. He offered options as to how to move some of the applications up, including a special meeting or placing three new cases on at each meeting. After discussion, Mr. Langella moved to place three new cases on a meeting; the Board unanimously agreed.

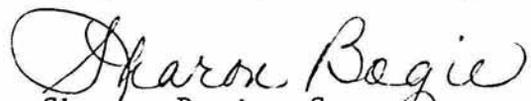
Extension of time - Exxon, Inc. - Union Avenue - The Bboard discussed a request from James Carton III, attorney, on behalf of his client Exxon, Inc., for an extension of time on their previously granted variance. It was noted the request should have been in earlier because the resolution was good for nine months, not almost a year. The Board voted to extend the resolution nine months from the date the request should have been made.

Application 19-93 - Patricia Williamson - 41 Beachfront - Mrs. Williamson and Thomas Williamson, attorney, addressed the Board on when her case would be heard. After discussion, the Board voted unanimously to hear the case during their October 20, 1993 meeting. It was noted Mrs. Williamson would need to renotece persons within 200 feet and place another notice in the newspaper.

Closed session - The Board voted unanimously to enter into closed session to discuss litigation.

Upon reentering the regular session, a motion was made, seconded and unanimously carried to adjourn at 11:06 p.m.

Respectfully submitted,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 9/9/93

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
SEPTEMBER 15, 1993 AGENDA

On Wednesday, September 15, 1993, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 17-93 (cont.) - Florence and Richard Hare - 74 Second Avenue

APPLICATION 19-93 - Patricia Williamson - 41 Beachfront - PLACED ON OCTOBER 20, 1993 AGENDA.

APPLICATION 20-93 (cont.) - James McKearney Jr. - First Avenue (vacant lot)

APPLICATION 10-93 - I.B. Kirsch - 237 Beachfront

APPLICATION 11-93 - I.B. Kirsch - 239 Beachfront

APPLICATION 21-93 - John Tanis - 29 First Avenue

RESOLUTION 18-93 - Lucy McClellan - 566 Whiting Avenue

OLD / NEW BUSINESS

(Work session follows regular agenda)

Yours truly,

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 9/10/93

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

AMENDED AGENDA

MANASQUAN ZONING BOARD OF ADJUSTMENT
SEPTEMBER 15, 1993 AGENDA

On Wednesday, September 15, 1993, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 17-93 (cont.) - Florence and Richard Hare - 74 Second Avenue

APPLICATION 19-93 - Patricia Williamson - 41 Beachfront - PLACED ON OCTOBER 20, 1993 AGENDA.

APPLICATION 20-93 (cont.) - James McKearney Jr. - First Avenue (vacant lot) - CANCELLED AT REQUEST OF APPLICANT

APPLICATION 10-93 - I.B. Kirsch - 237 Beachfront - POSTPONED DUE TO INCOMPLETE APPLICATION.

APPLICATION 11-93 - I.B. Kirsch - 239 Beachfront - POSTPONED DUE TO INCOMPLETE APPLICATION.

APPLICATION 21-93 - John Tanis - 29 First Avenue

RESOLUTION 18-93 - Lucy McClellan - 566 Whiting Avenue

OLD / NEW BUSINESS
(Work session follows regular agenda)

Yours truly,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 9/14/93

OLD AND NEW BUSINESS - SEPTEMBER 15, 1993

1. The Manasquan Planning Board, in the process of their discussions on zoning, would like to hold a joint meeting with the Board of Adjustment to discuss such items as building heights in the borough. Because of the Board of Adjustment's schedule, the best time would probably be prior to the October 5, 1993 regular Planning Board meeting, possibly at 6:30 p.m. It is also understood that Chairman Burke has spoken to Planning Board Chairman Kevin Thompson about the situation. Pending the Board of Adjustment's vote / approval, a legal announcing the joint meeting will be published.

The Planning Board is also scheduling a public hearing on the possibility of allowing bed and breakfast uses under zoning during the same evening. The regular meeting of the Planning Board begins at 7:30 p.m.

2. In your packets each Board Member received an application for "Basic Review of the Municipal Land Use Law" to be given by Rutgers University in Lakewood on Monday nights. Four Planning Board members have already indicated they would like to go as well as the Board Secretary. If any Board of Adjustment members wish to go, please contact me as soon as possible; I would like to mail out the registrations by September 22.

In the recently received list of offerings from Rutgers (of which Mr. Burke has a copy), there are no other classes in the Monmouth-Ocean County area. I have attached a copy of the description of the "Basic Review" course as set forth in the literature from Rutgers.

3. Paul Szymanski, planner, has requested that any members of the Board who have not already returned their Master Plan booklets should do so as soon as possible for updating.

4. As indicated on the amended agenda, the applications for Kirsch Holding Company were once again incomplete despite several phone calls to the attorney's office and Mr. Kirsch on the cases. Please advise where you would like them placed on the agenda.

5. Copies have been made of the latest Monmouth Planner and distributed to all Board Members. The original is in the Development Boards' library.

Yours truly,

A handwritten signature in cursive script, appearing to read "Sharon", with a long horizontal flourish extending to the right.

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736



MANASQUAN ZONING BOARD OF ADJUSTMENT
SEPTEMBER 15, 1993 MEETING MINUTES
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held its regular meeting and work session on September 15, 1993 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

(The following minutes were transcribed from tapes and roll call as taken by Board Member Kazenmayer in the absence of the Board Secretary)

The meeting was called to order at 7:30 p.m. by Board Chairman John Burke. He stated it was an open public meeting held in accordance with the Open Public Meetings Act and published according to law.

ROLL CALL : Present - Board Members Robert Brittle, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, James VanSchoick and John Burke.

Absent - Board Members Jack Langella, Claudia Pincus and Patricia Walsh.

A motion was made by Mrs. Kazenmayer to approve the minutes of the August 18, 1993 meeting minutes as submitted by the Board Secretary. Motion seconded by Mr. Brittle and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, VanSchoick and Burke; "No" None; "Abstain" Board Member Trafford.

APPLICATION 17-93 (cont.) - Florence and Richard Hare - 74 Second Avenue - The Board recognized Mr. Hare, owner of the subject property. Mr. Hare indicated John Deppeler III, Esq., no longer represented him and he would represent himself before the Board.

Mr. Hare and the Board continued discussion on the deck project. Dimensions were noted.

A motion was made by Mr. Lyons to close the public hearing; motion seconded by Mr. Brittle and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, Trafford, VanSchoick and Burke; "No" none.

A motion was made by Mrs. Kazenmayer to approve the application. Motion seconded by Mr. Lyons and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, VanSchoick and Burke; "No" none; abstain" Board Member Trafford.

APPLICATION 20-93 - James McKearney Jr. - First Avenue (vacant lot) - A letter was read by Mr. McKearney stating he would be revising his plans to conform; the hearing was thus cancelled.

APPLICATION 10-93 - I.B. Kirsch - 237 Beachfront - Hearing postponed because of incomplete application; Board directed the Board Secretary to place at end of agenda (February 16, 1993).

APPLICATION 11-93 - I.B. Kirsch - 239 Beachfront - Hearing postponed because of incomplete application; Board directed the Board Secretary to place at end of agenda (February 16, 1994).

APPLICATION 21-93 - John Tanis - 29 First Avenue - Chairman Burke excused himself from the hearing as he lives within 200 feet of the subject property and was noticed. Vice Chairman Brittle presided.

The Board recognized Mr. Tanis, 346 Winifred Drive, Totowa, NJ, owner of the subject property. The file was marked by Board Attorney William Byrnes, who swore Mr. Tanis in to offer testimony.

The Board and Mr. Tanis commenced discussion on the application, which requested relief so the applicant could change the pitch of the roof on the front porch from a shed roof to a hip roof.

Albert P. Ratz Jr., Construction Official, denied the permit under Section 107-27 (sideyard setback - five feet required, 2.80 feet existing) of the Code of the Borough of Manasquan. The property is in a R-2 zone and a hardship variance was requested; flood zone not applicable.

Plans for the project were discussed. After discussion, motion was made by Mrs. Kazenmayer to close the public hearing. Motion seconded by Mr. Brittle and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, Trafford and VanSchoick. "No" none.

A motion was then made by Mr. VanSchoick to approve the application; motion seconded by Mr. Lyons and carried by the following vote: "yes" Board Members Brittle, Kazenmayer, Lyons, Trafford and VanSchoick

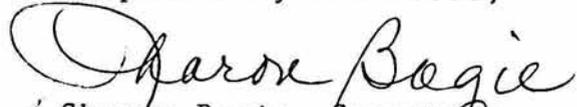
RESOLUTION 18-93 - Lucy McClellan - 566 Whiting Avenue - Mr. Byrnes read the resolution for the record. It was noted the resolution had been memorialized at the August 18, 1993 meeting.

OLD NEW BUSINESS - Correspondance and vouchers were brought to the attention of the Board.

Acting upon a request from the Planning Board, the Board agreed to a joint work session on zoning issues prior to the Planning Board's regular October 5, 1993 meeting. The joint session would start at 6:30 p.m.

A motion was made, seconded and unanimously carried to enter into closed session to discuss litigation. Upon returning to the regular session a motion was made, seconded and unanimously carried to adjourn at approximately 8:45 p.m.

Respectfully submitted,



Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated in Manasquan 10/14/93

JOHN L. WINTERSTELLA
•Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
OCTOBER 20, 1993

On Wednesday, October 20, 1993, 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. Prior to the regular meeting a joint session of the Board of Adjustment and the Manasquan Planning Board will be conducted in Manasquan Borough Hall beginning at 6:30 p.m.

AGENDA

6:30 p.m. - JOINT SESSION WITH THE MANASQUAN PLANNING BOARD

7:30 p.m. - REGULAR SESSION OF THE MANASQUAN ZONING BOARD OF ADJUSTMENT

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 19-93 - Patricia Williamson - 41 Beachfront

APPLICATION 22-93 - Raymond and Tina Braender Shinn - 60 Central Avenue

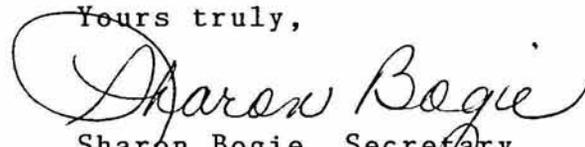
APPLICATION 23-93 - Kenneth Boden - 81 N. Main Street

RESOLUTION 21-93 - John Tanis - 29 First Avenue

OLD NEW BUSINESS

(Work session commences immediately following regular agenda)

Yours truly,


Sharon Bogie, Secretary
Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(908) 223-0544

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
ADDENDUM TO AGENDA
OCTOBER 20, 1993 MEETING AGENDA

7:30 P.M. - Regular Session

RESOLUTION 17-93 - Richard and Florence Hare - 74
Second Avenue

Yours truly,

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 10/20/93

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
OCTOBER 20, 1993 - MEETING MINUTES

On October 20, 1993 the Manasquan Zoning Board of Adjustment held a joint session with the Manasquan Planning Board and their regular meeting and work session in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan NJ.

JOINT SESSION WITH PLANNING BOARD

Board of Adjustment Chairman John Burke called the joint session of the Board of Adjustment and Planning Board to order at 6:30 p.m.

Members present from the Board of Adjustment were John Burke, Robert Brittle, Margaret Kazenmayer, Edward Lyons, Jack Langella, Claudia Pincus and Patricia Walsh.

Planning Board members in attendance were Mayor John Winterstella, Frank Diana, William Schmeling, Robert Zanes, Patricia Dunne, Carmen Triggiano and Kevin Thompson.

Also in attendance were William Byrnes, Board of Adjustment attorney; Geoffrey Cramer, Planning Board attorney; Paul Szymanski, planner; and Sharon Bogie, Secretary to the boards.

The Boards continued their discussion from the October 5, 1993 joint session. Height issues and options (including site plan approval on applications with undersized lots) were discussed, including definitions of story. Variance requirements were noted.

Mayor Winterstella felt standards needed to be established and that the boards need to have more say in houses being built on undersized lots.

The Boards discussed the 35 foot height limitation and undersized lots. Mr. Burke stated he felt the Board of Adjustment was capable of allowing 35 feet or not allowing 35 feet based on the circumstances, but noted the height does not always come up as a variance issue. If an undersized lot required site plan approval, all dimensions would be under scrutiny.

Mayor Winterstella suggested it be placed under ordinance that development/improvement must get site plan approval.

Mr. Langella said he was concerned height would become a major issue in applications, but Mr. Burke stated the applicant could set forth his individual circumstances.

Mr. Burke also noted the Board could only consider the non-conforming portion of a project. He also felt if the Planning Board hears a case, they should decide the case "right down the line" if it comes before them.

Mr. Szymanski offered a presentation (including photographs) and distributed a memo noting regulations in neighboring Sea Girt. Mr. Szymanski, who reiterated that he felt some architectural direction was needed, and members of the boards expressed concerns over varying building heights, noting that could cause a "saw tooth" effect. Regarding rooflines, Mr. Szymanski said these issues may be dealt with under performance standards.

After further discussion, the Boards broke the topics down to three issues: changing or retaining the present height of 35 feet, policies for undersized lots and definition of half-story. The Boards decided to keep the 35 foot limitation. Cases involving existing houses on undersized lots would go before the Board of Adjustment for needed variances. The Planning Board would require site plan approval at time of construction as part of the subdivision process. It was decided the Planning Board would discuss the definition of half story at their next meeting; further technical advise would be gathered.

Mr. Burke also commented on the possibility of placing a member on both Boards; Mayor Winterstella said he was discussing the matter.

REGULAR SESSION

The regular meeting of the Manasquan Zoning Board of Adjustment was called to order at 7:30 p.m. by Board Chairman John Burke. He stated it was an open public meeting held in accordance with the Open Public Meetings Act and published according to law.

ROLL CALL : Present - Board Members Robert Brittle, Margaret Kazenmayer, Jack Langella, Edward Lyons, John Burke, Claudia Pincus and Patricia Walsh.

Absent - Board Members Christopher Trafford and James VanSchoick.

A motion was made, seconded and unanimously carried to approve the minutes as submitted by the Board Secretary.

APPLICATION 19-93 - Patricia Williamson - 41 Beachfront - Mr. Burke excused himself from the hearing as he was noticed within the affected area. Mr. Brittle presided over the hearing. Mr. Byrnes marked the file and Thomas Williamson placed himself on record as counsel for the applicant.

Patricia Williamson, applicant, and Pamela Lewis, 52 McLean Avenue, daughter of the applicant, were sworn in to offer testimony.

The Board, applicant and attorneys commenced the hearing on the application, which requested relief so the applicant could extend the front first floor four feet east, expand second story from half-story to full story second story, make second floor three feet wider and install heat.

The building permit was denied by Construction Official Albert P. Ratz, Jr. under Sections 107-11 (not a permitted use - two houses on one lot) and 107-27 (sideyard setback is three feet existing and proposed where five feet is required).

The property is in a R-4 zone. It is also in a V-6 flood zone, but the work is less than substantial improvement and flood requirements are not applicable. A use variance was requested.

The background of the property was discussed, with Mr. Williamson noting the extra wide lot width. It was also noted a shuffleboard court had been established on the property at one time.

Mr. Langella questioned Mrs. Williamson about the preparation of the plans and noted there was not signature or seal; Mrs. Williamson stated Royal Haring had prepared the plans.

After further discussion, a motion was made, seconded and unanimously carried to conduct a site inspection on October 30, 1993 at 9 a.m.

The floor was opened to the public for questions and comments.

Theresa Schenk, Shore Associates, owners of 42 First Avenue and 43 Beachfront, questioned the sea wall and deck portion of the project. She expressed concern over the disruption of the dune area. Discrepancies were also noted between their property survey and the survey submitted by the applicant. A new survey was requested by the Board.

Mr. Williamson noted their concerns about the dunes and gave a brief history of the dunes on the property. Mr. Byrnes felt an expert opinion on dunes was needed in light of the history of dunes in Manasquan and related litigation. Mr. Williamson stated that since the deck was going to be put on grade, there is no need for a variance on the deck. It was noted on the application, he said, so the Board could get a complete picture of the work to be done on the property.

John Dowling, 45 Beachfront, also expressed concerns over the deck. He questioned what was meant by grade and he wanted to know how many square feet of the dune would need to be removed. He added that his home had been deliberately set back; he wished to know how the project would affect his view.

Mrs. Kazenmayer asked Mr. Byrnes if the deck had to be listed on the denial. Mr. Byrnes expressed concerns about full disclosure but added there was no violation of the law and the final vote would not be at this meeting.

A motion was made, seconded and unanimously carried to continue the hearing at the Board's November 17, 1993 meeting.

APPLICATION 22-93 - Raymond and Tina Braender Shinn - 60 Central Avenue - Mr. Burke returned to preside over the meeting. Mr. Byrnes marked the file. Bruce Braender placed himself on the record as counsel for the applicants. Mr. Byrnes swore in Mr. and Mrs. Shinn, applicants and owners of the subject property, and Donald Passman, architect.

The Board, applicants and applicants' professionals began discussing the application, which requested relief so a one story addition to the existing dwelling could be constructed.

The permit was denied by Construction Official Ratz under Section 107-27 (corner lot setback -sideyard- 15 feet required, 11.9 feet to existing dwelling; sideyard setback - five feet required, 3.3 feet to existing dwelling; rear yard setback - 20 feet required, 3.0 feet to existing dwelling) of the Code of the Borough of Manasquan. It was noted the proposed addition meets all required setbacks.

Mr. Braender defined statute law on hardship variance cases and noted the house had been moved from another property to the subject property in 1937.

After further discussion the floor was opened to public questions and comments. Carmen Triggiano, 50 Central Avenue, was sworn

in and spoke in favor of the application.

Mr. Byrnes had a question about the attached garage; the applicants stated there was a small hallway between the garage and house.

There being no other comments, a motion was made, seconded and unanimously carried to close the public hearing. A motion was then made and seconded for a favorable resolution; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Langella, Lyons, Burke, Pincus and Walsh; "No" none.

APPLICATION 23-93 - Kenneth Boden - 81 N. Main Street - The Board recognized Mr. and Mrs. Kenneth Boden, applicants and owners of the subject property. Mr. Byrnes marked the files and swore in the applicants.

The Board and applicants began to discuss the application, which requested relief so that a 416 square foot addition to the rear of the house could be constructed.

The permit was denied by Construction Official Ratz under Section 107-27 (sideyard setback - five feet required, 1.95 feet existing) of the Code of the Borough of Manasquan. It was noted the new addition would comply with setback requirements.

The property is in an R-2 zone and there are no flood zone requirements. A hardship variance was requested.

E. Bruce Wetzel placed himself on the record as representing Maurice Helman, owner of 85 North Main Street, objector to the application. He asked the Bodens if they knew the house was non-conforming when they purchased it; the Bodens stated they did not have to come before the Board when they constructed their kitchen addition. Mrs. Kazenmayer noted that at the time they did that project a homeowner did not have to come to the Board of Adjustment if they were not working on the side with the non-conformity. Mr. Wetzel cited case law on hardship variances and said their burden of proof was on the applicant to prove his project was not a detriment.

A motion was made and seconded to conduct a site inspection on October 23, 1993 at 9:30 a.m. Motion carried unanimously.

RESOLUTION 21-93 - John Tanis - 29 First Avenue - Mr. Byrnes read the favorable resolution for the Board's consideration. It was noted Board Members Langella, Burke, Pincus and Walsh were not eligible to vote on the matter. A motion was made by

Mr. Lyons, seconded by Mrs. Kazenmayer, to memorialize the application. Motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer and Lyons. "No" none.

RESOLUTION 17-93 - Richard Hare - 74 Second Avenue - Mr. Byrnes read the favorable resolution for the Board's consideration. It was noted Board Members Langella, Pincus and Walsh were not eligible to vote on the matter. A motion was made by Mrs. Kazenmayer, seconded by Mr. Lyons, to memorialize the resolution. Motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons

OLD / NEW BUSINESS - The Board Secretary submitted vouchers and correspondence for the Board's consideration. The Board also discussed its site inspection policy and agenda scheduling. A motion was made, seconded and carried to enter closed session to discuss litigation. After reentering their regular session, a motion was made, seconded and unanimously carried to adjourn at 11:26 p.m.

Respectfully submitted,

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated in Manasquan 11/15/93

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

AMENDED AGENDA

MANASQUAN ZONING BOARD OF ADJUSTMENT
NOVEMBER 17, 1993

On Wednesday, November 17, 1993, 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

7:30 p.m. REGULAR SESSION

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 19-93 - (cont.) Patricia Williamson - 41 Beachfront

APPLICATION 23-93 - (cont.) Kenneth Boden - 81 N. Main Street

APPLICATION 24-93 - Ida Lloyd - 155 Beachfront

APPLICATION 25-93 - Frances & Richard Schroeder - 54 Pearce Avenue

APPLICATION 26-93 - Thomas Collinson Sr. - 339 Pine Avenue

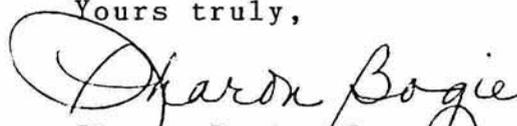
RESOLUTION 22-93 - Raymond & Tina Braender Shinn - 60 Central Avenue

APPLICATION 1-93 - Eugene Leahy - 475 Long Avenue - review of proposed revisions

OLD BUSINESS / NEW BUSINESS

(Work session commences immediately following regular agenda)

Yours truly,


Sharon Bogie, Secretary
Board of Adjustment

Dated at Manasquan 11/17/93

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - NOVEMBER 17, 1993

The Manasquan Zoning Board of Adjustment held their regular meeting on November 17, 1993 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m. and asked all in attendance to join in the Salute to the Flag. He announced this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law.

Roll Call: Present - Board Members Robert Brittle, Margaret Kazenmayer, Edward Lyons and John Burke.

Absent - Board Members Jack Langella, Christopher Trafford, James VanSchoick, Claudia Pincus and Patricia Walsh.

(The record reflects Mrs. Walsh left before the roll call to pick up Mrs. Pincus; they arrived at 7:43 p.m. Mrs. Pincus left at 9:47 p.m.)

Mr. Burke stated that there were not enough voting Board members present to hear the first matter on the agenda (Case 19-93, Patricia Williamson) and asked the Board to consider doing resolutions first while waiting the arrival of Board Members Walsh and Pincus. The Board agreed to the change in the agenda.

RESOLUTION 22-93 - Raymond and Tina Braender Shinn - 60 Central Avenue - Board Attorney William Byrnes read the favorable resolution for the record. A motion was made and seconded to memorialize the resolution; motion carried by following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons and Burke. "No" none. "Abstain" Board Members Pincus and Walsh.

Noting that a quorum was now present, Mr. Burke asked for a motion regarding the minutes of the October 20, 1993 meeting; motion made, seconded and unanimously carried to approve the minutes as submitted by the Board Secretary.

APPLICATION 19-93 (cont.) - Patricia Williamson - 41 Beachfront - Mr. Byrnes recognized Thomas Williamson, attorney for the applicant. Also in attendance were Mrs. Williamson, applicant, and Pamela Lewis, the applicant's daughter.

Mr. Williamson represented for the record that the patio and wall encroach on the neighboring property and that the applicant would move and relinquish the encroachment.

Richard Maguire placed himself on the record as representing Menko, Menko and Franke, owners of adjoining property at 42 First Avenue/43 Beachfront.

Mr. Byrnes stated he wished to address a few issues regarding the application. Referring to Chapter 67 and New Jersey Administrative Code 7:7E-3.22, Mr. Byrnes commented on restrictions regarding developments on beaches and dunes. He stated it was his opinion that the applicant needs an expert opinion that the proposed work would not adversely affect the dunes.

The applicant asked if they could continue the hearing if they left the deck issue off; she stated she would, however, like to continue it at a later date and wished to start the work so it would be completed by May 1, 1994. Mr. Byrnes said the issue could not be taken off in such a manner.

After discussion, Mr. Williamson requested an adjournment until the December 15, 1993 meeting so experts could be secured. The Board voted to grant the adjournment.

APPLICATION 23-93 (cont.) - Kenneth Boden - 81 N. Main Street - Mr. Byrnes recognized Mr. and Mrs. Kenneth Boden, applicants. He also recognized E. Bruce Wetzel, counsel for Maurice Helman, owner of adjoining property at 85 North Main Street.

Mr. Byrnes marked as evidence (0-1) a letter from Mr. Wetzel setting forth in writing his arguments on hardship variances which he offered at the October meeting. A letter from Mr. Boden stating his position was also marked for the file.

Mr. Wetzel stated his client would not object to the application if the proposed upper deck and outside access stairs were eliminated. Mr. Wetzel stated his client was concerned about a possible lack of privacy resulting from the deck. Concerns were also raised that the house could be changed into a two-family dwelling.

The Bodens noted there is a fence between the two properties and that Mr. Helman has an outside access to the second floor.

Mr. Helman was sworn in to offer testimony. He stated he did have outside access to his second floor but did not have a deck.

Mr. Boden also stated Mr. Helman has a garage apartment on his property.

After further discussion, Mr. Boden elected not to amend his application.

A motion was made, seconded and unanimously carried to close the public hearing. A motion was then made and seconded for a favorable resolution; motion carried by the following vote: "Yes" Board Members Brittle, Lyons, Pincus and Walsh. "No" Board Members Kazenmayer and Burke.

APPLICATION 24-93 - Ida Lloyd - 155 Beachfront - Mr. Byrnes marked the file and swore in the applicant. Also sworn in were Bill and Deborah Torowicz, the applicant's daughter and son-in-law.

The Board and applicant discussed the application, which requested relief so the applicant could retain a rear yard deck which had been built without a permit and which violated setbacks.

The permit had been denied by Construction Official Albert P. Ratz, Jr., under Section 107-27 (rear yard setback - 20' required, 3' requested; sideyard setback - south side 3.36' existing, 5' required and north side, 3.7' existing, 5' required) of the Code of the Borough of Manasquan. The property is in a R-5 zone and the flood zone is not applicable. A hardship variance was requested.

Mrs. Lloyd testified that John Meade, Brick, was the contractor on the project and that it was indeed built without a permit. Mrs. Lloyd stated she was unaware one was needed for such a project.

During public comment, Sarah Shreehan, 149 Beachfront, was sworn in and spoke in favor of the application.

A motion was made, seconded and unanimously carried to close the public hearing. A motion was then made by Mrs. Kazenmayer for a favorable resolution; motion seconded and carried by the following vote: "Yes" Board Members Brittle, Lyons, Burke and Walsh. "No" none.

The Board voted to take a five minute recess at 9:15 p.m.; the Board reentered the meeting at 9:20 p.m. Roll Call: Present - Board Members Brittle, Kazenmayer, Lyons, Burke and Walsh. Absent - Board Members Langella, Trafford, VanSchoick and Pincus.

APPLICATION 25-93 - Frances and Richard Schroeder - 54 Pearce Avenue - Mr. Byrnes marked the file and swore in Mr. Schroeder to offer testimony.

The Board and applicant began to discuss the application, which requested relief so the applicant could construct an addition to the existing dwelling.

Mr. Ratz denied the permit under Section 107-27 (sideyard setback - 5 feet required, 3.3 feet existing) of the Code of the Borough of Manasquan. It was noted the addition will be five feet from the side lot line in compliance with the zoning code. The property is in a R-2 zone and there are no flood requirements. A hardship variance is requested.

Addressing the plans for the addition, Mr. Schroeder stated the proposed addition will actually be 3.8 feet from the property line. He also stated he was granted a variance back in 1986 for construction of his garage. He had bought the property in July 1971.

There being no comments from the public, a motion was made, seconded and unanimously carried to close the public hearing. A motion was then made by Mr. Brittle for a favorable resolution; motion seconded and carried by the following vote: "Yes" Board Members Brittle, Lyons, Burke and Walsh. "No" none.

APPLICATION 26-93 - Thomas Collinson Sr. - 339 Pine Avenue - Mr. Byrnes marked the file and swore in Mr. Collinson to offer testimony.

The Board and applicant began discussing the application, which asked for relief so an addition could be constructed to the existing dwelling on the east side of the house.

The permit was denied by Mr. Ratz under Section 107-27 (rear yard setback - 20 feet required, 5.2 feet shown) of the Code of the Borough of Manasquan. It was noted the addition would comply with zoning regulations. The property is in an R-2 zone and the project will comply with flood regulations. A hardship variance was requested.

Mr. Collinson stated that the garage on the site does not comply to the zoning but that the addition will comply to the zoning.

There being no comments from the public, a motion was made by Mrs. Kazenmayer to close the public hearing; motion seconded and unanimously carried. A motion was then made by Mrs. Walsh

for a favorable resolution; motion seconded by Mrs. Kazenmayer and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, Burke and Walsh. "No" none.

APPLICATION 1-93 - Eugene Leahy - 475 Long Avenue - review of proposed revisions - The Board entered into closed session to discuss the matter, which was in litigation. Upon reentering its regular session, the Board voted unanimously to place a review of the proposed revisions on te December 15, 1993 agenda. Mr. Byrnes stated he would inform Mr. Pagano, attorney for Mr. Leahy, of the Board's decision so he could make proper arrangements for noticing.

OLD BUSINESS / NEW BUSINESS - The Board Secertary submitted correspondance and vouchers for the Board's consideration.

The Board agreed to discuss the possibility of updating the by-laws and to discuss the annual budget at the December meeting. It was also noted that Mrs. Walsh had been selected as the joint member to the Board of Adjustment and the Planning Board.

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

Respectfully submitted,

Sharon Bogie
Sharon Bogie, Secretary
Manasquan Planning Board

Dated at Manasquan 12/10/93

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
NOVEMBER 17, 1993

On Wednesday, November 17, 1993, 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

7:30 p.m. REGULAR SESSION

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 19-93 - (cont.) Patricia Williamson - 41 Beachfront

APPLICATION 23-93 - (cont.) Kenneth Boden - 81 N. Main Street

APPLICATION 24-93 - Ida Lloyd - 155 Beachfront

APPLICATION 25-93 - Frances & Richard Schroeder - 339 Pine Ave.

APPLICATION 26-93 - Thomas Collinson Sr. - 339 Pine Avenue

RESOLUTION 22-93 - Raymond & Tina Braender Shinn - 60 Central Avenue

OLD BUSINESS / NEW BUSINESS

(Work session commences immediately following regular agenda)

Yours truly,

Sharon Bogie
Sharon Bogie, Secretary
Board of Adjustment

Dated at Manasquan 11/11/93

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
DECEMBER 15, 1993 MEETING AGENDA

On Wednesday, December 15, 1993, 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, NJ.

AGENDA

7:30 p.m. - Regular Session

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 19-93 (cont.) - Patricia Williamson - 41 Beachfront

APPLICATION 27-93 - Paul Yuro - 84 Marcellus Avenue

APPLICATION 28-93 - Noel Hood - 165 - 165½ First Avenue

APPLICATION 29-93 - Carmine Galdieri II - 117 Beachfront

APPLICATION 1-93 - Eugene Leahy - 475 Long Avenue (review of proposed revisions)

RESOLUTION 23-93 - Kenneth Boden - 81 N. Main St.

RESOLUTION 24-93 - Ida Lloyd - 155 Beachfront

RESOLUTION 25-93 - Frances & Richard Schroeder - 54 Pearce Avenue

RESOLUTION 26-93 - Thomas Collison Sr. - 339 Pine Avenue

OLD / NEW BUSINESS

(Work session will begin immediately following regular agenda)

Yours truly,

Sharon Bogie

Sharon Bogie, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 12/10/93

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
DECEMBER 15, 1993 MEETING MINUTES

On Wednesday, December 15, 1993, the Zoning Board of Adjustment of the Borough of Manasquan held their regular meeting in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, NJ.

Board Chairman John Burke called the meeting to order at 7:30 p.m. and asked all in attendance to join in a salute to the flag. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law.

Mr. Burke also asked all present to join in a moment of silence in memory of Councilman William Eastmond, who had passed away earlier in the week.

ROLL CALL: Present - Board Members Robert Brittle, Margaret Kazenmayer, Jack Langella, John Burke and Patricia Walsh.

Absent - Board Members Edward Lyons, Christopher Trafford, James VanSchoick and Claudia Pincus.

(Record shows Mr. Langella left at 9 p.m.)

Mrs. Kazenmayer moved that the minutes be approved as submitted by the Board Secretary; motion seconded by Board Member Walsh and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Burke and Walsh; "No" none. "Abstain" Mr. Langella.

APPLICATION 1-93 - Eugene Leahy - 475 Long Avenue - review of proposed revisions - Phillip Pagano, attorney for the applicant, placed himself on the record and noted the presence of his client Eugene Leahy. New exhibits were marked by Mr. Byrnes and Mr. Pagano and Mr. Burke offered background on the case, which had been in litigation. The proposed revisions called for a 24 foot curb cut as opposed to the 30-32 foot cut originally requested. The Board discussed the revisions; after discussion, Mr. Burke opened the floor to the public.

Richard Dunne, Long Avenue, was sworn in and said this created confusion over the ordinance (which allows for a maximum 20 foot curb cut where a two car garage exists) and its enforcement.

J. Marshall Brown, Long Avenue, was sworn in. He suggested that the Board conduct one meeting for all such cases. Mr. Byrnes said this would not be possible as each case must be judged on its own individual merits.

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

A motion was made and seconded to approve the application; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Langella, Burke and Walsh.

APPLICATION 19-93 (cont.) - Patricia Williamson - 41 Beachfront - A letter was read for the Board's consideration from Thomas Williamson, attorney, asking that the Board consider an adjournment while the applicant secures experts. The Board voted unanimously to grant the applicant and adjournment until the January 19, 1994 meeting.

APPLICATION 27-93 - Paul Yuro - 84 Marcellus Avenue - E. Bruce Wetzel placed himself on the record as representing the applicant. Mr. Byrnes marked the file and swore in Paul Yuro, property owner, to offer testimony. Mr. Wetzel asked the application be amended as to remove the projected deck from the application.

Before there was any further discussion, Mr. Burke noted that because this was a use variance and there were only five members present; thus, he explained, the application would need to be passed by unanimous vote. Mr. Burke gave the applicant's counsel opportunity to either continue with the hearing or request an adjournment. Mr. Wetzel requested the adjournment. The Board agreed by unanimous vote to grant the adjournment until the January 19, 1994 meeting.

APPLICATION 28-93 - Noel Hood - 165 - 165 $\frac{1}{2}$ First Avenue - The Board recognized Noel and Ida Ann Hood, owners of the subject property. Mr. Burke once again noted the lack of voting members but the applicants agreed to continue with the hearing.

The applicants and Board began to discuss the application, which requested relief so the flat roof could be changed to a peaked roof and house could be brought up to code at 165 $\frac{1}{2}$ First Avenue (rear house). They also requested relief so they could enclose the porches and add rear decks onto the front house (165 First Avenue). A request was also made to allow the installation of heating in all three units on the property.

The permit was denied by Construction Official Albert P. Ratz Jr. under Section 107-12 (not a permitted use), Section 107-27 (sideyard setback - 5 feet required, .88' on south side existing and .72' on north side existing; rear yard setback- 20 feet required, 3.2 feet existing) of the Code of the Borough of Manasquan.

The property is in an R-5 zone and a A-5 flood zone; owner will raise house to meet required flood elevation. A use variance was requested.

Mr. Hood noted for the record the site has adequate parking to meet parking requirements under zoning. He discussed the work he wished to do, including room dimensions. He also noted he had bought the property earlier this year.

Mr. Burke opened the floor to the public. Regis Connors, 159 First Avenue, questioned the work at 165 $\frac{1}{2}$ First and asked for clarification on the pitch/peak of the roof. Mr. Burke said that technically it was a flat roof and that there was not enough of a peak to make it a peaked roof.

It was also noted there would be no changes as far as occupancy numbers go (as established for rentals) and that the unit would remain a three bedroom unit; the applicant stated he was just bringing it up to code.

A motion was made, seconded and unanimously carried to close the public meeting. A motion was then made and seconded to approve the application; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Langella, Burke and Walsh.

APPLICATION 29-93 - Carmine Galdieri II - 117 Beachfront - The Board recognized Mr. Galdieri, who was sworn in by Mr. Byrnes. Mr. Byrnes marked the file. Mr. Burke once again noted the lack of voting members but the applicants agreed to continue with the hearing.

The Board and applicant commenced discussion on the application, which requested relief so he could replace an existing flat roof with a gable roof to prevent leaking.

Mr. Ratz denied the permit under Section 107-11 (not a permitted use - two dwelling units on property) and 107-27 (sideyard setbacks - five feet required, 1.9 feet and 2.6 feet existing).

The property is zoned R-4 and the flood zone is not applicable. A use variance is requested.

After further discussion, a motion was made and seconded to close the public hearing. A motion was then made by Mrs. Kazenmayer for a favorable resolution; motion seconded by Mr. Brittle and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Langella, Burke and Walsh. "No" none.

The Board voted to conduct a brief recess. Post-recess Roll Call: Present-Board Members Brittle, Kazenmayer, Burke and Walsh.

RESOLUTION 23-93 - Kenneth Boden - 81 N. Main St. - Mr. Byrnes read the favorable resolution. It was noted Board Members Kazenmayer and Burke were not eligible to vote as they had voted "no" in the motion to prepare a favorable resolution. A motion was made by Mrs. Walsh and seconded by Mr. Brittle to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Brittle and Walsh.

RESOLUTION 24-93 - Ida Lloyd - 155 Beachfront - Mr. Byrnes read the favorable resolution. A motion was made by Mrs. Walsh, seconded by Mrs. Kazenmayer, to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Burke and Walsh. "No" none.

RESOLUTION 25-93 - Frances & Richard Schroeder - 54 Pearce Avenue - Mr. Byrnes read the favorable resolution. A motion was made by Mrs. Kazenmayer to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Burke and Walsh. "No" none.

RESOLUTION 26-93 - Thomas Collison Sr. - 339 Pine Avenue - Mr. Byrnes read the favorable resolution. A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Burke and Walsh. "No" none.

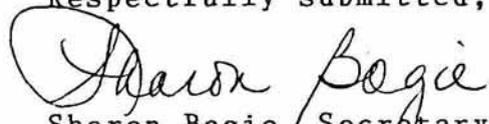
OLD / NEW BUSINESS - The Board Secretary brought correspondence and vouchers to the Board's attention.

The Board tabled joining the New Jersey Federation of Planners pending the Planning Board's decision to do the same; it was noted the borough would save money if both boards joined.

The Board then discussed the 1994 budget. It was requested that \$500 extra be requested toward salaries/overtime and \$500 be added to legal/professional fees in view of anticipated cases.

There being no further business, a motion was made, seconded and unanimously carried to adjourn at 9:50 p.m.

Respectfully submitted,



Sharon Bogie, Secretary
Manasquan Board of Adjustment
1/13/94

1994

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

COLLEEN SCIMECA
Municipal Clerk

ZONING BOARD OF ADJUSTMENT - 1994 ANNUAL REPORT

<u>CASE#</u>	<u>APPLICANT</u>	<u>ADDRESS</u>	<u>TYPE OF VARIANCE</u>	<u>STATUS</u>	<u>FEE PD.</u>
1-94	M.Stastakas	166 2nd	Hardship	Memorialized	\$200.00
2-94	R.Fick	36 Ocean	Hardship	Memorialized	\$200.00
3-94	G.Walsh	216½ 3rd	Use-demo rebuild	Memorialized	\$300.00
4-94	A.Ferreira	16 Sims	Harddship	Memorialized	\$200.00
5-94	W.Ryan	14Gardners Lane	Hardship	Memorialized	\$200.00
6-94	J.Tischio	17 Meadow	Hardship	Memorialized	\$200.00
10-93	I.Kirsch	237Beachfront	Use	Memorialized	\$300.00
11-93	I.Kirsch	239Beachfront	Use	Memorialized	\$300.00
7-94	Curtis,Bland	15 Ocean	Hardship	Memorialized	\$200.00
8-94	E.Gashlin	105 Ocean	Hardship	Memorialized	\$200.00
9-94	R.Scerrato	374 First 375 Beachfront	Use	Memorialized	\$450.00
10-94	M.Barrett	555E.Main	Use	Memorialized	\$200.00
11-94	B.Harrison	312E.Virginia	Hardship	Memorialized	\$200.00
12-94	P. Yuro	313E.Virginia	Hardship	Memorialized	\$200.00
13-94	M.Sedlak	112 McLean	Hardship	Memorialized	\$200.00
14-94	Chicant Co.	165-167Beachfront 166-168First	Sub-div.-Var	Memorialized	\$1200.00
15-94	NBR Assoc.	198-204 3rd.	Minor sub-div.	Memorialized	\$750.00
16-94	J.O'Grady	265 Beachfront	Use Var.	Memorialized	\$600.00
17-94	E.Dadson	25 First	Interpertation	Memorialized	\$150.00
18-94	J.Paglia SeaBreeze	First & Beachfront	Use Variance Site Plan	Memorialized	\$2550.00
19-94	Schultz-Duffy	3 Allen	Use	WITHDREW	\$300.00
20-94	N.Milligan	355 Beachfront	Use	Memorialized	\$450.00
21-94	J.Zavada	337 First	Hardship	Memorialized	\$200.00

22-94	G. Bird	367Beachfront	Use Var.	Memorialized	\$300.00
23-94	B.Randolph	553 Trout	Hardship	Memorialized	\$200.00
24-94	P.Clancy	34 Minerva	Hardship	Memorialized	\$200.00
25-94	J.Rupprecht	113Beachfront	Use Var.	WITHDREW	\$450.00
26-94	St.Denis	90 Union	Hardship	WITHDREW	Waived
27-94	T.Henderson	367 First	Hardship (set for 3/15/95)		\$200.00
28-94	A.Bovino	42Willow Way	Hardship	Memorialized	\$200.00
29-94	R.Dana	292 First 293 Beachfront	Use Var.	WITHDREW	\$900.00
30-94	R.Neary	39 South	Hardship	WITHDREW	\$000.00
31-94	R.Olson	11 Lockwood	Hardship (set for 3/15/95)		\$200.00
32-94	J.Bosko	103 Curtis Pl.	Use Var.	Memorialized	\$200.00
33-94	W.Loftus	568 Whiting	Hardship (RES. Pending)		\$200.00
34-94	J.Smith	265 Pine	Hardship	Memorialized	\$200.00
Case # 16-94	J.O'Grady		Pending litigation.		

RESOLUTIONS GRANTED: 27

RESOLUTION - Pending 1

Hardship Variances	-	16
Use Variances	-	10
SubDivision	-	2
Interpertations	-	1

TOTAL FEES: \$ 12,300.00

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(908) 223-0544

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN BOARD OF ADJUSTMENT - 1994

Jack Langella
405 Pine Avenue
Manasquan NJ 08736

John Burke, Chairman
4 Stockton Ave.
Manasquan, NJ 08736

Margaret Kazenmayer
112 Wyckoff Ave.
Manasquan, NJ 08736

Edward Lyons
40 McGreevey Dr.
Manasquan, NJ 08736

Claudia Pincus
104 Church Street
Manasquan, NJ 08736

Christopher Trafford
50 Broad St.
Manasquan, NJ 08736

James VanSchoick
92 McLean Ave.
Manasquan, NJ 08736

Robert Brittle, Vice Chairman
386 Euclid Ave.
Manasquan, NJ 08736

Patricia Walsh
111 Stockton Lake Blvd.
Manasquan, NJ 08736

Marie Applegate
(Board Secretary)
15 Taylor Avenue
Manasquan, NJ 08736

William Byrnes
(Board Attorney)
1312 Atlantic Ave.
Manasquan, NJ 08736

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
JANUARY 19, 1994 MEETING AGENDA

On Wednesday, January 19, 1994, 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, NJ.

AGENDA

7:30 p.m. - Regular Session

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

REORGANIZATION SESSION:

Swearing in of reappointed members to be followed by following Reorganization matters:

1. Resolution A - Naming of Chairman
2. Resolution B - Naming of Vice-Chairman
3. Resolution C - Meeting Dates
4. Resolution D - Official Newspapers
5. Resolution E - Appointment of Attorney
6. Resolution F - Appointment of Secretary

APPLICATION 19-93 (cont.) - Patricia Williamson - 41 Beachfront

APPLICATION 27-93 (cont.) - Paul Yuro - 84 Marcellus Avenue

APPLICATION 1-94 - Michael Stastokas - 166 Second Avenue

APPLICATION 2-94 - Robert Fick - 36 Ocean Avenue

RESOLUTION 28-93 - Noel Hood - 165 - 165½ First Avenue

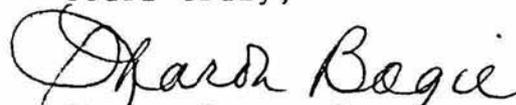
RESOLUTION 29-93 - Carmine Galdieri II - 117 Beachfront

RESOLUTION 1-93 - Eugene Leahy - 475 Long Avenue

OLD / NEW BUSINESS

(Work session will begin immediately following regular agenda)

Yours truly,



Sharon Bogie, Secretary
Manasquan Board of Adjustment
dated 1/13/94

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
JANUARY 19, 1994 MEETING AGENDA

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APPLICATION 19-93 (cont.) - Patricia Williamson - 41 Beachfront

APPLICATION 27-93 (cont.) - Paul Yuro - 84 Marcellus Avenue

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APPLICATION 2-94 - Robert Fick - 36 Ocean Avenue

RESOLUTION 28-93 - Noel Hood - 165 - 165½ First Avenue

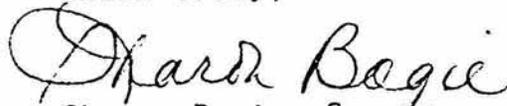
RESOLUTION 29-93 - Carmine Galdieri II - 117 Beachfront

RESOLUTION 1-93 - ~~Eugene Leahy - 475 Long Avenue~~ **ADJURNED**

OLD / NEW BUSINESS

(Work session will begin immediately following regular agenda)

Yours truly,



Sharon Bogie, Secretary
Manasquan Board of Adjustment
dated 1/13/94

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
DECEMBER 15, 1993 MEETING MINUTES

On Wednesday, December 15, 1993, the Zoning Board of Adjustment of the Borough of Manasquan held their regular meeting in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, NJ.

Board Chairman John Burke called the meeting to order at 7:30 p.m. and asked all in attendance to join in a salute to the flag. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law.

Mr. Burke also asked all present to join in a moment of silence in memory of Councilman William Eastmond, who had passed away earlier in the week.

ROLL CALL: Present - Board Members Robert Brittle, Margaret Kazenmayer, Jack Langella, John Burke and Patricia Walsh.

Absent - Board Members Edward Lyons, Christopher Trafford, James VanSchoick and Claudia Pincus.

(Record shows Mr. Langella left at 9 p.m.)

Mrs. Kazenmayer moved that the minutes be approved as submitted by the Board Secretary; motion seconded by Board Member Walsh and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Burke and Walsh; "No" none. "Abstain" Mr. Langella.

APPLICATION 1-93 - Eugene Leahy - 475 Long Avenue - review of proposed revisions - Phillip Pagano, attorney for the applicant, placed himself on the record and noted the presence of his client Eugene Leahy. New exhibits were marked by Mr. Byrnes and Mr. Pagano and Mr. Burke offered background on the case, which had been in litigation. The proposed revisions called for a 24 foot curb cut as opposed to the 30-32 foot cut originally requested. The Board discussed the revisions; after discussion, Mr. Burke opened the floor to the public.

Richard Dunne, Long Avenue, was sworn in and said this created confusion over the ordinance (which allows for a maximum 20 foot curb cut where a two car garage exists) and its enforcement.

J. Marshall Brown, Long Avenue, was sworn in. He suggested that the Board conduct one meeting for all such cases. Mr. Byrnes said this would not be possible as each case must be judged on its own individual merits.

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

A motion was made and seconded to approve the application; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Langella, Burke and Walsh.

APPLICATION 19-93 (cont.) - Patricia Williamson - 41 Beachfront - A letter was read for the Board's consideration from Thomas Williamson, attorney, asking that the Board consider an adjournment while the applicant secures experts. The Board voted unanimously to grant the applicant and adjournment until the January 19, 1994 meeting.

APPLICATION 27-93 - Paul Yuro - 84 Marcellus Avenue - E. Bruce Wetzel placed himself on the record as representing the applicant. Mr. Byrnes marked the file and swore in Paul Yuro, property owner, to offer testimony. Mr. Wetzel asked the application be amended as to remove the projected deck from the application.

Before there was any further discussion, Mr. Burke noted that because this was a use variance and there were only five members present; thus, he explained, the application would need to be passed by unanimous vote. Mr. Burke gave the applicant's counsel opportunity to either continue with the hearing or request an adjournment. Mr. Wetzel requested the adjournment. The Board agreed by unanimous vote to grant the adjournment until the January 19, 1994 meeting.

APPLICATION 28-93 - Noel Hood - 165 - 165 $\frac{1}{2}$ First Avenue - The Board recognized Noel and Ida Ann Hood, owners of the subject property. Mr. Burke once again noted the lack of voting members but the applicants agreed to continue with the hearing.

The applicants and Board began to discuss the application, which requested relief so the flat roof could be changed to a peaked roof and house could be brought up to code at 165 $\frac{1}{2}$ First Avenue (rear house). They also requested relief so they could enclose the porches and add rear decks onto the front house (165 First Avenue). A request was also made to allow the installation of heating in all three units on the property.

The permit was denied by Construction Official Albert P. Ratz Jr. under Section 107-12 (not a permitted use), Section 107-27 (sideyard setback - 5 feet required, .88' on south side existing and .72' on north side existing; rear yard setback-20 feet required, 3.2 feet existing) of the Code of the Borough of Manasquan.

The property is in an R-5 zone and a A-5 flood zone; owner will raise house to meet required flood elevation. A use variance was requested.

Mr. Hood noted for the record the site has adequate parking to meet parking requirements under zoning. He discussed the work he wished to do, including room dimensions. He also noted he had bought the property earlier this year.

Mr. Burke opened the floor to the public. Regis Connors, 159 First Avenue, questioned the work at 165 $\frac{1}{2}$ First and asked for clarification on the pitch/peak of the roof. Mr. Burke said that technically it was a flat roof and that there was not enough of a peak to make it a peaked roof.

It was also noted there would be no changes as far as occupancy numbers go (as established for rentals) and that the unit would remain a three bedroom unit; the applicant stated he was just bringing it up to code.

A motion was made, seconded and unanimously carried to close the public meeting. A motion was then made and seconded to approve the application; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Langella, Burke and Walsh.

APPLICATION 29-93 - Carmine Galdieri II - 117 Beachfront - The Board recognized Mr. Galdieri, who was sworn in by Mr. Byrnes. Mr. Byrnes marked the file. Mr. Burke once again noted the lack of voting members but the applicants agreed to continue with the hearing.

The Board and applicant commenced discussion on the application, which requested relief so he could replace an existing flat roof with a gale roof to prevent leaking.

Mr. Ratz denied the permit under Section 107-11 (not a permitted use - two dwelling units on property) and 107-27 (sideyard setbacks - five feet required, 1.9 feet and 2.6 feet existing).

The property is zoned R-4 and the flood zone is not applicable. A use variance is requested.

After further discussion, a motion was made and seconded to close the public hearing. A motion was then made by Mrs. Kazenmayer for a favorable resolution; motion seconded by Mr. Brittle and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Langella, Burke and Walsh. "No" none.

The Board voted to conduct a brief recess. Post-recess Roll Call: Present-Board Members Brittle, Kazenmayer, Burke and Walsh.

RESOLUTION 23-93 - Kenneth Boden - 81 N. Main St. - Mr. Byrnes read the favorable resolution. It was noted Board Members Kazenmayer and Burke were not eligible to vote as they had voted "no" in the motion to prepare a favorable resolution. A motion was made by Mrs. Walsh and seconded by Mr. Brittle to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Brittle and Walsh.

RESOLUTION 24-93 - Ida Lloyd - 155 Beachfront - Mr. Byrnes read the favorable resolution. A motion was made by Mrs. Walsh, seconded by Mrs. Kazenmayer, to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Burke and Walsh. "No" none.

RESOLUTION 25-93 - Frances & Richard Schroeder - 54 Pearce Avenue - Mr. Byrnes read the favorable resolution. A motion was made by Mrs. Kazenmayer to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Burke and Walsh. "No" none.

RESOLUTION 26-93 - Thomas Collison Sr. - 339 Pine Avenue - Mr. Byrnes read the favorable resolution. A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Burke and Walsh. "No" none.

OLD / NEW BUSINESS - The Board Secretary brought correspondance and vouchers to the Board's attention.

The Board tabled joining the New Jersey Federation of Planners pending the Planning Board's decision to do the same; it was noted the borough would save money if both boards joined.

The Board then discussed the 1994 budget. It was requested that \$500 extra be requested toward salaries/overtime and \$500 be added to legal/professional fees in view of anticipated cases.

There being no further business, a motion was made, seconded and unanimously carried to adjourn at 9:50 p.m.

Respectfully submitted,

Sharon Bogie, Secretary
Manasquan Board of Adjustment
1/13/94

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(908) 223-0544

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
ADDENDUM TO AGENDA
FEBRUARY 16, 1994 MEETING

RESOLUTION 2-94 - Robert Fick - 36 Ocean Avenue

Yours truly,



Marie Applegate, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 2/10/94

JGHN, L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
FEBRUARY 16, 1994
REGULAR MEETING AGENDA
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, February 16, 1994, 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

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 19-93 - (cont.) - Patricia L. Williamson -
41 Beachfront

APPLICATION 1-94 - (cont.) - Michael Stastakas -
166 Second Avenue

APPLICATION 10-93 I. B. Kirsch - 237 Beachfront

APPLICATION 11-93 I. B. Kirsch - 239 Beachfront

APPLICATION 4-94 Anna Marie Ferreira - 16 Sims Avenue

OLD/NEW BUSINESS

(Work session will be conducted immediately after regular meeting)

Yours truly,

Marie Applegate, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 2/8/94

JOHN, L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - JANUARY 19, 1994
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N.J.

The Manasquan Zoning Board of Adjustment held their regular meeting on January 19, 1994 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m.. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL - Present: Board Members Robert Brittle, Edward Lyons, Christopher Trafford, James VanSchoick, John Burke, Claudia Pincus, Patricia Walsh.

Absent: Margaret Kazenmayer.

RWEORGANIZATION SESSION - The Board entered into its reorganization session for 1994.

Board Attorney William Byrnes administered the oath of office to Edward Lyons and Christopher Trafford.

Resolution A, designating a Board Chairman, was read. The nomination of Mr. Burke was made, seconded and unanimously carried. Resolution B, designating a Board Vice-Chairman, was read. The nomination of Robert Brittle was made, seconded and unanimously carried.

Resolution C, designating the meeting date as the third Wednesday of the month, was read. A motion to change the date of February 16, 1994 to February 23, 1994 was made, seconded and unanimously carried to approve the resolution.

Resolution D, naming The Coast Star and The Asbury Park Press as official newspaper, was read. Motion was made, seconded and unanimously carried to approve the resolution.

Resolution E, reappointment of William Byrnes as Board Attorney, was read. Motion was made, seconded and unanimously carried

to approve the resolution.

Resolution F, reappointment of Sharon Bogie as Board Secretary was read and Marie Applegate to follow. Motion made, seconded and unanimously carried to approve the resolution.

Mr. Burke congratulated Sharon on the excellent job she did and asked for a round of applause.

APPLICATION - 19-93 -Patricia Williamson - 41 Beachfront- The Board Chairman Mr. Burke stepped down as he resides within 200 feet of Mrs. Williamson, Vice Chairman Mr. Brittle tookover. Mr. Louis Scheidt of Scheidt Engineering, 70 East Water Street, Toms River, N. J. was sworn in by Attorney William Byrnes as a professional witness. Mr. Scheidt stated he has 11 clients in Sea Girt involved in dune protection. He said the dunes in Manasquan are relatively small, the dune at 41 Beachfront is the largest and most stable in the north end. He feels the existing retaining wall is an intrical part of the dune that was created there. The intention is to remove the retaining wall 4 feet toward the Ocean and the same time construct a full retaining wall. Mr. Scheidt felt moving a retaining wall 4 feet eastward will not damage the overall size of the dune. Mr. Scheidt stated a slab on grade usually not considered part of structure. He added the existing patio is on grade level. Mr. Byrnes asked in theory whether it would be building below grade level. He felt a variance was needed. Mr. Williamson said he would get a denial letter from the DEPE.

It was discussed to have a review by Borough Attorney, Borough Engineer and Environmental Commission. The Board unanimously voted to have these reviews conducted. The Board also requested Mr. Scheidt to provide his findings in writing for the Boards consideration.

Attorney Richard Maguire placed himself on record as representing Menko/Menko/Franke, owners of 42 First Ave.-43 Beachfront.

A motion was made seconded and unanimously carried to carry over to the February meeting

A motion was made, seconded and carried to approve the minutes of the December 15, 1993 meeting as submitted by the Board Secretary. Mr. Trafford abstained.

APPLICATION - 27-93 (cont.) - Paul Yuro - 84 Marcellus Avenue. For the record, Mr. Byrne stated he marked the application at the December meeting. At the time Mr. Yuro's attorney E.

Bruce Wetzel had requested an adjournment because there were only five Board members present to hear the use variance application.

The hearing commenced on the application in which relief was requested so the applicant could build a fitness room on the second floor of his garage, which is presently under construction. Construction Official Albert P. Ratz Jr. denied the building permit under Section 107-9 (the use of the garage is not a permitted accessory use. The existing dwelling is a two-family dwelling which is not a permitted principal use. This would be an expansion of a non-conforming use) of the Borough of Manasquan.

The property is in a R-2 zone and flood zone restrictions are not applicable.

Mr. Yuro testified he had purchased the 2 family house in 1991 in a totally run down condition and spent approximately 250 thousand to enhance the property. He said it is the nicest house on the block. His intention is to build a 3 bay garage, and rooms upstairs for gym and storage, with a bath and shower. He and his 2 sons ages 21 and 25 who have a lot of exercise equipment have no room in the house or the basement for all the equipment. He feels that putting rooms over the garage would provide storage and room for the exercise machines. He stated he has no intentions of living or renting the rooms over the garage.

The Board Chairman opened the floor to questions from the public of Mr. Yuro. There being no questions nor any further witnesses, the floor was opened to comments from the public.

Ron Doles, 72 Marcellus Avenue, was sworn in. He expressed concerns over the project.

Mr. Byrnes swore in Charles O'Malley, 76 Marcellus Avenue. Mr. O'Malley submitted a petition signed by neighbors in opposition to the project. Mr. O'Malley expressed concerns over loss of privacy if the application were approved.

Sharon O'Malley, 76 Marcellus, was also sworn in. She said she believed Mr. Yuro's sons would move into this space, making it a third dwelling unit on the property.

Mr. Burke questioned Mr. O'Malley about his land surveying business, which he operates from his garage.

Richard Wheaton, 86 Marcellus, was sworn in and stated he

signed the petition because he did not want the second floor built.

Nora Wheaton, 86 Marcellus, under oath, stated she appreciated Mr. Yuro as a neighbor but had to object to the project because of privacy issues.

Nicholas Lordo, 83 Virginia Avenue, was sworn in. He objected to the building, stating he would have no privacy in his backyard. He stated he would have no objection to a one story garage.

Mr. Burke opened the floor to comments from the Board. Mr. Langella stated the proposal was "not a good idea" unless it was only a garage.

After discussion the Board voted to hold a site inspection on January 29, 1994, 9 a.m. Upon a request from the applicant, the Board agreed to continue the case at the March 16, 1994 meeting. Mr. Burke cautioned that neighbors should not speak to the Board Memberes while they were making the site inspection.

APPLICATION - 1-94- Michael Sastokas - 166 Second Avenue. - Mr. Sastokas was sworn in by Mr. Byrnes, who marked the file. Mr. Byrnes noted there was a problem with the noticing in that some of the notices were not mailed at least 10 days prior to the hearing. After discussion it was agreed that no testimony could be presented but the Board could vote to conduct a site inspection. The Board voted unanimously to conduct a site inspection. Mr. Sastokas stated he is not changing the size of the deck from what it is now. Motion was made, seconded and carried to adjourn the case over to February meeting.

There was a brief recess and roll call. Present: Robert Brittle, Jack Langella, Edward Lyons, Christopher Trafford, James VanSchoick, John Burke, Patricia Walsh. Mrs. Pincus was excused as she had to go to work.

APPLICATION - 2-94-Robert Fick - 36 Ocean Avenue - Mr Fick was sworn in and the file was marked. It was noted that utilities had not been noticed; Mr. Fick stated he did not receive a list of utilities from the Tax Assessor's office. Mr Byrnes determined the hearing could proceed.

The Board and applicant commenced discussion on the application, which requested relief so the applicant may construct 18.4' x 9' addition to existing dwelling. The property is in a R-2 Zone. A-5 Flood Zone will comply. Mr. Ratz denied the building

permit under Section 107-27- Sideyard setback - existing dwelling is 2.48 feet from side lot line and owener wishes to continue that setback with additon where 5 ft. is required.

After discussion, the floor was open to the public. There were no comments. Motion was made seconded and carried to close the public hearing.

After further discussion, a motion was made and seconded for a favorable resolution; motion carried by the following vote: "Yes" Board members Brittle, Langella, Lyons, Trafford, VanSchoick, Burke and Walsh. "No" none.

RESOLUTION 28-93 Noel & Ida Hood - 161 Beachfront - Mr. Byrnes read the favorable resolution for the record. A motion was then made and seconded to memorialize the resolution. Motion carried by the following vote: "Yes" - Board Members Brittle, Langella, Burke, and Walsh.

RESOLUTION 29-93- Carmine Galdieri - 117 Beachfront - Mr. Byrnes read the favorable resolution for the record. A motion was then made and seconded to memorialize the resolution. Motion carried by the following vote: "Yes" - Board Members Brittle, Langella, Burke and Walsh.

OLD/NEW BUSINESS - The Board discussed a request from attorney Kevin Thomas on behalf of his client - Chicant Co. N.V. - 165-167 Beachfront, 166-168 First Avenue to schedule a special meeting. The Board voted unanimously to hold the meeting the first possible Wednesday after our February 16, 1994 meeting, which will be March 9, 1994.

The agreement between the Board and Mr. Byrnes for his legal services was discussed and agreed upon unanimously. Correspondance and vouchers were submitted for action by Board.

The Board then moved to enter closed session to discuss litigation at approximately 12:15 a.m. Board reentered open session and, having no further business, a motion was made, seconded and unanimously carried to adjourn at 12:26 p.m.

Respectfully submitted,

Marie Applegate, Secretary
Manasquan Board of Adjustment
Dated at Manasquan 2/10/94

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
ADDENDUM TO AGENDA
FEBRUARY 16, 1994 MEETING

RESOLUTION - 2-94 - Robert Fick - 36 Ocean Avenue

RESOLUTION -1-A93 - 94 - Eugene Leahy - 475 Long Avenue

Yours truly,

Marie Applegate

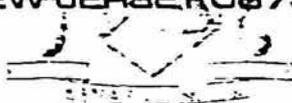
Marie Applegate, Seseetary
Manasquan Board of Adjustment

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736



MANASQUAN ZONING BOARD OF ADJUSTMENT
FEBRUARY 16, 1994
REGULAR MEETING AGENDA
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

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**APPLICATION 19-93 - (cont.) - Patricia L. Williamson -
41 Beachfront**

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APPLICATION 10-93 I. B. Kirsch - 237 Beachfront

APPLICATION 11-93 I. B. Kirsch - 239 Beachfront

APPLICATION 4-94 Anna Marie Ferreira - 16 Sims Avenue

OLD/NEW BUSINESS

(Work session will be conducted immediately after regular meeting)

Yours truly,

Marie Applegate, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 2/8/94

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
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MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - JANUARY 19, 1994
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N.J.

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Board Chairman John Burke called the meeting to order at 7:30 p.m.. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL - Present: Board Members Robert Brittle, Edward Lyons, Christopher Trafford, James VanSchoick, John Burke, Claudia Pincus, Patricia Walsh.

Absent: Margaret Kazenmayer.

RWEORGANIZATION SESSION - The Board entered into its reorganization session for 1994.

Board Attorney William Byrnes administered the oath of office to Edward Lyons and Christopher Trafford.

Resolution A, designating a Board Chairman, was read. The nomination of Mr. Burke was made, seconded and unanimously carried. Resolution B, designating a Board Vice-Chairman, was read. The nomination of Robert Brittle was made, seconded and unanimously carried.

Resolution C, designating the meeting date as the third Wednesday of the month, was read. A motion to change the date of February 16, 1994 to February 23, 1994 was made, seconded and unanimously carried to approve the resolution.

Resolution D, naming The Coast Star and The Asbury Park Press as official newspaper, was read. Motion was made, seconded and unanimously carried to approve the resolution.

Resolution E, reappointment of William Byrnes as Board Attorney, was read. Motion was made, seconded and unanimously carried

to approve the resolution.

Resolution F, reappointment of Sharon Bogie as Board Secretary was read and Marie Applegate to follow. Motion made, seconded and unanimously carried to approve the resolution.

Mr. Burke congratulated Sharon on the excellent job she did and asked for a round of applause.

APPLICATION - 19-93 -Patricia Williamson - 41 Beachfront- The Board Chairman Mr. Burke stepped down as he resides within 200 feet of Mrs. Williamson, Vice Chairman Mr. Brittle takeover. Mr. Louis Scheidt of Scheidt Engineering, 70 East Water Street, Toms River, N. J. was sworn in by Attorney William Byrnes as a professional witness. Mr. Scheidt stated he has 11 clients in Sea Girt involved in dune protection. He said the dunes in Manasquan are relatively small, the dune at 41 Beachfront is the largest and most stable in the north end. He feels the existing retaining wall is an intricate part of the dune that was created there. The intention is to remove the retaining wall 4 feet toward the Ocean and the same time construct a full retaining wall. Mr. Scheidt felt moving a retaining wall 4 feet eastward will not damage the overall size of the dune. Mr. Scheidt stated a slab on grade usually not considered part of structure. He added the existing patio is on grade level. Mr. Byrnes asked in theory whether it would be building below grade level. He felt a variance was needed. Mr. Williamson said he would get a denial letter from the DEPE.

It was discussed to have a review by Borough Attorney, Borough Engineer and Environmental Commission. The Board unanimously voted to have these reviews conducted. The Board also requested Mr. Scheidt to provide his findings in writing for the Boards consideration.

Attorney Richard Maguire placed himself on record as representing Menko/Menko/Franke, owners of 42 First Ave.-43 Beachfront.

A motion was made seconded and unanimously carried to carry over to the February meeting

A motion was made, seconded and carried to approve the minutes of the December 15, 1993 meeting as submitted by the Board Secretary. Mr. Trafford abstained.

APPLICATION - 27-93 (cont.) - Paul Yuro - 84 Marcellus Avenue. For the record, Mr. Byrne stated he marked the application at the December meeting. At the time Mr. Yuro's attorney E.

Bruce Wetzel had requested an adjournment because there were only five Board members present to hear the use variance application.

The hearing commenced on the application in which relief was requested so the applicant could build a fitness room on the second floor of his garage, which is presently under construction. Construction Official Albert P. Ratz Jr. denied the building permit under Section 107-9 (the use of the garage is not a permitted accessory use. The existing dwelling is a two-family dwelling which is not a permitted principal use. This would be an expansion of a non-conforming use) of the Borough of Manasquan.

The property is in a R-2 zone and flood zone restrictions are not applicable.

Mr. Yuro testified he had purchased the 2 family house in 1991 in a totally run down condition and spent approximately 250 thousand to enhance the property. He said it is the nicest house on the block. His intention is to build a 3 bay garage, and rooms upstairs for gym and storage, with a bath and shower. He and his 2 sons ages 21 and 25 who have a lot of exercise equipment have no room in the house or the basement for all the equipment. He feels that putting rooms over the garage would provide storage and room for the exercise machines. He stated he has no intentions of living or renting the rooms over the garage.

The Board Chairman opened the floor to questions from the public of Mr. Yuro. There being no questions nor any further witnesses, the floor was opened to comments from the public.

Ron Doles, 72 Marcellus Avenue, was sworn in. He expressed concerns over the project.

Mr. Byrnes swore in Charles O'Malley, 76 Marcellus Avenue. Mr. O'Malley submitted a petition signed by neighbors in opposition to the project. Mr. O'Malley expressed concerns over loss of privacy if the application were approved.

Sharon O'Malley, 76 Marcellus, was also sworn in. She said she believed Mr. Yuro's sons would move into this space, making it a third dwelling unit on the property.

Mr. Burke questioned Mr. O'Malley about his land surveying business, which he operates from his garage.

Richard Wheaton, 86 Marcellus, was sworn in and stated he

signed the petition because he did not want the second floor built.

Nora Wheaton, 86 Marcellus, under oath, stated she appreciated Mr. Yuro as a neighbor but had to object to the project because of privacy issues.

Nicholas Lordo, 83 Virginia Avenue, was sworn in. He objected to the building, stating he would have no privacy in his backyard. He stated he would have no objection to a one story garage.

Mr. Burke opened the floor to comments from the Board. Mr. Langella stated the proposal was "not a good idea" unless it was only a garage.

After discussion the Board voted to hold a site inspection on January 29, 1994, 9 a.m. Upon a request from the applicant, the Board agreed to continue the case at the March 16, 1994 meeting. Mr. Burke cautioned that neighbors should not speak to the Board Members while they were making the site inspection.

APPLICATION - 1-94- Michael Sastokas - 166 Second Avenue. - Mr. Sastokas was sworn in by Mr. Byrnes, who marked the file. Mr. Byrnes noted there was a problem with the noticing in that some of the notices were not mailed at least 10 days prior to the hearing. After discussion it was agreed that no testimony could be presented but the Board could vote to conduct a site inspection. The Board voted unanimously to conduct a site inspection. Mr. Sastokas stated he is not changing the size of the deck from what it is now. Motion was made, seconded and carried to adjourn the case over to February meeting.

There was a brief recess and roll call. Present: Robert Brittle, Jack Langella, Edward Lyons, Christopher Trafford, James VanSchoick, John Burke, Patricia Walsh. Mrs. Pincus was excused as she had to go to work.

APPLICATION - 2-94-Robert Fick - 36 Ocean Avenue - Mr Fick was sworn in and the file was marked. It was noted that utilities had not been noticed; Mr. Fick stated he did not receive a list of utilities from the Tax Assessor's office. Mr Byrnes determined the hearing could proceed.

The Board and applicant commenced discussion on the application, which requested relief so the applicant may construct 18.4' x 9' addition to existing dwelling. The property is in a R-2 Zone. A-5 Flood Zone will comply. Mr. Ratz denied the building

permit under Section 107-27- Sideyard setback - existing dwelling is 2.48 feet from side lot line and owner wishes to continue that setback with addition where 5 ft. is required.

After discussion, the floor was open to the public. There were no comments. Motion was made seconded and carried to close the public hearing.

After further discussion, a motion was made and seconded for a favorable resolution; motion carried by the following vote: "Yes" Board members Brittle, Langella, Lyons, Trafford, VanSchoick, Burke and Walsh. "No" none.

RESOLUTION 28-93 Noel & Ida Hood - 161 Beachfront - Mr. Byrnes read the favorable resolution for the record. A motion was then made and seconded to memorialize the resolution. Motion carried by the following vote: "Yes" - Board Members Brittle, Langella, Burke, and Walsh.

RESOLUTION 29-93- Carmine Galdieri - 117 Beachfront - Mr. Byrnes read the favorable resolution for the record. A motion was then made and seconded to memorialize the resolution. Motion carried by the following vote: "Yes" - Board Members Brittle, Langella, Burke and Walsh.

OLD/NEW BUSINESS - The Board discussed a request from attorney Kevin Thomas on behalf of his client - Chicant Co. N.V. - 165-167 Beachfront, 166-168 First Avenue to schedule a special meeting. The Board voted unanimously to hold the meeting the first possible Wednesday after our February 16, 1994 meeting, which will be March 9, 1994.

The agreement between the Board and Mr. Byrnes for his legal services was discussed and agreed upon unanimously. Correspondance and vouchers were submitted for action by Board.

The Board then moved to enter closed session to discuss litigation at approximately 12:15 a.m. Board reentered open session and, having no further business, a motion was made, seconded and unanimously carried to adjourn at 12:26 p.m.

Respectfully submitted,

Marie Applegate, Secretary
Manasquan Board of Adjustment
Dated at Manasquan 2/10/94

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

March 9, 1994

SPECIAL MEETING AGENDA

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, NJ

On Wednesday March 9, 1994, the Zoning Board of Adjustment of the Borough of Manasquan will hold a special meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N.J.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 13-94 Mark & Irene Sedlak - 112 McLean Avenue

APPLICATION 14-94 Chicant Co. - 165-167 Beachfront
166-168 First Avenue

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING - MARCH 9, 1994
MEETING MINUTES

On Wednesday March 9, 1994, the Zoning Board of Adjustment of the Borough of Manasquan held a special meeting in the Borough Hall, 15 Taylor Avenue, Manasquan, N. J.

Board Chairman John Burke called the meeting to order at 7:30 p.m.. He stated this meeting is held in accordance with the Open Public Meeting Act and published according to law. He asked everyone to rise and join in a salute to the flag.

ROLL CALL : PRESENT - Board members, Robert Brittle, Jack Langella, Edward Lyons, James VanSchoick John Burke, and Patricia Walsh.

ABSENT - Margaret Kazenmayer, Christopher Trafford and Claudia Pincus.

Mr. Burke stated that this being a special meeting, there will be no minutes read.

APPLICATION 13-94 - Mark & Irene Sedlak - 112 McLean Avenue Kevin Thomas, attorney for the applicant, placed himself on record.

Mr. Byrnes marked the Boards file as follows; A1-Notice of Appeal and variance application form from the applicant dated 1/19/94. A2-Is the Denial and Permit from Construction Official Ratz, consisting of 2 pages. A3-Affidavit of service on adjoining property owners from the applicants attorney dated 3/2/94. A4-Copy of the public notice. A5- A list of all of the property owners and utilities within the noticed area, along with copies of certified mailed receipts. A6- Affidavit of publication of legal notice as it appeared in the Coast Star of 2/24/94. A7- A survey from Bernard M. Collins, licensed surveyor dated 9/29/93 and consists of 2 pages. A8 - A one page blue print drawing unlabelled. At the botton it says front view and right side view, no indication as to the author of the drawing.

Mr. Byrnes welcomed Mr. Thomas and asked if he had any witnesses, which will testify on this application.

Mr. Byrnes attorney for the Board of Adjustment swore in Mark Sedlak - 112 McLean Avenue.

Mr. Thomas attorney for applicant gave a brief summary on the application. The applicant proposes to construct the garage and renovate the house. The need for variances was brought about by the following; there is a front yard set-back requirement in the zone in question of 25 feet. The existing front yard is 11.45 feet. The side yard requirement in zone R1 is 5 feet and on the westerly boundary, set-back is 4.87 feet. The next variance required is the result of the garage proposed by Mr. & Mrs. Sedlak. Mr. Thomas stated he would like guidance from the Board, as he disagrees with the Code Enforcement Officer (Mr. Albert P. Ratz, Jr.) in his interpretation of the zoning ordinance. In short what that interpretation is, is that the property in question has two front yards that being on Lake Ave. and also on McLean Ave., therefore two 25 foot set-backs are required. If the Lake Avenue lot line is deemed to be a rear yard lot line then all that would be required under the ordinance specifically (note E to the schedule of yard areas in section 107-27 ordinance) the garage is deemed an accessory building and only a 5 ft. set-back is required from any property line other than the front line. Mr. Thomas's interpretation is that the other lot line is a rear lot line and the variance is not required in order to locate the garage within 5 ft. of the rear lot line and the side lot line as proposed by the applicant.

Mr. Sedlak testified he purchased the property in November 1993 and moved in 2 weeks ago. He resides there with his wife and 4 children. Mr. Thomas submitted 8 pictures of the property which were marked A-9A through A9H. Mr. Sedlak described the pictures to the Board. Mr. Sedlak stated he is a general contractor. He proposes to make the enclosed front porch an open porch, extend the house to the right and rear to stay within the side and rear set-back requirements. It would become a 2 story, as they have 4 children and need 2 more bedrooms. Mr. Sedlak is putting new siding on and landscaping the property. He intends to keep the elevation in accordance with the zoning ordinance. The house will be a victorian style with cedar siding, decorative shingles on the roof and Anderson windows. Mr. Sedlak proposes to take down the existing garage, build a new garage to match the house. He proposes to put the garage within 5 feet of the rear yard and 5 feet of the side yard.

Mr. Sedlak stated he sent a letter to all neighbors explaining what they were going to do. He received a favorable response from a few of them. Mr. Sedlak's neighbor to the east of his property Mr. Bartholomew asked if he could move the garage to the other side of the property. Mr. Sedlak said that would be no problem.

Board member Mr. VanSchoick asked if there would be any room for a side walk on the north side of the property. Mr. Sedlak said he believes there is room. Mr. VanSchoick questioned the parking problem. Mr. Burke stated the way the garage will be situated Mr. Sedlak will be able to park 3 cars, (one in and 2 out in the driveway).

Mr. Burke asked Mr. Sedlak if the actual structure is going to be in the exact same location, the same distance from the road. Mr. Sedlak answered yes. Mr. Langella asked Mr. Sedlak how many properties along Lake Avenue are 5 feet off the property line. Mr. Sedlak said on the west there is one structure 5 ft. from the line, on the east there are all yards. Mr. Langella feels the garage should be set back off Lake Avenue, as Mr. Sedlak has the property to do it. The garage will be the size of a 3 car garage, but it will only be for 1 car and the rest is storage.

Mr. Langella stated he would like to go down and look around before he makes a decision. Mr. Burke stated he has no problem with the house but with the garage, he would like to inspect before making a decision.

Mr. Byrnes stated the town ordinances and the definitions do not help in determining the zoning for the garage. Mr. Byrnes asked the Board Secretary to check back and see if over the last 5 or 6 years if there were any applications for similar lots along McLean and Lake Avenue, and what the determination was then, as to front yards and rear yards.

Mr. Burke opened up the session to the audience for direct questions for Mr. Sedlak or his attorney, on the testimony given. Douglas Syby 110 McLean Avenue asked why the necessity to change the garage perpendicular to it's location. Mr. Sedlak said he is increasing the size and he wants it facing into the property so he can watch the kids when they are out there. Mr. Syby said the size of the garage makes him believe there would be some other use other than parking or work space for that garage.

Mr. Richard Bartholomew - 121 Lake Avenue, came forward and was sworn in by Board attorney Mr. Byrnes. Mr. Bartholomew is very supportive of the work they are doing and very appreciative of the flexibility that Mark showed about moving the garage to the other side of the property.

Douglas Syby - 2427 Riverside Terrace, he owns the property at 110 McLean Avenue, came forward and was sworn in by Board attorney Mr. Byrnes. He stated there are partial sidewalks

on Lake Ave. but none on his property or Sedlak's property.

Mr. Burke had a motion and a second on a site inspection for Saturday March 12, 1994 at 9:00 a.m.; motion carried by the following vote: "YES" Board Members - Brittle, Langella, Lyons, VanSchoick, Burke and Walsh.

Mr. Byrnes asked Mr. Sedlak before the next meeting to give a new copy of survey showing where you actually want to put the garage not where you think you might be putting it. This will help the Board. Mr. Byrnes stated if the Board grants the application, his job is to write up a resolution. He needs to know what your allowed to do and can't do. Mr. Byrnes will need a new survey showing just what you are doing, and all dimensions.

Mr. Byrnes stated - getting back to the issue of whats the front of the property and whats the rear of the property and does it really have 2 fronts and also the issue of Mr. Syby's concern that at some time the garage could turn into a garage apartment. Mr. Byrnes asked Mr. Sedlak "if" the Board were to require it would you and your wife be willing to accept a condition in a resolution that states that at no time could the garage be used as living space. Mr. Sedlak answered yes.

Mr. Burke said this case will be carried over to April 20, 1994 meeting.

A motion was made seconded and carried for a 5 minute break, at 9:00 p.m..

At 9:10 p.m. the meeting was called to order and a roll call. Present: Brittle, Langella, Lyons, VanSchoick, Burke and Walsh.

APPLICATION - 14-94 - Chicant Co. -165-167 Beachfront and
166-168 First Avenue.

Owner proposes subdivision of property. Existing property contains four structures with seven dwelling units. The owners propose to divide the property into 2 lots each containing two structures. They also propose to reduce the number of dwelling units by one on each lot. Proposed lot 13.01 will contain 3 dwelling units and proposed lot 13 will contain 2 dwelling units. R-5 Zone.

Mr. Byrnes marked the file. Mr. Kevin Thomas was placed on record as attorney for the applicant. There were 2 witnesses who were sworn in by Mr. Byrnes, Mr. Joe Reardon - 400 Bellaire Rd., Brielle - Real Estate Broker with Ocean Point Realty, and

Mr. Bill DeRosa - 30 Hawthorne Rd., Middletown.

Mr. Byrnes instructed the Board and reminded them of one thing, that may or may not apply to this application. This property was before the Board in 1990 by way of application 8-90, it also was before the Board in 1987 by way of application 25-87, and in 1986 by way of application 1-86. The standards for Res Judicata, for it to be applicable, it must be shown the following 5 requirements. 1- The second application is substantially similar to the first. 2- The same parties are involved. 3- There must be no substantial change in the application itself or conditions surrounding the property. 4- There must have been a judgment on the merits in the first case and 5 - Both applications must involve the same cause of action.

MR. DeRosa testified he is the owner of the property in question, and has a summer home for his family on Rogers Avenue, Manasquan. Mr. DeRosa testified the property at 165-167 Beachfront and 166-168 First Avenue is comprised of basically 4 separate buildings. 165 Beachfront is 2 units upper and lower which was remodeled in 1987-1988. On the south east corner is 167 Beachfront that is 1 unit basically summer rental, unimproved bungalow. North west corner of First Ave is 166 which is comprised of 2 units and 168 First Ave which is comprised of 2 units with a garage underneath, that's a total of 7 apartments in 4 buildings. There are 4 parking spaces - 2 in the garage and 2 on the street. Utilities provided separately to each unit. Mr. Rosa has owned the property since 1984 and has been exclusively rental property.

Mr. DeRosa proposes to subdivide the property right down the middle so that there would be 2 lots each with 2 buildings. He has been advised by Real Estate people that he has a better chance of A - making more money and B - attracting owner occupancy. He wants to eliminate 2 of the apartments by converting 166 and 168 First Avenue both single family residences. On 166 First Ave. he would eliminate the first floor apartment which has not been used in years and replace with a garage, which would allow 2 more parking spaces. Rendering was marked A-9 one page drawing unlabeled by Mr. Byrnes.

On 168 First Ave. he proposed converting that from an existing 2 apartment structure to a single family structure. On 167 Beachfront which is the older structure, he proposes to eliminate a bedroom and then be able to draw a straight line through the property. Rendering was marked A-10 a one page drawing unlabeled, by Mr. Byrnes.

There was discussion on the proposals by Board members Walsh, Burke, Van Schoick and Langella.

Mr. Reardon testified this property falls in the category of group rental. He stated he doesn't see it becoming owner occupied in the condition that it is in. He believes by dividing the property it would be more affordable to an owner. There is a demand for beachfront property by an owner occupied.

Mr. Byrnes questioned the drawing A-9 on 168 First Avenue. Mr. Noel Hood came forward and questioned 168 First Avenue the first floor. Mr. DeRosa stated there is not going to be another bedroom.

Mr. Byrnes stated the first issue the Board must decide before they get to the application itself, before they want a site inspection or any more details into the drawings, is the Res Judicata issue. After discussion by the Board they felt the Res Judication did not apply.

A motion was made and seconded that the Res Judicata did not apply; motion carried by the following : "YES" Board members, Brittle, Langella, Lyons, VanSchoick, Burke and Walsh.

Mr. Byrnes swore in Mary Ciccolella - 1010 Johnston Drive, Watchung, she owns 163 Beachfront and 164 First Avenue. She objects to the subdivision as the beachfront property of the applicant encroaches on her property over the property line. The stairs and fence which were constructed prior to her owning the property that is connected from the front of their house to the front of her house. The encroachment is preventing her from constructing a fence on her property line to the front of her house with a gate. She is respectfully asking the Board while the applicant is making modifications that one of the provisions of the sub-division is the removal of the encroachments. Mr. DeRosa apologized to Mary Ciccolella and said that he is willing to take care of it, if the application is approved.

Mr. Noel Hood -161 Beachfront was sworn in by Mr. Byrnes. He stated he is in favor of this sub-division. He discussed the side lines and set backs with the Board. Mr. Hood said this property has been a problem for a long time, the animal house law would probably affect this property and also the owner. He hopes by sub-dividing it will bring an owner occupancy.

There being no more questions, a motion was made by Mr. Van Schoick seconded by Mrs. Walsh and unanimously carried to close

the public hearing.

Nrs. Walsh moved to have a favorable resolution with 2 conditions, the first being that the encroachments on the property on the north be eliminated and the second the property line being moved between the 2 structures, according to the testimony. A motion was made and seconded to approve a favorable resolution and unanimously carried.

Mr. Byrnes stated he will be preparing a resolution which will be read at our next meeting April 20, 1994 and voted on.

A motion was made seconded and unanimously carried to adjourn the meeting at 11:10 p. m.

Respectfully submitted,

Marie Applegate, Secretary
Manasquan Board of Adjustment
Dated at Manasquan 3/25/94

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
March 16, 1994

REGULAR MEETING AGENDA

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, NJ

On Wednesday March 16, 1994, 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, N. J.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

- APPLICATION - 19-93 - (cont.) - Patricia L. Williamson -
41 Beachfront
- APPLICATION - 27-93 - (cont.) - Paul Yuro - 84 Marcellus Ave.
- APPLICATION - 10-93 - (cont.) - I. B. Kirsch - 237 Beachfront
- APPLICATION - 11-94 - (cont.) - I. B. Kirsch - 239 Beachfront
- APPLICATION - 3-94 - Gary & Patricia Walsh - 216½ Third Avenue
- APPLICATION - 5-94 - William & Karen Ryan - 14 Gardners Lane
- APPLICATION - 6-94 - John & Nancy Tischio - 17 Meadow Avenue
- RESOLUTION - 1-94 - Michael Stastakas - 166 Second Avenue
- RESOLUTION - 4-94 - Anna-Marie Ferreira - 16 Sims Avenue

OLD /NEW BUSINESS

(Work session will be conducted immediately after regular meeting).

Yours truly,



Marie Applegate, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 2/25/94

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - FEBRUARY 16, 1994
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N.J.

The Manasquan Zoning Board of Adjustment held their regular meeting on February 16, 1994 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m.. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in the Salute to the flag.

ROLL CALL - Present: Board Members - Robert Brittle, Edward Lyons, Christopher Trafford, James Van Schoick and John Burke.

Absent: Margaret Kazenmayer, Jack Langella, Claudia Pincus and Patricia Walsh.

A motion was made, seconded and carried to approve the minutes of the January 19, 1994 meeting as submitted by the Board Secretary .

APPLICATION - 19-93 - Patricia Williamson - 41 Beachfront. Mr. Burke said it was unfortunate we had to go back to February 16th instead of the 23rd but when we called all the Board members on that meeting change we were assured we were going to have 6 members. Mr. Burke stated he would be excusing himself because he is within 200 ft. of the applicant. Mr. Burke noted that Mrs. Pincus's son was put in the hospital and is in intensive care. Mr. Burke doubted if she will be in tonight, which means there will only be 4 voting members in attendance. Mr. Burke explained that the applicant has the option of continuing the case until next month completely - the option of having the Board put into testimony all the particular letters from the 2 experts that have responded, Mr. Glenn Lines from T & M Associates and Alice Hemphill, the chairwoman of the Manasquan Environmental Commission. Mr. Burke said the professionals can give their testimony, the applicants attorney can cross examine and the Board can ask questions. A vote cannot be taken because there were fewer than 5 eligible members present to vote.

Mr. Williamson recognized that the Board does not have enough members to vote, so they will sit back for the next 20 minutes or so for the next application to be heard with a chance that Mrs. Pincus may arrive. If she does not show the Board will

continue the case at that time.

Mr Burke stated application 19-93 will be put on hold until the next application can be heard in the hopes that we get another board member to show up.

Application - 1-94 (cont.) Michael Stastakas - Mr. Byrnes stated this file was opened last month at the January 19, 1994 meeting, all the exhibits were marked at that time with the exception of an affidavit of publication, which had not reached our file. It has now reached our file and is being marked as exhibit A9.

Mr. Burke said they had the site inspection and all members are present that were there. It is a hardship variance so they do not need a minimum of 5 Board members they only need a simple majority of the Board members present. Mr. Burke asked if there were any questions from the Board. There were no questions. Mr. Stastakas was asked if he had any questions from the last meeting. There being no questions Mr. Brittle recommended there be a favorable motion on this application, seconded by Mr. Trafford. There was a motion by the Board to close the public hearing. All in favor - Mr. Brittle, Mr. Lyons, Mr. Trafford, Mr. VanSchoick and Mr. Burke.

Mr. Byrnes will write up a Resolution which will be read at the next meeting.

Application - 19-93 - Patricia Williamson. Board Chairman Mr. Burke stepped down, as he lives within 200 Ft. of Mrs. Williamson. A report was received from Mrs. Williamsons engineer Mr. L. Scheidt, and was marked by Mr. Byrnes as exhibit A-12 and placed in the file.

Mr. Williamson commenting on Mr. Scheidts report said the only addition he had on the investigation was the last paragraph, he indicates only 5 cubic yards of sand would be moved. There were no questions on Mr. Scheidts report.

Mr. Byrnes swore in Mr. Glenn Lines from T & M Associates. His report was marked as B-1. Mr. Lines apologized to Mrs. Williamson for not returning her call made to Mr. Farrell. Mr. Lines spoke on his review plan. He felt that any time you build anything on any accumulation of sand which the state refers to as a dune it could cause flood damage. He stated it doesn't get a chance to accumulate and the more sand it accumulates the better protection you have of flood damage.

Mr. Byrnes on questioning Mr. Lines, asked if the moving of

5 cubic yards of sand would weaken the dune. Mr. Lines said its not allowing the dune to continue accumulating the sand. By building a retaining wall it retards the sand, because as the wind hits the retaining wall it continues to move the sand it doesn't always accumulate in front of the wall or behind the wall.

Mr. Maguire - representing Mrs. Menko, property owner on the southern side of the applicants property, asked Mr. Lines - would this dune have been created without the existence of a wall, the kind that exists there now. Mr. Lines stated that the dune was not created because of the wall.

Mr. VanSchoick questioned Mr. Williamson as to how far out the addition will be in relation to the other buildings. Mr. Williamson said it would not be as far out as the house immediately to the north - it will be in front of the house to the south about $2\frac{1}{2}$ ft. , but it will not be out as far as the house 3 houses away.

Mr. Williamson would like to ammend the application to say that they will not build anything beyond the wall - no patio until CAFRA comes into effect in July 1994. Mr. Williamson said they reserve the right after July 1994 to make application to CAFRA for the decking. They will have no objection to the resolution thats passed by the Board having the requirement that there will not be any work on the ocean side of the retaining wall until CAFRA comes into effect. That way it will be CAFRA they will deal with.

Mr. Byrnes called Mrs. Alice Hemphill, Chairman of the Environmental Commission forward and she was sworn in. Mrs. Hemphill stated the purpose of the Environmental Commission is to maintain an pleasing and safe environmental to protect open spaces, our water and shore line. Mr. Byrnes asked if the Commission normally gets involved in applications before the Planning Board or in the overall Master Plan for the Borough of Manasquan zoning, or do you wait until someone asks you. Mrs. Hemphill stated the Planning Board and the Zoning Board are supposed " to ask for our input as we are an advisory commission and a part of the State Law that we are suppose to be informed and then become familiar with the project in order to present our opinions or beliefs on how these things affect our town."

Mrs. Hemphill and all members of the Commission were able to view and visit the site. Based on the Commissions on-site inspection and conversations with the State officials their

recommendation to the Zoning Board was to rule against this application. " We feel the plan is not compatible with the town planning practice as recommended by the State and CAFRA," she stated.

Mr. Byrnes asked Mr. Williamson if he will be submitting a supplemental report from his expert Mr. Scheidt. Mr. Williamson said no. Mr. Byrnes asked Mr. Lines if his office will be issuing a supplemental report in rebuttal to Mr. Scheidts written report after they have an opportunity to digest it. Mr. Lines stated they will submit if they have any comments and that they reviewed it. Mr. Byrnes stated any report in writing is to be submitted through the Board Secretary 10 days prior to the meeting, so there is time to distribute it to counsel. Mr. Byrnes said they will see Mr. Williamson on March 16, 1994.

Mr. Byrnes asked for a motion for a 5 minute break. Mr. Van Schoick made a motion and it was seconded and carried.

The meeting was brought back into session at 10:17 p.m.
ROLL CALL: Mr. Brittle, Mr. Lyons, Mr. Trafford, Mr. Van Schoick, and Mr. Burke.

APPLICATION - 10-93 - I. B. Kirsch - 237 Beachfront and
APPLICATION - 11-93 - I. B. Kirsch - 239 Beachfront.
Mr. Byrnes referring to application 10-93 the file has been marked at follows: A-1 Motion appeal and variance application. A-2 Denial of permit. A-3 List of property owners. A-4 Copy of notice to property owners, A-5 Application of the publication of the legal notice as it appeared in the Asbury Park Press February 3, 1994 and A-6 is a one page drawing entitled at the top 237 lower apartment floor plan. That concludes the marking of file 10-93. In regards to 11-93 the file is marked as follows. A-1 Motion appeal and variance application. A-2 Denial of permit. A-3 Copy of notice to property owners. A-4 Copy of affidavit in service. A-5 List of property owners list within the 200 ft. notice area, A-6 Is the affidavit public notice in the Asbury Park Press February 3, 1994 and A-7 A one page drawing of 239 Beachfront floor plan and that concludes the marking of file 11-93. Testimony will be taken on each application seperately.

Mr. Byrnes swore in Irving B, Kirsch. Mr. Burke asked Mr. Kirsch's attorney to state his name for the records. Mr. William Farley Point Pleasant Beach and Toms River, representing Mr. Kirsch.

Mr. Burke stated there is a problem and the applicants have the option of completely hearing the case tonight or carry it

over to next month, as there are only 5 Board members present and the application would need all 5 members to vote affirmatively for a use variance passage. Mr. Farley spoke to Mr. Kirsch and they feel that the application is only enhanced by our chance to put some general comments on the record tonight.

The Board commenced discussion on both cases. In regards to 237 Beachfront, the applicant sought relief so he could expand the existing dwelling by finishing the existing storage area, thus creating two additional bedrooms and adding a bathroom. The building permit was denied by Construction Official Albert P. Ratz, Jr. under Section 107-14 (expansion of a non-conforming use - creating additional dwelling unit) of the Code of the Borough of Manasquan. The property is in a B-2 zone. A use variance was requested and flood requirements are not applicable. Concerning 239 Beachfront, the applicant sought relief so he could create an additional dwelling unit. Mr. Ratz denied the permit under Section 107-14 (expansion of nonconforming use - creating additional dwelling unit) of the code of the Borough of Manasquan. The property is in a B-2 zone. Use variance. Mr. Farley gave background on the cases. He stated he felt these improvements were the first step in making these year round apartments rather than seasonal rentals. He also stated these improvements were to up grade the properties functionally and aesthetically. Mr. Farley agreed to provide the Board with a survey showing how the building sit on the property. A vote was taken to conduct a site inspection and a motion unanimously passed to conduct the inspection on Saturday at 9 a.m. February 19, 1994.

APPLICATION - 4-94 - Anna-Marie Ferreira - 16 Sims Avenue. Mr. Byrnes swore in Anna-Marie Ferreira and her sister Catherine Ferreira. Anna-Marie Ferreira offered testimony on the project. The applicant wishes to remove existing concrete porch which is 12' x 7' and replace with wood deck 12' x 10'. The application was denied by Mr. Ratz under Section 107-27 (side yard setback - 5' required, 2.9' existing house. The new porch will comply with all zoning regulations). R-3 zone, hardship variance requested, flood regulations not applicable.

After discussion, the floor was open to the public. There were no comments. Motion was made seconded and carried to close the public hearing.

After further discussion, a motion was made and seconded for a favorable resolution; motion carried by the following vote: "Yes" Board members Brittle, Lyong, Trafford, VanSchoick, and Burke. "No" none.

RESOLUTION - 2-94 - Robert Fick - 36 Ocean Avenue. Mr. Byrnes read the favorable resolution for the record. A motion was then made and seconded to memorialize the resolution. Motion carried by the following vote: "Yes" - Board members Brittle, Lyons, Trafford, VanSchoick and Burke. "No" None.

RESOLUTION - 1-93 - Eugene Leahy - 475 Long Avenue. Mr. Byrnes read the favorable resolution for the record. A motion was then made and seconded to memorialize the resolution. Motion carried by the following vote: "Yes" - Board members Brittle, Lyons, Trafford, VanSchoick and Burke. "No" None.

RESOLUTION - 16-93 - Boyd and Dorothy Wagner -56 Potter Avenue was extended for 9 months. Motion passed by the following vote: "Yes" Board members Brittle, Lyons, Trafford, VanSchoick and Burke. " No" None.

OLD / NEW BUSINESS - Board Secretary submitted bills to be paid and correspondence for consideration. There being no further business, a motion was made seconded and unanimously carried to adjourn the meeting at 11:25 p.m..

Respectfully submitted.

Marie Applegate
Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(908) 223-0544

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN BOARD OF ADJUSTMENT

ADDENDUM TO AGENDA
APRIL 20, 1994

RESOLUTION - 14-94 - Chicant Co. - 165-167 Beachfront
166-168 First Avenue

APPLICATION - 8-94 - Edward Gashlin - 105 Ocean Avenue
Cannot be heard because of incomplete
application.

Yours truly,

Marie Applegate, Secretary
Manasquan Board of Adjustment
Dated - April 11, 1994

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
APRIL 20, 1994
REGULAR MEETING AGENDA
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

On Wednesday April 20, 1994, 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, N. J..

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 19-93 - (cont.) - Patricia Williamson -
41 Beachfront

APPLICATION - 13-94 - (cont.) - Mark & Irene Sedlak
112 McLean Avenue

APPLICATION - 7-94 - Janice Curtiss, Eugene & Edward Bland
15 Ocean Avenue

APPLICATION - 8-94 - Edward Gashlin - 105 Ocean Avenue

APPLICATION - 9-94 - Robert Scerrato - 374 First Avenue,
375 Beachfront

RESOLUTION - 10-93 - I. B. Kirsch - 237 Beachfront

RESOLUTION - 11-93 - I. B. Kirsch - 239 Beachfront

RESOLUTION - 3-94 - Gary & Patricia Walsh - 216½ Third Ave.

RESOLUTION - 5-94 - William & Karen Ryan - 14 Gardners Lane

RESOLUTION - 6-94 - John & Nancy Tischio - 17 Meadow Avenue

OLD / NEW BUSINESS

(Work session will be conducted immediately after regular meeting).

Yours truly,

Marie Applegate, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - MARCH 16, 1994
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on March 16, 1994, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m.. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in the Salute to the flag.

ROLL CALL - Present: Board Members - Robert Brittle, Jack Langella, Edward Lyons, Christopher Trafford, James VanSchoick, John Burke and Patricia Walsh.

ABSENT: Margaret Kazenmayer and Claudia Pincus.

A motion was made and seconded to approve the minutes of the February 16, 1994 meeting as submitted by the Board Secretary. "Yes" - Board members - Brittle, Lyons, Trafford, VanSchoick, and Burke. "Abstain"- Langella and Walsh. For the record, Mrs. Walsh did listen to the tapes of the February 16, 1994 meeting.

APPLICATION - 19-93 - Patricia Williamson - 41 Beachfront. Mr. Burke being within 200 feet of the applicant, stepped out and turned the meeting over to Vice Chairman Mr., Brittle.

Board attorney, Mr. Byrnes asked Mr. Williamson if there was any additional exhibits he would be presenting or any additional witnesses to testify. Mr. Williamson's answer was no he did not have any. Mr. Byrnes stated this applicant rests in the presentation of their case, other than final closing statements. Mr. Brittle asked the public if there were any comments from the public. There were no comments or questions from the public.

A motion was made and seconded to close the public hearing at 7:45 p.m. "Yes" - Board members - Brittle, Langella, Lyons, Trafford, VanSchoick and Walsh.

Mr. Williamson stated they have no objection to it being included in the resolution, that no deck will be built until after July 1. After that CAFRA kicks in and if they still want to build the deck they would have to get CAFRA approval from Trenton.

Mr. Williamson gave a brief summary on the application.

Mr. Maguire who represents the property on the south side of the applicant has no objection with the project as it is now, but would like to have put on record that Mr. Williamson will straighten out the property line. The new wall would tie into the old wall.

Williamson case closed with the following vote - "YES" - Board Members - Brittle, Lyons, Trafford, and Walsh.

Mr. Burke returned and Mrs. Pincus arrived at 8:10 p.m..

APPLICATION - 27-93 - PAUL Yuro - 84 Marcellus Avenue. Mr. Byrnes stated that Mr. Yuro was called away and is not able to be here tonight, but his attorney Mr. Wetzel is representing Mr. Yuro so the case can continue. If any questions arise Mr. Wetzel can contact Mr. Yuro by phone. Mr. Wetzel gave a brief summary on the application. Mr. Yuro proposes to put a weight room over his garage on a two family home that he owns. It is a non-conforming use because it is a two family house. The only objections from the neighbors is that they feel it could be turned into an apartment. There was a site inspection on Saturday February 19, 1994.

Mr. Langella questioned the bath, washer and dryer that he intends to put in. Mr. Wetzel testified his client will waive the washer, dryer but what they are talking about is a weight room where Mr. Yuro's 3 sons can lift weights and exercise have a shower and bath facility.

Mr. Burke stated that the plans show a full bathroom with a stall shower, toilet and sink, and outside the bathroom it shows a washer and dryer. Mr. Wetzel stated the Board can eliminate the washer & dryer. Mr. Trafford can't see why they need 750 sq. ft for a weight room.

Mrs. Laura Wheaton - 56 Marcellus Avenue came forward and asked the Board not to approve these plans.

Mr. Charles O'Malley - 76 Marcellus Avenue came forward and said once this is put in, the Code enforcement officers can't be every where at all times and every one around the applicant is gone all day - a stove and beds can go in and then it is an apartment. If the exterior stairway is moved to the left side of the building it will be a diving board right into his swimming pool. He stated it will be a major invasion on his property. Mr. Wetzel objected to Mr. O'Malley's statement about the stairs.

Mr. Byrnes stated that if the Board makes it a requirement to move the stairs from the original side to the other side it

would be a requirement in the resolution that he draws up, for a revised set of plans to be submitted showing the relocated stairs and showing that they will not be closer than 5 ft. to the property line. It will also require any other conditions that the Board puts on it to be included in the resolution. Mr. Byrnes also stated that with any application that is approved, Mr. Burke the Chairman of the Board will appoint a member to follow up during the construction phase of what ever the project is, to check what ever is being built is in conformity with the plans. Once the structure is completed the Code Inforcement Officer also goes down and inspects to make sure every thing was done in conection with the permit he issued.

Mrs. Marilyn Jacobson - 59 McLean Avenue, was sworn in by Mr. Byrnes. She felt the applicant should not be allowed to build as it may turn into an apartment. She felt they do not need a weight room, they can exercise with out putting rooms over the garage. She felt the Board should be more concerned about the whole town. Mr. Trafford said that is why the Board is here, they are concerned about the whole town. Mr. Wetzel asked Mrs. Jacobson if she reviewed this application and she said no.

Mrs. Wheaton come forward again and stated her opposition to this application is that on a 50'x150' lot they are proposing putting an apartment like building on a two family house lot already, to now make a 3 family house, that is her opposition as plainly stated. Mr. Wetzel questioned Mrs. Wheaton. Mr. Wheaton came forward and stated that this is a variance to a non-conforming use and in order to give proof of this variance, Mr. Wetzel you would have to send everyone a letter notifying within 200ft. radious of this application. We are just neighbors and have come here to state our opinion after we received that letter. It's inmaterial as to whether it's conjecture opinion or whatever, thats the reason for the letter you sent us. Mr. Wheaton stated he received the letter and he is here to object to every member of this Board, just like all the other neighbors have objected.

Mr. Noel Hood - 161 Beachfront was sworn in by Mr. Byrnes the Board attorney. Mr. Hood had questions about occupancy numbers. He stated the applicants will say anything they want to get the approval, but once they get it things change. Mr. Wetzel then questioned Mr. Hood. Mr. Byrnes noted that Mr. Wetzel objected to Mr. Hoods testimony.

Mr. Langella stated that he agrees with all the objections and

he thinks it's inappropriate it doesn't fit the neighborhood and its a bad application. Mrs. Pincus agrees with Mr. Langella. Mrs. Walsh also agrees with Mr. Langella. Mr. VanSchoick further agreed with Mr. Langella. Mr. Trafford agrees with Mr. Langella, and feels Mr. Yuro might want to withdraw the application and redue it. Mr. Brittle and Mr. Lyons were also against it. Mr. Yuro does have a permit to build a 3 car garage.

Mr. Wetzel, after hearing the Board's objections, said his client is going to abandon the application. Mr. Byrnes will prepare a letter to Mr. Wetzel on behalf of his client confirming the application was not decided on the merits, so therefore Res Judicata does not apply should there be a reapplication at some point.

Motion was made, seconded and unanimously carried for a 5 minute recess at 9:20 p.m..

Mr. Burke called the meeting to order at 9:25 p.m. with the following vote; (YES) - Board members - Brittle, Langella, Lyons, Trafford, VanSchoick, Burke, Pincus and Walsh.

APPLICATION - 10-93 - Irving B. Kirsch - 237 Beachfront
APPLICATION - 11-93 - Irving B. Kirsch - 239 Beachfront
Mr. Farley, attorney for the applicant gave a summary on the applications. He also submitted a plot plan and survey. Mr. Byrnes marked the survey dated 2/25/94 for Application 11-93 as A-8. For application 10-93 survey will be marked A-7.
Mr. Byrnes swore in witness Edward Weber - manger and forman for Mr. Kirsch. Employed by Mr. Kirsch for 18 years. Mr. Farley questioned Mr. Weber as to what alterations he is doing on 237 and 239 Beachfront. He is installing all new windows and doing the exteriors among other alterations.
The properties will be offered for sale when the work is done. Mrs. Walsh and Mrs. Pincus had questions for Mr. Weber. The public parking lot is strictly for the rental property.
Mr. Weber stated he will put the stairs for 237 on the inside of the garage.
There being no questions a motion was made and seconded to close the public hearing on application 10-93 amd 11-93 - (YES) Board members - Brittle, Langella, Lyons, Trafford, VanSchoick, Burke, Pincus and Walsh.

MR. Trafford moved to make a favorable resolution on application 10-93 according to the stipulations made. Motion was made and seconded - "YES" - Board members - Brittle, Lyons, Trafford, VanSchoick, Burke and Walsh.

Mr. Lyons moved to make a favorable resolution on application 11-93. Motion was made and seconded - "YES" - Board members - Brittle, Lyons, Trafford, VanSchoick, Burke and Walsh.

MR. Burke stated both applications have been granted and Mr. Byrnes will formulate the resolution, they will be read at the next meeting. He advised Mr. Farley he will have to get revised plans indicating what is going to be done with the stairs. Those plans must be in to Mr. Byrnes within 10 days of the next meeting which is April 20, 1994.

APPLICATION - 3-94 - Gary and Patricia Walsh - 216 $\frac{1}{2}$ Third Ave. Note for the Record, Mrs. Walsh has stepped off the Board at 10:15 and taken a position as a regular citizen and not a Board member.

Mr. Byrnes marked the Boards file of the application. Patricia Walsh and Gary R. Walsh - 111 Stockton Lake Blvd. were sworn in by Mr. Byrnes. Mr. Byrnes asked if there were any witnesses - there were none.

Mr. Walsh stated they propose to take the rear residence at 216 Third Ave. and raise it to meet the flood requirements and move it to be more in compliance with the off-set back-set. They propose to raise it 4 feet to get it up out of the flood zone. There will be no expansion of the building. The entire building as is now will be demolished and rebuilt within the code set-backs, using the same footing. Foundation will be masonry the living area will be frame wood structure.

Mr. Burke said they were denied because having the 2 structures on the property is not a permitted use in an R-3 Zone also because this is a dwelling not a garage it should be 20 feet from the rear and you are moving it out to the 5 and 5 which would be basically allowing for a garage. Mr. Walsh submitted a picture of the north side of the structure which was marked by Mr. Byrnes as exhibit A-8. Property was purchased in May 1986 and its been flooded out twice. Two other pictures were marked A-9 and A-10.

Mr. Byrnes swore in June P. Oakley - 266 Beth Harris Way, Elkton, Maryland who owns 220 Third Avenue with her sister. She testified that the Walsh property has been a problem to them because of the noise. She feels they should not be allowed to rebuild.

Mr. Burke and Mr. Trafford stated that the Walsh's are going to improved the property so they can get year round rentals instead of the problem summer rental.

Mr. Byrnes swore in Jean Aldrich - 17 Monroe Ave., Lawrenceville, N. J. who owns the property at 220 Third Avenue south of the Walsh's with her sister. She stated she has no problem with

the Walsh's improving the property, but they have never had a peaceful weekend from his tenants, and they purchased their house 6 years ago. The noise has been terrible, she has called the police and they can't use their house on weekends the problems have been so bad. She said it would be acceptable if he moved the house away from her property line. There were no more questions from this witness.

Motion was made and seconded to close the public hearing; motion carried by the following vote: "YES" Board members Brittle, Langella, Lyons, Trafford, VanSchoick, Burke and Pincus. All Board members felt it is a great improvement with what the Walsh's are doing. Mr. Byrnes questioned the parking and Mr. Walsh stated there is parking for 8 cars.

Mrs. Pincus made a motion for a favorable resolution with the change of the placement of the structure to the center of the property, seconded by Mr. Langella, carried by the following vote; "YES" Board members - Brittle, Langella, Trafford, VanSchoick, Burke, and Pincus. Mr. Lyons abstained.

Mr. Burke stated Mr. Byrnes will write up a resolution and it will be read at the next meeting.

Mr. Byrnes would like Mr. Walsh to submit 10 days prior to the next meeting a revised drawing showing where the house will be located on the lot versus where you now say it will be located and include with that the side yard set-backs on both sides.

Mrs. Walsh was back on the Board at 10:55 p.m.

APPLICATION - 5-94 - William & Karen Ryan - 14 Gardners Lane.

For the records, Board member Mrs. Pincus has abstained from this application.

Mr. Byrnes marked the Boards file. Mrs. Karen Ryan and Mr. William Ryan - 14 Gardners Lane were sworn in by Mr. Byrnes. There were no witnesses. Mr. Ryan gave a brief summary of what he proposes to do. They would like to add an additional room on the existing house on the South East front side. The room will be a bedroom and a small bathroom. It is under a hardship variance. Mrs. Ryan's mother is handicapped and is coming to live with them, as she is no longer capable of living alone. Photos supplied by Mr. Ryan were marked A- 8A-8B-8C. House was purchased in 1991.

MR. John A. Mihok - 19 Gardners Lane was sworn in by Mr. Byrnes. He stated he came in support of the Ryans petition. The Ryans have a very neat and well maintained property and the new addition will complement their property.

There were no questions from the Board.

A motion was made and seconded to close the public hearing and carried by the following vote; "YES" Board members Brittle,

Langella, Lyons, Trafford, VanSchoick, Burke and Walsh.

A motion for a favorable resolution and second, carried by the following vote; "YES" Board members Brittle, Langella, Lyons, Trafford, VanSchoick, Burke and Walsh.

A resolution will be drawn up by Mr. Byrnes and read at the next meeting.

For the record Mrs. Pincus returned at 11:25 p.m.

APPLICATION - 6-94 - John & Nancy Tischio - 17 Meadow Avenue.

Mr. Byrnes marked the Boards file.

Nancy Tischio and John Tischio - 17 Meadow Avenue were sworn in by Mr. Byrnes.

Mr. Tischio gave a brief summary on what he proposes to do. He proposes to put 2 additions on to the house - they would like to come out 5 ft. from the front and 13 ft. from the back. The 13 ft. in the back would be a family room and the 5 ft. addition in the front they will be able to put in a master bedroom and bathroom. The house is non-conforming on the north side, but the addition will be within the 5 ft side. There were no questions or comments from the audience.

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

A motion was made and seconded to approve the application; motion carried by the following vote: "YES" Board members Brittle, Langella, Lyons, Trafford, VanSchoick, Burke, Pincus and Walsh. Mr. Byrnes will draw up a resolution and it will be read at the next meeting.

RESOLUTION - 1-94 -Michael Sastokas - 166 Second Avenue was read by Mr. Byrnes, followed by the following vote; "YES" Brittle, Lyons, Trafford, VanSchoick and Burke.

RESOLUTION - 4-94 - Anne-Marie Ferreira - 16 Sims Avenue was read by Mr. Byrnes, followed by the following vote; "YES" Brittle, Lyons, Trafford, VanSchoick and Burke.

A motion was made seconded and unanimously carried to close the meeting at 11:55 p.m.

Respectfully submitted,

Marie Applegate, Secretary
Manasquan Board of Adjustment
4/4/94

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
May 18, 1994

REGULAR MEETING AGENDA

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

On Wednesday May 18, 1994, 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, N. J.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 7-94 - (cont.) - Janice Curtiss, Eugene and
Edward Bland - 15 Ocean Ave.

APPLICATION - 9-94 - (cont.) - Robert Scerrato - 374 First
Ave. - 375 Beachfront.

APPLICATION - 8-94 - Edward Gashlin - 105 Ocean Avenue.

APPLICATION - 10-94 - Mark & S.Barrett - 555 E. Main St.

APPLICATION - 11-94 - Beth Harrison - 312 E. Virginia Avenue.

APPLICATION - 12-94 - Paul Yuro - 313 E. Virginia Avenue.

RESOLUTION - 13-94 - Mark & Irene Sedlak - 112 McLean Ave.

RESOLUTION - 19-93 - Patricia L. Williamson - 41 Beachfront

Old / NEW BUSINESS

(Work Session will be conducted immediately after regular meeting).

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - APRIL 20, 1994
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N.J.

The Manasquan Zoning Board of Adjustment held their regular meeting on April 20, 1994, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J.

Board Chairman John Burke called the meeting to order at 7:30 p.m.. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in the Salute to the flag.

ROLL CALL - Present: Board Members - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, C. Trafford, J. VanSchoick, J. Burke, and C. Pincus.
Absent: P. Walsh.

A motion was made and seconded to approve the minutes of the March 16, 1994 meeting as submitted by the Board Secretary. "YES"-Board members - Brittle, Langella, Lyons, Trafford, J. VanSchoick, Burke and Pincus. "Abstain" - M. Kazenmayer.

A motion was made and seconded to approve the minutes of the special meeting of March 9, 1994. "YES" - Board members - Brittle, Langella, Lyons, VanSchoick and Burke. "Abstain" - Kazenmayer, Trafford and Pincus.

Application - 19-93- Patricia Williamson - 41 Beachfront. Chairman Mr. Burke, stated that at last months meeting a mistake was made by some thinking this application was a hardship variance, it is not, it is a use variance. As a use variance it requires at least 5 affirmative votes. We thought we had 5 people to vote on it but ended up with only 4 and even 1 of the 4 there was a question on whether he had attended or listened to all of the tapes on the meetings that were involved in this case. The Board ended up with a legal vote of 3 to nothing. It was decided by counsel to hold a second vote tonight in fairness to the applicant, and during this past month all of the Board members that missed 1 or 2 meetings all came in to listen to the tapes. Mr. Byrnes advised Mrs. Williamson's attorney that there would be no additional evidence, no additional testimony, the public hearing has been closed. Mr. Williamson had a letter from CAFRA which he will give to Mr. Byrnes after the meeting.

Mr. Trafford testified he has listened to all of the tapes for the meetings he missed, (October and November meeting). Mrs. Kazenmayer testified she has listened to the tapes for the meetings she missed, (January 19, February 16, and March 16, 1994).

Mr. Lyons was present at all of the meetings and voted at the last meeting. Mr. Brittle was present at all of the meetings and voted at the last meeting. Mr. VanSchoick testified he has listened to all of the tapes for the meetings he missed, (October, November and December). Mr. Langella testified he has listened to the tapes for the meetings he missed, (November and February). Mrs. Pincus testified she has listened to the tapes for the meetings she missed, (February and March). Mr. Burke has all the certifications for the members that missed meetings and heard the tapes. All the Board members now can currently vote on this application.

Mr. Burke stated this is a vote only. The Board members can if they wish make any comments they want as to how they are voting and why they are voting.

Mr. Lyons made a motion for a favorable resolution seconded by Mr. Trafford followed by the following vote; "YES" Board members, R. Brittle, J. Langella, E. Lyons and C. Trafford. "NO" Board members, M. Kazenmayer, J. VanSchoick, and C. Pincus. MR. Burke abstained as he resides within 200 ft. of the applicant. Being this was a use variance and there were 4 affirmative and 3 negative votes, this did not pass.

Mr. Byrnes started to explain Mr. Williamsons rights, but Mr. Williamson said he knew his rights and would see you in court. Mrs. Williamson questioned whether Board member Walsh's affirmative vote from last month could be counted, but Mr. Burke said no she had to be here.

For the records, Mr. Trafford left at 7:45 p.m.

APPLICATION - 13-94 - Mark & Irene Sedlak - 112 McLean Avenue. Kevin Thomas is rerepresenting Mr. Sedlak

Mr. Byrnes stated at the last meeting the Board covered a significant portion of the application and the meeting was adjourned for a site inspection to be held, which was done and also revised plans were to be submitted.

Mr. Thomas has one copy of the revised plans, which was marked A-10 - a 4 page set of drawings. Mr Thomas stated the height of the building which is shown on the set of plans being looked at is 33'10" proposed.

Mr Byrnes stated it was discussed the submission of amended survey to show where the relocated garage was going to go. Mr. Thomas submitted a copy of survey which was marked A-11 and was asked to bring in 11 copies for the Board members and for Mr. Byrnes file.

Mr. Burke stated the Board made a site inspection on this property and there were a couple of questions. Mr. VanSchoick and Mr. Langella would like the garage moved back 10 feet. Mr. Burke would like it moved back 10 feet. MR. Brittle and Mr. Lyons would like it moved back 10 feet. The question on the sidewalks - the Board felt they would not have to be put in. The applicant has agreed to put the garage back 10' from the property line. There being no questions, a motion and second were made to close the public hearing; "YES" Board members Brittle, Kazenmayer, Langella, Lyons, VanSchoick, Burke and Pincus.

A motion was made by Mr. Langella for a favorable resolution with the stipulation that there be no living area in the detached garage and that there will be no indoor plumbing in that building and that it will be 10 ft. off the rear property line, seconded by Mr. VanSchoick "YES" - Board members - Brittle, Langella, Lyons, VanSchoick, and Burke. Mr. Byrnes asked Mr. Thomas to give copies of A-11 to the Secretary and himself so he can work on the resolution.

APPLICATION - 7-94 - Janice Curtiss - Eugene and Edward Bland
15 Ocean Avenue

Mr. Byrnes marked the Boards file A-1 through A-7. Mr. Byrnes swore in Janice M. Curtiss, 45 Woodland Rd. Cark, N.J. and Edward Bland, 1506 Pineridge, Bushkill, Pa..

Mr. Byrnes questioned the affidavit of publication which was not received from the paper.

Mr. Burke explained that this is a hardship variance.

Mr. Bland said they propose to extend the rear of the house to even up with the existing house next door, which would give us a larger bedroom.

Mrs. Kazenmayer said there was a lot of controversy over the sub division.

Mr. Byrnes said there is nothing he has seen so far that should a favorable resolution be granted in giving him a clue as to what the edition is going to be, and what kind of rooms there are going to be.

Mr. Byrnes asked Mrs. Curtiss to bring in a copy of the first page of the deed before the next meeting. She stated she owns the property as well as the house.

A motion was made and seconded to have a site inspection on Saturday April 23, 1994 at 9:00 a.m. followed by the following vote; "YES" -Board members - Brittle, Kazenmayer, Langella, Lyons, VanSchoick, Burke and Pincus.

MR. Burke said he and the Board would like to see at least a drawing from the applicant as to what is going to be in this addition, where the windows are and go back far enough in the house so the Board can see where the side door is.

Mr. Langella stated the drawing has to have dimensions on it, side yard, rear yard and front yard set backs, and how big is the lot itself.

A motion was made and seconded to carry this application over to next month, followed by the following vote; "YES" - Brittle, Kazenmayer, Langella, Lyons, VanSchoick, Burke and Pincus.

Motion was made, seconded and unanimously carried for a 5 minute recess at 8:50 p.m..

Mr. Burke called the meeting to order at 8:55 p.m. with the following vote: "YES" - Brittle, Kazenmayer, Langella, Lyons, VanSchoick, Burke and Pincus.

APPLICATION - 8-94 - Edward & Charlotte Gashlin-103 Ocean Ave. This application has been deemed incomplete and will be heard next month.

APPLICATION - 9-94 - Robert Scerrato - 374 First Avenue
375 Beachfront.

Mr. Byrnes marked the file as follows - A1 through A9 Board Attorney Mr. Byrnes swore in Robert Scerrato - 373 Beachfront, Manasquan, N.J. and Mr. Robert K. Houseal - Architect who will make the presentation on behalf of Mr. Scerrato. Mr. Houseal is a registered Architect in the State of New Jersey since 1976 and certified Landscape Architect in New Jersey, also professional planner in New Jersey. He has appeared before local Planning Boards and Board of Adjustments as a witness.

Mr. Byrnes stated Mr. Houseal does qualify as an expert witness in the areas in which he has stated.

Mr. Houseal's site plans have been entered into the record as evidence as exhibit A-8.

Chairman Mr. Burke stated this is a use variance and there are numerous reasons for the denial and numerous for the applicants appeal.

Mr. Houseal noted the project is at 374 First Avenue and 375 Beachfront, blocks 187 Lots 1.374 and 1.375. It is a non-conforming use and a non-conforming lot and a non-conforming structure. Mr. Scerrato is proposing to enlarge and rehabilitate the house which is on First Avenue, he is also proposing to put a deck in the front yard on the house which faces the beachfront. In addition to that, section 107-27 the applicant has several or many bulk variances that they do not conform to, because of existing structures. They are deficient under the ordinance section 107-36A parking, 6 required and they only have 1. Mr. Houseal went on to read some of the graphics. There are a total of 3 dwelling units now exist in the 2 houses that

are there and will exist in the 2 houses to remain. The front house on the beachfront is a free standing single family dwelling. The First Avenue currently has a basement apartment, an apartment on the second story above the basement. The basement unit has 2 bedrooms, bath and living space. The second level has 3 bedrooms, bath and living area. A wood deck is to replace an existing concrete patio on the front of the beachfront house. On the rear dwelling they are proposing to take the existing basement apartment and garage and renovate it with a new 19 foot by 12 foot addition to front to the ocean side of that house. The existing second floor will be renovated and a new stair structure will be added. A fiberglass deck will be placed above the basement addition, and a new third floor will be added with its own deck. The lot area required or existing in this case, 2800 sq. ft. is required, in fact they have 3451 sq. ft.. The width that is required is 40 feet, in fact they have 24.5 ft., which is under the required width. The required front yard is 15 Ft. on beachfront and the applicant is proposing 6 ft. taken to the deck. First Ave. requires 10 ft. in fact there is .8 ft. existing which seems to be the average of the structures on that side of the street within 200 ft. Side yard ordinance required 5 Ft. in fact they have .9 ft on the north of the beachfront house and 1.7 Ft. north on First Ave. house and 3.4 ft. on the south of First Ave. house. Rear yard 20 Ft. is required in fact we have 29.1 ft. between the two dwellings. The height - 35 Ft. 2½ stories, they are proposing not greater than 35 Ft. 2½ stories versus 3 stories.

Flood zone split between the two properties First Avenue is in A-5 and Beachfront is B-6.

In the current garage apartment they are proposing to place a bedroom approximately 12' x 18'8" into the area between the 2 houses currently occupied by the deck and concrete patio. They are increasing the living area in the house not the number of bedrooms. This dwelling is entered from the south side between the existing dwellings.

Second level would be at the same level as the sand yard, There is a deck, entrance into a foyer, 2 bedrooms and bath and stairs going to the third level. The third level is living area, dining area, kitchen, bath, and a single bedroom, also has an outside deck. The applicant is proposing to keep the 3 bedrooms, in the First avenue unit.

Mr. Houseal submitted photographs which were marked by Mr. Byrnes as A-10 though I.

There were questions from Mr. Langella, Mrs. Kazenmayer and Mrs. Pincus.

Mr. Scerrato has owned the beachfront property for 3 years and the First Avenue property since January.

Mr. Burke stated the height issue has been a problem the past couple of years.

Mr. Burke asked Mr. Houseal if they were making a cathedral ceiling on the third floor of First Ave., if not it would be considered a 3½ building. There is a space limitation and it can not be more than 50% of the floor below.

A motion was made and seconded for a site plan on Saturday April 23, 1994 at 9:30 a.m. Motion carried by the following vote: "YES" - Brittle, Kazenmayer, Langella, Lyons, VanSchoick, Burke and Pincus.

A motion was made and seconded to extend this application to May 18, 1994 meeting; "YES" - Brittle, Kazenmayer, Langella, Lyons, VanSchoick, Burke and Pincus.

RESOLUTION - 10-93 - Irving B. Kirsch -237 Beachfront . Mr. Byrnes read the favorable resolution for the record. A motion was then made and seconded to memorialize the resolution. Motion carried by the following vote: "YES" - Board members, Brittle, Lyons, VanSchoick and Burke. "No" - None.

RESOLURION - 11-93 - Irving B.Kirsch - 239 Beachfront. Mr. Byrnes read the favorable resolution for the record. A motion was then made and seconded to memorialize the resolution. Motion carried by the following vote: "YES" - Brittle, Lyons, VanSchoick and Burke. "NO" - None.

APPLICATION - 27-93 - Paul Yuro - 84 Marcellus Avenue - A letter was sent out to his attorney confirming that the application was withdrawn at the last meeting prior to any vote being taken, copies were dispensed to board members.

RESOLUTION - 3-94 - Gary and Patricia Walsh - 216½ Third Ave.. Mr. Byrnes read the favorable resolution for the record. A motion was then made and seconded to memorialize the resolution. Motion carried by the following vote: "YES" - Brittle, Langella, VanSchoick, Burke and Pincus. "NO" - None.

Mr. Byrnes noted for the record we have received an up dated survey as per a condition that was set. and it has been marked as exhibit A-6C and will be incorporated into the record as it was one of the conditions for approval.

On Kirsch application no building permits are to be issued until they provide us with the dates that we need and also with the updated exhibits.

RESOLUTION - 5-9 - William and Karen Ryan - 14 Gardners Lane. Mr. Byrnes read the favorable resolution for the record. A motion was then made and seconded to memorialize the resolution. Motion carried by the following vote: "YES" - Brittle, Langella, Lyons, VanSchoick and Burke. "NO" - None.

RESOLUTION - 6-94 - John & Nancy Tischio - 17 Meadow Avenue. Mr. Byrnes read the favorable resolution for the record. A motion was then made and seconded to memorialize the resolution. Motion carried by the following vote: "YES" - Brittle Langella, Lyons, VanSchoick, Burke and Pincus. "NO" - None.

RESOLUTION - 14-94 - Chicant Co. - 165-167 Beachfront - 166168 First Avenue. Mr. Byrnes read the favorable resolution for the record. A motion was then made and seconded to memorialize the resolution. Motion carried by the following vote: "YES" - Brittle, Langella, Lyons, VanSchoick and Burke. "NO"-None.

Mr. Byrnes cautioned the Board regarding threatened litigation, so therefore there should be no discussion, no comments publicly, or privately about the Williamson application because it is the subject of potential litigation.

A motion was made seconded and unanimously carried to close the meeting at 10:45 p.m..

Respectfully submitted,

Marie Applegate, Secretary
Manasquan Board of Adjustment
5/2/94

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

CONSTRUCTION OFFICIAL AND CODE ENFORCEMENT DEPARTMENT

MANASQUAN ZONING BOARD OF ADJUSTMENT
JUNE 29, 1994
SPECIAL MEETING AGENDA
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

On Wednesday June 29, 1994, the Zoning Board of Adjustment of the Borough of Manasquan will hold a special meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 16-94 - (Cont.) - John O'Grady - 265 Beachfront

APPLICATION - 18-94 - John Paglia and Seabreeze Partnership
191-193 Beachfront.

Yours truly,

Marie Applegate, Secretary
Manasquan Board of Adjustment

Dated - 6/28/94

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(908) 223-0544

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
JUNE 29, 1994
SPECIAL MEETING AGENDA
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

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AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 18-94 - John Paglia and Seabreeze Partnership
191-193 Beachfront.

APPLICATION - 16-94 - (Cont.) John O'Grady - 265 Beachfront

Yours truly,



Marie Applegate, Secretary
Manasquan Board of Adjustment

Dated - 6/20/94

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MARGARET M. MONSELL
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
June 15, 1994

REGULAR MEETING AGENDA

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

On Wednesday June 15, 1994, 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, N. J.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 8-94 - (cont.) Edward Gashlin - 105 Ocean Ave.

APPLICATION - 10-94 - (cont.)- Mark & S. Barrett - 555 E. Main

APPLICATION- 15-94 - NBR Associates - 198-200-202-204 Third Avenue

APPLICATION - 16-94 - John O'Grady - 265 Beachfront

RESOLUTION - 7-94 - Janice Curtiss, Eugene & Edward Bland
15 Ocean Avenue

RESOLUTION - 9-94 - Robert Scerrato - 374 First Avenue - 375 Beachfront.

RESOLUTION - 11-94 - Beth Harrison - 312 E. Virginia Avenue

RESOLUTION - 12-94 - Paul Yuro - 313 E. Virginia Avenue

OLD / NEW BUSINESS

APPLICATION - 18-94 - Sea Breeze Partnership -Paglia & Cisek-
191-193 Beachfront
Request for special meeting.

Yours truly,

Marie Applegate, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

MARGARET M. MONSELL
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - MAY 18, 1994

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on May 18, 1994, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Board Chairman, John Burke called the meeting to order at 7:30 p.m.. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in the Salute to the flag.

ROLL CALL - Present: Board Members - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick, and J. Burke.

A motion was made and seconded to approve the minutes of the April 20, 1994 meeting as submitted by the Board Secretary. "YES" - Board Members - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick, and J. Burke.

APPLICATION - 7-94 - Janice Curtiss, Eugene and Edward Bland-15 Ocean Avenue.

Board Attorney Mr. Byrnes asked the Chairman if the site inspection was done on April 23, 1994. Mr. Burke responded yes. A more recent survey and more detailed set of plans for the addition were submitted.

Mr. Bland stated they just want to even the house up with the extra foot that their going for in the variance.

Board Attorney Mr. Byrnes has marked into the file the following; A5A Affidavit of Publication from the legal Notice as it appeared in the Asbury Park Press on April 11, 1994. A-6 is a copy of the subdivision map recorded by the Clerk of Monmouth County in deed book 4742 page 312 and along with that, is the first page of the deed of easement also recored by the Clerk of Monmouth County in deed book 4742 commencing on page 308. A-7 is also part of that file in the clerks office on page 313, it is being marked seperate as it is a property survey from surveyor George Edwards dated 2/16/87. A-8 will consist of 5 pages of hand drawings of the proposed addition.

Mr. Bland gave explanations on all the drawings.

Being there were no questions on this application a motion was made to close the public meeting seconded and carried by the following Board members; "YES" - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick, and J. Burke.

A motion was made by Mr. Langella for a favorable resolution seconded by Mr. VanSchoick "YES" - Board members - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick and J. Burke.

Board Attorney Mr. Byrnes swore in Board member Margaret Kazenmayer.

APPLICATION - 9-94 - Robert Scerrato - 374 First Ave.-
375 Beachfront (Cont.)

Mr. Byrnes asked Mr. Burke if the site inspection on 4/23/94 was made. Mr. Burke answered yes.

Mr. Byrnes asked Mr. Houseal if the new drawings he just submitted were to replace the third page of A-8 or is it an addition. Mr. Houseal stated that it is an addition. The new drawing will be marked as A-14. The photo copy of the photograph submitted will be marked as A-13. Mr. Byrnes stated, for the records exhibit A-8 which was marked at our last meeting the third page of same is now to be disregarded and A-14 will serve as a replacement for that final page.

MR. Houseal explained the new drawings and the revised plans that were just submitted. The height of the building will be below the 35 ft. maximum permitted in this zone. There have been no change to the floor plans. The entrance ways and decks have not changed.

Mr. Burke stated that the applicant is going to have to add to the application that they are looking to add a rear yard wood deck to 374 First Ave.. The deck size will be 20x26 and sidewalk will be 3.1 Ft. wide. There were no questions from the Board or the audience.

Mr. Langella made a motion that the public hearing be closed, seconded by Mr. Brittle; "YES" - Board members R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick and J. Burke.

Mrs. Kazenmayer moved for a favorable resolution appropriate at the time according to sheet A-14 and the changes that were made on the 3 separate changes on 374 First Avenue deck and that it will be a 2½ story dwelling, seconded by Mr. VanSchoick; Mr. Byrnes questioned if the Board was satisfied with the representation made on the record of the height or does the Board want to put some type of restriction not to exceed 32 Ft or 32½ Ft. Mrs. Kazenmayer would be satisfied if he stayed at or under 33½ Feet. Measured from the crown of the road. "YES" - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick and J. Burke.

APPLICATION - 8-94 - Edward Gashlin - 105 Ocean Avenue.
Board Attorney Mr. Byrnes marked the file. Mr. Byrnes swore in Charlotte Agnes Gashlin, 41 Patterson Drive, Freehold, N. J., Edward Gashlin, 41 Patterson Drive, Freehold, N.J. and Ralph Maida, Mr. Gashlins contractor - 39 Tacumsa Ave. Oceanport, N. J.

Mr. Gashlin stated his request comes in 3 parts, rear yard setback, flood zone and the deck on the West side. They want to make the Manasquan house their permanent residence. Purchased the house in 1969, summer residents since the early 50's.

He proposes to put up a second floor, staying within the foot print of the existing house. The deck will be on the first floor level from the porch.

After discussion by the Board, Mrs. Kazenmayer suggested the Board grant it as he requested it and let Mr. Gashlin do what he thinks is most beneficial to him.

Mr. Burke would like Mr. Gashlin to submit a more accurate survey showing his front yard setback.

A motion and second were made for a site plan inspection on Saturday May 21, 1994 at 9:00 a.m.. "YES" - Board members R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick and J. Burke.

Mr. Burke stated that the Board has a time limit that they have to abide by, so we have to ask you to waiver the time limit. Mr. Gashlin said he would waiver until the next month.

Motion was made seconded and unanimously carried to extend this application to June 15, 1994.

Motion was made seconded and unanimously carried for a 5 minute recess.

Meeting was called to order at 9:25 p.m. with the following roll call; R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick, and J. Burke.

APPLICATION - 10-94 - Mark Barrett - 555 E. Main St.
Board Attorney Mr. Byrnes marked the file, A-1 to A-7.
For the record applicants attorney Robert Blasi -2022 Highway 71, Spring Lake Heights,

Mr. Byrnes swore in Mark Barrett - 555 E. Main Street.

Mr. Blasi testified an application was filed to put a 1½ story addition on 555 E. Main St. The application was denied pursuant to 107-14 in that this residence is not a permitted use. As a result Mr. Barrett is prepared to testify.

Mr. Barrett testified he is the owner of 555 E. Main St. and has owned the property since 12/9/92. It is a one story bungalow built in the 40's, has a living room, kitchen, 2 small bedrooms and a bath. The property is 30 x 100. Mr. Barrett is asking to put a full 2nd story on and a 1/2 story on top of that. It will stay within the existing foot print, will not violate either of the side yard set backs or the front set back. He will violate the rear yard set back by putting a deck on the second floor whcih will come out 4 feet, also a deck on the 1/2 story which will come out 4 feet. The second story will consist of 3 bedrooms

a bath and a deck on the front of the house which will be over the existing porch. The 1/2 story will consist of a master bedroom and a master bath and deck on back of house which will be 4 x 6 Ft. and 2 closets. He resides in the house with his wife and child. The house was in very poor condition when he purchased it. Was not able to move in for 2 months until all violations were fixed. It cost him approximately \$10,000. just to get a CO.

Mr. Burke stated that the drawing Mr. Barrett has now, the roof line has to come down to within 2 feet for this to be considered a 1/2 story. As the drawing is now, you have a 3 story house.

Mr. Burke questioned whether Mr. Ratz saw the plans as they were not signed.

A motion and second for a site inspection for Saturday May 21, 1994 at 9:30 a.m. followed by the following vote; "YES"- R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick and J. Burke.

A motion and second to continue this application to June 15, 1994, was made followed by the following vote; "YES" - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick and J. Burke.

APPLICATION - 11-94 - Beth Harrison - 312 E. Virginia Avenue.

The file was marked by Attorney Mr. Byrnes, A-1 to A-8.

Mr. Byrnes swore in Beth Harrison - 312 E. Virginia Avenue, and Evelyn Wagner - 330 E. Virginia Avenue, Manasquan, N.J.

Mrs. Harrison testified she has two bedrooms and a boy and girl are sharing one room. She proposes to add a bedroom on the back and a bath. She is not adding to the non-conformity of the property.

There being no questions, a motion and second was made to close the public hearing on the Harrison application, followed by the following vote; "YES"- R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick and J. Burke.

Mrs. Kazenmayer moved for a favorable resolution seconded by Mr. Langella, and followed by the following vote; "YES" - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick and J. Burke.

APPLICATION - 12-94 - Paul Yuro - 313 E. Virginia Avenue.

Board Attorney Mr. Byrnes has marked the file as A-1 to A-7.

Mr. Paul Yuro was sworn in by Mr. Byrnes. Attorney Mr. Wetzel was placed on record on behalf of the applicant, Paul Yuro.

Property is in R-2 zone, seeking a hardship variance. A-5 flood zone - had permission from Mr. Ratz to raise the house which has been done. Photographs of the house have been marked A-8A and A-8B.

Mr. Byrnes asked Mr. Yuro to submit the construction permit which was issued by Mr. Ratz so it can be marked.

Mr. Wetzel stated the plans are self explanatory - you can see the pictures of the house and the condition it was in when he bought it. He proposes to raise the roof, enlarge the upstairs and add a deck on to the rear area which already exists. The house is approximately 60 years old.

A motion and a second to close the public hearing on Yuro application, followed by the following vote; "YES" - R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick and J. Burke.

Mrs. Kazenmayer moved to draw a favorable resolution with the following conditions; the flood plain certification and the building permit given when he was given the permission to raise the house, seconded by Mr. Langella followed by the following vote; "YES" - R. Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick and J. Burke.

RESOLUTION - 13-94 - Mark & Irene Sedlak - 112 McLean Avenue. Mr. Byrnes stated this is one of the resolutions where we had made a condition upon submission of additional information. In this case it was revised survey showing the required set back. That was submitted and the appropriate number of copies were submitted by the Sedlak's attorney Mr. Thomas. It was marked as exhibit A-11. The Resolution was read by Mr. Byrnes. A motion was made and seconded to approve this resolution followed by the following vote: "YES" - R.Brittle, J. Langella, E.Lyons, J.VanSchoick and J. Burke.

RESOLUTION - Denial -19-93 - Patricia L. Williamson-41 Beachfront MR. Byrnes read the resolution.

A motion and a second on this resolution of denial was made followed by the following vote: "YES" - M. Kazenmayer and J. VanSchoick.

Mr. Byrnes made reference to Resolution 14-94 Chicant. He received a phone call from Mr. Thomas the attorney for the applicant and remembered this had already been voted on and approved and he advised Mr. Byrnes of two issues that he wanted to discuss with him. One was in regard to the resolution itself, paragraph # 1 on page 1 the original resolution that was approved, one of the sentences in there said the structure known as 165 Beachfront exists as a 2 story frame dwelling and does not contain a heating unit. MR. Thomas told Mr. Byrnes it did in fact contain a heating unit and asked him if he would be kind enough to correct that, so Mr. Byrnes has prepared a new front page to that resolution which now reads construction known as 165 Beachfront exists as a 2 story frame dwelling containing

a heating unit.

The second point brought forth by Mr. Thomas regarded the revision of plans as requested by the Board. Mr. Byrnes stated Mr. Thomas had submitted revised plans (cover letter dated May 6, 1994). Upon review, discrepancies were noted in the dimensions on the plans as compared to what was in the notes of Mr. Byrnes, Mr. Thomas and Mr. Burke. Mr. Byrnes detailed the discrepancies, which concerned location of the lot lines on the subdivision. After discussion, it was stated the Board had voted on lots of 28' and 25' in its motion. Mr. Byrnes said Mr. Thomas would instruct his client's surveyor accordingly.

OLD / NEW BUSINESS - The Board Secretary brought forth administrative matters to the Board's attention.

Mr. Burke briefly noted the status of the Planning Board and Mayor and Council's progress on the zoning ordinance. Among the issues discussed were additions to non-conforming structures when the addition/improvement itself was conforming; options were discussed and Mr. Byrnes offered legal comments. After discussion, the Board debated whether to offer an opinion to the Planning Board that the Construction Official should be able to approve open structures (such as decks) in such situations. Mr. Byrnes cautioned that the Board would be giving away its chances to review under such a recommendation. Recommendations for expedient handling of cases were also discussed. After further discussion, it was decided that there was no clear consensus over what the Board wished to do.

There being no further matters for discussion, a motion was made, seconded and unanimously carried to adjourn.

Respectfully submitted,

Marie Applegate, Secretary
Manasquan Board of Adjustment
5/9/94

JOHN L. WINTERSTELLA
Mayor

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING - June 29, 1994
MEETING MINUTES

On Wednesday June 29, 1994 The Manasquan Zoning Board of Adjustment held a special meeting in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Board Vice Chairman, Robert Brittle called the meeting to order at 7:30 p.m. with a salute to the flag.

ROLL CALL: R. Brittle, J. Langella, E. Lyons, J. VanSchoick, C. Pincus and P. Walsh.

APPLICATION - 16-94 - John O'Grady - 265 Beachfront (cont). Mr. Byrnes stated we started this application back at our last regular meeting which was on June 15, 1994. The site inspection was on June 18, 1994. Mrs. Pincus listened to the tapes of the June 15th meeting, Mrs. Walsh did not. Mr. O'Grady has submitted 4 photographs which Mr. Byrnes has marked into exhibits as A-24A-B-C-D. MR. Brittle asked if there was any one in the audience who had any questions. Mary Cramer - 267 Beachfront came forward and questioned the use variance. Marie Breunig - 263 Beachfront came forward with comments and questions. She read some quotations from the Zoning chapter 107, article 1,3,5,6,8,9,10,12 and 15. She feels the lot in question is not large enough to support the type of house the O'Grady's propose. She feels the O'Grady property is already congested and adding to it will only make the situation worse. She feels that allowing them to expand an already non-conforming use namely a 2 family dwelling, the Board is going against the purpose of the ordinances. She believes the expansion will block their access to light, air and open space. She questioned Mrs. O'Grady talking to the Board members when they were there on the site inspection. She stated they are not against people fixing up or renovating their houses, but she feels this house as proposed will over-whelm the houses directly to the north and south and have a negative impact on the neighborhood as a whole.

Mr. Byrnes stated the only survey the Board has is a survey by Mr. O'Malley dated 1990 certified to Mr. & Mr. Neary and that shows a boardwalk frontage of 33.30 Ft. and a First Ave. frontage of 39 ft. He stated if we go by the one Mr. O'Grady has it shows a boardwalk frontage of 33.30 ft and a First Ave. frontage of 41 Ft. The correct measurements are 33.30 ft on beachfront and 39 ft. on First Ave. R-4 zone requires a 40ft. lot width.

For the record Chairman Mr. Burke arrived at 7:50 p.m..

MR. O'Grady used the size of the house and worked their way in from there when they were trying to figure out the size of

the indents on the property and the house. Mr. Byrnes in addressing Mr. O'Grady said he would need an extra variance on lot width if the Board is going to approve his application. MR. Byrnes asked Mr.O'Grady if he would like, at this time, to amend his application to also include a request for a variance for the minimum lot width. Mr. O'Grady said he would like to amend his application. Mrs. Walsh questioned the efficiency. Mr. O'Grady explained the pictures he submitted. Mr. Burke explained a use variance to Mary Cramer. Rick Barrett 349 First Avenue asked Mrs. Cramer why her house is up for sale, are you going to be leaving the area? Mrs. Breunig has more pictures to be entered for exhibit marked as A25Aand B. Mr. George Lund - 271 First Avenue, has been there for 30 years. He stated he has watched the O'Gradys improve their property and thinks it is an enhancement to the neighborhood. Jim Mastrian 355 Beachfront was sworn in by Mr. Byrnes. Mr. Mastrian wanted to know what the special reasons are that the applicant has submitted to the Board for their consideration. Mr. O'Grady stated he wanted to set it up so they could live in it year round as a one family home. There house in Wall is for sale and they want to move to Manasquan, that is why they bought the house. Mrs. Pincus had questions for Mr. O'Grady. Susan Marino - 349 First Avenue, was sworn in by Mr. Byrnes. She doesn't know of any house in the beach house that has a lot of privacy. She stated she has windows on both sides of her house and she just pulls her blinds.

A motion was made and seconded to close the public hearing on the O'Grady application followed by the following vote; "YES"- R. Brittle, J.Langella, E. Lyons, J.VanSchoick, R.Burke, C.Pincus and P. Walsh.

Mr. Langella said we should encourage people to improve their property. Mrs. Walsh would like to see the efficiency eliminated. Mr. VanSchoick madae a motion for approval seconded by Mr. Langella with conditions. Mrs. O'Grady said she would not like to give the efficiency up. MR. Brittle said any improvement on the beach is a great improvement. MR. Burke said they can talk it over for 5 minutes as the Board has some business to go over and when they come back they will take a vote. Mr. Langella withdrew his second until the Board returns. Mr. Byrnes asked if there was a second to Mr. VanSchoicks motion without conditions. There being none Mr. Langella moved to have a 5 minute recess and go into executive session, it was seconded and unanimously carried.

Meeting was called to order at 9:10 p.m. with the following vote; "YES" - R. Brittle, J.Langella, E.Lyons, J.Burke, C.Pincus and P. Walsh.

Mr. O'Grady would like to keep the efficiency as he is depending on the rent for a few more years. He feels it is not right making him get rid of it in order to pass his application. He has the same couple every summer and only one tennant in the winter. Mr. Langella moved for a favorable resolution to accept the application as presented including the one amendment for the width of the lot seconded by Mr. VanSchoick and followed by the following vote; "YES"- R. Brittle, J.Langella, E. Lyons, J.VanSchoick, and J. Burke. "NO" - C. Pincus.

Mr. Burke made a motion to memorialize the O'Grady resolution seconded by Mr. VanSchoick and followed by the following votes; "YES" - R.Brittle, J.Langella, E.Lyons, J.VanSchoick and J.Burke.

APPLICATION - 18-94 - John Paglia-Seabreeze Partnership -191
193 Beachfront.

Mr. Byrnes because of a conflict of interest is stepping down and Mr. Ernest Bongiovanni is taking Mr. Byrnes place on this application.

Mr. Bongiovanni marked the file as A1 to A8. Mr. Burke stated the owner purposes to demolish 3 structures and construct a new structure containing 11 residential units and 4 commercial units. The structure is at 193 Beachfront- it is owned by the Seabreeze Partnership, principal owner is John Paglia. The Application was denied for the following reasons 107-14A refers to 107-13A not a permitted use- 107-28 front yard setback on beachfront, 10 Feet required 0 feet proposed - 107-36A off street parking schedule 2 required residential 22 commercial no specific use proposed, however minimum is one space for 400 square feet. Proposed - 6 spaces. 107-36A - Loading requirements Schedule 111, Required 1 Proposed 0. 107-52 Site Plan approval required. Flood zone - structures must comply.

Keith Henderson of Lautman, Henderson & Wight is representing the applicant. Mr. John Paglia -612 Valley Rd., Brielle, N. J. was sworn in by Mr. Bongiovanni. Mr. Paglia is the owner of the property in question. The Seabreeze Partnership is John Paglia and Paul Cisek. The property is located on the corner of Main St. & First Avenue, (Straub property) it is condemned property, 12 apartments and 1 store, next door 191 beachfront has 13 apartments. As the property stands now there are 25

apartments and 4 commercial stores. They are going to reduce the size to 11 apartments and 4 stores. The apartments proposed will be year round.

Mr. Bongiovanni sworn in professional witness Mr. Gregory Cox, Principal of Aquatecture Associates Inc., Bay Head, N. J. He has been an Architect since 1980 and Planner since 1981, licensed by the State of N. J. in both capacities. He is responsible for the architectural renderings in this application. Mr. Cox explained the renderings to the Board. They are proposing that both elevations have a shingled roof, the majority of the exterior of the buildings would be masonry finish. The First Ave is Brick and the ocean front is similiar treatment, also landscaping on the First Ave. He showed pictures of the proposed structures. Apartment # 4 will be for a handicap, first level and will have a seperate exterior entrance from the rest of the building. The new project will be built on pilings and will confide with all the fire codes. The dumpster will be enclosed in a fence. A small dumpster for the residential and a large one for the commercial.

Mr. Charles Gilligan, Principal Engineer of Gilligan Engineering, was sworn in by Mr. Bongiovanni. He is a Civil Structural Engineer since 1981 and a Planner since 1982 licensed in New Jersey in both capacities. Mr. Gilligan prepared the site plan for this application. He proposed what they are going to do with the dumpsters and the landscaping, also the parking. They are proposing a 27 ft. heighth on the beach and 35 ft. on First Avenue.

Mr. Bongiovanni marked the renderings A-9 First Ave. elevation and A-10 the East Elevation A-11 Boardwalk elevation and A-12 are photographs of the beachfront area.

Bob Gardell - 171 Beachfront was sworn in by Mr. Bongiovanni. He stated this if the most outstanding proposal he has seen for the beachfront. HE strongly would like to see the Board pass this.

Chris Rice - 61 Cowart Avenue, was sworn in by Mr. Bongiovanni. He is on the Manasquan Planning Board and after seeing the presentation, I think this is a fantastic project and definitely a step in the right direction, and just what we are looking for.

Mr. John Winterstella, Mayor of Manasquan stated he supports this application and there is no better way of utilizing this property.

Mr. Langella moved the public hearing be closed seconded by Mr. VanSchoick followed by the following vote: "YES"- R. Brittle, J. Langella, E. Lyons, J. VanSchoick, J. Burke, C. Pincus and P. Walsh.

Mr. Burke in summerizing J. Pagila and Seabreeze Partnership, we are granting all of the listed variances on the denial of permit, we have asked Mr. Paglia and he has agreed to put in a handicap parking and he agreed to make a condition uniform signage on the ocean front side the commercial areas of the proposed application and Mr. Paglia also answered there will be no commercial signage on the First Avenue side of the application. The other item to be voted on is the approval of the site plan which this Board is impowered to do under a use application.

MR. Burke said they would like to make it a condition that there be a second exit into the hallway from the commercial units.

A motion was made for an approval of this application under the stated conditions and seconded followed by the following vote: "YES"-R. Brittle, J. Langella, E. Lyons, J. VanSchoick, J. Burke, C. Pincus and P. Walsh.

A motion was made and seconded to memorialize this application, followed by the following vote; "YES" - R. Brittle, J. Langella, E. Lyons, J. VanSchoick, J. Burke, C. Pincus and P. Walsh.

A motion was made, seconded and unanimously carried to close the meeting at 10:30 p.m.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

Zoning Chapter 107 for the Borough of
Manasquan

Article 1

Purpose

P. It is the intent and purpose of this chapter to exercise the authority delegated to municipalities by the Municipal Land Use Law and thereby, in conformance of said law:

- (1) to guide the appropriate use or development of all lands in ~~question~~ a manner that will promote the public health, safety, morals, and general welfare.
- (3) to provide adequate light, air, and open space.
- (4) to promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and the preservation of the environment.

- (6) to regulate the intensity of the use of lot areas and to regulate and determine the area of open space surrounding such buildings.
- (8) to fix standards to which buildings or structures shall conform therein
- (9) to prohibit uses, buildings or structures incompatible with the character of such districts, respectively
- (10) to prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restriction and limitations lawfully imposed thereunder.
- (12) to provide for the gradual elimination of non-conforming uses of land, buildings and structures
- (15) to prevent the overcrowding of land.

We feel that the lot is not large enough to support the type of house the O'Grady propose.

We feel that the O'Grady property is already congested and adding to it will only exacerbate the situation. We feel that to grant any variances would be contra to the "Purpose" of the Board.

My front bedroom is 4 ft. from their house. With a sideyard setback variance, they would be 4 ft. from my rear bedroom as well.

We have precious little privacy, access to breezes, light, and open space and we want to preserve what we do have.

Our quality of life will be adversely affected by their proposals, and the value of our properties will be diminished.

We would like to know what are the Special Reasons for allowing the expansion of a non-conforming use; namely, a 2-family home in a zone where only 1-family use is allowed. (R-4).

The purpose of a zoning ordinance that designates one family use is to try to encourage the existing buildings to ultimately come into conformity with zoning requirements.

It is an existing violation, do not allow it to expand.

If you allow the O'Grady's to expand an already non-conforming use (namely a 2 family dwelling), you are going against the purpose of your own ordinance.

In this case specifically ~~He~~^{They} have the option of making it back into a one family in which case he doesn't need the expansion which would block our access to light, air & open space.

Notice of Appeal and Variance Application Form
filed 3/29/94

discrepancies

① "Size of lot" is shown as
"41.00 x 140.17"

the SURVEY SHOWS

~~It shows~~ it to be 39.0 feet on
Front Avenue & 33.3' on Beachfront (house
in question) AND IN BACK

Why is it shown as 41.00' ~~and~~ when
it is 33.3 feet?

and there is no
variance applied for and
40 ft frontage required.

② Percentage of lot occupied by buildings.

55% is filled in.

Our figure is 61% + ~~because~~ AND
THAT ~~I~~ does not include stairs on patio,
stairs & shower on Northside, planter
in rear yard, shower stall in rear
yard, & stairs to efficiency apartment.
It also does not include 2 staircases
on deck in rear house and the

6

shower stall for rear apartment.

Why is it shown as 55% when we feel the corrected valuation is 61% plus the above mentioned items?

③ Why is "prevailing set-back" of adjoining building within one block not filled in?

On another subject, we would like to bring the Board's attention to the fact that on the Site Inspection day, Mrs. O. Grady took the opportunity to denigrate the "privacy factor" on at least one occasion.

I was in my living room & overheard her to say to a Board member as she approached the rear of our houses "this is the area we want to come out at - she says it will affect her privacy - I don't see where she has any now". The Board member continued with a previous conversation regarding horseshoes and how you needed 4 and 3 were of no use.

We had specifically been told not to discuss anything other than weather with board members since it was not been recorded and she stayed with them for ~~25 minutes~~ ^{the} great portion of the 25 minutes they were on the site.

In closing I would like to say that we are not against people fixing up or renovating their houses, but we feel that this house as proposed will overwhelm the houses directly to the North and South and have a negative impact on the neighborhood as a whole.

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
AUGUST 17, 1994
REGULAR MEETING AGENDA

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N.J.

On Wednesday August 17, 1994, 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, N.J.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 21-94 - James & Vera Zavada - 337 First Avenue.

APPLICATION - 22-94 - Gordon G. Bird - 367 Beachfront
(POSTPONED AT APPLICANTS REQUEST)

APPLICATION - 23-94 - Barbara Randolph - 553 Trout Avenue

RESOLUTION - 17-94 - Edward Dadson - 25 First Avenue

RESOLUTION - 20-94 - Norman & Adele Milligan - 355 Beachfront

OLD / NEW BUSINESS

(Work Session will be conducted immediately after regular meeting).

APPLICATION - 29-93 - Carmine Galdieri - Extension request.

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - July 20, 1994
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N.J.

The Manasquan Zoning Board of Adjustment held their regular meeting on July 20, 1994, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Board Chairman, John Burke called the meeting to order at 7:30 p.m.. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in the Salute to the flag.

ROLL CALL - Present: Board Members - R. Brittle, M. Kazenmayer, J.Langella, E.Lyons, C. Trafford, J.VanSchoick, J. Burke, C.Pincus and P. Walsh.

A motion was made and seconded to approve the minutes of the June 15, 1994 meeting as submitted by the Board Secretary. "YES" - Board Members - R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick, J.Burke, C.Pincus and P.Walsh.

A motion was made and seconded to approve the minutes of the special meeting of June 29, 1994 as submitted by the Board Secretary. "YES" - R. Brittle, J.Langella, E.Lyons, J.VanSchoick, J. Burke, C. Pincus and P.Walsh.

Mr. Burke called attention to a letter received from Ronald Dana represented by Mr. Kevin Thomas.

MR. Thomas is requesting a special meeting because this application has to go through the CAFRA application process before approvals are obtained from the Board. Mr. Thomas stated this application is located down near Pompano. The property in question was in deplorable condition when purchased by Mr. Dana from American Timber. He fixed them up enough so that they are not an eyesore. Mr. Dana proposes to renovate the 292 First Ave. structure to esseentially create 6 full in the garage parking spaces below the house and completely renovate the house on the exterior as well as the interior. Mr. Dana is going to be taking down completely the Beachfront house, putting it up on pilings as required by the Flood Hazard Ordinance.

Mr. Langella questioned why Mr. Dana hasn't done anything before this. Mr. Thomas explained that Mr. Dana only took title in April and by the time he had someone in to look the situation over and get plans drawn - now he is ready.

Mr. Thomas would like a meeting as soon as possible.

MR. Burke stated the earliest would be the first week in August with probably a site inspection and it would be finished up in September.

Mrs. Walsh is concerned that evey application on the beach is going to be required to go through CAFRA, and she doesn't want to see the Board put in a situation, where we set a president

to allow all applicants to get through not only the local and the state and all special meetings. Mr. Langella agrees with Mrs. Walsh.

MR. Thomas stated, one of the reasons the Board has become inundated with applications is a large part of the sale of property by American Timber.

Mr. Byrnes stated he disagrees with Mr. Thomas, the reason the Board is inundated is because of one 1993 application that dragged on for 6 months despite the Boards best efforts to move the applicant and her counsel along, and we are still trying to catch up.

Mr. Trafford feels that a request for a special meeting is in order particularly since there is such a backup.

Mr. Langella moved to have a special meeting at the first available date seconded by Mrs. Pincus followed by the following vote; YES - Mr. Brittle, Mr. Langella, Mr. Trafford, Mr. Burke and Mrs. Pincus. NO -M. Kazenmayer, Mr. Lyons, Mr. VanSchoick and Mrs. Walsh.

The Secretary will try to set up the meeting for August 10, 1994.

APPLICATION - 17-94 - Edward Dadson - 25 First Avenue.

Mr. Burke excused himself as he lives within 200 ft. of Mr. Dadson and he turned the meeting over to Mr. Brittle the Vice Chairman.

MR. Byrnes marked the Board file as follows A-1 through A-8 and a Resolution 14-81 as A-9.

Mr. Thomas was placed on record as representing the applicant Mr. Edward Dadson, 25 First Avenue, Manasquan, N.

Mr. Burke was sworn in as a witness.

Mr. Thomas would like to have two documents marked into file. A-2A the certificate of occupancy which was issued on September 26, 1985 and A-10- A September 19, 1986 letter to Edward J. and Eleanor Dadson by Jerry Iannelli, Code Enforcement Officer.

MR. Dodson has owned the property since 1965. He started to reside there full time in January or February 1993. Prior to that time it was a summer residence and on weekends when he wasn't working and had the opportunity to come down. It was a one family house with 3 small bedrooms, living room and den. Prior to his application in 1985 his son-in-law and daughter planned to move to Manasquan with their children, a son and daughter. At that time it was agreed not to put a kitchen in the second floor, the building would be occupied by myself, my son-in-law and my daughter and I agreed I would never rent the property out, and its never been rented since I purchased the property.

The intent was to put a second story on, put 3 bedrooms a living room and a study for my daughter and a lavatory. Mr. Dadson

was given an approval by the Board at that time. The condition was that a stove not be placed on the second floor. The work was done by Bill Poss and completed in September. Mr. Dadson was given a certificate of occupancy preceded by an inspection by the town. After the certificate of occupancy was issued my daughter, son-in-law and children lived there. As of September 1985 I was living in Bayonne, N. J. and lived there until January of 1993. Mr. Dadson received a letter at his home in Bayonne that a stove had been installed on the second floor and it had to be removed. He discussed it with his daughter and son-in-law and they said they would take care of it and that it was removed, and that was in September 1986. In 1993 Mr. Dadson became aware that there was a stove upstairs. His son-in-law had moved out and his daughter was by herself. Mr. Dadson went to Mr. Burke who is a neighbor and discussed it with him as to whether he should take it out or go to the Board and see about getting a variance. MR. Burke recommended that Mr. Dadson apply for a variance as soon as possible which was the fall of 1993.

My son-in-law turned me into the Borough of Manasquan and told them there was a stove on the second floor.

Mr. Dadson is before the Board to ask for a kitchen and stove on the second floor. Mr. Dadson explained his daughter and children spend most of their time down stairs, but he feels they need their own time and space with their mother and its ideal for them to get up and have breakfast with their mother rather than coming down and having breakfast with us.

Mr. Thomas told Mr. Dadson that the Board is concerned with situations like this becomming 2 family dwellings. Mr. Dadson said he would do what ever is necessary that this property is only to be occupied by them and if he should sell that the kitchen would be taken out.

Mrs. Walsh asked Mr. Dadson to describe the character of the houses on the block. Mr. Dadson said they are single family homes on both sides of his.

The Board questioned the doors on the second floor and the archway on the first floor, also the stairs on the back of the house leading to the second floor.

Mr. Byrnes asked Mr. Thomas if he has a copy of the 1985 Deed. It was in that resolution 4 times that there was not to be a kitchen on the second floor. Mr. Byrnes questioned Mr. Dadson on how many times he was up stairs since 1986. Mr. Dadson replied about 4 or 5 times and there was no kitchen there. There was discussion between the Board, Mr. Byrnes and Mr. Thomas. Mrs. Kazenmayer feels that in the light of todays living arrangements, the Board has to make some kind of determination.

Mr. Dadson would have to take the back stairs down.

Mr. Byrnes reminded Mr. Burke, before he testifies, that this issue has been before the Board prior and Board members have been issued memos - you are allowed to testify as to the history of the property, you are allowed to testify as to the back ground of the property, you shall not give any opinion testimony, facts only.

Mr. Burke testified he lives at 4 Stockton Avenue. Mr. Burke's back yard looks diagonally across to Mr. Danson's back yard. Mr. Burke has lived there on and off since 1957 and permanently since 1972. Mr. Burke was present at the Board meeting in 1985 as a neighbor and as a witness for Mr. Dadson. Mr. Burke testified that the major concern of the Board at that time was that if MR. Dadson chose at any time to sell the house, that a future owner did not turn it into a 2 family house. Mr. Burke said he was not aware of the stove going into the house when the house was built, but he did become aware of it around 1992, a little before Mr. Dadson became aware of it. Mr. Burke did not go to the house regularly until after Mr. Cosmono left, and that was the summer of 1992. MR. Dadson's daughter came to Mr. Burke and asked him what to do. Mr. Burke told her to talk to her father and have her father make application to the Board, that was in early 1993.

Mr. Frank Orleans - 75 First Avenue came forward and asked MR. Thomas to read the deed restrictions to the Board. The deed will be marked A-11 into evidence. MR. Thomas stated the only specific reference in the deed itself is that its attaching a resolution.

Mr. Byrnes explained to Mr. Orleans the restrictions in the resolution.

Mr. Frank Orleans 75 First Avenue was sworn in by Mr. Byrnes.

For the record, MRs. Pincus had to leave at 9:31 p.m..

Mr. Langella asked Mr. Orleans if he has any problem with Mr. Dadson's daughter and children living there. Mr. Orleans responded no as long as the kitchen is taken out of the second floor.

MR. Norman Merz - 26 Second Avenue - was sworn in by Mr. Byrnes. Mr. Merz was concerned that at some furture date it will be turned into a 2 family.

Mr. Bob Watkins - 17 First Avenue was sworn in by Mr. Byrnes. Mr. Watkins is not objecting to what Mr. Dadson is doing, but he is against a 2 family house. Mr. Watkins would like

restrictions put on this application.

Mr. Orleans came forward again and was questioning the permits for water and gas in the 1985 application and would like to see them, also the minutes.

MR. Byrnes explained to MR. Orleans his rights as a citizen and what he can request of the Board.

MR. Thomas rejected Mr. Orleans request for the above material.

Mr. Langella stated what they said in 1985 doesn't count here, this is an application to approve what is already in place for the reasons the applicant has already testified to. MR. Langella does not see any purpose for postponing the meeting or vote or what value that information would be to us at this stage of the game. The Board agreed with Mr. Langella.

MR. Thomas said he would file the old deed and put in the new resolution with some language on what they are doing.

Mr. Dadson stated every one is sympathetic for his daughter, but he sees no action. Mr. Dadson said he is going to do everything in his power to help his daughter and her children. If this doesn't go through he doesn't know what he is going to do. Mr. Dadson stated, all the neighbors have been exceptionally good to him and his children, for him to leave that neighborhood and rent it to any one and possibly put it in a position where it could degrade the neighborhood, I will absolutely not do it.

Mr. Orleans came forward again and questioned the back stairs. Mr. VanSchoick made a motion to close the public meeting, seconded and followed by the following vote; "YES" - R. Brittle, M.Kazenmayer, J.Langella, E.Lyons, C. Trafford, J.VanSchoick, and P. Walsh.

Mr. Byrnes reminded the Board as to what the application is about. The applicant is seeking an interpretation as to whether the existing dwelling is to be considered a 2 family dwelling or a single family dwelling.

Mr. Langella made a motion for a favorable resolution, seconded by Mrs. Kazenmayer with the following stipulations; Removal of outside stairs, no rental, entire kitchen to be removed upon the death of the owners, Mr. & Mrs. Dadson, transfer of title, Mr. & Mrs. Dadson no longer using it as their primary residence for a period of 6 months and corrected deed, followed by the following vote; "YES" - R. Brittle, M.Kazenmayer, J.Langella, E.Lyons, C.Trafford, J.VanSchoick and P. Walsh.

Mr. Burke returned to the Board at 10:50 p.m.

A motion was made, seconded and unanimously carried for a 5 minute recess at 10:55 p.m.

Meeting was called to order at 11:04 p.m. with the following vote; "YES" - R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, C.Trafford, J.VanSchoick, J.Burke and P.Walsh.

APPLICATION - 20-94 - Norman & Adele Milligan - 355 Beachfront. Mr. Byrnes marked the Board file as A-1 through A-8 Applicant is being represented by John H. Deppeler, III. Mrs. Adele Milligan and Norman Milligan were sworn in by Mr. Byrnes.

Mr. & Mrs. Milligan own the property at 355 Beachfront and 356 First Avenue. The Milligan's propose to add a deck to 355 Beachfront. It will be on the rear of the house, 20 ft. by 7 ft. and approximately 4 ft. high. The Milligan's have owned the house for 20 years and bought the property from American Timber in 1991 and also bought the house in back of it. There are 3 parking spaces.

MR. Byrnes noticed that in an R4 Zone the requirements are 40Ft. lot width, The Milligan's survey shows 26 Ft wide. Mr. Deppeler said he would amend the application to also include relief for that requirement.

Mr. Burke questioned the stairs on the right side of the house. Mr. Trafford questioned the deck on the front of the house which is on Boro property.

A motion was made to close the public hearing by Mr. Trafford and seconded by Mr. VanSchoick followed by the following vote; "YES" - R. Brittle, M.Kazenmayer, J.Langella, E.Lyons, C.Trafford, J.VanSchoick, J.Burke and P. Walsh.

Mr. Langella moved for a favorable resolution seconded by Mr. VanSchoick with restrictions as explained, followed by the following vote; YES - R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, C.Trafford, J.VanSchoick, J.Burke and P.Walsh.

RESOLUTION - 18-94 - John Paglia & Seabreeze Partnership - 191-193 Beachfront.

Mr. Byrnes read the resolution which was written by Ernest Bongiovanni. Mr. Burke stated there is one thing the Board asked Mr. Paglia to do and was agreed on which has to do with the signs. There were more amendments read into the record and Mr. Byrnes will have Mr. Bongiovanni incorporate them and submit a final copy.

The new exhibit of a drawing was received on E. Gashlin and was marked as A-8A.

RESOLUTION - 8-94 - Edward Gashlin - 105 Ocean Avenue.

MR. Byrnes read the resolution.

A motion was made and seconded to approve this resolution followed by the following vote; "YES" - Robert Brittle,

M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick and J.Burke.

For the record, Mrs. Walsh was excused at 11:50 p.m..

RESOLUTION - 10-94 - Mark Barrett - 555 E. Main Street.

The resolution was read by Mr. Byrnes.

A motion was made and seconded to approve this resolution followed by the following vote; "YES" - R. Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick and J.Burke.

RESOLUTION - 15-94 - NBR Associates-198-200-202-204 Third Ave.

For the record, Mr. Thomas has provided us with additional exhibits as per the requirements- we have a resolution from the Surf & Sand Condominiums agreeing to the proposal and will be marked as A-8 and an affidavit from Ronald Dana and Bernard Hockberg stating they are sole owners of NBR Associates marked as A-9. Additional drawings will be marked as A-7A.

Mr. Byrnes read the resolution.

A motion was made and seconded to approve this resolution followed by the following vote; "YES" - R. Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick and J. Burke.

For the record Mrs. Kazenmayer was excused at 12:10 a.m..

RESOLUTION - 16-94 - John O'Grady - 265 Beachfront.

The resolution was read by Mr. Byrnes. No vote was necessary.

A letter dated July 1, 1994 was received from Carmine Galdieri in regard to his application for 117 Beachfront asking for an extension. It will be put on the agenda for next month.

MR. Burke received a letter from Mr. Tafford, who has to resign from the Board due to his job obligations. The Board accepted his resignation with regrets and hopes some day he will be back.

A motion was made and seconded to pay all bills and close the meeting at 12:20 a.m. followed by the following vote; "YES" - R. Brittle, J.Langella, E.Lyons, J.VanSchoick and J. Burke.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
July 20, 1994

REGULAR MEETING AGENDA

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

On Wednesday July 20, 1994, 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, N.J.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

- APPLICATION - 17-94 - Edward Dadson - 25 First Avenue
- APPLICATION - 20-94 - Norman & Adele Milligan - 355 Beachfront
- RESOLUTION - 8-94 - Edward Gashlin - 105 Ocean Avenue
- RESOLUTION - 10-94 - Mark & S. Barrett - 555 E. Main Street
- RESOLUTION - 15-94 - NBR Associates - 198-200-202-204 Third Avenue
- RESOLUTION - 16-94 - John O'Grady - 265 Beachfront
- RESOLUTION - 18-94 - John Paglia and Seabreeze Partnership
191-193 Beachfront.

OLD / NEW BUSINESS

(Work Session will be conducted immediately after regular meeting).

Yours truly,

Marie Applegate
Marie Applegate, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - JUNE 15, 1994
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on June 15, 1994, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Board Chairman, John Burke called the meeting to order at 7:30 p.m.. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in the Salute to the flag.

ROLL CALL - Present: Board Members - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick, J. Burke and P. Walsh.

A motion was made and seconded to approve the minutes of the May 18, 1994 meeting as submitted by the Board Secretary. "YES"- Board Members - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. Van Schoick and J. Burke.

APPLICATION - 18-94 -Sea Breeze Partnership - J. Paglia, 191-193 Beachfront. Request for a special meeting.

Keith Henderson, from Lautman, Henderson & Wight is the attorney for John Paglia and Seabreeze Partnership. A letter from Mr. Henderson of June 8, 1994 was read by Board Attorney Mr. Byrnes. Mr. Paglia plans on demolishing the existing structure on Lot 3 and one of the two buildings on Lot 4. He would like to replace them with a single new structure which would contain eleven residential apartments and four commercial units. The new building would adjoin and be combined with the existing structure to the South known as Gee-Gee's. Because of the residential commercial mix, Mr. Paglia will need a use variance. They are requesting a special meeting because of the CAFRA regulations which will go into effect on July 19, 1994.

After discussion, a motion was made and seconded to grant Mr. Paglia a special meeting preferably June 29, 1994 or July 6, 1994, "YES" Board members - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick, J. Burke and P. Walsh.

APPLICATION - 8-94 - (cont.) Edward Gashlin - 105 Ocean Avenue Mr. Byrnes marked an additional exhibit for the file which is a survey from Morris & Glasgow, Inc. dated June 1, 1994 as A-10, also 3 photos which he marked as A 11 A, B & C. The site inspection for May 21, 1994 was completed. Mr. Ratz did sign off on the plans.

Mr. Gashlin asked to have 1 foot added to the variance request on the landing to the entrance to the house, and the deck staying at 20 feet.

There being no questions from the public or Board a motion was made and seconded to close the public hearing; "YES" - R. Brittle, M.Kazenmayer, J.Langella, E. Lyons, J.VanSchoick, J. Burke and P. Walsh.

A motion and second to approve this application was made followed by the following vote; "YES" - R. Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick and J.Burke.
Abstain - P. Walsh.

APPLICATION - 10-94- Mark & S. Barrett -555 E.Main St. (cont.)
It was requested at the last meeting to submit an amended set of plans showing the locations on the decks on page 2 the rear of the house and the deck on the second floor. The have been submitted, and marked for the file as exhibit A-8 which consists of 5 pages that have been reviewed by Mr. Ratz on 6/14/94 and the site inspection did take place.

Applicants attorney Mr. Blasi submitted an elevation certificate which was marked as A-9

Mr. Burke questioned the steps in the front. Mr. Blasi stated they are basically pre-existing and they are not going to expand what is there.

A motion was made by Mr. Langella and seconded by Mrs. Walsh to close the public hearing followed by the following vote; "YES" - R. Brittle, M. Kazenmayer, L. Langella, E. Lyons, J. VanSchoick, J. Burke and P. Walsh.

Mr. Langella moved for a favorable resolution seconded by Mr. Brittle and followed by the following vote; "YES" - R.Brittle, M.Kazenmayer, J. Langella, E. Lyons, J.VanSchoick and J. Burke.
Abstain - P. Walsh.

APPLICATION - 15-94 - NBR Associates - 198-200-202-204 Third Avenue

For the record, Mrs. Walsh removed herself as she was noticed for this application.

For the record Attorney Kevin Thomas is representing NBR Associates.

Board Attorney Mr. Byrnes marked the file as A1 to A7. Mr. Thomas asked that Mr. Ronald Dana, 365 Beachfront, Manasquan, N. J., be sworn in to testify. He is one of 3 partners. He is the R and B., Najarian is the other partner and owns 204 the one family house on property. Mrs. Najarian signed the plans and gave her consent to this application. Another applicant is Association of Surf and Sand Condominiums. NBR took over the property about 5 years ago. The property consists of 2 single family units and a 2 story masonry building to the rear of the property.

The rear is a 2 family unit. There are 3 parking spaces for each unit. They would like to sub-divide the 2 remaining units to eliminate the condo association. They would like to sell but can't because it is a Condominium. In 1986 they had a denial from Mr. Ratz, but did not come before the Board. Mr. Thomas stated he would have a written record that the Najarian's and the Condo Assoc. have agreed to the plans and the Najarian's have signed off.

Board Attorney stated he would need something from NBR Associates themselves that they approve this sub-division. Mr. Thomas said he would get an affidavit from the partners that they are the only two partners, they own 100% of the interest in the partnership and that they approve of this plan. There was some discussion on the parking by the Board members. Mr. Jaasma questioned the size of the lots. Mrs. Walsh questioned the occupancy on the units.

There being no more questions, a motion and second were made to close the public hearing followed by the following vote; "YES" -R. Brittle, M. Kazenmayer, J.Langella, E.Lyons, J.VanSchoick and J. Burke.

A motion for a favorable resolution was made by E. Lyons with a second by M. Kazenmayer followed by the following vote: "YES" R. Birttle, M.Kazenmayer, J.Langella, E. Lyons, J.VanSchoick and J. Burke.

Mr. Byrnes asked Mr. Thomas if he would give him the paper work on the Condominium Association also the partnership, it will eliminate the need for him to put a condition in the resolution provided at a later date.

For the record, Mrs. Walsh was excused at 9:20 p.m..

A motion was made, seconded and unanimously carried for a 5 minute recess at 9:35 p.m..

Meeting was called to order at 9:43 p.m. with the following roll call: R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick and J. Burke.

APPLICATION - 16-94 - John O'Grady - 265 Beachfront.

Board Attorney Mr. Byrnes marked the file A-1 to A-16.

Mr. John O'Grady - 1695 Glendola Road, Wall, N.J. was sworn in. Mrs. Bernadett O'Grady was sworn in.

Property was purchased 2 years ago, with the intent of living at 265 Beachfront year round. They propose to make a second floor, master bedroom and bath. He would like to build a wooden deck over the cement deck on the front of the house and bring it out 2 more feet. There are 2 structures on the property and

4 dwelling units. They intend to keep the efficiency under the beach front house. There will be no outside stairway from the second floor.

Mrs. Marie Breunig, 263 Beachfront was sworn in by Mr. Byrnes. Mrs. Breunig read her testimony against this application of which a copy is attached and marked into the record as exhibit OB-23. She also submitted pictures marked as OB-1 through 22. Mr. Burke commented on her testimony exhibit OB-23. Mr. Langella suggested that the Board go and look at the property.

Mary Cramer, 267 Beachfront was sworn in by Mr. Byrnes. She testified that the addition they are putting on is going to cut off all the air in her kitchen. Her house is for sale and she feels it will be a detriment to her selling.

A motion was made by Mr. Langella, seconded by Mr. VanSchoick for a site inspection on Saturday June 18, 1994 at 9:00 a.m. carried by the following vote; "YES" - R. Brittle, J. Langella, E. Lyons, J. VanSchoick and J. Burke.

The time requirement was waived by Mr. & Mrs. O'Grady.

Mr. Langella thought it was only fair to give them a chance to have a special meeting.

Mr. Burke suggested the O'Grady's call Mr. Henderson the attorney for J. Paglia who is having a special meeting and they could split the cost with Mr. Paglia. The date of the meeting will either be June 29, or July 6.

There was a motion and second to continue this case at a special meeting on either June 29 or July 6, 1994 to be determined within the next couple of days, followed by the following vote; "YES" R. Brittle J. Langella, E. Lyons, J. VanSchoick, and J. Burke. For the record Mrs. M. Kazenmayer was excused at 10:55 p.m..

RESOLUTION: 7-94 -Janice Curtiss, Eugene & Edward Bland - 15 Ocean Avenue.

Mr. Byrnes read the resolution.

A motion was made and seconded to approve this resolution followed by the following vote; "YES" - R. Brittle, J. Langella, E. Lyons, J. VanSchoick and J. Burke.

RESOLUTION: 9-94 -Robert Scerrato - 374 First Avenue - 375 Beachfront.

Mr. Byrnes read the resolution. A motion was made and seconded to approve this resolution followed by the following vote; "YES" - R. Brittle, J. Langella, E. Lyons, J. VanSchoick and J. Burke.

RESOLUTION: 11-94 - Beth Harrison - 312 E. Virginia Avenue. The resolution was read by Mr. Byrnes. A motion was made and

seconded to approve this resolution followed by the following vote; "YES" -R. Brittle, J.Langella, E.Lyons, J.VanSchoick and J. Burke.

RESOLUTION: 12-94 - Paul Yuro - 313 E. Virginia Avenue.
A Building permit application dated 12/9/93 was marked as exhibit A-9 and an elevation certification from George Edwards Surveyor, dated 5/24/94 was marked at A-10.

Mr. Byrnes read the resolution. A motion was made and seconded to approve this resolution followed by the following vote; "YES" - R. Brittle, J.Langella, E.Lyons, J.VanSchoick and J. Burke.

A motion was made, seconded and unanimously carried at 11:45 p.m to go into closed session to discuss pending litigation. Upon coming back into regular session, and there being no further matters on the agenda, a motion was made, seconded and unanimously carried to adjourn at 12:02 a.m..

Respeactfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment
(dated at Manasquan 7/8/94)

Read at open meeting of 6/15/54 by Mrs. Bruning

The O'Grady's already have one of the most densely developed plots of land in Menashaquan, which presently supports 2 houses that includes 4 rental units.

They have very little "open" or non-developed land on their property as it is now.

They may contend that by building upwards rather than outwards, they won't add to the congestion, a view I disagree with.

I do not feel there are enough setbacks or empty areas in our location to support the type of house the O'Grady's are proposing.

As their immediate neighbors to the north, we are against the proposed additions to the O'Grady property and ask the Board to deny their application for the following reasons:

OB-23
6/15/54

1st. The O'Grady's propose to extend their front yard deck a feet forward and to raise it one foot by adding wood planking on top of the existing concrete. If these changes are made, ~~that deck will be higher than~~ anyone on their deck ^{my} ~~will be able to look down~~ ^{living} ~~into my porch and living area~~ ^{area} from a distance of only a few feet away, thereby robbing me of my privacy in these rooms.

Also, if the deck is raised any higher than it is at present, it will interfere with ~~my~~ ^{our} view and ~~may~~ it may be necessary to add a protective railing, further interfering with our view.

A third consideration is that by covering the concrete with wood planking, they open us to the

risk of having these planks bombard our house should the deck ever be broken up in a storm.

On the matter of sideyard setbacks, we request that no concession be granted. Sideyard setbacks are extremely precious to us since they only exist in the ^{SIDE} rear portions of our houses.

We object to their proposal to widen the rear of their house and add additional floors to it.

If the house is widened as proposed, or even one story added to it, the living conditions in our house and our rear deck would be adversely affected. By doing so, they would mutually block out our light, view, air, access to breezes and compromise our privacy in certain rooms ~~specifically~~ specifically our kitchen, back 1st floor bedroom, 2nd floor porch, & 2nd floor bath.

We maintain our lots are not large enough to accommodate such a large structure.

We are also objecting to the way the Certified Form sent to neighbors within 200 ft. was worded.

"renovate house from 4 bedroom to 3 bedroom, extending rear out over present basement apartment"

has led some to believe that they were downsizing or that the apartment was underground - when in fact the "efficiency underneath" is mostly at ground level, and in fact ~~that~~ they are proposing to almost double the existing square footage of their house.

Additionally, the floor plan for the Master Bedroom Floor shows a Dressing Room 19' 10" long by 11' 6" wide. Although they may label it a Dressing Room, what prevents it's use ~~in other ways~~ ~~since it is built~~ as a bedroom once it's built ^{there} by current owners or future owners.

* They are currently shown on survey maps as a 2 story frame dwelling.

the value of our property. We are disappointed in the O'Grady's since they appear to have so little regard for how their proposals will adversely affect their neighbors.

We ask the Board to reject their proposal in order to ~~protect~~ protect our property.

Thank you.

Mrs. Brunig

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING - AUGUST 24, 1994
MEETING MINUTES

On Wednesday August 24, 1994, The Manasquan Zoning Board of Adjustment held a special meeting in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Board Chairman, John Burke called the meeting to order at 7:30 p.m.. This meeting is an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in the salute to the flag.

ROLL CALL - Present - Board Members - R.Brittle, M.Kazenmayer, J.Langella, J.VanSchoick, J.Burke and C. Pincus.

APPLICATION - 29-94 - Ronald Dana - 292 First Ave. 293
Beachfront

Board Attorney Mr. Byrnes marked the file as A1 to A9. Mr. Kevin Thomas is representing the applicant. The following witnesses were sworn in by Mr. Byrnes. Mr. Ronald Dana - 8 Kinney Rd, Manalapan, N. J. was sworn in. Mr. Jay Saunders - Architect registered in New Jersey - 235 Sunrise Avenue, Palm Beach Florida was sworn in.

Mr. Byrnes stated this application involves properties known as 292 First Ave. and 293 Beachfront. The applicant is seeking an addition to 292 First Avenue and demolition and reconstruction 293 Beachfront as a 2 family structure. According to the denial MR. Dana wishes to demolish 293 Beachfront a one family dwelling and build a new 2 family dwelling. Mr. Dana also wishes to remove the apartment in garage basement at 292 First Avenue and add to the garage level an existing first floor and add a new top floor to this existing 2 family dwelling. It is an R 4 Zone - V-6 and A-5 Flood Zones will comply.

Mr. Dana testified he is the owner of 292 First Avenue and 293 Beachfront. He also owns a home 2 blocks away. This property and 2 houses north took it the hardest in the storm of December 12, 1992. This property is on a 40 ft. by 140 ft. lot whereas most are on 26 ft. lots. He aquired the homes in June from American Timber. On 292 First Ave. the lower portion was so destroyed by the flood that there was no sense of trying to redue it. The garage was temporarily supported so the second floor could be used.

293 Beachfront was washed out in the storm. It was fixed up so it could be used for the summer. There are 4 bedrooms in the bottom and one in the peak of the house. It is a single family.

Mr. Dana stated on First Avenue he rather not fix up the lower level. He would like to eliminate the lower level, make the lower level a full garage and exchange the lower living space

for a second story apartment that conforms to the side yard and the code requirements of the town.

On 293 Beachfront Mr. Dana proposes to completely remove the existing single family dwelling and build a two family dwelling on the beachfront. Both would have 4 bedrooms, living room, dining room, kitchen, bath and den. Mr. Dana feels a single family would not give him the returns he needs for a project like this. Mr. Dana feels he would have a class A tenant something the town needs. Mr. Dana feels this project would be an asset to the town. The buildings are owned by Mr. Dana and American Timber Co. owns the land.

Mr. Byrnes would like a letter from American Timber giving their consent to this project.

Mr. Burke questioned Mr. Dana on the set backs. He stated on the Beachfront house the front set back is actually 2.2Ft. not 5.8Ft. The applicant has requested that the application be amended to reflect the 2.2 Ft. requested front yard set back for 293 beachfront.

Mr. Burke questioned Mr. Dana on the building height. According to the drawings, the only height given is to the rear of the building, which the Architect gives as 32 Ft. on the west side. The east elevation is approximately 5 ft. less.

Mr. Langella agrees with everything Mr. Dana said about the project but the idea of having a new 2 family house on the beachfront isn't something that turns him on, he has a real problem with that. Mr. VanSchoick and Mrs. Kazenmayer agreed with Mr. Langella. Mr. Dana said you can not meet the 50% and upgrade the houses the way you need to do it. He also said he doesn't know whether he is doing the right thing being the beach is in such a bad condition.

Mr. Byrnes asked Mr. Dana what he is going to do with the parking. Mr. Dana said he is going to give each unit a garage and on the side give one to each apartment. The applicant has an option to buy the property.

Mr. Burke stated there are 3 openings on 292 First Avenue which will allow for 6 cars. Mr. Dana testified all walkways and stairs will be under the overhang.

Mrs. Pincus stated she liked the proposal but would like to see 3 instead of 4 units.

Mr. Saunders testified he is an architect registered in New Jersey, New York, Virginia, Vermont and Florida. He attended University of Michigan and has testified as a witness several thousand times throughout New Jersey.

MR. Thomas questioned Mr. Saunders as to the condition of the structures. Mr. Saunders testified the Beachfront house is unsafe. The First Ave. house isn't as bad except for the lower apartment which was damaged by the storm.

Susan Federico - 295 Beachfront and Brian Stepowany - 295 Beachfront came forward and were sworn in by Mr. Byrnes. Mr. Stepowany questioned the parking that the applicant claims he will have. Mr. Stepowany said there is a telephone pole on one side of the property which will prevent him from parking there. On the drawing A2 -First Avenue house, the west elevation, the drawing shows a room on the left hand side which shows living space - it's not just the overhang. MR. Stepowany appreciates what Mr. Dana has done to make it look better, but if he gets this approval for a 2 family on the Beach and the dug out on First Avenue, what is going to keep other owners from doing the same thing.

Mr. Brittle would like to know how many 2 family houses are on the beach. Mr. Burke stated other 2 family houses on the beach have been there for a long time, the real question is within 10 years, how many 2 family dwellings have been approved to be built on the beachfront. MR. Burke said probably none.

Mrs. Pincus made a motion for a site inspection on Saturday September 10, 1994 at 9:00 a.m. seconded by Mr. Langella, followed by the following vote; "YES" - R. Brittle, M.Kazenmayer, J.Langella, J.VanSchoick, J.Burke and C.Pincus.

MR. Burke asked Mr. Saunders to give more accurate measurements on the existing side yard setback on First Avenue and exactly what the side yard setbacks are on the new structure. Mr. Thomas waived the time limit.

A motion was made, seconded and unanimously carried to go into executive session. Upon coming back into regular session, and there being no further business on the agenda, a motion was made, seconded and unanimously carried to adjourn at 9:30 p.m.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

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

August 24, 1984

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:

9/9/94

Patricia T. Walsh

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
SEPTEMBER 21, 1994
REGULAR MEETING AGENDA
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

On Wednesday September 21, 1994, 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, N. J..

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

EXECUTIVE SESSION - PENDING LITIGATION

APPLICATION - 21-94 -(cont.) James & Vera Zavada -337 First Avenue

APPLICATION - 23-94 - (cont.) Barbara Randolph -553 Trout Avenue

APPLICATION - 29-94 - (cont.) Ronald Dana -292 First Avenue
293 Beachfront.

APPLICATION - 22-94 - Gordon G.Bird - 367 Beachfront

APPLICATION - 24-94 - Paul & Kathy Clancy -34 Minerva Avenue

OLD / NEW BUSINESS

(Work session will be conducted immediately after regular meeting).

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - August 17, 1994
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N.J.

The Manasquan Zoning Board of Adjustment held their regular meeting on August 17, 1994, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Board Chairman, John Burke called the meeting to order at 7:30 p.m.. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in the Salute to the flag.

ROLL CALL - Present: Board Members - R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick, J.Burke and P. Walsh.

A motion was made and seconded to approve the minutes of the July 20, 1994 meeting as submitted by the Board Secretary. "YES" - R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick, J. Burke and P. Walsh.

APPLICATION - 21-94 - James & Vera Zavada - 337 First Avenue. Mr. Byrnes marked the Board's file as follows, A-1 to A-9. Witnesses were - Vera Zavada - 14 Holiday Rd., Manalapan, N.J. and James Michael Zavada - 14 Holiday Rd., Manalapan, N.J.. Attorney John H. Deppeler, 111, is representing the Zavada's. Mr. Zavada testified he owns 337 First Avenue and purchased it about 8 years ago. The Zavada's purchased the land about 2 years ago. The present house has 3 bedrooms, living room, dining room, kitchen, bath, front porch and back porch, deck and laundry. They propose to put on a second floor and move the bedrooms upstairs, also put a deck on the front off the master bedroom.

Mr. Byrnes questioned Mr. Deppeler on the width of the property. He said in looking at the survey, the property is 30 ft. wide, yet the minimum width in this zone is 40 feet. He asked if he would like to amend this application to ask for that hardship. Mr. Deppeler said he would like to amend it. Mr. Burke questioned the shower on the outside of the house. Mr. Zavada stated it was an enclosed shower. Mr. Burke said they would have to amend the other side yard setback.

Mrs. Walsh stated she would like to see more pervious service designed into the plan.

Mr. Burke stated there will be a lot of questions coming up because the architect did not give you a complete set of drawings and you will not be able to answer.

A motion was made by Mrs. Kazenmayer seconded by Mr. VanSchoick for a site inspection at 8:30 a.m. on Saturday August 20, 1994, followed by the following vote; "YES"- R. Brittle, M. Kazenmayer, J.Langella, E.Lyons, J.VanSchoick, J. Burke, and P. Walsh.

Mr. Byrnes asked Mr. Deppeler to have Mr. O'Malley show the measurements from the front property line on First Avenue to the steps, also the side yard measurement from the outside shower. Mrs. Kazenmayer questions the parking spaces and Mrs. Zavada said they had 3 spaces.

Mr. Burke also asked Mr. Deppeler to have Mr. O'Malley give the percentage of lot coverage on the pervious service that would include the concrete walk along the side of the house front and rear, also what he is going to do to support the second floor.

The public meeting will be kept open until next month. The Zavada's will waive the time limit.

APPLICATION - 23-94 - Barbara Randolph - 553 Trout Avenue.

Mr. Byrnes marked the Boards file as A-1 to A-10 which concludes the marking of the file.

Barbara Janet Randolph -569 Salmon Ave. and Louis Warren Randolph 569 Salmon Ave. were sworn in as witnesses.

Ms. Randolph is currently leasing the property from American Timber Co. Once the home is on the property she has the option agreement to purchase it from the American Timber. She proposes to build a Cape Cod on the lot and in doing that she would have to put it sideways on the lot. It will be a modular home. The application was denied because of the front yard and rear yard setbacks. Front yard is short by 9 feet and the rear yard by 5 ft.. The house consists of 4 bedrooms, 3 baths, living room, dining room, utility room, kitchen and morning room. The second floor will be 2 bedrooms and bath, but right now it will only be storage. At a later date they may finish the second floor.

Mr. Burke said Ms. Randolph would like to amend the application to request a 3 ft. landing and steps to the rear of the house. The Board members had questions on the heighth of the building and parking.

Mrs. Walsh would like to see a plot plan on the entrances and exits.

Mark Saker - 551 Trout Avenue - He stated the notice said nothing about the set backs. Mr. Burke stated - on the front yard - 25 ft. is required the proposed is showing 16 ft. and on rear yard set back 20 feet is required and the proposed is 15 feet. The size of the property is 40 X 85.

Photos submitted were marked A-11A to G. Mr. Randolph explained the pictures to the Board.

Mrs. Walsh would like to see more clarification on the reason what the hardship is that we should be granting a variance for.

Mr. Byrnes explained why it was a hardship. MR. Byrnes asked Ms. Randolph to provide somthing in writing from American Timber stating they have reviewed the plans and have no objection to it.

Mr. Langella would like to see plans with the heighth of the

building, where the doors are also what they are going to do with the stairs. The Board would like the property staked out when they go for the site inspection.

A motion was made and seconded to have a site inspection on Saturday August 20, 1994 at 8:45 a.m. followed by the following vote; "YES" - R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick, J.Burke and P.Walsh.

The Randolphs granted a time waiver.

RESOLUTION - 17-94 - Edward Dadson - 25 First Avenue.
Mr. Byrnes received correspondence dated July 25, 1994 from Kevin Thomas and in it he placed a couple paragraphs of his suggested language for the new deed that has to be filed. Mr. Byrnes will discuss the wording with Mr. Thomas when he returns from his vacation. The resolution was read by Mr. Byrnes.

A motion was made and seconded to approve this resolution followed by the following vote; "YES" - R. Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick and P. Walsh.

RESOLUTION - 20-94 - Norman & Adele Milligan - 355 Beachfront.
The resolution was read by Mr. Byrnes.

A motion was made and seconded to approve this resolution, followed by the following vote; "YES" - R.Brittle, M.Kazenmayer, J. Langella, E. Lyons, J. VanSchoick, J.Burke and P. Walsh.

Mr. Galdiere was resolution 29-93 passed by the Board in December of 1993 and voted on and memorialized January 1994. The property is at 117 Beachfront. MR. Galdiere sent a letter requesting an extension of 9 months. A motion was made and seconded to grant an extension, followed by the following vote; "YES" - R. Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick, J.Burke, P.Walsh.

Mr. Byrnes will send a letter to Mr. Galdiere informing him of his extension.

Mr. Kenneth Boden was resolution 23-93 passed by the Board in November 1993 and voted on and memorialized December 1993. The property is at 81 Main Street. Mr. Boden sent a letter requesting an extension of 9 months. A motion was made and seconded to grant an extension, followed by the following vote; "YES" - R. Brittle, M.Kazenmayer, J.Langella, E. Lyons, J.VanSchoick, J.Burke and P.Walsh.

Mr. Byrnes stated the final draft for John Paglia and SeaBreeze Partnership has been received and all corrections have been made.

There were questions on the application of Mark & Irene Sedlak 112 McLean Avenue. Mr. Brittle said the house is completely demolished. Mr. Burke will check with Mr. Ratz to see why it was demolished. The Board also questioned the garage on E. Main St. and Church St.

Mr. Burke will go over the instruction sheets that are given out to the applicants.

A motion was made seconded and unanimously carried to close the meeting at 9:35 p.m..

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
ADDENDUM TO AGENDA
OCTOBER 19, 1994 MEETING

OLD / NEW BUSINESS

APPLICATION - 14-94 - Chicant Corporation - Requesting an
extension of time.

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

Dated: October 13, 1994

BOROUGH HALL, 15 TAYLOR AVENUE
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JOHN L. WINTERSTELLA
Mayor

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Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
OCTOBER 19, 1994
REGULAR MEETING AGENDA

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

On Wednesday October 19, 1994, 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, N. J..

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

APPLICATION - 24-94 - (cont.) Paul & Kathy Clancy -
34 Minerva Avenue

APPLICATION- 27-94- Deborah & Thomas Henderson - 367 First
Withdrew Application until January. Avenue

APPLICATION - 28-94- Angelo Bovino - 42 Willow Way

RESOLUTION - 21-94 - James & Vera Zavada -337 First Avenue

RESOLUTION - 23-94 - Barbara Randolph - 553 Trout Avenue

RESOLUTION - 22-94 - Gordon G. Bird - 367 Beachfront

OLD / NEW BUSINESS

(Work session will be conducted immediately after regular meeting).

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - SEPTEMBER 21, 1994
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on September 21, 1994, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Board Chairman, John Burke called the meeting to order at 7:35 p.m.. He stated this was an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the flag.

ROLL CALL - Present: Board Members - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick, J. Burke and P. Walsh.

A motion was made and seconded to approve the minutes of the August 17, 1994 meeting, as submitted by the Board Secretary. "YES" - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick, J. Burke and P. Walsh.

A motion was made and seconded to approve the minutes of the Special meeting of August 24, 1994. "YES" - R. Brittle, M. Kazenmayer, J. Langella, J. VanSchoick, J. Burke and P. Walsh. "ABSTAIN" - E. Lyons.

Mr. Burke stated the first item on the agenda is a short executive session meeting because of pending litigation on the town and the board. A motion and second were made to go into executive session at 7:45 p.m. followed by the following vote; "YES"- R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick, J. Burke and P. Walsh.

The Board returned at 7:53 p.m. with the following vote; "YES"- R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick, J. Burke and P. Walsh.

APPLICATION - 21-94 - (cont.) James & Vera Zavada - 337 First Avenue

Board Attorney marked the new exhibits as A8A and A9. Mrs. Zavada stated there would be 6 new pilings along with the pilings that are in there now. The height of the building would be 28'2". The first floor consists of the existing porch, on the back, the existing family room, the kitchen will be made bigger with a dining area and one bedroom will remain on the first floor where the laundry room is now. The living room will be where the bedroom is now and the stairs will go up stairs from that room. The upstairs will consist of 3 bedrooms and a bath. Mr. Burke had questioned the outside shower. 85% of the property is covered by impervious surface.

There being no questions from the Board or audience, a motion was made by Mr. Langella and seconded by Mr. VanSchoick to close the public hearing on Zavada, followed by the following vote; "YES" - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick, J. Burke and P. Walsh.

Mrs. Walsh was concerned about the 85% impervious surface. She would like to see some of that impermeous surface removed so there is some drainage on the property. Mr.Langella agrees with Mrs. Walsh, but in this case it would be very expensive to rip up concrete being it is already there.

Mrs. Kazenmayer made a motion for a favorable resolution with one condition that the outside shower be hooked up to the sewer line, seconded by J. VanSchoick, followed by the following vote; "Yes" - R. Brittle, M. Kazenmayer, J.Langella, E.Lyons, J.VanSchoick, J.Burke and P. Walsh.

APPLICATION - 23-94 - Barbara Randolph -553 Trout Avenue.
Board Attorney marked the new documents A-11 and A-12 correspondence, A-13 affidavit of publication in the Coast Star, and A-14 receipt from Asbury Park Press. An addition to A-9 will be marked as A-9A.

MR. Burke stated they are laying 6 coarces of block which will put them above flood level.

MR. Langella asked the size of the lot . Mr. Randolph stated it was 40 x 85.

There being no questions from the Board a motion was made to close the public meeting, seconded and carried by the following vote; "YES"- R. Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick, J. Burke and P.Walsh.

MR. Lyons moved for a favorable resolution seconded by Mrs. Kazenmayer followed by the following vote; "YES"- R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick, J.Burke and P. Walsh.

APPLICATION - 29-94 - Ronald Dana - 292 First Ave. and 293
Beachfront.

Board Attorney marked the new set of plans as A-10(not marked by Mr. Ratz), as the plans arrived after Mr. Ratz left for the day. Mr. Burke stated that any action taken by the Board will be subject to Mr. Ratz seeing and approving these plans.

Mrs. Walsh will be able to vote on this application but Mr. Lyons will not.

The applicants attorney Mr. Thomas stated the previous plans on 292 First Avenue and 293 Beachfront both showed 4 bedrooms in each unit. On the new plans (marked A-10) there has been a bedroom eliminated in each of the 4 units, to reduce the number of bedrooms from 16 to 12. What it does essentially is expand to make a master bedroom in each of the units with a seperate bath in each unit.

Mr. Burke stated on A-10 there are major differences on 292 First Ave. including lengthening the house from 54' to 57'. Mr. Burke stated it looks like the kitchen is extending out that extra few feet.

Mr. Langella stated there are other considerations that the Board has to get into, such as whether this building is 3 stories or the front building is in fact 2 family.

Mr. Byrnes agreed with Mr. Langella and asked Mr. Burke if the Board was in a position tonight to be able to intelligently discuss this in connection with all the other issues that have to be discussed, as they are all part of this application.

MR. Burke agreed that the Board would not be able to vote tonight until it is all straightened out. Mr. Burke would like Mr. Dana to understand his feelings and the Board's feelings on the other issues before he comes back to the next meeting.

Mr. Langella's feelings were that a 2 family dwelling on the beachfront is not going to advance the zoning in the Boro of Manasquan. He has a real problem with this application, the 3 stories on First Avenue and absolutely the 2 family on the beachfront.

Mrs. Walsh agrees with Mr. Langella and she is also concerned about the availability of parking spaces.

MR. VanSchoick feels the same as Mr. Langella & Mrs. Walsh.

Mrs. Walsh stated the Board has to keep in mind this is still zoned single family residence and there is already 2 existing structures on the property, which makes it non conforming to begin with. The issue is the 2 family on the beachfront which she feels is a very serious one.

A letter from Mr. Iannelli stating how many 2 family houses are on the beachfront was given to Mr. Byrnes by Mr. Thomas and was marked as exhibit A-11.

Mr. Langella stated what's on that property is not desirable but what is proposed is very desirable. The stumbling block is the 3 story on First Ave. and the 2 family on the beachfront.

Mrs. Kazenmayer agrees with what has been said on the 3 story and 2 family.

MR. Lyons does not like the 2 family on the beachfront.

MR. Burke in addressing Mr. Dana, said he has two options. One is to withdraw the application completely, the other is to think of what has been said - come back next month and amend the application. Mr. Burke agrees with what has been said here tonight.

Mr. Thomas asked for 5 minutes to talk it over with Mr. Dana.

Mr. VanSchoick made a motion for a 5 minute recess, seconded by Mrs. Walsh followed by the following vote; "YES" - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick, J. Burke and P. Walsh.

The Board returned at 9:12 p. m. with the following vote; "YES"

R. Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick, J. Burke and P. Walsh.

Mr. Thomas came back from the recess and stated they withdrew the application. Mr. Dana said he has a 2 year lease on the property and will not renew his lease when it is due. Mr. Dana thanked the Board for listening.

APPLICATION - 22-94 - Gordon G. Bird - 367 Beachfront.
Board Attorney Mr. Byrnes marked the file as A-1 through A-12.
Mrs. Mary Lou Bird -1025 Vosseler Avenue, Martinsville, N. J. and Gordon Bird - 1025 Vosseler Avenue, Martinsville, N.J. were sworn in by Mr. Byrnes.
MR. Byrnes advised the Board what the applicant proposes.

MR. Bird said they would like to add a second story to the house, putting 3 bedrooms and a bathroom up stairs. There is a porch on the front of the house and they would like to add a porch on the second floor above the existing porch and a deck on the back of the house, which would enlarge the footprint. MR. Bird said he may have to go before CAFRA if he adds the deck. If that is the case he will not add the deck.

MR. Burke said any structure attached to the house is part of the house and is part of the footprint. In place of the deck the existing stairs will be put there.

Mr. Bird purchased the house in 1976 and the land in 1990. He stated this is our summer residence and will not be rented.

There will be no access to the second floor from the outside. The existing porch on the front is a screened porch and will remain the same. The porch on the second floor will be an open porch on the front of the house. The first floor now consists of 3 bedrooms, bath, kitchen, dining living room area. It will become kitchen, living dining area, den and removal of 2 bedrooms. The upper floor deck is not actually over the stairs on the bottom level, so Mr. Bird will have to talk to Mr. Ratz to see if Cafra must be contacted.

Mrs. Walsh made a motion to close the public hearing, seconded by Mr. VanSchoick followed by the following vote; "YES"- R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick, J.Burke, and P. Walsh.

A motion was made and seconded for a favorable resolution with the stipulation that the building and decks meet all CAFRA regulations, followed by the following vote; "YES"- R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick, J. Burke and P. Walsh.

APPLICATION - 24-94 - Paul & Kathy Clancy - 34 Minerva Avenue
Mr. Byrnes marked the file as A-1 to A-7. Photos submitted were marked A-8A thru A-8H.

Mr. Paul Clancy - 34 Minerva Avenue, Manasquan, was sworn in by Mr. Byrnes.

Mr. Clancy testified he has 2 boys in grammar school and only has 2 bedrooms in the house. He would like to square off the back of the house and build a second floor. Mr. Burke said the only reason you were denied was because of the side yard setback. Mr. Clancy testified his house would be no more than 26 feet high. Mr. Clancy purchased the house and property in 1988.

Mr. VanSchoick made a motion to close the public hearing seconded by Mrs. Walsh, followed by the following vote; "YES"- R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick, J.Burke and P.Walsh.

Mr. Burke told Mr.Clancy that if he wants to put the porch on the back the Board would have to continue this application until next month to give you time to notice all of your neighbors within 200 feet, that there is a substantial addition to the application which would be the said porch. Mr. Clancy took the option of continuing his application until next month.

A motion was made by Mr. VanSchoick, seconded by Mrs. Walsh to continue this application until October 19, 1994, followed by the following vote; "YES" - R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick, J. Burke and P.Walsh. MR. Clancy waived the time limit.

OLD & NEW BUSINESS- A motion was made to pay all bills. Mr.Burke stated the letter received from Mr. Thomas requesting an extension on Chicant Corp. will be taken up at the next meeting. Mrs. Walsh stated a sold sign has gone up on this property also on NBR and neither one have done any of the things that were attached to the variances. Mrs. Walsh will call Sharon to have her check it out.

MR. Burke read a letter from MR. Ratz regarding Mr. Sedlack. MR. Sedlack answered Mr. Ratz and the letter was read by Mr. Burke, as to why Mr. Sedlack demolished the whole house at 112 McLean Avenue.

Mr. Burke said that being he did not go by the resolution, does the Borad want him to ask Mr. Ratz to pursue a fine on this or should the Board let it go.

Mr. Byrnes quoted from the resolution - In the event that the builder discovers additional renovations that are necessary for him to proceed with the job in a safe, proper and workmanlike manner, and said additional renovations are undiscovered, the builder shall cease work in the affected area and obtain the approval of the Construction Official for the additional work before proceeding. Failure to comply could result in a fine being levied against the applicants or the builder in an amount up to Five Hundred Dollars (\$500.00).

At the Board's request, Mr. Burke will speak to Mr. Ratz and suggest he fine Mr. Sedlack \$50.00 or \$100.00 for not getting a permit to demolish the whole house.

Mr. Langella made a motion at 10:20 p.m to close the meeting seconded by Mrs. Walsh, followed by the following vote; "YES" -R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick, J.Burke and P. Walsh.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

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JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
NOVEMBER 16, 1994
REGULAR MEETING AGENDA

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

On Wednesday November 16, 1994, 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, N. J..

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

APPLICATION - 28-94 - (cont.) Angelo Bovino - 42 Willow Way

APPLICATION - 31-94 - Rose Olson - 11 Lockwood Avenue
Withdrew Application until February

APPLICATION - 32-94 - John Bosko, Jr. - 103 Curtis Place

RESOLUTION - 24-94 - Paul & Kathy Clancy - 34 Minerva Ave.

OLD / NEW BUSINESS

(Work session will be conducted immediately after regular meeting).

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - OCTOBER 19, 1994
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on October 19, 1994, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Board Chairman, John Burke called the meeting to order at 7:30 p.m.. He stated this was an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the flag.

ROLL CALL - Present: Board Members - R. Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.Van Schoick, J. Burke and P. Walsh.

A motion was made and seconded to approve the minutes of the September 21, 1994 meeting, as submitted by the Board Secretary. "YES" - R.Brittle, M.Kazenmayer, J.Langella, E. Lyons, J.VanSchoick, J.Burke and P. Walsh.

Mr. Burke stated there is sad news and good news on the agenda tonight. The sad news is that Board member Claudia Pincus has resigned from the Board. The good news is that Pat Walsh is now a regular member no longer just an alternate.

Application - 14-94 - Chicant Corporation - requesting extension of time. There time is not up until January 1995. There reason for asking for an extension now is that the sale of this property is contingent on getting this extension in time. The buyer wants the extension on the books before they purchase the property, because they will not be able to do any of the construction work before spring. Any extension we give tonight is a 9 month extension from tonight not from January. Mr. Langella can see no problem with giving them the extension. Mrs. Walsh feels they have to make the changes before the title could be transferred. She has a problem doing the extension. Mr. VanSchoick feels the same as Mrs. Walsh. Mr. Langella stated the sub-division can still be made as they only have to straighten the line and remove the stairs.

Mr. Byrnes stated the resolution says the encroachment shall be removed in the time period.

Mrs. Walsh wanted to know if we give them the extension and they transfer title now, does something go on the deed that requires the new owners to remove the encroachments. Mr. Byrnes said the corrected deed has to be filed with the Clerk of Monmouth County for the sub-division map.

Mr. Langella moved that the 9 month extension be granted without conditions seconded by MR. Lyons followed by the following vote:

"YES" - R. Brittle, M.Kazenmayer, J. Langella and E.Lyons.

"NO" - J.VanSchoick, J.Burke and P. Walsh.

APPLICATION-24-94-(cont.) Paul & Kathy Clancy-34 Minerva Ave.
Mr. Byrnes marked 2 additional exhibits into the file as A-9 and A-10.

Exhibit A-10 was a letter from Mr. Clancy stating he did not want to go ahead with the porch, which was why he was continued until tonight. There was no further questions or discussion from the Board.

Mr. VanSchoick made a motion for an approval of this application, seconded by Mrs. Walsh followed by the following vote: "YES"- R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. Vanschoick, J. Burke and P. Walsh.

APPLICATION - 28-94 - Angelo Bovino - 42 Willow Way

Mr. Byrnes marked the file as A-1 to A-10.

Lynn Kay Bovino - 42 Willow Way and Danny Carlo - 1 Courts Terrace, Barnegat was sworn in by Mr. Byrnes.

MR. Carlo is the contractor on this project.

The applicant wishes to construct 20'x 25' addition to rear of existing dwelling. A 20' rear yard setback is required and 8' is proposed.

Mr. Byrnes stated that the applicant has ammended their application to include an exterior deck adjacent to the addition measuring 10x16 and to extend no closer than 10' to the rear property line.

The Board would like a site-inspection.

A motion was made by Mr. Brittle, seconded by Mrs. Kazenmayer for a site-inspection on Saturday October 22, 1994 at 9:00 a.m., followed by the following vote: "YES" - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick, J. Burke and P. Walsh.

The applicant waived the time limit.

A motion was made to continue this application until the next meeting, followed by the following vote: "YES" - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick, J. Burke and P. Walsh.

RESOLUTION - 21-94 - James & Vera Zavada - 337 First Avenue.

Mr. Byrnes read the resolution.

A motion was made and seconded to approve this resolution, followed by the following vote: "YES" - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick, J. Burke and P. Walsh.

RESOLUTION - 23-94 - Barbara Randolph - 553 Trout Avenue.

The resolution was read by Mr. Byrnes.

A motion was made and seconded to approve this resolution, followed by the following vote: "YES" - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick, J. Burke and P. Walsh.

RESOLUTION - 22-94 - Gordon C. & Mary Lou Bird - 367 Beachfront.
Mr. Byrnes read the resolution.

A motion was made and seconded to approve this resolution, followed by the following vote: "YES" - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick, J. Burke and P. Walsh.

OLD / NEW BUSINESS

Mr. Burke pointed out to the Board that Mr. Sedlak was fined \$50.00 by Mr. Ratz for not complying with the resolution as far as not ceasing work when he found out additional work had to be done.

Mrs. Walsh suggested revising the application packet. She also would like to recommend that we give the applicants a list of what the inspection requirements are and what is required before a CO is given. Mr. Burke will go over the requirements with the Secretary and Mr. Ratz the building inspector next week.

A motion was made, seconded and unanimously carried at 9:00 p.m. to adjourn the meeting.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment
(dated at Manasquan 10/21/94)

BOROUGH HALL, 15 TAYLOR AVENUE
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JOHN L. WINTERSTELLA
Mayor

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COLLEEN SCIMECA
Municipal Clerk



MANASQUAN ZONING BOARD OF ADJUSTMENT
DECEMBER 14, 1994
REGULAR MEETING AGENDA
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N.J.

On Wednesday ~~November 16~~^{December 14}, 1994, 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, N. J..

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

APPLICATION - 28-94 - (cont.) Angelo Bovino - 42 Willow Way.

APPLICATION - 33-94 - ~~Wayne~~^{Charles} Loftus - 568 Whiting Avenue

APPLICATION - 34-94 - Jeffrey G. & Patricia Smith - 265 Pine Avenue

RESOLUTION - 28-94 - Angelo Bovino - 42 Willow Way

RESOLUTION - 32-94 - John Bosko, Jr. - 103 Curtis Place

OLD / NEW BUSINESS

(Work session will be conducted immediately after regular meeting).

Yours truly,

Marie Applegate
Marie Applegate, Secretary
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA
Mayor

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - NOVEMBER 16, 1994

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on November 16, 1994, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N.J..

Board Chairman, John Burke called the meeting to order at 7:30 p.m.. He stated this was an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the flag.

ROLL CALL - Present: Board Members - R.Brittle, M.Kazenmayer, J.Langella, E. Lyons, J.VanSchoick and J. Burke.

A motion was made and seconded to approve the minutes of the October 19, 1994 meeting, as submitted by the Board Secretary. "YES" - R. Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick and J. Burke.

APPLICATION - 28-94 - Angelo Bovino - 42 Willow Way.
Site inspection for Saturday October 22, 1994 did take place.
Mr. Byrnes swore in Thomas Bovino -113 Hadenfield Avenue, Lavalette, N. J.

Board Attorney Mr. Byrnes stated that at the October meeting Mrs. Bovino testified that if she decided to include a 10x16 deck she would amend her application which she has done. The new exhibits were marked A-3A and A-4A and A-7A.

Mrs. Kazenmayer thought it should be cut back and line it up with the addition, 8 ft. from the rear line is too close.

Mr. Byrnes stated accordiang to his notes the deck was to come 25 ft. off the back of the house, the existing distance to the rear line was 33 ft., therefore it would be 8 ft. from the rear line. Mr. Carlo said that was fine, the deck will be 12½ ft. from the propery line.

Mr. Bovino commented that the use of the room is really whats a priority to the family. The laundry room from the cellar is being brought up and equipment from up stairs is coming down. It will not be just a family room.

A motion was made by Mr.Langella and seconded by Mr.Brittle to close the public portion of the meeting, followed by the following vote; "YES" - R. Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick, and J.Burke.

Mr. Bovino said the issue is giving the Board the setback that they are comfortable with. For his Mother and family the interior is more important than the exterior. If it's just a walking area in access to the rear yard, she would be happy with that as long as she has more living space in the house, so she can get around.

Mr. Byrnes amended the application to increase the rear yard set back from 8 Ft. to 10 Ft.

Mr. Lyons stated as long as the neighbors have no complaint he will go along with it.

MR. Langella made a motion to approve the application with a stipulated 10 Ft. rear yard set back with the addition of revised plans showing the changes made, seconded by Mr. Lyons, followed by the following vote; "YES"- R. Brittle, J. Langella, E. Lyons, J. Vanschoick and J. Burke. "NO" - M. Kazenmayer.

Mr. Byrnes stated the application has been granted. It's granted conditional upon submission of a revised set of plans setting forth the two changes that have been discussed here tonight. Until those plans are submitted and reviewed by our Board Chairman Mr. Burke and by myself no building permit will be issued.

APPLICATION - 32-94- John Bosko, Jr. - 103 Curtis Place

Mr. Byrnes has marked the Board's file A-1 thru A-7.

Mr. John Bosko, Jr. 35 Jeffrie Ave, South River, N.J. and Donald J. Passman, 251 Monmouth Rd., Oakhurst, N. J. were sworn in by Mr. Byrnes. Mr. Passman is an Architect licensed in New Jersey since 1987 and Maryland since 1981. He has 16 years experience in the field and 6 years in his own office. He has testified before numerous boards.

Mr. Bosko has owned the property since 1988 and proposes to construct two story addition to existing dwelling. The building consists of a living room, dining room, kitchen and one bedroom. The addition will consist of another bedroom and a second bath. They are encroaching on the front yard set back from 75.9Ft to 72 Ft..

Mr. VanSchoick made a motion to close the public portion of the hearing, seconded by Mr. Langella, followed by the following vote; "YES" - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick and J. Burke.

For the records, the Notice of Appeal was circled for a use variance but according to the denial of permit from Mr. Ratz there is nothing on there that would indicate a use variance everyting on this denial indicates a hardship variance, so the Board will change the Notice of Appeal to hardship.

Mrs. Kazenmayer made a motion to approve this application seconded by Mr. Lyons followed by the following vote; "YES R. Brittle, M. Kazenmayer, L. Langella, E. Lyons, J. VanSchoick and J. Burke.

RESOLUTION - 24-94 - Paul & Kathy Clancy - 34 Minerva Avenue.

The resolution was read by Mr. Byrnes. A motion was made and seconded to approve this resolution, followed by the following vote; "YES" - R. Brittle, M. Kazenmayer, J. Langella, E. Lyons, J. VanSchoick and J. Burke.

There was discussion by the Board on the Robert Scerrato case - 374 First Avenue. Mr. Burke said he would talk to Mr. Ratz in the morning.

Mr. Byrnes stated the transcripts were mailed out on the O'Grady case.

A motion was made, seconded and unanimously carried to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment
(dated at Manasquan 11/30/94)

JOHN L. WINTERSTELLA
Mayor

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - DECEMBER 14, 1994
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N.J.

The Manasquan Zoning Board of Adjustment held their regular meeting on December 14, 1994, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Board Chairman, John Burke called the meeting to order at 7:30 p.m.. He stated this was an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the flag.

ROLL CALL - Present: Board Members - R.Brittle, M.Kazenmayer, P.Walsh, J.VanSchoick, J.Burke, J.Van Stolk and G.Bialas.

A motion was made and seconded to approve the minutes of the November 16, 1994 meeting, as submitted by the Board Secretary. "YES" -R.Brittle, M.Kazenmayer, J.VanSchoick and J.Burke. ABSTAIN P. Walsh.

First on the agenda tonight was the swearing in of the two new alternates, # 1 - Joanne Van Stolk and #2 - Eugene Bialas by Board Attorney William Byrnes.

APPLICATION - 28-94 - Angelo Bovino - 42 Willow Way. (cont)
This is to enter into evidence the new prints. The applicants have presented a revised set of drawings as per the discussion at the meeting in November. Mr. Byrnes has marked the same as A-9A and if the Board approves, the resolution will be read later on in the meeting.

A motion was made and seconded to accept the plans followed by the following; "YES" - R. Brittle, P.Walsh, J.VanSchoick, and J.Burke. ABSTAIN - M.Kazenmayer.

APPLICATION - 33-94 - Charles Loftus -568 Whiting Avneue.
Mr. Wayne Loftus, 6 Plainfield Ave., Metuchen, N. J., father of Charles Loftus was sworn in by Mr. Byrnes. The Board's file was marked as A-1 through A-11.
Owner wishes to construct a raised deck, shed, shower and locker on a new house to be constructed at above location. It is in an R-3 Zone and Flood zone will comply.
Application was denied for the following reasons;
107-27 rear yard setback 20 Ft. required, 5Ft. proposed.

Mr. Loftus testified they are replacing the cottage that exists on Whiting Avenue now and building a new home. Mr. Loftus's Mother-in-law is going to be living with them and she is 91 years old. She just recovered from a broken hip and she can't go up and down stairs. He would like to have the deck which will be off her bedroom for her to use.

Mr. Burke questioned the front yard set-back. Mrs. Kazenmayer said if it is a prevailing setback, Mr. Ratz can give him a building permit. Mr. Byrnes made reference to Code 107-31 Yard Regulations. Mr. Burke told Mr. Loftus to make sure and check with Mr. Ratz on the front setback. The shower on top of the deck will drain into the sewer system. The foundation under the deck will stay and the existing foundation under the house will be new. Mrs. Walsh questioned if there was enough room for the ramp and Mr. Loftus said he thought it was, but would check to make sure.

Mr. Byrnes asked Mr. Loftus if there is an easement in the driveway. MR. Loftus said the drive goes all the way in the back. Mr. Loftus testified the easement is only for a walk way for their neighbor, they cannot use it as a driveway.

Joan Loftus, 6 Plainfield Ave., Metuchen, N. J. was sworn in by Mr. Byrnes. Mr. Byrnes marked pictures as Exhibits A-12A A-12B and A-12C.

MR. Burke in addressing the easement problem to Mr. Loftus, said that their neighbor can use the driveway for a car if he has the easement recorded on his deed.

Mr. Byrnes stated like it or not the easement exists and until it is cancelled of record, which is a complicated process it can't be blocked off. Should Mr. Loftus or the neighbor's property change hands, either owner is well within their rights to open that up from the street to the back property line and be able to use it for a driveway. MR. & Mrs. Loftus both said they would never have bought the property if they had known that.

Mrs. Loftus said they thought that was their driveway and the neighbors could use it if they were fixing the house but not to put a car there. Mr. Burke told Mr. Loftus to check their deed to see what is involved in that easement.

MR. VanSchoick made a motion seconded by Mrs. Walsh to have a site inspection on Saturday December 17, 1994 at 9:00 a.m. followed by the following vote; "Yes" R.Brittle, M.Kazenmayer P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G.Bialas.

Mr. Burke told Mr. Loftus his case would be continued next month, and during that time he suggests Mr. Loftus try and get the easement straightened out.

Mr. Byrnes in addressing Mr. Loftus told him the next meeting would be on January 18, 1995 and he would like the applicant to get out the closing papers and provide, through the Secretary, a copy of his deed and what ever the Title Insurance was.

Mr. Byrnes said the Board cannot grant a Resolution or favorable application to you and as part of it make a condition to relocate the easement.

MR. Loftus waived the time limit and the public meeting will be held open until the January meeting.

APPLICATION - 34-94 -Jeffrey & Patricia Smith - 265 Pine Avenue.

For the record Mr. Byrnes marked the Boards file as A-1 through A-10. Mr. Byrnes swore in Patricia Ann Smith, 261 Pine Avenue, and Jeffrey G. Smith, 261 Pine Avenue,

For the Boards information this application involves the property at 261 Pine Avenue in an R-2 Zone. The owner wishes to construct additions to the dwelling which was denied by Mr. Ratz for the following reasons; 107-27 - Front Yard Setback - 25 Ft. required, 21.55 Ft. proposed. 107-27 - Side Yard Setback - 5 Ft. required 2 Ft. proposed. House is located in A-5 Flood Zone with a Base Flood Elevation of 9 Feet required. Finished first floor elevation is 8.3 feet above sea level. The house must either be raised above 9 feet or a variance from Chapter 67 of the Code of the Borough of Manasquan is required.

Mr. Smith testified they want to add a 2 story addition, the base floor being a garage and the upper floor a family room area. Main reason is they are bursting at the seams.

Mr. Smith testified he purchased the property in 1982 and he also owns the land. According to the plans they are surrounding the existing house with a new structure which is putting them within 2 feet of the side yard setback on one side and 3 feet on the other due to the fireplace. Mr. Burke suggested they amend their application to read 107-27 side yard setback on the West Side 5 feet required 2 feet proposed and 3 feet existing on the East side.

MR. Burke questioned the stairs from the porch. Mrs. Smith testified that the stairs are going to stay in the same place they are not going to move them. They are not going to encroach any closer than the 21 feet to the front property line. Mr. VanSchoick questioned the plot plan which did not show the shed in the back.

Mr. Burke asked the Smith's how high their house is and how high the new structure will be, as their plans do not show that. Mrs. Smith testified the new structure will be the same height as the house. Mr. Smith testified the house is 26 to 28 feet tall. In the existing structure which is bi-level, there is a kitchen and dining room on the bottom level on the second level in the front there is a small bedroom and living room and the next floor which is over the kitchen there is a bathroom and 2 bedrooms and an open attic. The new addition will be a family room with the garage on the bottom.

Mrs. Kazenmayer has a problem with the 2 foot side line. If the neighbors decided to put a fence down there there would be no access to paint or do whatever. She feels 2 feet is not enough room for fire apparatus. Mr. Bialas said it would be hard for firemen to get a ladder up.

Mrs. Correia - 271 Pine Avenue came forward and questioned the extension from the original house out. She wanted to know if the porch and steps are coming out further than they are now. She was told the steps are not coming out any further.

A motion was made by Mrs. Walsh seconded by Mr. VanSchoick

to close the public hearing followed by the following vote; "YES" - Mr. Brittle, Mrs. Kazenmayer, Mrs. Walsh, Mr. VanSchoick, Mr. Burke, Mrs. Van Stolk and Mr. Bialas.

MR. Bialas said when your fighting a house fire you don't want to be restricted and 2 feet is close. HE said 3 feet would be better and he would go along with that on the side yard setback. Mrs. Kazenmayer said she would go along with 3 feet. The rest of the Board agreed with the 3 foot set back.

Mr. Van Schoick stated there is no plan of the increased size of the house and that is what the Board wants to see. He feels the Board should have plans.

Mr. Byrnes stated if the application is going to be voted on favorably tonight, one of the conditions that has to be in the resolution is that a revised set of plans be submitted because they are going to differ from the ones in front of the Board as A-9. The Smith's agreed with that.

Mr. Burke said they are going to ask the applicants to increase the West property line to 3 feet instead of 2 feet on the setback and ask the applicant to have detailed, hand drawn if they want, plans showing the existing house, showing the interior layout, showing the addition and the interior layout of the addition and the vertical of the height of the house.

Mr. VanSchoick moved for a favorable resolution with the stipulation that the applicant supply the Board by the next meeting with the plans that have been discussed, seconded by Mrs. Walsh followed by the following vote: "YES" - R. Brittle, M. Kazenmayer, P. Walsh, J. VanSchoick, J. Burke, J. VanStolk and G. Bialas.

RESOLUTION - 28-94 - Angelo Bovino - 42 Willow Way.

Mr. Byrnes read into the record the favorable resolution on the above application. A motion was made to approve the resolution by Mr. R. Brittle seconded by Mr. VanSchoick followed by the following vote; "YES" - R. Brittle, J. VanSchoick and J. Burke.

RESOLUTION - 32-94 - John Bosko, Jr. - 103 Curtis Place.

The favorable resolution was read into the record by Mr. Byrnes. A motion to approve the resolution as read was made by M. Kazenmayer, seconded by J. VanSchoick followed by the following: R. Brittle, M. Kazenmayer, J. VanSchoick and J. Burke.

MR. Burke stated an error made by the Secretary in advising Mr. Loftus of the meeting date which resulted in Mr. Loftus having to renotece the property owners and republish in the newspaper. Mr. Loftus submitted a bill for \$96.13. MR. Burke would like the Board to approve payment of this invoice. A motion was made by M. Kazenmayer seconded by P. Walsh followed by the

following vote; "YES"- R.Brittle, M.Kazenmayer, P.Walsh, J.Burke, J.VanStolk and G.Bialas. "NO" - J.VanSchoick.
Bill to be paid after the application is done.

MR. Rupprecht withdrew his application and would like to have his application fee of \$450.00 returned. The Board is deducting \$50.00 for clerical fees. A motion was made by J.VanSchoick, seconded by M.Kazenmayer to return \$400.00 to Mr. Rupprecht followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, P. Walsh, J.VanSchoick, J. Burke, J.VanStolk and E.Bialas.

Mr. Burke went over the Budget, which he kept at the same amount. MR. Burke took \$50.00 from advertising and \$100.00 from Office supplies and put it in Legal & Professional fees, making the budget the same amount as last year. A motion was made to approve the budget by J. VanSchoick seconded by P. Walsh followed by the following: "YES"R. Brittle, M.Kazenmayer, P.Walsh, J.VanSchoick, J.Burke, J.Van Stolk and G. Bialas.

On the check list for applicants, it was suggested on item # 6 to add notarized and on item # 8 to change the word people to property owners, also add utilities.

Mrs. VanStolk questioned the legality of an outside stairway from the second floor of a house on Euclid Avenue. According to MR. Ratz the building inspector it is legal and will not be a 2 family. There was also discussion about Mother/Daughter houses. Mr. Burke said there is no Mother/Daughter stipulation in the zoning codes of Manasquan.

Instructions for Appeal and Application for Variance - the following changes were made. Page 2 - No later than 10 working days before the hearing. #1- Thirteen (13) copies of a plot plan. D- If this plot plan is prepared by other than a licensed surveyor of architect, the applicant must furnish the Board with a Notorized Affidavit that all information shown thereon is correct.

To be inserted - E - Applicant shall submit a set of drawings setting forth the proposed addition or renovations in such detail so as to include all dimensions, exterior measurements and interior room floor plans with dimensions and height.

Mrs. Walsh felt the fees should stay the same, as one of the things the Board wants to do is encourage people to upgrade and maintain their properties and by increasing the fees any more, it will make it impossible for people to do the work.

On returning fees for withdrawing applications. The Board decided - A minimum charge of 10% of the application fee on all applications that are withdrawn prior to 30 days before the

scheduled meeting. Withdrawal within 30 days prior to

the scheduled meeting could result in an additional charge, at the discretion of the Board.

A motion was made, seconded and unanimously carried to adjourn the meeting at 10:35 p.m..

Respectfully submitted,



Marie Applegate, Secretary
Manasquan Board of Adjustment
(dated at Manasquan 12/30/94)